ACTS OF 2023
LEGISLATURE

Acts 326-393

ACT No. 326

SENATE BILL NO. 142
BY SENATOR CARTER
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)
of the Constitution of Louisiana.

To enact R.S. 13:961.1, relative to district courts; to provide for the appointment of official and deputy reporters in certain instances; to provide for qualifications, duties, and responsibilities; to provide for fees; to provide for bond; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:961.1 is hereby enacted to read as follows:

§961.1. Court reporter shortage
A. (1) Notwithstanding R.S. 37:556(A)(1), the judges of a district court, acting en banc, may declare a shortage of available certified court reporters in their district. 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.

(2) Prior to engaging in duties as a certified official or deputy reporter as provided in Subsection B of this Section, 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. 37:555(4)(B)(1), to approve or reject the application. The out-of-state reporter shall not engage in duties as a certified official or deputy reporter until the expiration of the five-day period allotted for the review.

(3) Upon the expiration of the five-day period, the board shall recognize the reporter's appointment as effective, unless it was rejected as provided by Paragraph (2) of this Section.

B. A court reporter appointed in accordance with Subsection A of this Section shall:

(1) Have the same duties and responsibilities as provided for other official and deputy reporters in this Part for the specific district court.

(2) Be entitled to the same fees paid in the same manner as provided for other official and deputy reporters in this Part for the specific district court.

(3) Be paid a salary, take an oath, and provide a bond as provided for other reporters in this Part for the specific district court and Chapter 1 of this Title.

(4) Perform duties under the supervision and direction of the district court judge to whom the reporter is assigned.

(5) Complete a reciprocal application for certification with the Louisiana Board of Examiners of Certified Shorthand Reporters in accordance with the provisions of R.S. 37:2554.

(6) Not perform duties as a free-lance reporter.

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 327

SENATE BILL NO. 146
BY SENATOR CORTEZ
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)
of the Constitution of Louisiana.

To amend and reenact R.S. 48:77.1(B), relative to the Megaprojects Leverage Fund; to provide for a separate portfolio for monies in the fund to be invested by the state treasurer in the same securities as allowed for the state general fund; to provide for the payment of expenses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:77.1(B) is hereby amended and reenacted to read as follows:

§77.1. Megaprojects Leverage Fund
B. Monies in the fund shall be invested by the treasurer in a separate portfolio in the same manner as allowed for the state general fund; and interest earnings. All investment earnings on this portfolio shall be deposited into the fund. All unexpended and unencumbered monies remaining in the fund at the end of each fiscal year shall remain in the fund. The amounts in the fund shall be available for appropriation to pay expenses incurred for custody.
(d) For any change order, the public entity shall have forty-five days from the submittal of the change order to the public entity, to negotiate, and approve or reject the contractor’s proposed cost estimate of the work to be performed by the change order. Extensions of time may be granted by mutual agreement or shall be granted as necessary for the public entity to obtain governmental approval. The contractor shall not be required to provide to the public entity any schedule updates incorporating the change order until that change order is executed unless the schedule is needed for evaluation of the proposed change order.

(c) Except where a public work does not exceed the contract limit as defined in this Section, the provisions of R.S. 38:2212(M) in regard to change orders shall not be waived by contract.

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Approved by the Governor, June 12, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 330

SENATE BILL NO. 184
BY SENATORS PEACOCK AND ALLAIN
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

To amend and reenact R.S. 18:1565.2(T), relative to campaign contributions; to provide for repayment of personal contributions or loans; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1565.2(T) is hereby amended and reenacted to read as follows:

§1505.2. Contributions; expenditures; certain prohibitions and limitations

T.(1) Notwithstanding the provisions of Subsections H and I of this Section, any loans Notwithstanding any provision of law to the contrary, loans a candidate makes to his own campaign, as provided for in this Section, may be repaid from any campaign funds contributions received in connection with an election in which the candidate qualified for a public office.

(2) The provisions of this Subsection shall apply only to those candidates who have terminated their public service as an elected official for at least one year from the date of their last day in office.

Approved by the Governor, June 12, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 331

SENATE BILL NO. 185
BY SENATOR REESE
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 6:1382, 1394 through 1399, and 1392 through 1394, to enact R.S. 6:1383.1, 1385.2, 1386.1, 1386.2, 1388.1, 1391(D) through (G), 1391.1, 1391.2, and 1391.3, and to repeal R.S. 6:1383(5)(c) and (7) and (D) and (D) and 1399, relative to the regulation and licensure of virtual currency businesses; to provide relative to the authority, functions, and duties of the office of financial supervisors and the appropriate licensing agency of another state which may be applicable; to authorize reciprocity of licensure; to provide for definitions; to provide for applicability; to provide for licensure requirements; to authorize reciprocity of licensure; to provide for qualifications of licensure; to provide for the issuance, denial, and renewal of licenses; to provide enforcement; to establish penalties for violations; to provide for administrative rules; to provide for terms, conditions, and procedures; to provide for reporting requirements; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 6:1382, 1384 through 1388, 1390, and 1392 through 1394 are hereby amended and reenacted and R.S. 6:1385.1, 1385.2, 1386.1, 1386.2, 1388.1, 1391(D) through (G), 1391.1, 1391.2, and 1391.3 are hereby enacted to read as follows:

§1382. Definitions

As used in this Chapter, except as used in the context otherwise requires, the following terms shall be defined as follows:

(1) “Acting in concert” means persons who knowingly act together with a common goal of jointly acquiring control of a licensee whether or not pursuant to an express agreement.

(2) “Applicant” means a person that applies for a license pursuant to this Chapter.

(3) “Affiliate” means any person who controls, is controlled by, or is under common control with another person.

(4) “Blockchain” means any ledger of exchange, sale, or transfer of virtual currency which is accessible by computers or operators that are part of any virtual currency network.

(5) “Commissioner” means the commissioner of the office of financial institutions.
(i) A person who is domiciled in this state.
(ii) A person who is physically located in this state for more than one hundred eighty-three days in the previous three hundred sixty-five days.
(iii) A person who has a place of business in this state.

(2) "Responsible individual" means an individual who has managerial authority with respect to the virtual currency business activity with or on behalf of a resident, any individual who is ultimately responsible for establishing or directing policies and procedures of the licensees, including but not limited to an executive officer, manager, director, or trustee.

(3) "Storage" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(4) "Store", except in the phrase "store of value", means to maintain control over a virtual currency for a period of at least half of a resident or a person other than the resident.

(5) "Tangible net worth" means all business assets minus liabilities and intangible assets, including goodwill and other intangible assets. For the purposes of this Paragraph, an intangible asset may include but is not limited to favorable leasehold rights, trademarks, trade names, internet domain names, and noncompete agreements.

(6) "Transfer" means to assume control of virtual currency from, or on behalf of, a resident and do any of the following:
(a) Credit the virtual currency to the account of another person.
(b) Move the virtual currency from one account of a resident to another account of the same resident.
(c) Relinquish control of virtual currency to another person.

(7) "United States dollar equivalent of virtual currency" means the equivalent United States dollar value of a particular virtual currency. United States dollars shown on a virtual currency exchange based in the United States for a particular date or period specified in this Chapter.

(8) "Unsafe or unsound act or practice" means and includes but is not limited to:
(1) A virtual currency business activity and any exchange in which the applicant operates or participates, that creates the likelihood of material loss, insolvency, or other self-liquidating event.
(2) An exchange in which the applicant, or an executive officer of the applicant, has been a party for the five years before the application is submitted or, if the business has operated for five years, the frequency on the occasions the applicant, or an executive officer of the applicant, has been a party.

(9) "Virtual currency" means a digital representation of value that is used as a medium of exchange, unit of account, or store of value, and that is not legal tender, whether or not denominated in legal tender.

(10) "Virtual currency administration" means issuing virtual currency with the authority to redeem the currency for legal tender, bank credit, or other virtual currency.

(11) "Virtual currency business activity" means any of the following:
(a) Exchanging, transferring, or storing virtual currency or engaging in virtual currency administration, whether directly or through an agreement with a virtual currency control services vendor.
(b) Holding electronic precious metals certificates or electronic certificates representing interests in precious metals on behalf of another person or issuing shares or electronic certificates representing interests in precious metals.
(c) Exchanging one or more digital representations of value used within one or more online games, game platforms, or family of games sold by the same publisher or offered on the same game platform.

(12) "Virtual currency control services vendor" means a person that has control of the applicant and the person's equity interests in the applicant.

(13) "Virtual currency locations" means any place in this state in which the applicant, or an executive officer of the applicant, has been a party for the five years before the application is submitted or, if the business has operated for five years, the frequency on the occasions the applicant, or an executive officer of the applicant, has been a party.

(14) "Virtual currency network" means any computer or operator having access to a ledger of exchange, sale, or transfer of one or more virtual currencies.

§1384. Licensure: general
A person shall not engage in virtual currency business activity, or hold itself out as being able to engage in virtual currency business activity, with or on behalf of a resident unless the person is one of the following:

(1) Registered with the department and operating pursuant to R.S. 6:1380.
(2) Exempt from licensure or registration pursuant to R.S. 6:1383.
§1385. Requirements
A. An applicant for a license pursuant to the provisions of this Chapter shall submit the application through the Nationwide Multi-State Licensing System (NMLS) and satisfy all of the following:

(1) Licensed in this state by the department for the three years prior to the date the application is submitted.
(2) Exempt from licensure or registration pursuant to R.S. 6:1383.

(3) A person who has control of the applicant and the person's equity interests are publicly traded in the United States, a copy of the audited financial statements of the person filed pursuant to 15 U.S.C. 78.

(4) If a person has control of the applicant and the person's equity interests are publicly traded in the United States, a copy of the audited financial statements of the person for the most recent fiscal year or most recent report of the person filed pursuant to 15 U.S.C. 78.

(5) If a person has control of the applicant and the person's equity interests are publicly traded in the United States, a copy of the audited financial statements of the person for the most recent fiscal year or most recent report of the person filed pursuant to 15 U.S.C. 78.
are publicly traded outside the United States, a copy of the audited financial statement of the person for the most recent fiscal year of the person or a copy of the most recent document that is required to be submitted in Subparagraph (g) of this Paragraph filed with the NMLS.

(3) A set of fingerprints for each executive officer and responsible individual who has control of the applicant. If the person resided outside of the United States anytime within the past ten years, the person shall also provide an investigative background report prepared by an independent search firm that meets the following requirements:

(a) Demonstrate that it has sufficient knowledge and resources, and employs accepted and reasonable methodologies to conduct the research of the background report.

(b) Demonstrate that it does not have an interest in, nor affiliation with, the person who is the subject of the background report.

(ii) At a minimum, the investigative background report shall be written in the English language and shall contain all of the following:

(a) If available in the person’s current jurisdiction of residency, a comprehensive credit report, or any equivalent information obtained or generated by the independent search firm to accomplish such report, including a search of the court data in the counties, provinces, states, cities, towns, and contiguous areas where the individual resided and worked.

(b) If available in the person’s current jurisdiction of residency, a criminal record check with convictions, including but not limited to felonies, misdemeanors, or similar convictions.

(3) Employment history.

(4) Financial services-related regulatory history, including but not limited to money transmission, securities, banking, insurance, and mortgage-related industries.

(a) Available for each executive officer and responsible individual who has control of the applicant, for the five years before the application is submitted, employment history and history of any investigation of the person who has control or the responsible individual, or legal proceeding to which the person who has control or responsible individual was a party.

(b) Other information the department reasonably requires by rule.

(2) Be accompanied by a nonrefundable fee in the amount determined by the department to cover the reasonable costs of regulation. Provide through the manner prescribed by NMLS, a nonrefundable fee in an amount provided for by rule for the reasonable regulatory cost of the application and investigation process. Pursuant to this Section, the applicant shall pay the reasonable costs of the investigation incurred by the office that are in excess of the amount of the nonrefundable fee amount, in the manner prescribed by the commissioner.

B. The commissioner shall approve an advanced change of control notice filed pursuant to Paragraph (1) of this Section, the commissioner may require the licensee or applicant to provide additional information concerning the proposed person, or persons acting in concert, to cause a change of control. The additional information shall be limited to the same information required from the licensee or applicant as part of its original application filed pursuant to R.S. 6:1385(A).

C. The commissioner determines that the proposed person, or persons acting in concert, to cause a change of control fails to meet the qualifications, standards, and requirements pursuant to this Chapter, the department shall inform the licensee, applicant, proposed person, or persons acting in concert, to cause the change of control in writing that the advanced change of control request is denied and state the reasons for such denial. The licensee, applicant, proposed person, or persons acting in concert, to cause the change of control may appeal the decision in accordance with R.S. 6:1385.

D. The provisions of Paragraph (A)(1) of this Section shall not apply to a public offering of securities under the laws of the United States.

E. Before filing an advanced change of control notice, any person, or persons acting in concert, may request in writing a determination from the commissioner as to whether the person, or persons acting in concert, would be considered to be in control of a licensee or applicant upon consummation of a proposed transaction. If the commissioner determines that the person, or persons acting in concert, would not be in control of the licensee or applicant, the commissioner shall respond in writing that the proposed transaction is not subject to the requirements of Subsection A of this Section.

§1385.2. Approval of advanced change of responsible individual notice

A. Whenever a change in control is contemplated with respect to a responsible individual of a licensee or applicant, all of the following information shall be provided to the commissioner through the NMLS:

(1) The legal name, any former or fictitious name, and the residential and business address of the proposed responsible individual.

(2) A list of any criminal conviction, deferred prosecution agreement, or pending criminal proceeding in any jurisdiction against the proposed responsible individual.

(3) A list of any bankruptcy or receivership proceeding in any jurisdiction for the prior ten years involving the proposed responsible individual.

(4) A list of any litigation, arbitration, or administrative proceeding in any jurisdiction in which the proposed responsible individual was a party for the prior five years.

(5) Copy of any reprints of the proposed responsible individual for submission to the Federal Bureau of Investigation and the commissioner for purposes of a national and state criminal background check. If the individual resided outside of the United States at any time in the past ten years, he shall also provide an investigation of the individual’s criminal history by any independent search firm pursuant to the requirements of R.S. 6:1385(A)(1)(u).

(6) The employment history of the proposed responsible individual for the prior five years.

(7) A list of any investigation or legal proceeding to which the proposed responsible individual was a party for the prior five years.

B. After review of an advanced change of responsible individual notice filed pursuant to Subsection A of this Section, the commissioner may require the licensee or applicant to provide additional information concerning the proposed person, or persons acting in concert, to cause a change of control.

C. The commissioner shall approve a proposed change of responsible individual notice filed in accordance with Subsection A of this Section if,
after investigation, he reasonably determines that the proposed responsible individual has the relevant competence, experience, character, and general fitness necessary to ensure that the licant's or registrant's business is conducted in a manner that it continue to conduct its virtual currency business activity honestly, carefully, and efficiently, and in accordance with the requirements of this Chapter and any other applicable state and federal laws and regulations.

D. If the commissioner determines that the proposed responsible individual (a) fails to meet the qualifications, standards, and requirements of this Chapter, he shall inform the licant, applicant, and proposed responsible individual, in writing, that the advanced change of control request is denied and state the reasons for denial. The licant, applicant, and proposed responsible individual may appeal the denial in accordance with R.S. 6:1387(C).

§1390. Required documents; securities
A. (1) Before a license is issued pursuant to the provisions of this Chapter, an applicant shall submit a surety bond in the amount of one hundred thousand dollars to the department that secures the applicant’s faithful performance of the obligations of the applicant with respect to virtual currency business activities provided in R.S. 6:1388.1.

Dollar Amount of Virtual Currency Business Activity Surety Bond Amount Required
$0 to $5,000,000 $100,000
$5,000,001 to $10,000,000 $200,000
$10,000,001 to $15,000,000 $300,000
$15,000,001 to $20,000,000 $400,000
$20,000,001 to $25,000,000 $500,000
$25,000,001 to $30,000,000 $600,000
$30,000,001 to $35,000,000 $700,000
$35,000,001 to $40,000,000 $800,000
$40,000,001 to $45,000,000 $900,000
$45,000,001 to $50,000,000 $1,000,000

(2)(a) The licant shall maintain or increase the minimum amount of security the surety bond to reflect the dollar amount of all licensed money transmission virtual currency business activity in this state in the preceding calendar year in accordance with the provisions of this Paragraph. A licant may decrease the security in accordance with the provisions of the Paragraph if the security required is less than the amount of security on file with the department.

(b) Security shall be in a form satisfactory to the department and payable to the state for the benefit of any claimant against the licant to secure the faithful performance of the obligations of the licant with respect to money transmission business activities.

(c) The aggregate liability on a surety bond may not exceed the principal sum of the bond. A claimant against a licant may maintain an action on the bond, or the department may maintain an action on behalf of the claimant.

D. For good cause, the department may require a licant or registrant to increase the net worth or reserves required under this Section. The licant or registrant must submit to the department evidence that it has the additional net worth or reserves not later than fifteen days after the licant or registrant receives notice.

2. Meeting tangible net worth requirements
A. In satisfying the licensure and renewal requirements provided in this Chapter, tangible net worth shall be clearly evidenced by filing or submitting a current audited financial statement to the commissioner through the NMLS that is prepared in accordance with the generally acceptable accounting principles standards consistent with the Public Company Accounting Oversight Board standards.

B. All licensing requirements, including renewals, relative to tangible net worth shall be evidenced at the time of initial application for licensure and renewal, maintained at all times during licensure and renewal, and reported annually as required in R.S. 6:1386.1. If a licant fails to maintain or increase its tangible net worth to the required amount as of the last day of the fiscal period of the licant, the department may require the licant to submit to the Office of Finance and Administration an additional security in the amount of the increase to meet the licensure requirements of this Chapter.

3. Protection of resident assets
A. A licant shall hold virtual currency on behalf of a resident, in a manner that the resident may be unable to fully withdraw his assets, and investing in such a manner that would not affect for sufficient, including virtual currency, to fulfill all outstanding obligations to the resident.

B. In order to ensure compliance with the requirements of Section B of this Section, a licant may include the amount of its assets, in the same account with a resident’s assets, for the purpose of facilitating selling, transferring, assigning, lending, hypothecating, pledging, or using or encumbering assets, including virtual currency, stored, held, or maintained by, or under the custody or control of, a licant on behalf of a resident, except for the sale, transfer, or assignment of such assets at the direction of the resident.

C. A licant is prohibited from commingling assets belonging to a resident with assets belonging to a licant, user of the resident’s assets to secure or guarantee a transaction other than a transaction involving, or on behalf of the resident’s contributing assets, maintaining the resident’s assets in such a manner that the resident may be unable to fully withdraw his assets, and investing in such a manner that would not affect sufficient, including virtual currency, to fulfill all outstanding obligations to the resident.

D. A licant is prohibited from commingling assets belonging to a resident with assets belonging to a licant, user of the resident’s assets to secure or guarantee a transaction other than a transaction involving, or on behalf of the resident’s contributing assets, maintaining the resident’s assets in such a manner that the resident may be unable to fully withdraw his assets, and investing in such a manner that would not affect sufficient, including virtual currency, to fulfill all outstanding obligations to the resident.

E. No license shall be issued unless the commissioner has made a determination that the applicant has met the licensing requirements pursuant to this Chapter, including the requirements of R.S. 6:1385, R.S. 6:1385.1 or R.S. 6:1385.2, in accordance with the Administrative Procedure Act, the denial of an advanced change of control notice, or appeal of a denial of an advanced change of control notice, pursuant to either R.S. 6:1385.1 or 1385.2, in accordance with the Administrative Procedure Act.

F. No renewal shall be issued unless the commissioner has made a determination that the applicant has met the licensing requirements pursuant to this Chapter, including the requirements of R.S. 6:1385, R.S. 6:1385.1 or R.S. 6:1385.2, in accordance with the Administrative Procedure Act, the denial of an advanced change of control notice, or appeal of a denial of an advanced change of control notice, or appeal of a denial of an advanced change of control notice, in accordance with the Administrative Procedure Act.
Subsection D of this Section.

(1) Each person licensed as a virtual currency business activity licensee shall submit an annual renewal application on or before December thirty-first of each year in a manner and form prescribed by the commissioner and submit to the commissioner a renewal report pursuant to Subsection C of this Section if the person is not issued a new license from November first to December thirty-first of that year. A virtual currency business activity license issued during this time period shall expire on December thirty-first of the following calendar year. A virtual currency business activity license issued during this time period shall expire on December thirty-first of the following calendar year. A virtual currency business activity license issued during this time period shall expire on December thirty-first of the following calendar year.

(2) An annual renewal application shall be accompanied by the required annual license renewal and investigation fees pursuant to the rules and regulations promulgated by the commissioner, as required pursuant to Subsection F of this Section. An annual license renewal application submitted on or before December thirty-first of the preceding calendar year and as of September thirtieth of the current year shall be charged an annual license renewal late fee pursuant to the rules and regulations promulgated by the commissioner, in addition to the annual license renewal and investigation fees.

E. (1) An annual licensee renewal application that is timely submitted on or before the license expiration date shall remain in force and effect until such application is approved or denied by the commissioner. Nothing in this Paragraph shall preclude the commissioner from implementing any administrative or enforcement action authorized by this Title for violations of this Chapter or for material misrepresentation that may have occurred prior to the renewal date of a license.

(2) If the renewal application is submitted timely on or before December thirty-first, the license shall remain in force and effect until the renewal application is either approved or denied by the commissioner. Nothing in this Paragraph shall preclude the commissioner from implementing any administrative or enforcement action authorized by this Title for violations of this Chapter or for material misrepresentation that may have occurred prior to the renewal date of a license.

(3) If the commissioner has not received the renewal fee and late fee before March first, the license to engage in virtual currency business activities shall expire without hearing or notification, and the license shall not be reinstated. However, after the person whose license was suspended or revoked, the person shall apply for a new license and shall pay all new license application requirements of this Chapter. Prior to such application being complete and eligible for approval consideration, the applicant shall be subject to and pay unlicensed activity civil money penalties in the amount determined by the commissioner.

C. (1) The renewal report required by Subsection A of this Section shall be submitted in a form and medium prescribed by the department office.

(2) The report shall contain all of the following:
(a) A copy of the licensee’s most recent reviewed annual financial statement if the person engaged in virtual currency business activity in this state was less than an amount, to be determined by the department, for the fiscal year ending before the anniversary date of issuance of its license under this Chapter, or an annual financial statement if the licensee’s virtual currency business activity in the state amounted to more than the amount determined by the department for the fiscal year ending before the anniversary date.

(b) If a person other than an individual has control of the licensee, a copy of either of the following:
(i) The person’s most recent reviewed current annual financial statement if the person’s gross revenue was less than an amount, to be determined by the commissioner. In the previous fiscal year, measured as of the anniversary date of issuance of its license under this Chapter, or an annual financial statement if the person’s virtual currency business activity in this state was less than an amount, to be determined by the department, for the fiscal year ending before the anniversary date of issuance of its license pursuant to the provisions of this Chapter.

(ii) A description of any of the following:
(a) Material change in the financial condition of the licensee.
(b) Material litigation involving the licensee or an executive officer or a responsible individual of the licensee.
(c) License suspension or revocation proceeding commenced, or other action taken, involving a license to conduct virtual currency business activity issued by another state on which reciprocal licensing is based.
(d) Postal state or federal investigation involving the licensee.
(e) The number of virtual currency business activity transactions with, or on behalf of, residents for the period since, subject to Subsection G of this Section, the date of the last report the licensee submitted to the department. A report the department received from the licensees issued on or after December thirty-first of the preceding calendar year and as of September thirtieth of the current year.

(f) Evidence that the licensee continues to satisfy the requirements provided for in R.S. 6:1386.

(g) A list of each location where the licensee operates its virtual currency business activity.

(h) The name, United States Postal Service address, and telephone number of each person that manages a server used by the licensee in conducting its virtual currency business activity with or on behalf of a resident.

(2) If in addition to the provisions of Paragraph (B)(3) of this Section, if a licensee does not timely comply with Subsection A of this Section, the department office may use any enforcement measure action provided for in R.S. 6:1392.

(3) No notice or hearing shall be required for a suspension or revocation of a license pursuant to the provisions of this Chapter for failure to pay a renewal fee or file a renewal report.

D. If the commissioner determines that the license pursuant to the provisions of this Chapter for noncompliance with Subsection A of this Section, the department may end the suspension or rescind the revocation and notify the licensee of the action if, subject to Subsection G of this Subsection, not later after the date the license was suspended or revoked, the licensee files a renewal report and pays a renewal fee and pays any penalty assessed by the department.

E. The department shall give prompt notice to a licensee of the lifting of a suspension or rescission of a revocation after the licensee complies with Subsection D of this Section.

F. Suspension or revocation Expiration of a license pursuant to the provisions of this Section shall not invalidate a transfer or exchange of virtual currency for, or on behalf of, a resident made during the such expiration suspension or revocation and shall not preclude the licensee from liability pursuant to the provisions of this Chapter, nor from other enforcement action as provided for in Subsection D of this Section.

G. For good cause, the department may extend a period of time provided for in this Chapter.

H. A licensee that does not comply with the provisions of this Section shall cease operations with, or on behalf of, a resident on or before the anniversary date of issuance of its license pursuant to the provisions of this Chapter.

I. A licensee shall pay the reasonable and necessary costs of the examinations or investigations of this Chapter in accordance with this Section.

$1391.1. Quarterly financial reports

A. A licensee shall submit, through the NMLS, quarterly financial reports, including transactional information, within forty-five days following the close of each quarter ending on the thirty-first of March and the thirty-first of June and the thirty-first of September and the thirty-first of December of each calendar year or the establishment of such a calendar year by law.

B. In addition, each licensee shall submit special reports to the commissioner, at such times and in such form, as the commissioner may require.

$1390. Transferability

A. A license or registration issued pursuant to the provisions of this Chapter shall not be transferable or assign able.

$1391. Examinations

D. The commissioner may do any of the following:

(1) Conduct on-site examination or investigation, participate in a joint or concurrent examination or investigation with another state or federal agency or agencies, or examine or investigate the books, records, and accounts used in the conduct of every licensee.

(2) Accept and rely upon an examination report or investigative report of any other state or federal agency.

E. Nothing in Subsection D of this Section shall preclude the commissioner from conducting an examination or investigation in accordance with applicable provisions of this Chapter, including but not limited to any of the following:

(1) Participating in a joint examination or investigation.

(2) Participating in a concurrent examination or investigation.

(3) Accepting results of an examination or investigation report conducted by any state or federal agency.

F. A joint report or concurrent report accepted by the commissioner pursuant to this Section may be accepted as an official report of the office for purposes of this Chapter.

G. The commissioner may, to the extent provided by law, do all of the following:

(a) Cooperate, coordinate, and share information with other state regulators of virtual currency business activities.

(b) Enter into written cooperation, coordination, or information sharing agreements with organizations made up of other state governmental regulators of virtual currency business activities.

(c) Cooperate, coordinate, and share information with organizations made up of other state governmental regulators of virtual currency business activities, if the organizations agree in writing to maintain confidentiality and security of the...
§1391. Books, records, and accounts
A. Any licensee engaging in virtual currency business activities in this state shall maintain and present the books, records, and accounts of its virtual currency business activities, pursuant to R.S. 6:1391, for a period of five years or longer, if required by the commissioner to resolve any examination, investigation, or complaint.
B. The books, records, and accounts to be maintained by each licensee shall include all of the following:
(1) For each transaction:
(a) The amount, date, and precise time of the transaction.
(b) Any payment instructions for the transaction.
(c) The total amount of fees and charges received and paid to, by, or on behalf of the licensee.
(d) The names, account numbers, and physical address of the parties to the transaction, including any customers and account holders of the licensee, who are engaged in virtual currency business activities.
(2) A general ledger containing all assets, liabilities, ownership equity, income, and expense accounts.
(3) Bank statements and bank reconciliation records.
(4) Licenses, orders, and valuations provided to customers and account holders.
(5) Records or minutes of meetings of the board of directors, or an equivalent governing body.
(6) Records demonstrating compliance with applicable state and federal anti-money laundering, cybersecurity, privacy, and information security, and such other policies and procedures as may be required by the commissioner by rule or pursuant to this Chapter.
C. A licensee shall designate a qualified individual, or individuals, who is responsible for coordinating and monitoring compliance with this Section and all other applicable state and federal laws, rules, and regulations.
§1392. Enforcement power of the commissioner
A. For purposes of this Chapter, “enforcement measure action” means an action to do or actions by the commissioner to enforce the requirements of this Chapter, including any of the following:
(1) Suspend or revoke a license or a registration pursuant to the provisions of this Chapter.
(2) Order a person to cease and desist from engaging in virtual currency business activity, or on behalf of, a resident.
(3) Request the court to appoint a receiver for the assets of a person doing virtual currency business activity, or on behalf of, a resident.
(4) Request the court to issue a temporary restraining order or a permanent injunction against a person doing virtual currency business activity, or on behalf of, a resident.
(5) Assess civil money penalties.
(6) Recover on the security against any entity, including, but not limited to, a Vermont state surety bond, pursuant to R.S. 6:1386 and initiate a plan to distribute the proceeds for the benefit of a resident injured by a violation of any provision of this Chapter, or law of this state other than this Chapter, which applies to virtual currency business activity of the resident with, or on behalf of, a resident.
(7) Cause any examination fee provided pursuant to this Chapter or any rule promulgated in accordance with the Administrative Procedure Act.
(8) Cause any examination, investigation, or investigatory report conducted and prepared by other state or federal regulators of virtual currency business activity.
§1391.1. Compliance policies and procedures
A. Any licensee engaging in virtual currency business activities in this state shall adopt and implement appropriate compliance policies and procedures, as part of the required books, records, and accounts, as determined by the commissioner by rule or pursuant to this Chapter.
B. The policies and procedures shall be in writing and reviewed and approved by the licensee’s board of directors or an equivalent governing body, and include, at a minimum, policies and procedures covering anti-fraud, anti-money laundering, cybersecurity, privacy, and information security, and such other policies and procedures as may be required by the commissioner by rule or pursuant to this Chapter.
C. A licensee shall designate a qualified individual, or individuals, who is responsible for coordinating and monitoring compliance with this Section and all other applicable state and federal laws, rules, and regulations.
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(7) Cause any examination fee provided pursuant to this Chapter or any rule promulgated in accordance with the Administrative Procedure Act.
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B. The policies and procedures shall be in writing and reviewed and approved by the licensee’s board of directors or an equivalent governing body, and include, at a minimum, policies and procedures covering anti-fraud, anti-money laundering, cybersecurity, privacy, and information security, and such other policies and procedures as may be required by the commissioner by rule or pursuant to this Chapter.
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§1392. Enforcement power of the commissioner
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(2) Order a person to cease and desist from engaging in virtual currency business activity, or on behalf of, a resident.
(3) Request the court to appoint a receiver for the assets of a person doing virtual currency business activity, or on behalf of, a resident.
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(5) Assess civil money penalties.
(6) Recover on the security against any entity, including, but not limited to, a Vermont state surety bond, pursuant to R.S. 6:1386 and initiate a plan to distribute the proceeds for the benefit of a resident injured by a violation of any provision of this Chapter, or law of this state other than this Chapter, which applies to virtual currency business activity of the resident with, or on behalf of, a resident.
(7) Cause any examination fee provided pursuant to this Chapter or any rule promulgated in accordance with the Administrative Procedure Act.
(8) Cause any examination, investigation, or investigatory report conducted and prepared by other state or federal regulators of virtual currency business activity.
promulgated in accordance with this Chapter.

