

**2022 LOUISIANA**

**LEGISLATIVE ACTS**

**SUMMARY**

## 2022 LEGISLATIVE ACTS SUMMARY

### Contents

This book summarizes all of the new laws passed by the Louisiana Legislature in 2022, not just those that were deemed material to SPWW's practice of law. This year, for the first time, the summaries are the full detailed summaries prepared by the Louisiana House Legislative Services, without any editing by us, except (1) we have added the short descriptive headings before the Act numbers, and (2) in the few instances where the House Legislative Services has not yet finalized its summary of an act, we have used its most recent summary and changed "proposed" to "new". If you particularly like or dislike this new 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 2022 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. We have not attempted to verify the accuracy of the summaries prepared by the House Legislative Services. 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 15<sup>th</sup>* 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 60<sup>th</sup> 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](http://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](http://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** – downloaded House Legislative Services summaries from the Legislature's website, implemented multiple rounds of edits, assembled all of the summaries in proper order and applied formatting.

**Peggy Galatas** – downloaded House Legislative Services summaries from the Legislature's website.

**Gina Flores** – downloaded House Legislative Services summaries from the Legislature's website.

**Isabel Blum** – searched for summaries by other organizations.

**Mike Landry** – added a short descriptive heading to each House Legislative Services summary, made final decisions regarding location and order of summaries, searched for summaries by other organizations, and provided design and oversight.

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## CONSTITUTION

### Slavery and Involuntary Servitude (ACT 246)

Existing constitution provides that slavery and involuntary servitude are prohibited, except in the case of involuntary servitude as punishment for a crime.

Proposed constitutional amendment changes existing constitution to provide that slavery and involuntary servitude are prohibited except for the otherwise lawful administration of criminal justice.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 8, 2022.

(Amends Const. Art. I, §3)

### U.S. Citizenship and State Voting (ACT 279)

Existing constitution provides that every citizen of the state has the right to register and vote upon reaching 18 years of age. Provides exceptions.

Proposed constitutional amendment expressly limits this right to vote to U.S. citizens. Prohibits allowing noncitizens to register and vote.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Dec. 10, 2022.

(Amends Const. Art. I, §10)

### Legislative Veto Sessions (ACT 278)

Existing constitution provides that if governor does not approve a bill, he may veto it. Provides that a bill shall become law if the governor signs it or if he fails to sign or veto it within 10 days after delivery to him if the legislature is in session on the 10th day after such delivery, or within 20 days after delivery if the 10th day after delivery occurs after the legislature is adjourned. Provides that if the governor vetoes a bill, he shall return it to the legislature, with his veto message, within 12 days after delivery to him if the legislature is in session and if the governor returns a vetoed bill

after the legislature adjourns, he shall return it, with his veto message, as provided by law.

Proposed constitutional amendment relates the deadline for gubernatorial action on a bill and the deadline for the governor returning a vetoed bill to the legislature to the session in which the bill passed.

Existing constitution provides that unless a majority of the elected members of either house has declared in writing that a veto session is unnecessary, the legislature shall meet in veto session in the state capital. Further provides that no veto session shall exceed five calendar days, and any veto session may be finally adjourned prior to the end of the fifth day upon the vote of two-thirds of the elected members of each house.

Present constitution provides that the veto session convenes at noon on the 40th day following final adjournment of the most recent session to consider all vetoed bills.

Proposed constitutional amendment provides that the veto session convenes at noon on the 40th day following final adjournment of each session in which a bill was vetoed. Specifies that the purpose of a veto session is to consider all vetoed bills that were not reconsidered by the house of origin during the session in which the bill passed. Further authorizes the legislature, if a veto session is to be held and the time period for the conduct of the veto session occurs during a regular or extraordinary session, to reconsider the vetoed bills not previously reconsidered as part of the business of the regular or extraordinary session without the necessity of convening or adjourning a separate veto session.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 18, 2023.

Provides that if approved by a majority of the voters voting thereon in the state, the proposed constitutional amendment shall become effective on January 8, 2024.

(Amends La. Const. Art. III, §18)

## **Ad Valorem Special Assessments (ACT 171)**

Existing constitution grants a special assessment level to certain owners of residential property receiving the homestead exemption. The special assessment level prohibits the total assessment of the property from being increased above the total assessment of the property for the first year that the eligible owner qualifies for and receives the special assessment level.

Eligible owners are:

- (1) People who are 65 years of age or older.
- (2) People who have a service-connected disability rating of 50% or more.
- (3) Members of the armed forces of the U.S. or the La. National Guard who owned and occupied the property who are killed in action, missing in action or are a prisoner of war for a period exceeding 90 days.
- (4) People who are permanently totally disabled as determined by a final non-appealable judgment of a court or as certified by a state or federal administrative agency charged with the responsibility for making determinations regarding disability.

Existing constitution further provides that a person is prohibited from receiving the special assessment if the person's adjusted gross income exceeds \$100,000. Further provides that for persons whose filing status is married filing separately, the adjusted gross income is determined by combining the adjusted gross income on the federal tax returns of both partners. Beginning in 2026, the \$100,000 limit is adjusted annually by the Consumer Price Index.

Existing constitution requires an eligible owner or other legally qualified representative to apply for the special assessment level by filing a signed application with the assessor.

Existing constitution provides that to receive the special assessment level in a year subsequent to the year in which the owner first applied for it, the eligible owner shall certify to the assessor of the

parish that the owner's adjusted gross income in the prior tax year satisfied the income requirement provided for in existing constitution. Existing constitution specifically excludes from this requirement eligible owners 65 years of age or older.

Proposed constitutional amendment adds an exclusion from this annual certification requirement for owners who are permanently totally disabled as described in existing constitution.

Proposed constitutional amendment removes obsolete language referencing multiple assessors in separate districts in Orleans Parish.

Existing constitution provides that the special assessment remains on the property as long as the owner who is 65 years of age or older or the owner's surviving spouse who is 55 years of age or older or who has minor children remains the owner of the property.

Existing constitution exempts the surviving spouse of an owner who is 65 years of age or older from the annual certification requirement. Proposed constitutional amendment specifies that the exemption applies to a surviving spouse who is eligible to continue receiving the special assessment level pursuant to existing constitution.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 8, 2022.

(Amends Const. Art. VII, §18(G)(1)(a)(iv))

## **Ad Valorem Tax for Disabled Veterans (ACT 172)**

Present constitution provides that, in addition to the homestead exemption which applies to the first \$7,500 of the assessed valuation of property, the next \$7,500 of the assessed valuation of property receiving the homestead exemption which is owned and occupied by a veteran with a service-connected disability rating of 100% unemployability or totally disabled by the U.S. Dept. of Veterans Affairs shall be exempt from

ad valorem tax. Further provides that this exemption shall apply to the surviving spouse of a deceased veteran with a disability rating of 100% whether or not the exemption was in effect on the property prior to the death of the veteran.

Present constitution provides that the exemption shall only extend and apply in a parish if it is established through an election which shall be called by either an ordinance or a resolution from the parish governing authority. Provides that the proposition shall state that the exemption shall extend and apply in the parish and become effective only after the question of its adoption has been approved by a majority of the registered voters of the parish voting in an election held for that purpose. Allows for a parish to implement the exemption if it held an election prior to Nov. 4, 2014, without holding an additional election.

Proposed constitutional amendment repeals present constitution.

Proposed constitutional amendment provides that, in addition to the homestead exemption which applies to the first \$7,500 of the assessed valuation of property, property receiving the homestead exemption which is owned and occupied by a veteran with a service-connected disability rating by the U.S. Dept. of Veterans Affairs shall be exempt from ad valorem tax as follows:

(1) For a veteran with a disability rating of 50% or more but less than 70%, the next \$2,500 of the assessed valuation of the property shall be exempt. Provides that if property eligible for the exemption has an assessed value in excess of \$10,000, ad valorem property taxes shall apply to the assessment in excess of \$10,000.

(2) For a veteran with a disability rating of 70% or more but less than 100%, the next \$4,500 of the assessed valuation of the property shall be exempt. Provides that if property eligible for the exemption has an assessed value in excess of \$12,000, ad valorem property taxes shall apply to the assessment in excess of \$12,000.

(3) For a veteran with a disability rating of 100% unemployability or totally disabled, the total

assessed valuation of the property shall be exempt.

Proposed constitutional amendment provides that the proposed constitutional amendment exemptions apply to the surviving spouse of a deceased veteran with the required disability rating, whether or not the exemption was in effect on the property prior to the death of the veteran.

Existing constitution provides that the assessment of property for which the exemption has been claimed, shall not be treated as taxable property for purposes of any subsequent reappraisals and valuation for millage adjustment purposes under existing constitution. Further provides that the decrease in the total amount of ad valorem tax collected by a taxing authority as a result of the exemption 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. Provides that implementation of the exemption shall neither trigger nor be cause for a reappraisal of property, or an adjustment of millages.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 8, 2022.

(Amends Const. Art. VII, §21(K))

### **State Civil Service Commission Appointments (ACT 281)**

Existing constitution provides for gubernatorial appointment of certain members to the State Civil Service Commission.

Proposed constitutional amendment retains existing constitution and requires members appointed by the governor to be confirmed by the Louisiana Senate.

Specifies submission of the amendment to the voters at the statewide election to be held on December 10, 2022.

(Amends Const. Art. X, Sec. (3)(B)(1) and (C))

## **State Police Commission Appointments (ACT 280)**

Existing constitution provides that gubernatorial appointees to the State Police Commission are not subject to Senate confirmation.

Proposed constitutional amendment requires Senate confirmation for appointed and non-elected members of the State Police Commission.

Specifies submission of the amendment to the voters at the statewide election to be held on December 10, 2022.

(Amends Const. Art. X, Sec. 43(C))

## **CIVIL CODE**

### **Parental Authority (ACT 121)**

Existing law provides that cotutorship of a minor child belongs to both parents with equal authority, privileges, and responsibilities.

New law retains existing law and adds that the cotutors have equal authority to act alone or on behalf of the child and that these cases are called tutorship by nature.

Effective May 25, 2022.

(Amends C.C. Arts. 250 and 256(C))

### **Inheritance of Immovables by Ascendants (ACT 40)**

Prior law (C.C. Arts. 897 and 898) provided that ascendants inherited the immovable property given by them to their descendants who died without descendants, subject to all mortgages which the descendant may have imposed on them.

Prior law further provided that ascendants inheriting such property were bound to contribute to the payment of the debts of the succession, in proportion to the value of the objects given.

New law repeals prior law.

Effective August 1, 2022.

(Repeals C.C. Arts. 897 and 898)

### **Depositions and Testimony of Nonresident Insurance Claims Adjusters (ACT 504)**

Prior law provided for the compulsory process related to requiring the appearance and testimony of witnesses that are located in another state, territory, district, or foreign jurisdiction. Prior law further provided that the rules concerning any deposition are to be governed by the law of the place where the deposition is to be taken.

New law retains prior law but creates an exception for an insurance claims adjuster who does not reside in Louisiana but who makes a physical appearance in this state to adjust an insurance claim.

New law requires a nonresident insurance claims adjuster who adjusted the Louisiana claim to appear and testify at the trial in the parish or venue in which a civil suit is pending, and be available for deposition by telephone or video teleconference.

New law provides that a deposition of a nonresident insurance claims adjuster taken via telephone or video teleconference shall not be admissible as testimony at trial other than for the purpose of impeachment, or upon the showing of death or incapacity of the deponent.

New law provides that "insurance claims adjuster" means those persons who are licensed or registered with the Dept. of Insurance to investigate or adjust claims on behalf of an insurance company as an independent contractor or an employee.

New law does not apply to any insurance claims adjuster for an insurer domiciled in Louisiana.

Effective August 1, 2022.

(Amends C.C. Art. 1435)



## **Wrongful Death and Survival Actions (ACT 718)**

Existing law survival action provides that if a person who has been injured by an offense or quasi offense dies, the right to recover all damages for injury to that person, his property, or otherwise, caused by the offense or quasi offense, shall survive for a period of one year from the death of the deceased.

Existing law wrongful death action provides that if a person dies due to the fault of another, suit may be brought by certain persons to recover damages which they sustained as a result of the death.

Existing law provides that a wrongful death or survival action may be brought by the following classes of people:

- (1) The surviving spouse and child or children of the deceased, or either the spouse or the child or children.
- (2) The surviving father and mother of the deceased, or either of them if he left no spouse or child surviving.
- (3) The surviving brothers and sisters of the deceased, or any of them, if he left no spouse, child, or parent surviving.
- (4) The surviving grandfathers and grandmothers of the deceased, or any of them, if he left no spouse, child, parent, or sibling surviving.

Existing law provides that the words "child", "brother", "sister", "father", "mother", "grandfather", and "grandmother" include a child, brother, sister, father, mother, grandfather, and grandmother by adoption, respectively.

Existing law provides that for purposes of the wrongful death or survival actions, a father or mother who has abandoned the deceased during his minority is deemed not to have survived him.

New law retains existing law and further provides that "child", "brother", and "sister" as used in

existing law include a child, brother, or sister given in adoption.

Effective August 1, 2022.

(Amends C.C. Arts. 2315.1(D) and 2315.2(D))

## **CODE OF CIVIL PROCEDURE**

### **Recusal of Judges (ACT 38)**

Existing law (C.C.P. Art. 154(B)) requires a district judge who is the subject of a motion to recuse to either recuse himself or request that the supreme court appoint an ad hoc judge to hear the motion.

New law provides that the actions required by existing law shall be done no later than seven days after the district judge's receipt of the motion from the clerk of court.

Existing law (C.C.P. Art. 158) provides for the recusal of a judge of a court of appeal.

New law provides that if a motion to recuse a judge of a court of appeal 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 hearing, but the judge shall give written reasons for the denial.

Existing law (C.C.P. Art. 153) allows a judge to recuse himself in any cause in which a ground for recusal exists.

New law adds a Comment to existing law providing that the fact that a judicial complaint has been filed against the judge by one of the parties, without more, does not constitute a ground for recusal.

Existing law (C.C.P. Art. 4862) provides that when a written motion is made to recuse a parish or city court judge or a justice of the peace, the judge or justice of the peace shall either recuse himself or the motion to recuse shall be tried.

New law provides that the actions required by existing law shall be done no later than seven days after the parish or city court judge's or justice of the peace's receipt of the motion from the clerk of court.

New law provides that if a motion to recuse a parish or city court judge or justice of the peace fails to set forth a ground for recusal, the judge or justice of the peace who is the subject of the motion may deny it without the appointment of another judge or hearing, but the judge shall give written reasons for the denial.

Effective August 1, 2022.

(Amends C.C.P. Arts. 154(B) and 4862; Adds C.C.P. Art. 158(C))

#### **Hearings and Judge Trials by Audio-Visual Means (ACT 372)**

New law provides that a hearing on any motion or exception may be conducted by any audio-visual means at the discretion of the court. Further provides that if witness testimony is necessary, a party may request that the hearing be conducted in person.

New law further provides that a judge trial may be conducted by any audio-visual means with the consent of all parties and permission of the court.

Effective August 1, 2022.

(Adds C.C.P. Art. 195.1)

#### **Conversion into Electronic Records of Electronically Filed Documents (ACT 318)**

Existing law provides for the electronic transmittal of pleadings, documents, and exhibits in accordance with a system established by a clerk of court or by Louisiana Clerks Remote Access Authority. Further provides that the clerk of court shall adopt and implement procedures for the electronic filing and storage of any pleading, document, or exhibit, and that official record shall be the electronic record. Further provides 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 retains existing law.

Prior law provided that public access to electronically filed pleadings and documents shall be in accordance with the rules governing access to written filings.

New law provides that public access to electronically filed pleadings and documents shall be in accordance with the rules governing access to paper filings.

New law provides that the clerk of court may convert into an electronic record any pleading, document, or exhibit as set forth in prior law and authorizes the clerk of court to preserve the originals of conveyances.

Effective August 1, 2022.

(Amends C.C.P. Art. 253(B))

#### **Service of Petitions on Additional Defendant (ACT 455)**

Existing law provides that a service of citation shall be requested on all named defendants within 90 days of commencement of the action.

Existing law provides that when a supplemental or amended petition is filed that names any additional defendant, service of citation shall be requested within 90 days of its filing.

New law retains existing law but provides that the additional defendant shall be served with the original and amended or supplemental petitions.

Effective August 1, 2022.

(Amends C.C.P. Art. 1201(C))

#### **Garnishment (ACT 265)**

Prior law required the garnishee to file his sworn answers to the interrogatories within 15 days from the date service is made. New law increases

the time to answer from 15 days to 30 days from the date of service.

Prior law required the contradictory motion to be filed within 15 days after service of the notice of the filing of the garnishee's answer. New law increases this filing period from 15 to 30 days.

Prior law referenced a contradictory motion pursuant to C.C.P. Art. 2413 which allows the judgment creditor to proceed by contradictory motion against the garnishee for the amount of the unpaid judgment plus interest and costs if the garnishee fails to answer the petition within 15 days of being served. New law deletes this reference.

Prior law provided that prior law does not apply to garnishment of wages, salaries, or commissions. New law retains prior law and adds tips reported to the employer to the list of items to which prior law does not apply.

Prior law provided that judgment can be rendered against the garnishment of wages or salary. New law retains prior law and adds tips reported to the employer and other income to the types of garnishments that judgment can be rendered against.

Prior law provided that the court could reopen a garnishment case upon motion of any party for evidence affecting the continuance of such judgment. New law retains prior law and specifies that such judgment referred to is the garnishment judgment.

New law provides that prior law shall not affect garnishment judgments rendered pursuant to a writ of fieri facias.

Effective August 1, 2022.

(Amends C.C.P. Arts. 2412(D), 2414, and 2415, and R.S. 13:3921(A) and 3923)

#### **Small Succession Procedure (ACT 44)**

Existing law provides that in order to deliver immovable property described in an affidavit of small succession, a multiple original of the

affidavit, to which has been attached a certified copy of the deceased's death certificate, shall be recorded in the conveyance records in the office of the clerk of court in the parish where the immovable property is situated.

New law provides that for recordation purposes, a photocopy of the certified death certificate may serve as, and take the place of, the certified copy of the death certificate.

Effective August 1, 2022.

(Amends C.C.P. Art. 3434(C)(1))

#### **Irrevocable Trusts for Permanently Disabled Interdicts (ACT 22)**

Existing law (C.C.P. Art. 4566(D)) provides that a curator may place the property of the interdict in trust subject to the requirements of C.C.P. Art. 4269.1.

Existing law (C.C.P. Art. 4269.1) provides requirements for the placement of a minor's property in trust.

New law (C.C.P. Art. 4566(D)) provides for the creation of irrevocable trusts for permanently disabled interdicts who will not recover capacity for the purpose of retaining governmental benefits. The irrevocable trust shall terminate upon death.

Effective August 1, 2022.

(Amends C.C.P. Art. 4566(D))

#### **Co-Ownership and Partition (ACT 636)**

Existing law provides that co-owners may purchase any property or interest therein to effect a partition.

New law provides that the co-owner shall have his share deducted from the purchase price of the property or interest in the property.

Effective August 1, 2022.

(Amends C.C.P. Art. 4614)

### **Abandonment of Leased Premises (ACT 442)**

Existing law (C.C.P. Art. 4701) provides that when the lessor wishes to obtain possession of the premises from the lessee, the lessor or his agent shall have a written notice to vacate delivered to the lessee. The notice shall allow the lessee five days from the date of its delivery to vacate the premises. A lessee may waive the notice requirements by written waiver.

Existing law (C.C.P. Art. 4731(A)) provides that if the lessee or occupant fails to comply with or has waived the notice to vacate, the lessor or owner may cause the lessee or occupant to show cause why they should not be ordered to deliver possession of the premises to the lessor or owner.

Existing law (C.C.P. Art. 4731(B)) provides that after notice has been given, the lessor or owner may lawfully take possession of the premises without further judicial process upon the reasonable belief that the lessee or occupant has abandoned the premises.

New law provides an exception to abandonment as provided in C.C.P. Art. 4731(B), whereby cessation of residential occupancy shall not be deemed evidence of abandonment for 30 days in parishes subject to the initial declaration of a federally declared disaster.

New law provides that a residential lessee may recover the greater of \$500 or twice the amount of monthly rent from the lessor or owner for failure to comply with C.C.P. Art. 4731.

New law provides that the court may award costs and attorney fees to the prevailing party for actions brought pursuant to new law.

New law provides that a residential lessee may enforce new law by obtaining a restraining order or a preliminary injunction.

Existing law (C.C.P. Art. 3610) requires an applicant for a temporary restraining order or preliminary injunction to provide security, except where security is dispensed with by law.

New law provides that court shall not require a lessee bringing an action for a temporary restraining order or preliminary injunction to furnish security in parishes subject to a federally declared disaster for the 30 days following the declaration of the federally declared disaster.

Existing law (C.C. Art. 2693) provides for the lessor's right to make repairs.

New law provides that nothing in new law shall preempt the rights of the lessor to repair as provided in new law.

Effective August 1, 2022.

(Adds C.C.P. Art. 4731(C))

### **Houma City Court (ACT 98)**

Existing law provides that in the City Court of Houma, 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 \$20,000.

New law increases the civil jurisdictional amount from \$20,000 to \$30,000.

Effective August 1, 2022.

(Amends C.C.P. Art. 4843(D) and (F))

### **Hammond Eviction Proceedings (ACT 361)**

Existing law provides, in part, that a parish court or city court has jurisdiction, concurrent with the district court, over suits by owners and landlords for the possession of leased premises when the lease is by the month and the monthly rental is \$3,000 or less.

New law authorizes the City Court of Hammond to have jurisdiction over suits by owners and landlords for the possession of leased premises when the lease is by the month and the monthly rental is \$5,000 or less.

Effective August 1, 2022.

(Amends C.C.P. Art. 4844)

## **CODE OF CRIMINAL PROCEDURE**

### **Search Warrants for Medical Records (ACT 384)**

Existing law (C.Cr.P. Art. 161) authorizes a judge, except as provided in existing law, to issue a warrant authorizing the search for and seizure of anything within the territorial jurisdiction of the court which:

- (1) Has been the subject of theft.
- (2) Is intended for use or has been used as a means of committing an offense.
- (3) May constitute evidence tending to prove the commission of an offense.

New law retains existing law and adds an exception for a judge to issue a search warrant for medical records outside of the territorial jurisdiction of the court.

Existing law (C.Cr.P. Art. 163) provides that a search warrant cannot be lawfully executed after the expiration of the 10th day after its issuance, unless authorized by existing law.

New law adds an exception to existing law for search warrants for medical records.

New law authorizes a judge to issue a search warrant for the search for and seizure of medical records of any person. Provides that the warrant may be issued by a judge of either the court of territorial jurisdiction where the investigation for the medical records is being conducted or the court of territorial jurisdiction where the custodian of the medical records may be found. The warrant may be executed in any place the medical records may be found and shall be directed to any peace officer who shall obtain and distribute the medical records as directed in the warrant.

New law provides that a search warrant for medical records remains in effect for 180 days after its issuance.

New law provides that any examination of any medical records seized pursuant to new law shall be at the direction of the attorney general, the district attorney, or the investigating agency. Further provides that any examination of the medical records may be conducted at any time before or during the pendency of any criminal proceeding in which the medical records may be used as evidence.

Effective August 1, 2022.

(Amends C.Cr.P. Arts. 161(A)(intro. para.) and 163(C); Adds C.Cr.P. Art. 163.2)

### **Marijuana Odor and Probable Cause (ACT 473)**

Existing law provides that a judge may issue a warrant authorizing the search for and seizure of anything within the territorial jurisdiction of the court which has been the subject of theft, is intended for use or has been used as a means of committing an offense, or which may constitute evidence tending to provide the commission of a crime.

New law provides that the odor of marijuana alone shall not provide a law enforcement officer with probable cause to conduct a search of a person's place of residence.

Effective August 1, 2022.

(Adds C.Cr.P. Art. 162.4)

### **Mandatory Arrest for Certain Domestic Violence Crimes (ACT 621)**

Existing law requires a peace officer to issue a summons in lieu of making a custodial arrest in the following situations unless certain existing law elements exist:

- (1) For a person without a warrant for a misdemeanor or felony charge of theft or illegal possession of stolen things.
- (2) For a person who is believed to have committed the offense of issuing worthless checks as defined by R.S. 14:71.

(3) For a person who is believed to have committed an offense of driving without a valid driver's license or with a driver's license that has been revoked, suspended, or cancelled.

New law retains existing law and provides that a peace officer may not issue written summons instead of making custodial arrests in the occurrence of certain domestic violence crimes, including but not limited to domestic abuse battery, battery of a dating partner, and stalking.

Effective August 1, 2022.

(Adds C.Cr.P. Art. 211(E))

### **Booking Photographs (ACT 494)**

Existing law (R.S. 44:1 et seq. – Public Records Law) provides that all books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of the state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of the state are "public records". Existing law establishes a framework for the ready availability of public records to requesting persons and specifically provides that it is the duty of the custodian of the public records of a public entity or agency to provide copies to persons so requesting. Provides for certain exceptions, exemptions, and limitations.

New law prohibits a law enforcement officer or agency from publishing, releasing, or

disseminating a booking photograph to the public or to a private person or entity unless:

(1) The individual is a fugitive and such release will assist in apprehending the individual.

(2) The individual is an imminent threat and such release will assist in reducing or eliminating the threat.

(3) A judge orders such release based upon a finding that the release is in furtherance of a legitimate interest.

(4) The individual is convicted of the crime for which he was arrested or pleads guilty or nolo contendere to a crime, lesser crime, or lesser included offense in response to the same crime for which he was arrested.

(5) Criminal litigation related to the crime is pending or reasonably anticipated.

(6) The individual is charged with a crime of violence as defined in existing law (R.S. 14:2(B), except stalking) or charged with video voyeurism, cruelty to animals, dogfighting, sex offenses as defined in existing law (R.S. 15:541), human trafficking offenses as defined in existing law (R.S. 14:46.2 and 46.3), offenses affecting the health and morals of minors as provided in existing law (R.S. 14:91 et seq.), or offenses affecting the health and safety of persons with infirmities as provided in existing law (R.S.14:93.3 et seq.).

New law requires a booking photograph that is published, released, or disseminated by a law enforcement officer or agency, except after the subject of the booking photograph has been found guilty or pled nolo contendere, to include a disclaimer that states "all persons are presumed innocent until proven guilty".

New law provides that no law enforcement agency or employee thereof shall be subject to civil action or be held liable when the publication, release, or dissemination was made by mistake of fact or error, or was inadvertent and made in good faith.

New law defines "booking photograph" and "remove-for-pay publication or website" for its purposes.

New law provides that a remove-for-pay publication or website shall remove and destroy a booking photograph of an individual who submits a request for removal and destruction within seven calendar days after the request if both of the following conditions exist:

(1) The individual in the booking photograph was acquitted of the criminal charge or not prosecuted, or the individual had the criminal charge expunged, vacated, or pardoned.

(2) The individual submits, in relation to the request, evidence of a disposition of the charge as described above.

New law provides that if the publication or website does not remove and destroy the booking photograph, it shall be liable for all costs, including reasonable attorney fees, resulting from any legal action that the individual brings in relation to such failure.

New law provides that any publication or website that seeks any fee or other valuable consideration for the removal or destruction of a booking photograph shall be subject to prosecution under existing law (R.S. 14:66 – the crime of extortion).

New law further specifies that the publication of a booking photograph of a La. resident constitutes minimum contact with the state and by doing so, the party shall be subject to the jurisdiction of La. courts.

Effective upon signature of governor (June 16, 2022).

(Amends R.S. 44:4.1(B)(38); Adds C.Cr.P. Art. 234)

### **Bail and Bond Forfeiture (ACT 593)**

Existing law provides that, upon conviction, a surety's obligation for a bail undertaking is relieved in any case, at any time prior to the defendant's failure to appear, by operation of law.

New law provides that existing law does not prejudice the state's right to obtain a judgment of bond forfeiture under prior law after the lapse of 180 days following the execution of the certificate that notice of warrant for arrest was sent pursuant to existing law.

New law otherwise retains existing law.

Effective August 1, 2022.

(Amends C.Cr.P. Art. 331(A)(1))

### **Bail Undertakings and COVID (ACT 90)**

Prior law provided relative to bail undertaking and provides that upon conviction in any case, the bail undertaking ends and the surety is relieved of all obligation under the bail undertaking. Provides that the court may require the defendant to post another bail undertaking or may release the defendant on bail without security and provides that, with written approval of the surety, the existing bail undertaking may continue. Prior law further provides for surrender of the defendant by the surety.

New law retains prior law and provides that during the statewide public health emergency due to COVID-19, the officer charged with the defendant's detention may refuse the surrender of the defendant. Provides that the officer must give the defendant and the surety a certificate of refusal and written notice for a new appearance date.

Prior law provided that during the COVID-19 public health emergency, the time period for the appearance or surrender of a defendant is interrupted. Provides that the surety's opportunity to resolve a failure to appear is automatically extended for 180 days following the declared end of the state of emergency or from the date proper notice of failure to appear is given to the defendant, surety agent, and surety, whichever is later, without the need to file a motion.

New law deletes provisions of prior law that interrupted the time period for the appearance or surrender of a defendant and the automatic

extension of time for the surety to resolve a failure to appear.

Depending on the date the defendant failed to appear in court, new law sets the date for when the 180-day time period begins to run before a rule to show cause to obtain a judgment of bond forfeiture may be filed.

Prior law allowed a surety to file a motion in the criminal court of records seeking additional time to surrender a defendant, provided specific circumstances related to COVID-19 and pertaining to the defendant in the criminal matter are cited.

New law retains prior law and provides that a motion seeking prior law relief must be filed prior to or at the hearing on a rule to show cause to obtain a judgment of bond forfeiture and must include a sworn affidavit of efforts to locate the defendant, an engagement contract between the bondsman and the recovery team, and the last communication between the defendant's next of kin or indemnitor.

New law provides that if the motion meets the requirements, the court must grant the motion and allow additional time to surrender the defendant. The rule to show cause must be continued until after the expiration of the extension of time. If the motion does not meet the requirements, the court will deny the motion.

Effective May 24, 2022.

(Amends C.Cr.P. Art. 331(I), (J), and (K); adds C.Cr.P. Art. 331(L))

### **Recusal of Judges (ACT 42)**

Existing law (C.Cr.P. Art. 671) sets forth the grounds for recusal.

New law makes technical corrections and 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.

Prior law (C.Cr.P. Art. 672) provided for the recusal of a judge on his own motion or by the supreme court.

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.

Existing law (C.Cr.P. Art. 673) provides for the power and authority of the judge to act in the cause.

New law makes technical corrections.

Prior law (C.Cr.P. Art. 674) required a motion to recuse to be filed prior to commencement of the trial. Existing law provides that if the facts are discovered thereafter, a motion to recuse is required to be filed immediately after the facts are discovered but prior to verdict or judgment.

Existing law requires a judge who is the subject of a valid motion to recuse to refer the motion for hearing or recuse himself.

New law requires a motion to recuse to be filed not later than 30 days after the facts are discovered but in all cases at least 30 days prior to commencement of the trial. New law retains the exception in existing law for facts that occur or are discovered after this deadline.

New law, concerning the action of the judge on the motion to recuse, adds a time limitation that requires the judge to act not later than seven days after the judge receives the motion from the clerk of court.

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

Prior law (C.Cr.P. Art. 675) permitted the judge, in courts having only one judge, to appoint a district judge from an adjoining district or a



lawyer domiciled in the district to hear the motion to recuse.

New law provides that in courts having only one judge, the supreme court shall appoint another judge to hear the motion to recuse.

Existing law (C.Cr.P. Art. 676) sets forth the procedures for selecting another judge to try the cause when the judge who is the subject of a motion to recuse has been recused.

New law provides that in courts having more than two judges, the cause shall be randomly reassigned to another judge. Additionally provides that in courts having two judges, the cause shall be tried by the other judge, and in courts having only one judge, the supreme court shall appoint another judge to try the cause.

Prior law (C.Cr.P. Art. 677) allowed the defendant or district attorney, after a judge was recused and an ad hoc judge was appointed to try the cause, to apply to the supreme court for the appointment of another judge.

New law repeals prior law.

Existing law (C.Cr.P. Art. 678) provides for the recusal of an ad hoc judge appointed to try the motion to recuse or the cause.

New law makes technical corrections.

Existing law (C.Cr.P. Art. 679) provides for the recusal of a court of appeal judge or of a supreme court justice.

New law allows an appellate court judge who is the subject of a motion to recuse that fails to set forth facts constituting a ground for recusal to deny the motion without a hearing, provided the judge gives written reasons for the denial. New law also makes technical corrections.

Existing law (C.Cr.P. Art. 684) provides for the review of recusal rulings, allowing the state to apply for review by supervisory writs and prohibiting the defendant from raising issues concerning recusal until after sentence on appeal.

New law retains existing law with respect to recusals of district attorneys.

New law changes prior law with respect to recusals of judges to require both sides to apply for review by supervisory writs and to provide that this shall be the exclusive remedy. New law also requires the judge to advise the defendant in open court that rulings concerning recusals of judges cannot be raised on appeal.

Effective August 1, 2022.

(Amends the heading of Title XXII of the C.Cr.P., the heading of Chapter 1 of Title XXII of the C.Cr.P., C.Cr.P. Arts. 671-676, 678, and 679, the heading of Chapter 3 of Title XXII of the C.Cr.P., and C.Cr.P. Art. 684; Repeals C.Cr.P. Art. 677)

#### **Plea of Not Guilty of a Misdemeanor (ACT 446)**

Prior law required a plea of not guilty of a misdemeanor to be entered through counsel of record and, in the absence of the defendant, by the filing of a sworn affidavit prior to the scheduled arraignment date.

New law provides that a plea of not guilty of a misdemeanor may be allowed to be entered through counsel of record. Further provides that a plea of not guilty of a misdemeanor shall be allowed to be entered through counsel of record in the absence of the defendant by the filing of a sworn affidavit in advance of the scheduled arraignment date.

Effective August 1, 2022.

(Amends C.Cr.P. Art. 833(B) and (C)(intro. para.))

#### **Payment of Criminal Monetary Obligations (ACT 219)**

Existing law provides that the purpose of imposing financial obligations on an offender who is convicted of a criminal offense is to hold the offender accountable for his action, to compensate victims for any actual pecuniary loss

or costs incurred in connection with a criminal prosecution, to defray the cost of court operations, and to provide services to offenders and victims.

Existing law further provides that these financial obligations should not create a barrier to the offender's successful rehabilitation and reentry into society, that financial obligations that cause undue hardship on the offender should be waived, modified, or forgiven, and that creating a payment plan for the offender that is based upon the ability to pay results in financial obligations that the offender is able to comply with and often results in more money collected.

Existing law provides a definition for "financial obligations".

Existing law provides that prior to ordering the imposition or enforcement of any financial obligations, the court shall determine whether payment in full of the aggregate amount of all the financial obligations to be imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents.

New law requires the court to conduct a hearing to determine if the financial obligation would cause a substantial financial hardship on the defendant. Authorizes the court to delay the hearing up to 90 days in order for the parties to submit evidence.

Prior law provided that the defendant may not waive the judicial determination of a substantial financial hardship.

New law authorizes the defendant or the court to waive the judicial determination, and also provides that if the court waives the hearing on its own motion, the court shall provide reasons, entered upon the record, for its determination.

Existing law provides that if the court determines that payment in full of the aggregate amount of all financial obligations imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents, the court shall either waive all or a portion of the financial obligations or order a payment plan that

requires the defendant to make a monthly payment to fulfill the financial obligations.

New law provides an exception by requiring the consent of the victim before waiving any award of restitution owed to the victim.

Prior law provided that the amount of each monthly payment for the payment plan shall be equal to the defendant's average gross daily income for an eight-hour work day.

New law requires the amount of each monthly payment for the payment plan to be determined by the court after considering all relevant factors including but not limited to the defendant's average gross daily income for an eight-hour work day.

Existing law provides that if, after the initial determination of the defendant's ability to fulfill his financial obligations, the defendant's circumstances and ability to pay his financial obligations change, the defendant or his attorney may file a motion with the court to reevaluate the defendant's circumstances, and authorizes the court to waive or modify the defendant's obligation.

New law authorizes the state to file a motion to reevaluate the defendant's ability to fulfill his financial obligations.

Prior law provided that if a defendant was ordered to make monthly payments under a payment plan established pursuant to existing law, the defendant's outstanding financial obligations resulting from his criminal conviction were forgiven and considered paid-in-full if the defendant made consistent monthly payments for either 12 consecutive months or consistent monthly payments for half of the defendant's term of supervision, whichever was longer.

New law repeals prior law.

Prior law provided that if, at the termination or end of the defendant's term of supervision, any restitution ordered by the court remained outstanding, the balance of the unpaid restitution shall be reduced to a civil money judgment in

favor of the person to whom restitution is owed, and provides that the obligation may be enforced in the same manner as provided for the execution of judgments pursuant to the Code of Civil Procedure.

New law specifies that the defendant's obligation may be enforced in the same manner as provided for the execution of judgments in the Code of Civil Procedure.

Effective August 1, 2022.

(Amends C.Cr.P. Art. 875.1)

### **Financial Obligations of Criminal Offenders (ACT 391)**

Existing law provides that the purpose of imposing financial obligations on an offender who is convicted of a criminal offense is to hold the offender accountable for his action, to compensate victims for any actual pecuniary loss or costs incurred in connection with a criminal prosecution, to defray the cost of court operations, and to provide services to offenders and victims.

Existing law further provides that these financial obligations should not create a barrier to the offender's successful rehabilitation and reentry into society, that financial obligations that cause undue hardship on the offender should be waived, modified, or forgiven, and that creating a payment plan for the offender that is based upon the ability to pay results in financial obligations that the offender is able to comply with and often results in more money collected.

Existing law provides a definition for "financial obligations".

Existing law provides that prior to ordering the imposition or enforcement of any financial obligations, the court shall determine whether payment in full of the aggregate amount of all the financial obligations to be imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents.

New law provides that a defendant shall not be incarcerated for his inability to meet his financial obligations if those financial obligations would cause substantial financial hardship to the defendant or his dependents. Provides that new law shall apply to defendants convicted of traffic offenses, misdemeanor offenses, or felonies under applicable law.

Effective August 1, 2022.

(Adds C.Cr.P. Art. 875.1(H))

### **Expungement (ACT 36)**

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

Existing law provides that an applicant for an expungement does not have to pay any fees for the expungement if the applicant obtains a certification from the district attorney which verifies that the applicant has no felony convictions and no pending felony charges under a bill of information or indictment and at least one of the following applies:

- (1) The applicant was acquitted, after trial, of all charges derived from the arrest, including any lesser and included offense.
- (2) The district attorney consents, and the case against the applicant was dismissed or the district attorney declined to prosecute the case prior to the time limitations provided in existing law, and the applicant did not participate in a pretrial diversion program.
- (3) The applicant was arrested and was not prosecuted within the time limitations provided for in existing law and did not participate in a pretrial diversion program.
- (4) The applicant was determined to be a victim of unauthorized use of an "access card", identity theft, access device fraud, or a violation of any other crime which involves the unlawful use of the identity or personal information of the applicant.

Prior law provided that applicants determined to be factually innocent and entitled to compensation for a wrongful conviction did not have to pay any fees for the expungement if the applicant obtained a certification from the district attorney.

New law removes the requirement that a person determined to be factually innocent and entitled to compensation for a wrongful conviction obtain a certification from the district attorney and provides that such persons shall be exempt from the payment of processing fees.

New law provides that a person who has been granted a pardon shall be exempt from the payment of processing fees. Excludes persons granted a first offender pardon pursuant to existing law from the exemption of the payment of processing fees.

Effective August 1, 2022.

(Amends C.Cr.P. Art. 983(H) and (I); Adds C.Cr.P. Art. 983(J) and (K); Repeals C.Cr.P. Art. 983(F)(4))

### **Reporting of Firearm Transfers (ACT 484)**

Existing law (C.Cr.P. Art. 1002) provides for the transfer of a firearm when a person has been convicted of certain crimes.

Existing law (C.Cr.P. Art. 1003) provides for the transfer or storage of transferred firearms.

New law provides that the sheriff of each parish shall report on an annual basis to the La. Commission on Law Enforcement and Administration of Criminal Justice (commission) the following aggregate data:

(1) The total number of civil orders to transfer firearms received by the sheriff's office pursuant to existing law (C.Cr.P. Art. 1002).

(2) The total number of criminal orders to transfer firearms received by the sheriff's office pursuant to existing law (C.Cr.P. Art. 1002).

(3) The total number of proof of transfer forms completed and retained by the sheriff's office as required by existing law (C.Cr.P. Art. 1002).

(4) The total number of declarations of non-possession received by the sheriff's office pursuant to existing law (C.Cr.P. Art. 1002).

(5) The number of firearm transfers completed as required by existing law:

(a) The total number of firearms transferred to the sheriff's office.

(b) The total number of firearms transferred to a third party entity.

(c) The total number of firearms transferred to contracted storage.

(d) The total number of firearms transferred via legal sale.

(6) The number of orders received from the court stating that firearms shall be returned to the transferor under existing law (C.Cr.P. Art. 1003).

New law provides that the sheriff shall submit a report to the commission regardless of whether the sheriff is able to complete a firearm transfer pursuant to new law.

New law provides that by Jan. 1, 2023, the commission shall create and distribute a standardized form for use by the sheriff of each parish to use to report all aggregate data fields required by new law.

New law provides that the form shall not contain any identifying information of the person who possesses the firearm and shall only contain numerical data provided in new law.

New law provides that the commission shall provide a single point of contact or web portal to which each sheriff shall submit the completed form described in new law.

New law provides that the sheriff of each parish shall submit the completed form to the commission no later than Jan. 31st of each

calendar year. Provides that each form shall contain the aggregate data for each of the items listed in new law for the prior calendar year.

New law provides that the commission shall publish the data collected from the sheriff of each parish pursuant to new law to the commission's public website by Feb. 28th of each calendar year.

New law provides that the commission shall submit a report containing the information received pursuant to new law to the House Committee on Administration of Criminal Justice and the Senate Committee on Judiciary C no later than March 1st of each calendar year.

Effective August 1, 2022.

(Adds C.Cr.P. Art. 1005)

## **CODE OF EVIDENCE**

### **CHILDREN'S CODE**

#### **Juvenile Court Jurisdiction (ACT 175)**

Existing law provides for the divestiture of the juvenile court's jurisdiction over serious felony offenses committed by juveniles over the age of 14 years.

New law retains existing law and provides that divestiture occurs only on a probable cause finding at a continued custody hearing or a return of a bill of indictment.

New law provides that the district attorney has discretion to file a petition in juvenile court or obtain an indictment for certain serious felony offenses listed in existing law. New law further provides that if the district attorney files a petition in juvenile court, and the child waives a continued custody hearing, the jurisdiction remains for all further proceedings, including review of bail, with the juvenile court.

Effective August 1, 2022.

(Amends Ch.C. Art. 305(A)(2) and (B)(3); adds Ch.C. Art. 305(A)(3))

#### **Children's Code Revisions (ACT 272)**

Existing law (Ch.C. Art. 320) provides for the determination of indigency at any stage of the proceedings.

New law retains existing law but provides an exception for child in need of care cases.

Existing law (Ch.C. Art. 335) provides for the preparation of the record for appeal and sets forth who pays the costs.

New law provides that if a child requests a transcript for appeal or supervisory writ, neither the child nor his parents shall be assessed costs.

New law further provides that if a parent requests a transcript for appeal or supervisory writ, the parent shall pay the costs unless the court determines that the parent is unable to pay due to poverty or lack of means.

New law authorizes the court to waive the costs of transcription for any other party if justice so requires.

Existing law (Ch.C. Art. 502) provides definitions of "abuse" and "neglect".

New law retains existing law but changes the terminology used within the definitions from "health and safety" to the broader phrase "health, welfare, and safety".

Existing law (Ch.C. Art. 575) requires the Indigent Parents' Representation Program to provide legal counsel to indigent or absent parents.

New law retains existing law and provides correct cross-references. New law further provides that the Indigent Parents' Representation Program may adopt policies to provide counsel to indigent parents prior to the commencement of court proceedings.

Existing law (Ch.C. Art. 601) provides for the purpose of the Child In Need of Care proceedings.

New law changes the terminology used within existing law from "health and safety" to the broader phrase "health, welfare, and safety".

Existing law (Ch.C. Art. 603) provides definitions of "abuse" and "neglect".

New law retains existing law but changes the terminology used within the definitions from "health and safety" to the broader phrase "health, welfare, and safety".

New law moves the definition of "relative" from the definition of "other suitable individual" to its own Subparagraph.

New law provides new definitions for "protective capacity", "reasonable efforts", "safe and safety", "threat of danger", and "vulnerable".

Existing law (Ch.C. Art. 607) provides for the child's right to the appointment of counsel.

New law retains existing law and authorizes counsel for the child to be appointed upon the issuance of an instant order.

Existing law (Ch.C. Art. 608) provides for the parent's right to counsel.

New law retains existing law and also authorizes the right to counsel to attach upon the issuance of an instant order or upon the filing of a petition. New law further provides that parents are presumed indigent until the court makes a determination and requires the district public defender or the La. Public Defender Board to provide representation.

Existing law (Ch.C. Art. 612) provides for the investigation and assessment of abuse and neglect reports.

New law changes the terminology used in existing law from "health and safety" to the broader phrase "health, welfare, and safety".

Existing law (Ch.C. Art. 615) provides for the disposition of abuse and neglect reports.

New law changes the terminology used in existing law from "health and safety" to the broader phrase "health, welfare, and safety".

Existing law (Ch.C. Art. 619) provides for instant custody orders and instant safety plans for the removal of a child from the parental home.

New law changes the terminology used in existing law from "health and safety" to the broader phrase "health, welfare, and safety".

New law further provides factors for the court's consideration in determining whether reasonable efforts were made to prevent removal of the child and, regardless, authorizes the court to remove the child if necessary to secure the safety of the child.

Existing law (Ch.C. Art. 620) provides for oral instant orders.

New law retains existing law and clarifies terminology.

Existing law (Ch.C. Art. 621) provides for taking a child into custody without a court order.

New law retains existing law and clarifies terminology.

Existing law (Ch.C. Art. 622) provides for placement of a child who appears to be in need of care.

New law retains existing law and clarifies terminology.

Existing law (Ch.C. Art. 623) provides for notice of proceedings to a child's parents.

New law retains existing law and also requires notice to be given to the district defender or the entity designated for representing both parents and children.

New law requires the notice to include a copy of the verified complaint, the affidavit upon which

the instant order is based, and any orders issued by the court.

Existing law (Ch.C. Art. 624) provides for procedures related to the continued custody hearing.

New law provides that when an instant custody or safety plan order is signed, the court shall hold a hearing within three days from issuance of the order.

Existing law (Ch.C. Art. 625) provides for advice of rights during the pendency of the case. New law retains existing law and clarifies terminology.

Existing law (Ch.C. Art. 626) provides for continued custody and reasonable efforts to secure the child.

New law clarifies terminology and authorizes the court to determine if the efforts by the department to prevent removal are reasonable.

Existing law (Ch.C. Art. 627) provides for continued custody orders. New law retains existing law and clarifies terminology.

Existing law (Ch.C. Art. 635.1) provides for notice of the petition to the program designated to provide counsel for the child.

New law retains existing law and clarifies terminology.

Existing law (Ch.C. Art. 638) provides for service of the petition.

New law retains existing law and also requires service of the petition on the entity designated to provide counsel for the child.

Existing law (Ch.C. Art. 639) provides a specific notice to be served on parents in a child in need of care proceeding.

New law retains existing law and clarifies terminology.

Existing law (Ch.C. Art. 640) provides for service and return for resident parents.

New law retains existing law and also requires notice on the child through counsel for the child. New law further provides for service by commercial courier and clarifies that electronic service is complete if the sender receives electronic confirmation of delivery.

Existing law (Ch.C. Art. 646.1) provides for prehearing conferences.

New law retains existing law and clarifies terminology.

Existing law (Ch.C. Art. 672.1) provides for reunification.

New law retains existing law and clarifies terminology.

Existing law (Ch.C. Art. 673) provides for the creation of a case plan.

New law retains existing law and clarifies terminology.

Existing law (Ch.C. Art. 675) provides for the contents of a case plan.

New law retains existing law and clarifies terminology.

Existing law (Ch.C. Art. 677) provides for the review of a case plan.

New law retains existing law and clarifies terminology.

Existing law (Ch.C. Art. 681) provides dispositional alternatives for a child adjudicated in need of care.

New law authorizes the court to impose terms and conditions upon the parents to ensure the safety of the child while remaining in the home.

Existing law (Ch.C. Art. 682) provides for the removal of a child from parental custody.

New law retains existing law and clarifies terminology.

Existing law (Ch.C. Art. 683) provides for disposition alternatives for a child.

New law retains existing law and clarifies terminology.

Existing law (Ch.C. Art. 684) provides for a judgment of disposition.

New law retains existing law, clarifies terminology, and requires the court to make specific findings supporting removal of the child from the parental home.

Existing law (Ch.C. Art. 700) provides for court orders and appeal of the orders.

New law retains existing law, clarifies terminology, and requires the court to make specific findings as to whether the child can return to the custody of the parent.

Existing law (Ch.C. Art. 702) provides for the permanency hearing.

New law retains existing law and clarifies terminology.

Existing law (Ch.C. Art. 710) provides for court orders and appeal of the orders.

New law retains existing law, clarifies terminology, and requires the court to make specific findings as to whether the child can return to the custody of the parent.

Existing law (Ch.C. Art. 716) provides for the modification of a judgment of disposition.

New law retains existing law and further requires a modification to return the child to the parent if the court finds that it is safe to do so.

Existing law (Ch.C. Art. 722) provides for the burden of proof to place a child under guardianship.

New law retains existing law, clarifies terminology, and changes the standard for reunification from the child's best interest to the child's safety.

Existing law (Ch.C. Art. 724.1) provides for temporary guardianship. New law retains existing law and clarifies terminology.

Existing law (Ch.C. Art. 1003), relative to the certification of children for adoption, provides definitions of "abuse" and "neglect".

New law retains existing law but changes the terminology within the definitions from "health and safety" to the broader phrase "health, welfare, and safety".

Existing law (Ch.C. Art. 1016) provides for the right to counsel for both the parent and the child.

New law retains existing law and clarifies terminology.

New law (Ch.C. Art. 1019.1) provides for notice to the entity providing counsel for either a child or a parent of a child.

New law (Ch.C. Art. 1019.2) provides for service of the petition upon every parent and the entity designated to provide counsel for the child.

New law (Ch.C. Art. 1021) provides for service for resident parents either personally or by domiciliary service at least five days prior to a hearing.

New law requires notice on the child through counsel for the child and notice on the parent to be made as soon as possible, and not less than 15 days prior to a hearing.

New law further provides for service by certified mail, electronic mail, or commercial courier and clarifies that electronic service is complete if the sender receives electronic confirmation of delivery.

Existing law (Ch.C. Art. 1404) provides for the definition of Mental Health Advocacy Service.



New law retains existing law and provides a cross-reference.

Effective August 1, 2022.

(Amends Ch.C. Arts. 320(B), (C), and (D), 335(D) and (E), 502(1)(intro. para.) and (5), 575, 601, 603(2)(intro. para.), (18), (20), (25), (26), and (27), 607(A) and (C), 608(A)(intro. para.), (3), and (4), (B), and (C), 612(A)(2) and (4), 615(B)(1), 619(A)(1), (B), and (C), 620(A), (B), and (C), 621(A) and (B), 622(B)(intro. para.), (1), (2), and (3), 623(A) and (B), 624(A), (C)(1), (F), and (H), 625(D)(1), 626, 627(C), 635.1, 638, 639, 640(A) and (C), 646.1(B)(2) and (D), 672.1(B), 673, 675(A) and (B)(1), (2), (3), (6)(a), and (8), 677(B) and 681(A)(intro. para.) and (1), 682(A) and (B)(intro. para.), (4), and (5), 683(A), (B), and 684(B) and (C), 700(A)(intro. para.) and (1), 702(C)(1) and (4), (E), (G), and (J), 710(A) and (D), 716, 722(A)(2) and (4) and (B), 724.1(C)(2) and (4), 1003(1)(intro. para.) and (10), 1016(A) and (B), 1021, and 1404(13); Adds Ch.C. Arts. 335(F) and (G), 603(28)-(32), 1019.1, and 1019.2)

### **DCFS and Alleged Child Victims of Sex Trafficking (ACT 662)**

Existing law provides for reports of child abuse or neglect to be made to the Dept. of Children and Family Services (DCFS) if the alleged abuser is believed to be a parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not. Further provides that all other reports are to be made to a local or state law enforcement agency.

New law provides that if a report involves alleged sex trafficking, all mandatory reporters shall report to DCFS regardless of whether there is alleged parental or caretaker culpability.

New law provides that DCFS shall communicate as soon as possible all reports involving alleged child victims of sex trafficking to the La. State Police for referral to local law enforcement.

Existing law provides for the duties and responsibilities of DCFS to administer the public assistance laws of the state.

New law adds the responsibility to make care coordination and advocacy services available for victims of child sex trafficking and provides for the services that may be provided as care coordination and advocacy services.

Effective January 1, 2023.

(Amends Ch.C. Art 610(A)(1); adds Ch.C. Art. 610(E)(4) and R.S. 46:51(16))

### **Child Abuse Reports (ACT 232)**

Existing law provides that when the determination is made that a report of child abuse is inconclusive or not justified, the files, records, and pertinent information regarding the report and investigation shall be strictly confidential, shall not become part of the central registry, shall not be disclosed or ordered to be produced in conjunction with any legal proceeding or other matter, and shall be maintained only for certain purposes.

Existing law provides exceptions to existing law for purposes of use of such reports by the Dept. of Children and Family Services (department) for future risk and safety assessments, for use in litigation against the department, and for use by law enforcement when investigating crimes against children.

New law maintains existing law and further provides that all files, records, and information regarding an inconclusive or not justified report shall be released to local, state, and federal law enforcement agencies, military authorities, prosecuting authorities, and coroners in the course of investigations or legal proceedings upon request when the requesting agency has good cause to believe that the files, records, or information contain information which may be constitutionally required to be disclosed pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and its progeny.

New law provides that the requesting agency shall request the information in writing and state the purpose for which the information is being requested.

New law further provides that files, records, and information released pursuant to new law shall be confidential and shall not be redisclosed except as expressly authorized by existing law provisions regarding disclosure of confidential records and shall not be subject to disclosure pursuant to existing law provisions regarding public records.

New law provides that except as provided in the existing law provision regarding the reporter knowingly making a false report, the name of the reporter shall not be disclosed.

Effective August 1, 2022.

(Amends Ch.C. Art. 615(E)(intro. para.); Adds Ch.C. Art. 615(E)(4) and (G))

#### **Notice of Abuse or Neglect Determination by DCFS and Right to Appeal (ACT 535)**

Existing law provides, when a report alleging abuse or neglect is determined to be justified by the Dept. of Children and Family Services (DCFS), the individual who is the subject of the determination may make a formal written request to the division of administrative law for an administrative appeal of the justified determination, in accordance with the procedures promulgated by DCFS.

New law provides that DCFS shall provide a written notice to the individual in clear, concise, and understandable language that is easy to read, containing all of the following:

- (1) An explanation of the determination, including the consequences of the determination.
- (2) The individual's right to an administrative appeal and the specific procedure for requesting an appeal, including the deadline.
- (3) The name and contact information of a DCFS representative the individual may contact for additional information.

Effective August 1, 2022.

(Amends Ch.C. Art. 616.1.1)

#### **Dismissal of Juvenile Proceedings (ACT 176)**

Prior law allows the juvenile court to dismiss proceedings on its own motion or by motion of the child or parent in Child in Need of Care and Family in Need of Services proceedings, and requires the juvenile court to dismiss the proceedings on motion of the petitioner.

New law removes law the authority of the juvenile court to dismiss a Child in Need of Care or Family in Need of Services petition on its own motion or the motion of the parent or child to align with Act 172 of the 2011 Regular Session, which removed the authority of the juvenile court to dismiss a juvenile delinquency petition on its own motion or the motion of the parent or child.

Effective August 1, 2022.

(Amends Ch.C. Art. 657, 658, 763, and 764)

#### **Deferred Dispositional Agreements and Violent Criminals (ACT 565)**

Existing law (Ch.C. Art. 801 et seq.) provides for delinquency proceedings.

Existing law (Ch.C. Art. 896) provides that any time after the entry of an adjudication order, the court may suspend further proceedings and place the child on supervised or unsupervised probation.

New law prohibits deferred dispositional agreements from being available in cases where the child has been convicted of a crime of violence.

Effective August 1, 2022.

(Adds Ch.C. Art. 896(H))

### **Court-Ordered Cooperation by Parents and Minor Children (ACT 674)**

Existing law provides that the father and the mother are responsible for the damage occasioned by their minor child, who resides with them or who has been placed by them under the care of other persons, reserving to them recourse against those persons. Existing law further provides that the father and mother are not responsible for the damage occasioned by their minor child who has been emancipated by marriage, by judgment of full emancipation, or by judgment of limited emancipation that expressly relieves the parents of liability for damages occasioned by their minor child.

New law retains existing law.

Existing law authorizes a court to impose any term and condition deemed in the best interests of the child and the public, including the following requirements:

- (1) The child attend school, if the school admits the child.
- (2) The child or his parent or legal guardian perform court-approved community service activities.
- (3) The child make reasonable restitution to any victim for any personal or property damage caused by the child in the commission of the delinquent act.
- (4) The child participate in any program of medical or psychological or other treatment found necessary for his rehabilitation.
- (5) Suspend or restrict the child's driving privileges.
- (6) Prohibit the child from possessing a firearm or carrying a concealed weapon.
- (7) The child pay a monthly supervision fee of not less than \$10 nor more than \$100 per month.

New law retains existing law and authorizes the court to impose a requirement that the child and

his parent or legal guardian cooperate in connection with any part of the disposition order including but not limited to a court-approved decisionmaking course necessary for his rehabilitation.

Effective August 1, 2022.

(Amends Ch.C. Art. 897(B)(2) and 899(B)(2)(c); adds Ch.C. Art. 899(B)(2)(h))

### **Child Condition Reports (ACT 217)**

Existing law (Ch.C. Art. 801 et seq.) provides for delinquency proceedings.

Existing law (Ch.C. Art. 905) provides that every six months, any institution, agency, or person to which a child is assigned shall report the child's whereabouts and condition to the court and the child's counsel.

Prior law required that the reports be provided not less than 72 hours prior to any in-court review hearing.

New law changes existing law to require that the report shall also be provided to the district attorney.

New law changes prior law to require that the reports be provided not less than one week prior to any in-court review hearing.

Effective August 1, 2022.

(Amends Ch.C. Art. 905(B))

### **Adoptions (ACT 633)**

Existing law (Ch.C. Art. 1207) provides for the duties of the Department of Children and Family Services to conduct a home study and prepare a confidential report of the department's investigation of the proposed agency adoption.

New law retains existing law but provides for duties of the licensed private adoption agency. Prior to the final decree of the adoption, the licensed private adoption placing agency shall

ensure certain prerequisites are completed by certain professionals.

New law provides that the licensed private adoption agency or department, if the child is in custody of the department, shall utilize a social worker in the employ of a licensed adoption agency, licensed social worker, licensed professional counselor, licensed psychologist, medical psychologist, licensed psychiatrist, or licensed marriage and family therapist, or, if the child is in custody of the department, by a department employee or designee.

New law provides that the prerequisites include certain in-home visits and preparing a report of information obtained from the visits. New law provides that the family shall be provided access to resources.

Existing law (Ch.C. Art. 1213) provides that prior to the final decree of the adoption, the licensed private adoption agency or department, if the child is in the custody of the department, shall ensure all prerequisites are completed including in-home visits and a report. If an interlocutory decree has been entered, a second confidential report must be presented to the court.

New law moves the prerequisites for the final decree of adoption from existing law (Ch.C. Art. 1213) to new law (Ch.C. Art. 1207). New law clarifies existing law to provide that if an interlocutory decree has been entered, a second confidential report shall be presented to the court.

Existing law (Ch.C. Art. 1229) provides for the duties of the department to conduct a home study and to prepare a confidential report of the department's investigation of the proposed agency adoption.

New law retains existing law but provides for duties of the attorney arranging the private adoption. Prior to the final decree of the adoption, the attorney arranging the adoption shall ensure certain prerequisites are completed by certain professionals.

New law provides that the attorney arranging the adoption shall utilize a social worker in the

employ of a licensed private adoption agency, licensed social worker, licensed professional counselor, licensed psychologist, medical psychologist, licensed psychiatrist, or licensed marriage and family therapist, or, if the child is in custody of the department, by a department employee or designee.

New law provides that the prerequisites include certain in-home visits and preparing a report of information obtained from the visits. New law provides that the family shall be provided access to resources.

Existing law (Ch.C. Art. 1235) provides that prior to the final decree of the adoption, the attorney arranging the private adoption shall ensure all prerequisites are completed including in-home visits and a report. If an interlocutory decree has been entered, a second confidential report shall be presented to the court.

New law moves the prerequisites for the final decree of adoption from existing law (Ch.C. Art. 1235) to new law (Ch.C. Art. 1229). New law clarifies existing law to provide that if an interlocutory decree has been entered, a second confidential report shall be presented to the court.

Effective August 1, 2022.

(Amends Ch.C. Arts. 1207, 1213(A) and (C), 1229, and 1235(A) and (C); Repeals Ch.C. Arts. 1213(D) and 1235(C))

### **Domestic Abuse Protective Orders (ACT 416)**

Existing law provides that all court costs and fees incurred in maintaining or defending any proceeding concerning domestic abuse assistance in juvenile, family, and civil courts are to be paid by the perpetrator of the domestic violence, including all costs of medical and psychological care for the abused adult, or for any of the children, necessitated by the domestic violence.

New law retains existing law.

Prior law provided that if the court determines that a petition in a domestic abuse case was frivolous, the court may order the nonprevailing

party to pay all court costs and reasonable attorney fees of the other party.

New law retains prior law and provides that failure to appear at a hearing on the petition for a protective order shall not on its own constitute grounds for assessing court costs and fees against the petitioner.

Effective June 15, 2022.

(Amends Ch.C. Art. 1570.1 and R.S. 46:2136.1)

## **MULTIPLE CODES AND TITLES**

### **Prescription and Peremption Suspension and Emergencies and Disasters (ACT 469)**

Existing law (C.C. Art. 3447) provides that liberative prescription is a mode of barring actions as a result of inaction for a period of time.

Existing law (C.C. Art. 3458) provides that peremption is a period of time fixed by law for the existence of a right. Existing law provides that unless timely exercised, the right is extinguished upon the expiration of the peremptive period.

Existing law (C.C. Art. 3467) provides that prescription runs against all persons unless legislation establishes an exception.

Existing law (C.C. Art. 3461) provides that peremption may not be renounced, interrupted, or suspended.

New law changes existing law and adds that the law may provide exceptions to existing law.

Existing law (C.C. Art. 3472.1) provides for the emergency suspension of prescription and peremption in the event that the governor declares a state of emergency or disaster pursuant to existing law (R.S. 29:721-772; La. Homeland Security and Emergency Assistance and Disaster Act, National Guard Mutual Assistance Counter-Drug Activities Compact, and La. Health Emergency Powers Act).

Existing law provides that if the governor declares a state of emergency or disaster, the La. Supreme Court may suspend all prescriptive and peremptive periods for up to 90 days.

Existing law provides for continuing suspensions as deemed necessary and appropriate.

Existing law provides that the suspension period will terminate upon the earlier of a supreme court order or termination of the declared state of emergency or disaster. Existing law provides that the right to file any pleading subject to the suspension as provided in existing law shall terminate 60 days after the suspension terminates.

New law changes existing law and provides that if the governor declares a state of emergency or disaster and issues an order that suspends or extends the liberative prescriptive and peremption periods, the executive order or proclamation shall have the effect of suspending only those liberative prescriptive or peremptive periods that would have otherwise accrued during the time specified in the order or duration of the order's effectiveness.

New law provides that when the suspension period terminates, liberative prescription or peremption commences to run again and accrues upon the earlier of 30 days after the expiration of the period of suspension or in accordance with time as calculated in existing law (C.C. Art. 3472).

Existing law (C.C. Art. 3472) provides that a period of suspension is not counted toward the accrual of prescription. Existing law provides that prescription commences to run again upon the termination of the period of suspension.

New law (C.C.P. Art. 196.2) provides that when the governor declares a state of emergency or disaster pursuant to existing law (R.S. 29:721-775), the supreme court, rather than the governor, may suspend or extend deadlines applicable to legal proceedings in court, including abandonment of actions.

Existing law (C.C.P. Art. 561) provides that an action is abandoned when the parties fail to take

any step in its prosecution or defense in the trial court for three years. An appeal is abandoned when parties fail to take any step in its prosecution or disposition for the period provided in the rules of the appellate court.

New law (C.C.P. Art. 196.2) provides that the suspension or extension of deadlines applicable to legal proceedings shall only extend deadlines applicable to legal proceedings that would have otherwise accrued during the period of time in the order. After the suspension or extension period has expired, a party shall have an amount of time as specified in the court order to file any pleading affected by the suspension or extension. New law provides that if no amount of time is specified, the parties shall have 30 days after the period has expired.

Prior law (C.C.P. Art. 562) provided that when the governor declared a state of emergency or disaster pursuant to prior law (R.S. 29:721-775), the supreme court was authorized to suspend the period of abandonment for a period of time not to exceed 90 days. Prior law provided for continuing suspensions.

Prior law provided that the suspension period would terminate upon the earlier of a supreme court order or termination of the declared state of emergency or disaster. Prior law provided that the right to file any pleading subject to the suspension as provided in prior law terminated 60 days after the suspension terminated.

New law repeals prior law.

Effective August 1, 2022.

(Amends C.C. Arts. 3461 and 3472.1; Adds C.C.P. Art. 196.2; Repeals C.C.P. Art. 562)

### **La. Electric Utility Energy Transition Securitization Act (ACT 255)**

New law creates the La. Electric Utility Energy Transition Securitization Act for the purposes of enabling La. electric utilities, if authorized by the La. Public Service Commission (commission), to use securitization financing for certain energy transition costs.

New law provides that it is the intent of the legislature that new law benefits La. ratepayers by allowing an electric utility, if authorized, to achieve certain tax and credit benefits of financing energy transition costs.

New law defines terms, including "eligible electric generating facility", "energy transition bonds", "energy transition charge", "energy transition costs", "energy transition property", and "energy transition reserve".

New law defines "eligible mine" as a coal or lignite mine that services a mine-mouth eligible electric generating facility furnishing electric service to customers within this state.

New law provides that an electric utility may petition the commission for a financing order. Provides for an application process for an electric utility or its issuer to issue energy transition bonds as the commission prescribes. Prohibits an electric utility from applying any proceeds of energy transition bonds to any purpose not specified in the commission's order, or to any purpose in excess of the amount allowed for such purpose in the order, or to any purpose in contravention of the order or supplemental order.

New law provides that subject to certain circumstances, the commission may grant an application by a financing order and may, after hearing and for good cause shown, make supplemental orders in the premises as it finds necessary or appropriate.

New law requires certain provisions be in a financing order issued by the commission to an electric utility to create energy transition property.

New law provides that the commission may include the following additional provisions in the order:

- (1) Prescribe any limitation on potential assignees of energy transition property.
- (2) Authorize an issuer that is organized pursuant to the laws of this state to provide and establish in its articles of incorporation, partnership

agreement, or operating agreement, as applicable, that in order for a person to file a voluntary bankruptcy petition on behalf of that issuer, the prior unanimous consent of the directors, partners, or managers, as applicable, shall be required.

(3) Provide that the creation of the electric utility's energy transition property is conditioned upon, and shall be simultaneous with, the sale, assignment, or other transfer of the energy transition property to an issuer and the security interest created in the energy transition property to secure energy transition bonds and financing costs.

(4) Establish the portion of energy transition costs allocated to this state of an electric utility that has an eligible electric generating facility and eligible mine used to furnish electric service to customers within the state.

(5) Additionally provide with respect to any matters pertaining to and within the commission's constitutional jurisdiction over electric utilities and plenary power to regulate electric utilities or such other jurisdiction as may be conferred on the commission by law.

New law provides that after the order is issued, the electric utility retains discretion regarding whether to sell, assign, or transfer energy transition property or to cause the energy transition bonds to be issued.

New law provides that all financing orders by the commission shall be operative and in full force and effect from the time fixed for them to become effective by the commission.

New law provides that an aggrieved party or intervenor may file in district court, within 15 days of a financing order becoming effective, a petition setting forth the particular cause of objection to the order. Provides that if there is a timely application for rehearing made at the commission, the 15-day period for appeal shall not begin until the effective date of the commission order disposing of the rehearing. Provides that the district court may affirm the commission's order or set it aside. Provides for a

direct appeal process to the La. Supreme Court from the district court.

New law provides that all energy transition property that is listed in a financing order shall constitute an existing, present contract right constituting an individualized, separate incorporeal movable susceptible of ownership, sale, assignment, transfer, and security interest. Provides the property will exist whether or not the revenues or proceeds arising from the property have been billed, have accrued, or have been collected notwithstanding the fact that the value or amount of the property is or may be dependent on the future provision of service to customers by the electric utility and the future consumption by customers of electricity. The energy transition property created by a financing order shall be a vested contract right, and the financing order shall create a contractual obligation of irrevocability by the commission in favor of the electric utility and its assignees and financing parties.

New law provides that energy transition property listed in a financing order shall continue to exist until the energy transition bonds are paid in full and all financing costs of the bonds have been recovered in full.

New law provides that all or any portion of energy transition property listed in the financing order issued to an electric utility may be sold, assigned, or transferred to an assignee or be encumbered by a security interest to secure energy transition bonds issued pursuant to the order and other financing costs. Provides that each sale, assignment, transfer, or security interest granted by an electric utility or assignee shall be considered to be a transaction in the ordinary course of business.

New law provides that the description of energy transition property sold, assigned, or transferred to an assignee in any sale agreement, purchase agreement, or other transfer agreement, encumbered to a secured party in any security agreement, or indicated in any financing statement shall be sufficient only if the description or indication refers to the specific financing order that created the energy transition

property and states that such agreement or financing statement covers all or part of the property described in the financing order.

New law provides that energy transition property is an individualized, separate incorporeal movable susceptible of ownership, sale, assignment, transfer, and security interest encumbrance.

New law provides that if the electric utility defaults on any required payment of charges arising from the energy transition property listed in the financing order, the district court of the domicile of the commission, upon application of an interested party, and without limiting any other remedies available to the applying party, shall order the sequestration and payment of the revenues arising from the energy transition property to the financing parties or their representatives. Provides the order shall remain in full force and effective, notwithstanding any reorganization, bankruptcy, or other insolvency proceedings with respect to the electric utility or its successors or the assignees.

New law provides to the extent provided in a financing order, the following:

(1) The interest of an assignee or secured party in energy transition property listed in a financing order shall not be subject to setoff, counterclaim, surcharge, or defense by the electric utility or by any customer of the electric utility or other person, or in connection with the reorganization, bankruptcy, or other insolvency of the electric utility or any other person.

(2) Any successors to an electric utility shall perform and satisfy all obligations of, and have the same rights under a financing order as, the electric utility under the order in the same manner and to the same extent as the electric utility, including collecting and paying to the persons entitled to receive them, the revenues, collections, payments, or proceeds of the energy transition property.

New law provides relative to the sale, assignment, or other transfer of energy transition property.

New law provides that the Uniform Commercial Code-Secured Transactions shall not apply to energy transition property or any right, title, or interest of a utility or assignee, whether before or after the issuance of the financing order, except as otherwise provided in new law. Provides such right, title, or interest pertaining to a financing order shall not be treated as proceeds of any right or interest other than of the financing order and the energy transition property arising from the financing order. Provides that all revenues and collections resulting from energy transition property shall constitute proceeds only of the energy transition property arising from the financing order.

New law, with respect to filings of financing statements or control of deposit accounts or investment property as original collateral, governs the creation, attachment, granting, perfection, and priority of security interests in energy transition property to secure energy transition bonds and financing costs. Provides that energy transition property shall not be susceptible of pledge under the provisions of the Civil Code.

New law provides that a security interest in energy transition property shall be valid and enforceable against the electric utility and its successors, any assignee, and any third party and attaches to energy transition property only after certain conditions are met.

New law provides that a security interest in energy transition property shall be perfected only if it has attached and a financing statement indicating the energy transition property collateral covered has been filed. Provides that a financing statement shall be filed to perfect all security interests and liens in energy transition property. Provides that a security interest in energy transition property shall be perfected when it has attached and when the applicable financing statement has been filed.

New law provides that the interest of a secured party shall not be perfected unless a financing statement is filed, and after perfection, the secured party's interest continues in the energy transition property and all proceeds of such



energy transition property, whether or not billed, accrued, or collected, and whether or not deposited into a deposit account and however evidenced. Provides that a security interest in proceeds of energy transition property shall be a perfected security interest if the security interest in the energy transition property was perfected in accordance with new law.

New law provides that financing statements shall be filed, indexed, maintained, amended, assigned, continued, and terminated in the same manner and in the same system of records maintained for the filing of financing statements pursuant to the Uniform Commercial Code-Secured Transactions. Provides that the filing of the financing statement shall be the only method of perfecting a lien or security interest on energy transition property and the statement shall be filed as if the debtor named were located in the state.

New law provides for the priority of conflicting security interests of secured parties in the same interest or rights in any energy transition property as follows:

- (1) Conflicting perfected security interests of secured parties rank according to priority in time of perfection.
- (2) A perfected security interest of a secured party shall have priority over a conflicting unperfected security interest of a secured party.
- (3) A perfected security interest of a secured party shall have priority over a person who becomes a lien creditor after the perfection of such secured party's security interest.

New law provides that a perfected security interest in energy transition property and all proceeds of such property shall have priority over a conflicting lien or privilege of any nature in the same collateral property, except a security interest shall be subordinate to the rights of a person that becomes a lien creditor before the perfection of such interest.

New law provides that the relative priority of a perfected security interest of a secured party shall

not be adversely affected by any security interest, lien, or privilege in a deposit account of the electric utility that is a collector and into which the revenues are deposited.

New law provides that the priority of a security interest shall not be defeated or impaired by any later modification of the financing order or energy transition property or by the commingling of funds arising from energy transition property with other funds. Any other security interest that may apply to those funds shall be terminated as to all funds transferred to a segregated account for the benefit of an assignee or financing party or to an assignee or financing party directly.

New law provides that the Uniform Commercial Code-Secured Transactions, including choice of law rules, shall govern the perfection by control, the effect of perfection by control, and the priority of a security interest granted by the issuer of and securing energy transition bonds held by a secured party having control of a segregated deposit account or securities account as original collateral into which revenues, collections, or proceeds are deposited or credited.

New law provides for the foreclosure on or enforcement of security interest in any energy transition property if a default occurs.

A security interest created in accordance with new law may provide for a security interest in after-acquired collateral. New law provides that a security interest granted shall not be invalid or fraudulent against creditors solely because the grantor or the electric utility as collector or servicer has the right or ability to commingle the collateral or proceeds, or collect, compromise, enforce, and otherwise deal with collateral.

New law provides that any action arising to enforce a security interest in energy transition property shall be brought in the district court of the domicile of the commission. The suits shall be governed by the Code of Civil Procedure and other laws applicable to executory proceedings.

New law provides relative to conflict of laws and provides that new law governs the validity, enforceability, attachment, creation, perfection,

the effect of perfection or nonperfection, priority, exercise of remedies, and venue with respect to the sale, assignment, or transfer of an interest or right or the creation of a security interest in any energy transition property.

New law provides that if there a conflict between new law and any other law, new law governs.

New law provides that energy transition bonds are not a debt or general obligation of the state or any of its political subdivisions, agencies, or instrumentalities and shall not be a charge on their full faith and credit and the bonds issued shall contain on the face of a statement the following: "Neither the full faith and credit nor the taxing power of the state of Louisiana is pledged to the payment of the principal of, or interest on, this bond."

New law provides that the state and the Legislature of Louisiana each pledge to and agree with bondholders, the owners of the energy transition property, and other financing parties that, until the financing costs and the energy transition bonds and any ancillary agreements have been paid and performed in full, the state shall not perform certain acts, including amending the provisions of new law that authorize the commission to create an irrevocable contract right by the issuance of a financing order, to create energy transition property, and to make the energy transition charges imposed by a financing order irrevocable, binding, and nonbypassable charges.

New law shall not preclude limitation or alteration if and when full compensation is made by law for the full protection of the energy transition charges imposed, charged, and collected pursuant to a financing order and full protection of the holders of energy transition bonds and any assignee or financing party.

New law authorizes any person or entity that issues energy transition bonds to include new law pledges in the bonds and related documents.

New law provides that an assignee or financing party shall not be considered an electric utility or

person providing electric service by virtue of engaging in new law transactions.

New law is not intended to be nor shall be construed to constitute any limitation, derogation, or diminution of the jurisdiction or authority of the commission.

New law provides that a utility may finance energy transition costs that were incurred before August 1, 2022.

Effective June 3, 2022.

(Amends R.S. 10:9-109(c)(6)(intro para), (c)(6)(C), (c)(7)(intro para) and (c)(7)(C); adds R.S. 10:9-109(c)(8) and R.S. 45:1271-1281)

### **Subpoena Duces Tecum on Superior Lienholder (ACT 91)**

New law provides that the sheriff or seizing creditor may issue a subpoena duces tecum through the clerk of court to the owner or servicer of an obligation secured by a superior encumbrance, requiring the production of a document showing the amount due to the owner or servicer of the obligations secured by the superior encumbrances as of the scheduled date of the sheriff's sale.

New law requires the subpoena to be served on the owner or servicer of the superior encumbrance at least 14 days before the response is due, and that the owner or servicer respond to the subpoena at least seven days prior to the scheduled sheriff's sale and to include in the response the total amount of all obligations secured by the superior encumbrance. New law also provides that if a response is timely made then no personal appearance related to the subpoena is required.

New law provides that the subpoena duces tecum may be served by the sheriff, the seizing creditor, or by the clerk of court, or by certified mail or commercial courier, and may be served within or outside the state. New law also provides for more than one subpoena duces tecum to be issued in connection with a superior encumbrance.

New law provides that, if the owner or servicer of the superior encumbrance has a registered agent in the state, service of process may be made by the sheriff or by certified mail or courier with the envelope directed to the attention of the registered agent.

New law provides that if the sheriff's sale is postponed or canceled and thereafter rescheduled, then the seizing creditor may request that the owner or servicer of the superior encumbrance update the amounts due. Requires that the request be made in writing and served on the owner or servicer of the superior encumbrance at least seven days before the response is due. New law further requires that the owner or servicer respond to the seizing creditor's request seven days prior to the sale date.

New law provides that nothing shall prohibit the owner or servicer of a superior encumbrance from providing the requested information voluntarily, without the issuance of a subpoena or written request, or from voluntarily waiving or accepting service of the subpoena or written request.

New law provides for the owner or servicer of the superior encumbrance to revise its response to the subpoena duces tecum or written request by providing its revisions to the sheriff or seizing creditor within 24 hours before the scheduled sheriff's sale.

Prior law provided exceptions related to prohibiting a bank or its affiliate from disclosing financial records to any person other than the customer to whom the financial records pertain. New law adds exceptions to prior law.

New law provides that if the owner or servicer is a bank, the bank is entitled to charge a fee of \$25 for each time that information is requested and that the fee shall be payable only after the requested information has been provided and the fee shall be taxed as costs of the judicial sale.

Effective August 1, 2022.

(Amends R.S. 6:333(B); adds C.C.P. Art. 2336.1)

## **Various Filings with Secretary of State (ACT 193)**

Existing law (R.S. 9:2713 et seq.) provides for the Louisiana Structured Settlement Protection Act. Requires a person or entity to submit an application to the secretary of state relative to its business as a structured settlement purchase company in this state. Further requires the person or entity to register with the secretary of state to do business in this state. New law retains existing law.

Existing law provides that an applicant's initial registration application shall be submitted on a form prescribed by the secretary of state. New law retains existing law.

Prior law provided that if the applicant is an entity, the applicant shall have also submitted a sworn certification by the applicant's owner, officer, director, or manager. New law deletes prior law and requires the individuals submitting a sworn certification on behalf of an entity applicant to be an authorized representative of the applicant.

Existing law provides that if the applicant is an individual, the applicant can submit a sworn certification on his own behalf. New law retains existing law.

Existing law provides that after a plan of merger or share exchange has been adopted and approved, the articles of merger or share exchange shall be signed by any officer or other duly authorized representative on behalf of each party to the merger or share exchange. Further provides that the articles of merger do not need to be signed on behalf of any subsidiary that is a party to a merger authorized without the approval of the subsidiary's board of directors or shareholders.

New law retains existing law.

Existing law provides that the articles shall set forth all of the following:

(1) The names of the parties to the merger or share exchange.

(2) If the articles of incorporation of the survivor of a merger are amended, or if a new corporation is created as a result of a merger, the amendments to the survivor's articles of incorporation or the articles of incorporation of the new corporation.

(3) If the plan of merger or share exchange required approval by the shareholders of a domestic corporation that was a party to the merger or share exchange, a statement that the plan was duly approved by the shareholders and, if voting by any separate voting group was required, by each such separate voting group.

(4) A statement providing if the plan of merger or share exchange did not require approval by the shareholders of a domestic corporation that was a party to the merger or share exchange.

(5) As to each eligible entity or foreign corporation that was a party to the merger or share exchange, a statement that the participation of the eligible entity or foreign corporation was duly authorized as required by the organic law of the eligible entity or corporation.

New law retains existing law and provides that the articles, in the case of a merger, shall also set forth the name of the surviving entity and, in the case of a share exchange, the name of the corporation whose shares will be acquired and the name of the acquiring corporation.

Existing law provides that the corporation's name may be in any language, but expressed in English letters or characters. Existing law further provides that the corporation's name shall not imply that the corporation is an administrative agency or a political subdivision of this state or of the U.S. New law retains existing law.

Existing law provides that the corporation's name shall not contain words or phrases that consist of or comprise immoral, deceptive, or scandalous matter. Further provides a list of words that shall not be included in the corporation's name. New law extends existing law by adding that "doing business as" or any abbreviation of the phrase, such as "d/b/a", shall not be included in the corporation's name. Otherwise retains existing law.

Existing law allows an individual to reserve a specified name for a nonprofit corporation or a domestic or foreign limited liability company by filing a signed application with the secretary of state. If the name is determined by the secretary of state as being available for use, existing law allows the secretary of state to reserve the name to be exclusively used by the applicant for a nonrenewable period of 120 days.

New law retains existing law and allows the owner of the reserved name to terminate the reservation by delivering a signed notice of termination to the secretary of state.

Existing law authorizes the secretary of state to collect certain fees relative to various filings, recordings, registrations, renewals, and terminations. New law retains existing law and authorizes the secretary of state to collect 2 new fees as follows:

(1) Filing applications for motor vehicle service contract providers - \$600.

(2) Filing renewals for motor vehicle service contract providers - \$250.

Existing law provides that subject to the limitations set forth in existing law, any person who adopts and uses a mark or name in this state may file in the secretary of state's office, on a form furnished by the secretary of state, an application for registration of that mark or name.

New law retains existing law and further provides that the information contained on the form must be written in the English language.

Existing law provides that each provider of a home service contract sold in this state shall file an application for an initial registration with the secretary of state. Provides that the application for an initial registration shall contain the provider's name, address, and contact person. Further provides that the application shall also designate a person in this state for service of process and a listing of all officers and directors, and all owners with 10% or more ownership in the business. New law retains existing law.

Existing law provides that the home service contract provider shall file a copy of its basic organizational documents, including articles of incorporation, articles of organization, articles of association, or a partnership agreement. New law retains existing law.

Prior law required a \$600 registration fee to be paid to the secretary of state with each application. New law repeals prior law.

Existing law provides that a home service contract provider's registration shall be effective for 2 years unless the registration is denied or revoked. New law retains existing law.

Existing law provides that 90 days prior to the expiration of a registration, a home service contract provider is required to submit a renewal application to the secretary of state. New law retains existing law.

Prior law required a home service contract provider to submit a renewal fee of \$250 with the renewal application to the secretary of state.

New law deletes prior law.

Effective August 1, 2022.

(Amends R.S. 9:2713.2(B)(intro. para.), R.S. 12:1-1106(A)(1), 204(A), and 1307(D), R.S. 22:243(D)(3) and (E)(1) and (3), and R.S. 51:214(A)(intro. para.) and 3143(B) and (C); Adds R.S. 12:1-402(D), 204(G)(4), and 1307(E), R.S. 49:222(B)(15), and R.S. 51:212(8))

## **Department of Insurance Reorganization (ACT 159)**

Existing law provides that the Dept. of Insurance (department) shall be comprised of certain enumerated offices.

Prior law provided for the powers and duties of the division of insurance fraud within the Dept. of Insurance.

Prior law required certain persons and entities to report suspected acts of insurance fraud to the division of insurance fraud and requires the

division to report alleged violations of law to certain criminal justice entities.

Prior law provided that persons acting without malice, fraudulent intent, or bad faith shall not be subject to civil liability for libel, slander, or any other relevant tort for reporting suspected insurance fraud to the division of insurance fraud if required by law to report such.

Prior law provided that criminal background information in the possession of the division of insurance fraud shall be confidential and shall not be disclosed to others outside of the division, except as necessary for action on the application of the applicant.

Prior law provided for the creation and duties of the division of consumer services, the deputy commissioner of consumer services, the division of legal services, and the deputy commissioner for legal services within the department.

New law revises prior law by changing the name of the division of insurance fraud, the division of legal services, and the division of consumer services to the office of insurance fraud, the office of legal services, and the office of consumer services.

New law creates the office of policy, innovation, and research within the department.

Prior law provided that the board of directors of the La. Automobile Theft and Insurance Fraud Prevention Authority shall select a director and assistant director, who will operate the daily affairs of the authority and serve at the pleasure of the commissioner of insurance (commissioner).

New law repeals prior law and requires the commissioner to operate the daily affairs of the authority.

Prior law authorized the commissioner to employ persons to carry out the operations of the La. Health Care Commission and to employ a director and an assistant director of the commission.

New law repeals prior law and requires the commissioner to conduct the daily affairs of the La. Health Care Commission.

Prior law required the La. Property and Casualty Insurance Commission to appoint a director and an assistant director with the consent of the Senate to carry out the operations of the commission at the pleasure of the commissioner.

New law repeals prior law and requires the commissioner to conduct the daily affairs of the La. Property and Casualty Insurance Commission.

Existing law provides that the officers of the department shall include the chief deputy commissioner and other enumerated deputy commissioners and assistant commissioners.

New law retains existing law but provides that the chief deputy commissioner shall be an officer of the department, if one is appointed

New law adds the deputy commissioner for policy, innovation, and research to the officers of the department.

New law provides that if a chief deputy commissioner is appointed, he shall be the first assistant to the commissioner, and if a chief deputy commissioner is not appointed, the commissioner shall appoint one of the offices of deputy commissioner as his first assistant.

Existing law provides that the chief deputy commissioner of the department shall be appointed by the commissioner of insurance and confirmed by the Senate.

Existing law provides that the deputy commissioner of the department shall serve at the pleasure of the commissioner of insurance at a fixed salary that shall not exceed the amount approved for such position by the legislature.

New law retains existing law for cases in which the commissioner of insurance appoints a chief deputy commissioner.

New law creates an office of policy, innovation, and research within the department under the direction of the deputy commissioner for policy, innovation, and research.

New law provides that the duties of the office of policy, innovation, and research and its deputy commissioner include the following:

(1) To research and develop policy proposals relative to the regulation of insurance.

(2) To develop and prepare proposals for legislation, rules and regulations, and other administrative actions.

(3) To participate in and liaison with the National Assoc. of Insurance Commissioners (NAIC), the Interstate Insurance Product Regulation Commission (IIPRC), and the International Assoc. of Insurance Supervisors (IAIS).

(4) To monitor the insurance regulation activities of congress, federal agencies, the National Council of Insurance Legislators (NCOIL), the National Conference of State Legislatures (NCSL), and other organizations that affect the regulation of insurance.

(5) Other duties and functions assigned by the commissioner of insurance.

New law authorizes the commissioner to employ persons as necessary to carry out the provisions of new law and to provide necessary staff support to the La. Health Care Commission, the La. Automobile Theft and Insurance Fraud Prevention Authority, and the La. Property and Casualty Insurance Commission.

New law makes technical changes.

Effective May 25, 2022.

(Amends R.S. 22:3, 1921(A), (C), and (D), 1922(A), 1926, 1928(A)(intro. para.), 1929(A), 2132(G)(2), 2161(J), and 2171(L) and R.S. 36:681(C), 683, 687, 689, and 691.1; Adds R.S. 36:681(D), 686(C)(3) and (4), and 694.1; Repeals R.S. 36:686(D) and (E))

## **Litter Abatement and Environmental Education (ACT 15)**

Prior law created an account within the Conservation Fund called the "litter abatement and education account". Prior law directed donations from certain prestige license plates, a portion of littering fines and court costs, and a portion of fees collected for the issuance and renewal of driver's licenses into this account to be used for certain environmental education and litter abatement programs and goals.

New law separates this account from prior law into two distinct accounts by repealing the "litter abatement and education account" and creating the "litter abatement account" and the "environmental education account" within the Conservation Fund.

New law provides that the "litter abatement account" be used for litter abatement grants, litter abatement and enforcement, and to support community-based litter abatement programs and provides that a portion of littering fines and court costs and a portion of the fees collected from the issuance and renewal of driver's licenses be paid into this account.

New law provides that the "environmental education account" be used for statewide environmental education, environmental education grant programs, development of environmental education curriculum and teacher education, and litter education and awareness programs and materials. New law also provides that donations from the environmental education special prestige license plate be credited to the account.

Existing law provides fines and special court costs for intentional littering. Prior law directed portions of those fines and special court costs to the litter abatement and education account. New law retains the fines and special court costs for intentional littering under existing law, but directs the portions dedicated to the litter abatement and education account under prior law to the litter abatement account under new law instead.

Existing law provides for fees for the issuance or renewal of driver's licenses. Prior law directed a portion of those fees to the litter abatement and education account. New law retains the same fees, but directs the portions previously dedicated to the litter abatement and education account under prior law to the litter abatement account under new law instead.

Existing law provides for a special prestige license plate for environmental education. Prior law directed a portion of the donation received for purchase of the license plate to the litter abatement and education account. New law retains the same license plate and donation for purchase, but directs the portion of the donation previously dedicated to the litter abatement and education account under prior law to the environmental education account under new law instead.

(Amends R.S. 30:2531(C)(4) and 2532(Section heading) and (A)(5), R.S. 32:412(A)(1), (2), (5), and (6), and (B)(1), (2), and (7)(e)(i)(cc) and (ee) and (ii)(cc) and (ee), R.S. 47:463.43(Section heading), (A), and (D), and R.S. 56:10(B)(15); Adds R.S. 56:10(B)(17); Repeals R.S. 30:2532(B))

## **Environmental Education and Litter Reduction (ACT 16)**

Prior law created an environmental education and litter reduction section within the Dept. of Education under the La. Environmental Education and Litter Reduction Act and established that section's responsibilities as environmental education programming and litter control awareness programming throughout the state, a litter abatement grant program, and a host of programs designed to encourage anti-litter efforts from the private sector, including the following:

- (1) Adopt-a-beach program
- (2) Community improvement program
- (3) Beach sweep program
- (4) Inland water cleanup

(5) Boaters' and fishermen's pledge

(6) Adopt-a-byway program

(7) Adopt-a-waterbody program

New law removes litter reduction, litter control awareness, the litter abatement grant program, and the private sector anti-litter programs from the Dept. of Education and places them each under the office of the secretary for the Dept. of Culture, Recreation and Tourism. Additionally, changes the name of the La. Environmental Education and Litter Reduction Act to the La. Environmental Education Act.

Effective August 1, 2022.

(Amends the heading of Subpart B-1 of Part III of Chapter I of Title 17 of the La. Revised Statutes of 1950, R.S. 17:200, 203(7) and 205(Section heading) and (A); Adds R.S. 17:215(E) and R.S. 49:1131-1143; Repeals R.S. 17:203(3)-(6), 204, 205(C), and 206-214)

#### **Small Refinery (ACT 72)**

New law, for the purposes of the La. Environmental Quality Act, defines "small refinery" as a refinery for which the average aggregate daily crude oil throughput for a calendar year, as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year, does not exceed 75,000 barrels.

Effective August 1, 2022.

(Adds R.S. 30:2004(19) and R.S. 47:301(31) and 818.2(74))

#### **Fishermen's Gear and Underwater Obstructions (ACT 100)**

Existing law creates the Fishermen's Gear Compensation Fund to pay compensation for damages suffered by a commercial fisherman as a result of hitting or snagging on an obstruction or a hazard in waters of the state resulting from natural occurrences, oil and gas activities, or other activities where the obstruction is unknown.

Prior law provided that payments into the Underwater Obstruction Removal Fund will cease on June 30, 2022.

New law extends payments into the Underwater Obstruction Removal Fund to June 30, 2023, and extends the existence of the Fishermen's Gear Compensation Fund to June 30, 2023.

New law sunsets the Fishermen's Gear Compensation Fund and creates the Fishermen's Gear Compensation and Underwater Obstruction Removal Dedicated Fund Account.

New law authorizes the secretary of the Dept. of Natural Resources to levy an annual fee in the amount of \$400 upon each lessee or operator for any agreement for mineral or energy production or for subsurface storage entered into by the State Mineral and Energy Board and each grantee of a state right-of-way, for each lease and right-of-way on July 1, 2023, and which are located within the coastal zone boundary. Further prohibits the secretary from levying the fee upon a political subdivision of the state.

New law provides for the eligibility of claimants and the requirements for disbursement of funds.

New law requires the department to maintain an accurate accounting of all structures and facilities on state waterbottoms and to classify all potential hazards to commercial fishing.

New law provides a termination date of June 30, 2027, for the program and fund account.

New law specifies that the assistant secretary of the office of coastal management will administer the program and fund account for purposes of fishermen's gear compensation, and the assistant secretary of the office of conservation will administer the program and fund account for purposes of underwater obstruction removal.

The portions of the Act changing the date the state treasurer shall deposit funds in the Underwater Obstruction Removal fund and the instruction to the Louisiana State Law Institute to alphabetize certain definitions will become effective on July 1, 2022. Additionally, the portions of the Act that



modify the La. Underwater Obstruction Removal Program, the powers and duties of the secretary of natural resources, and the repeal of provisions of the Fishermen's Gear Compensation Fund will become effective on July 1, 2023.

(Amends the heading of Part VIII of Chapter 1 of Title 30 of the Louisiana Revised Statutes of 1950, R.S. 30:101.1, 101.2(A), 101.3(1) and (4), 101.4(Section heading) and (A), 101.5(A)(1), 101.6(A)(5) and (6), and 101.9(Section heading), (A) and (C)(4), and R.S. 36:354(E)(2); Adds R.S. 30:101.3(7) and (8), 101.6(A)(8) and (9), 101.9(D)(5), and 101.11101.15; Repeals R.S. 56:700.1-700.6)

### **Human Trafficking (ACT 130)**

Prior law provided definitions and penalties for the crimes of human trafficking and trafficking of children for sexual purposes.

New law retains prior law and adds other offenses to the definition of human trafficking and commercial sexual activity.

Prior law provided for the expungement of a record, fees, collection, exemptions, and disbursement for offenses.

New law retains prior law and provides a process for human trafficking victims to request expungement of a record of offense from the prosecuting authority by applying for a "certification of human trafficking victim status".

New law provides that the "certification of human trafficking victim status" will indicate that the offense for which the expungement is sought was committed, in substantial part, as the result of the applicant being a victim of human trafficking.

New law provides the applicant has the burden of establishing by a preponderance of the evidence that the offense was committed as a result of being a victim of human trafficking.

New law provides that the certification is prima facie evidence that similar eligible crimes committed within other Louisiana jurisdictions during the time period the applicant was a victim

of human trafficking were committed, in substantial part, as the result of the applicant being a victim of human trafficking.

New law provides that all applicable time delays pertaining to expungement provided by prior law are waived when the certification is presented to the clerk of court with the application for expungement.

New law provides that an applicant for the expungement of a record of offense who was a victim of human trafficking is not required to pay any fees to the clerk of court, the La. Bureau of Criminal Identification and Information, the sheriff, the district attorney, or any other agency.

New law provides that utilization of this process does not preclude any applicant from seeking additional expungement to which they are entitled.

New law requires the La. District Attorneys Association to submit annually, prior to February 1, a report to the Legislature that includes the number of applications for, denials of, and approvals of the certification of human trafficking.

New law provides a form for the "certification of human trafficking victim status" that must be filled out by the district attorney.

New law is known as the "Michelle Johnson Act".

Effective May 26, 2022.

(Amends C.Cr.P. Art. 983(H) and (I) and R.S. 14:46.2(A)(1), (C)(1) and (3)(b) and (f), and (D); adds C.Cr.P. Art. 983(J) and 997 and R.S. 14:46.2(C)(3)(k) and (l))

### **Victim Notification of Parole Hearings, Appeals, and Releases (ACT 140)**

Existing law provides for the powers and duties of the committee on parole.

Prior law provided that one of the powers and duties of the committee on parole was to notify the victim, or the spouse or next of kin of a

deceased victim, when the offender was scheduled for a parole hearing. Required the notification to be in writing and sent no less than 60 days prior to the hearing date and that the notice advise the victim, or the spouse or next of kin of a deceased victim, of their rights with regard to the hearing.

New law amends prior law and provides that the notification shall be in writing and sent by mail or electronic communications no less than 60 days prior to the hearing date. Provides that the notice shall advise the victim, or the spouse or next of kin of a deceased victim, how to obtain information about their rights with regard to the hearing.

Existing law provides that one of the powers and duties of the committee on parole is to notify the victim, or the spouse or next of kin of a deceased victim, of those offenders eligible for release pursuant to existing law. Provides that the notification shall meet all requirements set forth in existing law except that it shall give notice of the offender's administrative parole eligibility date and be sent no less than 90 days prior to the offender's administrative parole eligibility date.

Existing law further provides that if the offender's charge or amended charge on the bill of information was a crime of violence as defined in existing law or a sex offense as defined in existing law, the victim, or the spouse or next of kin of a deceased victim, shall have 30 days from the date of notification to object to the offender's release on administrative parole and may request that the committee on parole conduct a hearing.

New law amends existing law to provide that notice by electronic communications is allowed only in instances where the victim has opted-in to such form of notification during the registration process and is complete upon transmission.

Existing law provides for advance notification by the clerk of court to a victim or designated family member concerning judicial proceedings and the right to be present.

New law retains existing law and adds notification for a probation hearing. Existing law provides for the duties of the DPS&C.

Existing law provides that one of the powers and duties of the DPS&C, at the time of the appeal, discharge, or parole of an inmate, including a juvenile inmate, is to notify the victim, family member, or witness, by certified mail of such appeal or release upon filing of a victim notice and registration form by a victim or a family member, or a witness.

New law amends existing law to provide that one of the powers and duties of the DPS&C, at the time of the appeal, discharge, or parole of an inmate, including a juvenile inmate, is to notify all registered persons by mail or electronic communications of such appeal or release.

New law provides that the DPS&C shall notify the victim or the victim's family, all persons who have filed a victim registration and notification form, the appropriate law enforcement agency, and the appropriate district attorney no later than 60 days prior to release of an inmate who has been convicted of a crime of violence or a sex offense as provided in present law.

New law provides that notice by electronic communications is allowed only in instances where the victim has opted-in to such form of notification during the registration process and is complete upon transmission.

Existing law provides that in the event of an escape or absconding by an inmate, including a juvenile inmate, from any facility under the jurisdiction of the DPS&C, corrections services, it shall be the duty of the department to immediately notify the victim, family member of the victim, or witness, at the most current address or phone number on file with the department, of the escape by the most reasonable and expedient means possible.

New law amends existing law to provide that the DPS&C shall have the duty to immediately notify the victim, family member of the victim, or witness, at the most current address or phone number on file with the department, and via

electronic communication, of the escape by the most reasonable and expedient means possible.

New law provides that notice by electronic communications is complete upon transmission.

Existing law provides that a victim or victim's family shall have the right to make written and oral statements as to the impact of the crime at any hearing before the Bd. of Pardons or committee on parole and to rebut any statements or evidence introduced by the inmate or defendant. Provides that the victim or the victim's family, a victim advocacy group, and the district attorney or his representative may also appear before the board or committee in person or by means of telephone communication from the office of the local district attorney.

New law amends existing law to provide that the victim or the victim's family, a victim advocacy group, and the district attorney or his representative may also appear before the board or committee in person or by means of teleconference or telephone communication.

Effective August 1, 2022.

(Amends R.S. 15:574.2(D)(9) and R.S. 46:1844(B), (N)(2) and (3), and (O)(1))

#### **Judges on Medical Review Panels (ACT 162)**

Existing law provides for the review of medical malpractice claims by a medical review panel comprised of three health care providers and one attorney. Further provides for the appointment of the attorney member by the parties or, if the parties fail to appoint the attorney member, the selection by the clerk of the La. Supreme Court.

New law retains existing law.

Prior law prohibited judges of the City Court of Houma, the City Court of Shreveport, City Court of Monroe, City Court of Alexandria, the First and Second City Courts of the city of New Orleans, and the Municipal and Traffic Court of New Orleans from engaging in the practice of law.

New law authorizes those judges to practice law for the limited purpose of serving as the attorney member on a medical review panel, except for judges of the City Court of Houma.

To facilitate selection of the attorney member of a medical review panel, existing law authorizes the office of the clerk of the La. Supreme Court to draw five names at random from the list of eligible attorneys and requires that the names of judges, magistrates, district attorneys, and assistant district attorneys be excluded if drawn and new names drawn in their place.

New law removes city court judges from the list of attorneys whose names shall be excluded if drawn.

Effective August 1, 2022.

(Amends R.S. 13:1875(7), (10)(c), and 12(e), 2152(C), and 2492(A)(7) and (E) and R.S. 40:1231.8(C)(1)(a) and 1237.2(C)(1)(a))

#### **Rape, Child Kidnapping, and Sex Offenses (ACT 173)**

Prior law provided for a nonexhaustive list of crimes of violence, the definition of rape, and the crimes of first degree/aggravated rape, second degree sexual battery, oral sexual battery, second degree kidnapping, aggravated kidnapping of a child, and sexual battery of persons with infirmities.

New law does the following:

(1) Adds the prior law crimes of aggravated kidnapping of a child, molestation, and sexual battery of persons with infirmities to the list of crimes of violence.

(2) Defines rape to include foreign object penetration.

(3) Defines first degree/aggravated rape to include rapes committed during the course of burglary crimes.

(4) Replaces the definitions of "physical infirmity" and "mental infirmity" relative to first

degree/aggravated rape with more inclusive language to better protect victims with disabilities.

(5) Defines the term "sexually abused" relative to second degree kidnapping and aggravated kidnapping of a child to mean that the victim was subjected to any offense defined as a sex offense by prior law.

(6) Aligns second degree sexual battery, oral sexual battery, and sexual battery of persons with infirmities with other provisions of prior law.

New law otherwise retains prior law.

Prior law provided for responsive verdicts for certain prior law sex offenses.

New law retains prior law and adds responsive verdicts for aggravated kidnapping of a child when the victim is sexually abused and second degree kidnapping when the victim is sexually abused.

New law makes the "under 13" variants of sexual battery, molestation, and indecent behavior with a juvenile responsive to first degree/aggravated rape of a child under 13.

Prior law provided that when an accused is charged with certain sex offenses, the manner and style of the victim's attire is inadmissible to show that the victim encouraged or consented to the offense, but may be introduced to establish the presence or absence of the elements of the offense and the proof of its occurrence. Prior law further provided that the prior law rules of admissibility also apply to civil actions brought by the victim that are alleged to arise from sex offenses committed by the defendant, whether or not convicted of these crimes.

New law updates the evidentiary rule that a sexual assault victim's attire is generally inadmissible in a proceeding to broadly include all crimes of sexual assault or a crime defined as a sex offense by prior law.

Effective August 1, 2022.

(Amends R.S. 14:2(B)(8), (29), and (40), 41(B), 42(A)(6) and (C), 43.2(A)(1) and (2), 43.3(A)(1), 44.1(A)(3), 44.2(B)(2), 93.5(A)(intro para) and (B), C.Cr.P. Art. 814(A)(12), and C.E. Art. 412.1; adds R.S. 14:41(D) and 42(A)(7) and C.Cr.P. Art. 814(A)(69) and (70))

### **Ear Piercing (ACT 196)**

Existing law (R.S. 37:561 et seq.) requires persons who practice cosmetology in this state to be licensed by the La. State Board of Cosmetology.

New law retains existing law but exempts certain persons engaging in ear piercing from the licensing requirement if certain conditions are met.

The exemption in new law applies to a cosmetologist, esthetician, qualified healthcare professional, or employee of a qualified healthcare professional who does both of the following:

(1) Uses stainless steel, single-use, hollow needles to pierce the ear.

(2) Complies with all applicable instructions of any device used in the piercing and all health and safety standards.

New law prohibits a person from engaging in ear piercing at home for remuneration.

New law does not prevent a person from piercing his own ears at home or gratuitously piercing another person's ears at home if the piercer discloses to the person that the piercer is not a licensed or certified cosmetologist, esthetician, or qualified healthcare professional.

Existing law (R.S. 40:2831 et seq.) regulates persons who provide body modification services in this state. Requires such persons to register with the La. Dept. of Health.

New law retains existing law.

Existing law exempts persons who pierce ears using a stud gun.

New law retains the exemption in existing law and further requires such persons to comply with all manufacturer instructions for any apparatus used by the piercer and all applicable health and safety standards.

New law further exempts a piercer who is a cosmetologist, esthetician, qualified healthcare professional, or employee of a qualified healthcare professional who does both of the following:

(1) Uses stainless steel, single-use, hollow needles to pierce the ear.

(2) Complies with all applicable instructions of any device used in the piercing and all health and safety standards.

Effective August 1, 2022.

(Amends R.S. 37:563(intro. para.) and (6) and R.S. 40:2831(intro. para.) and (1)(b); Adds R.S. 37:581(B)(6) and (F))

### **Age of Adulthood (ACT 202)**

Existing law (Ch.C. Art. 324 and R.S. 15:440.2) authorizes certain courts to require that a statement of a protected person be recorded on videotape.

Prior law (Ch.C. Art. 323(2)(a) and R.S. 15:440.2(C)(1)) defined "protected person" as any person who was a victim of a crime or a witness in a juvenile or criminal proceeding and who was under the age of 17.

New law increases the age of a protected person to 18 years of age.

Existing law (Ch.C. Art. 1101, et seq.) provides for the surrender of parental rights. Prior law defined "child" as a person under 17 years of age and not emancipated by marriage.

New law (Ch.C. Art. 1103(3)) defines "child" as a person under 18 years of age and not emancipated by marriage.

Prior law (C.Cr.P. Art. 571.1) provided that prosecution of a crime against nature by solicitation that involved a victim under 17 years of age should be instituted within 30 years.

New law increases the age of the victim to a person under 18 years of age. Effective August 1, 2022.

(Amends Ch.C. Arts. 323(2)(a), 324(B), and 1103(3), C.Cr.P. Art. 571.1, and R.S. 15:440.2(C)(1))

### **Fire and Emergency Training Academy (ACT 231)**

Prior law created and designated Louisiana State University as the official state agency responsible for conducting training for in-service firefighters.

New law transfers the responsibility for conducting training for in-service firefighters from Louisiana State University to the office of state fire marshal.

New law changes references of Louisiana State University throughout prior law related to the administration or responsibility of firefighter training or funding for firefighter training and changes such references to the office of state fire marshal to reflect the transfer of firefighter training responsibilities as provided for in new law.

Prior law provided for the Fire and Emergency Training Institute at Louisiana State University at Baton Rouge. New law renames the training program to provide for the Fire and Emergency Training Academy administered by the office of state fire marshal.

Existing law provides for the Louisiana Fire and Emergency Training Commission and provides for its composition and responsibilities. New law retains existing law.

Prior law required the commission to meet at least monthly. New law deletes prior law to require the commission to meet at least quarterly.

Prior law authorized the commission to provide certain employment recommendations relative to the hiring of qualified persons and management. New law deletes prior law.

Prior law required the commission to provide advice and guidance to Louisiana State University relative to decisions regarding firefighter training programs. New law deletes prior law to require the commission to provide such advice and guidance to the office of state fire marshal. Authorizes the commission to approve an organizational chart providing for the arrangement of the personnel necessary for the office of state fire marshal to conduct its functions as required by new and existing law. Further requires the state fire marshal to appoint a superintendent over such necessary personnel.

Prior law created a fund called the Louisiana State University Firemen Training Program Film Library Fund for the establishment of a film library to provide training films, public education fire service films, and fire prevention films to fire departments and fire brigades of this state.

New law changes the name of the fund to the office of state fire marshal Fire and Emergency Training Academy Film Library Fund.

Prior law placed the Louisiana Fire and Emergency Training Commission within the Dept. of Education.

New law repeals prior law.

Effective August 1, 2022.

(Amends R.S. 22:347(A)(2) and (3), 837(C), and 1462(E), R.S. 37:1732(A) and (C), and R.S. 40:1541(A), (B), (C)(7), and (D), 1543, 1544, 1546, 1547, 1551(C), 1563(C)(2)(b), and 1666.1(A)(2), (4)(a), (6)(a), and (B); Adds R.S. 40:1541(E) and (F) and 1562.1(E); Repeals R.S. 36:651(K)(9))

### **Repeal of Various Laws (ACT 252)**

Prior law provided for certain laws which became inactive or obsolete through statutorily imposed expiration dates, transfer or consolidation of

functions, or attaining nonoperational status due to age or circumstance. New law repeals prior law as specifically identified below:

#### *Title 28*

R.S. 28:4 (Act 384 of 2009) - behavioral health implementation advisory committee dissolved by statute on July 1, 2011.

R.S. 28:237 (Act 755 of 2001) - status report on advance directives for behavioral health treatment submitted no later than January 15, 2003.

R.S. 28:241-249 (Act 389 of 1970) - South Louisiana Health Services District. Nonoperational.

R.S. 28:824(A)-(H) (Act 378 of 1989) - community and family support system plan submitted prior to convening of the 1998 Regular Session of the Legislature.

#### *Title 36*

R.S. 36:259(B)(12) Louisiana Obesity Prevention and Management Commission, (23) Louisiana Access to Better Care Medicaid Insurance Demonstration Project Oversight Board, (27) Board of Commissioners of the South Louisiana Health Services District, (28) Nursing Home Advisory Committee, (29) Hospital Licensing Council, and (33) Louisiana Narcotics Rehabilitation Commission are cross references in the transfer of agencies and function to the Louisiana Department of Health that are being repealed in Title 40 or Title 46.

#### *Title 40*

R.S. 40:31.65(A) (Act 10 of 2005) - director of Parkinson's disease registry shall implement a statewide reporting system by July 1, 2007.

R.S. 40:642 (Act 786 of 1978) - unspecified frequency of reporting on state food, drug, and cosmetic law. Data available upon request.

R.S. 40:700.12 (Act 507 of 1983) - unspecified frequency of reporting on water treatment devices. Data available upon request.

R.S. 40:1051-1055 (Act 575 of 1968) - Louisiana narcotics rehabilitation commission is nonoperational. Function provided for through other LDH programs.

R.S. 40:1057.12 (Act 590 of 1975) - unspecified frequency of reporting on state hazardous aerosol act. Data available upon request.

R.S. 40:1058 (Act 529 of 1976) - creates Serenity House as a program under LDH. Nonoperational.

R.S. 40:1105.10(C) (Act 711 of 1983) - joint subcommittee on health and welfare oversee compilation of annual cancer report during the year. Data available upon request.

R.S. 40:1105.11(C) (Act 468 of 1984) - joint subcommittee on health and welfare oversee compilation of annual lung cancer report during the year. Data available upon request.

R.S. 40:1135.13 (Act 493 of 2016) - ambulance transport alternatives task force authority dissolved 90 days after submitting its final report to the legislature on April 9, 2018.

R.S. 40:1185.1-1185.6 (Act 36 of 2004) - federally qualified health center and rural health clinic expansion act long-term plan provided to Senate and House health and welfare committees by September 30, 2004.

R.S. 40:1189.6 (Act 1485 of 1997) - rural hospital licensing standard review committee and demonstration program implemented no later than 120 days after August 15, 1997.

R.S. 40:1215.1 and 1215.2 (Act 1052 of 1990) - HealthCare Access Act. Nonoperational. Function provided for in other LDH programs.

R.S. 40:1221.1-1221.11 (Act 801 of 2003) - Louisiana Seniors Pharmacy Assistance Law within LDH suspended upon commencement of a federal law on or after July 1, 2003, which provides a federal prescription drug program

(Medicare Part D was established on January 1, 2006).

R.S. 40:1249.3(B) (Act 305 of 2010) - LDH rules and regulations promulgated by October 1, 2010.

R.S. 40:1261.1 (Act 985 of 1995) - managed care organization annual report requirement duplicative of report provided for in R.S. 40:1253.2.

R.S. 40:1263.5 (Act 206 of 1992) - bone marrow donor drive to be completed by September 1, 1995.

R.S. 40:1277.1 (Act 124 of 1958) - prohibits shoe fitting devices that use fluoroscopic, x-ray, or radiation without proper supervision. Obsolete provision.

R.S. 40:1279.1 (Act 91 of 1908) - makes it a crime to spit on certain floors. Obsolete provision.

R.S. 40:1283.2 (Act 666 of 2003) - environmental health surveillance system development deadline on or before July 1, 2003, with report submitted by February 1, 2004.

R.S. 40:1290.1-1290.4 (Act 263 of 2017) - state-level collaboration to improve public drinking water quality terminated December 31, 2020.

R.S. 40:1312.1-1312.27 (Act 159 of 1971) - Southern State Police Compact authorization. Nonoperational.

R.S. 40:1460.1 and 1460.2 (Act 720 of 1990) - State Police Corps. Nonoperational.

R.S. 40:1597.2(B) (Act 784 of 2014) - conveyance device safety study due on or before February 1, 2015.

R.S. 40:2001 (Act 287 of 1981) - LDH establish individual patient eligibility criteria for services in a state general hospital administered by the department. Nonoperational.

R.S. 40:2009.1 (Act 188 of 1958) - nursing home advisory committee. Nonoperational.

R.S. 40:2013.4-2013.6 (Act 35 of 1958) - evaluation center for exceptional children located near New Orleans as a unit under LDH. Nonoperational.

R.S. 40:2016 (Act 37 of 1958) - LDH Forest Glen Housing Unit. Nonoperational.

R.S. 40:2018.4 (Act 580 of 2014) - Louisiana Obesity Prevention and Management Commission ceases to exist on March 31, 2020.

R.S. 40:2108 (Act 90 of 1961) - Hospital Licensing Council. Nonoperational.

R.S. 40:2116.34(B) (Act 1252 of 1995) - annual legislative report of rules governing home health agencies. Obsolete provision. Rules published and available online.

R.S. 40:2120.9 (Act 299 of 2011) - LDH comprehensive plan on home and community based services to be submitted by January 15, 2012.

R.S. 40:2175.11-2175.15 (Act 571 of 2003) - alternate healthcare model. Nonoperational.

R.S. 40:2176.1 (Act 923 of 2001) - children's comfort care center pilot program terminated September 30, 2003.

R.S. 40:2194-2194.5 (Act 600 of 1991) - community-based healthcare program. Nonoperational. Function provided for through other LDH programs.

R.S. 40:2195.6 (Act 603 of 1993) - LDH establishment of primary healthcare clinics. Nonoperational. Function provided for through other LDH programs.

R.S. 40:2196-2196.7 (Act 418 of 1992) - LDH community indigent healthcare program. Nonoperational. Function provided for through other LDH programs.

R.S. 40:2200.11-2200.15 (Act 905 of 2010) - LDH registration of proton beam radiotherapy equipment requirement ceases to be effective ten years from the date of issuance of first

registration. Regulated by Department of Environmental Quality.

R.S. 40:2331 and 2332 (Act 100 of 1971) - Interstate Compact on Environmental Control. Nonoperational.

R.S. 40:2351-2355 (Act 460 of 1972) - Governor's Council on Environmental Quality. Function transferred to Department of Environmental Quality.

R.S. 40:2405.2 (Act 108 of 1st Ex. Sess. 1998) - Peace Officer Training Study Committee abolished by statute July 31, 1999.

R.S. 40:2481-2483 (Act 701 of 1984) - LDH hypertension control program. Nonoperational.  
R.S. 40:2501-2505 (Act 1148 of 1999) - Interagency Recreation Board. Nonoperational.  
R.S. 40:2511-2519 (Act 122 of 1985) - missing children identification cards. Nonoperational.

#### *Title 46*

R.S. 46:52.2 (Act 775 of 2008) - neighborhood place service integration model pilot program by the end of Fiscal Year 2008-2009.

R.S. 46:160-160.11 (Act 1242 of 1995) - access to better care medical insurance demonstration project. Function provided for through other LDH programs.

R.S. 46:161-165 (Act 654 of 1977) - health screening and maintenance for the elderly pilot program. Nonoperational.

R.S. 46:261 (Act 639 of 2001) - Fatherhood First Initiative Council final report no later than March 1, 2015.

R.S. 46:287.1-287.9 (Act 857 of 1993) - family preservation services study submitted prior to the 1994 Regular Session of the Legislature.

R.S. 46:440.4-440.8 (Act 420 of 2017) - coordination of fraud and abuse detection and prevention initiatives terminated on August 1, 2019.



R.S. 46:1094(D) (Act 830 of 2006) - parish hospital service district for parish of Orleans feasibility study due no later than March 1, 2007.

R.S. 46:1442.3 (Act 1087 of 1990) - DCFS report on intergenerational childcare program submitted no later than March 1, 1991.

R.S. 46:1991-1996 (Act 664 of 1977) - Displaced Homemaker Act. Nonoperational.

R.S. 46:2405.1 (Act 237 of 2017) - Louisiana Children's Trust Fund and Children's Cabinet transfer report due on or before August 1, 2019.

R.S. 46:2431-2434 (Act 117 of 2016) - Foster Care and Permanence Task Force terminated on January 1, 2018.

R.S. 46:2671-2675 (Act 1185 of 1997) - Louisiana Medicaid funded adult residential assisted living pilot project final report no later than January 15, 2005.

R.S. 46:2758.2(E) and (F) (Act 214 of 2013) - DPSC and DCFS report to the legislature no later than July 1, 2014 and improved outcomes for at-risk youths program implementation no later than July 1, 2015.

Effective August 1, 2022.

(Repeals R.S. 28:4, 237, 241-249, and 824(A) through (H), R.S. 36:259(B)(12), (23), (27), (28), (29), and (33), R.S. 40:31.65(A), 642, 700.12, 1051-1055, 1057.12, 1058, 1105.10(C), 1105.11(C), 1135.13, 1185.1-1185.6, 1189.6, 1215.1 and 1215.2, 1221.1-1221.11, 1249.3(B), 1261.1, 1263.5, 1277.1, 1279.1, 1283.2, 1290.1-1290.4, 1312.1-1312.27, 1460.1 and 1460.2, 1597.2(B), 2001, 2009.1, 2013.4-2013.6, 2016, 2018.4, 2108, 2116.34(B), 2120.9, 2175.11-2175.15, 2176.1, 2194-2194.5, 2195.6, 2196 - 2196.7, 2200.11-2200.15, 2331 and 2332, 2351-2355, 2405.2, 2481-2483, 2501-2505, and 2511-2519, and R.S. 46:52.2, 160-160.11, 161-165, 261, 287.1-287.9, 440.4-440.8, 1094(D), 1442.3, 1991-1996, 2405.1, 2431-2434, 2671-2675, and 2758.2(E) and (F))

## **Financial Institution Holding Companies (ACT 261)**

Existing law provides relative to an oppressed shareholder's right to withdraw.

New law provides if the corporation is a bank holding company, any obligation to purchase a withdrawing shareholder's shares shall be subject to any policy, limitation, requirement, order, plan, directive, or enforcement action of any regulatory agency having jurisdiction over the bank holding company or any subsidiary insured by the FDIC and shall not cause the bank holding company or any subsidiary insured by the FDIC to cease to be sufficiently capitalized under applicable law and regulations, or otherwise jeopardize the safety and soundness of the bank holding company or any of its subsidiaries insured by the FDIC.

New law applies to savings and loan holding companies and their subsidiaries insured by the FDIC.

Effective August 1, 2022.

(Amends R.S. 12:1-1435(I); adds R.S. 6:518, 908, and 1153)

## **Technical Corrections Relating to Health and Welfare (ACT 271)**

New law provides relative to existing law in Titles 28, 37, 39, 40, and 46 of the La. Revised Statutes, the La. Children's Code, and uncodified law concerning matters within and relating to the subject matter jurisdiction of the legislative committees on health and welfare.

New law makes technical corrections in existing law relative to behavioral health, human services, administration of the La. Department of Health, administration of the Department of Children and Family Services, healthcare institutions and services, professions and occupations, boards and commissions, public health, food and drugs, public welfare and assistance, and child welfare.

New law makes corrective changes in existing law including corrections in legal citations and in

names of organizations, programs, publications, institutions, agencies, boards, commissions, departments, and offices and officers of departments.

New law removes references in prior law to agencies, other legal entities, and programs that have been repealed or no longer exist. Repeals obsolete findings and references to outdated information.

New law provides for the proper designation of undesigned provisions of existing law.

New law authorizes and directs the La. State Law Institute to redesignate certain segments of prior law as follows:

(1) Redesignate prior law, Part XII of Ch. 5-B of Title 40 of the La. Revised Statutes, as new law in Part V of Ch. 5-G of Title 40 of the La. Revised Statutes.

(2) Redesignate prior law, Ch. 60 of Title 46 of the La. Revised Statutes, as new law in Subpart A-1 of Part I of Ch. 5-E of Title 40 of the La. Revised Statutes.

(3) Redesignate prior law, Ch. 64 of Title 46 of the La. Revised Statutes, as new law in Subpart B-1 of Part I of Ch. 5-E of Title 40 of the La. Revised Statutes.

Effective August 1, 2022.

(Amends R.S. 28:2(intro. para.) and (28), 51.1(A)(3)(b) and (d), 70(A), and 915(F)(3), R.S. 37:752(3), (6), (7), and (9)(c) and (d)(ii), 753(A) and (I), 761(A)(2) and (4), 764(A)(4) and (5), 771.1(A) and (B)(1), 786.1(A)(intro. para.) and (1), 792(B) and (C)(1), 793(G)(2), 796(A), (B)(7), and (D), 796.1(A), 911(Section heading), 925(C), 929(3), 966, 971, 976, 1007(A)(2)(c), 1012, 1015(A) and (C), 1016, 1017(A), 1176(A)(3), 1218(1) and (3), 1218.1(A), 1285(A)(25), 1360.24(A)(intro. para.) and (3) and (B), 1360.26, 1360.31(C)(4) and (D), 1360.37(C), 1515(A)(1), 2352(intro. para.), (3), (8), and (9), 2353(A)(2) and (3)(a) and (C)(intro. para.), (2), (4), and (5), 2355(B), 2356(B), (F), and (H), 2356.1(E), 2356.2(C)(1), 2356.3(A)(2),

2357(A) and (B)(1), 2359(A), (C)(1), and (F), 2360, 2361(D) and (E), 2362, 2363(A), 2365(A), (B), and (C)(intro. para.), (2), and (3), 2366, 2367, 2441, 2442(intro. para.) and (6)(r) and (t), 2447, 2449(A) and (C)-(E), 2449.1(C)(intro. para.) and (E), 2453(intro. para.) and (2), 2457(4), (5), (7), (8), and (10), 2462, 2464, 2465(A), (B), and (C)(1), 3003(intro. para.) and (4)(a), and 3071(B)(1) and (2), R.S. 39:98.3(B)(2) and (3), 98.4(B)(3)(a) and (b), 1536(A)(2), 1543(D), and 1658, R.S. 40:4(A)(intro. para.) and (1)(a) and (b)(ii) and (iii), 5(A)(19) and (21)(a), 5.5(B), (C)(intro. para.) and (1)-(3), and (E), 5.5.2(D), 5.8(intro. para.) and (6)(intro. para.) and (a), 31.13(1), 39.1(A)(intro. para.), 50(C), 75(A), 654(Section heading), 961(intro. para.), (23), and (27)(b)(i), 966(A)(3), the heading of Part X-B of Ch. 4 of Title 40 of the La. Revised Statutes of 1950, R.S. 40:1021(intro. para.), 1024(B), 1046(Section heading), 1047(A)(intro. para.) and (4), 1061.17(B)(3)(a)(iii), 1122.1(B)(2), 1123.3(B)(2), 1133.15, 1139.6(intro. para.) and (8), 1168.3(Section heading), 1203.1(4)(a), (e), (f), (h), (n), and (z), 1203.3(D)(2), 1223.3, 1249.2(intro. para.) and (5), 1249.3(A)(4), 2012.2, 2012.3, 2017.10, 2018.3(B)(1)(h), 2018.6(B)(intro. para.), (3)(b) and (i), and (C)(2)(a) and (3)(i), 2109(E)(2), 2113.2, 2120.33(intro. para.) and (7)(intro. para.) and (a), 2166.5(B)(12)(e)(intro. para.) and (ii), 2180.25(B)(2)(intro. para.), (m)(intro. para.) and (v), and (q), 2193.1(B)(5)(intro. para.), and 2321, R.S. 46:236.1.2(A)(intro. para.), 450.3(intro. para.) and (C)(2), 450.5(A)-(C) and (D)(intro. para.), (1), and (3), 450.6(A) and (B)(1), 460.3, 977, 1906(C), 1933(B), 1952(intro. para.), 2169.1(7), 2626(H)(1)(d), 2741(A), 2742(C), 2757(C)(1)(intro. para.) and (e), 2761, and 2891, and Ch.C. Art. 301 and 1150(2)(b); Repeals R.S. 37:796(F) and 2465(D), R.S. 40:5.5(F) and (G), 1249.1(A) and (B), and 1249.2(1), R.S. 46:2757(C)(2), and §4 of Act No. 449 of the 2006 R.S.)

### **Gaming Board (ACT 310)**

Prior law referenced video poker laws to provisions in Chapter 6 of Title 27 of the Louisiana Revised Statutes of 1950.

New law makes technical changes to properly reference video poker laws from Chapter 6 to Chapter 8 of Title 27 the Louisiana Revised Statutes of 1950.

Existing law provides that all meetings of the board must be held in accordance with the "Open Meetings Law".

Existing law provides for a record of all proceedings at regular and special meetings of the board must be kept and open to public inspection, except as otherwise provided by law.

New law retains existing law and allows the chairman of the board to conduct an emergency board meeting via video conference when necessary.

New law defines "video conference" as a method of communication which enables persons in different locations to participate in a meeting and to see, hear, and communicate with each other.

New law requires that the board post the notice and meeting agenda on its website no later than 24 hours prior to a meeting conducted via video conference. New law further provides that the board emails the notice and agenda to any member of the public or the news media who requests notice of the meeting.

New law requires the agenda contain only those matters that are essential to the ongoing operations of the board as determined by the chairman.

New law requires that the board unanimously adopt the agenda at the beginning of any emergency meeting conducted by video conference.

New law provides that the notice and agenda of the meeting must provide detailed information regarding how the public can participate and submit comments regarding matters on the agenda.

New law requires that the chairman of the board ensure the entire meeting, excluding any matter

discussed in executive session, is clear and audible to everyone.

New law limits the board to conducting no more than two consecutive emergency meetings by video conference except when the meeting is held during or subject to a gubernatorially declared disaster.

Existing law requires the division to issue a non-gaming supplier permit to suitable persons who furnish services or goods and receive compensation or remuneration for such goods or services to certain licensees, the casino gaming operator, or a sports wagering operator.

New law retains existing law and allows the board discretion in limiting the calculation of compensation or remuneration based on goods and services related to non-gaming supplier permit operations in the state.

Effective July 1, 2022.

(Amends R.S. 14:90.4(B), R.S. 26:80(F)(1)(b), 280(A)(7) and (F)(1)(b), and R.S. 27:3(20) and (21), 11(G), and 29.3(A)(1))

### **Taking Minors from School into Protective Custody (ACT 324)**

Existing law authorizes any parish coroner or judge to order a minor to be taken into protective custody. Provides the court order shall be in writing and contain certain information relative to the minor and his state of being a threat to himself or others. Provides conditions under which a peace officer or a peace officer accompanied by an emergency medical technician is authorized to take a minor into protective custody without a court order.

New law requires that an official who seeks to remove a minor from a school to take him into protective custody provide the minor's first and last name, address, and date of birth to a school administrator. Prohibits a school administrator from releasing a minor to an official who does not have this information.

Effective August 1, 2022.

(Adds Ch.C. Arts. 1432(D) and 1433(F) and R.S. 17:184)

### **La. Commission on HIV, AIDS, and Hepatitis C Education, Prevention, and Treatment (ACT 326)**

Existing law creates a commission to advise the governor and the Dept. of Health on matters relating to hepatitis C, HIV, and AIDS; to coordinate on matters relating to hepatitis C, HIV, and AIDS among state agencies, local government, and nongovernmental groups; to research and review state regulations, guidelines, policies, and procedures relative to prevention, treatment, and care of hepatitis C, HIV infection, and AIDS; and to provide a forum for an annual public hearing on matters relating to hepatitis C, HIV, and AIDS as well as a mechanism for other public comments and peer reviews on federal and state-funded programs related to hepatitis C, HIV, and AIDS.

Prior law designated the commission as the La. Commission on HIV, AIDS, and Hepatitis C Education, Prevention, and Treatment.

New law changes the name of the commission to the La. Commission on HIV and Hepatitis C Education, Prevention, and Treatment and removes references to AIDS from the purposes of the commission.

Prior law provided that the chairman of the commission was appointed by the governor. New law provides that the commission shall elect a chairman from among its members.

Prior law provided that the commission would terminate on Sept. 1, 2022. New law repeals prior law.

Effective August 1, 2022.

(Amends R.S. 36:259(B)(34) and R.S. 40:2018.1(A), (B)(1)(i), (C), and (E); Repeals R.S. 40:2018.1(G))

### **Private Driving Instructor Training Schools (ACT 347)**

New law requires the office of motor vehicles to execute a thorough background investigation, including a criminal history background check, of every applicant for the purpose of verifying the qualifications of the applicant or renewal pursuant existing law.

New law defines a "criminal history background check" as a check of all state records of arrest, prosecution, conviction, including those which have been expunged or dismissed pursuant to existing law, and national records which is required to include fingerprints of the applicant and other identifying information, if so requested by the department.

New law requires any current or prospective person engaged in the business of operating a private driving instructor training school or agency, or providing driving courses pursuant to existing law to submit to a criminal history records check to be conducted by the La. Bureau of Criminal Identification and Information. Further, requires fingerprints and other identifying information from the current or prospective person engaged in the business of operating a private driving instructor training school or agency, or providing driving courses to be submitted to the bureau.

New law requires the bureau to forward the fingerprints to the Federal Bureau of Investigation for a national criminal history records check when requested by the department. Further, requires the bureau to provide the agency with the national criminal history record information of the current or prospective person engaged in the business of operating a private driving instructor training school or agency, or providing driving courses pursuant to existing law.

New law requires the cost associated with fingerprint cards to be paid by the applicant.

Existing law requires the principal of the third-party examiner or tester seeking a contract with the Dept. of Public Safety and Corrections, public

safety services to administer commercial driving examinations to consent to and pay the costs associated with an annual background check.

New law adds noncommercial driving examinations and tests and modifies the procedure for a criminal history background check pursuant to existing law.

New law requires every person engaged in the business of operating a private driving instructor training school or agency, or providing driving courses who has or is seeking a contract or license with the Dept. of Public Safety and Corrections, public safety services, to consent to, pass, and pay the costs of a background check pursuant existing law.

Effective August 1, 2022.

(Amends R.S. 32:408.1(E) and R.S. 40:1461(A); Adds R.S. 15:587(A)(1)(e)(vi) and (vii))

### **Tax Reporting (ACT 406)**

New law makes modifications to the Fresh Start Proper Worker Classification Initiative and the Voluntary Disclosure Program.

#### *Voluntary Disclosure Program*

Existing law provides definitions for applicant, application, application date, and look-back period.

New law deletes the definition for delinquent penalty and adds definitions for commission, penalty, and secretary.

Prior law provided that the Louisiana Voluntary Disclosure Program (the program) is established as a process of reporting undisclosed liabilities for withholding taxes administered by the La. Dept. of Revenue and unemployment taxes by the La. Workforce Commission (LWC) that would have been due for workers who were not classified as employees.

New law deletes provisions relative to the reporting undisclosed liabilities for withholding taxes administered by the La. Dept. of Revenue.

Prior law provided that the program authorizes taxpayers to anonymously enter into agreements and voluntarily pay taxes with no penalty.

New law instead provides that the program authorizes taxpayers to confidentially enter into agreements and voluntarily pay unemployment taxes with no interest and without certain penalties.

New law provides that the following employers shall not be eligible to participate in the program:

(1) Employers who are currently under audit concerning the classification of the classes of workers by the Internal Revenue Service (IRS), the U.S. Dept. of Labor, or by a state government entity.

(2) Employers who are contesting in court or in an administrative proceeding the classification of the class or classes of workers from a previous audit by the IRS, the U.S. Dept. of Labor, or the La. Dept. of Revenue, or LWC.

New law provides that no worker that performs services that are statutorily excluded from the definition of covered employment provided for in existing law (R.S. 23:1472) shall be eligible for reclassification as an employee.

New law shall not apply to any of the following:

(1) Any service performed in the employ of a state, and political subdivision of the state, or of an Indian tribe, or any instrumentality of the state, any political subdivision of the state, or any Indian tribe, which is wholly owned by one or more states, political subdivisions, or Indian tribes, but only if the service is excluded from employment as defined in federal law.

(2) Any service performed by an individual in the employ of a religious, charitable, educational, or other organization, but only if the service is excluded from employment as defined in federal law.

Prior law provided that after all unemployment tax and interest due for the look-back period have

been paid, the delinquent penalties shall be waived.

New law instead provides that after all unemployment tax and penalties due for the look-back period have been paid, interest due provided for in existing law (R.S. 23:1543) shall be waived to the extent permitted by law. New law further provides that no penalties provided for in existing law (R.S. 23:1539.1) or penalties related to fraud shall be waived.

New law provides that waiver of unemployment interest shall not be available for the program when the employer has engaged in, is under audit for, or has a case on appeal pertaining to willfully misclassifying workers or when the employer is engaged in, under audit for, or has a case on appeal pertaining to State Unemployment Tax Act (SUTA) dumping provided for in existing law (R.S. 23:1539.1).

New law provides that employer liability for SUTA dumping penalties and fraud penalties shall not be waived under federal law under any circumstances.

#### *Fresh Start Proper Worker Classification Initiative*

Existing law provides that the secretary of the La. Dept. of Revenue may, at his discretion, share or furnish information to LWC for the purposes of determining, investigating, or prosecuting fraud related to all areas in LWC's purview. Existing law further provides that any information shared or furnished is considered and held confidential and privileged.

New law extends the disclosure of information to LWC to also include information that involves the reviewing and consideration of applications for participation in the Fresh Start Proper Worker Classification Initiative. New law otherwise retains existing law.

New law provides definitions for applicant, application, application date, class of workers, commission, department, and secretary.

New law provides that the Fresh Start Proper Worker Classification Initiative (the initiative) is optional and provides a taxpayer with an opportunity to voluntarily reclassify a worker as an employee for a future tax period. New law further 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, 2023, and Dec. 31, 2023.

(2) Produce a certificate of proof of workers' compensation coverage for the employee.

(3) Enter into a closing agreement with the La. Dept. of Revenue.

New law provides that an eligible taxpayer that participates in the initiative agrees to prospectively treat the class of classes of workers identified in the application as employees for future tax periods and is not liable for any withholding tax or related interest and penalties with respect to any amounts paid to any workers before the date on which the taxpayer is accepted for participation in the initiative.

New law provides that an eligible taxpayer shall not be entitled to any relief from unemployment tax, interest, or penalties, but may seek relief in accordance with existing law (R.S. 23:1775).

New law provides that an eligible taxpayer may request that the LWC develop with the taxpayer a reasonable payment schedule for unemployment taxes owed for the look-back period. New law further provides that payment of all outstanding unemployment liabilities shall not be required prior to acceptance of the taxpayer's application.

New law provides that an eligible taxpayer that wishes to participate in the initiative shall submit an application for participation in the program to the department on a form prescribed by the secretary of the La. Dept. of Revenue.

New law further provides that La. Dept. of Revenue shall contact the taxpayer or authorized representative to complete the process once it has

reviewed the application and verified the taxpayer's eligibility.

New law provides that an accepted application constitutes a joint closing agreement between the taxpayer and the La. Dept. of Revenue.

New law provides that the closing agreement shall become effective on the date that the taxpayer receives notice from the La. Dept. of Revenue that the taxpayer's application is accepted.

New law provides that failure to comply with the terms of the closing agreement and new law may nullify the acceptance of the taxpayer's application. New law further provides that if an acceptance is nullified, the taxpayer shall become liable for withholding tax, interest, and penalties determined to be due for prior periods.

New law provides that the following employers shall not be eligible to participate in the program:

(1) Employers who are currently under audit concerning the classification of the classes of workers by the IRS, the U.S. Dept. of Labor, or by a state government entity.

(2) Employers who are contesting in court the classification of the class or classes of workers from a previous audit by the IRS, the U.S. Dept. of Labor, the La. Dept. of Revenue, or LWC.

(3) Employers who have withheld state income taxes from the amounts paid to any worker and who have not remitted the tax to the La. Dept. of Revenue.

(4) A taxpayer that is a member of an affiliated group defined under federal law shall be ineligible if any member of the affiliated group is under an employment, withholding, or unemployment tax audit.

New law grants the La. Dept. of Revenue the authority to promulgate rules and regulations for the administration of the initiative.

New law requires the La. Dept. of Revenue to promulgate rules and regulations establishing a

voluntary disclosure program for reporting undisclosed liabilities for withholding taxes no later than July 1, 2023.

New law also provides for a safe harbor provision that exempts any putative employer, who meets the specified requirements provided for in new law from withholding tax, interest, or penalties.

Effective August 1, 2022.

(Amends the heading of Part XIII of Chapter 11 of Title 23 of the La. Revised Statutes of 1950, R.S. 23:1771, 1773, 1775(B) and (C)(2), and R.S. 47:1508(B)(28); Adds R.S. 23:1775(F) and R.S. 47:1576.3 and 1576.4; Repeals R.S. 23:1772, 1774, and 1776)

### **Adopted Persons, Original Birth Certificates, and Birth Parents (ACT 470)**

Existing law (Ch.C. Art. 1186) provides that adoption records shall be retained in confidential court files and that it shall be unlawful for anyone except the biological or adopting parent to disclose identifying information concerning an adoption case except upon order of the court or for purposes directly connected with an adoption agency's responsibilities in relation to adoption work.

Existing law (Ch.C. Art. 1188) authorizes an adopted person or his legal representative on his behalf to file a motion for disclosure of information pertaining to his adoption.

Existing law (Ch.C. Art. 1127) authorizes an adopted person or his legal representative on his behalf, or a surrendering biological parent to, upon written request, obtain nonidentifying medical or genetic information from the agency, firm, or lawyer involved in an adoption.

Existing law provides that the motion for disclosure and the limited medical exception provided by existing law are the exclusive means for gaining access to records of adoptions.

Existing law provides procedures for the confidentiality of adoption records for adoptions completed prior to July 27, 1938 (R.S. 40:73),

adoptions of a person born in La. completed in a court in any other state or territory of the U.S. (R.S. 40:77), and all other adoptions (R.S. 40:79).

Existing law requires that when a final decree of adoption is entered, the clerk of court shall forward his certificate of the decree to the state registrar of vital records who shall make a new certificate of live birth of the adopted person and shall seal and file the original certificate of birth with the certificate of the decree. This sealed package may be opened only by court order.

New law provides that in addition to receiving an original birth certificate through the existing law motion for disclosure and the limited medical exception, an adopted person who is 24 years of age or older may request an uncertified copy of his birth certificate from the state registrar. Provides that the registrar shall open the sealed package and issue an uncertified copy of the original birth certificate to the adopted person in accordance with regulations promulgated in accordance with the Administrative Procedure Act for a certified copy of a vital record.

New law provides that a birth parent may at any time request from the registrar of vital records a contact preference form that shall accompany the adopted person's original birth certificate.

New law provides that the contact preference form shall allow for the birth parent to indicate whether and how he would like to be contacted.

New law provides that the contact preference form is a confidential communication from the birth parent to the person named on the sealed birth certificate and shall be placed in the sealed packet containing the original birth certificate. The contact preference form shall be released to an adopted person when he requests his original birth certificate.

Effective August 1, 2022.

(Amends Ch.C. Arts. 1186(A) and 1188(C) and R.S. 40:73(A), (B), and (D), 77(A), (B), and (D), and 79(A)(4) and (D); Adds R.S. 40:73(E) and (F), 77(E) and (F), and 79(E) and (F))

## **Megaprojects Leverage Fund (ACT 505)**

Existing law (R.S. 48:77) provides that a portion of the taxes collected from the taxable sale, use, or lease of motor vehicles, after satisfying the requirements of the Bond Security and Redemption Fund, shall be deposited into the Construction Subfund (subfund) of the Transportation Trust Fund. Provides that for FY 2023-2024, 30% of such avails shall be deposited into the subfund and for FY 2024-2025 and thereafter, 60% of such avails shall be deposited into the subfund.

New law retains existing law but adds the Megaprojects Leverage Fund created in new law as an additional fund for deposit of the dedicated portion of the taxes collected from the taxable sale, use, or lease of motor vehicles.

Prior law provided that in any fiscal year beginning with Fiscal Year 24-25, if the Revenue Estimating Conference revises the Official Forecast resulting in a decrease 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 may not exceed \$150 million for that fiscal year. New law repeals prior law.

Prior law provided that no debt shall be issued which in the aggregate exceeded \$150 million that is secured by monies deposited into the subfund. New law repeals prior law.

New law (R.S. 48:77.1) creates the Megaprojects Leverage Fund in the state treasury and directs the state treasurer to deposit into the Megaprojects Leverage Fund 75% of the portion of the avails of the tax on the sale, use, or lease of motor vehicles dedicated pursuant to existing law (R.S. 48:77), not to exceed \$160 million in any fiscal year.

New law creates four special accounts in the Megaprojects Leverage Fund, into each of which shall be deposited 25% of the amount deposited into the Megaprojects Leverage Fund each year as well as any other monies appropriated to each special account each year. The four special accounts are the I-10 Calcasieu River Bridge and



I-10 Improvements Account, the I-49 South Leverage Fund Account, the Mississippi River at Baton Rouge and Connections Account, and the I-49 North Leverage Fund Account. Provides that if a project is completed and issued final acceptance and any outstanding debt secured by the special account has been paid or defeased, no more deposits shall be made into that account and any monies in that account shall be divided equally between the remaining accounts that are eligible to receive deposits.

New law provides that, if prior to the issuance of bonds for the project, the secretary of the Dept. of Transportation and Development (DOTD) determines it is not within the best interests of the state to proceed with a project for which an account has been created in new law, he may submit a request to the House and Senate Committees on Transportation, Highways and Public Works not to proceed. If the committees approve the request, new law provides that no more deposits shall be made into that account and any monies that would have been deposited in that account shall be divided equally between the remaining accounts that are eligible to receive deposits. Further provides that within 30 days of the committees' approval, the unexpended and unencumbered balance in the account is to be divided equally between the remaining accounts that are eligible to receive deposits.

New law provides that once all projects described in existing law and new law have either been completed and issued final acceptance or the secretary's request not to proceed with the project has been approved, and any outstanding debt issued pursuant to new law has been repaid or defeased, then no further deposits shall be made into the Megaprojects Leverage Fund.

New law requires DOTD to obtain approval from the Joint Legislative Committee on the Budget before entering into a public-private partnership with respect to one of the four megaprojects except for public-private partnerships for which solicitations began before August 1, 2022.

New law provides for the investment of monies in the fund.

New law provides that monies in the fund shall be appropriated only for (1) debt service on bonds issued pursuant to new law and (2) transfer to the Construction Subfund for certain projects enumerated in existing law and new law. The existing law and new law projects eligible for funding pursuant to new law are:

(1) Replacement of the I-10 Calcasieu River bridge and I-10 improvements from the I-210 interchange west of the river to the I-210 interchange east of the river.

(2) Upgrades to US 90 to interstate standards from the I-10 and I-49 interchange from Lafayette to New Orleans.

(3) A new Mississippi River Bridge at Baton Rouge with freeway-level connections from I-10 west of Baton Rouge to I-10 east of Baton Rouge on LA Highway 1 and LA Highway 30.

(4) Upgrades to I-49 North where I-49 is not yet upgraded.

New law provides for the issuance of bonds secured by the motor vehicle sales and use tax deposited into the Megaprojects Leverage Fund, provided that the total amount of funds pledged shall not exceed \$25 million per year from any of the four accounts created in new law. Proceeds of the bonds shall be deposited into the subfund.

New law provides for the creation of the Motor Vehicle Sales and Use Tax Bond Fund, to be administered by a trustee selected by the State Bond Commission (commission), into which shall be deposited such portion of the motor vehicle sales and use taxes that are taxable and transferred to the commission.

New law provides that the bond resolution may contain provisions respecting: custody of the bond proceeds; investment of the motor vehicle sales taxes; credit enhancement devices for the bonds; the collection, custody, and use of the pledged revenues or other monies pledged therefor; reserves, sinking funds and other funds; covenants for the establishment of pledged revenue coverage requirements of the bonds; the issuance of additional parity or subordinate

bonds; and covenants deemed necessary in order to better secure the bonds. Provides that the bonds are negotiable instruments, a valid and binding pledge, and exempt from state taxation.

New law provides that the bonds issued pursuant to new law shall not be full faith and credit obligations of the state.

New law provides that the bond resolution shall set forth the series, date, maturities, interest rates, redemption terms and priority on revenues. Bonds may be sold by competitive bid or negotiated sale. New law provides for a 30-day preemption period.

New law provides that the bonds shall not be included as "net state tax supported debt" pursuant to existing law (R.S. 39:1367).

Effective June 16, 2022.

(Amends R.S. 48:77(A), (C)(intro para), and (C)(1) ; adds R.S. 39:1367(E)(2)(b)(ix) and R.S. 48:77.1 and 77.2; repeals R.S. 48:77 (B) and (E))

#### **Capitol Security Council and Director of Capitol Security (ACT 507)**

New law creates the director of capitol security as the chief security officer for the legislature. Provides for the election of the director upon a favorable majority of the elected members of each house of the legislature after having been interviewed by the Capitol Security Council and recommended for employment by the council by a majority vote. Provides that the director shall serve at the pleasure of the legislature and may be removed by a majority vote of the elected members of each house of the legislature. Provides that any vacancy which occurs while the legislature is not in session shall be filled temporarily by the president of the Senate and the speaker of the House of Representatives, until such time as the vacancy is filled by the legislature.

New law requires the director to have 10 years of full-time law enforcement experience, to be POST-certified, and to possess qualifications necessary to be commissioned as a special

officer. He shall not be a member of the legislature.

New law provides that the salary of the director shall be recommended by the Capitol Security Council. Requires all other necessary expenses and salaries of the council to be submitted to the president of the Senate and speaker of the House of Representatives for approval.

New law provides for the duties of the director. Specifies that the director shall:

- (1) Oversee law enforcement and physical security for the areas within the state capitol complex, as defined in existing law, that are occupied and utilized by the members, officers, and staff of the legislative branch of government, including areas of ingress and egress.
- (2) Oversee law enforcement and physical security at any official meeting or function of the legislature, or its committees, regardless of location.
- (3) Develop an annual budget for the operations of the office, subject to approval by the council.
- (4) Recommend for employment security officers and other personnel necessary to ensure the physical security of the parts of the state capitol building and state capitol complex that are used by the legislature.
- (5) Ensure that security officers are POST-certified and possess qualifications necessary to be commissioned as special officers.
- (6) Develop, coordinate, and implement security training for security officers.
- (7) Coordinate and supervise the scheduling and activities of the security officers.
- (8) Respond and act with regard to any security event within his area of jurisdiction.
- (9) Conduct investigations and affect lawful arrests.

(10) Conduct research, analyze and interpret data, monitor compliance with administrative rules and regulations, make findings of fact, prepare reports, and recommend legislation, policies, and directives which relate to security.

(11) Act as the legislature's principal point of contact for all law enforcement recommendations to the legislature.

(12) Develop a comprehensive security plan for the state capitol.

(13) Carry out all directives issued by the presiding officer of either legislative house.

New law provides that the offices of the director shall be domiciled in the state capitol complex.

New law provides that the director shall be responsible solely to the legislature in his functions and duties and shall be the lead investigative officer in any security breach or occurrence in the state capitol building. Specifies that the designation of the director as chief capitol security officer shall not otherwise affect the duties of the sergeant at arms of the Senate or the House of Representatives.

New law creates the Capitol Security Council composed of the president of the Senate, four members from the Senate appointed by the president, the speaker of the House of Representatives, and four members from the House of Representatives appointed by the speaker. Authorizes the presiding officers of each house of the legislature to select a chairman and vice chairman. Provides that the chairmanship and the vice chairmanship rotate between the Senate and the House of Representatives in even-numbered years. Provides that in January of each even-numbered year the speaker of the House of Representatives shall designate a member of the House of Representatives on the council to serve as chairman or vice chairman of the council, as applicable, and that the president of the Senate shall designate the member of the senate on the council who shall serve as chairman or vice chairman, as applicable. Provides that the initial chairman shall be a Senate member and the initial

vice chairman shall be a House of Representatives member.

New law provides for the duties of the council and specifies that the council is responsible for adopting a comprehensive security plan for the areas within the state capitol complex that are occupied and utilized by the members, officers, and staff of the legislative branch of state government. Requires the council to review and approve the annual budget for the operations of the office of the director prior to submission of the budget to the president.

