

2023 LOUISIANA

LEGISLATIVE ACTS

SUMMARY

2023 LEGISLATIVE ACTS SUMMARY

Contents

This book summarizes all of the new laws passed by the Louisiana Legislature in 2023, not just those that were deemed material to SPWW's practice of law. 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 rendered subheadings in bold, we changed the subheadings to italics instead. If you particularly like or dislike this approach, please let Mike Landry know.

Organization

The book is organized in a logical fashion. Please see the Table of Contents. Please note that new laws summarized in the Multiple Codes and Titles section are not summarized again or referenced in any particular Codes or Titles. The appendices contain various summaries prepared by other organizations, as well as a very brief summary of all of the Acts passed in 2023 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 15th* of the calendar year in which the session is held, and (2) all laws enacted during an *extraordinary session* of the legislature take effect on the 60th day after final adjournment of the extraordinary session.

Where to Find Full Text of Acts and Laws

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

Feedback

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

Credits

Peggy Field Shearman – 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.

Isabel Blum – prepared list of organizations in Appendix A.

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.

TABLE OF CONTENTS

CONSTITUTION 1
CIVIL CODE 5
CODE OF CIVIL PROCEDURE 5
CODE OF CRIMINAL PROCEDURE 9
CODE OF EVIDENCE..... 13
CHILDREN'S CODE..... 13
MULTIPLE CODES AND TITLES..... 19
UNCODIFIED 41
TITLE 1: GENERAL PROVISIONS 53
TITLE 2: AERONAUTICS 54
TITLE 3: AGRICULTURE AND FORESTRY 54
TITLE 4: AMUSEMENTS AND SPORTS..... 57
TITLE 5: AUCTIONS AND AUCTIONEERS 60
TITLE 6: BANKS AND BANKING..... 60
TITLE 7: BILLS AND NOTES..... 63
TITLE 8: CEMETERIES..... 63
TITLE 9: CIVIL CODE ANCILLARIES..... 68
TITLE 10: COMMERCIAL LAWS..... 74
TITLE 11: CONSOLIDATED PUBLIC RETIREMENT 74
TITLE 12: CORPORATIONS AND ASSOCIATIONS 79
TITLE 13: COURTS AND JUDICIAL PROCEDURE 79
TITLE 14: CRIMINAL LAW 87
TITLE 15: CRIMINAL PROCEDURE..... 90
TITLE 16: DISTRICT ATTORNEYS..... 103
TITLE 17: EDUCATION 103
TITLE 18: LOUISIANA ELECTION CODE 128
TITLE 19: EXPROPRIATION..... 133
TITLE 20: HOMESTEADS AND EXEMPTIONS..... 134
TITLE 21: HOTELS AND LODGING HOUSES..... 134
TITLE 22: INSURANCE 134
TITLE 23: LABOR AND WORKERS' COMPENSATION..... 152
TITLE 24: LEGISLATURE AND LAWS 153
TITLE 25: LIBRARIES, MUSEUMS, AND OTHER SCIENTIFIC..... 154

TITLE 26: LIQUORS – ALCOHOLIC BEVERAGES.....	156
TITLE 27: LOUISIANA GAMING CONTROL LAW	158
TITLE 28: MENTAL HEALTH.....	162
TITLE 29: MILITARY, NAVAL, AND VETERANS' AFFAIRS	162
TITLE 30: MINERAL, OIL, GAS AND ENVIRONMENTAL QUALITY.....	163
TITLE 31: MINERAL CODE	172
TITLE 32: MOTOR VEHICLES AND TRAFFIC REGULATION.....	174
TITLE 33: MUNICIPALITIES AND PARISHES	178
TITLE 34: NAVIGATION AND SHIPPING	201
TITLE 35: NOTARIES PUBLIC AND COMMISSIONERS.....	205
TITLE 36: ORGANIZATION OF THE EXECUTIVE BRANCH.....	205
TITLE 37: PROFESSIONS AND OCCUPATIONS.....	206
TITLE 38: PUBLIC CONTRACTS, WORKS AND IMPROVEMENTS.....	215
TITLE 39: PUBLIC FINANCE.....	220
TITLE 40: PUBLIC HEALTH AND SAFETY	230
TITLE 41: PUBLIC LANDS.....	249
TITLE 42: PUBLIC OFFICERS AND EMPLOYEES	250
TITLE 43: PUBLIC PRINTING AND ADVERTISEMENTS	254
TITLE 44: PUBLIC RECORDS AND RECORDERS.....	255
TITLE 45: PUBLIC UTILITIES AND CARRIERS	255
TITLE 46: PUBLIC WELFARE AND ASSISTANCE.....	259
TITLE 47: REVENUE AND TAXATION	266
TITLE 48: ROADS, BRIDGES AND FERRIES	296
TITLE 49: STATE ADMINISTRATION	297
TITLE 50: SURVEYS AND SURVEYORS.....	300
TITLE 51: TRADE AND COMMERCE.....	300
TITLE 52: UNITED STATES.....	305
TITLE 53: WAR EMERGENCY	305
TITLE 54: WAREHOUSES	305
TITLE 55: WEIGHTS AND MEASURES	305
TITLE 56: WILDLIFE AND FISHERIES	305

Appendix A: Summaries by Other Organizations
Appendix B: Very Brief Summaries in Act No. Order

CONSTITUTION

Abolishment of Six Special Funds (ACT 199)

Present constitution (Art. VII, Sec. 4(D)(4)(b)) establishes the Atchafalaya Basin Conservation Fund and provides for deposits and uses of monies in the fund for projects under the Atchafalaya Basin Program within the Coastal Protection and Restoration Authority. Provides for implementation of the fund contingent upon certain conditions being met.

Proposed constitutional amendment repeals present constitution.

Present constitution (Art. VII, Sec. 10.4) establishes the Higher Education Louisiana Partnership Fund and provides for deposits into and uses of monies in such fund.

Proposed constitutional amendment repeals present constitution.

Present constitution (Art. VII, Sec. 10.10) establishes the Millennium Leverage Fund and provides for deposits into and uses of monies in such fund.

Proposed constitutional amendment repeals present constitution.

Present constitution (Art. VII, Sec. 10.12(B) and (C)) establishes the Agricultural and Seafood Products Support Fund and provides for deposits and uses of monies in such fund.

Proposed constitutional amendment repeals present constitution.

Present constitution (Art. IX, Sec. 9) establishes the First Use Tax Trust Fund and provides for deposits and uses of monies in such fund.

Proposed constitutional amendment repeals present constitution.

Present constitution (Art. IX, Sec. 10) establishes the Louisiana Investment Fund for Enhancement and provides for deposits into and uses of monies in such fund.

Proposed constitutional amendment repeals present constitution.

Proposed constitutional amendment provides for the transfer to the state general fund of any remaining monies in the repealed funds upon the adoption of proposed constitutional amendment.

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

(Repeals Const. Art. VII, §§4(D)(4)(b), 10.4, 10.10, and 10.12(B) and (C) and Const. Art. IX, §§9 and 10)

Appropriation of Nonrecurring State Revenues (ACT 107)

Existing constitution limits the ability of the legislature to spend state nonrecurring revenue to six particular items. Further provides that one allowable use of nonrecurring revenue is extra payments toward the Unfunded Accrued Liability (UAL) of public retirement systems, above payments otherwise required by existing constitution. Additionally prohibits use of such funds to directly or indirectly finance cost-of-living adjustments.

Present constitution further requires that for FY 13-14 and 14-15 the legislature appropriate no less than 5% of nonrecurring state revenues to the UAL of the La. State Employees' Retirement System (LASERS) and the Teachers' Retirement System of La. (TRSL) that existed on June 30, 1988 (IUAL). Proposed constitutional amendment repeals present constitution.

Present constitution further requires that for FY 2015-2016 and beyond, the legislature appropriate a minimum of 10% of nonrecurring state revenue to the IUAL of LASERS and TRSL. Proposed constitutional amendment terminates the required 10% minimum appropriation after FY 2023-24.

Proposed constitutional amendment further requires the legislature —beginning FY 2024-2025 and continuing each fiscal year thereafter— to appropriate a minimum of 25% of

nonrecurring revenue to the UAL of the state retirement systems: LASERS, TRSL, the La. School Employees' Retirement System, and the La. State Police Retirement System. Authorizes the legislature to provide by law for distribution of nonrecurring monies appropriated pursuant to the provisions of proposed constitutional amendment. Further provides that if the legislature has not provided for an alternative distribution formula, nonrecurring money shall be appropriated to each system in the proportion that the system's total UAL bears to the total of all state system UAL, using the most recent system valuations adopted by the Public Retirement Systems' Actuarial Committee or its successor. Further prohibits these extra debt payments from being used directly or indirectly to fund cost-of-living increases for such systems.

Provides for submission of the proposed amendment to the voters at the statewide election to be held October 14, 2023.

(Amends Const. Art. VII, §10(D)(2)(b)(ii) and (iii))

Revenue Stabilization Trust Fund (ACT 198)

Existing constitution establishes the Revenue Stabilization Trust Fund and provides for deposits and uses of monies in the fund. Authorizes use of monies in the fund for certain specified purposes if the balance of the fund at the beginning of the year is in excess of \$5 billion.

Present constitution authorizes use of monies in the fund in such circumstances for capital outlay projects and transportation infrastructure. Proposed constitutional amendment authorizes use of monies in the fund for capital outlay projects, transportation infrastructure, or both.

Present constitution restricts appropriations from the fund in such circumstances to a maximum of 10% of the fund balance. Proposed constitutional amendment restricts appropriations from the fund in such circumstances to a maximum aggregate of 10% of the fund balance.

Present constitution authorizes the legislature to alter the minimum fund balance or maximum

withdrawal percentage by law enacted by 2/3 of the elected members of each house of the legislature. Proposed constitutional amendment authorizes the legislature to alter the minimum fund balance, the maximum withdrawal percentage, or both by law enacted by 2/3 of the elected members of each house of the legislature.

Present constitution provides that to ensure that the money in the fund is available for appropriation in an emergency, the legislature may authorize an appropriation from the fund at any time and for any purpose after consent of 2/3 of the elected members of each house of the legislature regardless of the fund balance and without a maximum cap on withdrawals. Proposed constitutional amendment repeals present constitution.

Proposed constitutional amendment provides for the monies in the Revenue Stabilization Fund to be used to offset deficits in the current or next fiscal year. Provides for monies from the fund to offset a deficit only after the maximum allowable amount of monies have been withdrawn from the Budget Stabilization Fund established in existing constitution. Additionally, requires the consent of 2/3 of the elected members of each house of the legislature for such appropriation and institutes a maximum withdrawal of \$250 million for each such deficit. Authorizes the legislature to alter the maximum amount that may be withdrawn by law enacted by 2/3 of the elected members of each house of the legislature.

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

(Amends Art. VII, §10.15(E)(1) and (F); Adds Art. VII, §10.15(G))

Local Governments May Impose Property Taxes on Nonprofit-Owned Blighted Property (ACT 48)

Existing constitution provides for the classification and assessment of property subject to ad valorem taxation. Further provides an exclusive list of types of property that, in addition to property to which the homestead exemption

provided for in existing constitution applies, shall be exempt from ad valorem taxation.

Existing constitution authorizes an exemption from ad valorem taxation for property owned by a nonprofit corporation or association organized and operated exclusively for one or more of the following purposes:

- (1) Religious purposes.
- (2) Dedicated places of burial.
- (3) Charitable purposes.
- (4) Purposes relating to health and welfare.
- (5) Fraternal purposes.
- (6) Educational purposes.

Existing constitution establishes the following conditions which must be satisfied in order for a nonprofit corporation or association to obtain the ad valorem tax exemption afforded by existing constitution:

- (1) No part of the corporation's or association's net earnings inure to the benefit of any private shareholder.
- (2) The corporation or association is declared to be exempt from federal or state income tax.
- (3) The property subject to the exemption is not owned, operated, leased, or used for commercial purposes unrelated to the tax-exempt purposes of the corporation or association.

Proposed constitutional amendment provides that none of the property otherwise qualifying for the ad valorem tax exemption established in existing constitution shall be exempt if the property is owned by a nonprofit corporation or association and the governing authority of the municipality or parish in which the property is located determines all of the following:

(1) The property is leased as housing, is in a state of disrepair, and manifests conditions which endanger the health or safety of the public.

(2) The owner of the property habitually neglects its maintenance as evidenced by three or more sustained code enforcement violations issued for the property in the prior 12 months for matters that endanger the health or safety of residents of the property or of persons in the area surrounding the property.

Proposed constitutional amendment provides that, for purposes of classifying code enforcement violations, matters deemed to endanger health or safety include structural instability due to deterioration; injurious or toxic ventilation; contaminated or inoperable water supply; holes, breaks, rotting materials, or mold in walls; roof defects that admit rain; unsecured overhang extensions in danger of collapse; a hazardous electrical system; improper connection of fuel-burning appliances or equipment; an inactive or inoperable fire detection system; an unsecured or contaminated swimming pool; or any combination of these.

Proposed constitutional amendment stipulates that an ad valorem tax exemption denied or revoked pursuant to proposed constitutional amendment may be issued or reinstated if the governing authority of the municipality or parish in which the property is located determines that the conditions that disqualified the property for the exemption no longer exist.

Proposed constitutional amendment makes technical changes and corrections in existing constitution.

Proposed constitutional amendment applies to all tax years beginning on or after January 1, 2024.

Provides for submission of the proposed amendment to the voters at the statewide election to be held October 14, 2023.

(Amends Const. Art. VII, §21(B))

Funding for Conduct of Elections (ACT 200)

Existing constitution provides that the legislature shall adopt an election code providing for the permanent registration of voters and for the conduct of all elections.

Proposed constitutional amendment prohibits the use of funds and resources from a foreign government or a nongovernmental source for the conduct of elections unless provided for in the election code and subject to restrictions provided by general law.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Oct. 14, 2023.

(Adds Const. Art. XI, §6)

Freedom to Worship in a Place of Worship (ACT 30)

Existing constitution provides that no law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof.

New constitutional amendment provides that the freedom to worship in a church or other place of worship is a fundamental right that is worthy of the highest order of protection.

New constitutional amendment retains existing constitution and clarifies that new constitutional amendment is not intended to alter or limit the free exercise of religion guaranteed in the existing constitution.

New constitutional amendment further provides that if the state or local government acts in a manner contrary to the new constitutional amendment, a court hearing the challenge to that governmental action is to apply the standard of strict scrutiny, unless a higher level of protection is recognized and applied by the court.

Specifies submission of the amendment to the voters at the statewide election to be held on October 14, 2023.

(Adds Const. Art. XII, Sec. 17)

Increased Homestead Exemption for First Responders (ACT 179)

Existing constitution authorizes the imposition of ad valorem property taxes by local governing authorities.

Existing constitution provides that certain property is exempt from ad valorem taxation including property qualifying for the homestead exemption, which applies to the first \$7,500 of the assessed valuation of property.

Proposed constitutional amendment retains existing constitution and authorizes parish governing authorities to approve an additional ad valorem tax exemption of up to \$2,500 of the assessed valuation of property receiving the homestead exemption that is owned and occupied by a qualified first responder.

Proposed constitutional amendment defines "first responder" as a volunteer firefighter who has completed within the tax year no fewer than twenty-four hours of firefighter continuing education and is an active member of the Louisiana State Firemen's Association or is on the departmental personnel roster of the Volunteer Firefighter Insurance Program of the office of state fire marshal.

Proposed constitutional amendment also defines "first responder" as a full-time public employee whose duties include responding rapidly to an emergency and who resides in the same parish in which their employer is located. Provides that the term includes the following:

- (1) Peace officer, which means any sheriff, police officer, or other person deputized by proper authority to serve as a peace officer.
- (2) Fire protection personnel.
- (3) An individual certified as emergency medical services personnel.
- (4) An emergency response operator or emergency services dispatcher who provides communication support services for an agency by

responding to requests for assistance in emergencies.

Proposed constitutional amendment shall only apply in a parish if it is approved by the parish governing authority.

Proposed constitutional amendment requires that each tax assessor establish a procedure whereby a person may annually apply for the exemption provided for in proposed constitutional amendment.

Proposed constitutional amendment requires that any decrease in a taxing district's total amount of ad valorem tax collected as a result of proposed constitutional amendment be absorbed by the district's taxing authority. Provides that implementation of the exemption established by proposed constitutional amendment shall neither trigger nor be cause for a reappraisal of property or an adjustment of millages.

Specifies submission of the amendment to the voters at the statewide election to be held on November 18, 2023.

Effective January 1, 2024, and applicable to ad valorem taxes due beginning in tax year 2024 and thereafter.

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

CIVIL CODE

Movables (ACT 401)

New law (C.C. Art. 520) provides for the transfer of ownership of movable property from a transferee who is not the owner of the property in certain limited circumstances.

Prior law (C.C. Art. 525) provided for the inapplicability of certain Civil Code provisions to movables required to be registered in public records.

New law (C.C. Art. 525) provides for the applicability of certain Civil Code provisions to

movables required to be registered in public records.

Effective August 1, 2023.

(Amends C.C. Art. 525; Adds C.C. Art. 520)

CODE OF CIVIL PROCEDURE

Deregulation of Electronic Judicial Signatures (ACT 272)

Existing law provides that a judge or justice may sign a court order, notice, official court document, judgment, and other writings by use of electronic signature.

Existing law requires various courts to provide the method of electronic signatures to be used and to ensure the authenticity of such electronic signatures.

New law deletes the requirement that various courts provide by rule for the method of electronic signatures to be used and to ensure the authenticity of such signatures.

Effective August 1, 2023.

(Amends C.C.P. Art. 253(C) and 1911(A))

Exceptions for Lack of Jurisdiction; Unopposed Motions; Supplemental Petitions and Answers; Trial Preparation Material; Default Judgments; and TROs (ACT 5)

Existing law (C.C.P. Art. 531) provides for suits pending in La. courts.

New law makes minor semantic changes.

Existing law (C.C.P. Art. 561) provides for abandonment in trial and appellate courts.

New law repeals outdated provisions relative to abandonment of actions as a result of Hurricanes Katrina and Rita.

Existing law (C.C.P. Art. 925) provides for objections raised by declinatory exception.

New law removes the court's lack of jurisdiction over the subject matter of the action as a declinatory exception. New law also makes minor semantic changes.

Existing law (C.C.P. Art. 927) provides for objections raised by peremptory exception.

New law adds that an objection to the court's lack of jurisdiction over the subject matter of the action is a peremptory exception. New law further provides for the procedure when the objection is raised by the parties or noticed by the trial or appellate court and makes minor semantic changes.

Existing law (C.C.P. Art. 963) provides for ex parte and contradictory motions.

New law adds that an unopposed motion is one to which all affected parties have consented and sets forth the procedure for certifying the unopposed motion.

Existing law (C.C.P. Art. 1155) provides that the court may permit the filing of a supplemental petition or answer on motion of a party, upon reasonable notice, and upon such terms as are just.

New law changes existing law by providing that the mover may file a supplemental petition or answer by written consent of the parties. New law further provides that if the parties do not consent, the court may grant leave to file a supplemental petition or answer upon contradictory motion.

Existing law (C.C.P. Art. 1424) provides that a party withholding otherwise discoverable information as trial preparation material subject to protection or privilege shall make that claim expressly and describe the nature of the information not produced or disclosed to enable the other party to assess the applicability of the privilege or protection.

New law adds that the party claiming the protection or privilege shall prepare and send to the other parties a privilege log.

Existing law (C.C.P. Art. 1702) provides for the procedure to send notice that the plaintiff intends to obtain a default judgment if a party who fails to answer has made an appearance of record in the case or if the party has contacted the plaintiff or the plaintiff's attorney.

New law adds that actual delivery of notice shall constitute sufficient notice.

New law further adds that no default judgment shall be rendered against the defendant unless proof of the required notice is made under R.S. 13:3205.

Existing law (C.C.P. Art. 1810) provides for directed verdicts.

New law corrects the heading of existing law.

Existing law (C.C.P. Art. 1912) sets forth that a final judgment may be signed in any parish within the state and sent to the clerk of the parish in which the case is pending.

New law provides that a final judgment may be signed in any place where the judge is physically located and sent to the clerk of the court in which the case is pending.

Existing law (C.C.P. Art. 3603) provides the circumstances that permit the granting of a temporary restraining order without notice.

New law adds that the notice shall not be sent from the court and makes minor semantic changes.

Existing law (R.S. 40:1231.8) provides with respect to medical review panels.

New law updates cross-references.

Existing law (R.S. 40:1237.2) provides with respect to state medical review panels.

New law updates cross-references.

Prior law (C.C.P. Art. 5183(A)(3)) required an application to proceed in forma pauperis to include a recommendation from the clerk of

court's office as to whether it felt that the applicant was indigent.

New law repeals prior law.

Effective August 1, 2023.

(Amends C.C.P. Arts. 531, 561(A), 925(A)(intro. para.) and (C), 927(A)(intro. para.) and (B), 963, 1155, 1424(C), 1702(A)(2) and (3), 1810(heading), 1912, and 3603(A)(intro. para.) and (2) and R.S. 40:1231.8(B)(2)(a) and 1237.2(B)(2)(a); Adds C.C.P. Arts. 927(A)(8) and 1702(A)(5); Repeals C.C.P. Arts. 925(A)(6) and 5183(A)(3))

Summary Judgment Procedure (ACT 317)

Existing law (C.C.P. Art. 966(A)(4)) sets forth the documents that may be filed in support of or in opposition to a motion for summary judgment.

New law (C.C.P. Art. 966(A)(4)(a)) adds certified copies of public documents or public records, certified copies of insurance policies, authentic acts, private acts duly acknowledged, promissory notes, and assignments of such documents to the documents listed under existing law.

New law (C.C.P. Art. 966(A)(4)(b)) provides that any document previously filed into the record in support of or in opposition to the motion for summary judgment may be referenced in the motion or opposition if the party referencing the document furnishes to the court and the opposing party a copy of the document with the pertinent part designated and with the filing information.

Prior law (C.C.P. Art. 966(B)(1)-(3)) provided relative to filing, opposing, and replying to motions for summary judgment and required any motion, opposition, or reply memorandum to be filed and served in accordance with C.C.P. Art. 1313.

New law requires that motions for summary judgment, oppositions, and reply memoranda be filed and served electronically in accordance with C.C.P. Art. 1313(A)(4).

New law (C.C.P. Art. 966(B)(3)) also provides relative to the timely filing of reply memoranda.

New law (C.C.P. Art. 966(B)(5)) provides that the granting of a motion for partial summary judgment shall not be reconsidered or revised if the party seeking the reconsideration or revision fails to meet the applicable deadlines set forth in new law.

Existing law (C.C.P. Art. 966(D)(2)) provides that the court shall consider only those documents filed in support of or in opposition to the motion for summary judgment.

New law makes semantic changes and adds that the court shall also consider documents that are referenced in support of or in opposition to the motion for summary judgment, with the exception of any document that is excluded pursuant to a timely filed objection.

New law (C.C.P. Art. 966(D)(3)) provides that objections made in accordance with C.C.P. Art. 1425(F) to determine whether an expert is qualified or whether the expert's methodologies are reliable shall be filed, heard, and decided prior to the hearing on the motion for summary judgment.

Existing law (C.C.P. Art. 966(G)) provides that when the court grants a motion for summary judgment, a party or nonparty that is not negligent, is not at fault, or did not cause in whole or in part the injury or harm alleged shall not be considered in any subsequent allocation of fault.

New law adds that new law does not apply if the court's judgment is reversed. New law further specifies that if the judgment is reversed by an appellate court, the reversal is applicable to all parties.

Effective August 1, 2023.

(Amends C.C.P. Art. 966(A)(4), (B)(1), (2), and (3), (D)(2), and (G); Adds C.C.P. Art. 966(B)(5) and (D)(3))

Summary Judgment Evidence of Fault of Principal (ACT 368)

Existing law provides relative to motions for summary judgment.

Existing law provides that when a court grants a motion for summary judgment that a party or nonparty is not negligent, is not at fault, or did not cause the injury or harm alleged, the party or nonparty shall not be considered in any subsequent allocation of fault.

Existing law provides that evidence shall not be admitted at trial, submitted to the jury, or included on the jury verdict form to establish fault of the party.

New law provides for the admission of evidence to establish the fault of a principal when the party or nonparty acted pursuant to a mandate or a procuration.

Existing law (C.C. Art. 2989) defines mandate as a contract by which a person, the principal, confers authority on another person, the mandatary, to transact one or more affairs for the principal.

Existing law (C.C. Art. 2987) defines procuration as a unilateral juridical act by which a person, the principal, confers authority on another person, the representative, to represent the principal in legal relations.

New law provides that new law does not apply if the judgment of an appellate court is reversed.

New law provides that in the case of conflict between new law and any other Act of the 2023 Regular Session of the Legislature, new law shall supersede and control regardless of order of passage.

Effective August 1, 2023.

(Amends C.C.P. Art. 966(G))

Notice of Intent to Obtain Judgment for Divorce (ACT 7)

Existing law (C.C.P. Art. 1702) provides for default judgments. Existing law provides that the plaintiff shall provide notice of intent to obtain a default judgment to the defendant in the following circumstances:

(1) If the defendant in the principal or incidental demand fails to file an answer or other pleadings within the prescribed time and the plaintiff establishes a prima facie case.

(2) If a party who fails to answer has made an appearance of record in the case.

(3) If an attorney for a party who fails to answer has contacted the plaintiff or plaintiff's attorney concerning the action after it has been filed.

(4) In delictual actions, to an unrepresented defendant who has not made an appearance.

Existing law provides for default judgments for demands for divorce pursuant to C.C. Art. 103(1) and (5).

Existing law (C.C. Art. 103(1)) provides for divorce for spouses that have been living separate and apart continuously for the requisite period of time or more on the date the petition is filed.

Existing law (C.C. Art. 103(5)) provides for divorce after a protective order or injunction was issued during the marriage against the other spouse to protect the spouse seeking the divorce or a child of one of the spouses from abuse.

New law provides that the notice requirements in existing law (C.C.P. Art. 1702) shall not be required when the plaintiff intends to obtain a default judgment for divorce under C.C. Art. 103(1) or 103(5).

Effective August 1, 2023.

(Adds C.C.P. Art. 1702(F)(3))

Appointment of Mandataries and Agents by Succession Representatives (ACT 38)

Prior law provided that a nonresident succession representative may appoint a state resident to represent him in all acts of his administration by executing a power of attorney.

New law changes prior law by providing that a nonresident succession representative may execute a procuracy or mandate to appoint a state resident to represent the nonresident succession representative in all acts of his administration.

Prior law provided that a resident succession representative may appoint an agent to represent him when temporarily absent from the state. New law retains prior law and further provides that a succession representative may appoint an agent to alienate, acquire, lease, or encumber specific property on specific terms.

New law provides that a procuracy or mandate granted for the purposes of existing law may either state the specific terms of the transaction or state that the succession representative has approved of the terms of the transaction.

Prior law provided for the filing of the power of attorney in the record of the succession proceeding.

New law changes prior law by providing for the filing of the procuracy or mandate rather than the power of attorney in the record of the succession proceeding which shall not need court approval.

Effective July 1, 2023.

(Amends C.C.P. Art. 3191(B))

CODE OF CRIMINAL PROCEDURE

Summons vs. Arrest (ACT 438)

Existing law provided that an officer must issue a summons in lieu of arrest for misdemeanor

offenses and for felony theft or possession of stolen things when the value of the thing is \$500 or more but less than \$1,000, unless the officer has reasonable grounds to believe that the person will not appear on the summons, or that the person will cause injury to himself or another or property damage, or it is necessary to book the person for routine identification procedures.

New law deletes the existing law requirement of summons in lieu of arrest under certain circumstances, and permits the law enforcement officer to exercise discretion to either make an arrest or issue a summons.

Effective August 1, 2023.

(Amends C.Cr.P. Art. 211(A)(1), (B)(1), and (E))

Publication of Booking Photographs (ACT 303)

Existing law provides that a booking photograph as defined in existing law shall not be subject to the Public Records Law and 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.
- (5) The individual is charged with a crime of violence as defined in existing law, except stalking, or charged with certain enumerated offenses.

New law amends existing law to add the following exceptions:

- (1) An individual is released on a bail undertaking and the law enforcement officer or agency is requested to release or disseminate the booking photograph to the individual's surety agent.
- (2) A law enforcement officer or agency determines that releasing or disseminating the booking photograph is necessary for investigative purposes.

Effective August 1, 2023.

(Adds C.Cr.P. Art. 234(C)(1)(f) and (g))

Reporting of Information About Persons Arrested or Summoned (ACT 278)

New law requires the prosecuting agency, when authorized to provide information, to include the following information in the indictment, information, or affidavit, if such information is provided by the booking agency:

- (1) Date of the offense.
- (2) Date of arrest or summons, if a summons was issued in lieu of an arrest.
- (3) The state identification number of the defendant, if one has been assigned to the defendant for the offense or for any prior offenses.
- (4) Defendant demographic data to include sex, race, and date of birth, if known.

New law provides that the above new law information may be provided in a separate document submitted with the bill of information, bill of indictment, or summons to the clerk of court.

New law further requires the booking agency to provide the information provided in new law to the prosecuting agency.

New law requires the clerk of court to report the information provided in new law, along with the disposition and disposition date, to the supreme court.

New law authorizes the supreme court to report the information provided in new law, along with the disposition and disposition date, to the La. Bureau of Criminal Identification and Information.

New law provides that failure to comply shall not constitute grounds for a motion to quash.

Effective August 1, 2023.

(Adds C.Cr.P. Art. 388)

Sequestration, Recess, and Admonishment of Jurors (ACT 75)

Prior law provided that in noncapital cases, the jury was required to be sequestered after the court's charge and may have been sequestered at any time upon order of the court.

New law requires the jury to be sequestered during active deliberations and provides that the jury may be sequestered at any time upon order of the court.

New law further provides that at any time after the court's charge, and after notice to the parties and affording the parties an opportunity to be heard on the record outside the presence of the jury, the court may declare the deliberations to be in recess and may then direct the jury to suspend its deliberations, to separate without sequestration, and to return for continued deliberations on the next day of operation of the court.

New law requires the court to admonish the jury as follows:

- (1) Deliberations shall be conducted only in the jury room when all jurors are present. All deliberations shall cease and shall not resume until all of the jurors have returned to the jury room.

(2) During the recess, jurors shall not converse with any person about anything related to the case.

(3) Jurors remain under obligation to not request, accept, agree to accept, or discuss with any person regarding the receiving or accepting of any payment or benefit in return for supplying information concerning the trial.

(4) Jurors shall promptly report directly to the court any incident within their knowledge involving an attempt by any person to improperly influence any member of the jury.

(5) Jurors shall not visit or view the premises or place where the charged crime was allegedly committed or any other premises or place involved in the case.

(6) Jurors shall not read, view, or listen to any accounts or discussions of the case reported by newspapers, television, radio, the internet, or any other news media outlet.

(7) Jurors shall not attempt to research any fact, issue, or law related to the case, whether by discussion with others, by research in a library or on the internet, or by any other means or source.

New law further requires the court to verify with each juror on the record that he followed the admonition.

Effective August 1, 2023.

(Amends C.Cr.P. Art. 791(C))

Judicial Expungement of Arrest and Conviction Records (ACT 90)

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

New law authorizes the following courts, throughout their several jurisdictions, to expunge records:

(1) District courts and their commissioners within their trial jurisdiction.

(2) City or parish courts within their trial jurisdiction.

(3) Mayor's courts and traffic courts within their trial jurisdiction.

(4) Juvenile and family courts within their trial jurisdiction.

(5) Municipal and traffic courts of New Orleans within their trial jurisdiction.

Effective August 1, 2023.

(Adds C.Cr.P. Art. 972.1)

Expungement (ACT 454)

Existing law provides for the expungement of records of arrest and misdemeanor and felony convictions in certain circumstances.

New law provides that the effect of an expunged record of arrest or conviction does not limit the subsequent use of the expunged record by a judge, magistrate, or commissioner for the purpose of setting bail or sentencing.

New law provides for automated expungement of qualifying records. New law requires the La. Bureau of Criminal Identification and Information (bureau) to identify within its criminal database all records with a La. Supreme Court Case Management Information System (CMIS) number and final dispositions for individuals eligible for an expungement pursuant to the provisions of existing law.

New law provides that, beginning January 1, 2025, a defendant may submit a request through the bureau for expungement and must provide his name, date of birth, last four digits of his social security number, arrest date, and case number. New law further requires the bureau to send the records with final dispositions for individuals eligible for an expungement to the CMIS within 30 days of the receipt of the request.

New law requires CMIS, within 30 days of receipt of records from the bureau, to send notice by U.S. mail or electronically of all records

expunged by automation to the clerks of the district courts. New law further requires the clerks to verify and identify such records as expunged by automation. New law provides that if a clerk is unable to verify and identify any record identified for automatic expungement pursuant to new law, the clerk will notify the CMIS within 30 days of receipt of the original notice pursuant to new law. New law further requires the supreme court to notify the bureau that the record has not been expunged by automation.

New law requires the clerks of the district courts to send notice of all records expunged by automation to the district attorney of the parish of the person's conviction, the sheriff of the parish of the person's conviction, and the arresting agency. New law requires the district attorney, the sheriff, and the arresting agency to acknowledge that the records have been expunged by automation. New law further requires the clerks of the district courts to send notice of all records expunged by automation to the CMIS, which is to mark the records as expunged and notify the bureau by U.S. mail or electronically of all the expunged records, and requires the bureau to mark the records as expunged by automation.

New law authorizes the office of state police to adopt and promulgate rules and regulations to carry out the provisions of new law for criminal records in district courts that date back to January 1, 2006.

New law requires the La. Commission on Law Enforcement (LCLE) to distribute the monies appropriated to each sheriff in the state in proportion to the number of automatic expungements submitted to the sheriff by the clerks of court.

New law becomes effective if an Act or Acts that originated in the 2023 Regular Session of the Legislature make specific appropriations to the office of state police, the La. Supreme Court, the La. Clerks' Remote Access Authority, and the LCLE for the implementation of new law.

(Amends C.Cr.P. Art. 973(E); adds C.Cr.P. Art. 985.2)

Expungement of Record for First Offense Possession of Certain Drugs (ACT 342)

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

Existing law further provides that a person may file a motion to expunge his record of arrest and conviction of a misdemeanor offense if either of the following apply:

- (1) The conviction was set aside and prosecution was dismissed.
- (2) More than five years have elapsed since the person completed any sentence, deferred adjudication, or period of probation and parole, and the person has not been convicted of any felony offense during such period, and has no felony charge pending against him.

New law provides that a person may file a motion to expunge his record of arrest and conviction of a misdemeanor conviction for a first offense possession of marijuana, tetrahydrocannabinol, or chemical derivatives thereof after 90 days from the date of conviction.

Existing law (C.Cr.P. Art. 983) provides relative to the fees for an expungement of a record and also exempts certain applicants from paying any fees.

New law adds that the total cost for a person who has been convicted of a misdemeanor conviction for a first offense possession of marijuana shall not exceed \$300.

New law further provides that the nonrefundable processing fees for a court order expunging such record shall be as follows:

- (1) The La. Bureau of Criminal Identification and Information may charge a processing fee of \$50.

(2) The sheriff may charge a processing fee of \$50.

(3) The district attorney may charge a processing fee of \$50.

(4) The clerk of court may charge a processing fee of \$150.

New law provides that the \$300 fee shall be null, void, and without effect and shall terminate on August 1, 2023.

Existing law provides for the forms used for the expungement of records.

New law adds an additional form for convictions for a first offense possession of marijuana.

Effective August 1, 2026.

(Amends C.Cr.P. Art. 986(A) and (C); Adds C.Cr.P. Arts. 977(D), 983(M), and 998)

CODE OF EVIDENCE

Admissibility of Creative or Artistic Expression (ACT 354)

Existing law provides that, unless there is an exception, evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that he acted in conformity therewith, but may be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake or accident.

Existing law further provides that evidence of other crimes, wrongs, or acts may be admissible for other purposes if, upon request by the accused, the prosecution in a criminal case provides reasonable notice in advance of trial of the nature of any such evidence that it intends to introduce at trial for such purposes, or when the evidence relates to conduct that constitutes an integral part of the act or transaction that is the subject of the present proceeding.

New law provides that, unless there is an exception, creative or artistic expression is not admissible in a criminal case to prove the character of a person in order to show that he acted in conformity therewith, provided that the accused provides reasonable notice to the prosecution in advance of trial asserting that the evidence is creative or artistic expression.

New law further provides that evidence of creative or artistic expression may be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident, provided that upon request by the accused, the prosecution in a criminal case provides reasonable notice in advance of trial of the nature of any such evidence that it intends to introduce at trial for such purposes, or when the evidence relates to conduct that constitutes an integral part of the act or transaction that is the subject of the present proceeding.

New law provides that new law shall not be construed to limit the admission or consideration of evidence under any other rule.

New law shall be known and cited as the "Restoring Artistic Protection Act of 2023".

Effective August 1, 2023.

(Amends C.E. Art. 404(B)(1))

CHILDREN'S CODE

Juvenile Transfer Act (ACT 418)

Existing law subjects a child who is 15 years of age or older at the time of the commission of first degree murder, second degree murder, aggravated or first degree rape, or aggravated kidnapping to the exclusive jurisdiction of the juvenile court until either an indictment charging one of these offenses is returned or the juvenile court holds a continued custody hearing pursuant to existing law and finds probable cause that he committed one of these offenses.

Existing law provides the district attorney with the discretion to file a petition alleging any of the offenses listed in existing law in the juvenile court or, alternatively, to obtain an indictment. Further provides that if the child is being held in detention, the district attorney shall file the petition or indictment in the appropriate court within 30 calendar days after the child's arrest, unless the child waives this right.

New law increases the amount of days that the district attorney has to file the petition or indictment from 30 days to 60 days.

New law provides that the failure to institute prosecution as provided in new law shall result in release of the child if, after a contradictory hearing with the district attorney, just cause for the failure is not shown.

New law provides that if just cause is shown, the court shall reconsider bail for the child. Further provides that the failure to institute prosecution as provided in new law shall result in the release of the bail obligation if, after a contradictory hearing with the district attorney, just cause for the delay is not shown.

New law provides that when the juvenile court holds a continued custody hearing pursuant to existing law and finds probable cause that the child committed one of the offenses listed in existing law, the time limitations contained in existing law are inapplicable and the time period for filing an indictment after arrest shall be governed by other existing law.

Existing law subjects a child who is 15 years of age or older at the time of any of the offenses listed in existing law to the exclusive jurisdiction of the juvenile court until either an indictment charging one of these offenses is returned or the juvenile court holds a continued custody hearing and finds probable cause that he committed one of these offenses.

Existing law provides the district attorney with the discretion to file a petition alleging any of the offenses listed in existing law in the juvenile court or, alternatively, to obtain an indictment. Further provides that if the child is being held in

detention, the district attorney shall file the indictment, bill of information, or petition in the appropriate court within 30 calendar days after the child's arrest, unless the child waives this right.

New law increases the amount of days that the district attorney has to file the indictment, bill of information, or petition from 30 days to 60 days.

New law provides that the failure to institute prosecution as provided in new law shall result in release of the child if, after a contradictory hearing with the district attorney, just cause for the failure is not shown.

New law provides that if just cause is shown, the court shall reconsider bail for the child. Further provides that the failure to institute prosecution as provided in new law shall result in the release of the bail obligation if, after a contradictory hearing with the district attorney, just cause for the delay is not shown.

New law shall be cited and referred to as "The Juvenile Transfer Act".

Effective August 1, 2023.

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

Participants and Intervenors in Continued Custody Hearings (ACT 226)

Existing law allows a suitable family member or other interested party to obtain an ex parte court order to participate in a continued custody hearing.

New law permits a suitable family member or other suitable individual to intervene in a continued custody hearing.

New law allows a family member or interested person to intervene in a child in need of care adjudication in a continued custody hearing.

New law defines "interested person" as any person with whom the child enjoys a close, established, significant relationship, yet not a

blood relative, including a neighbor, godparent, teacher, or close friend of the parent.

Effective August 1, 2023.

(Amends Ch.C. Art. 622(A); Adds Ch.C. Art. 650)

Truancy Prevention Program (ACT 387)

Existing law authorizes the creation of the truancy and assessment and service centers program to prevent truancy.

Existing law provides that truancy has long been demonstrated nationwide as a primary indicator of a path to juvenile delinquency and that early intervention has been shown as the key to correcting a propensity for destructive or criminal behavior.

New law retains existing law but changes the program title from "truancy and assessment and service centers" to "truancy assessment service centers".

Existing law specifies that La. State University (LSU), office of social services research and development, is responsible for developing and implementing a monitoring and evaluation program.

New law retains existing law but changes the developer and implementor of the truancy prevention program from the LSU office of social services research and development to the La. Commission on Law Enforcement and the Administration of Criminal Justice (commission).

Existing law provides that the LSU office of social services research and development is to report statistical data indicating the effectiveness of the truancy prevention program to the appropriate standing committees of the legislature for use by the committees in consideration of continuation or expansion of the program.

New law retains existing law but changes the agency that reports to the legislature from the

LSU office of social services research and development to the commission and new law designates the Joint Legislative Committee on the Budget as the legislative committee for purposes of reporting statistical data.

New law provides that, subject to appropriation by the legislature, the commission may use appropriated funds to provide for the reasonable costs of administering the truancy prevention program and to provide funding for the local programs.

New law directs the La. State Law Institute to make technical changes to the program title in the Children's Code and the Revised Statutes.

Effective June 14, 2023.

(Amends Ch.C. Title VII, Ch. 15 (chapter heading) and Arts. 791.4 and 791.5)

Victims' Rights (ACT 448)

Existing law provides for confidentiality of juvenile records and disclosure exceptions.

Existing law provides that the district attorney or court may, in accordance with existing law, release to the victim of a delinquent act constituting a crime of violence as defined in existing law or to the victim's legal representative or designated family member the following:

- (1) The results of adjudication and disposition hearings.
- (2) Notice of the taking into custody, release pursuant to existing law, release due to a rejection of charges by the district attorney, escape, or re-apprehension of the child accused of the crime of violence against the victim.
- (3) Advance notice of court proceedings relating to the delinquent act.
- (4) Certain information contained in the predisposition report to the court pursuant to existing law.

New law makes the release of this information from the district attorney or court to the victim, the victim's legal representative, or designated family member mandatory rather than permissive. Further provides that this disclosure shall occur at the request of the victim.

New law further amends existing law to provide for the mandatory release of the following information to the victim, the victim's legal representative, or designated family member:

- (1) The name of the judge presiding over the adjudication and disposition hearings.
- (2) The offense which forms the basis for adjudication.
- (3) The name of the accused.

New law provides that in a juvenile delinquency case involving a crime of violence as defined in existing law, the court shall release to the public the following:

- (1) The nonidentifying results of adjudication and disposition hearings.
- (2) The name of the judge presiding over the adjudication and disposition hearings.
- (3) The offense which forms the basis for adjudication.

New law further provides that this disclosure to the public shall occur upon written request provided to the court.

Existing law provides for the rights and list of services available to the victim of an alleged delinquent act.

Existing law provides that the court shall provide, whenever possible, a secure waiting area during court proceedings that does not require victims and their legal representatives to be in close proximity to accused children and their families and friends. Provides that the juvenile court shall provide a secure waiting area in cases involving violent crime.

New law amends existing law to add that the victim or the designated member of the victim's family in a case involving homicide or injury to a minor has the right to be present at all court proceedings and, whenever practical, shall be allowed to observe the proceedings by simultaneous transmission through audiovisual equipment, if such technology is available in the courtroom.

Existing law provides for consultation between the prosecutor and the victim of a violent felony-grade offense as well as the designated member of the victim's family for the purpose of obtaining their view on both the disposition as well the use of available disposition alternatives for a case that involves homicide or injury to a minor.

New law removes the designation that the victim be a victim of a felony-grade offense and provides that the district attorney, whenever practical, shall consult either the victim or a designated member of the victim's family in a case that involves homicide or injury to a minor.

Existing law provides that any information about the status of the case in juvenile court which is received by the victim or his legal representative shall remain subject to the confidentiality restrictions of existing law and shall not be further disclosed by him.

New law prohibits public officials, officers, and agencies from disclosing the name, address, or identity of a juvenile victim of crime who at the time of the commission of the offense is under 17 years of age. Further amends existing law to raise the age threshold of the juvenile victim from 17 to 18 years of age.

Existing law defines the term "juvenile crime victim" as a person, under the age of 17, against whom an offense against the person that is a felony has been committed.

New law amends the existing law definition of "juvenile crime victim" to change the age threshold to under the age of 18 and to change the type of offense from an offense against the person that is a felony to a delinquent act.

Existing law defines the term "victim" as a person against whom an offense that is a felony-grade delinquent act has been committed.

New law amends the existing law definition of "victim" to remove the felony-grade designation.

Existing law defines the term "victim's family" as a spouse, parent, child, stepchild, sibling, or legal representative of the victim, except when the person is in custody for an offense or is the defendant.

New law amends the definition of "victim's family" to include the victim's grandparent, guardian, or legal custodian.

Existing law provides for both the presence and exclusion of witnesses at an adjudication hearing.

New law provides that new law does not authorize exclusion of any of the following witnesses:

- (1) A party who is a natural person.
- (2) A single officer or single employee of a party which is not a natural person designated as its representative or case agent by its attorney.
- (3) A person whose presence is shown by a party to be essential to the presentation of his cause such as an expert.
- (4) The victim of the offense or the family of the victim.

New law provides that a court may impose appropriate sanctions for violations of its exclusion order including contempt or, when such sanctions are insufficient, disqualification of the witness.

Effective January 1, 2024.

(Amends Ch.C. Arts. 412(G), 811.1(A)(5) and (10)(intro. para.) and (F), and 811.3; Adds Ch.C. Art. 879(D) and (E); Repeals Ch.C. Art. 811.1(G))

Penalty Modification Eligibility for Carjackers (ACT 420)

Existing law provides for the disposition of juvenile offenders who are adjudicated delinquent for certain felony-grade acts.

Existing law provides that the court shall commit a juvenile who is 14 years of age or older at the time of the commission of the offense to the custody of the DPS&C to be confined in secure placement without benefit of probation or suspension of imposition or execution of sentence after the juvenile is adjudicated delinquent for the existing law offense of armed robbery.

New law includes the commitment of a juvenile to the DPS&C after an adjudication for the existing law offense of carjacking.

Existing law provides that juveniles in secure care for an adjudication based on a violation of the existing law offenses of first degree rape or aggravated kidnapping shall be eligible for modification after serving 36 months of the disposition.

Existing law further provides that juveniles in secure care for an adjudication based on a violation of the existing law offense of armed robbery shall be eligible for modification after serving 36 months of the disposition or, if the disposition is less than 36 months, 2/3 of the disposition.

New law applies this modification eligibility to offenders in secure care for an adjudication based on the existing law offense of carjacking.

Effective August 1, 2023.

(Amends Ch.C. Art. 897.1(C) and (D))

Termination of Parental Rights of Rapist or Sex-Offender (ACT 271)

Existing law (Ch.C. Art. 1004(I)) provides that when a child is conceived as a result of a sex offense, the victim of the sex offense may petition to terminate the rights of the perpetrator of the sex offense.

New law (Ch.C. Art. 1004.1) expands existing law by providing that if termination is granted, the perpetrator of the sex offense shall lose all rights parental rights. Additionally, the perpetrator loses the right to intervene in the termination, custody, visitation, or contact action.

Existing law (Ch.C. Art. 1015(3) and (9)) provides that both the conviction and commission of a sex offense by the natural parent which resulted in the conception of the child are grounds for termination of parental rights.

New law (Ch.C. Art. 1015.1) redesignates existing law by creating a separate provision exclusively covering termination of parental rights when the child is conceived as result of a sex offense.

Existing law (Ch.C. Art. 1016(A)) provides that neither the child nor anyone purporting to act on behalf of the child may be permitted to waive the child's right to counsel.

New law (Ch.C. Art 1016 (A)(2)) provides that the court shall have discretion to decide whether to appoint counsel for the child.

New law provides that in no event shall the minor child be required to interact with the respondent as a condition to pursue termination of parental rights, and any counsel acting on behalf of the child shall not be required to make the child available for visitation or conversation with the respondent's family.

Existing law (Ch.C. Art. 1037(B)) provides that when the court finds that the alleged grounds in Ch.C. Art. 1015 are proven by clear and convincing evidence and that it is in the best interest of the child, the court shall order the termination of the parental rights of the parent against whom the allegations are proven.

New law (Ch.C. Art. 1037(B)(2)) adds a reference to Ch.C. Art. 1015.1 as grounds for termination of parental rights.

New law (Ch.C. Art. 1037(B)(2)) provides that when termination is granted based on the grounds set forth in Ch.C. Art. 1015.1, it shall not be

considered in the best interest of the child for the perpetrator to have any right to custody, visitation, or any other contact with the child.

Existing law (Ch.C. Art. 1039(B)) provides that if the court finds the alleged grounds are not proven by clear and convincing evidence or if termination is not in the best interest of the child it shall enter written findings and may (1) dismiss the petition; (2) reinstate the parent to full care and custody of the child; (3) if the child has been previously adjudicated as a child in need of care, reinstate that proceeding pursuant to existing law; (4) upon a showing of sufficient facts, adjudicate the child in need of care in accordance with existing law; (5) upon a showing of sufficient facts, adjudicate the family in need of care services in accordance with existing law; or (6) make any other disposition that is in the best interest of the child.

New law (Ch.C. Art. 1039(B)(2)) provides that in actions based on Ch.C. Art. 1015.1, if the alleged grounds are not proven, any determination of custody, visitation, contact, and all other parental rights of the alleged perpetrator shall be determined in a separate action independent of the termination proceeding.

Prior law (C.C. Art. 137(A)) provided that if a child was conceived through the commission of a felony rape, the parent who committed the felony rape shall be denied visitation rights and contact with the child.

New law (C.C. Art. 137(A)) provides that if a child was conceived through the commission of a sex offense as provided by R.S. 15:541, the parent who committed the sex offense shall be denied visitation rights and contact with the child.

Effective upon signature of governor (June 9, 2023).

(Amends Ch.C. Arts. 1004(A), 1004.1, 1015, 1015.1, 1016(A), 1037(B), and 1039(B), and C.C. Art. 137(A); Adds Ch.C. Arts. 1004.2 and 1015.2; Repeals Ch.C. Art. 1004(I))

Post-Adoption Visitation Rights of Grandparents (ACT 16)

Prior law required that the parents of the child be married at the time of their death for grandparents to be entitled to post-adoption visitation rights.

New law removes the requirement that the parents of the child be married at the time of the death of a parent for grandparents to be entitled to post-adoption visitation rights.

Effective August 1, 2023.

(Amends Ch.C. Art. 1264)

MULTIPLE CODES AND TITLES

Partnership, Corporation, and LLC Laws (ACT 26)

Existing law (R.S. 9:3403(A)(1)) requires a partnership contract to contain certain requirements.

New law adds that a partnership contract must be written in English.

Existing law (R.S. 12:1-120(H)) provides that certain documents must be either acknowledged by one person who signed or notarized.

New law adds articles of charter surrender to the list of documents.

Existing law (R.S. 12:307(B), 310, 311(A)(intro. para.), and 1348(B)) provides that a foreign corporation must file with its application for amended certificate of authority a certificate issued by an authorized official which evidences the corporation's requested amendments.

New law provides the option for the business entity to provide a certified copy of the amendment in lieu of a certificate by an authorized official.

Existing law (R.S. 12: 307.1 and 1349(C)) requires a certificate of correction to be executed

in the name of a foreign corporation or Limited Liability Company (LLC) by any authorized officer. Existing law further requires a certificate of correction to specify the inaccuracy or defects to be corrected.

New law requires that a certificate of correction for a foreign corporation and LLC to be notarized or duly acknowledged by one person who signed.

New law (R.S. 12:1306(G)) adds that a written notice or waiver of notice from the La. State Board of Architectural Examiners must be provided before a company can be filed with the words "architect" or "architecture".

Effective August 1, 2023.

(Amends R.S. 9:3403(A)(1) and R.S. 12: 307(B), 307.1, 310, 311(A)(intro. para.), 1348(B), and 1349(C); Adds R.S. 12:1-120(H)(16) and 1306(G))

Sexual Assault Collection Kit Tracking System (ACT 193)

New law requires law enforcement to submit a sexual assault collection kit for an assault reported to law enforcement with an unknown suspect to a forensic laboratory for testing within 30 days of receipt.

New law requires law enforcement to submit every reported sexual assault collection kit for an assault with a known or unknown suspect to a forensic laboratory for testing within 30 days of receipt.

New law requires La. State Police to create and operate a statewide sexual assault collection kit tracking system. New law further provides that the tracking system must track the location and status of the kits throughout the criminal justice process; designate sexual assault collection kits as reported or unreported; indicate whether a sexual assault collection kit contains biological material; allow medical facilities, law enforcement, prosecutors, the La. State Police Crime Laboratory, and all other facilities having custody of the kit to update and track the status of

the kits; and allow victims to track the status of their kit anonymously.

New law permits the La. State Police to phase-in implementation as necessary, but the system must be implemented fully by July 1, 2024. New law requires La. State Police to submit a report for the current status and plan to the La. Sexual Assault Oversight Commission, the Senate Committee on Judiciary B, the House Committee on Admin. of Criminal Justice, and the governor no later than January 1, 2024.

New law requires the La. State Police to submit an annual report on the tracking system to the La. Sexual Assault Oversight Commission, the Senate Committee on Judiciary B, the House Committee on Admin. of Criminal Justice, and the governor no later than July 31st of each year.

New law requires the report to contain the following, both statewide and by jurisdiction:

- (1) The total number of sexual assault collection kits in the system.
- (2) The total and semi-annual number of sexual assault collection kits with completed forensic analysis.
- (3) The number of sexual assault collection kits added to the system in the reporting period.
- (4) The total and semi-annual number of sexual assault collection kits where testing has been requested but not yet completed.
- (5) The average and median length of time for sexual assault collection kits to be submitted for testing after being added to the system.
- (6) The total and semi-annual number of sexual assault collection kits destroyed or removed from the system.
- (7) The total number of sexual assault collection kits waiting six months or longer to be tested.
- (8) The total number of sexual assault collection kits waiting over one year to be tested.

New law requires that a sexual assault collection kit be assigned to a jurisdiction associated with the law enforcement agency anticipated to receive the kit.

New law shields from liability any participating public agency, hospital, or law enforcement agency, including its employees, for the release of information or the failure to release information, except when there is gross negligence.

New law permits the La. State Police to adopt rules necessary to implement proposed law.

New law defines "reported sexual assault collection kit", "sexual assault collection kit", and "unreported sexual assault collection kit".

Existing law provides for the assignment of code members for evidences collected and provides for claim reimbursement for forensic medical exams.

New law clarifies existing law by requiring healthcare providers who perform forensic medical exams to create a code number to maintain confidentiality for the victim in an unreported sexual assault.

New law clarifies existing law by requiring healthcare providers to be paid or a victim reimbursed for the performance of a forensic medical exam by the Crime Victim Reparations Board (board), except for any treatment not related to the sexual assault.

New law distinguishes the definitions of "healthcare provider" and "healthcare facility".

New law provides that the performance of a forensic medical exam is not reparations and is immediately payable by the board. New law further provides that payment must be made within 30 days of submission for payment.

Existing law provides for the powers and duties of the board.

Existing law requires the board to develop, adopt, and promulgate rules in the manner provided in the APA and in accordance with existing law to

contain specific guidelines that establish the reasonable costs to be charged for all healthcare services or expenses ancillary to a forensic medical examination, which shall not exceed \$1,000 for each case.

New law requires the board to promulgate rules in the manner provided in the APA and in accordance with existing law to contain specific guidelines which establish the reasonable costs to be reimbursed for all healthcare services or expenses ancillary to a forensic medical examination.

Effective August 1, 2023.

(Amends R.S. 15:623(A), R.S. 40:1216.1(A)(2)(c) and (7)-(9), and R.S. 46:1802(7), 1807(B)(7), and 1822(C); adds R.S. 15:624.1 and 46:1802(14); repeals R.S. 40:1216.1(A)(10))

Crisis Lifeline Dial 988 (ACT 237)

Existing law provides for the required information on a license including the photograph, signatures, and additional information.

New law adds "Crisis Lifeline dial 988" as included information on a license.

Existing law provides for digitized credentials. New law retains instructs the commissioner to place "Crisis Lifeline dial 988" on the digital credential home page.

Existing law provides for special identification cards such as veteran designation, disabled veteran designation, or autism. New law retains existing law and adds "Crisis Lifeline dial 988" to special identification cards.

New law makes technical changes.

Effective June 9, 2023.

(Amends R.S. 32:410(A)(3)(c) and R.S. 39:17.2(D); adds R.S. 40:1321(U))

Redistricting Plan Hearings (ACT 240)

New law requires a local governing body to hold at least two public hearings prior to the adoption of any redistricting plan. Further requires at least one hearing to be held within seven days after the publication of any proposed redistricting plan. New law further provides that each member of the public in attendance at a public redistricting hearing of a local governing body is entitled to testify in accordance with the rules of the local governing body.

New law requires the legislature to conduct a series of public hearings at different locations throughout the state, following the release of the redistricting data from the U.S. Bureau of the Census after each federal decennial census, to solicit public comment concerning the development of redistricting plans subject to enactment by the legislature. New law requires the public hearings to be broadcast live via the internet. Provides that if a technical difficulty occurs, the hearing shall be temporarily paused to address it; however the failure to resolve the issue shall not require the hearing to be terminated nor construed as a violation of new law.

New law requires the legislature to establish, maintain, and update a redistricting website and establishes minimum content requirements.

Effective June 9, 2023.

(Adds R.S. 18:1922.1 and R.S. 24:991 and 992)

Handling of Funds by Race Tracks and Jockey Associations (ACT 261)

Existing law provides relative to the conduct of slot machine gaming at race tracks.

Existing law designates and recognizes the Horsemen's Benevolent and Protective Association (HBPA) as an authorized representative that shall represent member and other horsemen.

Prior law stated that the monies to be distributed by a licensee as purses to permittees licensed to race horses in Louisiana and the monies to be

distributed by a licensee to the HBPA for the use and benefit of such groups.

New law removes that monies be distributed by a licensee.

Existing law provides that in the event the amount distributed as purses is more than the amount required, the overpayment shall be carried forward to the next race meeting conducted by the same association and shall be carried on the association's books as an asset.

New law retains existing law and adds that monies shall be carried on the association books as an asset unless and until the overpayment is remitted to the HBPA. Provides that if remitted to the HBPA, the overpayment shall be carried on the HBPA books as an asset.

Existing law requires that in the event the amount distributed as purses to persons licensed to race horses at quarter horse and thoroughbred race meetings conducted in the state is less than the amount required and more than a certain amount it shall be delivered to the HBPA for further distribution to certain persons. Provides that in the event the underpayment is less than a certain amount, it shall be retained by the association in an interest bearing account to be used for purses at the next quarter horse or thoroughbred race meeting conducted by that association. Provides that interest earned on the account shall be added to the purse paid over and above the amount required to be paid.

New law retains existing law and adds in the event the underpayment is less than a certain amount, certain monies shall also be retained by the HBPA.

Prior law required monies designated for purses under prior law be deposited by the race track association in a separate interest-bearing account when earned and shall remain in that account until the first day of the next race meeting of the appropriate breed, with monies earned as interest being designated for purses.

New law requires monies designated for purses be remitted from the race tracks to the HBPA

within 10 business days to be deposited in a separate interest-bearing account when earned and shall remain in that account until the first day of the next race meeting of the appropriate breed, with monies earned as interest being designated for purses.

Existing law states that until all monies have been distributed, the HBPA shall be deemed to hold a perfected security interest in and to all funds that are deemed to have been earned and that have not yet been distributed.

New law retains existing law and adds all members and other horsemen in the state and all other persons or entities that receive purse or purse supplement funds shall be deemed to hold a perfected security interest.

Existing law requires that all earned purse money not yet distributed as purses shall be deemed to be held in trust for the benefit of the HBPA by the licensee until such time as such monies are distributed in accordance with existing law. Provides that a licensee shall have a fiduciary duty to the HBPA to preserve and account for such monies.

New law retains existing law and includes following the remittance to the HBPA by the licensee, all earned purse money not yet distributed shall be deemed to be held in trust for the benefit of certain groups that receive purse funds by the HBPA until such time as the monies are distributed. Adds that once the licensee remits the monies designated to the HBPA pursuant to existing law, it shall have no fiduciary duty to the HBPA or certain groups that receives purse funds. Provides that the HBPA shall have a fiduciary duty to certain groups that receive purse funds to preserve and account for such monies.

New law requires that the account containing the monies remitted to the HBPA be subject to audit at all times by the legislative auditor and shall be included in the annual audit.

Prior law provided that as a condition of licensing and to maintain continued authority for the conduct of the slot machine gaming at a race track, the owner of the track must comply with

certain requirements, including the requirement that the owner contribute to the support of pari-mutuel wagering activities and the horse breeding industry by paying a fixed percentage of 15% of the annual net slot machine proceeds received to supplement horse race purses. Prior law provided that 4% of that fixed amount shall go to the HBPA.

New law requires the race tracks to transfer to the HBPA by the 20th day of each month a fixed percentage of 15% of the previous month's net slot machine proceeds received from slot machine gaming operators at the licensed eligible facility to supplement purses including any interest earned.

Existing law provides that the HBPA shall be deemed to hold a perfected security interest in and to the 15% of the annual net slot machine proceeds received from slot machine gaming operations at the licensed eligible facility that is required to supplement purses until such purse supplements have been distributed as purses or distributed to the HBPA. Provides that all such supplements shall be held in trust for the benefit of HBPA by a licensee until monies are distributed. Provides that a licensee shall have a fiduciary duty to the HBPA to preserve and account for such purse supplements.

New law retains existing law and adds that all purse supplements shall be held in trust for the benefit of HBPA until distributed or transferred to HBPA. The supplements transferred but not distributed shall be held in trust until distributed. Provides that a licensee shall have fiduciary duty to the HBPA to account for only purse supplements in its control and once the licensee transfers the supplements to the HBPA, it shall have no fiduciary duty to HBPA or certain groups. Provides that an account containing purse supplements transferred to HBPA shall be subject to legislative audit.

Existing law states that the owner of the licensed establishment shall pay 20% of the net video draw poker device revenue derived from the operation of video draw poker devices at that licensed establishment and at its eligible off-track wagering facilities to be used to supplement

purses for horsemen. Provides that such monies shall be made available for use as purses monthly, prior to the twentieth day of the month following the month in which they are earned.

New law retains existing law and adds that the fixed percentage be paid to the HBPA and that such monies shall be remitted to the HBPA for use as purses monthly.

New law adds that the HBPA shall have a fiduciary duty to certain groups that receive purse supplements and that the account containing such supplements shall be subject to legislative audits. Provides that a licensee shall have no fiduciary duty to the HBPA or certain groups that received purse supplements.

Effective August 1, 2023.

(Amends R.S. 4:183(A) and (B)(2)-(4), 183.2(A) and (B)(2), R.S. 27:361(B)(4)(a)(intro para), 361(B)(4)(a)(iii), and 438(A); adds R.S. 4:183.2(B)(3) and (4), and R.S. 27:361(B)(4)(a)(iv))

La. Interagency Council on Homelessness (ACT 314)

New law creates the La. Interagency Council on Homelessness within the office of the governor for the purpose of developing a statewide plan to end homelessness in La.

New law provides that the duties and responsibilities of the council include:

- (1) Developing a statewide plan to end homelessness.
- (2) Advising the governor, legislature, and local governments on the causes of homelessness in La.
- (3) Submitting to the governor and the legislature an annual report regarding the plan.

New law requires that the membership of the council be reflective of all geographic regions of the state. Provides that the council is comprised as follows:

- (1) The commissioner of administration or his designee.
- (2) The executive director of the La. Housing Corp. or his designee.
- (3) The secretary of the Dept. of Children and Family Services or his designee.
- (4) The state superintendent of education or his designee.
- (5) The secretary of the Dept. of Public Safety and Corrections or his designee.
- (6) The secretary of the Dept. of Health or his designee.
- (7) The secretary of the Dept. of Veterans Affairs or his designee.
- (8) One representative from each of the continuums of care located in La. appointed by the governing boards of the continuums of care.
- (9) The executive director of the La. Services Network Data Consortium or his designee.
- (10) The executive director of the La. Coalition Against Domestic Violence or his designee.
- (11) The president of the La. Occupational Therapist Assoc. board of directors or his designee.
- (12) Three members appointed by the chairman of the House Committees on Health and Welfare and three members appointed by the chairman of the Senate Committees on Health and Welfare, all appointed from nominations submitted jointly by the governing boards of the continuums of care and each having five years experience in housing or services for homeless persons.
- (13) At least two members appointed by the executive director of the La. Housing Corp., all appointed from nominations submitted jointly by the governing boards of the continuums of care

and each having lived experience of homelessness.

New law provides that appointed members serve two-year terms. Additionally provides that members appointed pursuant to (12) and (13) above shall receive a per diem paid by the La. Housing Corp. Provides that the La. Housing Corp. shall provide support for the council, including resources to facilitate remote participation in meetings as authorized by law.

Effective August 1, 2023.

(Adds R.S. 36:4(B)(37) and R.S. 40:600.151)

Telehealth (ACT 322)

Prior law provided for the practice of telemedicine by physicians and the practice of telehealth by all other healthcare providers. New law repeals provisions relative to telemedicine and specifies that telehealth includes a physician's practice of medicine when conducted through electronic communications.

Existing law defines "telehealth" as healthcare services, including behavioral health services, provided by a healthcare provider to a person through the use of electronic communications, information technology, asynchronous store-and-forward transfer technology, or synchronous interaction between a provider at a distant site and a patient at an originating site. Prior law defined "behavioral health services" as those services defined in existing law that are appropriate for the patient and delivered by a licensed mental health professional, acting within the scope of applicable state laws and his professional license for services identified by La. Dept. of Health, to treat mental illness or substance use. New law adds that behavioral health services also include community psychiatric support and treatment services or psychosocial rehabilitation services provided by an unlicensed behavioral health provider who works for a licensed agency or credentialed provider.

Prior law authorized each state agency or professional or occupational licensing board or commission that regulates the practice of a

healthcare provider to promulgate any rules necessary to provide for, promote, and regulate the use of telehealth in the delivery of healthcare services within the scope of practice regulated by the licensing entity that are consistent with and no more restrictive than the provisions contained in prior law. New law changes the authorization to a requirement for the state agency or professional or occupational licensing board or commission to promulgate rules for telehealth and removes the limitation that the rules be no more restrictive than the provisions contained in new law.

Prior law provided for the minimum content of the rules to be promulgated by the regulatory state agency or professional or occupational licensing board or commission. New law prohibits any requirement for an in-person patient history or physical examination of the patient before engaging in a telehealth encounter unless the healthcare provider is prescribing a controlled dangerous substance and requires a visit record to be created for each patient. New law further provides for exceptions to the requirement for an in-person patient history or physical examination when prescribing a controlled dangerous substance.

New law makes technical changes in prior law to update references from telemedicine to telehealth to conform with new law.

Effective January 1, 2024.

(Amends R.S. 22:11(C)(1)(a)(i), 1821(F)(1) and (2), 1841(3), 1842(A)(1) and (B), and 1843(A)(2) and (B)(1)(a)(ii) and (b)(i) and (iv), R.S. 28:53(B)(1), 53(B)(4)(intro para), 53(F), (G)(2), 53(G)(7)(a)(intro para) and 53(G)(7)(b)(intro para) and 53(G)(7)(b)(ii), and (J)(1), R.S. 37:1262(4), 1271, 1271.1(A)(intro para), 1271.1(A)(2) and (3), 1285.2(D)(2), R.S. 40:1046(K), 1165.2(B), 1167.2(6), 1167.4(E) and (F), 1223.2(3), 1223.3(3), (5) and (6)(b), 1223.4(A) and (B)(3), 1223.5, 1237.1(A)(9)(a)(ii)(bb), and 2195.1(A)(6), and R.S. 46:978.1(2); adds R.S. 40:1223.4(B)(5)-(8); repeals R.S. 22:1841(6) and R.S. 37:1276.1)

Auto Title Companies and Public Tag Agents (ACT 357)

Existing law defines "auto title company" as any person, firm, association, or corporation which is engaged in the transfer and recordation of sales, leases, or mortgages of vehicles. Prior law specified that the term "auto title company" included any person, or entity licensed pursuant to existing law. Further specifies that an auto title company does not mean an insurance company transferring titles to wrecked vehicles or other enumerated parties unless it or he is doing business as an auto title company.

New law modifies the term "auto title company" to also include a local governmental subdivision, a political subdivision, or a state agency. Changes prior law from applying to persons or entities who have been licensed to those who entered into a contract.

Existing law requires each public license tag agent, other than a municipal governing authority, execute a surety bond with a qualified La. surety company in a sum of \$100,000 if the public tag agent has only one office in this state and in a sum of \$125,000 if the public tag agent has more than one office in this state.

New law clarifies that the exception in existing law is also applicable to a local governmental subdivision, a political subdivision, or a state agency.

Existing law requires that the commissioner promulgate rules and regulations to adopt and levy fines for failure to remit taxes and fees collected from applicants for title transfers, operating as a public tag agent without a contract for each location, with an expired contract, or without a surety bond on file with the office of motor vehicles (OMV). Further specifies that OMV is empowered to issue an order to any person engaged in any activity, conduct, or practice constituting a violation of provisions governing public tag agents.

New law specifies that any violation of a contract between the department and the public license agent, cannot exceed the sum of \$500.

Existing law provides requirements for suspension, revocation, cancellation, or restrictions, and reinstatement of public tag agents.

New law adds fines to existing law.

Existing law establishes that any person whose contract has been suspended, canceled, or revoked during the effective term of the contract may request an administrative hearing to review the actions of the OMV. Specifies that a request for administrative review will stay the action of the OMV.

New law authorizes an administrative appeal for any public tag agent that has been assessed a fine pursuant to rules promulgated by the department.

Effective August 1, 2023.

(Amends R.S. 32:702(4) and R.S. 47:532.1(A)(3)(a) and 532.2(A)(intro. para.) and (B); Adds R.S. 47:532.1(A)(3)(c))

Assignment of Post-Loss Property Insurance Benefits (ACT 364)

For the purposes of insurance, new law defines an "assignment agreement" and provides that such an agreement is against public policy and is null and void.

New law prohibits a person from soliciting or accepting an assignment of any post-loss insurance benefits under a residential or commercial property insurance policy.

New law does not apply to the following:

- (1) An assignment, transfer, pledge, or conveyance granted to a federally insured financial institution, mortgagee, or a subsequent purchaser of the property.
- (2) Liability coverage under a residential or commercial property insurance policy.

New law provides that any violation of new law is considered an unfair or deceptive trade practice. Further provides that any person found

to have violated new law is subject to penalties in existing law (R.S. 22:1969).

New law provides that existing law (C.C. Art. 2653) relative to the assignability of rights does not apply to new law.

New law does not prohibit an attorney from collecting a contingency fee for an action related to a property insurance claim.

Prior law prohibited a person performing home improvement contracting services from accepting an assignment of any right, benefit, proceed, or cause of action of an insured before completing the work described in the contract.

New law repeals prior law.

Effective August 1, 2023.

(Adds R.S. 22:1274; Repeals R.S. 37:2159.1(7))

Assumption of Liability Provisions in Public Contracts (ACT 379)

Existing law specifies that any provision contained in a public contract, except a provision naming a co-insured or additional beneficiary in a contract of insurance, which requires a public entity to assume liability for damages arising out of injuries or property damage to the contracting parties or to third parties caused by the negligence of anyone other than the public body, its employees, or agents, is contrary to the public policy of the state of La. Further specifies that any and all such provisions in any public contract issued on or after Oct. 1, 1988, is null and void.

Existing law specifies that the provisions of existing law are not applicable to intrastate intergovernmental contracts and to contracts with private providers for the placement and care of persons in the custody of the state.

Existing law specifies that the provisions of existing law do not apply to contracts between a public entity and the owner of immovable property when the contract grants the public entity a servitude, right of way, or other authority to go upon, construct works, perform activities,

or otherwise exercise control over or use the owner's property.

New law redesignates provisions of existing law and adds a provision that specifies that any provision contained in a public contract other than a provision naming another as co-insured or additional beneficiary in a contract of insurance, which requires a contracting private party to assume liability for damages due to the negligence of anyone other than the contracting private party or their agents, is null and void.

Existing law specifies that any provision contained in a department contract, except a provision naming a co-insured or additional beneficiary in a contract of insurance, which requires the department to assume liability for damages arising out of injuries or property damage to the contracting parties or to third parties caused by the negligence of anyone other than the department, its employees, or agents, is contrary to the public policy of the state of La. Further specifies that any and all such provisions in any department contract is null and void.

Existing law specifies that the provisions of existing law do not apply to contracts between the department and the owner of immovable property when the contract grants the department a servitude, right-of-way, or other authority to go upon, construct works, perform activities, or to otherwise exercise control over or use the owner's property.

New law redesignates existing law and adds a provision that specifies that any provision contained in a department contract other than a provision naming another as co-insured or additional beneficiary in a contract of insurance, which requires a contracting private party to assume liability for damages due to the negligence of anyone other than the contracting private party or their agents, is null and void.

Effective August 1, 2023.

(Amends R.S. 38:2195(B) and (C) and R.S. 48:251.7(B); Adds R.S. 38:2195(D) and R.S. 48:251.7(C))

Human Trafficking Prevention (ACT 386)

Existing law provides that the La. Bureau of Criminal Identification and Information must make available upon request to any eligible criminal justice agency any information contained in the criminal history record and identification files of the bureau.

New law retains existing law.

Existing law defines "criminal justice agency" as any government agency or subunit thereof, or private agency which, through statutory authorization or a legal formal agreement with a governmental unit or agency, has the power of investigation, arrest, detention, prosecution, adjudication, treatment, supervision, rehabilitation or release of persons suspected, charged, or convicted of a crime, or which collects, stores, processes, transmits, or disseminates criminal history record or crime information.

New law retains existing law and adds that the governor's office of human trafficking prevention is also a "criminal justice agency" for purposes of existing law.

New law requires that any district attorney who prosecutes a case of human trafficking or provides services to a victim of human trafficking must submit an annual report on his operations to the governor's office of human trafficking and prevention and the Dept. of Children and Family Services, including the agency's name, parish, disposition of the case, statute under which the offense was prosecuted, sentencing date, restitution ordered, restitution paid, value of assets from civil assets forfeited, and any services offered to victims.

Effective August 1, 2023.

(Amends R.S. 15:576(3); adds R.S. 46:2161(C)(3) and 2161.1(C)(3))

Sheriff's Seizures and Sales, Including by Online Auctions (ACT 390)

Prior law (C.C.P. Art. 2293(B)(1)) required service of notice of seizure to be made by the sheriff upon the judgment debtor and requires the notice of seizure to include the time, date, and place of the sheriff's sale.

New law retains prior law and, for sales conducted through an online auction, requires the notice of seizure to state that fact and to provide the date and time and the electronic address of the platform through which bids can be entered. New law also makes technical corrections.

New law (C.C.P. Art. 2334) sets forth certain procedural requirements applicable to sheriff's sales concerning reading the advertisement and reading or providing a copy of a mortgage certificate or any other certificate.

New law retains prior law and, for sales conducted through an online auction, requires the advertisement and mortgage or other certificate to be displayed or made accessible on the electronic platform.

New law (C.C.P. Art. 2344) sets forth the procedures relative to online auctions with respect to providing notice, conducting online auctions, entering bids, displaying the advertisement and mortgage or other certificates, imposing qualifications on bidders, and indicating the presence of the seizing creditor.

Prior law (C.C.P. Art. 2721) required service of notice of seizure to be made by the sheriff and requires the notice of seizure to include the time, date, and place of the sheriff's sale.

New law retains prior law and, for sales conducted through an online auction, requires the notice of seizure to state that fact and to provide the date and time and the electronic address of the platform through which bids can be entered. New law also makes technical corrections.

New law (C.C.P. Art. 2724(A)) extends the application of certain provisions relative to writs of fieri facias to writs of seizure and sale.

Prior law (R.S. 13:3852) set forth the requirements applicable to notices of seizure, provides a form, and provides that the sheriff is not required to serve further notice of rescheduled sale dates if the sheriff has not returned the writ.

New law extends the application of prior law to online auctions by requiring the form to provide the date and time of the online auction and the electronic address of the platform through which bids may be entered. New law also provides that the sheriff is not required to serve further notice of rescheduled online auction dates if the sheriff has not returned the writ.

Prior law (R.S. 13:4341) provided with respect to the time and place of judicial sales and provides for the adjournment of sales to the following legal day.

New law requires online auctions to be conducted on one of the days specified by prior law but otherwise exempts online auctions from the requirements set forth by prior law.

New law (R.S. 13:4358) provides with respect to the use and compensation of online auction companies, including the assessment and maximum amount of fixed fees and buyer's premiums. New law prohibits the sheriff from delegating certain duties and prohibits online auction companies from collecting additional fees or reimbursements or agreeing to share any monies received with the sheriff. New law further provides for requirements concerning data security and liability insurance in contracts with online auction companies and, if the auction company will receive funds from bidders, requires the auction company to furnish a fidelity bond and hold the funds in a separate escrow or trust account.

Prior law (R.S. 13:4360) provided with respect to the reoffering or readvertising of property for which full payment of the adjudication price has not been made.

New law provides that for sales conducted through an online auction, payment is due by 4:30 p.m. on the first day following the sale that is not a legal holiday; otherwise, the property may be

adjudicated to the second highest bidder or readvertised.

New law (R.S. 13:4369) prohibits the institution of actions to set aside judicial sales conducted through online auctions for noncompliance with procedural requirements if the sheriff either has filed the process verbal or has filed the sale for recordation in the conveyance records, for immovables, or has delivered an act of sale, for movables.

Prior law (R.S. 13:5530(A)(7)(a)) provided the sheriffs' commissions on sales of property and defined "price of adjudication".

Effective August 1, 2023.

(Amends C.C.P. Arts. 2293(B)(1), 2334, 2721, and 2724(A) and R.S. 13:3852, 4341, 4360, and 5530(A)(7)(a); adds C.C.P. Art. 2344 and R.S. 13:4358 and 4369)

Fentanyl and Carfentanil Penalties (ACT 399)

Prior law (R.S. 40:967(B)(4)) provided that any person who produced, manufactured, distributed, dispensed, or possessed with the intent to produce, manufacture, distribute, or dispense fentanyl or carfentanil, upon conviction for any amount, shall 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 upon conviction of an aggregate weight of less than 28 grams, the offender shall be imprisoned at hard labor for not less than five years nor more than 40 years, at least five years of which shall be served without benefit of parole, probation, or suspension of sentence, and may, in addition, be required to pay a fine of not more than \$50,000.

New law provides that upon a first conviction of an aggregate weight of 28 grams or more but less than 250 grams, the offender shall be imprisoned at hard labor for not less than seven years nor more than 40 years, at least seven years of which shall be served without benefit of parole,

probation, or suspension of sentence, and may, in addition, be required to pay a fine of not more than \$50,000.

New law provides that upon a second conviction of an aggregate weight of 28 grams or more but less than 250 grams, the offender shall be imprisoned at hard labor for not less than 30 years nor more than 40 years, at least 10 years of which shall be served without benefit of parole, probation, or suspension of sentence, and may, in addition, be required to pay a fine of not more than \$500,000.

New law further provides that upon a third conviction of an aggregate weight of 28 grams or more but less than 250 grams, the offender shall be imprisoned at hard labor for not less than 99 years without benefit of parole, probation, or suspension of sentence, and may, in addition, be required to pay a fine of not more than \$500,000.

New law provides that upon conviction of an aggregate weight of 250 grams or more, the offender shall be imprisoned for life at hard labor, at least 25 years of which shall be served without benefit of parole, probation, or suspension of sentence.

Prior law provided that if an offender unlawfully distributed fentanyl or carfentanil which was the direct cause of serious bodily injury to the person who ingested or consumed the substance, the offender shall be imprisoned at hard labor for not less than five years nor more than 40 years. At least five years of the sentence shall be served without benefit of probation, parole, or suspension of sentence. In addition, the offender may have been required to pay a fine of not more than \$50,000.

New law provides that an offender who unlawfully distributes fentanyl or carfentanil which is the direct cause of serious bodily injury to the person who ingested or consumed the substance shall be imprisoned at hard labor for an additional period of five years without benefit of probation, parole, or suspension of sentence. Such additional imprisonment penalty shall be served consecutively to the sentence imposed for

distribution or possession with intent to distribute fentanyl or carfentanil.

Prior law authorized the court to suspend any sentence imposed upon a defendant and place the defendant on probation upon conviction of possession with intent to distribute fentanyl or carfentanil or possession of fentanyl or carfentanil.

New law removes the authority of the court to suspend any sentence imposed upon a defendant and place the defendant on probation upon conviction of possession with intent to distribute fentanyl or carfentanil.

Existing law (R.S. 14:2(B)) provides for a list of certain enumerated existing law offenses that are designated as crimes of violence. Further provides that distribution of fentanyl or carfentanil that causes serious bodily injury is a crime of violence.

New law changes the citation reference of distribution of fentanyl or carfentanil that causes serious bodily injury.

Effective August 1, 2023.

(Amends R.S. 14:2(B)(58) and R.S. 40:967(B)(4) and (E)(1))

DWI Standards and Penalties (ACT 409)

Existing law (R.S. 14:98.1) relative to a first offense of operating a vehicle while intoxicated, provides that if the offender had a blood alcohol concentration of 0.15 percent or more but less than 0.20 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood, at least 48 hours of the sentence imposed shall be served without the benefit of parole, probation, or suspension of sentence, and the sentence is to be served in addition to any sentence of imprisonment imposed pursuant to existing law, provided that the total period of imprisonment upon conviction of the offense, including default in payment of a fine or costs, shall not exceed six months.

New law provides that in addition to any other penalty imposed under existing law, upon conviction of a first offense, if the offender had a blood alcohol concentration of 0.15 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the driver's license of the offender shall be suspended for two years.

Prior law provided that upon conviction of a first offense and if the offender had a blood alcohol concentration of 0.20 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the driver's license of the offender shall be suspended for two years.

New law changes the blood alcohol concentration from 0.20 percent to 0.15 percent.

Existing law (R.S. 14:98.2) relative to a second offense of operating a vehicle while intoxicated, provides that if the offender had a blood alcohol concentration of 0.15 percent or more but less than 0.20 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood, at least 96 hours of the sentence imposed pursuant to existing law shall be served without the benefit of parole, probation, or suspension of sentence.

New law provides that in addition to any penalties imposed pursuant to existing law, if the offender had a blood alcohol concentration of 0.15 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the driver's license of the offender shall be suspended for four years.

Prior law provided that upon conviction of a second offense and if the offender had a blood alcohol concentration of 0.20 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the driver's license of the offender shall be suspended for four years.

New law changes the blood alcohol concentration from 0.20 percent to 0.15 percent.

Existing law (R.S. 32:378.2) grants eligibility for a restricted driver's license to certain persons who

had their license suspended for a DWI violation upon proof that their vehicle is equipped with a functioning ignition interlock device.

Prior law provided that if the offender had a blood alcohol concentration of 0.20 percent or greater, he shall be issued a restricted driver's license under certain conditions.

New law changes the blood alcohol concentration from 0.20 percent to 0.15 percent.

Prior law (R.S. 32:414) provided relative to restrictions on the suspension or issuance of a restricted license for first or second convictions of a DWI when the offender had a blood alcohol concentration of 0.20 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood.

New law changes the blood alcohol concentration from 0.20 percent to 0.15 percent.

New law further provides that upon a second conviction, the offender shall be eligible for a restricted license for the four-year period of suspension after he has provided proof to the department that his motor vehicle is equipped with a functioning ignition interlock device.

New law provides that when any person's driver's license is suspended in connection to a first offense violation of existing law (R.S. 14:98), the office of motor vehicles is required to suspend the person's driver's license consistent with the blood alcohol concentration reflected in the final case disposition and sentencing minutes. The administrative suspension for any chemical test suspension shall be updated to be consistent with the blood alcohol concentration reflected in the final case disposition and sentencing minutes.

Existing law (R.S. 32:667) provides that if the person submitted to a breath alcohol concentration test and the test results show a blood alcohol level of 0.08 percent or above by weight, his driving privileges shall be suspended for 90 days from the date of suspension on a first offense violation, without eligibility for a hardship license for the first 30 days, and for 365 days from the date of suspension, without

eligibility for a hardship license, on second and subsequent violations occurring within five years of the first offense.

New law removes the enacting date from existing law and removes the restriction for eligibility of a hardship license.

New law further changes the blood alcohol concentration from 0.20 percent to 0.15 percent relative to hardship license requirements.

New law provides that when any person's driver's license is suspended in connection to a first offense violation of existing law (R.S. 14:98), the office of motor vehicles is required to suspend the person's driver's license consistent with the blood alcohol concentration reflected in the final case disposition and sentencing minutes. The administrative suspension for any chemical test suspension shall be updated to be consistent with the blood alcohol concentration reflected in the final case disposition and sentencing minutes.

Effective August 1, 2023.

(Amends R.S. 14:98.1(A)(2) and (3)(b) and 98.2(A)(2) and (3)(b) and R.S. 32:378.2(B)(1)(a)(ii), 414(A)(1)(c), and 667(B)(1)(b) and (c) and (H)(1); Adds R.S. 32:414(A)(1)(d))

Vapor Products and Electronic Cigarettes Regulation and Excise Taxes (ACT 414)

Existing law levies an excise tax on vapor products and electronic cigarettes. Prior law levied the excise tax at the rate \$0.05 per milliliter of consumable nicotine liquid solution or other material containing nicotine that is depleted as a vapor product is used.

New law increases the rate of the tax levied on vapor products and electronic cigarettes from \$0.05 per milliliter of consumable nicotine liquid solution to \$0.15 per milliliter of consumable nicotine liquid solution.

Existing law (R.S. 22:831) establishes the La. State Police Salary Fund (fund) to be used to cover the cost of salary increases and related

benefits for members of the state police service and for special law enforcement initiatives. Existing law requires the treasurer to annually deposit up to \$15.6 million into the fund from the avails of taxes collected on certain types of insurance specified in existing law that are in excess of total collections for such insurance in Fiscal Year 2000-2001.

New law additionally deposits into the fund the first \$22M of the avails of the excise tax levied on vapor products and electronic cigarettes.

New law establishes the Dept. of Wildlife and Fisheries (WL&F), Office of State Fire Marshal, and La. Public Defender Board Compensation Fund (compensation fund) as a special fund in the state treasury. After compliance with the requirements of existing constitution, 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, and after the first \$22M of the avails of the excise tax levied on vapor products and electronic cigarettes is deposited into the fund, requires the treasurer to deposit the next \$6M of the avails of the excise tax levied on vapor products and electronic cigarettes into the compensation fund.

New law requires monies in the compensation fund to be invested by the treasurer in the same manner as monies in the state general fund and interest earned on investment of such monies to be credited to the compensation fund. Unexpended and unencumbered monies in the compensation fund at the end of the fiscal year shall remain in the compensation fund.

New law requires that monies in the compensation fund shall only be withdrawn, subject to an appropriation by the legislature, and be distributed as follows:

(1) The first \$600,000 to the office of alcohol and tobacco control (ATC) to be used exclusively for the enforcement of vapor products and electronic cigarettes.

(2) The remaining funds to be shared equally among the following governmental units:

(a) WL&F to be used exclusively for the cost of salary increases and related benefits for enforcement agents.

(b) Office of the state fire marshal to be used exclusively for the cost of salary increases and related benefits for its employees.

(c) La. Public Defender Board to be used exclusively for the cost of salary increases and related benefits for its employees.

Existing law prohibits a vapor retail dealer from purchasing alternative nicotine or vapor products, hereinafter "product" or "products", for resale except from a wholesale dealer operating with a valid unsuspended La. wholesale dealer permit.

New law adds electronic cigarette products to the items a vapor retail dealer is prohibited from purchasing for resale except from a wholesale dealer operating with a valid unsuspended La. wholesale dealer permit and adds a requirement that a wholesale dealer also operate with a valid stamping agent designation permit.

Prior law authorized a vapor retail dealer to purchase products for resale from a manufacturer of those products operating with a valid unsuspended La. wholesale dealer permit. New law repeals prior law.

New law prohibits a manufacturer from selling any products or electronic cigarettes online to any person under 21 years of age and requires a manufacturer, at the time of the online purchase, to obtain and verify the age of the recipient through the use of a real-time electronic age verification *platform* approved by the commissioner.

New law requires the real-time electronic age verification platform to be capable of verifying proof of age through authoritative digitized identification card technology and storing the recipient's name, age, date of birth, the expiration date of the identification, and the date and time that the identification was verified.

New law requires a manufacturer to refuse the online purchase of any products or electronic

cigarettes if the recipient does not produce a valid and current form of identification or if there is reason to doubt the authenticity or correctness of the recipient's identification.

New law requires a third-party delivery agent to obtain the recipient's signature and to verify the recipient's age through the use of a real-time electronic age verification *device* approved by the commissioner at the time of the delivery of online purchases of products or electronic cigarettes.

New law requires the real-time electronic age verification device to be capable of verifying the recipient's age through authoritative digitized identification card technology, reading a valid state-issued driver's license or other valid identification card or passport, and storing the recipient's name, age, date of birth, the expiration date of the identification, and the date and time that the identification was scanned.

New law requires a third party delivery agent to refuse delivery and return the products or electronic cigarettes to the manufacturer if the recipient does not produce a valid and current form of identification, there is reason to doubt the authenticity or correctness of the recipient's identification, or the recipient refuses to sign for the receipt of the delivery.

New law provides for a fine of \$500 per offense for a violation of new law.

New law requires, beginning Oct. 1, 2023, every product manufacturer whose products are sold in this state, whether directly or through a wholesale dealer, to execute and deliver to the commissioner of ATC a certification of either of the following:

(1) The vapor product was on the market in the U.S. Food and Drug Administration (FDA) as of Aug. 8, 2016, and the manufacturer has applied for a marketing order pursuant to federal law and either the premarket tobacco product application remains under review by the FDA or the FDA has issued a no marketing order for the product, but a stay order or injunction has been issued during the pendency of the manufacturer's appeal or the

order has been appealed or challenged and the appeal or challenge is still pending.

(2) The manufacturer has received a marketing order or other authorization pursuant to federal law for the product from the FDA.

New law additionally requires each manufacturer to provide a copy of the cover page of the premarket tobacco application with evidence of receipt of the application by the FDA or a copy of the cover page of the marketing order, whichever is applicable.

New law requires a manufacturer submitting a certification to notify the commissioner within 30 days of any material change to the certification, including issuance by the FDA of any of the following:

(1) A market order or other authorization.

(2) An order requiring a manufacturer to remove a product from the market either temporarily or permanently.

(3) Any notice of action taken by the FDA affecting the ability of the new product to be introduced or delivered into interstate commerce for commercial distribution.

(4) Any policy change that results in a product no longer being exempt from federal enforcement oversight.

New law requires the commissioner to develop and maintain a directory listing all product manufacturers that have provided certifications that comply with new law and all products listed in those certifications.

New law requires the commissioner to make the directory available for public inspection on its website by Nov. 1, 2023, and to update the directory as necessary to add or remove manufacturers or products on a monthly basis. New law also requires the commissioner to send monthly notifications to each wholesale or retail dealer or manufacturer of products that have qualified or registered with the commissioner, by electronic communication, indicating changes

made to the directory in the previous month. However, in lieu of a monthly notification, the commissioner may make the information available in a prominent place on ATC's public website.

New law provides that if a product manufacturer can demonstrate that the FDA has issued a rule or formal statement that temporarily exempts a product from the federal premarket tobacco application requirements, the product may be added to the directory upon request by the manufacturer if the manufacturer provides sufficient evidence that the product is compliant with the federal rule.

New law requires each certifying product manufacturer to pay an initial fee of \$100 per product stock keeping unit (SKU) to offset the costs incurred by the commissioner for processing the certifications and operating the directory. New law requires the commissioner to collect an annual renewal fee of \$100 per SKU to offset the costs associated with maintaining the directory. The fees shall be used by ATC for processing the certifications and operating and maintaining the directory.

New law provides that beginning Nov. 1, 2023, or when the commissioner makes the directory available for public inspection on its website, whichever is later, a product manufacturer who offers a product for sale that is not listed on the directory shall be subject to a daily fine of \$1,000 for each product offered for sale in violation of new law until the offending product is removed from the market or until the offending product is properly listed on the directory.

New law prohibits a wholesale or retail dealer from being permitted to remit tax with respect to a product unless the product is listed on the directory. Further provides that the sale, possession, or transportation of a product by any person without a valid permit shall subject the person to criminal penalties as provided for in existing law (R.S. 47:858, 859, and 860).

New law provides that any other violation of new law shall result in a fine of \$500 per offense.

New law requires the commissioner to adopt rules for the implementation and enforcement of new law.

Effective July 1, 2023.

(Amends R.S. 22:831(B), R.S. 26:911(B)(1)(b), and R.S. 47:841(F); Adds R.S. 26:911(E) and 926 and R.S. 39:100.210)

Petitory, Possessory, and Related Actions (ACT 421)

Existing law (C.C. Art. 531) requires a person claiming ownership of an immovable against another in possession to prove that he acquired ownership from a previous owner or by acquisitive prescription.

Existing law imposes the burden of proof provided by existing law only when the other person has been in possession for one year in good faith and with just title or has been in possession for 10 years, otherwise, the burden of proof is better title.

Existing law (C.C. Art. 3440) provides that the possessory action is available to a precarious possessor, such as a lessee or a depositary.

New law deletes the incorrect reference to depositaries found in prior law.

Existing law (C.C.P. Art. 1061) requires the defendant in the principal action to reconvene in all causes of action that arise out of the same transaction or occurrence but provides for certain exceptions, such as in actions for divorce or for disavowal.

New law adds to the exceptions provided by existing law the filing of a reconventional demand asserting a petitory action or declaratory judgment action to determine ownership under C.C.P. Art. 3657.

Existing law (C.C.P. Art. 3651) provides that a petitory action is brought by a person who is not in possession of immovable property or a real right therein.

New law clarifies that a petitory action is brought by a person who does not have the right to possess immovable property or a real right therein.

Existing law (C.C.P. Art. 3653) sets forth the burden of proof required to be satisfied by the plaintiff in a petitory action and requires the plaintiff to prove that he acquired ownership from a previous owner or by acquisitive prescription if the defendant is in possession of the immovable.

New law imposes the burden of proof provided by existing law only when the defendant has been in possession for one year in good faith and with just title or has been in possession for 10 years, otherwise, the plaintiff's burden of proof is better title.

Existing law (C.C.P. Art. 3654) provides that the same burden of proof required to be satisfied by the plaintiff in a petitory action also applies to an action for a declaratory judgment or a concursus, expropriation, or similar proceeding.

New law imposes the burden of proving acquisition of ownership from a previous owner or by acquisitive prescription when the adverse party has been in possession for one year in good faith and with just title or has been in possession for 10 years, otherwise, the burden of proof is better title.

Existing law (C.C.P. Art. 3655) provides that a possessory action is brought by the possessor of immovable property or a real right therein.

New law adds that a possessory action may also be brought by a precarious possessor.

Existing law (C.C.P. Art. 3656(A)) provides that a possessory action shall be brought by one who possesses for himself and specifies that a predial lessee does not possess for himself.

New law changes existing law to allow a possessory action to be brought by a precarious possessor, such as a lessee, against anyone except the person for whom the precarious possessor possesses, in accordance with the Civil Code.

Existing law (C.C.P. Art. 3657) prohibits the cumulation of possessory and petitory actions and provides that a plaintiff who improperly cumulates these actions or institutes a petitory action waives the possessory action. Existing law further provides that a defendant who improperly asserts title in the possessory action or institutes a petitory action judicially confesses the possession of the plaintiff in the possessory action.

New law expands existing law to prohibit cumulation of a possessory action with either a petitory action or a declaratory judgment action to determine ownership.

New law changes the consequence provided by existing law for improper cumulation by the plaintiff, instead providing that the defendant may object by asserting a dilatory exception. New law also changes the consequence when the defendant improperly asserts title in the possessory action, instead limiting the defendant's assertions of title to those matters that may be considered in the possessory action under C.C.P. Art. 3661.

New law retains the consequence provided by existing law when the defendant institutes a separate petitory action or declaratory judgment action to determine ownership, requiring the defendant to judicially confess the possession of the plaintiff. New law also prohibits the defendant from filing a reconventional demand asserting claims of title unless the plaintiff seeks an adjudication of ownership.

Existing law (C.C.P. Art. 3658) sets forth the items that must be proven by the plaintiff in a possessory action.

New law recognizes that a possessory action may also be brought by a precarious possessor. Existing law (C.C.P. Art. 3659) provides with respect to disturbances in law and in fact.

New law clarifies when a disturbance in law must arise in order for the disturbance to form the basis of a possessory action.

Existing law (C.C.P. Art. 3660) provides for a definition of "possession" for purposes of existing law.

New law adds that precarious possession also constitutes possession for purposes of new law.

Existing law (C.C.P. Art. 3661) provides that no evidence of ownership or title to immovable property or a real right therein shall be admitted in a possessory action except under certain circumstances, such as to prove the extent of possession by a party.

New law adds that evidence of ownership or title may also be admitted to prove the extent of possession by a party's ancestors in title.

Existing law (C.C.P. Art. 3662) sets forth the relief that may be granted to a successful plaintiff in a possessory action, including ordering the defendant to assert his claim of ownership within a delay not to exceed 60 days or be precluded thereafter from doing so.

New law fixes the delay provided by existing law at 60 days and also provides that this relief is not available against the state or against a defendant who appeared in the action only through an attorney appointed to represent him under C.C.P. Art. 5091.

Existing law (C.C.P. Art. 3669) provides that the burden of proof in an action between the owner of a mineral servitude and the owner of a mineral royalty is that which must be borne by the plaintiff in a petitory action when neither party is in possession.

New law clarifies that the applicable burden of proof is to prove better title. Effective August 1, 2023.

(Amends C.C. Arts. 531 and 3440 and C.C.P. Arts. 1061, 3651, 3653-3655, 3656(A), 3657-3662, and 3669)

Juvenile Justice and Detention Facilities (ACT 445)

Existing law provides for the detention of juveniles who are subject to criminal court jurisdiction.

Existing law provides that if a detention facility for juveniles is not available, a juvenile may be held in an adult jail or lockup for identification or processing procedures or while awaiting transportation only as long as necessary to complete these activities for up to six hours, except that in nonmetropolitan areas, the juvenile may be held for up to 24 hours if certain conditions occur.

New law changes the length of time that a juvenile may be held in an adult jail or lockup from 24 hours to 48 hours if certain conditions occur.

Existing law provides that one of the conditions that may result in a juvenile being placed in an adult jail or lockup is when a continued custody hearing in accordance with existing law is held within 24 hours after his arrest.

New law changes the length of time for the occurrence of a continued custody hearing from 24 hours to 48 hours.

Existing law (Ch.C. Art. 306(C)) provides that if an indictment has not been returned, a bill of information filed, or a continued custody hearing not held within 24 hours, the child held in an adult jail or lockup in a nonmetropolitan area shall be released or removed to a juvenile detention facility.

New law changes the length of time for the occurrence of a continued custody hearing from 24 hours to 48 hours.

Existing law provides that a child who is subject to criminal jurisdiction pursuant to existing law shall not be detained prior to trial in a juvenile detention facility after reaching the age of 18 if the governing authority with funding responsibility for the juvenile detention facility objects to such detention.

New law amends existing law to provide that a child who is subject to criminal jurisdiction pursuant to existing law and being held in a juvenile detention facility before trial shall be transferred to the appropriate adult facility for continued pretrial detention upon reaching the age of 18.

Existing law provides relative to the place of detention for a child taken into custody.

New law provides that if a juvenile detention center is not available, a juvenile may be held in an adult jail or lockup for identification or processing procedures or while awaiting transportation only as long as necessary to complete the activities for up to six hours, except that in nonmetropolitan areas, he may be held for up to 48 hours if all of the following occur:

- (1) The juvenile is accused of a nonstatus offense.
- (2) A continued custody hearing is held within 48 hours after his arrest.
- (3) There is no acceptable alternative placement to the jail or lockup in which he is being held.
- (4) The sheriff or the administrator of the adult jail or lockup has certified to the court that facilities exist that provide for sight and sound separation of the juvenile from adult offenders and the juvenile can be given continuous visual supervision while placed in the jail or lockup.

Existing law provides that on or after July 1, 2020, a detention screening instrument shall be administered for any child placed in secure detention when taken into custody without a court order pursuant to Ch.C. Art. 814 for alleged commission of a delinquent act.

New law adds that the instrument shall be as provided in Ch.C. Art. 815.

New law repeals prior law that requires jurisdictions to submit alternative detention screening instruments to the JDAI Collaborative for approval no later than April 1, 2020.

Existing law authorizes an individual whose name is or was entered on the state central registry to make a formal written request to the division of administrative law for an administrative appeal of the justified determination, in accordance with Ch.C. Art. 616.1.1 and the procedures promulgated by the office.

New law authorizes the individual who is the subject of the finding to instead file a written motion seeking correction to the division of administrative law.

New law changes the procedure for an individual to appeal inclusion on the state central registry to align with procedures provided for in existing law.

New law provides that beginning July 1, 2024, all juvenile detention facilities, including facilities owned or operated by any governmental, for profit, nonprofit, private, or public agency, shall be licensed and regulated by the office of juvenile justice (OJJ).

New law provides for an annual license fee for any license issued to a detention facility to be used by the OJJ for expenses related to the licensing program, as follows:

- (1) \$400 for a detention facility authorized to care for six or fewer juveniles.
- (2) \$500 for a detention facility authorized to care for at least seven but not more than 15 juveniles.
- (3) \$600 for a detention facility authorized to care for 16 or more juveniles.

New law provides that an entity operating a juvenile detention facility without a valid license issued by the OJJ be fined \$1,000 for each day of operation without the valid license.

New law authorizes the OJJ to file suit against an entity operating a juvenile detention facility without a valid license issued by the OJJ in the district court in the parish in which the facility is located for injunctive relief, including a

temporary restraining order, to restrain the institution, society, agency, corporation, person or persons, or any other group operating the facility from continuing the violation.

New law prohibits any person from operating a juvenile detention facility in violation of any provision of existing law, new law, or any other state or federal statute, regulation, or any rule adopted pursuant to the APA that governs the ownership or operation of juvenile detention facilities.

New law authorizes OJJ to issue a written warning that includes a corrective action plan to any person or entity violating these requirements when the violation creates a condition or occurrence relating to the operation and maintenance of a juvenile detention facility that does not pose an imminent threat to the health, safety, rights, or welfare of a child.

New law provides that any appeal of any OJJ decision for a violation be suspensive, with any appeals filed to be heard by the division of administrative law.

New law authorizes the OJJ to institute all necessary civil court actions to collect fines imposed that are not timely appealed.

New law requires any civil fines collected to be deposited immediately into the state treasury and deposited in the "Juvenile Detention Licensing Trust Fund".

New law requires that the monies in the fund be subject to annual appropriation and be available exclusively for use by OJJ for the education and training of employees, staff, or other personnel of juvenile detention facilities.

New law prohibits any owner, operator, current or prospective employee, or volunteer of a juvenile detention facility that is requesting licensure or is licensed by the OJJ from being employed by the facility if that individual's name is recorded on the state central registry as a perpetrator for a justified finding of abuse or neglect of a child.

New law requires the OJJ to promulgate rules and regulations in accordance with the APA, with the rules containing at a minimum the following:

(1) Licensing standards for juvenile detention centers that comport with nationally recognized and accepted best practice standards.

(2) Specific factors for determining the type of sanctions to be imposed including severity of risk, actual harm, failure to implement a written corrective action plan, mitigating circumstances, the history of noncompliance and an explanation of the treatment of continuing noncompliance, an explanation of the treatment of continuing repeat deficiencies, evidence of good faith effort to comply, and any other relevant factors.

(3) The process to provide notice to a juvenile detention facility of any violation, reconsideration process for sanctions issued, and an appeal procedure, including judicial review.

New law provides that the Dept. of Children and Family Services shall be responsible for licensing and regulating juvenile detention facilities until July 1, 2024, when the licensing authority is transferred to the OJJ.

New law repeals existing law (effective July 1, 2024) that requires licensing to be conducted by the Dept. of Children and Family Services.

Effective upon signature of governor (June 28, 2023).

(Amends Ch.C. Art. 306(B)(intro. para.) and (2), (C), and (G) and R.S. 15:1110(C)(1)(intro. para.), (D), (E), and (H); Adds Ch.C. Art. 815(F) and R.S. 15:1110.3; Repeals R.S. 15:1110(F) through (I), 1110.1, and 1110.2)

La. Transparency Portal and Fund (ACT 446)

New law provides for the La. Transparency Portal and requires the legislative auditor (auditor) to establish and maintain the portal as a central, searchable website for the public to access fiscal information.

Existing law requires state agencies in the executive branch of government to furnish specified information and reports to the commissioner of administration (commissioner) relative state fiscal transparency.

Prior law provided for the La. Fiscal Transparency Website and required the commissioner to establish and maintain the La. Fiscal Transparency Website as a central, searchable website, known as "La. Checkbook". Required the website to serve as an interactive portal for the public to access state fiscal information, including data and reports of state expenditures, contracts, incentive expenditures, revenue, and other financial matters for the executive, judicial, and legislative branches of state government. Required La. Checkbook to have specified functionality. New law removes these requirements.

New law provides instead that the commissioner maintain the information obtained from executive branch agencies pursuant to existing law as datasets and provides for the transfer of those datasets to the auditor for the La. Transparency Portal. Provides that the datasets provided to the auditor by the commissioner pursuant to new law meet the information requirements for the transparency portal for the state agencies that are included in the LaGov statewide enterprise resource planning system (LaGov). New law removes the prior law requirement that the legislative branch and the judicial branch agencies submit information to the commissioner and new law instead requires legislative and judicial branch agencies to furnish the information to the auditor for the transparency portal.

New law requirements for the La. Transparency Portal include:

(1) A requirement that all agencies, boards, commissions, departments, and institutions of higher education, the legislature, and the judiciary furnish information, reports, aid, services, and assistance necessary for the portal as may be requested by the auditor.

(2) Requires all state agencies which do not maintain data on LaGov to report to the auditor the required information in the dataset for inclusion on the portal in the time and manner required by the auditor.

Further requires the portal to provide certain functions and information. Requires the following databases which shall include specific content and be electronically searchable within specific parameters outlined for each:

(1) An expenditure database containing reporting of expenditures by each budget unit in the executive budget.

(2) A budget database for each branch of government that includes current and past fiscal years and proposed appropriations and capital outlay bills.

(3) A contract database for all state contracts.

(4) An employment and payroll database.

(5) A report database containing certain reports required by law.

(6) A boards and commissions database.

(7) A state debt database with information regarding debt by agency, debt categories, debt sources, debt obligations, per capita debt, and debt comparisons.

(8) An incentives database with information regarding incentive expenditure programs administered by state agencies.

(9) A dedicated funds database with information regarding appropriations from dedicated funds and the state treasurer's report on special funds.

(10) A performance database including information provided by the executive branch through the La. Performance Accountability System.

Imposes reporting and information sharing requirements upon state agencies and state contractors in order to fulfill the requirements of new law.

Provides protection for information not subject to disclosure pursuant to existing law.

Requires state agencies to submit comprehensive data sufficient to comply with the provisions of new law subject to type, extent, format, frequency, and timing requirements specified by the auditor.

Requires internal auditors of state agencies to report state agencies, contractors, grantees, vendors, or recipients of state funding that are not in compliance with the requirements of new law. Requires the legislative auditor to report agency noncompliance with new law to the Joint Legislative Committee on the Budget and the Legislative Audit Advisory Council on at least a quarterly basis. Requires the auditor to perform periodic and unscheduled reviews of state agencies, contractors, grantees, vendors, or recipients of state funds to ensure compliance with new law.

Provides that any state agency whose internal audit or legislative audit contains findings indicating a violation of the constitution or laws of this state or findings of fraud, waste, and abuse is subject to periodic and unscheduled investigative audits by the internal auditor or the legislative auditor for a probationary period of not less than three years.

Further requires the auditor to establish a schedule for including fiscal information regarding local auditees in the portal, subject to approval by the Legislative Audit Advisory Council.

New law establishes the La. Transparency Fund to provide monies to fund the development and maintenance of the La. Transparency Portal and the auditor's duties and responsibilities related thereto. Requires the treasurer to annually deposit into the fund \$3.5 million. Unencumbered monies remain in the fund and the monies are subject to appropriation and use by the Legislative

Budgetary Control Council for the purposes specified in new law. Provides for a deposit into the fund if the Revenue Estimating Conference recognizes additional recurring revenue above the official forecast between July 1, 2023 and June 30, 2024.

Proposed law provides that the commissioner has until July 1, 2025, to include any information in a dataset required by existing law that is not included as of July 1, 2023. Provides that prior to July 1, 2026, the auditor is not required to include any information on the portal for any agency which does not maintain data on LaGov. Provides for the commissioner and the auditor to develop a transition plan from La. Fiscal Transparency Website to the La. Transparency Portal and to report progress quarterly to the legislature.

Provides that provisions relative to the fund and provisions for the transition become effective upon signature of governor (June 28, 2023); provides that the new law provisions for the auditor's duties and the La. Transparency Portal become effective when monies are deposited into the fund; and provides that revisions and repeals related to the La. Fiscal Transparency Website (La. Checkbook), the fiscal transparency datasets, and commissioner's duties relative thereto become effective on July 1, 2026, or the day after the commissioner of administration and the legislative auditor report to the legislature that the transition is complete, whichever is earlier.

(Amends title of Subpart D of Part I of Chapter I of Subtitle I of Title 39, R.S. 39:16.1(4), 16.2, 16.3(A)(1), (3)(intro. para.), and (5) and (D), 16.4(A)(1), 16.5(A)(1) and (B)(intro. para.) and (4)(intro. para.), 16.6(A)(1) and (C)(7), 16.8(A) and (C), 16.10(A)(1) and (3) and (C)(3), 16.12(A), and 16.13(C); Adds R.S. 24:513(D)(7) and R.S. 24:571- 586 and R.S. 39:16.10(C)(8) and (9); Repeals R.S. 39:16.3(B), 16.4(B), 16.5(B)(1), (2), and (3) and (D), 16.6(B), 16.7, 16.8(B), 16.9, 16.10(B), 16.11, 16.13(D)(2), and 16.14)

UNCODIFIED

State Government Ordinary Operating Expenses (ACT 447)

New law provides for the ordinary operating expenses of state government for FY 2023-2024.

Appropriates \$43.7 billion, of which \$10.8 billion is State General Fund (Direct) (SGF). Compared to the FY 2022-2023 existing operating budget (as of Dec. 1, 2022), SGF appropriations in the FY 2023-2024 budget increased by \$409.4 million and total state effort (SGF, fees and self-generated revenues, and statutory dedications) decreased by \$270.3 million.

Other means of financing for FY 2023-2024 include: interagency transfers at \$1.2 billion, fees and self-generated revenues at \$3.6 billion, statutory dedications at \$4.1 billion, and federal funding at \$24 billion. Compared to the FY 2022-2023 existing operating budget (as of Dec. 1, 2022), this equates to a reduction of \$215.1 million in interagency transfers, an increase of \$27 million in fees and self-generated revenues, a reduction of \$706.7 million in statutory dedications, and an increase of \$607.5 million in federal funds.

Effective July 1, 2023.

VETO MESSAGE:

"Please allow this letter to inform you that I have signed House Bill 1 of the 2023 Regular Session. However, I have exercised my line item veto authority granted to me to veto 5 items.

I have exercised my line item veto authority as follows:

Veto No. 1: Delete Lines 41-43 on Page 42 of 175

Veto No. 2: Delete Lines 6-9 on Page 72 of 175

Veto No. 2 restores the \$100 million reduction in funding to Louisiana Department of Health (LDH) to protect

against devastating programmatic cuts that would result from loss of the funding and the federal matching funds, totaling between \$400 million and \$700 million that were discussed in the Senate Committee on Health and Welfare on June 20 and that were outlined in the letter sent to me by the committee after the hearing asking that I restore the funds.

Veto No. 3: Delete Lines 19-21 on Page 85 of 175

Veto No. 4: Delete Lines 13-21 on Page 109 of 175

Veto No. 4 cuts the additional \$125 million payment to the LASERS IUAL, which was made on top of nearly \$225 million in additional payments by the state on unfunded accrued liabilities in HB 560 on top of the required annual payment, to restore the \$100 million reduction to LDH, the \$50,000 restoration in Veto No. 1 to the LED business development program, the \$2 million restoration in Veto No. 3 for outreach for the Cancer Research Center, and the \$7.5 million restoration in Veto No. 5 for early childhood education seats.

Veto No. 5: Delete Lines 1-3 on Page 137 of 175

Veto No. 5 restores a \$7.5 million dollar reduction to Department of Education for the nonfederal support program that will be used for early childhood education seats.

Enclosed is a copy of the signed version of House Bill 1. I have sent the original to the Secretary of State."

Capital Outlay Budget and Program for FY 2023-24 (ACT 465)

Provides for the capital outlay budget and program for FY 2023-2024; provides for the funding of the capital outlays from the specified sources of monies in the specified amounts as follows:

Federal Funds	\$164,814,831
Federal Funds via Interagency Transfer	\$76,471,000
Coastal Protection and Restoration Fund	\$157,401,878
Natural Resources Restoration Trust Fund	\$444,000,000
Transportation Trust Fund (TTF) - Regular	\$442,574,794
Transportation Trust Fund (TTF) - Federal	\$984,550,550
Transportation Trust Fund (TTF) - Construction	
Subfund	\$190,300,000
Megaprojects Leverage Fund	\$200,000,000
State Highway Improvement Fund	\$33,400,000
Capital Outlay Savings Fund	\$94,917,000
Interagency Transfers	\$111,989,400
Fees and Self-Generated Revenues	\$188,100,000
Re-appropriated Cash	\$1,039,496
Revenue Bonds	\$205,000,000
Interest Earnings	\$900,000
State General Fund (Direct) Non-Recurring	
Revenues	\$479,428,885
State General Fund (Direct)	\$167,399,000
TOTAL CASH PORTION	<u>\$3,942,286,834</u>

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

Priority 1	\$1,737,394,389
Priority 2	\$101,741,000
Priority 5	\$5,921,860,597
TOTAL GENERAL OBLIGATION BONDS	<u>\$7,760,995,986</u>
BONDS NRP	<u>\$2,800,463</u>
GRAND TOTAL OF ALL MEANS OF FINANCING	<u>\$11,706,083,283</u>

Vetoes changes the funding in HB No. 2 as follows:

Priority 1	(\$2,823,981)
Priority 5	(\$43,765,000)
State General Fund (Direct) Non-Recurring	(\$7,400,000)
State General Fund (Direct)	(\$580,000)
Capital Outlay Savings Fund	(\$4,280,000)

Effective upon signature of the governor (June 30, 2023).

VETO MESSAGE: "Please allow this letter to inform you that I have signed House Bill 2 of the 2023 Regular Session. The enrolled House Bill 2 contains \$1.74 billion in Priority 1 general obligation bond appropriations, \$101.7 million in Priority 2 general obligation bond appropriations,

and \$5.9 billion in Priority 5 general obligation bond appropriations. Even further, the surplus cash is over appropriated by \$7,190,550 above the amount of surplus available for appropriation.

The overall magnitude of the bill as finally passed is far beyond the state's capacity to fund it in any reasonable way or amount of time. The intent of the capital outlay bill is to provide for a 5-year capital outlay budget. However, the general obligation bond portion of the enrolled House Bill 2 is well over a 10-year plan. Only about 10% of the Priority 5 in the bill as finally passed would be able to move forward in FY 25 for projects that were planned with a cash means of finance in FY 24. There is no possible way to veto enough projects to bring the bill back in balance, nor is vetoing the entire bill an option because there is no guarantee that another attempt would yield a different result. The only option going forward is to manage the projects through the Bond Commission and through the next administration and legislature. However, I have exercised my line item veto authority granted to me to veto 18 items.

I have exercised my line item veto authority as follows:

Veto No. 1:
Delete Lines 30-34 on Page 54 of 161

Veto No. 2:
Delete Lines 9-13 on Page 56 of 161

Veto No. 3:
Delete Lines 1-6 on Page 57 of 161

Veto No. 4:
Delete Lines 23-26 on Page 78 of 161

Veto No. 5:
Delete Lines 27-31 on Page 78 of 161

Veto No. 6:
Delete Lines 32-35 on Page 78 of 161

Veto No. 7:
Delete Lines 36-40 on Page 78 of 161

Veto No. 8:
Delete Lines 29-33 on Page 80 of 161

Veto No. 9:
Delete Lines 34-38 on Page 80 of 161

Veto No. 10:
Delete Lines 25-30 on Page 84 of 161

Veto No. 11:
Delete Lines 47-49 on Page 87 of 161

Veto No. 12:
Delete Lines 1-3 on Page 93 of 161

Veto No. 13:
Delete Lines 23-31 on Page 93 of 161

Veto No. 14:
Delete Lines 26-32 on Page 105 of 161

Veto No. 15:
Delete Lines 11-19 on Page 124 of 161

Veto No. 16:
Delete Lines 9-19 on Page 126 of 161

Veto No. 17:
Delete Lines 35-39 on Page 129 of 161

Veto No. 18:
Delete Lines 18-23 on Page 130 of 161

Enclosed is a copy of the signed version of House Bill 2. I have sent the original to the Secretary of State."

Increased Compensation for Various Governmental Employees (ACT 320)

Existing law provides that every justice of the peace and every constable for each justice of the peace court in the state shall be paid by the state an additional salary not to exceed \$100 per month. New law increases the amount of additional compensation paid by the state from \$100 to \$120 per month.

Existing law provides that in addition to compensation now paid by any municipality, parish, fire protection district, or other political

subdivision maintaining a fire department, or by the Chitimacha Tribe of Louisiana or the Coushatta Tribe of Louisiana, or by any nonprofit corporation contracting with a political subdivision to provide fire protection services to every paid, regularly employed employee who is paid not less than \$300 per month, not including supplemental pay, as distinguished from part-time employees and volunteers of the fire department, who are carried on the payroll of the fire department, and every employee who is paid from funds of the parish or municipality or tribe obtained through lawfully adopted bond issues, lawfully assessed taxes, or other funds available for the purpose, either directly or through a board or commission set up by law or ordinance of the parish or municipality or tribe, shall be paid extra compensation by the state in the amount of \$500 per month for each paid employee who has completed or who hereafter completes one year of service. New law increases the amount of additional compensation paid by the state from \$500 to \$600 per month.

Existing law requires that every fire protection officer employed on a full-time basis by a port authority headquartered in the city of New Orleans, and full-time fire protection officers employed by the Plaquemines Port Harbor and Terminal District, be paid extra compensation by the state in the amount of \$500 per month in addition to the compensation now paid by his employer out of self-generated revenue attributable to the agency employing the fire protection officers. Requires each officer to have completed one year of service, and that those hired after March 31, 1986, also to have completed and passed a certified fireman's training program equal to National Fire Protection Association Standard 1001 Firefighter I Certification or a firefighter's training program as approved by the office of state fire marshal Fire and Emergency Training Academy in accordance with law, or other state or federally approved maritime firefighter training program. New law increases the amount of additional compensation paid by the state from \$500 to \$600 per month.

Existing law provides that in addition to the compensation now paid by any municipality included in existing law or by the Chitimacha

Tribe of Louisiana, the Coushatta Tribe of Louisiana, or the Tunica-Biloxi Tribe of Louisiana, hereinafter referred to as "tribe" or "tribal", to any police officer, every police officer employed by any municipality or tribe which employs one or more police officers who devotes his full working time to law enforcement, and for those hired after March 31, 1986, who have completed and passed a council-certified training program as provided for in existing law, shall be paid by the state extra compensation in the amount of \$500 per month for each full-time municipal or tribal law enforcement officer who has completed or who hereafter completes one year of service. New law increases this amount from \$500 to \$600 per month.

Existing law provides that every sworn, commissioned law enforcement officer employed on a full-time basis by a bona fide police agency of the state or its political subdivisions, other than the Department of Public Safety and Corrections and the Department of Wildlife and Fisheries, and headquartered in the city of New Orleans, and who serves the welfare of the public in the capacity of a police officer by providing police services to the general public through effecting arrests, issuing citations, and serving warrants while patrolling levees, waterways, and riverfront areas, or while patrolling bridges that are within the boundaries of the city of New Orleans shall be paid by the state extra compensation in the amount of \$500 per month in addition to the compensation now paid to him by his employer out of self-generated revenue attributable to the agency employing such officers. To be eligible for the extra compensation, each such law enforcement officer shall have completed one year of service, and any such law enforcement officer hired after March 31, 1986, shall also have completed and passed a council-certified training program, as provided for in existing law. New law increases this amount from \$500 to \$600 per month.

Existing law requires that every commissioned deputy sheriff employed on a full-time basis shall be paid extra compensation by the state out of monies appropriated. Existing law provides that any deputy sheriff hired after March 31, 1986, primarily to perform purely clerical or

nonenforcement duties, including but not limited to typists, office machine operators, switchboard operators, filing clerks, stenoclerks, stenographers, animal shelter personnel, school crossing guards, secretaries, cooks, mechanics, and maintenance personnel, whether or not a duly commissioned deputy sheriff or POST-certified, is not deemed to be a commissioned deputy sheriff entitled to additional compensation out of state funds. New law retains existing law and requires the sheriff, out of funds appropriated for payment by the state of extra compensation, to pay additional compensation for full-time commissioned deputy sheriffs, and for those hired after March 31, 1986, who have completed and passed a council-approved training program and who are paid a salary of not less than three hundred fifty dollars per month, in the amount of \$500 per month for each full-time commissioned deputy sheriff at the completion of one year of service. New law increases this amount from \$500 to \$600 per month.

Existing law provides that any full-time deputy sheriff employed as a field representative or process server and who is paid a salary of not less than \$350 per month is entitled to receive extra compensation in the amount of \$500 per month at the completion of one year of service provided the field representative or process server has completed and passed a council-approved training program as provided for in existing law. New law increases this amount from \$500 to \$600 per month.

Existing law requires that additional compensation to be paid by the state in the amount of \$500 per month to any harbor police officer, fireboat operator, and bridge police officer, every harbor police officer, fireboat employee, and bridge police officer who is a full-time employee of a political subdivision of the state; and who is paid a salary of not less than \$800 per month; and who has completed and passed a POST-certified training program as provided for in existing law; and who has completed or who hereafter completes one year of service. New law increases this amount from \$500 to \$600 per month.

New law directs the legislative auditor to examine, investigate, and audit the state's supplemental pay program. Directs the legislative auditor to examine the original purpose of state supplemental pay, to determine whether such payments have deviated from the original purpose of the enacting legislation, and whether current payments made are in accordance with law. Directs the legislative auditor to recommend modifications to the state supplemental pay program based upon the audit, report the impact on the state budget if changes are enacted, and submit a report to the House Committee on Appropriations and Senate Committee on Finance no later than February 1, 2024.

Effective July 1, 2023.

Supplemental Funding for FY 2022-23 (ACT 397)

New law appropriates supplemental funding and provides for means of finance substitutions and other budgetary adjustments for Fiscal Year 2022-2023. Provides for net increases (decreases) as follows: State General Fund (Direct) by \$580,218,404; Interagency Transfers by \$62,633,756; Fees & Self-generated Revenues by \$ 7,382,921; Statutory Dedications by (\$140,033,768); and Federal Funds by \$33,110,425.

Additionally, new law appropriates \$72,652,052 of State General Fund (Direct) of nonrecurring revenue out of the surplus from Fiscal Year 2021-2022 for the Initial Unfunded Accrued Liability in state retirement systems.

New law provides \$18,500,000 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, 2024. Additionally, new law deems appropriations contained in Other Requirements, Schedule 20-945 State Aid to Local Government Entities in Act Nos. 119 and 120 of the 2021 Regular Session of the Legislature, which appropriation has a valid Cooperative Endeavor Agreement on June 30, 2022, a bona fide obligation of the state through

June 30, 2024. New law also deems appropriations contained in Other Requirements, Schedule 20-945 State Aid to Local Government Entities in Act No. 170 of the 2022 Regular Session of the Legislature, which appropriation has a valid Cooperative Endeavor Agreement on June 30, 2023, a bona fide obligation of the state through June 30, 2024. Further, new law deems certain prior appropriations in Sales Tax Dedications and State Aid to Local Government Entities as bona fide obligations through June 30, 2024. New law also modifies certain prior appropriations.

New law makes the following supplemental capital outlay appropriations for Fiscal Year 2022-2023:

1. Adds \$20,000,000 payable out of the state general fund by statutory dedication (Transportation Trust Fund) to the Department of Transportation and Development Highway Program. Provides that all of the appropriation be used for the state match to the Federal Highway Administration Formula Program.
2. Adds \$25,000,000 payable out of the state general fund (direct) to the Board of Regents for major repairs and deferred maintenance of buildings and facilities planning and construction.

Effective upon signature of the governor (June 15, 2023).

VETO MESSAGE: "Please allow this letter to inform you that I have signed House Bill 560 of the 2023 Regular Session. However, I have exercised my line item veto authority to veto 19 items.

I have exercised my line item veto authority as follows:

Veto No. 1: Delete lines 43-44 on page 13 of 90 and lines 1-2 on page 14 of 90

Veto No. 2: Delete lines 13-14 on page 34 of 90

Veto No. 3: Delete lines 15-17 on page 34 of 90

- Veto No. 4: Delete lines 21-23 on page 34 of 90
- Veto No. 5: Delete lines 12-14 of page 35 of 90
- Veto No. 6: Delete lines 44-46 on page 43 of 90
- Veto No. 7: Delete lines 7-8 on page 44 of 90
- Veto No. 8: Delete lines 21-22 on page 46 of 90
- Veto No. 9: Delete lines 25-27 on page 51 of 90
- Veto No. 10: Delete lines 28-30 on page 51 of 90
- Veto No. 11: Delete lines 31-33 of page 51 of 90
- Veto No. 12: Delete lines 14-16 on page 54 of 90
- Veto No. 13: Delete lines 4-6 on page 55 of 90
- Veto No. 14: Delete lines 7-9 on page 55 of 90
- Veto No. 15: Delete lines 7-9 on page 65 of 90
- Veto No. 16: Delete lines 23-25 on page 70 of 90
- Veto No. 17: Delete lines 17-18 on page 71 of 90
- Veto No. 18: Delete lines 35-36 on page 74 of 90
- Veto No. 19: Delete lines 21-27 on page 82 of 90

Enclosed is a copy of the signed version of House Bill 560. I have sent the original to the Secretary of State."

Capital Improvement Program and Bond Authorizations (ACT 398)

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 (June 3, 2023).

Judicial Branch Ordinary Operating Expenses for FY 2023-24 (ACT 400)

New law appropriates funds for Fiscal Year 2023-2024 for the ordinary operating expenses of the judicial branch of government, including the supreme court, courts of appeal, district courts, juvenile and family courts, and other courts, with total funding of \$198,517,464 from the following sources: \$178,883,689 from the State General Fund (Direct); \$9,392,850 from Interagency Transfers; and \$10,240,925 from Statutory Dedications (Trial Court Case Management Information Fund).

New law deems each appropriation a bona fide obligation of the state through June 30, 2024.

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

	<u>FY 23 EOB</u>	<u>FY 24 REC</u>
Louisiana Supreme Court	\$ 85,859,141	\$ 93,800,943
Courts of Appeal	50,789,030	54,730,873
District Court	43,632,201	45,525,229
Criminal Court, Parish of Orleans	6,866,289	7,306,633
Juvenile and Family Courts	2,786,289	2,858,092
Other Courts (Required by Statute)	3,507,837	3,601,525
Other Programs	770,654	847,259
Reduction	0	\$(11,672,292)
State General Fund (Direct)		
Addition	0	\$1,519,202
Statutory Dedication (Trial Court Case Management Information Fund)		
Total Funding	\$194,211,441	\$198,517,464

Effective July 1, 2023.

Allocation and Distribution of Revenue Sharing Fund for FY 2023-24 (ACT 402)

New law provides for the allocation and distribution of the Revenue Sharing Fund for FY 2023-2024. Paragraphs (1) through (8) of this digest discuss the general provisions of the annual distribution of the fund. There were no changes to the tax recipient bodies or millages authorized to share in their respective parishes.

(1) Provides for the annual allocation and distribution of the state revenue sharing fund in the amount of \$90,000,000 for FY 2023-2024. 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 E. 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 E. 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. 197 of the 2022 R.S. (Revenue Sharing Bill).

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

Effective August 1, 2023.

State Government Ancillary Expenses and Funds (ACT 408)

New law appropriates funds and provides for ancillary expenses of state government, including internal service funds, auxiliary accounts, and enterprise funds. Provides \$1,080,019,657 of interagency transfers, \$1,887,202,352 of fees and self-generated revenues, \$182,288,058 of statutory dedications, and \$1,169,000 of federal funds 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. 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 businesses to be deposited to the credit of each ancillary fund for FY 2023-2024. Requires all funds to be expended in accordance with public bid laws.

New law requires, except as otherwise provided, any fund equity resulting from prior year operations be included as a resource of the fund from which it is derived. 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 2024-2025. Further provides that all unexpended cash balances as of June 30, 2024, shall be remitted to the state treasurer on or before Aug. 14, 2024. 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, 2024.