The licensee or person violates the written restrictions or conditions under which the license was issued.

The licensee or person fails, after notice and without lawful excuse, to obey any order or subpoena issued by the commissioner.

The commissioner discovers any fact or condition currently exists that, if it had existed at the time of the original application for licensure, would have warranted the denial of the application.

The commissioner may, upon discovery, order an immediate suspension of the license of any person licensed pursuant to this Chapter who does any of the following:

(a) Fails to maintain a surety bond or fails to meet the tangible net worth requirements in any manner as provided for pursuant to R.S. 6:1386.
(b) Commits material violations pursuant to this Chapter such that, in the opinion of the commissioner, the public safety and welfare demand that emergency action be taken.
(c) Submits a payment of any fee for any application, notification, examination, investigation, late fee, or penalty that is returned, declined, denied, or otherwise not paid in full for any reason.
(d) Is convicted of a felony that would have prohibited the issuance or renewal of the license.
(e) Has his license to engage in virtual currency business activities suspended or revoked in another jurisdiction.

A person whose license is suspended pursuant to this Subsection shall have thirty days from the date of the order to request a hearing in accordance with the Administrative Procedure Act. Failure to timely request a hearing shall constitute a waiver of all hearing rights regarding the suspension.

The commissioner may issue a cease and desist order, order refunds of any unauthorized portion of any fee, or charge any person who collects in violation of this Chapter, and may impose a civil money penalty as determined by the commissioner to the extent permitted by this Chapter or this Title, the commissioner may issue a cease and desist order, order refunds of any unauthorized portion of any fee, or charge any person who collects in violation of this Chapter, and may impose a civil money penalty as determined by the commissioner to the extent permitted by this Chapter or this Title.

Each separate violation shall subject the person to a civil money penalty and each day the person acts without complying with the provisions of this Chapter, or rules or regulations promulgated in accordance with this Chapter, shall constitute a separate violation.

The violations listed in this Subsection are nonexclusive, and are in addition to and exist independent of, any violations set forth in other provisions of this Chapter. Failure to comply with any provisions set forth in this Chapter may be a basis for revocation of a license for any of the reasons provided to the commissioner under this Title. It shall be a violation of this Chapter for a person engaged in virtual currency business activity pursuant to this Chapter to do any of the following:

(1) Directly or indirectly employ any scheme, device, or artifice to defraud or mislead any resident, when such person knew or should have known that such scheme, device, or artifice was fraudulent or misleading.
(2) Engage in any unfair or deceptive practice toward any resident.
(3) Fail to comply with this Chapter, or rules or regulations promulgated pursuant to this Chapter, the laws of this state, or federal law, including the rules and regulations issued thereunder, applicable to any virtual currency business activity.
(4) Negligently make any false statement, or knowingly and willfully make any omission of material fact, in connection with any information or reports filed with a state or federal government agency or the NMLS, or in connection with any investigation conducted by the commissioner or any other state or federal government agency.
(5) Fail to truthfully account for any assets in connection with any virtual currency business activity with, or on behalf of, a resident.
(6) The commissioner may report apparent violations to other appropriate state and federal regulators, the NMLS, federal law enforcement agencies, the attorney general, or to the district attorney of the appropriate parish, who may institute any proceedings as he considers appropriate.
(7) Advisory opinions and interpretations of the office shall not be considered rules requiring compliance with the rulemaking process of the Administrative Procedure Act. The commissioner and the employees of the office shall have no authority to appear as an amicus curiae or to participate in any capacity in connection with this Chapter.

All of the grounds for enforcement action listed in Subsection A of this Section are violations of this Chapter and may serve as the basis for any other enforcement action provided to the commissioner by this Title.

The commissioner may share information about any person who is licensed or required to be licensed pursuant to this Chapter with any state or federal government agency also having jurisdiction over the virtual currency business activities of that person.

Any licensee whose license issued pursuant to this Chapter has been revoked or the license is no longer in effect may not reapply for a license until at least five years have elapsed.

For the purpose of this Subsection, the term “licensee” shall include the licensee, owners of ten percent or more, and its members if the licensee is a limited liability company, its partners if the licensee is a partnership, its officers and directors if the licensee is a corporation, and any other person determined by the commissioner, in his sole discretion, to be closely related to the licensee.

Any licensee engaging in virtual currency business activity as defined in R.S. 6:1382 in this state shall provide accurate and appropriate disclosures to residents as it relates to the exchanging, transferring, or storing of virtual currency through the licensee. Failure to provide the disclosures required by this Section, or rules or regulations promulgated in accordance with this Chapter, shall be a violation of this Chapter.

Disclosures shall be made separately from any other information provided by the licensee to a resident and shall be clear, conspicuous, and in legible writing in the English language.

If in the opinion of the commissioner, the requirements of any rule or regulation as it pertains to disclosures by rule or regulation as required necessary and appropriate.

Virtual currencies shall describe all material risks associated with the licensees' virtual currency products, services, and activities, and virtual currency generally including but not limited to the following:

(a) Virtual currency is not legal tender in the United States, is not backed by the United States government, and accounts and value balances are not subject to Federal Deposit Insurance Corporation or Securities Investor Protection Corporation protections.

(b) Legislative and regulatory changes or actions at the state, federal, or international level may adversely affect the value of virtual currency.

(c) Transaction in virtual currency may be irreversible, and accordingly, losses due to fraudulent or accidental transactions may not be recoverable.

(d) Some virtual currency transactions may be immediately effective when recorded on a public ledger, which is not necessarily the date or time that the resident initiates the transaction.

(e) The value of virtual currency may be derived from the continued willingness of market participants to exchange legal tender for virtual currency, which may be subject to sudden and dramatic declines in value, and the market for virtual currency if the market for the virtual currency declines or collapses.

(f) Any surety bond required by this Chapter for the benefit of residents may not be sufficient to cover all losses incurred by the residents.

(g) The residents should perform research before purchasing or investing in virtual currency.

(h) The circumstances under which the licensees will, in the ordinary course of business, disclose the resident's financial and account information to third parties.

(i) When opening a new account, and prior to entering into an initial transaction with, for, or on behalf of, a resident, each licensee shall disclose in clear, conspicuous, and legible writing in the English language, all relevant terms and conditions of the transaction, including the terms and conditions of the transaction, including but not limited to the following:

(1) The resident's liability for unauthorized virtual currency transactions.
(2) The resident's right to stop payment of a preauthorized virtual currency transfer and the procedure to initiate the stop payment order.
(3) Under what circumstances the licensee will, absent a court or government order, disclose information concerning the resident's account to third parties.
(4) The resident's right to receive periodic account statements and valuations from the licensee.
(5) The resident's right to receive a receipt, trade ticket, or other evidence of a transaction.
(6) Any conditions as are customarily given in connection with the opening of resident accounts.
(7) The value of virtual currency will be acknowledged as received by the resident.
(8) Prior to each transaction in virtual currency with, for, or on behalf of, a resident, each licensee shall furnish to each such customer or account holder a written disclosure in clear, conspicuous, and legible writing in the English language, containing the terms and conditions of the transaction, including but not limited to the following:

(1) The name and contact information of the licensee, to answer questions and register complaints.
(2) The type of the virtual currency transaction.
(3) Under what circumstances the licensee will, absent a court or government order, disclose information concerning the resident's account to third parties.
(4) The fee charged.
(5) Virtual currency is not legal tender in the United States, is not backed by the United States government, and accounts and value balances are not subject to Federal Deposit Insurance Corporation or Securities Investor Protection Corporation protections.

(5) A statement of the liability of the licensee for nondelivery or delayed delivery of virtual currency if the market for the virtual currency declines or collapses for an extended period of time.

(6) Any surety bond required by this Chapter for the benefit of residents may not be sufficient to cover all losses incurred by the residents.

(7) The residents should perform research before purchasing or investing in virtual currency.

(8) The circumstances under which the licensees will, in the ordinary course of business, disclose the resident's financial and account information to third parties.

The commissioner may report apparent violations to other appropriate state and federal regulators, the NMLS, federal law enforcement agencies, the attorney general, or to the district attorney of the appropriate parish, who may institute any proceedings as he considers appropriate.

Advisory opinions and interpretations of the office shall not be considered rules requiring compliance with the rulemaking process of the Administrative Procedure Act. The commissioner and the employees of the office shall have no authority to appear as an amicus curiae or to participate in any capacity in connection with this Chapter.

All of the grounds for enforcement action listed in Subsection A of this Section are violations of this Chapter and may serve as the basis for any other enforcement action provided to the commissioner by this Title.

The commissioner may share information about any person who is licensed or required to be licensed pursuant to this Chapter with any state or federal government agency also having jurisdiction over the virtual currency business activities of that person.

Any licensee whose license issued pursuant to this Chapter has been revoked or the license is no longer in effect may not reapply for a license until at least five years have elapsed.

For the purpose of this Subsection, the term “licensee” shall include the licensee, owners of ten percent or more, and its members if the licensee is a limited liability company, its partners if the licensee is a partnership, its officers and directors if the licensee is a corporation, and any other person.
To enact R.S. 22:1020.62 and 1260.41(10), relative to health insurance: to provide for utilization review; to provide definitions; to provide for documentation and reports; to require items and services subject to prior authorizations to be posted on a health insurance issuer's website; to require applications and enrollment materials to include a health insurance issuer's web address for any of its health coverage plans; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1020.62 is hereby amended to read as follows: §1020.62. Utilization review reports; definitions

A. For purposes of this Section, the following terms have the following meanings:

(1) “Health coverage plan” means any hospital, health, or medical expense insurance policy, hospital or medical service contract, employee welfare benefit plan, contract, or other agreement with a health maintenance organization or a preferred provider organization, health and accident insurance policy, or any other insurance contract of this type in this state, including a group insurance plan or self-insurance plan. “Health coverage plan” does not include a plan providing coverage for excepted benefits defined in R.S. 22:1061, excepted benefit health insurance plans, short-term policies that have a term of less than twelve months, or the office of group benefits. Notwithstanding excepted benefits as defined in R.S. 22:1061, a “health coverage plan” subject to the provisions of Part III of this Chapter includes dental insurance plans.

(2) “Health insurance issuer” means an entity subject to the insurance laws and regulations of this state, or subject to the jurisdiction of the commissioner, that contracts or offers to contract, or enters into an agreement to provide, deliver, underwrite, or reinsure any health insurance, insurance, or annuity contract, policy, or contract of this type in this state, including a sickness and accident insurance company, a health maintenance organization, a preferred provider organization or any similar entity, or any other entity providing a plan of health insurance or health benefits. Health insurance issuer does not include the office of group benefits.

(3) “Healthcare provider” or “provider” means a healthcare professional or a healthcare facility or the agent or assignee of the healthcare professional or healthcare facility.

(4) “Healthcare services” means services, items, supplies, or drugs for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

(5) “Prior authorization” means a determination by a health insurance issuer or person contracting with a health insurance issuer that healthcare services ordered by the provider for an individual are medically necessary and appropriate.

B. (1) A health insurance issuer, on an annual basis and at a time and in a manner determined by the commissioner, shall submit a report to the department containing a quarterly breakdown of the following information:

(a) A list of all items and services that require prior authorization.

(b) The percentage of standard prior authorization requests that were approved, aggregated for all items and services.

(c) The percentage of standard prior authorization requests that were denied, aggregated for all items and services.

(d) The percentage of standard prior authorization requests that were approved after appeal, aggregated for all items and services.

(e) The percentage of prior authorization requests when the timeframe for the time stated in the prior authorization request was approved, aggregated for all items and services.

(f) The percentage of expedited prior authorization requests that were approved, aggregated for all items and services.

(g) The percentage of expedited prior authorization requests that were denied, aggregated for all items and services.

(h) The average and median time that elapsed between the submission of a request and a determination by the health insurance issuer for standard prior authorizations, aggregated for all items and services.

(i) The average and median time that elapsed between the submission of a request and a decision by the health insurance issuer for expedited prior authorizations, aggregated for all items and services.

(2) The commissioner shall submit an annual written report to the Senate Committee on Finance and the House Committee on Insurance that includes the information submitted to the department in accordance with Subsection B of this Section.

C. (1) A health insurance issuer shall annually publish on the health insurance issuer’s publicly available website a list of all items and services that are subject to prior authorization, and post in the issuer’s online access request according to each health coverage plan. This list shall be published on the issuer’s website prior to open enrollment. If a health insurance issuer changes the list of items and services that are subject to prior authorization, a health insurance issuer shall, in a timely manner, update its website to reflect the changes.

(2) A health insurance issuer shall include a current web address on any application or enrollment materials that are distributed by each health coverage plan.

D. A health insurance issuer shall provide, along with contract materials...
to any healthcare provider or supplier who seeks to participate under a health coverage plan a list of all items and services that are subject to prior authorization. The health coverage plan and any policies or procedures used by a health coverage plan for making determinations with regards to a prior authorization request. A health insurance issuer may refer such providers or suppliers to a listing or link on its website to comply with this Subsection.

Section 2. R.S. 22:1260.4110 is hereby enacted to read as follows:

For purposes of this Subpart, the following terms have the following meanings unless the context clearly indicates otherwise:

(10a) “Health insurance issuer” means the same as the term is defined in R.S. 22:1019.1 except as provided in Subparagraph (c) of this Paragraph.

(b) The provisions of this Subpart shall not apply to an entity that provides limited scope dental or vision benefits.

Section 3. Section 2 of this Act shall become effective if and when the Act that originated as House Bill No. 468 of the 2023 Regular Session of the Legislature becomes effective. To the extent there is any conflict between the provisions of the Act that originated as House Bill No. 468 of the 2023 Regular Session of the Legislature and Section 2 of this Act, the provisions of this Act shall supercede and control.

Section 4. Section 1, and this Section of this Act shall become effective January 1, 2024.

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 334

SENATE BILL NO. 207

BY SENATORS MILLIGAN, ABRAHAM, BARROW, BERNARD, BOUTREUX, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FIELDS, FOIL, HARRIS, HENRY, HENSGENS, HEWITT, JACKSON, KLEINPETER, LUNEAU, FRED MILLS, MORRIS, PEACOCK, POPE, PRICE, REESE, SMITH, STINE, TALBOT, TARVER, WHITE and WOOLAM AND REPRESENTATIVES ADAMS, BRYANT, CARRIER, ECHOLS, FISHER, FREEMAN, GADDERRY, GAROFALO, GREEN, HARRIS, HORTON, HUGUES, HILLS, LILLY, MIKE JOHNSON, TRAVIS JOHNSON, LAFLEUR, LAVAID, LYNXON, MCKNIGHT, NEWELL, OAKDEN, SCHMIDT, SELDERS, THOMPSON AND WILLARD

Prefiled Pursuant to Article III, Section 2A(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 17:416.16(A), (B), (C)(1) (D), (E), (F), (H) and (I), and R.S. 29:726.5 and to enact R.S. 17:416.16(G)(4) and (5) and R.S. 29:726.51, relative to school safety; to provide relative to school crisis management and response plans; to provide for additional safety drills; to require bleeding control kits in each school; to provide for training of designated employees on traumatic injury response; to provide relative to liability for rendering aid; to require rules relative to training and bleeder control kits; to provide relative to the duties and membership of the Louisiana Commission on School and Nonprofit Security; to provide for the Louisiana Center for Safe Schools; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:416.16(A), (B), (C)(1), (D), (E), (F), (H), and (I) are hereby amended and reenacted and R.S. 17:416.16(G)(4) and (5) are hereby enacted to read as follows:

(1) Classroom doors with locks that are shall be in compliance with all fire safety standards promulgated by the office of state fire marshal code enforcement and building safety of the Department of Public Safety and Corrections. In preparing and revising the plan, the principal and such officials shall consider such factors as appropriate, including any trauma-informed research, any trauma-informed principles, and the relevant coordination agreements, services, and security measures of a school and its local and state public safety and emergency preparedness office. The plan shall include the relevant coordination agreements, services, and security measures of a school and its local and state public safety and emergency preparedness office.

(2) The plan shall provide for an all-hazards approach response plan for emergencies that include any event with a hostage, an active shooter, or a building lockdown.

(3) The plan, which shall focus on preventing the loss of life and the injury of students, teachers and other school employees, shall address the roles and responsibilities of each school employee and of each local and state public safety and emergency preparedness office. The plan shall include the relevant coordination agreements, services, and security measures of a school and its local and state public safety and emergency preparedness office.

(4) The plan shall provide for the counseling of students by mental health professionals in the event of a shooting or other violent incident or emergency situation, encouraging peer helper programs, and identifying students who may have experienced rejection or other traumatic life events.

(5) Each public school principal, jointly with local law enforcement, fire, public safety, and emergency preparedness officials, shall review the plan at least once annually and shall revise the plan as necessary. In reviewing and revising the plan, the principal and such officials shall consider such factors as appropriate, including any trauma-informed research, any trauma-informed principles, and the relevant coordination agreements, services, and security measures of a school and its local and state public safety and emergency preparedness office. Each principal shall submit such the plan in writing to the local school superintendent for approval at least once annually, including upon each revision.

(6) The plan may shall provide for the counseling of students by mental health professionals in the event of a shooting or other violent incident or emergency situation, encouraging peer helper programs, and identifying students who may have experienced rejection or other traumatic life events.

(7) The plan shall include a training program for all teachers and school staff, and local public safety officials in the event of a shooting or other violent incident or emergency situation.

(8) Each public school principal shall conduct at least one additional drill during high traffic or transition points in the school day. Not later than seven days after the each drill, the principal shall submit a written report summarizing the details of the drill to the local school superintendent. The superintendent may shall comment on the drill to the principal, who may shall consider such the comments in revising the plan.

(9) Each principal shall designate employees to be trained in the proper use of a bleeding control kit and in traumatic injury response.

(10) The provisions of this Paragraph shall be subject to the appropriation of funds by the legislature.

(c) The provisions of this Paragraph shall be subject to the appropriation of funds by the legislature.

E. If a school has a resource officer or authorized in R.S. 17:416.10 and a Local School Superintendent, the Training Corps instructor shall conduct the planning and local law enforcement, fire, public safety, and emergency preparedness officials in preparing the plan and participate in any review or revision of the plan. A person acting in good faith who administers aid for a traumatic injury results from the gross negligence or willful or wanton misconduct in the administration of aid.

G. Each principal shall conduct at least one training session held for another purpose, for all teachers and school employees pertaining to the plan and may shall involve local law enforcement, fire, public safety, and emergency preparedness officials in the preparation and training. The plan shall be submitted to the local school superintendent and the state Department of Education.

The plan shall be submitted to the local school superintendent and the state Department of Education.

H. Each public school principal shall provide a copy of the approved plan in his office and shall provide a copy to the following individuals, each of whom

THE ADVOCATE

As it appears in the enrolled bill
shall be responsible for keeping in his respective office a copy of the plan that is readily accessible in the event of a school shooting or other violent incident or emergency situation.

(4) The state Department of Education.


A. For the purposes of this Section, a charter school, the "local superintendent" shall mean the chief executive officer of the school or other employee holding an equivalent position.

1. The governing authority of each public elementary and secondary school may adopt rules and regulations as it deems necessary to provide for the implementation of the provisions of this Section.

2. The State Board of Elementary and Secondary Education, in consultation with the Nonpublic School Commission, shall adopt rules and regulations requiring the governing authority of public schools to address school safety. These rules and regulations shall address management and response in the event of a shooting or other violent incident on school campuses, school buses, and at school-related activities and shall provide for a safe, secure, and orderly school that is conducive to learning for every student, teacher, and school employee. These rules and regulations may also address management and response in the event of any other emergency situation.

I. (1) The State Department of Education shall review national awareness campaigns relative to the response to traumatic injuries and develop and offer annual training, or provide updated links to training, on the response to traumatic injuries and the proper use of a bleeding control kit.

(2) The State Board of Elementary and Secondary Education shall develop rules relative to bleeding control kits that specify the minimum items to be included in a kit, when a kit shall be inspected and restocked, and how often designated employees shall be trained.

Section 2. R.S. 29:726.5 is hereby amended and reenacted and R.S. 29:726.5.1 is hereby enacted to read as follows:

§726.5. Louisiana Commission on School and Nonprofit Security

A. The Louisiana Commission on School and Nonprofit Security, hereinafter referred to in this Section as the "commission", is hereby established within GOHSEP to study and make recommendations on the security needs of schools and nonprofit organizations that are at high risk of terrorist attacks in Louisiana, including recommendations on the establishment, administration, and funding of a grant program for eligible entities to apply for security grants covering personnel, security training, facility hardening, and other necessary security measures.

B. The commission shall be comprised of the following members:

(1) The director of GOHSEP or his designee.

(2) The chair of the House Select Committee on Homeland Security or his designee.

(3) The chair of the Senate Select Committee on Homeland Security or his designee.

(4) The superintendent of state police or his designee.

(5) The executive director of the Louisiana Sheriffs' Association or his designee with expertise in terrorist attacks.

(6) The executive director of the Louisiana Interchurch Conference or his designee.

(7) The superintendent of the Department of Education or his designee.

(8) The executive director of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice or his designee.

(9) The executive director of the Louisiana School Boards Association or his designee.

(10) The executive director of the Louisiana Association of School Superintendents or his designee.

(11) The executive director of the Louisiana Association of Public Charter Schools or his designee.

(12) The chair of the Nonpublic School Commission or his designee.

(13) A director of a homeland security and emergency preparedness office in a rural or metropolitan area, appointed by the director of GOHSEP.

(14) A director of a homeland security and emergency preparedness office in a large metropolitan area, appointed by the director of GOHSEP.

(15) The executive director of the Louisiana Association of Chiefs of Police or his designee.

(16) The president of the Louisiana Chapter of the National Emergency Number Association or his designee.

(17) The state fire marshal or his designee.

(18) The secretary of the Louisiana Department of Health or his designee.

(19) The secretary of the Department of Children and Family Services or his designee.

(20) The chairman of the Senate Committee on Education or his designee.

(21) The chairman of the House Committee on Education or his designee.

(22) The secretary of State or his designee.

(23) One teacher selected by the Louisiana Federation of Teachers.

(24) One member of the Legislative Youth Advisory Council selected by majority vote of the council.

C. (1) Members of the commission shall serve without compensation. Travel expenses, per diem, and other expenses may be paid by the member's employer or appointing authority.

(2) The commission shall fix a time and place for its meetings and shall meet at least quarterly. Additional meetings may be held upon the call of the chairman. All meetings of the commission shall be held in compliance with the Open Meetings Law.

(3) A majority of the total commission members shall constitute a quorum and any official action taken by the commission shall require an affirmative vote of a majority of the members present and voting.

(4) The commission shall elect a chair by a majority vote of the members.

D. The commission shall issue a report to the Governor's Office of Homeland Security and Emergency Preparedness, the Senate Select Committee on Homeland Security, and the House Select Committee on Homeland Security of its findings and recommendations with respect to the security status and needs of schools and nonprofit organizations that are at high risk of terrorist attacks in Louisiana. The commission's report shall be issued annually and at such other times as deemed necessary by the commission or GOHSEP.

E. The commission shall provide oversight of the Louisiana Center for Safe Schools. The commission shall annually report to the governor on the activities of the center and any identified needs of the center.

F. The commission shall provide recommendations to the legislature relative to legislative changes for increasing school safety.

G. GOHSEP shall adopt rules pursuant to the Administrative Procedure Act for the implementation and administration of the activities of the commission and the center with oversight by the Senate Committee on Education and the House Committee on Education.

§726.5.1. Louisiana Center for Safe Schools; creation, duties

A. The Louisiana Center for Safe Schools, referred to in this Section as the "center", shall be established within GOHSEP.

B. The center shall:

(1) Identify and prioritize resources available to improve the safety of Louisiana's schools.

(2) Facilitate the collection and dissemination of information on school safety, school safety vulnerabilities, school safety needs, training standards, best practices, and available funding programs.

(3) Develop, in consultation with the State Board of Elementary and Secondary Education, a statewide comprehensive school safety framework that includes a statewide behavioral threat assessment model and trauma-informed student support.

(4) Assist schools in developing and revising their school crisis and management response plans required pursuant to R.S. 17:416.16.

(5) Coordinate with the state Department of Education to ensure schools are aware of the resources of the center and that school safety rules are incorporating best practices.

(6) Provide training and technical assistance to schools and school governing authorities on school safety issues such as emergency operations planning, emergency drills, behavioral threat assessment, facility security, information technology, digital privacy, vulnerability assessments, and hazard mitigation.

(7) Facilitate consistent and comprehensive information sharing between schools, communities, and governmental agencies to promote safety and resiliency.

(8) Identify and offer training for school resource officers pursuant to R.S. 17:416.19.

C. The center shall provide an annual report to the governor, the State Board of Elementary and Secondary Education, the Senate Committee on Education, and the House Committee on Education regarding the status of school safety in Louisiana, the work of the center, and resources identified to increase school safety.

D. No later than December 1, 2023, the center shall provide a statewide:

(a) Panic emergency notification system.

(b) Anonymous reporting system.

(i) The anonymous reporting system shall include a memorandum of understanding that provides for the proper usage of the information reported.

(ii) The system shall allow for the reporting of threats of violence toward any student or other person or any school or facility through a phone application and an internet website.

(iii) Aggregate data without personally identifiable information shall be provided to the center relative to anonymous reports received through the system.

(2) No later than April 1, 2024, each city, state, or other local school board shall implement the use of the panic emergency notification system and the anonymous reporting system or other systems of equal or exceeding capability.

(3) No later than April 1, 2024, each local school board shall report the systems implemented to the State Board of Elementary and Secondary Education and the center.

Section 3. This Act shall be known as the "School Safety Act of 2023".

Section 4. This Act shall take effect on and after the Governor's signature and shall remain in effect until June 12, 2023.

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin

Secretary of State

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ACT No. 335

* * *
To amend and reenact R.S. 3:3375(B) and to repeal R.S. 3:3369(J), relative to structural pest control; to change the term of appointment for certain research committee members; to remove the wait period for persons to retake the registered technician examination; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:3375(B) is hereby amended and reenacted to read as follows:

§3375. Disposition of fees

O. Out of the monies appropriated each year to the commission, the commission shall allocate at least thirty thousand dollars to the Louisiana State University Experiment Station for research. The allocation shall be made at least biennially. The commission shall appoint a committee composed of the commissioner or his designee, the chancellor of the Louisiana State University Agricultural Center or his designee, the director of the Louisiana State University Experiment Station or his designee, the president of the Louisiana State University Structural Pest Control Association, the executive director of the Louisiana Pest Control Association, and three licensed pest control operators. This committee shall make recommendations to the commission on what research is needed. Committee members shall be appointed for one-year terms concurrent with that of the commissioner. The commission shall determine the areas in which the research shall be conducted and shall review research progress at an annual meeting. At the end of each fiscal year, all unexpended funds which were allocated under the provisions of this Section shall revert to the Structural Pest Control Fund.

Section 2. R.S. 3:3369(J) is hereby repealed in its entirety.

 Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 336

By Representative Frieman

An Act

To amend and reenact the heading of Subpart B-2 of Part II of Chapter 6 of Title 22 of the Louisiana Revised Statutes of 1950 and R.S. 22:1845.1 (Section heading) and to enact R.S. 22:1845.2, relative to coverage and payment parity for services delivered through telehealth; to provide relative to occupational therapy services; to prohibit maximum amounts of coverage and other conditions relative to telehealth services that are inapplicable to in-person services; to authorize enforcement and rulemaking; to provide for definitions; to provide for exceptions; to provide for effectiveness; to provide for technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The heading of Subpart B-2 of Part II of Chapter 6 of Title 22 of the Louisiana Revised Statutes of 1950 and R.S. 22:1845.1 (Section heading) are hereby amended and reenacted and R.S. 22:1845.2 is hereby enacted to read as follows:

SUBPART B-2. COVERAGE AND PAYMENT PARITY FOR PHYSICAL THERAPY DELIVERED VIA SERVICES PROVIDED THROUGH TELEHEALTH

§1845.1. Teleheath coverage and reimbursement for physical therapy: prohibitions and limitations: exceptions: rulemaking

§1845.2. Teleheath coverage and reimbursement for occupational therapy: prohibitions and limitations: exceptions: rulemaking

A. A health coverage plan shall pay for covered occupational therapy services provided via telehealth to an insured person. Telehealth coverage and payment shall be equivalent to the coverage and payment for the same service provided in person unless the telehealth provider and the health coverage plan contractually agree to an alternative payment rate for telehealth services.

B. A service provided as telehealth may be subject to a deductible, copayment, or coinsurance. A deductible, copayment, or coinsurance applicable to a particular service provided through telecommunications technology shall not exceed the deductible, copayment, or coinsurance required by the health coverage plan for the same service when provided in person.

C. A health coverage plan shall not impose an annual dollar maximum on coverage for healthcare services covered under the health coverage plan that are provided as telehealth, other than an annual dollar maximum that applies to the same service when provided in person.

D. A health coverage plan shall require a healthcare professional to be licensed or otherwise authorized to practice occupational therapy in this state to be eligible to receive payment for telehealth services.

E. Payment made pursuant to this Section shall be consistent with any provider network arrangements that have been established for the health coverage plan.

F. A health coverage plan shall not do any of the following:

(1) Require 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) Require prior authorization, medical review or administrative clearance for telehealth that would not be required if that service were provided in person.

(3) Require demonstration that it is necessary to provide telehealth services to a patient or client as telehealth.

(4) Require 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) Restrict or deny coverage based solely on the communication technology or application used to provide the telehealth service; however, a health coverage plan may require the provider to demonstrate that the technology used to provide telehealth services is both safe and secure.

(6) Impose specific requirements or limitations on the technologies used to provide telehealth services; however, a health coverage plan may require the provider to demonstrate that the technology used to provide telehealth services is both safe and secure.

(7) Impose additional certification, location, or training requirements as a condition of payment for telehealth services; however, this Paragraph does not prohibit a health coverage plan from providing additional reimbursement incentives to providers with an enhanced certification, training, or accreditation.

(8) Require a provider to be part of a telehealth network.

G. Nothing in this Section shall be construed to require a health coverage plan to do either of the following:

(1) Provide coverage for telehealth services that are not medically necessary.

(2) Reimburse any fees charged by a telehealth facility for transmission of a telehealth encounter.

H. A health coverage plan is not required 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.

I. The department may take any action authorized in this Title to enforce the provisions of this Section and the commissioner may, in compliance with the Administrative Procedure Act, R.S. 49:950 et seq., promulgate and adopt rules and regulations necessary or advisable to effectuate the provisions of this Section.

J. For purposes of this Section, the following definitions apply:

(1) “Health coverage plan” has the same meaning as provided for in R.S. 22:1843.

(2) “Telehealth” has the same meaning as provided for in R.S. 40:1223.3.

Section 2. This Act shall apply to any new health coverage plan issued on or after January 1, 2024. Any health coverage plan in effect prior to January 1, 2024, shall conform to the provisions of this Act on or before the renewal date, but no later than January 1, 2025.