New law invests the council with the power to hold hearings, administer oaths, take public testimony, and pursue punishment for contempt as provided by law.

New law provides that the legislature may, by joint rule, provide for the structure, authority, powers, functions, and duties of the Capitol Security Council, the director or capitol security, capitol security officers, capitol security personnel, and officers of the legislature relative to capitol security.

Existing law requires the deputy secretary of public safety services to issue a special officer's commission to the sergeant at arms or an assistant sergeant at arms of the Senate or the House of Representatives when directed to do so by the president of the Senate or speaker of the House of Representatives.

New law requires a capitol security officer to be issued a special officer's commission upon direction of the president of the Senate or speaker of the House of Representatives.

New law adds the director of capitol security and security officers employed by the legislature upon his recommendation to the definition of peace officer.

Effective June 16, 2022.

(Amends R.S. 40:1379.1(N)(1) and 1379.5(A); adds R.S. 24:681-685 and 691-694 and R.S. 40:2402(3)(f); repeals R.S. 49:149-149.5)

## **Abortion (ACT 545)**

New law provides that it is the intention of the legislature to prohibit and restrict abortion in order to preserve the life of each unborn child to the fullest extent permitted by law.

New law provides that laws prohibiting or restricting abortion are not to be negated or superseded by the laws regulating outpatient abortion facilities. New law provides that prior law that regulates outpatient abortion clinics are enacted for the purpose of ensuring the health, safety, and welfare of women seeking abortions until the state no longer regulates outpatient abortion clinics. New law provides for procedures for closing outpatient abortion facilities if abortion is illegal because the U.S. Supreme Court has issued an opinion which restores to the state the ability to prohibit or restrict abortion.

New law provides that laws prohibiting or restricting abortion at a certain gestational age of the unborn child are not to be considered to be in conflict with other laws that regulate or prohibit abortion at a different gestational age.

New law provides that no governing authority of a political subdivision are permitted to enact any ordinance or regulation that authorizes or regulates abortion.

New law provides that unless otherwise specifically provided, the provisions of each act of the legislature prohibiting or regulating abortion are severable, whether or not a provision to that effect is included in the act, and if any provision or item of an act prohibiting or regulating abortion, or the application thereof, is held invalid, such invalidity is not to affect other provisions, items, or applications of the act which can be given effect without the invalid provision, item, or application; further provides that new law is to apply to acts of the legislature affecting prior law.

New law provides that it shall be unlawful for a physician or other person to perform an abortion with or without the consent of the pregnant female.

New law provides definitions for "abortion", "abortion-inducing drug", "clinically diagnosable pregnancy", "conception", "contraceptive", "dismemberment", "emergency contraceptive", "fetal body part", "fetal heartbeat", "gestational age", "good faith medical judgment", "infant", "late term abortion", "live birth", "medical emergency", "medically futile", "miscarriage", "partial birth abortion", "pregnant", "receive a fetal organ", "serious health risk to the uniform child's mother", "unborn child", "viable", and "woman" or "mother".

New law provides exceptions to the definition of "abortion" as follows:

- (1) To save the life or preserve the health of an unborn child.
- (2) The removal of a dead unborn child or to empty the contents of the uterus after a miscarriage.
- (3) The removal of an ectopic pregnancy.
- (4) The use of methotrexate to treat an ectopic pregnancy.
- (5) A medical procedure necessary to prevent the death or substantial risk of death to the pregnant woman due to a physical condition or the loss of a life-sustaining organ of a pregnant woman.
- (6) The removal of an unborn child who is deemed to be medically futile.

New law provides that whoever commits the crime of abortion shall be imprisoned at hard labor for not less than one year nor more than 10 years and shall be fined not less than \$10,000 nor more than \$100,000.

New law provides that it shall be unlawful for a physician or other person to perform a late term abortion, with or without the consent of the pregnant female, and that whoever commits the crime of late term abortion shall be imprisoned at hard labor for not less than one year nor more than 15 years and shall be fined not less than \$20,000 nor more than \$200,000.

New law does not apply to a pregnant female upon whom an abortion is committed or performed in violation of new law and the pregnant female cannot be held responsible for the criminal consequences of any violation of new law.

New law does not apply to the sale, use, prescription, or administration of a contraceptive measure or an emergency contraceptive measure if sold, prescribed, or administered in accordance with manufacturer instructions.

New law takes effect and becomes operative immediately upon, and to the extent permitted by, the occurrence of any of the following circumstances:

(1) Any decision of the U.S. Supreme Court which overrules, in whole or in part, *Roe v. Wade*, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), thereby restoring to the state of La. the authority to prohibit or limit abortion.

(2) Adoption of an amendment to the U.S. Constitution which, in whole or in part, restores to the state of La. the authority to prohibit or limit abortion.

(3) A decision of the U.S. Supreme Court in the case of *Dobbs v. Jackson Women's Health Organization*, Docket No. 19-1392, (*Dobbs' decision*) which overrules, in whole or in part, *Roe v. Wade*, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), thereby restoring to the state of La. the authority to prohibit or limit abortion.

New law provides that the La. Dept. of Health (LDH) is to promulgate administrative rules establishing an exclusive list of anomalies, diseases, disorders, and other conditions which are to be considered "medically futile" for purposes of new law.

Prior law defines "criminal abortion" as an abortion performed by an unlicensed physician and provides for criminal penalties. New law retains prior law but changes the terminology to "abortion by an unlicensed physician".

Prior law defines "human experimentation in the use of any live born human being" as a crime and provides for criminal penalties. New law retains prior law but changes the terminology to "human experimentation on an infant born alive".

New law revises the "Human Life Protection Act" in prior law (R.S. 40:1061) to provide that any person in violation of prior law be prosecuted pursuant to the effective provisions of new law (R.S. 14:87.7) and are subject to the penalties provided in prior law (R.S. 40:1061.29).

New law provides that the secretary of LDH is empowered to issue a written cease and desist order to prevent or terminate an unsafe condition or an illegal practice in an outpatient abortion facility. New law further provides for due process rights for an aggrieved party to appeal the order of the secretary. New law provides that, if the violator subsequently engages in activities that violate a final cease and desist order, the secretary may seek the enforcement of such order by civil action filed in the 19th Jud. Dist. Court for East Baton Rouge Parish. New law provides that the court may issue a fine of not less than \$500 nor more than \$5,000 for each subsequent violation of a cease and desist order.

New law provides for a procedure for closing outpatient abortion clinics in the event abortion is declared illegal in the state. New law further requires the secretary of LDH to apply the legislative intent to prohibit abortion with the final opinion of the U.S. Supreme Court in the *Dobbs' decision* and is to issue whichever one of the applicable cease and desist orders apply, as follows:

(1) The outpatient abortion facility is to be ordered closed and the facility shall immediately cease and desist performing abortions because the Human Life Protection Act (R.S. 40:1061) or new law has been enacted and the practice of abortion in Louisiana has been prohibited by law.

(2) The outpatient abortion facility shall be ordered to cease and desist performing late term abortions because the S. Ct. of the U.S. has provided for the states to prohibit abortions when

the gestational age of the unborn child is 15 weeks or more.

New law provides that whoever violates an order of the secretary to close an outpatient abortion facility or limit abortions to no more than 15 weeks, is subject to a fine of not less than \$10,000 nor more than \$50,000 dollars per violation. New law provides that each abortion performed in violation of the cease and desist order issued after the clinic has been closed or limited to abortions at 15 weeks constitute a separate violation.

New law provides that new law related to an order to close outpatient abortion clinics will not apply if the *Dobbs' decision* does not restore to the states the authority to prohibit or limit abortion.

New law provides that monetary fines levied by the court against the outpatient abortion facility for violations of an order of the secretary are to be paid to the attorney general.

New law repeals duplicative, varying, and contradictory definitions in Title 14 (Criminal Laws) and Title 40 (Public Health and Safety) related to abortion.

The Section of the Act that relates to the interpretation of various abortion statutes became effective upon the signature of governor June 17, 2022. All other Sections of the Act become effective on August 1, 2022.

(Amends R.S. 14:32.9 (heading), (A) and (D)(intro para), 32.9.1(heading), (A) and (D)(intro para), 87.1, 87.2, and 87.5, R.S. 40:1061(A), (D), and (I), 1061.1(D) and (E), 1061.1.3(C), 1061.8, 1061.11(A), 1061.12, 1061.22, 1061.23, 1061.24, 1061.26, 1061.28, 1061.30, 2175.1, 2175.2, and 2175.3; adds R.S. 1:18, R.S. 14:32.9(E), 87.1.1, 87.7, and 87.8, and R.S. 40:1061.1(H), 1061.1.1(I), 1061.10(F), 1061.11(G), 1061.11.1(G), 1061.13(D) and (E), 1061.14(E), 1061.14.1(C), 1061.15(E), 1061.16(F), 1061.17(J)(3), 1061.19(H), 1061.20(D), 1061.21(F), 1061.25(F), 2175.4(F), 2175.6(J), 2175.7(C), 2175.8, and 2175.9; repeals R.S. 14:32.9(B), 32.9.1(B), 32.10, 32.11(B), 87, 87.3(B) and R.S. 40:1061.1.1(B), 1061.1.2(A),

1061.1.3(B), 1061.9(1) - (11), 1061.12(A), 1061.27, and 1061.28(B))

### **Medical Education Commission and Health Education Authority Abolished (ACT 592)**

New law provides for the abolition of certain boards, commissions, authorities, and like entities; abolishes the functions and responsibilities of the entity and provides for any necessary transitions and transfers, all as follows:

Medical Education Commission: Prior law created the commission to make recommendations to the secretary of the Department of Health on the distribution of funding for residency positions, residency supervision, and other medical education resources for the LSU HSC hospitals among medical education programs providing services and to analyze and make recommendations to the secretary of the Department of Health regarding appropriate formulas to be used in calculating the amounts to be paid to a medical institution in support of its training programs in the LSU HSC hospitals. New law abolishes the commission.

Health Education Authority of Louisiana: Prior law created the authority to promote the medical and health educational activities of various public and private institutions and organizations in the state of Louisiana and to promote health and welfare of its citizens through encouraging and assisting in the provision of medical care and prompt and efficient health and health-related services at reasonable cost by public and private institutions and organizations. New law abolishes the authority.

Effective June 17, 2022.

(Amends R.S. 36:254(A)(14) and R.S. 39:98.3(B)(2) and 98.4(B)(3)(a); repeals R.S. 17:1519.12, 2048.51(C)(14) and (N), and 3051-3060 and R.S. 36:259(B)(22) and 651(C)(8))

## UNCODIFIED

### Capital Outlay Budget (ACT 117)

Provides for the capital outlay budget and program for FY 2022-2023; provides for the funding of the capital outlays from the specified sources of monies in the specified amounts as follows:

Federal Funds	\$145,682,478
Federal Funds via Interagency Transfer	\$83,353,992
Coastal Protection and Restoration Fund	\$105,702,734
Natural Resources Restoration Trust Fund	\$866,405,382
Transportation Trust Fund (TTF) – Federal	\$984,550,550
Transportation Trust Fund (TTF) – Regular	\$116,606,689
Transportation Trust Fund (TTF) – Construction Subfund	\$238,300,000
Interagency Transfers	\$47,871,000
Misc. Statutory Dedications	\$41,635,000
Fees and Self-Generated Revenues	\$123,395,000
Re-appropriated Cash	\$10,794,626
Revenue Bonds	\$69,890,000
State General Fund (Direct)	\$50,000,000
State General Fund (Direct) Non-Recurring Revenues	\$451,684,281
Capital Outlay Savings Fund	\$74,724,000
Louisiana Rescue Plan Fund	\$334,336,887
<b>TOTAL CASH PORTION</b>	<b><u>\$3,774,932,619</u></b>

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

Priority 1	\$1,109,247,513
Priority 2	\$111,714,000
Priority 5	<u>\$3,812,951,487</u>
<b>TOTAL GENERAL OBLIGATIONS BONDS</b>	<b><u>\$5,083,913,000</u></b>
<b>GRAND TOTAL ALL MEANS OF FINANCING</b>	<b><u>\$8,828,845,619</u></b>

### Five-Year Capital Improvement Program (ACT 118)

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.

Effective upon signature of governor (May 30, 2022).

## Appropriations for Judiciary (ACT 168)

New law appropriates funds for Fiscal Year 2022-2023 for the ordinary operating expenses of the judicial branch of government, including the supreme court, courts of appeal, district courts, the Criminal Court of Orleans Parish, juvenile and family courts, and other courts, with total funding of \$196,694,749 from the following sources: \$177,060,974 out of the State General Fund (Direct); \$9,392,850 out of Interagency Transfers; and \$10,240,925 from statutory dedications out of the Judges' Supplemental Compensation Fund and the Trial Court Case Management Fund.

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

	FY 22 EOB	FY 23 REC
Louisiana Supreme Court	\$80,151,700	\$86,876,567
Courts of Appeal	49,312,732	52,279,112
District Court	40,948,075	43,657,329
Criminal Court, Parish of Orleans	6,526,859	6,815,342
Juvenile and Family Courts	2,655,773	2,786,289
Other Courts (Required by Statute)	3,330,039	3,507,837
Other Programs	717,036	772,273
<b>Total Funding</b>	<b>\$183,642,214</b>	<b>\$196,694,749</b>

New law further reduces the State General Fund (Direct) appropriation to the judiciary by \$2,483,308 and requires the Judicial Budgetary Control Board or the La. Supreme Court to adopt a plan to allocate the reduction.

New law further reduces the State General Fund (Direct) appropriation to the judiciary by \$2,483,308 and requires the Judicial Budgetary Control Board or the La. Supreme Court to adopt a plan to allocate the reduction.

New law additionally appropriates \$841,670 for implementation of the automated expungement of criminal records, if House Bill No. 707 of the 2022 Regular Session is enacted into law.

Effective July 1, 2022.

## **Appropriations for Ancillary Expenses (ACT 169)**

New law appropriates funds and provides for ancillary expenses of state government, including internal service funds, auxiliary accounts, and enterprise funds. Provides \$1,013,727,795 of interagency transfers, \$1,883,923,053 of fees and self-generated revenues, and \$182,288,058 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. Further 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. Requires receipts from the conduct of such business to be deposited to the credit of each ancillary fund for FY 2022-2023. 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. 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 2023-2024. Further provides that all unexpended cash balances as of June 30, 2023, shall be remitted to the state treasurer on or before Aug. 14, 2023. Further provides that if not reestablished in the subsequent year's act, the agency must liquidate all assets and return all advances no later than Aug. 14, 2023.

New law provides that the program descriptions contained in the Act are not enacted into law by virtue of their inclusion in the Act.

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, when appropriate documentation is presented and the request is deemed valid. A request which exceeds five positions also requires JLCB approval.

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 JLCB by Aug. 15, 2022.

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

New law provides that allocations in new law for the Office of Technology Services are for informational purposes only and are not



construed to limit the expenditures or means of financing of the office.

From the Matching Funds Fund, new law provides \$4,256,600 of additional funding to the Clean Water Revolving Loan Fund and \$2,693,000 of additional funding to the Drinking Water Revolving Loan Fund to support state match requirements.

New law provides \$24,000,000 of aggregate additional state general fund funding for the Office of Technology Services for the purchase of IT equipment and software on behalf of the Dept. of Education.

New law provides \$1,169,000 in additional federal funding for the Environmental State Revolving Loan Funds program for municipalities to improve storm water management to address sewer overflows and reduce pollution.

Effective July 1, 2022.

#### **Appropriations for Supplemental Funding (ACT 170)**

New law appropriates supplemental funding and provides for means of financing substitutions and other budgetary adjustments for Fiscal Year 2021-2022. Provides for net increases (decreases) as follows: State General Fund (Direct) by \$189,766,876; Interagency Transfers by \$118,098,983; Fees & Self-generated Revenues by \$17,419,599; Statutory Dedications by \$474,805,239; and Federal Funds by \$654,117,662.

Additionally, new law appropriates \$69,921,974 of State General Fund (Direct) of nonrecurring revenue out of the surplus from Fiscal Year 2020-2021 for the Initial Unfunded Accrued Liability in state retirement systems.

New law provides \$6,747,787 for payment of several judgments against the state.

Provides that any appropriation made in new law shall be deemed a bona fide obligation of the state through June 30, 2023. Additionally, new law

deems certain prior appropriations in Sales Tax Dedications and State Aid to Local Government Entities as bona fide obligations through June 30, 2023. Further modifies certain prior appropriations.

New law provides that 100% of the funds appropriated to East Carroll Parish out of the East Carroll Parish Visitor Enterprise Fund in the state sales tax dedications in Act 119 of the 2021 Regular Session of the Legislature shall be distributed to the East Carroll Parish Tourism Commission D/B/A Doorway to Louisiana, Inc.

New law makes the following supplemental capital outlay appropriations for the 2021-2022 fiscal year:

(1) Adds \$10,000,000 of state general fund (direct) for the Community Water Enrichment Program.

(2) Adds \$10,000,000 of state general fund (direct) for the Local Government Assistance Program.

(3) Adds \$127,500,000 of state general fund (direct) to the Dept. of Transportation and Development Highway Program. Requires \$75,000,000 of that amount to be used for the DOTD Opportunity Fund and \$10,000,000 for the Norther Rail Project.

Effective upon signature of the governor (May 30, 2022).

#### **Revenue Sharing Fund Allocation and Distribution (ACT 197)**

New law provides for the allocation and distribution of the Revenue Sharing Fund for FY 2022-2023.

Paragraphs (1) through (8) of this digest contain no changes from FY 2021-2022 and only restate the general provisions of last year's distribution; all changes for FY 2022-2023 are contained in Paragraph (9) of this digest.

(1) Provides for the annual allocation and distribution of the state revenue sharing fund in

the amount of \$90,000,000 for FY 2022-2023. 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).

(2) Requires the state treasurer to remit the total parish allocation in three allotments no later than Dec. 1, March 15, and May 15, and further requires the sheriff to distribute such funds to the tax recipient bodies within 15 days after receipt. 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.

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

(4) 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 2021. Prohibits participation of new millages levied after Jan. 1, 1978, unless authorized to participate on the same pro rata basis by the local legislative delegation.

(5) 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. 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.

(6) 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. Directs the state treasurer and sheriff to pay to a recipient any earnings received from the investments of the parish allocation.

(7) Retains all prior authorized participation from Act No. 115 of the 2021 R.S. (Revenue Sharing Bill).

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

(9) The listing below contains every parish with any change and includes all new tax recipient bodies and millages authorized to share in their respective parishes:

#### Ascension Parish

Changes the 4.2 mills for Library Maintenance and 2.6 mills for Library to 5.6 mills for Library Maintenance/Library

#### West Baton Rouge Parish

Adds the Assessment District of West Baton Rouge Parish - 1.35 mills

Effective August 1, 2022.

### **Appropriations for Legislative Branch (ACT 198)**

New law appropriates \$119,342,278 for the expenses of the legislature and legislative service agencies for the 2022-2023 fiscal year. Of that amount, \$85,777,844 is appropriated from the state general fund in the following amounts:

House of Representatives	\$30,998,300
Senate	\$25,694,294
Legislative Auditor	\$12,500,000
Legislative Fiscal Office	\$3,638,849
Louisiana State Law Institute	\$1,131,401

Legislative Budgetary Control Council  
Total state general fund

\$11,815,000  
\$85,777,844

Provides for the allocation of funds for salaries and allowances of members, officers, and staff of the House and Senate. Provides the balance on July 2, 2022, in the fund created by Section 13 of Act 513 of the 2008 R.S. is appropriated to the Legislative Budgetary Control Council.

Appropriates \$350,000 from the state general fund to establish the Legislative Auditor Ancillary Enterprise Fund as an agency working capital fund; appropriates \$23,564,434 from the fund, which is authorized to be used for expenses of the auditor's office.

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, 2022.

#### **State Government Ordinary Operating Expenses (ACT 199)**

New law provides for the ordinary operating expenses of state government for FY 2022-2023.

Appropriates \$39.8 billion, of which \$10 billion is State General Fund (Direct) (SGF). Compared to the FY 2021-2022 existing operating budget (as of Dec. 1, 2021), SGF appropriations in the FY 2022-2023 budget increased by \$770.4 million and total state effort (SGF, fees and self-generated revenues, and statutory dedications) increased by \$936.2 million.

Other means of financing for FY 2022-2023 include: interagency transfers at \$1.2 billion, fees and self-generated revenues at \$3.5 billion, statutory dedications at \$4.4 billion, and federal funding at \$20.7 billion. Compared to the FY 2021-2022 existing operating budget (as of Dec. 1, 2021), this equates to a reduction of \$813.6 million in interagency transfers, an increase of \$241.9 million in fees and self-generated revenues, a reduction of \$49.2 million in statutory dedications, and an increase of \$685.7 million in federal funds.

Effective July 1, 2022.

#### **VETO MESSAGE:**

"Please allow this letter to inform you that I have signed House Bill 1 of the 2022 Regular Session. However, I have exercised my line item veto authority to veto five items.

I have exercised my line item veto authority as follows:

#### **Veto No. 1: Delete Lines 23-26 on Page 49 of 183**

Veto No. 1 provides for a reduction to the Office of Tourism, with the support of the Lieutenant Governor, to partially fund the faculty pay raise restorations to the Louisiana State University, Southern University, and University of Louisiana systems.

#### **Veto No. 2: Delete Lines 1-4 on Page 121 of 183**

#### **Veto No. 3: Delete Lines 21-23 on Page 124 of 183**

#### **Veto No. 4: Delete Lines 22-24 on Page 127 of 183**

Veto Nos. 2-4 restore reductions to the Louisiana State University, Southern University, and University of Louisiana systems to fully fund a faculty pay raise and to equalize the faculty pay raise with the Louisiana Community and Technical College System.

#### **Veto No. 5: Delete Lines 28-31 on Page 131 of 183**

Veto No. 5 regards an appropriation for a chiller at Delgado Community College. This chiller will be fully funded through the statewide maintenance program.

Enclosed is a copy of the signed version of House Bill I. I have sent the original to the Secretary of State."

### **Special Education District No. 1 of Lafourche Parish (ACT 206)**

Existing law creates and provides for Special Education District No. 1 of the parish of Lafourche, which operates a facility known as "the Center" for individuals with disabilities. Provides for governance by a board of seven commissioners, four of whom are appointed by the parish school board and three of whom are appointed by the parish governing authority.

Prior law provided that the school board and the parish governing authority each appointed one member of the Friends of the Center to the board of commissioners. New law removes this requirement.

Existing law provides that the remaining members of the board of commissioners of the special school district are appointed from nominations submitted by the members of the respective appointing authority who are elected from the area comprising the district. New law provides that all members of the board are appointed from such nominations and removes a requirement for submission of a specific number of nominations to each appointing authority.

Effective August 1, 2022.

(Amends §2 of Act. No. 569 of 1976 R.S.)

### **Student Meal Program Information Sharing (ACT 276)**

Existing law:

(1) Requires each school or other entity participating in a meal program through which students are eligible for certain benefits to share student information with the Dept. of Children and Family Services for program administration; limits the information that may be shared.

(2) Excepts any student whose parent chooses not to share information pursuant to the policy of the governing authority of the school or other entity.

Prior law provided for the repeal of existing law, effective December 31, 2022. New law provides for the continued effectiveness of existing law.

Effective August 1, 2022.

### **La. State Police Retirement System (ACT 289)**

Existing law (R.S. 11:1332), relative to the La. State Police Retirement System (Troopers), provides for accumulation of money in an experience account for the purpose of funding increases in benefit payments to eligible recipients. Provides for determination of whether an increase is payable, the amount of the increase, and the eligibility criteria for receiving the increase.

New law, pursuant to the provisions of existing law, grants a 2% benefit increase on the first \$68,312 of the annual benefit to each:

- (1) Regular retiree who has been retired for at least one year and is at least age 60.
- (2) Disability retiree who has been retired at least one year regardless of age.
- (3) Beneficiary of a retiree who would have met the eligibility criteria if the retiree were alive.
- (4) Nonretiree beneficiary who has been receiving benefits for at least a year and whose benefits are derived from service of a deceased member who would have attained age 60.

New law, pursuant to the provisions of existing law, also grants a 2% supplemental benefit increase on the first \$68,312 of the annual benefit to each retiree who has attained the age of 65 years and who retired on or before June 30, 2001.

New law provides for the increase to be payable July 1, 2022.

Effective June 30, 2022.

## **Criminal District Court Fees Extension (ACT 654)**

Existing law (R.S. 13:1381.2(A)) provides that any defendant, other than an indigent, who pleads guilty or is convicted of an offense by the Criminal District Court for the parish of Orleans shall be assessed a fee of not less than \$25, such costs to be in addition to any fine, clerk's fees, costs due to the criminal court cost fund, or sentence imposed by the court.

Existing law (R.S. 13:1381.4) provides for the judicial expense fund for the Criminal District Court for the parish of Orleans.

Existing law (R.S. 13:1381.5(B)(2)(a)) provides that 20% of all funds received by the Orleans Parish clerk of court shall be collected and deposited in the Orleans Parish administration of criminal justice fund to be distributed per quarter within 30 days of receipt.

Existing law (R.S. 13:1381.5(B)(2)(e)) provides that 20% of all funds received by the clerk of the Criminal District Court Expense Fund for Orleans Parish shall be collected and deposited in the Orleans Parish administration of criminal justice fund to be distributed per quarter within 30 days of receipt.

Existing law (R.S. 15:168(B)(1)) provides for the remittance of special costs to the district indigent defender fund by every court of original criminal jurisdiction, except in the town of Jonesville, in the city of Plaquemine, and in mayors' courts in municipalities having a population of less than 5,000, for various violations under state statute as well as under parish or municipal ordinance, except a parking violation. Provides for a \$45 assessment in cases in which a defendant is convicted after a trial, enters a plea of guilty or nolo contendere, or after forfeiting bond and shall be in addition to all other fines, costs, or forfeitures imposed.

Existing law (R.S. 15:571.11(D)) provides for the payment of all fines and forfeitures, including forfeitures of criminal bail bonds, imposed in criminal cases and prosecutions by the courts of Orleans Parish and any payments ordered as a

condition of probation under the Code of Criminal Procedure to be paid to the criminal sheriff of Orleans Parish who shall deposit same in a special account, and shall thereafter be divided equally between the district attorney of Orleans Parish and the Criminal District Court for the parish of Orleans.

Existing law (R.S. 16:16.3(A)) provides for, in addition to all other fines, costs, or forfeitures lawfully imposed, a nonrefundable tax in Orleans Parish against every defendant who is convicted after trial or after pleads guilty or forfeits his bond.

Existing law (R.S. 22:822(A)) provides for a fee equal to \$2 for each \$100 worth of liability on premiums for all commercial surety underwriters who write criminal bail bonds in the state of La.

Existing law (R.S. 22:822(B)(3)) provides that in Orleans Parish, the \$2 collected for each \$100 worth of liability underwritten by the commercial surety on all premium fees collected by the sheriff shall be maintained, supervised, and distributed as provided by existing law (R.S. 13:1381.5).

Existing law shall cease to be effective on July 1, 2022.

New law changes the termination date from July 1, 2022, to July 1, 2024.

Effective June 18, 2022.

(Amends §6 of Act No. 110 of the 2020 R.S.)

## **Teachers' Retirement System (ACT 657)**

Existing law (R.S. 11:883.1), relative to the Teachers' Retirement System of La. (TRSL or Teachers'), provides for accumulation of money in an experience account for the purpose of funding increases in benefit payments to eligible recipients. Provides for determination of whether an increase is payable, the amount of the increase, and the eligibility criteria for receiving the increase.

New law, pursuant to the provisions of existing law, grants a 2% benefit increase on the first \$68,396 of the annual benefit to each:

- (1) Regular retiree who has been retired for at least one year and is at least age 60.
- (2) Disability retiree who has been retired at least one year regardless of age.
- (3) Beneficiary of a retiree who would have met the eligibility criteria if the retiree were alive.
- (4) Nonretiree beneficiary who has been receiving benefits for at least a year and whose benefits are derived from service of a deceased member who would have attained age 60.

New law provides for the increase to be payable July 1, 2022.

Effective June 30, 2022.

#### **Cameron Parish Port, Harbor, and Terminal District (ACT 78)**

Authorizes the Cameron Parish Port, Harbor, and Terminal District to use specified portions of certain water bottoms, water columns, and water surfaces for a seafood research program.

Effective May 24, 2022.

#### **Transfer of State Property to Individual (ACT 732)**

Authorizes the commissioner of administration to transfer certain state property in Caddo Parish to Walter Frank Ward, Sr. Provides for the reservation of mineral rights to the state. Authorizes the office of state lands to proceed with a sale of the property under the ordinary procedures established for the sale of surplus state property if an agreement authorized by the Act is not entered into between the parties by Dec. 31, 2023.

Effective upon signature of governor (June 20, 2022).

#### **Transfer of State Properties to Two Individuals (ACT 733)**

Authorizes the commissioner of administration to transfer certain state property in St. Martin Parish to Harold Andrew Reaux, II, and certain property in Iberia Parish to Mark Lipari. Provides for the reservation of mineral rights. Authorizes the office of state lands to proceed with a sale of the property under the ordinary procedures established for the sale of surplus state property if an agreement authorized by the Act is not entered into between the parties by Dec. 31, 2024.

Effective upon signature of governor (June 20, 2022).

#### **Exchange of State Property with LLC (ACT 737)**

Authorizes the commissioner of administration to exchange certain state property in St. Martin Parish for property owned by Laviolette Assets, LLC. Provides for the reservation of mineral rights to the state.

Effective upon signature of governor (June 20, 2022).

#### **State Property Transfer to a Church (ACT 70)**

Authorizes the transfer or lease of certain state property in East Baton Rouge Parish from the division of administration to the Rose Hill Missionary Baptist Church. Provides for the reservation of mineral rights to the state.

Effective May 17, 2022.

#### **State Property Transfer to a Krewe (ACT 71)**

Authorizes the transfer or lease of certain state property in Lafayette Parish from the division of administration to the Krewe of Bonaparte, Inc. Provides for the reservation of mineral rights to the state.

Effective May 17, 2022.

**Transfer of State Property to Cameron Parish Waterworks District No. 10 (ACT 138)**

Authorizes the commissioner of administration and the Dept. of Transportation and Development to transfer certain state property in Cameron Parish to Cameron Parish Waterworks District No. 10 for consideration proportionate to the appraised value of the property and with a reservation of the state's mineral interests.

Effective upon signature of the governor (May 25, 2022).

**Exchange of State Property with Private Landowners (ACT 153)**

Authorizes the Red River, Atchafalaya, and Bayou Boeuf Levee District to exchange a certain tract of land in Avoyelles Parish for a certain tract of land owned by Wade Bordelon and to exchange a second tract of land in Avoyelles Parish for a certain tract of land owned by Cutoff Properties, LLC. Provides for the reservation of mineral rights by the levee district.

Effective upon signature of governor (May 25, 2022).

**Transfer of State Property to St. Tammany Parish School Board (ACT 155)**

Authorizes the commissioner of administration and the secretary of the La. Dept. of Health to transfer certain state property in St. Tammany Parish to the St. Tammany Parish School Board for consideration proportionate to its appraised value. Provides for the reservation of mineral rights to the state.

Effective upon signature of governor (May 25, 2022).

**Transfer of State Property to Garland C. Lemaire (ACT 186)**

Authorizes the commissioner of administration to transfer certain state property in Iberia Parish to Garland C. Lemaire. Provides for the reservation of mineral rights. Authorizes the office of state lands to proceed with a sale of the property under

the ordinary procedures established for the sale of surplus state property if an agreement authorized by the Act is not entered into between the parties by Dec. 31, 2024.

Effective upon signature of governor (May 25, 2022).

**Transfer of State Property to Amite City (ACT 190)**

Authorizes the commissioner of administration and the secretary of the Dept. of Children and Family Services to transfer certain state property in Tangipahoa Parish to the Town of Amite City for consideration proportionate to its appraised value. Provides for the reservation of mineral rights to the state. Authorizes the commissioner of administration and the secretary of the Dept. of Children and Family Services to proceed with a sale of the property under the ordinary procedures established for the sale of surplus state property if an agreement authorized by the Act is not entered into between the parties by Dec. 31, 2023.

Effective upon signature of governor (May 25, 2022).

**Transfer of State Property to Shreveport Implementation and Redevelopment Authority and to the Caddo Parish School Board (ACT 475)**

Authorizes the commissioner of administration to transfer certain state property in Caddo Parish to the Shreveport Implementation and Redevelopment Authority. Provides for the reservation of mineral rights to the state. Further provides for access to the property by the Shreveport Implementation and Redevelopment Authority or prospective developers for due diligence and planning purposes. Authorizes the office of state lands to proceed with a sale of the property under the ordinary procedures established for the sale of surplus state property if an agreement authorized by the Act is not entered into between the parties by Dec. 31, 2023.

Authorizes the Board of Supervisors of La. State University to transfer certain state property in Caddo Parish to the Caddo Parish School Board.

Provides for the reservation of mineral rights to the state. Authorizes the office of state lands to proceed with a sale of the property under the ordinary procedures established for the sale of surplus state property if an agreement authorized by the Act is not entered into between the parties by Dec. 31, 2023.

Effective upon signature of governor (June 15, 2022).

#### **Vietnam Veterans Memorial Highway (ACT 24)**

Designates mile markers 40 through 43, east and westbound, of Interstate Hwy. 20 in Webster Parish as the "Vietnam Veterans Memorial Highway".

Directs the Dept. of Transportation and Development (DOTD) to erect and maintain appropriate signage reflecting this highway designation provided local or private monies are received by the DOTD equal to its actual costs for material, fabrication, mounting posts, and installation of each sign, not to exceed the sum of \$1,680 per sign.

Effective August 1, 2022.

#### **John David Crow Memorial Highway (ACT 25)**

Designates the portion of La. Hwy. 371, specifically from the Arkansas state line, the northern city limits of Springhill, to the southern most city limits of Cullen, as the "John David Crow Memorial Highway". Requires appropriate signage be one sign posted in the southbound direction near the northern city limits of Springhill with one sign posted in the northbound direction near the southern city limits of Cullen, with appropriate space among existing signage.

Directs the Dept. of Transportation and Development (DOTD) to erect and maintain appropriate signage reflecting this highway designation provided local or private monies are received by DOTD equal to its actual costs for material, fabrication, mounting posts, and

installation of each sign, not to exceed the sum of \$550 per sign.

Effective August 1, 2022.

#### **SPC Torey Jonteal Dantzler, Sr. Memorial Highway (ACT 48)**

Designates a portion of U.S. Hwy. 165 in Caldwell Parish as the "SPC Torey Jonteal Dantzler, Sr. Memorial Highway".

Directs the Dept. of Transportation and Development (DOTD) to erect and maintain appropriate signage reflecting this highway designation provided local or private monies are received by the DOTD equal to its actual costs for material, fabrication, mounting posts, and installation of each sign, not to exceed the sum of \$550 per sign.

Effective August 1, 2022.

#### **Robert L. 'Doc' Owens Memorial Highway (ACT 49)**

Designates a portion of La. Hwy. 133 in Caldwell Parish as the "Robert L. 'Doc' Owens Memorial Highway".

Directs the Dept. of Transportation and Development (DOTD) to erect and maintain appropriate signage reflecting this highway designation provided local or private monies are received by the DOTD equal to its actual costs for material, fabrication, mounting posts, and installation of each sign, not to exceed the sum of \$550 per sign.

Effective August 1, 2022.

#### **Jessie Henry Memorial Highway (ACT 51)**

Designates the portion of La. Hwy. 527 that passes from parish line to parish line through Bossier Parish as the "Jessie Henry Memorial Highway".

Directs the Dept. of Transportation and Development (DOTD) to erect and maintain appropriate signage reflecting this highway



designation provided local or private monies are received by the DOTD equal to its actual costs for material, fabrication, mounting posts, and installation of each sign, not to exceed the sum of \$550 per sign.

Effective August 1, 2022.

#### **Kim Cannon Memorial Interchange (ACT 57)**

Designates Exit 44 on Interstate Hwy. 20 in Webster Parish as the "Kim Cannon Memorial Interchange".

Directs the Dept. of Transportation and Development (DOTD) to erect and maintain appropriate signage reflecting this designation provided local or private monies are received by the DOTD equal to its actual costs for material, fabrication, mounting posts, and installation of each sign, not to exceed the sum of \$550 per sign.

Effective August 1, 2022.

#### **Augustin Metoyer Memorial Parkway (ACT 62)**

Designates a portion of Louisiana Highway 493 from Louisiana Highway 119 to Louisiana Highway 1 in Natchitoches Parish as "Augustin Metoyer Memorial Parkway".

Directs DOTD to erect and maintain appropriate signs of this designation provided certain cost restrictions are satisfied.

Effective August 1, 2022.

#### **Dorothy Carter Memorial Bridge (ACT 63)**

Designates the Black Bayou Bridge on Louisiana Highway 384 in Calcasieu Parish as the "Dorothy Carter Memorial Bridge".

Directs DOTD to erect and maintain appropriate signs of this designation when certain cost provisions are met.

Effective May 17, 2022.

#### **Trooper George Baker Memorial Highway (ACT 65)**

Designates a portion of Louisiana Highway 16 in St. Helena Parish from the Tangipahoa Parish line to the Livingston Parish line as "Trooper George Baker Memorial Highway".

Directs DOTD to erect and maintain appropriate signs of this designation when certain cost provisions are met.

Effective August 1, 2022.

#### **The Cooper Road Pioneers Memorial Interchange (ACT 350)**

Designates the portion of I-49 that passes over La. Hwy. 3194 in Shreveport, La., as "The Cooper Road Pioneers Memorial Interchange".

Directs the Dept. of Transportation and Development (DOTD) to erect and maintain appropriate signage reflecting this highway designation provided local or private monies are received by the DOTD equal to its actual costs for material, fabrication, mounting posts, and installation of each sign, not to exceed the sum of \$1,680 per sign.

Effective August 1, 2022.

#### **Several Highways Named (ACT 345)**

Designates a portion of La. Hwy. 31 in Iberia Parish and St. Martin Parish as the "Judge Paul deMahy Highway", a portion of La. Hwy. 675 in Iberia Parish as the "Judge Charles L. Porter Highway", a portion La. Hwy. 347 in St. Martin Parish as the "Judge Carl J. Williams Memorial Parkway", and a portion of La. Hwy. 96 in St. Martin Parish as the "Judge C. Thomas Bienvenu, Jr. Memorial Highway".

Directs the Dept. of Transportation and Development (DOTD) to erect and maintain appropriate signage reflecting these highway designations provided local or private monies are received by the DOTD equal to its actual costs for material, fabrication, mounting posts, and

installation of each sign, not to exceed the sum of \$550 per sign.

Effective August 1, 2022.

#### **Several Highways Named (ACT 397)**

Designates a portion of U.S. Hwy. 90 in Jefferson Davis Parish as the "Winston Guillory Memorial Highway". Further designates a portion of La. Hwy. 14 in Jefferson Davis Parish as the "Marion "Butch" Fox Memorial Highway" and a portion of La. Hwy. 21 in Washington Parish as the "Lt. Brian Anthony Nichols "Lt. Nic" Memorial Highway".

Directs the Dept. of Transportation and Development (DOTD) to erect and maintain appropriate signage reflecting these highway designations provided local or private monies are received by the DOTD equal to its actual costs for material, fabrication, mounting posts, and installation of each sign, not to exceed the sum of \$550 per sign.

Effective August 1, 2022.

#### **The Zachary 'Zack' Joseph Cutrer Act (ACT 34)**

New law provides that Act No. 403 of the 2021 Regular Session, relative to tobacco products, shall be known and may be cited as "The Zachary 'Zack' Joseph Cutrer Act".

Effective August 1, 2022.

#### **Beau's Restroom Access Law (ACT 358)**

New law provides that Act No. 444 of the 2021 Regular Session, relative to restroom access for individuals with certain conditions, shall be known and may be cited as "Beau's Law".

Effective August 1, 2022.

(Adds §2 of Act No. 444 of the 2021 R.S.)

## **TITLE 1: GENERAL PROVISIONS**

### **Changes to Legal Holidays List (ACT 452)**

Present law provides for a list of legal holidays and days of public rest.

New law removes Robert E. Lee Day and Confederate Memorial Day as legal holidays. Adds President's Day as a legal holiday.

Effective August 1, 2022.

(Amends R.S. 1:55(A)(1) and (7), (B)(2), (D), and (E)(1)(a)(i))

## **TITLE 2: AERONAUTICS**

### **Shreveport Airport Authority (ACT 378)**

Existing law authorizes a governing body of a subdivision to create an airport authority and authorizes the authority to exercise its functions when appointed as a qualified commissioner. Existing law requires the governing body to appoint five to nine commissioners of the authority. Existing law requires the commissioners to serve staggered terms between one and five years, unless the vacancy occurs before the expiration of the term, then the vacancy will be filled for the remainder of the term.

New law requires the Shreveport Airport Authority, upon the expiration of a term occurring after Aug. 1, 2022, to appoint at least one commissioner who has a Federal Aviation Administration (FAA) private pilot's license or has served as a required aviation crew member in the U.S. military.

New law requires documentation be provided to comply with this requirement. Further requires the board ensure through subsequent appointments at least one member who either has a FAA private pilot's license or has served as a required aviation crew member in the U.S. military is always a part of the authority.

Existing law requires the authority be perpetually in existence until revoked by a governing body when said body creates an airport authority by resolution. Requires any airport district created by special act of the legislature be able to adopt a resolution or ordinance or take action by a vote of a majority of the quorum.

New law retains existing law but relocates this provision.

Effective August 1, 2022.

(Amends R.S. 2:602(A)(1); Adds R.S. 2:602(A)(3) and (4))

### **Airport Construction and Development Priority Program (ACT 67)**

Existing law provides definitions for terms used in the Airport Construction and Development Priority Program.

New law adds a definition for the term "sponsor".

Prior law required the department to approve the engineering and construction plans for any proposed projects that are prepared by consultant or contract engineers for any recipient airport authority.

Prior law required the department to inspect a completed project and the engineer is required to certify construction is in accordance with all plans and specifications.

New law provides the department is permitted, but not required, to approve the engineering and construction plans and is not required to inspect a completed project.

New law provides the sponsor shall certify that construction is in accordance with plans and specifications, not the department.

Effective May 17, 2022.

(Amends R.S. 2:809; adds R.S. 2:801(6))

## **TITLE 3: AGRICULTURE AND FORESTRY**

### **La. Agricultural Finance Authority (ACT 111)**

Existing law provides for the powers of the La. Agricultural Finance Authority (LAFA).

New law authorizes LAFA to acquire fuel through purchase at fair market prices, and to sell, deliver, or transfer any acquired fuel to any person, firm, corporation, municipality, or federal or state agency for emergency purposes related to a natural disaster, provided fuel is not reasonably available for acquisition by those entities from private sector sources.

Effective upon signature of the governor (May 25, 2022).

(Adds R.S. 3:266(25))

### **Soil Conservation Districts Law (ACT 9)**

Prior law (R.S. 3:1201 et seq.) provided for the "Soil Conservation Districts Law" and created the state soil and water conservation commission and soil and water conservation districts.

Prior law provided for the purposes of the "Soil Conservation Districts Law", including the conservation of the soil and soil resources of this state.

New law adds the conservation of soil health to the list of purposes and otherwise retains prior law.

New law defines the following terms:

(1) "Soil health" means the overall composition of the soil, including the amount of organic matter in and water holding capacity of the soil, and the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans.

(2) "Soil health practices" means agricultural practices that improve the health of soils, including but not limited to consideration of

depth of topsoil horizons, water infiltration rate, organic carbon content, nutrient content, bulk density, biological activity, biological and microbiological diversity, and minimization of bare ground.

Prior law required the members of the old state soil and water conservation commission created by law prior to August 1, 1956, to continue to serve until the new members of the state soil and water conservation commission were elected.

New law removes obsolete provisions of prior law.

Prior law required the chairman of the old state soil and water conservation commission to notify the soil and water conservation district supervisors of the time and the place that an election was to be held within 45 days after August 1, 1956.

New law requires the chairman of the state soil and water conservation commission to notify the soil and water conservation district supervisors of the time and the place that an election is to be held as provided by law.

New law requires a state convention to be held upon the call of the chairman of the state soil and water conservation commission and requires the chairman to provide notice to the soil and water conservation district supervisors.

Prior law provided for the powers of the state soil and water conservation commission, including the power to assist and guide districts in the preparation and carrying out of programs for resource conservation authorized by law.

New law adds the preparation and carrying out of programs for soil health to the list of powers of the commission and otherwise retains prior law.

New law corrects a reference in law from the Soil Conservation Service of the United States Department of Agriculture to the Natural Resources Conservation Service of the United States Department of Agriculture.

Prior law provided for the powers of the soil and water conservation districts.

New law adds soil health, soil health improvements, soil health practices aiding enhanced food and fiber production, conservation of natural resources, and adaptation to changes in climate and environment to the list of powers and otherwise retains prior law.

Effective May 13, 2022.

(Amends R.S. 3:1201(C) and (D), 1202 (intro para), 1202(3), 1204(A)(2) and (D)(1) and (12), and 1208(1), (2), (6), and (7); adds R.S. 3:1202(13) and (14))

### **Industrial Hemp (ACT 498)**

New law creates a definition for "performance-based sampling" and exempts certain licensees approved for performance-based sampling from Dept. of Agriculture THC testing requirements.

New law provides the criteria for a licensee to be eligible for performance-based sampling.

Prior law required a criminal background check upon application for initial licensure or annual license renewal for growers, seed producers, processors, and handlers.

New law changes the criminal background check requirement to upon application for initial licensure and every three years thereafter.

Existing law provides for prohibitions on selling or processing certain consumable hemp products.

New law adds a prohibition on retailers adding consumable hemp products to food or beverages sold at retail to consumers.

Prior law prohibited consumable hemp products from containing any cannabinoid that is not naturally occurring.

New law repeals prior law.

Existing law prohibits a person from selling any part of hemp for inhalation, except for rolling

papers. Further prohibits a person from processing or selling any alcoholic beverage containing cannabidiol or any consumable hemp product without a license or permit.

New law further prohibits a person's ability to offer for sale any products restricted by existing law.

New law defines the term "adult-use consumable hemp product" to mean any consumable hemp product that contains more than 0.5 milligrams of total THC per package.

Existing 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 retains existing law for floral hemp material and provides that all other consumable hemp products cannot exceed a delta-9 THC concentration of more than 0.3% or a total THC concentration of more than 1%, not to exceed 8 milligrams of THC per serving.

New law authorizes any consumable hemp product that exceeds the THC limits of new law that was registered with the department prior to June 16, 2022, to be sold in La. until Jan. 1, 2023.

New law requires any adult-use consumable hemp product to be identified as such on the label.

New law authorizes any label that does not meet the criteria provided in new law that was approved by the department prior to June 16, 2022, to be used in La. until July 1, 2023.

Existing law requires each application for product registration with the La. Dept. of Health (LDH) to include a certificate of analysis containing the following information:

(1) The batch identification number, date received, date of completion, and the method of analysis for each test conducted.

(2) Test results identifying the cannabinoid profile by percentage of weight, solvents, pesticides, microbes, and heavy metals.

New law requires the certificate of analysis to also indicate the serving size, total THC per serving, package size, and total THC per package and requires the units of measurement to be identified as mg/g.

New law requires the application for registration to include verification that the product was produced from hemp. Specifies that acceptable forms of verification will be determined by the department and may include a copy of the hemp grower or processor's license.

New law authorizes any application for registration that does not meet the criteria provided in new law that was approved by the department prior to June 16, 2022, to be used in La. until July 1, 2023.

Prior law required the certificate of analysis to be completed by an independent laboratory that meets the following criteria:

(1) Is accredited as a testing laboratory approved by the department.

New law requires the certificate of analysis to be completed by an independent laboratory that meets the following criteria:

(1)(a) If the laboratory is located outside of La., it is accredited by the International Organization for Standardization or other accrediting entity approved by the department.

(b) If the laboratory is located in La., it shall:

(i) Pass an on-site facility inspection conducted by the department.

(ii) Provide documentation that the owner has operated a state-approved, active medical marijuana or hemp laboratory in another state for at least the past 12 months.

(iii) Be accredited by the International Organization for Standardization or other

accrediting entity approved by the department or have an application pending for International Organization for Standardization accreditation.

New law requires the LDH to review any consumable hemp product submitted for approval and notify the submitting party of any deficiencies existing which prevents the approval of the product within 15 business days of the date of submission.

New law further requires that if the LDH fails to notify the submitting party within 15 business days of the date of submission, the product may be sold by a permitted wholesaler or retailer from the day following the 15th business day until the submitting party receives final approval or denial from the department for the product.

New law requires the LDH to provide a mechanism to allow the office of alcohol and tobacco control to scan consumable hemp products to determine if the product is registered with the LDH.

Existing law requires the LDH to promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of existing law.

New law requires the LDH to promulgate rules and regulations to implement the provisions of existing and new law on consumable hemp product approval by the LDH and regulation of processors utilizing emergency rulemaking authority.

New law requires the LDH to include the limits for solvents, pesticides, microbials, and heavy metals allowable in consumable hemp products and definitions for consumable hemp product types in their administrative rules.

New law requires the LDH to employ a minimum of two full-time employees to review and approve products.

New law requires the LDH to develop a process to register any consumable hemp product that is grown and processed in the state of La. as a

"Louisiana Hemp Product" and authorizes LDH to adopt a logo for the products.

New law further provides that no consumable hemp product may hold itself out as being a "La. Hemp Product" unless the product has been registered with LDH.

New law prohibits licensed retailers from selling adult-use consumable hemp products to any person under the age of 21.

Prior law created the Industrial Hemp Advisory Committee.

New law repeals prior law.

Effective upon signature of the governor (June 16, 2022).

(Amends R.S. 3:1462(13)-(18), 1465(D)(1), 1468(A), 1481, 1482(A), (B), (C), and (D)(intro. para.), 1483(A)(1), (B)(intro. para.), (6), and (7), (C), (E), (F)(1), (G), and (L), and 1484(B)(4) and R.S. 40:961.1; Adds R.S. 3:1462(19) and 1482(E); Repeals R.S. 3:1483(B)(8) and 1485)

### **La. Industrial Hemp Promotion and Research Program (ACT 462)**

New law establishes the La. Industrial Hemp Promotion and Research Program to support the growth and development of the industrial hemp industry in La.

New law defines the following terms:

(1) "Board" means the La. Industrial Hemp Promotion and Research Advisory Board.

(2) "Commissioner" means the La. commissioner of agriculture and forestry.

(3) "Industrial hemp" means the same as defined in present law.

(4) "Industrial hemp educational program" means any event focused on improving a participant's understanding of the industrial hemp industry.

(5) "Industrial hemp facility" means any facility used to produce or process industrial hemp.

(6) "Industrial hemp industry member" means any person with an interest and background in the requirements of producing, handling, processing, or selling industrial hemp or products produced from industrial hemp.

(7) "Industrial hemp research" means any scholarly activity conducted to collect scientific data utilizing experimental design as authorized under this Chapter.

(8) "Program" means the La. Industrial Hemp Promotion and Research Program.

(9) "Promotion of the industrial hemp industry" means the development of a comprehensive marketing plan for the industrial hemp industry, which may include a website, social media, and an advertising program.

New law creates the La. Industrial Hemp Promotion and Research Advisory Board within the Dept. of Agriculture and Forestry.

New law provides that the board consists of 15 members as follows:

(1) One member who is engaged in the production of industrial hemp or industrial hemp seed appointed by the La. Farm Bureau Federation, Inc.

(2) One member appointed by the La. State Univ. Agricultural Ctr.

(3) One member appointed by the Southern Univ. Agricultural Research and Extension Ctr.

(4) One member appointed by the speaker of the La. House of Representatives.

(5) One member appointed by the president of the La. Senate.

(6) One member appointed by the chairman of the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

(7) One member appointed by the chairman of the Senate Committee on Agriculture, Forestry, Aquaculture and Rural Development.

(8) One member appointed by the commissioner who is a licensed grower of industrial hemp.

(9) One member appointed by the commissioner who is a licensed processor of industrial hemp.

(10) One member appointed by the commissioner who is a consumer of industrial hemp.

(11) One member appointed by the commissioner who is a representative of the La. industrial hemp industry.

(12) One member appointed by the La. Black Farmers Cannabis and Hemp Assoc.

(13) One member appointed by the Morehouse Parish Black Farmers and Landowners Assoc.

(14) One member appointed by the La. Cannabis Assoc.

(15) One member appointed by the Gulf South Hemp Assoc.

New law requires the commissioner or his designee to serve as an ex officio member in an advisory capacity only.

New law requires appointments to the board be made no later than September 1, 2022.

New law provides for the organization and administration of the board, including the length of terms, vacancies, quorum requirements, expulsions, meeting requirements, and appointment of officers.

New law specifies that 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 La. Industrial Hemp Promotion and Research Program.

(2) Maintain a permanent record of its proceedings.

(3) Submit an annual report of its activities to the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development and the Senate Committee on Agriculture, Forestry, Aquaculture and Rural Development by January 31st of each year.

New law authorizes the board to:

(1) Provide information to governmental entities upon request on subjects of concern to the industrial hemp 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.

(3) Make recommendations to the House and Senate committees on agriculture, forestry, aquaculture, and rural development on legislation relative to the regulation of industrial hemp.

New law authorizes the commissioner to:

(1) Adopt such rules and regulations, as are necessary to administer the program, in accordance with the Administrative Procedure Act.

(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 be expended only to effectuate the purposes of new law, including the following uses:

(1) To attract additional business associated with the industrial hemp industry to La. including processors.

(2) To develop and promote La. industrial hemp brands or marketing campaigns.

(3) To aid in the development of a coordinated research plan designed to develop higher quality industrial hemp seeds and plants best suited for cultivation within the state, new and improved uses for industrial hemp, and best management practices.

(4) To develop educational programs and disseminate educational materials about industrial hemp.

(5) To support the enhancement and maintenance of public-use industrial hemp facilities, specifically those used for the purposes of promotion and research.

(6) To promote activities, facilities, events, and the needs of the La. industrial hemp industry.

(7) To contract for scientific research with accredited postsecondary education institutions or similar educational institutions, and industrial hemp licensees authorized to conduct industrial hemp research under existing law that will assist in carrying out the purposes of the program, including industrial hemp best management practices.

New law provides for the transfer of the program to the Dept. of Agriculture and Forestry as provided by law.

(Adds R.S. 3:1491-1496 and R.S. 36:629(L)(4))



### **Equine Promotion & Research Advisory Board (ACT 3)**

Prior law (R.S. 3:2074) created the Louisiana Equine Promotion and Research Advisory Board and provided for the organization of the board.

Prior law required that members serve at the pleasure of the commissioner and serve terms concurrent with the term of the commissioner making the appointment.

New law removes prior law requirement that members serve terms concurrent with the term of the commissioner making the appointment and otherwise retains prior law.

Effective May 13, 2022.

(Amends R.S. 3:2074(D))

### **Structural Pest Control License Exam (ACT 8)**

Prior law (R.S. 3:3368) provided for the license requirements of structural pest control operators.

Prior law further provided for application and examination requirements and required each applicant to submit a written application and pass a written examination.

New law retains prior law application and examination requirements but removes the requirement that the application and examination be written.

Prior law required the examination to be administered at the domicile of the Structural Pest Control Commission within 45 days after the application was received by the commission.

New law requires the examination to be administered at any location approved by the Structural Pest Control Commission after the application is received by the commission and removes the requirement that the examination be administered within 45 days.

Effective May 13, 2022.

(Amends R.S. 3:3368(B), (D), (E), and (G))

### **Soybean Assessments (ACT 150)**

Existing law imposes and levies an assessment on all soybeans grown within the state.

New law prohibits the state from imposing and levying the assessment established in existing law while a similar national assessment established under federal law remains in effect. New law also requires the state to impose and levy the state assessment upon the suspension or termination of the national assessment established under federal law.

Effective upon signature of the governor (May 25, 2022).

(Amends R.S. 3:3553(A))

### **La. Agriculture Transportation Group Self-Insured Fund (ACT 586)**

New law authorizes the creation of a self-insurance fund for the purpose of providing auto coverage for vehicles that transport timber and agriculture products and names the fund as the La. Agriculture Transportation Group Self-Insured Fund.

New law provides that any five or more La. timber or agriculture companies, who are not public entities, each of whom has a positive net worth and is financially solvent, may pool their liabilities and self-insure for the purposes of maintaining automobile coverage for timber and agriculture transportation vehicles. New law provides that members of the fund must also be members of one or more bona fide trade or professional associations.

New law defines "bona fide trade or professional association" as an active trade or professional association that promotes La. timber or agriculture production, is chartered and domiciled in Louisiana, has been in existence and conducted regular meetings for at least five years, and is not established for the primary purpose of operating a self-insured fund.

New law provides that no fund can become operative until the fund is issued a certificate of authority by the Dept. of Insurance after the department has approved the application for the fund and the documents required to establish solvency and the ability to properly manage and pay claims.

New law provides that no person may solicit membership for a fund unless they are licensed by the department as a property and casualty producer. New law sets forth requirements for insurance producers who solicit membership for the fund and for the payment of commissions.

New law provides that the rates for coverage, or the costs of premiums, that may be charged to the members must be in an amount that is actuarially justified. New law further provides that once the rate filing is made to the department, the premium rates may be charged to the members of the fund for automobile coverage within 90 days after the rate filing is made, unless disapproved within the 90 day period.

New law provides that, in order to maintain financial stability of the fund, the Dept. of Insurance is to require two or more timber or agriculture companies to maintain a combined net worth of \$1,000,000, or five or more principals of the member companies to maintain a combined net worth of \$1,000,000. New law further provides that financial statements must not be more than one year old when submitted to the department of insurance for approval of the self-insurance fund. New law requires further security in the form of excess insurance or reinsurance in an amount and in a form that is approved by the Dept. of Insurance to insure the ability to properly manage and pay claims.

New law provides that to further the financial stability of the self-insured fund, the members will pay a percentage over and above their premiums to establish a reserve account. New law further provides that the reserve account will be maintained at all times while the self-insured fund is in operation and no payments can be made from the reserve account unless approved by the department.

New law provides that, if the fund employs one or more third-party administrators, each third-party administrator of the fund must post a bond. New law provides that, if the fund employs its own administrator, the fund is required to purchase a bond, errors-and- omissions insurance, or other security that is approved by the Dept. of Insurance.

New law requires a self-insurer's fund maintain a minimum of \$750,000 in premiums in the fund for the first year and \$2,000,000 in premiums for each year thereafter.

New law provides for agreements to pool liabilities to be set forth in the indemnity agreement or other instruments. New law provides for annual premium audits to be conducted by an independent audit firm that is approved by the department.

New law provides for proper audits by the fund in a form that is acceptable to the department. New law does not prohibit the legislative auditor from also reviewing the records and conducting an audit of the fund.

New law provides that each member must sign mutual indemnity agreements to cover the risk of liability covered by the fund, and copies of the agreements will be presented to the Dept. of Insurance when the application is made for approval of the fund. New law requires that proof of advanced payments to the fund of at least 25% of each member's first year estimated annual earned premiums be provided with the application.

New law provides that monies deposited into the fund may be invested in certain interest-bearing or interest-accruing investments and in certain bonds and securities that are publically traded or have a certain minimum rating with Moody's, Standard and Poor's, or Fitch.

New law further provides that the department may impose fines and penalties for failure to comply with requirements to operate the fund as required by new law. New law further provides that the department may revoke the authority to operate the fund or issue cease and desist orders

if the requirements of new law are not maintained by the fund and its members.

New law provides for standards to which self-insurers must adhere and provides for authority for the department to take action when a self-insurer is in hazardous financial condition.

New law provides that any administrative hearing that is necessary to resolve a dispute related to the regulation of the fund is to be conducted by the division of administrative law in accordance with existing law.

New law provides that, if the fund becomes insolvent, the Dept. of Insurance will require the fund to submit a plan to take necessary action to restore solvency and the plan must be approved by the department. New law provides that, if the fund cannot be restored, the Dept. of Insurance is authorized by new law to execute delinquency proceedings and place the fund into confidential administrative supervision, conservation, rehabilitation, or liquidation. New law further provides that the 19th Judicial District Court has exclusive jurisdiction to hear any delinquency proceeding instituted by the department for the failure of a fund to comply with the approved corrective action plan and the court may issue an injunction to restrain the fund and its officers, agents, directors, or employees from transacting any insurance business or disposing of property until further action by the court.

New law provides that an examination of the fund is to be made by the department at least every five years. New law provides that the examiners are to be appointed by the department, who is to instruct them on the scope of the examination in order to determine if the fund is operating in compliance with new law, and the examiners expenses are to be paid by the fund.

New law authorizes the department to employ investigators to investigate complaints received against a fund that is approved to operate under new law or against any unauthorized group self-insurance fund that is reported to be operating in this state.

New law authorizes a fund that wishes to dissolve to apply to the department. New law further provides the requirements for the dissolution of the fund, including the requirements for payment of future claims and the methods to secure future obligations of the fund.

Effective upon signature of the governor (June 17, 2022).

(Adds R.S. 3:4351.1-4351.16)

### **La. Transportation Agriculture Group Self-Insured Fund (ACT 598)**

New law authorizes the creation of a self-insurance fund for the purpose of providing auto coverage for vehicles that transport timber and agriculture products and names the fund as the La. Transportation Agriculture Group Self-Insured Fund.

New law provides that any five or more La. timber or agriculture companies, who are not public entities, each of whom has a positive net worth and is financially solvent, may pool their liabilities and self-insure for the purposes of maintaining automobile coverage for timber and agriculture transportation vehicles. New law requires members of the fund must also be members of one or more bona fide trade or professional associations. New law defines "bona fide trade or professional association" as an active trade or professional association that promotes La. timber or agriculture production, is chartered and domiciled in Louisiana, has been in existence and conducted regular meetings for at least five years, and is not established for the primary purpose of operating a self-insured fund.

New law provides that no fund can become operative until the fund is issued a certificate of authority by the Dept. of Insurance after the department has approved the application for the fund and the documents required to establish solvency and the ability to properly manage and pay claims.

New law prohibits the solicitation of membership for a fund unless they are licensed by the department as a licensed insurance producer.

New law sets forth requirements for insurance producers who solicit membership for the fund and for the payment of commissions.

New law provides that the rates for coverage, or the costs of premiums, that may be charged to the members must be in an amount that is actuarially justified. New law further provides that once the rate filing is made to the department, the premium rates may be charged to the members of the fund for automobile coverage within 90 days after the rate filing is made.

New law provides that, in order to maintain financial stability of the fund, the Dept. of Insurance is to require two or more timber or agriculture companies to maintain a combined net worth of \$1,000,000 or five or more principals of the member companies to maintain a combined net worth of \$1,000,000. New law further provides that financial statements must not be more than one year old when submitted to the department of insurance for approval of the self-insurance fund. New law requires further security in the form of excess insurance or reinsurance in an amount and in a form that is approved by the Dept. of Insurance to insure the ability to properly manage and pay claims.

New law provides that to further the financial stability of the self-insured fund, the members will pay a percentage over and above their premiums to establish a reserve account. New law further provides that the reserve account will be maintained at all times while the self-insured fund is in operation and no payments can be made from the reserve account unless approved by the department.

New law provides that, if the fund employs one or more third-party administrators, each third-party administrator of the fund must post a bond. New law provides that, if the fund employs its own administrator, the fund is required to purchase a bond, errors and omission's insurance, or other security that is approved by the Dept. of Insurance.

New law provides that a self-insurer's fund must obtain a minimum of \$750,000 in premiums in

the fund for the first year and \$2,000,000 in premiums for each year thereafter.

New law provides for agreements to pool liabilities to be set forth in the indemnity agreement or other instruments. New law provides for annual premium audits to be conducted by an independent audit firm that is approved by the department.

New law provides for proper audits by the fund in a form that is acceptable to the department. New law does not prohibit the legislative auditor from also reviewing the records and conducting an audit of the fund.

New law requires each member to sign mutual indemnity agreements to cover the risk of liability covered by the fund and copies of the agreements will be presented to the Dept. of Insurance when the application is made for approval of the fund. New law provides that proof of advanced payments to the fund of at least 25% of each member's first year estimated annual earned premiums must be provided with the application.

New law provides that monies deposited into the fund may be invested in certain interest-bearing or interest-accruing investments and in certain bonds and securities that are publically traded or have a certain minimum rating with Moody's, Standard and Poor's, or Fitch.

New law authorizes the department to impose fines and penalties for failure to comply with requirements to operate the fund. New law further authorizes the department to revoke the authority to operate the fund or issue cease and desist orders if the requirements of new law are not maintained by the fund and its members.

New law provides for standards to which self-insurers must adhere and provides for authority for the department to take action when a self-insurer is in hazardous financial condition.

New law provides that any administrative hearing that is necessary to resolve a dispute related to the regulation of the fund is to be conducted by the Dept. of Insurance in accordance with existing law.

New law provides that, if the fund becomes insolvent, the Dept. of Insurance will require the fund to submit a plan to take necessary action to restore solvency and the plan must be approved by the department. New law provides that, if the fund cannot be restored, the Dept. of Insurance is authorized by new law to execute delinquency proceedings and place the fund into confidential administrative supervision, conservation, rehabilitation, or liquidation. New law further provides that the 19th Judicial District Court has exclusive jurisdiction to hear any delinquency proceeding instituted by the department for the failure of a fund to comply with the approved corrective action plan and the court may issue an injunction to restrain the fund and its officers, agents, directors, or employees from transacting any insurance business or disposing of property until further action by the court.

New law requires an examination of the fund be made by the department at least every five years. New law provides that the examiners are to be appointed by the department, who is to instruct them on the scope of the examination in order to determine if the fund is operating in compliance with new law, and the examiners expenses are to be paid by the fund.

New law authorizes the department to employ investigators to investigate complaints received against a fund that is approved to operate under new law or against any unauthorized group self-insurance fund that is reported to be operating in this state.

New law provides that a fund wishing to dissolve may apply to the department. New law further provides the requirements for the dissolution of the fund, including the requirements for payment of future claims and the methods to secure future obligations of the fund.

Effective June 18, 2022.

(Adds R.S. 3:4351.1-3:4351.16)

## **TITLE 4: AMUSEMENTS AND SPORTS**

### **Resale of Admission Tickets (ACT 55)**

Existing law requires the value of admission tickets for certain events to be printed on the face of the ticket.

New law retains existing law.

Prior law prohibited the resale of admission tickets for higher than face value.

New law repeals prior law.

Existing law establishes penalties for violations of existing law including a fine of not less than \$100 nor more than \$500. New law retains existing law.

Prior law established penalties for violations of existing law including imprisonment for a period of either 30 days or 90 days. New law repeals prior law.

Prior law authorized ticket sales at greater than face value for athletic events for colleges and universities when the payment is made directly to the college or university or to the college or university's alumni program or other organization meant to provide the school with financial support.

New law repeals prior law.

Existing law authorizes the resale of admission tickets for higher than face value via the internet when authorized by the event organizer and operator. If such authorization is granted, the seller may sell the ticket on any website, provided the website's operator guarantees a full refund if:

- (1) The event is canceled.
- (2) The buyer is denied entry at no fault of the buyer.
- (3) The ticket is delivered in a manner not stated on the website or not guaranteed by the reseller and the buyer is unable to attend.

New law repeals the portions of existing law that provide for the authorization needed by the organizer or operator. New law otherwise retains existing law.

Existing law requires a website operator to post the guarantee made pursuant to existing law on the operator's website and further requires that prospective buyers be directed to the guarantee prior to the transaction.

Existing law requires refunds guaranteed pursuant to existing law to include all fees incurred during the transaction unless the fees have been declared nonrefundable.

Existing law provides for an exception to the provisions of existing law relative to internet resale for university sporting event tickets provided to La. legislators and student tickets for sporting events at La. universities.

New law retains existing law.

Prior law provided that if authorization to resell an admission ticket for an amount higher than the face value is not granted by the organizer and operator pursuant to prior law, a person or entity shall be prohibited from selling a ticket from more than the printed face value.

New law repeals prior law.

Effective August 1, 2022.

(Amends R.S. 4:1)

### **Wagering and Other Gaming (ACT 530)**

Existing law provides for the Louisiana State Racing Commission (LSRC) to regulate the conduct of pari-mutuel racehorse wagering and the Louisiana Gaming Control Board (LGCB) to regulate the conduct of sports wagering.

New law authorizes the LSRC to make rules and regulations for pari-mutuel wagering in a sports book lounge of a host entity (Riverboats or Land-based Casino) licensed by the LGCB to conduct sports wagering. Also authorizes pari-mutuel

wagering in the sports book lounge of a licensed racing association (Racetrack).

Existing law provides that LSRC is the exclusive authority regarding all conducted horse races upon the results of which there is wagering. Provides that only persons receiving a license from LSRC may conduct pari-mutuel wagering and that pari-mutuel wagering shall be limited to a space within the race meeting grounds or an offtrack wagering facility. Declares that all other forms of wagering on the result of horse races are illegal.

New law provides that notwithstanding existing law, pari-mutuel wagering on the result of horse races may also be conducted in the sports book lounge licensed by LGCB for sports wagering, provided the requirements of new law are met.

Existing law provides for certain definitions for the purpose of establishing an offtrack wagering facility (OTB).

New law retains existing law and adds definitions for "audited net profits", "host entity", and "offtrack wagering facility licensee".

Existing law provides that any licensed racing association may conduct pari-mutuel wagering and engage in all necessary activities to establish appropriate offtrack wagering facilities to accomplish that purpose.

New law retains existing law and adds that a licensed racing association may be licensed as an OTB to conduct pari-mutuel wagering in a sports book lounge of a Riverboat or Land-based Casino, provided that the Riverboat or Land-based Casino is geographically located in one of the 20 parishes that has approved, by public referendum, the conduct of pari-mutuel wagering in that parish. Requires there to be an agreement between the licensed racing association and the Riverboat or Land-based Casino that is approved by both the LSRC and LGCB and that the agreement include the following terms:

(1) Pari-mutuel wagering shall be restricted to the Riverboat's or Land-based Casino's retail sports book lounge.

(2) Pari-mutuel wagering shall be conducted in accordance with existing law.

(3) All pari-mutuel wagers shall be maintained and accounted separate and distinct from all other sports wagers placed in the sports book lounge.

(4) The gaming division of the office of state police shall have access to all files, records, documents, film, tape, including surveillance tape, and any other information and personnel necessary to determine compliance with all gaming laws, rules, and regulations on gaming activities and operations under LSRC's jurisdiction or LGCB's jurisdiction.

(5) The offtrack wagering facility licensee shall make compensation payments to the Riverboat or Land-based Casino of 30% of audited net profits on the total amount wagered at the Riverboat or Land-based Casino facility. Requires the agreement to specify the calculation and periodic payments.

(6) All commissions and fees taken from pari-mutuel wagers and the distribution of the takeouts shall be as provided in existing law.

New law provides that a licensed racing association may be licensed as an OTB to conduct pari-mutuel wagering in its sports book pursuant to a plan of operation approved by LSRC and LGCB and requires the plan of operation to provide that:

(1) Pari-mutuel wagering shall be conducted in accordance with existing law.

(2) All pari-mutuel wagers placed in the sports book lounge shall be maintained and accounted separate and distinct from all other sports wagers placed in its sports book lounge.

(3) The gaming division of the office of state police shall have access to all files, records, documents, film, tape, including surveillance tape, and any other information and personnel necessary to determine compliance with all gaming laws, rules, and regulations on gaming activities and operations under LSRC's jurisdiction or LGCB's jurisdiction.

Existing law provides several criteria for LSRC to approve a licensed racing association for an OTB.

New law retains existing law with the following exceptions for OTBs located in a sports book lounge:

(1) Provides a municipal governing body's authority to impose a license fee on an OTB as a result of a municipal referendum shall not apply.

(2) Provides that the requirement that a licensed racing association grant permission to an OTB to be located within a 55 mile radius of its pari-mutuel facility shall not apply.

(3) Provides that such OTB's shall not count toward existing law's maximum number of OTBs per parish.

(4) Provides that existing law's maximum allowable attendance at an OTB shall not apply.

(5) Raises the minimum age of a person to enter to 21 years old.

(6) Provides the 25 cents per person admission fee shall not apply.

(7) Prohibits the conducting of historical horse wagering.

Existing law provides that only a licensed racing association may own and operate an OTB in a parish whose parish seat is located less than 55 miles from their facility and provides a procedure for ownership for locations outside of the 55 mile radius and instances where more than one facility is within the radius.

New law provides that existing law shall not apply to an OTB located in a sports book lounge of a Riverboat or Land-based Casino.

Existing law restricts the location of OTBs in relation to National Register of Historic Places, public playgrounds, residential property or buildings primarily used as a church, synagogue, public library, or school.

New law provides that existing law shall not apply to an OTB located in a sports book lounge of a Riverboat or Land-based Casino.

Existing law provides that LSRC may refuse, suspend, or withdraw licenses granted by it for just cause. Provides that several behaviors that constitute just cause, including an action that is contrary to existing law.

New law retains existing law and adds to the behaviors that constitute just cause actions contrary to an agreement or plan of operation for an OTB located in a sports book lounge.

Existing law provides that Riverboats, Land-based Casino, and Racetracks pay taxes on net gaming proceeds from sports wagering. 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 the amount of eligible promotional play.

New law provides that "net gaming proceeds" shall not include wagers placed by patrons on racehorse wagering, or winnings paid out to patrons on racehorse wagering, and defines "racehorse wagering" as wagers placed on horse racing conducted under the pari-mutuel form of wagering at licensed racing facilities that are accepted in accordance with existing law on pari-mutuel wagering and an approved agreement or approved plan of operation.

New law provides that any commissions, fees, and other deductions on racehorse wagering shall be in accordance with existing law.

New law provides specific authority for the LGCB to reconsider and withdraw its approval of an agreement or plan of operation upon a finding of noncompliance with the terms of the agreement or plan.

New law (HB 1055 of the 2022 Regular Session) provides for the LSRC to promulgate rules setting forth minimum standards and infrastructure investments required of each association for facility maintenance and improvements, such as minimum standards for track surface, barns,

grand stands, and paddocks in order for the association to be eligible to conduct race meets at a particular track. Requires facility improvements to be included in the plan of operation guidelines set forth in existing law and defines "facility maintenance" and "facility improvements".

New law defines "gross profits", "state tax", and "taxable net slot machine proceeds".

New law requires that, after July 1, 2023, 10% of gross profits are to be deposited into the facility maintenance and improvement fund until all commission-required facility maintenance and improvements have been completed. Requires the deposits to be made at the same time that the state tax is paid.

New law provides that after initial maintenance and improvements have been completed satisfactorily, each association is required to maintain a minimum fund balance of \$3,000,000.

New law provides that for the purposes of the initial maintenance and improvements, the following deadlines shall apply:

- (1) The commission shall promulgate rules establishing minimum standards of facilities and infrastructure investments no later than October 1, 2022.
- (2) Each association shall submit a plan for compliance to the commission no later than December 1, 2022.
- (3) The commission shall approve or specify deficiencies in each association's plan no later than February 1, 2023.
- (4) Each association shall complete the required maintenance and improvements to its facilities no later than December 31, 2023.

New law provides that deadlines may be extended by a majority vote of the membership of the commission for extenuating circumstances including force majeure. Provides that the failure of an association to meet deadlines shall constitute grounds for just cause for the



commission to deny or terminate racing privileges.

New law provides that, if it determines that an association is in compliance with the minimum standards and infrastructure investments, the commission may, by a 2/3s vote of the membership, authorize any of the following:

- (1) Exempt an association from maintaining the minimum fund balance required by new law.
- (2) Exempt the association from making deposits as required by new law.
- (3) Allow the balance of an association facility maintenance and improvement fund be withdrawn or reduced.

New law authorizes the commission to reconsider compliance with new law at any time and revoke any exemption or allowance for noncompliance.

Existing law provides for the LGCB to grant or deny licenses to racetracks to operate slot machines on the racetrack grounds. Provides for the licenses to be for 5 years.

New law provides that notwithstanding existing law, upon notification from the LSRC that the racetrack is not in compliance with the minimum standards for facility maintenance and improvements but is cooperating with the commission and working towards compliance, the LGCB may grant or renew a license for a probationary period not to exceed one year. Provides that barring extenuating circumstances as determined by the board, the probationary period shall not be extended beyond one year. Provides that after the probationary period, the board shall either grant or renew the license for the remainder of the term or revoke the license.

Provides that the provisions of this Act shall supercede the conflicting provisions of the Act which originated as House Bill No. 1055 (Act 525) of the 2022 Regular Session.

Effective June 16, 2022.

(Amends R.S. 4:149, 211, 213, 214, and 226(B)(1) and R.S. 27:602(13); adds R.S. 4:147(7), 164, 215(D), and 228(H) and R.S. 27:361(E)(3), 393.1, 602(18.1), 607(H), and 629)

### **La. Racing Commission (ACT 692)**

Existing law provides for historical horse racing.

New law makes technical changes.

Existing law provides that the La. Racing Commission (commission) has the authority to prescribe rules and regulations for the conduct of all horse races for which there is wagering. Existing law gives the commission the authority to prescribe special rules and regulations for thoroughbreds and quarter horses. Existing law requires the commission to make rules to govern pari-mutuel wagering, whether on live or historical horse races.

Existing law provides that only licensees of the commission may conduct pari-mutuel wagering and such wagering is restricted to a space within the race meeting grounds or an offtrack wagering facility.

New law changes existing law by clarifying that the commission is the sole entity that regulates the location of such wagering and the location can be any space within the race meeting grounds or an offtrack wagering facility as determined by the commission.

Prior law required monies designated for purses from the commissions on wagers generated by historical horse racing machines (HHR) at offtrack wagering facilities (OTBs) operated by the association at the eligible facility in Orleans Parish count toward the \$1,000,000 cap as approved in the *Soileau v. Churchill Downs* settlement.

New law prohibits monies designated for purses from the commissions on wagers generated by HHR at OTBs operated by the association at the eligible facility in Orleans Parish count toward the \$1,000,000 cap as approved in the *Soileau v. Churchill Downs* settlement.

Effective August 1, 2022.

(Amends R.S. 4:149 and 217(E))

### **Racing Licenses (ACT 721)**

Existing law authorizes the La. State Racing Commission (commission) to issue licenses in accordance with existing law and applicable rules and regulations adopted by the commission. Authorizes the commission to revoke a license to cause the license holder to become ineligible to participate in racing.

New law retains existing law.

Prior law provided for a license issued by the commission to remain active for a period of not more than one year.

New law deletes the time period in prior law and instead extends the license period from not more than one year to not more than three years.

Existing law authorizes owners, trainers, jockeys, jockey agents, exercise persons, and veterinarians to renew the annual license fee for up to a three-year period which expires on June 30<sup>th</sup> of the third year. Existing law applies to the registration of colors.

New law retains and extends existing law to the renewals of annual license fees for partnership licenses.

Effective June 30, 2022.

(Amends R.S. 4:150(A) and 169(A)(3))

### **Racing (ACT 525)**

Existing law provides for specific duties of the La. State Racing Commission (commission). New law provides for the following additional duties of the commission:

(1) Promulgate rules setting forth minimum standards and infrastructure investments required of each association for facility maintenance and improvements, such as minimum standards for track surface, barns, grandstands, and paddocks

in order for the association to be eligible to conduct race meets at a particular track.

(2) Promulgate rules setting forth minimum employment requirements, including but not limited to food service, marketing, pari-mutuel windows, and kiosk repair staffing, for both full-time and seasonal workers, in order for the association to be eligible to conduct race meets at a particular track.

Prior law authorized the commission to require licensed associations to submit a written report and set forth certain guidelines to be included in the report, including a plan of operation and a summary of the prior year's plan of operation. New law retains these guidelines and changes the reporting provisions from a regulation the commission is authorized to enforce to a regulation the commission is required to enforce.

New law requires facility improvements to be included in the plan of operation guidelines set forth in existing law.

Prior law defined "facility maintenance".

New law revises the definition of "facility maintenance" and adds the defined term "facility improvements".

New law requires each association or licensee as defined in existing law (R.S. 4:143) to submit to the commission, the Senate Committee on Judiciary B, and the House Committee on Commerce, by certified mail no later than 20 days after the end of each calendar quarter, a report that provides all of the following:

(1) The names each individual, corporation, firm, partnership, association, or other legal entity that provides professional services to the association or licensee, including the name and addresses of each entity and whether the entity providing the services is a registered La. business, female-owned, or minority-owned.

(2) The demographic information of the association's or licensee's workforce, including race, gender, and La. residency.

New law defines "professional services".

New law requires the reports set forth in new law to be public records and governed by existing law known as the "Public Records Law" (R.S. 44:1 et seq.).

New law provides that the reports required pursuant to new law are not required to contain compensation amounts paid by the association to each individual or legal entity in exchange for professional services or the compensation paid to each of its employees.

New law authorizes the commission to suspend or withdraw licenses, permits, and other privileges or to terminate racing privileges for failure to comply with the reporting requirements in accordance with new law.

New law requires the commission to adopt rules for the implementation of new law in accordance with the Administrative Procedure Act (R.S. 49:950 et seq.).

New law requires the first report required pursuant to new law to be submitted on or before Oct. 20, 2022.

New law authorizes the commission to suspend or withdraw licenses, permits, and privileges or terminate racing privileges for failure to spend necessary funds in order to maintain minimum facility maintenance and facility improvement criteria established by the commission.

New law requires each association to establish and maintain a facility maintenance and improvement fund, specifies the fund's purpose, and provides that the fund shall be subject to audit by the La. State Racing Commission and the legislative auditor.

New law defines "gross profits", "state tax", and "taxable net slot machine proceeds".

New law requires that, after July 1, 2022, 50% of gross profits are to be deposited into the facility maintenance and improvement fund until all commission-required facility maintenance and improvements have been completed. Requires the

deposits to be made at the same time that the state tax is paid.

New law provides that after initial maintenance and improvements have been completed satisfactorily, each association is required to maintain a minimum fund balance of \$10,000,000.

New law requires each licensed eligible facility or licensee to establish a facility maintenance and improvement fund as provided in new law.

New law provides that for any new license or license renewal issued by the board on or after July 1, 2022, the establishment of, deposits into, and maintenance of the fund shall be a condition of licensing and shall be required by the owner of the licensed eligible facility or licensee in order to maintain continued authority to conduct slot machines gaming.

Effective upon signature of governor (June 16, 2022).

(Amends R.S. 4:158.1 and 160(B); Adds R.S. 4:147(7) and (8), 158.2, 160(C), and 164 and R.S. 27:393.1)

### **La. (Racehorse) Champions Day (ACT 216)**

Existing law establishes La. Champions Day, a special day of racing devoted solely to La.-bred horses. New law retains existing law.

Prior law required that La. Champions Day be funded through one of the following:

- (1) Purses offered by racing associations.
- (2) Matching funds from the appropriate breeders association.
- (3) Corporate contributions.
- (4) Funds available pursuant to existing law.
- (5) Any other donations, bequests, or contributions.

New law changes prior law by no longer requiring, but instead authorizing, La. Champions Day to be funded through one of the five provided methods.

New law no longer requires that funding from the appropriate breeders association be matching funds. Instead, new law simply allows funding from the appropriate breeders association.

Prior law required certain monies to be deposited into the La. Champions Day Account and used for the next La. Champions Day.

New law allows the monies be deposited into the La. Champions Day Account for the next La. Champions Day or any lawful purpose to enhance the La. horse breeding industry.

Prior law required the La. Thoroughbred Breeders Association to remit funds received pursuant to existing law to the state treasurer if no La. Champions Day was held within 18 months of receipt of the funds. New law repeals prior law.

Prior law provided that monies received pursuant to existing law may only be used for La. Champions Day. New law removes the limitation on the use of such monies.

Effective August 1, 2022.

(Amends 4:202(C)(intro. para.) and (2) and 203)

### **Offtrack Wagering Facility License Fees (ACT 381)**

Existing law (R.S. 4:218) authorizes the La. State Racing Commission to collect a license fee not in excess of 1.5% of the total amount wagered at each offtrack wagering facility.

New law retains existing law.

New law (R.S. 4:218.1) authorizes the commission to collect a license fee not in excess of 4% of the total amount wagered at each offtrack wagering facility on historical horse racing to cover administrative costs.

Effective August 1, 2022.

(Adds R.S. 4:218.1)

### **Offtrack Wagering Facility Licenses (ACT 92)**

Existing law prohibits any license be granted to any offtrack wagering facility (OTB) located 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.

Existing law provides for an exception to the existing law prohibition if the OTB licensee applied for a license or was issued a license on or before July 1, 2021, or applied for or was issued a valid building permit on or before July 1, 2021, and subsequently issued a license.

New law provides for an additional exception to the existing law prohibition if the owner of the equity of the primary licensee on July 1, 2021, sold the equity of the primary licensee to a new owner, and the transaction was approved by the La. State Racing Commission prior to November 1, 2021, then the primary licensee shall have until August 1, 2022, to apply for licensing of the OTBs.

Effective May 24, 2022.

(Amends R.S. 4:228(F))

### **Fairness in Womens Sports Act (ACT 283)**

New law enacts the Fairness in Womens Sports Act, requires an athletic team or sporting event sponsored by an elementary, secondary, or postsecondary educational institution to be designated, based upon the biological sex of team members, as only one of the following:

- (1) A males, boys, or mens team or event only for students who are biological males.
- (2) A females, girls, or womens team or event only for students who are biological females.

(3) A coeducational or mixed team or event for students who are biological males or biological females.

New law provides for definitions. New law provides that "biological sex" means a statement of a student's biological sex on the student's official birth certificate which is entered at or near the time of the student's birth.

New law prohibits a team designated for females, girls, or women from being open to students who are not biologically female.

New law provides that nothing in new law will be construed to restrict the eligibility of any student to participate in any intercollegiate or interscholastic athletic teams or sports designated as "males", "men", or "boys" or designated as "coed" or "mixed".

New law provides that nothing in new law is intended to prevent any school from implementing or maintaining a coed athletic team or sporting event which is open to both biological males and biological females so long as a female athletic team or sporting event is not disbanded for the purpose of creating a coed team or event which would thereby result to the detriment of biological female students.

New law provides that nothing in new law shall be construed to apply to an intramural athletic team or intramural sport.

New law prohibits any governmental entity, licensing or accrediting organization, or athletic association from entertaining a complaint, opening an investigation, or taking any other adverse action against a school, school board, or postsecondary education management board for maintaining separate teams for females and males as provided by new law.

New law provides that no cause of action may be maintained against any school, school board, school coach, school employee, school board member, postsecondary education management board, or postsecondary education board member that prohibits a biological male from participating in a female, girls, or womens athletic team or

sporting event pursuant to the requirements of new law.

New law provides that certain persons are entitled to legal causes of action and legal remedies under new law as follows:

(1) A biological female student who is deprived of an athletic opportunity or suffers or is likely to suffer from any direct or indirect harm as a result of a violation of new law. New law provides that requiring a biological female to compete against a biological male on a team that is designated as a "females", "girls", or "womens" team is inherently discriminatory to biological females and is a cognizable harm under new law.

(2) Any biological female student who is subjected to retaliation or other adverse action by a school, athletic association, or other organization as a result of reporting a violation of new law to an employee or representative of the school, athletic association, or to any local, state, or federal agency with oversight of schools.

(3) Any school, school coach, school employee, school board, school board employee, school board member, postsecondary education board, or postsecondary education board member that suffers any direct or indirect harm for prohibiting a biological male from participating in a females, girls, or womens athletic team or sporting event.

New law provides that any person who is entitled to bring a cause of action may obtain the following relief:

(1) A court ordered injunction, a protective order, a writ of mandamus or prohibition, or a declaratory judgment to prevent any violation of new law.

(2) Actual damages suffered, reasonable attorney fees, and costs.

New law provides that any civil action pursuant to new law must be initiated within two years from the date that the harm occurred.

Effective August 1, 2022.

(Adds R.S. 4:441-446)

### **Public and Nonprofit School Raffles, Bingo, and Keno (ACT 387)**

Existing law provides that the office of charitable gaming may license charitable organizations to hold and operate certain games of chance.

New law adds private nonprofit elementary or secondary schools and public elementary or secondary schools to the list of organizations authorized to hold and operate certain games of chance.

Existing law allows the office to license certain organizations to hold and operate certain games of chance without the organization having to qualify with the IRS for a federal income tax exemption.

New law adds private nonprofit elementary or secondary schools and public elementary or secondary schools to existing law.

Existing law provides for definitions for the following terms: booster club, civic or service association, Mardi Gras carnival organization, parent-teacher association, public institution of higher education, and volunteer fire company.

New law provides for a definition for "private nonprofit elementary or secondary school" and "public elementary or secondary school".

Existing law provides that any club, organization, group, or association which has a membership comprised exclusively of children enrolled in a public or private nonprofit elementary or secondary school and which is approved to conduct activities in such school by the principal of the school in accordance with school board policy shall be exempt from the existing law licensing and reporting procedures in a municipality or parish whose governing authority has decided to permit raffles, bingo, and keno within its limits. Further provides that such club, organization, group, or association shall be exempt from licensing and reporting procedures for the purpose of conducting raffles as a means of fund-raising.

New law retains existing law and provides that a private nonprofit elementary or secondary school and public elementary or secondary school in this state shall be exempt from licensing and reporting procedures in any municipality or parish whose governing authority has decided to permit raffles, bingo, and keno within its limits as provided in existing law. Such private nonprofit school or public school shall be exempted from licensing or reporting procedures only for the conducting of raffles as a means of fund-raising.

Effective August 1, 2022.

(Amends R.S. 4:707(D), (E), and (F)(2))

### **Gaming (ACT 523)**

Existing law (R.S. 4:707(H)) requires a person or organization to obtain a license from the office of charitable gaming within the Dept. of Revenue to hold, operate, or conduct any game of chance enumerated in existing law.

New law exempts coastal conservation associations from the existing law requirement to obtain a license, strictly for the purpose of conducting raffles.

New law defines "coastal conservation association" as a member-based organization domiciled in the state operated for the purpose of promoting marine wildlife and habitat conservation and whose mission is to promote and enhance the present and future availability of coastal resources for the benefit and enjoyment of the general public.

Prior law (R.S. 4:714(C)) provides that a member of a licensed charity must be present during any bingo games.

New law requires a member of the licensed charity to be present only during call bingo games.

Existing law (R.S. 4:724(B)) provides relative to requirements and restrictions for electronic video bingo machines. Prior law provided that the cost of each game shall not be less than 250 nor more than one dollar.

New law provides that the cost of each game shall not be less than 250 nor more than four dollars. Further requires electronic video bingo machines to have a mechanism that accepts any denomination of cash in the form of bills or tickets verifiable as valid indicating the ticket value.

Prior law (R.S. 4:732(B)(2)) provided that the mega jackpot for a progressive mega jackpot bingo game, networked or linked together through the use of Electronic Bingo Card Dabber Devices, may exceed the existing law prize limit of \$4,500, but shall not exceed \$10,000.

New law provides that the mega jackpot for a progressive mega jackpot bingo game, networked or linked together through the use of Electronic Bingo Card Dabber Devices, may exceed \$4,500, but shall not exceed \$30,000.

Prior law (R.S. 4:732(I)) provided that sales of progressive mega jackpot bingo on an Electronic Bingo Card Dabber Device for any organization shall not exceed six games per hour and shall not exceed the gross sales of bingo and pull-tabs in a single reporting quarter for any organization.

Existing law authorizes the office of charitable gaming to suspend the sales of progressive mega jackpot bingo for any organization that violates existing law until the organization becomes compliant.

New law provides that the sales of progressive mega jackpot bingo on an Electronic Bingo Card Dabber Device for any organization shall not exceed 30 games per hour. New law removes the prohibition that the sales shall not exceed the gross sales of bingo and pull-tabs in a single reporting quarter for any organization.

Prior law (R.S. 4:739(E)(1) and (2)) provides that no more than two electronic dabber devices may be issued to any patron who has purchased bingo paper packs for use with the device. Further requires at least one electronic dabber device to be used as a back up in the event a device in play malfunctions.

New law repeals prior law.

Prior law (R.S. 4:740(A)) provided for the definition of a session, which shall not exceed eight consecutive hours with a minimum of 12 hours between sessions. Provided that a session of keno or bingo when the licensee possesses a special license is limited to six consecutive hours. Provides that sessions are limited to not more than one session per calendar day per licensee.

New law removes the minimum of twelve hours between sessions. Authorizes a licensee to operate no more than five premises for the purpose of charitable gaming activities. Provides that a session of keno or bingo when the licensee possesses a special license is limited to eight consecutive hours. Provides that sessions are limited to not more than one session per calendar day per premises.

Effective August 1, 2022.

(Amends R.S. 4:714(C), 724(B)(1) and (9), 732(B)(2) and (I), and 740(A); Adds R.S. 4:707(E)(7) and (H)(4) and 724(B)(10); Repeals R.S. 4:739(E)(1) and (2))

## **TITLE 5: AUCTIONS AND AUCTIONEERS**

## **TITLE 6: BANKS AND BANKING**

### **Bank Account Death Beneficiary Designation (ACT 257)**

Prior law provides that a person opening a bank account shall provide the depository bank or association with an affidavit in authentic form or an act under private signature executed in the presence of an officer or a branch manager and two additional persons, in order to name the beneficiary, to be paid upon that person's death.

New law provides that a person opening a bank account may provide a signature and the name of the beneficiary in the deposit account records of the bank or association in order to name a beneficiary to be paid upon the depositor's death.

Effective August 1, 2022.

(Amends R.S. 6:314(A) and 766.1(A))

### **Property Insurance Proceeds Distribution (ACT 744)**

Prior law provided that if proceeds of an insurance check or draft in settlement of a property damage claim are jointly paid to the claimant and the holder of the mortgage, when such payment involves residential property, the settlement proceeds are to be placed in an interest-bearing account with interest accruing to the benefit of the claimant.

New law revises prior law by redesignating the citation and changing the following terms throughout prior law: Changes "claimant" to "borrower-payee". Changes "person holding the mortgage on the property" to "mortgagee or mortgage servicer". Changes "interest-bearing account" to "segregated account".

New law specifies that new and existing law provisions regarding settlement proceeds apply to properties in this state containing one to four residential dwellings. Requires a mortgagee or mortgage servicer to promptly endorse a settlement proceeds check, draft, or other negotiable instrument made jointly payable to the mortgagee or mortgage servicer and the borrower-payee. Further provides that a mortgagee or mortgage servicer is not required to endorse a check, draft, or negotiable instrument for jointly payable proceeds if the borrower-payee refuses to endorse the instrument.

New law requires settlement proceeds, related to contents insurance coverage and received by a mortgagee or mortgage servicer, in which the mortgagee or mortgage servicer has a security interest, to be promptly deposited into a segregated account of a federally insured financial institution unless the proceeds are returned to the borrower-payee or the instrument is missing the borrower-payee's endorsement. Further provides that the segregated account may, at the discretion of the mortgagee or mortgage servicer, be an individual deposit account or a

master account containing subaccounts for each borrower-payee.

New law requires settlement proceeds related to contents insurance coverage and received by a mortgagee or mortgage servicer to be promptly distributed to the borrower-payee if the mortgagee or servicer has no interest in the proceeds. Further requires settlement proceeds related to additional living expenses to be promptly distributed to the borrower-payee.

New law provides that a mortgagee or mortgage servicer is not required to remit the portion of the settlement proceeds related to additional living expenses and contents insurance coverage unless it is determined which part of the settlement is related to additional living expenses and contents insurance.

New law requires settlement proceeds to be delivered to the borrower-payee via traceable delivery or electronic transfer.

Prior law provided that once the property is replaced or repaired to the satisfaction of the claimant and the person holding the mortgage, any funds remaining in escrow are required to be paid to the claimant with any interest accrued while in escrow. New law changes applicable terminology and redesignates the citation.

Prior law further provided that the person holding the mortgage on the property was required to fully cooperate with the claimant and his insurer in releasing funds in a timely manner for the replacement or repair of the damaged property. New law deletes prior law.

New law requires the mortgagee or mortgage servicer, within 10 business days of its receipt of the settlement proceeds, to give notice to the borrower-payee of the requirements for release of the proceeds. Further requires the mortgagee or mortgage servicer to release all or part of the settlement proceeds to the borrower-payee if it has received sufficient evidence of the borrower-payee's compliance with the requirements.

New law provides that if a mortgagee or mortgage servicer does not release settlement



proceeds as requested, it is required to explain the reason for the refusal and each requirement for which the borrower-payee must comply to receive the funds.

New law requires property inspections related to residential mortgage loans to be conducted within the 15<sup>th</sup> business day after the mortgagee's or mortgage servicer's receipt of both a request by the borrower-payee for a property inspection and sufficient evidence of the borrower-payee's compliance with requirements.

New law authorizes property inspections to be conducted in person, through photographic or video evidence submitted by the borrower-payee, through servicer-directed video calls, or by other means to document the progress or completion of repairs. Further provides that photographic or video evidence may not be accepted if it does not allow determination of the repairs or authenticity of the time taken, or is believed to have been altered.

New law authorizes the commissioner of insurance (commissioner) to impose monetary penalties, not in excess of \$500 per day nor \$5,000 per violation, on a mortgagee or mortgage servicer that fails to comply with the process for distributing proceeds. Provides that penalties are due and payable upon notice unless the penalties are set aside after an administrative hearing. Further provides that penalties are final, definitive, and subject to enforcement by the commissioner.

New law requires interest to accrue on settlement proceeds greater than \$25,000 when held in a segregated account by the mortgagee or mortgage servicer for more than 30 days.

Prior law defined "settlement proceeds" as funds greater than \$25,000 paid on insurance claims for damage to residential immovable property as a result of Hurricanes Katrina or Rita and held in escrow by the lender or loan servicer. New law deletes prior law.

Prior law provided that compliance with Fannie Mae or Freddie Mac servicing guidelines for payment of interest on property damage claim

funds held in escrow by the lender or loan servicer constitutes compliance. New law replaces terminology, redesignates the citation, and otherwise retains prior law.

Prior law provided that if a mortgage holder was presented with a jointly payable insurance proceeds check or draft, endorsed by the mortgagor and related to residential damage to immovable property resulting from Hurricanes Katrina or Rita, and the mortgage holder received a written request from the borrower to release excess funds, the mortgage holder had 30 days to return the excess funds.

New law deletes prior law and instead provides that if the mortgagee or mortgage servicer is presented with a jointly payable insurance proceeds check or draft related to residential damage to immovable property, and the mortgagee or mortgage servicer endorses the instrument but receives a written request from the borrower-payee to release the excess funds, the mortgagee or mortgage servicer has 15 business days to return the excess funds. Further provides that the timeframe of 15 business days does not apply when the proceeds instrument requires the endorsement of multiple mortgagees or lien holders.

Prior law required the mortgage holder holding funds in escrow to return all funds to the mortgagor considered to be excess funds. Further authorized the commissioner to promulgate rules. New law deletes prior law.

Existing law defines "excess funds" and authorizes the commissioner to impose civil penalties each day the mortgage holder fails to return excess funds. New law retains the definition of "excess funds" and the commissioner's authority in existing law, but increases the penalty limit from \$150 per day for violations to \$500 per day, not to exceed a total penalty of \$5,000 per violation.

New law provides that the provisions of new law and existing law do not impair the contractual rights of a mortgagee or mortgage servicer related to loan balances and accrued interest as provided for in existing law. Further provides that new law

and existing law do not apply to a mortgagee or mortgage servicer when the borrower-payee is in default, past due, or in foreclosure on his mortgage loan.

Effective August 1, 2022.

(Amends R.S. 6:337 and 338)

### **Money Transmission (ACT 580)**

Existing law (R.S. 6:1031 et seq.) provides for the regulation of the sale of checks and money transmission by the Office of Financial Institutions.

New law requires every money transmitter licensee and its agents to transmit the monetary equivalent of all money or equivalent value received from a consumer for transmission, net of any fees, or issue instructions committing the money to the person designated by the consumer within 10 business days, unless otherwise ordered by the consumer or unless the licensee or its agent has reasonable cause to believe that a violation of law has occurred.

New law specifies that money is considered to have been transmitted when it is mailed, released for delivery, or is otherwise made available to the person designated by the consumer.

New law provides that any provision in a money transmitter licensee user policy or user agreement that provides a financial penalty or stipulated damages for executing a lawful and valid transaction under federal and La. law is contrary to public policy and shall be null and void.

New law requires the licensee to provide notice to a consumer of any transaction that the licensee finds to be or is suspected of being in violation of the user policy or agreement. Provides that any funds seized by the licensee prior to providing the notice and found to be from a lawful and valid transaction under law shall be returned to the consumer.

New law restricts the enforcement of any choice-of-law provision in a money transmitter licensee user policy or user agreement if such enforcement

would result in a contravention of the prohibition in new law.

New law provides that a licensee that seizes or holds funds pursuant to a user policy or agreement provision that is subject to nullification as provided in new law shall return to the consumer any funds held or seized as a result of such violation. Allows the licensee to cancel the service contract.

New law provides that a violation thereof shall be considered an unfair trade practice and authorizes the commissioner of the Office of Financial Institutions to enjoin such violation.

New law shall not apply to any federally insured financial institution, its subsidiaries, and affiliates, and shall not apply to certain operators of payment systems that are exempt from existing law. The Sale of Checks and Money Transmission Act (R.S. 6:1031 et seq.).

Effective August 1, 2022.

(Adds R.S. 6:1055)

### **Mortgage Originators and Brokers of Residential Mortgages (ACT 655)**

Existing law (R.S. 6:1081 et seq.) creates the "Louisiana S.A.F.E. Residential Mortgage Lending Act". Existing law provides that its purpose is to promote the safety and welfare of the people of this state by providing for regulatory oversight and by establishing educational requirements in a professional field in which unqualified individuals may injure or mislead the public.

New law retains existing law.

New law authorizes the commissioner of the Office of Financial Institutions to require a mortgage originator or broker of residential mortgages to take up to eight hours of continuing education classes if the commissioner finds that a consumer was negatively impacted by an originator or broker's failure to adhere to reasonable standards of professional conduct in the scope of his employment.

Effective August 1, 2022.

(Adds R.S. 6:1085.1)

### **Virtual Currency Custody Services (ACT 509)**

New law defines "custody services", "financial institution", "self-assessment", "trust company", and "virtual currency".

New law authorizes a financial institution or trust company to provide virtual currency custody services, if the financial institution or trust company has adequate protocols in place to effectively manage risks and comply with provisions of new law. Further authorizes a financial institution or trust company to provide virtual currency custody services through third-party service providers.

In addition to the protocols required pursuant to new law, a financial institution or trust company that provides virtual currency custody services is required to do all of the following:

- (1) Implement effective risk management systems and controls to measure and monitor relevant risks.
- (2) Confirm that it has adequate insurance coverage for such services.
- (3) Maintain a service provider oversight program.

New law authorizes a financial institution or trust company, consistent with authority provided through the entity's charter, to provide virtual currency custody services in a nonfiduciary capacity and requires the financial institution or trust company to take possession of the customer's assets for safekeeping while the customer retains direct control over the keys associated with his virtual currency.

New law authorizes a financial institution or trust company, consistent with authority provided through the entity's charter, to provide virtual currency custody services in a fiduciary capacity. Requires a financial institution or trust company

acting in such capacity to possess trust powers as provided in existing law (R.S. 6:241, 575, and 731). Further requires its customers to transfer their virtual currency to the control of the financial institution or trust company.

New law authorizes a financial institution or trust company functioning in a fiduciary capacity to manage virtual currency assets as it would any other type of asset.

Effective August 1, 2022.

(Adds R.S. 6:1401-1402)

### **Student Loan Services (ACT 710)**

New law defines the terms "nonconforming payment", "service" or "servicing", "student education loan", "student loan borrower", and "student loan servicer".

New law prohibits a student loan servicer from doing all of the following:

- (1) Employing a scheme to mislead a student loan borrower.
- (2) Engaging in unfair, abusive, or deceptive trade practices.
- (3) Misrepresenting or omitting any material information in connection with the servicing of a student education loan.
- (4) Obtaining property by misrepresentation of fact or omission of material fact.
- (5) Allocating a nonconforming payment in a manner other than as directed by the borrower under certain circumstances.
- (6) Misapplying or refusing to correct a misapplication of a payment.
- (7) Providing inaccurate information to a consumer reporting agency or refusing to correct the inaccurate information.

(8) Failing to report the favorable history of a student loan borrower to a nationally recognized consumer reporting agency at least once a year.

(9) Refusing to communicate with an authorized representative of a student loan borrower.

(10) Negligently making a false statement or omitting a material fact in connection with a report or investigation by a state or local government agency.

New law allows a student loan servicer to adopt procedures to verify the authority of a representative to act on behalf of a student loan borrower.

New law requires a student loan servicer to acknowledge receipt of a written inquiry or complaint from a borrower. Such acknowledgment must be within 10 days after receiving the written inquiry or complaint.

New law requires a student loan servicer to respond within 30 days to a written inquiry or complaint of a borrower.

New law requires a student loan servicer to provide certain information in response to a written inquiry or complaint of a borrower.

If a student loan servicer receives a nonconforming payment from a borrower, new law requires the student loan servicer to notify the borrower and determine from the borrower how the nonconforming payment shall be applied.

Effective August 1, 2022.

(Adds R.S. 6:1401-1403)

#### **Private Education Lenders (ACT 715)**

New law defines "commissioner", "private education lender", "private education loan", and "provider of postsecondary education".

New law requires all private education lenders in this state to register with the commissioner of the Office of Financial Institutions (commissioner). New law further requires private education

lenders to pay a certain fee and provide certain information and documentation relative to the private education loans handled by the lender, including but not limited to information concerning the schools at which loans have been provided, dollar amounts, interest rates, and default rates of borrowers.

New law requires the commissioner to create a public website that includes certain contact information and documentation of the private education lenders registered in this state. New law further requires the commissioner to create the website within one year of enactment of new law.

New law authorizes the commissioner to set a registration fee and to develop an alternative registration process and fee structure for a provider of postsecondary education.

New law authorizes the commissioner to enforce new law through authority provided in existing law (R.S. 6:121.1).

New law requires the commissioner to promulgate rules to implement new law.

Effective August 1, 2022.

(Adds R.S. 6:1401-1404)

## **TITLE 7: BILLS AND NOTES**

## **TITLE 8: CEMETERIES**

### **Technical Corrections to Cemetery Laws (ACT 574)**

New law makes technical corrections to various cemetery laws in Title 8 of the La. Revised Statutes of 1950.

(Amends R.S. 8:1(intro. para.), (5), (8), (9), (11), and (13)-(40), 67, 70, 76(A) and (B), 78(D), 103, 105, 107, 122(A), 123(B)(intro. para.), 131(A), 131.1(A), 132.1(A), 133.1(A), 133.2(B)(intro.

para.), 135.1(A), 135.2(B)(intro. para.), 141, 141.1(C), 141.3(B), (C), (E), and (F), 204, 302(A)-(C), 303, 305-307, 308(A) and (C), 311, 314, 316, 317, 401, 402(intro. para.), 403, 404, 407, 408, 411(intro. para.), 412(B)(2), 451,453,454.1(A), 455, 457-459, 459.1(A) and (B), 460, 461(B), 465(A)(1)(intro. para.), (b), and (c), (2), (4)(h), and (5)(d), (B), and (C), 501(A), 502(A)(1)(a) and (D), 502.2(intro. para.) and (5), 503, 504, 505, 505.2(intro. para.) and (3), 506(B) and (C)(1), 506.1(A), 507, 508, 601, 604, 605, 606(B), 653(B), 663(B), (C), (D)(2) and (4), (E)(intro. para.) and (1), (F)(3), and (G)(4), 673(intro. para.), 676(A)(6), (B), and (C), 680(A) and (C), 701-705, 706(C), 801, 802(B), (E), and (F), 803, 805-809, 813, 901, 902, 903(A) and (B), and 903.1, 904, and 905(C); Adds R.S. 8:1(41)-(44))

## **TITLE 9: CIVIL CODE ANCILLARIES**

### **Unclaimed Sports Wagering Account Funds (ACT 510)**

Existing law (R.S. 9:153(12)) provides a definition of "property" for the purposes of the Uniform Unclaimed Property Act (R.S. 9:151, et seq.).

New law adds a sports wagering account as defined in existing law (R.S. 27:602) to the definition of property for the purposes of the Uniform Unclaimed Property Act.

Existing law (R.S. 9:154) provides that property is presumed abandoned if it is unclaimed by the apparent owner for a certain period of time which depends on the type of the particular property.

New law provides that funds in a sports wagering account are presumed abandoned if no activity has occurred for three years after the last date the account owner did any of the following: placed a wager, deposited funds, withdrew funds, or provided credentials to log into the account.

New law prohibits a licensee, operator, or sports wagering account operator holding a sports wagering account which has been abandoned

pursuant to new law from charging an administration fee or maintenance fee for any abandoned sports wagering account derived from La. residents at any time or for any reason.

Effective August 1, 2022.

(Amends R.S. 9:154(A)(16) and (17); Adds R.S. 9:153(12)(i), 154(A)(18), and 157.1)

### **Suspension of Licenses to Enforce Child Support (ACT 772)**

Prior law provided that in or ancillary to any action to make past-due child support executory, for contempt of court for failure to comply with an order of support, or in a criminal neglect of family proceeding, the court on its own motion or upon motion of an obligee or the Dept. of Children and Family Services shall, unless the court determines good cause exists, issue an order of suspension of a license or licenses of any obligor who is not in compliance with an order of child support. Prior law further required the court to give specific written and oral reasons supporting its determination of good cause which shall become a record of the proceeding.

New law changes prior law and provides that in such actions the court may order the suspension of a license or licenses and removes the requirement for a good cause finding to issue the order of suspension.

New law provides that the court shall not order the suspension of a license unless it finds that a properly issued immediate income assignment or garnishment of wages did not result in the withholding or seizure of income and the obligor has not otherwise made payment toward the obligation of child support.

Existing law provides that an order suspending a license to operate a motor vehicle may provide specific time periods for the suspension at the court's discretion. New law retains existing law.

Existing law provides that in or ancillary to any child support or paternity proceeding, the court on its own motion or upon motion of any party or the Dept. of Children and Family Services may

issue an order of suspension of a license of any person who is guilty of contempt of court for failure to comply with a subpoena or warrant. New law retains existing law.

Existing law provides that before the issuance of an order for a suspension of a license of any person in, or ancillary to, any paternity proceeding where paternity has not yet been established, the court shall notify such person by personal service. New law retains existing law.

New law provides that if an obligor's failure to appear or failure to comply with an order of support is due to incarceration, the court shall not suspend the obligor's license.

Effective June 18, 2022.

(Amends R.S. 9:315.32(A))

### **Mental Health Evaluations in Divorce and Child Custody Proceedings (ACT 614)**

Existing law (R.S. 9:327) allows a court to order a mental health evaluation of the parties when determining an award of final spousal support.

New law requires the appointed mental health professional to be licensed.

Existing law (R.S. 9:331) authorizes the court to order an evaluation of a party, conducted by a mental health professional, during a child custody or visitation proceeding.

New law requires the mental health professional to be licensed.

New law defines "licensed mental health professional" as a person who possesses at least a master's degree and who is licensed in counseling, social work, psychology, marriage and family counseling, or is exempt from licensing requirements pursuant to existing law.

New law prohibits ex parte communications with the licensed mental health professional unless authorized by law, approved by the court, agreed to by the parties, or initiated by the mental health

professional for the purpose of conducting the court-ordered evaluation.

Existing law (R.S. 9:355.15) allows the court to appoint a mental health expert to assist the court in determining whether it is in the best interest of a child to allow a parent to relocate the residence of the child.

New law requires the mental health expert to be a licensed professional.

Existing law (R.S. 9:365) requires mental health professionals who conduct custody evaluations in family violence cases to have experience relative to family violence.

New law requires the mental health professional to be licensed.

Effective August 1, 2022.

(Amends R.S. 9:327(B), 331, 355.15, and 365)

### **Rent for Use and Occupancy of Community Property (ACT 620)**

Existing law (R.S. 9:374) authorizes the court to award the use and occupancy of community movables or immovables to either spouse, after a petition for divorce is filed, and prior to partition.

New law retains existing law but separates an award of the family residence or other community immovables or a community manufactured home from an award of community movables for clarity.

Existing law allows the court to determine whether to award rent for the use and occupancy at the time use and occupancy is awarded to a spouse.

New law provides that a spouse may, at any time, request an award of rent from a spouse exercising exclusive use and occupancy of a residence. New law further provides that an award of rent may be retroactive to the date of filing the motion, but shall only be awarded for the actual period of time the other spouse was occupying the residence.

New law provides that the court's authority to award the use of community property is not limited to a specific dollar amount or percentage.

Effective August 1, 2022.

(Amends R.S. 9:374(B), (C), (D), and (E); Adds R.S. 9:374(F) and (G))

#### **Discriminatory Real Estate Covenants (ACT 481)**

New law (R.S. 9:2734) prohibits the enforceability of immovable property covenants that are restrictive on race or religion by providing that such provisions are void.

Existing law (R.S. 9:1122.103) provides for the declaration and bylaws of condominium associations.

New law retains existing law and provides that no provision in the declaration or bylaws may restrict conveyance based on race or religion and provides that such provisions are void.

Existing law (R.S. 9:1131.5) provides for timeshare plans.

New law retains existing law but provides that no provision in the plan may restrict conveyance based on race or religion and provides that such provisions are void.

Existing law (R.S. 9:1141.8) provides for community documents of homeowners associations.

Proposed law retains existing law but provides that no provision in the community documents may restrict conveyance based on race or religion and provides that such provisions are void.

New law further provides that a residential planned community may, by a majority vote of full board membership, amend the community documents to remove any restriction, covenant, or condition prohibiting or limiting the conveyance, encumbrance, rental, occupancy, or use of immovable property on the basis of race, color, national origin, religion, sex, familial

status, or prohibiting the use of a trained guide dog or assistance animal because the individual has a disability recognized under existing law.

New law provides a general prohibition against any restrictive covenant based on race or religion in any conveyance of immovable property and provides that such provisions are void.

Existing law (R.S. 51:2601) provides for the Louisiana Equal Housing Opportunity Act.

New law provides for a residential planned community to act through a majority vote of its full board membership to amend community documents limiting the conveyance of immovable property on the basis of race, color, religion, sex, disability, familial status, or national origin, as defined by the Louisiana Equal Housing Opportunity Act.

Effective August 1, 2022.

(Amends R.S. 9:1141.8; Adds R.S. 9:1122.103(C), 1131.5(C), and 2734)

#### **Homeowners' Association Liens (ACT 603)**

Existing law (R.S. 9:1141.9) provides that a homeowners association may establish a privilege on lots of delinquent owners for nonpayment of assessments.

Existing law (R.S. 9:1145) provides that upon filing a sworn detailed statement, a homeowners association shall have a privilege upon an individual owner's lot and improvements thereon for unpaid charges, expenses, or dues imposed upon such lot and improvement, including legal interest from the date due and reasonable attorney fees.

Existing law (R.S. 9:1146) provides that the sworn detailed statement be filed for registry in the mortgage records in the parish where the residential subdivision is located. The homeowners association shall, commensurate with the filing for registry of the privilege, also serve the sworn detailed statement to the delinquent owner via certified mail, registered mail, or personal delivery.

Prior law (R.S. 9:1147) provided that a recorded sworn statement preserved the homeowners association privilege for a period of five years after the date of recordation. After five years, the privilege was perempted unless the homeowners association had filed a suit to enforce the privilege within five years after the date of its recordation.

New law retains existing law by providing for a five-year preservation period for privileges sought on homeowners who fail to pay monthly or periodic dues or fees or assessments for particular expenses or capital improvements that are reasonable for maintenance, improvement, or safety of the planned community.

New law lowers the homeowners association privilege over charges assessed to the homeowner for alleged violations of community documents from five years to one year.

New law requires that the homeowners association send a written demand for past due charges to the owner via certified mail, by commercial courier, or registered mail or at the address and method on file with the association prior to filing the sworn detailed statement. The lot owner shall have 30 days after the delivery of the written demand to deliver payment owed to the homeowners association.

New law provides that the court may award the prevailing party damages, including reasonable attorney fees and court costs, as well as sanctions under C.C.P. Art. 863.

Existing law (C.C.P. Art. 863) provides that the signature of an attorney constitutes a certification that claims are warranted by existing law, supported by evidence or in fact, and that the pleading itself is not being presented for an improper purpose. Existing law provides for sanctions for violation of the certification of the attorney.

Effective August 1, 2022.

(Amends R.S. 9:1145 and 1147)

## **Trustee Duties (ACT 37)**

Existing law (R.S. 9:2061) provides that the duties of a trustee are determined from the provisions of the trust instrument and by law.

New law provides that the duties of the trustee are owed exclusively to the settlor while a trust is revocable, unless otherwise provided by the trust instrument.

Effective August 1, 2022.

(Amends R.S. 9:2061)

## **Disaster Repair Contracts (ACT 632)**

New law provides that any provision, clause, covenant, or agreement contained in, collateral to, or affecting a disaster repair contract following a natural disaster which purports to require any proceeding involving a dispute over the contract to be brought in a venue other than a venue provided by existing law is contrary to the public policy of this state and is null, void, and unenforceable.

New law provides that the owner of residential property who enters into a disaster repair contract may cancel the contract or subcontract within 10 days of entering into the contract or subcontract.

New law further provides that if a homeowner elects to cancel a contract or subcontract, he may do so by hand-delivering notice thereof to the contractor or by mailing notice by U.S. mail to the contractor at his last known address, or to his agent for service of process.

New law provides that cancellation made pursuant to new law shall be without penalty and all payments made by the homeowner before cancellation shall be refunded promptly. Further provides that the contractor shall be entitled to payment for the cost of work performed and materials ordered or delivered prior to cancellation, along with reasonable overhead.

New law shall not apply to material suppliers or materialmen for sales to the owner of the affected residential property or deliveries to the affected



residential property of materials ordered by a contractor or subcontractor even if the repair contract is cancelled.

New law shall not affect proper venue for an action on an open account, promissory note, or contract for sales of materials by a material supplier or materialman to the owner of the residential property.

New law shall not affect the rights of any party provided in the existing law Private Works Act and provisions regarding claims on open accounts.

New law defines "disaster repair contract" as a contract or subcontract entered into during the six-month period following the initial declaration of a gubernatorially declared disaster or emergency following a natural disaster for repairs to a residential property located in the emergency area and affected by the natural disaster.

Effective August 1, 2022.

(Adds R.S. 9:2784.1)

#### **Limitation of Liability for Mardi Gras Parades (ACT 740)**

Existing law provides a limitation of liability for Mardi Gras krewes and organizations and traditional Courir de Mardi Gras, or any member thereof, and nonprofit organizations which sponsor fairs or festivals that present parades or courirs for any loss or damage caused by any member thereof in conjunction with the parade or courir unless the loss or damage was caused by the deliberate and wanton act or gross negligence of the krewe or organization or member thereof.

Prior law provided that the limitation of liability did not apply if the member was operating a motor vehicle within the parade or festival and was a compensated employee of the krewe, organization, or courir and did not apply to a compensated employee of the krewe or organization for his individual acts of negligence.

New law repeals prior law and provides that no person shall have a cause of action against a

krewe, organization, or courir described in existing law, or a member, contractor, or employee of a contractor of such krewe, organization, or courir who is hired or contracted by the krewe, organization, or courir to construct or stage Mardi Gras parades for any loss or damage caused by the member, contractor, or employee of a contractor through the operation, transfer, or movement of a motordrawn float or other vehicle in connection with a Mardi Gras parade unless the loss or damage was caused by the deliberate and wanton act or gross negligence of the member, contractor, or employee of the contractor

Effective August 1, 2022.

(Amends R.S. 9:2796(A))

#### **Revival of Claims for Abuse of a Minor (ACT 386)**

Existing law (R.S. 9:2800.9) provides that an action against a person for sexual abuse of a minor, or for physical abuse of a minor resulting in permanent impairment or permanent physical injury or scarring, does not prescribe.

Existing law (Ch.C. Art. 603) defines "abuse" as any one of the following acts which seriously endanger the physical, mental, or emotional health and safety of the child:

- (1) The infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person.
- (2) The exploitation or overwork of a child by a parent or any other person, including but not limited to commercial sexual exploitation of the child.
- (3) The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent, caretaker, or any other person of the child's involvement in any sexual act with any other person, pornographic displays, any sexual activity constituting a crime under the laws of this state, a coerced abortion conducted

upon a child, or female genital mutilation of the child or of a sister of the child.

New law maintains existing law and provides that "abuse", as the term is used in the existing law provision regarding prescription of claims, has the same meaning as provided in existing law definition of "abuse".

Existing law (Act 322 of the 2021 R.S.) provides that a party whose action was barred by liberative prescription prior to the effective date of existing law may file such an action against a party for a period of three years following the effective date of existing law (effective June 14, 2021).

New law provides that any person whose cause of action related to sexual abuse of a minor was barred by liberative prescription shall be permitted to file an action under new law on or before June 14, 2024. Further provides that the revival of claims includes any cause of action related to sexual abuse of a minor that previously prescribed under any La. prescriptive period.

Effective upon signature of governor (June 10, 2022).

(Amends R.S. 9:2800.9(A)(1))

### **Recoverable Past Medical Expenses in Suits Against State Government (ACT 511)**

Prior law provisions regarding recoverable past medical expenses did not apply in medical malpractice claims or in suits against the state, state agencies, or political subdivisions.

New law repeals prior law exception for suits against the state, state agencies, or political subdivisions.

New law shall have prospective application only, for causes of action arising on or after the effective date of new law.

Effective August 1, 2022.

(Amends R.S. 9:2800.27(G))

### **Animal Abuse Reporting by Veterinarians (ACT 59)**

New law provides that licensed veterinarians or licensed veterinary technicians who report suspected criminal acts shall be immune from civil liability or criminal prosecution if they report in good faith and have reasonable cause.

Existing law (R.S. 37:1511 et seq.) provides for the licensing of veterinarians. Existing law (R.S. 37:1541 et seq.) provides for the licensing of veterinary technicians.

New law provides for the reportable suspected criminal acts: cruelty to animals, simple and aggravated (R.S. 14:102.1); dogfighting (R.S. 14:102.5); injuring or killing of a police animal (R.S. 14:102.8); hog and canine fighting (R.S. 14:102.19); sport killing of zoo or circus animals (R.S. 14:102.20); cockfighting (R.S. 14:102.23); or unlawful restraint of a dog (R.S. 14:102.26).

New law provides for immunity from liability if the veterinarian or veterinary technician reports such violation to the commissioner or designee of the Dept. of Agriculture and Forestry, a P.O.S.T. certified animal control officer, a law enforcement agency, or a prosecuting attorney. New law further extends the immunity from liability to a veterinarian or veterinary technician who releases confidential information pursuant to a subpoena, court-ordered disclosure, or with written consent of the animal's owner or owner's legal representative.

New law does not apply if the veterinarian or veterinary technician acts with gross negligence, willful misconduct, or in bad faith.

Effective August 1, 2022.

(Adds R.S. 9:2800.28)

### **Publication or Distribution of Pornography to Minors (ACT 440)**

New law provides for legislative intent including the public health concern and influence of pornography on minors.

New law provides for a private right of action against commercial entities that publish or distribute material harmful to minors and fail to place reasonable verification methods to verify the age of individuals attempting to access the material.

New law provides that reasonable verification methods include the following:

(1) Digitized Identification Card as defined in R.S. 51:3211.

(2) Compliance with a commercial age verification system that verifies in one or more of the following ways:

(a) Government-issued identification.

(b) Any commercial reasonable method that relies on public or private transactional data to verify the age the person attempting to access the information is at least 18 years of age or older.

Existing law (R.S. 51:3211) defines "digitized identification card" as a data file available on any mobile device that has connectivity to the internet through a state-approved application that allows the mobile device to download the data file from the Dept. of Public Safety and Corrections that contains all of the data elements visible on a license or identification card and displays the current status of the license or identification card.

New law provides that the commercial entity or a third party shall not retain any identifying information after access has been granted to the individual.

New law provides for damages, including court costs and reasonable attorney fees.

New law exempts bona fide news or public interest broadcasts, website videos, reports, or events.

New law exempts internet service providers or their affiliates or subsidiaries, search engines, or cloud service providers that provide access to or from a website or content on the internet to the

extent that such provider is not responsible for the creation of material harmful to minors.

New law provides definitions for "commercial entity", "distribute", "internet", "material harmful to minors", "minor", "news-gathering organization", "publish", "reasonable verification methods", "substantial portion", and "transactional data".

Effective January 1, 2023.

(Adds R.S. 9:2800.28)

### **Disclosure of Real Estate Restrictions (ACT 581)**

Existing law requires the seller of residential property to complete a property disclosure document in a form prescribed by the Louisiana Real Estate Commission.

New law retains existing law.

Existing law requires the property disclosure documents to notify the purchaser of certain information regarding the property, including whether the purchaser is obligated to be a member of the homeowners' association in the community in which he is purchasing the property.

New law further requires the seller to notify the purchaser of whether the residential property is subject to a common regime of restrictive covenants or building restrictions, or both.

Prior law required the disclosure statement to include a statement informing the purchaser that the disclosure statement is a summary of the homeowners' association's regulations and that the covenants and association governing documents are a part of public record. Prior law further required that the statement further inform the purchaser on how to obtain the documents.

New law instead requires that the disclosure statement include a statement informing the purchaser that the disclosure statement is a summary of the homeowners' association's

regulations and that the restrictive covenants and building restrictions are part of the public record.

New law requires the statement to contain a provision notifying the purchaser that he is authorized to request homeowners' association governing documents from the seller and information on how to obtain documents regarding restrictive covenants or building restrictions.

Effective January 1, 2023.

(Amends R.S. 9:3198(A)(2)(a) and (3))

### **Attorney Malpractice Liability (ACT 285)**

New law provides that the client's recovery against the attorney is limited to the amount of damages which the attorney shows by a preponderance of the evidence would have been the maximum amount that would have been awarded in the client's underlying claim in which the client was represented by the attorney.

Effective July 1, 2022.

(Adds R.S. 9:5605.2)

## **TITLE 10: COMMERCIAL LAWS**

### **TITLE 11: CONSOLIDATED PUBLIC RETIREMENT**

#### **One-Time Supplemental Payments to Certain Retirees and Beneficiaries (ACT 656)**

New law grants a nonrecurring lump-sum supplemental payment to the following retirees and beneficiaries:

(1) Any retiree, other than a disability retiree, who has attained at least age 60 and who has received a benefit for at least one year on 6/30/22.

(2) Any nonretiree beneficiary, if benefits had been paid to the retiree who was not a disability

retiree or the beneficiary or both combined for at least one year and if the deceased person would have attained age 60 on 6/30/22.

(3) Any disability retiree or a person who receives benefits from the system based on the death of a disability retiree, if benefits have been paid to the retiree or the beneficiary or both combined for at least one year on 6/30/22.

New law provides that the supplemental payment paid pursuant to the provisions of new law shall be paid from funds in the system experience account.

New law provides that the supplemental payment is payable not later than 9/15/22.

New law provides that each retiree or beneficiary to whom new law applies shall receive a nonrecurring lump-sum supplemental payment in an amount that is equal to the lesser of:

(1) The retiree or beneficiary's current monthly benefit.

(2) \$2,000.00.

New law directs the law institute to change references in LASERS' statutes from "permanent benefit increases" to "cost-of-living adjustments".

Effective June 18, 2022.

(Adds R.S. 11:542.3)

#### **Haz Plan for LASERS (ACT 96)**

Existing law establishes the Hazardous Duty Services Plan within LASERS for various law enforcement and public safety officers. Provides that members of the plan have different retirement eligibility and benefits than other members of LASERS.

New law adds employees of the office of state fire marshal who are Firefighter I certified and who provide emergency response or who conduct fire and emergency training to the Hazardous Duty Services Plan.

New law adds the director of capitol security and security officers employed by the legislature to the Hazardous Duty Services Plan.

New law requires that any cost of this Act be funded with additional employer contributions in compliance with Art. X, Sec. 29(F) of the state constitution.

Effective on May 25, 2022, as applicable to the office of state fire marshal; effective on June 16, 2022, as applicable to capitol security.

(Adds R.S. 11:612(2)(n) and (o))

### **Teachers Retirement System (ACT 549)**

Existing law governs the payment of benefits to retirees of the Teachers' Retirement System of Louisiana (Teachers') including retirees who return to work in positions covered by the retirement system. Existing law generally requires suspension of retirement benefits during reemployment. Requires the suspension of benefits without exception for any reemployment within the first 12 months of retirement. Existing law further requires payment of employer and employee contributions during reemployment and provides for a refund of employee contributions without interest after the reemployment ends.

One existing law exception (commonly referred to as "critical shortage") allows a retiree to receive retirement benefits without suspension during reemployment if the retiree is employed to fill a position certified as a critical shortage position and is certified to teach in the critical shortage area.

Existing law governing reemployment of retired teachers provides for two classes of persons based on their status on June 30, 2020. Members of one class, the 2010 group, who retired before July 1, 2010, are in a "grandfathered" cohort that may return to work without benefit suspension and without limitation. 2010 group members who retired after that date may return to work without suspension or reduction in benefit if certain criteria are met for declaring a "critical shortage". If the critical shortage criteria are not met, a

reemployed member of the 2010 group who is not grandfathered is subject to immediate benefit suspension or suspension of benefit after reaching an earnings limitation. Members of the other class, the 2020 group, must elect at reemployment to be subject to an earnings limitation or to suspend benefit payments and accrue a supplemental benefit.

Prior law divided the two groups based on return-to-work status. Provided that the 2010 group included anyone in the grandfathered group and anyone not in the grandfathered group who returned to work on or before June 30, 2020. Provided that the 2020 group included anyone not in the 2010 group.

New law divides the two groups based on retirement date. Provides that anyone who was retired on June 30, 2020, is now in the 2010 group and may be reemployed in a critical shortage position. Provides that anyone who retired July 1, 2020, or thereafter is in the 2020 group.

Existing law allows anyone in the 2010 group to make an irrevocable election to be covered by the law governing the 2020 group.

New law allows anyone who retired before July 1, 2020, and whose reemployment was governed by prior law applicable to the 2020 group due to return-to-work status to elect to be reemployed under existing law applicable to the 2010 group.

Existing critical shortage law requires an employer to meet certain advertising and posting requirements before certifying the existence of a critical shortage, allowing a retiree to receive retirement benefits without suspension during reemployment.

For each position sought to be filled prior law required the employer to advertise twice in the employer's official journal and to post notice at each postsecondary education institution within a 120-mile radius of the employer's governing authority.

New law requires monthly general notice publication in the employer's official journal, general notice posting at postsecondary

institutions every semester, and the prominent display of a list of positions that are unfilled or that are filled by reemployed retirees on specified websites.

New law allows, until July 1, 2027, employment of retirees without benefit suspension and without certifying the existence of a critical shortage as follow, if the retiree has been retired for a least 12 months and did not retire based on a disability:

(1) Employment of a retiree certified in math, science, English language arts, or special education, excluding gifted and talented, to fill a position in the certified area. New law requires that in the event a certified teacher applies to fill a position held by a retiree, the certified teacher will replace the retiree at the beginning of the next grading period.

(2) Employment of a retiree with at least 30 years of service credit who is at least age 62 to fill a vacancy created by extended leave.

New law authorizes, until July 1, 2027, the reemployment of a retiree to teach in a nursing program at a public postsecondary education institution as an adjunct professor where a critical shortage exists, if the retiree and the institution satisfy certain criteria. Requires the retiree to meet all of the following:

- (1) He retired on or before June 30, 2020.
- (2) He has been retired for at least 12 months.
- (3) He did not retire based on a disability.
- (4) He has at least 30 years of creditable service in the retirement system.
- (5) He has attained at least age 62.

New law requires the institution to post a listing of positions that are unfilled or that are filled by reemployed retirees on the websites of the institution, of the institution's management board, and of the Bd. of Regents in order to declare the existence of a critical shortage.

Existing law requires the employer of a retiree to satisfy certain notice and reporting requirements. Provides that if a failure to provide any required notice or report causes the system to pay a benefit that is not due, the employer is liable to the system for repayment.

New law applies the notice, reporting, and liability provisions to any institution employing a retiree under new law.

New law specifies that new law will not apply to anyone reemployed by contract or corporate contract.

The above provisions became effective May 31, 2022.

New law effective June 8, 2022, requires the Dept. of Education (DOE) to determine whether non-Teachers' public schools are having critical shortage issues, to find the reasons for the shortages and for any disparity if those non-Teachers' schools are not having shortages, and to propose policy changes that will reduce or eliminate the shortages without reemployment of retirees. Requires a report of findings and proposals be submitted to the House and Senate retirement and education committees by January 20, 2023.

(Amends R.S. 11:710(A)(3), (F)(1), and (G) and 710.1(A)(intro para); adds R.S. 11:710(H), 710.1(F), and 710.2)

### **Teachers' Retirement System (ACT 601)**

Existing law governs the payment of benefits to retirees of the Teachers' Retirement System of La. (TRSL), including retirees who return to work in positions covered by the system.

Existing law recognizes two classes of TRSL retirees who return to work in positions covered by the system. Prior law distinguished the two classes based on return-to-service date. New law distinguishes the two classes based on retirement date. (In this digest, the classes are referred to as Group A and Group B):

(1) Group A, under prior law, included retirees who returned to active service on or before June 30, 2020. Under new law, Group A includes those who retire on or before that date.

(2) Group B, under prior law, included retirees who returned to active service on or after July 1, 2020. Under new law, Group B includes those who retire on or after that date.

### **Group A**

Existing law requires suspension of a retired teacher's benefits during reemployment and provides exceptions to this requirement. One such exception provides that a retiree may return to work in specified positions without a reduction or suspension of benefits if there is a critical shortage of properly certified candidates to fill a vacancy.

Existing law provides that a critical shortage exists if, after advertising the vacancy, fewer than three certified teachers apply. Provides relative to advertising of such vacancies. New law modifies these advertising requirements as follows:

(1) Existing law requires advertising in the employer's official journal. Prior law required two such advertisements and required that they state that a shortage of certified teachers exists and the positions sought to be filled. New law requires advertising, at least once per month, that the employer is soliciting applications for employment of certified teachers.

(2) Existing law requires posting notice at each postsecondary education institution within a 120-mile radius of the employer's governing authority. New law requires such posting at the beginning of each semester and that the notice include a general statement that the employer is soliciting applications for employment of certified teachers.

(3) New law further requires prominently displaying a list of positions that are unfilled or that are filled by reemployed retirees on specified websites.

### **Group B**

Existing law provides that any retiree in Group B shall choose one of the following options:

(1) Return to work with an allowable employment earnings cap of 25% of his final average compensation with a reduction in the retirement benefit if the cap is exceeded.

(2) Suspend his benefit, return to work with no employment earnings cap, and begin to accrue a supplemental benefit for the duration of service after reemployment.

Existing law authorizes a conversion from option 1 to option 2 once the allowable employment earnings cap of 25% has been met.

### **Movement Between Groups**

Existing law authorizes a retiree in Group A to elect to be covered by existing law applicable to Group B.

New law provides relative to the group of retirees who returned to active service\* (below) and who retired\*\* (below) (those retirees who previously returned to active service in Group B but who, under new law, would otherwise be covered by law applicable to Group A). Authorizes such a retiree to elect to be covered by law applicable to Group A and, after July 1, 2027, to elect to be covered by law applicable to Group B.

### **Additional Reemployment - Effective until July 1, 2027**

New law, effective until July 1, 2027, authorizes reemployment of retirees in Group A as defined by new law without benefit reduction or suspension in the following cases:

(1) Employment of a retiree certified in math, science, English language arts, or special education, excluding gifted and talented, to fill a position in the certified area. New law provides that if a certified teacher applies to fill such a position held by a retiree, the certified teacher shall replace the retiree at the beginning of the next grading period.

(2) Employment of a retiree who has at least 30 years of service credit who has attained the age 62 to fill a vacancy created by extended leave, maternity leave, military leave, or sabbatical leave, all as defined in existing law.

(3) Employment of a retiree who has at least 30 years of creditable service and who has attained the age of 62 as an adjunct professor to teach in a nursing program at a public postsecondary education institution where a critical shortage exists. New law requires the employer to satisfy certain notice and reporting requirements.

### **General Provisions**

Existing law and new law applicable to reemployment of TRSL retirees in positions covered by the system:

(1) Require suspension of benefit for any reemployment within the first 12 months of retirement.

(2) Require suspension of benefit for employment under contract or corporate contract.

(3) Do not apply to disability retirees.

(4) Provide for reemployment of retirees who retired on or before June 30, 2010, without a reduction or suspension of benefits.

New law requires the Dept. of Education to undertake a study of teacher shortages and to report to the House and Senate retirement committees and the House and Senate education committees by Jan. 20, 2023.

New law (Act No. 244 of 2022 R.S.) makes various changes to the requirements for certification of teachers.

Effective in part on the effective date of Act No. 244 of 2022 R.S. (May 31, 2022). Effective in part upon signature of governor (June 17, 2022).

(Amends R.S. 11:710(A)(3), (F)(1), and (G) and 710.1(A)(intro. para.); Adds R.S. 11:710(H), 710.1(F), and 710.2)

\* between June 30, 2020, and the effective date of new law

\*\* on or before June 30, 2020

### **La. School Employees' Retirement System (ACT 359)**

Existing law relative to the La. School Employees' Retirement System (LSERS) establishes an "experience account" within the system for the accumulation of certain system funds. Provides for utilization of these funds for benefit increases, commonly called "permanent benefit increase" (PBI), for retirees, survivors, and beneficiaries of the system.

New law authorizes the LSERS board of trustees to pay a PBI, from the experience account, to the following retirees and beneficiaries:

(1) Any retiree, other than a disability retiree, who has attained at least age 60 and who has received a benefit for at least one year.

(2) Any nonretiree beneficiary whose receipt of benefits is not based on the death of a disability retiree, if benefits had been paid to the retiree or the beneficiary, or both combined, for at least one year and if the retiree would have attained age 60.

(3) Any disability retiree or a person who receives benefits from the system based on the death of a disability retiree, if benefits have been paid to the retiree or the beneficiary, or both combined, for at least one year.

New law provides that the amount of the PBI shall not be more than 1.5% of the benefit amount. Requires confirmation by the legislative auditor's actuary that funds in the experience account are sufficient to fully fund the PBI.

Existing law, applicable to PBIs granted by LSERS after July 1, 2015, provides that the increase is limited to and shall be paid only on an annual benefit amount not to exceed \$60,000 adjusted for inflation since 2015.

New law requires that any cost of new law be funded with monies from the LSERS experience



account and any additional cost be funded with additional employer contributions in compliance with Art. X, Sec. 29(F) of the state constitution.

Effective upon signature of governor (June 10, 2022).

(Adds R.S. 11:1145.5)

### **La. State Police Retirement System (ACT 247)**

Existing law provides for two subplans in the Louisiana State Police Retirement System (State Police): the "old" plan for those employed by December 31, 2010, and the "new" plan for those employed January 1, 2011, or thereafter.

New law retains existing law.

Existing law allows a system member in either subplan who is eligible to retire to elect to receive a lump sum and a reduced monthly benefit in lieu of receiving the regular monthly benefit. Provides two methods for computing the lump sum and the reduced monthly benefit: an initial benefit option (IBO) or a Back-Deferred Retirement Option (Back-DROP).

New law retains existing law. Adds references to existing law benefit computation.

Existing law provides for a 36-month "average salary" to be used in calculating benefits in the old plan.

New law retains existing law and clarifies that the 36 months to be used are the 36 successive or joined months with the highest average salary.

Existing law provides for survivor benefits to be paid to certain spouses and children of deceased members or retirees, including surviving children with certain disabilities.

New law retains existing law and standardizes the language used to identify eligible children and to calculate benefits payable to those children.

Existing law, applicable only to State Police, provides for forfeiture of a surviving spouse's

rights to benefits from the system upon remarriage. Existing law, applicable to all state and statewide retirement systems including State Police, specifies that if the remarriage occurs after the spouse attains age 55, benefits shall not be discontinued.

New law retains existing law and incorporates existing law exception applicable to all state and statewide systems in the system-specific existing law.

New law provides for benefits payable to a child from the system to be paid into a trust created by the decedent for the benefit of the child. Provides that if the trust is contested the system will withhold the benefit payments or deposit them in the registry of the court until there is a final binding legal agreement or judgment regarding the proper payment of the survivor benefits.

Effective June 30, 2022.

(Amends R.S. 11:1307(E), 1310(A)(2)(a), 1312.1(A)(2) and (D)(2)(intro para), 1318, 1321(A)(1), 1322(B) and (D), 1323(B)(1), (C), and (D)(1), and 1345.8(B)(1); adds R.S. 11:1322.1)

### **District Attorneys' Retirement System (ACT 97)**

New law authorizes a member of the District Attorneys' Retirement System (DARS) who has transferred service credit from another retirement system at a lower accrual rate to purchase the accrual rate of DARS by paying an amount to offset the system's liability. Requires payment for the purchase of the upgrade within 45 days after written notice to the system that the member intends to upgrade all service credit.

Existing law authorizes a Back-Deferred Retirement Option Plan (Back-DROP) program within DARS and provides for payment of a lump sum Back-DROP benefit.

Existing law authorizes a member to defer receipt of part or all of his Back-DROP lump-sum payment.

New law prohibits deferral of receipt for more than 90 days from the date the Back-DROP account is funded by the system. Prohibits withdrawal of any part of the lump-sum payment prior to confirmation of the member's benefit by the actuary.

Effective June 30, 2022.

(Amends R.S. 11:1644(C)(8); Adds R.S. 11:1615)

### **District Attorneys' Retirement System (ACT 201)**

Existing law provides that the retirement benefit of a retired member of the District Attorneys' Retirement System (DARS) who is reemployed by a district attorney is suspended during reemployment. Provides that the retiree becomes an active contributing member of the system and accrues a supplemental retirement benefit.

Existing law exempts certain retirees from the required suspension of benefits. New law modifies the criteria a retiree must meet to be eligible for the exemption.

Prior law limited the exemption to district attorneys and assistant district attorneys. New law provides that the exemption applies to any reemployed retiree of the system who meets the other criteria.

Existing law provides that the exemption applies to a retiree who retired in accordance with one of the following:

- (1) He attained the age of 55 with 24 years of service credit.
- (2) He completed 30 years service credit.

New law provides that the exemption applies only if the retiree has been retired for at least 60 days.

Existing law provides that the exemption applies only to retirees whose salary is less than a specified amount; the specified amount is tied to the annual salary established by existing law for

assistant district attorneys. As of the effective date of new law, that amount is \$50,000.

Prior law provided that the salary established by existing law was the maximum salary for any reemployed retiree to qualify for the exemption. New law provides that this is the maximum salary for those who are at least the age set by existing federal law for a working retirement (currently 59 and  $\frac{1}{2}$ ). For a retiree younger than that age, new law provides that the maximum salary to qualify for the exemption is one-half of his final annual salary at the time of his retirement or the annual salary provided for by existing law, whichever is less.

Existing law provides for governance of DARS by a nine-member board of trustees composed of:

- (1) A member of the House Committee on Retirement appointed by the Speaker of the House of Representatives, or the member's designee
- (2) The chairman of the Senate Committee on Retirement, or his designee
- (3) Six active and contributing members of the system with at least 10 years of creditable service, at least one of whom is an assistant district attorney, elected by the members of DARS.
- (4) One retired member of the system elected by the retired members of DARS.

New law increases the number of elected retired members to two and increases total board membership to 10. Provides that one of the retired members shall be a person who served as a district attorney and one a person who served as an assistant district attorney.

Existing law provides for a per diem for DARS board members for attendance at board meetings. Prior law set the per diem amount at \$50. New law increases it to \$75.

Effective June 30, 2022.

(Amends R.S. 11:1631(F)(2) and 1651(B)(intro. para.) and (3) and (D))

## **Municipal Employees' Retirement System (ACT 248)**

Existing law provides that a member or survivor eligible for a benefit from the Municipal Employees' Retirement System (MERS) shall make application for such benefit to the board. Provides for the retirement allowance to be paid monthly commencing on the first day of the first month following board approval.

New law provides that if a written application for any benefit is received by the board within 60 days or fewer after the date the applicant became eligible for the benefit, benefits shall be paid retroactive to the date of eligibility. Further provides that if an application for any benefit is received by the board more than 60 days after the eligibility date, retroactive benefits shall be paid only for the 60 days prior to the date the application is received by the board.

Existing law provides for employer municipalities participating in MERS to elect to allow employees to convert unused annual and sick leave to retirement credit.

New law retains existing law and makes the election allowed under existing law available to all participating employers.

Existing law provides for the duties of MERS' actuary, including making an actuarial investigation (sometimes referred to as an "experience study") of the members as to mortality, disability, retirement, separation, marital status of employees, marriage of surviving spouses, interest, and employee earning rates at least once every three years.

New law requires an actuarial investigation in FY 2023-2024 and changes the frequency of future studies from every three years to every five years.

Existing law provides that a trustee shall serve without compensation but shall be reimbursed as provided by existing law. New law retains existing law but removes the prior law provision that prohibited a trustee from accepting anything of economic value from any person identified in existing ethics law unless the thing of value was

food, drink, or refreshments consumed by the trustee while the personal guest of some person during an educational or professional development seminar or conference.

Existing law requires each board member to discharge his fiduciary duties solely in the interest of the system's members and beneficiaries and for the exclusive purpose of providing benefits to the members and their beneficiaries, and defraying reasonable expenses of administering the system, with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

New law retains existing law.

Existing law requires the board to include in the financial statement submitted to the legislature pursuant to existing law an itemized schedule of all amounts paid by the system to or on behalf of the system's board members. New law removes this requirement.

Existing law provides that the MERS board of trustees is the custodian of the system funds. Requires all expense vouchers and pension payrolls to be certified by the administrative director.

Existing law prohibits the board paying for a board member's attendance at more than one educational or professional development seminar or conference per fiscal year held outside of the state of La. Prohibits payment for a board member's attendance at any educational or professional development seminar or conference that is not affiliated with an association related to state retirement systems. New law removes these prohibitions.

Existing law authorizes the MERS board and the board of the Parochial Employees' Retirement System (PERS) to keep available cash for paying expenses and benefits on deposit in one or more banks or trust companies of the state of La. organized under

existing law, provided that the sum on deposit in any one bank or trust company shall not exceed 10% of the paid up capital and surplus of the bank or trust company.

Prior law limited the amount of cash each system was authorized to keep available for payment of expenses and benefits to one percent of the total amount of system funds.

New law increases the limit on cash available for payment of expenses and benefits from one percent to 10%.

Effective June 30, 2022.

(Amends R.S. 11:1755(E)(1)(a) and (5), 1821(E), 1823(22), 1826(B), 1842, 1843, and 2003; adds R.S. 11:1756(D); repeals R.S. 11:1823(23))

### **Municipal Police Employees' Retirement System (ACT 200)**

Existing law provides relative to Municipal Police Employees' Retirement System (MPERS) retirees who return to work covered by the system on a part-time, contract, or other non-full-time basis.

Existing law requires suspension of the retiree's retirement benefit during any such employment within a specified period of time after retirement. Prior law required benefit suspension during reemployment within 24 months of the person's retirement. New law reduces the period during which benefits are suspended to 12 months.

New law provides the following exemptions from the required suspension:

(1) Employment as a police officer for not more than 50 hours per month.

(2) Employment as an elected official other than a police chief.

However, new law requires suspension of benefits during any such reemployment within 60 days after retirement.

New law requires payment of employer and employee contributions to the system during such employment except for an elected official who is a member of another retirement system. Provides for a refund of the employee contributions.

Effective August 1, 2022.

(Amends R.S. 11:2220(J)(1); Adds R.S. 11:2220(J)(4))

### **Municipal Police Employees' Retirement System (ACT 360)**

Prior law authorized the Municipal Police Employees' Retirement System (MPERS), in any fiscal year during which the employer contribution rate would be decreased, to maintain the previous fiscal year's employer contribution rate or to set the employer contribution rate at any point between the previous year's and the contribution rate that would otherwise occur. Required the use of resulting funds to reduce unfunded accrued liabilities and outstanding amortization charge bases.

Prior law authorized various cost-of-living adjustments.

New law repeals prior law.

New law establishes a funding deposit account for MPERS.

New law authorizes the board of trustees to require an employer contribution rate up to the following limits:

(1) When the contribution rate is equal or greater than the previous year's rate, the board can set the rate .85% greater than the fiscal year's rate.

(2) In a fiscal year when the contribution rate is lower than the previous year, the board can set the rate at the otherwise required rate plus .85% plus half the difference between the rates for the two years.

New law requires that excess contributions be applied to reduce the outstanding balance of the

oldest amortization base or to pay additional benefits.

New law authorizes the board to dedicate a specific amount of the excess contributions, the amount generated by an .85% increase in the contribution rate, to fund additional benefits.

New law provides that additional benefits shall be paid only with funds from the funding deposit account and only when funds are sufficient.

New law provides that the board of trustees shall determine the following when granting additional benefits:

(1) Whether the benefits are permanent or nonrecurring. Prohibits granting a nonrecurring lump sum payment more than once in a three-year period.

(2) Whether the benefits are based on the retiree or survivor's current or original benefit.

(3) Whether a minimum age is required.

(4) Whether a minimum period since benefit commencement is required.

New law prohibits:

(1) Payment of a permanent benefit increase in excess of 3%.

(2) Payment of an additional benefit in the first year after benefit commencement.

New law requires that an adjustment to benefits be made by formal action by the board of trustees.

Effective June 30, 2022.

(Adds R.S. 11:2225.5; Repeals R.S. 11:107.2, 243(A)(8), 246(A)(8), and 2225(A)(7))

## **TITLE 12: CORPORATIONS AND ASSOCIATIONS**

### **LLC Single-Member Death (ACT 156)**

Existing law provides that if a member of a limited liability company (LLC) dies or is judged to be incompetent by a court of competent jurisdiction, then the membership of that person ceases and his representative is to be treated as an assignee of the member's interest in the LLC.

New law adds an exception to existing law as it relates to a single-member LLC as provided for in existing law.

New law provides that if all members of an LLC die, the succession representative of any deceased member may petition the court for dissolution, windup, and liquidation of the LLC.