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, subject to JLCB approval, when appropriate documentation is deemed valid.

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

New law directs the commissioner of administration to adjust performance objectives and indicators contained in the Executive Budget Supporting Document to reflect the funds appropriated and to report such adjustments to the JLCB by Aug. 15, 2023.

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

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

New law provides \$631,880 of additional funding payable out of the state general fund by interagency transfers to the Risk Management program for the Office of the Attorney General Risk Litigation program.

New law provides \$3,587,011 of additional funding payable out of the state general fund by fees and self-generated revenues to the Louisiana Property Assistance program for the sale of state assets.

Effective July 1, 2023.

Legislative Branch Expenditures (ACT 415)

New law appropriates \$87,296,566 for the expenses of the legislature and legislative service agencies from the state general fund for the 2023-2024 fiscal year in the following amounts:

House of Representatives	\$30,998,300
Senate	\$26,417,511
Legislative Auditor	\$13,350,000
Legislative Fiscal Office	\$ 3,516,854
Louisiana State Law Institute	\$ 1,198,901
Legislative Budgetary Control Council	<u>\$11,815,000</u>
Total state general fund	<u>\$87,296,566</u>

New law 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, 2023, of the fund created by Act 513, §13 of 2008 R.S. is appropriated to the Legislative Budgetary Control Council.

New law appropriates \$350,000 from the state general fund to establish the Legislative Auditor Ancillary Enterprise Fund as an agency working capital fund; appropriates \$23,780,649 from the fund, which is authorized to be used for expenses of the auditor's office.

New law allows legislative assistants who were employed on or before Dec. 1, 2007, to retain the salary they were earning on Dec. 1, 2007.

New law provides that notwithstanding existing law (R.S. 24:31(B)), the compensation of members of the legislature shall be equal to the rate allowable for per diem deduction under existing federal law (26 U.S.C. 162(h)(1)(B)(ii)) for the location of the state capitol during their attendance on that body.

Effective July 1, 2023.

Insure La. Incentive Program (ACT 1 of First Extraordinary Session)

New law directs the state treasurer to transfer \$45 M from the state general fund into the Insure La. Incentive Fund.

Further, new law appropriates \$45 M of budget authority to the Dept. of Insurance out of the Insure La. Incentive Fund for implementation and execution of the Insure La. Incentive Program (hereafter referred to as the "program"). Requires that funds be used to award grants only to insurers licensed in La. possessing a minimum financial strength rating of AM Best "B+" or a Demotech financial stability rating of "A". Further requires any licensed surplus lines insurer applying for a grant pursuant to the program to have a minimum financial strength rating of AM Best "A".

New law requires the commissioner of insurance to expedite to the greatest extent possible the approval of certificates of authority, rate filings, form filings, and other necessary regulatory approvals of qualified insurers to facilitate the

underwriting of new policies pursuant to the program as quickly as possible and to monitor the financial solvency of insurers that are issued a grant pursuant to the program from funds appropriated in new law. Requires such monitoring to include an evaluation of the adequacy of insurer reinsurance programs using catastrophe model stress tests against the insurer's book of business. Requires the commissioner to take whatever action is necessary to ensure that insurers receiving grants pursuant to the program from funds appropriated in new law remain financially solvent.

New law additionally requires the Dept. of Insurance to submit annual and quarterly reports on the program to the House Committee on Appropriations, the Senate Committee on Finance, and the House and Senate committees on insurance detailing the following information on grantees receiving grants from funds appropriated pursuant to new law: the amount of premiums written by parish pursuant to the program; the amount of premiums by parish for property located in the parishes included in the federal Gulf Opportunity Zone Act of 2005; the amount of premiums by parish removed from the Louisiana Citizens Property Insurance Corporation; and the total amount of premiums by parish, inclusive of premiums written pursuant to the program.

New law requires the commissioner of insurance to promulgate rules for the Insure La. Incentive Program that require reporting at least quarterly by each grantee that receives a grant from funds appropriated in new law regarding certain financial data, including the grantee's premium to surplus ratio and the grantee's catastrophe reinsurance program.

New law authorizes the commissioner of insurance to adopt emergency rules pursuant to the Admin. Procedure Act to implement the program in conformity with new law.

New law requires that in awarding grants from funds appropriated pursuant to new law, the commissioner of insurance give preference to grant applicants that agree to provide wind and hail coverage.

Effective upon signature of the governor (Feb. 6, 2023).

Insure La. Incentive Program Restricted (ACT 2 of First Extraordinary Session)

New law restricts use of monies appropriated to the Dept. of Insurance (department) for Fiscal Year 2022-2023 relative to the Insure La. Incentive Program (program).

Existing law (Act No. 199 of the 2022 Regular Session) enacted appropriations for the operation and governance of the department for Fiscal Year 2022-2023. New law prohibits the following entities from receiving any portion of funds appropriated to the department for the program:

1. Any insurance company with an officer, director, or controlling shareholder who was an officer, director, or controlling shareholder of an insurance company licensed in La. that filed for bankruptcy or was declared insolvent.
2. Any insurance company whose parent company controlled all or part of an insurance company licensed in La. that filed for bankruptcy or was declared insolvent.

Effective upon signature of the governor (February 6, 2023).

Supplemental Funding for Fiscal Year 2022-23 (ACT 28)

of State General Fund (Direct) to the division of administration for the closeout of the Road Home Program. Appropriates \$6 M of State General Fund by Statutory Dedications (Legislative Capitol Technology Enhancement Fund) to the Legislative Budgetary Control Council.

Effective upon signature of the governor (May 30, 2023).

Natchitoches School Property Transfer (ACT 39)

Prior law authorized the Natchitoches Parish School Board and the State Board of Elementary and Secondary Education to transfer certain local

and state property to the Natchitoches Parish Police Jury.

New law changes the transferee of the property from the Natchitoches Parish Police Jury to the City of Natchitoches.

Effective June 1, 2023.

(Amends Section 1 and Section 2 of Act 139 of the 2011 R.S.)

Lease of a DOTD Property to Jefferson Parish (ACT 41)

New law authorizes the lease of certain state property in Jefferson Parish from DOTD to the governing authority of Jefferson Parish. New law provides for the reservation of mineral rights to the state and other terms and conditions.

New law provides that property agreements between DOTD and Jefferson Parish may provide for construction and maintenance of improvements on the property.

New law provides that Jefferson Parish may remove obstacles and hazards from property under an agreement in accordance with applicable state laws and regulations.

New law prohibits any property transfer under new law from affecting appropriations from the Regional Maintenance and Improvement Fund to Jefferson Parish or the permitted uses of such appropriated funds.

New law provides that DOTD is authorized to secure, amend, or alter agreements with the federal or parish government or to assist the parish government in securing, amending, or altering agreements for use of the property in accordance with existing agreements between DOTD and the federal government.

Effective June 1, 2023.

Several Highway Named (ACT 50)

Designates mile marker 17 to mile marker 19 in Jefferson Davis Parish on La. Hwy. 383 as the

"Sergeant Major William Arlen Marcantel Memorial Highway".

Designates a portion of La. Hwy. 674 in Iberia Parish from La. Hwy. 3212 to Hwy. 85 Patout Road as the "Veterans Memorial Highway".

Designates a portion of La. Hwy. 90 in Iberia Parish as the "Curtis 'Joe' Baudoin Memorial Roundabout".

Designates a portion of U.S. Hwy. 165 in Jefferson Davis Parish as the "Shannon Matthew Brown, Sr. Memorial Highway".

Redesignates a portion of I-49, from mile marker 14 to mile marker 15, in St. Landry Parish as the "Hannah Lee Vincent 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 cost for material, fabrication, mounting posts, and installation of each sign, not to exceed the sum of \$550 per sign.

Effective August 1, 2023.

Highway Named (ACT 54)

New law designates the portion of La. Hwy. 433 from U.S. Hwy. 11 to U.S. Hwy. 190 as the "Captain Walter B. Abney Memorial Highway".

New law 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, 2023.

Ruston City Court Marshal (ACT 70)

Existing law places the marshal of the City Court of Ruston within the general fee schedules of

marshals and constables; however, the effective date of this fee schedule is contingent upon favorable recommendation by the Judicial Council in the Judicial Council 2022 Report to the legislature.

New law removes the requirement that such approval be provided in the Judicial Council 2022 Report.

New law further provides for retroactive application to March 1, 2023.

Effective upon signature of governor (June 6, 2023).

(Amends §2 of Act No. 311 of 2021 R.S.)

Bridge Named (ACT 74)

Designates the bridge located on La. Hwy. 1 that connects Avoyelles and Pointe Coupee as the "Marion Peter Roy, Sr. Memorial Bridge".

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.

Effective August 1, 2023.

Bridge Named (ACT 92)

New law designates the La. Hwy. 1247 Bridge over Bayou Lafourche in Labadieville, La., as the "Commander Glenn Daigle Memorial Bridge".

New law 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 \$550 per sign.

Effective August 1, 2023.

Bridge Named (ACT 109)

Designates the bridge located on Interstate 55 service road that connects Lake Maurepas and Lake Pontchartrain as the "Robert E. Mayers, Jr. Memorial Bridge".

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 \$550 per sign.

Effective August 1, 2023.

Highway Named (ACT 110)

New law designates a portion of La. Hwy. 657 between its intersection with La. Hwy. 1 and La. Hwy. 3235 in Larose, La., as the "Clarence Marts, Jr. Memorial Highway".

New law 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, 2023.

Roads Named (ACT 132)

New law designates a portion of La. Hwy. 384, at the roundabout intersection of Graywood Parkway and Big Lake Road, in Calcasieu Parish as the "Captain Brian Bourgeois Memorial Roundabout".

New law designates a portion of La. Hwy. 40, between Magee Road and Lee Road in Folsom, La., as the "Deputy Hilery Mayo Memorial Highway".

New law 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, 2023.

Highway Named (ACT 143)

New law redesignates a portion of La. Hwy. 171 in DeSoto Parish, approximately 130.9 or 2.329 miles north of the Sabine Parish line, as the "Chris Gray Memorial Highway".

New law directs the Dept. of Transportation and Development to erect and maintain signage reflecting the "Chris Gray Memorial Highway".

Effective August 1, 2023.

Certain Transfers of State Property (ACT 165)

Authorizes the commissioner of administration and the president of McNeese State University to exchange certain state property in Calcasieu Parish for certain property owned by the city of Lake Charles.

Further authorizes the commissioner of administration and the secretary of the Dept. of Transportation and Development to transfer certain state property in St. Tammany Parish to the St. Tammany Parish Government for consideration proportionate to its appraised value.

Further 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 (June 7, 2023).

**Benton Metropolitan Planning Commission
(ACT 205)**

Existing law provides for the creation, organization, powers, and duties of a metropolitan planning commission to manage the metropolitan planning area in and around the municipality of Benton and includes certain unincorporated areas of Bossier Parish.

Prior law provided for a metropolitan planning area that included the village of Benton but was limited to the area lying within a five-mile radius outside of the village of Benton in the unincorporated part of Bossier Parish.

New law expands the jurisdictional boundaries of the metropolitan planning area to extend beyond the five-mile radius in prior law to also include a larger portion of the unincorporated area of Bossier Parish.

New law changes the term "village" to "municipality" to reflect the fact that the population of Benton has grown to such an extent that the area no longer meets the definition of a "village".

Prior law defined the "metropolitan planning commission" to mean the Benton-Parish Metropolitan Planning Commission.

New law defines the "metropolitan planning commission" to mean the Benton Metropolitan Planning Commission.

Effective August 1, 2023.

(Amends Act No. 558 of the 1956 R.S.)

**Transfer of Certain State Property
(ACT 273)**

Existing law (Acts 2022, No. 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.

Existing law provides a property description and requires the reservation of mineral rights to the state.

New law retains the authorization and reservation of mineral rights, but amends the property description included in existing law to include an additional adjacent tract of property.

Prior law authorized the state to proceed with a public sale of the property under the provisions of Title 41 after Dec. 31, 2023, if an agreement between the parties had not been reached by that time.

New law extends the date for this additional authorization from Dec. 31, 2023 to Dec. 31, 2025.

Effective upon signature of governor (June 9, 2023).

(Amends §§1 and 3 of Act No. 190 of the 2022 R.S.)

**Transfer of Certain State Property
(ACT 313)**

Authorizes the commissioner of administration to transfer certain state property in Orleans Parish to the city of New Orleans for consideration proportionate to its appraised value. Provides for the reservation of mineral rights to the state.

If no agreement is entered into by Aug. 1, 2026, the authority to transfer the property will be void.

Effective upon signature of governor (June 13, 2023).

TITLE 1: GENERAL PROVISIONS

TITLE 2: AERONAUTICS

La. Advanced Aviation and Drone Advisory Committee (ACT 169)

Existing law creates the La. Drone Advisory Committee, provides for its composition, responsibility for recommendations on drones, and support and resources.

Prior law provided that appointments to the La. Drone Advisory Committee must be made and end after the next two regular sessions after the 2022 R.S.

New law extends the existence of the La. Drone Advisory Committee by providing that appointments to the La. Drone Advisory Committee be made and end after the 2026 R.S.

New law changes the name of the La. Drone Advisory Committee to the La. Advanced Aviation and Drone Advisory Committee.

Effective August 1, 2023.

(Amends R.S. 2:2.1(A), (B)(1), (C), (D), and (F))

TITLE 3: AGRICULTURE AND FORESTRY

Delta Agriculture Research and Sustainability District (ACT 265)

Existing law (R.S. 3:341(D)) establishes the boundaries of the Delta Agriculture Research and Sustainability District which are coterminous with East Carroll and Tensas parishes.

New law expands the boundaries of the district to include the boundaries of Concordia and Madison parishes.

New law requires that the district director hired after July 1, 2023, be a resident of the state and have been domiciled in the district for the preceding two years prior to employment.

New law specifies that the board, its members, and its agents are immune from personal liability for good faith acts related to the board's responsibilities. Further specifies that this immunity applies to all costs, damages, and attorney fees arising from claims and suits against them related to matters where the immunity applies.

Effective August 1, 2023.

(Amends R.S. 3:341(D) and 342(I); Adds R.S. 3:342(J))

Soil Conservation; LSU (ACT 185)

Prior law provided that it is the legislative intent of the state to accept, adopt, and cooperate with other states and the federal government to accomplish the policies of the federal Soil Conservation and Domestic Allotment Act, including:

- (1) Preservation and improvement of soil fertility.
- (2) Promotion of the economic use and conservation of land.
- (3) Diminution of exploitation and wasteful and unscientific use of national soil resources.
- (4) The protection of rivers and harbors against the result of soil erosion in aid of maintaining the navigability of waters and water courses and in aid of flood control.
- (5) Re-establishment of the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms that prevailed during the five-year period August 1909-July 1914.

New law removes outdated provisions relative to the re-establishment of the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms.

Prior law designated the Board of Supervisors of Louisiana State University as the state agency

responsible for carrying out federal soil conservation policy.

Prior law directed Louisiana State University to formulate an annual soil conservation plan and submit to the Secretary of Agriculture.

Prior law authorized Louisiana State University to accept and receive all grants of money made pursuant to federal law for expenditures necessary in carrying out the soil conservation plan.

Prior law authorized Louisiana State University to designate agencies it may deem necessary and provided for research and educational activities in connection with the formulation and operation of the soil conservation plan.

New law repeals prior law.

Effective June 8, 2023.

(Amends R.S. 3:1251; repeals R.S. 3:1252, 1253, 1254, and 1255)

Structural Pest Control Commission (ACT 335)

Existing law (R.S. 3:3363) creates the Structural Pest Control Commission (commission) within the Dept. of Agriculture and Forestry.

Existing law (R.S. 3:3375) provides for the disposition of fees. Further provides that one of the responsibilities of the commission is the allocation of \$30,000 to the La. State University Experiment Station for research. Existing law requires the commission to appoint eight committee members for the purpose of making recommendations to the commission on the type of research needed.

Prior law specified that committee members are appointed for one year.

New law modifies prior law by making the terms of committee members concurrent with that of the commissioner of agriculture.

Prior law (R.S. 3:3369(J)) specified that a person who fails to pass the required registered technician examination must wait 30 days to retake the examination.

New law repeals prior law.

Effective August 1, 2023.

(Amends R.S. 3:3375(B); Repeals R.S. 3:3369(J))

Grain Sampling and Grading (ACT 202)

Prior law (R.S. 3:3414.3) required the La. Agricultural Commodities Commission (commission) to adopt standards for sampling and grading grain that are consistent with the standards adopted by the United States Department of Agriculture.

New law clarifies that the standards adopted by the commission for sampling and grading grain are consistent with the standards adopted by the United States Department of Agriculture, Federal Grain Inspection Service.

New law requires grain to be graded by a state or federally certified grader. Prior law allowed the commission to certify grain samplers and graders. New law requires the commission to certify grain samplers and graders.

New law authorizes the commission to suspend or revoke a state certification for failure to comply with the provisions of existing law or the rules adopted pursuant thereto based upon an adjudicatory hearing held in accordance with the A.P.A.

New law requires the Dept. of Agriculture and Forestry to inspect, classify, and grade grain in accordance with standards adopted by the United States Department of Agriculture, Federal Grain Inspection Service, for sampling and grading grain.

New law requires the commission to promulgate rules in accordance with the A.P.A. Requires the commission to commence the promulgation of rules no later than August 1, 2023.

New law provides that provisions of new law shall not apply to rice.

Effective June 8, 2023.

(Amends R.S. 3:3414.3(A), (B), (D), and (L); adds R.S. 3:3414.3(M) and (N))

Self-Insurance for Timber and Agriculture Transportation Vehicles (ACT 191)

Existing law authorizes the creation of self-insurance funds for the purpose of providing auto coverage for vehicles that transport timber and agriculture products. Existing law provides that any five or more Louisiana timber or agriculture companies may pool their liabilities and self-insure for the purposes of maintaining automobile coverage for timber and agriculture transportation vehicles so long as they each have a positive net worth, are members of a bona fide trade or professional association, and meet and maintain certain financial requirements.

Existing 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 based upon documents required to establish solvency and the ability to properly manage and pay claims.

Existing law requires 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 provide financial stability and ensure the ability of the fund to properly manage and pay claims. Existing law also provides that, in order to further maintain the financial stability of the fund, the Dept. of Insurance is to require that two or more timber or agriculture companies 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. Existing law further provides that financial statements that are audited by a certified public accountant and are not more than one year old is to be submitted to the department to verify the combined net worth of the members of the fund.

New law retains existing law but provides that, in lieu of an audited financial statement, the Dept. of Insurance is authorized to require that the fund submit necessary financial documents in a form and in a manner approved by the department to verify the combined net worth of those members or principals in amounts that are required in existing law.

New law directs the La. State Law Institute to make technical changes related to:

- (1) The name of the fund.
- (2) Correct references in existing law to the fund from plural to singular.
- (3) Correct cross-reference in existing law to insurance law on the licensure as a property and casualty producer.

Effective June 8, 2023.

(Amends R.S. 3:4351.2(B)(1))

Electric Vehicle Supply Equipment and Measuring Devices (ACT 293)

Existing law defines a "commercial weighing and measuring device" as any weight, measure, or weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area, time, distance, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered, or submitted for sale, hire or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure. Except as otherwise provided, the term includes scales, weighing devices, and metering and measuring devices commercially used for determining the weight or amount of petroleum products. Specifies that it also includes any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed or installed that its operation affects the accuracy of the device.

New law maintains existing law and adds "electricity disbursed by electric vehicle supply

equipment" as what is also included in the term "commercial weighing and measuring device".

Existing law defines "weights, measures, and weighing and measuring devices" to include all weights, scales, beams, measures of every kind, instruments and mechanical devices for weighing or measuring, scanners or scanning devices that determine product identity and price at the point of sale, and any appliances and accessories connected with any such instruments. However, specifies that it does not include or refer to devices used to meter or measure, other than by weight, water, natural or manufactured gas, or electricity.

New law maintains existing law and adds "electric vehicle supply equipment" as one of the included devices under the term "weights, measures, and weighing and measuring devices". Adds "electricity used in connection with electric vehicle supply equipment" as an exception to the excluded devices used to meter or measure water, natural gas or manufactured gas.

Effective June 12, 2023.

(Amends R.S. 3:4602(4) and (29))

Various Funds Abolished (ACT 345)

Prior law (R.S. 3:4712(C), (D), (F), and (G)) established the Agricultural and Seafood Products Support Fund and provided for deposits and uses of monies in such fund.

New law repeals prior law.

Prior law (R.S. 30:136.1(C) and 301-303) established the Louisiana Investment Fund for Enhancement and provided for deposits and uses of monies in such fund.

New law repeals prior law.

Prior law (R.S. 39:98.5) established the Millennium Leverage Fund and provided for deposits and uses of monies in such fund.

New law repeals prior law.

Prior law (R.S. 49:214.8.7) established the Atchafalaya Basin Conservation Fund and provided for deposits and uses of monies in such fund.

New law repeals prior law.

New law transfers to the state general fund any remaining monies in the funds repealed by new law.

Effective upon the adoption of the constitutional amendment at a statewide election which originated as HB 254 (Act No. 199) of the 2023 R.S.

(Repeals R.S. 3:4712(C), (D), (F), and (G), R.S. 30:136.1(C) and 301-303, R.S. 39:98.5, and R.S. 49:214.8.7)

TITLE 4: AMUSEMENTS AND SPORTS

Horse Racing Regulation (ACT 258)

Existing law provides for the specific duty of the Louisiana State Racing Commission (LSRC) to assign the dates race meetings are authorized to be conducted in this state at a particular track, including dates which limit racing at a particular track for quarter horses only.

New law makes technical changes.

Prior law prohibited the conducting of any thoroughbred race meetings having the same or overlapping dates for such race meetings at thoroughbred race tracks within a radius of 100 miles of each other.

New law prohibits, to the extent possible, the conducting of any thoroughbred race meetings having the same or overlapping dates for such race meetings at thoroughbred race tracks within the state.

Prior law prohibited the conducting of any quarter horse race meetings having the same or overlapping dates for such race meetings at

quarter horse race tracks within a radius of 100 miles of each other.

New law prohibits, to the extent possible, the conducting of any quarter horse race meetings having the same or overlapping dates for such race meetings at quarter horse race tracks within the state.

Existing law provides for the specific duty of the LSRC to set the minimum number of live races per race day at a particular track.

New law makes technical changes.

New law requires the LSRC to make an annual report to the governor and the legislature regarding the race calendar, field size, the number of races, handle, attendance, the effect of overlapping race days compared to previous years, and any other relevant matters along with any recommendations to improve the racing industry in the state.

Prior law set the minimum number of live racing days at not less than 130 at each race track.

New law reduces the number of live racing days from not less than 130 to not less than 122 at each race track.

Prior law set the minimum number of thoroughbred racing days at not less than 84 at each race track over 21 consecutive weeks.

New law reduces the number of thoroughbred racing days from not less than 84 to not less than 76 at each race track over no more than 21 consecutive weeks.

Existing law sets the minimum number of thoroughbred racing days at not less than 46 days during 12 consecutive weeks.

New law retains existing law, but specifies that the race days take place over no more than 12 consecutive weeks.

New law authorizes the LSRC to reduce the number of race days by up to 21 upon a showing

by the race track and the HBPA that the reduction would be in the best interests of the industry.

New law provides that if the race track and the HBPA cannot reach an agreement pursuant to new law, the LSRC may, by a 2/3 vote of the membership, reduce the number of race days by up to 21 upon a showing by the race track that without the reduction of race days the association would experience imminent financial distress.

New law requires the LSRC to examine all financial records of the race track and any relevant financial records of any affiliates for the purpose of determining equitable cost allocation.

New law requires any examination of financial records remain confidential.

New law requires the LSRC to release a summary of relevant facts, with any proprietary information or trade secrets remaining confidential.

Prior law authorized the LSRC to collect a license fee not to exceed 4% of the total amount wagered at each offtrack wagering facility (OTB) on historic horse racing (HHR) machines to cover administrative costs.

New law reduces the fee on HHR machines to 1.5% to be distributed as follows:

- (1) 67% to the LSRC.
- (2) 11.5% to the La. Thoroughbred Breeders Association for promotion of the appropriate breeding industry and for breeder awards.
- (3) 5% to the Louisiana Quarterhorse Breeders Association for promotion of the appropriate breeding industry and for breeder awards.
- (4) 8.25% to the local governing authority where the OTBs are located.
- (5) 8.25% to the local law enforcement agency with primary jurisdiction where the OTBs are located.

Effective June 12, 2023.

(Amends R.S. 4:147(1) and (3), 214.1, and 218.1

Charitable Gaming by Game Fish Conservation Organizations (ACT 19)

Existing law provides that any bona fide conservation organization, which is recognized by the IRS as a 501(c)(3) corporation, dedicated principally to the conservation of a specific species, genus, or family of game animal, including but not limited to the conservation of ducks, waterfowl generally, quail, and turkeys and which is otherwise permitted to conduct charitable gaming shall be exempt from existing law licensing and reporting procedures for conducting raffles as a means of fund-raising in a municipality or parish whose governing authority permits raffles, bingo, and keno.

New law amends existing law to also exempt any bona fide conservation organization dedicated principally to the conservation of game fish, including but not limited to saltwater and freshwater fish such as speckled trout, redbfish, flounder, large mouth bass, and crappie, from existing law licensing and reporting procedures for conducting raffles as a means of fund-raising in a municipality or parish whose governing authority permits raffles, bingo, and keno.

Effective August 1, 2023.

(Amends R.S. 4:707(F)(4))

New Limited Raffle Licenses (ACT 89)

New law provides for a limited raffle license for certain raffle games. Requires the office of charitable gaming within the Dept. of Revenue to promulgate rules relative to the issuance of such licenses.

New law further provides that the provisions of existing law (R.S. 4:705(2)(c) and 714(F)(1)), relative to the establishment, assessment, and collection of certain fees and proceeds from gaming sessions deposited into a bank account,

shall not apply to any limited license issued pursuant to new law.

New law applies only to single raffle games as defined in existing law (R.S. 4:707(A)(1)), and limits the prize value to \$10,000, instead of limiting the proceeds to \$10,000 as provided in existing law.

Effective August 1, 2023.

(Adds R.S. 4:707.1)

Electronic or Video Bingo Machines (ACT 285)

Existing law provides for the operation of electronic video bingo machines, including a prohibition that an electronic video bingo machine shall not contain entertainment display features simulating slot reels or card games.

New law provides that any license or permit that was issued to any location or to any distributor for the use of electronic video bingo machines on or before June 30, 2022, is a bona fide and valid license and permit under Louisiana law.

Prior law provided that a licensed distributor may operate electronic video bingo machines which were not in compliance with prior law under either of the following circumstances:

(1) The licensed distributor has purchased or entered into a lease agreement for the total number of electronic video bingo machines to be operated at a specific location on or prior to August 15, 2008.

(2) The licensed distributor has delivered to the office of charitable gaming (office) or sent by certified mail an application and fees to have machines permitted which has been received and not approved on or prior to August 15, 2008, and the application includes either a proof of purchase or a nonrefundable deposit.

New law repeals prior law.

Prior law provided that electronic video bingo machines authorized by prior law may only be placed at the following two locations:

(1) A location approved by the office on or prior to August 15, 2008.

(2) A location for which a completed application with the required fees for the licensing to conduct charitable gaming at a specific location has been received by the office of charitable gaming on or prior to August 15, 2008, and which has received final approval from the office and was occupied by August 15, 2009.

New law repeals prior law.

New law prohibits the office from issuing any license or permit to any location or to any distributor for use of electronic video bingo machines after June 30, 2022.

New law provides that if any location, where electronic or video bingo machines are validly licensed or permitted on or before June 30, 2022, to operate is damaged or destroyed due to an occurrence that is an act of God, natural disaster, force majeure, catastrophic event, action by a governmental body, or a similar occurrence over which the licensee or permittee has no reasonable control, the office may allow electronic or video bingo machines to operate at the same physical location.

New law allows for the transfer of a location license and an electronic video bingo machine license.

New provides that if the office of charitable gaming is authorized by law at a later date to issue any new license or permit after June 30, 2022, then the office will be prohibited from issuing a license or permit for the placement of electronic or video bingo machines within one mile from property on the National Register of Historic Places, public playgrounds, residential property, or any building used primarily as a church, synagogue, public library, or school.

New law does not apply to either of the following:

(1) Locations that are damaged or destroyed due to an act of God, natural disaster, force majeure, catastrophic event, or action by a governmental body.

(2) Any location licensed to conduct electronic video bingo on or before June 30, 2022.

New law provides for a definition of "residential property".

Effective July 1, 2023.

(Amends R.S. 4:724(J); adds R.S. 4:724(L), (M), and (N))

TITLE 5: AUCTIONS AND AUCTIONEERS

TITLE 6: BANKS AND BANKING

Use of Private Insurance by Credit Unions and Depositing Authorities (ACT 81)

Existing law requires a credit union to carry insurance in order to secure loans.

Existing law allows the requisite insurance to be provided by federal and state insurance providers.

New law allows certain financial institutions to use private sector insurance in addition to insurance provided by federal and state insurance providers to secure these transactions.

Prior law limited the maximum allowable amount of certain investments to the sum of the amount insured by the National Credit Union Administration and the amount insured by any other deposit insurance corporation in any one chartered credit union but allowed an excess to the extent the excess is collateralized in accordance with existing law.

New law allows private sector insurance held by a credit union to be added to the amount provided

in existing law in order to determine the limit on investment.

New law allows the coverage amount held by the credit union to serve in lieu of collateralization pursuant to existing law and removes the allowance for excess to be collateralized pursuant to existing law.

Existing law provides that local and state depositing authorities shall require an insurance company that is listed by the U.S. Dept. of the Treasury as an approved surety to secure deposits.

New law provides that local and state depositing authorities shall require existing law or a private deposit insurance underwritten by an insurer licensed to do business in the state.

New law makes technical changes.

Effective July 1, 2023.

(Amends R.S. 6:652.2(A)(2) and 656(A)(1)(intro. para.) and (c), R.S. 39:1221(A)(6), and R.S. 49:321(A)(4))

Virtual Currency Business Act (ACT 331)

Existing law provides relative to the Virtual Currency Business Act and provides for the regulation of virtual currency business and defines certain terms.

New law defines additional terms, including "acting in concert", "affiliate", "blockchain", "commissioner", "mining", "minting", "Nationwide Multistate Licensing System and Registry", "non-fungible token", "office", "tangible net worth", "unsafe or unsound act or practice", and "virtual currency network".

Existing law provides for the licensure and regulation of a person who engages in or holds himself out as engaging in virtual currency business activity with, or on behalf of, a resident.

Existing law describes activities for which existing law is not applicable. Allows the office of financial institutions (OFI) to determine that a

person or class of persons, given facts particular to that person, shall be exempt from the provisions of existing law.

New law retains existing law and provides that activities of new law are applicable to a person who provides virtual currency to a person exempt under existing law that has no agreement or relationship with a resident that is an end user of virtual currency and a person whose virtual currency business activity, with or on behalf of a resident, is valued at \$5,000 or less on an annual basis. Further, new law deletes the requirement that allows OFI to determine that a person or class of persons, given facts particular to that person, shall be exempt from the provisions of existing law.

Existing law requires a person engaging in virtual currency business activity, or holding himself out as being able to engage in virtual currency business activity, with or on behalf of a resident, to meet the licensing criteria and be licensed by OFI.

New law retains existing law and adds as a requirement for licensure a copy of the applicant's business plan, which includes a three-year financial pro forma, the anticipated volume of virtual currency business activities in this state, the anticipated number of virtual currency locations, including kiosk machines, and evidence of the surety bond, and current and continued maintenance of the tangible net worth.

New law adds as a requirement for licensure that a person who has resided outside of the United States at any time in the last 10 years to provide an investigative background report prepared by an independent search firm: provides that the report include the person's criminal records, employment history, media history, and a financial service-related regulator history.

Existing law provides for the acceptance or denial of an application for licensure within 30 days of completing an application.

New law increases the time period for the acceptance or denial of an application for

licensure from within 30 days to within 60 days of completing an application.

New law provides that no license shall be issued unless the applicant provides a surety bond and evidence of tangible net worth pays all cost and fees, and a notice is issued by the commissioner of its decision to approve or conditionally approve the application.

New law provides procedures, information, and notice when change of control of a licensee or an applicant is contemplated by any person or persons acting in concert.

New law provides procedures for approval of an advanced change of responsible individual of a licensee or applicant.

Existing law requires the licensee to submit a surety bond prior to the issuance of a license in the amount of \$100,000, and submit evidence of, and maintain at all times, tangible net worth of the greater of \$100,000, or 3% of total assets.

New law retains existing law and further adds that prior to issuance of a license a licensee shall submit a tangible net worth of greater of \$100,000 or 3% of total assets for the first \$100,000,000, 2% of additional assets for \$100,000,000 to \$1,000,000,000, and 1/2 percent of additional assets for over \$1,000,000,000.

New law provides that the commissioner may use the following factors in determining additional tangible net worth:

- (1) The actual and projected volume of the licensee's virtual currency business activity in the state.
- (2) Whether the licensee is currently licensed or regulated by the commissioner in this state and is in good standing.
- (3) The amount of leverage employed by the licensee.
- (4) The liquidity position of the licensee.

- (5) The products or services offered by the licensee.

New law requires that tangible net worth shall be clearly evidenced by filing or submitting a current audited financial statement to the commissioner. Provides that all license requirements relative to tangible net worth shall be evidenced at the time of initial application, maintained at all times during licensure, and reported annually to the commissioner.

New law provides that a licensee who stores, holds, or maintains custody or control of virtual currency for a resident, such licensee shall hold virtual currency of the same type and of the same amount. Prohibits a licensee from selling, transferring, assigning, lending, hypothecating, pledging, using, or encumbering virtual currency except for the sale, transfer, or assignment of the virtual currency at the direction of the resident. Allows the licensee to commingle the resident virtual currency with the licensee's virtual currency, provided the licensee's assets are deemed resident assets and the licensee may only withdraw or assert a claim on that amount to the extent that the amount exceeds that amount of resident assets held by or for a resident.

Existing law provides for the appeal of a denial of an application for licensure and the renewal of a license.

New law provides that no license shall be issued unless the commissioner has made a determination that an applicant has met licensing requirements. Provides that in a case of denial of an advanced change of control notice or denial of an advanced change of responsible individual notice, the applicant can appeal the denial not later than 30 days after the office notifies the applicant or licensee of the denial.

New law provides that each person licensed as a virtual currency business activity licensee shall submit an annual license renewal application on or before December 31st of each year, accompanied by all fees. Provides that any license renewal application submitted after December 31st and before March 1st of the following year, shall be charged an annual

licensee renewal late fee. Provides that annual licensee renewal application that is timely submitted on or before the expiration date shall remain in force and effect until approved or denied by the commissioner.

Existing law requires quarterly financial reports.

New law retains existing law requirement of quarterly financial reports.

Existing law provides for the examination of books, records, and accounts of virtual currency business activities, as the commissioner may reasonably require, in order to determine whether the person is complying with existing law.

New law retains existing law and provides that the examination can be conducted on-site or concurrent with another state or federal agency.

New law provides that a licensee engaging in virtual currency business activities shall maintain and preserve books, records, and accounts of virtual currency business activities for a period of five years or longer, if required by the commissioner.

New law provides that all books, records, and accounts that are maintained by the licensee shall have specific requirements.

New law provides that licensees engaged in virtual currency business activity in the state shall adopt and implement compliance policies and procedures, in writing, with minimum standards in accordance with new law. Requires approval of policies and procedures by the licensee's board of directors or an equivalent governing body.

Existing law authorizes the office to enforce the provisions of existing law through certain actions and provides for penalties.

New law retains existing law and provides that the enforcement actions may be supplemented by the exercise of any other enforcement power by the commissioner.

New law provides for suspension of a license for a person who fails to maintain a surety bond,

commits a violation that demands emergency action be taken, submits a fee that is returned or not paid in full, is convicted of a felony offense, or has his license to engage in virtual currency business activities suspended or revoked in another jurisdiction.

New law requires a licensee engaged in virtual currency business activity in this state to provide certain accurate and appropriate disclosures, describing all material risks associated with the licensee's virtual currency products, services, and activities, and failure to do so shall result in a violation.

Existing law requires OFr to adopt rules to implement and enforce the provisions of existing law.

New law retains existing law and authorizes the commissioner to adopt emergency rules as necessary and appropriate to enforce the provisions of the Virtual Currency Business Act.

New law provides that the commissioner shall submit biannual reports to the legislature.

New law terminates on July 1, 2025.

Effective June 13, 2023.

(Amends R.S. 6:1382, 1384-1388, 1390, and 1392-1394; adds R.S. 6:1385.1, 1385.2, 1386.1, 1386.2, 1388.1, 1391(D)-(G), 1391.1, 1391.2, and 1393.1; repeals R.S. 6:1383(C)(5)(c) and (7) and (D) and 1389)

TITLE 7: BILLS AND NOTES

TITLE 8: CEMETERIES

Interment of Cremated Pet Remains in Human Cemeteries (ACT 20)

Existing law defines a cemetery as a place used for the interment of human remains.

New law retains existing law and adds that a cemetery is a place used for the interment of pet remains as allowed by new law.

New law provides that pet remains can be interred in a cemetery where all of the following conditions are met:

(1) The cemetery space is located in a cemetery where no prior interment of human remains have been made and is dedicated by the cemetery authority by an act of dedication to be used for the interment of human remains with cremated pet remains.

(2) The pet remains are interred incidental to the interment of human remains.

(3) Written authorization for the interment of pet remains has been provided by the owner of the cemetery space or a person having a right of interment in a cemetery space. The cemetery authority shall not have the responsibility to determine the ownership of pet remains or the right of the person authorizing the interment of such pet remains.

(4) The use of cemetery spaces complies with rules and regulations adopted by the cemetery authority.

New law requires pet remains to be cremated, stored in a closed receptacle, and placed in a grave, vault, crypt, or niche.

New law requires a cemetery authority to provide a list of charges approved by the authority for the interment of pet remains. New law provides that a cemetery authority may limit the type of pets and the type of interment of the pet remains allowed in its cemetery.

New law provides that a cemetery is not required to authorize the interment of pet remains if a cemetery is not dedicated for such purposes.

New law states that pet remains shall be considered personal property, and may be treated as such by a cemetery authority as permitted in existing law.

New law provides that new law shall not be construed to change or revoke a preexisting contract related to a cemetery, an interment, or a disposition of remains.

New law provides that there shall be no liability for a cemetery authority for permitting the interment of cremated pet remains or for not permitting the interment of pet remains in a cemetery that has not been dedicated for the purpose of interment of pet remains.

Effective August 1, 2023.

(Amends R.S. 8:1(7); Adds R.S. 8:907)

Cemetery Board (ACT 381)

Existing law (R.S. 8:61(A)) creates the La. Cemetery Board (board). Existing law further provides that the board is within the office of the governor and consists of seven members appointed by the governor.

New law retains existing law and also provides that a majority vote of the members present for a quorum constitutes an act of the board.

Existing law (R.S. 8:64) provides that officers from among the board's members are elected by the board. Existing law also provides that the board may employ, fix the salary, and prescribe the duties of an administrative director and other employees.

New law adds that the administrative director and other employees of the board shall not carry out discretionary duties or actions that are solely prescribed to the board pursuant to existing law.

Existing law (R.S. 8:66.1) authorizes the board to perform certain functions for the purpose of discovering a violation of existing law or implementing rules or orders issued pursuant to existing law.

New law adds to existing law to include any of the following actions that the board may take:

(1) Take testimony to investigate violations of existing law and new law.

- (2) Appoint two or more members to investigate violations.
- (3) Implement rules or orders.
- (4) Hold informal hearings for alleged violations.
- (5) Investigate certain persons under the jurisdiction of the board.
- (6) Apply to a court to require a person to appear before the board after failure to comply with a subpoena to appear.

New law provides that the board may act by a majority vote to do any of the following:

- (1) Dismiss a complaint or call for a formal hearing. (R.S. 8:66.1(B))
- (2) Determine an applicant's compliance with rules and regulations. (R.S. 8:71)
- (3) Suspend or revoke certificates of authority. (R.S. 8:72)
- (4) Impose fines, refuse to grant a certificate of authority, and institute legal proceedings. (R.S. 8:75)
- (5) Institute proceedings to enjoin certain persons. (R.S. 8:458)
- (6) Determine that an endowment or perpetual care fund is in danger, in compliance with existing law (Cemetery Care Fund and the La. Trust Code). (R.S. 8:465)

New law (R.S. 8:66.1(C) through (E)) provides certain procedures for formal hearings and legal proceedings.

Prior law (R.S. 8:66.2(A)) provided that the board or attorney general may issue cease and desist orders under certain circumstances. Prior law further provided that the order remains in effect until the order is final or overturned by a hearing officer.

New law changes prior law and requires the board to conduct an investigation prior to issuing a cease and desist order. New law states that the order may be overturned by the board following a request for hearing.

Existing law (R.S. 8:67) provides that the board may establish necessary rules and regulations and those rules and regulations should not be in conflict with existing law.

New law expands existing law to include other applicable law.

New law (R.S. 8:79) provides that no action or claim based on or arising out of a violation of existing law or new law or any rules or regulations of the board shall be brought unless a complaint is issued by the board in accordance with existing law and new law or legal proceedings are filed as is provided in existing law and new law.

Existing law (R.S. 8:454.1) provides that the income on a principal trust fund shall be used for the purposes of care for portions of the cemetery.

New law retains existing law and adds that cemetery care includes the expenses necessary to carry out the administration of the trust and the net income of the fund shall be paid to the cemetery authority. New law provides that all funds held in trust for perpetual care purposes shall be administered by the trustee in accordance with existing law and the La. Trust Code.

Existing law (R.S. 8:455) requires all cemeteries to file with the trustee an annual report.

New law (R.S. 8:455 and 505(C)) retains existing law and adds that the business year is any consecutive 12-month period that is determined by the cemetery authority and designated in the report. New law further provides that the board shall be notified of a change of business year within 30 days of the effective date of change.

New law (R.S. 8:456(D)) further provides that the 12-month period should be the same for the trustee's report and the cemetery authority's report.

Existing law (R.S. 8:461(A)) provides that the board shall examine endowment care funds of each cemetery authority at certain times.

New law adds the set time to examine endowment funds to once every three years or when the board identifies a possible violation.

New law (R.S. 8:463) changes the board's access to the books and records of endowment or perpetual care funds from free to reasonable access. New law also provides the grounds for which the board can request access to books and records after an objection.

New law (R.S. 8:506) amends certain permissions by the board to carry out compliance examinations.

New law (R.S. 8:467 and 512) requires certain compliance examination reports from the board.

Existing law (R.S. 8:464) provides that the board is responsible for costs, fees, or expenses incurred, if the board cannot prove that certain groups are not in compliance.

New law retains existing law and clarifies that if the alleged violation is de minimis, the board shall be responsible for all costs, expenses, and fees, including legal and accounting fees.

Prior law (R.S. 37:21(B)(4)) permitted the board to initiate a proceeding of any kind under certain circumstances.

New law repeals prior law.

New law makes technical changes.

Effective date August 1, 2023.

(Amends R.S. 8:61(A), 64, 66.1, 66.2(A), 67, 69.2(C)(8), 71, 72(A), 75(A), (B), and (C), 454.1(A), 455, 458, 461(A), 463, 464(A)(3), 465(A)(intro. para.) and (D), 467, 506(A) and (C)(1)(a); Adds R.S. 8:79, 456(D), 505(C), 506(D), and 512; Repeals R.S. 37:21(B)(4))

Master Cemetery Trust Funds (ACT 22)

Existing law allows for a designated trustee of two or more trust funds, with the approval of all participants, to apply to the La. Cemetery Board to become a master trust fund and administer funds accordingly.

Prior law required that all participating companies in a master trust fund have a balance of less than \$250,000, and if they exceed that amount, participants are required to withdraw within 90 days.

New law repeals this prior law requirement.

Existing law states that a trust shall be operated in conformity with existing law (R.S. 8:454(B) and 465(A)).

New law retains existing law and includes that a trust shall be operated in conformity with additional existing law (R.S. 8:454(C)).

Effective August 1, 2023.

(Amends R.S. 8:454(C)(2) and 502(F))

Perpetual Care Cemetery Trust Funds (ACT 29)

Existing law requires the principal of a cemetery trust fund to remain permanently intact and for any income generated to be expended. Existing law further requires the income to only be used for the care for the portion of the cemetery where interment spaces have been sold for perpetual or endowed care.

Existing law provides that income funds are intended and shall only be used for the care of interment spaces sold for perpetual or endowed care and for the care of other portions of the cemetery immediately surrounding spaces that need to be preserved.

New law retains existing law and includes that income distributions within a perpetual care trust fund shall mean the net income or total return distribution method as provided for in new law (R.S. 8:454.2).

New law defines "average fair market value", "inception", "net income", "total return distribution", and "total return percentage".

New law requires income distributions from perpetual care trust funds to be made with consideration of either net income or total return distribution.

New law provides that a trustee of a perpetual care trust fund may elect to use the total return distribution method, if the trust fund is administered by either a qualified institutional trustee as provided for in existing law for trusts established in accordance with existing law (R.S. 8:457), or when the trustee or investment advisor managing the funds demonstrates sufficient knowledge and expertise related to total return investing and distributions.

New law requires that the cemetery authority shall apply to the board at least 90 days prior to the effective date of the election to use the total return distribution method.

New law requires the cemetery authority or trustee to provide all of the following to the board:

- (1) A written investment policy that details investment goals for achieving principal growth through permissible investments for perpetual care trust fund in addition to a secondary goal for achieving current income.
- (2) An amended perpetual care trust agreement on board approved forms that clearly states the selection of the total return distribution method.
- (3) A written distribution policy that establishes the total return percentage and initial estimated average fair market value, using the most recent month end balances as the estimate for the current calendar year.

New law states that the board may require any information, supporting documentation, and proof concerning an applicant's compliance.

New law states that the board shall determine if the cemetery authority or trustee has met all requirements prior to approving the application to implement a total return distribution method. New law further provides the procedure for when the board refuses to approve an application.

New law provides that a cemetery authority shall submit the information required by new law on an application form prescribed by the board, accompanied by an application fee not to exceed \$1,500.

New law allows a cemetery authority to select a distribution method by delivering written instructions to the trustee of the fund no later than 30 days prior to the beginning of a calendar year.

New law provides that the distribution method and the total return distribution rate shall remain in effect unless the cemetery authority notifies the trustee of its desire to effectuate change.

New law provides that the approved total return distribution percentage may be reduced by the cemetery authority, but not increased without an additional application.

New law allows a cemetery authority that has implemented the total return distribution method, the option to elect to reconvert to a net income distribution method. New law provides that if the cemetery authority elects to do so, the cemetery authority must submit written documentation to the board in support of the reconversion.

New law provides that, unless required by the board, no cemetery authority may change its distribution method more than once within a three-year period.

New law requires the board to take corrective measures if any of the following circumstances occur:

- (1) When the average fair market value of the trust fund at the end of the most recent rolling three-year period, in comparison to the average fair market value of the previous rolling three-year period, declines by 10% or more.

(2) When the fair market value of the trust fund at the end of a calendar year is less than 90% of the sum of the fair market value of the fund at inception in addition to all deposits made since inception.

(3) When a cemetery authority has failed to meet the tests required by new law and after a full calendar year of distributing only net income, the cemetery board still fails to meet the tests required by new law.

(4) When, upon review of the annual trust fund report or on-site examination, the board determines there is an uncorrected financial or investment related perpetual care deficiency.

New law provides that in addition to the aforementioned corrective measures, the board can also reduce the approval total return percentage, require a distribution of only net income for a calendar year, or require a monthly retest.

New law requires that if a cemetery authority fails to take any required action, the authority will be subject to any and all enforcement actions or penalties provided for in existing law.

New law states that if permissible fees paid from the perpetual care fund exceed 1.5% of the fair market value in a given year, the amount in excess shall be deducted from the approved total return distribution.

Effective August 1, 2023.

(Amends R.S. 8:454.1(A); Adds R.S. 8:454.2)

TITLE 9: CIVIL CODE ANCILLARIES

Unclaimed Property Finders and Agreements (ACT 351)

Existing law establishes the Uniform Unclaimed Property Act of 1997 to provide for collection, administration, and distribution of abandoned property in the state.

Existing law (R.S. 9:177) sets out prohibitions and requirements with respect to agreements to locate abandoned property on behalf of an owner.

New law authorizes a fiduciary agent to receive compensation for his services in an amount not to exceed 10% of the total claim value. Further defines "fiduciary agent" to mean a representative of an unclaimed property owner whose services provided to the owner involve locating, delivering, recovering, or assisting in the recovery of unclaimed property to the owner, and shall be limited to Louisiana licensed attorneys, certified public accountants, and financial advisors.

New law requires a fiduciary agent who seeks compensation to submit to the administrator a payment request. Requires each request submitted for payment pursuant to new law to be submitted with the abandoned property claim. Further requires such request to be sworn to and signed by the fiduciary agent and the owner before a notary public and contain both of the following:

(1) A clear disclosure of amounts that may be paid pursuant to the provisions of new law.

(2) The signature of the owner below a statement that the owner is aware that a portion of his unclaimed property may be used to pay the fiduciary agent.

New law further provides that if the property claimed is cash or has been converted to cash through sale as provided in existing law, the payment to the fiduciary agent is made by the administrator from the claim proceeds otherwise due the owner. If the property claimed has not been converted to cash as provided in existing law, the owner is responsible for payment to the fiduciary agent.

New law further prohibits application of new law to any claim made by another state pursuant to existing law (Uniform Unclaimed Property Act of 1997).

Existing law prohibits an agreement to locate abandoned property entered into within 24

months of delivery to the state treasurer as administrator of the Unclaimed Property Program.

Prior law provided that any agreement to locate abandoned property that is entered into after a date that is 24 months after the property is paid or delivered to the administrator cannot require compensation exceeding 10% of the value of the recoverable property. New law repeals prior law.

Existing law authorizes action by an owner and recovery of attorney fees if the rate charged the owner is unconscionable.

Existing law requires any agreement by an owner to pay compensation to locate, deliver, recover, or assist in the recovery of property to be in writing, clearly set forth the nature of the property and services to be rendered, be signed by the apparent owner, and state the value of the property before and after the fee or other compensation has been deducted.

Existing law prohibits any contract dealing with abandoned mineral proceeds that would require compensation that includes a portion of the underlying minerals or mineral production payment, overriding royalty, compensating royalty, or similar payment.

Existing law authorizes an owner at any time to assert that an agreement covered by existing law is otherwise invalid.

New law establishes a fiduciary duty on the fiduciary agent until the owner's claim is paid.

New law directs the state treasurer to make any necessary changes to the forms used to claim abandoned property pursuant to new law.

New law further provides that new law applies only to contracts entered into on or after the effective date of new law.

Effective upon signature of governor (June 12, 2023).

(Amends R.S. 9:177; Adds R.S. 9:153(16))

Determination of Child Support Awards (ACT 24)

Prior law (R.S. 9:315.14) prohibited a court from setting a child support award below \$100 per month except in cases involving shared or split custody or a medically documented disability.

New law repeals prior law.

Prior law (R.S. 9:315.1(C)(1)) provided that in determining whether to deviate from the guidelines for child support, the court's considerations may include that the combined adjusted gross income of the parties is not within the amounts shown on the schedule in R.S. 9:315.19.

New law provides that the court's considerations may include that the combined adjusted gross income of the parties is equal to or less than \$950.

Prior law (R.S. 9:315.1(C)(1)(a)) provided that if the combined adjusted gross income of the parties is less than the lowest sum on the schedule, the court shall determine an amount of child support based on the facts of the case, except that the amount awarded shall not be less than the \$100 minimum child support provided in prior law (R.S. 9:315.14).

New law provides that if the combined adjusted gross income of the parties is less than the lowest sum on the schedule, the court shall determine an amount of child support based on earnings, income, and other evidence of ability to pay.

Prior law (R.S. 9:315.2(D)) provided that the court shall determine the basic child support obligation amount from the schedule in R.S. 9:315.19 by using the combined adjusted gross income of the parties and the number of children involved in the proceeding, but in no event shall the amount of child support be less than the \$100 minimum provided in prior law.

New law provides that in no event shall the lowest basic amount of child support in the schedule be construed as a limitation on the court's authority to deviate under new law (R.S. 9:315.1(C)).

Effective January 1, 2024.

(Amends R.S. 9:315.1(C) and 315.2(D); Repeals R.S. 9:315.14)

Pregnancy Support Required of Biological Fathers (ACT 439)

New law provides that the biological mother of a child may recover 50% of documented out-of-pocket pregnancy-related medical expenses from the biological father of the child.

New law provides that the biological mother may institute the action only if the father has executed an authentic act of acknowledgment or if the paternity of the child has been proven by clear and convincing evidence.

New law provides for examples of recoverable out-of-pocket medical expenses including actual medical expenses incurred by the biological mother for prenatal care, those incurred by the biological mother and child incident to birth, and any additional expense authorized by order of the court if found to be reasonable and necessary.

New law provides that the action shall be instituted within a peremptive period of two years from the day of the birth of the child.

Effective August 1, 2023.

(Amends the heading of Part 1-B of Chapter 1 of Code Title VII of Book I of Title 9 of the La. Revised Statutes of 1950; Adds R.S. 9:399.2)

Minors, Adults, and Termination of Custodianship (ACT 60)

Prior law defined adult as an individual who had attained the age of 18 and a minor as an individual who had not attained the age of 18.

New law changes the definition of an adult to an individual who has attained the age of 25 and a minor as an individual who has not attained the age of 25.

Prior law provided for the termination of custodianship upon the minor's attainment of the age of 18.

New law provides for the termination of custodianship upon the minor's attainment of the age of 25.

Effective August 1, 2023.

(Amends R.S. 9:751(1) and (10) and 770(1))

Contracts Between Interactive Computer Services and Minors (ACT 440)

Existing law (C.C. Art. 1918) provides that all persons have capacity to contract except for unemancipated minors, interdicts, and persons deprived of reason at the time of contracting.

Existing law (C.C. Art. 366) provides that full emancipation confers all effects of majority on the person emancipated. Limited emancipation confers the effects of majority specified in the judgment of limited emancipation.

Existing law (C.C. Art. 2029) provides that a contract is null when the requirements for its formation have not been met.

Existing law (C.C. Art. 2030) provides that a contract is absolutely null when it violates a rule of public order. A contract that is absolutely null may not be confirmed. An absolute nullity may be invoked by any person or may be declared by the court on its own initiative.

New law provides that no interactive computer service shall enter into a contract or other agreement, including the creation of an online account, with an unemancipated minor without the consent of the legal representative of the minor.

New law provides that the interactive computer service may rely on the consent of the legal representative unless the interactive computer service knows or reasonably should know that the legal representative is no longer authorized to represent the minor.

New law provides that any contract entered into between the minor and an interactive computer service without the consent of the legal representative shall be relatively null.

New law provides that third parties may be used to obtain the consent of the legal representative.

New law provides that new law only applies to minors who are domiciled in this state.

Existing law (C.C. Art. 41) provides that the domicile of an unemancipated minor is that of the parent, parents, tutor, or joint tutors with whom the minor usually resides. If the minor has been placed under the legal authority of a parent or other person, the domicile of that person is the domicile of the minor, unless the court directs otherwise.

New law provides that new law does not supersede or modify provisions relative to contracts made pursuant to existing law (C.C. Art. 1923).

Existing law (C.C. Art. 1923) provides that contracts by an unemancipated minor may not be rescinded on the grounds of incapacity when made for the purpose of providing the minor with something necessary for the minor's support or education or for a purpose related to the minor's business.

New law provides for definitions of the following: "account", "consent", "interactive computer service", "legal representative", and "minor".

Existing law (47 U.S.C. §230) defines "interactive computer service" as any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server.

Existing law (C.C. Art. 232) provides that either parent during the marriage has parental authority over their child unless otherwise provided by law.

Existing law (C.C. Art. 246) provides that a minor not emancipated is placed under the authority of a tutor after the dissolution of the parents'

marriage. Existing law (C.C. Art. 249) provides that the tutor is accountable.

New law provides that the Louisiana State Law Institute is directed to study and report to the legislature on provisions related to new law by March 1, 2024.

Effective August 1, 2024.

(Adds R.S. 9:2717.1)

Acquisition or Lease of Immovable Property by Foreign Adversaries (ACT 464)

New law provides that beginning Aug. 1, 2023, no foreign adversary or person connected with a foreign adversary may purchase, lease, or acquire immovable property in this state.

New law further provides that parties to the contract with a foreign adversary may rescind the contract prior to the transfer of the immovable property if it is determined that the purchaser or lessee is a foreign adversary or a person connected with a foreign adversary.

New law provides that new law is not applicable to existing contracts to purchase, lease, or otherwise acquire immovable property prior to Aug. 1, 2023.

New law provides that a person may rely on an affidavit made by a person intended to acquire or holding an interest in immovable property to the effect that the person is not a foreign adversary or a person connected with a foreign adversary.

New law provides that no seller or lessor shall be liable under new law except for a foreign adversary or person connected with a foreign adversary that is required to forfeit or dispose of property as ordered by the court as provided by new law.

New law provides that the attorney general may bring an action for injunctive relief in the name of the state against a foreign adversary or the person connected with a foreign adversary prior to or after the transfer of property is complete.

New law provides that venue shall be brought in the district court having civil jurisdiction in any parish in which a portion of the immovable property is located.

New law provides that the attorney general may recover reasonable attorney fees and court costs.

New law provides that the attorney general may open an investigation.

New law provides that if an action is brought pursuant to new law the attorney general shall record in the public mortgage records of the parish clerk of court of each parish in which any portion of the immovable property is located a notice of pendency of action pursuant to existing law (C.C.P. Art. 3751, et seq.) and provide written notice to mortgage, lien, privilege, and other encumbrance holders in the manner provided by existing law (R.S. 40:2608 and R.S. 14:90.1).

Existing law (C.C.P. Art. 3751, et seq.) provides for notice of pendency of actions.

Existing law (R.S. 40:2608) provides for the sale of property pending forfeiture of property that is not evidence of a criminal violation by any law enforcement agency under the Seizure and Controlled Dangerous Substances Property Forfeiture Act of 1989 (R.S. 40:2601, et seq.).

Existing law (R.S. 14:90.1) provides for the seizure and disposition of evidence, property, and proceeds for the crime of gambling and related offenses.

New law provides that the property be sold at judicial sale in accordance with existing law (C.C.P. Art. 2331, et seq.).

Existing law (C.C.P. Art. 2331, et seq.) provides for judicial sales under fieri facias.

New law provides that a court may order that the property be sold to someone who is not a foreign adversary or to a person who is not connected to a foreign adversary or sold at judicial sale. New law provides that the court shall order that the

price of the sale be not less than the sum of all of the following:

- (1) Ad valorem taxes and other liens payable to a political subdivision on the property.
- (2) Indebtedness secured by a conventional mortgage on the property.
- (3) Indebtedness secured by a judicial or legal mortgage on the property.
- (4) Indebtedness secured by a lien or privilege on the property.
- (5) Commissions due to a real estate broker or real estate agent.
- (6) Costs related to the perfection of the sale.

New law provides that any immovable acquired by a foreign adversary or person connected with a foreign adversary is subject to civil forfeiture to the state. After satisfying all mortgages, liens, privileges, and other encumbrances encumbering the property, the remaining proceeds of the sale shall be paid to the Dept. of Justice to fund services for veterans of foreign wars. New law provides that the attorney general may enter into cooperative endeavor agreements to provide such services.

New law provides that all forfeitures and dispositions under new law shall not affect the rights of any person unless the attorney general proves beyond a reasonable doubt that the person entered into the transaction for the purpose of aiding a foreign adversary or person connected with a foreign adversary in compromising the security of the U.S.

New law provides that no attorney, title insurer, title insurance producer, title insurance agency producer, lender, mortgage loan servicer, notary public, real estate agent, real estate broker, seller, or lessor shall have a duty to make an investigation as to whether a party is a foreign adversary.

New law provides that the provisions of new law shall not apply to the following:

(1) A natural person who is a U.S. citizen, either by birth or being granted lawful permanent residency status.

(2) A person who is not a U.S. citizen but is a permanent legal resident or lawfully present in the U.S. with a valid visa issued by U.S. Citizenship and Immigration Services.

(3) A juridical person wholly owned by persons who qualify under new law.

(4) Immovable property purchased, leased, or otherwise acquired by a natural person that is used as a single family residential property.

(5) A juridical person who owned and conducted oil and gas operations located in La. prior to July 1, 2023, and granted a U.S. Dept. of the Treasury, Office of Foreign Assets Control (OFAC) General License and purchases or acquires property in La. that is subject to the OFAC General License.

New law defines "foreign adversary" and "person connected with a foreign adversary".

Existing law (15 CFR 7.4(A)) provides that certain foreign governments or foreign non-government persons are significantly adverse to the national security of the U.S. and are considered foreign adversaries.

New law provides that new law shall only apply to property acquired by a foreign adversary or person connected with a foreign adversary on or after Aug. 1, 2023, and the property shall only be subject to forfeiture during the period in which the foreign adversary or person connected with a foreign adversary owns the property. New law provides that rights in an immovable property shall not be void or voidable because the property or right held in the property was previously held by a prohibited foreign adversary or person connected with a foreign adversary.

Effective August 1, 2023.

(Adds R.S. 9:2717.1)

Parade Liability (ACT 407)

Existing law (R.S. 9:2796(A)) 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.

New law adds provisions of existing law (R.S. 9:2796.1) relative to St. Patrick's Day parades to new law (R.S. 9:2796(C)).

Prior law (R.S. 9:2796.1) provided that no person shall have a cause of action against any organization which presents St. Patrick's Day parades or other street parades connected with any ethnic celebration.

New law repeals prior law.

Effective August 1, 2023.

(Adds R.S. 9:2796(C); Repeals R.S. 9:2796.1)

Entity and Foreign State Liability for Illicit Fentanyl Trafficking (ACT 412)

New law provides that any entity or foreign state engaging in or facilitating illicit fentanyl trafficking or its commercial activity shall be liable for damages for serious bodily injury or death of persons beginning Jan. 1, 2015.

New law provides for liability of an entity or foreign state engaging in or facilitating illicit fentanyl trafficking or its related commercial activity, if the entity or foreign state had a sufficient nexus or substantial contact with the U.S. and the state at the time of the ingestion or at a time bearing a rational nexus to ingestion.

New law provides that available damages include punitive damages, expert witness fees and expenses, court costs, and reasonable attorney fees.

New law provides that the defendant in an action brought pursuant to new law shall have the burden of proving that it did not engage in or facilitate the illicit trafficking or related commercial activity of the unintended ingestion of illicit fentanyl that produced damages.

New law exempts manufacturers of fentanyl that are registered with the U.S. attorney general pursuant to 21 U.S.C. 822.

Existing law (21 U.S.C. 822) provides that every person who manufactures or distributes any controlled substance shall obtain an annual registration issued by the U.S. attorney general.

New law provides that the actions of a person ingesting fentanyl shall not be attributable as comparative fault.

Existing law (C.C. Art. 2323) provides that in an action where a person suffers injury, death, or loss, the degree or percentage of fault of all persons causing or contributing to the injury shall be determined.

New law provides that an action brought pursuant to new law shall be subject to a liberative prescription of 30 years commencing to run from the day of injury.

New law defines "commercial activity", "entity", "foreign state", "illicit fentanyl", "ingestion", "serious bodily injury", and "trafficking".

Existing law (28 U.S.C. 1603) provides for immunities and liabilities of foreign states.

New law provides for legislative intent.

New law provides that new law shall be known and cited as "JaJa's Law".

Effective August 1, 2023.

(Adds R.S. 9:2800.77)

TITLE 10: COMMERCIAL LAWS

TITLE 11: CONSOLIDATED PUBLIC RETIREMENT

State Retirement System Funding and Benefits (ACT 184)

For any state or statewide retirement system existing law provides for permanent post-retirement benefit increases (PBIs), sometimes called cost-of-living adjustments or COLAs, funded directly or indirectly through employer contributions.

The state retirement systems are the La. State Employees' Retirement System (LASERS), the Teachers' Retirement System of La. (TRSL or Teachers), the La. School Employees' Retirement System (LSERS), and the La. State Police Retirement System (State Police or Troopers).

Existing law experience account (EA) is a special account within each state retirement system trust used for the accumulation of funds to provide eligible recipients with PBIs/COLAs.

When a state system's actuarially determined investment return exceeds the system's target and funds are available, existing law requires money that would otherwise go into the trust and be applied to reduce future employer contributions required to cover benefits already earned to instead be credited to the EA. Existing law requires payment of additional employer contributions over the ten years following a credit to the EA to make up for the diversion of the money into the EA, indirectly funding any PBI/COLA paid from the EA.

New law provides for the phasing out and termination of the EA and of the diversion of the investment earnings into the account and creates a new account for accumulation of funds to pay PBIs/COLAs (the PBI/COLA account). New law further provides for direct payment of additional employer contributions to be credited to the PBI/COLA account.

Existing law requires the legislature to set the required employer contribution rates at the state systems by applying a formula. Provides for payment for the current year's benefit accruals, amortization of unfunded accrued liabilities that existed in 1988, actuarial gains and losses, changes in actuarial assumptions or funding methods, changes in asset valuation methods, allocations to the EA, and administrative expenses.

New law provides for an additional component of the required employer contribution rate called the PBI/COLA account funding contribution or AFC rate and sets the AFC rate for Fiscal Year 2023-2024 at zero.

New law phases in these additional direct employer contributions. Provides that in a year when the employer rate is scheduled to drop, half of the decrease will be added to the maximum possible AFC rate until that maximum equals 2.5%.

New law, applicable to LASERS, Teachers, and LSERS, limits the effect the AFC rate can have on certain employer rates. If the sum of the projected aggregate employer contribution rate plus the maximum AFC rate will be above certain thresholds, the AFC rate to be used for that year will be reduced from the maximum and could be zero. New law specifies that this sum cannot exceed the projected aggregate employer contribution rate that will apply for Fiscal Year 2024, beginning July 1, 2023, and adds additional specifications that, beginning in Fiscal Year 2040, the sum cannot exceed 22% for LASERS and 16% for Teachers.

If the maximum AFC rate for LASERS or Teachers is greater than 1.5% in the first year (FY 25), new law further limits the AFC rate to be applied for the first four years (FYs 25-28) as follows:

<u>Fiscal Year</u>	<u>AFC rate to be applied cannot exceed</u>
2024-2025	1.50%
2025-2026	1.75%
2026-2027	2.00%
2027-2028	2.25%

For LASERS and Teachers, new law provides an alternate schedule of maximum AFC rates to be used in the first five years if the Original Amortization Base or OAB, which includes the initial unfunded accrued liability (IUAL) that must be paid off by 2029, is liquidated in FY 2022-2023, as follows:

<u>Fiscal Year</u>	<u>Maximum AFC Rate</u>
2024-2025	1.50%
2025-2026	1.75%
2026-2027	2.00%
2027-2028	2.25%
2028-2029	2.50%

and thereafter

The maximum benefit increase permitted under existing law is 2% for LASERS and TRSL and 2.5% for LSERS and State Police. With growth in the funding level of a system, existing law allows a maximum benefit increase up to 3%. New law provides for a maximum 2% PBI/COLA regardless of funding level.

Existing law caps the balance in the EA at the amount needed to fund one PBI/COLA if the system is less than 80% funded and at the amount needed to fund two PBIs/COLAs if the system is 80% funded or better. New law caps the balance in the PBI/COLA account at the amount needed to fund two increases.

Existing law (R.S. 11:23) defines "funded percentage" for state systems as the valuation assets used to determine the actuarially required contributions pursuant to existing law divided by the accrued liability of the system determined by utilizing the funding method established in existing law.

New law retains existing law and specifies that the AFC payments required under new law are not actuarially required contributions.

To be eligible to receive an EA increase, existing law requires that benefits on the member's record must be paid for at least one year and, if the benefit is not based on a disability, the member's 60th birthday must have passed eligibility. Under new law, to receive an increase funded by the PBI/COLA account, will require that benefits on the member's record be paid for at least two years and, if the benefit is not based on a disability, the member's 62nd birthday must have passed.

Existing law provides for the increase funded by the EA to be paid on the first \$60,000 of a benefit, indexed to reflect any rise in the consumer price index since 2015. New law provides for an increase funded by the PBI/COLA account to be paid on the first \$60,000 of a benefit with no indexing.

New law retains existing law requirement for legislative approval of an Act before a system board of trustees may grant a benefit increase.

	Existing law	New law
	Experience Account	PBI/COLA Account
Maximum increase	2-2.5% currently, up to 3%	2%
Payable on	\$60,000 indexed since 2015	\$60,000 not indexed
Eligibility	Age 60, 1 year of payments	Age 62, 2 years of payments
Funding source	Indirectly by employer	Directly by employer
Funding payments being	After deposit into the account	Before deposit into the account
Account balance cap	1 increase if <80% funded	2 increases regardless of funding
Increase authority	Legislative Act	Legislative Act

Effective June 8, 2023.

(Amends R.S. 11:102(B)(1), (2)(a), and (3)(e); adds R.S. 11:102(C)(6)(e), (D)(6)(e), (E)(5), and (F)(4), 542(G), 547, 883.1(G), 883.5, 1145.1(F), 1145.6, 1332(G), and 1332.1)

Municipal Police Employees' Retirement System (ACT 108)

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 be 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 sets a lower maximum rate increase for FY 2023-2024.

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 contribution, 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 the benefit commencement.

New law requires that an adjustment to benefits be made by formal action by the board of trustees.

New law provides relative to statutory incorporation of new law vis-a-vis Act. No. 360 of the 2022 R.S.

Effective July 1, 2023.

(Adds R.S. 11:2225.5; Repeals R.S. 11:107.2, 243(A)(8), 246(A)(8), and 2225(A)(7))

Firefighters' Retirement System (ACT 337)

Survivor Benefits

Existing law provides for payment of benefits to surviving spouses of deceased firefighters who are members of the Firefighters' Retirement System (FRS).

New law allows a surviving spouse to designate a portion of his benefit for payment to a dependent minor child or child with a disability.

New law requires the surviving spouse to furnish medical documentation to the board of trustees to determine the existence and medical certainty of a permanent disability.

New law provides that the decision to designate a minor child or child with a disability as a recipient of a benefit is irrevocable.

New law provides that payments to a minor child cease upon the child reaching the age of majority or upon his getting married, whichever occurs first. However, if an unmarried minor child graduates from high school and attends an institute of higher education as a full-time student, his benefit will continue while he is enrolled and unmarried for four additional years or until he turns 22 years old.

New law provides that if a disabled child predeceases the surviving spouse, the spouse's benefit is increased, less any actuarial reduction related to the period for which the child was alive.

New law provides that if an eligible spouse predeceases a designated child, and the child passes away before receiving a benefit, the benefit reverts to any other designated child.

Nonrecurring lump-sum payment

New law grants a one-time nonrecurring lump-sum supplemental payment for the following FRS retirees and beneficiaries:

- (1) Any retiree who has received a benefit for at least one year on June 30, 2023.
- (2) Any nonretiree beneficiary if the retiree or beneficiary or both combined have received a benefit for at least one year on June 30, 2023.

New law provides that the supplemental payment is payable no later than Aug. 1, 2023.

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) \$2,500.00.

New law provides that the supplemental payment is to be funded with additional employer contributions.

Effective June 12, 2023.

(Adds R.S. 11:2256(H) and 2256.3)

Firefighters' Retirement System Governance (ACT 134)

Existing law provides for governance of the Firefighters' Retirement System (FRS) by a board of trustees that includes the following:

- (1) Two members of the Professional Fire Fighters Assoc. elected by the officers of the association.
- (2) Two mayors appointed by the La. Municipal Assoc.
- (3) A member of the House Committee on Retirement appointed by the speaker.
- (4) The chairman of the Senate Committee on Retirement or his designee.
- (5) A retiree of the system.
- (6) The state treasurer or his designee.
- (7) The commissioner of administration or his designee.

Prior law provided that the board included one fire chief elected by chiefs who were members of FRS. New law provides that the board includes two fire chiefs who are members of the La. Fire Chiefs Assoc. selected by the officers of the association.

Effective August 1, 2023.

(Amends R.S. 11:2260(A)(2)(intro. paragraph) and (b))

Firefighters' Retirement System Governance (ACT 135)

Existing law provides for governance of the Firefighters' Retirement System (FRS) by a board of trustees that includes the following:

- (1) Two members of the Professional Fire Fighters Assoc. elected by the officers of the association.

(2) One fire chief elected by chiefs who were members of FRS.

(3) Two mayors appointed by the La. Municipal Assoc.

(4) A member of the House Committee on Retirement appointed by the speaker.

(5) The chairman of the Senate Committee on Retirement or his designee.

(6) A retiree of the system.

(7) The state treasurer or his designee.

(8) The commissioner of administration or his designee.

Prior law provided that the retiree member (6 above) was selected by a majority vote of the board of trustees from at least three nominees submitted by the retired members of the system. New law provides that the retiree member is elected by the retirees and beneficiaries of FRS.

Effective upon signature of the governor (June 7, 2023).

(Amends R.S. 11:2260(A)(2)(e))

Shreveport Firefighter and Police Officer Pension Funds Governance (ACT 32)

Existing law creates local pension funds to provide retirement, survivor, and disability benefits for Shreveport firefighters and police officers and for governance of each fund by a board of trustees. Provides for the composition, terms, powers, and duties of ex officio and elected members of each board.

New law retains existing law and removes board membership from the fire and police chiefs, who are not members of the respective funds, and replaces them with fund members.

New law replaces the fire chief with the surviving spouse of a deceased retiree and requires the elected board members serving on June 1, 2023,

to appoint a surviving spouse to serve until the 2024 board election.

Existing law applicable to the police retirement fund provides for the election of four board members who are fund members or retirees or are surviving spouses of fund members or retirees, elected by persons who are eligible to become board members.

New law replaces the police chief with another elected member.

Prior law provided for an election of the firefighters' board every two years. New law provides for four-year terms beginning with the 2024 election. New law further requires the elected board members serving on June 1, 2023 to appoint a surviving spouse to serve until the 2024 election and if no surviving spouse seeks election under new law, the elected board members are required to appoint a surviving spouse to serve as a board member.

Existing law provides for the management and governance of the police and firefighters' retirement funds. Authorizes the firefighters' board to retain and compensate certain professionals whose services are necessary for conducting the affairs of the fund.

New law retains existing law and specifies that the police board may retain any necessary legal, actuarial, accounting, investment, medical, clerical or other services and fix the rate of compensation for those services.

Effective June 1, 2023.

(Amends R.S. 11:3433, 3434, and 3714; adds R.S. 11:3715(C))

TITLE 12: CORPORATIONS AND ASSOCIATIONS

TITLE 13: COURTS AND JUDICIAL PROCEDURE

14th JDC Magistrate Judges' Salary (ACT 51)

Prior law required the salary of magistrate judges in the 14th JDC to be 75% of the salary paid to judges of the 14th JDC.

New law changes the salary of magistrate judges from 75% to 90% of the salary paid to judges of the 14th JDC.

Effective August 1, 2023.

(Amends R.S. 13:589(C))

19th JDC Commissioners (ACT 229)

Existing law provides that the 19th JDC shall appoint two commissioners to be designated as Section A and Section B, respectively.

New law authorizes the appointment of two additional commissioners and creates two new sections, Section C and Section D, respectively.

Existing law provides that the salary of each commissioner, in addition to any supplements or emoluments provided by law, shall be 90% of the state-funded portion of the salary paid to a district judge.

Existing law provides that the salary and related benefits of each commissioner are to be payable in the same manner and from the same sources as the salary of a district court judge.

New law retains existing law for the salary and related benefits of the commissioners of Section A and Section B.

New law provides that the salary and related benefits of the commissioners of the new sections, Section C and Section D, shall be paid from funds available to the 19th JDC.

Existing law authorizes the commissioners of the 19th JDC to hear and provide a recommendation of disposition in any civil or criminal matter

assigned by rule of court or by any judge of the 19th JDC.

New law adds domestic violence matters assigned by rule of court or by any judge of the 19th JDC.

Existing law provides 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 sign orders.
- (4) To act on felony and misdemeanor charges.
- (5) To hear preliminary motions.
- (6) To accept pleas in misdemeanor cases including misdemeanor cases preliminary to trial on the merits.
- (7) To conduct trials of misdemeanor cases.
- (8) To fix bail.
- (9) To sign and issue search and arrest warrants upon probable cause hearing shown and in accordance with the law.

New law authorizes the commissioner to act on felony and misdemeanor charges through arraignment, but does not authorize the commissioner to accept guilty pleas.

New law authorizes the commissioner to hear preliminary motions prior to filing the bill of information or indictment and make recommendations to the district judge.

New law further provides that the commissioner shall have the additional powers as follows:

- (1) Conduct seventy-two hour hearings or call out, as defined by new law.

- (2) Sign waivers of extradition only upon written consent of the defendant and the expressed waiver of the defendant's right to have his extradition heard by a district court.

- (3) Supervise defendants sentenced under the provisions of the specialty courts in accordance with the policies established by the judges of the 19th JDC.

- (4) Supervise all conditions of bail bonds.

- (5) Review and act on petitions for protective order 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.

- (6) Conduct hearings regarding protective orders and make recommendations to the appropriate district judge for the issuance of a preliminary or permanent injunction.

New law provides that the commissioner shall have certain powers related to civil cases as follows:

- (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 issuance of a preliminary or permanent injunction.

Effective August 1, 2023.

(Amends R.S. 13:711, 712(B), and 713(A) and (B))

Evangeline Parish Clerk of Court's Office Retirement Insurance Premiums (ACT 49)

Existing law authorizes the clerk of any district court to contract for group insurance for the clerk of court, employees, and dependents of the clerk or the clerk's employees.

Existing law provides that the clerk or any covered clerk's employee who retires under the clerk of court retirement program may elect to continue insurance coverage under the program if employed for at least 12 years prior to retirement. The cost may be paid in the same manner as if he were still employed by the clerk of court.

Existing law provides that the covered employee begins receiving retirement benefits immediately upon retirement from active employment.

New law requires the Evangeline Parish Clerk of Court to pay the full amount of all insurance premiums for all retirees who have worked with the office of the Evangeline Parish Clerk of Court for at least 20 years and are at least 55 years of age.

Effective August 1, 2023.

(Adds R.S. 13:783(F)(12))

36th JDC Court Reporter Fees (ACT 52)

Prior law provided that in all cases a court reporter was not to be paid an amount less than \$1.50 or more than \$2.75 per 31-line page for all testimony reported and transcribed and no more than 25¢ per page for copies in the 36th JDC.

New law requires the fee amounts for transcripts and copies to be determined by a majority vote of the judges of the 36th JDC to be paid to the court reporters in addition to their salary.

New law provides that the change in court costs or fees shall become effective upon approval by the Judicial Council.

Effective August 1, 2023.

(Amends R.S. 13:961(F)(1)(o))

Court Reporter Fees (ACT 228)

Prior law required in civil cases a court reporter to be paid \$1.50 per page for the original testimony reported and transcribed, and 35¢ per page for copies.

New law requires that in civil and criminal cases a court reporter shall not be paid an amount less than three dollars nor more than six dollars, as determined by a majority of judges, for each 32-line page of transcribed testimony and no less than one dollar per copy.

New law provides that the increase in court costs or fees shall become effective upon approval by the Judicial Council.

Effective August 1, 2023.

(Amends R.S. 13:978(H)(1)(a))

Court Reporters (ACT 326)

Prior law (R.S. 37:2556) required that all official court reporters and deputy official court reporters employed as such in a court of record, be subject to the certification requirements of the certified shorthand reporter law and the regulatory authority of the Board of Examiners of Certified Shorthand Reporters.

New law provides an exception to prior law. Authorizes the judges of a district court, acting en banc, to declare a shortage of available certified official or deputy official court reporters in their district. Provides that upon such a declaration and for the duration of the shortage, a judge of that district may appoint as an official or deputy court reporter a court reporter who is properly licensed in another state.

New law provides that prior to engaging in duties as a certified official or deputy reporter the Louisiana Board of Examiners of Certified Shorthand Reporters shall have five days after receipt of both the letter of appointment and a completed application for waiver of regular examination, as provided in R.S. 37:2554(B)(1), to approve or reject the application.

New law provides that upon the expiration of the five day period provided to the Board of Examiners of Shorthand Reporters, the board shall recognize the appointment as effective.

New law provides requirements for the appointment to be the effective.

New law provides that a court reporter appointed pursuant to new law shall:

- (1) Have the same duties and responsibilities as provided for other official and deputy reporters in that court district.
- (2) Be entitled to the same fees paid in the same manner as other official and deputy reporters in that court district.
- (3) Be paid an equivalent salary, take an oath, and provide a bond as other official and deputy reporters in that court district.
- (4) Perform duties under the supervision and direction of the district court judge to whom he is assigned.
- (5) Complete a reciprocal application for certification with the Louisiana Board of Examiners for Certified Shorthand Reporters in accordance with the provisions of R.S. 37:2554.
- (6) Be prohibited from performing duties as a free-lance reporter.

Effective August 1, 2023.

(Adds R.S. 13:981.1)

Use of Civil Filing Fees Collected by City Court of Alexandria (ACT 121)

Prior law provided that one-half of the civil filing fees assessed and collected by the City Court of Alexandria was required to be deposited in the general fund of the city of Alexandria.

New law changes the use of the civil filing fees assessed and collected by the city court of Alexandria and provides that such costs shall be used for the operational expenses of the court.

Prior law provided that additional costs in all criminal matters, including traffic violations, assessed and collected by the city court of Alexandria was required to be used for the operational expenses of the court.

New law changes the use of the additional costs in criminal matters, including traffic violations, and provides that such costs shall be deposited in the general fund of the city of Alexandria.

The new law re-allocation of court costs becomes effective on Jan. 1, 2024, and remains effective until Jan. 1, 2026, at which time the allocation of court costs revert back to prior law.

Effective January 1, 2024.

(Amends R.S. 13:1875(12)(c) and 1899(B))

Marshals, Constables, and Deputy Constables (ACT 67)

Existing law provides that a marshal or constable, except the marshal of the city court of Lake Charles, may be designated for each city court.

New law removes the exception for the city court marshal of Lake Charles.

New law designates the city court marshal of Lake Charles as the ward three marshal and designates the city court marshal of Sulphur as the ward four marshal.

Prior law required a deputy constable to be a resident of the parish within which the elected constable's ward was located.

New law changes the requirement that the deputy constable be a resident of the parish within which the elected constable's ward is located and requires the deputy constable to be a resident of this state.

Effective August 1, 2023.

(Amends R.S. 13:1879 and 2583.1(C))

City Court Fees (ACT 64)

Existing law provides that in all cases over which a city court has jurisdiction, the court may impose a service charge not to exceed \$10 per filing.

Existing law provides that in each proceeding where a fine is imposed or court costs are ordered to be paid, a service charge not to exceed \$10 may be collected by the appropriate entity, which shall be in addition to all other fines, costs, or forfeitures lawfully imposed. Provides that the monies collected be dedicated exclusively to acquisition, construction, equipping, or maintenance of new and existing city court facilities.

New law retains existing law and provides that a service charge shall not exceed \$20 per filing in all cases over which the City Court of Hammond has jurisdiction.

New law provides that in each proceeding where a fine is imposed or court costs are ordered to be paid, a service charge not to exceed \$20 may be collected by the appropriate entity.

New law provides that all monies collected pursuant to new law shall be placed in a dedicated fund for the acquisition, leasing, construction, equipping, and maintenance of city courts.

New law provides for the creation of the fund by resolution adopted by the local governing authority.

Effective August 1, 2023.

(Adds R.S. 13:1910.2)

City Court of Lake Charles – Use of Fund (ACT 9)

Existing law allows the City Court of Lake Charles to impose an additional five-dollar fee as court costs in civil and criminal cases.

Existing law requires the additional costs to be deposited into the general fund for the city and used for capital improvements for the building housing the city court.

New law authorizes the additional costs provided by existing law to be used for operational costs for a designated period.

Effective upon signature of governor (May 30, 2023).

(Amends R.S. 13:2080.1(A))

DeRidder Housing Violations and Administrative Adjudicative Procedures (ACT 118)

Existing law (R.S. 13:2575) authorizes municipalities and parishes to prescribe civil fines for violations of certain types of ordinances, including housing ordinances. Existing law defines the term "housing violation" as only those conditions in privately owned structures which are determined to constitute a threat or danger to the public health, safety, or welfare or to the environment or a historic district. Existing law further provides that in municipalities with a population of 70,000 or more, and in other specified parishes and municipalities, the term shall also encompass building codes, zoning, vegetation, and nuisance ordinances.

New law provides that in the city of DeRidder the term "housing violation" shall also encompass building code, zoning, vegetation, nuisance, and sewerage and drainage system ordinances.

Existing law authorizes municipalities and parishes to adopt ordinances establishing an administrative adjudication procedure for holding hearings related to violations. Additionally authorizes certain parishes and municipalities to use administrative adjudication procedures in matters involving licensing, permits, and other ordinance violations.

New law authorizes the city of DeRidder to use administrative adjudication procedures in matters involving licensing, permits, and other ordinance violations.

Effective August 1, 2023.

(Adds R.S. 13:2575.10)

Acadia Parish Housing Violations and Administrative Adjudicative Procedures (ACT 223)

Existing law (R.S. 13:2575) authorizes municipalities and parishes to prescribe civil fines for violations of certain types of ordinances, including housing ordinances. Existing law defines the term "housing violation" as only those conditions in privately owned structures which are determined to constitute a threat or danger to the public health, safety, or welfare or to the environment or a historic district. Existing law further provides that in municipalities with a population of 70,000 or more, and in other specified parishes and municipalities, the term also encompasses building codes, zoning, vegetation, and nuisance ordinances.

New law provides that in Acadia Parish the term "housing violation" also encompasses building code, zoning, vegetation, and nuisance ordinances.

Existing law authorizes municipalities and parishes to adopt ordinances establishing an administrative adjudication procedure for holding hearings related to violations. Additionally authorizes certain parishes and municipalities to use administrative adjudication procedures in matters involving licensing, permits, and other ordinance violations.

New law authorizes Acadia Parish to use administrative adjudication procedures in matters involving licensing, permits, and any other ordinance violations. Authorizes any owner or mortgagee of record of property determined to be blighted or abandoned or any party determined by a hearing officer to be in violation of an ordinance enacted pursuant to existing law or new law to appeal the determination to the appropriate district court.

Effective August 1, 2023.

(Adds R.S. 13:2575.10)

Justice of the Peace Court Fees (ACT 61)

Existing law provides a fee schedule for justice of the peace courts.

New law increases certain fees in civil matters including the following:

- (1) New suit: from \$100 to \$130.
- (2) Eviction proceeding: from \$100 to \$120.
- (3) Writ of execution: from \$40 to \$60.
- (4) Service of judgment: from \$20 to \$30.
- (5) Additional service of process: from \$20 to \$30.

New law adds an out of district service of process fee with an amount of \$30.

Effective August 1, 2023.

(Amends R.S. 13:2590(A)(1), (2), (3), (23), and (30))

Jefferson Parish and East Baton Rouge Parish Justice of the Peace Court Fees (ACT 72)

Existing law provides a fee schedule for justice of the peace courts in East Baton Rouge Parish and Jefferson Parish.

New law retains existing law and increases certain fees in civil matters including the following:

- (1) New suit: from \$20 to \$30.
- (2) Eviction proceeding: from \$20 to \$30.
- (3) Garnishment, writ of attachment through garnishment: from \$20 to \$30.
- (4) Service of garnishment pleadings and order on defendant when garnishee is a financial institution: from \$20 to \$30.
- (5) Judgment debtor rule: from \$20 to \$30.

Effective August 1, 2023.

(Amends R.S. 13:2590.1(B))

Ascension Parish Retired Employees Insurance Fund (ACT 36)

New law creates the Ascension Parish Retired Employees Insurance Fund (AREIF) to fund the payment by the Ascension Parish Sheriff's Office of the premium costs for eligible retired sheriffs and retired deputy sheriffs.

New law requires the following monies be deposited by the sheriff of Ascension Parish into the AREIF until the total amount of the monies, including the principal and earnings, equals the sum of \$5,000,000:

(1) At least 1% of the tax revenue received annually authorized by the Ascension Parish Law Enforcement Subdistrict No. 1 general sales and use tax ordinance.

(2) Any other monies that the sheriff of Ascension Parish may contribute to the AREIF.

New law requires that, upon recommendation of the AREIF Board, the sheriff invest the monies in the AREIF as follows:

(1) Not less than 25% in equities.

(2) At least 25% in fixed income investments, provided that a minimum of 25% of the fixed income portion is rated as investment grade by a nationally recognized rating agency.

New law requires the monies deposited pursuant to new law, the monies invested pursuant to new law, and the accumulated earnings be available for the sheriff to withdraw for the purpose of paying the insurance costs, claims, premiums, or legal costs for retired sheriffs and retired deputy sheriffs of Ascension Parish and all costs associated with administering the AREIF.

New law requires that in the event that the total amount of monies derived from deposits and investment earnings fall below the sum of \$5,000,000, no earnings be withdrawn, and any

balance owed for the payment of insurance premium costs or legal representation costs for the AREIF Board be paid in full from the sheriff's general fund.

New law requires any financial audit conducted of the sheriff's office specifically address compliance with the provisions of new law.

New law requires the sheriff to establish the AREIF Board consisting of five members as follows:

(1) The chief financial officer of the sheriff's office.

(2) The four remaining positions shall be a combination of active deputy sheriffs, retired sheriffs, or retired deputy sheriffs of the office, appointed by the sheriff, with at least one position designated for a retired sheriff or deputy sheriff.

New law requires the members to elect a chairperson at its first board meeting, which must be held within 30 days after the appointment of board members.

New law requires the members to serve terms concurrent with that of the sheriff.

New law requires the members to serve without compensation.

Effective August 1, 2023.

(Adds R.S. 13:5554.11)

Pointe Coupee Parish Sheriff's Office Retirement Insurance Fund and Advisory Board (ACT 144)

Existing law (R.S. 13:5554(G)) applicable to the sheriff's office of Pointe Coupee Parish provides that premium costs of group hospital, surgical, and medical expenses shall be paid from the sheriff's general fund for any sheriff or deputy sheriff who has retired from the Pointe Coupee 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.

New law creates the Pointe Coupee Parish Retired Employees Insurance Fund (PCREIF), to fund the payment by the Pointe Coupee 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 Pointe Coupee Parish may contribute to the PCREIF at his discretion.

New law provides that monies deposited by the sheriff at his discretion and the monies deposited by the sheriff as required by the investment advisory board shall be available for the sheriff to withdraw for the purpose of paying the insurance premium costs, claims, or premiums for retired sheriffs and retired deputy sheriffs of Pointe Coupee Parish, or for legal representation costs for the PCREIF Board. Provides that if the deposits and earnings on investments falls below \$2,000,000, no earnings shall be withdrawn and any balance owed for the payment of insurance premium costs or legal representation costs shall be paid in full from the sheriff's general fund.

New law requires that any financial audit of the sheriff's office of Pointe Coupee Parish be in compliance with the 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.
- (3) One active deputy sheriff of the department, appointed by the sheriff.

New law provides that the initial term of the advisory board shall begin July 1, 2023, and shall end June 30, 2024. Provides that the terms thereafter shall be four-year terms to run contemporaneous with the sheriff's term.

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.

New law provides eligibility requirements to receive payments from the PCREIF.

Effective August 1, 2023.

(Adds R.S. 13:5554.11)

Coroner Investigation Before Cremation (ACT 332)

Existing law provides that if the cremation of a body is requested, the funeral director shall immediately notify the coroner who has jurisdiction in the death.

New law retains existing law.

Existing law provides that the coroner shall issue a permit for cremation if, after the necessary investigation, he is satisfied that there are no suspicious circumstances surrounding the death.

Existing law provides that the coroner shall deny the permit if the investigation reveals suspicious circumstances or the reasonable probability of the commission of a crime.

Prior law provided that the coroner may issue a permit for cremation after completion of his investigation.

New law specifies that the permit for cremation shall be denied until the post mortem examination and evidence collection is complete.

New law requires the coroner, upon completion of his post mortem examination and evidence collection, to release the body to the family or friends for disposition in accordance with existing law.

New law provides that when the coroner cannot release the body within 30 days of death, the coroner is required to notify in writing the person or persons with the right to dispose of human

remains the reasons for any delay in release of the body.

Effective August 1, 2023.

(Amends R.S. 13:5716)

TITLE 14: CRIMINAL LAW

Simple Burglary May Be Crime of Violence (ACT 419)

Existing law provides for a list of offenses designated as crimes of violence.

New law adds the offense of simple burglary of an inhabited dwelling when a person is present in the dwelling, house, apartment, or other structure.

Effective August 1, 2023.

(Adds R.S. 14:2(B)(60))

Assault by Drive-By Shooting (ACT 243)

Existing law provided for imprisonment of not less than one year nor more than five years, with or without hard labor, and without benefit of suspension of sentence, for whoever commits an assault by drive-by shooting.

New law increases the penalty from not less than one year to not less than three years imprisonment, and from not more than five years to not more than 10 years imprisonment, with or without hard labor, and without benefit of suspension of sentence.

Existing law defines the term "drive-by shooting" as the discharge of a firearm from a motor vehicle on a public street or highway with the intent either to kill, cause harm to, or frighten another person.

New law retains existing law but adds "interstate highway" to the definition of "drive-by shooting".

Effective August 1, 2023.

(Amends R.S. 14:37.1(B) and (C))

Aggravated Assault upon a Utility Service Employee with a Firearm (ACT 65)

Existing law provides for the crime of aggravated assault upon a utility service employee with a firearm and provides for penalties.

Existing law provides for the following definitions:

(1) "Utility service" means any electricity, gas, water, broadband, cable television, or telecommunications service.

(2) "Utility service employee" means any uniformed, readily identified employee of any utility service.

New law amends the existing law definition of "utility service" to include heat, steam, and sewer services. Further amends the existing law definition of "utility service employee" to include any person employed under contract, or an employee of any utility service that provides electricity, gas, water, broadband, cable television, heat, steam, telecommunications services, or sewer services, whether privately, municipally, cooperatively, or investor-owned.

Effective August 1, 2023.

(Amends R.S. 14:37.5(B)(2) and (3))

Extra Penalty for Multiple Simple Burglaries in Continuous Sequence (ACT 417)

Existing law provides for the crime of simple burglary along with penalties.

New law adds a penalty of imprisonment with or without hard labor for not less than one nor more than 12 years for an offender who commits multiple simple burglaries as a part of a continuous sequence of events. Provides that at least one year of the sentence of imprisonment shall be imposed without benefit of probation or suspension of sentence.

Effective August 1, 2023.

(Amends R.S. 14:62(B)(1); Adds R.S. 14:62(B)(3))

Theft or Tampering with ATMs (ACT 218)

New law creates the crime of theft or criminal access of an automated teller machine.

New law provides that theft of an automated teller machine is the misappropriation or taking of an automated teller machine which belongs to another without the consent of the other to the misappropriation or taking with the intent to deprive the owner permanently of the automated teller machine or its contents.

New law provides that criminal access of an automated teller machine is the intentional destroying, damaging, impairing, tampering with, or otherwise rendering inoperable of an automated teller machine belonging to another with the intent to steal currency or personal financial information of another, regardless of the pecuniary loss.

New law defines "automated teller machine" as an electronic information processing device which accepts or dispenses cash in connection with an account or credit card.

Provides that whoever commits the new law crime shall be imprisoned with or without hard labor for not less than five years nor more than 10 years and may, in addition, be required to pay a fine of not more than \$10,000. Requires restitution to be ordered pursuant to existing law (C.Cr.P. Art. 883.2).

Effective August 1, 2023.

(Adds R.S. 14:67.13)

Unlawful Deepfakes (ACT 457)

New law creates the crime of "unlawful deepfakes", which is the creation or possession of any material that depicts a minor engaging in sexual conduct using deepfake technology.

New law provides a penalty of imprisonment at hard labor for not less than five and not more than

20 years, five years of which must be served without benefit of probation, parole, or suspension of sentence, or a fine of not more than \$10,000, or both.

New law provides that "unlawful deepfakes" is also the advertisement, distribution, exhibit, exchange, promotion, or sale of any sexually explicit material depicting a person without his consent using deepfake technology. New law provides a penalty of imprisonment at hard labor for not less than 10 and not more than 30 years, or a fine of \$50,000, or both. New law further provides that when the content depicts a minor, the defendant must serve at least 10 years of the sentence imposed without benefit of probation, parole, or suspension of sentence.

New law defines "deepfake" as any audio or visual media in an electronic format, including any motion picture film or video recording, that is created, altered, or digitally manipulated in a manner that would falsely appear to a reasonable observer to be an authentic record of the actual speech or conduct of the individual or replace an individual's likeness with another individual and depicted in the recording.

However, new law provides that "deepfake" does not include any material that constitutes a work of political, public interest, or newsworthy value, including commentary, criticism, satire, or parody, or that includes content, context, or a clear disclosure visible throughout the duration of the recording that would cause a reasonable person to understand that the audio or visual media is not a record of a real event.

Effective August 1, 2023.

(Adds R.S. 14:73.13)

Mandatory Use of Floats by Minors Swimming Downstream of a Dam (ACT 300)

New law provides that it is unlawful for any parent or legal guardian who has care and control of a minor to permit a minor, either knowingly, willfully, or through criminal negligence, to swim without wearing a Type I, Type II, Type III, or Type V personal flotation device approved by the

U.S. Coast Guard in any river that flows through a water-control structure in La. that creates a reservoir used to generate hydroelectric power.

New law shall only apply to the portion of a river beginning at the water-control structure and continuing for 70 miles downstream from the water-control structure.

New law provides for the following penalties:

- (1) On a first conviction, the parent or legal guardian will be issued a warning ticket, fined not more than \$25, or both.
- (2) On a second conviction, the parent or legal guardian will be fined not more than \$50, imprisoned for not more than seven days, or both.
- (3) On a third or subsequent conviction, the parent or legal guardian will be fined not more than \$75 nor more than \$250, imprisoned for not more than 30 days, or both.

Effective August 1, 2023.

(Adds R.S. 14:93.2.4)

Carrying of Concealed Weapons by Retired Law Enforcement Officers (ACT 257)

Existing law provides relative to the crime of illegal carrying of weapons, defined in pertinent part as the intentional concealment of any firearm on one's person.

New law retains existing law.

Prior law provided an exception to existing law for any law enforcement officer who is retired from full-time active law enforcement service with at least 12 years service, and for any enforcement officer of the office of state parks who is retired from active duty as an enforcement officer. Prior law further provided that for this exception to apply, the retired officer must have valid identification as a retired law enforcement officer and must be qualified annually in the use of firearms by the Council on Peace Officer Standards and Training (POST).

New law deletes the prior law requirement of annual firearms qualification and provides that the retired officer need only have been properly certified by POST at the time of retirement, in accordance with existing law relative to exceptions to the concealed handgun permit (CHP) requirement.

New law also provides an exception to existing law for any retired elected head of a law enforcement department, provided that he was firearms qualified by POST at the time of retirement.

Prior law provided the requirements for obtaining a CHP, and provides an exception to those requirements for retired law enforcement officers.

New law makes the prior law exception to the crime of illegal carrying of weapons for retired law enforcement officers consistent with the existing law exception to CHP requirements.

New law otherwise retains existing law.

Effective August 1, 2023.

(Amends R.S. 14:95(G)(2); adds R.S. 14:95(G)(4))

Criminal Blighting of Property (ACT 85)

Existing law provides for the crime of criminal blighting of property, defined as the intentional or criminally negligent permitting of the existence of a condition of deterioration of property by the owner, which is deemed to have occurred when the property has been declared or certified as blighted after an administrative hearing.

New law removes the requirement for the property to be declared or certified as blighted after all reviews or appeals have occurred.

Prior law provided for the following penalties:

- (1) On a first conviction, the offender shall be fined not more than \$500. Imposition of the fine may have been suspended, and in lieu thereof, the court may have required the offender

to correct all existing housing violations on the blighted property.

(2) On a second conviction, the offender shall be fined not more than \$500 and ordered to perform not more than 40 hours of community service. Additionally, the court required the offender to correct all existing housing violations on the blighted property.

(3) On a third or subsequent conviction, the offender shall be fined not more than \$2,000 and ordered to perform not more than 80 hours of community service, or both. Additionally, the court required the offender to correct all existing housing violations on the blighted property.

New law provides for the following penalties:

(1) On a first conviction, the offender shall be fined not more than \$500 per violation. Imposition of such fine may be suspended, and in lieu thereof, the court may require the offender to correct all existing housing violations on the blighted property within a timely manner determined by the court.

(2) On a second conviction, or if the offender fails to correct violations after ordered by the court, the offender shall be fined not more than \$1,000 per violation and imprisoned for not more than six months. Additionally, the court shall require the offender to correct all existing housing violations on the blighted property.

(3) On a third or subsequent conviction, or if the offender fails to correct all violations after a second conviction, the offender shall be fined not more than \$2,000 per violation, and imprisoned for not more than one year, with or without hard labor.

Prior law provided that upon a second or third conviction, the court was authorized to order the offender to occupy the blighted property for a designated period of not more than 60 days.

New law repeals prior law.

New law provides that the penalty for imprisonment shall not be imposed when the

property is a single family residence occupied by the defendant.

New law provides that prosecution may occur concurrently with review and appeal of declarations and certifications of blight.

New law adds the existing law crime of criminal blighting of property to the list of crimes which may be racketeering activity under existing law (R.S. 15:1352).

Effective August 1, 2023.

(Amends R.S. 14:107.3(B) and (C); Adds R.S. 14:107.3(H) and R.S. 15:1352(A)(70); Repeals R.S. 14:107.3(D))

Expanded Prohibition of Items in Correctional Facilities (ACT 302)

Existing law (R.S. 14:402) prohibits persons from introducing, possessing, or sending contraband into or from any state correctional institution or municipal or parish jail and provides for criminal penalties.

New law amends existing law to also prohibit persons from attempting to introduce, give, or attempt to give contraband to an inmate of any correctional facility rather than a correctional institute.

New law defines "correctional facility" as any jail, prison, penitentiary, juvenile institution, temporary holding center, or detention facility.

New law retains and restructures existing law with regard to contraband in or upon the premises of municipal or parish prisons or jails.

Prior law provided that a reasonably small amount of sacramental wine shall be permitted to be brought for use by a clergy member only, as part of a religious service.

New law provides that a reasonably small amount of sacramental wine may be permitted by the warden or his designee for use by a clergy member only, as part of a religious service.

New law adds that the existing law term of "contraband" includes any tobacco product as defined by existing law and any hypodermic syringe, needle, and or other object used or intended for use, or designed for use in injecting controlled dangerous substances into the human body.

New law further adds any electronic device including but not limited to computers, telephoto equipment, communications equipment, whether modified or not.

Existing law (R.S. 15:1352) provides for the definition of "racketeering activity" and provides for certain criminal offenses.

New law changes the crime of contraband in penal institutions to contraband in correctional facilities.

Effective August 1, 2023.

(Amends R.S. 14:402(A), (B), (C), (D)(1)-(5) and (7)-(10), (F), and (G)(1) and (2) and R.S. 15:1352(A)(66); Adds R.S. 14:402(D)(11), (12), (13), and (14) and (H); Repeals R.S. 14:402(E))

TITLE 15: CRIMINAL PROCEDURE

Child Abuse and Neglect Registry (ACT 460)

New law creates the Child Abuse and Neglect Registry.

New law provides for the following:

(1) Provides for the discretionary registration of persons convicted of enumerated felony offenses based on the type of offense and subject to the judge's discretion, where the victim is a child, with local law enforcement agencies of where they reside, and in the parish of conviction, and to provide local law enforcement with information regarding their identities, residence, conviction, and other personal information.

(2) Requires the court to provide written notification to any person convicted of an applicable offense of the requirement to register.

(3) Provides procedures for offenders to provide information to local law enforcement agencies regarding a change of address, residence, employment, or schooling within 3 business days of release.

(4) Requires in-person verification by the offender at each registration period.

(5) Provides that the crime of failing to register includes the failure to register, periodically renew and update registration, provide proof of residence, notification of change of address, or other registration information. Provides that knowingly providing false information to law enforcement constitutes a failure to register and subjects the offender to a fine of not more than \$1,000 and imprisonment of not more than one year.

(6) Provides that the court may waive registration and notification requirements if the offender is convicted of second degree battery.

(7) Provides that the La. Bureau of Criminal Identification and Information (bureau) must develop and maintain the registry known as the Child Abuse and Neglect Registry. Provides that upon receipt of registration information, the bureau must immediately enter the appropriate information in the registry.

(8) Provides for an exception to the registration requirements of new law if the offender is also required to register as a sex offender.

(9) Provides that certain information is exempt from public view.

(10) Provides that the bureau must maintain a child abuse and neglect notification and registration website that contains a disclaimer regarding potential inaccuracies and prohibits using the information for harassment, stalking, or threats to the offender.

(11) Provides for email notification to local law enforcement agencies upon registration of the offender.

Provides for social networking sites to have information to compare registered users with email addresses, instant message addresses, or other similar online identifiers with persons on the registry.

Requires offenders to maintain their registration for a period of 10 years for the first offense and for life for any second or subsequent offense.

Provides that the implementation of this Act is subject to the appropriation of funds by the legislature for this purpose.

Effective July 1, 2024.

(Adds R.S. 15:563-563.3)

Penalties for Serial Nonviolent Offenders (ACT 463)

Existing law (R.S. 15:571.3(B)(1)(a)) provides that every offender in the custody of the DPS&C who has been convicted of a felony, except an offender convicted a second time of a crime of violence, and sentenced to imprisonment for a stated number of years or months, may earn good time in lieu of incentive wages. Offenders serving life sentences shall be credited with good time earned which shall be applied toward diminution of their sentences at such time as the life sentences may be commuted to a specific number of years.

New law provides for an exception for an offender convicted of a fourth or subsequent nonviolent felony offense.

New law further provides that an offender convicted of a fourth or subsequent nonviolent felony offense shall earn a diminution of sentence at a rate of one day for every two days in actual custody held on the imposed sentence, including time spent in custody with good behavior prior to sentencing for the particular sentence imposed as authorized by existing law (C.Cr.P. Art. 880).

New law shall not apply to any person convicted of a sex offense.

Existing law (R.S. 15:571.3(D)) provides that diminution of sentence shall not be allowed for an offender in the custody of the DPS&C if the instant offense is a second offense crime of violence or if the instant offense is a sex offense.

New law provides that diminution of sentence shall also not be allowed for an offender in a parish prison if the instant offense is a second offense crime of violence or if the instant offense is a sex offense.

Existing law (R.S. 15:574.4(A)(1)(a)) provides that a person otherwise eligible for parole shall be eligible for parole consideration upon serving 25% of the sentence imposed. Further provides that existing law shall not apply to any person whose instant offense is a crime of violence, a sex offense, or any offense which would constitute a crime of violence or a sex offense, regardless of the date of conviction.

New law provides that existing law shall also not apply to a person whose instant offense is a fourth or subsequent conviction of a nonviolent felony offense.

New law further provides that a person, otherwise eligible for parole, whose instant offense is a fourth or subsequent conviction of a nonviolent felony offense, shall be eligible for parole consideration upon serving 65% of the sentence imposed. New law shall not apply to any person who has been convicted of a sex offense.

Effective August 1, 2023.

(Amends R.S. 15:571.3(B)(1)(a) and (D) and 574.4(A)(1)(a); Adds R.S. 15:571.3(B)(3) and 574.4(A)(1)(c))

Electronic Monitoring Services and Providers (ACT 374)

Existing law provides for the crime of tampering with electronic monitoring equipment and provides for penalties.

New law adds an additional penalty of a fine of not more than \$1,000 and imprisonment at hard labor for not more than one year for an offender who violates existing law after being released pursuant to a bail undertaking for a felony crime of violence enumerated or defined in existing law.

Existing law requires the Dept. of Public Safety and Corrections (DPS&C) to develop written policies and procedures in the manner provided in the Administrative Procedure Act (APA) for the promulgation of a rule governing the availability, storage, and use of electronic monitoring equipment.

New law amends existing law to provide that corrections services, the office of state police, and the La. Commission on Law Enforcement and Administration of Criminal Justice (LCLE) shall also work with DPS&C to develop written policies and procedures in the manner provided in the APA for the promulgation of rules governing mandatory requirements for electronic monitoring service providers, including governing the availability, storage, use of, and operational capacity for electronic monitoring equipment utilized for pre-trial, post-conviction, or monitoring.

Existing law requires the policies and procedures to include the following criteria:

- (1) Secure storage.
- (2) Timely visual inspection of equipment worn by the monitored individual.
- (3) A master listing and inventory.
- (4) Availability of at least one complete backup unit for a number of specified units.
- (5) Responses to system malfunctions.
- (6) Restricted password access to authorized staff.
- (7) Maintenance and cleaning of equipment.

New law specifies that the policies and procedures be developed pursuant to the APA and adds the following criteria:

(1) Location accuracy for the indoor, outdoor, and on-demand location of a monitored individual. Also provides for the ability to provide a monitored offender's location accuracy within three minutes of a request.

(2) Development of zoning capabilities for inclusion and exclusion zones.

(3) Timely alert notifications from the applicable local, municipal, and parish authorities and the office of technology services to an authorizing judge or law enforcement agency for all of the following:

(a) The tampering of the electronic monitoring equipment and the ability to provide an alert of this violation within three minutes of the violation.

(b) The presence of the electronic monitoring equipment in an exclusion zone and the ability to provide an alert of this violation within four minutes of the violation.

(c) Low battery alert prior to the complete discharge of the battery within the electronic monitoring equipment.

(4) Simultaneous access to an authorizing judge or law enforcement agency for all monitoring records of an electronic monitoring provider.

New law provides that when an individual has been placed under electronic monitoring, the provider of the electronic monitoring service shall, by noon of the following day, provide law enforcement agencies within the appropriate jurisdiction all of the following information:

(1) The name and any aliases used by the monitored individual.

(2) The physical address or addresses of residence of the monitored individual.

(3) The name and physical address of place of employment. Further provides that if the monitored individual does not have a fixed place of employment, he shall provide information with as much specificity as possible regarding the places where he works, including but not limited to travel routes used by the monitored offender.

(4) The pending criminal charges against the monitored individual.

(5) The reason why the monitored individual has been placed under electronic monitoring.

New law provides that after an individual has been placed under electronic monitoring, the court exercising jurisdiction over the monitored individual shall report the information provided in new law to all law enforcement agencies within its jurisdiction.

New law provides that any provider of an electronic monitoring service who intentionally withholds or intentionally fails to timely report information as required by new law shall be subject to a civil fine of not more than \$1,000 and shall be prohibited from registering to provide electronic monitoring services in La. for a period of five years.

New law provides that the attorney general shall have the authority to pursue the civil fine imposed pursuant to new law and may institute any civil action to prohibit any violator of new law from conducting business in this state for a period of five years.

New law provides that the Integrated Criminal Justice Information System Policy Board, in consultation with the DPS&C, corrections services, the office of state police, the office of the attorney general, the office of information and technology systems, and the LCLE shall evaluate the feasibility of all of the following:

(1) Development of a statewide system for the use of global position system monitoring and other electronic methods of monitoring as an alternative to incarceration for persons who have been arrested, who are awaiting trial, or who have been convicted.

(2) Development of guidelines and criteria for contracts between a local government and a person or entity that provides electronic monitoring services.

(3) Development and maintenance of a centralized registry that can assist the state in the collection of the following data:

(a) The number of persons who are electronically monitored by jurisdiction.

(b) The number of violations that occur within each jurisdiction.

New law provides that any person or entity who provides electronic monitoring services for the purpose of monitoring, tracking, or supervising pretrial or post-conviction persons within the state of La. shall certify in writing that the provider meets the criteria provided in new law and shall register with the DPS&C no later than Dec. 1, 2024.

New law provides that no person or entity shall provide electronic monitoring services in this state without having first complied with the registration requirements as provided in new law. Further provides that the application for registration shall be submitted on forms provided by the DPS&C and shall contain all the information required by such forms and any accompanying instructions.

New law provides that the DPS&C shall remove from its registry any person or entity that provides electronic monitoring services in this state if the office determines that the person or entity has violated the provisions of new law.

Effective August 1, 2023.

(Amends R.S. 14:110.2(B); Adds R.S. 15:571.36(A)(8)-(11) and (B)-(D) and 835)

Parole Eligibility for Those Without High School Education (ACT 276)

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

Existing law provides that the committee on parole may grant parole with two votes of a three-member panel if certain conditions are met.

Existing law provides that one of the conditions that an offender shall fulfill to be eligible for parole is that the offender has obtained a GED credential, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability. Further provides that if the offender is deemed incapable of obtaining a GED credential, the offender must complete at least one of the following: a literacy program, an adult basic education program, or a job-skills training program.

New law amends existing law by removing the exception for an offender who is deemed incapable of obtaining a GED and by providing that any offender may be eligible for parole if he completes at least one of the following:

- (1) A literacy program.
- (2) An adult basic education program.
- (3) A job-skills training program.
- (4) A high school equivalency certificate.

Existing law provides for parole eligibility for certain offenders.

Existing law further provides the following groups of offenders with eligibility for parole consideration if certain conditions have been met:

- (1) Any person committed to the Dept. of Public Safety and Corrections (DPS&C) for a term or terms of imprisonment with or without benefit of parole who has served at least 10 years of the term or terms of imprisonment in actual custody and who has reached the age of 60 years.
- (2) Any person who has not been convicted of a crime of violence as defined in existing law, a sex offense as defined in existing law, or an offense, regardless of the date of conviction, which would constitute a crime of violence or a

sex offense who, when sentenced to life imprisonment with or without the benefit of parole, was in any of the following age ranges:

- (a) At least 18 years of age and under the age of 25.
 - (b) At least 25 years of age and under the age of 35.
 - (c) At least 35 years of age and under the age of 50.
 - (d) At least 50 years of age.
- (3) Any person serving a sentence of life imprisonment who was under the age of 18 years at the time of the commission of the offense, except for a person serving a life sentence for a conviction of first degree murder or second degree murder.
 - (4) Any person serving a sentence of life imprisonment for a conviction of first degree murder who was under the age of 18 years at the time of the commission of the offense and whose indictment for the offense is on or after Aug. 1, 2017.
 - (5) Any person serving a sentence of life imprisonment for a conviction of second degree murder who was under the age of 18 years at the time of the commission of the offense and whose indictment for the offense is on or after Aug. 1, 2017.
 - (6) Any person serving a sentence of life imprisonment for a conviction of first degree murder or second degree murder who was under the age of 18 years at the time of the commission of the offense and whose indictment for the offense was prior to Aug. 1, 2017.
 - (7) Any person serving a term or terms of imprisonment that resulted in a period of incarceration of 25 years or more and who was under the age of 18 years at the time of the commission of the offense.

Existing law provides that, as one of the conditions to be eligible for parole, the offender obtain a GED credential.

Existing law provides an exception to the requirement of obtaining a GED for an offender who is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability. Further provides that if the offender is deemed incapable of obtaining a GED credential, the offender shall complete at least one of the following:

- (1) A literacy program.
- (2) An adult basic education program.
- (3) A job-skills training program.

New law amends existing law by removing the exception for an offender who is deemed incapable of obtaining a GED and by providing that any offender may be eligible for parole if he completes at least one of the following:

- (1) A literacy program.
- (2) An adult basic education program.
- (3) A job-skills training program.
- (4) A high school equivalency certificate.

Existing law provides for the decisions of the committee on parole.

Existing law provides that before the committee on parole places a person on parole, the committee shall determine if he has a high school diploma or its equivalent and, if he does not, the committee shall condition parole upon the parolee's enrolling in and attending an adult education or reading program until he obtains a GED credential, or until he completes such educational programs required by the committee, and has attained a sixth grade reading level, or until his term of parole expires, whichever occurs first. Further provides that all costs shall be paid by the parolee and if the committee finds that there are no adult education or reading programs in the parish in which the parolee is domiciled, the parolee is unable to afford such a

program, or attendance would create an undue hardship on the parolee, the committee may suspend this condition of parole.

Existing law further provides that the provisions of existing law shall not apply to those parolees who are mentally, physically, or by reason of age, infirmity, dyslexia, or other such learning disorders, unable to participate.

New law amends existing law to provide that before the committee on parole places a person on parole, the committee shall condition parole upon the parolee's enrolling in or completion of one of the following:

- (1) A literacy program.
- (2) An adult basic education program.
- (3) A job-skills training program.
- (4) A high school equivalency certificate.

New law further amends existing law to provide that the provisions of existing law shall also not apply to parolees who have already obtained a high school equivalency certificate or high school diploma.

Effective upon signature of governor (June 9, 2023).

(Amends R.S. 15:574.2(C)(2)(e), 574.4(A)(4)(e), (B)(2)(a)(vi), (b)(vi), (c)(vi), and (d)(vi), (D)(1)(e)(intro. para.), (E)(1)(e)(intro. para.), (F)(1)(e)(intro. para.), (G)(1)(e)(intro. para.), and (J)(1)(e)(intro. para.), and 574.4.2(E); Adds R.S. 15:574.4(D)(1)(e)(iv), (E)(1)(e)(iv), (F)(1)(e)(iv), (G)(1)(e)(iv), and (J)(1)(e)(iv))

Use of DNA Samples Database (ACT 86)

Existing law authorizes state police to create a separate population database comprised of DNA samples after all personal identification is removed. Further authorizes state police to share or disseminate the population database with other criminal justice agencies or crime laboratories that serve to assist state police with statistical databases.

New law provides that the population database may be used for the following:

- (1) To assist federal, state, and local criminal justice and law enforcement agencies in the identification and detection of individuals in criminal investigations or in declared or non-declared disaster victim identification.
- (2) For a population statistics database.
- (3) For identification and protocol development purposes.
- (4) For quality control purposes.
- (5) To reduce the rape kit backlog at the La. State Police crime lab.

New law requires state police to maintain the separate population database and provides that the database is subject to the same disclosure prohibitions as the state data bank pursuant to existing law (R.S. 15:617).

Effective August 1, 2023.

(Amends R.S. 15:612(A)(intro. para.), (B), and (C))

Mental Health Services for Prisoners (ACT 214)

New law shall be cited and referred to as "The Mental Healing Justice for Incarcerated People Act".

New law provides a statement of legislative intent. Further provides that it is the intent of the legislature that the state allocate funding for new law to ensure both the access and delivery of quality care for individuals incarcerated within the Dept. of Public Safety and Corrections (department).

New law further provides within the statement of legislative intent that the legislature also finds access to high-quality mental health services, regardless of the setting, to be of importance. Further provides that the state wholly supports efforts to assist incarcerated individuals suffering

from severe and persistent mental illnesses in their efforts to navigate incarceration and reentry into society.

Existing law provides that the department may establish resources and programs for the treatment of inmates with a mental illness or an intellectual disability, either in a separate facility or as part of other institutions or facilities of the department.

New law amends existing law to make the establishment of resources and programs mandatory.

New law provides for the duties of the department as follows:

- (1) Provide screening to persons entering state prison facilities, upon intake, for mental health disorders as defined in the current edition of the Diagnostic And Statistical Manual, subject to appropriation by the legislature and the availability of resources.
- (2) Refer a person to a facility's mental health department if at any point during the person's incarceration, any department staff member suspects that an incarcerated person may have a mental illness.
- (3) Provide Mental Health First Aid training to employees on an annual basis, subject to appropriation by the legislature and the availability of resources.
- (4) Utilize trained peer support who have shared lived experiences to augment and enhance mental health services.
- (5) Provide an incarcerated person who has been diagnosed with a serious mental illness, prior to that person's release, with an appointment or walk-in instructions for a community mental health provider to ensure continuity of care to the extent that this is feasible and subject to the availability of department and community resources.

Effective August 1, 2023.

(Amends R.S. 15:830(A), (B), and (C); Adds R.S. 15:830(D) and (E))

**River Parishes Juvenile Justice District
(ACT 145)**

New law provides for the creation of the River Parishes Juvenile Justice District as a political subdivision of the state. Further provides for territorial jurisdiction throughout the 23rd, 29th, and 40th Judicial Districts, including the parishes of Ascension, Assumption, St. Charles, St. James, and St. John the Baptist.

New law provides for creation of the River Parishes Juvenile Justice Commission to control, administer, and manage the affairs of the district.

New law provides that the commission shall be composed of a board of 14 commissioners, who shall be qualified electors domiciled and residing in the district as follows:

- (1) Five commissioners shall be jointly appointed, for terms of four years, by the sheriffs of the 23rd Judicial District.
- (2) Two commissioners shall be appointed, for terms of four years, by the sheriff of St. Charles Parish.
- (3) One commissioner shall be appointed, for a term of four years, by the sheriff of St. John the Baptist Parish.
- (4) One commissioner shall be appointed, for a term of four years, by the district attorney of the 23rd Judicial District.
- (5) One commissioner shall be appointed, for a term of four years, by the district attorney of the 29th Judicial District.
- (6) One commissioner shall be appointed, for a term of four years, by the district attorney of the 40th Judicial District.
- (7) One commissioner shall be appointed, for a term of four years, by the chief judge of the 23rd Judicial District.

(8) One commissioner shall be appointed, for a term of four years, by the chief judge of the 29th Judicial District.

(9) One commissioner shall be appointed, for a term of four years, by the chief judge of the 40th Judicial District.

New law provides that all appointments shall be confirmed by the Senate.

New law provides that the members of the board of commissioners shall serve without salary or per diem but the board may authorize a reasonable travel allowance for its members in the performance of their official duties.

New law provides for the purpose of the commission.

New law provides that the board of commissioners shall elect a president, a secretary, and a treasurer, whose duties in addition to those provided by new law shall be established by the board.

New law provides that if the board so decides, one commissioner may serve as both secretary and treasurer, but in any event the treasurer shall furnish bond in an amount and in accordance with terms and conditions fixed by the board.

New law provides that the board shall fix a time and place for the holding of its regular meetings and shall hold at least one regular meeting in each calendar month. Further provides that additional regular or special meetings may be held upon the call of the president or of five of the commissioners, that all meetings of the board shall be held at the domicile of the board, and that all meetings shall be governed by the provisions of existing law.

New law provides that a majority of the current members of the board shall constitute a quorum. Further provides that a quorum shall be required to transact business and all actions of the board shall be approved by a majority of the quorum present.

New law provides that the board may purchase or otherwise acquire, construct, reconstruct, rehabilitate, improve, repair, operate, lease as lessor or lessee, manage, and administer or enter into contracts for the management, administration, and operation of a juvenile detention facility or facilities, shelter care facility or facilities, or such other juvenile justice facilities as are useful, necessary, expedient, or convenient to carry out the plans and purposes of the commission and for the orderly conduct of its business.

New law provides that such facilities may include but are not limited to office facilities, parking facilities, diagnostic facilities, dormitories, and other residential facilities for delinquent, neglected, or abused children or children in need of care or supervision, as well as for employees, patrons, visitors, and relatives of children who may enter the juvenile justice system or who are in need of care or supervision.

New law provides that the facility may also be used to operate post-adjudication programming, including treatment and rehabilitation.

New law provides that the commission may lease, purchase, or acquire by donation or otherwise, any property, immovable or movable, tangible or intangible, from any person, firm, or corporation, including the state and its agencies and political subdivisions.

New law authorizes the diagnostic facilities, dormitories, and other residential facilities to be used to operate post-adjudication programming, including treatment and rehabilitation.

New law provides that the board may also authorize and approve, upon such terms as it may deem advisable, contracts of employment for a superintendent or administrator and other necessary personnel and contracts for legal, financial, engineering, and other professional services necessary or expedient for the conduct of its affairs.

New law provides that the board of commissioners shall be domiciled in the parish of St. James and shall have the power to sue and be

sued. Further provides that the board, in the exercise of its powers to control, administer, and manage the affairs of the district, may incur debt and issue bonds, and it may levy taxes in the manner provided in new law and pursuant to existing constitution or any other constitutional or statutory authority.

New law provides that the board generally may perform any function and exercise any power necessary, requisite, or proper for the administration and management of the affairs of the commission, and it specifically may cooperate with juvenile courts and other courts and public agencies within the 23rd, 29th, and 40th Judicial Districts and aid and assist them in all ways authorized by law to carry out the purposes and responsibilities for which it is established.

New law provides that the commission, in addition to the general powers conferred herein and in order to obtain the necessary funds to carry out its purposes, duties, and responsibilities, and in order to acquire, construct, maintain, and operate a juvenile facility or facilities and related services and programs throughout the River Parishes Juvenile Justice District, may incur debt and issue general obligation bonds within the limitations prescribed by existing constitution and other applicable constitutional or statutory authority, but only when authorized by a majority of the electors in the district who vote in an election held for that purpose in accordance with laws governing such elections.

New law provides that special costs in an amount not to exceed \$5 shall be levied against every defendant who is convicted after trial, enters a plea of guilty or nolo contendere, or forfeits bond in all felony and misdemeanor prosecutions, including traffic offenses, under state law or parish or municipal ordinance, in any district, parish, city, or mayor's court in the parishes of Ascension, Assumption, St. Charles, St. James, and St. John the Baptist.

New law provides that, in lieu of imposing the special costs, the court may direct that a like amount be deducted from any fine imposed prior to disposition of the fine in accordance with other

laws, but in either event any amounts so collected shall be remitted, by the 10th of the month following the month in which collected, by the proper officer of the court to the board of the River Parishes Juvenile Justice Commission to be used for the expenses of its operations as provided in this Subpart.

New law provides that in all courts exercising juvenile jurisdiction, special costs in an amount not to exceed \$5 shall be levied against every juvenile who is found to have committed a traffic violation, under state law or parish or municipal ordinance, and special costs in an amount not to exceed \$25 shall be levied against every juvenile who is adjudicated delinquent in the parishes of Ascension, Assumption, St. Charles, St. James, and St. John the Baptist.

New law further provides that all or part of the costs may be suspended, but any amounts thereof collected shall be remitted, by the 10th of the month following the month in which collected, by the proper officer of the court in which the matter was heard to the board of the River Parishes Juvenile Justice Commission to be used for the expenses of its operations in new law.

New law provides that the special court costs or fees shall become effective upon approval by the Judicial Council.

Effective August 1, 2023.

(Adds R.S. 15:1109-1109.6)

Acadiana Parish Juvenile Justice District (ACT 166)

New law provides for the creation of the Acadiana Regional Juvenile Justice District as a political subdivision of the state. Further provides for territorial jurisdiction throughout the parishes of Acadia, Allen, Evangeline, Iberia, Jefferson Davis, St. Landry, St. Martin, St. Mary, and Vermilion.

New law provides for definitions for the terms "board", "commission", "district", "facility", "governing authority", "lease-purchase contract", and "participating parish".

New law provides that the domicile of the Acadiana Regional Juvenile District shall be the parish seat of the parish in which the juvenile justice facility is located unless changed by 2/3 vote of the membership of the board of commissioners of the Acadiana Regional Juvenile Justice District.

New law provides for the creation of the Acadiana Regional Juvenile Justice District Commission to control, administer, and manage the affairs of the district.

New law provides that the commission shall be composed of a board of 11 commissioners who shall be appointed as follows:

(1) One commissioner, who shall be a qualified elector domiciled and residing within Acadia Parish, shall be jointly appointed by the chief judge and district attorney for the 15th Judicial District and the sheriff of Acadia Parish for an initial term of four years.

(2) One commissioner, who shall be a qualified elector domiciled and residing in Allen Parish, shall be jointly appointed by the chief judge and district attorney for the 33rd Judicial District and the sheriff of Allen Parish for an initial term of four years.

(3) One commissioner, who shall be a qualified elector domiciled and residing within Evangeline Parish, shall be jointly appointed by the chief judge and district attorney for the 13th Judicial District and the sheriff of Evangeline Parish for an initial term of four years.

(4) One commissioner, who shall be a qualified elector domiciled and residing within Iberia Parish, shall be jointly appointed by the chief judge and district attorney of the 16th Judicial District and the sheriff of Iberia Parish for an initial term of four years.

(5) One commissioner, who shall be a qualified elector domiciled and residing in Jefferson Davis Parish, shall be jointly appointed by the chief judge and district attorney for the 31st Judicial District and the sheriff of Jefferson Davis Parish for an initial term of four years.

(6) One commissioner, who shall be a qualified elector domiciled and residing in St. Landry Parish, shall be jointly appointed by the chief judge and district attorney for the 27th Judicial District and the sheriff of St. Landry Parish for an initial term of four years.

(7) One commissioner, who shall be a qualified elector domiciled and residing within St. Martin Parish, shall be jointly appointed by the chief judge and district attorney for the 16th Judicial District and the sheriff of St. Martin Parish for an initial term of four years.

(8) One commissioner who shall be a qualified elector domiciled and residing in St. Mary Parish shall be jointly appointed by the chief judge and district attorney for the 16th Judicial District and the sheriff of St. Mary Parish for an initial term of four years.

(9) One commissioner, who shall be a qualified elector domiciled and residing within Vermilion Parish, shall be jointly appointed by the chief judge and district attorney for the 15th Judicial District and the sheriff of Vermilion Parish for an initial term of four years.

(10) One commissioner, who shall be a qualified elector domiciled and residing within the district, shall be jointly appointed by the parish presidents of the parishes included within the district and the presidents of the police juries in those parishes without home rule charters or parish presidents for an initial term of four years.

