

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.
AN ACT

To enact R.S. 13:981.1, 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. 13:981.1 is hereby enacted to read as follows:

§981.1. Court reporter shortage

A. (1) Notwithstanding R.S. 37:2556(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. 37:2554(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.
AN ACT

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 securities 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.

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investment, and disbursement costs directly attributable to the investment of the 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 12, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 328

SENATE BILL NO. 156
BY SENATOR DUPLESSIS AND REPRESENTATIVE GAROFALO
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)
of the Constitution of Louisiana.
AN ACT

To enact R.S. 22:1274, relative to property insurance; to provide that a property insurance policy not contain a provision that prohibits an insured the right to hire a public adjuster; to provide for exemptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1274 is hereby enacted to read as follows:

§1274. Prohibited policy provision

A. An insurer shall not include a provision in any policy of property insurance that prohibits an insured from hiring a public adjuster for services provided pursuant to the provisions of this Title.

B. Subsection A of this Section does not apply to commercial insurance policies written by any surplus lines insurer as defined in R.S. 22:46.

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 329

SENATE BILL NO. 83
BY SENATOR WOMACK
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)
of the Constitution of Louisiana.
AN ACT

To amend and reenact R.S. 38:2212(M)(5), relative to change orders; to provide for documentation of change orders; to provide for exceptions related to unit price change of change orders; to provide for new pricing change orders and redesign change orders; to provide for contract limitations on change orders; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2212(M)(5) is hereby amended and reenacted to read as follows:

§2212. Advertisement and letting to lowest responsible and responsive bidder; public work; electronic bidding; participation in mentor-protégé program; exemptions; subpoena

* * *

M.

* * *

(5) Any change order pertaining to public work, not required by this Part to be let out for public bid, shall either be negotiated in the best interest of the public entity or let out for public bid as provided by this Part. Where the change order is negotiated, the public entity shall require that such change order be fully documented and itemized as to costs, including material quantities, material costs, equipment used, labor, taxes, insurance, employee benefits, other related costs, profit, and overhead.

(a) Where certain unit prices are contained in the initial contract, no deviations shall be allowed in computing the negotiated change order costs unless specified in contract documents. When a unit price change order is required it shall be submitted to the designer of record or in the absence of the designer, the public entity, within thirty days from the date of discovery of the work to be performed by the change order.

(b) Any change order requiring new pricing by the contractor shall be submitted to the designer of record or in the absence of the designer, the public entity, within thirty days from the date of discovery of the work to be performed by the change order.

(c) For any change order requiring redesign, the redesign shall not take more than ninety days from the date of notification by the contractor to the designer of record or in the absence of the designer, the public entity, of the discovery of work to be performed by the change order. Extensions of time may be granted by the public entity if necessary for redesign. Once the redesign is complete, the contractor shall submit the cost estimate to the designer of record or in the absence of the designer, the public entity, for the change order within thirty days for the redesigned work under the change order.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

(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.

(e) 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

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.

AN ACT

To amend and reenact R.S. 18:1505.2(T), relative to campaign contributions; to provide for repayment of personal contributions or loans; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1505.2(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

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, 1384 through 1388, 1390, and 1392 through 1394, to enact R.S. 6:1385.1, 1385.2, 1386.1, 1386.2, 1388.1, 1391(D) through (G), 1391.1, 1391.2, and 1393.1, and to repeal R.S. 6:1383(C)(5)(c) and (7) and (D) and 1389, relative to the regulation and licensure of virtual currency businesses; to provide relative to the authority, functions, and duties of the office of financial institutions; 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 1393.1 are hereby enacted to read as follows:

§1382. Definitions

For the purposes of this Chapter **As used in this Chapter, unless 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 who 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.

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~~(2)(6)~~ **"Control"**, when used in the context described, means both of the following:

(a) When used in reference to a transaction or relationship involving virtual currency, power to execute unilaterally or prevent indefinitely a virtual currency transaction.

(b) When used in reference to a person, **any of the following:**

(i) ~~the~~ **The** direct or indirect power to direct the management, operations, or policies of the person through legal or beneficial ownership of voting power in the person or under a contract, arrangement, or understanding.

(ii) **The power to vote, directly or indirectly, at least twenty-five percent of outstanding voting shares or voting interests of a licensee or person in control of a licensee, including persons acting in concert in such instances.**

(iii) **The power to elect or appoint a majority of responsible individuals of a licensee.**

(iv) **The power to exercise, directly or indirectly, a controlling influence over the management or policies of a licensee or person in control of a licensee.**

(v) **Any other set of facts and circumstances, as determined by the commissioner in his discretion, that may constitute control.**

(3) ~~"Department"~~ means the office of financial institutions.

~~(4)(7)~~ **"Exchange"**, when used as a verb, means to assume control of virtual currency from, or on behalf of, a resident, at least momentarily, to sell, trade, or convert either of the following:

(a) Virtual currency for legal tender, bank credit, or one or more forms of virtual currency.

(b) Legal tender or bank credit for one or more forms of virtual currency.

~~(5) "Executive officer" means an individual who is a director, officer, manager, managing member, partner, or trustee of a person that is not an individual.~~

~~(6)(8)~~ **"Insolvent"** means any of the following:

(a) Having generally ceased to pay debts in the ordinary course of business other than as a result of a bona fide dispute.

(b) Being unable to pay debts as they become due.

(c) Being insolvent within the meaning of federal bankruptcy law.

~~(7)(9)~~ **"Legal tender"** means a medium of exchange or unit of value, including the coin or paper money of the United States, issued by the United States or by another government **if the issuance by another government is not virtual currency.**

~~(8)(10)~~ **"Licensee"** means a person licensed pursuant to this Chapter.

~~(11)~~ **"Mining"** means the use of any machine or device to solve any series of complex mathematical equations, problems, or puzzles, in binary or nonbinary sequences to add a block to any virtual currency network blockchain which is used to do any of the following:

(a) **Validate sales, exchanges, transfers, or ownership of virtual currency.**

(b) **Secure a blockchain or virtual currency network.**

(c) **Prevent fraud, theft, or misappropriation of virtual currency.**

~~(12)~~ **"Minting"** means the use of any machine or device to authenticate data, add any block, or record any information or data on any blockchain by either of the following:

(a) **Through any protocol.**

(b) **Under any terms or conditions of any contract or agreement, or both, to create any virtual currency on a blockchain.**

~~(13)~~ **"Nationwide Multistate Licensing System and Registry" or "NMLS"** means the multistate system developed by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators and owned and operated by the State Regulatory Registry LLC, or any successor or affiliated entity, for the licensing and registration of persons in financial services industries or any other similar online multistate database.

~~(14)~~ **"Non-fungible token"** means any unique digital identifier on any blockchain or virtual currency network, used to certify authenticity and ownership rights, that cannot be replaced, exchanged, or interchanged with any similar type or category of asset.

~~(15)~~ **"Office"** means the office of financial institutions.

~~(9)(16)~~ **"Person"** means an individual, general partnership, estate, business or nonprofit entity, or other legal entity **limited partnership, limited liability company, corporation, trust, association, joint stock corporation, or other legal entity, or any individual or group of individuals, however organized.** The term shall not include a public corporation, government, or governmental subdivision, agency, or instrumentality.

~~(10)~~ **"Reciprocity agreement"** means an arrangement between the department and the appropriate licensing agency of another state which permits a licensee operating under a license granted by the other state to engage in virtual currency business activity with or on behalf of a resident.

~~(11)~~ **"Registrant"** means a person that registers with this state pursuant to R.S. 6:1390 to conduct virtual currency business activity.

~~(12)~~ **"Registration"** means the ability pursuant to R.S. 6:1389 to conduct virtual currency business activity.

~~(13)(a)(17)(a)~~ **"Regulated financial institution"** means a federally chartered or state-chartered **insured** depository institution and its wholly-owned wholly owned subsidiaries **chartered pursuant to the laws of this state, another state, or the United States,** a Louisiana state-chartered trust company, a trust company chartered by another state, or a federally chartered trust company.

(b) **"Regulated financial institution"** shall not include either of the following:

(i) An industrial loan company.

(ii) A trust company chartered by a state with which this state does not have a reciprocity governing trust-company activities.

~~(14)(a)(18)(a)~~ **"Resident"** means any of the following:

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

(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 of the previous three hundred sixty-five days.

(iii) A person who has a place of business in this state.

(b) "Resident" shall include a legal representative of a person that meets one of the criteria provided for in Subparagraph (a) of this Paragraph.

~~(15)(19)~~ "Responsible individual" means ~~an individual who has managerial authority with respect to a licensee's or registrant's 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 licensee, including but not limited to an executive officer, manager, director, or trustee.**

~~(16)(20)~~ "State" 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.

~~(17)(21)~~ "Store", except in the phrase "store of value", means to maintain control of virtual currency on behalf of a resident by a person other than the resident. "Storage" and "storing" have corresponding meanings.

(22) "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.

~~(18)(23)~~ "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.

~~(19)(24)~~ "United States dollar equivalent of virtual currency" means the equivalent value of a particular virtual currency in United States dollars shown on a virtual currency exchange based in the United States for a particular date or period specified in this Chapter.

(25) "Unsafe or unsound act or practice" means and includes but is not limited to a practice or conduct by a person licensed to engage in virtual currency business activity in the state which creates the likelihood of material loss, insolvency, dissipation of the licensee's assets that materially prejudices the interests of residents, and any other set of facts and circumstances, as determined by the commissioner in accordance with this Chapter and applicable law.

~~(20)(a)(26)(a)~~ "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.

(b) "Virtual currency" shall not include either of the following:

(i) A transaction in which a merchant grants, as part of an affinity or rewards program, value that cannot be taken from or exchanged with the merchant for legal tender, bank credit, or virtual currency.

(ii) A digital representation of value issued by or on behalf of a publisher and used solely within an online game, game platform, or family of games sold by the same publisher or offered on the same game platform.

~~(21)(27)~~ "Virtual currency administration" means issuing virtual currency with the authority to redeem the currency for legal tender, bank credit, or other virtual currency.

~~(22)(28)~~ "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 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 for either of the following:

(i) Virtual currency offered by or on behalf of the same publisher from which the original digital representation of value was received.

(ii) Legal tender or bank credit outside the online game, game platform, or family of games offered by or on behalf of the same publisher from which the original digital representation of value was received.

(d) "Virtual currency business activity" shall not include any of the following:

(i) Mining.

(ii) Minting non-fungible tokens.

(iii) Blockchain activities that do not involve any exchange, holding, sale, storing, or transfer of virtual currency to, for, or on behalf of any resident.

~~(23)(29)~~ "Virtual currency control services vendor" means a person that has control of virtual currency solely under an agreement with a person that, on behalf of another person, assumes control of virtual currency.

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

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§1384. Licensure; general

A person shall not engage in virtual currency business activity, or hold itself **himself** 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) Licensed in this state by the ~~department office~~ pursuant to R.S. 6:1385.

(2) Registered with the ~~department and operating pursuant to R.S. 6:1390.~~

~~(3)(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) Except as otherwise provided in Subsection B of this Section, provide~~ **Provide** all of the following information relevant to the applicant's proposed virtual currency business activity:

(a) The legal name of the applicant, each current or proposed business United States Postal Service address of the applicant, and any fictitious or trade name the applicant uses or plans to use in conducting its virtual currency business activity with or on behalf of a resident.

(b) The legal name, any former or fictitious name, and the residential and business United States Postal Service address of each ~~executive officer and~~ responsible individual of the applicant, and each person that has control of the applicant.

(c) A description of the current and former business of the applicant for the five years before the application is submitted or, if the business has operated for less than five years, for the time the business has operated, including its products and services, associated internet website addresses and social media pages, principal place of business, projected user base, and specific marketing targets.

(d) The name, United States Postal Service address, and telephone number of a person that manages each server the applicant expects to use in conducting its virtual currency business activity with, or on behalf of, a resident and a copy of any agreement with that person. **A copy of the applicant's business plan, which shall include a three-year financial pro forma, the anticipated volume of virtual currency business activities in this state for the same period, the anticipated number of virtual currency locations in this state, including kiosk machines, and evidence of the surety bond as well as the current and continued maintenance of the tangible net worth required by R.S. 6:1386.**

(e) The name, United States Postal Service address, telephone number of each affiliate of the applicant, and a description of the control relationship.

(f) A list of both of the following:

(i) Each money service or money transmitter license the applicant holds in another state and the date the license expires.

(ii) Any license revocation, license suspension, or other disciplinary action taken against the licensee in another state and any license applications rejected by another state.

~~(g)~~ A list of any criminal conviction, deferred prosecution agreement, or pending criminal proceeding in any jurisdiction against all of the following:

(i) The applicant.

~~(ii) Each executive officer of the applicant.~~

~~(iii) Each responsible individual of the applicant.~~

~~(iv)(iii)~~ Each person that has control over the applicant.

~~(v)(iv)~~ Each person over which the applicant has control.