New law provides that upon the death of a member of a single-member LLC, the interest of the member is fully inheritable.

Unless otherwise provided in rule or contract, upon the death of the member in a single-member LLC, new law allows the properly appointed succession representative of the deceased member to exercise all of the decedent's rights, including financial and management rights related to the LLC.

New law also allows for the full rights of membership in the LLC to transfer to the appointed succession representative as recognized by a judgment of possession.

New law defines "single-member limited liability company".

New law is subject to and shall not supersede any rules, regulations, or laws governing or restricting the ownership or practice of any regulated industry or profession.

Effective August 1, 2022.

(Amends R.S. 12:1333(A); Adds R.S. 12:1333(E) and 1333.1)

## **TITLE 13: COURTS AND JUDICIAL PROCEDURE**

### **Judicial Council (ACT 474)**

Existing law provides for the Judicial Council of the supreme court. Provides that the Judicial Council shall adopt standards to determine whether to approve new judgeships and courts.

Existing law provides that the Judicial Council is authorized to review the district court judgeships within each district and provide information and recommendations to the legislature by March 1, 2007.

New law removes the March 1, 2007, deadline and by requiring the Judicial Council to provide information and recommendations to the legislature regarding the appropriate number of district and appellate court judgeships on an annual basis.

New law provides that the Judicial Council may base its recommendations to the legislature on the findings of the Judicial Structure Task Force established by House Resolution No. 30 of the 2022 Regular Session of the Legislature.

Effective August 1, 2022.

(Amends R.S. 13:61(E))

### **19th Judicial District Court (ACT 203)**

Existing law provides that the judges of the 19th Judicial District Court, with respect to seniority and the requirement that all cases be assigned randomly within multi-judge groupings, may assign to a division criminal matters or civil matters or drug court matters or any or all types of matters of which the court has jurisdiction by rule adopted by a majority vote of the judges sitting en banc, with the consent of the judge of a division.

New law retains existing law and adds domestic violence matters as an assignable subject matter

for divisions within the 19th Judicial District Court.

Effective August 1, 2022.

(Amends R.S. 13:587.3(A))

### **22nd JDC Commissioners (ACT 291)**

Prior law provided for the office of commissioner for the 22nd JDC (parishes of St. Tammany and Washington) and that the office employ one commissioner.

New law retains prior law but provides for the employment of one additional commissioner, bringing the total to two commissioners serving the 22nd JDC.

Prior law granted to the commissioner jurisdiction over certain aspects of criminal cases.

New law retains prior law but further grants commissioners jurisdiction over certain aspects of civil cases as well. New law also specifies that the jurisdiction over criminal and civil matters shall include matters of domestic violence.

Prior law specified that the commissioner shall have certain powers related to criminal cases as follows:

- (1) To administer oaths and affirmations.
- (2) To take acknowledgments, affidavits, and depositions.
- (3) To act on felony charges through arraignment; however, the commissioner shall not accept guilty pleas or sign orders disposing of felony charges.
- (4) To hear preliminary motions prior to filing the bill of information or indictment and make recommendations to the district judge.
- (5) To act on misdemeanor charges including accepting pleas in misdemeanor cases preliminary to trial on the merits and conduct evidentiary hearings of misdemeanor cases. A trial on the merits in a misdemeanor case shall be

tried by the commissioner only upon the written consent of the defendant and the expressed waiver of the defendant's right to have his case heard by a district court judge.

(6) To fix bail.

(7) To review probable cause affidavits within 48 hours of warrantless arrests.

(8) To conduct 72-hour hearings.

(9) To sign waivers of extradition only upon the written consent of the defendant and the expressed waiver of the defendant's right to have his extradition heard by a district court.

(10) To supervise defendants sentenced under the provisions of the drug court in accordance with the policies set down by the judges of the Twenty-Second Judicial District Court.

(11) To supervise all conditions of bail bonds.

(12) To supervise special conditions of protective orders, domestic violence, and any other probation conditions.

New law retains prior law but adds misdemeanors to the types of felony cases for which the commissioners may act on pretrial criminal matters. New law also gives commissioners power to review and act on petitions for protective orders and restraining orders in matters of domestic violence, and to conduct hearings and make recommendations to the district judge.

Prior law provided that the commissioner is not authorized to accept guilty pleas or sign orders disposing of felony charges.

New law retains prior law but deletes the provision not authorizing the commissioner to sign orders disposing of felony charges and adds misdemeanors to the types of cases for which the commissioners may not accept guilty pleas for.

Prior law provided that the commissioner may hear preliminary motions prior to filing criminal felony charges and make recommendations to the district judges. New law deletes this provision.

Prior law provided that the commissioner may act on misdemeanor charges and conduct evidentiary hearings of misdemeanor cases and that a trial on the merits in such case shall be tried by the commissioner only upon written consent of the defendant and the expressed waiver of defendant's right to have his case heard by a district judge. New law deletes this provision.

New law, as it relates to civil cases, provides that commissioners have the following duties:

(1) Administer oaths and affirmations.

(2) Take acknowledgments, affidavits, and depositions.

(3) Review and act on petitions for protective orders and matters of domestic violence, including the issuance of temporary orders of protection and temporary restraining orders, until such time as hearings may be conducted on the matters.

(4) Conduct hearings regarding protective orders and make recommendations to the appropriate district judge for the issuance of a preliminary or permanent injunction.

(5) Review emergency cases related to orders of temporary child custody and grant ex parte orders of child custody in certain circumstances until a district court judge can conduct a rule to show cause on the matter.

Prior law provided instruction for when a misdemeanor case is referred or assigned to the commissioner. New law repeals prior law.

Prior law required the commissioner to file his proposed findings and recommendations with the court and to mail a copy to all parties or their counsel of record; grants any party 10 days to traverse the findings or recommendations in writing; authorizes the judge to set the matter for hearing on exceptions made on the record to the findings and recommendations of the commissioner; and grants to the judge the authority to accept, reject, or modify in whole or in part the findings or recommendations of the commissioner and to receive further evidence or

to recommit the matter to the commissioner with further instructions.

New law repeals prior law as it relates to the ability of the commissioner to preside over misdemeanor criminal trials.

New law provides that the two commissioners serving the 22nd JDC shall also have the same powers and duties which are currently granted to hearing officers under prior law.

New law provides that if a litigant disagrees with a judgment or ruling of a commissioner, the litigant may object and request a hearing before an elected district judge.

New law provides that, if a litigant makes a timely objection to a commissioner's ruling, the case will be heard by the district judge to whom the matter was originally allotted. The district judge may do either of the following:

(1) The judge may decide the objection based on the record of the proceedings before the commissioner, may receive further evidence and rule based on that evidence, or may recommit the matter to the commissioner with instructions.

(2) If no objection is made within the time and manner established by court rules, the order shall become a final judgment of the court and shall be signed by the district judge assigned to the case. The final judgment may be appealed to the court of appeals.

Prior law required the qualifications for the office of commissioner to be the same as the qualifications for the office of a district court judge.

New law retains prior law and provides that there shall be no requirement of prior residency within the district boundaries of the 22nd JDC as a prerequisite to the office of commissioner.

Prior law provided that the salary of the commissioner shall be set by a majority of the elected judges of the district but shall not exceed \$72,500 per year. Prior law further authorized the commissioner and any of his employees to be

members of the Parochial Employees' Retirement System.

New law changes prior law to provide that the salary of the commissioner shall not exceed 85% of the salary of a district judge per year and removes authorization of the commissioner to be a member of the Parochial Employees' Retirement System.

Effective August 1, 2022.

(Amends R.S. 13:721 and 722)

### **St. Mary Parish Clerk of Court (ACT 290)**

Existing law requires that in certain parishes, the clerk of court 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 who was a covered employee, who elects to continue coverage, and who retires from that parish clerk of court's office.

New law retains existing law, and adds the St. Mary Parish clerk of court's office to the list of parishes in which existing law applies.

Effective August 1, 2022.

(Amends R.S. 13:783(F)(7))

### **Ascension Parish Clerk of Court's Office (ACT 94)**

Existing law authorizes the clerk of any district court to contract for group insurance for the clerk of court, employees, and dependants of the clerk or the clerk's employees. Further provides that the clerk or any clerk's employee who was a covered employee, who elects to continue coverage, and who retires under the clerk of court retirement program may elect to continue insurance coverage under the program and that the cost may be paid in the same manner as if he were still employed by the clerk of court, if employed by the clerk of court and a member of the La. Clerks' of Court Retirement and Relief Fund for at least 12 years prior to retirement and begins receiving



retirement benefits immediately upon retirement from active employment.

New law retains existing law and requires the Ascension Parish Clerk of Court to pay the full amount of all insurance premiums for all retirees who have worked with the Ascension Parish Clerk of Court's office for at least 20 years and are at least 55 years of age.

Effective August 1, 2022.

(Adds R.S. 13:783(F)(11))

#### **Fax Filing (ACT 115)**

Prior law (R.S. 13:850) provided that any document in a civil action could be filed with the clerk of court by facsimile transmission and that filing was deemed complete at the time the facsimile transmission was received by the clerk of court.

New law changes prior law to provide that the equipment used to accept facsimile filings cannot be intentionally turned off or disconnected, and that filing shall be deemed complete on the date and time indicated on the clerk of court facsimile transmission receipt.

New law provides for summary proceedings in the event the filing party does not receive confirmation of receipt and the clerk of court denies receiving the facsimile transmission.

Effective August 1, 2022.

(Amends R.S. 13:850(A) and (D); Adds R.S. 13:850(E))

#### **East Baton Rouge Parish Family Court (ACT 642)**

Existing law requires the clerk of court for the 19th JDC to collect a filing fee not to exceed \$25 from every person filing any action, suit, or motion and rule to show cause on the docket of the Family Court of E. Baton Rouge Parish.

New law increases the filing fee from \$25 to \$35.

New law provides that the increase in court costs or fees shall become effective upon approval by the Judicial Council.

Effective August 1, 2022.

(Amends R.S. 13:996.3(A))

#### **Orleans Parish Juvenile Court (ACT 23)**

Existing law requires the first judgeship of the Juvenile Court for the Parish of Orleans that becomes vacant by death, resignation, retirement, or removal during the term of office on or after Dec. 31, 2015, to be abolished the following day.

New law changes the vacancy day from the following day to midnight of such day.

Effective August 1, 2022.

(Amends R.S. 13:1595(C))

#### **Shreveport City Court Marshal (ACT 230)**

Prior law required the marshals of city courts, except the marshal of the city court of Shreveport, to receive the same fees as are payable to constables of justice of the peace courts.

New law removes the exception for the marshal of the city court of Shreveport.

New law provides that in addition to the salary paid to the marshal by the city of Shreveport, the marshal may receive the same fees as are payable to constables of justice of the peace courts, not to exceed 50% of the salary paid to the marshal by the city of Shreveport, and further provides that the remainder of the fees and commissions collected shall be used to defray the operational and necessary related expenses of the office of the marshal.

Effective August 1, 2022.

(Amends R.S. 13:1883(D)(1); Adds R.S. 13:1883(D)(3))

### **Ouachita Parish Traffic Violations Bureau (ACT 295)**

Existing law provides that the mayor of a municipality may establish, under his supervision, a traffic violations bureau and adopt the necessary rules and regulations for its operation and administration and further provides that the mayor may assume responsibility for a municipality's existing violations bureau.

New law retains existing law.

Prior law did not apply to any city court in the parishes of Acadia, Allen, Ascension, Avoyelles, Beauregard, Caddo, Calcasieu, Concordia, East Baton Rouge, Evangeline, Franklin, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Lincoln, Livingston, Morehouse, Natchitoches, Ouachita, Rapides, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Vermilion, Vernon, Washington, Webster, West Baton Rouge, Winn, Pointe Coupee, East Feliciana, West Feliciana, East Carroll, Madison, St. James, Red River, and Grant.

New law removes Ouachita Parish.

Effective June 10, 2022.

(Amends R.S. 13:1900(D))

### **Blighted and Abandoned Property in New Orleans (ACT 355)**

Existing law provides that any municipality or parish may prescribe civil fines for blighted property, abandoned property, or properties in violation of public health, housing, fire code, environmental, or historic district ordinances.

Prior law provided an exception from existing law for any parish with a population of more than 300,000 and less than 400,000 persons (city of New Orleans in 2010 and 2020).

New law removes the exception.

Effective August 1, 2022.

(Amends R.S. 13:2575(A)(2), (B)(2), (D)(2), and (F)(2))

### **DeSoto Parish and 42nd Judicial District (ACT 19)**

Existing law requires the district court judge or judges for each judicial district to adopt a schedule of costs to be applied to each case before the court. These costs shall be placed in special funds (separately, a juror fund and a witness fund) to be maintained by the proper governing authorities and used to pay witness and juror fees.

New law retains existing law.

New law provides that all surplus monies in the special fund of DeSoto Parish within the 42nd Judicial District shall be transferred to the criminal court fund on an as needed basis upon the motion of the district attorney and order by the judges sitting en banc.

New law provides that the surplus monies which are transferred pursuant to new law may be used for any purpose for which the other monies in the criminal court fund of the 42nd Judicial District Court may be used.

Effective August 1, 2022.

(Adds R.S. 13:3049(B)(1)(e)(viii) and R.S. 15:255(X))

### **Juror Compensation (ACT 314)**

Existing law (R.S. 13:3049) provides for compensation for juror attendance and an allowance for mileage necessarily traveled going to and from the courthouse for both criminal and civil cases. New law retains existing law.

Existing law (R.S. 13:3049.1) provides that jurors summoned for jury service in both criminal and civil cases in the 24th JDC may receive compensation and an allowance for mileage necessarily traveled to and from the courthouse. New law retains existing law.

Prior law provided that compensation be \$25 for each day of attendance in court, and the mileage

allowance be not less than 16 cents per mile nor more than the rate in effect for state officials.

New law provides that compensation for jurors in criminal cases of \$25 for each day of attendance in court, and that the mileage allowance be no less than 16 cents per mile nor more than the rate in effect for state officials, and that jurors in civil cases receive \$50 for each day of attendance in court and an amount equal to the rate in effect for state officials for each mile necessarily traveled going to and from the courthouse, in accordance with prior law (R.S. 13:3049).

Prior law (R.S. 13:3105) provided that those serving as jurors in civil cases triable by jury in the Civil District Court for Orleans Parish be entitled to compensation of \$25 each for each day or part of day on which they serve as jurors.

New law increases juror compensation from \$25 to \$50 and provides an allowance for mileage in an amount equal to the rate in effect for state officials for each mile necessarily traveled going to and from the courthouse in accordance with prior law (R.S. 13:3049).

Effective June 10, 2022.

(Amends R.S. 13:3049.1(B) and 3105(A))

#### **Fees and Mileage Rates for Witnesses (ACT 99)**

Prior law (R.S. 13:3671) provided for witness fees and mileage rates for witnesses who resided or who were employed in the parish where the court was situated or outside the parish within 25 miles of the courthouse.

Prior law (R.S. 13:3671) authorized the witnesses to receive a fee of \$8 a day for every day they were in attendance at court and mileage at the rate of 16¢ a mile for the distance they were required to travel to and from the courthouse.

Prior law (R.S. 13:3671) authorized the fees and mileage rates of up to six witnesses subpoenaed by each party to be taxed as costs of court. Witnesses that exceed that number were required to be paid by the party who subpoenaed them.

Existing law (R.S. 13:3661) provides that witnesses in civil cases who reside or are employed in this state may be subpoenaed and compelled to attend trials and hearings. Existing law does not provide a distance requirement.

Existing law (R.S. 13:3661) provides that witnesses shall be paid for travel expenses to and from the courthouse at a rate equal in effect for state officials and paid an attendance fee of \$50 each day the witnesses are required to appear in court.

Existing law (R.S. 13:3661) requires a deposit to the clerk of court be paid by the party who desires the testimony of the witnesses.

Existing law (R.S. 13:3661) provides that in cases of exceptional hardship, the court may increase the travel expenses paid to the witnesses.

New law repeals prior law (R.S. 13:3671) as it contradicted existing law (R.S. 13:3661).

Effective August 1, 2022.

(Repeals R.S. 13:3671)

#### **Special Masters and Mediation (ACT 753)**

Prior law provided for the appointment of a special master in any civil action wherein complicated legal or factual issues are presented or wherein exceptional circumstances of the case warrant such appointment upon consent of all parties.

Prior law provided that for causes of action arising from a disaster within a parish declared by the president of the United States to be subject to a major disaster declaration under federal law and certified for individual assistance in accordance with the provisions of federal rules, the judges with civil jurisdiction in any court of competent jurisdiction may en banc appoint one or more special masters for all causes of action related to first-party insurance property damage claims.

Prior law authorized any special master appointed to waive the appointment.

New law limits appointment waiver to special masters appointed to serve in a major disaster area.

Prior law required orders initially issued after January 1, 2022, to provide for an opt-out upon request of any party.

New law provides that provisions of prior law related to opt-out shall also not apply to any order initially issued on or before December 31, 2022, in any judicial district that has not previously issued an order related to the qualifying disaster event.

New law requires that any order issued shall be applicable to the successor in interest to any party subject to the order, in the same manner as originally applicable to the insured or insurer.

New law authorizes a guaranty association can voluntarily participate in a mediation that is initiated pursuant to a case management order six months after the guaranty association assumes responsibility for the payment of the covered claim pursuant to an expressed order of the receivership court or pursuant to an order of liquidation by the receivership court or at a time prior to the expiration of six months as the guaranty association in its sole discretion determines that it has sufficient information to participate in a mediation, but participation by the guaranty association in mediation can waive any rights it is afforded to under law.

Effective June 18, 2022.

(Amends R.S. 13:4165(F)(7); adds R.S. 13:4165(F)(9) and (10))

### **Probation (ACT 615)**

Existing law (R.S. 13:5304) relative to drug division probation programs, provides that in offering a defendant the opportunity to request treatment, the court shall advise the defendant that he will be placed under the supervision of the drug division probation program for not less than 12 months.

New law amends existing law to provide that the court will determine the period of time a defendant will be placed under the supervision of the drug division probation program, except that the probation period for a defendant convicted of an offense of existing law (R.S. 14:98, 98.1, 98.2, or 98.3), relative to operating a vehicle while intoxicated, shall not be less than 12 months.

Existing law (C.Cr.P. Art. 893) authorizes the court, upon consent of the district attorney, to suspend the sentence of a defendant after a fourth or subsequent conviction of a noncapital felony. Further provides that when suspension is allowed under existing law, the defendant is required to be placed on probation under the supervision of the division of probation and parole. Requires the period of probation to be specified and to not be more than three years, except as otherwise provided in existing law.

New law retains existing law and adds that if a defendant has been sentenced to complete a specialty court program as provided in existing law (C.Cr.P. Art. 893(B)(2)), the defendant may be placed on probation under the supervision of a probation office, agency, or officer designated by the court, other than the division of probation and parole of the Dept. of Public Safety and Corrections.

Effective August 1, 2022.

(Amends R.S. 13:5304(B)(3)(b) and C.Cr.P. Art. 893(B)(3))

### **Eligibility for Workforce Development Sentencing Program (ACT 450)**

Existing law provides that each district court may assign a certain division of the court as a reentry division of court. Provides that a reentry division of a court shall establish a workforce development sentencing program.

Existing law provides that a defendant may participate in the workforce development sentencing program subject to multiple provisions of existing law.

Existing law provides that the court may recommend that a defendant participate in the workforce development sentencing program if all of the following criteria are satisfied:

(1) The defendant meets the eligibility requirements for participation in the Offender Rehabilitation and Workforce Development Program as provided by existing law (R.S. 15:1199.7(A) and (C)).

(2) The defendant meets the suitability requirements as defined by best practices developed for the Offender Rehabilitation and Workforce Development Program as adopted by the La. Supreme Court.

(3) The court determines that it is in the best interest of the community and in the interest of justice that the defendant be sentenced to the Offender Rehabilitation and Workforce Development Program.

(4) The defendant is not sentenced to a term of incarceration which exceeds 10 years.

(5) The defendant does not have any prior felony convictions for any offenses defined as a sex offense in existing law (R.S. 15:541).

(6) The crime before the court is not a crime of violence as defined in existing law (R.S. 14:2(B)), including domestic violence.

(7) The defendant is not sentenced as a multiple offender in the prior charge pursuant to existing law (R.S. 15:529.1).

(8) Other criminal proceedings alleging commission of a crime of violence as defined in existing law (R.S. 14:2(B)) are not pending against the defendant.

(9) The crime before the court is not a charge of any crime that resulted in the death of a person.

New law repeals prior law to remove the criteria that the defendant not be sentenced to a term of incarceration which exceeds 10 years.

New law further amends existing law to expand eligibility to defendants who have committed certain crimes of violence as defined in existing law (R.S. 14:2(B)):

(1) Aggravated battery (R.S. 14:34).

(2) Second degree battery (R.S. 14:34.1).

(3) Battery of a police officer (R.S. 14:34.2).

(4) Disarming of a peace officer (R.S. 14:34.6).

(5) Aggravated assault (R.S. 14:37).

(6) Aggravated assault with a firearm (R.S. 14:37.4).

(7) Simple kidnaping (R.S. 14:45).

(8) False imprisonment; offender armed with dangerous weapon (R.S. 14:46.1).

(9) Aggravated arson (R.S. 14:51).

(10) Aggravated criminal damage to property (R.S. 14:55).

(11) Home invasion (R.S. 14:62.8).

(12) Second degree robbery (R.S. 14:64.4).

(13) Simple robbery (R.S. 14:65).

(14) Purse snatching (R.S. 14:65.1).

(15) Aggravated flight from an officer (R.S. 14:108.1).

New law removes the restriction on defendants who are habitual offenders from participating in a workforce development sentencing program.

New law requires the district attorney's consent to defendant's participation in the program if the defendant was convicted of a violent crime as defined in existing law.

Effective August 1, 2022.

(Amends R.S. 13:5401(B)(1)(f), (g), (h), and (i); Repeals R.S. 13:5401(B)(1)(d))

### **Acadia Parish Sheriff's Office (ACT 679)**

Existing law requires that any policy or self-insurance plan providing group hospital, surgical, medical expense, or life insurance contracted for under the provisions of existing law contain a provision authorizing any covered employee retiring under his sheriff's department retirement plan to elect to continue such coverage upon retirement. Existing law authorizes the premium cost of such coverage to be paid in full or in part from the sheriff's general funds or by the retired employee. Existing law requires a uniform policy with respect to the payment of such premiums be formulated and applied by each sheriff.

Existing law requires the premium costs of group hospital, surgical, medical expense, and dental insurance and the first \$10,000 of life insurance contracted for under the provisions of existing law be paid in full from the Acadia Parish sheriff's general fund for all Acadia Parish sheriffs and deputy sheriffs retired with at least 15 years of service who are at least 55 years of age, or retired with at least 30 years of service at any age, on or after January 1, 2015.

New law requires the Acadia Parish Sheriff's Office to pay out of the sheriff's general fund 100% of the premium costs of group insurance, hospital, surgical, and medical expense insurance and the first \$10,000 of life insurance contracted pursuant to existing law for any sheriff, full-time deputy sheriff, or any other employee who has retired from the Acadia Parish Sheriff's Office and who is eligible to receive benefits from the Sheriff's Pension and Relief Fund, and that meets the following qualifications:

(1) Has at least 30 years of service being in a statewide retirement system with the final 12 years of continuous full-time creditable service with the Acadia Parish Sheriff's Office.

(2) Is at least 55 years of age.

New law requires insurance benefits to be based on the total amount of creditable service with a statewide retirement system including time earned in the Sheriff's Pension and Relief Fund and the recipient's coverage during the last active

year of service with the Acadia Parish Sheriff's Office. New law requires coverage of these insurance benefits to be extended to the recipient's eligible dependents if the recipient requests such coverage.

New law provides that recipients of insurance be subject to all cost increases or changes to the active insurance plan.

New law applies to sheriffs and deputy sheriffs who retire on or after August 1, 2022.

Effective July 1, 2022.

(Adds R.S. 13:5554(G)(4)(d), (e), (f), and (g))

### **Ouachita Parish Sheriff's Office (ACT 18)**

Existing law (R.S. 13:5554(I)) applicable to the sheriff's office of Ouachita Parish provides that premium costs of group hospital, surgical, and medical expense shall be paid from the sheriff's general fund for any sheriff or deputy sheriff who has retired from the Ouachita Parish Sheriff's Office and have either:

(1) At least 15 years of service and have reached the age of 55.

(2) At least 20 years of service at any age.

New law retains existing law and creates the Ouachita Parish Retired Employees Insurance Fund (OREIF), to fund the payment by the Ouachita 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 Ouachita Parish may contribute to the OREIF at his discretion.

New law provides that the sheriff shall invest at least 25% in fixed income investments into the OREIF, 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 OREIF is equal to the sum of \$5 million. Provides that if the deposits and earnings on investments fall below \$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 consisting of three members as follows:

- (1) The sheriff or his designee.
- (2) One retired sheriff or retired deputy sheriff of the department, appointed by the sheriff, who shall serve a term determined by the sheriff.
- (3) One active deputy sheriff of the department, appointed by the sheriff, who shall serve a term determined by the sheriff.

New law requires the board to meet within 30 days after appointment of members and provides for election of a chairperson at the first meeting of the board.

Effective August 1, 2022.

(Adds R.S. 13:5554.8)

### **Cameron Parish Sheriff's Office (ACT 30)**

Existing law (R.S. 13:5554(G)) applicable to the sheriff's office of Cameron Parish provides that premium costs of group hospital, surgical, medical expense, and dental insurance and the first \$10,000 of life insurance contracted for under existing law shall be paid from the sheriff's general fund for any sheriff or deputy sheriff who has retired from the Cameron Parish Sheriff's Office and have either:

(1) At least 15 years of service and have reached the age of 55.

(2) At least 30 years of service at any age.

Existing law (R.S. 13:5554(II)) applicable to the sheriff's office of Cameron Parish provides that premium costs of group hospital, surgical, and medical expense, and the first \$10,000 of life insurance contracted for under existing law shall be paid from the sheriff's general fund for any sheriff or deputy sheriff who has retired from the Cameron Parish Sheriff's Office and has at least 15 years of service with the Cameron Parish Sheriff's Office and has reached the age of 55.

New law retains existing law and creates the Cameron Parish Retired Employees Insurance Fund (CREIF), to fund the payment by the Cameron 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 Cameron Parish may contribute to the CREIF at his discretion.

New law provides that the sheriff shall invest at least 25% in fixed income investments into the CREIF, 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 CREIF is equal to the sum of \$1.5 million. 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 consisting of three members as follows:

- (1) The sheriff or his designee.
- (2) One retired sheriff or retired deputy sheriff of the department, appointed by the sheriff, who shall serve a term determined by the sheriff.
- (3) One active deputy sheriff of the department, appointed by the sheriff, who shall serve a term determined by the sheriff.

New law requires the board to meet within 30 days after appointment of members and provides for election of a chairperson at the first meeting of the board.

Effective August 1, 2022.

(Adds R.S. 13:5554.8)

#### **St. Martin Parish Sheriff's Office (ACT 293)**

Existing law requires the premium costs of group hospital, surgical, medical expense, and dental insurance and the first \$10,000 of life insurance contracted for under existing law be paid in full from the St. Martin Parish sheriff's general fund for all sheriffs and deputy sheriffs retired with at least 15 years of service who were at least 55 years of age or retired with at least 30 years of service at any age before July 1, 2009.

New law retains existing law.

Existing law requires the sheriff of St. Martin Parish to pay out of the sheriff's general fund 50% of the premium costs of group hospital, surgical, medical expense, and the first \$10,000 of life insurance contracted for under existing law, if the sheriff or deputy sheriff retired from the St. Martin Parish Sheriff's Office with 20 years of creditable service with the Louisiana Sheriffs' Pension and Relief Fund, on or after July 1, 2009.

New law retains existing law, but limits the applicable time period from after July 1, 2009, to on or after July 1, 2009, and before July 1, 2022.

New law requires the St. Martin Parish sheriff 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 retired from the St. Martin Parish Sheriff's Office as follows:

(1) 50% of the premium costs of group hospital, surgical, and medical expense insurance, and \$10,000 of life insurance contracted for under the provisions of existing law if the sheriff and deputy sheriff retired in good standing with 30 continuous years or more of creditable full-time service with the sheriff's office of St. Martin Parish and is at least 55 years of age.

(2) 50% of the premium costs of group hospital, surgical, and medical expense insurance, and \$10,000 of life insurance contracted for under the provisions of existing law if the sheriff and deputy sheriff retired in good standing with 20 continuous years of creditable full-time service with the sheriff's office of St. Martin Parish and is at least 65 years of age.

New law applies to persons hired or rehired by the St. Martin Parish Sheriff's Office on or after July 1, 2022, and who subsequently retire from the St. Martin Parish Sheriff's Office.

Effective July 1, 2022.

(Amends R.S. 13:5554(G)(2) and (V))

#### **Winn Parish Sheriff's Office (ACT 95)**

Prior law provided that the premium costs of group hospital, surgical, medical expense, and dental insurance and the first \$10,000 of life insurance contracted for under the provisions of prior law were required to be paid in full by the sheriff of Winn Parish, from the sheriff's general fund, for all sheriffs and deputy sheriffs retired from the Winn Parish Sheriff's Office who were at least 55 years of age, with at least 30 years of service, and who were entitled to receive benefits from the Sheriffs' Pension and Relief Fund.

New law provides that 100% of the premium costs of group hospital, surgical, medical expense, and dental insurance, and the first \$10,000 of life insurance shall be paid in full by



the sheriff of Winn Parish, from the sheriff's general fund, for all sheriffs and deputy sheriffs who retire from the Winn Parish Sheriff's Office, who are entitled to receive benefits from the Sheriffs' Pension and Relief Fund, and who meet any of the following conditions:

- (1) 12 years of service and are at least 62 years of age.
- (2) 20 years of service and are at least 60 years of age.
- (3) 30 years of service and are at least 55 years of age.

Effective August 1, 2022.

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

#### **Richland Parish Sheriff's Office (ACT 362)**

Existing law provides that the sheriff of Richland Parish shall pay the premium costs of group insurance from the sheriff's general fund for any sheriff or full-time deputy sheriff who is entitled to receive monthly benefits from the Sheriff's Pension and Relief Fund and who retires from the Richland Parish Sheriff's Office upon meeting one of three eligibility requirements.

New law retains existing law.

Existing law provides that any sheriff or deputy sheriff who has attained the age of 55, is eligible to retire, and retires after Aug. 31, 2013, with at least 25 years of creditable service with the Richland Parish Sheriff's Office shall receive 50% of the premium costs of group hospital, surgical, and medical expense insurance and the first \$10,000 of life insurance contracted for under the provisions of existing law.

New law expands eligibility to any sheriff or deputy sheriff who first becomes eligible to retire and retires before July 1, 2022.

Existing law provides that any sheriff or deputy sheriff who retires with 30 years or more of creditable service with the Richland Parish Sheriff's Office, regardless of age, shall receive

100% of the premium costs of group hospital, surgical, and medical expense insurance and the first \$10,000 of life insurance contracted for under the provisions of existing law.

New law expands eligibility to any sheriff or deputy sheriff who first becomes eligible to retire and subsequently retires after Aug. 31, 2013, and before July 1, 2022.

New law provides that any sheriff or deputy sheriff who does not meet the requirements of existing law and retires on or after July 1, 2022, from the Richland Parish Sheriff's Office and is eligible to receive benefits from the Sheriff's Pension and Relief Fund and meets the requirements of new law shall receive 100% of the premium costs of group hospital, surgical, and medical expense insurance and the first \$10,000 of life insurance contracted for under existing law, if the sheriff or deputy sheriff retires with any of the following qualifications:

- (1) At least 15 years of creditable service and is at least 60 years of age and has served 12 years of creditable service with the Richland Parish Sheriff's Office.
- (2) At least 20 years of creditable service and is at least 55 years of age and has served 12 years of creditable service with the Richland Parish Sheriff's Office.
- (3) At least 30 years of creditable service and has served 20 years of creditable service with the Richland Parish Sheriff's Office, regardless of age.

New law creates the Richland Parish Retired Employees Insurance Fund (RREIF), to fund the payment by the Richland 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 Richland Parish may contribute to the RREIF at his discretion.

New law provides that the sheriff shall invest at least 25% in fixed income investments into the

RREIF, 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 RREIF is equal to the sum of \$2 million. Provides that if the deposits and earnings on investments falls below \$2 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 consisting of three members as follows:

- (1) The sheriff or his designee.
- (2) One retired sheriff or retired deputy sheriff of the department, appointed by the sheriff, who shall serve a term determined by the sheriff.
- (3) One active deputy sheriff of the department, appointed by the sheriff, who shall serve a term determined by the sheriff.

New law requires the board to meet within 30 days after appointment of members and provides for election of a chairperson at the first meeting of the board.

Effective August 1, 2022.

(Amends R.S. 13:5554(R)(2) and (3); Adds R.S. 13:5554(R)(4) and 5554.8)

#### **Franklin Parish Sheriff's Office (ACT 31)**

Existing law provides that 100% of the premium costs of group hospital, surgical, and medical expense insurance shall be paid from the sheriff's general fund for any sheriff or deputy sheriff who

has retired from the Franklin Parish Sheriff's Office and who is eligible to receive benefits from the Sheriff's Pension and Relief Fund.

New law retains existing law and adds the premium cost of life insurance.

Existing law provides that any sheriff or deputy sheriff who retires on or after Dec. 31, 2012, and who is eligible to receive benefits from the Sheriff's Pension and Relief Fund, shall be paid the premium costs of group hospital, surgical, and medical expense insurance from the sheriff's general fund.

New law retains existing law and adds the premium cost of life insurance.

Existing law requires a sheriff or deputy sheriff who is eligible to receive retirement benefits to meet any one of the following conditions:

- (1) 100% if the sheriff or deputy sheriff has completed 30 years of full-time, continuous service with the Franklin Parish Sheriff's Office, regardless of age.
- (2) 75% if the sheriff or deputy sheriff has attained the age of 55 years with at least 27 years of full-time service or has completed a majority of his creditable service time with the Franklin Parish Sheriff's Office.
- (3) 50% if the sheriff or deputy sheriff has attained the age of 55 years with at least 23 years of full-time service with the Franklin Parish Sheriff's Office.

New law retains existing law and provides for alternative retirement eligibility for a sheriff or deputy sheriff who retires with full-time creditable service and has completed a majority of his creditable service time with the Franklin Parish Sheriff's Office.

New law provides that a sheriff or deputy sheriff's creditable days of full-time service shall be determined by the Louisiana Sheriff's Pension and Relief Fund.

Effective August 1, 2022.

(Amends R.S. 13:5554(S)(1)(intro. para.) and (2))

#### **Iberville Parish Sheriff's Office (ACT 301)**

Existing law requires the premium costs of group hospital, surgical, medical expense, and dental insurance and the first \$10,000 of life insurance contracted for under existing law be paid in full from the Iberville Parish sheriff's general fund for all sheriffs or deputy sheriffs retired with at least 15 years of service who are at least 55 years of age or retired with at least 30 years of service at any age.

New law retains existing law, but limits the applicable time period to before July 1, 2022.

New law requires the Iberville Parish Sheriff's Office to pay 100% of the premium costs of group hospital, surgical, and medical expense insurance and the first \$10,000 of life insurance contracted for under the provisions of existing law to be paid in full from the sheriff's general fund for any sheriff and full-time deputy sheriff who has retired from the Iberville Parish Sheriff's Office and who is eligible to receive benefits from the Sheriff's Pension and Relief Fund, is at least 55 years of age with 20 or more years of full-time creditable service with the Iberville Parish Sheriff's Office, and is in good standing with the Iberville Parish Sheriff's Office at the time of retirement.

New law limits applicability to persons that retire from the Iberville Parish Sheriff's Office on or after July 1, 2022.

Effective July 1, 2022.

(Adds R.S. 13:5554(MM))

#### **Ad Valorem Taxes for Coroner's Office (ACT 403)**

Existing law (R.S. 13:5706 and 5710) provides for fees for coroner's services.

Existing law (R.S. 13:5722) establishes the Coroner's Operational Fund in criminal matters.

Existing law (R.S. 13:5707, 5709, 5726, 5741, and 5762) provides for additional fees or taxes for the following parishes: Caddo Parish, Lincoln Parish, St. Tammany Parish, Jefferson Parish, and Webster Parish.

New law provides that in certain parishes, the parish shall allow and assist the coroner to place on the ballot a 10-year renewable tax of up to three mills of ad valorem tax revenue to be paid for the sole operation of the coroner's office, subject to the approval of the majority of electors in the parish.

New law includes the following parishes: Allen, Bienville, Bossier, Cameron, Caldwell, Claiborne, Concordia, DeSoto, East Carroll, East Feliciana, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Plaquemines, Point Coupee, Red River, Richland, Sabine, St. Helena, St. James, St. Landry, Tensas, Union, Webster, West Baton Rouge, West Feliciana, and Winn.

Effective August 1, 2022.

(Adds R.S. 13:5727)

### **TITLE 14: CRIMINAL LAW**

#### **Penalties for Distribution of Heroin, Fentanyl, or Carfentanil that Causes Serious Bodily Injury (ACT 671)**

Existing law provides that any person who produces, manufactures, distributes, or dispenses, or possesses with the intent to produce, manufacture, distribute, or dispense heroin, upon conviction for any amount, is to be imprisoned at hard labor for not less than five years nor more than 40 years and may, in addition, be required to pay a fine of not more than \$50,000.

New law provides that if the offender unlawfully distributes or dispenses heroin which is the direct cause of serious bodily injury to the person who ingested or consumed the substance, the offense will be classified as a crime of violence, and the offender is to be imprisoned at hard labor for not

less than five years nor more than 40 years, at least five of which must be imposed without benefit of probation, parole, or suspension of sentence. In addition, the offender may be required to pay a fine of not more than \$50,000.

Existing law provides that any person who produces, manufactures, distributes, or dispenses, or possesses with the intent to produce, manufacture, distribute, or dispense fentanyl or carfentanil, upon conviction for any amount, is to be imprisoned at hard labor for not less than five years nor more than 40 years and may, in addition, be required to pay a fine of not more than \$50,000.

New law provides that if the offender unlawfully distributes or dispenses fentanyl or carfentanil which is the direct cause of serious bodily injury to the person who ingested or consumed the substance, the offense will be classified as a crime of violence, and the offender is to be imprisoned at hard labor for not less than five years nor more than 40 years. At least five years of the sentence of imprisonment must be imposed without benefit of probation, parole, or suspension of sentence. In addition, the offender may be required to pay a fine of not more than \$50,000.

New law is known as and may be cited as "Millie's Law".

Existing law provides for a list of certain enumerated existing law offenses that are included as crimes of violence.

New law retains existing law and adds the distribution of fentanyl or carfentanil which causes serious bodily injury and the distribution of heroin which causes serious bodily injury to the offenses included as crimes of violence.

Effective August 1, 2022.

(Amends R.S. 40:966(B)(3) and 967(B)(4); adds R.S. 14:2(B)(8) and (29))

## **Punishment for Violation of Protective Orders (ACT 75)**

Prior law provided penalties for violation of protective orders depending upon recidivist status, whether the offender battered the victim, and whether the offender committed a crime of violence against the victim. Prior law further provided that a violation of a protective order is a crime of violence if the violation involves a battery or any crime of violence against the victim to whose benefit the protective order is in effect at the time of the violation.

New law retains prior law and provides enhanced penalties when the offender goes to the residence or household, school, or place of employment of the person for whose benefit the protective order is in effect while in possession of a firearm.

Effective August 1, 2022.

(Amends R.S. 14:2(B)(50) and 79(B) and (C))

## **Juvenile Detention Facility Officers (ACT 468)**

Existing law provides for the crime of battery of a police officer.

Existing law defines "police officer" to include any commissioned police officer, sheriff, deputy sheriff, marshal, deputy marshal, correctional officer, federal law enforcement officer, constable, wildlife enforcement agent, state park warden, or probation and parole officer.

New law adds juvenile detention facility officer to the existing law definition of "police officer".

Existing law provides for the crime of resisting a police officer with force or violence.

Existing law defines "police officer" to include any commissioned police officer, sheriff, deputy sheriff, marshal, deputy marshal, correctional officer, constable, wildlife enforcement agent, state park warden, or probation and parole officer.

New law adds juvenile detention facility officer to the existing law definition of "police officer".

Effective August 1, 2022.

(Amends R.S. 14:34.2(A)(2) and 108.2(B))

### **Unlawful Description of Operation of a Healthcare Facility (ACT 129)**

Prior law provide relative to crimes of violence and includes an illustrative list of crimes of violence.

New law retains prior law and adds the prior law crime of battery on emergency room personnel, emergency services personnel, or a healthcare professional to the list of crimes of violence.

Prior law provided that the crime of battery of emergency room personnel, emergency services personnel, or healthcare professional is punishable by a fine of not more than \$1,000 and imprisonment between 15 days and six months, and that at least 48 hours of the sentence be imposed without benefit of suspension of sentence.

New law retains prior law and expands the definition of "healthcare professional" to include a patient transporter, dietary worker, patient access representative, security personnel, patient relations advocate, or any other person who otherwise assists in or supports the performance of healthcare services.

New law provides that a second or subsequent offense of battery of emergency room personnel, emergency services personnel, or healthcare professional is punishable by a fine of not more than \$1,000 and imprisonment, with or without hard labor, for between one and three years, at least 45 days of which must be served without benefit of parole, probation, or suspension of sentence.

Prior law provided that if the battery produces an injury that requires medical attention, the offender is punishable by a fine of not more than \$5,000 and imprisonment between one and five years, at least five days of which must be served

without benefit of parole, probation, or suspension of sentence.

New law provides that at least 45 days must be served without benefit of parole, probation, or suspension of sentence.

New law provides that on a second or subsequent offense, if the battery produces an injury that requires medical attention, the offender is punishable by a fine of not more than \$10,000 and imprisonment between two and five years, at least 90 days of which must be served without benefit of parole, probation, or suspension of sentence.

New law otherwise retains prior law.

New law creates the crime of assault on emergency room personnel, emergency services personnel, or a healthcare professional, which is defined as an assault committed when the offender has reasonable grounds to believe that the victim is a emergency room personnel, emergency services personnel, or a healthcare professional acting in the performance of his duties.

New law defines "assault," "emergency room personnel", "emergency services personnel," and "healthcare professional" for the purposes of new law.

A violation of new law is punishable by a fine of not more than \$1,000, or imprisonment between 30 and 180 days, or both.

New law creates the crime of unlawful disruption of the operation of a healthcare facility, defined as the intentional communication of information that the commission of a crime of violence is imminent or in progress, or that a circumstance dangerous to human life exists or is about to exist, when committed under any one or more of the following circumstances:

(1) When the offender's actions cause emergency room personnel, emergency services personnel, or healthcare professionals at a healthcare facility to be in sustained fear for their safety, and a reasonable person would have known that his actions could cause sustained fear.

(2) When the offender's actions cause the evacuation of a healthcare facility, and a reasonable person would have known that his actions could cause an evacuation.

(3) When the offender's actions cause any other serious disruption to the operation of a healthcare facility, and a reasonable person would have known that his actions could cause serious disruption to the operation of a healthcare facility.

New law defines "healthcare facility", "emergency room personnel", "emergency services personnel", and "healthcare professional" for the purposes of new law.

A violation of new law is punishable by a fine of not more than \$1,000, or imprisonment, with or without hard labor, between one and five years, or both.

Effective August 1, 2022.

(Amends R.S. 14:34.8(A)(1), (B)(3), and (C); adds R.S. 14:2(B)(56), 38.5, and 40.9)

### **Crime of Menacing (ACT 493)**

Existing law (R.S. 14:40.1) provides for the crime of terrorizing and provides for criminal penalties.

New law retains existing law and creates the crime of menacing and defines the crime as the intentional communication of information that the commission of a crime of violence is imminent or in progress or that a circumstance dangerous to human life exists or is about to exist, when committed under any of the following circumstances:

(a) The offender's actions cause members of the general public to be in sustained fear for their safety, and a reasonable person would have known that such actions could cause such sustained fear.

(b) The offender's actions cause the evacuation of a building, a public structure, or a facility of transportation, and a reasonable person would have known that such actions could cause an evacuation.

(c) The offender's actions cause any other serious disruption to the general public, and a reasonable person would have known that such actions could cause serious disruption to the general public.

New law provides that whoever commits the new law crime shall be fined not more \$1,000 or imprisoned with or without hard labor for not more than two years, or both.

Existing law (R.S. 14:107.2) defines hate crimes as certain enumerated offenses in which the victim is selected because of that person's actual or perceived race, age, gender, religion, color, ancestry, national origin, disability, creed, or sexual orientation or because of actual or perceived employment as a law enforcement officer, firefighter, or emergency medical services personnel.

New law adds the new law crime of menacing to the enumerated offenses in existing law. Existing law (C.Cr.P. Art. 814) provides relative to responsive verdicts in criminal trials.

New law retains existing law and adds that the only responsive verdicts that may be rendered when the indictment charges terrorizing are:

(1) Guilty.

(2) Guilty of menacing.

(3) Not guilty.

Effective August 1, 2022.

(Amends R.S. 14:40.1 and 107.2(A); Adds C.Cr.P. Art. 814(A)(69))

### **Punishment for Simple Criminal Damage to Property (ACT 45)**

Existing law provides for the crime of simple criminal damage to property. Provides that simple criminal damage to property is the intentional damaging of any property of another, without the consent of the owner, by any means other than fire or explosion.

Existing law provides for punishment:

(1) When the damage amounts to less than \$1,000, the offender shall be fined up to \$1,000 or imprisoned for up to six months, or both.

(2) When the damage amounts to between \$1,000 and \$50,000, the offender shall be fined up to \$1,000 or imprisoned for up to two years, or both.

(3) When the damage amounts to over \$50,000 or more, the offender shall be fined up to \$10,000 or imprisoned between one and 10 years, or both.

Existing law provides that a person convicted under existing law may be ordered to make full restitution to the owner of the property.

New law retains existing law but adds that in the case of damage to multiple properties by an offender's distinct acts as part of a continuous sequence of events, the amount of damages shall determine the grade of the offense.

Effective August 1, 2022.

(Adds R.S. 14:56(C))

### **Carjacking (ACT 131)**

Prior law provides that the crime of carjacking is punishable by imprisonment at hard labor for between two and 20 years without benefit of parole, probation, or suspension of sentence.

New law retains prior law and provides for an increased penalty of not less than 10 nor more than 20 years, without the benefit of parole, probation, or suspension of sentence if serious bodily injury is caused during the commission of the crime of carjacking.

Effective Aug. 1, 2022.

(Amends R.S. 14:64.2(B))

### **Recruitment of Juveniles for Carjacking (ACT 220)**

New law creates the crime of recruitment of juveniles to commit carjacking. Provides that it shall be unlawful for any person over the age of 17 to intentionally recruit, entice, aid, solicit, or

encourage any child under the age of 18 to commit the offense of carjacking as defined in existing law (R.S. 14:64.2).

New law provides for a term of imprisonment at hard labor, for not less than five years and for not more than 20 years, without benefit of parole, probation, or suspension of sentence.

New law adds the crime of recruitment of juveniles to commit carjacking as an element of the crime of racketeering activity.

Effective August 1, 2022.

(Adds R.S. 14:64.2.1 and R.S. 15:1352(A)(69))

### **Simple Robbery (ACT 731)**

Existing law provides for the crime of simple robbery.

Prior law defined the crime as the taking of anything of value belonging to another from the person of another or that is in the immediate control of another, by use of force or intimidation, but not armed with a dangerous weapon.

New law provides that simple robbery is either of the following:

The taking of anything of value belonging to another from the person of another or that is in the immediate control of another, by use of force or intimidation, but not armed with a dangerous weapon.

The taking of anything of value when a person is part of a group of three or more individuals and the person has the intent to take anything of value from a retail establishment that is in the immediate control of a retail employee or employer and there is reasonable belief that a reasonable person would not intercede because of fear.

Effective August 1, 2022.

(Amends R.S. 14:65(A))

### **Restitution for False Statements and Documents (ACT 33)**

Existing law provides for the crime of false statements and false or altered documents. Provides that any person who commits the existing law crime shall be imprisoned with or without hard labor for not more than five years, or fined not more than \$10,000, or both.

New law retains existing law.

Prior law required any person convicted of the crime of false statements and false or altered documents to make full restitution to the Dept. of Treasury to be deposited in the La. Unclaimed Property Permanent Trust Fund. If the person ordered to make restitution was found to be indigent and unable to make restitution in full at the time of conviction, the court was required to order a periodic payment plan consistent with the person's financial ability.

New law provides that restitution shall be ordered according to existing law (C.Cr.P. Art. 883.2) and shall be made payable to the La. Unclaimed Property Permanent Trust Fund.

Effective August 1, 2022.

(Amends R.S. 14:67.3(C))

### **Adoption Deception (ACT 736)**

Existing law provides for 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 conditions 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 assistance for living expenses from a prospective adoptive parent or adoption entity without disclosing that she is

receiving such assistance from another prospective adoptive parent or adoption entity at the same time in an effort to adopt the same child.

New law adds the condition of when a person has the specific intent to make false representations to induce the payment of living expenses or other benefits in connection with a purported adoption placement.

New law does not apply to a person who agrees to an adoption plan agreement and subsequently, in good faith, declines to proceed with the prospective adoption in favor of parenting the child.

Effective August 1, 2022.

(Adds R.S. 14:67.5(A)(3) and (C))

### **Theft of Catalytic Converters or Engine Control Modules (ACT 127)**

New law creates the crime of theft of a catalytic converter or engine control module, which is misappropriation or taking of a catalytic converter or engine control module which belongs to another, either without the consent of the owner to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations. New law further provides that an intent to deprive the owner permanently of the catalytic converter or engine control module is essential.

New law provides for the following penalties:

- (1) When the misappropriation or taking and any related damage amounts to a value of \$25,000 or more, the offender is to be imprisoned, at hard labor, for not less than 10 years nor more than 20 years, or fined not more than \$50,000, or both.
- (2) When the misappropriation or taking and any related damage amounts to a value of \$5,000 or more, but less than \$25,000, the offender is to be imprisoned, with or without hard labor, for not less than five years nor more than 10 years, or fined not more than \$10,000, or both.



(3) When the misappropriation or taking and any related damage amounts to a value of \$1,000 or more, but less than \$5,000, the offender is to be imprisoned, with or without hard labor, for not less than two years nor more than five years, or fined not more than \$3,000, or both.

(4) When the misappropriation or taking and any related damage amounts to a value of less than \$1,000, the offender is to be imprisoned for not less than 90 days nor more than six months, or fined not more than \$1,000, or both.

New law provides that if the offender has been convicted two or more times of theft of catalytic converter or engine control module, upon any subsequent conviction, he is to be imprisoned, with or without hard labor, for an additional year to be served consecutively, or may be fined not more than an additional \$2,000, or both. New law further provides that when there has been a taking by a number of distinct acts, the amount of the taking is determined by the aggregate value of the amount of each taking.

New law further provides that second hand dealers buying or selling an unattached catalytic converter or engine control module as a single item and not part of a scrapped motor vehicle must register with the chief of police and sheriff of each city and parish in which his business is conducted.

Effective August 1, 2022.

(Adds R.S. 14:67.12 and R.S. 37:1864(A)(3))

#### **Penalties for Unauthorized Use of a Motor Vehicle (ACT 746)**

Existing law provides that unauthorized use of a motor vehicle is the intentional taking or use of a motor vehicle which belongs to another without the intent to permanently deprive the other of the motor vehicle permanently.

Existing law provides that an offender shall be fined not more than \$5,000, imprisoned with or without hard labor for not more than two years, or both.

New law adds that when the misappropriation or taking amounts to less than a value of \$1,000, the offender shall be imprisoned for not more than six months, or fined not more than \$1,000, or both.

Effective August 1, 2022.

(Adds R.S. 14:68.4(C))

#### **Switchblade Knives (ACT 587)**

Existing law provides for the illegal carrying of weapons.

New law amends existing law to remove the intentional concealment of any switchblade knife, spring knife, or other knife or similar instrument having a blade which may be automatically unfolded or extended from a handle by the manipulation of a button, switch, latch, or similar contrivance located on the handle.

Existing law provides for a definition of "reserve or auxiliary municipal police officer".

New law retains existing law.

Effective August 1, 2022.

(Amends R.S. 14:95(A)(4), (G), and (H)(1); Repeals R.S. 14:95(A)(5))

#### **Concealed Handguns (ACT 433)**

Existing law provides that certain active persons shall not be prohibited from possessing and concealing a handgun on their person when such persons are qualified annually in the use of firearms by the Council on Peace Officer Standards and Training (P.O.S.T.).

New law retains existing law and adds city prosecutors, designated assistant city prosecutors, U.S. representatives from La. and their designated, employed congressional staffers, U.S. senators from La. and their designated, employed congressional staffers, and retired members of the U.S. Congress to the list of certain active persons who are not prohibited from possessing and concealing a handgun when the person is qualified annually by P.O.S.T.

Effective August 1, 2022.

(Amends R.S. 14:95(H)(1) and (K))

### **Carrying of Weapons (ACT 126)**

Prior law provided certain exceptions to the crime of illegal carrying of weapons.

New law retains prior law and adds an exception for retired judges of federal courts, retired United States attorneys, retired assistant United States attorneys, and retired federal investigators.

Effective May 26, 2022.

(Amends R.S. 14:95(K))

### **Concealed Handguns and Retired Justices of the Peace (ACT 602)**

Existing law provides that certain retired persons shall not be prohibited from possessing and concealing a handgun on their person when such persons are qualified annually in the use of firearms by P.O.S.T.

Existing law also provides for an exception that existing law shall not apply to certain retired persons who are medically retired based on any mental impairment or who have plead guilty or nolo contendere to or have been found guilty of a felony offense.

New law retains existing law and adds retired justices of the peace to the list of certain retired persons who are not prohibited from possessing and concealing a handgun when the person is qualified annually by P.O.S.T.

Effective August 1, 2022.

(Amends R.S. 14:95(K))

### **Concealed Handgun Permits (ACT 680)**

Existing law defines for the crime of "illegal carrying of weapons", in part, as the intentional concealment of any firearm or other instrumentality customarily used or intended for probable use as a dangerous weapon by a person.

Existing law further provides for certain exceptions to the crime of illegal carrying of weapons, including for those La. residents issued a concealed handgun permit by the Dept. of Public Safety and Corrections.

New law creates an additional exception for any La. resident who does not possess a concealed handgun permit but otherwise meets the same eligibility requirements as those who do possess a concealed handgun permit, if the resident is a reserve or active-duty member of any branch of the U.S. Armed Forces; a member of the La. National Guard or the La. Air National Guard; or a former member of any branch of the U.S. Armed Forces, the La. National Guard, or the La. Air National Guard who has been honorably discharged from service.

New law requires that a person in possession of a concealed handgun pursuant to the permit exception must have on his person proof that he meets the qualifications, which may be a valid military ID, a valid La. driver's license or special ID card displaying the word "Veteran", or a valid La. driver's license or special ID card accompanied by a Dept. of Defense Form 214 indicating character of service as "Honorable" or "Under Honorable Conditions (General)".

New law provides that any person carrying a concealed handgun pursuant to the permit exception is deemed to have met all requirements of new law.

Existing law prohibits a concealed handgun permit holder from carrying and concealing a handgun while under the influence of alcohol or a controlled dangerous substance.

New law extends the prohibition from carrying and concealing a handgun while under the influence of alcohol or a controlled dangerous substance to nonpermitted but otherwise legal carriers.

Existing law requires a concealed handgun permit holder to notify any police officer who approaches the permittee in an official manner or with an identified official purpose that he has a

weapon on his person, submit to a pat-down, and allow the officer to temporarily disarm him.

New law extends the notification requirement to nonpermitted but otherwise legal carriers.

New law requires La. State Police (LSP) to provide a two-hour online concealed handgun education course that includes instruction on concealed handgun basics and nomenclature, firearm-free zones, use of deadly force, interactions with law enforcement officers, conflict resolution, accident prevention, unauthorized access prevention, and safe handling of a handgun.

New law states that the purpose of the online education course is to educate the public on firearm safety and use. Provides that the course be optional and not a requirement for obtaining a concealed handgun permit, and that completion of the course does not grant any person the right to carry a concealed handgun.

New law requires LSP to maintain an online database of all licensed handgun and firearm instructors to be made available to the public.

New law requires LSP to post on its website all requirements to meet the concealed carry permit exception.

New law requires that the Dept. of Public Safety and Correction, office of state police, develop and promulgate the content, structure, accessibility, and all other related matters of the online handgun education.

Effective August 1, 2022.

(Amends R.S. 40:1379.3(B)(2) and (I)(1) and (2); adds R.S. 14:95(M) and R.S. 40:1379.3.3)

#### **Felon in Possession of a Firearm (ACT 465)**

Existing law (R.S. 14:95.1) provides relative to the crime of possession of a firearm or carrying a concealed weapon by a person convicted of certain felonies. Present law further provides that it is unlawful for any person who has been convicted of a "crime of violence", as defined in

present law, when that crime is a felony, to possess a firearm or carry a concealed weapon.

New law retains existing law.

Existing law (R.S. 14:2(B)) provides that a "crime of violence" is 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 further designates certain existing law offenses and attempts to commit any of those offenses as "crimes of violence".

New law retains existing law and adds the existing law crime of possession of a firearm or carrying a concealed weapon by a person convicted of certain felonies in violation of new law (R.S. 14:95.1(D)) to the list of crimes of violence.

New law provides that if a violation of existing law relative to a felon in possession is committed during the commission of a crime of violence, then the violation of existing law shall also be designated a crime of violence.

Effective upon signature of governor (June 15, 2022).

(Amends R.S. 14:95.1(D); Adds R.S. 14:2(B)(29) and 95.1(E))

#### **Felon Possession of Firearm and Crimes of Violence (ACT 702)**

Existing law provides relative to the crime of possession of a firearm or carrying a concealed weapon by a person convicted of certain felonies. Existing law further provides that it is unlawful for any person who has been convicted of a "crime of violence", as defined in existing law, when that crime is a felony, to possess a firearm or carry a concealed weapon.

New law retains existing law and provides that if a violation of existing law is committed during

the commission of a crime of violence and the defendant has a prior conviction of a crime of violence, then the violation of existing law will be designated as a crime of violence.

Existing law provides that a "crime of violence" is 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 further designates certain existing law offenses and attempts to commit any of those offenses as "crimes of violence".

New law retains existing law and adds the existing law crime of possession of a firearm or carrying a concealed weapon by a person convicted of certain felonies in violation of new law to the list of crimes of violence.

Effective June 18, 2022.

(Amends R.S. 14:95.1(D); adds R.S. 14:2(B)(29) and 95.1(E))

#### **Penalties for Driving while under Suspension for Various Offenses (ACT 673)**

Existing law provides relative to the crime of operating a vehicle while under suspension for certain prior offenses. Existing law further provides an enhanced penalty when the operator's driving privileges were suspended due to a conviction of manslaughter, vehicular homicide, or negligent homicide.

New law retains existing law and provides for the application of the enhanced penalty when the license is suspended for first degree vehicular negligent injuring or a third or subsequent conviction of operating a vehicle while intoxicated.

Existing law provides the enhanced penalty of imprisonment between 60 days and six months.

New law increases the enhanced penalty of imprisonment between 90 days and one year.

New law further provides that the penalties are in addition to any other penalty imposed under existing law for these offenses.

Effective August 1, 2022.

(Amends 14:98.8(C))

#### **Penalties for Cruelty to Animals (ACT 629)**

Existing law provides for the crime of simple cruelty to animals and provides that whoever commits a first offense of simple cruelty to animals shall be fined not more than \$1,000, or imprisoned for not more than six months, or both.

New law provides that the court may order the offender to pay for any expenses incurred for the housing of the animal and for medical treatment of the animal, pursuant to existing law (C.Cr.P. Art. 883.2).

Effective August 1, 2022.

(Amends R.S. 14:102.1(A)(2)(a))

#### **Public Employment and Certain Civil Rights Violations (ACT 668)**

Existing law sets forth behavior by public officers and employees that is considered malfeasance in office.

New law adds willfully and knowingly subjecting any person to the deprivation of any right, privilege, or immunity secured or protected by the U. S. Constitution and laws, if serious bodily injury or death results, to the list of conduct that is malfeasance in office.

Prior law allowed the Peace Officer Standards and Training (P.O.S.T.) Council to conduct a revocation hearing to determine if the officer's P.O.S.T. certification should be revoked under certain circumstances including when the officer has been involuntarily terminated by his employing law enforcement agency for

disciplinary reasons involving an adjudication of civil rights violations.

New law removes the provision of prior law that provided that an officer's involuntary termination by his employing law enforcement agency for disciplinary reasons involving an adjudication of civil rights violations from the list of revocation offenses over which the P.O.S.T. Council has discretion.

New law adds a condition in which the officer has been terminated by his employing law enforcement agency and has exhausted all administrative remedies, or allowed to retire or resign, as a result of disciplinary action taken against the officer for any conduct during the course and scope of employment that would constitute an unreasonable use of force to the list of revocation offenses over which the P.O.S.T. Council has discretion to conduct a revocation hearing.

Effective June 18, 2022.

(Amends R.S. 14:134(A)(3) and R.S. 40:2405(J)(2)(a); adds R.S. 14:134(A)(4))

### **Sex with Detainees or Arrestees (ACT 560)**

Existing law provides that it is unlawful and constitutes malfeasance in office for any person who is a law enforcement officer, an employee of DPS&C, an employee of any prison, jail, or correctional institution, or any person employed by entities operating work release facilities of DPS&C, to engage in sexual conduct with persons under their supervision.

New law prohibits sexual intercourse or any other sexual conduct with a person who is detained or arrested.

Effective August 1, 2022.

(Amends R.S. 14:134.1(A)(intro. para.))

### **Seizure and Forfeiture of Facilitating Property and Funds (ACT 747)**

New law provides definitions for "commingled funds", "criminal activity", "facilitating property", and "proceeds".

New law provides that all facilitating property, proceeds, and commingled funds, without limitation to commingled funds of persons who knowingly or should have reasonably known of the foregoing criminal activity, shall be subject to seizure and forfeiture if involved in or derived from any of the following offenses:

- (1) Identity theft (R.S. 14:67.16).
- (2) Access device fraud (R.S. 14:70.4).
- (3) Illegal transmission of monetary funds (R.S. 14:70.8).
- (4) Bank fraud (R.S. 14:71.1).
- (5) Monetary instrument abuse (R.S. 14:72.2).
- (6) Computer fraud (R.S. 14:73.5).
- (7) Money laundering; transactions involving proceeds derived from criminal activity (R.S. 14:230).

New law provides that any facilitating property, proceeds, and commingled funds subject to forfeiture under new law may be seized under process issued by any court of record having jurisdiction over the facilitating property, proceeds, and commingled funds.

New law provides that seizure without such process may be made when either of the following exists:

- (1) The seizure is incident to an arrest with probable cause or a search under a valid search warrant or with probable cause or an inspection under valid administrative inspection warrant.
- (2) The facilitating property, proceeds, and commingled funds subject to seizure have been the subject of a prior judgment in favor of the

state in a criminal injunction or forfeiture proceeding under new law.

New law provides that all forfeitures or dispositions under new law shall be made with due provisions for the rights of factually innocent persons and that no forfeiture or disposition shall affect the rights of factually innocent persons.

New law provides that no mortgage, lien, privilege, or other security interest recognized under the laws of La. and no ownership interest in indivision shall be affected by a forfeiture if the owner of such mortgage, lien, privilege, or other security interest, or owner in indivision establishes that he is a factually innocent person.

New law provides that a mortgage, lien, or security interest held by a federally-insured financial institution shall not be affected by the seizure and forfeiture provisions of new law.

New law provides that notice of pending forfeiture or disposition shall be provided by the district attorney in accordance with the requirements of existing law (R.S. 40:2608(3) or R.S. 14:90.1(B)(3)).

New law provides that in an event of a seizure under new law, a forfeiture proceeding shall be instituted promptly. Provides that any facilitating property, proceeds, and commingled funds taken or detained under new law shall not be subject to sequestration or attachment but is deemed to be in the custody of the law enforcement officer making the seizure, subject only to a court order.

New law provides that when property is seized under new law, pending forfeiture and final disposition, the law enforcement officer making the seizure may do any of the following:

- (1) Place the property under seal.
- (2) Remove the property to a place designated by the court.
- (3) Request another agency authorized by law to take custody of the property and remove it to an appropriate location.

New law provides that the district attorney may institute civil proceedings under new law. Provides that in any action brought under new law, the district court shall proceed as soon as practicable to the hearing and determination following conviction or agreement between the parties. Provides that pending final determination, the court may at any time enter such injunctions or restraining orders or take such actions, including the acceptance of satisfactory performance bonds, as the court may deem proper.

New law provides that a final judgment or decree rendered in favor of the state in any criminal proceeding shall preclude the defendant from denying the essential facts established in that proceeding in any subsequent civil action.

New law provides that a criminal or civil action or proceeding under new law may be commenced at any time within five years after the conduct in violation of new law terminates or the cause of action accrues.

New law provides that if a criminal prosecution or civil action is brought under new law, the running of the period prescribed by new law with respect to any cause of action arising under new law which is based in whole or in part upon any matter complained of in any such prosecution or action shall be suspended during the pendency of such prosecution or action and for two years following its termination.

New law provides that the application of one civil remedy under new law shall not preclude the application of any other remedy, civil or criminal, under any other provision of law. Provides that civil remedies under new law are supplemental and not mutually exclusive.

New law provides that the allocation of proceeds from forfeitures or dispositions under new law shall be determined by the court in accordance with each law enforcement entity's participation in the investigation, seizure, and forfeiture process. Provides that proceeds shall be distributed in the following order of priority:

(1) Satisfaction of any bona fide security interest or lien.

(2) Payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs.

(3) The remaining funds shall be allocated as follows:

(a) 60% to the law enforcement agency or agencies making the seizure.

(b) 20% to the criminal court fund.

(c) 20% to the district attorney's office pursuing the forfeiture.

Effective August 1, 2022.

(Adds R.S. 14:230.1)

### **Immunity for Seeking Medical Assistance for One Experiencing Drug-Overdose (ACT 225)**

Existing law provides that a person acting in good faith who seeks medical assistance for an individual experiencing a drug-related overdose may not be charged, prosecuted, or penalized for possession of a controlled dangerous substance.

Prior law further provided for immunity from prosecution if the evidence for the offense was obtained as a result of the person's seeking medical assistance, unless the person illegally provided or administered a controlled dangerous substance to the individual.

New law provides that such person may not be charged, prosecuted, or penalized for use of a controlled dangerous substance or for possession of drug paraphernalia.

New law removes the prior law exception to immunity when a person illegally provided or administered a controlled dangerous substance to the individual.

Existing law provides that a person who experiences a drug-related overdose and is in

need of medical assistance shall not be charged, prosecuted, or penalized for possession of a controlled dangerous substance if the evidence for the offense was obtained as a result of the overdose and the need for medical assistance.

New law further provides that such person may not be arrested, charged, prosecuted, or penalized for use of a controlled dangerous substance or for possession of drug paraphernalia if evidence for the offense was obtained as a result of the overdose and the need for medical assistance.

New law provides that any person seeking medical assistance for an individual experiencing a drug-related overdose or any person experiencing a drug-related overdose shall also not be subject to the following, if related to seeking medical assistance:

(1) Sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole, related to the incident which required medical assistance.

(2) Civil forfeiture of property, related to the incident which required medical assistance.

Existing law provides that protection from prosecution may not be grounds for suppression of evidence in other criminal prosecutions.

New law provides that the act of providing or seeking first aid or other medical assistance for someone who is experiencing a drug overdose may be used as a mitigating factor in a criminal prosecution for which immunity provided by existing law and proposed law is not provided.

New law shall not limit any seizure of evidence or contraband otherwise permitted by law.

New law shall not limit or abridge the authority of a law enforcement officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided by new law.

New law shall not limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regard to a defendant

who does not qualify for the protections of new law or with regard to other crimes committed by a person who otherwise qualifies for the protections of new law.

Effective August 1, 2022.

(Amends R.S. 14:403.10)

## **TITLE 15: CRIMINAL PROCEDURE**

### **La. Public Defender Board and ULM (ACT 237)**

Existing law provides for the powers, duties, and responsibilities of the Louisiana Public Defender Board and provides that the board may enter into contracts with various attorneys, local, state, and federal agencies.

New law retains existing law and further provides that the Louisiana Public Defender Board shall enter into a contract with the University of Louisiana at Monroe to provide training to certain attorneys, investigators, social workers, and staff. New law requires any contracts with the University of Louisiana at Monroe use existing funds appropriated by the legislature.

Effective July 1, 2022.

(Adds R.S. 15:147(B)(20))

### **Public Funds and Expert Witnesses (ACT 239)**

New law authorizes judicial districts to accumulate funds for the purposes of retaining expert witnesses, and provides that the district public defender, in his discretion, will determine how payments will be administered and which experts will be paid.

New law allows a person who has retained private counsel, but is found to be indigent, to apply for funds for expert witnesses in the same manner as public defender clients.

New law removes court jurisdiction over the payment of funds, administered by the La. Public Defender Board or district public defender, for expert witnesses.

Effective August 1, 2022.

(Adds R.S. 15:168(F))

### **Bastrop City Court Witness Fee Fund (ACT 238)**

Existing law provides that each law enforcement officer who, because of his official connections with any criminal case being tried in the city court or mayor's court, as the arresting officer or in some other official capacity, is required to be present as a witness in the case during any time when he is otherwise not required to report to work or perform the duties of his office shall be paid the sum of \$50 for each day per case for which his presence in the court is required and for which he is present.

Existing law requires witness fees for these off-duty law enforcement officers be paid from court costs assessed and collected in individual cases in which there is a plea of guilty or a conviction, in accordance with a schedule of costs adopted by the judge or judges of the city court or mayor's court, provided that in a mayor's court, the cost assessed for such purpose for any person who pleads guilty or is convicted in an individual case shall not exceed \$50, with the costs collected to be placed in a special fund maintained and administered by the governing authority and from which the governing authority pays the witness fees.

New law requires the witness fee fund for the City Court of Bastrop to maintain a balance of \$5,000.

New law provides that the city of Bastrop may adopt an ordinance which provides that on January first of each year, the amount of money in the witness fee fund for the City Court of Bastrop that exceeds \$5,000 be transferred to the operating fund of the city of Bastrop to be used solely for the operating expenses of the court.

Effective May 31, 2022



(Adds R.S. 15:255(X))

#### **Parole Eligibility for Old Lifers (ACT 544)**

Existing law provides for parole eligibility for certain offenses under certain circumstances.

New law retains existing law and further grants parole eligibility to offenders serving a life sentence for an offense committed on or before 7/2/1973 for which offender pleaded guilty.

Effective June 17, 2022.

(Adds R.S. 15:574.4(K))

#### **Parole for Violent Sex Offenders (ACT 750)**

Existing law provides that persons committed to the Dept. of Public Safety and Corrections for a term or terms of imprisonment with or without the benefit of parole for 30 years or more shall be eligible for parole consideration upon serving at least 20 years of the term or terms of imprisonment in actual custody and upon reaching the age of 45. Further provides that existing law does not apply to a person serving a life sentence unless such sentence has been commuted to a fixed term of years and does not apply to any person who has been convicted of a crime of violence or a sex offense when the offense was committed on or after Aug. 1, 2014.

New law provides that existing law does not apply to any person who has been convicted of an offense that is both a crime of violence and a sex offense when the offense was committed on or after Jan. 1, 1997.

Provides that new law shall have prospective and retroactive application.

Effective August 1, 2022.

(Amends R.S. 15:574.4(A)(2))

#### **Parole Re-Hearings (ACT 726)**

Existing law requires parole hearings to be conducted in a formal manner and in accordance with the rules formulated by the committee on

parole and with provisions of existing law. Further requires prisoners to appear before and be interviewed by the committee on parole before parole is considered.

New law provides that beginning on Aug. 1, 2024, the committee on parole shall not consider a parole rehearing of any prisoner who is serving a sentence for any of the following offenses until at least four years after the denial of parole:

(1) Any crime of violence or sex offense, for which the prisoner is serving a life sentence and for which the prisoner is eligible for parole.

(2) Any crime that is both a crime of violence and a sex offense, for which the prisoner is serving a fixed term of years and for which the prisoner is eligible for parole.

(3) Manslaughter, for which the prisoner is eligible for parole.

Effective August 1, 2022.

(Amends R.S. 15:574.4.1(A)(1))

#### **La. Bureau of Criminal Identification and Information (ACT 300)**

Existing law requires that the Louisiana Bureau of Criminal Identification and Information, upon request of certain enumerated entities, provide the information contained in the bureau's criminal history records and identification files.

New law adds the division of administration, office of technology services, to the list of entities that may request this information.

Existing law provides that agencies with access to federal tax information may require that any current or prospective employee, contractor, or subcontractor submit to a criminal history records check and fingerprints to the Louisiana Bureau of Criminal Identification and Information. Requires the bureau to forward these fingerprints to the FBI when a national criminal history records check is requested.

New law retains these existing law provisions but authorizes the bureau to submit fingerprints to the FBI for retention in the FBI rap back system. New law requires the bureau to make rap back requests available to the division of administration, office of technology services and requires that any recipient of this information maintain the confidentiality of these records.

Effective August 1, 2022.

(Amends R.S. 15:587(A)(1)(a); adds R.S. 15:587(A)(1)(m) and 587.5(B)(3))

### **Criminal Background Checks of Educators and Teachers (ACT 745)**

Existing law provides relative to the criminal history review of educators and teachers and to their hiring, dismissal, and credentials or authorizations with respect thereto. New law requires criminal background checks at the state and federal level, including the following:

- (1) A requirement that all applicants for an educator credential or teaching authorization undergo a criminal background check.
- (2) The authority of the state Dept. of Education (DOE) to charge a processing fee of up to \$25 and to collect the fees associated with state and federal record checks and with fingerprinting. Further authorizes an annual increase in the fee of up to 5%.

New law authorizes BESE to adopt rules under which the board itself, separately from DOE, may request criminal background information on any applicant for or recipient of an educator credential or teaching authorization.

New law requires anyone granted an educator credential or teaching authorization prior to June 1, 2023, to obtain a criminal history record check when seeking renewal, advancement, or any other modification of the credential or authorization, or by June 1, 2028, whichever occurs sooner.

Existing law prohibits BESE from granting an educator credential or teaching authorization to anyone who has been convicted of or has pled

nolo contendere to any offense listed in existing law (R.S. 15:587.1(C)). New law further prohibits BESE from renewing, advancing, or otherwise modifying the credential or authorization of anyone who has been convicted of or has pled nolo contendere to any offense listed in existing law (R.S. 15:587.1(C)).

New law requiring an applicant for an educator credential or teaching authorization to undergo a criminal history record check shall not be implemented until June 1, 2023.

Effective August 1, 2022.

(Amends R.S. 15:587(A)(1)(j)(ii) and 587.1(B)(1)(c) and R.S. 17:15(C); Repeals R.S. 15:587.1(A)(2))

### **Criminal Information for Gaming Regulators (ACT 609)**

Prior law required the La. Bureau of Criminal Identification and Information (bureau) to make available to the state police gaming division, the La. Riverboat Gaming Commission, and the La. Economic Development and Gaming Corp., information contained in the bureau's criminal history record and identification files which pertained to an applicant or prospective employee. Further provided that in order to determine an applicant's suitability for a gaming or employee license, each applicant was required to be fingerprinted.

New law requires the bureau, upon request and after receipt of fingerprint cards or other information, to make criminal history record information available to the state police gaming division, the La. Gaming Control Board, the La. Lottery Corp., the office of charitable gaming, and the La. State Racing Commission which pertains to an applicant or prospective employee.

New law removes the requirement for each applicant to be fingerprinted.

Effective August 1, 2022.

(Amends R.S. 15:587(C))

### **Fingerprinting of DWI Arrestees (ACT 334)**

Existing law (R.S. 15:545) provides for the duty of law enforcement to record the fingerprints of all persons in their custody who have been convicted of any sex offense or any criminal offense against a victim who is a minor for which the penalty of imprisonment might be imposed.

New law provides for the duty of law enforcement to record the fingerprints of all persons arrested for any offense involving the operation of a vehicle while intoxicated, including local ordinances pertaining to operating a motor vehicle while intoxicated. Provides that there shall be no duty to record fingerprints if the fingerprint system at the local prison is unavailable.

Existing law (R.S. 15:590) provides for the obtaining and filing of fingerprint and identification data of any person who commits certain offenses.

New law retains existing law and expands the list of offenses that involves the operation of a motor vehicle while intoxicated, including local ordinances pertaining to operating a motor vehicle while intoxicated.

Effective August 1, 2022.

(Amends R.S. 15:590(7); Adds R.S. 15:545(A)(3))

### **Use of DNA to Investigate Victim (ACT 625)**

New law provides that DNA obtained by a criminal justice agency from a sexual assault collection kit shall not be compared with other DNA records for the purpose of investigating the victim of the sexually-oriented criminal offense who submitted the DNA if that victim is charged with or suspected of committing any criminal offense.

Effective August 1, 2022.

(Adds R.S. 15:622.1)

### **Back on Track La. Pilot Program for Inmates (ACT 379)**

New law authorizes the sheriff of each parish to establish and administer a Back on Track La. Pilot Program for inmates of any jail or prison under the jurisdiction of the sheriff.

New law defines "inmate" as an individual sentenced to the Dept. of Public Safety and Corrections who is in the custody of the sheriff.

New law requires the Dept. of Public Safety and Corrections to promulgate rules to assign a percentage value to each of the following criteria that an inmate satisfied while being confined in a parish jail:

- (1) Attained a 10th grade reading level.
- (2) Obtained a high school diploma or GED credential.
- (3) Obtained an industry-based certificate.
- (4) Established a bank account with at least two months of living expenses.
- (5) Obtained a valid driver's license.
- (6) Established a verified permanent address prior to release.
- (7) Obtained a release or extinguishment of any prior wage garnishments or debts.
- (8) Secured an employment opportunity prior to release.

New law requires the department to calculate one-half of the average number of days of incarceration of an inmate times the amount the department pays the sheriff each day for the housing of inmates in parish jails as provided by existing law (R.S. 15:824(B)(1)(a)).

New law requires the sheriff to report to the department the new law criteria accomplished by each inmate.

New law further requires the department to multiply the total percentage value of the new law criteria accomplished by each inmate times the value established by new law, and the department shall pay that amount to the sheriff for each inmate. Further provides that the amount paid for each inmate shall be in addition to the amount paid pursuant to existing law (R.S. 15:824(B)(1)(a)).

New law authorizes the secretary of the Dept. of Public Safety and Corrections to provide inmates housed in parish jails with access to as many support services as possible to increase the likelihood of successful reentry into society and to reduce recidivism.

Provides that new law shall be implemented only to the extent that funds are appropriated and to the extent that is consistent with available resources. Provides that payments to the sheriff may be reduced proportionately relative to available funding, and the secretary may limit the number of participating parishes that serve as pilot locations for the new law program.

Effective August 1, 2022.

(Adds R.S. 15:745.4)

### **Criminal Justice Reform Savings Reporting and Allocation (ACT 748)**

Prior law authorized DPS&C to enter into cooperative endeavors or contracts with the La. Workforce Commission, the La. Dept. of Education, and the La. community and technical colleges, educational institutions, training facilities, and service providers to provide entrepreneurial educational opportunities for eligible offenders.

New law requires rather than authorizes DPS&C to enter into such cooperative endeavors or contracts.

Existing law requires DPS&C, in conjunction with the La. Commission on Law Enforcement and Administration of Criminal Justice, to collect, track, analyze, forecast, and distribute data relative to prison admissions, sentencing,

habitual offender sentencing, parole, community supervision, medical furlough, certified treatment and rehabilitation programs, workforce development programs, and cost savings and reinvestment.

Existing law requires DPS&C to annually report to the Joint Legislative Committee on the Budget (JLCB) on the data it collects, including certain specific data analysis including information relative to the population of individuals on probation or parole, prison admissions, certified treatment and rehabilitation programs, workforce development, and reinvestment and savings.

New law retains the requirements of existing law to provide this specific information, but changes the entity to which DPS&C provides the information. Requires the analysis of reinvestment and savings data to be reported to JLCB in the month of July of each year. Establishes further requirements for this report to JLCB as detailed in new law. Requires the analysis of probation and parole populations, prison admissions, certified treatment and rehabilitation programs, and workforce development to be submitted to the House Committee on the Administration of Criminal Justice and the Senate Committee on Judiciary B no later than June 30th of each year.

With respect to the savings attributable to recent criminal justice reform legislation, prior law required DPS&C each year to provide to the commissioner of administration and JLCB a statement of calculated annual savings realized as a result of these reforms. New law requires the report to be submitted solely to JLCB.

Existing law deems 50% of the annual savings a bona fide obligation of the state and establishes the following allocation for that portion of the savings:

(1) 30% of the 50% is allocated to DPS&C to award incentive grants to parishes, judicial districts, and nonprofit community partner organizations to expand evidence-backed prison alternatives and reduce admissions to the state prison system.

(2) 20% of the 50% is allocated to the La. Commission on Law Enforcement and the Administration of Criminal Justice to award competitive grants for victim services.

(3) 50% of the 50% is allocated to DPS&C for targeted investments in reentry services, community supervision, educational and vocational programming, transitional work programs, and contracts with parish jails and other local facilities that house state inmates to incentivize expansion of recidivism reduction programming and treatment services.

Existing law deems an additional 20% of the total annual savings a bona fide obligation of the state and allocates the amount to DPS&C for juvenile justice initiatives and programs.

New law bases the percentage on the total amount of savings instead of the bona fide amounts as follows:

(1) 15% to DPS&C to award incentive grants to parishes, judicial districts, and nonprofit community partner organizations to expand evidence-backed prison alternatives and reduce admissions to the state prison system.

(2) 10% to the La. Commission on Law Enforcement and the Administration of Criminal Justice to award competitive grants for victim services.

(3) 45% to the La. Community and Technical College System for targeted investments in educational and vocational training aimed at recidivism reduction programming for adult and juvenile offenders. New law further requires the La. Community and Technical College System to report to the legislature by Dec. 15th of each year.

New law retains the requirement of existing law that 70% of the annual savings be deemed a bona fide obligation of the state.

As previously noted, new law requires DPS&C to submit a report each year to JLCB regarding the savings from criminal justice reform legislation. New law requires the report to contain information on all offenders in state facilities,

offenders sentenced to DPS&C who are in the custody of the sheriff or other local governing authority, and youth in the custody or under supervision of the office of juvenile justice for each of the following topics:

(1) The total annual savings and the calculation used to determine the savings pursuant to new law.

(2) The amounts allocated pursuant to new law and existing law and a description of how DPS&C has used the funds in past fiscal years through FY 2014-2015 and how it plans to use the funds in the current fiscal year.

(3) A comparison of the number of individuals eligible for educational and vocational programming, the number of participants in educational and vocational programming, and the total amount expended on the programming from justice reinvestment funds and any additional sources of funds for the immediately preceding fiscal year and each prior fiscal year through FY 2014-2015.

(4) A comparison of recidivism rates for individuals receiving community-based services, individuals receiving educational and vocational programming, and individuals receiving a combination of community-based services and educational and vocational programming for the immediately preceding fiscal year and each prior fiscal year through FY 2014-2015.

(5) A comparison of post-incarceration employment rates for individuals who received educational and vocational programming for the immediately preceding fiscal year and each prior fiscal year through FY 2014-2015.

Provides that new law shall have prospective application only and percentages for savings allocations shall apply to savings generated in FY 2022-2023 and subsequent years.

Effective August 1, 2022.

(Amends R.S. 15:827.1(E)(2), 827.2(A)(2) and (3), and 827.3; Repeals R.S. 15:827.2(D)(7))

## **DPS&C Medical Advisory Council (ACT 646)**

New law (R.S. 15:827.4) creates the DPS&C Medical Advisory Council composed of medical directors from each state prison facility and the department medical director.

New law provides that the council shall provide recommendations to DPS&C on the following:

- (1) Hiring and retention.
- (2) Departmental policies.
- (3) Post-mortem review.
- (4) A health electronic records system.
- (5) Other reasonably related responsibilities.

New law requires the council to elect a chair, vice chair, and secretary and hold quarterly meetings.

New law provides that the initial council members shall serve until Aug. 14, 2025. All subsequent members shall serve three-year terms beginning on Aug. 15th of each successive term.

New law provides that the secretary shall have authority to contract with consultants to assist the council and the medical director.

New law requires the council to submit a quarterly report to the state health officer within the La. Dept. of Health.

Existing law (R.S. 15:831) provides for the medical care of inmates. Provides that the DPS&C secretary shall establish standards for health, medical, and dental services for each institution.

New law provides that the Medical Advisory Council shall provide recommendations to the DPS&C secretary.

Effective August 1, 2022.

(Amends R.S. 15:831(A); Adds R.S. 15:827.4)

## **Tiered System of Juvenile Facilities (ACT 693)**

Existing law establishes the office of juvenile justice within youth services of the Department of Public Safety and Corrections and provides that the deputy secretary for youth services is responsible for the overall administration, control, and operation of the affairs of youth services.

Existing law provides that the Department of Public Safety and Corrections, office of juvenile justice, shall have full control of all juvenile institutions, facilities, and programs and shall adopt all rules and regulations that it deems essential to the proper conduct of these institutions, facilities, and programs.

New law requires the deputy secretary for youth services adopt rules to develop and implement a tiered system of secure juvenile facilities in the state for the placement of juveniles in the custody of the office of juvenile justice.

New law provides that the tiered system shall be developed and implemented for the placement of low risk, medium risk, and high risk juveniles.

New law requires the office to adopt rules to implement the provisions of new law no later than January 1, 2023.

New law provides that the rules, at a minimum, shall include all of the following:

(1) An assessment of each child to be performed upon placement in the custody of the office of juvenile justice and at other times determined necessary by the deputy secretary. Provides that the assessment shall be used to classify each child as high risk, medium risk, or low risk for the purposes of facility placement.

(2) A medical, educational, and psychological evaluation of each child to be performed upon placement in the custody of the office of juvenile justice.

(3) A continuum of care plan for each child in the custody of the office of juvenile justice, which

shall include treatment, service, and academic and vocational opportunities.

Effective August 1, 2022.

(Adds R.S. 15:903.1)

### **Solitary Confinement of Juveniles (ACT 496)**

Existing law provides for the rules, regulations, education, training, discipline, work opportunities, vocational training, and contracts in juvenile institutions.

New law provides that no juvenile in the custody of the office of juvenile justice shall be placed in any form of solitary confinement for any reason other than a temporary response to behavior that poses a serious and immediate threat of physical harm to the juvenile or others.

New law defines "solitary confinement" for purposes of R.S. 15:905(F).

New law provides that a juvenile shall never be placed in solitary confinement for the purposes of discipline, punishment, administrative convenience, retaliation, protective custody, suicide intervention, general behavior management that is not a response to a serious and immediate threat of physical harm to the juvenile or others, rule violations, in response to staffing shortages, or for any other reason that is not an emergency response to behavior that poses a serious and immediate threat of physical harm to the juvenile or others.

New law provides that under no circumstances shall a juvenile who has expressed suicidal indications or attempted suicide be placed in solitary confinement.

New law provides that a juvenile may only be held in solitary confinement in either of the following circumstances:

(1) Progressive protocols, beginning with verbal calming and other de-escalation techniques attempted by facility staff, have proven unsuccessful at resolving the imminent threat of physical harm.

(2) There is a need to eliminate the serious and immediate risk of physical harm to the juvenile or others.

New law provides that all protocols and techniques provided in new law shall be documented, along with an explanation of why solitary confinement was ultimately deemed necessary.

New law provides that a juvenile placed in solitary confinement pursuant to new law shall be released from solitary confinement as soon as the serious and immediate risk of physical harm to self or others is resolved.

New law provides that a juvenile shall only be held in solitary confinement for a period that does not compromise or harm his physical health or mental health, as determined by a mental health practitioner.

New law provides that except as provided by new law, no period of solitary confinement shall last longer than eight hours. Provides that after eight hours, the juvenile shall be returned to the general population.

New law provides that if a mental health professional determines that the juvenile continues to pose a serious and immediate threat of physical harm to the juvenile or others after eight hours, the juvenile may be transported to a mental health facility upon the recommendation of a mental health professional, or the facility staff shall implement a mental health crisis plan that allows for the juvenile to return to the general population safely.

New law provides that if it is determined that the options of transporting the juvenile to a mental health facility or implementing a mental health crisis plan are not practicable after an in-person evaluation by a mental health professional at the facility, the juvenile may be placed into solitary confinement for an additional period of time not to exceed eight-hour increments only upon recommendation of the mental health professional.

New law provides that each additional eight-hour increment shall be preceded by an additional evaluation by a mental health professional and a recommendation by the mental health professional that the juvenile may continue to be placed into solitary confinement.

New law provides that under no circumstances shall the juvenile who has been evaluated pursuant to new law be held in solitary confinement for longer than 24 hours.

New law provides that the use of consecutive periods of room confinement to avoid the intent and purpose of new law is prohibited.

New law provides that all instances of solitary confinement shall be approved immediately by the facility director, deputy director, or supervisor with the highest level of authority who is present at the facility at the time, and only after consultation with a qualified mental health practitioner who has spoken with the juvenile. Provides that approval shall be re-affirmed every hour thereafter.

New law provides that the facility director, deputy director, or supervisor with the highest level of authority who is present at the facility at the time shall immediately notify the deputy secretary and their senior administrative team any time a juvenile is placed in solitary confinement.

New law provides that within two hours of placing a juvenile in solitary confinement, the facility shall contact the juvenile's parent or guardian and the juvenile's attorney of record to provide notice that the juvenile was placed in solitary confinement and the reason for the confinement.

New law provides that juveniles in solitary confinement shall be continuously monitored. Provides that facility staff shall engage in continued crisis intervention and de-escalation techniques and make visual and verbal contact with each youth in solitary confinement at least every 10 minutes.

New law provides that the intent and purpose of crisis intervention is to help de-escalate the

juvenile's behavior so he can rejoin the general population as soon as possible. Provides that staff shall document the time and nature of the observation and interventions.

New law provides that within the first hour of solitary confinement and every hour thereafter, a qualified mental health practitioner shall speak to the juvenile to help the juvenile de-escalate and exit solitary confinement as soon as possible.

New law provides that staff shall return the juvenile to programming as soon as the juvenile has regained self control and is no longer engaging in behavior that threatens serious and immediate harm to himself or others. Provides that staff may return the juvenile to a separate area other than a cell or other isolated space, if necessary, where staff can help the juvenile self-regulate and become ready to return to the general population.

New law provides that all rooms used for solitary confinement shall have adequate and operating lighting, heating and cooling, and ventilation for the comfort of the juvenile. Provides that rooms shall be clean and resistant to suicide and self-harm.

New law provides that juveniles in solitary confinement shall have access to sunlight, drinking water, toilet facilities, working showers, hygiene supplies, mattresses, reading materials, meals, contact with parents or legal guardians, legal assistance, educational programming, and appropriate medical and mental health services, which shall be provided by mental health staff as needed.

New law provides that every instance of solitary confinement shall be documented electronically and in the aggregate. Provides that unidentified data on the frequency and length of time that the juvenile spends in solitary confinement shall be available upon request as a public record.

New law provides that documentation of the solitary confinement shall include all of the following:

(1) The date of the occurrence.



(2) The race, ethnicity, age, gender, and disability status of the juvenile.

(3) The reason for the juvenile's placement in solitary confinement.

(4) An explanation of why less restrictive means for placement were unsuccessful.

(5) The ultimate duration of the juvenile's placement in solitary confinement.

(6) Facility staffing levels at the time of the juvenile's confinement.

(7) Any incidents of self-harm, suicide attempts, or suicide committed by the juvenile while he was confined and where the juvenile was placed after leaving solitary confinement.

New law provides that the office of juvenile justice shall submit a report on the use of solitary confinement quarterly to the Juvenile Justice Reform Act Commission. Provides that the report shall include the following:

(1) The length of time each juvenile was in solitary confinement.

(2) The race, ethnicity, age, gender, and disability status of each juvenile placed in solitary confinement.

(3) The facility staffing levels at the time of the juvenile's confinement.

(4) The reason each juvenile was placed in confinement, and where the juvenile was placed after leaving solitary confinement.

New law provides that all of the following shall be included in the report:

(1) Each instance of solitary confinement exceeding eight hours, including all reasons why attempts to return the juvenile to the general population of the facility were unsuccessful.

(2) All corrective measures taken in response to noncompliance with new law.

(3) Redacted personal identifying information that provides individual, not aggregate, data.

New law provides that the initial quarterly report shall be submitted within two weeks after the quarter ending on Sept. 30, 2022. Provides that subsequent reports shall be submitted for the ensuing quarters within two weeks after the end of each quarter.

New law provides that the office of juvenile justice shall post a report on the use of solitary confinement on its website quarterly with deidentified aggregate data including, but not limited to all of the following:

(1) Total number of juveniles placed in solitary confinement that quarter.

(2) Race and ethnicity, age, and gender of juveniles placed in solitary confinement.

(3) Disability status of juveniles placed in solitary confinement.

(4) Number of instances of solitary confinement exceeding eight hours.

(5) Number of instances, if any, of self-harm while in solitary confinement.

(6) Number of instances, if any, of suicide attempts while in solitary confinement.

(7) Number of instances, if any, of completed suicides while in solitary confinement. New law provides that data shall be disaggregated by facility.

New law provides that all agency staff shall be trained on the appropriate use of solitary confinement during their initial training to work at the office of juvenile justice and subsequently at regular intervals. Provides that staff shall be required to demonstrate proficiency with decisions regarding when and how to use solitary confinement before completing their initial training to work in office of juvenile justice facilities and ongoing during their employment.

New law provides that every juvenile placed in the custody of the office of juvenile justice shall receive an explanation on the solitary confinement policy by staff promptly upon arrival to a facility, and information on this policy shall be communicated to the juvenile's parents or guardians through the most direct means possible, with in-person communication being most preferable.

Effective August 1, 2022.

(Adds R.S. 15:905(F))

### **Local Government Taxes for Preventative Programs (ACT 627)**

Existing law allows a governing authority to levy a special annual tax not to exceed one mill for not more than 20 years, after a two-thirds vote of the total governing authority's membership and a public hearing, for purposes relative to a youth center and providing rehabilitative youth programs.

Existing law provides that upon authorization by a majority of the electors and after a public hearing, a governing authority may levy an additional tax not to exceed two mills for not more than 20 years for such purposes that two-thirds of the membership of the governing authority has voted.

New law retains existing law and expands the purpose for which a governing authority may levy the special annual tax not to exceed one mill to include preventative programs.

New law specifies what preventative programs encompass.

Existing law provides that the taxing authority provided in existing law shall not apply to any governing authority with jurisdiction over a youth center located in certain parishes.

New law amends existing law to remove St. Landry Parish from the list of parishes not subject to the taxing authority.

New law provides that no later than Sept. 1st of each year, every parish subject to existing law shall submit an annual report to the office of juvenile justice that provides an accounting of the monies distributed pursuant to existing law.

Effective August 1, 2022.

(Amends R.S. 15:1009.5(C)(1), (D), and (E))

### **La. Commission on Law Enforcement and Administration of Criminal Justice (ACT 599)**

Existing law provides for the composition of the La. Commission on Law Enforcement and Administration of Criminal Justice, and provides for 58 members of the commission.

New law increases the membership to 59 by adding the president of the La. Fraternal Order of Police as a member.

New law changes the name of one of the members from the La. chapter of the National Constables Assoc. to the La. City Marshals and City Constables Assoc.

Effective August 1, 2022.

(Amends R.S. 15:1202(A))

## **TITLE 16: DISTRICT ATTORNEYS**

### **New Assistant District Attorney Positions (ACT 641)**

Existing law provides for the number of assistant district attorneys for the various judicial districts.

New law (Section 1) increases the number of assistant district attorneys, contingent upon specific appropriation of monies by the legislature, that have already been approved by the Governor's Advisory and Review Commission on Assistant District Attorneys in particular judicial districts as follows:

(1) 1st JDC from 27 to 35.

- (2) 5th JDC from 6 to 7.
- (3) 7th JDC from 5 to 6.
- (4) 14th JDC from 23 to 24.
- (5) 15th JDC from 19 to 28.
- (6) 16th JDC from 21 to 23.
- (7) 18th JDC from 10 to 12.
- (8) 19th JDC from 48 to 54.
- (9) 21st JDC from 18 to 19.
- (10) 24th JDC from 52 to 54.
- (11) 29th JDC from 9 to 10.
- (12) 32nd JDC from 19 to 20.
- (13) 36th JDC from 4 to 5.
- (14) 37th JDC from 2 to 3.

New law (Section 2) increases the number of assistant district attorneys, contingent upon the approval of the Governor's Advisory and Review Commission on Assistant District Attorneys, in particular judicial districts as follows:

- (1) 12th JDC from 7 to 8.
- (2) 14th JDC from 23 to 25.
- (3) 18th JDC from 10 to 13.
- (4) 19th JDC from 48 to 55.
- (5) 26th JDC from 12 to 13.
- (6) 27th JDC from 11 to 12.
- (7) 32nd JDC from 19 to 21.
- (8) 34th JDC from 8 to 9.

New law (Section 3) provides for the severability of any additional district attorney positions provided for in Section 2 of new law that are not approved by the Governor's Advisory and

Review Commission on Assistant District Attorneys.

Effective upon signature of governor (June 18, 2022).

(Amends R.S. 16:51(A)(intro. para.), (1), (5), (7), (12), (14), (15), (16), (18), (19), (21), (24), (26), (27), (29), (32), (34), (36), and (37))

## **TITLE 17: EDUCATION**

### **Public School District Redrawn (ACT 3 of First Extraordinary Session)**

Existing constitution (Const. Art. VIII, §3(B)) provides that the State Bd. of Elementary and Secondary Education (BESE) is composed of 11 members, eight of whom are elected from single-member districts and three of whom are appointed by the governor from the state at large.

Prior law provided boundaries for eight single-member BESE districts based upon the 2010 federal decennial census.

New law redraws district boundaries for the BESE districts based upon the 2020 federal decennial census.

New law provides that the new districts became effective upon signature of governor (March 9, 2022) for election purposes only for the regular BESE elections in 2023. Retained districts based upon the 2010 census until noon on January 8, 2024, at which time prior law was repealed and the districts based upon the 2020 census, as established by new law, became effective for all other purposes.

New law specifies that precincts referenced in district descriptions are those precincts identified as Voting Districts (VTDs) in the 2020 Census Redistricting TIGER/Line Shapefiles for the state of La. as validated through the data verification program of the La. legislature. Also specifies that if any such precinct has been subdivided by action of the parish governing authority on a nongeographic basis or subdivided by action of

the parish governing authority on a geographic basis in accordance with existing law, the enumeration of the general precinct designation shall include all nongeographic and all geographic subdivisions thereof. Further provides that the territorial limits of the districts as enacted shall continue in effect until changed by law regardless of any subsequent change made to the precincts by the parish governing authority.

Statistical summaries of new law, including district variances from the ideal population of 582,219 and the range of those variances, as well as maps illustrating the new district boundaries accompany the enrolled bill version available on the internet. The population data in the summaries are derived from 2020 Census Redistricting Data (Public Law 94-171), Summary File for Louisiana. Population data, statistical information, and maps are supplied for purposes of information and analysis and comprise no part of new law.

Effective upon signature of governor (March 9, 2022) for election purposes only for the regular BESE elections in 2023; effective for all other purposes at noon on January 8, 2024.

(Adds R.S. 17:2.2; Repeals R.S. 17:2.1)

### **Technical Corrections to Title 17 (ACT 374)**

New law makes technical corrections to various education laws in Title 17, including the repeal of obsolete laws.

Effective August 1, 2022.

(Amends R.S. 17:7(2)(d) and (f)(ii), (6)(a)(ii) and (b)(i)(bb) and (ii), and (8), 7.2(C), 7.5(A), 10.7.1(E)(1) and (H)(4)(b), 24.1(B) and (D)(1), 24.9(B)(8), 25.1(A)(1) and (2), (B), (C), and (E)(1), 64(A)(3), 105.1(D), 151.3(C)(3), 203(intro. para.), 221(A)(1)(b) and (B)(1)(b), 222(C)(1), 372(intro. para.), 391.2(intro. para.), 392.1(C)(3), 395(A), 396(intro. para.) and (1), 407.1(intro. para.), 407.33, 407.62(intro. para.), 407.82(intro. para.), 407.91(intro. para.), 409.2(intro. para.), 416(A)(1)(c)(iii)(II), (B)(1)(a), (C)(1) and (2)(d)(ii), (H)(1), and (K), 419.2(D), 434(A), 441(intro. para.), 540(intro.

para.), 1233(intro. para.), 1519.1(intro. para.), 1672, 1673, 1942, 1943(A) and (C), 1944(D), 1945.2(B), 1946(A), 1947(C), 1962(intro. para.) and (1), 1970.2(intro. para.), 1970.22(intro. para.), 1970.24(B)(1), 1972(intro. para.), 1982(intro. para.), 1987(C), 1989.2(intro. para.), 1990(B)(1)(b) and (C)(1)(a) and (2)(a)(i)(intro. para.) and (ii), 1991(A)(intro. para.), 2803(intro. para.) and (1), 2925(A)(6), 2942, 2990.2, 3002, 3005(G), 3047.6(A)(1)(c), 3047.7(C), 3050.11(C)(1)(b) and (c), 3052, 3082(intro. para.), 3092(intro. para.), 3100.2(intro. para.), 3102(intro. para.), 3129.9(A)(intro. para.), 3140.1(intro. para.), 3162(C)(8), 3165.2(B), 3202(intro. para.), 3394.2(intro. para.), 3399.12(intro. para.), 3399.15(A), 3399.21(intro. para.), 3399.31(intro. para.), 3602(intro. para.), 3702(intro. para.), 3772(intro. para.) and (2), 3801(D), 3822(intro. para.), 3831(intro. para.), 3873(intro. para.), 3882(intro. para.), 3973(intro. para.), 4002.3(intro. para.), 4013(intro. para.), 4036.1(D)(1), and 4041(intro. para.); Adds R.S. 17:2351(intro. para.); Repeals R.S. 17:7(2)(b) and (32), 7.5(B), 10.7.1(H)(6), 24.4(F)(5), 393, 407.23(C)(3), and 1970.24(E)(1)(o)(ii))

### **Public School Teacher Qualifications (ACT 244)**

Prior law (R.S. 17:7(6)) provided relative to the duties, functions, and responsibilities of the State Board of Elementary and Secondary Education (BESE) which included prescribing the qualifications of teachers and the certification of teachers.

New law retains prior law, but removes outdated provisions and updates terminology in prior law.

Prior law required a person applying for certification to pass an examination which included English proficiency, pedagogy knowledge, and content knowledge.

New law retains prior law, but removes the English proficiency examination requirement.

Prior law provided for certification of a teacher who held a valid out-of-state teaching license and who had at least three years of successful teaching experience in another state.

New law streamlines the certification process for a teacher with a valid out-of-state teacher license and a minimum of three years of successful teaching experience.

Prior law provided certain persons who did not meet all teaching certification requirements to teach on an emergency teaching permit.

New law retains prior law and provides that a person with a masters degree in the subject area in which he is seeking employment may obtain an emergency teaching permit. Requires such a person to participate in a mentorship program and complete a preservice training program prior to starting to teach.

Prior law provided that the emergency permit may be renewed twice and provided relative to permanent employment.

New law repeals prior law provisions relative to renewal of an emergency teaching permit and instead provides that a person teaching on emergency permit may obtain certification after five years of effective evaluations and a signed affidavit from the superintendent of a school system recommending to employ the person the following school year subject to passage of all required background checks and criminal history reviews.

Prior law (R.S. 17:7.1) provided for certain qualifications and requirements of an applicant seeking certification as a teacher.

New law retains prior law, but repeals requirement for students entering a teacher education program to pass a standardized teaching aptitude test.

New law limits approved education programs to 120 hours of college credit including classroom observation time or mentorship requirements.

New law retains prior law provisions requiring applicants to have earned a 2.50 GPA, but provides a path for those persons to teach on an emergency permit and be certified after five years of effective evaluations.

Prior law (R.S. 17:7.2) provided relative to approved teacher education programs at public postsecondary institutions.

New law retains prior law but repeals prior law requirement that a student be evaluated and counseled prior to entering an approved teacher education program.

New law limits approved teacher education programs to 120 hours of college credit including classroom observation time or mentorship requirements. Allows programs designated by the Board of Regents as dual degrees or dual certifications to exceed 120 hours.

Effective May 31, 2022.

(Amends R.S. 17:7(6)(b), (c), and (e), 7.1(A)(3)(b) and (B)(1); adds R.S. 17:7.1(A)(1) and 7.2(A)(7); repeals R.S. 17:7.1(A)(7) and 7.2(A)(4).

### **Teacher Education and Certification (ACT 707)**

Existing law provides conditions for entry into a teacher preparation program at a postsecondary education institution, including meeting certain grade point average requirements. Prior law included meeting certain examination requirements among these conditions. New law removes the examination requirement.

Existing law provides prerequisites for teacher certification, including passing an examination that includes pedagogical knowledge and knowledge in the specialization area. Prior law required that this examination also include English proficiency. New law removes English proficiency from the required exam components.

Effective upon signature of governor (June 18, 2022).

(Amends R.S. 17:7(6)(b)(i)(aa); Repeals R.S. 17:7.1(A)(7))

### **K-to-3rd Grade Teacher Certification Requirements (ACT 448)**

Existing law requires the State Bd. of Elementary and Secondary Education to prescribe the qualifications and provide for the certification of teachers.

Existing law requires persons applying for initial teacher certification to pass an examination.

New law provides that for applicants for initial certification to teach kindergarten through third grade, the examination shall include a reading instruction and intervention test.

Effective January 1, 2024.

(Adds R.S. 17:7.1(G))

### **Teacher Education Programs on Dyslexia (ACT 607)**

Existing law requires the State Bd. of Elementary and Secondary Education (BESE) to establish qualifications and requirements for teacher education programs. Specifies certain elements to be included in such programs.

New law adds three credit hours on teaching students with dyslexia to the minimum program qualifications and requirements.

Existing law does not prohibit BESE from providing for teacher certification by means other than completion of a teacher education program.

New law requires such alternative means of certification to include three credit hours on teaching students with dyslexia.

New law applies to students who enter teacher education programs during the 2024-2025 school year and thereafter.

Effective August 1, 2022.

(Amends R.S. 17:7.2(D); Adds R.S. 17:7.2(A)(7))

### **Scholarships for Students in Approved Teacher Preparation Programs (ACT 463)**

New law establishes a program awarding scholarships to students in approved teacher preparation programs at postsecondary education institutions and:

(1) Provides for program administration by the Bd. of Regents through the office of student financial assistance.

(2) Creates a special treasury fund for program funding.

(3) Provides eligibility criteria for students.

(4) Limits use of scholarships to tuition, required fees, textbooks, and instructional materials.

(5) Allows use of scholarships only after all other state or institutional financial aid and awards are applied.

Effective upon signature of governor (June 15, 2022).

(Adds R.S. 17:7.6)

### **Nonpublic School Teacher Qualifications (ACT 566)**

Existing law requires the State Bd. of Elementary and Secondary Education (BESE) to adopt standards and guidelines for determining whether a nonpublic school that applies for approval meets the requirements of a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools.

New law prohibits BESE from adopting a standard or guideline that would prohibit a nonpublic, parochial school or school board from hiring a teacher solely because the accreditation of the postsecondary education institution at which he completed his teacher education program is not a regional accreditation; specifically authorizes such a school or school board to hire a teacher who completed his teacher education program at a nationally accredited institution.

Effective August 1, 2022.

(Amends R.S. 17:11(A))

### **Prekindergarten (ACT 532)**

Prior law allowed each city, parish, and other local public school board to offer prekindergarten instruction and provided for the age at which a child may enter prekindergarten.

New law retains prior law and clarifies the age at which a child may enter prekindergarten.

New law requires each city, parish, and other local public school board to work to develop a mixed provider delivery model for full-day, full-year, high-quality prekindergarten instruction.

New law provides definitions for the mixed provider delivery model, requires the school boards to ensure certain items are provided for in any mixed provider delivery model established, and requires annual reporting to the state Department of Education (LDOE) on any seats provided for prekindergarten instruction through the mixed provider delivery model and the impact the model has on the local childcare delivery system.

New law requires an annual report from LDOE to the Senate and House Education Committees.

Effective June 17, 2022.

(Amends R.S. 17:24.8(A); adds R.S. 17:24.8(D))

### **Student Literacy Testing and Teaching (ACT 520)**

Existing law requires the state Dept. of Education (DOE) to develop an instrument to assess the literacy level of each student in grades K-3. New law makes changes to existing law as follows:

(1) New law grants DOE the option to select the instrument rather than develop it.

(2) Existing law provides for students to take this test within the first 30 days of the school year.

New law provides for two additional tests per school year, one in Dec. and one in Apr.

(3) Existing law requires parental notification when students are identified as having literacy skills below grade level based on the results of the test. New law specifies that this notification is required upon such identification based on the results of any of the three tests administered per school year.

(4) Existing law requires DOE to submit a report to the legislature on results within the first 90 days of the school year. New law additionally requires a second report to be submitted by June 1st (the first report covering the results of the first test and the second report covering the results of the second and third tests).

Relative to literacy interventions and supports for students identified as having literacy skills below grade level:

(1) New law requires an individual reading improvement plan for each such student created by school officials and parents.

(2) Existing law requires literacy interventions and supports, which may include small-group interventions, before and after school literacy intervention, and at-home literacy programs. New law adds summer learning opportunities to this list.

Relative to professional development for teachers, existing law requires professional development pertaining to early literacy, including a course on foundational literacy skills. New law additionally requires literacy coaches for on-site teacher training.

New law provides that new law shall be void and of no effect when all federal and local funds have been exhausted unless the state provides a specific appropriation for new law.

Effective August 1, 2022.

(Amends R.S. 17:24.9(B), (C)(5), and (D), 24.10(A)(2) and (3), (B)(1)(intro. para.), and (D)-

(F), and 24.12(C) and (D); Adds R.S. 17:24.10(G) and 24.12(E))

### **Textbooks for Teaching Reading (ACT 517)**

Existing law requires that textbooks used to teach students to read be 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 additionally prohibits use of textbooks that employ any of the following in reading instruction:

- (1) The three-cueing system model of reading.
- (2) Visual memory as the primary basis for teaching word recognition.
- (3) The three-cueing system model of reading based on meaning, structure and syntax, and visual.

Effective August 1, 2022.

(Amends R.S. 17:24.10(A)(4))

### **Sick Leave for School Personnel (ACT 648)**

Existing law grants 10 days of sick leave per year for personal illness or for other emergencies to teachers, school employees, and school bus operators. New law adds special circumstances to the allowable uses of such sick leave.

Existing law authorizes adoption of rules and regulations relative to the use of sick leave for emergencies. New law authorizes this for special circumstances as well as emergencies.

Effective August 1, 2022.

(Amends R.S. 17:47(A)(1), 500(B)(1), 1201(A)(1)(intro. para.) and (2), and 1206(A)(1))

### **Redistricting Plans (ACT 303)**

Existing law provides relative to the redistricting of school boards after a census. Requires that

school board districts be comprised of whole precincts but provides for limited exceptions.

Existing law provides that any redistricting plan adopted by a school board that does not comply with existing law is null and void and no election will be held using any ballot based on such a plan.

Prior law provides that a declaration of nullity regarding such a plan shall be made by a court of competent jurisdiction. New law provides instead that a redistricting plan that violates existing law is null and void by operation of law.

New law requires the secretary of state to notify a school board of the nullity.

New law further provides that a plan that is null and void may be declared valid by a court of competent jurisdiction upon the petition of the school board.

Existing law provides that the nullity of a plan shall not affect the validity or legality of actions taken by the school board elected pursuant to the null plan.

Effective June 10, 2022.

(Amends R.S. 17:71.3(E)(2)(b))

### **Child Assault Awareness and Prevention Instruction (ACT 180)**

Prior law provided for the duties and responsibilities of the state Board of Elementary and Secondary Education (BESE).

New law retains prior law but requires that, by December 1, 2022, BESE shall develop and adopt rules and regulations requiring each public school governing authority to annually report to the Louisiana Department of Education information relative to child assault awareness and prevention instruction required by prior law.

New law further requires that the annual report submitted by the public school governing authority include a grade-level listing of each course that includes instruction on child assault awareness and prevention, and the website



location where each school prominently displays the number for the child protection toll-free hotline operated by state child protection.

Prior law required the governing authority of each public elementary and secondary school to provide age- and grade-appropriate classroom instruction to all students relative to child assault awareness and prevention. Prior law further required the posting of the number for the state's child protection toll-free hotline on the website of each public school.

New law retains prior law and requires the instruction provided include information on how the student may report abuse or assault to the state's child protection toll-free hotline number, and where on the school's website that number can be found.

New law specifies that the number for the state's child protection toll-free hotline posted on each school's website shall be in a prominent position.

Effective May 31, 2022.

(Amends R.S. 17:81(Y)(1) and (3); adds R.S. 17:7(16))

### **Public School Student Check-Out Policies (ACT 325)**

New law requires each public school governing authority to do either of the following regarding student check-out policies:

(1) Establish a policy for all schools under its jurisdiction.

(2) Require each school principal to establish policy for his school, subject to the superintendent's approval.

New law requires the superintendent or his designee to review any policy established pursuant to new law at least every three years.

Effective August 1, 2022.

(Adds R.S. 17:81(BB))

### **High School Gym Named (ACT 594)**

Existing law (R.S. 42:267(A)) provides that no public building, public bridge, public park, public fish or game preserve, or public wildlife refuge owned by the state or by any political subdivision of the state or by any institution receiving its support in whole or in part from the state shall be named in honor of any living person, except as authorized or provided by law.

Existing law (R.S. 17:85) provides that a local public school board may name a street or existing athletic facility at a school within its jurisdiction in honor of a living person.

New law (R.S. 17:85.1) provides that the Concordia Parish School Board may name the new gymnasium at Monterey High School in honor of Jack Bairnsfather.

Effective June 17, 2022.

(Adds R.S. 17:85.1)

### **Discrimination Against Naturally Protective, or Cultural Hairstyles (ACT 529)**

Existing law (R.S. 17:111) provides that no person shall be refused admission or excluded from public schools on account of race, creed, color, disability, or national origin.

New law retains existing law and adds that no person shall be refused admission or excluded from public school on account of natural, protective, or cultural hairstyle. New law defines "natural, protective, or cultural hairstyle".

Existing law (R.S. 23:332) provides that it shall be unlawful discrimination in employment for an employer to engage in certain practices because of the individual's race, color, religion, sex, or national origin.

New law retains existing law and adds that it shall be unlawful discrimination in employment for an employer to engage in certain practices because of the individual's natural, protective, or cultural hairstyle. New law defines "natural, protective, or cultural hairstyle".

Existing law (R.S. 51:2231-2265) provides for the La. Commission on Human Rights, relative to age discrimination. Existing law (R.S. 51:2232) provides for definitions.

New law adds "natural, protective, or cultural hairstyle" as a discriminatory practice in connection with public accommodations.

Existing law (R.S. 51:2236) provides that parishes and municipalities may adopt and enforce ordinances, orders, and resolutions prohibiting discrimination on the basis of race, creed, color, religion, national origin, sex, disability, or age.

New law retains existing law and adds that parishes and municipalities may adopt and enforce ordinances, orders, and resolutions prohibiting discrimination on the basis of natural, protective, or cultural hairstyle.

Existing law (R.S. 51:2601-2614) provides for the La. Equal Housing Opportunity Act.

Existing law (R.S. 51:2602) provides that it is state policy for all persons to be able to compete for available housing on an open, fair, and equitable basis, regardless of race, color, religion, sex, disability, familial status, or national origin.

New law retains existing law and adds that all persons shall be able to compete for available housing regardless of natural, protective, or cultural hairstyle.

Existing law (R.S. 51:2603) provides for definitions.

New law defines "natural, protective, or cultural hairstyle".

Existing law (R.S. 51:2606) prohibits discrimination in the sale or rental of housing, and provides that it shall be unlawful to discriminate against any person on account of race, color, religion, sex, familial status, and national origin.

New law retains existing law and adds that it shall be unlawful to discriminate against any person on

account of "natural, protective, or cultural hairstyle".

Existing law (R.S. 51:2607) prohibits discrimination in residential real estate transactions, and provides that it is unlawful to discriminate against a person because of race, color, religion, sex, disability, familial status, or national origin.

New law retains existing law and provides that it shall be unlawful to discriminate on the basis of natural, protective, or cultural hairstyle.

Existing law (R.S. 51:2608) prohibits discrimination in real estate brokerage services to discriminate on account of race, color, religion, sex, disability, familial status, or national origin.

New law retains existing law and provides that it shall be unlawful to discriminate on the basis of natural, protective, or cultural hairstyle.

Effective August 1, 2022.

(Amends R.S. 17:111(A), R.S. 23:332(A)(1) and (2), (B), (C)(1) and (2), (D), (E), (F)(1) and (2), and (H)(3) and (4), R.S. 51:2232(5), 2236(A), 2602(A), 2606(A)(1)-(5), 2607(A), and 2608; Adds R.S. 23:332(I) and R.S. 51:2232(11) and 2603(13))

### **First Grade Entrance Requirement Dates (ACT 414)**

Prior law provided for mandatory kindergarten attendance beginning with the 2022-2023 school year.

Prior law provided different requirements for students entering first grade prior to mandatory kindergarten and those entering first grade thereafter.

New law retains prior law and aligns the dates relative to first grade entrance requirements with the implementation of mandatory kindergarten attendance.

Effective June 15, 2022.

(Amends R.S. 17:151.3(C)(1))

### **Setting of School-Year Calendars (ACT 323)**

Existing law provides requirements for a minimum number of instructional minutes for the school day (360) and a minimum number of instructional days for the school year (177) for grades one through 12 in public schools. Authorizes public school governing authorities to modify the number of instructional minutes per day and instructional days per year for certain purposes, but the number of instructional minutes per year cannot be less than 360 multiplied by 177 (63,720).

Prior law authorized public school governing authorities to operate year-round schools, subject to approval by the State Bd. of Elementary and Secondary Education (BESE). New law repeals prior law.

New law prohibits BESE from determining or requiring the approval of a school year calendar under the jurisdiction of a city, parish, or other local school board; provides that the school governing authority shall determine such calendar.

New law authorizes the La. Schools for the Deaf and Visually Impaired to operate year-round subject to the approval of the superintendent of the Special School District and the availability of funds.

Effective August 1, 2022.

(Adds R.S. 17:154.1(C) and 1945.3; Repeals R.S. 17:341-348)

### **School Bus Equipment and Operators (ACT 640)**

Existing law provides relative to school buses and the operation thereof.

Existing law and new law define "school bus" so that it includes buses used to transport students to and from home or school bus stops as well as buses used to transport students in connection

with school activities. New law excludes charter buses and transit buses from the definition.

Prior law included school bus operators in the definition of "chauffeur". New law excludes school bus operators from the definition.

Existing law requires that school buses have certain equipment including amber and red signal lamps, stop signal arms, and a crossing control device. Provides relative to the operation of such equipment when a school bus is stopping to load/unload students. New law limits the applicability of existing law to school buses used to transport students to and from home or school bus stops.

Existing law requires that a school bus be painted a specific shade of yellow. New law limits this requirement to school buses used to transport students to and from home or school bus stops.

Existing law prohibits a bus used for a purpose other than transporting students to and from school from being painted the specific shade of yellow and from having certain other school bus devices. New law expands this prohibition to apply to school buses not used to transport students to and from home or school bus stops.

Prior law required public school governing authorities to adopt bus transportation policies and to have such policies require loading/unloading a student on the shoulder of a road when at or near the student's home. New law removes this requirement.

Effective August 1, 2022.

(Amends R.S. 17:158(J)(2) and 164.1(A) and R.S. 32:1(14) and (75), 80(B)(1) and (2)(b), 318(B), 328(B), and 378(A) and (B); Adds R.S. 32:80(E); Repeals R.S. 17:161)

### **Computer Science Education Advisory Commission (ACT 541)**

New law establishes a Computer Science Education Advisory Commission to provide recommendations to the State Board of Elementary and Secondary Education (BESE),

through the state Department of Education (DOE), for the development and implementation of a computer science state action plan.

New law requires the state superintendent of education to call the first meeting of the advisory commission no later than August 15, 2022.

New law terminates the advisory commission on December 1, 2024, unless BESE provides for the continued existence of the advisory commission through board rules and procedures.

New law provides for the advisory commission to work with:

(1) Public elementary and secondary education administrators and teachers to identify the gaps between computer science education services currently provided and those needed in both the near- and long-term and possible reasons for such gaps.

(2) Faculty members of teacher education programs at postsecondary education institutions and the Board of Regents to identify:

(a) Computer science teacher education competencies.

(b) Acceptable approaches for current classroom teachers to develop the competencies for teaching computer science.

(c) Any need to create professional development programs to assist current teachers in developing needed competencies.

(d) Methods to recruit and retain computer science teachers.

(3) Business leaders and postsecondary education institutions to identify computer science workforce needs and skills needed to succeed in postsecondary computer science programs.

New law requires the advisory commission to provide a report to BESE by Dec. 1, 2023, on recommendations and items to be addressed in a statewide computer science plan.

New law requires BESE, upon recommendations of the advisory commission and DOE, to develop and approve a state action plan for computer science education for kindergarten through grade twelve.

New law requires the state action plan to provide for a comprehensive, integrated plan that includes instructional strategies, guidelines, content standards, and teacher development.

New law requires BESE to submit the approved action plan to the Legislature for its review.

New law requires the state action plan established to be implemented upon the appropriation of funds for this purpose.

Effective June 17, 2022.

(Adds R.S. 17:187.1-187.5 and R.S. 36:651(F)(7))

### **School Lunch Program (ACT 709)**

New law requires the State Bd. of Elementary and Secondary Education (BESE), in collaboration with the Dept. of Agriculture and Forestry (LDAF), to develop and implement a school lunch pilot program, to be administered by the state Dept. of Education (DOE), to assist school and school food service personnel to increase the use of fresh food in school nutrition programs. Requires DOE to select school governing authorities for participation in the program.

New law requires DOE and the LDAF to collaboratively:

(1) Provide an inventory of food distribution companies to the schools and school districts eligible for participation.

(2) Disseminate specific procurement guidelines for farmers regarding contracting with schools and school districts and school food safety and liability insurance requirements.

(3) Consult with university agricultural centers, the La. Farm to School Alliance, and other stakeholders in implementing new law.

New law requires BESE, LDAF, and DOE to utilize existing personnel and resources for the program.

Effective August 1, 2022.

(Adds R.S. 17:195.2)

### **Tracking of Children in Home Study Programs (ACT 677)**

Prior law required a parent or legal guardian of a student enrolled in an approved home study program or a nonpublic school to report such enrollment to the state Department of Education (DOE).

New law retains prior law and further requires the state Dept. of Education (DOE), within 30 days of initial approval or denial of an application for an approved home study program and the failure to receive an annual renewal application for a previously approved home study program, to notify the local public school system in which the child was most recently enrolled, and, if different, the public school system in which the child resides.

New law prohibits DOE from recording such a child as a dropout attributable to the public school where he was most recently enrolled or the public school which he would otherwise attend.

New law provides that no local public school system shall be responsible for collecting and maintaining school attendance data for any child who is enrolled in an approved home study program unless and until the parent subsequently enrolls the child in a public school under the authority of the school system.

Effective June 18, 2022.

(Amends R.S. 17:221(E))

### **Public High School Policies for Pregnant and Parenting Students (ACT 472)**

New law requires each governing authority of a public high school to adopt policies relative to excusing certain absences, providing

breastfeeding accommodations, and providing child care information for students who are pregnant or parenting.

Effective August 1, 2022.

(Adds R.S. 17:221.8 and 3996(B)(67))

### **High School Adoption Awareness Instruction (ACT 456)**

Existing law requires instruction on adoption awareness for high school students and specifies instruction components. New law additionally requires the instruction to include the benefits of adoption, types of adoption, difference between foster care and infant adoption, reasons adoption is preferable to abortion, resources and agencies available to assist in the adoption process, resources for pregnant mothers and parents, and statistical data on abortion, adoption, and childbirth.

Effective August 1, 2022.

(Adds R.S. 17:263(C))

### **Public Education on Water Safety (ACT 722)**

New law requires public school governing authorities, including charter schools, to provide instruction on water safety as a part of the curriculum of an existing required course.

New law requires the state Dept. of Education (DOE) to establish and maintain a clearinghouse of materials and information relative to water safety instruction. Requires DOE to review the contents of the clearinghouse at least biannually and revise as necessary.

Effective August 1, 2022.

(Adds R.S. 17:267.1 and 3996(B)(67))

### **Public School Mental Health Education (ACT 650)**

New law:

(1) Requires each public school governing authority to provide mental health instruction, integrated into an existing required course, to all students.

(2) Requires the State Bd. of Elementary and Secondary Education, upon its revision of the health education state content standards, to increase the emphasis on the mental health component.

Effective August 1, 2022.

(Adds R.S. 17:271.1 and 3996(B)(67))

### **Public School Education on Eating Disorder Awareness and Prevention (ACT 626)**

New law requires public school governing authorities to provide instruction relative to eating disorder awareness and prevention as a part of the curriculum of an existing required course.

Effective August 1, 2022.

(Adds R.S. 17:280.1)

### **Public School Suicide, Violence, and Social Isolation Prevention Education (ACT 643)**

Existing law requires the State Bd. of Elementary and Secondary Education to establish a youth suicide prevention plan for public elementary and secondary schools. Pursuant to the plan, existing law provides relative to youth suicide prevention programs created by local school governing authorities. Provides that such programs may include classroom instruction in topics related to suicide prevention.

New law requires that public school students in grades six through 12 receive training on the following topics:

(1) Suicide prevention.

(2) Student safety and violence and social isolation prevention.

New law provides as follows with respect to such training:

(1) Requires that students receive one standard class period or one hour, whichever is shorter, in each topic each year.

(2) Authorizes a parent to request that his child be excused from the training.

(3) Requires the state Dept. of Education to maintain a list of such training on its website and review the list at least triennially.

New law requires each public school governing authority to permit the creation of student-led clubs focused on suicide prevention, student safety, and violence and social isolation prevention at schools with students in grades six through 12.

Effective July 1, 2023.

(Amends R.S. 17:282.4(C)(1)(intro. para.) and (c) and 286(A); Adds R.S. 17:282.4(G) and (H))

### **Laboratory Schools (ACT 678)**

Prior law provided that certain laboratory schools were considered public schools and as such required the state Dept. of Education to allocate funds appropriated for those laboratory schools to the public postsecondary education institution operating such schools. Required each institution to expend the funds for the operation of the school.

Prior law was applicable to laboratory schools operated by Louisiana State University and Agricultural and Mechanical College, Southern University and Agricultural and Mechanical College, and the University of Louisiana at Lafayette.

New law retains prior law and further provides for a laboratory school at the University of Louisiana at Monroe.

New law requires laboratory schools to be authorized by the board of supervisors with jurisdiction over the public postsecondary institution operating the respective school and that the facilities for the school be provided through the use of current resources of the institution or private donations.

Effective June 18, 2022.

(Amends R.S. 17:350.21(A) and (C))

### **Public School Dissemination of Parents' Bill of Rights (ACT 466)**

New law requires public school governing authorities and schools to post on their websites a summary and the full text and legal citation of the following provisions of existing law:

(1) Existing law (R.S. 17:355), which provides that parents of public school children are entitled to access instructional materials.

(2) Existing law (R.S. 17:406.9), which, in the Parents' Bill of Rights for Public Schools, provides that parents of public school children who have not reached the age of majority have certain rights, including those relative to examining textbooks, curricula, and supplemental materials.

New law also requires that this information be distributed to parents during the first week of school annually.

Existing law (R.S. 17:406.9) (Parents' Bill of Rights) applies to charter schools. New law additionally applies existing law (R.S. 17:355) (parental access to instructional materials) to charter schools. New law relative to distributing and posting information on websites applies to all public schools, including charter schools.

Effective August 1, 2022.

(Adds R.S. 17:354 and 3996(B)(67) and (68))

### **Public School Student Dyslexia Reports (ACT 622)**

Existing law requires that public school students in grades kindergarten through three be screened at least once for impediments to school success, specifically including dyslexia.

Existing law requires each public school governing authority to report annually to the state Dept. of Education (DOE) relative to the occurrence of students with dyslexia.

Prior law required submission of the reports by Oct. 31. New law requires submission by Dec. 15.

Existing law requires DOE to annually report a compilation of dyslexia occurrence reports to the House and Senate education committees.

Prior law required submission of the compilation by Dec. 1. New law requires submission by March 1.

New law requires reports submitted by DOE to the legislature to indicate that there are fewer than 11 dyslexic students in a grade level if the actual number is in the one to 10 range.

Effective August 1, 2022.

(Amends R.S. 17:392.1(F)(1)(intro. para.) and (2); Adds R.S. 17:392.1(F)(3) and 3996(B)(67))

### **Inspection of Family and In-Home Child Care Providers (ACT 585)**

Existing law requires that a family child care provider (an individual who provides child care services for fewer than 24 hours per day per child, as the sole caregiver, for six or fewer children, in a private residence) to register with the state Dept. of Education (DOE) if the provider receives state or federal funds related to the care.

Existing law requires each such child care provider to be inspected and approved by the office of state fire marshal (office).

New law requires the office to conduct initial inspections of new and relocated facilities and

subsequent inspections triennially. Requires annual inspections by the office's agents and audits of those inspections by the office.

Existing law provides for an annual fee collected by the office for such inspections. New law increases the fee from \$30 to \$40.

Existing law authorizes use of funds collected from the fee for inspection personnel. New law additionally authorizes use of such funds for audits of inspections and for supportive technologies.

Existing law provides relative to licensing and regulation of child day care centers, which provide care, supervision, and guidance of seven or more children unaccompanied by parent or legal custodian on a regular basis for at least 12.5 hours in a continuous seven-day week.

New law is not applicable to child day care centers.

Effective August 1, 2022.

(Amends R.S. 17:407.62(7), 407.64(B), and 407.66(A)(2) and R.S. 40:1563.2; Adds R.S. 17:407.62(8) and (9))

### **Early Childhood Care and Education Commission (ACT 82)**

Prior law provided for the Early Childhood Care and Education Commission, including its membership, duties, and responsibilities. Required the commission to establish a task force to identify and recommend funding strategies and compensation issues.

New law retains prior law and specifies that the co-chairs of the commission will serve as co-chairs of the task force.

Prior law required that the commission meet at least twice between the 2020 and 2021 regular sessions and at least twice between the 2021 and 2022 sessions and provide a report, on its findings and recommendations to the governor, members of the legislature, state superintendent of education, and State Board of Elementary and

Secondary Education. Further provided the commission terminate effective July 1, 2022.

New law repeals the provision of prior law relative to the termination of the commission.

New law requires the commission to meet at least twice annually between consecutive regular sessions of the legislature and to report on its findings and recommendations at least 30 days prior to each regular session of the legislature.

Effective May 24, 2022.

(Amends R.S. 17:407.101(E)(8)(intro para) and (b)(i), (F), and (G); repeals Sections 3 and 4(B) of Act 180 of the 2020 Regular Session)

### **School Anti-Bullying Programs (ACT 697)**

Prior law required the governing authority of each public elementary and secondary school to adopt a student code of conduct that prohibited bullying. Defined bullying and provided processes for reporting, investigating, and handling reports of bullying.

New law retains prior law and places the bullying provisions in a new section of law. Further requires all elementary and secondary schools, including nonpublic schools, to institute a program to prohibit and prevent bullying.

New law further requires the program to:

- (1) Define bullying.
- (2) Ensure each student, parent or legal guardian of a student, school administrator, teacher, school employee, and volunteer is aware of their duties and responsibilities relative to preventing and stopping bullying.
- (3) Provide a process for reporting and investigating alleged incidents of bullying.
- (4) Provide for appropriate discipline of a student found guilty of bullying.
- (5) Provide for appropriate remedies for a student found to have been bullied.



(6) Provide for a process to investigate and report persons for failure to act.

New law requires BESE to adopt rules to require all approved nonpublic schools to implement policies to prohibit bullying.

New law requires the school governing authority to investigate any report of any teacher, counselor, bus operator, administrator, or other school employee, whether full- or part-time, who witnesses bullying or receives a firsthand report of bullying from a student and who fails to report such incident to the appropriate school administrator. Further requires the governing authority to suspend the individual who failed to report an incident without pay. Provides that the length of the suspension shall be based on the severity of the bullying incident.

New law requires the school governing authority to investigate any report of a school administrator or official who has failed to notify a parent or legal guardian of a report of bullying, timely investigate a report of bullying, take prompt and appropriate disciplinary action against a student that was determined to have engaged in bullying, or report criminal conduct to the appropriate law enforcement official. Further requires the governing authority to suspend the individual who failed to report an incident without pay. Provides that the length of the suspension shall be based on the severity of the bullying incident.

New law requires the school governing authority to report each finding of a failure to report and the length of suspension issued to each employee who failed to report to the Louisiana Department of Education (DOE) by August 1st and for DOE to report information received to BESE by September 1st.

Effective June 18, 2022.

(Amends R.S. 17:416(A)(1)(b)(ii) (intro para) and (c)(ii)(dd), (2)(a), and (A)(4)(intro para), (b), and (c), 416.13, 416.20(A), and 3996(B)(32); adds R.S. 17:416.14)

## **Training of Professional Teachers (ACT 338)**

New law requires the state Dept. of Education to create and maintain a database of training that professional teachers are required by law to complete. Requires that the database be accessible to teachers. Requires that the database include the following with respect to each topic or course:

- (1) The legal provision establishing the requirement.
- (2) The topic or subject matter of the course and a brief description of its contents.
- (3) Available resources for completion of the training.
- (4) The frequency that a teacher must repeat or update their training on the topic.
- (5) The approximate time, in hours, that completion of the training requires.

New law requires the department to report every five years to the House and Senate education committees regarding such training for teachers; requires submission of the first report by Jan. 17, 2023. Provides that the report shall include the following:

- (1) A complete list of all required training.
- (2) The approximate time, in hours, that completion of each training course requires and an estimate of the total amount of time that a teacher will invest in such training in a typical year.
- (3) With respect to the estimate of total time, an estimate of the percentage of that time for which the teacher is not compensated.
- (4) A list of specific recommendations for changes to the legal requirements.

Effective August 1, 2022.

(Adds R.S. 17:420)

### **Teacher Training (ACT 569)**

New law provides that a requirement for additional teacher training shall become effective only if provision is made for teachers to receive the training at a time when they are being compensated and not participating in local professional development activities or the burden of the requirement is offset by the elimination of another training requirement, the completion of which requires at least the same amount of time as the additional requirement.

Effective August 1, 2022.

(Adds R.S. 17:420)

### **Teacher Salaries and Military Service (ACT 373)**

Existing law provides that teachers whose teaching service was interrupted by active duty during World War II or the conflicts in Korea or Vietnam receive credit on their salary schedule for their period of military service. New law adds that a teacher whose employment is interrupted by induction into military service subsequent to the three events specified in existing law shall be placed, upon return to service as a teacher, on the salary schedule as if there were no interruption. Defines "military service" for new law purposes as service during a declared war or during a campaign or expedition for which campaign badges are authorized. Provides that new law:

(1) Has a prospective application only; however, an employed teacher whose service was interrupted between the end of the Vietnam Era and the effective date of new law shall have his experience increased on his salary schedule according to the duration of his military service, and thereafter, his salary shall be based on this increase.

(2) Has no effect on the benefits of retired teachers.

Effective August 1, 2022.

(Adds R.S. 17:423.1)

### **Grand Isle School System Employees (ACT 383)**

Existing law requires every teacher, school bus driver, and other school employee employed by certain school boards to have free and unhampered passage crossing La. Hwy. 1 Bridge, also known as the Tomey J. Doucet Bridge, when traveling to and from their work place on a scheduled work day, as prescribed by the school board, not to exceed two toll-free crossings in one day. Requires the state Dept. of Transportation and Development (DOTD) to adopt rules and regulations to implement existing law.

Prior law required this exemption for every teacher, school bus driver, and other school employee by the Lafourche Parish School Board.

New law modifies existing law by changing the exempted employees from the Lafourche Parish School Board employees to the employees of the Grand Isle School System under the jurisdiction of the Jefferson Parish School Board.

Prior law required the exemptions from the payment of tolls on the La. Hwy. 1 Bridge be effective on Aug. 1, 2023, or the date of the adoption of final rules by the DOTD, whichever date was sooner.

New law supersedes the applicable provisions of prior law and becomes effective on Aug. 1, 2023.

Effective August 1, 2023.

(Amends R.S. 17:426(A))

### **Early Learning Centers and Auto-Injectable Epinephrine (ACT 335)**

Existing law requires the governing authority of each public elementary and secondary school to adopt a policy authorizing a school nurse or trained school employee to administer auto-injectable epinephrine to a student whom the nurse or employee believes is having an anaphylactic reaction, whether or not the student has a prescription for epinephrine.

New law requires the head of each early learning center to adopt such a policy regarding administration of auto-injectable epinephrine by trained early learning center employees. Existing law classifies the following as early learning centers: a child day care center that cares for seven or more children for at least 12.5 hours per week, an Early Head Start Center, a Head Start Center, or a prekindergarten program not attached to a school.

Existing law regarding public elementary and secondary schools and new law regarding early learning centers:

- (1) Requires that at least one employee of each school or center receive training in the administration of auto-injectable epinephrine.
- (2) Provides that epinephrine be administered under a standing protocol from a physician licensed to practice medicine in the state.
- (3) Authorizes each school or center to maintain a supply of auto-injectable epinephrine in a locked, secure, and easily accessible location.
- (4) Provides relative to informing parents about the epinephrine policy.

Existing law regarding elementary and secondary schools requires that training in administering epinephrine be provided by a registered nurse or licensed physician. New law provides that such training may also be provided by an anaphylaxis training organization.

New law regarding early learning centers requires that training in administering epinephrine be provided by a registered nurse, a licensed physician, an anaphylaxis training organization, a child care health consultant, or an entity approved by the Dept. of Health.

New law defines anaphylaxis training organization as a nationally recognized organization that provides anaphylaxis education or a training program whose leadership includes a physician authorized to practice medicine and surgery or osteopathic medicine and surgery and who is board-certified in allergy and immunology

as that designation is issued by a medical specialty certifying board recognized by the American Bd. of Medical Specialties or American Osteopathic Assoc.

New law regarding early learning centers exempts the following from liability for damages from an act or omission associated with epinephrine training unless the act or omission constitutes willful or wanton misconduct:

- (1) The early learning center.
- (2) An employee of a center.
- (3) A licensed health professional who personally furnishes or prescribes epinephrine auto-injectors to or consults with an early learning center.
- (4) An anaphylaxis training organization and its personnel.

Effective August 1, 2022.

(Amends R.S. 17:436.1(K)(1); Adds R.S. 17:407.50.2)

### **Public School Auto-Injectable Epinephrine Availability (ACT 315)**

Existing law limits the storage and administration of medication in public schools. Provides for the self-administration of auto-injectable epinephrine by certain students. Requires public schools to adopt policies authorizing a supply of auto-injectable epinephrine to be maintained and that certain employees be allowed to administer, in good faith, the epinephrine to a student believed to be having an anaphylactic reaction.

New law requires public school governing authorities to adopt policies requiring that auto-injectable epinephrine be maintained in classrooms of students at high risk of severe anaphylactic reactions. Further requires parental notification of the policies.

New law provides the law be cited as the Louis Williams Junior Act.

Effective June 10, 2022.

(Adds R.S. 17:436.1(N))

### **School Seizure Management and Treatment (ACT 562)**

New law authorizes a parent or guardian of a student with a seizure disorder to submit to the student's school administration a seizure management and treatment plan.

New law requires the plan to include the health care services the student is authorized to receive at school or during a school activity and an evaluation of the student's ability to manage and understand his disorder.

New law requires the state Dept. of Education to make available two courses on seizure recognition and related first aid, designed for different audiences:

(1) School nurses.

(2) School employees and school bus operators who have regular interactions with students who have seizure management and treatment plans.

Effective August 1, 2022.

(Adds R.S. 17:436.4)

### **Adverse Childhood Education (ACT 563)**

Existing law provides relative to adverse childhood experiences and their potential impact on young children in classroom settings. Provides relative to school-wide and classroom-based approaches to learning that recognize signs of adverse childhood experiences in students.

New law requires the state Dept. of Education (DOE) to report to the legislature by Jan. 31, 2023, relative to efforts to integrate the concept of "adverse childhood experience education" into schools.

New law requires DOE to create and implement a program integrating adverse childhood experience education and outreach into early childhood education. Further requires DOE to

report to the legislature by Jan. 31, 2023, relative to the implementation of the program.

Effective August 1, 2022.

(Amends R.S. 17:437.2(A)(2), (B), (C)(3), and (D); Adds R.S. 17:407.22.1 and 437.2(A)(3) and (E))

### **Sudden Cardiac Arrest Education for Certain Public School Personnel (ACT 385)**

New law requires each public school nurse, coach, athletic trainer, and athletic director, whether employed or serving as a volunteer, to complete annually a sudden cardiac arrest education program developed by the state Dept. of Education (DOE). Authorizes DOE to use materials from nonprofit organizations with missions related to cardiac health in developing the program. Requires DOE to make the program available on its website free of charge.

Effective August 1, 2022.

(Adds R.S. 17:440.2 and 3996(B)(67))

### **School Bus Operator Disciplinary Process (ACT 332)**

Existing law provides for the removal of a permanent school bus operator by the local school board if the bus operator is found guilty of certain offenses.

Provides that a permanent school bus operator has 10 calendar days from receipt of the written notice of charges to respond either in person or in writing. Authorizes the superintendent, within 10 days of the operator's response, to take interim disciplinary action including placing the bus operator on administrative leave.

Existing law authorizes an operator who is subject to disciplinary action to request a hearing before a disciplinary hearing officer. Prior law required the operator to request such a hearing within 20 days after the notice of charges. New law requires that such a request be made within 20 days after the superintendent's interim disciplinary action.

Effective upon signature of governor (June 10, 2022).

(Amends R.S. 17:493(D))

### **School Bus Operators Pay (ACT 449)**

Existing law provides for compensation of school bus operators transporting public school students on a per-mile-driven basis.

Prior law provided that the per mile rate of compensation was based on the length of the bus and in some cases on the total number of miles driven. The highest per mile rate provided by prior law was \$1.178.

New law provides the following as minimum per mile rates for compensation of bus operators:

(1) \$1.4683 for a bus with a capacity of 48 or fewer students.

(2) \$1.756 for a bus with a capacity of more than 48 students.

Existing law provides that the compensation shall be paid for a minimum of 180 days during a regular school year and for the number of days of actual operation during the summer. New law specifically requires compensation for days of actual operation in excess of 180 during the regular school year.

New law requires a public school governing authority to establish supplemental payments for a school bus operator whom the governing authority requires to purchase certain equipment or supplies related to transporting students with disabilities or air conditioning equipment.

Requires implementation of new law beginning with the 2022-2023 school year.

Effective upon signature of governor (June 15, 2022).

(Amends R.S. 17:497)

### **School Bus Operator Compensation (ACT 661)**

Prior law provided a schedule of compensation rates to be paid to school bus operators for the transportation of public school students. Provided for varying rates based on distance traveled and length of bus. Specified that the compensation shall be paid for a minimum of 180 days during a nine-month school year and for the number of days of actual operation of a summer semester.

New law changes the compensation rates to consider capacity instead of length. Provides a minimum of \$1.4683 per mile of paid mileage for school buses with capacities of 48 or fewer passengers and a minimum of \$1.756 per mile of paid mileage for school buses with capacities greater than 48 passengers.

New law provides that, for buses equipped with lift and mobility device securement systems, the manufacturer's rated capacity shall be determined by the rated capacity of a bus of equal length that is designed to transport only ambulatory passengers.

New law clarifies operators shall be paid for the number of days of actual operation but not less than 180 days during the school year calendar, as adopted by the public school governing authority, and the number of days of actual operation during a summer semester.

New law deletes prior law provisions requiring the State Board of Elementary and Secondary Education (BESE) to establish a uniform method for computing bus length.

New law defines "paid mileage" as the distance of a bus route beginning when the first student is picked up and ending when the bus reaches the final student discharge destination or school on both morning and afternoon routes.

New law requires a public school governing authority to establish supplemental payments for a school bus operator who is required to purchase certain equipment or supplies related to transporting students with disabilities or air conditioning equipment.

New law requires the new compensation rates to be implemented beginning with the 20222023 school year.

Effective June 18, 2022.

(Amends R.S. 17:497)

### **Free Public College for Persons 55 or Older (ACT 471)**

Existing law exempts a person age 55 or older from tuition and fees and grants them a 50% reduction on textbook costs at public postsecondary education institutions. New law applies exemption to all courses, whether in-person or online or a combination thereof.

Existing law requires any funds lost by institutions due to existing law to be reimbursed by the state. Provides that the tuition exemption and reduction in textbook costs are subject to the appropriation of funds by the legislature for such reimbursement. New law creates a special fund in the state treasury to be administered by the Bd. of Regents and to fund existing law. New law further limits fund disbursements to a maximum of \$200 per credit hour.

Effective August 1, 2022.

(Amends R.S. 17:1807(A); Adds R.S. 17:1807(D)–(F))

### **Higher Education Foreign Security Act (ACT 767)**

New law shall be known as the "Higher Education Foreign Security Act of 2022".

New law provides for reporting of gifts and contracts funded from foreign sources, screening of foreign researchers, and travel involving institutions of higher education.

New law defines certain terms including "affiliate organization", "foreign country of concern", and "foreign source".

New law requires each institution of higher education and its affiliate organizations to report

any gift received directly or indirectly from a foreign source having a value of \$50,000 or more in a fiscal year and that the report include all gifts valued at \$50,000 or more. New law provides that the report be made to the following:

(1) The institution's board of supervisors and an annual summary to the Board of Regents.

(2) Unless already reported to the institution's board of supervisors, an annual summary of the gifts shall be filed with the Board of Regents for any institution of higher education or an affiliate organization of the institution.

New law requires that the report include the amount of the gift and the date received; if the gift is a contract, its start and end date; name of the foreign source and country of principal residence or domicile; and a copy of the agreement between the foreign source and the institution.

New law, beginning July 1, 2024, requires the internal auditor of the Board of Regents to annually audit a random sample of at least five percent of the total number of gifts and provides for audits upon request by the governor or the presiding officers of the legislature.

New law subjects an institution of higher education to a civil penalty of 105% of the amount of undisclosed gifts if it knowingly, willfully, or negligently fails to disclose the information required in new law.

New law requires that every person seeking employment in an institution of higher education that receives state appropriations and has an annual research budget of \$10 million or more, in a research or research-related support position, or applying as a graduate student for a research or research-related support position, or for a position as a visiting researcher be screened prior to being offered a position of employment to determine the following:

(1) Whether the person is a citizen of a foreign country and not a permanent resident of the United States.

(2) Whether the person is a citizen or permanent resident of the United States who has any affiliation with an institution or program in a foreign country of concern.

(3) Whether the person has at least one year of prior employment or training in a foreign country of concern, except for employment or training by an agency of the United States government.

New law requires foreign applicants to provide a copy of their current passport and the most recently submitted Online Nonimmigrant Visa Application, DS-160.

New law requires every applicant to submit a complete resume and curriculum vitae, including every institution of higher education attended; all previous employment since the applicant's eighteenth birthday; a list of all published material for which the applicant received credit as an author, a researcher, or otherwise or to which the applicant contributed significant research, writing, or editorial support; a list of the applicant's current and pending research funding, and its amount, from any source, including the applicant's role on the project, and a brief description of the research; and a full disclosure of non-university professional activities, including any affiliation with an institution or program in a foreign country of concern. If an applicant has been continually employed or enrolled in a postsecondary education institution in the United States for 20 years or more, the resume may but does not have to, include employment history before the most recent twenty year period.

New law requires review and verification of all materials submitted as well as attendance, employment, publications, and contributions listed in the application prior to any offer of a position to the applicant. Provides that verification steps may include the following:

(1) Searching public databases for research publications and presentations.

(2) Searching public conflict of interest records to identify any research publication or presentation that may have been omitted from the application.

(3) Contacting employers from the previous 10 years to verify employment.

(4) Contacting all institutions of higher education attended to verify enrollment and educational progress.

(5) Searching public listings of persons subject to sanctions or restrictions under federal law.

(6) Requesting further investigation, including but not limited to a second background check performed by the Federal Bureau of Investigation, the La. State Police, or other qualified local law enforcement agency, if any of the individual's information provided on the Form DS-160 raises any security concerns for the institution about the individual's relationship with a foreign country of concern.

New law authorizes each institution to direct the approval of an applicant for hire based on a risk-based determination considering the nature of the research and the background and ongoing affiliations of the applicant.

New law requires, by July 1, 2023, each institution receiving state appropriations and with a research budget of \$10 million or more to establish an international travel approval and monitoring program. New law requires preapproval and screening by the institution for any employment-related foreign travel and employment-related foreign activities engaged in by all faculty, researchers, and research department staff. New law provides that preapproval be based on the applicant's review and acknowledgment of guidance from the institution which relates to countries under sanctions or other restrictions imposed by the state or federal government, including any federal license requirement; customs rules; export controls; restrictions on taking institution property, including intellectual property, abroad; restrictions on presentations, teaching, and interactions with foreign colleagues; and other subjects important to the research and academic integrity of the institution.

New law requires any person subject to new law traveling abroad representing their institution,

upon return, to report any gifts of funds, or promises to pay by a foreign country of concern or any entity representing the interests of a foreign country of concern.

New law requires each institution to maintain records of all foreign travel requests and approvals; expenses reimbursed by the institution during travel, including for transportation, food, and lodging; and payments and honoraria received during the travel and activities, including for transportation, food, and lodging; keep records of the purpose of the travel and any records related to the foreign activity review. Requires retention of records for at least three years or any longer period of time required by any law.