(11) One commissioner, who shall be a qualified elector domiciled and residing within the district, shall be jointly appointed by the judges of the city courts within the district exercising juvenile jurisdiction for an initial term of four years.

New law provides that following the expiration of the initial term of each commissioner, all subsequent appointments shall be for terms of four years. Further provides that the members of the board shall serve without salary or per diem, but the board may authorize a reasonable travel allowance for its members in the performance of their official duties.

New law provides for the purpose of the commission. Further authorizes the board to enter into intergovernmental agreements or cooperative endeavor agreements with any other state, parish, or local agency, entity, or individual to provide for the establishment and maintenance of evidence-based or best practices juvenile services and programs, including but not limited to a district attorney's early intervention program.

New law authorizes the board to expend any and all funds collected and to pay any and all negotiated costs and expenses for juvenile services and programs provided within the district or to other participating parishes.

New law provides that the board of commissioners shall elect a chairman, a vice chairman, and a treasurer from among its members whose duties, in addition to those provided by new law, shall be established by the board.

New law provides that the treasurer shall furnish bond in an amount and in accordance with the terms and conditions fixed by the board. Further provides that the board of commissioners may also appoint a person who may, but is not required to, be a member of the board to serve as the secretary.

New law provides that the board shall fix a time and place for the holding of its regular meetings in at least every other calendar month. Further provides that additional regular or special meetings may be held upon the call of the chairman or of three of the commissioners, that all meetings of the board may be conducted at any location approved by the board, and that all meetings shall be governed by the provisions of existing law.

New law provides that a majority of the members of the board shall constitute a quorum. Further provides that a quorum shall be required to transact business and all actions and resolutions of the board shall be approved by a majority of the quorum present.

New law provides that the board may purchase or otherwise acquire, construct, reconstruct,

rehabilitate, improve, repair, operate, lease as lessor or lessee, manage, and administer or enter into contracts for the management, administration, and operation of a juvenile detention facility or facilities, shelter care facility or facilities, or such other juvenile justice facilities as are useful, necessary, expedient, or convenient to carry out the plans and purposes of the commission and for the orderly conduct of its business.

New law provides that such facilities may include but are not limited to office facilities, parking facilities, diagnostic facilities, dormitories, residential units, administration and social service buildings, cafeteria buildings, gymnasium, educational and recreational buildings, and other similar facilities for delinquent, neglected, or abused children or children in need of care or supervision, as well as for employees, patrons, visitors, and relatives of children who may enter the juvenile justice system, or who are in need of care or supervision.

New law provides that the commission may also lease, purchase, or acquire by donation or exchange any property, immovable or movable, tangible or intangible from any person, firm, or corporation, including the state and its agencies and political subdivisions.

New law provides that the district may enter into a lease or lease-purchase contract with any state, parish or local agency or person, firm or corporation, public or private for the acquisition of a facility with a term not to exceed 30 years upon such terms and conditions as the board shall deem proper.

New law provides that any such lease or lease-purchase contract need not be advertised and bid, and to that extent the district shall be exempt from the provisions of existing law. Further provides that the obligation to make payments under a lease or lease-purchase contract shall not constitute, give rise to, or be construed as an indebtedness within the meaning of any constitutional, statutory, or home rule charter debt limitation.

New law provides that any such lease-purchase contract shall contain the following annual appropriation dependency clause:

"The continuation of this contract is contingent upon the continued appropriation of funds by the board to fulfill the requirements of the contract. If the board fails to appropriate sufficient monies, to provide for the continuation of the contract, or if such appropriation is reduced by any means provided in the appropriation resolution to prevent the total appropriations for the year from exceeding revenues for that year or for any other lawful purpose and the effect of such reduction is to provide insufficient funds for the continuation of the contract, the contract shall terminate on the date of the beginning of the first fiscal year for which funds are not appropriated."

New law provides that the board may also take any of the following actions:

- (1) Authorize and approve upon such terms as it may deem advisable, contracts of employment for a superintendent or administrator and other necessary personnel for operating the facility and contracts for legal, financial, architectural, engineering, and other professional services necessary or expedient for the conduct of its affairs.
- (2) Adopt rules and regulations for the operation and maintenance of the facility.
- (3) Accept available federal, state, or other public or private funds allocated for the purpose of establishing, improving, operating, or maintaining the facility.
- (4) Cooperate with juvenile or other courts and public agencies within the district or in other participating parishes.
- (5) Generally, do all things lawful and proper to provide temporary, custodial care, supervision, and education of juveniles.

(6) Perform any function and exercise any power necessary, proper, or requisite for the administration and management of its affairs.

New law provides that the board, in the exercise of its powers to administer, control, and manage the affairs of the district, may incur debt and issue bonds, and it may levy taxes in the manner provided in new law and pursuant to existing constitution and any other constitutional or statutory authority.

New law provides that the commission, in order to obtain the necessary funds to carry out its purposes, duties and responsibilities, and in order to acquire, construct, maintain and operate a juvenile facility or facilities and related services throughout the district, may incur debt and issue general obligation bonds within the limitations prescribed in existing constitution and any other applicable constitutional or statutory authority, but only when authorized by a majority of the electors in the district who vote thereon in an elections held for that purpose in accordance with laws governing such elections.

New law provides that the facility shall be used for the temporary detention of the following:

- (1) Children under the age of 18 years.
- (2) Individuals 18 years of age and older who were under 18 years of age when they committed an alleged offense from the parishes within the district while awaiting trial or other disposition of their cases.
- (3) Runaways from parishes within the district.
- (4) Those awaiting transfer to Dept. of Public Safety and Corrections or the office of juvenile justice.
- (5) Any other purpose or use provided in new law or any other constitutional or statutory law.

New law provides that the facility may also be used to operate post-adjudication programming, including treatment and rehabilitation.

New law provides that, subject to the approval of the commission, juveniles from parishes outside of the district may be accepted for housing and care in accordance with rules and regulations adopted by the board and pursuant to a participation agreement between the district and the governing authority of the participating parishes, but only upon agreement of the participating parish to pay the charges established for the sublease of space in the facility and for the care and maintenance of each such juvenile.

New law provides that the members of the board of commissioners of the Acadiana Regional Juvenile Justice District shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused, connected to, or arising out of any actual or alleged act, error, or omission that occurred within the course and scope of their actions, duties, or responsibilities for or on behalf of the district or commission.

New law further provides that nothing in new law shall be construed to protect any such person from suit or liability for any damage, injury, liability, or loss caused by the intentional or willful and wanton misconduct of any such person. Further provides that the immunity provided by new law is in addition to any other immunity provided by law.

Effective upon signature of governor (June 7, 2023).

(Adds R.S. 15:1109-1109.7)

TITLE 16: DISTRICT ATTORNEYS

TITLE 17: EDUCATION

Teacher Certification Requirements (ACT 63)

Existing law provides generally for the powers and duties of the State Bd. of Elementary and

Secondary Education (BESE) regarding teacher certification and provides requirements for certification. Provides as follows with respect to the teaching of reading:

(1) Requires an applicant for certification who participates in a traditional undergraduate teacher preparation program to complete the number of semester hours in the teaching of reading prescribed by BESE policy in accordance with the level of certification to be awarded.

(2) An applicant for certification who participates in an alternate teacher preparation program may either complete the same number of semester hours required of applicants from traditional programs or possess the reading and literacy competencies identified in scientifically based reading research at the national level and approved by BESE for the teaching of reading.

New law provides that applicants who participate in traditional programs have the same options as applicants who participate in alternate programs.

Existing law provides for the crediting of certain teaching experience with respect to the certification process. Provides that an applicant for a regular teacher certificate who holds an out-of-state teaching certificate, who has at least three years of out-of-state teaching experience, and who receives a successful evaluation according to BESE policy may be credited with his out-of-state teaching experience. New law makes this provision applicable to an applicant with in-state, nonpublic school teaching certification and experience.

New law adds that a teacher providing instruction in a public school but not employed by the public school governing authority may be credited with his years of teaching experience only if he is performing services for the school pursuant to a corporate contract with a company approved by BESE to provide such services and he receives a successful evaluation according to BESE policy.

New law further requires BESE to prescribe, by rule, the process for the evaluations required by such existing law and new law.

Effective upon signature of governor (June 6, 2023).

(Amends R.S. 17:7.1(A)(4) and 3886(B))

Teaching Certificates for Military-Related Out-of-State Teachers (ACT 371)

New law requires the State Bd. of Elementary and Secondary Education to grant a valid five-year standard La. teaching certificate to an applicant who:

(1) Holds a valid out-of-state teaching certificate.

(2) Meets requirements for background checks and criminal history reviews as required by law and board policy.

(3) Is one of the following or the spouse of such a person:

(a) A member of the U.S. armed forces serving in La.

(b) A civilian or contract employee of the U.S. Dept. of Defense serving in La.

Effective August 1, 2023.

(Adds R.S. 17:7.1(G))

Teacher Education Programs and Foundational Numeracy Skills (ACT 347)

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 requires that teacher education programs include instruction on foundational numeracy skills.

New law requires BESE to revise teacher certification and teacher education program requirements to align with new law by Dec. 31, 2023.

Effective August 1, 2023.

(Adds R.S. 17:7.2(A)(4))

Teacher Qualifications and Certification (ACT 392)

Existing law requires the Board of Elementary and Secondary Education (BESE) to provide for the certification of teachers, which includes qualifications and requirements to indicate proficiency of the teacher to educate at the grade level and in the assigned subjects.

New law redesignates various provisions of existing law relative to teacher and educator certification and makes technical changes.

Prior law required certified teachers to have completed an approved teacher education program and prescribes the minimum requirements for students entering an approved teacher education program.

New law provides for conditional acceptance of students into approved teacher education programs.

Existing law requires an applicant who participated in an undergraduate teacher education program to take coursework in the teaching of reading. Allows any applicant who has participated in any alternate teacher education program the option of either completing the same coursework required of an undergraduate program applicant or possessing the reading and literacy competencies identified in scientifically based reading research at the national level and approved by BESE for the teaching of reading. Prior law prohibited any secondary teacher from using more than three semester hours of teaching of reading for certification purposes.

New law removes the maximum hours allowed to be used for certification purposes. Requires each applicant, regardless of whether the applicant participated in an undergraduate teacher education program, to meet at least one of the following requirements:

(1) Complete the prescribed coursework.

(2) Possess the identified reading and literacy competencies.

New law changes the recipient of required reports in existing law from the legislature to BESE and requires the posting of the reports on the BESE and state Department of Education (LDOE) website.

Existing law allows certain persons who have not completed an approved teacher education program to teach on provisional certificates in areas with a shortage of certified teachers.

New law provides that a person with a bachelor's degree may teach on a provisional certificate in a shortage area in a secondary school if the person graduated from an accredited postsecondary education institution with at least a 2.50 average on a 4.00 scale and has passed all requisite examinations covering content knowledge.

Existing law provides for the certification of principals and superintendents. Prior law allowed a principal certified from another state with four years of successful experience in that state to be certified in Louisiana after one year of successful employment in Louisiana as a principal. Existing law provides that an out-of-state principal who has not passed the required assessment may be granted a nonrenewable provisional certificate in order to take the exam.

New law removes the requirement that a successful out-of-state principal have one year of successful employment prior to certification in Louisiana. Changes the length of the provisional certificate from three years to five years to match the provisions of teachers.

Existing law requires BESE to prescribe the qualification standards for school psychologists, which shall at a minimum be equal to the requirements set by the National Association of School Psychologists. Further provides for the certification of persons who meet those qualifications.

New law allows BESE to deem certified a person who meets the qualifications.

Existing law allows certain individuals to appeal a denial of a certification. Further prohibits appeals from persons who have been convicted of or pled nolo contendere to certain crimes listed in R.S. 15:587.1(C). Prior law allowed appeals from individuals convicted of or who had pled guilty to certain crimes relative to the manufacture and distribution of drugs.

New law removes the ability for any person who has been convicted of or pled nolo contendere to the manufacture and distribution of drugs to appeal the denial of a teaching certification.

Existing law requires any person who has been convicted of or pled nolo contendere to a felony offense to report the conviction or plea to the employing school district.

New law requires the person to also report the conviction or plea to the LDOE. Requires LDOE to revoke the certification of any person who has been convicted of or who has entered a plea for a crime listed in R.S. 15:587.1(C).

Existing law requires criminal history checks for both employment and certification purposes.

New law requires LDOE to maintain and make available on its website the identity of any person whose teaching certification or teaching authorization has been denied, suspended, or revoked for any one of these reasons:

- (1) The person has been convicted of or has pled nolo contendere to a crime listed in existing law (R.S. 15:587.1(C)) for protection of children, or any felony, even if adjudication was withheld or a pardon or expungement was granted.
- (2) The person has been found to have submitted fraudulent documentation to BESE or LDOE as part of an application for a teaching certificate or other teaching authorization.
- (3) The person has been found to have facilitated cheating on any state assessment as determined by BESE.

New law repeals prior law provisions that prohibited BESE from limiting the number of

times a temporary teaching permit was allowed to be issued.

New law repeals prior law requiring BESE to issue teacher authorizations for persons not required to be certified for the limited purposes of ascertaining whether the person had submitted fraudulent documents or if proper background checks had been done by the employing school.

Effective June 14, 2023.

(Amends R.S. 15:571.1(A), (B)(1)(a), (C)(intro para), (D)(2), and (E) and R.S. 17:7(6), 7.1, and 15(B) and (C); adds R.S. 17:8.1-8.9; repeals R.S. 17:7(6)(e) and (10))

Minimum 15 Minutes of Recess Per Day for K-5 Graders (ACT 219)

New law requires each public school that includes any of the grades kindergarten through five to provide at least 15 minutes of recess each school day.

Effective August 1, 2023.

(Adds R.S. 17:17.7)

Associate Educator Program Allowing Certain College Students to Teach in Lower Schools (ACT 99)

New law allows the Board of Elementary and Secondary Education (BESE) to develop an associate educator program, whereby a governing authority of a public elementary or secondary school may authorize a program participant to serve as a teacher.

New law requires BESE to develop rules for the program through the APA and allows the rules to make further provisions with regard to participant qualifications and requirements. Further provides that the governing authority may establish stricter participation requirements than established by new law or BESE rules.

New law requires a participant to have an associate's degree, be enrolled and remain continuously enrolled in an undergraduate

teacher education program for the purpose of obtaining a bachelor's degree, be at least 25 years of age, and meet all other qualifications provided for in new law, board rules, or the requirements of the local governing authority.

New law limits a participant to teaching only in the content area related to the participant's associate's degree and prohibits the participant from teaching in a class for students with exceptionalities, unless it is a class for gifted or talented students.

New law provides that for a participant who is enrolled in an approved teacher education program that the hours spent teaching as an associate educator shall count toward the required student teaching hours.

New law limits the number of participants in the program that may be employed by a governing authority to ten percent of the teaching staff of the governing authority. Further limits the salary of a participant to not more than 75% of the average yearly classroom teacher salary of the employing school system.

New law requires, subject to appropriation, the governing authority to assign a mentor teacher to each participant for the purpose of providing on-site training, assistance, and feedback. Further requires the participant to participate in weekly teacher collaborations.

New law requires the governing authority to conduct a criminal history record check prior to allowing a participant to work as a teacher.

New law requires the state board to evaluate the effectiveness of the program and report its findings and conclusions to the legislature no later than December 29, 2028.

New law terminates the provisions of new law on December 31, 2033.

Effective June 6, 2023.

(Adds R.S. 17:7.8)

Requirements for Promotion to Fourth Grade (ACT 422)

Existing law provides for a literacy screener for students in grades kindergarten through third grade. New law provides that if a student has a reading deficiency that is not remedied by the end of the third grade as demonstrated by scoring at the lowest achievement level in reading on the screener, the student shall be given, prior to the beginning of the subsequent school year, two additional opportunities to score at a higher achievement level. Provides that if after three opportunities the student has not scored above the lowest achievement level, he shall not be promoted to the fourth grade; however, prior to retention, requires that he be screened for dyslexia and provides that if the student is diagnosed with dyslexia, he may be granted a "good cause" promotion. Requires parental notification and intensive instructional services for retained third graders.

New law allows promotion to fourth grade for good cause. Limits good-cause promotions to students who meet specific criteria, including being diagnosed with dyslexia as provided above, and provides a process for determining if they are promoted. Requires that certain instructional services be provided to fourth graders promoted under these circumstances.

New law requires BESE to adopt rules for new law implementation and provides for new law implementation beginning with the 2024-2025 school year.

Effective August 1, 2023.

(Adds R.S. 17:24.11)

Mandatory Training for Public Middle School Math Teachers (ACT 260)

New law requires each public school teacher who teaches fourth through eighth grade mathematics to successfully complete a foundational numeracy skills professional development course that is approved by the state Department of Education (LDOE). Specify that the required numeracy skills training shall be presented during

the educator's work day, but not during the statutorily guaranteed planning period.

New law requires, not later than March 1, 2024, the LDOE to develop a list of approved professional development courses.

New law requires, by August 1, 2025, each teacher to successfully complete at least one of the approved professional development courses and provide documentation of a successful completion to the employing school. Further provides that teachers who provide documentation of completion of an approved program within five years prior to August 1, 2025, will be considered in compliance.

New law requires each newly hired teacher to document successful completion of an approved program to the employing school within two years of the date of employment.

New law requires, beginning May 1, 2026, and annually thereafter, that each city, parish, or other local school board report to LDOE the number and percentage of teachers who have successfully completed an approved course. Further requires the data to be reported on LDOE's school progress profiles.

New law requires the State Board of Elementary and Secondary Education to adopt rules in accordance with the Administrative Procedure Act to implement the provisions of new law.

Existing law provides for public charter schools and provides for requirements for those schools.

New law requires public charter schools to comply with provisions of new law.

New law provides that the effectiveness of the provisions of new law is subject to the designation and allocation of funds by the LDOE and that no state or obligated federal funds shall be used to implement new law.

New law provides that nothing in new law shall be construed to extend the hours in the teacher's work day nor the hours to be worked in a year.

Effective June 12, 2023.

(Adds R.S. 17:24.13 and 3996(B)(75))

School Carpool and Bus Lines Policies (ACT 362)

Existing law (R.S. 17:81) provides for the general powers and duties of local public school boards.

New law requires each public school governing authority to establish a policy for carpool and bus lines at schools with any of the grades kindergarten through five; applies to charter schools.

At a minimum, the policy shall:

- (1) Require students to remain a safe distance from the pickup area behind something material or immaterial intended to block passage.
- (2) Require students wait in the pickup area and wait for vehicles to come to a complete stop.
- (3) Require a student being dropped off to remain in a passenger restraint until the vehicle in which he is a passenger comes to a complete stop.
- (4) Require that students in grades kindergarten through three be accompanied by a school employee while walking to and from a pickup area.
- (5) Require school administrators to post signage regarding the policy.

Existing law (R.S. 17:158) provides relative to transportation of students in grades kindergarten through 12. Requires a public school board to provide transportation to any student attending a school that is approved by the State Bd. of Elementary and Secondary Education and that is within the jurisdictional boundaries of the board.

New law applies to any nonpublic school for which a public school board provides transportation.

Effective August 1, 2023.

(Adds R.S. 17:81(CC), 158(K), and 3996(B)(75))

Public School Website Disclosure of Budget, Revenues & Expenditures and Audits (ACT 370)

Existing law (R.S. 17:88) requires each school board to adopt an annual budget for the general fund and each special revenue fund by Sept. 15th and to submit a copy of the budget to the state superintendent of education by Sept. 30th. Requires that the budget include line items prescribed by the State Bd. of Elementary and Secondary Education and a general summary which includes projected revenues and receipts, expenditures and disbursements, beginning fund and cash balances, and ending fund and cash balances.

Existing law (R.S. 17:3996(G)) requires all charter schools to comply with existing law (R.S. 39:1301-1315–La. Local Government Budget Act). Requires each Type 1, 3, 3B, and 4 charter school to annually submit its budget to the local school board that approved its charter, and requires the board to submit the charter school's budget to the state superintendent of education in accordance with existing law (R.S. 17:88). Requires each Type 2 and Type 5 charter school to annually submit its budget directly to the state superintendent of education.

Existing law (R.S. 24:513 and R.S. 17:3996(F)) authorizes the legislative auditor to audit, under certain circumstances, and to receive reports and audits from certain local agencies including public school governing authorities.

New law requires each public school governing authority to post the following on its website and to supply the same information to the Dept. of the Treasury:

- (1) Its most recent budget and general summary.
- (2) Its most recent annual independent audit.
- (3) Semiannual reports detailing actual revenue, receipts, expenditures, and

disbursements. Requires the reports to also include specified information concerning the governing authority's contracts.

New law requires the treasurer to post the information on the website of the Dept. of the Treasury.

Existing law and new law are applicable to all public schools including charter schools.

New law provides that new law shall be effective only in years in which the legislature provides funding by a specific appropriation.

Effective August 1, 2023.

(Adds R.S. 17:88.1 and 3996(B)(75))

Reading and Math Remedial Tutoring (ACT 458)

Existing law provides relative to expanded academic support to be offered to certain students who failed to achieve mastery on certain statewide assessments. Prior law limited the expanded support to the 2021-2022 and 2022-2023 school years.

New law removes the years of applicability and expands the support and reporting to each school year. Limits the support to reading and math only.

Existing law provides for the parent of a low-performing student to be given an option to have the student either placed in a classroom of a highly effective teacher or provided accelerated instruction.

New law redefines accelerated instruction to be provided through one-on-one or small group instruction with five or fewer students, at least three times a week, in thirty minute minimum sessions. Further provides that the instruction may be offered through a high-quality tutoring provider selected by the school district.

New law requires the state Department of Education (LDOE) to publish a list of high-quality tutoring providers. Further provides

specifications for the LDOE to use in identifying high-quality tutoring providers.

New law exempts high-quality tutoring providers from state procurement laws.

New law requires a parent to be provided a written plan detailing the accelerated instruction that will be provided to the student and the parent's role in the plan.

Existing law provides that no state funds or obligated federal funds shall be used to provide the expanded academic support.

New law specifies that if non-state and unobligated federal funds are not available, the state is not obligated to provide funding to continue the expanded academic support provided for in new law.

Effective August 1, 2023.

(Amends R.S. 17:100.13)

Free Passage of Students on Ferries and School Buses (ACT 114)

Prior law (R.S. 17:157(A)) provides for the free passage of students over all public ferries, bridges, and roads which are leased out or controlled by the state or political subdivision for which the license is paid or toll demanded in the students passage to and from school between the hours of 6:00 a.m. and 9:30 a.m. and between 2:30 p.m. and 9:30 p.m., provided necessary rules are adopted.

New law modifies prior law by restricting the free passage of students provision to ferries only. Also, removes a provision that specified prior law applied to the Crescent City Connection.

New law provides for the free passage of students specifically riding on a school bus over all bridges and roads which are leased out or controlled by the state or political subdivisions for which the license is paid or toll demanded in the students passage to and from school between the hours of 6:00 a.m. and 9:30 a.m. and between

2:30 p.m. and 9:30 p.m., provided necessary rules are adopted.

Existing law (R.S. 17:157(C)) requires the Dept. of Transportation and Development adopt rules and regulations to implement and enforce new law.

New law modifies existing law by authorizing, instead of requiring, the adoption of rules and regulations.

Effective June 6, 2023.

(Amends R.S. 17:157)

Recovery School District Expenditures and Oversight (ACT 55)

School Facilities Preservation

Existing law establishes a school facilities preservation program in certain school districts in which failing schools were transferred to the jurisdiction of the Recovery School District (RSD).

For purposes of existing law relative to the program, existing law defines "school" as the following: any public school with a unique site code assigned by the state Dept. of Education. New law expands the definition to include any educational program that serves public school students on a school board campus pursuant to a partnership with the school board as defined by school board policy governing school facilities preservation.

Capital Improvement Fund

Existing law requires the school board to establish a capital improvement fund from which the board shall make grants to schools to finance preservation, improvements, capital repairs, construction, and replacement of certain facilities.

Prior law provided that facilities that were constructed prior to Sept. 1, 2005, and that had not received a renovation exceeding half the value of the facility's replacement cost since that

date were eligible for grants from the fund. New law removes these eligibility criteria.

Systemwide Needs Program

Existing law requires the school district to create a special fund to dedicate money to a systemwide needs program. Provides for the annual deposit into the fund of \$120 per student in the district less the district's expenditures that year for costs identified in existing law relative to certain legacy expenses.

Prior law prohibited funds from being used to pay for personnel or operating expenditures. New law removes prior law.

New law requires the school board to create an office to manage and oversee the program. From the special fund, requires \$10 per student be dedicated to the office. Authorizes the school board to adjust this per-student amount annually.

To the extent that funds are available, the office is required to perform the following:

- (1) Oversee the superintendent's improvement plans provided for in existing law.
- (2) Report on systemwide needs program performance data.
- (3) Track plan and program outputs, performance outcomes, and expenditure of funds.
- (4) Monitor service offerings by funding recipients and track performance objectives.
- (5) Administrative tasks related to the competitive process for awarding funds.
- (6) Oversee contract management.

Effective August 1, 2023.

(Amends R.S. 17:100.11(G)(1) and (I)(2) and 100.12)

School Meals (ACT 305)

Existing law provides for the provision of school meals. New law:

- (1) Provides that students in grades kindergarten through 12 who qualify for reduced-price meals shall be provided breakfast and lunch at no cost to the student.
- (2) Provides that for each breakfast or lunch served free of charge in accordance with new law, the state Dept. of Education shall reimburse the governing authority of a nutrition program provider for the meal an amount equal to the difference between the reimbursement rates provided by the U.S. Dept. of Agriculture for a free meal and a reduced-price meal.
- (3) Provides that new law shall be implemented beginning with the 2023-2024 school year.

Effective upon appropriation of funds by the legislature.

(Adds R.S. 17:192(B)(3))

Improvements to Student Mental Health Services (ACT 318)

Existing law provides for exemptions from compulsory school attendance, including children who are too mentally, physically, or emotionally incapacitated to perform school duties. New law adds that a student may be absent for up to three days in any school year related to the student's mental or behavioral health, that such absences shall be excused if certified in writing in accordance with the student handbook, that the student may make up missed school work, and that the student shall be referred to school support personnel following the second day of absence.

Existing law requires instruction on mental health and lists the minimum information to be included. New law adds the difference between mental and physical health and the management of stress and anxiety to the list.

Existing law authorizes youth suicide prevention programs to include certain components, one of which is informing students of available community youth suicide prevention services. New law includes posting information about such services on the school system website in this component.

Existing law requires the governing authority of each public and approved nonpublic secondary school that issues student identification cards to have printed on the cards the National Suicide Prevention Lifeline hotline number and, if available, a local suicide prevention hotline number. New law additionally requires each such school to post this information on its website.

Existing law requires school boards to establish substance abuse prevention programs. New law adds that the programs shall include providing the website and phone number of at least one national organization specializing in substance abuse for adolescents and that school boards shall also post this contact information on their websites.

New law requires the Dept. of Education to develop and administer a pilot program for the purpose of implementing mental and behavioral health screenings, select three school systems to participate in the program, and consult with experts in developing and administering the program.

Existing law requires the office of public health (OPH) to establish an adolescent school health initiative to facilitate and encourage development of comprehensive health centers in public middle and high schools and provides certain requirements for OPH with respect to this initiative. New law additionally requires OPH to require such school health centers to register with OPH.

Effective August 1, 2023.

(Amends R.S. 17:226(A)(1), 271.1(B)(2), 282.4(C)(1)(d) and (F), and 404(A); Adds R.S. 17:271.1(B)(5) and 437.2(F) and R.S. 40:31.3(B)(6))

Theism Promotion Required by Charter Schools and Public Colleges (ACT 264)

Existing law requires each public school governing authority to display the national motto, "In God We Trust", in each building it uses and in each school under its jurisdiction. New law additionally requires such display in each classroom in each school.

New law additionally requires such display in every classroom in charter schools and on public postsecondary education institution campuses.

New law authorizes governing authorities, management boards, and institutions to accept donated displays and to spend funds, including donated funds, to purchase displays. Public funds are not required to be used to purchase displays.

Existing law specifies that the nature of the display shall be determined by each public school governing authority but requires at a minimum a paper sign. Instead of such minimum requirement, new law requires that the motto:

- (1) Be displayed on a poster or framed document that is at least 11 inches by 14 inches.
- (2) Be the central focus of the poster or framed document.
- (3) Be printed in a large, easily readable font.

Effective August 1, 2023. Applicable August 1, 2026.

(Amends R.S. 17:262(A)(2) and (B); Adds R.S. 17:262(C), 3351(O), and 3996(B)(75))

School Community Service, Textbooks, Donations, and Special Education (ACT 346)

Existing law (R.S. 17:264) authorizes the State Bd. of Elementary and Secondary Education (BESE) to establish a "Distinction for Community Service" diploma endorsement program for high school students who perform community service. New law prohibits the following:

(1) Students from receiving academic credit for community service.

(2) Political activity from qualifying as community service for purposes of existing law.

Existing law (R.S. 17:351.1) provides relative to public review of textbooks. Requires that student editions of textbooks be made available online. New law requires all editions of textbooks be made available online and in-person.

Existing law (R.S. 17:381) authorizes BESE and school boards to accept donations for educational and literary purposes. New law requires such boards to make details of such donations available on their websites.

New law (R.S. 17:1942.1) requires BESE to submit an annual report to the legislative education committees relative to school district compliance with special education requirements. Requires BESE to post the report on its website.

Effective August 1, 2023.

(Amends R.S. 17:264(A)(1), 351.1(B)(3)(d)(i), and 381; Adds R.S. 17:264(C) and 1942.1)

Required Organ Donation Instruction (ACT 180)

New law requires public high schools to provide instruction relative to organ donation as a part of the curriculum of an existing required course.

New law requires each public school governing authority to use free resources from a La. organ procurement organization in the implementation of new law.

New law is applicable to all public high schools, including charter schools.

Effective August 1, 2023.

(Adds R.S. 17:280.2 and 3996(B)(75))

Public High School Bible Courses (ACT 215)

New law authorizes each public school governing authority to offer an elective high school course in the history and literature of the Bible. Provides that if offered:

(1) No student shall be required to use a particular Bible translation.

(2) The course shall maintain religious neutrality and accommodate diverse views.

(3) The course shall not show favor or disfavor toward any particular religion or any nonreligious perspective.

New law requires the State Bd. of Elementary and Secondary Education adopt rules for new law implementation.

Effective August 1, 2023.

(Adds R.S. 17:282 and 3996(B)(75))

Qualification of Textbooks in Public Schools (ACT 238)

Existing law provides for roles and responsibilities of the State Bd. of Elementary and Secondary Education (BESE), the state Dept. of Education (DOE), and public school governing authorities in the review, adoption, and procurement of textbooks and other instructional materials. Further provides for the local public schools to review and adopt textbooks and instructional materials not reviewed by DOE.

New law provides that if the governing authority of a public elementary or secondary school conducts a review of textbooks or other instructional materials and determines the textbooks or other instructional materials are of high quality, the DOE shall recognize that determination for all purposes including but not limited to funding eligibility.

New law specifies that a public school governing authority seeking the recognition of textbooks or other instructional materials as high quality for all purposes shall have at least two teachers who

hold the designation of Teacher Leader Advisor certify that the textbooks and instructional materials are fully aligned with Louisiana state content standards, using the rubric approved by the department. Limits to no more than 50% the number of the Teacher Leader Advisors conducting the certification who are employed by the governing authority.

Effective June 9, 2023.

(Adds R.S. 17:351.1(C)(3)(d))

Dyslexia Screening and Reporting in Public and Charter Schools (ACT 266)

Prior law provided the following relative to dyslexia:

(1) Required the State Bd. of Elementary and Secondary Education (BESE) to adopt a program for testing students for dyslexia and related disorders and required school boards to provide remediation for dyslexic students in accordance with the program.

(2) Required every child in grades K-3 to be screened at least once for dyslexia.

(3) Required a student to be referred for dyslexia testing upon request of a parent, student, or school personnel.

(4) Provided for implementation of a pilot program relative to dyslexia screening.

New law requires the state Dept. of Education to select a dyslexia screener with an area under the curve of 0.80 or above and to provide the screener, at no cost, to each public school. Requires the screener to be administered to each student by a classroom teacher in the second half of kindergarten or at any time it is requested by a teacher or a parent or guardian. Requires that the screener be developed solely for dyslexia; be evidence-based with proven, published psychometric validity; and be used for the purpose of determining whether a student is at risk for dyslexia. Requires the parent to be notified within 30 days if the results indicate that a student is at risk for dyslexia. Implementation

of new law is subject to the appropriation of funds by the legislature for this purpose.

New law recodifies the following existing law for purposes of statutory organization:

(1) Defines "dyslexia" as an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in phonological processing, which affects the ability of an individual to speak, read, and spell. Defines "phonological processing" as meaning the appreciation of the individual sounds of spoken and written language.

(2) Provides for reporting relative to students with dyslexia and provides for the issuance of an ancillary certificate to a teacher for service as a dyslexia practitioner or dyslexia therapist.

New law applies new law (relative to dyslexia screening) and existing law (relative to dyslexia reporting) to charter schools.

Effective August 1, 2023.

(Amends R.S. 17:7.2(A)(8)(a)(iii), 392.1(D), and 2112(Section heading); Adds R.S. 17:392.11-392.13 and 3996(B)(75); Repeals R.S. 17:7(11), 392.1(B)(2)(a) and (3) and (F), 392.2, and 2112(A)(2) and (B))

Monroe City School Board Tax and Contracting (ACT 361)

New law authorizes the Monroe City School Board, subject to voter approval, to levy an ad valorem tax for the purpose of funding early childhood care and education.

New law provides for a maximum tax rate of five mills and a maximum duration of 20 years, all as specified in the proposition submitted to the voters.

New law requires that the school board use the proceeds of the tax exclusively for programs and capital investments that provide childcare and educational opportunities for children in the

school district who have not yet entered kindergarten.

New law provides that any entity that the school board contracts with to provide services pursuant to new law shall have been performing education services in Ouachita Parish within the last 25 years and shall offer community aid services at the time of the contract in an amount totaling one million dollars per year.

Effective August 1, 2023.

(Adds R.S. 17:407.30.1)

Early Childhood Care and Education Commission (ACT 83)

Existing law provides for the Early Childhood Care and Education Commission to study and make recommendations relative to early childhood care and education.

Existing law requires the commission to establish and appoint members to a task force.

Existing law requires the task force to identify and recommend funding strategies and strategies to address workforce compensation and benefits.

New law additionally requires the task force to identify and recommend a funding formula to financially sustain early childhood care and education.

New law increases the task force membership from nine to 10 members; requires appointment of a member with experience in generation and administration of state government revenue.

Existing law requires the commission to provide a report to the governor, legislature, state superintendent of education, and the State Bd. of Elementary and Secondary Education. New law changes report submission deadline from 30 days prior to the beginning of each regular session of the legislature to 90 days following the end of each fiscal year.

Effective, in part, August 1, 2023. New law changing submission deadline for reports becomes effective June 30, 2024.

(Amends R.S. 17:407.101(C)(1)(d), (E)(8)(intro. para.) and (b)(intro. para.), (F), and (G); Adds R.S. 17:407.101(E)(8)(b)(ix))

Public School Handling of Threats of Violence or Terrorism (ACT 164)

Existing law requires each public school governing authority to adopt a policy for the investigation of threats of violence or terrorism.

Initial Reporting and School Level Investigation

Existing law requires school employees who learn of a threat of violence or terrorism to report the threat. Prior law required them to report the threat to a local law enforcement agency if the threat was credible and imminent and to the school administrator if the threat did not meet that threshold. New law instead requires employees to immediately report all threats to law enforcement and to the administrator (if the employee is not the administrator). Requires the administrator, upon being informed of the threat, to make reasonable efforts to attempt to inform persons who are targets of the threat and take all necessary measures to protect their lives and safety. Further requires:

- (1) The school administrator next to make reasonable efforts to attempt to notify the appropriate personnel within the school district administration.
- (2) The school administrator and the school district administrator to determine if risk is imminent for any other persons because of the threat, and if so, to notify them and make reasonable efforts to attempt to take measures to protect their lives and safety.
- (3) The school administrator and the school district administrator to determine whether to notify parents of the students at the school.

Existing law requires action if the school-level investigation produces evidence or information

that supports that a threat is credible. Prior law required, if the threat was both credible and imminent, that it be immediately reported to a local law enforcement agency. New law instead provides that if the threat is credible, the school or school district shall implement measures to provide for ongoing protection of the safety and lives of all students and staff at the school.

Law Enforcement Investigation

Existing law requires a law enforcement agency receiving a threat notification to begin an investigation. Prior law required law enforcement to begin the investigation not later than the first day that school was in session after the report was received. New law instead requires law enforcement to begin the investigation immediately.

Persons Reported for Making a Threat

Existing law allows students reported for making a threat to return to school under certain circumstances. New law requires the school administrator to notify any person who was directly threatened at least two school days prior to such a student's return; excepts students charged with certain crimes against teachers from those allowed to return; and adds that the school administrator or his designee may conduct a search of the student or his property for weapons upon his return.

Existing law provides that if the person making a threat is not a student, he shall not be permitted to be within 500 feet of a school until a healthcare professional deems him to not be dangerous. New law adds that, at that point, if the person intends to visit a school, he shall notify the school administrator of his intent and receive notice that the school administrator has provided two school days' notice to any person he directly threatened; authorizes the school administrator to deny the person the right to visit the school.

New law adds that no person shall have a cause of action against any person for any action taken or statement made in adherence with existing law or new law unless based on conduct that is

maliciously, willfully, and deliberately intended to cause harm or harass.

Effective August 1, 2023.

(Amends R.S. 17:409.2, 409.3, 409.4(A)(2) and (B)(1), and 409.5(A)(1)(a) and (B); Adds R.S. 17:409.5(C))

La. Literacy Commission (ACT 208)

New law creates the La. Literacy Commission (commission) for the purpose of providing recommendations for improving, strengthening, and supporting literacy in La. Provides for commission membership, quorum, staffing, compensation, committees, and powers and duties. Requires the commission to meet at least once every three months. Requires the state supt. of education to call the first meeting by Sept. 1, 2023. Requires the state Dept. of Education to provide updates on the implementation of the commission's recommendations at each meeting and to provide staff and other support for the commission.

New law requires the commission to submit an annual report of its findings and recommendations and the status of the implementation of its recommendations to the governor, the legislature, the state supt. of education, and the State Bd. of Elementary and Secondary Education.

New law terminates the La. Early Literacy Commission provided for in Senate Resolution No. 133 of the 2021 Regular Session.

Effective June 8, 2023.

(Adds R.S. 17:410.11 and R.S. 36:651(F)(8))

Corporeal Punishment in Schools (ACT 268)

Existing law defines corporal punishment as the use of physical force that causes pain or discomfort to discipline a student, not including seclusion or restraint under certain circumstances.

Existing law prohibits the administration of corporal punishment to students with exceptionalities (except gifted and talented students), and to students who are eligible for services under Section 504 of the Rehabilitation Act of 1973 and who have an Individual Accommodation Plan.

Prior law granted local school boards discretion in the use of corporal punishment for other students. New law prohibits the use of any form of corporal punishment for other students in public elementary and secondary schools unless a parent or legal guardian provides written consent for the use of corporal punishment. Requires the state Dept. of Education to create the document for providing such consent.

Existing law and new law are applicable to charter schools. New law makes existing law and new law applicable to nonpublic schools that receive state funds.

Effective August 1, 2023.

(Amends R.S. 17:416.1(B); Adds R.S. 17:416.22)

Teacher and Administrator Immunity for Justifiable Defense of Another Against Battery (ACT 56)

Existing law provides that no teacher, principal, or administrator in a public school system or in an approved nonpublic school shall be personally liable for any act or failure to act in the directing of or disciplining of school children under his care and supervision, unless such act or failure to act was malicious and willfully and deliberately intended to cause bodily harm.

New law provides immunity from civil liability for any teacher, principal, or administrator in a public school system or in an approved nonpublic school who acts or fails to act in the directing of or disciplining of school students under his care and supervision, unless such act or failure to act was malicious and willfully and deliberately intended to cause bodily harm.

New law provides immunity from civil liability and criminal prosecution for a teacher, principal, or administrator in a public school system or in an approved nonpublic school who intervenes and acts in justifiable defense to protect a student or a school employee from a battery or aggravated battery committed by one or more students unless the act of intervention was malicious and willfully and deliberately intended to cause bodily harm.

New law provides that no teacher, principal, or administrator shall be required to intervene in a battery or aggravated battery.

New law shall be cited and referred to as the "Protect Teachers Act".

Effective August 1, 2023.

(Amends R.S. 17:416.11)

School Safety (ACT 334)

Existing law provides for each school to have a school crisis management and response plan. Requires an annual safety drill at the beginning of each school year and provides for items to be addressed in each plan.

New law provides additional definitions, requires at least one additional safety drill to be conducted during high traffic or transition points during the school day, and provides additional items to be included in the plan. Further, requires a district threat assessment team to be created and provides for the team to have input into the creation and revision of the plan.

New law provides for bleeding control kits to be placed in easily accessible locations within each school and for the principal to designate employees to be trained on the use of bleeding control kits and traumatic injury response. Further provides immunity from criminal and civil liability for the administration of aid to a traumatic injury, unless personal injury results from the gross negligence or willful or wanton misconduct in the administration of aid.

New law provides that the placement of the bleeding control kits in each school and the proper training of employees to use the bleeding control kits shall be subject to the appropriation of funds by the legislature.

Existing law provides for each public school principal to provide in-service training relative to the crisis management and response plan.

New law requires the in-service training to include an active shooter scenario and to be reported to the local superintendent and the Louisiana Department of Education (LDOE).

Existing law requires a copy of the plan to provide to certain agencies.

New law retains existing law and requires a copy of the plan to be provided to the LDOE and the Center for Safe Schools.

New law requires LDOE to review national awareness campaigns relative to response to traumatic injuries and use of a bleeding control kit and develop and offer annual training, or provide updated links to training, on response to traumatic injuries and use of a bleeding control kit.

New law provides for the State Board of Elementary and Secondary Education to develop rules relative to bleeding control kits, including the minimum items required in a kit, the inspection and restocking of a kit, and how often designated employees shall be trained.

Existing law provides for the Louisiana Commission on School and Nonprofit Safety within the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP).

New law adds members and duties to the commission.

New law establishes the Center for Safe Schools within GOHSEP, for which the commission shall provide oversight. Further provides that GOHSEP shall adopt regulations and rules for the commission and the center pursuant to the

Administrative Procedure Act and provides oversight of those rules to legislative committees on education.

New law provides for the duties of the center and annual reporting requirements.

New law requires the center to develop, by December 1, 2023, a statewide panic emergency notification system and an anonymous reporting system. Further requires each public school board to implement the use of a panic emergency notification system and anonymous reporting system by April 1, 2024, and report the systems implemented to BESE and the Center by May 1, 2024.

New law provides the law shall be known as "The School Safety Act of 2023".

Effective June 13, 2023.

(Amends R.S. 17:416.16(A), (B), (C)(1), (D), (E), (F), (H), and (I) and R.S. 29:726.5; adds R.S. 17:416.16(G)(4) and (5) and R.S. 29:726.5.1)

School Employee Sick Leave Certifications by PAs and APRNs (ACT 296)

Existing law requires a teacher, school bus driver, or teaching staff employee to obtain a certification from a physician documenting the existence of an illness before the teacher, school bus driver, or teaching staff employee is permitted to use sick leave or extended sick leave.

New law retains existing law and further authorizes an advanced practice registered nurse (APRN) or a physician assistant (PA) to certify the existence of an illness for the purpose of utilizing sick leave or extended sick leave.

Existing law provides that the school board or the superintendent may challenge a certification of illness and require the teacher, teaching staff employee, or school bus driver to be examined by a physician selected by the board or superintendent. If the physician selected by the teacher, teaching staff employee, or school bus driver disagrees with the determination of the

school board's or superintendent's chosen physician, the teacher, teaching staff employee, or school bus driver may be compelled to an examination by an independent third physician.

New law retains existing law and allows that the certification or examination in existing law required to be completed by a physician may also be completed by APRN or PA.

New law defines "clinician" as a physician, APRN, or PA.

Effective August 1, 2023.

(Amends R.S. 17:500(B)(1), 500.2(A)(2)(intro. para.) and (c), (D)(1)(b), and E(1)(a) and (2)(a)-(c) and (e), 1201(A)(2), 1202(A)(1)(b) and (2)(intro. para.) and (d), (D)(1)(b), and (E)(1)(a) and (c), (2)(a)-(c), and (3), 1206(A)(1), and 1206.2(D)(1)(b) and (E)(1)(a) and (c), (2)(a)-(c), and (3); Adds R.S. 17:1200(D))

School Employees' Sick Leave for Maternal and Infant Health Purposes (ACT 133)

Existing law requires public school boards to permit school bus operators, teachers, and other school board employees to take up to 90 days of extended sick leave in each six-year period of employment for a medical necessity if the person has no remaining regular sick leave balance.

Existing law (R.S. 17:1211) requires public school boards to grant leaves of absence (maternity leave) to regularly employed women teachers for a reasonable time before and after the birth of a child and to regularly employed teachers after the legal adoption of a child.

Existing law (R.S. 17:1202) additionally *requires* school boards to permit a teacher who has been granted maternity leave pursuant to existing law and who has no remaining extended sick leave balance to take up to 30 additional days of extended sick leave in each six-year period of employment for personal illness relating to pregnancy, illness of an infant, or for required medical visits relating to infant or maternal health.

New law *authorizes* school boards to permit a school bus operator or other nonteacher employee who has no remaining extended sick leave balance to take, if school board policy provides for such leave, up to 30 additional days of extended sick leave in each six-year period of employment for the same maternal and infant health purposes.

Effective August 1, 2023.

(Amends R.S. 17:500.2(A)(1) and (2)(c) and (d) and (E)(1) and 1206.2(A)(1) and (2)(c) and (d) and (E)(1)(a); Adds R.S. 17:500.2(A)(2)(e) and 1206.2(A)(2)(e))

Free Public College for Disabled Veterans (ACT 224)

New law provides that a disabled veteran who does not qualify for the 100% eligibility tier under federal law relative to postsecondary education benefits shall receive an exemption in an amount equal to the remaining tuition and fees he owes to the public postsecondary education institution after the application of federal benefits. Defines "disabled veteran" as an individual who has a service-connected disability as determined by the U.S. Dept. of Veterans Affairs and who is a resident of La.

New law provides that if a student qualifies for both the new law tuition waiver and a Taylor Opportunity Program for Students (TOPS) scholarship award as provided in existing law, he shall receive the tuition exemption provided by new law rather than a TOPS award.

Effective August 1, 2023.

(Adds R.S. 17:1688 and 5002(H))

Higher Education Foreign Security Act of 2022 (ACT 106)

Existing law provides for the Higher Education Foreign Security Act of 2022.

Existing law defines "foreign country of concern" as any country subject to any sanction or embargo program administered by the Office of Foreign

Assets Control within the United States Department of Treasury, including any federal license requirement; custom rules; export controls; restrictions on taking institution property, including but not limited to intellectual property abroad; restrictions on presentations, teaching, and interactions with foreign colleagues; and other subjects important to the research and academic property of the institution, subject to federal existing law.

Prior law used the definition of "foreign country of concern" throughout existing law to trigger reporting of gifts, screening of persons seeking employment with a postsecondary education institution, and approval of foreign travel.

New law defines "foreign adversary" as any foreign government or foreign non-government person determined by the United States secretary of commerce to have engaged in a longterm pattern or serious instances of conduct significantly adverse to the national security of the United States or security and safety of United States persons as listed in federal regulations.

New law replaces the definition of "foreign country of concern" with the definition of "foreign adversary" to trigger reporting of gifts, screening of persons seeking employment with a postsecondary education institution, and approval of foreign travel contained in existing law.

Existing law requires each institution to report any gift received directly or indirectly from a foreign source with a value of \$50,000 or more.

New law retains existing law, but changes "foreign source" to "foreign adversary".

Existing law requires an institution and its affiliate organizations to report the total value of all gifts of \$50,000 or more in a single fiscal year.

New law retains existing law, but changes "fiscal year" to "calendar year".

Prior law required the report of gifts subject to requirements to include a copy of any gift agreement.

Prior law authorized each institution to direct the research integrity officer to approve 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 authorizes each institution to develop a policy to approve 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.

Existing law requires an institution to approve all foreign travel and expense reimbursements.

New law retains existing law, but limits approval to employment-related travel to foreign adversary countries.

Effective July 1, 2023.

(Amends R.S. 17:1826.2(A)(2) and (3) and (B)(1)(a) and (b), 1826.3(A)(1)(b) and (c), (C), (D)(6), and (E), 1826.4(A), (B)(2), (C), and (D) as enacted by Section 1 of Act 767 of the 2022 R.S.)

Meetings of Board of Regents and Southern University and University of La. Board (ACT 6)

Existing law provides requirements for meetings of the Bd. of Regents and the Southern University and University of La. boards of supervisors.

Prior law required the boards to meet on or before the second Mon. in Jan. of each year. New law retains requirement that the boards meet in Jan. but removes specific day by which they are required to meet.

Existing law provides that the boards shall meet at other times fixed by the board or upon call of the president/chairman.

Effective August 1, 2023.

(Amends R.S. 17:1833(E), 1853(E), and 3123(E))

Early Intervention for Infants and Toddlers with Disabilities (ACT 84)

Existing law provides for EarlySteps, the state's early intervention program for infants and toddlers with disabilities, and for pupil appraisal conducted by local public school systems, referred to in existing law as local education agencies.

New law requires that EarlySteps submit, each month, a list of children who are participating in EarlySteps and who are reaching the age of two-and-a-half that month to the local education agency for the area in which the child resides. New law requires each local education agency to:

- (1) Coordinate with parents relative to scheduling any appraisal conferences and facilitating the transition from EarlySteps to preschool or other appropriate services.
- (2) Conduct appraisals year-round to assist parents in scheduling and developing an appropriate plan for each child prior to the beginning of each school year.
- (3) Ensure that there is not a delay in either conducting an appraisal nor beginning to provide services to an eligible child solely because his third birthday falls during the summer months.
- (4) Take all measures necessary to coordinate with EarlySteps personnel and parents to facilitate a smooth transition for each child upon reaching his third birthday.

Effective August 1, 2023.

(Adds R.S. 17:1944(G))

La. High School Seniors Voter Registration Day (ACT 79)

New law provides that the first Tuesday after the first Monday in May annually shall be known as La. High School Seniors Voter Registration Day. Provides that new law does not create any duty or obligation for the secretary of state or any registrar of voters.

Effective August 1, 2023.

(Adds R.S. 17:2121.1)

Reading Initiative for Infants and Toddlers (ACT 181)

New law establishes the Imagination Library of La. to develop, implement, promote, and foster an initiative for encouraging children from birth to five years to develop a love of reading and learning. Provides for administration of the program by the La. Educational Television Authority (LETA). Subject to the appropriation of funds by the legislature, requires LETA to promote the statewide development of local programs; advance and strengthen local programs with the goal of increasing enrollment; develop community engagement and a public awareness campaign; receive monies appropriated to it for program administration; administer any local match requirements, which may be waived on a case-by-case basis, and coordinate the collection and remittance of local program costs; and provide an annual program report to the governor and legislature.

New law authorizes LETA to work collaboratively with an organization that provides age-appropriate books to children ages birth to five years old on a monthly basis in implementing the program and creates the Imagination Library of La. Fund within the state treasury for the purpose of funding the program.

Effective upon signature of governor (June 8, 2023).

(Adds R.S. 17:2508)

M. J. Foster Promise Program (ACT 101)

Prior law provided that the state appropriations for the M. J. Foster Promise Program may not exceed \$10,000,000 per year for students enrolled in public postsecondary education institutions.

Prior law provided that the state appropriations may not exceed \$500,000 for students enrolled in proprietary schools.

New law provides that the state appropriations for the program may not exceed \$10,500,000 per year for students enrolled in public postsecondary education institutions or proprietary schools.

New law eliminates separate allocations between public and proprietary schools.

Effective June 6, 2023.

(Amends R.S. 17:3047.4(C))

M. J. Foster Promise Award Program (ACT 287)

Existing law provides for the M.J. Foster Promise Award program which provides a financial award towards the costs of tuition and required fees to certain students who enroll in programs to pursue an associate degree or shorter-term postsecondary credential required for certain high-demand, high-wage occupations aligned to Louisiana's workforce priorities.

New law allows the award to be used for mandatory books and instructional materials.

Existing law provides a maximum annual award amount for students attending full-time. Further requires an award to students attending less than full-time to be an amount proportional to the hours the student is enrolled.

New law allows the administering agency to set the reduced award amount that shall be awarded to students attending part-time.

Prior law provided for award to be applied after all federal, state, and institutional aid is applied ("last dollar").

New law provides that the initial award payment is to be applied before any federal, state, and institutional aid is applied but limits the award to tuition, fees, and mandatory books and instructional materials costs ("first dollar"). Retains requirement for "last dollar" application for subsequent award payments. Specifies that federal financial aid shall not include funding from student loans, work-study, or the Workforce Innovation and Opportunity Act.

Prior law required an eligible student to have applied for federal student aid or demonstrate ineligibility for federal aid.

New law allows students enrolling in programs that do not qualify for federal student aid to not be required to apply for the aid. Further allows the administering agency to provide by rule alternative methods to establish need if an applicant is unable to complete an application for federal student aid due to extenuating circumstances as defined by the agency. Also, allows an eligible student to receive one award payment prior to completing the federal student aid application.

Prior law required for initial eligibility for a student to agree to annually perform at least twenty hours of community service or participate in a program-related apprenticeship, internship, or mentorship and to certify completion of the activity each year.

New law removes the initial and continued eligibility requirement for community service or program related apprenticeship, internship, or mentorship.

Existing law provides for an advisory council and prior law provided for a working group, comprised of many of the same members.

New law removes the working group and places the responsibility of the working group into the responsibilities of the advisory council.

Existing law provides relative to the funding of the program. Prior law provided that if the available funding was not sufficient to fully fund all eligible award recipients that the monies were to be provided on a first come, first served basis, with priority given to previous award recipients who met eligibility requirements and were continuing in a qualified program for which they were previously enrolled.

New law provides that if the available funding is not sufficient to fully fund all award recipients, awards will first be provided to previous award recipients who meet continuation eligibility requirements and who are continuing in a

qualified program and then to other eligible students enrolled in a program as funds are available.

Existing law requires the administering agency to adopt regulations and guidelines for the distribution and allocation of monies appropriated for the program. Prior law required regulations and guidelines to be approved by the Joint Legislative Committee on the Budget (JLCB).

New law limits JLCB approval to initial regulations and guidelines.

Existing law provides for coordination with other state agencies and requires memorandums of understanding (MOU) between the administering agency and the Department of Revenue, the Louisiana Workforce Commission, and the Department of Public Safety and Corrections.

New law adds residency information to the MOU with the Department of Revenue. Further, requires an MOU between the administering agency and the Department of Children and Family Services and the La. Department of Health to help verify if the student is eligible for certain aid as a proxy to demonstrate income requirements.

Existing law provides for a reporting system and provides for certain information to be reported, including demographic data of students.

New law expands the data that shall be collected and reported on by the administering agency.

Effective June 12, 2023.

(Amends R.S. 17:3047(B)(1), (C)(1)(a), (D), and (E)(1), 3047.2(A)(9), 3047.4(B) and (D)(3), 3047.6(A) and (B), and 3047.7(A)(2) and (B)(2); adds R.S. 17:3047.1(G); repeals R.S. 17:3047.2(A)(12) and 3047.3(A)(9))

ABLE Accounts (ACT 96)

New law provides that when a designated beneficiary dies, his ABLE account is terminated. Further provides that an account owner may specify that monies remaining in the program

account of the deceased designated beneficiary, after all eligible expenses are paid on the beneficiary's behalf, be transferred to either another ABLE account permitted by the Internal Revenue Code or to the beneficiary's estate. Further provides that if the account owner does not specify how the monies are to be transferred, the monies remaining in the program account shall be deposited into the Disability Services Fund (R.S. 28:826) account that is used solely to support and enhance developmental disabilities services within the Medicaid program or the office for citizens with developmental disabilities, or its successor.

New law prohibits the state from filing a "clawback" claim for monies paid out of the program account of a deceased designated beneficiary.

Effective June 6, 2023.

(Adds R.S. 17:3088.1)

Pilot Programs to Provide Open Educational Resources (ACT 128)

New law requires the Bd. of Regents, in collaboration with the public postsecondary education management boards, to develop and implement pilot programs to provide open and no-cost digital textbooks, study tools, online homework, and open educational resources.

New law requires the Bd. of Regents to do the following:

- (1) Issue a request for applications from all public postsecondary education management boards for proposals for pilot programs.
- (2) Prioritize proposed pilot programs that provide the most benefit to socially and economically disadvantaged and historically underrepresented student populations.
- (3) Award participating boards funds to replace existing commercial textbooks with open educational resources.

(4) Enter into contracts with management boards administering pilot programs.

(5) Submit a report to the governor and legislature not later than Sept. 1, 2026.

New law requires interested public postsecondary education management boards to submit proposals that:

(1) Demonstrate the anticipated number of students who would benefit from a pilot program, the courses for which funds would be used, the textbooks currently being used in the courses and what open educational resources would be used in the courses through a pilot program, and the estimated average amount of savings per student.

(2) Propose customizing course instruction to current open educational resources or developing new course instruction using open educational resources.

(3) Identify the faculty who would do such customization of instruction or development of new course instruction.

Implementation of new law required to begin with the 2024 fall semester and end on Sept. 2, 2026.

Effective August 1, 2023.

(Adds R.S. 17:3129.8)

"Governor's Military and Veteran-Friendly Campus" Designation for Colleges (ACT 53)

Existing law provides for a program for designating a postsecondary education institution as a "Governor's Military and Veteran Friendly Campus" and for program administration by the Bd. of Regents. Prior law provided for a one-year designation. New law increases the designation's duration from one year to two years.

Existing law requires that an institution submit a renewal application that contains certain information related to its services and accommodations for students who are veterans or in the military. Prior law required institutions to

submit this annually. New law instead requires institutions to submit this prior to expiration of the designation and also requires submission of a report in each interim year containing the same information.

New law authorizes the board to establish tiers of distinction for further recognizing institutions that have received the designation.

Effective August 1, 2023.

(Amends R.S. 17:3138.5(D)(3) and (4)(intro. para.) and (E); Adds R.S. 17:3138.5(F))

La. Foundational Integrated Research System for Transformation (ACT 394)

New law (R.S. 17:3138.12) requires the Bd. of Regents (Regents) to establish, develop, and maintain the La. Foundational Integrated Research System for Transformation (LA FIRST) at the Univ. of La. at Lafayette within the Kathleen Babineaux Blanco Policy Center (policy center).

New law, notwithstanding any provision of law to the contrary, not later than Dec. 1, 2023, requires LA FIRST to execute data sharing agreements through Regents with the office of technology services (OTS) and the following state entities:

- (1) The La. Workforce Commission.
- (2) The Dept. of Children and Family Services.
- (3) The Dept. of Public Safety and Corrections.
- (4) The office of juvenile justice.
- (5) The La. Dept. of Health.
- (6) The Dept. of Education.

Further requires not later than Dec. 1, 2023, LA FIRST to execute data sharing agreements through Regents with each public postsecondary education management board.

New law requires LA FIRST to develop and annually publish three reports relative to education, employment, and the criminal justice system.

Notwithstanding existing law, new law:

(1) Requires LA FIRST, through Regents, to be provided access to all data listed in the data sharing agreement developed with each state entity. For certain state entities listed in new law, provides that such access be provided through OTS on equipment provided by OTS.

(2) Requires the policy center, once it has accessed the data, to comply with all restrictions imposed by existing law with respect to confidentiality and privilege.

(3) Requires that any reports using the data be released or published only in a manner that complies with such restrictions.

(4) Requires city, parish, and other local public school boards to directly share student data with the policy center and any department listed in new law relative to data sharing agreements.

New law further:

(1) Requires data sharing to commence upon execution of data sharing agreements but not later than Dec. 1, 2023, and requires that the data include at least five years of historical data.

(2) Requires shared data to include a minimum set of personally identifiable information.

(3) Requires separation of shared data between personal information and nonpersonal information, the former of which shall be used only for generating a unique identifier for each record to be combined with nonpersonal information in order to match records.

(4) Prohibits the conduct of research and analysis on data that include personally identifying information.

Existing law (R.S. 44:1 et seq.) establishes laws relative to public access of records in the possession of a public body. Further provides exceptions to such access.

Existing law (R.S. 44:4.1) provides for effectiveness of any exception to the public records law that is contained outside of the public records law. New law adds the exception for LA FIRST in new law (R.S. 17:3138.12) to this list of applicable public records exceptions.

Effective upon appropriation of monies by the legislature for the implementation of new law.

(Amends R.S. 44:4.1(B)(9); adds R.S. 17:3138.12)

Center for Agricultural Sciences and Rural Development (ACT 93)

Existing law establishes the Center for Agricultural Sciences and Rural Development as an institution of the LSU system and provides for responsibilities of the center.

New law adds agricultural youth development and education programs, including FFA and 4-H, as responsibilities of the center.

Effective August 1, 2023.

(Amends R.S. 17:3215(8))

State Maritime Academy (ACT 231)

Existing law provides for the University of La. System, composed of the postsecondary education institutions under the supervision and management of the system's board of supervisors.

New law:

(1) Establishes, subject to the constitutional powers, duties, and responsibilities of the Bd. of Regents, a state maritime academy under the supervision and management of the board of supervisors for the following purposes:

(a) Coordinating existing maritime programs and facilities.

- (b) Training merchant marine officers.
- (c) Providing additional educational pathways aligned with the workforce needs of the maritime industry.
- (2) Provides for the system president to hire an executive director, who may establish an advisory board for the purpose of making recommendations relative to the academy's establishment and operations.
- (3) Provides that the academy's training programs:
 - (a) May operate across multiple institutions under the supervision of the board.
 - (b) Shall be developed in a manner that makes maximum use of existing state and local resources through agreements and contracts with other institutions and training programs.

New law provides that the board of supervisors is the designated legal state entity to qualify the academy and its training programs for federal assistance and to receive and expend funds under federal law.

Effective August 1, 2023.

(Amends R.S. 17:3217)

Doctor of Physical Therapy Program at ULM (ACT 112)

New law authorizes the University of La. System board of supervisors to establish tuition, fees, and charges for the Doctor of Physical Therapy program at the University of La. Monroe consistent with tuition and fees for Doctor of Physical Therapy programs in the states comprising the Southern Regional Education Bd.

Effective August 1, 2023.

(Amends R.S. 17:3351(A)(5)(c))

Campus Accountability and Safety Act Changes (ACT 211)

Existing law provides for the Campus Accountability and Safety Act, relative to power-based violence at public postsecondary institutions, including preventing the behavior from occurring and addressing any incidents that occur. Provides for reporting of incidents, campus security policies, coordination with local law enforcement, safety education, surveys, and disclosure of campus crime statistics. Provides for the La. Power-Based Violence Review Panel.

New law makes technical changes in existing law.

Existing law requires each institution to have a memorandum of understanding (MOU) with each local law enforcement and criminal justice agency located within the parish of the campus of the institution. Requires the MOU to include specified provisions, to be signed by all parties, and to be reviewed annually by each institution's chancellor and Title IX coordinator and the executive officer of the criminal justice agency.

New law retains existing law and requires the head of a law enforcement or criminal justice agency to execute any proposed MOU within 30 days of receipt.

Existing law requires the Board of Regents to develop an instrument to survey students at each institution relative to power-based violence. Requires each institution to conduct the survey anonymously at three-year intervals, beginning with the 2022-2023 academic year.

New law requires the Board of Regents to submit a written report on the survey results, to be included in the power-based violence report pursuant to existing law.

Effective June 8, 2023.

(Amends R.S. 17:3399.13.1(C), 3399.14(D) and (E), 3399.15(B)(5)(a), and 3399.17; adds R.S. 17:3399.14(F))

Grandfathering of Public College Sports Wagering Contracts (ACT 105)

New law prohibits any public postsecondary education institution from entering into any partnership that promotes, markets, or advertises sports wagering activity with any entity licensed by the La. Gaming Control Board, the La. State Racing Commission, or the office of charitable gaming, other than alumni networks with content solely focused on responsible gaming initiatives or problem gambling awareness.

New law requires that the provisions in new law not be construed to cause impairment of any existing obligation, contract, or partnership in effect prior to new law becoming effective.

Effective June 6, 2023.

(Adds R.S. 17:3704)

Student Data Changes (ACT 97)

Existing law provides for a standardized data collection system to provide for the regular collection and reporting of certain student data.

New law requires the Louisiana Department of Education to obtain concurrence from the local public school system prior to changing the exit code assigned to a student by the school system.

Effective June 6, 2023.

(Adds R.S. 17:3911(C)(5))

La. National Guard Patriot Scholarship Program (ACT 279)

Existing law (R.S. 29:36.1) provides for a tuition exemption program for members of the La. National Guard (LNG). New law additionally creates and provides for the La. National Guard Patriot Scholarship Program to cover mandatory fees for members who is:

- (1) In good standing with the LNG.
- (2) Enrolled in a La. public postsecondary education institution.

- (3) Eligible for the existing law tuition exemption.

New law:

- (1) Provides a scholarship duration of four academic years or until receipt of a baccalaureate degree, whichever occurs first; however, extends the duration for anyone mobilized or called to active duty.

- (2) Provides for administration by the Bd. of Regents, which shall adopt program rules in consultation with the LNG.

- (3) Requires the Bd. of Regents, upon notice from the institution and the LNG that the student qualifies for the scholarship for the ensuing academic period, to make payment of the scholarship funds directly to the institution where the mandatory fees are due.

- (4) Provides that the payment of scholarships is subject to the appropriation of funds for this purpose.

Effective August 1, 2023.

(Adds R.S. 17:4101-4103)

TOPS Residency Requirements (ACT 405)

Existing law provides for the Taylor Opportunity Program for Students (TOPS), a program of merit scholarships awarded to students attending certain postsecondary education institutions who meet certain academic and other qualifications, including residency requirements. New law provides that a student satisfies the residency requirements if his parent or court-ordered custodian:

- (1) Is living outside the U.S.
- (2) Is not on active duty with the U.S. armed forces.
- (3) Was a resident of La. who actually lived in La. for at least the 24 months preceding the date he started living outside the U.S.

(4) Has remained a resident of La. through the date of the student's graduation from high school or completion of an approved home study program.

Effective August 1, 2023.

(Adds R.S. 17:5023(B)(5))

Financial Literacy Course Required for Public High School Graduation (ACT 267)

Prior law required that all public school students receive instruction in personal financial management and required such instruction for high school graduation. Required the State Bd. of Elementary and Secondary Education (BESE) to adopt rules and guidelines for such instruction and that such instruction include personal management skills and the basic principles involved with income, money management, spending and credit, saving and investing, and borrowing to fund postsecondary education.

New law removes prior law.

New law requires completion of a one unit Financial Literacy course for:

- (1) Graduation from a public high school.
- (2) A high school career diploma. Existing law requires a student to complete four mathematics credits to be eligible for a career diploma. New law requires that Financial Literacy be one of the four credits.
- (3) A TOPS award. Existing law, applicable to public and nonpublic school students, requires a student to complete 19 units of high school course work to be eligible for a TOPS award. New law retains all existing requirements and increases the total number of required units to 20.
- (4) A TOPS-Tech award. Existing law, applicable to public and nonpublic school students, requires a student to complete four mathematics units to be eligible for a TOPS-Tech award. New law requires that Financial Literacy be one of the four units.

New law specifies minimum content components of the Financial Literacy course applicable to the public high school graduation and career diploma requirements.

Effective in part August 1, 2023; effective in part July 1, 2024.

(Amends 17:183.3(B)(2)(b), 270(A) and (B), 5025(intro. para.) and (7), and 5026(A)(2); Adds R.S. 17:5025(8), 5025.6, and 5026(E); Repeals R.S. 17:274.1(C)(2))

TITLE 18: LOUISIANA ELECTION CODE

Election Procedures (ACT 91)

Duties of the Department of State and Registrars of Voters

Existing law (R.S. 18:103, 109) requires that notices of registration be mailed to newly registered voters and voters who have changed their registration.

Prior law required each registrar of voters to mail such notices. New law instead requires the Dept. of State (the department) to mail such notices.

Existing law (R.S. 18:104) requires the registrar of voters to furnish an applicant for voter registration with a copy of his application form.

New law requires that the copy be furnished without redaction.

Existing law (R.S. 18:154(B)) requires the registrar of voters to permit the copying of any part of his records upon the written request of 25 or more qualified voters. Existing law provides for exceptions.

New law further provides that a candidate may request any part of the registrar's records related to the candidate's election contest without meeting the requirement that the request be made by 25 or more voters if the request is received within nine days of the date of the election.

Existing law (R.S. 18:154(C)(2)(d) and 175) requires the department to provide the clerk of court with the date of birth of a registered voter for purpose of preparing the general venire selection.

Prior law required the registrar of voters to provide the clerk of court with the same information.

New law repeals prior law, thereby placing the duty on the department alone.

Existing law (R.S. 18:154(D)) prohibits the registrar of voters, the clerk of court, and the department from disclosing the name and address of a law enforcement officer if the employing agency has provided certification to the registrar that the officer is engaging in hazardous activities.

Prior law required that the employing agency also provide the certification to the department. New law removes prior law.

New law requires the registrar to indicate such certification in the state voter registration computer system.

Existing law (R.S. 18:154(J)) prohibits the registrar, the clerk of court, and the department from disclosing the address or telephone number of an early voting commissioner, commissioner-in-charge, or commissioner who is certified to serve in an election.

New law limits the prohibition to disclosure of such information within a list of commissioners only and extends the same protection to alternate commissioners.

Qualifying and Election Dates

Existing law (R.S. 18:1280.21 and 1280.22) provides that qualifying for the presidential primary opens on the third Wednesday in December and the presidential primary is held on the last Saturday in March.

New law (R.S. 18:402) removes references to an alternative election date for other offices in presidential election years.

Filling of Vacancies in Political Party Committees

Existing law (R.S. 18:443, 443.2, 444, and 445) provides for the filling of vacancies in the state central committee and parish executive committees of recognized political parties.

New law (R.S. 18:448) requires the committees to provide notice to the secretary of state once a vacancy is filled and include the name of the appointed member, the address of his domicile, and the effective date of his appointment.

Existing law (R.S. 18:581 and 585) defines "vacancy" for purposes of the filling of vacancies in elective office.

New law applies the same definition for purposes of the filling of vacancies in state central committee and parish executive committees of recognized political parties.

Prior law (R.S. 18:445(A)(3)) provided that for a remaining vacancy in the initial membership of a parish executive committee of a recognized political party with which more than 30% of the registered voters of the state are affiliated created by the failure of any qualified voter registered in the parish and affiliated with the party to qualify as a candidate for a position on the committee after a public meeting, the chairman of the state central committee would appoint a qualified voter registered in the parish.

New law repeals prior law.

Absentee and Paper Ballots

Existing law (R.S. 18:566 and 566.2) provides for the use of provisional paper ballots in provisional voting for federal office. Existing law (R.S. 18:1306, 1308, 1308.1, 1309, 1310, 1313, 1313.1, 1315, and 1333) provides for the use of paper ballots for absentee voting by mail and early voting.

Prior law required that such paper ballots include a certificate in the form of an envelope flap.

New law removes prior law.

Existing law (R.S. 18:574) provides for computation of certain time intervals related to the compilation and promulgation of returns and specifically provides that if one or more of the duties required to be performed on the fifth, sixth, seventh, or fourteenth day after an election are delayed because of a Saturday, Sunday, or other legal holiday, the duties which follow will be delayed a like amount of time.

New law applies the same provisions for computation of time intervals to those related to compiling and promulgating absentee by mail and early voting returns.

Existing law (R.S. 18:1313.1) authorizes all parishes to conduct the preparation and verification process for the tabulation and counting of absentee and early voting ballots for a primary or general election the day before the election.

New law (R.S. 18:1313(A)) creates consistency with existing law throughout the Election Code.

Miscellaneous Technical Changes

Existing law (R.S. 18:192, 193, 195, 196, 198, 562, 565, 571, 573, 1315, and 1333) provides that the registrar of voters utilize an address confirmation card to confirm the address of a registered voter. New law instead provides for use of an address confirmation notice.

Existing law (R.S. 18:1309, 1312, 1313, 1313.1, 1315, and 1333) requires that at certain steps of the ballot counting process, ballots and other voting paraphernalia be placed in a ballot envelope or container. New law removes the envelope option and requires the container to be secure.

New law makes several additional technical changes for structure, accuracy, and clarity.

Effective upon signature of governor (June 6, 2023).

(Amends R.S. 18:103(B)(4) and (C)(4), 104(F), 109, 115.1(C)(1), 154(B)(1) and (2), (C)(2)(d), (D), (F), (G), and (H), 175(D), 192(A)(1)(b) and (2), 193(B) - (E), 195(A) and (B)(1), 196(A)(1), (B), (C)(2)(a) and (3), and (D), 198, 402(C), (E)(1)(c) and (2)(c), and (F)(3), 444(H)(2), 467(3), 562(B)(2), 565(B) and (C), 566(B)(intro. para.) and (1) and (D)(intro. para.) and (1), 566.2(F)(2) and (4) - (6) and (G), 571(A)(8), 573(E)(1), (2), and (4), 574(F), 581(3), 1280.22(B)(1), 1300.3(E), 1306(E)(1)(intro. para.) and (d) and (2)(a), 1308(A)(1)(b) - (d) and (2), 1308.1(A), 1309(E)(5)(b)(ii) and (F)(3), 1310(A)(1) and (C)(1), 1312(B) and (C), 1313(A), (C)(2), (G)(1), (2), (4) - (6), and (9), (H)(1), (4), (6) - (8), (11), and (12)(b), (I), and (K)(1), (2)(a)(i) and (c), and (3), 1313.1(C)(3), (G)(1)(a), (2), and (4) - (7), (H)(1), (3) - (5), and (8), (I)(1) and (4)(b), (J), (L)(1), (2)(a) and (c), and (3), 1315(C)(2) and (3), and 1333(E) and (G)(1), (3), and (7); Adds R.S. 18:154(C)(1)(h), 448, 467(5), and 1308(D); Repeals R.S. 18:110(A)(3), 154(I) and (J), 443(F), 443.2(6), 444(F), 445(A)(3), and 585)

Nondisclosure of Information Regarding Absentee Military Voters (ACT 225)

Existing federal law (52 U.S.C. 20302) requires states to permit absent uniformed services voters and their dependents to use absentee registration procedures for federal elections.

Existing law prohibits the registrar, the clerk of court, the Dept. of State, the office of motor vehicles of the Dept. of Public Safety and Corrections and any entity that contracts with the office, each voter registration agency, any entity that contracts with a voter registration agency, and any person who handles the voter registration application form of another person from circulating on a commercial list or otherwise disclosing certain information regarding registered voters.

New law prohibits the persons included in existing law from disclosing the active duty status or dependent status of a voter who requested an

absentee ballot pursuant to existing federal law or the physical mailing address to which such a ballot is mailed.

Effective August 1, 2023.

(Adds R.S. 18:154(C)(1)(h))

Parish Election Supervisors Compensation (ACT 235)

Prior law provided that in a parish where the parish board of election supervisors tabulates and counts absentee by mail and early voting ballots in accordance with existing law a member of the board may be compensated not more than eight days for a presidential or regularly scheduled congressional primary or general election or seven days for any other primary or general election.

New law increases the maximum compensation period to not more than nine days for a presidential or regularly scheduled congressional primary or general election or eight days for any other primary or general election.

Effective upon appropriation of funds by the legislature.

(Amends R.S. 18:423(J))

Sex Offenders and Child Predators Ineligible as Election Officials (ACT 221)

Existing law provides qualifications for election commissioners-in-charge, commissioners, alternate commissioners, and watchers.

Existing law provides as follows with respect to the duties of these election officials:

(1) The commissioner-in-charge administers the oath to the commissioners, presides over the election, prints results from the voting machines, closes the polling place, and delivers specified information to the clerk of court.

(2) Commissioners and alternate commissioners conduct primary and general elections at each polling place, enforce the

election laws, and maintain order at the polling place during the election and the printing of results.

(3) Watchers are admitted within all parts of the polling place during the election day and the printing of results and shall call any infraction of law to the attention of the commissioners.

Existing law provides that a person who commits certain sex offenses and criminal offenses against a minor shall be required to register as a sex offender or child predator.

New law prohibits persons who are required to register as sex offenders or child predators from serving as election commissioners-in-charge, commissioners, alternate commissioners, and watchers.

Effective upon signature of governor (June 8, 2023).

(Amends R.S. 18:427(A); Adds R.S. 18:424(B)(6), 425(B)(3)(d), and 426(A)(2)(c))

Qualifications for Election Commissioners (ACT 18)

Existing law provides that a qualified voter who is able to perform the essential duties of a commissioner and who is not a candidate in the election may be selected as a commissioner in any precinct of the ward where he is registered to vote.

Existing law provides that a student at an institution of higher learning located in this state may be selected as a commissioner in any precinct if he meets certain criteria.

New law additionally provides that a nonresident active duty servicemember serving at a military installation in La. or his dependent may be selected as a commissioner in any precinct in the parish where the military installation is located if the servicemember or his dependent is registered to vote in another state, is able to perform the essential duties of a commissioner, is not a

candidate in the election, submits to the clerk a copy of his military identification card and a copy of his proof of voter registration, and he wears plain clothes while serving in his capacity as commissioner.

New law further requires that a person serving as a commissioner at a precinct outside of the ward where he is registered to vote pursuant to existing law and new law shall certify that he is a U.S. citizen.

Existing federal law defines "dependent" as a uniformed servicemember's spouse, certain children, certain parents or parents-in-law, and certain unmarried persons placed in the legal custody of the servicemember.

Effective August 1, 2023.

(Amends R.S. 18:425(B)(6))

Voting Accessibility Improvements (ACT 277)

Existing law (R.S. 18:431) requires the clerk of court to conduct a general course of instruction for election commissioners and requires the clerk to provide specific instruction during the course pursuant to minimum standards issued by the secretary of state.

New law further requires the clerk to provide instruction on the duty to comply with provisions of law pertaining to the rights of voters with disabilities, including the Americans with Disabilities Act (ADA).

Existing law (R.S. 18:431.1) requires the secretary of state to prepare the examination to be used for the course of instruction for commissioners and commissioners-in-charge and requires that the examination include questions relating to certain matters.

New law further requires the secretary to include in the examination questions relating to procedures for assisting voters with disabilities and requirements to comply with provisions of law pertaining to the rights of voters with disabilities, including the ADA.

New law (R.S. 18:523) requires the secretary of state to appoint an ADA compliance officer to serve at the pleasure of the secretary. Provides that the secretary shall fix the salary of the compliance officer and assigns responsibilities and duties to the officer.

New law (R.S. 18:532.1) creates the Voting Accessibility Advisory Group within the Dept. of State. Provides that the group shall be comprised of at least seven members selected by the secretary of state, a majority of which shall be disabled and represent a diversity of accessibility needs. Further provides that the group shall consult on voting accessibility matters.

Effective upon signature of governor (June 9, 2023).

(Amends R.S. 18:431(A)(1)(b) and 431.1(C)(intro. para.); Adds R.S. 18:431.1(C)(7), 523, and 523.1 and R.S. 36:744(C)(5))

Caddo Parish Democratic Party Executive Committee (ACT 137)

Existing law provides that each parish executive committee of a recognized political party shall be composed of five members-at-large and as many members as there are members of the parish governing authority. The members-at-large shall be elected from the entire parish, while the additional members shall be elected, one each, from the districts or wards from which the members of the parish governing authority are elected.

Existing law provides exceptions for the parish executive committees of recognized political parties in Orleans, Jefferson, and Lafayette parishes.

New law adds an exception for the parish executive committee of the Democratic Party in Caddo Parish; provides that it shall be composed of one member elected from each parish commission district and 12 members elected at large from the parish.

Effective August 1, 2023.

(Adds R.S. 18:444(G)(2)(d))

**Resigned and Retired Elected Officials
(ACT 119)**

New law prohibits an elected official who has resigned or retired from office from being appointed or elected to succeed himself in the office.

Effective upon signature of governor (June 6, 2023).

(Adds R.S. 18:586)

Early Voting Locations (ACT 236)

Existing law allows a registrar of voters to provide for an alternate location to conduct early voting if the registrar's office space is insufficient or inconvenient to accommodate voters.

New law requires the secretary of state to make the determination to whether the office space of a registrar of voters is insufficient to conduct early voting and use of an alternative early voting location is allowable.

Prior law required an alternate early voting location to be in the courthouse or in a public facility in the immediate vicinity thereof.

New law allows an alternate early voting location to be in an accessible and conveniently located public facility within the parish.

Effective August 1, 2023.

(Amends R.S. 18:1309(A)(2))

**Repayment of Loans Made to Campaigns
(ACT 330)**

Prior law provided that any loans made by a candidate to his own campaign may be repaid from campaign funds received in connection with an election in which the candidate qualified for a public office.

New law provides that notwithstanding any other provision of law any loans made by a candidate

to his own campaign may be repaid from any campaign contributions received.

Existing law allows only a candidate whose public service as an elected official has been terminated for at least one year to repay a loan made to his campaign.

New law retains existing law.

Effective August 1, 2023.

(Amends R.S. 18:1505.2(T))

TITLE 19: EXPROPRIATION

**City of Sulphur Expropriation Powers
(ACT 76)**

Existing law (R.S. 19:134) provides for the expropriation of property by a declaration of taking by Calcasieu Parish and the city of Lake Charles.

Existing law defines "governing authority" to include Calcasieu Parish and the city of Lake Charles.

New law expands existing law to include the city of Sulphur.

Existing law (R.S. 19:134.1) provides for the authority of Calcasieu Parish and the city of Lake Charles to expropriate property for street, drainage, water, utility, or sewerage projects prior to judgment.

New law expands existing law to include the city of Sulphur.

Effective August 1, 2023.

(Amends the heading of Part III-E of Title 19 of the La. Revised Statutes of 1950 and R.S. 19:134 and 134.1(A))

TITLE 20: HOMESTEADS AND EXEMPTIONS

TITLE 21: HOTELS AND LODGING HOUSES

TITLE 22: INSURANCE

Interlocal Risk Management Agency Volunteer Board Members (ACT 2)

Existing law requires directors, officers, and trustees of domestic regulated entities to submit certain information including but not limited to biographical information, third-party background verifications, fingerprint cards, and sworn statements to the commissioner of insurance (commissioner) within 30 days of election or appointment. Further authorizes the commissioner to waive certain submissions if the director, officer, or trustee meets certain requirements.

Existing law requires such submissions to the commissioner for purposes of the commissioner's issuance of a letter of no objection to the respective director's, officer's, or trustee's service in his capacity.

New law exempts volunteer board members of an interlocal risk management agency, as defined in the "Local Housing Authority Self-Insurance Act of 1981" (R.S. 33:1351 et seq.), from submitting certain statements required by existing law. Otherwise retains existing law.

Effective August 1, 2023.

(Amends R.S. 22:41.3 (Section heading); Adds R.S. 22:41.3(C)(4))

Commissioner Letters of No Objection to Persons Recently Controlling an Insolvent Insurer (ACT 47)

Existing law authorizes the commissioner of insurance (commissioner) to refuse to issue or

rescind a letter of no objection to a former officer, director, or person having direct or indirect control over selection or appointment of the person if he finds the officer or director does not meet certain requirements provided by existing law.

New law retains existing law but requires the commissioner to refuse or rescind a letter of no objection if the person was a former officer, director, or had direct or indirect control over selecting or appointing an officer or director through contract, trust, or by operation of law of an insurer doing business in this state and the person served in that capacity within a two year period before the insurer went insolvent, unless the person can demonstrate to the commissioner that his personal actions and omissions were not a significant contributing cause of the insurer's insolvency.

New law authorizes the commissioner to issue a certificate of authority to a foreign or alien insurer if the person formerly served in the capacity listed in new law, and if at least five years have passed since the date of the insurer's insolvency.

New law defines a "personal action" as a breach of responsibilities, obligations, or duties imposed on a person.

Existing law authorizes the commissioner to suspend or revoke a foreign or alien insurer if certain legal requirements have not been met.

New law retains present law but requires the commissioner to refuse to issue, suspend, or revoke an insurer's certificate of authority if a person is serving as an officer, director, or had direct or indirect control over selecting or appointing an officer or director through contract, trust, or by operation of law of an insurer doing business in this state and the person served in that capacity within a two year period before the insurer went insolvent, unless the person can demonstrate to the commissioner that his personal actions and omissions were not a significant contributing cause of the insurer's insolvency.

New law authorizes the commissioner to provide a certificate of authority to a foreign or alien insurer who has a person serving as an officer, director, or person with direct or indirect control over the selection or appointment of an officer or director, and the person previously served in that capacity for an insurer that became insolvent, and at least five years have passed from the date the insurer became insolvent.

Effective August 1, 2023.

(Adds R.S. 22:41.3(F) and (G) and 337(F) and (G))

Insurer Data Transfer Plans (ACT 124)

New law requires each insurer subject to the La. Insurance Guaranty Assoc. Law (R.S. 22:2051 et seq.) to prepare, implement, and maintain a data transfer plan. Requires the insurer to file the plan with the commissioner of insurance (commissioner) upon the occurrence of a company-action level event as defined in existing law (R.S. 22:613).

New law requires a data transfer plan to include the manner, methods, and formats in which the insurer maintains and preserves its claims and underwriting records; the process by which the insurer will transfer its records to the La. Insurance Guaranty Assoc. (LIGA) if an order of rehabilitation or liquidation is issued pursuant to existing law (R.S. 22:2008); and any other information deemed necessary by the commissioner.

New law provides that if the insurer uses a third party to maintain its records, the insurer is required to include in its plan the process by which the third party will provide the insurer's claims and underwriting records to LIGA without delay.

New law requires the commissioner to review each data transfer plan to determine compliance with new law and to consult with LIGA to confirm that the data transfer plan will integrate with LIGA's manner and means of maintaining records from insurers that are subject to orders of rehabilitation or liquidation.

New law authorizes the commissioner to examine the records and operations of insurers to determine compliance with new law; direct an insurer to test and modify its data transfer plan; require an insurer to prefund the services required to initiate a data transfer; require an insurer to take action to remedy substantial noncompliance with new law; and waive compliance with new law upon the insurer's written request that establishes that the issues causing a company-action level event will be resolved and with the concurrence of LIGA.

New law requires an insurer that remains in a company-action level event to update and file its data transfer plan with the commissioner at intervals the commissioner deems appropriate.

New law subjects data transfer plans to the commissioner's confidentiality provisions in existing law (R.S. 22:1983(J)). Requires an insurer to submit a data transfer plan and any related information used to test the processes in the plan to LIGA or any other guaranty association if, prior to the guaranty association receiving the information, the parties agree, in writing, to treat the information received as confidential, unless the insurer grants prior written consent to share the information with a guaranty association.

New law specifies that data transfer plans and related information produced to the commissioner are not subject to public records inspection, examination, copying, or reproduction pursuant to the Public Records Law (R.S. 44:1 et seq.) and that each data transfer plan is a proprietary, confidential business record not subject to production, including subpoena. Further provides an exception in the Public Records Law for data transfer plans and information produced to the commissioner pursuant to data transfer plans.

Effective upon signature of governor (June 6, 2023).

(Amends R.S. 44:4.1(B)(11); Adds R.S. 22:572.2)

Insurance Premium Tax Credits (ACT 310)

Existing law authorizes a credit against the insurance premium tax for insurers who invest a portion of their total admitted assets in La. financial institutions and investment products. The amount of the credit is graduated, with the amount increasing as the percentage of an insurer's assets invested in La. increases, as follows:

- (1) A 66% tax credit for investment of 16% of assets.
- (2) A 75% tax credit for investment of 20% of assets.
- (3) An 85% tax credit for investment of 25% of assets.
- (4) A 95% tax credit for investment of at least 33% of assets.

Existing law defines "qualified La. investment" for purposes of claiming the insurance premium tax credit as any of the following:

- (1) State Bonds, bonds of political subdivisions, or bond issuances approved by the State Bond Commission.
- (2) Mortgages on property located in La.
- (3) Real property located in La.
- (4) Policy loans to state residents, or other loans to residents of La., or to corporations domiciled in La.
- (5) Common or preferred stock in corporations domiciled in this state.

New law adds, for taxable years beginning on or after Jan. 1, 2024, the following investments by businesses issuing life insurance policies to the list of qualified La. investments eligible for the insurance premium tax credit:

- (1) Certificates of deposits issued by certain La. banks which have a main office in La. or by

certain trust companies which have a main office in La.

- (2) Cash on deposit in an account with a La. bank which has a main office in La.
- (3) Funds held by a trust company which has a main office in La.

New law provides that the investments provided for in new law qualify as La. investments only when made by a business that:

- (1) Issues life insurance policies.
- (2) Has total admitted assets under \$3 million.
- (3) Is domiciled, licensed, and is operating in La.
- (4) Maintains its primary corporate office in La. and has at least 70% of its employees in La.
- (5) Maintains its core business functions in La.

Effective January 1, 2024.

(Adds R.S. 22:832(C)(7))

Insurance Premium Tax Credits for Foreign Retaliatory Tax Payments (ACT 428)

Existing law provides that when any other state imposes additional fees, taxes, or penalties on La. insurers doing business in the other state, La. shall impose the same additional fees, taxes, and penalties on the other states' insurers doing business in La. Existing law requires insurers organized under other state's laws that are admitted to transact business in La. to pay the same fees to the commissioner of insurance as any other state may require of any similar insurer incorporated by or organized under the laws of La.

New law establishes a refundable insurance premium tax credit for any La. domestic insurer (domestic insurer) that is authorized to write and does write insurance in this state and writes

insurance in at least one other state as of July 1, 2023. The amount of the credit is the amount of any retaliatory tax paid to any other state for the period in which the retaliatory tax was paid. The credit shall be applied against the domestic insurer's state premium tax liability, and any credit amount in excess of its premium tax liability shall be refunded to the domestic insurer.

New law requires the commissioner of insurance (commissioner) to administer the refundable tax credit for the payment of retaliatory taxes paid by domestic insurers.

New law provides that the maximum amount of credits authorized by new law shall not exceed \$9M in any fiscal year. However, if credits claimed exceed \$9M in any fiscal year, the commissioner shall make refunds on a pro rata basis to eligible domestic insurers based on the proportion of the total amount of retaliatory tax paid by each insurer for the relevant time period.

New law authorizes unused amounts of the credit that are unused because the total amount of credits claimed exceeds \$9M in a fiscal year to be carried forward for a period not to exceed 10 years.

New law authorizes a domestic insurer to transfer unclaimed amounts of the credit to a domestic insurer within the same insurance holding company. Establishes the procedure and limitations for transferring tax credits, including notice requirements to the Dept. of Insurance and authorization for the commissioner to disallow tax credits if the transferor did not have rights to claim or use the credit at the time of transferor to recapture credits from transferees.

New law requires domestic insurers who have paid retaliatory tax in the preceding year to provide evidence of such payment by the date and in a form prescribed by the commissioner. Further requires the commissioner to refund the retaliatory tax paid within 60 days of the filing of the evidence of the payment of retaliatory taxes by the domestic insurer.

New law requires a domestic insurer which receives a credit pursuant to new law to certify to

the commissioner that it will utilize tax credit monies exclusively for Louisiana-specific purposes that are lawful expenditures for a domestic insurer.

New law authorizes the commissioner to promulgate rules in accordance with existing law (Administrative Procedure Act) as are necessary to implement the provisions of new law, subject to oversight by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs.

New law prohibits a credit established in new law from being allowed for retaliatory taxes incurred or paid after Dec. 31, 2029.

New law shall be applicable to retaliatory taxes based on insurance premiums written in other states on or after Jan. 1, 2024.

Effective August 1, 2023.

(Amends R.S. 22:836)

Standards for the Sale of Annuity Products (ACT 73)

New law requires the commissioner of insurance (commissioner) to promulgate and adopt rules in accordance with the Administrative Procedure Act to govern the standards for which insurance producers are required to follow in the sale of annuity products.

New law authorizes the commissioner to require an insurance producer licensed to sell annuity products to complete a one-time, one-credit training course in accordance with the standards for the sale of annuity products established by the commissioner.

Effective August 1, 2023.

(Adds R.S. 22:919 and 1576(B)(10))

Health Insurance Issuer Transparency (ACT 333)

Existing law provides requirements for utilization review.

New law retains existing law but defines "health coverage plan", "healthcare provider", "health insurance issuer", "healthcare services", and "prior authorization" but excludes the office of group benefits from the definition of "health insurance issuer".

New law requires health insurance issuers to submit an annual report that provides a quarterly breakdown that includes the following items:

- (1) List of all items and services that require prior authorization.
- (2) Percentage of standard prior authorizations that were approved, aggregated for all items and services.
- (3) Percentage of standard prior authorizations that were denied, aggregated for all items and services.
- (4) Percentage of standard prior authorizations that were approved after appeal, aggregated for all items and services.
- (5) Percentage of prior authorization requests when the timeframe for review was extended, and the prior authorization requests were approved, aggregated for all items and services.
- (6) Percentage of expedited prior authorization requests that were approved, aggregated for all items and services.
- (7) Percentage of prior authorization requests that were denied, aggregated for all items and services.
- (8) An average and median time that elapsed for all standard prior authorization requests and the time between submitting a standard authorization request, and the time a determination was made by a health insurance issuer, aggregated for all items and services.
- (9) The average and median time for an expedited review regarding a prior authorization request and the time between submitting the expedited request and the time a decision was

made by a health insurance issuer, aggregated for all items and services.

New law requires the commissioner of insurance to submit an annual report providing information regarding prior authorization practices to the legislative committees on insurance.

New law requires a health insurance issuer to annually publish a list of all items and services subject to prior authorization and include this information prior to open enrollment on its publicly available website, and to timely update any changes made to prior authorization requests.

New law requires a health insurance issuer to include a web address on any application or enrollment materials that are distributed by a health coverage plan.

New law requires a health insurance issuer to provide contract materials including items and services subject to prior authorization and any policy or procedures used to determine prior authorizations to any provider or supplier who seeks to participate under a health coverage plan. Authorizes a health insurance issuer to refer providers or suppliers to a listing or link on its website.

New law conflicts between the provisions of the Act that originated as HB No. 468, Act 312 of the 2023 Regular Session supersedes and controls relative to any conflict with Acts 2023, No. 312.

Effective on January 1, 2024.

(Adds R.S. 22:1020.62 and 1260.41(10))

Mandatory Coverage by Health Coverage Plans of Biomarker Testing (ACT 324)

New law requires any health coverage plan that is renewed, delivered, or issued for delivery in this state to include coverage for biomarker testing for the purpose of the diagnosis, treatment, appropriate management, or ongoing monitoring of an individual's disease or condition when the test provides clinical utility as demonstrated by medical and scientific evidence, including any one of the following:

(1) Labeled indications for diagnostic tests approved or cleared by the U.S. Food and Drug Administration (FDA) or indicated diagnostic tests for a drug approved by the FDA.

(2) Warnings and precautions listed on a FDA-approved drug label.

(3) National Coverage Determinations of the Centers for Medicare and Medicaid Services or Local Coverage Determinations of Medicare Administrative Contractors.

(4) Nationally recognized clinical practice guidelines.

New law provides that coverage may be subject to annual deductibles, coinsurance, and copayment provisions as are consistent with those established under the health coverage plan.

New law requires individuals and healthcare providers to have access to a clear, readily accessible, convenient process to request exceptions to a coverage policy or adverse utilization review determination of a health coverage plan. New law further requires the process be included on a health coverage plan's website or be clearly outlined in the notification of adverse determination.

New law requires a health coverage plan to ensure that coverage is provided in a manner that limits disruptions in care, including the need for multiple biopsies or biospecimen samples.

New law defines "biomarker", "biomarker testing", "clinical utility", "health coverage plan", and "nationally recognized clinical practice guidelines".

New law applies to any new policy, contract, program, or health coverage plan issued on and after the January first immediately following the effective date of new law. New law further requires any policy, contract, or health coverage plan in effect prior to the effective date of new law to convert to conform to new law on or before the renewal date, but no later than the first January first that is at least one year after the effective date of this Act.

Effective date is subject to appropriation of monies by the legislature.

(Adds R.S. 22:1028.5)

Mandatory Coverage of Fertility Preservation Services for Cancer Patients (ACT 299)

New law requires a health coverage plan (plan) that provides hospital, medical, or surgical benefits to cover medically necessary expenses for standard fertility preservation services for a covered individual who undergoes a medical treatment for cancer that may directly or indirectly cause iatrogenic infertility. Requires a plan to cover the costs associated with storage of oocytes and sperm for a minimum of 3 years, but authorizes a plan to exclude such storage costs thereafter.

New law prohibits a plan from requiring preauthorization for coverage, but authorizes a plan to contain provisions for maximum benefits and applications of deductibles, copayments, coinsurances, and reasonable limitations and exclusions to the extent that these applications are not inconsistent with new law.

New law authorizes a religious employer to submit to a health insurance issuer a written request for exemption when the employer's beliefs and practices conflict with the requirements of new law. Requires a religious employer exempt from new law to provide written notice of its exemption to prospective enrollees of its plan. Further authorizes an enrollee of a plan provided by his religious employer to purchase, at his own expense, a supplemental insurance policy that covers standard fertility preservation services.

New law defines "health coverage plan", "iatrogenic infertility", "medical treatment that may directly or indirectly cause iatrogenic infertility", "religious employer", and "standard fertility preservation services".

New law may be known and cited as "The Medically Necessary Fertility Preservation Act".

New law applies to a policy, contract, or plan issued on and after Jan. 1, 2024, and requires a current policy, contract, or plan to convert to the provisions of new law by Jan. 1, 2025.

New law does not apply to plans offered through the federally-facilitated Health Insurance Marketplace until an appropriation is provided by the legislature.

Effective January 1, 2024.

(Adds R.S. 22:1036.1)

Health Coverage Plan Substitution of Biosimilar Biological Products (ACT 125)

Existing law establishes certain requirements for a health coverage plan that utilizes step therapy or fail first protocols.

Existing law does not prohibit a health coverage plan's substitution of an AB-rated generic equivalent or interchangeable biological product as designated by the U.S. Food and Drug Administration (FDA).

New law adds that a health coverage plan is not prohibited from substituting a biosimilar biological product as designated by the FDA. Otherwise retains existing law.

Effective August 1, 2023.

(Amends R.S. 22:1053(A)(2))

Doulas, Maternity Support Services, and Mandatory Health Coverage (ACT 270)

New law affirms a doula as an individual who is trained to provide physical, emotional, and educational support, but not medical or midwifery care, to pregnant and birthing women and their families before, during, and after childbirth.

New law outlines legislative findings with respect to doulas. Affirms the state of La. as a state with one of the highest maternal and infant mortality rates in the U.S. Further affirms that the state of La. has a compelling interest and obligation to

promote practices that improve maternal and infant health outcomes.

New law requires a health coverage plan (plan) delivered or issued for delivery in this state that provides benefits for maternity services to include coverage for maternity support services provided by a doula to pregnant and birthing women before, during, and after childbirth.

New law provides that the coverage may be subject to annual deductibles, coinsurance, and copayment provisions as are consistent with those established under the plan. Further provides that such coverage may also be subject to a limit of \$1,500 per pregnancy.

New law prohibits a plan from prescribing coverage requirements for maternity support services of a doula that preclude a doula from practice in this state. Authorizes a doula to practice in this state while foregoing eligible reimbursement via a plan; however, new law requires a doula opting for reimbursement via a plan to have approved registration with the La. Doula Registry Board.

New law authorizes a health insurance issuer or plan to establish additional credentialing standards for contracting with doulas.

New law prohibits terminology in any plan or contract deemed discriminatory against doulas and maternity support services provided by doulas. Further provides that such terminology is void and unenforceable.

New law defines "doula", "health coverage plan", and "maternity support services".

New law applies to a policy, contract, or plan issued on and after Jan. 1, 2024, and requires a current policy, contract, or plan to convert to the provisions of new law by Jan. 1, 2025.

Existing law (R.S. 22:1059.2) requires a plan to provide inpatient and outpatient coverage benefits for up to 2 months for medically necessary pasteurized donor human milk under certain conditions.

New law redesignates the citation of existing law from R.S. 22:1059.2 to R.S. 22:1059.3 and otherwise retains existing law.

Effective August 1, 2023.

(Amends R.S. 22:1059.2; Adds R.S. 22:1059.3)

Cancer Insurance or Plan Coverage Requirements (ACT 254)

New law establishes the "Cancer Patient's Right to Prompt Coverage Act" and defines "health coverage plan", "health insurance issuer", "nationally recognized clinical practice guidelines", "positron emission tomography", "prior authorization", and "utilization review".

New law requires a health insurance issuer (issuer) to offer an expedited review to the provider requesting prior authorization for any service related to the diagnosis or treatment of cancer.

New law requires the issuer to communicate its decision of prior authorization as soon as possible, but no later than two business days from the receipt of the request for expedited review. Provides that if the issuer needs and requests additional information to make its determination, the issuer is required to communicate its decision to the provider as soon as possible, but no later than 48 hours from the receipt of the additional information.

New law provides for any service typically covered under the plan and related to the diagnosis or treatment of cancer which requires prior authorization under the health coverage plan, and the provider did not request an expedited review, then requires the issuer to communicate its decision on the prior authorization request no later than five days from the receipt of the request. New law provides that if the issuer needs additional information to make its determination, the issuer is required to communicate with the provider no later than two business days from the receipt of the additional information. New law only applies to the diagnosis or treatment of cancer, except for non-melanoma skin cancer.

New law prohibits a health coverage plan from denying a prior authorization or payment of claims for any procedure, pharmaceutical, or diagnostic test to be provided or performed for the diagnosis and treatment of cancer, if the procedure, pharmaceutical, or test is recommended by nationally recognized clinical practice guidelines for use in the diagnosis or treatment of the insured's specific type of cancer and clinical state.

New law prohibits an issuer from denying coverage of a positron emission tomography (PET) or recommended imaging for the purpose of diagnosis, treatment, appropriate management, restaging, or ongoing monitoring of an insured's disease or condition if the imaging is being requested for the diagnosis, treatment, or ongoing monitoring of cancer and is recommended by nationally recognized clinical practice guidelines. New law does not apply to non-melanoma skin cancer.

New law prohibits a health coverage plan from requiring an insured to undergo any imaging test for the purpose of diagnosis, treatment, appropriate management, restaging, or ongoing monitoring of an insured's disease or condition if the imaging is being requested for the diagnosis, treatment, or ongoing monitoring of cancer that is recommended by nationally recognized clinical practice guidelines, as a precedent to receiving a PET, when the PET is recommended by the guidelines of new law.

New law requires a health coverage plan to provide coverage for an insured admitted on an inpatient basis to a licensed hospital providing rehabilitation, long-term acute care, or skilled nursing services, to provide coverage for claims for any otherwise covered and authorized outpatient services to the patient for the treatment of cancer.

New law authorizes a health coverage plan to apply annual deductibles, coinsurance, and copayment provisions as are consistent with those established under the health coverage plan.

New law applies to any new policy, contract, program, or health coverage plan issued on and

after January 1, 2024. Requires any policy, contract, or health coverage plan in effect prior to January 1, 2024, to conform to the new law on or before the renewal date, but no later than January 1, 2025.

Effective August 1, 2023.

(Adds R.S. 22:1060.11-1060.16)

Medicare Supplement Policy Open Enrollment (ACT 71)

Existing 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 offered in this state by the same issuer.

New law adds that an individual may purchase a Medicare supplement policy offered by an issuer's affiliate authorized to transact business in this state. Otherwise retains existing law.

Effective August 1, 2023.

(Amends R.S. 22:1112(A)(1))

Insurer Utilization Review and Prior Authorization Requirements (ACT 312)

New law defines "adverse determination", "ambulatory review", "certification", "clinical review criteria", "concurrent review", "healthcare facility", "healthcare professional", "healthcare provider", "healthcare services", "health insurance issuer", "prior authorization", "retrospective review", "urgent condition", "utilization review", and "utilization review entity".

New law requires a health insurance issuer (issuer) that mandates a satisfactory utilization review as a condition of payment for the claim of a healthcare provider (provider) to maintain a documented prior authorization program that utilizes evidenced-based clinical review criteria. Authorizes an issuer to employ a third-party

utilization review entity (entity) to perform utilization review and requires a prior authorization program to meet standards set forth by a national accreditation organization.

New law authorizes a provider to submit to an issuer a request for utilization review for any service at any time, including outside normal business hours. Requires an issuer to notify the provider of the specific clinical review criteria to be used for the specific item or service in its utilization review determination within 72 hours of receiving a provider's oral or written request. Further authorizes an issuer to provide the notice in an electronic format.

New law requires an issuer to maintain a system of recording supporting clinical documents submitted by providers seeking utilization review. Requires an issuer to assign a unique case number upon receipt of the provider's request for utilization review.

New law prohibits an issuer from imposing additional utilization review requirements with respect to any surgical or invasive procedure or any item furnished thereof.

Determinations based on expedited review. New law requires an issuer or entity to offer an expedited review of a provider's prior authorization request that is medically necessary for the treatment or management of a patient's urgent condition. Requires the issuer or entity to electronically communicate its decision to the provider as soon as possible, but not more than two business days from receipt of the request. Further provides that if additional information is needed, the issuer or entity is required to electronically communicate its decision to the provider as soon as possible, but not more than 48 hours from receipt of the additional information.

New law provides that for any requests from a provider requiring prior authorization for which the provider does not request an expedited review, the issuer is required to communicate its decision on the prior authorization request no more than five business days from receipt of the request. Further provides that if the issuer needs and requests additional information to make its determination,

the issuer is required to communicate its decision to the provider no more than five business days from receipt of the additional information.

Determinations for concurrent review. New law requires an issuer to make a determination within 24 hours of obtaining all necessary information from the provider or facility. If the determination is to extend a patient's stay or certify additional services, new law requires the issuer or entity to provide an initial notification of its certification to the provider by telephone or electronically within 24 hours of making the certification. Further requires the issuer to provide written or electronic confirmation of the initial notification to the enrollee and the provider within two business days of making the certification.

Determinations for retrospective review. New law requires an issuer to make the determination within 30 business days of receiving all necessary information. Requires the issuer to provide notice of the determination in writing to the enrollee and provider within three business days of making the retrospective review determination.

For adverse determinations, new law requires an issuer to provide an initial notification to the provider by telephone or electronically within 24 hours of making the adverse determination. Further requires the issuer to provide written or electronic notification to the enrollee and the provider within three business days of making the adverse determination.

New law describes the necessary information required by a provider or enrollee for submission to an issuer. Prescribes that if a provider's request for utilization review does not provide all necessary information, the issuer has 1 calendar day to inform the provider of the particular additional necessary information needed for determination, and the provider has at least two business days to provide the necessary information to the issuer.

New law authorizes an issuer to deny certification of an admission, procedure, or service if the provider or enrollee will not release necessary information, but if the issuer fails to make a determination within the timeframes prescribed

in new law, the issuer is prohibited from denying a claim based on a lack of prior authorization.

New law requires an issuer to accept any evidence-based information, collect only the information necessary for authorization from a provider that will assist in the utilization review, and base its review determinations on the medical information in the enrollee's records obtained by the issuer up to the time of the review determination.

New law requires an issuer to state if its response to a provider's request for utilization review is to certify or deny the request. If the request is denied, new law requires the issuer to give in the response all reasons for denial, including any clinical review criteria.

New law requires an issuer's denial of a utilization review request to include the department and credentials of the individual authorized to approve or deny the request, including the phone number of the authorizing authority for the enrollee's use for an appeal.

New law provides that if a provider requests a peer review of the determination to deny, the issuer is required to appoint a licensed healthcare practitioner similar in education and background or a same-or-similar specialist to conduct the peer review with the requesting provider. Requires the reviewing practitioner's or specialist's training and experience to meet certain criteria with respect to the providing of treatment.

New law requires an issuer to appoint a physician to conduct the review and notify the requesting physician of its peer review determination within two business days of the date of the peer review.

New law prohibits an issuer from denying any claim subsequently submitted by a healthcare provider for healthcare services specifically included in a prior authorization, unless certain circumstances apply.

New law requires an issuer's certification of prior authorization to remain valid for a minimum of three months from the date of certification.

New law does not prohibit a health insurance issuer from conducting investigations of possible fraud, waste, or abuse or from taking appropriate actions based upon the results of such investigations.

Effective January 1, 2024.

(Adds R.S. 22:1260.41-1260.48)

Property Insurance Policy Provisions Against Hiring Public Adjusters (ACT 328)

Existing law provides an insurer is authorized to include certain prohibitory provisions in a property insurance policy.

New law retains existing law but prohibits an insurer from including a policy provision that disallows an insured the right to hire a public adjuster for services.

New law exempts commercial insurance policies written by surplus lines insurers from this prohibition.

Effective August 1, 2023.

(Adds R.S. 22:1274)

Rate Filing Approval Procedure (ACT 443)

Existing law provides that, upon written application by an insurer or rate organization, the commissioner of insurance (commissioner) may authorize a filing that has been reviewed to become effective before expiration of the 45-day waiting period prescribed in existing law.

New law retains existing law.

Existing law provides that a rate filing is deemed to meet the requirements of existing law unless disapproved in writing by the commissioner within the 45-day waiting period.

New law retains existing law but further provides that a rate filing is deemed approved by the commissioner unless the commissioner affirmatively approves or disapproves the filing within the 45-day waiting period. Further

provides that the commissioner's approval of a rate filing waives any unexpired portion of the 45-day waiting period.

Existing law authorizes an insurer or rating organization to commence with use of filed rates upon expiration of 45 days from the date of the commissioner's receipt of the rate, unless the commissioner provided notice of an incomplete or disapproved rate filing.

New law retains existing law but removes the exception relative to incomplete rate filings.

New law prohibits the commissioner from disapproving a rate filing that is in compliance with new and existing law on the basis of time that has elapsed since the commissioner's most recent rate approval.

Effective August 1, 2023.

(Amends R.S. 22:1451(C); Adds R.S. 22:1451(G))

Auto Insurance Premium Discounts for Air and Army National Guard (ACT 406)

Existing law requires motor vehicle insurers to provide a 25% premium discount on automobile insurance policies to active duty military personnel.

New law retains existing law but extends the 25% premium discount on automobile insurance policies to servicemen in the La. Air National Guard and La. Army National Guard.

Effective August 1, 2023.

(Amends R.S. 22:1482(A), (B), and (C)(intro. para.) and (1))

Pet Insurance and Wellness Programs (ACT 94)

New law defines "chronic condition", "congenital anomaly or disorder", "hereditary disorder", "orthopedic", "pet insurance", "preexisting condition", "renewal", "veterinarian", "veterinary

expenses", "waiting period", and "wellness program".

New law requires a pet insurer transacting pet insurance to disclose all of the following to policyholders:

- (1) Whether the policy excludes coverage due to certain health conditions provided in new law.
- (2) Whether the policy includes any exclusions other than those provided for in new law and if so, the pet insurer is required to include the statement provided for in new law.
- (3) Whether any policy provision limits coverage through a waiting or affiliation period, a deductible, coinsurance, or an annual or lifetime policy limit.
- (4) Whether the pet insurer reduces coverage or increases premiums based on the policyholder's claim history, the age of the covered pet, or a change in the geographic location of the policyholder.
- (5) Whether the underwriting company differs from the brand name used to market and sell the pet insurance.

New law provides that unless the policyholder has filed a claim under the pet insurance policy, a pet insurance applicant has the right to examine and return the policy, certificate, or endorsement to the company, agent, or insurance producer of the company within 15 days of receipt for any reason, and has the right to a premium refund.

New law requires pet insurance policies, certificates, and endorsements to have a statement printed on the first page or attached thereto with specific instructions for a policyholder to return such policy, certificate, or endorsement. New law requires the statement to be substantially similar to the statement provided for in new law.

New law requires a pet insurer to disclose a summary description or formula and benefit schedule used to determine claim payments under

the pet insurance policy. Further requires the pet insurer to provide the disclosure prior to the policy issuance through a link on its website main page or its program administrator's website main page.

New law requires a pet insurer that determines claim payments based on usual and customary fees, or any other reimbursement limitation based on prevailing veterinary service provider charges, to include in the policy the usual and customary fee limitation provision describing the methodology for determining usual and customary fees and an explanation of how the methodology is applied in calculating claim payments. Further requires a pet insurer to provide the methodology for determining usual and customary fees through a link on its website main page or its program administrator's website main page.

When a medical examination by a licensed veterinarian is required to effectuate coverage, prior to the policyholder's purchase of a pet insurance policy, new law requires a pet insurer to disclose the required aspects of the examination and provide notice that examination documentation may result in a preexisting condition exclusion.

New law requires a pet insurer to include in its pet insurance policies a summary of all disclosures required by new law.

New law requires the pet insurer to provide certain disclosures upon issuance or delivery of a pet insurance policy to a policyholder. Further requires the pet insurer to include a written disclosure with the following information, printed in 12-point boldface type:

- (1) The mailing address, toll-free telephone number, and website address of the Dept. of Insurance.
- (2) The address and customer service telephone number of the pet insurer or the agent or broker of record.
- (3) A statement advising the policyholder to contact the broker or agent for assistance if the

policy was issued or delivered by an agent or broker.

New law authorizes a pet insurer to issue policies that exclude coverage based on one or more preexisting conditions when appropriate disclosures are provided to the policyholder.

New law places the burden on the pet insurer to prove that a preexisting condition exclusion applies to the condition for which a claim is being made.

New law prohibits a pet insurer from requiring a veterinary examination of a covered pet for policy renewals.

New law requires a pet insurer to include any prescriptive, wellness, or noninsurance benefits as part of the policy contract if the pet insurer includes such benefits in the policy. Further requires all such benefits to conform to the La. Insurance Code and applicable administrative rules.

New law prohibits a pet insurer from determining a policyholder's eligibility for purchasing a pet insurance policy based on participation in a separate wellness program or lack thereof.

New law prohibits pet insurers and producers from marketing a wellness program as pet insurance and provides a list of requirements if a pet insurer or producer sells a wellness program.

New law prohibits products and coverages available through wellness programs from being duplicative of products or coverages available through pet insurance policies. Further prohibits misleading advertisement of wellness programs.

New law requires pet insurers and producers to disclose that separate wellness programs are not insurance. Further provides that coverages included in a pet insurance policy contract described as "wellness" benefits are insurance.

New law prohibits an insurance producer from selling, soliciting, or negotiating a pet insurance product until the producer is licensed in a major line of authority and has completed the training

required by new law. Further requires insurers to ensure that its producers are trained on the coverages and conditions of its pet insurance products.

New law provides that if the training requirements of another state are substantially similar to the requirements in new law, those requirements are deemed to satisfy the training requirements in this state.

Effective January 1, 2024.

(Amends the heading of Subpart G of Part IV of Chapter 4 of Title 22 of the Louisiana Revised Statutes of 1950; Adds R.S. 22:1371-1375)

Building Standards for Insurance Premium Discounts (ACT 1)

Existing law requires insurers mandated to submit rates and rating plans to the commissioner of insurance (commissioner) to provide an actuarially justified discount, credit, rate differential, adjustment in deductible, or any other adjustment to reduce the insurance premium for insureds who build or retrofit structures to comply with the requirements of the La. State Uniform Construction Code or the Insurance Institute for Business and Home Safety (IIBHS).

New law specifies the fortified home or fortified commercial standards of the IIBHS as standards for which insureds may build or retrofit structures. Otherwise retains existing law.

After July 1, 2022, prior law authorized insurers mandated to submit rating plans to the commissioner to provide credits and discounts in compliance with the fortified home and fortified commercial standards of the IIBHS, if such credits and discounts were actuarially justified.

Prior law further authorized a homeowner who is currently receiving discounts to continue receiving discounts offered prior to July 1, 2022, if the homeowner meets the requirements for maintaining the discounts.

New law repeals prior law.

Effective August 1, 2023.

(Amends R.S. 22:1483(A), (B), and (C)(1))

Homeowner Insurance Rate Adjustments for Compliance with Safety Standards (ACT 45)

Existing law requires an insurer to provide actuarially justified discounts, credits, rate differential adjustments in deductible, or any other adjustment to reduce the insurance premium to insureds who build or retrofit a structure to comply with the requirements of the State Uniform Construction Code or the Insurance Institute for Business and Home Safety.

Existing law requires after July 1, 2022, all insurers are to submit rating plans to the commissioner of insurance and to provide credits and discounts if actuarially justified.

New law retains existing law but changes the term from single-family property to a residential property.

Existing law defines insurable property to include single family residential property.

New law provides that insurable property includes family residential property.

Effective June 1, 2023.

(Amends R.S. 22:1483(C)(9))

Homeowner Insurers Must Offer Roof Upgrade Endorsements (ACT 12)

New law requires authorized insurers writing homeowners' insurance policies to offer an endorsement to upgrade the roof of an insured's nonfortified home if the insured incurs damage covered by the policy that requires the roof to be replaced.

New law requires the roof upgrade to comply with the fortified roof standards of the Insurance Institute for Business and Home Safety and further requires the upgrade to be consistent with

the fortified requirements for the geographic area in which the home is located.

New law requires insurers to file endorsement forms and accompanying rates with the Dept. of Insurance by Oct. 1, 2023.

On Jan. 1, 2024, new law requires insurers to offer the endorsement at the time of writing new policies on nonfortified homes and upon first renewal of existing policies on nonfortified homes.

Effective August 1, 2023.

(Adds R.S. 22:1483.2)

Mandatory Coverage by Health Coverage Plans of Telehealth Services (ACT 336)

New law requires a health coverage plan (plan) to cover occupational 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 occupational therapy in this state. Further requires telehealth payments to be consistent with 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 plan to restrict occupational therapy services via telehealth when the services are 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, 2024. Further requires any plan in effect prior to Jan. 1, 2024, to conform to the provisions of new law on or before the renewal date, but no later than Jan. 1, 2025.

New law makes technical changes.

Effective August 1, 2023.

(Amends the heading of Subpart B-2 of Part II of Chapter 6 of Title 22 of the La. Revised Statutes of 1950 and R.S. 22:1845.1(Section heading); Adds R.S. 22:1845.2)

Policyholder Right to Obtain Insurer's Claim File (ACT 206)

Existing law provides the policyholder bill of rights include a policyholder has a right to request and receive from his insurer any estimates, bids, plans, measurements, drawings, engineer reports, contractor reports, statements, or documents in connection to the insured's property damage insurance claim that the insurer had prepared, or used during its adjustment of the policyholder's claim, and authorizes the insurer to keep confidential any adjuster notes, logs, and any

other document prepared in conjunction with a fraud investigation.

New law retains existing law but authorizes a policyholder to request and receive a written report on any portion of the claim file, including but not limited to photographs, video recordings, and communications, unless the record is legally privileged that the insurer prepared, had prepared, or used in adjusting a policyholder's claim. New law includes communications prepared in conjunction with a fraud investigation.

Existing law provides certain unfair claims settlement practices.

New law retains existing law but includes as an unfair claims settlement practice when an insurer fails to make available upon the written request of an insured any portion of the claim file, including but not limited to any estimates, bids, plans, measurements, drawings, engineer reports, contractor reports, statements, photographs, video recordings, documents, or communications, unless the record is legally privileged that an insurer prepared, had prepared, or used during its adjustment of the insured's claim. New law further authorizes an insurer to keep confidential any adjuster notes, logs, and any other document or communication prepared in conjunction with a fraud investigation.

Effective August 1, 2023.

(Amends R.S. 22:41(14); adds R.S. 22:1964(14)(p))

Payment for Ambulance Services (ACT 453)

New law defines "ambulance provider", "clean claim", "covered services", "enrollee", "healthcare benefit plan", "healthcare insurer", and "out-of-network".

New law requires the minimum allowable reimbursement rate under any healthcare benefit plan issued by a healthcare insurer to an out-of-network ambulance provider to be one of the following:

(1) At the rate set or approved, whether in contract or ordinance, by a local governmental entity in the jurisdiction in which the covered healthcare services originate or as provided in law.

(2) 325% of the current published rate for ambulance services as established by the Centers for Medicare and Medicaid Services for the same service provided in the same geographic area or the ambulance provider's billed charges, whichever is less.

New law provides payment made is considered payment in full for the covered services provided, excluding any copayment, coinsurance, deductible, and other cost-sharing amounts required to be paid by the enrollee.

New law prohibits an ambulance provider from billing the enrollee for any additional amounts for paid covered services.

New law prohibits all copayment, coinsurance, deductible, and other cost-sharing amounts from exceeding the in-network amounts for covered healthcare services received by the enrollee.

New law requires a healthcare insurer to promptly remit payment for ambulance services directly to the ambulance provider within 30 days after receipt of a clean claim for covered services. Prohibits the healthcare insurer from sending payment to an enrollee.

New law provides that if a claim is not a clean claim, then requires the healthcare insurer within 30 days after receipt of the claim, a written notice to the provider acknowledging the date of the receipt of the claim. Further requires the healthcare insurer to state one of the following items:

(1) That the insurer is declining to pay all or part of the claim and the specific reason or reasons for the denial.

(2) That additional information is necessary to determine if all or part of the claim is payable and the specific additional information that is required.

Effective August 1, 2023.

(Adds R.S. 22:1880.2)

LIGA and Citizens Exempted from Class Actions, Penalty Fees, and Special Damages (ACT 290)

Existing law requires insurers to pay court costs, attorney fees, or penalty fees for property damage insurance claims not paid within the time period required in existing law.

New law retains existing law but exempts the La. Guaranty Association (LIGA) and the La. Citizens Property Insurance Corporation (Citizens) from class action lawsuits and penalty fees.

Existing law exempts LIGA from liability for special damages awarded for a property damage insurance claim.

New law retains existing law but adds Citizens to the exemption.

Existing law exempts from liability the commissioner of insurance, the governing board of Citizens or anyone acting on their behalf, and any servicing carriers, assessable insurers, participating insurance producers, and representatives of the Dept. of Insurance. Provides exceptions from immunity if such exempted persons commit any intentional tort, criminal act, or other certain acts including but not limited to breaches of insurance contracts or agreements.

New law retains existing law, but adds that Citizens is not exempt from liability for any statutory obligations related to insurance coverage or a supervisory or regulatory action, examination, or audit made by the commissioner.

Effective August 1, 2023.

(Amends R.S. 22:1973(F) and 2296; adds R.S. 22:1892(H))

La. Insurance Guarantee Association (LIGA) (ACT 444)

Existing law provides that the La. Insurance Guaranty Assoc. (LIGA) serves a function to ensure the payment of covered claims to claimants or policyholders under certain insurance policies and ensures minimum delay and a minimum financial loss due to the insolvency of an insurer. Further provides for policies and regulations for insolvent insurers.

New law retains existing law.

Existing law defines "covered claim" and excludes penalties and punitive and exemplary damages from the definition of "covered claim".

New law retains existing law and further excludes certain existing law penalties from the definition.

Existing law authorizes LIGA to host executive sessions and limits the subject matter that may be discussed, debated, considered, or scrutinized during executive sessions, including but not limited to matters with respect to claims, claim files, and prospective litigation.

New law retains existing law and broadens the subject matter for discussion to include matters with respect to groups of similar claims and litigation strategy or settlement issues.

Existing law sets forth specific documents that are not subject to discovery, subpoena, or any other alternative form of disclosure in accordance with the Public Records Law (R.S. 44:1 et seq.).

New law makes technical changes and retains existing law.

New law provides that a document or information protected from disclosure in existing law, and protected information of a high net worth insured, are not subject to discovery, subpoena, or other disclosure, unless both parties are compelled by a valid and final court order issued in a proceeding to which both parties had notice and opportunity to object to the disclosure of the document or information.

Existing law authorizes LIGA to satisfy an obligation to a claimant by paying an amount exceeding \$100 but less than \$500,000 per claim, subject to a maximum limit of \$500,000 per accident or occurrence for all other covered claims.

New law clarifies the minimum amount as \$101 and otherwise retains existing law.

Prior law authorized LIGA to assess 1% of a member insurer's net direct written premiums for the preceding calendar year.

New law increases the prior law assessment authority from 1% to 2%.

Existing law requires the assessment to be offset against the premium tax liability in existing law (R.S. 22:2058(A)(3)(b)(ii)).

New law retains existing law but limits up to one-half of the 2% maximum assessment for offset against the premium tax liability.

If the total of the net premium tax liability and assessment for the expenses of the Dept. of Insurance paid for the previous year was less than the offset allowed in existing law (R.S. 22:2058(A)(3)(b)(ii)) for the previous year, prior law authorized a member company to reduce its assessment payment to LIGA for the current year by that difference.

New law deletes prior law.

Existing law requires LIGA to issue a certificate of contribution to each insurer paying an assessment for the amount actually paid.

New law retains existing law and further requires the issued certificate of contribution to be for the amount actually paid up to but not exceeding one-half of the 2% maximum assessment.

New law authorizes the commissioner of insurance (commissioner) to promulgate and adopt a separate form to facilitate submission of a member insurer's filing to recover the amounts not offset in new and existing law, subject to

oversight of the appropriate legislative committees.

Prior law prohibited LIGA from including in certain assessments the premium dollars paid to an insurer by any high net worth insured.

New law deletes prior law.

Existing law requires any insurer authorized to deduct premium dollars from its assessment to submit to LIGA a net worth affidavit from each insured whose premium dollars are being deducted, along with a statement of the amount of premium dollars paid by the insured.

New law makes technical changes and retains existing law.

Existing law requires LIGA to have reasonable procedures for requesting financial information from insureds on a confidential basis, subject to approval by the commissioner.

New law makes technical changes and retains existing law.

Existing law requires any amount payable by an insolvent insurer on a covered claim to be reduced by the full applicable limits stated in another insurance policy or by the amount of recovery under the other policy. Generally requires LIGA and the claimant to receive a full credit for the stated limits, unless the claimant demonstrates that he used reasonable efforts to exhaust all coverage and limits applicable to the other policy.

Existing law does not apply to uninsured or underinsured motorists.

New law retains existing law but repeals the portion that excludes uninsured or underinsured motorists.

New law authorizes LIGA to conduct confidential discovery to determine whether credits exist to extinguish its defense obligation during the pendency of litigation. Further authorizes LIGA to conduct confidential discovery to determine whether other available

insurance exists, the applicable limits thereof, the amount of a claimant's recovery, the efforts to exhaust any applicable limits, and whether LIGA's obligations to the claimant have been extinguished by any applicable credits during the pendency of litigation.

New law requires the 2% member assessment increased by new law to be applied prospectively and to become effective on Jan. 1, 2024.

Effective upon signature of governor (June 28, 2023)

(Amends R.S.22:2055(6)(b)(intro. para.) and (i), 2056(C)(2)(intro. para.), (c) and (d), 2058(A)(intro. para.), (1)(b)(iii) and (d), (3)(a)(ii) and (iv) and (b) and (c), and (B)(intro. para.) and (6)(a), and 2061.1(A) and (D); Adds R.S. 22:2056(C)(2)(g) and 2062(E); Repeals R.S. 22:2062(A)(2)(c))

La. Automobile Theft and Insurance Fraud Prevention Authority (ACT 341)

Existing law provides for the La. Automobile Theft and Insurance Fraud Prevention Authority (authority) and further provides that the purpose of the authority is to combat vehicle insurance fraud, including fraud by theft and other criminal acts.

New law retains existing law and expands the purpose of the authority with the following, whether committed by or on behalf of a claimant, insured, or insurer:

- (1) Motor vehicle insurance fraud, including fraud by theft and other criminal acts.
- (2) Property insurance fraud.
- (3) Workers' compensation fraud.
- (4) Health insurance and healthcare fraud.
- (5) Other forms of fraud affecting the business of insurance.

Existing law provides for a board of directors consisting of the commissioner of insurance

(commissioner), the state treasurer, a representative of the La. State Police Insurance Fraud and Auto Theft Unit, the chairs of the Senate and House committees on insurance, and two members appointed by the attorney general. Further requires the commissioner to serve as chair.

New law retains existing law.

Prior law required the commissioner to appoint four members to the board of directors: two members representing purchasers of motor vehicle insurance in this state and two members representing motor vehicle insurers doing business in this state.

New law retains the commissioner's prior law appointment of four board members but changes the appointments to the following:

- (1) One member representing purchasers of motor vehicle insurance in this state.
- (2) One member representing motor vehicle insurers doing business in this state.
- (3) One member representing insurance adjusters.
- (4) One member representing public insurance adjusters.

Effective August 1, 2023.

(Amends R.S. 22:2132(A) and (C))

TITLE 23: LABOR AND WORKERS' COMPENSATION

Definition of "Medically Necessary"; Genetic Testing and Preventive Cancer Screening (ACT 210)

Existing law provides definitions relative to prohibited employment discrimination.

New law retains existing law and defines the terms "medically necessary" and "preventive cancer screening".

New law defines "medically necessary" as those healthcare services that are in accordance with generally accepted evidence-based medical standards or that are considered by most physicians or independent licensed practitioners within the community of their respective professional organizations to be the standard of care. New law further provides that, in order to be considered medically necessary, services must be deemed reasonably necessary to diagnose, correct, cure, alleviate, or prevent the worsening of a condition or conditions that endanger life, cause suffering or pain, or have resulted or will result in a handicap, physical deformity, or malfunction, and those for which no equally effective and less costly course of treatment is available or suitable for the recipient.