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 337

By Representatives Firment, Brown, Butler, Glover, Horton, Illg, Jefferson, Mike Johnson, Travis Johnson, Knox, McFarland, Dustin Miller, Nelson, and Thompson

An Act

To enact R.S. 11:2256(H) and 2256:3, relative to the Firefighters’ Retirement System; to provide with respect to benefits of designated surviving children; to provide for payment of benefits; to provide with respect to a nonrecurring lump-sum supplemental payment to certain retirees and beneficiaries; to provide relative to eligibility for and calculation of such payment; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:2256(H) and 2256:3 are hereby enacted to read as follows:

§2256. Benefits; refund of contributions, application, and payment

H(1a) A surviving eligible spouse who is receiving a survivor benefit pursuant to Subsection B of this Section may designate his deceased spouse’s child or children with a permanent mental or physical disability, hereafter in this Subsection referred to as a child with a disability, or the deceased member’s dependent minor child or children, hereafter in this Subsection referred to as a minor child, to receive a specified amount of benefits payable to the surviving eligible spouse. Prior to any such payment to a minor child with a disability, the system’s actuaries shall certify that the benefit to be paid to the minor child with a disability plus the remaining benefit to be paid to the surviving eligible spouse is of equivalent value to the total benefit to be paid to the surviving eligible spouse. Any benefit paid to a child with a disability pursuant to Subparagraph B(2)(a) of this Section shall be factored to mitigate any reduction of the surviving spouse’s benefit that may be related to designating such child as a beneficiary pursuant to this Subsection.
(b) The designation made pursuant to Subparagraph (a) of this Paragraph is irrevocable on and after the date that the first of any benefit payment pursuant to Subparagraph (a) of this Paragraph becomes payable.

(c) If a surviving eligible spouse designates a child with a disability to receive a benefit as set forth in Paragraph (1) of this Subsection, the surviving eligible spouse shall furnish the system such medical documentation as required, within the sole discretion of the board of trustees, to determine the existence and nature of any claimed permanent mental or physical disability. The surviving eligible spouse is responsible for furnishing the medical evidence of disability, including all costs thereof. Within the board of trustees' sole discretion, and upon receipt of written consent of the surviving eligible spouse, the cost of any such additional medical examination may be deducted from the benefits payable to the surviving eligible spouse or child or children or all of the foregoing beneficiaries.

(2)(a) If a surviving eligible spouse irrevocably designates a minor child to receive a benefit as set forth in Paragraph (1) of this Subsection, the benefit of a surviving child shall cease to the child's attain the age of majority or upon marriage, whichever occurs first. Additionally, an unmarried minor child, who graduates from high school and enrolls in a full-time basis, in an institute of higher education, shall have his benefit continued as long as he remains enrolled on a full-time basis and remains unmarried; however, the benefit payments shall not extend past four additional years nor past the surviving child's twenty-second birthday.

(b) If a surviving eligible spouse irrevocably designates a child with a disability to receive a benefit as set forth in Paragraph (1) of this Subsection, that benefit shall cease upon the child's death. The surviving eligible spouse's benefit shall be increased to account for the forgone payment of benefits to such child, less any actuarial reduction related to the period in which the child was alive and subject to receipt of benefits pursuant to the designation.

(3) If a surviving eligible spouse irrevocably designates a surviving child, then the benefits payable to the child shall continue for the duration specified in Paragraph (2) of this Subsection.

(c) If the surviving eligible spouse irrevocably designates a designated child, and the child dies prior to receiving benefits for the duration specified in Paragraph (2) of this Subsection, then the benefits payable to such deceased child shall revert to any other surviving designated child on a prorated basis. The benefit payable shall continue until the last surviving child or children are no longer eligible pursuant to the provisions of this Subsection.

Any active contributing member may modify with the system prior to retirement, on forms prescribed by the system, a notarized statement whereby the surviving eligible spouse consents to legally waive in advance, in whole or in part, any portion of benefits payable to the surviving eligible spouse. The prescribed form shall include a hold harmless clause whereby the benefits payable to such deceased child shall be transferred to the North Lake Charles Economic Development District which was created pursuant to the Act that originated as House Bill No. 335 of this 2023 Regular Session of the Legislature.

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 338

BY REPRESENTATIVE WILFORD CARTER

To repeal Chapter 13-L of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:4720.191, relative to the Lake Charles North Redevlopment Authority; to repeal provisions relative to the boundaries, purpose, governance, powers and duties, and funding of the district; and to provide for related matters.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 339

BY REPRESENTATIVE THOMAS

To amend and reenact R.S. 15:587(A)(1)(a) and R.S. 37:1478(B), relative to home inspectors; to provide with respect to criminal background checks for home inspector applicants; to change the time period within which a home inspector is prohibited from providing repairs after a home inspection; and to repeal R.S. 33:4720.191, relative to the Lake Charles North Redevlopment Authority.

A true copy:

R. Kyle Ardoin
Secretary of State

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THE ADVOCATE
To amend and reenact R.S. 39:100.112(E)(1) and (F) and to enact R.S. 39:100.112(G), relative to the Revenue Stabilization Trust Fund; to provide for the use of monies in the fund; to provide for use of monies in the fund in instances of a deficit; to provide mechanisms to change restrictions within the fund by law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:100.112(E)(1) and (F) are hereby amended and reenacted and R.S. 39:100.112(G) is hereby enacted to read as follows:

§100.112. Revenue Stabilization Trust Fund

E.(1) Except as provided for in Subsection F of this Section, monies deposited into the Revenue Stabilization Trust Fund shall be permanently credited to the fund and shall be invested by the treasurer in the same manner as investments of the Millennium Trust, as provided in R.S. 39:96.2. As it appears in the enrolled bill

F.(1) Except as provided in Paragraphs (2) and (3) of Subsection G of this Section, no appropriations shall be made from the Revenue Stabilization Trust Fund.

G.(1) In any fiscal year in which the balance of the fund at the beginning of the year is in excess of five billion dollars, hereinafter referred to as the minimum fund balance, the legislature may appropriate an amount not to exceed ten percent, in the aggregate, of the fund balance, hereinafter referred to as the allowable percentage.

(2) In addition to Paragraph (1) of this Subsection, monies in the Revenue Stabilization Trust Fund may be used as follows:

(a) If after the incorporation of the maximum allowable use of monies from the fund by law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:100.112(E)(1) and (F) are hereby amended and reenacted to read as follows:

§100.112. Revenue Stabilization Trust Fund

E.(1) Except as provided in Paragraphs (2) and (3) of Subsection G of this Section, no appropriations shall be made from the Revenue Stabilization Trust Fund.

F.(1) Except as provided in Paragraphs (2) and (3) of Subsection G of this Section, no appropriations shall be made from the Revenue Stabilization Trust Fund.

G.(1) In any fiscal year in which the balance of the fund at the beginning of the year is in excess of five billion dollars, hereinafter referred to as the minimum fund balance, the legislature may appropriate an amount not to exceed ten percent, in the aggregate, of the fund balance, hereinafter referred to as the allowable percentage. As it appears in the enrolled bill

(2) In addition to Paragraph (1) of this Subsection, monies in the Revenue Stabilization Trust Fund may be used as follows:

(a) If after the incorporation of the maximum allowable use of monies from the fund by law; and to provide for related matters.

The legislature may appropriate an amount not to exceed ten percent, in the aggregate, of the fund balance, hereinafter referred to as the allowable percentage.

(3) In order to ensure the money in the fund is available for appropriation in an emergency, the legislature may authorize an appropriation from the fund at any time for any purpose pursuant to a concurrent resolution adopted by a favorable vote of two thirds of the elected members of each house of the legislature.

(4) In order to ensure the money in the fund is available for appropriation in an emergency, the legislature may authorize an appropriation from the fund at any time for any purpose pursuant to a concurrent resolution adopted by a favorable vote of two thirds of the elected members of each house of the legislature. If the legislature is not in session, the two thirds consent requirement shall be obtained as provided in R.S. 39:96.2.

(5) The minimum fund balance or the allowable percentage may be changed by law; and to provide for related matters.

(6) In order to ensure the money in the fund is available for appropriation in an emergency, the legislature may authorize an appropriation from the fund at any time for any purpose pursuant to a concurrent resolution adopted by a favorable vote of two thirds of the elected members of each house of the legislature. If the legislature is not in session, the two thirds consent requirement shall be obtained as provided in R.S. 39:96.2.

H. To amend and reenact Article XIII of the Constitution of Louisiana, relative to the manner as investments of the Millennium Trust, as provided in R.S. 39:98.2.

(2) In addition to Paragraph (1) of this Subsection, monies in the Revenue Stabilization Trust Fund may be used as follows:

(a) If after the incorporation of the maximum allowable use of monies from the fund by law; and to provide for related matters.

(b) If after the appropriation of the maximum allowable use of monies from the fund by law; and to provide for related matters.

(c) Monies incorporated into the official forecast pursuant to Subparagraph (a) of this Paragraph or appropriated pursuant to Subparagraph (b) of this Paragraph shall require a concurrent resolution adopted by a favorable vote of two thirds of the elected members of each house of the legislature. If the legislature is not in session, the two thirds consent requirement shall be obtained as provided in R.S. 39:87.

(3) The clerk shall immediately direct the collected processing fee provided

D. Notwithstanding any provision of law to the contrary, a person may file a motion to expunge his record of arrest and conviction of a misdemeanor offense; to provide relative to when a person may file an expungement for certain convictions of possession of marijuana; to provide relative to the fees for an expungement of a record; to provide for fees in certain expungement cases; to provide relative to the expungement form for misdemeanor marijuana convictions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 2. This Act shall take effect and become operative if and when the proposed amendment of Article VII of the Constitution of Louisiana contained in the Act which originated as House Bill No. 244 of this 2023 Regular Session of the Legislature is adopted at a statewide election and becomes effective. Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 341

HOUSE BILL NO. 286
BY REPRESENTATIVES BOYD, BRASS, BRYANT, CARPENTER, WILFORD CARTER, COX, FISHER, FREEMAN, GAINES, GLOVER, GREEN, HUGHES, KNOX, LAFLEUR, LARVADAIN, LYONS, MARCELLE, MOORE, NEWELL, PHELPS, PIERRE, SELDERS, AND WILLARD AND SENATORS BARROW AND CARTER

AN ACT

To amend and reenact Code of Criminal Procedure Article 986(A) and (C) and to enact Code of Criminal Procedure Articles 977(D), 983(M), and 998, relative to expungement; to provide relative to the motion to expunge a record of arrest and conviction of a misdemeanor offense; to provide relative to when a person may file an expungement for certain convictions of possession of marijuana; to provide relative to the fees for an expungement of a record; to provide for fees in certain expungement cases; to provide relative to the expungement form for misdemeanor marijuana convictions; and to provide for related matters.

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 342
for in Subparagraph (1)(a) of this Paragraph to the Louisiana Bureau of Criminal Identification and Information, and the processing fee amount shall be deposited immediately upon receipt into the Criminal Identification and Information Dedicated Fund Account.

(4) The clerk shall immediately direct the collected processing fees provided for in Subparagraphs (1)(b) and (c) of this Paragraph to the sheriff and the district attorney, and the processing fee amount shall be remitted immediately upon receipt in equal proportions to the office of the district attorney and the sheriff’s general fund.

(5) The provisions of this Paragraph shall be null, void, and without effect and shall terminate on August 1, 2026.

Art. 986. Forms for the expungement of records
A. Only the forms provided for in Articles 987, 988, 989, 990, 991, 992, 993, 994, and 995 and 996 of this Code shall be used for filing motions to expunge a record of an arrest which did not result in a conviction, for the expungement of a record of arrest and conviction of a misdemeanor or felony offense, or for an interim motion to expunge a felony offense which resulted in a misdemeanor conviction.

B. The clerk shall immediately direct the collected processing fees provided for in Art. 987, 988, 989, 990, 991, 992, 993, 994, and 995 and 996 to provide the appropriate name of the record ordering the expungement of a record.

Art. 988. Motion for expungement form to be used for certain misdemeanor convictions
STATE OF LOUISIANA
JUDICIAL DISTRICT FOR THE PARISH OF

No.: ____________________________________________________

State of Louisiana vs.

MOTION FOR EXPUNGEMENT FOR MISDEMEANOR CONVICTION FOR A FIRST OFFENSE POSSESSION OF MARIJUANA
NOW INTO COURT comes movant, who provides the court with the following information in connection with this request.

DEFENDANT INFORMATION

NAME: _______________________________________________________

(Last, First, MI) 

DOB: / / (MM/DD/YYYY)

GENDER Female Male

SSN (last 4 digits): XXX-XX

RACE:

DRIVER LIC. #

ARRESTING AGENCY: __________________________________________

SID# (if available): __________________________________________

ARREST NUMBER (ATN): _______________________________________

AGENCY ITEM NO.

Mover is entitled to expunge the record of his arrest/conviction pursuant to Louisiana Code of Criminal Procedure Article 971 et seq. and states the following in support:

II. MISDEMEANOR CONVICTION FOR A FIRST OFFENSE POSSESSION OF MARIJUANA

1. Mover was convicted on / / / (MM/DD/YYYY)

The Mover prays that if there is no objection timely filed by the arresting law enforcement agency, the district attorney’s office, or the Louisiana Bureau of Criminal Identification and Information, that an order be issued herein ordering the expungement of the record of arrest and/or conviction set forth above, including all photographs, fingerprints, disposition, or any other such information, which record shall be confidential and no longer considered a public record, nor be made available to other persons, except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing, certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statute or defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15331 et seq. or as an order of this court to any other person for good cause shown, or as otherwise authorized by law.

If an “Affidavit of No Opposition” by each agency named herein is attached hereto and made a part hereof, defendant requests that no contradictory hearing be required and the motion be granted ex parte.

Respectfully submitted,

Signature of Attorney for Mover/Defendant

Attorney for Mover/Defendant Name

Attorney’s Bar Roll No.

Address

City, State, ZIP Code

Telephone Number

If not represented by counsel:

Signature of Mover/Defendant

Mover/Defendant Name

Address

City, State, ZIP Code

Telephone Number

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 344

HOUSE BILL NO. 292

BY REPRESENTATIVE ST. BLANC

AN ACT

To amend and reenact R.S. 40:1749.13(A), (B)(1) and (4), and 1749.16(4), relative to the Louisiana Underground Utilities and Facilities Damage Prevention Law; provide for excavation or demolition notices; to provide for potholing; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1749.13(A), (B)(1) and (4), and 1749.16(4) are hereby amended and reenacted to read as follows:

A. No later than July thirty-first of the second fiscal year following a performance audit report on an auditee, the auditee shall report to the legislative auditor its progress in implementing recommendations contained in the performance audit report. The auditee shall include in its progress report all necessary documentation to support each assertion of implementation of a recommendation. If an auditee has not fully implemented a recommendation contained in the performance audit report, the auditee shall include in its progress report a plan and a timetable for implementation or an explanation why implementation is not necessary or possible.

B. After review of a progress report, the legislative auditor:

(1) May request additional information or progress reports from the auditee and may conduct follow-up performance audits, program evaluations, and any other studies he deems necessary.

(2) Shall notify each member of the Legislative Audit Advisory Council and the auditee of any issue that in his opinion warrants public discussion at a meeting of the council.

C. The legislative auditor shall compile the information received pursuant to this Section into a report, together with any recommendations for legislation related thereto, and shall submit the report to the legislature no later than February fifteenth of each year.

D. The legislative auditor shall make progress reports available to the public in the same manner as performance audits.

Section 2. This Act shall become effective on July 1, 2023; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2023, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 344

HOUSE BILL NO. 292

BY REPRESENTATIVE ST. BLANC

AN ACT

To amend and reenact R.S. 40:1749.13(A), (B)(1) and (4), and 1749.16(4), relative to the Louisiana Underground Utilities and Facilities Damage Prevention Law; to provide for excavation or demolition notices; to provide for potholing; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1749.13(A), (B)(1) and (4), and 1749.16(4) are hereby amended and reenacted to read as follows:

$1749.13. Excavation and demolition; prohibitions

A. Except as provided in this Section, no person shall excavate or demolish in any street, highway, public place, or servitude of any operator, or near the location of an underground facility or utility, or on the premises of a customer served by an underground facility or utility without having first ascertained, in the manner prescribed in Subsection B of this Section, the specific location as provided in R.S. 40:1749.14(D) of all underground facilities or utilities in the area which would be affected by the proposed excavation or demolition. The marking of an operator’s facility or utility shall be provided for excavation or demolition purposes only.

B. (1) Except as provided in R.S. 40:1749.15, prior to any excavation or demolition, each excavator or demolisher shall serve telephonic or electronic
notice of the intent to excavate or demolish to the regional notification center or centers serving the area in which the proposed excavation or demolition is to take place. Such notice shall be given to the notification center at least forty-eight hours, but not more than one hundred twenty hours, excluding weekends and holidays, in advance of the commencement of any excavation or demolition activity. Furthermore, excavation or demolition activities shall commence not more than one hundred twenty hours past the mark by time.

(4) Notice shall be given and shall include a specific location request for excavation or demolition work to be performed at least forty-eight hours, but not more than one hundred twenty hours, excluding weekends and holidays, in advance of actual work commencement. Holidays shall consist of the following: New Year's Day; Martin Luther King, Jr. Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Eve; and Christmas Day.

§1749.16. Precautions to avoid damage
In addition to the notification requirements in R.S. 40:1749.13 and 1749.14 and the emergency notification requirements in R.S. 40:1749.15, each person responsible for an excavation or demolition operation shall do the following:

(4) Dig test pits to determine the actual location of facilities or utilities handling electricity, gas, natural gas, oil, petroleum products, or other flammable, toxic, or corrosive fluids or gases. For forestry excavation operations that could result in damage to underground utilities or facilities handling electricity, gas, natural gas, oil, petroleum products, or other flammable, toxic, or corrosive fluids or gases, the foresty, excavator and the utility or facility owner or operator shall cooperate to determine the actual location of such facilities or utilities.

Approved by the Governor, June 12, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 345
2023 Regular Session
HOUSE BILL NO. 293
BY REPRESENTATIVE THOMAS
AN ACT
To repeal R.S. 3:4712(C), (D), (F), and (G), R.S. 30:136.1(C), Chapter 5 of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950, comprised of R.S. 30:301 through 303, R.S. 39:96.5, and R.S. 49:214.8.7, relative to special funds within the state treasury; to repeal certain such funds; to provide for effectiveness; to provide for transfer of remaining balances of such funds; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 3:4712(C), (D), (F), and (G) are hereby repealed in their entirety.
Section 2. R.S. 30:136.1(C) and Chapter 5 of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950, comprised of R.S. 30:301 through 303, are hereby repealed in their entirety.
Section 3. R.S. 39:96.5 is hereby repealed in its entirety.
Section 4. R.S. 49:214.8.7 is hereby repealed in its entirety.
Section 5. On the effective date of this Act, the state treasurer is hereby authorized and directed to transfer to the state general fund any remaining balances in the funds repealed by the Act which originated as House Bill No. 254 of the 2023 Regular Session of the Legislature.
Section 6. This Act shall take effect and become operative if and when the proposed amendment of Article VII and Article IX of the Constitution of Louisiana contained in the Act which originated as House Bill No. 254 of this 2023 Regular Session of the Legislature is adopted at a statewide election and becomes effective.

Approved by the Governor, June 12, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 346

THE ADVOCATE
* As it appears in the enrolled bill
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HOUSE BILL NO. 315
BY REPRESENTATIVE CHARLES OWEN

To amend and reenact R.S. 17:264(A)(x), 351.1(B)(3)(d)(i), and 381 and to enact R.S. 17:264(C) and 1942.1, relative to the administration of public schools; to provide relative to donations to schools; to require the State Board of Elementary and Secondary Education to submit an annual report to the legislature relative to local compliance with special education requirements and to post the report on its website; to provide relative to the diploma endorsement program for the performance of community service by high school students; to provide relative to textbooks and other instructional materials; to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:264(A)(x), 351.1(B)(3)(d)(i), and 381 are hereby amended and reenacted and R.S. 17:264(C) and 1942.1 are hereby enacted to read as follows:

§264. Community service; high school diploma endorsement program
A.(1) The State Board of Elementary and Secondary Education may establish a “Distinction for Community Service” diploma endorsement program to recognize high school students who perform a certain number of hours of documented community service. Community service hours shall not count toward academic course work or graded work in any public school. The number of service hours required to earn a diploma endorsement shall be determined by the state board and shall accrue from the ninth grade through the twelfth grade.

§351.1. Textbooks and other instructional materials; review; adoption; procurement; distribution

B.

(3) The review process shall, at a minimum, provide for the following:

(d)(i) The opportunity for parents and the public to view and submit comments on all textbooks and instructional materials under review. A copy of all such textbooks and instructional materials under review shall be made readily available online and in-person for this purpose. Reasonable safeguards against unauthorized use, reproduction, and distribution shall be provided.

§381. Acceptance of donations by state and parish school boards
The state board of education, State Board of Elementary and Secondary Education and the several parish school boards may, any school board, in accordance with the provisions of this Part, accept and administer any donation that may be made to them for educational or literary purposes and each board shall enumerate details of the contents of such donations in a document made publicly available on its website.

§1942.1. Compliance; report by state board
A. Not later than July first annually, the State Board of Elementary and Secondary Education shall submit a written report to House Committee on Education and the Senate Committee on Education relative to school district compliance with special education requirements, which shall include, at minimum, the following:

(1) A description of the state board's audit process on compliance.
(2) School district compliance.
(3) School district noncompliance.
(4) How long noncompliance issues have existed.
(5) School-level remediation action plans on noncompliance.
(6) Authority of the state board to remediate unresolved noncompliance.
(7) Actual actions taken by the state board to remediate unresolved noncompliance.

B. The state board shall also post the report on its website in an easily accessible location.

Approved by the Governor, June 12, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 347

HOUSE BILL NO. 326
BY REPRESENTATIVES NELSON, BRYANT, BUTLER, EDMONDS, FREEMAN, GAROFALO, GLOVER, GREEN, HUGHES, JEFFERSON, LAPLEUR, LYONS, MCFARLAND, MCKNIGHT, MOORE, NEWELL, CHARLES OWEN, ROBERT OWEN, SCHAMERHORN, SELDERS, STAGNI, AND WILLARD

To enact R.S. 17:7.2(A)(4), relative to approved teacher education programs; to require teacher education program students receive certain instruction on teaching mathematics; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:7.2(A)(4) is hereby enacted to read as follows:
§7.2. Approved teacher education programs

A. In carrying out its responsibility to prescribe the qualifications and procedures for teacher certification, the Board of Supervisors of Southern University and Agricultural and Mechanical College, the State Board of Elementary and Secondary Education, subject to the constitutional power and authority of the Board of Regents, the Board of Supervisors for the University of Louisiana System, the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, shall establish qualifications and requirements for the approval of teacher education programs from which graduates may be certified. The qualifications and requirements established by the State Board of Elementary and Secondary Education for an approved teacher education program shall include but not be limited to the following:

(4) That the program shall include instruction on foundational numeracy skills that includes but need not be limited to the following:

(a) Effectively teaching foundational mathematics skills explicitly and systematically
(b) Implementing effective mathematics instruction using high-quality instructional materials.
(c) Providing effective instruction and interventions for students who have difficulty with mathematics.
(d) Understanding and using student data to make instructional decisions.

Section 2. No later than December 31, 2023, the State Board of Elementary and Secondary Education shall revise teacher certification requirements and the requirements of teacher education programs to require instruction on foundational numeracy skills standards for candidates seeking certification to teach students.

Approved by the Governor, June 12, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 348

HOUSE BILL NO. 362
BY REPRESENTATIVE FONTENOT

AN ACT

To amend and reenact R.S. 33:2345(C) and to enact R.S. 33:381(E) and 385.1(C), relative to municipal police chiefs; to provide relative to the qualifications of elected and appointed chiefs; to provide for certain training requirements prior to reelection or reappointment; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2345(C) is hereby amended and reenacted and R.S. 33:381(E) and 385.1(C) are hereby enacted to read as follows:

§381. Municipal officers

E.(1) Notwithstanding any other provision of law to the contrary, no person who is serving as an appointed chief of police shall be eligible to be reappointed to such position if he has served as an appointed chief of police for at least the one year immediately preceding the effective date of his reappointment and he has not met the requirements of R.S. 33:2345(A) and (D).

(2)(a) A person who was appointed to the position of chief of police prior to January 1, 2004, and has been in continuous service since that date is not required to meet the requirements of R.S. 33:2345(A) to be eligible for reappointment to such position.

(b) The provisions of Paragraph (1) of this Subsection shall not apply to any person who has served as an appointed chief of police continuously since January 1, 1983.

(c) The provisions of Paragraph (1) of this Subsection shall not apply to police chiefs if the training required by R.S. 33:2345 is not funded in accordance with R.S. 33:2345(D).

(3) The Law Enforcement Executive Management Institute shall establish a procedure by which any person who is serving as an appointed chief of police and who has failed to meet the requirements of R.S. 33:2345(A) due to emergency circumstances may apply for an exemption from such requirements for the purpose of being eligible to qualify as a candidate for reelection to such position. If the Law Enforcement Executive Management Institute approves the exemption, the elected chief of police shall not be ineligible to qualify as a candidate for reelection for failure to meet the requirements.

§2345. Training

C. Failure to comply with this Section shall subject the municipal chief of police to forfeit any benefits provided for in R.S. 40:1667.1 and to the provisions of R.S. 33:381(E) or 385.1(C).

Approved by the Governor, June 12, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 349

HOUSE BILL NO. 385
BY REPRESENTATIVE DEVILLIER

AN ACT

To amend and reenact R.S. 51:911.22(b), 911.26(B)(1), and 912.23(1)(D) and to enact R.S. 51:911.24(14), 911.26(F)(12), and 911.47, relative to manufactured housing; to provide for definitions; to provide for certain licensure and supervision requirements; to provide for terms of office for state manufactured housing commissioners; to provide for the powers and duties of the Louisiana Manufactured Housing Commission; to allow use of manufactured housing by certain persons; to provide guidelines for manufactured housing piers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:911.22(4), 911.26(B)(1), and 912.23(1)(D) are hereby amended and reenacted and R.S. 51:911.24(14), 911.26(F)(12), and 911.47 are hereby enacted to read as follows:

§911.24. License required; qualifications; application; issuance; transfer; criminal history record information

I. 

(4)(a) “Developer” means any person, group of persons, firm, partnership, corporation, association, company, or legal entity who sells or offers for sale that sells, leases, or offers for sale or lease to the public a lot together with the sale of a manufactured home permanently installed and fixed on a foundation on the lot and designed as a single family residence. For purposes of this Part, “developer” shall include includes “contractors” and “residential contractors” as defined in R.S. 37:2435 and 2475.1.

(b) “Developer” shall not include any of the following:

(1) An individual selling his personal residence.

(2) A real estate broker or real estate salesman retained by a person to sell a manufactured home together with a lot on which the manufactured home has been installed and fixed on a foundation.

(3) A federally insured financial institution, its subsidiaries, or affiliates.

§911.26. Louisiana Manufactured Housing Commission

B.(1) The term of office of each commissioner shall be coterminous with that of the governor making his appointment, and each commissioner shall serve until his successor is appointed and is qualified. However, the term of office of any member appointed from within any Public Service Commission district as provided in R.S. 51:911.23(A) shall automatically expire if that member moves out of such Public Service Commission district. If a commissioner misses more than three meetings in a twelve-month period, the commissioner’s term shall be declared vacant.

(2) A unlicensed salesman may work under a properly licensed dealer or developer, only while his license application is pending before the commission. If the managing dealer or developer supervises the unlicensed salesman, the salesman shall not be subject to the provisions of R.S. 51:911.24(4).
limited to the following:

(12) Conducting meetings by remote access.

§911.47. Use of model manufactured and modular homes
A. Notwithstanding the provisions of R.S. 40:1730.21 et seq. and R.S. 40:1730.51 et seq. to the contrary, a licensed dealer or developer shall be allowed to use manufactured and modular home models to conduct only manufactured and modular home sales-related activity at the location of sales of manufactured and modular homes. Manufactured and modular home sales-related activity includes but is not limited to executing contracts, making copies or phone calls showing manufactured and modular home models, or engaging in any other sales-related activity.

B. The licensed dealer or developer shall also adhere to the following requirements:

(1) There shall be no overnight sleeping in the manufactured or modular home.

(2) The manufactured or modular home shall be properly installed in accordance with applicable federal and state statutes, rules, regulations, and codes.

§912.23. Foundations and piers
The following guidelines shall be used when the installation of foundations and piers is not specified in the manufacturer's instructions or when the manufacturer's installation instructions are not available:

(1) Piers:

(1) Metal or precast support piers shall be installed on a base or footer of a minimum size of four inch by sixteen inch by sixteen inch solid concrete or other approved material.

Approved by the Governor, June 12, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 350
HOUSE BILL NO. 408
BY REPRESENTATIVES WILLARD, CARRIER, COX, DAVIS, FREEMAN, GAINES, GLOVER, HILFERTY, HUGHES, ILLG, JEFFERSON, JENKINS, JOHN, LAFLEUR, LYNES, MCGUIRE, NEWELL, PIERRE, PRESSLY, SELDERS, AND STAGNI AND SENATORS BARROW, BOUDEAUX, BOUIE, CARTER, DUPLESSIS, FIELDS, FOIL, HEWITT, JACKSON, LUNEAU, AND SMITH
AN ACT
To amend and reenact R.S. 47:6015(D)(1), (E)(3) and (4), and (I) and to enact R.S. 47:6015(E)(5), relative to the research and development tax credit; to provide for definitions; to provide with respect to incentives administered by the Department of Economic Development; to provide for applicability; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 47:6015(D)(1), (E)(3) and (4), and (I) are hereby amended and reenacted and R.S. 47:6015(E)(5) is hereby enacted to read as follows:

§153. Definitions
As used in this Chapter:

(16) “Fiduciary agent” means a representative of an owner whose services provided to the owner include locating, delivering, recovering, or assisting in the recovery of the property to the owner, and shall be limited to Louisiana licensed attorneys, certified public accountants, and financial advisors.

§177. Agreement to locate property
A. Any agreement by an owner to pay compensation to locate, deliver, recover, or assist in the recovery of property that is presumed abandoned is void and unenforceable if it was entered into during the period commencing on the date the property was presumed abandoned and extending to a time that is twenty-four months after the date the property is paid or delivered to the fiduciary agent.

B. For his services, a fiduciary agent shall be entitled to compensation of an amount not to exceed ten percent of the total claim value.

C. A fiduciary agent who seeks reimbursement pursuant to this Section shall submit to the administrator a payment request. The payment request shall be submitted with the abandoned property claim. The payment request shall be sent to the administrator and the owner, and the owner shall be responsible for the payment to the fiduciary agent.

D. The provisions of this Section do not apply to any claim made by another state.

E. A fiduciary agent shall have a fiduciary duty to the owner until the owner’s claim is paid.

F. Any agreement by an owner to pay compensation to locate, deliver, recover, or assist in the recovery of property is void if the agreement is not in writing, clearly sets forth the nature of the property and the services to be rendered, is signed by the apparent owner, and states the value of the property before and after the fee or other compensation has been deducted.

G. If an agreement covered by this Section is applicable to mineral proceeds and the agreement contains a provision to pay in production that includes a portion of the underlying minerals or any production payment, overriding royalty, compensating royalty, or similar payment, the provision is void and unenforceable.

H. Any agreement by an owner to pay compensation to locate, deliver, recover, or assist in the recovery of property which is entered into or after January 1, 2023.

I. An owner who has agreed to pay compensation that is unconscionable, or the administrator on behalf of the owner, may maintain an action to reduce the compensation to a reasonable amount. The court may award reasonable attorney fees to an owner who prevails in the action.

Approved by the Governor, June 12, 2023.
covered by this Section is otherwise invalid.

Section 2. The state treasurer is authorized and directed to make changes to the forms used to claim abandoned property pursuant to the Uniform Unclaimed Property Act of 1997 to conform to the provisions of this Act.