New law requires an annual report of foreign travel to countries of concern listing individual travelers, foreign locations visited, and foreign institutions visited to the college or university's board of supervisors.

New law requires office of legislative auditor to perform an operational audit on implementation of new law by July 1, 2025.

Effective July 1, 2023.

(Adds R.S. 17:1826.1 - 1826.4)

### **Special Education Advisory Councils (ACT 576)**

Existing law requires each local public school superintendent and the administrative head of each charter school or other public school to create a special education advisory council to provide advice and feedback regarding special education policies, procedures, and resources. Requires such a council to also engage in outreach activities to increase the level of knowledge, support, and collaboration with respect to special education.

Existing law provides that the number of council members is determined by the authority creating the council. New law provides that if the council has fewer than eight members, the authority creating the council shall explain this decision to

the council, and the council shall include the explanation in its required annual report.

New law modifies requirements regarding groups represented on the council as follows:

(1) Parents or legal guardians of current students with an exceptionality, other than gifted and talented:

Prior law required that 50% of council membership be members of this group. New law requires that *at least* 50% of council membership be members of this group. Provides however that this group may include:

(a) Parents of children receiving special education services from the public school governing authority (who may not be enrolled at a public school).

(b) One high school student with an exceptionality, other than gifted and talented.

(c) One person who represents an entity that serves students with disabilities or their families.

(2) Special education stakeholders other than parents and teachers, principals, or paraprofessionals:

Prior law required that 25% of council membership be members of this group. New law requires that *at least* 10% of council membership be members of this group.

(3) Teachers, principals, or paraprofessionals:

Prior law required that 25% of council membership be members of this group. New law requires that at least one member of the council be a teacher, principal, or paraprofessional employed in a school under the jurisdiction of the governing authority to serve students with disabilities.

Existing law requires that each local special education advisory council report annually to the superintendent or administrative head.



New law requires each council to also report to the Special Education Advisory Panel. Requires that the superintendent or administrative head ensure that the report is posted on the district's or the school's website. Further requires publication of all such reports on the state Dept. of Education's website.

Effective August 1, 2022.

(Amends R.S. 17:1944.1(B)(1) and (C); Adds R.S. 17:1944.1(B)(3)(c))

### **Special School District (ACT 136)**

Existing law provides for governance of the Special School District by a board of directors. Provides for one member representing persons who are deaf or hard of hearing, selected by the governor from a list of six nominees. Provides for two nominees apiece from three different groups, two of which are the La. Commission for the Deaf and the La. Assoc. of the Deaf.

Prior law provided for Deaf Focus to make the remaining two nominations. New law instead grants this authority to the Betty and Leonard Phillips Deaf Action Center.

Existing law provides that members serve until the appointment of their successors. New law qualifies this by providing for an earlier end of service if removed by the appointing authority.

Effective August 1, 2022.

(Amends R.S. 17:1945.1(A)(8)(c) and (C))

### **Cameras in Public Special Education Classrooms (ACT 588)**

Prior law required 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 special education classrooms or settings, upon the written request of a student's parent or legal guardian. Further provided installation and operation of cameras was contingent on the provision of funding.

New law retains prior law and further requires public school governing authorities to adopt the policies required in prior law by December 31, 2022, or within 60 days of the receipt of funding for the installation of cameras, whichever occurs first.

New law requires the public school governing authority to submit a copy of the policies to the Louisiana Department of Education (LDOE) by January 15, 2023, and within 10 days of any revisions to the policies.

New law requires the policies to include provisions on how a parent or legal guardian may request the installation and operation of cameras in his child's classroom.

New law provides that upon receipt of funds or nonmonetary resources the cameras shall be installed and operated.

Effective June 17, 2022.

(Amends R.S. 17:1948(A) and (E); adds R.S. 17:1948(C)(9); repeals R.S. 17:1948(G))

### **Public Services for Blind Children (ACT 617)**

New law requires public schools and all publicly funded programs, including early education intervention programs, that serve children with blindness, visual impairments, and deaf-blindness to do all of the following in serving such children:

- (1) Provide appropriate screening and assessment of functional vision and learning media.
- (2) Inform, teach, and assess children relative to the body of knowledge and skills unique to such students.
- (3) Provide instruction by teachers qualified to teach such students and access to braille materials and textbooks and assistive technology.
- (4) Teach orientation and mobility skills beginning at the earliest possible age.

(5) Inform parents of State Bd. of Elementary and Secondary Education policies and regulations and fully participate in the development and implementation of Individualized Education Programs and Section 504 Plans.

(6) Ensure that each Individualized Education Program team includes specified elements.

(7) Employ and train qualified resource personnel.

(8) Provide full support services by qualified professionals.

(9) Provide students full access to all programs in their educational settings.

(10) Place students in classroom settings that are best suited to their individual needs.

(11) Provide free, appropriate education across a full spectrum of educational programs and activities.

(12) Provide comprehensive academics, opportunities, and activities that allow students to meet and associate with their peers in the school environment.

(13) Treat students as equal, active, and contributing members of their communities, classrooms, and schools or programs.

New law provides that new law does not create a right of action or prevent a parent from filing a complaint.

Effective August 1, 2022.

(Adds R.S. 17:1960.1)

#### **Terrebonne Parish French Immersion School (ACT 454)**

New law creates École Pointe-au-Chien, an independent public French immersion school in Terrebonne Parish for students in grades prekindergarten through four. Provides that the school shall be its own local education agency. Provides for governance by a 13-member board

of directors, the school's sole governing authority, and for state funding.

Effective July 1, 2023, except new law relative to the creation of the board of directors is effective upon signature of governor (June 15, 2022).

(Adds R.S. 17:1977.1-1977.3 and R.S. 36:651(C)(13))

#### **Blind Students (ACT 302)**

Prior law provided for the Blind Persons' Literacy Rights and Education Act, included definitions, required written individualized education plans, specified that the required assessment for each blind student include a braille skills inventory, and provided that braille instruction and use were not required if other special education services were appropriate to the student's educational needs. Further provided that the provisions of other appropriate services not preclude braille use or instruction.

New law retains prior law but changes the definition of a blind student to mean a student who is identified by a functional vision assessment as having vision loss which significantly interferes with the ability to perform academically and which requires the use of specialized textbooks, techniques, materials, or equipment to access the same academic content as the student's sighted peers or who has one of the following:

(1) A visual acuity of 20/70 or less, near acuity in the better eye with correcting lenses, or both, or has a limited field of vision such that the widest diameter subtends an angular distance of no greater than twenty degrees.

(2) A progressive loss of vision which may in the future affect the student's ability to learn.

(3) Other blindness resulting from a medically documented condition that could include bilateral dysfunction of the optic radiations, the visual cortex, or both. This may coexist with ocular and ocular motor disorders and may be the result of perinatal brain dysfunction or trauma.

New law provides that each blind student has the right to individualized assessments, planning, and supports. Further requires that such assessments, plans, and supports be provided through professionals and teachers with the appropriate credentials and certifications required for working with the blind.

New law requires that an individualized education plan be developed for each blind student based on the findings of the assessments and include specialized supports for education and daily living activities which are appropriate based on the needs of the student.

New law provides a list of possible appropriate specialized supports.

Effective June 10, 2022.

(Amends R.S. 17:1982(1) and (3) and 1983)

### **Health Works Commission (ACT 83)**

Existing law establishes the Louisiana Health Works Commission in the Dept. of Education, under the jurisdiction of the Board of Regents, to serve as a collaborative working group to integrate and coordinate resources relative to healthcare workforce development within various state departments and key organizations. Further provides for the membership of the commission.

New law retains existing law and adds as a member the president of the La. State Nurses Association or his designee.

Effective August 1, 2022.

(Adds R.S. 17:2048.51(C)(23))

### **Celebrate Freedom Week (ACT 370)**

New law requires public schools to observe Celebrate Freedom Week each September.

New law requires students to receive instruction on topics related to freedom during this week.

Effective August 1, 2022.

(Adds R.S. 17:2119)

### **"Patriotic Organization" Recruitment of Students (ACT 485)**

New law allows patriotic organizations to use public school buildings for student participation in the organization's activities during the school day other than during instructional time. Requires principals to grant representatives of patriotic organizations the opportunity to speak with and recruit students during school hours.

Effective August 1, 2022.

(Adds R.S. 17:2119)

### **Voter Registration at School for Public High School Senior (ACT 624)**

New law requires public school governing authorities to provide high school seniors who are at least 17 the opportunity to register to vote by using a school computer to fill out an electronic voter registration application or by using the state mail voter registration application form. With respect to this requirement, new law:

Prohibits the involvement of any political or partisan group or organization in the registration process.

Requires each public school governing authority to adopt policies therefor and review them at least every five years.

Authorizes each public school governing authority to follow the secretary of state's guidance in implementation.

Effective August 1, 2022.

(Adds R.S. 17:2119 and 3996(B)(67))

### **Public College Tuition Fees (ACT 421)**

Prior law authorized public postsecondary institutions to charge nonresident tuition fees greater than those authorized for residents.

New law repeals outdated provisions relative to nonresident fees in prior law.

Prior law provided that certain members of the U.S. military shall be classified as state residents for tuition fee purposes.

New law aligns prior law relative to military and veterans tuition and fee charges with federal law.

Effective June 15, 2022.

(Amends R.S. 17:2137; repeals R.S. 17:1997.1, 1997.2, and 2136)

### **High School Counseling (ACT 209)**

Existing law requires the state Bd. of Elementary and Secondary Education to develop an advisement policy for middle and high school grades to equip school counselors with information needed to do the following:

(1) Help students identify goals and assist students and parents in developing and revising personalized graduation plans.

(2) Ensure students receive assistance to stay in school, achieve expected levels, and fulfill graduation requirements.

(3) Ensure students know about high-demand and high-wage jobs in the state and their region.

New law adds that the policy shall equip school counselors with the information needed to provide information and assistance to students and parents in selecting and scheduling advanced courses and early college opportunities.

Effective August 1, 2022.

(Adds R.S. 17:2926(A)(4))

### **Transfer of Funds Between Education Savings Accounts (ACT 742)**

Existing law provides for the La. Student Tuition Assistance and Revenue Trust (START) Program, a college education savings program, and the START K12 program, an elementary and

secondary education savings program. Prior law prohibited a transfer or rollover of funds from a START account to a START K12 account. New law instead allows this without penalty.

Effective August 1, 2022.

(Amends R.S. 17:3100.7(E))

### **Hunger-Free Campus Grant Program (ACT 719)**

New law requires the Bd. of Regents to establish a process and eligibility criteria for a postsecondary education institution to be designated as a "Hunger-Free Campus". Further requires the board to establish a hunger-free campus grant program for the purpose of providing grants to institutions receiving this designation that meet certain additional criteria.

Effective upon signature of governor (June 18, 2022).

(Adds R.S. 17:3138.4)

### **Stimulating More Advanced Research and Technology (SMART) Program (ACT 445)**

New law establishes a program for awarding grants to support research in science, technology, engineering, and mathematics at public postsecondary education institutions. Provides for program administration by the Bd. of Regents and grant purposes. Creates a fund within the state treasury for the purpose of program funding. Requires the board to adopt program rules and, by Jan. 31st annually, to submit a written return on investment analysis to the House and Senate education committees, the House Committee on Appropriations, and the Senate Committee on Finance.

Effective upon signature of governor (June 15, 2022).

(Adds R.S. 17:3138.10)

### **Postsecondary Inclusive Education Advisory Council and Fund (ACT 682)**

New law provides for the creation of the Louisiana Postsecondary Inclusive Education Fund for the purpose of funding approved comprehensive inclusive postsecondary programs at each public postsecondary education institution in order to provide pathways to postsecondary degree, certificate, and apprenticeship programs designed to increase independent living and employment opportunities for students with intellectual and developmental disabilities.

New law defines an approved inclusive education program as a federally approved comprehensive transition and postsecondary program offered at a Louisiana public postsecondary institution.

New law provides that any money donated to the fund or appropriated to the fund by the legislature shall be:

- (1) Deposited in the fund.
- (2) Invested in the same manner as monies in the general fund. Interest earned on investment of monies in the fund shall be credited to the fund.
- (3) Appropriated to the Board of Regents for distribution to public postsecondary institutions meeting certain requirements, to be used only for:
  - (a) The creation, operation, and expansion of inclusive programs.
  - (b) Technical assistance in creating or expanding inclusive programs.
  - (c) Dissemination of information on each inclusive program in Louisiana.

New law provides that money from the fund is in addition to, and separate from, other monies appropriated or allocated to any public postsecondary education management board. Allocations from the fund shall not be included in the Board of Regents' funding formula calculation, nor shall they supplant any state general fund allocations to institutions. The

availability of the fund shall not in any way substitute, limit, or otherwise affect the allocation of any funds otherwise available to those institutions under state or federal laws.

New law creates the Postsecondary Inclusive Education Advisory Council under the auspices of the Board of Regents for the purpose of advising the board with respect to inclusive programs and methods to fund and expand inclusive programs in the state. Provides for council membership. Requires any member selecting a designee to select a person from his respective system, agency, office, or association who has expertise in transitional postsecondary educational services.

New law requires the commissioner of higher education to convene the first meeting no later than September 1, 2022.

New law requires the Board of Regents, with assistance from the council, to provide an annual report to the Senate committees on education and finance, the House committees on education and appropriations and to post the report on the board's website. Requires the report to include a detailed accounting of the fund, information for each program receiving a distribution from the fund, details on each technical assistance grant provided from the fund, and any recommendations for additional money for the fund.

New law requires each public postsecondary education management board to report to the Board of Regents the information necessary for the Board of Regents to complete the report.

Effective June 18, 2022.

(Adds R.S. 17:3138.10 and R.S. 36:651(K)(10))

### **Transfer of Academic Credit (ACT 205)**

Existing law provides for agreements between four-year universities and community colleges which agreements provide for the transfer of academic credits earned at a four-year institution to a community college for the purpose of enabling students to complete associate degrees.

Prior law authorized these agreements. New law instead requires them and requires the Bd. of Regents, with the Statewide Articulation and Transfer Council, to develop processes for the transfers and implement the processes by the beginning of the fall semester of 2023.

Effective August 1, 2022.

(Amends R.S. 17:3161.1(A); Adds R.S. 17:3161.1(C))

### **Transfer of High School Credits to College (ACT 308)**

Prior law provided for statewide articulation and transfer of certain courses between public secondary and postsecondary education institutions. Provided for the Statewide Articulation and Transfer Council (council), statewide articulation and transfer agreements, a common course numbering system, common core curriculum, academic transfer modules, college credit for military service, implementation and funding, and certain reporting.

New law retains prior law and additionally requires the Board of Regents to develop, coordinate, and maintain transfer pathways for highly demanded baccalaureate programs at four-year public postsecondary institutions.

New law provides relative to the duties of the council in the development of the transfer pathways. Further requires the council to develop statewide transfer agreements concerning credits earned through competency-based and prior learning assessments.

New law requires the statewide transfer agreements to guarantee the transfer of all courses in the transfer pathways. Further requires the transfer agreements to provide for acceptance of credits earned through competency-based education and prior learning assessments.

New law requires the Board of Regents, in consultation with the council, to define equivalency criteria used in the common course numbering system.

New law clarifies that a purpose of the common core curriculum is to align high school curricula with curricula in public postsecondary institutions.

New law repeals separate outdated provision of prior law relative to articulation of credits. Effective June 10, 2022.

(Amends R.S. 17:3162(C)(11) - (14), 3163(B), 3164(C), 3165(B); adds R.S. 17:3162(C)(15) and (16) and 3164.1; repeals R.S. 17:3129.8)

### **Public Graduate Student Compensation for Assistance (ACT 664)**

Prior law provided that each public postsecondary education management board has the authority to determine the fees paid by students.

New law retains prior law, and further requires that payments to cover mandatory fees or a waiver of mandatory fees, except for tuition, be included in the compensation package of each graduate student serving as a teaching, research, or curatorial assistant. Requires each management board to adopt a policy for new law implementation.

Effective August 1, 2024.

(Amends R.S. 17:3351(A)(5)(a))

### **LSU Lab School Tuition (ACT 521)**

New law authorizes the La. State University (LSU) board of supervisors to increase tuition charged per student at the LSU lab school as follows: for the 2023-2024 school year and thereafter, by an amount not to exceed \$500; for the 2024-2025 school year and thereafter, by an additional amount not to exceed \$500.

Effective August 1, 2022.

(Adds R.S. 17:3351.22)

## **Public College Disciplinary Hearing Procedures (ACT 464)**

New law requires public postsecondary education management boards and institutions to establish policies relative to the procedure for students or student organizations being charged with non-academic offenses to use an attorney or non-attorney advocate in their defense at disciplinary proceedings and appeal hearings. Requires policies to be incorporated into student handbooks or codes of conduct.

Such a policy shall apply to a student or student organization being accused of violating a non-academic rule or policy and shall include:

- (1) Requirements for notice of a charge being brought against a student or student organization.
- (2) The opportunity for a student or student organization to appeal a decision that it was in violation of a non-academic policy or rule within 10 days of the decision.
- (3) The alleged victim having an opportunity to be represented by an attorney or non-attorney advocate.

Relative to student violations punishable by suspension of 10 or more days, deferred suspension, or expulsion and to organization violations punishable by suspension or removal of the organization from the institution, disciplinary procedures contained in the code of student conduct shall:

- (1) Afford the accused a presumption of innocence.
- (2) Require the institution to maintain a file of disciplinary proceedings.
- (3) Provide for access to the file by the accused and the victim.
- (4) Ensure that proceedings are free from conflicts of interest by preventing commingling of administrative or adjudicative roles.

Authorizes institutions to take reasonable interim measures to maintain the safety of members of the campus community during the investigation and adjudication if the student poses a risk.

Provides that a court shall award mental or emotional distress, loss of wages or earning capacity, and costs if it finds an institution has violated new law or the due process rights of a student or an organization.

Effective August 1, 2022.

(Adds R.S. 17:3394)

## **Public College Safety (ACT 689)**

Prior law required public postsecondary education institutions to provide for safe campuses and required certain actions to ensure campuses were safe and that postsecondary education administrators were accountable for providing the safe environment.

Prior law provided definitions, including defining an "employee". Further provided that the definition of "employee" shall not include a student enrolled at a public postsecondary institution, unless the student worked for the institution in a position such as a teaching assistant or a residential advisor.

New law retains prior law and further qualifies the definition of "employee" to exclude students whose employment is contingent upon enrollment as a student.

New law imposes implementation deadlines. Requires the Board of Regents to consult with the Louisiana Power-Based Violence Review Panel in developing the annual report. Requires the annual report to also be sent to the Senate and House select committees on women and children. Changes the panel membership to include one Title IV coordinator from each public postsecondary system.

Effective June 18, 2022.

(Amends R.S. 17:3399.12(3) and (5)(a) and (b), 3399.13.1(F), 3399.16(A) and (E), and 3399.18(B)(17), (E), and (F))

### **Free Expression on College Campuses (ACT 727)**

Existing law requires public postsecondary education management boards to adopt policies on free expression, including prohibiting protests and demonstrations that, by creating a "substantial and material disruption", infringe upon the constitutional rights of others to engage in or listen to expressive activity.

New law provides a definition for "substantial and material disruption", which is when a person, with the intent and knowledge of doing so, significantly hinders expressive activity; prevents the communication of the message; or prevents the transaction of the business of a lawful meeting, gathering, or procession by engaging in fighting, violence, or similar unlawful behavior or physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in an expressive activity.

New law further:

- (1) Provides that no conduct shall be deemed a material and substantial disruption that is protected under the federal or state constitution.
- (2) Authorizes institutions to require a permit as a condition of being granted exclusive control of a location at a reserved time for expressive activity and to charge security fees for the permit.
- (3) Requires institutions to prohibit student-on-student discriminatory harassment.
- (4) Provides that new law does not prevent institutions from:
  - (a) Responding through nonpunitive actions to student expression that does not qualify as student-on-student discriminatory harassment.
  - (b) Maintaining policies prohibiting stalking or other criminal activity. Effective August 1, 2022.

(Amends R.S. 17:3399.31, 3399.32(E), and 3399.35(3) and (5); Adds R.S. 17:3399.32(F) and (G) and 3399.38)

### **College Athlete's Name, Image, and Likeness (ACT 307)**

Prior law allowed an intercollegiate athlete at a postsecondary education institution (institution) to earn compensation for the use of his name, image, or likeness (known as NIL). New law repeals portions of prior law that:

- (1) Prohibited an entity whose purpose includes supporting or benefitting such institution or its intercollegiate athletic programs, or an officer, director, employee, or agent of such institution or entity from providing a current or prospective athlete with compensation for the use of the student athlete's NIL.
- (2) Prohibited an institution from using an athletic booster to directly or indirectly create or facilitate compensation opportunities for the use of an athlete's NIL as a recruiting inducement or as a means of paying for athletics participation.
- (3) Prohibited an athletic booster from directly or indirectly create or facilitate compensation opportunities for the use of an athlete's NIL as a recruiting inducement or as a means of paying for athletics participation.

Prior law prohibited an athlete from earning compensation for use of his NIL for the endorsement of tobacco, alcohol, illegal substances or activities, banned athletic substances, or any form of gambling, including sports wagering. New law retains prior law and adds gaming to the list of prohibitions.

New law provides that no institution's employees, including athletics coaching staff, shall be liable for any damages to an athlete's ability to earn compensation for the use of his NIL resulting from decisions and actions routinely taken in the course of intercollegiate athletics. New law does not protect the institution or its employees from acts of gross negligence, or wanton, willful, malicious, or intentional misconduct.



New law provides that any document disclosed by the athlete to the institution that references the terms and conditions of his contract for compensation shall be confidential and not subject to inspection, examination, copying, or reproduction pursuant to the Public Records Law.

Effective June 10, 2022.

(Amends R.S. 17:3703 and R.S. 44:4.1(B)(9))

### **Rural High School Athletic Trainers (ACT 495)**

New law creates a program to address the shortage of certified high school athletic trainers in rural areas. Provides for the state Dept. of Education (DOE) to administer the program. As elements of the program, new law:

(1) Requires DOE to develop and administer a plan for recruitment and retention of athletic trainers in such areas.

(2) Establishes a loan repayment program for athletic trainers working in such areas. Requires DOE to provide an implementation schedule for loan repayments within three months of the effective date of new law.

(3) Establishes the Athletic Trainer Professional Development Fund and authorizes the state treasurer to transfer \$1,500,000 into the fund.

Effective upon appropriation of funds by the legislature.

(Adds R.S. 17:3721-3726)

### **Teacher and Administrator Evaluations (ACT 333)**

Existing law requires annual evaluations of public school teachers and administrators and requires that 50% of each evaluation be based on evidence of growth in student achievement. New law adds a requirement that each person being evaluated and his evaluator meet to discuss the student learning targets of each student and prohibits using targets that are not discussed in the meeting in the evaluation.

Effective August 1, 2022.

(Amends R.S. 17:3902(B)(5))

### **Public School Use of SSNs with La. Workforce Commission (ACT 567)**

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. Further 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 defines personally identifiable information as information about an individual that can be used on its own or with other information to identify, contact, or locate a single individual.

Existing law provides for exceptions to the prohibitions, including requiring public school governing authorities, with parental permission, to collect certain personally identifiable information for students in grades eight through 12. 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.

New law provides an additional exception. Requires public school governing authorities, with parental permission or permission of students who have reached the age of majority, to collect social security numbers of secondary students and share them with the La. Workforce Commission for the purpose of evaluating state and federal programs that prepare high school students for postsecondary education, workforce training, and employment. Provides for the commission to match the student information with the following data:

(1) Wage data.

(2) North American Industry Classification System data through the third digit.

(3) Standard Occupational Classification System data.

New law requires that any agreement for the exchange of information pursuant to new law provide for payment of costs of wage and employment data.

Existing law provides that a person who violates existing law shall be punished by imprisonment for not more than six months or by a fine of not more than \$10,000. Such penalties apply to a violation of new law.

Effective August 1, 2022.

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

### **Digital Devices in Public Schools (ACT 222)**

New law requires the state Dept. of Education (DOE), in collaboration with the La. Dept. of Health and medical practitioners in certain fields, to develop health and safety guidelines relative to integrating digital devices in public schools. Requires DOE to distribute the guidelines to public school governing authorities by Jan. 1, 2023, and to annually review the guidelines.

Effective upon signature of governor (May 31, 2022).

(Adds R.S. 17:3921.4)

### **Book Delivery Program for Certain Public Elementary School Students (ACT 395)**

New law creates a program for certain public school students in pre-kindergarten through the 5th grade in which books and other reading materials are sent to the students' homes.

Provides that a public school student who is in one of the following categories is eligible for the program:

(1) Enrolled in pre-kindergarten and did not score satisfactorily on the literacy section of the Early Childhood Assessment administered by the state Dept. of Education (DOE).

(2) 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.

(3) Enrolled in the fourth or fifth grade and scored below mastery in English language arts on the state assessment in the prior school year.

(4) 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.

Requires the DOE to administer the program. Further requires the department to:

(1) Publish information about the program on the department website.

(2) Provide marketing materials to schools and school districts.

(3) Develop a list of books for each grade level.

(4) Report by Oct. 30 annually the number of participating students on the department website.

Requires public school governing authorities to establish a schedule for participating students to receive books.

Provides that the program shall be implemented based on the appropriation of funds. Authorizes DOE to make adjustments to the program based on the availability of funds.

Effective August 1, 2022.

(Adds R.S. 17:4033.1)

### **Public High School Programs for College or Apprenticeships (ACT 533)**

New law allows a student to enroll in a program of choice under certain circumstances.

New law defines a "program of choice" as a public high school program that allows a student to concurrently pursue a high school diploma and one of the following:

(1) A postsecondary degree, credential, or certificate.

(2) A state-registered apprenticeship or pre-apprenticeship.

New law allows a high school student to enroll in a program of choice offered within his school system, without regard to attendance zones, provided that both of the following apply:

(1) The program of choice and the high school offering the program have available capacity at the appropriate grade level.

(2) The program of choice is not offered at the public high school in which the student was most recently enrolled, or would otherwise attend.

New law requires the governing authority of each public high school to adopt policies to govern student transfers to programs of choice. New law further requires the governing authority rules to include:

(1) A definition of "capacity" for each high school and each program of choice.

(2) The transfer request period, which shall begin no later than March first and end no earlier than March twenty-eighth, annually.

(3) The process for submitting a student transfer request for each program.

(4) Admission requirements, if any, for each program.

(5) The process for requesting review of a denial of a request to transfer to a program of choice by the State Board of Elementary and Secondary Education in accordance with existing law (R.S. 17:4035.1(C)).

New law requires the governing authority of each public high school to partner with local businesses and public postsecondary education institutions to grow programs of choice that are relevant to the school's local area and to the state that lead to careers in high-demand, high-paying fields and to work to ensure the programs are

evenly distributed among the high schools in the school system.

New law restricts the authority to enroll a student in a program of choice if the enrollment violates an order of a court of competent jurisdiction.

New law provides that the new law shall not be construed as requiring a high school or a program of choice with selective admission requirements to enroll a student who does not meet the admission requirements, regardless of whether the school or program of choice has available capacity.

Effective June 17, 2022.

(Adds R.S. 17:4035.2)

### **High School Courses for TOPS (ACT 502)**

Prior law provided for a high school core curriculum required for a student to be eligible for a Taylor Opportunity Program for Students (TOPS) award. Included within the requirements for an Opportunity, Performance, or Honors Award that a student earn two units of foreign language that are in the same language.

New law retains prior law, but provides that students graduating during or after the 2026/2027 school year may elect to earn two units in computer science instead of the two units in the same foreign language.

New law provides that the computer science units shall be in computer science principles, coding, or programming and lists specific courses allowed for credit.

Effective June 16, 2022.

(Amends R.S. 17:5025(intro para) and (5); adds R.S. 17:5025.5)

### **High School Career Major Program (ACT 447)**

Existing law provides for the career major program through which high school students complete both an academic core of courses and a

career and technical sequence of courses or training programs that lead to an approved industry-based credential.

Existing law provides for the Taylor Opportunity Program for Students (TOPS), a college scholarship program, including initial and continuing eligibility requirements. Provides for the TOPS-Tech Award for students pursuing skill or occupational training.

Existing law provides a specific high school curriculum for the career major and TOPS-Tech initial eligibility, including at least four units of math, one of which must be Algebra I or some variation thereof. Provides a list of optional courses from which students can choose to fulfill the remaining math credits. Prior law included Geometry among the optional courses. New law instead makes it a required course.

New law is applicable to students entering high school during or after the 2023-2024 school year.

Effective August 1, 2022.

(Amends R.S. 17:183.3(B)(2)(b) and 5026(A)(2); Adds R.S. 17:5026(D))

### **TOPS and Parental Income (ACT 665)**

Prior law required the Board of Regents to formulate, develop, establish, and implement a uniform Taylor Opportunity Program for Students (TOPS) information reporting system for the purposes of policy analysis and program evaluation and for providing accurate data and statistics to the legislature, the governor and appropriate executive branch agencies, and the public relative to the program's impact on the state and on students.

Prior law required the TOPS information reporting system to include but not be limited to the following:

(1) The rate of retention as award recipients progress from semester to semester or other equivalent periods of time, and shall include the percent of students losing program eligibility due to not earning the minimum number of credit

hours, the percent of students losing program eligibility due to not having the required cumulative grade point average, and the percent of students losing program eligibility for failing to make steady academic progress.

(2) The persistence rates of award recipients from year to year.

(3) The graduation rates by award category and award year.

(4) The mean length of time required for an award recipient to graduate with an academic degree at the baccalaureate level or to complete the chosen postsecondary education program.

(5) The number of applicants as well as the percent of high school graduates by high school and by parish who apply for a program award, by award category, and the percent of those students who subsequently enroll in a college or university.

(6) Statistical studies on the relationship between the courses taken and grades earned by a high school student and the student's score on the (ACT or the SAT.

(7) Demographic information of program award recipients, including but not limited to race, gender, and parents' household income.

(8) High school grade point average and ACT or concordant SAT scores of program award recipients grouped by mean, median, and mode.

(9) High school grade point average and ACT or concordant SAT score cross-referenced with those students who lost the award and those who were placed on probationary status and the reasons therefor.

New law retains prior law but removes parent's household income from being required in the TOPS information reporting system's demographic data.

Effective June 18, 2022.

(Amends R.S. 17:5067(B)(7))

## **TOPS Eligibility and Ida (ACT 681)**

Existing law provides for the Taylor Opportunity Program for Students (TOPS) and specifies initial and continuing eligibility requirements.

New law authorizes the administering agency to waive certain requirements of existing law relative to TOPS initial eligibility requirements if the agency determines that failure to comply is, more likely than not, due solely to the effects of Hurricane Ida.

New law provides for modified continuing eligibility requirements for the 2021-2022 academic year for certain students as follows:

- (1) Waives existing law requirements for steady academic progress and a certain cumulative GPA.
- (2) Extends the time a student has to have a suspended award reinstated.
- (3) Waives existing law requirements that award eligibility be reduced by a semester for each semester that a student is enrolled in an out-of-state college or university.

New law is applicable only to a student who, on Aug. 27, 2021, was eligible for or had a program award and met one of the following criteria:

- (1) He had a home of record in an affected parish.
- (2) He was enrolled in an eligible college or university in an affected parish.
- (3) Was a member of the Louisiana National Guard called to active duty to assist in the preparation for and response to Hurricane Ida.

New law defines "affected parish" as Jefferson, Lafourche, Livingston, Plaquemines, St. Charles, St. Helena, St. James, St. John the Baptist, Tangipahoa, or Terrebone.

Effective June 18, 2022.

(Adds R.S. 17:5105)

## **TITLE 18: LOUISIANA ELECTION CODE**

### **La. Election Code Revisions (ACT 274)**

#### *Voter registration*

Existing law (R.S. 18:59.4) creates the La. Voter Registration Administrators' Certification Program to formalize and recognize the professional standards of registrars of voters, chief deputy registrars, and confidential assistants to registrars of voters in the state. Existing law provides that one of the requirements of certification is 144 hours of course work to be completed within five years. Requires certification renewal every three years.

New law provides that if a gubernatorially declared disaster impacts the certification process, the time period for completing the course work is six years and the certification renewal is required within four years.

Existing law (R.S. 18:115) authorizes a person to register by mail to vote. Existing law requires a person who registered by mail and who has not previously voted in the parish to vote either during early voting or in person at the precinct in which he is registered to vote.

Prior law required that such a person early vote at the office of the registrar. New law removes this requirement.

Existing law provides exceptions to these limitations on where such a person may vote; provides that a person with a disability is exempt if he provides proof of the disability and a certification that because of the disability he cannot vote in person and he meets other requirements. Existing law requires that the proof of a disability and certification be provided by a physician.

New law provides additionally that an optometrist, physician assistant, or nurse practitioner may provide such proof and certification.

Existing law (R.S. 18:154) provides that the records of each registrar of voters are public

records; however prohibits disclosure of the following information of a registered voter:

- (1) The social security number.
- (2) The driver's license number.
- (3) The day and month of the date of birth.
- (4) The mother's maiden name.
- (5) The electronic mail address, except a registered voter who has qualified as a candidate for public office.
- (6) The short message service number.

Existing law provides exceptions to the prohibition of the disclosure of such information, one of which is disclosure of the email address of a candidate to the Bd. of Ethics so that the board may contact the candidate about campaign finance reporting.

New law further authorizes the board to contact candidates regarding the Code of Governmental Ethics.

New law provides an additional exception authorizing the Dept. of State or registrar of voters to transmit the full date of birth and mother's maiden name of a registered voter to the La. Dept. of Health to amend the voter's birth certificate.

Existing law specifically prohibits disclosing the name and address of a law enforcement officer if he is engaging in hazardous activities to the extent that it is necessary for his name and address to be kept confidential. Prior law authorized the disclosure of names and addresses of such officers on a general list.

New law removes the general list exception to the prohibition.

#### *Election supervisors and commissioners-in-charge*

Existing law (R.S. 18:423) creates a board of election supervisors for each parish to supervise

the preparation for and the conduct of all elections held in the parish. Provides that the board is comprised of the registrar of voters, the clerk of court, the chairman of the parish executive committee of each recognized political party or his designee who shall be a member of the parish executive committee of the same recognized political party, and one member appointed by the governor.

New law authorizes each person appointing or designating a member of the board to appoint or designate an alternate appointee or designee if the appointee or designee cannot serve.

Existing law provides that each member of the parish board of election supervisors shall receive \$50 for each day, not to exceed six days, spent preparing for and supervising an election; provides that for a presidential or regularly scheduled congressional general election, the members receive compensation for seven days.

New law makes the provision for seven days of compensation applicable to regularly scheduled congressional *primary* elections as well. Provides that the limits on the number of days a member may be compensated applies collectively to each position on the board, regardless of the designees or alternate appointees or designees that serve in the position.

Existing law (R.S. 18:433) requires the clerk of court to conduct a course of instruction for commissioners-in-charge during the period beginning Aug. 1 through the end of Dec. of each year.

New law provides that if the governor declares an emergency during this time period, the clerk of court has until Jan. 31 of the following year to conduct the course.

#### *Special and recall elections*

Existing law (R.S. 18:602, 604, 621, 1278, 1279, 1300.7, and 1307) provides for special elections to fill vacancies in various elective offices and for recall elections. Provides that the governor or a local governing authority issues a proclamation calling such a special election. Requires that the

proclamation be published in the official journal of each parish in which the election is to be held.

New law provides that the secretary of state, rather than the governor, is responsible for publishing the proclamation in the appropriate official journals if the governor issued the proclamation.

Existing law (R.S. 18:1300.2) provides a process for citizens to petition for an election to recall a public officer. Provides that the petition is considered filed when it is received in the office of the secretary of state. Prior law also provided the petition was considered filed at the time it was postmarked by the U.S. Postal Service or receipted on a return receipt request form. New law repeals prior law.

New law provides that upon receipt of the petition, the secretary of state shall produce a report of the number of qualified electors in the jurisdiction of the office being recalled and shall notify the registrar of voters of the number of qualified electors for issuance of the certification.

#### *Absentee and early voting*

Existing law (R.S. 18:1306) requires the secretary of state to prepare absentee by mail ballot envelopes, instructions, certificates, and other balloting paraphernalia, subject to approval of the attorney general as to content.

New law provides that the specifications of the absentee by mail ballot envelopes shall be determined by the secretary of state.

Existing law (R.S. 18:1308) provides relative to voting by mail and by electronic transmission of ballots. Provides relative to the duties of the secretary of state regarding such voting, including a requirement that he take all actions reasonably necessary to allow registered voters to vote if they are unable to vote during early voting or at the polling place on election day due to out-of-state work responsibilities relating to a declared emergency.

New law expands the duty of the secretary of state to include voters who are out of parish due to

work responsibilities relating to a declared emergency.

Existing law (R.S. 18:1309) provides relative to early voting, including provisions for utilizing commissioners selected and trained by the registrar of voters.

For an election within one year of a declared emergency, new law authorizes a registrar of voters who determines that there is a parishwide shortage of early voting commissioners because a significant number of early voting commissioners have been temporarily displaced due to the declared emergency to send a request to the secretary of state for additional early voting commissioners from other parishes. Provides that the secretary of state shall approve the request if he determines that there is a need for additional early voting commissioners and that the allocation of additional commissioners is feasible. Provides otherwise with respect to such commissioners. Provides that they may be reimbursed for travel expenses if reimbursement is approved by the secretary of state.

Existing law (R.S. 18:1313 and 1313.1) provides relative to the tabulation of absentee by mail and early voting ballots.

New law removes a requirement that the results of such tabulation be announced in the order the offices and candidates and propositions are listed on the ballot. Adds a requirement that the results be posted at the location where the tabulation was conducted and at the registrar's office.

Existing law provides for recounts, upon request by a candidate, of absentee by mail and early voting ballots.

New law requires that the registrar preserve such ballots and prohibit their inspection until they have been recounted.

#### *Voting machines*

Existing law (R.S. 18:1371) provides that the secretary of state shall contract for the delivery of voting machines and other election equipment and supplies for which he is responsible to voting

precincts and for their return to storage warehouses.

New law further provides that the secretary of state may also contract for delivery of early voting machines and equipment in parishes that have three or more early voting locations.

*Special Committee on  
Campaign Finance Disclosure*

Existing law (R.S. 18:1511.3) provides that the Supervisory Committee on Campaign Finance Disclosure shall notify certain candidates of the deadline to submit an annual report and of the information required in the report. Further provides that each notice shall be mailed at least 30 days prior to the date the report is due.

New law retains existing law and provides that such notice may be mailed or sent via electronic mail.

Prior law (R.S. 18:1532) required candidates and political committees to file election day expenditure reports with the Supervisory Committee on Campaign Finance Disclosure.

New law repeals prior law.

*Effective date*

Effective in part upon governor's signature (June 3, 2022).

Effective in part August 1, 2022.

(Amends R.S. 18:59.4(D)(2) and (E)(2)(c), 115(F)(1)(intro. para.) and (a) and (2)(a)(iii), 154(C)(2)(c) and (D)(1) and (2), 423(C), (E), and (H), 433(A)(1) and (5), (B)(1), and (D), 434(D)(2), 435(B)(1)(b), 602(E)(2)(b), 604(B)(2)(b), 621(B), 1278(B), 1279, 1300.2(C)(1), 1300.7(B), 1306(B)(1), 1308(A)(2)(j)(ii), 1309(J), 1313(H)(13) and (K)(2)(a), 1313.1(I)(5) and (L)(2)(a), 1371, and 1511.3(E); Adds R.S. 18:154(C)(2)(f); Repeals R.S. 18:1532)

**Disclosure of Police Officer Names and  
Addresses (ACT 419)**

Existing law provides that the registrar of voters, Department of State, and clerk of court cannot disclose the name and address of a law enforcement officer, other than on a general list, if they have received certification from the officer's employing agency that the officer is engaging in hazardous activities to the extent that it is necessary for his name and address to be kept confidential.

New law creates an exception in existing law to allow the disclosure of the name and address of an officer otherwise entitled to confidentiality who has qualified as a candidate for office between the date of qualifying and the general election.

Effective August 1, 2022.

(Amends R.S. 18:154(D)(4); adds R.S. 18:154(D)(5))

**Secretary of State and Elections (ACT 528)**

Existing law authorizes the secretary of state to authorize the relocation of a polling place that is destroyed, inaccessible, or unsafe due to an emergency or common disaster. If a polling place is relocated under these conditions, existing law requires that each voter registered to vote at that polling place and each candidate to be voted on at that polling place be notified of the change. Specifies methods for providing such notice.

New law provides that the secretary of state shall also post a list of changed polling locations on the secretary of state's website.

Existing law provides that if the secretary of state determines that a gubernatorially declared emergency impairs an election due to certain circumstances, the secretary of state shall certify such facts and the reasons therefor to the governor, the Senate Committee on Senate and Governmental Affairs, and the House Committee on House and Governmental Affairs.



Existing law provides that if the governor and a majority of the members of each committee concur that such an emergency plan is necessary, the secretary of state shall develop a written emergency plan. Provides that the plan shall propose a resolution to problems impairing the holding of the election with respect to the following:

- (1) Relocation or consolidation of polling places.
- (2) Shortages of commissioners and absentee commissioners.
- (3) Shortages of voting machines.
- (4) Conducting early voting for displaced persons.

Existing law requires the secretary of state to submit the emergency plan to the Senate Committee on Senate and Governmental Affairs, the House Committee on House and Governmental Affairs, and the governor. If a majority of the members of the legislative committees approve the emergency plan, the plan shall be submitted to the members of each house of the legislature for approval by mail ballot. If the legislature and the governor approve the emergency plan, the secretary of state shall implement the plan.

New law provides that if the secretary of state determines that an emergency declared within 45 days prior to an election impairs an election that may otherwise be held except for problems with respect to the relocation or consolidation of polling places within the parish, potential shortages of commissioners, or shortages of voting machines, the secretary of state shall submit notice of such problems and proposed solutions to both the House and Senate committees on governmental affairs as well as the governor's office. Following such notice, the secretary of state shall take necessary actions to ensure successful execution of the election including:

- (1) Adjusting deadlines.

- (2) Adjusting provision of equipment, staffing, and other resources.

Existing law regarding approval of a plan by the governor and the legislature is not applicable to new law.

New law requires the Dept. of State to provide a report to the legislature within 15 days of an election detailing such actions taken pursuant to new law.

Effective October 1, 2022.

(Amends R.S. 18:401.2(B)(intro. para.); Adds R.S. 18:401.2(B)(5) and 401.4)

### **Emergency Election Plans (ACT 286)**

Existing law provides that if the secretary of state determines that an emergency declared by the governor impairs an election that could be held except for technical, mechanical, or logistical problems with respect to the relocation or consolidation of polling places and potential shortages of commissioners or voting machines, the secretary of state shall certify the facts and the reasons for that determination to the governor, the Committee on Senate and Governmental Affairs, and the Committee on House and Governmental Affairs. New law adds other impairments that affect participation in or the integrity of the electoral process to the impairments that the secretary may consider and certify to the governor and the committees.

Existing law provides that if the governor and a majority of the members of each committee concur that an emergency plan is necessary, the secretary of state shall develop an emergency plan to address the impairments. Existing law is applicable to the additional impairments added by new law.

New law additionally requires the committees to meet and function as a joint committee within 10 days following the secretary of state's certification.

Existing law authorizes the secretary of state to include in the plan a proposal to conduct early voting.

Prior law limited the locations of such early voting to the offices of the registrars and provides for conducting early voting in accordance with existing law. New law removes these limitations and provides for such early voting at times and locations that are accessible to affected voters.

Existing law requires the secretary of state to present the plan to the governor, Senate and Governmental Affairs Committee, and House and Governmental Affairs Committee for their approval.

New law specifically authorizes the secretary of state to present alternative plans at the same time and also authorizes the secretary to present the plan or plans at the same time as the certification. Requires the joint committee to meet no later than 10 days following receipt of the plan. Requires the joint committee to send notice of each meeting held pursuant to new law to the governor. Provides that the governor or his designee may attend and provide recommendations regarding the emergency plan. New law specifically provides that the secretary of state may incorporate changes suggested and approved by the joint committee.

Existing law provides that upon approval by a majority of the members of the Senate and Governmental Affairs Committee and of the House and Governmental Affairs Committee, the emergency election plan shall be sent to members of each house of the legislature for approval by mail ballot.

Existing law provides that a copy of the roll call votes of the Senate and Governmental Affairs Committee and the House and Governmental Affairs Committee on the approval of the emergency plan and the plan shall be included in the notice sent with the ballots to members of both houses of the legislature and that the ballots must be returned to the secretary of the Senate or clerk of the House of Representatives within a certain time period.

New law provides that if a majority of the elected members of each house approve the emergency plan, the governor shall approve or disapprove the plan no later than five days after he receives the certified tabulation sheet. Requires the governor to send his approval message to the secretary of state and the chairs of the governmental affairs committees. Requires the governor to immediately send his disapproval message to the secretary of the Senate and clerk of the House who shall immediately transmit a ballot to each member of the legislature phrased to allow members to vote for or against overriding the governor's disapproval using the same procedures and deadlines provided in new law.

Existing law provides that upon approval by a majority of the members of each house of the legislature and the governor, the secretary of state shall take all steps necessary to implement the plan. New law provides that if two-thirds of the elected members of each house of the legislature vote to override the governor's disapproval, the secretary of state shall take all steps necessary to implement plan.

Effective August 1, 2022.

(Amends R.S. 18:401.3(B), (C), and (D)(1), (2)(a)(i) and (ii), (3), and (4); adds R.S. 18:401.3(E))

### **Election Personnel Compensation (ACT 423)**

Existing law provides for each member of a parish board of election supervisors to receive compensation for each day actually spent in the performance of his duties in preparing for and supervising each election held in the parish.

New law increases the amount of compensation received from \$50 per day to \$150 per day.

Existing law provides for each election commissioner-in-charge of more than one precinct at the polling place on election day to receive compensation.

New law increases the amount of compensation for each election commissioner-in-charge of

more than one precinct at the polling place on election day from \$300 to \$350.

Existing law provides for each election commissioner who assists a registrar of voters with the conduct of early voting to be paid in accordance with the provisions of existing law.

New law increases the compensation paid to each election commissioner who assists a registrar of voters with the conduct of early voting from \$100 to \$150.

Effective August 1, 2022.

(Amends R.S. 18:423(E), 426.1(A)(2), and 1309(J))

### **Poll Watchers (ACT 178)**

Prior law provided that any qualified Louisiana voter who was not entitled to assistance in voting and was not a candidate in the election may serve as a poll watcher.

New law provides that any qualified Louisiana voter who is not a candidate in the election may serve as a poll watcher.

Effective May 31, 2022.

(Amends R.S. 18:427(A))

### **Candidate Email Address (ACT 35)**

Existing law requires that a person who desires to become a candidate in a primary election file a notice of candidacy. Requires that a candidate provide the following in his notice of candidacy: his name, the office he seeks, the address of his domicile, his telephone number, and the parish, ward, and precinct where he is registered to vote.

Prior law required that the candidate also provide his electronic mail address if available.

New law requires that the candidate provide his electronic mail address.

Effective upon signature of governor (May 17, 2022).

(Amends R.S. 18:463(A)(1)(a))

### **Authority to Change Polling Places (ACT 618)**

Existing law provides that polling places for elections are established by parish governing authorities and generally provides that only the parish governing authority may change a polling place.

Existing law generally prohibits changing a polling place during the following periods:

(1) If an election includes candidates for office, from the opening of qualifying to the general election.

(2) If an election includes only propositions, from 46 days prior to the election to election day.

Existing law provides exceptions. Authorizes the governing authority to change a polling place during the periods when such a change is otherwise prohibited if the polling place becomes unavailable due to an emergency caused by an act of God or if privately owned property is unavailable through no fault of the governing authority.

Existing law authorizes the parish president to change a polling place during the periods when such a change is otherwise prohibited if the polling place is unavailable for reasons described by existing law. However, prior law provided that the parish president was authorized to change a polling place only if there was not going to be a regularly scheduled meeting of the parish governing authority prior to the election. New law removes the prior law limitation on the president's authority to change a polling place.

Effective August 1, 2022.

(Amends R.S. 18:534(B)(2)(a) and (c))

### **Notification of Polling Place Locations (ACT 652)**

Existing law provides relative to polling places for elections. Requires parish governing

authorities to establish one polling place for each precinct. Existing law requires the parish governing authority to publish a notice of each establishment or change of location of a polling place. Also requires each parish board of election supervisors to publish the location of polling places in the parish during the third week before each primary election.

Existing law generally prohibits changing the location of a polling place within a specified period prior to and during an election. However, existing law authorizes changing a polling place during the specified period if a polling place becomes unavailable because of an emergency caused by an act of God or because privately owned property being used as a polling place becomes unavailable through no fault of the governing authority. Existing law also authorizes the secretary of state to authorize the relocation of a polling place that is destroyed, inaccessible, or unsafe due to an emergency or common disaster.

If a polling place is relocated under these conditions, existing law requires that each voter registered to vote at that polling place and each candidate to be voted on at that polling place be notified of the change in the following manner:

(1) Each candidate shall be given immediate notice by telephone and by certified mail. For relocations due to an emergency, authorizes notification by electronic means as an alternative to authorization by telephone.

(2) Posting of a sign at the former polling place directing voters to the new location.

(3) Stationing a parish employee at the former polling place to direct potential voters to the new location.

(4) If reasonable time exists, publication of the notice of the change in the official journal of the parish and in any other newspaper of general circulation in the precinct or precincts affected.

New law requires that the locations and relocations of polling places be published on the website of the secretary of state and authorizes

publication of such information on websites maintained by parish election officials. Further requires that each website with such information include instructions on how a voter may subscribe to receive electronic notifications of polling place location changes.

Effective October 15, 2022.

(Amends R.S. 18:535(B); Adds R.S. 18:536(C))

### **School Board Terms and Elections (ACT 177)**

Existing law provides that if the unexpired term of a vacant office in the membership of a city or parish school board is one year or less, the person appointed to fill the vacancy or designated to assume the duties of office will serve for the remainder of the unexpired term.

Existing law further provides that if the unexpired term of a vacant office in the membership of a city or parish school board exceeds one year, the school board must issue a proclamation ordering a special election to fill the vacancy within 20 days after the vacancy occurs.

New law provides that if the unexpired term of a vacancy in the membership of a city or parish school board exceeds one year, but the vacancy occurs within one year of the first election at which a redistricting plan adopted following the most recent federal decennial census is to be utilized, no special election will be called, and the person appointed to fill the vacancy will serve for the remainder of the unexpired term.

Effective May 31, 2022.

(Adds R.S. 18:602(E)(5))

### **U.S. Congressional Districts Redrawn (ACT 5 of First Extraordinary Session)**

Existing U.S. Constitution (14th Amendment) provides that representatives in congress shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state. The U.S. Supreme Court has held that the population of

congressional districts in the same state must be as nearly equal in population as practicable.

Prior law provided boundaries for six congressional districts based upon the 2010 federal decennial census.

New law redraws district boundaries for the congressional districts based upon the 2020 federal decennial census.

New law provides that the new districts became effective the day after the legislature approved the Act subsequent to gubernatorial veto (March 31, 2022) for election purposes only for the regular congressional elections in 2022. Retained districts based upon the 2010 census until noon on January 3, 2023, at which time prior law was repealed and the districts based upon the 2020 census, as established by new law, became effective for all other purposes.

New law specifies that precincts referenced in district descriptions are those precincts identified as Voting Districts (VTDs) in the 2020 Census Redistricting TIGER/Line Shapefiles for the state of La. as validated through the data verification program of the La. legislature. Also specifies that if any such precinct has been subdivided by action of the parish governing authority on a nongeographic basis or subdivided by action of the parish governing authority on a geographic basis in accordance with existing law, the enumeration of the general precinct designation shall include all nongeographic and all geographic subdivisions thereof. Further provides that the territorial limits of the districts as enacted shall continue in effect until changed by law regardless of any subsequent change made to the precincts by the parish governing authority.

New law specifies that new law does not reduce the term of office of any person holding any position or office on the effective date of new law for which the appointment or election is based upon a congressional district as composed pursuant to prior law. Specifies that any position or office filled after January 3, 2023, for which the appointment or election is based on a congressional district shall be appointed or

elected from a district as it is described in new law.

Statistical summaries of new law, including district variances from the ideal population of 776,292 and the range of those variances, as well as maps illustrating the new district boundaries accompany the enrolled bill version available on the internet. The population data in the summaries are derived from 2020 Census Redistricting Data (Public Law 94-171), Summary File for Louisiana. Population data, statistical information, and maps are supplied for purposes of information and analysis and comprise no part of new law.

New law was vetoed by the governor on March 9, 2022, and the legislature subsequently approved new law on March 30, 2022, during a veto session.

Effective the day after legislative approval subsequent to gubernatorial veto (March 31, 2022) for election purposes only for the regular congressional elections in 2022; effective for all other purposes at noon on January 3, 2023.

(Adds R.S. 18:1276; Repeals R.S. 18:1276.1)

#### **Natchitoches Parish and Video Draw Poker (ACT 125)**

New law authorizes the governing authority of Natchitoches Parish to call a local option election to allow the operation of video draw poker devices.

New law provides that the governing authority of Natchitoches Parish will call the election by ordinance or resolution.

New law provides that the ordinance will specify the date of the election and the wording of the ballot.

New law requires the governing authority of Natchitoches Parish to promptly notify the La. Gaming Control Board of the election results.

New law provides that the costs of the election will be borne by the governing authority of Natchitoches Parish.

New law provides that the election will occur only once.

Effective May 25, 2022.

(Adds R.S. 18:1300.26)

### **Absentee by Mail Voting (ACT 539)**

Existing law provides that any voter may vote at an early voting site in a parish where the voter is registered to vote.

Existing law provides that, under certain circumstances, a voter may request an absentee by mail ballot and vote prior to election day. Existing law requires an absentee by mail ballot to be marked as provided in existing law and returned to the registrar by commercial courier, by the United States Postal Service, or hand delivery.

New law requires a hand-delivered absentee ballot to be returned by the voter or a person authorized by the voter to the registrar or an employee of the registrar at one of the following locations:

(1) The registrar's principal office or branch office.

(2) An early voting location in the parish in which the voter is registered to vote during the time period set forth for early voting.

Effective June 17, 2022.

(Amends R.S. 18:1308(B))

### **Review, Curing, and Rejection of Absentee by Mail Ballots (ACT 639)**

Existing law provides for absentee voting materials and provides the method by which the voter shall complete and submit an absentee ballot.

Existing law provides that the parish board of election supervisors is responsible for preparation, verification, counting, and tabulation of absentee by mail ballots. Provides for challenges of absentee by mail ballots and requires rejection of such ballots under specified circumstances.

New law provides that the secretary of state shall promulgate rules to effectuate a uniform process for the review, curing, and rejection of deficient absentee by mail ballots by the parish board of election supervisors.

Effective upon signature of governor (June 18, 2022).

(Adds R.S. 18:1317)

### **Post-Election Tabulation Audit of Paper Ballots (ACT 741)**

Existing law provides for the powers and duties of the secretary of state with respect to voting machines. Requires the secretary to promulgate uniform rules and regulations with respect to procurement, preparation, and use of voting systems. Provides that such rules and regulations shall provide for standards and procedures for the control and auditability of voter-verified paper records.

New law additionally requires the secretary of state to establish and implement policies and procedures for the conduct of a post-election tabulation audit of paper ballots and related records.

New law provides that the provisions of new law shall not be implemented until after the procurement and implementation of a new voting system by the secretary of state.

Effective January 1, 2023.

(Adds R.S. 18:1353(C)(5))

### **Voting Machine Testing Certification (ACT 572)**

Existing law provides that the secretary of state shall prepare the voting machines for an election by testing and adjusting the machines. Further provides that a test vote report shall be produced by each machine.

New law requires a signed certification of such testing to be submitted to the parish board of election supervisors.

Effective August 1, 2022.

(Amends R.S. 18:1373(A)(2))

### **Political Campaign Digital Materials and Ads (ACT 39)**

Existing law provides regulations of materials and advertisements distributed or transmitted in political campaigns. Prohibits a person from causing distribution or transmittal of material containing any statement which he knows or should be reasonably expected to know makes a false statement about a candidate for election or about a proposition to be submitted to the voters.

Existing law prohibits a person from causing distribution or transmittal of material for or on behalf of a candidate, constituting a paid political announcement or advertisement, that is paid for by a third party without providing the name of the third party on the face of the advertisement.

Existing law is applicable to oral, visual, and written material. New law adds digital materials to the materials subject to existing law and provides specific font requirements for disclosing the name of a third party who paid for the announcement or advertisement in digital materials.

Prior law excluded any radio station, television broadcast station, cable television company, or newspaper from existing law regarding identification of third parties that pay for political announcements or advertising. New law provides instead that a media company that has no input in or control over the content of a political

announcement or advertisement is not subject to existing law.

Existing law provides that whoever violates existing law shall be fined not more than \$2000 or be imprisoned, with or without hard labor, for not more than two years, or both. A violation of new law is subject to these penalties.

Effective upon signature of governor (May 17, 2022).

(Amends R.S. 18:1463(C)(1), (E), and (F); Adds R.S. 18:1463(G))

### **Political Committees (ACT 135)**

New law defines "political committee" or "committee" as two or more persons, other than a husband and wife, and any *legal entity* organized for the primary purpose of supporting or opposing one or more candidates, propositions, recalls of a public officer, or political parties, which accepts contributions in the name of the committee, or makes expenditures from committee funds or in the name of the committee, or makes a transfer of funds to or receives a transfer of funds from another committee, or receives or makes loans in an aggregate amount in excess of \$500 within any calendar year. Further provides that those terms include two or more persons, other than a husband or wife, and any *legal entity* which supports or opposes one or more candidates, propositions, recalls of a public officer, or political parties, and which accepts direct payments for personal services related to an election or a campaign in the name of the committee in an aggregate amount in excess of \$500 within any calendar year.

Prior law contained the term "corporation" rather than "legal entity" in the otherwise existing law definition of "political committee" or "committee".

Effective August 1, 2022.

(Amends R.S. 18:1483(14)(a)(i) and (ii))

## **Political Committees (ACT 728)**

Existing law (R.S. 18:1491.1), relative to campaign finance disclosure, requires each political committee which knows or anticipates that it will receive contributions or loans, make expenditures or loans, or make a transfer of funds to or receive a transfer of funds from another committee during a calendar year in the aggregate amount exceeding \$500 to file a statement of organization with the supervisory committee annually between Jan. 1st and Jan. 31st, or if organized after Jan. 31st, no later than the 10th day after organization. Existing law further requires that any change in information previously submitted in the annual statement of organization shall be reported to the supervisory committee within 10 days following the change.

Existing law specifies the content of the statement of organization, including a statement for the organizers to indicate, if applicable, whether the committee is a principal campaign committee and the name of the candidate by whom it is designated as a principal campaign committee, or whether the committee is a subsidiary committee and the name of the committee or candidate by whom it is designated as a subsidiary committee.

New law adds the following to content of the statement of organization: (1) a statement for the organizers to indicate if the committee is organized to support a single candidate and if applicable, that the committee is not the principal or subsidiary committee of the candidate and a certification by the committee that the committee is not working and will not work in coordination, consultation, or cooperation with the candidate; and (2) a statement, if applicable, that the committee is organized solely to make independent expenditures and a certification by the committee that the committee is not and will not make contributions in contravention of existing law (the Campaign Finance Disclosure Act).

Existing law (R.S. 18:1491.3(C)) provides that a political committee organized to support a single candidate shall be a subsidiary committee of the candidate or of the candidate's principal

campaign committee unless the candidate files a statement in writing with the supervisory committee that the committee is not a subsidiary committee of the candidate within 10 days of the committee's organization.

New law requires the supervisory committee to immediately notify the affected candidate of his obligations pursuant to existing law if it receives a statement of organization from a committee organized to support that single candidate that asserts the committee is not a principal or subsidiary committee of that candidate.

Effective January 1, 2023.

(Amends R.S. 18:1491.1(B)(5); Adds R.S. 18:1491.1(F))

## **Redistricting Plan Deadlines (ACT 688)**

Existing law provides that no redistricting plan will be implemented unless it is received by the secretary of state in a specific format required by existing law for local governing bodies no later than 4:30 p.m. four weeks prior to the date the qualifying period opens. Existing law defines "local governing body" to include each parish governing authority, municipal governing authority, and school board.

New law permits the submission of technical corrections to a timely submitted and properly formatted redistricting plan of a local governing body until 10 days prior to date the qualifying period opens.

Effective June 18, 2022.

(Amends R.S. 18:1945(C))

## **TITLE 19: EXPROPRIATION**

## **TITLE 20: HOMESTEADS AND EXEMPTIONS**



## **TITLE 21: HOTELS AND LODGING HOUSES**

## **TITLE 22: INSURANCE**

### **Hearings under Insurance Code (ACT 185)**

Prior law provided that whenever the commissioner of insurance (commissioner) receives notification of an apparent violation from the division of diversity and opportunity and determines, after notice and opportunity for a hearing in accordance with the Administrative Procedure Act, that an insurer has engaged in a pattern or practice of employment discrimination, he may issue an order requiring the insurer to cease and desist engaging in such unlawful act or practice.

New law repeals the provision in prior law that required the commissioner to send notice and give an opportunity for a hearing and provides that an aggrieved party affected by the commissioner's decision, act, or order may demand a hearing in accordance with existing law (Chapter 12 of Title 22, R.S. 22:2191 et seq.).

Prior law provided that before an order for revocation of registration of securities is made final, the insurance company or other insurer applying for registration shall on application be entitled to a hearing, and after such hearing the commissioner shall notify it of the final ruling on the matter.

New law repeals prior law and provides that if an order of revocation is entered, the aggrieved party may demand a prompt hearing in accordance with existing law (Chapter 12 of Title 22, R.S. 22:2191 et seq.).

New law provides that if a hearing is not timely requested, the commissioner shall enter a final order revoking the registration of the security, with his findings with respect thereto.

New law provides that if upon a hearing, the division of administrative law finds that the revocation of the security was not according to

law, the commissioner shall enter an order revoking the order of revocation and such security shall be restored to its status as a registered security as of the date of the order of suspension.

Prior law provided that a dealer's or salesman's registration may be refused or revoked by the commissioner if after reasonable notice and a hearing the commissioner determines that such applicant or registrant so registered has committed one or more of the prohibited acts enumerated in existing law.

Existing law provides that an aggrieved party whose registration is refused or revoked may demand a hearing in accordance with existing law (Chapter 12 of Title 22, R.S. 22:2191 et seq.).

New law repeals the provision in prior law that required the commissioner to give reasonable notice and a hearing before refusing or revoking a dealer's or salesman's registration and retains the provisions in existing law providing that an aggrieved party whose registration is refused or revoked may demand a hearing in accordance with existing law (Chapter 12 of Title 22, R.S. 22:2191 et seq.).

Prior law authorized the commissioner to, after notice and public hearing, promulgate such reasonable rules and regulations as are necessary to provide for the licensing of producers.

New law replaces the notice and public hearing requirement in prior law with a requirement that the commissioner promulgate rules and regulations in accordance with the Administrative Procedure Act.

Prior law authorized the commissioner to, after notice and hearing, promulgate rules and regulations as may be necessary or proper to carry out the provisions of the Health Maintenance Organizations law, subject to the rulemaking and review provisions of the Administrative Procedure Act.

New law repeals the notice and hearing requirements in prior law and retains the Administrative Procedure Act provision.

Prior law required the commissioner to make a certified report of the findings from his examination of self-insurers and furnish a copy to the self-insurer at least 30 days prior to the filing of the report in the office of the commissioner for public inspection.

Prior law authorized a self-insurer to request a hearing to consider objections to the report during the 30 days prior to the report filing.

New law repeals prior law and requires the commissioner to make a certified report of his findings and furnish a copy to the self-insurer pursuant to the provisions of existing law (R.S. 22:1983).

Prior law authorized the commissioner to refuse, suspend, or revoke a certificate of authority of a captive insurer if, after an examination and hearing, the commissioner determines that the captive insurer satisfies any of the conditions enumerated in existing law.

Existing law provides that an aggrieved party affected by the commissioner's decision, act, or order may demand a hearing in accordance with existing law (Chapter 12 of Title 22, R.S. 22:2191 et seq.).

New law repeals the requirement that the commissioner conduct a hearing prior to refusing, suspending, or revoking a certificate of authority from a captive insurer.

Prior law required the commissioner to give a reinsurer notice and opportunity for a hearing.

Existing law provides that the suspension or revocation may not take effect until after the commissioner's order and a hearing unless certain enumerated circumstances are present.

New law specifies that the commissioner shall give the reinsurer notice of the suspension or revocation and opportunity for a hearing in accordance with existing law (Chapter 12 of Title 22, R.S. 22:2191 et seq.).

Existing law provides that if an acquisition violates the standards of existing law, the

commissioner may enter an order that requires an involved insurer to cease and desist from doing business in this state.

Existing law provides that such an order shall not be entered unless interested parties have an opportunity for a hearing, notice of the hearing is issued prior to the end of the waiting period, and the hearing is concluded and the order is issued no later than 60 days after the date of the filing of the pre-acquisition notification.

New law specifies that the hearings shall be public hearings.

Prior law provided that if, at the discretion of the commissioner, it appears that an insurer's detailed explanation provided for in existing law is without merit, the commissioner may require, after notice and hearing, the insurer to pay a penalty of \$100 for each day's delay, or may suspend or revoke the insurer's authority.

New law repeals the notice and hearing requirements in prior law and provides that an aggrieved party affected by the commissioner's decision, act, or order may demand a hearing in accordance with existing law (R.S. 22:691.17).

Prior law provided that any director or officer of an insurance holding company system who knowingly violates any provisions of existing law shall pay, in his individual capacity, a civil forfeiture of not more than \$1,000 per violation, after notice and opportunity for a hearing.

Existing law authorizes the commissioner, after notice and opportunity for a hearing, to order an insurer to void any contracts and restore the status quo if the action is in the best interest of the policyholders, creditors, or the public.

New law repeals the notice and hearing requirements in prior law and provides that an aggrieved party affected by the commissioner's decision, act, or order may demand a hearing in accordance with existing law (R.S. 22:691.17).

Prior law provided that if, after a hearing, the commissioner finds that any activity or practice of a joint underwriting association is unfair,

unreasonable, or otherwise inconsistent with the provisions of existing law, the commissioner shall issue a written order specifying in what respects such activity or practice is unfair, unreasonable, or otherwise inconsistent and shall require the discontinuance of such activity or practice.

New law repeals the notice and hearing requirement in prior law and retains the provision authorizing an aggrieved party affected by the commissioner's decision, act, or order to demand a hearing in accordance with existing law (Chapter 12 of Title 22, R.S. 22:2191 et seq.).

Prior law provided that if a limited licensee violates the provisions of existing law, the commissioner may revoke or suspend his limited license and after notice and hearing impose other penalties, including suspending the transaction of insurance at specific rental locations where violations have occurred, as the commissioner deems to be necessary.

New law repeals the notice and hearing requirements in prior law and provides that an aggrieved party affected by the commissioner's decision, act, or order may demand a hearing in accordance with existing law (Chapter 12 of Title 22, R.S. 22:2191 et seq.).

Prior law authorized the commissioner to cancel or suspend the certificate of any registered insurance or bail bond producer prelicensing program which does not meet the requirements of existing law or rules promulgated by the commissioner.

New law repeals the notice and hearing requirements in prior law and retains the provision authorizing an aggrieved party affected by the commissioner's decision, act, or order to demand a hearing in accordance with existing law (Chapter 12 of Title 22, R.S. 22:2191 et seq.).

Prior law provided that if the commissioner finds, after a hearing conducted in accordance with the Administrative Procedure Act, that any person has violated the provisions of existing law, the commissioner is authorized to take certain disciplinary action.

Existing law provides that the decision of the commissioner shall be subject to judicial review pursuant to existing law (Chapter 12 of Title 22, R.S. 22:2191 et seq.).

New law repeals the hearing requirement in prior law and retains the provision providing that the decision of the commissioner is subject to review pursuant to existing law (Chapter 12 of Title 22, R.S. 22:2191 et seq.).

Prior law provided that any person aggrieved by the decision, determination, or order of the commissioner may appeal to the 19<sup>th</sup> Judicial District Court.

New law repeals the hearing requirement in prior law and retains the provision providing that any person aggrieved by the decision, determination, or order of the commissioner may appeal to the 19<sup>th</sup> Judicial District Court.

Prior law provided that if a vendor of portable electronics violates any provision of existing law, the commissioner may, after notice and opportunity for a hearing, take certain disciplinary action.

New law repeals the notice and hearing requirement in prior law and provides that an aggrieved party affected by the commissioner's decision, act, or order may demand a hearing in accordance with existing law (Chapter 12 of Title 22, R.S. 22:2191 et seq.).

Prior law provided that the commissioner may, after notice and a hearing, promulgate in accordance with the Administrative Procedure Act such rules and regulations as may be necessary or proper to carry out the provisions of existing law (R.S. 22:1831 et seq.).

New law repeals the notice and hearing requirement in prior law and retains the provision requiring that such rules and regulations be promulgated in accordance with the Administrative Procedure Act.

Prior law provided that if the commissioner has reasonable cause to believe that a board member failed to disclose a known conflict of interest with

his duties on the board, failed to take appropriate action based on a known conflict of interest with his duties on the board, or has been indicted or charged with a felony or misdemeanor involving moral turpitude, the commissioner may suspend that board member pending the outcome of an investigation or hearing by the commissioner or the conclusion of any criminal proceedings.

Existing law provides that in the event that the allegations are substantiated at the conclusion of an investigation, hearing or criminal proceeding, the seat shall be declared vacant

New law repeals the hearing option in existing law.

Prior law provided that if the association fails to submit suitable amendments to its plan of operations, the commissioner shall, after notice and hearing, adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of the La. Insurance Guaranty Association Law.

New law repeals the notice and hearing requirement in prior law and provides that the adoption and promulgation of rules by the commissioner shall be done in accordance with the Administrative Procedure Act.

Existing law provides that any person insured pursuant to existing law (R.S. 22:2322-2334), or his representative, or any affected insurer, who may be aggrieved by an act, ruling, or decision of the governing committee of the plan may, within 30 days after such ruling, appeal to the commissioner.

Prior law provided that any hearings held by the commissioner pursuant to such an appeal shall be in accordance with the procedure set forth in the insurance laws of Louisiana.

Prior law provided that persons or insureds aggrieved by any order or decision of the commissioner may appeal as is provided by the provisions of the insurance laws of the state of Louisiana

New law repeals prior law and provides that any person or insured aggrieved by any order of the commissioner may demand a hearing in accordance with existing law (Chapter 12 of Title 22, R.S. 22:2191 et seq.).

New law makes technical changes.

Effective August 1, 2022.

(Amends R.S. 22:33(A)(intro. para.), 88(F)(7) and (I)(1)(intro. para.), 255, 258, 462(G), 550.12(A)(intro. para.), 651(K), 691.5(E)(1)(b), 691.8(B)(2), 691.13(B) and (C), 1472(B), 1550.1(D), 1571(H), 1627(A)(intro. para.) and (B), 1781.5, 1835(A), 2057(E), 2059(A)(2), 2089(A)(2), and 2331; Adds R.S. 22:691.13(G))

### **Health Insurance for Retired Public Fire Employees (ACT 339)**

New law prohibits a health insurance issuer (issuer) from refusing to enroll a fire employee formerly employed by a municipality, parish, or fire protection district with which the issuer maintains a policy of group health insurance coverage, where: (1) the fire employee is no longer employed due to retirement; and (2) the fire employee is not yet eligible for Medicare.

New law prohibits an issuer from discriminating between active and retired fire employees on the basis of active or retired status.

New law does not require an issuer to provide coverage for a retired fire employee under circumstances in which an active fire employee could lawfully be denied coverage nor requires an issuer to offer terms, rates, or benefits to a retired fire employee that are not lawfully required for offer to an active fire employee.

New law should not be interpreted to require a municipality, parish, or fire protection district to offer insurance to a retired fire employee, nor prohibit such municipality, parish, or fire protection district from offering insurance to only active employees, nor prohibit an issuer from complying with the decision of a municipality, parish, or fire protection district as to whom it will offer insurance.

New law defines "fire employee".

Effective August 1, 2022.

(Adds R.S. 22:36)

### **Named-Storm Residential Claims Adjustment (ACT 263)**

Prior law provided general definitions applicable to the insurance code.

New law retains prior law and adds definitions for "residential coverage", "personal residential coverage", and "commercial residential coverage".

New law provides that if an insurance claim arises due to a named storm or hurricane for which a declared state of emergency or disaster and within a six-month period the insurer assigns a third or subsequent claims adjuster to be primarily responsible for a personal residential property insurance claim, the insurer shall in a timely manner provide insured all of the following:

(1) A written status report that includes at least the following:

(a) The manner in which the insured's deductible has been applied and a statement as to whether the applicable deductible has been exhausted.

(b) The dollar amounts available under each coverage.

(c) The dollar amounts paid under each coverage.

(d) The dates on which payments were issued, to whom checks were payable, and addresses to which checks were sent or the means by which funds were otherwise delivered.

(e) A summary of items known to the insurer, as of the date of the status report, that remain to be adjusted and for which the insured must provide further information or documentation to the insurer in order to complete the adjustment process.

(2) A primary contact.

(3) Two or more direct means of communication with the primary contact.

New law defines "primary contact" as an adjuster or team employed or retained as a member or members of the insurer's staff who is knowledgeable about the claim.

New law requires the insurer to maintain a primary contact until the insurer closes the claim or a party files suit on the claim.

New law provides that the designation of the primary contact does not preclude other claims personnel, vendors, or professionals, including clerical staff members and call staff members from working on portions of the insured's claim.

New law requires that the insurer refer the insured to his supervisor at the request of the insured.

Effective August 1, 2022.

(Adds R.S. 22:46(14.1) and R.S. 22:1897)

### **Surety Insurance and Deposit Insurance (ACT 194)**

Existing law provides that surety insurance is a contract whereby one becomes a surety or guarantor for the performance of any person of any lawful obligation, undertaking, agreement, or contract of any kind, except contracts or policies of insurance; or guaranteeing against loss or damage resulting from failure of debtors to pay their obligations to the insured; and underwriting blanket bonds.

New law retains existing law.

Prior law provided that no insurer, except the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration (NCUA), or any similar insurance corporation hereinafter created by the Congress of the United States or the legislature of any state shall insure deposits in banks, savings and loan associations, credit unions, finance operations, or similar institutions.

New law repeals prior law and prohibits persons and insurers from offering primary deposit insurance, except the FDIC or the NCUA, or any similar insurance corporation hereinafter created by the Congress of the United States or the legislature of any state for deposits in banks, savings and loan associations, savings banks, credit unions, finance operations, or similar institutions.

New law provides that an insurance corporation may be licensed to offer excess share insurance to provide coverage for an amount above the amount insured by the NCUA and, if licensed, may offer such coverage.

New law provides that an insurance corporation may be licensed to offer excess deposit insurance to provide coverage for an amount above the amount insured by the FDIC and, if licensed, may offer such coverage.

Effective upon signature of governor (May 25, 2022).

(Amends R.S. 22:47(14) and (18))

### **Domestic Insurer Minimum Capital and Surplus (ACT 60)**

New law requires domestic stock insurers authorized to transact homeowners' insurance or fire and allied lines prior to Sept. 1, 1989, to have paid-in capital, minimum surplus, and operating surplus totaling at least \$5,000,000 by Dec. 31, 2026, and totaling at least \$10,000,000 by Dec. 31, 2031.

New law requires domestic stock insurers authorized to transact homeowners' insurance or fire and allied lines after Sept. 1, 1989, to have paid-in capital, minimum surplus, and operating surplus totaling at least \$5,000,000 by Dec. 31, 2026 and totaling \$10,000,000 by Dec. 31, 2031.

New law requires domestic stock insurers who apply for a certificate of authority after Sept. 1, 2022, which includes homeowners' insurance or fire and allied lines, to have paid-in capital, minimum surplus, and operating surplus totaling at least \$10,000,000.

New law requires domestic mutual insurers authorized to transact homeowners' insurance or fire and allied lines prior to Sept. 1, 1989, to have initial minimum surplus and operating surplus totaling at least \$5,000,000 by Dec. 31, 2026, and totaling \$10,000,000 by Dec. 31, 2031.

New law requires domestic mutual insurers authorized to transact homeowners' insurance or fire and allied lines after Sept. 1, 1989, to have initial minimum surplus and operating surplus totaling at least \$5,000,000 by Dec. 31, 2026, and totaling at least \$10,000,000 by Dec. 31, 2031.

New law requires domestic mutual insurers who apply for a certificate of authority after Sept. 1, 2022, which includes homeowners' insurance or fire and allied lines, to have initial minimum surplus and operating surplus totaling at least \$10,000,000.

Prior law provided that insurers already organized and qualified under state law as of July 27, 1966, shall continue to have the same underwriting powers as possessed on July 27, 1966, provided they increase the surplus requirements to the minimum amounts set forth in law on or before Aug. 1, 1967.

New law repeals prior law and requires domestic reciprocal insurers authorized to transact homeowners' insurance or fire and allied lines after Aug. 1, 1967, to have initial minimum surplus of at least \$5,000,000 by Dec. 31, 2026, and at least \$10,000,000 by Dec. 31, 2031.

New law requires domestic reciprocal insurers who apply for a certificate of authority after Sept. 1, 2022, which includes homeowners' insurance or fire and allied lines, to have an initial minimum surplus of at least \$10,000,000.

Effective January 1, 2023.

(Amends R.S. 22:165(B); Adds R.S. 22:81(D), 82(D) and (E), 111(D), 112(D) and (E), and 165(C))

### **Domestic Insurer Minimum Capital and Surplus (ACT 69)**

New law requires that domestic stock insurers authorized to transact homeowners' insurance or fire and allied lines prior to September 1, 1989, have paid-in capital, minimum surplus, and operating surplus in the amount of \$5,000,000 on or after December 31, 2026, and \$10,000,000 on or after December 31, 2031.

New law requires that domestic stock insurers authorized to transact homeowners' insurance or fire and allied lines after September 1, 1989, have paid-in capital, minimum surplus, and operating surplus in the amount of \$5,000,000 on or after December 31, 2026, and \$10,000,000 on or after December 31, 2031. Provides that domestic stock insurers who apply for a certificate of authority on or after September 1, 2022, which includes the lines of homeowners' insurance or fire and allied lines, have paid-in capital, minimum surplus, operating surplus in the amount of \$10,000,000.

New law requires that domestic mutual insurers authorized to transact homeowners' insurance or fire and allied lines prior to September 1, 1989, have initial minimum surplus and operating surplus in the amount of \$5,000,000 on or after December 31, 2026, and \$10,000,000 on or after December 31, 2031.

New law requires that domestic mutual insurers authorized to transact homeowners' insurance or fire and allied lines after September 1, 1989, have initial minimum surplus and operating surplus in the amount of \$5,000,000 on or after December 31, 2026, and \$10,000,000 on or after December 31, 2031. Provides that domestic mutual insurers who apply for a certificate of authority on or after September 1, 2022, which includes the lines of homeowners' insurance or fire and allied lines, have initial minimum surplus and operating surplus in the amount of \$10,000,000.

Prior law required that insurers already organized and qualified under state law as of July 27, 1966, continue to have the same underwriting powers as possessed on July 27, 1966, provided they increase the surplus requirements to the minimum

amounts set forth in law on or before August 1, 1967.

New law removes this requirement and requires that domestic reciprocal insurers authorized to transact homeowners' insurance or fire and allied lines after August 1, 1967, have the initial minimum surplus in the amount of \$5,000,000 on or after December 31, 2026, and \$10,000,000 on or after December 31, 2031. Requires that domestic reciprocal insurers who apply for a certificate of authority on or after September 1, 2022, which includes the lines of homeowners' insurance or fire and allied lines, shall have initial minimum surplus in the amount of \$10,000,000.

Effective August 1, 2022.

(Amends R.S. 22:165(B); adds R.S. 22:81(D), 82(D) and (E), 111(D), 112(D) and (E), and 165(C))

### **Mutual Insurance Holding Companies – Technical Changes (ACT 161)**

Existing law provides that upon the approval of the insurance commissioner (commissioner), a domestic mutual insurance company may reorganize by forming a mutual insurance holding company based upon a mutual plan or by merging its policyholders' membership interests into such a mutual insurance holding company.

Existing law provides that after a public hearing, if satisfied that the interest of the policyholders are properly protected and that the plan of reorganization is fair and equitable to the policyholders, the commissioner shall approve the proposed plan of reorganization and may require modification of the proposed plan as he finds necessary for the protection of the policyholders' interests.

Existing law provides that the commissioner shall retain jurisdiction over a mutual insurance holding company and an intermediate holding company to protect policyholders' interests, and the mutual insurance holding company shall be subject to the requirements of certain enumerated provisions of existing law.

Existing law provides that the commissioner, after a public hearing, may approve a proposed merger, the commissioner may retain consultants, and the merger is subject to certain enumerated provisions of existing law.

Existing law provides that in addition to the limitation on dividends set forth in existing law, any dividends paid by a reorganized insurance company shall be paid to the shareholders of record in an equal amount with respect to each issued and outstanding share.

Existing law provides that an intermediate holding company and a reorganized insurance company may issue stock to any person legally permitted to own stock, provided that the company at all times owns a majority of the voting shares of capital stock.

Existing law provides that if a mutual insurance company complies substantially and in good faith with the notice requirements of certain enumerated provisions of law, the company's failure to give required notice does not impair the validity of actions taken.

Existing law provides procedures for conducting public hearings concerning a plan for reorganization.

Existing law provides that the commissioner shall hold a public hearing to hear evidence relative to certain issues related to a plan of reorganization.

Existing law defines "mutual insurance holding company", "mutual life insurance holding company", and "reorganized insurer".

Existing law provides that every health maintenance organization shall file Holding Company Act filings with the commissioner.

Existing law provides that insurance holding company systems may permit its directors, officers, controlling shareholders, or employees to serve on a title insurer's board of directors.

Existing law provides that insurance holding company systems may appoint its directors,

officers, controlling shareholders, or employees to serve on a title insurer's board of directors.

Existing law provides that all provisions of the Insurance Holding Company System Regulatory Law, to the extent they are not superseded by the Business Transacted with Producer Controlled Insurer Law, shall continue to apply to all parties within holding company systems subject to existing law.

Existing law provides that the provisions of existing law (R.S. 22:1564(B)) shall not apply to any producer who is an employee of an insurer or represents, by contractual agreement, only one insurer or a group of affiliated insurers.

Existing law provides that an underwriting manager which, pursuant to contract, manages all insurance operations of the insurer, is under common control with the insurer, is subject to the Insurance Holding Company System Regulatory Law, and whose compensation is not based on the volume of premiums written shall not be considered as a managing general agent.

Existing law provides that an insurance holding company system may appoint an officer, director, employee, subproducer, or controlling shareholder of its managing general agent to its board of directors.

Existing law provides that an underwriting manager which, pursuant to contract, manages all the reinsurance operations of the reinsurer, is under common control with the reinsurer, is subject to the Insurance Holding Company System Regulatory Law, and whose compensation is not based on the volume of premiums written shall not be considered a reinsurance intermediary-manager, with respect to such reinsurer.

Existing law provides that an insurer may not employ an individual who is employed by a reinsurance intermediary-broker with which it transacts business, unless he is under common control with the insurer and subject to the Insurance Holding Company System Regulatory Law.



Existing law provides that a reinsurance intermediary-manager shall not jointly employ an individual who is employed by the reinsurer, unless he is under common control with the reinsurer subject to the Insurance Holding Company System Regulatory Law.

Existing law provides that a reinsurer whose relationship is governed by the Insurance Holding Company System Regulatory Law or, if applicable, the Business Transacted with Producer Controlled Insurer Law may appoint to its board of directors any officer, director, employee, controlling shareholder, or subproducer of its reinsurance intermediary-manager.

New law retains and makes corrective changes to certain internal citation references in existing law.

New law makes technical changes.

(Amends R.S. 22:231, 232.1(B), 232.2(B), 232.3(B) and (D), 232.4(B), 232.7, 232.8, 236(10) and (20), 236.4(A), 237.2(10) and (20), 237.6(A), 252(C)(4), 524(2), 528(1), 553, 1564(B)(3), 1622(4)(b)(iii), 1625(J), 1722(10)(c), 1726(B), 1728(6), and 1729(F))

### **Foreign or Alien Insurer Behavior Control (ACT 68)**

Prior law authorized the commission of insurance to refuse, suspend, or revoke the certificate of authority of a foreign or alien insurer if he determines that the insurer:

(1) Is insolvent.

(2) Fails to comply with the requirements for admission in respect to capital, contingent liability, the investment of its assets or the maintenance of deposits in this or another state or fails to maintain the surplus which similar domestic insurers transacting the same kind or kinds of business are required to maintain.

(3) Is in a condition that its further transaction of business in this state would be hazardous to

policyholders and creditors in this state and to the public.

(4) Has refused or neglected to pay a valid final judgment against the insurer within sixty days after the rendition of judgment.

(5) Has violated any law of this state or has in this state violated its charter or exceeded its corporate powers.

(6) Has refused to submit its books, papers, accounts, records, or affairs to the reasonable inspection or examination of the commissioner of insurance, his actuaries, supervisors, deputies, or examiners.

(7) Has an officer who has refused upon reasonable demand to be examined under oath touching its affairs.

(8) Fails to file its annual statement within 60 days after the date when it is required by law to file a statement.

(9) Fails to file a copy of an amendment to its charter or articles of incorporation within sixty days after the effective date of the amendment, in accordance with law.

(10) Fails to file copies of the agreement and certificate of merger and the financial statements of the merged insurers, if required, within 60 days after the effective date of the merger.

(11) Fails to pay any fees, taxes or charges prescribed by law within 60 days after they are due and payable; however, in case of objection or legal contest the insurer shall not be required to pay the tax until 60 days after final disposition of the objection or legal contest.

(12) Fails to file any report or reports for the purpose of enabling the commissioner of insurance to compute the taxes to be paid by the insurer within 60 days after the date when it is required by law to file the report or reports.

(13) Has had its corporate existence dissolved or its certificate of authority revoked or suspended

in the state in which it was organized or in any other state in which it is admitted.

(14) Has had all its risks reinsured in their entirety in another insurer.

(15) Refuses to remove or discharge a director or officer who has been convicted of any crime involving fraud, dishonesty, or like moral turpitude.

(16) Is affiliated with and under the same general management, or interlocking directorate, or ownership as another insurer which transacts insurance in this state without having a certificate of authority, except as authorized in the La. Insurance Code.

(17) Fails to maintain a claims office for processing workers' compensation insurance claims in this state, or to retain the services of a claims adjuster who possesses a Louisiana license.

(18) Fails to require its producers to maintain licensure as producers as provided by law or by regulation of the Department of Insurance.

(19) Fails to file required biographical information within 60 days of the appointment of officers and directors appointed after issuance of the certificate of authority.

New law provides that the commissioner may not revoke or suspend the certificate of authority or a foreign or alien insurer under certain specific grounds until the insurer is given at least 30 days notice of the proposed revocation or suspension and of the grounds for it and is afforded the opportunity for a hearing.

Prior law prohibited suspension of the certificate in excess of one year. Provides that if a certificate of authority is suspended, revoked, or refused then the insurer may not be subsequently authorized unless the grounds for its suspension, revocation, or refusal no longer exist and the insurer is otherwise fully qualified.

New law retains these provisions but provides that for violations of prior law the commissioner

is authorized to impose a fine not exceeding \$5,000 for each violation or \$25,000 in the aggregate.

Effective August 1, 2022.

(Amends R.S. 22:337(A)(intro para))

#### **Approved Unauthorized Insurers (ACT 74)**

Prior law provides the commissioner of insurance (commissioner) must obtain and maintain a list of approved unauthorized insurers, and requires that an approved unauthorized insurer must comply with the provisions of new law applicable to foreign or alien insurers.

New law provides that to remain on the list of approved unauthorized insurers, an insurer must annually comply with certain filing requirements, unless the filings can be obtained through the National Association of Insurance Commissioners or from other public sources.

New law retains prior law and adds a requirement that in order to remain on the list of approved unauthorized insurers, an insurer must annually file with the commissioner the contact information required by prior law (R.S. 22:41.2).

Effective January 1, 2023.

(Amends R.S. 22:436(B)(intro para); adds R.S. 22:436(B)(5))

#### **Title Insurance Producers (ACT 264)**

Prior law provided definitions for title insurance.

New law retains prior law but adds a "full-time employee" is an individual with an employment or independent contractor relationship with an agency producer in which the individual provides full-time availability to the agency producer with whom the relationship exists and whose employment or contract relationship is exclusive to the agency producer and the agency producer's affiliated businesses.

New law defines "affiliated business" as a company or business in the same corporate

system by virtue of common ownership, control, operation, and management.

Prior law provided a definition of "agency title insurance producer" or "agency producer" is a business entity that is appointed to represent a title insurer that has a principal place of business located in this state, or is a licensed producer that is employed by the business entity and is responsible to comply with the requirements of prior law.

New law changes this provision from a designated licensed individual producer employed in state and is a designated licensed producer employed by the business that must comply with this section to a designated resident producer that has a license and must comply with prior law.

New law provides a "principal place of business" is the place the officers or other principals of the agency title insurance producer direct, control, and coordinate business activities.

New law requires qualifications for an agency title insurance producer that requires the producer to be licensed and to comply with prior law.

New law changes a title insurance producer is licensed to a title insurance producer is a resident with a license. Requires the resident individual producer have an affiliation with the business, like an ownership interest or a role that is sufficient to cause or to influence the business to comply with the laws of this state.

Effective August 1, 2022.

(Amends R.S. 22:512(11)(b) and 513(C)(intro para) and (2); adds R.S. 22:512(1.1), (9.1) and (12.1))

### **Captive Insurers (ACT 26)**

Prior law provided that the board of directors of a captive insurer shall meet at least quarterly each year.

New law provides that the board of an association captive insurer shall continue to meet at least

quarterly each year and provides that the board of a pure captive insurer shall meet at least once annually.

Effective August 1, 2022.

(Amends R.S. 22:550.14(A))

### **Catastrophe Response Plans for Insurers and HMOs (ACT 157)**

Prior law required every insurer writing any form of commercial or residential property insurance, automobile insurance, marine, or inland marine insurance or writing life or health and accident insurance to maintain a catastrophe response plan that describes how the insurer will respond to a catastrophe affecting its policyholders.

Prior law required each health maintenance organization, managing general agent, and third-party administrator to maintain a catastrophe response plan that describes how it will respond to a catastrophe affecting its business operations.

New law repeals prior law and requires every insurer, as defined in existing law (R.S. 22:46(10)) and every health maintenance organization operating in this state to maintain a catastrophe response plan that describes how the insurer will respond to a catastrophe affecting its business operations and policyholders or subscribers.

New law requires every third-party administrator to maintain a catastrophe response plan that describes how it will respond to a catastrophe affecting its business operations.

New law provides that insurers are not required to ensure third-party administrators are in compliance with new law.

New law requires catastrophe response plans to include all of the following:

- (1) Emergency contact information of key or essential personnel.
- (2) Alternative office locations or work sites likely to be used in the event of a catastrophe.

(3) Procedures to address the back up, storage, retrieval, and security of records and data used to adjust claims, the handling and processing of claims, relevant training of staff, communication with agents, policyholders, and subscribers in the event of mail delivery or other communication system disruption to address, at minimum, the process for filing a claim and the method whereby an agent, policyholder, or subscriber can obtain information concerning a claim, and the distribution of catastrophe claims information to policyholders or subscribers.

(4) Considering the scale of the catastrophe and the number of policies issued in the affected area, the methodology for determining the approximate number of field adjusters, desk adjusters, and other administrative personnel necessary to respond to the catastrophe, the process through which the insurer will provide claims and administrative personnel to service policyholder and subscriber needs in a timely manner, and the process through which the insurer will provide logistical support for claims and administrative personnel in the area affected by the catastrophe.

Prior law provided that during an examination or at such other time as the commissioner of insurance (commissioner) deems appropriate, he shall review the catastrophe response plan of each insurer, health maintenance organization, managing general agent, and third-party administrator.

New law repeals prior law and provides that every insurer, health maintenance organization, and third-party administrator shall file a catastrophe response plan that conforms to the provisions of new law with the commissioner no later than June 1, 2023, and shall file a revised plan when any changes are made to the plan.

New law requires the commissioner to review each catastrophe response plan when filed to ensure that it meets the requirements of new law and any applicable rules and regulations.

Existing law provides that catastrophe response plans shall be deemed to be confidential, proprietary information subject to the protections

of the Uniform Trade Secrets Act, shall not be subject to the public records disclosures, and shall not be made public by the commissioner.

New law authorizes the commissioner to promulgate rules in accordance with the Administrative Procedure Act to implement and enforce the provisions of new law.

New law provides that if the commissioner finds that a violation of new law has occurred, the commissioner may take necessary and appropriate enforcement and regulatory action, including action pursuant to existing law (R.S. 22:18).

Effective January 1, 2023.

(Amends R.S. 22:572)

### **Insurance Holding Company System Regulatory Law (ACT 713)**

New law defines "group capital calculation instructions", "NAIC liquidity stress test framework", "scope criteria", "federal reserve", and "NAIC".

Existing law provides that certain information does not need to be disclosed on an insurer's registration statement if the information is not material to the purposes of existing law.

New law provides that exemption from disclosure in existing law does not apply for the purposes of the group capital calculation or the liquidity stress test framework.

New law requires the ultimate controlling person of every insurer subject to registration to file an annual group capital calculation.

New law provides that certain insurance holding companies are exempt from filing a group capital calculation.

New law requires the ultimate controlling person of every insurer subject to registration and scoped into the NAIC liquidity stress test to file the results of its liquidity stress test.

New law provides that insurers meeting at least one threshold of the scope criteria are considered scoped into the NAIC liquidity stress test framework for the specified data year, unless the lead state insurance commissioner, in consultation with the NAIC Financial Stability Task Force or its successor, determines the insurer should not be scoped into the framework for that data year.

Existing law provides for violations of existing law and incorporation by reference. New law retains and redesignates existing law.

New law provides certain standards that must be met for transactions with an insurance holding company system to which an insurer subject to registration is a party to the transaction.

New law provides that certain affiliates that are a party to an agreement or contract with a domestic insurer shall be subject to the jurisdiction of any supervision, seizure, conservatorship, or receivership proceedings against the insurer.

New law provides that certain documents, materials, and other information in the possession of the Department of Insurance shall be recognized as proprietary information containing trade secrets.

New law provides that the commissioner of insurance (commissioner) shall maintain the confidentiality of the group capital calculation, group capital ratio, and the liquidity stress test results and its supporting disclosures received from insurers.

New law authorizes the commissioner to share certain proprietary information and trade secret documents with other state, federal, and international law enforcement authorities.

New law authorizes the commissioner to receive proprietary and trade secret information from certain sources.

New law requires the commissioner to enter into written agreements governing the sharing and use of certain information with the NAIC and any

third-party consultants designated by the commissioner.

New law provides certain requirements for written agreements governing the sharing and use of certain information between the commissioner and the NAIC and any third-party consultants designated by the commissioner.

New law prohibits the disclosure of insurers' group capital calculation, group capital ratio, and liquidity stress test results and supporting disclosures, except to rectify a misrepresentation of such data, if the sole purpose of the disclosure is to rebut a materially false statement regarding the data.

Effective August 1, 2022.

(Amends R.S. 22:691.2(intro. para.), 691.6(D), (M), and (N), and 691.10(A), (C)(1), (3), and (4), and (F); Adds R.S. 22:691.2(13)-(17), 691.6(O) and (P), 691.7(A)(1)(g)-(i) and (6), and 691.10(G))

### **Insurance Producers Prelicensing Requirements Repealed (ACT 273)**

Prior law provided that the commissioner shall collect fees in advance for prelicensing or continuing education.

Prior law provided that an individual applying for an insurance producer license who was previously licensed for the same lines of authority in another state shall not be required to complete any prelicensing education or examination.

Prior law provided that no prelicensing education or examination shall be required of a person to obtain any line of authority previously held in a prior state except where the commissioner of insurance determines otherwise by regulation.

Prior law required the commissioner to adopt regulations governing the prelicensing and continuing education requirements for bail enforcement agents.

Prior law provided that a person who already holds an insurance producer license for a line of

business shall be exempt from any preclicensing education and examination requirements for an insurance consultant license for the same line of business.

Prior law provided that the content of the examination for insurance consultants may be outlined in the licensing information handbook provided by a preclicensing provider.

Prior law provided that an individual who applies for an insurance consultant license who was previously licensed as a resident insurance consultant for the same lines of authority in another state shall not be required to complete any preclicensing education or examination.

Prior law provided that no preclicensing education or examination shall be required of a person to obtain a consultant license for any line of authority previously held in a prior state except where the commissioner of insurance determines by regulation.

Prior law required title insurance producers to complete the required hours of preclicensing education related to La. property law and title insurance within the one-year period prior to application.

Prior law required any person applying for a license as an insurance producer, prior to taking the examination, to complete a registered preclicensing program certified by the commissioner.

Prior law provided that before approving an application for a resident insurance producer license, the commissioner shall find that the individual has completed a preclicensing course of study for the lines of authority for which the person has applied.

Prior law provided the framework for the registered insurance producer and bail bond producer preclicensing program and required the commissioner to promulgate rules and regulations setting forth guidelines and requirements for the program.

Prior law provided that prior to taking the examination for an insurance consultant license, the individual shall take part in a preclicensing program.

Prior law provided that before approving an application for a resident insurance consultant license, the commissioner shall find that the individual has completed a preclicensing course of study for the lines of authority for which the person has applied.

New law repeals prior law and the preclicensing education provisions and requirements in prior law.

Prior law provided that the continuing education program shall be conducted by one of the entities provided for in prior law (R.S. 22:1571(C)).

New law provides that the continuing education program shall be conducted by one of the following entities:

- (1) An insurance trade organization.
- (2) An insurance company admitted to do business in La.
- (3) An accredited public or private college or university.
- (4) An organization recommended by and certified by the commissioner.

Prior law required bail bond apprentices to complete the registered insurance producer and bail bond producer preclicensing program before the end of the apprenticeship program.

New law repeals prior law and requires bail bond apprentices to complete eight hours of instruction in applicable underwriting principles, state laws and regulations, and ethical practices before the end of the apprenticeship program. New law further provides that the instruction shall be conducted by one of the following:

- (1) An insurance trade association.

(2) An insurance company admitted to do business in La.

(3) An accredited public or private college or university.

(4) Effective upon signature of governor (June 3, 2022).

(Amends R.S. 22:821(B)(29), 1551(A) and (B), the heading of Subpart B of Part I of Chapter 5 of Title 22 of the La. Revised Statutes of 1950, R.S. 22:1573(B), 1574(A)(4), 1581(B)(1), 1808.2(C)(6) and (E), and 1808.6(A) and (B); Repeals R.S. 22:513(B)(6), 1545(C), 1546(A)(4), 1571, 1808.2(C)(1)-(5), and 1808.3(A)(4))

#### **Duplicate Producer License Card Funds (ACT 27)**

Prior law provided that the commissioner of insurance is authorized to retain funds collected from fees charged for the issuance of a duplicate insurance producer license card.

Existing law no longer provides for a duplicate insurance producer license card.

New law repeals prior law.

Effective August 1, 2022.

(Repeals R.S. 22:821(C))

#### **Group Life Insurance (ACT 114)**

Existing law authorizes issuance of a group life insurance policy (group policy) to certain groups of persons or trustees thereof.

New law retains existing law and further authorizes issuance of a group policy for groups other than those provided for in existing law, if the commissioner of insurance finds that issuance of the group policy is not contrary to the best interest of the public, the group policy would result in economies of acquisition or administration, and the benefits are reasonable in relation to the premiums charged.

New law prohibits an insurer from offering a group policy issued in another state, unless the state has requirements substantially similar to the requirements provided in new law and the state of La. determines that the requirements have been met.

New law requires the premium for a group policy to be paid from either the policyholder's funds or funds contributed by the covered persons, or by both types of funds.

New law authorizes an insurer to exclude or limit the coverage on any person as to whom evidence of individual insurability is unsatisfactory to the insurer.

New law requires the issuance of a group policy to be actuarially sound.

Effective August 1, 2022.

(Adds R.S. 22:941(A)(5))

#### **Health Insurance and Health Savings Accounts (ACT 132)**

Prior law (R.S. 22:976.1(B)) required a health insurance issuer to include any cost-sharing amounts paid by the enrollee or on behalf of the enrollee by another person, when such issuer is calculating the enrollee's contribution to any applicable cost-sharing requirement.

New law retains prior law and adds that if the prior law requirement resulted in health savings account ineligibility under federal law relative to health savings accounts (26 U.S.C. 223), the requirement applied for health savings account-qualified high deductible health plans with respect to the deductible of the plan after the enrollee has satisfied the minimum deductible under the federal law.

New law provides an exception with respect to items or services that are preventative care relative to safe harbor for absence of a preventative care deductible (26 U.S.C. 223(c)(2)(C)), in which case the requirements of the new law applies regardless of whether the

minimum deductible under federal law has been satisfied.

New law retains prior law which authorized the commissioner of insurance to promulgate rules and regulations necessary to implement prior and new law. New law specifies for rule promulgation to be in accordance with the APA.

Effective May 26, 2022.

(Amends R.S. 22:976.1(B) and (D))

### **Health Insurer Annual Access Plans (ACT 589)**

Prior law generally requires a health insurance issuer providing a health benefit plan to maintain a network that is sufficient in numbers and types of healthcare providers to ensure that all healthcare services to covered persons will be accessible without unreasonable delay. Provides for covered persons in cases of emergency services and provides for sufficiency criteria.

Prior law requires an issuer, beginning January 1, 2014, to file annual access plans with the commissioner for each plan that the issuer offers in this state. Provides that existing, new, or initial filings of policy forms by an issuer may include the network of providers to be used in connection with the policy forms. Requires the issuer to state whether benefits under the health insurance policy do not rely on a network of providers. Further provides that issuers may request the commissioner to consider sections of the access plan as proprietary or trade secret information prohibited from public disclosure in accordance with Public Records Law (R.S. 44:1 et seq.) or as protected health information exempt from the Louisiana Insurance Code.

New law retains prior law but deletes the January 1, 2014 beginning date.

Prior law authorizes the health insurance issuer to make the access plans, absent any proprietary or trade secret information and protected health information, available and readily accessible on its business premises and to provide the plans to any interested party upon request.

New law retains prior law.

Prior law authorizes an issuer to submit proof of certain accreditation information to the commissioner in lieu of submitting the annual access plan.

New law deletes prior law.

Effective January 1, 2023.

(Amends R.S. 22:1019.2(A), (B)(5), (C)(intro para), and (D))

### **Health Insurance Prior Authorization Requirements Programs (ACT 432)**

New law requires every health insurance issuer authorized to do business in this state to maintain a program that allows for the selective application of reducing prior authorization requirements based on the stratification of healthcare providers' performance and adherence to evidence-based medicine. Requires the program to promote certain standards for both the issuer and provider. Provides criteria for participation by providers and services included in the program; excludes pharmacy services. Further requires participants to submit a report to the La. Dept. of Insurance that includes a full narrative description, the criteria for participation, a listing of the procedures and services subject to the selective application of prior authorization, and the number of providers participating in the program.

New law defines "health insurance issuer".

New Law requires the La. Dept. of Insurance to provide a form and manner of filing by rule in accordance with the APA. Requires an issuer to provide an initial filing by July 1, 2023, and each time thereafter when the issuer files an annual report in accordance with prior law (R.S. 22:571).

Effective June 16, 2022.

(Adds R.S. 22:1020.61)



## **Insurance of Living Organ Donors (ACT 146)**

New law defines "insurance coverage" and "living donor".

New law prohibits an insurer or issuer of disability income, life, or long-term care insurance from denying, canceling, or refusing to issue insurance coverage, determining the price or premium for, or otherwise varying any term or condition of the policy based solely on the individual's status as a living donor without any unique and material actuarial risks in accordance with sound actuarial principles or actual and reasonably anticipated and expected experience of the individual based on the individual's status as a living donor.

Effective August 1, 2022.

(Adds R.S. 22:1023.2)

## **Health Plan Coverage for Cancer Testing (ACT 412)**

New law requires a health coverage plan in this state to include coverage for genetic or molecular testing for cancer including but not limited to tumor mutation testing, next generation sequencing, hereditary germline mutation testing, pharmacogenomic testing, whole exome and genome sequencing, and biomarker testing. New law retains prior law.

New law provides that coverage may be subject to annual deductibles, coinsurance, and copayments established under a health coverage plan. New law retains prior law.

New law provides that coverage may be subject to applicable evidence-based medical necessity criteria of a health coverage plan. New law deletes prior law.

New law requires coverage for biomarker testing for the purposes of diagnosis, treatment, appropriate management, or ongoing monitoring of an individual's disease or condition when the diagnostic test is supported in certain respects by any of the following: the U.S. Food and Drug Administration (FDA), Centers for Medicare and

Medicaid Services National Coverage Determinations, Medicare Administrative Contractor Local Coverage Determinations, National Comprehensive Cancer Network, or American Society of Clinical Oncology.

New law defines "biomarker testing". New law expands the definition to include whole exome and whole transcriptome sequencing. Otherwise retains the prior law definition.

New law defines "health coverage plan" but new law provides that "health coverage plan" does not include any plan offered through the office of group benefits.

New law defines "consensus statements" and "nationally recognized clinical practice guidelines".

Effective January 1, 2023.

(Amends R.S. 22:1028.3(B)(2), (C), and (D)(intro para) and (2); adds R.S. 22:1028.3(D)(3) and (4))

## **Health Plan Coverage for Cancer Testing (ACT 501)**

New law requires any health coverage plan renewed, delivered, or issued for delivery, in this state to include coverage for using advanced molecular techniques including but not limited to traditional whole genome sequencing, rapid whole genome sequencing, and other genetic and genomic screening that helps a physician timely diagnosis in and guide treatment for a critically ill infant who is one year or younger and is receiving care in the intensive care unit or in the pediatric care unit and the infant has a complex illness of unknown etiology.

New law provides that coverage may be subject to annual deductibles, coinsurance, 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 based on all of the following:

(1) The infant is suspected of having a rare genetic condition not diagnosable by a standard clinical work-up.

(2) The infant has symptoms that suggest a broad differential diagnosis that requires an evaluation by multiple genetic tests if rWGS testing is not performed.

(3) Timely identification of a molecular diagnosis is necessary in order to guide clinical decision making and rWGS testing results would guide the treatment or management of the infant's condition.

(4) The infant has at least one of the following conditions:

(a) Multiple congenital anomalies.

(b) Specific malformations highly suggestive of a genetic etiology.

(c) Abnormal laboratory test suggesting the presence of a genetic disease or complex metabolic phenotype like but not limited to an abnormal newborn screen, hyperammonemia, or lactic acidosis not due to poor perfusion.

(d) Refractory or severe hypoglycemia.

(e) Abnormal response to therapy relates to an underlying medical condition that affects vital organs or bodily systems.

(f) Severe hypotonia.

(g) Refractory seizures.

(h) A high-risk stratification on evaluation for a brief resolved unexplained event with any of the following:

(i) A recurrent event without respiratory infection.

(ii) A recurrent event witnessed seizure-like event.

(iii) A recurrent cardiopulmonary resuscitation.

(i) Abnormal chemistry levels including but not limited to electrolytes, bicarbonate, lactic acid, venous blood gas, and glucose that suggest inborn error of metabolism.

(j) Abnormal cardiac diagnostic test results suggests possible channelopathies, arrhythmias, cardiomyopathies, myocarditis, or structural heart disease.

(k) Family genetic history that relates to the infant's condition.

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. Excludes a plan providing coverage for excepted benefits in prior law, limited benefit health insurance plans, and short-term policies that have a term of less than 12 months.

New law applies to health coverage plans renewed, delivered, or issued for delivery in this state on or after January 1, 2023.

New law provides for Medicaid coverage on a fee-for-service basis for rapid whole genome sequencing of a critically ill infant who is one year or younger, is receiving care in the intensive care unit or in the pediatric care unit, and has a complex illness of unknown etiology.

New law is subject to approval by the Centers for Medicare and Medicaid Services.

Effective August 1, 2022.

(Adds R.S. 22:1028.4 and R.S. 40:1081.12)

### **Health Coverage Plans and Insulin (ACT 724)**

New law defines "health coverage plan", "formulary", and "insulin".

New law prohibits a health coverage plan from imposing a cost-sharing provision for insulin in the plan's formulary that requires the enrollee to pay more than \$75.00 per prescription for a 30-day supply, regardless of the amount or type of insulin needed to fill the enrollee's prescription.

New law provides that on January 1<sup>st</sup> of each year, the limit on the amount that an insured is required to pay for a 30-day supply of a covered prescription of insulin shall increase by a percentage equal to the percentage change from the preceding year in the prescription drug component of the Consumer Price Index of the U.S. Dept. of Labor, Bureau of Labor Statistics.

New law requires a health coverage plan to include at least one insulin from each therapeutic class in the plan's formulary that complies with the provisions of new law.

New law applies to any new health coverage plan issued on or after Jan. 1, 2023. Further requires any plan in effect prior to Jan. 1, 2023 to conform to the provisions of new law on or before the renewal date of the plan, but no later than Jan. 1, 2024.

Effective August 1, 2022.

(Adds R.S. 22:1034.1)

#### **Health Insurance Coverage for Cancer Drugs (ACT 299)**

Prior law prohibited a health coverage plan from denying coverage for the treatment of metastatic or unresectable tumors with a medically necessary drug prescribed by a physician on the basis that the drug is not indicated for the location in the body of the patient's cancer, if the drug is approved by the U.S. Food and Drug Administration (FDA) for the treatment of the specific mutation of the patient's cancer. Provides that coverage may be denied if an alternative treatment has proven to be more effective in published randomized clinical trials and such treatment is not contraindicated in the patient. New law retains the prior law prohibition but applies it to the treatment of other advanced cancers.

New law prohibits denial of coverage on the basis that the medically necessary drug is not indicated for a specific tumor type. Further prohibits an insurer from considering the treatment as experimental or outside of its policy scope if the FDA has approved the drug for the treatment of cancer with the specific genetic mutation, even if the treatment is for a different type of tumor.

Effective August 1, 2022.

(Amends R.S. 22:1054.1(A))

#### **Health Plan Coverage for Human Milk (ACT 489)**

New law requires health coverage plans to provide inpatient and outpatient coverage benefits for up to 2 months for medically necessary pasteurized donor human milk upon prescription of an infant's pediatrician or licensed pediatric provider stating that the infant is medically or physically unable to receive maternal human milk or participate in breastfeeding, or the infant's mother is medically or physically unable to produce maternal human milk in sufficient quantities. Authorizes a health coverage plan to limit coverage to donor human milk obtained from a member bank of the Human Milk Banking Association of North America.

New law applies to any new health coverage plan issued on or after Jan. 1, 2023. Further requires any plan in effect prior to Jan. 1, 2023, to conform to the provisions of new law on or before the renewal date of the plan, but no later than Jan. 1, 2024.

Effective August 1, 2022.

(Adds R.S. 22:1059.2)

#### **Health Plan Coverage for Use of Adult Drugs by Minors (ACT 703)**

New law prohibits a health coverage plan delivered or issued for delivery in this state from limiting or excluding coverage for a minor for a drug approved by the U.S. Food and Drug Administration (FDA) based on the drug if

prescribed for a use different from what the drug was approved and if all of the following apply:

- (1) The drug is approved by the FDA.
- (2) The drug is prescribed by a contracting licensed healthcare professional, and is medically necessary for the treatment of a life threatening, chronic, or seriously debilitating disease or condition in a minor and the drug has been approved by the FDA for the same condition or disease in an adult and the drug is medically necessary to treat the disease or condition.
- (3) The drug is recognized for treatment of that disease or condition in pediatric application by one of the following: (a) The American Medical Association Drug Evaluations. (b) The American Hospital Formulary Service Drug Information. (c) The U.S. Pharmacopoeia Dispensing Information, Volume 1, "Drug Information for the Health Care Professional". (d) Two articles from major peer-reviewed medical journals presenting data supporting the proposed off-label use or uses as generally safe and effective unless there is clear and convincing contradictory evidence presented in a major peer-reviewed journal.
- (4) The drug is on the insurer's formulary or preferred drug list, if any.

New law requires the prescriber is responsible for submitting documentation to support compliance with new law, if requested by the health insurance insurer.

New law provides that a health coverage plan is not required to provide coverage for all of the following:

- (1) A treatment for a condition or disease that is excluded under the terms of the health coverage plan.
- (2) Experimental drugs not approved by the FDA.
- (3) A drug not listed on the health coverage plan formulary or preferred drug list, if any.

New law provides coverage can be subject to annual deductibles, coinsurance, and copayment provisions established under the health coverage plan and can be subject to prior authorization.

New law defines "health coverage plan".

Effective January 1, 2023.

(Adds R.S. 22:1060.8)

### **Coverage for Mental Health and Substance Abuse Services (ACT 457)**

New law requires a health coverage plan in this state that offers mental health and substance abuse benefits to provide coverage for mental health and substance abuse services delivered through evidence-based, integrated behavioral healthcare models, such as the Psychiatric Collaborative Care Model.

New law requires any medical necessity determinations made by a health coverage plan to be made in compliance with certain federal and state law (R.S. 22:2391 et seq.).

New law defines "health coverage plan", "mental health or substance abuse benefits", and "Psychiatric Collaborative Care Model".

New law applies to any new health coverage plan issued on or after Jan. 1, 2023. Further requires any health coverage plan in effect prior to Jan. 1, 2023 to convert to conform to the provisions of new law on or before the renewal date, but no later than Jan. 1, 2024.

Effective August 1, 2022.

(Adds R.S. 22:1066.2)

### **Medicare Supplement Policies (ACT 459)**

New law requires an annual open enrollment period to begin on the birthday of an individual who has an existing Medicare supplement policy. Requires the annual open enrollment period to last for 63 calendar days, during which time the individual may purchase any Medicare

supplement policy (policy) offered in this state by the same insurer.

New law provides that if, during the annual open enrollment period, the individual purchases a standardized policy identified by a plan letter that indicates benefits equal to or less than the benefits indicated by the plan letter of the individual's previous policy, the issuer of the chosen policy is prohibited from denying or conditioning the issuance or effectiveness of the coverage, or discriminating in the pricing of the coverage, due to the individual's health status, claims experience, receipt of health care, or medical condition.

New law requires an open enrollment period for an individual who is eligible for Medicare coverage but who does not have an existing policy, if the individual maintained health insurance coverage through his employer at the time he became eligible for Medicare coverage. Requires the open enrollment period to begin on the date of the plan's termination, the date the plan ceases to provide some or all health benefits to the individual, or the date the individual leaves the plan. Further requires the open enrollment period to last for 63 calendar days, during which time the individual may purchase any policy offered in this state.

New law provides that if, during the open enrollment period, the individual purchases a standardized policy identified by a plan letter for which federal law currently provides a guaranteed issue right at the time of the individual's initial eligibility for Medicare coverage, the issuer of the chosen policy is prohibited from denying or conditioning the issuance or effectiveness of the coverage, or discriminating in the pricing of the coverage, due to the individual's health status, claims experience, receipt of health care, or medical condition.

New law requires a policy issuer to provide notice of the annual open enrollment period for eligible Medicare supplement policyholders at the time an application is made for a policy or certificate. Requires the notice to be in a form prescribed by the commissioner of insurance.

Effective August 1, 2022.

(Adds R.S. 22:1112)

### **Named Storm or Hurricane Deductibles (ACT 259)**

Prior law provided that for all authorized property insurance policies and authorized commercial multi-peril insurance policies issued or renewed by an authorized insurer on or after August 1, 2021, any separate deductible that applies in place of any other deductible to 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 retains prior law but changes insurance policies from being renewed to insurance policies being issued in this state, and changes the effective date to January 1, 2023, except for policies with a total insured value equal to or greater than \$20 million.

Prior law permitted an insurer to apply a deductible to the succeeding named storms or hurricanes 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 incurs 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 law.

New law retains prior law but limits property losses only to property that is located in this state.

Effective January 1, 2023.

(Amends R.S. 22:1267.1(B); adds R.S. 22:1267.1(E))

### **Reduction of Insurance Policy Liability Limits by Defense Expenses (ACT 675)**

Prior law prohibited the reduction of the liability limits contained in a policy or contract of insurance by the expenses of defense in a suit under the policy or contract unless the

commissioner of insurance (commissioner) executed a written waiver that authorized the reduction.

New law removes the requirement the commissioner's waiver be in writing. Authorizes the commissioner to waive the prohibition to the reduction of the liability limits contained in a policy or contract due to the expenses of defense in a suit under a policy or contract.

Prior law prohibition applied to all personal lines, medical malpractice, commercial vehicle, and commercial general liability.

New law prohibits the commissioner from waiving the prohibition for all personal lines and medical malpractice. Removes application of the prohibition for commercial vehicle and commercial general liability.

Prior law required the commissioner to waive the prohibition for certain types of insurance.

New law retains prior law but changes from the commissioner is required to waive the prohibition to the commissioner is authorized to waive the prohibition.

Prior law authorized the waiver of other types of insurance not listed in prior law and upon consideration by the commissioner of relevant factors, that included the level of market competition, the nature and design of the product, and the availability of insurance coverage.

New law authorizes the commissioner to waive the prohibition for insurance types not listed in prior law after he considers the customs of the industry and the interests of the particular insured.

Prior law subjected every policy or contract for which a waiver was executed to the following requirements:

(1) Required the expenses used to reduce the liability limits could not include overhead costs, adjusting expenses, or other expenses incurred by the insurer in the ordinary course of business.

(2) Required the expenses used to reduce the liability limits included only 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) Required the expenses could not exhaust the entire amount of liability coverage.

New law retains prior law but changes defense expenses from being required to include only reasonable attorney fees and expenses directly connected to the insurer's defense to the defense expenses can include only reasonable attorney fees and expenses directly connected to the insurer's defense. Prohibits overhead, unallocated loss, adjustment expenses, or other unallocated expenses incurred by the insurer in the ordinary course of business from being included as defense expenses.

Prior law authorized the commissioner to limit the amount of defense expenses used to reduce the liability limits or to establish a minimum of liability coverage from which defense expenses cannot be deducted and could limit or define the amount of expenses that reduced the liability limits for all or specific types of insurance coverage.

New law repeals present law.

Effective June 18, 2022.

(Amends R.S. 22:1272)

### **Homeowners' Insurance Civil Authority Prohibited Use Benefits (ACT 434)**

New law provides that for losses that arise due to a catastrophic event in which a state of disaster or emergency is declared by civil officials, for those areas within the declaration, if a civil authority prohibits an insured from using his residential premises as a result of damage to a neighboring premises due to a peril covered by the policy, the civil authority prohibited use coverage shall be afforded as provided in the policy.

New law provides that for the purposes of new law, insurers shall interpret all actions of a civil authority without regard as to whether formal orders of evacuation were issued.

Effective on January 1, 2023.

(Adds R.S. 22:1273)

#### **Auto Liability Insurance Mandatory Coverage (ACT 77)**

New law provides that an approved insurance company, reciprocal or exchange, writing automobile liability, uninsured, underinsured, or medical payments coverage shall not exclude the benefits of coverage under its policy to an insured operating a vehicle not owned by the insured if all of the following requirements are satisfied:

- (1) The coverage is in full force and effect.
- (2) The insured is operating a vehicle not owned by the insured with the express or implied permission of the vehicle's owner.
- (3) The vehicle not owned by the insured that is being operated by the insured is not provided, furnished, or available to the insured on a regular basis.

New law requires that coverage provided pursuant to new law is secondary to the vehicle owner's insurance policy.

New law provides that if the coverage provided pursuant to new law is included within the coverage provided pursuant to prior law (R.S. 22:1296), requires the provisions of prior law (R.S. 22:1296) shall determine which coverage is primary.

New law provides that it is in direct response to the Louisiana Supreme Court decision in Calvin Landry & Mary Landry v. Progressive Security Insurance Company, et al, Docket Number 2021-C-00621 (January 28, 2022) to declare that it is the intent of the legislature of Louisiana in enacting new law to clearly establish that under Louisiana law, automobile insurance liability coverage related to a defendant driver's negligent

operation of a vehicle not owned by the insured is covered under the conditions addressed by new law.

Effective August 1, 2022.

(Adds R.S. 22:1296.1)

#### **Auto Liability Insurance Mandatory Coverage (ACT 93)**

New law requires an approved insurance company, reciprocal or exchange, writing automobile liability, uninsured, underinsured, or medical payments coverage to not exclude the benefits of such coverage under its policy to an insured operating a vehicle not owned by the insured if all of the following requirements are satisfied:

- (1) The coverage is in full force and effect.
- (2) The insured is operating a vehicle not owned by the insured with the express or implied permission of the vehicle's owner.
- (3) The vehicle not owned by the insured that is being operated by the insured is not provided, furnished, or available to the insured on a regular basis.

New law provides that coverage provided pursuant to new law shall be secondary to the vehicle owner's insurance policy.

New law provides that if the coverage provided pursuant to new law is included within the coverage provided pursuant to existing law (R.S. 22:1296), the provisions of existing law (R.S. 22:1296) shall determine which coverage is primary.

New law provides that the provisions of new law are enacted in direct response to the La. Supreme Court decision in Calvin Landry & Mary Landry v. Progressive Security Insurance Company, et al, Docket Number 2021-C-00621 (Jan. 28, 2022) to declare that it is the intent of the legislature to clearly establish that under La. law, automobile insurance liability coverage related to a defendant driver's negligent operation of a vehicle not

owned by the insured is covered under the conditions addressed by new law.

Effective August 1, 2022.

(Adds R.S. 22:1296.1)

### **Hurricane, Named Storm, and Wind & Hail Deductibles (ACT 331)**

Existing law provides that for all homeowners' insurance policies or other policies insuring a one- or two-family owner occupied premises for fire and allied lines, issued or renewed by authorized insurers on or after Jan. 1, 2010, any separate deductible that applies in place of any other deductible to 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 a calendar year.

Existing law permits an insurer to apply a deductible to succeeding named storms or hurricanes 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 incurs named storm or hurricane losses from more than one named storm or hurricane during a calendar year that are subject to the separate deductibles referred to in existing law.

New law retains existing law.

New law requires the commissioner of insurance to prescribe a separate form regarding named storm, hurricane, and wind and hail deductibles proposed in a homeowner's insurance policy that lists the specific amount for each deductible expressed as a percentage of the insured value of the property, as a specific dollar amount, or as both.

New law provides that for new policies with an effective date after Jan. 1, 2023, an insurer shall provide the form and request that it be signed by the named insured or his legal representative.

New law provides that the completion of a new form shall not be required if a renewal, reinstatement, substitute, or amended policy is issued to the same named insured by the same insurer or any of its affiliates.

New law requires insurers to provide a new form and request that it be signed by the named insured or his legal representative, if the insurer changes the percentage or specific dollar amount of a deductible.

New law provides that if the policy uses a percentage deductible, a new form will not be required if the dollar amount of the deductible changes, because of an increase in policy limits; however a new form is required if the percentage changes.

New law provides that a new form is for informational purposes only.

New law requires an insurer to transmit the form to the insured electronically and provide a method whereby the insured may sign the form electronically, if the policy is purchased using electronic means or the insured elects to receive documents electronically.

New law provides that nothing in new law shall be interpreted to create a cause of action not otherwise provided by law.

Effective January 1, 2023.

(Adds R.S. 22:1337(D))

### **Additional Living Expense Coverage (ACT 558)**

New law provides that in the event of a total loss to an insured dwelling caused by a covered peril, if the insured has additional living expense coverage, the insurer shall, upon request by an insured, render an advance payment equal to the estimated value of three months of increased cost of living expenses, as defined in the policy, required for the members of the household to maintain their normal standard of living.



New law provides that payments of additional living expense coverage, after the advance period, shall be payable upon submission of satisfactory proof of loss, if it is determined that the actual cost of incurred additional living expenses exceeds the amount previously advanced.

New law provides that an insurer may restrict payment in cases of suspected fraud.

Effective January 1, 2023.

(Adds R.S. 22:1338)

### **Roof Retrofit Grants (ACT 554)**

New law authorizes the commissioner to make financial grants to retrofit roofs of insurable property with a homestead exemption to help the property resist loss and meet or exceed the "fortified roof" standard of the Insurance Institute for Business and Home Safety.

New law provides that the commissioner shall promulgate rules governing eligibility requirements for grants and the administration of the program.

New law provides that in order to receive a grant pursuant to new law, the grantee shall obtain all permits required by law or ordinance for construction, arrange and pay for inspections required by law or ordinance and the terms of the grant, which shall include inspection and certification by an Insurance Institute for Business and Home Safety certified inspector, comply with applicable building codes, and maintain records as required by existing law and the terms of the grant.

New law provides that the name of a grant recipient, the amount of the grant, and the municipal address of the retrofitted insurable property shall be a public record.

New law creates the La. Fortify Homes Fund as a special fund within the state treasury.

New law provides that monies appropriated or transferred to the fund shall be deposited by the

state treasurer after compliance with the provisions of existing law (Article VII, Section 9(B) of the Constitution of Louisiana).

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

New law provides that all unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

New law provide that monies in the fund shall be used to provide grants.

New law provides that new law does not create an entitlement for property owners to receive funding to inspect or retrofit residential property or create an obligation for the state to appropriate funding to inspect or retrofit residential property.

New law terminates and has no effect beginning at midnight on June 30, 2025.

Effective January 1, 2023.

(Adds R.S. 22:1483.1)

### **Accident and Health or Sickness Insurance (ACT 56)**

Existing law provides for health and accident insurance. New law retains existing law and the meaning of such insurance, but changes the terminology from health and accident to accident and health or sickness insurance.

Existing law authorizes a self-insurer with a certificate of authority in accordance with existing law (R.S. 22:1541 et seq.) to contract with and appoint, as its producer or producers, any person licensed as a life and health producer. Requires the appointed producer to receive notification that its appointment has been recorded by the commissioner of insurance prior to making solicitations of insurance. Further authorizes the producer to begin solicitation of insurance if the commissioner has not notified the self-insurer of the commissioner's disapproval of the producer within 30 days of receipt of the self-

insurer's appointment of the producer. New law retains existing law.

Prior law required a self-insurer to submit to the commissioner by certified mail an alphabetical list of the licensed producers it wished to appoint, together with a \$10 fee for each appointment, by March 1<sup>st</sup> of each year. Required appointments to remain effective until the 30<sup>th</sup> day of April following the date of recordation by the commissioner, unless the appointment was revoked by the commissioner or canceled by the self-insurer through its written notice to the producer and the commissioner. New law deletes prior law.

Prior law assessed a self-insurer a \$10 fine for each producer's appointment untimely received by the commissioner after March 1<sup>st</sup> of each year. New law deletes prior law.

New law requires a self-insurer to file a notice of a producer's appointment in a manner prescribed by the commissioner within 15 days from the date the agency contract is executed. Requires appointment notice to include the fee prescribed in existing law (R.S. 22:821).

New law provides that if any producer is operating or intends to operate as a partnership, corporation, or other business entity, the appointments in new and existing law may be issued by a self-insurer in the name of the partnership, corporation, or other business entity if all persons in such partnership, corporation, or business entity actively engaged in soliciting, negotiating, or effecting contracts of insurance or renewals also hold an active producer license and are registered in accordance with new and existing law.

New law provides for appointments to remain effective until the following date of renewal, unless the license of the named appointed producer is revoked by the commissioner or until canceled by the insurer through written notice to the producer and the commissioner.

New law provides that appointments for individual producers expire on January 1<sup>st</sup> of each year. Requires a self-insurer to submit to the

commissioner, in a manner prescribed by the commissioner, a list of appointed individual producers which it intends to reappoint by the expiration date of January 1<sup>st</sup>, including the fee prescribed in existing law (R.S. 22:821).

New law provides that appointments for a business entity expire on August 1<sup>st</sup> of each year and requires a self-insurer to submit to the commissioner, in a manner prescribed by the commissioner, a list of appointed business entity producers which it intends to reappoint no later than the expiration date of August 1<sup>st</sup>, including the fee prescribed in existing law (R.S. 22:821).

New law provides that if a self-insurer issues or delivers a policy or contract of insurance pursuant to the application or request of a producer who is not appointed to represent the self-insurer as a producer, the self-insurer is deemed to have authorized such producer to act on the insurer's behalf. Provides that payment to the producer is payment to the self-insurer with all resultant obligations and duties.

New law establishes an agency relationship for premiums collected pursuant to new and existing law.

Existing law prohibits an insurer or producer from canceling or rewriting certain contracts which would change the producer of record during the term of the contract. New law retains existing law but authorizes such alterations to a contract upon specific, written instruction of the owner of the policy or the first-named insured on the policy.

New law makes technical changes.

Effective August 1, 2022.

(Amends R.S. 22:456, 1547(F) and (I)(intro. para.), 1551(C)(intro. para.), (3), and (4), 1564(B)(2), 1573(C), (E), and (G), 1575(A)(1), and 1808.4(A)(2))

### **Third-Party Administrators and Pharmacy Benefit Managers (ACT 320)**

Existing law requires a third-party administrator to file an annual report with the commissioner of insurance for the preceding calendar year on or before March 1<sup>st</sup> of each year or within an extension of time granted by the commissioner. Requires the report to contain all information as the commissioner prescribes and further requires verification of the report by at least two officers of the administrator. New law removes the requirement for the report's verification by the officers.

Existing law provides that if the commissioner finds an administrator submitted incorrect, misleading, incomplete, or materially false information or omitted material information in its license application, the commissioner may suspend, revoke, or deny the administrator's license or impose a fine not to exceed \$5,000 per violation or \$25,000 in the aggregate. New law retains existing law and further authorizes the commissioner to impose the existing law penalties if the administrator submits false information in an annual report.

Existing law requires pharmacy benefit managers to issue to the Dept. of Insurance an annual transparency report containing certain information beginning June 1, 2020. New law changes the initial submission date from June 1, 2020, to March 1, 2023.

Effective August 1, 2022.

(Amends R.S. 22:1653(A), 1654(B)(8), and 1657.1(C)(1)(intro. para.))

### **Catastrophe Claims Adjusters (ACT 575)**

Existing law provides that in the event of a catastrophe or emergency, no adjuster's license is required for an individual employed or retained by an insurer and brought into this state for the purpose of investigating and adjusting catastrophe claims.

Existing law provides that the commissioner of insurance shall establish procedures to register catastrophe claims adjusters.

New law retains existing law.

New law requires the commissioner to prepare a handbook for adjusting claims in this state and make it available to catastrophe claims adjusters.

New law requires a catastrophe claims adjuster to certify that he has read and understands the handbook within 10 days of registration.

New law requires an insurer employing or retaining a catastrophe claims adjuster to keep certifications in its records and make them available to the commissioner upon request.

Effective January 1, 2023.

(Amends R.S. 22:1667(A))

### **Claims Adjuster Data Base (ACT 389)**

New law requires the Dept. of Insurance (dept.) to create and maintain a database of all claims adjusters licensed in this state and all claims adjusters working in this state following a catastrophe.

New law provides that the database shall include a profile for each claims adjuster in the database that includes the following information:

- (1) The full name of the claims adjuster.
- (2) The claims adjuster's license number.
- (3) The license status of the claims adjuster, relative to this state.
- (4) The date the claims adjuster was licensed or registered in this state.
- (5) The number of years the claims adjuster has adjusted property claims.
- (6) The number of property claims the claims adjuster has adjusted over the past five years.

(7) The information set forth in existing law (R.S. 22:43(B)) for any complaints filed against the adjuster.

(8) Any administrative action taken against the claims adjuster.

New law requires the dept. to prominently display a search tool on its website that the public can use to find a claims adjuster's profile within the database.

New law provides that the search tool shall have options to allow an individual to search for a profile by first name, last name, or license number.

New law requires the commissioner to promulgate rules and regulations necessary for the implementation and enforcement of new law.

Effective January 1, 2023.

(Adds R.S. 22:1679)

### **Coordination of Health Insurance Benefits (ACT 166)**

Existing law provides standards for coordination of benefits requirements by health insurance issuers. Further authorizes the commissioner of insurance to adopt regulations on the order of benefits payments when a person is covered by two or more health plans. New law retains existing law.

New law prohibits a coordination of benefits provision that permits a plan to pend, delay, or deny payment to a healthcare provider for rendered healthcare services solely on the basis of the insured's failure to provide the issuer with notice of the existence of an additional plan or lack thereof. Further requires a contracted provider to share with a plan any coordination of benefits information obtained by the provider from the insured.

Effective January 1, 2023.

(Amends R.S. 22:1836(A)(intro. para.) and (2)(intro. para.); Adds R.S. 22:1836(A)(3))

### **Physical Therapy Via Telehealth (ACT 144)**

New law requires a health coverage plan (plan) to pay for covered physical therapy services provided via telehealth to an insured person. Requires payment for services provided via telehealth to be equal to the payment for services provided in person, unless the telehealth provider and plan contractually agree to an alternative payment rate. Provides that services via telehealth may be subject to a deductible, copayment, or coinsurance not in excess of the deductible, copayment, or coinsurance required by the plan for in-person services.

New law prohibits a plan from imposing an annual dollar maximum on coverage for healthcare services provided as telehealth, other than an annual dollar maximum that applies to the same services when provided in person by the same provider.

New law requires a plan to provide payment for telehealth services to healthcare professionals licensed or otherwise permitted to practice physical therapy in this state. Further requires telehealth payments to be consistent with any provider network arrangements that have been established for the plan.

New law prohibits a plan from doing any of the following:

(1) Requiring a previously established in-person relationship or the provider to be physically present with a patient or client, unless the provider determines that it is necessary to perform that service in person.

(2) Requiring prior authorization, medical review, or administrative clearance for telehealth that would not be required if that service were provided in person.

(3) Requiring demonstration that it is necessary to provide services to a patient or client as telehealth.

(4) Requiring a provider to be employed by another provider or agency in order to provide

telehealth services that would not be required if that service were provided in person.

(5) Restricting or denying coverage based solely on the communication technology or application used to provide the telehealth service. However, new law authorizes a health coverage plan to restrict physical therapy services via telehealth when the services are being provided solely by telephone.

(6) Imposing specific requirements or limitations on the technologies used to provide telehealth services. However, new law authorizes a plan to require a provider to demonstrate that the technology used to provide telehealth services is both safe and secure.

(7) Imposing additional certification, location, or training requirements as a condition of payment for telehealth services. However, new law does not prohibit a plan from providing additional reimbursement incentives to providers with an enhanced certification, training, or accreditation.

(8) Requiring a provider to be part of a telehealth network.

New law does not require a plan to cover telehealth services that are not medically necessary nor to reimburse fees charged by a telehealth facility for transmission of a telehealth service.

New law does not require a plan to provide coverage or reimbursement for any of the following procedures or services provided via telehealth:

(1) A modality that is a type of electrical, thermal, or mechanical energy.

(2) Manual therapy, massage, dry needling, or other invasive procedures.

New law authorizes the Dept. of Insurance to take any action authorized in the La. Insurance Code to enforce the provisions of new law and further authorizes the commissioner of insurance, in accordance with the APA, to promulgate and

adopt rules as necessary or advisable to effectuate new law.

New law defines "health coverage plan" and "telehealth".

New law applies to any new health coverage plan issued on or after Jan. 1, 2023. Further requires any plan in effect prior to Jan. 1, 2023, to conform to the provisions of new law on or before the renewal date, but no later than Jan. 1, 2024.

Effective August 1, 2022.

(Adds R.S. 22:1845.1)

### **Claims Settlement Payments (ACT 735)**

Existing law provides for certain standards in claims settlement practices and provides penalties for violation of those standards.

New law retains existing law.

New law requires an insurer to provide a statement indicating the dollar amount of insurance proceeds paid under each type of coverage, if the insurer issues a check, draft, or other negotiable instrument that is jointly payable to an insured and a mortgagee or mortgage servicer as payment of insurance settlement proceeds for multiple types of coverage.

New law provides that in lieu of a statement, an insurer may issue separate checks, drafts, or other negotiable instruments for payment of each type of coverage.

Effective August 1, 2022.

(Adds R.S. 22:1892(A)(6))

### **Residential Property Insurance and Appraisal Clauses (ACT 559)**

Existing law provides that residential property insurance policies shall contain a provision that outlines a process whereby the amount of a loss may be set through appraisal, if an insurer and insured do not agree on the amount of the loss and the insurer or insured makes a demand for such.

Prior law made that requirement effective beginning Jan. 1, 2022.

New law removes the date for which the appraisal provision shall begin to be included in residential property insurance policies.

Prior law required the appraisal provision to provide that if an insured files a lawsuit against an insurer, relative to a residential property insurance policy, prior to a demand for appraisal, the lawsuit will be held in abatement until the execution of an appraisal award.

New law amends the appraisal provision to provide that if an insured files a lawsuit relative to his policy prior to a demand for appraisal, the lawsuit will be held in abatement during the period between a timely demand for appraisal and the deadline for execution of an appraisal award.

New law amends the appraisal provision to authorize the court of record in which the property is located to enforce the deadlines in the appraisal clause, set a reasonable deadline for timely demanding appraisal after all parties have filed pleadings, and require compliance with discovery and disclosure obligations relative to aspects of the lawsuit unrelated to the appraisal.

New law makes technical changes.

Effective January 1, 2023.

(Amends R.S. 22:1892(G))

### **Catastrophe Claim Process Disclosure Form (ACT 80)**

New law requires the commissioner to promulgate certain rules and regulations relative to a catastrophe claim process disclosure form that includes but is not limited to the following:

(1) An explanation of the claims process and the manner through which the insurer should communicate with the insured, subject to the terms and conditions of the insurance policy.

(2) An explanation of the supplemental claim process and the manner through which the insurer

should communicate with the insured, subject to the terms and conditions of the insurance policy.

(3) An explanation of the methodology used to calculate the percentage of the insured value of the property applicable to the insured's hurricane, named storm, wind, and hail deductibles.

(4) An explanation of the difference between the actual cash valuation and the replacement cost valuation.

(5) The rights and protections a policyholder has under state law.

(6) An explanation of the duties a policyholder has in order to settle an insurance claim.

(7) An explanation of the items necessary to properly document an insurance claim.

(8) An explanation of the procedure for filing a complaint with the department.

(9) A statement that informs the policyholder that if he files a claim for damage to a property subject to a mortgage, he may be required to notify the lender or mortgage servicer of the claims.

(10) A statement that informs the policyholder that if he receives proceeds from an insurance settlement for damage to a property subject to a mortgage, the policyholder may be required to contact the lender or mortgage servicer, as the lender or mortgage servicer may be a named payee whose endorsement may be required prior to depositing the insurance proceeds.

(11) An explanation of the procedure for filing a complaint with the Office of Financial Institutions.

(12) The process for utilizing the Hurricane Mediation Program if there is a disputed residential property insurance claim for property damage.

New law provides that if the governor declares a state of emergency, insurers settling property insurance claims that arise out of the state of emergency shall send to a policyholder filing a

property damage claim, the catastrophe claim process disclosure form.

New law provides that the insurer shall send the disclosure form to the policyholder no later than the date of the initial investigation of the claim by an adjuster.

New law provides that the disclosure form may be sent by U.S. mail, electronic delivery, or hand delivery.

New law provides that nothing in new law shall be construed to provide a policyholder with a civil cause of action.

Effective January 1, 2023.

(Adds R.S. 22:1897)

### **Maximum Penalty for Unfair or Deceptive Acts (ACT 683)**

Prior law provided when the commissioner of insurance (commissioner) determines a person has engaged in an unfair method of competition or an unfair or deceptive act or practice, he is required to reduce his findings to writing and must issue and cause to be served to cease and desist from engaging in such method of competition, act or practice and must order one or more penalties under prior law.

Prior law required the commissioner to penalize the person who violated the law with one or more penalties to pay not more than \$1,000 for each and every act or violation, but not to exceed an aggregate penalty of \$100,000 unless the person knew or reasonably should have known he was violating the law, the penalty is no more than \$25,000 for each and every act or violation, but cannot exceed an aggregate penalty of \$250,000 in any six-month period.

New law retains prior law but increases the aggregate penalty from \$250,000 to \$500,000.

Effective on August 1, 2022.

(Amends R.S. 22:1969(A)(1))

### **La. Property and Casualty Insurance Commission (ACT 371)**

Existing law provides for the members who serve on the La. Property and Casualty Insurance Commission (commission).

New law retains existing law and adds the following members to the commission:

- (1) A representative of the La. Claims Assn.
- (2) A representative of the National Assn. of Independent Insurance Adjusters.
- (3) A representative of the American Adjuster Assn.
- (4) A representative of the American Policyholder Assn.

New law creates an ad hoc committee under the commission to study catastrophe property claims.

New law provides that the ad hoc committee to study catastrophe property claims shall consist of the following members:

- (1) The governor or his designee.
- (2) The commissioner of insurance or his designee.
- (3) Two members of the Senate Committee on Insurance selected by its chairperson.
- (4) Two members of the House Committee on Insurance selected by its chairperson.
- (5) A representative of the Independent Insurance Agents & Brokers of La.
- (6) A representative of the National Assn. of Mutual Insurance Companies.
- (7) One consumer representative selected by the speaker of the House of Representatives.
- (8) One consumer representative selected by the president of the Senate.
- (9) A representative of the La. Claims Assn.

(10) A representative of the National Assn. of Independent Insurance Adjusters.

(11) A representative of the American Adjuster Assn.

(12) A representative of the American Policyholder Assn.

(13) A representative of the American Property Casualty Insurance Assn.

(14) A representative of the Professional Insurance Agents of La.

Prior law provided that a representative of the Property Casualty Insurers Assn. of America shall serve as a member on the La. Property and Casualty Insurance Commission, the automobile insurance ad hoc committee, the homeowners ad hoc committee, and the workers' compensation insurance ad hoc committee.

New law changes a member of the commission and its ad hoc committees in prior law from a representative of the Property Casualty Insurers Assn. of America to a representative of the American Property Casualty Insurance Assn. to reflect the organization having changed its name.

New law makes technical changes.

Effective Aug. 1, 2022.

(Amends R.S. 22:2171(C)(7), (D), (E)(6), (F)(12), (G)(12), and (H)-(L); Adds R.S. 22:2171(C)(23)-(26) and (M))

### **Insure Louisiana Incentive Program (ACT 754)**

Prior law creates the Insure Louisiana Incentive Program (program).

Prior law provides that Louisiana experienced a crisis regarding the availability and affordability of insurance for residential and commercial properties from the catastrophic losses in 2005 from hurricanes Katrina and Rita. Provided underwriting practices have resulted in property owners having to obtain property insurance or

coverage for wind peril from Louisiana Citizens Property Insurance Corporation (Citizens). Provided Citizens had a substantial deficit as a result of those storms and required both insurers and policyholders were charged assessments to fund Citizens deficit. Prior law provided some property owners were forced to sell or abandon their properties or they were prevented from repairing their storm-damaged properties, and some resident left the state and have failed to return. Provides Louisiana has a vital interest in fostering the availability of property insurance at a reasonable cost.

New law retains prior law but changes the year of the storms from "2005" to "2020 and 2021", and changed the names of the hurricanes from "Katrina and Rita" to "Laura, Delta, Zeta, and Ida", and deletes that insurers and policyholders are required to be assessed to fund the deficit of Citizens.

Prior law required the commissioner of insurance (commissioner) issue a public invitation to insurers to submit grant applications upon the implementation of the program and prohibited the commissioner from allocating individual grants less than \$2 million nor in excess of \$10 million in the initial applications and required the commissioner to initially allocate 20% of the total funds to domestic insurers. Prior law required the commissioner to offer a second invitation if all monies from the first invitation were not allocated and required the commissioner to offer a second invitation and prohibited the commissioner from allocating individual grants less than \$2 million nor in excess of \$10 million, but authorized insurers who received a grant in response to the first invitation could apply for an additional grant up to a \$10 million limit. Required the commissioner to offer a third invitation if all monies from the second and third invitation were not allocated and prohibited the commissioner from allocating individual grants less than \$2 million nor in excess of \$10 million, but authorized insurers who received a grant in response to the first and second invitation could apply for an additional grant up to a \$10 million limit.



New law retains prior law but changes the commissioner is required to issue a second and third invitation, to the commissioner is authorized to issue a second and third invitation.

Prior law required that once the three separate invitations and responses were finalized, the commissioner was to direct any unexpended or unencumbered funds and any matching capital grant funds not earned were used for the property insurance tax credit, but required that if the amount of funds in the program was less than \$35 million after the three separate invitations were finalized, the funds were to be used to accelerate payoff of the Unfunded Accrued Liability of the state retirement systems.

New law retains prior law but deletes the three separate invitations provision and requires the unallocated money reverts back to the state general fund and deleted funds less than \$35 million are to be allocated to the Unfunded Accrued Liability of the state retirements systems.

Prior law required grants were only made to insurers who had a capital and surplus exceeding \$25 million.

New law retains prior law but changes the minimum capital and surplus requirement from \$25 million to \$10 million.

Prior law authorized a non-admitted insurer and an approved unauthorized insurer could apply for a grant if the insurer became admitted and licensed to do business in this state and required the commissioner to reallocate funds the insurer was to receive if the insurer did not apply timely or was not admitted and licensed in this state.

New law retains prior law but removes non-admitted insurers and an approved unauthorized insurers and adds surplus lines insurers and changes from failing to become admitted and licensed in this state to failing to obtain a certificate of authority.

Prior law required the commissioner to promulgate rules to establish procedures to monitor the net written premium of insurers

receiving a grant and to ensure that an insurer complies with the provisions of prior law. Required the commissioner to provide rules for returning grant money to the state on a pro rata basis if the insurer failed to comply with prior law. Required the commissioner to seek the return of unearned grant money from an insurer if the insurer had not complied with the rules for five consecutive years commencing on January 1, 2009 and ending December 31, 2013.

New law retains prior law but changes the dates from "January 1, 2009" and "December 31, 2013" to "January 1, 2024" and "December 31, 2028".

New law established the Insure Louisiana Incentive Fund as a special fund in the state treasury for the financing of grants awarded according to the provisions of the prior law. Requires monies in the fund are invested in the same manner as monies in the state general fund, and any interest earned on the investment of fund monies are to be credited to the fund. Requires unexpended and unencumbered monies in the fund at the end of the fiscal year are to remain in the fund.

Effective August 1, 2022.

(Amends R.S. 22:2361-2370; adds R.S. 22:2371)

### **External Review of Health Insurance Claims (ACT 81)**

Prior law required a health insurance issuer to notify a covered person and the commissioner of insurance that a request is eligible for external review.

New law retains prior law, but requires a health insurance issuer to notify the commissioner with specificity the information or materials needed to make the request complete. Provides that if a health insurance issuer needs a form to make the request complete, the issuer is to provide within its notification a copy of the form, and provide copies of all materials submitted by a covered person, or if applicable, his authorized representative that could reasonably be interpreted as pertaining to the subject matter or purpose of the form. Provides that the notice or

form may be provided on the department's website.

New law provides that if a health insurance issuer or its utilization review organization (URO) fails to provide documents and information within a certain timeframe, an independent review organization (IRO) cannot delay the external review. New law deletes the prohibition against an IRO delaying an external review, but authorizes an IRO to terminate an external review and make a decision to reverse an adverse determination or a final adverse termination.

New law provides that when the commissioner receives the name of the IRO, a health insurance issuer or its URO is required to provide all necessary documents and information considered for making the adverse determination or final adverse determination to the IRO by electronic delivery, telephone, facsimile, or by any other expeditious method.

New law retains prior law and adds that if an IRO has not received information from the health insurance issuer expeditiously to reach a determination, the IRO is to presume the information submitted is most favorable to a covered person when an IRO reaches a decision as provided in law. Provides exceptions if the covered person fails to provide signed forms authorizing the issuer to release personal information.

Prior law made all external review decisions binding on the health insurance issuer and the covered person except to the extent that either has other remedies available under applicable federal or state law. New law retains prior law, but prohibits a health insurance issuer from denying coverage of services that were subject of review, if it determined that the covered person was ineligible for coverage due to nonpayment of premiums or for suspected fraud or material misrepresentation of fact.

Effective January 1, 2023.

(Amends R.S. 22:2436(C)(2)(a), (D)(2), (D)(3), (E)(2) and 2437(C); adds R.S. 22:2436(D)(4) and 2439(D); repeals R.S. 22:2436(E)(3))

## **Hurricane Mediation Program for Residential Property Damages (ACT 591)**

New law establishes the "Hurricane Mediation Program" (program).

New law provides every insured may request mediation for an insurance claim for residential property damages that involve disputed amounts up to \$150,000 if the governor declares a state of emergency for a named windstorm event, and the property insurance claim arises out of a state of emergency on property damaged that is located in this state and the property is in the geographic area that the named storm or windstorm is the subject of the declared state of emergency.

New law provides that if the insured decides to mediate the disputed amount, the insured is required to contact one of the participating mediation firms that is listed on the department of insurance's (department) website.

New law allows an insured and insurer to agree to mediate and subject to the provisions of new law any claim for residential property damages that involve disputed amounts in excess of \$150,000 and the property is located within the geographic area that is subject to the declared state of emergency.

New law requires a mediation firm (firm) that elects to participate in this program to comply with all of the following:

- (1) The firm contacts the department regarding participation in the program.
- (2) The firm agrees to the terms and conditions set forth in new law.
- (3) The firm provides the department its name, contact, municipal address, electronic mail address, and telephone number.
- (4) Requires the mediation cost be reasonable.
- (5) Requires the firm to notify the insurer and the insured within five business days after receiving the assignment, and requires the firm to notify the insurer and the insured in writing of the

assignment to mediating the disputed property insurance claim.

(6) Requires the mediation firm to set the matter for mediation to occur within 30 days of assignment.

(7) Requires that the firm is in charge of the mediation and to establish and describe the procedures to be followed. Requires the mediation firm to conduct the mediation in accordance with the standards of professional conduct for mediation adopted by the American Bar Association.

(8) The firm may meet with the insurer and insured separately to encourage meaningful communications and negotiations, and otherwise assist the insurer or insured to arrive at a settlement.