New law requires an employer to grant an employee a day's leave of absence from work to obtain genetic testing or a preventive cancer screening. New law further requires an employee to provide documentation confirming the performance of such genetic testing or cancer screening upon an employer's request.

New law requires an employee to provide a 15 days' notice to an employer prior to requesting a leave of absence from work to obtain genetic testing or a preventative cancer screening. New law further requires the employee to provide documentation confirming the performance of such genetic testing or cancer screening when requested by the employer.

New law provides that employers, employment agencies, or labor organizations are not required to provide paid time off to an employee who is absent from work due to genetic testing or a medically necessary cancer screening.

New law permits an employee to disclose the results of genetic testing or a medically necessary cancer screening.

Effective August 1, 2023.

(Amends R.S. 23:302(7) and (8); adds R.S. 23:302(9) and (10) and 370)

TITLE 24: LEGISLATURE AND LAWS

State Agency Progress Reports (ACT 343)

Existing law provides for the La. Performance Audit Program and requires the legislative auditor to perform various performance audit functions regarding state agencies in the legislative and executive branches of government. Requires the legislative auditor to establish a schedule for execution of performance audits to ensure the completion and publishing of the audits of no less than two different agencies from at least two different executive departments each year and requires that the schedule ensure that, within a specified seven-year period, at least one performance audit is published for each of the 20 departments of the executive branch of state government.

New law requires an auditee, by July 31st of the second fiscal year following a performance audit, to report to the legislative auditor its progress on implementing recommendations contained in the performance audit report, including documentation to support each assertion of implementation and, if a recommendation has not been fully implemented, to include a plan and a timetable for implementation or an explanation why implementation is not necessary or possible. Requires the legislative auditor to make progress reports available to the public in the same manner as performance audits.

New law authorizes the legislative auditor, after review of a progress report, to request additional information or to conduct follow-up performance audits, program evaluations, and any other studies he deems necessary. Requires the legislative auditor to notify each member of the Legislative Audit Advisory Council and the auditee of any issue in a progress report that warrants public discussion at a meeting of the council.

New law requires the legislative auditor to compile information received pursuant to new law into a report, together with any recommendations for legislation related thereto, and to submit the report to the legislature by Feb. 15th of each year.

Effective July 1, 2023.

(Adds R.S. 24:522.1)

AG and JLCB Supervision over Settlement Obligating the State (ACT 291)

Existing law required the Joint Legislative Committee on the Budget to form a litigation subcommittee to monitor and study the amounts of state funds required to pay judgments and compromises arising out of lawsuits against the state. Provides that no attorney representing the state or any of its departments or agencies or any of its employees entitled to indemnification shall sign any compromise or settlement which obligates the state to pay more than one million dollars without prior consultation with the attorney general and the members of the litigation subcommittee.

New law retains existing law.

Prior law prohibited an attorney from representing the state or any department, agency or employee entitled to indemnification from signing any compromise or settlement obligations the state to pay more than one million dollars without prior consultation with the attorney general and members of the litigation subcommittee.

New law retains this prohibition but reduces the threshold requiring prior approval from one million dollars to \$500,000 or more. New law requires that the consultation with the litigation subcommittee occur in executive session.

New law requires that at the request of the litigation subcommittee, any department, agency, board, commission, educational institution, or other state entity entitled to indemnification by the state or any employer of an employee is to report on corrective measures or actions taken to mitigate

state risk provided the subcommittee determines a report is necessary after consideration of a compromise or settlement of litigation.

New law requires that receipt of the report requested under new law occur after the conclusion of the litigation and may require the indemnified state entity or employer of an indemnified employee to appear at one or more subcommittee meetings to discuss and report on corrective measures or actions.

Existing law (R.S. 44:1 et seq. – Public Records Law) provides for access and retention of public records. Establishes a framework for the ready availability of public records to requesting persons. Provides an exemption from the Public Records Law for certain pending claims or pending claim files in the custody or control of the office of risk management (ORM), division of administration, or similar records in the custody of any municipality or parish.

New law requires that information provided in executive session and documentation prepared or compiled is not subject to disclosure under the Public Records Law. Further provides that documentation or other information related to a closed litigated claim that is provided by a state entity to the litigation subcommittee of the Joint Legislative Committee on the Budget is not subject to the Public Records Law.

Effective August 1, 2023.

(Amends R.S. 24:653(H)(2) and R.S. 44:4(15); adds R.S. 24:653(H)(3))

TITLE 25: LIBRARIES, MUSEUMS, AND OTHER SCIENTIFIC

Cameron Parish Public Library Board (ACT 111)

Existing law authorizes parishes and municipalities to create public libraries and provides for governance of such public libraries by boards of control.

Existing law authorizes the governing authority of Assumption Parish to provide members of the parish library board of control with the following:

- (1) Per diem in an amount not to exceed \$50 for each regular or special meeting attended, up to a total of 15 meetings per year.
- (2) Reimbursement for expenses incurred in attending meetings or otherwise performing services for the board.

New law makes existing law also applicable to Cameron Parish.

Effective August 1, 2023.

(Amends R.S. 25:214.1)

Livingston Parish Library Board of Control (ACT 359)

Existing law authorizes parish and municipal governing authorities to create, by ordinance, public libraries. Requires parish and municipal governing authorities to create public libraries when petitioned by not less than 25% of the duly qualified property taxpayers of the respective parish or municipality. Generally requires parish governing authorities to appoint not fewer than five nor more than seven citizens of the parish as a board of control and municipal governing authorities to appoint five citizens of the municipality as a board of control. Provides exceptions. Provides that the president of the respective parish and the mayor of the respective municipality are ex officio members of the board. Provides that members serve staggered five-year terms.

New law provides an exception for the Livingston Parish Library Board of Control. Requires the parish governing authority to increase the membership of the board from seven to nine.

Effective August 1, 2023.

(Adds R.S. 25:214.5)

Libraries, Minors, and Sexually Explicit Material (ACT 436)

Existing law provides for the establishment of libraries by parishes and municipalities.

New law defines "digital content", "library patron", "sexual conduct", and "sexually explicit material".

New law requires that by January 1, 2024, each library established in accordance with existing law or pursuant to a home rule charter shall adopt and implement a policy to limit the access of minors to sexually explicit material. Further provides that the adopted policy must be implemented by June 1, 2024.

New law requires the policy to include, at a minimum, the following:

- (1) A requirement that community standards for the population served by the library be considered when acquiring library material that would be accessible to minors through donation or purchase. Specify that nothing in new law shall limit the acquisition of material by a library that implements the system provided for in new law.
- (2) A library card system that requires a minor's parent or guardian to select whether the minor is permitted to check out sexually explicit material physically available in the library. This may be accomplished by either:
 - (a) A library card that restricts a minor from checking out any library material in a collection that the library board of control has, through majority vote in an open meeting, identified as containing sexually explicit material pursuant to a request for reconsideration.
 - (b) A library card that restricts a minor from checking out any library material that the library board of control has, through majority vote in an open meeting, identified as sexually explicit material pursuant to a request for reconsideration.
- (3) A library card system that requires a minor's parent or guardian to select whether the minor is permitted to check out digital content.

The library is required to list in the library's policy each digital content source accessible by a minor that contains library material acceptable for checkout that the library board of control has, through majority vote in an open meeting, identified as sexually explicit material pursuant to a request for reconsideration.

(4) A procedure that allows library patrons to request the reconsideration of whether a library material should be included in a library collection accessible to minors. The procedure shall include, at a minimum, the following:

(a) A process to review a reconsideration request. This process shall include but is not limited to a written determination approving or denying the request, a process to notify the library patrons making the request of the written determination, and the process to appeal the determination to the library board of control.

(b) A requirement that a request for reconsideration of a library material that may include sexually explicit material be reviewed by the library board of control.

New law provides for immunity of employees and agents of the library or a member of the library board of control.

New law allows a parish or municipality governing authority to withhold payments for maintenance costs and other expenses from a library that fails to adopt and implement the policy required by new law.

New law requires the governing authority to provide 60 days written notice to the library board of control prior to withholding any payments pursuant to new law.

New law prohibits the bond commission from considering any application authorizing the incurrence of debt or any application authorizing the levy of any tax where the proceeds of the debt or tax directly benefit any library that fails to adopt and implement the policy required by new law until the library adopts and implements the policy required by new law.

Effective August 1, 2023.

(Adds R.S. 25:225)

TITLE 26: LIQUORS – ALCOHOLIC BEVERAGES

Restaurants and Alcoholic Beverages (ACT 130)

Existing law provides regulations for holders of Class "R" restaurant permits.

Existing law provides for the definition of "restaurant establishment".

New law provides that an establishment shall maintain separate sales figures for alcoholic beverages and prepare alcoholic beverages for consumption on the premises or prepare alcoholic beverages for off-premise consumption with an appropriate lid or cover on the container in order to be defined as a restaurant establishment.

Effective August 1, 2023.

(Amends R.S. 26:73(C)(1)(c) and 272(C)(1)(c))

Distribution and Retail Sales by Manufacturing Distillers (ACT 127)

Existing law provides relative to the Alcohol Beverage Control Law.

Existing law provides for definitions of alcoholic beverages for low and high alcoholic content.

New law adds definitions for "distill, distilling, and distilled", "manufacturing distillery", or "manufacturing distiller", and "self-distribution".

New law provides requirements for self-distribution. Provides that manufacturing distillers who produce less than 4,000 gallons of distilled alcoholic beverages annually may self-distribute to retailers with certain Class A, Class B, and Class C permits.

New law provides that manufacturing distillers may self-distribute if the following conditions are met:

- (1) No more than 4,000 gallons of alcoholic beverages distilled at the manufacturing distillery may be self-distributed to all retailers annually. The product shall be offered at a standard price to all retailers.
- (2) The manufacturing distiller or manufacturing distillery does not have an existing distribution agreement with a permitted wholesale dealer.
- (3) The manufacturing distiller or manufacturing distillery owns or leases warehouse space that shall be maintained in a separate area from the distillation equipment.
- (4) The manufacturing distiller or manufacturing distillery owns or leases delivery equipment dedicated for the primary use of distribution and delivery of only those products distilled at the manufacturing distillery.
- (5) The manufacturing distiller shall remit all state sales and excise taxes on all alcoholic liquors distilled at its manufacturing distillery that are self-distributed.
- (6) The manufacturing distiller or manufacturing distillery shall provide a monthly report of all sales from the manufacturing distillery and all sales from self-distribution to the office of alcohol and tobacco control.

Existing law (LAC Title 55, Part VII) provides for rules and regulations regarding alcohol and tobacco control in the La. Administrative Code.

Existing law provides a fee schedule for those engaged in the business of dealing in alcoholic beverages of high alcoholic content.

New law adds that manufacturing distillers engaged in self-distribution shall pay a \$1,500 permit fee.

New law provides that a manufacturing distiller who operates a manufacturing distillery entirely

located in this state may host contracted private events held at a manufacturing distillery 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 manufacturing distiller may charge a reasonable rental fee to the third party for the contracted private event.
- (3) The manufacturing distiller may serve to guests beer manufactured at that licensed facility. The manufacturing distiller shall not charge the third party more than its standard prices for such products.

Effective August 1, 2023.

(Amends R.S. 26:142; Adds R.S. 26:2(35), (36), and (37), 71(A)(1)(c), 82.1, and 90.1)

Retail Sales at Fairs and Festivals by Manufacturing Distillers (ACT 129)

Existing law provides relative to the Alcoholic Beverage Control Law.

Existing law provides for definitions of alcoholic beverages for low and high alcoholic content.

New law adds definitions for "distill, distilling, and distilled" and "manufacturing distillery" or "manufacturing distiller".

Existing law authorizes wine producers who are not performing any of the prohibited acts or whose license has not been suspended or revoked as provided in R.S. 26:90, who own and operate one or more wineries to sell or serve their finished products at retail to consumers at fairs, festivals, farmers' markets, and similar venues.

New law authorizes manufacturing distillers in compliance with R.S. 26:90 to sell or serve their products in the same manner as wine producers.

Effective August 1, 2023.

(Amends R.S. 26:85(intro. para.) and (6); Adds R.S. 26:2(35), (36), and 85(7))

Distilled Spirits Container Sizes (ACT 365)

Existing law provides restrictions of container sizes for distilled spirits sold in or shipped into the state of La.

New law authorizes the sale or shipment of distilled spirits in 700 ml containers. Provides further that a case of 700 ml containers shall consist of 12 containers.

New law provides that if any supplier offers for sale a particular product of a distilled spirit into this state in a 750 ml container, then that product shall not also be offered for sale in a 700 ml container at the same time.

Effective upon signature of governor (June 14, 2023).

(Amends R.S. 26:351(1)(a) and (3)(a); Adds R.S.26:351(1)(c))

TITLE 27: LOUISIANA GAMING CONTROL LAW

Gaming, Especially Sports-Wagering (ACT 286)

Existing law provides relative to the functions, duties, and powers of the La. Gaming Control Board (LGCB).

Existing law provides for the regulation of professional or occupational boards and commissions.

New law requires that the LGCB not be considered a professional or occupational licensing board for the purposes of existing law.

New law requires that the gaming enforcement division, office of state police, Dept. of Public Safety and Corrections not be considered a professional or occupational licensing board for purposes of existing law.

New law requires the LGCB in conjunction with the governor's office of human trafficking

prevention and industry professionals to develop and implement a comprehensive in-person and digital human trafficking awareness and prevention training for the gaming industry.

New law authorizes the LGCB to approve third-party human trafficking awareness and prevention training programs if it determines that development of the training required by new law is not feasible.

New law requires such training to include but not be limited to training on identifying victims of human trafficking at gaming establishments in Louisiana.

New law requires the LGCB to promulgate regulations setting forth the minimum training requirements to be imposed on all licensees and permittees that are required to comply with new law.

New law requires all licensees, permittees, and employees to certify participation in and completion of human trafficking awareness and prevention training as provided in new law to the gaming enforcement division on an annual basis as a condition of maintaining any gaming license or permit issued by the LGCB.

New law provides for the initial application process for sports wagering licenses. New law requires the LGCB to issue no more than 20 sports wagering licenses and only consider applications from the casino gaming operator (land-based casino), the holder of a riverboat casino license, or the holder of a live horse racing track.

New law provides that if the sports wagering license is surrendered, that the entity is authorized to reapply, or a new entity may apply, for the sports wagering license within two years of the board's acceptance of the surrender.

New law provides that if the sports wagering license is revoked, any new entity approved by the board to operate under a new license (land-based casino, riverboat casino, or race track) shall have the first option to apply for the sports

wagering license within two years of the effective date of the approval.

Existing law provides that if a sports wagering license is available after the initial issuance, a video draw poker device licensed establishment and an off-track wagering facility may apply.

New law retains existing law and adds a fantasy sports contest operator as an eligible entity to apply for an available sports wagering license.

Existing law provides for a sports wagering local allocation fund, with all monies deposited into the fund to be disbursed to parishes that allow for sports wagering, based on population.

New law retains existing law, but as it relates to mobile sports wagering.

New law dedicates 3% of the monies collected pursuant to the existing law state levy upon the net gaming proceeds from sports wagering, or \$500,000, whichever is greater, to the Compulsive and Problem Gaming Fund.

Effective August 1, 2023.

(Amends R.S. 27:11(A), 604(B)(2) and (3)(b), 625(G)(6), and 628(B); adds R.S. 27:20(D), 27.5, and 625(G)(7))

Riverboats (ACT 126)

Prior law defined "riverboat" as a vessel or facility which:

- (1) Carried a valid Certificate of Inspection issued by the U.S. Coast Guard with regard to the carriage of passengers on designated rivers or waterways within or contiguous to the boundaries of the state.
- (2) Carried a valid Certificate of Inspection from the U.S. Coast Guard for the carriage of a minimum of 600 passengers and crew.
- (3) Had a minimum length of 100 feet.
- (4) Was of such type and design so as to replicate as nearly as practicable historic La. river

borne steamboat passenger vessels of the 19th century era.

(5) Was approved by the La. Gaming Control Bd. (board) and a portion of its designated gaming area was located within 1,200 feet of a riverboat's licensed berth.

New law provides that the term "riverboat" is one of the following:

- (1) A vessel that carries a valid Certificate of Inspection issued by the U.S. Coast Guard with regard to the carriage of passengers on designated rivers or waterways within or contiguous to the boundaries of the state and for the carriage of a minimum of 600 passengers and crew.
- (2) A non-certificated vessel that carries a valid certificate of compliance issued by the board based on the recommendation of an approved third-party inspector.
- (3) A landside facility that is approved by the board and a portion of its designated gaming area is located within 1,200 feet of a riverboat's licensed berth. Requires such facilities to be inspected and issued a certificate pursuant to new law.

Prior law (R.S. 27:44.1) authorized the board to approve that non-certificated vessels were inspected by a third-party inspector including but not limited to the American Bureau of Shipping or its affiliates.

New law provides that the third-party inspector is named and approved by the board.

New law provides that to ensure public health and safety, riverboat facilities shall be inspected prior to the commencement of gaming operations, annually, and as requested by the board. Authorizes the board to issue a certificate of compliance to a licensee or applicant for its riverboat landside facility based on a recommendation of a third-party inspector approved by the board, including the state fire marshal or his designee.

New law requires the recommendation to be based on compliance of all of the following:

- (1) Applicable provisions of the National Fire Protection Association Life Safety Code (NFPA 101) as adopted by the state.
- (2) Applicable provisions of the International Building Code as adopted by the state.
- (3) An inspection report by the state fire marshal, or his designee.
- (4) Applicable provisions of the local and state building codes and laws.
- (5) Issuance of a certificate of occupancy.

New law provides that when the state fire marshal is acting as a third-party inspector, he is only required to inspect a riverboat landside facility in accordance with any law for which he is given responsibility for supervision or enforcement.

New law further requires the third-party inspector to submit a report to the board with its findings. Provides that when the state fire marshal acts as a third-party inspector, the inspection report shall be sufficient for the purposes of complying with the requirements in new law.

New law requires fees imposed by a third-party inspector to be paid by the licensee or applicant. Provides that such fees are nonrefundable.

New law authorizes the state fire marshal to collect fees for each riverboat landside facility inspection according to the following schedule:

- (1) Annual riverboat landside facility inspections shall not exceed \$15,000.
- (2) Additional inspections deemed necessary by the board or the state fire marshal shall not exceed \$5,000.

New law further provides that any fees collected pursuant to new law shall be deposited into the La. Fire Marshal Fund.

Existing law (R.S. 40:1563) provides relative to the powers and duties of the state fire marshal.

New law adds that the state fire marshal, or his designee, shall, as an approved third-party inspector by the board, have the authority to conduct inspections of a riverboat landside facility licensed or seeking licensure or certificates of compliance by the board.

Existing law (R.S. 40:1563.5) authorizes the state fire marshal to charge inspection fees pursuant to certain provisions of existing law.

New law adds the fees charged by the state fire marshal for riverboat landside facility inspections to the existing law list of inspection fees that the state fire marshal is authorized to charge.

Effective August 1, 2023.

(Amends R.S. 27:44(24) and 44.1(B)(1) and R.S. 40:1563(M) and (N) and 1563.5; Adds R.S. 27:44.2 and R.S. 40:1563(O))

Calcasieu Parish Riverboat Gaming Fees – Report on Use of Funds (ACT 10)

Existing law authorizes the governing authority in Calcasieu Parish to levy a fee, in lieu of admission fees, not to exceed four and five-tenths percent of the monthly net gaming proceeds from each riverboat located within the jurisdiction of the governing authority. Provides that the amount of the fee shall be established by contract between the governing authority and the riverboat licensee.

Existing law further provides that funds derived from the assessment of the monthly net gaming proceeds shall be allocated as follows:

- (1) One sixth of the amount collected shall be distributed as follows:
 - (a) 60% to the Calcasieu Parish School Board.
 - (b) 30% to McNeese State University.
 - (c) 10% to Sowela Technical Institute.

(2) The remaining proceeds of the amount collected shall be retained by the governing authority for any expenditure authorized by law.

New law requires the Calcasieu Parish School Board, McNeese State University, and Sowela Technical Institute to annually prepare a report no later than February 1st which includes the total amount of gaming proceeds received pursuant to existing law. Requires the report to be distributed to members of the legislative delegation no later than February 15th of each year.

New law further requires the report to include the following:

(1) An itemized statement for each expenditure from the total amount of gaming proceeds received by the Calcasieu Parish School Board, McNeese State University, and Sowela Technical Institute.

(2) The cumulative total amount of gaming proceeds received by the Calcasieu Parish School Board, McNeese State University, and Sowela Technical Institute from the parish and not expended or distributed by the Calcasieu Parish School Board, McNeese State University, and Sowela Technical Institute.

Effective August 1, 2023.

(Adds R.S. 27:93(A)(6)(d))

Race Track Regulations Including Slot Machines (ACT 103)

Existing law provides for specific duties of the Louisiana State Racing Commission (LSRC).

Existing law provides that one duty of the LSRC is to make rules and regulations providing for minimum full-time and seasonal employment requirements including but not limited to food services, marketing, pari-mutuel windows, and kiosk repair staffing in order for the association or licensee to conduct race meets at a particular track.

New law changes the existing law duty to provide for rule making for full-time and seasonal

employment recommendations for pari-mutuel windows and kiosk repair staffing in order for the association or licensee to conduct race meets at a particular track.

New law retains existing law, but also prohibits the LSRC from making rules regarding the operation or hours of operation of a racetrack other than matters necessary to the holding of such race meetings and pari-mutuel wagering.

Existing law requires that, after July 1, 2023, each association (operator of a live horse racing track) shall deposit 10% of their gross profits into a facility maintenance fund established by the association to pay for all LSRC-required facility maintenance and improvements and that such deposits shall continue until LSRC finds the association in compliance with the facility maintenance and improvement investments.

Prior law required that the deposits be made at the same time as the state tax is paid.

Prior law required that once the initial facility maintenance and improvements are completed to the satisfaction of LSRC, each association continue to maintain a minimum fund balance of \$3M in the account.

Prior law provided that for an association that is in compliance with LSRC's minimum standards and infrastructure investments, the LSRC may, by a 2/3 vote, exempt an association making deposits, maintaining a minimum fund balance, or allow the balance to be withdrawn or reduced.

New law changes existing law to require the deposit of 10% of gross profits only if the association is found by LSRC not to be in compliance with the minimum standards and infrastructure investments and provides that, in those instances, the deposits are capped at \$3M.

Existing law provides that a license from the La. Gaming Control Board (LGCB) to conduct slot machine gaming at a race track shall be for a 5-year term and any renewals are for 5-year terms.

Prior law provided an exception in instances where the LSRC notifies LGCB that it has

determined that its licensed live racing track is not in compliance with LSRC standards on facility maintenance and improvements.

Prior law allowed the LGCB to grant or renew a license for a probationary period not to exceed one year.

Prior law provided that, barring extenuating circumstances, the probationary period shall not be extended beyond one year and after the probationary period, LGCB shall either grant or renew the license or revoke it.

New law changes the exception to provide that, in such instances of an LSRC's determination of an applicant's noncompliance with LSRC standards, the LGCB may grant or renew the license for a 5-year term or for a probationary period to be determined by LGCB.

Effective July 1, 2023.

(Amends R.S. 4:147 and 164(C)(1) and R.S. 27:361(E)(3)(a))

TITLE 28: MENTAL HEALTH

Telehealth Examinations for Confinement (ACT 363)

Existing law provides that, within 72 hours of admission, a person who is admitted by emergency certificate to a treatment facility shall be independently examined by the coroner or his deputy who shall execute an emergency certificate, which shall be a necessary precondition to the person's continued confinement.

New law provides that a coroner, who is a physician, or his deputy, who is a physician, may utilize telehealth to conduct the 72-hour independent examination.

Prior law provided that, subject to specific exceptions in existing law, if the original examination by the coroner is conducted by a psychiatrist via video conferencing technology,

the second examination shall be conducted in person. New law removes the references to a psychiatrist conducting such examination.

Effective August 1, 2023.

(Amends R.S. 28:53(G)(2) and (J)(3))

TITLE 29: MILITARY, NAVAL, AND VETERANS' AFFAIRS

Free College for Certain Relatives of Veterans; Publication of Services Available to Veterans (ACT 46)

Prior law (R.S. 29:288) provided for spouses and children of certain veterans who were killed in action, died during active service, died as a result of a service-connected disability, who are missing in action, or who are prisoners of war to receive a tuition and fee waiver at public postsecondary institutions.

New law allows the waiver to be granted to the spouses and children of deceased veterans who, prior to death, were rated 90 to 100% disabled or determined to be unemployable as a result of a service-connected disability.

Prior law limited the waiver to veterans who had resided in Louisiana for at least 12 months prior to entrance into the service.

New law also allows the tuition and fee waiver to be granted to spouses or children of certain veterans who had been residents of Louisiana for at least 24 months prior to death.

Existing law further allows children of certain living disabled veterans to receive a tuition and fee waiver.

New law makes technical amendments relative to placement of provisions in existing law.

Existing law (R.S. 17:1686) provides for a tuition waiver for certain children of deceased veterans who died as a result of injuries sustained in the course of duty.

New law prohibits postsecondary education institutions from providing tuition waivers to students under both provisions of law.

New law requires the Louisiana Workforce Commission to consult with the department of veterans affairs to create and distribute a veteran's benefits and services poster.

New law provides for the poster to include information regarding, at a minimum, the following services available to veterans:

- (1) Contact and website information for the department of veterans affairs and its services offered to veterans.
- (2) Contact information for the U.S. Department of Veterans Affairs Veterans Crisis Line.
- (3) Mental health and substance abuse prevention resources.
- (4) Veteran homelessness prevention resources.
- (5) Veteran disability compensation and pension claims filing assistance.
- (6) Educational, workforce, and training resources.
- (7) Louisiana state property and military retiree pay tax exemptions available to veterans.
- (8) State veteran home and cemetery benefits.

New law requires every employer in the state with more than 50 full-time equivalent employees to display the poster in a conspicuous place accessible to employees in the workplace.

Effective June 1, 2023.

(Amends R.S. 29:288; adds R.S. 17:1686(D) and R.S. 29:771.1)

Veterans' Cemeteries Burial Eligibility (ACT 69)

Existing law authorizes the Dept. of Veterans Affairs to construct and operate veterans cemeteries in La.

Existing law provides burial eligibility in La. veterans cemeteries for individuals described in 38 U.S.C. 2402 and Section 1.620 of 38 C.F.R.

New law authorizes the department to adopt administrative rules to expand burial eligibility to include individuals described in 38 U.S.C. 2408(i)(2).

Effective August 1, 2023.

(Adds R.S. 29:295(E))

TITLE 30: MINERAL, OIL, GAS AND ENVIRONMENTAL QUALITY

Geologic Storage of Carbon Dioxide (ACT 378)

NOTICE REQUIREMENTS

Existing law provides procedures for notice and hearings by the office of conservation.

New law retains existing law and adds that the commissioner must notify the governing authority of any affected parish of completed applications for Class V or Class VI well permits related to the geologic sequestration of carbon dioxide at the same time that notice is required to be published and that such notice may be by email to the parish president, police jury president, or mayor-president, depending on the form of parish government.

New law further provides that any time notice is required under the La. Geologic Sequestration of Carbon Dioxide Act, notice must also be provided to the governing authority affected parishes and that such notice may be made by email to the parish president, police jury

president, or mayor-president, depending on the form of parish government.

Existing law imposes requirements on the State Mineral and Energy Board to enter into operating agreements for the storage of carbon dioxide, including a public hearing in the affected parish.

New law adds a requirement that the governing authority of any affected parish be given notice, which may be made by email to the parish president, police jury president, or mayor-president, depending on the form of parish government. Further requires that a hearing be held in each parish affected, and provides that the assistant secretary for the office of mineral resources may appoint a hearing officer to conduct the required public hearings.

Existing law gives the La. Dept. of Wildlife and Fisheries authority to regulate geophysical and geological surveys.

New law requires an applicant seeking to conduct geophysical and geological surveys related to exploration for carbon dioxide sequestration to notify the governing authority of any parish where the proposed surveys would occur in accordance with rules promulgated by the department.

ENVIRONMENTAL ANALYSIS

New law requires the submission of an environmental analysis as part of the application for a Class VI injection well permit.

New law requires the environmental analysis to address the following questions:

- (1) Have the potential and real adverse environmental effects of the proposed permit activity been avoided to the maximum extent possible?
- (2) Does a cost-benefit analysis of the environmental impact costs versus the social and economic benefits of the proposed project demonstrate that the latter outweighs the former?

- (3) Are there alternative projects which would offer more protection to the environment than the proposed project without unduly curtailing non-environmental benefits?

- (4) Are there alternative sites which would offer more protection to the environment than the proposed site without unduly curtailing non-environmental benefits?

- (5) Are there mitigating measures which would offer more protection to the environment than the proposed project without unduly curtailing non-environmental benefits?

REPORTING AND RECORDKEEPING

New law requires the owner or operator of a Class VI injection well to provide quarterly reports on the following:

- (1) Any changes to the physical, chemical, and other relevant characteristics of the carbon dioxide stream from the proposed operating data.
- (2) Monthly average, maximum, and minimum values for injection pressure, flow rate and volume, and annular pressure.
- (3) The monthly volume or mass of the carbon dioxide stream injected over the reporting period and the volume injected cumulatively over the life of the project.

- (4) Additional reporting as required by applicable administrative rules.

New law requires the owner or operator of a Class VI injection well to report the following occurrences within 24 hours:

- (1) Evidence that the injected carbon dioxide stream or associated pressure front may endanger an underground source of drinking water.
- (2) Noncompliance with a permit condition, or malfunction of the injection system, which may cause fluid migration into or between underground sources of drinking water.
- (3) Failure to maintain mechanical integrity.

New law further requires owners and operators to retain records as required by administrative rules.

DISTRIBUTION OF FUNDS

New law provides for the following allocation of funds collected by the office of mineral resources from any contractual agreements for the storage of carbon dioxide on state-owned lands or water bottoms:

- (1) 30% will be remitted to the Mineral and Energy Operation Fund.
- (2) 30% will be remitted to parishes included in the agreement. If one or more parishes is included in the agreement, the 30% will be divided based on the amount of land in each parish included in the agreement.
- (3) The remaining funds will be deposited into the state general fund.

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Existing law provides for certificates of public convenience and necessity for injection operations and establishes conditions for the issuance thereof.

Existing law precludes imposition of certain consequences against storage operators and carbon dioxide transporters, including classification as a common carrier or public utility, subjection to duties, obligations, or liabilities as a common carrier or public utility, or increase of tax liability, where the storage operator or carbon dioxide transporter acts in compliance with a certificate of public convenience and necessity or certificate of completion of injection or acts in compliance with statutes, rules, regulations, or orders issued by the commissioner of the Dept. of Natural Resources, office of conservation.

New law retains existing law.

LIABILITY

Existing law allows a storage facility operator to apply for a certificate of completion of injection operations 10 years after injection into a storage facility has ceased, or any other time frame established by rule.

New law changes the time period from 10 years to 50 years, or any other time frame established by rule, after the injection has ceased for a storage operator to apply for a certificate of completion of injection operations.

New law provides for additional criteria the storage operator must meet to receive the certificate of completion of injection operations.

Existing law provides that upon issuance of the certificate of completion of injection operations, all generators of any injected carbon dioxide, owners of carbon dioxide stored in the storage facility, and all owners otherwise having any interest in the storage facility, will be released from any and all duties or obligations under existing law and any and all liability associated with or related to that storage facility which arises after the issuance of the certificate of completion of injection operations.

Existing law provides exceptions to the liability release for the following circumstances:

- (1) Funds in the Carbon Dioxide Geologic Storage Trust Fund become inadequate.
- (2) Where an owner intentionally or knowingly conceals or misrepresents material facts related to the mechanical integrity of a storage facility or the chemical composition of any injected carbon dioxide.

New law adds that the liability release will not apply when the duties or obligations arise from any of the following:

- (1) Contractual obligations.
- (2) Criminal liability.

(3) Noncompliance with applicable laws or regulations, including underground injection control regulations, prior to issuance of the certificate of completion of injection operations.

(4) Where an operator is responsible for fluid migration that endangers an underground source of drinking water.

(5) Where an operator provides deficient or erroneous information material to a decision on site closure or the issuance of a certificate of completion.

New law requires the commissioner to implement provisions of existing law and new law in accordance with the federal Safe Drinking Water Act.

CARBON DIOXIDE GEOLOGIC STORAGE TRUST FUND

Existing law establishes the Carbon Dioxide Geologic Storage Trust Fund and provides for fees to be collected by the commissioner for deposit into the fund.

Existing law authorizes the commissioner to levy a fee on each storage operator based on a rate of tonnage injected over a minimum of 144 months. Present law further provides that fee assessments will be suspended once the balance of the fund associated with that storage operator has reached \$5 million and will be resumed if the balance of the fund falls below \$4 million.

New law authorizes the commissioner to levy the fee under present law on each storage facility, rather than each storage operator, where payments will be suspended once \$5 million has been paid by each facility and resumed if the balance associated with that facility falls below \$4 million.

New law further provides that, regardless of the total number of storage facilities owned or operated by the storage operator, a storage operator's payments will be suspended when they have contributed a total of \$10 million and that the commissioner must resume collecting the fee

if the balance of the fund attributable to that operator has fallen below \$8 million.

Existing law provides purposes for which the fund shall be used, including remediation of mechanical problems with wells and surface infrastructure.

New law retains the purposes provided under existing law and adds remediation associated with, arising from, or related to the site, including property remediation.

New law further provides that no additional uses of the fund may be added to new law purposes without a 2/3 vote of the elected members of each house of the legislature.

Existing law authorizes the commissioner to spend money in the fund for specified purposes, including remediation of mechanical problems with wells and surface infrastructure.

New law retains the purposes provided under existing law and adds remediation associated with, arising from, or related to the site, including property remediation.

RECORDATION

Existing law preserves the rights and obligations established in certain instruments related to immovable property against third parties if the instrument is filed in the appropriate mortgage or conveyance records.

New law retains existing law and provides the same protection to the rights and obligations in agreements for the geologic storage of carbon dioxide upon filing a notice thereof.

New law requires certain information to be contained in the notice. New law further requires the grantee to notify the governing authority in the parish in which the notice is recorded within 30 days after recordation and authorizes the notice to be made by email. Requires the notice be sent via email to the president of the political subdivision.

Effective upon signature of the governor (June 14, 2023).

(Amends the heading of Subpart A-3 of Part II of Chapter 2 of Subtitle I of Title 30, R.S. 30:209(4)(e)(intro. para.), 1105(A), 1107(C), 1109(A), 1110(C)(intro. para.) and (1)(intro. para.) and (f) and (g), (E)(2), (F), (G), and (H); Adds R.S. 30:6(H) and 149, the heading of Subpart A-4 of Part II of Chapter 2 of Subtitle I of Title 30, R.S. 30:209.2, 1104.1, 1107.1, 1109(G), 1110(C)(1)(h) and (I), and 1112, and R.S. 56:30.5)

Renewable Energy Leases (ACT 455)

New law defines a "renewable energy lease" as a lease of immovable property entered for the purpose of engaging in the production of wind, solar, or hydroelectric energy using the leased premises. New law provides that a renewable energy lease is not a mineral lease and that the lessee's rights in the lease, buildings, immovables, and other constructions on the leased immovable are subject to mortgage.

New law requires that the landowner and renewable energy lessee each exercise their rights with reasonable regard for those of the other, and, subject to the laws of registry, neither may unreasonably interfere with the rights of others in the property.

New law provides that the renewable energy lessee is not under a fiduciary obligation to the lessor but is bound to perform in good faith and to develop and operate the property as a reasonably prudent operator for the mutual benefit of both. New law allows the parties to stipulate what constitutes prudent conduct in development and operation of the leased property.

New law provides that a lessee's interest in a renewable energy lease may be assigned or subleased in whole or in part, unless the lease expressly prohibits such. If the lease prohibits either assignments or subleases, in the absence of clear language stating otherwise, it will be interpreted to prohibit both assignments and subleases.

New law provides that an assignee or sublessee acquires proportionately the rights and powers of the lessee and becomes responsible directly to the lessor for performance of the lessee's obligations. New law provides that an assignor or sublessor is not relieved of his obligations or liabilities unless discharged expressly and in writing in a separate instrument, and such relief may not be unreasonably withheld. New law provides that a partial assignment or sublease does not divide the lease.

New law provides that the assignor of a lease must provide the lessor notice of the assignment that includes the assignee's name, address, phone number, and email address, and the assignee shall comply with applicable rules, regulations, and permitting requirements of the Dept. of Energy and Natural Resources.

New law requires the lessor to accept performance by an assignee or sublessee regardless of whether the assignment or sublease is filed for registry. New law provides that an assignee or sublessee is bound by notice or demand by the lessor unless the lessor has been given notice of the assignment or sublease and the assignment or sublease has been filed for registry in parish records. If filing and notice have taken place, subsequent notice or demand shall be made on the assignee or sublessee.

New law provides that a renewable energy lease terminates at expiration of its term or occurrence of an express resolutive condition.

New law provides that an aggrieved party is entitled to any appropriate lawful relief for violation of the lease and that the parties may stipulate what constitutes appropriate relief.

New law provides that renewable energy leases are subject to the Civil Code provisions concerning default.

New law provides that prior to seeking damages or dissolution for the lessee's failure to develop and operate prudently, the lessor shall provide written notice of the breach and allow a reasonable time for performance by the lessee. In such case, new law provides that any damages for

which a lessee is held responsible may be computed from the time a reasonably prudent operator would have remedied the failure to perform. In other cases where notice is required, damages may be computed only from the time the written notice was received by the lessee. New law provides that the parties may stipulate what constitutes a reasonable time for performance.

New law provides that prior to seeking damages or dissolution for the failure of the lessee to pay rent or royalties, the lessor shall give written notice of the failure.

New law provides that the lessee has 30 days after receipt of notice to either pay rent or royalties or respond with cause for nonpayment. If the lessee pays within 30 days of notice, dissolution is precluded unless the original failure to pay was fraudulent, but the lessee is liable for interest from the payment due date. New law provides that if the lessee pays with 30 days of notice but the original failure to pay was fraudulent or willful, the court may award interest and an attorney fees as additional damages. In cases of oversight or neglect, the court may add the attorney fees if the interest is not paid within 30 days of written demand.

New law provides that if the lessee fails to pay rent or royalties due and fails to inform the lessor of a reasonable cause in response to the notice, the court may dissolve the lease and may award the amount of rent or royalties due, interest from the date due, and reasonable attorney fees, regardless of the cause for nonpayment.

New law provides that the parties may stipulate a time period longer than 30 days, but no greater than 60 days, for payment of rent or royalties following written notice for payment.

New law provides that the parties to the lease may stipulate the delivery conditions, manner, and method of any written notice to the lessee.

New law provides that the renewable energy lessee cannot be evicted by summary process.

New law provides that the lease may be judicially dissolved partially or in its entirety. New law

provides that a partial dissolution may be made applicable to any portion of the land upon which construction of a renewable energy facility has not begun within 10 years of the lease effective date, or in any way that provides appropriate justice.

New law provides that the lessor of a renewable energy lease has a privilege on all equipment, machinery, and other property of the lessee, either on or attached to the leased property, for the payment of his rent, and other obligations of the lease. The right extends to property of others on or attached to the property by their express or implied consent in connection with lease operations but is limited to the extent to which the sublessee is indebted to the sublessor.

New law provides that the lessor may seize property subject to his privilege before removal from the leased premises, or within 15 days after it has been removed without the lessor's consent, if it remains as the lessee's identifiable property.

New law provides that the renewable energy lessor may enforce his privilege in the same manner accorded other lessors.

New law provides that unless such an agreement states otherwise, new law does not apply to offshore wind energy agreements.

Effective June 28, 2023.

(Adds R.S. 30:1161-1179)

Department of Natural Resources Renamed Department of Energy and Natural Resources (ACT 150)

Prior law established the Department of Natural Resources.

New law changes the name of the Department of Natural Resources to the Department of Energy and Natural Resources.

Effective January 10, 2024.

(Amends R.S. 3:304(B), 1221(C), 3302(2), 3366(C), and 3712(E) and (H), R.S. 9:1152(B),

and 2800.14, R.S. 13:5107(C), R.S. 17:202(A)(2) (intro para) and 218(2), R.S. 30:4(D)(1) (intro para), 4(D)(1)(d), (2), and (3)(a)(ii), (G), (M)(6)(b), (N)(1) and (5) and (N)(5), 4.1(B) (intro para), 21.2, 23(D)(1), 25(A)(2), (3), and (7), 26(A), 29(A), (B)(1), and (C)(3)(b)(i), 73(1), 81(B), 82(1), (4), and (13), 83(A), (B)(1), (F)(5), and (H), 86(E)(1) and (7), 89.1, 91(B)(2)(c), 95(D), 101.2(A), 101.3(2), (4), and (7), 101.4(A), 101.13(B)(3) and (C)(4), 121(A) and (C), 124(A), 126(B)(3), 132, 135, 136(A)(1)(a), 136.3(D), 142(E)(1)(a), 143(C), (D)(1), (2), (4), and (6), (E), and (F), 144(A) (intro para), 150(A), (B)(7), (D), (F)(2), and (H), 206, 209(4)(b), 212(A), 215(A), 216(C)(2), 401, 503(1), 546(A) (intro para), 702(1), 723(G), 731(1), 904(5) and (20), 905(A) and (B)(9), 905.1(A), 953(C), 962(2), 963(A), 1103(7), 1105(B), 1109(F), 1152(A) (intro para), 1154(A) (intro para), 1154(A)(9)(a) (intro para), 1202(8), 1354(6), 1401(B) and (C), 1402(B) and (D), 2004(12)(a), 2011(D)(20), 2015.1(L), 2035(B)(2), 2074(C) and (E), 2248(C)(1), 2397, 2458(A)(4), 2459(A) and (D), 2460(A)(14), 2469(E), 2495, and 2575(D), R.S. 31:149(A), R.S. 32:1511 and 1513.1(A), R.S. 33:1236(56), 1236.25(C), 1236.27, 1419.1(C), 1419.2(1) (intro para) and 1419.2(6), 1419.3, 1419.4(A) and (D)(1), 1419.5(1) and (4), 1419.6(A), (B), D, and (E), 4064.4(E) and (J), 4065.3(E) and (I), 4522, 4523, 4524, 4526, and 4546.21(B), R.S. 34:3116(B) and 3304(B), R.S. 36:4(A)(7), 8.1(C)(11), 351(A), (B), and (C)(1), 353, 354(A)(13), (B)(1)(b), (4), (6), and (8), 356(A) and (B), 357(A), 358(A), 359(A) (intro para), B(intro para), (B)(1) and (2), and (C), 629(J)(2)-(8), and 957(A), R.S. 37:711.4(E), 1377(K)(1), and 3151(1), R.S. 38:25(A), 327(F), 3087.134(E)(5), 3092(7), 3097.3(B), 3098.2 (heading), 3098.6(A) (intro para), and 3098.6(A)(2), R.S. 39:99.29(A), 253(A)(2), 2007(D)(1), and 2177(D), R.S. 40:1730.22(F), 1730.28.4(B)(1), 1892, 1893, and 1894, R.S. 41:642(A)(2)(b) and (B), 1602(B)(1), 1701.1(C) and (D), 1702(D)(1) and (2)(a)(i), (ii) (intro para), (H) and (I), 1703(B), 1712(D), 1731, 1732(A), 1733(B) and (C), 1734(A) (intro para), R.S. 42:1113(D)(1)(a)(ii)(hh) and (6)(f), 1124(A)(2)(f), and 1266(C)(1)(f), R.S. 44:4(10), R.S. 47:301(10)(gg) and (18)(p), 633(7)(c)(iii)(bb), (iv)(aa), (bb), and (cc), and

(d), (9)(d)(i) and (iii), 633.4(B) (intro para), (B)(1), 633.5(A), 648.2(1) (intro para), 648.3, 1508(B)(9), 1515.2, 1989(C)(2)(a)(vi)(cc), and 6035(D), R.S. 48:224(C), R.S. 49:74(A)(5)(b)(i)(aa)(VI), 191(12)(c), 214.5.1(B)(2), 214.6.2(C)(1) and (D)(8), 214.8.6(B)(4), 214.23(12), 214.24(D), 214.25(C), 214.26(A)(1), 214.31(B), 214.33(B)(6), 214.36(J)(1)(a), 259(A) and (D), 330(A)(4), 966(B)(11), and 1053(C)(11), R.S. 51:1601(H), 1602(3), (5), (8), (13), and (15), 1603 (intro para), 1603(7)(c), and 1605(B)(12)-(15), R.S. 56:4, 301.10(E)(2) and (3), 421(B)(3) and (E)(4), 432.1(C)(2), 494(E)(2) and (3), 700.11(4) and (7), 700.13(A), 796(B)(1)(p), 1431(E), 1808(A), 1932(A)(6), 1933(A)(1)(g), and 2011(E), and C.C.P. Art. 1552 (intro para) and 1563(A)(2) and (B))

Solid Waste Management and Advanced Recycling (ACT 43)

Existing law establishes the "Louisiana Solid Waste Management Resource Recovery Law" that requires the Dept. of Environmental Quality to promulgate rules, regulations, and standards for the transportation, processing, resource recovery, and disposal of solid wastes.

Existing law provides that such rules and regulations do not include advanced recycling or facilities that store post-use polymers or recovered feedstocks or that convert post-use polymers and recovered feedstocks through advanced recycling.

Existing law defines "advanced recycling" as a manufacturing process for the conversion of post-use polymers and recovered feedstocks into certain products. New law retains existing law and provides that adhesives may be a product of advanced recycling.

Prior law provided that hydrocarbon raw materials, waxes, lubricants, crude oil, naphtha, and other basic hydrocarbons were products of advanced recycling. New law removes those substances as products of advanced recycling.

New law adds chemolysis as a process that produces advanced recycling products.

New law provides that incineration of plastics and waste-to-energy processes are not advanced recycling.

New law provides that advanced recycling is "recycling" as defined in existing law.

Existing law provides that advanced recycling does not include certain solid waste processes. New law retains existing law and adds advanced recycling is not considered to be solid waste management, recovery, or treatment.

Existing law defines "advanced recycling facility" as a facility that receives, stores, and converts post-use polymers and recovered feedstocks it receives using advanced recycling. New law retains existing law and provides that an advanced recycling facility is a manufacturing facility, subject to Dept. of Environmental Quality regulations for air, water, waste, and land use.

Existing law provides that advanced recycling facilities are not solid waste disposal, processing, combustion, or storage facilities. New law retains existing law but no longer excludes combustion and storage facilities as advanced recycling facilities. New law provides that advanced recycling facilities are not final disposal, solid waste management and recovery, or waste-to-energy facilities.

Existing law defines "depolymerization" as a manufacturing process. Prior law provided that the process is one through which polymers or plastic materials are broken down into smaller molecules without damaging the monomers themselves and then converted into certain products, including plastics, plastic and chemical feedstocks, basic unfinished chemicals, crude oil, naphtha, liquid transportation fuels, waxes, lubricants, and coatings. New law retains prior law but provides that the polymers are post-use and removes crude oil, naphtha, liquid transportation fuels, and other basic hydrocarbons as potential products of depolymerization.

Prior law defined "gasification" as a manufacturing process through which recovered

feedstocks are heated and converted into a fuel and gas mixture in an oxygen-deficient atmosphere and the mixture is converted into raw, intermediate, and final products. New law retains existing law and adds that post-use polymers may be used in the process of gasification.

Prior law provided that gasification took place in an "oxygen-deficient atmosphere". New law provides that gasification takes place in an "oxygen-controlled atmosphere".

New law provides that gasification converts polymers into syngas, a mixture of carbon dioxide and hydrogen.

Prior law provided that gasification can produce final products including plastic monomers, chemicals, waxes, lubricants, chemical feedstocks, crude oil, diesel, gasoline, and diesel and gasoline blendstocks, home heating oil and other fuels, including ethanol and transportation fuel. New law removes fuels as products of gasification, specifically crude oil, diesel, gasoline, diesel and gasoline blendstocks, home heating oil, and other fuels, including ethanol and transportation fuel.

Existing law defines "post-use polymer" and specifies that it may be sourced from any industrial, commercial, agricultural, or domestic activities. New law retains existing law and adds pre-consumer recovered materials and post-consumer materials as sources for post-use polymers. Prior law provided that post-use polymers could be used as feedstock to manufacture crude oil, fuels, and blendstocks. New law removes the manufacture of crude oil, fuels, and blendstocks as a potential uses for post-use polymers.

Existing law defines "pyrolysis" as a manufacturing process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed and are then cooled, condensed, and converted into certain products. New law retains existing law and specifies that the process may use recovered feedstocks.

Prior law provided that pyrolysis could be utilized to produce plastic monomers, chemicals, waxes, lubricants, chemical feedstocks, crude oil, diesel, gasoline, and diesel and gasoline blendstocks, home heating oil and other fuels, including ethanol and transportation fuel. New law removes fuels as products of pyrolysis, specifically crude oil, diesel, gasoline, diesel and gasoline blendstocks, home heating oil, and other fuels, including ethanol and transportation fuel. New law adds that products of pyrolysis may include naphtha and plastic feedstocks.

Existing law defines "recovered feedstock" as materials that have been processed for use as feedstock in an advanced recycling facility and provides exclusions. New law retains existing law and specifies that unprocessed municipal solid waste is not recovered feedstock.

Prior law defined "solvolysis" as a manufacturing process through which post-use plastics are reacted with the aid of solvents while heated at low temperatures or pressurized to make useful products while allowing additives and contaminants to be separated. New law retains prior law except provides that solvolysis uses polymers that are purified and that the polymers may be pressurized to make products. New law provides that products of solvolysis may include chemicals and plastic and chemical feedstocks.

Prior law provided that the process of solvolysis included ethanolsis. New law removes ethanolsis as a solvolysis process.

New law defines "mass balance attribution" as a chain of custody accounting methodology with rules defined by a third party certification system that enables the attribution of the mass of advanced recycling feedstocks to one or more advanced recycling products.

New law defines "recycled plastics" or "recycled plastic" as products that are produced from mechanical recycling of pre-consumer recovered feedstocks or plastics and post-consumer plastics, and products that are produced from advanced recycling of pre-consumer recovered feedstocks or plastics and post-consumer plastics via mass

balance attribution under a third party certification system.

New law defines "third-party certification system" as an international and multi-national third-party certification system, which consists of a set of rules for the implementation of mass balance attribution approaches for advanced recycling of materials. New law provides that third-party certification systems include but are not limited to International Sustainability and Carbon Certification, Underwriters Laboratories, SCS Recycled Content Certification, Roundtable on Sustainable Biomaterials, Ecoloop, and REDcert².

Existing law defines "solid waste" as any garbage, refuse, sludge, and other discarded material, including those in a solid, liquid, or semisolid state resulting from residential, community, or commercial activities and provides for certain exclusions.

New law retains existing law and provides that solid waste shall not include post-use polymers and recovered feedstocks that are converted through advanced recycling or held at an advanced recycling facility prior to conversion.

Existing law defines "solid waste management facility" as any solid waste disposal area, volume reduction plant, transfer station, or other facility the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste and which is owned or operated by or receives solid waste from a parish or municipality, and provides for certain exclusions.

New law retains existing law and provides that advanced recycling facilities are not solid waste management facilities.

Effective June 1, 2023.

(Amends R.S. 30:2153(1)-(7) and (15) and R.S. 30:2412(28) and (29); adds R.S. 30:2153(16)-(18))

**Less Right to Know of Natural Gas Leaks
(ACT 250)**

Existing law establishes the "Right-to-Know" law to inform the public of the risks and effects of certain hazardous materials and provides for certain reporting requirements and definitions.

Existing law provides for the reporting of certain information and for penalties related to a release of natural gas from distribution lines.

Prior law provided that the reportable quantity for releases of natural gas from distribution lines was 1,000 pounds or more. New law increases the reportable quantity for natural gas from 1,000 pounds or more to 42,000 pounds or more.

Effective August 1, 2023.

(Amends R.S. 30:2373(B)(1))

Statute of Limitations for Littering (ACT 78)

Existing law provides for the offense of intentional littering and establishes criminal penalties that may be imposed upon conviction of the offense.

Existing law further provides for the offense of simple littering and establishes civil penalties which may be imposed upon a person being found liable for the offense.

Existing law provides that a person committing either offense must be cited by means of a citation, summons, or other lawful method.

New law further provides that the existing law offenses of intentional and simple littering must be cited within one year of when law enforcement knew or reasonably should have known of the violation.

Effective August 1, 2023.

(Amends R.S. 30:2531(E); Adds R.S. 30:2531(A)(4) and (B)(3))

TITLE 31: MINERAL CODE

**Mineral Leases, Servitudes, Division Orders,
Security Interests, and Prescription (ACT 88)**

Prior law (R.S. 31:11(Heading)) characterized the provisions described in present law (R.S. 31:11) as "correlative rights".

New law replaces "correlative rights" with "reasonable regard".

Existing law (R.S. 31:39) provides relative to the interruption of prescription after production has ceased and prescription has commenced anew with respect to wells or mines.

New law retains existing law and clarifies language.

Prior law (R.S. 31:75) provided for freedom of contract regarding rules of use related to interruption of prescription on a mineral servitude.

New law retains portions of prior law but clarifies that any agreement regarding interruption of prescription cannot be less burdensome.

Existing law (R.S. 31:79) provides relative to prescription when the after-acquired title doctrine applies and extinction of an outstanding servitude.

New law retains existing law and corrects a grammatical error.

Prior law (R.S. 31:114) provided that a single mineral lease may be granted on two or more noncontiguous tracts of land and further provided that operations on land burdened by a mineral lease or unitized by the lease are sufficient to maintain the lease with respect to the entirety of the land burdened by the lease.

New law clarifies that prior law is applicable to leases burdening contiguous tracts. New law also clarifies that production likewise suffices to maintain such lease.

Prior law (R.S. 31:138.1(A)) defined "division order", in pertinent part, as an instrument setting forth the proportional ownership in oil and gas.

New law clarifies that the concept of a "division order" as provided in prior law is not limited in application to an instrument setting forth proportional ownership merely in oil and gas but rather in any minerals or other substances.

Prior law (R.S. 31:138.1(B)) prohibited the alteration of the terms of an oil and gas lease by a division order. Prior law also specified that a "division order" that varied the terms of an oil and gas lease is invalid to a certain extent and the terms of such lease take precedence.

New law clarifies that a division order cannot change the terms of a mineral lease. Additionally specifies that provisions referring to the "division order" apply to mineral leases, instead of solely to oil and gas.

Prior law (R.S. 31:156) provided relative to interruption of possession of mineral rights by use or exercise of mineral rights.

New law modifies prior law by updating terminology to accurately describe the applicable prescriptive regime, which is prescription of nonuse, instead of liberative prescription.

Prior law (R.S. 31:164) provided relative to the creation of a mineral servitude by a co-owner of land and the exercise of rights requiring consent of other co-owners.

New law clarifies prior law and responsibilities of the servitude owner.

Prior law (R.S. 31:166) provided relative to the grant of a mineral lease by a co-owner of land and the exercise of rights requiring consent of other co-owners.

New law clarifies prior law and responsibilities of the lessee or permittee.

Prior law (R.S. 31:175) provided that a co-owner of a mineral servitude may not operate independently, and included requirements of

consent of other co-owners, and a definition of operations.

New law clarifies prior law and the responsibilities of the co-owner.

Prior law (R.S. 31:192) set forth when the usufructuary of land is entitled to grant a lease and what the usufructuary is entitled to.

New law clarifies prior law and removes a provision that addresses bonuses, rentals, and payments the usufructuary is entitled to retain; specifically, that are allocable to payments or a proportionate part.

Prior law (R.S. 31:204) provided relative to the encumbrance of mineral and related rights in the form of pledge, as well as the effects of a pledge of minerals produced.

New law removes prior law and removes obsolete temporal language. Adds a provision that specifies that the Uniform Commercial Code - Secured Transaction governs the creation of security interests in minerals and their proceeds as well as the rights of security interest holders against obligors and third persons.

Prior law (R.S. 31:206(A)) provided relative to the extinguishment of a mineral right by the accrual of prescription.

New law modifies prior law by updating terminology to accurately describe the applicable prescriptive regime.

Prior law (R.S. 9:5805) provided relative to the accrual of prescription against mineral and related rights related to the minority or other legal disability of any owner.

New law repeals prior law as obsolete and redundant.

Effective August 1, 2023.

(Amends R.S. 31:11(Heading) and 39, 75, 79, 114, 138.1(A) and (B), 156, 164, 166, 175, 192, 204, and 206(A); Repeals R.S. 9:5805)

TITLE 32: MOTOR VEHICLES AND TRAFFIC REGULATION

Increased Penalties for Detaching License Plate in Connection with Felony (ACT 256)

Existing law (La. Highway Regulatory Act) provides, among other things, that the license plate assigned to a trailer, semitrailer, motorcycle, or other motor vehicle must be attached to the rear of the vehicle at all times.

New law retains existing law.

Existing law provides that the first violation of existing law (La. Highway Regulatory Act) or any regulation made pursuant to existing law will be punished by a fine up to \$175 or imprisonment up to 30 days, or both. Existing law further provides that a subsequent violation will be punished by a fine up to \$500 or imprisonment up to 90 days, or both.

New law provides that if the violation of existing law requiring the license plate be attached to the vehicle is committed in preparation to commit or during the commission of a felony in order to escape detection, the violator is to be punished by an additional fine of \$200, or an additional imprisonment of 30 days, or both. New law further permits law enforcement to impound the vehicle at the time of the violation of existing law.

New law otherwise retains existing law.

Effective August 1, 2023.

(Amends R.S. 32:57(A))

Ignition Interlocks (ACT 462)

New law provides the Department of Public Safety and Corrections, office of state police shall promulgate rules and regulations to establish and monitor compliance with an ignition interlock affordability plan for individuals that demonstrate economic hardship who are required to install an ignition interlock device.

New law establishes requirements and provides for minimum payment responsibility for individuals who attain economic hardship designation and therefore qualify for the affordability plan.

New law provides an ignition interlock manufacturer or ignition interlock service center shall not refuse service to an individual that has demonstrated eligibility for the affordability plan. New law further provides that an individual who has been refused service may file a complaint with the Department of Public Safety and Corrections, office of state police, applied technology unit and establishes the requirements for the investigation and appeal by an ignition interlock manufacturer or ignition interlock service center. New law applies to complaints for refusal of service on or after August 1, 2024.

Prior law provided for credit toward suspension time or any reinstatement requirement to not be given if the manufacturer reports to the Department of Public Safety and Corrections that any combination or a repeat of two of eight listed violations have occurred in a one-month period.

New law changes the requirements for credit toward suspension from a combination or a repeat of two of eight listed violations to only one of the eight violations and the occurrence does not have to be a repeat violation.

New law provides upon notice of a violation that the Department of Public Safety and Corrections is required to extend the period for the ignition interlock device by an additional one month for a first offense or an additional six months for a second offense, and further restrict the driver's license.

Prior law provided any licensee who has had his license suspended for operating a motor vehicle under the influence of alcoholic beverages is eligible to apply for a restricted driver's license after a period of twelve months and upon proof that the motor vehicle has been equipped with an ignition interlock device. New law removes the twelve month waiting period.

New law shall be known and cited as the "Bowling, Coss, and Dufrene Drunk Driving Prevention Act".

New law makes technical changes.

Effective August 1, 2023.

(Amends R.S. 32:378.2(H) and (M)(2), and 414(A)(1)(c)(ii) and (D)(1)(b), 667(B) (intro para) and (1)(b); adds R.S. 15:307.1 and R.S. 32:378.2(O))

Penalties for Lapse of Insurance Coverage (ACT 377)

Existing law requires the secretary, upon a determination that a vehicle is not covered by security as required by existing law or the owner or lessee has allowed the required security to lapse, to revoke the registration of the vehicle, impound the vehicle, and cancel the vehicle's license plate.

Existing law requires sanctions for a violation of existing law be imposed for a period ranging from 12 to 18 months until proof of required vehicle liability security is provided to the secretary and all reinstatement fees are paid.

Existing law requires a reinstatement fee of \$100 per violation if the vehicle was not covered by the required security for a period of 1-30 days, \$250 per violation if the vehicle was not covered by the required security for a period of 31-90 days, and \$500 per violation if the vehicle was not covered by the required security for a period in excess of 90 days.

New law provides that the reinstatement fee does not apply if the violation is the insured's first violation and the lapse of insurance coverage was for five days or less. Requires notice be transmitted to the insured through any digitized credentials authorized pursuant to existing law within one to five days before issuing the violation.

New law requires the Dept. of Public Safety and Corrections adopt and promulgate rules and regulations, in accordance with the

Administrative Procedure Act, to bring any existing administrative rules into conformity with the provisions of new law.

Effective June 14, 2023.

(Amends R.S. 32:863(A)(3)(a))

Electronic Notarization of Uniform Traffic Citations (ACT 68)

Existing law (R.S. 32:398.1 et seq.) provides for the form for and disposition of uniform traffic citations.

Existing law provides for the use of a copy of the traffic citation in terms of a lawful complaint for the purposes of prosecution.

New law retains existing law and provides that an electronic signature from a notary or ex-officio notary is authorized for the purpose of new law.

Effective August 1, 2023.

(Amends R.S. 32:398.4)

Office of State Police and Racial Profiling (ACT 217)

Existing law (R.S. 32:398.10(A)) requires all law enforcement officers to record and retain certain statistical data, including the following: (1) the number of people stopped for traffic violations; (2) identifying information of people stopped; (3) the nature of the alleged traffic violation; (4) whether a citation was issued, an arrest made, or a search conducted as a result of the stop; (5) if a search occurred, the type of search conducted, legal basis for the search, and contraband or property seized; and (6) the number of people stopped for certain wireless communication and cell phone infractions.

Existing law (R.S. 32:389.10(E)) provides an exception to the application of existing law for law enforcement entities that adopt a written policy against racial profiling.

New law excepts the office of state police from existing law provision that specifies that if a law

enforcement entity has a written policy against racial profiling they do not have to collect or report certain statistical data.

Effective January 1, 2024.

(Amends R.S. 32:398.10(E))

Driver Education Courses and Prelicensing Training Courses (ACT 176)

Existing law provides for "driver education course" requirements.

Existing law requires at least eight hours of actual driving instruction as part of a "prelicensing training course" and new law includes the administration of the skills test at a properly licensed third-party examiner's discretion.

Existing law authorizes a prelicensing training course for any person 18 or older if the driver education course is not completed.

New law requires a "prelicensing training course" be administered by a Class "D" and "E" driver education provider licensed and contracted under existing law when a person does not complete a drivers education course.

Existing law requires a prelicensing training course consist of a minimum of six hours classroom instruction and a minimum of eight hours of actual driving instruction.

New law allows for the administration of the skills test by a third-party examiner as part of the prelicensing training course.

Prior law required every person licensed or contracted under existing law to operate a private driving instructor training school or agency, or provide driving courses to also become licensed or contracted as third-party testers.

New law removes the requirement that licensed and contracted driving instructor training schools or agencies also become licensed as third-party testers.

Existing law requires every person licensed pursuant to existing law become licensed or contracted as a third-party tester and to administer in accordance with law and administrative rules both the knowledge and on-road driving skills test required for a Class "D" or "E" license.

New law designates a "third-party examiner" as a properly licensed and contracted administrator of the knowledge and on-road driving skills tests to administer under existing law the knowledge and on-road driving skills test required for a Class "D" or "E" license.

New law allows for a web-based application by which a parent or legal guardian can provide electronic signatures for any credential authorized in existing law in connection with a minor's application which allows for operation of a motor vehicle. Specifies that the electronic signature does not apply to a first or initial issuance of a license or permit, which must be an in-person transaction.

Prior law required that, after June 29, 2012, every person licensed pursuant to existing law administer both the knowledge and on-road driving skills test required for issuance of Class "D" or "E" licenses.

New law repeals prior law.

Effective June 7, 2023.

(Amends R.S. 32:402.1(A)(2)(intro. para.) and R.S. 40:1461(F); Adds R.S. 32:407(G); Repeals R.S. 40:1461(G))

ID Stickers and Vehicle Registration Codes for Persons with Various Conditions (ACT 172)

Existing law (R.S. 32:403.3) authorizes the office of motor vehicles within the Dept. of Public Safety and Corrections (the office) to issue identification stickers or decals to the deaf and hard of hearing, and to place a flag code on the person's vehicle registration upon presentation of a statement indicating a hearing loss attested by a physician, audiologist, or speech pathologist.

Prior law provided that the sticker or decal must be offered and imprinted on the back of the driver's license under lamination.

New law removes the requirement that the sticker or decal must be offered and imprinted on the back of the driver's license under lamination.

New law specifies that if the user applies the sticker or decal to the rear windshield, it must be placed in a space that does not interfere with the visibility of the vehicle operator.

Existing law (R.S. 32:412(P)) provides that upon request of an applicant for a driver's license, a designation that the applicant has autism spectrum disorder or any mental, physical or developmental disability shall be exhibited on the driver's license upon presentation of a statement from a qualified medical or mental health professional.

New law retains existing law and further authorizes the office to issue identification stickers or decals for a person who has obtained the autism spectrum disorder or any mental, physical or developmental disability designation in accordance with existing law or his parent, legal guardian, or other caregiver and to place a flag code on the person's vehicle registration upon presentation of a statement indicating the disability of the person attested by a physician, mental health professional, or occupational therapist.

New law provides that the documentation submitted as proof that an individual is deaf, hard of hearing, or diagnosed with autism spectrum disorder or any mental, physical or developmental disability is not subject to disclosure pursuant to the Public Records Law and any person seeking such documentation must obtain a court order after a contradictory hearing against the applicant.

Effective August 1, 2023.

(Amends R.S. 32:403.3 and R.S. 44:4.1(B)(19))

Bone Marrow Donations (ACT 42)

New law provides for any person ages 18 to 40 to give written consent and indicate their intention to donate bone marrow on their driver's license application. New law further indicates applicants that give consent will allow their genetic information to be obtained and stored in a national database and accessible by cancer doctors.

Effective July 1, 2024.

(Adds R.S. 32:410(G))

OMV Field Office Fees (ACT 196)

Prior law authorized the governing authority of a local governmental subdivision to levy a fee not to exceed \$4.50 for each service or transaction carried out as an operation at an office of motor vehicles field office that is not fully funded by the state.

New law provides that the fee levied by the governing authorities in the parishes of Orleans, Jefferson, and Calcasieu not exceed \$6.00.

New law provides that the fee levied by the governing authority of the city of West Monroe not exceed \$8.00.

Requires that the fee be used solely to defray the cost of operations of that local field office and not be charged for the procurement or renewal of a motor vehicle registration license.

Effective August 1, 2023.

(Adds R.S. 32:429(A)(3))

Livingston Parish I-12 Corridor (ACT 449)

New law requires the Dept. of Transportation and Development develop potential engineering solutions to improve natural water flow along the Interstate 12 corridor in Livingston Parish along existing median walls as well as retrofitting existing median walls.

New law requires the comparable analysis of potential engineering solutions include the following:

- (1) Practical and cost effective engineering methods and potential solutions used by other states including but not limited to Texas.
- (2) Projected costs associated with the potential solutions.
- (3) Projected construction timelines for the potential solutions and the methods used.

New law requires the department provide a report of the comparable analysis of potential engineering solutions including those used by other states and methods necessary for implementation to the House Committee on Transportation, Highways and Public Works and the Senate Committee on Transportation, Highways and Public Works by Oct. 1, 2023.

Effective June 29, 2023.

(Amends the heading of Part IV of Chapter 3 of Title 32; Adds R.S. 32:481)

Trolling Motors (ACT 188)

Existing law provides relative to the distribution and sale of recreational products and provides for the licensure of dealers.

Prior law defined certain terms, including "marine dealer", "marine motor" or "marine engine", "marine product", "recreational products", and "recreational products dealer".

New law changes the definitions of "marine dealer" and "recreational products dealer" to exempt from licensure any person engaged in the business of renting or selling new or used trolling motors who otherwise would not be required to be licensed under prior law.

New law defines the term "trolling motor" and excludes that term from the definitions of "marine motor" or "marine engine", "marine product", and "recreational products".

Effective August 1, 2023.

(Amends R.S. 32:1252(25) - (27), (45), and (59) - (74); adds R.S. 32:1252(46)(c)(vii) and (75))

Reimbursement of Wrecker Service Companies Working Hazardous Material Accidents (ACT 142)

Existing law specifies that any person who has transported a hazardous material as defined in existing law is liable to the state for undertaking remedial action or for all costs of remedial actions if it can be proved that the hazardous material, hazardous substance, or hazardous waste was discharged or disposed of directly by the transporter and the transporter directly caused the discharge or disposal for which remedial action must be undertaken.

New law adds wrecker service companies working hazardous material accidents to those entitled to reimbursement of remedial costs.

Effective August 1, 2023.

(Amends R.S. 32:1519(A) and (C)(1); Adds R.S. 32:1519(D)(5)(o))

TITLE 33: MUNICIPALITIES AND PARISHES

New Orleans Exhibition Hall Authority Economic Growth and Development District (ACT 212)

Existing law provides for the boundaries of the New Orleans Exhibition Hall Authority Economic Growth and Development District.

New law expands those boundaries.

New law provides that any property that is acquired or owned by the district or any subdistrict is hereby declared to be public property used for public purposes and shall be exempt from all ad valorem taxes. Any improvements, other than those improvements owned by the district, shall be subject to all ad

valorem taxes, or, in the alternative, a payment in lieu of taxes. Subject to prior review by the New Orleans City Council of an economic development project with a payment in lieu of taxes, the district or any subdistrict may designate property it acquires or owns to be an "economic development project" that may be leased to a lessee subject to the lessee making payments to the tax collector for the city of New Orleans in an annual sum in lieu of ad valorem taxes to compensate the city of New Orleans for any services rendered to such economic development project; provided further that the annual sum, together with any fees and charges to be paid by such lessee, shall not be in excess of the ad valorem taxes such lessee would have been obligated to pay in such year had such property been owned by the lessee during the period for which such payment in lieu of taxes is made.

New law provides that such payments to be made in lieu of taxes, together with any fees and charges of the district or any subdistrict, shall constitute statutory impositions within the meaning of existing law (R.S. 47:2128).

New law provides that prior to entering into a payment in lieu of tax agreement, the district or any subdistrict, acting by and through the board, shall provide the city council with the payment in lieu of tax proposal for property designated an economic development project serving the public purposes of the district or subdistrict, which proposal shall consist of the following:

- (1) The term of the payment in lieu of tax proposal evidenced in a payment in lieu of tax agreement.
- (2) The annual amount of the payment in lieu of taxes to be paid by the lessee.
- (3) A description of the economic development project identified in the payment in lieu of tax agreement, which, at a minimum shall consist of either a development project creating at least 10 new permanent jobs, or an affordable workforce housing development of not less than 75 housing units.

New law provides that prior to acquiring or owning an economic development project with a payment in lieu of tax agreement, a payment in lieu of tax proposal shall be submitted to the city council of the city of New Orleans for review through the clerk of the city council via personal delivery in exchange for a stamped receipt by the clerk of the city council or via registered or certified U.S. mail.

New law provides that the council of the city of New Orleans shall have 15 days from the date the proposal is received by the clerk of the city council to review said payment in lieu of tax proposal.

New law provides that the payment in lieu of tax agreement shall be deemed approved for execution by the district or any subdistrict if the city council fails to adopt a resolution disapproving said proposal within 30 days following such 15-day review period; provides that the city council may adopt a resolution approving the proposal with amendments to the payment in lieu of tax agreement.

New law provides that the payment in lieu of tax agreement related to an economic development project within the district or any subdistrict shall become effective upon approval by resolution of the board of the district or any subdistrict after either The city council fails to adopt a resolution disapproving said payment in lieu of tax agreement within 30 days following the 15-day review period, or

- (1) The payment in lieu of tax agreement has incorporated the city council amendments to the payment in lieu of tax agreement.

New law provides that in connection with the lease of any property owned by the district or subdistrict to a private entity, the contract of lease or other agreement shall not be subject to existing law (R.S. 33:4710.11(D)(4) and R.S. 33:4710.11(D)(5)).

Effective August 1, 2023.

(Amends R.S. 33:130.862(A); adds R.S. 33:130.865.1)

Town of Albany Court Costs (ACT 11)

Existing law provides that the mayor may impose court costs not to exceed \$30 for each offense on any defendant convicted of a violation of a municipal ordinance.

New law authorizes the mayor of the town of Albany to impose court costs not to exceed \$50 for each offense on any defendant convicted of a violation of a municipal ordinance.

Effective August 1, 2023.

(Adds R.S. 33:447.17)

Village of Noble Police (ACT 222)

Existing law provides for at-large election of the mayor and police chief in Lawrason Act municipalities. Further provides for exceptions with respect to the police chief in certain municipalities.

Existing law provides that any department of a municipality, other than the police department in a municipality with an elected police chief, shall be created, abolished, merged, or consolidated by the board of aldermen, upon the written recommendation of the mayor.

New law provides that the board of aldermen for the village of Noble may, upon the recommendation of the mayor, abolish the office of police chief. Provides that the abolition may not become effective during a term of office if an elected chief is serving in the office.

New law provides that if the office of police chief and the police department are abolished pursuant to new law and existing law, the mayor and board of aldermen may contract with any law enforcement entity or officer within Sabine Parish for police services.

Effective upon signature of governor (June 8, 2023).

(Adds R.S. 33:381(C)(35))

West Baton Rouge Parish Grass-Cutting Enforcement (ACT 220)

Existing law authorizes parish governing authorities to require property owners to cut grass on their property. If a property owner does not comply with such a requirement, present law requires a parish to request that a property owner cut grass on his property by sending a registered or certified letter. Authorizes a parish to have such work done and charge the property owner for the work if the property owner does not cut the grass within 15 days after receipt of the letter.

Existing law authorizes specified parishes to proceed with having grass cutting work done and charging the property owner for one year after a single registered or certified letter requesting that the property owner cut his grass. Requires such parishes to file an affidavit that includes:

- (1) A description of the property.
- (2) A photograph of the property identifying the unsafe conditions.
- (3) A statement that the property owner liable has within the past 12 months failed to do such work after notification and an opportunity to do so.

New law adds West Baton Rouge Parish to parishes authorized to cut grass and charge the property owner for a year after a single request and filing the required affidavit.

Effective August 1, 2023.

(Amends R.S. 33:1236.26(A))

Lincoln Parish Investment of Hospital Sale Proceeds (ACT 160)

Existing law authorizes parishes, municipalities, school boards, and other political subdivisions to establish post-employment benefit funds, to hold such funds in trust, and to invest such funds in specified securities.

New law authorizes the governing authority of Lincoln Parish to invest funds that it received

from the sale of a hospital and that it placed in a permanent trust in the same manner that post-employment benefit trust funds may be invested.

Existing law and new law authorize the investment of trust funds in the following securities:

- (1) Direct U.S. Treasury obligations fully guaranteed by the U.S. government.
- (2) Debt issued or guaranteed by federal agencies and backed by the full faith and credit of the U.S.
- (3) Debt issued or guaranteed by a U.S. government-sponsored entity.
- (4) Direct security repurchase agreements of securities enumerated above.
- (5) Investment grade debt issued by U.S. corporations.
- (6) Investment grade debt issued by and backed by the full faith and credit of sovereign nations and denominated in U.S. dollars.
- (7) Money market and other mutual funds that meet specified requirements.
- (8) The La. Asset Management Pool and any other intergovernmental pool formed by or of La. governmental entities.
- (9) Time certificates of deposit that meet specified requirements.
- (10) Stocks of any corporation listed on the New York Stock Exchange or the American Stock Exchange or authorized for quotations display on the National Assoc. of Securities Dealers Automated Quotations System.
- (11) Exchange traded funds that meet specified requirements.

Effective August 1, 2023.

(Adds R.S. 33:1236.31)

Penalties for Violations of New Orleans City Ordinances (ACT 304)

Existing law (R.S. 33:1375) provides maximum fines that may be imposed in New Orleans for violations of city ordinances. Prior law provided that the maximum fines were \$500 for a first offense and \$1000 for a subsequent offense.

Prior law (R.S. 13:2500(C)) also provided relative to the penalties that could be imposed by the Municipal and Traffic Court of New Orleans. Provided that court could impose penalties not to exceed \$500 or six months in jail, or both.

New law consolidates the two statutory provisions, increases the maximum fines to \$1,000 for a first offense and \$2,000 for a subsequent offense, and retains the six month maximum on imprisonment for a violation of a city ordinance.

Prior law authorized the Municipal and Traffic Court of New Orleans to impose up to an additional 30 days in jail for anyone in default of the payment of a fine. New law repeals prior law.

Effective August 1, 2023.

(Amends R.S. 33:1375; Repeals R.S. 13:2500(C))

Sulphur Fire Department Employee Salaries (ACT 158)

Existing law provides relative to salaries of members of *fire* departments. Requires payment of a minimum monthly salary based on the federal Fair Labor Standards Act. Further requires an annual 2% increase in salary for fire department members with at least three but not more than 20 years of service. Requires use of base pay and previous required increases in computing increases.

Existing law, applicable to members of the Sulphur *police* department, requires a similar annual salary increase except that the requirement also applies to members with more than 20 years of experience and state supplemental pay is also included in computing increases.

New law provides that the salary increase requirements for the Sulphur *fire* department are the same as those required by existing law for the Sulphur *police* department; specifically that the required 2% annual increase also applies to employees with more than 20 years of service and that state supplemental pay is also included in computing increases.

Effective August 1, 2023.

(Amends R.S. 33:1992(B))

Police Chief Training (ACT 348)

Existing law provides that the officers of a municipality governed by the provisions of the Lawrason Act (mayor-board of aldermen form of government) include a chief of police. Generally provides for election of the police chief, but provides for appointment of a police chief in certain specified municipalities. Further authorizes referendum procedures for making the police chief an appointed position if approved by the voters of the municipality.

Existing law creates the Law Enforcement Executive Management Institute within the office of the governor. Requires the institute to establish a new police chief development course and a police chief continuing education program.

Existing law requires each municipal police chief to successfully complete the new chief development course within one year after initial election or appointment. Additionally requires each municipal police chief to complete 12 hours of continuing education approved by the institute each calendar year. Provides exceptions to these requirements.

Existing law provides that a police chief who does not complete required training is subject to forfeiture of his supplemental pay.

New law additionally provides that a police chief who is required by existing law to complete the training and who does not complete the training shall not be reappointed or allowed to qualify for reelection, as applicable.

New law requires the institute to establish a procedure by which a police chief who has failed to complete the new chief development course may apply for an exemption due to emergency circumstances.

Effective August 1, 2023.

(Amends R.S. 33:2345(C); Adds R.S. 33:381(E) and 385.1(C))

Monroe Civil Service Board Secretary Salary (ACT 153)

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 (large municipalities); 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 (small municipalities).

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 large municipalities, requires that the board fill the office of secretary in one of the following ways:

- (1) By electing a board member.
- (2) By appointing the clerk or secretary-treasurer of the municipality.

(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.

Provides exceptions for certain parishes and municipalities relative to the employment and salary of the board secretary.

New law provides an additional exception for the city of Monroe. Authorizes the board to pay the secretary a salary not to exceed \$1,600 per month. Requires the board to assign the duties of the secretary.

Effective July 1, 2023.

(Adds R.S. 33:2476.7)

City of Baton Rouge Board Secretary (ACT 316)

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 (large municipalities); 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 (small municipalities).

Existing law relative to both systems, provides for a fire and police civil service board in each local jurisdiction. Provides that the board is composed of five members who serve without compensation. Further provides that the board shall have a chairman, vice-chairman, and a secretary.

Existing law relative to the system applicable to large municipalities requires that the office of board secretary be filled in one of the following ways:

- (1) By electing a board member.
- (2) By appointing the clerk or secretary-treasurer of the municipality.

(3) By employing on a part-time basis any other person at a salary not to exceed \$1,250 per month.

New law provides an exception for the city of Baton Rouge; authorizes the municipal fire and police civil service board to fill the office of secretary by employing unclassified personnel whom the board deems qualified. Provides that the secretary shall receive compensation and benefits comparable to that of other full-time personnel employed in similar positions or performing similar job functions. Provides that the secretary is solely accountable to the board and serves at the pleasure of the board.

Effective August 1, 2023.

(Adds R.S. 33:2476.7)

Monroe and Lake Charles Economic Development Districts (ACT 306)

Southside Economic Development District of the City of Monroe

Existing law authorizes the governing authority of the city of Monroe, subject to the approval of the mayor, to create a special district known as the Southside Economic Development District of the City of Monroe. Provides for district boundaries.

Existing law provides that the district is governed by a board of commissioners which includes members appointed as follows:

- (1) One member appointed by the mayor.
- (2) Three members appointed by the city council.
- (3) One member appointed by the city council from a list of nominees submitted by the Monroe Chamber of Commerce to the council on or before Aug. 1, 2001.

Prior law provided for two members appointed by the city council from a list of nominees submitted by the African-American Chamber of Commerce to the council on or before Aug. 1, 2001.

New law increases the membership of the board from seven to 10 and makes changes as follows:

(1) Changes the entity that submits a list of nominees to the city council prior to the council making two of its appointments from the African-American Chamber of Commerce to the Monroe Regional Black Chamber.

(2) Adds a member appointed by the state senator for District No. 34.

(3) Adds a member appointed by the state representative for District No. 16.

(4) Adds a member appointed by the state representative for District No. 17.

New law provides that members may be removed for cause by a two-thirds vote of the membership of the city council.

North Lake Charles Economic Development District

New law creates the North Lake Charles Economic Development District as a political subdivision of the state. Provides for district boundaries.

New law provides that the district is governed by a five-member board composed as follows:

(1) One member appointed by the Lake Charles City Council.

(2) One member appointed by the state representative for the House of Representatives district which encompasses all or the greater portion of the area of the district.

(3) One member appointed by the state senator for the Senate district which encompasses all or the greater portion of the area of the district.

(4) One member appointed by the governing authority of Calcasieu Parish from a list of three names submitted jointly by the members of the governing authority who represent Dist. Nos. 2, 3, 4, and 9.

(5) One member appointed by the mayor of the city of Lake Charles.

Provides that members serve staggered three-year terms.

New law requires the board to prepare a plan(s) specifying public improvements, facilities, and services proposed to be furnished, constructed, or acquired which may be improvements, facilities, and services provided by the city through its agencies, commissions, and instrumentalities, subject to the approval of the Lake Charles City Council.

New law requires the board to conduct hearings and disseminate information as it deems appropriate or advisable. Further requires that any plan developed by the board include an estimate of the annual and total cost.

New law requires that the board submit the plan to the city planning commission which shall review it for consistency with the comprehensive plan for the city. Requires that the planning commission submit a written opinion on the plan to the city council. Requires the city council to submit a written recommendation to the board as to whether the board should approve the plan. Requires the board to review the recommendation but authorizes the board to adopt or reject the recommendation.

New law further provides for development of a plan regarding the employment of professional consultants, experts, and advisors. Authorizes the board to submit the plan directly to the city council. Requires the city council to submit a written recommendation as to whether the board should approve the plan. Requires the board to review the recommendation but authorizes the board to adopt or reject the recommendation.

New law provides further with respect to the powers and duties of the district. Provides that the district shall not have any power of expropriation.

New law authorizes the district to levy a sales and use tax, subject to voter approval, and subject to the approval of the Lake Charles City Council. Requires the district to hold any election

regarding the levy of the tax on a date provided for in existing law relative to gubernatorial or congressional primary elections. Provides that the tax rate shall not exceed 1%.

New law authorizes the district to issue revenue bonds payable from "tax increments" available to an economic development district as provided in new law and existing law (Part II of Chapter 27 of Title 33) which is derived from any project or projects of the district. Prohibits the use of tax increments without the consent of the particular local governmental subdivision or tax recipient body and without voter approval. Requires the district to hold any election regarding the use of tax increments on a date provided for in existing law relative to gubernatorial or congressional primary elections.

Effective August 1, 2023.

(Amends R.S. 33:2740.51(D)(1)(intro. para.), (d) and (e); Adds R.S. 33:2740.51(D)(1)(f) and (g) and (3) and 2740.70.3)

Baton Rouge North Economic Development District (ACT 389)

Existing law creates the Baton Rouge North Economic Development District as a political subdivision of the state in East Baton Rouge Parish. Provides for district boundaries and powers and duties.

Existing law provides that the district shall be comprised of nine members, including two members appointed by the state representative for House District No. 29. Requires that one member be a representative of the business community.

New law removes one appointment granted to the state representative. Retains requirement that remaining member be a representative of the business community.

Existing law provides that board members serve two-year terms.

New Law retains existing law.

Existing law requires the board to adopt rules and regulations as it deems necessary or advisable for conducting its business affairs. Additionally requires the board to hold regular meetings as provided in the bylaws and to hold special meetings at such times and places within the district as provided in the bylaws.

New law retains existing law but requires that the rules and regulations include a procedure for the removal of inactive board members.

Effective June 14, 2023.

(Amends R.S. 33:2740.67(C)(2) and (7); repeals R.S. 33:2740.67(C)(1)(k))

Orleans Parish Mid City Economic Development District Repealed (ACT 59)

Prior law created the Mid City Economic Development District in Orleans Parish as a political subdivision of the state for the purpose of allowing the tax assessor to purchase and develop property in the district for the use of any governmental subdivision. Provided for district boundaries.

Provided for governance of the district by a five-member board of commissioners composed as follows:

- (1) The state representative who represents the district, or his designee.
- (2) The state senator who represents the district, or his designee.
- (3) The mayor of the city of New Orleans, or his designee.
- (4) The sheriff of Orleans Parish, or his designee.
- (5) The assessor of Orleans Parish, or his designee.

Provided for the assessor to serve as the chairman of the board.

Authorized the city council of New Orleans, subject to voter approval, to levy and collect a special ad valorem tax for the purposes and benefit of the district.

New law repeals prior law.

Effective August 1, 2023.

(Repeals R.S. 33:2740.70.2)

Evangeline Economic Development Authority (ACT 282)

New law creates and provides for the Evangeline Economic Development Authority as a political subdivision in Evangeline Parish for the purpose of performing the functions of an economic and industrial development agency, including but not limited to public relations, advertising, marketing, government relations, financial assistance, industrial and economic research, and industrial programming and solicitation. Provides that the boundaries of the district encompass all of the territory in Evangeline Parish.

New law provides that the district shall be governed by an 11-member board of commissioners composed as follows: five members appointed jointly by the mayors of the municipalities in Evangeline Parish; two members appointed by the governing authority of Evangeline Parish; one member appointed by the Evangeline Parish School Board; one member appointed by the governing board of the Evangeline Parish Chamber of Commerce; one member appointed jointly by the governing boards of the two hospital providers located in Evangeline Parish; and one member appointed by South Louisiana Community College. Provides that members serve staggered four-year terms.

New law provides for the district's powers and duties. Authorizes the board to establish an advisory board to assist in the task of economic and industrial development.

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 and to

conduct public hearings, publish notice, and disseminate information as it deems appropriate or advisable.

New law provides that any plan may specify and encompass any public services, capital improvements, and facilities which may be services, capital improvement, and facilities provided by Evangeline Parish through its agencies, commissions, and instrumentalities. Requires any plan to include an estimate of the annual and total cost. Further requires the board to submit the plan to the parish governing authority and requires the parish governing authority to review and consider the plan. Provides that the board need not receive approval of the parish governing authority prior to implementing the plan.

New law authorizes the district to levy a sales and use tax, subject to voter approval. Requires the district to hold any election regarding the levy of the tax on a date provided for in existing law relative to gubernatorial or congressional primary elections. Provides that the tax rate shall not exceed 1%.

New law authorizes the district to issue revenue bonds payable from "tax increments" available to an economic development district as provided in new law and in existing law (Part II of Chapter 27 of Title 33) which is derived from any project or projects of the district. Prohibits the use of tax increments without the consent of the particular local governmental subdivision or tax recipient body and without voter approval. Requires the district to hold any election regarding the use of tax increments on a date provided for in existing law relative to gubernatorial or congressional primary elections.

Effective August 1, 2023.

(Adds R.S. 33:2740.70.3)

Baton Rouge Sales Tax Rebates on Certain Admission Tickets (ACT 352)

New law authorizes the governing authority of the city of Baton Rouge and the parish of East Baton Rouge, subject to the recommendation of

the Baton Rouge tourism commission (Visit Baton Rouge), to rebate revenue from city or parish sales and use taxes collected on the sale of admission tickets to an event that meets one of the following criteria:

- (1) It was held in a publicly owned facility that has a seating capacity of at least 7,500.
- (2) It was a multiday event with average daily attendance of at least 7,500.

New law requires Visit Baton Rouge to recommend the rebate and the city-parish governing authority to approve the rebate prior to the commencement of ticket sales.

Effective August 1, 2023.

(Adds R.S. 33:2740.70.3)

Pointe Coupee Parish Waterworks District No. 1 (ACT 275)

Existing law, relative to waterworks districts, provides generally that the districts are governed by a board of five members known as waterworks commissioners.

Existing law provides that if one municipality, or any part of a municipality, is included in the district, the board of commissioners shall have eight members, one of the additional members to be appointed by the police jury and the remaining two to be appointed by the governing authority of the municipality. Provides that if two municipalities, or parts of municipalities, are included, each municipal governing authority shall be entitled to appoint one member and the police jury shall be entitled to appoint two additional members. If more than two municipalities are included, the two municipalities having the largest population within the district appoint the two members representing the municipalities and the police jury appoints two additional members. Existing law includes special provisions for the membership of various waterworks districts.

New law provides a special provision for the membership of the governing board of Waterworks District No. 1 of Pointe Coupee Parish. Authorizes

the parish governing authority to provide, by ordinance, for the membership of the board. Provides that members shall be appointed by and shall serve at the pleasure of the parish governing authority.

Effective upon signature of governor (June 9, 2023).

(Adds R.S. 33:3812(J) and 3813(C)(8))

Cameron Parish Wastewater District No. 1 (ACT 66)

Prior law created the Cameron Parish Water and Wastewater District No. 1. Provided that the district had the powers of water districts and sewerage districts, as provided by existing law.

New law abolishes the prior district and creates the Cameron Parish Wastewater District No. 1. Provides that it has the powers of sewerage districts.

Existing law retains for the new district some of the aspects of the abolished district:

- (1) Establishes district boundaries.
- (2) Provides that the district is governed by a five-member board of directors appointed by the parish police jury.
- (3) Authorizes payment of a per diem to members of the board for attendance at meetings.
- (4) Authorizes the district to levy an ad valorem tax, subject to voter approval.

Effective August 1, 2023.

(Adds R.S. 33:3887.9; Repeals R.S. 33:4067)

New Orleans Sewerage & Water Board Invoices (ACT 157)

Existing law (R.S. 33:4071) establishes the sewerage and water board (board) of the city of New Orleans. Provides for the composition of the board, which includes the mayor of the city. Provides for the powers and duties of the board.

Existing constitution prohibits the state and any political subdivision from loaning, pledging, or donating its funds, credit, property, or things of value (Art. VII, Sec. 14). Provides exceptions.

Existing constitution does not prevent a political subdivision from waiving charges for water if the charges are the result of water lost due to damage to the water delivery infrastructure and that damage is not the result of any act or failure to act by the customer.

Existing law authorizes the board to adopt rules and procedures authorizing the adjusting, releasing, or extinguishing of any indebtedness from a customer's sewerage and water bill in certain cases, including instances of error. New law adds instances in which the board generates inaccurate invoices.

Prior law included instances in which an employee of the board, or a person acting on behalf of the board, failed to read a customer's water meter regardless of whether the board had submitted an invoice to the customer for an amount owed during any such period. New law limits these instances to failure to properly read the customer's meter and adds failure to submit an invoice for two or more consecutive months to such instances.

Effective August 1, 2023.

(Amends R.S. 33:4071(F)(1) and (2))

Stormwater Management Utility Districts and Systems (ACT 319)

Prior law authorized any political subdivision to create one or more stormwater utility systems to manage stormwater flooding and adopt stormwater utility fees sufficient to plan, construct, acquire, extend, improve, operate, and maintain stormwater management systems, either within or outside of its boundaries.

New law authorizes parish and municipal governing authorities to create stormwater management utility districts as political subdivisions of the state to manage stormwater flooding. Authorizes such a district to create and

operate one or more stormwater management utility systems within its boundaries. Provides that the governing authority of the respective parish or municipality shall be the governing authority of the district.

New law further provides that any 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 the utilities by existing law. Existing law defines a "revenue-producing public utility" as a revenue-producing business or organization that regularly supplies the public with a commodity, service, project, or undertaking owned and operated by a political subdivision, from the conduct and operation of which revenue can be derived.

New law additionally authorizes the districts to levy fees, subject to voter approval, to aid in the planning, construction, acquisition, extension, improvement, operation, and maintenance of stormwater management utility systems. Provides that the purpose, term, and amount of the fees shall be as provided in the board's resolution.

Effective August 1, 2023.

(Amends R.S. 33:4161.1)

East Feliciana Gas Utility District No. 1 (ACT 57)

Existing law authorizes a parish governing authority to create gas utility districts, which are authorized to construct, acquire, sell, lease, mortgage, extend, improve, maintain, and operate any revenue producing gas public utility.

Existing law provides for boards of commissioners to govern such districts. If a district includes one or more municipalities, existing law provides that the board has nine members, seven appointed by the parish and two appointed by the municipalities. Provides that commissioners serve staggered five-year terms.

New law provides for the board of commissioners of East Feliciana Gas Utility District No. 1.

Requires that the board be composed of 5 members appointed as follows:

- (1) Three members appointed by the governing authority of East Feliciana Parish.
- (2) One member appointed by the governing authority of Wilson.
- (3) One member appointed by the governing authority of Norwood.

Effective upon signature of the governor (June 6, 2023).

(Adds R.S. 33:4303(C)(3))

Lake Charles North Redevelopment Authority Abolished (ACT 339)

Prior law created the Lake Charles North Redevelopment Authority to provide for the utilization of appropriate private and public resources to eliminate and prevent the development or spread of slum, blighted, and distressed areas. Provided that the authority was a special district and political subdivision of the state. Provided that the authority was comprised of specified territory in the city of Lake Charles.

Prior law provided that the authority was governed by a five-member board of commissioners (board) comprised of members appointed by the state representative for House District No. 34, the state senator for Senate District No. 27, the mayor of the city of Lake Charles, and the member(s) of the governing authority of Calcasieu Parish and the city of Lake Charles who represent the area included within the jurisdiction of the authority. Provided further with respect to the qualifications of board members.

Prior law required members of the board to serve without compensation, but authorized the board to reimburse any member for expenses actually incurred in the performance of duties on behalf of the authority.

Prior law required that all actions of the board be approved by the affirmative vote of a majority of

the members present and voting. Provided however, that no action of the board could be authorized on specified matters unless approved by a majority of the total board membership. Additionally required that certain specified actions or proposals of the authority be submitted to the governing authority of the city of Lake Charles and authorized the governing authority to reject any such action or proposal upon two-thirds vote of its membership.

Prior law granted the authority all powers necessary or convenient to carry out its objectives and purposes. Authorized the authority to incur debt for the acquisition and operation of authority property and to provide for the manner and method of repayment in accordance with law.

Prior law authorized the authority to issue revenue bonds to finance a redevelopment project, or otherwise to acquire, purchase, lease, construct, or improve housing, residential development, subdivision development, commercial, research, industrial, or other plant sites and buildings, or other capital improvements.

Prior law authorized the authority to purchase adjudicated properties within its jurisdiction from any political subdivision of the state. Provided that no such purchase could be construed to, or otherwise have the effect of, extending or suspending the period prescribed by law for the redemption of the property.

Prior law authorized the authority to create and execute redevelopment or development plans for specified areas within its jurisdiction.

Prior law authorized the authority to sell, lease, or otherwise transfer immovable property.

Prior law authorized the authority to temporarily operate, maintain, or lease real property acquired by it in a redevelopment area for or in connection with a redevelopment project pending disposition of the property for such uses and purposes even though not in connection with the redevelopment plan.

Prior law authorized the authority to, in the implementation of a redevelopment plan, create a subdistrict(s) to conduct, oversee, or assist in the implementation of such redevelopment plan. Provided that the boundaries of such a subdistrict could include all or part of the redevelopment area and provided that such a subdistrict would have and exercise such powers and responsibilities as the authority specified in the enabling resolution. Provided that unless otherwise specified in the resolution or other formal act creating the subdistrict, the board members of the authority would constitute the governing authority of the subdistrict.

Prior law authorized all persons and entities carrying on a banking or investment business to invest funds in any bonds or other obligations issued by the authority.

Prior law further provided for an expedited procedure to enable the authority to more efficiently quiet title and initiate a foreclosure action regarding immovable property acquired by the authority.

New law repeals prior law. Requires that all property of the authority be transferred to the North Lake Charles Economic Development District.

Effective upon effectiveness of House Bill No. 335 of the 2023 R.S. (August 1, 2023).

(Repeals R.S. 33:4720.191)

Local Regulation of Utility Accounts (ACT 307)

New law prohibits parish and municipal governing authorities from requiring any person who is an account holder with an authorized utility provider and whose account is being charged by the provider for electric services provided to a dwelling located in the state to acquire a permit to change the name of the person listed as the account holder.

Effective August 1, 2023.

(Adds R.S. 33:4886)

La. Local Government Environmental Facilities and Community Development Authority (ACT 154)

Existing law creates and provides for the La. Local Government Environmental Facilities and Community Development Authority as a political subdivision of the state to address the growing need in the state for economic development and to assist in the upgrade, rehabilitation, repair, and construction of infrastructure and environmental facilities to maintain a healthful and safe environment for the people of the state.

Existing law provides that the authority is composed of one or more participating political subdivisions and is governed by a board of directors.

New law provides that the powers of the authority shall extend to all parishes of the state. Authorizes the authority to exercise these powers directly or through the establishment of a joint commission by entering into a local services agreement with a parish or municipality pursuant to existing law (R.S. 33:1321 et seq.). Provides that the service area of the authority or such a joint commission shall be the state unless otherwise limited by the local services agreement.

Existing law provides for the authority's powers and duties. New law modifies the powers and duties as follows:

(1) Existing law authorizes the authority to receive, administer, and expend financial assistance, guarantees, insurance, or subsidies from the federal or state government. New law additionally authorizes the authority to receive such support from a private source.

(2) Existing law authorizes the authority to loan money to any political subdivision or other eligible entity under any loan guaranty program the federal government. New law additionally authorizes the authority to loan money to any state agency.

Existing law grants the authority further powers and duties including:

- (1) To make and execute contracts.
- (2) To insure loans to and bonds or obligations of any participating political subdivision for authorized projects.
- (3) To borrow money and issue negotiable bonds or other obligations on behalf of or for the benefit of any participating political subdivision.
- (4) To invest funds in any investments or securities in which monies of the state may be invested.
- (5) To accept gifts, grants, loans, and other aid.

Effective upon signature of governor (June 7, 2023).

(Amends R.S. 33:4548.5(A)(6), (12), and (20); Adds R.S. 33:4548.5(C))

Iberville Parish Parks and Recreation District Employees (ACT 156)

Existing law creates and provides for the Iberville Parish Parks and Recreation District as a body corporate in law with all the powers and rights of a political subdivision. Authorizes the district to adopt and implement a parishwide recreation and parks program, and to construct, improve, maintain, and operate park and recreational facilities. Provides for district boundaries.

Existing law authorizes the board to appoint, employ, and fix the salary of a full-time director of parks and recreation and to also employ and fix the salaries, duties, and responsibilities of an assistant director and such additional staff as necessary to operate park and recreational facilities and programs.

New law provides that the employees of the district shall become employees of Iberville Parish upon the adoption of an ordinance by the parish governing authority providing that the employees are subject to the same administrative rules and regulations as other parish employees and are eligible to receive compensation and benefits as provided for other parish employees.

New law authorizes any parish employee to perform services to or on behalf of the district pursuant to an intergovernmental agreement between the parish and the district.

Effective August 1, 2023.

(Amends R.S. 33:4569.1(B)(2))

Orleans Parish Authority to Clean-Up Private Property and Charge Owner (ACT 159)

New law authorizes the governing authority of Orleans Parish to enact ordinances regulating or prohibiting the growth or accumulation of grass, trash, or other deleterious matter on property within the parish, excluding railroad rights-of-way. Prohibits the parish governing authority from undertaking the removal of deleterious matter unless the owner has failed to do the work himself within five days after notice has been given to him by advertisement in the official journal of the parish or by registered or certified mail. Authorizes the parish governing authority to charge the costs of such work to the property owner.

New law authorizes the parish governing authority to undertake such work if the property owner has been notified pursuant to new law at any time during the immediately preceding 24 months.

New law requires the parish to furnish the owner with an invoice for the cost of the work performed. Authorizes the parish, if the cost is not paid within one month, to furnish the owner, by registered or certified mail or by domiciliary or personal service, a written statement showing the outstanding cost. Provides that if the statement is not paid within one month thereafter, the amount shall be included in the property owner's taxes.

Effective August 1, 2023.

(Adds R.S. 33:5062.2)

State Sales Tax Increment Financing of Local Government Revenue Bonds (ACT 77)

Existing law authorizes local governmental subdivisions to issue revenue bonds payable solely from an irrevocable pledge and dedication of up to the full amount of sales tax increments to finance economic development projects within economic development areas designated in accordance with existing law. Provides that such tax increments include portions of sales taxes imposed by all taxing authorities, except for the state and any political subdivision with boundaries coterminous with the state, and paid by taxpayers in the designated economic development area. Stipulates, however, that the use of state sales tax increments for such tax increment financing is allowed in limited circumstances enumerated in existing law.

Prior law allowed the use of state sales tax increments in tax increment financing for an expansion of a local economic development project's scope or extension of the use of the state sales tax for an economic development project or program for which the cooperative endeavor agreement initially authorizing the state sales tax increment was executed before July 1, 1997, and did not expire on or before Aug. 1, 2019. Prior law prohibited the extension of the state sales tax increment beyond Dec. 31, 2033, for such project or program.

New law allows the use of state sales tax increments in tax increment financing for an expansion of a local economic development project's scope or extension of the use of the state sales tax for an economic development project or program for which the state sales tax increment was initially authorized and approved by the Joint Legislative Committee on the Budget (JLCB) before July 1, 1997, and, as expanded or extended through subsequent approvals by JLCB, did not expire on or before Aug. 1, 2019. New law also changes the date through which the state sales tax increment may be extended for such project or program from Dec. 31, 2033, to Dec. 31, 2048.

Effective August 1, 2023.

(Amends R.S. 33:9033(B)(3))

LSU and SU College Economic Development District(s) (ACT 203)

New law provides for the creation of an economic development district that includes property owned by SU and LSU. The purpose of such a district is to provide for cooperative economic and community development among the district, the colleges, the parish or municipal governing authority, the state, and the owners of property in the district. The parish or municipal governing authority shall establish the boundaries of a district in the ordinance creating it; such boundaries may be changed and are not required to be contiguous.

New law provides that such a district is governed by a board of commissioners, comprised as follows:

- (1) The highest executive officer of the college.
- (2) Four persons appointed by the highest executive officer of the college.

New law provides that two of the members of the board shall be representatives from business within the district.

New law provides that commissioners serve five-year terms, with vacancies filled in the manner of the original appointment. Provides that the president shall serve as long as he is president of the university. Two members shall serve an initial term of two years, and two members shall serve an initial term of three years, as determined by lot at the first meeting of the board. However, if an appointment to fill a vacancy is not made within 60 days, the board shall appoint an interim successor to serve until the position is filled by the appointing authority. Authorizes removal of a commissioner for cause by a 3/4 vote of the board. Provides that commissioners serve without compensation but authorizes reimbursement of expenses.

New law provides that the official journal of such a district is the official journal of the parish where the domicile of the board is located. Provides that a district created pursuant to new law is a political

subdivision of the state and has the powers of a political subdivision. Provides that such powers include the power:

(1) To develop public improvement projects for the benefit of the respective college, either directly with the respective college or through one or more private foundations or nonprofit corporations affiliated with the respective college, or both.

(2) To exercise the powers granted to an economic development district established pursuant to existing law. (Existing law authorizes such a district to utilize tax increment financing. Further authorizes a district to levy ad valorem taxes up to five mills, sales taxes up to 2%, and hotel occupancy taxes up to 2%, all subject to voter approval unless there are no voters in the district.)

(3) To exercise the powers granted to a community development district established pursuant existing law. (Existing law authorizes such a district to finance, construct, and operate various public facilities and authorizes the levy of special property assessments, based on proportionate benefit from the facility, to fund such activities.)

New law provides procedures for the levy of any tax or assessment, including a requirement for voter approval unless there are no voters in the district. If a district is expanded to include an area where qualified electors reside, new law prohibits collection of a tax in the added area unless the qualified electors of that added area approve the tax.

New law authorizes such a district to create subdistricts which are governed by the board of commissioners and have the same powers as the district.

New law provides that each college economic development district and any subdistrict created by such college district, and the governing board of commissioners for such district and subdistrict shall not have any power, authority or right to levy taxes, assessment or fees of any type or form on any property in any area within such district or

subdistrict that is used or operated now or in the future for any industrial use, “industrial properties”, as defined by new law. Further provides that the district or subdistrict shall adopt rules and regulations for the implementation and issuance of certificates of exclusion.

New law provides that each college economic development district and any subdistrict created by such college district may be the recipient of a sales or use tax increment which consist of that portion of the designated incremental sales or use tax collected each year on the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property, and on sales of services.

New law provides that the sales or use tax increment may include hotel occupancy taxes, occupancy taxes, or similar taxes, or any combination of such taxes, levied upon the use or occupancy of hotel rooms if so designated by the city of Baton Rouge, parish of East Baton Rouge as the tax recipient entity, from taxpayers located within a college economic development district and subdistrict which exceeds the designated sales or use tax revenues and hotel occupancy taxes, occupancy taxes, or similar taxes so designated that were collected in the year immediately prior to the year in which the college economic development district and any subdistrict was established.

New law authorizes the district to issue bonds and to otherwise incur debt. Provides requirements and procedures therefor.

New law provides that such a district shall dissolve and cease to exist upon the later to occur of either one year after the date on which all debt of the district is paid in full or 50 years from the creation of the district.

Effective June 8, 2023.

(Adds R.S. 33:9038.75)

**St. Martin (Parish) Special Medical District
(ACT 204)**

New law creates the St. Martin Special Medical District as a special district and political subdivision of the state in the parish of St. Martin. The boundaries of the district are to be comprised of specified parcels or tracts of land located in St. Martin Parish.

New law provides that the district is created to provide for cooperative economic development between the district, among the district, the owner or owners of businesses and property within the district and any other interested parties, such development endeavors being related to the provisions and expansion of medical services, renovation, restoration, and related ventures.

New law provides that the district is to be administered and governed by the board of commissioners of the St. Martin Parish Hospital Service District No. 2 and the parish president will serve as an ex officio member.

New law provides that the district, acting by and through its board of commissioners, is authorized to have all powers of a political subdivision and taxing district necessary or convenient for the carrying out of its objects and purposes. Authorizes the district to incur debt and issue bonds, notes, certificates, and other evidences of indebtedness in its own name and on its own behalf. Additionally authorizes the district to establish public-private partnerships and joint ventures for the benefit of the district and to contract with private concerns who may be granted leases, rights-of-use, or other concessions for contributing private at-risk capital for a particular district project or program. Provides that the district is deemed to be an issuer for purposes of existing law (R.S. 33:9037) and shall, to the extent not in conflict with new law, be subject to the provisions of existing law (R.S. 33:9037).

New law authorizes the district to implement existing law provisions relative to tax increment financing including ad valorem tax increment financing (R.S. 33:9038.33) and sales tax increment financing (R.S. 33:9038.34).

Additionally authorizes the district to implement cooperative endeavor authority pursuant to existing law (R.S. 33:9038.35). Provides that no portion of a tax which has been previously dedicated to another purpose according to a proposition approved by the voters shall be used as a tax increment unless approved by a majority of the voters of the taxing authority levying the tax. Requires that any election regarding the use of tax increments be held on a date that corresponds with an election date provided by existing law (R.S. 18:402(A)(1) or (B)(1)) regarding gubernatorial or congressional elections.

Effective June 8, 2023.

(Adds R.S. 33:9038.75)

**Lake Terrace Crime Prevention District
(ACT 141)**

Existing law creates and provides for the Lake Terrace Crime Prevention District in Orleans Parish as a political subdivision of the state for the purpose of aiding in crime prevention and enhancing the security of district residents. Provides that the district is governed by a seven-member board of commissioners and provides for the district's powers and duties.

Prior law provided for the district's boundaries. New law makes changes to the district's boundaries.

Existing law authorizes the governing authority of the city of New Orleans to impose and collect a parcel fee within the district, subject to voter approval. Existing law provides that the fee is \$700 per year for each improved parcel with three or more family units.

Prior law provided that for all other parcels, the fee was a flat fee not to exceed \$300.

New law provides that the fee on other parcels shall be as follows:

- (1) For each improved parcel used as a short-term rental, the fee shall be a flat fee not to exceed \$1,750 per year.

(2) For other improved parcels, the fee shall be a flat fee not to exceed \$550 per year.

Prior law required that the initial election on the question of the imposition of the fee be held at the same time as the 2002 congressional primary election. New law repeals prior law.

Prior law provided that any election to authorize renewal or increase of the fee be held only at the same time as the mayoral primary election.

New law removes prior law and requires that any election to authorize the renewal of the fee be held in accordance with the La. Election Code.

New law requires the governing authority of the city of New Orleans to continue to levy the fee until such time as 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. 18, 2017. However, new law authorizes the board to submit the question of imposition of the fee as provided in new law to the voters prior to the expiration of the fee. Requires the governing authority to begin to levy a parcel fee as provided in new law if the parcel fee has been approved by the voters.

Effective upon signature of governor (June 7, 2023).

(Amends R.S. 33:9091.4(B) and (E)(1) and (3)(c); Repeals R.S. 33:9091.4(E)(3)(b))

Mid-City Security District Fees (ACT 162)

Existing law creates the Mid-City Security District in Orleans Parish as a political subdivision of the state for the purpose of promoting and encouraging security in the area included within the district. Provides for district boundaries. Provides that the district is governed by a seven-member board of commissioners and provides for the district's powers and duties.

Existing law authorizes the governing authority of the city of New Orleans to impose and collect a parcel fee within the district, subject to voter approval. Prior law provided for the amount of the fee as follows:

(1) For each improved residential parcel the fee was a flat fee per parcel of land not to exceed \$250 per year.

(2) For improved residential parcels subject to a special assessment level pursuant to existing constitution (Art. VII, Sec. 18(G)), the fee was a flat fee per parcel of land not to exceed \$150 per year.

(3) For each improved commercial parcel, the fee was a flat fee per parcel of land not to exceed \$375 per year.

Prior law provided that any improved parcel consisting of both commercial and residential uses was considered commercial.

New law provides for the maximum amounts of the annual parcel fee as follows:

(1) For each residential parcel which is unimproved or contains a single-family dwelling, condominium, townhouse, or two-family dwellings, \$250.

(2) For each residential parcel which contains three- or four-family dwellings, \$300.

(3) For each residential parcel which contains five to nine rental units, \$600.

(4) For each residential parcel which contains 10 to 19 rental units, \$1,000.

(5) For each residential parcel which contains 20 to 39 rental units, \$2,000.

(6) For each residential parcel which contains 40 or more rental units, \$4,000.

(7) For unimproved and improved residential parcels subject to a special assessment level pursuant to existing constitution (Art. VII, Section 18(G)), \$150.

(8) For unimproved and improved commercial parcels, \$500.

New law provides that any unimproved or improved parcel used for commercial and

residential purposes is considered commercial if it is comprised of fewer than four residential units and residential if it is comprised of four or more residential units.

New law provides that certain properties that are exempt from ad valorem tax pursuant to existing constitution (Art. VII, Sec. 21) are not exempt from the parcel fee imposed pursuant to new law.

Prior law required that any election to authorize a fee renewal be held at the same time as a regularly scheduled municipal, state, or federal election. New law requires that any election to authorize a fee renewal be held for that purpose in accordance with the La. Election Code.

New law requires the governing authority of the city of New Orleans to continue to levy the fee until such time as 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, 2019. However, new law authorizes the board to submit the question of imposition of the fee as provided in new law to the voters prior to the expiration of the fee. Requires the governing authority to begin to levy a parcel fee as provided in new law if the parcel fee has been approved by the voters.

Effective upon signature of governor (June 7, 2023).

(Amends R.S. 33:9091.14(F)(1), (2)(intro. para.), (3)(c), and (4); Repeals R.S. 33:9091.14(F)(3)(b))

Delachaise Security and Improvement District (ACT 269)

Existing law creates 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 the overall betterment of the district.

Prior law provided for the district's boundaries. New law makes changes to the district's boundaries.

Prior law provided that the district was governed by a seven-member board of commissioners composed as follows:

- (1) The presidents of the Delachaise Neighborhood Assoc. (DNA) and the Milan Neighborhood Assoc. (MNA).
- (2) Two members appointed by the governing board of the DNA.
- (3) Two members appointed by the governing board of the MNA.
- (4) One member appointed by the member of the governing authority of the city of New Orleans who represents Council District B.

New law provides that the district is governed by a five-member board of commissioners composed as follows:

- (1) The president of the 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.

Existing law authorizes the governing authority of the city of New Orleans, subject to voter approval, to impose and collect a parcel fee on each parcel within the district. Provides that if multiple adjacent parcels are combined for the purpose of housing a single family dwelling, the flat fee for the combined parcel must be calculated to be 1.4 times the single parcel fee for two adjacent parcels and 1.6 times the single parcel fee for three or more adjacent parcels.

Prior law provided that the amount of the fee was not to exceed \$300 per parcel per year.

New law provides that the maximum amounts of the fee shall be as follows:

- (1) For each residential parcel which is unimproved or contains a single-family dwelling, \$350.

(2) For each residential parcel which contains two to four dwelling units, \$400.

(3) For each residential parcel which contains five or more dwelling units, \$1,000.

(4) For each unimproved and improved parcel zoned for commercial use, \$500.

Prior law provided that the maximum duration of the fee that could be authorized in a proposition was three years. New law provides that the maximum duration is five years.

New law requires the governing authority of the city of New Orleans to continue to levy the fee until such time as 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. 8, 2022. Requires the governing authority, after expiration of the fee, to begin to levy a parcel fee as provided in new law if the parcel fee has been approved by the voters.

Effective upon signature of governor (June 9, 2023).

(Amends R.S. 33:9091.25(B), (D)(1) and (2), and (F)(1), (2)(d), and (3)(b))

East Baton Rouge Parish University Security District (ACT 175)

New law creates the University Security 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 district boundaries. Provides that the district is governed by a board of commissioners composed as follows:

(1) Four members appointed by the president of La. State University and Agricultural and Mechanical College.

(2) One member appointed by the board of directors of the Northgate Merchants Association.

(3) One member appointed by the board of directors of the Southgate Merchants Association.

(4) One member appointed by the member of the La. House of Representatives whose district encompasses all or the greater number of property owners in the area of the district.

(5) One member appointed by the member of the La. Senate whose district encompasses all or the greater number of property owners in the area of the district.

(6) One member appointed by each councilperson of the East Baton Rouge Metropolitan Council whose district, either wholly or in part, is included in the boundaries of the district.

Requires that all members, except those appointed by the president, own property and reside in the district and be qualified voters of the district.

New law provides relative to the powers and duties of the district.

New law authorizes the district, subject to voter approval, to impose and collect a parcel fee on each improved and unimproved parcel. Further provides that the maximum amounts of the annual fee shall be as follows:

(1) For unimproved parcels zoned residential, \$400.

(2) For unimproved and improved single-family parcels zoned residential, \$400.

(3) For multiple adjacent residential parcels housing a single family dwelling, \$600.

(4) For multifamily parcels zoned residential, \$5,000.

(5) For unimproved and improved parcels zoned commercial, \$5,000.

Provides that the initial fee shall not exceed \$150 per parcel per year.

New law provides that the fee shall expire at the end of the term provided for in the proposition authorizing the fee, not to exceed 15 years. Authorizes the board to increase the fee one time without election not less than three years after initial approval. Provides that the increased fee shall not exceed \$250 per parcel per year, but shall not exceed the maximum amount provided in new law. Authorizes renewal of the fee, subject to voter approval, for a term not to exceed 15 years. Prohibits the imposition of the fee on parcels owned by the East Baton Rouge Parish Housing Authority or its affiliated or subsidiary entities.

New law requires the sheriff of East Baton Rouge Parish to collect the fee in the same manner and at the same time as ad valorem taxes and provides that any unpaid fee must 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. Further requires the sheriff to remit to the district all amounts collected, and authorizes the district to enter into an agreement with the sheriff 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 existing law (R.S. 39:1301 et seq.) and provides that the district shall be subject to audit by the legislative auditor.

New law provides that it is the purpose and intent of new law that the additional law enforcement personnel and their services provided for through the fees authorized by new law shall be supplemental to, and not in lieu of, personnel and services provided in the district by the city-parish. Further provides that if the district ceases to exist, all district funds shall be transmitted to the governing authority of East Baton Rouge Parish and used for law enforcement purposes in the area that comprised the district.

Effective upon signature of governor (June 7, 2023).

(Adds R.S. 33:9097.37)

Victoria Farms Crime Prevention and Improvement District (ACT 197)

New law creates the Victoria Farms 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 Victoria Farms Subdivision. Provides that the district shall be governed by a seven-member board of commissioners composed as follows:

- (1) The president of the Victoria Farms Homeowners Association (association).
- (2) The board of directors of the Victoria Farms Homeowners Association shall appoint one member.
- (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) The mayor-president for the city of Baton Rouge, parish of East Baton Rouge shall appoint one member.

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 shall be in a duly adopted resolution of the board and shall not exceed \$100 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 existing law.

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 it is the purpose and intent of new law that the additional law enforcement personnel and their services provided for through the fees authorized by new law shall be supplemental to, and not in lieu of, personnel and services provided in the district by publicly funded law enforcement agencies.

New law provides that if the district ceases to exist, all district funds shall be transmitted to the city-parish to be used for law enforcement purposes in the area which comprised the district.

Effective August 1, 2023.

(Adds R.S. 33:9097.37)

East Baton Rouge Parish Glen Oaks Area Crime Prevention and Improvement District (ACT 213)

New law creates the Glen Oaks Area 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 Mickens Place Subdivision. Provides that the district will be governed by a seven-member board of commissioners composed as follows:

- (1) The president of the Mickens Place Homeowners Assoc. (association).

(2) The board of directors of the association shall appoint one member.

(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) The mayor-president for the city of Baton Rouge, parish of East Baton Rouge, shall appoint one member.

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 fee shall be imposed by duly adopted resolution of the board not exceed \$100 per parcel 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 existing 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 provides that it is the purpose and intent of new law that the additional law enforcement personnel and their services provided for through the fees authorized by new law 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, 2023.

(Adds R.S. 33:9097.37)

East Baton Rouge Parish Communications District (ACT 189)

Existing law provides that when any communications district is created wholly within a single parish, the parish governing authority creating it may appoint a board of commissioners composed of seven members to govern its affairs and shall fix the domicile of the board at any point within the parish.

New law retains existing law but provides that members of the East Baton Rouge Parish Communications District board may appoint a designee in the event a member of the board cannot attend a meeting.

Effective June 8, 2023.

(Adds R.S. 33:9103(A)(6))

Terrebonne Parish Veterans Memorial District and Regional Military Museum (ACT 192)

Existing law provides that the governing authority of any parish is authorized and empowered, upon its own initiative, to form and create a veterans' memorial district within the parish. However, an incorporated municipality shall only be included within the territory of a veterans' memorial district upon the concurrence by resolution of the governing authority of the municipality in its inclusion and in the boundaries

of the district. The parish governing authority is further authorized to alter the boundaries of any veterans' memorial district; however, no such boundary change shall cause an impairment of the obligations of the veterans' memorial district.

New law retains existing law but provides relative to a board of commissioners of a veterans' memorial district in a parish with a population between 105,000 and 115,000, based on the latest federal decennial census. The board shall have the powers and duties of a veterans' memorial district governing body as provided by law, with its primary purpose to supply in the parish a regional military museum and veterans memorial park, except that approval of the parish council shall first be obtained prior to any of the following actions by the board:

- (1) Adoption of an annual budget.
- (2) Purchase, sale, or encumbrance of immovable property.
- (3) Submission for voter approval of a proposed renewal or increase in ad valorem taxes.
- (4) Any other matter or action as determined by ordinance adopted by the parish council.

New law provides, notwithstanding any other law to the contrary, in a parish with a population between 105,000 and 115,000, based on the latest federal decennial census, the regional military museum foundation shall have the sole power to administer, operate, and maintain the regional military museum.

Effective June 8, 2023.

(Adds R.S. 33:9352(D) and (E))

TITLE 34: NAVIGATION AND SHIPPING

Vinton Harbor and Terminal District Per Diems (ACT 31)

Prior law provided for a per diem of \$70.00 for commissioners and \$250.00 for the president of

the Vinton Harbor and Terminal District for each day of attendance at meetings of the commission or on business of the commission authorized by the board, not to exceed 12 days in any calendar year.

New law increases the per diem for commissioners from \$70.00 to a maximum of \$140.00 for commissioners.

New law increases the per diem from \$250.00 to a maximum of \$1,000.00 for the president.

New law makes technical changes.

Effective August 1, 2023.

(Amends R.S. 34:334.12)

Hull Identification Numbers (ACT 356)

Prior law required the Dept. of Wildlife and Fisheries to provide hull identification numbers to vessels that do not qualify for assignment of U.S. Coast Guard hull identification numbers, including vessels that are homemade, vessels that have been substantially altered, vessels with obliterated or incorrect identification numbers, and vessels manufactured for sale within the state.

New law removes the requirement to issue hull identification numbers for vessels manufactured for sale in the state that do not meet U.S. Coast Guard vessel manufacturing specifications.

Effective August 1, 2023.

(Amends R.S. 34:852.3(A)(intro. para.) and 852.13(A) and (B))

Night Navigation of Personal Watercraft (ACT 136)

Prior law prohibited the operation of a watercraft at any time between sunset and sunrise.

New law adds an exception that allows the use of personal watercraft for night navigation with properly approved navigation lights.

Effective August 1, 2023.

(Amends R.S. 34:855.3(C))

Iberia and Vermillion Parishes Port and Harbor Police (ACT 441)

New law specifies that a port district board for parishes which have a population of 68,000 to 73,000 and 57,000 to 57,400, respectively as determined by the latest federal decennial census may appoint, fix salaries of, and pay port and harbor police. Additionally, provides requirements of appointees.

New law requires appointees furnish a bond upon which suit may be brought for injury or for failure of appointee to faithfully perform his duties.

New law enables port and harbor police who have completed a course certified by the Council on Peace Officer Standards and Training to perform law enforcement duties commensurate with powers of sheriffs.

New law provides for arrestees of the port and harbor police to be delivered to the sheriff of the parish in which it occurs, and provides that such authority not deprive law enforcement from a parish with a population of 68,000 to 73,000 and 57,000 to 57,400 according to the latest federal decennial census from performing their duties.

New law allows for the commission to make rules and regulations relative to the port and harbor police and provides for modifications to the rules and regulations.

Effective June 28, 2023.

(Adds R.S. 34:1603.2)

South Tangipahoa Parish Port Commission (ACT 131)

Existing law created the South Tangipahoa Parish Port Commission.

Existing law specifies the commission is composed of seven members.

Existing law provides the requirements for the governor to appoint the successor of each member whose term expires or the creation of a vacancy in the seat of such member, subject to Senate confirmation.

Prior law required that the governor appoint one member from a list of three nominees submitted by the Hammond Chamber of Commerce.

New law changes the name of the nominating body from the Hammond Chamber of Commerce to the Tangipahoa Chamber of Commerce.

Effective August 1, 2023.

(Amends R.S. 34:1951(B)(2)(e))

Contracting Authority of Executive Director (ACT 102)

Prior law allows the executive director to contract for legal, financial, engineering, and other professional services up to \$25,000 without approval by the commission. New law changes the amount the executive director can contract with commission approval from \$25,000 to the amount allowed by the commission bylaws.

Prior law allows contracts for more than one year, or any contract when the contract is less than \$25,000, except contracts for employment of unclassified personnel, entered into by the executive director in the discharge of his official duties without approval by the commission. New law changes the amount the executive director can contract without commission approval from \$25,000 to the amount allowed by the commission bylaws.

Prior law allows purchases less than \$25,000 by the executive director without approval of the commission. New law changes the amount the executive director can purchase without commission approval from \$25,000 to the amount allowed by the commission bylaws.

Effective August 1, 2023.

(Amends R.S. 34:2473(B)(3) and (F)(1) and (2))

Cane River Waterway District (ACT 37)

Existing law provides for the following powers and authority of the district:

(1) To sue and be sued, and as such to stand in judgment.

(2) To adopt, use, and alter at will a corporate seal.

(3) To acquire by purchase, donation, 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 commission; to sell, lease, transfer, and convey any property or interest therein at any time acquired by it; and to donate by fee simple title, or otherwise convey, to the United States any lands, property, movable and immovable, rights-of-way, easements, or servitudes, or any of them, which the commission may own or acquire by purchase, donation, or otherwise, for use in connection with the construction, improvement, and maintenance of the waterway.

(4) After a public hearing, held after not less than 30 days notice printed in the official journal, to lease any portion of its lands and property except the waterway to any person, firm, partnership, association, or corporation, public or private, such leases to run for a term not exceeding 50 years.

(5) To bear the expense, in whole or part, of the relocation, construction and maintenance of public ways within the lands acquired by the commission.

(6) To effectuate and maintain proper depths of water to accommodate the business of the commission, and to regulate the use of water from the waterway.

(7) To make and collect reasonable charges for the use of all structures, works, locks, wharves, anchorages, and special facilities constructed and administered by the commission, and for any and all services rendered by it, but not for the general right of passage in the waterway,

and to regulate reasonably the fees and charges to be made by privately owned wharves, docks, warehouses, elevators, and other facilities located on property owned by the commission or located within the right-of-way of the waterway when the same are offered for the use of the public.

(8) For capital outlay, including the cost of acquisition of rights-of-way and compensation for such severance and other collateral damages necessarily incurred in connection with such acquisition, and for maintenance and operation of the waterway, to levy an annual tax in an amount not exceeding in any one year six mills on the dollar of the assessed valuation of all taxable property lying within the district.

(9) (a) To incur nonfunded debt not to exceed in the aggregate the net of the unpledged estimated alimony revenue for the current year.

(b) To issue certificates of indebtedness due not more than one year after date and as security therefor pledge not to exceed 75% of the estimated alimony tax revenue for the current year.

(c) To fund into bonds of the commission from time to time, in such principal amount as may be necessary for the accomplishment of the capital outlay purposes required, all or any portion of the five mills capital outlay tax hereinabove provided for, and to prescribe the conditions and details of such bonds.

(10) To enter upon any lands, waters, and premises in the state for the purpose of making surveys, soundings, drillings, examinations, and appraisals, as it may deem necessary or convenient for the purposes of present law, and such entry shall not be deemed a trespass nor shall such entry for such purpose be deemed an entry under any expropriation proceedings which may be pending, provided that five days registered notice in the case of resident owners and fifteen days registered notice in the case of nonresident owners be given to the owner of record of such lands, waters, or premises as reflected by the parish assessment rolls, which notice shall be mailed to the last known address of said owner,

as shown on said assessment records. The commission shall make reimbursement for any actual damages resulting to such lands, waters, or premises as a result of such activities.

(11) To reimburse the United States for any money spent by it in the acquisition of any lands, property, servitudes, easements, or rights-of-way for use in connection with the construction, improvement, or maintenance of the waterway.

(12) To acquire by purchase or donation, but not by expropriation, and thereafter donate or otherwise convey to the United States any lands, servitudes, or rights-of-way required by the United States Army, Corps of Engineers for the construction of public recreation sites along the waterway. The commission shall have no authority under present law to expropriate property for recreational purposes.

(13) Notwithstanding any provision of law to the contrary, to otherwise regulate and be the regulatory authority of the Cane River Waterway and its use.

New law retains existing law and adds the additional authority to maintain public roads that are in the road maintenance system of Natchitoches Parish, and provide access to properties that have frontage on Cane River Lake.

Effective August 1, 2023.

(Adds R.S. 34:3269(14))

Southeast Louisiana Port Authority Advisory Commission (ACT 461)

New law creates the Southeast Louisiana Port Authority Advisory Commission.

New law provides for the purpose of the commission and identifies the ports the commission represents which are located along and near the lower Mississippi River.

New law provides for duties and responsibilities of the commission including preparing a maritime port mission plan, developing a one, five, and ten-year plan, reviewing each project

eligible to be funded under the port construction and development priority program and making recommendations to the legislature.

New law provides for the composition of board of commissioners, compensation of the commission, meetings, and quorum requirements.

Effective August 1, 2023.

(Adds R.S. 34:5210-5215)

TITLE 35: NOTARIES PUBLIC AND COMMISSIONERS

TITLE 36: ORGANIZATION OF THE EXECUTIVE BRANCH

Port Development Office and Advisory Commission (ACT 459)

Existing law provides that the Department of Economic Development (LED), shall be responsible for fostering the growth of industry and other commercial enterprises in this state that will contribute to the overall improvement of the economy of the state. Provides that LED shall promote the advantages of this state to out-of-state business and industry, facilitate the expansion of existing enterprises, and coordinate with other state agencies and units of local government plans and programs aimed at developing optimum conditions for new and expanding industrial and commercial enterprises in this state.