Section 3. The Louisiana State Law Institute is hereby authorized and directed to arrange in alphabetical order and renumber the definitions provided in R.S. 9:153 as amended by this Act and to correct any cross-references to the renumbered definitions including those in R.S. 40:2813(D).

Section 4. The provisions of this Act shall apply only to contracts entered into on or after the effective date of this Act.

Section 5. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 12, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 352

BY REPRESENTATIVES FREIBERG AND MARCELCE

To enact R.S. 33:2740.70.3, relative to East Baton Rouge; to authorize the governing authority of the parish to rebate sales and use tax revenue collected on the sale of admission tickets to certain events; to provide relative to the approval of such rebates; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2740.70.3 is hereby enacted to read as follows:

§2740.70.3. East Baton Rouge; rebate of sales taxes.
A. The governing authority of the city of Baton Rouge and the parish of East Baton Rouge may, subject to the requirements of Subsection B of this Section, rebate to the taxpayer revenue from city or parish sales and use taxes the governing authority levies that were collected on the sale of admission tickets to an event that meets one of the following criteria:
1. The event was held in a publically owned facility that has a seating capacity of at least seven thousand five hundred.
2. The event was held for two or more days, and average daily attendance was at least seven thousand five hundred.
B. The governing authority shall not rebate such sales and use taxes unless the governing authority of Visit Baton Rouge recommends the rebate and the city-parish governing authority approves the rebate prior to the commencement of ticket sales for the event.

Approved by the Governor, June 12, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 353

BY REPRESENTATIVES CREWS, AMEDEE, BUTLER, CARRIER, CORMIER, DESHOTEL, EDMONDS, EMERSON, FRIEMAN, HARRIS, HOLLIS, MOORE, CHARLES OWEN, SELDERS, AND THOMPSON

To enact Part VIII of Chapter 2 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:101, relative to the creation of a commemorative certificate of miscarried child; to provide for responsibilities of the state registrar; to provide for minimum data required; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part VIII of Chapter 2 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:101, is hereby enacted to read as follows:

PART VIII. COMMEMORATIVE CERTIFICATE OF MISCARRIED CHILD.
§101. Commemorative certificate of miscarried child; requirements.
A. The state registrar shall establish a commemorative certificate of miscarried child. For the purposes of this Part, "miscarried child" means an unintentional, spontaneous fetal demise occurring at or prior to the twentieth week of gestation during a pregnancy.
B. (1) A licensed healthcare practitioner who attends or diagnoses a miscarried child or a licensed healthcare facility where the birth of a miscarried child occurs may advise a patient who experiences a miscarried child that the patient may request a commemorative certificate as provided for in this Section.
(2) The vital records registry shall provide on its website a form that may be completed by a healthcare practitioner or his designee affirming that he attended or diagnosed a patient who experienced a miscarried child.
C. Upon request of the patient and submission of a completed form provided for in this Section, the vital records registry shall issue a commemorative certificate of miscarried child.

Approved by the Governor, June 12, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 354

BY REPRESENTATIVES MAGEE AND KNOX

To amend and reenact Code of Evidence Article 404(B)(1), relative to evidence; to prohibit the admissibility of a defendant's creative or artistic expression; to provide for exceptions; to provide for definitions; to provide relative to the admissibility of a defendant's creative or artistic expression in a criminal case; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Evidence Article 404(B)(1) is hereby amended and reenacted to read as follows:

Art. 404. Character evidence generally not admissible in civil or criminal trial to prove conduct; exceptions; other criminal acts
(1) Except as provided in Article 412 or as otherwise provided by law, 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. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake or accident, provided that upon request by the accused, the prosecution in a criminal case shall provide reasonable notice in advance of trial, of the nature of any such evidence it intends to introduce at trial for such purposes, or when it relates to conduct that constitutes an integral part of the act or transaction that is the subject of the present proceeding.
(2) (a)(b)(i) For purposes of this Subparagraph "creative or artistic expression" means the expression or application of creativity or imagination in the production or arrangement of forms, sounds, words, movements, or symbols, including music, dance, performance art, visual art, poetry, literature, film, and other such objects or media.

Approved by the Governor, June 12, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 355

BY REPRESENTATIVES PELT AND BROWN

To amend Article 404(B)(1) of the Louisiana Revised Statutes of 1950, relative to evidence; to prohibit the admissibility of a defendant's creative or artistic expression; to provide for exceptions; to provide for definitions; to provide relative to the admissibility of a defendant's creative or artistic expression in a criminal case; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Article 404(B)(1) of the Louisiana Revised Statutes of 1950 is hereby amended to read as follows:

Art. 404. Character evidence generally not admissible in civil or criminal trial to prove conduct; exceptions; other criminal acts
(1) Except as provided in Article 412 or as otherwise provided by law, 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. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake or accident, provided that upon request by the accused, the prosecution in a criminal case shall provide reasonable notice in advance of trial, of the nature of any such evidence it intends to introduce at trial for such purposes, or when it relates to conduct that constitutes an integral part of the act or transaction that is the subject of the present proceeding.
(2) (a)(b)(i) For purposes of this Subparagraph "creative or artistic expression" means the expression or application of creativity or imagination in the production or arrangement of forms, sounds, words, movements, or symbols, including music, dance, performance art, visual art, poetry, literature, film, and other such objects or media.
To enact R.S. 47:1716, relative to ad valorem property tax exemptions; to provide for the applicability of ad valorem tax exemptions for certain veterans with disabilities; to provide for applicability; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1716 is hereby enacted to read as follows:

§1716. Exemption for property of certain veterans with disabilities; applicability

The exemption provided for in Article VII, Section 21(K) of the Constitution of Louisiana shall apply to ad valorem property taxes due beginning in tax year 2023, regardless of when property tax assessment rolls are completed for tax year 2023.

Section 2. The provisions of this Act shall be applicable to tax years beginning on or after January 1, 2024.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 12, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 356

HOUSE BILL NO. 503

BY REPRESENTATIVE COX

To amend and reenact R.S. 34:852.3(A)(introductory paragraph) and 852.13(A) and (B), relative to hull identification numbers; to provide for hull identification number requirements; to remove the requirement that the Department of Wildlife and Fisheries provide hull identification numbers for certain vessels; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 34:852.3(A)(introductory paragraph) and 852.13(A) and (B) are hereby amended and reenacted to read as follows:

§852.3. Certificate of title authorized

A. Upon the application of this Part, any person who purchases or possesses either of the following to be principally operated on the waters of this state and not held as inventory for sale or lease or a manufacturer eligible for hull number assignment pursuant to R.S. 34:852.13(B) who manufactures either of the following held as inventory may apply to the department for a certificate of title for the following:

* * *

§852.13. Hull identification number requirement; prohibitions

A. Each vessel shall have a hull identification number assigned and affixed. The department shall assign a hull identification number to an undocumented vessel not having a hull identification number at the time of numbering or application for a certificate of title after transfer of ownership or change of state of principal operation. Such vessels not assigned a hull identification number pursuant to Subsection B of this Section shall be assigned such number using the procedure set forth in R.S. 34:851.20M(1) and (2). Hull identification numbers issued by the department shall be for identification purposes only and shall not guarantee the seaworthiness or certify compliance with safety standards as required by the United States Coast Guard.

B. Such vessels shall be assigned a hull identification number using the procedure set forth in R.S. 34:851.20M. Hull identification numbers issued by the department shall be for identification purposes only and shall not guarantee the seaworthiness or certify compliance with safety standards as required by the United States Coast Guard. The department shall promulgate rules and regulations providing for the assigning of hull identification numbers to undocumented vessels manufactured in this state that do not qualify for the assignment of such numbers by the United States Coast Guard. Such rules and regulations shall, at a minimum, provide for the following:

(1) Eligibility requirements for manufacturers that shall include a minimum number of vessels manufactured per year and the posting of a bond, letter of credit, or other security to provide funds in the event of abandonment, default, violation, or other inability of the manufacturer to meet the requirements of the department.

(2) Reporting requirements and record keeping by the manufacturer.

(3) Inspections of records, the manufacturer's facility, and vessels.

(4) A fee of up to two hundred dollars per hull number assigned may be charged by the department.

Approved by the Governor, June 12, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 357

HOUSE BILL NO. 539

BY REPRESENTATIVE MACK

To amend and reenact R.S. 32:702(4) and R.S. 47:532.1(A)(3)(a), 532.2(A)(introductory paragraph) and (B) and to enact R.S. 47:532.1(A)(3)(c), relative to public license tag agent surety bond requirements; to provide exceptions to public license tag agent surety bond requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:702(4) is hereby amended and reenacted to read as follows:

§702. Definitions

* * *

(4) “Auto title company” means any person, firm, association, or corporation which is engaged primarily in the transfer and recordation of sales, leases, or mortgages of vehicles including but not limited to mobile homes, trailers, and motor vehicles. The term “auto title company” also means any person, firm, association, or corporation, local governmental subdivision, political subdivision, or state agency which has been licensed or become developed in accordance with the provisions of R.S. 32:735 et seq. An auto title company shall not mean an insurance company transferring titles to wrecked vehicles, or a licensed motor vehicle dealer, lending institution, financial institution regulated by state or federal authorities, notary, attorney, or individual applicant unless it or he is doing business as an auto title company.

* * *

Section 2. R.S. 47:532.1(A)(3)(a) and 532.2(A)(introductory paragraph) and (B) are hereby amended and reenacted and R.S. 47:532.1(A)(3)(c) is hereby enacted to read as follows:

§532.1. Public license tag agents; auto title companies; rules and regulations; surety bonds; fees

A. * * *

(3) The commissioner shall promulgate rules and regulations to require all public license tag agents other than municipal and parish governing authorities to furnish security for the faithful performance of their duties as follows:

(a) Each public license tag agent other than a local governmental subdivision, including a municipal governing authority, a political subdivision, or a state agency, shall execute a good and sufficient surety bond with a surety company qualified to do business in Louisiana as surety, in a sum of one hundred thousand dollars should the public license tag agent have only one office in this state and in a sum of one hundred twenty-five thousand dollars should the public license tag agent have more than one office in this state, if surety bond is available for purchase, which bond shall name the Department of Public Safety and Corrections, office of motor vehicles as obligee and shall be subject to the condition that, if such public license tag agent shall, throughout the entire term of the bond, timely file with the office of motor vehicles all applications delivered to such public tag agent for filing, and all fees and taxes collected by such public license tag agent, the obligation shall be void. If the company does not do so, the obligation of the surety shall remain in full force and effect.

* * *

(c) The commissioner shall promulgate rules and regulations to adopt and levy fines for violations of R.S. 47:532.1 and R.S. 47:532.2, any rule or regulation adopted pursuant to R.S. 47:532.1 and R.S. 47:532.2, or of any violation of a contract between the department and the public license tag agent. The administrative fine for each violation of R.S. 47:532.1 and R.S. 47:532.2, any rule or regulation adopted pursuant to R.S. 47:532.1 and R.S. 47:532.2 or of any violation of a contract between the department and the public license tag agent shall not exceed the sum of five hundred dollars.

§532.2. Public tag agents; causes for suspension, revocation, cancellation, fines, or restrictions; reinstatement

A. The office of motor vehicles may suspend, revoke, cancel, impose a fine, or impose other restrictions on any contract concluded pursuant to R.S. 47:532.1 for the following causes:

* * *

B. Any person whose contract has been suspended, canceled, or revoked during the effective term of the contract or who has been assessed a fine pursuant to rules promulgated by the department may request an administrative hearing to review the office of motor vehicles' action. A request for administrative review shall stay the action of the office of motor vehicles.

Approved by the Governor, June 12, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 358

HOUSE BILL NO. 548

BY REPRESENTATIVES TURNER AND KNOX

AN ACT

To provide for exceptions to public license tag agent surety bond requirements; to provide related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:702(4) is hereby amended and reenacted to read as follows:

§702. Definitions

* * *

* As it appears in the enrolled bill
To enact Chapter 36-A of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2881 through 2886, relative to the dispensation of 340B drugs; to provide for definitions; to identify certain actions as discriminatory with respect to drugs discounted by a federal program and the entities that dispense them; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

SECTION 1. Chapter 36-A of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2881 through 2886, is hereby enacted to read as follows:

CHAPTER 36-A. DEFENDING AFFORDABLE PRESCRIPTION DRUG COSTS

§2881. Short title

This Chapter may be cited as the “Defending Affordable Prescription Drug Costs Act”.

§2882. Definitions

A. In this Chapter, the following terms have the following meanings:
   (1) “340B drug” means a drug that has been subject to any offer for reduced prices by a manufacturer pursuant to 42 U.S.C. 256b and is purchased by a covered entity as defined in 42 U.S.C. 256b(a)(4).
   (2) “340B entity” means an entity participating or authorized to participate in the federal 340B drug discount program, as described in 42 U.S.C. 256b, including its pharmacy, or any pharmacy contracted with the participating entity to dispense drugs purchased through the 340B drug discount program.
   (3) “Health insurance issuer” has the same meaning as provided in R.S. 22:1019.
   (4) “Manufacturer” has the same meaning as defined in R.S. 37:3462(12).
   (5) “Pharmacy” has the same meaning as defined in R.S. 37:1164(38) except that residents who are provided pharmacy care shall be physically located in this state.
   (6) “Pharmacy benefit manager” has the same meaning as provided in R.S. 40:2963.

§2883. Prohibition of certain discriminatory actions related to reimbursement of 340B entities

A. With respect to reimbursement to a 340B entity for 340B drugs, a health insurance issuer, pharmacy benefit manager, other third-party payer, or its agent shall not do any of the following:
   (a) Reimburse a 340B entity for 340B drugs at a rate lower than that paid for the additional entities that are not 340B entities or payer reimbursement for a claim on the basis that the claim is for a 340B drug.
   (b) Impose any terms or conditions on any 340B entity with respect to any of the following that differ from such terms or conditions applied to non-340B entities on the basis that the entity participates in the federal 340B drug discount program: in 42 U.S.C. 256b or that a drug is a 340B drug including, without limitation, any of the following:
      (i) Fees, charges, clawbacks, or other adjustments or assessments. For purposes of this Subsection, the term “other adjustment” includes placing any additional requirements, or unnecessary burdens upon the 340B entity that results in administrative costs or fees to the 340B entity that are not placed upon other entities that do not participate in the 340B drug discount program, including affiliate pharmacies of the health insurance issuer, pharmacy benefit manager, or other third-party payer.
   (ii) Dispensing fees that are less than the dispensing fees for non-340B entities.
   (iii) Restrictions or requirements regarding participation in standard or preferred pharmacy networks.
   (iv) Requirements relating to the frequency or scope of audits of inventory management systems.
   (v) Requirements that a claim for a drug include any identification, billing modifier, attestation, or other indication that a drug is a 340B drug in order to be processed or reimbursed. A manufacturer or distributor is required by the Centers for Medicare and Medicaid Services or the Louisiana Department of Health for the administration of the Louisiana Medicaid program.
   (vi) Any other restrictions, conditions, practices, or policies that are not imposed on non-340B entities.
   (d) Reverse, resubmit, or clarify a claim after the initial adjudication unless these actions are in the normal course of pharmacy business and not related to 340B drug pricing.

B. Nothing in this Chapter is to be construed or applied to be less restrictive than federal law for a person or entity regulated by this Chapter.

§2884. Violations

The commission of any act prohibited by this Chapter is considered a violation of the Unfair Trade Practices and Consumer Protection Law provided for in R.S. 51:1401 et seq., and subjects the violator to any and all actions, including investigative demands, remedies, and penalties provided for in the Unfair Trade Practices and Consumer Protection Law, except there shall be no right to bring a private action pursuant to R.S. 51:1409. A violation occurs each time a prohibited act is committed.

§2885. Federal preemption

A. Nothing in this Chapter is to be construed or applied to be less restrictive than federal law for a person or entity regulated by this Chapter.

B. Nothing in this Chapter is to be construed or applied to be in conflict with any of the following:
   (1) Applicable federal law and related regulations.
   (2) Other laws of this state if the state law is compatible with applicable federal law.

C. Limited distribution of a drug required under 21 U.S.C. 355-1 is not to be construed as a violation of this Chapter.

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 359

HOUSE BILL NO. 628
BY REPRESENTATIVE HODGES

To enact R.S. 25:214.5, relative to Livingston Parish; to provide relative to the Livingston Parish Library Board of Control; to provide for an increase in the membership of the board; to provide relative to the appointment of board members; to provide for terms; and to provide for related matters. The Governor has signed this act on July 5, 2023. The Governor has signed this act on July 5, 2023.

To enact R.S. 25:214.5, relative to Livingston Parish; to provide relative to the Livingston Parish Library Board of Control; to provide for an increase in the membership of the board; to provide relative to the appointment of board members; to provide for terms; and to provide for related matters. The Governor has signed this act on July 5, 2023. The Governor has signed this act on July 5, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 360

HOUSE BILL NO. 656
(Subtitle for House Bill No. 373 by Representative DeVillier)
BY REPRESENTATIVE DEVILLIER

THE ADVOCATE
PAGE 21

CODING: Words in **bold**face are additions from existing law; words underlined are deletions from existing law; words in [ ] are additions.
AN ACT
To enact R.S. 45:1604, relative to water cooperatives; to prohibit cooperatives from denying certain requests for water service; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 45:1604 is hereby enacted to read as follows:
§1604. Requirement to provide service.

No water cooperative shall arbitrarily deny a request for water service to a properly permitted residential or commercial structure that is located within the cooperative’s service area. This Section does not prohibit a cooperative from discontinuing water service to a customer who fails to pay service charges or for other just cause. Notwithstanding R.S. 45:1603, this Section applies to all water cooperatives.

Approved by the Governor, June 12, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 361
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BY REPRESENTATIVE MOORE

AN ACT
To enact R.S. 17:407.30.1, relative to early childhood care and education in the Monroe City School District; to authorize the Monroe City School Board to levy an ad valorem tax for the purpose of funding early childhood care and education; and to provide for related matters.

Section 1. R.S. 17:407.30.1 is hereby enacted to read as follows:
§407.30.1. Monroe City School Board; early childhood care and education; ad valorem tax

A. The Monroe City School Board, in addition to all other taxes it is authorized to levy, may levy and collect an ad valorem tax on all taxable immovable property situated within the school district for the purpose of funding early childhood care and education.
B. (1) The tax authorized by this Section shall be levied and collected only after the question of its levy has been submitted to the voters of the district at a regularly scheduled election conducted in accordance with the Louisiana Election Code and a majority of those voting on the question have voted in favor of the levy of the tax.
(2) The proposition submitted to the voters shall state the tax rate, which shall not exceed five mills, the duration of the tax, which shall not exceed twenty years, and the purpose of the tax.

C. The Monroe City School Board shall use the proceeds of the tax authorized by this Section exclusively for programs and capital investments that provide childcare and educational opportunities for children who reside in the school district and who have not yet entered kindergarten.

D. In the event that the Monroe City School Board contracts with an outside organization to administer an early childhood care and education program as provided for in this Section, the organization must have been performing education services in Ouachita Parish within the last twenty-five years and must be offering community aid services at the time of the contract, in an amount totaling one million dollars per year.

Approved by the Governor, June 14, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 362
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BY REPRESENTATIVES ROBERT OWEN, AMEDEE, BRASS, EMERSON, FREIBERG, JEFFERSON, CHARLES OWEN, ST. BLANC, AND TARVER

AN ACT
To enact R.S. 17:81(CC), 158(K), and 3996(B)(75), relative to carpool and bus line policies; to provide for applicability to nonpublic schools; and to provide for related matters.

Section 1. R.S. 17:81(CC) relative to carpool and bus line policies apply to any nonpublic school for which transportation of students is provided by a church, parish, or other local public school board.

§3996. Charter schools; exemptions; requirements

B. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school shall be treated in the same manner as a public school as provided for in this Chapter for the purpose of determining eligibility of students for transportation purposes.

K. The provisions of R.S. 17:81(CC) relative to carpool and bus line policies apply to any nonpublic school for which transportation of students is provided by a church, parish, or other local public school board.

ACT No. 363
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BY REPRESENTATIVE DEVILLIER

AN ACT
To amend and reenact R.S. 28:53(G)(2) and (J)(3), relative to coroner authority for telemedicine examinations; to clarify those persons who may execute an emergency certificate via actual examination or telemedicine examination; and to provide for related matters.

Section 1. R.S. 28:53(G)(2) and (J)(3) are hereby amended and reenacted to read as follows:
§53. Admission by emergency certificate; extension; payment for services rendered

G.
(2) (a) Within seventy-two hours of admission, the person shall be independently examined by the coroner or his deputy who shall execute an emergency certificate, pursuant to Subsection B of this Section, which shall be a necessary precondition to the person’s continued confinement.
(b) Except as provided in Subparagraph (c) of this Paragraph, a coroner, who is a physician, or his deputy, who is a physician, may utilize telehealth to conduct the seventy-two-hour independent examination pursuant to this Paragraph.

Section 2. This Act shall be known and may be cited as “The Safe Path from School Act”.

Approved by the Governor, June 14, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 364
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BY REPRESENTATIVES ROBERT OWEN, AMEDEE, BRASS, EMERSON, FREIBERG, JEFFERSON, CHARLES OWEN, ST. BLANC, AND TARVER

AN ACT
To enact R.S. 45:1604, relative to water cooperatives; to prohibit cooperatives from denying certain requests for water service; to provide for exceptions; and to provide for related matters.

Section 1. R.S. 45:1604 is hereby enacted to read as follows:
§1604. Requirement to provide service.

No water cooperative shall arbitrarily deny a request for water service to a properly permitted residential or commercial structure that is located within the cooperative’s service area. This Section does not prohibit a cooperative from discontinuing water service to a customer who fails to pay service charges or for other just cause. Notwithstanding R.S. 45:1603, this Section applies to all water cooperatives.

Approved by the Governor, June 12, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 183
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BY REPRESENTATIVE DEVILLIER

AN ACT
To amend and reenact R.S. 28:53(G)(2) and (J)(3), relative to coroner authority for telemedicine examinations; to clarify those persons who may execute an emergency certificate via actual examination or telemedicine examination; and to provide for related matters.

Section 1. R.S. 28:53(G)(2) and (J)(3) are hereby amended and reenacted to read as follows:
§53. Admission by emergency certificate; extension; payment for services rendered

G.
(2) (a) Within seventy-two hours of admission, the person shall be independently examined by the coroner or his deputy who shall execute an emergency certificate, pursuant to Subsection B of this Section, which shall be a necessary precondition to the person’s continued confinement.
(b) Except as provided in Subparagraph (c) of this Paragraph, a coroner, who is a physician, or his deputy, who is a physician, may utilize telehealth to conduct the seventy-two-hour independent examination pursuant to this Paragraph.

Section 2. This Act shall be known and may be cited as “The Safe Path from School Act”.

Approved by the Governor, June 14, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 183
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CODING: Words in square brackets are additions from existing law; words underlined and italicized are deletions from existing law; words underlined and scored (House Bills) and underscored and boldfaced (Senate Bills) are additions.
To amend and reenact R.S. 47:1907(A)(1) and to enact R.S. 47:1907(L) and (M), relative to assessor compensation; to authorize assessors to increase their annual compensation up to a certain amount over a certain period of time; to provide for certain requirements and limitations; to require the publication of certain notice; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1907(A)(1) is hereby amended and reenacted and R.S. 47:1907(L) and (M) are hereby enacted to read as follows:

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 365

HOUSE BILL NO. 189
BY REPRESENTATIVE GAINES

AN ACT

To amend and reenact R.S. 26:351(1)(a) and (3)(a), and to enact R.S. 26:351(1)(c), relative to alcoholic beverages; to provide relative to the sale and shipment of certain alcoholic beverages; to provide for container size limitations of beverages of high alcoholic content; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:351(1)(a) and (3)(a) are hereby amended and reenacted and R.S. 26:351(1)(c) is hereby enacted to read as follows:

(3) A person shall not solicit or accept an assignment, in whole or in part, of any post-loss insurance benefit under a residential or commercial property insurance policy. An assignment agreement is against public policy and is null and void.

(3) An assignment, transfer, pledge, or conveyance granted to a federally insured financial institution, mortgagee, or a subsequent purchaser of the property.

(3) Liability coverage under a residential or commercial property insurance policy.

C. Violation of Subsection B of this Section is considered an unfair or deceptive trade practice. Any person found to have violated the provisions of Subsection B of this Section shall be subject to the penalties imposed by R.S. 22:1274.

D. The provisions of Civil Code Article 2653 shall not apply to this Section.

E. Nothing in this Section shall be interpreted to prohibit an attorney from collecting a contingency fee, as permitted by R.S. 37:218 and by the Louisiana Rules of Professional Conduct of the Louisiana State Bar Association, for an action related to a property insurance claim.

Section 2. R.S. 37:2159.1(7) is hereby repealed in its entirety. Approved by the Governor, June 14, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 367

HOUSE BILL NO. 291
BY REPRESENTATIVES CARTER, DUNN, EDMONDSON, EDMONSON, EMERSON, FIRMENT, FISHER, FRIEMAN, GOURDIE, HARRIS, HODGES, HORTON, MIKE JOHNSON, MCCORMICK, MCFARLAND, MOORE, ORGERON, PROBERT, REESE, SMITH, STINE, TALBOT, TAWERRY, AND WO MA CK

AN ACT

To amend and reenact R.S. 40:2005.1(B)(2)(a), 2009.4(A)(7)(b), 2166.5(B)(12), and 2007.4, relative to the assignment of certain benefits; to provide for enforceability; to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2005.1(B)(2)(a) is hereby amended and reenacted and R.S. 2009.4(A)(7)(b) and 2166.5(B)(12) are hereby enacted to read as follows:

A true copy:

R. Kyle Ardoin
Secretary of State
The legislature hereby finds and affirms all of the following:

1. Leaving the safety and comfort of one’s home to enter an inpatient healthcare facility is a very scary experience for an individual regardless of the reason for entering the facility or the expected length-of-stay in the facility.

2. An inpatient healthcare facility can be a very intimidating place with new sights, sounds, and smells, long periods of isolation, and a myriad of strangers coming quickly in and out of your room at all hours of the day and night.

3. Many individuals find the process of entering an inpatient healthcare facility overwhelming, particularly children, the elderly, individuals who entered the facility under emergency situations, and those with behavioral health challenges, intellectual disabilities, or profound health complications.

4. In many instances, the patient or resident of the inpatient healthcare facility is so afraid that they are unable to hold or share information that they are being given such as a particular diagnosis, medication management, safety procedures, recovery instructions, or food or liquid limitations.

5. Being a patient or resident in an inpatient healthcare facility also yields itself to very long boring days of isolation which can cause depression, anxiety, diminished will to improve or even to live, and for individuals with limited functionality they often go for hours without moving, speaking, or even opening their eyes.

6. Having a reliable person visit, be it a family member or friend, serves as a source of strength and companionship to a patient or resident in an inpatient healthcare facility, often expressed through reassuring words or a compassionate hug or holding of one’s hand, and also allows for a fresh and frontal set of eyes and ears to be aware of the totality of the circumstances of the situation.

§1300.53. Applicability

The provisions of this Part shall apply to all of the following:

1. Licensed centers that provide care for persons with developmental disabilities as defined in R.S. 28:751.


3. Licensed facilities that provide inpatient hospice care as defined in R.S. 40:2182.


5. In-person visitation policies; requirements

A. In accordance with R.S. 40:2005, any person eighteen 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 the state of Louisiana.

B. In accordance with R.S. 40:2005.1, 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. Special consideration shall be given to patients or residents receiving end-of-life care.

C. In accordance with R.S. 40:2009.4, 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. Special consideration shall be given to residents receiving end-of-life care.

D. In accordance with R.S. 40:2166.5, 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. Special consideration shall be given to residents receiving end-of-life care.

E. In accordance with R.S. 40:2180.2, 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.

§1300.55. Provision of policies; publication

A. A facility shall submit a written copy of its visitation policies and procedures to the Health Standards Section of the Louisiana Department of Health at the initial licensure survey.

(2) After licensure, the facility shall make its visitation policies and procedures available for review by the Louisiana Department of Health at any time upon written request.

B. Within twenty-four hours after establishing the policies and procedures required in accordance with this Part, the facility shall make its policies and procedures easily accessible from the homepage of its website.

C. The Louisiana Department of Health shall dedicate a stand-alone page on its website to explain the visitation requirements of this Part and provide a link to the department’s webpage to report complaints.

$2005.1. Visitation by members of clergy during a declared public health emergency

A. The department shall prescribe and publish minimum standards in relation to:

1. The right to consensual nonsexual physical contact such as hand holding or hugging.

2. Minimum requirements for visitation, including length of visit, and provisions to protect the health, safety, and welfare of the residents and the staff of the licensed adult residential care facility.

3. Requirements for visitors, including health screenings, testing, and personal protective equipment. However, the rules may not require visitors to submit proof of any vaccination or immunization.

$2009.4. Standards prescribed

A. The department shall prescribe and publish minimum standards in relation to:

1. The right to consensual nonsexual physical contact such as hand holding or hugging.

2. Minimum requirements for visitation, including length of visit, and provisions to protect the health, safety, and welfare of the residents and the staff of the licensed adult residential care facility.

3. Requirements for visitors, including health screenings, testing, and personal protective equipment. However, the rules may not require visitors to submit proof of any vaccination or immunization.

$2166.5. Rules and regulations; licensing standards; fees

B. The department shall prescribe, promulgate, and publish rules, regulations, and licensing standards including but not limited to the following:

1. The right to consensual nonsexual physical contact such as hand holding or hugging.

2. Minimum requirements for visitation, including length of visit, and location of the visit, and the right to consensual nonsexual physical contact such as hand holding or hugging.

3. Requirements for visitors, including health screenings, testing, and personal protective equipment. However, the rules may not require visitors to submit proof of any vaccination or immunization.

§2184.4. Rules, regulations, and standards for licenses

A. The administration of this Part is vested in the Louisiana Department of Health.

B. The department shall promulgate, in accordance with the Administrative Procedure Act, licensing standards, rules, and regulations, regarding, but not limited to the following:

1. The right to consensual nonsexual physical contact such as hand holding or hugging.

2. Minimum requirements for visitation, including length of visit, and location of the visit, and the right to consensual nonsexual physical contact such as hand holding or hugging.

3. Requirements for visitors, including health screenings, testing, and personal protective equipment. However, the rules may not require visitors to submit proof of any vaccination or immunization.

Approved by the Governor, June 14, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State
AN ACT
To amend and reenact Code of Civil Procedure Article 966(G), relative to motions for summary judgment; to provide relative to the admission of evidence; to provide relative to fault; to provide for the admission of evidence of a principal acting pursuant to a mandate; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 966(G) is hereby amended and reenacted to read as follows: Art. 966. Motion for summary judgment; procedure

G. When the court creates a motion for summary judgment in accordance with the provisions of this Article, that a party or non-party nonparty is not negligent, is not at fault, or did not cause in whole or in part the injury or harm alleged, that party or the non-party nonparty shall not be considered in any subsequent allocation of fault. Evidence shall not be admitted at trial to establish the fault of that party or non-party nonparty except that evidence may be admitted to establish the fault of a principal when the party or non-party nonparty acted pursuant to a mandate or procurement. During the course of the trial, no party or person shall refer directly or indirectly to any such fault, nor shall that party or non-party nonparty’s fault be submitted to the jury or included on the jury verdict form except where evidence is admitted of the acts of the party or nonparty for purposes of establishing the fault of the party or non-party. Paragraph 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.

Section 2. In the case of any conflict between the provisions of this Act and the provisions of any other Act of the 2023 Regular Session of the Legislature, the provisions of this Act shall supersede and control regardless of the order of passage.