(9) Requires in-person mediation be conducted statewide in a metropolitan statistical area at an office or business location that is selected by the mediation firms. The insurer or the insured is not charged for the use of venue. If the insurer or the insured prefer to participate in the mediation remotely via telephone, video conference, or other similar electronic means, it is permitted provided the mediator and all other parties to the mediation are notified of the preference in advance of the mediation, and as needed to accommodate remote participation.

(10) The mediation session may last up to 90 minutes of actual mediation with the insurer and the insured. The ninety minutes shall not include time spent on telephone calls, document review, research, or any other administrative tasks that the mediator may find necessary to prepare for the mediation.

New law requires the department to maintain a list of participating firms and post it on the department's website that includes the firm's name, contact, municipal address, electronic mail address, and telephone number.

New law requires the insurer and the insured comply with all of the following:

(1) Requires the insurer to pay all of the cost of conducting mediation conferences, except if an insured fails to appear at the mediation conference, requires the mediation conference to be rescheduled upon the insured's payment of the costs of a rescheduled conference.

(2) If the insurer fails to appear at the mediation conference, requires the insurer to pay the insured's actual cash expenses up to \$250 incurred in attending the conference and requires the insurer to pay an additional fee to reschedule the mediation conference necessitated by the insurer's failure to appear and subjects the insurer to unfair trade practice laws if the insurer's failure to attend was not due to a good cause.

(3) An insurer is considered to have failed to appear if the insurer's representative lacks settlement authority. Requires the insurer to pay up to \$250 incurred in attending the conference and requires the insurer to pay an additional fee to reschedule the mediation conference necessitated by the insurer's failure to appear and subjects the insurer to unfair trade practice laws if the insurer's failure to attend was not due to a good cause.

(4) Requires the insurer provide the firm all of the following:

(a) Name, municipal address, electronic mail address, and telephone number of the insured and the location of the property if different from the address given.

(b) The claim and policy number for the insured.

(c) A brief description of the nature of the dispute.

(d) The name of the insurer and the name, municipal address, electronic mail address, and telephone number of the insurer's contact for scheduling mediation.

(e) Information with respect to any other policies of insurance that may provide coverage of the insured property for named perils like a flood or windstorm.

(5) When the insurer and the insured have been contacted by the firm, within five business days after being contacted, requires the insurer and the insured to provide the firm all relevant written documentation regarding the disputed claim and a short statement from each side as to why the parties have not been able to reach an amicable resolution.

(6) The firm may request additional documentation from either the insurer or the insured, or both. Requires the insurer and the insured to comply with any request for additional documentation or provide an explanation as to the reason the insurer or insured is not able to comply.

(7) Provides the insured can be represented by an attorney or other representative in the mediation, the insured shall provide the name and the contact information for the attorney or other representative to the mediator at least six days before the date of the mediation.

(8) Requires the insurer and the insured to negotiate in good faith.

(9) Requires the insurer and the insured are given an opportunity to present their side of the controversy. The insurer and the insured may utilize any relevant documents and may bring any individuals with knowledge of the issues, like adjusters, appraisers, or contractors, to address the mediator.

(10) Requires that all statements made and documents produced at a mediation are considered settlement negotiations in anticipation of litigation as provided by prior law.

(11) If an agreement is reached between the insurer and the insured, requires the insurer and the insured to reduce the agreement to writing. Requires the insurer and the insured to sign the agreement signifying the portions of the claim dispute that have been resolved in whole or in part.

(12) Mediation is voluntary and nonbinding, however, if a written settlement is reached, the insured has three business days that the insured

can rescind the settlement unless the insured has cashed or deposited any check or draft disbursed to the insured for the disputed matters as a result of the mediation conference. If a settlement agreement is reached and is not rescinded, the settlement agreement is binding and acts as a release of all specific claims that were presented in that mediation conference.

(13) Requires the insurer to disburse to the insured the specific dollar amount agreed to within 30 days of the conclusion of the mediation.

(14) If the insurer and the insured reach a partial agreement as to the claim dispute, allows the insurer and the insured may continue to utilize the service of the mediator after the insurer and insured have completed voluntary mediation. If the insurer and the insured agree to further mediation, requires the insurer and the insured are responsible for any additional mediation expenses at the mediator's standard rate.

(15) Mediation is voluntary and nonbinding, however, if a partial settlement is reached and is in writing, the insured has three business days within which the insured can rescind the settlement unless the insured has cashed or deposited any check or draft disbursed to the insured for the disputed matters as a result of the conference. If a settlement agreement is reached and is not rescinded, the settlement agreement is binding and acts as a release of all specific claims that were presented in that mediation conference.

New law provides that if the governor declares a state of emergency for a named windstorm event, the insurer that writes residential property insurance that is located in this state, requires the insurer to send a hurricane mediation program disclosure form (disclosure) to an insured who has filed a residential property insurance claim for property that is located in this state and within the geographic area of the named storm or windstorm that is subject to the declared state of emergency. Requires the insurer to send the disclosure notice prior to the initial investigation by either US mail, electronic mail, or by hand delivery.

New law provides that nothing in new law provides an insured with a civil cause of action.

New law provides nothing in new law applies to commercial insurance policies, private passenger motor vehicle insurance, or disputes relating to liability coverages in policies of property insurance.

New law authorizes the commissioner to promulgate rules and regulations necessary to implement this new law.

Effective January 1, 2023.

(Adds R.S. 22:2651-2657)

## **TITLE 23: LABOR AND WORKERS' COMPENSATION**

### **Workers' Compensation Proceeding Continuances (ACT 435)**

New law provides for the granting of continuances in a workers' compensation mediation, hearing, or trial.

New law provides that if the parties, whether represented or unrepresented, agree to a continuance of a mediation, hearing, or trial by filing a joint motion to continue or an uncontested motion to continue, the workers' compensation judge shall grant the continuance.

Effective August 1, 2022.

(Adds R.S. 23:1310.5.1)

### **Stays in Workers' Compensation Cases (ACT 451)**

New law provides that upon an uncontested motion to stay or a joint motion to stay of the parties, a workers' compensation judge shall order a stay of the proceeding on a claim and the stay shall remain in effect as long as both parties agree.

New law provides that when a motion to stay is granted, a telephone status conference shall be set at intervals at the direction of the workers' compensation judge.

New law provides that the telephone status conference must occur at least every six months.

New law provides that the abandonment provision pursuant to LAC 40:1.5705(A), shall not apply to a matter that is subject to a stay order pursuant to new law during the pendency of the stay.

Effective August 1, 2022.

(Adds R.S. 23:1310.5.1)

### **Unemployment Compensation Benefits (ACT 116)**

Relative to unemployment compensation, existing law provides that the administrator of the La. Workforce Commission (LWC) shall apply Procedure 2 from existing law (R.S. 23:1474(I)) as it relates to the maximum dollar amount of "wages", maximum weekly benefit amount, with any applicable discounts under existing law (R.S. 23:1592), and the formula for computation of benefits for the calendar years of 2021 and 2022.

New law retains existing law and provides that the administrator of LWC shall apply Procedure 2 from existing law (R.S. 23:1474(I)) for the calendar year beginning on Jan. 1, 2023.

Effective upon the Legislature of La. depositing funds into the clearing account of the Unemployment Compensation Fund.

Effective January 1, 2023.

(Adds R.S. 23:1474(J)(3))

### **La. Workforce Commission Recreated (ACT 102)**

Prior law provided that the Incumbent Worker Training Program (IWTP) re-authorization shall be expressly renewed by the legislature prior to July 1, 2022, in order for amounts to be charged

and credited to the Incumbent Worker Training Account in the following calendar year for use in funding the program.

New law changes the renewal date for the IWTP re-authorization from July 1, 2022, to July 1, 2026.

Prior law (sunset) provided that the La. Workforce Commission (LWC) and all the statutory entities made a part of that department by law shall begin to terminate its operations on July 1, 2022, and that all legislative authority for such entities shall cease as of July 1, 2023, unless the legislature enacts a bill authorizing the re-creation of the department and its statutory entities prior thereto.

New law provides for the general re-creation of the LWC and its statutory entities, effective June 30, 2022, in accordance with the sunset law.

New law supersedes the provisions of the sunset law which set out the procedure for review and re-creation and which require a separate bill to re-create each statutory entity within the department along with additional provisions.

New law makes July 1, 2027, the new termination date and termination would begin July 1, 2026, unless the department is again re-created.

Effective June 30, 2022.

(Amends R.S. 23:1553(G) and R.S. 49:191(1); Repeals R.S. 49:191(10)(l))

### **La. Workforce Commission Recreated (ACT 500)**

Prior law provides that the Incumbent Worker Training Program (IWTP) re-authorization will be expressly renewed by the legislature prior to July 1, 2022, in order for amounts to be charged and credited to the Incumbent Worker Training Account in the following calendar year for use in funding the program.

New law retains prior law but requires the legislature to renew the IWTP re-authorization prior to July 1, 2026.

Prior law provides that the Louisiana Workforce Commission (LWC) and all the statutory entities made a part of that department by law will begin to terminate operations on July 1, 2022, and that all legislative authority for such entities ceases as of July 1, 2023, unless the legislature authorizes the re-creation of the department and its statutory entities prior thereto.

New law provides for the general re-creation of the LWC and its statutory entities, effective June 30, 2022, in accordance with the "sunset" law.

New law supersedes the provisions of the "sunset" law which set out the procedure for review and re-creation and which require a separate bill to re-create each statutory entity within the department along with additional provisions.

New law makes July 1, 2027, the new termination date and termination would begin July 1, 2026, unless the department is re-created again.

New law authorizes the secretary to employ, appoint, remove, assign, and promote such personnel as is necessary for the efficient administration of the executive office of the secretary and for the performance of its respective powers, duties, functions, and responsibilities and such other personnel, who are not assigned to an office, as may be necessary for the efficient administration of the commission and for the performance of the responsibilities, powers, duties, and functions of agencies transferred to it.

New law retains prior law and makes the secretary's prior law authority applicable to each other office in the department.

Effective June 30, 2022.

(Amends R.S. 23:1553(G) and R.S. 36:304(B)(1)(a)(i); adds R.S. 49:191(13); repeals R.S. 49:191(10)(l))

### **Minimum Weekly Unemployment Compensation Benefits (ACT 330)**

Existing law provides that the unemployment compensation weekly benefit amount paid to

unemployed individuals filing a new claim for benefits may be modified in accordance with existing law (R.S. 23:1474).

Existing law provides that the maximum weekly benefit amount paid shall not be more than \$312.

Prior law required that the minimum weekly benefit amount paid shall not be less than \$10.

New law changes the minimum weekly benefit amount from \$10 to \$35.

New law otherwise retains existing law.

Effective August 1, 2022.

(Amends R.S. 23:1592(F))

### **Unemployment Compensation Integrity Program (ACT 571)**

Relative to the unemployment compensation integrity program, existing law provides that to ensure the integrity of the unemployment insurance program and to verify eligibility and to prevent fraudulent filing and payment of claims, the La. Workforce Commission (LWC) is required to do all of the following:

(1) Use commercially available database solutions to check new hire records against the state's unemployment insurance rolls on a weekly basis.

(2) Check new hire records against the National Directory of New Hires.

(3) Check the Integrity Data Hub or another commercially available database.

(4) Check the unemployment insurance rolls against the La. Dept. of Public Safety and Corrections' list of incarcerated individuals.

New law adds an additional requirement that the department, on a weekly basis, shall check the unemployment insurance rolls against the La. Dept. of Health state registrar and vital records' list of death records.

New law provides that to ensure the integrity of the unemployment insurance program and to prevent the continuous payment of suspicious or potentially improper claims, LWC shall perform a review and verify the eligibility of the following claims:

(1) Multiple or duplicative claims that are filed online originating from the same internet protocol (I.P.) address.

(2) Claims that are filed online from a foreign I.P. address.

(3) Multiple or duplicative claims that are filed and associated with the same mailing address.

(4) Multiple or duplicative claims that are filed and associated with the same bank account.

New law provides that the department shall adopt and implement an internal administrative policy to recover improper overpayments to the fullest extent possible by state and federal law.

New law further provides that the department shall, without exception, recover improper overpayments, unless doing so would violate existing state or federal law.

Effective August 1, 2022.

(Amends R.S. 23:1605(D)-(G); Adds R.S. 23:1605(C)(5), (H), and (I))

## **TITLE 24: LEGISLATURE AND LAWS**

### **Legislative Member Compensation (ACT 730)**

Existing law provides that the compensation of a member of the legislature shall be equal to the rate allowable for per diem deduction under the existing law federal tax code provisions (26 U.S.C. 162(h)(1)(B)(ii)) for the location of the state capital during their attendance on that body.

New law allows members and members-elect whose domiciles are more than 50 miles from the

state capitol to elect to receive the per diem compensation established in existing law as either compensation or as a travel allowance pursuant to an accountable plan maintained in accordance with the rules and regulations established in accordance with the existing law federal tax code provisions (26 U.S.C. 162(h)). Provides that the election is irrevocable for the calendar year.

Effective August 1, 2022.

(Amends R.S. 24:31)

### **Legislator Office Expenses (ACT 608)**

Existing law (R.S. 24:31.4) provides to each member of the legislature a monthly office allowance in vouchered expenses for such items as rent for office space, utilities, telephone, office supplies, and other expenses related to the holding and conducting of legislative office. Requires a member to submit appropriate invoices or receipts in order to have those expenses paid or reimbursed. Existing law prohibits payments for office space located in a legislator's residence or for any office space which is located in property owned wholly or in part by the legislator or a member of his family.

Prior law provided that the amount of the maximum monthly office allowance was \$500.

New law increases the maximum monthly office allowance to \$1,000.

Effective July 1, 2022.

(Amends R.S. 24:31.4(A) and (C))

### **Senate Districts Redrawn (ACT 1 of First Extraordinary Session)**

Existing constitution (Const. Art. III, §6(A)) requires the legislature, by the end of the year following the year in which the state's population is reported to the president of the U.S. for each decennial federal census, to reapportion the representation in each house as equally as practicable on the basis of population shown by the census.

New law redraws district boundaries for the 39 Senate districts effective upon signature of the governor or lapse of time for gubernatorial action for purposes of the 2023 election.

New law retains existing districts until 10:00 a.m., January 8, 2024, at which time prior law is repealed and proposed new districts are effective for all other purposes.

New law specifies that precincts referenced in district descriptions are those precincts identified as Voting Districts (VTDs) in the 2020 Census Redistricting TIGER/Line Shapefiles for the state of La. as validated through the data verification program of the La. legislature. Also specifies that if any such precinct has been subdivided by action of the parish governing authority on a nongeographic basis or subdivided by action of the parish governing authority on a geographic basis in accordance with existing law, the enumeration of the general precinct designation shall include all nongeographic and all geographic subdivisions thereof. Further provides that the territorial limits of the districts as enacted shall continue in effect until changed by law regardless of any subsequent change made to the precincts by the parish governing authority.

Population data in the summaries accompanying this digest are derived from 2020 Census Redistricting Data (Public Law 94-171), Summary File for Louisiana. Population data, statistical information, and maps are supplied for purposes of information and analysis and comprise no part of new law.

Effective for election purposes only for the regular legislative elections in 2023; effective for other purposes at 10:00 a.m., January 8, 2024.

(Adds R.S. 24:35.1; repeals R.S. 24:35)

### **House Districts Redrawn (ACT 4 of First Extraordinary Session)**

Existing constitution (Const. Art. III, §6(A)) requires the legislature, by the end of the year following the year in which the state's population is reported to the president of the U.S. for each decennial federal census, to reapportion the



representation in each house as equally as practicable on the basis of population shown by the census.

Prior law provided boundaries for 105 House districts based upon the 2010 federal decennial census.

New law redraws district boundaries for the 105 House districts based upon the 2020 federal decennial census.

New law provides that the new districts became effective upon lapse of time for governor's action (March 13, 2022) for election purposes only for the regular state legislative elections in 2023. Retained districts based upon the 2010 census until 10:00 a.m. on Jan. 8, 2024, at which time prior law was repealed and the districts based upon the 2020 census, as established by new law, became effective for all other purposes.

New law specifies that precincts referenced in district descriptions are those precincts identified as Voting Districts (VTDs) in the 2020 Census Redistricting TIGER/Line Shapefiles for the state of La. as validated through the data verification program of the La. legislature. Also specifies that if any such precinct has been subdivided by action of the parish governing authority on a nongeographic basis or subdivided by action of the parish governing authority on a geographic basis in accordance with existing law, the enumeration of the general precinct designation shall include all nongeographic and all geographic subdivisions thereof. Further provides that the territorial limits of the districts as enacted shall continue in effect until changed by law regardless of any subsequent change made to the precincts by the parish governing authority.

New law specifies that new law does not reduce the term of office of any person holding any position or office on the effective date of new law for which the appointment or election is based upon a House district as composed pursuant to prior law. Specifies that any position or office filled after Jan. 8, 2023, for which the appointment or election is based on a House district shall be appointed or elected from a district as it is described in new law.

Statistical summaries of new law, including district variances from the ideal population of 44,359 and the range of those variances, as well as maps illustrating the new district boundaries accompany the enrolled bill version available on the internet. The population data in the summaries accompanying this digest are derived from 2020 Census Redistricting Data (Public Law 94-171), Summary File for Louisiana. Population data, statistical information, and maps are supplied for purposes of information and analysis and comprise no part of new law.

Effective upon lapse of time for governor's action (March 13, 2022) for election purposes only for the regular state legislative elections in 2023; effective for all other purposes at 10:00 a.m. on January 8, 2024.

(Adds R.S. 24:35.3; Repeals R.S. 24:35.2)

### **Lobbying (ACT 543)**

Existing law provides for registration of anyone who lobbies the legislature or any executive branch agency. Specifies information to be included on his registration: his name, business address, names of persons who pay him to lobby and the level of payments made, and the potential subject matter about which he lobbies.

Existing law requires registered lobbyists to receive a minimum of one hour of education and training on existing law regarding lobbyists and on the provisions of the Code of Governmental Ethics which the Bd. of Ethics determines are relevant to such a lobbyist during each year the lobbyist is registered.

New law requires a lobbyist who was registered as a lobbyist in the previous year to indicate on his registration whether he completed the required training during the previous year.

New law, applicable to registration of lobbyists who lobby the legislature, adds "appropriations" to the list of specified subject matters about which he may anticipate lobbying.

Existing law requires lobbyists to file supplemental registrations if any information contained in his registration changes.

Prior law provided an exception to the required supplemental registration; provided that such registration was not required if a lobbyist began representing an additional person after Dec. 31st and the lobbyist timely filed his renewal form and accurately and completely listed his employment and representation at that time. New law repeals the exception.

Effective June 17, 2022.

(Amends R.S. 24:53(A)(6) and (7) and R.S. 49:74(A)(6) and (7); adds R.S. 24:53(A)(4)(b)(xxxiii) and (8) and R.S. 49:74(A)(8); repeals R.S. 24:53(H)(2))

#### **La. State Law Institute Council (ACT 613)**

Existing law provides that all meetings of the La. State Law Institute (LSLI) Council shall be held at a meeting space located in a public building and open to the public for the purposes of the meeting.

Prior law required that a majority of council meetings be held in Baton Rouge. New law requires that at least half of the meetings be held in Baton Rouge.

Prior law required that a majority of meetings of any committee, subcommittee, or other body of LSLI be held in Baton Rouge. Required that meetings of such entities be held at a meeting space located in a public building and open to the public for the purposes of the meeting. New law removes these requirements.

New law authorizes LSLI committees and subcommittees to conduct periodic meetings via electronic means if all of the following conditions are met:

(1) The notice and agenda for the meeting are provided 24 hours prior thereto on the LSLI website and by email to those requesting notice.

(2) There is a mechanism to electronically receive public comment both prior to and during the meeting.

(3) All public comments during the meeting can be properly identified and acknowledged and those comments are maintained in the record of the meeting.

(4) Each person participating in the meeting is properly identified.

(5) All parts of the meeting, excluding any matter discussed in executive session, are clear and audible to all participants in the meeting, including the public.

New law prohibits a committee or subcommittee from conducting successive meetings via electronic means.

New law does not limit the conduct of meetings via electronic means during a gubernatorially proclaimed or declared disaster or emergency in the manner provided in existing law (R.S. 42:17.1 – Open Meetings Law).

New law authorizes the LSLI to adopt rules, regulations, and procedures to allow the public to participate in a meeting via electronic means.

Effective upon signature of governor (June 18, 2022).

(Amends R.S. 24:202(F)(1) and (G))

#### **State Annual Comprehensive Financial Report (ACT 369)**

Existing law establishes a requirement that the commissioner of administration cause to be prepared an annual financial report that must contain "those financial statements, including notes thereto, which are necessary for a fair presentation of the financial position and result of operations of the state in conformity with generally accepted accounting principles." Provides for use of the report by certain agencies and officials.

Prior law referred to the report as the state's annual financial report.

New law changes the terminology for the report from the comprehensive annual financial report to the annual comprehensive financial report. Further makes technical changes throughout the Revised Statutes in conformity with this change in terminology.

Prior law (R.S. 24:513) required enhanced additional oversight by the legislative auditor for parishes having a population of not less than 225,000 and not more than 250,000 persons according to the latest federal decennial census. New law repeals prior law.

Effective upon signature of governor (June 10, 2022).

(Amends R.S. 24:513(A)(2) and (3) and R.S. 39:75(A)(3), 80(A) and (B)(1)(intro. para.), 1302(3)(i), and 1538(E); Repeals R.S. 24:513(J)(1)(c)(v))

## **TITLE 25: LIBRARIES, MUSEUMS, AND OTHER SCIENTIFIC**

### **Dew Drop-America's Rock and Roll Museum (ACT 519)**

New law establishes the Dew Drop-America's Rock and Roll Museum as a facility in the parish of Orleans, within the Dept. of Culture, Recreation and Tourism (department). Provides that the museum shall research, collect, preserve, and present, as an educational resource, the music, recordings, pictures, documents, artifacts, objects of art, and the like that reflect the social, cultural, and economic history of rock and roll music in the state and in the Orleans Parish area in particular.

New law creates a board of directors to govern the museum. Grants the board powers typical of corporate bodies including the power to acquire and possess property, enter contracts, adopt bylaws, and elect officers. Provides that the board is comprised as follows:

(1) One member appointed by the lieutenant governor.

(2) One member appointed by the LaSalle Cultural Corridor Commission.

(3) One member appointed by the mayor of New Orleans.

(4) One member appointed by the New Orleans city council.

(5) One member appointed by the board of trustees of the Recording Academy.

(6) The speaker of the House of Representatives or his designee.

(7) The president of the Senate or his designee.

(8) The members of the board as provided above shall appoint two additional members who represent cultural institutions or culture-sector industries in La.

Provides that appointed members serve four-year staggered terms.

New law requires the board to:

(1) Meet at least three times a year at the call of the board chairman.

(2) Adopt bylaws.

(3) Establish and use an identifying seal pertaining to museum business.

New law authorizes the department to include in its annual budget request a request for funds necessary for support of the museum. Further requires the governor to include in the executive budget sufficient funding for the support of operations and maintenance of the museum and its exhibits.

New law authorizes the board, individually or in cooperation with a nonprofit corporation formed to support the museum, to solicit and accept funds and other property for the museum either as loans or donations and provides with respect thereto.

Authorizes the museum to serve as the beneficiary of any public or private trust or insurance policy created for such purpose. Grants the board authority of deaccession with respect to any collection of the museum and in case of such deaccessions exempts the board from existing law relative to the sale or disposal of surplus property. Requires board policies and procedures to carry out such authority.

New law provides that unclaimed property loaned to or otherwise left with the museum shall become property of the museum after 10 years and after notice according to specified procedures. New law further provides that museum property may be loaned and museum collections shall be available for use in educational projects, subject to board approval.

Effective upon signature of governor (June 16, 2022).

(Adds R.S. 25:380.41-380.45 and R.S. 36:209(C)(5))

#### **Tioga Heritage Park and Museum (ACT 297)**

Prior law provided for the Tioga Heritage Park and Museum under the jurisdiction of the Department of State.

New law repeals prior law provisions relative to the Tioga Heritage Park and Museum.

Effective June 10, 2022.

(Repeals R.S. 25:380.81-380.87 and R.S. 36:744(F)(1)(b))

#### **Penalties for Demolishing Historic Structure in New Orleans (ACT 611)**

Existing law (Part I of Chapter 16 of Title 25) provides generally that the governing authority of any municipality, lake commission, parish, or similar governmental unit may establish within its borders a historic preservation district.

Existing law (Part II of Chapter 16 of Title 25) authorizes the governing authority of the city of New Orleans and the parishes of Franklin,

Tensas, LaSalle, Catahoula, Concordia, and Caldwell to establish a historic preservation district or landmark commission.

Existing law (Parts I and II of Chapter 16 of Title 25) provides procedures for establishing such districts and commissions after study, hearings, and other procedural requirements. Provides for such commissions and districts to regulate the exterior architectural features of structures and provides for application for and approval or denial of certificates of appropriateness to erect, alter, or demolish structures. Prohibits issuance of building permits without a certificate of appropriateness. Provides for exceptions.

Existing law (Parts I and II of Chapter 16 of Title 25) authorizes a commission to institute a suit to prevent any unlawful action in violation of the provisions of existing law or rules and regulations adopted by the commission. Requires that any person who violates the regulations of a commission be fined not less than \$50 and not more than \$100 for each violation. Provides generally that each day that a violation continues constitutes a separate offense.

Existing law (Part I of Chapter 16 of Title 25) provides that any person who demolishes a structure or edifice without a certificate of appropriateness may be fined a single fine of not less than \$1,000 and not more than \$10,000.

New law provides for an additional fine applicable in New Orleans. Provides that any person acting who demolishes a structure or edifice without a certificate of appropriateness may be fined a single fine of not more than the greater of \$25,000 or 15% of the assessed value of the structure or edifice.

Effective August 1, 2022.

(Adds R.S. 25:762.1)

#### **Louis Armstrong Park Authority and Historic Jazz District (ACT 349)**

Existing law establishes the Louis Armstrong Park Authority and Historic Jazz District for the purpose of acquiring ownership, leasing, or

entering into a management agreement for the Louis Armstrong Park facility from or with the city of New Orleans. Existing law provides that the district is authorized to promote, encourage, and enhance the park and all areas within the boundaries of the district through renewed commerce, industry, and for the utilization and development of the human resources of the area. Provides for district boundaries.

New law additionally provides that the district is a political subdivision of the state.

Prior law provided that the district's governing board was composed of 25 members as follows:

- (1) Four members appointed by the Treme Community Improvement Assoc., Inc.
- (2) One member appointed by the New Orleans Jazz and Heritage Foundation, Inc.
- (3) One member appointed by the Congo Square Foundation, Inc.
- (4) One member appointed by the New Orleans Musicians Organized, Inc.
- (5) One member appointed by the Women Entrepreneurs for Economic Development, Inc.
- (6) One member appointed by the St. Bernard/N. Claiborne Merchants Assoc.
- (7) One member appointed by the Treme Community Education Program from a list of nominations by the Treme Brass Band, the Dirty Dozen Brass Band, and the New Birth Brass Band.
- (8) One member appointed by the Treme Community Education Program.
- (9) One member appointed by the Kumbuka African Drum and Dance Collective.
- (10) One member appointed by the Treme Community Education Program, who shall be a tavern or jazz club operator.

(11) One member appointed from a Mardi Gras Indians Tribe by the Tamborine and Fan Club, Inc.

(12) One member appointed by the UMOJA.

(13) One member appointed by the Tamborine and Fan Club.

(14) The state senator from the 4th Senatorial District or his designee.

(15) The state representative from the 96th Representative District or his designee.

(16) The state senator from the 3rd Senatorial District or his designee.

(17) The state representative from the 93rd Representative District or his designee.

(18) One member appointed by the Downtown Development District.

(19) The mayor of the city of New Orleans or his designee.

(20) The governor or his designee.

(21) The city council member from District C or his designee.

(22) One member appointed by the New Orleans Music Commission.

New law provides instead that the board is composed of 17 members as follows:

- (1) One member appointed by the governing board of the Greater Treme Consortium, Inc.
- (2) One member appointed by the governing board of Save Our Soul Coalition, Inc.
- (3) One member appointed by the governing board of The Louis Armstrong Educational Foundation, Inc.
- (4) One member appointed jointly by the governing boards of the Claiborne Cultural Innovation District and the Claiborne Merchants & Business Association.

(5) One member appointed by the governing board of the Historic Faubourg Treme Assoc.

(6) One member appointed by the governing board of French Quarter Citizens, Inc.

(7) One member appointed by the governing board of the Congo Square Preservation Society.

(8) One member appointed by the governing board of the New Orleans Black Masking Indian Cooperative.

(9) One member appointed by the governing board of the Kumbuka African Drum and Dance Collective.

(10) One member appointed by the governing board of the New Orleans Culture Preservation Committee.

(11) One member appointed by the governing board of Tamborine and Fan, Inc.

(12) One member appointed by the governing board of the New Orleans Musicians' Clinic and Assistance Foundation.

(13) The member of the La. Senate whose district encompasses all or the greater portion of the area of the district or his designee.

(14) The member of the La. House of Representatives whose district encompasses all or the greater portion of the area of the district or his designee.

(15) The member of the U.S. House of Representatives whose district encompasses all or the greater portion of the area of the district or his designee.

(16) The mayor of the city of New Orleans or his designee.

(17) The member of the governing authority of the city of New Orleans whose district encompasses all or the greater portion of the area of the district or his designee.

Existing law requires board members to be residents of Orleans Parish and serve three-year terms. New law additionally provides that terms are staggered and that the terms of board members in office on Aug. 1, 2022 shall terminate on that date.

Existing law grants certain powers to the board in order to provide for the growth and development of the district, including but not limited to the following:

(1) To seek the designation of the park as a national park in any way it deems appropriate, including communication and cooperation with any state or federal authority or commission.

(2) To make recommendations concerning natural and environmental factors; trends of industrial, population, or other developments; the habits and lifestyles of the people of the district; the relation of land use within the district as it relates to the city as a whole; and areas for the concentration of wholesale, retail, business, and other commercial uses.

(3) To make recommendations concerning the need for and the proposed general location of public and private works and facilities, including but not limited to pollution control facilities.

Prior law granted the district the power to cooperate with and to engage in cooperative endeavors with other persons and entities as provided by the state constitution (Art. 7, Sec. 21(H)). Additionally granted the district the power to seek the issuance of revenue bonds through appropriate public entities.

New law removes prior law and grants the district all powers of a political subdivision for the purpose of funding the district and carrying out its objects and purposes.

Effective August 1, 2022.

(Adds R.S. 25:850.21; Repeals R.S. 33:2740.26)

### **LaSalle Cultural Corridor District (ACT 401)**

New law creates the LaSalle Cultural Corridor District in Orleans Parish as a political subdivision of the state to promote, encourage, and enhance the cultural and economic assets of the district through renewed commerce, industry, and utilization and development of the human resources of the area. Provides for district boundaries.

New law provides that the district is governed by a nine-member board of commissioners as follows:

- (1) The president of the La. Senate or his designee, who must be a member of the Senate.
- (2) The speaker of the La. House Representatives or his designee, who must be a member of the House.
- (3) The Lt. governor or his designee, who must be a member of his staff.
- (4) The member of the governing authority of the city of New Orleans or his designee.
- (5) Five members appointed by the mayor of the city of New Orleans as follows:
  - (a) Two appointees from a neighborhood located within the district.
  - (b) Two appointees from industries representing cultural economy and related industries, including the music, food, and film industries, culture bearers, or related cultural economy industries such as the performing and visual arts.
  - (c) One appointee with community and economic development experience. Provides that appointed members serve staggered three-year terms.

Provides that appointed members serve staggered three-year terms.

New law grants the district all powers of a political subdivision for the purpose of funding the district and carrying out its objects and purposes.

New law grants certain powers to the board in order to provide for the growth and development of the district, including but not limited to the following:

- (1) To make recommendations concerning natural and environmental factors; trends of industrial, population, or other developments; the habits and lifestyles of the people of the district; the relation of land use within the district as it relates to the city as a whole; and areas for the concentration of wholesale, retail, business, and other commercial uses.
- (2) To make recommendations concerning the need for and the proposed general location of public and private works and facilities.
- (3) To make or assist in studies and investigations of the resources of the district and the existing and emerging problems of industry, commerce, transportation, population, housing, and public service affecting the redevelopment of the district.
- (4) To prepare and revise inventory listings of the district's resources and of the major public and private works and facilities which are deemed necessary to the redevelopment of the district.
- (5) To cooperate, confer with, advise, and provide information to public and private entities and persons.

Effective August 1, 2022.

(Adds R.S. 25:850.21)

### **La. Governor's Mansion Commission (ACT 187)**

New law creates the La. Governor's Mansion Commission, within the governor's office, for the protection and enhancement of the governor's mansion and its contents, furnishings, and grounds.

New law provides that the commission is comprised as follows:

(1) If the governor is married, the governor's spouse or the spouse's designee; if the governor is unmarried, the governor or his designee. Such member shall serve as chair of the commission.

(2) A person appointed by the person serving on the commission pursuant to (1) above.

(3) The person employed at the governor's mansion in the position known as the executive residence director.

(4) A member of a former governor's family appointed by the governor.

(5) Three members appointed by the governor after consultation with staff employed at the governor's mansion.

New law provides that appointed members serve staggered five-year terms.

New law authorizes the commission to create an executive committee and other advisory committees.

New law provides that members serve without compensation but may be reimbursed for expenses directly related to their service on the commission.

New law prohibits improvement, renovation, redecoration, or enhancements to the mansion without prior approval of the commission. Requires commission approval of painting, renovations, non-appliance repairs, redecoration, or significant movement or rearrangement of furniture, artwork, antique pieces, vases, and other items in public areas.

New law authorizes the commission to enter into agreements for the loan of items housed in or located on the grounds of the mansion. Requires that items be covered by adequate insurance through the office of risk management to insure proper repair or replacement.

New law requires the commission to establish procedures for the inventory of physical assets contained in the governor's mansion and annual audit, spot-check inventory, and post-audit

functions for the protection of all items contained in the inventory.

New law requires the commission to provide a procedure for turning over the inventory items to the incoming governor's spouse or designee.

New law requires the commission to monitor the public and private areas and grounds for needed maintenance and repairs. Requires the office of state buildings and grounds to timely perform maintenance and repairs requested by the commission.

New law authorizes the commission, directly or through a foundation, to solicit, use, and dispose of funds and property.

Effective August 1, 2022

(Adds R.S. 25:1011-1016 and R.S. 36:4(S))

### **Delta Bike Trail Commission (ACT 336)**

New law creates the Delta Bike Trail Commission as a political subdivision of the state with power and functions as set forth in new law.

New law requires the commission be domiciled in Concordia, Tensas, Madison, and East Carroll parishes, with its headquarters in Vidalia, La.

New law provides that the commission is created for the purpose of overseeing the development and upkeep of the Delta Bike Trail (trail), a bike and walking trail along and on the Mississippi River in Northeast La. through the parishes of Concordia, Tensas, Madison, and East Carroll.

New law authorizes the commission to do the following:

(1) Receive funding from the Dept. of Transportation and Development (DOTD), the Dept. of Culture, Recreation, and Tourism, or any federal state funds or grants for the development of the trail.

(2) Promote marathons, nature-based, recreational, scenic, cultural, historic, and other forms of tourism.



(3) Improve transportation and communication facilities and access within the trail area.

(4) Further develop family-oriented recreational facilities along the trail area.

(5) Promote and market the region through a variety of communications media including maps, guides, tapes, videos, advertisement, signage, and electronic media.

New law requires the commissioners serve four-year terms.

New law requires the commission consist of seven members designated and appointed by each of the following:

(1) The lieutenant governor.

(2) The secretary of the DOTD.

(3) The state representative for District 21.

(4) The president of the Concordia Parish Police Jury.

(5) The president of the East Carroll Parish Police Jury.

(6) The president of the Tensas Parish Police Jury.

(7) The president of the Madison Parish Police Jury.

New law specifies that members of the commission will not receive any salary for the performance of their duties as commissioners. Authorizes reimbursement of mileage expenses incurred for attendance at meetings of the commission.

New law requires mileage allowance be fixed by the commission in an amount not to exceed the mileage allowance authorized under state travel regulations at rates and standards as promulgated by the division of administration subject to the availability of funds.

New law requires the members elect from among themselves a chair and other officers as deemed necessary.

New law requires the commission meet not less than quarterly. Authorizes the commission to hold such other meetings deemed necessary and called by the chairman or by a majority of the members. New law requires the members elect from among themselves a chair and other officers as deemed necessary.

New law requires the commission adopt bylaws to govern its affairs and activities. Requires the committee be subject to La. ethics law.

New law authorizes the commission to perform, procure from the DOTD, with the consent of its secretary, or procure from outside service providers any service or portion of services necessary to fulfill the duties and obligations of the commission.

New law requires the commission be subject to and comply with the public records law and the open meetings law. Requires all proceedings and documents of the commission be public records. Authorizes all reports, maps, or other technical documents produced in whole or in part by a commission be utilized by the department or any other public agency in any manner necessary and advisable in the conduct of its duties.

New law requires the parish planning and zoning departments of Concordia, Tensas, Madison, and East Carroll parishes and all of their subcommittees serve in an advisory capacity to the commission relative to any project or projects contemplated by or to be undertaken by the commission.

New law provides the commission have the following duties and authority:

(1) To adopt rules and regulations necessary to carry out the purposes of the commission, for the governance of its affairs, and for the conduct of its business.

(2) To adopt, use, and alter at will an official seal.

(3) To plan, construct, reconstruct, maintain, improve, operate, own, or lease projects within the trail area in the manner determined by the commission and to pay any project costs in connection therewith.

(4) To sue and be sued in its own name.

(5) To impose, revise, fees, and charges in connection with its projects sufficient to pay all project costs, maintenance, operation, debt service, and reserve or replacement costs, and other necessary or usual charges.

(6) To receive grants, donations, funds, or other resources from any source, including proceeds from the sale of services.

(7) To acquire property, including rights-of-way; and hold and use any franchise or property, immovable, movable, or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purposes of the commission.

(8) To contract with any person, partnership, association, or corporation desiring the use of any part of the trail or trail area, including the right-of-way adjoining the paved portion, for placing thereon any of the following: telephone, fiber optic, telegraph, electric light, or power lines, gas stations, garages, and restaurants, or for any other purpose, and to fix the terms, conditions, rents, and rates of charges limited to no more than the direct and actual cost of the commission in administering the permitting process.

(9) To enter into contracts including those for purchase, construction, and improvement of works and facilities necessary in connection with the planning and development of the trail.

(10) To sell or lease property owned by it when such property is no longer needed for public purposes.

(11) To appoint agents or employees, prescribe their duties, and fix their compensation.

(12) To provide matching grants for the restoration or improvement of private properties

located within the trail or trail area when such restoration or improvement is determined by the commission to be consistent with the master plan for the development of the trail.

(13) To do all acts and perform things necessary or convenient to execute the powers granted to the commission by law.

Effective August 1, 2022.

(Adds R.S. 25:1301-1306)

## **TITLE 26: LIQUORS – ALCOHOLIC BEVERAGES**

### **Alcohol Retail Permits and Residency (ACT 694)**

Existing law provides that applicants for state and local high and low alcohol retail permits be a citizen of the United States and the state of Louisiana. However, the requirements as to Louisiana citizenship do not apply to wholesalers or retailers who held permits on or prior to January 1, 1946, or for beverages of low alcohol content permits since July 26, 1944.

Prior law required applicants to be a resident of the state continuously for a period of not less than two years preceding the date of the filing the application.

New law removes the two-year residency requirement for high and low alcohol retail permits.

Effective August 1, 2022.

(Amends R.S. 26:80(A)(2) and 280(A)(2))

### **Transfer of Beer Between Microbreweries (ACT 550)**

Existing law authorizes any person who has properly obtained a microbrewer's permit as provided for in existing law, to engage in the brewing of beer and other malt beverages in a

quantity not to exceed 12,500 barrels during the licensed year.

Existing law authorizes the holder of the microbrewer's permit to sell the manufactured beverages at retail for consumption on or off the licensed premises, if the holder also has been issued a Retailer, Class A permit.

New law retains existing law.

New law authorizes a licensed wholesaler to transfer from a permitted microbrewery to another permitted microbrewery up to 50% of the total manufactured beverages sold at the receiving microbrewery provided all of the following conditions are met:

- (1) The microbrewery receiving the transferred manufactured beverages be wholly owned by the permitted microbrewery that brews the manufactured beverages authorized for transfer.
- (2) The receiving microbrewery have, at a minimum, a 10-barrel brewing system.
- (3) The microbrewery transferring the manufactured beverages shall be responsible for paying all applicable federal, state, and local excise taxes on the transferred manufactured beverages.
- (4) Only one permitted microbrewery within the same municipality be allowed to receive the transfer of manufactured beverages.

New law exempts the licensed wholesaler transferring the manufactured beverages from existing law that, subject to certain exceptions, prohibits alcoholic beverages produced or manufactured inside or outside of this state be sold or offered for sale in Louisiana, or shipped or transported into or within the state, except to the holder of a wholesaler's permit.

Effective August 1, 2022.

(Amends R.S. 26:271.1(A))

## **Delivery of Alcoholic Beverages (ACT 482)**

Existing law (R.S. 26:274) provides that parishes and municipalities may issue and require local permits and may charge and collect fees for such permits. Existing law prohibits parishes or municipalities from requiring permits for any commercial airline that has been issued a Class B retailer permit.

Existing law provides that parishes and municipalities may issue permits similar to those issued by the commissioner for the alcoholic beverage delivery by grocery stores, restaurants, and third parties.

New law provides that parishes and municipalities shall not require local permits for the delivery of alcoholic beverages of any licensed third-party delivery companies that have been issued a delivery service permit by the state.

Existing law (R.S. 26:271.4) provides for the issuing of Class B Package House permits allowing for the delivery of alcohol by grocery stores.

Existing law (R.S. 26:271.3) provides for the issuance of Class C Package Store permits to establishments that meet certain requirements including selling alcoholic beverages for off-premise consumption and not distributing motor fuel at the licensed establishment.

New law prohibits the delivery of alcoholic beverages more than 20 miles from the place of purchase.

Effective August 1, 2022.

(Amends R.S. 26:274(A)(2) and 308(C)(8))

## **Delivery of Alcoholic Beverages (ACT 514)**

Existing law (R.S. 26:274) allows for parishes and municipalities to issue and require local permits for the delivery of alcoholic beverages by grocery stores, restaurants, and third parties.

New law prohibits a parish or municipality from requiring local permits of any third party which

has been issued a state delivery service permit and from requiring an additional local permit for delivery of any licensed retail dealer that has been issued a state delivery permit.

Existing law (R.S. 26:308) allows certain retail dealers to enter into an agreement with a third-party to facilitate the sale of alcoholic beverages for delivery.

New law additionally authorizes written agreements for the sale of alcoholic beverages for curbside pickup for holders of Class A-General, Class "R" restaurant, and Class B permits.

Existing law prohibits the delivery of alcoholic beverages beyond a certain distance in certain parishes.

New law prohibits the delivery of alcoholic beverages beyond 20 miles from the place of purchase for all parishes.

Existing law requires a person delivering alcoholic beverages to possess a valid server permit.

Existing law (R.S. 26:931) provides that a server permit is a permit issued to a server or security personnel upon completion of all required server or security personnel training courses and all required refresher courses as provided by existing law.

New law additionally exempts any person who has obtained a permit solely for the purpose of alcoholic beverage delivery from local server permitting requirements.

Existing law (R.S. 26:308) requires a retail dealer to determine the price at which alcoholic beverages are offered for sale or sold through a third party.

New law requires retail dealers to notify third parties in writing or via electronic means of any changes in sale prices of any alcoholic beverages by the retail dealer.

New law requires third party delivery companies to deliver alcoholic beverages in a manufacturer sealed container.

Existing law provides that any permittee who violates the provisions of existing law shall be subject to revocation of the permit by the commissioner.

New law provides that any permittee who violates the provisions of existing law may be subject to revocation of the permit by the commissioner and adds that a violation of existing law may also be punishable as provided by R.S. 26:292.

Existing law (R.S. 26:292) provides for fines in lieu of revocation or suspension of the permit.

Effective August 1, 2022.

(Amends R.S. 26:274(A)(2), (E) and 308(B), (C)(8), and 12(b), and (J))

### **Private Events at Brewing Facilities (ACT 570)**

Existing law, in part, defines "manufacturer or brewer" as any person who personally or otherwise engages in the making, blending, rectifying, brewing, or other processing of alcoholic beverages for shipments to licensed wholesale dealers within the state.

Existing law provides that a manufacturer or brewer may sell or serve only those products brewed at a La. facility to the public only at that facility for consumption on or off the premises but not for resale.

Existing law further provides that the total amount of sales to the public for any given month shall not exceed 10% of the total amount of the product brewed monthly or 250 barrels, whichever is greater.

New law adds that a manufacturer or brewer who operates a brewing facility entirely located in this state may host contracted private events held at a brewing facility if the following conditions are met:

(1) A copy of the lease is provided to the commissioner at least 10 days prior to the event.

(2) The manufacturer or brewer may charge a reasonable rental fee to the third party for the contracted private event.

(3) The manufacturer or brewer may serve to guests beer manufactured at that licensed facility. The brewer shall not charge the third party more than its standard prices for such products.

Effective upon signature of governor (June 17, 2022).

(Adds R.S. 26:309)

### **Self-Distribution of Certain Brewers (ACT 467)**

Existing law (R.S. 26:241) provides for definitions for alcohol beverage control and taxation. New law adds definitions for "brewing facility", "self-distribution", and "secondary location".

Existing law requires that sales to the public by manufacturers or brewers cannot exceed the greater of 10% of the total amount of product brewed at that facility monthly or 250 barrels and requires all state and parish or municipal sales and excise taxes be remitted to the proper tax collecting authority for all products sold to the public as well as compliance with all local zoning laws and regulations.

New law authorizes a brewer who operates a brewing facility located entirely in the state that produces less than 5,000 barrels of beer or other malt beverages annually at the brewing facility and holds both an in-state manufacturer's permit and a brewer's self-distribution permit issued pursuant to existing law to self-distribute to either of the following:

(1) A secondary location wholly owned by the brewer holding the self-distribution permit.

(2) A retailer holding a Class A permit, a Class B permit, a Class C permit, or a Type A, B, or C temporary alcoholic beverage permit.

New law authorizes a brewer who operates a brewing facility located entirely in the state to obtain a permit to self-distribute beer or other malt beverages brewed at its brewing facility under the following conditions:

(1) The quantity of beer brewed at the brewing facility that is self-distributed to a secondary location shall be included in the quantity limitations for selling products for on- or off-the-premises consumption in existing law for the producing brewing facility that does not exceed an amount greater than 50% of the secondary location facility's production of beer for the previous month or 50% of the volume of beer sold at retail by the secondary location for the previous month, whichever is less.

(2) If a brewer self-distributes to a secondary location, the brewing facility at which the beer is produced shall maintain no less than a 10-barrel brewing system and the secondary location is required to maintain no less than a five-barrel brewing system.

New law requires that if a brewer self-distributes to retailers the following shall apply:

(1) No more than 3,000 barrels of beer brewed at the brewing facility be self-distributed to all retailers annually.

(2) The product be offered at a standard price to all retailers.

New law prohibits the brewer or brewing facility from having an existing distribution agreement with a permitted wholesale dealer.

New law requires that the brewer or brewing facility own or lease warehouse space that is maintained separate from the brewing facility.

New law requires that the brewer or brewing facility own or lease delivery equipment dedicated for the primary use of distribution and delivery of only those products brewed at the brewing facility.

New law requires the brewer to remit all state sales and excise taxes on all beer or other malt

beverages produced at its brewing facility that is self-distributed to a secondary location.

New law requires the secondary location to remit all parish or municipal sales and excise taxes on any amount received through self-distribution by the brewer to the proper tax collecting authority for all products sold to the public.

New law requires the brewer or brewing facility to provide a monthly report of all sales from the brewing facility and all sales from self-distribution to the office of alcohol and tobacco control.

New law authorizes a brewing facility to enter into a distribution agreement with a permitted wholesale dealer or make application for a self-distribution permit. However, no brewing facility shall distribute through the permitted wholesale dealer and self-distribution.

New law provides that any brewing facility that engages in self-distribution be subject to applicable state regulations.

New law authorizes a brewer who operates a brewing facility located entirely within the state and who holds an in-state manufacturer's permit to use a wholesaler, for a set fee, to transfer beer or other malt beverages brewed at the brewing facility to another brewing facility in the state owned wholly by the brewer to sell or serve to the public for consumption on- or off-the-licensed premises under the following circumstances:

(1) A transferring brewing facility that maintains no less than a 10-barrel brewing system, and the receiving brewing facility owned wholly by the transferring brewing facility maintains no less than a five-barrel brewing system.

(2) The quantity of beer transferred is included in the quantity limitation for selling products by a brewer to the public for on- or off-the-licensed premises consumption for the brewing facility receiving the transferred beer.

(3) The quantity of beer transferred does not exceed an amount greater than 50% of the receiving brewing facility's production of beer for

the previous month or 50% of the volume of beer sold at retail by the receiving facility for the previous month, whichever is less.

(4) The receiving brewing facility remits all state and parish or municipal sales and excise taxes to the proper tax collecting authority for all products received and sold to the public.

Existing law provides a fee schedule for those engaged in the business of dealing in malt beverages or beverages of low alcoholic content.

New law adds that brewers engaged in self-distribution shall pay a \$1,500 permit fee.

Effective August 1, 2022.

(Amends R.S. 26:359(A); Adds R.S. 26:241(27)-(29), 242, 243, and 271(A)(7))

## **TITLE 27: LOUISIANA GAMING CONTROL LAW**

### **Institutional Investors (ACT 725)**

Prior law (R.S. 27:3(13)) provided for the definition of "institutional investor", which included any other regulated investor as the La. Gaming Control Bd. (board) may determine in its sole discretion consistent with the provisions of existing law.

New law amends the definition of "institutional investor" to include any other investor the board may determine in its sole discretion consistent with the provisions of existing law.

Existing law (R.S. 27:27(A)) provides that an institutional investor found suitable or qualified pursuant to existing law and the rules adopted thereto shall be presumed suitable or qualified upon submitting documentation sufficient to establish qualifications as an institutional investor, and upon certifying that:

(1) It owns, holds, or controls publicly traded securities issued by a licensee, permittee or holding, intermediate or parent company of a

licensee or permittee in the ordinary course of business for investment purposes only.

(2) It does not exercise influence over the affairs of the issuer of such securities nor over any licensed or permitted subsidiary of the issuer of such securities.

(3) It does not intend to exercise influence over the affairs of the issuer of such securities, nor over any licensed or permitted subsidiary of the issuer of such securities, in the future, and that it agrees to notify the board in writing within thirty days if such intent should change.

New law amends (1) in the above existing law to provide that an institutional investor certifies that it meets any of the following:

(1) Owns, holds, or controls publicly traded securities issued by a licensee, permittee or holding, intermediate or parent company of a licensee or permittee in the ordinary course of business for investment purposes only.

(2) Is a plan or trust established and maintained by the U.S. Government, a state, or a political subdivision of a state that owns, holds, or controls equity in a licensee, permittee, or holding, intermediate or parent company or a licensee or permittee in the ordinary course of business for investment purposes only.

(3) Has been approved by the board pursuant to existing law (R.S. 27:3(13)(i)) and owns, holds, or controls equity in a licensee, permittee, or holding, intermediate or parent company or a licensee or permittee in the ordinary course of business for investment purposes only.

Effective July 1, 2022.

(Amends R.S. 27:3(13)(i) and 27(A)(intro. para.) and (1))

### **Problem Gambling Program; Sports Wagering (ACT 266)**

Existing law requires the Louisiana Gaming Control Board (board) to adopt rules for a uniform compulsive and problem gambling

program and that such rules include the self-exclusion program.

Existing law requires licensees of riverboat gaming, fantasy sports, slot machines at racetracks and sports wagering and the land-based casino to adopt programs in compliance with the board's rules.

New law retains existing law and adds applicability to platform operators of such licensees and to electronic wagering, including mobile wagering.

Existing law provides that the board's list of self-excluded persons shall not be open to public inspection and provides that the board, state police gaming division, any licensee, permittee, or the casino gaming operator and any employee or agent thereof shall not be liable to any self-excluded person or to any other party in any judicial proceeding for any monetary damages or other remedy which may arise as a result of disclosure or publication of the identity of the self-excluded person in any manner other than a willfully unlawful disclosure to a third party that is not an employee, affiliated company, or employee or agent of the board or division.

New law retains existing law and adds to the liability exception for disclosure to a third party agent of the licensee, permittee, or casino gaming operator or a patron identification service entity.

Existing law provides that except for the requirement of posting signs to inform customers of the toll free number for information and referral services regarding compulsive and problem gambling, the uniform compulsive and problem gaming program is not applicable to video draw poker licensees.

New law provides that if the video draw poker licensee becomes a sport wagering licensee, all of the rules and requirements of the uniform compulsive and problem gambling program shall be applicable to the licensee.

Existing law provides that licensees or operators are taxed on net gaming proceeds. "Net gaming proceeds" is defined 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 the amount of eligible promotional play. Eligible promotional play equals the amount of dollars directly attributable to promotional play wagers related to sports wagering and actually redeemed by players and patrons.

Existing law limits eligible promotional play to not more than \$5M per calendar year per licensee. Prohibits a licensee from splitting promotional play between sports wagering platforms.

New law retains existing law.

New law provides that if a sports wagering platform provider contracts with more than one sports wagering licensee, it may not claim more than the maximum amount of eligible promotional play per licensee as provided in existing law in any calendar year, regardless of the amount allocated to it by multiple sports wagering licensees.

Prior law provided that in the event a licensee pools its wagers with other Louisiana sports wagering licensees, 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. Provided that the pooling and the corresponding agreement among the licensees is subject to the approval of the board. Specifically prohibited a pool from stacking eligible promotional play of the participating licensees to exceed a total for the pool of \$5M per calendar year.

New law deletes prior law.

Existing law creates a special fund in the state treasury known as the Sports Wagering Local Allocation Fund. Provides that monies in the fund shall be remitted monthly, by proportionate distribution, to each parish governing authority in which the taxable conduct occurred.

New law clarifies proportionate distribution to be the population percentage of each parish that

approved sports wagering compared to the total population of all 55 parishes that approved sport wagering.

Effective July 1, 2022.

(Amends R.S. 27:27.1(C)(intro para), (1), (3), and (8), (D)(1), (3), and (4), (E), (F), (J), (L)(intro para), and (M), 627, and 628(B))

### **Land-Based Casino Operating Contract (ACT 89)**

Existing law provides for the granting of an exclusive contract to operate a land-based casino gambling establishment in accordance with state law. Existing law provides specific provisions that are required to be included in the casino operating contract. Among other required provisions, existing law includes:

(1) 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.

(2) The casino gaming operator shall not reduce the total salary levels or compensation of its operating force or personnel by more than 10% of the salary level or compensation as such existed on March 8, 2001.

New law temporarily suspends the requirement that existing law provisions be included in the casino operating contract from July 1, 2022, thru June 30, 2024.

Existing law (R.S. 27:248(C)) requires the casino gaming operator to directly and through its parent, subsidiary, or affiliate companies and its third-party tenants and subtenants, collectively seek to maintain and grow the operating force or personnel level related to the casino and to non-gaming operations within, adjacent to, or around the official gaming establishment. Also, requires quarterly reporting to the Louisiana Gaming Control Board on the total operating force or personnel level and the total salary level or compensation and provides deadlines, definitions, and a methodology for such reporting.



New law specifically provides that irrespective of the suspension of existing law regarding the required contract provisions, the responsibility for economic development, and quarterly reporting by the casino gaming operator remains in full force and effect.

Effective May 24, 2022.

(Adds R.S. 27:244(D))

### **Video Poker Truck Stop Facilities (ACT 557)**

Existing law (R.S. 27:416(C)) requires qualified truck stops facilities to have a fuel facility that offers, in the regular course of business, fuel sales for individual vehicle consumption.

Existing law further provides that the number of video draw poker devices placed at a qualified truck stop facility shall be based on the average monthly fuel sales calculated quarterly, using four sets of three calendar months, for the first year of operation and thereafter shall be based upon the average monthly fuel sales calculated annually, using a calendar year, as follows:

- (a) 100,000 gallons of fuel - not more than 50 devices.
- (b) 75,000 gallons of fuel - not more than 40 devices.
- (c) 50,000 gallons of fuel - not more than 35 devices.

Existing law further provides that certain facilities that comply with the existing law fuel sales requirements for five consecutive years shall be permitted to retain the number of devices it operated during that same consecutive five-year period. Further provides that after 10 years of operation, a qualified facility shall be permitted to retain the number of devices for which the facility qualified in the prior calendar year of operation, not to exceed 40 devices, if the facility meets a minimum fuel sales requirement.

New law provides that a qualified truck stop facility that meets certain requirements of existing law shall only be required to offer, in the

regular course of business, fuel for sale for individual vehicle consumption notwithstanding certain existing law requirements.

Existing law (R.S. 27:417(A)) provides relative to certain amenity requirements for qualified truck stop facilities. Prior law required an onsite restaurant.

New law repeals the requirement of an onsite restaurant.

Existing law further provides that the qualified truck stop facility shall have at least four of the following amenities:

- (a) A separate truckers' television lounge.
- (b) A full-service laundry facility located in a convenient area for truckers' use.
- (c) Private showers for men and women and not located in an area open to general public restroom facilities.
- (d) A travel store.
- (e) Truck scales.
- (f) Separate truckers' telephones.
- (g) Permanent storage facilities for fuel.

New law adds a Class-A General retail permit operating as a sports wagering lounge which sells food or has an onsite restaurant.

Effective August 1, 2022.

(Adds R.S. 27:416(C)(3)(c) and 417(A)(6)(h); Repeals R.S. 27:417(A)(2))

### **Video Draw Poker Device Fund (ACT 658)**

Existing law establishes the Video Draw Poker Device Fund (hereinafter the "fund") and provides for the distribution and expenditure of monies in the fund.

Prior law required that monies in the fund be withdrawn only pursuant to appropriation by the legislature and be distributed as follows:

(1) 25% to be distributed in the following priority:

(a) To provide district attorneys and assistant district attorneys increased compensation as provided by law enacted in the 1992 R.S. not to exceed \$5,400,000.

(b) Remaining monies after the distribution to district attorneys and assistant district attorneys to be distributed as follows:

(i) To the governing authorities of municipalities in which video draw poker devices are operated as provided by law.

(ii) To the governing authority of each parish in which video draw poker devices are operated and the sheriff of each such parish, to be divided equally between them, as provided by law.

(2) An amount allocated to the Department of Public Safety and Corrections and to the Department of Justice pursuant to legislative appropriation.

(3) Any monies in the fund not required to meet the requirements in prior law were credited to and deposited in the state general fund as they became available. Any unexpended or unencumbered monies remaining in the fund at the end of the fiscal year reverted to the state general fund.

New law retains prior law except that it provides that any portion of the unexpended or unencumbered monies remaining in the fund at the end of the fiscal year after the 25% allocation is made pursuant to prior law shall not revert to the state general fund but shall be distributed in accordance with prior law. New law further provides any remaining portion of the 75% of the unexpended and unencumbered monies in the fund at the end of the fiscal year shall revert to the state general fund.

Effective June 18, 2022.

(Amends R.S. 27:437(C)(3))

## **Disability-Focused Disaster Preparedness and Response (ACT 706)**

Existing law provides that 2% of the monies collected annually from the tax upon gaming proceeds from sports wagering established by existing law, not to exceed \$500,000, shall be credited to the Disability Affairs Trust Fund.

New law revises existing law to dedicate this revenue instead to the Disability-Focused Disaster Preparedness and Response Fund, a special fund created by new law. Provides that the monies in the Disability-Focused Disaster Preparedness and Response Fund shall be used solely for the purposes provided by new law.

New law provides that its purpose is to address particular identified needs of people with disabilities affected by disasters through needs assessment, coordination of resources to meet those needs, and training of personnel to identify needs through appropriate methods and to proficiently coordinate with the proper entities that provide necessary services, thereby establishing a network to identify people who need disability-related resources in disaster periods and ensure that those who need help are connected to those who can provide help.

New law requires the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) to contract with a disability assessment and coordination entity (DACE). Provides that the DACE shall perform all of the following functions:

(1) Work with GOHSEP to develop a statewide plan which shall include but not be limited to all of the following elements:

(a) Conduct individual assessments of needs of people with disabilities in shelters and areas impacted by disasters.

(b) Provide training that addresses meeting the needs of people with disabilities impacted by disasters to disability stakeholders, other entities that serve people with disabilities, and government agencies.

(c) Enhance cooperation between the entities identified in new law so that the needs of people with disabilities relating to disaster preparedness and response shall be met.

(d) Where necessary, directly meet the needs of people with disabilities impacted by disasters.

(2) Administer the initial implementation of the statewide plan.

(3) Administer the statewide plan on an ongoing basis.

(4) Conduct individual needs assessments for people with disabilities.

(5) Coordinate with state and local governmental entities, disability stakeholders, and affected individuals with disabilities or their representatives to meet individual needs identified in assessments.

(6) Directly meet the needs of people with disabilities impacted by disasters in instances in which no other option for furnishing of such assistance is available.

(7) Provide training to GOHSEP to meet the needs of people with disabilities that are impacted by disasters.

(8) Maintain staffing necessary to administer the statewide plan.

(9) Collect data relative to the activities conducted pursuant to proposed law and provide an annual report to GOHSEP.

New law sets forth minimum qualifications that the director of the DACE shall possess.

New law requires GOHSEP to seek federal reimbursement for eligible disaster-related expenses incurred in the provision of resources and services to people with disabilities affected by disasters as authorized by the provisions of new law. Authorizes GOHSEP to enter into any type of agreement with the DACE as necessary for the purpose of securing federal

reimbursement for eligible disaster-related expenses.

New law authorizes GOHSEP to utilize no more than 3% of the monies annually deposited into the Disability-Focused Disaster Preparedness and Response Fund pursuant to new law for administrative costs, including costs of grant administration.

Effective upon appropriation of funds by the legislature.

(Amends R.S. 27:625(G)(5) and R.S. 29:726.6(Section heading); Adds R.S. 29:726.7)

## **TITLE 28: MENTAL HEALTH**

### **Gravely Disabled Persons (ACT 382)**

Existing law, relative to behavioral health, defines "gravely disabled" as the condition of a person who is unable to provide for his own basic physical needs as a result of serious mental illness or a substance-related or addictive disorder and is unable to survive safely in freedom or protect himself from serious harm.

New law expands the definition of "gravely disabled", as provided in existing law, to include a person who is unable to protect himself from serious physical harm or significant psychiatric deterioration.

New law defines "psychiatric deterioration" as a decline in mental functioning which diminishes the person's capacity to reason or exercise judgment.

New law removes content requirements for a Physician's Report to Court or an affidavit from a medical health professional when the Physician's Report to Court or affidavit accompanies a petition from existing law.

New law allows the court to appoint a physician, psychiatric mental health nurse practitioner, or psychologist who has been put forth by the petitioner.

New law allows the court to accept a Physician's Report to Court that has been completed pursuant to an examination of the respondent within 10 days of the petition.

Effective August 1, 2022.

(Amends R.S. 28:2(13) and 69(B)(2); Adds R.S. 28:2(40); Repeals R.S. 28:68(C))

### **Disability Services Fund (ACT 242)**

Existing law creates the Community and Family Support System Fund in the state treasury.

New law changes the name of the fund from the Community and Family Support System Fund to the Disability Services Fund.

Prior law provided that subject to annual appropriation by the legislature, the monies in the fund were to be used solely to improve the capacity of the state to meet the varying and complex needs of individuals with developmental disabilities, with emphasis on increasing the number of recipients of waiver services and that no less than 50% of the proceeds of the fee assessed pursuant to prior law on the gross sales of therapeutic marijuana, deposited into the fund were to be used to provide funding for the Early Steps intervention program for infants and toddlers with disabilities and their families as established in prior law.

New law amends prior law to create three separate accounts within the fund and provide for the use of each account.

New law establishes one account within the fund containing the monies attributable to the sale or lease of previous Office for Citizens with Developmental Disabilities (OCDD) properties, movable and immovable, to be used to improve the capacity of the state to meet the needs of individuals with developmental disabilities, with emphasis on increasing the number of recipients of waiver services.

New law establishes a second account containing the monies attributable to one-half of the proceeds of the fee assessed pursuant to existing

law on the gross sales of therapeutic marijuana, to be used to provide funding for the Early Steps program.

New law establishes a third account containing one-half of the monies attributable to the fee assessed on therapeutic marijuana sales and all of the proceeds of the taxes levied on sports wagering to be used to support and enhance developmental disabilities services within the Medicaid program or OCDD.

Existing law provides that for purposes of existing law "waiver services" means Medicaid services provided under the New Opportunities Waiver, the Children's Choice Waiver, or any other Medicaid home and community based waiver for persons with developmental disabilities as promulgated by the Dept. of Health and Hospitals, now known as the La. Dept. of Hospitals. New law retains existing law.

Effective August 1, 2022.

(Amends R.S. 28:826)

### **Jefferson Parish Human Services Authority (ACT 375)**

Existing law creates and provides for the Jefferson Parish Human Services Authority as a local governing entity with local accountability and management of behavioral health, intellectual disability, and developmental disability services as well as any public health or other services contracted to it by the Louisiana Dept. of Health.

New law repeals prior law providing that the Jefferson Parish attorney shall be the legal advisor for the Jefferson Parish Human Services Authority. Otherwise, retains existing law relative to the authority.

Effective upon signature of governor (June 10, 2022).

(Repeals R.S. 28:913.1(D))

## **TITLE 29: MILITARY, NAVAL, AND VETERANS' AFFAIRS**

### **La. National Guardsmen Disability Benefits (ACT 606)**

Existing law provides for definitions.

New law retains existing law and modifies the definitions of "guardsman or guardsmen", "period of activation", and "qualifying subsequent examination". Creates the definition for "initial rating decision" and changes the term "qualifying subsequent examination" to "qualifying disability".

Existing law provides that all death benefits claims provided under existing law shall be submitted to the La. National Guard and that all claims for disability benefits shall be submitted to the La. Dept. of Veterans Affairs.

Existing law provides that a disability rating decision reached by the U.S. Dept. of Veterans Affairs and certified by the La. secretary of veterans affairs or his designee shall be included in the documentation for a disability benefit claim.

New law retains existing law and provides that both a guardsman's initial rating decision and any subsequent rating decision shall be included in the documentation for a disability benefit claim.

Existing law provides for during periods of activation, subsequent to Sept. 11, 2001, of a guardsman ordered by the governor or by the president of the U.S., benefits in a lump-sum amount of \$250,000 for a qualifying death, \$100,000 for a qualifying disability, and \$50,000 for a qualifying subsequent examination shall be paid by the state to a guardsman or his beneficiary, when such death or disability occurs during a period of activation in the line of duty as required by existing law. Provides that such benefits shall be paid only when funds are available, having been appropriated for the purpose.

New law retains existing law and provides that a guardsman or his beneficiary shall be paid

\$50,000 in benefits for a subsequent disability instead of a subsequent examination.

Existing law provides that a qualifying disability shall be determined by the U.S. Dept. of Veterans Affairs or by the proper state entity that adjudicates such claims for guardsmen in accordance with state workers' compensation law and certified by the secretary of the La. Dept. of Veterans Affairs or his designee.

New law retains existing law and gives the U.S. Dept. of Veterans Affairs or the proper adjudicatory state entity the additional option of determining what is a qualifying subsequent disability.

Effective August 1, 2022.

(Amends R.S. 29:26.1(B)(6)-(11), (C)(3)(b), (D)(1), and (E)(2); Adds R.S. 29:26.1(B)(12))

### **La. Code of Military Justice (ACT 672)**

Existing law provides relative to the La. Code of Military Justice (LCMJ) which is substantially similar to the federal Uniform Code of Military Justice (UCMJ).

New law redesignates certain provisions of law contained in the LCMJ to conform with the corresponding Articles in the UCMJ with no change to existing law.

New law adds the offense of unauthorized insignia, decoration, badge, ribbon, device, or lapel button to the LCMJ, and provides that any person subject to the LCMJ who is not authorized to wear an insignia, decoration, badge, ribbon, device, or lapel button and who wrongfully wears such insignia, decoration, badge, ribbon, device, or lapel button upon the person's uniform or civilian clothing shall be punished as a court-martial may direct.

New law adds endangerment offenses to the LCMJ, which includes reckless endangerment, dueling, firearm discharge, endangering human life, and carrying a concealed weapon.

New law adds communicating threats to the LCMJ, which includes communicating threats generally, communicating threats to use explosive, and communicating false threats concerning use of explosive.

New law defines a "false threat" as a threat that at the time the threat is communicated is known to be false by the person communicating the threat.

New law adds wrongful broadcast or distribution of intimate visual images to the LCMJ.

New law defines an "intimate visual image" as a visual image that depicts the naked or underwear-clad genitalia, anus, buttocks, or female areola or nipple.

Existing law provides for the offense of sexual assault as a sexual act upon another person by any of the following:

- (1) Threatening or placing another person in fear.
- (2) Making a fraudulent representation that the sexual act serves a professional purpose.
- (3) Inducing a belief by any artifice, pretense, or concealment that the person is another person.

Prior law provided for the offense of sexual assault as a sexual act upon another person causing bodily harm to another person.

New law removes the prior law provision of causing bodily harm to another person. New law adds the offense of depositing obscene matters in the mail to the LCMJ.

New law adds the offense of fraudulent use of credit cards, debit cards, and other access devices to the LCMJ.

New law adds the offense of using false pretenses to obtain services to the LCMJ. New law adds the offense of receiving stolen property to the LCMJ.

New law adds offenses concerning government computers to the LCMJ. These offense include any of the following:

(1) Knowingly accessing a government computer, with an unauthorized purpose, and by doing so obtaining classified information, with reason to believe such information could be used to the injury of the U. S. or the state of Louisiana, or to the advantage of any foreign nation, and intentionally communicating, delivering, transmitting, or causing to be communicated, delivered, or transmitted such information to any person not entitled to receive it.

(2) Intentionally accessing a government computer, with an unauthorized purpose, and thereby obtaining classified or other protected information from any such government computer.

(3) Knowingly causing the transmission of a program, information, code, or command, and as a result of such conduct, intentionally causing damage without authorization to a government computer.

New law adds the offense of making, drawing, or uttering a check, draft, or order without sufficient funds to the LCMJ.

New law adds the offenses of subornation of perjury, obstructing justice and misprision of serious offense, and wrongful refusal to testify to the LCMJ.

New law adds the offense of prevention of authorized seizure of property to the LCMJ which includes any person subject to this code who, knowing that one or more persons authorized to make searches and seizures are seizing, are about to seize, or are endeavoring to seize property, destroys, removes, or otherwise disposes of the property with intent to prevent the seizure thereof shall be punished as a court-martial may direct.

New law adds the offense of retaliation to the LCMJ.

Effective August 1, 2022.

(Amends and redesignates R.S. 29:183, 198, 205, 215, 220, 220a, 223 and 232; adds R.S. 29:204a, 206a, 214, 217a, 221a, 221b, 222a, 224, 230, 231a, 231b, 231c, 231e, and 231f)

## **Homeland Security and Emergency Preparedness (ACT 526)**

Existing law provides for the authorities and responsibilities of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP).

New law retains existing law and adds that GOHSEP shall do the following by Aug. 1, 2022:

- (1) Ensure the official state emergency management software system is accessible to certain entities and has specific capabilities regarding requests.
- (2) Develop an emergency management training program to be completed annually by local officials and employees identified by each parish president and at least once a term by members of the legislature.
- (3) Develop a program to provide temporary housing and shelter assistance to parish governing authorities within the first 14 days following a disaster.
- (4) Complete an inventory of portable generators owned by the state and local governments which are capable of operating during a major disaster.

New law provides requirements for GOHSEP to implement the temporary housing and shelter assistance program and for local governments to participate in the program. Eligibility for participation includes waiving certain land use regulations.

Prior law required GOHSEP to study the feasibility of pre-bidding certain contracts for disaster response services.

New law repeals prior law.

New law requires GOHSEP to coordinate with the office of state procurement and other state agencies to have certain prepositioned disaster contracts in place by Sept. 1, 2022, and no later than June 30th for each subsequent year.

New law requires GOHSEP to submit a list of all prepositioned contracts entered into for the current fiscal year to JLCB by July 15th of each year.

Existing law provides that the office of interoperability shall be headed by an assistant deputy director of interoperability.

New law relocates existing law under the existing law provision which provides relative to powers of a director.

New law requires the assistant deputy director of interoperability to provide an annual update to JLCB by August 1st of each year on upgrades made to the La. Wireless Information Network and resiliency and redundancy plans for the system.

New law creates the Emergency Communications Interoperability Fund to provide funding for the La. Wireless Information Network.

Existing law provides for state and local emergency operation plans that may include certain information.

New law retains existing law regarding the information included in the plans but makes the inclusion of the information mandatory.

Existing law requires each parish office of homeland security and emergency preparedness to have a director appointed by the parish president and provides for responsibilities of the director.

New law requires each parish president to designate any parish, municipal, or special district employees the parish president deems necessary to be dedicated on a full-time basis to emergency preparedness and disaster response in the parish.

New law further requires the director to ensure that the employees so designated and any local officials deemed necessary by the parish president have received the annual emergency management training provided by GOHSEP.

Prior law provides for a disaster and emergency funding board.

New law repeals prior law.

Effective upon signature of governor (June 16, 2022).

(Amends R.S. 29:725(A), 725.5, 726(B)(intro. para.) and (F), and 729(B)(intro. para.) and (12); Adds R.S. 29:725(K), 726(G), and 728(G); Repeals R.S. 29:726(E)(25) and 731)

### **Homeland Security and Emergency Preparedness and Schools and Nonprofit Security (ACT 690)**

Existing law provides for authority and responsibilities of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP).

New law requires GOHSEP to promulgate standards and regulations in accordance with the APA regarding disbursement of assets and diversion of resources during a federally or gubernatorially declared emergency prior to Jan. 1, 2023.

Prior law established the Louisiana Commission on Nonprofit Safety and Security within GOHSEP. New law changes the name of the commission to the Louisiana Commission on School and Nonprofit Security.

Existing law provides that the commission study and make recommendations on the security needs of nonprofit organizations that are at high risk of terror attack in La. New law retains existing law and adds schools to the mission and focus of the commission.

Prior law established the composition of the commission.

New law changes the membership of the commission as follows:

(1) The director of the Governor's Office of Homeland Security and Emergency Preparedness, or his designee.

(2) The chair of the House Select Committee on Homeland Security, or his designee.

(3) The chair of the Senate Committee on Homeland Security, or his designee.

(4) The superintendent of state police, or his designee.

(5) The executive director of the Louisiana Sheriff's Association, or his designee with expertise in terrorist attacks.

(6) The executive director of the Louisiana Interchurch Conference, or his designee.

(7) The superintendent of the Department of Education, or his designee.

Prior law provided that the director of GOHSEP or his designee serve as the chair of the commission.

New law provides that the commission shall elect a chair by a majority vote of the members. Existing law provides that the commission shall issue a report to GOHSEP.

New law retains existing law and adds the Senate Select Committee on Homeland Security and the House Select Committee on Homeland Security as recipients of the report issued by the commission.

Existing law establishes a grant program for eligible nonprofit organizations to apply for and receive grants to defray the cost of security enhancements or measures.

New law retains existing law and adds schools as eligible entities to apply for grant funding. New law further provides that eligible schools include public elementary or secondary schools in a city, parish, or other local public school district or other political subdivision and nonpublic schools approved by BESE.

Effective August 1, 2022.



(Amends R.S. 29:726.5(A), (B), and (D) and 726.6(A), (B), (C)(1), and (D); adds R.S. 29:726(E)(30) and 726.5(C)(4))

#### **Hazard Mitigation Loans (ACT 524)**

New law establishes the Hazard Mitigation Revolving Loan Fund to be administered by the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), for the purpose of providing financial assistance for projects that reduce disaster risks.

New law provides the purpose of the fund, what monies may be deposited into the fund, and how interest earned and unexpended money at the end of each fiscal year is credited.

New law specifies that the fund, subject to legislative appropriation, may be used to make loans to eligible recipients (as defined in new law.) for mitigation efforts, for costs of administering the fund, and any other use consistent with the federal grant program.

New law provides the types of projects and activities that loans may be used for, including projects that address natural hazards; zoning, land use, floodplain management, and hazard mitigation planning changes; and establishment and implementation of current building code standards relevant to disasters and natural hazards.

New law requires GOHSEP to establish application procedures and eligibility criteria for loans from the fund.

New law authorizes a political subdivision that receives proceeds from the fund to use the money for the purpose of offering loans to private property owners to use for hazard mitigation projects for buildings. Requires each private property owner applying for a loan pursuant to the provisions of new law to demonstrate on the loan application both a need for the loan and the ability to repay the loan, if required.

New law requires a loan used by a private property owner for hazard mitigation to be repaid

upon sale of the property, unless the purchaser assumes the loan.

New law authorizes GOHSEP to provide loan subsidies to disadvantaged individuals and communities. If such subsidies are offered, new law requires GOHSEP to promulgate rules regarding such subsidies.

Effective August 1, 2022.

(Adds R.S. 29:726.7)

#### **Parish and Municipal States of Emergency (ACT 738)**

Existing law authorizes a parish president to declare a local disaster or emergency and authorizes the chief executive officer of a municipality to take immediate emergency response measures to preserve the public peace, property, health, or safety and to provide for continued operation of the government.

Existing law for both parishes and municipalities provides that the state of emergency shall continue until the parish president or municipal chief executive officer finds that the threat of danger has been dealt with to the extent that emergency conditions no longer exist.

Existing law provides that no *municipal* state of emergency may continue for longer than 30 days unless extended by the chief executive officer. New law provides that no *parish* state of emergency may continue for longer than 30 days unless extended by the parish president.

New law for both parish and municipal emergencies provides that no continuous state of emergency may be extended for more than 90 days unless approved by the local governing authority.

Existing law provides for termination of local emergencies by the governor, either house of the legislature, or the local governing authority. Also authorizes the parish president or the parish governing authority to terminate a municipal emergency.

New law provides that termination of an emergency does not affect changes to polling places for an election conducted in accordance with existing law regarding emergency election procedures.

Effective August 1, 2022.

(Amends R.S. 29:727(D) and 737(C))

## **TITLE 30: MINERAL, OIL, GAS AND ENVIRONMENTAL QUALITY**

### **Drilling, Wells and Royalties (ACT 5)**

Existing law provides for the assessment of the risk charge against nonparticipating owners in the cost of a unit well, substitute well, alternate unit well, or cross-unit well for a drilling unit.

New law provides for terminology and technical corrections including providing that the notice by an owner drilling, intending to drill, or who has drilled to the other owners is called the "risk charge notice".

New law authorizes the drilling owner to require an election to participate to include payment of notified owner's share of the cost as provided by the authorization for expenditure form (AFE).

New law requires financial adjustments of estimated AFE costs be made within 60 days of receipt of detailed invoices in order to account for the difference between estimated and actual cost.

New law requires that if the well is being drilled or has been drilled at the time of mailing the risk charge notice, the risk charge notice shall contain a copy of all available logs, core analysis, production data, and well test data not made public.

New law deems failure to timely deliver payment by an owner to be an election not to participate.

New law in addition to any other legal remedies, authorizes the drilling owner to recover out of

production any unpaid costs of an owner who initially elected to participate, but failed to pay.

Existing law sets forth the obligations owed by the lessee and drilling owner with respect to the payment of any lessor royalty and overriding royalty due.

New law requires that the nonparticipating owner provide certain information to the drilling owner.

New law provides for the manner in which the drilling owner pays certain amounts to the nonparticipating owner for the benefit of his lessor royalty owner and overriding royalty owner and the formulas used for calculating the payments.

New law requires payments to the overriding royalty owner be made in accordance with the terms of the contract or agreement creating the overriding royalty.

New law provides that no lessee is relieved of any obligation to pay any lessor royalty and overriding royalty due under the terms of his lease during or after the recoupment of recoverable costs and the risk charge.

New law provides that the procedures and remedies available to the lessor royalty owner and overriding royalty owner for nonpayment of royalties against the nonparticipating owner and the drilling owner are set out in the provisions in the Mineral Code. However, in cases against a drilling owner, dissolution is unavailable.

New law provides that in the event of nonpayment by the nonparticipating owner, the notice provided to the drilling owner by the lessor royalty owner or overriding royalty owner shall include a true and complete, or redacted, copy of the mineral lease or other document creating the royalty.

New law provides that when the drilling owner fails to pay the royalty or overriding royalty due, payment by the nonparticipating owner may be a good faith estimate of the royalties due.

New law requires the nonparticipating owner to furnish to the drilling owner a true and complete, or redacted, copy of a mineral lease or other agreement creating any lessor royalty or overriding royalty. However, a redacted copy in lieu of a complete copy must contain in full the provisions dealing with the determination and calculation of the portion of proceeds from the sale or other disposition of production due to the lessor or overriding royalty owner.

New law requires that the nonparticipating owner furnish to the drilling owner a sworn statement of ownership of the nonparticipating owner as to each tract within the unit in which that owner has an interest and the amounts of lessor royalty and overriding royalty for which that owner is entitled to receive a portion of proceeds from the sale or other disposition of production.

New law further states that the nonparticipating owner may also provide copies of any title opinions in its possession or portions thereof. Such submissions do not relieve the owner of the obligation to provide a sworn statement of ownership.

New law requires the nonparticipating owner to indemnify and hold harmless the drilling owner against claims related to amounts paid based on information provided by the nonparticipating owner.

New law provides that no change or division in the ownership of a nonparticipating owner is binding upon a drilling owner for the purpose of paying to the nonparticipating owner for the benefit of its lessor royalty owner or overriding royalty owner, until a certified copy of the instrument constituting the chain of title from the original nonparticipating owner has been furnished to the drilling owner.

New law provides that where a drilling owner obtains a title opinion from a licensed Louisiana attorney on a tract of land in a unit under any agreement that creates a royalty for which a nonparticipating owner is entitled to receive a portion, the actual reasonable costs incurred for the title examination and opinion is chargeable as a unit operating cost and recoverable by the

drilling owner out of the tract's share of production.

New law provides that the nonparticipating owner's obligation to bear his tract's share of the expenditures incurred in drilling, testing, completing, equipping, and operating the unit well includes subsequent unit operations.

New law provides with respect to subsequent unit operations, the applicable risk charge, required notices, setting forth definitions, and other related provisions.

Effective May 13, 2022.

(Amends R.S. 30:10(A)(2)(a), (i)(intro para) and (aa) and (ee), (ii), and (iii), (b)(i), (ii)(aa), (bb), (dd), (ee), and (ff), and (iii), (e)(ii), (h), and (i) and (3) and (B); adds R.S. 30:10(A)(2)(a)(i)(ff) and (b)(ii)(gg), (hh), (ii), and (jj), (iv), (v), (vi), and (vii), and (C))

### **Oilfield Site Restoration Law (ACT 10)**

Existing law creates the Louisiana Oilfield Site Restoration Law to provide for the proper and timely cleanup, closure, and restoration of oilfield sites.

Existing law creates the Oilfield Site Restoration Commission within the office of the secretary of the Department of Natural Resources, with powers and duties for both the commission and the secretary, and provides for powers and duties to the assistant secretary of the office of conservation, also referred to as the commissioner of conservation.

Prior law authorized the assistant secretary to conduct site restoration on any site declared to be an orphaned oilfield site and authorized the secretary or assistant secretary to expend sums from the Oilfield Site Restoration Fund (Fund) and enter into contracts for the purpose of site restoration.

New law authorizes the secretary to expend sums from the Fund and enter contracts for the purpose of orphaned oilfield site restoration and provides

that the assistant secretary only has such authority under a declared emergency.

Prior law authorized the assistant secretary, upon a finding of economic justification and with the concurrence of the commission, to authorize the closure and restoration of nonpriority orphaned oilfield sites by lots which were subject to bidding in large packages. Prior law limited this authority so that such action does not reduce the number of priority sites that can be properly closed and restored in any fiscal year.

New law moves the authority for the closure and restoration of nonpriority orphaned oilfield sites from the assistant secretary to the secretary. New law authorizes the secretary, upon a finding of economic justification, to authorize the closure and restoration of nonpriority orphaned oilfield sites that may be packaged together as projects.

New law provides this authority is used to decrease in a cost effective manner the total number of orphaned wells.

New law authorizes the secretary, from administrative costs funding, to employ personnel necessary for the administration of existing law including the appointment of an executive director who will be an unclassified employee.

New law authorizes the commission to request from the executive director information regarding the numerated powers of the commission. New law also authorizes the commission, upon a two-third vote, to request the secretary to review the appointment of the serving executive director.

Prior law granted the commission power to perform any function authorized by existing law or that is consistent with its purpose. New law limits functions to those not otherwise assigned to the secretary or the assistant secretary.

New law limits the cost of closing and restoring nonpriority orphaned oilfield sites to 20% of the amount expended from the Fund in any fiscal year, unless otherwise approved by the commission. New law excludes from this limitation money expended from the sum of \$30

million from the first federal funds received by the state for which oilfield site restoration or plugging orphan wells is an allowable use, monies from federal appropriations or any federal grant program for the purpose of restoring orphan oilfield sites, or emergency response costs.

Existing law provides that costs to administer existing law shall not exceed \$950,000 each fiscal year. New law provides that monies collected from civil penalties or cost recovered from responsible parties do not count towards this administrative expenditure limit.

Prior law authorized the Fund to contribute the balance of restoration costs where the site-specific trust account for a nonorphan site is depleted prior to payment of all costs and the assistant secretary subsequently declares that oilfield site to be orphaned. New law retains prior law but requires approval by the commission.

Existing law requires a contract for site assessment or site restoration to require a formal bid process.

Existing law authorizes an exemption for these contracts from the provisions of the Public Bid Law and the Louisiana Procurement Code if the assistant secretary promulgates rules for contracting procedures. Further, the procedures must be in substantial compliance with the Public Bid Law and require a formal bid process.

Existing law authorizes the assistant secretary, in response to an emergency, to employ an informal bidding procedure in which bids are solicited from at least three bidders. Existing law further requires these contracts to be reviewed prior to execution by the assistant secretary and all informally bid contracts to be reviewed by the secretary.

New law authorizes the secretary, through a contract entered into under any competitive process authorized by existing law, to expend any monies deposited pursuant to the sum of \$30 million from the first federal funds received by the state for which oilfield site restoration or plugging orphan wells is an allowable use or monies from federal appropriations or any federal

grant program for the purpose of restoring orphan oilfield sites.

Effective May 13, 2022.

(Amends R.S. 30:83(F)(7), 86(E)(2), 89(C)(3), and 92(A) and (C); adds R.S. 30:83(F)(8), 84(A)(3) and (8); repeals R.S. 30:85(B))

### **Oilfield Site Restoration Fund (ACT 251)**

Existing law (R.S. 30:86) creates the Oilfield Site Restoration Fund and provides for the deposit and uses for monies in the fund.

New law requires the deposit of monies into the fund from any other source of funding for which restoring orphan oilfield sites is an allowable use, as determined by the Joint Legislative Committee on the Budget.

Prior law limited the use of federal funds for administrative costs to 5%.

New law changes the limit on the cost of administration allowed to be used from federal funds from 5% to the limitations set by the U.S. Congress or the administering federal agency.

Effective June 3, 2022.

(Amends R.S. 30:86(C) and (E)(7); adds R.S. 30:86(D)(11))

### **Wind Energy Leases and Operating Agreements (ACT 443)**

Existing law sets the maximum acreage for oil and gas leases at 5,000 acres. New law retains existing law and provides for leases for wind energy and sets the maximum acreage for such at 25,000 acres.

Existing law authorizes the State Mineral and Energy Board (board) to enter into operating agreements whereby the state receives a share of revenues from the production of oil, gas, and other minerals. New law retains existing law and adds wind energy as a source of energy whereby the board may enter into operating agreements for the state to receive a share of revenues.

Prior law required a minimum dollar amount set and a minimum percentage of revenue to be produced by each wind turbine prior to the advertisement for bids for each lease. Further required approval of these minimum amounts by the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources prior to advertisement. New law removes these requirements and solely grants the board the authority to accept the bid it finds is most advantageous to the state.

Prior law specified that any lease granted pursuant to existing law is subject to the same decommissioning rules and regulations applicable to oil and gas and sulphur facilities.

New law modifies prior law to provide a decommissioning plan specific to wind energy production facilities, instead of those applicable to oil and gas and sulphur facilities, that would require the plan for the end of the facility's expected life or upon a circumstance that would require closure of the facility. Requires the decommissioning plan include the estimated cost of site closure and remediation, with specific requirements.

New law requires the Dept. of Natural Resources to promulgate rules and regulations by Jan. 1, 2023, that provide criteria for setting the annual rent or royalty amounts; criteria for setting primary terms for leases and the energy production or other actions needed to retain acreage after the primary term; requirements for financial security; and requirements for determining if no responsible party can be located. Further authorizes the secretary to use the funds from the financial security to remediate a wind energy production site by the terms of the lease or when there is no responsible party.

Effective August 1, 2022.

(Amends R.S. 30:127(E) and 209(4)(a)(intro. para.) and R.S. 41:1732(C), 1733(D), and 1734)

### **Solar Power Generation Facilities (ACT 555)**

Existing law provides for the sources of payments into the Mineral and Energy Operation Fund.

New law retains existing law and adds solar power and limits the use of any monies deposited into the account to the administration and regulation of solar power generation facilities.

Prior law provided for the regulation of solar devices. New law provides for the regulation of solar power generating facilities.

New law requires a permit to construct and operate a solar power generation facility. Further provides that the facility be bonded or secured in an amount to be determined by the secretary of the Dept. of Natural Resources to ensure proper site closure.

New law authorizes the secretary to accept any financial security provided to the landowner or lessor for facilities exempted from permit fees by new law.

New law further requires the instrument be payable to the Dept. of Natural Resources and ensure all of the following:

(1) Substantial compliance with new law and any rule or regulation promulgated pursuant to new law.

(2) Compliance with any permit issued or enforced pursuant to new law.

(3) Compliance, as determined by a court of competent jurisdiction, with provisions of the property lease on which the facility is located and that the violation would require closure of the facility. Also requires the department notify the lessor of any enforcement action against a permittee or upon a claim against the bond or other instrument.

New law further specifies that in determining the adequacy of the amount or other specific requirements of the bond or other financial security, the secretary must consider the following:

(1) The assets, debts, and compliance history of the applicant or permittee.

(2) The condition and capacity of the facilities to be covered by such security.

(3) The estimated cost of site closure and remediation including the removal of the facility and associated infrastructure with the goal of restoring the property to its pre-construction condition. Specifies that the secretary may only consider the salvage value of the facility and associated infrastructure in determining the estimated cost of site closure and remediation if the materials are available in decommissioning during a bankruptcy of the facility owner or operator. Specifies that an increase in the amount of financial security required must be secured by the permit holder within 30 days of notification of the increase.

Existing law prohibits the secretary from preventing any person from developing, installing, or operating a solar device on his own property for residential use. New law retains existing law and adds a prohibition on the collection of any fee associated with such use.

New law prohibits the construction or operation of any solar power generation facility that has a footprint of 10 or more acres without holding a permit issued pursuant to the rules and regulations provided for in new law.

New law provides the permit in new law only pertains to the implementation of the decommissioning plan and financial security requirements.

New law mandates the collection of the following fees:

(1) An application fee not to exceed \$15 per acre of the solar power generation facility footprint.

(2) An application processing fee not to exceed \$500.

(3) An annual monitoring and maintenance fee the initial year after issuance of the permit and not to exceed \$15 per acre of the facility footprint thereafter.

New law provides that the fee charged by the department cannot exceed its budgeted implementation and administration costs for the year the fee is charged.

New law requires a decommissioning plan for the facility that plans for closure at the end of life of the facility as well as closure in the event of a disaster making operation of the power generation facility impossible. Further requires that the plan be updated every five years and reviewed for sufficiency by the department and approved by the secretary.

New law provides that any solar power generation facility that is certified by the Public Service Commission or the council of the city of N.O. on or before Aug. 2, 2022, is exempt from the permit fees, must register by Jan. 1, 2023, and comply with the requirements of new law and any rule and regulations promulgated pursuant to new law by June 30, 2024.

New law provides for the disposition of all monies collected from fees provided for in new law into the Mineral and Energy Operation Fund.

New law defines the terms "solar power generation facility", "solar device", and "salvage value".

New law exempts facilities owned by an electric utility provider regulated by the Public Service Commission or the council of the city of N.O. from the bonding requirement when the following circumstances are met:

(1) The facilities are located on land owned by the electric utility provider and the provider is capable of demonstrating a decommissioning plan to the regulator.

(2) The facilities are located on land leased by the electric utility provider and the regulated electric utility provider guarantees to pay the cost of the decommissioning and the lease of the land provides for site decommissioning.

New law provides that if a solar power generation facility is sold or otherwise transferred, the secretary cannot release the bond or other

financial security of the seller or transferor until the buyer or transferee provides a bond or other acceptable financial security in accordance with the provisions of new law.

New law requires the Dept. of Natural Resources to reimburse the state general fund by June 30, 2026, for any appropriation to the department for the administration and regulation of solar power generating facilities for Fiscal Years 2022-2023 or 2023-2024 from any revenues received from fees collected pursuant to this Act. New law authorizes the reimbursement to be considered part of the department's budgeted costs.

Effective August 2, 2022.

(Amends R.S. 30:136.3(D) and 1154(A)(intro. para.), (B), (C), and (D); Adds R.S. 30:136.3(B)(5) and 1154(A)(9), (E), and (F))

### **Drilling Through Storage Facilities in Caldwell Parish (ACT 163)**

Existing law authorizes any storage operator to exercise the power of eminent domain and expropriate property for the construction, operation, or modification of a storage facility or infrastructure for transporting carbon dioxide to a storage facility.

Existing law provides that the exercise of this right of eminent domain allows for drilling through the storage facility in compliance with commissioner of conservation rules issued to protect storage facilities from pollution, invasion, and carbon dioxide escape or migration.

New law provides that in Caldwell Parish, drilling through a storage facility as provided under existing law is prohibited unless the following conditions are met, as determined by the commissioner of conservation:

(1) A period of five years has elapsed from the actual drilling or operation of any oil or gas well within the boundaries to depths below the base of the storage facility.

(2) All reservoirs that were drilled to and produced in any oil or gas well located within the

boundaries of the storage facility are no longer capable of producing minerals in paying quantities.

New law terminates the prohibition provided in new law upon a finding by the commissioner after notice and public hearing that the storage facility operator has abandoned all reasonable efforts to have the storage facility used for storage of carbon dioxide.

Effective August 1, 2022.

(Amends R.S. 30:1108(B))

### **Underground Storage Tank Upgrade Grants (ACT 277)**

Existing law provides for the regulation of underground storage tanks for fuel by the Dept. of Environmental Quality (LDEQ) and establishes the Motor Fuels Underground Storage Tank Trust Dedicated Fund Account (the "Tank Trust Fund"). Existing law enumerates authorized uses of money in the Tank Trust Fund.

Under existing law, LDEQ is authorized to make loans from the Tank Trust Fund for underground storage tank upgrades and improvements, but only interest earned on the account and deposits into the fund from certain cost recovery efforts of the department may be used for this purpose.

New law expands the nature of the monies available to be used for loans for upgrades and improvements to all cost recovery efforts.

New law adds an additional authorized use of the same deposits and interest for LDEQ to reimburse eligible tank owners for upgrades to single wall underground storage tanks through grants.

New law specifies that these grants cannot exceed \$150,000 and the total amount of grants per year cannot exceed \$3,000,000. New law requires that LDEQ promulgate rules to implement these tank upgrade grants, including rules regarding the application, procedural, and approval processes which must be followed for tank owners to claim reimbursement for upgrades.

Existing law requires LDEQ to submit a report to the House Committee on Natural Resources and Environment and the Senate Committee on Environmental Quality each year regarding disbursements from the Tank Trust Account.

New law requires LDEQ to include information regarding all grants made from the Tank Trust Fund in the annual report.

Existing law establishes a Motor Fuels Underground Storage Tank Trust Fund Advisory Board that provides the secretary with advice regarding Tank Trust Account loans.

New law allows the board to advise the secretary regarding the issuance of grants from the Tank Trust Account.

Effective August 1, 2022.

(Amends R.S. 30:2195(C), (E), and (F)(1), 2195.8(A)(1), and 2195.12(Section heading); Adds R.S. 30:2195.2(A)(6); Repeals R.S. 30:2195.12(E))

### **Waste Tires (ACT 480)**

Prior law provided that the penalty for failure to obtain a generator identification number was a fine of not less than \$300 but not more than \$500, or imprisonment for six months, or both.

New law increases the monetary fine from not less than \$300 but not more than \$500 to \$5,000. Retains the prior law penalty relative to imprisonment but connects it to the new law monetary penalty. Exempts persons operating a vehicle fleet, and performing on-site maintenance on their own vehicles from the penalties contained in prior and new law.

Existing law establishes the penalties for gross littering upon first, second, and third or subsequent conviction.

New law retains existing law penalties for gross littering and adds the following penalties specific to gross littering involving tires:



(1) First conviction - fined \$1,800 and is responsible for the cost of removal, transportation, and processing of the tires.

(2) Second conviction - fined not less than \$4,000 and not more than \$10,000 and is responsible for the cost of removal, transportation, and processing of the tires.

(3) Third or subsequent conviction - fined not less than \$6,000 and not more than \$20,000 and is responsible for the cost of removal, transportation, and processing of the tires.

Prior law authorized a fee of \$2.25 to be levied per passenger, light truck, or small farm service tires beginning on Oct. 1, 2018 and ending July 31, 2022.

New law reauthorizes the collection of the fee and removes the original implementation and sunset dates.

New law requires the department to remove tires on any property containing more than 1,000 tires, located in a historic district in a municipality with a population between 28,000 and 29,000 according to the latest decennial census. Requires the owner of any such property to notify the secretary of the existence and need for removal of tires by certified mail. Further requires the department to pay the cost of labor, transportation, and disposal of any tires removed pursuant to new law and to have the removal of any such tires complete by Sept. 30, 2022.

Effective August 1, 2022.

(Amends R.S. 30:2418(I)(1)(a)(i), 2418.1(C) and (E), and 2531.1(D)(1), (2), and (3); Adds R.S. 30:2418(P))

### **Littering (ACT 17)**

Existing law authorizes agents of the Dept. of Wildlife and Fisheries to issue citations for littering violations.

Existing law authorizes the Dept. of Wildlife and Fisheries to enforce and recover penalties for

certain wildlife violations through civil actions or administrative hearings.

New law adds simple and commercial littering violations to those which the department may try by civil action or administrative hearing for the recovery of penalties.

Existing law imposes fines and court costs for simple littering and commercial littering.

Existing law imposes special court costs in lieu of any other court costs for intentional and simple littering violations and requires that the costs paid be distributed between the court, the prosecuting attorney, law enforcement agencies, and the Litter Abatement and Education Account.

New law retains existing law special court costs, but provides that for simple littering violations issued by Dept. of Wildlife and Fisheries agents and prosecuted by the department, the costs paid will be distributed between the department and the Litter Abatement and Education Account only.

Existing law imposes special court costs in lieu of any other court costs for commercial littering violations and specifies how those costs are distributed among the courts and prosecuting attorneys involved.

New law retains the special court costs in existing law, but exempts commercial littering violations prosecuted by the Dept. of Wildlife and Fisheries from the payment of these special court costs and specifies the imposition of ordinary costs and fees for department civil actions and adjudicatory hearings.

Existing law specifies that civil littering violations will be prosecuted by certain prosecuting attorneys for district, municipal, and justice of the peace courts.

New law retains existing law and adds the prosecuting attorney for the Dept. of Wildlife and Fisheries to the list of prosecutors.

Existing law requires that all actions for simple and commercial littering violations be tried by summary proceedings in court.

New law provides an exception to existing law for cases prosecuted by the department under the Dept.'s specific provisions for civil actions and adjudicatory hearings.

Prior law specified how all civil fines collected from littering violations would be distributed among law enforcement agencies, law enforcement retirement systems, local government entities, certain courts and prosecutors, and the litter abatement and education account.

New law modified prior law, but removed civil fines collected from littering violations cited and prosecuted by the Dept. of Wildlife and Fisheries from the distribution provided under existing law and directs these fines to the Conservation Fund instead.

Effective August 1, 2020.

(Amends R.S. 30:2531(C), 2531.3(G), 2531.5(B) and (D), and 2532(A) and R.S. 56:32.1(A) and (B))

### **Proof of Littering (ACT 101)**

Existing law provides that, in the context of intentional littering and gross littering, when litter is disposed of from a motor vehicle, boat, or conveyance, there is an inference that the driver disposed of the litter. Further provides that if the litter was possessed by a specific person immediately before the act of disposing, there is an inference that the possessor committed the act of disposing.

New law establishes an inference that the registered owner of a vehicle has disposed of litter when there is photographic evidence of the license plate of the vehicle from which the litter was disposed.

Effective August 1, 2022.

(Amends R.S. 30:2531(D)(1) and 2531.1(B)(1))

## **TITLE 31: MINERAL CODE**

## **TITLE 32: MOTOR VEHICLES AND TRAFFIC REGULATION**

### **Atchafalaya Basin Bridge (ACT 426)**

Existing law provides relative to the La. Highway Regulatory Act, which includes provisions relating to speed limits and driving on the right side of the road, overtaking, and passing.

Existing law provides for penalties for a violation of the La. Highway Regulatory Act with the first offense being a fine of not more than \$175 or imprisonment of not more than 30 days, or both, unless otherwise provided by law. A subsequent violation will result in a fine of not more than \$500 or imprisonment for not more than 90 days, or both.

New law retains existing law and provides that if a person operating a motor vehicle violates the provisions of existing law while on the Atchafalaya Basin Bridge, the fine shall be two times the standard fine imposed.

New law provides that the Atchafalaya Basin Bridge means the Atchafalaya Elevated Expressway designated by Act 793 of 1989 as the Louisiana Airborne Memorial Bridge.

New law provides legislative intent designating the Atchafalaya Basin Bridge as a highway safety corridor and directs DOTD to take all steps necessary to implement new law including but not limited to the implementation of camera safety devices and installation of additional signage.

New law authorizes DOTD to install camera safety devices on the bridge, provides certain parameters, and provides for rulemaking.

New law provides for signage on the bridge to include speed limit signs, "Trucks Right Lane

Only" signs, and "Safety Corridor, Fines Doubled for Speeding and Other Violations" signs.

New law provides for the number and placement of the signs.

New law provides that the signs must be in compliance with the Manual of Uniform Traffic Control Devices.

New law provides that no person shall be subject to a citation issued pursuant to new law if a citation for the same offense was also issued by a police officer.

New law provides for the creation of the Atchafalaya Basin Bridge Safety Fund and for the management of money in the fund. Further provides for monies from the fund to be used to cover expenditures of the department in setting up required signage and cameras.

New law requires that, subject to legislative appropriation, monies in the fund be used first to fund the department's expenditures necessary to implement new law and at the conclusion of each fiscal year any unexpended monies in the fund shall be divided equally between the parishes of Iberville and St. Martin to be remitted to entities or organizations within each parish in the same proportions as fines collected by the parishes when traffic violations are issued by a law enforcement officer.

Effective August 1, 2022.

(Adds R.S. 32:57(J) and 268)

### **Failure to Appear As Promised (ACT 436)**

Existing law provides that when an arrested person who was released on a written promise to appear before a magistrate at the place and time specified in a summons fails to honor such written promise to appear, the magistrate or judge may immediately forward to the Dept. of Public Safety and Corrections (department) notice of the failure to appear, with information necessary for identification of the arrested person.

Prior law provided that unless the original charges were disposed of, the department was required to notify the arrested person of suspension of his operator's license and the imposition of a \$50 fee. The department was further required to inform the arrested person that his operator's license cannot be renewed or reissued until the court certified that he honored the promise to appear or paid an appropriate fine.

New law provides that the department shall immediately notify the arrested person by regular mail and any available electronic communication that his operator's license may be suspended if he fails to honor the written promise to appear or pay an appropriate fine for the offense within 180 days after the date the notice was received.

New law requires the department to send a second notice to the arrested person by regular mail and any available electronic communication no later than 120 days after receiving notice from the court exercising jurisdiction of the pending suspension of the operator's license of the arrested person.

Existing law provides that whenever the arrested person makes an appearance or pays an appropriate fine for the offense committed, the prosecuting authority was required to immediately notify the department. Prior law provided that upon such notification and payment of an additional \$50 to the department, the operator's license of the arrested person shall be renewed or reissued.

New law provides that upon notification to the department, and payment of \$100 to the department, if the operator's license of the arrested person was suspended, the operator's license shall be released from the pending suspension, renewed, or reissued. Provides that the \$100 fee may only be assessed once per summons.

New law provides that failure to appear due to incarceration shall be a valid defense for a violation of new law if the person arrested provides evidence of incarceration to the court. Requires the license to be renewed and reissued without payment, all failure to appear payments

waived, and any other flags reported to the department be resolved pursuant to existing law.

New law provides that all notices from the department shall include the following information:

- (1) The summons information that the individual failed to appear on.
- (2) The date of the failure to appear.
- (3) The contact information and name of the court where the person needs to appear.

Effective August 1, 2022.

(Amends R.S. 32:57.1(A) and (B); Adds R.S. 32:57.1(D) and (E))

### **Penalties Applicable to All Vehicle Drivers and Operators (ACT 739)**

Existing law provides the guidelines for operating a motorcycles on roadways and prescribes penalties for violations of these provisions.

New law specifies that penalties imposed by existing law are applicable to any driver or operator of a vehicle, as defined in existing law, who is found guilty of or pleads guilty or nolo contendere to a violation of the provisions of existing law, including R.S. 32:191.1, or any regulation of the department, secretary, and commissioner made pursuant thereto.

Effective August 1, 2022.

(Adds R.S. 32:191.1(F))

### **Highway Safety Corridors (ACT 717)**

Existing 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 highway system and interstate highway system that may be designated by the secretary of the

DOTD as highway safety corridors to address highway safety problems through law enforcement, education, and safety enhancements.

New law defines "highway safety corridor" as a special segment of a highway that has been identified by data analysts and approved by a majority vote of the Safety Corridor Advisory Group to be a high collision zone, especially for fatal and serious injury crashes. Specifies that the primary cause of these crashes is driver behavior such as speeding, aggressive driving, impairment, and distracted driving.

New law defines "highway safety corridor violation" as use of a highway safety corridor in a manner not authorized by existing law or any regulation promulgated pursuant to existing law.

Existing 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 existing law after reviewing all data and studies for the establishment of the highway safety corridor.

New law modifies existing law by removing all references and effects of electronic enforcement found in existing law (R.S. 32:57.4 and 267.1).

Prior law provided for penalties, fines, and alternatives to citation for a violation of prior law.

Prior law required, upon unanimous vote of the Safety Corridor Advisory Group and in the exercise of the authority to designate highway safety corridors on any highway in the state highway system, the secretary of the DOTD to coordinate with the LSP for the exercise of the police powers of the state as necessary to maintain the peace and accomplish the orderly handling of this authority.

Prior law provided for definitions and for highway safety corridor violations. Prior law required the department from time to time to designate one or more violation clerks and agents

to perform the functions specified in existing law at the discretion of the department.

New law removes prior law (R.S. 32:57.4 and 267.1).

Effective upon signature of governor (June 18, 2022).

(Amends R.S. 32:267(A)(2) and (E); Adds R.S. 32:267(A)(3) and (4); Repeals R.S. 32:57.4 and 267.1)

#### **Utility Terrain Vehicles Redefined (ACT 667)**

Prior law provides for the definition of "utility terrain vehicle" that includes maximum tire width, wheel cleat, pounds, and wheel base.

New law repeals certain provisions in prior law relative to size specifications. New law changes weight specifications from 2,000 pounds to 3,500 pounds.

Effective June 18, 2022.

(Amends R.S. 32:299.3(A)(1))

#### **Smoking or Vaping Marijuana in Vehicle on Public Road (ACT 478)**

New law prohibits the operator or any passenger in a motor vehicle, while the motor vehicle is operated on a public highway or right-of-way, from smoking or vaping any form of marijuana as defined by existing law or a substance classified in Schedule I that is marijuana, tetrahydrocannabinol, or chemical derivatives thereof.

New law defines "smoke" as inhaling, exhaling, burning, or carrying any activated aerosol or vapor or any lighted cigarette, cigar, pipe, weed, plant, or other combustible substance in any manner or in any form.

New law defines "public highway or right-of-way" as the entire width between and immediately adjacent to the boundary lines of publicly maintained highways or roads when any part thereof is open to the use of the public.

New law provides for a fine of \$100 for any person who violates new law.

New law specifies that a violation of new law is a nonmoving violation and any citation issued by a law enforcement officer cannot be included on the driver's operating record.

Effective August 1, 2022.

(Adds R.S. 32:300.4.1)

#### **Window Tinting Medical Exemption (ACT 233)**

Existing law establishes exemptions from window and windshield obscurement requirements that apply to a motor vehicle registered in the state where the registered owner, spouse, or family member operating or authorized to operate the motor vehicle has an affidavit signed by an optometrist or physician, including but not limited to an ophthalmologist or dermatologist licensed to practice in this state, specifying that the person has a physical or medical condition involving the effects of the sun that makes it necessary to equip the motor vehicle with sun screening material, which would be of a light transmission or luminous reflectance in violation of existing law (R.S. 32:361.1). Requires the affidavit be kept in the motor vehicle at all times.

Existing law requires the condition be verifiable in the World Health Organization International Classification of Disease ICD-9-CM as a recognized condition that would warrant an exemption pursuant to existing law.

Existing law requires the exemption granted under the provisions of existing law be subject to review every three years unless deemed otherwise by the department.

New law adds a new exemption granted to a person with a diagnosed light-sensitive porphyria and is valid for the duration of the ownership of a vehicle.

Effective August 1, 2022.

(Amends R.S. 32:361.2(A)(3)(c))

### **Autonomous Vehicles (ACT 268)**

New law provides autonomous vehicles are not required to have equipment related to the support of a human driver.

New law does not require equipment if it is not necessary for automated driving.

Effective August 1, 2022.

(Adds R.S. 32:378.4)

### **Uneven Fender Height Limits (ACT 773)**

New law prohibits the operation a motor vehicle upon any highway if, by alteration of the suspension, frame, or chassis, the height of the front fender is six or more inches greater than the height of the rear fender.

New law provides that the height of the fender shall be a vertical measurement from and perpendicular to the ground, through the centerline of the wheel, and to the bottom of the fender.

New law only applies to vehicles with no payload or no trailer attached.

Effective August 1, 2022.

(Adds R.S. 32:381.1)

### **Timber Hauling (ACT 142)**

Existing law provides the requirements and fees for obtaining a special timber harvest season permit for the operation of vehicles or combination of vehicles where the dimensions or weights exceed the limits imposed by existing law.

New law clarifies that timber harvest season permits are for the operation of a vehicle used to transport pulp wood, wood chips, unrefined timber, or woody biomass products in their natural state.

(Amends R.S. 32:387(C)(3)(d)(ii)(intro. para.))

### **Biannual Combination Hauling Permits (ACT 551)**

Existing law provides for special permits issued by the secretary of the Dept. of Transportation and Development.

New law requires the secretary to issue a biannual permit for the operation of a combination of vehicles or tandem loads hauling divisible or nondivisible container imports or exports to and from any port facility in the state, provided the combination of vehicles or tandem loads meet all of the following requirements:

- (1) Does not exceed 140,000 pounds gross weight.
- (2) Does not exceed 40,000 pounds per tandem axle spread and 60,000 per tridem axle spread as defined by the Dept. of Transportation and Development.
- (3) Does not exceed 83 ft. in length.
- (4) Is equipped with a dual-axle dolly and a dolly safety system with tilt sensors attached to the dolly that provide feedback on tilt information to the driver of the vehicle to ensure safe operations.

New law provides that the permits and route via state and federal roadways, excluding the interstate system, shall be issued at the truck permit office of the department.

New law requires the secretary to adopt rules to implement new law.

New law has a sunset date of August 1, 2026.

Effective June 17, 2022.

(Adds R.S. 32:387.2)

### **Motor Vehicle Accident Reports (ACT 437)**

Existing law requires the investigating law enforcement officer of a crash to forward a written report of the accident to the Dept. of

Public Safety and Corrections (DPS&C) within 48 hours after completing the investigation. Existing law requires the investigating officer 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 if the accident occurred within the corporate limits of a city or a town.

Existing law requires the information contained in reports be confidential and made available only to parties to the crash, parents or guardians of a minor who is a party to the crash, and insurers, or an insurance support organization under contract to provide claims and underwriting, of any party which is the subject of the report. Additionally, specifies that the succession representatives of the parties to the crash, the attorneys of the parties or succession representatives, or a news-gathering organization that requests documents related to a specific crash may receive the crash report.

New law modifies existing law by including any healthcare provider, or their agent, that rendered healthcare services to any party which is the subject of the crash as a party to receive the report.

Existing law defines "insurance support organizations" 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.

Prior law prohibited agents, governmental institutions, insurance institutions, medical-care institutions, and medical professionals from being considered "insurance support organizations".

New law modifies existing law by deleting medical-care institutions and medical professionals from the list of prohibited institutions and professionals that are not considered "insurance support organizations".

Effective August 1, 2022.

(Amends R.S. 32:398(I)(1) and (a)(iii))

### **Drivers Licenses and Foreign Nationals (ACT 181)**

Existing law requires certain drivers to complete a driver education course or prelicensing training course prior to obtaining a license to operate a motor vehicle.

New law exempts foreign nationals in Louisiana under an H-2A visa that possess a valid foreign driver's license from the requirements of existing law.

Effective August 1, 2022.

(Adds R.S. 32:402.1(A)(3))

### **Suspension of Drivers' Licenses (ACT 701)**

Existing law provides for fines and imprisonment if a person operates a vehicle with a suspended license. New law provides that a person shall not be arrested or imprisoned for operating a vehicle with a suspended license if the license was solely suspended due to a Dept. of Revenue final assessment or judgement.

Prior law provided for the suspension and denial of renewing a driver's license if the Dept. of Revenue has a final and nonappealable assessment or judgment against an individual for the nonpayment of in excess of \$1,000 of individual income taxes, exclusive of penalty, interest, costs, and other charges.

New law modifies prior law to require the suspension of driving privileges be imposed and renewal of a driver's license be denied if all of the following conditions are met:

- (1) The Dept. of Revenue has a final and nonappealable assessment or judgment against an individual.
- (2) The amount of the final assessment or judgment is in excess of \$1,000 of individual income tax, exclusive of penalty, interest, costs, and other charges.

(3) The individual has not paid the assessment or judgment.

(4) The individual has not entered into an installment agreement with the Dept. of Revenue within 90 days of the date the assessment or judgment became final and nonappealable.

Existing law provides that the suspension and denial be effective until the individual has paid or made arrangements to pay the delinquent tax, interest, penalty, and all costs and the Dept. of Revenue notifies the Dept. of Public Safety and Corrections, office of motor vehicles, of the payment or arrangement to pay.

New law requires the Dept. of Revenue promptly notify the office of motor vehicles upon payment or arrangement to pay and requires the individual's driving privileges be reinstated without additional action required of the individual.

New law prohibits the office of motor vehicles from imposing a fee when reinstating an individual's driving privileges.

New law authorizes the Dept. of Revenue to enter into an interagency agreement with the office of motor vehicles to reimburse the office of motor vehicles for the actual expenses associated with license suspensions and reinstatements.

Existing law requires the secretary of the Dept. of Revenue, in cooperation with the secretary of the Dept. of Public Safety and Corrections, adopt and promulgate rules and regulations in accordance with the provisions of the Admin. Procedure Act to effectuate the orderly and expeditious suspension and denial of renewal and reissuance of drivers' licenses in accordance with the provisions of existing law.

New law authorizes the secretary of the Dept. of Revenue to, by rule, provide for suspension of driver's license privileges at higher thresholds of individual income tax due based on an individual's historical compliance with La. tax laws, the facts and circumstances relating to the unpaid tax liability, and authorizes the acceptance

of surety or other collateral in lieu of suspension of a driver's license.

Effective January 1, 2023.

(Amends R.S. 32:414(R)(1) and 415(C)(1) and R.S. 47:296.2(A), (B), and (D))

### **Louisiana Advisory Council on Driver Education (ACT 388)**

Existing law creates the La. Advisory Council on Driver Education and provide rules, regulations, and standards for licensure of defensive driving courses as provided in existing law.

New law adds the rules, regulations, and standards applicable for driver education providers.

Existing law specifies that the La. Advisory Council on Driver Education consists of five voting members. Prior law provided for two nonvoting ex-officio members appointed by the commissioner of the office of motor vehicles. Prior law provided certain requirements for members and appointment from a list of nominees.

New law removes the ex-officio members, removes specific requirements for members along with the appointment lists for nominees, and increases the voting members from five to 13 as follows:

(1) Three members of the Driving School Association of La. appointed by the president of the Driving School Association of La.

(2) Two members of the Driving School Association of the Americas appointed by the president of the Driving School Association of the Americas.

(3) Two secondary education professionals from the Dept. of Education appointed by the superintendent of the Dept. of Education.

(4) Two members of the office of motor vehicles appointed by the commissioner of the office of motor vehicles.



(5) One representative of the La. Highway Safety Commission appointed from a list of three persons nominated by the executive director of the La. Highway Safety Commission.

(6) One member of the La. State Police appointed by the superintendent of the La. State Police.

(7) One member of the La. House of Representatives appointed by the chairman of the House Committee on Transportation, Highways and Public Works.

(8) One member of the Senate appointed by the chairman of the Senate Committee on Transportation, Highways and Public Works.

Prior law specified that members were appointed to serve an initial two-year term on the council and could be eligible to be reappointed to serve an additional two-year term.

New law removes the two-year reappointment term for members.

Prior law required the removal of a member from the advisory council if the person had more than one unexcused absence during any 12-month period.

New law increases the unexcused absence to two during any 12-month period.

Prior law specified a quorum consisted of a simple majority of the active voting members or their proxies, if the bylaws provided.

New law removes the quorum requirement conditioned on the bylaws.

Prior law specified whenever a vacancy occurred in a council seat, whether by death, resignation, or automatic removal, such vacant seat would no longer be counted as an active voting member in determining a quorum until a successor has been appointed by the commissioner of the office of motor vehicles in the same manner as the original appointment to fill the unexpired term.

New law specifies that the appointment of a vacant seat be appointed by the appropriate official as provided in existing law and new law.

Prior law required officers of the council to include a chairman, vice chairman, and secretary.

New law requires the council be appointed at the beginning of each new term and adds two at-large board members.

Existing law specifies the duration and location for all meetings.

New law adds the following venues:

(1) A legislative committee room located in the La. State Capitol.

(2) Any electronic venue agreed upon by the council officers.

Effective August 1, 2022.

(Amends R.S. 32:422.2)

### **Duplicate Driver's License (ACT 329)**

Existing law provides for a duplicate driver's license to be obtained if the original license has been lost or destroyed. Authorizes the submission of an application for a duplicate driver's license to a motor vehicle office, an authorized agent of the office of motor vehicles (OMV), or the motor vehicle website online application. Requires the application include a statement executed by the applicant attesting to the facts regarding the lost or destroyed driver's license.

Existing law prohibits a duplicate driver's license by mail or electronic commerce to a person who is 70 years of age or older without a sworn affidavit by a physician certifying certain necessary functions. Prohibits a duplicate driver's license by mail or electronic commerce to a person who is an alien student or nonresident alien or has previously been issued a duplicate license prior to the license card expiration.

Existing law requires a \$5 charge for a duplicate license and waives the \$5 charge and any

handling charge if the license has been stolen as evidenced by a police report or for the issuance of a driver's license to any child who is in foster care.

Existing 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.

Existing law authorizes the department to establish rules and regulations to grant or deny a duplicate driver's license 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 existing law.

Existing law requires the application for a duplicate driver's license by mail or electronic commerce include the following:

- (1) An applicant statement that he has no current physical or mental condition which would impair his ability to operate a motor vehicle safely nor has he 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 used 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.

Existing law specifies that a valid driver's license does not include the following:

(1) A suspended, disqualified, expired, or cancelled 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 for which there is a block on any further issuance of any kind, whether or not the license is suspended or disqualified.

New law maintains existing law and prohibits any duplicate driver's license issued pursuant to existing law from exhibiting the designation of duplicate regardless of its class.

Effective August 1, 2022.

(Adds R.S. 32:413(E))

#### **License Plate or Vehicle Confiscation (ACT 250)**

Existing law provides when law enforcement officers determine an operator of a vehicle has a suspended or revoked driver's license at the time of a stop and the vehicle is registered to the operator, the officer shall remove the license plate and issue a notice of suspension on a form as promulgated by the department.

New law retains existing law and authorizes an officer to issue a physical form or an electronic form similar to the physical form provided by the department.

Existing law provides when an operator of a motor vehicle fails to produce proof of motor vehicle liability insurance the vehicle shall be impounded and the operator shall be issued a notice of noncompliance on a form to be provided by the department.

New law retains existing law and authorizes the notice of noncompliance to be issued through a physical for or an electronic form.

Effective August 1, 2022.

(Amends R.S. 32:415.2(A)(2)(a) and 863.1(C)(1)(a))

### **Road Usage Fees for Certain Electric and Hybrid Vehicles (ACT 578)**

New law imposes a road usage fee not to exceed \$110 per year on each electric vehicle and an annual road usage fee not to exceed \$60 per year on each hybrid vehicle operated on state highways which are required to be registered and to pay a vehicle registration license tax in accordance with existing law.

New law exempts an electric vehicle or hybrid vehicle that is a school bus primarily used to transport La. students from the fee imposed by new law.

New law defines the following terms as follows:

(1) "Electric vehicle" means a vehicle powered by one or more electric motors or energy stored in rechargeable batteries for propulsion.

(2) "Hybrid vehicle" means a vehicle that uses gasoline, diesel fuel, or special fuels in combination with an electric motor for propulsion.

(3) "Owner" has the same meaning as defined by existing law.

(4) "Secretary" means the secretary of the La. Dept. of Revenue.

New law requires the administration and collection of the road usage fee.

New law requires the fees imposed by new law be paid by the owner of the electric vehicle and the owner of the hybrid vehicle on a calendar year basis. Further requires the fee be due on or before May 15th for the preceding year in which the electric vehicle or hybrid vehicle was operated upon the highways of this state.

New law requires the secretary to administer and to authorize the collection of fees imposed by new law with all the duties and powers authorized by existing law.

New law requires the secretary of the Dept. of Revenue in consultation with the secretary of the Dept. of Transportation and Development to promulgate rules in accordance with the Administrative Procedure Act relative to the following:

(1) To develop a prorated fee schedule applicable to electric vehicles and hybrid vehicles that are operated upon the highways of this state for less than one year. Provides that the fee schedule may consider mileage, weight, days operated, and other relevant factors to reasonably determine a fee that is commensurate and in proportion with actual road usage in this state.

(2) To prescribe and publish forms, schedules, and methods upon which the fee levied pursuant to new law may be reported and remitted to the secretary, including through the use of existing returns, forms, and schedules.

(3) To provide for collection and administrative procedures that the secretary determines necessary to administer new law.

New law requires proceeds of the fees imposed by new law be deposited as follows:

(1) 70% of the proceeds be deposited into the Construction Subfund of the Transportation Trust Fund for use by the Department of Transportation and Development (DOTD) on road and bridge preservation projects included in the Highway Priority Program in accordance with the DOTD's definitions of such projects.

(2) 30% of the proceeds be deposited into the Parish Transportation Fund and distributed to local governments in accordance with the formula set forth in existing law. Further provides the amounts distributed may be used by local governments for any purpose that is a permitted use of funds received from the Parish Transportation Fund.

Effective January 1, 2023.

(Adds R.S. 32:461)

### **Licensed Practical Nurses (ACT 393)**

Existing law (R.S. 32:644) provides for persons who are authorized to withdraw blood for the purpose of determining the alcoholic content or presence of any abused or illegal controlled dangerous substances in a person who has submitted to a blood test at the request of a law enforcement officer.

Prior law provided that a licensed practical nurse could only withdraw blood as provided by existing law, pursuant to a subpoena or court order.

New law repeals prior law.

Existing law (R.S. 32:666) provides that a person may not refuse to submit to a chemical test or tests if he has refused to submit to such test or tests on two previous and separate occasions of any previous violation of existing law (R.S. 14:98, 98.6) or in any case where a fatality has occurred or a person has sustained serious bodily injury in a crash involving a motor vehicle, aircraft, watercraft, vessel, or other means of conveyance.

New law provides that a physician, physician assistant, registered nurse, licensed practical nurse, emergency medical technician, chemist, nurse practitioner, or other qualified technician shall perform a chemical test in accordance with existing law (R.S. 32:664) when directed to do so by a law enforcement officer.

Prior law provided that a licensed practical nurse could only withdraw blood as provided by existing law, pursuant to a subpoena or court order.

New law repeals prior law.

Effective August 1, 2022.

(Repeals R.S. 32:664(D) and 666(D))

### **Transfer of Vehicle Ownership to Insurer (ACT 343)**

Prior law, in pertinent part, defined "endorsement" as the signature of a seller if the certificate of title or other document transferring ownership to an insurance company was for a motor vehicle which had been declared a total loss by that insurance company.

New law modifies prior law to include the signature of a seller if the certificate of title or other document transferring ownership to an insurance company is for a motor vehicle which is the subject of an insurance settlement.

New law also defines "endorsement" as the signature of the seller if the certificate of title or other document is transferring ownership to a dealer licensed by the La. Motor Vehicle Commission or La. Used Motor Vehicle Commission, or when transferring ownership from a licensed dealer to a purchaser.

New law corrects a statutory reference in the definition of "endorsement" by changing it from R.S. 32:702(17) to R.S. 32:702(2) to accurately reference an "authorized officer".

Existing law requires an application for certificate of title be accompanied by a proper bill of sale, sworn statement of ownership, or a duly certified copy, or such other evidence of ownership as the commissioner may in his discretion require if a certificate of title has not been previously issued for a vehicle in this state.

Existing law requires an application to the Dept. of Public Safety and Corrections (DPS&C), office of motor vehicles, for a certificate of title and an inspection of the vehicle prior to the registration or sale of the vehicle for any owner who reconstructs or restores a vehicle without salvage title to operating condition prior to being issued a reconstructed title under existing law or the laws of another state or who recovers a stolen motor vehicle to include a sworn statement in the form prescribed by the DPS&C.

Prior law required every vendor of a vehicle subject to the vehicle registration license tax to be

collected furnish to the purchaser at the time of sale a notarized statement showing the serial number, motor number, type, year, and model of the vehicle sold, the total sales price, any allowance for and a description of any vehicle taken in trade, and the total cash difference paid or to be paid by the purchaser between the vehicles purchased and traded in and the sales or use tax to be paid, along with such other information as the collector of revenue may by regulation require.

New law modifies prior law by removing the requirement for sworn or notarized statements and a duly certified copy of the statement.

New law specifies that R.S. 32:705(B)(3) and (4) are effective on August 1, 2022.

New law specifies that R.S. 32:707(D)(1)(a) and (J)(1)(c)(introductory paragraph) and R.S. 47:303(B)(2) are effective on January 1, 2023.

(Amends R.S. 32:705(B)(3) and (4) and 707(D)(1)(a) and (J)(1)(c)(introductory paragraph) and R.S. 47:303(B)(2); Adds R.S. 32:705(B)(5))

### **Total Loss Vehicles and Title (ACT 716)**

Existing law provides the requirements for an application for certificates of title, including salvage title.

Existing law specifies when, as the result of an insurance settlement, a motor vehicle is declared to be a "total loss", as defined in existing law, the insurance company, its authorized agent, or the vehicle owner shall, within 30 days from the settlement of the property damages claim, send the certificate of title, properly endorsed, to the office of motor vehicles along with an application for a salvage title in the name of the insurance company, or its authorized agent, or the vehicle owner.

Existing law provides the requirements for when an insurance company or its authorized agent may submit an application for a salvage title and signed under penalty of perjury.

New law adds alternative requirements when a lien has not been released within seven days of satisfaction.

New law specifies an insurance company or its authorized agent may submit proof of full payment and a copy of the most recent letter of guarantee from each holder of a lien that has not been released indicating the payoff amount.

New law specifies if payment is made by check, proof of payment must consist of the front and back of the paid check listing all endorsements of the named payees. Further specifies the evidence needed for electronic transfer payments, including a screenshot of payment submissions along with a certification the payment was not returned.

New law requires the insurer sign a hold harmless affidavit on a department approved form.

New law authorizes the office of motor vehicles to charge a fee of up to \$100 for each transaction.

Effective August 1, 2022.

(Amends R.S. 32:707(I)(1)(b)(iv))

### **Motor Vehicle Franchiser Dealer Relations (ACT 258)**

Existing law provides for unauthorized acts of a motor vehicle manufacturer, distributor, wholesaler, distributor branch, factory branch, or converter.

Prior law prohibits a manufacturer, distributor, wholesaler, distributor branch, factory branch, converter, or officer, agent, or other representative thereof from conditioning the renewal or extension of a franchise on a dealer's substantial renovation of the dealer's place of business or on the construction, purchase, acquisition, or rental of a new place of business by the dealer, unless the manufacturer has advised the dealer of its intent to impose such condition within at least 180 days of the proposed date of renewal or extension and has met certain other conditions.

New law removes the prohibition and provides for the following unauthorized acts of a manufacturer, distributor, wholesaler, distributor branch, factory branch, converter, or officer, agent, or other representative thereof:

(1) To condition the renewal or extension of a franchise on a dealer's substantial renovation of a facility or premises if the renovation would be unreasonable under the circumstances.

(2) To require, coerce, or attempt to coerce, a dealer or successor dealer to construct or substantially alter a facility or premises if the construction or alteration would be unreasonable under the circumstances.

(3) To require, coerce, or attempt to coerce, a dealer or successor dealer to construct or substantially alter a facility or premises if the same area of the facility or premises has been constructed or substantially altered within the last 10 years and the construction or alteration was required and approved by the manufacturer as a part of a facility upgrade program, standard, or policy. Excludes certain construction or alterations. Provides that a cancellation or change in a facility upgrade program, policy, or standard does not impact any payment and benefit to a dealer who was participating in that program prior to the cancellation or change in the program, unless agreed upon by the parties. Provides that as part of the program, policy, or standard the manufacturer or distributor shall agree to supply the dealer with an adequate supply and marketable model mix of motor vehicles to meet the sales levels necessary to support the increased overhead incurred by reason of the construction or alteration.

(4) To require, coerce, or attempt to coerce, a dealer to purchase certain facility construction or maintenance goods or services from a vendor that is selected by a manufacturer, distributor, affiliate, or captive finance source when the dealer may obtain facility construction or maintenance goods or services for items of the same quality, material, and design from a vendor selected by the dealer, provided the dealer obtains prior approval from the manufacturer, distributor, or affiliate for the use of the dealer selected

vendor. Provides for the filing of a protest with the commission if the vendor is not approved by the manufacturer and provides for that procedure.

New law defines "substantially altered" and "goods".

Effective August 1, 2022.

(Amends R.S. 32:1261(A)(1)(l))

### **TITLE 33: MUNICIPALITIES AND PARISHES**

#### **Addis Planning & Zoning Commission (ACT 226)**

Existing law authorizes parishes and municipalities to create planning commissions for the purpose of making and adopting a master plan for the physical development of the parish or municipality. Provides for composition of the commission. Requires members of a parish or municipal planning commission to serve without compensation.

Existing law provides exceptions with respect to certain municipalities. Authorizes the governing authorities of specified municipalities to pay a per diem to members of their respective municipal planning commissions for attending meetings of the commission. Also 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 Addis to the list of municipalities to pay per diem to planning commission members.

Effective upon signature of governor (May 31, 2022).

(Amends R.S. 33:103(C)(1)(l))

#### **Ascension Parish Municipalities (ACT 223)**

Existing law authorizes owners of property lying contiguous and adjacent to the territorial corporate limits of any municipality, except in

New Orleans, to petition the mayor and governing authority of the municipality to annex their property into the municipality. Requires that the petition contain one-third in number and value of the bona fide owners of the property and that a majority in number and value of the qualified electors residing in and upon the property vote in favor of annexation at an election held for that purpose.

Existing law requires municipal governing authorities to give notice of the upcoming election in one or more newspapers published in the respective municipality at least 10 days prior to the election.

New law additionally requires the municipal governing authorities in Ascension Parish to notify the parish governing authority, in writing, of the upcoming election at least 30 days prior to the election.

Existing law generally provides for the annexation of property by municipalities. Authorizes a municipality to annex territory by ordinance or election by complying with one of the following procedures:

(1) Written consent to the annexation is provided by a petition signed by a majority of the registered voters and a majority in number of the resident property owners as well as 25% in value of the property of the resident property owners within the area.

(2) The annexation of a contiguous area is approved by the voters of the area in an election requested by a petition signed by at least 25% of the resident property owners and by the owners of at least 25% in value of the resident property within such area.

(3) A municipality may annex contiguous areas by election if at least 90% of the boundary of the area to be annexed is common to the boundary of the municipality and a majority of the registered voters residing in the area proposed for annexation voting at an election held for that purpose vote in favor of annexation.

New law additionally requires municipal governing authorities in Ascension Parish to notify the parish governing authority, in writing, of a proposed annexation at least 30 days prior to any election held or adoption of any ordinance pursuant to existing law.

Effective August 1, 2022.

(Amends R.S. 33:154 and 172(A)(1)(a) and (D))

### **Municipal Elections (ACT 402)**

Existing law provides that municipalities with a mayor-board of aldermen form of government hold municipal elections every four years on the date set for municipal and ward elections by the election code (the primary election is held on the last Saturday in March or on the first Saturday in March in a presidential election year; the general election is five weeks after the primary). Provides, however, that such a municipality may move its municipal elections to the congressional election date (the primary election is held on the first Tuesday after the first Monday in November; the general election is on the fifth Saturday after the primary).

Prior law provided that the date for municipal elections in certain municipalities was the *gubernatorial* election date (the primary election is held on the third to last Saturday in October; the general election is five weeks after the primary). Prior law applied to municipalities that had populations in one of the following ranges and that were located in a parish with a population between 118,000 and 125,000:

(1) 1,200-2,000.

(2) 6,200-6,600.

New law repeals prior law.

Effective August 1, 2022.

(Repeals R.S. 33:383(A)(3))

### **Village Police Chief Qualifications (ACT 212)**

Existing law provides relative to qualifications of elected municipal chief of police.

Prior law required that an elected chief of police of a village be an elector of the village who at the time of qualification for the office had been domiciled for at least the immediately preceding six months in the village. Provided for exceptions.

New law provides that the police chief shall be a resident of the parish in which the village is located.

Existing law provides that a village is a municipality with a population of 1,000 or less.

Effective upon signature of governor (May 31, 2022).

(Amends R.S. 33:385.1(B))

### **Vinton Police Administration (ACT 763)**

Prior law, applicable to most Lawrason Act municipalities, provided that the elected police chief makes recommendations to the mayor and board of alderman regarding the appointment, promotion, discipline, and dismissal of police personnel. Provided that the mayor and alderman are responsible for taking these actions with regard to police personnel.

New law provides that the police chief for the city of Vinton may promote, and discipline police personnel subject to the budgetary limitations of the mayor and city council pertaining to the number of allotted positions.

New law provides that nothing shall prohibit a police department employee from making a direct appeal to the city council, who shall have the authority to modify or reverse any actions of the chief of police.

Effective June 18, 2022.

(Adds R.S. 33:423.30)

### **Training of Mayors and Magistrates Presiding Over Mayors' Courts (ACT 691)**

Prior law provided for a mayor's court with jurisdiction over all violations of municipal ordinances.

New law retains prior law and provides that every mayor or magistrate presiding over a mayor's court must receive training within 90 days of assuming status as presiding authority, either online or in-person, which training must be provided by the Louisiana Supreme Court. Provides the training must include ethics and training on judicial and legal procedures related to mayor's courts. Requires the Legislative Auditor to verify attendance at the training and assist the Supreme Court in providing the training. Following the initial training requirements, presiding mayors and magistrates are required, each year, to receive continuing education as prescribed by the Louisiana Supreme Court.

Effective August 1, 2022.

(Adds R.S. 33:441(D))

### **Parish Governing Authority Member Expenses (ACT 399)**

Existing law provides that parish police juries shall provide for compensation for police jurors. Provides for compensation of police jurors on either a per diem or a salary basis. Provides limits on amounts of compensation.

Existing law further authorizes each parish governing authority which does not operate under a home rule charter to pay members an additional itemized expense allowance for actual expenses incurred in the performance of their duties.

Prior law provided that the maximum authorized expense allowance was \$200 per month. New law increases the maximum authorized expense allowance to \$400 per month. Effective August 1, 2022.

(Amends R.S. 33:1233(A)(3))



### **Ascension Parish Administrative Services (ACT 224)**

Existing law authorizes parish governing authorities to assess a charge for administrative services rendered to certain entities of local government within the parish.

Existing law provides that the charge cannot exceed 4% percent of the total revenue of the entity.

New law provides that in Ascension Parish the charge cannot exceed 5% percent of the total revenue of the entity.

Existing law and new law provides that the charge cannot exceed the actual cost incurred by the administrative office.

Existing law excludes municipalities, sheriffs, clerks of court, and assessors from entities that can be charged by the parish.

New law additionally excludes fire protection districts, councils on aging, and parish libraries from entities that can be charged by Ascension Parish.

Effective August 1, 2022.

(Adds R.S. 33:1236(35)(c))

### **St. Tammany and Washington Parish Fees (ACT 752)**

Prior law authorized the governing authorities of the parishes of St. Tammany and Washington to enact ordinances requiring the clerk of court to impose, collect, and remit to the parish for operational expenses of the judicial system and its related agencies an additional charge, not exceeding \$5, for the registration and recordation of any document in the mortgage and conveyance records.

New law authorizes the governing authorities to increase the fee provided for in prior law from \$5 to \$15.

Prior law authorized the clerk of court to impose, collect, and remit to the parish for operational expenses of the judicial system and its related agencies an additional charge not exceeding \$15, for the filing and recordation of adoptions, successions, and any other new civil suits and written motions for hearings filed in or with the clerk of court's office.

New law authorizes the governing authorities to increase the fee provided for in prior law from \$15 to \$25.

Prior law authorized the governing authorities to enact ordinances requiring the sheriff to impose, collect, and remit to the parish for operational expenses of the respective judicial system and its related agencies such additional charge, not exceeding \$5, for each tax certificate issued or filed by the sheriff of the parish.

New law authorizes the governing authorities to increase the fee provided for in prior law from \$5 to \$15.

New law provides that the increase in court costs or fees as provided for in prior law becomes effective if and when the Judicial Council provides a favorable recommendation in a Judicial Council Report to the Louisiana Legislature.

Effective August 1, 2022.

(Amends R.S. 33:1236(55)(a))

### **Local Government and LPG Providers (ACT 512)**

New law provides that no code, ordinance, land use restriction, or general or specific plan provision adopted by a parish or municipality may prohibit or have the effect of restricting a person's or entity's ability to use the services of a liquefied petroleum gas (LPG) provider who is capable and authorized to provide services at the person's or entity's property.

New law prohibits a parish or municipality from denying a permit application based on the LPG dealer's proposal to provide service to the project.

Authorizes a parish or municipality to establish rules, ordinances, or requirements that do not supercede or conflict with existing federal or state laws, rules or regulations regarding the use or storage of LPG.

New law provides for prospective application only.

Effective August 1, 2022.

(Adds R.S. 33:1377)

### **Firefighters and Cancer (ACT 516)**

Existing law provides that when a firefighter who is in the classified fire service and who has completed 10 or more years of service develops cancer, the cancer shall be classified as an occupational disease or infirmity. Existing law further provides that the disease or infirmity shall be presumed to have been caused by the work performed. Provides that the presumption is rebuttable by evidence meeting judicial standards.

Existing law provides that the presumption extends to a member following termination of service for a period of three months for each full year of service not to exceed 60 months.

New law limits the applicability of this presumption period to firefighters who terminate service prior to Jan. 1, 2023. New law extends the presumption to a period not to exceed 120 months for firefighters who are active or who terminate their service on or after Jan. 1, 2023, who have been diagnosed with cancer prior to reaching the age of 65, and who are in one of the following categories:

- (1) Firefighters who are employed in the fire service for at least 10 years and attain the age of 55.
- (2) Firefighters who are employed in the fire service for at least 20 years and attain the age of 50.
- (3) Firefighters who are employed in the fire service for at least 25 years.

- (4) Firefighters who are employed in the fire service for at least 10 years and who are subsequently approved for disability retirement by a public retirement system.

New law limits the obligation of employers regarding claims filed pursuant to existing or new law on or after Jan. 1, 2023, to the Medicare fee schedule times 1.5 or the actual charge, whichever is less. New law provides that if Medicare reimbursement is not available, the employer's obligation is limited to the worker's compensation reimbursement schedule.

Effective August 1, 2022.

(Amends R.S. 33:2011(A); Adds R.S. 33:2011(E))

### **Municipal Fire & Police Civil Service Boards (ACT 351)**

Existing constitution creates a fire and police civil service system applicable to municipalities of over 13,000 in population and parishes and fire protection districts. Provides that the system is subject to Art. XIV, §15.1 of the 1921 Constitution made statutory by the 1974 Constitution. Existing law creates and provides for two fire and police civil service systems: (1) one applicable to any municipality which operates paid police and fire departments and which has a population of not fewer than 13,000 persons; and (2) one applicable to any parish, fire protection district, or municipality with a population of fewer than 13,000, but not fewer than 7,000 persons.

Existing law, relative to both systems, provides that a municipal fire and police civil service board is created in each municipality, parish, and fire protection district. Provides that the board shall be composed of five members who shall serve without compensation. Further provides that the board shall have a chairman, a vice chairman, and a secretary.

Existing law, relative to the system applicable to municipalities with a population of not fewer than 13,000, requires that the board fill the office of secretary in one of the following ways:

- (1) By electing one of its members thereto.
- (2) By appointing the city clerk or secretary-treasurer of the municipality to fill such office ex officio.
- (3) By employing on a part-time basis any other person and paying a salary not to exceed \$1,250 per month, which salary must be approved by the municipal governing authority.

Prior law provided an exception for municipalities with a population in excess of 150,000 but not more than 210,000 by authorizing them to fill the office of secretary by employing any person on a full-time basis. New law instead provides that the board, not the respective municipality, may fill the office of secretary, on a full-time basis, with any person whom the board deems qualified.

Prior law authorized municipalities with a population in excess of 150,000 but not more than 210,000 to establish a rate of salary and benefits equivalent to like administrative personnel of the respective municipality. New law instead requires that the secretary receive compensation and benefits within a salary range that is comparable to the salary range established for classified personnel employed in similar administrative positions by the respective municipality. Provides that the secretary serves at the pleasure of the board and is solely accountable to the board.

Effective August 1, 2022.

(Amends R.S. 33:2476.6)

#### **Deputy State Examiner of the Municipal Fire & Police Civil Service (ACT 398)**

Existing constitution creates a fire and police civil service system applicable to municipalities of over 13,000 in population and parishes and fire protection districts. Provides that the system is subject to Art. XIV, §15.1 of the 1921 Constitution of Louisiana made statutory by the 1974 Constitution of Louisiana. Existing law creates and provides for two fire and police civil service systems: (1) one applicable to any

municipality which operates paid police and fire departments and which has a population of not fewer than 13,000 persons; and (2) one applicable to any parish, fire protection district, or municipality with a population of fewer than 13,000, but not fewer than 7,000 persons.

Existing law creates the office of state examiner of the municipal fire and police civil service. Requires that the state examiner be a resident and qualified voter of the state and a person who has had experience in the field of personnel administration, classification, or employment testing in a classified civil service system. Provides that the state examiner is subject to appointment, removal, and other disciplinary action by the State Civil Service Commission (commission).

Existing law also creates the office of deputy state examiner of the municipal fire and police civil service. Prior law also provided that the deputy state examiner was subject to appointment, removal, and other disciplinary action by the commission. New law instead provides that the right of appointment, supervision, and discharge of the deputy state examiner is vested in the state examiner.

Effective August 1, 2022.

(Amends Const. 1921, Art. XIV, Sec. 15.1(9)(b), (c), (d)(i), and (e) and R.S. 33:2479(H))

#### **City Fire & Police Civil Service Tests (ACT 322)**

Existing constitution creates a fire and police civil service system applicable to municipalities of over 13,000 population and parishes and fire protection districts. Provides that the system is subject to Art. XIV, §15.1 of the 1921 Constitution of Louisiana made statutory by the 1974 Constitution of Louisiana. Existing law creates and provides for two fire and police civil service systems: (1) one applicable to any municipality which operates paid police and fire departments and which has a population of not fewer than 13,000 persons; and (2) one applicable to any parish, fire protection district, or

municipality with a population of fewer than 13,000, but not fewer than 7,000 persons.

Existing law, relative to both systems, provides that a municipal fire and police civil service board is created in each municipality, parish, and fire protection district. Requires the board to establish and maintain employment lists containing the names of persons eligible for appointment to various classes of positions in the classified service. Requires the board, through the state examiner, to provide for tests to determine the eligibility of applicants for entry upon promotional and competitive employment lists.

Existing law provides that promotional tests may be held as the needs of the service require, but requires that they be given at least one time during each successive period of 18 months. Provides that competitive tests shall only be given as the needs of the service require and requires that they be given for classes comprising certain duties and positions including the operation and maintenance of radio, fire alarm, police alarm, and other signal systems.

Prior law provided an exception for municipalities having a population between 198,000 and 200,000 by including the operations, management, and supervision of radio, fire alarm, police alarm, and other signal systems among those positions for which competitive tests should be given.

New law removes the population reference and makes the exception applicable only to the city of Shreveport,

Effective August 1, 2022.

(Amends Const. 1921, Art. XIV, Sec. 15.1(22)(g)(4)(b) and R.S. 33:2492(7)(d)(ii); Repeals R.S. 33:2552(7)(d)(ii))

### **Municipal Fire & Police Civil Service Application Rejections (ACT 400)**

Existing constitution creates a fire and police civil service system applicable to municipalities of over 13,000 in population and parishes and fire protection districts. Provides that the system is

subject to Art. XIV, §15.1 of the 1921 Constitution made statutory by the 1974 Constitution. Existing law creates and provides for two fire and police civil service systems: (1) one applicable to any municipality which operates paid police and fire departments and which has a population of not fewer than 13,000 persons; and (2) one applicable to any parish, fire protection district, or municipality with a population of fewer than 13,000, but not fewer than 7,000 persons.

Existing law, relative to both systems, provides that a municipal fire and police civil service board is created in each municipality, parish, and fire protection district. Requires the board to establish and maintain employment lists containing the names of persons eligible for appointment to various classes of positions in the classified service. Requires the board, through the state examiner, to provide for tests to determine the eligibility of applicants for entry upon promotional and competitive employment lists.

Existing law authorizes the board to reject the application of any person for admission to tests of fitness, or refuse any applicant to be tested, or to cancel the eligibility of any eligible on any employment list, who:

- (1) Is found to lack any of the qualifications prescribed, or which may be legally prescribed, as requirements for admission to the tests for the class for which he has applied.
- (2) Is physically unfit to perform effectively the duties of a position of the class.
- (3) Is addicted to the habitual use of drugs or intoxicating liquors to excess.
- (4) Has been adjudged guilty of a crime involving moral turpitude or infamous or notoriously disgraceful conduct.
- (5) Has made a false statement of any material fact.
- (6) Has practiced, or attempted to practice, deception or fraud in securing eligibility for appointment or attempting to do so.

Prior law additionally authorized the board to reject an application, refuse any applicant, or to cancel the eligibility of any eligible who had been dismissed from the respective service for delinquency or misconduct. New law authorizes such rejection, refusal, or cancellation of an applicant who has been found cheating on an exam.

New law grants the state examiner the same powers as the board with respect to such rejections, refusals, and cancellations of applicants.

Effective August 1, 2022.

(Amends R.S. 33:2493(A)(5)(intro. para.) and (e) and 2553(A)(5)(intro. para.) and (e))

#### **Attorney Fees in Civil Service Board Appeals (ACT 306)**

Prior law provided that in a proceeding involving a municipal fire and police civil service board in municipalities with populations between 13,000 and 250,000 in which the board reverses a decision of the appointing authority for lack of just cause, attorney fees not to exceed \$1,000 may be assessed in any one appeal.

New law retains prior law but increases this maximum amount from \$1,000 to \$5,000.

New law provides that in a proceeding involving the municipal fire and police civil service board for small municipalities and for parishes and fire protection districts in which the board reverses a decision of the appointing authority for lack of just cause, attorney fees not to exceed \$5,000 may be assessed in any one appeal.

Effective June 10, 2022.

(Amends R.S. 33:2501.1; adds R.S. 33:2561.1)

#### **Rayne Police (ACT 218)**

Existing constitution creates a fire and police civil service system applicable to municipalities of over 13,000 in population and parishes and fire protection districts. Provides that the system is

subject to Art. XIV, §15.1 of the 1921 Constitution made statutory by the 1974 Constitution. Existing law creates and provides for two fire and police civil service systems: (1) one applicable to any municipality which operates paid police and fire departments and which has a population of not fewer than 13,000 persons; and (2) one applicable to any parish, fire protection district, or municipality with a population of fewer than 13,000, but not fewer than 7,000 persons.

Existing law, relative to both systems, provides that "departmental seniority" refers to the period of continuous employment in the department. Defines "promotional seniority" to mean the total cumulative employment in a class of positions of the next lower class from which a promotion is to be made. Specifies further relative to employment counted toward seniority in the next lower class.

Existing law, relative to both systems, provides that a municipal fire and police civil service board is created in the parish, municipal, and fire protection district government. Requires the board to establish and maintain employment lists containing the names of persons eligible for appointment to various classes of positions in the classified service. Requires that names of persons attaining a passing score on a promotion test be placed on the promotion employment list for the tested class, from highest to lowest, according to departmental seniority.