~~(h)~~ A list of any litigation, arbitration, or administrative proceeding in any jurisdiction in which the applicant, ~~or an executive officer~~ or a responsible individual of the applicant, has been a party for the five years before the application is submitted, determined to be material in accordance with generally accepted accounting principles and to the extent the applicant would be required to disclose the litigation, arbitration, or administrative proceeding in the applicant's audited financial statements, reports to equity owners, and similar statements or reports.

~~(i)~~ A list of any bankruptcy or receivership proceeding in any jurisdiction for the ten years before the application is submitted in which any of the following was a debtor:

(i) The applicant.

~~(ii) Each executive officer of the applicant.~~

~~(iii) Each responsible individual of the applicant.~~

~~(iv)(iii)~~ Each person who has control over the applicant.

~~(v)(iv)~~ Each person over which the applicant has control.

~~(j)~~ The name and United States Postal Service address of each bank in which the applicant plans to deposit funds obtained by its virtual currency business activity.

~~(k)~~ The source of funds and credit to be used by the applicant to conduct virtual currency business activity with, or on behalf of, a resident and documentation demonstrating that the applicant has the **tangible** net worth ~~and reserves~~ required pursuant to R.S. 6:1386.

~~(l)~~ The United States Postal Service address and electronic mail address to which communications from the ~~department office~~ may be sent.

~~(m)~~ The name, United States Postal Service address, and electronic mail address of the registered agent of the applicant in this state.

~~(n)~~ A copy of the certificate, ~~or a detailed summary acceptable to the department,~~ of coverage for each liability, casualty, ~~business interruption,~~ **or business interruption, and cyber-security cybersecurity** insurance policy maintained by the applicant for itself, ~~an executive officer, or as to any~~ responsible individual, ~~or the applicant's users affiliate, agent, or control person, of the applicant, with respect to the virtual currency business activities of the applicant.~~

~~(o)~~ If applicable, the date on which, and the state where, the applicant is formed and a copy of a current certificate of good standing issued by that state.

(p) A copy of the applicant's audited financial statement for the prior year.

~~(q)~~ 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 statement of the person for the most recent fiscal year or most recent report of the person filed pursuant to 15 U.S.C. 78.

~~(r)~~ If a person has control of the applicant and the person's equity interests

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 documentation similar to that required in Subparagraph ~~(t)~~ **(q)** of this Paragraph filed with the foreign regulator in the domicile of the person.

~~(s)~~ **(s)** If the applicant is a partnership or a member-managed limited liability company, the names and United States Postal Service addresses of all general partners or members.

~~(t)~~ **(t)** If the applicant is required to register with the Financial Crimes Enforcement Network of the United States Department of the Treasury as a money service business, evidence of the registration.

~~(u)~~ **(u)** A set of fingerprints for each ~~executive officer and~~ responsible individual ~~and person 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:~~

~~(i) At a minimum, the search firm shall satisfy both of the following:~~

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

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

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

~~(aa) 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 countries, provinces, states, cities, towns, and contiguous areas where the individual resided and worked.~~

~~(bb) Criminal records information for the past ten years, including but not limited to felonies, misdemeanors, or similar convictions.~~

~~(cc) Employment history.~~

~~(dd) Media history, including an electronic search of national and local publications, wire services, and business applications.~~

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

~~(v) If available, for~~ **For** each executive officer and responsible individual ~~and person 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.

~~(w) Other information the department office 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 and in 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. For good cause, the department may waive the fee required pursuant to Paragraph (A)(2) of this Section or permit the applicant to submit other information instead of the required information.~~

~~C. An application for a license pursuant to this Section shall not be complete until the department office receives all information required by the provisions of this Chapter and completes its investigation pursuant to Subsection D C of this Section.~~

~~D.(1) On receipt of a completed application, the department office shall investigate all of the following:~~

~~(a) The financial condition and responsibility of the applicant.~~

~~(b) The relevant financial and business experience, character, and general fitness of the applicant.~~

~~(c) The competence, experience, character, and general fitness of each executive officer, each responsible individual, and any person that who has control of the applicant, in order for the commissioner to reasonably determine that the applicant will conduct its virtual currency business activity honestly, carefully, efficiently, in accordance with the requirements of this Chapter, and any other applicable state or federal laws or regulations.~~

~~(2) At the option of the department office, it may investigate the business premises of an applicant.~~

~~(1) Not later than thirty sixty days after an application is complete, the department office shall send the applicant notice of its decision to approve, conditionally approve, or deny the application.~~

~~(2) If the department does not send the applicant notice of its decision within thirty-one days of completion of the application, the application shall be deemed denied.~~

~~(3) If the department office does not receive notice from the applicant that the applicant accepts conditions specified by the department office within thirty-one days following the department's notice conditions after the date of the notice of the conditional approval, the application shall be deemed denied.~~

~~F.E. A license shall be effective on the later of either of the following:~~

~~(1) The date on which the department issues the license.~~

~~(2) The date the licensee provides the security required pursuant to R.S. 6:1386.~~

~~G. An applicant shall pay the reasonable costs of the department's investigation pursuant to this Section.~~

~~No license shall be issued pursuant to this Chapter unless all of the following occur:~~

~~(1) The applicant provides a surety bond and the commissioner accepts the surety bond required pursuant to R.S. 6:1386.~~

~~(2) The applicant provides evidence acceptable to the commissioner of the tangible net worth required pursuant to R.S. 6:1386.~~

~~(3) The applicant has paid all costs and fees required pursuant to this Chapter in connection with a license application.~~

~~(4) The commissioner has issued notice of the decision to approve or conditionally approve the application in accordance with Subsection D of this Section.~~

~~§1385.1. Approval of advanced change of control notice~~

~~A. Whenever a change of control of a licensee or an applicant is contemplated by any person, or persons acting in concert, the following information shall be provided to the commissioner through the NMLS:~~

~~(1) The licensee or applicant shall do all of the following:~~

~~(a) File an advanced change of control notice within thirty days after learning of the change of control and at least forty-five days prior to the date the proposed transaction is to be consummated.~~

~~(b) Provide such information as required pursuant to R.S. 6:1385(A).~~

~~(2) After review of an advanced change of control notice filed pursuant to Paragraph (1) of this Subsection, 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).~~

~~B. The commissioner shall approve an advanced change of control notice filed in accordance with Paragraph (1) of this Subsection if, after investigation, he determines that the person, or persons acting in concert, to cause a change of control shall not adversely affect the ability of the licensee or applicant 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.~~

~~C. If 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, he 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 denial in accordance with R.S. 6:1387(C).~~

~~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 is contemplated with respect to a reasonable 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 United States Postal Service addresses 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) A set of fingerprints 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 investigative background report prepared by an 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 history 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 responsible individual. The additional information shall be limited to the same information required from a licensee or an applicant as part of his original application filed pursuant to R.S. 6:1385(A).~~

~~C. The commissioner shall approve an advanced 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 considered necessary to ensure that the licensee or applicant will continue to conduct its virtual currency business activity honestly, carefully, and efficiently, and in accordance with the requirements of this Chapter and other applicable state and federal laws and regulations.

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

§1386. Required documents; securities Surety bond; tangible net worth

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 its duties pursuant to the provisions of this Chapter or in an amount the department office specifies based on the nature and extent of risks in the applicant's virtual currency business model plan.

(2)(a) The licensee 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 licensee may decrease its security in accordance with the provisions of this Paragraph if the security required is less than the amount of security on file with the department.

Dollar Amount of Virtual Currency Business Activity	Security Minimum Surety Bond Amount Required
\$0 to \$5,000,000	\$ 100,000
\$5,000,000.01 to \$10,000,000	\$ 200,000
\$10,000,000.01 to \$15,000,000	\$ 300,000
\$15,000,000.01 to \$20,000,000	\$ 400,000
\$20,000,000.01 to \$25,000,000	\$ 500,000
\$25,000,000.01 to \$30,000,000	\$ 600,000
\$30,000,000.01 to \$35,000,000	\$ 700,000
\$35,000,000.01 to \$40,000,000	\$ 800,000
\$40,000,000.01 to \$45,000,000	\$ 900,000
Over \$45,000,000	\$1,000,000

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

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

(d) A surety bond shall cover claims for as long as the department specifies, but for at least five years after the licensee ceases to provide money services in this state. However, the department may permit the amount of security to be reduced or eliminated before the expiration of that time to the extent the amount of the licensee's obligations outstanding in this state is reduced. The department may permit a licensee to substitute another form of security acceptable to the department for the security effective at the time the licensee ceases to provide money services in this state.

(e) The department office may increase the amount of security ~~the surety bond~~ required to a maximum of seven million dollars.

(c) ~~The surety bond shall be issued by an entity authorized to sell insurance in this state in a form satisfactory to the commissioner and payable to the office for the benefit of any claimant against the licensee to secure the faithful performance of the obligations and duties of the licensee with respect to virtual currency business activities, with, or on behalf of, residents of this state, and the payment of required but unpaid fee amounts due to the office, and assessed but unpaid civil money penalties.~~

(d) ~~The aggregate liability on a surety bond shall not exceed the principal sum of the bond. A claimant against a licensee may maintain an action on the bond.~~

(e) ~~A surety bond shall cover claims for as long as the office specifies, but for at least five years after the licensee ceases to engage in virtual currency business activities in this state. However, the commissioner may permit the amount of the surety bond to be reduced or eliminated before the expiration of that time to the extent the amount of the licensee's obligations outstanding in this state is reduced.~~

(3) ~~Security deposited pursuant to this Subsection shall cover claims for the period the department specifies by rule and for an additional period the department specifies after the licensee ceases to engage in virtual currency business activity with or on behalf of a resident.~~

B.(1) In addition to the security surety bond required pursuant to Subsection A of this Section, a licensee and a registrant, at the time of the application for a license pursuant to the provisions of this Chapter or filing of a registration, shall submit to the department office evidence of and maintain at all times a tangible net worth of the greater of one hundred thousand dollars or three percent of total assets for the first one hundred million dollars, two percent of additional assets for one hundred million to one billion dollars, and one-half percent of additional assets for over one billion dollars.

(2) If a licensee materially violates any provision of this Chapter, any rule or regulation promulgated by the office, or any order issued by the commissioner pursuant to this Chapter, the commissioner may, at any time, require a licensee to increase its tangible net worth required to be maintained pursuant to this

Section. The licensee shall submit to the commissioner evidence that it has the required additional tangible net worth not later than thirty days after the licensee is notified in writing of the required increase.

(3) In determining the required additional tangible net worth, the commissioner may consider factors including but not limited to the following:

(a) The actual and projected volume of the licensee's virtual currency business activity in this state.

(b) Whether the licensee is currently licensed or regulated by the commissioner in accordance with the Sale of Checks and Money Transmission Act, R.S. 6:1031 et seq., and whether the licensee is in good standing in that capacity.

(c) The amount of leverage employed by the licensee.

(d) The liquidity position of the licensee.

(e) The products or services offered by the licensee.

C. ~~A licensee or registrant may include in its calculation of net worth virtual currency, measured by the average value of the virtual currency in United States dollar equivalent over the prior six months, other than the virtual currency over which it has control for a resident entitled to the protections provided in R.S. 10:8-501 et seq.~~

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

§1386.1. 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 general acceptable accounting principles standards (GAAP) or consistent with the Public Company Accounting Oversight Board (PCAOB) 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 to the commissioner in compliance with Subsection A of this Section and in accordance with R.S. 6:1388.

§1386.2. Protection of resident assets

A. To the extent a licensee stores, holds, or maintains custody or control of virtual currency on behalf of a resident, the licensee shall hold virtual currency of the same type and amount as that which is owed or obligated to the resident.

B. A licensee is prohibited from selling, transferring, assigning, lending, hypothecating, pledging, or otherwise using or encumbering assets, including virtual currency, stored, held, or maintained by, or under the custody or control of such licensee on behalf of a resident, except for the sale, transfer, or assignment of such assets at the direction of the resident.

C. A licensee is prohibited from commingling assets belonging to a resident with assets belonging to a licensee, using 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 allow for sufficient assets, including virtual currency, to fulfill all outstanding obligations to the resident.

D. In order to ensure compliance with the requirements of Subsection C of this Section, a licensee may include the amount of his assets, in the same account with a resident's assets, solely for the purpose of facilitating, selling, transferring, assigning, lending, hypothecating, pledging, or using or encumbering assets, including virtual currency, stored, held, maintained by or under the custody or control of such licensee on behalf of a resident, and operational needs related to such virtual currency business activities, provided that the assets of the licensee shall be deemed resident assets and the licensee may only withdraw or assert a claim on that amount to the extent that amount exceeds that amount of resident assets held by or for a resident.

§1387. Issuance of license; appeal

A. ~~Absent good cause, the department shall issue a license to an applicant if the applicant complies with the provisions of this Chapter and pays the costs of the investigation pursuant to R.S. 6:1385(G) and the initial licensee fee pursuant to R.S. 6:1385(A)(2) in an amount specified by the department.~~

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 all requirements of R.S. 6:1385 and 1386.