New law retains existing law and adds that LED shall foster the growth of ports and promote the advantages of port development.

Existing law provides that LED shall be composed of the executive office of the secretary, the office of management and finance, the office of business development, and such other offices as shall be created by law.

New law retains existing law and creates the office of port development and provides for its functions.

New law provides for a commissioner of the office, who shall be appointed by the governor, subject to Senate confirmation, and serve at the pleasure of the governor.

New law creates the Port Development Advisory Commission within the office of port development.

New law provides for the membership of the commission.

New law provides that the commission shall meet and develop an operational plan for the 2024 Regular Session of the Legislature for the following:

- (1) An allocation of the department employees, equipment, facilities, and funding the commission finds necessary to carry out the functions conferred upon the office of port development to become effective on July 1, 2024.
- (2) The organizational structure of the office of port development.
- (3) Proposed legislation for the 2024 R.S. necessary to implement the operational plan on July 1, 2024.

New law provides the operational plan of the commission shall be presented to the Senate Committee on Commerce, Consumer Protection and International Affairs and the House Committee on Commerce, meeting jointly, for their review, amendment, and approval no later than February 1, 2024.

New law provides for a quorum, the election of a chairman, and that members shall serve without compensation, except per diem or expenses reimbursement for certain members.

New law provides that DEA LED and Senate Legislative Services shall provide staff support for the commission and after July 1, 2024, the

commission shall continue to exist in an advisory capacity to the commissioner.

Effective as follows:

(1) Provisions relative to the Port Development Advisory Commission effective on June 28, 2023.

(2) All other provisions shall be effective upon appropriation of monies by the legislature on July 1, 2024, whichever is later.

(Amends R.S. 36: 101 (B) and (C)(1) and 107; adds R.S. 36:108(C) and (D) and R.S. 51:2701)

Advertising on Properties of the Dept. of Culture, Recreation and Tourism (ACT 117)

New law authorizes the secretary of the Dept. of Culture, Recreation and Tourism to enter sponsorship agreements and to authorize the placement of advertising and sponsorship signs on department property and assets.

New law prohibits such agreements until the secretary promulgates rules that specify the following:

(1) Types of businesses with which sponsorship agreements are authorized and those with which sponsorship agreements are prohibited.

(2) The size, types, and placement of advertisements and sponsorship signs.

New law requires the department to submit an annual report to the legislature and specified legislative committees summarizing each sponsorship agreement in effect.

Effective August 1, 2023.

(Adds R.S. 36:204(B)(11))

TITLE 37: PROFESSIONS AND OCCUPATIONS

Licensure by Endorsement of RNs and ARPNs (ACT 4)

Existing law permits the La. State Board of Nursing to issue a license to practice as a registered nurse (RN) or an advanced practice registered nurse (APRN) to an applicant who is licensed as an RN in another state if the applicant satisfies the requirements for licensure in this state and holds a current license issued from the jurisdiction of his last employment.

New law repeals the requirement that an applicant for licensure by endorsement hold a current license issued from the jurisdiction of his last employment.

Effective upon signature of governor (May 23, 2023).

(Repeals R.S. 37:920(B)(1)(b))

Practical Nurse Licensure and Nurse Aide Registration (ACT 80)

Existing law provides for the requirements to be licensed as a practical nurse.

Prior law provided that an applicant for licensure as a practical nurse shall have successfully completed a course in an accredited school for the training of practical nurses.

New law requires an applicant for licensure as a practical nurse to successfully complete either an education program for practical nurses approved by the La. State Board of Practical Nurse Examiners or an education program for registered nurses approved by the La. State Board of Nursing.

Existing law requires certified nurse aides employed or contracted by a nursing facility to provide nursing assistant services to the residents of a nursing facility be registered with the La. Certified Nurse Aide Registry maintained by the La. Dept. of Health (LDH).

New law allows an individual who successfully completes one semester of a registered or practical nursing education program that includes a course on foundational nursing skills to apply and, if otherwise eligible, take a nurse aide competency evaluation examination approved by LDH.

New law further provides that an individual who successfully passes an approved nurse aide competency evaluation examination may register with the La. Certified Nurse Aide Registry and shall not be required to complete a nurse aide training program.

Effective August 1, 2023.

(Amends R.S. 37:970(3); Adds R.S. 40:2120.52(C))

Optometry Board and Education Requirements (ACT 194)

Prior law provided for the La. State Board of Optometry Examiners (board) to be comprised of five actively licensed optometrists and one consumer member. New law adds one additional member who will be an actively licensed minority optometrist.

Prior law provided that one licensed optometrist member was to be appointed by the governor from each of the five board districts. Prior law further provided for the nomination and appointment process. New law provides that the minority licensed optometrist member shall be selected from the state at large and appointed by the governor. New law further provides that any person interested in serving in this position may apply directly to the office of the governor.

Prior law provided that the consumer member was to be selected from the state at large and appointed by the governor. New law specifies that the consumer member shall be a representative of minority consumers.

Prior law required an applicant for renewal of a license to complete 12 hours of continuing education. New law increases the continuing education requirement to 16 hours if the licensee

is authorized to diagnose and treat pathology and to use and prescribe therapeutic pharmaceutical agents.

Prior law required the continuing education to pertain to the subjects required for licensing pursuant to prior law or subjects pertaining to current visual and healthcare practices applicable to the practice of optometry. New law provides that half of the required hours of continuing education for all licensees shall pertain to ocular and systemic pharmacology and current diagnosis and treatment of ocular disease and shall be obtained through an in-person classroom setting. New law further provides that no licensee shall obtain more than six hours from online education sources.

New law requires the continuing education to be obtained, whether in-person or online, through any continuing education program that is one of the following:

- (1) Offered by a nationally recognized optometric association.
- (2) Offered by a state affiliate of a nationally recognized optometric association or a regional council composed of state affiliates of a nationally recognized optometric association.
- (3) Offered by a school or college of optometry accredited by the American Optometric Association Accreditation Council on Optometric Education.
- (4) Accredited by a nationally recognized organization.

Effective August 1, 2023.

(Amends R.S. 37:1042(A), (B)(1), and (D)(1) and 1056(2))

Phlebotomy (ACT 369)

Existing law exempts a phlebotomist or an individual acting as a phlebotomist from certification requirements if he is employed by a licensed physician, clinic, hospital, nursing home, or licensed healthcare facility.

New law retains existing law and provides that a phlebotomist or an individual acting as a phlebotomist is not required to be certified as a phlebotomist if employed by a testing location or laboratory licensed or certified under the Clinical Laboratory Improvement Amendments of 1988 and the facility provides at least five days of phlebotomist training and two weeks of on-the-job training.

New law removes provisions with effective dates or deadlines in prior law that occurred before Jan. 1, 2000.

Effective August 1, 2023.

(Amends R.S. 37:1313(D) and 1318(A); Repeals R.S. 37:1315(A)(1))

State Plumbing Board (ACT 152)

Existing law creates the State Plumbing Board of Louisiana (board) to consist of nine members as follows:

- (1) One registered engineer.
- (2) One plumbing inspector.
- (3) Three master plumbers.
- (4) Three journeyman plumbers.
- (5) One tradesman plumber.

New law retains existing law, renames the "Louisiana State Board of Health" to the "Louisiana Department of Health", and requires its appointees to be licensed by the board.

Existing law requires the board to adopt tests of qualifications to be possessed by for any person engaged in the duties of a tradesman or master plumber.

New law retains existing law and removes the board's option to accept an affidavit from an individual certifying his work experience in the field of plumbing.

Existing law prohibits a natural person from engaging in the work of a journeyman plumber unless he possesses a license or renewal thereof issued by the board.

Prior law allowed a journeyman plumber to engage in the art of plumbing when he is under the supervision of a licensed master plumber.

New law permits a journeyman plumber to engage in the art of plumbing when he is under the employment of a licensed master plumber.

New law provides that a journeyman plumber that repaired plumbing without the supervision of a master plumber prior to January 1, 2024, may continue to operate in such a manner for a period of five years, and shall within that five-year period pass the master plumber examination to obtain a master plumber license.

Existing law permits apprentices to engage in the art of plumbing but requires the apprentice to be under the direct, constant on-the-job supervision of a licensed journeyman plumber. Existing law also defines "direct, constant on-the-job supervision". New law retains existing law.

Existing law provides that in order to obtain a tradesman plumber limited license, a person must work at least 4,000 hours at the manual labor of plumbing under the direct, constant on-the-job supervision of a licensed journeyman or master plumber.

New law retains existing law and clarifies that the 4,000 hour requirement applies to unindentured apprentices. New law adds that indentured apprentices must complete at least 3,000 hours at the manual labor of plumbing under the direct, constant on-the-job supervision of a licensed journeyman or master plumber to obtain a tradesman plumber limited license.

New law defines "apprentice gas fitter".

Existing law provides that no master plumber license will be issued, renewed, or revived until the applicant has provided proof acceptable to the board that insurance has been issued to the

employing entity by an insurer authorized to do business in this state.

New law retains existing law and makes existing law applicable to master natural gas fitter licenses.

Existing law authorizes the board to require master plumbers and master natural gas fitters to provide proof of comprehensive general liability and property damage insurance before issuing, renewing, or reviving an applicant's license.

New law retains existing law and raises the minimum aggregate amount of comprehensive general liability and property damage insurance from \$100,000 to \$500,000.

Effective August 1, 2023.

(Amends R.S. 37:1361(B) (intro para) and (B)(1), 1366(C), 1367(A)(2), 1368(A)(1)(b), 1377(C), and 1380(A) and (B)(3))

Home Inspectors (ACT 338)

Existing law requires the La. Bureau of Criminal Identification and Information (bureau) to make available upon request any information contained in the criminal history record and identification files of the bureau to certain groups.

New law retains existing law and includes that the La. State Board of Home Inspectors (board) may request criminal history records from the bureau.

Prior law prohibits home inspectors from advertising to perform or providing repairs on a home from the time of the home inspection until the date of sale.

New law prohibits for one year after a home inspection a home inspector or any company or firm with which the home inspector is an employee, owner, or independent contractor from soliciting to repair, replace, or upgrade, or repairing, replacing, or upgrading for compensation any system or component of a home that was the subject of the home inspector's report and cited as deficient, in need of repair or replacement, or unsafe.

Effective August 1, 2023.

(Amends R.S. 15:587(A)(1)(a) and R.S. 37:1478(B))

Secondhand Dealers and Scrap Metal Recyclers (ACT 151)

Existing law provides for the licensure and regulation of secondhand dealers and scrap metal recyclers.

Prior law provided that any licensed secondhand dealer who violates, neglects, or refuses to comply with any provision of existing law shall be fined not less than \$250 nor more than \$500 or be imprisoned for not less than 30 days nor more than 60 days, or both.

New law increases the penalties to a fine not more than \$2,500, nor more than \$5,000 or imprisonment for not less than 30 days nor more than 60 days, or both.

Existing law provides that for a second offense a licensed secondhand dealer's occupational license shall be suspended for a 30-day period and for his third offense his license shall be revoked and he shall not be permitted to engage in the business of secondhand dealer in the state.

New law retains present law and increases the penalty for any secondhand dealer who violates, neglects, or refuses to comply with existing law with a fine not less than \$2,500 nor more than \$5,000, or imprisonment with or without hard labor for not less than two years nor more than five years, or both, and provides for the revocation of the occupational license.

Prior law provided that anyone acting as an unlicensed secondhand dealer without complying with the provisions of existing law shall be fined not less than \$250 or be imprisoned for not less than 30 days nor more than 60 days, or both.

Prior law provided that for a second offense, the offender shall be fined not more than \$2,000 or be imprisoned with or without hard labor for not more than two years, or both and provided that for a third or subsequent offense, the offender

shall be fined not more than \$10,000 or be imprisoned with or without hard labor for not more than five years, or both.

New law increases the penalty for anyone acting as an unlicensed secondhand dealer without complying with the provisions of existing law as follows:

(1) For a first offense, a fine not less than \$2,500, nor more than \$5,000, or imprisonment with or without hard labor for not more than two years, or both.

(2) For a second offense, a fine not less than \$2,500, nor more than \$5,000, or imprisonment with or without hard labor for not less than two years nor more than five years, or both.

(3) For a third or subsequent offense, a fine not less than \$5,000, nor more than \$10,000, or imprisonment with or without hard labor for not less than five years nor more than 10 years, or both.

Prior law provided that any licensed scrap metal recycler who violates, neglects, or refuses to comply with any provision of existing law shall be fined not less than \$1,000, nor more than \$10,000, or be imprisoned for not less than 30 days nor more than 60 days, or both.

New law provides that the penalty shall be a fine of not less than \$2,500, nor more than \$10,000, or imprisonment for not less than 30 days nor more than 60 days, or both.

Prior law provided that anyone acting as an unlicensed scrap metal recycler without complying with the provisions of existing law shall be fined not less than \$1,000, or be imprisoned not less than 30 days, or both.

New law provides that the penalty shall be a fine of not less than \$2,500, nor more than \$5,000, imprisonment not less than 30 days nor more than 60 days, or both.

Effective August 1, 2023.

(Amends R.S. 37:1869(A) and (B), 1870, 1974(A), and 1975) (A))

Catalytic Converter Transfers (ACT 373)

New law changes in prior law the following:

(1) "Catalytic Converter Purchasers" to "Catalytic Converter Transfers".

(2) "Louisiana Catalytic Converter Sales Law" to "Louisiana Catalytic Converter Transfer Law".

(3) "Catalytic converter purchaser" to "catalytic converter dealer".

(4) "Catalytic converter business license" to "catalytic converter dealer license".

Prior law provided that a licensed person may buy detached catalytic converters.

New law provides that a licensed person may purchase or sell used or detached catalytic converters.

Existing law defines "person".

New law expands the definition of "person" to include a natural person, juridical person, firm, association, trust, and transient merchant.

Existing law requires a person to be licensed in order to sell or purchase catalytic converters.

New law requires a person to also have either an occupational license if it is required in the jurisdiction where the business is located or a transient merchant license.

New law provides that the La. Used Motor Vehicle Commission (commission) may deny an application for licensure for certain reasons.

New law provides that the commission may revoke or suspend a license, issue a fine or penalty, or enjoin a catalytic converter dealer under certain circumstances.

New law provides that the commission is required to notify each license applicant of the action or application decision taken by the commission.

New law provides that the commission shall hold a review of an application denial if an applicant properly requests a hearing in writing and in a reasonable time. New law further provides procedures for notices issued by the commission and hearings held by the commission.

New law provides for appeal procedures for applicants or licensees upon denial, revocation, or suspension of a license.

New law authorizes the commission to institute injunctive actions or impose civil penalties for certain violations.

New law provides that a business location of a catalytic converter dealer is considered abandoned under certain circumstances. New law further provides that the license of the dealer may be revoked without a hearing if a request for a hearing is not made in a timely manner as provided in new law.

Prior law provided an exemption for a person who is in possession of one used catalytic converter if the person has documentation indicating how the catalytic converter was acquired.

New law provides that a person is exempt if the person owns the vehicle from which the used catalytic converter was detached.

Existing law requires an unlicensed person to provide certain documentation if the person is in possession of a catalytic converter.

New law adds that the person must also provide the year, make, model, and VIN of the vehicle from which the catalytic converter was detached.

Existing law provides certain criminal penalties for an unlicensed catalytic converter purchaser. Existing law further provides that the amount of the fee and duration of the imprisonment increases with each subsequent violation, and

each catalytic converter purchased in violation of existing law constitutes a separate violation.

New law adds that a catalytic converter seller or anyone who provides false information or documentation in violation of both new law and existing law will be subject to criminal penalty.

Effective August 1, 2023.

(Amends R.S. 37:1891, 1892(2) and (4), 1893(A), (B), (C)(1) and (4)(a), (d), and (e), and (E), 1894(2), 1895(A)(intro. para.) and (C), and 1896(A) and (D); Adds R.S. 37:1893.11893.6 and 1895(A)(7))

Assignment of Insurance Policy Rights to Home Improvement Contractors (ACT 104)

Existing law provides that a home improvement contractor is prohibited from accepting any assignment of any rights, benefits, proceeds, or causes of action of an insured under a property insurance policy prior to completing the work. Existing law provides that the assignment of any right, benefits, proceeds, or causes of action shall be limited to the scope of work and fees provided in the contract.

New law retains existing law and provides that the insured shall approve of the payments in writing that are made by the property insurer to the home improvement contractor pursuant to an assignment of any rights, benefits, proceeds, or causes of action.

Effective August 1, 2023.

(Amends R.S. 37:2159.1(7)(a))

Hearing Aid Dealer Regulation (ACT 34)

Existing law establishes the La. Board for Hearing Aid Dealers (board) within the La. Department of Health and provides that the board is composed of nine members. Existing law further provides that seven members shall be hearing aid dealers and the eighth is the state health officer or his representative.

Prior law provided that the ninth member shall be 60 years of age or over and shall serve as a representative of the elderly consumers of Louisiana. New law lowers the required minimum age to 50 years of age and provides that the member shall serve as a representative of hearing aid consumers in Louisiana.

Prior law required any person who owns, maintains, or operates an office or place of business in which the person employs or engages under contract a person who practices the selling and fitting of hearing aids to be licensed by the board. Prior law further required each partner of a partnership engaging in the practice of selling and fitting of hearing aids or the chief executive officer of a corporation or legal entity engaging in the practice of selling and fitting of hearing aids to be licensed. New law repeals prior law.

Existing law requires all businesses regulated by the board to annually file the following:

- (1) A list of all licensed hearing aid dealers directly or indirectly employed by the business.
- (2) A statement on a form approved by the board that the business submits itself to the rules and regulations of the board and the provisions of existing law.

Prior law further required a business to register with the board its intention to engage in the selling and fitting of hearing aids or accessories prior to the business selling or offering for sale hearing aids or accessories. New law retains prior law but makes technical changes.

Prior law authorized the board to revoke the registration of an organization for committing any of the acts listed as causes for revocation or suspension in prior law. New law retains prior law but makes technical changes.

Effective August 1, 2023.

(Amends R.S. 37:2455(B)(1) and 2455(B)(5)(a)(intro para) and (5)(b) and 2465)

La. Board of Chiropractic Examiners (ACT 280)

Existing law creates the La. Board of Chiropractic Examiners (board) and provides for the composition of the board.

New law provides that the term of a member of the board shall be four years from the date of appointment.

Prior law required the board to notify an applicant for licensure whether his application was accepted or rejected after investigation of the application, but not less than 30 days prior to applicant's licensing exam.

New law repeals prior law and requires the board to provide notice within 10 business days of a determination of acceptance or rejection.

New law provides that notice of acceptance or rejection may be sent via U.S. Postal Service, commercial carrier, email, or facsimile.

Effective August 1, 2023.

(Amends R.S. 37:2805(C); Adds R.S. 37:2802(A)(4))

Occupational Therapy (Interstate) Licensure Compact (ACT 263)

Existing law provides that a person who wishes to practice occupational therapy in Louisiana must meet certain minimum qualifications for state licensure.

New law enacts the Occupational Therapy Licensure Compact. New law allows Louisiana to join a multi-state compact for occupational therapists and occupational therapy assistants to obtain multi-state license privileges to practice in participating compact states to enhance the portability of an occupational therapist or occupational therapy assistant license and ensure the safety of patients.

New law provides for each participating state in the compact to adopt similar requirements for expedited licensure, including satisfaction of

criminal background checks, licensure, and education. New law requires all participating states to verify licensure information through a coordinated information system and exchange information regarding discipline and adverse actions. New law provides that the occupational therapy regulatory board in the state where the patient is located shall regulate the occupational therapist or occupational therapy assistant in that state.

New law establishes the Occupational Therapy Compact Commission and grants each participating state one delegate on the commission chosen from the current members of the state licensing board or the administrators of the state licensing board. New law provides for the powers, duties, financial authority, organization, and rulemaking functions of the commission. New law authorizes the commission to levy and collect an annual assessment from each member state. New law authorizes the commission to initiate legal action in federal court in the District of Columbia or where the commission has its principal offices to enforce the compact's provisions.

New law provides for oversight, enforcement, dispute resolution, and withdrawal from the compact. New law further provides for construction and severability.

Effective January 1, 2024.

(Amends R.S. 37:3001; adds R.S. 37:3021)

La. State Board of Private Security Examiners Background Checks (ACT 13)

Prior law provided that the La. State Board of Private Security Examiners (board) is entitled to the criminal history record and identification files of the La. Bureau of Criminal Identification and Information (bureau) on those persons seeking to be licensed as private security guards. Prior law required a fee of \$26 to be charged to furnish the records.

New law broadens the application of prior law to include those seeking to register with the board. New law also repeals the \$26 fee.

New law defines certain terms.

New law authorizes the board to request and obtain state and national criminal history record information from the bureau and the FBI for any person who is licensed or registered or who is applying to be licensed or registered as a private security business, instructor, or officer.

New law limits the use of fingerprints for the purpose of determining the licensure or registration eligibility of each applicant and for conducting directly related matters in accordance with applicable law.

New law provides that the costs of providing fingerprints and other identifying information shall be charged by the bureau, as specified in new law, and that any or all costs or fees for the provision of the information to the board may be imposed on the applicant.

New law provides that the board may require any of the following to determine the licensure or registration eligibility of an applicant:

- (1) Submission of a complete set of fingerprints.
- (2) Authorization for the board to request and obtain state and national criminal history records.
- (3) Payment of the administrative costs relating to the processing of applicant fingerprints.

New law provides that the board shall utilize a form provided by the bureau to be completed by each applicant prior to any fingerprint submission.

New law provides that the criminal history record information shall be confidential and used exclusively by the board to evaluate the applicant's eligibility or disqualification. New law further provides that the board shall not release criminal history record information to any person or agency without written consent of the applicant unless the release is court ordered.

New law is added to the enumerated list of public records exceptions in existing law (R.S. 44:4.1(B)(23)).

Effective Oct. 1, 2023.

(Amends R.S. 15:587 and R.S. 44:4.1(B)(23); Adds R.S. 37:3276.2)

La. Community Health Worker Workforce Board (ACT 182)

New law establishes the Louisiana Community Health Worker Workforce board within the La. Dept. of Health (LDH).

New law provides for definitions, which includes defining "community health worker" as an individual who serves as a liaison for community members to facilitate access to health and social services and to improve quality and cultural competence of service delivery through outreach, education, support, and advocacy. New law further provides that the term "community health worker" as used in new law does not include an individual who provides clinical services.

New law requires the board to consist of 11 members as follows:

- (1) The director of the Community Health Worker Institute at La. State University Health Sciences Center at New Orleans or his designee.
- (2) A member of the board of directors of the La. Public Health Institute or his designee.
- (3) The secretary of LDH or his designee.
- (4) The Medicaid executive director in this state or his designee.
- (5) The chair of the La. Community Health Outreach Network or his designee.
- (6) Six community health workers representing community-based organizations.

New law requires such members to be appointed by the governor from a list of community health workers recommended by the 10 human services

districts and authorities provided in existing law and developed in consultation with the Louisiana Community Health Outreach Network. New law further requires such community health workers to represent all areas of the state, including rural areas.

New law requires the board to meet twice a year and further requires members of the board to serve without compensation.

New law requires the La. State University Health Science Center, Center for Healthcare Value and Equity, to provide staffing for the board.

New law further requires the board to develop all of the following:

- (1) A recommended program to enhance employer readiness in hiring community health workers.
- (2) Recommendations for core skills, roles, and competencies for community health workers in Louisiana.
- (3) Recommended standards and requirements for community health worker education and training programs, including recommended standards for community health worker educators.
- (4) Recommendations for sustainable methods of financing for community health worker services.

New law provides that the board may do all of the following:

- (1) Review community health worker training programs.
- (2) Make recommendations to community health worker training programs.
- (3) Track employment of community health workers in La. from information provided voluntarily to the board by entities such as employers or community-based organizations.

New law authorizes LDH, in consultation with the board, to adopt rules pursuant to the Administrative Procedure Act to implement core skills, roles, and competencies for community health workers; to implement standards and requirements for community health worker education and training programs; and to implement standards for community health worker education.

New law provides that the board shall terminate operations on Dec. 31, 2028.

New law requires the board to elect a chair at its first meeting.

Effective August 1, 2023.

(Adds R.S. 36:259(B)(19) and R.S. 37:3721-3726)

TITLE 38: PUBLIC CONTRACTS, WORKS AND IMPROVEMENTS

Red River, Atchafalaya, and Bayou Boeuf Levee District (ACT 372)

Existing law provides relative to the board of commissioners for the Red River, Atchafalaya, and Bayou Boeuf Levee District and prior law provided for the governor to appoint a three-member board of commissioners consisting of one member from each parish embraced by the district.

New law modifies existing law by requiring, effective Aug. 1, 2024, the governor appoint, subject to Senate confirmation, a five-member board of commissioners as follows:

(1) Two members nominated by the members of the legislative delegation representing Rapides Parish.

(2) One member nominated by the members of the legislative delegation representing Avoyelles Parish.

(3) One member nominated by the members of the legislative delegation representing St. Landry Parish.

(4) One at-large member, from Rapides Parish, nominated by the La. Farm Bureau Federation.

New law further requires that at least one member from the Rapides parish be a minority.

New law requires that each board member be a U.S. citizen, a resident within the district of the parish for at least one year prior to confirmation, and remain a resident for the duration of their term of office. Further requires each board member be of good character and possess experience that will be useful to the board.

New law specifies that any vacancy on the board that occurs prior to the end of a term must be filled for the remainder of the unexpired term in the same manner as the predecessor appointee was selected within 30 days after the president received notice of the vacancy. Specifies that the board must appoint an interim successor until the position is lawfully filled if the vacancy is not filled within the required 30 day period.

New law requires approval of board actions by an affirmative vote of a majority of the members of that board present and voting. However, new law requires the following actions be approved by a majority of the total board membership:

(1) Adoption of bylaws and other rules and regulations for conduct of the levee district's business.

(2) Adoption of motion or resolution.

(3) Hiring or firing of an executive director.

(4) Incurring debt.

(5) Levy of taxes.

(6) Adoption or amendment of the budget.

(7) Sale, lease, encumbrance, or alienation of real property or any developments or improvements of property.

(8) Appointment of interim members.

New law requires, effective June 1, 2024, the president and vice president rotate every year with the selection coming from commissioners appointed from the parishes of Avoyelles, Rapides, and St. Landry.

New law specifies that if the president is absent, demonstrates an inability, or simply fails to act within his one-year term as president that his position will be filled by the other member selected from the same parish in order to complete the remainder of that term of the office of the president.

New law specifies that the governing authority of the Red River, Atchafalaya, and Bayou Boeuf Levee District is the board of commissioners.

New law specifies that the mission of the district is to protect and provide maintenance for the levees in St. Landry, Avoyelles, and Rapides Parishes.

New law specifies that board members are governed by the Code of Governmental Ethics.

New law lists as grounds for removal the violation of the Ethics Code and the failure to act with a fiduciary duty of loyalty and care.

New law specifies that employees of the district are not to be employees of the board or its members. Additionally, prohibits individual members from directing, instructing, supervising, or otherwise managing employees under the direction and supervision of the executive director.

New law provides that the executive director has the following responsibilities:

(1) Carrying out the policies of the board.

(2) Administration of such policies and projects of the board as directed and delegated by the president.

(3) Supervision of all of the daily operations of the levee district and to make recommendations to the president regarding the efficient and effective operation of the levee district.

(4) Provision of all applicable notice of all meetings of the board and committees, and all other applicable notice required by law or rule.

(5) Preparation of agendas, in connection with the board secretary, for regular and special meetings of the board.

(6) Preparation of annual and interim operating budgets and provision of reports to the board on the status of operational expenditures.

(7) Promotion and coordination of all safety training programs for board staff, including overseeing the safe operation of all district equipment and facilities.

(8) Preparation and update of the emergency procedures manual required by present law.

(9) Review of permit requests and the issuance of such permits that meet applicable criteria, provided the executive director submits permit requests for board approval that he deems merits the board's attention or that received a negative response from either the U.S. Army Corps of Engineers or the Dept. of Transportation and Development.

(a) To act as the board's liaison with other governmental agencies with respect to day-to-day operations of the district.

(b) Performance of such additional duties as directed by the president or the board, within the scope of his responsibility.

New law specifies that the proper place for oversight and monitoring is at board meetings. New law further prohibits board members from

interfering in the daily operations or duties of the executive director.

New law prohibits board members from using, occupying, obligating, or donating resources, funds, equipment, or labor of the district for uses inconsistent with the Code of Governmental Ethics or inconsistent with the mission of the district.

New law establishes training requirements for each board member that are to be received at the beginning of a term. Specifies that these training requirements include at least three hours of training and instruction annually on the laws of this state governing powers, duties, and responsibilities of levee board commissioners, the bylaws of the board of commissioners of the district, and in environmental science, particularly flood protection.

Terminates the terms of existing commissioners of the Red River, Atchafalaya, and Bayou Boeuf Levee District serving on the effective date of new law (June 1, 2024).

Effective June 1, 2024.

(Amends R.S. 38:291(M)(2); Adds R.S. 38:291(M)(3)-(6) and 292)

Change Orders (ACT 329)

Prior law provided when a change order is negotiated, the public entity shall require that the change order be fully documented and itemized as to costs, including material quantities, material costs, taxes, insurance, employee benefits, other related costs, profit, and overhead. New law adds equipment use and labor to fully documented itemized costs.

Prior law provided where certain unit prices are contained in the initial contract, no deviations shall be allowed in computing the negotiated change order. New law provides for an exception allowing unit price change orders submitted to the designer or public entity within 30 days from the date of discovery of the work to be performed by the change order, or change orders requiring new pricing be submitted within 30 days from the

date of discovery of the work to be performed by the change order.

New law provides for any change orders requiring redesign, provided the redesign shall not take more than 90 days from notification by the contractor to the designer of record, or in the absence of the designer, the public entity, of the discovery of work to be performed by the change order. New law further provides extensions of time may be granted if necessary for redesign. New law further provides once the redesign is complete, the contractor shall submit the cost estimate to the designer or the public entity for the change order within 45 days for the redesigned work under the change order.

New law provides for any change order, the public entity shall have 30 days from the submittal of the change order to negotiate, approve, or reject the contractor's proposed cost estimate of the work. New law further provides extensions of time may be granted by mutual agreement or shall be granted as necessary for the public entity to obtain governmental approval.

New law provides the contractor shall not be required to provide any schedule updates incorporating a change order until that change order is executed, unless the schedule is needed for evaluation of the proposed change order.

New law provides the exceptions established in new law shall not be waived by contract.

Effective August 1, 2023.

(Amends R.S. 38:2212(M)(5))

Design-Build Method for Air Traffic Control Towers and Hangars (ACT 244)

New law provides for airports to use the design-build method of delivery for air traffic control towers and hangars.

New law defines and provides requirements for design-builders.

New law provides requirements that must be completed prior to submittal of a proposal on a design-build project.

New law requires all engineering and surveying firms, architectural firms, and contractors awarded a design-build contract be licensed by their respective licensing entities.

New law provides for a two-stage selection process that utilizes a request for qualifications and a request for technical proposals.

New law specifies that the airport provide a request for qualifications package to design-builders that submit a letter of interest.

New law provides for the primary evaluation committee's evaluation of the responses to the request for qualifications package received by the airport.

New law provides for the requirements of the technical proposal to be identified to design-builders by a "Scope of Services Package" and provides for what must be included in the package.

New law provides for a technical review committee's evaluation of design-build proposals and for the composition requirements of the technical review committee.

New law provides for design-builders who submitted bona fide proposals to challenge the award and for the airport to consider such challenges.

New law provides that awarded contract prices not be increased except for inflation or for certain unknown conditions.

New law supersedes any conflicting provisions in existing law.

Effective August 1, 2023.

(Adds R.S. 38:2225.2.6)

New Orleans Procurement Set-Asides for Socially and Economically Disadvantaged Businesses (ACT 230)

Existing law generally authorizes every political subdivision in the state to set aside an amount up

to 10% of the value of anticipated local procurement of goods and services, including construction, for awarding to minority-owned businesses. Provides that nothing in existing law should be construed to prohibit the governing authority from setting aside an amount greater than 10%. Provides for eligibility and certification requirements.

Existing law provides an exception for the city of Shreveport (city) and the city of Baton Rouge/parish of East Baton Rouge (city-parish) and any board, agency, or commission of that the city or city-parish. Authorizes the city and its entities to designate and set aside each fiscal year not less than 10% of the value of local procurement of goods and services, including construction, for awarding to economically disadvantaged businesses. Authorizes the city-parish and its entities to designate and set aside not less than 10% and not more than 25% of the value of local procurement of goods and services, including construction or doing of public work, for awarding to socially and economically disadvantaged businesses. Provides for eligibility and certification requirements.

New law provides an exception for the city of New Orleans. Authorizes the city governing authority and any board, agency, or commission of the city to designate and set aside not less than 10% and not more than 25% of the value of 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 governing authority to adopt rules and regulations to implement new law. Requires that the rules and regulations include procedures regarding the certification of a socially and economically disadvantaged business. Requires the establishment of a contract award procedure for such set-asides. Additionally requires adoption of a requirement that the prime

contractor award a certain percentage, not to exceed 35%, of total dollar bid to socially and economically disadvantaged subcontractors.

New law authorizes the city governing authority, or any board, agency, or commission of the city, to award the balance of procurement set-asides pursuant to existing law solicitation, bid evaluations, and contract award provisions if the city or other entity is unable to award all of its set-asides to socially and economically disadvantaged businesses.

Effective August 1, 2023.

(Adds R.S. 38:2233.5)

Submission of Products for Prior Approval Before Opening of Bids (ACT 113)

Prior law (R.S. 38:2295(C)(1)) authorized a potential supplier to submit a 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. Prior law required the prime design professional provide written approval or denial of the product submitted within three days after submission, exclusive of holidays and weekends. Specified that the submitted product would be deemed approved if the design professional fails to respond within the allotted time.

New law removes the deemed-approved provision and replaces the provision with a bid extension lasting for at least seven, but not more than 21 working days. Also changes the required response time after a product is submitted to the prime design professional from three days to 10 days. Changes the period a potential supplier has to submit a product for approval before the opening of bids from seven to 14 days.

Effective August 1, 2023.

(Amends R.S. 38:2295(C)(1))

Acadiana Watershed District (ACT 323)

New law establishes the Acadiana Watershed District, provides for its purpose, and defines its geographic boundaries.

New law provides for the district's corporate status and its authority to incur debt, for a domicile within Lafayette and central to the district, for ownership, operation, and maintenance of a regional sensor network, and for recognition of the Louisiana Watershed Flood Center at UL-Lafayette as a regional data resource.

New law provides for the responsibilities and auditing of the district and for its use, storage, and maintenance of the LWI Region 5 hydrologic and hydraulic model.

New law establishes a board of commissioners to govern and manage the affairs of the district, provides for the membership appointments, for creation of bylaws, for meetings, for a technical advisory committee comprised of non-voting members, for compensation of board members, for terms, and for replacement of board members.

New law provides that the board shall be comprised of the following members:

- (1) The police jury presidents of the parishes of Acadia, Allen, Avoyelles, Calcasieu, Cameron, Evangeline, Jefferson Davis, Rapides, and Vermilion, or their respective designees.
- (2) The mayor-president of Lafayette Parish or his designee.
- (3) The parish presidents of the parishes of Iberia, Iberville, Pointe Coupee, St. Landry, St. Martin, and St. Mary, or their respective designees.
- (4) The chairman of the House Committee on Natural Resources and Environment, or his designee.
- (5) The chairman of the Senate Committee on Natural Resources, or his designee.

New law requires that technical advisory committee appointees have professional experience in engineering, project management, certified flood plain management, or other drainage-related field such as geosciences, hydrology, or water management.

New law provides for the powers of the board of commissioners, including that to acquire funding and property, to contract with public and private entities, to levy taxes on any property within the district subject to taxation, to advise state and local government on drainage and flooding issues, to conduct public hearings, to construct and maintain drainage works, to develop and recommend regional planning and practice guidance, and to develop and implement a waterway management plan and a comprehensive drainage, flood control, and water resource management plan.

New law prohibits levy of a property tax without a majority vote of the electors in each parish within the territorial jurisdiction of the authority.

New law provides that by entering into a cooperative endeavor agreement with the state, the district shall be recognized as the primary entity responsible for and charged with operating, managing, and maintaining models and any derivative work.

New law authorizes the district to develop a regional hazard mitigation plan that is consistent with parish hazard mitigation plans.

New law precludes the division of administration, Dept. of Transportation and Development, and the Coastal Protection and Restoration Authority from displacing, replacing, or supplanting district funding.

New law requires that in developing the master plan the board is to consider the Coastal Protection and Restoration Authority and the Atchafalaya Basin Program master plans.

Effective August 1, 2023.

(Adds R.S. 38:3321-3327)

TITLE 39: PUBLIC FINANCE

La. Cybersecurity Commission (ACT 245)

New law enacts the Louisiana Cybersecurity Commission (commission) within the division of administration to coordinate cybersecurity efforts among local, state, tribal, and federal governments, as well as the private sector, to maintain the stability of public services while ensuring proper privacy and protection of data entrusted to the state.

New law provides for 21 members of the commission, 11 of which are appointed by virtue of their governmental positions and 10 members appointed by the governor. New law further provides that the governor shall designate a chairman and co-chairman for the commission who may invite public officials or individuals from the private sector to assist the commission in the conduct of its duties.

New law provides that the members of the commission, or their designees, shall not receive additional compensation nor per diem for their service on the commission. New law further provides that commission members who are employees or elected public officials of the state or a political subdivision may seek reimbursement of travel expenses from their employing government agency or elective office, in accordance with state travel guidelines issued by the division of administration.

New law provides for the purposes, duties, and powers of the commission in order to identify, prioritize, and mitigate Louisiana's cyber risk.

New law provides that the Military Dept. will provide the primary staff to assist the commission in its duties and mission. New law provides that the commission may request the assistance of other state agencies and all state agencies and political subdivisions of the state shall cooperate with the commission and its staff.

New law requires the commission to provide an annual report containing an overview of goals,

objectives, priorities, estimated completion dates of activities, and recommendations to the office of the governor, the Joint Legislative Committee on Technology and Cybersecurity, and the house and senate select committees on homeland security.

Effective August 1, 2023.

(Adds R.S. 36:4(B)(1)(l) and R.S. 39:15.11-15.15)

Transfers from State General Fund to Numerous Specific Funds (ACT 410)

New law transfers 25% of the FY 2021-2022 surplus (\$181,630,129) to the Budget Stabilization Fund.

New law transfers the following amounts from the state general fund in Fiscal Year 2022-2023:

- (1) \$340,000,000 to the Transportation Trust Fund.
- (2) \$15,500,000 to the Higher Education Initiatives Fund.
- (3) \$1,000,000 to the La. Postsecondary Inclusive Education Fund
- (4) \$1,500,000 to the Jump Start Your Heart Fund if Senate Bill No. 12 of the 2023 R.S. becomes law.
- (5) \$10,000,000 to the Power-Based Violence and Safety Fund as provided in new law.
- (6) \$24,904,474 to the State Emergency Response Fund.
- (7) \$20,000,000 to the Voting Technology Fund.
- (8) \$10,000,000 to the Oyster Resource Management Account.
- (9) \$15,000,000 to the Health Care Employment Reinvestment Opportunity (H.E.R.O.) Fund.

(10) \$7,500,000 to the Insure La. Incentive Fund.

(11) \$5,000,000 to the Law Enforcement Recruitment Incentive Fund, if House Bill No. 563 of the 2023 R.S. becomes law.

(12) \$5,000,000 to the Geaux Teach Fund.

(13) \$5,000,000 to the La. Economic Development Fund.

(14) \$4,000,000 to the Major Events Incentive Fund.

(15) \$2,500,000 to the Reading Enrichment and Academic Deliverables (R.E.A.D.) Fund, as provided in new law.

(16) \$2,500,000 to the Imagination Library of La. Fund if House Bill No. 412 of the 2023 R.S. becomes law.

(17) \$1,500,000 to the Hazard Mitigation Revolving Loan Fund.

(18) \$40,000,000 to the Coastal Protection and Restoration Fund.

(19) \$50,000,000 to the Water Sector Fund.

(20) \$15,000,000 to the Capital Outlay Savings Fund.

(21) \$20,000,000 to the Fortify Homes Program Fund.

(22) \$5,000,000 to the Court Modernization and Technology Fund.

New law transfers the following amounts in Fiscal Year 2023-2024:

- (1) \$57,500,000 to the Capital Outlay Savings Fund.
- (2) \$10,000,000 to the to the La. Fortify Homes Program Fund from Fees and Self-generated Revenues of the Dept. of Insurance.

(3) \$2,500,000 to the Insure La. Incentive Fund from Fees and Self-generated Revenues of the Dept. of Insurance.

(4) \$50,000,000 to the Construction Subfund Preservation Account of the Transportation Trust Fund.

New law (R.S. 17:4033.1) establishes the R.E.A.D. Fund as a special fund in the treasury. Requires monies in the fund to be invested in the same manner as monies in the state general fund and that interest earned on investment of monies in the R.E.A.D. Fund are to be credited to the R.E.A.D. Fund. Provides that monies in the fund are to be used by the state Dept. of Education for administration and implementation of the R.E.A.D. Program (provided in existing law).

Existing law (R.S. 39:100.44.1) establishes the La. Main Street Recovery Rescue Plan Fund and provides for deposit of monies into the fund, to be used for: economic support grants for La. timber harvesting and timber hauling businesses; economic support grants for eligible movie theater owners, as provided in existing law; and for the La. Agriculture Transportation Group Self-Insured Fund. Prior law required that any remaining monies in the La. Rescue Plan Fund on June 30, 2023, be transferred to the La. Rescue Plan Fund. New law extends until June 30, 2024, the date on which monies in the fund are to be transferred to the La. Rescue Plan Fund.

Existing law (R.S. 39:100.101) establishes a special fund in the state treasury relative to Title IX at public postsecondary institutions in the state. Prior law established the fund as the Power-Based Fund. New law changes the name to the Power-Based Violence and Safety Fund. Prior law required monies deposited into the fund to be used for Title IX offices at every public postsecondary institution in the state. New law provides that monies in the fund are to be used for power-based violence, Title IX, and safety initiatives at every public postsecondary institution in the state.

Existing law (R.S. 39:100.171) establishes the Hurricane Ida Recovery Fund (fund) and provides for the administration and use of monies

deposited into the fund. New law provides that unexpended and unencumbered monies in the fund at the end of the fiscal year to remain in the fund.

Existing law requires monies in the fund be used to make full or partial payments to political subdivisions, including school boards, (eligible entities) that suffered property loss or damage caused by Hurricane Ida. Further requires any payment from the fund to an eligible entity to be applied by the governing authority of the eligible entity to the cost of repair or replacement of the damaged property. New law further authorizes monies received pursuant to existing and new law to be applied toward the cost of an approved project replacing such damaged property. If federal assistance funds have been received for the damaged property and monies disbursed to the eligible entity pursuant to the provisions of existing and new law remain after the eligible entity has satisfied its portion of any required local match for such damage, new law requires the eligible entity to apply any remaining monies received from the fund to one or more of the following for expenses incurred since Aug. 29, 2021:

(1) A facility owned by an eligible entity that is open to the public for public use.

(2) A public facility that an eligible entity owns or has legal responsibility for maintaining, including any:

(a) Flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility.

(b) Non-Federal-aid street, road, or highway.

(c) Other public building, structure, or system, including those used for educational, recreational, or cultural purposes.

(d) Park.

(3) A facility owned by a private, nonprofit entity and used to provide services to the general public.

(4) A mixed use facility provided that more than 50% of the physical space of the facility is used for a public purpose.

(5) A facility that meets both of the following conditions:

(a) At least 50% of the total square footage of the facility was used by the owner for a public purpose before Hurricane Ida.

(b) All or part of the facility was under repair or remodeling when Hurricane Ida struck the facility.

(6) Debris Removal.

(7) Emergency Protection Measures.

Existing law (R.S. 39:100.201) establishes the Political Subdivision Federal Grant Assistance Fund and provides for deposit and use of monies in the fund. Requires monies in the fund to be used for the administration of a program to assist political subdivisions with competitive federal grant opportunities made pursuant to the Infrastructure Investment and Jobs Act. Prior law required monies in the fund to be appropriated to the division of administration via BA-7. New law deletes the requirement that monies be appropriated by BA-7. Additionally adds the office of rural development within the office of the governor as an entity eligible to use monies in the fund.

New law (R.S. 39:100.211) establishes the Court Modernization and Technology Fund as a special fund in the state treasury. Provides that the Judicial Council of the Supreme Court shall administer the fund to provide technology upgrades in courts under the supervisory jurisdiction of the Supreme Court pursuant to existing constitution (Art. V). Requires monies in the fund to be invested in the same manner as monies in the state general fund. Provides that interest earned on investment of monies in the fund shall be credited to the fund. Requires any unexpended or unencumbered monies in the fund at the end of the fiscal year to remain in the fund. Requires the Supreme Court to promulgate rules for the administration of the fund. Further sets

forth requirements for the Judicial Council's administration of fund monies. Requires the council to submit a quarterly status report to the Joint Legislative Committee on the Budget beginning October 1, 2023.

New law (R.S. 39:100.221) establishes the Public Safety and Crime Prevention Fund in the state treasury. Provides that the fund may receive any monies appropriated by the legislature and that any unexpended and unencumbered funds in the fund at the end of the fiscal year shall remain in the fund. Requires monies in the fund to be invested by the treasurer in the same manner as monies in the state general fund and that any interest earned on such investment be deposited into the fund. New law provides that, subject to appropriation, monies in the fund are to be used by the office of state police for public safety services, including patrol and law enforcement, in any parish having a population of not less than 280,000 persons and not more than 420,000 persons according to the latest federal decennial census.

Effective upon signature of governor (June 15, 2023), except that transfers for FY 2023-2024 are effective July 1, 2023.

(Amends R.S. 39:100.44.1(H)(3), the heading of Subpart P-3 of Part II-A of Chapter 1 of Subtitle I of Title 39, 100.101, 100.171, and 100.201(B)-(D); Adds R.S. 17:4033.1(F) and R.S. 39:100.211 and 100.221)

Use of Sales Taxes on Inmates' Arts and Crafts Sales (ACT 391)

New law creates the Correctional Facility Capital Outlay Fund within the state treasury for capital outlay and major repairs at correctional facilities.

New law requires the treasurer to deposit sales tax proceeds remitted to the state by the Department of Corrections from the sale of arts and crafts items produced by inmates at correctional facilities owned and administered by the state after compliance with the requirements of the existing constitution, relative to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to

pay all of the obligations of the state within any fiscal year. Provides that unexpended and unencumbered monies in the fund at the end of the fiscal year remain in the fund.

New law requires monies in the fund to be appropriated for capital outlay and major repairs at each correctional facility in proportion to the sales tax proceeds remitted pursuant to new law by each facility.

Effective June 14, 2023.

(Adds R.S. 39:100.59.3)

Community Options Waiver Fund for Medicaid Services to Persons with Disabilities (ACT 187)

New law establishes the Community Options Waiver Fund to provide additional revenues for Medicaid services provided under the Community Choices Waiver or the Adult Day Health Care Waiver or any other Medicaid home- and community-based service for persons with adult-onset disabilities. Requires the treasurer to annually deposit into the fund an amount equal to 12% of the total of recurring state general fund revenue as recognized by the Revenue Estimating Conference in excess of the Official Forecast at the beginning of the current fiscal year, not to exceed \$50 million in any fiscal year. Requires interest earned on investment of monies in the fund be credited to the fund and authorizes unexpended and unencumbered monies in the fund at the end of the fiscal year to remain in the fund. Requires the La. Dept. of Health to consult with the stakeholders representing persons with adult-onset disabilities to develop a plan for use of fund monies.

Effective July 1, 2023.

(Adds R.S. 39:100.62)

Use of Revenue Stabilization Trust Fund (ACT 340)

Existing law establishes the Revenue Stabilization Trust Fund and provides for deposits and uses of monies in the fund.

Authorizes use of monies in the fund for certain specified purposes if the balance of the fund at the beginning of the year is in excess of \$5 billion.

Prior law authorized use of monies in the fund in such circumstances for capital outlay projects and transportation infrastructure. New law authorizes use of monies in the fund for capital outlay projects, transportation infrastructure, or both.

Prior law restricted appropriations from the fund in such circumstances to a maximum of 10% of the fund balance. New law restricts appropriations from the fund in such circumstances to a maximum aggregate of 10% of the fund balance.

Prior law provided that to ensure that the money in the fund is available for appropriation in an emergency, the legislature may authorize an appropriation from the fund at any time and for any purpose after consent of 2/3 of the elected members of each house of the legislature regardless of the fund balance and without a maximum cap on withdrawals. New law repeals prior law.

New law provides for the monies in the Revenue Stabilization Fund to be used to offset deficits in the current or next fiscal year. Provides for monies from the fund to offset a deficit only after the maximum allowable amount of monies have been withdrawn from the Budget Stabilization Fund established in existing law. Additionally, requires the consent of 2/3 of the elected members of each house of the legislature for such appropriation and institutes a maximum withdrawal of \$250 million for each such deficit.

Effective if and when the proposed constitutional amendment contained in the Act which originated as House Bill No. 244 of the 2023 R.S. is adopted at a statewide election and becomes effective.

(Amends R.S. 39:100.112(E)(1) and (F); Adds R.S. 39:100.112(G))

Capital Outlay Projects, Budgets, and Funds (ACT 82)

Existing law requires the office of facility planning and control and any state agency which administers capital outlay appropriations to submit an annual report to the Joint Legislative Committee on Capital Outlay (JLCCO) of each project included in the prior year's capital outlay budget. The report is required to include information such as the project title, the total project budget from all means of financing, including state and local funds, local match information, information on funds expended and encumbered on the project, and the project's status.

New law adds a requirement that the information required to be reported in existing law shall also be reported for each project which received funding through a cash means of finance or from advance bond sales regardless of whether the project was included in the prior year's capital outlay budget. Further requires this information to continue to be reported until a certificate of completion has been issued by the entity administering the project.

Existing law requires nonstate 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 and approved by JLCCO.
- (2) Projects for a water or sewer system servicing 1,250 or fewer connections.
- (3) Projects undertaken by a governmental entity to provide natural gas utility services for a system that services 1,250 or fewer connections.

Prior law authorized a local match exemption for a nonstate entity that demonstrated its inability to provide a local match. Prior law required the establishment of a needs-based formula for determining the inability of a nonstate entity to provide the required local match.

New law repeals prior law.

New law requires a nonstate entity, when applying for capital outlay funding for construction of a new project, to provide documentation evidencing its ability to provide no less than 3% of the total requested amount of funding to be used exclusively for costs associated with the long-term maintenance of the project. Failure to provide this documentation shall result in the project being deemed not feasible by the office of facility planning and control and the project not being included in the Capital Outlay Act.

Existing law establishes a process for projects not included in the Capital Outlay Act to be approved between sessions by the division of administration submitting those projects to the Interim Emergency Board for approval by a majority vote of the elected members of each house of the legislature. Further requires, following legislative approval, that requests to sell bonds be submitted to the State Bond Commission (SBC) for review and approval.

Prior law required projects funded through the *sale of bonds* and secured by or payable from state appropriation to be included in the Capital Outlay Act or to go through the process established in existing law for projects not included in the Capital Outlay Act.

New law changes the projects which are required to go through this approval process from projects funded through the sale of bonds to projects funded through the issuance of debt or other agreements including agreements of lease, lease-purchase, or third party financing.

Existing law requires the office of facility planning and control to send notice to all nonstate entities of the need to resubmit a capital outlay budget request for projects that do not receive a line of credit prior to Sept. 15th for the total amount of bond proceeds authorized in the Capital Outlay Act for that fiscal year. Further requires the notice to also be sent to each state representative and state senator who represents the geographic area of the project.

New law adds a requirement that the notice be sent if the nonstate entity project has not been *recommended* for a line of credit prior to Sept. 15th of each year.

Existing law establishes various requirements for content to be included in the Capital Outlay Act.

New law adds a requirement that the Capital Outlay Act include a statement concerning the total outstanding net state tax supported debt, including the specific amount of principle and interest, as defined in existing law. Further, requires the Capital Outlay Act to contain an estimate of debt service costs associated with the amount of new general obligation (GO) bond cash line of credit capacity for that fiscal year, as provided in new law.

Existing law provides a procedure for the development of a list of recommended projects to be presented to the SBC for consideration for a GO bond cash line of credit.

New law adds a requirement that for each project presented to the SBC for this purpose there be included an estimate of debt service costs associated with the sale of debt for the total project cost.

Existing law provides for the Capital Outlay Savings Fund as a special fund in the state treasury and restricts use of the monies in the fund to capital outlay projects and to allocate or appropriate funds into the Budget Stabilization Fund. Further provides that if a project included in the capital outlay budget that has an appropriation from certain revenue is deemed null or is vetoed, the state treasurer is directed to deposit into the fund an amount equal to the amount of the appropriation deemed null or vetoed.

Prior law provided that a state general fund direct nonrecurring revenue appropriation for a project deemed null or vetoed is deposited into the fund.

New law provides that a state general fund direct appropriation for a project, regardless of whether it is recurring or non-recurring revenue, deemed null or vetoed is deposited into the fund.

New law authorizes any entity administering a capital outlay project to require all parties performing any portion of planning and designing or personnel contracted with for the construction of a capital outlay project to submit invoices for the payment of services rendered or performed within 180 days of the date the services were rendered or performed. Failure of a party to timely submit an invoice for services rendered or performed shall result in the party's claim for reimbursement or payment from the state being denied.

New law prohibits the owner of a project that received GO bond funding through the capital outlay budget from selling or otherwise disposing of the project while repayment of the bonds, including debt service, is outstanding without the prior approval of the commissioner of administration.

New law requires the property owner to obtain an opinion from state bond counsel, at the owner's cost, that the sale would not have affected the tax exempt status of the bonds. Further requires the property owner to meet any conditions or requirements prior to selling or disposing of the project.

New law requires the commissioner of administration to notify the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs in writing, within 10 days of his approval of a property owner to dispose of a project that received funding through the sale of GO bonds.

New law applies to the funding of all nonstate entity projects included in the capital outlay budget for fiscal years commencing on or after July 1, 2024.

Effective July 1, 2024.

(Amends R.S. 39:100.121(A)(1) and (2)(b), 105(A), 112(C)(1)(intro. para.) and (c), (E)(1) and (2)(intro. para.), and (G)(1), and 115(A) and (B); Adds R.S. 39:112(E)(4) and (H), 121.1, and 125.1; Repeals R.S. 39:112(E)(2)(b))

Capital Outlay Program and Utility Projects (ACT 292)

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.
- (3) A water or sewer project for a system servicing 1,250 or fewer connections.
- (4) A project undertaken by a governmental entity to provide natural gas utility services for a system that services 1,250 or fewer connections.

New law adds an exception that the division of administration may, at its discretion, waive the entire match or a portion thereof for an applicant project undertaken by a municipality with a population of less than 6,000 or a parish with a population of 7,500 or less which has demonstrated its inability to provide a local match by submitting the following to the division of administration:

- (1) The applicant's two most recent annual financial reports.
- (2) If the applicant project relates to an existing utility system, a rate study conducted within three years prior to the request for a waiver of the match.

New law provides that if the applicant project relates to an existing utility system, the division of administration may, at its discretion, approve a

waiver of the entire match or a portion thereof that is contingent upon the applicant increasing utility rates.

Effective June 13, 2023.

(Adds R.S. 39:112(E)(2)(e))

Capital Outlay Project Funding (ACT 388)

Existing law requires a match of not less than twenty-five percent of the total requested amount of funding for non-state entity capital outlay projects with certain exceptions.

New law requires a match of not less than twenty-five percent of the total project cost for non-state entity capital outlay projects and otherwise retains existing law.

Existing law prohibits the commencement of work and contracting for any project contained in the capital outlay act unless and until funds are available from the cash sources indicated in the act or from the sale of bonds or from a line of credit approved by the State Bond Commission, except for certain contracts for Department of Transportation and Development projects.

New law adds an exception for funds that are received as supplemental funds for ongoing projects for which contracts have been issued and otherwise retain existing law.

Effective August 1, 2023.

(Amends R.S. 39:112(E)(2)(intro para) and 122(A)(1))

Public Works Outside Capital Outlay Budget (ACT 395)

Existing law authorizes a university, higher education facility, or consortium to undertake any new construction, maintenance, or repair project not exceeding \$5,000,000 solely funded from self-generated revenues, grants, donations, or local or federal funds without being included in the Capital Outlay Bill provided the project is approved by the appropriate governing board or management board; the Board of Regents; the

division of administration, office of facility planning and control; and the Joint Legislative Committee on the Budget.

New law increases the maximum threshold from \$5,000,000 to \$10,000,000 and otherwise retains existing law.

New law adds authority for the division of administration to delegate the administration of projects through the office of facility planning and control to a state agency or higher education management board through the approval and execution of a cooperative endeavor agreement for the planning, design, bidding, contracting, construction, and management of projects.

New law authorizes the office of facility planning and control to utilize the services of a contracted third-party management firm to assist with the administration and management of capital outlay projects and projects included in the Water Sector Program established pursuant to existing law.

New law increases the maximum costs an agency may incur to undertake repairs, renovations, or construction of projects not included in the capital outlay budget from \$150,000 to \$250,000 and removes the cumulative per agency, per fiscal year limitation for expenditures upon repairs, renovations, or construction projects and the requirement that the expenditures for these repairs be first approved by the commissioner of administration and JLCB.

Effective August 1, 2023.

(Amends R.S. 39:128(B)(4)(a)(i) and (C); adds R.S. 39:121(8) and (9))

La. Rural Infrastructure Revolving Loan Program (ACT 424)

New law establishes a revolving loan fund in the state treasury to be known as the La. Rural Infrastructure Revolving Loan Program Fund, hereinafter "fund", which shall be maintained and operated by the Dept. of the Treasury. Provides for the source of monies deposited into the fund including the deposit of funds for the repayment of principal and interest on loans and other

obligations made to local governments financed from the fund. Provides that funds may be used to finance loans and obligations for projects of local governments if reserves for expenditures for the administration of the fund that the department deems necessary and prudent are retained in the fund.

New law requires money in the fund to be invested by the state treasurer in the same manner as money in the state general fund and requires interest earned on the investment of the money in the fund to be credited to the fund after compliance with the requirements of existing constitution relative to the Bond Security and Redemption Fund. Provides that all unexpended and unencumbered money in the fund at the end of a fiscal year shall remain in the fund.

New law limits the maximum amount of a loan that may be funded through the fund to \$1.5M.

New law defines a "local government" for purposes of new law as a political subdivision with a population of less than 15,000 according to the latest federal decennial census. Further limits a local government to one loan from the revolving loan fund until the loan is paid in full; however, once all of the principal, interest, and any other fees and obligations due under the loan agreement are paid in full, the local government may apply for a new loan from the revolving loan fund.

New law requires a local government to comply with all of the following in order to be eligible for a loan pursuant to the provisions of new law:

- (1) Demonstrate it has financial resources and a financial strategy for the duration of the lifecycle of the project to ensure the project is sufficiently funded, maintained, and replaced as needed.
- (2) Be in good-standing and comply with audit requirements provided for in existing law at the time of applying for and receiving the loan as well as during the duration of the term of the loan.

New law authorizes the Dept. of the Treasury to promulgate rules in accordance with existing law

(Administrative Procedure Act) as are necessary to implement the provisions of new law including rules to adopt a schedule of reasonable fees and charges to pay for the costs of administering the fund and rules to respond to emergency requests.

New law requires that before a loan or other assistance may be requested, the project shall first have been approved by the "certifying department". Designates the State Bond Commission (SBC) as the certifying department for emergency requests.

New law defines an "emergency request" as an eligible infrastructure project request submitted by a local government between legislative sessions that is essential to alleviate conditions that are hazardous to life, health, or property. "Emergency request" includes projects that have an anticipated useful life of less than 20 years and a value or cost of less than \$50,000 that would not otherwise qualify for funding in an approved infrastructure program.

New law, with respect to a bond, note, or other evidence of indebtedness of a local government issued through a loan, provides for the same requirements concerning interest rates and public notice as provided in existing law concerning the adoption of a resolution or ordinance authorizing the issuance of indebtedness.

New law authorizes a local government to pledge as security for a loan and any ancillary fees or other costs, any revenues from its general revenue fund, sales taxes, sewer user fees, assessments, parcel fees, or ad valorem property taxes.

New law exempts from taxation, any interest on bonds, notes, or other evidences of indebtedness issued through a loan.

New law for purposes of security of debt or performance obligations of debt for projects, authorizes the SBC to issue and deliver evidences of its guarantee of the debt of other entities, and to execute pledges of the monies on deposit in the SBC, including payments pursuant to letters of credit. All evidences of indebtedness, guarantees, and pledges delivered pursuant to this authority shall constitute limited obligations of the SBC

and shall not be secured by the full faith and credit of the state.

New law provides that the withdrawal of monies from the revolving loan fund to pay debt service on any bond, note, or other evidence of indebtedness, obligation of guarantee of any debt, or pledge to secure any debt, or fees and associated costs to administer a loan shall not constitute or be subject to appropriation by the legislature.

New law authorizes the legislative auditor to review all applications for compliance with the provisions of new law.

New law requires, beginning Jan. 1, 2026, and every two years thereafter, the SBC to issue a report to the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs which includes information on the number of loans approved by the commission, outstanding loan balances, including principal and interest, the status of any debt sold to provide monies for the fund, costs incurred by the SBC to administer the fund, and the status of rules adopted by the SBC.

Existing law provides for the definition of "net state tax supported debt" and includes those issuances excluded from the definition.

New law adds as an exclusion, any bond, note, certificate, warrant, reimbursement obligation, or other evidence of indebtedness issued pursuant to new law.

New law provides that implementation of new law is subject to the appropriation of funds by the legislature.

Effective July 1, 2023.

(Adds R.S. 39:462.1-462.8 and R.S. 39:1367(E)(2)(b)(x))

TITLE 40: PUBLIC HEALTH AND SAFETY

Sanitary Code Exemption for Small Wild Catfish Processors (ACT 209)

Existing law provides for the state Sanitary Code which shall include the rules and regulations for the preparation of food and beverage to be sold to the public for consumption.

New law creates an exemption to existing law to allow small wild catfish processors to prepare catfish for direct sale to the consuming public if the processor sells no more than 400 pounds of catfish per month and does not employ another individual to assist in the preparation of the wild catfish for direct sale to the consuming public.

New law establishes standards for equipment and labeling requirements applicable to the preparation of wild catfish for direct sale to the consuming public.

New law requires a wild catfish processor to hold a wholesale/retail seafood dealer's license pursuant to existing law and be registered to collect any local sales and use taxes that are applicable to the sale of seafood.

Effective August 1, 2023.

(Adds R.S. 40:4.9.1)

Miscarried Child Certificates (ACT 353)

New law establishes a commemorative certificate of miscarried child. A "miscarried child" means an unintentional, spontaneous fetal demise occurring prior to or during the 20th week of gestation during a pregnancy.

New law directs the vital records registry to provide on its website a form that may be completed by a healthcare provider or his designee affirming that he attended or diagnosed a patient who experienced a miscarried child.

New law provides that the vital records registry shall issue a commemorative certificate of miscarried child at the request of the patient and

submission of the form completed by a healthcare provider or his designee.

New law provides that the initial commemorative certificate of miscarried child shall be provided at no charge with all subsequent requests complying with existing law fee schedules for certified copies of vital records.

New law provides that the commemorative certificate will contain the name of the fetus and the gender. If the name of the fetus is not furnished by the patient, the vital records registry may complete the commemorative certificate with name "Baby Boy" or "Baby Girl" along with the last name of the patient. If the gender of the fetus is not known, the name "Baby" along with the last name of the patient will be printed.

New law provides that the commemorative certificate is commemorative in nature and has no legal effect.

Effective August 1, 2023.

(Adds R.S. 40:101)

Kinder Public Housing Authority (ACT 139)

Existing constitution (Art. X, §1(A)) provides that state civil service includes all persons holding offices and positions of trust or employment in the employ of the state, or any instrumentality thereof, or any joint state-federal, state-parochial, or state-municipal agency. 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 employees of housing authorities are in the classified state civil service except authority members, the executive director and one other employee whom the authority designates, professional employees employed on a contract basis, and as may be authorized by the State Civil Service Commission.

Existing law provides that the housing authorities in specified cities shall not be considered instrumentalities of the state for purposes of

existing constitution and that employees of those authorities are not in the state civil service.

New law additionally provides that the Kinder Public Housing Authority shall not be considered an instrumentality of the state and that employees of the authority are not in the state civil service.

Effective upon signature of governor (June 7, 2023).

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

Berwick Housing Authority (ACT 186)

Existing constitution (Art. X, §1(A)) provides that state civil service includes all persons holding offices and positions of trust or employment in the employ of the state, or any instrumentality thereof, or any joint state-federal, state-parochial, or state-municipal agency. 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, Simmesport, and Kenner, 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 retains existing law and additionally provides that the Berwick Housing Authority shall not be considered an instrumentality of the state for purposes of Const. Art. X, §1(A) and that

employees of the authority shall not be included in state civil service.

Effective June 8, 2023.

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

Morgan City Housing Authority (ACT 195)

Existing constitution (Art. X, §1(A)) provides that state civil service includes all persons holding offices and positions of trust or employment in the employ of the state, or any instrumentality thereof, or any joint state-federal, state-parochial, or state-municipal agency. 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 (R.S. 40:539(c)(8)) 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, Simmesport, and Kenner, 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 retains existing law and additionally provides that the Morgan City Housing Authority shall not be considered an instrumentality of the state for purposes of Const. Art. X, §1(A) and that employees of the authority shall not be included in state civil service.

Effective June 8, 2023.

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

Controlled Dangerous Substances; Hallucinogenic Plants (ACT 201)

Existing law provides for the designation of controlled dangerous substances into Schedules I, II, III, IV, and V based upon the potential for addiction and abuse of the substances.

New law adds Zipeprol, Amineptine, Mesocarb, and Methiopropamine to Schedule I.

New law adds Daridorexant to Schedule IV and removes Fenfluramine.

New law adds Ganaxolone to Schedule V.

New law updates the structural language for stimulants and synthetic cannabinoids in Schedule I.

Prior law prohibited an individual from knowingly or intentionally producing, manufacturing, distributing, or possessing with intent to produce, manufacture, or distribute a material, compound, mixture, or preparation intended for human consumption which contains a hallucinogenic plant. Further provides a list of prohibited hallucinogenic plants.

New law adds amanita pantherina to the list of prohibited hallucinogenic plants. Effective August 1, 2023.

(Amends R.S. 40:964(Schedule I)(E)(1)(i) and (iii) and (8) and (F)(1)-(8), (12), (17)-(22), and (24)-(29) and (Schedule V)(D)(6); adds R.S. 40:964(Schedule I)(A)(100) and (E)(14)(16), (Schedule IV)(B)(58), and (Schedule V)(D)(7) and 989.1(C)(2)(nn); repeals R.S. 40:964 (Schedule IV)(C))

Increased Penalties for Creating or Operating Certain Secret Drug Labs (ACT 148)

Existing law provides that whoever commits the crime of creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance is to be sentenced to imprisonment at hard labor for five to 15 years, and in addition may be fined up to \$25,000.

New law provides increased penalties for the creation or operation of a clandestine laboratory for the unlawful manufacture of a substance containing fentanyl or carfentanil as follows:

(1) On a first conviction, the defendant will be imprisoned for not less than 10 nor more than 40 years, at least 10 years of which must be served without benefit of parole, probation, or suspension of sentence, and in addition may be fined not more than \$50,000.

(2) On a second conviction, the defendant will be imprisoned for not less than 30 nor more than 40 years, at least 10 years of which must be served without benefit of parole, probation, or suspension of sentence, and in addition may be fined of not more than \$500,000.

(3) On a third or subsequent conviction, the defendant will be imprisoned for not less than 99 years, to be served without benefit of parole, probation, or suspension of sentence, and in addition may be fined not more than \$500,000.

New law otherwise retains existing law.

Effective August 1, 2023.

(Amends R.S. 40:983(C) and (D))

Xylazine (ACT 183)

New law provides that it is unlawful for any person to knowingly or intentionally produce, manufacture, distribute, or possess with intent to produce, manufacture, or distribute Xylazine.

New law provides that whoever violates new law shall be imprisoned, with or without hard labor, for not less than one year nor more than 10 years and, in addition, may be required to pay a fine of not more than \$15,000.

New law provides that it is unlawful for any person to knowingly or intentionally possess Xylazine.

New law provides that whoever violates new law shall be imprisoned for not more than six months

and, in addition, may be required to pay a fine of not more than \$500.

Provides that the new law crime of unlawful production, manufacturing, distribution, or possession of Xylazine shall not apply to the following:

(1) The production, manufacturing, distribution, or possession of Xylazine in the course of a legitimate veterinary practice.

(2) The production, manufacturing, distribution, or possession of a Xylazine bulk chemical for pharmaceutical compounding by a licensed pharmacist or veterinarian.

(3) The possession of Xylazine pursuant to a valid prescription from a licensed veterinarian.

New law defines "Xylazine" as Xylazine and any salt, sulfate, isomer, homologue, analogue, or other preparation of Xylazine, and any salt, isomer, compound, derivative, precursor, homologue, analogue, or other preparation thereof that is substantially chemically equivalent or identical to Xylazine.

Effective August 1, 2023.

(Adds R.S. 40:989.4)

Prescription Monitoring Program Advisory Council Meeting (ACT 14)

Existing law provides for an advisory council comprised of healthcare professional boards, law enforcement, and lawmakers to oversee the implementation of the electronic prescription tracking program known as the Prescription Monitoring Program.

Prior law required that the Prescription Monitoring Program Advisory Council (advisory council) meet at least once quarterly.

New law requires that the advisory council meet at least once annually.

New law provides that the advisory council may conduct and its members may attend and

participate in a meeting remotely if the La. Board of Pharmacy and the advisory council and its presiding officer comply with all requirements of new law.

New law provides that no later than 24 hours prior to a meeting, public notice must be given and participation requirements must be met in order to conduct a meeting remotely using electronic means.

New law further specifies information regarding public participation and commentary through electronic means.

New law provides that the presiding officer of the advisory council 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 and the public.

New law defines "meeting via electronic means", "teleconference", and "video conference".

Effective August 1, 2023.

(Amends R.S. 40:1005(B); Adds R.S. 40:1005(D) and R.S. 42:17.4)

Marijuana Pharmacy Ownership Transfers and Satellite Locations (ACT 311)

Existing law tasks the La. Board of Pharmacy (board) with developing an annual, nontransferable specialty license for a pharmacy (marijuana pharmacy) to dispense physician recommended marijuana for therapeutic use.

New law provides that a license to operate a marijuana pharmacy is transferrable. The transfer of a membership interest in a marijuana pharmacy requires the approval of the board in the same manner as required for the transfer of a membership interest in any other pharmacy licensed by the board.

Existing law authorizes a marijuana pharmacy license holder (licensee) to open a satellite marijuana pharmacy once the active patient count

for the region reaches 3,500 according to the prescription monitoring program.

Prior law provided that if the active patient count at the primary marijuana pharmacy and the first satellite marijuana pharmacy each reached 3,500 patients served, the board would allow the licensee for that region to open a second satellite marijuana pharmacy.

New law provides that the board shall allow the licensee for the region to open a second satellite marijuana pharmacy when the active patient count reaches 7,000 for the region.

New law requires the board to notify the licensee for that region once he becomes eligible to open a first or second satellite marijuana pharmacy.

New law requires an eligible licensee to submit an application to open a satellite marijuana pharmacy no later than 90 days after receipt of the notification sent by the board informing the marijuana pharmacy license holder of his eligibility to open a satellite marijuana pharmacy. The satellite marijuana pharmacy must be operational within 310 days from the date of notification of eligibility; however, the board may grant additional time for the satellite marijuana pharmacy to become operational if the delay is due to a circumstance beyond the control of the licensee.

Prior law provided that no marijuana pharmacy shall be located within the statutorily defined distance of another marijuana pharmacy.

New law provides that no marijuana pharmacy shall be located within the statutorily defined distance of another licensee's marijuana pharmacy.

Prior law provided for the calculation of active patient counts once in a 12-month period using the preceding year from Aug. 1st through July 31st.

New law requires the calculation of active patient counts to be done quarterly using the preceding three-month period.

Prior law defined an active, qualified patient as a patient who has acquired a therapeutic marijuana product once in the preceding 12-month period from Aug. 1st to July 31st.

New law defines an active, qualified patient as a patient who has acquired a therapeutic marijuana product once.

Effective upon signature of governor (June 13, 2023).

(Amends R.S. 40:1046(G)(1), (3)(a)-(c) and (e), (6)(a)-(c), and (8))

Genetic Testing of Newborn Children (ACT 17)

Prior law provided that a physician or person attending to the care of a newborn child shall cause the child to be tested for a list of genetic conditions approved by the La. Dept. of Health (LDH) as enumerated in prior law.

New law removes the list of conditions provided in prior law and instead requires LDH to promulgate a list of genetic or other congenital conditions in administrative rules for which a newborn child should be tested.

Prior law allowed the parent of a newborn child to object to testing his child for any genetic condition listed in prior law.

New law allows the parent or guardian of a newborn child to object to testing his child for any genetic or other congenital condition promulgated by LDH in accordance with new law.

Prior law provided that the tests required in prior law shall be subject to funding for laboratory test, follow-up, and treatment.

New law requires the laboratory established by LDH, in accordance with existing law, to provide testing for each condition promulgated by LDH in accordance with new law.

New law provides that the testing, services, and facilities required in new law shall be subject to available funding.

Prior law required LDH to add to the genetic conditions tested in prior law after consultation with medical geneticists from each of the state's medical schools and in accordance with rules adopted in prior law.

New law removes the consultation requirement and instead requires the list to be reviewed by the state health officer, in consultation with departmental genetic disease advisory subject matter experts, to determine whether additional conditions should be recommended to the LDH secretary.

New law provides that LDH shall provide an annual report to the legislature, beginning March 1, 2024, of any condition added to the list and the department's review and determination on the condition.

New law further provides that, after adding a genetic or other congenital condition to the list, LDH shall request a legislative appropriation for any funding necessary for conducting the test and providing the services required in accordance with new law.

Effective upon signature of governor (May 30, 2023).

(Amends R.S. 40:1081.2(A)(1) and (5) and (B))

Cytomegalovirus Testing of Newborns (ACT 177)

New law requires a healthcare provider attending a newborn child to administer appropriate testing for the cytomegalovirus if the newborn fails the newborn hearing screen and, in the exercise of professional judgment, the healthcare provider believes that the testing would be in the best interest of the newborn.

New law further provides that any testing for cytomegalovirus provided in accordance with new law shall be considered medically necessary and shall not be denied on the basis for failing to

meet any applicable medically necessary standards or requirements by any health insurance issuer which otherwise provides coverage for the testing.

New law requires the La. Dept. of Health (LDH) to provide payment to all Medicaid providers for the costs incurred as a result of the administration of testing in accordance with new law.

New law further requires LDH to submit payment within 30 days of receiving a claim for such payment from a healthcare provider.

New law shall be known and may be cited as "Journie's Law".

Effective August 1, 2023.

(Adds R.S. 40:1086.21)

AEDs and Cardiac Emergency Response Plans for All Schools (ACT 234)

Prior law required each institution of higher education that competed in intercollegiate athletics to have an automated external defibrillator (AED) on its premises in its athletic department.

Prior law required AEDs, if funding was available, to be on the premises of each high school. Further required the Louisiana Department of Health to promulgate rules and regulations.

New law requires each postsecondary education institution, and each elementary, middle, and high school to have an AED on its premises in an easily accessible location.

New law requires that an AED and a trained AED user who is also trained in first-aid CPR be at each athletic event sponsored by a postsecondary institution and elementary, middle, or high school.

New law requires each postsecondary education institution, and each elementary, middle, and high school to have a "cardiac emergency response plan". New law further requires each

president or chancellor of a postsecondary education institution and the principal of each elementary, middle, and high school to prepare the plan jointly with local emergency responders.

New law requires rules and regulations to be developed to ensure periodic testing and maintenance of each AED to ensure the AED is kept in working order and to prescribe appropriate training for persons designated to use and maintain an AED.

New law creates the Jump Start Your Heart Fund to provide for the purchase of AEDs for use at postsecondary, high, middle, and elementary schools in the state.

New law requires implementation in the first school year that begins at least 12 months after the effective date of new law.

Effective upon appropriation of monies by the legislature for the implementation of proposed law.

(Amends R.S. 40:1137.3(E) and (F); adds R.S. 40:1137.3(G))

Mandatory Health Plan Provision of Smoking Cessation Benefits (ACT 281)

New law requires any health coverage plan delivered or issued for delivery in this state to provide smoking cessation benefits for a minimum of six months if a physician recommends and certifies that smoking cessation benefits may help the person quit smoking.

New law further requires that coverage for smoking cessation benefits not be subject to annual deductibles, coinsurance, copayment, or any other out-of-pocket or cost-sharing expense provisions.

New law provides that patients utilizing a medical assistance program may receive any of the smoking cessation benefits if a physician recommends and certifies that smoking cessation benefits may help the person quit smoking.

New law directs the La. Dept. of Health to promulgate rules and regulations necessary to enforce the provisions of new law.

New law requires any policy, contract, program, or health coverage plan in existence prior to Jan. 1, 2024 to offer smoking cessation benefits by Jan. 1, 2025.

New law requires any policy, contract, program, or health coverage plan issued on or after Jan. 1, 2024 to offer smoking cessation benefits.

New law defines terms including "health coverage plan", "medical assistance program", and "smoking cessation benefits".

Effective August 1, 2023.

(Adds R.S. 22:1041.1 and R.S. 40:1295)

Alteration of Minor's Appearance (ACT 466)

Relative to minor children, new law retains the definition of "healthcare professional" as provided in existing law.

New law defines "minor" as any natural person who has not reached the age of majority as provided in existing law.

New law defines "sex" as the biological indication of male or female as evidenced by a medical examination of all of the following:

- (1) Sex chromosomes.
- (2) Naturally occurring sex hormones.
- (3) Gonads.
- (4) Nonambiguous internal and external genitalia present at birth.

New law prohibits healthcare professionals from knowingly committing any of the following acts that attempt to alter a minor's appearance in an attempt to validate a minor's perception of his sex if the minor's perception of self is inconsistent with his biological sex:

(1) The prescription or administration of gonadotropin-releasing hormone analogues or other synthetic drugs.

(2) The prescription or administration of testosterone, estrogen, or progesterone, in amounts greater than would naturally be produced.

(3) The performance of any sterilizing surgery.

(4) The performance of any surgery that artificially constructs tissue having the appearance of genitalia differing from the minor's biological sex.

(5) The removal of any healthy or non-diseased body part or tissue.

(6) The performance of any aesthetic surgical procedure.

New law provides that the prohibited acts listed in new law shall not be considered healthcare services.

New law further provides that the prohibitions listed in new law shall not limit or restrict the provision of health care.

New law provides that if a healthcare professional has initiated a course of treatment for a minor that violates the provisions of new law prior to Jan. 1, 2024, the healthcare professional may institute a period during which the minor's use of the drug or hormone is systematically reduced and discontinued. New law further provides that the period may not extend beyond Dec. 31, 2024.

New law further provides that if a professional or occupational licensing board finds that a healthcare professional licensed or certified by the board has violated the provisions of new law, the board shall revoke any professional or occupational license or certificate held by the healthcare professional for a minimum of two years.

New law provides that a minor may not consent to any procedures or services that are prohibited in new law.

New law further provides that a person who has been harmed as a result of acts which are prohibited by new law or who has been subjected to acts which are prohibited by new law with or without consent has a cause of action for damages in a court of competent jurisdiction.

New law establishes the time periods in which a cause of action for damages is to commence.

New law further establishes provisions for damages and further provides that consent shall not operate as defense to a petitioner's claim that is filed in accordance with new law.

New law authorizes the attorney general to bring a civil action and provides for injunctive and declaratory relief.

New law provides for severability.

Effective January 1, 2024.

(Adds R.S. 40:1098.1-1098.6)

Mandatory Medicaid Coverage for and Provision of CAR T-cell Therapy (ACT 294)

New law defines "chimeric antigen receptor (CAR) T-cell therapy" and references the definition of "healthcare facility" as provided in existing law.

New law requires the La. Medicaid program to provide inpatient and, if appropriate, outpatient coverage for CAR T-cell therapy when such therapy has been approved by the U.S. Food and Drug Administration, is used for a medically accepted indication, and is administered in a healthcare facility appropriately providing CAR T-cell therapy in accordance with state and federal guidelines or certifications.

New law requires a healthcare facility appropriately providing CAR T-cell therapy in accordance with state and federal guidelines or certifications to participate in the La. Medicaid

program to provide CAR T-cell therapy to eligible enrollees, as defined in new law.

New law requires a healthcare facility appropriately providing CAR T-cell therapy in accordance with state and federal guidelines or certifications to make a determination of a prospective enrollee's eligibility for CAR T-cell therapy enrollment.

New law establishes the following requirements for a prospective enrollee to be considered eligible for CAR T-cell therapy enrollment:

- (1) The individual is enrolled in the La. Medicaid program.
- (2) A licensed healthcare provider has certified that CAR T-cell therapy is medically necessary and appropriate to treat the individual's condition.
- (3) The CAR T-cell therapy is administered in a healthcare facility appropriately providing CAR T-cell therapy in accordance with state and federal guidelines or certifications.

New law requires the secretary of the La. Dept. of Health to do all of the following:

- (1) Submit to the Centers for Medicare and Medicaid Services all necessary state plan amendments.
- (2) Promulgate all necessary rules and regulations in accordance with existing law.
- (3) Promulgate rules as necessary to regulate and provide payment to healthcare providers for high cost pharmaceutical carve-outs in accordance with the provisions of new law.
- (4) Take any other actions necessary to implement the provisions of new law.

Effective August 1, 2023.

(Adds R.S. 40:1258.1 and 1258.2)

Mitragynine Speciosa Regulation (ACT 416)

Existing law provides for mitragynine speciosa to be added to the Uniform Controlled Dangerous Substances Law. Prior law further provides that the schedule to which the substance will be added is dependent upon the classification of the substance as a controlled dangerous substance by the federal Drug Enforcement Administration.

New law repeals prior law.

New law creates the crime of unlawful sale or distribution of mitragynine speciosa to persons under the age of 21, which provides that no person can sell or distribute, or cause to be sold or distributed, a product containing mitragynine speciosa to any person under the age of 21. New law further defines "mitragynine speciosa" as a product containing either or both of the following: (1) Mitragynine; (2) 7-Hydroxymitragynine.

New law provides that whoever violates new law will be fined up to \$500, imprisoned for up to six months, or both.

New law creates the "Local Option for Mitragynine Speciosa," which authorizes local governments to enact ordinances to prohibit the sale or distribution of mitragynine speciosa products or to regulate the sale or distribution of such products in a more restrictive manner than new law.

Effective August 1, 2023.

(Adds R.S. 14:91.10 and R.S. 40:1300.51-1300.53; repeals Act No. 231 of the 2019 R.S.)

Office of Motor Vehicles' Acceptance of Cards (ACT 155)

Existing law authorizes the Dept. of Public Safety and Corrections to accept credit cards, charge cards, or debit cards for the payment of fees, fines, taxes, penalties, and interest. Further authorizes the department to determine which specific programs or offices or locations will accept credit cards, charge cards, or debit cards as payment.

New law requires the office of motor vehicles within the department to accept credit cards, charge cards, and debit cards as a method of payment for fees, fines, taxes, penalties, and interest, along with all other payment methods currently used.

New law provides, however, that the office of motor vehicles is not required to accept credit cards, charge cards, and debit cards for the International Registration Plan authorized in existing law (R.S. 47:511(B)).

Effective August 1, 2023.

(Amends R.S. 40:1322(D))

Retired Officers and Concealed Firearms (ACT 385)

Existing law permits an individual who is a qualified retired law enforcement officer to carry a concealed firearm anywhere in the state, including any place open to the public, if he meets certain eligibility criteria.

Existing law requires a qualified retired law enforcement officer to qualify annually to obtain certification from the Council on Peace Officer Standards and Training (P.O.S.T.) and to provide proof of such certification.

New law adds a retired officer who is properly certified by the P.O.S.T. Council at the time of retirement as an alternative requirement to existing law.

New law provides that an individual who is retired from service as a qualified law enforcement officer shall not be permitted the ability to carry a concealed firearm in another state without proper qualification under the provisions of existing law.

Effective August 1, 2023.

(Amends R.S. 40:1379.1.4(B)(5); Adds R.S. 40:1379.1.4(E))

Concealed Handgun Permits for DWI Offenders; Online Handgun Education Course (ACT 295)

Existing law provides relative to statewide permits for concealed handguns and provides for qualifications of a La. resident to obtain a concealed handgun permit, including the requirement that a resident not chronically and habitually use alcoholic beverages to the extent that his normal faculties are impaired.

Existing law further provides that it shall be presumed that an applicant or permittee chronically and habitually uses alcoholic beverages to the extent that his normal faculties are impaired if the applicant has been found guilty of, or entered a plea of guilty or nolo contendere to, operating a vehicle while intoxicated or has been admitted, either voluntarily or involuntarily, for treatment as an alcoholic within a certain time period.

New law removes the existing law presumption that if an applicant for a concealed handgun permit is found guilty of, or entered a plea of guilty or nolo contendere to, operating a vehicle while intoxicated, then such applicant chronically and habitually uses alcoholic beverages.

New law provides that no concealed handgun permit shall be suspended or revoked solely upon the basis of an arrest for a first offense driving while intoxicated.

Existing law provides that the Dept. of Public Safety and Corrections (DPS&C), office of state police, shall provide a two-hour online handgun education course at no cost to La. residents.

Existing law provides for the length of the online course to be two hours.

New law amends existing law to change the length of the online course from two hours to two hours and 15 minutes.

Existing 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 amends the topic of "handgun basics and nomenclature" to include handling procedures for a revolver and a semiautomatic pistol.

New law further combines the topic of "safe storage of firearms" with the topic of "accident prevention".

New law further adds the topic of "suicide prevention, with an emphasis on the impact of firearm-related suicides involving veterans and current service members of the U.S. Armed Forces" to the course.

Existing law provides that the DPS&C, office of state police, shall divide the topics provided in existing law into eight video segments that shall broadcast for no less than 15 minutes per segment.

New law amends existing law to change the number of video segments from eight to nine, but still provides that the video segments shall broadcast for no less than 15 minutes per segment.

Effective August 1, 2023.

(Amends R.S. 40:1379.3(C)(8) and 1379.3.3(B), (D)(1) and (6), and (F)(2); Adds R.S. 40:1379.3(I)(6) and 1379.3.3(D)(9))

Personal Locator Beacons for Offshore Facility Travelers (ACT 168)

Existing law specifies that, among considerations for helicopter safety in over water flight services in the oil and gas industry, the director of aviation (DA) may maintain knowledge of personal locator beacons (PLBs) capable of transmitting a digital coded distress signal and a permanent homing signal suitable for use in over water flight services utilized in the oil and gas industry.

New law requires each person being transported to and from offshore facilities by aircraft to wear a life jacket equipped with a PLB.

Existing law provides for all of the following requirements:

- (1) Maintaining familiarity with federal regulations.
- (2) Facilitating information on over water flight services to the DA who oversees such operations.
- (3) Publishing certain reports to the legislature.

New law redesignates the requirements in existing law.

Effective January 1, 2024.

(Amends R.S. 40:1486.2(D), (E), and (F); Adds R.S. 40:1486.2(G))

Revenue Bonds Authorization for Public Safety Complex and Troop and Regional Headquarters (ACT 252)

Existing law authorizes any public trust, political subdivision, district, corporation, or instrumentality which is authorized to issue revenue bonds on behalf of the state to issue bonds on behalf of the Department of Public Safety and Corrections.

New law retains existing law.

Existing law authorizes the issuance of revenue bonds for the relocation, planning, acquisition, construction, and equipping of a Joint Emergency Services Training Center in the parish of East Baton Rouge or the state fire marshal's project at Independence Park in the parish of East Baton Rouge, and to fund the cost of issuance, credit enhancements, or other obligations related to the issuance of such bonds.

New law additionally authorizes the issuance of revenue bonds for the relocation, planning, acquisition, construction, and equipping of a public safety complex, including without limitation a crime lab and the state fire marshal's project at Independence Park in the parish of East Baton Rouge, and troop or regional headquarters throughout the state, and otherwise retains existing law.

Effective June 12, 2023.

(Amends R.S. 40:1487(A)(2))

Allen Parish Fire Protection District No. 5 Per Diems (ACT 115)

Existing law authorizes parishes to create fire protection districts.

Existing law provides that members of the governing boards of fire protection districts may be paid a per diem of \$30 for attending meetings of the board, not to exceed two meetings in a month. Provides that per diem payments are paid from funds of the district.

New law authorizes the members of the governing board of Fire Protection District No. 5 of Allen Parish to receive a per diem of \$100 and authorizes the district president to receive a per diem of \$150.

New law authorizes the district's governing board to increase the per diem to not more than \$300.

Effective August 1, 2023.

(Adds R.S. 40:1498(K))

State Supplemental Pay for Firemen (ACT 298)

Existing law (R.S. 40:1666.1) sets the qualifications required for a fireman to receive state supplemental pay.

Prior law required the employee to be paid not less than \$300 per month, exclusive of supplemental pay. New law repeals prior law.

Prior law (R.S. 40:1666.3) required the mayor or parish official of the respective municipality or parish to issue a warrant for the monthly payment to qualifying firemen. New law requires such warrants to be approved and certified by the mayor or parish official. Additionally, adds fire chiefs as a party who must approve and certify these warrants in addition to the mayor or parish official.

Prior law placed the state fire marshal in charge of disbursements for fireman supplemental pay. New law changes responsibility for the disbursements to the Department of Public Safety and Corrections (DPSC).

Prior law required the mayors or parish officials of the employing political subdivision to forward the warrant to DPSC. New law requires the mayor or parish official to submit the approved and certified warrant to DPSC. Prior law required DPSC to issue and deliver checks to each employee receiving supplemental payment and required certain statements to be contained on each check. New law authorizes DPSC to issue payment by whatever means and removes the requirement that the payment contain certain statements.

Existing law requires the mayor or other municipal or parish officer charged with responsibility for preparing the payrolls of employees to include state supplemental pay into each employees tax withholdings and retirement contributions. New law adds the fire chief as a party who may be responsible for such calculations of tax withholdings and retirement contributions.

Existing law (R.S. 40:1666.7) establishes the Fireman's Supplemental Pay Board and authorizes payment of \$50 per day per diem to each member attending official business. Prior law required the state fire marshal to issue this per diem payment. New law requires DPSC to issue such per diem.

Prior law authorized the board to employ an accountant and set the requirements for such position. New law repeals prior law.

Effective July 1, 2023.

(Amends R.S. 40:1666.1(A)(1), 1666.3(A), (B), and (C), and 1666.6)

Fireman's Supplemental Pay Board (ACT 138)

Existing law establishes the Fireman's Supplemental Pay Board (board) and provides that membership is by gubernatorial appointment, subject to Senate confirmation.

New law increases the total membership of the board from five to seven members and modifies the board composition, as more fully explained below.

Existing law provides for two members from the La. State Fireman's Assoc.

Prior law provided for one at-large member of the board. New law repeals prior law.

Existing law provides for two members from the La. State Fireman's Association. New law adds an additional member from the La. State Fireman's Association.

New law further adds two members to the board from the La. Fire Chiefs Assoc.

Existing law provides that each member of the board serves a term concurrent with that of the governor appointing him and requires the board to elect a chairman from its membership to serve a two-year term.

Prior law provided that, in case of vacancy or delay in appointment, the appointment shall be a member in good standing of the same firefighter's organization as his predecessor, so that the board shall at all time consist of two persons who are members in good standing of the Professional Firefighters Assoc. of La. and two persons who are members in good standing of the La. State Fireman's Assoc.

New law provides that, if more than 30 days have passed since the governor has been notified of a vacancy on the board and no new appointment has been made or if more than 30 days have passed since the governor has taken his oath of office for the term and no initial appointment for that position for that term has been made, then a temporary appointee who is a member in good standing of the same firefighter's or fire chief's organization as the member who created the vacancy shall be appointed by such organization, so that the board shall at all times consist of three persons who are members in good standing of the Professional Firefighters Assoc. of La., two persons who are members in good standing of the La. State Fireman's Assoc., and two persons who are members in good standing of the La. Fire Chiefs Assoc. Further provides that any member serving pursuant to the provisions of new law shall serve until the governor makes his appointment for that position pursuant to existing and new law.

Effective at noon on January 8, 2024.

(Amends R.S. 40:1666.5(A) and (D))

Law Enforcement Recruitment Incentive Program (ACT 376)

New law creates the Law Enforcement Recruitment Incentive Program and corresponding fund for the purpose of providing one-time incentive payments of \$5,000 to certain newly-employed law enforcement officers in the state.

New law provides that to be eligible for the incentive payment, a newly-employed officer shall:

(1) Gain employment with a sheriff's office, municipal police department, or the office of state police on or after July 1, 2023.

(2) Have never before been employed as a La. law enforcement officer.

(3) Maintain continuous full-time employment with an eligible agency for a least two years.

(4) Have permanent job duties that include making arrests, performing searches and seizures, or executing criminal warrants.

(5) Be responsible for the prevention or detection of crime or for the enforcement of the penal, traffic, or highway laws of this state.

(6) Attain POST-certification within one year of the date on which employment begins.

New law provides that any elected or appointed head of a law enforcement department is not eligible for an incentive payment pursuant to the program.

New law provides for the reimbursement of payments by any officer who receives funds and fails to maintain employment for two years.

New law requires requests for incentive payments for newly-employed officers to be submitted as follows:

(1) Requests for incentive payments for deputy sheriffs shall be submitted by the sheriff of the respective parish to the Deputy Sheriff's Supplemental Pay Board for review and approval.

(2) Requests for incentive payments for municipal police officers shall be submitted by the chief of police of the respective municipality to the Supplemental Pay Board of Review for Municipal Police Officers for review and approval.

(3) Requests for incentive payments for law enforcement officers employed by the office of

state police shall be submitted pursuant to rules promulgated by the State Police Commission.

New law requires the approving entity to submit the approved request to the state treasurer for payment to the eligible agency.

New law requires local civil service systems to promulgate rules as necessary to implement the program.

New law terminates the program on July 1, 2025, and authorizes the treasurer to transfer any unexpended and unencumbered monies remaining in the fund at that time to the state general fund.

Effective upon signature of governor (June 14, 2023).

(Adds R.S. 40:1669)

Building Inspections (ACT 25)

Prior law required that a properly registered certified building inspector conduct all inspections of any commercial or residential structure and required that the inspector be present on site for such inspections.

New law changes prior law by requiring that inspections of any commercial or residential structure be done by a building code enforcement officer or a certified third-party provider.

New law requires that all building code enforcement officers or certified third-party providers be on site for inspections, except for roofing inspections.

New law allows a building code enforcement officer or a certified third-party provider to accept photographs or videos that are location verified with geotagging for required roofing and reroofing inspections of any commercial or residential structure.

Effective August 1, 2023.

(Amends R.S. 40:1730.23(J))

Required Procedures Before Excavation or Demolition (ACT 344)

Prior to excavation or demolition in any street, highway, public place, or servitude, existing law requires that individuals evaluate utilities that may be damaged during excavation and demolition.

New law clarifies the requirement that marking of an operator's facility or utility be provided for excavation or demolition purposes.

Existing law requires that notice be given for demolition and excavation work to be performed at least 48 hours, but not more than 120 hours, with exemptions for weekends and certain holidays.

New law adds that excavation or demolition activities shall commence not more than 120 hours past the mark-by-time.

Prior law stated which days are considered holidays in regards to when notice shall be given for excavation or demolition.

New law removes prior law that outlined certain language regarding what is considered a holiday.

Existing law requires an excavator or demolisher to provide the specific location for excavation or demolition with notice or physically mark the area using white paint, flags, or stakes prior to notice.

New law retains existing law and adds that the excavator or demolisher shall provide the specific location for excavation or demolition with either telephonic or electronic notice. Telephonic notice shall require the excavator or demolisher to physically mark the proposed route or area of excavation or demolition.

Prior law required those responsible for an excavation or demolition to dig test pits if facilities or utilities are to be exposed during an excavation or demolition operation.

New law requires potholing to determine the location of facilities or utilities if an excavation or

demolition operation could reasonably result in damage to underground utilities or facilities. For forestry excavation operations that could result in damage, the excavator and facility or utility owner or operator shall cooperate to determine actual locations.

Effective August 1, 2023.

(Amends R.S. 40:1749.13(A) and (B)(1) and (4) and 1749.16(4))

Machine Guns and Flame Throwers (ACT 120)

Existing law provides for the definition of the term "machine gun" and defines the term to mean all firearms of any calibre, commonly known as machine rifles, machine guns, and sub-machine guns, capable of automatically discharging more than eight cartridges successively without reloading, in which the ammunition is fed to the gun from or by means of clips, disks, belts, or some other separable mechanical device.

New law amends existing law to define the term "machine gun" to mean any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manual reloading, by a single function of the trigger.

New law further provides that the term shall also include the frame or receiver of any such weapon, and any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun.

New law further provides that the term shall not include items that are not required to be registered in the National Firearms Registration and Transfer Record maintained by the ATF.

Existing law provides for the unlawful handling of machine guns and further provides that no person shall sell, keep or offer for sale, loan or give away, purchase, possess, carry, or transport any machine gun within La.

Existing law further provides for exceptions to this prohibition.

New law amends existing law to prohibit the manufacture, transfer, or possession of machine guns. Further provides that no person shall manufacture, transfer, or possess a machine gun within La.

New law does not apply to any of the following:

- (1) A transfer to or from, or possession by or under the authority of, the U.S. or any department or agency thereof.
- (2) A transfer to or from, or possession by or under the authority of, any state of the U.S. or a department, agency, or political subdivision thereof.
- (3) Any machine gun that is lawfully manufactured, transferred, or possessed under federal law.

Existing law provides for the transfer of machine guns in certain cases.

New law repeals existing law.

Existing law provides for registers of machine guns and inspections of those registers.

New law repeals existing law.

Existing law provides for a penalty of imprisonment at hard labor for not less than one year nor more than 10 years for any manufacturer who:

- (1) Passes possession of or delivers a machine gun to any person in violation of existing law.
- (2) Fails to keep an accurate register, as required in existing law.
- (3) Fails to produce or account for a sheriff's permit for each machine gun sold by him for which a permit is necessary under the provisions of existing law.

New law repeals existing law, but retains existing law which provides a penalty of imprisonment at hard labor for not less than one year nor more than 10 years.

Existing law provides that whoever, having been convicted of murder, armed or simple robbery, aggravated or simple burglary, or aggravated battery, or an attempt to commit any one of those crimes, thereafter violates any of the provisions of existing law shall be imprisoned at hard labor for not less than three years nor more than 10 years.

New law retains existing law regarding the penalty, but amends existing law to provide that any person who has been convicted of, or found not guilty by reason of insanity for, a crime of violence as defined in existing law which is a felony, or an attempt to commit any crime of violence as defined in existing law which is a felony, who thereafter violates any of the provisions of existing law shall be imprisoned at hard labor for not less than three nor more than 10 years.

Existing law provides for definitions for various terms, including "firearm" and "machine gun".

New law amends the existing law definition of "firearm" to remove flame throwers.

New law amends the existing law definition of "machine gun" to mean any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading by a single function of the trigger.

New law further provides that the term shall also include the frame or receiver of any such weapon, and any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun.

New law further provides that the term shall not include items that are not required to be registered in the National Firearms Registration and Transfer Record maintained by the ATF.

Effective August 1, 2023.

(Amends R.S. 40:1751, 1752, 1755, and 1781(3) and (5); Repeals R.S. 40:1753 and 1754)

Healthcare Facility Visitation Policies and Procedures (ACT 367)

New law shall be known and may be cited as the "No Patient Left Alone Law".

New law provides for legislative findings.

New law applies to all of the following facilities:

(1) Licensed centers that provide care for persons with developmental disabilities as defined in existing law.

(2) Hospitals as defined in existing law.

(3) Licensed facilities that provide inpatient hospice care as defined in existing law.

(4) Nursing homes as defined in existing law.

New law provides that visitation policies and procedures may not require visitors to submit proof of any vaccination or immunization.

New law further provides that visitation policies shall allow consensual nonsexual physical contact such as hand holding or hugging.

In accordance with existing law, new law provides all of the following:

(1) Any person 18 years or older may designate those individuals who will not be denied access to visit him in person during any stay in any hospital, nursing home, or other healthcare facility within La.

(2) Hospitals, nursing homes, and adult residential care homes may allow members of the clergy to visit patients or residents during a public health emergency whenever a patient or resident or the legal or designated representative of the patient or resident requests the visit.

(3) Licensed nursing facilities may allow immediate family members and other designated persons to visit residents during a public health emergency whenever a resident or the legal or designated representative of the resident requests the visit.

(4) Licensed adult residential care providers may allow immediate family members and other designated persons to visit residents during a public health emergency whenever a resident or the legal or designated representative of the resident requests the visit.

(5) Licensed intermediate care facilities for people with developmental disabilities (ICF/DD) may allow any close family member or legal representative of a resident of an ICF/DD to visit the resident during any state of public health emergency.

New law further provides that special consideration shall be given to residents receiving end-of-life care.

New law requires a facility to submit a written copy of its visitation policies and procedures to the health standards section of the La. Dept. of Health (LDH) at the initial licensure survey. New law further requires visitation policies and procedures to be made available for review by LDH at any time, upon request.

New law requires a facility to make its policies and procedures easily accessible from the homepage of its website no later than 24 hours after establishing the policies and procedures required by new law.

New law requires LDH to dedicate a stand-alone page on its website to explain the visitation requirements set forth in new law and provide a link to the department's webpage to report complaints.

New law requires certain provisions of existing law to include the right to consensual nonsexual physical contact such as hand holding or hugging.

New law further requires certain provisions of existing law to not require visitors to submit proof of any vaccination or immunization.

Effective August 1, 2023.

(Amends R.S. 40:2005.1(B)(2)(a), 2009.4(A)(7)(b), 2166.5(B)(12)(b), 2180.2(11)(a)(ii) and (iii), and 2184(2)(d); Adds R.S. 40:1300.51-1300.55)

State Child Ombudsman (ACT 325)

New law requires the legislative auditor to appoint a state child ombudsman, subject to legislative appropriation, who has knowledge of the child welfare system and the legal system and is qualified by training and experience to perform the duties of the ombudsman. New law further provides for the legislative auditor to employ necessary personnel to perform the duties assigned to the ombudsman.

New law provides for the duties of the state child ombudsman who shall independently monitor and evaluate the public and private agencies involved in the protection of children and delivery of services to children with the goal of safeguarding the welfare of children through educational advocacy, system reform, public awareness, and training.

New law requires the state child ombudsman to prepare the following reports:

(1) A biennial, in-depth report on conditions of confinement regarding children 21 years of age or younger who are held in secure detention in any facility operated by a state agency.

(2) An annual report on the goals of and projects undertaken by him, within available appropriations, that are consistent with his duties and responsibilities.

New law requires any state agency having responsibility for the custody or care of children to provide monthly notice to the ombudsman of the death of a child in its custody or care. New law further requires the ombudsman to notify the senator and representative who represent the

district in which a child has died as a result of abuse or neglect within 24 hours of his knowledge of the death of the child.

New law provides that the standing committee of each house having responsibility for oversight shall perform a biennial review and evaluation of the ombudsman.

New law provides that the state child ombudsman or his designee shall serve as a member of the State Child Death Review Panel.

Effective when an Act of the Louisiana Legislature containing a specific appropriation of monies for the implementation of new law becomes effective.

(Amends R.S. 40:2019(C)(intro para); adds R.S. 24:513(D)(7) and 525 and R.S. 40:2019(C)(23))

Pediatric Day Health Care Facility Camera Law Named (ACT 27)

Existing law requires pediatric day health care facilities to install and operate cameras. The facility is required to provide written notice of the placement of the cameras to staff and parents and develop provisions and procedures for the capture and retention of video and audio data.

Existing law requires facilities to develop procedures to properly disclose video and audio recorded by the cameras in a manner that protects the privacy of the child.

New law provides that existing law (R.S. 40:2193.6) shall be known as the Lane Allen Gottschalck Law.

Effective August 1, 2023.

(Amends R.S. 40:2193.6(D))

Surgical Smoke Plume Evacuation Plans (ACT 35)

New law defines "surgical smoke plume" as the byproduct of using heat-producing equipment on tissue during surgery.

New law requires licensed healthcare facilities which provide surgical procedures using heat-producing equipment, including but not limited to electrosurgery and lasers, to adopt and implement policies for a surgical smoke plume evacuation plan to mitigate and remove the surgical smoke plume.

New law provides for the La. Department of Health to verify compliance with new law through onsite surveys that are specific to surgical services, full licensing surveys, full recertification surveys, and complaint surveys if allegations specific to surgical services are alleged.

Effective August 1, 2023.

(Adds R.S. 40:2200.11)

Firefighters Deemed Peer Support Members and Public Safety Personnel (ACT 23)

Existing law (C.E. Art. 518) includes individuals such as a person who provides emotional and moral support to an emergency responder, an emergency responder, or civilian volunteer in its definition of trained peer support member.

New law (C.E. 518 (B)(3)) expands existing law to include firefighters.

Existing law (R.S. 40:2411(C)(6)) defines "peer support training" as training in peer support and critical incident stress conducted by the Southern Law Enforcement Foundation, the International Critical Incident Stress Foundation, Inc., or an equivalent program as approved by the executive director of the La. Commission on Law Enforcement and Administration of Criminal Justice.

New law (R.S. 40:2411(C)(6)) expands the existing law definition to include the International Association of Fire Fighters Peer Support Training.

Existing law (R.S. 40:2411(C)(7)) defines "public safety personnel" as an employee of a governmental agency who provides support to peace officers such as a dispatcher, public safety

telecommunicator, crime scene and laboratory technician, and criminal analyst.

New law (R.S. 40:2411(C)(7)) expands the existing law definition to include firefighters.

Effective August 1, 2023.

(Amends C.E. Art. 518(B) and R.S. 40:2411(C)(6) and (7))

Nursing Home Emergency Preparedness Plans (ACT 3)

Existing law requires nursing homes to submit an emergency preparedness plan to the La. Dept. of Health (LDH) for approval. If LDH rejects the emergency preparedness plan, LDH will notify the nursing home of the rejection and any required changes to the emergency preparedness plan.

Existing law provides that after the nursing home updates its emergency preparedness plan to include any required changes, the nursing home may submit an updated and revised emergency preparedness plan.

Prior law required LDH to refuse to issue or renew a license of a nursing home that submitted an updated and revised emergency preparedness plan that LDH rejected for failing to incorporate the required changes.

New law allows LDH to exercise discretion to revoke or deny renewal of a license to a nursing home if LDH rejected the updated and revised emergency preparedness plan submitted by the nursing home.

Effective August 1, 2023.

(Amends R.S. 40:2009.25(C)(9), (D)(9), and (E)(10))

Defending Affordable Prescription Drug Costs Act (ACT 358)

New law creates the "Defending Affordable Prescription Drug Costs" Act.

New law provides for definitions of certain terms including "340B drug" and "340B entity".

New law prohibits a health insurance issuer, pharmacy benefit manager, or other third-party payor or its agent from taking any of the following actions:

- (1) Reimbursing a 340B entity for 340B drugs at a lower rate than a non-340B entity.
- (2) Imposing additional or different terms, conditions, or fees on a 340B entity compared to a non-340B entity on the basis that the entity is a 340B entity or that the drug is a 340B drug.
- (3) Requiring a 340B entity to reverse, resubmit, or clarify a claim after initial adjudication unless these actions are in the normal course of pharmacy business.
- (4) Preventing or interfering with any patient's choice to receive 340B drugs from a 340B entity by placing any additional requirements, restrictions, or unnecessary burdens on 340B entities that result in administrative costs or fees unless the action is required by Medicare and Medicaid Services or the La. Dept. of Health.
- (5) Including any provision in a contract between a health insurance issuer, pharmacy benefit manager, or other third-party entity and a 340B entity that discriminates against a 340B entity or prevents or interferes with a patient's choice to receive a prescription drug from a 340B entity.
- (6) Requiring or compelling the submission of ingredient costs or pricing data pertaining to 340B drugs.
- (7) Excluding any 340B entity from a health insurance issuer, pharmacy benefit manager, or other third-party payor network on the basis that the 340B entity dispenses 340B drugs.

New law provides that the prohibitions on a health insurance issuer, pharmacy benefit manager, or other third-party payor shall not apply to the La. Medicaid program as a payor

when Medicaid provides reimbursement for covered outpatient drugs in accordance with existing law.

New law prohibits actions by a manufacturer or distributor that would deny, restrict, prohibit, or otherwise interfere with the acquisition of a 340B drug by a pharmacy that is under contract with a healthcare facility that participates in the 340B drug discount program.

New law provides that the commission of any act prohibited by new law constitutes a violation Unfair Trade Practices and Consumer Protection Law except there shall be no right to bring private action.

New law provides that nothing in new law will be less restrictive than or construed to conflict with federal law.

Effective August 1, 2023.

(Adds R.S. 40:2881-2886)

TITLE 41: PUBLIC LANDS

Cameron Parish School Board Sale or Exchange of Lands (ACT 58)

Existing law provides that the title to 16th section lands is held by the state.

Existing law authorizes school boards to sell or lease unused 16th section state lands after an election held in the township where the 16th section is located.

Existing law also authorizes school boards to sell other unused immovable property through a public bid process.

New law further authorizes the Cameron Parish School Board to approve the sale of 16th section lands in Cameron Parish using the public bid process under existing law and to exchange 16th section lands for property of equal or greater value.

New law requires that an appraisal be obtained and a public hearing be held prior to the school board determining whether the lands should be sold or exchanged.

New law provides that if the board determines, after the hearing, that the 16th section lands are not needed for school purposes and that it is in the best interest of the district, the board may vote to authorize the sale or exchange.

New law provides that the school board president is the authorized signatory for any sale or exchange of 16th section state lands approved by the board.

Effective August 1, 2023.

(Adds R.S. 41:729)

Public Benefit Corporations (ACT 190)

Existing law defines a "public benefit corporation" to be a nonprofit corporation formed pursuant to the general nonprofit corporation law of the state of Louisiana, except those formed pursuant to specific constitutional or statutory authority, by a political subdivision of the state of Louisiana through its chief executive officer for the purposes of owning, leasing, developing, and operating properties owned by such political subdivision or by such public benefit corporation, including but not limited to planning, renovating, constructing, leasing, subleasing, managing, and promoting such properties, which activity is declared to constitute a public purpose, which shall meet each of the following requirements.

New law retains existing law but adds the owning, leasing, developing, and operation of properties leased by such a political subdivision, and also adds improving and operating such properties.

New law provides that, notwithstanding the provisions of existing law, any lease or sublease executed by a public benefit corporation under the provisions of this new law, in Jefferson Parish, shall be for a period not exceeding ninety-nine years and shall provide for a rental payable

in cash in a lump sum or installments, at the discretion of the lessor.

Effective August 1, 2023.

(Amends R.S. 41:1215(B)(intro para); adds R.S. 41:1215(B)(9) and (G))

TITLE 42: PUBLIC OFFICERS AND EMPLOYEES

Public Meetings Via Electronic Means (ACT 393)

Prior law authorized the State Bond Commission, pharmacy benefit manager monitoring advisory council, statewide advisory committees of the Louisiana State Board of Medical Examiners, and the Louisiana Military Family Assistance Board to conduct periodic meetings via electronic means outside of a gubernatorially declared state of disaster or emergency provided certain prior law requirements, including notice and agenda publication and mechanisms for public participation, were met.

Prior law further authorized the Gaming Control Board to conduct emergency meetings via video conference as determined to be necessary by the chairman.

New law repeals prior law and establishes comprehensive eligibility requirements for a public body to hold a meeting via electronic means.

New law defines "meeting via electronic means" as a meeting occurring via teleconference or video conference.

New law allows public bodies that have powers, duties, or functions that are not limited to a particular political subdivision or region and that meet a minimum of six times per calendar year to meet via electronic means, provided provisions of new law are met.

New law prohibits the total number of meetings held via electronic means from exceeding one-third of the public body's total yearly meetings.

New law allows public bodies that are strictly advisory or primarily focused on issues dealing with disabilities or assisting military families to conduct any meeting via electronic means, provided provisions of new law are met.

New law requires each public body to adopt rules, regulations, and procedures to facilitate participation in its meetings by any member of the public with a disability recognized by the Americans with Disabilities Act or a designated caregiver of such a person if the person requests the accommodation prior to the meeting. If the public body has the capability, the rules, regulations, or procedures shall facilitate participation via teleconference or video conference as defined in new law; if the public body does not have that capability, the rules, regulations, or procedures shall facilitate participation through viable alternative methods.

New law does not apply to an executive session held in accordance with law, to any meeting that is sequestered in accordance with law, or to any public body included that is prohibited from meeting via electronic means.

New law requires state agencies to promulgate rules pursuant to the Administrative Procedure Act to implement new law.

New law requires meetings held via electronic means to originate from a physical anchor location.

New law defines "anchor location" as the public location from which the public body holds in-person meetings or is specifically equipped with the technology necessary to meet via electronic means.

New law requires all meetings held via electronic means to provide a mechanism for public comment and remote participation.

New law requires all documents available to members of the public in attendance at the anchor

location to be made available online to members of the public participating remotely.

New law requires meetings held via electronic means to be clearly visible and audible to members of the public at all times except for during executive session.

New law requires a meeting held via electronic means to recess if a problem occurs that causes the meeting to no longer be visible or audible to the public until the problem is resolved. Further requires the meeting to adjourn if the problem is not resolved in less than one hour.

New law specifies that the legislature, either house of the legislature, any committee of the legislature or either house of the legislature, Board of Elementary and Secondary Education, La. Board of Ethics, Board of Regents, State Civil Service Commission, La. Citizens Property Insurance Corp., State Board of Commerce and Industry, the boards of supervisors for the state's higher education systems, and parish boards of election supervisors are prohibited from meeting via electronic means.

New law requires each public body to provide for a member of the body with a disability recognized by the Americans with Disabilities Act to participate and vote via electronic means.

New law prohibits members of the legislature or any parish board of election supervisors with a disability recognized by the Americans With Disabilities Act from being eligible to vote and participate in a meeting conducted via electronic means.

New law requires review of the policies and procedures of public bodies who elect to meet via electronic means by the office of the legislative auditor to ensure compliance and identify problems. Further requires the office of the legislative auditor to generate and issue a report on the findings along with proposals for legislation to the Senate and House governmental affairs committees.

Effective August 1, 2023.

(Amends R.S. 42:17.2; adds R.S. 42:14(E) and 17.2.1; repeals R.S. 27:11(G)(2), R.S. 42:17.3 and 29, and R.S. 46:123(M))

Village Exception to Anti-Nepotism Laws (ACT 227)

Existing law (R.S. 42:1119—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 (R.S. 42:1113—ethics code—prohibited transactions) generally prohibits immediate family members of a public servant from entering into transactions under the supervision or jurisdiction of the public servant's agency. The Bd. of Ethics has opined that appointment constitutes a transaction. Existing law provides exceptions.

New law adds an exception to allow, in municipalities with a population of 1,000 or less (villages), an immediate family member of a municipal governing authority member to be appointed or employed by the municipality if the immediate family member is the only qualified applicant for the position after it has been advertised for at least 30 days in the official journal of the municipality. Requires a municipal governing authority member whose immediate family member is appointed or employed by the municipality to recuse himself from any decision involving the promotion or assignment of his family member.

Effective upon signature of governor (June 8, 2023).

(Adds R.S. 42:1119(B)(2)(c))

Ethics Adjudicatory Board Notice of Hearings (ACT 146)

Existing law required that the Ethics Adjudicatory Board to give public notice of its hearings that were conducted pursuant to existing law.

New law retains existing law and further requires the Ethics Adjudicatory Board to mail notice to the address at which the subject of the hearing was served with the charges pending before the board or an address provided by the respondent or the respondent's attorney of record after service was made.

Effective August 1, 2023.

(Amends R.S. 42:1141.4(A)(2))

Procedures for Summary Judgment by Ethics Adjudicatory Board (ACT 147)

New law authorizes the use of motions and exceptions by any party in matters before the Ethics Adjudicatory Board. Provides procedure for the use of a motion for summary judgment.

New law authorizes a motion for summary judgment to be filed by the Board of Ethics or the respondent without leave of the Ethics Adjudicatory Board and without an agreement by any other party to the use of summary judgment procedure, at any time before, during, or after a public hearing on the merits.

New law provides that after a period of adequate discovery, a motion for summary judgment shall be granted if the motion, memorandum, and supporting documents show that there is no genuine issue as to a material fact and that the mover is entitled to judgment as a matter of law.

New law provides that only the documents listed in the Code of Civil Procedure provisions relative to documents, including affidavits, that may be filed in support of or opposition to a motion for summary judgment.

New law provides that the burden of proof is on the mover and further provides the burden is on the adverse party to produce factual support sufficient to establish the existence of a genuine issue of material fact or that the mover is not entitled to judgment as a matter of law.

New law authorizes the Ethics Adjudicatory Board to render summary judgment dispositive of a particular issue or defense in favor of one or

more parties even though the granting of the summary judgment does not dispose of the entire matter as to that party or parties. Further provides that the Ethics Adjudicatory Board may render or affirm summary judgment only as to those issues set forth in the motion under consideration by the board at that time.

New law requires the Ethics Adjudicatory Board to transmit notice of the hearing on the motion for summary judgment to the Board of Ethics through the secured electronic file transfer system and to the respondent through his counsel of record, or if no counsel of record, to the respondent, by either email or regular mail to the last known email or mailing address provided by the respondent's counsel of record or respondent to the Ethics Adjudicatory Board.

New law provides that a denial of a motion for summary judgment is an interlocutory judgment and is not appealable pursuant to existing law.

Effective August 1, 2023.

(Adds R.S. 42:1141.7 and 1141.8)

Board of Ethics Emails to Filers (ACT 241)

New law requires the Bd. of Ethics to send a communication electronically in a timely manner to a filing party who files a report through the Computerized Data Management System. Provides that the communication does not replace any other type of notice required by law.

Effective January 1, 2024.

(Adds R.S. 42:1160)

TikTok Banned on State Government Computers (ACT 308)

New law requires the office of technology services to develop a policy, subject to the approval of the Joint Legislative Committee on Technology and Cybersecurity, to prohibit the use of any covered application on computers, devices, and networks owned or leased by the state.

New law defines "covered application" as the social networking service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited.

New law provides that the policy shall not prohibit a public servant from having unrestricted access to a covered application for a legitimate scientific, educational, or law enforcement purpose as determined and approved by the public servant's agency prior to the public servant's access to the covered application. Further provides that the policy shall not prohibit any public servant from having unfiltered or unrestricted access to a covered application on a computer, device, or network that is not owned or leased by the state, so long as the public servant does not access a covered application in the course and scope of his public service.

New law requires the office of technology services to notify the agency head of each executive branch agency of the policy when it becomes aware that the agency is in possession of a computer, device, or network owned or leased by the state.

New law requires the supreme court to develop and implement a policy for judicial branch agencies that is substantially similar to the policy confected by the office of technology services.

New law requires the Joint Legislative Committee on Technology and Cybersecurity to develop a policy for legislative branch agencies that is substantially similar to the policy confected by the office of technology services and requires the Legislative Budgetary Control Council to oversee the implementation of the policy.

New law requires the agency head of an agency using a state-owned or state-leased computer, device, or network to ensure that the agency properly implements the policy. Further provides that an agency head who fails to properly implement the policy shall be subject to a civil penalty not to exceed \$500 per violation, which may be recovered by the state in a civil action instituted by the attorney general. The agency head shall be personally liable for the payment of such penalty.

New law does not apply to networks that are open and available for public access.

New law requires the office of technology services to develop the policy and submit it to the Joint Committee on Technology and Cybersecurity no later than Aug. 23, 2023.

Effective upon signature of governor (June 13, 2023).

(Adds R.S. 42:1471-1474)

TITLE 43: PUBLIC PRINTING AND ADVERTISEMENTS

Local Government Publication of Proceedings (ACT 178)

Existing law requires each parish, municipality, and school board to select a newspaper as its official journal and to publish its minutes, ordinances, resolutions, budgets, and other official proceedings in the official journal.

Existing law provides that such publication may be made under contract and sets maximum rates for compensation of the official journal for publication.

New law authorizes compensation for publication at rates higher than the statutory maximums if both parties agree to a higher rate.

Existing law, which is phased out as provided below, provides the following maximum compensation rates:

- (1) \$6 per square of 100 words in parishes that do not contain a city with a population of over 100,000.
- (2) \$.33 per agate line in parishes that contain a city with a population of more than 100,000, but not one with more than 300,000.
- (3) \$.37 per agate line in parishes that contain a city with a population of more than 300,000.

New law provides for maximum compensation rates based on price per character. Provides that "character" does not include spaces, letting, or kerning. Provides that the maximum rate is \$.02 per character if the parish has a municipality with a population of more than 100,000 and \$.015 if the parish does not have such a municipality. Provides for costs of specialized printing.

New law provides for a transitional period between Jan. 1, 2024, and Dec. 31, 2026, during which official journals may submit bids based on either the existing law or new law compensation methods. Provides that on and after Jan. 1, 2027, compensation for all publications shall be based on a per character price as provided by new law.

New law provides that existing law and new law are also applicable to the publication of public notices. New law provides additionally relative to the publication of official proceedings and public notices by official journals as follows:

- (1) Requires official journals to have a website and post the local government's proceedings and notices on that website and on a collective website in which a majority of the state's official journals participate.
- (2) Requires an official journal to, within 30 days of publication, submit a bill for the publication that includes specified information.
- (3) Requires that published proceedings and notices be retained by the La. Public Notice program promulgated by the La. Press Assoc. for a minimum of three years.
- (4) Provides that, except where constitutionally infirm or due to the negligence of the public body, a fault in publication shall not affect the validity of the publication.

Effective August 1, 2023, except that the repeal of phased out provisions is effective July 1, 2027.

(Amends R.S. 43:140(3)(intro. para.) and 147(A) and (B); Adds R.S. 43:141.1, 143.1, 147.1, and 147.2; Repeals R.S. 43:147 and 147.2)

TITLE 44: PUBLIC RECORDS AND RECORDERS

Public School Surveillance Videos (ACT 301)

Existing law (R.S. 44:1 et seq.-Public Records Law) provides that all types of documentary materials, regardless of format, 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 excludes from the definition of "public record" any documentary material of a security feature of a public body's electronic data processing system, information technology system, telecommunications network, or electronic security system.

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 to provide copies to persons so requesting. Provides for certain exceptions, exemptions, and limitations.

Existing law exempts security-related information and blueprints and floor plans of the interior of a public school building or facility from the Public Records Law.

New law additionally exempts surveillance and security video of the inside of or the area immediately surrounding a building owned, operated, or maintained by a school board or a charter school from the Public Records Law, but requires the governing authority of each public elementary and secondary school, including charter schools, to adopt a policy to govern the video. Requires that the policy contain provisions relative to the retention of the video for at least 30

days, protecting student privacy, determining to whom and under what circumstances the recordings may be disclosed, and procedures for how a parent or legal guardian or a bona fide news gathering organization may request to review a recording and any limitations relative thereto. Further specifies that new law does not affect a parent's or legal guardian's right to access video recordings in accordance with existing law (R.S. 17:1948) provisions for videos in a special education setting.

Effective upon signature of governor (June 13, 2023).

(Adds R.S. 44:3.1.1)

La. Churches and Nonprofit Religious Organizations Self-Insured Fund (ACT 259)

New law creates the La. Churches and Nonprofit Religious Organizations Self-Insured Fund to allow churches and religious organizations to self-insure by allowing churches, religious organizations, and religious denominations to band together and self-insure to increase availability of property insurance for local churches and religious buildings, increasing competition on insurance rates, and reducing the volume of business written by the La. Citizens Property Insurance Corp.

New law authorizes two or more churches or nonprofit religious organizations or one or more religious denominations to pool their liabilities for the purposes of providing property coverage for their buildings and properties, so long as they have a positive net worth, are financially solvent, and capable of assuming the obligations.

New law defines "church", "department", "fund", "hazardous financial condition", "insolvency", "nonprofit religious organization", and "property coverage", which includes coverage for damage or loss of a structure or building and may include any or all of the following:

- (1) Premises liability coverage.
- (2) Contents coverage for furniture or equipment.

- (3) Wind and hail coverage.
- (4) Loss of use coverage.
- (5) Medical payments coverage.

New law provides that arrangements to pool liabilities are not deemed insurance and are not subject to the La. Insurance Code. New law further provides that such arrangements are not member insurers of the La. Insurance Guaranty Association (LIGA) and LIGA is not liable for any claims against an arrangement.

New law provides for establishment of a trust fund to serve as the group self-insurance fund governed by a board of trustees.

New law requires that two or more members of the fund maintain a minimum combined net worth of \$1,000,000 with a ratio of current assets to liabilities of at least one-to-one. Provides that once the fund has been in operation for three years and has a total surplus of \$3,000,000, the Department of Insurance (department) may waive the \$1,000,000 requirement.

New law provides for audit of financial statements or the department may require submission of necessary financial documents in a form and manner approved by the department.

New law provides for written application to the department to form a self-insurance fund.

New law requires that applications contain the following items:

- (1) The properly completed indemnity agreement in a form acceptable to the department.
- (2) Security as required by law.
- (3) Copies of acceptable excess insurance or reinsurance as required by law.
- (4) A bond covering each third-party administrator as provided by law. If the fund employs its own administrator, the fund is required to purchase a bond, errors and omissions insurance, directors' and officers' liability

insurance, or other security approved by the department for the administration of the fund.

(5) A certification from a designated depository attesting to the amount of monies on hand.

(6) Copies of fund bylaws and any trust agreement or other governance documents.

(7) Individual application of each member of the fund applying for membership in the fund and copies of each member's executed indemnity agreement.

(8) Evidence of financial strength and liquidity of the members dated as of the date of the filing of the application.

(9) Proof that the fund is required to have the minimum annual earned normal premium prescribed in new law.

(10) The current annual report or financial statement of any casualty insurance company providing excess or reinsurance coverage for the fund meeting the requirements of new law.

(11) The name, address, and telephone number of each attorney representing the fund, each qualified actuary for the fund, and each certified public accountant who will be auditing the annual financial statements of the fund, as well as evidence of appointment of each by the fund.

(12) The domicile address in this state where the books and records of the fund will be maintained, and the state from which the fund will be administered.

(13) Proof of advance payment to the fund by each initial member of the fund of not less than 25% of that member's first year estimated annually earned normal premiums.

(14) A feasibility study or other analysis prepared by a qualified actuary utilizing actual loss history of the initial members of the fund.

(15) Pro forma financial statements projecting the first three years of operations of the fund based upon a feasibility study or other analysis prepared by a qualified actuary including a pro forma balance sheet, income statement, and statement of cash flow, each prepared in accordance with generally accepted accounting principles.

(16) A copy of the fund's premium billing policy indicating whether the premium payments to the fund will be paid by members annually, monthly, quarterly, or any combination.

New law establishes certain requirements for the fund; provides for excess insurance; administrative and service companies; liability of the fund; and refunds. New law provides that the fund is not to be considered a partnership under state law. New law further requires fund members to be solidarily liable for liabilities incurred by the fund after the inception of the fund year in which the member becomes part of the fund, to the extent required in new law.

New law provides that monies in excess of that necessary to pay all obligations of the fund may be declared as refundable to the members of the fund by the board of trustees.

New law provides for investments by the fund and that securities or other investments be interest-bearing, interest-accruing, dividend-paying, or income-paying but prohibits investment in rental assets.

New law delineates the authority of the department in the self-insurance fund. Provides that new law does not prohibit the legislative auditor from reviewing records and conducting a lawful audit.

New law requires licensing of persons soliciting membership except that no employee of the fund, religious denomination, or association of nonprofit religious organizations is required to be licensed as an agent if the solicitation of membership for the fund is not the primary duty of the employee.

New law requires the fund to file rates on an actuarially justified basis with the department and

to use the rates 90 days after filing, unless disapproved by the department within the 90-day period.

New law provides for actions when the fund has three years of consecutive net losses on the audited financial statements of the fund, or two years of consecutive net losses on the audited financial statements of the fund in excess of \$500,000 or five percent of the premium of the latest audited financial statement, whichever is greater.

New law provides for insolvencies involving the fund and for the department to conduct examination of the fund at least once every five years and that the examination include the affairs, transactions, accounts, records, documents, and assets of the authorized group self-insurance fund. New law further requires all expenses incurred by the department in conducting the examination or investigation, including the expenses and fees of examiners, auditors, accountants, actuaries, attorneys, or clerical or other assistants who are employed by the department to be paid by the group self-insurance fund.

New law provides for response to issues related in the examination by the fund.

New law provides for procedures in which the fund chooses to dissolve and for approval or disapproval by the department. New law prohibits dissolution of the fund without authorization. New law further provides that application to dissolve be granted if either of the following conditions is met:

(1) The fund has no outstanding liabilities including incurred but not reported liabilities.