Existing law requires that vacant positions be filled by reinstatement or reemployment. If the position cannot be filled in this manner, then the position must be filled by the person on the promotion list with the greatest departmental seniority. Existing law provides exceptions for certain police departments, including a specific exception for police departments in the cities of Broussard, Carencro, Scott, and Youngsville. Existing law requires the appointing authorities in those cities to select and appoint to any vacancy a person who is among the three highest in departmental seniority.

New law makes existing law exception for the cities of Broussard, Carencro, Scott, and

Youngsville applicable to the police department in the city of Rayne.

Effective August 1 2022.

(Amends R.S. 33:2554(C)(3)(intro. para.)

#### **Westwego Assistant Chief of Police (ACT 704)**

Prior law provided that the position of assistant chief of police for the city of Westwego must be in the unclassified service, and the right of selection, appointment, supervision, and discharge for any such position shall be vested in the chief of police of the city.

New law retains prior law and further provides that any person who is appointed from a position in the classified service to serve as assistant chief of police shall not forfeit his seniority accumulated to the date of his appointment, and he shall continue to accumulate seniority during the time he holds the position of assistant chief of police.

New law further provides that if such person is demoted, or otherwise vacates the position on the approval of the chief of police, he must be demoted to a position in the classification he held immediately preceding his appointment as assistant chief of police. If an assistant chief of police who is appointed from a position in the classified police service is subjected to corrective disciplinary action, he must have the same rights as any other employee in the municipal fire and police civil service.

Effective June 18, 2022.

(Amends R.S. 33:2569)

#### **Classified Police and Hearing Loss (ACT 527)**

New law provides that a hearing loss that is 10 decibels or greater on average when adjusted for aging and which develops while a person is employed in the classified police service is classified as a disease or infirmity connected with employment. Provides that the employee is entitled to medical benefits, including hearing

aids, that a person suffering an occupational disease is entitled to pursuant to state law. Provides that the hearing loss is presumed to have occurred as a result of employment and to have resulted from hazardous noise exposure. Provides that the presumption is rebuttable and extends 24 months beyond termination of service. Requires each person selected for appointment to an entry level position in the classified police service on or after Aug. 1, 2022, to submit to a baseline audiology examination, an audiological examination every five years, and a final termination audiological evaluation at the end of service.

New law does not modify the qualifications necessary to establish eligibility to receive benefits or the calculation of benefits to be paid under any La. public pension or retirement system, plan, or fund.

Effective August 1, 2022.

(Adds R.S. 33:2581.3)

#### **Baton Rouge North Economic Development District (ACT 769)**

Existing law creates the Baton Rouge North Economic Development District in East Baton Rouge Parish as a political subdivision of the state for the purpose of developing the area included within the district. Provides for district boundaries.

Prior law provided that the district is governed by a 13 member board of commissioners composed as follows:

- (1) One member appointed by the state representative for House District No. 29, who is a representative of the business community.
- (2) Two members appointed by the state senator for Senate District No. 15.
- (3) One member appointed by the mayor-president of East Baton Rouge Parish who has a background in economic development.

(4) One member appointed with a community development background located within the district to be selected by a subcommittee formed by the board.

(5) One member appointed by the owner of the largest parcel of land located within the district.

(6) One member appointed by the state representative for House District No. 61.

(7) One member appointed by the state representative for House District No. 63.

(8) One member appointed by the state representative for House District No. 67.

(9) One member appointed by the state representative for House District No. 101.

(10) One member be appointed by the state senator for Senate District No. 14.

(11) One accountant located within the district to be selected by a subcommittee formed by the board.

(12) One representative of a civic association located within the district to be selected by a subcommittee formed by the board.

New law provides instead for a nine-member board of commissioners by removing the accountant and representative of a civic association and requiring that members appointed by the state representatives must serve on a rotating basis. Provides that the members appointed by the state representatives for House District Nos. 61, and 63 will begin serving on a rotating basis in 2022 and the members appointed by the state representatives for House District Nos. 67 and 101 must begin serving on a rotating basis in 2023. Further provides that one member appointed by the state representative for House District No 29 must begin serving on a rotating basis in 2022 and the other appointee will begin serving on a rotating basis in 2023.

Effective June 18, 2022.

(Amends R.S. 33:2740.67(C)(1)(intro para), 2740.67(C)(1)(a) and (f) through (i), (2) and (3); repeals R.S. 33:2740.67(C)(1)(k) and (l))

#### **Avoyelles Parish Gaming Funds (ACT 605)**

Existing law creates the Avoyelles Parish Local Government Gaming Mitigation Fund ("fund") for the purpose of remitting certain financial contributions received from the Tunica-Biloxi Indian Tribe of Louisiana to Avoyelles Parish in accordance the "Tribal-State Compact for the Conduct of Class III Gaming Between the Tunica-Biloxi Indian Tribe of Louisiana and the State of Louisiana". Provides for the deposit, administration, and use of monies in the fund.

Prior law required fund monies to be credited to the Bond Security and Redemption Fund prior to deposit in the fund. New law repeals this requirement.

Prior law provided that monies in the fund were subject to annual appropriation. New law repeals this requirement.

Existing law requires monies deposited into the fund each quarter to be remitted by the state treasurer to the Avoyelles Parish Police Jury within 10 days of deposit.

Prior law provided for the distribution of funds in the first year, beginning October 1, 1995. New law repeals prior law.

Effective August 1, 2022.

(Amends R.S. 33:3005)

#### **Sewerage and Water Board of New Orleans (ACT 711)**

Prior law (R.S. 33:4090(A)) requires the owner of any lot of record to bear all costs for initial connections extended from a sewer and water main to the property line and for additional costs from the property line to an onsite facility.

New law revises prior law to require the Sewerage and Water Board (board) to bear the costs of one sewer connection and one water

connection extending from the respective main to the property line for a lot of record which existed prior to 1954. For lots created after 1954, new law requires a property owner to bear all costs, inclusive of meter boxes, for connections extended from the sewer and the water main to the property line.

Existing law (R.S. 33:4071) provides that the public water, sewerage, and drainage systems of the city of New Orleans shall be constructed, controlled, maintained, and operated by a sewerage and water board and provides for the composition of the board.

New law retains existing law.

New law grants the New Orleans City Council (city council) the power to compile financial statements and to examine, audit, or review the books and accounts of the board. New law authorizes the city council to examine all papers, books, accounts, records, files, instruments, documents, films, tapes, and any other forms of recordation, including but not limited to computers and recording devices, and all software and hardware involving data.

New law authorizes the city council, in lieu of examinations of the records and accounts of the board, to accept an audit or review report prepared by a licensed certified public accountant. New law requires that the audit or review be performed in accordance with generally accepted governmental auditing standards and the La. Governmental Audit Guide. New law requires that audits be completed within six months of the close of the board's fiscal year. New law requires that reviews be conducted in accordance with the American Institute of Certified Public Accountants and the La. Governmental Audit Guide.

New law authorizes the city council to issue subpoenas to the board to compel the production of public and private books, documents, records, papers, films, tapes, and electronic data processing media. New law provides that if the board refuses to obey a subpoena, a judicial district court may issue an order requiring a board representative to appear before the court. New

law further provides that failure to obey a subpoena may be punished as a contempt of court.

New law shall not be construed to limit the power of the legislative auditor.

New law authorizes the city council to establish, by ordinance, procedures regarding the billing policies of the board. Allows the procedures to reduce or modify a customer's bill and to waive late charges and interest accrued.

New law requires the city council to establish a billing ordinance review working group. Requires the working group to review ordinances before any such ordinance may be considered by the Public Works, Sanitation and Environmental Committee of the city council. Provides that the findings of the working group shall be made a part of the official record before consideration of any such ordinance drafted pursuant to new law.

New law provides that the working group shall be comprised of the following members:

- (1) The chairman of the New Orleans City Council Budget, Audit and Board of Review Committee or his designee.
- (2) The chairman of the New Orleans City Council Public Works, Sanitation and Environment Committee or his designee.
- (3) The chairman of the New Orleans City Council Governmental Affairs Committee or his designee.
- (4) A member of the House of Representatives residing in Orleans Parish, or his designee, appointed by the New Orleans City Council president.
- (5) A member of the Senate residing in Orleans Parish, or his designee, appointed by the New Orleans City Council president.
- (6) The executive director of the Sewerage and Water Board of New Orleans or his designee.



(7) The president of the Sewerage and Water Board of New Orleans or his designee.

All procedures established by the city council pursuant to new law shall be uniformly implemented.

New law allows the city council to open an investigation of the board after a catastrophic failure of the city's sewerage and drainage infrastructure. If the city council requests from the board, in writing, any information regarding a catastrophic failure, the board is required to submit the information not later than 30 days after receipt of the written request.

New law defines "catastrophic failure" for the purposes of new law.

New law allows the city council to request the attendance of a board representative at certain council meetings.

New law requires the board to implement provisions of new law within 90 days of the enactment of new law.

Effective August 1, 2022.

(Amends R.S. 33:4090(A); Adds R.S. 33:4159.1 and 4159.2)

#### **Public Stormwater Utility Systems (ACT 228)**

Existing law defines a "revenue-producing public entity" as a revenue-producing business or organization that regularly supplies the public with a commodity or service or any project or undertaking owned and operated by a political subdivision authorized by existing constitution or by existing law to issue bonds, from the conduct and operation of which revenue can be derived.

New law authorizes any political subdivision to create stormwater utility systems and adopt stormwater utility fees sufficient to plan, construct, acquire, extend, improve, operate, and maintain such systems, either within or without its boundaries. Further provides that any such system created pursuant to new law is a revenue-producing public utility pursuant to existing law and shall have all the rights, powers, and

privileges granted to such utilities by existing law.

Effective upon signature of governor (May 31, 2022).

(Adds R.S. 33:4161.1)

#### **St. Mary Parish Recreation Districts (ACT 211)**

Existing law authorizes parish governing authorities to create recreation districts. Provides that the purposes of such districts are to own and operate playgrounds and other facilities or to engage in activities which would promote recreation and the general health and well-being of youths. Provides for their powers and duties.

Existing law provides that the recreation districts are governed by a board of five commissioners and provides for the appointment and terms of office of members.

Existing law provides that members shall receive a per diem of \$10 for each meeting they attend, to be paid from district funds, not to exceed 12 meetings per year.

New law authorizes members of the boards of commissioners of recreation districts in St. Mary Parish to receive a per diem of not less than \$10 nor more than \$65 for each meeting they attend.

Effective August 1, 2022.

(Adds R.S. 33:4564.8)

#### **Houma Restoration District (ACT 352)**

New law creates the Houma Restoration District as a political subdivision of the state to provide for restoration and preservation of the character of the area within the district, to provide opportunity for cultural events, and to encourage economic development within the district.

New law provides that the district is governed by a board appointed as follows:

(1) The member of the La. House of Representatives whose district includes all or the greater portion of the restoration district shall appoint one member.

(2) The member of the La. Senate whose district includes all or the greater portion of the restoration district shall appoint one member.

(3) The president of Terrebonne Parish shall appoint one member.

(4) The governing authority of Terrebonne Parish shall appoint one member.

(5) The board of directors of the Houma-Terrebonne Chamber of Commerce shall appoint one member.

(6) The governing board of the Houma Downtown Development Corp. shall appoint two members.

(7) The Houma Historic Preservation District shall appoint one member who is a representative of a nonprofit organization involved with historic preservation in Houma.

(8) The member of the Terrebonne Parish governing authority whose council district includes all or the greater portion of the district shall appoint one member.

New law requires the board to prepare or cause to be prepared a plan specifying the layout and character of development within the district. Provides that the plan shall be adopted by a majority vote of the full membership of the board, and after the plan has been adopted, it may be altered or amended only by adoption of a resolution by a majority of the full membership of the board.

New law authorizes the board to:

(1) Accept and receive funds, grants, and services.

(2) Undertake public works and operate public facilities that will encourage economic

development within or encourage residents and tourists to visit the district.

(3) Acquire property within the district and enter contracts for lease or conveyance of all or any part of the property.

(4) Issue certificates of appropriateness regarding any work in the erection of any new building or in the alteration of, addition to, painting, repainting, or demolishing of any existing building within the district.

(5) Require approval of signage in the district and adopt guidelines regulating the appearance, color, size, position, method of attachment, texture of materials, and design of signs.

New law authorizes the district, subject to voter approval, to levy ad valorem taxes and a sales and use tax not exceeding 1%. Authorizes the district to incur debt and fund tax revenue into bonds.

Effective upon signature of governor (June 10, 2022).

(Adds R.S. 33:4709.31)

#### **St. George Fire Protection District No. 2 (ACT 104)**

Existing law prohibits naming public buildings after living persons.

New law authorizes the governing board of St. George Fire Protection District No. 2 to name facilities that are part of the district's headquarters in honor of a living person.

Effective upon signature of governor (May 25, 2022).

(Adds R.S. 33:4712.24)

#### **Kenner Council on Aging Building (ACT 327)**

Existing law prohibits naming public buildings after living persons.

New law authorizes the governing authority of the city of Kenner to name the Kenner council on

aging building in honor of Mable Trepagnier Brown.

Effective upon signature of governor (June 10, 2022).

(Adds R.S. 33:4712.24)

#### **Online Condemned Property List (ACT 340)**

Existing law authorizes the governing authority of a parish or municipality to condemn a building or structure that is in a dilapidated and dangerous condition. Requires and provides relative to notice served upon the owner of the property. Requires that the property owner be given an opportunity to show cause why the property should not be condemned. Provides for appeals of governing authority decisions.

New law requires the parish or municipal governing authority to maintain a list of condemned properties. Requires that the list be posted on the governing authority's or other website. Provides that the intent of new law is to make additional information available to the public and the press and that it does not add to existing law regarding notifying property owners about condemned property.

Existing law authorizes the parish or municipal governing authority to demolish or remove a condemned building after the property owner has had an opportunity to repair or demolish the building himself. Requires that the property owner be notified of the time such work will begin.

Effective August 1, 2022.

(Adds R.S. 33:4763(C))

#### **Nonconforming Use Status and COVID (ACT 699)**

Prior law prohibited the governing authority of any municipality or parish affected by Hurricane Katrina or Hurricane Rita and any agency of any such municipality or parish from allowing or causing any building or land to lose its nonconforming use status because, during all or

part of the period of August 29, 2005, through August 28, 2007, as a result of damage caused by Hurricane Katrina or Hurricane Rita, it is temporarily vacant or because the operations normally carried on in such building or on such land have been temporarily discontinued, notwithstanding any contrary law or municipal or parish ordinance or resolution.

Prior law provided that the governing authority of any parish having a population in excess of 400,000 may by ordinance reduce the time period provided for in prior law.

New law retains prior law but changes its applicability from any building or land affected by Hurricane Katrina or Hurricane Rita to any building or land temporarily vacant or due to operations on such property being temporarily discontinued from March 11, 2020, through March 16, 2022, and authorizes the governing authority of a parish having a population in excess of 350,000 to reduce the time period.

Effective June 18, 2022.

(Amends R.S. 33:4882)

#### **Risk Management Organizations of Local Housing Authority Affiliates (ACT 686)**

New law provides that the following words and terms must have the meaning indicated unless the context must clearly indicate a different meaning:

(1) "Affiliate" means an entity as defined in prior law.

(2) "Governing body" means the body which exercises the functions of the affiliate or subsidiary of the local housing authority.

(3) "Risk management organization" means an association formed by two or more affiliates and subsidiaries of local housing authorities by an agreement made pursuant to the provisions of prior law, for the development and administration of a risk management program and one or more group self-insurance funds.

(4) "Risk management program" means a plan and activities carried out under such plan by a risk management organization to reduce risk of loss, including safety engineering and other loss prevention and control techniques, and to administer one or more local self-insurance funds, each established for one or more risks.

(5) "Local housing authority" mean any parish or municipal housing authority.

(6) "Self-insurance fund" means a pool of monies established by a risk management organization from contributions of its members.

New law provides that any two or more subsidiaries and affiliates of local housing authority may make and execute an agreement between or among themselves to form and become members of a risk management organization. After a risk management organization has been formed, any affiliate or subsidiary of a local housing authority may become a member and through participation in the organization may:

- (1) Pool its general liability risks.
- (2) Pool its workers' compensation risks.
- (3) Pool its directors and officers liability risks.
- (4) Pool its property coverage risks.
- (5) Pool other coverage risks the board of trustees or the risk management organization may determine to be appropriate.
- (6) Purchase insurance for risks of general liability, workers' compensation, directors and officers liability.

New law provides that affiliates and subsidiaries of local housing authorities concluding an agreement must, by resolution duly adopted by their governing body, designate the Louisiana Housing Council, Inc. to administer the risk management agency and any group self-insurance fund or funds established by the organization and to administer the terms and conditions of the agreement by which the

organization and any self-insurance fund or funds have been established.

New law provides that all arrangements and agreements made under the authority of new law must be reduced to writing. Further provides that any affiliate and subsidiary of a local housing authority may become members of a risk management organization by the authority of resolution adopted by the governing body.

New law provides that the insurance committee of the Louisiana Housing Council, Inc., must constitute the board of trustees of such organization established as provided in prior law and must be authorized to adopt bylaws.

New law provides that a risk management organization is not an insurance company or an insurer under the laws of this state and the development and administration by such organization of a group self-insurance refund or funds established for one or more risks must not constitute doing insurance business.

New law provides that any declaration of coverages issued to its members by the organization must have a notice providing that in the event of insolvency of the risk management organization, the members of the organization are not covered by the Louisiana Insurance Guaranty Association (LIGA) or the Louisiana Life and Health Insurance Guaranty Association (LLHIGA), which guarantees only specific types of policies issued by insurance companies authorized to do business in Louisiana.

New law provides that a self-insurance fund must not function as a means of sharing risks of loss among the members of a risk management organization until the risk management organization administering the fund has received, for general liability, property coverage, and any other pooled line of coverage risks, an annual gross premium, calculated in accordance with the applicable manual premium rate or rates.

New law provides that an affiliate or subsidiary of a local housing authority must not be liable to such risk management organization, to any other member, or to any claimant against the

organization itself or another member, except for payment of contributions provided for in the agreement between the affiliate or subsidiary of the local housing authority and the risk management organization.

New law provides that a risk management organization must administer the assets of a self-insurance fund to maintain appropriate levels of reserves and to ascertain full and timely payment of all fund obligations.

New law provides that each risk management organization must file with the commissioner of insurance, within six months of the end of the organization fiscal year, a certified audited financial statements and a review of its operations and general condition by a certified independent casualty actuary.

New law provides that no risk management organization must become operative until issued a certificate of authority by the commissioner of insurance.

New law provides that a risk management organization must establish and maintain an aggregate loss fund or stop loss provision as part of the excess insurance policy placements in an amount of not more than \$1,500,000 for each risk underwritten.

New law provides that workers' compensation coverage must provide statutory workers' compensation benefits coverage, including employers' liability coverage with limits of at least \$1,000,000.

New law provides that the provisions of new law regarding excess insurance must apply only to self-insurance funds.

New law provides that the provisions of new law must not be construed to reduce or limit a participating affiliate or subsidiary of a local housing authority member's rights or obligations with respect to its employees.

New law provides that a risk management organization must maintain at all times a contract or contracts of specific excess insurance of at

least \$1,000,000 per occurrence and a contract of annual aggregate excess insurance of at least \$2,000,000 dollars with respect to general liability claims.

New law provides that excess insurance carriers selected by the risk management organization must have a current A.M. Best rating of A-VII as of the date of commencement of coverage.

New law provides that the organization must maintain at all times contracts of excess insurance with respect to all lines of coverage as may be approved by the board of trustees of the organization in such amounts as determined by the board of trustees of the organization.

New law provides that the legislative auditor may examine and audit the books and accounts of any fund established under new law. Further provides that each participating affiliate or subsidiary of a local housing authority member may request an examination and audit by its representatives of any self-insurance funds.

Effective June 18, 2022.

Adds R.S. 33:5081-5089)

### **District Public Defender Contract Attorneys (ACT 305)**

Prior law provided that a district public defender and his employees may participate in any group health insurance program that the parish governing authority offers to its employees and officials.

New law retains prior law and allows attorney contractors to participate in any group health insurance program that the parish governing authority offers to its employees and officials.

Prior law provided that any district public defender office that chooses to participate in the group health insurance program is responsible for the employer portion of the health insurance premium, unless paid for by the parish governing authority through a separate intergovernmental or cooperative endeavor agreement.

New law retains prior law and adds a third option for premium payment by the parish governing authority of a contract with the attorney contractor of the district public defender.

Effective August 1, 2022.

(Amends R.S. 33:5151(C)(1) and (2))

### **Baker Main Street Economic Development District (ACT 768)**

New law creates the Baker Main Street Economic Development District in East Baton Rouge Parish as a special taxing district and political subdivision of the state.

New law provides that the purpose of the district is to provide for cooperative economic development in order to provide for the redevelopment of, and dramatic improvement to, the property within the district located in the city of Baker.

New law provides that the district shall be governed by a seven-member board of commissioners. All members will constitute a quorum for the transaction of business. The commissioners will be:

- (1) The mayor of the city of Baker, or his designee.
- (2) The mayor of the city of Baker will appoint one member, from a list of nominees submitted by the Baker City Council.
- (3) The Baker City Council will appoint one member who is elected to the city council.
- (4) The member of the Louisiana State Senate who represents District 15 will appoint one member.
- (5) The member of the Louisiana House of Representatives who represents District 63 will appoint one member.
- (6) The board of directors of the Baker Chamber of Commerce will appoint one member who is

serving or has served as president of the chamber's board.

(7) The Baker City School Board will appoint one member from a list of nominees submitted to the school board.

New law provides that the domicile of the board must be established by the board at a location within the district. Provides the general rights and powers of the district and its board of commissioners. Provides that the district must be subject to the Public Records Law, officials journals law, Code of Governmental Ethics, and audit law.

New law authorizes the district to exercise the power of economic development districts in the TIF provisions for local governmental subdivisions including ad valorem tax increment financing and sales tax increment financing; the power of community development districts to levy special assessments for the payment of bonds, financing, maintenance and preservation; and the levy of sales taxes or hotel occupancy taxes above and in addition to any other sales taxes or hotel occupancy taxes then in existence or permitted to be in existence within the district, in an amount as may be determined by the board with the approved written consent of the owners of immovable property in the district, all in addition to the powers of economic development districts granted in new law and the power to levy taxes in the TIF law subject to the limitations and prohibitions of the Louisiana Constitution.

New law requires an election for taxes authorized, to be imposed.

New law provides that the aggregate tax rates of the sales tax and occupancy tax must be at least equal to the aggregate rate of all sales and occupancy taxes within the city-parish. In addition, the taxes levied are deemed to supersede other local sales and occupancy taxes if the taxes:

- (1) Do not secure bonds that have been authorized.
- (2) Have not been dedicated by other law or by proposition approved by electors.

(3) Are not based on a per-head or per-person basis.

(4) Is not the occupancy tax authorized by present relating to Visit Baton Rouge.

New law authorizes the district to use hotel and sales tax incremental financing or other financing pledging the revenues of the district. Provides relative to publishing requirements for certain actions by the board. Prohibits court authority into board action relative to adoption of ordinances or resolutions or pledge of tax increments after 30 days after publication unless a claim has been filed.

Effective August 1, 2022.

(Adds R.S. 33:9038.74)

#### **BioDistrict New Orleans (ACT 354)**

Existing law creates the BioDistrict New Orleans as a political subdivision of the state within the city of New Orleans. Provides that the district is governed by a board of commissioners composed of 15 members.

Prior law provided for district boundaries. New law makes changes to the district's boundaries.

Existing law provides for the district's powers and duties.

Prior law authorized the district to acquire by gift, grant, purchase, lease, or otherwise and to hold and use any property, real, personal, or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the objects and purposes of the district.

New law removes the reference to "or otherwise" and expressly prohibits the district or any subdistrict from acquiring property by expropriation or from exercising any power of eminent domain.

Existing law authorizes the board, after a public hearing, to designate one or more areas within or without the boundaries of the district as a separate subdistrict, or as an enlargement or reduction of

the original district. Provides that subdistricts created outside the boundaries of the district need not be contiguous to the district. Further provides that any territory outside the original boundaries of the district that is sought to be included or excluded in the district, or designated as a separate subdistrict, may only be so included, excluded, or designated subject to the approval of the Legislature of La. Existing law provides that each subdistrict constitutes a separate political subdivision of the state, governed by the district board with the same powers of the district.

New law additionally requires the approval of the governing authority of the city of New Orleans by ordinance with respect to boundary changes and the creation of subdistricts. New law provides that subdistricts are subject to the same limitations as districts. Prohibits the board from designating as a separate subdistrict any area wholly within the boundaries of the district without prior approval of the Legislature of La. and the governing authority of the city of New Orleans, by ordinance.

New law requires the district or any subdistrict to enter into a payment in lieu of taxes agreement with the city of New Orleans prior to the acquisition of any property owned by the district that was not exempt from ad valorem taxes immediately prior to the district's acquisition of such property.

Prior law authorized the district to undertake any project or program beneficial to the district whether within or outside of the district's boundaries.

New law removes the district's authority to undertake programs and requires that all projects of the district or any subdistrict be performed inside of the district's or subdistrict's boundaries. Provides that projects must comply with the city of New Orleans master plan and all ordinances and rules and regulations governing zoning, building land use, historic preservation, historic districts, and neighborhood participation plans.

New law prohibits the district or any subdistrict from adopting a district identity or any district standards without the prior approval of the

governing authority of the city of New Orleans, by ordinance.

Effective upon signature of governor (June 10, 2022).

(Amends R.S. 33:9039.62, 9039.68(A)(3) and (B)(1), (2)(b), and (3), 9039.69(A)(3) and (5), and 9039.72(A)(14); Adds R.S. 33:9039.63.1, 9039.68(B)(2)(c), 9039.69(C), and 9039.72(D))

#### **Lake Oaks Subdivision Improvement District (ACT 761)**

Prior law created and provided for the Lake Oaks Subdivision Improvement District in Orleans Parish to promote and encourage the beautification, security, and overall betterment of the Lake Oaks Subdivision.

Prior law authorized the New Orleans governing authority to levy and collect a parcel fee upon all taxable real property within the district after such fee is authorized by the Lake Oaks Subdivision Improvement District and only after the question of its levy has been approved by not fewer than two-thirds of the voters of the district voting on the proposition.

New law retains prior law.

Prior law required voter approval by a majority of the voters of the district voting on the proposition.

New law retains prior law.

Prior law further specified that no other election will be required. Limited the term of the fee levy to five years but allowed renewal of the fee by election. Provided that the fee will not exceed \$300 per parcel per year.

New law retains prior law but changes the maximum amount of the parcel fee from \$300 to \$800 per parcel per year.

Effective August 1, 2022.

(Amends R.S. 33:9075(F)(1)(d))

#### **Twinbrook Security District (ACT 441)**

Existing law creates the Twinbrook Security District in Orleans Parish for the purpose of promoting and encouraging security in the area included within the district. Provides for district boundaries.

Existing law provides that the district is governed by a nine-member board of commissioners. Prior law provided that the president of the Baronne Street Neighborhood Assoc., Inc. (association) served on the board. Prior law also provided that the board of directors of the association and certain elected officials made appointments to the board from a list of nominations submitted by the association. New law removes reference to the Baronne Street Neighborhood Assoc., Inc., and instead makes reference to the Twinbrook Neighborhood Assoc., Inc.

Existing law authorizes the board to elect board officers from its membership, including a secretary-treasurer. Prior law also provided for the election of a chairman and vice chairman. New law instead provides for the election of a president and vice president.

Existing law provides for the powers and duties of the district.

Existing law authorizes the governing authority of the city of New Orleans, subject to voter approval, to impose a parcel fee on behalf of the district.

Prior law provided that the fee was a flat fee per improved parcel of land not to exceed \$575 per year for each improved parcel. New law keeps the maximum fee amount at \$575 for calendar year 2023, but authorizes the district's board to increase the maximum fee amount by \$25 per year for each calendar year after 2023.

Prior law provided that the fee expired on Dec. 31, 2022. New law instead provides that the fee shall expire at the end of the term provided for in the proposition authorizing the fee, not to exceed eight years.



New law provides that the provisions of new law shall not affect the parcel fee being imposed within the district on June 15, 2022. Requires the governing authority of the city of New Orleans to continue to impose the parcel fee until it expires, as provided in the proposition approved by a majority of the district's registered voters voting on the proposition at an election held on Nov. 16, 2013. New law further requires the governing authority of the city to begin to impose a parcel fee as provided in new law, if approved by a majority of the district's registered voters as provided in new law.

Effective upon signature of governor (June 15, 2022).

(Amends R.S. 33:9091.9(D)(1), (3)(b), and (4), (E)(4), and (F)(1) and (3)(c))

#### **Mid-City Security District (ACT 346)**

Existing law creates the Mid-City Security District in Orleans Parish for the purpose of promoting and encouraging security in the area included within the district. Provides for district boundaries.

Prior law provided that the district was governed by a five-member board of commissioners composed as follows:

(1) Four members appointed by the Mid-City Neighborhood Organization, one of whom was from the City Park Triangle.

(2) One member appointed by the Parkview Neighborhood Assoc.

New law instead provides that the district is governed by a seven-member board of commissioners composed as follows:

(1) Four members appointed by the Mid-City Neighborhood Organization.

(2) Three members appointed by the City Park Neighborhood Assoc.

New law removes requirement that one member appointed by the Mid-City Organization be from

the City Park Triangle. New law additionally grants appointing power to any successor organization or association.

Existing law provides that vacancies which occur prior to the expiration of the term must be filled for the remainder of the unexpired term in the same manner as the original appointment.

New law additionally provides that if the appointing authority fails to fill a vacancy in 30 days, the remaining members of the board shall appoint an interim successor to serve until the position is filled by the appointing authority.

Existing law requires the board to elect officers from its membership, including a chairman and vice chairman.

Prior law also required the board to elect a secretary-treasurer. New law separates the offices of secretary and treasurer and provides that the same person may hold both offices.

Effective upon signature of governor (June 10, 2022).

(Amends R.S. 33:9091.14(D)(1), (2), (4), (5), and (6))

#### **Delachaise Security and Improvement District (ACT 317)**

Prior law created the Delachaise Security and Improvement District in Orleans Parish as a political subdivision of the state for the purpose of aiding in crime prevention and providing for overall betterment of the district. Provided for district boundaries. Provided that the district must be governed by a board of commissioners composed as follows:

(1) The president of the Delachaise Neighborhood Association (DNA).

(2) Three members appointed by the governing board of the DNA.

(3) One member appointed by the member of the governing authority of the city of New Orleans who represents Council District B.

New law retains prior law but makes changes to the districts boundaries. New law also changes the board of commissioners as follows:

- (1) The presidents of the DNA and the Milan Neighborhood Association (MNA).
- (2) The governing board of the DNA shall appoint two members.
- (3) The governing board of the MNA shall appoint two members.
- (4) One member appointed by the member of the governing authority of the city of New Orleans who represents Council District B.

Effective August 1, 2022.

(Amends R.S. 33:9091.25(B) and (D))

#### **Bouligny Improvement District (ACT 105)**

New law creates the Bouligny Improvement District in Orleans Parish for the purpose of promoting and encouraging security in the area included within the district. Provides for district boundaries. New law provides that the district shall be governed by a seven-member board of commissioners composed as follows:

- (1) The president of the Bouligny Improvement Assoc. (association).
- (2) Two members appointed by the board of directors of the association.
- (3) One member appointed by the mayor of the city of New Orleans from a list of nominations submitted by the association.
- (4) One member appointed by the member of the La. House of Representatives whose district encompasses all or the greater portion of the area of the district from a list of nominations submitted by the association.
- (5) One member appointed by the member of the La. Senate whose district encompasses all or the greater portion of the area of the district from a list of nominations submitted by the association.

- (6) One member appointed by the member of the governing authority of the city of New Orleans whose council district encompasses all or the greater portion of the area of the district from a list of nominations submitted by the association.

Requires that board members be residents of the district.

New law provides for the powers and duties of the district.

New law requires the board to prepare a plan(s) specifying the public improvements, facilities, and services proposed to be furnished, constructed, or acquired for the district. Provides further with respect to the requirements of the plan(s).

New law authorizes the governing authority of the city of New Orleans, subject to voter approval, to levy and collect special taxes or fees within the district not to exceed 20 mills or fees on all taxable real property within the district. Provides that the taxes or fees shall be levied for a term not to exceed eight years, but authorizes renewal of the taxes or fees, subject to voter approval. Provides that the amount of the tax or fee shall be as provided by a resolution of the board. New law prohibits the levy of taxes or fees on any parcel whose owner qualifies for the property tax special assessment level pursuant to present constitution (Const. Art. VII, §18(G)(1))

New law requires that the taxes or fees be levied and collected in the same manner and at the same time as ad valorem taxes. Authorizes the city to retain 1% of the amount collected.

Effective upon signature of governor (May 25, 2022).

(Adds R.S. 33:9091.27)

#### **Old Jefferson Crime Prevention and Improvement District (ACT 106)**

New law creates the Old Jefferson Crime Prevention and Improvement District in East Baton Rouge Parish for the purpose of aiding in crime prevention and providing for the overall

betterment of the district. Provides for district boundaries. New law provides that the district shall be governed by a seven-member board of commissioners composed as follows:

(1) Four members appointed by the Old Jefferson Neighborhood Assoc.

(2) One member appointed by the member of the La. House of Representatives whose district encompasses all or the greater portion of the area of the district.

(3) One member appointed by the member of the La. Senate whose district encompasses all or the greater portion of the area of the district.

(4) One member appointed by the parish assessor of E. Baton Rouge.

Requires board members to own property and reside in the district and to be qualified voters of the district.

New law provides for the district's powers and duties.

New law authorizes the governing authority of the district, subject to voter approval, to impose and collect a parcel fee on each improved and unimproved parcel within the district not to exceed \$150 per parcel per year, which amount shall be as provided in a duly adopted board resolution. Provides, however, that the initial fee for the first calendar year shall not exceed \$100 per parcel. Authorizes the board to increase the fee one time during each calendar year not to exceed 5% of the amount of the fee imposed during the previous calendar year. New law provides that an owner who qualifies for the special assessment pursuant to present constitution (Art. 7, Sec. 18(G)(1)) shall be charged 50% of the amount charged to other owners.

New law provides that the fee and the board's authority to increase the fee expires in 10 years, but authorizes renewal of the fee and the board's authority to increase the fee for a term not to exceed 10 years. Defines "parcel" as a lot, a subdivided portion of ground, or an individual

tract within the boundaries of the district which is listed on the tax rolls for assessment of property taxes.

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. 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 if the district ceases to exist, all district funds and property shall be transmitted to the governing authority of the municipality in which district is located if the district was in an incorporated area or to East Baton Rouge Parish if the district was not in an incorporated area and used to enhance security and provide for the overall betterment of the area included within the district.

Effective upon signature of governor (May 25, 2022).

(Adds R.S. 33:9097.35)

### **Sagefield Crime Prevention and Improvement District (ACT 240)**

New law creates the Sagefield 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. Provides for the district boundaries to be coterminous with the boundaries of the Sagefield Subdivision. Provides that the district will be governed by a seven-member board of commissioners composed as follows:

(1) The president of the Sagefield Homeowners Association (association).

(2) One member appointed by the board of directors of the Sagefield Homeowners.

(3).One member appointed by the member of the La. House of Representatives whose district encompasses all or the greater portion of the area of the district.

(4) One member appointed by the member of the La. Senate whose district encompasses all or the greater portion of the area of the district.

(5) One member appointed by the member of the governing authority of the city of Baton Rouge, parish of East Baton Rouge whose district encompasses all or the greater portion of the area of the district.

(6) One member appointed by the assessor for East Baton Rouge Parish.

(7) One member appointed by the mayor-president for the city of Baton Rouge, parish of East Baton Rouge.

New law provides that all members of the board shall be residents and qualified voters within the district.

New law provides that vacancies resulting from the expiration of a term or any other reason shall be filled in the manner of the original appointment and that members shall be eligible for reappointment.

New law provides for the district's powers and duties including the following:

(1) To sue and be sued.

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

(3) To receive and expend funds from an authorized parcel fee and in accordance with an adopted budget.

(4) To enter into contracts with individuals or entities, private or public.

(5) To provide or enhance security patrols in the district and to provide for improved lighting, signage, or matters relating to the security of the district.

(6) To purchase, lease, rent, or otherwise acquire items, supplies, and services necessary to achieve any purpose of the district.

(7) To accept private grants and donations.

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

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. Provides that the amount of the fee will be in a duly adopted resolution of the board and must 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. Defines "parcel" as a lot, a subdivided portion of ground, an individual tract, or a "condominium parcel" as defined in prior law.

New law provides that the fee will be collected in the same manner and at the same time as ad valorem taxes and that any unpaid fee will 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. 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 will be subject to audit by the legislative auditor.

New law specifies 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 will 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 will be transmitted to the city-parish to be used for law enforcement purposes in the area which comprised the district.

Effective August 1, 2022.

(Adds R.S. 33:9097.35)

#### **Emergency Public Safety Telecommunicators (ACT 213)**

Existing law authorizes the governing authority of any parish to create communications districts composed of territory lying within the parish. Provides for the establishment of the number 911 as the primary emergency telephone number for use in communications districts and for the identification of all streets, roads, highways, and dwelling places in the districts. Provides that the districts are political subdivisions of the state and are generally governed by a seven-member board of commissioners. Provides that the Jefferson Parish communications district is governed by the parish governing authority.

Existing law authorizes the governing board to employ employees, experts, and consultants as it may deem necessary to assist the commission in the discharge of its responsibilities to the extent that funds are made available.

New law additionally provides that district employees who are emergency public safety telecommunicators who provide communications support services for an agency by responding to requests for assistance in emergencies may be considered first responders.

Effective August 1, 2022.

(Amends R.S. 33:9103(D) and 9124(B))

## **TITLE 34: NAVIGATION AND SHIPPING**

### **Lafayette Economic Development Authority (ACT 771)**

Prior law created the Lafayette Economic Development Authority (LEDA) as a political subdivision of the state with its territorial limits and jurisdiction extending throughout the parish of Lafayette.

Prior law provided that the LEDA is established for the purpose of having a council composed of representatives from the business community, parish and city governments, and the University of Southwestern Louisiana (USL) to perform the functions of an economic and industrial development agency.

New law retains prior law but replaces the USL with University of Louisiana at Lafayette (ULL) and adds South Louisiana Community College (SLCC).

New law retains prior law and adds that no rule, regulation, or order must be adopted by the LEDA which is inconsistent with or contrary to any law, ordinance, or regulation now in force or hereinafter enacted by the USA, the state of La., or Lafayette Parish, and any such rule, regulation, or order will be void, except that no action by the Lafayette Parish Council (LPC) must abrogate any contract or agreement duly executed by the authority that was valid and legal when executed.

Prior law provided for nomination and appointment of a board of commissioners appointed as follows:

- (1) Two members, one of whom must be nominated by the Lafayette Parish Farm Bureau, must be appointed by a majority vote of the mayors of the incorporated municipalities of Lafayette Parish other than the city of Lafayette.
- (2) Two members, one of whom must be nominated by the Greater Lafayette Chamber of

Commerce, must be appointed by the mayor of the city of Lafayette. The mayor of the city of Lafayette may serve as one of the appointments.

(3) Two members, one of whom must be a black citizen, must be appointed by the Lafayette City Council (LCC).

(4) Two members, one of whom must be nominated by the Central Labor Council of Lafayette, must be appointed by the Lafayette Parish president. The parish president may serve as one of the appointments.

(5) Two members, one of whom must be a black citizen, must be appointed by the LPC.

(6) Two members must be appointed by the president of the University of Southwestern Louisiana. The president may serve as one of the appointments.

New law makes technical changes to the list of board members and revises the nomination and appointment of board members as follows:

(1) Two members, one of whom must be nominated by the Lafayette Parish Farm Bureau, must be appointed by a majority vote of the mayors of the incorporated municipalities of Lafayette Parish other than the city of Lafayette.

(2) Two members must be appointed by the Lafayette Mayor-President. The Lafayette Mayor-President may serve as one of the appointments.

(3) Two members, one of whom must be a racial minority, must be appointed by the Lafayette City Council.

(4) Two members, one of whom must be a racial minority, must be appointed by the Lafayette Parish Council.

(5) One member must be appointed by One Acadiana.

(6) Two members, one who must be a racial minority, must be appointed by the president of

the University of Louisiana at Lafayette. The president may serve as one of the appointments.

(7) One member must be appointed by the chancellor of South Louisiana Community College. The chancellor may serve as the appointment.

Further provides that the effective date of such board appointments is August 1, 2022.

New law repeals prior law.

Effective See Act.

(Amends R.S. 34:291(B)(1)(intro para) and 292(B)(1)(b)-(f); adds R.S. 34:291(B)(3) and 292(B)(1)(g); repeals R.S. 34:291.1 and 295)

### **Morgan City Harbor Terminal District (ACT 376)**

Existing law provides for the appointment and composition of the Morgan City Harbor Terminal District Board of Commissioners as follows:

(1) Two members appointed by the mayor and council of the town of Berwick.

(2) Two members appointed by the mayor and council of the city of Morgan City.

(3) Two members appointed by the parish president and council of St. Mary Parish.

(4) Three members appointed by the governor, one each, from a list of three names submitted by the other appointing authorities.

Existing law requires the appointing authorities, except the governor, provided for in existing law to give notice to the public of the required application and interview process for appointments to the board of commissioners of the district. Authorizes interviews during an executive session, but requires the final nominations and appointments be done by open meeting. Authorizes the appointing authorities required to submit a list of names to the governor to use any process they deem advisable to compile the list.

Prior law required the terms of the initial appointees be concurrent with the terms of the appointing authority and thereafter for four years.

New law modifies prior law by increasing the length of the term of appointees from four years to seven years.

Prior law prohibited a board member from serving more than two consecutive four-year terms; however, authorized an initial appointee to be reappointed for two four-year terms if the initial term is one year or less. Authorized a member who had served two consecutive four-year terms to apply for appointment to the board, provided four years had elapsed since the end of his last term.

New law modifies prior law by changing the consecutive terms a board member is prohibited to serve from two consecutive four-year terms to two consecutive seven-year terms, unless an initial appointee's term is one year or less, then he may be reappointed for two seven-year terms instead of the two four-year terms in existing law.

Existing law creates the Port of South La. Prior law required the domicile and regular meeting place be Laplace, La.

New law modifies prior law by changing the domicile from Laplace, La., to Reserve, La.

Prior law authorized the domicile and regular meeting to be changed to Reserve, La., upon a 2/3 vote of the members of the commission in favor of a resolution authorizing the change and if the bylaws are amended to provide for this change. Required the vote occur no sooner than 24 hours after a public meeting specifically held to debate these matters and to receive public comment.

New law removes prior law.

Effective August 1, 2022.

(Amends R.S. 34:322.1(C) and (E) and 2472(B))

## **Calcasieu-Cameron Navigation District (ACT 755)**

Prior law created the Calcasieu-Cameron Navigation District in Calcasieu and Cameron parishes to function as the single entity responsible for acting to secure rights-of-way, and to furnish assurances for the construction, operation, and maintenance of the project as designated by the United States Army Corps of Engineers.

Prior law provided that Calcasieu Parish was the district's domicile, but allowed district offices to be maintained in Cameron Parish.

Prior law provided for the district to be governed by a five-member board of commissioners.

Prior law authorized the board to levy annually an ad valorem tax not to exceed five mills on the dollar on property subject to taxation in the district, provided that the levy was authorized by a favorable vote of a majority of the qualified electors in each parish within the district at an election called within three years of the effective date of prior law.

Prior law authorized the board to pledge all or part of its revenues to payment of bonds but specified that total annual tax collections shall not exceed \$20 million.

Prior law provided for sunset of the district on July first of the year following an unfavorable vote to pass and levy an ad valorem tax.

New law repeals prior law.

Effective August 1, 2022.

(Repeals R.S. 34:481-490)

## **Authority to Operate Rented Motorboat (ACT 776)**

Existing law provides that no person born after Jan. 1, 1984, can operate a motorboat powered by a motor in excess of 10 horsepower unless he has successfully completed a boating safety class

approved by the National Association of State Boating Law Administrators.

New law exempts from the boating safety class requirement a person 18 years of age or older if operating a motorboat rented from a livery, provided that the person receives instruction in proper and safe operation of the rented vessel and the latest Dept. of Wildlife and Fisheries publication on boating rules, regulations, and safety and views a department-approved boating safety video.

New law requires that the rental contract specifies that the operator has received all materials and instruction required by new law and that operator is not under suspension or revocation of the privilege to operate a watercraft upon the waters of any state.

New law requires that the operator retains a copy of the rental contract at all times while operating the vessel.

New law requires that the livery retains a copy of the contract for 60 days after rental and makes rental records available for department inspection.

New law provides that authority to operate a rented motorboat under the exemption expires 48 hours after completing requirements of new law.

New law requires that Dept. of Wildlife and Fisheries approves the safety video by January 1, 2023.

Effective January 1, 2023.

(Adds R.S. 34:851.36(B)(3))

### **Board of La. River Pilot Review and Oversight (ACT 396)**

Prior law set the makeup of the Board of La. River Pilot Review and Oversight at 11 governor-appointed members.

New law changes the number of board members from 11 to nine. Prior law provided for three board members to be former judges. New law

changes the number of judge members from three to one.

Existing law provides that members are not to be compensated. Prior law provided the exception that the judge members be paid a per diem of not more than \$150 and required that the judge members be entitled to reasonable expenses as authorized by the chairman of the board.

New law changes prior law relative to the judge member to provide that judge member shall be entitled to the same per diem established by the La. Supreme Court for ad hoc or pro tempore judges.

New law repeals prior law relative to the judge member being entitled to reasonable expenses.

Existing law requires that the board meet twice a year. Prior law provided that six members make a quorum. Prior law further provided that a vote by the majority of the board constitutes a decision of the board.

New law reduces the number needed for a quorum from six to five. New law changes the vote needed to constitute a decision of the board from a majority of the board to a majority of the board present.

Prior law required the board to review proposed rules or regulations from the Board of Commissioners or Examiners and allows the board to approve or reject the proposed rules or regulations within 90 days.

New law requires that, prior to initiating rule promulgation through the Administrative Procedure Act, the Board of Commissioners or Examiners submit any proposed rule or regulation to the board. The board is required shall review such rule or regulation within 90 days.

New law further provides a procedure for the adoption of emergency regulations or rules. Existing law sets requirements for expenditures and funding of the board.



New law adds to those requirements that each year on Jan. 1, there is required to be not more than \$50,000 of available funding, and requires the administrative entity of each pilot group to pay to the board the pro-rata share for the commissioned pilots it represents.

Effective August 1, 2022.

(Amends R.S. 34:1133(B), (C)(7), (G), 1134(A), and 1135(B); Adds R.S. 34:1136(D))

### **Port Facility Blueprints (ACT 729)**

Existing law (R.S. 44:1 et seq.-Public Records Law) provides that all books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of the state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of the state are "public records". Existing law establishes a framework for the ready availability of public records to requesting persons and specifically provides that it is the duty of the custodian of the public records of a public entity or agency to provide copies to persons so requesting. Provides for certain exceptions, exemptions, and limitations.

New law provides that blueprints, floor plans, and renderings of the interior of a port facility or of a facility on port property and blueprints, plans, or renderings of port infrastructure are confidential and not subject to inspection, examination, copying, or reproduction pursuant to existing law.

New law provides that new law does not prohibit the disclosure of a blueprint, floor plan, or other rendering of the interior of a port facility or of a facility on port property or a blueprint, plan, or rendering of port infrastructure to appropriate persons, if such disclosure is necessary or required for specified purposes.

Effective upon signature of governor (June 6, 2022).

(Amends R.S. 44:4.1(B)(21); Adds R.S. 34:3499.2)

## **TITLE 35: NOTARIES PUBLIC AND COMMISSIONERS**

### **Beauregard Parish School Board (ACT 363)**

New law authorizes the superintendent of the Beauregard Parish School Board to appoint up to two employees within his office as ex officio notaries public.

New law provides that each employee appointed as an ex officio notary public may exercise, within his respective jurisdictional limits, the functions of a notary public only to administer oaths, receive sworn statements, and execute affidavits and acknowledgments, all limited to matters within the official functions of the school board.

New law provides that all acts performed by each ex officio notary public shall be performed without charge or other compensation and without the necessity of giving bond.

New law provides that the superintendent of the Beauregard Parish School Board may suspend or terminate an appointment made in his office at any time, and a separation from the employ of the parish shall automatically terminate an appointment as ex officio notary public.

Effective August 1, 2022.

(Adds R.S. 35:418)

## **Remote Online Notarial Acts (ACT 192)**

Prior law provided that a remote online notarial act was deemed to be executed in any parish of this state where any party was physically located at the time of the remote online notarization.

Prior law provided that if no party was physically located in this state at the time of the remote online notarization, the remote online notarial act was deemed to be executed in the parish where the notary public was physically located at the time of the remote online notarization.

New law changes prior law and provides that a remote online notarial act is deemed to be executed in the parish where the notary public is physically located at the time of the remote online notarization. New law requires the notary public to have jurisdiction in the parish of execution in order for the act to be executed.

New law provides that the venue for contracts that are remote online notarial acts may be in any parish in which a party was physically located at the time of the remote online notarization.

Effective August 1, 2022.

(Amends R.S. 35:626(B); Adds R.S. 35:626(C))

## **TITLE 36: ORGANIZATION OF THE EXECUTIVE BRANCH**

### **Reorganization of Title 36 (ACT 623)**

New law makes technical changes to provisions of Title 36 of the La. Revised Statutes of 1950 that pertain to the placement of agencies in the executive branch of state government. New law provides relative to agencies in the governor's office and the Departments of State Civil Service, Environmental Quality, Health, Natural Resources, Public Safety and Corrections, Revenue, Children and Family Services, Wildlife and Fisheries, and the Treasury.

The technical changes made by new law accomplish the following:

(1) Renumber in order to eliminate gaps caused by previous repeals and to arrange agencies according to transfer type.

(2) Relocate specialized transfer provisions of existing law so that they accompany the agency they apply to.

(3) Correct and standardize internal statutory references.

(4) Remove a system of duplicative cross references between agencies and their transfer types.

(5) Remove references to *facilities* from lists of *agencies* placed within the executive branch.

Effective July 1, 2022, except for certain previously enacted provisions which are not yet effective.

(Amends R.S. 27:32(A), R.S. 28:64(A)(1), R.S. 29:769(E), R.S. 36:3(intro. para.), 4(B) through (D), 53, 239, 259(A)(intro. para.), (B)(intro. para.) and (10) through (21), (C)(intro. para.), and (D), 359, 409(C), (D), (E), (F)(intro. para.), (G), (H), (I), and (J), 459, 478, 610(B) and (C), 769, 801(intro. para.), 801.1(A), 802(intro. para.), 803(A)(1), 851(A), 901(A), and 921(A), R.S. 40:1081.8(D) and 1664.11(A)(intro. para.), and R.S. 46:2403(E); Adds R.S. 36:4(B)(35), 259(B)(9) and (D)(8), (E), (F), and (G), 409(A), and 610(A); Repeals R.S. 36:4(B)(15) and (E) through (BB), 259(B)(23) through (38), 409(K) through (R), 610(D) through (N), 801.3, 802.14, 802.15, 802.18, 803.1, 806, 807, 809, 914, 915, 917, 918, 919, 919.2, 919.3, and 919.4)

### **Office on Women's Health and Community Health (ACT 676)**

New law creates the office on women's health and community health within the La. Dept. of Health to lead, consolidate, and coordinate efforts within the department to improve women's health outcomes through policy, education, evidence-based practices, programs, and services.

New law provides for the assistant secretary and staff of the office. New law further provides for

the duties and functions of the office including an annual report to the governor, legislature, and secretary of the La. Dept. of Health recommending priorities and areas of improvement for women's health.

New law prohibits the office from engaging in any activities or expending any funds to assist in or promote abortion to any woman and requires the office to only provide services to a woman born as a biological female.

Effective June 18, 2022.

(Amends R.S. 36:251(C)(1); adds R.S. 36:258(E) and R.S. 46:2527)

## **TITLE 37: PROFESSIONS AND OCCUPATIONS**

### **Time for Initiation of Disciplinary Proceedings (ACT 296)**

Existing law provides limitations on the initiation of disciplinary proceedings by professional or occupational boards and commissions and does not apply to the Board of Medical Examiners, Board of Dentistry, Cemetery Board, Board of Embalmers and Funeral Directors, Board of Examiners for Speech-Language Pathology and Audiology, Board of Pharmacy, Board of Nursing, Board of Social Work Examiners, Physical Therapy Board, Board of Practical Nurse Examiners, and certified public accountants.

New law retains existing law provisions and suspends the time periods for the initiation of disciplinary proceeding by certain boards and commissions during the pendency of a legal action involving the licensee as a party or witness if the complaint arises from the same facts giving rise to the legal action or arises from the licensee's activities in the legal action.

New law defines "legal action".

Effective August 1, 2022.

(Amends R.S. 37:21(A) and (C)(intro para))

### **Licensing Board Websites and Permitting Data Reporting (ACT 590)**

New law requires each board, commission, or agency in the executive branch or governed by the provisions of Title 37, Professions and Occupations, that issues a permit or license to post on its website:

(1) Detailed instructions regarding the information needed to complete the application process.

(2) Contact information for the individual within the board, commission, or agency responsible for responding to inquiries about the application process.

(3) Information regarding the anticipated timeline for review of an application.

(4) The report prepared for the oversight committee or subcommittee pursuant to new law.

New law provides that if a state entity was a nationwide licensing a registry system, the state entity shall post a website link to the nationwide licensing or registry application and a reasonable estimate of timeline for application approval.

New law requires each state entity to annually submit to its respective legislative oversight committee or subcommittee a report containing the number of permits and licenses applied for, number of permits or licenses issued, and the timelines for approval of an application.

New law requires each state entity to post the required information and report on the website of the department of which it is a part if it does not have a website.

New law defines "state entity".

Effective August 1, 2022.

(Adds R.S. 37:23.2 and R.S. 49:1308)

## **Occupational Licensing for Workers with Criminal Histories (ACT 486)**

Prior law provided that an ex-offender may apply to any entity issuing licenses to engage in certain fields of work pursuant to state law for a license to engage in the particular field of work for which the entity issues licenses.

New law repeals prior law.

New law provides that an individual convicted of a crime may request at any time, including before obtaining any required education or training, that an entity issuing licenses to engage in certain fields of work pursuant to state law determine whether the individual's criminal conviction disqualifies the individual from obtaining a license issued or conferred by the licensing entity.

New law requires that an individual making such a request include any identifying information required by the licensing entity and details of the individual's criminal conviction, including any information relevant to the certain factors.

Prior law required the licensing entity to issue the license for which the applicant applied and is otherwise qualified to receive.

New law repeals prior law.

New law requires the licensing entity to inform the individual whether, based on the criminal record information submitted, the individual is disqualified from receiving or holding the license for which the individual inquired no later than 45 days after the licensing entity receives the request.

New law allows an individual to request a criminal background check at the time of a pre-application eligibility determination and requires the licensing entity to inform the individual of a disqualifying determination within 45 days.

New law provides that any determination made is binding upon a licensing authority unless, at the time a full application for a license is submitted, the applicant has been subsequently convicted of

a crime, has pending criminal charges, or has previously undisclosed criminal convictions.

Prior law authorized a licensing entity to revoke the license issued if the license holder commits a new felony for which he is convicted or violates laws or rules governing the practice of the field of work for which the licensed was issued.

New law repeals prior law and instead provides that before an entity issuing licenses to engage in certain fields of work pursuant to state law makes a final determination that an individual's criminal conviction will result in the denial of a license, the licensing entity shall provide to the individual with written notice of all of the following:

(1) The specific conviction that is the basis for the intended denial.

(2) The reasons the conviction was determined to be directly related to the licensed activity, including findings for each of the factors provided in new law that the licensing authority deemed relevant to the determination.

(3) The right to submit additional evidence relevant to each of the factors listed in new law within 60 days, which the licensing authority shall consider before issuing a final determination.

Prior law prohibited a license holder from receiving another license from any entity upon license revocation.

Prior law provided that a court shall notify the licensing entity if the license holder was charged with a new offense.

New law repeals prior law and instead provides that a final determination that a criminal conviction will prevent an individual from receiving a license shall be in writing and include both a notice of the right to appeal the determination and the earliest date the applicant may reapply for licensure.

New law requires each entity issuing licenses to engage in certain fields of work pursuant to state law to include in its application for a license, and

publish on its public website, all of the following information:

(1) Whether the criminal convictions of applicants may be used as a basis for denial.

(2) If criminal history may be used as a basis for denial, the factors listed in new law that the licensing entity shall consider.

(3) Notice of the right to petition for a determination pursuant to new law prior to meeting the general qualification for a license.

Prior law provided that a licensing entity is not required to issue a license to any person convicted of any of the following:

(1) Any grade of homicide as provided for in existing law.

(2) A "crime of violence" as provided for in existing law.

(3) A "sex offense" as provided for in existing law.

Prior law provided that a licensing entity is not required to issue a license to any person convicted of an offense involving fraud if the licensed field of work is one in which the licensee owes a fiduciary duty to a client.

Prior law provided that a licensing entity is not required to issue a license to an applicant whose conviction directly relates to the position of employment sought, or to the specific field for which the license is required, or profession for which the license is sought.

Prior law required a license holder who supervises children or individuals who lack mental capacity to have another licensee present in the room.

New law repeals prior law.

Prior law exempted 27 entities from the provisions of prior law.

New law repeals prior law.

New law exempts all of the following entities:

(1) The State Boxing and Wrestling Commission.

(2) The La. Gaming Control Board.

(3) The La. Lottery Corporation.

(4) The La. State Racing Commission.

(5) The office of charitable gaming within the Dept. of Revenue.

(6) The gaming enforcement division with the office of state police, Dept. of Public Safety and Corrections.

Existing law provides that a person shall not be disqualified, or held ineligible to practice or engage in any trade, occupation, or profession for which a license, permit, or certificate is required to be issued by the state of La. or any of its agencies or political subdivisions, solely because of a prior criminal record, except in cases in which a conviction directly relates to the position of employment sought, or to the specific occupation, trade, or profession for which the license, permit, or certificate is sought.

New law retains existing law.

New law provides that in determining whether a conviction directly relates to the position of employment sought, or to the specific occupation, trade, or profession for which the license, permit, or certificate is sought, a licensing entity shall consider all of the following:

(1) The nature and seriousness of the offense.

(2) The nature of the specific duties and responsibilities for which the license, permit, or certificate is required.

(3) The amount of time that has passed since the conviction.

(4) Facts relevant to the circumstances of the offense, including any aggravating or mitigating circumstances or social conditions surrounding the commission of the offense.

(5) Evidence of rehabilitation or treatment undertaken by the person since the conviction.

Existing law requires that any complaints concerning violations of existing law be adjudicated in accordance with administrative and judicial review as provided for in existing law.

New law retains existing law.

Prior law made existing law inapplicable to 18 entities.

New law repeals prior law.

Prior law (R.S. 37:32) provided that notwithstanding any provision of law or rule adopted and promulgated by any state department, agency, board, commission, or authority to the contrary, an entity issuing licenses, except for those provided in existing law (R.S. 37:36), for persons to engage in certain fields of work pursuant to state law shall issue to an otherwise qualified applicant who has been convicted of an offense or offenses, except those described in existing law (R.S. 37:36), the license for which the applicant applied if the applicant meets all other requirements of the licensing qualifications, except those pertaining to former offenses.

New law repeals prior law.

Effective August 1, 2022.

(Amends R.S. 37:33-36 and 2950; Repeals R.S. 37:32)

### **Occupational Licensing (ACT 583)**

Existing law provides relative to the Occupational Board Compliance Act.

New law retains existing law.

Existing law defines "active market participant", "active supervision", "commission", "least restrictive regulation", "occupational license", "occupational licensing board", "occupational regulation", and "personal qualifications".

New law retains existing law and adds a definition for "fiduciary".

New law amends the definition of "occupational license" to specify that the term means a nontransferable authorization granted by an occupational licensing board for an individual or entity meeting personal qualifications in order to fulfill a legitimate fiduciary, public health, safety, or welfare objective.

New law amends the definition of "occupational regulation" to specify that the term means a rule, regulation, restraint, practice, or policy allowing an individual to use an occupational title or work in a lawful occupation, including but not limited to registrations and occupational licenses in order to fulfill a legitimate fiduciary, public health, safety, or welfare objective or a financial, tax, or accounting objective.

Prior law defined the terms "qualifications", "registration", and "state policy". New law deletes prior law.

New law allows any interested person to request review of an occupational regulation by submitting a petition to the occupational licensing board that issued the regulation. Requires the occupational licensing board to review the regulation for full compliance with the least restrictive regulation as set forth in existing law.

Existing law provides procedure and standards for judicial review.

New law retains existing law and adds an additional standard that provides that a plaintiff shall prevail in court if it is determined that the challenged occupational regulation burdens entry into a profession, trade, or occupation and that the agency has failed to prove, by a preponderance of evidence, that the regulation is necessary and narrowly tailored to fulfill legitimate fiduciary, public health, safety, or welfare objectives.

New law provides an exception to the judicial review standards provided in new law for challenged regulations promulgated by an occupational licensing board that participates in

the Dept. of Justice Occupational Licensing Review Program.

New law does not apply to administrative rules promulgated in accordance with the Human Life Protection Act as provided for in existing law.

Effective August 1, 2022.

(Amends R.S. 37:43; Adds R.S. 49:953(C)(3) and 963(F) and (G))

### **Occupational Licensing Review Commission (ACT 119)**

Existing law establishes the Occupational Licensing Review Commission, its membership, and its responsibilities.

Existing law provides for five members to serve on the commission as follows:

- (1) The governor or his designee.
- (2) The secretary of state or his designee.
- (3) The commissioner of agriculture or his designee.
- (4) The commissioner of insurance or his designee.
- (5) The state treasurer or his designee.

New law retains existing law and adds the following four legislative members:

- (1) The president of the Senate or his designee.
- (2) The speaker of the House of Representatives or his designee.
- (3) The chair of the House Committee on Commerce or his designee.
- (4) The chair of the Senate Committee on Commerce, Consumer Protection, and International Affairs or his designee.

Effective August 1, 2022.

(Amends R.S. 37:45(A)(1) and (B))

### **Attorney Advertisements (ACT 775)**

New law provides the standard by which communication in attorney advertisements may be regulated.

Prior law provided that any advertisement for legal services, in any format, that contains a reference to a monetary settlement agreement or an award by a jury verdict previously obtained by the advertising attorney shall, in the same advertisement, disclose a full accounting of all expenses associated with such settlement agreement or award by jury verdict.

New law retains prior law and adds an additional requirement that any advertisement for legal services containing a reference or testimonial to past successes or results obtained be presented in a truthful, nondeceptive manner by including a disclaimer such as, "Results May Vary" or "Past Results are not a Guarantee of Future Success".

Prior law required that disclosure of all expenses associated with the settlement or jury verdict be in a font size no smaller than half of the largest font size used in the advertisement.

New law retains prior law and adds that any advertisement for legal services or any unsolicited written communication, in any format, that includes the portrayal of a client by a nonclient or the depiction of any event or scene or picture that is not actual or authentic shall include a disclaimer.

New law provides that any words or statements required to appear in an advertisement or unsolicited written communication must be clearly legible if written or intelligible if spoken aloud. Further provides as follows:

- (1) All disclosures and disclaimers shall be clear, conspicuous, and clearly associated with the item requiring disclosure or disclaimer.
- (2) Written disclosures and disclaimers shall be clearly legible and, if televised or displayed electronically, shall be displayed for a sufficient time to enable the viewer to easily see and read the disclosure or disclaimer.

(3) Spoken disclosures and disclaimers shall be plainly audible and clearly intelligible.

New law prohibits certain types of communication in attorney advertising.

New law provides the factors used to determine when communication in attorney advertising may be regulated as determined by the court in *Public Citizen Inc. v. Louisiana Disciplinary Bd.*, 632 F.3d 212 (2011).

New law provides that the attorney general shall represent or supervise the representation of the interest of the state in any action or proceeding in which the constitutionality of new law is challenged or assailed.

New law provides for severability in the event one or more provisions of prior law are found to be unconstitutional.

New law provides that any court costs or attorney fees awarded to a prevailing party against the supreme court in an action challenging the constitutionality of advertisements for legal services shall be paid by the state and allows the supreme court to recover court costs or attorney fees if the constitutionality of advertisements for legal services is upheld.

Effective June 20, 2022.

(Amends R.S. 37:223)

### **Engineering by Architects (ACT 145)**

New law adds provisions to existing law to authorize an architect to engage in the practice of engineering, but only insofar as is necessary for the architect in his practice of architecture as defined in existing law (R.S. 37:141(B)(3)).

New law limits an architect's practice of engineering to minor mechanical, electrical, or civil-structural engineering work necessary as long as the work is secondary in nature and is substantially less in scope and magnitude when compared to the architectural portion of the work.

New law limits the maximum allowed occupancy load, size, and value for construction projects in which architects may engage in incidental engineering work for new construction or additions to the following:

(1) For new construction - not more than 299 occupants for assembly occupancy and 49 occupants for all other occupancies.

(2) For additions - not more than 299 occupants for assembly occupancy and 49 occupants for all other occupancies.

Effective August 1, 2022.

(Adds R.S. 37:701(I))

### **Geoscience License Exemption (ACT 14)**

Existing law requires a person who engages in the practice of geoscience to hold a license. Existing law prohibits certain activities by a person if the person is not licensed as a geoscientist in accordance with existing law.

New law retains existing law.

Existing law exempts certain activities from the licensing requirement.

New law retains existing law and expands the exemption to include geoscientific work performed by an officer or employee of this state.

Effective August 1, 2022.

(Amends R.S. 37:711.12(D)(2))

### **La. State Board of Dentistry (ACT 422)**

Existing law provides for the La. State Board of Dentistry within the La. Dept. of Health. Existing law further provides for the board to have 15 members, including 13 qualified and licensed dentists, a qualified and licensed dental hygienist, and a consumer. New law retains existing law.

Existing law provides that one dentist shall be appointed from each board district, except that two dentists shall be appointed from District Five



and designated as representatives "A" and "B". Existing law further provides that if the terms of representatives "A" and "B" expire on the same date, the term of either board member who has served for the least amount of time shall be extended for two years. New law repeals the requirement that the term of representative "A" or "B" be extended if their respective terms expire at the same time.

Existing law provides that each person appointed to the board shall serve a term of five years. Existing law further provides that no person shall serve more than a total of 10 years on the board, whether the service consists of full or partial terms, or is consecutive or not. New law changes the term limit to no more than two full terms.

Existing law provides for the application of existing law to a board member serving on August 1, 2014. New law repeals the outdated existing law.

Existing law provides for the filling of a vacancy occurring on the board. Existing law provides that members appointed to fill vacancies shall only serve for the unexpired term of their predecessors. New law provides that a member appointed to fill a vacancy shall serve the remainder of the calendar year in which the vacancy occurred. New law further provides that the member may then be appointed to serve an initial full term of five years and may be eligible for a second five-year term if reappointed and confirmed.

Existing law provides for the initial appointments of board members between 1993 and 1996. New law repeals existing law.

Existing law provides for a temporary appointment of the "At-Large Seat C" prior to the effective date of existing law. New law repeals existing law.

New law shall not be construed to prohibit any member currently serving on the La. State Board of Dentistry who has served more than two full terms from continuing to serve in that position for the remainder of his current term or until a successor is appointed.

Effective August 1, 2022.

(Amends R.S. 37:753(C)(1)(a) and (E); repeals R.S. 37:753(C)(1)(c) and (K))

### **Dentists and Dental Hygienists Licensing (ACT 312)**

Existing law provides for licensure of dentists and dental hygienists by the La. State Board of Dentistry (LSBD).

Existing law provides that applicants for licensure as a dentist or dental hygienist shall present satisfactory evidence of having taken an examination in the theory and practice of the profession given by the Joint Commission on National Dental Examinations before being accepted for the regular examination given by the LSBD, or pass an examination given by the LSBD in the theory and practice of the science of profession in addition to the regular examination given by the LSBD. New law removes the requirement for the applicant to be examined by the LSBD and provides for the applicant to present satisfactory evidence of having taken and passed an examination in the theory and practice of the profession given by the Joint Commission on National Dental Examinations.

Existing law provides for the licensure of an applicant who has successfully completed any national, regional, or independent third-party clinical dental or dental hygienist licensing examination approved by the LSBD that includes procedures performed on human subjects as part of the assessment of restorative clinical competencies and who satisfies all other requirements. New law removes the requirement for the examination to include procedures performed on human subjects.

Existing law requires an applicant for licensure as a dental hygienist to be a citizen or a permanent resident of the United States unless otherwise prohibited by the North American Free Trade Agreement. New law updates the requirement to be consistent with existing law requirements for applicants for licensure as a dentist by requiring the dental hygienist be a citizen or possess valid and current legal authority to reside and work in

the United States duly issued by the United States Citizenship and Immigration Services or its successor.

Effective August 1, 2022.

(Amends R.S. 37:761(A)(4) and (C) and 764(A)(2) and (5) and (D); repeals R.S. 37:761(D) and 764(E))

### **Medication in Long-Term Care Facilities (ACT 112)**

Prior law created a program to authorize certification of medication attendants to perform certain functions in licensed nursing homes. New law extends the medication attendant program created in prior law to include both licensed nursing homes and licensed adult residential care providers.

New law defines "licensed long-term care facility" to encompass both nursing homes and adult residential care providers.

Prior law provided that persons who have completed an approved medication administration course, passed a qualifying certification examination, and been issued a current certification by the department shall be permitted to administer certain prescribed medications to residents of licensed nursing homes. New law changes prior law to allow such persons to administer certain prescribed medications to residents of licensed nursing homes and of licensed adult residential care providers.

Prior law provided that the rules and regulations shall include but not be limited to ratios of supervising licensed nurses to medication attendants in licensed nursing homes. New law changes prior law and states that the rules and regulations shall include but not be limited to ratios of supervising licensed nurses to medication attendants in licensed long-term care facilities.

Prior law required the promulgation of rules and regulations for the enforcement of prior law to be done by March 31, 2008. New law removes the

deadline for the promulgation of rules and regulations.

Prior law required each person accepted to participate in the medication administration course to have a minimum of one year's experience in a nursing home as a certified nursing assistant or graduated from a nursing program. New law requires each person accepted to participate in the medication administration course to have a minimum of one year's experience in a licensed long-term care facility as a certified nursing assistant or graduate from a nursing program.

Prior law required any nursing home utilizing a medication attendant to verify with the nurse aide registry that the person has a current certification. New law changes prior law and requires any licensed long-term care facility utilizing a medication attendant to verify with the nurse aide registry that the person has a current certification.

Effective August 1, 2022.

(Amends the heading of Part I-A of Ch. 11-A of Title 37 of the La. Revised Statutes of 1950 and R.S. 37:1026.1, 1026.2, 1026.3(4), 1026.4, 1026.6(A) and (B)(6), 1026.7(8), and 1026.8)

### **La. State Board of Optometry Examiners (ACT 313)**

Existing law creates and provides for the La. State Board of Optometry Examiners, referred to hereafter as the "board", within the La. Dept. of Health. Provides that the board shall be comprised of five licensed optometrists who have each practiced optometry in this state for seven years and one consumer member. New law retains existing law and requires that the optometrist members of the board must be actively licensed and in good standing with the board.

Existing law provides that each licensed optometrist member of the board shall be appointed by the governor from a list of three names submitted to him by the board. New law revises existing law to create five board districts

with one licensed optometrist member representing each district.

Existing law establishes that the term of each member shall be five years. New law retains existing law and provides that no person shall be appointed to serve more than three full terms, whether the service is consecutive or not. New law stipulates, however, that it shall only apply to any term of a board member that began on or after Jan. 1, 2016, and shall not prohibit any current board members who have served more than three full terms from continuing to serve for the remainder of their term or until a successor is appointed.

New law provides that no member of the board shall hold an elected or appointed position in an optometry professional association at any time during his term on the board. Provides, however, that new law shall not prohibit a member of the board from holding an elected or appointed position in an association for optometry regulatory boards.

New law revises existing law to change the number of members constituting a quorum of the board from three to four.

New law revises existing law to provide that in addition to U.S. citizens, persons with valid and current legal authority to reside and work in the U.S. may qualify to apply for licensure from the board as optometrists.

New law repeals prior law relative to recording of certain certificates and issuance of lists of licensed optometrists.

Effective June 10, 2022.

(Amends R.S. 37:1042(A), (B), (C)(1)(intro para), and (D), 1045(A), and 1049(1); repeals R.S. 37:1055 and 1060)

### **Licensed Professional Counselor Interstate Compact (ACT 341)**

New law allows Louisiana to join the Licensed Professional Counselor Interstate Compact.

New law provides for Louisiana, as a participating state, to adopt the same uniform professional counseling licensure requirements as the states in the Licensed Professional Counselor Interstate Compact.

New law eliminates the requirement for licenses in multiple states.

New law provides for multistate practice regulations and the exchange of licensure among member states.

New law provides for spousal support for relocating active duty military personnel.

New law authorizes telehealth technology use for states in the Licensed Professional Counselor Interstate Compact.

New law requires certain hourly requirements of counseling experience and graduate course work for licensees in specific areas of study.

Effective August 1, 2022.

(Amends R.S. 37:1103(intro. para.); Adds R.S. 37:1131-1145)

### **Reciprocity in Pharmacist Licensing (ACT 666)**

Existing law provides for the qualifications required for a pharmacist currently licensed in another jurisdiction to apply for a license as a pharmacist by reciprocity in Louisiana.

Prior law provided that no applicant shall be eligible for licensure by reciprocity unless the state or jurisdiction in which the applicant was initially licensed as a pharmacist also granted reciprocity to a pharmacist duly licensed by examination in this state, under comparable circumstances and conditions.

New law retains the requirement for dual reciprocity but removes the specific requirement that there be comparable circumstances and conditions.

Effective August 1, 2022.

(Amends R.S. 37:1203(B))

### **Pharmacy Permit Display (ACT 298)**

Existing law provides that no person shall open, establish, operate, or maintain a pharmacy located within Louisiana unless the pharmacy is issued a permit by the La. Board of Pharmacy.

New law retains existing law.

Prior law provided that the pharmacy permit shall be conspicuously displayed in the place for which the permit was granted.

New law repeals prior law.

Effective August 1, 2022.

(Repeals R.S. 37:1227)

### **Home Kidney Dialysis Facilities (ACT 154)**

New law stipulates that nothing in the La. Pharmacy Practice Act (R.S. 37:1161 et seq.) shall apply to a facility which engages solely in the distribution of dialysate, drugs, or devices necessary to perform home kidney dialysis to patients with end stage renal disease if all of the following criteria are met:

- (1) The dialysate, drugs, or devices are approved or cleared by the U.S. Food and Drug Administration as required by federal law.
- (2) The dialysate, drugs, or devices are lawfully held by a manufacturer or manufacturer's agent that is properly registered with the La. Board of Pharmacy as a distributor of legend drugs or legend devices.
- (3) The dialysate, drugs, or devices are held and delivered in their original, sealed packaging from the manufacturing facility.
- (4) The dialysate, drugs, or devices are delivered only by the manufacturer or the manufacturer's agent and only upon receipt of a physician's order.

(5) The manufacturer or manufacturer's agent delivers the dialysate, drugs, or devices directly to any of the following parties:

- (a) A patient with end stage renal disease, or his designee, for self-administration of the dialysis therapy by the patient.
- (b) A healthcare provider or institution for administration or delivery of the dialysis therapy to a patient with end stage renal disease.

Effective August 1, 2022.

(Amends R.S. 37:1250)

### **Pharmacy Benefit Managers (ACT 536)**

Prior law authorized a pharmacy benefit manager (PBM) to obtain and maintain a permit from the La. Board of Pharmacy (board) if the PBM administered, developed, maintained, performed, or provided one or more enumerated pharmacy services in this state or that affected one or more beneficiaries of a pharmacy benefit management plan administered by the PBM.

New law revises prior law to require, rather than authorize, any PBM meeting the criteria to obtain a permit from the board.

New law authorizes a PBM to file for a hearing before the division of administrative law upon receipt of notice from the board of the board's intention to take certain adverse or disciplinary actions against the PBM. Provides for appeals of decisions resulting from a hearing.

New law shall not be construed to prevent a PBM from proceeding with a hearing before the board or to prevent the board from taking any other action authorized by law or administrative rule that would not result in suspension or termination of the PBM's permit.

Effective August 1, 2022.

(Amends R.S. 37:1256(B) and R.S. 40:2868(A)(intro. para.); adds R.S. 37:1256(C) and R.S. 40:2868(C))

### **LSBME Advisory Committees (ACT 408)**

Existing law provides for advisory committees to the La. State Board of Medical Examiners (LSBME) relative to occupations regulated by the board including acupuncture, clinical laboratory personnel, genetic counselors, medical psychology, perfusion, physician assistant, polysomnography, and respiratory therapy.

New law provides that an advisory committee of the LSBME which is comprised of members from various locations statewide, and which acts only in an advisory capacity, may conduct and its members may attend and participate in a meeting via electronic means if the board and the advisory committee and its presiding officer comply with all the requirements of new law.

New law provides for public notice and participation requirements including the publication, no later than 24 hours prior to a meeting conducted via electronic means, of a notice and agenda for the meeting and detailed information regarding how members of the public may participate in the meeting and submit comments regarding matters on the agenda. Further requires the advisory committee to provide a mechanism to receive public comment electronically both prior to and during the meeting and to properly identify and acknowledge all public comments during the meeting and maintain those comments in its record of the meeting.

New law provides that the presiding officer of the advisory committee shall ensure that each person participating in the meeting is properly identified and all parts of the meeting, excluding any matter discussed in executive session, are clear and audible to all participants in the meeting including the public.

New law defines "meeting via electronic means", "teleconference", and "video conference".

(Amends R.S. 37:1270.1(F), 1314(G), 1357.1(B), 1360(5), 1360.63(E), 1360.102(F), 2864(D), and 3356(E); adds R.S. 37:629, 1164(39)(c), 1270(D), 1340(7), 3015, 3303 (E), and 3434 and R.S. 42:17.2)

### **Bridge Year Graduate Physician Program (ACT 757)**

New law authorizes the La. State Board of Medical Examiners (board) to develop, implement, and maintain a program that allows an individual to be certified to practice medicine as a bridge year graduate physician. Provides that the certification shall be valid for one year and may be renewed for no more than two additional one-year periods upon application to the board.

New law requires the board to provide for criteria for participation in the bridge year graduate physician program which, at a minimum, shall require the individual seeking certification to meet the following qualifications:

- (1) Be a graduate of an accredited medical school.
- (2) Have applied to, but not be accepted into, an accredited medical residency training program for the first year following medical school graduation.

New law requires the board to determine criteria for the selection of applicants if the number of applicants exceed the available capacity of the program.

New law requires the board to provide for the prescriptive authority of a bridge year graduate physician including prescribing legend and certain controlled drugs.

New law authorizes the board to suspend, terminate, or revoke a bridge year graduate physician certificate prior to the expiration of its one-year term for any reason provided by law or the board's rules for the termination of licenses, permits, registrations, or certificates issued by the board.

New law authorizes a bridge year graduate physician to practice only under the direct supervision of a board-certified physician holding a license in good standing with the board. Further provides that issuance of a certificate to practice as a bridge year graduate physician does not confer any future right to full, unrestricted licensure.

New law provides that the services provided by a bridge year graduate physician shall be compensable in accordance with customary medical billing practices.

New law requires the board to develop the bridge year graduate physician program with input from the La. State Medical Society, the La. Academy of Family Physicians, a community physician, a medical student who applied to, but was not accepted into, an accredited medical residency training program for the first year following medical school graduation, and a medical student.

Effective August 1, 2022.

(Amends R.S. 37:1271(A) and 1285(A)(intro para); adds R.S. 37:1310.11-1310.12)

#### **Unprofessional Conduct by Clinical Laboratory Personnel (ACT 653)**

Prior law required that certain monies collected by the La. State Board of Medical Examiners (board) in accordance with existing law, relative to clinical laboratory personnel, be deposited into the account of the Clinical Laboratory Personnel Committee (committee).

New law deletes prior law.

Prior law provided for an annual audit of the financial records of the committee. New law revises prior law to provide instead that the financial records of the board be audited in accordance with existing law.

New law adds unprofessional conduct to the list of violations provided for in existing law, relative to clinical laboratory personnel, and includes an illustrative listing of behaviors indicative of unprofessional conduct.

New law repeals prior law which authorized the committee to examine and recommend to the board its approval, denial, suspension, probation, restriction, or revocation of a license or certificate of any clinical laboratory personnel after conducting a disciplinary hearing.

New law repeals prior law which authorized the committee to recommend to the board that it employ an executive director and legal counsel as needed to carry out the provisions of existing law.

Effective August 1, 2022.

(Amends R.S. 37:1316; Adds R.S. 37:1326(A)(10); Repeals R.S. 37:1315(A)(7) and (B)(2))

#### **Advisory Committee on Perfusion (ACT 616)**

Prior law required the Advisory Committee on Perfusion to be composed of certain members, including a member from nominees submitted by the Metropolitan Hospital Council of New Orleans.

New law removes the Metropolitan Hospital Council of New Orleans and requires that only the Louisiana Hospital Association submit a member nominee; otherwise, retains existing law relative to the committee.

Effective August 1, 2022.

(Amends R.S. 37:1339(B)(1))

#### **Plumber Licenses (ACT 460)**

existing law requires persons engaged in the business of plumbing to hold a valid license issued by the state plumbing board. New law retains existing law.

Prior law allowed plumbers to obtain licensure in several ways with varying degrees of education, experience, and standardized certification required for varying licenses.

Two licenses provided for in prior law were the restricted journeyman plumber license and restricted master plumber license. Both of these licenses were issued based on plumbing activity the applicant engaged in prior to July 1, 1990.

New law removes the restricted journeyman and restricted master plumbing licenses from the licensure options available under prior law and removes references to the licenses.

New law allows a person who has held a restricted journeyman license or a restricted master plumbing license prior to Jan. 1, 2023, to be issued a journeyman license or a master plumbing license, if the person has been in compliance with certain provisions of existing law (R.S. 37:1371 and 1380).

New law allows a person who has held a restricted journeyman license or a restricted master plumbing license prior to Jan. 1, 2023, but who has not been in compliance with certain provisions of existing law (R.S. 37:1371 and 1380) to be issued a journeyman license or a master plumbing license, if the person submits a written request to the board, pays renewal fees pursuant to existing law (R.S. 37:1371(A)), and provides a written showing of compliance with existing law (R.S. 37:1380).

New law allows the board to refuse to grant a license to an individual based upon the applicant's failure to comply with additional licensing requirements not provided for in existing law (R.S. 37:1371 and 1380).

Effective August 1, 2022.

(Amends R.S. 37:1368(C) and (D), 1371(A)(1), and 1380(A); Adds R.S. 37:1368(K))

### **La. Real Estate Commission and Criminal History Records (ACT 553)**

New law defines "applicant", "bureau", "commission", "criminal history record information", "FBI", and "licensure".

New law authorizes the La. Real Estate Commission (LREC) to obtain from the FBI an applicant's state and national criminal history record information.

New law limits LREC's use of fingerprints to only as necessary for determining licensure eligibility of each applicant and matters directly related to same.

New law requires an applicant to submit certain identifying information to the La. Bureau of Criminal Identification and Information for the

release of all arrest and conviction information contained in the La. Bureau of Criminal Identification and Information's criminal history files pertaining to the applicant for licensure. Requires an applicant's fingerprints to be forwarded by the La. Bureau of Criminal Identification and Information to the FBI for a national criminal history check.

New law requires the costs for obtaining the information required by new law to be charged to the bureau, including the costs of providing the national criminal history check, and authorizes the bureau to impose any or all such costs on the applicant.

New law authorizes LEC to require an applicant to do any of the following to determine licensure eligibility:

- (1) Submit complete fingerprints that comply with FBI requirements.
- (2) Give LEC permission to obtain state and national criminal history record information.
- (3) Pay to the bureau the cost imposed by or on behalf of the bureau to process fingerprints for review of the applicant's criminal history record information.

Relative to its access, use, and maintenance of criminal history record information, new law requires LEC to prescribe a form to be completed by an applicant prior to submitting his fingerprints that does all of the following:

- (1) Acknowledges that the fingerprints shall be used to check the national criminal history records maintained by the FBI.
- (2) Allows the applicant to specifically identify or state the reason he has submitted fingerprints to the bureau or LREC.
- (3) Provides a statement of the procedure and contact information necessary to challenge the accuracy of information contained in the FBI identification record of the applicant.

New law does not apply to licensees who are in good standing with LREC on or before Dec. 31, 2022.

New law applies to any real estate salesperson licensed on or before Dec. 31, 2022, who subsequently applies on or after Jan. 1, 2023, for initial licensure as a real estate broker or for reinstatement of any suspended or revoked license issued by LREC.

Effective January 1, 2023.

(Adds R.S. 37:1435.1)

### **La. Catalytic Converter Sales Law (ACT 584)**

New law creates the "Louisiana Catalytic Converter Sales Law".

New law defines the terms "catalytic converter", "catalytic converter purchaser", "commission", and "person".

New law prohibits a person from doing business as a catalytic converter purchaser without a license. A person applying for a license pursuant to new law shall make an application in writing. A license issued pursuant to new law is valid for two years.

New law prohibits any person, firm, association, corporation, limited liability company, or trust from engaging in the business of purchasing used catalytic converters without a license.

New law requires a licensed catalytic converter purchaser to hold a separate license for each place of business where he purchases used catalytic converters.

New law requires the La. Used Motor Vehicle Commission (commission) to create a form to be used as an application for licensure and provides the required information the form must contain.

New law requires an applicant to sign the application and pay all applicable fees prior to obtaining a license. New law requires the return of licensing fees to the applicant if an application is denied.

New law requires that a late fee of \$100, plus any fines or costs, be paid for a license renewal, if the original license is expired prior to application for renewal.

New law requires a licensee to notify the commission within 10 days if there is a change to its name, address, or ownership status.

New law requires any licensee that ceases to maintain a business to surrender its license to the commission within 10 days.

New law requires the commission to indicate the business address on each license and requires the license holder to notify the commission if the address changes. New law requires the license to be posted in a conspicuous place in each place of business.

The commission is required to promulgate rules to implement provisions of new law.

New law does not apply to either a dealer licensed by the La. Motor Vehicle Commission or any person having only one detached catalytic converter, if he can show from where the catalytic converter was acquired through documentation.

New law prohibits a person from possessing, obtaining, acquiring, transporting, or selling more than one used, detached catalytic converter without providing certain documentation to law enforcement upon request.

Information collected pursuant to new law shall be maintained for three years. The information shall be made available for inspection by any peace officer, law enforcement official, or commission official at any time during that time period.

New law requires any person who buys a used, detached catalytic converter to obtain a signed statement from the seller attesting that the catalytic converter has been paid for or is owned by the seller. If the buyer fails to obtain the statement, that shall be prima facie evidence of fraudulent intent and guilty knowledge and sufficient to warrant a conviction. If the buyer obtains the statement, he shall be exonerated from



any fraudulent, willful, or criminal knowledge within the meaning of new law.

A violation of new Law subjects the violator to fines and imprisonment. The amount of the fine and duration of the imprisonment increases with each subsequent violation. Each catalytic converter purchased in violation of new Law constitutes a separate violation.

Effective August 1, 2022.

(Adds R.S. 37:1891-1896)

### **State Licensing Board for Contractors (ACT 195)**

Existing Law (Part I of Chapter 24 of Title 37 of the La. Revised Statutes of 1950) provides state law related to contracting and creates the La. State Licensing Board for Contractors (LSLBC) to oversee the occupation of contracting in this state.

Prior Law (Part II of Chapter 24 of Title 37) provided that the board shall oversee home improvement contracting.

Prior Law (Part II of Chapter 24-A of Title 37) regulated the occupation of mold remediation.

Prior Law also designated the board as the authority which regulates persons who perform mold remediation in this state.

New Law reorganizes and consolidates prior Law provisions related to contracting, home improvement contracting, and mold remediation.

New Law relocates the provisions of prior Law relative to home improvement contracting and mold remediation, and incorporates them into the general provisions regarding contracting and the duties and responsibilities of the LSLBC in Chapter 24 of existing Law.

New Law deletes duplicative language in prior Law.

New Law deletes section of prior Law encompassing content that is redesignated in new Law.

Effective August 1, 2022.

(Amends R.S. 37:2150.1(intro. para.) and (2)-(13), 2152(Section heading), 2153(A), (E), and (F), and 2154-2165; Adds R.S. 37:2150(14)-(18) and 2153(G); Repeals R.S. 37:2152(C), 2166-2173, 2175.1-2175.6, and 2181-2192)

### **Hearing Aid Dealers (ACT 61)**

Existing Law requires hearing aid dealers to be registered and licensed with the Louisiana Board for Hearing Aid Dealers if they render or offer to render services for the sale, maintenance, and repair of any type of hearing aid. Existing Law provides legislative intent.

New Law retains existing Law registration and licensure requirements for any person engaging in the practice of selling and fitting any type of hearing aid and provides legislative intent. New Law deletes prior Law provisions that are provided for in other existing Law statutes relative to hearing aid dealers.

Existing Law provides that provisions of the law dealing with the La. Board for Hearing Aid Dealers does not apply to persons holding a certificate of clinical competence in audiology awarded by the American Speech-Language-Hearing Association and licensed as an audiologist by the La. Board of Examiners for Speech-Language Pathology and Audiology.

New Law provides that provisions dealing with the La. Board for Hearing Aid Dealers does not apply to persons licensed as an audiologist by the La. Board of Examiners for Speech-Language Pathology and Audiology. Provides that persons holding a certificate of clinical competence in audiology awarded by the American Speech-Language-Hearing Association are subject to the La. Board for Hearing Aid Dealers.

Effective August 1, 2022.

(Amends R.S. 37:2441 and 2464(C))

## **Athletic Trainers and Injuries (ACT 720)**

Existing law, relative to athletic trainers, defines certain terms and phrases.

Prior law defined the term "athlete" to mean an individual designated as such by the La. State Board of Medical Examiners (board), an educational institution, a professional athletic organization, or other board-approved organization who participates in an athletic activity sponsored by such institution or organization.

New law changes the definition of "athlete" to no longer require the sponsorship of the educational institution or professional athletic organization.

Prior law defined the term "athletic trainer" to mean an individual licensed by the board as an athletic trainer who carries out the practice of prevention, emergency management, and physical rehabilitation of injuries and sports-related conditions incurred by athletes.

New law clarifies the definition of the term to specify that the injuries treated by an athletic trainer are athletic injuries.

Prior law defined the term "emergency management" to mean the care given to an injured athlete under the supervision of the team or consulting physician.

New law changes the definition of the term to specify that the care given in emergency management is immediate care.

Prior law defined the term "physical rehabilitation" to mean the care given to athletes following injury and recovery.

New law changes the definition of the term to specify that physical rehabilitation is for an athlete's athletic injury and recovery.

New law adds definition for "athletic injury".

Effective upon signature of governor (June 18, 2022).

(Amends R.S. 37:3302(intro. para.), (1), (2), (8), and (11); Adds R.S. 37:3302(13))

## **Real Estate Appraisal (ACT 547)**

New law creates a Licensed Residential Appraiser (LRA) license classification and formalizes adoption of Practical Application of Real Estate Appraisal (PAREA) program criteria for Louisiana.

Prior law provided for a real estate appraiser trainee to be licensed.

New law provides for a trainee appraiser to be registered instead of licensed and specifically allows a trainee to have more than one supervisory appraiser. New law provides for qualifications and training.

New law defines a "licensed residential appraiser" as any person licensed by the board whose authority to appraise real property is limited to the appraisal of noncomplex one to four complex residential units having a transaction value of less than \$1M and one to four residential units having a transaction value of less than \$400K, according to the Real Property Appraiser Qualification Criteria.

New law provides that nothing in existing law and new law shall be construed to prohibit an applicant from submitting an official PAREA program completion certificate to evidence satisfactory completion of all education and experience necessary for licensure as either a licensed residential appraiser or as a certified residential appraiser, according to the qualifications required by the Real Property Appraiser Qualification Criteria. Existing law provides that an applicant, who has fully completed an authorized PAREA program, can apply for licensure either as a licensed residential appraiser or as a certified residential appraiser on a form prescribed by the board and obtain board approval of the application prior to conducting appraisal activity in this state.

Existing law provides standards for licensure and penalties for persons engaged in real estate appraisal activity without a license. Provides for

the Louisiana Real Estate Appraisers Board's authority over licensees, receipt of applications and renewals for licensing, examination, continuing education requirements, disciplinary proceedings, standards for communication, and recordkeeping.

New law makes existing law applicable to registrations.

Prior law provided that as a prerequisite to license renewal, all certified residential and certified general appraisers shall complete the equivalent of 14 hours of continuing education instruction per calendar year.

New law removes the prerequisite to license renewals.

Effective June 17, 2022.

(Amends R.S. 37:3392(intro para), (8), (12) - (14), 3393(A) - (E), (G), (I)(intro para), (J) - (L), 3394(B)(1)(b) and (c) and (B)(2), 3395(A)(1), (2) and (4), (C) and (D), 3396(A), 3397, 3398(A), 3405, 3408(A), (B), (D)(intro para) and (F), 3409(A)(intro para), (A)(6), (B)(2) and (3), (C)(2), (D), (E)(intro para), and (F), 3410 and 3411; adds R.S. 37:3392(15) - (27) and 3399; repeals R.S. 37:3392(11) and 3397.1))

### **Appraisal Management Companies (ACT 415)**

Prior law defined "appraisal management company" as any corporation, partnership, sole proprietorship, subsidiary, unit, or other business entity that engages in the following:

- (1) Administers a network of independent contract appraisers to perform services.
- (2) Receives requests for residential appraisal services and enters into agreements with independent contract appraisers to perform services.

New law redefines an "appraisal management company" as any third-party that oversees a network panel of more than 15 licensed appraisers in the state or 25 or more licensed

appraisers in two or more states and is authorized by a creditor of a consumer credit transaction secured by a consumer's principal dwellings or by an underwriter of, or other principal in, the secondary mortgage markets to do the following:

- (1) Recruit, select, contract with, or retain an appraiser to perform an appraisal and to verify any work performed by the appraiser.
- (2) Manage the process of having an appraisal performed.

Existing law provides that an appraisal management company applying for a license may not be owned by any person who has had a license or certificate to act as an appraiser, real estate broker or agent, or mortgage originator, which combined are considered herein to be real estate or lending-related licenses refused, denied, suspended, canceled, or revoked in the past in any state without specific approval by the licensing board.

New law adds that an appraisal management company applying for a license may not be owned by any person who has had a license or certificate to act as an appraiser, real estate broker or agent, or mortgage originator, which is considered to be a real estate or lending-related license surrendered in lieu of revocation in any state.

Existing law provides that any licensed appraisal management company with an owner or employee whose real estate or lending-related license has been suspended, revoked, or canceled subsequent to being registered shall notify the board within 10 days.

New law extends the 10-day notice requirement to any licensed appraisal management company with an owner or employee whose real estate or lending-related license has been refused, denied, or surrendered in lieu of revocation.

Existing law provides that a person that has ownership interest in an appraisal management company shall certify that he has never had a license to act as an appraiser refused, denied,

canceled, suspended, or revoked in this state or any other state.

New law further provides that a person that has ownership interest in an appraisal management company shall certify that he has never had a license to act as an appraiser surrendered in lieu of revocation in this state or any other state.

Existing law provides that to serve as a controlling person of an appraisal management company, certain requirements must be met, including a certification to the board that such person's certificate or license has never been refused, denied, canceled, suspended, or revoked in any state.

New law provides that a controlling person shall certify that he has never had a license to act as an appraiser surrendered in lieu of revocation in order to serve as the controlling person of an appraisal management company.

Prior law provides that within the first 30 days after an independent appraiser is added to the appraisal panel, an appraisal management company may not remove an appraiser from its appraiser panel or refuse to assign request to do appraisals without:

- (1) Providing written notification of reasons why the appraiser is being removed.
- (2) Providing an opportunity for the appraiser to respond to the written notification.

New law provides that an appraisal management company shall not remove an appraiser from its appraiser panel or refuse to assign requests to do appraisals without:

- (1) Providing written notification of reasons why the appraiser is being removed.
- (2) Providing an opportunity for the appraiser to respond to the written notification.

New law provides that any appraisal management company that does not meet the minimum qualifications established by federal law (12 U.S.C. 3350(11)) shall not be included in the

National Registry of Appraisal Management Companies.

New law does not apply to any entity which is subsidiary-owned and controlled by a federal financial institution regulatory agency.

Prior law, relative to licensing and renewals, expires on December 31, 2022.

New law expires on December 31, 2026.

Effective June 15, 2022.

(Amends R.S. 37.3415.2(2), 3415.8(A), (C), and (E)(3), 3415.9(B)(1), 3415.10(D), and 3415(18)(A)(intro para); adds R.S. 37:3415.22(C))

#### **Board of Private Investigators – Executive Director Salary (ACT 54)**

Existing law creates the position of executive director of the La. State Board of Private Investigator Examiners (board) and provides for his appointment, full-time status, classification of employment, and manner of salary determination.

New law retains existing law.

Prior law placed a \$50,000 maximum limit on the annual salary of the executive director of the board.

New law increases the salary limitation from \$50,000 to \$90,000 annually.

Effective August 1, 2022.

(Amends R.S. 37:3506(A))

#### **Massage Therapy License Requirements (ACT 420)**

Existing law provides rules regarding licensure, qualifications, and exemptions for persons engaged in the practice of massage therapy.

Existing law requires applicants for a massage therapist license to pay the application fee and

submit evidence satisfactory to the La. Board of Massage Therapy that the applicant has satisfactorily completed a minimum 500-hour in-class supervised course of studies pursuant to rules promulgated by the board in accordance with the APA.

New law retains existing law but requires that the minimum 500 hours of massage therapy techniques and clinical practicum be earned through in-person, in-class, instructor-supervised learning. New law further provides that hours above the required minimum 500 hours may be a combination of in-person, in-class, instructor-supervised learning and real-time synchronous distance learning.

New law defines "in-person, in-class, instructor-supervised" learning and "real-time synchronous distance learning".

Effective August 1, 2022.

(Amends R.S. 37:3552(5)-(12) and 3556(A)(1)(a); adds R.S. 37:3552(13) and (14))

#### **Massage Therapy Provisional License (ACT 41)**

Existing law requires a license to engage in the practice of massage therapy. Existing law provides the required qualifications for licensure by the La. Board of Massage Therapy (board) and the methods for issuance of licenses to qualified applicants.

New law authorizes a three-month provisional license for massage therapy graduates. New law does not allow for a renewal of the provisional license.

New law requires a facility that employs a provisionally licensed massage therapist to notify a customer that the massage therapist is operating under a provisional license prior to the consumer receiving services from that massage therapist.

New law provides that a provisionally licensed massage therapist may only work at a facility that employs a massage therapist licensed pursuant to existing law.

New law shall cease to be effective on Dec. 31, 2025.

Effective August 1, 2022.

(Adds R.S. 37:3556(F))

#### **Licensing Board License Renewal Figures (ACT 483)**

New law defines "professional or occupational licensing board" (board) and requires a board in this state to publish all of the following information on its website:

(1) The total number of license renewals issued by the board.

(2) The total number of new licenses issued by the board.

(3) The total number of applications for license renewal that were denied by the board.

(4) The total number of applications for new licenses that were denied by the board.

New law requires a board to publish the required information on its website as it relates to the entire state and as it relates to each parish of residency.

New law requires a board to annually update the licensing information published on its website beginning Feb. 15, 2023. Further requires a board to submit the summary described in new law (R.S. 37:3612(C)) to the Senate Committee on Commerce, Consumer Protection and International Affairs and the House Committee on Commerce by Feb. 15, 2023.

Effective August 1, 2022.

(Adds R.S. 37:3611 and 3612)

## **TITLE 38: PUBLIC CONTRACTS, WORKS AND IMPROVEMENTS**

### **Dam Oversight (ACT 687)**

Existing law requires the Department of Transportation, office of engineering, to provide a means for inspection, regulation, and supervision of all present and future dams within the state excluding the Toledo Bend Dam.

New law retains existing law and additionally excludes the state from being responsible for locks and dams on the following:

- (1) Red River
- (2) Ouachita River
- (3) Black River
- (4) Mississippi River

Tributaries under the jurisdiction of the U.S. Army Corp of Engineers. Existing law provides for the definition of dam.

New law retains existing law and provides for definitions for "dam height" and "modification".

New law further provides all designs for new dams and modification or removal of existing dams under state jurisdiction shall be designed by a professional engineer registered in the state of Louisiana.

New law provides that an engineer who does not comply with the notice requirements of new law shall be reported to LAPELS.

Existing law provides for the requirements in which legal action may be brought against the state for damages caused by partial or total failure of any dam.

New law provides for technical additions to the requirements for which a legal action may be brought against the state and provides that every fine collected by the court for violation of dam safety requirements shall be forwarded to the state treasurer for deposit in the Transportation

Trust Fund to defray the costs of the Louisiana Dam Safety Program.

Effective June 18, 2022.

(Amends R.S. 38:21, 22, 23, 26(C), 27, and 28(B); adds R.S. 38:28(C) and (D))

### **Southeast La. Flood Protection Authority-East (ACT 430)**

Existing law provides for a nine-member board of commissioners of the Southeast Louisiana Flood Protection Authority-East (SLFPA-E), composed of at least one member from each parish within the territorial jurisdiction of the authority.

New law requires that the nine-member board of commissioners be composed of at least one member from St. Bernard Parish, two members from Jefferson Parish, and three members from Orleans Parish.

Prior law included the Tangipahoa Levee District in the SLFPA-E. New law repeals prior law.

New law provides that current commissioners serve until the end of their term or upon resignation or death.

Effective June 15, 2022.

(Amends R.S. 38:330.1(C)(1)(a)(intro para); repeals R.S. 38:291(W)(2) and R.S. 38:330.1(B)(1)(a)(v))

### **Coastal Protection and Restoration Authority (ACT 431)**

Existing law establishes a nominating committee for the boards of commissioners for the Southeast La. Flood Protection Authority-East and the Southeast La. Flood Protection Authority-West Bank.

Existing law provides for the duties of the chairman of the Coastal Protection and Restoration Authority Board relative to the nominating committee including serving as the custodian of records and the secretary, calling meetings, receiving notifications of vacancies,

and causing the publication of notifications of vacancies.

New law changes the responsibility for these duties from the chairman of the Coastal Protection and Restoration Authority Board to the chair of the nominating committee and regional directors, or in the absence of a regional director, the presidents of the boards of commissioners of the Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood Protection Authority-West Bank.

New law changes notification of vacancies on the board from the chairman of the Coastal Protection and Restoration Authority Board to the chair of the nominating committee and regional directors.

Effective August 1, 2022.

(Amends R.S. 38:330.1(C)(2)(c), (3)(a), (b), and (c), and (4)(a))

#### **Lakefront Management Authority (ACT 342)**

Existing law establishes the Lakefront Management Authority.

Prior law required the authority be composed of the following members subject to Senate confirmation, provided no elected official be appointed to serve as a member of the authority:

(1) One member appointed by the Southeast La. Flood Protection Authority East.

(2) One member appointed by the state senator representing Senate District No. 3 and Senate District No. 4 and by the state representative representing House District No. 97, House District No. 94, House District No. 99 and two members appointed by the congressional representative representing Congressional District No. 2. At least one member appointed is required to be a lawyer, at least one member is required to be a certified public accountant, and at least one member is required to be a realtor.

(3) One member appointed by the mayor of the city of New Orleans.

(4) One member appointed by each New Orleans city council member in whose district a non-flood asset is located.

(5) Two members appointed jointly by the presidents of the Lakeshore, Lake Vista, Lake Terrace, and Lake Oaks property owners associations.

(6) One member appointed by the secretary of the Dept. of Transportation and Development.

(7) One member appointed by the Lake Pontchartrain Basin Foundation.

(8) One member appointed by the board for the New Orleans City Park.

New law requires two members appointed by the presidents of the Lakeshore, Lake Vista, Lake Terrace, and Lake Oaks property owners associations and requires those appointees reside within the residential boundaries of the Lakeshore, Lake Vista, Lake Terrace, and Lake Oaks neighborhoods.

New law requires preference be given to the neighborhood with the least number of representatives appointed for the authority. Also requires nomination and reappointment of the appointees be determined by a majority vote of the presidents of the property owners associations.

New law modifies prior law by changing the name of an appointing authority from the Lake Pontchartrain Basin Foundation to the Pontchartrain Conservancy.

Effective August 1, 2022.

(Amends R.S. 38:330.12.1(C)(5) and (7))

#### **Drainage District No. 4 of St. Tammany Parish (ACT 319)**

New law provides that the governing authority of Drainage District No. 4 in a parish with a population between 245,000 and 265,000 based on the latest federal decennial census is authorized to call a special election on or before

December 31, 2022, for approval, by a majority of the electors residing within Drainage District No. 4, which the district governing authority may place on the ballot, to levy a maintenance and operation tax on each landowner of record within the district, in an amount not to exceed \$500 for each 10,000 square feet of each lot and parcel owned, such that the minimum tax on each lot or parcel is equal to that amount which would be levied on the first 10,000 square feet.

New law provides the tax must be for the maintenance of the levee system, pumping station, pumps, holding ponds, construction of pumping stations and acquisition of land.

New law provides that the operation of the district including cost of the pumping station operation staff, salaries of office staff, utilities and fuels, purchase of equipment necessary for the maintenance or operation of the district, contract services, insurance, and personnel, and other matters related thereto or called for by law.

New law provides that subject to approval of a majority of the electors of the district voting on the proposition therefor, there may be exemptions from the maintenance and operation tax provided for in new law.

New law provides that the property of any owner of property in the district who is over 65 years of age and who resides within the district, such exemption not to exceed \$24 on the first 10,000 square feet of property per lot or parcel; provided that the owner applies for the exemption annually as provided by the board of commissioners and for property of the Kingspoint Homeowners' Association Recreation Area, not to exceed \$24 per acre, so long as the recreation area remains for the private use of the Kingspoint Subdivision homeowners, and provided that the exemption is applied for annually by a person duly authorized to make such application by the Kingspoint Homeowners' Association board who must make application as provided by the board of commissioners.

New law provides that property of nonprofit organizations, such exemption not to exceed 10% of the actual total amount of the tax due, must be

given to any nonprofit organization domiciled within the district; provided that the exemption is applied for annually by a person duly authorized to make such application by the nonprofit organization who must make application as provided by the board of commissioners. Upon submission of said application the applicant must provide to the board of commissioners proof of nonprofit status.

New law provides that the maintenance and operation tax and exemptions must be imposed by resolution at a special meeting of the board of commissioners of Drainage District No. 4, after the election on the propositions, if approved by a majority of the qualified electors within the district voting at the election. Provides that a certified copy of the resolution must be furnished to the sheriff and ex officio tax collector of a parish with a population between 245,000 and 265,000 based on the latest federal decennial census. Provides that the tax must be collected by the sheriff at the same time as the parish ad valorem taxes and must enjoy the same recourse as parish ad valorem taxes for nonpayment and must prime all other liens except parish ad valorem taxes.

New law provides that publicly owned property must be exempt from the tax.

New law provides that any election authorized may be held on any Saturday prior to December 31, 2022, as provided by the governing authority of the district, or on any date authorized by the election laws of the state. If the electors of the district authorize the tax, any fee or tax currently imposed by the district for operation and maintenance may be discontinued by the district governing authority for such period as such tax authorized by new law is imposed, provided that no obligation of the district is impaired. Provides that the discontinuance of any such fee or tax as provided herein must not affect the obligation to pay any such fee or tax previously imposed which became due prior to discontinuation which has not been paid.

Effective August 1, 2022.

(Adds R.S. 38:1674.16.1)



### **Gifts to State Entities or Contractors from Foreign Sources (ACT 765)**

New law requires any state agency or political subdivision that receives directly or indirectly any gift or grant having a value of \$50,000 or more from a foreign source to disclose the gift or grant to the division of administration within 30 days after receipt.

New law defines certain terms including a "foreign country of concern".

New law requires that the disclosure include the date and amount of the gift or grant and the country or resident or domicile of the foreign source.

New law requires any entity applying to a state agency or political subdivision for a grant or proposing a contract having a value of \$100,000 to disclose the following information:

(1) Any current or prior interest in a contract received from a foreign country of concern having a value of \$50,000 or more and whether the interest existed or was in force at any time during the previous five years.

(2) Any grant or gift received from a foreign country of concern having a value of \$50,000 or more and whether the grant or gift was received or in force at anytime during the previous five years.

New law requires that the disclosure document include the following:

(1) The name and mailing address of the disclosing entity.

(2) The amount of the contract, grant, or gift or the value of the interest in the contract, grant, or gift disclosed.

(3) The applicable foreign country of concern.

(4) The date the contract was executed and the date of termination of the contract or interest, if applicable.

(5) The date of receipt of the grant or gift.

(6) The name of the agent or controlled entity that is the source or interest holder.

New law authorizes the division of administration to publish the disclosure information online and if published online it is considered disclosed to every state agency and political subdivision.

New law requires that when a disclosure is filed and during the term of the grant or contract, the entity is to revise it within 30 days after the contract execution or after receipt of a grant or gift from a foreign country of concern or within 30 days after any interest is acquired in the entity by a foreign country of concern.

New law requires any entity identified as subject to any governmental sanctions, embargoes, or other restrictions, to be included on the online procurement system. New law provides that purchasers using the online procurement system are to have easy access to all disclosures made by vendors.

New law requires the division of administration to investigate allegations of violations of new law once a referral is made by an agency or political subdivision compliance officer.

New law authorizes the division of administration to request relevant records which are to be provided within 30 days after requested or at a later time agreed to by the division of administration.

New law authorizes adoption of necessary rules by the division, which rules may identify the federal agencies to be consulted and the procedure for notifying a vendor of the disclosure requirements under new law.

Effective January 1, 2023.

(Adds R.S. 38:2191.1)

### **Public Bid Law Procedures (ACT 774)**

Existing law (R.S. 38:2211) requires any public entity advertising for public work to use only the

Louisiana Uniform Bid Form and specifically provides for the required information and documentation to be submitted by a bidder.

New law retains existing law.

New law voids any additional requirements for information requested by a public entity and prohibits the additional requirements from being considered in the award of the contract unless it is mandated by state or federal requirements.

Prior law required all bidders' information on public bids to be made available upon request, either no sooner than fourteen days following the bid opening or after the recommendation of award by the public entity or the design professional, whichever occurs first, with the requester responsible for payment of reasonable reproduction costs.

New law shortens the request time from no sooner than fourteen days to no sooner than nine working days following the bid opening.

New law defines "working days" as the days Monday through Friday, excluding recognized holidays and declared emergencies.

Effective June 20, 2022.

(Amends R.S. 38:2212(B)(2) and (H); adds R.S. 38:2211(A)(15))

### **Levee Fixing (ACT 604)**

Existing law (R.S. 38:2212(C)(3)(a)) grants a public entity the ability to restore or rehabilitate a levee not maintained with federal funds.

New law maintains existing law.

Prior law required that the provisions contained in R.S. 38:2212(C)(3)(a) be effective until Dec. 31, 2022.

New law extends the termination date from Dec. 31, 2022, to Dec. 31, 2028.

Effective August 1, 2022.

(Amends R.S. 38:2212(C)(3))

### **Public Entity Purchases of Materials and Supplies (ACT 204)**

Prior law required all purchases of materials or supplies exceeding the sum of \$30,000 paid out of public funds be advertised and let by contract to the lowest responsible bidder who had bid according to specifications advertised. Required no purchase be made except as provided in existing law.

New law modifies prior law by increasing the purchasing limit for materials and supplies from \$30,000 to \$60,000, but otherwise retains prior law.

Prior law required purchases of \$10,000 or more, but less than \$30,000, be made by obtaining not less than three quotes by telephone, facsimile, email, or any other printable electronic form. Required written confirmation for accepted offers be obtained and made a part of the purchase file for telephone quotes. Required the reasons for rejected offers be recorded in the purchase file for quotes lower than the accepted quotes.

New law modifies prior law by increasing the purchasing range requiring quotes for the purchase file from \$10,000 or more but less than \$30,000 to \$30,000 or more but less than \$60,000, but otherwise retains prior law.

Effective August 1, 2022.

(Amends R.S. 38:2212.1(A)(1)(a) and (b))

### **Procurement of Motor Vehicles for Conversion to Law Enforcement Vehicles (ACT 179)**

Prior law provided that all purchases of any materials or supplies exceeding the sum of \$30,000 to be paid out of public funds will be advertised and let by contract to the lowest responsible bidder who has bid according to the specifications as advertised, and no such purchase shall be made except as provided in prior law. Provided that all purchases of \$10,000 or more, but less than \$30,000, will be made by

obtaining not less than three quotes by telephone, facsimile, email, or any other printable electronic form. Provided that if telephone quotes are received, a written confirmation of the accepted offers will be obtained and made a part of the purchase file and for any quotes lower than the accepted quote, the reasons for their rejection must be recorded in the purchase file.

Prior law provided that any purchase by a local governmental unit of a used or new motor vehicle for conversion into a law enforcement vehicle, which purchase cost does not exceed the sum of \$20,000, will not be subject to the threshold provided in prior law. Provided that written specifications, quotations, and confirmation of accepted offers for such purchase must be obtained and made a part of the purchase file. Provided that any such purchase which sum is in excess of \$20,000 must be advertised and let for bid under the procedures outlined by prior law.

New law retains prior law but changes the threshold amount for procurement of used or new motor vehicles for conversion into law enforcement vehicles from \$20,000 to \$40,000.

Effective August 1, 2022.

(Amends R.S. 38:2212.1(A)(2)(a))

### **Construction Management at Risk Procedures (ACT 573)**

Existing law creates an alternative project delivery method known as construction management at risk (CMAR) for use by a public entity to award a contract to construct public works when deemed in the public interest, beneficial to the owner, and in accordance with the procedures of existing law.

Existing law defines the terms relative to the CMAR project.

Existing law defines the term "selection review committee" as the committee appointed by the owner to review the request for qualification, score or rank of the proposers, and recommend award to a construction management at risk contractor.

New law adds to the "selection review committee" definition to include the rank of the proposers.

New law requires the selection review committee members to sign an ethics statement prior to commencement of any committee meeting.

New law requires the selection committee be informed, prior to the conducting of business, on the request for qualifications (RFQ), the project, the scoring and ranking procedure, the conduct of the committee's responsibility and any particulars of the project by the owner, or the owner's representative, or an assigned RFQ coordinator.

Existing law requires the RFQ include certain pertinent information on the qualifications of the proposer that the owner determines a proposer may need to submit in a response to an RFQ.

New law adds to the requirements of the RFQ to include the probable construction budget for the project.

Existing law specifies that within 90 days after the deadline for responses to the RFQ, a selection review committee chosen by the owner and identified in the RFQ make a written recommendation to the owner as to which proposer should be awarded the contract. Existing law further specifies the results of the selection review committee, inclusive of its findings, grading, score sheets, and recommendations, be available for review by all proposers and will be deemed public records.

New law specifies that the selection review committee meetings where individual proposers will be interviewed will not be subject to the Open Meetings Law.

New law specifies if the public entity is unable to negotiate a contract with the highest ranked CMAR proposer, the public entity may award the contract to the next highest ranked CMAR proposer.

Effective August 1, 2022.

(Amends R.S. 38:2225.2.4(B)(5)(intro. para.), (E), and (F)(4); Adds R.S. 38:2225.2.4(B)(7) and (F)(2)(f) and (6))

### **Baton Rouge Contracting Set-Asides for Socially and Economically Disadvantaged Businesses (ACT 221)**

Existing law generally authorizes every political subdivision in the state, through its respective fiscal officer or director of finance, to designate and set aside each fiscal year for awarding to minority businesses, an amount up to 10% of the value of anticipated local procurement of goods and services including construction. Provides that nothing in existing law should be construed to prohibit a political subdivision from setting aside an amount greater than 10%. Provides for eligibility and certification requirements.

Existing law provides an exception for the city of Shreveport and any board, agency, or commission of that city. Authorizes the entities to set aside local procurement of goods and services including construction for awarding to economically disadvantaged businesses.

New law provides another exception for the city of Baton Rouge/parish of East Baton Rouge (city-parish). Authorizes the city-parish governing authority and any board, agency, or commission of the city-parish to designate and set aside each fiscal year not less than 10% and not more than 25% of the value of anticipated local procurement of goods and services, including construction or doing of public work for awarding to socially and economically disadvantaged businesses.

New law provides for division of contract awards into units to facilitate offers or bids from socially and economically disadvantaged businesses. Authorizes varying the goods and services designated for set-asides.

New law requires the city-parish to adopt rules and regulations to implement new law. Requires certification as a socially and economically disadvantaged business by the city-parish governing authority. Authorizes establishment of a contract award procedure for such set-asides. Additionally authorizes adoption of a

requirement that the prime contractor award a certain percentage, not to exceed 25%, of the total dollar bid to socially and economically disadvantaged subcontractors.

New law requires the city-parish and any board, agency, or commission of the city-parish to award the balance of procurement set-sides pursuant to existing law solicitation, bid evaluations, and contract award provisions if it is unable to award all of its set-asides to socially and economically disadvantaged businesses.

Effective August 1, 2022.

(Adds R.S. 38:2233.4)

### **Public Works Punch List (ACT 756)**

Existing law establishes provisions for withholding public works contractor payment.

New law retains existing law and provides that if the public entity occupies or uses the public works, the punch list shall be furnished to the contractor within 10 days of substantial completion as defined in R.S. 38:2241.1, and may be amended by the design professional or the public entity up to 14 days after providing the punch list to the contractor.

Effective August 1, 2022.

(Amends R.S. 38:2248(B))

### **Public Bid Law (ACT 424)**

Existing law provides that a supplier of particular products for public works may seek prior approval for brand products other than those specified in the contract documents within seven working days prior to bid opening.

New law retains existing law and adds a potential supplier may, but is not required to, submit a particular product for prior approval other than a product specified in the contract documents, no later than seven working days prior to the opening of bids.

Existing law requires the prime design professional furnish written approval or denial of the product submitted within three days, exclusive of holidays and weekends, after submission.

New law retains existing law and further provides if the prime design professional does not respond within the allotted time period, the submitted product shall be considered approved.

Effective August 1, 2022.

(Amends R.S. 38:2295(C)(1))

### **Bayou D'Arbonne Lake Watershed District (ACT 108)**

Existing law authorizes the governing authority of any parish or municipality to prohibit the operation of any motor vessel in an area that is flooded from a body of water above flood stage and when the operation of the motor vessel may cause flooding of dwellings, camps, business establishments, or similar structures.

Existing law provides an exception for law enforcement officers, members of the National Guard, commercial fishermen, and members of a rescue or disaster relief organization or group when in the exercise of their duties. Prohibits the provisions of existing law from applying to a person who resides or owns property in or adjacent to the flooded area or his representatives while engaged in caring for his life, family, or property, or the lives, families, or property of his neighbors. Prohibits the provisions of existing law from applying to a company that operates in or adjacent to the flooded area or its representatives engaged in caring for the lives of its employees or its property, provided entry is not denied by a law enforcement officer or other person authorized to be within the area in the exercise of his duties.

Existing law authorizes the governing authority of any parish or municipality to establish penalties for violations of such ordinances in accordance with law.

New law maintains existing law and authorizes the Bayou D'Arbonne Lake Watershed District to prohibit the operation of any motor vessel in an area flooded from Lake D'Arbonne when the lake is above flood stage and when the operation of the motor vessel may cause flooding of dwellings, camps, business establishments, or similar structures.

Effective August 1, 2022.

(Amends R.S. 34:851.25(A); Adds R.S. 38:2558(11)(f))

### **Amite River Basin Management (ACT 490)**

Existing law establishes the geographical bounds of the district. New law retains existing law and provides that the district will also be comprised of all portions of the geographical area within the watershed limits of the Amite River and Tributaries Basin located in those parts of Iberville, Ascension, and St. James parishes south of La. Hwy. 61 and not particularly described in existing law.

New law further provides that by Jan. 1, 2023, the Coastal Protection and Restoration Authority (CPRA) in consultation with the office of state lands must submit to the legislature a detailed legal description of the Amite River and Tributaries Basin.

Existing law provides that the management and control of the Amite River Basin Drainage and Water Conservation District is vested in a board of commissioners for the district. Further authorizes the board to establish adequate drainage, flood control, and water resources development to include but not be limited to construction of reservoirs, diversion canals, gravity and pumped drainage systems, and other flood control works. New law retains existing law and adds a requirement that the board comprehensively manage the district as a single system.

Prior law provided for a 13 person commission. New law increases the number of commissioners from 13 to 16. Prior law provided that one member from the district would be appointed by

the governor and serve at large while 12 members would serve at large and be appointed by the governor based on the portion of the parish within the district. New law provides that seven members will be parish presidents representing the parishes making up the district, or their designee, and will serve ex officio without appointment. New law provides that one member be the executive director of the CPRA, or his designee, one member be the secretary of the Dept. of Transportation and Development (DOTD), or his designee, and one member be the executive director of the Pontchartrain Levee District Board of Commissioners, or his designee, all to serve in nonvoting advisory roles. New law provides that six members be appointed by the governor to serve at large. Further provides that commissioners at large will serve four year terms staggered with three positions expiring every two years; initial terms are two years for three commissioners and four years for three commissioners; be subject to senate confirmation from nominations submitted by the representatives and senators whose districts include any portion of the district. Specifies that nominees are encouraged to but need not reside in the district or any particular parish within it. Specifies that each legislator within the district may nominate up to two persons meeting the qualification requirements per vacant position. Specifies that if no nominees meeting the qualification requirements are submitted for a seat, the governor may choose his own. Further provides that all six commissioners at large must have at least seven years of professional experience in their discipline, of which at least four must be engineers, project managers, certified floodplain managers, or professionals in a drainage-related field such as geotechnical, hydrological, or environmental science. Specifies that parish commissioner designees are encouraged to be, but need not be, professionals; however, priority will be given to nominees that reside in the district or any parish within it.

New law requires the board to post agendas for all meetings on its website at least 24 hours prior to meetings and to stream all district meetings live on the internet.

Prior law required the DOTD to provide advice and technical assistance to the board. New law authorizes the DOTD, CPRA, and the Pontchartrain Levee District to provide advice and technical assistance to the board of commissioners and this assistance can include issues other than those required under existing law.

Existing law provides for the general powers and duties of the board. New law retains existing law and adds a requirement that prior to Jan. 1, 2026, the board must promulgate regulations for watershed management within the district, insofar as they affect watershed management, that address the following:

- (1) Planning.
- (2) Permitting.
- (3) Selection of and performing projects and programs.
- (4) Resolution of conflicts among agencies.
- (5) Use of best available science.
- (6) Outreach to the public and agencies.
- (7) Coordination with state agencies and political subdivisions regarding watershed management.
- (8) Identifying, seeking, receiving, and expending federal and other funding for planning and projects.
- (9) Providing assistance to political subdivisions in planning, designing, and constructing projects, and identifying and obtaining funding.
- (10) Agreements with public and private entities to identify, seek, receive, and expend funds.
- (11) Maintaining projects and programs once complete.
- (12) Providing an appeal process.
- (13) Defining qualifications for staff and contractors.

(14) Creating and managing a wetland mitigation bank.

Existing law authorizes the board to construct and maintain drainage works of all types either in cooperation with one or more parishes, municipalities, drainage districts, or other special districts within its territorial jurisdiction or upon its own undertaking. New law retains existing law and adds a requirement that projects receive approval of two thirds of the total voting membership. Further adds that all decisions, including technical aspects of projects, including planning and permitting decisions, require approval by a simple majority of the total voting membership.

New law requires the board to develop and implement a plan to manage all waterways in the district in relation to matters impacting watershed management in the district. Further requires the board to place a heavy focus and constant emphasis on plans that include project inventories, implementation plans, and strategies to maximize the use of innovative funding strategies such as public private partnerships, pursuit of grant funding, capital outlay requests, and millage initiatives to the extent necessary to timely fund and implement the board's planned projects and programs.

New law requires the board to develop a master plan for comprehensive drainage, flood control, and water resource management with the district, which shall address both long- and short-term watershed management, including lists of projects, costs, and selection criteria, and is subject to annual approval of both the House and Senate Committees on Transportation, Highways and Public Works.

New law requires the board to develop annual plans and report annually to the parish presidents and parish governing authorities representing the parishes making up the district, the legislature, and a committee of representatives and senators whose districts include any portion of the Amite River Basin. Further specifies that annual plans are subject to approval of both the House and Senate Committees on Transportation, Highways and Public Works.

New law requires each parish within the district to submit an initial hazard mitigation plan by Jan. 1, 2023, and thereafter to submit a hazard mitigation plan to the board every five years. Further requires each parish within the district to cooperate with the board to ensure that the impacts of drainage, flood control, and water resource management are considered in the development of each hazard mitigation plan. Further requires that parish mitigation plans prioritize reduction of flood risk and flood insurance premiums and explain how to participate in or maximize participation in the Federal Emergency Management Agency Community Rating System or similar programs. Further requires the board to participate and assist in the development of each parish hazard mitigation plan within the district.

New law requires the board to consider to what extent matters regarding an agreement with the state of Mississippi regarding watershed management and how it may be beneficial to management of the basin in La., and authorizes them to contract with the state of Mississippi for such purposes including for doing projects, subject to approval by the governor.

Prior law provided for voting on taxes levied by the board to be by individual parish. Also, specified that the tax not exceed three mills on the dollar of its assessed valuation. New law provides for voting on such taxes by everyone in the district as a whole and removes the up to three mills taxing limitation.

New law allows parishes, municipalities, drainage districts, levee districts, and other political subdivisions in the district to transfer or donate funds to the board, and further allows the board to accept such funds.

New law prohibits the board from expending or obligating unrestricted funds, except funds designated for operational costs or to meet existing contractual obligations, until Jan. 1st following enactment of this Act.

New law provides that the Pontchartrain Levee District has primary jurisdiction within the areas of the district that are concurrent with the limits

of the Amite River Basin Drainage and Water Conservation District. Further provides that the Amite River Basin Drainage and Water Conservation District cannot initiate any project or program within the limits of the Pontchartrain Levee District without consulting with and receiving approval from the board of commissioners of the Pontchartrain Levee District.

Effective upon signature of governor (June 16, 2022).

(Amends R.S. 38:3302, 3303, 3305, 3306(A) and (C), 3307(C), and 3309; Adds R.S. 38:3301(C), 3304(C)(3), 3306(G), (H), (I), (J), (K), (L), and (M), and 3307(E))

## **TITLE 39: PUBLIC FINANCE**

### **Entities Serving Victims of Domestic Violence or Human Trafficking (ACT 367)**

Existing law (R.S. 39:51.1) requires a nongovernmental entity that is neither a budget unit nor a political subdivision of the state and that is requesting funding from the state through the General Appropriation Bill, capital outlay bill, or any supplemental appropriation bill to submit certain information relative to the proposed funding to certain legislative committees in a form and manner prescribed by the committees. The required information includes the entity's full legal name, mailing address, and physical address.

New law exempts an entity that provides services to victims of domestic violence or human trafficking from the requirement to provide a physical address.

Existing law provides that the required information also includes:

(1) The type of entity (for instance, a nonprofit corporation) and, if the entity is a corporation, the full names of the incorporators of the entity. If the entity is a private entity required to register with

the secretary of state, the entity shall show evidence of good standing with that office.

(2) The last four numbers of the taxpayer identification number of the entity.

(3) The full names and addresses of the governing board and all officers of the entity. Additionally, the entity shall provide the full names and addresses of its executive director, chief executive officer, or other person responsible for the operation of the entity, and the key personnel responsible for the program or functions to be funded through the proposed funding.

(4) The dollar amount of the proposed funding.

(5) The entity's proposed comprehensive budget showing all anticipated uses of the proposed monies, including additional sources of revenue for the program or project proposed, and amounts budgeted by categories of expenditures, including but not limited to salaries, operating services, professional services, contracts, acquisitions, major repairs, and other charges.

(6) A certification that the entity has no outstanding audit issues or findings or that the entity is working with appropriate governmental agencies to resolve those issues or findings.

(7) The entity's public purpose sought to be achieved through the use of state monies and the goals and objectives to achieve such purpose.

(8) The proposed length of time the entity estimates is needed to accomplish the purpose.

(9) Certain information concerning any elected or appointed official or immediate family member of such an official who is an officer, director, trustee, or employee of the entity who receives compensation or holds any ownership interest therein.

(10) Certain information concerning contracts the entity has with any elected or appointed official or immediate family member of such an official or with the state or any political subdivision of the state.



Existing law requires the clerk of the House of Representatives and the secretary of the Senate to publish each completed form and make it available to the public via the Internet.

Effective August 1, 2022.

(Amends R.S. 39:51.1(B)(1))

#### **Disbursement of State Funds (ACT 497)**

Existing law (R.S. 39:100.51) creates the La. Rescue Plan Fund and directs the treasurer to deposit into the fund any federal monies allocated to La. pursuant to the Coronavirus State Fiscal Recovery Fund of the American Rescue Plan Act of 2021.

Existing law (R.S. 39:100.44.1) creates the La. Main Street Recovery Rescue Plan Fund and transfers \$14.5 million from the La. Rescue Plan Fund into the fund.

Prior law required any remaining balance in the La. Main Street Recovery Rescue Plan Fund on June 30, 2022, to be transferred to the La. Rescue Plan Fund. New law extends the date to June 30, 2023.

Existing law creates the La. Loggers Relief Program to provide grants to timber harvesting and timber hauling businesses who suffered revenue loss due to COVID-19. Establishes the program as a component of the La. Main Street Recovery Program.

Prior law provided that priority be given to businesses that previously submitted applications to the La. Main Street Recovery Program as provided in existing law, but whose applications were not considered due to exhaustion of monies in the La. Main Street Recovery Fund. New law provides that priority shall be given to timber harvesting and timber handling businesses that previously submitted applications to the La. Main Street Recovery Program but whose applications were denied.

Existing law further provides that the La. Loggers Relief Program shall have priority for \$10 million

in the La. Main Street Recovery Rescue Plan Fund.

Existing law sets forth criteria for a timber harvesting or timber hauling business to meet in order to be eligible to receive a grant from the program.

Prior law required the business to have experienced a revenue loss of 10% or greater of gross revenue for the period of Jan. 1, 2020, through Dec. 31, 2020, as compared to the gross revenue of the business during the same period in 2019. New law removes the 10% revenue loss requirement and instead requires the timber business to have experienced any revenue loss during the specified time frame.

Prior law required the business to have an assigned NAICS Code of 113310 or 484220. New law changes the requirement to specific IRS Principal Business Activity Codes.

Prior law required the business to be certified by the La. Forestry Association as a master logger. New law removes the master logger requirement and instead requires the business to be headquartered in La.

Prior law prohibited grants from being awarded for the La. Loggers Relief Program after Jan. 30, 2022. New law extends the final grant award date to Dec. 31, 2022.

Existing law establishes the La. Save Our Screens Program to provide grants to movie theaters in La. impacted by COVID-19. Establishes the program as a component of the La. Main Street Recovery Program.

Existing law prohibits grants from being awarded pursuant to the Save Our Screens Program after Jan. 30, 2022. New law provides that if supplemental funding for the Program becomes available after Jan. 30, 2022, then supplemental grants shall be awarded on a pro-rata, per screen basis to all movie theater businesses that applied for a grant on or before Jan. 30, 2022. Prohibits awards pursuant to new law after Dec. 31, 2022.

New law (R.S. 39:100.192) establishes the Political Subdivision Federal Grant Assistance Fund as a special fund in the state treasury. Provides for the deposit, investment, and administration of the fund. Provides that unexpended, unencumbered monies in the fund at the end of the fiscal year shall remain in the fund. Further provides that monies in the fund be used by the division of administration for a program to assist political subdivisions with competitive federal grant opportunities made pursuant to existing federal law (Infrastructure Investment and Jobs Act). Requires the program's guidelines to be approved by the Joint Legislative Committee on the Budget.

New law requires the state treasurer to transfer \$497,266 from the La. Rescue Plan Fund to the La. Main Street Recovery Rescue Plan Fund for the La. Save Our Screens Program.

New law requires the state treasurer to transfer \$25,000,000 from the Capital Outlay Savings Fund to the Political Subdivision Federal Grant Assistance Fund.

Provisions relating to the La. Agriculture Transportation Group Self-Insured Fund effective when Act No. 598 of the 2022 Regular Session of the Legislature becomes effective (June 18, 2022); remainder effective upon signature of governor (June 16, 2022).

(Amends R.S. 39:100.44.1(B)(4), (D), (E), (H)(3), and (J); Adds R.S. 39:100.44.1(K) and 100.192)

#### **Transfers of Funds within State Treasury (ACT 167)**

New law provides for the transfer, deposit, creation, and use of monies among state funds.

New law transfers 25% of the FY 2020-2021 surplus (\$174,804,933) to the Budget Stabilization Fund, as required by the Constitution of Louisiana.

New law transfers the following amounts from the state general fund in the current fiscal year:

(1) \$10,000,000 to the La. Outdoors Forever Fund, established in Act 714 of the 2022 R.S.

(2) \$6,000,000 to the Higher Education Initiatives Fund.

(3) \$135,000,000 to the Self-Insurance Fund.

(4) \$40,000,000 to the Louisiana Early Childhood Education Fund.

(5) \$50,000,000 to the Jean Boudreaux Settlement Compromise Fund.

(6) \$5,000,000 to the Engineering Fee Subfund of the Water Sector Fund, established in new law.

(7) \$600,000,000 to the Construction Subfund of the Transportation Trust Fund. Requires \$100,000,000 of the transferred amount to be deposited into the Construction Subfund Preservation Account created in new law and the remainder of the transferred amount to be deposited in the following accounts established in the Megaprojects Leverage Fund pursuant to Act 505 of the 2022 R.S.: \$300,000,000 into the Mississippi River Bridge at Baton Rouge and Connections Account, \$100,000,000 into the I-49 South Leverage Fund Account, and \$100,000,000 into the I-10 Calcasieu River Bridge and I-10 Improvements Account.

(8) \$5,000,000 to the Geaux Teach Fund, established in Act 463 of the 2022 R.S.

(9) \$8,000,000 to the Special Education Classroom Monitoring Fund, established in new law.

(10) \$1,000,000 to the Blue Tarp Fund.

(11) \$6,867,514 to the Emergency Communications Interoperability Fund, established in Act 526 of the 2022 R.S.

(12) \$10,000,000 to the Major Events Incentive Fund, established in Act 751 of the 2022 R.S.

(13) \$5,000,000 to the Events Incentive Fund, established in Act 751 of the 2022 R.S.

(14) \$130,000,000 to the Capital Outlay Savings Fund.

New law transfers the following amounts from the state general fund in the next fiscal year:

(1) \$42,500,000 to the Construction Subfund of the Transportation Trust Fund.

(2) \$30,000,000 to the Jean Boudreaux Settlement Compromise Fund.

(3) \$33,000,000 to the Hurricane Ida Recovery Fund, established in new law.

(4) \$15,000,000 to the Fiscal Year 2022-2023 Louisiana Tourism Revival Fund, established in new law.

(5) \$50,000,000 to the Construction Subfund Preservation Account, established in new law.

New law transfers the following amounts from the La. Rescue Plan Fund in the current fiscal year:

(1) \$25,000,000 to the Workforce Training Rapid Response Fund for expanding healthcare workforce training programs in FY23.

(2) \$500,000 to the Small Business Innovation Recruitment Fund, established in Act 477 of the 2022 R.S.

(3) \$150,000 to the Small Business Innovation Fund, established in Act 508 of the 2022 R.S.

(4) \$1,105,000 to the Small Business Innovation Retention Fund, established in Act 476 of the 2022 R.S.

(5) \$450,000,000 to the Water Sector Fund.

(6) \$27,000,000 to the Early Childhood Supports and Services Program Fund, established in new law.

(7) \$23,699,098 to the Matching Funds Fund, established in new law.

(8) \$8,020,902 to the Rural Primary Care Physicians Development Fund, established in new law.

(9) \$3,000,000 to the Continuum of Care Fund, established in new law.

New law transfers the following amounts from statutorily dedicated funds in the current fiscal year as follows:

(1) \$3,250,965 from the Conservation Fund to the Oyster Resource Management Account.

(2) \$86,741,864 from the Louisiana Coronavirus Capital Projects Fund to the Granting Unserved Municipalities Broadband Opportunities (GUMBO) Fund.

(3) \$805,843 from the Louisiana Main Street Recovery Rescue Plan Fund to the Louisiana Rescue Plan Fund.

(4) \$134,832 from the Conservation Fund into the Crab Development, Management, and Derelict Crab Trap Removal Account.

Existing law (R.S. 39:100.52) establishes the Water Sector Fund and provides for uses of monies in the fund. Prior law included repairs and improvements necessitated by storm water as an eligible use of Water Sector Fund monies. New law repeals prior law. New law further establishes the Engineering Fee Subfund within the Water Sector Fund for grant funding to certain political subdivisions for engineering fees arising out of application to the Water Sector Program. Requires approval of the Water Sector Commission for monies to be spent from the subfund.

New law (R.S. 39:100.65) establishes the Special Education Classroom Monitoring Fund and provides for use of monies in the fund for the installation of cameras in classrooms as provided in existing law (R.S. 17:1948 and 3996(B)(65)).

Existing law (R.S. 39:100.71) establishes the Blue Tarp Fund. Prior law required the division of administration, office of community development, to develop a plan and promulgate

rules for the distribution of monies from the Blue Tarp Fund. New law changes this to the La. Housing Corp.

New law (R.S. 39:100.123) establishes the Construction Subfund Preservation Account within the Construction Subfund of the Transportation Trust Fund. Authorizes the Dept. of Transportation and Development to use monies in the fund solely for the direct costs associated with actual project delivery, construction, and maintenance of highway and bridge preservation projects approved by the Joint Legislative Committee on the Budget (JLCB).

New law (R.S. 39:100.124) establishes the Matching Funds Fund and provides for deposit and use of American Rescue Plan Act monies in the fund. Authorizes the Dept. of Environmental Quality to use an aggregate amount up to \$10,020,300 of the monies initially deposited into the fund for matching funds for the Clean Water State Revolving Fund established in existing law. Further authorizes the La. Dept. of Health to use an aggregate amount up to \$13,678,798 of the monies initially deposited into the fund for matching funds for the Drinking Water Revolving Loan Fund established in existing law. Provides that new law terminates on Dec. 31, 2026.

New law (R.S. 39:100.125) establishes Early Childhood Supports and Services Program Fund and provides for deposit and use of American Rescue Plan Act monies in the fund. Authorizes the La. Dept. of Health to use monies in the fund for its Early Childhood Supports and Service Program. Provides that until Dec. 1, 2024, unexpended and unencumbered monies in the fund at the end of the fiscal year remain in the fund. Directs the state treasurer to transfer any unexpended and unencumbered monies in the fund on Dec. 1, 2024, and any interest attributable to such funds, to the Louisiana Rescue Plan Fund. Provides that new law terminates on Dec. 31, 2026.

New law (R.S. 39:100.146) establishes the Rural Primary Care Physicians Development Fund and provides for deposit and use of American Rescue

Plan Act monies in the fund. Authorizes the La. Dept. of Health to use monies in the fund for the Health Professional Development Program established in existing law. Provides that until Dec. 1, 2024, unexpended and unencumbered monies in the fund at the end of the fiscal year remain in the fund. Further directs the state treasurer to transfer any unexpended and unencumbered monies in the fund on Dec. 1, 2024, and any interest attributable to such funds, to the Louisiana Rescue Plan Fund. Provides that new law terminates on Dec. 31, 2026.

New law (R.S. 39:100.171) establishes the Hurricane Ida Recovery Fund to be used to assist in repairing structural damage caused by the 2021 hurricane season in South La. Requires monies in the fund to be used to make full or partial payments to political subdivisions, including school boards, that suffered property loss or damage caused by Hurricane Ida and were not fully compensated for such property loss or damage by insurance and other federal and state disaster resources. Further requires any payment to a political subdivision made from the fund to be applied by the governing authority of the political subdivision to the cost of repair or replacement of the damaged property. Authorizes up to three percent of the initial deposit into the fund to be retained by the state treasurer for administrative expenses. Requires JLCB approval of policies developed by the treasurer for implementation and administration of the program. Authorizes the treasurer to enter into consulting, professional, and IT services contracts for the program without regard to the La. Procurement code.

New law (R.S. 39:100.181) establishes the Continuum of Care Fund and provides for deposit and use of American Rescue Plan Act monies in the fund. Authorizes the Dept. of Children and Family Services to use monies in the fund for continuum of care initiatives. Provides that until Dec. 1, 2024, unexpended and unencumbered monies in the fund at the end of the fiscal year remain in the fund. Further directs the state treasurer to transfer any unexpended and unencumbered monies in the fund on Dec. 1, 2024, and any interest attributable to such funds,

to the Louisiana Rescue Plan Fund. Provides that new law terminates on Dec. 31, 2026.

New law (R.S. 39:100.191) establishes the Fiscal Year 2022-2023 Louisiana Tourism Revival Fund and provides for deposit and administration of monies in the fund. Requires monies in the fund to be used to provide grants to local and regional tourist commissions for marketing and promoting La. as a tourism destination for in-state and out-of-state travel activity.

Effective upon signature of governor (May 30, 2022), except that transfers in the next fiscal year are effective July 1, 2022.

(Amends R.S. 39:100.52(C) and 100.71(D); Adds R.S. 39:100.52(D), 100.65, 100.123, 100.124, 100.125, 100.146, 100.171, 100.181, 100.191)

#### **Water Sector Commission and Program (ACT 660)**

Existing law (R.S. 39:100.56) creates the Water Sector Program to provide grants for repairs, improvements, and consolidation of community water and sewer systems. Establishes the Water Sector Commission to review and approve applications submitted pursuant to the program and make recommendations to Joint Legislative Committee on the Budget (JLCB) for approval of funding.

New law retains existing law.

Prior law required the commission to hold its first meeting no later than June 30, 2021, and issue directives to the division to utilize in the development of the guidance at its first meeting.

New law repeals prior law.

Prior law required the division to promulgate guidance for the administration of the program, including application requirements, deadlines for application submissions and approval, criteria for ratings, and a process and prioritizing critical infrastructure needs.

New law adds application period dates to the guidance requirements and adds that a purpose of the guidance is to provide a process for ensuring funding for small water and sewer systems. Otherwise retains prior law.

New law requires the division to conduct outreach and educational efforts for all water and sewer systems to raise awareness regarding the program.

New law requires the division to post on its website a copy of the guidance as well as any additional information regarding the program, including the application process, procurement, or scoring criteria upon request of the commission.

Prior law required the division to submit the proposed guidance and a proposal outlining administrative costs for the program to the commission for review and approval no later than July 15, 2021.

New law retains prior law but removes the July 15, 2021, deadline.

Prior law required the division to begin accepting applications no later than August 1, 2021.

New law repeals prior law.

Prior law required the division to submit the working panel's ratings and recommendations for funding to the commission within 45 days of the end of the application period.

New law retains prior law but removes the 45-day deadline.

Prior law required that applications include a certification from water system operators that funding from the American Rescue Plan Act of 2021 was being used as match or an explanation that precluded the use of those funds as match.

New law repeals prior law.

Existing law requires the commission to review the ratings and recommendations submitted by the working panel and to submit its

recommendations for grant awards to JLCB. Requires the recommendations to include proposed matching funds, unless the commission recommends a waiver of matching funds or decreased match for any project.

New law retains existing law.

Prior law required JLCB to review the recommendations submitted by the commission and approve funding for projects. New law retains prior law but adds an exception authorizing the commission to approve adjustments to a grant award without JLCB approval for any of the following reasons:

- (1) Duplication of benefits.
- (2) Increase in project costs, not to exceed five percent of the total grant award for a project.
- (3) The inability of a grant recipient to complete one or more projects within the scope of the grant award.
- (4) Technical corrections.

Existing law requires the division to submit a quarterly construction progress report to JLCB for projects that receive funding approval.

New law retains existing law but adds that the recommendations to the JLCB shall include funding for small water and sewer systems as provided for in the guidance.

New law requires the division to submit a quarterly status update, including a construction progress report, to the commission and JLCB for projects that receive funding approval.

New law authorizes the commission to rescind any grant award if the grant recipient fails to comply with the guidance approved by the commission.

Prior law required projects included in the Capital Outlay Act to receive priority for funding and exempted those entities from submitting an additional application to be considered for a grant.

New law repeals prior law.

Prior law authorized the commission to make recommendations to the commissioner of administration regarding lines of credit on capital outlay projects.

New law repeals prior law.

Effective June 18, 2022.

(Amends R.S. 39:100.56(C), (D), (E), (H)(intro para), and (I) through (L); repeals R.S. 39:100.56(H)(5), (O), and (P))

### **Rural Water Systems and Natural Gas Utility Projects (ACT 515)**

Existing law requires the governor to submit to the legislature no later than the eighth day of each regular session a capital outlay budget which implements the first year of the five-year capital outlay program and the bond authorization bill for the sale of bonds to fund projects included in the bond portion of the capital outlay bill.

Existing law requires non-state entities applying for capital outlay funding to provide a match of not less than 25% of the total requested funding amount with the following exceptions:

- (1) Projects deemed to be an emergency by the commissioner of administration.
- (2) Projects for which a non-state entity has demonstrated its inability to provide a local match.

Prior law provided an exception from the 25% local match requirement for rural water systems that serviced less than 1,250 customers.

New law changes eligibility for the water system project exception from rural water system projects that service less than 1,250 *customers* to water system projects that service 1,250 or fewer *connections* and expands eligibility to include sewer system projects that service 1,250 or fewer connections.

New law adds an exception to the local match requirement for projects undertaken by a governmental entity to provide natural gas utility services to 1,250 or fewer connections.

Applicable to the funding of non-state entity projects included in the capital outlay budget for fiscal years commencing on or after July 1, 2022.

Effective upon signature of governor (June 16, 2022).

(Amends R.S. 39:112(E)(2)(c); Adds R.S. 39:112(E)(2)(d))

### **Emergency Capital Projects (ACT 284)**

Existing law (R.S. 39:112(C)(1)) provides that capital outlay budget requests submitted after November 1st may be included in the capital outlay act if the request meets all of the requirements as provided for in R.S. 39:101 and 102 and if the following conditions have been met:

(1) The project is an economic development project recommended by the secretary of the Dept. of Economic Development.

(2) The project is determined to be an emergency by the commissioner of administration.

(3) The project is for a nonstate entity, has a total cost of less than one million dollars, and has been approved by the Joint Legislative Committee on Capital Outlay (JLCCO) by February 1st.

(4) The project is located in a designated disaster area because of a national or state declared disaster.

(5) The project is a state-owned and administered project, including a public post secondary education institution.

New law retains existing law and further requires that economic development projects recommended by the secretary of the Dept. of Economic Development and projects deemed to be an emergency by the commissioner of administration receive approval from the JLCCO.

New law requires the commissioner to submit emergency projects to JLCCO for review and within seven days notify all members of the JLCCO that an emergency project has been submitted. Provides that JLCCO meet to review emergency projects for approval within 45 days of receipt from the commissioner. Further requires approval of emergency projects if the JLCCO does not meet within the forty-five-day review period.

Existing law provides that nonstate projects shall require a local match of not less than 25% of the total amount of the project but provides for certain exceptions.

New law retains existing law and requires the commissioner of administration to provide an annual report, no later than February 1st, of projects exempt from providing a 25% local match, to the JLCCO, House Ways and Means, and Senate Revenue and Fiscal Affairs.

Effective June 6, 2022.

(Amends R.S. 39:112(C)(1)(a) and (b), and (E)(2)(a); adds R.S. 39:112(E)(3))

### **La. Universities Marine Consortium for Research and Education (ACT 147)**

New law provides exceptions for the La. Universities Marine Consortium for Research and Education (LUMCON) for certain capital outlay projects and public contract procurements.

#### *Capital Outlay*

Existing law (R.S. 39:101 et seq.) sets out requirements and procedures related to the state's capital outlay budget and projects funded therein. As outlined below, further provides exceptions to existing law's requirements for certain projects and entities.

One such exception in existing law authorizes a state college, university, or higher education facility to undertake outside of the capital outlay budget minor repairs, renovation, or construction of buildings or other facilities or purchase land, buildings, or other facilities when the

construction cost or purchase price is less than or equal to \$1,000,000. Further prohibits the entity undertaking such project to incur debt for the project, unless it is a short-term loan not to exceed one year. Sets forth approval requirements before any such debt may be incurred.

New law adds LUMCON as an entity that may avail itself of this exception.

A second exception in existing law releases state colleges and universities from the obligation to adhere to existing law provisions governing selection of professional services pursuant to the Public Bid law (R.S. 38:2181 et seq.) for minor repairs or construction of buildings or other facilities undertaken by or on the campus of the college or university if the estimated construction cost is \$500,000 or less.

New law adds LUMCON as an entity that may avail itself of this exception.

A third exception in existing law authorizes a university or higher education facility to undertake any new construction, maintenance, or repair project outside of the capital outlay budget if the cost of the project does not exceed \$5,000,000 and is funded solely from self-generated revenues, grants, donations, or local or federal funds. Requires approval by the institution's management board, the Board of Regents, the division of administration, office of facility planning and control, and the Joint Legislative Committee on the Budget. Provides that, unless the division of administration delegates authority to the institution through a cooperative endeavor agreement, the office of facility planning and control shall issue the necessary contracts for the project and disburse funds to pay the costs of the project. Requires the institution to remit project funding to the office of facility planning and control in order to cover the contract payments. Provides any remaining project funds and interest will be refunded to the institution. Further prohibits an institution from incurring debt to fund any such project other than a short-term loan not to exceed a term of one year that is payable from sources outlined in existing law. Further provides that this exception applies only to those projects that otherwise could not be

accomplished in the normal capital outlay process due to timing to funding constraints.

New law adds LUMCON as an entity that may avail itself of this exception.