B. ~~An applicant may appeal a denial of its application pursuant to R.S. 6:1385, in accordance with the Administrative Procedure Act, not later than thirty days after the department office notifies the applicant of the denial or the application is deemed denied.~~

C. In the case of a denial of an advanced change of control notice, or denial of an advanced change of responsible individual notice, pursuant to either R.S. 6:1385.1 or 1385.2, in accordance with the Administrative Procedure Act, the applicant or licensee, may appeal the denial not later than thirty days after the office notifies the applicant or licensee of the denial of the advanced change of control notice, or the denial of an advanced change of responsible individual notice, or in either case, the change is deemed denied.

§1388. Renewal of license; procedure; denial

A. ~~Subject to Subsection G of this Section, not later than fifteen days before the anniversary date of issuance of a license pursuant to the provisions of this Chapter, a licensee may apply for renewal of the license by paying a renewal fee determined by the department, not to exceed the reasonable costs of regulation, and submitting to the department a renewal report pursuant to~~

Subsection B of this Section:

(1) Each person licensed as a virtual currency business activity licensee shall submit an annual license 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 will 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 after December thirty-first and before March first of the following 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.

B.(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 Section 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 any material representation 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, the person whose license has expired may apply for a new license, subject to 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 an 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) Either a A copy of the licensee's most recent reviewed annual financial statement, if the licensee'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 under this Chapter, or audited annual financial statement if the licensee's virtual currency business activity in this 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 department, in the previous fiscal year, measured as of the anniversary date of issuance of its license pursuant to the provisions of this Chapter.**

(ii) The person's most recent **current audited consolidated annual financial statement if the person's gross revenue was more than an amount, to be determined by the department in the previous fiscal year, measured as of the anniversary date of issuance of its license pursuant to the provisions of this Chapter.**

(c) A description of any of the following:

(i) Material change in the financial condition of the licensee.

(ii) Material litigation involving the licensee or an executive officer or a responsible individual of the licensee.

(iii) 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.

(iv) Federal or state investigation involving the licensee.

(v) Data security breach involving the licensee.

(d) 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 later of the date the license was issued or the date the last renewal report was submitted as of December thirty-first of the preceding calendar year and as of September thirtieth of the current year.

(e)(i) The amount of United States dollar equivalent of virtual currency in the control of the licensee at, subject to Subsection G of this Section, the end of the last month that ends not later than thirty days before the date of the renewal report as of December thirty-first of the preceding calendar year and as of September thirtieth of the current year.

(ii) The total number of residents for whom the licensee had control of United States dollar equivalent of virtual currency on that date as of 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.

~~C.(4)D.~~ 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.**

(2) 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 department suspends or revokes a 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 than twenty days after 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 insulate 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 Section.

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.F. A licensee shall pay the reasonable and necessary costs of the department's office's investigation under in accordance with this Section.

§1388.1. 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 calendar quarter, in the form and containing such information, as the commissioner shall prescribe, including both of the following:

(1) A statement of the financial condition of the licensee, including a balance sheet and income sheet, along with transactional information, all in United States currency, relating to virtual currency balances held on behalf of residents, virtual currency balances not held on behalf of residents, and other investments.

(2) A certification of the financial reports by an officer or member of the board of directors, or an equivalent governing body of the licensee, attesting to the truth and correctness of such reports.

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

§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 business 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.(1) To efficiently and effectively enforce the provisions of this Chapter and to minimize regulatory burdens, the commissioner may participate in a multistate examination and investigation process for licensees that hold licenses in this state and other states.

(2) As a participant in any multistate examination or investigation, 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 contracts or 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

shared information.

(3) Nothing in this Section shall constitute a waiver of the commissioner's authority to do any of the following:

- (a) Conduct any examination or investigation authorized by law.
- (b) Otherwise take any independent action authorized by law or any rule promulgated in accordance with the Administrative Procedure Act.
- (c) Enforce compliance of any order issued pursuant to this Chapter.
- (4) The following shall not constitute a waiver of any examination fee provided pursuant to this Chapter or any rule promulgated in accordance with the Administrative Procedure Act:

- (a) The commissioner's participation in any joint examination or investigation.
- (b) The commissioner's acceptance of an examination or investigative report conducted and prepared by other state or federal regulators of virtual currency business activity.

§1391.1. Books, records, and accounts

A. Any licensee engaging in virtual currency business activities in this state shall maintain and preserve 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 transactions, including any customers and account holders of the licensee, who are residents.

(2) A general ledger containing all assets, liabilities, ownership equity, income, and expense accounts.

(3) Bank statements and bank reconciliation records.

(4) Any statement and valuation 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 laws, rules, and regulations, including customer and account holder identification and verification documents, records linking customers and account holders to their respective accounts and balances, and a record of any compliance breaches.

(7) Communications and documentation related to investigations of customer and account holder complaints and transaction error resolutions.

(8) Any other books, records, and accounts as the commissioner may require.

§1391.2. Compliance policies and procedures

A. Any licensee engaging in virtual currency business activity 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.

§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 doing virtual currency business activity with, 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 with, or on behalf of, a resident.

(4) Request the court to issue temporary, preliminary, or permanent injunctive relief against a person doing virtual currency business activity with, or on behalf of, a resident.

(5) Assess civil money penalties.

(6) Recover on the security surety bond provided 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 with, or on behalf of, a resident.

(7) Impose necessary or appropriate conditions on the conduct of virtual currency business activity with, or on behalf of, a resident.

B. Any enforcement action pursuant to this Section may be supplemented by the exercise of any other enforcement power by the commissioner, as may be authorized by this Title or any other Title of the Louisiana Revised Statutes of 1950.

§1393. Violations

A. The department office may take an enforcement measure action against a licensee, registrant, or person that who is neither a licensee nor registrant

not a licensee but is engaging in virtual currency business activity with, or on behalf of, a resident in any of the following instances:

(1) The licensee, registrant, or person materially violates any provision of this Chapter, a rule adopted or order issued pursuant to any provision of this Chapter, or law of this state other than this Chapter which applies to virtual currency business activity of the violator with, or on behalf of, a resident, violates any of the provisions of this Chapter or any rule or regulation promulgated or any order, including but not limited to a cease and desist order or subpoena, issued pursuant to this Chapter.

(2) The licensee, registrant, or person does not cooperate substantially with an investigation by the department, fails to pay a fee, or fails to submit a report or documentation, violates any provision of a voluntary consent or compliance agreement that has been entered into with the commissioner.

(3) The licensee, registrant, or person, in the conduct of its virtual currency business activity with, or on behalf, of a resident, engages in any of the following:

- (a) An unsafe or unsound act or practice.
- (b) An unfair or deceptive act or practice.
- (c) Fraud or intentional misrepresentation.
- (d) Another dishonest act.
- (e) Misappropriation of legal tender, virtual currency, or other value held by a fiduciary.

(4) An agency of the United States or another state takes an action against the licensee, registrant, or person, which would constitute an enforcement measure if the department had taken the action. The licensee or person does not cooperate substantially with an investigation by the office, fails to pay a fee, or fails to submit a report or documentation.

(5) The licensee, registrant, or person is convicted of a crime related to its virtual currency business activity with, or on behalf of, a resident or involving fraud or felonious activity that, as determined by the department, makes the licensee, registrant, or person unsuitable to engage in virtual currency business activity.

(6) Any If any of the following occurs:

(a) The licensee, registrant, or person becomes insolvent.

(b) The licensee, registrant, or person makes a general assignment for the benefit of its creditors.

(c) The licensee, registrant, or person becomes the debtor, alleged debtor, respondent, or person in a similar capacity in a case or other proceeding under any bankruptcy, reorganization, arrangement, readjustment, insolvency, receivership, dissolution, liquidation, or similar law, and does not obtain from the court, within a reasonable time, confirmation of a plan or dismissal of the case or proceeding.

(d) The licensee, registrant, or person applies for, or permits the appointment of, a receiver, trustee, or other agent of a court for itself or for a substantial part of its assets.

(7)(6) The licensee, registrant, or person makes **has knowingly provided** or caused to be provided a material misrepresentation to the department commissioner, any false or fraudulent material fact or any false or fraudulent financial statement, or has suppressed or withheld from the commissioner any information which if submitted by the licensee would have resulted in a denial of the license application.

(7) The licensee or person refuses to permit an examination by the commissioner of the books and affairs, or has refused or failed within a reasonable time to furnish any information, or make any report that may be required by the commissioner pursuant to the provisions of this Chapter.

(8) The licensee or person fails to maintain records as required by the commissioner after being given written notice to the last address of record and thirty days within which to correct the failure. The commissioner may grant up to two thirty-day extensions within which to correct the recordkeeping violation.

(9) The licensee or person continues in office any individual with power to direct the management or policies of a person regulated by this Chapter, including but not limited to any officer, director, or manager, if such individual is convicted of, pleads guilty to, or is found guilty after a plea of nolo contendere of any felony and has been adjudicated guilty in any state, federal, foreign, or military court.

(10) The licensee or person violates any provision of a regulatory or prohibitory statute by the government agency responsible for determining such violations.

(11) The licensee or person misrepresents material facts or makes a false promise likely to influence, persuade, or induce a resident to engage in virtual currency business activity.

(12) The licensee or person misrepresents or conceals a material fact, term, or condition of a transaction to which he is a party, pertinent to a resident to engage in virtual currency business activity.

(13) The licensee or person knowingly engages in any transaction, practice, or course of business, which perpetrates a fraud upon any person in connection with engaging in virtual currency business activity.

(14) The licensee or person fails to exchange, transfer, or store, without just cause, any funds in accordance with any agreement connected with a virtual currency business activity transaction.

(15) The licensee or person fails to account for or deliver to any person any assets obtained in connection with a virtual currency business activity transaction, including but not limited to legal tender, virtual currency, precious metals, and electronic certificates.

(16) The licensee or person fails to pay any fee, civil money penalty, cost or assessment imposed pursuant to this Chapter or by any rule or regulation

promulgated in accordance with this Chapter.

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

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

(19) 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.

B.(1) Notwithstanding any other law to the contrary, and in addition to any other authority conferred upon the commissioner by any other provision of law, 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.

(2) 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.

C. In addition to any other authority conferred upon the commissioner 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 by rule upon any person who is found to have violated any of the provisions of this Chapter or any rule or regulation promulgated in accordance with this Chapter. 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.

D. 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 serve as a basis for any enforcement or other action authorized 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 defrauding or misleading.

(2) Engage in any unfair or deceptive practice toward any resident.

(3) Fail to comply with this Chapter, any 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.

E. 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 proceeding as he considers appropriate.

F. 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 liability to any person with respect to an advisory opinion or interpretation issued in connection with this Chapter.

G. 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.

H. 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 agency also having jurisdiction over the virtual currency business activities of that person.

I. Any licensee whose license issued pursuant to this Chapter has been revoked for any reason may not reapply for a license until at least five years have elapsed from the date of the order of revocation, unless the commissioner, in his sole discretion, prescribes an earlier or later date. For purposes of this Subsection, the order is considered to be the commissioner's notification of revocation of the license. 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.

§1393.1. Required disclosures

A. 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 shall be a violation of this Chapter.

B. 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.

C. Without limitation, the commissioner may require additional disclosures by rule or regulation as considered necessary and appropriate.

D. The disclosures shall describe all material risks associated with the licensee's virtual currency products, services, and activities, and virtual currency generally, including but not limited to the following:

(1) 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.

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

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

(4) 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.

(5) The value of virtual currency may be derived from the continued willingness of market participants to exchange legal tender for virtual currency, which may result in the potential for permanent and total loss of value of a particular 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 licensee will, in the ordinary course of business, disclose the resident's financial and account information to third parties.

E. 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 associated with its virtual currency products, services, and activities and virtual currency generally, 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 other disclosures as are customarily given in connection with the opening of resident accounts.

F. 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 amount of the transaction.

(2) Any fees, expenses, and charges borne by the resident, including applicable exchange rates.

(3) The type of the virtual currency transaction.

(4) A notice that once executed the transaction is not reversible.

G. Each licensee shall ensure that all disclosures required in this Section are acknowledged as received by the resident.

H. Upon completion of any transaction, each licensee shall provide to the resident a receipt containing all of the following information:

(1) The name and contact information of the licensee, to answer questions and register complaints.

(2) The type, value, date, and precise time of the transaction.

(3) The fee charged.

(4) The exchange rate, if applicable.

(5) A statement of the liability of the licensee for nondelivery or delayed delivery.

(6) A statement of the refund policy of the licensee.

(7) Any additional information the commissioner may require by rule.

I. Each licensee shall make available to the office, upon request, the form of the receipts it is required to provide to a resident in accordance with Subsection H of this Section.

§1394. Implementation; reporting requirements

A. The department commissioner shall adopt rules, in accordance with the Administrative Procedure Act, to implement and enforce the provisions of this Chapter and may issue guidance as appropriate.

B. In addition to any other powers the commissioner may be authorized to exercise pursuant to this Title, the commissioner may adopt and implement emergency rules as he considers necessary and appropriate to prevent or terminate any condition he reasonably considers to create an emergency relative to a particular licensee or to licenses in general, including but not limited to suspending the issuance or renewal of licenses, or suspending some or all virtual currency business activities in this state.