(2) The fund is covered by an irrevocable commitment from a licensed insurer which provides for payment of all outstanding liabilities and for providing all related services, including payment of claims, preparation of reports, and administration of transactions associated with the period during which the plan provided coverage.

New law grants exclusive jurisdiction over any proceeding instituted under new law to the Nineteenth Judicial District Court.

New law creates exceptions for certain documents and records to the Public Records Law.

Effective on June 12, 2023.

(Amends R.S. 44:4.1(B)(11); Adds R.S. 22:472.1 – 472.20)

Public Reasonable Fee Schedules for Copying of Public Records (ACT 247)

Existing law allows a custodian of public records to establish and collect reasonable fees for making copies of public records, including the transmission of electronic copies. Required adoption of a uniform fee schedule for copying public records of state agencies.

New law retains existing law and further requires a custodian of public records that are not public records of a state agency who elects to establish and collect fees under existing law to set and publicly post a reasonable fee schedule.

Effective August 1, 2023.

(Amends R.S. 44:32(C)(1)(a))

TITLE 45: PUBLIC UTILITIES AND CARRIERS

Previously Refunded Energy Transition Costs (ACT 149)

Existing law provides relative to electric utility energy transition securitization.

Existing law defines certain terms including "energy transition costs", which means, if requested by the electric utility, and as may be approved by the commission, costs incurred or to be incurred by an electric utility consisting of certain costs, including costs not previously collected from the electric utility's customers for previously mined coal or lignite or the closure

and reclamation of an eligible mine, including land remediation and liabilities.

New law specifies that the costs for previously mined coal or lignite or for the closure and reclamation of an eligible mine, including land remediation and liabilities, may include the following:

(1) Costs not previously collected from the electric utility's customers.

(2) Costs previously collected from the electric utility's customers but subsequently ordered by the commission to be refunded to customers. Such costs, including any interest component, ordered to be refunded may be included in the energy transition costs being financed by the energy transition bonds regardless of whether the refund credits are given before or after the date the energy transition bonds are issued.

New law provides that a utility may finance energy transition costs that were previously collected from the utility's customers but were subsequently ordered by the commission to be refunded to customers regardless of the date the costs were collected or the date the commission issued the refund order.

Effective June 7, 2023.

(Amends R.S. 45:1272(9)(b); adds R.S. 45:1281(C))

Review of Records of Cable or Video Service Providers (ACT 380)

Existing law provides that a local governmental subdivision, upon reasonable written request, may review the business records of a cable service provider or video service provider to the extent necessary to ensure payment of the franchise fee in accordance with existing law

New law provides that a review shall not address any records produced more than three years from the date the review is commenced, except as otherwise provided in a local cable franchise agreement, between a cable service provider or

video service provider and a local governmental subdivision, that is in effect at the time of the audit.

Effective August 1, 2023.

(Amends R.S. 45:1367(A))

Water Cooperative Service (ACT 360)

Existing law defines a water cooperative as a nonprofit water utility cooperative or corporation that is wholly owned by water user members.

New law prohibits a water cooperative from arbitrarily denying a request for water service to a properly permitted residential or commercial structure that is located within the cooperative's service area. New law does not prohibit discontinuing service to a customer for a just cause.

Effective August 1, 2023.

(Adds R.S. 45:1604)

TITLE 46: PUBLIC WELFARE AND ASSISTANCE

Medicaid Rates for Services by Midwives (ACT 207)

New law provides that, subject to approval by the Centers for Medicare and Medicaid Services, the La. Dept. of Health shall implement a Medicaid reimbursement rate for services by licensed midwives or certified nurse midwives that is, at a minimum, 95% of the amount reimbursed to licensed physicians for the provision of the same health services in pregnancy and childbirth, when acting within their scope of practice.

New law defines "midwife" and requires the midwife to be enrolled as a Medicaid provider and be a managed care organization network or fee for service provider in the Medicaid program in order to be reimbursed in accordance with new law.

New law shall not be construed to do any of the following:

- (1) Require a decrease in any reimbursement rate for midwife services that are reimbursed equal to the amount reimbursed to licensed physicians.
- (2) Expand, diminish, or alter the scope of practice of a midwife.
- (3) Require Medicaid to cover any specific healthcare service.

New law shall be known and may be cited as the "Jessica Collins-Ruffin Act".

Effective August 1, 2023.

(Adds R.S. 46:451)

LDH Claims Report Contents and Frequency (ACT 233)

Prior law required the La. Dept. of Health (LDH) to produce and submit to the Joint Legislative Committee on the Budget and the House and Senate committees on health and welfare a report entitled the "Healthy Louisiana Claims Report", which conforms with the requirements of prior law.

New law requires the report to be submitted to the Joint Legislative Committee on the Budget and the House and Senate committees on health and welfare on a quarterly basis and otherwise retains the provisions of prior law.

Prior law required LDH to conduct an independent review of claims submitted by healthcare providers to Medicaid managed care organizations and established provisions for such a review in accordance with the provisions of prior law. Prior law further provided that the initial report shall include detailed findings and the defined measures to be reported on a quarterly basis, as well as the data provided in prior law. Prior law also included any dental Medicaid managed care organization contracted by LDH and separated by claim type in the provisions of prior law.

New law requires the quarterly report to include the data required by provider type and separately reported for both acute care and behavioral health claims. New law further removes dollar amount requirements from prior law and adds the following data requirements:

(1) The total number of denied claims submitted to the managed care organization for reconsideration of the claim denial, excluding a reconsideration conducted pursuant to existing law.

(2) The percentage of denied claims submitted to the managed care organization for reconsideration of the claim denial, excluding a reconsideration conducted pursuant to existing law, that is overturned by the managed care organization.

(3) The number of denied claims submitted to the managed care organization for appeal of the claim denial.

(4) The percentage of denied claims submitted to the managed care organization for appeal of the claim denial that were overturned by the managed care organization.

(5) The total number of denied claims submitted to the managed care plan for arbitration of the claim denial.

Prior law required the provision of certain data on claims submitted by behavioral health providers based on the date of payment during the 2017 calendar year. Prior law also required the provision of a narrative which prior law established requirements therefor.

New law removes the requirement of certain data on claims submitted by behavioral health providers based on the date of payment during the 2017 calendar year. New law also removes the narrative requirement.

Prior law required the report to include certain data relating to encounters, including an initial report and subsequent quarterly reports. New law removes the requirements of prior law.

New law requires the quarterly report to include the total number of individuals identified for case management categorized by all of the following:

(1) The method of identification used by the managed care organization.

(2) The reason identified for case management.

(3) The LDH region.

New law also requires the quarterly reports to include certain information relative to all of the following:

(1) The tier assignment required by the contract executed by the managed care organization.

(2) The total number of individuals enrolled in case management that are women whose pregnancy has been categorized as high-risk.

(3) The total number of individuals enrolled in case management who have been diagnosed with sickle cell disease.

(4) Total number of individuals enrolled in case management who received specialized behavioral health services.

New law further requires the following data relating to utilization management delineated by Medicaid managed care organizations:

(1) A list of all items and services that require prior authorization.

(2) The percentage of standard prior authorization requests that were approved, categorized by type of service for all items and services subject to prior authorization.

(3) The percentage of standard prior authorization requests that were denied, categorized by type of service for all items and services subject to prior authorization.

(4) The percentage of standard prior authorization requests that were approved after

appeal, categorized by type of service for all items and services subject to prior authorization.

(5) The percentage of expedited prior authorization requests that were approved, categorized by type of service for all items and services subject to prior authorization.

(6) The percentage of expedited prior authorization requests that were denied, categorized by type of service for all items and services subject to prior authorization.

(7) The average and median time that elapsed between the submission of a request and a determination by the managed care organization, for standard prior authorizations, categorized by type of service for all items and services subject to prior authorization.

(8) The average and median time that elapsed between the submission of a request and a decision by the managed care organization for expedited prior authorizations, categorized by type of service for all items and services subject to prior authorization.

Effective October 1, 2023.

(Amends R.S. 46:460.91)

Concordia Parish Hospital Service District No. 1 Per Diems (ACT 232)

Existing law generally authorizes parish governing authorities to create hospital service districts within the respective parishes or to combine two or more parishes into a single hospital service district. Provides generally that hospital service districts are governed by a board of five commissioners.

Existing law generally authorizes parish governing authorities to permit a per diem to each member of the commission in an amount of not less than \$25 nor more than \$40 for each day of attendance at commission meetings for up to 12 meetings per year. Provides further that per diem is payable out of the funds of the district. Provides exceptions, including an exception for Concordia

Parish Hospital Service District No. 1 relative to the maximum per diem.

Prior law, relative to the Concordia district, provided that the maximum per diem was \$100. New law authorizes a maximum per diem of \$300.

Effective July 1, 2023.

(Amends R.S. 46:1053(C)(2)(g))

G.B. Cooley Hospital Service District Commissioner Salaries (ACT 122)

Existing law (R.S. 46:1053(C)(2)(a)) authorizes the governing authority of any parish to permit a per diem, in an amount ranging from \$25-\$40, for commissioners of a hospital service district. Authorizes a higher per diem in specified parishes.

New law authorizes the governing authority of Ouachita Parish to permit payment of a monthly *salary* of no more than \$150 per month, in lieu of the per diem authorized by existing law, to commissioners of the hospital service district in which the G.B. Cooley Hospital is located.

Effective August 1, 2023.

(Adds R.S. 46:1053(C)(2)(j))

Hospital Service District Scholarship Program for Nursing and Allied Health Students (ACT 33)

Prior law authorized the board of commissioners (board) of a hospital or hospital service district to establish and administer a nursing scholarship program for the purpose of increasing the educational opportunities available to nursing students who will practice in the hospital district. Prior law further authorized a separate allied health profession scholarship program for the purpose of increasing the educational opportunities available to allied health students who will practice in the hospital district. New law combines the two programs into one scholarship program for both nursing and allied health students.

Prior law defined "allied health" as any generally recognized medical profession or vocation including but not limited to respiratory, vocational, physical, and other therapies; medical, radiologic, and other technologists; pharmacists, social workers, and other similar professions and vocations. New law specifies that allied health includes occupational therapy and athletic trainers.

Prior law defined "nursing" as professional nursing as practiced by an individual who has graduated from an accredited school of nursing, passed the licensing examination, and been issued a license to practice as registered nurse in this state by the La. State Board of Nursing. New law adds licensed practical nursing.

Prior law provided that a nursing student must be a United States Citizen and resident of Louisiana who is admitted to or engaged in the study of nursing at an accredited school located in Louisiana. Prior law further provided that an allied health student must be a United States Citizen and resident of Louisiana who is admitted to or engaged in the study of an allied health profession at an accredited school located in the United States. New law expands eligibility to any nursing or allied health student engaged in the study of nursing or allied health at an accredited school located in the United States.

Existing law provides that any applicant selected by the board of commissioners to receive a scholarship shall enter into a contract with the board. Prior law required the contract to be signed by the chairman of the board of commissioners, the vice-chairman of the board, and the applicant. New law requires the contract to be signed by the president and chief executive officer, or equivalent, of the hospital or hospital service district and the applicant.

Prior law provided that for each \$1,000 of scholarship monies received from the hospital district, the recipient was obligated to practice full time nursing for a period of not less than six months up to a total not to exceed 36 months of full time work as consideration for the scholarship awarded. New law repeals prior law.

Prior law provided, upon default of payment of the scholarship, for the board to turn the matter over to the attorney general or any parish or district attorney acting for the board for prosecution and suit for the amount due. New law repeals prior law and provides that the board shall begin efforts to recoup any amount owed including but not limited to filing suit for the amount due.

Prior law provided that venue for filing suit was proper in the parish of the domicile of the recipient, the parish in which the school at which the recipient was last enrolled is located, or the parish of East Baton Rouge. New law broadens venue from the parish of East Baton Rouge to the parish where the hospital service district is located.

Effective June 1, 2023.

(Amends R.S. 46:1131, 1133-1138, 1140, and 1141; repeals R.S. 46:1151-1162)

Minimum Appropriation for Senior Center Operations (ACT 100)

Prior law required the legislature to appropriate no less than \$25,000 annually to the office of elderly affairs for distribution to various voluntary parish councils on aging for the operation of senior centers throughout the state.

New law increases the minimum appropriation requirement from \$25,000 to \$50,000.

Existing law requires the executive director of the office of elderly affairs to distribute the funds to each parish council on aging quarterly.

New law retains existing law.

Effective June 6, 2023.

(Amends R.S. 46:1608(A) and (B))

Vehicular Homicide (ACT 451)

Existing law (R.S. 46:1807), relative to the Crime Victims Reparations Board (board), requires the

board to take certain actions in regard to the performance of its powers and duties.

New law adds that the board shall also take such actions and perform such other functions as are required by new law (relative to Victims of Vehicular Homicide Act).

New law creates the Victims of Vehicular Homicide Act and creates the Victims of Vehicular Homicide Fund as a special fund in the treasury from which awards under the new law shall be paid.

New law provides definitions for "board", "reparations", and "victim".

New law authorizes the board to make an award and order the payment of reparations for loss for death resulting from the existing law offense of vehicular homicide (R.S. 14:32.1) when the offender failed to maintain compulsory motor vehicle liability security pursuant to existing law (R.S. 32:861) and the victim failed to maintain uninsured motorist coverage.

New law provides for the requirements for applications and provides that applications for reparations shall be filed in writing with the board within one year after the date of the death or within such longer period as the board determines is justified by the circumstances. Requires certain reasonable documentation to be submitted with the application.

New law provides that the board shall order payments of reparations without hearings.

New law requires the board to order the payment of reparations in an amount determined by the board if, with or without hearings, it finds by a preponderance of evidence that loss was sustained by reason of death and that such loss was proximately caused by the crime of vehicular homicide.

New law provides that awards payable under new law shall not exceed \$60,000, per occurrence, in the aggregate for all claims arising out of the same crime. Further authorizes the board to order

the payment of an award in a lump sum or in installments.

New law authorizes the board to make an emergency award pending its final decision in the case. Provides that an emergency award shall not exceed \$1,000.

New law provides that whenever any person is convicted of vehicular homicide or operating a vehicle while intoxicated and an order for the payment of reparations is or has been made pursuant to new law, the attorney general, within two years after the date on which the judgment of conviction becomes final, may institute a civil action against the convicted person for the recovery for all or any part of the reparations payment. Further provides that any amount recovered shall be deposited in the state treasury and credited to the Victims of Vehicular Homicide Fund.

New law provides that, in addition to any other costs otherwise imposed by existing law, a cost of not less than \$50,000 for vehicular homicide or operating a motor vehicle while intoxicated is levied in each criminal action which results in a conviction or guilty plea. Provides that the cost is paid by the defendant and a periodic payment plan may be ordered.

New law requires the board to submit an annual report to the legislature and the governor detailing its activities during the preceding year.

New law provides that the state shall not be liable for the claim of any applicant in excess of the funds appropriated for the payment of claims under new law.

New law terminates the fund on Aug. 1, 2027.

Effective August 1, 2023.

(Amends R.S. 44:4.1(B)(31) and R.S. 46:1807(A); Adds R.S. 46:1807(B)(8) and 1823-1838)

Expedited Registration of Abuse Prevention Orders (ACT 309)

Existing law provides that the clerk of the issuing court shall transmit the Uniform Abuse Prevention Order to the judicial administrator's office, La. Supreme Court, for entry into the La. Protective Order Registry by facsimile transmission or direct electronic input as expeditiously as possible, no later than the end of the next business day after the order is filed with the clerk of court.

New law provides that the clerk shall transmit the order to the judicial administrator's office no later than the end of the next calendar day.

Existing law provides that the clerk of the issuing court shall immediately send a copy of the order or any modification of the order to the La. Protective Order Registry and to the chief law enforcement officer of the parish in which the person or persons protected by the order reside as expeditiously as possible, but no later than the next business day after the order is filed with the clerk of court.

New law provides that the clerk shall send a copy of the order no later than the next calendar day after the order is filed with the clerk of court.

New law provides that the judicial administrator's office shall develop policies and procedures that provide for immediate entry of protection orders received by the office to include those received the next calendar day. New law further provides that, to avoid delays in entry, the office has the authority to authorize agencies to enter protection orders directly into the registry when certain conditions or criteria exist.

Effective August 1, 2024.

(Amends R.S. 46:2136(H) and 2136.2(D); Adds R.S. 46:2136.2(G))

Children's Cabinet Advisory Board (ACT 40)

Existing law provides for the Children's Cabinet to coordinate and focus programs and funding for services to children and their families. Existing

law further provides for the Children's Cabinet Advisory Board (advisory board) to provide information and recommendations from the perspective of advocacy groups, service providers, and parents and provides for the membership of the board. New law adds as members to the advisory board the assistant secretary of the office on women's health and community health and the chairman of the Partners in Protecting Children Subcommittee.

New law establishes the Partners in Protecting Children Subcommittee, within the Children's Cabinet Advisory Board, to provide a forum for public agencies whose duties include responding to and investigating matters involving child abuse or neglect. New law provides that the subcommittee shall consider policies and procedures for responding to and investigating alleged child abuse with the goal of efficient coordination of services. New law further provides for the membership, quorum, officers, and meetings of the subcommittee.

Existing law provides for the advisory board to make recommendations to the Children's Cabinet through the executive director. New law further provides that the subcommittee may include a request for legislation, as appropriate.

New law shall be known and may be cited as "Ezekiel's Law".

Effective August 1, 2023.

(Adds R.S. 46:2605(12) and (22) and 2607)

Ground Ambulance Services Fees, Assessments, and Reimbursements (ACT 171)

Prior law provided that the La. Dept. of Health (LDH) may adopt and impose fees for healthcare services provided by the Medicaid program on emergency ground ambulance service providers. New law provides that LDH may adopt and impose fees on emergency ground ambulance service providers for services allowed under federal law provided by emergency ground ambulance providers.

Prior law required LDH to calculate, levy, and collect a fee from every emergency ground ambulance service provider on each emergency and nonemergency ground ambulance transport in certain instances as provided in prior law. New law requires LDH to calculate, levy, and collect a fee on each ground ambulance service allowed under federal law if reimbursements are implemented in accordance with existing law and approval is received from the Centers for Medicare and Medicaid Services (CMS).

Prior law required the total amount of the assessment to be paid by the emergency ground ambulance service provider in installments as prescribed by the secretary of LDH in conjunction with the agreement of emergency ground ambulance service providers within 30 days of the notification of the fee amount owed. New law repeals prior law.

Prior law required the total amount of assessment to be paid by the emergency ground ambulance service provider in installments and required that the assessments were due from the provider within 30 days of notification.

New law requires the total amount of the assessment to be paid in installments as prescribed by the secretary of LDH in conjunction with the agreement of those providers subject to the fee which provide a minimum of 65% of the emergency ground ambulance services. New law retains existing law 30-day due date.

Prior law required LDH to provide reimbursement enhancements for any Medicaid reimbursement or payment to emergency ground ambulance service providers at or above rates at the level which were in effect on July 1, 2015, if funds are appropriated in the budget.

New law requires LDH to provide reimbursement for ground ambulance transport and services at or above rates at the level which were in effect on July 1, 2022, plus an enhancement.

Prior law required enhancement payment levels to be sufficient to bring the payments for these services up to the average commercial rate level

as described in existing law to the extent of the availability of funds in the Emergency Ground Ambulance Service Trust Fund.

New law requires enhancement payment levels to be sufficient to bring the payments for these services up to the level contained any applicable state plan amendment pertaining to emergency ground ambulance service provider reimbursement or payment approved by CMS.

Prior law prohibited an additional assessment from being collected and provided that any assessment shall be terminated for the remainder of the fiscal year from the date on which certain criteria are met as provided in prior law.

New law changes the qualifying criteria to the following:

- (1) The reimbursements are reduced below the base reimbursement.
- (2) The amount of the reimbursement for ground ambulance services payable by any Medicaid managed care organization falls below 100% of the Medicaid rate in effect at the time the service is rendered.

New law redefines "average commercial rate", "emergency ground ambulance service provider trust fund account", and "net operating revenue".

New law repeals prior law relative to department fee restrictions, reimbursement documentation, assessments, funds from the Emergency Ground Ambulance Service Provider Trust Fund Account, and circumstances for the termination of assessment.

Effective upon signature of governor (June 7, 2023).

(Amends R.S. 46:2626(A), (F), (G), (H)(1), and (I)(2), (6), and (7); Repeals R.S. 46:2626(B))

TITLE 47: REVENUE AND TAXATION

Income and Franchise Tax Rate Reduction Calculation (ACT 435)

Existing law provides for individual income tax rates as follows:

- (1) 1.85% on the first \$12,500 of net income.
- (2) 3.5% on the next \$37,500 of net income.
- (3) 4.25% on net income in excess of \$50,000.

New law retains existing law.

Existing law requires an automatic rate reduction in each individual income tax rate if, beginning April 1, 2024, and each April first thereafter through 2034, the prior fiscal year's actual individual income tax collections as reported in the state's accounting system exceed the actual individual income tax collections for the fiscal year ending June 30, 2019, adjusted annually by the growth factor provided for in the existing constitution.

New law changes the month for the annual determination of an automatic rate reduction from April 1, 2024, and each April first thereafter through 2034 to January 1, 2024, and each January first thereafter through 2034, and otherwise retains existing law.

Existing law levies a corporation franchise tax at the rate of 2.75% per \$1,000 on taxable capital above \$300,000 beginning Jan. 1, 2023.

New law retains existing law.

Existing law requires an automatic corporation franchise tax rate reduction beginning April 1, 2024, and each April first thereafter, if in any year that corporation income and franchise tax collections exceed the Fiscal Year 2018-19 corporation income and franchise tax collections, adjusted annually by the growth factor provided for in the existing constitution.

New law changes the month for the annual determination of an automatic rate reduction from April 1, 2024, and each April first thereafter to January 1, 2024, and each January first thereafter, and otherwise retains existing law.

Effective June 28, 2023.

(Amends R.S. 47:32.1(A)(1) and 601.2(A)(1))

Income Tax Credit for Certain Foreign State Income Taxes (ACT 413)

Existing law authorizes an income tax credit for resident individuals for net income taxes imposed by and paid to another state on income taxable in La. if certain conditions are met.

Existing law limits the credit to the amount of La. income tax that would have been imposed if the income earned in the other state had been earned in La. and prohibits the credit for tax paid on income that is not subject to tax in La. Existing law provides that the amount of the credit shall not exceed the ratio of multiplying the taxpayer's La. income tax liability before consideration of the credit authorized in existing law by a fraction, the numerator of which is the taxpayer's La. tax table income attributable to other states to which net income taxes were paid by a resident individual, and the denominator of which is total La. tax table income.

Existing law prohibits the credit for income taxes paid to a state that allows a nonresident a credit against the income taxes imposed by that state for taxes paid or payable to the state of residence.

Prior law would have repealed certain limitations in existing law effective July 1, 2023. New law provides that prior law shall not become effective.

Prior law provided that the credit would only be allowed if the other state provides a similar credit for La. income taxes paid on income derived from property located in, or from services rendered in, or from business transacted in La.

New law repeals prior law.

Existing law provides that for taxes paid on or after January 1, 2018, an individual partner, member, or shareholder that pays another state's entity-level tax that is based solely upon net income included in the entity's federal taxable income without any capital component shall be allowed a deduction equal to their proportionate share of the entity-level tax paid. The deduction shall only be allowed to the extent that the proportionate share of the related income on the tax paid to the other state is included in the calculation of La. taxable income that is reported on the La. return of the individual partner or member.

New law specifies that the deduction authorized in existing law is in lieu of the credit authorized in existing law.

New law limits the credit for taxes paid to other states to taxes paid and reported to the other state on taxable income which is computed in accordance with income tax laws and regulations of the other state.

New law applies to taxable years beginning on or after January 1, 2023. Effective upon signature of governor (June 15, 2023).

(Amends R.S. 47:33 and §4 of Act No. 109 of 2015 R.S. as amended by Act No. 6 of 2018 2 E.S.)

Tax Return Donations to Holden's Hope (ACT 239)

New law provides for an income tax checkoff pursuant to which an individual can donate all or a portion of his state income tax refund to Holden's Hope in lieu of that amount being paid as a refund.

New law requires the secretary of the Dept. of Revenue to administer the donated monies and to initially disburse the funds to Holden's Hope before March first of the year following the year in which the return was filed.

New law requires the secretary of the Dept. of Revenue to disburse donated monies quarterly after the initial disbursement.

Applicable to taxable years beginning on and after January 1, 2023.

Effective August 1, 2023.

(Adds R.S. 47:120.391)

Corporation Income Tax Income Sourcing Rules (ACT 430)

Existing law establishes methods for attributing income to La. for purposes of determining corporation income tax. Further provides that sales attributable to this state shall include sales where the goods, merchandise, or property are received in this state by the purchaser. The calculation of the La. apportionment percent of a taxpayer's net apportionable income is based on various ratios depending on the industry sector of the taxpayer.

Existing law requires sales other than sales of tangible personal property to be sourced to La. if the taxpayer's market for the sale is in this state. Further provides specific provisions for the sourcing of sales to La. as follows:

- (1) The sale of immovable property, if and to the extent the property is located in the state.
- (2) The sale of a service, if and to the extent the service is delivered to a location in the state.
- (3) The sale or exchange of intangible property, if and to the extent the intangible property is used in the state.
- (4) The sale of intangible property where the property sold is a contract right, government license, or similar intangible property that authorizes the holder to conduct a business activity in a specific geographic area, if and to the extent that the intangible property is used in or is otherwise associated with the state.

Prior law required the following sales to be sourced to La:

- (1) The rental, lease, or license of immovable property, if and to the extent the property is located in the state.

(2) The rental, lease, or license of tangible personal property, if and to the extent the property is located in the state.

(3) The lease or license of intangible property, if and to the extent the intangible property is used in the state.

Prior law required sales of intangible property not otherwise described in existing law to be excluded from the numerator and the denominator of the sales factor.

New law repeals prior law. Existing law provides that if the taxpayer's customer is an individual, the taxpayer shall source receipts from the sale of a service as follows:

(1) If the customer is a natural person and the service is a direct personal service, the sale shall be sourced to the state where the customer received the direct personal service.

(2) Services that are not direct personal services that are delivered to customers who are natural persons with a La. billing address shall be sourced to this state.

(3) If the sourcing methodology in existing law fails to clearly reflect the taxpayer's market in this state, the taxpayer may utilize, or the department may require, the use of other criteria and methodologies to approximate the taxpayer's market in this state.

Existing law provides that if the taxpayer's customer is an entity unrelated to the taxpayer, the taxpayer shall source receipts from the sale of a service as follows:

(1) If a service is provided to an unrelated entity and the service has a substantial connection to a specific geographic location, the income shall be sourced to La. if the geographic location is in this state. Service receipts that have a substantial connection to geographic locations in multiple states shall be reasonably sourced between those states.

(2) If the service provided to an unrelated entity does not have a substantial connection to a

specific geographic location, sales from services delivered to unrelated entities shall be sourced to the commercial domicile of the taxpayer.

(3) If the sourcing methodology in existing law fails to reflect the taxpayer's market in this state, the taxpayer may utilize, or the department may require, the use of other criteria and methodologies to approximate the taxpayer's market in this state.

Prior law provided that if the taxpayer is not taxable in a state to which a sale is assigned or if the state of assignment cannot be determined or reasonably approximated then the sale shall be excluded from the numerator and the denominator of the sales factor.

New law repeals prior law.

New law is applicable to tax years beginning on or after January 1, 2024.

Effective January 1, 2024.

(Amends R.S. 47:287.95(L)(1); Repeals R.S. 47:287.95(M))

Flow-Through Entity Income Exclusion for Estates, Trusts, and Partnerships (ACT 450)

Existing law provides for all of the following:

(1) An election that authorizes Subchapter S corporations and other flow-through entities to file income tax returns and pay tax on their La. income as if they are Subchapter C corporations (R.S. 47:287.732.2).

(2) An exclusion from taxable income for individual taxpayers for net income or losses received from a flow-through entity which properly filed a La. corporation income tax return that included the net income or loss (R.S. 47:297.14(A)).

(3) A requirement that any individual taxpayer who utilizes the flow-through entity exclusion described in paragraph (2) above shall notify the Dept. of Revenue if changes are made to his federal income tax return due to

adjustments to an S corporation's income or losses (R.S. 47:297.14(B)).

New law makes available to estates, trusts, and partnerships the flow-through entity income exclusion described in paragraph (2) above. New law also requires estates, trusts, and partnerships to notify the Dept. of Revenue if changes are made to their federal income tax returns due to adjustments to an S corporation's income or losses in the same manner as required by existing law for individual taxpayers as described in paragraph (3) above.

Existing law provides that an election by a Subchapter S corporation or other flow-through entity to be taxed in the same manner as a Subchapter C corporation shall be effective for the taxable year for which it is made and for all succeeding taxable years until the election is terminated by the secretary of the Dept. of Revenue.

New law provides that an election may also be terminated when an application for prospective termination of the election is effective. Establishes that an application for prospective termination of the election shall be effective automatically for the subsequent taxable year upon completion of the following:

- (1) The shareholders, partners, or members holding more than one-half of the ownership interest in the entity consent in writing to the application for prospective termination.
- (2) The entity timely submits the application to the secretary of the Dept. of Revenue no later than November 1 prior to the close of the taxable year for calendar year filers or 60 days prior to the close of the taxable year for fiscal year filers.

New law stipulates that upon the effectiveness of the termination of an entity's election, no election otherwise allowed by existing law shall apply for the succeeding five taxable years of the entity or its successor.

New law applies to taxable periods beginning on or after Jan. 1, 2023. Effective August 1, 2023.

(Amends R.S. 47:287.732.2(A)(3); Adds R.S. 47:203(C), 287.732.2(A)(4)(c) and (d) and (G), 300.6(B)(2)(e), and 300.7(C)(2)(d))

Income Tax Deductions for Construction Code Retrofitting and the La. Fortify Homes Program (ACT 262)

Existing law provides for a construction code retrofitting individual income tax deduction for a taxpayer who voluntarily retrofits an existing residential structure upon which the taxpayer claims a homestead exemption.

New law retains existing law.

Existing law provides for the Louisiana Fortify Homes Program within the Department of Insurance which allows the commissioner of insurance to make financial grants to retrofit the roofs of insurable property.

New law retains existing law.

Existing law prohibits a taxpayer from receiving any other tax credit, exemption, exclusion, deduction, or any other tax benefit for items of tangible personal property for which the taxpayer has received the construction code retrofitting deduction.

New law authorizes a taxpayer claiming the construction code retrofitting deduction to additionally receive a grant through the Louisiana Fortify Homes Program and otherwise retains existing law.

Applicable to taxable years beginning on or after January 1, 2023.

Effective June 12, 2023.

(Amends R.S. 47:293(2)(f))

Individual Income Tax Deduction for Net Capital Gains from Sale of Private Business (ACT 242)

Existing law provides resident individual and nonresident individual a deduction on income from net capital gains. The deduction is limited to

gains recognized and treated for federal income tax purposes as arising from the sale or exchange of an equity interest in or substantially all of the assets of a nonpublicly traded corporation, partnership, limited liability company, or other business organization commercially domiciled in this state.

New law retains existing law.

New law requires the Department of Revenue to promulgate regulations related to the individual income tax deduction for income from net capital gains. The regulations shall, at a minimum, provide for the following:

- (1) Documentation requirements applicable to taxpayers claiming the deduction.
- (2) A de minimus exception to documentation requirements for small transaction eligible for the deduction.
- (3) Restrictions on eligibility for transactions where the majority of the physical assets are located outside of Louisiana.
- (4) Restrictions on eligibility for transactions between related parties.

Applicable for taxable periods beginning on or after January 1, 2023.

Effective August 1, 2023.

(Amends R.S. 47:293(9)(a)(xvii)) and (10); adds R.S. 47:293.1)

Federal Income Tax Deduction and Hurricane Ida (ACT 434)

New law increases an individual income taxpayer's federal tax liability for purposes of the federal income tax deduction by the amount by which the taxpayer's federal income tax was reduced by claiming disaster losses attributable to Hurricane Ida for taxable periods beginning on January 1, 2020, through December 31, 2021.

New law applies prospectively and retroactively.

Effective June 27, 2023.

(Enacts R.S. 47:293.1)

Income Tax Deduction for Various School-Related Expenses (ACT 423)

Existing law provides for an individual income tax deduction for actual amounts paid during a taxable year for tuition and fees required for a student's enrollment in a nonpublic elementary or secondary school which meets certain qualifications, or to any public elementary or secondary laboratory school which is operated by a public college or university. Tuition includes the purchase of school uniforms required by schools for general day-to-day use, the purchase of textbooks, curricula, or other instructional materials required by schools, and the purchase of school supplies required by schools.

Prior law limited the amount of the deduction to no more than \$5,000 per child.

Existing law provides for an individual income tax deduction of 50% of the actual amounts paid during the taxable year by a taxpayer for the purchase of textbooks and curricula necessary for the home-schooling of a child.

Prior law limited the amount of the deduction to no more than \$5,000 per child.

Existing law provides for an individual income tax deduction of 50% of the actual amounts paid during a tax year by a taxpayer which are associated with a student's enrollment in a public elementary or secondary school in order to ensure a quality education. Expenses which qualify for the deduction provided for in existing law include the purchase of school uniforms required by such schools for general day-to-day use, the purchase of textbooks, curricula, or other instructional materials required by such schools, and the purchase of school supplies required by such schools.

Prior law limited the amount of the deduction to no more than \$5,000 per student.

New law increases the maximum amount of the deductions for elementary and secondary tuition, educational expenses for home-schooled children, and educational expenses for a quality public education from \$5,000 per student, per year to \$6,000 per student per year.

New law is applicable to amounts paid on and after Jan. 1, 2024.

Effective upon signature of governor (June 27, 2023).

(Amends R.S. 47:297.10(A), 297.11(A), and 297.12(B)(1))

Income Tax Credit for Firearm Safety Devices (ACT 403)

New law authorizes a nonrefundable, individual income tax credit for purchases of firearm safety devices. Defines "firearm safety device" as a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.

New law provides that the amount of the credit shall be equal to the cost that a taxpayer incurs in the purchase of one or more firearm safety devices or \$500, whichever is less. Allows only one such credit per taxable year.

New law caps the total amount of credits to be granted pursuant to new law at \$500,000 per calendar year.

New law requires each taxpayer who claims the credit authorized by new law to submit receipts with their income tax return to verify the amount of the purchase price of all firearm safety devices purchased.

New law establishes the tax credit as a nonrefundable credit. Provides that if the tax credit amount earned in a taxable year exceeds the total tax liability of a taxpayer in that year, the amount of the credit not used as an offset against the taxpayer's tax liability in the taxable year may be carried forward as a credit against subsequent

income tax liabilities for a period not to exceed five taxable years.

New law provides that no credits authorized by new law may be claimed for any taxable year beginning after December 31, 2027.

New law applies to taxable periods beginning on or after January 1, 2023.

Effective August 1, 2023.

(Adds R.S. 47:297.23)

Income Tax Credit for Adoption (ACT 452)

New law establishes a refundable income tax credit for a taxpayer who adopts a child who is unrelated to the taxpayer and who is no more than two years of age. For purposes of new law, the age of the child is determined at the time of the adoption placement.

New law provides that the amount of the tax credit is \$5,000 and applies in the year the adoption of the child becomes final.

New law provides that if the amount of the credit exceeds the taxpayer's tax liability for the taxable year, the excess credit amount constitutes an overpayment and requires the secretary of the Dept. of Revenue to refund the overpayment from the tax collections imposed in existing law.

New law prohibits the tax credit from applying to the adoption of a child from foster care as defined in existing law (Ch. C Art. 603). Further prohibits a taxpayer who claims the credit authorized pursuant to new law from also claiming the deduction authorized in existing law (R.S. 47:297.21) for the adoption of the same child.

New law requires a taxpayer claiming the credit to maintain all records necessary to verify the adoption and if requested, to provide the records to the Dept. of Revenue when filing the taxpayer's tax return.

New law authorizes the secretary of the Dept. of Revenue to promulgate rules in accordance with existing law (Administrative Procedure Act) to

implement the provisions of new law, including rules related to the submission of documentation when claiming the credit.

New law prohibits the claiming of credits established pursuant to new law for any taxable year beginning after Dec. 31, 2028.

New law is applicable to adoptions finalized on or after Jan. 1, 2023.

Effective upon signature of governor (June 29, 2023).

(Adds R.S. 47:297.23)

Sales Taxes on Remote Sales and Marketplace Facilitators (ACT 15)

Existing law defines the term "dealer" for purposes of imposition, administration, and collection of state and local sales and use tax. Provides that the sales and use taxes imposed by existing law shall be collected from dealers.

Existing law provides that the term "dealer", in part, includes any person who does not have a physical presence in Louisiana and whose gross revenue from taxable sales delivered into this state during the previous or current calendar year exceeded \$100,000.

Prior law provided that the term "dealer" included any person who does not have a physical presence in Louisiana and who sold for delivery into this state tangible personal property, products transferred electronically, or services in 200 or more separate transactions during the previous or current calendar year. New law repeals prior law.

Existing law provides relative to imposition, administration, and collection of state and local sales and use tax on remote sales. Defines "remote sale", "marketplace", "marketplace seller", "marketplace facilitator", and other key terms for purposes of existing law. Provides that "marketplace facilitator", with limited exceptions, means any person that facilitates a sale for a marketplace seller through a marketplace, owned, operated, or otherwise controlled by the person, by any of the following:

(1) Offering for sale through any means, by a marketplace seller, tangible personal property or sales of services for delivery into La.

(2) Collecting payment from the purchaser and transmitting all or part of the payment to the marketplace seller.

Existing law requires marketplace facilitators to collect and remit state and local sales and use tax on all taxable remote sales for delivery into La. that the marketplace facilitator transacts on its own behalf or facilitates on behalf of a marketplace seller.

Prior law provided that the requirement to collect and remit sales and use taxes shall only apply to a marketplace facilitator if, during the previous or current calendar year, either of the following conditions are met:

(1) The marketplace facilitator's gross revenue for sales delivered into La. exceeded \$100,000 from sales of tangible personal property, products transferred electronically, or services.

(2) The marketplace facilitator sold for delivery into La. tangible personal property, products transferred electronically, or services in 200 or more separate transactions.

New law revises prior law as follows:

(1) New law stipulates that the \$100,000 gross revenue condition ((1) above) applies only to retail sales.

(2) New law repeals the 200-transaction condition ((2) above).

Existing law provides the following procedure for marketplace facilitators initiating their collection of sales and use taxes on remote sales:

(1) No later than 30 calendar days after a marketplace facilitator meets the conditions requiring it to collect and remit sales and use taxes, it shall submit an application for approval to collect such taxes to the La. Sales and Use Tax Commission for Remote Sellers (commission).

(2) A marketplace facilitator shall commence collection of sales and use taxes, once notified the commission has approved the application, no later than 60 days after meeting the conditions requiring it to collect and remit such taxes.

New law adds to this procedure an interim step requiring the commission to approve or deny the marketplace facilitator's application and notify the marketplace facilitator of the approval or denial no later than 30 business days after receiving the completed application.

Effective August 1, 2023.

(Amends R.S. 47:301(4)(m)(i) and 340.1(C)(2) and (3) and (D))

Sales Taxes on Louisiana Music Museum Admissions (ACT 429)

Existing law imposes a sales and use tax on the sale, use, lease, or rental of tangible personal property, and on sales of certain services, which tax is composed of the following levies in the following amounts:

R.S. 47:302	...	2.00%
R.S. 47:321	...	1.00%
R.S. 47:321.1	...	0.45%
R.S. 47:331	...	0.97%
R.S. 51:1286	...	0.03%

Existing law subjects certain enumerated services to sales tax by specifically including them within the definition of "sales of services" provided in existing law.

New law includes within the definition of "sales of services" the sale of admissions to any museum that has as its primary purpose the showcasing of Louisiana music and which opened to the public on or after Jan. 1, 2026, thereby subjecting such sales to sales tax.

Effective August 1, 2023.

(Amends R.S. 47:301(14)(b)(i)(aa))

Commercial Farmers Redefined (ACT 427)

Prior law, for purposes of sales taxes, defined "commercial farmer" as those persons occupationally engaged in producing food or agricultural commodities for sale. New law revises the definition of "commercial farmer" to mean a person regularly and occupationally engaged in the commercial production of food, agricultural commodities, or agricultural products for sale.

Prior law further provided that a "commercial farmer" was limited to persons and entities regularly engaged in the commercial production for sale of vegetables, fruits, crops, livestock, poultry, and other food or agricultural products that report farm income and expenses on a federal Schedule F or similar federal tax form.

New law repeals prior law.

Prior law specified that a "commercial farmer" may also include a landowner who is a party of a joint venture and who leases land to a commercial farmer. New law includes within the definition of a "commercial farmer" a lessor landowner who leases an immovable for agricultural use to a person who regularly and occupationally engages in the commercial production of food, agricultural commodities, or agricultural products for sale and maintains a joint venture contractual relationship with the farmer.

Prior law provided that to qualify as a commercial farmer, the lessee landowner must submit documentation of the joint venture arrangement or a report of farm income and expenses from the joint venture on a federal Schedule F form or similar federal tax form to the Dept. of Revenue so the secretary could determine if the taxpayer was a commercial farmer.

New law repeals prior law.

New law prohibits state sales and use tax exemptions available to commercial farmers from being allowed or claimed for or related to an "activity not engaged in for profit" as that term is defined in existing federal law.

Effective August 1, 2023.

(Amends R.S. 47:301(30))

Lafayette Parish Sales Taxes Allocation (ACT 44)

Existing law provides that the sales tax imposed in Lafayette Parish shall be credited to the Bond Security and Redemption Fund and after all indebtedness has been paid the remainder of the funds shall be allocated to the Lafayette Parish Visitor Enterprise Fund.

Existing law provides the monies in the Lafayette Parish Visitor Enterprise Fund shall be subject to annual appropriation by the legislature and provides for certain allocations.

Prior law provided that monies in the fund shall be used for planning, development, and capital improvements at or adjacent to the Cajundome and operating costs of the Cajundome.

New law provides that monies in the fund shall be allocated equally for capital improvements for Lafayette Central Park, Inc. and planning, development, and capital improvements at or adjacent to the Cajundome as appropriated by the legislature.

Effective July 1, 2023.

(Amends R.S. 47:302.18(B))

Sales Tax Exemption for Certain Digital Art (ACT 396)

Existing law authorizes a sales and use tax exemption for the sales of original, one-of-a-kind works of art from an established location within a cultural product district.

Existing law defines "works of art" to mean visual arts and crafts including but not limited to paintings, photographs, sculpture, pottery, and traditional or fine crafts.

New law adds digital art to the definition of works of art and otherwise retains existing law.

New law defines "digital art" to mean digitally created content including but not limited to a picture, video, or song to which ownership can be proven through use of blockchain or another similar mechanism.

Applicable to taxable periods beginning on or after July 1, 2023.

Effective June 15, 2023.

(Amends R.S. 47:305.57(B)(2); adds R.S. 47:305.57(B)(3))

Sales Tax Holiday for Hunting Supplies (ACT 288)

Existing law (R.S. 47:305.62) establishes the Annual Louisiana Second Amendment Weekend Holiday exempting the sale of eligible firearms, ammunition, and hunting supplies from state sales and use tax on the first weekend of September.

Existing law suspends the Second Amendment state sales tax holiday until June 30, 2025.

New law adds the Second Amendment state sales tax holiday to the list of currently applicable tax exemptions.

New law provides hunting supplies shall not include the purchase of animal feed, float tubes, off-road vehicles such as ATVs, or vessels such as airboats.

New law imposes sales tax during the Second Amendment sales tax holiday upon all purchases that are not defined as hunting supplies.

Effective July 1, 2023.

(Amends R.S. 47:305.62(B)(3); adds R.S. 47:302(BB)(119), 321(P)(120), 321.1(I)(120), and 331(V)(120))

Uniform Electronic Local Return and Remittance System (ACT 375)

Existing law provides for the establishment of a uniform electronic local return and remittance

system whereby a taxpayer may file a sales and use tax return of a taxing authority and remit any tax, interest, penalty, or other charge due by means of the uniform electronic local return and remittance system.

Prior law required the uniform electronic local return and remittance system to be established, managed, and supervised by the Dept. of Revenue (DOR) and to be done at no charge to the taxpayer by the state, the collector, or any taxing authority levying a tax.

New law transfers management and supervision of the uniform electronic local return and remittance system from DOR to the La. Uniform Local Sales Tax Board (board).

Existing law establishes the Uniform Electronic Local Return and Remittance Advisory Committee (committee) which is charged with rendering advice concerning the design, implementation, and operation of the uniform electronic local return and remittance system.

Prior law placed the committee under the jurisdiction of DOR and authorized the committee to make enforceable recommendations to DOR concerning the design, implementation, and operation of the uniform electronic local return and remittance system.

New law moves jurisdiction over the committee from DOR to the board and requires the board to *maintain* the uniform electronic local returns and remittance system and authorizes the committee to make recommendations concerning the *maintenance* of the uniform electronic local return and remittance system.

Existing law provides for the membership, appointment, terms, duties, and responsibilities of the committee.

New law requires the committee to work in conjunction with the board *rather* than the secretary of DOR and removes the requirement that the chair of the board also serve as chair of the committee.

New law expands membership of the committee from five members to seven members as follows:

(1) An additional member who must be the head of a collector's office. This member shall be appointed by the board from a list of six names provided by the board of directors of the La. Association of Tax Administrators.

(2) A representative of a business that is required to file sales and use tax returns for multiple collectors in the state, who shall be appointed by the governor from a list of three names provided by the La. Association of Business and Industry.

Existing law provides for the board as a political subdivision of the state, for the purpose of promoting uniform procedures and policies concerning the collection and administration of local sales and use taxes, and to provide policy advice and support to local sales and use tax collectors. Provides for membership of the board, member appointments, and other aspects of membership on the board.

Existing law provides for the authority of the board, including the following activities:

(1) Support and advise local tax collectors concerning collection and administration of local sales and use taxes, including the prescription of uniform forms and model procedures, and the provision of educational and training programs for tax collectors.

(2) Promulgate rules and regulations pursuant to existing law (Administrative Procedure Act) relating to local sales and use tax, specifically including rules for a voluntary disclosure program and a uniform refund request and approval process.

(3) Procure the development of computer software and equipment for the collection and administration of local sales and use taxes.

(4) Implement and coordinate a multi-parish audit program.

New law adds authority for the board to impose a fee on any local collector that does not have an executed agreement with the board to provide for the costs incurred by the board for the creation, implementation, and on-going maintenance and operation of the uniform local return and remittance system. The amount of the fee shall be equal to the local collector's pro-rata share of the total actual costs incurred by the board for cost to implement and maintain the system based on the parish's share of the state's total population according to the most recent federal decennial census.

New law provides that if the local collector does not pay the fee within 30 calendar days after imposition by the board, the board shall notify the La. Sales and Use Tax Commission for Remote Sellers of the delinquency, and the La. Sales and Use Tax Commission for Remote Sellers shall deduct the amount of the unpaid fee from the collector's next monthly distribution and remit the funds directly to the board.

New law requires the board to do all of the following:

- (1) Manage, maintain, and supervise the uniform electronic local return and remittance system by which taxpayers can electronically file and remit sales and use taxes.
- (2) Design, implement, manage, maintain, and supervise a single remittance system whereby each taxpayer can remit state and local sales and use taxes through a single transaction. Requires any contract or the selection of a provider by the board to design a single remittance system, including the procurement of software, hardware, or any other technology or electronic platform, or service to be procured through the office of technology services and in compliance with existing law.
- (3) Design, manage, maintain, and supervise a link on the board's web page for the posting of information required to be posted pursuant to existing law (R.S. 47:337.23(I)).

Prior law prohibited a political subdivision from imposing or increasing a sales and use tax unless

that tax or increase was effective on the first of Jan., April, July, or Oct. and the secretary of DOR and the committee had been notified 30 days prior to the change becoming effective.

New law prohibits tax, interest, or penalty rates in a taxing jurisdiction from being changed unless that tax or increase is effective on the first of Jan., April, July, or Oct. and the *board* and the committee have been notified 60 days prior to the change becoming effective. New law defines a tax rate change as any of the following:

- (1) A rate change due to the levy of a new tax.
- (2) The change in a rate for an existing tax.
- (3) A rate change due to an annexation or other boundary modification by the taxing authority.
- (4) A rate change caused by the execution or expiration of a cooperative endeavor agreement to which the taxing authority is a party.
- (5) Implementation, amendment, or repeal of an optional sales tax exemption or exclusion.

New law provides that failure or refusal of a taxing authority to provide timely notice to the single collector for a parish of a change in a tax, interest, or penalty rate shall be an absolute defense against any claim by a taxing authority against the single tax collector for the parish relating to such a change.

Existing law requires each collector to provide information necessary to design and implement the uniform electronic local return and remittance system within 90 days of receiving a written request for the information.

Prior law required each collector to provide requested information to the secretary of DOR and the committee.

New law requires each collector to provide the requested information to the board and the committee *rather* than the secretary of DOR and extends the requirement for submission of

information to information necessary to *maintain* the uniform electronic local return and remittance system.

Prior law required each collector to follow data validation procedures established by the committee.

New law requires each collector to follow data validation procedures recommended by the committee and adopted by the board *rather* than procedures established by the committee.

New law provides that a collector's failure or refusal to provide the requested information necessary for design and maintenance of the uniform electronic local return and remittance system shall be an absolute defense against any claim by a taxing authority or collector against the board or committee relating to the data utilized in the system.

Existing law provides for funding of the board through a dedication of a percentage of the total statewide collections of local sales and use taxes on motor vehicles, not to exceed three-tenths of 1% of the collections.

New law requires the board to fund the initial costs incurred for designing and implementing a single remittance system from the percentage of funding it currently receives.

New law requires the board to fund the costs associated with the management, maintenance, and supervision of the single remittance system from the funding it currently receives pursuant to existing law subject to the state providing funding for any maintenance or modifications to the single remittance system requested by the state.

New law requires DOR to continue operating the electronic local return and remittance system used and administered by the department as of Jan. 1, 2024, until the board certifies that the uniform electronic local return and remittance system is available for use by taxpayers. Further requires the uniform electronic local return and remittance system to be available for use by taxpayers no later than Jan. 1, 2026.

New law limits the annual cost incurred by DOR to continue to operate the electronic local return and remittance system from Jan. 1, 2024, through Dec. 31, 2025, to \$504,000. Further requires enhancements to the electronic local return and remittance system requested between Jan. 1, 2024, and Dec. 31, 2025, to be paid for on a pro rata basis by the collector or collectors requesting the enhancement.

Effective January 1, 2024.

(Amends R.S. 47:337.5, 337.23, 337.102(C) and (I)(1) and (2)(a) and 340(E)(2); Adds R.S. 47:337.102(I)(4))

Sales Tax Exemption and Rebate for Agricultural Fencing Materials (ACT 425)

Agricultural Fencing Materials – Sales Tax Exemption

Existing law imposes a state sales and use tax on the sale, use, lease, or rental of tangible personal property, which tax is composed of the following provisions of existing law imposing levies in the following amounts:

R.S. 47:302	...	2.00%
R.S. 47:321	...	1.00%
R.S. 47:321.1	...	0.45%
R.S. 47:331	...	0.97%
R.S. 51:1286	...	0.03%

Existing law provides for numerous exclusions and exemptions from state and local sales and use tax.

New law provides that no state or local sales and use tax, except the 2.00% state levy imposed by existing law (R.S. 47:302), shall apply to the purchase by commercial farmers of agricultural fencing materials. Stipulates, however, that no exemption shall be granted for any purchase for which a sales tax rebate was issued in accordance with prior law (R.S. 47:305.77).

New law provides the following definitions for purposes of new law:

(1) "Agricultural fencing materials" means gates, hog wire fencing, barbed wire fencing, lumber or steel used as posts or rails, nails, screws, hinges, and concrete consisting of premixed dry mortar used for the purpose of fencing agricultural livestock. The term also means electric fence wire, insulated posts, power sources, grounding systems, warning signs, and other components of electric agricultural fencing.

(2) "Commercial farmer" has the same meaning as provided in existing law (R.S. 47:301).

New law establishing the state and local sales and use tax exemption for purchases of agricultural fencing materials applies to taxable periods beginning on or after Aug. 1, 2023. New law limits the exemption's duration, however, by providing that the exemption shall not apply to any taxable period after June 30, 2029.

Agricultural Fencing Materials – Sales Tax Rebate

Prior law (R.S. 47:305.77) provided for a state sales and use tax rebate for agricultural fencing materials purchased on or before Dec. 31, 2022, by commercial farmers recovering from certain hurricanes that impacted this state in 2020 and 2021. Allowed farmers to apply for the rebate until Dec. 31, 2023, and provided that no rebates shall be issued for applications submitted after that date. Effective Aug. 1, 2024, new law repeals prior law.

Effectiveness

New law establishing the state and local sales and use tax exemption for purchases of agricultural fencing materials becomes effective August 1, 2023.

New law repealing the state sales and use tax rebate for purchases of agricultural fencing materials becomes effective August 1, 2024.

(Amends R.S. 47:337.9(D)(35); Adds R.S. 47:305.79, 321(P)(120), 321.1(I)(120), 331(V)(120), and 337.9(D)(36); Repeals R.S. 47:305.77)

Sales Tax Exemption for Purchases by Commercial Fishermen Made Mandatory (ACT 62)

Existing law provides for an exemption from state sales and use tax for purchases by La. commercial fishermen and certain seafood processing facilities that own or lease commercial fishing vessels. Establishes conditions and requirements for eligibility for the exemption.

Existing law provides for certain mandatory exemptions from local sales and use taxes imposed by political subdivisions of the state; also provides for certain optional exemptions from such taxes which local jurisdictions, at the discretion of their governing authorities, may adopt.

Prior law provided that the exemption from state sales and use tax for purchases by La. commercial fishermen, and by certain seafood processing facilities, shall also be an optional local sales and use tax exemption. New law repeals prior law. Establishes, in lieu of prior law, a mandatory exemption from local sales and use taxes for purchases by La. commercial fishermen and by certain seafood processing facilities.

New law provides that the conditions and requirements for eligibility for the corresponding state sales and use tax exemption set forth in existing law shall apply to the mandatory local sales and use tax exemption established by new law.

Effective August 1, 2023.

(Amends R.S. 47:305.20(A); Adds R.S. 47:337.9(D)(15.1); Repeals R.S. 47:305.20(G) and 337.10(N))

Sales Tax Exemption for Certain Drugs Administered in Medical Clinics (ACT 382)

Existing law establishes an exemption from local sales and use taxes for the procurement and administration of prescription drugs administered by infusion or injection in medical clinics. Stipulates that the exemption shall apply only to drugs prescribed for the treatment of one or more

enumerated diseases and conditions identified in existing law.

New law expands the exemption to drugs administered by topical system in medical clinics for the treatment of the enumerated diseases and conditions.

New law adds the following conditions to the list of diseases and conditions for which drugs shall be prescribed in order to qualify for the exemption:

- (1) Neuropathic pain.
- (2) Dry age-related macular degeneration.

Effective July 1, 2023.

(Amends R.S. 47:305.76(A) and (B)(39) and 337.9(D)(33); Adds R.S. 47:305.76(B)(47))

Sales Tax Payment Deadline Extensions (ACT 21)

Existing law requires taxes levied by local ordinances to be due and payable monthly on the first day of the month. However, for purposes of ascertaining the amount of tax payable, returns shall be prepared and transmitted to the collector by all dealers on or before the 20th day of each month for the preceding calendar month. Further requires every dealer, at the time of making the return, to compute and remit the required tax due for the preceding calendar month. Failure to remit the tax shall cause the tax to become delinquent.

Existing law authorizes a collector, for good cause, to extend the deadline for filing returns for a period not to exceed 30 days.

Existing law further provides that in the event of a presidential or gubernatorial declared disaster or emergency covering a local collector's jurisdiction, a local collector may extend filing or payment deadlines until the extended date for the same period specified for state sales and use taxes for the same period. Prohibits interest and penalties from accruing during the extension period if the return and payment are received by the extended due date. Requires an extension

granted pursuant to existing law to be provided to the La. Uniform Local Sales Tax Board for publication on its website.

New law adds a mandatory extension of the deadline for payment of local sales taxes when the deadline for payment falls on a state or federal holiday on which banks are closed. The deadline shall be extended until the next business day on which banks are open. New law prohibits interest and penalties from accruing during the extension period if the return and payment are received by the extended due date.

New law requires an extension required pursuant to the provisions of new law to be provided to the La. Uniform Local Sales Tax Board for publication on its website.

Effective upon signature of governor (May 30, 2023).

(Amends R.S. 47:337.18(A)(4) and 337.22(E)(1))

Interest on Refunds in Tax Protest Suits (ACT 249)

Existing law provides for the payment of local sales and use taxes paid under protest and authorizes interest on refunds in a suit to recover the amount paid under protest.

Existing law requires taxes paid under protest 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.

Existing law provides that if the collector has deposited the payment under protest into an interest bearing account that interest paid to the prevailing party after final judgement is limited to the interest that is actually earned in that account.

Prior law provided that when the collector deposits the payment under protest into a non-interest bearing escrow account, the interest paid

by the party that does not prevail will be at the rate applicable to all unpaid taxes, not to exceed 12% per year.

New law changes the applicable interest rate to the judicial interest rate. (R.S. 13:4202(B))

New law eliminates the requirement that the taxpayer making the payment under protest pay additional interest.

Effective August 1, 2023.

(Amends R.S. 47:337.63(A)(3))

Denham Springs Hotel Occupancy Tax (ACT 248)

New law authorizes the governing authority of the city of Denham Springs, subject to voter approval, to levy and collect a hotel occupancy tax. Requires that any election regarding the levy of the tax be held on a date that corresponds with an election date provided by R.S. 18:402(A)(1) or (B)(1) regarding gubernatorial or congressional primary elections. Prohibits the levy of the tax from exceeding 6.75% of the rent or fee charged for 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 50% of the proceeds of the tax be used to fund salaries and benefits for employees of the city's fire department and 50% be used to fund salaries and benefits for employees of the city's police department.

New law provides that any expenditures made pursuant to new law shall be used in excess of the normal expenditures that the city already provides for in its budget.

Effective June 9, 2023.

(Adds R.S. 47:338.225)

City of Eunice Hotel Occupancy Tax (ACT 274)

New law authorizes the governing authority of the city of Eunice, subject to voter approval, to levy and collect a hotel occupancy tax. Provides that such tax shall not exceed 2% 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 promote tourism within the city.

Effective July 1, 2023.

(Adds R.S. 47:338.225)

More High School License Plates (ACT 167)

Existing law establishes special prestige license plates for La. parochial, public, and private high schools to include: Archbishop Hannan High School, Jesuit High School, Mount Carmel Academy, the Academy of the Sacred Heart, Saint Katharine Drexel Preparatory School, Acadiana High School, Glen Oaks High School, Neville High School, Carroll High School, Brusly High School, Port Allen High School, Covington High School, Scotlandville Magnet High School, St. Michael the Archangel High School

New law adds St. Mary's Dominican High School, St. Paul's School, St. Scholastica Academy, and St. Mary's Academy into the list of high schools for which a special prestige license plate will be established. Additionally, all existing law provisions applicable to La. parochial, public, and private high school special prestige license plates; such as, creation, issuance, design, fees, distribution, and rule promulgation are applicable to such plates.

Effective August 1, 2023.

(Amends R.S. 47:463.73(G))

Juneteenth and LSU 2023 NCAA Women's National Championship License Plates (ACT 163)

New law requires the Dept. of Public Safety and Corrections to issue a special prestige license plate to be known as the "Juneteenth" license plate, provided there is a minimum of 1,000 applicants for such a plate.

New law requires that the secretary work in conjunction with the Southwest La. (SWLA) Juneteenth Committee, Inc. to select the color and design of the Juneteenth specialty license plate. Requires the design include the word "Juneteenth".

New law specifies that the license plates 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 for the Juneteenth specialty license plate.

New law requires monies received from the royalty fees for the Juneteenth specialty license plate to be forwarded to the treasurer of the SWLA Juneteenth Committee, Inc. Specifies that the monies received from the royalty fees be used to assist the SWLA Juneteenth Committee, Inc.

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 "Juneteenth" specialty license plate when the applicable statutory provisions are met and its system is updated to accommodate the creation of new plates.

New law requires the secretary of the Dept. of Public Safety and Corrections to establish a special prestige license plate to be known as the La. State University 2023 NCAA Women's

National Championship specialty prestige license plate.

New law requires the secretary work in conjunction with the La. State University Board of Supervisors to select the color and design of the La. State University 2023 NCAA Women's National Championship specialty prestige license plate.

New law provides an annual fee of \$51 to be paid to La. State University for each La. State University 2023 NCAA Women's National Championship specialty prestige license plate issued with one dollar retained by the department and \$50 forwarded to La. State University.

New law requires that the money for the La. State University 2023 NCAA Women's National Championship specialty prestige license plate forwarded to La. State University be used solely for scholarships.

Effective August 1, 2023.

(Adds R.S. 47:463.225 and 463.226)

Utility Line Worker, La. Soccer Association, and La. Respiratory Therapist License Plates (ACT 173)

New law requires the Dept. of Public Safety and Corrections to issue special prestige license plates to be known as the "Utility Line Worker", the "Louisiana Soccer Association", and the "Louisiana Respiratory Therapist "RT STRONG"" license plates provided there is a minimum of 1,000 applicants for each of the plates.

New law requires the secretary work in conjunction with a designee from Entergy, Cleco, Southwestern Electric Power Company, the Association of Electric Cooperatives, the La. Power Authority, AT&T, and the La. Internet Association to select the design of the plate. Requires the design include the words "Utility Line Worker". Additionally, requires the secretary to work in conjunction with the president of the La. Soccer Association to select the design of the plate. As it pertains to the La.

Soccer Association plate, requires the design to include the words "Louisiana Soccer Association". With respect to the La. Respiratory Therapist plate, new law further requires the secretary to work in conjunction with the president of the La. Society for Respiratory Care to select the color and design of the plate.

New law specifies that these license plates will be issued, upon application, to any citizen of La. in the same manner as any other motor vehicle license plates.

New law requires that the department collect 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 secretary 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 "Utility Line Worker", "Louisiana Soccer Association", and the Louisiana Respiratory Therapist specialty license plates when the applicable statutory provisions are met and its system is updated to accommodate the creation of new plates.

Effective August 1, 2023.

(Adds R.S. 47:463.225, 463.226, and 463.227)

Destruction of License Plates and Special Rules for Certain Military License Plates (ACT 174)

Prior law (R.S. 47:490.9(B)) specified that the charge for the World War II license plates is the regular motor vehicle fee.

Existing law (R.S. 47:490.11(B)) requires veterans applying for the Laos War license plate to present to the issuing official a certified copy of their discharge from active service with one of the armed forces of the U.S. Prior law specified that the charge for the license plate is the regular motor vehicle registration license fee.

Existing law (R.S. 490.13(B)) requires license plates be issued in the same manner as other motor vehicle license plates. Requires retired members of the armed services of the U.S. applying for the plates present to the issuing official a copy of their active duty retirement orders or other proof of retirement from active service with one of the armed forces of the U.S. Requires veterans of the armed services of the U.S. who are not retired present to the issuing official a copy of their discharge from active service with one of the armed forces of the U.S. Prior law specified that the charge for this license plate is the same for regular license plates.

Existing law (R.S. 490.14(B)) requires license plates be issued in the same manner as other motor vehicle license plates. Requires retired members of the armed services of the U.S. applying for the plates present to the issuing official a copy of their active duty retirement orders or other proof of retirement from active service with one of the armed forces of the U.S. Requires veterans of the armed services of the U.S. who are not retired present to the issuing official a copy of their discharge from active service with one of the armed forces of the U.S. Prior law specified that the charge for this license plate is the same for regular license plates.

New law removes provisions that specify that the charge for the plate is the same as regular license plates and instead specifies that no fee can be charged for such plates. Further specifies that such plates are not subject to the renewal requirements applicable to standard plates.

Existing law (R.S. 47:505(B)(2)) requires any dealer of motor vehicles who receives a lease return or previously owned vehicle with the intention of reselling such vehicle must remove the license or number plate from the vehicle before resale. Requires the dealer attach the title and registration to the electronic notification and electronically notify the secretary monthly of all plates so removed and destroyed.

New law modifies existing law by requiring the dealer destroy the plate. Changes the monthly notification requirement to within 24 hours.

New law requires the secretary promulgate rules and regulations as necessary to implement the provisions of existing law.

Effective August 1, 2023.

(Amends R.S. 47:490.9(B), 490.11(B), 490.13(B), 490.14(B), and 505(B)(2))

Franchise Tax Exception for Certain REIT LLCs (ACT 432)

Existing law levies a corporation franchise tax on domestic corporations and foreign corporations that exercising their charter, or qualified to do business or actually doing business in this state, or owning or using any part or all of their capital, plant, or any other property in this state.

Existing law provides that the term "domestic corporation" includes business organizations organized under the laws of this state which have privileges, powers, rights, or immunities not possessed by individuals or partnerships.

Existing law further provides that the term "domestic corporation" includes all entities taxed as corporations for federal income tax purposes.

Existing law makes an exception for certain entities that would otherwise meet the definition of "domestic corporation" that are organized as limited liability companies (LLCs) that were qualified and eligible to file as a Subchapter S corporation or were acquired by an entity taxed as a Subchapter S corporation.

New law provides for an additional exception for LLCs filing as a real estate investment trust (REIT) for federal income tax purposes if 100% of the LLC's common stock is owned by a tax-exempt organization provided that both the stock ownership and REIT filing requirements were met no later than July 1, 2023.

Effective June 27, 2023.

(Amends R.S. 47:601(C)(1)(intro para) and (c))

Deep Well Severance Tax Exemption (ACT 431)

Existing law, pursuant to the authority of existing constitution, levies severance taxes on all natural resources severed from the soil or water, including all forms of timber, including pulp woods, turpentine, and other forest products; minerals such as oil, gas, natural gasoline, distillate, condensate, casinghead gasoline, sulphur, salt, coal, lignite, and ores; marble, stone, sand, shells, and other natural deposits; and the salt content in brine.

Existing law provides that production of natural gas, gas condensate, and oil from any well drilled to a true vertical depth of more than 15,000 feet shall be exempt from severance tax for 24 months or until payout of the well cost, whichever comes first.

Prior law provided that the tax exemption period commenced from the date production began.

New law provides that the tax exemption period commences from the date that commercial production begins.

New law provides that, for purposes of the deep-well severance tax exemption, the date commercial production begins shall be the first day the well produces into the permanent production equipment and facilities have been constructed to process and deliver oil or gas to a sales point. Stipulates that the date of a drill-stem test, production test, or any other related production shall not be considered, construed, or deemed the date commercial production begins regardless of whether such activities are classified as active production by the Dept. of Natural Resources. Provides further that the date commercial production begins may be a date subsequent to the well completion date.

New law stipulates that its provisions shall apply to each Application for Well Status Determination (Deep Well) filed with the office of conservation of the Dept. of Natural Resources on or after Jan. 1, 2023. Provides that each applicant who filed such an application on or after Jan. 1, 2023, and prior to the effective date of new

law (June 27, 2023) shall be permitted to amend its application to conform with the provisions of new law.

New law establishes that its provisions are procedural and interpretive.

Effective upon signature of governor (June 27, 2023).

(Amends R.S. 47:633(9)(d)(v))

High-Occupancy Vehicle Lanes (ACT 321)

Existing law allows for the secretary or his designee, when they believe expedient, to designate adequate shoulders on any highway in the state highway system as high-occupancy vehicle (HOV) lanes.

New law provides for the removal of the requirement of the secretary to factor in appropriate travel time savings and increase in the total number of people moved through a highway corridor with high levels of travel demand and traffic congestion, when designating a shoulder as an HOV lane.

Prior law provided for the definition of HOV. New law and removes the term "ridesharing" from the definition. New law makes technical changes.

Prior law defined HOV lane. New law further defines HOV lane to include adequate shoulders of lanes designated for use as HOV lanes by the secretary or designee. New law further makes technical changes. New law adds to the definition of vehicles able to use an HOV lane to include an authorized emergency vehicle, or any other vehicle operated by the department or its agents as authorized by the secretary through promulgated rules and regulations.

Prior law provided the department shall promulgate rules and regulations related to enforcement and penalties of the HOV lanes. New law adds authorized use to the scope of rulemaking authority granted to the department.

Effective June 12, 2023.

(Amends R.S. 47:820.5.9(B)(intro para), 820.5.9(B)(1), (D), and (E) and R.S. 48:345)

Sales, Excise, and Tobacco Tax Exemptions for Promotional Samples (ACT 297)

New law exempts from state sales tax the furnishing of an item at no charge as a sample in a business-to-business exchange at, or in conjunction with, a conference, convention, exposition, trade show, professional or trade association event, business or professional meeting, corporate event, or exhibition of any kind held in La.

New law exempts from state excise tax the furnishing of an alcoholic beverage at no charge as a sample in a business-to-business exchange at, or in conjunction with, a conference, convention, exposition, trade show, professional or trade association event, business or professional meeting, corporate event, or exhibition of any kind held in La.

New law exempts from the state tobacco tax the furnishing of a product at no charge as a sample in a business-to-business exchange at, or in conjunction with, a conference, convention, exposition, trade show, professional or trade association event, business or professional meeting, corporate event, or exhibition of any kind held in La.

New law defines "business-to-business exchange", for purposes of new law, as the distribution by a business of free samples in a limited quantity, with nominal value, to another business as part of a genuine effort to sell or market the product being sampled to that business. Provides that for purposes of new law, "nominal value" means a value which is so small or slight that it is not considered real or substantial in comparison with what might reasonably be expected.

Prior law exempted from the state tobacco tax, through Dec. 31, 2025, cigars and pipe tobacco sampled on the premises of convention facilities during the convention of the International Premium Cigar and Pipe Retailers Association. New law repeals prior law.

New law applies to taxable periods beginning on or after August 1, 2023.

New law terminates the tax exemptions provided in new law on August 1, 2033.

Effective August 1, 2023.

(Amends R.S. 47:854(A) and (B) and 855; Adds R.S. 26:421(F) and R.S. 47:302(BB)(119), 305.79, 321(P)(120), 321.1(I)(120), and 331(V)(120))

Sale Tax Exemption for Cigar and Pipe Tobacco Conventions (ACT 116)

Existing law (R.S. 47:841 et seq.) levies a tax upon the sale, use, consumption, handling, or distribution of cigars, cigarettes, smoking and smokeless tobacco, vapor products, and electronic cigarettes according to classifications and rates provided in existing law.

Existing law provides a time-limited exemption from the tobacco tax for cigars and pipe tobacco sampled on the premises of convention facilities during the convention of a particular cigar and pipe retailers' association.

Prior law provided that the exemption was effective through December 31, 2025. New law extends the exemption through December 31, 2030.

Prior law referred to the convention of the International Premium Cigar and Pipe Retailers Association.

New law changes the name of the association from the International Premium Cigar and Pipe Retailers Association to the Premium Cigar Association.

Effective August 1, 2023.

(Amends R.S. 47:854(B))

Challenges to Property Tax Assessments (ACT 284)

Prior law required the payment under protest of the disputed amount of tax when a taxpayer challenges the correctness of an ad valorem tax assessment or the legality of an ad valorem tax assessment.

New law provides that a taxpayer challenging the correctness of an assessment who has timely filed an appeal with the La. Tax Commission shall not be required to make a payment under protest or post security while the correctness challenge is pending before the commission or during an appeal of the commission's determination brought by any party other than the taxpayer.

New law provides that when a taxpayer appeals the determination of the La. Tax Commission then the payment under protest or filing a rule to set bond or other security is timely if the payment is made or the rule is filed within the applicable appeal deadline.

New law provides for an alternative method of providing security in lieu of a payment under protest in the case of a taxpayer filing a legality challenge with a court or the Board of Tax Appeals (board).

New law authorizes the taxpayer, on or before the date on which the taxes are due, to file a rule to set bond or other security with the court or the board which shall be set for hearing within 30 days.

New law authorizes the court or the board to order that a portion of the disputed amount be paid under protest and the balance secured by the posting of a bond or other security.

New law authorizes the collector to file a reconventional demand against the taxpayer in the cause of action in which a bond or alternative security is provided and further provides that the collector may procure an appraisal or conduct discovery concerning the value and validity of security offered.

New law requires that the posting of a bond or other security for ad valorem tax challenges shall be consistent with the provisions for providing security in connection with a suspensive appeal under the Code of Civil Procedure.

Existing law authorizes a collector, taxpayer, or aggrieved party to file a petition or pleading with the board concerning any matter related to state or local taxes or fees and ad valorem taxes.

New law retains existing law but also includes rules for bond or other security to the list of matters that may be brought before the board. New law requires procedural statutes related to ad valorem taxes that apply to district courts to also apply to the board and its Local Tax Division.

New law does not apply to amounts of tax that are not in dispute and are not the subject of a correctness or legality challenge.

Prior law provided that interest is calculated at a rate from the date the notice of intention to file suit for recovery of taxes was given to the officer until the date the taxes are paid.

New law provides that interest is calculated at a rate from the date the taxes were due under existing law (R.S. 47:2127) until the date the taxes are paid.

Effective August 1, 2023.

(Amends R.S. 47:1431(E), 1857(B)(1) and (2), 1998(A)(2) and (B)(3), 2134(B)(1) and (4), (C)(4), (D)(3), and (E); Adds R.S. 47:1989(G) and 2134(F))

Notices of Assessment and Taxpayer Deadline to Pay under Protest (ACT 289)

Existing law requires the secretary of the Dept. of Revenue to send a notice by certified mail to a taxpayer against whom an assessment is imposed at the address given in the last report filed by the taxpayer, or, if no report has been timely filed, to any address obtainable from any private entity which will provide such address free of charge or from any federal, state, or local government

entity, including but not limited to the USPS or from USPS certified software.

New law requires the secretary to send a notice by First-Class Mail International with Electronic USPS Delivery Confirmation if the notice is to be mailed to an address outside the U.S. and otherwise retains existing law.

Existing law provides for the self-assessment of taxes and requires the secretary to send a notice demanding payment within thirty calendar days from the date of the notice if the taxpayer fails to accompany his return filed with a proper payment.

New law retains existing law.

New law authorizes the collector to elect to send a notice of assessment to a taxpayer or dealer by regular mail containing the same information as sent by certified mail. Provides that if the regular mailing is within five business days as the mailing by certified mail, then the notice transmitted by regular mail is deemed to be received by the taxpayer or dealer on the earlier date indicated by the U.S. Postal Service of the first attempted delivery or on the seventh business day from the date of mailing. Provides that if the collector, in his sole discretion, does not send the copy of the notice of assessment by regular mail, the absence of transmitting the notice by regular mail shall not be used to establish that a notice of assessment was either not mailed or not received. Further provides that if the collector, in his sole discretion, sends the copy of the notice of assessment, then the transmittal of the notice shall have no impact on the time within which the amount of tax due is required to be paid or paid under protest or the time within which the assessment becomes final as provided in existing law.

Existing law provides that a taxpayer has the right to pay an assessment under protest or to claim a refund of an assessment after payment.

New law specifies that a taxpayer has the right to pay an assessment under protest within sixty calendar days from the date of the notice and otherwise retains existing law.

Applicable to assessments and notices mailed on or after October 1, 2023.

Effective August 1, 2023.

(Amends R.S. 47:1565(A) and 1568(B) and (C); adds R.S. 47:1568(D))

State Agency Referrals of Late Debt to La. Dept. of Revenue (ACT 87)

Existing law establishes the office of debt recovery (office) within the Dept. of Revenue (DOR) for the purpose of collecting taxes payable to DOR and to collect certain delinquent debts on behalf of other state agencies. Existing law requires agencies that do not have a collection contract with the attorney general's office for the collection of delinquent debts to refer all delinquent debts to the office.

Existing law provides that once a debt becomes final, prior to referral to the office, the agency imposing the debt shall notify the debtor that failure to pay the debt within 60 days shall subject the debt to additional collection fees as provided in existing law.

Existing law authorizes the office to charge the debtor a fee not to exceed 25% of the total delinquent debt liability which becomes final.

Existing law requires agencies referring delinquent debt to the office for collection to include data and information in the referral in a format necessary to institute collection procedures. Further requires delinquent debt to be authenticated by the agency or officer prior to being referred to the office.

New law requires that the agency referral, unless prohibited by federal or state law, to include the following information related to the delinquent debt:

(1) A description of the original obligation or offense which is the subject of the delinquent debt.

(2) The amount of any fine, fee, penalty, or charges assessed against the original obligation or offense by the originating agency.

(3) The amount of any fine, fee, penalty, or charges added from the previous collection attempts by a third party collector and included in the debt balance placed with the office.

(4) The total amount paid and the date of last payment made by the debtor on the delinquent debt.

(5) Any additional information requested by the office.

Effective January 1, 2024.

(Amends R.S. 47:1676(C)(2)(a))

Property Tax Exemptions (ACT 355)

Existing constitution 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.

Existing constitution provides that the exemptions shall 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.

New law specifies that the ad valorem tax exemptions in existing constitution shall apply to ad valorem taxes due beginning in tax year 2023.

New law applies to tax years beginning on or after January 1, 2023.

Effective upon signature of governor (June 12, 2023).

(Adds R.S. 47:1716)

Public Access to Information in Statewide Property Tax Assessment Database (ACT 161)

Existing law provides for a statewide ad valorem tax assessment database to be created and maintained by the La. Tax Commission, referred to hereafter as the "commission". Requires that the database comprise information from the ad valorem tax assessment rolls of all La. parishes and that the commission make certain information from the database available to the public on an internet website.

New law prohibits inclusion in the database of any assessment information which is deemed confidential or designated as confidential by an assessor under any provision of existing law.

New law requires the commission to promulgate rules for submission of assessment rolls to the commission and for designation of confidential information in those rolls.

Prior law prohibited the commission from selling, leasing, renting, or otherwise conveying or transferring to any person or entity for use in a business any current-year assessment information received pursuant to existing law. New law provides that the prohibition on conveying of current-year assessment information by the commission for use in a business shall only apply

to information submitted to the commission prior to Jan. 1, 2024.

New law provides that for purposes of any assessment information submitted to it on or after Jan. 1, 2024, the commission may convey or transfer to any individual or other entity for use in a business any current-year information received pursuant to existing law.

New law prohibits the commission from doing any of the following:

(1) Selling, leasing, renting, or otherwise conveying or transferring to any individual or other entity any information which is deemed confidential or which has been designated as confidential by an assessor under any provision of existing law.

(2) Selling, leasing, renting, or otherwise conveying or transferring to any individual or other entity for use in a business any current-year information concerning public service properties, as defined in existing law, received by it pursuant to existing law.

Prior law authorized the commission, upon request of any taxpayer, to convey or transfer electronically to the taxpayer historical information held pursuant to existing law and viewable from the commission's website, which information is at least one year old at the time of the request. With respect to information submitted to the commission on or after Jan. 1, 2024, new law repeals the condition relating to the recency of the requested information at the time of the request. New law also changes the authorization for the commission to convey or transfer historical information to a taxpayer upon request to a requirement that the commission do so. New law thereby requires the commission to convey or transfer electronically to any taxpayer, upon request, historical information submitted to the commission on or after Jan. 1, 2024, regardless of the age of the information at the time of the request.

Effective January 1, 2024.

(Amends R.S. 47:1837.1(A)(2), (F), and (G); Adds R.S. 47:1837.1(A)(3))

Assessor Compensation Self-Increasable (ACT 366)

Existing law requires assessors in each parish to receive annual compensation in the following amounts for the performance of all duties required of them in existing law based on the following applicable population ranges:

- (1) If population is 50,000 or less, annual compensation of \$88,290.
- (2) If population is 50,001 to 249,999, annual compensation of \$98,290.
- (3) If population is greater than 250,000, annual compensation of \$108,290.

Existing law authorizes the following compensation in addition to the annual compensation set forth in existing law:

- (1) 10% of annual compensation as a personal expense allowance.
- (2) One-time 7% increase after successful completion of a program to be a certified La. assessor and approval by a certification committee.
- (3) One-time \$10,000 increase effective July 1, 1999.
- (4) One-time increase of not exceeding \$7,000.
- (5) Beginning in calendar year 2013 and ending in calendar year 2016, an increase of up to 4% each calendar year over four calendar years.

New law authorizes an assessor to increase his annual compensation by not more than 5% in calendar year 2023.

New law further authorizes an assessor to increase his annual compensation by not more than 5% for the term beginning after Dec. 31, 2024. This additional compensation shall become

effective if the assessor publishes notice of his intent to increase his compensation on two separate days in the parish's official journal. The last day of publication of the notice shall be at least 30 days prior to the date the assessor increases his compensation.

Effective July 1, 2023.

(Amends R.S. 47:1907(A)(1); Adds R.S. 47:1907(L) and (M))

Tax Credits for State-Certified Productions and Qualified Entertainment Companies (ACT 411)

Existing law authorizes the following tax credits for state-certified productions:

- (1) A 25% tax credit if the base investment is in excess of \$300,000 or if the production is a La. screenplay production.
- (2) An additional 5% base investment credit for projects filmed outside the New Orleans Metro Zone, but not including St. John the Baptist Parish.
- (3) An additional 10% base investment credit for certain expenditures equal to or greater than \$50,000 but less than \$5 million for projects meeting certain La. screenplay criteria.
- (4) A 15% credit for La. resident payroll expenditures.
- (5) A 5% credit for certain La.-based visual effects expenditures meeting certain requirements.

New law retains existing law.

Existing law defines a "La. promotional graphic" as a graphical brand or logo for promotion of the state that has been approved by the office of entertainment industry development in the Dept. of Economic Development (DED), hereinafter "office".

New law expands the definition of "La. promotional graphic" to include an electronic

press kit or a customized video for use by the office or an alternative asset as determined by the office *and* either of the following:

(1) Up to a five-second long static or animated graphic that promotes La. in the end credits before the below-the-line crew crawl for the life of the production.

(2) Up to a five-second long static or animated embedded graphic that promotes La. during each broadcast worldwide, in the end credits before the below-the-line crew crawl for the life of the production.

Prior law required productions to acknowledge the financial assistance of the state, either through the inclusion of a La. promotional graphic or an alternative marketing option approved by the office.

New law removes the alternative marketing option for productions submitting an application on or after July 1, 2023, and requires productions to acknowledge the financial assistance of the state through the inclusion of a La. promotional graphic

New law provides that commercials, music videos, or other state-certified productions that are prohibited by federal law or contractual requirements from utilizing the La. promotional graphic are allowed to use an alternative marketing option approved by the office.

Existing law provides for a cap of \$150M in any fiscal year on tax credits that may be granted in a final certification letter by DED for state-certified productions and qualified entertainment companies (QEC) submitted on or after July 1, 2017. If the total amount of credits applied for in a year exceeds the aggregate amount of tax credits allowed for that year, the excess shall be treated as having been applied for on the first day of the subsequent year.

Existing law reserves 20% of the annual program cap as follows: 5% for qualified entertainment companies, 5% for La. screenplay productions, and 10% for independent film productions.

New law retains existing law with respect to the \$150M DED program issuance cap but repeals the reservation of tax credits in existing law for state-certified productions and QEC applications submitted on or after July 1, 2023.

Existing law provides for establishment of the La. Entertainment Development Dedicated Fund Account for deposit of fees collected by the Dept. of Revenue (DOR) pursuant to notifications of transfer of tax credits. Existing law requires 25% of the monies in the account to be appropriated to DOR for administrative purposes and 75% of the monies to be appropriated to the office for education development initiatives, matching grants for La. filmmakers, a loan guarantee program, and a deal closing fund.

New law retains existing law but changes the use of the monies in the account appropriated to the office by eliminating the loan guarantee program and a deal closing fund and including La. workforce development programs, and other motion picture and television related programs as determined by rule.

New law prohibits credits from being earned by, certified, issued to, transferred by, or used to reduce Louisiana tax liability by a motion picture production company, irrevocable designee, taxpayer or claimant from earning a credit if there exists a delinquent federal, state, or local tax obligation. Requires the motion picture production company, irrevocable designee, taxpayer, or claimant to certify to this requirement before any credit may be certified, transferred, or sold.

Existing law requires DED to engage an independent certified public accountant to prepare a production expenditure verification report on a tax credit applicant's cost report of expenditures or claims. Existing law further requires the applicant to make all records available to the CPA.

New law requires the records to include a listing of all La. expenditures detailing the date of the expenditure, the vendor's address including the zip code, and the amount of the expenditure for applications received on or after July 1, 2023.

Existing law requires DED to submit an initial certification or written denial of a project as a state-certified production to investors and the secretary of DOR within 60 days of receipt of required information. Further requires the initial certification to include a primary allocation of tax credits by year.

New law retains existing law with respect to submission of an initial certification or written denial but repeals existing law provisions with respect to inclusion of a primary allocation of tax credits by year in an initial certification.

Prior law prohibited motion picture production tax credits from being allowed for applications received on or after July 1, 2025.

New law extends the sunset of the tax credit from July 1, 2025, to July 1, 2031.

New law requires DED to develop a new La. promotional graphic and submit it to the Joint Legislative Committee on the Budget for approval no later than Nov. 1, 2023.

Effective August 1, 2023.

(Amends R.S. 47:6007(B)(11), (C)(1)(a)(iv) and (h)(iii)(bb), (D)(2)(c)(i) and (d)(i), (I), and (J)(1); Adds R.S. 47:6007(C)(8) and (K))

Tax Credits for Research and Technology Updated (ACT 251)

Existing law authorizes an income and corporation franchise tax credit in an amount equal to 30% of the award received during the tax year for a taxpayer who receives a Phase I or II grant from the federal Small Business Technology Transfer Program or a federal Small Business Innovation Research Grant as created by the Small Business Innovation Development Act of 1982, reauthorized by the Small Business Research and Development Enhancement Act, and reauthorized again by the Small Business Reauthorization Act of 2000.

New law adds a reference to the latest reauthorization of the federal grant programs by

the SBIR and STTR Extension Act of 2022 and otherwise retains existing law.

Prior law prohibited the payment of credits for research expenditures incurred, Small Business Technology Transfer Program funds received or Small Business Innovation Research Grant funds received after December 31, 2025.

New law extends the sunset of the credit from December 31, 2025, to December 31, 2029.

Effective June 12, 2023.

(Amends R.S. 47:6015(D)(1) and (J))

Income and Franchise Tax Credits for Certain Research Activities (ACT 350)

Existing law authorizes an income and corporation franchise tax credit for certain taxpayers who employ 50 or more persons and claim a federal income tax credit for increasing research activities. This tax credit is also available for taxpayers who employ fewer than 50 employees if the employer meets certain eligibility requirements.

Existing law authorizes the following credits as a percentage of increased research expenses for a taxpayer who employed the following number of employees:

<u>Number of Employees</u>	<u>Tax Credit</u>
100 or more	5% less the base amount
50-99	10% less the base amount
fewer than 50	30% less the base amount

Existing law authorizes an additional tax credit for taxpayers who receive a federal Small Business Innovation Research (SBIR) grant and Phase I or Phase II grants from the Federal Small Business Technology Transfer (SBTT) program equal to 30% of the award received during the tax year.

New law adds a reference to the SBIR and STTR Extension Act of 2022 (P.L. 117-183), which is the latest federal authorization for these grants and programs, and specifies that the state tax

credit extends to applicants who receive grants *or contracts* from these federal programs.

Existing law prohibits a taxpayer that receives a credit for research activity expenditures pursuant to existing law from receiving any other incentive administered by the Dept. of Economic Development (DED) for the same expenditures.

New law defines "incentive" for purposes of existing law as a tax credit, deduction, or exclusion administered by DED.

New law adds an exception to the prohibition of receiving other incentives administered by DED for a taxpayer who receives a state grant pursuant to existing law from the Small Business Innovation Retention fund or the Small Business Innovation Recruitment fund.

New law defines "incentive" for purposes of existing law as a tax credit, deduction, or exclusion administered by DED.

Existing law prohibits tax credits for research expenditures incurred, SBTT Program funds received, or SBIR Grant funds received after December 31, 2025.

New law is applicable to tax years beginning on or after January 1, 2023.

Effective upon signature of governor (June 12, 2023).

(Amends R.S. 47:6015(D)(1), (E)(3) and (4), and (I); Adds R.S. 47:6015(E)(5))

La. New Markets Jobs Act Tax Credits (ACT 433)

Existing law provides for the Louisiana New Markets Jobs Act tax credit that may be claimed against insurance premium tax. Provides that eligibility for the credit is based on the investment of private capital in a low-income community business located in La.

Existing law defines "recovery zone" as any parish for which FEMA has made a determination that the parish is eligible for both

individual and public assistance under the declaration of major disasters in the state.

New law retains the existing law and adds to the definition of "recovery zone" follow-on investments in a qualified active low-income community business that was qualified by its location in a recovery zone shall be considered qualified low-income community investments even if made after the end of such declaration.

Existing law defines "rural parish" as a parish with a population of less than 100,000 as of the July 1, 2019 census estimate by the United States Census Bureau.

New law retains existing law and further defines "rural parish" as a parish with a population less than 100,000 as of the most recent federal decennial census.

Existing law defines the types of investments required for tax credit eligibility.

New law retains existing law and further provides that the issuer make qualified low-income community investments of at least 100% of the cash purchase price in the qualified active low-income community business by the first anniversary of the initial credit allowance date with respect to investments issued prior to August 1, 2020, and after August 1, 2023, and within nine months of the initial allowance date with respect to investments issued on or before August 1, 2023.

Existing law authorizes a total of \$55 million and \$75 million of investment authority for certification and allocation for the purpose of earning tax credits.

New law authorizes a total of \$150 million of investment authority for certification and allocation for the purpose of earning tax credits beginning August 1, 2023.

Existing law provides for conditions under which the Dept. of Insurance shall recapture tax credits that include a recapture of federal tax credits by the federal government, or a failure to invest an amount equal to 100% of the purchase price of

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

New law retains existing law recapture provision and adds a recapture condition for investments made on or after August 1, 2023, if there has been a failure to invest an amount equal to 100% of the purchase price of the investment within 12 months of the issuance of the investment or less than 50% of the purchase price was invested in impact businesses.

New law requires reporting by a qualified community development entity that issues qualified equity investments on or after August 1, 2020, but before August 1, 2023, to the Dept. of Revenue within five days of the first anniversary of the initial credit allowance date. Provides that the report shall include evidence that the business was a qualified active low-income community business or impact business at the time of the qualified low-income community investment.

Effective June 27, 2023.

(Amends R.S. 47:6016.1(B)(6), (7), and (10)(b), (E)(5)(c), (F)(3) and (4), (H)(1)(b), and (J)(1); adds R.S. 47:6016.1(E)(5)(d) and (F)(5))

Historic Structure Rehabilitation Tax Credits (ACT 426)

Existing law authorizes a tax preference known commonly as the "rehabilitation of historic structures tax credit" which provides a credit against income and corporation franchise tax for the amount of eligible costs and expenses incurred during the rehabilitation of a historic structure that meets qualifications provided in existing law.

Existing law provides that the amount of the credit shall be 25% of the eligible costs and expenses of the rehabilitation incurred prior to Jan. 1, 2018, regardless of the year in which the property is placed in service.

Prior law established that the amount of the credit would be 20% of the eligible costs and expenses of the rehabilitation incurred on or after Jan. 1,

2018, and before Jan. 1, 2026, regardless of the year in which the property is placed in service. New law revises prior law to provide that the amount of the credit shall be as follows:

(1) 20% of the eligible costs and expenses of the rehabilitation incurred on or after Jan. 1, 2018, and before Jan. 1, 2023, regardless of the year in which the property is placed in service.

(2) 25% of the eligible costs and expenses of the rehabilitation incurred on or after Jan. 1, 2023, and before Jan. 1, 2029, regardless of the year in which the property is placed in service.

(3) For rehabilitation of a historic structure located in a rural area, 35% of the eligible costs and expenses of the rehabilitation incurred on or after Jan. 1, 2023, and before Jan. 1, 2029.

New law defines "rural area" as any of the following:

(1) A parish with a population of less than 100,000.

(2) A municipality with a population of less than 35,000.

(3) An unincorporated area of a parish with a population of 100,000 or more.

Prior law stipulated that no rehabilitation of historic structures tax credit would be authorized for rehabilitation expenses incurred on or after Jan. 1, 2026. New law extends the period in which eligible rehabilitation expenses may be incurred for purposes of qualifying for the tax credit, providing that no credit is authorized for rehabilitation expenses incurred on or after Jan. 1, 2029.

Existing law provides that rehabilitation costs associated with the following classes of structures qualify for the tax credit:

(1) Historic structures located in a downtown development district as defined in existing law.

(2) Historic structures located in a cultural district as defined in existing law.

New law adds historic structures contributing to the National Register of Historic Places to the classes of structures that qualify for the tax credit. Defines "contributing to the National Register of Historic Places" as listed or deemed as a contributing element within a National Register Historic District as determined by the National Park Service.

Effective August 1, 2023.

(Amends R.S. 47:6019(A)(1)(a), (B)(1)(intro).
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Angel Investor Tax Credit Program Revised and Extended (ACT 253)

Existing law provides for the Angel Investor Tax Credit Program which authorizes a tax credit for certain investments in a qualifying Louisiana entrepreneurial businesses as defined under existing law. The program is administered by the Department of Economic Development.

Existing law provides that applicants whose investments meet the program requirements of the statute as well as requirements of 26 U.S.C. 1400Z-1, 1400Z-2, and applicable federal regulations are entitled to an enhanced credit under the program.

New law removes meeting the requirements of 26 U.S.C. 1400Z-2 and applicable federal regulations in order to be eligible for the enhanced credit under the program and otherwise retains existing law.

Prior law allowed an exception to the general program requirements that 50% or more of an applicant's sales come from out of state when federal law or regulations related to opportunity zones require that business revenues be derived from within the opportunity zone.

New law removes prior law.

Prior law provided that no credits shall be granted or reserved for the program on or after July 1, 2025.

New law extends the date of when credits can be granted or reserved from July 1, 2025, to July 1, 2030.

Applicable to taxable periods beginning on or after January 1, 2024.

Effective June 12, 2023.

(Amends R.S. 47:6020(G) and (H))

Income Tax Credit for Restaurant Donations of Oyster Shells (ACT 404)

New law authorizes a credit against state income tax for restaurants that donate oyster shells for beneficial use in accordance with the requirements of new law.

New law provides that in order to be eligible for the credit in a taxable year, a restaurant claiming the credit shall, during the taxable year, have donated oyster shell material to the Oyster Shell Recycling Program of the Coalition to Restore Coastal Louisiana or any other oyster shell recycling program or activity designated in rule by the Dept. of Revenue as an approved program or activity.

New law provides that the amount of the credit shall equal \$1 for each 50-pound increment of oyster shell material donated to a qualifying oyster shell recycling program or activity or \$2,000, whichever is less. Limits to \$100,000 the total amount of credits that may be granted annually pursuant to new law.

New law provides that if the amount of the credit exceeds the taxpayer's tax liability for the taxable year, the excess credit amount shall constitute an overpayment which shall be refunded to the taxpayer, thereby creating the tax credit as a refundable credit.

New law provides for claiming of the credit by corporations, individuals, estates, trusts, and

partners or members of entities that are not taxed as corporations.

New law requires the secretary of the Dept. of Revenue to promulgate administrative rules as are necessary to implement new law. Requires that in developing these rules, the secretary of the Dept. of Revenue shall engage and collaborate with the secretary of the Dept. of Wildlife and Fisheries. Provides that recommendations of the secretary of the Dept. of Wildlife and Fisheries may be included in any final rules designating approved oyster shell recycling programs and activities.

New law applies to taxable periods beginning on or after Jan. 1, 2024.

New law provides that no credits authorized therein may be claimed for any taxable year beginning after Dec. 31, 2028.

Effective August 1, 2023.

(Adds R.S. 47:6043)

Maternal Wellness Centers (ACT 437)

New law authorizes a credit against La. income tax for qualified donations made to organizations defined by new law as eligible maternal wellness centers. Provides that the credit shall be in an amount equal to 50% of the taxpayer's donation to an eligible maternal wellness center and shall be taken for the taxable year in which the donation is made. Limits the total credit taken by a taxpayer during any taxable year to 50% of the taxpayer's tax liability.

New law limits the amount of credits granted pursuant to new law in any calendar year to \$5,000,000.

New law provides for granting of credits on a first-come, first-served basis, with no more than 20% of the total tax credits available allocated for contributions to a single maternal wellness center.

New law provides that if the total amount of credits applied for in any year exceeds the

aggregate amount of tax credits allowed for that year, the excess shall be treated as applied for on the first day of the subsequent year. Further provides that if the total amount of credits granted in any year is less than the amount available to be granted, any residual credit remaining shall be available to be granted in subsequent years.

New law prohibits credits for donations made to maternal wellness centers before Jan.1, 2025, or after Dec. 31, 2030.

New law requires the La. Department of Health (LDH) to establish and maintain a voluntary registry of maternal wellness centers. Provides that the purpose of the registry is to function as a single database of eligible maternal wellness centers located in Louisiana and requires LDH to publish the registry on its website.

New law stipulates that LDH shall have no regulatory authority over registered eligible maternal wellness centers.

New law prohibits LDH from including on the registry any organization involved in, or associated with counseling for, or referrals to, abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising.

New law requires each organization seeking to be included in the registry to provide to LDH an affidavit, signed by an officer of the organization under penalty of perjury, affirming that the organization meets applicable criteria established in new law. Requires each such organization to notify LDH of any changes that may affect its eligibility under new law.

New law requires LDH to review each affidavit it receives pursuant to new law and determine whether the applicant organization meets the criteria to be included in the registry. Requires LDH to send notice of its determination to the applicant organization and to the secretary of the Dept. of Revenue (DOR).

New law requires registered, eligible maternal wellness centers to complete and provide to LDH a form no later than Feb. 1 annually in order to

verify that they continue to meet eligibility criteria provided in new law.

New law provides for the recapture of tax credits in cases in which DOR finds that a taxpayer has knowingly obtained credits in violation of new law.

New law requires DOR to promulgate administrative rules for administration of the tax credit provided for in new law. Specifies that such rules are subject to oversight by the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means in accordance with the Administrative Procedure Act.

New law authorizes LDH to promulgate rules as necessary for implementation of new law. Specifies that such rules are subject to oversight by the legislative committees on health and welfare in accordance with the Administrative Procedure Act.

New law is applicable to taxable periods beginning on or after January 1, 2025.

Effective August 1, 2023.

(Adds R.S. 47:6111-6116)

TITLE 48: ROADS, BRIDGES AND FERRIES

Fund Investments and Earnings (ACT 327)

Prior law provided that all monies in the fund shall be invested by the treasurer in the same manner as the general fund. New law provides that all monies in the fund shall be invested in separate portfolios in the same securities allowed for the general fund.

Prior law provided that all interest earnings be deposited into the fund. New law requires all investment earnings on the portfolios be deposited into the fund.

New law authorizes monies in the fund to be available to pay expenses and costs directly attributable to the investing in the fund.

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

(Amends R.S. 48:77.1(B))

Design-Build Process (ACT 246)

Prior law provided for design-build contracts, qualifications of design-build entities, and procedures for design-build bid process. New law retains prior law but makes technical changes.

New law provides that any response by the proposed design-builder during request for qualifications that is false or misleading shall be grounds for rejection by the department.

New law provides definitions and requirements for progressive design-build contracts and contractors.

New law provides for the procurement process for progressive design-build projects including requirements for the notice of intent, request for qualifications, and statement of qualifications from the contractor.

New law provides for the establishment and standards of review for the design-build qualification evaluation committee.

Effective August 1, 2023.

(Amends R.S. 48:250.3(B), (C), (D), and (E); adds R.S. 48:250.3.1)

DOTD Contract Limit (ACT 8)

Existing law specifies that projects for the construction, maintenance, or improvement of highways or public facilities advertised or let by the Dept. of Transportation and Development (DOTD) can only be undertaken by contract.

Existing law requires every contract that exceeds the contract limit for construction, maintenance, or improvement of a department facility under

existing law be made in the name of the department and signed by the secretary of the DOTD, or his designee, and the contracting party.

Prior law specified that contract limit equaled \$500,000.

New law increases the contract limit to \$1,000,000.

Effective August 1, 2023.

(Amends R.S. 48:251(B))

TITLE 49: STATE ADMINISTRATION

Building Named (ACT 95)

New law names the Dept. of Transportation and Development headquarters building in honor of Governor P.B.S. Pinchback.

Effective August 1, 2023.

(Adds R.S. 49:149.36)

Official State Nut (ACT 123)

New law designates the pecan as the official state nut and authorizes its use on official state documents and with the insignia of the state.

Effective August 1, 2023.

(Adds R.S. 49:170.22)

Resilience Officers and Task Force (ACT 315)

New law creates a chief resilience officer (CRO) who is appointed by and serves at the pleasure of the governor, subject to confirmation by the Senate. Provides that the governor may assign other personnel to assist the CRO as necessary.

New law requires the CRO to perform functions and duties, including:

(1) Coordinate and provide direction for governmental resilience initiatives.

(2) Provide guidance to agencies at all levels to integrate resilience goals into future plans.

(3) Review and reconcile state agency comments on federally sponsored resilience and risk mitigation activities to establish and present an official state position.

(4) Pursue all available federal and private funds consistent with the purposes established in new law.

(5) Coordinate with the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) for emergency management and disaster response.

New law requires the CRO, subject to the approval of the governor, to:

(1) Coordinate state agency powers, duties, functions, and responsibilities relative to reducing risk and protecting communities, businesses, vital infrastructure, and the environment, including flood risk mitigation and disaster housing.

(2) Coordinate all state departmental budget requests for programs and projects pertaining to resilience and risk mitigation.

(3) Appraise the adequacy of statutory and administrative mechanisms for coordinating the state's policies and programs at both the intrastate and interstate levels with respect to resilience and risk mitigation.

(4) Appraise the adequacy of federal, regional, state, and local programs to achieve the policies and meet the goals of the state with respect to resilience and risk mitigation.

(5) Coordinate and focus federal involvement in La. with respect to resilience and risk mitigation.

(6) Provide the official state recommendations to the legislature and congress with respect to policies, programs, and coordinating mechanisms relative to resilience and risk mitigation.

(7) Assist with the state's planning efforts, including the Coastal Master Plan, the State Hazard Mitigation Plan, and the Statewide Watershed Management Plan, to ensure the incorporation and alignment of the state's resilience goals and objectives into a unified, proactive, pre-disaster approach to adaptation and long-term resilience.

(8) Represent resilience and risk mitigation policy of the state at the federal, regional, state, and local levels.

New law requires the CRO to develop a statewide resilience report, to be updated and provided to the legislature annually by Feb. 15th. Requires the report to include:

(1) Articulation of the state's resilience goals and objectives.

(2) Utilization of best available science, including a range of future projections, to identify and implement policies, projects, and programs that achieve the state's resilience goals and objectives.

(3) Prioritization of agency-identified adaptation actions based on a vulnerability assessment of risks to agency mission areas, assets, services, and populations served from multiple environmental threats.

(4) Descriptions of agency strategic actions.

New law requires each executive branch department head to designate at least one person to serve as the department's resilience officer. Requires the presiding officers of the legislature to designate at least one person to serve as the legislature's resilience officer. Requires the chief justice of the supreme court to designate at least one person to serve as the judiciary's resilience officer. Requires the names and contact information of the designees to be submitted to the CRO. Requires the agency resilience officers to coordinate activities with the CRO and to serve on the Interagency Resilience Coordination Team established by new law.

New law establishes an Interagency Resilience Coordination Team to maintain awareness, communication, and alignment with regard to the state's resilience and risk mitigation needs, progress, and priorities and to oversee development of the statewide resilience report.

New law requires that the Interagency Resilience Coordination Team be comprised of the CRO as chair and the agency resilience officers. The CRO is required to convene the coordination team by Oct. 1, 2023, and the team is required to meet at least four times each year.

New law establishes a La. Resilience Task Force to provide strategic direction to resilience efforts across the state and to make recommendations to the chief resilience officer composed of the following members:

(1) The chief resilience officer, who shall serve as chair and shall represent the views of the Interagency Resilience Coordination Team.

(2) The director of GOHSEP or his designee.

(3) The governor's executive assistant for coastal activities or his designee.

(4) The commissioner of administration or his designee.

(5) The commissioner of insurance or his designee.

(6) The secretary of the Dept. of Transportation and Development or his designee.

(7) The executive director of the Police Jury Assoc. of La. or his designee.

(8) The executive director of the Parish Presidents of La. Assoc. or his designee.

(9) The speaker of the House of Representatives or his designee.

(10) The president of the Senate or his designee.

(11) The executive director of the La. Municipal Assoc. or his designee.

(12) A member from the Public Service Commission.

(13) The commissioner of higher education or his designee.

(14) The secretary of the Dept. of Children and Family Services or his designee.

New law requires the task force to meet quarterly and at the call of the chairman.

Effective upon signature of governor (June 13, 2023)).

(Adds R.S. 49:220.41-220.46)

Convenience Fees for Using Electronic Signatures on Official Documents (ACT 384)

New law provides for a convenience fee for use of an electronic signature.

New law authorizes a state entity to charge a convenience fee for use of an electronic signature in connection with official documents. Provides for the payment of the convenience fee by credit card, debit card, or other electronic payment approved pursuant to existing law (R.S. 49:316.1). Provides for the convenience fee to be approved by the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means.

Effective upon signature of the governor (June 14, 2023).

(Adds R.S. 49:316.2)

Technical Corrections to Administrative Procedure Act (ACT 98)

Existing law provides for the Administrative Procedure Act which establishes procedures for rulemaking and administrative adjudications and was reorganized and recodified by Act 211 of the 2021 Regular Session and Act 663 of the 2022 Regular Session.

New law retains existing law and makes technical corrections beyond the authority of the Louisiana State Law Institute to certain citations in the Administrative Procedure Act as amended by Act 211 of the 2021 Regular Session and Act 663 of the 2022 Regular Session.

Effective June 6, 2023.

(Amends R.S. 49:951(9), 952(A), 954(A), (C), 954(D)(intro para), and 954(E), 966(K)(2), and 968(E))

Select Committees on Oversight of Regulatory Rulemaking (ACT 442)

Existing law, the Administrative Procedure Act, establishes procedures for the adoption of rules by executive branch agencies. Provides procedures for regular rule making and emergency rule making, including notice to the legislature, and provides time periods for legislative oversight. Further requires each agency to submit an annual report of rule making activities to the appropriate legislative oversight committee no later than 30 days prior to the beginning of each regular session.

Existing law specifies the standing committees of the legislature that have oversight over rules from specific agencies and provides for the presiding officers to determine the appropriate committee for agencies not specified. Requires the chairman of each standing committee to which rulemaking reports are submitted to appoint an oversight subcommittee and authorize the oversight subcommittee to conduct hearings of all rules proposed for adoption, amendment, or repeal. Provides procedures and time periods with respect thereto. Existing law further specifies that a standing committee may, at any time, exercise the powers granted to an oversight subcommittee.

New law authorizes each presiding officer of the legislature to establish a select committee on oversight for his house of the legislature, which may exercise the same power and authority granted under the provisions of existing law to a standing committee or to an oversight subcommittee of a standing committee if the chairman of the standing committee or oversight

subcommittee notifies the select committee, no later than the seventh day of the committee's oversight period, that his committee will not hold a hearing on the proposal.

Effective January 8, 2024.

(Adds R.S. 49:966(O))

TITLE 50: SURVEYS AND SURVEYORS

TITLE 51: TRADE AND COMMERCE

Manufactured Home Sellers, Lessors, and Regulators (ACT 349)

Existing law defines "developer" as any person, group, or entity that sells or offers for sale a lot together with a manufactured home.

New law adds that a developer is also any person, group, or entity that leases or offers for lease a lot together with a manufactured home.

Existing law provides that a developer shall not include a person selling his personal residence or a real estate broker or real estate salesman retained by a person to sell a manufactured home with its lot.

New law adds that a developer shall also not include a federally insured financial institution, its subsidiaries, or affiliates.

Existing law provides that a developer, an employee of the developer, or a retailer shall not sell or offer for sale any manufactured home without a license.

New law provides that an unlicensed salesman may work under the supervision of a licensed dealer or developer while the salesman's license application is pending.

Existing law provides the term of office and vacancy procedure for the state manufactured housing commissioners.

New law adds that if a commissioner misses more than three meetings in a 12-month period that commissioner's term shall be declared vacant.

Existing law provides certain powers and duties of the La. Manufactured Housing Commission (commission).

New law adds that the commission has the power to conduct meetings by remote access.

New law provides that manufactured and modular home models may be used by licensed dealers or developers under certain circumstances.

Existing law provides certain guidelines for pier installation for manufactured homes.

New law changed the minimum size of the base for a pier from 4 inch x 16 inch x 16 inch to 4 inch x 8 inch x 16 inch.

Effective August 1, 2023.

(Amends R.S. 51:911.22(4), 911.26(B)(1), and 912.23(1)(f); Adds R.S. 51:911.24(I)(4), 911.26(F)(12), and 911.47)

La. Tax Free Shopping Program Extended (ACT 255)

Existing law provides for the Louisiana Tax Free Shopping Program, authorizing a sales tax refund program for certain purchases by international travelers.

New law retains existing law.

Prior law provided that the program sunsets after July 1, 2023.

New law extends the sunset of the program through July 1, 2024.

Effective June 12, 2023.

(Amends R.S. 51:1301(D))

Social Media Companies and Minors (ACT 456)

New law creates the Secure Online Child Interaction and Age Limitation Act.

New law defines certain terms including, "social media company", "social media platform", "Louisiana account holder", and "Louisiana minor account holder".

New law provides that a social media company shall not allow a minor in this state to hold a social media account unless the minor has consent from a parent or guardian.

New law provides that the social media company shall make commercially reasonable efforts to verify the age of account holders. Provides that a social media company is prohibited from permitting a La. resident who is a minor to be an account holder unless the minor has the express consent of a parent or guardian. New law provides acceptable methods of obtaining a parent or guardian's express consent.

New law authorizes the division of public protection within the Dept. of Justice to adopt rules to implement the provisions of new law.

New law provides prohibited actions for social media companies.

New law requires a social media company to provide a parent or guardian with means to initiate account supervision, including the ability for the parent to view privacy settings of the minor's account, set daily time limits for the service, schedule breaks, and offer the minor the option to set up parental notifications when the minor reports a person or issue.

New law provides that the division shall have the authority to receive and investigate consumer complaints that allege violations of new law.

New law provides that the division shall have exclusive authority to administer and enforce the requirements of new law. Provides that the division may impose an administrative fine of up to \$2,500 for each violation of new law.

New law provides that in a court action by the division to enforce new law, the court may do any of the following:

- (1) Declare that the act or practice violates a provision of new law.
- (2) Issue an injunction for a violation of new law.
- (3) Order any profits, gains, gross receipts, or benefit from a violation of new law to be forfeited and paid to the aggrieved person.
- (4) Impose a civil penalty of up to \$2,500 for each violation of new law.
- (5) Award damages to the aggrieved person or other relief considered reasonable and necessary by the court.

New law provides that if a court grants a judgment or injunctive relief in favor of the division, the court shall award the division reasonable attorney fees, court costs, and investigative costs.

New law provides that the division shall provide a person with an alleged violation of new law with a written explanation of the basis of the allegations 45 days prior to the division initiating an action against a person. Provides that the division shall not initiate an action if the person cures the alleged violation within 45 days of receiving notice from the division in accordance with new law.

New law provides that the division may initiate a civil action against a person that does either of the following:

- (1) Fails to cure a violation after receiving the written notice of an alleged violation.
- (2) Commits another violation of the same provision after curing a violation.

New law provides that a person who violates an administrative or court order issued for a violation of new law is subject to a civil penalty of not more than \$5,000 for each violation.

Provides that all civil penalties received shall be used by the division to promote consumer protection and education.

New law requires the division to compile an annual report that evaluates the liability and enforcement of new law, summarize the consumer interactions that are protected and not protected by new law, and maintain an account of all fines and civil penalties collected during the year.

New law prohibits waiver of certain protections and requirements.

New law provides that the implementation of new law shall be subject to the appropriation of funds by the legislature.

Effective July 1, 2024.

(Adds R.S. 51:1751-1759)

Pornography Age Verification Enforcement Act (ACT 216)

New law provides that commercial entities that knowingly and intentionally publish or distribute material harmful to minors shall be subject to civil fines if the entity fails to perform reasonable age verification methods to verify the age of individuals attempting to access the material.

New law provides that the attorney general may conduct an investigation and initiate a civil action in the 19th Judicial District Court for civil penalties. New law provides that the attorney general shall provide the commercial entity with no less than 30 days to comply with reasonable age verification prior to initiating a civil action.

New law authorizes the court to assess a civil penalty of not more than \$5,000 for each day of violation, and, for entities that knowingly failed to perform reasonable age verification, an additional civil penalty of \$10,000 per violation. The civil penalties shall be paid to the Department of Justice, in order to fund the investigation of cyber crimes involving the exploitation of children.

New law provides that commercial entities in violation of new law may be liable to the attorney general for all costs, expenses, and fees related to the investigation and proceeding, as well as legal interest as provided in existing law (R.S. 9:3500).

Existing law (R.S. 9:3500) provides for the rates of legal and conventional interest.

New law provides that bona fide news and public interest entities, internet service providers, their affiliates and subsidiaries, search engines, and cloud service providers shall be exempt from new law.

New law defines "commercial entity", "distribute", "internet", "material harmful to minors", "minor", "news-gathering organization", "publish", "reasonable age verification methods", and "substantial portion".

New law shall be known and cited as the "Pornography Age Verification Enforcement Act" or the "PAVE Act".

Effective August 1, 2023.

(Adds R.S. 51:2121)

Granting Unserved Municipalities Broadband Opportunities (ACT 383)

New law establishes the "Granting Unserved Municipalities Broadband Opportunities 2.0" (GUMBO 2.0) program.

New law defines certain terms including "broadband service", "eligible grant recipient", "project", "infrastructure", "shapefile", "underserved location", and "unserved location".

New law authorizes the office of broadband development and connectivity (office) to use up to 1% of appropriated funds to administer GUMBO 2.0. New law further authorizes the office to use 1% of funds to hire 3rd party contractors to administer the program. New law prohibits the use of the funds for compensation of any new or existing positions within the office.

New law gives the office the authority and responsibility to promulgate rules at least 90 days prior to a grant round and provides that the rules must be consistent with state law and federal guidelines pertaining to the Infrastructure Investment and Jobs Act and new law.

New law exempts the GUMBO 2.0 program from the provisions of existing law, the La. Procurement Code and the Public Bid Law.

New law provides that, unless stated otherwise in new law, all records related to GUMBO 2.0 are public records, but a broadband service provider's trade secret and proprietary information are not subject to the Public Records Law.

New law requires the office to treat any information submitted with a protest that is not publicly available as confidential.

New law requires grant recipients to provide matching funds. Requires a grant recipient to contribute from its own funds a minimum of 25% of the total estimated cost of the project. Provides that a written waiver to this requirement can be granted by the office.

New law authorizes a local government to contribute in-kind contributions for an eligible project. Provides that such contributions shall not be considered a partnership for providing a covered service in accordance with existing law, the Local Government Fair Competition Act.

New law authorizes the office to promulgate rules with regard to the grant process.

New law requires the challenge process start before a future grant round is launched. Provides that the state is required to use the Broadband DATA Maps and the National Telecommunications and Information Administration's (NTIA), Broadband Equity, Access, and Deployment (BEAD) Model Challenge process to conduct the process. New law requires broadband service providers to submit challenges within 30 days of mapping information being released publicly.

New law provides that NTIA is the final arbiter of availability challenges. New law requires the office to keep confidential challenge details.

New law requires that the office keep a grant round open for a period of at least 30 days but not longer than 60 days.

New law requires the office to identify eligible locations for grant funding using the Broadband DATA Maps.

New law requires the office to release eligible locations at least 30 days prior to the start of a grant round.

New law requires application information used for scoring purposes to be made publicly available, subject to confidentiality protections provided in new law. Provides that such information is required to be posted on the office's website or the division of administration's website for at least seven days prior to the grant award.

New law requires a grant applicant to define its proposed project area. New law requires the office of broadband to award grants to eligible grant recipients according to the priorities established in federal law.

New law requires the office to promulgate application minimum requirements and scoring rules at least 90 days prior to a grant round.

New law provides the procedure for a party to protest an award and requires such party to do so within 14 days. Requires a party that submits a protest to attest that the information in the protest is accurate and that the protest is submitted in good faith.

New law allows a local governing authority to submit to the office an objection to any provider that seeks to deploy broadband service in the local governing authority's area if the provider has received a letter grade rating of "D" or "F" from the Better Business Bureau.

New law gives the director of the office the authority to settle and resolve a protest.

New law requires the director of the office to provide a written decision, within 14 business days, when a protest cannot be resolved by mutual agreement. New law provides the requirements for the written decision and requires the decision to be provided to a party to the protest immediately. New law provides that the office's decision is final and conclusive with exceptions.

New law allows a party to a protest to file an appeal with the commissioner of administration within 14 business days. New law gives the commissioner the authority to review and determine any appeal by a party to the protest.

New law allows a party to the protest to file an appeal, within seven business days of receipt of a decision from the commissioner, with the 19th Judicial District Court. New law also gives a party to the protest the right to appeal to the 1st Circuit Court of Appeal or the La. Supreme Court.

New law requires the office to conduct an implementation meeting with a grant recipient within 30 days of execution of a grant agreement.

New law requires a grant recipient to submit to the office an annual report for each funded project during an agreement period. New law provides requirements for the report. New law further requires an entity receiving federal funds for broadband infrastructure development to submit to the office a quarterly report for each project during an agreement period and the necessary information for the report.

New law requires the office to submit annually, on or before Sept. 30th, a report to the House and Senate commerce committees and the Joint Legislative Committee on Technology and Cybersecurity. New law provides the necessary elements for the report.

New law requires eligible grant recipients to submit a quarterly report for each funded project located in the state and provides the required elements for the report. New law provides that if a grant recipient does not submit quarterly reports for two consecutive quarters, the office may

consider locations within the awarded area unserved.

New law provides that the division of administration shall be the designated agency for receipt and disbursement of state and federal funds received to implement the BEAD program.

New law provides that reimbursements shall be made at certain points of a project. New law provides that the final 15% of a grant shall not be paid without an approved completion report.

New law provides that a grant recipient forfeits the amount of a grant if the recipient fails to perform, in material respect, its obligations. New law provides that grant agreements shall last, at a minimum, for the duration of broadband project construction and five years after construction completion.

New law provides that a grant recipient is not required to forfeit the amount of a grant if the recipient fails to perform due to circumstances beyond its control.

New law provides that a grant recipient could be required to reimburse the state the actual cost to finish a project if the recipient fails to complete the project in a material respect.

Existing law, the Public Records Law, provides that unless there is an exception, records are subject to public review and examination.

Existing law provides exceptions to the Public Records Law.

New law creates an exception to the Public Records Law for the limitations contained in New law, R.S. 51:2370.25 and 2370.27, for information identified as confidential, trade secret, or proprietary.

New law authorizes the La. State Law Institute to make certain technical changes to the law regarding GUMBO 1.0 to conform with new law.

Effective August 1, 2023.

(Adds R.S. 51:2370.21-2370.33; Amends R.S. 44:4.1(B)(35))

TITLE 52: UNITED STATES

TITLE 53: WAR EMERGENCY

TITLE 54: WAREHOUSES

TITLE 55: WEIGHTS AND MEASURES

TITLE 56: WILDLIFE AND FISHERIES

Oyster Harvesting from Public Grounds (ACT 170)

Prior law required a person to be in possession of a Public Oyster Seed Ground gear license in order to harvest oysters from the public grounds. Prior law further specified that the Public Oyster Seed Ground gear license authorized the harvest of oysters through the use of a single scraper, tongs, or by hand.

New law modifies prior law by specifying that a person onboard a permitted vessel must be in possession of a Public Oyster Seed Ground gear permit, and that the permit is an extension of the vessel permit and allows harvest of oysters from public seed grounds.

Prior law specified that the fee for the gear license is \$200 per year for a resident and \$800 for a nonresident. Prior law further specified that a second scraper required an additional gear license.

New law changes the term "license" to "permit" but otherwise retains prior law.

Existing law provides that revenues from purchase of the vessel permit be deposited in the

Oyster Resource Management Account. New law maintains existing law and specifies that gear permit revenues must also be deposited in that account.

Effective August 1, 2023.

(Amends R.S. 56:433.1(A)(1))

State Parks in Lafourche Parish (ACT 140)

Existing law provides for the ownership and operation of state parks by the office of state parks, Dept. of Culture, Recreation and Tourism. Specifies that state parks are natural areas which, when evaluated on a statewide basis, possess outstanding potential for recreation utilization.

Existing law provides criteria for the designation of property as a state park, including a minimum size requirement. Provides that the minimum size of a state park is 250 acres and the preferred minimum size is 400 acres. Authorizes the secretary of the department to determine which minimum applies in each case. Provides exceptions to the minimum size requirements.

New law adds an additional exception applicable to a park within a specified area of Lafourche Parish.

Effective August 1, 2023.

(Amends R.S. 56:1684(D)(1))

La. Music Trail and Commission (ACT 283)

New law provides for a La. Music Trail to commemorate and to promote awareness and encourage enjoyment of the stories, biographies, and points of interest related to La. music. Authorizes the Dept. of Culture, Recreation and Tourism to establish a process and criteria for adding routes to the trail. Authorizes political subdivisions to request inclusion of specific highway segments.

New law creates the La. Music Trail Commission composed of the assistant secretary of the office of cultural development or his designee, the assistant secretary of the office of tourism or his

designee, and five members appointed by the lieutenant governor. Provides that the commission shall establish and administer:

(1) A tourism program that focuses on highlighting music stories and related dynamics on the designated music highways.

(2) A signage program that captures the stories, biographies, and points of interest in La. music.

New law provides that the office of cultural development shall promulgate rules necessary to implement the programs. Authorizes the commission to accept, receive, and use funds, services, and other property donated, bequeathed, or devised for any purpose relating to its activities.

New law requires the commission to submit a report by Dec. 31st of each even-numbered year to the governor and the legislature. Requires that the report include:

(1) The commission's goals for increasing the number of music routes and signage over the next biennium.

(2) The marketing and promotion the commission will focus on over the next biennium.

(3) The qualified routes approved by the commission during the previous biennium.

New law requires the Dept. of Transportation and Development to erect appropriate signs along the La. Music Trail and authorizes the department to identify designated highways on official state highway maps. Requires the Dept. of Culture, Recreation and Tourism to develop the official logo.

Effective August 1, 2023.

(Adds R.S 36:209(A)(10) and R.S. 56:1950.21-1950.26)

Appendix A

SUMMARIES BY OTHER ORGANIZATIONS

Archdiocese of New Orleans, *LCCB Wraps Up the 2023 Legislative Session*

Baptist Message, *2023 Louisiana Legislative session wraps-up*

Board of Regents, *Annual Legislative Reports – 2023*

Harris Deville & Associates, *End-of-Session Update for Society of Louisiana REALTORS Issue – Louisiana Regular Legislative Session – June 8, 2023*

Keen Miller Louisiana Law Blog, *Louisiana Tax Developments – the 2023 Regular Legislative Session*

Louisiana Association for Justice, *LAJ summary of selected bills and effective dates: 2023 Regular Session of the Louisiana Legislature*

Louisiana Association of Business and Industry, *LABI Celebrates Legislative Wins*

Louisiana Bankers Association, *2023 Regular Legislative Session Report – July 2023*

Louisiana Budget Project, *The 2023 Legislature: Missed Opportunities*

Louisiana Municipal Association, *2023 Regular Session Legislative Summary*

Louisiana Right to Life, *2023 Pro-Life Session Report*

Public Affairs Research Council Louisiana, *2023 Legislative Session: Breaching the Cap*

See also House Legislative Services, Session Wrap – 2023 Regular Session – Louisiana Legislature (40-page colorful summary available on the internet)


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LCCB Wraps Up the 2023 Louisiana Legislative Session

July 25, 2023

by Louisiana Conference of Catholic Bishops

The following is a summary of the session as aligned with our principles and priorities entering the session. Our principles and priorities were focused on implementing the principles of Catholic social teaching.



Overview

The common good was served by legislation supported by LCCB aimed to assist persons who are houseless, helping moms in need in the post-Roe vs. Wade era by approving funding for maternal care centers by giving donors a tax credit for their donation, better protecting women in domestic violence situations, addressing gun violence in our communities, improving restorative justice measures for expungement of records and mental health treatment of incarcerated individuals, improving adoptions, and improving school safety measures.

Although several of our priority issues were addressed, the session was marked by several missed opportunities to address poverty in the state and the elimination of the death penalty. We missed opportunities to provide a livable wage, close the gap in wages for women, increase parental choice in education, effectively address mental health and take better care of the environment.

There was a veto override session which resulted in the override of HB 648 relative to prohibiting gender transition procedures for minors, which LCCB supported throughout the process.

Life and Dignity of the Human Person-

- LCCB worked collaboratively to keep the abortion laws in place, including no exceptions for rape and incest.
- We supported and helped pass Act 309 which reduces the time to implement protective orders in cases of domestic violence.
- Act 452 allows for tax credits for infant adoptions and Act 437 allows for tax credits to support maternal care centers.
- We are saddened that, despite visible witnesses from the Catholic Church, we were not able to overturn the death penalty. However, the LCCB is working diligently to support the Governor in his discernment to commute sentences from death to life without parole.
- We actively opposed and stopped permit less carry gun legislation and supported tax credits for in-home firearms safety devices Act 403.

- LCCB supported and testified on Senate Resolution 151, a resolution to study gun violence intervention and prevention best practices. LCCB testified to the billions of dollars of human, societal and economic costs to Louisiana citizens each year due to gun violence.

Call to Family Community and Participation

- We were not able to get legislative approval for Parental Choice legislation that would have given parents \$5400 per student for an Education Savings Account to choose the best educational option. However, we were able to develop the bill to a point where the next administration will hopefully pass.
- We were able to increase Required Services for non-public schools by \$1,000,000. This will assist our Catholic schools and other non-public schools with continuing educational opportunities.
- We were able to increase the allocation to the School and Nutrition free breakfast and lunch program (Act 305) for \$860,000. This will increase our ability to provide meals for low-income students.
- We supported HB 648 to prohibit gender transition procedures. This was vetoed by the Governor and overridden in the Special Session.
- We supported the School Safety Act 334 which will provide funding for all schools to improve safety measures.

Option for the Poor and Vulnerable

- We supported a resolution (HR 200) to study reimbursement rates for our intermediate care facilities that take care of some of our most vulnerable children with medically complex needs. This may help our facilities in the Archdiocese, Alexandria, and Shreveport Dioceses.
- We testified and got passed into statute the Interagency Homeless Council for Louisiana Act 314 and testified to address the homeless encampments under the Interstate in New Orleans.

Solidarity in Restorative Justice

- We defeated, by proactively testifying against attempts to remove \$5,000,000 from the Department of Corrections, that had the potential impact on our reentry programs.
- We were successful in passing Act 90 to improve the expungement process and Act 21 which improves mental health treatment of incarcerated individuals.
- However, we are concerned that several pieces of legislation will now increase incarceration rates. These were mostly aimed at incarcerating juveniles for violent offenses instead of rehabilitation for juveniles.
- We provided testimony on a resolution that assumes the criminal justice reforms had not worked by providing information on the success of our re-entry programs in helping to restore lives and reduce recidivism.

Dignity of Work and Rights of Workers

- We were unable again to raise the minimum wage or close the equal pay gap for women, which is one of the largest in the nation.

- We were unable to provide an earned income tax credit that would have helped work families move out of poverty. The Paid Medical and Family Leave legislation did not move either.

Care for God's Creation

- Once again, the chemical industry lobby blocked reasonable and cost-effective measures to protect residents. They resisted reasonable requirements to put air monitors around all plants that produce deadly toxins. LCCB continues to advocate for reasonable safety measures.

We supported a resolution to extend FEMA housing support after IDA and were supportive the 32 million that was added to IDA recovery from the State General Fund and funding for fortified roofs.



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September 25, 2023
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LCU begins faith integration workshops for faculty

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Editorial

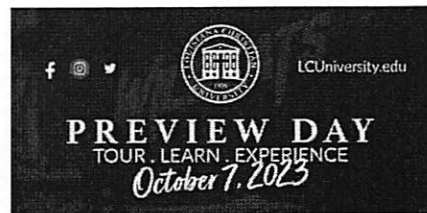
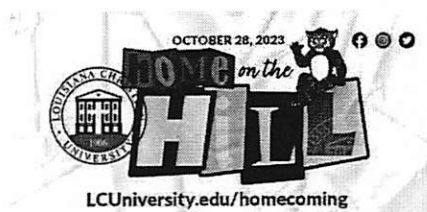
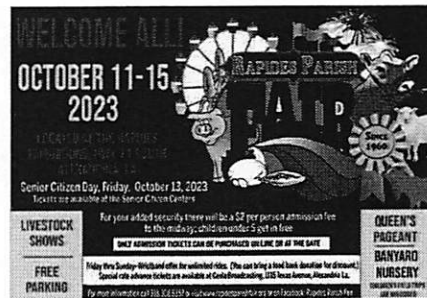


2023 Louisiana legislative session wraps up

JULY 21, 2023

By Will Hall, Baptist Message executive editor

BATON ROUGE, La. (LBM) – Key protections for vulnerable children and parents’ rights, championed by three Louisiana Baptist legislators, were vetoed by Gov. John Bel Edwards following the regular legislative session.