Approved by the Governor, June 14, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 369

HOUSE BILL NO. 459
BY REPRESENTATIVE TRAVIS JOHNSON

AN ACT

To amend and reenact R.S. 37:1313(D) and 1318(A) and to repeal R.S. 37:1315(A)

(1), relative to the certification of phlebotomists; to permit a phlebotomist to practice without a certification in certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1313(D) and 1318(A) are hereby amended and reenacted to read as follows:

§1313. Exemptions to licensure

D. This Part shall not apply to any individual performing phlebotomy or acting as a phlebotomist employed by or acting under the direction and supervision of a physician licensed by the board, or employed by one of the following:

(1) A Clinic operated by a licensed health care provider,
(2) A hospital, a nursing home, or other licensed health care facility,
(3) A testing location or laboratory licensed or certified under the Clinical Laboratory Improvement Amendments of 1988, if the facility provides at least five calendar days of phlebotomist training and two calendar weeks of on-the-job training.

§1318. Licensure and certification; examination; application

A. Effective January 1, 1995, no individual shall act as, or perform the duties of a clinical laboratory scientist-generalist, clinical laboratory scientist-specialist, clinical laboratory scientist-technician, laboratory assistant, or cytotechnologist, unless that individual possesses a current license issued pursuant to this Part or is exempt from the provisions of this Part.

Effective January 1, 1995, no individual shall act as or perform the duties of a phlebotomist unless that individual possesses a current certificate issued pursuant to this Part or is exempt from the provisions of this Part. Each license or certificate shall be effective for the calendar year beginning January first and ending December thirty-first in which it is issued.

Section 2. R.S. 37:1315(A)(1) is hereby repealed in its entirety.

Approved by the Governor, June 14, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State
To enact R.S. 17:7.1(G), relative to teacher certification; to provide for the certification of out-of-state applicants; to provide for certification of certain military personnel and their spouses; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:7.1(G) is hereby enacted to read as follows:

§7.1. Certification of teachers; certification of principals and superintendents; certification of school psychologists.

G.(1) Notwithstanding any other provision of law to the contrary, the State Board of Elementary and Secondary Education shall grant a valid five-year standard Louisiana teaching certificate to an applicant who holds a valid out-of-state teaching certificate and who is military personnel or the spouse of military personnel serving in Louisiana, provided the applicant meets all other requirements for background checks and criminal history reviews as may be required by law and board policy.

(2) The board shall notify an applicant of the board's determination relative to the applicant's Louisiana certification not later than twenty days from receipt of a complete application.

(3) For purposes of this Subsection, "military personnel" means either of the following:

(a) A member of the armed forces of the United States.

(b) A United States Department of Defense civilian or contract employee.

Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 2. If the instrument that originated as Senate Bill No. 197 of the 2023 Regular Session of the Legislature becomes law, the Louisiana State Law Institute is directed to redesignate the provision designated R.S. 17:7.1(G) by this Act as R.S. 17:6.1(E).

Approved by the Governor, June 14, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 372

By Representative Mike Johnson

An Act

To amend and reenact R.S. 38:291(M)(2) and to enact R.S. 38:291(M)(3) through (6) and 292, relative to the board of commissioners for the Red River, Atchafalaya, and Bayou Boeuf Levee District; to provide for composition, duties, and responsibilities of the board; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana. By it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:291(M)(2) is hereby amended and reenacted and R.S. 38:291(M)(3) through (6) and 292 are hereby enacted to read as follows:

§291. Naming; limits of districts; composition of boards.

M. Red River, Atchafalaya, and Bayou Boeuf Levee District.

(2)(a) Effective August 1, 2024, notwithstanding any provision of law to the contrary, the governor shall appoint, in accordance with the provisions of R.S. 17:7.1(G), one person from each of the parishes embraced by the board to serve as levee commissioners, subject to Senate confirmation, a board of commissioners consisting of five individuals from the district selected as follows:

(i) Two members nominated by the members of the legislative delegation representing Rapides Parish.

(ii) One member nominated by the members of the legislative delegation representing Avoyelles Parish.

(iii) One member nominated by the members of the legislative delegation representing St. Landry Parish.

(iv) One at-large member from Rapides parish, nominated by the Louisiana Farm Bureau Federation.

(b) At least one member of the board of commissioners from Rapides Parish, cognizant of the state, shall be a majority.

(c) Each board member shall be a citizen of the United States, a resident within the district of the parish for at least one year preceding the date of confirmation, and shall remain a resident in such jurisdiction during the entirety of his term of office. Furthermore, each board member shall be of good character and shall possess some skill, knowledge, or experience that will prove useful in the accomplishment of the goals of the board of commissioners' authority as set forth in R.S. 38:292(A)(2).

(d) Any vacancy that occurs prior to the expiration of a term shall be filled for the remainder of the unexpired term in the same manner the predecessor appointee was selected within thirty days after receipt by the president of written notification of the board vacancy. In the event that the vacancy is not filled immediately after receipt of written notification of the vacancy, the board shall appoint an interim successor to serve on the board until the position is filled in the same manner as the original appointment.

(e) All actions of a board shall be approved by the affirmative vote of a majority of the members of the board present and voting. However, no action other than an action that may be authorized on the following matters unless approved by a majority of the total board membership:

(a) Adoption of bylaws and other rules and regulations for conducting the levee district's business.

(b) Appointment of interim members.

(c) Hiring or firing of an executive director.

(d) The incurring of debt.

(e) Levy of taxes.

(f) Adoption or amendment of the budget.

(g) Sale, lease, encumbrance, or alienation of real property or any development or improvements of property.

(f) Appointment of interim members.

(2)(a) Effective June 1, 2024, and notwithstanding the provisions of R.S. 38:291(M)(2), the position of president and vice president shall rotate every year with commissioners selected from the parishes of Avoyelles, Rapides, and St. Landry, allowing for equal representation from each parish.

(b) In the case of absence, inability, or failure to act of the president within his one-year term as president, the position of president shall 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.

§292. Board of commissioners; Red River, Atchafalaya, and Bayou Boeuf Levee District; training required; executive director expectations and requirements.

A.(1) The governing authority of the Red River, Atchafalaya, and Bayou Boeuf Levee District shall be a board of commissioners to be known as the Board of Commissioners of the Red River, Atchafalaya, and Bayou Boeuf Levee District. The board shall consist of members selected pursuant to R.S. 38:291(M)(2).

B.(1) Members of the Red River, Atchafalaya, and Bayou Boeuf Levee District shall be governed by the Code of Governmental Ethics. Violation of the code shall be cause for immediate removal from the board.

A board member's failure to act with a fiduciary duty of loyalty and care shall be cause for immediate removal from the board.

C.(1) Employees of the district shall not be employees of the board or its members. Individual members of the board shall not direct, instruct, supervise, or manage employees under the direction and supervision of the executive director other than clerical duties of the staff assigned to the individual board member relative to administrative duties consistent with the mission of the district.

2. The mission of the Red River, Atchafalaya, and Bayou Boeuf Levee District is to protect and provide maintenance for the levees in St. Landry, Avoyelles, and Rapides Parishes.

B.(1) Board members of the Red River, Atchafalaya, and Bayou Boeuf Levee District shall be governed by the Code of Governmental Ethics. Violation of the code shall be cause for immediate removal from the board.

A board member's failure to act with a fiduciary duty of loyalty and care shall be cause for immediate removal from the board.

C.(1) Employees of the district shall not be employees of the board or its members. Individual members of the board shall not direct, instruct, supervise, or manage employees under the direction and supervision of the executive director other than clerical duties of the staff assigned to the individual board member relative to administrative duties consistent with the mission of the district.

2. The mission of the Red River, Atchafalaya, and Bayou Boeuf Levee District is to protect and provide maintenance for the levees in St. Landry, Avoyelles, and Rapides Parishes.

THE ADVOCATE
of three hours of training and instruction on the laws of this state governing powers, duties, and responsibilities of levee board commissioners, the bylaws of the board, and the powers and duties of the commissioners. The Red River, Atchafalaya, and Bayou Boeuf Levee District Act and, in environmental science, particularly flood protection.

Section 2. The terms of the commissioners of the Red River, Atchafalaya, and Bayou Boeuf Levee District serving on the effective date of this Act shall be terminated on June 1, 2024.

Section 3. The provisions of this Act shall become effective on June 1, 2024. Approved by the Governor, June 14, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 373

HOUSE BILL NO. 547
BY REPRESENTATIVE RISER
AN ACT

To amend and reenact the heading of Part II-B of Chapter 21 of Title 37 of the Louisiana Revised Statutes of 1950, 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)(introductory paragraph) and (C), and 1896(A) and (D) and to enact R.S. 37:1893.1 through 1893.6 and 1895(A)(7), relative to catalytic converter sales law; to provide for licensing requirements; to provide for procedures for a license, revocation, or suspension of a license; to provide for licensing hearings and appeals by the Louisiana Used Motor Vehicle Commission; to provide for certain cease and desist orders; for certain procedures for an abandoned catalytic converter business; to provide for certain exceptions; to provide for recordkeeping for the purchase and sale of a catalytic converter; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The heading of Part II-B of Chapter 21 of Title 37 of the Louisiana Revised Statutes of 1950, 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)(introductory paragraph) and (C), and 1896(A) and (D) are hereby amended and reenacted and R.S. 37:1891.1 through 1893.6 and 1895(A)(7) are hereby enacted to read as follows:

PART II-B. CATALYTIC CONVERTER PURCHASERS TRANSFERS

§1891. Short title

This Part shall be known and may be cited as the “Louisiana Catalytic Converter Sales Transfer Law” §1892. Definitions

* * *

(2) “Catalytic converter purchaser dealer” means a person licensed by the commission to buy, purchase or sell, or use or deal in catalytic convertors pursuant to the provisions of this Part.

* * *

(4) “Person” means any natural or juridical person and includes any firm, association, corporation, limited liability company, partnership, trust, or any two or more natural or juridical persons having a joint or common interest. Person also includes a transient merchant as defined by R.S. 37:1901.

§1893. License required; application

A.(1) No person shall do business as a catalytic converter purchaser dealer in this state without having first obtained a business catalytic converter dealer license from the commission and meeting the other requirements of this Part.

* * *

B.(1) It shall be unlawful for any person, firm, association, corporation, limited liability company, or trust to engage in the business of purchasing or selling used or detached catalytic convertors in this state without first obtaining a license as required by this Section unless the person acquired the catalytic convertor from the owner of the vehicle in the normal course of business.

(2) Any person, firm, association, corporation, limited liability company, or trust that who engages in the business of purchasing or selling used or detached catalytic convertors pursuant to this Section shall obtain and hold a current license to engage in the business of purchasing or selling used or detached catalytic convertors.

C.(1) The commission shall create a form to be used as an application for licensure as a purchaser of used catalytic converter dealer converters and shall provide the form to an applicant.

* * *

(4)(a) Upon submission of an application, an applicant shall pay all applicable fees in accordance with this Section R.S. 32:791(D). If an application is denied and the license is not issued, the commission shall return all licensing fees to the applicant.

* * *

(d) Any licensee changing its name, mailing address, or ownership shall notify the commission within ten calendar days of the change. Failure to timely notify the commission of a change of name, mailing address, or ownership shall be in violation of this Section Part.

(e) Any licensee ceasing that ceases to maintain its business locations shall notify the commission of the license to the commission within ten calendar days, and any failure Failure to do so timely surrender the license shall constitute a violation of this Part.

§1893.1. Denial, revocation, or suspension of license; grounds; unauthorized acts

A. Except as otherwise provided in this Section, the commission may deny an application for a license issued pursuant to the provisions of this Part for any of the following reasons:

(1) Receiving satisfactory proof of unfitness of the applicant pursuant to the standards established by this Part or in rules or regulations adopted and promulgated by the commission.

(2) Finding that the applicant has been convicted of a felony crime.

(3) Finding a material false statement made by the applicant on any application for licensure in accordance with the provisions of this Part.

(4) Finding the applicant has, under a previous license, committed a violation of any law or rule or regulation adopted and promulgated by the commission.

(5) Finding the applicant is an immediate family member, the former employee, or a former business associate of a dealer whose license was previously revoked or suspended by the commission, and the applicant intends to operate the same or substantially the same business as operated by the revoked licensee, or the revoked licensee will be participating in the business with the applicant. As used in this Paragraph, “immediate family” shall have the meaning ascribed in R.S. 42:1102(13).

B.(1) An applicant who has been denied a license shall be notified of the denial in writing.

* * *

D. The commission's decision to affirm the denial shall be final when rendered. The applicant may appeal the decision as provided in R.S. 1893.3.

§1893.2. Applicant notification of licensure or denial; procedures for denial of license

A. The executive director of the commission shall notify in writing each applicant for licensure of the action taken by the commission on an application.

B.(1) An applicant who has been denied a license shall be notified of the grounds for denial as set forth in R.S. 37:1893.1.

* * *

D. The commission's decision to affirm the denial shall be final when rendered. The applicant may appeal the decision as provided in R.S. 1893.3.

§1893.3. Notice; hearings; appeals

A. Any licensee charged with violating the provisions of this Part shall be entitled to a hearing on the alleged violation.

B.(1) The commission shall determine whether the licensee has violated any provisions of this Part or any rules and regulations promulgated by the commission.

* * *

D. The commission shall serve the licensee with written notice of the hearing at least twenty calendar days prior to conducting the hearing on the alleged violation.

E. The commission shall serve the notice of the hearing on the licensee by certified registered mail to the address for the license as provided on the licensee’s application, by personal physical service on the licensee, or by service on an employee of a dealer, or by posting notice at the entrance of the licensed premises where the alleged violation occurred.

F. The notice shall contain the time and place of the hearing, the alleged violation, and the facts in support of the alleged violation, the penalty, if any, and the rights of the licensee during the hearing.

G. If the alleged violation was first presented to the commission by a complaint filed with the commission, a copy of the notice shall be mailed to the person who filed the complaint by certified mail.

* * *

C.(1) Any party to a hearing shall have the right to compel the attendance of witnesses by requesting the issuance of subpoenas. The commission shall issue a subpoena requested in writing no later than ten days prior to the hearing. The party requesting a subpoena to be issued shall pay all witness
by suit or otherwise all costs of collection, including court costs, deposition, and other discovery costs, and reasonable attorney fees incurred by the commission in collecting such civil penalties.

§1893.6. Abandonment of business; revocation of license
A. A business location shall be considered abandoned upon any of the following:
(1) The business is closed during the posted business hours for a period of more than two weeks without notice to the commission.
(2) The business telephone, as provided on the dealer's license application, is disconnected or no longer in service.
(3) The business sign has been removed.

B. The commission may compel the attendance of its own witnesses by the issuance of subpoenas.

D. The commission shall consider a pleading filed by the licensee no later than five days prior to the hearing.

E. The commission may impose sanctions including restrictions on a person's record, revocation or suspension of a license, civil fines, restitution or injunctive relief, assessment of all costs of the hearing including the commission's attorney fees, witness fees, travel expenses and per diem of commissioners, and the requirement that the licensee attend a four-hour educational seminar with the express purpose of the hearing decision. The commission may also enter stipulations.

(2) The findings and orders of the commission shall be reduced to writing and served on the licensee in any manner consistent with the service provided for in Paragraph (b) of this Section.

(3) A decision of the commission to revoke or suspend a license or enjoin a licensee shall be final and enforceable when rendered.

(4) A civil penalty imposed by the commission shall become payable thirty days from the date the order is served on the licensee.

F.(1) An appeal of a decision by the commission to deny, revoke, or suspend a license shall not constitute a stay of the decision of the commission.

F.(2) An appeal of a decision of the commission shall be heard in accordance with the Administrative Procedure Act.

§1893.4. Injunctions; cease and desist orders
A. The commission may institute injunctive actions in courts of competent jurisdiction in the name of the state without cost, bond, or deposit to enforce the provisions of this Part.

B. When a person violates or threatens to violate any provision of this Part or rule or regulation promulgated by the commission may be enjoined from committing or continuing the violation or engaging in any business for which a license has been issued in accordance with this Part. In addition to any other proper venue, the parish of East Baton Rouge shall constitute a proper venue for the initiation by the commission of judicial actions authorized pursuant to this Part.

C. All costs, including reasonable attorney fees set by the court incurred by the commission, shall be borne by the person who has been so enjoined.

D. An interlocutory cease and desist order shall remain in effect until any appeal of the commission's order as provided in Paragraph (c) of this Subsection but only in accordance with the provisions of this Part pertaining to the issuance of final commission orders.
B. (1) Whoever commits the crime of tampering with electronic monitoring equipment shall be fined not more than five hundred dollars and shall be imprisoned for not more than six months.

(2) If the offender violates the provisions of this Section while he is in the commission of a felony, he shall be fined not more than one thousand dollars and shall be imprisoned at hard labor for not more than one year.

(3) If the offender violates the provisions of this Section after being released pursuant to a bail undertaken in accordance with the crime committed or defined in R.S. 14:2(B), he shall be fined not more than one thousand dollars and shall be imprisoned at hard labor for not more than a year.

(4) At least seventy-two hours of the sentence shall be served without benefit of parole or suspension of sentence, and shall be imprisonment in a parish jail, the Louisiana Department of Corrections, or an adjudicated risk management program.

§835. Registration of electronic monitoring service providers

A. Any person or entity who provides electronic monitoring services for the purpose of monitoring, tracking, or supervising pretrial, post-conviction, or convicted persons within the state shall certify in writing that the provider meets the requirements in R.S. 14:23 and shall register with the department no later than December 1, 2024.

B. No person or entity shall provide electronic monitoring services in this state without having first complied with the registration requirements as provided in this Section. The application for registration shall be submitted on forms provided by the department and shall contain all of the information required by such forms and any accompanying instructions.

C. The department shall remove from its registry any person or entity that provides electronic monitoring services in this state if the department determines that the person or entity has violated the provisions of R.S. 15:571.36(C).

Approved by the Governor, June 14, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 375

BY REPRESENTATIVE BEAUILLIEU

To amend and reenact R.S. 47:337.5, 337.23, 337.102(C) and (I)(1) and (2)(a), and 340(E)(2) and to enact R.S. 47:337.102(D)(4), relative to the collection and remittance of sales and use taxes; to provide with respect to the duties of the Louisiana Uniform Local Sales Tax Board; to authorize the Louisiana Uniform Local Sales Tax Board to enter into a cooperative agreement to which a local government and a person or entity that provides electronic monitoring services, government and a person or entity that provides electronic monitoring services, and a taxing authority to provide timely notice to the single collector for a parish in accordance with the requirements of this Section shall be an absolute defense against any claim by a taxing authority against the single tax collector for the parish relating to a change in tax, interest, or penalty rate.

§835. Registration of electronic monitoring service providers

A. 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 shall certify in writing that the provider meets the requirements in R.S. 14:23 and shall register with the department no later than December 1, 2024.

B. No person or entity shall provide electronic monitoring services in this state without having first complied with the registration requirements as provided in this Section. The application for registration shall be submitted on forms provided by the department and shall contain all of the information required by such forms and any accompanying instructions.

C. The department shall remove from its registry any person or entity that provides electronic monitoring services in this state if the department determines that the person or entity has violated the provisions of R.S. 15:571.36(C).

Approved by the Governor, June 14, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

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THE ADVOCATE
§337.23. Uniform electronic local return and remittance system; official record of tax rates and exemptions; filing and remittance of local sales and use taxes; penalties for violations

A.(1) The legislature recognizes both the need to make Louisiana a better environment in which to do business and the complexities of the existing sales and use tax system. It is the intention of this Section to provide taxpayers an easy, efficient, cost-effective, and accurate receipt of the returns and payments. The board, together with the advice of the advisory committee and the secretary, shall include the following:

(1)(a) The system shall allow the taxpayer to file a sales and use tax return that is uniform for each taxing authority except for the following:

(i) The vendor's compensation allowed.

(ii) Optional exclusions or exemptions allowed by state sales and use tax law, adopted by the taxing authorities of the state, and the local ordinance pursuant to Article VI, Section 29(D)(1) of the Constitution of Louisiana, but not allowed as an exclusion or exemption from state sales and use tax.

(b) The filing and remittance shall be done at no charge to the taxpayer by the state, the collector, or any taxing authority levying a tax.

(2) A web page through which a secured electronic local sales and use tax return may be filed, which return shall be established by the Department of Revenue. The board shall maintain the secured electronic local sales and use tax return as well as the web page in which the return shall be accessible by taxpayers and collectors.

B.(1) The system by which such taxpayers file electronically and pay their taxes and by which the information provided for in Subsection H of this Section is to be posted on the internet shall be established, maintained, and supervised by the secretary of the Department of Revenue.

(2) The Louisiana Uniform Local Sales Tax Board, hereinafter referred to in this Section as the “board,” shall be composed of the following members:

(a) The chairman of the Louisiana Uniform Local Sales Tax Board, board, or in the absence of the chairman, the vice chairman of the board, who shall serve as chair of the advisory committee.

(b) The chairman of the Louisiana Uniform Local Sales Tax Board, board, or in the absence of the chairman, the vice chairman of the board, who shall serve as chair of the advisory committee.

(c) A secretary of the Department of Revenue or his designee.

(d) 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 to him by the Louisiana Society of Certified Public Accountants, the Louisiana Society of Certified Public Accountants, to serve at the pleasure of the governor.

(e) A representative of the Louisiana Retailers Association and the Louisiana Association of Business and Industry, to serve at the pleasure of the governor.

(f) 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 to him jointly by the Louisiana Retailers Association and the Louisiana Association of Business and Industry.

(g) A member of the advisory committee shall serve without additional compensation, reasonable and necessary expenses related to the performance of their duties as members of the committee, and then only in such amounts as is provided by law for state employees.

H. (1) Meetings shall be called by the chair at a time and place to be selected by the chair and subject to the written request of four members. Four members of the advisory committee shall be considered a quorum and the committee may make official recommendations and take other official action upon the affirmative vote of four members.

C. The uniform electronic local return and remittance system and the posting of the information required by Subsection H of this Section shall be established, maintained, and operated by the board with the advice of the advisory committee and the secretary and the system shall include the following:

(1)(a) The system shall allow the taxpayer to file a sales and use tax return that is uniform for each taxing authority except for the following:

(i) The vendor's compensation allowed.

(ii) Optional exclusions or exemptions allowed by state sales and use tax law, adopted by the taxing authorities of the state, and the local ordinance pursuant to Article VI, Section 29(D)(1) of the Constitution of Louisiana, but not allowed as an exclusion or exemption from state sales and use tax.

(b) The filing and remittance shall be done at no charge to the taxpayer by the state, the collector, or any taxing authority levying a tax.

(2) A web page through which a secured electronic local sales and use tax return may be filed, which return shall be established by the Department of Revenue. The board shall maintain the secured electronic local sales and use tax return as well as the web page in which the return shall be accessible by taxpayers and collectors.

(3) A system to allow for the remittance of any tax, penalty, interest, and other amounts due.

(4) A system for the transmission and retrieval of the appropriate collector's data and funds to him.

(5) A collector shall provide written notice to the secretary and the advisory committee by certified mail. Return receipt requested, of any change in the information provided to it pursuant to Subparagraph (C) (1)(a) thirty days prior to such changes becoming effective, or such other shorter time as may be allowed by the advisory committee. Each collector shall follow the data validation procedures established, recommended by the advisory committee and adopted by the board.

E. A. A taxpayer may rely on the information on the uniform electronic local return and remittance system and such reliance shall be an absolute defense against any claim by any taxing authority levying a tax.

F.(1) It shall be the duty of the board, with the advice of the advisory committee, to design, implement, maintain, and operate the system required by this Section and to provide the information necessary for the collection of taxes to be computed and paid and to receive and transmit to the collectors the electronic returns and funds.

(2) It shall be the duty of the collector of each parish to provide and make available the appropriate staff, equipment, and information necessary for the receipt and transmission of electronic returns and funds. The Department of Revenue shall not be responsible for any loss of revenue attributable to the failure of a collector to comply with the provisions of this Paragraph.

(b) The advisory committee may determine alternate distribution methods and the appropriate fees to be charged for such these methods when a collector fails to timely provide the requested information as required in this Paragraph. The amount of the fee shall not exceed the cost of the alternate distribution method.

G.(1) It is the intention of this Section only to provide to taxpayers a simple, efficient, and cost-effective means of transmitting accurate tax returns and taxes to taxing authorities of the state from a central site in the quickest manner possible. This Section shall not be construed to grant to the advisory committee or the Department of Revenue board any authority to collect or administer such taxes. In addition, any funds transmitted through the system as provided for in this Section shall be considered the funds of the taxing authorities of the state and shall be subject to the same oversight as state funds or funds of the board.

(2) The advisory committee shall provide a method for all questions related to the application and interpretation of the sales and use tax law of a particular taxing authority received by the committee, board, or the Department of Revenue to be forwarded to the appropriate collector for response.

H. (1) The uniform electronic local return and remittance system provided in this Section shall become operative on a date that the advisory committee...
(2) However, the system shall not become operative until all of the following occur:

(a) Notice is provided to each collector of the date upon which the system is to be operative and the date of the public meeting provided for in Subparagraph (2)(a).
(b) After the notice is provided as required by Subparagraph (2)(a), but in no case less than thirty days before the date the system becomes operative, the advisory committee shall hold a public hearing to receive comments on the system.
(c) In addition to the uniform electronic local return and remittance system shall be provided through the web page where the following information provided by the collectors shall be posted:

1. A list of applicable tax rates.
2. A list of local sales and use tax exemptions enacted by a tax authority as provided in R.S. 47:337.10.
3. The secretary board and the advisory committee shall be notified of any changes in the information as provided for in Section 2 and R.S. 47:337.3. Each collector shall follow the data validation procedures established by the advisory committee and adopted by the board. A collector's failure or refusal to provide the information as required in this Subparagraph shall be an absolute defense against any claim by a taxing authority or collector against the board or advisory committee relating to the data utilized in the system provided for in this Section.

(2) The tax rates and optional exemptions posted on the web page provided for in this Section shall be considered an official record of such the tax rates and optional exemptions and any court, whether requested to do so or not, shall take judicial notice thereof. A taxpayer may rely on the optional exemptions and tax rates posted on the web page provided for in this Subparagraph with this reliance shall be an absolute defense against any claim for a taxing authority's sales and use tax.

If the secretary of the Department of Revenue and the commissioner certifies to the advisory committee that there was not a separate line item in the general appropriations bill appropriating funds to the Department of Revenue for the design, implementation, and operation of the single remittance system provided for in this Subparagraph for the fiscal year, or that insufficient funds were appropriated, the single remittance system and remittance shall not be available to taxpayers from the first of the month following such certification and the secretary may take such steps as he deems necessary to prevent access to the system until the secretary and the commissioner certify that such funds have been appropriated in a separate line item.

I. Funding. (1) Except as provided for in Paragraph (4) of this Subsection, the board shall be funded through a deduction of a percentage of the total statewide collections of local sales and use tax on motor vehicles, as provided for in an agreement with local collectors and in accordance with the limitations provided in this Paragraph and the budgetary policy as provided in Paragraph (2) of this Subsection. Monies shall be payable monthly from the current collections of the tax. The deduction shall be considered a cost of collection and shall be deducted by the state office of motor vehicles and disbursed to the board prior to distribution of tax collections to local taxing authorities. The deduction shall be in addition to any fee imposed by the state office of motor vehicles for the design, implementation, and operation of the single remittance system and may be based on a formula established by the state office of motor vehicles. The amount to be disbursed to the board in any fiscal year after Fiscal Year 2018-2019 shall not be equal to any budgetary amount specifically adopted by the board, exceed three-tenths of one percent of the dedicated sales and use taxes on the purchase of motor vehicles, or the total population according to the most recent federal decennial census. The total amount shall be distributed to the local collector in accordance with R.S. 47:337.16 and R.S. 47:337.17. The dedication shall be considered an official record of such the total amount of such funds distributed to the local collectors and shall be considered an official record of such the total amount of funds distributed to the local collectors.

(2) The board shall do all of the following:
(a) Manage, maintain, and supervise a uniform electronic local return and remittance system pursuant to the provisions of R.S. 47:337.20 by which taxable items are electronically filed and local sales and use tax returns are filed electronically.
(b) 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. Any contract for the selection of a vendor service provider to design the single remittance system, including the procurement of software, hardware, or any other technology or electronic platform, or service shall be procured through the office of technology services and shall be in compliance with the provisions of R.S. 39:196 et seq.
(c) Design, manage, and maintain a link on the board’s web page for the purpose of providing information required to be posted in the provisions of R.S. 47:337.23(1).
(d) The board shall fund the initial costs incurred for designing and implementing a single remittance system from the percentage of the annual budget adopted by the board for that year, subject to the limitations established in Subparagraphs (1)(a) through (c) of Paragraph (4) of this Subsection.

(3)(a) The amount to be disbursed to the board by the office of motor vehicles in any fiscal year shall be determined by the requirements of the annual budget adopted by the board for that year, subject to the limitations established in Subparagraphs (1)(a) through (c) of Paragraph (4) of this Subsection to the state providing funding for the management, maintenance, and operation of the single remittance system and by agreement of the chairman and the commissioner.

(4)(a) The board shall fund the initial costs incurred for designing and implementing a single remittance system from the percentage of the annual budget adopted by the board for that year, subject to the limitations established in Subparagraphs (1)(a) through (c) of Paragraph (4) of this Subsection. Thereafter, the board shall fund the costs associated with the management, maintenance, and supervision of the single remittance system from the funding it currently receives pursuant to the provisions of Paragraph (1) of this Subsection, subject to the state providing funding for the management, maintenance, and operation of the single remittance system and by agreement of the chairman and the commissioner.

(b) The Department of Revenue shall continue to operate the electronic local return and remittance system used and administered by the department and to provide any advice on the development of the single remittance system for the benefit of the board. The board shall have the responsibility of ensuring that the uniform electronic local return and remittance system required in this Section is fully designed, implemented, and available for use by taxpayers.

THE ADVOCATE
for use by taxpayers no later than January 1, 2026. However, from January 1, 2024, through December 31, 2025, the Department of Revenue’s annual cost to continue to operate the electronic return and remittance system shall not exceed five hundred four thousand dollars. Any enhancement to the electronic local return and remittance system requested between January 1, 2024, and December 31, 2025, shall be paid for on a pro rata basis by the collector or collectors requesting the enhancement.

**ACT No. 376**

BY REPRESENTATIVES SCHEXNAYDER, HILFERTY, AND KNOX

To enact Chapter 7-D of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1669, relative to law enforcement officer pay; to establish the Law Enforcement Recruitment Incentive Program; to provide relative to disbursements of monies from the fund; to provide for the administration of the program; to provide for program eligibility; to provide relative to reimbursement of payments received from the program; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 7-D of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1669, is hereby enacted to read as follows:

CHAPTER 7-D. LAW ENFORCEMENT OFFICERS - INCENTIVE PAYMENTS

A. "There is hereby created in the state treasury, as a special fund, the Law Enforcement Recruitment Incentive Fund, hereinafter referred to in this Chapter as the "Fund." Monies in the fund shall be used solely for payments made in accordance with the Law Enforcement Recruitment Incentive Program as provided in this Section.

B. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on investment of monies in the fund shall be credited to the fund. Until the termination of the program, unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

C. The Law Enforcement Recruitment Incentive Program hereinafter referred to in this Chapter as the "program," is hereby established to aid in the recruitment of law enforcement officers within the state. The purpose of the program is to provide one-time incentive payments of five thousand dollars to certain newly-employed law enforcement officers in the state.