C. In order to carry out the purposes of this Chapter, the commissioner may do all of the following:

(1) Enter into agreements or relationships with other government officials, federal and state regulatory agencies, and regulatory associations in order to improve efficiencies and reduce regulatory burden by standardizing methods or procedures, and sharing records or related information obtained in accordance with this Chapter.

(2) Use, hire, contract, or employ analytical systems, methods, or software in examinations or investigations pursuant to this Chapter.

(3) Consider, accept, and rely upon licensing, examination, or investigative reports prepared by other government agencies or officials, within or outside the state.

(4) Consider, accept, and rely upon audit reports prepared by an independent certified public accountant or other qualified third-party auditor for any person subject to the provisions of this Chapter and incorporate all, or part of such audit reports, in the office's report of examination or investigation.

D.(1) The commissioner shall report all of the following biannually to the House Committee on Commerce and the Senate Committee on Commerce, Consumer Protection and International Affairs:

(a) The number of applications for each type of license.

(b) The number of applicants who currently have a money transmission license.

(c) The number of licenses granted.

(d) The number of applicants who have been denied.

(e) A list of fees that were assessed during application.

(2) The biannual report shall be submitted on the first day of September and March of each calendar year.

Section 2. R.S. 6:1383(C)(5)(c) and (7) and (D) and 1389 are hereby repealed.

Section 3. The provisions of this Act shall terminate on July 1, 2025.

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 12, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 332

SENATE BILL NO. 187
BY SENATOR KLEINPETER
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)
of the Constitution of Louisiana.
AN ACT

To amend and reenact R.S. 13:5716, relative to cremation of bodies; to provide for issuance of a permit for cremation by a coroner; to provide for denial of a permit for cremation by a coroner; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5716 is hereby amended and reenacted to read as follows: §5716. Cremation of bodies

A. If the cremation of a body is requested, the funeral director shall immediately notify the coroner who has jurisdiction in the death.

B. If, after the necessary investigation, the coroner is satisfied that there are no suspicious circumstances surrounding the death, he shall issue a permit for cremation.

C. If the investigation reveals suspicious circumstances or the reasonable probability of the commission of a crime, the coroner shall deny the permit until the coroner's post mortem examination and evidence collection is completed. After completion of the coroner's investigation, he may issue a permit for cremation.

D. Upon completion of the coroner's post mortem examination and evidence collection, the coroner shall release the body to the family or friends for disposition in accordance with R.S. 13:5715. In any case under coroner jurisdiction in which the body cannot be released within thirty days of death, the coroner shall notify in writing the person or persons with the right to dispose of human remains under R.S. 8:655 the reasons for any delay in release of the body.

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 333

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 enacted 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, arrange for, pay for, or reimburse any of the costs of healthcare services, 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 review was extended, and 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 Insurance 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 a prior authorization request according to each health coverage plan. This list shall be published on the insurer'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 under 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. 22:1260.41(10) is hereby enacted to read as follows:

§1260.41. Definitions

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

* * *

(10)(a) "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, 3, 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,
BOUDREAUX, 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 WOMACK AND
REPRESENTATIVES ADAMS, BRYANT, CARRIER, ECHOLS, FISHER,
FREEMAN, GADBERRY, GAROFALO, GREEN, HARRIS, HORTON,
HUGHES, ILLG, MIKE JOHNSON, TRAVIS JOHNSON, LAFLEUR,
LARVADAIN, LYONS, MCKNIGHT, NEWELL, CHARLES OWEN,
SCHAMERHORN, SEABAUGH, SELDERS, THOMPSON AND WILLARD

Prefiled Pursuant to Article III, Section 2(A)(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. 29:726.5.1, 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 bleeding 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:

§416.16. School crisis management and response plans

A.(1) For the purposes of this Section, a the following terms shall have the following meanings:

(a) "crisis Crisis management and response plan" means shall mean a plan to address school safety and the incidence of a shooting or other violence at schools, on school buses, and at school-related activities; to respond effectively to such any incidents; and to ensure that every student, teacher, and school employee has access to a safe, secure, and orderly school that is conducive to learning. Such plans The plan shall also address the management of any other emergency situation.

(b) "District threat assessment team" shall mean a team established by each governing authority of public elementary and secondary schools. The team shall include the local school superintendent; the principal of each school; a person with responsibility over the school facilities; a mental health professional employed by the governing authority, or, if the governing authority has no such employee, a mental health professional selected by the local school superintendent; any school resource officer employed by the governing authority; any Junior Reserve Officer Training Corps instructor employed by the governing authority; and the emergency preparedness and recovery point of contact.

(c) "Emergency preparedness and recovery point of contact" shall mean a person selected by the local school superintendent to serve as a point of contact with local and state officials and the media in the event of an emergency.

(d) "Local superintendent" shall mean the chief executive officer of the school or other employee holding an equivalent position.

(2)(a) A school crisis management and response plan shall be prepared by

each public school principal jointly with local law enforcement, fire, public safety, and emergency preparedness officials. **The plan shall seek to utilize resources and information available through the Louisiana Commission on School and Nonprofit Security, R.S. 29:726.5 et seq.**

(b) In preparing or revising the plan, the principal and such officials shall consider and include, if appropriate, shall consult with the district threat assessment team. The principal and the threat assessment team shall determine whether to consider input from students enrolled in the school and their parents, teachers at the school, other school employees, and community leaders.

(3) The plan, which shall focus on preventing the loss of life and the injury of students and teachers and other school employees, shall detail 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.

(4) The plan shall provide for an all-hazards approach response plan for emergency events including any event with a hostage, an active shooter, or a building lock-down.

(5) The plan shall provide for parental the notification of parents, faculty, staff, and local public safety officials in the event of a shooting or other violent incident or emergency situation.

(4)(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.

B.(1) 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 and include input, if appropriate, from students enrolled in the school and their parents, teachers at the school, other school employees, and community leaders. Each principal shall submit such the plan in writing to the local school superintendent for approval at least once annually, including upon each revision.

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, when conducting the annual review of the crisis management and response plan for a high school, the school principal shall seek and consider input from the students enrolled in the school who shall be represented by either the president of the senior class or the president of the student council and at least one other responsible student selected by the principal.

(3) The local school superintendent shall make an annual report to the public school governing authority on the status of the plan of each school under the governing authority's jurisdiction and shall submit a copy of the report to the state Department of Education and the Center for Safe Schools provided for in R.S. 29:276.5.1.

C.(1) Within the first thirty days of each school year, each public school principal shall conduct a safety drill to rehearse the components of the plan, including an active shooter scenario. In addition, each school year, each 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.

* * *

D. Each plan shall provide that classroom;

(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 and shall remain locked during instructional time. Each plan shall provide that a locked door shall not obstruct egress.

(2)(a) Bleeding control kits shall be placed in easily accessible locations in each school.

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

(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 as authorized in R.S. 17:416.19 or a Junior Reserve Officer Training Corps instructor, he shall join the principal 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, including through the use of a bleeding control kit, shall be immune from criminal and civil liability for the administration, unless personal injury results from the gross negligence or willful or wanton misconduct in the administration of aid.

F. Each school year, each public school principal shall be responsible for providing in-service training, which may be incorporated into a meeting or 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 presentation of the training. The training shall include an active shooter exercise. The training shall be reported to the local school superintendent and the state Department of Education.

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

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.

(5) The Center for Safe Schools within the Governor's Office of Homeland Security and Emergency Preparedness.

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

I.(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 authorities of nonpublic 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 security 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 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) One teacher selected by the Louisiana Association of Educators.

(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 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.(1) 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. No later than May 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 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

HOUSE BILL NO. 33
BY REPRESENTATIVES MCFARLAND AND THOMPSON
AN ACT

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

* * *

B. 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 biannually. 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 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 Commission 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

ACT No. 336

HOUSE BILL NO. 41
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. Telehealth coverage and reimbursement for physical therapy; prohibitions and limitations; exceptions; rulemaking

* * *

§1845.2. Telehealth 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. Benefits for 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 services when provided in person by the same provider.

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 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 restrict occupational therapy services via telehealth when the services are being provided solely by telephone.

(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 as are 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. 22:1841.

(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 and after January 1, 2024. Any health coverage plan in effect prior to January 1, 2024, shall convert to 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

ACT No. 337

HOUSE BILL NO. 43
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.(1)(a) 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 or child with a disability, the system's actuary shall certify that the benefit to be paid to the minor child or child with a disability plus the remaining benefit to be paid to the surviving eligible spouse is of equivalent value to the total benefits that would otherwise be payable 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.

HOUSE BILL NO. 74
BY REPRESENTATIVE THOMAS
AN ACT

(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 due.

(c) If a surviving eligible spouse designates a child with a disability to receive a benefit pursuant to 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 medical certainty 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 processes 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 benefits of a surviving child shall cease upon the child's attaining the age of majority or upon marriage, whichever occurs first. Additionally, an unmarried minor child, who graduates from high school and enrolls, on 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 continue unless the disabling condition is no longer medically determined to be permanent.

(3)(a) If a child that has been designated to receive a benefit as set forth in Paragraph (1) of this Subsection predeceases the surviving eligible spouse, the surviving eligible spouse's benefits 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.

(b) If the surviving eligible spouse predeceases any designated 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 predeceases 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.

(4) Any active contributing member may prefile with the system prior to retirement, on forms prescribed by the system, a notarized statement whereby a 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 system is acknowledged to be an administrator only and not liable for any consequences of relinquished rights or obsolescence of or failure to update any forms prefiled by the member.

(5) If any colorable issue or cause of action arises as it relates to the provisions of this Subsection, the system may place the entire matter in concursus for the interested parties to assert their positions in court. All costs related to such concursus shall be paid by the parties in defense, and no cost shall be allocated to the system.

* * *

§2256.3. Nonrecurring lump-sum supplemental payment in 2023

A. A nonrecurring lump-sum supplemental payment shall be paid to the following retirees and beneficiaries:

(1) Any retiree who has received a benefit for at least one year on June 30, 2023.

(2) Any nonretiree beneficiary if the retiree or beneficiary or both combined have received a benefit for at least one year on June 30, 2023.

B. The supplemental payment paid pursuant to the provisions of this Section shall be paid no later than August 1, 2023.

C. Each retiree or beneficiary to whom this Section applies shall receive a nonrecurring lump-sum supplemental payment in an amount that is equal to the lesser of:

(1) The retiree or beneficiary's current monthly benefit.

(2) Two thousand five hundred dollars.

Section 2. The cost of this Act, if any, shall be funded with additional employer contributions.

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

ACT No. 338

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 provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:587(A)(1)(a) is hereby amended and reenacted to read as follows:

§587. Duty to provide information; processing fees; Louisiana Bureau of Criminal Identification and Information

A.(1)(a) The bureau shall make available upon request, or at other times as the deputy secretary shall designate, to any eligible criminal justice agency and the division of administration, office of technology services, the Louisiana Department of Education, the Louisiana Department of Health, the state fire marshal when reviewing applications for licensure, the Louisiana Manufactured Housing Commission when reviewing applications for licensure, the Department of Children and Family Services, the Department of Insurance, the Louisiana State Racing Commission, the Senate Committee on Senate and Governmental Affairs Committee, the House Committee on House and Governmental Affairs Committee, the secretary of the Louisiana Workforce Commission or his designee, the Board of River Port Pilot Commissioners, the Louisiana State Board of Home Inspectors, the Office of Financial Institutions in the office of the governor, the office of the disciplinary counsel of the Louisiana Attorney Disciplinary Board of the Louisiana State Bar Association; however, as to any licensed attorney this information shall be provided only after the issuance of a formal charge against the attorney, the Louisiana Supreme Court Committee on Bar Admissions, the municipal or parish department or personnel responsible for reviewing applications for alcoholic beverage outlet permits, and the legislative auditor any information contained in the criminal history record and identification files of the bureau. The Department of Children and Family Services may provide information secured pursuant to this Subsection to all federal and state agencies providing child support enforcement services.

* * *

Section 2. R.S. 37:1478(B) is hereby amended and reenacted to read as follows:

§1478. Written reports; solicitation prohibited

* * *

~~B. No licensed home inspector shall, from the time of the inspection until the date of the act of sale on the home inspected, advertise or solicit to perform repair services on any item listed in the inspection report or any other type of service on the home upon which he has performed a home inspection. For a period of one year following the date of a home inspection, neither the home inspector nor any company or firm with which the home inspector is an employee, owner, or independent contractor, shall solicit to repair, replace, or upgrade or repair, replace, or upgrade for compensation any system or component of the home that the home inspector noted in the home inspection report as deficient, in need of repair or replacement, or unsafe.~~

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 339

HOUSE BILL NO. 129
BY REPRESENTATIVE WILFORD CARTER
AN ACT

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 Redevelopment Authority; to repeal provisions relative to the boundaries, purpose, governance, powers and duties, and funding of the district; 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. Chapter 13-L of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:4720.191, is hereby repealed in its entirety.