— House Bill 648, authored by Rep. Gabe Firment, a deacon with the First Baptist Church in Pollock, prohibits physicians and therapists from performing surgeries or providing puberty blockers and cross-sex hormones to children, because minors are intellectually and emotionally incapable of giving informed consent to these irreversible procedures. Additionally, any medically exploited child is permitted to file lawsuits against the medical professionals who approved or performed such procedures – and this right to sue extends until the victim reaches the age of 30 years old.

— Meanwhile, Rep. Raymond Crews, a member with FBC Bossier City, successfully shepherded H.B. 81 through the legislative process. It allows only the parents of a child to determine the name and pronouns that will be used to address that student in school.

— Finally, Rep. Dodie Horton, a member with FBC Haughton, championed H.B. 466 that prevents anyone connected with the school system from grooming a child with inappropriate discussions about sexual orientation or gender identity. All three pieces of legislation received overwhelming support in the House and Senate during the regular session (75-25; 73-28; 74-25, respectively). However, only HB 648 was successful in being passed into law over the governor's veto during the legislative override session convened on July 18.

Although all three were considered by the House during the 2023 Veto Override Session, only HB 648 managed a two-thirds vote in both chambers to become law.

FIVE LBC INITIATIVES

HB 648 was one of four measures that were inspired or otherwise informed by a resolution adopted by messengers of the 2022 Louisiana Baptist Convention. A fifth emerged from the rapidly developing insurance crisis for churches.

— HB 648 Last year, Louisiana Baptists adopted "RESOLUTION 2: ON PROTECTING CHILDREN FROM PERMANENT PHYSICAL HARM OF SEX CHANGE SURGERIES AND DRUGS," which was used to inform the drafting of HB 648. This resolution was a follow-on action to a resolution in 2016 that messengers approved that decried "the sexual politics of transgenderism." The LBC Office of Public Policy worked with Firment to craft HB 648 and to push the legislation during an anticipated veto override session.

— HR 14 Rep. Horton, joined by Rep. Valerie Hodges as co-sponsor, put into policy "RESOLUTION 1: ON THANKING GOD FOR THE SUPREME COURT'S PRO-LIFE RULING IN DOBBS V. JACKSON," by implementing the resolve statement that the legislature designate June as "Sanctity of Preborn Life Month." The measure was made official with the signatures of the Speaker of the House Clay Schexnayder and Secretary of State Kyle Ardoin.

— HR 71 Rep. Laurie Schlegel drafted this legislative instrument, based "RESOLUTION 4: ON A CHRISTIAN RESPONSE TO THOSE EXPERIENCING MENTAL, EMOTIONAL, RELATIONAL AND ADDICTION ISSUES," to form a subcommittee within the House Committee on Health and Welfare "to study the mental health crisis plaguing the citizens of Louisiana and the resources available to assist individuals with a mental health diagnosis in this state." The first meeting of this panel is set for August 24.

— SR 96 Sen. Beth Mizell, the president pro tempore of the Senate and a member with FBC Franklinton, championed the formation of a task force "to study acute and long-term adverse health events related to medical marijuana." This aligns with "RESOLUTION 3: ON PROTECTING LOUISIANA'S YOUTH FROM THE HARMS OF MARIJUANA."



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Finally, in March, Steve Horn, executive director of the Louisiana Baptist Convention, reached out to the Office of Public Policy to share that churches were contacting the state missions office about insurance notices of nonrenewal and soaring premiums due to the four hurricanes of 2021-22.

Church Mutual announced it was withdrawing from Louisiana below the I-10 corridor, and then out of the state altogether. Meanwhile, premiums with another major insurer soared and a third company was severely selective in what churches it would pick up from those dropped by other companies.

Sen. Robert Mills, a member of the FBC Bossier City, with co-sponsor Sen. Katrina Jackson, pushed through SB 147 which establishes a church self-insurance program. So, legal authority is in place to begin the program.

However, the one-time seed money needed to set up the program was deleted from the budget bill, HB 1.

The Office of Public Policy is working with state and national leaders, as well as other possible sources, to find the necessary funds to get the authorized program up and running. The program will then be sustained via the premiums paid by churches and other faith-based organizations that join the cooperative, officially known as the "Louisiana Churches and Nonprofit Religious Organizations Self-Insured Fund."

OTHER BILLS

Louisiana Baptists were joined by numbers of other conservative voices to champion other legislation, while successfully standing firm to defeat some onerous bills.

Sen. Mizell successfully shepherded SB 63, a religious liberty initiative, through the legislative process. The measure will be listed as "Amendment #2" on statewide ballots, and if approved by voters on October 14, 2023, the Constitution of Louisiana would be amended "to provide that the freedom of worship in a church or other place of worship is a fundamental right that is worthy of the highest order of protection."

Unfortunately, one of the most promising pieces of legislation, SB 194, the "Card 'em Act," also authored by Mizell, was defeated by the powerful alcohol lobby. Already, federal law prohibits the sale of alcohol to anyone under the age of 21 years old. However, Louisiana law permits 18 -20 years olds to enter bars, although legally not able to buy alcohol. The bill would have restricted access to bars to only those at least 21 years old. Also, it would have permitted underage drinkers and their families to sue establishments that violated this law and harm resulted. At first the bill was watered down in committee. Then it was sent to languish on the calendar of a committee until time ran out for the regular legislative session. Importantly, data shows that 75 percent of Louisiana high school seniors are 18 years old, and another 12 percent are older. That means at least 87 per11cent of high school seniors are legal to frequent bars.

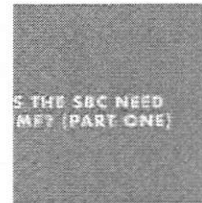
Meanwhile, the Office of Public Policy collabo11rated with pro-life forces to defeat HB 598 (by Rep. Candace Newell) and HB 549 (by Rep. Cedric Glover) which would have modified state pro-life laws to allow exceptions for rape and incest. Three other similar bills were subsequently tabled or otherwise were killed through the legislative process.

Likewise, HB 40, sponsored by Rep. Delisha Boyd, which would have established special rights based on sexual orientation and gender identity was defeated in committee.

Finally, the Office of Public Policy was the only testimony against three bills which would have legalized recreational marijuana or otherwise set the stage for legalization. All



EDITORIAL




Does the SBC need an IMF? (part one)


One of the most successful movie franchises in Hollywood history grew out of a very popular TV series called "Mission: Impossible." The plot of both the TV series and the movies revolves around a small group of people called the Impossible Missions Force (IMF). ... Read More


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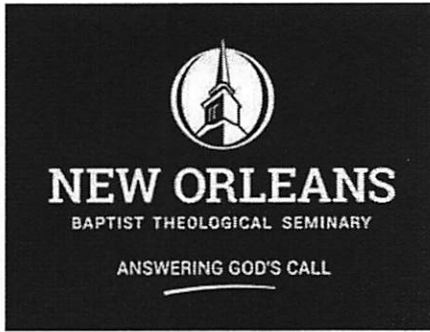
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BOARD of REGENTS
STATE OF LOUISIANA

BOARD OF REGENTS ANNUAL LEGISLATIVE REPORTS

2023 LEGISLATIVE PRIORITIES



GOVERNOR'S MILITARY AND VETERAN FRIENDLY CAMPUS

HB 72, Rep. Brass/Sen. Foil

Authorizes the BOR to establish the GMVF designation to recognize higher levels of excellence in providing support to military and veteran populations and changes the renewal period from one to two years, with interim reports to the BOR.



POWER-BASED VIOLENCE

SB 202, Sen. Barrow

Revises current laws to add prompt reporting time frames for execution of criminal justice MOU(s), clarify training requirements for employees and ensures continued coordination of the campus climate survey with public postsecondary management boards and stakeholders.



REGENTS BOARD MEETINGS

HB 6, Rep. Hughes

Allows the BOR to conduct its first meeting of the year anytime in January, thus allowing Regents the flexibility to schedule all meetings at the same time of the month for the full year.

2023 EDUCATOR WORKFORCE



TEACHER RECRUITMENT, RECOVERY, AND RETENTION

HCR 17, Rep. Mincey

Extends the sunset date of the Teacher Recruitment, Recovery, and Retention Task Force from July 13, 2023, to July 13, 2025.



TEACHER RECIPROCITY

HB 472, Rep. Mincey

Grants a valid five-year Louisiana teaching certificate to an out-of-state applicant who is military personnel or the spouse of military personnel, if the applicant is fully certified.



TEACHER CERTIFICATION

SB 197, Sen. Peacock

Amends many statutes regarding teacher certification. One new provision allows a person with a bachelor's degree from an accredited postsecondary education institution to teach in a shortage area at a secondary school using a provisional certificate, if the person has graduated with at least a 2.50 average on a 4.00 scale and has passed the content knowledge exam.



ASSOCIATE EDUCATOR PROGRAM

SB 81, Sen. McMath

Allows individuals with an associate degree to teach in the content area related to the participant's associate's degree provided that they are enrolled in a four-year college teacher preparation program, age 25 or older, and prohibits the participant from teaching in a class for students with exceptionalities, unless it is a class for gifted or talented students.



TEACHER PATHWAYS

HR 190, Rep. Freiberg

Requests the state Department of Education, in consultation with the State Board of Elementary and Secondary Education, to study pathways to the teaching profession.

BILLS REQUIRING BOR INVOLVEMENT OR IMPLEMENTATION



LA FIRST

SB 205, Sen. Cortez

The BOR shall establish and maintain Louisiana's Foundational Integrated Research System for Transformation (LA FIRST).



NATIONAL GUARD PATRIOT SCHOLARSHIP PROGRAM

HB 485, Rep. Brass

Creates the Louisiana National Guard Patriot Scholarship Program, to be administered by LOSFA, to cover the cost of mandatory fees for members attending Louisiana public postsecondary education institutions.



AFFORDABLE TEXTBOOKS PILOT PROGRAM

HB 644, Rep. Lafleur

Creates the Affordable Digital Textbook and Learning Materials Subscription Pilot Program to be developed and implemented by BOR.



STATE'S ARTICULATION AND TRANSFER PROCESS

HCR 5 / HR 101, Rep. Echols

Requests BOR conduct a study relative to the state's articulation and transfer process with respect to high school students who complete career and technical education courses and earn industry-based credentials.



COLLEGE AND CAREER READINESS OUTCOMES

SCR 37, Sen. McMath

Revises current laws to add prompt reporting time frames for execution of criminal justice MOU(s), clarify training requirements for employees and ensures continued coordination of the campus climate survey with public postsecondary management boards and stakeholders.



PHYSICIAN SHORTAGE

HCR 83, Rep. Echols

Requests a representative from the Board of Regents to sit on a task force to study, identify, and make recommendations to address the specialist physician shortage in the state.



PRISON EDUCATION PROGRAMS

HR 174, Rep. Freeman

Requests a member of the Board of Regents to sit on a taskforce to study the educational programs in the prisons and jails in this state.

FINANCIAL AID/ELIGIBILITY



TOPS ELIGIBILITY

HB 327, Rep. Seabaugh

Extends TOPS to children of parents living overseas.



MJ FOSTER CAP

SB 120, Sen. White

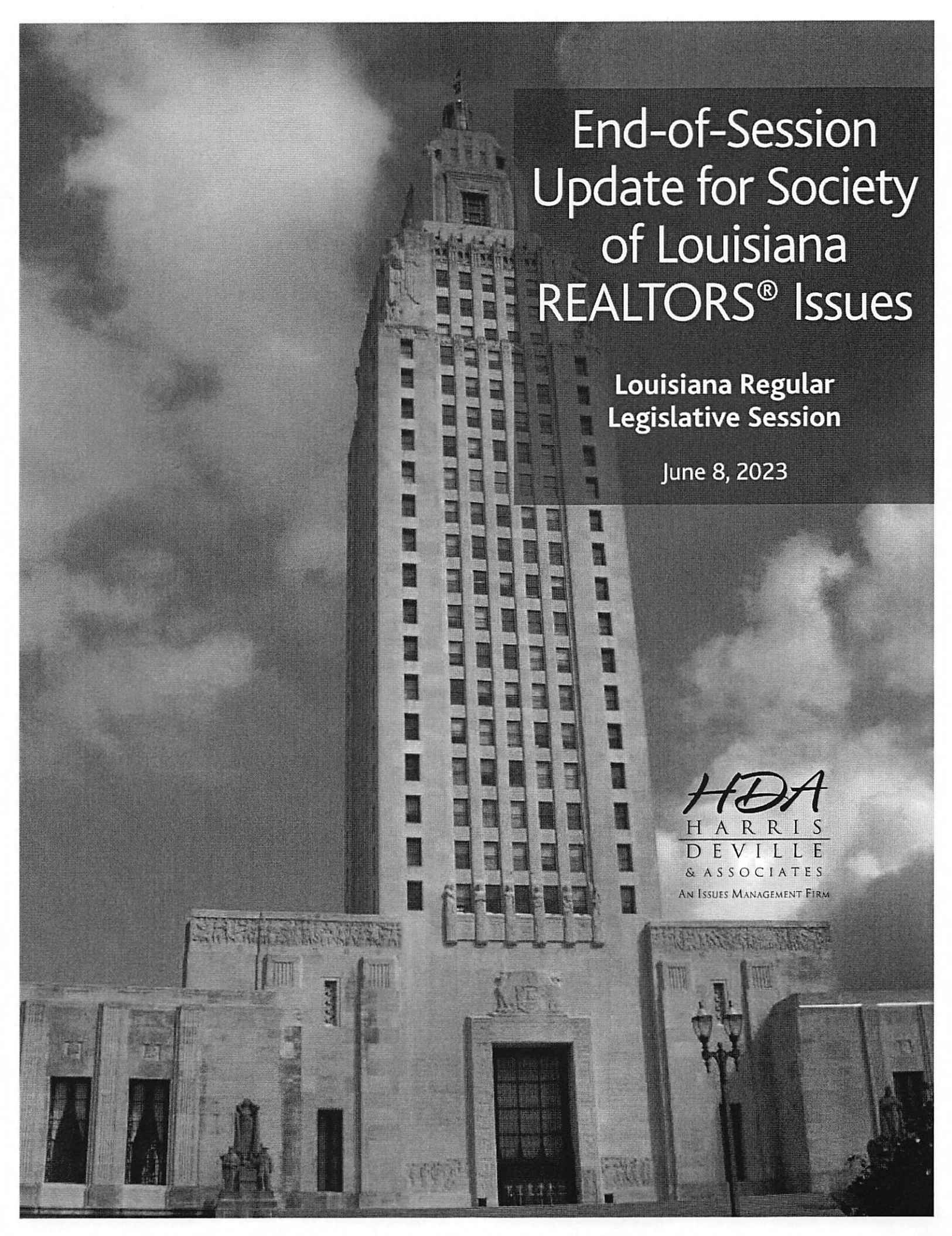
Eliminates separate allocations between public and proprietary schools.



MJ FOSTER CHANGES

SB 204, Sen. Hewitt

Provides for several changes to MJ Foster award, such as applying the award before any federal, state, and institutional aid is applied for the first semester, but limits the award to tuition, fees, and mandatory books and instructional materials costs.



End-of-Session Update for Society of Louisiana REALTORS® Issues

Louisiana Regular
Legislative Session

June 8, 2023

HDA
HARRIS
DEVILLE
& ASSOCIATES
AN ISSUES MANAGEMENT FIRM

End-of-Session Update on Racing Issues

Louisiana Regular Legislative Session

June 8, 2023

The Regular Session of the Louisiana Legislature began April 10 and ended June 8. The session was fiscal in nature, meaning the session was shorter, and each legislator could only file five pieces of non-fiscal legislation. This was the last regular legislative session for Gov. John Bel Edwards, D-Amite; Senate President Page Cortez, R-Lafayette; and House Speaker Clay Schexnayder, R-Gonzales. Bills that are signed go into effect August 1 unless otherwise indicated.

Key Statistics

1,617
legislative instruments
filed

661
House bills

233
Senate bills

As of this writing:

1,093
enrolled/sent to Gov. Edwards

145
signed by Gov. Edwards

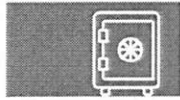


Upcoming Elections & Legislative Leadership

Seven senators (two Democrats and five Republicans) and 15 representatives (four Democrats and 11 Republicans) are term-limited and unable to run for reelection. That's a **21% rate of turnover in the Legislature**, which is currently made up of 31% Democrats and 68% Republicans. There is one Independent.

Statewide and legislative (and some local and municipal) elections along with constitutional amendments will be held on October 14, with a runoff on November 18 where necessary. The qualifying period for candidates is August 8-10.

'Inside the rails' discussion on elections for legislative leadership has already started. Those elections have become more contentious in recent years, where factions of the members and some outside groups, especially in the House, have become more influential. So far, the list of candidates, assuming they win reelection, to replace the outgoing Senate president contains Sen. Mike Reese, R-Leesville; Sen. Cameron Henry, R-Metairie; and Sen. Beth Mizell, R-Franklinton. The leading candidates to be Speaker include Rep. Neil Riser, R-Columbia; Rep. Jack McFarland, R-Jonesboro; Rep. Zee Zeringue, R-Houma; Rep. Brett Geymann, R-Lake Charles; Rep. Beau Beaulieu, R-New Iberia; and Rep. Daryl Deshotel, R-Hessmer. Rep. Paula Davis, R-Baton Rouge, has also been mentioned as a candidate.



Budget & Expenditure Limit

<p>\$45 billion state operating budget passed, representing a 4.7-4.9% growth over last year</p>	The budget includes:	<p>The state spending cap was lifted by \$1.65 billion to allow more government spending of recognized dollars The budget passed remains \$553 million under the cap</p>
	<p>\$2,000 temporary teacher pay raise</p>	
	<p>\$691 million toward retirement programs</p>	
	<p>\$44 million for early childhood education</p>	
	<p>\$100 million reduction to the LA Department of Health and other items</p>	

As always, the state operating budget was the largest point of discussion. The Legislature recognized \$806 million in new state general fund revenue available to spend over the remainder of the current fiscal year and throughout the 2023-2024 fiscal year that begins July 1 on recurring programs or one-time needs. Additionally, the forecasting panel recognized \$737 million that will go to a new state savings account, the Revenue Stabilization Fund, where it can be used for future construction projects or to help the state during a financial pinch. With these new dedications, Louisiana will have approximately \$2.7 billion set aside for the future – **the most in the state’s history.**


The Louisiana House **voted 85-19** to lift the state spending cap by a total of \$1.65 billion, **ending months of speculation** over whether a group of conservative legislators could block more than a billion dollars in additional government spending over the next 13 months. Gov. John Bel Edwards and Senate leadership promised a significant portion of the state’s extra funding would go toward transportation needs, hospitals, college campuses and other projects in those lawmakers’ districts. The 19 conservatives who voted against raising the cap are likely to see funding to their areas slashed as retribution. The administration and Senate leadership wanted to raise the spending threshold to take immediate advantage of an unexpected \$2.2 billion the state is expected to receive. A number of House members instead wanted to put most of that extra money in savings accounts for future use and toward paying down debt.

Instead, the Legislature proposed putting money unlocked by the spending cap vote toward: transportation projects (more than \$666.2 million), hospitals (\$311.3 million), deferred maintenance on college campuses (\$25 million), a popular roof fortification program (\$40 million) and municipal water and sewage system upgrades (\$80 million), among other items.


Lawmakers have also prioritized \$137.4 million of **their own pet projects** for these extra dollars as well as construction projects for sheriffs, school boards, politically-connected nonprofits and local governments that could help them with their reelection efforts later this year.





Tax Implications

 The “tax swap” package phases down the corporate franchise tax by 25% in years where collections in the Rainy Day Fund exceed \$600 million. This is offset by a reduction in the project facility expense rebate portions of the Quality Jobs Program by one-half of the percentage of any corporate franchise tax reduction.

Combined, the two bills represent a \$163 million loss in state tax revenue over five years.

 **SB 79 by Sen. Jay Luneau failed.** The bill would have disallowed expenditures utilized to claim a credit or rebate from being utilized to qualify for another credit, rebate, exemption, exclusion or deduction.

 **SB 3 changes the month for the annual determination of personal income and corporate franchise tax reductions** and SB 5 provides for alternatives in lieu of payment under protest for challenges to ad valorem taxes.

 **HB 641 by Rep. Stuart Bishop would have terminated all tax expenditures unless reauthorized, was killed.** It would have represented an estimated cost to taxpayers – particularly businesses – of more than \$3.5 billion in 2028. The bill was not part of a coordinated tax effort.

- ▶ **SB 1** and **SB 6** by Sen. Bret Allain, R-Franklin, are a pair of bills constituting a tax swap. The initial version of **SB 1** would have repealed the corporate franchise tax. The bill was earlier amended to gradually reduce the tax over a six-year period by 25%—but only in years when collections exceed \$600 million deposited into the Revenue Stabilization Fund. The fiscal note now shows a \$631 million reduction in tax revenue to the state, as opposed to the \$1 billion+ estimated with a full repeal. The companion bill, **SB 6**, offsets a significant chunk of the reduction by cutting the Quality Jobs tax credit program, administered through Louisiana Economic Development. It offers payroll tax rebates to certain businesses for creating or retaining jobs. The bill reduces Quality Jobs tax credits by 50 percent of their current value in any year the franchise tax is reduced. Combined, the two bills represent a \$163 million loss in state tax revenues over five years.
- ▶ **SB 3** and **SB 5** by Sen. Allain also passed. **SB 3** changes the month for the annual determination of the personal income tax and corporate franchise tax automatic rate reductions from April to January; SB 5 provides for alternatives in lieu of payment under protest for certain ad valorem tax assessments. Both are awaiting the signature of the governor.
- ▶ **SB 79** by Sen. Luneau would have prohibited the claiming of expenditures utilized to claim a credit or rebate from being utilized for purposes of qualifying for any other state credit, rebate or incentive. It was amended to exclude Louisiana Economic Development incentives. The bill was not heard on the House floor.
- ▶ **HB 641** by Rep. Bishop is a bill to terminate tax exemptions, exclusions, credits, deductions, and other tax incentives in 2027 unless the Legislature reauthorizes each one, was left on the calendar in the House. The bill was not part of any coordinated tax reform effort that would lower the taxes against which these exemptions apply – such as state sales tax, income tax, excise tax and severance tax. As a stand-alone measure, it would have represented an estimated cost to taxpayers – particularly businesses – of more than **\$3.5 billion in 2028.**



Bills of Interest to Louisiana REALTORS®

Good Insurance Bills

HB 110 by Rep. Gabe Firment, R-Pollock, provides relative to fortified roof endorsements. The bill has been signed by the governor and became Act 12.

HB 126 by Rep. Firment authorizes individual income tax deductions for contributions to catastrophe savings accounts. No action was taken in the House Committee on Ways and Means.

HB 183 by Rep. Firment prohibits the assignment of certain benefits as they relate to property insurance. The bill is awaiting the signature of the governor.

HB 294 by Rep. Matthew Willard, D-New Orleans, provides for certain insurance premium discounts. The bill has been signed by the governor and became Act 1.

HB 309 by Rep. Ray Garofalo, R-Belle Chasse, provides relative to fortified home and commercial standards. The bill is awaiting the signature of the governor.

HB 383 by Rep. Beryl Amedee, R-Houma, requires each insurer subject to the Louisiana Insurance Guaranty Association Law to provide for a data transfer plan and file such plan with the commissioner of insurance. The bill has been signed by the governor and became Act 124.

HB 489 by Rep. Mike Huval, R-Breaux Bridge, provides relative to ratemaking systems utilized by insurers and rate services organizations. The bill is awaiting the signature of the governor.

HB 511 by Rep. John Illg, R-River Ridge, provides relative to the Louisiana Insurance Guaranty Association. The bill is awaiting the signature of the governor.

HB 513 by Rep. Tanner Magee, R-Houma, establishes an insurance premium tax credit for retaliatory taxes paid by certain domestic insurers. The bill is awaiting the signature of the governor.

HB 601 by Rep. Huval provides relative to bad faith claims against insurers. The bill removes ambiguity from the bad faith statute for policyholders and insurers, clarifying guidelines and definitions so all parties know their obligations and the timeline to execute those obligations. The bill remained on the Senate calendar.

SB 96 by Sen. Kirk Talbot, R-River Ridge, provides the Louisiana Insurance Guaranty Association and the Louisiana Citizens Property Corporation shall not be liable for certain property damage insurance claims. The bill is awaiting the signature of the governor.

SB 143 by Sen. Cameron Henry, R-Metairie, provides for former officers or insolvent insurers. The bill was signed by the governor and became Act 47.

SB 156 by Sen. Royce Duplessis, D-New Orleans, provides that no property insurance policy shall prohibit an insured from hiring a public adjuster. The bill is awaiting the signature of the governor.

Bad Insurance Bills

HB 252 by Rep. Robby Carter, D-Amite, provides for the exclusion of advertising expenses in setting rates or making rate filings. The bill failed to pass the House on a vote of 27-68.

HB 287 by Rep. Mack Cormier, D-Belle Chasse, imposes time limitations and documentation requirements upon insurance adjusters. The bill failed to pass out of the House Committee on Insurance.



Legislation of Interest to REALTORS®

Good Legislation

HB 225 by Rep. Stephanie Hilferty, R-New Orleans, provides relative to the Sewerage and Water Board of New Orleans. The bill is awaiting the signature of the governor.

HB 270 by Rep. Willard provides relative to the growth and accumulation of grass, weeds, and other deleterious matter in Orleans Parish. The bill is awaiting the signature of the governor.

HB 279 by Rep. Roy Daryl Adams, D-Jackson, provides relative to conveying by the Louisiana Tax Commission of ad valorem tax assessment information it receives from local assessors. The bill is awaiting the signature of the governor.

HB 285 by Rep. Chris Turner, R-Ruston, provides relative to the use of state sales tax increments in certain local tax increment financing initiatives. The bill has been signed by the governor and became Act 77.

HB 344 by Rep. Larry Selders, D-Baton Rouge, provides with respect to certain permits required by parishes and municipalities. The bill is awaiting the signature of the governor.

HB 393 by Rep. Foy Gadberry, R-West Monroe, provides relative to certain building code roofing inspections of a commercial or residential structure. The bill has been signed by the governor and became Act 25.

HB 452 by Rep. Bourriaque establishes a tax credit for the development of certain affordable housing projects. The bill did not pass out of the Senate Committee on Revenue and Fiscal Affairs.

HB 483 by Rep. Magee provides relative to the rehabilitation of historic structures tax credit. The bill is awaiting the signature of the governor.

HB 506 by Rep. Adams creates the Louisiana Interagency Council on Homelessness within the office of the governor. The bill is awaiting the signature of the governor.

SB 60 by Sen. Jay Morris, R-Monroe, would have provided for an extension to the exception to the use of state tax increments for the expansion of certain projects. The bill was not heard in the Senate Committee on Revenue and Fiscal Affairs.

SB 195 by Sen. Duplessis would have established an individual income tax credit for payments made toward a homeowner's insurance deductible for certain losses. The bill was voluntarily deferred in the Senate Committee on Revenue and Fiscal Affairs.

Bad Legislation

HB 165 by Rep. Mandie Landry, D-New Orleans, was a constitutional amendment that would have provided for an initiative and referendum process. The bill failed to pass the House Committee on Governmental Affairs.

HB 180 by Rep. Matthew Willard, D-New Orleans, would have required rental applications to have certain information about a lessor's policies regarding leasing to persons with criminal backgrounds. The bill was voluntarily deferred in the House Committee on Commerce.

HB 608 by Rep. Danny McCormick, R-Oil City, would have provided relative to zoning regulations and restrictions in Caddo Parish. The bill was voluntarily deferred in the House Committee on Municipal and Parochial Affairs.

Harris, DeVille & Associates LEGISLATIVE TEAM



Shannon Brunet



Renwick DeVille



Lenny Kopowski



Ginny Martinez




Clark Vega



Randall Womack

HDA is proud to represent such a diverse group of clients, all of whom share the mission of making Louisiana a better place for all of us to live, work and play. Thank you for allowing us to work with you to make that mission a reality. We appreciate your continued trust in HDA.

Thank you,


Renwick DeVille

KEAN | MILLER
YOUR COUNSEL

Louisiana Law Blog

INSIGHT AND INFORMATION ON LOUISIANA LAW,
LITIGATION, AND LEGAL CULTURE

Louisiana Tax Developments – The 2023 Regular Legislative Session

By Jaye Calhoun, William Kolarik, Phyllis Sims & Divya Jeswant on July 11, 2023



Because it was a fiscal session, the Louisiana Legislature enacted a number of key tax changes in the 2023 Regular Session that concluded on June 8, 2023. Below you will find the important substantive tax updates and their implications for taxpayers, which are addressed by tax type. A number of these changes represent welcome relief for taxpayers and improvements to the climate for business in this state. Highlights of the legislative session are discussed below.

Corporation Franchise Tax

L. 2023, SB1, SB3 (Act 435) and SB6 – Diminishing Returns: Repeal of the Corporation Franchise Tax (Vetoed by the Governor)

Although the Louisiana corporation franchise tax (“CFT”) was roundly disliked by the courts, the Department of Revenue and the business community^[1] as a result of its significant complexity and potential to discourage capital investment in the state, the tax nonetheless proved difficult to kill and, has in fact, survived the most recent attempt to rid the State of this tax. In what appears to have been a bipartisan effort in this most recent legislative session, the franchise tax was slated for eventual repeal.^[2] The CFT was to be phased out at the cost of certain reductions to incentive programs, discussed below. The phase-out would have begun in the 2025 CFT year (which is the 2024 income tax year) and would have been reduced by 25% for each year in which overall corporate tax collections (from the CFT and the Corporation Income Tax) exceed \$600 million. The reduction was to take effect in the year following such excess. The first 25% reduction was expected to occur within the next two years and would have resulted in significant savings for corporations currently subject to the tax, with a potential for complete elimination of the tax by the 2029 CFT year. While these amendments passed both the House and Senate, on June 27, 2023, the Governor vetoed SB1 and returned it to the Senate.^[3] However, if the Legislature goes back into session, it can override the veto if House and Senate each vote by a two-thirds majority to approve SB1. In that case, SB1 will become law without the Governor’s approval. While this would be a welcome development, there is not yet any firm indication that there will be such a special session.

As noted above, if the CFT repeal had gone into effect, a portion of the cost of the phase-out would have been offset by a reduction of the sales/use tax rebate and the project facility expense rebate under the Quality Jobs program, to the extent of 50% of the CFT reduction for that year. This reduction would have only affected projects for which advance notifications under the Quality Jobs program are filed after December 31, 2023, which would have been an important planning point for projects intending to apply. While these amendments, set out in SB6, passed both the House and Senate, their provisions were rendered moot by the Governor’s veto of the CFT repeal legislation, and on June 28, 2023, the Governor also vetoed SB6.^[4]

SB3 was introduced with SB1 and SB6 to change the month for the annual determination of automatic rate reductions for corporation income and franchise tax from April to January. This amendment has been signed into law and applies from January 1, 2024 onwards.

Corporation Income Tax

L. 2023 HB631 (Act 430) – The “Throwout Rule” Has Been Thrown Out

The sourcing rules used to determine the sales factor for Louisiana corporation income tax apportionment have been amended to repeal the “throwout rule,” which previously excluded certain sales of intangible property from both the numerator and denominator of the sales factor. Also, sales that are now classified as generating allocable income (rental/lease/license of immovable and tangible personal property, lease/license of intangible property) have been removed from the apportionment-related sourcing provisions. The amendments have been signed into law and apply to tax years beginning on or after January 1, 2024.

Individual Income Tax

L. 2023 SB89 (Act 242) – The LDR Must Promulgate Regulations Related to the Net Capital Gain Deduction for Sale of a Louisiana Business

Act 242 requires the Louisiana Department of Revenue (“LDR”) to promulgate regulations related to the individual income tax exclusion of net capital gains arising from the sale or exchange of an equity interest or substantially all of the assets of a non-publicly traded corporation, partnership, limited liability company, or other business organization commercially domiciled in Louisiana. In addition to reducing the administrative requirements for claiming the deduction, the regulations are also expected to restrict eligibility for the deduction where a majority of the physical assets of the business organization are located outside Louisiana or where the transactions are between related parties. These amendments have been signed into law and apply for taxable periods on or after January 1, 2023.

L. 2023 HB618 (Act 413) – Still No Taking All the Credit for Taxes Paid to Other States

Restrictions on the availability of a credit for net income taxes paid in another state have been extended – (i) the credit is limited to the amount of Louisiana income tax that would

have been imposed if the income earned in the other state had been earned in Louisiana, (ii) the credit is not allowed for tax paid on income that is not subject to tax in Louisiana, and (iii) the credit is not allowed for income taxes paid to a state that allows a nonresident a credit for taxes paid or payable to the state of residence. Act 413 also provides that any deductions claimed by an individual partner/shareholder/member for another state's entity level tax are in lieu of the credit and not in addition to it, i.e., no double benefit will be allowed.

In addition, the requirement of reciprocity in order to take a credit for taxes paid to another state (i.e., that the other state must grant a similar credit against Louisiana individual income tax) is eliminated. These amendments have been signed into law and will apply to taxable years beginning on or after January 1, 2023.

Pass-Through Entity Tax

L. 2023 HB428 (Act 450) – Expanded Access to the Pass-Through Entity Exclusion for Partnerships, Estates and Trusts

The pass-through entity exclusion (the “SALT cap workaround”) has been extended to partnerships, estates, and trusts, which will enable such entities to exclude net income or losses received from a related entity in which the partnership, estate or trust is a shareholder, partner, or member, provided that payor entity properly filed an entity-level Louisiana tax return that included the net income or loss in question. The exclusion will not apply to any amount attributable to income that does not bear the entity-level tax for any reason. Previously, this exclusion was only available to individuals.[5] These amendments have been signed into law and will apply to taxable years beginning on or after January 1, 2023.

Sales and Use Tax

L. 2023 HB171 (Act 15) – Thresholds Modified for Remote Sellers and Marketplace Facilitators

Previously, the Louisiana threshold for a remote seller or marketplace facilitator to register, report and remit use tax (both state and local) was gross revenue for sales delivered into Louisiana in excess of \$100,000, or more than 200 transactions. Act 15 repeals the 200-transaction threshold. This development comes on the heels of South Dakota repealing the

same transaction threshold earlier this year – that threshold was acknowledged in *Wayfair*[6] as one of the benchmarks to determine if a remote seller availed itself of the substantial privilege of carrying on business in a state so as to justify an obligation to remit the tax.

Act 15 also provides that only remote retail sales (and not excluded transactions such as resales) would be counted towards the \$100,000 threshold for marketplace facilitators. These amendments have been signed into law and take effect from August 1, 2023.

Interestingly, Halstead Bead Inc., a small out-of-state retailer that challenged Louisiana’s decentralized local sales and use tax administration in federal court[7], informed the U.S. Court of Appeals for the Fifth Circuit that this amendment rendered its pending appeal moot because it does not expect to cross the higher \$100,000 threshold and will therefore not be liable to report and remit tax in Louisiana. But the parishes in the matter counter-argued that the challenge was only mooted to the extent of the 200-transaction threshold but not the \$100,000 threshold, and also that the new law would not take effect until August 1, 2023, ostensibly in a bid to persuade the court not to dismiss the matter and to issue a decision that Louisiana’s decentralized system is constitutional. The Fifth Circuit ultimately issued a decision on July 7, 2023 that Halstead Bead Inc.’s challenge to the Louisiana tax system was barred by the Tax Injunction Act.

L. 2023 HB558 (Act 375) – Centralized Remittance and Reporting of Local Sales and Use Tax

The Uniform Local Sales Tax Board (“ULSTB”) has been tasked with setting up a uniform return and remittance system where a taxpayer can file returns and deposit all local sales/use taxes electronically within a single portal. This responsibility previously lay with the LDR but the ULSTB already has experience with setting up similar uniform programs for multi-parish audits, refunds and voluntary disclosure in a bid to simplify local tax administration.[8] The new uniform return and remittance system must be available for use no later than January 1, 2026, and once implemented, should ease compliance with Louisiana local sales/use tax although its exact features remain to be seen. The new system will also include information on the applicable tax rates and exemptions, which is to be provided to the ULSTB by the parish collectors, and any rate changes[9] are to be notified in advance. A taxpayer’s reliance on the rates and exemptions in the new system will be an absolute defense against any claim

for a taxing authority's sales and use tax. These appear to be "hold harmless" clauses designed to protect taxpayers and parish collectors when parish sub-jurisdictions delay reporting boundary changes or rate changes. These amendments have been signed into law and will take effect on January 1, 2024.

L. 2023 HB629 (Act 382) – Sales and Use Tax Exemption for Certain Topical Drugs

The exemption from local sales and use tax for prescription drugs administered exclusively to a patient in a medical clinic (as defined) has been extended to cover those administered by topical system. In addition, drugs for neuropathic pain have also been included under the exemption. These amendments have been signed into law and will take effect on July 1, 2023.

L. 2023 HB161 (Act 62) – Sales and Use Tax Exemptions Benefitting the Seafood Industry

The exemption for various materials and supplies to commercial fisherman[10] as well as related seafood processing facilities has been made mandatory for local sales and use tax. Previously, each parish could determine whether and to what extent to adopt the exemption. The amendment effects uniform treatment for such transactions at a state and local level. The scope of the exemption is fairly wide – covering materials and supplies necessary for repairs to the vessel or facility that become a component part of the vessel or facility, materials and supplies that are loaded upon the vessel or delivered to the facility for use or consumption in the maintenance and operation, and repair services performed upon the vessel or facility – and may therefore be relevant to a number of industries. This amendment has been signed into law and will take effect on August 1, 2023.

L. 2023, SB8 (Act 249) – No Interest When Local Sales/Use Taxes Paid Under Protest

In a welcome move, interest is no longer payable where a collector prevails against an unsuccessful taxpayer in a suit in which the taxpayer has paid the taxes under protest. This amendment repeals the interest liability that was introduced just last year as part of the 2022 Regular Session and was roundly criticized as double-dipping by collectors who could invest the disputed funds while the matter was pending resolution. It should also be noted that there is no interest liability when it comes to state sales/use tax[11] and the amendment reintroduces parity on that count.

On the downside, where interest is payable on a refund of tax paid under protest (i.e., when a taxpayer prevails), the interest rate has been reduced from 12% per annum to the judicial interest rate (currently, 6.5% per annum). These amendments have been signed into law and will take effect on August 1, 2023. Based on a 2015 change to the law, where a parish collector has deposited the monies into an interest-bearing escrow account, the taxpayer will be paid only the interest actually earned and received by the collector.

Ad Valorem Tax

L. 2023, SB5 (Act 284) – New Alternatives to Payment Under Protest When Challenging Property Tax Assessments

Taxpayers are no longer forced to pay *ad valorem* property taxes under protest in order to contest legality or correctness before the Board of Tax Appeals or a district court. Instead, a taxpayer may timely^[12] file a rule for bond or other security (which includes a pledge, collateral assignment, lien, mortgage, factoring of accounts receivable, or other encumbrance of assets). The Board of Tax Appeals or district court may permit the posting of a bond or other security for all or part of the taxes at its discretion. No collection action will be taken in relation to the assessment of tax and interest unless the taxpayer fails to furnish such bond or security. Note that if a bond or other security is posted and the taxpayer is ultimately unsuccessful, interest will run until the date the taxes are paid (because there was no payment under protest to stop the interest clock).

The amendments also clarify that a taxpayer challenging the correctness of an assessment before the Louisiana Tax Commission (“LTC”) does not need to pay the tax or post security, including during an appeal against the LTC’s determination by any other party. If the taxpayer appeals against the LTC’s determination, the amount of the payment under protest or alternate security will be based upon the LTC’s determination. These amendments have been signed into law and will take effect on August 1, 2023.

L. 2023 HB279 (Act 161) – Modification to Rules on Confidentiality of Assessment Information Provided to the LTC

The provisions relating to confidentiality of information submitted to the LTC have been modified. Any current-year assessment information submitted to the LTC on or after January

1, 2024, may be provided to any individual or other entity for use in a business unless it is deemed or designated confidential by an assessor, or relates to public service properties. For assessment information submitted to the LTC prior to January 1, 2024, historical information held by the LTC and viewable from the LTC's website that is at least one year old may be provided to a taxpayer in electronic form. The one-year requirement will not apply to assessment information submitted to the LTC on or after January 1, 2024. This amendment has been signed into law and will take effect on January 1, 2024.

Common Administrative Provisions for State Taxes

L. 2023, SB75 (Act 289) – Deadline for Payment under Protest of Self-Assessed State Taxes

In recent case *Barron, Heinberg & Brocato, LLC vs. Louisiana Department of Revenue, State of Louisiana*, the Board of Tax Appeals recently held that a taxpayer can choose to pay under protest any state tax self-assessed on a return, finding that there was no clear deadline in the applicable statute.^[13] Act 289 substantively changes the law in relation to the *Barron* decision and requires a taxpayer to pay self-assessed taxes under protest within 60 calendar days of the date of a notice of tax due going forward.^[14] The notice must be sent by certified mail where the amount due exceeds \$1,000. The provisions of Act 289 apply to assessments and notices mailed on or after October 1, 2023.

Conclusion

This year's regular session was particularly contentious, but the Legislature nonetheless came together to address a number of important tax matters including the eventual elimination of the franchise tax and the imposition of interest on taxes paid under protest at the local level in certain circumstances. Unfortunately, the governor vetoed the franchise tax repeal but other changes became law. The list above is not exclusive. It's important to keep an eye on developments as they occur. For questions or to discuss any of the foregoing, please contact Kean Miller's tax team: **Jaye Calhoun** at (504) 293-5936, **Willie Kolarik** at (225) 382-3441, **Phyllis Sims** at (225) 389-3717, or **Divya Jeswant** at (504) 293-5766.

[1] Our colleague, William J. Kolarik, II, wants you to know that he is not celebrating the Governor's veto as a public policy matter. While we had mentioned earlier that he is in the minority in that he would have missed the franchise tax, having figured it all out at this point,

as we have spent a significant part of our careers assisting clients with franchise tax issues, he nonetheless understands that its unwieldy structure and anti-economic development policy was not good for the State.

[2] Interestingly, a 25% reduction based on current collections would arguably never have resulted in complete repeal in that simply reducing the tax by 25% each time the condition is met results in a continuously diminishing fraction which, while producing almost negligible tax liability, would nonetheless never reach zero.

[3] <https://gov.louisiana.gov/assets/SB1Veto.pdf>.

[4] <https://gov.louisiana.gov/assets/2023Veto/SB6.pdf>.

[5] La. R.S. 47:297.14.

[6] *South Dakota v. Wayfair, Inc.*, 138 S. Ct. 2080 (2018).

[7] *Halstead Bead, Inc. v. Richard*, 5th Cir., No. 22-30373.

[8] <https://www.salestaxportal.com/>.

[9] A rate change includes a new tax, a change in the rate of tax, a change in the boundary of a parish sub-jurisdiction, the introduction/repeal/modification of an exemption etc.

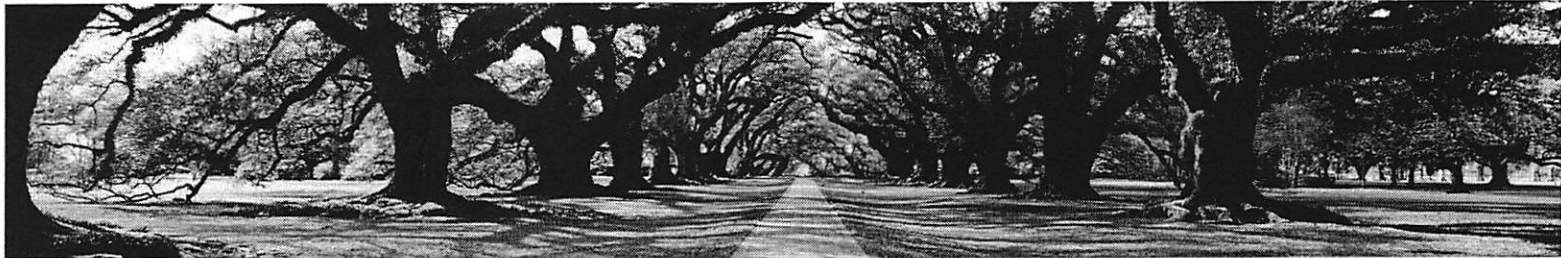
[10] Who own, lease or exclusively contract a vessel operated primarily for the conduct of commercial fishing as a trade or business.

[11] La. R.S. 47:1576.

[12] Within the usual appeal deadline in the case of a correctness challenge, and before the taxes are due in the case of a legality challenge.

[13] No. 12963C c/w 12984C, (La. Bd. Tax App. July 13, 2022).

[14] La. R.S. 47:1568. Note that the initial proposal was for a thirty-day deadline but was amended to ensure that a taxpayer had sufficient time to make payment after receiving the notice of tax due.



QUICK LINKS

- ◇ Login
- ◇ List Servers
- ◇ Search
- ◇ Member directory
- ◇ CLE & Events
- ◇ Join/Renew



LAJ summary of selected bills and effective dates

2023 Regular Session of the Louisiana Legislature

LAJ staff compiled this summary of selected bills enacted during the 2023 Regular Session of the Louisiana Legislature. Resources used include legislative instruments found on the website of the Louisiana Legislature, digests, and summaries prepared by House Legislative Services and Senate legislative staff.

Many bills were filed that could negatively impact the civil justice system, and we are happy to report that only one reached the governor's desk. SB 196, which dealt with litigation financing, passed and was vetoed by Governor Edwards on June 15. An attempt to override the governor's veto failed on July 18.

For access to all legislative instruments, go to www.legis.la.gov. Texts of acts and legislative history, including archived Internet broadcasts of committee and floor action, are also available on that website. Art. 3, Sect. 19 of the Louisiana Constitution specifies that the effective date of an act of the regular session shall be August 1 of the calendar year in which the session was held, unless the instrument itself specifies a different effective



date. You should see the act for any specific language concerning proposed prospective or retroactive application. If no such language exists, courts will perform retroactivity analysis under Civil Code Art. 6 and R.S. 1:2.

Please forward corrections, comments, questions, or other concerns to Tom Wright at LAJ by phone at 225-242-4837 or by email at twright@lafj.org.

Quick links:

Practice and procedure

Property insurance

Motor vehicle insurance

Immunity

Family

Criminal justice — penalties

Criminal justice — crime victims

Criminal justice — procedure

Criminal justice — records

Criminal justice — fentanyl

Criminal justice — kratom

Criminal justice — new crimes

Social media

Miscellaneous

Constitutional amendments — October 14, 2023

Constitutional amendments — November 18, 2023

Practice and procedure

Summary judgment. Law Institute. Amends substance and procedure relative to motions for summary judgment. (Amends C.C.P. art. 966(A)(4), (B)(1), (2), and (3), (D)(2), and (G); adds C.C.P. art. 966(B)(5) and (D)(3)) HB 196 Brown. Act 317. Effective August 1, 2023

C.C.P. art. 966(A)(4)(a) adds to the exclusive list of documents that may be filed and offered in support of or in opposition to a motion for summary judgment to include certified copies of public documents or public records, certified copies of insurance policies, authentic acts, private acts duly acknowledged, promissory notes, and assignments of such documents.

C.C.P. art. 966(A)(4)(b) provides that any document previously filed into the record in support of or in opposition to the motion for summary judgment may be referenced in the motion or opposition if the party referencing the document furnishes to the court and the opposing party a copy of the document with the pertinent part designated and with the filing information.

C.C.P. art. 966(B)(1), (2) and (3) requires that motions for summary judgment, oppositions, and reply memoranda be filed and served electronically in accordance with Article 1313(A)(4).

C.C.P. art. 966(B)(5) provides that the granting of a motion for partial summary judgment shall not be reconsidered or revised if the party seeking the reconsideration or revision fails to meet the applicable deadlines.

C.C.P. art. 966(D)(2) adds that the court shall also consider documents that are referenced in support of or in opposition to the motion for summary judgment, with the exception of any document that is excluded pursuant to a timely filed objection.

C.C.P. art. 966(D)(3) provides that objections made in accordance with Article 1425(F) to determine whether an expert is qualified or whether the expert's methodologies are reliable shall be filed, heard, and decided prior to the hearing on the motion for summary judgment.

C.C.P. Art. 966(G) adds that this provision does not apply if the court's judgment is reversed. Further specifies that if the judgment is reversed by an appellate court, the reversal is applicable to all parties.

Summary judgment. Mandate or procuracy.
Allows evidence to establish the fault of a principal when the party or nonparty acted pursuant to a mandate or a procuracy. Does not apply if the judgment of an appellate court is reversed.
(Amends C.C.P. Art. 966(G)) HB 339 Miller. Act 368.
Effective August 1, 2023

CCP. Law Institute. Continuous revision of the Code of Civil Procedure. Retains existing law but repeals outdated provisions relative to abandonment of actions as a result of Hurricanes Katrina and Rita. Existing law (C.C.P. Art. 925) provides for objections raised by declinatory exception. Act retains existing law but removes the court's lack of jurisdiction over the subject matter of the action as a declinatory exception. Adds to existing law that an objection to the court's lack of jurisdiction over the subject matter of the action is a peremptory exception. Further provides for the procedure when the objection is raised by the parties or noticed by the trial or appellate court. Adds to existing law that an unopposed motion is one to which all affected parties have consented and sets

forth the procedure for certifying the unopposed motion. Changes existing law by providing that the mover may file a supplemental petition or answer by written consent of the parties. Provides that if the parties do not consent, the court may grant leave to file a supplemental petition or answer upon contradictory motion. Retains existing law and adds that the party claiming the protection or privilege shall prepare and send to the other parties a privilege log. Retains existing law and adds that actual delivery of notice shall constitute sufficient notice. Further, adds that no default judgment shall be rendered against the defendant unless proof of the required notice is made under R.S. 13:3205. Changes existing law by providing that a final judgment may be signed in any place where the judge is physically located and sent to the clerk of the court in which the case is pending. Retains existing law but adds that the notice shall not be sent from the court. Repeals C.C.P. Art. 5183(A)(3)) that required an application to proceed in forma pauperis to include a recommendation from the clerk of court's office as to whether it felt that the applicant was indigent. (Amends C.C.P. arts. 531, 561(A), 925(A) and (C), 927(A) and (B), 963, 1155, 1424(C), 1702(A)(2) and (3), 1810, 1912, and 3603(A)and (2) and R.S. 40:1231.8(B) (2)(a) and 1237.2(B)(2)(a); adds C.C.P. arts. 927(A)(8) and 1702(A)(5); repeals C.C.P. arts. 925(A)(6) and 5183(A)(3)) HB 230 Miller. Act 5. Effective August 1, 2023

Movable. Law Institute. Allows the transfer of ownership of movable property from a transferee who is not the owner of the property in certain limited circumstances. (Amends C.C. art. 525; adds C.C. art. 520) HB 176 Jefferson. Act 401. Effective August 1, 2023

Immovable. Law Institute. Actions to determine ownership or possession to immovable property. (Amends C.C. arts. 531 and 3440 and C.C.P. arts. 1061, 3651, 3653-3655, 3656(A), 3657-3662, and 3669) HB 220 Pressly. Act 421. Effective August 1, 2023

Mineral Lease. Law Institute. Provides relative to rights in minerals and production and related accounts. (Amends R.S. 31:11 and 39, 75, 79, 114, 138.1(A) and (B), 156, 164, 166, 175, 192, 204, and 206(A); repeals R.S. 9:5805) HB 455 Coussan. Act 88. Effective August 1, 2023

Online judicial sale. Provides for judicial sales; procedures and requirements for online auctions, notice of seizure and sale, online auction companies, submission of payment and re-advertisement, actions to set aside or annul online judicial sales, and the price of adjudication. Law Institute recommendation removed. (Amends C.C.P. arts. 2293(B)(1), 2334, 2721, and 2724(A) and R.S. 13:3852, 4341, 4360, and 5530(A)(7)(a); adds C.C.P. art. 2344 and R.S. 13:4358 and 4369) SB 140. Act 390. Effective August 1, 2023

Electronic signatures by judges. Deletes the requirement that local courts provide by rule for the method of electronic signatures to be used and to ensure the authenticity of such signatures. (Amends C.C.P. art. 253(C) and 1911(A)) HB 305 Brown. Act 272. Effective August 1, 2023

Successions. Allows nonresident succession representative to execute a procuracy or mandate to appoint a state resident to represent the nonresident succession representative in all acts of his administration. Allows a succession representative to appoint an agent to alienate,

acquire, lease, or encumber specific property on specific terms. Provides for filing of the procurement or mandate rather in the record of the succession proceeding which shall not need court approval. (Amends C.C.P. art. 3191(B)) SB 55 Luneau. Act 38. Effective July 1, 2023

Property insurance

Public adjuster. Prohibits an insurance company from including policy provisions to restrict a consumer's right to hire a public adjuster for property insurance claims. Exempts commercial insurance policies written by surplus lines insurers. (Adds R.S. 22:1274) SB 156 Duplessis. Act 328. Effective August 1, 2023

Assignment of benefits. Prohibits agreements between an insurance consumer and a third party that would transfer benefits for a property insurance loss to the third party as payment for services. Provides that assignment agreements are against public policy and are null and void. Does not prohibit an attorney from collecting a contingency fee for an action related to a property insurance claim. (Adds R.S. 22:1274; repeals R.S. 37:2159.1(7)) HB 183 Firment. Act 364. Effective August 1, 2023

LIGA and Citizens. Exempts the Louisiana Insurance Guaranty Association and the Louisiana Citizens Property Insurance Corporation from class action lawsuits and penalty fees. Adds Citizens to the LIGA exemption from liability for special damages awarded for a property damage insurance claim under 22:1973(F). Adds that Citizens is not exempt from liability for any

statutory obligations related to insurance coverage or a supervisory or regulatory action, examination, or audit made by the commissioner. (Amends R.S. 22:1973(F) and 2296; adds R.S. 22:1892(H)) SB 96 Talbot. Act 290. Effective August 1, 2023

Requires an insurer to offer an endorsement to upgrade a nonfortified roof to comply with fortified standards when the roof is already damaged and undergoing replacement. (Adds R.S. 22:1483.2) HB 110 Firment. Act 12. Effective August 1, 2023

Requires insurance companies to provide discounts for individuals who build or retrofit their homes or businesses using certain fortified home or commercial standards. (Amends R.S. 22:1483(A), (B), and (C)(1)) HB 294 Willard. Act 1. Effective August 1, 2023

Allows a building-code-enforcement officer or a certified third-party provider to accept photographs or videos that are location verified with geotagging for required roofing and reroofing inspections of any commercial or residential structure. (Amends R.S. 40:1730.23(J)) HB 393 Gadberry Act 25. Effective August 1, 2023

Removes a restriction limiting discounts for fortified construction to single-family homes, thereby expanding access to the discount to all insurable residential and commercial property. (Amends R.S. 22:1483(C)(9)) SB 113 Hewitt. Act 45. Effective June 1, 2023

Revises the property insurance rate approval process by clarifying the time the commissioner has to respond and banning disapprovals based on time since the last rate adjustment. Allows for

multiple rate increases in 12 months. (Amends R.S. 22:1451(C); adds R.S. 22:1451(G)) HB 489 Huval. Act 443. Effective August 1, 2023

Motor vehicle insurance

Extends the 25 percent premium discount on automobile insurance policies for active duty military personnel to Louisiana Air National Guard and the Army National Guard servicemen. (Amends R.S. 22:1482(A), (B), and (C) and (1)) HB 369 LaFleur. Act 406. Effective August 1, 2023

Waives the reinstatement fee for a first lapse in required motor vehicle liability insurance as long as the lapse was five days or less and the insured was given immediate notice of the cancellation. (Amends R.S. 32:863(A)(3)(a)) HB 568 Phelps. Act 377. Effective June 14, 2023

Creates the Task Force on Available and Affordable Commercial Motor Vehicle Insurance. Requires the task force to submit its report by March 1, 2024. SCR 19 Talbot.

Immunity

Teachers. Immunity for school teachers, principals, and administrators intervening to protect a student or school employee from battery or aggravated battery committed by one or more students unless the act of intervention was malicious and willfully and deliberately intended to cause bodily harm. (Amends R.S. 17:416.11) HB 86 Hodges. Act 56. Effective August 1, 2023

Adds St. Patrick's Day to the Mardi Gras immunity statute. Repeals a separate immunity statute for St. Patrick's Day parades or other street parades connected with any ethnic celebration. (Adds R.S. 9:2796(C); repeals R.S. 9:2796.1) HB 379 McKnight. Act 407. Effective August 1, 2023

Family

Divorce. The notice requirements in C.C.P. 1702 are not required when the plaintiff intends to obtain a default judgment for divorce under C.C. art. 103(1) or 103(5). (Adds C.C.P. art. 1702(F)(3)) HB 7 Muscarello. Act 7. Effective August 1, 2023

UTMA. Provides for termination of custodial property under the Uniform Transfers to Minors Act upon the minor's attainment of the age of 22, instead of 18. (Amends R.S. 9:751(1) and (10) and 770(1)) HB 142 Beaulieu. Act 60. Effective August 1, 2023

Prohibits gender-affirming health care for all transgender youth. (Adds R.S. 40:1098.1-1098.6) HB 648 Firment. Act 466. Veto overridden July 18, 2023. Effective January 1, 2024

Eliminates the minimum child support award in the child support guidelines. (Amends R.S. 9:315.1(C) and 315.2(D); repeals R.S. 9:315.14) HB 337 Carpenter. Act 24. Effective January 1, 2024

Allows grandparents post-adoption visitation rights regardless of the marital status of the parents of the adopted child. (Amends Ch.C. art. 1264) HB 194 Thompson. Act 16. Effective August 1, 2023

Allows the biological mother of a child to recover 50 percent of out-of-pocket pregnancy-related medical expenses from the biological father. Two-year preemptive period from the day of the birth. (Adds R.S. 9:399.2) HB 5 Frieman. Act 439. Effective August 1, 2023

Clarifies the right to terminate all parental rights of the perpetrator where the child was conceived as a result of a sex offense. (Amends Ch.C. arts. 1004(A), 1004.1, 1015, 1015.1, 1016(A), 1037(B), and 1039(B), and C.C. art. 137(A); adds Ch.C. arts. 1004.2 and 1015.2; repeals Ch.C. art. 1004(I)) HB 298 Hughes. Act 271. Effective June 9, 2023

Establishes a one-time, refundable \$5,000 individual income tax credit for a taxpayer who adopts a child under the age of 3. (Adds R.S. 47:297.23) HB 443 Edmonds. Act 452. Effective June 29, 2023

Criminal justice — penalties

Designates the crime of burglary of an inhabited dwelling as a crime of violence. (Adds R.S. 14:2(B) (60)) HB 65 Villio. Act 419. Effective August 1, 2023

Adds an additional penalty for the crime of simple burglary when committed as a part of a continuous sequence of events. (Amends R.S. 14:62(B)(1); adds R.S. 14:62(B)(3)) HB 16 Schlegel. Act 417. Effective August 1, 2023

Increases the minimum and maximum sentences for assault by drive-by shooting. (Amends R.S. 14:37.1(B) and (C)) SB 117 Harris. Act 243. Effective August 1, 2023

Requires secure placement for juveniles adjudicated delinquent for carjacking. (Amends Ch.C. art. 897.1(C) and (D)) HB 84 Schlegel. Act 420. Effective August 1, 2023

Changes the diminution of sentence and parole eligibility for fourth or subsequent nonviolent felony offenses. (Amends R.S. 15:571.3(B)(1)(a) and (D) and 574.4(A)(1)(a); adds R.S. 15:571.3(B)(3) and 574.4(A)(1)(c)) HB 70 Villio. Act 463. Effective August 1, 2023

Sets the base-blood-alcohol concentration for suspension of a driver's license and eligibility for a hardship license for certain offenses of operating a vehicle while intoxicated. (Amends R.S. 14:98.1(A)(2) and (3)(b) and 98.2(A)(2) and (3)(b) and R.S. 32:378.2(B)(1)(a)(ii), 414(A)(1)(c), and 667(B)(1)(b) and (c) and (3) and (H)(1); adds R.S. 32:414(A)(1)(d)) HB 484 Edmonds. Act 409. Effective August 1, 2023

Criminal justice — crime victims

Enacts the Victims of Vehicular Homicide Act to establish a fund for vehicular homicide victims' families to apply for reparations up to \$60,000 when the offender failed to maintain compulsory motor vehicle liability security and the victim failed to maintain uninsured motorist coverage.

Authorizes the attorney general to institute a civil action against the convicted person for the recovery of reparations payment. Fund sunsets on August 1, 2027. (Amends R.S. 44:4.1(B)(31) and R.S. 46:1807(A); adds R.S. 46:1807(B)(8) and 1823-1838) HB 439 Bryant. Act 451. Effective August 1, 2023

Requires State Police to create and operate a statewide tracking system for sexual assault collection kits. (Amends R.S. 15:623(A), R.S. 40:1216.1(A)(2)(c) and (7)-(9), and R.S. 46:1802(7), 1807(B)(7), and 1822(C); adds R.S. 15:624.1 and 46:1802(14); repeals R.S. 40:1216.1(A)(10)) SB 169 Mizell. Act 193. Effective August 1, 2023

Criminal justice — procedure

Murder ballads. Enacts the Restoring Artistic Protection Act of 2023 to limit the admissibility of a defendant's creative or artistic expression as evidence. (Amends C.E. art. 404(B)(1)) HB 475 Magee. Act 354. Effective August 1, 2023

Juries. Requires juries be given specific instructions and be sequestered during active deliberations. (Amends C.Cr.P. art. 791(C)) HB 271 Nelson. Act 75. Effective August 1, 2023

Criminal justice — records

Allows for the release and dissemination of an arrestee's booking photograph as necessary for investigative purposes or to an individual's surety agent when the individual is released on bail. (Adds C.Cr.P. art. 234(C)(1)(f) and (g)) HB 265 Fontenot. Act 303. Effective August 1, 2023

Creates a process and form to expunge an arrest record of a misdemeanor, first-offense possession of marijuana. Fee sunsets August 1, 2026. (Amends

C.Cr.P. art. 986(A) and (C); adds C.Cr.P. arts. 977(D), 983(M), and 998) HB 286 Boyd. Act 342. Effective August 1, 2023

Authorizes local courts to expunge records within their trial jurisdictions. (Adds C.Cr.P. art. 972.1) HB 479 Marino. Act 90. Effective August 1, 2023

Establishes a process for the automatic expungement of arrest, felony, and misdemeanor convictions. Subject to appropriations. (Amends C.Cr.P. art. 973(E); adds C.Cr.P. Art. 985.2) SB 111 Duplessis. Act 454. Effective: See act.

Criminal justice — fentanyl

Punitive damages. Establishes a civil action for damages against foreign states or entities engaging in fentanyl trafficking causing injury or death in this state. Provides for punitive damages, expert witness fees and expenses, court costs, and reasonable attorney fees. Actions of a person ingesting fentanyl shall not be attributable as comparative fault. Action subject to liberative prescription of 30 years from the day of injury. Retroactive to January 1, 2015. (Adds R.S. 9:2800.77) HB 586 Stefanski. Act 412. HCR 126 Stefanski. Effective August 1, 2023

Increases penalties for distribution or possession with intent to distribute fentanyl or carfentanil based on aggregate weight and number of convictions. (Amends R.S. 14:2(B)(58) and R.S. 40:967(B)(4) and (E)(1)) HB 90 Stefanski. Act 399. Effective August 1, 2023

Increases penalties for the crime of creation or operation of a clandestine laboratory for the unlawful manufacture of certain controlled dangerous substances. (Amends R.S. 40:983(C) and (D)) SB 49 Hewitt. Act 148. Effective August 1, 2023

Criminal justice — kratom

Creates the crime of sale or distribution of mitragynine speciosa to persons under the age of 21 and creates the Local Option for Mitragynine Speciosa, allowing local governments to enact more restrictive ordinances regulating kratom sales. (Adds R.S. 14:91.10 and R.S. 40:1300.51-1300.53; repeals Act 231 (2019 R.S.)) SB 94 Kleinpeter. Act 416. Effective August 1, 2023

Criminal justice — new crimes

Theft or criminal access of automated teller machines. (Adds R.S. 14:67.13) HB 94 Bacala. Act 218. Effective August 1, 2023

Unlawful production, manufacturing, distribution, or possession of xylazine. (Adds R.S. 40:989.4) HB 645 Miller. Act 183. Effective August 1, 2023

Social media

Prohibits the use of TikTok and related applications on computers and certain networks owned or leased by the state. Requires the Louisiana Supreme Court to develop and implement a policy

for judicial branch agencies. (Adds R.S. 42:1471-1474) HB 361 Deshotel. Act 308. Effective June 13, 2023

Requires the consent of a minor's legal representative to enter into an interactive computer service contract. (Adds R.S. 9:2717.1) HB 61 Schlegel. Act 440. Effective August 1, 2024

Enacts the Secure Online Child Interaction and Age Limitation Act that prohibits a social media company from allowing a minor to hold a social media account unless the minor has consent from a parent or guardian. (Adds R.S. 51:1751-1759) SB 162 McMath. Act 456. Effective July 1, 2024

Criminalizes unlawful deepfakes that depict a minor engaging in sexual conduct. (Adds R.S. 14:73.13) SB 175 Stine. Act 457. Effective August 1, 2023

Miscellaneous

Balance billing. Provides for reimbursement for out-of-network emergency ambulance services and prohibits the ambulance provider from billing the patient for any remaining balance. (Adds R.S. 22:1880.2) SB 109 Talbot. Act 453. Effective August 1, 2023

Adds wrecker service companies working hazardous material accidents to those entitled to reimbursement of remedial costs. Allows wrecker service to sue vehicle owner after a tow. (Amends R.S. 32:1519(A) and (C)(1); adds R.S. 32:1519(D)(5)(o)) HB 301 Romero. Act 142. Effective August 1, 2023

Requires oil and gas workers who are transported offshore via aircraft to wear life jackets equipped with personal locator beacons that are capable of transmitting distress and homing signals in case of emergency. (Amends R.S. 40:1486.2(D), (E), and (F); adds R.S. 40:1486.2(G)) HB 398 Romero. Act 168. Effective January 1, 2024

Establishes a state maritime academy within the University of Louisiana System to coordinate the state's existing programs, provide training for merchant marine officers, and to equip the maritime industry's workforce with additional education pathways. (Amends R.S. 17:3217) HB 258 Wright. Act 231. Effective August 1, 2023

Constitutional amendments — October 14, 2023

Restricts nonprofit organizations' eligibility for property tax exemptions when residential property is found to endanger public health or safety. (Amends Const. Art. VII, §21(B)) HB 46 Hughes. Act 48.

Requires the legislature to appropriate no less than 25 percent of nonrecurring state revenues for application to certain state retirement system unfunded accrued liability. (Amends Const. Art. VII, §10(D)(2)(b)(ii) and (iii)) HB 47 Nelson. Act 107.

Prohibits funding elections with money from a foreign government or nongovernmental source. (Adds Const. Art. XI, §6) HB 311 Miguez. Act 200.

Specifies that the right of freedom of worship in churches or other places of worship is a fundamental right that is worthy of the highest

order of protection. (Adds Const. Art. XII, Sec. 17) SB 63 Mizell. Act 30.

Constitutional amendments — November 18, 2023

Clarifies that the timing of gubernatorial action on a bill and return of a vetoed bill to the legislature is based upon the legislative session in which the bill passed and to authorize the legislature, if it is in session, to reconsider vetoed bills without convening a separate veto session. (Amends La. Const. Art. III, §18) HB 166 (2022 RS) Miller. Act 278.

Restricts the emergency use of the Revenue Stabilization Trust Fund to an annual maximum of \$250 million if current or ensuing fiscal year revenue forecasts decline. (Amends Art. VII, §10.15(E)(1) and (F); Adds Art. VII, §10.15(G)) HB 244 Bishop. Act 198.

Authorizes the local governing authority of each parish to provide a limited ad valorem tax exemption for qualified first responders. (Adds Const. Art. VII, Sec. 21(O)) SB 127 Duplessis. Act 179.

Repeals provisions of the constitution that create certain special funds within the state treasury. (Repeals Const. Art. VII, §§4(D)(4)(b), 10.4, 10.10, and 10.12(B) and (C) and Const. Art. IX, §§9 and 10) HB 254 Thomas. Act 199.



LABI Celebrates Legislative Wins

June 8, 2023

Share   

Baton Rouge, LA – As the 2023 Regular Legislative Session concluded on Thursday night, the Louisiana Association of Business and Industry (LABI) noted specific wins for Louisiana job creators.

“I want to thank our friends in the Legislature for their hard work and determination at the Capitol over the last two months,” said LABI Interim President and CEO Jim Patterson. “While this session was not without its challenges, we are overall pleased with the outcome and look forward to continuing work with our legislative partners, and a new administration in 2024, to move our state forward.”

The Louisiana business community should take note of the following bills passed this session:

JUDICIAL MODERNIZATION & TRANSPARENCY

SB 196 by Sen. Barrow Peacock provides for the disclosure of litigation financing agreements, which come in many forms, but at their core consist of an outside third party investing in a lawsuit in exchange for a stake in the financial outcome of the lawsuit. Given their prevalence, there are concerns these arrangements complicate the ability to fairly resolve a dispute and hide conflicts of interest or potentially unethical or illegal

conduct. This legislation would ensure all parties are aware when a third party has a particular financial interest in the outcome of a case.

“The passing of SB 196 was a big win for transparency,” said Lauren Hadden, LABI’s general counsel. “Whether the governor signs this legislation remains to be seen, but LABI will continue to advocate for a more transparent, fair and accountable legal system in all steps of the judicial process.”

Another important step forward in modernizing Louisiana’s judicial system was the passage of HB 305 by Rep. Chad Brown, which allows for electronic signatures by judges.

ENERGY

One of LABI’s main concerns this session was anti-carbon capture and sequestration (CCS) legislation. All of the measures failed either in committee or on the House Floor. These bills would have, in various ways, limited or prohibited carbon capture in Louisiana, sending the message to the rest of the world that Louisiana is not open for the green energy industry. Those bills were HBs 10, 35 and 312 by Rep. Robby Carter; HBs 453 and 454 by Rep. Sherman Mack, HB 120 by Rep. Nicholas Muscarello, 267 and 308 by Rep. Bill Wheat. Only HB 120 and HB 308 made it to the House floor.

House Speaker Clay Schexnayder authored HB 571, which sets up a framework for CCS projects, including a revenue sharing arrangement for local governments, which passed both chambers and now awaits the governor’s signature.

EDUCATION

LABI-supported education bills made it through the process and are now on the governor’s desk—some of these bills were killed last year or stalled in the final days of session. HB 12 by Rep. Richard Nelson prohibits the promotion of third-graders to the fourth grade whose reading deficiencies have not been remedied by the end of the third

grade, providing multiple opportunities to take the reading assessment and targeted resources to bring the student up to speed.

HB 462 by Rep. Rick Edmonds requires public school governing authorities to post financial information on their websites, making it easily accessible for taxpayers.

Aiming to address the learning loss because of the pandemic, SB 177 by Sen. Patrick McMath targets unspent federal COVID relief funding to accelerated tutoring for students who fail to meet statewide assessment standards in reading and math.

Also of note, SCR 25 by Sen. Sharon Hewitt urges and requests BESE to prepare for implementation of “education savings account” programs, a critical education reform effort supported by LABI. ESAs would provide parents with the opportunity to find the best educational option for their children, and LABI will continue to advocate for maximum choice for parents and families. This resolution heads to the Secretary of State’s office.

MISSED OPPORTUNITIES

While we are celebrating these wins, it is important to note the missed opportunities of this session:

- Unfortunately, two critical LABI-supported Education Savings Account (ESA) bills were shelved. HB 9 by Rep. Rhonda Butler, which creates ESAs for students with exceptionalities, and HB 98 by Rep. Lance Harris, which creates a universal ESA, both died this session. However, we are hopeful that both will be brought back in 2024 under a new administration that prioritizes parental choice for their child’s education.
- HB 601 by Rep. Mike Huval would have made several changes to the bad faith statute for property insurance, making critical clarifications for policyholders and insurers on their obligations and the timeframe to execute those obligations to ensure swift resolution of the claims process. The bill was shelved following significant amendments in the Senate.
- A major effort to modernize Louisiana’s court system hit a roadblock this session after significant opposition from the Clerks of Court regarding the creation of a unified

electronic filing system for the state. HB 229 by Rep. Tanner Magee would have required the Louisiana Clerks' Remote Access Authority (LCRAA) to develop a universal electronic filing — eight years after Rep. Magee first authored a resolution requesting the clerks be directed do so. We applaud Rep. Magee for his dedication to unify and modernize our court system.

- Finally, while this was a fiscal session and tax reform was a hot-button issue early on, there was not much of an appetite in the Legislature for any major reforms given the dynamics of an election year.

Stay tuned for LABI's Session Recap email coming out next week, and for LABI's Legislative Scorecard, a publication detailing how House and Senate members voted on issues important to Louisiana businesses, that will be revealed in early fall.

Previous

Next

More Press Releases.



September 14, 2023

LABI Launches LA23 Strategic Plan, Recommends Roadmap of Policy Steps to Success for Louisiana

BATON ROUGE, LA (September 14, 2023) – A cabinet-level Office of Talent Development, an eventual phase-out of the personal income tax and a focus on early childhood as both... (Continue)

September 11, 2023

LABI Releases 25th Annual Legislative Scorecard, Four-Year Term Scores Highlight a Record 88 Champions

Baton Rouge, LA – Today the Louisiana Association of Business and Industry (LABI) released its 2023 Legislative Scorecard, highlighting legislators inside the State Capitol who supported pro-business legislation in this year's... (Continue)



LouisianaBankers

A S S O C I A T I O N

**2023
REGULAR
LEGISLATIVE
SESSION
REPORT**

JULY 2023

Dear LBA Members:

The 2023 Regular Session brought continued debate regarding ongoing challenges related to the devastating hurricanes experienced in recent years, including efforts to deal with the lack of availability and affordability of insurance in many parts of the state. Based on a directive from our membership and the LBA Board of Directors, LBA staff was more involved in the debate on insurance-related issues and supported measures designed to improve the problems our state is experiencing. Although transformative reform was not achieved this session, we believe some helpful improvements were made to the insurance laws. For more on that, see page 10 of this report. We understand there is much work to be done going forward on insurance reform. With statewide and state legislative elections this fall, this will remain a key issue of focus.

On a positive note, LBA had another successful year at the state capitol in preventing harmful bills from passing, as well as passing LBA-supported bills that will help banks and their customers. Some examples of LBA-supported measures that passed the process and will be helpful additions to our state law are Acts that: combat the rash of ATM crime that we have seen in our state in recent years; require a year-long course in financial literacy as a requirement for graduation and qualification for TOPS; and authorize, but do not mandate, sheriffs to conduct judicial sales on movables and immovables through the use of an online platform.

The LBA-supported legislation we pursued at the state capitol was approved by your Government Relations and Grassroots Council (GRGC) and by the LBA Board of Directors during February meetings. LBA's state legislative ideas come from bankers and bank counsel members throughout the year. Your input is so valuable to the process. And, your relationships with policymakers provides important connections during the process. Your advocacy work makes a difference. Thank you.

The LBA government relations team (including Joe Gendron, Director of Government Relations, David Boneno, General Counsel, and myself) stands committed to protecting your interests at the State Capitol, and we hope this report is helpful to your bank in becoming familiar with recent legislative developments. This report contains summaries of key measures from the state regular session. To view or print an Act, simply click on the link above the description of each Act throughout the report. You can also go to the Louisiana State Legislature's website at www.legis.la.gov to access Legislative Acts.

As a final note, we greatly appreciate the work and feedback of LBA Board Chairman Joey Quinlan with First National Bankers Bankshares in Baton Rouge; Immediate Past Chairman Brent Vidrine with Bank of Sunset, who also serves in the role as our Federal GRGC Chairman; Stephen David with Peoples Bank in New Roads, who serves as the State GRGC Chairman; and Ryan Kilpatrick with Origin Bank, who serves as Grassroots Chairman. These individuals provide great feedback and guidance in helping us prepare the agenda for our GRGC meeting, and on policy matters that may arise throughout the year.

Sincerely,



Ginger Laurent
Chief Executive Officer

CONTENTS

Bills Enacted into Law during the 2023 Regular Session

LBA Initiatives, Banking & OFI Regulated Activity-----	3
Lending and Collateral-----	7
Insurance-----	10
Taxes-----	12
Other Bills of Interest-----	14
Bills of Interest or Concern That Did Not Pass-----	18

BILLS ENACTED INTO LAW DURING THE 2023 REGULAR SESSION

LBA INITIATIVES, BANKING & OFI REGULATED ACTIVITY

Combating ATM Crime

Read Act 218; Effective 8/01/23

HB 94 (Act 218) by Rep. Tony Bacala is LBA-sponsored legislation that creates a new, combined crime of theft or criminal access of an ATM, which carries a penalty of mandatory imprisonment, along with a fine and the requirement to make restitution for damage caused. This new, specific state crime related to ATMs greatly enhances criminal penalties for these types of crimes. The bill was brought by LBA and the Louisiana Sheriff's Association due to increasing ATM crime being carried out by organized criminals and conducted in various ways. Some criminals are physically pulling machines from their location and breaking them open. Other times, ATM crime is conducted by inserting devices that collect sensitive financial information used for fraud, or cause the machines to malfunction in a way that allows theft to occur.

Act 218 specifically covers the various ways that the crime is being conducted and requires a mandatory five-year prison sentence upon conviction. This mandatory prison term will make Louisiana a very unattractive place for criminals to commit this kind of crime. In recent years Texas, along with other states, created new laws and/or enhanced penalties for ATM crime due to a surge in this type of criminal activity. However, our mandatory five-year prison sentence is more significant than Texas, which imposes a mandatory two-year prison sentence.

Prior to session, LBA consulted with representatives of various law enforcement agencies on this issue, including: the U.S. Secret Service; the Federal Bureau of Investigation (FBI); District Attorneys; Sheriffs; and U.S. Attorneys. The bill idea was well received by all, and feedback has been that this will provide law enforcement with another helpful tool. We thank all of the bankers and members of law enforcement who gave us feedback on this legislation, and who otherwise helped get this legislation across the finish line.

Act 218 was supported by 26 house cosponsors, which is an impressive number of cosponsors. We give special thanks to the bill author Rep. Bacala, who did a great job explaining the need for the bill and worked hard to preserve the desired language. We also give a special thanks to Rep. Neil Riser, who introduced a similar bill (HB 317) at the beginning of the session at the request of LBA. Ultimately, Reps. Bacala and Riser combined their two bills into one.

Financial Literacy Education

Read Act 267; Effective (see below)

HB 103 (Act 267) by Rep. Nicky Muscarello requires students to successfully complete a one unit (one year) financial literacy course to graduate from high school and to qualify for TOPS. The financial literacy provisions of the Act apply to students who enter the ninth grade during the 2024-2025 school year and thereafter. The provisions of the Act regarding qualification for TOPS awards apply to students graduating during the 2026-2027 school year and future graduating classes.

The prior law, which LBA worked to pass in 2018, required that all public-school students receive instruction in personal financial management and that such instruction be required for high school graduation, but it did not specify in what manner that instruction was to be provided.

The key change with this Act is that it requires a one-year, standalone course in financial literacy for all high school students. The Act provides for a number of important topics to be covered in the course, which shall include but need not be limited to the following:

- (1) Types of bank accounts offered, opening and managing a bank account, and assessing the quality of a depository institution's services.
- (2) Balancing a checkbook.
- (3) Basic principles of money management, such as spending, credit, credit scores, and managing debt, including retail and credit card debt.
- (4) Completing a loan application.
- (5) Receiving an inheritance and related implications.
- (6) Basic principles of personal insurance policies.
- (7) Computing federal income taxes.
- (8) Local tax assessments.
- (9) Computing interest rates by various mechanisms.
- (10) Simple contracts.
- (11) Contesting an incorrect billing statement.
- (12) Types of savings and investments.
- (13) State and federal laws concerning finance.

LBA strongly supported this legislation throughout the process. Over the years we have encountered strong resistance at the state capitol to making financial literacy education a standalone course as a requirement for graduation, as some in the education community stated it was an unfunded mandate. However, sometimes good policy takes many years to come to fruition and this was one of those issues whose time had come. Case in point, this bill was supported by an overwhelming 118 cosponsors in the House and Senate.

Louisiana bankers played a pivotal role in obtaining this strong level of legislative support. This result is due to decades of hard work by Louisiana bankers, among others, who have made providing and teaching financial literacy in their communities a top priority. Thank you!

A special thanks to Rep. Muscarello and State Education Superintendent Cade Brumley for making this a priority issue and for finding a creative way to take away arguments of an unfunded mandate. This new financial literacy course will be classified as a required mathematics course and the overall number of mathematics credits needed for graduation will remain the same. We also thank State Treasurer John Schroder for his advocacy on this issue throughout the legislative process.

Opposing Federal Climate Disclosures

HCR 59 by Rep. Beau Beaulieu and Rep. Beryl Amedee is an LBA-sponsored resolution that urges and requests the United States Securities and Exchange Commission (SEC) to immediately withdraw its proposed rule entitled "The Enhancement and Standardization of Climate-Related Disclosures for Investors". The proposed federal rule would require publicly traded companies, including financial institutions, to disclose enhanced climate-related information, including their greenhouse gas (GHG) emissions and GHG emissions that occur in the upstream and downstream activities of their value chain. This expansive mandate to report nonfinancial disclosures on climate-related issues will require covered companies and their small business customers to incur significant expense and devote significant resources to comply, while providing information of dubious value to investors. This resolution passed the legislature and a copy of it will be sent to the Chairman of the SEC and to each member of the Louisiana Congressional Delegation.

Read House Concurrent Resolution 59

Online Sheriffs Sales

Read Act 390; Effective 8/01/23

SB 140 (Act 390) by Sen. Franklin Foil amends the Code of Civil Procedure and related statutes to provide for online judicial sales. The new law authorizes sheriffs to conduct judicial sales on movables and immovables through the use of an online internet platform. It should be pointed out that the it does not mandate that sheriffs use the online sales method. Each sheriff will be able to decide whether to continue holding in-person sales or move to the new online sales procedure. Use of an online sales process could result in more bidders and higher bids at sheriffs sales. It is also expected to be more convenient for seizing creditors to be able to monitor and participate in sheriff sales online rather than having to physically attend or send someone to attend an in-person sheriff sale at the parish courthouse. If a parish sheriff decides it would like to move to an online judicial sales process, it could take a few months to prepare since the sheriff will need to select a vendor, train staff, and change sheriff sale procedures.

Act 390 does not change any of the procedural requirements that the sheriff must complete before holding a sheriff's sale. For example, the debtor must still be served with a notice of seizure and the sheriff must still advertise the sale in the printed newspaper.

The Act enacts new Article 2344 of the Louisiana Code of Civil Procedure (titled "Online auctions"), which authorizes online sales and sets forth certain requirements.

- Notice of online sheriff's sales must be published in accordance with CCP Article 2331.
- Online sales can only be held on days when the sheriff can legally hold judicial sales.
- Prior to the opening bid, certain documents must be made available on the online platform or otherwise made available – such as the advertisement, mortgage certificate, and any other advertisement that the sheriff would be required to read aloud at an in-person sale .
- Prior to the sale, the sheriff is permitted to establish minimum requirements on bidders (other than the debtor and creditors), including the requirement of a deposit and proof of available funds before opening of bidding.
- Upon request, the sheriff is required to identify a computer where the debtor can participate in the bidding.
- The Article clarifies that entry of a bid or indication that the creditor will not bid constitutes presence in accordance with Article 2338.
- Except for what is required by new Article 2344, the sale is required to be conducted in compliance with the current requirements for sheriffs' sales provided in the Code of Civil Procedure.

Article 2721 relative to seizure of property was amended to require that if a sheriff's sale is to be conducted through an online auction, the notice of seizure, or a subsequent notice served upon the defendant at least three days before the sale, shall state that the sheriff's sale will be conducted through an online auction, shall specify the date of the auction and time when bidding is scheduled to open, and identify the electronic address of the platform through which bids can be entered.

The notice of seizure form provided in R.S. 13:3852 was updated to include references to online sales, and the notice language was modernized and clarified . Additional amendments were made to R.S. 13:3852 to require the sheriff, upon request before the day of the online auction, to identify a location where someone can have access to a computer without charge to participate in the online sale.

Standards and requirements for online auction companies were also provided through the enactment of R.S. 13:4358. Section 4358 addresses auction company compensation and provides that when a sheriff contracts to use an auction company the agreement shall provide for the payment to the auction company of a fixed fee, which shall be taxed as costs of the sale, in an amount not to exceed \$375 per adjudication. The sheriff cannot delegate certain duties for sales to the online auction company. Contracts between the

sheriff and online auction company must include requirements established by the sheriff for data security and liability insurance. If the auction company will collect or hold sales funds, it is required to have a fidelity bond in an amount determined by the sheriff.

The Act also amended R.S. 13:4360 to provide for when sales funds are to be collected from the winning bidder. The winning bidder must provide sales funds by 4:30pm of the next business day following the sale. If the purchaser fails to timely deliver purchase proceeds, the sale may be made with the second highest bidder or re-advertised for another sale – at the seizing creditor’s option.

Uniform Transfer to Minors Act - Age 22

Read Act 60; Effective 8/01/23

HB 142 (Act 60) by Rep. Beau Beaulieu amends the Louisiana Uniform Transfer to Minors Act (“UTMA”) to allow a custodian to continue to administer the property of the beneficiary until the beneficiary reaches the age of twenty-two. The legislation accomplishes this by amending the UTMA definition of “minor” to mean an individual who has not attained the age of twenty-two years, raising it from the age of eighteen. Note that this amendment is only applicable to the UTMA law and does not change the age of when someone is considered a minor in the Civil Code or elsewhere in Louisiana law. In addition, the Act amends UTMA Section 770(1) relative to when UTMA custodianship must be terminated by raising the age of the beneficiary from eighteen to twenty-two at which time a custodian must transfer the custodial property. Section 3 of the Act provides that the Act’s provisions shall be given prospective application to all UTMA accounts. Also, Section 4 of the Act provides that any custodial property held under the Louisiana UTMA law for the benefit of a minor, yet to be transferred, shall be subject to the provisions of R.S. 9:770(1).

Central Bank Digital Currency

Read House Concurrent Resolution 71

HCR 71 by Rep. Beryl Amedee urges and requests the United States Congress to not support legislation, or other efforts, relating to the adoption of a Central Bank Digital Currency in the United States. The resolution calls for a copy of the Resolution to be transmitted to the President of the United States, the presiding officers of the Senate and the House of Representatives of the United States Congress, the Chairman of the Federal Reserve, the Secretary of the Treasury, and each member of the Louisiana congressional delegation. LBA strongly opposes the creation of a Central Bank Digital Currency.

Report on Fossil Fuel Discrimination

Read House Concurrent Resolution 70

HCR 70 by Rep. Beau Beaulieu urges and requests the state treasurer and the state and statewide retirement systems to report on investment advisors and companies used by the treasurer and the retirement systems respectively that discriminate against the fossil fuel industry through environmental, social, and governance (ESG) policies; on their investment of state and pension or defined benefit plan funds using nonpecuniary factors; and on the asset allocation of all their investments.

The resolution urges and requests the director of each state or statewide retirement system and the state treasurer to submit a report to the legislature that includes the following:

- (1) The name of any investment management company, investment advisor, mutual fund, or other entity under contract with the system that uses nonpecuniary factors for investment purposes on behalf of the retirement system. "Nonpecuniary" factors include ESG factors which do not have a material connection to the risk-adjusted return of an investment.
- (2) The name of any entity under contract that is known to boycott energy companies. The list shall also state the aggregate amount that the listed entity has invested in Louisiana public companies and in oil and gas companies in the United States and Louisiana. "Boycott" means terminating business activities or engaging in refusals to deal with an industry in a discriminatory manner.
- (3) The amount of state and pension or defined benefit plan funds invested with each entity identified under item (1) or (2), the date the entity was first hired, and the percentage of the system's portfolio with each such entity, both individually and in the aggregate if more

than one is reported.

The state treasurer and the director of each state or statewide retirement system shall submit the report to the legislature no later than October 1, 2023.

Regulation of Virtual Currency Businesses

Read Act 331; Effective 6/13/23

SB 185 (Act 331) by Sen. Mike Reese was brought at the request of the Office of Financial Institutions (OFI) to update and enhance the framework for the regulation and licensing of entities engaging in virtual currency business activities in the state. The Act adds the following provisions: new definitions; licensing requirements; processes for the issuance, denial, and renewal of licenses; change of control notices; change of responsible individual notices; enforcement authority; penalties for violations; and more. The Act further provides that the OFI Commissioner shall submit a biannual report in September and March of each year including the number of license applications, permits granted, applicants denied, and a list of fees assessed in the application process.

Credit Unions - Private Excess Deposit Insurance

Read Act 81, Effective 7/01/23

HB 334 (Act 81) by Rep. Tammy Phelps allows credit unions to collateralize investments by state or local governments with private excess deposit insurance, in lieu of collateralization of such investments by the pledging of securities as provided in current law.

LENDING AND COLLATERAL

Grain Sampling and Grading

Read Act 202; Effective 6/08/23

SB 28 (Act 202) by Sen. Stewart Cathey amends R.S. 3:3414.3 to require state or federal certified graders to grade grain. State certification of grain samplers and graders shall be certified by the Louisiana Agricultural Commodities Commission. The Act requires the Commission to promulgate rules by August 1, 2023. The intent of the legislation is to improve the consistency of grain grading. This Act does not apply to rice.

Task Force on Automated Grain Grading

Read Senate Concurrent Resolution 31

SCR 31 by Sen. Glen Womack creates the Task Force on Louisiana Automated Grain Grading to study and make recommendations on emerging technologies for the grading of grain through automated machinery. This resolution is in response to excessive rains in 2022 that caused financial hardships for agricultural producers and damaged their crops, “which brought to light that there is grain being graded by noncertified persons and highlighted a lack in uniformity in grain grading across the state.” The resolution provides that “the current method of grading of grain, established through the United States Grain Standards Act (as amended), is a physical one performed by hand, sight, and smell” and that “automating grain grading will be a significant step in ensuring uniformity and eliminating subjectivity.” Since this issue is so important to those involved in agriculture lending, LBA requested that the banking industry have a seat on this task force. An LBA-requested amendment was adopted to the resolution allowing for one representative from the banking industry, appointed by the LBA.

Flood Insurance

Read House Concurrent Resolution 58

HCR 58 by Rep. Jerome “Zee” Zeringue (and numerous coauthors) urges and requests the Louisiana Department of Justice (Attorney General) to seek all available, obtainable, and accessible means of legal relief, including but not limited to filing and initiating a civil proceeding against the Federal Emergency Management Agency (FEMA) to protect the interests of Louisiana citizens against FEMA's new pricing methodology and approach for the National Flood Insurance Program (NFIP) named Risk Rating 2.0.

Statewide Building Codes-Inspections

Read Act 25; Effective 8/01/23

HB 393 (Act 25) by Rep. Foy Gadberry provides that a building code enforcement officer or a certified third-party provider shall conduct all inspections of any commercial or residential structure and for all inspections, other than roofing inspections, shall be present on site. The Act further provides that a building code enforcement officer or a certified third-party provider may accept photographs or videos that are location verified with geotagging for required roofing and reroofing inspections of any commercial or residential structure.

Restrictions on Sale of Property to Foreign Adversaries

Read Act 464; Effective 8/01/23

HB 537 (Act 464) by Rep. Valarie Hodges and several co-authors, enacts a new law that restricts the sale of property to foreign adversaries or persons connected with foreign adversaries. Along with other exceptions, the provisions of this Act do not apply to the following: a natural person who is an American citizen; a person who is not a US citizen but is a permanent legal resident or is lawfully present in the US; or to immovable property purchased, leased, or otherwise acquired by a natural person that is used as a one-to-four family residential property.

The Act is only applicable to contracts entered into by a foreign adversary or person connected with a foreign adversary to purchase, lease, or otherwise acquire immovable property after August 1, 2023. If a foreign adversary or person connected with a foreign adversary acquires immovable property despite the prohibitions contained herein, the property shall only be subject to forfeiture during the period in which the foreign adversary or person connected with the foreign adversary owns the property.

Importantly, the Act provides that rights in immovable property shall not be void or voidable because the property or right held in the property was previously held by a prohibited foreign adversary or person connected with a foreign adversary.

The Act defines "foreign adversary" as an individual or a government identified as a foreign adversary pursuant to 15 CFR 7.4(a) and identified in the database maintained by the U.S. Department of Treasury, Office of Foreign Assets Control.

The Act provides that the attorney general may bring an action on behalf of the state for injunctive relief against the foreign adversary or the person connected with a foreign adversary to enjoin the property transfer prior to the transfer of the immovable property to a foreign adversary. The attorney general shall serve the petition for injunctive relief upon all parties to the transaction. If the transfer or lease of the property has been completed, the attorney general may bring an action in the name of the state against the foreign adversary or a person connected with a foreign adversary.

LBA had real concerns with how this original bill, and other similar bills that were introduced this session, could impact mortgage holders. However, LBA-supported amendments were added to ensure a mortgage holders ability to obtain repayment of its loan, and to provide for limitation of liability, among other things. The Act provides for the selling of a foreign adversary's interest in property at a judicial sale (sheriff's sale) in accordance with the requirements of Code of Civil Procedure Article 2331 et. seq. in order to satisfy the amount of all mortgages, liens, privileges, and other encumbrances, among other things.

In addition, the Act provides that:

"No mortgage, lien, privilege, or other security interest recognized under the laws of this state and no ownership interest in indivision, lease, servitude, usufruct, right of use, bond for deed, or other real right shall be affected by a forfeiture or disposition pursuant to this Section."

The Act further provides that:

“No attorney, title insurer, title insurance producer, title insurance agency producer, lender, mortgage loan servicer, notary public, real estate agent, real estate broker, seller, or lessor shall have a duty to make any investigation as to whether a party to a transaction involving immovable property is a foreign adversary, nor shall any such person be liable for failing to identify that a party to a transaction involving immovable property is a foreign adversary.”

Renewable Energy Leases

Read Act 455; Effective 6/28/23

SB 154 (Act 455) by Sen. Bret Allain establishes a new set of laws governing renewable energy leases. The term renewable energy lease means a lease of immovable property that is entered into for the primary purpose of the lessee's engaging in the production of wind, solar, or hydroelectric energy using the leased immovable, and any other lease pursuant to which the lessee's primary activity on the leased immovable is the production of wind, solar, or hydroelectric energy. A renewable energy lease is not a mineral lease. The lessee's rights in a renewable energy lease and his rights in the buildings, improvements, and other constructions on the leased immovable are able to be mortgaged. See R.S. 30:1161.

One of the primary issues of concern for lenders with the original legislation was the inability of a lender to foreclose and assign any rights to the assets to a third-party buyer to be able to pay off the debt. Original bill language restricted the assignment of rights, unless the lessor agreed to the assignment in a separate writing at the time of the assignment. There was concern that the lessor could demand payment or other concessions from the lender in exchange for the lessor's authorization, thus, restricting the lender's rights to repayment. The interested parties were able to agree on amendment language permitting the lessee's interest in the renewable lease to be assigned or subleased, unless the lease expressly prohibits assignments or subleases. See R.S. 30:1164.

Another lender concern related to potential liability of a lender if the lender had to foreclose on an energy lease. Section 1165 was amended to clarify that the parties may agree in writing to limit the assignor's obligations or liabilities under the renewable energy lease. Section 1165 provides in pertinent part as follows:

“Except as otherwise expressly agreed to in writing by the lessor, an assignor or sublessor is not relieved of his obligations or liabilities under a renewable energy lease unless the lessor has discharged him expressly and in writing in a separate instrument executed at the time of the assignment or sublease or thereafter.”

There was also concern by the landowners that they would not know who the assignee of the lessee's interest was in the event of a foreclosure or other assignment. To address this concern, language was added to the bill to provide that if the assignor assigns his rights in the lease, the assignor is required to provide to the lessor a notice of assignment containing the name, address, phone number, and email address of the assignee.

An additional concern raised by landowners was that the lessee's interest is only transferred to a responsible party. To address the concern, language was added to the bill to require that an assignee or his operator comply with all applicable requirements of R.S. 30:1154, which requires a permit to construct or operate a solar power generation facility and also requires a bond or other acceptable financial security in an amount determined by the secretary to ensure proper site closure. See R.S. 30:1165(B).

Provisions were included in the Act to provide for termination and remedies for violation of a renewable energy lease. See R.S. 30:1167–1175. Language was also included to provide for the lessor's privilege. Section 1176 provides that a lessor of a renewable energy lease has, for the payment of his rent, and other obligations of the lease, a privilege on all equipment, machinery, and other property of the lessee on or attached to the property leased. The right also extends to equipment, machinery, and other property of a

sublessee on or attached to the property leased, but only to the extent that the sublessee is indebted to his sublessor at the time the lessor exercises his right. See R.S. 30:1176.

Study Electronic Filing and Records Retention

Read Senate Resolution 43

SR 43 by Sen. Jay Morris urges and requests the Louisiana State Law Institute (LSLI) to study and make recommendations on legislation to enact, amend, and repeal laws in order to implement and revise procedures for the: electronic filing of legal documents; the electronic filing of documents in the conveyance and mortgage records; the retention, maintenance, preservation, and disposition of original paper documents once converted to electronic record; public access to all public records, including ease of functionality and viewing; and maintaining the integrity of public records, including original documents.

This study request is in follow-up to a report provided to the legislature in 2022 by the Task Force on Statewide Standards for Clerks of Court Electronic Filing and Records Retention, in which it recommended that the LSLI undertake such a study and propose amendments to such laws. Senate Resolution 43 also requires that the LSLI's recommendations for revising state law be submitted to the legislature no later than February 2, 2024.

INSURANCE

LBA staff has heard from many member banks about the lack of availability and affordability of insurance, especially with respect to homeowners and flood insurance policies. In February, the LBA Government Relations and Grassroots Council and the LBA Board of Directors agreed that LBA should be involved with the insurance industry's priority legislation during the state legislative session in an attempt to help improve Louisiana's insurance environment.

LBA worked during the session with insurance industry representatives and other business stakeholders to support the industry's priority legislation. When the session ended and the dust settled, the final analysis from many in the insurance industry was that no really harmful bills passed (which is always good), and some bills that passed should have a positive impact on the insurance market (which is also good). However, transformative reform to our insurance market did not occur, which is concerning and means there is much work to be done going forward. With statewide and state legislative elections this fall, there is no doubt insurance reform will remain a key issue.

Below are some insurance industry priority bills that LBA supported, which passed the legislative process and have been signed into law.

Prohibition on Assignment of Benefits

Read Act 364; Effective 8/01/23

HB 183 (Act 364) by Rep. Gabe Firment provides that no person shall solicit or accept an assignment, in whole or in part, of any post-loss insurance benefit under a residential or commercial property insurance policy. Assignment of benefits is a practice in which the policyholder contractually gives another entity (often a contractor) the right to recover the benefits of the policy in exchange for services such as repair of a building. Among other things, this practice has led to inflated claims costs for insurers: when the contractor who is doing the repairs is also the one collecting under the policy, there is a profit incentive to inflate the cost of the claim. The provisions of the Act do not apply to an assignment, transfer, pledge, or conveyance granted to a federally insured financial institution, mortgagee, or a subsequent purchaser of the property.

Rate Approval Process for Insurers

Read Act 443; Effective 8/01/23

HB 489 (Act 443) by Rep. Mike Huval and Sen. Kirk Talbot aims to improve the prior approval regulatory structure used by the Commissioner of Insurance for rates charged by insurers and rate service organizations. Act 443 provides further clarity in the rate approval process. Specifically, the Act clarifies that, at the expiration of a 45-day waiting period, a rate filing of an insurer shall be deemed approved unless prior to the 45th day the filing has been affirmatively approved or disapproved by order of the commissioner. Approval of any such filing by the commissioner shall constitute a waiver of any unexpired portion of this waiting period.

Limitation of Liability - State-Run Insurance Organizations

Read Act 290; Effective 8/01/23

SB 96 (Act 290) by Sen. Kirk Talbot provides that the Louisiana Insurance Guaranty Association (LIGA) and the Louisiana Citizens Property Insurance Corporation (LA Citizens) shall not be liable for certain penalties and shall not be subject to class action lawsuits. LIGA and LA Citizens are quasi-governmental organizations to protect policyholders in Louisiana if their insurer becomes insolvent or they cannot buy coverage in the private market. They are not for-profit insurers and penalties against LIGA and LA Citizens are ultimately paid by the people of Louisiana in the way of tax credits or assessments. The original bill language was aimed at protecting these entities from bad faith damages, but it was amended during the process to only protect them against class action lawsuits and some of the penalties.

Fortified Roof Endorsements

Read Act 12; Effective 8/01/23

HB 110 (Act 12) by Rep. Gabe Firment (and numerous coauthors) requires insurers writing homeowners' insurance policies to offer an endorsement to upgrade an insured's nonfortified home to comply with the fortified roof standards of the Insurance Institute for Business and Home Safety, if the insured incurs damage covered by the policy that requires the roof to be replaced. Act 12 requires that the endorsement shall upgrade the home consistent with the fortified requirements for the geographic area in which the home is located. The endorsement offer shall be made at the time of writing a new policy on a nonfortified home and upon first renewal of an existing policy on a nonfortified home after December 31, 2023. Insurers required to offer an endorsement pursuant to this Act are required to file endorsement forms and accompanying rates with the Department of Insurance by October 1, 2023.

Insurance Premium Discounts

Read Act 1, Effective 8/01/23

HB 294 (Act 1) by Rep. Matthew Willard (and numerous coauthors) provides that insurers that are required to submit rates and rating plans to the Commissioner of Insurance, shall provide an actuarially justified discount, credit, rate differential, adjustment in deductible, or any other adjustment to reduce the insurance premium to insureds that build or retrofit a structure to comply with the fortified home or fortified commercial standards created by the Insurance Institute for Business and Home Safety.

Insurance Premium Discounts

Read Act 45; Effective 6/01/23

SB (Act 45) 113 by Sen. Sharon Hewitt amends the current law to provide that insurer-required discounts for those that build or retrofit a structure to comply with the State Uniform Construction Code or Insurance Institute for Business and Home Safety shall apply to all residential property, not just single-family residential property. The law continues to also apply to commercial property, modular homes, and manufactured homes that may be retrofitted.

Hurricane Mitigation Commission

Read Senate Concurrent Resolution 7

SCR 7 by Sen. Kirk Talbot urges and requests the Commissioner of Insurance to create the Hurricane Mitigation Commission to study: the handling of property insurance claims in the wake of hurricanes; the practices of property insurance claim adjusters; and the necessity of a catastrophe savings account. The commission is to make recommendations in a written report to the Senate Committee on Insurance and the House Committee on Insurance, no later than February 1, 2024.

The resolution provides that a study of catastrophe savings accounts will be beneficial to residential property owners of this state, as such accounts may be used with certain tax related benefits to offset and assist with costs of repair for damages suffered from hurricanes and other relevant natural disasters. LBA does not have an appointee to this commission, but an LBA-requested amendment was added to the resolution to provide that “the commission shall consult with the Louisiana Bankers Association in its study of catastrophe savings accounts.”

Insurance Premium Tax Credit - Qualified Investment

Read Act 310; Effective 1/01/24

HB 411 (Act 310) by Rep. Cedric Glover and several co-authors, amends the law relative to insurance premium tax credits to expand the definition of a qualifying Louisiana investment for businesses issuing life insurance policies subject to R.S. 22:842(A). A qualifying Louisiana investment includes a certificate of deposit issued in Louisiana by a bank, savings and loan association, or savings bank, any of which has a main office or branch in Louisiana, or by a trust company with a main office or branch in Louisiana if the trust company holds funds in trust and invests them in a CD issued by a bank, savings and loan association, or savings bank with a main office or branch in Louisiana. A qualifying Louisiana investment also means cash on deposit in an account in Louisiana with any bank, savings and loan association, or savings bank, or trust company holding funds in trust, any of which has a main office or branch in Louisiana. The forgoing shall be considered a qualifying Louisiana investment only when made by a business that meets the following criteria: issues life insurance policies; has total admitted assets under three million dollars; is domiciled, licensed, and operating in Louisiana; maintains its primary corporate office in Louisiana and has at least seventy percent of its employees in Louisiana; and maintains in Louisiana its core business functions.

Property Insurance Claim Records Retention

Read Act 206; Effective 8/01/23

SB 106 (Act 206) by Sen. Gary Smith and Rep. Ray Garofalo amends the Insurance Code relative to property insurance claims records. The Act amends R.S. 22:419(14), which is part of the policyholder bill of rights. The change adds to the list of items that an insurance company is required to provide relative to a first-party property damage claim. Pursuant to the Act, a policyholder has a right to receive any portion of the claim file, including but not limited to any written reports, photos, videos, or any other documents or communications unless the record that the insurance company prepared or used is legally privileged. In addition, the list of items that an insurance company may keep confidential was expanded to include other documents or communications prepared in conjunction with a fraud investigation in accordance with R.S. 22:1964(14).

Act 206 also amended R.S. 22:1964 to add to the list of unfair claims settlement practices the act of failing to make available upon written request the claim file. The Act provides a list of specific claim file documents that tracks the items listed in R.S 22:419(14). In addition, in accord with Section 419(14), an insurer may keep confidential certain described documents or communications prepared in conjunction with a fraud investigation.

TAXES

Collection and Remittance of Sales and Use Tax

Read Act 15; Effective 8/01/23

HB 171 (Act 15) by Rep. Beau Beaulieu revises certain conditions under which dealers and marketplace facilitators are required to collect and remit state and local sales and use tax on remote sales. Specifically, the Act changes the revenue indicator at which a marketplace facilitator is required to collect and remit sales tax by counting gross revenue only on retail sales instead of all sales, while still retaining the \$100,000 minimum. The Act also eliminates the 200-transaction limit for marketplace facilitators. The Act requires

the Remote Sellers Commission to approve or deny an application by a marketplace facilitator within 30 business days of receipt.

Pass-through Exclusion

Read Act 450; Effective 8/01/23

HB 428 (Act 450) by Rep. Thomas Pressly authorizes the use of the pass-through entity exclusion of net income by estates, trusts, and partnerships. The Act also authorizes an application process to be administered by the Louisiana Department of Revenue that would allow the termination of pass-through entity status in the taxable year following submission, and disallow additional status changes for the following five taxable years. This Act is applicable for taxable periods beginning on or after January 1, 2023. This Act expands on the previous law that only allowed an individual, who is a shareholder, partner, or member of a pass-through entity that elects to pay Louisiana income tax at the entity level, to exclude any net income or loss received from the entity.

Historic Tax Credits

Read Act 426; Effective 8/01/23

HB 483 (Act 426) by Rep. Tanner Magee extends the authorization period of the tax credit program for rehabilitation of historic structures from January 1, 2026 to January 1, 2029. The Act also provides that the amount of the credit shall equal 25 percent of the eligible costs and expenses of the rehabilitation incurred on or after January 1, 2023, and before January 1, 2029, regardless of the year in which the property is placed in service. The Act also provides that the tax credit program is also applicable to rehabilitation of structures “contributing to the National Register of Historic Places”, which means it is listed or deemed as a contributing element within a National Register Historic District as determined by the National Park Service. For structures meeting those requirements that are located in a rural area (see definition in Act), the amount of the credit shall equal 35 percent of the eligible costs and expenses of the rehabilitation incurred on or after January 1, 2023, and before January 1, 2029.

Payment Under Protest - Ad Valorem Tax Assessments

Read Act 284; Effective 8/01/23

SB 5 (Act 284) by Sen. Bret Allain provides for alternatives in lieu of payment under protest for challenges to ad valorem tax assessments. The Act clarifies that the Louisiana Tax Commission will consider a taxpayer’s appeal of a Board of Review assessment without payment under protest. The Act also allows the taxpayer to pledge a bond or other security (pledge, collateral assignment, lien, mortgage, factoring of accounts receivable or other asset encumbrances) in lieu of a cash payment under protest, the reasonableness of which is determined by the District Court or Board of Tax Appeals. The District Court or Board of Tax Appeals may order an additional payment under protest to reach reasonable security.

The Act is explicit that disputes concerning the correctness of the ad valorem tax will not require payment under protest or a security pledge. Before the changes made by this Act, payments under protest were paid in cash in the amount of the disputed tax and were held in escrow separate from local revenue by the tax collector. If the final determination affirmed the tax liability, the funds were then deposited for use by the appropriate taxing authorities. Otherwise, the funds were returned to the taxpayer. This Act appears to continue to allow cash payments under protest in the same manner but also authorizes alternative payments to presumably be filed with the court, including bonds, pledge, collateral assignment, lien, mortgage, factoring of accounts receivable or other asset encumbrances.

Net Capital Gains Deduction for Individual Income Tax

Read Act 242; Effective 8/01/23

SB 89 (Act 242) by Sen. Jeremy Stine requires the Louisiana Department of Revenue (LDR) to issue regulations that further detail sufficient documentation and clarify eligibility and restrictions for the deduction for net capital gains resulting from a sale or exchange of an equity interest of substantially all assets of certain non-publicly-traded corporations domiciled in Louisiana. Additionally, the Act requires LDR to specify a de minimus threshold under which documentation requirements would not apply. The Act is applicable to taxable periods beginning on or after January 1, 2023.

Income Tax Deduction for Construction Retrofitting

Read Act 262; Effective 6/12/23

SB 183 (Act 262) by Sen. Kirk Talbot and Rep. Ray Garofalo amends the tax code to create an exception to the restriction against a taxpayer receiving any other state credit, exemption, exclusion, deduction, or any other benefit for items of tangible personal property for which the taxpayer has received a tax credit under the construction code retrofitting deduction (R.S. 47:293(2)). Act 262 provides that a taxpayer may receive a grant pursuant to R.S. 22:1483.1 (Louisiana Fortify Homes Program) in addition to a construction code retrofitting deduction pursuant to R.S. 47:293(2). The provisions of Act 262 are applicable to taxable years beginning on or after January 1, 2023.

Federal Tax Benefits for Catastrophe Savings Accounts

Read House Concurrent Resolution 55

HCR 55 by Rep. Gabe Firment and several coauthors urges the United States Congress to take such actions as are necessary to pass legislation allowing taxpayers to establish tax-advantaged catastrophe savings accounts for disaster-related expenses. Funds from such accounts could be withdrawn tax-free if used to pay disaster related expenses defined in law as “qualified catastrophe expenses”. With respect to disaster-related expenses, catastrophe savings accounts would function similar to that of health savings accounts.

OTHER BILLS OF INTEREST

Transfer of Ownership of Movable Property

Read Act 401; Effective 8/01/23

HB 176 (Act 401) by Rep. Patrick Jefferson was on recommendation of the Louisiana State Law Institute and amends Civil Code Article 525, relative to registered movables, and enacts Article 520, relative to transfers of ownership of movables by merchants. Specifically, Article 520 provides that, except as otherwise provided by legislation, a transferee in good faith and for value acquires ownership of a corporeal movable from a transferor who is not the owner only if the transferor has possession of the thing with consent of the owner, is a merchant customarily selling similar things, and transfers the thing in the regular course of the transferor’s business. Comments to the article explain that Article 520 sets forth a limited exception to the rule that the transfer of a thing of another does not convey ownership.

Act 401 also amends Civil Code Article 525 by providing that movables required by law to be registered are subject to the provisions of this Chapter (Chapter 3, Transfer of Ownership by Agreement). Comments to the article explain that this provision fills a gap in the law.

Motion for Summary Judgment Procedures

Read Act 317; Effective 8/01/23

HB 196 (Act 317) by Rep. Chad Brown amends Article 966 of the Code of Civil Procedure relative to motions for summary judgment. The Act amends Article 966(A)(4) to expand the list of documents that may be filed and offered in support of, or in opposition to, a motion for summary judgment to include certified copies of public records and public documents as well as certified copies of insurance policies. Article 966(B) was amended to exclude documents provided under Subsubparagraph (A)(4)(b), which were previously filed in the record so that they may be specifically referenced and considered in the motion for summary judgment or opposition to the motion and not have to be served with a copy of the motion.

Subparagraph D of Article 966 was amended to provide that if a party timely objects to an expert’s opinion attached to either the motion for summary judgment or the opposition and elects to file a motion under Article 1425(F) questioning the expert’s qualifications or methodologies, the court is required to set a hearing and decide the Article 1425(F) motion prior to the hearing on the motion for summary judgment.

Subparagraph G was amended to codify a Louisiana Supreme Court holding that a defendant who has filed an opposition to the granting of a motion for summary judgment dismissing a codefendant may appeal the judgment despite the plaintiff's failure to appeal.

Motion for Summary Judgment - Evidence

Read Act 368; Effective 8/01/23

HB 339 (Act 368) by Rep. Greg Miller amends Code of Civil Procedure Article 966(G) relative to motions for summary judgment. The Act clarifies that evidence may be admitted at trial to establish the fault of a principal when the party or nonparty acted pursuant to a mandate or procuration. In addition, during the course of the trial, a party or person may refer to such fault where evidence is admitted of the acts of the party or nonparty for purposes of establishing the fault of the party or nonparty's principal. However, this provision does not apply if the trial or appellate court's judgment rendered in accordance with this Article is reversed. If the judgment is reversed by an appellate court, the reversal is applicable to all parties.

Actions to Determine Ownership/Possession of Immovable Property

Read Act 421; Effective 8/01/23

HB 220 (Act 421) by Rep. Thomas Pressly on recommendation of the Louisiana State Law Institute amends the Civil Code and Code of Civil Procedure articles relative to actions to determine ownership or possession of immovable property.

Civil Code Article 531 relative to proof of ownership of an immovable was amended to provide that one who claims ownership of an immovable against another who has been in possession for one year after having commenced possession in good faith and with just title or who has been in possession of the immovable for ten years must prove that he has acquired ownership from a previous owner or by acquisitive prescription. In all other cases, he only needs to prove that he has a better title. The comments explain that the burden of proof was substantially changed for persons claiming the ownership of an immovable against another in possession. Prior to the change, the burden of proof required of a claimant was to prove that he had acquired ownership from a prior owner or by acquisitive prescription and this BOP applied even when the defendant was a usurper who had no title at all.

Code of Civil Procedure Article 3651 relative to petitory actions was amended to clarify that a petitory action is brought by one who does not have the right to possess. The comments explain that a person who still has the right to possess even though he might have lost actual possession within the past year should bring a possessory action against the person who evicted him, rather than a petitory action under this Article.

Article 3653 of the Code of Civil Procedure was amended to narrow the circumstances in which the person claiming ownership must prove that he acquired ownership from a prior owner or by acquisitive prescription. As revised, the Article provides that this onerous burden of proof applies only when the defendant has been in possession for one year after having commenced possession in good faith and with just title or when the defendant has been in possession for ten years, regardless of whether in good faith or with just title. Where neither of these circumstances applies, the burden imposed upon the claimant is merely to prove a better title than that of the defendant.

Article 3655 of the Code of Civil Procedure relative to possessory actions was amended to provide that a possessory action is one brought by the possessor or precarious possessor of immovable property. The accompanying comments explain that the revisions to this Article recognize and complement a previous amendment to the Civil Code granting a precarious possessor, such as a lessee, the right to bring a possessory action against anyone other than the person for whom the precarious possessor possesses.

Article 3656 of the Code of Civil Procedure was amended to clarify that a usufructuary has standing to bring a possessory action.

Article 3657 of the Code of Civil Procedure changes preserve the rule of noncumulation of the possessory and petitory actions and expands the rule to prohibit cumulation of the possessory action with a declaratory judgment action to determine ownership.

Article 3658 was amended to recognized that a precarious possessor may bring a possessory action.

Article 3659 was amended relative to disturbances in law to clarify that a disturbance in law must arise in relation to the time that the plaintiff enters into possession or acquires the right to possess, in order for the disturbance to form the basis of a possessory action. Comments explain that a plaintiff in a possessory action or his ancestors in title must have acquired the right to possess before the execution, recordation, or registry of an instrument that is claimed to constitute a disturbance in law.

Article 3669 was amended to provide that where there is a dispute between the owner of a mineral servitude and the owner of a mineral royalty burdening or alleging to burden the servitude in question, the only available real action is a petitory action and the BOP on the plaintiff is to prove a better title than that of the defendant.

Miscellaneous Revisions to the Code of Civil Procedure

Read Act 5; Effective 8/01/23

HB 230 (Act 5) by Rep. Greg Miller provides for miscellaneous revisions to the Code of Civil Procedure. Here is an overview of some of the more significant changes. Articles 925 and 927 were amended to provide that an objection to the lack of jurisdiction over the subject matter is deleted from the objections raised by declinatory exception and has been added as an objection that is raised by peremptory exception.

Article 963 was amended to provide for unopposed motions. Unopposed motions are required to be served on all parties by email, and similar to an ex parte motion, an unopposed motion may be granted by the court without hearing from the consenting party.

Article 1155 relative to supplemental pleadings was amended to require that a party who wishes to file a supplemental pleading must either have the consent of all parties or file a contradictory motion. Article 1424 relative to scope of discovery was amended to provide that when a party withholds information otherwise discoverable under the rules by claiming that it is privileged or subject to protection as trial preparation material, the party shall make the claim expressly and prepare and send to the other parties a privilege log that describes the information not produced, without revealing information itself privileged or protected.

Article 1702 relative to default judgments was amended to allow for the actual delivery of the notice of default judgment in lieu of mailing it. The article was also amended to provide that no default judgment can be rendered against a defendant when notice is required under Article 1702(A)(2) or (3) unless proof of the required notice is made in the manner provided by R.S. 13:3205. Article 1912 relative to final judgments was amended to permit judges to sign final judgments in any place where the judge is physically located. Prior law restricted the signing of judgments to any parish within the state.

New Orleans Code Violation Penalties

Read Act 304; Effective 8/01/23

HB 276 (Act 304) by Reps. Mandy Landry and Joseph Bouie amends the law to raise the maximum penalties for violation of any ordinance enacted by the City of New Orleans. The maximum penalty for a first offense was raised from \$500 to \$1,000, and for the second and any subsequent offenses the maximum monetary fine was raised from \$1,000 to \$2,000. In addition, a violator of an ordinance could be imprisoned for up to six months in jail.

Criminal Blighting of Property

Read Act 85; Effective 8/01/23

HB 370 (Act 85) by Rep. Mandy Landry and several coauthors amends the law relative to the criminal blighting of property by raising the penalties for offenders. The penalty for a second conviction is raised from a fine of \$500 to not more than \$1,000 if the offender fails to correct the violations after ordered to do so by the court. In addition, a perpetrator convicted of a second offense can also be subject to imprisonment of not more than six months, which is changed from a penalty of up to forty hours of community service. A third or subsequent conviction can be punished with fines of up to \$2,000 and imprisonment for not more than one year, with or without hard labor. The Act prohibits the penalty of imprisonment from being imposed when the property is a single-family residence occupied by the defendant at the time of the violation. The Act also amended R.S. 15:1352, the definition of “racketeering activity”, to include the offense of criminal blighting of property.

Rights in Minerals

Read Act 88; Effective 8/01/23

HB 455 (Act 88) by Rep. Jean Paul Coussan amends certain provisions of the Louisiana Mineral Code. Of interest to lenders, Section 204 relative to mineral interests as collateral was amended to provide that the UCC-Secured Transactions governs the manner and creation of security interests in minerals produced and the proceeds from their sale or other disposition, as well as the right of the holders of these security interests against obligors and third persons. The accompanying comments explain that physical minerals produced, and accounts resulting from their sale, are “as extracted collateral” encumbered by a security interest under UCC-9, except that bonuses, delay rentals, royalties, and shut-in payments payable under a mineral lease to an owner of land or holder of a mineral servitude, as well as other payments to them that are classified as rent under the Mineral Code, are not subject to the UCC but instead are encumbered by pledge under the Civil Code.

Appointment of Agent by Succession Representative

Read Act 38; Effective 7/01/23

SB 55 (Act 38) by Sen. Jay Luneau amends Article 3191 of the Code of Civil Procedure relative to nonresident succession representatives to provide that a succession representative may appoint an agent to alienate, acquire, lease, or encumber specifically described property on specific terms. A procuration or mandate granted for this purpose may either recite the specific terms of the transaction or state that the succession representative has approved the terms of the transaction. In addition, the procuration or mandate appointing the agent is required to be recorded in the succession proceeding and it does not need court approval.

Louisiana New Markets Jobs Act

Read Act 433; Effective 6/27/23

SB 151 (Act 433) by Sen. Mike Reese and Rep. Alonzo Knox makes changes to the Louisiana New Markets Jobs Act. The Act provides, among other things, that \$150,000,000.00 of qualified equity investment (“QEI”) authority shall be available for certification and allocation for applications beginning August 1, 2023 and the Department of Revenue shall accept applications beginning on August 1, 2023 for allocation and certification of such aforementioned equity investments. The recapture rules in R.S. 47:6016.1(F) were amended to provide that the Department of Insurance shall recapture, from the entity that claimed the credit on a return, the tax credit allowed pursuant to the program if, with respect to QEIs issued on or after August 1, 2023, the issuer fails to invest an amount equal to one hundred percent of the purchase price of the QEI in low-income community investments in Louisiana within twelve months of the issuance of the QEI with at least fifty percent of the purchase price invested in qualified low-income community investments in impact businesses. R.S. 47:6016.1(F)(4).

Cybersecurity Commission

Read Act 245; Effective 8/01/23

SB 152 (Act 245) by Sen. Barry Milligan and numerous coauthors enacts the Louisiana Cybersecurity Commission within the Division of Administration to coordinate cybersecurity efforts among local, state,

tribal, and federal governments and the private sector. Under the Act, the Cybersecurity Commission shall have 21 members that serve for four years (11 governmental members and 10 members appointed by the governor). The Act provides for the powers and duties of the commission and requires the commission to provide an annual report to the Office of the Governor, the Joint Legislative Committee on Technology and Cybersecurity, and the House and Senate select committees on Homeland Security. This Act codifies into the Louisiana Revised Statutes an executive order of Governor Edwards (JBE 17-31), which created the Louisiana Cybersecurity Commission.

BILLS OF INTEREST OR CONCERN THAT DID NOT PASS

HB 363 by Rep. Richard Nelson was aimed at reforming Louisiana's tax system by eliminating the state income tax, reducing the homestead exemption, and eliminating numerous credits, exemptions and deductions across the board, among other things. HB 363 as originally drafted would have reduced vital exemptions from corporate and franchise tax that prevent banks from being double taxed. Rep. Nelson, after being told of that impact by LBA, amended the bill to remove that issue. After a hearing on the bill, the author opted to voluntarily defer the bill.

HB 615 by Rep. Valarie Hodges required a fee on the transmission of money to locations outside the United States. For transmissions less than \$500, the fee would have been \$5. For transmissions of \$500 or more, the fee would have been \$5 plus five percent of the amount in excess of \$500. The fees collected were to be used exclusively for salary increases for certified public school teachers or for costs associated with English as a second language programs at public elementary and secondary schools. This bill would have applied only to licensed money transmitters, and not federally insured institutions. However, we opposed this bill because it would have set a bad precedent by taxing a certain type of money transfer. The author opted to voluntarily defer this bill after it was set for hearing multiple times.

HB 641 by Rep. Stuart Bishop was a 108-page bill that would have sunset in 2027 certain income, corporate franchise, severance, sales and use, severance, tobacco, petroleum product, and excise tax exemptions, exclusions, credits, deductions, reductions, and other tax incentives. LBA strongly opposed this bill as it would have sunset exemptions and exclusions that are important to the banking industry that prevent double taxation of banks at the corporate tax level, and that provide parity in the taxation of state chartered and federally chartered banks. Additionally, the bill would have sunset the exclusion from individual income tax for S Bank shareholders, including as it pertains to resident and non-resident estates and trusts. This important exclusion exists to prevent S Banks and their shareholders from being taxed at both the corporate and individual level. This bill passed Chairman Bishop's House Ways and Means Committee. When brought up for discussion on the house floor, Chairman Bishop amended the bill to remove the harmful bank-specific provisions we had identified. After discussing the bill, he returned the bill to the House calendar without putting it to a vote. This bill was heavily opposed by many different groups.

HB 642 by Rep. Sam Jenkins was filed on behalf of the Louisiana Department of Revenue and it subjected digital products and services (including business-to-business services), which are not currently subject to taxation, to state and local sales and use taxes. The overall impact of this bill was hard to gauge, but the impact to the banking industry would likely have been substantial. LBA strongly opposed this bill and it was voluntarily deferred by the author in the House Appropriations Committee.

SB 79 by Sen. Jay Luneau would have enacted a new provision under the general administrative provisions for credits against income and corporation franchise tax. The new provision read as follows: “Notwithstanding any other provision to the contrary, expenditures utilized to claim any state tax credit or rebate shall not be utilized for the purpose of qualifying for any other state credit, rebate, exemption, exclusion, or deduction.” The bill further provided that the new provisions of law shall not apply to incentives administered by the Department of Economic Development. We were told that Sen. Luneau brought this bill at the request of the Louisiana Department of Revenue (LDR). The concern of LBA, along with many other business trade groups, was that the language of the bill was not clear. The language was subject to many interpretations and could have led to numerous unintended consequences with respect to a taxpayers ability to claim or use tax credits, rebates, exemptions, exclusions, or deductions. Based on the strong objection to the unclear language, the author and the LDR opted to not push this bill to a vote on the house floor.

The 2023 Legislature: Missed Opportunities

Louisiana’s economy works best when every family has the resources and opportunities they need to reach their full potential. That means having access to great schools, safe neighborhoods, affordable housing and health care, and a reliable safety net for families that fall on hard times.

Like many states, Louisiana emerged from the global Covid-19 pandemic in 2023 with an economic tailwind. The state unemployment rate hit an all-time low, and the number of people working hit a record high. This economic growth, combined with federal pandemic aid, meant that state lawmakers had unprecedented resources available to address the state’s many needs as they met for an election-year “fiscal” session.

Given such a great opportunity, the results were mixed – at best.

Legislators wisely resisted the election-year temptation to make sweeping, across-the-board tax cuts, and opted instead to put much of the money aside for state and local construction projects. They increased funding for GO Grant college scholarships for low-income students, maintained funding for safety-net services and increased funding for higher education, including pay raises for college faculty.

But the session will likely be remembered for its chaotic final minutes when legislators made hundreds of changes to the budget bills without any public debate or discussion and for harmful anti-LGBTQ+ bills that attempted to outlaw gender-affirming care for youth and discussions of gender and sexual identity in K-12 classrooms. The last-minute changes meant that classroom teachers and support workers received a one-time stipend instead of a permanent pay raise, while early care and education programs were left with less funding than Gov. John Bel Edwards had requested.



Community leaders and policy advocates gather on the Louisiana Capitol steps to support comprehensive paid family medical leave benefits for Louisiana workers.

Legislators also missed several opportunities to reduce the economic and structural barriers that keep too many Louisiana families in poverty and build a stronger safety net for those who struggle to get by. Bills to establish a minimum wage, double the state Earned Income Tax Credit and create a new tax credit for low-income families with young children all failed. Legislators also refused to pass a bill that sought to guarantee paid family and medical leave for most workers, including those with low incomes.

Louisiana’s next governor – and the new and returning legislators who voters will choose this fall – will inherit a much better financial situation than their predecessors. Louisiana will enter the next budget cycle with \$2.7 billion in reserves, a nearly tenfold increase over 2016-17. But policymakers also face the challenge of replacing hundreds of millions of dollars in tax revenue that will be lost in 2025, when a

temporary sales tax is set to expire. Failure to do so could spell a return to the structural deficits of the prior decade, which led to underinvestment in education and other services and caused Louisiana to fall farther behind its Southern neighbors.

BUDGET EXCESS MOSTLY STEERED TO ONE-TIME PROJECTS

The state budget is a moral document that reflects our collective values and priorities. In 2023 the governor and legislature had record amounts of revenue available to invest in both ongoing programs and priorities and one-time construction projects.

The biggest question facing legislators was how to distribute \$2.2 billion in surplus and “excess” revenue – money left over from the 2021-22 fiscal year and extra dollars the state expected to collect in the 2023 and 2024 fiscal years that hadn’t been included in the governor’s original budget recommendations.

The vast majority of this revenue was considered “recurring,” meaning that it could be used for ongoing programs. But legislators plugged most of it into one-time projects and priorities such as coastal protection, highway and bridge construction, prepaying debt in the state pension plans and spending on local projects at the direction of specific legislators.

Before lawmakers could spend much of this money, they needed to raise a constitutional cap on state expenditures. After weeks of negotiations between the House and Senate, lawmakers agreed to lift the cap by \$250 million for the 2023 fiscal year and by \$1.4 billion for the 2024 fiscal year starting July 1.

Lifting the cap allowed the Legislature to approve \$198 million for salary stipends for public school teachers (\$2,000) and support workers (\$1,000) and \$51.5 million in new state funding for early care and education programs, which was less than the \$60 million sought by the governor.

The budget agreement also included a \$15 million boost to the GO Grant college scholarship program, which was part of a \$180 million increase for higher education.

The spending cap increase also cleared the way for more than \$1 billion in spending on road and bridge construction, coastal restoration projects, debt repayment and other one-time investments. Legislators also added more than \$160 million for local projects and priorities at the direction of individual lawmakers.