#### *State Contract Procurement*

Existing law (R.S. 39:1551 et seq.) establishes the requirements and procedures for state entities to enter into contracts to obtain supplies, services, or major repairs. Further provides exemptions for certain entities or contracts.

Existing law exempts certain institutions from the requirement that their procurements be conducted through the state's office of state procurement. Maintains requirement that such institutions remain subject to the other requirements of existing law and the regulations promulgated by the commissioner. This exception applies to:

- (1) Louisiana State University System.
- (2) Southern University System.
- (3) University of Louisiana System.
- (4) Special schools and other institutions under the supervision of the State Board of Elementary and Secondary Education.
- (5) The office of the state bond commission in the Dept. of the Treasury, for printing only.
- (6) Louisiana Community and Technical College System.

Existing law further provides that such exempt entities may use the central purchasing facilities maintained by the office of state procurement whenever the best interest of the institution and the state may be served.

New law adds LUMCON as an entity that may avail itself of this exemption.

Effective August 1, 2022.



(Amends R.S. 39:128(B)(1), (2), and (4)(a) and (b); Adds R.S. 39:128(E) and 1572(B)(7))

#### **Fiscal Intermediary Contract Award Oversight (ACT 407)**

Prior law provided fiscal intermediary contract award oversight to the House and Senate committees on health and welfare. New law transfers fiscal intermediary contract award oversight from the House and Senate committees on health and welfare to the Joint Legislative Committee on the Budget.

Effective August 1, 2022.

(Amends R.S. 39:198(I)(intro para), (I)(2), (6), (8)(intro para), (b) and (c), and (9))

#### **Bond Issuance Costs (ACT 260)**

Existing law requires bond issuers whose bonds are required by existing law to be sold or approved by the State Bond Commission, to present a written report of the estimated costs of issuance prior to the sale or approval of the bonds.

New law retains existing law and applies new law to the approval of bonds.

Prior law provided that if the total costs of issuance exceeded the total approved costs of issuance or the actual costs of issuance in any line item that exceeded the approved costs of issuance by 10% or more, the issuer was required to obtain supplemental approval of the State Bond Commission prior to paying any item in excess of the approved costs of issuance.

New law changes prior law to remove requirement of obtaining supplemental approval if actual cost of issuance exceeds the approved cost of issuance, prior to paying any item in excess of the approved cost of issuance. New law provides that if the total cost of issuance or the actual costs of issuance in any line item exceed the approved costs of issuance by 10% or more, the issuer shall provide a written explanation to the State Bond Commission and may be required to appear at a meeting of the State Bond Commission for further explanation.

New law requires increased costs of issuance to be resubmitted to the State Bond Commission for approval prior to closing if the issuer is advised of an increase pursuant to existing law and the increased costs of issuance can be timely submitted for approval.

Prior law provided for penalties for failure to comply with prior law. New law repeals this provision.

Effective July 1, 2022.

(Amends R.S. 39:1405.4(A) and (E); repeals R.S. 39:1405.4(H))

#### **La. Competes Regional Economic Development Program (ACT 556)**

New law creates the La. Competes Regional Economic Development Program (program), which is to be administered by the La. Dept of Economic Development. The program is to provide grant funding to each of eight regional economic development organizations, hereinafter "organizations".

New law defines the terms "Louisiana Competes Program", "grant", "qualified expenditure", "regional economic development organization", and "secretary".

New law requires one-eighth of the initial appropriation in accordance with new law and any subsequent appropriation to be allocated to each of the organizations.

New law requires that administrative rules be promulgated in accordance with the APA and in consultation with the eight organizations and the La. Chamber of Commerce Foundation.

New law restricts an organization's use of grant monies awarded pursuant to new law to qualified expenditures related to the furtherance of economic development within the region it represents.

New law provides that qualified expenditures are limited to site development and provides nonexclusive examples such as the following:

- (1) Studies.
- (2) Surveys.
- (3) Development of plans and specifications.
- (4) Entering into option agreements.
- (5) Infrastructure improvements.
- (6) Due diligence.
- (7) Remediation.
- (8) Wetland delineation.
- (9) Certain professional services related to site development.

New law prohibits an organization from using grant monies for any of the following, to the extent the prohibited use does not conflict with the qualified expenditures provided for in new law:

- (1) Salaries, wages, benefits.
- (2) Travel expenses incurred by the organizations' officers, employees, or contractors.
- (3) Alcohol.
- (4) Land, buildings, offices, equipment, or vehicles used primarily for the administrative operations of the organization.

Within 30 calendar days of the promulgation of administrative rules, new law requires the organization and the state to enter into a cooperative endeavor agreement as provided for in existing law (R.S. 33:9029.2).

New law requires the cooperative endeavor agreement to be in conformity with the intent and purpose of new law, and the organization's obligations pursuant to the agreement to be limited to the following:

- (1) Identifying high-priority sites for the purpose of attracting economic development projects.

- (2) Developing high-priority sites for the purpose of attracting economic development projects.
- (3) Developing and subsequently providing a report of all activities related to the objectives of the cooperative endeavor agreement undertaken in the previous year.
- (4) Maintaining records and an accurate accounting of all expenditures.
- (5) Adhering to state and federal nondiscrimination laws.
- (6) Adhering to provisions of existing law which prohibit discriminatory boycotts of Israel in state procurement.
- (7) Applying a 10% local match as provided for in new law.

New law provides that the initial cooperative endeavor agreement is for an initial period of 2 years. Further provides that the initial agreement will automatically renew for successive 1-year periods until all initial funds provided by the agreement are expended.

New law requires each organization to apply local matching funds equaling 10% of the cost being paid. Provides that funds originating from any lawful, non-state source constitute local matching funds.

Effective upon signature of governor (June 17, 2022).

(Adds R.S. 39:1481-1485)

### **Prohibited Telecommunications and Video Surveillance Equipment and Services (ACT 695)**

Existing law prohibits certain entities from procuring prohibited telecommunications or video surveillance equipment or services.

Existing law requires vendors, prior to procurement of certain telecommunications or video surveillance equipment or services, to provide documentation by affidavit that the

equipment or services to be procured are not prohibited telecommunications or video surveillance equipment or services.

New law requires vendors who supply prohibited equipment to replace the equipment with nonprohibited equipment at their own expense that is of at least equal quality.

New law provides that vendor documentation required in existing law is subject to audit by the office of the legislative auditor.

New law provides that violation of the provisions of existing law relative to procurement of telecommunication or video surveillance equipment can result in debarment or suspension.

Prior law defined "agency" as the boards, commissions, departments, agencies, offices, officers, and other instrumentalities, or any or all of these, within the executive branch of state government which are abolished by this Title or which are transferred and placed within departments of the state government created and established or continued by this Title or transferred to and placed within the office of the governor as provided by this Title.

New law defines "agency" as any department, office, division, commission, council, board, bureau, committee, institution, agency, government corporation, or other establishment or official of the executive branch of state government or any parish, city, town, governmental body, and any other subdivision of the state or public agency thereof, public authority, public educational, health, or other institution, and to the extent provided by law, any other entity which expends public funds for the acquisition or leasing of supplies, services, major repairs, and construction.

Effective August 1, 2022.

(Amends R.S. 38:2237.1(D), R.S. 39:1672(C)(2), 1753.1(A)(1) and (E); adds R.S. 39:1672(C)(7))

## **TITLE 40: PUBLIC HEALTH AND SAFETY**

### **Cottage Food Law (ACT 357)**

Existing law known commonly as the "cottage food law" exempts certain home-based preparers of foods for sale from requirements of existing law and existing administrative rule relative to preparation of food for public consumption.

Prior law provided that a home-based preparer of foods for sale could qualify for the exemptions afforded by the cottage food law if the preparer's gross annual sales of such foods are less than \$20,000 and certain other conditions are met.

New law increases the gross annual sales threshold qualifying a person for the exemptions afforded by the cottage food law from \$20,000 to \$30,000; otherwise, retains existing law.

Effective August 1, 2022.

(Amends R.S. 40:4.9(B))

### **Surname on Original Birth Certificate (ACT 645)**

Existing law provides criteria for designating a surname entered on a child's original birth certificate under various circumstances.

New law provides that if the mother or the man whose surname may be given to a child possesses both a maternal and paternal surname according to national custom or practice, the surname of the child may be consistent with the national custom or practice of the mother or man.

Effective August 1, 2022.

(Adds R.S. 40:34.2(2)(e))

### **Disclosure of Vital Records to Surety of Bail Bond (ACT 749)**

Relative to vital records, existing law provides that the state registrar shall not permit the inspection of records or issue a certificate, or any

part thereof, unless he is satisfied that the applicant is any of the following:

- (1) The person named in the certificate.
- (2) A member of the immediate or surviving family of the person named in the certificate.
- (3) A person named in a court proceeding as a member of the immediate or surviving family of the person named in the certificate.
- (4) The beneficiary of an insurance policy or trust.
- (5) A succession representative.

New law retains existing law and adds an agent for the surety of the person named in the certificate when the person named in the certificate is a party to a criminal bail bond as an applicant who can inspect records or receive a certificate. New law provides that proper documentation, including a copy of the power of attorney, shall be required by the agent for the surety requesting the certificate.

Effective August 1, 2022.

(Adds R.S. 40:41(C)(1)(f))

#### **Death Certificates (ACT 612)**

Existing law states that vital records may be inspected by or a death certificate may be issued to the following:

- (1) A person named in the certificate.
- (2) A member of the immediate or surviving family of the person named in the certificate.
- (3) A person named in a court proceeding as a member of the immediate or surviving family of the person named in the certificate.
- (4) The beneficiary of an insurance policy or trust.
- (5) A succession representative.

New law adds the following individuals to those listed in existing law who may inspect records or be issued a death certificate:

- (1) A universal or general legatee in judgment of possession.
- (2) Any beneficiary of a decedent's public pension plan.
- (3) Any beneficiary of a decedent's individual retirement account or other private retirement plan or pension.
- (4) Any beneficiary of a decedent's financial institution accounts, including security accounts, classified as a "payable on death account".

Effective August 1, 2022.

(Adds R.S. 40:41(C)(1)(f)-(i))

#### **Death Certificates (ACT 134)**

Existing law requires a funeral director or other individuals to initiate a death certificate and file it with the local registrar.

Existing law allows changes to be made to the certificate under certain circumstances.

Existing law allows the local registrar to send a death certificate to the state registrar on the 10<sup>th</sup> day after the certificate is filed with him.

New law retains existing law and requires the state registrar to issue a death certificate within 10 business days after receipt of the applicant's request for the death certificate.

New law requires that the state registrar's provision of the death certificate be deemed timely when it has been mailed via the United States Postal Service, or commercial mail service, with a timely commercial mail meter stamp or commercial mail service certificate within the 10 business-day period.

New law requires that any death certificate be considered timely if it is provided to an applicant

outside of the 10 business days due to events outside of the state registrar's control.

Effective August 1, 2022.

(Adds R.S. 40:50(D))

### **Colfax Housing Authority (ACT 107)**

Existing constitution provides that state civil service includes all persons holding offices and positions of trust or employment in the employ of the state, or any instrumentality thereof, or any joint state-federal, state-parochial, or state-municipal agency. Excludes members of the state police service and persons holding offices and positions of any municipal board of health or local governmental subdivision.

Existing law provides that all employees of housing authorities shall be in the classified state civil service, except as provided in the constitution or as may be authorized by the State Civil Service Commission. Existing law also excepts from this requirement: authority members, the executive director, one other employee whom the authority designates, and professional employees employed on a contract basis.

Existing law provides that the housing authorities in New Orleans, Cottonport, Denham Springs, Oil City, Lafayette, Monroe, Shreveport, Kenner, Simmesport, and Bunkie and the East Baton Rouge Parish Housing Authority shall not be considered instrumentalities of the state for purposes of Const. Art X, §1(A) and that employees of the authorities shall not be included in the state civil service.

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

Effective August 1, 2022.

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

### **Uniform Controlled Dangerous Substances Law (ACT 46)**

Existing law provides for the designation of controlled dangerous substances into Schedules I, II, III, IV, and V based upon the substances' potential for addiction and abuse.

New law adds 24 additional substances to Schedule I and Serdexmethylphenidate to Schedule IV.

New law adds samidorphan as a Schedule II substance of vegetable origin. Effective August 1, 2022.

(Amends R.S. 40:964(Schedule II)(A)(1)(intro. para.); Adds R.S. 40:964(Schedule I)(A)(80)-(99), (C)(66), (E)(12), and (F)(29), and (Schedule IV)(D)(15))

### **Medical Marijuana (ACT 439)**

Existing law provides that any person who is a patient of the state-sponsored medical marijuana program and possesses medical marijuana in a form permissible under existing law (R.S. 40:1046) for a qualifying condition, a caregiver, or any person who is a domiciliary parent of a minor child who possesses medical marijuana on behalf of his minor child in a form permissible under existing law for a qualifying condition pursuant to a legitimate medical marijuana prescription or recommendation issued by a physician licensed by and in good standing with the La. State Board of Medical Examiners shall be exempt from prosecution for certain violations of existing law (the Uniform Controlled Dangerous Substances Law).

New law retains existing law and adds that visiting qualifying patients shall also be exempt from prosecution for certain violations of existing law (the Uniform Controlled Dangerous Substances Law).

Effective August 1, 2022.

(Amends R.S. 40:966(F)(1))

## **Nurse Practitioners and Medical Marijuana (ACT 444)**

Existing law authorizes licensed physicians 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. New law authorizes medical psychologists and licensed nurse practitioners who have prescriptive authority, in addition to licensed physicians, to recommend medical marijuana to patients.

New law revises prior law relative to medical marijuana to replace the term "physician" with the term "authorized clinician". New law provides that all of the following licensed health professionals are authorized to recommend medical marijuana to patients and shall be deemed "authorized clinicians":

- (1) Any physician licensed by and in good standing with the La. State Board of Medical Examiners to practice medicine in this state.
- (2) Any nurse practitioner licensed by and in good standing with the La. State Board of Nursing to practice advanced practice registered nursing in this state and who has prescriptive authority conferred by the La. State Board of Nursing.
- (3) Any medical psychologist licensed by and in good standing with the La. State Board of Medical Examiners to practice medical psychology in this state.

New law updates references to health professionals who, per new law, may recommend medical marijuana within the following areas of existing law:

- (1) Law providing for immunity from prosecution for possession of marijuana (R.S. 40:966(F)).
- (2) Law providing for a data system for the collection and analysis of clinical information associated with use of medical marijuana by patients (R.S. 40:1168.1 et seq.).

Effective August 1, 2022.

(Amends R.S. 40:966(F)(1), (7), and (8)(a), 1046(A)(1), (2)(a)(xviii), (xxii), and (b), (3), (4), (5)(b), (6), and (C)(1), 1168.2(2)-(5), and 1168.3(A)(1)(b)(iii), (iv), and (2)(b); Adds R.S. 40:1046(B))

## **Fentanyl Tests (ACT 137)**

Existing law defines "drug paraphernalia".

New law excludes rapid fentanyl test strips (FTS) or any testing equipment or devices solely used, intended for use, or designed to determine whether a substance contains fentanyl or its analogues as "drug paraphernalia".

New law shall be cited and referred to as "Gabby's Law".

Effective August 1, 2022.

(Adds R.S. 40:1021(B))

## **Drug Paraphernalia and Medical Marijuana (ACT 499)**

Existing law defines "drug paraphernalia".

New law excludes any equipment or devices solely used or intended for use for the inhalation of raw or crude marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols when a person is a patient of a state-sponsored medical marijuana program and possesses medical marijuana in a form permissible under existing law (R.S. 40:1046) for therapeutic use.

Effective August 1, 2022.

(Adds R.S. 40:1021(B))

## **Medical Marijuana (ACT 491)**

New law revises prior law relative to the state regulatory system for marijuana for therapeutic use, known commonly as medical marijuana. New law makes the following changes to prior

law relative to the medical marijuana regulatory system:

- (1) Transfers duties for licensure and regulation of medical marijuana production facilities from the La. Dept. of Agriculture and Forestry (LDAF) to the La. Dept. of Health (LDH).
- (2) Transfers duties with respect to testing of medical marijuana from LDAF to LDH.
- (3) Provides requirements and standards for laboratories that conduct testing of medical marijuana.
- (4) Provides for selection of marijuana production contractors by licensed producers of medical marijuana and for oversight and regulation of such contractors.
- (5) Repeals the 10-license limit on marijuana pharmacy licenses provided in prior law. Provides instead for a minimum number of marijuana pharmacy licenses (ten) along with a system for increasing the number of licenses issued contingent upon increases in medical marijuana patient counts.

Existing law provides for licensure of marijuana pharmacies by the La. Board of Pharmacy ("board"). New law keeps this licensure function within the board and revises prior law relative to marijuana pharmacy licensure by requiring the board to do the following:

- (1) Award a minimum of one marijuana pharmacy license in each of nine regions established in new law.
- (2) Award one additional license to the region with the highest population density as of Aug. 1, 2022.
- (3) Award each license through a competitive process.
- (4) Consider the status of a marijuana pharmacy applicant as a minority-, woman-, or veteran-owned business as a primary factor in awarding a license.

- (5) Incrementally increase the number of licenses issued based upon increases in medical marijuana patient counts by region.

New law provides that the regions among which the board is required to allocate marijuana pharmacy licenses shall correspond to the nine administrative regions of LDH.

New law provides for the following system for incrementally increasing the number of marijuana pharmacy licenses issued by the board:

- (1) After 3,500 active, qualified patients are identified in the prescription monitoring program in a region, the board shall allow the marijuana pharmacy licensee in that region to open one additional marijuana pharmacy location as a satellite location in that region. Provides that for the purposes of new law, "satellite location" means an additional marijuana pharmacy location operated by a marijuana pharmacy licensee within the licensee's geographic region but physically separate from the location of the originally licensed marijuana pharmacy.
- (2) If the marijuana pharmacy licensee opens a satellite location and the original location and the satellite location are each serving 3,500 active, qualified patients, then the board shall allow the marijuana pharmacy licensee in that region to open one additional marijuana pharmacy location as a second satellite location in that region.
- (3) If a marijuana pharmacy licensee declines to open a second satellite location, then the board may issue an additional marijuana pharmacy license in that region to open one marijuana pharmacy location in lieu of the original licensee's second satellite location in that region.
- (4) The board shall consider any unserved parishes within the region when approving a satellite location or additional marijuana pharmacy for licensure.

New law stipulates that, in total, no more than 30 marijuana pharmacy locations, including satellite locations, may be approved by the board pursuant to new law. Further stipulates that new law shall not be construed to do any of the following:

(1) Authorize a marijuana pharmacy licensee to open more than two satellite locations in a single region.

(2) Require the closure of any marijuana pharmacy location, including a satellite location, if the active, qualified patient count drops below 3,500 after the location is approved by the board.

New law prohibits any marijuana pharmacy from locating within a 15-mile radius of another marijuana pharmacy, with the following exceptions:

(1) In a region that encompasses any parish with a population of more than 350,000 persons according to the most recent federal decennial census, no marijuana pharmacy shall locate within a 10-mile radius of another marijuana pharmacy.

(2) In a region that encompasses any municipality with a population of more than 350,000 persons according to the most recent federal decennial census, no marijuana pharmacy shall locate within a five-mile radius of another marijuana pharmacy.

New law requires each marijuana pharmacy licensed in accordance with new law to offer home delivery to patients in each zip code within its region at least once per month.

New law repeals prior law that required administrative rules on dispensing of medical marijuana to include the following:

(1) Standards, procedures, and protocols for determining the amount of usable recommended therapeutic marijuana that is necessary to constitute an adequate supply to ensure uninterrupted availability for a period of one month.

(2) Standards, procedures, and protocols to ensure that all recommended therapeutic marijuana dispensed, except for raw or crude marijuana, is consistently pharmaceutical grade.

New law recognizes and declares that both the Louisiana State University Agricultural Center

(LSU Ag Center) and the Southern University Agricultural Center (SU Ag Center) timely exercised and asserted their intent to be licensed to produce medical marijuana in this state in accordance with the provisions of Act No. 261 of the 2015 RS. Repeals prior law that provided procedures for selection and licensing of a medical marijuana producer in the event that neither the LSU Ag Center nor the SU Ag Center is licensed as a production facility.

New law requires the LSU Ag Center and SU Ag Center to select and contract with only one contractor apiece for production of medical marijuana. Provides that the selection process and contracting provided for in new law shall be done in accordance with all applicable provisions of the La. Procurement Code (existing law, R.S. 39:1551 et seq.). Requires each contractor and the university with which it contracts to execute an agreement for services.

New law provides requirements and standards for marijuana production contractors of licensed producers of medical marijuana, including requirements and standards with respect to all of the following:

(1) Initial inspections of contractor facilities.

(2) Inspections of contractor facilities subsequent to initial inspections.

(3) Security at contractor facilities.

(4) Visitors at contractor facilities.

(5) Data management by contractors.

(6) Contractors' inventory.

(7) Material safety data sheet requirements.

(8) Transportation of therapeutic marijuana by contractors.

New law provides that the licensed marijuana production facility or its contractor shall remit to the La. Department of Revenue the proceeds of the fee on gross sales of therapeutic marijuana



established in existing law, R.S. 40:1046(H)(8)(a)(iii).

New law requires that marijuana produced for therapeutic use be tested by a facility licensed by LDH in accordance with new law as a therapeutic marijuana laboratory. Requires that applicants for licensure as a therapeutic marijuana laboratory provide proof of accreditation to LDH in accordance with standards and requirements of new law. Exempts the LDAF agricultural chemistry laboratory from the application process and provides that that facility shall be deemed approved as a therapeutic marijuana laboratory.

New law requires that each batch of finished medical marijuana product pass all applicable testing requirements and standards provided in new law prior to transportation of the product to a marijuana pharmacy.

New law requires LDAF to continue to conduct laboratory testing of marijuana produced for therapeutic use according to applicable rules and regulations in effect on the effective date of new law, unless otherwise provided for in rules of LDH, until at least two additional laboratories are approved by LDH and have both been operational for a minimum of six months to ensure a reliable, adequate, and uninterrupted supply of therapeutic marijuana to patients in this state.

New law requires that LDH temporarily follow existing administrative rules promulgated by LDAF relative to medical marijuana production until such time as LDH adopts all necessary emergency rules and permanent rules relating to cultivation, extraction, processing, production, and transportation of medical marijuana products.

New law authorizes the University of Louisiana at Monroe to conduct research on medical marijuana.

Effective August 1, 2022.

(Amends R.S. 40:1046(A)(1), (C)(1) and (2)(intro. para.), (G), and (H)(1), (2), (6)(a)(intro. para.) and (b), and (8)(a)(intro. para.) and (iii);

Adds R.S. 40:1046(A)(7), (B), and 1046.1-1046.3; Repeals R.S. 40:1046(C)(2)(d), (e), and (h) and (H)(3)-(5))

### **Medical Marijuana Licensing Fees (ACT 492)**

New law requires the La. Dept. of Health to collect an annual license fee of \$100,000 from each contractor permitted to cultivate, extract, process, produce, and transport medical marijuana.

New law provides that a licensed marijuana production facility or its contractor shall remit to the La. Dept. of Revenue the proceeds of the fee on gross sales of therapeutic marijuana established in existing law, R.S. 40:1046(H)(8)(a)(iii).

Effective upon signature of governor (June 16, 2022).

(Amends R.S. 40:1046(H)(8)(a)(intro. para.), (i), (iii), and (b))

### **Medical Marijuana (ACT 438)**

New law defines "visiting qualifying patient", for purposes of new law, as a patient with a debilitating medical condition who is not a resident of La. or who has been a resident of this state for less than 30 days and who is in actual possession of a valid medical marijuana registry identification card, or its equivalent, issued under the medical marijuana laws of another state, district, territory, commonwealth, or insular possession of the U.S.

New law authorizes a visiting qualifying patient to obtain medical marijuana from a Louisiana-licensed marijuana pharmacy upon producing evidence of his valid medical marijuana registry identification card, or its equivalent, issued under the medical marijuana laws of another state, district, territory, commonwealth, or insular possession of the U.S.

New law requires marijuana pharmacies to have each visiting qualifying patient certify, on a form approved by the La. Board of Pharmacy (board), that he has been diagnosed by a licensed

physician with one or more conditions that meet the definition of "debilitating medical condition" in existing law relative to medical marijuana. New law requires that the patient also attest on the form that he will not divert to any person any medical marijuana dispensed to him by the marijuana pharmacy.

New law requires marijuana pharmacies to retain a copy of each of the following documents received from a visiting qualifying patient:

- (1) The patient's valid medical marijuana registry identification card or its equivalent.
- (2) The patient's valid driver's license or other government-issued photo identification document.
- (3) The original, completed, and signed certification and attestation form required by new law.

New law requires that prior to dispensing any medical marijuana product to a visiting qualifying patient, a dispensing pharmacist at a marijuana pharmacy shall review the patient's records in the state prescription monitoring program (PMP). Requires that the pharmacist resolve any concerns identified in the review of the patient's PMP records by consultation with the patient's physician.

New law provides that upon dispensing any medical marijuana product to a visiting qualifying patient, the dispensing pharmacist at a marijuana pharmacy shall report that transaction to the PMP in conformance with rules of the PMP governing dispensing of controlled substances and as required by any rules of the board that apply to marijuana pharmacies.

New law requires dispensing pharmacists at marijuana pharmacies to perform a prospective drug utilization review for each visiting qualifying patient and counsel each such patient every time medical marijuana is dispensed to the patient in conformance with rules of the board governing dispensing of controlled substances and in compliance with applicable rules of the

board on drug utilization review and patient counseling.

New law prohibits a marijuana pharmacy from dispensing medical marijuana to a person who holds himself out to be a visiting qualifying patient if the dispensing pharmacist at the pharmacy determines any of the following with respect to that person:

- (1) The person's medical marijuana registry identification card was revoked, has expired, or is otherwise not valid and current.
- (2) The person's medical marijuana registry identification card was fraudulently obtained.
- (3) The person's application or written certifications were falsified in any way.
- (4) The person knowingly violated any provision of existing law applicable to medical marijuana.

Effective August 1, 2022.

(Adds R.S. 40:1046.1)

### **Suitability of Contractors of Medical Marijuana Producers (ACT 628)**

Prior law provided for a process by which the La. Dept. of Agriculture and Forestry (LDAF) determines the suitability of applicants for licensure as a medical marijuana production facility by way of fingerprinting and conducting state and federal background checks through the La. State Police and Federal Bureau of Investigation.

New law removes the LDAF as the regulatory agency to determine suitability and prohibits any government agency from requiring a suitability check as a condition for licensure or permitting as an applicant or contractor to produce marijuana for therapeutic use.

New law requires the employees of a contractor to submit to a criminal background check conducted by the regulatory agency over licensees for the production of recommended

marijuana for therapeutic use or a private entity in order to be permitted to work.

New law adds the term "contractor" and defines it as any person, partnership, joint venture, limited liability company, corporation, association, joint stock association, sole proprietorship, trust, other business entity, or juridical person whether incorporated or not selected by either the LSU AgCenter or the Southern Univ. AgCenter through a competitive bid process to cultivate, extract, process, produce, and transport therapeutic marijuana.

New law repeals prior law as it pertains to the process, procedures, and fees for obtaining fingerprints, conducting background checks, and accessing reports provided by La. State Police. New law repeals the terms and definitions of "criminal history record information", "department", "FBI", and "licensure".

New law authorizes contractors to still conduct background checks for the purpose of hiring employees.

Effective upon signature of governor (June 18, 2022).

(Amends R.S. 40:1047(A)(intro. para.) and (2), (B), and (C); Repeals R.S. 40:1047(A)(3)(6), (D), and (E))

### **Abortion by Means of Drugs and Sale or Delivery of Such Drugs (ACT 548)**

New law creates the crime of abortion by means of abortion-inducing drugs and provides that any person who knowingly violates new law is subject to the following penalties:

(1) Imprisonment at hard labor for not less than one nor more than five years, a fine of not less than \$5,000 nor more than \$50,000, or both.

(2) If the action results in the death or serious bodily injury of the pregnant woman, imprisonment at hard labor for not less than five nor more than 10 years, a fine of not less than \$10,000 nor more than \$75,000, or both.

(3) If the action results in the death or serious bodily injury of a pregnant woman under the age of 18, imprisonment at hard labor for not less than 15 nor more than 50 years, a fine of not less than \$15,000 nor more than \$100,000, or both.

New law provides for an enumerated list of actions that shall not be construed to create the crime of criminal abortion by means of an abortion-inducing drug.

Existing law requires, when any drug or chemical is used for the purpose of inducing an abortion, the physician who prescribed the drug or chemical to be in the same room and in the physical presence of the pregnant woman when the drug or chemical is initially administered, dispensed, or otherwise provided to the pregnant woman.

New law prohibits, except as provided in existing law, an abortion-inducing drug from being sold, prescribed, dispensed, distributed, or delivered in Louisiana in violation of new law. Further prohibits delivery to a person in Louisiana by mail-order, courier, or as a result of a sale made via the internet in violation of new law.

New law authorizes the La. Dept. of Health to promulgate rules to allow products that contain an abortion-inducing drug to be distributed for uses other than causing an abortion. Requires healthcare providers to write a diagnosis or a diagnosis code on the prescription that clearly indicates that the prescription is not intended to cause an abortion in violation of new law.

New law provides that whoever sells or distributes an abortion-inducing drug without a prescription is subject to criminal penalties of not more than \$1,000 or imprisoned for not more than six months, or both, and each instance of a sale or distribution of an abortion-inducing drug is considered a separate offense for purposes of the criminal penalties. Further provides that possessing an abortion-inducing drug for personal consumption shall not subject a pregnant woman to criminal consequences.

New law provides that any act by a licensed pharmacist or pharmacy related to filling a

prescription for a drug, medicine, or other substance prescribed for a bona fide medical reason does not subject the pharmacist or the pharmacy to the criminal consequences contained in new law. Requires that a diagnosis or a diagnosis code be written on the prescription by the prescriber indicating that the drug, medicine, or other substance is intended for a purpose other than to cause an abortion.

Existing law provides for potential effective dates of the Human Life Protection Act.

New law adds, as a potential effective date, a decision of the U.S. Supreme Court in the case of *Dobbs v. Jackson Women's Health Organization*, Docket No. 19-1392, which overrules, in whole or in part, *Roe v. Wade*, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), thereby restoring to the state of Louisiana the authority to prohibit or limit abortion.

Prior law defined "trade" or "commerce" for the purposes of the Unfair Trade Practices and Consumer Protection Law.

New law expands the definition to include the advertising, offering for sale, sale, or distribution of abortion-inducing drugs in violation of new law.

New law repeals the crime of distribution of abortifacients.

Invalidity of any provision of new law does not invalidate the remainder of new law.

Effective August 1, 2022.

(Amends R.S. 40:1061(A) and R.S. 51:1402(10); adds R.S. 14:87.9 and R.S. 40:962.2 and 2175.8(C); repeals R.S. 14:88)

### **Football (ACT 113)**

Existing law, providing for a sports injury management program for student athletes, states that pre-season games, such as scrimmages and jamborees, shall be subject to the modified guidelines of the American College of Sports Medicine and the National Athletic Trainers'

Association regarding the heat acclimatization and wet bulb globe temperature policy.

New law provides that existing law shall also apply to regular season practices. New law provides that football jamborees and regular season games are exempt from existing law.

New law defines "interstate game", "intrastate game", "jamboree", and "regular season game".

Effective August 1, 2022.

(Amends R.S. 40:1087.1(B)(6) and (I))

### **PCP Screening of Children for Autism (ACT 356)**

New law requires primary care providers who perform early and periodic screening, diagnostic, and treatment preventive visits in accordance with American Academy of Pediatrics guidelines to promote age-appropriate screenings including, unless otherwise medically indicated, a standardized screening for autism spectrum disorder at any routine well child visit.

New law stipulates that no primary care provider shall be liable for any civil damages or be subject to any disciplinary action by his licensing board as a result of any act or omission in connection with delivering or not delivering any service provided for in new law.

Effective August 1, 2022.

(Adds R.S. 40:1091)

### **Pediatric Care Screening of Caregivers (ACT 188)**

New law requires all hospitals and birthing centers that provide labor and delivery services to provide pregnant women and their families with certain information about perinatal mood and anxiety disorders.

New law requires a healthcare provider who is providing postnatal care to women up to 12 months following the birth to provide screening for postpartum or related mental health disorders

if, in the exercise of his professional judgment, he believes that such screening would be in the best interest of the patient.

New law provides that a healthcare provider who is providing pediatric care to an infant shall, subject to the caregiver's consent, screen the caregiver for postpartum depression or related mental health disorders if he believes in the exercise of his professional judgment that such screening would be in the best interest of the patient.

New law provides that perinatal mood and anxiety disorder screening shall not create either a physician-patient relationship between the healthcare provider and the caregiver or any continuing obligation to provide medical services.

New law requires the La. Dept. of Health, in collaboration with Medicaid managed care organizations, to identify providers who specialize in pregnancy-related and postpartum depression or related mental health disorders and substance use disorders.

New law requires the La. Dept. of Health, in collaboration with Medicaid managed care organizations, to develop network adequacy standards for treatment of pregnant and postpartum women with depression or related mental health disorders and substance use disorders.

Effective August 1, 2022.

(Adds R.S. 40:1125.1-1125.4)

### **Sickle Cell Disease Registry (ACT 647)**

New law requires the La. Dept. of Health (LDH) to establish and maintain a registry of individuals diagnosed with sickle cell disease which shall be known as the "Skylar-Cooper Database". Provides that the purpose of the registry shall be to function as a single repository of accurate, complete records to aid in the cure and treatment of sickle cell disease in this state.

New law requires that the sickle cell disease registry encompass, without limitation, all of the following:

(1) A record of individuals in this state who have been diagnosed with sickle cell disease.

(2) All data and other information associated with individuals who have been diagnosed with sickle cell disease that the secretary of LDH deems necessary and appropriate for inclusion in the registry.

New law requires that upon making a diagnosis of sickle cell disease, a healthcare provider shall provide to LDH data regarding the individual who has been diagnosed with the disease.

New law requires LDH to facilitate access to data in the registry through administrative rules. Stipulates that registry data as well as medical and vital records obtained by LDH or its agent in accordance with new law, as well as the results of any sickle cell disease study, shall be confidential and shall not be available for subpoena, nor shall such information be disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, or other proceeding nor shall such records be deemed admissible as evidence in any civil, criminal, administrative, or other tribunal or court for any reason.

New law requires the secretary of LDH to take such actions as are necessary to support the facilitation of care coordination for sickle cell patients, assist in reducing wait times to access healthcare services, and assist in promoting continuity of care for young people who age out of La. Children's Health Insurance Program coverage.

New law requires the secretary of LDH to promulgate all such rules as are necessary to implement the provisions of new law. Provides that these rules shall include but not be limited to the following:

(1) Data elements to be included in the registry.

(2) Guidelines and procedures for obtaining from healthcare providers information regarding individuals diagnosed with sickle cell disease.

(3) Standards for ensuring that the registry is developed and operated in a manner that comports with all applicable requirements of the Health Insurance Portability and Accountability Act (HIPAA), the HIPAA Privacy Rule, and other applicable laws and regulations governing disclosure of health information.

New law establishes an exception to existing law relative to public records, R.S. 44:1 et seq., exempting data in the registry from disclosure pursuant to existing law.

New law consolidates certain sections of existing law relative to sickle cell disease (R.S. 40:1081.5 through 1081.8 and 2018.3) within a part of law established by new law which pertains exclusively to sickle cell disease.

New law provides that new law shall be known as the "Remington Skylar Watts and Betty Cooper Phelps Act".

Effective August 1, 2022.

(Amends R.S. 36:259(B)(13) and R.S. 44:4.1(B)(26); Adds R.S. 40:1125.1, 1125.11-1125.16, 1125.21, and 1125.31-1125.33)

### **Certified Ambulance Operators (ACT 644)**

New law provides that for purposes of existing law and new law relative to emergency medical services, R.S. 40:1131 et seq., "certified ambulance operator" means an individual who is certified by the Bureau of Emergency Medical Services (Bureau of EMS) of the La. Department of Health (LDH) as a certified ambulance operator. Stipulates that the term shall not include any individual employed by a fire department of any municipality, parish, or fire protection district or any volunteer firefighter of the state of La.

New law requires that each applicant for certification as an ambulance operator be at least 18 years of age and submit all of the following to the Bureau of EMS:

(1) A copy of the applicant's valid, unrestricted driver's license at the appropriate level required by law.

(2) A copy of a current and valid defensive driving certificate issued by the National Safety Council or its equivalent as determined by LDH.

(3) A copy of a current and valid American Heart Association Health Care Provider credential, American Red Cross Professional Rescuer credential, or an equivalent cardio-pulmonary resuscitation certification approved by LDH.

(4) A copy of the applicant's current official driving record from the La. Department of Public Safety and Corrections.

New law authorizes the Bureau of EMS to assess a fee of \$10 for ambulance operator certification. Provides that the certification shall expire one year after it is issued and shall not be renewable.

New law authorizes certified ambulance operators to perform any of the following functions:

(1) Operate an ambulance in compliance with federal, state, and local law.

(2) Assist with the handling and movement of a sick, injured, or disabled individual if a licensed emergency medical services practitioner, registered nurse, physician assistant, or physician directly supervises the operator.

New law prohibits an ambulance operator from administering care procedures that a licensed emergency medical services practitioner is authorized to administer unless he is trained and certified or licensed to do so.

New law stipulates that no licensed emergency medical services practitioner shall be required to hold a certification as an ambulance operator in order to operate an ambulance.

New law authorizes the La. Emergency Medical Services Certification Commission to discipline any certified ambulance operator for any of the following causes by directing the Bureau of EMS

to deny, withhold, revoke, restrict, probate, or suspend a certification to operate as an ambulance operator; imposing fines and assessing costs; or otherwise sanctioning the ambulance operator:

(1) Fraud or any misstatement of fact in the procurement of any certification or in any other statement or representation to the Bureau of EMS or its representatives.

(2) Conviction of a crime or offense which reflects the inability of the individual to carry out his duties with due regard for the health and safety of clients or patients.

(3) Entering a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding, including but not limited to expungement or nonadjudication.

(4) Is unfit or incompetent by reason of negligence, habit, or other cause.

(5) Is mentally incompetent.

(6) Is habitually intemperate in the use of or abuses alcohol or habit-forming drugs.

(7) Is guilty of aiding or abetting another person in violating any provision of existing law or new law.

(8) Continuing or recurring practices which fail to meet the standards of ambulance operators in this state.

(9) Endeavors to deceive or defraud the public.

(10) Is guilty of moral turpitude.

(11) Has violated any rules and regulations of the commission or the Bureau of EMS or any provision of existing law or new law.

(12) Intentional falsification of any document related to the procurement of any certification or license.

(13) Operating any vehicle in violation of state or local traffic laws.

(14) Revocation, suspension, or any restriction of the ambulance operator's driver's license.

(15) Failure to maintain all current ambulance operator training standards as required by the Bureau of EMS.

(16) Has had a certification or license to practice as an ambulance operator denied, revoked, suspended, or otherwise restricted in La. or any other U.S. state or territory.

Existing law, R.S. 40:1133.13, provides civil immunity in connection with certain emergency medical services. New law retains existing law and extends its immunity provisions to certified ambulance operators.

Existing law, R.S. 40:1203.1 et seq., prohibits licensed healthcare facilities and providers from hiring certain nonlicensed persons when the results of a criminal history check reveal that the person has been convicted of any criminal offense enumerated in existing law. New law retains existing law and adds certified ambulance operators to the list of nonlicensed persons to whom the prohibition on hiring based on criminal history shall apply.

New law defines the terms "advanced life support" and "basic life support" for purposes of existing law and new law. Requires that advanced life support ambulances be staffed by not less than two people, at least one of whom shall be licensed, at a minimum, to the level of advanced emergency medical technician.

Effective August 1, 2022.

(Amends R.S. 40:1131(intro. para.), 1133.2(A)(1) and (B)(intro. para.), 1133.4(A)(4), 1133.5(2), 1133.8(D) and (E), 1133.10(intro. para.), 1133.13(A)(1), and 1203.1(intro. para.) and (5); Adds R.S. 40:1131(24)-(26), 1133.2(B)(5), 1133.5(11) and (12), 1133.10(9), 1133.17, 1133.18, and 1135.1(A)(2)(e) and (8))

### **Peer Support Specialists (ACT 151)**

New law provides that, for its purposes, "peer support specialist" means a behavioral health

staff member who possesses lived experience with his own behavioral health condition and with navigating the behavioral health services network who seeks employment with a behavioral healthcare facility or program serving people with behavioral health conditions.

New law stipulates that its provisions shall apply exclusively to peer support specialists employed or contracted with a behavioral health services provider licensed by the La. Department of Health, and shall not be construed to apply to any other person or any licensed personnel.

New law provides that a person shall not be prohibited or disqualified from employment as a peer support specialist with a licensed behavioral health services provider if the person's criminal background check reveals he has been convicted of one of the following offenses established in existing law and he meets other requirements specified in new law:

- (1) Mingling harmful substances (R.S. 14:38.1).
- (2) Theft (R.S. 14:67).
- (3) Distribution or possession with the intent to distribute controlled dangerous substances (R.S. 40:961 et seq.).

New law provides further that if a person has been convicted of an offense listed above, he may not be employed as a peer support specialist with a behavioral health services provider unless he meets all of the following requirements:

- (1) No less than three years prior to being hired as a peer support specialist, the person satisfactorily completed his sentence or was lawfully released from confinement, supervision, or probation imposed by a court for the person's most recent conviction for an offense listed above.
- (2) After satisfactorily completing his sentence or after being lawfully released from confinement, supervision, or probation for his most recent conviction for an offense listed above, the person successfully completed all training and

requirements established by the La. Department of Health for a peer support specialist.

New law stipulates that nothing therein shall be construed as creating an obligation upon an employer to offer employment to a person.

Effective August 1, 2022.

(Amends R.S. 40:1203.3(A)(intro. para.); Adds R.S. 40:1203.3(E))

### **Victims of Sexually-Oriented Crimes and Healthcare Providers (ACT 513)**

Existing law requires all licensed hospitals and healthcare providers in Louisiana to adhere to certain procedures if a person, male or female, presents himself or herself or is presented for treatment as a victim of a sexually-oriented criminal offense.

New law retains existing law and requires that the victim be provided with information about emergency contraception.

New law requires the information about emergency contraception to be developed and made available to all licensed Louisiana hospitals electronically through the La. Dept. of Health's (LDH) website and by paper form upon request to LDH.

New law requires the treating healthcare provider to inform the victim of the option to be provided emergency contraception at the hospital or healthcare facility and, upon the completion of a pregnancy test yielding a negative result, requires the emergency contraception to be provided upon the victim's request.

New law defines "emergency contraception" as only drugs approved by the United States Food and Drug Administration with mechanisms of action that likely include the prevention of ovulation, sperm capacitation, or fertilization after sexual intercourse and do not meet the definition of a legend drug as defined in existing law.



New law requires LDH to develop, prepare, and produce informational materials relating to emergency contraception for the prevention of pregnancy for distribution and use in all licensed hospitals in this state.

New law requires LDH, in collaboration with community sexual assault programs and other appropriate stakeholders, to approve informational materials from other sources for the purposes of new law.

New law establishes certain requirements for the informational materials required by new law.

Effective January 1, 2023.

(Amends R.S. 40:1216.1(G); Adds R.S. 40:1216.1(A)(10))

#### **Victims of Sexually-Oriented Crimes and Healthcare Providers (ACT 540)**

Existing law establishes procedures for licensed hospitals and healthcare providers to follow in the event that a person presents himself or herself or is presented for treatment as a victim of a sexually-oriented criminal offense, including the preservation of tests, procedures, and samples that may serve as potential evidence.

New law provides that, upon request of a competent adult victim of a sexually-oriented criminal offense, the healthcare provider that performed the forensic medical exam shall provide a reproduction of any written documentation which is in the possession of the healthcare provider resulting from the forensic medical exam of the victim.

New law requires the documentation to be provided at no cost to the victim no later than 14 days after the healthcare provider receives the request or the healthcare provider completes the documentation, whichever is later.

Effective August 1, 2022.

(Amends R.S. 40:1216.1(G); adds R.S. 40:1216.1(H))

#### **Telehealth by Behavioral Health Providers (ACT 189)**

Existing law known as the La. Telehealth Access Act, R.S. 40:1223.1 et seq., defines "healthcare provider", for purposes of existing law, as any of the following state-licensed or state-certified health professionals and facilities: physician assistants, hospitals, nursing homes, dentists, registered nurses, advanced practice registered nurses, licensed dietitians or nutritionists, licensed practical nurses, certified nurse assistants, offshore health service providers, ambulance services, licensed midwives, pharmacists, speech-language pathologists, audiologists, optometrists, podiatrists, chiropractors, physical therapists, occupational therapists, certified or licensed athletic trainers, psychologists, medical psychologists, social workers, licensed professional counselors, licensed perfusionists, licensed respiratory therapists, licensed radiologic technologists, licensed hearing aid dealers, or licensed clinical laboratory scientists.

New law retains existing law and expands the definition of "healthcare provider" therein to include licensed, certified, or registered addiction counselors; licensed, certified, or registered prevention professionals; certified compulsive gambling counselors; and behavioral health providers who work for licensed agencies or credentialed providers which provide community psychiatric support and treatment services or psychosocial rehabilitation services.

Existing law known as the Addictive Disorders Practice Act, R.S. 37:3386 et seq., provides for powers and duties of the Addictive Disorder Regulatory Authority (ADRA) with respect to licensure, certification, registration, and regulation of certain professionals who provide addictive disorder treatment services.

New law retains existing law and adds thereto an authorization for the ADRA to promulgate rules for the provision of telehealth services by licensed, certified, or registered addiction counselors; licensed, certified, or registered prevention professionals; and certified compulsive gambling counselors. Provides that

such rules shall, at a minimum, comply with the applicable requirements and standards of existing law comprising the La. Telehealth Access Act.

Effective August 1, 2022.

(Amends R.S. 40:1223.3(3); Adds R.S. 37:3386.3(B)(3))

### **Major Teaching Hospitals for Medicaid (ACT 152)**

Existing law provides for any facility having a documented affiliation agreement with a Louisiana medical school accredited by the Liaison Committee on Medical Education to be recognized as a major teaching hospital by the Louisiana Medical Assistance Program.

New law retains existing law and additionally allows any facility having a documented affiliation agreement with the Commission on Osteopathic College Accreditation to be recognized as a major teaching hospital by the Louisiana Medical Assistance Program.

Effective August 1, 2022.

(Amends R.S. 40:1241(A))

### **Medicaid Health Plans and Contraceptive Drugs (ACT 708)**

New law requires Medicaid health plans to reimburse for a six-month supply of contraceptive drugs to be obtained at once by an insured person, unless the person requests a smaller supply or the prescribing provider instructs for the person to receive a smaller supply. Further requires the person to have used the same contraceptive drugs for at least the consecutive six months prior to receiving a six-month supply.

New law requires Medicaid health plans to allow the insured person to receive the contraceptive drugs onsite at family practice clinics, if available. Further requires dispensing practices to follow all licensing and clinical guidelines for appropriate prescribing and dispensing to ensure the health of the insured person while

maximizing access to effective contraceptive drugs.

New law does not apply to any drug, medicine, or other substance prescribed, dispensed, or distributed that is intended to induce an abortion.

New law defines "contraceptive drugs".

Effective August 1, 2022.

(Adds R.S. 40:1248.21)

### **Medicaid Dental Coverage for ICF/DD Residents (ACT 366)**

Existing law requires the La. Department of Health (LDH) to ensure that comprehensive Medicaid coverage for dental care is provided to each person age 21 or older who is enrolled in any Medicaid waiver program for persons with developmental or intellectual disabilities.

New law retains existing law and extends its Medicaid dental coverage provisions to each Medicaid enrollee age 21 or older who resides in a state-licensed intermediate care facility for people with developmental disabilities (ICF).

Existing law stipulates that LDH shall not furnish Medicaid dental coverage for waiver program enrollees as provided for in existing law until all of the following have occurred:

- (1) The federal Medicaid agency (Centers for Medicare and Medicaid Services) has approved the provision of such coverage.
- (2) The legislature has appropriated the funding necessary for the provision of such coverage.

New law applies the conditions requiring federal approval and a state appropriation to the provision of Medicaid dental coverage for ICF residents as provided for in new law.

Effective upon the effective date of an Act of the legislature containing a specific appropriation of monies for the implementation of new law (July 1, 2022).

(Amends R.S. 40:1250.31(A)(1))

### **Medicaid and Non-Emergency Medical Transportation (ACT 638)**

New law provides that, for purposes of new law, "non-emergency medical transportation" and "NEMT" mean transportation provided to a Medicaid beneficiary to or from a medically necessary Medicaid-covered service. Stipulates that the term shall not include any non-emergency or other type of transportation by ambulance.

New law requires that the La. Medicaid program include NEMT services. Establishes that the purpose of NEMT services shall be to provide non-emergency medical transportation to a Medicaid beneficiary after all other reasonable means of free transportation for that person have been explored and found to be unavailable. Requires the Medicaid beneficiary or his representative to confirm that the beneficiary has no other means of transportation.

New law prohibits NEMT services from being utilized for transportation to or from a pharmacy, a nursing facility, hospice care, or a Special Supplemental Nutrition Program for Women, Infants, and Children (commonly known as "WIC") appointment at an office of public health location.

New law prohibits healthcare providers within the La. Medicaid program from contracting with or hiring a transportation company to provide NEMT services if that company does not meet local, city, and state requirements to provide non-emergency medical transportation as defined in new law and in existing administrative rule of the La. Department of Health.

Effective August 1, 2022.

(Adds R.S. 40:1257.1-1257.4)

### **Autism Spectrum Disorder ID Cards (ACT 210)**

New law establishes the application process for obtaining an autism spectrum disorder

designation on a special identification card for new applicants and renewals.

New law requires an autism spectrum disorder designation be displayed on a special identification card upon receipt of a statement from a qualified medical or mental health professional licensed in La. or any other state or territory of the U.S. verifying the applicant's disability as established by administrative rule. Further requires the qualified medical or mental health professional be authorized to diagnose autism spectrum disorder.

New law specifies that no additional fee can be charged to include an autism spectrum disorder designation.

New law specifies that any person who has not been diagnosed with autism spectrum disorder who makes a false statement of having the qualification to obtain the special designation will be fined not less than \$100 nor more than \$250, or be imprisoned for not more than 30 days, or both. Further, requires any subsequent offense carry a fine of not less than \$250 nor more than \$500, or imprisonment for not more than 90 days, or both.

New law requires the Dept. of Public Safety and Corrections, public safety services, to establish and implement a law enforcement training course relative to law enforcement officers' interactions with persons who have autism spectrum disorder, in addition to the requirements of existing law.

New law requires the course to instruct law enforcement officers on sensitivity and awareness to ensure equitable treatment and how to effectively communicate and interact with persons who have autism.

New law requires the course include identification of indicators that a person has autism; identification of procedures that an officer should employ when encountering a person who has autism; demonstrations of communication and interactive techniques required to effectively interact with a person who has autism; explanations that provide law enforcement officers with an understanding of

developmental disabilities and examples of unexpected actions potentially taken by persons diagnosed with autism; explanations of the resources available to assist an officer encountering a person who has autism; and descriptions of the procedures an officer should use to ensure compliance with the Americans with Disabilities Act when encountering a person who has autism.

New law authorizes the deputy secretary of the Dept. of Public Safety and Corrections to promulgate rules and regulations to implement the provisions of new law. Provides rule oversight authority to the House and Senate committees on transportation, highways and public works.

Effective August 1, 2022.

(Amends R.S. 40:1321(S); Adds R.S. 40:1321(T))

#### **La. Firearm Safety Awareness Act (ACT 518)**

New law shall be known and may be cited as the "Louisiana Firearm Safety Awareness Act".

New law provides that the DPS&C, office of state police, shall provide a two-hour online handgun education course at no cost to La. residents.

New law provides for the purpose of the online education course, and provides that the course is optional and shall not be a requirement for obtaining a concealed handgun permit under existing law (R.S. 40:1379.3).

New law provides that completion of the online education course shall not grant any person the right to carry a concealed handgun unless otherwise provided by law.

New law provides that the online handgun education course shall cover all of the following topics:

- (1) Handgun basics and nomenclature.
- (2) Firearm-free zones.

- (3) Use of deadly force.
- (4) Interactions with law enforcement officers.
- (5) Conflict resolution.
- (6) Accident prevention.
- (7) Unauthorized access prevention.
- (8) Safe handling of a handgun.

New law provides that state police shall maintain an online database of all licensed handgun and firearm instructors to allow the public to search for classes.

New law provides that the content, structure, accessibility, and all other related matters of the online handgun education course shall be developed and promulgated by the DPS&C, office of state police, in accordance with the rules and regulations of the Administrative Procedure Act.

New law provides that the DPS&C, office of state police, shall divide the topics provided in new law into eight video segments that shall broadcast for no less than 15 minutes per segment.

Effective August 1, 2022.

(Adds R.S. 40:1379.3.3)

#### **Background Checks; Explosive Handlers (ACT 610)**

Existing law requires the Dept. of Public Safety and Corrections (department) to perform a criminal history records check of every applicant for the purpose of verifying the qualifications of an applicant for a license to handle explosives.

New law retains existing law and also requires a criminal history records check for the purpose of renewing the qualifications of the applicant for a license to handle explosives.

Prior law defined a background check as a computer check of available online state records,

as well as national records which may include fingerprints of the applicant.

New law provides that a background check shall be defined as all state records of arrest, prosecution, or conviction and all expunged or dismissed convictions pursuant to existing law, as well as national records which shall include fingerprints and other identifying information of the applicant.

New law further provides that the department shall require any current or prospective manufacturer, dealer-distributor, user, blaster, or handler to submit to a criminal history records check to be conducted by the La. Bureau of Criminal Identification and Information. Requires fingerprints and other identifying information to be submitted to the bureau.

Effective August 1, 2022.

(Amends R.S. 40:1472.3(E)(3)(b))

#### **Terrebonne Parish Fire Protection District Number Six (ACT 368)**

Existing law provides for the appointment of members to the board of commissioners of fire protection districts. Generally provides that the board of commissioners shall consist of five members; provides exceptions.

Existing law provides for the members of the board of commissioners of Terrebonne Parish Fire Protection District No. Six if the Terrebonne Parish and Lafourche Parish governing authorities authorize extending the district into Lafourche Parish.

Prior law provided for a seven-member board under these circumstances. New law provides for the following changes:

(1) Changes total number of board members from seven to five.

(2) Changes number of commissioners appointed by the governing authority of Terrebonne Parish from five to four.

(3) Changes number of commissioners appointed by the governing authority of Lafourche Parish from two to one.

(4) Removes requirement that a member appointed by the governing authority of Lafourche Parish be an elector of that parish.

Effective upon signature of governor (June 10, 2022).

(Amends R.S. 40:1496(F))

#### **Carbon Monoxide Detectors (ACT 458)**

Existing law requires existing one- or two-family dwellings to have a smoke detector with a 10-year, sealed lithium battery at the time the dwelling is sold or leased.

New law retains existing law and adds that existing one- or two-family dwellings are further required to have a carbon monoxide detector with a long-life, sealed battery at the time the dwelling is sold or leased.

New law requires a professional installer who installs a home generator in one- or two-family dwellings to include a carbon monoxide detector with a long-life, sealed battery with installation. Further authorizes combination of the carbon monoxide detector with a smoke detector.

New law (uncodified) provides that the provisions of new law requiring carbon monoxide detectors do not supersede or prevent the La. State Uniform Construction Code Council from performing its duties pursuant to existing law (R.S. 40:1730.22(C)). Further provides that new law applies only to those certain dwellings that are sold, leased, or which have home generators installed on or after Jan. 1, 2023.

Effective August 1, 2022.

(Amends R.S. 40:1581)

## **Life Safety and Property Protection Systems (ACT 579)**

Relative to life safety and property protection systems, existing law provides for the assessment of fees to be collected by the state fire marshal.

New law retains existing law and requires a fee of \$1.50 for electronically tagging life safety and property protection systems and equipment using a Quick Response (QR) code decal or hanging tag.

New law provides that QR code decals or hanging tags used to electronically tag portable fire extinguishers and hoses are exempt from the \$1.50 fee requirement.

Provisions in new law relative to La. Life Safety and Property Protection Trust Dedicated Fund Account supercede certain provisions of Act No. 114 of the 2021 R.S. of the Legislature.

Effective upon signature of governor (June 17, 2022), except that new law which renumbers not yet effective existing law relative to Life Safety and Property Protection Trust Dedicated Fund Account becomes effective upon the effectiveness of Section 10 of Act No. 114 of the 2021 R.S. of the Legislature.

(Amends R.S. 40:1664.9(J)-(N); Adds R.S. 40:1664.9(O))

## **State Supplemental Pay and Board of Review (ACT 637)**

Existing law (R.S. 40:1667.1(A)) provides for state supplemental pay of \$500 per month for any full-time police officer employed by any municipality or by the Chitimacha Tribe of La., Coushatta Tribe of La., or the Tunica-Biloxi Tribe of La., who has passed a council-certified training program and who has completed one year of service.

Existing law provides for state supplemental pay of \$500 per month for certain police officers who provide services while patrolling levees, waterways, riverfront areas, and bridges within the city of New Orleans, who have passed a

council-certified training program, and who have completed one year of service.

Existing law (R.S. 40:1667.1(B)) provides that in computing the period of service required by existing law (R.S. 40:1667.1(A)), service as a police officer and as chief of police with peace officer standards and training (POST) certification in the municipality or tribe includes prior service for those police officers and chiefs of police who return to such service. Provides that service as a police officer and as chief of police in the municipality or tribe includes prior service as a commissioned deputy sheriff receiving extra compensation under the provisions of existing law (R.S. 40:1667.7), includes prior service as a P.O.S.T.-certified law enforcement officer employed on a full-time basis by the Dept. of Wildlife and Fisheries or the Dept. of Public Safety and Corrections, including the division of probation and parole, and includes prior service of retired state police officers who received extra compensation under the provisions of existing law (R.S. 40:1457).

New law additionally provides that in computing the period of service required by existing law (R.S. 40:1667.1(A)), service as a police officer and as chief of police in the municipality or tribe includes prior service as a police officer certified pursuant to existing law (R.S. 40:2405) employed on a full-time basis by an official law enforcement agency.

Existing law (R.S. 40:1667.3) provides for disbursement of supplemental pay funds upon warrants. Requires the attachment of certain information.

Prior law provided that warrants were drawn by the mayors of the respective municipalities subject to the provisions of existing law. New law provides that warrants are approved and certified instead of being drawn. Adds chiefs of police and marshals as officials who approve and certify warrants.

Prior law required the attachment of a detailed list of the names of officers for whose benefit a particular warrant is drawn. New law requires the list to include the names of individuals for whom

warrants are drawn, instead of the names of officers.

Prior law provided for the attachment of additional information required by the secretary of the Dept. of Public Safety and Corrections (DPSC). New law requires the attachment of additional information required by the department, rather than the secretary of the department.

Prior law additionally required warrants to include the completed years of service of the officers for whose benefit warrants are drawn. New law repeals prior law.

New law provides that if a person who is required to sign a warrant fails to sign it, the person shall forward by certified mail to DPSC a letter which includes a justification for the failure to sign the warrant and supporting documentation. Authorizes the board of review to approve a warrant that does not include all required signatures.

Existing law requires the mayor and chief of police or other municipal officer who is charged with the responsibility of preparing the payrolls to include the additional compensation paid by the state in the calculation and deduction from pay the sums required by state or federal law to be withheld by an employer, such as federal income tax and social security tax or contributions to state or local retirement systems. Provides that any officials so charged with withholding sums are further charged with the responsibility of transmitting the sums so withheld in accordance with the law or laws requiring the withholding.

Existing law provides that the additional compensation paid by the state shall be included in the calculation and computation of the total wages in the determination of employer contributions to any retirement system or pension fund as well as in the determination of retirement eligibility and benefits which may accrue under any retirement system or pension fund, as well as in the determination of any other employee benefits, sick leave, or disability pay with the

exception of workers' compensation benefits pursuant to existing law (R.S. 23:1021 et seq.).

Prior law applied requirements relative to withholding and retirement and other benefits to police officers. New law replaces the terms "police officer", "officer", and "municipal police officer" with the term "individual".

Prior law required the secretary of DPSC to prepare and sign individual checks representing the amount to be paid out of state funds to each police officer. Required each such check to show the legislative appropriation from which payment was made and to note that it represented additional compensation paid by the state under the provisions of existing law. Required the secretary of DPSC to deliver the checks to the individual officers by mail or by such other means as he determined.

New law repeals prior law. Requires DPSC to issue payments.

Existing law provides for a board of review to make determinations with regard to eligibility for state supplemental pay. Includes the following members:

- (1) The commissioner of administration or a representative of the division of administration selected by him.
- (2) A member of the La. Assoc. of Chiefs of Police.

Prior law provided that the member of the La. Assoc. of Chiefs of Police was selected by the president of the association. New law provides that the member is selected by the director of the association instead of the president.

Prior law provided that the director of the state department of public safety or a representative from the department selected by the director was a member of the board. New law provides that the member is the deputy secretary for public safety services of the DPSC or a representative of the department selected by the deputy secretary is a member.

New law adds the following additional members to the board of review:

(1) A member of the La. Commission on Law Enforcement and Administration of Criminal Justice selected by the chairman of the commission.

(2) A representative of the Council on Peace Officer Standards and Training selected by the chairman of the council. Provides that the member is a nonvoting member.

(3) A member of the La. Municipal Assoc. selected by the director of the association.

(4) The state examiner of municipal fire and police civil service or a representative of the office of state examiner of municipal fire and police civil service selected by the state examiner. Provides that the member is a nonvoting member.

(5) A member of the La. City Marshals and City Constables Association selected by the president of the association.

(6) A member of the Justices of the Peace and Constables Association selected by the president of the association. Provides that the member is a nonvoting member.

New law additionally provides that furlough of an individual due to a state of emergency declared by a federal, state, parish, or municipal official shall not affect the individual's eligibility to receive additional pay out of state funds as provided in existing law.

Effective August 1, 2022.

(Amends R.S. 40:1667.1(B)(1), 1667.3(A)-(D), 1667.4, and 1667.6(A); Adds R.S. 40:1667.11)

### **Uniform Construction Code (ACT 160)**

Existing law requires the La. State Uniform Construction Code Council (council) to review, evaluate, and update the State Uniform Construction Code no later than five years following publication of the most recent code to

be adopted as provided for in existing law (R.S. 40:1730.28).

New law retains existing law and authorizes the council to suspend the five-year time period in which a new code must be adopted, for up to one year, if the suspension is necessary because of extraordinary circumstances.

New law defines the term "extraordinary circumstances".

Effective August 1, 2022.

(Amends R.S. 40:1730.26(3))

### **Energy Code Commission (ACT 635)**

Existing law provides for the La. State Uniform Construction Code Council (R.S. 40:1730.22 et seq.) and the La. State Uniform Construction Code. New law retains existing law.

New law places training and technical assistance in implementing residential and commercial building energy code provisions within the purview of the technology assessment division of the Dept. of Natural Resources, in collaboration with the La. State Uniform Construction Code Council. Further requires the technology assessment division to continue training and technical assistance as funding allows.

New law creates the Energy Code Commission and requires composition of the following voting members:

(1) The president of the La. Home Builders Association or his designee.

(2) The president of the Building Officials Association of La., Inc. or his designee.

(3) The president of AIA La. or his designee.

(4) The president of the New Orleans ASHRAE Chapter or his designee.

(5) The president of the Apartment Association of La., Inc. or his designee.



(6) The president of the Greater New Orleans Housing Alliance or his designee.

(7) The chairman of the Associated Builders and Contractors of La. or his designee.

(8) The general president of the Laborers' Intl. Union of North America or his designee.

(9) The state president of the HVACR Association of La. or his designee.

(10) The president of the La. Associated General Contractors, Inc. or his designee.

(11) The chairman of the La. Chemical Association or his designee.

(12) The president of the La. REALTORS or his designee.

(13) A designee of Southeast La. Coalition of the Air Conditioning Industry (Coalition) who is a RESNET HERS rater designated by the president of the Coalition.

In addition to the voting members of the commission, new law requires the commission to be composed of the following nonvoting members:

(1) The secretary of the La. Dept. of Natural Resources or his designee.

(2) The director of the office of facility planning and control, division of administration, or his designee.

(3) The chairman of the Technical Committee of the La. State Uniform Construction Code Council or his designee.

New law requires the entities of the commission to submit to the La. State Uniform Construction Code Council the name of each entity's designee by Aug. 1, 2022.

New law requires the commission to adopt the 2021 International Energy Conservation Code. Further requires the commission to terminate upon adoption of the Code.

New law provides that the primary function of the commission is to adopt amendments to the La. State Uniform Construction Code to address energy efficiency requirements for reducing the long-term energy cost burden for building occupants in this state.

New law requires the commission to provide amendments to the La. State Uniform Construction Code Council that have been approved by a majority vote of the total members present and voting. Further requires all amendments to be submitted by Dec. 31, 2022.

New law requires the La. State Uniform Construction Code Council to evaluate, adopt, and amend a list of the latest editions of certain international codes provided for in new law as part of the La. State Uniform Construction Code to become effective on July 1, 2023.

Prior law required provisions of the 2009, Part IV-Energy Conservation edition of the International Residential Code to be included for evaluation and adoption into the La. State Uniform Construction Code. New law deletes prior law.

Prior law required homes to be inspected in accordance with the codes in effect for the locality where the homes will ultimately be sited. New law deletes prior law to require "factory-built" homes to be inspected in accordance with the codes in effect for the locality where the homes will ultimately be sited.

Prior law (R.S. 40:1730.41 et seq.) provided for the "Commercial Building Energy Conservation Code" or the "Energy Code" and outlined the Code's purpose of instituting minimum energy conservation standards for new constructions and all applicable alterations and repairs of commercial buildings within the state.

New law deletes prior law to provide for the "State Building Energy Conservation Code" and changes the title from the "Commercial Building Energy Conservation Code" or the "Energy Code" to the "State Building Energy Conservation Code". Further changes "commercial" buildings to "state-owned and

state-funded" buildings throughout the State Building Energy Conservation Code.

Prior law defined "alteration", "ANSI-ASHRAE/IESNA 90.1", "commercial buildings", "EPAct", and "repair". New law deletes prior law.

Prior law exempted certain buildings from application. New law deletes prior law.

Prior law applied to certain historic buildings. New law deletes prior law to specify historic buildings as "state-owned" historic buildings.

Prior law required commercial buildings constructed in La. to comply with the Commercial Building Energy Conservation Code. New law deletes prior law and instead provides that new state buildings constructed in La. must comply with the State Building Energy Conservation Code.

Prior law (R.S. 40:1730.46-1730.48) authorized the office of the state fire marshal, in consultation with the division of administration and the Dept. of Natural Resources, to promulgate amendments and revisions for the Commercial Building Energy Conservation Code. Authorized the office of state fire marshal to collect fees from owners of certain projects and provides for certain training and technical assistance with respect to the Commercial Building Energy Conservation Code

New law repeals prior law.

Effective August 1, 2022.

(Amends R.S. 40:1730.28(A)(3)(e) and (f) and (7), the heading of Part IV-C of Chapter 8 of Title 40 of the La. Revised Statutes of 1950, 1730.41-1730.45, and 1730.49(D) and (E)(1)(intro. para.) and (a) and (2); Adds R.S. 40:1730.22(F), 1730.28(A)(8), 1730.28.4, and 1730.28.5; Repeals R.S. 40:1730.28(A)(3)(g) and 1730.46-1730.48)

## **Determination of Building Codes (ACT 705)**

Existing law sets forth the method of determining the building codes that are applicable to a particular building inspection.

Under prior law, buildings were required to be inspected using the guidelines set forth in the codes effective on the date the original building permit was issued.

New law expressly requires an inspector to use the building inspection codes in effect on the date the original building permit was issued when inspecting residential buildings for occupancy and utility reconnection purposes. New law further provides that when conducting inspections for such purposes, the intent of the inspection is to determine the general safety of the building and whether it is appropriate for occupancy.

Prior law provided that in the event the issuance date of an original building permit cannot be found, the date of the completed permit application must be used for inspection.

New law requires an inspector to conduct the inspection using the building inspection codes in effect on the date the original building permit application was submitted.

Prior law required the director of the applicable parish planning authority to use property, mortgage, tax, or rent records to determine the nearest possible date, if no date of application for, or date of issuance of a building permit is available.

New law requires the building official of the applicable parish planning authority to use court records or other available documents to determine the nearest date to the issuance of the original permit. If the building official determines a date pursuant to new law, new law requires the inspector to use the codes in effect on the date determined by the building official.

New law adds that if there is still a question as to which codes should be applied because a date cannot be determined under existing law or new

law, an inspector shall conduct his inspection using the least restrictive codes in effect during the period of time beginning one calendar year prior to the date of the earliest recorded property transfer and ending one calendar year after the earliest date of transfer.

New law prohibits an inspector from choosing what codes to use when conducting his inspection.

Effective August 1, 2022.

(Amends R.S. 40:1730.33)

### **Underground Utilities and Facilities Damage Prevention Law (ACT 52)**

Existing law (R.S. 40:1749.11 et seq.) provides for the "Louisiana Underground Utilities and Facilities Damage Prevention Law". New law retains existing law.

Existing law defines "emergency" as any crisis situation posing an imminent threat or danger to life, health, or property, requiring immediate action, and immediate action is taken. New law retains existing law but amends "emergency" to include a situation that is the result of an unplanned utility outage.

Existing law specifies certain holidays to be observed by regional notification centers. New law adds Martin Luther King, Jr. Day to the list of holidays and removes language which authorized discretionary days of holiday observation. Otherwise retains existing law.

Existing law requires an excavator or demolisher to provide oral notice of an emergency excavation as soon as practicable to the regional notification center or each operator having underground utilities and facilities located in the area. New law retains existing law and further authorizes electronic delivery of the notice.

Existing law requires an excavator to certify in the notice that the situation poses an imminent threat or danger to life, health, or property, requiring immediate action. Requires certification that the excavator has a crew on site.

New law retains existing law and requires the excavator to provide certification if the situation is the result of an unplanned utility outage. Further authorizes an owner or operator to be onsite in addition to the excavator crew.

Prior law provided a rebuttable presumption that the excavator failed to give the required notice if the excavator failed to give any notice to the regional notification center within the following time periods:

(1) Within 4 hours of the beginning of the emergency excavation.

(2) In the case of a gubernatorially declared state of emergency due to a tropical storm or hurricane event, within 12 hours of the beginning of the emergency excavation within the parishes to which the emergency declaration applies.

(3) In the case of a wildfire, within 24 hours after control of the emergency.

New law changes the timeframe from within 4 hours of the beginning of the emergency excavation to within 2 hours from the discovery of the need for an emergency excavation and changes the gubernatorially declared state of emergency from a tropical storm or hurricane event to a weather or homeland security-related event.

New law requires the owner or operator of the underground utilities, facilities, or submerged infrastructure to respond to an emergency notice as soon as practicable under the circumstances. Provides that emergency excavation notices are valid for the duration of the emergency situation. Requires the type of work and location to remain consistent with the work described in the emergency excavation notice. Further requires a new excavation notice if the type of work and location become inconsistent with the emergency excavation notice.

Effective August 1, 2022.

(Amends R.S. 40:1749.12(6), 1749.13(B)(1), and 1749.15)

### **Firearm Hold Agreements (ACT 453)**

New law provides definitions for "federal firearms licensee", "firearm", and "firearm hold agreement".

New law provides that no person shall have a cause of action against a federal firearms licensee operating lawfully in this state for any act or omission arising from or subsequent to a firearm hold agreement, including the return of any firearms to the individual firearm owner by the licensee, and resulting in personal injury or death of any natural person.

New law provides that the immunity from civil liability provided in new law shall not apply to any action arising from a firearm hold agreement if such action was the result of otherwise unlawful conduct on the part of the licensee.

New law provides that new law shall not apply to firearm transfers pursuant to the Domestic Violence Prevention Firearm Transfer.

Effective August 1, 2022.

(Adds R.S. 40:1800)

### **Nursing Facilities' Back-Up Electrical Power (ACT 253)**

New law provides that nursing facilities must have a generator or other La. Dept. of Health (LDH) approved alternate electrical power source capable of providing sufficient electrical power for the simultaneous operation of certain systems in the event of the loss of primary electrical power.

New law provides that the generator or alternate electrical power source must be permanently installed onsite at the nursing facility and a certain quantity of fuel must be stored onsite at the nursing facility or delivered prior to the emergency event. Provides that natural gas is an allowable fuel source and meets the onsite fuel requirement if there is an onsite propane tank sufficient in size to meet the fuel requirements.

New law provides for each nursing facility to have fuel delivery agreements in place that will extend the uninterrupted operation of the generator or alternative electrical power source under full load to a total period of 168 hours for a single emergency event. Allows nursing facilities to interrupt operation of the generator or alternative electrical power source to conduct routine maintenance as recommended by manufacturer's specifications.

New law provides the option of a waiver, if a nursing facility was built or had construction plans approved by LDH prior to Aug. 1, 2022, for the permanently installed generator or alternative electrical power source if there is not sufficient physical space available or a governmental ordinance exists that makes it impossible to place a generator or alternative electrical power source and the required fuel on the premises of the nursing facility. Further requires each nursing facility which receives a waiver to annually submit to the department a plan to provide for the health and safety of the facility's residents in the event of power loss.

New law provides that nursing facilities shall meet the requirements of new law no later than June 30, 2023. Allows LDH to grant a one-time extension, not to exceed six months, upon written application by a nursing facility that compliance has been delayed due to extraordinary and unforeseen circumstances if the nursing facility provides sufficient evidence of substantial compliance or good faith efforts to comply with the requirement deadline.

Effective June 3, 2022.

(Adds R.S. 40:2009.24)

### **Nursing Home Emergency Preparedness (ACT 522)**

New law repeals and replaces prior law addressing emergency preparedness by and among nursing homes licensed by the La. Department of Health (LDH).

New law requires nursing homes to continue to utilize the emergency preparedness plans that

were in effect on March 1, 2022, until the process for creation of new emergency preparedness plans provided for in new law has been completed. Provides, however, that if a nursing home updates or amends its emergency preparedness plan pursuant to existing administrative rule, then the nursing home shall utilize the updated emergency preparedness plan until the process for creation of its new emergency preparedness plan provided for in new law has been completed.

New law establishes the following schedule for creation of new emergency preparedness plans by licensed nursing homes located in the parishes of Acadia, Ascension, Assumption, Calcasieu, Cameron, Iberia, Jefferson, Jefferson Davis, Lafayette, Lafourche, Orleans, Plaquemines, Saint Bernard, Saint Charles, Saint James, Saint John the Baptist, Saint Mary, Saint Martin, Saint Tammany, Tangipahoa, Terrebonne, and Vermilion:

(1) On or before August 30, 2022: Each nursing home located in one of the 22 parishes listed above shall develop a new emergency preparedness plan.

(2) On or before September 1, 2022: Each nursing home located in a listed parish shall submit its new emergency preparedness plan to LDH.

(3) On or before March 1, 2023: LDH shall either approve the emergency preparedness plan or require changes, amendments, or other revisions to the plan and shall electronically notify the nursing home that submitted the plan of its decision.

(4) On or before May 15, 2023: LDH shall either approve or reject any revised emergency preparedness plan that it required a nursing home to submit and shall issue a letter to the nursing home communicating approval or rejection of the revised plan.

(5) On or before May 31, 2023: Each nursing home located in a listed parish shall transmit to the office of state fire marshal and to its local office of emergency preparedness either of the following:

(a) Its final, approved emergency preparedness plan and a copy of the LDH approval letter.

(b) The letter of rejection of its emergency preparedness plan received from LDH.

New law establishes the following schedule for creation of new emergency preparedness plans by licensed nursing homes located in the parishes of Allen, Avoyelles, Beauregard, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Baton Rouge, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberville, Jackson, LaSalle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Ouachita, Pointe Coupee, Rapides, Red River, Richland, Sabine, Saint Helena, Saint Landry, Tensas, Union, Vernon, Washington, Webster, West Baton Rouge, West Carroll, West Feliciana, and Winn:

(1) On or before August 30, 2023: Each nursing home located in one of the 42 parishes listed above shall develop a new emergency preparedness plan.

(2) On or before September 1, 2023: Each nursing home located in a listed parish shall submit its new emergency preparedness plan to LDH.

(3) On or before March 1, 2024: LDH shall either approve the emergency preparedness plan or require changes, amendments, or other revisions to the plan and shall electronically notify the nursing home that submitted the plan of its decision.

(4) On or before May 15, 2024: LDH shall either approve or reject any revised emergency preparedness plan that it required a nursing home to submit and shall issue a letter to the nursing home communicating approval or rejection of the revised plan.

(5) On or before May 31, 2024: Each nursing home located in a listed parish shall transmit to the office of state fire marshal and to its local office of emergency preparedness either of the following:

(a) Its final, approved emergency preparedness plan and a copy of the LDH approval letter.

(b) The letter of rejection of its emergency preparedness plan received from LDH.

New law establishes a schedule, procedures, and requirements relative to production of future versions of a nursing home's emergency preparedness plan after its first plan required by new law is fully developed.

New law stipulates that review and approval of nursing home emergency preparedness plans by LDH, and by other state and local agencies with which LDH consults regarding such plans, shall be performed pursuant to the department's and those agencies' respective areas of knowledge, expertise, or jurisdiction.

New law prohibits LDH from issuing a license to or renewing a license of a nursing home that has received a letter of rejection of its emergency preparedness plan.

New law requires LDH to promulgate administrative rules relative to emergency preparedness by nursing homes. Provides that such rules shall include but not be limited to all of the following:

(1) Requirements for nursing homes relating to emergency preparedness.

(2) Requirements for the content of nursing home emergency preparedness plans.

(3) Requirements for the process by which the department reviews nursing home emergency preparedness plans.

(4) Procedures for addressing situations wherein a nursing home makes changes to its emergency preparedness plan on a schedule which deviates from that provided in new law.

(5) Minimum requirements for nursing homes which serve as evacuation sites for other nursing homes.

(6) Minimum requirements for nonlicensed sheltering sites identified in nursing home emergency preparedness plans.

(7) Any rule recommended or proposed by the Nursing Home Emergency Preparedness Review Committee and approved by the secretary of the department.

New law authorizes LDH to initially promulgate any administrative rules required by new law as emergency rules in accordance with existing law relative to emergency rulemaking (R.S. 49:953.1).

Existing law creates and provides for the Nursing Home Emergency Preparedness Review Committee. Prior law provided that the committee was composed of 17 members. New law increases the number of committee members to 24 by adding to the committee the following seven members:

(1) Four members appointed by the secretary of LDH who are owners or administrators of nursing homes.

(2) The director of the Governor's Office of Homeland Security and Emergency Preparedness or his designee.

(3) The director of the La. Medicaid program or his designee.

(4) The assistant secretary of the LDH office of aging and adult services or his designee.

New law retains existing law relative to the role of the Nursing Home Emergency Preparedness Review Committee in all of the following:

(1) Reviewing findings of LDH concerning nursing home emergency preparedness plans.

(2) Promoting the health, safety, and welfare of nursing home residents.

New law provides requirements and standards relative to nonlicensed sheltering sites that nursing homes identify in emergency preparedness plans. Authorizes and provides for

inspections of such sites by LDH, the office of state fire marshal, and local offices of emergency preparedness.

New law stipulates that any refusal by a nonlicensed sheltering site to allow an inspection or survey of the site by LDH may result in disqualification of the site. Provides that if such a refusal to allow an inspection or survey occurs when nursing home residents are being sheltered at the site, then LDH may revoke the license of the nursing home that evacuated residents to the site.

New law requires any nursing home that decides to evacuate residents to a nonlicensed sheltering site to notify LDH of this decision within one hour of the decision being made. Provides that upon receipt of such notification, the LDH licensing section and office of public health shall conduct a site visit at the site unless time, weather conditions, or other factors do not allow for such visit. Authorizes LDH to conduct onsite inspections of the site at any time deemed necessary or appropriate by the secretary of the department.

New law provides, except in cases of willful misconduct, a limitation of liability for the state, LDH, the Dept. of Transportation and Development, the state fire marshal, the Governor's Office of Homeland Security and Emergency Preparedness, the La. Emergency Response Network, and employees of the foregoing entities; local offices of emergency preparedness; and members of the Nursing Home Emergency Preparedness Review Committee associated with engaging in the activities and responsibilities provided for in new law.

New law provides that implementation and execution of a nursing home emergency preparedness plan shall be the duty and responsibility of the nursing home.

New law repeals prior law creating and providing for an 11-member nursing home advisory committee within LDH.

New law provides that any staff positions required by LDH for the implementation of new

law shall be filled utilizing existing department vacancies and associated funding.

Effective upon signature of governor (June 16, 2022).

(Amends R.S. 40:2009.25; Repeals R.S. 36:259(B)(28) and R.S. 40:2009.1)

### **Nursing Home Emergency Preparedness Plans (ACT 479)**

Prior law required nursing homes in the following parishes, exclusively, to develop emergency preparedness plans: Acadia, Ascension, Assumption, Calcasieu, Cameron, Iberia, Jefferson, Jefferson Davis, Lafayette, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary, St. Martin, St. Tammany, Tangipahoa, Terrebonne, and Vermilion.

Prior law required nursing homes in the parishes designated therein to update their emergency preparedness plans annually and send plan summaries to the La. Dept. of Health (LDH). Prior law did not require LDH to approve any such plan or plan summary.

New law requires that each nursing home throughout the state maintain in effect at all times an emergency preparedness plan and that this plan be approved by LDH.

Prior law required that each nursing home emergency preparedness plan summary submitted to LDH include and identify, at minimum, the following:

- (1) A primary sheltering host site outside the area of risk, verified by written agreements or contracts and any other alternative sheltering host sites that the nursing home may have.
- (2) Proof of transportation or a contract with a transportation company, verified by a written transportation agreement or contract.
- (3) Staffing patterns for evacuation, including contact information for such staff.

New law provides that the minimum content requirements listed above shall apply to the full emergency preparedness plans of nursing homes required by new law.

New law requires nursing homes to review and update their emergency preparedness plans and submit the full versions of those plans to the LDH emergency preparedness manager for approval no later than March 1 annually.

New law retains existing law requiring LDH to prescribe criteria for evaluation of all nursing home emergency preparedness plans. Also retains existing law creating and providing for the duties and functions of the Nursing Home Emergency Preparedness Review Committee within LDH and updates the name of an organization represented on the committee.

Effective August 1, 2022.

(Amends R.S. 40:2009.25(A), (B), (C)(intro. para.), (D), (E), (F)(intro. para.), (9), and (12), and (H))

#### **Nursing Home Emergency Preparedness (ACT 597)**

Existing law provides that nursing homes located in the following parishes shall develop an emergency preparedness plan to be submitted to the La. Dept. of Health's emergency preparedness manager: Acadia, Ascension, Assumption, Calcasieu, Cameron, Iberia, Jefferson, Jefferson Davis, Lafayette, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary, St. Martin, St. Tammany, Tangipahoa, Terrebonne, and Vermilion.

Prior law provided for the minimum details required in the emergency preparedness plan regarding evacuation of the nursing home.

New law retains prior law and adds a requirement for the emergency preparedness plan to also contain a detailed plan to address emergency power in the event of the loss of primary electrical power in that nursing home if evacuation from the nursing home is not required. Further provides for

the La. Dept. of Health (LDH) to confirm that the plan contains the minimum required information.

Prior law provided for the duties of the La. Dept. of Health regarding submitted emergency management plans.

New law retains prior law and requires each nursing home's primary sheltering host site and any other alternative sheltering host sites to be inspected and approved by the office of state fire marshal (OSFM). Further provides for LDH to confirm that the OSFM has approved a nursing home's emergency preparedness plan prior to issuing a license or renewing a license for that nursing home.

New law provides that, if the OSFM does not inspect a sheltering host site within 15 business days after LDH receives a nursing home's emergency preparedness plan or summary of an updated plan, the sheltering host site shall be considered conditionally approved until the completion of the federal survey of the nursing home as required by CMS.

Effective June 18, 2022.

(Amends R.S. 40:2009.25(A), (C)-(E), and (I); adds R.S. 40:1563(N))

#### **LDH Annual Review of Sickle Cell Disease Goods and Services Covered by Medicaid (ACT 670)**

New law requires the Louisiana Department of Health (LDH) to conduct an annual review of all medications and forms of treatment for sickle cell disease and services for enrollees with a diagnosis of sickle cell disease that are eligible for coverage under the La. Medicaid program. New law further requires LDH to determine if the available covered medications, treatments, and services are adequate to meet the needs of enrollees or whether LDH should seek to add additional medications, treatments, or services.

New law requires LDH to submit an annual report to the Senate Committee on Finance, the House Committee on Appropriations, and the Senate and House committees on health and welfare that



details LDH's findings from the annual review, as well as any recommendations to the legislature based upon those findings. New law also requires LDH to publish the annual report on its website in a manner accessible by the general public.

New law shall be known as "Lorri Burgess' Law".

Effective August 1, 2022.

(Adds R.S. 40:2018.3.1)

### **Palliative Care Interdisciplinary Advisory Council Recreated (ACT 659)**

Prior law established a 17-member Palliative Care Interdisciplinary Advisory Council to study and make recommendations to the secretary of the La. Department of Health and the legislature regarding the availability of patient-centered and family-focused palliative care in this state. Prior law terminated on March 31, 2022.

New law re-creates the Palliative Care Interdisciplinary Advisory Council, retains the membership of the council as provided in prior law, and extends the termination date of the council to August 1, 2025.

Effective August 1, 2022.

(Amends R.S. 36:259(B)(36); adds R.S. 40:2018.7; repeals R.S. 40:2018.6)

### **Facility Need Review (ACT 531)**

Prior law established a facility need review process within the Louisiana Department of Health (LDH) to determine if there is a need for any new or additional healthcare facilities, providers, programs, services, or beds. New law revises prior law to specifically identify the providers that are subject to facility need review and to provide for all of the following:

- (1) The creation and composition of a facility need review committee within LDH.
- (2) The review process to be used by the committee.

- (3) The rights of applicants for licensure who are subject to facility need review.

New law provides that facility need review must be satisfied before a provider can proceed with licensure by LDH and Medicaid provider certification.

Prior law provided for a nursing facility moratorium and certain exceptions to the moratorium. New law retains and relocates these provisions and deletes certain obsolete provisions.

Prior law provided that the nursing facility moratorium shall be in effect until July 1, 2027. New law retains prior law and provides that nursing facilities are subject to facility need review in the absence of a moratorium.

Prior law provided for certain cost effective measures that may be accomplished through an LDH waiver. New law retains and relocates these provisions.

Effective August 1, 2022.

(Amends R.S. 40:2116; adds R.S. 40:2009.4(C), 2116.1, 2116.2, and 2180.2(12))

### **Nurse Staffing Agencies (ACT 577)**

New law authorizes the La. Dept. of Health (LDH) to promulgate and publish rules and regulations to provide for the licensure and registration of nurse staffing agencies.

New law authorizes LDH to protect the public's right to high quality health care by assuring that nurse staffing agencies employ, assign, and refer licensed and certified personnel to healthcare facilities.

New law identifies a "nurse staffing agency" as any person, partnership, corporation, unincorporated association, or other legal entity that employs, assigns, or refers nurses or certified nurse aides to render healthcare services in a healthcare facility for a fee. New law provides that, for the purposes of new law, the following

entities shall not be identified as a "nurse staffing agency":

(1) An agency that solely provides services in La. under a contract or other agreement with the state of La. or any executive branch department or agency thereof, as a result of a declared disaster, emergency, or public health emergency.

(2) The federal or state government department or agency that provides nursing staff or certified nurse aides to any health care provider setting, evacuation site, or shelter location as a result of a declared disaster, emergency, or public health emergency.

New law defines "certified nurse aide", "department", "healthcare facility", "licensee", "nurse", and "secretary".

New law provides requirements for licensure and applicability provisions for prospective nurse staffing agencies.

New law establishes regulations, processes, and grounds for issuance, renewal, and denial of a nurse staffing agency license.

New law requires LDH to establish minimum standards for the operation of nurse staffing agencies.

New law provides that LDH may at any time and shall, upon receiving a complaint from any interested person, investigate any entity, person, or persons licensed or applying for a nurse staffing agency license.

New law gives LDH authority to investigate any entity, person, or persons who operate or advertise a nurse staffing agency without being licensed in accordance with new law.

New law authorizes LDH to examine certain premises when the investigation or survey of a nurse staffing agency is required by new law.

New law requires LDH to adopt all rules and regulations in accordance with existing law (Administrative Procedure Act) as necessary for the implementation of new law and includes

additional provisions for the implementation of new law.

New law establishes fee provisions for any person, partnership, corporation, unincorporated association, or legal entity operating or planning to operate a nurse staffing agency, specifically regarding licensure and renewal.

New law adds penalty provisions for the unlicensed operation of a nurse staffing agency.

New law provides that a nurse staffing agency shall not require the payment of a fee if the employee or contracted staff is hired as a permanent employee of the facility.

New law states that a nurse staffing agency may require the payment of a fee if the fee is payable solely by the facility and the contract with the facility specifies that the amount will be reduced pro-rata based on the length of time the nurse staffing agency employee or contracted staff performs services for the facility while in the employment of the nurse staffing agency.

New law does not allow a nurse staffing agency to charge a fee if a nurse staffing agency employee or contracted staff was employed by a facility as a permanent employee less than 30 days immediately preceding the agency's initial assignment of the employee or contracted staff to the facility.

Effective August 1, 2022.

(Adds R.S. 40:2120.11-2120.24)

### **Behavioral Health Service Providers (ACT 344)**

Existing law provides that the geographic service location for a public or private behavioral health services provider shall be defined to include the parish in which the provider's business office is located and any parish contiguous to the parish in which the provider's business office is located.

Prior law established that the geographic service location for a public or private behavioral health services provider shall be defined to include any

distance within a 50-mile radius of the provider's business office.

New law revises prior law to establish that the geographic service location for such a provider shall be defined, in part, to include any location within a 50-mile radius of the provider's business office.

New law provides that a behavioral health services provider may operate within a 50-mile radius of one designated offsite location in addition to the existing geographic service locations provided in existing law.

Effective August 1, 2022.

(Amends R.S. 40:2155(B)(2); Adds R.S. 40:2155(B)(3))

#### **Behavioral Health Service Providers (ACT 390)**

Existing law provides for licensure of behavioral health services providers by the La. Department of Health.

New law retains existing law and adds thereto an authorization for fully or provisionally licensed mental health professionals, acting within their scope of practice and employed by licensed behavioral health providers, to provide professional outpatient psychiatric services to any established client or patient regardless of the client's or patient's location within the state.

Effective August 1, 2022.

(Adds R.S. 40:2155(B)(3))

#### **Substance Use Disorder Facilities and Pregnant Women (ACT 309)**

Existing law provides for the licensure of behavioral health services providers by the La. Dept. of Health (LDH). New law retains existing law and adds specific licensure requirements for substance use disorder facilities that treat pregnant women.

New law requires substance use disorder facilities that treat pregnant women to provide onsite access to at least one form of FDA-approved opioid agonist treatment. New law defines onsite access.

New law provides that the substance use disorder facility shall not be in violation of new law if the pregnant woman's health insurance will not cover the cost of treatment.

New law provides that substance use disorder facilities will self-attest their compliance with new law or progress toward compliance in their initial license application or upon license renewal.

New law prohibits enforcement by LDH until January 1, 2023. New law provides that LDH will submit a report to the Senate and House committees on health and welfare on the number of pregnant women receiving medications for opioid use disorder and the number of providers licensed to provide that treatment prior to and after implementation of new law.

Effective January 1, 2023.

(Amends R.S. 40:2156(B)(4); adds R.S. 40:2159.2)

#### **CPST and PSR Services (ACT 503)**

Prior law provided that "community psychiatric support and treatment services" (CPST) are CMS-approved Medicaid mental health rehabilitation services to assist individuals with skill building designed to reduce disability from mental illness, restore functional skills of daily living, and build natural supports and solution-oriented interventions, or such other successor services or requirements subsequently approved by CMS or the La. Dept. of Health.

New law deletes prior law language regarding successor services and specifies that CPST services are intended to achieve identified person-centered goals or objectives through counseling, clinical psycho-education, and ongoing monitoring needs as set forth in an individualized treatment plan.

Prior law provided that "psychosocial rehabilitation services" (PSR) are CMS-approved Medicaid mental health rehabilitation services for individuals with mental illness designed to assist the individual with compensating for or eliminating functional deficits and interpersonal or environmental barriers associated with mental illness, or such other successor services or requirements subsequently approved by CMS or LDH.

New law deletes prior law language regarding successor services and specifies that PSR services use skill building and supportive interventions to restore and rehabilitate social and interpersonal skills and daily living skills.

Prior law required an individual rendering any CPST services for a licensed and accredited provider agency to hold 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 changes prior law to require an individual rendering the assessment and treatment planning components of CPST services to be a fully licensed mental health professional. New law further provides that an individual rendering all other components of CPST services shall be a fully licensed mental health professional, a provisionally licensed professional counselor, a provisionally licensed marriage and family therapist, a licensed master social worker, a certified social worker, or a psychology intern from an American Psychological Association approved internship program.

Prior law required an individual rendering any PSR services for a licensed and accredited provider agency to hold a minimum of a bachelor's degree from an accredited university or college in the field of counseling, social work, psychology, sociology, rehabilitation services, special education, early childhood education, secondary education, family and consumer sciences, criminal justice, or human growth and development.

New law retains prior law and adds criminal justice to the list of acceptable bachelor degree fields for an individual rendering PSR services.

Prior law prohibited the La. Dept. of Health from taking any final action that would have resulted in the elimination of PSR or CPST services unless the action was affirmatively approved by the House and Senate committees on health and welfare.

New law retains prior law and further prohibits any action to reduce PSR or CPST services unless approved by the committees.

New law requires the La. Dept. of Health and the Medicaid managed care organizations to take appropriate actions to ensure that recipients of CPST and PSR services are authorized to receive customized treatment based on the medical necessity of the recipients.

Effective January 1, 2023.

(Amends R.S. 40:2162(A)(3) and (7), (C)(3), (D)(1), (2)(a)(i) and (c), (3)(b), (H)(1), and (K); adds R.S. 40:2162(L); repeals R.S. 40:2162(C)(2)(c))

### **Outpatient Abortion Facilities (ACT 537)**

New law provides that a patient in an outpatient abortion facility shall be permitted unimpeded, private, and uncensored communications with persons by telephone. New law further prohibits an outpatient abortion facility from requiring a patient to forego possession of the patient's mobile phone or cellular phone as a condition for receiving services or patient access to the facility.

New law provides that a violation shall be considered a violation of a condition of licensure and subject to applicable penalty provisions.

Effective June 17, 2022.

(Adds R.S. 40:2175.8)

## **Cameras at Pediatric Day Health Care Facilities (ACT 619)**

Existing law defines "pediatric day health care facility", in pertinent part, as a facility that provides care for medically fragile children under the age of 21, including technology-dependent children who require close supervision. Requires that pediatric day health care facilities be licensed by the La. Dept. of Health (LDH). New law retains existing law.

New law requires each pediatric day health care facility to provide for the installation and operation at its licensed premises of cameras that record both video and audio. Stipulates that compliance with new law shall be a condition of a pediatric day health care facility's licensure.

New law requires that the director of each pediatric day health care facility develop and share with all facility employees and parents of children served at the facility a policy relative to cameras at the facility that, at minimum, provides for all of the following:

- (1) The location and placement of cameras in any room in which children may be cared for except a restroom or any other area in which a child's bare body is normally exposed.
- (2) A requirement that written notice of the cameras be provided to facility employees, parents of children served at the facility, and authorized visitors.
- (3) A requirement that all employees who provide services at the facility receive training concerning the provisions of new law.
- (4) Provisions relative to the duration of retention of video and audio data and procedures for data storage and disposal.
- (5) Procedures for protecting children's privacy and for determining to whom and under what circumstances video or audio data may be disclosed. New law requires that the facility's policy restrict authorization to review video or audio data to the following persons:

(a) The director of the pediatric day health care facility.

(b) The secretary of LDH or his designee.

(c) A parent of a recorded child pursuant to an allegation or evidence of abuse, neglect, or injury.

(d) A member of law enforcement while investigating, in his official capacity, an allegation or evidence of abuse, neglect, or injury.

(e) Any party designated in a subpoena issued by a court of law.

(6) A requirement that any person who views a recording showing what he believes could be a violation of state or federal law shall report the suspected violation to the appropriate law enforcement agency.

(7) A requirement that any camera installed pursuant to new law be in compliance with the National Fire Protection Assoc. Life Safety Code.

New law requires that recordings made by cameras at pediatric day health care facilities be kept confidential. Provides that such recordings are exempt from statutes pertaining to public records encompassed by the Public Records Law (existing law, R.S. 44:1 et seq.).

New law stipulates that its provisions relating to installation and operation of cameras at pediatric day health care facilities are not enforceable until LDH adopts administrative rules for implementation of new law.

Effective January 1, 2023.

(Amends R.S. 44:4.1(B)(26); Adds R.S. 40:2193.6)

## **Criminalistic Laboratory Commissions (ACT 235)**

Existing law authorizes sheriffs and district attorneys to make direct contributions to their respective criminalistics laboratory commissions to defray expenses of their offices.

New law authorizes municipalities that operate police departments to make direct contributions to their respective criminalistics laboratory commissions to defray expenses of their offices.

New law authorizes sheriffs, district attorneys, and municipalities to make contributions from pre-trial intervention or diversion funds.

Effective August 1, 2022.

(Amends R.S. 40:2266.1(F))

### **Healthcare Workplace Violence Prevention (ACT 461)**

New law provides that, for its purposes, "regulated entity" means any licensed healthcare facility listed in existing law (R.S. 40:2006(A)(2)); a federally qualified health center; a licensed pharmacy; and any office of a healthcare provider at which five or more healthcare professionals, as defined in existing law (R.S. 14:34.8(B)), treat patients and such office is not otherwise licensed by the state but provides healthcare services delivered by a licensee of a healthcare professional licensing board created in existing law.

New law provides that, for its purposes, "workplace violence" means violent acts, including battery or the intentional placing of another person in reasonable apprehension of sustaining battery, directed toward persons at work or on duty with their employment.

New law requires every regulated entity to display at its premises at least one sign which indicates that abuse or assault of healthcare staff will not be tolerated and could result in a felony conviction under existing law providing for the crime of simple assault (R.S. 14:38) or other applicable criminal laws. Requires that the signs conform with the following specifications:

(1) The sign shall be posted in a conspicuous location in a publicly accessible area of the facility.

(2) The sign shall be at least 18 inches tall by 18 inches wide and written in the English language with letters not less than one square inch in size.

New law requires the La. Department of Health (LDH) to develop, publish, and maintain on its website public information regarding the issue of healthcare workplace violence. Provides that such information shall include, at a minimum, all of the following:

(1) A listing of best practices, toolkits, and resources on the issue of healthcare workplace violence from governmental and private authorities including, without limitation, the Occupational Safety and Health Administration and the Joint Commission.

(2) Actions that healthcare facilities can take and policies that such facilities can adopt to prevent, respond to, report, and mitigate healthcare workplace violence.

(3) A checklist of items for regulated entities to consider when developing a workplace violence prevention plan.

New law requires every regulated entity to develop and maintain a workplace violence prevention plan. Provides specifications for elements and minimum content of such plans. Authorizes LDH to prescribe additional required content for such plans beyond the material specifically required by new law.

New law requires every regulated entity to maintain its workplace violence prevention plan in effect at all times and to orient all of its permanent and temporary employees to the plan.

New law requires every regulated entity to report to the proper authority any instance of workplace violence that occurs on its property.

New law prohibits regulated entities from taking any retaliatory action against a person who, in good faith, reports an allegation or instance of workplace violence. Provides that no regulated entity shall prohibit an employee from, or take punitive or retaliatory action against an employee for, seeking assistance and intervention from

local emergency services or law enforcement when a violent incident occurs.

New law prohibits regulated entities from discharging, demoting, suspending, threatening, or harassing an employee, or discriminating against an employee in the terms and conditions of his employment, because of any lawful act engaged in by the employee, or taken on behalf of the employee, in reporting to law enforcement a crime or allegation involving workplace violence at the entity's facility. Stipulates that the employee protections provided for in new law shall be in addition to, and shall not replace, any protections conferred by existing law relating to labor and employment.

New law authorizes LDH to take action against any license it has issued to a regulated entity or an owner of a regulated entity's facility, up to and including license revocation, to enforce the provisions of new law. Provides that with respect to enforcement of new law, LDH shall adopt administrative rules and regulations to provide for all of the following:

- (1) Penalties associated with violations of particular provisions of new law.
- (2) Notice to a regulated entity of a violation.
- (3) An informal reconsideration process.
- (4) An appeal procedure including judicial review.

New law provides that new law shall be known and may be cited as the "Lynne Truxillo Act".

Effective August 1, 2022.

(Amends the heading of Part XIII of Chapter 11 of Title 40 of the La. Revised Statutes of 1950 and R.S. 40:2199(A)(1); Adds R.S. 40:2199.11-2199.19)

#### **Human Trafficking Training for Peace Officers (ACT 538)**

Existing law provides relative to human trafficking training for law enforcement agencies.

New law requires that within one year of employment all peace officers in the state complete training on human trafficking from the Council on Peace Officer Standards and Training's (council) Learning Management System. New law provides that all peace officers employed for one year or more on August 1, 2022, must receive training on human trafficking from the council's Learning Management System by December 31, 2022.

New law provides that beginning in 2023, the council must report compliance percentages of human trafficking training to the Senate Committee on Judiciary B and the House Committee on Judiciary, from the previous year not later than February 15th of each year.

New law requires the council adopt rules for the implementation of the human trafficking training program.

Effective August 1, 2022.

(Adds R.S. 40:2405.7(D) and (E))

#### **Law Enforcement Officers' Personnel Files (ACT 634)**

New law provides that no police employee shall be discharged, demoted, suspended, threatened, harassed, or discriminated against in any manner in the terms and conditions of his employment because of any lawful act engaged in by the employee or on behalf of the employee in furtherance of any action taken to report malfeasance in office by police employees to law enforcement, whether such fellow employee is a co-worker, supervisor, or subordinate.

New law provides that a police employee may bring an action for relief against his employer, in a court of competent jurisdiction, for damages associated with any action taken by the employee which is in furtherance of reporting malfeasance in office.

New law provides that a person aggrieved of a violation of new law shall be entitled to treble damages plus court costs and reasonable attorney fees.

New law provides that a plaintiff shall not be entitled to recovery pursuant to new law if the court finds that the plaintiff instituted or proceeded with an action that was frivolous, vexatious, or harassing.

Effective August 1, 2022.

(Adds R.S. 40:2537)

### **Forfeiture Proceedings Procedures (ACT 698)**

Existing law provides relative to the seizure and forfeiture of property related to certain violations of existing law (Uniform Controlled Dangerous Substances Law).

Existing law provides for forfeiture proceedings that include, authorizing the district attorney to delay filing the judicial forfeiture proceeding for 180 days, if a claimant files a request for a stipulation of exemption.

New law retains existing law and authorizes the delay if an extension to file a claim is granted.

Existing law provides that notice is effective upon personal service, publication, or mailing of the notice, whichever is earlier.

New law changes effectiveness from mailing the written notice to receipt of a written notice by certified mail.

Existing law requires the notice to include a description of the property, the date and place of seizure, the conduct giving rise to forfeiture or the violation of law alleged, and a summary of procedures and procedural rights applicable to the forfeiture action.

New law retains existing law.

Existing law authorizes only an owner of or interest holder in property seized for forfeiture to file a claim. Further requires the claim to be mailed to the seizing agency and to the district attorney by certified mail, return receipt requested, within 30 days after Notice of Pending Forfeiture.

New law retains existing law and authorizes a court to grant an extension of time for the filing of a claim for good cause shown and that good cause includes incarceration of the owner or interest holder. Provides that incarceration of the owner or interest holder during the original 30 day period creates a rebuttable presumption of good cause as to the owner or interest holder.

New law requires that a motion for an extension be filed within 60 days after receipt of the Notice of Pending Forfeiture.

Effective August 1, 2022.

(Amends R.S. 40:2608(A)(1), (2), and (4) and 2610(A))

### **La. Emergency Response Network (ACT 123)**

Existing law provides for the Louisiana Emergency Response Network (LERN), a comprehensive, coordinated statewide system for access to regional trauma-patient care throughout the state. Existing law further provides for the system to be compatible and interfaced with the Governor's Office of Homeland Security and Emergency Preparedness. New law retains existing law and expands the scope to include patient care for strokes and ST-segment myocardial infarction (STEMI).

Existing law provides for a governing board of 29 members and provides for the qualifications of the membership. New law changes the nominating entity for the member representing hospitals with 100 beds or more from the Metropolitan Hospital Council of New Orleans to the La. Hospital Association. New law further removes the 211 member of the La. Alliance of Information and Referral Systems and adds one EMS practitioner from a list of nominees submitted by the La. Association of Nationally Registered Emergency Medical Technician.

Existing law provides that all members of the board shall serve terms of three years except for the terms of the initial board members. New law retains existing law and repeals outdated language relative to the initial terms.



Existing law provides for the establishment and maintenance of a statewide trauma system, which shall include a centralized communication center for resource coordination of medical capabilities for participating trauma centers and emergency medical services. New law retains existing law and expands the scope to include participating stroke and STEMI centers.

Existing law provides for an annual written report to the Senate and House committees on health and welfare at least 30 days prior to each regular session which shall include a summary of the data relevant to the goals of existing law and all other information relevant to trauma-patient care and its delivery in this state through the network. New law retains existing law and expands the scope to include data regarding patient care for strokes and STEMI.

Effective August 1, 2022.

(Amends R.S. 40:2841, 2842(3), 2843(A), 2844(B)(3), (15), (16), (17), (20), and (23), (C), and (D), and 2845(A)(1) and (2)(b) and (C)(1))

#### **Pharmacy Benefit Manager Monitoring Advisory Council (ACT 723)**

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

New law adds the governor, the chairman of the House Committee on Insurance, the chairman of the House Committee on Health and Welfare, the chairman of the Senate Committee on Health and Welfare, and the chairman of the Senate Committee on Insurance to the pharmacy benefit manager monitoring advisory council and otherwise retains existing law.

New law provides that the advisory council may conduct and its members may attend and participate in meetings via electronic means.

New law provides that no later than 24 hours prior to a meeting conducted electronically in

accordance with the provisions of new law, the La. Board of Pharmacy, the Dept. of Insurance, and the advisory council shall provide notice, an agenda, and certain detailed information for the public.

New law requires the advisory council to provide a mechanism to receive public comments electronically, both prior to and during the meeting, to properly identify and acknowledge all public comments throughout the meeting, and to maintain those comments in its record of the meeting.

New law requires the presiding officer of the advisory council to ensure that each person participating in the meeting is properly identified and all parts of the meeting are clear and audible to all participants in the meeting, as well as the public.

New law defines "meeting via electronic means", "teleconference", and "video conference" for the purposes of new law.

Effective upon signature of governor (June 18, 2022).

(Amends R.S. 40:2869(D) and (E); Adds R.S. 40:2869(A)(21)-(25) and (F) and R.S. 42:17.2)

## **TITLE 41: PUBLIC LANDS**

### **Union Parish School Board (ACT 234)**

New law authorizes the Union Parish School Board to exchange unused school land, including sixteenth section land, for other land in Union Parish in accordance with certain procedures and conditions. Requires:

- (1) A public hearing and notice of the hearing.
- (2) Appraisal of land being considered for exchange.
- (3) A vote of a majority of the elected membership of the school board at a regularly

scheduled hearing to authorize an exchange of land.

Effective August 1, 2022.

(Adds R.S. 41:906)

## **TITLE 42: PUBLIC OFFICERS AND EMPLOYEES**

### **State Bond Commission Public Meetings (ACT 149)**

Existing law requires that meetings of public bodies be open to the public and prohibits a public body from utilizing any manner of proxy voting procedure, secret balloting, or any other means to circumvent the intent of existing law.

Existing law authorizes the State Bond Commission to hold periodic meetings via teleconference or video conference. Provides stipulations regarding such meetings. Limits the number of such meetings to one per quarter.

Existing law provides relative to rules, regulations, and procedures to allow the public to participate in a meeting via electronic means.

Prior law authorized the commission to adopt such rules, regulations, and procedures. New law requires same.

Prior law provided for termination of existing law on Aug. 1, 2022.

New law repeals prior law.

Effective August 1, 2022.

(Amends R.S. 42:29(E); Repeals R.S. 42:29(G))

### **State Employee Parental Leave Transfers (ACT 649)**

Existing law authorizes the State Civil Service Commission and the State Police Commission to establish a leave transfer program allowing full-time employees to pool unused leave for use by a

participating employee who has used all of his accrued leave.

Existing law provides that an employee may receive leave from the employing agency's leave pool if the employing agency finds that a catastrophic illness or serious injury prevents the employee from performing his duties for a period of more than 10 consecutive days which the employee is scheduled to work.

Existing law applies if the illness or injury affects any the following:

- (1) The employee.
- (2) The employee's spouse.
- (3) The employee's minor child.

New law provides that existing law applies to significant others, rather than spouses, and also applies if the illness or injury affects either of the following:

- (1) A child who is still supported by the employee.
- (2) A dependent parent for whom the employee is the primary caregiver.

New law provides that an employee may receive leave from the leave pool to cover six weeks of parental leave immediately after the birth or adoption of a child.

Existing law authorizes the employing agency to consider the likely impact on morale and efficiency within the agency in considering a request to use leave from the pool account unless the request involves a medical condition affecting the leave recipient. New law further exempts parental leave from requests for which the employing agency has the discretion to consider morale and efficiency.

Effective August 1, 2022.

(Amends R.S. 42:441(3), 442, 443(D) and (E), 444(intro. para.), 445(A) and (B), and 446; Repeals R.S. 42:441(4))

### **Fast Health Plan Disclosure of Prior Authorization Requirements and Notice of Grounds for Denial (ACT 696)**

New law provides that beginning Jan. 1, 2023:

(1) The office of group benefits shall require every health plan offered through the office to furnish in writing or electronically, within one business day of a written or oral request by a healthcare provider, the medical criteria and any other requirements that must be satisfied in order for a particular healthcare service, procedure, or prescription drug to be prior authorized by the health plan.

(2) Upon the denial of a prior authorization by a health plan offered through the office, the office shall require the health plan to provide with the written notification of the denial a copy of the applicable law, regulation, policy, procedure, or medical criterion or guideline that was used by the health plan to deny the prior authorization on how to access such law, regulation, policy, procedure, or medical criterion or guideline that is publicly accessible.

New law authorizes the office to adopt rules in accordance with existing law (Administrative Procedure Act) as necessary for the implementation of new law.

Effective July 1, 2022.

(Adds R.S. 42:812)

### **Board of Ethics Deadline to Notify (ACT 348)**

Existing law prohibits an elected official of a governmental entity from receiving or agreeing to receive any thing of economic value for assisting a person in a transaction or in an appearance in connection with a transaction with the governmental entity or its officials or agencies unless he files a written statement with the Bd. of Ethics (board) prior to or within 10 days after initial assistance is rendered. Existing law excludes ministerial transactions from this requirement.

Existing law provides that the contents of the statement shall be prescribed by the board, provides that the statement shall be a public record, and requires the board to review all the statements. If the board determines a statement to be deficient or suggest a violation of the ethics code, requires the board to notify the official of its findings.

Prior law required the board to notify the official of its findings within 10 days after receiving his statement.

New law extends the time period the board has to notify the official to no later than the second regularly scheduled meeting of the board following receipt of his statement.

Effective August 1, 2022.

(Amends R.S. 42:1111(E)(2)(d))

### **Board of Ethics – School Board Nepotism Disclosure (ACT 50)**

Existing law (ethics code – nepotism) prohibits an agency head from employing a member of his immediate family in his agency and prohibits a governmental entity from employing an immediate family member of a member of the governing authority or of the chief executive of the governmental entity.

Existing law provides an exception that authorizes a local school board to employ any member of the immediate family of a board member or of the school district superintendent as a classroom teacher if the family member is certified to teach or is temporarily authorized to teach while pursuing certification. Existing law provides other specific exceptions relating to employment of family members by school boards.

Existing law requires that a school board member or superintendent whose immediate family member is employed by the school board to file a disclosure statement with the Bd. of Ethics stating the facts of such employment.

Prior law provided that the deadline for filing the disclosure was 30 days after the beginning of each school year. New law changes the deadline for filing the disclosures to Sept. 15th of each year.

Existing law provides that a person who fails to timely file a disclosure statement may be assessed a late fee of \$50 per day, not to exceed \$1,500.

Effective August 1, 2022.

(Amends R.S. 42:1119(B)(2)(a)(iii))

### **School Boards and Nepotism (ACT 47)**

Existing law (ethics code – nepotism) prohibits an agency head from employing a member of his immediate family in his agency and prohibits a governmental entity from employing an immediate family member of a member of the governing authority or of the chief executive of the governmental entity.

Existing law provides an exception that authorizes a local school board to employ a member of the immediate family of a board member or of the school district superintendent as a classroom teacher if the family member is certified to teach or is temporarily authorized to teach while pursuing certification. Existing law provides other specific exceptions relating to employment of family members by school boards.

Existing law authorizes the promotion of a family member employed by a school board to an administrative position for which he is qualified. New law requires that the family member be employed by the school board for at least one year before he can be promoted to an administrative position.

Effective upon signature of governor (May 17, 2022).

(Amends R.S. 42:1119(B)(2)(a)(v))

### **Chief Indigent Defender Transfers of Office Space to District Public Defender's Office (ACT 184)**

Existing law (R.S. 42:1121) prohibits a former agency head or elected official, for a period of two years following the termination of his public service as the head of such agency or as an elected public official serving in such agency, from assisting another person, for compensation, in a transaction, or in an appearance in connection with a transaction, involving that agency or from rendering any service on a contractual basis to or for such agency. Existing law further prohibits a legal entity in which a former public servant is an officer, director, trustee, partner, or employee, for a period of two years following termination of his public service, from assisting another person for compensation in a transaction or in an appearance in connection with a transaction in which such public servant at any time participated during his public service and involving his former agency. Present law prohibits a former public servant from sharing in any compensation received by another person for assistance which such former public servant is prohibited from rendering by existing law.

New law provides an exception to existing law to allow a former chief indigent defender or a legal entity in which the former chief indigent defender owns an interest to donate office space, to lease office space at a fair market value, or to sell office space at fair market value to the district public defender's office if the transaction is deemed necessary for the continuity of the provision of public defender services within a judicial district at the same location and the transaction is approved by the La. Public Defender Board or its successor.

Effective August 1, 2022.

(Adds R.S. 42:1121(I))

### **Groundwater District Ethics (ACT 304)**

New law provides, notwithstanding any contrary provision of law including the Code of Governmental Ethics, a member of the board of commissioners of a groundwater district

nominated by a privately owned entity within the district, appointed by the governor and confirmed by the Senate, who, at the time of nomination is employed by, rendering compensated services to, or participating in a transaction with the member's respective nominating entity, may continue to be employed by, render compensated services to, or participate in transactions with the member's respective nominating entity.

New law shall be applied prospectively.

Effective June 10, 2022.

(Adds R.S. 42:1123(47))

### **False Statements in Election Materials (ACT 110)**

Existing law (ethics code) prohibits a candidate in an election from, with the intent to mislead the voters, distributing or causing to be distributed any oral, visual, or written material containing false statements about another candidate in the election.

New law specifically includes the distribution of digital materials containing false statements in the prohibition.

Existing law provides that for a violation to occur, the candidate responsible for the distribution of the statement must know that the statement about another candidate is false. New law adds that a violation occurs when the candidate responsible for the distribution should be reasonably expected to know the statement.

Existing law (R.S. 42:1153), for violations of the Code of Governmental Ethics and other laws within jurisdiction of the Board of Ethics, by an elected official or other person (except violations of the Campaign Finance Disclosure Act which are governed by that Act) authorizes the board by a majority vote of the membership to censure the elected official or person, impose a fine of not more than \$10,000, or both. For such violations by a public employee or other person, authorizes the board by the same vote to remove, suspend, or order a reduction in pay or demotion of the public employee or other person, or impose a fine

of not more than \$10,000, or both. Existing law applies to violations of new law.

Effective August 1, 2022.

(Amends R.S. 42:1130.4)

### **Nominations for Board of Ethics (ACT 43)**

Existing law (R.S. 42:1132) provides procedures for selecting the 11 members of the Bd. of Ethics (board). Provides that the governor appoints seven members subject to Senate confirmation. Requires that at least one such member be appointed from each congressional district. Provides further that the House of Representatives and Senate each elect two members to the board.

Existing law requires the governor, House of Representatives, and Senate to select members in accordance with existing law (R.S. 42:2.1), which requires an appointing authority to give due consideration to the demographics of the population of the state, including without limitation geography, gender, and race, in making appointments to any board, commission, council, authority, or other similar entity that has statewide jurisdiction.

Existing law provides that members of the board are selected from nominations made by a nominating committee.

Prior law specifically provided that the nominating committee consisted of the presidents or their designees of Centenary College of La., Dillard University at New Orleans, La. College, Loyola University at New Orleans, Our Lady of Holy Cross College at New Orleans, Our Lady of the Lake College at Baton Rouge, Xavier University of La. at New Orleans, New Orleans Baptist Theological Seminary, Saint Joseph Seminary College, and Tulane University.

New law provides instead that the nominating committee consists of presidents or their designees of the colleges and universities that are members of the La. Assoc. of Independent Colleges and Universities or its successor association.

Existing law provides time limits for the submission of the names of nominees to the appropriate appointing authority. Requires the nominating committee to provide no fewer than five eligible nominees for each vacancy and to give due consideration to the demographics of the population of the state, including without limitation geography, gender, and race in preparing the list of nominees. Provides that if the nominating committee fails to submit nominees in the time required, the appointing authority shall select a person to the board.

New law further provides that if the nominating committee fails to submit the required number of nominees, the appointing authority shall select a person eligible to serve on the board.

Effective August 1, 2022.

(Amends R.S. 42:1132(B)(2))

## **TITLE 43: PUBLIC PRINTING AND ADVERTISEMENTS**

## **TITLE 44: PUBLIC RECORDS AND RECORDERS**

### **Public Records Law Narrowed (ACT 770)**

Existing law defines which materials are considered public records.

New law adds electronically stored information and information contained in databases to the list of materials considered public records.

Existing law provides that the custodian of records cannot make an inquiry of any applicant of a public record except an inquiry as to the age and identification of the person.

New law authorizes the custodian of records to make an additional inquiry relative to the specificity of the request if, after review of the initial request, he is unable to ascertain what records are being requested. Further allows the

custodian to deny access to a record after reasonable attempts to narrow or specify the request with the requestor, if he reasonably determines the request would substantially disrupt government operations.

Existing law provides that a custodian of public records may establish and collect reasonable fees for making copies of public records and request payment of fees in advance of production. Further provides that it is the duty of the custodian to provide copies to a requestor. New law specifies that if the requestor fails to pay the applicable copying fees after being notified of the amount in advance or if the requestor has an outstanding balance due from a prior request, the custodian does not have the duty to provide the copies.

In any case in which a record is requested and a question is raised by the custodian of the record as to whether it is a public record, existing law requires the custodian to provide written notification to the person making such request of his determination and the reasons therefor.

Prior law required the notification to be given within three days, exclusive of Saturdays, Sundays, and legal public holidays, of the receipt of the request, in writing for such record.

New law grants the custodian five days to provide written notice to the requesting party.

Existing law provides that the custodian of records shall be personally liable and liable in solido with the public body for the payment of damages due to a requester if a court of proper jurisdiction determines the custodian arbitrarily or capriciously withheld a requested record or unreasonably or arbitrarily failed to respond to a records request.

Existing law provides for penalties for violations of public records law by custodians of public records.

New law requires the violation of public records law to be arbitrary or capricious in nature to qualify for penalties in existing law.

Effective August 1, 2022.

(Amends R.S. 44:1(A)(2)(a), 32(A), (C)(1)(a) and (2), and (D), 35(E)(2), and 37)

### **Disclosure of Investigative Records to Sex-Offense Victim (ACT 630)**

Existing law (R.S. 44:1 et seq.-Public Records Law) provides that all books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including electronically stored information or information contained in databases or contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of the state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of the state are "public records". Present law establishes a framework for the ready availability of public records to requesting persons and specifically provides that it is the duty of the custodian of the public records of a public entity or agency to provide copies to persons so requesting. Provides for certain exceptions, exemptions, and limitations.

Existing law exempts from required disclosure specified types of records held by the offices of the attorney general, district attorneys, sheriffs, police departments, Dept. of Public Safety and Corrections, marshals, investigators, public health investigators, correctional agencies, communications districts, intelligence agencies, Council on Peace Officer Standards and Training, La. Commission on Law Enforcement and Administration of Criminal Justice, or publicly owned water districts.

Existing law, relative to records held by such entities, provides generally that records of the

arrest of a person are exempt from disclosure until a final judgment of conviction or the acceptance of a plea of guilty by a court of competent jurisdiction. Provides however that the initial report of an officer investigating a complaint is a public record.

Existing law specifies the required content of such an initial report, which shall include name and identification of each person charged with or arrested for the alleged offense. New law qualifies the requirement that the report include the name and identification of each person charged or arrested; provides that this is not required if inclusion is prohibited by federal law or state law other than public records laws.

New law additionally requires that the report include the name and identification of each witness of the alleged offense unless inclusion is prohibited by federal law or state law other than public records laws.

New law requires an agency to allow the victim of an offense or his designated family member to review and copy records related to the offense unless such review is prohibited by federal law or state law other than public records laws or the agency certifies that the records are subject to actual or reasonably anticipated criminal litigation.

New law requires that an agency provide to the victim of an offense or his designated family member any document that it provides to a defendant after prosecution of an offense has been initiated, unless the agency certifies in writing that the records are being withheld because information in them could materially affect the prosecution or related investigation.

New law provides that new law does not prohibit an agency from allowing the release of the record to a victim or designated family member if the agency determines the release would not impair an ongoing investigation or prosecution.

Effective August 1, 2022.

(Amends R.S. 44:3(A)(4)(b)(ii); Adds R.S. 44:3(K))

### **Judges' Addresses on Tax Roll Websites (ACT 394)**

Existing law (R.S. 44:1 et seq.-Public Records Law) provides that all books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of the state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of the state are "public records". Existing law establishes a framework for the ready availability of public records to requesting persons and specifically provides that it is the duty of the custodian of the public records of a public entity or agency to provide copies to persons so requesting. Provides for certain exceptions, exemptions, and limitations.

New law provides that any judge may request to have his name removed from information concerning his domiciliary address on a publicly accessible website containing the property assessment rolls of a parish property tax assessor or tax collector. New law requires that the request shall be made in writing each year to the parish tax assessor or collector along with proof of the current holding of judicial office.

New law provides that a person wishing to access personal ownership information which has been removed pursuant to new law may request the records from the parish property tax assessor or collector.

Effective August 1, 2022.

(Adds R.S. 44:11.1)

### **Public Record Electronic Transmission Fees (ACT 337)**

Existing law establishes the right of any person to examine a public record. Authorizes an individual to inspect, copy, or reproduce a public record and authorizes a person to obtain a copy or reproduction of a public record. Requires the custodian of a public record to provide copies of the record to persons requesting copies.

Existing law, applicable to entities that are not state agencies, authorizes the custodian to establish and collect reasonable fees for making copies of public records. New law provides that fees for making copies may include the transmission of electronic copies.

Effective upon signature of governor (June 10, 2022).

(Amends R.S. 44:32(C)(1)(a))

### **Liability of Public Record Custodians for Invasion of Privacy (ACT 684)**

Existing law provides for a designated custodian of records for an agency to respond to public records requests.

Existing constitution (Art. I, Sec. 5) provides generally for a right to privacy.

New law specifies that a custodian who releases records in response to a public records request shall be immune from any lawsuit for invasion of privacy alleged to be caused by the release of public records, provided the custodian acts on advice of counsel and the release is not proven to be arbitrary and capricious.

Effective August 1, 2022.

(Adds R.S. 44:42)



## **TITLE 45: PUBLIC UTILITIES AND CARRIERS**

### **PSC Districts Redrawn (ACT 2 of First Extraordinary Session)**

Existing constitution (Const. Art. IV, §21) creates the Public Service Commission (PSC) consisting of five members elected for overlapping six-year terms from single-member districts.

Prior law provided boundaries for five single-member districts based upon the 2010 federal decennial census.

New law redraws district boundaries for the PSC districts based upon the 2020 federal decennial census.

New law provides that the new districts became effective upon signature of governor (March 9, 2022) for election purposes only for PSC Districts 3 and 4 elections in 2022 and for the filling of any vacancy on the PSC at a special election held in 2022 after the effective date of new law. Retained districts based upon the 2010 census until noon on January 1, 2023, at which time prior law was repealed and the districts based upon the 2020 census, as established by proposed law, became effective for all other purposes.

New law specifies that precincts referenced in district descriptions are those precincts identified as Voting Districts (VTDs) in the 2020 Census Redistricting TIGER/Line Shapefiles for the state of La. as validated through the data verification program of the La. legislature. Also specifies that if any such precinct has been subdivided by action of the parish governing authority on a nongeographic basis or subdivided by action of the parish governing authority on a geographic basis in accordance with existing law, the enumeration of the general precinct designation shall include all nongeographic and all geographic subdivisions thereof. Further provides that the territorial limits of the districts as enacted shall continue in effect until changed by law regardless of any changes made to the precincts by the parish governing authority.

Statistical summaries of new law, including district variances from the ideal population of 931,551 and the range of those variances, as well as maps illustrating the new district boundaries accompany the enrolled bill version available on the internet. The population data in the summaries are derived from 2020 Census Redistricting Data (Public Law 94-171), Summary File for Louisiana. Population data, statistical information, and maps are supplied for purposes of information and analysis and comprise no part of new law.

Effective upon signature of governor (March 9, 2022) for election purposes only for regular PSC Districts 3 and 4 elections and specified vacancy elections in 2022; effective for all other purposes on January 1, 2023.

(Adds R.S. 45:1161.4; Repeals R.S. 45:1161.5)

### **Video Service (ACT 164)**

Existing law defines "cable service" as the one-way transmission to subscribers of video programming or other programming service and any subscriber interaction required for the selection or use of video programming or other programming service. Existing law excludes video programming provided by a commercial mobile service provider from the definition of "cable service".

New law specifies that video programming accessed via a service that enables users to access content, information, email, or other services offered over the internet, including streaming content, is excluded from the definition of "cable service".

Prior law defined "video service" as video programming services provided through wireline facilities located at least in part in the public rights of way without regard to delivery technology, including internet protocol technology. New law specifies that video programming services are those provided by video service providers.

Existing law excludes video programming by a commercial mobile service provider and video

programming provided as part of a service enabling users to access information over the internet from the definition of "video service".

New law also excludes direct-to-home satellite services as defined in federal law from the definition of "video service" and specifies that streaming content is included in the video programming that is excluded from the definition of "video service".

Effective upon signature of governor (May 26, 2022).

(Amends R.S. 45:1363(intro. para.), (1), and (14))

### **Electric Vehicle Charging Equipment Network Act (ACT 762)**

New law creates the "Electric Vehicle Charging Equipment Network Act" for the purposes of establishing a statewide electric vehicle charging technology and equipment network.

New law provides that it is the intent of the legislature that new law promotes a rapid development of a statewide electric vehicle charging network by doing all of the following:

(1) Improving the quantity, quality, and variety of electric vehicle charging amenities and consumer experience services available in the state.

(2) Urging the La. Public Service Commission to establish an electric vehicle charging rate structure that promotes long-term alternative fuel market competition by encouraging transparent pricing, more stable electricity costs, expanded investment opportunities in charging infrastructure, innovation, and a widespread implementation of publicly available fast charging, electric vehicle charging technology and equipment.

(3) Urging the La. Public Service Commission to explore excluding persons or corporations from the definition of public utility under certain circumstances.

New law defines "commission" and "electric public utility".

Effective June 18, 2022.

(Adds R.S. 45:1621-1623)

## **TITLE 46: PUBLIC WELFARE AND ASSISTANCE**

### **Military Family Assistance (ACT 413)**

Existing law provides generally that all books, records, writings, accounts, letters, maps, drawings, photographs, cards, tapes, recording, memoranda, and papers and copies or any other documentary materials, regardless of physical form or characteristics, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the state constitution or state law or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the state constitution or state law are "public records", except as otherwise provided by the Public Records Law or the state constitution.

Existing law provides several exceptions, exemptions, and limitations to the laws pertaining to public records.

New law adds to the list of exceptions the provision of existing law regarding information identifying applicants to the Louisiana Military Family Assistance Fund.

Existing law provides that statistical reports and reports on the overall performance of the program and revenue and expenditures related to the Louisiana Military Family Assistance Fund shall be public record. However, provides that the identity of applicants and their related activated military personnel or honorably discharged active-duty military personnel shall be confidential unless waived and provides that the

filing of an appeal before the Louisiana Military Family Assistance board shall be considered a waiver. Also provides that although confidential, records relating to applications and the identity of applicants and their related activated military personnel or honorably discharged active-duty military personnel shall be available to necessary parties such as the legislative auditor, legislative oversight committees for rules and annual reports, and such other parties as necessary for prudent administration of the program and verification of elements of an application. Provides that once a claim is approved, the identity of the claimant and their related activated military personnel or honorably discharged active-duty military personnel and the amount approved shall be public record.

Prior law defines "honorably discharged active-duty military personnel" to mean a person domiciled in Louisiana who was on full-time active duty in the military service of the United States and received an honorable discharge.

New law changes the term "honorably discharged active-duty military personnel" in prior law to "honorably discharged military person" and defines the term to mean a person domiciled in Louisiana who is a veteran of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard who was on full-time active duty in the military service of the United States, received an honorable discharge, and meets enumerated criteria in new law relative to their service.

Existing law provides that payment of needs-based claims to family members of activated military personnel or honorably discharged active-duty military personnel shall be one of the sole uses of money in the Louisiana Military Assistance Fund.

New law replaces the prior law term "honorably discharged active-duty military personnel" with new law term "honorably discharged military person".

Existing law provides that awards from the Louisiana Military Family Assistance Fund are need-based and provides the criteria for determining if an award is need-based as:

(1) Funds are requested for necessary expenses incurred or to be incurred.

(2) The necessary expenses created, or will create, an undue hardship on the family member.

(3) The family member does not have reasonable access to any other funding source.

(4) Payment of the claim by the fund does not supplant other available public or private funds.

(5) The applicant or the family member has made reasonable attempts to secure alternative funding through another program.

New law provides that funds may be made available to activated military personnel, family members of activated military personnel, and honorably discharged military personnel, provided they meet criteria enumerated in existing law.

New law removes prior law provision specifying that the undue hardship had to be directly or indirectly related to the activation of the military person or honorable discharge of the active-duty military person.

New law authorizes the Louisiana Military Assistance Fund Board to meet via electronic means and provides requirements for providing notice, posting an agenda, receiving public comment, and ensuring identification of participants and accessibility of matters discussed.

Effective June 15, 2022.

(Amends R.S. 44:4.1(B)(31) and R.S. 46:121(1) and (4), 122(B)(1), 123(B)(1) and (2), (D)(1), (E), (G)(1) and (2), and (K)(2) - (4); adds R.S. 46:123(M); repeals R.S. 46:121(1)(c) and (6))

### **Medicaid – Prescription Drug Coverage (ACT 76)**

Existing law provides for prescription drug coverage in the Louisiana Medicaid program, including a preferred drug list established in conjunction with a prior approval process.

New law retains existing law but prohibits any restriction by prior authorization of a prescription drug prescribed to an adult patient and determined by a licensed prescriber to be medically necessary for the treatment and prevention of schizophrenia and schizotypal or any delusion disorders if, during the preceding year, the patient was unsuccessfully treated with the preferred drug or the patient has previously been prescribed and obtained prior authorization for the nonpreferred drug and the request is in accordance with federal requirements.

Effective August 1, 2022.

(Adds R.S. 46:153.3(C)(2))

### **Child ID Cards (ACT 120)**

Existing law provides for the Protect and Save our Children Program for issuance of special identification cards for persons under the age of 16 years old. Existing law further provides that the card will be issued without cost to a foster child.

New law retains existing law and requires that the Dept. of Children and Family Services (DCFS) shall obtain one of the following no later than 90 days after a foster child is placed in the custody of the state:

(1) For a child age 14 or older, a special identification card issued for the child.

(2) For a child under age 14 who does not qualify for a special identification card, a photograph of the child.

New law provides that if DCFS is unable to comply with new law due to the child's incarceration, elopement, physical or mental disability, or specialized placement where the child cannot be transported, or upon approval of the court, the department shall obtain the special identification card or photograph no later than 90 days from the date the condition preventing compliance ceases to exist.

Effective May 25, 2022.

(Adds R.S. 46:286.2)

### **Workforce Training and Education Initiative (ACT 506)**

Prior law provides that the executive director of the La. Workforce Commission, the secretary of the Dept. of Children and Family Services, the secretary of the La. Dept. of Health, the state superintendent of education, and the president of the La. Community and Technical College System, referred to collectively as the "state partners", collaborate to design and implement a workforce training and education initiative for public assistance recipients. Prior law further provides that the initiative's purposes are to improve employment opportunities and promote workforce advancement.

New law retains prior law and provides for an advisory board to assist the state partners and provides for the advisory board membership and meetings.

Prior law requires the state partners to design the initiative's operations and system of services to facilitate replication of the program in all regions of the state.

New law retains prior law and requires, prior to the design and implementation of the initiative, the advisory board to conduct meetings for the purpose of receiving public input regarding the program.

Prior law provides for the pilot initiative to operate and serve participants in certain regions.

New law changes the initial areas served to the following parishes: Concordia, East Carroll, Madison, Morehouse, Ouachita, Richland, St. Landry, and Tensas.

Prior law provides that, if agreed to by the head of each state partner, the partners may expand the geographic service area of the pilot initiative beyond the initial regions.

New law retains prior law but removes the requirement for agreement by each state partner.

Prior law provides for the duties of the state partners in implementing and administering the initiative.

New law retains prior law but makes technical changes.

Prior law provides for the state partners to submit annual reports providing a summary and evaluation of the initiative's outcomes to the legislative committees on labor and industrial relations and to the legislative committees on health and welfare.

New law retains prior law and provides for the annual report also to be provided to the advisory board.

New law authorizes the initiative to provide vocational education, basic education, educational certificates, and supportive services.

New law makes technical changes by changing "regions" to "parishes".

Effective June 16, 2022.

(Amends R.S. 46:351-356)

#### **Medical Coverage for Continuous Glucose Monitors (ACT 241)**

New law requires the La. Medicaid program to provide coverage for a continuous glucose monitor for the treatment of an enrollee who has any type of diabetes with the use of insulin more than two times daily or evidence of level 2 or level 3 hypoglycemia or who has glycogen storage disease type 1a.

New law requires an enrollee who receives coverage for a continuous glucose monitor to attend regular follow-up visits with a healthcare provider at a minimum of every six months to assess the ongoing benefit of the enrollee's use of a continuous glucose monitor.

New law requires the La. Dept. of Health to implement the coverage requirement of new law using the most cost-effective solution available to the department.

Effective August 1, 2022.

(Adds R.S. 46:450.8)

#### **Council on Medicaid Pharmacy Reimbursement (ACT 292)**

New law provides for the Council on Medicaid Pharmacy Reimbursement within the La. Dept. of Health (LDH). New law further provides for the membership of the council, terms of the members, meetings of the council, and the required quorum.

New law provides duties of the council.

New law provides that the council may consult with health benefit plan issuers, Medicaid managed care organizations, pharmacy benefit managers, wholesale drug distributors, and other interested stakeholders in carrying out the duties required by new law.

Effective August 1, 2022.

(Adds R.S. 46:460.37)

#### **Medicaid Managed Care Credentialing (ACT 143)**

Existing law establishes requirements and standards for credentialing by Medicaid managed care organizations of healthcare providers who furnish health services to persons enrolled in the state's Medicaid managed care program. New law retains existing law.

New law stipulates that all of the following healthcare providers shall be considered to have satisfied, and shall otherwise be exempt from having to satisfy, any credentialing requirements of a Medicaid managed care organization:

- (1) Any healthcare provider who maintains hospital privileges or is a member of a hospital medical staff with a hospital licensed in accordance with existing law.
- (2) Any healthcare provider who is a member of the medical staff of a rural health clinic licensed in accordance with existing law.

(3) Any healthcare provider who is a member of the medical staff of a federally qualified health center as defined in existing law.

New law provides that if the federal Medicaid agency withholds or defers payment of, or disallows a claim for, federal financial participation, in whole or in part, based upon a determination that a provider exempted by new law has not been credentialed or recredentialed as required by federal regulations, the state may recoup from the provider or the hospital an amount equal to the federal monies withheld, deferred, or disallowed, in order that the state is indemnified from all losses and made whole.

New law authorizes the La. Department of Health to promulgate administrative rules to provide for further credential-deeming authority applicable to other provider types with appropriate safeguards.

Effective August 1, 2022.

(Adds R.S. 46:460.61(F)-(H))

#### **Medicaid Managed Care Provider Prepayment Review (ACT 534)**

Existing law provides for the Medicaid managed care program and the payment of healthcare provider claims by Medicaid managed care organizations (MCOs).

New law prohibits MCOs and their contractors, assignees, and agents from subjecting any Medicaid-enrolled healthcare provider to prepayment review unless the prepayment review requirement is implemented directly by the La. Dept. of Health in accordance with the Medical Assistance Programs Integrity Law.

New law defines "prepayment review" as any action by an MCO or an entity acting on behalf of the MCO which requires a healthcare provider to provide medical record documentation in conjunction with, or after submission of, a claim for payment for medical services rendered, but before the claim has been adjudicated by the MCO.

New law does not prohibit either of the following:

(1) An MCO notifying the La. Dept. of Health of healthcare providers suspected of committing fraud and abuse.

(2) The La. Dept. of Health requiring all MCOs to coordinate efforts to combat and prevent fraud and abuse pursuant to any requirements ordered by the department in accordance with the Medical Assistance Programs Integrity Law.

New law does not apply to any dental coordinated care network as defined in existing law.

Effective August 1, 2022.

(Adds R.S. 46:460.76)

#### **Medicaid Coverage for Human Milk (ACT 488)**

New law requires Medicaid health plans to provide coverage benefits for medically necessary pasteurized donor human milk upon prescription of an infant's pediatrician stating that the infant is medically or physically unable to receive maternal human milk or participate in breastfeeding, or the infant's mother is medically or physically unable to produce maternal human milk in sufficient quantities.

New law authorizes the La. Dept. of Health to seek approval of a federal Medicaid waiver and state plan amendments in implementation of new law.

New law provides that Medicaid shall reimburse only for outpatient donor human milk obtained from a member bank of the Human Milk Banking Association of North America.

Effective August 1, 2022.

(Adds R.S. 46:977.31)

#### **Jackson Parish Hospital Service District (ACT 321)**

Existing law authorizes parish governing authorities to create hospital service districts.

Provides generally that such a district is governed by a five-member board of commissioners. Provides that commissioners are appointed by the parish governing authority and requires that they be qualified voters and residents of the district.

Prior law provided that the Jackson Parish Hospital Service District was governed by a seven-member board of commissioners. New law provides that the district is governed by a five-member board of commissioners.

New law requires that the members of the board of commissioners of the Jackson Parish Hospital District meet certain qualifications as follows:

- (1) One commissioner shall be an officer or owner of a bank or group of banks in the parish.
- (2) One commissioner shall be a licensed attorney who is not employed by the district attorney's office.
- (3) One commissioner shall be a licensed healthcare professional who practices at the hospital service district hospital.
- (4) One commissioner shall be a licensed certified public accountant or hold a master's degree in business administration.
- (5) One commissioner shall possess managerial expertise and be employed by a manufacturer located in the parish that has more than 200 employees and that manufactures products made from pulp wood or other fibrous materials.

New law repeals prior law that provided relative to the governance of a hospital service district in any parish with a population between 16,000 and 17,000. Prior law provided similarly to new law regarding qualifications of commissioners.

Effective upon signature of governor (June 10, 2022).

(Amends R.S. 46:1053(BB); Repeals Act No. 171 of 2017 R.S.)

### **Care Program for Certain Pregnant Women and Parents (ACT 561)**

New law creates within the Dept. of Children and Family Services (DCFS) a continuum of care program for certain pregnant women and parents. Provides that the purpose of the program is to facilitate the operation of a statewide telecare support network that provides community outreach, consultations, and care coordination for women who are challenged with unexpected pregnancies.

New law provides that the continuum of care program shall be designed to accomplish all of the following goals:

- (1) Encourage healthy childbirth.
- (2) Support childbirth as an alternative to abortion.
- (3) Promote family formation.
- (4) Assist parents in establishing successful parenting techniques.
- (5) Increase the economic self-sufficiency of families.

New law requires DCFS to provide in rule for the functions and administration of the telecare support network. Stipulates that these rules shall ensure that the network does not hold itself out to be an entity that can perform, refer for, or assist with an abortion.

New law prohibits the telecare support network created therein from setting appointments with or referring women or parents to any entity that performs abortions or recommends for abortion.

New law requires that DCFS finance the continuum of care program with monies appropriated to it by the legislature for the operation of the program. Provides that such monies may include Temporary Assistance for Needy Families program funds, American Rescue Plan Act funds, and any other sources of revenue.

New law requires that the continuum of care program deliver services exclusively through electronic means utilizing the telecare support network provided for in new law unless the legislature specifically appropriates monies for other modes of service delivery.

New law provides that the continuum of care program shall provide direct services, supports, social services case management, and referrals to biological parents of unborn children and biological or adoptive parents of children under the age of two years. Provides that the components of the program shall include, without limitation, all of the following:

(1) Outreach to at-risk populations eligible for the program.

(2) Utilization of registered nurses to assess and evaluate needs related to pregnancy or parenting and to provide medically accurate, pregnancy-related medical information to program participants.

(3) Utilization of social workers or other licensed individuals with equivalent experience to perform the following functions:

(a) Development of a care plan, resources, and supports for program participants to address identified needs.

(b) Referrals to appropriate local resources including, without limitation, state and federal benefits programs and local charitable organizations.

(c) Assistance in applying for state and federal benefits programs.

(d) Assistance in accomplishing elements of the care plan.

(4) Coordination for pregnant women served by the telecare support network of appointments with in-person pregnancy resources centers or similar agencies in La. which provide information and services including, without limitation, counseling, ultrasound services, pregnancy tests, prenatal assistance, parenting

classes, material support, and adoption information.

New law stipulates that in order to be eligible to receive services through the continuum of care program, an individual shall, at the time of initial contact with the program, meet all of the following requirements:

(1) Is a resident of this state.

(2) Is a biological parent of an unborn child or a biological or adoptive parent of a child under the age of two years.

New law provides that any program participant who terminates a pregnancy shall be eligible to continue receiving services through the continuum of care program for a period of six months from the date of the pregnancy termination.

New law requires that on or before Dec. 1, 2023, and annually thereafter, DCFS shall submit to the legislative committees on health and welfare a report on the status and operation of the continuum of care program. New law provides requirements for the content of such reports.

Effective upon signature of governor (June 17, 2022).

(Adds R.S. 46:1451-1455)

### **Crime Victims Reparations Act (ACT 487)**

Existing law (R.S. 46:1801 et seq.) provides for the Crime Victims Reparations Act. Existing law (R.S. 46:1802) provides for definitions.

Existing law (R.S. 46:1802(10)) defines "pecuniary loss" as the amount of expense reasonably incurred by reason of personal injury, as a consequence of death, or catastrophic property loss.

Existing law (R.S. 46:1802(10)(a)) provides the following as pecuniary losses for personal injury:

(1) Medical, hospital, nursing, or psychiatric care or counseling, and physical therapy.



(2) Actual loss of past earnings and anticipated loss of future earnings.

(3) Care of a child or dependent.

(4) Counseling or therapy for parents or siblings of a victim of a sexual crime.

(5) Loss of support for a child victim of a sexual crime not otherwise compensated for as a pecuniary loss.

New law adds costs of relocation for claimants who have to relocate as a result of a crime as a pecuniary loss for personal injury.

Existing law (R.S. 46:1802)(10)(b)) provides the following as pecuniary losses as a consequence of death:

(1) Funeral, burial, or cremation expenses.

(2) Loss of support to one or more dependents for which compensation is not otherwise provided.

(3) Care of a child or children when the victim's surviving spouse or legal custodian or caretakers of the deceased victim's child is engaged in lawful employment.

(4) Counseling or therapy for surviving family members and victim's close relationships.

(5) Crime scene cleanup.

New law adds costs of relocation due to the death of the victim as a pecuniary loss as a consequence of death.

Existing law (R.S. 46:1806) provides for application for reparation requirements. Provides for the requirement that an application for reparations be filed within one year of the date of the personal injury, death, or catastrophic property loss.

Existing law provides that the application for reparations shall only be valid if the act resulting in the personal injury, death, or catastrophic property loss was reported to appropriate law

enforcement officers within 72 hours after the date of the act.

New law requires the application to be submitted with reasonable documentation. New law defines "reasonable documentation".

Existing law (R.S. 46:1809) provides for the criteria of making awards for payment of reparations. Provides that the board may make partial eligibility determination on an application prior to the victim or other claimant incurring a pecuniary loss.

New law adds that when one part of the reparations award is denied, the board shall prefer a partial award over total denial of the award.

Prior law provides that no reparations award shall be made when:

(1) The claimant failed to report the crime within 72 hours.

(2) The offender may be enriched.

(3) The claim was not timely filed.

(4) The crime was committed prior to the effective date of the Crime Victims Reparations Act (effective July 17, 1982).

New law repeals prior law but retains provisions of existing law that no reparations awards shall be made when the board finds that:

(1) The claimant failed or refused to cooperate substantially with reasonable requests by officers.

(2) The totality of the circumstances indicate that the claimant was the offender or an accessory, and the award would unjustly benefit him. Existing law does not apply if claimant is a victim of trafficking.

Existing law provides that the board may deny or reduce an award in multiple circumstances including if the behavior of the victims bears some responsibility for the crime that caused the physical injury, death, or catastrophic property loss. Existing law does not apply if claimant is a

victim of a human trafficking-related offense or sexually-oriented criminal offense.

New law provides that the board may evaluate the totality of the circumstances when determining whether to reduce or deny an award.

Existing law (R.S. 46:1810) provides for the amount of reparations awards. Provides that awards shall not exceed \$10,000 in the aggregate for all claims arising out of the same crime, except that awards shall not exceed \$25,000 for victims who are permanently disabled as a result of the crime.

New law changes the amount of the award from \$10,000 to \$15,000 in the aggregate for all claims arising out of the same crime.

Existing law provides for emergency reparations awards while the final decision is pending. Provides for an emergency award of up to \$500.

New law provides for an emergency award of up to \$1,000.

Existing law provides that the healthcare provider shall not be reimbursed in any amount greater than \$1,000 if the victim does not consent to submission of a claim.

New law (R.S. 46:1822) adds that the board shall reimburse healthcare providers up to \$600 and healthcare facilities up to \$1000 for forensic medical exams and requires that healthcare providers and healthcare facilities submit an attestation that a forensic medical exam was conducted in order to receive a reimbursement.

New law provides that reimbursements shall be made within 90 days from the date of attestation.

Effective August 1, 2022.

(Amends R.S. 40:1216.1(A)(7), R.S. 46:1806(A)(1), 1809(B)(1), (3)(a), and (4)(a), 1810(A), and 1813(A); Adds R.S. 46:1802(10)(a)(vi) and (b)(vi)), and 1822)

## **Crime Victims' Rights (ACT 411)**

Prior law provided rights for victims of crimes.

New law expands prior law eligibility to victims of additional crimes and removes the requirement that the victim or designated family member must register with the La. Commission on Law Enforcement and Administration of Criminal Justice in order to receive services.

Effective August 1, 2022.

(Amends R.S. 46:1842(3)(c) and (15)(c) and (d), 1843, and 1844(H), (K)(1)(a), and (T)(1) and (3); adds R.S. 46:1842(3)(d) - (h) and (15)(e) - (h))

## **Services for Crime Victims (ACT 207)**

Existing law provides that a victim has the rights and is eligible for the services provided to crime victims under existing law only if the victim reported the crime to law enforcement authorities within 72 hours of its occurrence or discovery, unless extenuating circumstances exist.

New law provides that a victim has the rights and is eligible for victim services regardless of when the victim reported the crime to law enforcement authorities.

Prior law provided that if the victim was properly registered with the clerk of court, the victim or designated family member had the right to review and comment on the presentence or postsentence reports relating to the crime against the victim.

New law removes the requirement that the victim be properly registered with the clerk of court.

Existing law provides that at all critical stages of the prosecution, if the victim or designated family member has registered with the appropriate law enforcement or judicial agency and is present, the court shall determine if the victim or designated family member wishes to make a victim impact statement.

New law removes the requirement that the victim or designated family member register with the appropriate law enforcement or judicial agency.

Existing law provides that in order for a victim or designated family member to be eligible to receive notices provided by existing law and exercise the rights provided by present law, the victim or designated family member must complete a form promulgated by the La. Commission on Law Enforcement and Administration of Criminal Justice.

New law authorizes instead of requires the victim or designated family member to complete the form promulgated by the La. Commission on Law Enforcement and Administration of Criminal Justice.

Existing law provides that the victim and designated family member shall have the right to register with the appropriate agency at any time and exercise prospectively the rights guaranteed by existing law.

New law also provides that a victim or designated family member who does not register with the appropriate agency shall nevertheless be permitted to exercise the rights guaranteed by existing law.

Existing law provides that in order to protect the identity and provide for the safety and welfare of crime victims who are minors and of victims of sex offenses or human trafficking-related offenses, all public officials and officers and public agencies shall not publicly disclose the name, address, contact information, or identity of crime victims who at the time of the commission of the offense are minors or victims of sex offenses or human trafficking-related offenses, regardless of the date of commission of the offense, but allows the victim to waive such confidentiality.