Section 2. All property of the Lake Charles North Redevelopment Authority 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.

Section 3. Section 2 of this Act shall become effective if and when the Act which originated as House Bill No. 335 of this 2023 Regular Session of the Legislature becomes effective.

Section 4. The provisions of this Section and Sections 1 and 3 of this Act shall become effective upon signature of this Act 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 this Act is vetoed by the governor and subsequently approved by the legislature, this Section and Sections 1 and 3 of 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. 340

HOUSE BILL NO. 261
BY REPRESENTATIVE BISHOP
AN ACT

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~~ G of this Section, monies deposited into the Revenue Stabilization Trust Fund shall be permanently credited to the trust fund and shall be invested by the treasurer in the same manner as investments of the Millennium Trust, as provided in R.S. 39:98.2.
* * *

F.~~(4)~~ Except as provided in ~~Paragraphs (2) and (3)~~ Subsection G of this ~~Subsection~~ Section, no appropriations shall be made from the Revenue Stabilization Trust Fund.

~~(2)(a) 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, for the following: for capital outlay projects in the comprehensive state capital budget, transportation infrastructure, or both.

(i) Capital outlay projects in the comprehensive state capital budget.

(ii) Transportation infrastructure.

~~(b) The minimum fund balance or the allowable percentage may be changed by a law enacted by two-thirds of the elected members of each house of the legislature.~~

~~(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. If the legislature is not in session, the two-thirds consent requirement shall be obtained as provided in R.S. 39:37.~~

(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 Budget Stabilization Fund into the official forecast for the next fiscal year, the official forecast for the next fiscal year is less than the official forecast for the current fiscal year, the difference, not to exceed two hundred fifty million dollars, may be incorporated into the next fiscal year's official forecast.

(b) If after the appropriation of the maximum allowable use of monies from the Budget Stabilization Fund into the official forecast for the current fiscal year, a deficit for the current fiscal year is projected due to a decrease in the official forecast, an amount not to exceed two hundred fifty million dollars may be appropriated.

(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. 39:37.

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. 281
BY REPRESENTATIVE GAROFALO
AN ACT

To amend and reenact R.S. 22:2132(A) and (C), relative to the Louisiana Automobile Theft and Insurance Fraud Prevention Authority; to provide for the purpose of the authority; to provide for the members of the board of directors; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:2132(A) and (C) are hereby amended and reenacted to

THE ADVOCATE
PAGE 14

* As it appears in the enrolled bill

read as follows:

§2132. Authority; creation; powers

A. There is hereby created a public agency to be known as the Louisiana Automobile Theft and Insurance Fraud Prevention Authority, the purpose of which is to combat all of the following, whether committed by or on behalf of a claimant, insured, or insurer:

(1) ~~motor~~ Motor vehicle insurance fraud, including fraud by theft and other criminal acts.

(2) Property insurance fraud.

(3) Workers' compensation fraud.

(4) Health insurance and healthcare fraud.

(5) Other forms of fraud affecting the business of insurance.
* * *

C. The board of directors shall consist of the commissioner of insurance or his designee, the state treasurer or his designee, a representative of the Louisiana State Police Insurance Fraud and Auto Theft unit, the chairman of the Senate Committee on Insurance or his designee, the chairman of the House Committee on Insurance or his designee, and six members to be appointed as follows: four members shall be appointed by the commissioner, including ~~two members~~ one member representing purchasers of motor vehicle insurance in this state, and ~~two members~~ one member representing motor vehicle insurers doing business in this state, one member representing insurance adjusters, and one member representing public insurance adjusters. Two members shall be appointed by the attorney general, both of whom shall represent law enforcement officials in this state. The commissioner shall serve as chairperson of the authority.
* * *

Approved by the Governor, June 12, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 342

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.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 986(A) and (C) are hereby amended and reenacted and Code of Criminal Procedure Articles 977(D), 983(M), and 998 are hereby enacted to read as follows:

Art. 977. Motion to expunge a record of arrest and conviction of a misdemeanor offense
* * *

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 conviction for a first offense possession of marijuana, tetrahydrocannabinol, or chemical derivatives thereof after ninety days from the date of conviction.
* * *

Art. 983. Costs of expungement of a record; fees; collection; exemptions; disbursements
* * *

M.(1) Notwithstanding Paragraph B of this Article, the total cost to obtain a court order expunging a record of a misdemeanor conviction for a first offense possession of marijuana, tetrahydrocannabinol, or chemical derivatives thereof shall not exceed three hundred dollars. The nonrefundable processing fees for a court order expunging such record shall be as follows:

(a) The Louisiana Bureau of Criminal Identification and Information may charge a processing fee of fifty dollars for the expungement of the record when ordered to do so by the court in compliance with the provisions of this Title.

(b) The sheriff may charge a processing fee of fifty dollars for the expungement of the record when ordered to do so by the court in compliance with the provisions of this Title.

(c) The district attorney may charge a processing fee of fifty dollars for the expungement of the record when ordered to do so by the court in compliance with the provisions of this Title.

(d) The clerk of court may charge a processing fee of one hundred fifty dollars to cover the clerk's costs of the expungement.

(2) The clerk of court shall collect all processing fees at the time the motion for expungement is filed.

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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

for in Subsubpragraph (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 Subsubparagraphs (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 998 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.

* * *

C. The clerk of court for any court in the state of Louisiana having criminal jurisdiction may amend any of the forms provided for in Articles 987, 988, 989, 990, 991, 992, 993, 994, and 995, and 998 to provide the appropriate name of the court ordering an expungement of records.

* * *

Art. 998. Motion for expungement form to be used for certain misdemeanor convictions

STATE OF LOUISIANA
JUDICIAL DISTRICT FOR THE PARISH OF

No. _____ Division: " _____ "
State of Louisiana
vs.

MOTION FOR EXPUNGEMENT FOR MISDEMEANOR CONVICTION FOR A FIRST OFFENSE POSSESSION OF MARIJUANA

NOW INTO COURT comes mover, who provides the court with the following information in connection with this request:

I. 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 statutorily 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. 15:541 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. 343

HOUSE BILL NO. 288
BY REPRESENTATIVE FREIBERG
AN ACT

To enact R.S. 24:522.1, relative to performance audits; to require auditees to report progress on recommendations following a performance audit; to provide for the duties of auditees and of the legislative auditor relative thereto; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:522.1 is hereby enacted to read as follows:

§522.1. Performance audit progress reports

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. 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.

* * *

~~(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; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Eve; and Christmas Day, or the days on which those holidays are observed by the state. The marking of an operator's facility or utility shall be provided for excavation or demolition purposes only. The excavator or demolisher shall provide the specific location for excavation or demolition with either telephonic or electronic notice. Telephonic notice shall require the excavator or demolisher to or physically mark the proposed route or area of excavation or demolition using white paint, flags, stakes, or similar means under American Public Works Association guidelines prior to submitting notice.~~

* * *

§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/gases if these facilities or utilities are to be exposed. Potholing to determine the actual location of such facilities or utilities if an excavation or demolition operation 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. 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 forestry 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. 39:98.5, 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 the 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. 39:98.5 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 this 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

HOUSE BILL NO. 315
BY REPRESENTATIVE CHARLES OWEN
AN ACT

To amend and reenact R.S. 17:264(A)(1), 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; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:264(A)(1), 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.

* * *

C. The community service performed pursuant to this Section shall not be related to political activities of any kind.

* * *

§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 ~~student edition~~ 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, may 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 the 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,
FRIEMAN, GAROFALO, GLOVER, GREEN, HUGHES, JEFFERSON,
LAFLEUR, LYONS, MCFARLAND, MCKNIGHT, MOORE, NEWELL,
CHARLES OWEN, ROBERT OWEN, SCHAMERHORN, SELDERS, STAGNI,
AND WILLARD
AN ACT

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 provide for the certification of teachers under authority of R.S. 17:7(6), 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, and the Board of Supervisors of Southern 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 (B).

(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 for reappointment to such position. If the Law Enforcement Executive Management Institute approves the exemption, the appointed chief of police shall not be ineligible for reappointment for failure to meet the requirements.

* * *

§385.1. Qualifications of elected chief of police

* * *

C.(1) Notwithstanding any other provision of law to the contrary, no person who is serving as an elected chief of police shall be eligible to qualify as a candidate for reelection to such office if he has served as an elected chief of police for at least the one year immediately preceding the latest date to qualify for the office and he has not met the requirements of R.S. 33:2345(A) and (B).

(2)(a) A person who was elected to the office 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 to qualify as a candidate for reelection to such office.

(b) The provisions of Paragraph (1) of this Subsection shall not apply to any person who has served as an elected 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 elected 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(4), 911.26(B)(1), and 912.23(1)(f) and to enact R.S. 51:911.24(I)(4), 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)(f) are hereby amended and reenacted and R.S. 51:911.24(I)(4), 911.26(F)(12), and 911.47 are hereby enacted to read as follows:

§911.22. Definitions

As used in this Part, unless the context requires a different definition:

* * *

(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. ~~37:2157~~ 37:2150.1.

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

(i) An ~~an~~ individual selling his personal residence, ~~or,~~

(ii) 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.

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

* * *

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

* * *

I.

* * *

(4) An 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.

* * *

§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 a specific Public Service Commission district as provided ~~above in this Paragraph~~ 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. In the event of any vacancy, whether by death, resignation, removal, expiration of term, or otherwise, the vacancy shall be filled for the unexpired portion of the term in the manner in which the original appointment was made.

* * *

F. The powers and duties of the commission shall include but are not

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 a manufactured and modular home model 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:

* * *

(f) 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. 430

BY REPRESENTATIVES WILLARD, CARRIER, COX, DAVIS, FREEMAN, GAINES, GLOVER, HILFERTY, HUGHES, ILLG, JEFFERSON, JENKINS, JORDAN, LAFLEUR, LYONS, MARINO, NEWELL, PIERRE, PRESSLY, SELDERS, AND STAGNI AND SENATORS BARROW, BOUDREAUX, 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:

§6015. Research and development tax credit

* * *

D.(1) A taxpayer who receives a Phase I or II grant or contract from the federal Small Business Technology Transfer Program or a federal Small Business Innovation Research Grant as created by the Small Business Innovation Development Act of 1982 (P.L. 97-219), reauthorized by the Small Business Research and Development Enhancement Act (P.L. 102-564), and reauthorized again by the Small Business Reauthorization Act of 2000 (P.L. 106-554) and reauthorized again by the SBIR and STTR Extension Act of 2022 (P.L. 117-183) shall be allowed a tax credit in an amount equal to thirty percent of the award received during the tax year.

* * *

E. As used in this Section, the following terms shall have the meaning hereafter ascribed to them, unless the context clearly indicates otherwise:

* * *

(3) “Incentive” shall mean a tax credit, deduction, or exclusion administered by the Department of Economic Development.

(4) “Person” shall mean a natural person.

(4)(5) “Qualified research expenses” and “qualified research” shall have the same meanings as those terms are defined in 26 U.S.C. 41, as amended.

* * *

I.(1) Except as provided in Paragraph (2) of this Subsection, a taxpayer shall not receive any other incentive administered by the Department of Economic Development for any expenditures for which the taxpayer has received a credit pursuant to this Section.

(2) The limitation provided in Paragraph (1) of this Subsection shall not apply to small businesses that have received a state grant pursuant to the provisions of R.S. 51:2401 or 2402.

* * *

Section 2. The provisions of this Act shall apply to tax years beginning on or after January 1, 2023.

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

ACT No. 351

HOUSE BILL NO. 430

BY REPRESENTATIVE COUSSAN

AN ACT

To amend and reenact R.S. 9:177 and to enact R.S. 9:153(16), relative to unclaimed property; to provide with respect to contracts to locate, deliver, recover, or assist in the recovery of unclaimed property; to provide exceptions for certain agents; to provide requirements and exclusions; to provide definitions; to provide with respect to the powers and duties of the state treasurer relative to the unclaimed property program; to provide with respect to the powers and duties of the Louisiana State Law Institute relative to changes made in this Act; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:177 is hereby amended and reenacted and R.S. 9:153(16) 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 property to the owner, and shall be limited to Louisiana licensed attorneys, certified public accountants, and financial advisors.

* * *

§177. Agreement to locate property

A. An 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 administrator.

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 compensation 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 sworn to and signed by the fiduciary agent and the owner before a notary public and contain both of the following:

(1) A clear disclosure of any amount that may be paid pursuant to the provisions of this Section.

(2) The signature of the owner below a statement that the owner is aware that a portion of his unclaimed property may be used by the unclaimed property administrator to pay the fiduciary agent.

D.(1) If the property claimed is cash or has been converted to cash through sale as provided in this Chapter, the administrator shall pay the fiduciary agent from the claim proceeds otherwise due the owner.

(2) If the property claimed has not been converted to cash as provided in this Chapter, the owner shall be responsible for payment to the fiduciary agent.

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

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

G. Any agreement by an owner to pay compensation to locate, deliver, recover, or assist in the recovery of property is enforceable only if the agreement is 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.