D. For purposes of this Section, the following terms shall have the following meanings:

(1) "Eligible agency" means a sheriff's office, municipal police department, or the office of state police within the Department of Public Safety and Corrections.

(2) "Newly-employed officer" means an officer whose permanent duties actually include the making of arrests, the performing of searches and seizures, or the execution of criminal warrants, and who is responsible for the prevention or detection of crime or for the enforcement of the penal, traffic, or highway laws of this state. "Law enforcement officer" shall not include any elected or appointed head of a law enforcement department.

(3) "Municipality" means an incorporated city, town, or village.

(4) "Newly-employed officer" means a person who gains or is appointed to full-time employment as a law enforcement officer with a Louisiana eligible agency on or after July 1, 2024, and who has never before been employed as a law enforcement officer in this state.

E. To qualify for the incentive payment, a newly-employed officer shall meet the following criteria:

(1) Attain POST-certification within one year of the date on which employment begins.

(2) Maintain continuous full-time employment with an eligible agency for a least two years from the date on which employment begins. The required two-year employment period may be satisfied by maintaining employment at one or more eligible agencies, but such period shall not contain any break in service longer than fifteen calendar days.

F. (1) An incentive payment made pursuant to this Section shall be remitted to the state treasurer for deposit into the fund. Any request for an incentive payment to the state treasurer under any of the following circumstances:

(a) The officer voluntarily separates from employment with an employing agency prior to completion of two years of employment, as provided in Paragraph (E)(3) of this Subsection; the officer is required to reimburse an incentive payment pursuant to this Subsection to the officer's last-known mailing address. Reimbursement of the incentive payment shall be made to the treasurer within twelve months of the date on the determination letter.

(b) The officer has a break in service of more than fifteen days.

(c) The officer is dismissed for cause by the employing agency.

(2) The employing agency shall notify the treasurer if an officer who received payment does not meet the required two-year employment period.

(3) Any request for an incentive payment for a law enforcement officer who is required to reimburse an incentive payment pursuant to this Subsection to the officer's last-known mailing address. Reimbursement of the incentive payment shall be made to the treasurer within twelve months of the date on the determination letter.

G. (1) Any request for an incentive payment for a law enforcement officer who is required to reimburse an incentive payment pursuant to this Subsection to the officer's last-known mailing address. Reimbursement of the incentive payment shall be made to the treasurer within twelve months of the date on the determination letter.

(2) The employing agency shall notify the treasurer if an officer who received payment does not meet the required two-year employment period.

H. Every request submitted pursuant to this Subsection shall include:

(a) Certification from the submitting party that the newly-employed officer meets the eligibility criteria for receiving the incentive payment.

(b) A form signed by the newly-employed officer acknowledging the reimbursement requirements for failure to maintain eligibility.

Payments shall be made on a first-come, first-served basis upon receipt of reimbursement by the State Police Commission. The treasurer shall remit payments from the fund for the office of state police. The office of state police shall expend such funds solely for paying the incentive payment.

I. Every request submitted pursuant to this Subsection shall include:

(a) Certification from the submitting party that the newly-employed officer meets the eligibility criteria for receiving the incentive payment.

(b) A form signed by the newly-employed officer acknowledging the reimbursement requirements for failure to maintain eligibility.

Payments shall be made on a first-come, first-served basis upon receipt of reimbursement by the State Police Commission. The treasurer shall remit payments from the fund for the office of state police. The office of state police shall expend such funds solely for paying the incentive payment.

J. Upon termination of the program, the treasurer is hereby authorized to accept any unused and unencumbered monies in the fund for the state general fund.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 14, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 377

BY REPRESENTATIVE PHELPS

To amend and reenact R.S. 32:863(A)(3)(a) relative to sanctions for violations of required vehicle liability security; to modify the lapse period applicable to sanctions for lapse of required liability security; to provide for rule promulgation; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:863(A)(3)(a) is hereby amended and reenacted to read as follows:

§863. Sanctions for false declaration; reinstatement fees; revocation of registration; review

A. (3)(a) Sanctions for a violation of Paragraph (1) of this Subsection shall be imposed until proof of required liability security is provided to the secretary and all reinstatement fees are paid. Sanctions for a violation of Paragraph (2) of this Subsection shall be imposed for a period of not less than twelve months nor more than eighteen months. However, in no event shall these sanctions be removed until such time as proof of the required security is provided to
the secretary along with all appropriate fees required by law, including a reinstatement fee of one hundred dollars per violation of Paragraph (1) of this Subsection. If the vehicle was not covered by required security for a period of one to thirty days, two hundred fifty dollars if the vehicle was not covered by required security for a period of thirty-one to ninety days, and five hundred dollars if the vehicle was not covered by required security for a period in excess of ninety days. No reinstatement fee shall be imposed by the secretary if the vehicle was not covered by required security for a period of ten days or less and the insurer surrendered the vehicle's license plate to the secretary within ten days or if the violation is the insured's first violation pursuant to Paragraph (1) of this Subsection and the lapse of insurance coverage was for five days or less, pursuant to the contents of this Subsection. If the reinstatement fee is given within one to five days before issuing the violation, notice shall be transmitted to the insured through any digitized credentials established pursuant to R.S. 39:17.2(D), within one to five days before issuing the reinstatement fee, the reinstatement fee, violations of Paragraph (2) of this Subsection shall be as follows: two hundred fifty dollars for a first violation, five hundred dollars for a second violation, and one thousand dollars for a third or subsequent violation. The reinstatement fee shall not be owed for an alleged violation of Paragraph (2) of this Subsection when proof of the required security is provided to the secretary within sixty days of the date of the notice. If at the time of reinstatement, a person has multiple violations and is within sixty days of the first provision of fees to be paid shall not exceed eight hundred fifty dollars, for violations of Paragraph (1) of this Subsection, and one thousand seventy-five dollars for violations of Paragraph (2) of this Subsection. At no time shall the total amount of fees, including administrative fees, exceed two hundred fifty dollars for persons sixty-five years or older. After sixty days of the date of the notice, all fees shall be considered final delinquent debt and therefore owed, and the eight hundred fifty dollar limit for persons under sixty-five years shall no longer apply. * * *

Section 2. The Department of Public Safety and Corrections shall adopt and promulgate, in accordance with the Administrative Procedure Act, any rules and regulations that may be necessary to bring existing administrative rules into conformity with the provisions of this Act.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 14, 2023.

A. L.opy
R. Kyle Ardoin
Secretary of State

ACT No. 378

HOUSE BILL NO. 571
BY REPRESENTATIVE SCHENKNER
AN ACT

To amend and reenact the heading of Subpart A-3 of Part II of Chapter 2 of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950, R.S. 30:209(4)(e) (introductory paragraph), 1105(A), 1107(C), 1109(A), 1110(C)(introductory paragraph) and (f) and (g), 1111(C)(1)(h) and (i), 1112, and R.S. 56:30.5, relative to carbon capture and sequestration; to amend and reenact the headings of Subpart A-2 of Part II of Chapter 2 of Title 30 of the Louisiana Revised Statutes of 1950, R.S. 30:209.2, 1104.1, 1107.1, 1109(G), 1110(C)(1)(h) and (i), 1112, and R.S. 56:30.5, relative to carbon capture and sequestration; to amend and reenact the heading of Subpart A-3 of Part II of Chapter 2 of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950, R.S. 30:209.2, 1104.1, 1107.1, 1109(G), 1110(C)(1)(h) and (i), and 1112 are hereby enacted to read as follows:

§6. Hearings; notice; rules of procedure; emergency; service of process; public records; request for hearings; complaints and compliance orders.

H. When an application for any permit to construct or drill a Class V or Class VI well related to the geologic sequestration of carbon dioxide becomes complete, the commissioner shall notify the governing authority of any parish included in the permit application. The notice to the governing authority of the parish shall be made no later than the date on which public notice is issued in accordance with applicable law or regulations. Such notice may be made by electronic mail to the parish president, police jury president, or mayor-president, depending on the form of parish government.

SUBPART A-3. DISTRIBUTION OF FUNDS FROM STORAGE OF CARBON DIOXIDE

§149. Storage of carbon dioxide; distribution of funds

A. For purposes of this Section, “specific area of interest” means an individual tract of property that is the subject of any contractual agreement entered into by the State Mineral and Energy Board for the purpose of injection, storage, sequestration, transportation, shipment, or withdrawal of carbon dioxide.

B. Any revenues collected by the office of mineral resources pursuant to any contractual agreement entered into by the State Mineral and Energy Board for the storage of carbon dioxide beneath state-owned land or water bottoms shall be immediately forwarded to the state treasurer for deposit into the state treasury. After complying with the provisions of Article VII, Section 9(D) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, the state treasurer shall remit the funds as follows:

1. Thirty percent of the revenue shall be remitted to the Mineral and Energy Operation Fund. The revenue remitted to the Mineral and Energy Operation Fund under this Subsection shall be in lieu of any other revenues collected pursuant to any contractual agreement for the storage of carbon dioxide beneath the state-owned land or water bottoms that is required by law to be remitted to the Mineral and Energy Operation Fund.

2. Thirty percent of the revenue shall be remitted to the governing authority of the parish located in a specific area of interest. If the specific area of interest is located in more than one parish, the monies shall be divided between the parishes in proportion to the amount of property located in each parish pursuant to the contractual agreement.

3. The remaining revenue shall be deposited into the state general fund.
of a state department or an agency as defined in R.S. 30:151.

§1104.1. Environmental analysis

A. The applicant for a permit for a Class VI injection well shall submit an environmental analysis as part of the permit application.
B. The environmental analysis required by this Section shall be prepared to satisfy the public trustee requirements of Article IX, Section 1 of the Constitution of Louisiana and shall address the following questions regarding the proposed permit activity:
   (1) Have the potential and real adverse environmental effects of the proposed permit activity been avoided to the maximum extent possible?
   (2) Are there mitigating measures which would offer more protection to the environment than the proposed site without unduly curtailting non-environmental benefits?
   (3) Are there alternative activities which would offer more protection to the environment than the proposed activity without unduly curtailing non-environmental benefits?

§1106. Hearings; notice; rules of procedure; emergency; service of process; public records; request for hearings; orders; and compliance orders

A. All public hearings under this Part shall be conducted pursuant to the provisions of R.S. 30:6. In addition to the requirements of R.S. 30:6, any notice required pursuant to this Chapter shall also be provided to the governing authority of any affected parish. Such notice may be made by publication in the official record of any affected parish with the approval of the police jury president, or mayor-president, depending on the form of parish government.

§1107. Certificates of public convenience and necessity; certificate of completion of injection operations

C. Anything in this Chapter, or in any rule, regulation, or order issued by the commissioner under this Chapter to the contrary notwithstanding, the state of Louisiana in the absence of any additions or amendments to the control laws and regulations prior to issuance of the certificate of completion of injection operations.

§1107.1. Reporting; record keeping

A. The owner or operator of a permitted Class VI well shall provide quarterly reports to the commissioner on the following:
   (1) Any changes to the physical, chemical, and other relevant characteristics of the carbon dioxide stream from the proposed operating data or parameters.
   (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.
B. At a minimum, the owner or operator of a permitted Class VI well shall provide a report within twenty-four hours of the occurrence of any of the following:
   (1) Evidence that the injected carbon dioxide stream or associated pressure or flow rate endanger any 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.
C. Owners or operators of Class VI wells shall retain records as required by applicable administrative rules.

§1109. Cessation of storage operations; limited liability release

A. (1) After fifty years from the date on which the balance in the fund for a storage facility equals or exceeds five million dollars, the fund fees shall be determined based upon the following formula:
   (2) Once a storage operator has contributed five million dollars to the trust fund five million dollars has been contributed to the fund for a storage facility, the fee assessments to that storage operator facility under this Section shall cease until such time as funds begin to be expended for monitoring and remediation of the site. The commissioner, the state of Louisiana, the operator of record of a storage facility if the Carbon Dioxide Geologic Storage Trust Fund has been depleted of funds such that it contains inadequate funds to address or remediate any duty, obligation, or liability that may arise after issuance of the certificate of completion of injection operations.

G. The commissioner shall implement this Section in a manner consistent with and as he deems necessary to carry out the purposes and requirements of the federal Safe Drinking Water Act, as amended, relating to the state’s participation in the underground injection control program established under R.S. 30:124. The state of Louisiana may enter into compacts or agreements with the United States or any state department or agency for the purpose of funding the fund.

THE ADVOCATE As it appears in the enrolled bill

CODING: Words in italics are deletions from existing law; words underscored (House Bills) and underlined and boldfaced (Senate Bills) are additions.
unless such time as the balance in the trust fund falls below such authorized amount, at which time they will be reinstated. 

§1112. Notice of geologic storage agreements: recordation

A. In lieu of recording an agreement for the geologic storage of carbon dioxide or any amendment thereof, as provided by Civil Code Article 3338, a party may record a notice of geologic storage agreement signed by the grantee which executed the agreement.

B. Recordation of a notice shall make the geologic storage agreement and any amendments thereto effective as to third persons to the same extent as recordation of the instrument.

C. The notice of geologic storage agreement shall contain the following:

(a) A declaration that the property is subject to the geologic storage agreement, and the names and addresses of the parties who executed the agreement.

(b) A description of the surface and depths covered by the geologic storage agreement.

(c) The effective date of the geologic storage agreement, its term, and the provisions of any other extensions and renewals of the term provided for in the agreement.

D. A description of any restrictions on drilling through or otherwise penetrating the carbon dioxide storage reservoir for purposes of exploring, developing, producing, or utilizing minerals from or below the reservoir.

E. A change in a geologic storage agreement with respect to any matter that is required to be included in a notice of geologic storage agreement pursuant to Subsection A of this Section is not effective as to third persons unless the parties record a signed amendment to the notice that describes the change.

(2) Notwithstanding Paragraph (1) of this Subsection, if the change is a transfer of a party's rights, the parties may do either of the following:

(a) Record an amendment to the notice signed by the transferor and transferee evidencing the transfer.

(b) Record the instrument transferring the party's rights.

C. The effect of recordation of a notice of geologic storage agreement ceases on occurrence of either of the following:

(a) Upon recordation of an instrument signed by the parties to the agreement or their successors declaring that the geologic storage agreement has terminated.

(b) On the date that the geologic storage agreement may finally terminate as set forth in the notice of geologic storage agreement.

D. The provisions of this Section authorizing the filing of a notice of geologic storage agreement are remedial and shall be applied retroactively to any notice of geologic storage agreement theretofore filed for record which is in substance in accordance with this Subsection A of this Section; such notice shall affect third persons as of the date of recordation.

E. The grantee of any record notice of geologic storage agreement shall notify the governing authority of the parish in which the instrument is recorded within thirty days after recordation. Such notice may be made by electronic mail to the parish president, police jury president, or mayor-president, depending on the form of parish government.

Section 2. R.S. 36:30.5 is hereby enacted to read as follows:

§30.5. Notice to governing authorities

An applicant seeking a permit or permission to operate for geophysical and geological surveys related to exploration for the geologic sequestration of carbon dioxide shall notify the governing authority of the parish in which the proposed survey is to occur in accordance with rules promulgated by the department. Such notice may be made by electronic mail to the parish president, police jury president, or mayor-president, depending on the form of parish government.

Section 3. If any provision of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are hereby declared severable.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 14, 2023.

A true copy:  R. Kyle Ardoin
Secretary of State

ACT No. 379

HOUSE BILL NO. 573

BY REPRESENTATIVE MCFARLAND

AN ACT

To amend and reenact R.S. 38:2195(B) and (C) and R.S. 48:251.7(B) and to enact R.S. 38:2195(D) and R.S. 48:251.7(C), relative to prohibited provisions in public contracts; to provide that a contract provision that violates provisions of law governing motor carrier transportation contracts and construction contracts is invalid; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:251.7(B) is hereby amended and reenacted and R.S. 38:2195(D) is hereby enacted to read as follows:

§2195. Prohibited provisions

B. It is hereby declared that any provision contained in a public contract, other than a provision naming another as a co-insured or additional beneficiary in a contract of insurance, which requires a contracting private party to assume liability for damages arising out of injuries or property damage to a public entity caused by the negligence of anyone other than the contracting party, or its employees, agents, or contractors, is contrary to the public policy of the state of Louisiana. Any and all such provisions in any and all public contracts shall be null and void.

C. The provisions of this Section shall be inapplicable with respect to contracts with private contractors and to contracts with private providers for the placement and care of persons in the custody of the state.

D. The provisions of this Section shall not apply to contracts between any public entity and the owner of immovable property when the purpose of such contract is to grant the public entity a servitude, right of way, or other right to use the owner's property to construct, perform activities, or otherwise exercise control over or use the owner's property.

Section 2. R.S. 48:251.7(B) is hereby amended and reenacted and R.S. 48:251.7(C) is hereby enacted to read as follows:

§251.7. Prohibited provisions

B. It is hereby declared that any provision contained in a public contract, other than a provision naming another as a co-insured or additional beneficiary in a contract of insurance, which requires a contracting private
party to assume liability for damages arising out of injuries or property damage to the department caused by the negligence of anyone other than the contracting private party, its employees, or agents, is contrary to the public policy of the state of Louisiana. Any and all such provisions in any and all department contracts shall be null and void.

C. The provisions of this Section shall not apply to contracts between the department and the owner of immovable property when the purpose of such contract is to grant the defendant 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.

Approved by the Governor, June 14, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 380

BY REPRESENTATIVE RISER

To amend and reenact R.S. 45:1367(A), relative to franchise fee audits; to provide a limit on which records may be addressed in a review; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 45:1367(A) is hereby amended and reenacted to read as follows:

§1367. Franchise fee audits and dispute resolution
A. The 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 R.S. 45:1366. Except as otherwise provided in a local cable franchise agreement executed by and between a cable service provider or video service provider and a local governmental subdivision, that is in effect at that time of the audit, any review conducted in accordance with this Section shall not address any period more than three years before the date the review is commenced.

Approved by the Governor, June 14, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 381

BY REPRESENTATIVE RISER

To amend and reenact R.S. 8:61(A), 64, 66.1, 66.2(A), 67, 69.2(C)(B), 71, 72(A), 75(A), (B), and (C), 454.1(A), 455, 456, 461(A), 463, 464(A)(3), 465(A)(introductory paragraph) and (D), 467, 506(A) and (C)(1)(a), to enact R.S. 8:79, 456(D), 505(C), 506(D), and 512, and to repeal R.S. 37:21(B)(4), relative to cemeteries; to provide for officers of the Louisiana Cemetery Board; to provide for investigations by the board; to provide for cease and desist orders given by the board; to provide for rules and regulations the board may establish; to provide for certain board procedures for certificates of authority; to provide for certain board actions for violations; to provide for annual reports by cemeteries; to provide for the examination of cemetery care trust funds; to provide for the examination of records and reports by the board; to limit certain disciplinary proceedings by the board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 8:61(A), 64, 66.1, 66.2(A), 67, 69.2(C)(B), 71, 72(A), 75(A), (B), and (C), 454.1(A), 455, 456, 461(A), 463, 464(A)(3), 465(A)(introductory paragraph) and (D), 467, 506(A) and (C)(1)(a) are hereby amended and reenacted and R.S. 8:79, 456(D), 505(C), 506(D), and 512 are hereby enacted to read as follows:

§61. Cemetery board created; appointments; terms
A. The Louisiana Cemetery Board is hereby created and shall be placed within the office of the governor. The board shall consist of seven members appointed by the governor. There shall be at least one member from each public service commission district existing at the time of the appointments and at least four members at large, who shall be all residents of Louisiana. Any change in the total membership or district of the public service commission shall not affect the term of any duly appointed member, but subsequent appointments shall be made so as to conform with membership and districts of the commission existing at the time of the subsequent appointments.

The members of the board shall constitute a quorum for all meetings. Unless provided otherwise in this Title, if a quorum is present when a vote is taken, the affirmative vote of the majority of the members present is the act of the board.

§64. Officers; administrative director; employees
The board shall elect a chairperson, vice chairperson, and such other officers as it shall determine, from among its members. Each officer shall serve until his successor is elected and takes office. It may employ, fix the salaries, and, except as provided in this Section, prescribe the duties of an administrative director and such clerical, technical, and other employees as necessary to carry out its duties. The administrative director and other employees of the board shall not be prescribed any discretionary duties or actions which are prescribed to the board pursuant to this Title.

§66.1. Investigations
A. The board, for purposes of discovering a violation of this Chapter or implementing rules or orders issued pursuant to this Title, shall have the power to perform any of the following:
(1) Make such public or private investigations within or outside of this state as the board deems necessary to determine whether any person has violated this Title, or implement rules or orders issued pursuant to this Title, or to aid in the enforcement of this Title, or in the prescribing of rules and forms under this Title.
(2) To declare any matter concerning matters under its jurisdiction. The board, through its presiding officer, may issue subpoenas to enforce the attendance of witnesses, and administer oaths to witnesses.
(3) Appoint two or more of its members as the board deems necessary to determine whether any person has violated this Title.
(4) Issue administrative rules or orders that are issued pursuant to this Title.
(5) Call for an informal hearing to ascertain facts of an alleged violation of any provision of this Title.

B. The board, by majority vote of its members, shall determine whether to dismiss a complaint or call for a formal hearing.

C. If a formal hearing is called by the board, parties to the alleged violation and complaint shall be present either voluntarily or by subpoena. A proper record of the hearing shall be required in a manner legally accepted in judicial proceedings. After hearing and reviewing the evidence presented, the board shall determine violation of the state of Louisiana. Any and all such provisions in any and all department contracts shall be null and void.

The provisions of this Title shall not apply to contracts between the department and the owner of immovable property when the purpose of such contract is to grant the defendant 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.

Approved by the Governor, June 14, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

THE ADVOCATE
* As it appears in the enrolled bill

CODING: Words in strike-through type are deletions from existing law; words under-scored (House Bills) and underscored and boldfaced (Senate Bills) are additions.
§69.2. Receiverships; procedure; powers, duties, and qualifications; disposition of cemetery

C.

(8) The receiver shall also have all of the powers granted to receivers under R.S. 42:1411-12.1-1432 et seq.

§71. Proof of applicant's compliance with law, rules and regulations; financial responsibility and reputation

The board, by a majority vote of its members, shall determine that the applicant has the financial responsibility and reputation to fulfill the requirements of certificate issuance, and may institute legal proceedings to suspend or revoke a certificate, if the applicant has failed to comply with the provisions of this Chapter.

A. The regulatory charges for a certificate of authority at all periods of the year are the same as provided in this Chapter. All regulatory charges shall be payable at the time of the filing of the application and prior to issuance of the certificate.

§72. Certificates; regulatory charges; suspension; restoration; late charge; requirement of certificate

A. For violation of any provision of this Title or the rules or regulations adopted and promulgated by the board in accordance with the Administrative Procedure Act, the board, by a majority of its members, may, in addition to imposing fines, refuse to grant, revoke, or suspend a certificate of authority, and may institute legal proceedings to enjoin any person from operating or conducting a cemetery business.

B. If the board finds that one or more grounds exist for the discretionary suspension or revocation of a certificate of authority issued pursuant to the provisions of this Chapter, it may, in lieu of or in addition to the suspension or revocation, impose a fine upon the certificate holder in an amount not to exceed one thousand dollars for each non-willful violation and in an amount not to exceed ten thousand dollars for each willful violation, plus cost of the court reporter and the attorney fees of the board.

C. If the board at a formal hearing finds that any natural or juridical person has violated the provisions of this Title or the rules or regulations adopted and promulgated by the authority, in this Chapter, it may impose a fine upon that natural or juridical person in an amount not to exceed one thousand dollars for each non-willful violation and in an amount not to exceed ten thousand dollars for each willful violation, plus cost of the court reporter and the attorney fees of the board.

§75. Refusal to grant, revocation, or suspension of certificate; injunction; fines, additional orders

A. For violation of any provision of this Title or the rules or regulations adopted and promulgated by the board in accordance with the Administrative Procedure Act, the board, by a majority of its members, may, in addition to imposing fines, refuse to grant, revoke, or suspend a certificate of authority, and may institute legal proceedings to enjoin any person from operating or conducting a cemetery business.

B. If the board finds that one or more grounds exist for the discretionary suspension or revocation of a certificate of authority issued pursuant to the provisions of this Chapter, it may, in lieu of or in addition to the suspension or revocation, impose a fine upon the certificate holder in an amount not to exceed one thousand dollars for each non-willful violation and in an amount not to exceed ten thousand dollars for each willful violation, plus cost of the court reporter and the attorney fees of the board.

C. If the board at a formal hearing finds that any natural or juridical person has violated the provisions of this Title or the rules or regulations adopted and promulgated by the authority, in this Chapter, it may impose a fine upon that natural or juridical person in an amount not to exceed one thousand dollars for each non-willful violation and in an amount not to exceed ten thousand dollars for each willful violation, plus cost of the court reporter and the attorney fees of the board.

§79. Actions for violation of Title 8

No action or claim based on or arising out of a violation of this Title or any rules or regulations of the board shall be brought unless a complaint is issued by the board in accordance with R.S. 37:25-1, and the proceedings are filed in a court of competent jurisdiction and proper venue within the limitation provided in R.S. 37:21. The provisions of this Section are remedial and apply to all causes of action without regard to the date when the alleged act, omission, or neglect occurred.

§454.1. Administration of trust funds; maintenance; exemption from seizure

A. The principal of the trust fund shall remain permanently intact and only the income therefrom shall be expended. The income shall be used solely for the care of interment spaces sold with a provision for perpetual or endowed care, including the expenses necessary to carry out the purposes and administration of the trust.

B. If the board determines that the income of the fund shall be used for the care of interment spaces sold with a provision for perpetual or endowed care, and for the care of other portions of the cemetery immediately surrounding the spaces as may be necessary to preserve the beauty and dignity of the spaces sold, the fund or its income shall never be used for the development, improvement, or embellishment of unsold portions of the cemetery so as to relieve the cemetery authority of the ordinary cost incurred in preparing such property for sale. All funds held in trust for perpetual care purposes shall be administered by the trustee in compliance with trust laws of this state.

§455. Annual report by cemeteries

All cemeteries subject to the provisions of this Chapter shall file with the trustee, as defined in this Chapter, not later than ninety days after the close of the business year; a report setting forth the volume and the gross selling price of sales upon which a deposit with the trustee is required by this Chapter. The annual report shall be made within ten days after the close of the business year, a report setting forth the volume and the gross selling price of sales upon which a deposit with the trustee is required by this Chapter.

§456. Annual report by trustee; compliance with accounting requirements

D. The annual report by the trustee shall be for the same period as the report received from the cemetery authority report pursuant to R.S. 5:455.

§458. Prohibited acts; injunctions

No person or cemetery authority shall offer for sale or sell any interment space in any cemetery with a provision for perpetual or endowed care, or in any manner represent, advertise, or hold out to the public that the cemetery, or any portion thereof, is entitled to perpetual or endowed care, unless such person or authority has complied with the provisions of this Chapter. The board, by a majority vote of its members, may institute legal proceedings to enjoin any person or cemetery authority from violating the provisions of this Section.

§461. Examination of endowment funds; expenses

A. The board shall examine the endowment care funds of each cemetery authority at least once every five years, including those organized before and after August 1, 1962, at the following time or times:

(1) Whenever it deems necessary but at least once every three years.

(2) Whenever the board determines there is good cause to believe that a violation of this Chapter has occurred.

§463. Power, duties, records concerning examination of funds

In making such examination, the board shall:

A. Have free reasonable access to the books and records relating to the endowment or perpetual care funds, their collection and investment, and the number of interment spaces under endowment or perpetual care. Such books and records shall be made available for examination in the principal office of the cemetery authority or trustee located within the state of Louisiana. Any request for access to books and records, which the trustee or cemetery authority objects to as being unreasonable, irrelevant, arbitrary, or capricious, shall be produced only after the objections are ruled upon by the board after notice and a formal hearing.

B. Inspect and examine the endowment or perpetual care funds to determine their condition and the existence of the investments.

C. Ascertain if the cemetery authority has complied with all laws applicable to the endowment or perpetual care funds.

§464. Action required when authority fails to deposit minimum endowment or perpetual funds

A.

(3) Notwithstanding any other provisions of law, if the board fails to prove that the cemetery authority or other responsible party is not in compliance with the requirements of this Section or the alleged violation is de minimis, then the board shall not recover any costs, fees, or any expenses incurred by it for reasonable access for paying a reasonable costs, legal and accounting fees, or expenses incurred by the cemetery authority or responsible party who was accused of not being in compliance.

§465. Order requiring reinvestment in compliance with law; actions for preservation and protection

A. All funds held in trust for perpetual care purposes shall be administered by the trustee in compliance with this Chapter and the Louisiana Trust Code with such skill and care as a prudent person of ordinary prudence, discretion, and intelligence would exercise in the management of his own affairs, not in regard to the investment of the portion of his capital held in trust for perpetual disposition of his funds, considering the probable income as well as the probable safety of his capital, subject to the following restrictions:

D. Whenever the board, has reason to believe that by a vote of the majority of its members, has determined that due to a violation of this Chapter, endowment or perpetual care funds are in danger of being lost or dissipated during the time required for notice and hearing, it may immediately apply to the district court of the parish in which the cemetery is located for any order to preserve and protect such funds.
which appears necessary for the preservation and protection of endowment
or perpetual care funds, including but not limited to immediate substitution
of these. Notwithstanding any other provisions of law, if the board fails to
prove that due to a violation of this Chapter, endowment or perpetual care
funds were in danger of being lost or dissipated, it shall be responsible for
paying all reasonable costs, legal and accounting fees, and expenses incurred
by the cemetery authority or responsible party who was accused of not being in
compliance.

§467. Examination of reports
The board shall examine the reports filed with it as to their compliance
with the requirements of the law. Any formal hearing, court proceeding, or
other cause of action against a cemetery authority or trustee based on any
report filed by it shall be commenced within the limitations of R.S. 37:21.

§505. Annual reports by trustee; final accounting by trustee required
C. For purposes of this Chapter, the business year is any consecutive
twelve-month period determined by the cemetery authority as designated in
the report. The cemetery authority may change its business year by filing the
report for a period less than twelve months. The board shall be notified of
such change within thirty days of the effective date of the change.

§506. Examination by board; expenses
A. The board may examine the relevant business books and records
identified in Subsection C of this Section of any cemetery authority or other
entity that is engaged in making contracts for the sale of personal property or
services as contemplated in this Chapter at the following time or times:
(1) Whenever it deems necessary but at least once Once every three years.
(2) Whenever the board determines there is a good cause to believe that a
violation of this Chapter has occurred.

B. The cemetery authority, other entity, or trustee in charge of
merchandise trust funds fails to file the reports required by this Chapter.
(3) Whenever the board is requested by verified petition signed by twenty-
five individuals purchasing personal property or services alleging that the
cemetery authority or other entity is not in compliance with this Chapter, in
which case the examination shall be at the expense of the petitioners.

C. In making such examination, the board shall:
(1)(a) Have free reasonable access to the books and records relating to
the merchandise trust funds, their collection and investment, and individual
contracts for the sale of personal property or services as described in this
Chapter.

D. Any requests for access to books and records, which the trustee, cemetery
authority, or other entity objects to as being unreasonable, irrelevant,
arbitrary, or capricious, shall be produced only after the objections are ruled
upon by the board after notice and hearing.