Existing law further provides that the public disclosure of the name of the juvenile crime victim is not prohibited when the crime resulted in the death of the victim.

New law also provides that existing law shall be construed to require the redaction of a victim's name when the named victim is the one requesting such documents, reports, or any other records.

New law provides that all victims of violent crimes shall have the right to access and obtain their initial police report and that a victim of sexual assault shall have the right to a forensic medical exam and a copy of their medical examination report pursuant to new law (R.S. 40:1216.1(G)) as proposed by Senate Bill 147 of the 2022 Regular Session.

Prior law required the district attorney, prior to trial, to make reasonable efforts to interview the victim or designated family member to determine the facts of the case and whether the victim or the family was requesting restitution, and further required law enforcement and judicial agencies to provide a private setting to conduct all interviews of the sexual assault victim.

New law repeals prior law.

Prior law authorized the victim or the parent or guardian of a minor victim of sexual assault or a designated family member to refuse any requests for interviews with the attorney for the defendant or any employee or agent working for the attorney for the defendant, and further required the defendant to show good cause at a contradictory hearing with the district attorney why the subpoena should be issued before any victim of sexual assault was subpoenaed to testify on behalf of a defendant at any pretrial hearing.

New law repeals prior law.

Prior law provided that willful disregard of the rights of victims and witnesses as provided by prior law was punishable as contempt of court, and provided that failure to comply with the provisions of prior law did not affect the admissibility of any evidence in a civil or criminal proceeding and did not invalidate any sentence, plea, conviction, or other final disposition due to the failure to comply with prior law.

New law repeals prior law.

Prior law prohibited prior law from being construed to create a cause of action by or on behalf of any person for an award of costs or attorney fees, for the appointment of counsel for

a victim, or for any cause of action for compensation or damages against the state, a political subdivision, a public agency, or a court, or any officer, employee, or agent thereof, and further provided that nothing in prior law precluded filing for a writ of mandamus as provided in the C.C.P. to compel the performance of a ministerial duty required by law.

New law repeals prior law.

Effective upon the enactment of the Act which originated as Senate Bill No. 147 of the 2022 Regular Session (August 1, 2022).

(Amends R.S. 46:1843, 1844(H), (K)(1)(a), (T), and (W)(1)(a), and 1845(B); Adds R.S. 46:1844(X); Repeals R.S. 46:1845(C) and (D))

#### **Notice of Appeal, Discharge, or Parole of Violent Criminals to Victims and Others (ACT 568)**

Existing law (R.S. 46:1844) provides for basic rights for victims and witnesses of a crime. Existing law (R.S. 46:1844(N)) provides for duties of the DPS&C.

Existing law (R.S. 46:1844(N)(2)) provides that one of the powers and duties of the DPS&C, at the time of the appeal, discharge, or parole of an inmate including a juvenile inmate, is to notify the victim, family member, or witness, by certified mail of such appeal or release upon filing of a victim notice and registration form by a victim or a family member, or a witness.

New law provides that one of the powers and duties of the DPS&C, at the time of the appeal, discharge, or parole of an inmate including a juvenile inmate, is to notify all registered persons by mail or electronic communications of such appeal or release.

New law provides that when an inmate who has been convicted of a crime of violence as defined in existing law (R.S. 14:2(B)) or a sex offense as defined in existing law (R.S. 15:541) is eligible for release pursuant to existing law (R.S. 15:571.3), the DPS&C shall, if known by the department, notify the victim or the victim's

family, all persons who have filed a victim registration and notification form, the appropriate law enforcement agency, and the appropriate district attorney no later than 60 days prior to the inmate's release.

New law provides that notice by electronic communications shall be allowed only in instances where the registered person has opted-in to such form of notification during the registration process and is complete upon transmission.

Provides that new law shall be referred to as the "Becnel Survivor Notification Act".

Effective August 1, 2022.

(Amends R.S. 46:1844(N)(2))

#### **La. Commission on the Deaf (ACT 128)**

Existing law provides for the La. Commission on the Deaf, within the La. Dept. of Health (LDH). New law retains existing law and further provides that the commission shall function as a program of the state and serve as the principal agency of the state providing leadership to promote the general welfare of d/Deaf, DeafBlind, and hard of hearing individuals.

Existing law provides for the membership of the commission. New law provides that the commission shall be governed by a board and updates the membership to add the executive director of the office of disability affairs and a public member who is DeafBlind.

Existing law provides for the duties and powers of the commission. New law provides for and updates the duties and powers of the commission and the governing board.

Existing law provides for a director of the commission. New law retains existing law but updates the qualifications of the director, and requires the secretary of LDH to consider the recommendations of the board in the hiring and termination processes of the director.

Effective August 1, 2022, with the exception of new law relative to Act 384 of the 2013 Regular Session which is effective only if the Department of Elderly Affairs is established.

(Amends R.S. 46:2351-2354; adds R.S. 46:2355; repeals R.S. 46:2356)

### **State Agency Compliance with ADA (ACT 103)**

New law requires each agency head in the executive branch of state government to develop and implement a policy, applicable to all public servants of the agency, applicants for employment in the agency, and members of the general public who seek or receive services or benefits from the agency, to ensure compliance with the Americans with Disabilities Act (ADA). Provides for the content of such policy, including provision for designating an ADA agency coordinator.

New law further requires each agency head to:

- (1) Require supervisors and the ADA agency coordinator to receive one hour of ADA training every three years.
- (2) Ensure that public servants are notified of the agency's ADA policy.
- (3) Ensure that the agency's ADA policy and complaint procedures are prominently posted.
- (4) Compile an annual report regarding the agency's compliance with new law and submit it to the office of the state ADA coordinator.
- (5) Ensure that employees complete a voluntary self-identification of a disability form every five years. New law provides that the self-identification forms are exempt from disclosure pursuant to the Public Records Law.
- (6) Prepare and submit a plan related to employment of individuals with disabilities which includes a comparison of the percentage of individuals with disabilities employed by the agency from the previous to the current year.

Effective upon signature of governor (May 25, 2022).

(Amends R.S. 44:4.1(B)(31) and R.S. 46:2592; Adds R.S. 46:2594–2597)

### **TITLE 47: REVENUE AND TAXATION**

#### **Tax Return Due Dates (ACT 410)**

Existing law authorizes the secretary of the Department of Revenue to grant extensions of time to file income taxes for a period not to exceed six months; however the extension of time to file corporation income tax returns shall not exceed seven months.

New law retains existing law authority to grant extensions, but reduces the secretary's authorization to grant extensions of time to file corporate income tax returns from seven months from the date the La. income tax return is due to six months from the date the La. income tax return is due.

Prior law authorizes the secretary to accept a federal income tax filing extension for the same tax period. and permits, but does not require, the secretary to provide for automatic filing extensions for income tax returns.

New law retains the secretary's prior law discretionary filing extension authority and adds a mandatory six-month automatic filing extension for individual, partnership, and fiduciary income tax returns due for taxable periods beginning on and after Jan. 1, 2022 and provides that filing extensions provided in existing law and new law are applicable only if the taxpayer files the required income tax return within the extended filing time period.

New law retains the secretary's existing law discretionary filing extension authority and adds a mandatory six-month automatic state filing extension for corporate income tax returns due for taxable periods beginning on and after Jan. 1, 2022 when the corporation files a federal filing extension request and provides that filing

extensions provided in existing law and new law are applicable only if the taxpayer files the required income tax return within the extended filing time period.

New law retains existing law with respect to the application of delinquent filing penalties and provides the same penalty application for new law automatic extensions. Specifically, if the required return is not filed within the extension time period then there is no extension, and any delinquent filing penalty will be computed from the original due date.

Effective August 1, 2022.

(Amends R.S. 47:103(D), 287.614(D), and 612)

#### **Tax Return Donations to Maddie's Footprints (ACT 66)**

Existing law authorizes a taxpayer to donate any portion of his state income tax refund to a donee listed on the tax return form as a checkoff.

New law adds Maddie's Footprints to the organizations authorized to receive individual income tax refund checkoff donations.

Prior law required that a checkoff donation be removed from the tax return form if donations to a particular donee did not equal \$10,000 or more for two consecutive years.

New law retains the general two-year removal provision in prior law and exempts Maddie's Footprints donations from the \$10,000 requirement for five years.

New law applies to taxable years beginning on or after January 1, 2022.

Effective August 1, 2022.

(Adds R.S. 47:120.181)

#### **Income Tax Checkoff Donations (ACT 122)**

New law provides for an income tax checkoff for an individual to donate all or a portion of his state

income tax refund to the University of New Orleans Foundation instead of receiving a refund.

New law provides for an income tax checkoff for an individual to donate all or a portion of his state income tax refund to the Southeastern Louisiana University Foundation instead of receiving a refund.

New law requires donated monies to be administered by the secretary of the Dept. of Revenue and to be quarterly disbursed to the foundation to which the donation was intended.

Applicable to taxable years beginning on or after Jan. 1, 2022.

Effective August 1, 2022.

(Adds R.S. 47:120.371 and 120.375)

#### **Technical Corrections to Partnership Reporting (ACT 595)**

Existing law conforms state partnership reporting adjustments to federal taxable income to current federal partnership audit adjustments.

Prior law provided for the calculation of total distributive shares of federal adjustments reported to tiered partners.

New law retains prior law and makes technical corrections to internal prior law references regarding the calculation of total distributive shares of federal adjustments reported to tiered partners.

Effective August 1, 2022.

(Amends R.S. 47:201.2(C)(3)(b)(iv) and (v))

#### **Direct Pay of Sales & Use Taxes (ACT 428)**

Existing law authorizes qualified taxpayers to apply for state direct pay (DP) numbers allowing the purchaser to make all purchases without remitting the sales and use tax to their vendors and allowing the purchaser to report and pay the tax due directly to the Dept. of Revenue (DOR) and local tax collection authorities.

New law retains existing law.

Prior law required DOR to notify local tax collectors when a taxpayer qualifies for a DP Number and authorizes DOR and the impacted local collector to review the application and audit the taxpayer to determine if the taxpayer meets the qualifications for issuance of a DP number.

New law provides a 60-day time frame from receipt of the application by the local collector to respond to the taxpayer's request for a DP Number and further provides that if the local collector does not respond to the request within 60 days of receipt of the application, DOR will issue a state and local DP Number.

New law requires the application to be submitted to the local collector in a manner that provides actual notice of the application including but not limited to submission by certified mail that is signed for and received by the local collector.

New law provides that if the taxpayer meets the qualifications of present law for issuance of a DP number but approval is denied in writing by the local collector within 60 days of receipt of the application by the local collector, DOR shall issue a DP Number to the taxpayer applicable only for the purposes of state sales and use tax.

New law requires local collectors to notify DOR when a taxpayer no longer qualifies for a DP Number, requires DOR to investigate, and provides an appeal by a local collector to the Board of Tax Appeals if DOR does not revoke a DP Number when the taxpayer no longer qualifies.

Effective January 1, 2023.

(Amends R.S. 47:303.1(C) and (G); repeals R.S. 47:303.1(D))

### **Sales & Use Tax Exemption for Certain Prescription Drugs (ACT 79)**

Existing law (R.S. 47:305.76) provides an exemption from local sales and use tax for the purchase of certain infused prescription drugs.

New law expands the exemption to include certain injected prescription drugs and otherwise retains existing law.

Prior law provided that the exemption applied to prescription drugs used exclusively by the patient in his medical treatment when administered exclusively by a physician, nurse, or other health care professional by infusion in a physician's office where patients are not regularly kept as bed patients for twenty-four hours or more.

New law changes the required location from physician's offices to medical clinics, and otherwise retains prior law.

New law defines the term "medical clinic" to mean a facility used for the reception and care of persons who are sick, wounded, or infirm and used for the treatment of the diseases and conditions set forth in prior law and new law or an outpatient facility licensed to administer drugs for the treatment of the diseases and conditions set forth in prior law and new law.

Prior law provided that the exemption applied only to prescription drugs that are prescribed for the treatment of the following diseases and conditions:

- (1) Rheumatoid arthritis.
- (2) Psoriatic arthritis.
- (3) Lupus.
- (4) Chronic gout.
- (5) Osteoporosis.
- (6) Multiple sclerosis.
- (7) Myasthenia gravis.
- (8) Amyotrophic lateral sclerosis.
- (9) Chronic inflammatory demyelinating polyneuropathy.
- (10) Ulcerative colitis.
- (11) Crohn's disease.
- (12) Anemia.
- (13) Chronic or severe asthma.
- (14) Common variable immune deficiency.
- (15) Primary immune disorder.
- (16) Human immunodeficiency virus.
- (17) COVID-19.
- (18) Sickle cell disease.
- (19) Spinal muscular atrophy.
- (20) Sjogren's syndrome.

- (21) Huntington's disease.
- (22) Rett syndrome.
- (23) Ankylosing spondylitis.

New law retains prior law and adds the following diseases and conditions to the exemption:

- (1) Cancer.
- (2) Alzheimer's Disease and Dementia.
- (3) Migraine.
- (4) Acute Bacterial Skin and Skin Structure Infection.
- (5) Hypercholesterolemia.
- (6) Plaque Psoriasis.
- (7) Thyroid Eye Disease.
- (8) Polyneuropathy of Hereditary Transthyretin Mediated Amyloidosis.
- (9) Neuromyelitis Optica Spectrum Disorder.
- (10) Alpha-1 Antitrypsin Deficiency.
- (11) Gaucher's Disease.
- (12) Fabry Disease.
- (13) Pompe's Disease.
- (14) Porphyria.
- (15) Paroxysmal Nocturnal Hemoglobinuria.
- (16) Wet Age-related Macular Degeneration.
- (17) Diabetic Macular Edema.
- (18) Diabetic Retinopathy.
- (19) Retinal Vein Occlusion.
- (20) Glaucoma.
- (21) Ocular hypertension.
- (22) Mucopolysaccharidosis type I (MPS I).
- (23) Granulomatosis with Polyangiitis.

Effective July 1, 2022.

(Amends R.S. 47:305.76(A) and 337.9(D)(34); adds R.S. 47:305.76(B)(24) - (46))

#### **Sales & Use Tax Exemption for Edward Via College of Osteopathic Medicine (ACT 85)**

New law provides an exemption from local sales and use tax for the lease, rental, or purchase of tangible personal property or services by the Edward Via College of Osteopathic Medicine (VCOM), if such lease, rental, or purchase is directly related to the educational mission of the institution.

New law adds the exemption to the list of mandatory exemptions applicable to local sales and use tax.

Effective July 1, 2022.

(Adds R.S. 47:305.77 and 337.9(D)(36))

#### **Sales Tax Rebate for Certain Agricultural Fencing Materials (ACT 88)**

New law creates a state sales tax rebate for the purchase of certain agricultural fencing materials by commercial farmers in order to provide tax relief for commercial farmers recovering from the 2020 and 2021 hurricanes.

New law defines the following terms:

(1) "Agricultural fencing materials" means materials used for the enclosure of lands used for agricultural purposes in the production of food and fiber. "Agricultural fencing materials" shall only include materials used to replace or repair enclosures located in federally declared disaster areas that were substantially damaged or destroyed by the 2020 and 2021 hurricanes.

(2) "Commercial farmer" shall have the same meaning as defined in R.S. 47:301(30) but limited to persons certified as a commercial farmer on or before January 1, 2022.

(3) "2020 and 2021 hurricanes" means Hurricane Laura, Hurricane Delta, Hurricane Zeta, and Hurricane Ida.

New law prohibits the rebate for any portion of the purchase of agricultural fencing materials that is paid for with insurance proceeds or state or federal funds, unless the state or federal funds are reported as taxable income or are structured as repayable loans.

New law provides the rebate may be claimed only after the fencing repairs have been completed and claimed no more than once per calendar year.

New law requires the Dept. of Revenue to process rebate applications.



New law requires a purchaser who claims a rebate to submit documentation to the secretary evidencing the purchase of agricultural fencing materials and documentation evidencing the fencing was substantially damaged or destroyed in the 2020 and 2021 hurricanes.

New law authorizes the secretary to promulgate rules in accordance with the APA to implement the provisions of new law.

New law prohibits rebates for purchases made after December 31, 2022.

New law prohibits rebates for applications submitted after December 31, 2023.

Effective May 24, 2022.

(Adds R.S. 47:305.77)

#### **Uniform Reporting Schedule for Tax Collectors (ACT 669)**

Existing law requires that the sales and use taxes levied by local taxing authorities be collected by a single collector for each parish and permits the single collector to be compensated based on the cost of collection or a set percentage of collections.

New law requires the legislative auditor and the Louisiana Uniform Local Sales Tax Board to develop a uniform reporting schedule for audit reports for all collectors that are compensated based on the cost of collection in order to determine the actual cost of collecting local sales and use taxes.

New law provides minimum informational requirements for the uniform reporting schedules:

- (1) The amounts of all tax, interest, penalties, and fees collected during the preceding year.
- (2) The total amount retained by the collector.
- (3) The salary and benefits of all employees of the collector.

- (4) Total payments made to all parties with whom the collector contracts to assist with collection.

- (5) The amounts disbursed to each local taxing authority.

New law requires the legislative auditor and the Louisiana Uniform Local Sales Tax Board to develop reporting schedules with standardized and uniform reporting requirements.

New law requires reporting to begin at the end of 2023 for collectors that operate on a calendar year basis or at the end of fiscal year 2023-24 for those collectors operating on a fiscal year basis.

New law requires the reporting schedules to be submitted to the legislative auditor as part of the legislative auditor's annual audit of the collector.

New law requires the legislative auditor and the Louisiana Uniform Local Sales Tax Board to review the reports annually and revise the reporting schedules as needed.

Effective August 1, 2022.

(Adds R.S. 47:337.14.1)

#### **Tax Collection (ACT 596)**

Existing law authorizes local tax collectors to enter into contracts for auditing purposes, requires the local collector to provide notice of the intent to audit to the taxpayer, and provides for notice requirements.

New law retains existing law and further requires the notice to advise the taxpayer that the taxpayer may request a multi-parish audit beginning July 1, 2023.

Existing law authorizes local tax collectors to examine or investigate the place of business, the tangible personal property, and the books, records, papers, vouchers, accounts, and documents of any taxpayer for purposes of enforcing the local sales and use tax laws.

New law retains existing law and requires collectors to notify taxpayers of the new law

multi-parish audit program when notifying taxpayers of their intent to conduct an examination or investigation.

Existing law authorizes the Uniform Local Sales Tax Bd. to advise local sales and use tax collectors concerning the imposition, collection, and administration of local sales and use taxes and issue private letter rulings to taxpayers.

Existing law provides that meetings of the board are subject to existing law (Open Meetings Law – R.S. 42:11 et seq.).

New law authorizes the board to hold executive sessions for the discussion of matters involving confidential taxpayer information including policy advice, private letter rulings, and multi-parish audits.

New law requires that the records and files of the board held for the purpose of enforcement of the tax laws of this state be treated as confidential and subject to penalty for unauthorized disclosure.

Prior law authorized the Uniform Local Sales Tax Bd. to develop and coordinate a multi-parish audit process for taxpayers located in the state that are registered to file and remit local sales tax in three or more parishes.

New law requires the board to implement and coordinate the multi-parish audit program created by new law.

New law authorizes a taxpayer to request a multi-parish audit if the taxpayer:

(1) Has a physical location in the state and is registered to file and remit local sales and use taxes in at least three parishes.

(2) Is not a recipient of a jeopardy assessment issued by any collector.

(3) Is not engaged in a current audit by a collector for which a notice of intent to assess was issued prior to July 1, 2022.

(4) Agrees to promptly sign all necessary agreements to suspend prescription.

(5) Is not involved in litigation with a collector.

New law authorizes a qualified taxpayer to request a multi-parish audit from the board within 30 days from the issuance of a notice of examination from all of the parishes in which the taxpayer engaged in taxable transactions during the audit period.

New law requires the taxpayer to notify the board of all parishes in which the taxpayer is registered to file and remit local sales and use taxes or obligated to pay sales and use taxes and requires the board to send notice of the multi-parish audit to all parishes identified. Provides that parishes have 30 days to opt in or opt out of the multi-parish audit. Further provides that if the parish collector does not respond to the notice within the 30-day period, that parish is considered to have opted out of the multi-parish audit.

New law prohibits a parish that opts out of a multi-parish audit from auditing the same taxpayer until after the completion of the multi-parish audit.

New law requires the board to hire and compensate the auditors who conduct multi-parish audits and requires these auditors to follow existing law standards of conduct for contract auditors hired by local tax collectors and any additional audit protocols of the board. Further provides that a local collector may furnish auditors at its own expense to assist the board's auditors in conducting the multi-parish audit.

New law requires the board to facilitate consistent treatment of taxability of transactions between parishes involved in a multi-parish audit.

New law requires each parish participating in a multi-parish audit to review the audit and make an independent determination regarding the issuance of a notice of intent to assess. Provides that a notice of intent to assess arising from a multi-parish audit interrupts prescription for the parish issuing the notice.

New law provides that after notices of intent to assess are issued, the taxpayer may request a joint administrative hearing in which the parishes that

opted into the multi-parish audit may participate. Requires the board to coordinate the hearing.

New law requires the board to develop audit procedures, hearing procedures, and any other provisions necessary for the implementation of the program.

New law requires the board to report annually to the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means beginning Jan. 1, 2024. Provides that the report shall include the number of multi-parish audits that were requested by taxpayers and initiated in each fiscal year, the number of multi-parish audits that were completed in each fiscal year, and the number of multi-parish audits for which each parish had opted in and opted out. Provides that the report may include recommendations for legislation to streamline or improve the program and any other information the board determines to be relevant. Prohibits the report from violating any individual taxpayer's confidential information pursuant to existing law (R.S. 47:1508).

Existing law provides that the board shall be funded through a dedication of a percentage of the total statewide collections of local sales and use tax on motor vehicles, in accordance with certain limitations and budgetary policy. New law retains existing law and provides that funding shall be as provided in an agreement with local collectors.

Effective July 1, 2022.

(Amends R.S. 47:337.36, 337.102(H) and (I)(1); adds R.S. 47:337.26(D)(1)(f) and 337.102(C)(10))

### **Sales & Use Tax Payments Under Protest (ACT 87)**

Existing law provides for the remittance of local sales and use taxes paid under protest and authorizes interest on refunds in a suit to recover as provided for in existing law.

New law authorizes interest on refunds and assessments computed at the applicable interest

rate except for payments paid under protest or an agreement to abide.

New law authorizes a taxpayer, upon request of a collector and upon an agreement to abide, to remit the taxes under protest involving the same principle of law for all current and future tax periods, without requiring an additional suit or petition for each tax period.

New law requires the tax paid under protest to be placed in an escrow account and held by the collector until the principle of law involved has been finally determined by the courts, the Board of Tax Appeals, or by a final judgment of a court upon a timely appeal of a decision of the Board of Tax Appeals.

New law limits the interest paid on the tax obligation to the interest that is actually earned and received by the collector on the payment when the taxpayer has pursued an appeal and the collector and the taxpayer have entered into an agreement to abide.

Existing law authorizes interest to be added to the amount of local sales and use tax due when a taxpayer fails to pay all or part of the tax due on or before the due date.

New law provides for a maximum rate of interest for local sales and use tax obligations of one percent per month for taxes that become due on or after Jan. 1, 2023.

Existing law authorizes penalties for the late filing of local sales and use tax returns and the late payment of local sales and use tax.

New law provides for a specific penalty of 5% of the tax owed for each 30 day period after the return was required to be filed or the tax was required to be remitted.

New law provides that the penalties for late filing and late payment accrue from the day after the due date of the return until the return is filed and from the day after the due date of the tax until the tax is paid.

Existing law authorizes interest to be added to refunds of local sales and use tax when a taxpayer overpays the tax.

New law provides that the interest rate for refunds of overpayments of local sales and use tax for taxes that become due on or after Jan. 1, 2023, will be the same rate charged on tax obligations set forth in new law.

Existing law prohibits interest on refunds if it is determined that a taxpayer has deliberately overpaid a tax in order to derive the benefit of the interest.

New law retains existing law and further prohibits interest on refunds if it is determined that a taxpayer has not entered into an agreement to abide and the same principle of law is involved.

Effective August 1, 2022.

(Amends R.S. 47:337.63(A)(3), (D), and (E), 337.69(B), 337.70(A)(1) and (2), and 337.80(A)(4)(b) and (B); adds R.S. 47:337.69(C) and 337.70(A)(4))

#### **Town of Henderson Hotel Tax (ACT 365)**

New law authorizes the governing authority of Henderson, subject to voter approval, to levy and collect a hotel occupancy tax. Provides that such tax shall not exceed 4% of the rent or fee charged for such occupancy.

New law requires that the tax be paid by the person who exercises or is entitled to occupancy of the hotel room at the time the rent or fee for occupancy is paid. Authorizes the governing authority to contract with any public entity authorized to collect sales or use taxes for the collection of the hotel occupancy tax. Requires that the proceeds of the tax be used to fund economic development, tourism promotion, and related infrastructure within the town.

Effective August 1, 2022.

(Adds R.S. 47:338.223)

#### **La. Sales & Use Tax Commission for Remote Sellers (ACT 685)**

Existing law provides for the Louisiana Sales and Use Tax Commission for Remote Sellers, hereinafter referred to as "commission", created and established within the Department of Revenue for the administration and collection of the sales and use tax imposed by the state and political subdivisions with respect to remote sales.

New law retains existing law with respect to remote sellers, requires that the commission not begin development of the single electronic return for all state and local sales and use taxes in consultation with the Uniform Local Sales Tax Board and the Department of Revenue. Provides that once a contract is executed, the single electronic return shall be available to taxpayers on the first day of the second calendar quarter after the contract is executed.

New law provides that if the commission certifies at a joint meeting of the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means that the commission has insufficient funds available from the monies available to the commission from the amounts for the commission from the one percent of total state and local sales and uses taxes collected to meet the deadline set forth in new law for the development of the single electronic return, the commission may request an extension of the deadline from the committees until funds are available either through new law or an appropriation.

New law defines "qualifying nonremote seller" as a nonremote seller that has a physical location in this state and is registered to file and remit local sales and use taxes pursuant to a local ordinance in two or more parishes.

New law authorizes the commission to request an extension of the January 1, 2024, deadline if there is insufficient funding to carry out its new duties established under new law.

Existing law funds the commission for its actual expenses with up to 1% of the tax collected from remote sales.

New law authorizes the commission to retain up to 1% of all taxes it collects from both remote and nonremote sales to fund its operations.

Prior law provided for funding of the Board of Tax Appeals and further provided that if consumer use tax collections yielded insufficient revenue to fulfill dedications for interagency transfers to the Dept. of State Civil Service, Board of Tax Appeals, Local Tax Division, that the remaining funds first be an obligation of the Louisiana Uniform Local Sales Tax Board (the board), and if the board did not have sufficient funds, that the balance was an obligation of the commission as a necessary expense of the commission.

New law removes the requirement that the board provide any deficit funding for the Local Tax Division of the Board of Tax Appeals.

Existing law provides for the powers and duties of the commission with respect to remote sales and remote sellers.

New law retains the commission's existing law powers and duties and extends them to nonremote sales that the commission is authorized under new law by contract to collect.

Existing law provides for limitations on the authority of the commission with respect to sales other than remote sales.

New law retains the existing law limitations on nonremote sales except for those nonremote sales that the commission is authorized under new law by contract to collect.

Existing law provides that taxes on remote sales collected by the commission shall, at all times, be and remain the property of the respective taxing authorities and deemed held in trust for taxing authorities by the commission.

New law retains existing law and extends the provisions to taxes collected on nonremote sales

that the commission is authorized under new law by contract to collect.

New law deletes obsolete language in prior law that authorized the Law Institute to change references.

New law deletes obsolete language in prior law and that conditioned the authority of the commission to collect sales and use tax on the passage of a federal law authorizing states to require remote sellers and their agents to collect state and local sales and use taxes or when the United States Supreme Court overrules the physical presence requirement for a remote seller to collect and remit state and local sales and use tax.

New law, on or before January 31, 2023, requires the Department of Revenue, the Louisiana Uniform Local Sales Tax Board, and the Louisiana Sales and Use Tax Commission for Remote Sellers to jointly submit an informational report on the benefits, challenges, savings, and costs associated with the development, implementation, and maintenance of a combined state and local sales and use tax return for remote and nonremote sales and the designation of a centralized processor of state and local sales tax returns and remittances. Requires that the report include information on best practices from other states in which a single entity receives and remits revenues directly to all taxing authorities in the state and information on the feasibility of remitting local sales and use taxes daily as received from dealers to the local sales tax collectors. Requires submission of the report to the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means and that after publication of the report, allows interested stakeholders to provide written comments within 45 days of publication which shall be added as an appendix to the report and submitted to the committees.

Effective January 1, 2023.

(Amends R.S. 47:340(E)(3) and (5), (G)(1) - (5), (6) (intro para), (8), and (11), (H)(3), (12), and (13), and (I); adds R.S. 47:339.1; repeals R.S. 47:340(H)(15))

### **Occupational License Tax on Certain Computer Programming Business (ACT 328)**

Existing law provides for the levy by a municipality or parish of an occupational license tax which is assessed on persons conducting business. The tax can be either a percentage of gross sales, receipts, loans, or commissions or a flat fee depending upon the classification of the business.

New law requires the annual occupational license tax for a computer programming business which derives 80% of its gross revenues from providing software, infrastructure, or platform as a service, software programming, website hosting, website design, and networking services to be set at a flat rate. Provides that the rate is one-tenth of 1% of the annual gross receipts for professional fees for services rendered by the business, with a minimum tax of \$50 and a maximum tax of \$2,000.

New law defines "software as a service" as a delivery model in which software is licensed on a subscription basis and is accessed solely through the internet.

New law requires the annual tax to be levied on the business and not separately on any individual employee or member of the taxpayer which conducts its business as a firm, partnership, or corporation.

Effective January 1, 2023.

(Adds R.S. 47:359(L))

### **"Girl Scouts of U.S.A." License Plate (ACT 243)**

Existing law creates the "Girl Scouts of U.S.A." special prestige license plate.

Prior law directs the secretary of the Department of Public Safety and Corrections to disburse funds to the Audubon Girl Scout Council, Inc.

New law replaces Audubon Girl Scout Council, Inc. in prior law with Girl Scouts Louisiana East and Girl Scouts of Louisiana - Pines to the Gulf.

Prior law provided the design of the plate shall include the words "For Her Future".

New law provides the design of the plate shall include the words "Making the World a Better Place".

Existing law provides for a royalty fee of \$25 for the use of the official logo of the Girl Scouts of U.S.A., to be collected by the department and forwarded to the Audubon Girl Scout Council, Inc.

New law retains the existing law fee but provides that it shall be forwarded to the Girl Scouts Louisiana East or Girl Scouts of Louisiana - Pines to the Gulf based on the parish domicile of the vehicle. New law provides the domicile parishes for the royalty fee to go to Girl Scouts Louisiana East and those for the royalty fee to go to Girl Scouts of Louisiana - Pines to the Gulf.

New law adds a handling fee of \$3.50 for each license plate to be retained by the department to offset a portion of administrative costs.

Effective August 1, 2022.

(Amends R.S. 47:463.56(A), (D), and (F); adds R.S. 47:463.56(H))

### **"Choose Life" License Plate (ACT 84)**

Existing law provides for the "Choose Life" special prestige license plate and further provides in order for organizations to qualify for proceeds from the plate, organizations must demonstrate they provide counseling and other services intended to provide for the material needs of expectant mothers considering adoption for their unborn child.

New law retains existing law and provides that the funds distributed may also be used for expectant mothers considering parenting their child.

Effective August 1, 2022.

(Amends R.S. 47:463.61(E)(2) and (3))

### **Breast Cancer Awareness License Plate (ACT 227)**

Existing law provides for the breast cancer awareness special prestige license plate.

Prior law specified that the license plate color and design was to be selected by the La. Susan G. Komen Affiliates in compliance with existing law.

New law changes the name of the selected organization from the La. Susan G. Komen Affiliates to Susan G. Komen Louisiana.

Prior law provided the monies received from the royalty fees would be forwarded to the La. Susan G. Komen Affiliates for use of the group's logo. Further provided the royalty fees were to be divided equally among the Susan G. Komen Affiliate groups in La. and used to support the programs established by the Susan G. Komen Affiliates.

New law reallocates monies received from the royalty fees to the La. Breast and Cervical Health Program solely for the support of programs established and administered by the La. Breast and Cervical Health Program.

Prior law required the secretary establish the breast cancer awareness speciality license plate upon the signing of a contract authorizing the use of the logo of the La. Susan G. Komen Affiliates. Prior law required the contract include La. Susan G. Komen's agreement to use the royalty fees as the law prescribes.

New law repeals prior law.

Effective August 1, 2022.

(Amends R.S. 47:463.108(A),(D) and (E); Repeals R.S. 47:463.108(F))

### **"Save the Honeybee" License Plate (ACT 2)**

Existing law creates the "Save the Honeybee" special prestige license plate and provides for fees, distribution of fees, issuance, design of the plate, and the promulgation of rules.

Old law required monies received from the collection of fees to be used solely for financial aid to graduate students working on applied honey bee research projects at the U.S.D.A. Agricultural Research Service Honey Bee Breeding, Genetics and Physiology Research Laboratory in Baton Rouge, Louisiana.

New law adds postgraduate students as a category of student eligible to receive financial aid in accordance with existing law.

Effective May 13, 2022.

(Amends R.S. 47:463.157(E))

### **"Maddie's Footprints" License Plate (ACT 1)**

New law creates the "Maddie's Footprints" special prestige license plate.

New law requires the secretary of the Department of Public Safety and Corrections to issue the special prestige license plate, provided there is a minimum of 1,000 applicants.

New law provides that the office of motor vehicles will create the plate when their electronic vehicle and title registration system is updated.

New law provides the design of the plate shall include the words "Maddie's Footprints".

New law directs the department to collect the annual royalty fee and forward to the Maddie's Footprint nonprofit organization in Louisiana.

Effective August 1, 2022.

(Adds R.S. 47:463.214)

### **"Laissez les ARTS Rouler" License Plate (ACT 28)**

New law requires the Dept. of Public Safety and Corrections to issue a special prestige license plate to be known as the "Laissez les ARTS Rouler" 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 president of Northeast La. Arts Council and chair of the La. Partnership for the Arts for the color and design of the plate.

New law specifies the license plate will be issued 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 the monies received from the royalty fees to be forwarded to the La. Partnership for the Arts. Specifies that the monies received from the royalty fees will be used for the La. Partnership for the Arts educational and engagement efforts, and other related programs on behalf of public support for the arts, in the state of La.

New law requires the secretary to adopt rules and regulations to implement the provisions provided in the new law.

Directs the Dept. of Public Safety and Corrections, office of motor vehicles, to create the "Laissez les ARTS Rouler" specialty license plate when the applicable statutory provisions are met and its system is updated to accommodate the creation of new plates.

Effective August 1, 2022.

(Adds R.S. 47:463.214)

### **International Association of Firefighters License Plate (ACT 58)**

New law requires the Dept. of Public Safety and Corrections to issue a special prestige license plate to be known as the "International Association of Firefighters" license plate, provided there is a minimum of 1,000 applicants for such plate.

New law requires that the secretary work in conjunction with the president of the Professional Firefighters Association of La. to select the color and design of the plate. Requires the design include the phrase "International Association of Firefighters" and the logo.

New law specifies that the license plate will be issued and renewed, upon application and receipt of a letter of good standing from the president of the Professional Firefighters Association of La., to a citizen of La. certified as a member of the International Association of Firefighters 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 Professional Firefighters Association of La. Specifies that the monies received from the royalty fees shall be used to provide relief for members of the International Association of Firefighters who have suffered catastrophic injuries due to significant losses resulting from a hurricane, flood, tornado, fire, or loss of a minor child.

New law requires the secretary to promulgate and adopt rules and regulations to implement the provisions provided in new law.

Directs the Dept. of Public Safety and Corrections, office of motor vehicles, to create the "International Association of Firefighters" specialty license plate when the applicable statutory provisions are met and its system is updated to accommodate the creation of new plates.

Effective August 1, 2022.

(Adds R.S. 47:463.214)



### **Mental Health License Plate (ACT 64)**

New law creates the "Mental Health" special prestige license plate.

New law requires the secretary of the Department of Public Safety and Corrections to issue the special prestige license plate, provided there is a minimum of 1,000 applicants for the plate.

New law provides that the office of motor vehicles will create the plate when their electronic vehicle and title registration system is updated.

New law provides the design of the plate shall include the words "Mental Health".

New law directs the department to collect an annual royalty fee and forward certain percentages to the NAMI Louisiana and the Louisiana Rural Mental Health Alliance.

Effective August 1, 2022.

(Adds R.S. 47:463.214)

### **"Sickle Cell Disease Association" License Plate (ACT 109)**

New law requires the Dept. of Public Safety and Corrections to issue a special prestige license plate to be known as the "Sickle Cell Disease Association" license plate, provided there is a minimum of 1,000 applicants for such plate.

New law requires that the secretary work in conjunction with Sickle Cell Disease Association of America, Inc., Northwest La. Chapter to select the color and design of the plate. New law requires the design include the Sickle Cell Disease of America, Inc. official logo.

New law specifies that the license plate will 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 Baton Rouge Sickle Cell Anemia Foundation, the Sickle Cell Disease Association of America, Inc., Northwest La. Chapter, the Southwest La. Sickle Cell Anemia, Inc., the Northeast La. Sickle Cell Anemia Technical Resource Foundation, Inc., and the Sickle Cell Anemia Research Foundation in equal payments. Specifies that the monies received from the royalty fees will be used to assist the local sickle cell foundations with operational costs and to support programs for sickle cell clients and their families in their efforts to live productive and stable lives.

New law requires the secretary to promulgate and adopt rules and regulations to implement the provisions provided in new law.

Directs the Dept. of Public Safety and Corrections, office of motor vehicles, to create the "Sickle Cell Disease Association" speciality license plate when the applicable statutory provisions are met and its system is updated to accommodate the creation of new plates.

Effective upon signature of governor (May 25, 2022).

(Adds R.S. 47:463.214)

### **Equine Board License Plate (ACT 427)**

New law creates the "La. Equine Promotion and Research Advisory Board" special prestige license plate.

New law requires the secretary of the Dept. of Public Safety and Corrections to issue the special prestige license plate, provided there is a minimum of 1,000 applicants for the plate.

New law provides that the office of motor vehicles will create the plate when their electronic title vehicle and title registration system is upgraded. Requires the design of the plate include the words "Equine Promotion".

New law directs the department to collect an annual royalty fee to be deposited into the La. Equine Promotion and Research Advisory Board Special Prestige License Plate Dedicated Fund Account. Requires the money received from the royalty fees be used to distribute grant funds at the direction of the La. Equine Promotion and Research Advisory Board.

New law creates the La. Equine Promotion and Research Advisory Board Special Prestige License Plate Dedicated Fund Account (account) as a special statutorily dedicated fund account within the state treasury. Requires the treasurer pay an amount equal to the annual royalty fee collected by the dept. into the account, after compliance with the requirements of existing law (Article VII, Section 9(B) of the Const. of La.), relative to the Bond Security and Redemption Fund, and after a sufficient amount is allocated to pay all of the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year.

New law requires all of the monies in the account be appropriated each year by the legislature to the La. Equine Promotion and Research Advisory Board for application first to pay principal and interest on any debt issued by the La. Equine Promotion and Research Advisory Board and second to pay any operating expenses of the La. Equine Promotion and Research Advisory Board. Requires monies deposited into the account be categorized as fees and self-generated revenue for the sole purpose of reporting related to the executive budget, supporting documents, and general appropriation bills and requires the monies be available for annual appropriation by the legislature.

Effective August 1, 2022.

(Adds R.S. 47:463.214)

### **Masonic License Plates (ACT 29)**

New law requires the Dept. of Public Safety and Corrections to issue a special prestige license plate to be known as the "United Most Worshipful St. John's Grand Lodge of Louisiana A.F. & A.M." and the "Daughters of Universal

Grand Chapter Order of Eastern Star" license plates, provided there is a minimum of 1,000 applicants for each plate.

New law requires that the secretary work in conjunction with the deputy grand master of the United Most Worshipful St. John's Grand Lodge of Ancient, Free and Accepted Scottish Rite Masons for the state of La. to select the color and design of the plates.

New law specifies that the license plate will be issued, upon application, to any citizen of La. in the same manner as any other motor vehicle license 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 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 for each plate to be forwarded to the United Most Worshipful St. John's Grand Lodge of Ancient, Free and Accepted Scottish Rite Masons for the state of La. Specifies that the monies received from the royalty fees be used for monthly expenses and building maintenance.

New law requires the secretary to promulgate and adopt rules and regulations to implement the provisions provided in new law.

Directs the Dept. of Public Safety and Corrections, office of motor vehicles, to create the "United Most Worshipful St. John's Grand Lodge of Louisiana A.F. & A.M." and the "Daughters of Universal Grand Chapter Order of Eastern Star" speciality license plates when the applicable statutory provisions are met and its system is updated to accommodate the creation of new plates.

Effective August 1, 2022.

(Adds R.S. 47:463.214 and 463.215)

## **Mississippi University License Plates (ACT 86)**

New law creates the "Mississippi State University Alumni Association", the "University of Mississippi Alumni Association", and the "University of Southern Mississippi Alumni Association" special prestige license plates.

New law provides for the design of the plates.

New law requires the secretary of the Department of Public Safety and Corrections to issue each special prestige license plate, provided there is a minimum of 1,000 applicants for the plate.

New law provides that the office of motor vehicles will create the plates when their electronic vehicle and title registration system is updated.

New law directs the department to collect the annual royalty fee and forward in equal disbursements to the appropriate official Alumni chapters in the state of Louisiana.

Effective August 1, 2022.

(Adds R.S. 47:463.214, 463.215, and 463.216)

## **Military License Plates (ACT 53)**

New law creates the "Woman Veteran", "Commemorative Service recipient", and "Military Medal Award". Provides for the use, name, design, and specifications of the specialty plates.

New law requires the charge for the license plates be the regular motor vehicle registration license fee as provided for in current law, which waives the \$3.50 handling fee for such plate.

New law requires the "Woman Veteran" license plate include the seal of the veteran's branch of service and the words "Woman Veteran".

New law requires the "Commemorative Service" license plate be made available to honorably discharged veterans for serving in the following conflicts:

(1) Global War on Terrorism.

(2) War in Iraq.

(3) War in Afghanistan.

New law requires the "Commemorative Service" license plate include the seal of the veteran's branch of service, the name of the conflict, and the campaign ribbon.

New law requires the "Military Medal Award" license plate be made available to honorably discharged recipients, as certified by the Department of Veteran's Affairs, of the following medal awards:

(1) Navy Cross.

(2) Air Force Cross.

(3) Defense Distinguished Service Medal.

(4) Homeland Security Distinguished Service Medal.

(5) Distinguished Service Medal (Army).

(6) Navy Distinguished Service Medal.

(7) Air Force Distinguished Service Medal.

(8) Coast Guard Distinguished Service Medal.

(9) Silver Star.

(10) Defense Superior Service Medal.

(11) Legion of Merit.

(12) Distinguished Flying Cross.

(13) Air Medal.

(14) Soldier's Medal.

(15) Airman's Medal.

(16) Navy and Marine Corps Medal.

(17) Coast Guard Medal.

New law requires the "Military Medal Award" plate include the name of the veteran's branch of service and the name and image of the medal.

New law requires the secretary of the Dept. of Public Safety and Corrections to adopt rules relative to the implementation of the military honor license plates, including the transfer of the license plate to the surviving spouse and the disposition of the military honor license plates.

New law requires the office of motor vehicles to create the military honor plates provided for in new law when the applicable statutory provisions are met and its system is updated to accommodate new plates.

Effective August 1, 2022.

(Adds R.S. 47:490.34-490.36)

### **Measuring Wood for Severance Tax (ACT 165)**

Existing law establishes the annual average stumpage market value on trees, timber, and pulpwood severed from the soil and water within the state for the purpose of calculating the severance tax. Existing law also establishes the Doyle Log Rule as the standard rule or scale for measurement of saw logs in the state.

New law requires the annual stumpage market value to be applied to the weight or scale of the trees, timber, or pulpwood as determined by existing law at the first time the trees, timber, or pulpwood are scaled prior to undergoing the first processing after severance.

Effective upon signature of governor (May 26, 2022).

(Amends R.S. 47:633(1) and (2))

### **Tax Administration and Appeals (ACT 429)**

Existing law provides for administrative and procedural provisions applicable to tax collection.

New law provides that existing law tax collection and administrative provisions shall apply to occupancy taxes collected or administered by the Dept. of Revenue.

New law provides that existing law tax collection and administrative provisions may be applied by local collectors to certain occupancy taxes collected or administered by local governing authorities.

New law requires that refund requests of certain occupancy taxes that were paid when not actually due be processed using existing law administrative procedures applicable to refund claims.

Existing law establishes the Board of Tax Appeals (BTA) which shall be composed of three members appointed by the governor and subject to Senate confirmation who shall be attorneys with tax law experience and who shall be qualified electors of the state. Authorizes the BTA to administer oaths and issue rules, orders, and subpoenas.

Prior law provided that a member of the BTA who had served on the board for more than two and one-half terms within three consecutive terms was ineligible for reappointment to the board until at least two years from the last day of his last appointment.

New law changes prior law with respect to the number of terms a member of the BTA may serve from more than two and one-half terms occurring within three consecutive terms to more than three consecutive full terms.

New law authorizes the BTA to issue protective orders to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including orders concerning any subpoena or other discovery.

Existing law defines a state collector to include:

(1) The secretary of the Dept. of Revenue and other duly authorized assistants.

(2) The assistant secretary of the office of motor vehicles and duly authorized assistants.

(3) The commissioner of alcohol and tobacco control.

(4) Any other collector of state taxes or fees, or other state agency where an agency action is appealable to the BTA.

(5) The agent or successor of any of the offices above when administering a state tax or fee.

New law expands the existing law definition of state collector to include state agencies in which the agency action is related to state taxes or fees, including contracts.

New law requires the taxpayer, the collector, and other parties to proceedings before the BTA to receive notice and an opportunity to be heard in each proceeding for the trial of any redetermination of an assessment, the consideration of a payment under protest petition, for the determination of an overpayment, or other matters to be tried pursuant to the provisions of existing law.

New law makes various technical corrections to existing law provisions relative to the multiple types of proceedings that come before the BTA.

Existing law authorizes courts to enjoin tax preparers that engage in criminal, fraudulent, frivolous, or willful or reckless conduct if the court finds that injunctive relief is appropriate to prevent the recurrence of the conduct.

New law authorizes the Dept. of Revenue to issue cease and desist orders to certain tax preparers that engage in criminal, fraudulent, frivolous, or willful or reckless conduct if the continued conduct creates an immediate threat to taxpayers, however the department may not issue cease and desist orders under new law to CPAs, enrolled agents, or attorneys who are authorized to appear before the BTA.

New law authorizes the BTA to issue a temporary restraining order or preliminary injunction while a suit to enjoin is pending if the secretary shows

that continued conduct by the preparer creates an immediate threat to taxpayers.

New law provides that if a tax preparer is prohibited from preparing returns as part of a criminal prosecution that prohibition will serve as the injunction order without the department being required to file a separate suit.

New law imposes a penalty of at least \$50 per violation for each return, report, claim for refund, or other claim filed by a tax preparer who violates an injunction, cease and desist, or temporary restraining order.

New law provides that a hearing on a motion alleging a violation of an injunction or order by a tax preparer shall be held within 10 days and further provides that each such violation shall be considered an act of contempt.

Effective June 15, 2022.

(Amends R.S. 47:1402(E)(2), 1408(D)(1), 1418(7)(d), 1432(A), 1574.2(A), (B)(intro para), and (D); adds R.S. 47:338.223, 1408(D)(3), and 1574.2(E), (F), and (G))

### **Payment of Certain Board of Tax Appeals Judgments (ACT 564)**

Existing law authorizes the Board of Tax Appeals (board) and the secretary of the Dept. of Revenue (DOR), to enter into agreements to allow filing of claims against the state with DOR on forms prescribed by the secretary. Any claim filed with DOR is deemed a filing with the board as of the date the claim is filed with the secretary.

Existing law requires the secretary of DOR to pay judgments issued by the board for approved claims of \$20,000 or less out of current tax collections without interest. Existing law limits the total amount of judgments paid from current collections in a fiscal year to \$2M unless a higher amount is approved by the commissioner of administration and the Joint Legislative Committee on the Budget (JLCB).

Existing law requires the secretary of DOR to pay approved claims in the order in which they are

approved by the board. If the total amount of approved claims authorized for payment exceeds \$2M in a fiscal year, the payment of any excess claims shall be issued in the subsequent year in the same order of priority and with priority over any claims subsequently approved by the board.

Prior law required claims approved by the board that are between \$20,000 and \$250,000 to be submitted to the litigation subcommittee of the JLCB for review prior to the next regular session of the legislature. If the claim was approved by the litigation subcommittee, the approved claim was paid out of current tax collections without interest.

New law requires judgments issued by the board for approved claims that exceed \$20,000 to be submitted to the legislature for consideration of payment.

Existing law authorizes the secretary of DOR and a claimant to agree that the payment of an approved claim for erroneous payments of state taxes may be taken as a nonrefundable offset against the particular tax at issue if the approved claim is not paid in full or is not fully appropriated during the next regular session of the legislature. If an offset exceeds the amount of the claimant's tax liability, unused offset amounts may be carried forward against subsequent tax liability for the same tax up to five years. However, provisions of existing law regarding offset amounts do not apply if the amount of the claim exceeds \$1M.

Effective upon signature of governor (June 17, 2022).

(Amends R.S. 47:1483(A) and (C); Repeals R.S. 47:1483(D))

### **Approval of Millage Rate Adjustments (ACT 269)**

Present constitution permits adjustments in millage rates without voter approval under certain circumstances. Such millage rate increases require approval of two-thirds vote of the governing authority of the taxing authority at a public hearing held for such purpose.

New law retains present constitution.

Prior law applies to any parish with a population between 230,000 and 250,000 according to the 2010 federal decennial census.

New law provides that prior law applies to any parish with a population between 245,000 and 265,000 according to the 2010 federal decennial census.

Prior law provides that for all nonelected taxing authorities which are subject to the provisions of prior law with respect to increases in millage rates without voter approval, the public hearings and public meetings at which a vote is to be taken on a proposed millage rate increase for the ensuing year above the rate levied for that millage in the immediately preceding year must be scheduled as follows:

(1) The public hearings and public meetings must be conducted at the location at which the parish governing authority regularly conducts its meetings.

(2) The parish governing authority shall establish a schedule of specific dates and times for the conduct of the public hearings and public meetings.

Effective August 1, 2022.

(Amends R.S. 47:1705.1)

### **Emergency Tax Rulemaking Procedures (ACT 287)**

Existing law (R.S. 47:1837) provides for the duties of the Louisiana Tax Commission and authorizes the tax commission to amend and revise rules and regulations containing minimum standards of assessment and appraisal performance in accordance with the Administrative Procedure Act.

New law retains existing law.

Existing law requires oversight of tax commission rulemaking by the Senate Committee on Revenue and Fiscal Affairs and the

House Committee on Ways and Means and authorized the tax commission to use emergency rulemaking procedures when necessary.

New law retains existing law but requires the tax commission to comply with additional notice requirements set forth in new law.

New law requires the tax commission to post the current draft of any proposed emergency rule on the commission's website at least 60 days before the publication of the final version of the emergency rule in the Louisiana Register and to provide for the submission of comments.

New law requires all comments received within 30 days of the posting of the draft emergency rule to be reviewed and considered by the commission.

New law authorizes the commission to revise the draft before the final version of the emergency rule is submitted to the Office of the State Register.

New law excludes statewide advisories issued by the commission from the provisions of new law.

Effective August 1, 2022.

(Amends R.S. 47:1837(G)(3))

#### **East Feliciana Parish Tax Assessor (ACT 139)**

Existing law provides with respect to eligibility for normal retirement benefits from the Assessors' Retirement Fund (R.S. 11:1421). Provides that a member of the fund hired on or before Sept. 30, 2013, may be eligible for the benefits of the fund if the member has at least 12 years of service and is at least 55 years of age or has at least 30 years of service at any age.

Existing law further provides that a member hired on or after Oct. 1, 2013, may be eligible for the benefits of the fund upon written application if the member has at least 12 years of service and is at least 60 years of age or has at least 30 years of service and is at least 55 years of age.

Existing law requires the assessor to pay certain insurance premium costs for eligible retirees in the parishes of: Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Caddo, Calcasieu, Caldwell, Cameron, Catahoula, Claiborne, Concordia, DeSoto, East Baton Rouge, Evangeline, Franklin, Iberia, Iberville, Jackson, Jefferson, Lafayette, Lafourche, LaSalle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, Red River, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, Tangipahoa, Tensas, Terrebonne, Union, Vermilion, Vernon, Washington, Webster, West Baton Rouge, West Carroll, and West Feliciana. Further provides that the retiree must meet either of the following requirements to be eligible:

(1) The person was elected, appointed, or hired before Aug. 1, 2014, and retires in accordance with existing law (R.S. 11:1421) with at least 20 years of service.

(2) The person was elected, appointed, or hired on or after Aug. 1, 2014, retires in accordance with existing law (R.S. 11:1421) with at least 20 years of service, and at least 12 years of required service was earned at the assessor's office from which the person retires.

Proposed law adds East Feliciana to the list of parishes in which the assessor is required to pay certain insurance premium costs for eligible retirees.

Effective August 1, 2022.

(Amends R.S. 47:1923(D)(1)(a))

#### **Tax Sale Effects (ACT 404)**

Existing law provides that a tax sale confers on the tax sale purchaser, or on the political subdivision to which the tax sale property is adjudicated, only tax sale title.

Existing law further provides that if the tax sale property is not redeemed within the redemptive period, then at the termination of the redemptive

period, tax sale title transfers to its holder ownership of the tax sale property, free of the ownership and other interests, claims, or encumbrances held by all duly notified persons. Tax sale title is fully transferable and heritable, but any successor of a tax sale title takes it subject to any existing right to redeem the property, or to assert a nullity, to the extent and for the period of time that the right would have existed in the absence of the transfer or succession.

New law provides that tax sale title does not confer on the tax sale purchaser the right of possession of tax sale property that is occupied by the owner and does not confer on the tax sale purchaser the right to make improvements to the property or to charge rental or lease payments to the owner or occupants occupying the tax sale property.

Existing law provides that the rights in minerals, pipeline servitudes, predial servitudes, building restrictions, and dedications in favor of political subdivisions, the public or public utilities are not terminated pursuant to existing law to the extent the interests remain effective against third parties and are filed with the appropriate recorder prior to the filing of the tax sale certificate.

New law provides that the right of possession and occupancy of the owner of tax sale property shall not be terminated pursuant to existing law.

Existing law (R.S. 47:2121 et seq.) provides procedures for the payment and collection of property taxes, including procedures for the sale of property for the collection of delinquent ad valorem property taxes.

Existing law (R.S. 47:2122) provides for definitions which include definitions for "acquiring person", "adjudicated property", "redemptive period", "tax debtor", "tax sale", and "tax sale property".

Existing law (R.S. 47:2158) provides that when necessary to comply with an order of a political subdivision for the purpose of enforcing property standards, upon the presentation of the order and a certified copy of a tax sale certificate for immovables to a judge of a competent

jurisdiction, the judge shall grant ex parte an order of seizure and possession, commanding the sheriff to seize the property and place the purchaser in actual possession.

Existing law further provides that the purchaser may take actual possession without the order with the consent or acquiescence of the tax debtor or otherwise, provided no force or violence is used.

New law (R.S. 47:2158.1) prohibits a tax debtor who is an owner of and who is residing in the tax sale property from being subject to any eviction proceeding or a writ of possession pursuant to existing law during the redemptive period.

Existing law (R.S. 47:2231) provides that after the tax sale certificate is filed, the political subdivision may institute a suit in the district court of the parish in which the property is located to obtain possession of the adjudicated property. Authorizes the suit to be tried by summary proceeding and with costs of court being paid out of the first revenue received from the sale of the tax sale property.

New law (R.S. 47:2231.1) prohibits a tax debtor who is an owner of and who is residing in the tax sale property adjudicated to a political subdivision from being subject to any eviction proceeding or suit to obtain possession pursuant to existing law during the redemptive period.

New law (R.S. 47:2158.1 and 2231.1) prohibits the acquiring person from charging any rental or lease payments from the owner or occupants and prohibits constructions and improvements during the redemptive period by the acquiring person to the tax sale property.

New law adds a penalty for violations of new law payable by an acquiring person of 5% of the price paid by the acquiring person for tax title and 5% of any amounts paid by the tax debtor who is the owner of and who is residing in the tax sale property for rental or lease payments. Further provides that the penalty accrues from the time the acquiring person took possession of the property until the time the property is redeemed. Provides that new law does not limit the rights of a tax debtor who is the owner of and who is



residing in the tax sale property to recover rental or lease payments paid to an acquiring person in violation of new law.

New law (R.S. 47:2158.1 and 2231.1) does not limit the rights of a person who acquires the property at a judicial sale conducted pursuant to a writ of fieri facias, writ of seizure and sale, or other court order, or to a successor in interest to such a person.

Existing law (C.C.P. Arts. 4701-4735) provides the procedures for evictions, including notice to occupants, rule to show cause for delivery of possession, trial, judgment, warrant for possession, execution of warrant, and appeals.

New law provides that existing law procedures for eviction are subject to the prohibitions and exceptions provided by new law (R.S. 47:2158.1 and 2231.1).

Effective August 1, 2022.

(Amends R.S. 47:2121(C)(1) and (3); Adds R.S. 47:2158.1 and 2231.1 and C.C.P. Art. 4736)

#### **Tax Sale Title Exceptions (ACT 270)**

Existing law provides for tax sale title. Provides that a person who acquires ownership of property through a tax sale takes ownership subject to any interests that are not terminated in accordance with existing law. Further provides that mineral rights; pipeline servitudes; predial servitudes; building restrictions; and dedications in favor of political subdivisions, the public, or public utilities are interests that do not terminate upon tax sale to the extent the interests remain effective against third parties and are filed with the appropriate recorder prior to the filing of the tax sale certificate.

New law adds integrated coastal protection as defined in existing law (R.S. 49:214.2), projects listed in the comprehensive coastal master plan as defined in existing law (R.S. 49:214.2), and levee or drainage projects by the state or a political subdivision to the list of interests that do not terminate upon tax sale.

Effective August 1, 2022.

(Adds R.S. 47:2121(C)(3)(f) and (g))

#### **Monroe Adjudicated Property Disposal (ACT 377)**

Existing law, applicable to political subdivisions generally, authorizes a political subdivision to sell or otherwise dispose of property that has been adjudicated to it for nonpayment of taxes and other government assessments. Provides procedures for taking possession of the property, notifications, sale of the property, and donation of the property under certain conditions. Existing law includes authority to sell adjudicated property to an adjoining land owner who has maintained the property for at least one year.

Existing law establishes procedures for the seizure and sale of adjudicated property that are applicable only to the city of Monroe, including provisions relative to taking possession of property, notifications, sale, and donation.

New law authorizes the city of Monroe to exercise any authority granted by generally applicable existing law using the procedures set forth in locally applicable existing law or generally applicable existing law as it deems appropriate.

Effective August 1, 2022.

(Adds R.S. 47:2238.9)

#### **TITLE 48: ROADS, BRIDGES AND FERRIES**

##### **Use of Transportation-Related Funds (ACT 417)**

Existing law (R.S. 48:77) 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 existing law are deposited into the Construction Subfund (subfund) of the Transportation Trust Fund. Provides that for FY 2024-2025 and each fiscal year thereafter, 60% of

the avails of those taxes are deposited into the subfund.

Existing law requires the Dept. of Transportation and Development (department) to utilize up to 75% of the monies deposited into the subfund pursuant to existing law on mega projects and cash managed capacity projects. Requires the department to prioritize certain enumerated mega projects and lists certain capacity projects that are included.

New law retains existing law.

Prior law required the department to utilize an amount not less than 25% of the remaining monies on highway and bridge preservation projects included in the highway priority program pursuant to the department's definition of highway and bridge preservation projects.

New law requires the department to use motor vehicle sales tax avails deposited into the subfund as necessary to match federal funds made available to the state through transportation-related programs or grants.

New law provides that the prior law requirement that department utilize an amount not less than 25% on highway and bridge preservation projects is subject to the requirement that the department use monies deposited into the subfund to match federal funds.

Prior law provided that of the motor vehicle sales tax avails to be utilized by the department pursuant to prior law, an amount of 5%, not to exceed \$10 million, shall be utilized for projects authorized pursuant to the provisions of existing law (R.S. 48:224.1) relative to the transfer and exchange of state and local roads.

New law repeals prior law.

Prior law prohibited the issuance of total debt in excess of \$150 million per fiscal year that is secured by vehicle sales tax revenue deposited into the subfund.

New law repeals prior law.

Effective June 15, 2022.

(Amends R.S. 48:77(D); repeals R.S. 48:77(E))

### **DOTD Purchasing Process (ACT 256)**

Existing law requires DOTD to give reasonable notice when a purchase exceeds \$25,000 through the chief purchasing agent by advertising and by written notice mailed to persons who furnish the class of commodities involved or give notice sent through an electronic interactive environment to persons who furnish the class of commodities involved.

New law authorizes DOTD to give reasonable notice when a purchase exceeds \$25,000 through the chief purchasing agent to persons who furnish the class of commodities involved by either a written notice mailed to the persons or a notice sent through an electronic interactive environment to the persons.

New law authorizes the department to allow small purchase bids when the amount exceeds \$25,000 or a higher dollar amount provided by the governor's most current and effective executive order, whichever dollar amount is higher.

Existing law provides requests for bids shall be published not less than ten days prior to the date set for opening the bids.

Existing law prohibits the practice of dividing proposed or needed purchases into separate installments of less than twenty-five thousand dollars each.

New law retains existing law and creates a prohibition of dividing proposed or needed purchases into separate installments of the dollar amount set by the governor's most recent and effective executive order.

Effective June 3, 2022.

(Amends R.S. 48:205 (A) and (B))

### **I-10 Calcasieu River Bridge Project (ACT 758)**

Existing law provides for the department to obtain approval from the House and Senate transportation and highway committees prior to soliciting proposals and entering into contracts.

New law retains existing law and clarifies the department shall obtain approval from the House and Senate transportation and highway committees prior to entering into contracts.

New law requires the Dept. of Transportation and Development (DOTD) to provide the detailed financial analysis of cost conducted by the department and the Federal Highway Administration relative to the I-10 Calcasieu River Bridge project to the legislative transportation committees.

New law requires the DOTD and the Dept. of the Treasury to use the analysis provided to prepare a comparative financial analysis of the cost of the design build method of the I-10 Calcasieu River Bridge project.

New law further requires the result of the comparative analysis be provided to the legislative transportation committees immediately upon completion and requires that these committees use the comparative analysis as a reference during deliberations in approving the public-private partnership contract for the I-10 Calcasieu River Bridge project.

New law applies to all unsigned contracts as of the effective date of new law.

Effective June 18, 2022.

(Amends R.S. 48:250.4(A))

### **Parkways and College Advertisements (ACT 405)**

Existing law designates certain areas as a parkway.

Existing law provides that no off-premise outdoor advertising can be erected or maintained within

visual observation of the main-traveled way of any parkway designated unless authorized.

New law adds a provision that exempts any outdoor advertising on property owned by an institution of postsecondary education as defined by existing law, an institution of higher education, or a foundation affiliated with the institution from the application of existing law. Further provides such advertisements be limited to the promotion of the educational and cultural welfare of the institution.

Effective August 1, 2022.

(Adds R.S. 48:461.26(E)(3))

### **Southern Rapid Rail Transit Projects (ACT 764)**

Existing law provides the purpose of the Southern Rapid Rail Transit Compact (compact) is to study the feasibility of rapid transit service between the states of LA, MS, TX, and AL and to establish a joint interstate commission to assist in the effort.

New law maintains existing law and authorizes the compact to take all steps that it deems necessary and appropriate to establish and maintain the rapid transit service.

New law provides for the following legislative findings and declarations:

(1) That passenger rail service between Baton Rouge and New Orleans is supported by current federal policy and the Infrastructure Investment and Jobs Act of 2021.

(2) That passenger rail connecting Baton Rouge and New Orleans is a key project for 2021.

(3) That there is strong support for a region-wide passenger rail.

(4) That passenger rail along the Interstate 20 corridor between Marshall, Texas, and Meridian, Mississippi, is supported by current federal policy and the Infrastructure Investment and Jobs Act of 2021.

(5) That the Northwest La. Council of Governments found strong support for the passenger rail service along the Interstate 20 corridor.

(6) That the Dept. of Transportation will work with neighboring states, participate in the Southern Rail Commission on both passenger and freight initiatives, support the improvement of existing Amtrak services and Amtrak stations, and support the development of new intercity rail initiatives.

(7) That now is the ideal time to explore the opportunity to electrify passenger rail.

New law further provides the department shall prepare the scope, schedule, and budget to secure all necessary approvals and permits to begin passenger rail service between Baton Rouge and New Orleans.

New law requires the Dept. of Transportation and Development to provide the scope, schedule, and budget to the joint committees on Transportation, Highways and Public Works prior to the start of the 2023 Regular Session.

New law authorizes the department to apply for grants and other funds typical for passenger rail, as appropriate, and to facilitate development of the necessary platforms or stations to support passenger service.

Effective June 18, 2022.

(Amends R.S. 48:1671(A), (C)(5)(intro para) and (b); adds R.S. 48:2165)

#### **Unsolicited Proposals for Large Design-Build Projects (ACT 552)**

New law authorizes the La. Transportation Authority (LTA) to accept unsolicited proposals for design builds in excess of \$100,000,000.00.

New law requires the LTA to notify DOTD of the receipt of an unsolicited proposal and requires DOTD to review the unsolicited proposal and notify interested bidders by 30 day public

advertisement of the unsolicited proposal received by LTA.

New law requires interested parties to submit a formal request of consideration within 30 days and interested bidders to submit an unsolicited proposal including schedule, design, and cost within no more than 120 days.

New law requires all proposals for a design build project to comply with all applicable provisions of design build method law and provides that the review cost is nonrefundable should the project not move forward.

Effective August 1, 2022.

(Adds R.S. 48:2085)

### **TITLE 49: STATE ADMINISTRATION**

#### **Building Named (ACT 409)**

New law names the Louisiana Board of Pharmacy administrative office building in Baton Rouge the Carl W. Aron Building.

Effective June 15, 2022.

(Adds R.S. 49:149.34)

#### **Building Named (ACT 418)**

New law names the main office building in the Rockefeller Wildlife Refuge the J. Burton Angelle Building.

Effective June 15, 2022.

(Adds R.S. 49:149.35)

#### **Memorial to Oscar James Dunn (ACT 392)**

New law provides for the placement in Memorial Hall of the La. State Capitol of a bust or other appropriate memorial to Oscar James Dunn.

New law establishes the Oscar Dunn Memorial Fund as a special fund in the state treasury to be

administered by the presiding officers of the legislature.

New law requires the treasurer to transfer \$75,000 from the state general fund into the Oscar Dunn Memorial Fund.

New law requires the chairman of the Legislative Black Caucus, the speaker of the House of Representatives, and the president of the Senate, in consultation with the members of the family of Oscar James Dunn, to determine the design and related content of the memorial.

New law requires the speaker of the House of Representatives and the president of the Senate to determine placement of the memorial within Memorial Hall.

Effective upon signature of governor (June 10, 2022).

(Adds R.S. 49:149.65)

#### **Official State Steam Locomotive (ACT 191)**

New law provides that the official state steam locomotive shall be the 2-8-2 Mikado class of steam locomotives. New law authorizes its use on official state documents and with the insignia of the state.

Effective August 1, 2022.

(Adds R.S. 49:160.2)

#### **State Official Butterfly (ACT 294)**

New law provides that the Gulf Fritillary is the official butterfly of the state of Louisiana. Effective August 1, 2022.

(Adds R.S. 49:164.1)

#### **Horse-Related Capitals of Louisiana (ACT 245)**

New law designates St. Landry Parish as the "Equine Capital of Louisiana" and St. Tammany Parish as the "Thoroughbred Breeding Capital of Louisiana".

Effective May 31, 2022.

(Adds R.S. 49:170.20 and 170.21)

#### **Department of State Recreated (ACT 20)**

Existing law (R.S. 49:190 et seq. – "Sunset Law") provides generally for the periodic termination and re-creation of state departments, agencies, and offices. Provides deadlines and procedures for re-creation, including legislative hearings, study, and evaluation.

Prior law (R.S. 49:191(10)(k)) provided that the Dept. of State and all the statutory entities made a part of that department by law would begin to terminate their operations on July 1, 2022, and that all legislative authority for such entities ceased as of July 1, 2023, unless the legislature enacted a bill authorizing the re-creation of the department and its statutory entities prior thereto.

New law provides for the general re-creation of the Dept. of State and its statutory entities, effective June 30, 2022. July 1, 2027, is the new termination date, and termination would begin July 1, 2026, unless the department is again re-created.

Effective June 30, 2022.

(Amends R.S. 49:191(1); Repeals R.S. 49:191(10)(k))

#### **Department of State Civil Service Recreated (ACT 21)**

Existing law (R.S. 49:190 et seq. – "Sunset Law") provides generally for the periodic termination and re-creation of state departments, agencies, and offices. Provides deadlines and procedures for re-creation, including legislative hearings, study, and evaluation.

Prior law (R.S. 49:191(10)(j)) provided that the Dept. of State Civil Service and all the statutory entities made a part of that department by law would begin to terminate operations on July 1, 2022, and that all legislative authority for such entities ceased as of July 1, 2023, unless the legislature enacted a bill authorizing the re-

creation of the department and its statutory entities prior thereto.

New law provides for the general re-creation of the Dept. of State Civil Service and its statutory entities, effective June 30, 2022. July 1, 2027, is the new termination date, and termination would begin July 1, 2026, unless the department is again re-created.

Effective June 30, 2022.

(Amends R.S. 49:191(1); Repeals R.S. 49:191(10)(j))

### **Department of Economic Development Recreated (ACT 12)**

Old law (Sunset) provided that the Dept. of Economic Development and all the statutory entities made a part of that department by law shall begin to terminate their operations on July 1, 2022, and that all legislative authority for such entities shall cease as of July 1, 2023, unless the legislature enacts a bill authorizing the re-creation of the department and its statutory entities prior thereto.

New law provides for the general re-creation of the Dept. of Economic Development and its statutory entities, effective June 30, 2022, in accordance with the sunset law.

New law supersedes the provisions of the sunset law which set out the procedure for review and re-creation and which require a separate bill to re-create each statutory entity within the department along with additional provisions.

New law makes July 1, 2027, the new termination date and termination would begin July 1, 2026, unless the department is again re-created.

Effective June 30, 2022.

(Amends R.S. 49:191(1); Repeals R.S. 49:191(10)(e))

### **Department of Public Service Recreated (ACT 13)**

Old law (Sunset) provided that the Dept. of Public Service and all the statutory entities made a part of that department by law shall begin to terminate their operations on July 1, 2022, and that all legislative authority for such entities shall cease as of July 1, 2023, unless the legislature enacts a bill authorizing the re-creation of the department and its statutory entities prior thereto.

New law provides for the general re-creation of the Dept. of Public Service and its statutory entities, effective June 30, 2022, in accordance with the sunset law.

New law supersedes the provisions of the sunset law which set out the procedure for review and re-creation and which require a separate bill to re-create each statutory entity within the department along with additional provisions.

New law makes July 1, 2027, the new termination date and termination would begin July 1, 2026, unless the department is again re-created.

Effective June 30, 2022.

(Amends R.S. 49:191(1); Repeals R.S. 49:191(10)(h))

### **Department of Insurance Recreated (ACT 32)**

Prior law (Sunset) provided that the Dept. of Insurance and all the statutory entities made a part of that department by law shall begin to terminate their operations on July 1, 2022, and that all legislative authority for such entities shall cease as of July 1, 2023, unless the legislature enacts a bill authorizing the re-creation of the department and its statutory entities prior thereto.

New law provides for the general re-creation of the Dept. of Insurance and its statutory entities, effective June 30, 2022, in accordance with the sunset law. Supersedes the provisions of the sunset law which set out the procedure for review and re-creation and which require a separate bill to re-create each statutory entity within the department along with additional provisions. July

1, 2027, is the new termination date and termination would begin July 1, 2026, unless the department is again re-created.

Effective June 30, 2022.

(Amends R.S. 49:191(1); Repeals R.S. 49:191(10)(a))

### **Department of Education Recreated (ACT 133)**

Prior law (sunset law) provided that the state Dept. of Education (DOE) and all statutory entities made a part of DOE by law would begin to terminate operations on July 1, 2022, and that all legislative authority for such entities ceased as of July 1, 2023, unless the legislature enacted law authorizing the re-creation of DOE and its statutory entities prior to July 1, 2022.

New law re-creates DOE and its statutory entities, effective June 30, 2022, in accordance with the sunset law. Supersedes the provisions of the sunset law which set out the procedure for review and re-creation and which require a separate bill to re-create each statutory entity within the department along with additional provisions.

The new termination date is July 1, 2027, and termination would begin on July 1, 2026, unless the department is again re-created.

Effective June 30, 2022.

(Amends R.S. 49:191(1); Repeals R.S. 49:191(10)(g))

### **Department of Children and Family Services Recreated (ACT 141)**

Prior law (Sunset) provided that the Dept. of Children and Family Services and all statutory entities made a part of that department by law shall begin to terminate their operations on July 1, 2022, and that all legislative authority for such entities shall cease as of July 1, 2023, unless the legislature enacts a bill authorizing the re-creation of the department and its statutory entities prior thereto.

New law provides for the general re-creation of the Dept. of Children and Family Services and its statutory entities, effective June 30, 2022, in accordance with the "sunset" law.

New law sets out the procedure for review and the re-creation, which requires a separate bill to re-create each statutory entity within the department along with additional provisions.

New law makes July 1, 2027, the new termination date and termination would begin July 1, 2026, unless the department is again re-created.

Effective June 30, 2022.

(Amends R.S. 49:191(1); Repeals R.S. 49:191(10)(d))

### **Department of the Treasury Recreated (ACT 148)**

Existing law (R.S. 49:190 et seq.–"Sunset Law") provides generally for the periodic termination and re-creation of state departments, agencies, and offices. Provides deadlines and procedures for re-creation, including legislative hearings, study, and evaluation.

Prior law (R.S. 49:191(10)(b)) provided that the Dept. of the Treasury and all statutory entities made a part of the department by law would begin to terminate their operations on July 1, 2022, and that all legislative authority for such entities ceased as of July 1, 2023, unless the legislature enacted a bill authorizing the re-creation of the department and its statutory entities prior thereto.

New law provides for the general re-creation of the Dept. of the Treasury and its statutory entities, effective June 30, 2022. July 1, 2027, is the new termination date, and termination would begin July 1, 2026, unless the department is again re-created.

Effective June 30, 2022.

(Amends R.S. 49:191(1); Repeals R.S. 49:191(10)(b))

### **Agencies in Office of the Governor Recreated (ACT 158)**

Existing law (R.S. 49:190 et seq. – "Sunset Law") provides generally for the periodic termination and re-creation of state departments, agencies, and offices. Provides deadlines and procedures for re-creation, including legislative hearings, study, and evaluation.

Prior law (R.S. 49:191(10)(n)) provided that the following entities placed within the office of the governor would begin to terminate operations on July 1, 2022:

- (1) Office of Financial Institutions.
- (2) La. State Racing Commission.
- (3) La. Cemetery Bd.
- (4) State Bd. of Certified Public Accountants of La.
- (5) State Bd. of Architectural Examiners.
- (6) La. Real Estate Commission.
- (7) La. State Bd. of Home Inspectors.
- (8) State Licensing Bd. for Contractors.
- (9) Bd. of Examiners of Certified Shorthand Reporters.
- (10) La. Auctioneers Licensing Bd.
- (11) State Bd. of Examiners of Interior Designers.
- (12) La. Real Estate Appraisers Bd.
- (13) State Boxing and Wrestling Commission.
- (14) La. Motor Vehicle Commission.
- (15) La. Used Motor Vehicle Commission.
- (16) La. State Polygraph Bd.
- (17) La. State Bd. of Cosmetology.

Prior law provided that all legislative authority for such entities ceased as of July 1, 2023, unless the legislature enacted a bill authorizing their re-creation prior thereto.

New law provides for the general re-creation of these entities, effective June 30, 2022. July 1, 2027, is the new termination date, and termination would begin July 1, 2026, unless the entities are again re-created.

Effective June 30, 2022.

(Amends R.S. 49:191(1); Repeals R.S. 49:191(10)(n))

### **Department of Veteran Affairs Recreated (ACT 183)**

Prior law required that the Department of Veterans Affairs and all statutory entities made a part of that department by law begin to terminate their operations on July 1, 2022, and that all legislative authority for such entities cease as of July 1, 2023, unless the legislature enacted a bill authorizing the re-creation of the department and its statutory entities prior thereto.

New law provides for the re-creation of the Department of Veterans Affairs and its statutory entities, effective June 30, 2022, for a four-year period.

Effective June 30, 2022.

(Adds R.S. 49:191(13); repeals R.S. 49:191(10)(i))

### **Department of Environmental Quality Recreated (ACT 4)**

Prior law (Sunset law) provided that the Dept. of Environmental Quality and all the statutory entities made a part of that department by law shall have begun to terminate their operations on July 1, 2022, and that all legislative authority for such entities shall have ceased as of July 1, 2023, unless the legislature enacted a bill authorizing the re-creation of the department and its statutory entities prior thereto.



New law provides for the re-creation of the Dept. of Environmental Quality and its statutory entities, effective June 30, 2022, for a four-year period.

Effective June 30, 2022.

(Adds R.S. 49:191(13)(a); repeals R.S. 49:191(10)(f))

#### **Department of Agriculture and Forestry Recreated (ACT 6)**

Prior law (Sunset) provided that the Dept. of Agriculture and Forestry and all the statutory entities made a part of that department by law shall begin to terminate their operations as of July 1, 2022, and that all legislative authority for such entities shall cease as of July 1, 2023, unless the legislature enacts a bill authorizing the re-creation of the department and its statutory entities prior thereto.

New law provides for the general re-creation of the Dept. of Agriculture and Forestry and its statutory entities, effective June 30, 2022, in accordance with the "sunset" law. Supersedes the provisions of the "sunset" law which set out the procedure for review and re-creation and which require a separate bill to re-create each statutory entity within the department along with additional provisions. Provides that July 1, 2027, is the new termination date and termination will begin on July 1, 2026, unless legislation is enacted to re-create the department prior to that date.

Effective June 30, 2022.

(Adds R.S. 49:191(13)(a); repeals R.S. 49:191(10)(c))

#### **Coastal Protection & Restoration Authority and Board Recreated (ACT 7)**

Prior law (Sunset law) provided that the Coastal Protection and Restoration Authority and the Coastal Restoration and Protection Authority Board shall have begun to terminate their operations on July 1, 2023, and that all legislative authority for such entities shall have ceased as of

July 1, 2024, unless the legislature enacted a bill authorizing the re-creation of the department and its statutory entities prior thereto.

Existing law provides that Coastal Protection and Restoration Authority and the Coastal Restoration and Protection Authority Board to be reviewed by and re-creation to be considered by the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources.

Prior law required the Coastal Protection and Restoration Authority and the Coastal Restoration and Protection Authority Board be reviewed and re-created every six years to coincide with the review and adoption of the comprehensive master plan for integrated coastal restoration.

New law provides for the re-creation of the Coastal Protection and Restoration Authority and the Coastal Restoration and Protection Authority Board, effective June 30, 2022, for a six-year period.

New law removes the requirement that future reviews and re-creations coincide with the review and adoption of the comprehensive master plan for integrated coastal restoration.

Effective June 30, 2022.

(Adds R.S. 49:191(13)(a); repeals R.S. 49:191(11))

#### **Governor's Office of Homeland Security and Emergency Preparedness Recreated (ACT 182)**

Prior law (Sunset law) required that the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) and all the statutory entities made a part of that office by law begin to terminate their operations on July 1, 2022, and that all legislative authority for such entities cease as of July 1, 2023, unless the legislature enacted a bill authorizing the re-creation of the office and its statutory entities prior thereto.

New law provides for the re-creation of the GOHSEP and its statutory entities, effective June 30, 2022, for a four-year period.

Effective June 30, 2022.

(Adds R.S. 49:191(13)(a); repeals R.S. 191(10)(m))

#### **Sunset Law Procedure (ACT 364)**

Existing law (sunset law) provides a procedure for the periodic study and evaluation of statutory entities (including departments, agencies, and programs) by the standing committees of the legislature. Existing law requires each statutory entity being studied and evaluated to provide specified information to the appropriate standing committees.

New law further requires each statutory entity to provide to the appropriate standing committees the identity of each report the statutory entity is required by law to produce, including the citation of the law requiring the report, an estimate of the agency resources expended to produce the report, and the opinion of the agency regarding the continued necessity of the report.

Effective August 1, 2022.

(Amends R.S. 49:193(B)(10); Adds R.S. 49:193(B)(11))

#### **Use of Coastal Resources Related Funds (ACT 282)**

Existing law establishes a coastal zone management program within the Dept. of Natural Resources and administered by the secretary of the department. The program includes regulation of the application and issuance of a coastal use permit prior to commencing a use of state or local concern in the coastal zone. New law retains existing law.

Existing law requires that any monies received by any state or local governmental entity arising from or related to a state or federal permit issued pursuant to the State and Local Coastal Resource Management Act of 1978, a violation thereof, or

enforcement thereof, or for damages or other relief arising from or related to any of the foregoing, or for damages or other relief arising from or related to any use as defined by existing law, be used for integrated coastal protection, including coastal restoration, hurricane protection, and improving the resiliency of the coastal area. New law retains existing law.

Prior law provided for the distribution of monies collected from enforcement actions for uses of state concerns as follows:

(1) 50% deposited into the Coastal Resources Trust Fund for reimbursement to the department for the cost of enforcing the coastal zone management program.

(2) 25% deposited in the local government's mitigation banks.

(3) 25% deposited in the Wetlands Conservation and Restoration Fund.

New law changes the deposit from 50% to the Coastal Resources Trust Fund to 75% to the Coastal Protection and Restoration Fund for projects consistent with existing law after deducting the cost to reimburse the department for enforcing the coastal zone management program.

New law retains existing law by requiring 25% be deposited in local government mitigation banks. New law further provides that when no local government mitigation bank exists, the funds are deposited into a restricted fund administered by the parish governing authority of the parish or parishes in which the adverse impact related to the use is located. New law requires the funds be used for projects consistent with existing law and within or for the benefit of areas within the geographic borders of that parish.

New law removes the 25% deposit to the Wetlands Conservation and Restoration Fund in prior law.

Existing law provides that 100% of monies collected by the secretary from enforcement actions for uses of local concerns be deposited in

local government mitigation banks. Existing law provides for a pro rata division in cases involving two or more local governments. Existing law provides for the monies deposited in the Wetlands Conservation and Restoration Fund to be used only for mitigation projects within the geographic borders of that local government in the event there is no local government mitigation bank.

New law changes the deposit in the event no local government mitigation bank exists, from the Wetlands Conservation and Restoration Fund to a restricted fund administered by the parish governing authority of the parish or parishes in which the adverse impact related to the use is located. New law requires the funds be used for projects consistent with existing law and within or for the benefit of areas within the geographic borders of that parish.

Effective August 1, 2022.

(Amends R.S. 49:214.36(J) and (O)(2))

#### **Secretary of State Fees (ACT 600)**

Existing law allows the secretary of state to collect \$25 for transferring a reserved corporate name.

New law retains existing law and expands the fee to include transferring a reserved limited liability company name and terminating a reserved corporate name or limited liability company name.

Existing law authorizes the secretary of state to collect certain fees relative to various filings, recordings, registrations, renewals, and terminations.

New law retains existing law and authorizes the secretary of state to collect two new fees as follows:

- (1) Filing an initial structured settlement purchase company registration - \$600.
- (2) Renewing a structured settlement purchase company registration - \$250.

Effective August 1, 2022.

(Amends R.S. 49:222(B)(1)(a); Adds R.S. 49:222(B)(15))

#### **Reorganization of Administrative Procedure Act (ACT 663)**

New law reorganizes and recodifies the Administrative Procedure Act, Chapter 13 of Title 49 of existing law.

Existing law requires an agency to hold a public hearing no earlier than 35 days after the notice of the intended action is published in the La. Register.

Prior law required the hearing to be held no later than 40 days after notice publication. New law extends the maximum time for a hearing to 45 days.

Existing law provides for an agency to publish on its website public notice that the report summarizing public comments and the agency responses has been delivered to the appropriate standing committee. Prior law required publication within one business day from submission of the report to the appropriate standing committee. New law extends the deadline to five business days after submission.

Prior law provided for the La. Administrative Code to contain all executive orders issued by the governor in effect at the time the Code was published. New law requires the Office of the State Register to publish all executive orders issued by the governor.

New law directs the La. State Law Institute to take the following actions:

- (1) Redesignate provisions of existing law into a new format and number scheme as provided in new law without changing the text of the provisions except as provided in new law.
- (2) Change references throughout existing law as necessary to reflect the new citations provided for in new law.

New law creates three parts in the current chapter of existing law, to be numbered, entitled, and comprised as follows:

Part I. General Provisions

Comprising R.S. 49:950 through 957 of new law.

Part II. Rule Promulgation

Comprising R.S. 49:961 through 974.4 of new law.

Part III. Adjudication

Comprising R.S. 49:975 through 980 of new law.

New law retains existing law citations of R.S. 49:950, 951, and 973.

New law changes the citation of only the following existing law provisions:

R.S. 49:952, 954.3, 956, 956.1, 957, 958, 961, 962, 962.1, 963, 964, 965, 965.1, 966, 967.1, 968.1, 978.2, 978.3, and 978.6.

New law makes various technical changes to modernize existing law.

Effective August 1, 2022.

(Amends R.S. 49:951(9), 953, 953.1(A)(1)(intro. para.), 953.1(A)(5), and (C), 954(A) and (B)(2), 954.1(A), 955(B), (C), (E), and (F), 959(A), 960(B), 964.1(C), 966(A), 967, 968(B)(intro. para.), 968(B)(24)(b), (C)(2) and (4), (D)(1)(a), and (D)(1)(b)(intro. para.), (D)(1)(b)(i), and (c) and (3), (E)(1)(a), 968(F)(1)(intro. para.), (G), (H), (J), and (K)(2), 969(A), 970(A), 971(A)(1) and (3) and (B), 974(B), (C), and (E), 978.1, 978.4(A)(2), 978.5(B) and (C), 978.7(intro. para.), and 978.8(A) and (B); adds R.S. 49:953.1(G), 963, and 964)

**State Employees and Medical Marijuana  
(ACT 651)**

New law provides relative to persons employed by the state being treated with medical marijuana.

Existing law (R.S. 40:1046) authorizes a licensed physician to recommend, in any form as permitted by the rules and regulations of the La.

Bd. of Pharmacy, raw or crude marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols for therapeutic use by any patient clinically diagnosed as suffering from a debilitating medical condition.

Existing law (R.S. 49:1015) authorizes a public employer to:

(1) Require employees, as a condition of continued employment, to be tested for the presence of drugs following an accident during the course and scope of his employment, under other circumstances which result in reasonable suspicion that drugs are being used, or as a part of a monitoring program established by the employer to assure compliance with terms of a rehabilitation agreement.

(2) Require prospective employees, as a condition of hiring, to be tested for the presence of drugs.

(3) Implement a program of random drug testing of those employees who occupy safety-sensitive or security-sensitive positions.

Existing law (R.S. 49:1001) provides that negative employment consequences means any action which negatively impacts an employee's or prospective employee's employment status, including termination of employment, refusal to hire, or altered conditions of employment such as counseling, probation, suspension, and demotion.

New law prohibits a state employer from subjecting an employee or prospective employee to negative employment consequences based solely on a positive drug test for marijuana if the employee or prospective employee has been clinically diagnosed as suffering from a debilitating medical condition and a licensed physician has recommended marijuana for therapeutic use by the employee in accordance with existing law.

New law provides that new law shall not be construed to prohibit the imposition of negative employment consequences on an employee when:

(1) The employee uses or is impaired by marijuana on the premises of the employer or during work hours.

(2) The employee's principal responsibility is to operate or maintain a state vehicle.

(3) The employee is a supervisor of any employee who drives or maintains a state vehicle.

New law provides that new law shall not apply to emergency medical services, law enforcement, public safety officials, any state employee of the horse racing commission, and firefighter services.

Effective August 1, 2022.

(Adds R.S. 49:1016)

#### **Public Benefit Integrity Law (ACT 542)**

New law provides for the "Public Benefit Integrity Law". Requires the Dept. of Children and Family Services, Dept. of Education, La. Dept. of Health, and La. Workforce Commission to report to the legislature annually regarding the agency's policies and processes for identifying and eliminating fraud, waste, and abuse in certain government-funded programs and the results of the application of those policies and processes.

New law defines "procedural reason" to mean a reason for an action on a program case related to an agency's non-receipt of materials or information necessary for determining benefit eligibility.

New law requires certain reports to be filed including the following:

(1) For the preceding calendar year, measures of access in the program, including:

(a) For each month, the number of applications received, the percentage of applications denied, and the percentage of applications denied for procedural reasons.

(b) Monthly call center performance metrics for call centers serving clients and applicants,

including the average number of calls and the average and maximum call wait times.

(c) The average caseload per caseworker.

(2) A detailed description of the program's administrative appeals process for clients, including but not limited to the number of hearings requested by clients and the number of hearings waived by clients.

Effective June 17, 2022.

(Adds R.S. 49:1401-1403)

### **TITLE 50: SURVEYS AND SURVEYORS**

### **TITLE 51: TRADE AND COMMERCE**

#### **Foreign Trade Zones (ACT 174)**

Existing law authorizes the following entities to make application to be designated as a foreign trade zone and to establish, maintain, and operate as a foreign trade zone:

(1) New Orleans Aviation Board.

(2) Board of Commissioners of the Lake Charles Harbor and Terminal District.

(3) South La. Port Commission.

(4) South Tangipahoa Parish Port Commission.

(5) Greater Baton Rouge Port Commission.

(6) Caddo-Bossier Port Commission.

(7) Vidalia Port Commission.

(8) Board of Commissioners of the England Economic and Industrial Development District.

(9) Board of Commissioners of the Port of New Orleans.

(10) Any port commission or port, harbor, and terminal district.

(11) New Orleans Regional Business Park.

(12) Any airport with an industrial park or property designated for industrial development.

New law retains existing law and adds the Board of Commissioners of the Port of Iberia.

Effective August 1, 2022.

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

### **Property Insurance and Contracts Payable by Insurance Proceeds (ACT 734)**

Existing law prohibits persons performing home improvement contracting from engaging in certain acts.

New law retains existing law and applies the prohibition in existing law to companies performing home improvement contracting services.

New law prohibits persons or companies performing home improvement contracting services from engaging in the following acts:

(1) Interpreting insurance policy provisions regarding coverage or duties under an insured's property insurance policy.

(2) Adjusting a property insurance claim on behalf of an insured.

(3) Providing an insured with an agreement authorizing repairs without providing a good faith estimate of the itemized and detailed costs of services and materials for repairs undertaken pursuant to a property damage claim.

(4) Sharing in legal fees earned by an attorney.

(5) Requiring an insured to sign an attorney representation agreement on behalf of an attorney.

(6) Accepting fees, commissions, or other valuable considerations in exchange for a referral by the person or company to an attorney or law firm.

(7) Accepting an assignment of any rights, benefits, proceeds, or causes of action of an insured under a property insurance policy prior to completing the work described in the contract and the insurer conducting its initial examination of the damage.

Prior law provided that persons selling or engaging in the sale of goods or services shall not advertise or promise to provide goods or services or offer to pay, pay, or rebate any part of an insurance deductible as part of an arrangement for goods and services paid for with proceeds from an insurance policy.

New law repeals prior law and provides that no person selling or engaging in the sale of goods or services shall provide a good or service or advertise or promise to provide goods or services to an insured in a transaction in which the good or service will be paid for with proceeds of a property insurance claim, if the person selling the good or service, without the insurer's consent, agrees to do any of the following:

(1) Pay, waive, absorb, or otherwise decline to charge or collect the amount of the insured's deductible.

(2) Provide a rebate in connection with the sale of a good or service that will offset all or part of the amount paid by the insured as a deductible.

(3) In any manner, assist the insured in avoiding monetary payment of the required insurance deductible.

New law provides a notice that shall be included in contracts to provide goods or services that is reasonably expected to be paid with proceeds from a claim under an insurance policy and has a contract price of \$1,000 or more.

Effective August 1, 2022.

(Amends R.S. 51:451(A); Adds R.S. 37:2175.3(A)(12)-(18) and R.S. 51:452)

### **Identity Rights (ACT 425)**

New law enacts the Allen Toussaint Legacy Act.

New law provides definitions for "access software provider", "authorized representative", "commercial purposes", "digital replica", "expressive work", "identity", "individual", "information content provider", "interactive computer service", "internet", "performance" and "professional performer".

New law provides that every individual has a property right in connection with the use of that individual's identity for commercial purposes, and that those identity rights constitute property rights that do not expire upon the death of the individual so protected, whether or not such rights were commercially exploited by the individual during the individual's lifetime. Identity rights are heritable, licensable, and transferable to the executors, heirs, or legatees of the individual. The identity rights with respect to a performance in audiovisual works will expire upon the death of the individual.

New law provides that any license of an individual's identity rights is not valid unless in writing and signed by the individual or the individual's authorized representative, or if the individual is deceased, by authorized representatives holding more than 50% of such rights. A lawful licensee of an individual's identity rights may, within the scope of the license, assert a claim against a third party for a violation.

New law provides that the provisions of new law shall not be construed to render invalid or unenforceable any contract entered into by the then lawful rights owner, including contracts entered into by a deceased individual during his lifetime.

New law provides that the identity rights shall terminate upon the earlier of either the proof of nonuse of the individual's identity for commercial purposes by an individual's authorized

representative for a period of three consecutive years following the individual's death or 50 years following the individual's death.

New law provides for the application of new law regardless of whether the individual died before, on, or after August 1, 2022.

New law provides that rights under new law are not subject to levy or attachment and may not be the subject of a security interest, marital property distribution, or debt collection.

New law prohibits the use of an individual's identity for a commercial purpose in Louisiana without having first obtained previous written consent from the individual or the individual's authorized representative.

New law provides that a claim for a violation of an individual's identity rights may not be asserted unless the alleged act occurs within Louisiana. New law further provides that the claim shall be subject to a prescriptive period of two years from the date the violation was discovered or should have been discovered.

New law provides for certain actions which result in a person submitting to the jurisdiction of this state.

New law authorizes additional remedies as provided by law and that persons violating an individual's identity rights are liable for the greater of \$1,000 and the actual damages, and reasonable attorney fees, costs, and expenses relating to the action.

New law authorizes a court of competent jurisdiction to grant the plaintiff a temporary restraining order or an order for injunctive relief.

New law provides that any suit arising out of the alleged offending use of a digital replica, expressive work, identity, or performance, or brought against a newspaper, broadcast outlet, media outlet, online news outlet, news publication, or other media pursuant to new law shall be subject to a special motion to strike under existing law, and any alleged violation shall be presumed an act in furtherance of a person's right

of petition or free speech under the U.S. Constitution or the La. Constitution in connection with a public issue.

New law does not affect rights and privileges recognized under other state or federal laws, including those privileges afforded under the "fair use" factors in the U.S. Copyright Act of 1976. New law provides a list of circumstances in which new law does not apply.

New law provides certain exempt uses.

New law provides that the carriage or transmission by a radio or television station of content violating new law shall not be considered a violation by the radio or television station.

New law does not create a liability for publishers or speakers of any information provided by another information content provider including the internet, an interactive computer service, an information content provider, or an access software provider.

New law provides that new law shall be liberally construed to accomplish its intent and purposes, and that the property rights granted by new law vest with an individual or the individual's authorized representative on August 1, 2022.

New law provides that the publication by a news entity or outlet, online news outlet, newspaper, news publication, or other media which violates any provision of new law shall not be considered a violation by the news outlet, online news outlet, or other media.

New law shall not apply to claims arising from a publication of an expressive work created prior to August 1, 2022.

Effective August 1, 2022.

(Adds R.S. 51:470.1 - 470.6)

### **Cosmetic and Animal Testing (ACT 712)**

New law defines "cosmetic", "cosmetic animal testing", "cosmetic ingredient", "cosmetic

product", "manufacturer", "nonfunctional constituent", and "supplier".

New law prohibits the sale of cosmetics that were developed using animal testing, if the testing was done by the manufacturer or at the direction of the manufacturer.

New law provides exemptions from the prohibition contained in new law based on compliance with state, federal, or foreign regulations; reason for the testing; when the testing occurred; and specific actions taken by the manufacturer.

New law prohibits a political subdivision from creating or enforcing any prohibition on animal testing that is not identical to new law.

New law provides that a violation of new law shall be considered a civil violation by the manufacturer and the manufacturer shall be subject to an initial fine of \$1,000 with an additional fine of \$500 for each day that the violation continues.

Invalidity of any provision of new law does not invalidate the remainder of new law.

Effective August 1, 2022.

(Adds R.S. 51:771-776)

### **Attraction of Manufacturing Facilities (ACT 743)**

Existing law states the policy of the Dept. of Economic Development (department) and states that the department is to provide the following to effectuate that policy:

- (1) A program designed to make a non-political department with professional staff.
- (2) A continuing program of economic and industrial planning.
- (3) A continuing program designed to furnish information.



(4) A continuing program of commercial and industrial planning.

New law retains existing law and adds that the department shall provide a continuing program designed to attract manufacturing facilities to this state, with a focus on economic incentives, necessary infrastructure, workforce development, job creation, wages, community investment, and quality of life.

New law requires the department to do all of the following regarding manufacturing:

(1) Develop and implement a state strategic plan for attracting manufacturers to the state.

(2) Monitor the implementation of the state strategic plan to attract manufacturers to the state.

(3) Develop a plan to identify areas of land for future manufacturing use.

(4) Identify manufacturing sites that are ready for development.

(5) Develop a plan in conjunction with the office of workforce development and the technical college system for the training of skilled workers to ensure a scalable workforce.

(6) Develop a plan for locating and identifying property for potential workforce housing.

New law requires the department to promote the development of the manufacturing industry and the department is allowed to do all of the following:

(1) Contract with and direct trade or industry representatives for the purpose of promoting the state as a site for the development of future manufacturing facilities.

(2) Serve as an informational clearinghouse and provide technical assistance to individuals and entities engaged in manufacturing by compiling, producing, publishing, and updating a comprehensive directory on sites, facilities, services, tax incentives, and permitting practices for the state.

(3) Participate in regional, national, and international manufacturing conferences and networking opportunities.

(4) Sponsor workshops and seminars on topics including but not limited to legal and financial aspects of locating manufacturers in the state.

New law requires all departments, commissions, boards, agencies, officers, and institutions of this state and all subdivisions of this state to cooperate with the department in carrying out the purposes of new law.

New law provides that the department is designated as the applicant, administrative body, and recipient for accepting and administering any and all state, federal, and private funds awarded to and allocated by this state for any purpose covered by new law.

New law requires the department to provide to the legislature an annual report regarding the provisions of new law at least 30 days before the convening of the regular legislative session.

Effective August 1, 2022.

(Amends R.S. 51:922; Adds R.S. 51:938.2)

### **Office of Broadband Development and Connectivity (ACT 760)**

Prior law provided for the office of broadband and connectivity (office) within the office of the governor.

New law moves the office from the office of the governor to the division of administration and changes the name of the office to the office of broadband development and connectivity.

Prior law required the head of the office to be appointed by the governor and subject to Senate confirmation.

New law removes the requirement that the executive director be appointed by the governor and confirmed by the Senate.

New law requires the office to secure certain information from any entity providing internet service to at least one location in the state to compile a statewide broadband map. Limits the office to hiring not more than one additional full-time employee to compile a statewide parish-by-parish broadband map identifying the locations and capability of broadband service in the state.

At the request of the office, new law requires any such entity to submit broadband deployment information containing the same information submitted to the Federal Communications Commission (FCC). Further provides that the entity is not required to provide any data beyond that which is required for submission to the FCC.

New law provides that any such entity not in compliance with new law may be ineligible to participate in, or receive funding from, any state-administered grant program designated for broadband infrastructure deployment in the state in the calendar year of noncompliance and the following calendar year. Further provides that any location in the state purportedly served by the entity not in compliance with new law may be considered to have internet access service of less than 25 megabits per second for download and three megabits per second for upload.

New law requires an entity's broadband availability data to be used strictly for the purpose of identifying served, underserved, and unserved areas to aid in administration of the "Granting Unserved Municipalities Broadband Opportunities" program.

New law authorizes the entity submitting broadband data to review a draft of the proposed state broadband map and submit any necessary corrective data to the office prior to the publication or utilization of the state broadband map for any state-administered grant program designated for broadband infrastructure deployment in the state.

New law authorizes the entity submitting broadband data to challenge any area ultimately deemed eligible for any state-administered grant program designated for broadband infrastructure

deployment in the state that overlaps with an entity's verified service territory.

New law authorizes the office to contract with a private entity or third-party consultant to develop and maintain the state broadband map. Further requires any such contract entered into by the office and a private entity or third-party consultant to include a confidentiality agreement prohibiting the disclosure of any broadband data provided under new law.

New law provides that information compiled under new law is exempt from the Public Records Law (R.S. 44:1.1 et seq.) and is considered confidential, proprietary, and a trade secret of the entity providing the information. Requires that the office, including any private entity or third-party consultant retained or employed under new law, to keep strictly confidential and not disclose, or cause or permit to be disclosed, to any third person, private entity, or public body, any broadband availability data provided under new law. Further requires that all actions be taken as are reasonably necessary to ensure that the broadband availability data remains strictly confidential and is not disclosed to or seen, used, or obtained by any third person, private entity, or public body.

New law provides that provisions regarding mapping areas terminate under any one of the following conditions, whichever occurs first:

(1) Upon a determination by the office that it is no longer necessary to compile a statewide parish-by-parish broadband map identifying the locations and capability of broadband service in the state.

(2) At midnight on December 31, 2026.

New law authorizes the office to promulgate necessary rules in accordance with the provisions of the APA.

Prior law terminated the office at 12 o'clock midnight on June 30, 2023. New law sunsets the office at 12 o'clock midnight on June 30, 2028.

Effective June 18, 2022.

(Amends R.S. 51:1361(3), 1362(A), 1363(intro para), 1365, and R.S. 44:4.1(B)(35); adds R.S. 51:1363.1)

### **Fuel Handling During a Disaster (ACT 73)**

New law provides that the diversion, transport, delivery, sale, or acceptance of gasoline, diesel fuel, liquified petroleum gas, motor fuel, special fuel, gasohol, liquified natural gas, and other types of fuel shall not be restricted or prohibited when needed for disaster recovery during a disaster or emergency declared in accordance with existing law, the La. Homeland Security and Emergency Assistance and Disaster Act.

Effective August 1, 2022.

(Adds R.S. 51:1611)

### **Local Governments and Energy Type Choices (ACT 546)**

New law provides for the sale, transportation, and acceptance of fuel following a natural disaster. New law is not to be construed as waiving any mandatory federal law, nor as creating any exception, to the extent any such law may be applicable to the transport of commodities described in new law.

New law establishes the "Louisiana Consumer Fuel Choice Act".

New law defines "energy type" to include aviation fuel, biofuel, compressed natural gas, diesel, electricity to be utilized for the charging of electric vehicles, gasoline, gas distillates, hydrogen, liquified petroleum gas, and renewable diesel.

New law provides that no local governing authority shall adopt any ordinance, rule, or law that limits consumer access to an energy type or that results in the prohibition of a wholesaler, retailer, energy producer, or the related infrastructure that is necessary to provide consumer access to a specific energy type within the local governing authority.

New law prohibits construing any provision of new law to restrict, impair, or diminish the regulatory authority of the Louisiana Energy and Power Authority, a municipally owned electric system, the Louisiana Public Service Commission, or of any governing authority of a political subdivision that regulates a public utility in accordance with Const. Art. IV, Section 21.

New law provides for retroactive and prospective application.

Effective June 17, 2022.

(Adds R.S. 51:1611 and 3051-3053)

### **Charitable Organization Annual Reporting (ACT 262)**

New law provides that absent a showing of a compelling state interest, no state agency or state official shall impose any additional annual filings or reporting requirements by rule or policy on a charitable organization that is more restrictive than the specific requirements for charitable organizations under federal or state law. Provides that the Senate Committee on Commerce, Consumer Protection and International Affairs and the House Committee on Commerce may review any filing or reporting requirement that is more restrictive than the requirements for charitable organization as provided in the state and federal law.

New law shall not apply to the state's direct spending programs including state grants and state contracts or to fraud investigations. New law shall not restrict enforcement actions against a specific nonprofit organization.

New law defines "charitable organization".

Effective June 3, 2022.

(Adds R.S. 51:1909.11)

### **Small Business Innovation Research and Technology Transfer Retention Funding (ACT 476)**

Existing law provides for the La. Economic Development Corporation (corporation) within the Dept. of Economic Development (department) and provides for the powers and authority of the corporation. Further requires the corporation to serve as the review board for certain financial assistance programs for La. small businesses. New law retains existing law.

Existing law requires the corporation to provide support for certain activities by La. businesses to generate commercial products or services by providing matching funds to businesses that received federal Small Business Innovative Research Phase I grant funds.

New law retains existing law and further requires the corporation to provide support to businesses that will apply for or receive federal Small Business Innovation Research (SBIR) or Small Business Technology Transfer (STTR) grant funds for applications submitted or received after Jan. 1, 2023.

New law creates the "Small Business Innovation Retention Fund" (fund) as a special fund in the state treasury. Further requires monies in the fund to be used for providing financial assistance to certain La. businesses that have received SBIR or STTR federal grants.

New law requires all monies within the fund to comply with Article VII, Section 9(B) of the Constitution of La. relative to the Bond Security and Redemption Fund.

New law requires monies in the fund to be invested in the same manner as monies in the general fund. Requires interest earned on invested monies to be credited to the fund. Further requires unexpended and unencumbered monies in the fund at the end of the fiscal year to remain in the fund.

New law requires the department to administer the fund and provide for the disbursement of monies in the fund to eligible applicants in the

form of grants. Further requires the department to establish criteria for grant eligibility, provide for an application process, and select eligible applicants to receive the grants.

New law requires up to \$1,105,000 to be annually disbursed from the fund as follows:

(1) Up to \$500,000 per year shall be allocated for Phase I SBIR or STTR recipients. Each selected applicant shall receive an amount equal to 25% of the applicant's Phase I SBIR or STTR grant. These grants shall not exceed \$50,000 per applicant.

(2) Up to \$500,000 per year shall be allocated for Phase II SBIR or STTR recipients. Each selected applicant shall receive an amount equal to 20% of the applicant's Phase II SBIR or STTR grant. These grants shall not exceed \$100,000 per applicant.

(3) Up to \$105,000 per year to the department for administrative expenses.

New law requires each grant to be disbursed in 2 equal amounts to the selected applicants over a period of 2 consecutive years.

Effective upon signature of governor (June 15, 2022).

(Amends R.S. 51:2312(A)(1); Adds R.S. 51:2401)

### **Small Business Innovation Research and Transfer Technology Recruitment Funding (ACT 477)**

Existing law provides for the La. Economic Development Corporation (corporation) within the Dept. of Economic Development (department) and provides for the powers and authority of the corporation. Further requires the corporation to serve as the review board for certain financial assistance programs for La. small businesses. New law retains existing law.

Existing law requires the corporation to provide support for certain activities by La. businesses to generate commercial products or services by

providing matching funds to businesses that received federal Small Business Innovative Research Phase I grant funds.

New law retains existing law and further requires the corporation to provide support to businesses that will apply for or have received federal Small Business Innovation Research (SBIR) or Small Business Technology Transfer (STTR) grant funds.

New law creates the "Small Business Innovation Recruitment Fund" (fund) as a special fund in the state treasury. Requires monies in the fund to be used for providing economic development incentives to recruit out-of-state small businesses that have received SBIR or STTR federal grants to the state of La. Further defines "small business" and requires the business to meet certain federal industry size standards to qualify pursuant to new law.

New law requires all monies within the fund to comply with Article VII, Section 9(B) of the Constitution of La. relative to the Bond Security and Redemption Fund.

New law requires monies in the fund to be invested in the same manner as monies in the general fund. Requires interest earned on invested monies to be credited to the fund. Further requires unexpended and unencumbered monies in the fund at the end of the fiscal year to remain in the fund.

New law requires the department to administer the fund and provide for the disbursement of monies in the fund to eligible applicants in the form of grants. Requires the department to establish criteria for grant eligibility, provide for an application process, and select eligible applicants to receive the grants. Further requires for the selection of grant recipients to be based upon nominations of eligible small businesses recommended by the Regional Economic Alliance of La.

New law requires up to \$500,000 to be annually disbursed from the fund to selected eligible applicants. Requires any grant received by an applicant to be disbursed in 3 equal amounts over

3 consecutive years, not to exceed \$100,000 per applicant.

New law authorizes an additional payment from the fund to the department in fiscal year 2025-2026 of up to \$105,000 for administrative fees.

New law requires applicants to meet all of the following criteria for eligibility:

(1) The applicant shall have received Phase II SBIR or STTR grant funding within the 2 years immediately preceding the submission of an application.

(2) The applicant shall have generated sales and revenue and must provide documentation proving such.

(3) The applicant shall have produced commercial products or conducted commercial services and provide documentation proving such.

Within 6 months of grant approval, new law requires the applicant to provide documentation of its relocation to the state of La. Further provides that if an applicant fails to provide such information, the monies shall go to another eligible applicant.

Effective upon signature of governor (June 15, 2022).

(Amends R.S. 51:2312(A)(1); Adds R.S. 51:2401)

### **Small Business Innovation Fund (ACT 508)**

Existing law provides for the La. Economic Development Corporation (corporation) within the Dept. of Economic Development (department) and provides for the powers and authority of the corporation. Further requires the corporation to serve as the review board for certain financial assistance programs for La. small businesses. New law retains existing law.

Prior law required the corporation to provide support for certain activities by La. businesses to generate commercial products or services by

providing matching funds to businesses that received federal Small Business Innovative Research Phase I grant funds.

New law requires the corporation to provide support to businesses that will apply for federal Small Business Innovation Research (SBIR) or Small Business Technology Transfer (STTR) grant funds for applications submitted or received after Jan. 1, 2023.

New law creates the "Small Business Innovation Fund" (fund) as a special fund in the state treasury. Requires monies in the fund to be used by the department to provide financial assistance to certain La. businesses applying for SBIR or STTR federal grants. Requires the corporation, working in conjunction with the LSU A&M College, La. Technology Transfer Office, to administer awards to selected applicants. Further requires the La. Technology Transfer Office to establish criteria for grant eligibility, provide for an application process, and select eligible applicants to receive the grants.

New law requires monies within the fund to comply with Article VII, Section 9(B) of the Constitution of La. relative to the Bond Security and Redemption Fund.

New law requires monies in the fund to be invested in the same manner as monies in the general fund. Requires interest earned on invested monies to be credited to the fund. Further requires unexpended and unencumbered monies in the fund at the end of the fiscal year to remain in the fund.

New law requires up to \$150,000 to be annually disbursed from the fund as follows:

(1) Up to \$60,000 for disbursement to eligible applicants to assist in completion of Phase I federal grant applications for SBIR or STTR, not to exceed \$5,000 per applicant.

(2) Up to \$60,000 for disbursement to eligible applicants to assist in completion of Phase II federal grant applications for SBIR or STTR, not to exceed \$10,000 per applicant.

(3) Up to \$30,000 for appropriation to the La. Technology Transfer Office for the purpose of technical assistance, outreach programs, and program-related promotions.

Effective upon signature of governor (June 15, 2022).

(Amends R.S. 51:2312(A)(1); Adds R.S. 51:2401)

### **Major Events Incentive Program (ACT 751)**

Existing law creates the Major Events Incentive Program to provide funding for specific major events and provides definitions for "endorsing municipality", "endorsing parish", "event support contract", "local organizing committee", "qualified major event", and "site selection organization".

New law retains existing law.

Prior law required the Dept. of Economic Development (LED) to administer the program.

New law moves administration of the program to the lieutenant governor, through the Dept. of Culture, Recreation and Tourism.

New law allows grants to be used to pay or reimburse the event producer or host, endorsing parish, endorsing municipality, local organizing committee, official tourism commission, convention and visitors bureau, or official destination marketing organization for the cost of applying or bidding for selection as the site of the event and for the costs of planning for or conducting the event.

Prior law required approval of the commissioner of administration and the Joint Legislative Committee on the Budget (JLCB) prior to the execution of any contract with an event producer or host, a local organizing committee, endorsing parish, or endorsing municipality for a qualified major event.

New law repeals prior law.

New law requires the lieutenant governor to submit an economic analysis to JLCB and to include in such analysis: (1) the designated area impacted by the occurrence of the qualified major event, (2) the total incremental increase in sales and use receipts in the designated area, and (3) the total incremental increase in excise tax receipts in the designated area.

New law requires JLCB to determine the portion of the incremental tax increase reported by the lieutenant governor to be transferred into the Major Events Incentive Fund and requires the treasurer to transfer the amount determined by JLCB into the fund.

Prior law created the Major Events Incentive Program Subfund as a subfund of the Louisiana Mega-Project Development Fund.

New law changes the subfund to a separate fund of the state treasury and renames it the Major Events Incentives Fund.

New law creates the Events Incentive Program to provide grant funding to municipalities, parishes, official tourism commissions, convention and visitors bureaus, official destination marketing organizations, and nonprofit corporations hosting an event.

New law requires the lieutenant governor, through the Dept. of Culture, Recreation and Tourism, to administer the program.

New law provides for eligibility criteria and required documentation for events to receive funding through the program.

New law requires any application and documentation required by new law to be submitted no later than 180 days prior to the event to be considered.

New law provides that an entity is eligible to receive up to 25% of the total cost incurred by the entity for the event, not to exceed \$250,000 per event.

New law requires the Dept. of Culture, Recreation and Tourism to promulgate rules to

administer both programs and to use the emergency rulemaking process for the promulgation of the initial administrative rules.

Effective upon signature of governor (June 27, 2022).

(Amends R.S. 51:2365(D)(3) and (F)(2); Adds R.S. 51:1260 and 1261; Repeals R.S. 51:2365(F)(1)(d) and 2365.1)

## **Broadband Services (ACT 288)**

Existing law defines certain terms as they relate to broadband service.

New law makes changes to the definitions of "broadband service" and "unserved".

Prior law required an applicant to provide a description of the broadband service to be provided by including the proposed upstream and downstream speeds to be delivered. Pursuant to prior law, an area that has access to internet with a connection speed of 25/3 megabits per second (Mbps) is not considered an unserved area eligible for a grant.

New law retains the requirement that an applicant provide a description of the area and proposed connection speed, but raises the minimum allowable connection speed that constitutes an unserved area from 25/3 Mbps to 100/20 Mbps.

New law requires the office of broadband and connectivity (office) to collect information to be used to create a statewide broadband map to be utilized by the office in administering the GUMBO program.

New law provides that a provider with plans to privately fund broadband development within 20 months may qualify the area for protection by submitting to the office specific information within 60 days of the close of the application period. A provider seeking to privately fund broadband deployment is required to construct and provide deployable broadband service within the 20-month period to at least 80% of the designated location.

New law authorizes the office to grant extensions to the 20-month period.

Prior law authorized a provider receiving funds from Universal Service, Connect America Phase II, Rural Digital Opportunity Fund or other nonfederal to qualify an area for protection.

New law changes prior law by authorizing the provider to receive other public funds, instead of nonfederal funds, and specifies the use of wireline technology. Further authorizes any location or area in the state, subject to a Rural Digital Opportunity Fund award, to be eligible for the GUMBO grant program.

New law requires any provider seeking to privately fund broadband deployment to furnish a bond, in the amount equal to construction and deployment, to guarantee the faithful performance of work.

New law provides that if a provider fails to perform and the performance bond is due, the provider shall be ineligible for any state-administered federal grant program designated for broadband development services.

New law authorizes a local governing authority to submit an objection to any provider that seeks to bid to deploy broadband services in the local governing authority area if the provider has received a letter grade rating of "D" or "F" from the Better Business Bureau.

New law requires an entity to submit to the office certain broadband deployment information. The information is required to contain the same information and be provided in the same format as the information that was submitted to the Federal Communications Commission (FCC). The entity is not required to provide any data beyond the information that is required to be provided to the FCC.

New law provides that any broadband availability data provided shall be used solely for the purpose of identifying served, underserved, and unserved areas.

New law authorizes an entity that submits broadband data to the office as required may review the draft of the state broadband map and submit corrective data to the office before the map is published or used for any state-administered grant program.

New law authorizes the office to contract with a private entity or third-party consultant to develop and maintain the state broadband map and requires such contract to include a confidentiality agreement prohibiting the disclosure of any broadband data provided in accordance with new law. New law creates an exception to Public Records Law.

New law provides that certain provisions of new law will terminate under either of the following conditions, whichever occurs first:

(1) A determination by the office that the statewide parish-by-parish broadband map is no longer necessary.

(2) At midnight on Dec. 31, 2026.

New law authorizes the office to promulgate any necessary rules in accordance with the Administrative Procedure Act.

Existing law provides a procedure for protest by the provider and requires the provider to attest that all information is correct. New law retains existing law, and specifies that a protest can only be brought to challenge the determination of an area as unserved. New law further modifies the protest process by making changes relative to various time limits.

Existing law allows for judicial review of a decision made by the office relative to an award. New law provides that if a court finds in a final and definitive judgment that an applicant or protestor has incorrectly designated a location as served or unserved, the office may assess a fine up to \$1,000 for each instance that it is identified in the GUMBO award process and disputed in litigation.

Existing law requires grant recipients to offer proposed advertised minimum download and



minimum upload speeds. Existing law requires grant recipients that have offered broadband services to at least 1,000 consumers for at least 5 consecutive years to offer broadband service at prices consistent with offers to consumers in other areas of the state. Existing law requires a grant recipient to provide to the office, annually, evidence consistent with FCC attestation that the grant recipient is making available the proposed advertised speed, or a faster speed, as contained in the grant agreement.

New law authorizes the office to require grant recipients to submit a report for each funded project for the duration of the grant agreement.

Existing law provides that a grant recipient is not required to forfeit the amount of a grant it receives if it fails to perform due to a natural disaster, an act of God, force majeure, a catastrophe, or other occurrence over which the grant recipient has no control.

New law retains existing law and adds that a grant recipient is not required to forfeit for the failure to obtain access to private or public property or any government permits under reasonable terms.

New law provides that if a grant recipient fails to complete a project in a material respect, it may be required, under certain circumstances, to reimburse the state the actual cost to finish the project.

Existing law allows the office to use up to 1% of the appropriate funds to administer the program.

New law raises the cap on the administrative fee from 1% to 2% and specifies that the additional 1% is not to be used for in-office personnel positions.

Prior law provided that prior law shall be public records with 3 exceptions:

- (1) A provider's trade secret and proprietary information, including coverage data, maps, and shapefiles.
- (2) Information regarding unserved coverage areas not yet awarded or announced.

(3) Applications pending evaluation.

New law repeals the exceptions for information regarding unserved coverage areas not yet awarded or announced and applications pending evaluation.

Prior law (R.S. 51:2370.4(C)(2)) provided that, to resolve protests, the office may utilize speed tests that conform to the methodology employed in the FCC's "Measuring Broadband America" report to determine if a protested area, households, or businesses have access to broadband service as defined in prior law. Required the director or his designee to make the decision regarding the speed test to be utilized.

New law repeals prior law.

Effective August 1, 2022.

(Amends R.S. 44:4.1(B)(35) and R.S. 51:2370.2(intro. para.), (2), and (16), 2370.3, 2370.4(A)(intro. para.) and (12), (B), and (C)(1), 2370.5(A), (B)(intro. para.), (D), (E), (H), (I), and (J), 2370.9, 2370.10(B), 2370.13, and 2370.16; Adds R.S. 51:2370.10(D); Repeals R.S. 51:2310.4(C)(2))

## **La. Quality Jobs Program Act (ACT 254)**

Existing law provides for the Louisiana Quality Jobs Program Act, which serves as an incentive for qualifying businesses to locate or expand existing operations in Louisiana.

Prior law provided that the Dept. of Economic Development would not accept advance notifications from employers on or after July 1, 2022.

New law extends the application date for new advance notifications for four years until June 30, 2026.

Effective June 3, 2022.

(Amends R.S. 51:2461)

## **Transparency in Ownership of Critical Infrastructure Law (ACT 766)**

New law creates the "Transparency in Ownership of Critical Infrastructure Law".

New law defines the following terms:

(1) "Company" means a sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations, that exists to make a profit.

(2) "Critical infrastructure" means a communication infrastructure system, cybersecurity system, electric grid, hazardous waste treatment system, or water treatment facility.

(3) "Cybersecurity" means the measures taken to protect a computer, computer network, computer system, or other technology infrastructure against unauthorized use or access.

(4) "Designated country" means a country designated by the governor as a threat to critical infrastructure pursuant to new law.

(5) "Governmental entity" means a state agency or political subdivision of this state.

New law prohibits a governmental entity from entering into a contract or other agreement relating to critical infrastructure in this state with a company if, under the contract or other agreement, the company would be granted direct or remote access to or control of critical infrastructure in this state, excluding access specifically allowed by the governmental entity for product warranty and support purposes under any of the following circumstances:

(1) The governmental entity knows that the company is owned by or the majority of stock or other ownership interest of the company is held or controlled by individuals who are citizens of

China, Iran, North Korea, Russia, or a designated country.

(2) The governmental entity knows that the company or other entity, including a governmental entity, is owned or controlled by citizens of or is directly controlled by the government of China, Iran, North Korea, Russia, or a designated country.

(3) The governmental entity knows that the company or other entity is headquartered in China, Iran, North Korea, Russia, or a designated country.

New law applies regardless of whether the company's or its parent company's securities are publicly traded or the company or its parent company is listed on a public stock exchange as a Chinese, Iranian, North Korean, or Russian company or a company of a designated country.

New law authorizes the governor, after consultation with the director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), to designate a country as a threat to critical infrastructure for purposes of new law.

New law requires the governor to consult the Senate and House select committees on homeland security, to assess a threat to critical infrastructure for purposes of making a designation under new law.

Effective June 18, 2022.

(Adds R.S. 51:3051-3054)

## **Biomass under La. Renewable Energy Development Act (ACT 275)**

New law provides that the legislature finds and declares that energy produced from forest products' manufacturing bioenergy feedstocks and energy produced from agricultural harvesting, including bagasse produced from sugarcane, are considered renewable and carbon neutral. When paired with carbon capture technologies, such energies may be considered carbon negative.

New law defines "biomass" as any forest products' manufacturing bioenergy feedstocks including but not limited to the following:

(a) Forest products' manufacturing residuals, including but not limited to spent pulping liquors, pulping by-products, woody manufacturing residuals, paper recycling residuals, wastewater and process water treatment plant residuals, and anaerobic digester biogas.

(b) Harvest residues, including trees or portions of harvested trees that are too small or of too poor quality to be utilized for wood products or paper products;

(c) Downed wood from extreme weather events and natural disasters, nonhazardous landscape or right-of-way trimmings and municipal trimmings, and plant material removed for purposes of invasive or noxious plant species control, and biowaste, including landfill gas.

(d) Forest biomass derived from residues created as a by-product of timber harvesting, including but not limited to low-value wood, treetops, and tree limbs.

(e) Forest management activities conducted for stand improvement or to increase yield, ecological restoration, or to maintain or enhance forest health including but not limited to hazardous fuels reduction.

(f) Biomass materials recognized by the U.S. Environmental Protection Agency (EPA) as fuels under federal law (40 CFR Part 241.4).

(g) Other used wood products, such as crates or pallets.

New law defines "sugarcane bagasse biomass" or "bagasse biomass" as the solid waste that remains after the extraction of sugarcane liquid from the stalks and includes but is not limited to the following:

(1) Biomass from factory bagasse obtained from industrial extracting processing and which contains only trace amounts of sugarcane liquid.

(2) Biomass from pressed cane stalks or farm bagasse obtained from on-farm or small factory extraction and which contains a higher amount of sugarcane liquid.

(3) Dewatered pulp derived from bagasse and recognized by the EPA as fuels under federal law (40 CFR Part 241.4).

New law defines "bioenergy with carbon capture and storage" as the process of capturing and permanently storing carbon dioxide from biomass energy generation.

Effective August 1, 2022.

(Adds R.S. 51:3061(3) and (4) and 3062(6), (7), and (8))

### **Competitive Projects Payroll Incentive Program (ACT 249)**

Existing law provides for the Competitive Projects Payroll Incentive Program, which provides payroll and capital expenditure rebates for qualifying businesses invited by the secretary of economic development to participate in the program.

Existing law provides for eligibility requirements for businesses to participate in the program including the creation of net new jobs in the state, health benefits for employees, significant out-of-state sales, and significant positive economic benefit to the state.

Prior law provided that no new contracts could be executed under the program on or after July 1, 2022, although existing contracts will continue to be honored and contract extensions could be granted for existing contracts.

New law extends the date for which new contracts may be executed to July 1, 2026.

Effective June 3, 2022.

(Amends R.S. 51:3121(C)(3)(a))

## **Deceptive Vocal or Instrumental Groups (ACT 311)**

New law defines the following terms:

(1) "Performing group" means a vocal or instrumental group of one or more members that intends to advertise or perform under the name of a recording group or a name so similar to a name used by a recording group as to cause confusion among members of the public.

(2) "Recording group" means a vocal or instrumental group of one or more members, with at least one of the members having previously released a commercial sound recording under the group's name and the legal rights to the recording have not been abandoned.

(3) "Sound recording" means a work that results from the fixation of a series of musical, spoken, or other sounds, regardless of the nature of the material object, such as phonograph, disc, tape, wire, digital storage, or other medium in which the sounds are embodied.

New law provides that no person shall knowingly advertise or conduct a live musical performance or production through false, deceptive, or misleading affiliation, connection, or association between the performing group and recording group.

New law provides that a recording group can advertise or conduct a live musical performance or production affiliated, connected, or associated with a recording group under certain circumstances.

New law provides that the attorney general or a district attorney can bring a civil action for a permanent or temporary injunction against a person who violates new law.

New law provides for a civil penalty in the amount of not less than \$5,000 and not more than \$15,000 for any violation of new law, in addition to any injunctive relief.

New law authorizes any aggrieved party under new law to bring a civil action for damages.

New law does not apply to a legislatively created tourist commission, convention facility, or destination marketing organization.

Effective August 1, 2022.

(Adds R.S. 51:3221)

## **Deceptive or Misleading Medical Advertisements (ACT 700)**

New law prohibits deceptive or misleading advertisements and provides that an advertisement shall not do any of the following:

(1) Be presented as a medical alert, health alert, drug alert, public service announcement, or substantially similar phrase that suggests to a reasonable viewer the advertisement is offering professional, medical, or government agency advice about any medication or medical device. New law does not apply to any advertisement by a person who is authorized by law to offer professional, medical, or government advice about any medication or medical device in an advertisement.

(2) Display the logo of a federal or state government agency in a manner that suggests to a reasonable viewer the advertisement is presented by a federal or state government agency or by an entity approved by or affiliated with a federal or state government agency.

(3) Use the term "recall" when referring to a product that has not been recalled in accordance with applicable state or federal regulation.

New law provides that an advertisement that references a prescription drug or medical device approved by the FDA shall state the identity of the advertisement's sponsor and that the drug or medical device is FDA approved, unless the drug or medical device has been recalled in accordance with state or federal law.

New law requires an advertisement that references an FDA approved prescription drug include the following statement or a substantially similar statement: "Consult your physician before

making decisions regarding prescribed medication or medical treatment."

New law provides that the required disclosures be made in written and verbal formats, except if the statements appear in an advertisement that is in print format only or audible format only.

New law provides that a written statement to appear in an advertisement shall be presented clearly, conspicuously, and for a sufficient length of time for a reasonable viewer to see and read the statement.

New law provides that a verbal statement required to appear in an advertisement shall be audible, intelligible, and presented with equal prominence as the other parts of the advertisement.

New law provides that a court may find a statement is in compliance with new law if:

(1) The written statement is printed in the same size and style of font and for the same duration as other printed information in the advertisement.

(2) The verbal statement is made at approximately the same volume and uses approximately the same number of words per minute as the voice-over of longest duration in the advertisement, excluding any statement required by new law.

A violation of new law shall be a deceptive and unfair trade practice and the violator shall be subject to all penalties provided for in the Unfair Trade Practices and Consumer Protection Law.

New law does not apply to any media entity responsible for the production or publication of any advertisement found to be in violation of new law. Further provides that the carriage, distribution, transmission, or display of any advertisement by a media entity shall not be considered a violation of new law.

New law does not apply to any member of a profession regulated by the Louisiana Supreme Court.

Effective August 1, 2022.

(Adds R.S. 51:3221)

### **Ban on Importation of Russian Products (ACT 236)**

New law prohibits the importation of any product from the Russian Federation into this state including but not limited to oil and gas, iron and steel, precious metals, and agricultural products.

New law will terminate and have no effect upon the expiration, removal, or lifting of all sanctions imposed by the United States Department of Treasury in accordance with the Russian Harmful Foreign Activities Sanctions Regulations.

New law will have prospective application only and shall not apply to any contract for the importation of any product into the state produced in or originating from the Russian Federation executed prior to May 31, 2022.

Effective May 31, 2022.

(Adds R.S. 51:3221 and 3222)

### **Online Marketplaces and High-Volume Sellers (ACT 316)**

New law defines "consumer product", "high-volume third-party seller", "online marketplace", "seller", "third-party seller", and "verify".

New law provides that an online marketplace shall require a high-volume third-party seller to provide the following information not later than 10 days after qualifying a high-volume third-party seller on the platform:

(1) A bank account number, in the absence of a bank account, the name of payee for payments issued by the online marketplace. The bank account or payee information may be provided directly to the online marketplace or to a third-party contracted by the online marketplace.

(2) Contact information for the high-volume third-party seller, including the following:

(a) The individual's name if the high-volume third-party seller is an individual.

(b) If the high-volume third-party seller is not an individual, the following shall be provided:

(i) Copy of a valid government-issued identification; or

(ii) A copy of a valid government-issued record or tax document.

(3) A current working phone number and email address.

New law provides that periodically, but not less than annually, an online marketplace shall notify a high-volume third-party seller on its platform to keep all required information current.

New law provides that an online market place shall require a high-volume third-party seller to electronically certify whether the high-volume third-party seller has changed information no later than 10 days after receiving an annual notice.

New law provides that if the high-volume third-party seller does not provide the information or certification required, the online marketplace shall, after first providing the seller with written notice, suspend any further sales activity of the seller.

New law provides that within 10 days of receiving the information from sellers the marketplace shall verify the information collected.

New law provides for data security requirements and limitations.

New law provides that an online marketplace shall require a high-volume third-party seller with an aggregate total of \$20,000 or more in annual revenue to provide the following information in the consumer's order confirmation message and account history:

(1) The name and physical address of the seller.

(2) The phone number, email address, or direct electronic messaging contact information of the seller.

New law provides that if a high-volume third-party seller uses a different seller to supply the consumer product to the consumer that seller must disclose information required by new law to the purchaser, if requested by the purchaser to do so.

New law allows a high-volume third-party seller to request a partial disclosure of identifying information if the seller demonstrates he does not have a physical address or a business phone number.

New law authorizes an online marketplace to suspend any future sales of the seller, if the seller has made a false representation to justify partial disclosure of identifying information, unless the seller consents to the disclosure of the identity required by new law.

New law provides relative to violations for deceptive and unfair trade practices.

Effective January 1, 2023.

(Adds R.S. 51:3221-3226)

### **Website Disclosure by Works Disseminators (ACT 267)**

New law creates the "Louisiana True Origin of Digital Goods Act".

New law defines "commercial recording or audiovisual work", "electronic dissemination", and "website".

New law provides that a person who owns or operates a website or online service that deals with electronic dissemination commercial recordings or audiovisual works, directly or indirectly, to consumers in this state shall clearly disclose his name, address, telephone number, and email on his website in a location readily accessible to the consumer.

New law provides that an owner, assignee, authorized agent, or exclusive licensee of a commercial recording or audiovisual work may bring a private action against a person who violates new law.

New law provides for the procedures the aggrieved party must take to file a cause of action.

New law is supplemental to state and federal law and does not bar any cause of action or preclude the imposition of sanctions or penalties that would otherwise be available under state or federal law.

New law provides that financial liabilities will not be imposed on certain providers in violation of new law.

New law provides that any violation of new law is subject to actions, including public or private actions, remedies, and penalties provided for in the Unfair Trade Practices and Consumer Protection Law.

Effective August 1, 2022.

(Adds R.S. 51:3221-3227)

## **TITLE 52: UNITED STATES**

## **TITLE 53: WAR EMERGENCY**

## **TITLE 54: WAREHOUSES**

## **TITLE 55: WEIGHTS AND MEASURES**

## **TITLE 56: WILDLIFE AND FISHERIES**

### **Punishment for Killing Animals (ACT 124)**

Existing law provides that any person who kills, catches, takes, possesses, or injures any fish, wild birds, wild quadrupeds, and other wildlife and aquatic life in violation of existing law, any other state's law, or federal law governing fish or wildlife, or a regulation adopted pursuant to those laws, is liable for the value of the wildlife or aquatic life.

Existing law requires the Dept. of Wildlife and Fisheries to demand restitution for the value of the wildlife or aquatic life when such a violation occurs. Existing law authorizes the department to recover the value through an adjudicatory hearing in lieu of filing a civil suit. Existing law authorizes either party to appeal the ruling from the adjudicatory hearing in the district court where the offense occurred.

Prior law authorized the secretary to enforce the final ruling from the administrative hearing through civil proceedings in the 19th JDC.

New law removes the secretary's authority to institute civil enforcement proceedings of a ruling in the 19th JDC.

New law provides that a judgment from the administrative hearing shall become executory when all delays for appeal have expired according to the provisions of the APA and the La. C.C.P.

Effective August 1, 2022.

(Amends R.S. 56:40.3(E))

### **Hunting with Pre-Charged Pneumatic Devices (ACT 215)**

Existing law provides for the times and methods of taking of wild birds and wild quadrupeds. Further provides that resident game birds, outlaw birds, game quadrupeds, and outlaw quadrupeds may be taken only with a bow and arrow, crossbow, rifle, handgun, falconry, or a shotgun

not larger than a No. 10 gauge fired from the shoulder without a rest.

New law retains existing law and adds pre-charged pneumatic devices to the list of acceptable methods of taking of wild birds and wild quadrupeds.

Existing law provides for the times and methods of taking specific to deer and bear. Further provides that no person can hunt or shoot a deer or bear at any time with a firearm smaller than a .22 caliber centerfire, or a shotgun using a shell loaded with shot less than buckshot or rifled slug, or a bow with less than 30 pounds of pull, or other than arrows with broadhead points.

New law retains existing law and allows the taking of deer with a pre-charged pneumatic device with the following restrictions:

(1) Any device must fire a projectile of at least 30 caliber in diameter and at least 150 grains in weight with a minimum muzzle velocity of 800 feet per second or any combination of bullet weight and muzzle velocity that produces muzzle energy of at least 215 foot pounds of energy.

(2) Arrows or bolts must have broadhead points and can be used to hunt deer only during modern firearm deer season.

Effective August 1, 2022.

(Amends R.S. 56:116.1(A)(6); Adds R.S. 56:8(153) and 116.3(H))

### **Freshwater Charter Boat Fishing Guide Licenses (ACT 582)**

Prior law required residents and nonresidents to obtain a freshwater charter boat fishing guide license in order to represent himself to be a charter boat fishing guide. Further required both freshwater and saltwater charter guides possess a valid captain's license issued by the U.S. Coast Guard.

New law removes the requirement that a freshwater charter boat fishing guide possess a valid captain's license issued by the U.S. Coast

Guard in order to conduct guided fishing tours in freshwater. Further requires the Dept. of Wildlife and Fisheries provide written notification to license holders that they may be subject to other requirements of law, including holding a valid captain's license issued by the U.S. Coast Guard. Additionally, provides an exception to a licensure violation for a person who represents himself as a charter boat fishing guide if the person possessed a valid license during the previous 30 days but has not renewed.

Effective August 1, 2022.

(Amends R.S. 56:302.9(A)(1) and (3); Adds R.S. 56:302.9(A)(4))

### **Uncredentialed Charter Fishing Penalties (ACT 353)**

Existing law requires a charter boat fishing guide to possess a valid state charter boat fishing guide license, a valid captain's license issued by the U.S. Coast Guard, proof of liability insurance, and a valid state recreational fishing license that grants fishing privileges appropriate for his charter activity. Further provides penalties for violating these requirements.

New law adds a requirement that any offender, on second and subsequent offenses, may only operate a vessel that employs a vessel monitoring system for the three years or ten years after the date of conviction, depending upon the violation term. Provides that anyone required to employ a vessel monitoring system who is caught operating a vessel that is not equipped with such system may have his charter license suspended for the remainder of that year. Further provides the La. Dept. of Wildlife and Fisheries with access to the monitoring system and requires the department to promulgate rules and regulations in accordance with the Administrative Procedures Act to implement the provisions of new law.

Effective August 1, 2022.

(Adds R.S. 56:302.9(J))



## **Retail Seafood Dealer's License (ACT 631)**

New law creates a retail seafood dealer's license and requires any person buying, acquiring, or handling by any means whatsoever, from a La. wholesale/retail seafood dealer, any species of fish whether fresh, frozen, processed, or unprocessed, that sells to the consumer for personal or household use and any person who ships fish out of or within the state of La. to the consumer for personal or household use to purchase a retail seafood dealer's license.

New law establishes the fee for the retail seafood dealer's license at \$230 for residents and \$460 for nonresidents to be phased in over a two year period starting on Nov. 15, 2022, with the remaining portion implemented on Nov. 15, 2023.

Existing law provides that a wholesale/retail seafood dealer's license is valid for one year, beginning on Jan. 1st of each calendar year and expiring on Dec. 31st of the same calendar year. Further provides the license may be purchased at any time of the year for the current license year and from Nov. 15th for the immediately following license year. Further authorizes the department to sell a license for a four-year period at four times the cost of the annual license fee. New law retains existing law and adds retail seafood dealer's license.

New law provides for requirements of the license. Further allows an individual licensee to operate as a retail seafood dealer at any point within the state when that person is in possession of the original license and restricts validity of the license to the individual for whom it was issued.

New law applicable to businesses, provides that when a license is issued to a corporation, partnership, or any other type of association, it is only valid for one place of business and only valid to transact business for and in the name of the licensee. Requires additional licenses for multiple places of business.

New law exempts persons transporting fish under the privilege of a La. transport license purchased in connection with a La. retail seafood dealer's

license when that person buys fish for or on behalf of the retail seafood dealer and only transports such fish to that retail dealer. Further exempts restaurants and retail grocers who only purchase fish, whether fresh, frozen, processed, or unprocessed, from a licensed wholesale/retail seafood dealer and only sell such fish fully prepared for immediate consumption by the consumer.

New law requires a retail out-of-state crab shipping license in addition to a retail dealer's license for any retail seafood dealer who exports or attempts to export outside of the state of La. any crabs, softshell crabs, boiled crabs, containerized crabmeat, or containerized pasteurized crabmeat.

New law establishes the fee for a retail out-of-state crab shipping license at \$100 per year. Provides that the license is valid for one year from Jan. 1st to Dec. 31st of the same year.

New law provides that the retail out-of-state crab shipping license may be purchased at any time of the year for the current license year and from Nov. 15th for the immediately following license year.

New law provides disposition of the revenues collected from the retail out-of-state crab shipping license as follows:

- (1) 10% deposited to the Conservation Fund.
- (2) 90% deposited to the Crab Development, Management, and Derelict Crab Trap Removal Account.

Existing law requires restaurants and retail grocers to buy directly from only wholesale/retail seafood dealers licensed in La. New law retains existing law and adds retail seafood dealers.

Existing law requires that restaurants and retail grocers be licensed under existing law and possess a valid transport license when buying fish from an out-of-state seller and bringing the fish into the state. New law retains existing law and adds retail seafood dealers.

Existing law requires wholesale/retail seafood dealers, restaurants, and retail grocers to keep certain records. New law retains existing law and adds retail seafood dealers.

New law specifies that the changes to license fees contained in this Act will be placed in the dept., where starting on Nov. 15, 2022, and for the duration of the 2023 commercial license year, the resident fee is \$167.50 and the nonresident fee is \$432.50 and the remaining fee increase will be implemented on Nov. 15, 2023.

Effective August 1, 2022.

(Amends R.S. 56:306.2(B), 306.3, 306.4(Section heading) and (C)(1), and 306.5(A); Adds R.S. 56:306.1 and 306.2(A)(2))

### **Bream Trapping and Catfish Noodling (ACT 214)**

Existing law provides the legal methods for taking fish.

Prior law allowed bream to be taken with minnow traps that do not exceed 24 inches in length and having a throat no larger than one inch by three inches for noncommercial bait purposes only in a lake not wholly contained in the state which is in excess of 100,000 surface acres.

New law removes the prior law restriction to certain lakes to allow bream to be taken with minnow traps for recreational bait purposes statewide.

Existing law prohibits the use of snagging devices for taking game fish, but provides an exception for taking catfish by snagging devices.

New law adds that catfish may also be taken by hand-grabbing, commonly referred to as "noodling".

(Amends R.S. 56:320(A)(3) and (C)(1))

### **Menhaden Harvest Reporting (ACT 759)**

New law requires the La. Wildlife and Fisheries Commission to promulgate rules and regulations

to require, beginning in May 2023, monthly commercial menhaden reduction harvest reports.

New law requires the monthly report include for each set the location by GPS, the estimated volume, and length of the fish harvested. New law requires the rule provide for the sample size and method to estimate the length.

New law requires the rule provide for the form, manner, and the date of the month the department receives the report and procedures to preserve the confidentiality of the data. New law further requires any information made public not indicate the captain, vessel, or company.

New law requires, beginning February 10, 2024, the department to annually report to the oversight committees the commercial menhaden harvest from the prior year based upon the aggregated data from the monthly reports.

New law defines a "set" as when a purse seine is deployed and encircles a school of menhaden, regardless of whether those fish are reduced to possession by transferring to the mother ship or steamer.

Effective August 1, 2022.

(Adds R.S. 56:325.5)

### **Fish Nets (ACT 11)**

Prior law provided that except as provided in existing law, no obstructions including trawls, skimmer nets, butterfly nets, fyke nets, wings or leads, seines, gill nets, or trammel nets which interfere with the free passageway for fish can be set within 500 feet of the mouth of any inlet or pass, or within 500 feet of any water control structures, dams, or weirs.

New law retains prior law and creates an exception for the purpose of retaining and removing invasive species of fish and other nongame freshwater fish of commercial value.

New law provides that when fishing for the purpose of retaining and removing invasive species of fish and other nongame freshwater fish

of commercial value, nets are restricted to a mesh size no smaller than three and one-half inches bar.

Existing law provides that wings and leads are permitted on hoop nets in overflowed regions where the water is out of the actual bed of the natural stream or lake but not within the restricted 500 foot area.

Effective May 13, 2022.

(Amends R.S. 56:329(B)(1))

### **Mullet Stock Assessment Frequency (ACT 208)**

Prior law required that the Wildlife and Fisheries Commission conduct an assessment of the mullet stock annually. New law changes the requirement of the stock assessment from annually to every five years, beginning March 1, 2025.

Effective August 1, 2022.

(Amends R.S. 56:333(G)(1))

### **Oyster Task Force (ACT 380)**

Existing law provides for the composition of the Oyster Task Force.

Existing law further provides for four members appointed by the La. Oyster Dealers and Growers Association. Prior law required one member to be from Lafourche Parish and one from Jefferson Parish.

New law retains the existing law requirement that four members be appointed by the La. Oyster Dealers and Growers Association, but changes the requirement that one member each be from Lafourche Parish and Jefferson Parish, to a requirement that two members serve at-large, one of the remaining two members being from Jefferson Parish, and one being chosen from Lafourche Parish or Terrebonne Parish.

Prior law provided that one member be appointed to the task force by the Calcasieu Lake Oyster Task Force. New law changes the appointing

authority from the Calcasieu Lake Oyster Task Force to the Cameron Parish police jury.

New law adds one member to the task force to be appointed by the La. Oyster Aquaculture Association.

New law requires that the Cameron Parish police jury appointee be a licensed oyster harvester with documented commercial landings from Calcasieu Lake or a licensed seafood dealer with documented commercial purchases from Calcasieu Lake in the year of or prior to appointment.

Effective August 1, 2022.

(Amends R.S. 56:421(B)(5), (8), (13), and (14) and 421(C); Adds R.S. 56:421(B)(15))

### **Louisiana Outdoors Forever Program (ACT 714)**

New law creates the La. Outdoors Forever Program for the purpose of providing funding for outdoor conservation projects within the state and establishes a special account within the Conservation Fund called the La. Outdoors Forever Fund for the purpose of funding the program.

New law provides that the La. Outdoors Forever Program will be governed by a project selection board and advised by technical advisory board.

New law provides that the project selection board will make all final decisions about which projects will be selected for funding. Further provides that the board will be made up of the following members:

- (1) The governor or his designee.
- (2) The executive assistant to the governor for coastal activities or his designee.
- (3) The lieutenant governor or his designee from the office of state parks.
- (4) The commissioner of the Dept. of Agriculture and Forestry or his designee.

(5) The secretary of the Dept. of Environmental Quality or his designee.

(6) The secretary of the Dept. of Natural Resources or his designee.

(7) The secretary of the Dept. of Wildlife and Fisheries or his designee.

(8) The speaker of the House of Representatives or his designee (nonvoting).

(9) The president of the Senate or his designee (nonvoting).

New law provides that the technical advisory board will evaluate applications submitted to the program and provide recommendations to the project selection board. Specifies that the technical advisory board will consist of up to three representatives from nonprofit conservation groups in the state and subject matter representatives from the following:

(1) The office of the governor.

(2) The division of administration.

(3) The office of coastal activities.

(4) The office of state parks.

(5) The Dept. of Agriculture and Forestry.

(6) The Dept. of Environmental Quality.

(7) The Dept. of Natural Resources.

(8) The Dept. of Wildlife and Fisheries.

New law provides that state and local government entities as well as nongovernmental organizations working in coordination with public agencies are eligible to apply to the program. Further specifies certain types of conservation projects that are eligible for funding under the program, including:

(1) Land conservation of important natural areas, including fish and wildlife habitat.

(2) Water quality projects related to land conservation or land management, including those lands that protect drinking water supplies.

(3) Working land, farms, and forested land.

(4) Recreational properties related to important natural areas and public use.

(5) Historic properties adjacent to or integral to habitat restoration or enhancement.

New law provides that the program is strictly voluntary and does not invoke eminent domain.

New law requires the Dept. of Wildlife and Fisheries to promulgate rules implementing the program, including application procedures and project criteria and scoring to be used in evaluating applications. Further requires that applications and information about applying be provided online.

New law specifies that the program and all board activities will be subject to public meetings, public records, and ethics code requirements.

New law specifies that the program will sunset on July 1, 2033.

Existing law provides criteria for the designation of property as a state park, including a minimum size requirement. Existing law exempts state parks currently within the system from the size requirements.

New law also exempts state parks in Caddo and Bossier Parish from the size requirements for this designation.

Existing law provides for the offices and agencies within the Dept. of Wildlife and Fisheries.

New law adds the project selection board and the technical advisory board of the La. Outdoors Forever Program to the list of agencies within the department.

Effective upon governor's signature (June 18, 2022).

(Amends R.S. 56:1684(D)(1); Adds R.S. 36:610(B)(13) and R.S. 56:10(B)(17) and 1931-1936)

### **Hunting and Fishing Fees for Military (ACT 229)**

Existing law establishes recreational hunting and fishing licenses and provides the requirements, definitions, and rates for each type of license.

Existing law specifies that recreational hunting and fishing licenses are offered at a lower rate for residents than the rates for nonresidents. Existing law provides that specific categories of nonresidents may be eligible to purchase hunting and fishing licenses at the resident rates.

Prior law allowed nonresident Purple Heart recipients to purchase an annual hunting and fishing license at the resident rate. Under prior law, this provision would have terminated on June 1, 2022. New law recreates and continues the exception for nonresident Purple Heart recipients without any lapse and in perpetuity.

New law further provides that nonresident former service members who either enlisted in the service or were discharged from service while residing in La. may also apply for annual hunting and fishing licenses at the resident rate. Under new law, an applicant is required to provide the Dept. of Wildlife and Fisheries (dept.) with proof of their identification and eligibility for the exception. New law specifies that, in addition to other proof the department may find satisfactory, government-issued separation and discharge documents, such as a DD-214 or NGB-22, shall be accepted by the dept. as satisfactory proof of the appropriate military service.

Prior law provided an annual combination hunting and fishing license for retired military personnel who are residents or native-born for the cost of \$5. This \$5 rate terminated on June 1, 2022, and was replaced in existing law with a "Senior/Retired Military" annual hunting and fishing combination license. Under existing law rate provisions, the cost of this license is \$20 for retired military personnel who are residents or native-born.

Prior law would have changed the requirements of the Senior/Retired Military combination license to provide that the rate for retired military residents and native-born would be calculated at half the cost of an annual resident license, effective June 1, 2022, which would have conflicted with the \$20 rate established within the rate provisions under existing law. New law retains the existing law rate of \$20 by removing the license requirement that the retired military resident or native-born rate be calculated at half the cost of an annual resident license and providing for a cost of \$20 instead, making the license requirements consistent with the existing law rate provision of \$20.

New law provides that new law supercedes any conflicting provisions of prior law contained in Act No. 356 of the 2021 Regular Session.

Effective June 1, 2022.

(Amends R.S. 56:3000(G), 3001, 3002, and 3004(Section heading), (A)(intro. para.), (2) and (3), and (B)(intro. para.); Adds R.S. 56:3000(F)(4) and (5))