H. If an agreement covered by this Section is applicable to mineral proceeds and the agreement contains a provision to pay compensation 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.

D. Any agreement by an owner to pay compensation to locate, deliver, recover, and assist in the recovery of property which is entered into on a date that is twenty-four months or more after the date the property is paid or delivered to the administrator shall not provide for compensation exceeding ten percent of the value of the recoverable property.

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 conscionable amount. The court may award reasonable attorney fees to an owner who prevails in the action.

E. An J. At any time, an owner may at any time assert that an agreement

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 paragraphs, including those in R.S. 40:2811(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

HOUSE BILL NO. 450
BY REPRESENTATIVES FREIBERG AND MARCELLE
AN ACT

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 publicly 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

HOUSE BILL NO. 457
BY REPRESENTATIVES CREWS, AMEDEE, BUTLER, CARRIER,
CORMIER, DESHOTEL, EDMONDS, EMERSON, FRIEMAN, HARRIS,
HOLLIS, MOORE, CHARLES OWEN, SELDERS, AND THOMPSON
AN ACT

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. If requested, one copy of the commemorative certificate of miscarried child shall be provided by the vital records registry at no cost. Additional copies shall be subject to the same fees as a certificate of live birth as provided in R.S. 40:40.

D.(1) The commemorative certificate shall contain the name of the fetus and the gender, if known. If the name is not furnished by the patient, the vital records registry may complete the commemorative certificate with the name "Baby Boy" or "Baby Girl" and the last name of the patient. If the gender of the fetus is unknown, the department shall fill in the commemorative certificate with the name "Baby" and the last name of the patient.

(2) The front of the commemorative certificate shall include a disclaimer stating that the commemorative certificate is not proof of a live birth.

E.(1) The vital records registry shall not register a birth associated with a commemorative certificate issued pursuant to this Section nor use it to calculate live birth statistics.

(2) A commemorative certificate is commemorative in nature and has no legal effect.

(3) A commemorative certificate issued according to this Section shall not be used to establish, bring, or support a civil cause of action seeking damages against any person or entity for bodily injury, personal injury, or wrongful death of a miscarried child.

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 354

HOUSE BILL NO. 475
BY REPRESENTATIVES MAGEE AND KNOX
AN ACT

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

* * *

B. Other crimes, wrongs, or acts; creative or artistic expression. (1)(a) 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.

(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.

(ii) Except as provided in Article 412 or as otherwise provided by law, creative or artistic expression is not admissible in a criminal case to prove the character of a person in order to show that he acted in conformity therewith, provided that the accused provides reasonable notice to the prosecution in advance of trial asserting that the evidence is creative or artistic expression. Evidence of creative or artistic expression 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.

(c) This Paragraph shall not be construed to limit the admission or consideration of evidence under any other rule.

* * *

Section 2. This Act shall be known and may be cited as the "Restoring Artistic Protection Act of 2023".

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 355

HOUSE BILL NO. 500

BY REPRESENTATIVES HILFERTY AND KNOX
AN ACT

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, 2023.

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

ACT No. 356

HOUSE BILL NO. 503
BY REPRESENTATIVE COX
AN ACT

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 implementation of this Part, any 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. 34:851.20(M)(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. 34:851.20(M). 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 number 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 twenty-five 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

ACT No. 357

HOUSE BILL NO. 539
BY REPRESENTATIVE MACK
AN ACT

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 tag agents; to authorize the office of motor vehicles to impose fines, in addition to other restrictions, on any contracts; to provide for definitions; 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 entered into a contract 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 tag agent have only one office in this state and in a sum of one hundred twenty-five thousand dollars should the public 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 confected 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

ACT No. 358

HOUSE BILL NO. 548
BY REPRESENTATIVES TURNER AND KNOX
AN ACT

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 certain drugs by a healthcare facility; 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

As used 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. 22:1019.1.

(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. 40:2863.

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

A.(1) With respect to reimbursement to a 340B entity for 340B drugs, a health insurance issuer, pharmacy benefit manager, other third-party payor, 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 same drug to entities that are not 340B entities or lower 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 set forth 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, restrictions, 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 payor.

(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 resubmitted unless it 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.

(c) Require a 340B entity to 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.

(d) Discriminate against a 340B entity in a manner that prevents or interferes with any patient’s choice to receive such drugs from the 340B entity, including the administration of such drugs. For purposes of this Subsection, it is considered a discriminatory practice that prevents or interferes with a patient’s choice to receive drugs at a 340B entity if a health insurance issuer, pharmacy benefit manager, or other third-party payor places any additional requirements, restrictions, or unnecessary burdens upon the 340B entity that results in administrative costs or fees to the 340B entity, including but not limited to requiring a claim for a drug to include any identification, billing modifier, attestation or other indication that a drug is a 340B drug in order to be processed or resubmitted unless it is required by the Centers for Medicare and Medicaid Services or the Louisiana Department of Health in administration of the Louisiana Medicaid program.

(e) Include any other provision in a contract between a health insurance issuer, pharmacy benefit manager, or other third-party payor and a 340B entity that discriminates against the 340B entity or prevents or interferes with an individual’s choice to receive a prescription drug from a 340B entity, including the administration of the drug, in person or via direct delivery, mail, or other form of shipment, or creation of a restriction or additional

charge on a patient who chooses to receive drugs from a 340B entity.

(f) Require or compel the submission of ingredient costs or pricing data pertaining to 340B drugs to any health insurance issuer, pharmacy benefit manager, or other third-party payor.

(g) Exclude any 340B entity from the health insurance issuer, pharmacy benefit manager, or other third-party payor network on the basis that the 340B entity dispenses drugs subject to an agreement under 42 U.S.C. 256b, or refusing to contract with a 340B entity for reasons other than those that apply equally to non-340B entities.

B. Nothing in this Chapter applies to the Louisiana Medicaid program as payor when Medicaid provides reimbursement for covered outpatient drugs as defined in 42 U.S.C. 1396r-8(k).

§2884. Prohibition of certain discriminatory actions by a manufacturer or distributor related to 340B entities

A. A manufacturer or distributor shall not deny, restrict, prohibit, or otherwise interfere with, either directly or indirectly, the acquisition of a 340B drug by, or delivery of a 340B drug to, a pharmacy that is under contract with a 340B entity and is authorized under such contract to receive and dispense 340B drugs on behalf of the covered entity unless such receipt is prohibited by the United States Department of Health and Human Services.

B. A manufacturer or distributor shall not interfere with a pharmacy contracted with a 340B entity.

§2885. 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.

§2886. 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
AN ACT

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.

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. 25:214.5 is hereby enacted to read as follows:

§214.5. Livingston Parish Library Board of Control; additional members; appointment; terms of office

A. Notwithstanding any other provision of law to the contrary, the governing authority of the parish of Livingston shall appoint nine citizens to serve as the members of the Livingston Parish Library Board of Control. The president of the parish governing authority shall be an ex officio member of the board. However, the president may designate another member of the parish governing authority to serve in his stead on the library board of control.

B. The additional members appointed pursuant to Subsection A of this Section shall serve initial terms as determined by the parish governing authority not to exceed five years. The successors of any such members shall serve five-year terms.

C. Vacancies occurring prior to the expiration of a term shall be filled in the manner of the original appointment for the remainder of the unexpired term.

D. Members are eligible for reappointment.

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 360

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

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

HOUSE BILL NO. 56
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.

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. 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 electors 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

HOUSE BILL NO. 169
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 the powers and duties of public school governing authorities; to require public schools and school districts to establish carpool and bus line safety policies; to provide for applicability to nonpublic schools; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:81(CC), 158(K), and 3996(B)(75) are hereby enacted to read as follows:

§81. General powers of local public school boards

CC. Each public school governing authority shall establish a policy that includes the following procedures for carpool and bus lines at any school that includes any of the grades kindergarten through five:

(1) Students shall remain a safe distance from the pick up area behind something material or immaterial intended to block passage, as deemed appropriate for the particular school building.

(2) Students shall wait in the pick up area and wait for vehicles to come to a complete stop.

(3) A student being dropped off shall remain in the appropriate passenger

* As it appears in the enrolled bill

restraint until the vehicle in which he is a passenger comes to a complete stop.

(4) A student in grades kindergarten through three shall be accompanied by a school employee while he is walking to and from a pick up area.

(5) School administrators shall post signage regarding the carpool and bus line policy.

* * *

§158. School buses for transportation of students; employment of bus operators; alternative means of transportation; improvement of school bus turnarounds; loading and unloading students

* * *

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 city, 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 established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

* * *

(75) Carpool and bus line policies, R.S. 17:81(CC).

* * *

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. 363

HOUSE BILL NO. 181
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.

Be it enacted by the Legislature of Louisiana:

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.

(c) Except as provided in Paragraph (7) of this Subsection, if the actual examination by the psychiatrist referred to provided for in Paragraph (B)(1) of this Section is conducted by telemedicine, utilizing telehealth, the seventy-two-hour independent examination by the coroner or his deputy shall be conducted in person.

* * *

J.

* * *

(3) In any instance where the coroner or his deputy executes the first emergency certificate, the second emergency certificate shall not be executed by the coroner or his deputy, but the second emergency certificate may be executed by any other physician including a physician at the treatment facility. However, if the first examination by the coroner is conducted by a psychiatrist utilizing video conferencing technology, the second examination shall be conducted in person.

* * *

Approved by the Governor, June 14, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 364

HOUSE BILL NO. 183

BY REPRESENTATIVES FIRMENT AND GAROFALO
AN ACT

To enact R.S. 22:1274 and to repeal R.S. 37:2159.1(7), relative to the assignment of benefits; to provide a definition for an assignment agreement; to prohibit the assignment of certain benefits; to provide for enforceability; to provide for penalties; to provide for exceptions; to repeal relative to the assignment of benefits with respect to home improvement contracting; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1274 is hereby enacted to read as follows:

§1274. Assignment of benefits; prohibited

A. For the purposes of this Section, "assignment agreement" means any instrument by which post-loss benefits under a residential or commercial property insurance policy, including but not limited to any right of action against the insurer or any proceeds acquired from the insurer, are assigned, transferred, or acquired in any other manner, in whole or in part, to or from a person providing services, including but not limited to inspecting, protecting, repairing, restoring, or replacing the property or mitigating against further damage to the property.

B.(1) 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.

(2) The provisions of Paragraph (1) of this Subsection do not apply to any of the following:

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

(b) 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. 22:1969.

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. 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:

§351. Limitation on size of containers of beverages of high alcoholic content; standards of fill

Except for wines, no manufacturer or wholesaler in this state shall have in his possession any beverages of high alcoholic content outside of his bonded stockroom unless they are in containers of no greater capacity than one and seventy-five one hundredths liters. The standards of fill shall be the following:

(1)(a) All distilled spirits sold in or shipped into this state shall be in the following containers: One and seventy-five hundredths liters, one liter, seven hundred fifty milliliters, seven hundred milliliters, five hundred milliliters, three hundred seventy-five milliliters, two hundred milliliters, and fifty milliliters.

* * *

(c) If any supplier offers for sale in this state a particular product of a distilled spirit in a seven hundred fifty milliliter container, such particular product of distilled spirit shall not also be offered for sale in a seven hundred milliliter container at the same time, provided the supplier is given time to fully transition.

* * *

(3)(a) Distilled spirits, whether domestically bottled or imported, subject to the metric standard of fill prescribed in Paragraph (1) of this Section shall be packed with the following number of containers per shipping case or container:

Container sizes	Containers per case
1.75 liters	6
1.00 liters	12
750 milliliters	12
<u>700 milliliters</u>	<u>12</u>
375 milliliters	24

* As it appears in the enrolled bill

355 milliliters	24
200 milliliters	48
100 milliliters	48
50 milliliters	60
50 milliliters	120

* * *

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. 366

HOUSE BILL NO. 250
BY REPRESENTATIVE BISHOP
AN ACT

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:

§1907. Salaries

A.(1) Notwithstanding any other provision of law to the contrary, except the provisions of Subsections H, I, J, and K through M of this Section, in the performance of all duties required of them by law, the assessors of the various parishes shall receive an annual compensation, to be paid monthly on their own warrant, based on the applicable population of the respective parishes, not to exceed the compensation schedule provided for in this Paragraph according to the latest decennial United States Census or the population estimates published pursuant to the United States Bureau of the Census Federal State Cooperative Program for Population Estimates.

Population	Compensation
(a) Greater than 250,000	\$108,290
(b) 50,001 to 249,999	\$98,290
(c) 50,000 or less	\$88,290

* * *

L. In addition to all other forms of compensation which are authorized for assessors under the provisions of this Section, an assessor may increase his annual compensation by an amount not to exceed five percent in calendar year 2023.

M.(1) In addition to all other forms of compensation which are authorized for assessors under the provisions of this Section, an assessor may increase his annual compensation by an amount not to exceed five percent for the term beginning after December 31, 2024.

(2) The additional compensation authorized pursuant to the provisions of this Subsection shall become effective if the assessor publishes notice of his intent to increase his compensation on two separate days in the official journal of the parish in which the assessor's office is situated. The last day of publication of the notice shall be at least thirty days prior to the date the assessor increases his compensation.