§512. Examination of reports
The board shall examine the reports filed with it as to their compliance
with the requirements of the law. Any formal hearing, court proceeding, or
other cause of action against a cemetery authority or trustee based on any
report filed by it shall be commenced within the limitations of R.S. 37:21.
Section 2. R.S. 37:21(B)(4) is hereby repealed in its entirety.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 382

HOUSE BILL NO. 629
BY REPRESENTATIVE BEAULIUE
AN ACT
To amend and reenact R.S. 47:305.76(A) and (B)(39) and 337.9(D)(33) and to enact Subpart B of Part VI-C of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:2370.21 through 2370.33, relative to grants for broadband expansion; to provide for the creation of the GUMBO 2.0 program; to provide for a short title; to provide for definitions; to provide for administration of this program shall be governed in accordance with the Federal Commission under rules and guidance that are in effect as of the date of

AN ACT
To amend and reenact R.S. 44:4.1(B)(39) and to enact Subpart B of Part VI-C of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:2370.21 through 2370.33, relative to grants for broadband expansion; to provide for the creation of the GUMBO 2.0 program; to provide for a short title; to provide for definitions; to provide for administration of this program shall be governed in accordance with the Federal Commission under rules and guidance that are in effect as of the date of

As used in this Subpart, the following terms have the following meanings:
(1) "Agriculture" means the commercial planting, growing, harvesting, production, storage, processing, marketing, distribution, or export of any agricultural product, including but not limited to farm products, livestock and livestock products, poultry and poultry products, milk and dairy products, fruit and other horticultural products, and seafood and aquacultural products.
(2) "Assistant secretary" means the assistant secretary of the United States Department of Commerce for Communications and Information.
(3) "Broadband DATA Maps" means the maps created in accordance with the provisions of 47 U.S.C. 642.
(4) "Broadband service" means deployed mass-market retail internet access service with a minimum of one hundred megabits per second, or Mbps, download and at least twenty megabits per second upload transmission speed. This definition has the meaning given by the Federal Communications Commission under rules and guidance that are in effect as of the date of

(5) "Broadband serviceable location" means a business or residential location in the United States at which fixed broadband internet access service

THE ADVOCATE
Broadband DATA Maps show are accessible to a location via any of the unserved or underserved households are proposed to be served.

eligible adjacent parishes, for the purposes of this Subpart, the project shall an overall project area crosses from one eligible parish into one or more in which not less than eighty percent of broadband-serviceable locations

microwave relays, microwave receivers, site routers, outdoor cabinets, huts, conduits, vaults, patch panels, mounting hardware, poles, generators, batteries and cabinets, network nodes, network routers, network switches, microwave relays, microwave receivers, site routers, outdoor cabinets, tower, and buildings or structures owned by the entity that are made available for location or colocation purposes.

A grant recipient is required to provide matching funds in accordance with state law and rules promulgated by the office. A grant recipient shall contribute from its own funds a minimum of twenty-five percent of the total cost of the project, to be validated by the office, unless granted a written waiver by the office.

A local government may contribute funding or in-kind contributions for use on an eligible project in accordance with the provisions of this Subpart. The contribution of funding by local government for an eligible project in this Subpart shall be considered a partnership for providing a covered service in accordance with the Local Government Fair Competition Act, R.S. 45:444.41 et seq., prior to July 1, 2021, with respect to providing such services, a cooperative, or any partnership thereof.

A “household” means any individual or group of individuals who are living together at the same address as one economic unit. A household may include related and unrelated persons. An “economic unit” consists of all adult individuals contributing to and sharing in the income and expenses of a household. An adult is any person eighteen years or older. If an adult has no or minimal income, and lives with someone who provides financial support to him, both people shall be considered part of the same household. A child under the age of eighteen living with his parent or guardian is considered to be part of the same household as his parent or guardian.

A “project” means an undertaking by an eligible grant recipient to construct and deploy infrastructure for the provision of broadband service. A project may constitute a single unserved or underserved broadband-serviceable location or a group of broadband-serviceable locations in which not less than eighty percent of broadband-serviceable locations served by the project are unserved locations or underserved locations. If an overall project area crosses from one eligible parish into one or more eligible adjacent parishes, for the purposes of this Subpart, the project shall by take into account the requirements of the conditions and requirements.

A “reliable broadband service” means broadband service that the Broadband DATA Maps show are accessible to a location via any of the eligible technologies.

(a) Fiber-optic technology.

(b) Cable modem or hybrid fiber-coaxial technology.

(c) Terrestrial fixed wireless technology utilizing entirely licensed spectrum or using a hybrid of licensed and unlicensed spectrum.

Office means the office of broadband development and connectivity within the division of administration.

A “cooperative” means a corporation organized pursuant to Part I of Chapter 4 of Title 12 of the Louisiana Revised Statutes of 1950 or a corporation that becomes subject to those provisions pursuant to R.S. 12:401 et seq.

“Director” means the executive director of the office of broadband development and connectivity within the division of administration.

“Director” means an underserved location as defined in the ILJA and the BEAD NOFO.

“Undererved location” means an underserved location as defined in the ILJA and the BEAD NOFO.

§2370.23. Administration fee.

The office may use up to one percent of the appropriated funds to administer the GUMBO 2.0 program. The office may use an additional one percent of the appropriated funds to hire third-party contractors as determined necessary to ensure the successful implementation of the NTIA BEAD Model Challenge process. The additional one percent shall not be used as compensation for any new or existing positions within the office.


A. The office shall have the authority and responsibility to promulgate rules that are consistent with requirements promulgated by the assistant secretary pursuant to ILJA, BEAD program guidelines, state law, and this Subpart.

B. Grants solicited and awarded pursuant to the GUMBO 2.0 program are not subject to the provisions of the Louisiana Procurement Code, R.S. 39:1551 et seq., except for a broadband service provider’s trade secret and proprietary information, including coverage data, maps, and shareables.

C. The office shall not treat any information submitted with a broadband availability challenge or grant award protest that is not publicly available as confidential and subject to the trade secrets protections of state law upon a challenging broadband service provider’s request for confidential treatment.

§2370.25. Funding match requirement.

A. The NTIA BEAD Model Challenge process and shall complete the process before a future grant round is launched.

(2) The office may use an additional one percent of the appropriated funds to hire third-party contractors as determined necessary to ensure the successful implementation of the NTIA BEAD Model Challenge process. The additional one percent shall not be used as compensation for any new or existing positions within the office.

(5) A grant applicant may define proposed project areas in the application as fundable.

(3) The office shall release eligible locations at least thirty days prior to the start of the grant application period.

(2) The office shall permit challenges for planned, privately funded broadband projects where a broadband service provider provides convincing evidence that it is currently building out broadband to locations without government subsidy or is building out broadband offering performance beyond the program requirements.

(3) To minimize duplication of funding, the office may not treat as unserved or underserved any location that is already subject to an enforceable availability challenge or grant award protest that is not publicly available as confidential and subject to the trade secrets protections of state law upon a challenging broadband service provider’s request for confidential treatment.

(4) The National Telecommunications and Information Administration shall be the final arbiter of availability challenges.

(5) The office shall keep challenge details confidential for evaluation to the extent required consistent with state law and federal requirements and pursuant to this Subpart.

(3) The office shall carry out the grant process including broadband availability challenges, grant applications, scoring, grant awards, and awards.


A. The office shall have the authority and responsibility to promulgate rules that are consistent with requirements promulgated by or guidance of the assistant secretary pursuant to ILJA, BEAD program guidelines, state law, and this Subpart. The office shall carry out the grant process including broadband availability challenges, grant applications, scoring, grant awards, and awards.

B. Broadband availability challenge process.

(1) The state shall use the NTIA BEAD Model Challenge process and shall complete the process before a future grant round is launched.

(2) The office shall permit challenges for planned, privately funded broadband projects where a broadband service provider provides convincing evidence that it is currently building out broadband to locations without government subsidy or is building out broadband offering performance beyond the program requirements.

(3) To minimize duplication of funding, the office may not treat as unserved or underserved any location that is already subject to an enforceable availability challenge or grant award protest that is not publicly available as confidential and subject to the trade secrets protections of state law upon a challenging broadband service provider’s request for confidential treatment.

(4) The National Telecommunications and Information Administration shall be the final arbiter of availability challenges.

(5) The office shall keep challenge details confidential for evaluation to the extent required consistent with state law and federal requirements and pursuant to this Subpart.

C. Application process.

(1) A grant round administered by the office shall be open for a period of at least thirty days but not longer than sixty days.

(2) The office shall identify eligible locations for grant funding based on the Broadband DATA Map and the NTIA BEAD Model Challenge process.

(3) The office shall release eligible locations at least thirty days prior to the start of the grant application period.

(4) Application information used for scoring purposes shall be made publicly available, subject to the confidentiality protections provided in this Subpart, by posting on the website of the office or the office of the division on the website of the office of broadband development and connectivity. Any broadband-serviceable locations within the applicant-defined project area that are not included on the version of the Broadband DATA Map used for identifying eligible locations prior to the opening of the grant round added to the Broadband Data Map after the submission of an application but before the completion of the project shall also be served by the grant award winner subject to the requirements of Subsection F of this Section.

(5) The office shall release eligible locations at least thirty days prior to the start of the grant application period.
additional regulations promulgated by or guidance of the assistant secretary, as provided for in R.S. 51:2570.12(A).

(4) If after soliciting proposals and failing to obtain one or more applications, the office has not received, in accordance with this Subpart, any proposal for an eligible parish, the office may determine any award to be made by the assistant secretary pursuant to Title II of the BEAD Act. If the assistant secretary has made any award in accordance with this Subpart, the office may furnish immediately to all parties to the protest a decision in the protest, including any additional requirements or guidance provided for after enactment of this Act, BEAD program guidelines, state law, and this Subpart.

F. Protest of grant award. (1) Upon a grant announcement, any eligible grant recipient or local governing body may protest a grant award pursuant to Section III.B of the Broadband, Equity, Access, and Deployment Program Notice of Funding Opportunity or another basis that would result in an award change, other than a served versus unserved basis, such as a scoring error. Any eligible grant recipient or local governing body submitting a protest shall attest that the information in the protest is accurate and that the protest is submitted in good faith. The office may deny any protest that contains inaccurate information.

(2) The director shall, within fourteen business days, review and determine any appeal by a party to the protest. The director or his designee may, prior to the commencement of an action in court concerning a protest arising pursuant to this Subpart, settle and receive a protest.

§2370.28. Administrative and judicial review

A. If the protest of a grant award is not resolved by mutual agreement, the director or his designee shall, within fourteen business days, issue a decision in writing. The decision shall do all of the following:

(1) State the reasons for the action taken.

(2) The decision required by Subsection A of this Section shall be furnished immediately to all parties to the protest.

C. A decision required by Subsection A of this Section shall be final and conclusive unless one of the following applies:

(1) The decision is fraudulent.

(2) A party to the protest has timely appealed to the commissioner of administration of the division of administration of the office, as set forth in Section III.B of the Broadband, Equity, Access, and Deployment Program Notice of Funding Opportunity or another basis that would result in an award change, other than a served versus unserved basis, such as a scoring error. Any eligible grant recipient or local governing body submitting a protest shall attest that the information in the protest is accurate and that the protest is submitted in good faith. The office may deny any protest that contains inaccurate information.

(3) A party to the protest by a final judgment or interlocutory order or ruling of the Nineteenth Judicial District Court may appeal or seek review thereof.

(4) As it appears in the enrolled bill as the case may be, to the Louisiana Court of Appeal, First Circuit or the Supreme Court of Louisiana, as otherwise permitted in civil cases by law and rule of court.

D. Scoring and grant award. The office shall have the authority and discretion to fulfill the grantee's request for scoring and grant award. The office shall perform a scoring process, approved by the director, which shall include, at a minimum, criteria as defined in the grant agreement, including but not limited to miles constructed, number of unserved and underserved locations that have not yet benefited from each grant project, and the number of unserved and underserved locations that currently have, access to broadband service through the GUMBO 2.0 program. The report shall include, at a minimum, criteria including but not limited to miles constructed, broadband-serviceable locations with access to broadband service, and funds expended. If an entity does not submit quarterly reports for each funded project in this state for two consecutive quarters, the office may, at its discretion, consider locations within the awarded area unserved.

E. A grantee shall submit to the office a quarterly report for each funded project for the duration of the grant agreement. The report shall include, at a minimum, criteria as defined in the grant agreement, including but not limited to miles constructed, broadband-serviceable locations with access to broadband service, and funds expended. If an entity does not submit quarterly reports for each funded project in this state for two consecutive quarters, the office may, at its discretion, consider locations within the awarded area unserved.

F. Any entity receiving federal funds for broadband infrastructure development shall submit to the office a quarterly report for each funded project located in this state for the duration of the project. The report shall include, at a minimum, criteria including but not limited to miles constructed, broadband-serviceable locations with access to broadband service, and funds expended. If an entity does not submit quarterly reports for each funded project in this state for two consecutive quarters, the office may, at its discretion, consider locations within the awarded area unserved.

G. A grantee shall submit to the office a monthly report for each funded project for the duration of the grant agreement. The report shall include, at a minimum, criteria as defined in the grant agreement, including but not limited to miles constructed, broadband-serviceable locations with access to broadband service, and funds expended. If an entity does not submit quarterly reports for each funded project in this state for two consecutive quarters, the office may, at its discretion, consider locations within the awarded area unserved.

H. A party to the protest may file an appeal in the Nineteenth Judicial District Court within seven business days of receipt of a decision issued pursuant to Subsection E of this Section. The Nineteenth Judicial District Court shall have exclusive venue over an action between the state and a party to the protest to determine whether an award of a grant is in accordance with this Act, BEAD program guidelines, state law, and this Subpart, and all proceedings shall extend to all kinds of actions, whether for monetary damages or for declaratory, injunctive, or other equitable relief.

I. A party to the protest by a final judgment or interlocutory order or ruling of the Nineteenth Judicial District Court may appeal or seek review thereof.
Reimbursements of eligible costs shall be made by percentage of total project costs expended: ten percent, thirty-five percent, sixty percent, eighty-five percent, and the final fifteen percent of payment shall not be paid without an approved completion report. Invoice for final payment shall be submitted within ninety days of a completion date. All invoices are subject to audit for three years from the completion date.

§2370.33. Failure to perform A. A grant recipient forfeits the amount of a grant received if the grant recipient fails to perform, in material respect, the obligations established in law or in the grant agreement. A grant agreement shall last, at a minimum, for the duration of broadband project construction and, or, longer in accordance with the agreement. A grant recipient must file for renewal within five years of the agreement completion. A grant recipient that fails to provide the minimum advertised connection speed and cost at the advertised rate shall forfeit any grant funds up to the entire amount received through the GUMBO 2.0 program. The office shall use its discretion to determine the amount forfeited. A grant recipient that forfeits amounts disbursed in accordance with this Subpart is liable for up to the amount disbursed plus interest. The number of subscribers that subscribe to broadband services offered by the broadband service provider in the project area shall not be a measure of performance under the grant agreement for the purposes of this Section and shall be set forth in the grant agreement.

B. A grant recipient is not required to forfeit the amount of a grant received if the grant recipient fails to perform due to a natural disaster, an act of God, force majeure, a catastrophe, pandemic, the failure to obtain access to private or public property or any government permits under reasonable terms, or such other occurrence over which the grant recipient has no control.

C. Except as provided for in Subsection B of this Section, if a grant recipient fails to perform and fails to return the full forfeited amount required pursuant to this Section, the ownership and use of the broadband infrastructure funded by the GUMBO program shall revert to the division of administration.

D. Notwithstanding the provisions of this Section to the contrary, if a grant recipient fails to complete a project in a material respect, the grant recipient, at the discretion of the office may be required to reimburse the state the actual cost to finish the project. Failure to perform shall be determined by the office in consultation with the grant recipient. The office shall not require a grant recipient that it determines has made a good faith effort to complete a project to reimburse the state an amount greater than the amount of the convenience fee paid directly to the state entity hereinafter referred to as “state entity.”

Section 2. R.S. 44:4.1(B)(35) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

(35) R.S. 51:710.2(B), 705, 706, 936, 1363.1, 1404, 1926, 1934, 2113, 2162, 2262, 2318, 2370.3, 2570.16, 2570.23, 2570.27, 2589

Section 3. (A) The Louisiana State Law Institute is hereby authorized and requested to redesignate R.S. 51: 2370.1 through 2370.16 as Subpart A of Part VI-C of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950 and entitled as “Subpart A. Granting Unserved Municipalities Broadband Opportunities 1.0”.

(B) The Louisiana State Law Institute is hereby authorized and requested to make conforming changes from references to “Part” to “Subpart” in R.S. 51:2370.1 through 2370.16.

Approved by the Governor, June 14, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 384

HOUSE BILL NO. 654
(Substitute for House Bill No. 39 by Representative McKnight)
BY REPRESENTATIVE MCKNIGHT

AN ACT

To enact R.S. 49:316.2, relative to state agencies; to provide relative to electronic payments; to provide relative to fees associated with electronic signatures; to provide for the authorization of the collection of fees by the state; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:316.2 is hereby amended and reenacted to read as follows:

§316.2. Payments for electronic signatures: authorizations; fees

A. The state, through any department, agency, board, commission, or other state entity hereinafter referred to as “state entity” may charge a fee for use of an electronic signature in connection with the state’s official documents. The state entity may accept payment for the use of an electronic signature by credit cards, debit cards, and any other form of electronic payments approved by the treasurer as provided in R.S. 49:316.1.

B. The fee charged by the state for the use of an electronic signature pursuant to this Section shall be a convenience fee paid directly to the state entity. The amount of the convenience fee, after review and recommendation by the treasurer, shall be approved by the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means. In addition, the amount of the convenience fee shall be disclosed to the signatory before the transaction is completed, and the signatory shall be given the option of proceeding without the electronic signature at that time.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III. Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 14, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 385

HOUSE BILL NO. 660 (Substitute for House Bill No. 38 by Representative Stagni)
BY REPRESENTATIVES STAGNI, BACALA, EDMONSTON, GAROFALO, HORTON, KNOX, LAPLEUR, MARCELLE, AND SEABAUGH

AN ACT

To amend and reenact R.S. 40:1379.14(B)(5) and to enact R.S. 40:1379.14(E), relative to the carrying of concealed weapons by qualified retired law enforcement officers; to provide relative to annual qualification; and to provide relative to annual requalification.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1379.14(B)(5) is hereby amended and reenacted and R.S. 40:1379.14(E) is hereby enacted to read as follows:

(5) The term “retired law enforcement officer” means a retired officer who meets all of the following:

* * *

(5) Qualifies annually in the use of firearms by the Peace Officer Standards and Training Council and has proof of such certification or was properly certified by the Council on Peace Officer Standards and Training at the time of retirement, in accordance with R.S. 15:576(3)

Section 2. R.S. 40:1379.14(E) is hereby enacted to read as follows:

* * *

Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective subsequent to the regular session of the legislature.

Approved by the Governor, June 14, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 386

SENATE BILL NO. 31
BY SENATORS MIZELL, ABRAHAM, BARROW, BOUDREAUX, CARTER, CONNICK, CORTEZ, FESI, FOIL, HENRY, HENSSENS, MCMATH, FRED MILLS, ROBERT MILLS, PEACOCK, POPE, PRICE, SMITH, STINE, TABLOT AND WOMACK AND REPRESENTATIVES GAROFALO AND LAPLEUR

Prefiled Pursuant to Article III, Section 2A(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 15:576(3) and to enact R.S. 46:2161(C)(3) and 2161.1(C)(3), relative to data of human trafficking victims; to require that district attorneys provide annual reports to certain agencies; to track prosecution of human traffickers; to track services provided to human trafficking victims; to clarify eligibility of certain agencies to receive certain information and reports; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:576(3) is hereby amended and reenacted to read as follows:

§576. Definitions

As used in this Chapter:

* * *

(3) The term “criminal justice agency” means 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. “Criminal justice agency” also includes the governor’s office of human trafficking prevention.

Section 2. R.S. 46:2161(C)(3) and 2161.1(C)(3) are hereby enacted to read as follows:

* * *
follows:
§2161. Human trafficking victims services plan; children
C. 
(3) Each district attorney who prosecutes cases of human trafficking or related sexual offenses or that provides services to victims pursuant to the provisions of this Section shall submit to the governor's office of human trafficking prevention and to the Department of Children and Family Services an annual report on their operations including the prosecuting agency's name, parish, disposition of case, statute under which the offense was prosecuted, sentencing date, restitution ordered, restitution paid, value of assets from civil asset forfeiture, and any services offered to victims.
§2161.1. Human trafficking victims services plan; adults
C. 
(3) Each district attorney who prosecutes cases of human trafficking or related sexual offenses or that provides services to victims pursuant to the provisions of this Section shall submit to the governor's office of human trafficking prevention and to the Department of Children and Family Services an annual report on their operations including the prosecuting agency's name, parish, disposition of case, statute under which the offense was prosecuted, sentencing date, restitution ordered, restitution paid, value of assets from civil asset forfeiture, and any services offered to victims.

Approved by the Governor, June 14, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 387

SENATE BILL NO. 77
BY SENATOR ROBERT MILLS AND REPRESENTATIVES EDMONSTON, GAROFALO, GOUDEAU, KNOX, LAFLEUR, SEABAUGH AND VILLIO
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

To amend and reenact the chapter heading of Chapter 15 of Title VII of the Children's Code and Children's Code Arts. 791.4 and 791.5, relative to truancy and assessment and service centers; to provide with respect to monitoring, evaluation, reporting requirements, and operation; to provide for administrative costs; to provide that operations be administered by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice; to provide for a change in the name of the program; to direct the Louisiana State Law Institute to make technical and conforming changes to reflect the name change in existing statutes and codes; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The chapter heading of Chapter 15 of Title VII of the Children's Code and Children's Code Arts. 791.4 and 791.5 are hereby amended and reenacted to read as follows:

CHAPTER 15. TRUANCY AND ASSESSMENT AND SERVICE CENTERS

Art. 791.4. Monitoring
A. In order to determine the effectiveness of the program, Louisiana State University, office of social services research and development, the Louisiana Commission on Law Enforcement and Administration of Criminal Justice shall develop and implement a monitoring and evaluation program subject to state funding.
B. The Louisiana State University, office of social services research and development, commission may also develop and implement a monitoring and evaluation program for all parishes with truancy and assessment and service centers subject to state funding.

Art. 791.5. Reporting; operation
A. On July first of each year beginning July 1, 2007, the office of social services research and development, Louisiana State University, The Louisiana Commission on Law Enforcement and Administration of Criminal Justice shall report statistical data indicating the effectiveness of this program to the appropriate standing committees of the legislature Joint Legislative Committee on the Budget for use by the committee committee in consideration of continuation or expansion of the program.
B. The provisions of this Chapter with respect to any parish which has a truancy and assessment and service center shall be operational subject to appropriation by the legislature to the commission.
C. The commission may use appropriated funds to provide for the reasonable costs of administering the provisions of this Chapter and to provide funding for the local truancy assessment service centers.

Section 2. The Louisiana State Law Institute is hereby authorized and directed to make the following changes:
A. Change any reference in the Children's Code and related provisions in the Louisiana Revised Statutes of 1950 from “Truancy Assessment and Service Centers” to “Truancy Assessment Service Centers”.
B. Change the reference in Children's Code Article 543(F)(10) from “Truancy assistance service centers” to “Truancy assessment service centers”.

C. Change the reference in R.S. 46:2758.2(B)(1) from “Truancy Assessment and Service Centers” to “Truancy Assessment Service Centers”.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 14, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 388

SENATE BILL NO. 136
BY SENATOR BARROW
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

To amend and reenact the introductory paragraph of R.S. 39:112(E)(2) and 122(A)(1), relative to the capital outlay process; to provide relative to matching fund requirements for non-state entity projects; to provide relative to the obligation of funds for ongoing projects in the capital outlay act; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 39:112(E)(2) and 122(A)(1) are hereby amended and reenacted to read as follows:

§112. Capital outlay act

E.(1) 
(2) Non-state entity projects shall require a match of not less than twenty-five percent of the total requested amount of funding project cost except:

§122. Commencement of work; delays in construction; public statement; allocated funds
A.(1) No work shall commence and no contract shall be entered into for any project contained in the capital outlay act unless and until funds are available from the cash sources indicated in the act or from the sale of bonds or from a line of credit approved by the State Bond Commission, except for funds that are supplemental funds for ongoing projects for which contracts have been issued and contracts for Department of Transportation and Development projects which are subject to the provisions of R.S. 48:251(D).

Approved by the Governor, June 14, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 389

SENATE BILL NO. 138
BY SENATOR REESE
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

To amend and reenact R.S. 33:2740.67(C)(2) and (7) and to repeal R.S. 46:2758.2(B)(1), relative to the Baton Rouge North Economic Development District; to provide relative to the governance of the district; to provide relative to rules, regulations, and procedures of the board; to provide with respect to board membership and terms of members; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

C. 
(2)(a) Members serving pursuant to Subparagraphs (1)(f) through (I) of this Subsection shall serve two years; and one shall serve three years, as determined by lot at the first meeting of the board.

(7) The board shall adopt such rules and regulations, including a procedure for the removal of inactive board members, as it deems necessary or advisable for conducting its business affairs. It shall hold regular meetings as shall hold special meetings at such times and places within the district as may be prescribed in the bylaws.

Section 2. R.S. 33:2740.67(C)(1)(k) is hereby repealed in its entirety.
Permitted by law to conduct judicial sales, beginning at a time set by the sheriff. Online bidding at each sale shall be open until at least two minutes have elapsed since bidding was opened. The amount of each bid shall be posted on the platform and made visible to the public contemporaneously with the entering of the bid. The sheriff may set a minimum incremental bid amount for each sale.

Upon the opening of bidding, the platform on which bidders enter bids for the property shall display or otherwise make accessible the information concerning the sale, the mortgage certificate, and all other certificates that the sheriff would be required to provide by Article 2344 in a sale at the same time and place designated for a sheriff's sale. The platform shall also display the announcement required by Article 2335.

The failure of the sheriff to procure, read aloud, or provide a copy of any notice of seizure shall impact the validity of the notice of seizure and shall not give rise to any cause of action against the sheriff, the seizing creditor, or the purchaser arising out of such seizure. The notice shall state that the sale will be conducted through an online auction conducted in the manner provided by law. In addition to the other requirements of law, the notice shall state that the sale will be conducted through an online auction conducted on a day on which the sheriff is online, to which bids can be entered, and shall identify the electronic address of the platform through which bids can be entered.

If the sheriff's sale is to be conducted through an online auction in accordance with Article 2344, the notice of seizure, or a subsequent notice served upon the judgment debtor or his attorney of record, the court shall appoint an attorney to provide notice concerning the availability of housing counseling services, as well as the debtor's or third party's property to be seized is owned by more than one party, the sheriff shall make a copy of such the mortgage certificate, and all other certificates for the property subject to the security agreement and shall act pursuant to the provisions of R.S. 10:9-625 against the secured creditor on whose behalf the sheriff's sale is sustained under R.S. 10:9-625 against the secured creditor on whose behalf and pursuant to whose instructions the sheriff may act.

Before the opening of bidding, the platform on which bidders enter bids for the property shall display or otherwise make accessible the advertisement of the sale, the mortgage certificate, and all other certificates that the sheriff would be required to provide by Article 2344 for a sheriff's sale. The platform shall also display the announcement required by Article 2335.

E. The sheriff may impose reasonable qualifications on bidders other than the seizing creditor and the debtor, including the requirement to pay a deposit or proof of available funds before the opening of bidding. These qualifications shall be required or otherwise made accessible on the platform.

F. Upon a notice made by the sheriff to the sale, the sheriff shall inform the debtor of a location where the debtor may, upon request, be present for the online auction. The sheriff shall provide information concerning the availability of housing counseling services to the debtor and any interested parties.

G. Entry by a seizing creditor of a bid at an online auction or the seizing creditor's indication on the platform that it is present for the online auction or that it will not enter a bid constitutes presence at the sale for the purposes of Article 2335.

H. Except as otherwise provided in this Article, the online auction shall be conducted as far as practicable in compliance with the requirements of this Chapter and Chapter 3 of this Title.

Art. 2721. Seizure of property; notice
A. The sheriff shall seize the property affected by the mortgage, security agreement, or privilege immediately upon receiving the writ of seizure and sale.

B. The sheriff shall serve upon the defendant a written notice of the seizure of the property. Such The notice of seizure shall be accomplished by personal service or domiciliary service. If service cannot be made on the judgment debtor or his attorney of record, the court shall appoint an attorney upon whom service may be made. The notice of seizure shall include information concerning the availability of housing counseling services, as well as the electronic address of the platform through which bids can be entered. In the case of seizure of residential property, the notice of seizure shall include information concerning the availability of housing counseling services, in accordance with the form provided in R.S. 13:3852(B).

C. Online auctions shall be conducted only on a day on which the sheriff is online, to which bids can be entered, and shall identify the electronic address of the platform through which bids can be entered.

If the seizure of property is residential property, the notice of seizure shall include information concerning the availability of housing counseling services, in accordance with the form provided in R.S. 13:3852(B).

D. The sheriff shall have no liability to the debtor or to any third party for wrongful or improper seizure of the debtor's or third party's property of the same general type as described in the debtor's security agreement. If necessary, the sheriff shall request the secured creditor to identify the property subject to the security agreement and shall act pursuant to the secured creditor's instructions. The debtor's or other owner's sole remedy for the wrongful or improper seizure of the property shall be for actual losses sustained by the sheriff in failing to conduct the auction in accordance with the form provided in R.S. 13:3852(B).

Section 2. R.S. 13:3852, 4341, 4360, and 5530(A)(7)(a) are hereby amended and reenacted, and Code of Civil Procedure Article 2344 is hereby enacted, to read as follows:

Art. 2344. Online auctions
A. In lieu of selling the seized property at an auction conducted at a designated place, the sheriff may offer the property for sale by an online auction conducted in the manner provided by law. In addition to the other requirements of law, the notice that the sale will be conducted through an online auction, shall identify the electronic address of the platform through which bids can be entered, and shall specify the date of the sale and the time when bidding is scheduled to open.

B. Notice of a sale by online auction shall be published in accordance with Article 2331 and in the manner provided by law. In addition to the other requirements of law, the notice that the sale will be conducted through an online auction, shall identify the electronic address of the platform through which bids can be entered, and shall specify the date of the sale and the time when bidding is scheduled to open.

C. Online auctions shall be conducted only on a day on which the sheriff is online, to which bids can be entered, and shall identify the electronic address of the platform through which bids can be entered, and shall specify the date of the sale and the time when bidding is scheduled to open.

The failure of the sheriff to procure, read aloud, or provide a copy of any notice of seizure shall impact the validity of the notice of seizure and shall not give rise to any cause of action against the sheriff, the seizing creditor, or the purchaser arising out of such seizure.

Codings:
- Words in struck through type are deletions from existing law;
- Words underlined (House Bills) and underscored (Senate Bills) are additions.

Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

Art. 2724. Articles relating to sales under fieri facias applicable to online auctions
A. The provisions of R.S. 13:3852, 4341, 4360, and 5530(A)(7)(a) are hereby amended and reenacted, and R.S. 13:4358 and 4369 are hereby enacted, to read as follows:

§3852. Notices of seizure
A. The sheriff to whom the writ is directed shall make three notices setting forth the title of the action or proceeding, its docket number, the court which issued the writ, the amount of the judgment, the nature of the writ, the date and place of the sheriff’s sale, the mortgage certificate, and all other certificates that the sheriff would be required to provide by Article 2344 to read aloud at the time and place designated for a sheriff’s sale. The platform shall also display the announcement required by Article 2335.