The final hours of the session proved to be controversial, as a House-Senate compromise committee ordered a \$100 million cut to the Louisiana Department of Health without public discussion about how it would affect patients and health care providers. Health department leaders said the cut would affect safety-net hospitals, nursing homes, medical training programs and community services for children with disabilities, among other things. Edwards vetoed the cut.

MONEY AVAILABLE TO LAWMAKERS

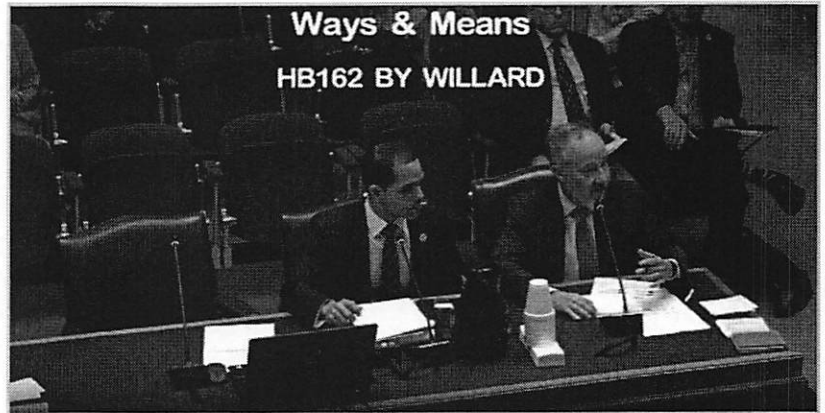
Source	Amount
FY23 “excess” revenue	\$1.2 billion
FY24 increase	\$483 million
FY22 surplus (after constitutional dedication)	\$469 million
Total	\$2.2 billion

(green = recurring; red = non-recurring)

FEW MAJOR TAX CHANGES

Louisiana cannot deliver the programs and services people need without a fair, adequate and sustainable tax structure. Far too often, policymakers have favored wealthy people and corporations over everyday citizens and have pockmarked the state’s tax code with credits, deductions and other tax breaks that favor special interests, making it harder to afford basic services.

Lawmakers filed a long list of bills proposing major changes to Louisiana’s tax structure. These included numerous attempts to cut taxes for wealthy people and corporations, which would have reduced the resources available for essential public services. Most of those bills failed to pass, as legislators showed admirable restraint.



Rep. Matt Willard and LBP Executive Director Jan Moller testify in support of a tax credit aimed at helping low-income families with children,

The lone exception: A bill (Senate Bill 1) that phases out Louisiana’s corporate franchise tax, which is mostly paid by large

petrochemical corporations headquartered in other states. This bill made it to Edwards’ desk, where it was vetoed. That meant a companion measure (Senate Bill 6), which reduced the scope of the Quality Jobs subsidy program for corporations, also failed to take effect, as the two bills were tied together.

Lawmakers missed opportunities to make Louisiana’s regressive tax code more equitable for working families. Legislation that would have doubled the state’s Earned Income Tax Credit (EITC) and established a Child Tax Credit for low-income parents never made it out of committee. And Louisiana remains vulnerable to automatic, across-the-board income tax cuts if certain financial conditions are met, as the Legislature refused to eliminate a “trigger” mechanism in state law.

More ominously, the Legislature also failed to address the upcoming fiscal “cliff,” which arrives in 2025 when a temporary 0.45% sales tax is set to expire and taxes from vehicle sales will fully shift to transportation projects. Combined, these tax changes will reduce annual general fund revenues by around \$800 million per year, making it much harder to balance the budget without making cuts to essential programs and services.

TAX BILLS

<u>SB 1, SB 6</u> (Phase Out Franchise Tax, Reduce Quality Jobs Facility Rebate)	These two bills phase out the corporate franchise tax over four years and partially offset the lost revenue by reducing the Quality Jobs Program’s facility expense rebate. The franchise tax cut only applies in years when combined corporate income and franchise tax collections exceed \$600 million.	VETOED
<u>HB 145, HB 241, HB 303</u> (Flat Personal Income Tax)	These bills would have replaced the state’s graduated income tax rates with a flat tax rate. This would have resulted in a loss of tax revenue and made our overall tax structure less equitable.	Failed
<u>HB 162, SB 226</u> (Earned Income Tax Credit)	These bills would have doubled the state Earned Income Tax Credit to 10% of the federal credit. The EITC helps reduce poverty by helping low-income families keep more of what they earn.	Failed

<u>HB 203</u> (Repeals Household Sales Tax Exemptions)	This legislation would have subjected groceries, household utilities and prescription drugs to the state sales tax. Eliminating these sales tax exemptions would have raised \$187 million annually in revenue but deepened the inequity of the state's tax system.	Failed
<u>HB 62, HB 71</u> (Temporary Sales Tax Cut)	Each of these bills would have gradually reduced the 0.45% temporary sales tax before its 2025 sunset, costing the state between \$490 million and \$209 million in lost revenue.	Failed
<u>HB 146</u> (Flat Corporate Income Tax)	This bill would have gradually shifted the state into a flat corporate income tax system, reducing state revenue by \$424 million per year.	Failed
<u>HB 156</u> (Caps Film Tax Credit)	This legislation would have cut Louisiana film and TV subsidies by half, eliminating as much as \$180 million a year in tax breaks, as studies show a poor return on investment.	Failed
<u>HB 243</u> (Income Tax Credit)	This bill would have provided a one-time refundable individual income tax credit for people with incomes below \$150,000.	Failed
<u>HB 491</u> (Repeal Tax Cut Triggers)	This bill would have eliminated automatic rate reductions in individual, corporate and franchise tax rates if the state meets certain revenue thresholds and economic benchmarks. The legislation would have preserved the state's ability to provide essential services as it enters into an uncertain fiscal future.	Failed
<u>HB 632</u> (Child Tax Credit)	The Next Generation Tax Credit would have provided targeted financial assistance to low- and middle-income families by providing \$250 for each child aged 5 and under in families earning less than \$40,000 per year.	Failed
<u>HB 641</u> (Reassess All Tax Credits and Exemptions)	This bill would have set a sunset date of January 1, 2027, for all tax breaks, forcing lawmakers to hold an up-or-down vote on each of them. Louisiana loses more than \$7 billion a year through hundreds of tax credits, rebates, exemptions and incentive programs.	Failed
<u>SB 39</u> (Community Options Waiver Fund)	This bill dedicates 12% of future "excess" revenues to a new Community Options Waiver Fund, where it would be used to provide home- and community-based services for people with adult-onset disabilities.	Passed

*Denotes LBP priority bill

SOME EXPANDED HEALTH CARE BENEFITS AMID CONCERNS ABOUT LOSS OF MEDICAID

Louisiana cannot reach its full potential until everyone has access to timely, adequate and affordable health care and safety net programs that support people when they fall on hard times. In 2023, the Legislature grappled with the end of federal protections that helped people maintain coverage during the Covid-19 pandemic. It did not go well.

More than 2 million Louisiana residents - almost 44% - get their health coverage through the Medicaid program, either because they have a disability or don't make enough money to afford private insurance. Starting in April, the Louisiana Department of Health (LDH) began the challenging and time-consuming task of reviewing every Medicaid enrollee to ensure they are still eligible for the program after such reviews were put on hold for three years during the Covid-19 pandemic.

This is a difficult job under the best of circumstances, as the health department has to track down people who may have moved, changed jobs or had other changing life circumstances in recent years.

On the bright side, legislators did create a new board to help oversee Community Health Workers, asked

the state Department of Health to expand Medicaid eligibility for pregnant women and required health insurers to cover doula and maternity support services.

HEALTH CARE AND SAFETY NET BILLS

HB 272 (Doula Coverage)	This bill provides health insurance coverage for doula maternity support services up to \$1,500 per pregnancy by 2025.	Passed
HB 434 (Medicaid)	This bill requires the Louisiana Department of Health to submit a quarterly "Healthy Louisiana Claims Report" to the Legislature with an independent review of claims submitted by health care providers to Medicaid HMOs.	Passed
HB 587 (Community Health Worker Board)	This bill establishes a Community Health Worker (CHW) Workforce Board that will make recommendations for employer readiness to hire CHWs, core CHW skills, rolls and competencies, CHW training programs standards and requirements and sustainable methods of financing CHWs.	Passed
SB 135 (Midwives Coverage)	This bill requires the Louisiana Department of Health to implement a Medicaid reimbursement rate for licensed and certified nurse midwives at a minimum of 95% of the amount reimbursed to physicians for the same pregnancy and childbirth services.	Passed
HR 273, SR 145 (Medicaid Pregnancy Coverage)	This resolution asks the Department of Health to extend Medicaid coverage for pregnant people from 138% of the federal poverty level - the lowest in the nation - to 185% FPL.	Passed
HCR 100 (Rural Health Care Task Force)	This resolution continues to support the Health Disparities in Rural Areas Task Force and adds one member from the Clinicians of Color Workgroup and one from the Louisiana Managed Medicaid Association.	Passed

*Denotes LBP priority bill

FEW VICTORIES FOR LOUISIANAN FAMILIES' ECONOMIC SECURITY

Louisiana's economy is strongest when more people have jobs that pay a living wage and have access to benefits such as paid family and medical leave, affordable child care and adequate unemployment benefits to help them make ends meet during difficult times.



LBP Deputy Director Stacey Roussel with other paid family medical leave advocates after testimony on legislation that would have provided a maximum of 12 weeks of leave to most workers.

In 2023 the Legislature refused to establish a minimum wage for Louisiana and failed to act on a bill that would have allowed most full-time workers to take paid leave from their jobs to care for a new child or to deal with a serious illness.

Lawmakers voted down two bills to raise the minimum wage, which means the Legislature has now rejected 50 minimum wage bills since 2009. Every year that the Legislature refuses to act, the value of the minimum wage continues to erode due to the rising cost of living. Under today's minimum wage of \$7.25 an hour, an hour of work in 2023 is worth half what it was 55 years ago.

But legislators also failed to pass two bills that would have cut unemployment insurance (UI) benefits by as much as half by tying their duration to the state unemployment rate. Louisiana unemployment benefits are already some of the lowest in the country, so protecting unemployment duration is essential to supporting families when people lose their job due to no fault of their own.

FAMILY ECONOMIC SECURITY BILLS

HB 40 (Employment Discrimination)	This bill would prohibit intentional employment discrimination based on gender identity and sexual orientation.	Failed
HB 51 (Unemployment Compensation)	This bill would let employers report to the Louisiana Workforce Commission when someone receiving unemployment benefits fails, without good cause, to attend a scheduled interview.	Failed
HB 283, SB 148 (Wage History)	These bills would ban employers from using salary history to screen job applicants, determine salary and benefits or decide whether to offer employment.	Failed
HB 313 (Workplace Violence)	This bill would require companies to display signage stating that workplace violence will not be tolerated.	Failed
HB 340, HB 456 (Unemployment Insurance Cuts)	These bills would cut the maximum time that people could receive unemployment benefits to as little as 12 weeks (from 26 weeks), depending on the state unemployment rate.	Failed
HB 351 (Medical Marijuana)	This bill would ensure that patients who have a license to use medical marijuana will not be disqualified for unemployment compensation benefits if they lose their job for using marijuana.	Failed
HB 374, SB 149 (Minimum Wage)	These bills would establish a \$10 an-hour state minimum wage, rising to \$14 per hour by 2026.	Failed
HB 596 (Paid Family and Medical Leave)	This bill would create the Louisiana Family and Medical Leave Benefits Act, which would provide a maximum of 12 weeks of paid leave to most workers.	Failed
SB 93 (Equal Pay)	This bill would create the Equal Pay for Women Act which, would provide pay equality for women employees of any government entity in the state, and in all public government contracts.	Failed

**Denotes LBP priority bill*

A BAD SESSION FOR YOUTH, PARTICULARLY LGBTQ+

Louisiana's economic future depends on its young people. Our state cannot fully thrive until all children have the tools they need for success: access to great schools with qualified, well-paid teachers, safe communities that are free from discrimination and services that support their mental and physical health.

By these measures, Louisiana continues to fall behind its regional and national peers.

Louisiana teachers are paid well below the Southern regional average. Instead of approving the

permanent raises proposed by the governor, the budget included \$2,000 stipends for teachers and \$1,000 for support workers. The Legislature also allocated \$44 million in new state funding for early care and education programs (which grew to \$51.5 million after Edwards restored some funding using his line-item veto). While these dollars are welcome, they do not come close to replacing the loss of nearly \$200 million in federal pandemic-relief funds that supported early childhood programs.

The Legislature also turned back legislation that would have diverted dollars from public schools to new Education Savings Accounts (ESAs).

Legislators passed several bills that targeted LGBTQ+ youth, bringing the national culture wars home to Louisiana - and, in some cases, going further than laws passed in other states. The bills included a ban on gender-affirming care for young Louisianans and a ban on discussions of sexual or gender identity in K-12 classrooms. Edwards vetoed both bills.

EDUCATION BILLS

<u>HB 81</u> (Pronouns and Preferred Names in Schools)	This bill, called the "Given Name Act" by its author, restricts students' preferred names and pronouns to what is listed on their birth certificate unless a parent provides written permission to do otherwise.	Passed
<u>HB 98</u> (Education Savings Account)	This bill would establish a universal education savings account program that would have allowed families to use state education dollars to send their children to private schools, advantaging wealthier families and potentially crippling chronically underfunded public schools.	Failed
<u>HB 103</u> (Financial Literacy)	This bill requires high school students to take a course on Financial Literacy.	Passed
<u>HB 164</u> (TOPS Tech Requirements)	This bill would lower the minimum ACT score necessary for initial TOPS-Tech qualification from 17 to 15.	Failed
<u>HB 282</u> (Free School Meals)	This bill provides free breakfast and lunch for K-12 students who qualify for reduced-price meals, reducing hunger and improving school performance.	Passed
<u>HB 466</u> (Sexuality and Gender Identity in Schools)	Modeled after Florida's "Don't Say Gay" legislation, this bill outlaws discussion of gender identity and sexual orientation in K-12 public schools.	VETOED
<u>SB 120, SB 204</u> (M.J. Foster Promise Award)	These bills make reforms to the M.J. Foster Promise Program to make community, technical and worker-training programs more affordable and accessible.	Passed

**Denotes LBP priority bill*

YOUTH WELL-BEING BILLS

<u>HB 648</u> (Gender Affirming Health Care)	This bill bans gender-affirming health care, such as hormone treatments or puberty-blocking drugs, to anyone younger than 18.	VETOED
<u>SB 137</u> (Child Ombudsman)	This bill creates the Office of the State Child Ombudsman as an independent agency tasked with monitoring and evaluating public and private agencies involved in the protection of children.	Passed
<u>HR 71</u> (Mental Health)	This resolution creates a House subcommittee to research and make legislative recommendations to combat Louisiana's mental health crisis.	Passed
<u>HR 262</u> (Adolescent Mental Health)	This resolution creates a task force to study expanding available seats for adolescents in psychiatric residential treatment facilities in Southeast Louisiana.	Passed
<u>HCR 84</u> (Black Suicide Rates)	This resolution creates a task force to study the African American suicide rates and strategies to promote suicide awareness and prevention.	Passed

MIXED RESULTS ON CRIMINAL JUSTICE REFORM

Louisiana locks up more people per capita than just about anywhere else in the world. This overly punitive approach to criminal justice disproportionately harms Black and Brown Louisianans and saps precious resources that could better be used to uplift families and communities harmed by systemic racism.

In 2023, legislators tried to roll back some of the state’s recent criminal justice reforms, which have helped the state save money while reducing the prison population. Bills passed this session would allow juvenile offenders to be held in adult jail or lock-up prior to sentencing, and would extend the amount of time district attorneys have to decide if a child accused of a crime should be tried as an adult.

CRIMINAL JUSTICE BILLS

<u>HB 54</u> (Juvenile Justice)	This bill doubles the time a district attorney has to file the petition or indictment to try a child as an adult from 30 to 60 days.	Passed
<u>HB 89</u> (Traffic Stop Data)	This bill requires Louisiana State Police to collect and publish traffic stop data.	Passed
<u>HB 168</u> (D.A.R.E. Fines)	This bill would have eliminated the unconstitutional \$100 criminal fine that funds the D.A.R.E. (Drug Abuse Resistance Education) program.	Failed
<u>HB 180</u> (Housing Access)	This bill would have created more transparency about criminal background checks on rental applications.	Failed
<u>HB 286</u> (Marijuana Possession)	This bill makes it easier to expunge, or remove, first-time convictions for simple marijuana possession.	Passed
<u>HB 322</u> (Traffic Stop)	This bill would have downgraded several traffic violations, including expired brake tags and jaywalking, to secondary offenses, meaning that they cannot serve as a primary reason for a stop.	Failed
<u>HB 422</u> (ODR Fees)	This bill would have reduced the Office of Debt Recovery (ODR) collection fee from 25% to 15%.	Failed
<u>HB 447</u> (ODR Reporting)	This bill requires agencies referring delinquent debt to ODR to provide more data and transparency.	Passed
<u>HB 568</u> (Auto Insurance)	This bill provides a five-day grace period after a person’s auto insurance lapses for the first time before fines start.	Passed
<u>HB 620</u> (Marijuana Taxation)	This bill would have created a prospective tax on marijuana sales, levying a 15% sales tax on top of existing state/local sales taxes and would distribute the revenue with 50% to the state general fund, 30% to direct funding for the criminal justice system, and 20% to early childhood education. This bill would not legalize, regulate, or license marijuana sales.	Failed
<u>SB 111</u> (Expungement)	This bill reforms criminal record expungement procedures, automating some and lowering or eliminating fees.	Passed
<u>SB 112</u> (Parole and Sentencing)	This bill would have allowed for more judicial discretion in sentencing in second degree murder convictions rather than requiring life without parole.	Failed
<u>SB 159</u> (Juvenile Detention)	This bill requires that 17-year-olds accused of a violent crime with prior offenses must be held in adult jail prior to custody hearing and should continue to be held in adult facilities until the time at which they are tried as an adult.	VETOED
<u>HR 174</u> (Correctional Education Programs)	This resolution creates a task force to study academic and vocational education programs within Louisiana prisons and jails.	Passed

<u>SR 98</u> (Medicaid, Juvenile Detention)	This resolution asks the Department of Health to allow for Medicaid reimbursement for individuals, including juveniles, in detention.	Passed
<u>SCR 45</u> (Parole and Sentencing)	This resolution creates a Task Force on Sentencing for Second Degree Murder to study life without parole sentencing for accessory to second degree murder.	Passed

**Denotes LBP priority bill*

LOOKING AHEAD

Louisiana has taken important steps in recent years to rebuild its infrastructure, expand access to health care and make higher education more affordable. These gains were made possible because legislators were willing to raise adequate revenues and (mostly) avoid the short-term elixir of tax cuts and corporate subsidies.

But our state still has a long way to go in addressing the chronic income and wealth gaps that have held Louisiana back for generations. Far too many people - especially in Black and Brown communities - struggle to provide for their basic, day-to-day needs. They work in jobs that pay too little and offer too few benefits and raise their kids in communities that often lack access to reliable broadband, quality schools, public transportation or even water. They struggle to pay the rent and put nutritious food on the table each day, and experience the weight of historic, structural racism that has held Louisiana back since its inception.



LBP Executive Director Jan Moller speaking to the Baton Rouge Press Club about the 2023 Louisiana Legislative session.

These struggling families and communities should be at the center of policy decisions at the state Capitol. But far too often their needs are ignored as policymakers prioritize corporations and the wealthy.

In 2023, Louisiana voters can choose the direction our state should head over the next four years, as they elect a new governor and all 144 seats in the Legislature are up for grabs. Elections are an opportunity to ask questions of candidates, and to demand details about which policies they will pursue if elected.

Will they work to ensure that Louisiana raises enough revenue to invest in the things that have proven long-term benefits, such as high-quality public schools and early learning centers? Or will they double down on the trickle-down policies that have failed us? Will they work to build a stronger safety net – or to undermine the public programs that help families when they need it most? Will they strive to knock down racial barriers, or work to maintain them?

The choice is ours to make.



2023 Regular Session Legislative Summary



BROADBAND

- **HB 653 (Deshotel)** – provides for GUMBO 2.0 and lays out the procedural framework for the distribution of additional federal funding for the proliferation of broadband

ELECTIONS

- **HB 304 (Orgeron)** - prohibits an elected official who has resigned or retired from office from being appointed or elected to succeed himself in the office
- **HB 311 (Miguez)** – *Constitutional Amendment* to prohibit the use of funds and resources from a foreign government or a nongovernmental source for the conduct of elections
- **SB 184 (Peacock)** - any loans made by a candidate to his own campaign may be repaid from any campaign contributions received for any election

MAYOR'S COURTS

- **HB 48 (Mack)** – increases the allowable court costs for the Albany Mayor's Court to \$50 for each offense
- **HB 286 (Boyd)** – dictates when a person may file an expungement for misdemeanor convictions of possession of marijuana
- **HB 479 (Marino)** – authorizes mayor's courts as among those with the authority to expunge criminal convictions from their respective courts

LEGAL PRACTICE

- **HB 196 (Brown)** - provides with respect to the substance and procedure relative to motions for summary judgment
- **HB 230 (G. Miller)** – Law Institute's continuous revision of the Code of Civil Procedure
- **HB 339 (G. Miller)** - clarifies the admission of evidence at trial for the fault of a principal when the agent is dismissed via MSJ

PUBLIC RECORDS / OPEN MEETINGS

- **HB 213 (Brass)** - exempts school surveillance and security video from the PRL
- **SB 201 (Hewitt)** – enables/requires remote participation for those with ADA-recognized disabilities
- **SB 213 (Duplessis)** – requires development and posting of PRL reproduction fee schedules

POLICE AND FIREFIGHTERS

- **HB 101 (Emerson)** - adds two members from the Fire Chief's Assoc. to the Firemen's Supplemental Pay Board (board)
- **HB 148 (Stagni)** – procedural clarification of firefighter supplemental pay processes
- **HB 265 (Fontenot)** – details when police may publish, release, or disseminate a booking photograph
- **HB 362 (Fontenot)** – enforces LEEMI training requirement by prohibiting re-appointment/re-election of a police chief who refuses to attend
- **HB 563 (Schexnayder)** - Law Enforcement Recruitment Incentive Program to provide one-time incentive payments of \$5,000 to certain newly-employed law enforcement officers in the state
- **SB 33 (White)** – increase supplemental pay from \$500/mo. to \$600/mo.
- **SB 130 (Morris)** – for concealed carry by retired LEOs, deletes requirement of annual firearms qualification

PUBLIC SAFETY

- **HB 16 (Schlegel)** – requires a minimum sentence of one year without benefit of probation or suspension of sentence for multiple simple burglaries
- **HB 59 (Dubuisson)** – allows operation of a personal watercraft between sunset and sunrise when equipped with navigational lights
- **HB 89 (Marcelle)** –mandates that LSP collect demographic data on traffic violations
- **HB 227 (Green)** – authorizes electronic signatures on Uniform Traffic Citations
- **HB 297 (DeVillier)** - provides for a one-year period within which violations of the intentional and simple littering laws must be cited
- **HB 331 (Carrier)** - provides relative to the manufacture, transfer, or possession of automatic weapons (clarifies definition)
- **HB 370 (Landry)** – tightens penalties for criminal blighting of property
- **HB 446 (Miguez)** - provides for additional topics to be covered in the online handgun education course that is provided to La. residents
- **SB 54 (Morris)** – gives LEOs discretion whether to issue a summons for misdemeanors and certain felonies
- **SB 124 (Kleinpeter)** - increases the penalties for operating a vehicle without a license plate
- **SCR 8 (Kleinpeter)** – creates a task force to study high speed chase protocols and make recommendations to boost public safety in that context

ALCOHOL/DRUGS/TOBACCO

- **HB 90 (Stefanski)** – provides for a sentence of life imprisonment without the benefit of probation, parole, or suspension of sentence for possession with intent to distribute fentanyl of 28 grams or more
- **HB 460 (R. Owen)** – clarifies satellite location framework for cannabis dispensaries
- **HB 586 (Stefanski)** - provides for civil liability of persons engaging or facilitating illegal fentanyl trafficking or commercial activity
- **HB 645 (D. Miller)** - creates the crime of unlawful production, manufacturing, distribution, or possession of Xylazine (“tranq”)
- **HB 651 (Illg)** – clarifies “restaurant” definition for on- and off-premises consumption
- **SB 14 (Bernard)** - adds additional substances to controlled dangerous substances schedules
- **SB 49 (Hewitt)** - increases penalties for the creation or operation of a clandestine laboratory for the unlawful manufacture of a substance containing fentanyl

 **SB 94 (Kleinpeter)** – prevents the sale of Kratom to anyone under 21 and adds a local option to prohibit or regulate it

PREEMPTION BILLS/MANDATES

- **HB 292 (St. Blanc)** - provides for notices and dig tests before excavation or demolition that may impact underground utilities
- **HB 344 (Selders)** - prohibits a parish or municipality from requiring any person to acquire a permit to change the name of the person listed as the account holder for certain electrical utility services, while reserving rights to regulatory enforcement and debt collection

- **HB 583 (Davis)** – limits the look-back period for franchise fee audits by municipalities to 3 years *unless* the contract with the utility provider says otherwise

ENABLING LEGISLATION

- **HB 46 (Hughes)** – *Constitutional Amendment* to remove the ad valorem tax exemption for residential property owned by a nonprofit corporation or association *if* the local governing authority finds the property to be a threat to public health or safety
- **HB 155 (Butler)** - establishes the Louisiana Infrastructure Revolving Loan Program to provide low-interest loans to local governments of 15K or less for certain capital infrastructure projects (*to be funded later*)
- **HB 192 (Jefferson)** - a municipality with a population of 1K or less may employ or appoint any immediate family member of a municipal board/council member *IF* the family member is the only qualified applicant for the position after it has been advertised for at least 30 days in the official journal
- **HB 210 (Butler)** – expands and clarifies authority of LCDA
- **HB 379 (McKnight)** – adds St. Patrick’s Day and other ethnic parades to the list of events shielded from liability like Mardi Gras parades
- **HB 393 (Gadberry)** – enables building code enforcement officers to do roofing inspections via photographs or videos that are location verified with geotagging
- **HB 409 (Edmonds)** - authorizes parishes and municipalities to create stormwater management utility districts
- **HB 650 (Edmonds)** - revises billing methods for publication of public notices and provides for a transitional provisions to online publications

RETIREMENT SYSTEMS

- **HB 34 (Bacala)** – establishes a funding deposit account for MPERS for the purpose of funding additional benefits (COLAs) for retirees, survivors, and beneficiaries with a two-years phase in of the .85% COLA deposit
- **HB 37 (Emerson)** – add one additional fire chief to FRS board
- **HB 43 (Firment)** – requires one-time payment to retirees and beneficiaries of the FRS at lesser of current monthly benefit or \$2,500
- **HB 44 (Horton)** – changes how the retiree on the FRS board is elected

PUBLIC BID LAWS AND PROCUREMENT

- **HB 80 (Gadberry)** – removes the deemed approved provision when a prime design professional fails to respond to the submission of a part for pre-approval
- **HB 573 (McFarland)** - any provision contained in a public contract other than a provision naming another as coinsured or additional beneficiary in a contract of insurance, which requires contracting parties to assume liability for damages due to the negligence of anyone other than the contracting parties or their agents, is null and void
- **SB 83 (Womack)** – regarding shot clocks for change orders to keep a project moving
- **SB 167 (Abraham)** - a public airport or municipality may use the design-build delivery method

REVENUE AND FINANCE

- **HB 288 (Freiberg)** - requires auditees to report progress on recommendations by July 31 of the second fiscal year following a performance audit

- **HB 336 (Bishop)** - adds reporting requirements for capital outlay projects, requires projects funded through the issuance of debt to be included in the Capital Outlay Act, adds application requirements, requires the timely submission of invoices, and eliminates the needs-based exemption from the local match requirement for nonstate entity projects
- **HB 550 (Zeringue)** – regarding Hurricane Ida funding, it provides mandatory expenditures categories for state funding for recovery
- **HB 597 (Ivey)** - provides for the State Transparency Portal within the duties of the legislative auditor (*including data on local govts audits*)
- **SB 77 (Reese)** – clarifies the match from 25% of capital outlay funding requested to 25% of the total project cost (matching current practice)
- **SB 144 (Cortez)** – provides a split for historical horse racing machine revenues from OTBs – 3% to parish, 3% to municipality (if applicable)
- **SB 166 (Jackson)** – enables waiver of the entire match or a portion thereof for a project undertaken by a municipality under 6K population
- **SCR 3 (Cortez)** - increases the state’s expenditure limit for FY23 by \$250M, and FY24 by \$1.4B

SALES / USE TAXES

- **HB 161 (Kerner)** - makes mandatory the local sales and use tax exemption for purchases by commercial fishermen/ certain seafood processing facilities
- **HB 171 (Beaullieu)** – clarifies marketplace facilitator provisions
- **HB 256 (G. Miller)** - extends the deadline for payment of local sales tax if the deadline for payment of the tax to the local collector falls on a state or federal holiday
- **HB 330 (M. Johnson)** – enacts mandatory state and local sales tax exemption for the purchase, lease, or rental by commercial farmers of agricultural fencing materials
- **HB 558 (Beaullieu)** - moves responsibility for the management and supervision of the uniform electronic local return and remittance system (a.k.a. “Parish E-file”) from the Dept. of Revenue to the La. Uniform Local Sales Tax Board and requires the board to design and implement a single remittance system whereby each taxpayer can remit state and local sales and use taxes through a single transaction
- **HB 619 (Landry)** – subjects sales of admissions to any museum that has as its primary purpose the showcasing of La. music to be subject to sales tax
- **HB 629 (Beaullieu)** – expands the current mandatory local sales tax exemption to administration by topical systems
- **SB 8 (Luneau)** – regarding challenges to sales/use tax assessments, changes the rate of interest that the collector must pay to the taxpayer to the judicial interest rate
- **SB 56 (Cathey)** – it reinstates the STATE 2nd Amendment sales tax holiday
- **SB 118 (Harris)** – extends the sunset of the Louisiana Tax Free Shopping Program
- **SB 227 (Duplessis)** - extends state and local sales tax exemptions to digital art

PROPERTY (AD VALOREM) TAXES

- **HB 279 (Adams)** - authorizes the La. Tax Commission to convey current-year ad valorem tax assessment information for use by businesses and requires the commission to provide to any taxpayer certain historical information upon request

- **HB 500 (Hilferty)** – to clarify that the special veteran’s assessment exemptions that passed in 2022 shall apply to ad valorem taxes due beginning in tax year 2023
- **SB 5 (Allain)** - provides alternative to payment under protest for AV taxes
- **SB 127 (Duplessis) - *Constitutional Amendment*** to authorize a parish governing authority to approve AV tax exemption of up to \$2,500 of the assessed valuation of property receiving the homestead exemption that is owned and occupied by a qualified first responder

INCOME / FRANCHISE TAXES

- **HB 408 (Willard)** - exempts certain research and development tax credit recipients from detailed examinations by the Department of Economic Development
- **HB 443 (Edmonds)** - authorizes a refundable income tax credit of \$5,000 for adoptions
- **HB 618 (Willard)** - limits the credit for taxes paid to other states
- **HB 631 (Nelson)** – changes the calculation basis for folding in sales into income tax calculations to exclude certain sales
- **SB 3 (Allain)** - changes the month for the annual determination of the personal income tax and corporate franchise tax automatic rate reductions
- **SB 89 (Stine)** – provides framework in order to claim the net capital gains deduction
- **SB 230 (Allain)** - increases an individual income taxpayer's federal tax liability for purposes of the federal income tax deduction by the amount by which the taxpayer's federal income tax was reduced by claiming disaster losses attributable to Hurricane Ida for taxable periods beginning on January 1, 2020, through December 31, 2021, both retroactively and prospectively

OTHER TAXES

- **HB 111 (Hughes)** – extends by 10 years the excise tax exemption for cigars and pipe tobacco products sampled at the International Premium Cigar and Pipe Retailers Association convention
- **HB 127 (Hughes)** - exempts from STATE excise and sales and use taxes, for a period of ten years, the furnishing of items free of charge as samples at, or in conjunction with, conventions, trade shows, and similar events
- **HB 411 (Glover)** – expands the types of investments eligible for IPT credit
- **HB 513 (Magee)** - creates IPT credit for retaliatory taxes paid to other states
- **HB 634 (McFarland)** - provides for eligibility for a severance tax exemption for production of natural gas, gas condensate, and oil from any well drilled to a depth of more than 15,000 feet
- **HB 635 (Hollis)** - increases excise tax on vapor products and electronic cigarettes and dedicates a portion to salaries and related benefits of the La. State Police

LOCAL BILLS OF INTEREST

- **HB 87 (Adams)** – changes the composition of the East Feliciana Gas Utility District #1 Board of Commissioners
- **HB 136 (Bagley)** - provides for the abolition of the office of police chief in the village of Noble and authorizes the municipality to contract for law enforcement services
- **HB 138 (C. Owen)** – confirms city of DeRidder’s civil jurisdiction via administrative adjudication of matters involving licensing and permits
- **HB 273 (Farnum)** - provides for the expropriation of property in Lake Charles and Sulphur by the Consolidated Gravity Drainage Districts of Calcasieu Parish

- **HB 355 (DeVillier)** - authorizes the city of Eunice to levy a hotel occupancy tax
- **HB 357 (Huval)** - creates the Acadiana Regional Juvenile Justice District
- **HB 359 (G. Miller)** - creates a Juvenile Justice District to include the parishes of Ascension, Assumption, St. Charles, St. James, and St. John the Baptist
- **SB 225 (Pope)** - authorizes the city of Denham Springs to levy and collect a hotel occupancy tax

MISCELLANEOUS

- **HB 129 (W. Carter)** - abolishes the Lake Charles North Redevelopment Authority
- **HB 526 (Zeringue)** – creates a state Resiliency Officer to coordinate with federal agencies regarding disaster preparation, mitigation, and recovery, along with a Resiliency Task Force, on which the LMA has a seat
- **HB 539 (Mack)** – subjects public entity vehicle title transfers to the provisions of the OMV rules regarding public tag agents
- **HCR 58 (Zeringue)** - urges and requests the Louisiana AG to seek legal relief against FEMA for new NFIP pricing
- **SB 152 (Milligan)** - enacts the Louisiana Cybersecurity Commission
- **SCR 43 (Bernard)** – creates a task force to study the current processes for dissolution of fiscally distressed municipalities and study solutions for those communities, on which LMA has two seats, along with PJAL, LSBA, LACP, and LSA

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2023 LEGISLATIVE SESSION

SUBTOPICS

2023 PRO-LIFE *Session Report*



THANK YOU For Your Support! Together, We Defended LIFE & Helped MOMS at the Capitol!


The 2023 Louisiana Legislative Session has come to a close, and it was a great session for the protection of life, assistance for moms, and support of adoption!

Without question, our legislative activity has been a hallmark of our organization since 1970, and we are proud to represent babies, mothers, and you as we advocate for life. Thanks for your prayers and support of our efforts!





Here's a review of the 2023 Legislative Session.

The Good Stuff We Passed




- 🗳️ **The Adoption Tax Credit Act (HB 443 by Rep. Rick Edmonds)**

- The Adoption Tax Credit Act provides a refundable \$5,000 tax credit for adopting a child under the age of 3 (the age of the child is determined at the time of the adoption placement) that can be claimed in the year in which adoption of the child becomes final.
- Adoption can be expensive, and this will help adoptive families who are sacrificing to help a child.
- The tax credit is not eligible for adopting a child from foster care. Louisiana Right to Life supported including children in foster care and children older than 3, but do to the cost to the state, the bill was amended to its current form.
- The adoptive family should maintain all records necessary to verify the adoption and, if requested, shall provide the records to the Department of Revenue when filing a tax return.
- The tax credit is applicable to adoptions finalized on or after January 1, 2023.
- Read the Act.
-  **The Pregnancy Center Tax Credit Act (SB 41 by Sen. Beth Mizell) ☒**
 - The Pregnancy Center Tax Credit Act establishes a state tax credit for citizens who donate to pregnancy resource centers that are qualified as “maternal wellness centers.” Quality pre-natal and post-natal care and support ensures healthy outcomes for Louisiana mothers and their children. Maternal wellness centers assist mothers with essential services such as pre-natal and parenting classes, counseling, medical resources, and assistance with material needs. The goal of this Act to provide incentives for entities and individuals to donate to eligible maternal wellness centers that improve the quality of life for Louisiana mothers and families.
 - A “maternal wellness center” is defined under the law as a 501c3 organization that does not refer for abortion and provides the following services:
 - Provides pre-natal infant care, breastfeeding, and parenting education, peer or professional counseling, and pregnancy tests administered by a registered nurse.
 - Provides resources including how a person can apply for government assistance, a list of local doctors who accept Medicaid, and a list of community resources addressing the needs of women and children.
 - Provides adoption education and referrals
 - Provides material needs through direct assistance and referrals throughout pregnancy and for a minimum of two years after delivery
 - The act allows a Louisiana taxpayer who makes a donation to an eligible maternal wellness center to take a credit against their Louisiana income tax. The credit is equal to 50% of the donation. The total amount of the credits taken by any

taxpayer during any taxable year shall not exceed 50% of the taxpayer's tax liability.

- The total amount of all the tax credits shall not exceed \$5,000,000 in a single year. The credits shall be given on a first-come, first-served basis, with no more than 20% percent of the total tax credits available allocated for contributions to a single maternal wellness center.
- The Department of Revenue will promulgate further rules to govern the implementation of this tax credit.
- The program takes effect in 2025.
- [Read the Act.](#)
-  **The Pregnancy Expenses Fairness Act (HB 5 by Rep. Larry Frieman)**
 - HB 5 enables a mother to secure 50% of out-of-pocket pregnancy-related expenses from the father of the child.
 - [Read the Act.](#)
-  **The Abuser Parental Rights Termination Act (HB 298 by Rep. Jason Hughes)**
 - HB 298 provides victims of sexual assault who become pregnant as a result of the crime against them to have the parental rights of the perpetrator ended. Louisiana Right to Life supported HB 298 to protect the rights of the heroic women who give their child the gift of life, even in the most difficult of circumstances.
 - [Read the Act.](#)
-  **The Miscarriage Certificate Act (HB 457 by Rep. Raymond Crews)**
 - HB 457 allows a family to request a state certificate at no cost commemorating the passing of their unborn baby who tragically passed away through miscarriage. Babies that pass away through miscarriage deserve our respect, and HB 457 gives families an optional way to remember the life of their child.
 - The certificate is voluntary and will only be provided upon request.
 - [Read the Act.](#)
-  **We secured \$2.2 Million in state funds for the Alternative to Abortion program to assist pregnancy centers!**

The Bad Stuff We Stopped

-  We stopped extremely broad legislation that would have legalized abortion in cases of rape and incest.
-  We stopped dangerous legislation to gut our pro-life laws by removing all criminal penalties from those who violate the law.
-  We stopped vague legislation that could have legalized abortion up to the 6th month of pregnancy.

STORE

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June 9, 2023

2023 Legislative Session: Breaching the Cap

Budget deal struck to spend above state spending limit; Financial bills passed in tumultuous final minutes with little transparency

Louisiana lawmakers wrapped up their work in a contentious regular session with a chaotic, last-minute flurry of votes on a budget plan that charted spending for the next year, divvied up \$2.2 billion in short-term cash and completed the only must-do item for legislators.

Most of the major budget bills passed in the final half-hour of the two-month session, with many lawmakers uncertain what the spending plans contained even as they approved it and legislative leaders providing conflicting numbers in the House and Senate. The lawmakers presenting the budget struggled to clarify what they contained.

The House devolved into a turbulent scene with shouting and allegations that rules were discarded to get the bills to the governor before the session had to end.

The final budget agreement included many state priorities and positive developments, but those investments were overshadowed by the messy way lawmakers handled the spending of taxpayer dollars. The public was poorly served in the pandemonium that occurred in the waning minutes of the session, particularly in the House.

The financial deal came after a bruising battle over whether to exceed a constitutionally set cap aimed at limiting the annual growth in government spending. Lawmakers in both chambers agreed to temporarily reset the cap at a higher level after weeks of haggling behind the scenes, with 19 conservative House Republicans in opposition.

Teachers will get a temporary pay increase that lawmakers hope will become permanent in the following year. Colleges will see new investments. Hundreds of millions of dollars will flow to roads, bridges, coastal projects and other infrastructure upgrades. The statewide retirement systems will see their largest single influx of cash for future pension payments.

But lawmakers wasted tens of millions on favored projects for their districts that don't represent state priorities. They continued unnecessary giveaways through tax break programs with uncertainty about their long-term impact on the state treasury. And they stripped hundreds of

Research provided by the Public Affairs Research Council of Louisiana. For more information, please call 225-926-8414 or visit www.parlouisiana.org.

GOOD

Short-term money spent on one-time expenses

Focus on retirement debt

Improvements to sunshine laws

COULD HAVE BEEN BETTER

Early childhood financing

Corporate franchise tax phase-down

No K-12 public school funding formula

UGLY

Chaotic end to session

Unexplained \$100M reduction to health department

Millions to pet projects

millions of dollars from the state health department with no idea what the impact might be on services to the poor, elderly and people with developmental disabilities.

The regular session was supposed to focus on finances, largely budget and tax topics. But public safety concerns, culture war clashes and other political issues ahead of the fall election cycle drew significant attention that often eclipsed fiscal matters until the final days.

BUDGET BOOM AND TAXES

The House and Senate backed an approximately \$44 billion operating budget for the 2023-24 year that starts July 1 that finances some new increases to ongoing programs and services. The total spending plan when including the full package of bills to finance state departments, legislative agencies and the judiciary reached around \$51 billion.

It's difficult to make comparisons to the current year's budget because a complete version of the documents with all the changes consolidated wasn't yet available. Beyond the stipend for teachers, the spending plan includes pay raises for state workers, college faculty and local police and firefighters.

Legislators invested most of a hefty temporary budget largesse in debt payments and one-time projects, an approach the Public Affairs Research Council of Louisiana recommended. While they didn't do much to lessen the impact of the fiscal cliff that hits when the state's temporary 0.45% sales tax expires in mid-2025, they also didn't plow the short-term windfall into ballooning ongoing programs and services to unsustainable levels.

Rather, they continued this term's trend of making significant investments in the state's multibillion-dollar backlog of infrastructure needs and used some recurring state dollars to pay for one-item items rather than simply growing the budget further.

They will send a significant sum to lessen the state's retirement debt, though the specifics were in dispute. Emblematic of the closing chaos, Senate Finance Chairman Bodi White said the debt payments will total \$450 million while House Appropriations Chairman Jerome "Zee" Zeringue pegged the figure at \$691 million. Without final consolidated versions of the budget bills, the true number remains unclear.

PAR applauds the focus on reducing the state's retirement debt, which isn't as flashy as building a new bridge or paving a road but pays tremendous dividends in future years. However, pension policy is complicated, and the last-minute decision-making draws concerns about how the dollars will be applied.

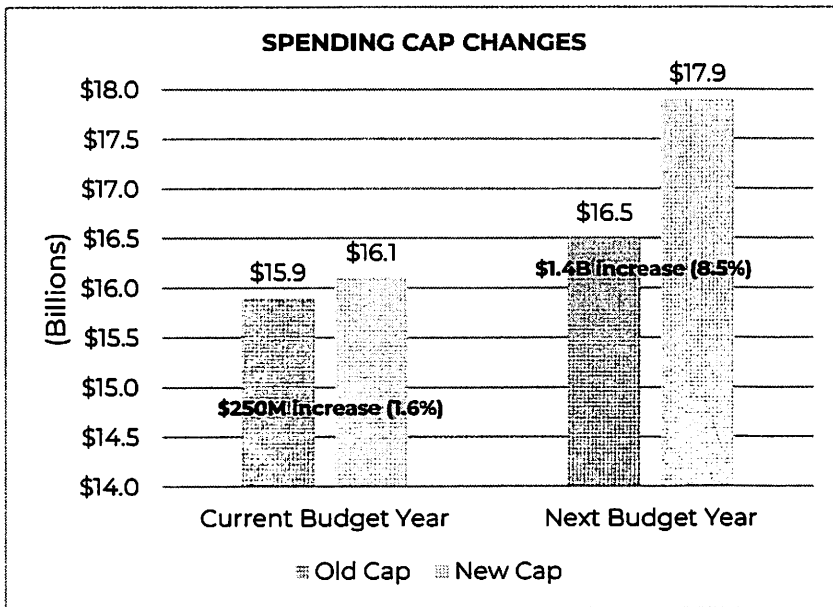
INVESTMENTS WITH SHORT-TERM CASH

Road and Bridge Work	\$450M
Rainy Day Fund	\$182M
Coastal Protection	\$147M
Water/Sewer System Upgrades	\$50M
Roof Fortification Program	\$30M
Property Insurers Incentives	\$10M

Next year's budget includes \$100 million less in state spending on the Louisiana Department of Health than Gov. John Bel Edwards sought. The decrease came at the urging of House members and will grow larger when hundreds of millions of federal matching dollars are also calculated.

The agency still will get some sort of increase though it's unclear if that will cover the costs of medical inflation or new mandates required by lawmakers, and House and Senate leaders couldn't explain what the budget change will mean to programs. The Democratic governor said the agency wasn't consulted about the adjustment. He pledged to use "every means at my disposal" to lessen or eliminate the reduction, which could involve his line-item veto authority.

Lawmakers added dollars to an incentive effort aimed at drawing more property insurance coverage to the state and funded a program that will provide grants to homeowners to strengthen their roofs against future storms in hopes of lessening skyrocketing insurance costs. They paid off a lengthy list of recovery debts tied to former floods and hurricanes and closed out the Road Home housing program created after Hurricanes Katrina and Rita.



For weeks, the budget debate centered on whether to spend money above the state's expenditure limit, as Edwards and the Senate wanted, or pay off a huge portion of retirement debt and send money to savings accounts for future use, as the House proposed.

The stalemate ended with the Senate getting much of its way, though the House won a larger payment to the pension debt than senators would have preferred. The bargaining and negotiating to win over House members likely boosted the wasteful spending on pet projects.

PAR never objected to spending above the constitutional restraints for one-time investments, and that's what lawmakers appear to have done – using the extra space under the higher spending limit to steer money to short-term initiatives and projects. The Legislature should consider tweaking the law to more clearly spell out what counts toward the cap.

Tax decisions made by lawmakers were a mixed bag. Lawmakers took steps toward removing the corporate franchise tax, which most states don't have and which is widely recognized as inhibiting economic development. PAR supports removing the tax but would have preferred to

see the lost revenue offset by eliminating other unnecessary tax breaks, rather than putting the state treasury at risk of a worsened budget gap in the future.

The approach backed by the House and Senate would phase in 25% reductions to the franchise tax in years from 2025 through 2031 that corporate income and franchise tax collections top \$600 million, the point at which they don't flow into the state's general fund for spending on programs and services and instead are sent to a savings account called the Revenue Stabilization Trust Fund. In exchange, the state would lower the payroll and sales tax breaks provided to businesses through the state's Quality Jobs Program for a partial offset.

But just because the corporate tax collections are high in one year, doesn't mean they'll remain at those levels in the future when the state budget surge is expected to level off. Lawmakers can't guarantee that phasing out the franchise tax won't eventually hit the state's general fund that pays for ongoing programs and services.

Meanwhile, lawmakers approved new or boosted tax breaks for parents who adopt, educational expenses for home-schooled children, purchases of gun safety devices, restaurants that recycle oyster shells and rehabilitation of historic structures. They extended the state's film tax credit program and reenacted a three-day sales tax holiday for purchases of guns and other hunting supplies, though they scaled down what items would be exempt from sales taxes.

Lawmakers did approve a few rare tax hikes, including an increase to the tax on vape products, with the dollars slated to go to state trooper pay raises.

EDUCATION INVESTMENTS

The House and Senate poured new dollars into college faculty pay raises, additional need-based aid for students, maintenance for campus buildings and other higher education initiatives.

They spent \$198 million to boost pay for K-12 public school staff, with a \$2,000 increase for teachers and \$1,000 increase for support workers like teacher aides and cafeteria workers. But education leaders are concerned those pay hikes won't be permanent because lawmakers didn't pass a new public school funding formula that includes the money. To maintain the raises, a new governor and Legislature elected in the fall will have to again allocate the dollars next year. Money also was set aside to give targeted stipends to teachers in high-need areas.

EDUCATION INCREASES

Pay hikes for K-12 teachers, support staff	\$198M
Pay hikes for K-12 teachers in high-need areas	\$25M
College faculty and staff pay raises	\$37M
Go Grant need-based aid for college students	\$15M
State spending on early childhood education	\$44M

One of PAR's biggest disappointments involves early childhood education.



COMMENTARY

Edwards proposed spending \$60 million in state cash to partially offset the loss of \$192 million in federal pandemic aid used to provide early care and education for more than 16,000 children. He also proposed adding \$26 million into the Early Childhood Education Fund, an incentive account that provides a dollar-for-dollar match for local spending on early learning programs. That still would have forced thousands out of their publicly funded care and education slots.

But lawmakers refused to even meet Edwards' goal. Instead, they allocated \$44 million to fill less than one-quarter of the gap created by the lost federal assistance, despite reams of research showing a significant return on such investments. They put no new money into the local incentive fund.

And while they claimed they couldn't find enough money to meet the governor's proposal, they managed to steer at least \$137 million to legislative earmarks for projects back home that received no public vetting or discussion.

Beyond the budget, Republican attempts to create new "education savings account" programs that use state dollars for K-12 students to pay for private school, home school programs or other educational expenses outside of the public school system fizzled in the Senate.

In their continuing effort to combat poor reading skills, lawmakers agreed to keep third-grade students in public schools from promotion to fourth grade if the students fail three literacy tests, with exceptions for students with disabilities, students learning English as their second language and some other circumstances. Schools would have to provide students who are held back with intensive reading instruction. The new law would begin with the 2024-25 school year.

SUNSHINE LAWS

The legislative session notched some victories for openness in government.

Building on an idea championed by PAR and other stakeholders, the House and Senate made adjustments to the state's open meetings law that would let many statewide public bodies conduct more of their business through online hearings, while still protecting citizens' access and expanding participation for people with disabilities.

Lawmakers voted to enshrine in state law several requirements for public participation and transparency involving the once-a-decade redistricting cycle in which elected officials redraw the boundary lines for political districts.

In response to concerns about exorbitant and uneven charges for public records, legislators backed a bill requiring local agencies that charge fees for copies of records to establish a set fee schedule and post it for public viewing so people will know in advance what their records request might cost.



COMMENTARY

OTHER ISSUES

Beyond sending a sizable amount of money to Louisiana's retirement debt, lawmakers also made an important change to the way the statewide pension systems provide cost-of-living adjustments to their retirees to help cover inflation.

PAR had long criticized Louisiana's prior system for providing the adjustments, which was dependent on better-than-expected investment returns, as unreliable for retirees and a drain on state tax dollars. The new system would make the cost-of-living adjustments a component of the money that agencies and school systems pay yearly for retirement, providing a more certain stream of money for inflationary increases to pension payments.

Citing public safety concerns, lawmakers started backtracking on some criminal justice reforms enacted in 2017 that expanded probation and parole opportunities, reduced sentences mainly for nonviolent offenders and lessened Louisiana's prison population.

This legislative session saw bills passed to toughen sentences for certain burglaries, fentanyl distribution, drive-by shootings, carjackings, ATM thefts and repeat offenders of nonviolent felonies, among other crimes. A push to charge more 17-year-olds as adult offenders has reached the governor's desk. But the passage of many of the measures relied on anecdotal evidence, rather than research-based work that uses proven ideas from other states.

NEXT STEPS

Voters will decide more than a half-dozen constitutional amendments proposed by lawmakers for the October and November ballots.

They'll be asked to tweak property tax provisions, give stricter protections to churches and their worshippers and increase the amount of state surplus required to pay down retirement debt. They'll consider whether to change the rules for using the Revenue Stabilization Trust Fund and whether to ban donations from nongovernment organizations to conduct elections. Voters also will determine if they support removing unused state funds from the Louisiana Constitution, an amendment PAR recommended to clean up the cluttered document.

For most bills passed this session, lawmakers are awaiting decisions from Edwards. If he vetoes any measures or strikes individual items from the budget with his line-item veto, the House and Senate then will determine whether to hold the fourth veto session of this term in July.

The next regular session in 2024 will see new faces in the chambers and in leadership positions after the fall elections. The new governor and Legislature also could see the budget bonanza dry up by the middle of the term, with the expiration of the temporary sales tax, the reinstatement of tax breaks paused years ago as part of a budget-balancing deal and the expected slowdown of the post-pandemic economy.

Appendix B

ACTS OF THE 2023 REGULAR SESSION

<u>Act</u>	<u>Bill</u>	<u>Author</u>	<u>Description</u>
Act 1	HB294	WILLARD	INSURANCE/PROPERTY: Provides for certain insurance premium discounts
Act 2	HB113	MALINDA WHITE	HOUSING/AUTHORITIES: Provides relative to volunteer board members of certain interlocal risk management agencies
Act 3	HB123	STAGNI	NURSING HOMES: Provides relative to nursing home requirements and standards for emergency preparedness plans
Act 4	HB319	STAGNI	NURSES: Repeals a provision of licensure by endorsement for nurses
Act 5	HB230	GREGORY MILLER	CIVIL/PROCEDURE: Provides for the continuous revision of the Code of Civil Procedure
Act 6	HB6	HUGHES	HIGHER EDUCATION: Extends deadline for annual January meetings of certain public postsecondary education boards
Act 7	HB7	MUSCARELLO	CIVIL/PROCEDURE: Provides relative to default judgments
Act 8	HB11	GADBERRY	TRANSPORTATION DEPT: Provides for contract limits for projects (EN NO IMPACT See Note)
Act 9	HB20	FARNUM	COURTS/COURT COSTS: Provides relative to court costs for the City Court of Lake Charles (EN NO IMPACT LF EX See Note)
Act 10	HB27	PHILLIP TARVER	GAMING: Provides with respect to reporting of gaming revenue
Act 11	HB48	MACK	COURTS/COURT COSTS: Provides relative to mayor's court costs (EN +\$17,200 LF RV See Note)
Act 12	HB110	FIRMMENT	INSURANCE/PROPERTY: Provides relative to fortified roof endorsements
Act 13	HB112	MUSCARELLO	PRIVATE SECURITY: Provides relative to the Louisiana State Board of Private Security Examiners
Act 14	HB133	TURNER	PRESCRIPTION: Provides relative to the Prescription Monitoring Program Advisory Council
Act 15	HB171	BEAULLIEU	TAX/SALES & USE: Provides relative to requirements for dealers and marketplace facilitators to collect and remit sales and use taxes (EN SEE FISC NOTE GF RV See Note)
Act 16	HB194	THOMPSON	CHILDREN/VISITATION RGTS: Provides relative to post-adoption visitation rights of grandparents
Act 17	HB200	LAFLEUR	CHILDREN/NEWBORNS: Provides relative to newborn screening for certain genetic conditions (EN SEE FISC NOTE GF EX See Note)
Act 18	HB216	HORTON	ELECTIONS/COMMISSIONERS: Authorizes certain military members stationed in Louisiana to serve as commissioners
Act 19	HB232	SCHAMERHORN	GAMBLING/CHARITABLE: Provides relative to licensing and reporting procedures for charitable gaming
Act 20	HB248	MCMAHEN	CEMETERIES: Provides for the burial of pet remains with human remains
Act 21	HB256	GREGORY MILLER	TAX/SALES & USE: Requires extension of the deadline to pay local sales taxes when the deadline for payment of the tax falls on certain holidays (EN SEE FISC NOTE LF RV See Note)

<u>Act</u>	<u>Bill</u>	<u>Author</u>	<u>Description</u>
Act 22	HB302	ST. BLANC	CEMETERIES: Provides relative to cemetery trust funds
Act 23	HB314	LARVADAIN	EVIDENCE: Provides relative to trained peer support members
Act 24	HB337	CARPENTER	CHILDREN/SUPPORT: Eliminates the minimum child support award in the child support guidelines
Act 25	HB393	GADBERRY	BUILDING CODES: Provides relative to certain building code roofing inspections of a commercial or residential structure
Act 26	HB395	HILFERTY	SECRETARY OF STATE: Provides relative to filings with the secretary of state's office
Act 27	HB541	WHEAT	HEALTH CARE/FACILITIES: Designates a portion of law as the "Lane Allen Gottschalck Law"
Act 28	HB551	ZERINGUE	APPROPRIATIONS/SUPPLEML: Makes supplemental appropriations for Fiscal Year 2022-2023
Act 29	HB554	RISER	CEMETERIES: Provides relative to the cemetery care fund
Act 30	SB63	MIZELL	RELIGIOUS FREEDOMS/LIBERTIES: Constitutional Amendment to provide that the right of freedom of worship in churches or other places of worship is a fundamental right that is worthy of the highest order of protection. (2/3-CA13s1(A))
Act 31	SB15	REESE	PORTS/HARBORS/TERMINALS: Provides relative to per diem received by commissioners of the Vinton Harbor and Terminal District. (8/1/23)
Act 32	SB17	PEACOCK	LOCAL RETIREMENT: Provides for the composition, terms, powers, and duties of the Shreveport police and firefighters' pension boards of trustees. (gov sig) (EN NO IMPACT APV)
Act 33	SB20	MCMATH	HOSPITALS: Provides relative to hospital service districts and scholarships for certain healthcare professionals. (gov sig) (EN SEE FISC NOTE LF EX See Note)
Act 34	SB24	POPE	HEARING AID DEALERS: Provides relative to the Louisiana Board for Hearing Aid Dealers. (8/1/23) (EN NO IMPACT See Note)
Act 35	SB29	BOUDREAUX	HEALTH CARE: Provides relative to the use of a surgical smoke plume evacuation system. (8/1/23) (EN NO IMPACT See Note)
Act 36	SB36	PRICE	SHERIFFS: Provides for funding of certain insurance costs for retirees of the Ascension Parish Sheriff's Office. (8/1/23) (EN +\$123,000 LF RV See Note)
Act 37	SB53	BERNARD	SPECIAL DISTRICTS: Provides for the powers and authority of the commission of the Cane River Waterway District. (8/1/23)
Act 38	SB55	LUNEAU	SUCCESSIONS: Provides for procuration or mandate by a succession representative. (7/1/23)
Act 39	SB59	BERNARD	PUBLIC LANDS: Authorizes the sale of certain school property by the Natchitoches Parish School Board and the State Board of Elementary and Secondary Education. (gov sig)
Act 40	SB64	FESI	CHILDREN: Creates Ezekiel's Law and provides relative to protecting children from abuse. (8/1/23) (EN INCREASE GF EX See Note)
Act 41	SB68	CONNICK	PUBLIC LANDS: Provides for the lease of property located within Jefferson Parish. (gov sig)
Act 42	SB98	GARY CARTER	FEES/LICENSES/PERMITS: Provides for adding interest in bone marrow donorship to the list of options offered during application for renewal of a state-issued driver's license. (8/1/23)
Act 43	SB100	LAMBERT	ENVIRONMENTAL QUALITY: Provides for advanced recycling facilities. (gov sig)

Act	Bill	Author	Description
Act 44	SB101	CORTEZ	FUNDS/FUNDING: Provides for the distribution of funds from the Lafayette Parish Visitor Enterprise Fund. (7/1/23) (EN SEE FISC NOTE SD EX)
Act 45	SB113	HEWITT	INSURANCE RATES: Provides for certain insurance premium discounts. (gov sig)
Act 46	SB115	BOUDREAUX	VETERANS: Provides relative to educational benefits for children, spouses, and surviving spouses of certain veterans. (gov sig) (EN DECREASE SG RV See Note)
Act 47	SB143	HENRY	INSURERS: Provides for former officers or insolvent insurers. (8/1/23)
Act 48	HB46	HUGHES	TAX EXEMPTIONS/NONPROFIT: (Constitutional Amendment) Restricts eligibility of nonprofit organizations for property tax exemptions for residential property found to endanger public health or safety (EN SEE FISC NOTE LF RV See Note)
Act 49	HB19	BUTLER	CLERKS OF COURT: Provides relative to group insurance expenses of the clerk of court of Evangeline Parish
Act 50	HB28	CARRIER	HIGHWAYS/INTERSTATE: Designates certain portions of highways in Iberia and St. Landry parishes
Act 51	HB30	PHILLIP TARVER	COURTS: Provides with respect to the salary of magistrate judges in the Fourteenth Judicial District Court (EN +\$34,700 GF EX See Note)
Act 52	HB49	CHARLES OWEN	COURTS/COURT REPORTERS: Provides relative to transcription fees charged by court reporters in the Thirty-Sixth Judicial District (EN NO IMPACT LF See Note)
Act 53	HB72	BRASS	COLLEGES/UNIVERSITIES: Provides relative to the designation of military and veteran friendly campuses
Act 54	HB73	DUBUISSON	HIGHWAYS: Designates a portion of Louisiana Highway 433 in St. Tammany Parish as the "Captain Walter B. Abney Memorial Highway"
Act 55	HB78	HUGHES	SCHOOLS: Provides relative to school facilities preservation and systemwide needs programs in certain school districts (EN SEE FISC NOTE See Note)
Act 56	HB86	HODGES	SCHOOLS/EMPLOYEES: Creates the "Protect Teachers Act"
Act 57	HB87	ADAMS	DISTRICTS/SPECIAL: Provides relative to the board of commissioners of East Feliciana Gas Utility District No. 1
Act 58	HB124	BOURRIAQUE	PROPERTY/PUBLIC: Authorizes the sale or exchange of sixteenth section state lands by the Cameron Parish School Board
Act 59	HB140	WILLARD	ECONOMIC DEVELOPMENT: Provides relative to the Mid City Economic Development District in Orleans Parish
Act 60	HB142	BEAULLIEU	CHILDREN: Provides for the termination of custodial property under the Uniform Transfers to Minors Act
Act 61	HB150	BRYANT	FEES/LICENSES/PERMITS: Increases certain fees for justice of the peace courts (EN INCREASE LF RV See Note)
Act 62	HB161	KERNER	TAX/SALES-USE, LOCAL-EXEM: Changes local sales and use tax exemptions for commercial fishermen and certain seafood processing facilities from optional to mandatory (EN DECREASE LF RV See Note)
Act 63	HB191	JEFFERSON	TEACHERS/CERTIFICATION: Provides relative to teacher certification
Act 64	HB202	MUSCARELLO	COURTS/COURT COSTS: Provides relative to fees for the City Court of Hammond (EN INCREASE LF RV See Note)

Act	Bill	Author	Description
Act 65	HB441	BRYANT	CRIME/ASSAULT: Provides relative to assault upon a utility service employee (EN SEE FISC NOTE GF EX See Note)
Act 66	HB209	BOURRIQUE	DISTRICTS/SPECIAL: Provides relative to Cameron Parish Water and Wastewater Board for District No. 1
Act 67	HB226	FARNUM	COURTS: Provides relative to marshals and constables (EN NO IMPACT LF EX See Note)
Act 68	HB227	GREEN	MTR VEHICLE/VIOLATIONS: Provides relative to uniform traffic citations
Act 69	HB231	MINCEY	VETERANS: Provides relative to Louisiana veterans cemeteries
Act 70	HB233	TURNER	COURTS/COURT COSTS: Provides relative to court costs and fees for the City Court of Ruston (EN INCREASE LF RV See Note)
Act 71	HB235	MOORE	INSURANCE/HEALTH: Provides relative to the guaranteed issue of Medicare supplement policies
Act 72	HB240	LYONS	FEES/LICENSES/PERMITS: Increases certain fees for the justice of the peace courts in East Baton Rouge Parish and Jefferson Parish (EN INCREASE LF RV See Note)
Act 73	HB262	GREEN	INSURANCE: Provides relative to the sale of annuity products
Act 74	HB264	DESHOTEL	HIGHWAYS: Designates a bridge located on Louisiana Highway 1 between Pointe Coupee and Avoyelles, Louisiana, as the "Marion Peter Roy, Sr., Memorial Bridge"
Act 75	HB271	NELSON	CRIMINAL/PROCEDURE: Provides relative to sequestration of jurors
Act 76	HB273	FARNUM	PROPERTY/EXPROPRIATION: Provides for the expropriation of property by a declaration of taking by certain political subdivisions of Calcasieu Parish
Act 77	HB285	TURNER	TAX INCREMENT FINANCING: Provides relative to the use of state sales tax increments in certain local tax increment financing initiatives (EN SEE FISC NOTE GF RV See Note)
Act 78	HB297	DEVILLIER	ENVIRONMENT/LITTERING: Provides a time limitation for citing intentional and simple littering violations
Act 79	HB316	PHELPS	VOTING/REGISTRATION: Provides for Louisiana High School Seniors Voter Registration Day
Act 80	HB320	TURNER	NURSES: Provides relative to nursing education
Act 81	HB334	PHELPS	FINANCIAL INSTITUTIONS: Provides relative to private insurance for certain deposits and shares
Act 82	HB336	BISHOP	CAPITAL OUTLAY: Provides relative to the capital outlay process and reporting requirements (EN NO IMPACT See Note)
Act 83	HB338	FREIBERG	EARLY CHILDHOOD: Provides relative to the Early Childhood Care and Education Commission
Act 84	HB367	PHELPS	EARLY CHILDHOOD: Provides relative to pupil appraisal and services for children transitioning from EarlySteps to services provided by the local public school system upon their third birthday (EN INCREASE LF EX See Note)
Act 85	HB370	LANDRY	CRIMINAL/PENALTIES: Provides relative to criminal blighting of property (EN INCREASE GF EX See Note)
Act 86	HB378	DEVILLIER	CRIMINAL/PROCEDURE: Provides relative to the DNA database exchange
Act 87	HB447	PIERRE	REVENUE DEPARTMENT: Requires agency referrals of delinquent debt to the office of debt recovery for collection to include certain information (EN NO

Act	Bill	Author	Description IMPACT See Note)
Act 88	HB455	COUSSAN	MINERALS/RIGHTS: Provides relative to rights in minerals
Act 89	HB474	ILLG	GAMBLING/CHARITABLE: Provides relative to licenses for certain raffle games
Act 90	HB479	MARINO	CRIMINAL/PROCEDURE: Provides relative to expungement of records
Act 91	HB496	STEFANSKI	ELECTION CODE: Makes revisions to the Louisiana Election Code
Act 92	HB527	BROWN	HIGHWAYS: Designates a portion of Louisiana Highway 398 as the "Commander Glenn Daigle Memorial Bridge"
Act 93	HB561	SCHEXNAYDER	AGRICULTURE: Provides relative to the Louisiana State University Agricultural Center (EN NO IMPACT See Note)
Act 94	HB579	DUBUISSON	INSURANCE: Provides relative to pet insurance
Act 95	SB21	PRICE	PUBLIC BUILDINGS/GROUNDS: Names the DOTD headquarters building in Baton Rouge in honor of Governor P.B.S. Pinchback. (8/1/23) (EN INCREASE SD EX See Note)
Act 96	SB30	FOIL	EXCEPTIONAL PERSONS: Provides for the transfer of funds in an ABLE account of a deceased designated beneficiary. (gov sig) (EN SEE FISC NOTE SD RV)
Act 97	SB45	ABRAHAM	EDUCATION DEPARTMENT: Provides for concurrence of a public school system prior to changing certain information assigned to a student in the data collection system. (gov sig)
Act 98	SB52	GREGORY TARVER	ADMINISTRATIVE PROCEDURE: Provides for technical corrections beyond the authority of the Louisiana State Law Institute to certain citations in the Administrative Procedure Act as amended by Act 211 of the 2021 Regular Session and Act 663 of the 2022 Regular Session. (gov sig)
Act 99	SB81	MCMATH	TEACHERS: Provides for the associate educator program. (gov sig) (EN INCREASE LF EX See Note)
Act 100	SB116	HENRY	BUDGET PROCEDURE: Provides for an increase in the allocation of funds to parish councils on aging for senior centers. (gov sig) (EN SEE FISC NOTE GF EX See Note)
Act 101	SB120	BODI WHITE	COLLEGES/UNIVERSITIES: Provides relative to the M.J. Foster Promise Program. (gov sig) (EN SEE FISC NOTE SG RV)
Act 102	SB131	PRICE	PORTS/HARBORS/TERMINALS: Provides for the commission for the Port of South Louisiana to set contract limits. (8/1/23)
Act 103	SB160	CORTEZ	HORSE RACING: Provides relative to the powers and duties of the Louisiana Racing Commission. (7/1/23)
Act 104	SB190	SMITH	CONTRACTORS: Provides relative to certain payments for home improvement contracting services. (8/1/23)
Act 105	SB191	SMITH	COLLEGES/UNIVERSITIES: Prohibits public postsecondary education institutions from entering into promotional agreements with gaming entities. (gov sig)
Act 106	SB206	MILLIGAN	INTERNATIONAL AFFAIRS: Provides relative to foreign interest in certain Louisiana research facilities. (7/1/23)
Act 107	HB47	NELSON	APPROPRIATIONS: (Constitutional Amendment) Requires the legislature to appropriate no less than twenty-five percent of nonrecurring state revenues for application to certain state retirement system unfunded accrued liability (EN SEE FISC NOTE GF EX See Note)

Act	Bill	Author	Description
Act 108	HB34	BACALA	RETIREMENT/MUNICIPAL POL: Provides relative to the funding deposit account for Municipal Police Employees' Retirement System and authorizes the board of trustees of the system to modify employer contributions (EN SEE ACTUARIAL NOTE FC)
Act 109	HB50	WHEAT	HIGHWAYS: Designates the bridge located on Interstate 55 service road in Manchac between Lake Maurepas and Lake Pontchartrain as the "Robert E. Mayers, Jr. Memorial Bridge"
Act 110	HB57	ORGERON	HIGHWAYS: Designates a portion of Louisiana Highway 657 in Larose, Louisiana, as the "Clarence Marts, Jr. Memorial Highway"
Act 111	HB64	BOURRIQUE	LIBRARIES: Provides relative to per diem and reimbursement of expenses for members of the Cameron Parish Library Board of Control
Act 112	HB67	FISHER	HIGHER EDUCATION: Authorizes the University of Louisiana System to establish tuition and fees for a Doctor of Physical Therapy program at the University of Louisiana at Monroe (EN +\$576,000 SG RV See Note)
Act 113	HB80	GADBERRY	CONTRACTS: Provides relative to the prior approval process available to potential suppliers (EN NO IMPACT See Note)
Act 114	HB83	PIERRE	MTR VEHICLE/BUSES-SCHOOL: Provides relative to toll exemptions for students traveling on ferries, roads, and bridges
Act 115	HB93	CARRIER	DISTRICTS/FIRE PROTECT: Provides relative to per diem paid to members of the governing board of Fire District No. 5 of Allen Parish
Act 116	HB111	HUGHES	TAX/TOBACCO TAX: Extends the tax exemption period for cigars and pipe tobacco products sampled at the Premium Cigar Association convention (EN SEE FISC NOTE GF RV See Note)
Act 117	HB132	THOMPSON	CULTURE/REC/TOUR DEPT: Provides relative to advertisement and sponsorship signs on property of the Department of Culture, Recreation and Tourism
Act 118	HB138	CHARLES OWEN	MUNICIPAL/ORDINANCES: Provides relative to administrative adjudication of certain ordinance violations in the city of DeRidder
Act 119	HB304	ORGERON	ELECTIONS/CANDIDATES: Prohibits an elected official who has retired or resigned from office from filling the vacancy his retirement or resignation created
Act 120	HB331	CARRIER	WEAPONS/FIREARMS: Provides relative to automatic weapons (EN INCREASE GF EX See Note)
Act 121	HB347	LANCE HARRIS	COURTS/COURT COSTS: Provides relative to court costs and civil filing fees in Alexandria City Court (EN SEE FISC NOTE LF RV)
Act 122	HB356	FISHER	DISTRICTS/HOSPITAL SERVC: Provides relative to compensation for Ouachita Parish hospital service district commission members
Act 123	HB368	LANCE HARRIS	STATE SYMBOL: Establishes the official state nut
Act 124	HB383	AMEDEE	INSURERS/GUARANTY ASSNS: Requires each insurer subject to the Louisiana Insurance Guaranty Association Law to provide for a data transfer plan and file such plan with the commissioner of insurance
Act 125	HB403	BROWN	INSURANCE: Authorizes substitution of certain biosimilar biological products relative to step therapy or fail first protocols
Act 126	HB488	FARNUM	GAMBLING/RIVERBOAT: Provides relative to inspections of riverboats
Act 127	HB524	LACOMBE	ALCOHOLIC BEVERAGES: Provides relative to distilleries

Act	Bill	Author	Description
Act 128	HB644	LAFLEUR	TEXTBOOKS/MATERIALS: Creates Affordable Digital Textbook and Learning Materials Pilot Programs (EN SEE FISC NOTE GF EX)
Act 129	HB647	BOURRIQUE	ALCOHOLIC BEVERAGES: Provides relative to manufacturing distillers of alcoholic beverages
Act 130	HB651	ILLG	ALCOHOLIC BEVERAGES: Provides relative to alcoholic beverage products for consumption off restaurant premises
Act 131	HB13	MUSCARELLO	PORTS/HARBORS/TERMINALS: Changes the name of one member on the South Tangipahoa Parish Port Commission
Act 132	HB18	PHILLIP TARVER	HIGHWAYS: Designates certain portions of Louisiana Highways in Calcasieu and St. Tammany parishes
Act 133	HB21	STAGNI	SCHOOLS/EMPLOYEES: Provides relative to extended leave for school bus operators and public school employees (EN LF EX See Note)
Act 134	HB37	EMERSON	RETIREMENT/FIREFIGHTERS: Provides relative to the board of trustees of the Firefighters' Retirement System (EN INCREASE FC SG EX)
Act 135	HB44	HORTON	RETIREMENT/FIREFIGHTERS: Provides relative to the board of trustees of the Firefighters' Retirement System (EN NO IMPACT APV)
Act 136	HB59	DUBUISSON	BOATS/SHIPS/VESSELS: Authorizes the use of personal watercraft between sunset and sunrise
Act 137	HB92	JENKINS	POLITICAL PARTIES: Provides relative to the composition of a parish executive committee of the Democratic Party in Caddo Parish
Act 138	HB101	EMERSON	BOARDS/COMMISSIONS: Provides for membership on the Fireman's Supplemental Pay Board (EN SEE FISC NOTE GF EX See Note)
Act 139	HB105	CARRIER	HOUSING/AUTHORITIES: Provides relative to the civil service status of employees of Kinder Public Housing Authority
Act 140	HB114	ORGERON	PROPERTY/PUBLIC: Exempts certain state property in Lafourche Parish from state park size requirements
Act 141	HB185	HILFERTY	DISTRICTS/SPECIAL: Provides relative to the Lake Terrace Crime Prevention District in Orleans Parish
Act 142	HB301	ROMERO	MOTOR CARRIERS: Provides relative to compensation to wrecker service companies for costs associated with undertaking remedial action involving hazardous material accidents (EN NO IMPACT See Note)
Act 143	HB343	BAGLEY	HIGHWAYS: Redesignates a portion of Louisiana Highway 171 in DeSoto Parish as the "Chris Gray Memorial Highway"
Act 144	HB345	LACOMBE	INSURANCE/GROUP-SHERIFFS: Provides relative to the Pointe Coupee Parish Retired Employees Insurance Fund
Act 145	HB359	GREGORY MILLER	JUVENILES/JURISDICTION: Creates a Juvenile Justice District to include the parishes of Ascension, Assumption, St. Charles, St. James, and St. John the Baptist (EN SEE FISC NOTE LF EX See Note)
Act 146	SB26	PRICE	ETHICS: Provides relative to public notice of hearings of the Ethics Adjudicatory Board. (8/1/23)
Act 147	SB40	FOIL	ETHICS: Allows the use of summary proceedings in matters pending before the Ethics Adjudicatory Board. (8/1/23)
Act 148	SB49	HEWITT	CRIME/PUNISHMENT: Increases penalties for the crime of creation or operation of a clandestine laboratory for the unlawful manufacture of certain controlled dangerous substances. (8/1/23) (EN INCREASE GF EX See Note)

Act	Bill	Author	Description
Act 149	SB51	MILLIGAN	UTILITIES: Provides relative to the Louisiana Electric Utility Energy Transition Securitization Act. (gov sig)
Act 150	SB103	LAMBERT	NATURAL RESOURCES DEPT: Renames the Department of Natural Resources. (1/10/24) (EN SEE FISC NOTE GF EX)
Act 151	SB182	CONNICK	COMMERCIAL REGULATIONS: Increases penalties for violations relative to the purchase of junk, used or secondhand property or scrap metal. (8/1/23) (EN SEE FISC NOTE LF EX)
Act 152	SB218	WOMACK	WORKFORCE DEVELOPMENT: Provides for powers, duties, and functions of the State Plumbing Board. (8/1/23)
Act 153	HB137	FISHER	CIVIL SERVICE/FIRE & POL: Provides relative to the secretary of the municipal fire and police civil service board for the city of Monroe
Act 154	HB210	BUTLER	DISTRICTS/SPECIAL: Provides relative to the Louisiana Local Government Environmental Facilities and Community Development Authority
Act 155	HB215	ECHOLS	STATE AGENCIES: Provides relative to acceptable methods of payment for the office of motor vehicles (EN NO IMPACT See Note)
Act 156	HB223	BROWN	PARKS/RECREATION COMMN: Provides relative to the Iberville Parish Parks and Recreation District
Act 157	HB225	HILFERTY	SEWERAGE/N O WATER BD: Provides relative to the Sewerage and Water Board of New Orleans
Act 158	HB268	FARNUM	FIRE PROTECT/FIREMEN: Provides relative to the salaries of firefighters employed by the city of Sulphur (EN NO IMPACT LF EX See Note)
Act 159	HB270	WILLARD	MUNICIPAL/ORDINANCES: Provides relative to the growth and accumulation of grass, weeds, and other deleterious matter in Orleans Parish
Act 160	HB274	JEFFERSON	PARISHES: Provides relative to the investment of certain funds by the governing authority of Lincoln Parish
Act 161	HB279	ADAMS	TAX COMMISSION, STATE: Provides relative to conveying by the La. Tax Commission of ad valorem tax assessment information it receives from local assessors (EN +\$20,000 GF EX See Note)
Act 162	HB296	HILFERTY	DISTRICTS/SPECIAL: Provides relative to the Mid-City Security District in Orleans Parish (EN INCREASE LF RV See Note)
Act 163	HB323	PIERRE	MTR VEHICLE/LICEN PLATES: Creates the "Juneteenth" specialty license plate
Act 164	HB348	JENKINS	SCHOOLS: Provides relative to school safety
Act 165	HB350	GEYMANN	PROPERTY/PUBLIC: Authorizes the exchange of certain state property in Calcasieu Parish
Act 166	HB357	HUVAL	JUVENILES: Creates the Acadiana Regional Juvenile Justice District
Act 167	HB394	HILFERTY	MTR VEHICLE/LICEN PLATES: Establishes special prestige license plates for certain Louisiana schools
Act 168	HB398	ROMERO	AIRCRAFT/AVIATION: Requires persons being transported offshore by aircraft wear life jackets equipped with personal locator beacons
Act 169	HB407	ROBERT OWEN	AIRCRAFT/AVIATION: Provides relative to the Louisiana Drone Advisory Committee
Act 170	HB438	ROBERT OWEN	WILDLIFE & FISHERIES: Provides relative to oyster seed ground vessel permits
Act 171	HB493	DUSTIN MILLER	MEDICAID: Provides for fees on emergency ground ambulance providers and the

<u>Act</u>	<u>Bill</u>	<u>Author</u>	<u>Description</u>
			disposition of fees (EN INCREASE SD RV See Note)
Act 172	HB516	KERNER	MOTOR VEHICLES: Provides for placement of a special identification sticker or decal on a motor vehicle operated by a person with autism spectrum disorder or their guardian
Act 173	HB520	CARRIER	MOTOR VEHICLES: Creates the "Utility Line Worker", the "Louisiana Soccer Association", and the Louisiana Respiratory Therapist "RT STRONG" special prestige license plates
Act 174	HB532	CHARLES OWEN	MTR VEHICLE/LICEN PLATES: Provides relative to fees charged for certain military honor license plates and the processing of plates at the office of motor vehicles state headquarters (EN -\$44,000 SG RV See Note)
Act 175	HB565	FREIBERG	DISTRICTS/NEIGHBORHOOD: Creates the University Security District in East Baton Rouge Parish
Act 176	HB592	SCHAMERHORN	MTR VEHICLE/DRIVER LIC: Provides relative to driver education skills test
Act 177	HB643	HORTON	CHILDREN/NEWBORNS: Provides relative to cytomegalovirus (CMV) testing for newborns (EN GF EX See Note)
Act 178	HB650	EDMONDS	PRINTING: Provides relative to compensation and other requirements for official journals of parishes, municipalities and school boards (EN SEE FISC NOTE LF EX See Note)
Act 179	SB127	DUPLESSIS	TAX/AD VALOREM: Constitutional amendment to authorize the local governing authority of each parish to provide a limited ad valorem tax exemption for qualified first responders. (2/3 - CA13s1(A)) (EN DECREASE LF RV See Note)
Act 180	HB289	IVEY	CURRICULA: Provides relative to organ donation instruction in public high schools
Act 181	HB412	MALINDA WHITE	EARLY CHILDHOOD: Establishes a program to be administered by the La. Educational Television Authority for the purpose of encouraging reading for young children and creates a fund within the state treasury for the purpose of funding the program (EN SEE FISC NOTE SD EX See Note)
Act 182	HB587	MOORE	HEALTH CARE/PROVIDERS: Provides relative to the Louisiana Community Health Worker Workforce Board (EN SEE FISC NOTE GF EX See Note)
Act 183	HB645	DUSTIN MILLER	CONTROLLED SUBSTANCES: Creates the crime of unlawful production, manufacturing, distribution, or possession of Xylazine (EN SEE FISC NOTE GF EX See Note)
Act 184	SB18	PRICE	RETIREMENT SYSTEMS: Provides for benefit increases for retirees, beneficiaries, and survivors of state retirement systems and the funding therefor. (2/3-CA10s(29)(F)) (gov sig) (EN INCREASE FC SG RE)
Act 185	SB22	WOMACK	CONSERVATION: Provides relative to soil conservation policy. (gov sig)
Act 186	SB37	ALLAIN	HOUSING: Provides relative to the civil service status of employees of the Berwick Housing Authority. (gov sig)
Act 187	SB39	BOUDREAUX	FUNDS/FUNDING: Establishes the Community Options Waiver Fund and provides for dedication of revenues and use of monies in the fund. (7/1/23) (EN DECREASE GF RV See Note)
Act 188	SB43	BOUIE	FEES/LICENSES/PERMITS: Exempts certain persons who sell trolling motors from licensing requirements. (8/1/23) (EN -\$26,225 SG RV See Note)
Act 189	SB57	FOIL	LOCAL AGENCIES: Provides for the board of commissioners for the East Baton Rouge Parish Communications District. (gov sig)
Act 190	SB58	CONNICK	LOCAL AGENCIES: Provides for creation of a public benefit corporation in

<u>Act</u>	<u>Bill</u>	<u>Author</u>	<u>Description</u>
			Jefferson Parish. (8/1/23)
Act 191	SB67	ROBERT MILLS	SELF INSURANCE: Requires certain financial documents related to the Louisiana Timber and Agriculture Transportation Group Self-Insurance Funds. (gov sig)
Act 192	SB92	FESI	SPECIAL DISTRICTS: Provides for the board of commissioners of veterans' memorial districts. (gov sig)
Act 193	SB169	MIZELL	EVIDENCE: Provides for tracking rape kits from collection through conviction. (8/1/23) (EN +\$737,541 GF EX See Note)
Act 194	SB210	BOUDREAUX	OPTOMETRY: Provides relative to the practice of optometry. (8/1/23)
Act 195	SB222	ALLAIN	HOUSING: Provides relative to the civil service status of employees of the Morgan City Housing Authority. (gov sig)
Act 196	SB223	MORRIS	PUBLIC SFTY/CORRECT DEPT: Increases the transaction fee for processing office of motor vehicles transactions in the city of West Monroe. (8/1/23) (EN +\$53,848 LF RV See Note)
Act 197	SB232	BARROW	SPECIAL DISTRICTS: Provides for creation of the Victoria Farms Crime Prevention and Improvement District. (8/1/23)
Act 198	HB244	BISHOP	FUNDS/FUNDING: (Constitutional Amendment) Provides relative to the Revenue Stabilization Trust Fund (EN SEE FISC NOTE SD RV See Note)
Act 199	HB254	THOMAS	FUNDS/FUNDING: (Constitutional Amendment) Repeals provisions in the Louisiana Constitution related to various funds (EN SEE FISC NOTE GF RV See Note)
Act 200	HB311	MIGUEZ	CONSTITUTION/AMENDMENT: (Constitutional Amendment) Prohibits the use of monies from a foreign government or nongovernmental source to fund elections
Act 201	SB14	BERNARD	CONTROL DANGER SUBSTANCE: Provides relative to schedules of the Uniform Controlled Dangerous Substances Law. (8/1/23)
Act 202	SB28	CATHEY	AGRICULTURAL COMMODITIES: Provides relative to grain sampling and grading. (gov sig)
Act 203	SB70	FIELDS	SPECIAL DISTRICTS: Authorizes the creation of cooperative economic development districts affiliated with Southern University and Louisiana State University in East Baton Rouge Parish. (gov sig) (EN SEE FISC NOTE GF RV See Note)
Act 204	SB76	FRED MILLS	SPECIAL DISTRICTS: Creates a special medical district in St. Martin Parish. (gov sig)
Act 205	SB87	ROBERT MILLS	PLANNING/ZONING: Provides for the jurisdictional boundaries of the Benton Metropolitan Planning Commission. (8/1/23)
Act 206	SB106	SMITH	INSURANCE CLAIMS: Requires the insurer to provide upon written request of the insured claim file for certain records in connection with an unsettled property insurance claim. (8/1/23)
Act 207	SB135	BARROW	MEDICAID: Provides relative to Medicaid reimbursement for services provided by a licensed midwife or certified nurse midwife. (8/1/23) (EN +\$39,972 GF EX See Note)
Act 208	SB150	ROBERT MILLS	EDUCATION DEPARTMENT: Creates the Louisiana Literacy Advisory Commission. (gov sig) (EN NO IMPACT See Note)
Act 209	SB161	LAMBERT	PUBLIC HEALTH: Provides for the Louisiana Small Wild Catfish Processor's Act. (8/1/23)

Act	Bill	Author	Description
Act 210	SB200	DUPLESSIS	EMPLOYMENT: Provides that retaliation against an employee for an absence from work due to genetic testing or a medically necessary cancer screening shall be an unlawful employment practice. (8/1/23)
Act 211	SB202	BARROW	COLLEGES/UNIVERSITIES: Provides relative to campus accountability and safety. (gov sig)
Act 212	SB229	DUPLESSIS	SPECIAL DISTRICTS: Provides for the boundaries and certain payments to the New Orleans Exhibition Hall Authority Economic Growth and Development District. (8/1/23)
Act 213	SB231	BARROW	SPECIAL DISTRICTS: Provides relative to the creation of the Mickens Place Crime Prevention and Improvement District in East Baton Rouge Parish. (8/1/23)
Act 214	HB55	SELDERS	CORRECTIONS: Provides relative to mental health treatment of incarcerated people (EN NO IMPACT See Note)
Act 215	HB68	HODGES	CURRICULA: Authorizes public high schools to offer a course of instruction in the history and literature of the Bible (EN SEE FISC NOTE LF EX See Note)
Act 216	HB77	SCHLEGEL	ATTORNEY GENERAL: Provides for attorney general investigation for publishers and distributors of material harmful to minors (EN SEE FISC NOTE GF EX See Note)
Act 217	HB89	MARCELLE	MOTOR VEHICLES: Provides relative to the collection of certain traffic stop data by law enforcement (EN NO IMPACT GF EX See Note)
Act 218	HB94	BACALA	CRIME/THEFT: Provides relative to theft or criminal access of automated teller machines (EN SEE FISC NOTE GF EX See Note)
Act 219	HB121	AMEDEE	SCHOOLS: Requires public schools to provide at least one recess period per school day in schools with any grade kindergarten through fifth grade
Act 220	HB128	LACOMBE	PROPERTY/SUBSTANDARD: Provides relative to nuisance ordinances regarding grass cutting in West Baton Rouge Parish
Act 221	HB135	MIKE JOHNSON	ELECTIONS/COMMISSIONERS: Prohibits a registered sex offender or child predator from serving as a commissioner or watcher
Act 222	HB136	BAGLEY	POLICE/MUNICIPAL: Provides for the abolition of the office of police chief and the police department for the village of Noble
Act 223	HB139	STEFANSKI	PARISH/ORDINANCES: Provides relative to administrative adjudication of certain ordinance violations in the parish of Acadia
Act 224	HB167	COX	STUDENT/TUITION: Provides for a tuition waiver for certain disabled veterans (EN DECREASE SG RV See Note)
Act 225	HB174	EMERSON	ELECTION CODE: Prohibits the disclosure of certain information regarding the active duty or dependent status of certain voters
Act 226	HB184	FRIEMAN	CHILDRENS CODE: Provides relative to a child in need of care
Act 227	HB192	JEFFERSON	ETHICS/NEPOTISM: Provides an exception to allow an immediate family member of a village governing authority member to be appointed or employed by the village under certain circumstances
Act 228	HB193	CHARLES OWEN	COURTS/COURT REPORTERS: Provides relative to transcription fees charged by court reporters in the Thirtieth Judicial District (EN INCREASE LF EX See Note)
Act 229	HB217	LAFLEUR	COURTS: Provides relative to commissioners of the Nineteenth Judicial District Court (EN +\$456,800 LF EX See Note)

Act	Bill	Author	Description
Act 230	HB224	BOYD	PROCUREMENT: Provides relative to contracts awarded to socially and economically disadvantaged businesses in the city of New Orleans (EN SEE FISC NOTE LF EX See Note)
Act 231	HB258	WRIGHT	HIGHER EDUCATION: Establishes a state maritime academy within the University of Louisiana System (EN +\$210,000 GF EX See Note)
Act 232	HB275	TRAVIS JOHNSON	DISTRICTS/HOSPITAL SERVC: Provides relative to Concordia Parish Hospital Service District No. 1
Act 233	HB434	MCFARLAND	MEDICAID: Provides relative to the state medical assistance program
Act 234	SB12	FIELDS	PUBLIC HEALTH: Requires an automated external defibrillator on the premises of all educational institutions and at sponsored athletic events. (gov sig) (EN INCREASE LF EX See Note)
Act 235	SB16	BERNARD	ELECTION CODE: Provides relative to parish boards of election supervisors. (8/1/23) (EN INCREASE GF EX See Note)
Act 236	SB23	BERNARD	VOTERS/VOTING: Requires approval by the secretary of state for the use and expands permissible locations of alternative locations for early voting. (8/1/23) (EN SEE FISC NOTE LF EX)
Act 237	SB34	BERNARD	FEES/LICENSES/PERMITS: Provides for "Crisis Lifeline dial 988" to be included on all state-issued driver's licenses and personal identification cards and the home page of LA Wallet. (gov sig) (EN SEE FISC NOTE SG EX See Note)
Act 238	SB46	ABRAHAM	EDUCATION DEPARTMENT: Provides for review of textbooks and other instructional materials. (gov sig) (EN NO IMPACT See Note)
Act 239	SB61	STINE	TAX/INCOME/PERSONAL: Creates an individual income tax checkoff for donations for Holden's Hope. (8/1/23) (EN NO IMPACT GF RV See Note)
Act 240	SB80	FIELDS	REDISTRICTING: Provides for transparency and community engagement in redistricting. (gov sig) (EN NO IMPACT See Note)
Act 241	SB84	LUNEAU	ETHICS: Requires the La. Board of Ethics to send certain communications electronically. (1/1/24) (EN +\$1,250 GF EX See Note)
Act 242	SB89	STINE	TAX/INCOME/PERSONAL: Provides relative to the net capital gains deduction for individual income tax. (8/1/23) (EN DECREASE GF RV See Note)
Act 243	SB117	JIMMY HARRIS	CRIME/PUNISHMENT: Provides relative to the crime of assault by drive-by shooting. (8/1/23)
Act 244	SB145	HENSGENS	PUBLIC CONTRACTS: Provides for methods to contract for certain airport facilities. (8/1/23)
Act 245	SB152	MILLIGAN	INFORMATION TECHNOLOGY: Creates the Louisiana Cybersecurity Commission. (8/1/23) (EN NO IMPACT See Note)
Act 246	SB167	ABRAHAM	PUBLIC WORKS: Provides relative to design-build. (8/1/23) (EN NO IMPACT See Note)
Act 247	SB213	DUPLESSIS	PUBLIC RECORDS: Provides relative to the costs for public records. (8/1/23)
Act 248	SB225	POPE	TAX/LOCAL: Authorizes the city of Denham Springs to levy a hotel occupancy tax. (gov sig) (EN INCREASE LF RV See Note)
Act 249	SB8	LUNEAU	TAX/LOCAL: Provides relative to interest applicable to local sales and use taxes paid under protest. (8/1/23) (EN SEE FISC NOTE LF RV See Note)
Act 250	SB62	FESI	HAZARDOUS MATERIALS: Provides for the notification of certain hazardous material releases. (8/1/23)

Act	Bill	Author	Description
Act 251	SB69	FOIL	TAX/TAXATION: Extends the sunset of the research and development tax credit. (gov sig) (EN -\$1,000,000 GF RV See Note)
Act 252	SB72	BOUIE	BONDS: Provides relative to the issuance of revenue bonds on behalf of the Department of Public Safety and Corrections. (gov sig) (EN NO IMPACT See Note)
Act 253	SB108	JIMMY HARRIS	TAX/TAXATION: Provides relative to the Angel Investor Tax Credit Program. (gov sig) (EN DECREASE GF RV See Note)
Act 254	SB110	TALBOT	INSURANCE POLICIES: Provides for patient's right to prompt coverage. (8/1/23) (EN INCREASE SG EX See Note)
Act 255	SB118	JIMMY HARRIS	TAX/SALES: Extends the sunset of the Louisiana Tax Free Shopping Program. (gov sig) (EN DECREASE GF RV See Note)
Act 256	SB124	KLEINPETER	CRIME/PUNISHMENT: Increases the penalty for driving a vehicle without a license plate attached. (8/1/23) (EN INCREASE GF EX See Note)
Act 257	SB130	MORRIS	LAW ENFORCEMENT: Authorizes retired law enforcement officers and retired elected law enforcement department heads to carry concealed firearms if POST certified at the time of retirement. (8/1/23)
Act 258	SB144	CORTEZ	HORSE RACING: Provides relative to horse racing. (gov sig)
Act 259	SB147	ROBERT MILLS	SELF INSURANCE: Creates the Louisiana Churches and Nonprofit Religious Organizations Self-Insured Fund. (gov sig) (EN INCREASE SG EX See Note)
Act 260	SB163	HEWITT	TEACHERS: Requires numeracy professional development for certain teachers. (gov sig) (EN INCREASE FF EX See Note)
Act 261	SB173	FOIL	HORSE RACING: Provides for the disposition of monies designated for horse racing purses. (8/1/23)
Act 262	SB183	TALBOT	TAX/INCOME/PERSONAL: Provides relative to the construction code retrofitting deduction for individual income tax. (gov sig) (EN DECREASE GF RV See Note)
Act 263	SB186	PEACOCK	HEALTH SERVICES: Provides relative to the Occupational Therapy Licensure Compact. (1/1/24) (EN SEE FISC NOTE SG RV See Note)
Act 264	HB8	HORTON	SCHOOLS: Requires display of the national motto, "In God We Trust", in every public elementary, secondary, and postsecondary education classroom
Act 265	HB36	TRAVIS JOHNSON	DISTRICTS/SPECIAL: Provides for the Delta Agriculture Research and Sustainability District
Act 266	HB69	MARINO	STUDENTS: Provides for the screening and diagnosis of students with respect to dyslexia (EN INCREASE GF EX See Note)
Act 267	HB103	MUSCARELLO	CURRICULA: Adds Financial Literacy as a required course for high school students (EN INCREASE LF EX See Note)
Act 268	HB242	HILFERTY	STUDENT/DISCIPLINE: Provides relative to corporal punishment in elementary and secondary schools
Act 269	HB269	LANDRY	DISTRICTS/CRIME PREVENT: Provides relative to the Delachaise Security and Improvement District in Orleans Parish
Act 270	HB272	WILLARD	INSURANCE/HEALTH: Provides relative to maternity support services of doulas (EN INCREASE SG EX See Note)
Act 271	HB298	HUGHES	CHILDREN/PARENTAL RIGHTS: Provides relative to parental rights in certain circumstances
Act 272	HB305	BROWN	COURTS: Provides relative to electronic signatures by judges

Act	Bill	Author	Description
Act 273	HB332	ROBBY CARTER	PROPERTY/PUBLIC: Provides for the transfer of certain state property in Tangipahoa Parish
Act 274	HB355	DEVILLIER	TAX/LOCAL: Authorizes the city of Eunice to levy a hotel occupancy tax
Act 275	HB358	LACOMBE	DISTRICTS/WATERWORKS: Provides relative to the membership of the governing board of Waterworks District No. 1 of Pointe Coupee Parish
Act 276	HB444	FREIBERG	PAROLE: Provides relative to parole eligibility for certain offenders (EN DECREASE GF EX See Note)
Act 277	HB449	WILLARD	VOTERS/VOTING: Provides relative to the rights of voters with disabilities (EN INCREASE GF EX See Note)
Act 278	HB477	BACALA	CRIMINAL/RECORDS: Provides relative to information provided when prosecuting offenses (EN NO IMPACT See Note)
Act 279	HB485	BRASS	STUDENT/LOANS-SCHOLARSHIP: Creates the Louisiana National Guard Patriot Scholarship Program to cover the cost of mandatory fees for members attending La. public postsecondary education institutions (EG INCREASE GF EX See Note)
Act 280	HB497	STEFANSKI	CHIROPRACTORS: Provides relative to Louisiana Board of Chiropractic Examiners
Act 281	HB578	GLOVER	HEALTH/SMOKING: Provides relative to a smoking cessation benefits program (EN SEE FISC NOTE See Note)
Act 282	HB624	BUTLER	DISTRICTS/ECONOMIC DEVEL: Creates the Evangeline Economic Development Authority in Evangeline Parish
Act 283	HB649	ECHOLS	HIGHWAYS: Provides for a Louisiana Music Trail and related programs (EN SEE FISC NOTE SG EX)
Act 284	SB5	ALLAIN	TAX/AD VALOREM: Provides for alternatives in lieu of payment under protest for challenges to ad valorem tax assessments. (8/1/23) (EN SEE FISC NOTE LF RV See Note)
Act 285	SB189	JACKSON	CHARITABLE GAMING: Provides relative to electronic or video bingo machines and licensed premises. (7/1/23) (EN NO IMPACT See Note)
Act 286	SB192	SMITH	GAMING: Provides relative to the Louisiana Gaming Control Board. (8/1/23)
Act 287	SB204	HEWITT	POSTSECONDARY ED: Provides relative to the M.J. Foster Promise Award program. (gov sig)
Act 288	SB56	CATHEY	TAX EXEMPTIONS: Reinstates the Second Amendment sales tax holiday. (7/1/23) (EN DECREASE GF RV See Note)
Act 289	SB75	CONNICK	REVENUE DEPARTMENT: Provides relative to the assessment of taxes by the Department of Revenue. (8/1/23) (EN NO IMPACT See Note)
Act 290	SB96	TALBOT	INSURERS: Provides the Louisiana Insurance Guaranty Association and the Louisiana Citizens Property Corporation shall not be liable for certain property damage insurance claims. (8/1/23)
Act 291	SB129	CLOUD	LEGISLATIVE COMMITTEES: Requires certain state entities to report corrective actions taken to mitigate state risk exposure upon request of the litigation subcommittee of the Joint Legislative Committee on the Budget. (8/1/23)
Act 292	SB166	JACKSON	CAPITAL OUTLAY: Authorizes the division of administration to waive local match requirements for certain non-state entity projects. (gov sig) (EN DECREASE LF EX See Note)
Act 293	HB60	ECHOLS	WEIGHTS/MEASURES: Provides for the regulation of fueling stations for electric vehicles (EN +\$163,037 SD EX See Note)

Act	Bill	Author	Description
Act 294	HB435	FREEMAN	MEDICAID: Provides relative to medicaid coverage of chimeric antigen receptor T-cell therapy (EN SEE FISC NOTE GF EX See Note)
Act 295	HB446	MIGUEZ	WEAPONS/HANDGUNS: Provides relative to online handgun education course curriculum
Act 296	HB652	DUSTIN MILLER	NURSES: Authorizes certain healthcare professionals to certify the existence of an illness
Act 297	HB127	HUGHES	TAX/STATE: Exempts from state excise and sales taxes certain items given free of charge as samples at conventions, trade shows, and similar events (EN +\$555,779 GF EX See Note)
Act 298	HB148	STAGNI	SUPPLEMENTAL PAY: Provides relative to supplemental pay for municipal or parish fire department employees (EN NO IMPACT See Note)
Act 299	HB186	DAVIS	INSURANCE/HEALTH: Provides relative to health insurance coverage for standard fertility preservation services (EN INCREASE SG EX See Note)
Act 300	HB207	SCHAMERHORN	CRIME/MISDEMEANOR: Establishes penalties associated with minors swimming in certain waterways without personal flotation devices (EN SEE FISC NOTE GF EX See Note)
Act 301	HB213	BRASS	PUBLIC RECORDS: Exempts certain school surveillance and security video from the Public Records Law
Act 302	HB237	SCHAMERHORN	CORRECTIONAL FACILITIES: Provides relative to certain activities regarding contraband (EN INCREASE LF EX See Note)
Act 303	HB265	FONTENOT	CRIMINAL/RECORDS: Provides relative to release and dissemination of booking photographs of an arrested person
Act 304	HB276	LANDRY	MUNICIPALITIES/NO: Provides relative to fines for building code violations in New Orleans
Act 305	HB282	GREEN	SCHOOLS/FOOD PROGRAMS: Requires free school breakfast and lunch for certain students (EN +\$859,454 GF EX See Note)
Act 306	HB335	WILFORD CARTER	ECONOMIC DEVELOPMENT: Creates the North Lake Charles Economic Development District and provides relative to the Southside Economic Development District of the City of Monroe
Act 307	HB344	SELDERS	LOCAL GOVERNMENT: Provides with respect to certain permits required by parishes and municipalities
Act 308	HB361	DESHOTEL	ADMINISTRATION: Prohibits the use of TikTok and related applications on computers and networks owned or leased by the state (EN SEE FISC NOTE SG RV See Note)
Act 309	HB376	BOYD	DOMESTIC ABUSE: Provides relative to protective orders
Act 310	HB411	GLOVER	TAX CREDITS: Expands the types of investments eligible for the insurance premium tax credit (EN DECREASE GF RV See Note)
Act 311	HB460	ROBERT OWEN	MEDICAL MARIJUANA: Provides relative to the dispensing of medical marijuana
Act 312	HB468	PRESSLY	INSURANCE/HEALTH: Provides relative to utilization review standards and approval procedures for healthcare service claims submitted by healthcare providers (EN NO IMPACT See Note)
Act 313	HB505	NEWELL	PUBLIC PROPERTY: Authorizes the transfer of certain state property in Orleans Parish
Act 314	HB506	ADAMS	HOUSING: Creates the Louisiana Interagency Council on Homelessness within the office of the governor (EN INCREASE FF EX See Note)

<u>Act</u>	<u>Bill</u>	<u>Author</u>	<u>Description</u>
Act 315	HB526	ZERINGUE	GOVERNMENT ORGANIZATION: Establishes a chief resilience officer and provides for interagency coordination of resilience planning (EN NO IMPACT See Note)
Act 316	HB163	SELDERS	CIVIL SERVICE/FIRE & POL: Provides relative to the secretary of the Baton Rouge municipal fire and police civil service board
Act 317	HB196	BROWN	CIVIL/PROCEDURE: Provides relative to summary judgment
Act 318	HB353	MARCELLE	STUDENTS: Provides relative to student behavior, discipline, and behavioral and mental health (EN INCREASE GF EX See Note)
Act 319	HB409	EDMONDS	UTILITIES: Provides relative to stormwater utility systems
Act 320	SB33	BODI WHITE	SUPPLEMENTAL PAY: Increases the amount of supplemental pay for eligible law enforcement and fire service employees. (7/1/23) (EN +\$23,553,120 GF EX See Note)
Act 321	SB44	POPE	ROADS/HIGHWAYS: Provides relative to high-occupancy vehicle (HOV) lanes. (gov sig) (EN NO IMPACT See Note)
Act 322	SB66	FRED MILLS	HEALTH CARE: Provides relative to telehealth services. (1/1/24) (EN NO IMPACT See Note)
Act 323	SB102	FRED MILLS	WATER MANAGEMENT: Provides relative to the Acadiana Watershed District. (8/1/23)
Act 324	SB104	STINE	GENETICS: Provides for health insurance coverage of genetic testing for diseases and other medical conditions. (8/1/23) (EN INCREASE GF EX See Note)
Act 325	SB137	BARROW	CHILDREN: Creates the Office of the State Child Ombudsman and the state child ombudsman. (8/1/23) (EN +\$293,877 GF EX See Note)
Act 326	SB142	GARY CARTER	COURTS: Authorizes the utilization of court reporters licensed in another state in certain circumstances. (8/1/23)
Act 327	SB146	CORTEZ	FUNDS/FUNDING: Provides for Megaprojects Leverage Fund investments. (gov sig) (EN INCREASE SD RV See Note)
Act 328	SB156	DUPLESSIS	INSURANCE POLICIES: Provides that no property insurance policy shall prohibit an insured from hiring a public adjuster. (8/1/23)
Act 329	SB83	WOMACK	PUBLIC CONTRACTS: Provides for certain change orders when certain unit prices are contained in the initial contract. (8/1/23)
Act 330	SB184	PEACOCK	CAMPAIGN FINANCE: Provides for repayment of personal contributions or loans. (8/1/23)
Act 331	SB185	REESE	COMMERCIAL REGULATIONS: Provides relative to the licensing and regulation of virtual businesses. (8/1/23) (EN NO IMPACT See Note)
Act 332	SB187	KLEINPETER	CORONERS: Provides relative to cremation of bodies. (8/1/23)
Act 333	SB188	STINE	HEALTH/ACC INSURANCE: Provides for utilization review and approval procedures of claims for healthcare provider services. (gov sig)
Act 334	SB207	MILLIGAN	SCHOOLS: Creates the School Safety Act of 2023. (gov sig) (EN +\$8,969,075 GF EX See Note)
Act 335	HB33	MCFARLAND	AGRICULTURE: Modifies structural pest control provisions related to the registered technician examination and the appointment of research committee members
Act 336	HB41	FRIEMAN	INSURANCE/HEALTH: Provides relative to health coverage plan benefits for occupational therapy services delivered via telehealth (EN NO IMPACT See Note)

<u>Act</u>	<u>Bill</u>	<u>Author</u>	<u>Description</u>
Act 337	HB43	FIRMONT	RETIREMENT/FIREFIGHTERS: Provides for nonrecurring lump-sum supplemental payment to certain eligible retirees and beneficiaries (EN +5,970,000 FC SG EX)
Act 338	HB74	THOMAS	COMMERCIAL REGULATIONS: Provides relative to home inspectors
Act 339	HB129	WILFORD CARTER	DISTRICTS/REDEVELOPMENT: Repeals the provisions of the Lake Charles North Redevelopment Authority
Act 340	HB261	BISHOP	FUNDS/FUNDING: Provides relative to the Revenue Stabilization Trust Fund (EN SEE FISC NOTE SD RV See Note)
Act 341	HB281	GAROFALO	INSURANCE: Provides relative to the Louisiana Automobile Theft and Insurance Fraud Prevention Authority
Act 342	HB286	BOYD	CRIMINAL/RECORDS: Provides relative to expungements for certain amounts of possession of marijuana (EN DECREASE GF RV See Note)
Act 343	HB288	FREIBERG	LEGISLATIVE AUDITOR: Requires auditees to report progress on implementation of recommendations following a performance audit (EN NO IMPACT See Note)
Act 344	HB292	ST. BLANC	UTILITIES: Provides relative to the Louisiana Underground Utilities and Facilities Damage Prevention Law
Act 345	HB293	THOMAS	FUNDS/FUNDING: Repeals certain funds within the state treasury (EN SEE FISC NOTE GF RV See Note)
Act 346	HB315	CHARLES OWEN	STUDENTS: Provides relative to administration of public schools (EN SEE FISC NOTE LF EX See Note)
Act 347	HB326	NELSON	HIGHER EDUCATION: Requires foundational numeracy skills standards as a component of teacher education programs (EN SEE FISC NOTE GF EX)
Act 348	HB362	FONTENOT	POLICE/MUNICIPAL: Provides relative to the qualifications of an elected or appointed police chief
Act 349	HB385	DEVILLIER	HOUSING/MANUFACTURED: Provides relative to manufactured housing
Act 350	HB408	WILLARD	TAX CREDITS: Exempts certain research and development tax credit recipients from detailed examinations by the Department of Economic Development (EN SEE FISC NOTE GF EX See Note)
Act 351	HB430	COUSSAN	PROPERTY/UNCLAIMED: Authorizes payments from unclaimed funds to certain agents for locating, delivering, recovering, or assisting in the recovery of unclaimed property (EN INCREASE SG EX See Note)
Act 352	HB450	FREIBERG	TAX/SALES-USE, LOCAL: Authorizes the governing authority of East Baton Rouge Parish to rebate sales and use tax revenue collected on the sale of admission tickets to certain events
Act 353	HB457	CREWS	VITAL RECORDS/BIRTH CERT: Provides for a Commemorative Certificate of Miscarried Child (EN SEE FISC NOTE SG RV See Note)
Act 354	HB475	MAGEE	EVIDENCE: Provides relative to admissibility of evidence of a defendant's creative or artistic expression
Act 355	HB500	HILFERTY	TAX/AD VALOREM-EXEMPTION: Provides with respect to the applicability of the additional property tax exemptions for certain veterans with disabilities (EN SEE FISC NOTE LF RV See Note)
Act 356	HB503	COX	WILDLIFE & FISHERIES: Provides relative to hull identification numbers issued by the Department of Wildlife and Fisheries

Act	Bill	Author	Description
Act 357	HB539	MACK	MOTOR VEHICLES: Provide relative to the authorization of the office of motor vehicles to impose fines on contracts
Act 358	HB548	TURNER	DRUGS/PRESCRIPTION: Provides relative to the 340B drug pricing program (EN NO IMPACT See Note)
Act 359	HB628	HODGES	LIBRARIES: Provides relative to the membership of the Livingston Parish Library Board of Control
Act 360	HB656	DEVILLIER	WATER/DRINKING WATER: Provides relative to water cooperatives
Act 361	HB56	MOORE	EARLY CHILDHOOD: Authorizes the Monroe City School Board to levy an ad valorem tax for the purpose of funding early childhood care and education (EN INCREASE LF RV See Note)
Act 362	HB169	ROBERT OWEN	SCHOOLS: Provides for safety protocols for elementary school students when being dropped off at and picked up from school
Act 363	HB181	DEVILLIER	CORONERS: Provides relative to telemedicine access for coroners
Act 364	HB183	FIRMMENT	INSURANCE: Prohibits the assignment of certain benefits
Act 365	HB189	GAINES	ALCOHOLIC BEVERAGES: Provides relative to alcoholic beverages
Act 366	HB250	BISHOP	ASSESSORS: Authorizes assessors in each parish to increase their annual compensation (EN INCREASE LF EX See Note)
Act 367	HB291	CHARLES OWEN	HEALTH CARE/FACILITIES: Provides for visitation policies at certain healthcare facilities and requires that such policies allow for in-person visitation (EN NO IMPACT See Note)
Act 368	HB339	GREGORY MILLER	EVIDENCE: Provides relative to motions for summary judgment
Act 369	HB459	TRAVIS JOHNSON	HEALTH CARE/PROVIDERS: Provides relative to phlebotomists
Act 370	HB462	EDMONDS	SCHOOLS/FINANCE: Requires public school governing authorities to post certain fiscal information on their websites (EN +\$232,710 GF EX See Note)
Act 371	HB472	MINCEY	TEACHERS: Requires the State Board of Elementary and Secondary Education to grant five-year teaching certificates to applicants who hold out-of-state teaching certificates and who meet other criteria (EN NO IMPACT See Note)
Act 372	HB533	MIKE JOHNSON	LEVEES/BDS & DISTRICTS: Changes the composition and qualifications of the board of commissioners of the Red River, Atchafalaya, and Bayou Boeuf Levee District
Act 373	HB547	RISER	SECONDHAND DEALERS: Provides relative to catalytic converter sales law (EN NO IMPACT See Note)
Act 374	HB556	DAVIS	CORRECTIONS: Provides relative to electronic monitoring (EN INCREASE GF EX See Note)
Act 375	HB558	BEAULLIEU	REVENUE DEPARTMENT: Provides for the collection and remittance of state and local sales and use taxes (EN SEE FISC NOTE GF EX See Note)
Act 376	HB563	SCHEXNAYDER	FUNDS/FUNDING: Creates a law enforcement recruitment incentive fund (EN INCREASE SD EX See Note)
Act 377	HB568	PHELPS	MTR VEHICLE/VIOLATIONS: Provides relative to sanctions for a lapse in required vehicle liability security (EN -\$482,845 RV See Note)
Act 378	HB571	SCHEXNAYDER	ENERGY: Provides relative to carbon capture and sequestration (EN SEE FISC NOTE LF RV)

Act	Bill	Author	Description
Act 379	HB573	MCFARLAND	PUBLIC CONTRACTS: Provides relative to prohibited provisions in certain public contracts
Act 380	HB583	DAVIS	TELEVISION/CABLE: Provides relative to franchise fee audits
Act 381	HB593	RISER	CEMETERIES: Provides relative to cemeteries (EN INCREASE SG EX See Note)
Act 382	HB629	BEAULLIEU	TAX/SALES-USE, LOCAL-EXEM: Exempts from local sales and use taxes certain prescription drugs administered by topical system in medical clinics (EN DECREASE LF RV See Note)
Act 383	HB653	DESHOTEL	UTILITIES: Provides relative to Granting Unserved Municipalities Broadband Opportunities (EN SEE FISC NOTE FF EX See Note)
Act 384	HB654	MCKNIGHT	STATE AGENCIES: Provides for the collection of fees associated with facilitating an electronic signature or authorization (EN SEE FISC NOTE SG RV See Note)
Act 385	HB660	STAGNI	WEAPONS/FIREARMS: Provides relative to the carrying of concealed firearms by qualified retired law enforcement officers (EN NO IMPACT See Note)
Act 386	SB31	MIZELL	CRIMINAL JUSTICE: Creates database to track trafficking arrests, convictions, restitution, fines, and civil asset forfeiture. (8/1/23) (EN NO IMPACT See Note)
Act 387	SB73	ROBERT MILLS	CHILDREN: Provides relative to truancy and assessment and service centers. (gov sig)
Act 388	SB77	REESE	CAPITAL OUTLAY: Provides relative to the capital outlay process. (8/1/23) (EN INCREASE LF EX See Note)
Act 389	SB136	BARROW	ECONOMIC DEVELOPMENT: Provides relative to the governance of the Baton Rouge North Economic Development District. (gov sig)
Act 390	SB140	FOIL	SEIZURES/SALES: Provides relative to online judicial sales. (8/1/23)
Act 391	SB153	WOMACK	FUNDS/FUNDING: Creates the Correctional Facility Capital Outlay Fund. (gov sig) (EN DECREASE GF RV See Note)
Act 392	SB197	PEACOCK	TEACHERS: Provides relative to teacher certification. (gov sig) (EN INCREASE SG EX See Note)
Act 393	SB201	HEWITT	PUBLIC MEETINGS: Provides for meetings of boards and commissions via electronic means. (8/1/23) (EN SEE FISC NOTE EX See Note)
Act 394	SB205	CORTEZ	INFORMATION TECHNOLOGY: Creates the Louisiana Foundational Integrated Research System for Transformation (LA FIRST). (gov sig) (EN INCREASE GF EX See Note)
Act 395	SB132	REESE	CAPITAL OUTLAY: Provides relative to exemptions to capital outlay procedure. (8/1/23) (EN SEE FISC NOTE See Note)
Act 396	SB227	DUPLESSIS	TAX EXEMPTIONS: Provides for state and local sales and use taxes on digital art sold in a cultural product district. (gov sig) (EN DECREASE GF RV See Note)
Act 397	HB560	ZERINGUE	APPROPRIATIONS/SUPPLEML: Makes supplemental appropriations for Fiscal Year 2022-2023
Act 398	HB3	BISHOP	CAPITAL OUTLAY: Provides for the Omnibus Bond Act
Act 399	HB90	STEFANSKI	DRUGS/CONTROLLED: Provides relative to penalties for distribution or possession with intent to distribute fentanyl or carfentanil (EN INCREASE GF EX See Note)
Act 400	HB104	ZERINGUE	APPROPRIATIONS: Appropriates funds for the expenses of the judiciary for Fiscal Year 2023-2024

Act	Bill	Author	Description
Act 401	HB176	JEFFERSON	PROPERTY: Provides relative to transfer of ownership of movable property
Act 402	HB222	ZERINGUE	REVENUE SHARING: Provides for Revenue Sharing Distribution for Fiscal Year 2023-2024
Act 403	HB247	LANDRY	TAX/INCOME-INDIV/CREDIT: Establishes a tax credit for purchases of firearm safety devices (EN -\$500,000 GF RV See Note)
Act 404	HB255	LANDRY	TAX CREDITS: Establishes a tax credit for restaurants that recycle oyster shells (EN DECREASE GF RV See Note)
Act 405	HB327	SEABAUGH	TOPS: Relative to the Taylor Opportunity Program for Students (TOPS), provides that dependent children of parents living overseas meet TOPS residency requirements if certain conditions are met (EN SEE FISC NOTE GF EX)
Act 406	HB369	LAFLEUR	INSURANCE/AUTOMOBILE: Provides for a premium discount for certain military personnel (EN -\$6,500,000 GF RV See Note)
Act 407	HB379	MCKNIGHT	LIABILITY/CIVIL: Provides relative to liability associated with parades
Act 408	HB388	ZERINGUE	APPROPRIATIONS/ANCILLARY: Provides for the ancillary expenses of state government
Act 409	HB484	EDMONDS	MTR VEHICLE/DRIVER LIC: Provides relative to suspension of a driver's license and eligibility for a hardship license for certain offenses of operating a vehicle while intoxicated
Act 410	HB550	ZERINGUE	FUNDS/FUNDING: Provides for the transfer, deposit, and use of monies among state funds
Act 411	HB562	SCHEXNAYDER	TAX CREDITS: Provides relative to the Motion Picture Production Tax Credit (EN DECREASE GF RV See Note)
Act 412	HB586	STEFANSKI	CIVIL/CLAIMS: Provides for civil liability for actions related to fentanyl
Act 413	HB618	WILLARD	TAX CREDITS: Provides with respect to the credit and the deduction for taxes paid to other states (EN +\$39,000,000 GF RV See Note)
Act 414	HB635	HOLLIS	REVENUE/TAXATION DEPT: Increases the rate of the excise tax on vapor products and electronic cigarettes and dedicates a portion of the avails of such increase to payment of salaries and related benefits for La. State Police (EN -\$5,000,000 GF RV See Note)
Act 415	HB636	SCHEXNAYDER	LEGISLATIVE EXPENSES: Makes appropriations for the expenses of the legislature for Fiscal Year 2023-2024
Act 416	SB94	KLEINPETER	CONTROL DANGER SUBSTANCE: Adds certain substances to the Uniform Controlled Dangerous Substance Law. (8/1/23)
Act 417	HB16	SCHLEGEL	CRIME: Provides relative to the crime of simple burglary (EN INCREASE GF EX See Note)
Act 418	HB54	SCHLEGEL	JUVENILES: Provides relative to the discretion of the district attorney to prosecute a juvenile as an adult for certain offenses
Act 419	HB65	VILLIO	CRIME: Designates the crime of burglary of an inhabited dwelling as a crime of violence (EN INCREASE GF EX See Note)
Act 420	HB84	SCHLEGEL	CHILDRENS CODE: Provides relative to disposition of juveniles after adjudication of certain felony-grade delinquent acts (EN INCREASE GF EX See Note)
Act 421	HB220	PRESSLY	PROPERTY/IMMOVABLE: Provides relative to actions to determine ownership or possession

<u>Act</u>	<u>Bill</u>	<u>Author</u>	<u>Description</u>
Act 422	HB12	NELSON	STUDENTS: Prohibits promotion to the fourth grade of certain students whose reading deficiencies have not been remedied by the end of the third grade (EN INCREASE LF EX See Note)
Act 423	HB32	SCHLEGEL	TAX/INCOME TAX: Increases the amount of the individual income tax deductions for elementary and secondary school tuition, educational expenses for home-schooled children, and educational expenses for a quality public education (EN -\$2,200,000 GF RV See Note)
Act 424	HB155	BUTLER	CAPITAL OUTLAY: Establishes the Louisiana Rural Infrastructure Revolving Loan Program to provide financial assistance to local governments and political subdivisions for certain capital infrastructure projects (EN INCREASE SD EX See Note)
Act 425	HB330	MIKE JOHNSON	TAX/SALES-USE-EXEMPT: Creates a state and local sales tax exemption for purchases of agricultural fencing materials by commercial farmers (EN DECREASE GF RV See Note)
Act 426	HB483	MAGEE	TAX CREDITS: Provides relative to the rehabilitation of historic structures tax credit (EN -\$32,500,000 GF RV See Note)
Act 427	HB502	MCFARLAND	TAX/SALES & USE: Modifies the definition of the term commercial farmer by removing certain reporting requirements (EN SEE FISC NOTE SG RV See Note)
Act 428	HB513	MAGEE	TAX CREDITS: Establishes an insurance premium tax credit for retaliatory taxes paid by certain domestic insurers (EN -\$9,000,000 GF RV See Note)
Act 429	HB619	LANDRY	TAX/SALES & USE: Provides for applicability of sales tax to sales of admissions to certain museums (EN INCREASE GF RV See Note)
Act 430	HB631	NELSON	TAX/CORP INCOME: Provides with respect to the sourcing of sales for purposes of calculating Louisiana income (EN SEE FISC NOTE GF RV See Note)
Act 431	HB634	MCFARLAND	TAX/SEVERANCE TAX: Provides relative to a severance tax exemption for deep-well oil and gas production (EN DECREASE GF RV See Note)
Act 432	SB9	FOIL	TAX/FRANCHISE/CORPORATE: Exempts certain real estate investment trusts from the corporate franchise tax. (gov sig) (EN DECREASE GF RV See Note)
Act 433	SB151	REESE	ECONOMIC DEVELOPMENT: Provides relative to the Louisiana New Markets Jobs Act. (gov sig) (EN -\$22,500,000 GF RV See Note)
Act 434	SB230	ALLAIN	TAX/INCOME/PERSONAL: Modifies the federal income tax deduction for taxpayers impacted by Hurricane Ida. (gov sig) (EN DECREASE GF RV See Note)
Act 435	SB3	ALLAIN	TAX/TAXATION: Changes the month for the annual determination of the personal income tax and corporate franchise tax automatic rate reductions. (8/1/23) (EN NO IMPACT GF RV See Note)
Act 436	SB7	CLOUD	LIBRARIES: Provides relative to access to certain materials in public libraries. (8/1/23) (EN INCREASE LF EX See Note)
Act 437	SB41	MIZELL	TAX/TAXATION: Establishes a tax credit for certain maternal wellness centers. (8/1/23) (EN -\$5,000,000 GF RV See Note)
Act 438	SB54	MORRIS	CRIMINAL PROCEDURE: Repeals provisions relative to police officers making arrests for certain misdemeanors and felonies. (8/1/23) (EN SEE FISC NOTE LF EX See Note)
Act 439	HB5	FRIEMAN	PATERNITY: Provides relative to pregnancy-related medical expense obligations
Act 440	HB61	SCHLEGEL	CONTRACTS: Provides for consent of a legal representative of a minor who contracts with certain parties

Act	Bill	Author	Description
Act 441	HB540	MIGUEZ	PORTS/HARBORS/TERMINALS: Establishes a port and harbor police force for ports meeting certain requirements (EN INCREASE LF EX See Note)
Act 442	HB221	WRIGHT	ADMINISTRATIVE PROCEDURE: Provides relative to rulemaking and oversight pursuant to the Administrative Procedure Act
Act 443	HB489	HUVAL	INSURANCE: Provides relative to ratemaking systems utilized by insurers and rate service organizations
Act 444	HB511	ILLG	INSURANCE: Provides relative to the Louisiana Insurance Guaranty Association (EN SEE FISC NOTE GF RV See Note)
Act 445	HB523	LACOMBE	JUVENILES/DETENTION FAC: Provides relative to juvenile detention facilities
Act 446	HB597	IVEY	LEGISLATIVE AUDITOR: Provides for a portal to provide comprehensive financial and other information to the public (EN -\$3,500,000 GF RV See Note)
Act 447	HB1	ZERINGUE	APPROPRIATIONS: Provides for the ordinary operating expenses of state government for Fiscal Year 2023-2024
Act 448	HB160	HILFERTY	JUVENILES: Provides relative to rights of victims of alleged delinquent acts (EN NO IMPACT See Note)
Act 449	HB406	MINCEY	HIGHWAYS/INTERSTATE: Provides relative to flooding mitigation solutions along the Interstate 12 corridor in Livingston Parish
Act 450	HB428	PRESSLY	TAX/INCOME TAX: Extends to estates, trusts, and partnerships the flow-through entity income exclusion allowed to individuals (EN DECREASE GF RV See Note)
Act 451	HB439	BRYANT	FUNDS/FUNDING: Creates the Victims of Vehicular Homicide Fund (EN INCREASE GF EX See Note)
Act 452	HB443	EDMONDS	TAX CREDITS: Establishes a refundable individual income tax credit for certain adoptions (EN -\$1,300,000 GF RV See Note)
Act 453	SB109	TALBOT	INSURANCE POLICIES: Provides for balance billing by and reimbursement of covered health services provided by out-of-network emergency ambulance services. (8/1/23) (EN INCREASE SG EX See Note)
Act 454	SB111	DUPLESSIS	CRIMINAL RECORDS: Provides relative to system upgrades to the Louisiana Bureau of Criminal Identification and Information and the Louisiana Supreme Court Case Management Information System to the expungement process. (8/1/23) (EN INCREASE GF EX See Note)
Act 455	SB154	ALLAIN	ENERGY DEVELOPMENT: Provides for renewable energy leases. (gov sig)
Act 456	SB162	MCMATH	COMMERCIAL REGULATIONS: Creates the Secure Online Child Interaction and Age Limitation Act. (8/1/23) (EN INCREASE GF EX See Note)
Act 457	SB175	STINE	CRIME/PUNISHMENT: Criminalizes deepfakes involving minors and defines the rights to digital image and likeness. (8/1/23) (EN SEE FISC NOTE GF EX See Note)
Act 458	SB177	MCMATH	SCHOOLS: Provides relative to required accelerated instruction for certain students. (8/1/23) (EN INCREASE FF EX See Note)
Act 459	SB214	MCMATH	ECONOMIC DEVELOP DEPT: Create the office of port development within the Department of Economic Development and create a port development advisory committee. (gov sig) (EN INCREASE GF EX See Note)
Act 460	SB217	HENRY	CRIME/PUNISHMENT: Creates a state wide database for individuals convicted of child abuse/neglect. (7/1/24) (EN +\$490,135 GF EX See Note)
Act 461	SB74	CONNICK	PORTS/HARBORS/TERMINALS: Creates the Southeast Louisiana Port Authority Advisory Commission. (8/1/23) (EN SEE FISC NOTE SD EX See Note)

<u>Act</u>	<u>Bill</u>	<u>Author</u>	<u>Description</u>
Act 462	SB82	FESI	MOTOR VEHICLES: Provides relative to ignition interlock devices. (8/1/23) (EN NO IMPACT See Note)
Act 463	HB70	VILLIO	CRIMINAL/SENTENCING: Provides relative to diminution of sentence and parole eligibility for fourth or subsequent nonviolent felony offenses (EN INCREASE GF EX See Note)
Act 464	HB537	HODGES	CONTRACTS: Provides for a prohibition against foreign adversary purchasing, leasing, or acquiring land (EN GF EX See Note)
Act 465	HB2	BISHOP	CAPITAL OUTLAY: Provides for the comprehensive Capital Outlay budget
Act 466	HB648	FIRMENT	HEALTH/CHILDREN: Prohibits certain procedures to alter the sex of a minor child

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- [Home](#)
- [Laws](#)
- [Bills](#)
- [Sessions](#)
- [House](#)
- [Senate](#)
- [Committees](#)
- [Legislators](#)
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ACTS OF THE 2023 FIRST EXTRAORDINARY SESSION

[change session](#)

Act Numbers to Bills Passed

There are 2 Instruments in this List

 [Show 100 Items](#)

Bill Numbers to Acts

Constitutional Amendments
and Joint Resolutions

<u>Act</u>	<u>Bill</u>	<u>Author</u>	<u>Description</u>	
Act 1	HB1	ZERINGUE	APPROPRIATIONS/GENERAL: Appropriates funding for the Insure Louisiana Incentive Program	more...
Act 2	HB2	STEFANSKI	APPROPRIATIONS/GENERAL: Restricts use of funding for the Insure Louisiana Incentive Program	more...

Vetoed Bills

<< < 1 > >>

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