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 14, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 367

HOUSE BILL NO. 291
BY REPRESENTATIVES CHARLES OWEN, AMEDEE, BACALA, BEAULLIEU, BISHOP, BUTLER, CARRIER, COUSSAN, CREWS, ECHOLS, EDMONDS, EDMONSTON, EMERSON, FIRMENT, FISHER, FRIEMAN, GOUDEAU, HARRIS, HODGES, HORTON, MIKE JOHNSON, MCCORMICK, MCFARLAND, MOORE, ORGERON, ROMERO, SCHAMERHORN, SEABAUGH, AND WRIGHT AND SENATORS ABRAHAM, BARROW, BERNARD, BOUDREAUX, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FOIL, HENRY, JACKSON, KLEINPETER, MCMATH, MILLIGAN, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, REESE, SMITH, STINE, TALBOT, TARVER, AND WOMACK
AN ACT

To amend and reenact R.S. 40:2005.1(B)(2)(a), 2009.4(A)(7)(b), 2166.5(B)(12)

(b), 2180.2(11)(a)(ii) and (iii), and 2184(2)(d) and to enact Part VI of Chapter 5-G of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.51 through 1300.55, relative to minimum standards for visitation policies at certain healthcare facilities; to require in-person visitation under certain circumstances; to provide minimum requirements for in-person visits; to provide for certain physical contact; to require the provision of visitation policy information with applications for licensure, renewal of licensure, or change of ownership; to require publication of visitation policies; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2005.1(B)(2)(a), 2009.4(A)(7)(b), 2166.5(B)(12)(b), 2180.2(11)(a)(ii) and (iii), and 2184(2)(d) are hereby amended and reenacted and Part VI of Chapter 5-G of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1300.51 through 1300.55, is hereby enacted to read as follows:

PART VI. NO PATIENT LEFT ALONE LAW

§1300.51. Short title

This Part shall be known and may be cited as the “No Patient Left Alone Law”.

§1300.52. Legislative findings

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 not able to adequately process the 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 focused 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.

(2) Hospitals as defined in R.S. 40:2102.

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

(4) Nursing homes as defined in R.S. 40:2009.2.

§1300.54. 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.(1) 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 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

B.

* * *
(2)(a) The rules shall include but not be limited to definitions, minimum requirements including the right to consensual nonsexual physical contact such as hand holding or hugging, and provisions to protect the health, safety, and welfare of the patients or residents and the staff of the inpatient healthcare facility. 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:

(7)

* * *
(b) The rules shall include but not be limited to definitions, minimum requirements including the right to consensual nonsexual physical contact such as hand holding or hugging, restrictions, and provisions to protect the health, safety, and welfare of the residents and the staff of the licensed nursing facility. 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:

(12)

* * *
(b) The rules shall include but not be limited to definitions, minimum requirements including the right to consensual nonsexual physical contact such as hand holding or hugging, restrictions, and provisions to protect the health, safety, and welfare of the residents and the staff of the licensed adult residential care provider. However, the rules may not require visitors to submit proof of any vaccination or immunization.

* * *
§2180.2. Promulgation of rules

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

* * *
(11)(a) Provisions to allow any close family member of a resident of an ICF/DD to visit the resident during any state of public health emergency declared in accordance with R.S. 29:766 or to address the infectious respiratory disease known as COVID-19. The rules shall include but not be limited to the following:

* * *
(ii) 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.

(iii) 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. Rules, regulations, and standards for licenses

The administration of this Part is vested in the Louisiana Department of Health. The department shall:

* * *
(2) Promulgate rules and regulations to carry out the provisions of this Part in accordance with the Administrative Procedure Act. The rules shall include but not be limited to the following:

* * *
(d) Standards for inpatient facilities, including minimum requirements for visitation. The rules shall include the right to consensual nonsexual physical contact, such as hand holding or hugging, between a patient and his visitor.

Section 2. The visitation provisions required by R.S. 40:1300.51 through 40:1300.55, as enacted by Section 1 of this Act, shall be established by each facility by August 31, 2023.

Approved by the Governor, June 14, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 368

HOUSE BILL NO. 339
BY REPRESENTATIVE GREGORY MILLER
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 ~~grants a motion for~~ renders summary judgment in accordance with the provisions of this Article; that a party or ~~non-party nonparty~~ 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 ~~non-party nonparty~~ 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~~ nonparty except that evidence may be admitted to establish the fault of a principal when the party or nonparty acted pursuant to a mandate or procuracy. 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's nonparty's~~ 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 nonparty's principal. This 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, ~~a or employed by one of the following:~~

(1) ~~A~~ A clinic operated by a licensed health care provider;

(2) ~~a~~ 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~~ 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~~ 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

ACT No. 370

HOUSE BILL NO. 462
BY REPRESENTATIVES EDMONDS, AMEDEE, CARRIER, WILFORD
CARTER, DEVILLIER, EMERSON, FISHER, FREEMAN, FREIBERG,
GAROFALO, HARRIS, HUGHES, JEFFERSON, MIGUEZ, CHARLES
OWEN, SCHAMERHORN, SCHLEGEL, AND ST. BLANC
AN ACT

To enact R.S. 17:88.1 and 3996(B)(75), relative to public school governing authority fiscal information; to require each public school governing authority to post certain fiscal information on its website; to provide deadlines; to require the treasurer to post certain fiscal information relative to public school governing authorities on the website of the Department of the Treasury; to provide relative to charter schools; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The legislature finds that public school governing authorities play a critical role in financial oversight of public schools and school districts; that taxpayers should have easy access to details regarding how public schools are spending public funds; that easy access to electronic financial data increases transparency in public school financial matters and increases community and parent involvement; and that the availability of certain fiscal information online would make it possible for citizens to accurately compare school budgets in both traditional public schools and public charter schools.

Section 2. R.S. 17:88.1 and 3996(B)(75) are hereby enacted to read as follows:

§88.1. Posting of public school governing authority fiscal information

A. No later than September thirtieth each year, each public school governing authority shall post on its website its most recent budget and general summary required pursuant to R.S. 17:88.

B. Within thirty days of notice of the approval and acceptance by the legislative auditor each year, each public school governing authority shall post on its website its most recent annual independent audit.

C. For the fiscal year that begins July 1, 2024, and for each fiscal year thereafter, each public school governing authority shall post on its website semiannual reports detailing actual revenue, receipts, expenditures, and disbursements as further provided in this Subsection. Each report shall also include information concerning the governing authority's contracts for each quarter, including without limitation the identity of each vendor, the purpose of each contract, and payments associated with each contract. The report for the period from July first through December thirty-first shall be posted no later than March thirty-first; the report for the period from January first through June thirtieth shall be posted no later than September thirtieth.

D. Each public school governing authority shall furnish to the Department of Treasury, subject to the deadlines and in a manner jointly prescribed by the treasurer and state superintendent of education based on consultation with school business managers, the information posted by the governing authority pursuant to the provisions of this Section. The agencies shall jointly develop a template for the submission of any required information not already in the possession of the state Department of Education that minimizes administrative burden on school governing authorities. The treasurer shall post the information on the website of the Department of the Treasury. Subject to the availability of funds, the Department of the Treasury shall provide an online tool for comparison of public school governing authority budgets and expenditures, in total and on a per-pupil basis.

E. For purposes of this Section, "contract" means all types of agreements, regardless of what an agreement may be called, of a public school governing authority, including orders, grants, and documents purporting to represent grants which are for the purchase or disposal of supplies, services, major repairs, or any other item. "Contract" includes to the extent applicable awards and notices of award, contracts of a fixed-price, cost, cost-plus-a-fixed-fee, or incentive type; contracts providing for the issuance of job or task orders; leases; letter contracts; purchase orders; memoranda of understanding; cooperative endeavor agreements; and personal, professional, consulting, and social services contracts.

F. The provisions of this Section shall be effective only in years in which the legislature provides funding by a specific appropriation.

* * *

§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 established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

* * *

(75) Posting of public school governing authority fiscal information, R.S. 17:88.1.

* * *

Approved by the Governor, June 14, 2023.

A true copy:

R. Kyle Ardoin

ACT No. 371

HOUSE BILL NO. 472

BY REPRESENTATIVES MINCEY, BACALA, COX, FREIBERG, GREEN,
HUGHES, IVEY, JEFFERSON, MIKE JOHNSON, MARCELLE, STAGNI,
AND THOMPSON AND SENATOR PEACOCK

AN ACT

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.

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. 17:8.1(E).

Approved by the Governor, June 14, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 372

HOUSE BILL NO. 533

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.

Be 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 The governor shall appoint, in accordance with the provisions of R.S. 38:304 one person from each of the parishes embraced by the district 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, confirmed by the Senate, shall be a minority.

(3) 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).

(4) 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 within thirty days 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.

(5) 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 of the board shall 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) Adoption of motion or resolution.

(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 developments or improvements of property.

(h) Appointment of interim members.

(6)(a) Effective June 1, 2024, and notwithstanding the provisions of R.S. 38:304(C), 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).

(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.

(2) 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 executive director is expected to carry out the policies of the board, without interference, including the following responsibilities:

(a) The administration of such policies and projects of the board as directed and delegated by the president.

(b) The supervision of all of the daily operations of the levee district and to make recommendations to the president regarding the efficient and effective operation of the levee district.

(c) The provision of all applicable notice of all meetings of the board and committees, and all other applicable notice required by law or rule.

(d) The preparation of agendas, in connection with the board secretary, for regular and special meetings of the board.

(e) The preparation of annual and interim operating budgets and provision of reports to the board on the status of operational expenditures.

(f) The promotion and coordination of all safety training programs for board staff, including overseeing the safe operation of all district equipment and facilities.

(g) The preparation and update of the emergency procedures manual required by R.S. 38:319.

(h) The review of permit requests and the issuance of such permits that meet applicable criteria, if the executive director submits permit requests for board approval that he deems merits the board's attention or that received a negative response from either the United States Army Corps of Engineers or the Department of Transportation and Development.

(i) The responsibility to act as the board's liaison with other governmental agencies with respect to day-to-day operations of the district.

(j) The performance of such additional duties as directed by the president or the board, within the scope of his responsibility.

(3) Oversight and monitoring shall be conducted at board meetings. Individual board members shall not interfere in the daily operations or duties of the executive director. This provision shall not apply to actions taken by the board in its entirety by vote at a duly convened meeting.

D. No member of the board, nor the board in its entirety, shall use, occupy, obligate, or donate the resources, funds, equipment, or labor of the district for uses inconsistent with the Code of Governmental Ethics or inconsistent with the mission of the district.

E. At the beginning of a term, each board member shall receive a minimum

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 of commissioners of the Red River, Atchafalaya, and Bayou Boeuf Levee District, 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 catalytic converter transfers; to provide for definitions; to provide for license requirements; to provide for notice to an applicant; to provide for procedures for a denial, 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; to provide for certain penalties and fines; to provide for 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. 37:1893.1 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" is means a person licensed by the commission to buy purchase or sell used or detached catalytic converters 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 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 either of the following:

(a) An occupational license from a local government if an occupational license is required in the jurisdiction where the business is conducted.

(b) A transient merchant license pursuant to R.S. 37:1902.
(2) Any person desiring a license as a catalytic converter purchaser dealer shall make an application in writing, specifying the address of the building where the business is to be carried on. A license issued pursuant to this Part shall be valid for two years.

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 converters in this state without first obtaining a license as required by this Section unless the person acquired the catalytic converter 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 converters pursuant to this Section shall obtain and hold a current license to engage in the business of purchasing or selling used or detached catalytic converters.

C.(1) The commission shall create a form to be used as an application for licensure as a purchaser of used catalytic converter dealers 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 that changes 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 or shall be in violation of this Section Part.

(e) Any licensee ceasing that ceases to maintain its business locations shall surrender its 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.

* * *

E. The commission shall may promulgate rules to implement the provisions of this Section.

§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. The commission may revoke or suspend a license, issue a fine or penalty, or enjoin a catalytic converter dealer for any of the following reasons:

(1) Changing conditions after the license has been granted resulting in failure to maintain the qualifications for licensure.

(2) Committing a fraudulent act in selling, purchasing, or dealing in catalytic converters.

(3) Engaging in his business in such a manner as to cause injury to the public or those with whom he is dealing.

(4) Violating any provision of this Part or any rule or regulation adopted by the commission, or any provision of law not administered by the commission.

C. In the performance of its duties in accordance with this Part, the commission may obtain from the Department of Public Safety and Corrections and other governmental agencies information relating to the criminal records of applicants for licensure pursuant to this Part.

§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.

(2) An applicant whose application has been denied may request in writing a review of the denial by the commission within thirty days from receipt of the denial.

C.(1) The commission shall hear all denials upon reasonable notice to the applicant.

(2) An applicant who requests a review of the denial of his application shall provide either written or oral support for his request. Without such support, the request for review shall be denied.

(3) The commission shall either affirm or reverse the denial following the review of the denial.

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. 37:1893.3.