B. Notice of a sale by online auction shall be published in accordance with Article 2331 and in the manner provided by law. In addition to the other requirements of law, the notice that the sale will be conducted through an online auction, shall identify the electronic address of the platform through which bids can be entered, and shall specify the date of the sale and the time when bidding is scheduled to open.

C. Online auctions shall be conducted only on a day on which the sheriff is online, to which bids can be entered, and shall identify the electronic address of the platform through which bids can be entered, and shall specify the date of the sale and the time when bidding is scheduled to open.
...one of the following alternatives as appropriate:

A. The sheriff is required by law to receive and remain appraiser of the property to determine the amount of the minimum bid required by law, to ascertain the existence of superior encumbrances, to release inferior encumbrances, to file the process verbal of the sale or the act of sale in favor of the purchaser, or to distribute the proceeds of the sale.

B. The agreement between the sheriff and the auction company shall provide for the payment to the auction company of a fixed fee, which shall be taxed as costs of the sale, in an agreed amount not exceeding three hundred seventy-five dollars per adjudication.

C. Upon motion of the sheriff or either of the parties, the court may, in a specific case having exceptional circumstances and after a hearing, authorize a fee in excess of those provided in Subsection B of this Section.

D. The auction company conducting the sale shall not be entitled to any fee or compensation other than the fee authorized by this Section, and the auction company conducting the sale shall not be entitled to any fee or compensation in connection with the sale. Any contrary stipulation shall be absolutely null.

E. If the auction company engages an auction company to conduct an online auction under this Section shall contain such requirements as the sheriff may impose concerning data security and liability insurance. If the auction company shall fail to comply with the requirements, the sheriff may order the auction company under this Section. The auction company to furnish a fidelity bond in an amount deemed appropriate by the sheriff.

F. The auction company shall segregate any funds received from bidders, other than fees earned by the auction company under this Section, from funds of the auction company and shall hold the funds received in a separate escrow, trust, or similar transaction settlement bank account holding funds as restricted cash separate from the general funds of the auction company. The auction company may use this account to conduct settlements, in which case the internet-based platform may collect bidder funds from sales into this account and then settle the transaction.

§4359. Online auction companies

A. The sheriff may, in accordance with law, engage an auction company to perform an online auction pursuant to Code of Civil Procedure Article 2344, but the sheriff remains responsible for the performance or nonperformance of the duties delegated to that company. The sheriff shall not delegate the duties to conduct or supervise an auction, to receive and retain any deposits of money, to determine the amount of the minimum bid required by law, to ascertain the existence of superior encumbrances, to release inferior encumbrances, to file the process verbal of the sale or the act of sale in favor of the purchaser, or to distribute the proceeds of the sale.

B. The agreement between the sheriff and the auction company shall provide for the payment to the auction company of a fixed fee, which shall be taxed as costs of the sale, in an agreed amount not exceeding three hundred seventy-five dollars per adjudication.

C. Upon motion of the sheriff or either of the parties, the court may, in a specific case having exceptional circumstances and after a hearing, authorize a fee in excess of those provided in Subsection B of this Section.

D. The auction company conducting the sale shall not be entitled to any fee or compensation other than the fee authorized by this Section, and the auction company conducting the sale shall not be entitled to any fee or compensation in connection with the sale. Any contrary stipulation shall be absolutely null.

E. If the auction company engages an auction company to conduct an online auction under this Section shall contain such requirements as the sheriff may impose concerning data security and liability insurance. If the auction company shall fail to comply with the requirements, the sheriff may order the auction company under this Section. The auction company to furnish a fidelity bond in an amount deemed appropriate by the sheriff.

F. The auction company shall segregate any funds received from bidders, other than fees earned by the auction company under this Section, from funds of the auction company and shall hold the funds received in a separate escrow, trust, or similar transaction settlement bank account holding funds as restricted cash separate from the general funds of the auction company. The auction company may use this account to conduct settlements, in which case the internet-based platform may collect bidder funds from sales into this account and then settle the transaction.

§4360. Resale if required payment not made; resale if adjudicattee fails to pay balance

If the sale is conducted by online auction in accordance with Code of Civil Procedure Article 2344, the purchaser shall pay the adjudication price, and the deposit if the terms of the sale provide for a deposit, by 4:30 p.m. on the first day following the sale exclusive of legal holidays as provided in R.S. 15:55(E)(3). If the purchaser fails to do so, the seizing creditor may direct the officer conducting the sale either to adjudicate the property to the bidder who submitted the second highest bid at the online auction, if that bidder is still willing to bid on the property, or to reoffer the property for sale as provided in Subsection D of this Section. If the property is reoffered for sale immediately, the first purchaser is relieved of any liability.

§4361. Action to set aside or annul online judicial sales

A. The court may, in accordance with law, or upon the motion of any interested party, set aside or annul an online judicial sale if the court finds that:

(1) The court finds that the sale is void because of fraud, mistake, or other unlawful conduct.

(2) The court finds that the sale is void because of any other cause provided by law.

The court may set aside or annul an online judicial sale only if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.

§4369. Set aside or annul online judicial sales

A. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct.

B. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of any other cause provided by law.

C. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.

D. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.

E. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.

F. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.

G. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.

H. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.

I. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.

J. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.

K. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.

L. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.

M. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.

N. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.

O. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.

P. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.

Q. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.

R. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.

S. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.

T. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.

U. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.

V. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.

W. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.

X. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.

Y. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.

Z. The court may, in accordance with law, set aside or annul an online judicial sale if the court finds that the sale is void because of fraud, mistake, or other unlawful conduct, or if the court finds that the sale is void because of any other cause provided by law.
No action shall be instituted to set aside or annul the judicial sale of immovable property through an online auction by reason of noncompliance with the requirements of Code of Civil Procedure Article 2344 or R.S. 13:4538 if the sheriff executing the judicial sale has either filed the process verbal of the sale or filed the sale for recordation in the conveyance records of the parish. No action shall be instituted to set aside or annul the judicial sale of immovable property through an online auction by reason of noncompliance with the requirements of Code of Civil Procedure Article 2344 or R.S. 13:4538 if the sheriff executing the judicial sale has either filed the process verbal of the sale or has delivered an act of sale to the purchaser.

§5530. Fees in civil matters
A. Sheriffs shall be entitled to no more than the following fees and compensation of office in all civil matters:
(7)(a) For commission on sales of property made by the sheriffs, three percent shall be allowed on the price of adjudication of immovable property, and six percent shall be allowed on the price of adjudication of movable property. As used herein in this Subparagraph, "the price of adjudication" means the amount of the successful bid price at the sale conducted by the sheriff.

Section 2. The Louisiana State Law Institute is hereby directed to review the provisions of this Act and add comments they deem necessary under Code of Civil Procedure Art. 2344 and R.S. 13:4538 as enacted in this Act.

Approved by the Governor, June 14, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 391

SENATE BILL NO. 153
BY SENATOR WOMACK
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)
of the Constitution of Louisiana.

Act 391

To enact R.S. 39:100.59.3, relative to special treasury funds; to create the Correctional Facility Capital Outlay Fund; to provide for uses of the fund; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:100.59.3 is hereby enacted to read as follows:

§100.59.3. Correctional Facility Capital Outlay Fund
A. There is hereby created, as a special fund in the state treasury, the Correctional Facility Capital Outlay Fund, hereinafter referred to as the "Fund.
B. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to pay all of the obligations secured by the full faith and credit of the state which became due and payable within any fiscal year, the treasurer shall deposit into the fund state 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.
C. Monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund and investment earnings shall be deposited into the state general fund. All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.
D. Monies in the fund shall be appropriated for capital outlay and major repairs at each correctional facility in proportion to the state sales tax proceeds remitted pursuant to the provisions of this Section by each facility.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 14, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 392

SENATE BILL NO. 197
BY SENATOR PEACOCK
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)
of the Constitution of Louisiana.

Act 392

To amend and reenact R.S. 15:587.3(A), (B)(1)(a), (C)(Introductory paragraph), (D)(2), and (E) and R.S. 17:7(6), 7.1, and 15(B), (C), and (E)(1), to enact R.S. 17:8.1 through 8.9, and to repeal R.S. 17:7(6)(e) and (10), relative to the certification of educators and school personnel; to provide for conditional admission into an approved teacher education program; to provide for alternative certification for certain persons; to provide relative to teachers certified in other states; to remove requirements for certain teaching authorizations and endorsements; to provide relative to the qualifications and certifications of principals, superintendents, and school psychologists; to provide relative to criminal background checks for certification and authorization to teach; to provide consistency in terminology; to recode and redesignate certain current provisions of Title 17 of the Louisiana Revised Statutes of 1950, and number scheme, to be comprised of R.S. 17:8.1 through 8.9 without changing the text of the provisions except as provided in this provision; to make technical and conforming changes to reflect the format and number scheme provided in this provision; to direct the Louisiana State Law Institute to change references to segments of law in existing statutes and codes as necessary to reflect the redesignation of those segments as provided in this provision; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 17:8.1. Classification of teachers
A. There is hereby created, as a special fund in the state treasury, the Bond Security and Redemption Fund; to provide for uses of the fund; to provide for effectiveness; and to provide for related matters.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 14, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in strike through type are deletions from existing law; words under scored (House Bills) and underscored and boldfaced (Senate Bills) are additions.
state superintendent of education subject only to passing all provisions of law relative to background checks and criminal history review granted a provisional teaching permit pursuant to Subparagraph A of Paragraph 7 of Section 17:8.2

(6) For applicants who have participated in any undergraduate teacher education program, that the The applicant shall meet at least one of the following requirements:

(a) Complete the prescribed number of semester hours in the teaching major or teaching minor established in policy by the Board of Elementary and Secondary Education in accordance with the level of certification to be awarded, such, The requirement to be completed in addition to requirements for English courses and such, The courses in the teaching of reading shall emphasize techniques of teaching reading and the correction of reading problems of the student that are based on the science of reading and designed for educators and that include information on instructing students regarding phonemic awareness, phonics, fluency, vocabulary and comprehension. Such, The student shall possess the reading and literacy competencies identified in scientifically based reading research at the national level and approved by the Board of Elementary and Secondary Education for the teaching of reading,

(b) That the applicant shall have spent a minimum of 700 two hundred seventy clock hours in student teaching with at least 400 of such one hundred eighty hours spent in actual teaching.

(c) That the applicant shall have completed a substantial portion of his 100 the one hundred eighty hours of actual student teaching on an all-day basis.

(7) That an applicant who is applying for initial certification to teach kindergarten through third grade shall, as part of the examination required pursuant to R.S. 17:7.1(D), R.S. 17:8.2, pass a rigorous test of scientifically research-based reading instruction and intervention, including data-based decisionmaking principles related to reading instruction and intervention, as approved by the Department of Education.

§7.1(F) [Redesignated as R.S. 17:8.4(E)]

§7.1(G) The State Board of Elementary and Secondary Education may adopt any rules necessary for the orderly implementation of this Section and may make further provisions with regard to qualifications and requirements not inconsistent with this Section.

§8.2. Teacher certification examinations

A. Any teacher who holds a valid out-of-state teaching certificate and has at least three years of successful teaching experience in another state as determined by the board shall not be required to take the examination or to submit any examination scores from any examination taken in another state to the board for purposes of certification in Louisiana.

B. Any teacher who has been certified to teach in another state for less than three years and has been employed in a professional educational capacity requiring certification as a teacher in that state shall pass satisfactorily the examination which shall include pedagogical knowledge, and knowledge in the area of certification.

C. The State Board of Elementary and Secondary Education shall be approved by the State Board of Elementary and Secondary Education.

D. Any student who is employed as a foreign language teacher in a Certified Foreign Language Immersion Program pursuant to R.S. 17:273.2, and who is not otherwise eligible to receive state authorization to teach through participation in the Foreign Language Immersion Program, may be authorized by the State Board of Elementary and Secondary Education to teach in another state by the provisions of Subparagraph B of this Subsection, but shall have at least a baccalaureate degree, and shall be subject to having his dissertation examination is satisfactorily completed shall be approved by the State Board of Elementary and Secondary Education.

E. Any person seeking teaching certification may apply for and take any required test or tests without limitation as to the frequency of applications or testing.

F. The state superintendent of education shall annually submit a report to the House Committee on Education and the Senate Committee on Education state board and publish the report on its website relative to the examination administered pursuant to this Paragraph Section, Such The report shall include but not be limited to the following: the number of persons to whom the examination was administered, the educational background and teaching experience of such persons, the number of persons successfully completing the examination, the effectiveness of the examination, and any suggestions for improving the examination.

G. Any examination selected by the state superintendent of education which would supercede the examination used pursuant to Subparagraph B of this Paragraph this Section and any criteria established to determine the level at which either the examination used or any examination selected to supercede it is satisfactorily completed shall be approved by the State Board of Elementary and Secondary Education.

§8.3. Provisional Teacher Certification

A. The State Board of Elementary and Secondary Education may issue a provisional teaching permit to:

(1) Any person who has not passed the examinations required pursuant to R.S. 17:8.2 and who satisfies one of the following:

(a) Any person whoholds a baccalaureate degree in the subject area in which the person is seeking employment,

(b) A person holding a bachelor's degree in the subject area in which the person is seeking employment and meets all of the following:

1) The person has at least three years of successful teaching experience in another state as determined by the board. The teacher shall possess the reading and literacy competencies identified in scientifically based reading research at the national level and approved by the Board of Elementary and Secondary Education for the teaching of reading.

2) The person shall possess the reading and literacy competencies identified in scientifically based reading research at the national level and approved by the Board of Elementary and Secondary Education for the teaching of reading.

3) The person shall possess the reading and literacy competencies identified in scientifically based reading research at the national level and approved by the Board of Elementary and Secondary Education for the teaching of reading.

B. In carrying out its responsibility to prescribe the qualifications and requirements and shall consider other factors.

C. Any person seeking certification may apply for and take any required test or tests without limitation as to the frequency of applications or testing.

D. The state superintendent of education shall annually submit a report to the House Committee on Education and the Senate Committee on Education state board and publish the report on its website relative to the examination administered pursuant to this Paragraph Section. Such The report shall include but not be limited to the following: the number of persons to whom the examination was administered, the educational background and teaching experience of such persons, the number of persons successfully completing the examination, the effectiveness of the examination, and any suggestions for improving the examination.

§8.3. Provisional Teacher Certification

A. The State Board of Elementary and Secondary Education may issue a provisional teaching permit to:

(1) Any person who has not passed the examinations required pursuant to R.S. 17:8.2 and who satisfies one of the following:

(a) Any person who holds a baccalaureate degree in the subject area in which the person is seeking employment,

(b) A person holding a bachelor's degree in the subject area in which the person is seeking employment and meets all of the following:
(i) Is seeking employment in a secondary school.
(ii) Graduated from an accredited postsecondary education institution with at least a postsecondary associate degree on a 4.0 scale.
(iii) Passed all requisite examinations covering content knowledge.
(iv) or any person who meets
(v) satisfies all other certification requirements except he failed the requirement to successfully pass the original examination but who scored within ten percent of the score required for passage.
(vi) has successfully completed a preservice training program with less than a 2.50 average on a 4.0 scale, but who meets all other certification requirements for a standard professional level teacher certificate.

B. Any person holding a provisional teaching permit may be employed as a teacher for a period not to exceed five years if both of the following conditions are satisfied:

(1) The state superintendent of education, upon receipt of a signed affidavit by the president and superintendent of the school board to which the application has been submitted, and who has met the requirements of this Section, a valid standard professional level teacher certificate and who stating that the person has agreed to participate in a mentorship program offered by the school board, may issue an emergency teaching permit to such person. Such permit shall be in effect for not more than five years.

(2) Each academic year, the person receives a successful teaching evaluation pursuant to R.S. 17:3902.

C. Each teacher: Any person issued an emergency provisional teaching permit who has not completed an approved teacher education program shall be required to complete a preservice training session offered by the school board prior to the teacher's first day of teaching.

(i) At any time the person, who has met all other requirements for a Louisiana certificate as a principal or superintendent, in addition to any other requirements for a Louisiana certificate, the person shall be granted a valid standard professional level teacher certificate by the state superintendent of education, subject only to having completed all provisions of law or board policy relative to background checks and criminal history reviews.

(ii) The period during which a teacher is working with an emergency a provisional teaching permit granted under the provisions of this Paragraph Section shall not count toward tenure.

§8.4. Certification of principals and superintendents

§7.1(B) Any person applying for initial certification as a principal or superintendent, in addition to any other certification requirements established by the National Association of School Psychology, shall be certified and may use the title "certified school psychologist" in the context of that certification.

§7.1(E) After five years of effective teaching evaluations pursuant to R.S. 17:3902 and upon a signed affidavit of a superintendent of a school system recommending to employ the person for the following school year subject to the provisions of Subparagraph (A)(1) or (A)(2) of this Section, the person shall be granted a provisional principal or superintendent certificate by the state superintendent of education, subject only to passing all provisions of law or board policy relative to background checks and criminal history reviews.

§8.5. Certification of foreign associate teachers

§7.1(B) Any person applying for initial certification as a principal or superintendent, in addition to any other requirements for a Louisiana certificate, the person shall be granted a valid standard professional level teacher certificate by the state superintendent of education.

§7.1(E) After five years of effective teaching evaluations pursuant to R.S. 17:3902 and upon a signed affidavit of a superintendent of a school system recommending to employ the person for the following school year subject to the provisions of Subparagraph (A)(1) or (A)(2) of this Section, the person shall be granted a provisional principal or superintendent certificate by the state superintendent of education, subject only to passing all provisions of law or board policy relative to background checks and criminal history reviews.

§8.7. Prohibition against granting an educator credential or teaching authorization to certain persons: appeals

A. The State Board of Elementary and Secondary Education shall not grant an educator credential, a teaching authorization, or a certification of any type to a person who has been convicted of or pled nolo contendere to any crime listed in R.S. 15:587.1(C).

B. The board may, after a successful appeal, issue a teaching certificate an educator credential or other teaching authorization to a person who has been convicted of or has pled nolo contendere to a felony offense listed, or an offense listed in R.S. 15:587.1(C), who has been found to have violated the Administrative Procedure Act, or has been convicted of or has pled nolo contendere to any other offense listed in R.S. 15:587.1(C) as part of an application for a teaching certificate or other teaching authorization, or who has been found to have facilitated cheating on any state assessment as determined by the board if all of the following conditions apply:

(1) Five years have passed from the date of entry of the person's final conviction, the date of entry of the plea of nolo contendere, or the date of receipt of notification from the board of its determination that the person submitted fraudulent documentation or facilitated cheating on a state assessment.

(2) The board has received a request from the person for a formal appeal and has conducted a review of the person's background and the person has provided statements of recommendation to the board, all in accordance with board policies.

(3) The person has no outstanding appeal pending on June 30, 2023.

C. The provisions of Subsection A of this Section shall not apply to any educator with an offense provided for in R.S. 40:966(A), 967(A), 968(A), 969(A), or 970(A) who has already been issued certification after an appeal to the board, any appeal to the board, or any appeal to the board pending on July 1, 2023.

D. Not later than December thirty-first of each year, the board shall submit a report to the legislature on the State Board of Elementary and Secondary Education's Committee on Education post on its website a report detailing the number of appeals filed with the board for the calendar year, the offense upon which the appeal is based, the disposition of each appeal, and the number of suspensions, revocations, or other adverse actions to teach certificates issued as a result of all successful appeals. The information in the report shall be reported in aggregate and by individual school and school system.

E. In accordance with the Administrative Procedure Act, the board may adopt any rules necessary for the orderly implementation of this Section and may
under which the board may, for any applicant for or recipient of an educator credential or teaching authorization issued in accordance with state law or board regulation, do the following:

(a) Request information from the state bureau and the federal bureau concerning whether the person has been arrested for, convicted of, or pled nolo contendere to any criminal offense.

(b) Require and provide the procedure for the submission of a person’s fingerprints by the state bureau, in a form acceptable to the state bureau, to the federal bureau for a state criminal history record check and the federal bureau for a federal criminal history record check; and may collect the fees charged by the state bureau and the federal bureau. The department shall determine the appropriate fees charged.

(5) Except as provided in R.S. 17:8.7(B), neither the board nor the department shall issue an educator credential or teaching authorization to a person who has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C) or any felony.

(a) Request information from the state bureau and the federal bureau concerning whether the person has been arrested for, convicted of, or pled nolo contendere to any criminal offense.

(b) Require and provide the procedure for the submission of a person’s fingerprints by the state bureau, in a form acceptable to the state bureau, to the federal bureau for a state criminal history record check and the federal bureau for a federal criminal history record check; and may collect the fees charged by the state bureau and the federal bureau. The department shall determine the appropriate fees charged.

(6) Any person whose teaching certification or teaching authorization has been denied, suspended, or revoked for any of the following reasons:

(1) The person has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C), 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 the board or the department as part of an application for a Louisiana teaching certificate or other teaching authorization.

(3) The person has been found to have facilitated cheating on any state assessment determined by the board.

A public or nonpublic elementary or secondary school system in Louisiana may choose not to hire a person whose certification or teaching authorization has been denied, suspended, or revoked.

6. The board may adopt any rules necessary for the orderly implementation of this Section and may make further provisions not inconsistent with this Section.

**8.9. Criminal history reviews for certification, teaching permissions, or teacher authorizations: state repository**

**A.** (1) Any Beginning January 1, 2025, any applicant for an initial educator credential or teaching authorization issued by the State Board of Elementary and Secondary Education or through the state Department of Education shall undergo a criminal history record check as provided in this Subsection.

(2) The State Board of Elementary and Secondary Education by rule adopted in accordance with the Administrative Procedure Act shall establish requirements and procedures consistent with the provisions of R.S. 15:587.1 under which the state Department of Education shall, for any applicant for or recipient of an educator credential or teaching authorization issued in accordance with state law or board policy, do the following:

(a) Request information from the Louisiana Bureau of Criminal Identification and Information, referred to in this Subsection as the “state bureau”, and the Federal Bureau of Investigation, referred to in this Subsection as the “federal bureau”, concerning whether the person has been arrested for, convicted of, or pled nolo contendere to any criminal offense.

(b) Require and provide the procedure for the submission of a person’s fingerprints to the state bureau, and from the state bureau to the federal bureau, in a form acceptable to the state bureau.

(3) The State Board of Elementary and Secondary Education by rule adopted in accordance with the Administrative Procedure Act shall establish requirements and procedures consistent with the provisions of R.S. 15:587.1
conviction of or plea of guilty or nolo contendere to any criminal offense, excluding traffic offenses, shall report the fact of his conviction or plea to his employer and to the department within thirty-four hours. Further, he shall provide to the employment verification bureau of the Department of Insurance, and the advisory council and its presiding officer comply with

E.(1) Each public body that has the capability to allow any member of the public with a disability recognized by the Americans with Disabilities Act of 1990 to participate in its meetings via telephone or video conference as defined in R.S. 42:17.2 shall adopt rules, regulations, and procedures to facilitate participation via telephone or video conference for any such person who prior to the meeting requests that accommodation

§14. Meetings of public bodies to be open to the public

(1) The notice and agenda for the meeting, which shall be posted on the website of the Louisiana Board of Pharmacy and the Department of Insurance, shall be posted and widely distributed to every known news media outlet that broadcasts or publishes news within the geographic area within the jurisdiction of the public body as otherwise required by this Chapter and by law.

(2) The prohibition in Paragraph (1) of this Subsection against an individual applicant bearing any of the costs of providing information shall not apply to requests made pursuant to the provisions of R.S. 17:15, 17:8.9, 15, 407.42, and 407.71, and R.S. 46:51.2 when authorized by R.S. 15:825.3, R.S. 17:15, 407.42, and 407.71, R.S. 46:51.2, and 1441.13, and Children’s Code Article 424.1, and R.S. 46:51.2 shall govern the employment of persons who have been convicted of, or pled guilty or nolo contendere to, any of the following crimes:

D. * * *

E. In addition to any penalties otherwise imposed under the provisions of this Chapter, the head of or other responsible person for any public entity who fails to comply with the provisions of Subsection A of this Section or who employs any person in violation of the provisions of R.S. 15:825.3, R.S. 17:15, 17:8.9, 15, 407.42, or 407.71, and R.S. 46:51.2, or the school system shall report the violation or conviction.

Section 4. The Louisiana State Law Institute is hereby directed to redesignate the current provisions of Title 17 as provided in Section 1 of this Act.

Section 5. The Louisiana State Law Institute is hereby authorized to update any citation references in Louisiana Law to conform with the changes made by this Act.

Section 6. This Act shall become effective upon signature by the governor or become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval. Approved by the Governor, June 14, 2023.

R. Kyle Ardoin
Secretary of State

ACT No. 393

SENATE BILL NO. 201

BY SENATORS HEWITT, ABRAHAM, BARROW, BOUDREAUX, CARTER, CLOUD, CORTEZ, DULPESIS, HENSGENS, JACKSON, MILLIGAN, FRED MILLS, MIZE, STINE, TALBOT AND WOOMACK AND

REPRESENTATIVE NEWELL

Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

An ACT

To amend and reenact R.S. 42:17.2, to enact R.S. 42:14(E) and 17.2.1, and to repeal R.S. 27:11(G)(2), R.S. 42:17.3 and 29, and R.S. 46:123(M), relative to open meetings; to authorize certain public bodies to conduct meetings via electronic means; to provide for public notice and participation requirements; to provide for definitions; to remove provisions authorizing specified public bodies to conduct meetings via electronic means; and to provide certain exceptions.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:17.2 is hereby amended and reenacted and R.S. 42:14(E) and 17.2.1 are hereby enacted to read as follows:

§14. Meetings of public bodies to be open to the public

(2) E. Each public body that has the capability to allow any member of the public with a disability recognized by the Americans with Disabilities Act to participate in its meetings via telephone or video conference as defined in R.S. 42:17.2 shall adopt rules, regulations, and procedures to facilitate participation via telephone or video conference for any such person who prior to the meeting requests that accommodation

(4) State agencies as defined by R.S. 49:951 shall promulgate rules pursuant to the Administrative Procedure Act to implement this Subsection.

§17.2 Exception for certain meetings of the pharmacy benefit manager monitoring advisory council certain public bodies

(1) No notwithstanding any other provision of this Chapter to the contrary, the pharmacy benefit manager monitoring advisory council, as provided for in R.S. 40:2660, a public body identified in Subsection H of this Section may conduct and its members may attend and participate in a meeting via electronic means provided that the Louisiana Board of Pharmacy, the Department of Insurance, and the advisory council and its presiding officer comply with all of the requirements of this Section are met.

B. No later than twenty-four hours prior to a meeting conducted pursuant to the provisions of this Section, the Louisiana Board of Pharmacy, the Department of Insurance, and the advisory council public body shall provide for all of the following:

(1) The notice and agenda for the meeting, which shall be posted on the website of the Louisiana Board of Pharmacy and the Department of Insurance, shall be posted and widely distributed to every known news media outlet that broadcasts or publishes news within the geographic area within the jurisdiction of the public body as otherwise required by this Chapter and by law.

(3) The requirements of this Subsection shall not be applicable during an executive session held in accordance with law, during any meeting that is sequestered in accordance with law, or to any public body included in R.S. 17.2(1).
The presiding officer shall be present and shall preside over the meeting at the anchor location. The anchor location shall be open to the public. Any member of the public body or the public shall be allowed to participate in person at the anchor location.

(2) The advisory council public body shall provide a mechanism to receive public comment electronically in the manner it prescribes both prior to and, to the extent practical, during the meeting.

(3) The advisory council public body shall properly identify and acknowledge all public comments inclusive of those received in person during the meeting and those received in writing or electronically prior to any submission deadline for the meeting and shall maintain those comments in its record of the meeting.

(4) The presiding officer of the advisory council public body shall ensure both all of the following:

(a) That all of the participants in the meeting are properly identified.

(b) That all parts of the meeting, excluding any matter discussed in executive session, are clear and audible to all participants in the meeting including the public.

(c) That the voting decision of each participating member of the public body on each matter is clearly identified during each vote during the meeting and recorded and included in the archive of the meeting.

(5) If the public body is aware of a technical problem that causes the meeting to no longer be audible, or if applicable, visible and audible to the public, the meeting shall be recessed until the problem is resolved. If the problem is not resolved within one hour, the meeting shall be adjourned and the presiding officer shall make an effort to alert all participants to that fact.

(6) The meeting shall be recorded and made available to the public in an online archive located on the public body’s website for at least two years.

(7) All documents made available to members of the public in attendance at the anchor location shall be made available electronically to members of the public participating electronically to the extent practical.

D. For the purposes of this section, the following definitions apply:

(1) “Anchor location” means the public location at which the public body holds in-person meetings or is specifically equipped with the technology necessary to meet via electronic means.

(2) “Meeting via electronic means” shall mean a meeting occurring at which one or more members of a public body or members of the public participate via teleconference or video conference.

(3) “Teleconference” shall mean a method of communication which enables persons in different locations to participate in a meeting and to hear and otherwise communicate with each other.

(4) “Video conference” shall mean a method of communication which enables persons in different locations to participate in a meeting and to see, hear, and otherwise communicate with each other.

F. (1) All members of the public body participating in a meeting held pursuant to this Section, either at the anchor location or via electronic means, shall be counted for the purpose of establishing a quorum and may vote.

(2) Each public body conducting meetings pursuant to this Section shall adopt rules, regulations, and procedures to allow the public to participate in the meeting via electronic means. State agencies as defined by R.S. 49:231 shall promulgate such rules pursuant to the Administrative Procedure Act.

E. (1) Except as otherwise provided in Paragraph (2) of this Subsection, each public body that conducts meetings via electronic means pursuant to this Section shall limit the number of its regularly scheduled meetings via electronic means to no more than one-third in a calendar year, shall limit the number of successive meetings via electronic means to a reasonable number, and shall, to the extent practicable, publish a schedule of its meetings indicating which upcoming meetings will be conducted via electronic means and which will be conducted only in person.

(2) Any public body that is strictly advisory or that primarily focuses on issues dealing with disabilities or assisting military families may conduct successive meetings via electronic means without limitation and shall, to the extent practicable, publish a schedule of its meetings indicating which upcoming meetings will be conducted via electronic means and which will be conducted only in person.

G. No member of a public body who participates in a meeting via electronic means shall be eligible to or receive per diem for attendance at the meeting. If (1) Except as provided in Subsection C of this Section, the provisions of this Section shall apply to any public body which has powers, duties, or functions that are not limited to a particular political subdivision or region and that conducts at least six regularly scheduled meetings in a calendar year.

(1) Except as otherwise provided in this Subsection, each public body that conducts meetings pursuant to this Section shall provide a mechanism to receive public comment electronically in the manner it prescribes both prior to and, to the extent practicable, during the meeting. Each public body shall adopt rules, regulations, and procedures to facilitate the requirements of Subsection A of this Section. State agencies as defined by R.S. 49:231 shall promulgate such rules pursuant to the Administrative Procedure Act.

C. The provisions of Subsections A and B of this Section shall not apply to members of the legislature or any parish board of election supervisors.

Section 2. R.S. 27:11(G)(2), R.S. 42:17.3 and 29, and R.S. 46:123(M) are hereby repealed in their entirety.

Section 3. The legislative auditor shall regularly review the policies and practices of public bodies relative to the implementation of the provisions of this Act and shall submit reports of findings and any recommendations for legislation to Senate Committee on Senate and Governmental Affairs and the House Committee on House and Governmental Affairs in intervals he deems appropriate.

Approved by the Governor, June 14, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State