§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.

(2) 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.

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

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

(5) 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 complainant by United States 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

fees in accordance with R.S. 13:3661, as well as the estimated cost to be incurred in the delivery of the subpoenas.

(2) 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.(1) The commission may impose sanctions including restrictions on a license, revocation or suspension of a license, civil fines, restitution or injunction, 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 within three months of the hearing decision. The commission may also enter into 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)(3) 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.

(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. A person who 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 institution 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.(1) If it appears to the commission at any time that a person is violating the provisions of this Part or any rule or order of the commission issued pursuant to this Part, it shall notify the person engaged in such conduct to appear and show cause why a cease and desist order shall not be issued prohibiting the proscribed conduct. An interlocutory cease and desist order may be granted with or without bond or other undertaking if any of the following conditions exists:

(a) Such an order is necessary for the performance of the duties delegated to the commission by this Part or is otherwise necessary or convenient to maintaining the status quo between two or more adverse parties before the commission.

(b) A party before the commission is entitled to relief demanded of the commission, and all or part of the relief requires the restraint of some act prejudicial to the party.

(c) A person is performing or is about to perform or is procuring or allowing the performance of an act relating to the subject of a contested case pending before the commission, and the act would tend to render the commission's order in that case ineffectual.

(d) Substantial injury to the rights of a person subject to the jurisdiction of the commission is threatened irrespective of any remedy at law.

(2) An interlocutory cease and desist order shall remain in effect until it is vacated or incorporated into a final commission order. A permanent cease and desist order may be issued without regard to the enumerations in Paragraph (1) of this Subsection but only in accordance with the provisions of this Part pertaining to the issuance of final commission orders.

(3) Appeal of an interlocutory cease and desist order shall be made to the commission prior to seeking judicial review in accordance with the provisions of this Part. Appeal of a permanent cease and desist order shall be conducted pursuant to the provisions of this Part pertaining to judicial review of final orders.

§1893.5. Civil penalties

A. A license shall not be granted to an applicant if the commission determines that an applicant is not qualified to receive a license. A license may be suspended or revoked or a civil penalty may be imposed by the commission if the commission determines that a licensee is guilty of violating any provisions of this Part or the rules and regulations of the commission. The commission may also impose a civil penalty against a person who is determined by the commission to have violated any of the provisions of this Part or the rules and regulations of the commission.

B.(1) No civil penalty imposed for a violation shall exceed two thousand dollars for each day such violation continues.

(2) On a second or subsequent violation, no civil penalty imposed shall exceed three thousand dollars for each day such second or subsequent violation continues. A lapse of at least one day following the first or previous violation shall occur to constitute a second or subsequent violation.

C. A civil penalty imposed by the commission may be suspended in whole or in part at the discretion of the commission.

D. Upon the failure of a person to timely pay a civil penalty imposed by the commission when civil penalty is due, the commission is entitled to recover

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 penalty.

§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. When a business location of a catalytic converter dealer is abandoned, the license of the dealer shall be revoked without a hearing if a request for a hearing on the revocation is not made within five business days following the posting of a notice on the front door of the abandoned business.

§1894. Exceptions

The provisions of this Part shall not apply to either of the following:

* * *

(2) A person possessing not more than ~~one~~ the used detached catalytic converter converters from one vehicle owned by the person if there is documentation to indicate how the detached catalytic converter was acquired.

§1895. Requirements of purchaser and seller; recordkeeping

A. Except as otherwise provided for in this Section, it is unlawful for any person not licensed as a dealer by the commission pursuant to this Chapter to possess, obtain, or otherwise acquire, transport, or sell more than ~~one~~ the used; or detached catalytic converter converters from one vehicle owned by the person or any nonferrous part of a catalytic converter without providing all of the following documentation to law enforcement upon request:

* * *

(7) The year, make, model, and vehicle identification number of the vehicle from which the catalytic converter was detached.

* * *

C. Any person who purchases a used; or detached catalytic converter shall obtain a signed statement from the seller prior to the purchase attesting that the catalytic converter has been paid for or is owned by the seller. A failure of the purchaser to obtain a statement from the seller shall be prima facie evidence of the fraudulent intent and guilty knowledge on the part of the purchaser within the meaning of this Part and shall be sufficient to warrant a conviction. A purchaser who obtains the required statement from the seller shall be exonerated from any fraudulent, willful, or criminal knowledge within the meaning of this Chapter.

* * *

§1896. Failure to comply; criminal penalty

A. Anyone acting as an unlicensed catalytic converter purchaser or seller, who obtains, possesses, acquires, or transports used or detached catalytic converters or who provides false, fraudulent, altered, or counterfeit information or documentation in violation of the provisions of this Part shall be fined not less than five hundred dollars and be imprisoned not less than thirty days nor more than sixty days per violation as provided for in Subsection D of this Section.

* * *

D.(1) Each unlawfully obtained, possessed, or transported used; or detached catalytic converter is a separate violation that subjects the individual or entity to a separate charge.

(2) Each fraudulent, altered, or counterfeit information or documentation is a separate violation that subjects the individual or entity to a separate charge.

(3) Upon conviction, the court may order the individual or entity to pay restitution for the value of the repair and replacement of the catalytic converter or be held liable as otherwise provided by law.

Approved by the Governor, June 14, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 374

HOUSE BILL NO. 556

BY REPRESENTATIVES DAUIS, CARRIER, EDMONDS, EDMONSTON,
GAROFALO, HORTON, KNOX, MCKNIGHT, MCMAHEN, GREGORY
MILLER, RISER, SCHLEGEL, SEABAUGH, STEFANSKI, THOMPSON,
AND VILLIO
AN ACT

To amend and reenact R.S. 14:110.2(B) and to enact R.S. 15:571.36(A)(8) through (11), (B), (C), and (D) and 835, relative to electronic monitoring equipment; to require the Department of Public Safety and Corrections to develop additional policies and procedures relative to electronic monitoring equipment; to provide for a reporting requirement; to provide for penalties; to provide relative to the imposition of electronic monitoring; to provide for registration; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:110.2(B) is hereby amended and reenacted to read as follows:

§110.2. Tampering with electronic monitoring equipment

* * *

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 involved 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 undertaking for a felony crime of violence enumerated 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 probation, parole, or suspension of sentence. Section 2. R.S. 15:571.36(A)(8) through (11), (B), (C), and (D) and 835 are hereby enacted to read as follows:

§571.36. Electronic monitoring equipment

A. The Department of Public Safety and Corrections, corrections services, the office of state police, and the Louisiana Commission on Law Enforcement and Administration of Criminal Justice shall develop written policies and procedures in the manner provided in the Administrative Procedure Act for the promulgation of rules governing mandatory requirements for electronic monitoring service providers, including governing the availability, storage, and use of, and operational capacity for electronic monitoring equipment; utilized for pre-trial, post-conviction, or monitoring, which shall include all of the following requirements:

* * *

(8) Location accuracy of a monitored individual for all of the following:

(a) The indoor location of a monitored individual.

(b) The outdoor location of a monitored individual.

(c) On-demand location, which is the most recent location of a monitored individual, and the ability to provide this location accuracy within three minutes of a request.

(9) Development of zoning capabilities for both of the following:

(a) Inclusion zones, which are geographic areas where a monitored individual is scheduled to be.

(b) Exclusion zones, which are geographic areas where a monitored individual is not permitted to visit.

(10) Alert notifications from the applicable local, municipal, and parish authorities and the office of technology services to an authorizing judge or law enforcement agency for all of the following:

(a) The tampering of the electronic monitoring equipment and the ability to provide an alert of this violation within three minutes of the violation.

(b) The presence of the electronic monitoring equipment in an exclusion zone and the ability to provide an alert of this violation within four minutes of the violation.

(c) Low battery alert prior to the complete discharge of the battery within the electronic monitoring equipment.

(11) Simultaneous access to an authorizing judge or law enforcement agency for all monitoring records of an electronic monitoring provider.

B.(1) When an individual has been placed under electronic monitoring, the provider of the electronic monitoring service shall, by noon of the following day, provide law enforcement agencies within the appropriate jurisdiction all of the following information:

(a) The name and any aliases used by the monitored individual.

(b) The physical address or addresses of residence of the monitored individual.

(c) The name and physical address of place of employment. If the monitored individual does not have a fixed place of employment, he shall provide information with as much specificity as possible regarding the places where he works, including but not limited to travel routes used by the monitored offender.

(d) The pending criminal charges against the monitored individual.

(e) The reason why the monitored individual has been placed under electronic monitoring.

(2) After an individual has been placed under electronic monitoring, the court exercising jurisdiction over the monitored individual shall report the information provided in Paragraph (1) of this Subsection to all law enforcement agencies within its jurisdiction.

C.(1) Any provider of an electronic monitoring service who intentionally withholds or intentionally fails to timely report information as required by this Section shall be subject to a civil fine of not more than one thousand dollars and shall be prohibited from registering to provide electronic monitoring services in this state for a period of five years.

(2) The attorney general shall have the authority to pursue the civil fine imposed pursuant to this Subsection and may institute any civil action to prohibit any violator of this Subsection from providing or registering to provide electronic monitoring services in this state for a period of five years.

D. The Integrated Criminal Justice Information System Policy Board, in consultation with the Department of Public Safety and Corrections, corrections services, the office of state police, the office of the attorney general, the office of information and technology systems, and the Louisiana Commission on Law Enforcement and Administration of Criminal Justice shall evaluate the feasibility of all of the following:

(1) Development of a statewide system for the use of global position system monitoring and other electronic methods of monitoring as an alternative to incarceration for persons who have been arrested, who are awaiting trial, or who have been convicted.

(2) Development of guidelines and criteria for contracts between a local

government and a person or entity that provides electronic monitoring services.

(3) Development and maintenance of a centralized registry that can assist the state in the collection of the following data:

(a) The number of persons who are electronically monitored by jurisdiction.

(b) The number of violations that occur within each jurisdiction.

* * *

§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 criteria provided in R.S. 15:571.36 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 Subsection A of this Section. The application for registration shall be submitted on forms provided by the department and shall contain all 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

ACT No. 375

HOUSE BILL NO. 558
BY REPRESENTATIVE BEAULLIEU
AN ACT

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(I)(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 impose a fee on certain collectors; to provide for notice requirements for certain changes in tax, interest, and penalty rates; to require certain collectors to submit certain information to the Louisiana Uniform Local Sales Tax Board; to authorize the Louisiana Sales and Use Tax Commission for Remote Sellers to deduct the amount of unpaid fees from a collector's monthly distribution under certain circumstances; to provide for the responsibilities of the Department of Revenue with respect to the collection and remittance of sales and use taxes; to provide relative to the Uniform Electronic Local Return and Remittance Advisory Committee; to require the board to manage and maintain a uniform electronic local return and remittance system; to require the board to design and implement a single remittance system for state and local sales and use taxes; to provide for the operation of the single remittance system; to provide for requirements and limitations; to provide for the funding of certain technology and programs; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:337.5, 337.23, 337.102(C) and (I)(1) and (2)(a), and 340(E)(2) are hereby amended and reenacted and R.S. 47:337.102(I)(4) is hereby enacted to read as follows: §337.5. Local sales and use taxes effective date

A.(1) ~~No political subdivision shall impose or increase a sale and use tax unless that tax or increase The tax, interest, or penalty rates in a taxing jurisdiction, as established pursuant to R.S. 47:337.4, shall not be changed unless the change has an effective date of the first of January, the first of April, the first of July, or the first of October, and the secretary Louisiana Uniform Local Sales Tax Board and the Uniform Electronic Local Return and Remittance Advisory Committee have been notified in advance as provided for in R.S. 47:337.23. For purposes of this Section, a tax rate change shall include any of the following:~~

(a) A rate change due to the levy of a new tax.

(b) The change in a rate for an existing tax.

(c) A rate change due to an annexation or other boundary modification by the taxing authority.

(d) A rate change caused by the execution or expiration of a cooperative endeavor agreement to which the taxing authority is a party.

(e) Implementation, amendment, or repeal of an optional sales tax exemption or exclusion.

(2) Except for the notice to the secretary Louisiana Uniform Local Sales Tax Board and the advisory committee, the provisions of this Section shall not apply to the renewal of an existing sales tax.

B. A taxing authority shall notify the appropriate single collector for the parish no less than sixty days prior to the date a change in a tax, interest, or penalty rate becomes effective. However, the single collector for the parish may authorize a shorter time for a taxing authority to provide the notice required pursuant to the provisions of this Subsection. Failure or refusal of a taxing authority to provide timely notice to the single collector for a parish in accordance with the requirements of this Subsection 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.

§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 with a simple, efficient, and cost-effective means of transmitting accurate sales and use tax returns and remittances to political subdivisions of the state from a central site in the quickest manner possible.

(2) ~~Notwithstanding any other law to the contrary, beginning on the date provided for in Subsection H of this Section, but no later than January 1, 2005, a~~ taxpayer may file a sales and use tax return of a taxing authority and remit any tax, interest, penalty, or other charge due by means of the uniform electronic local return and remittance system provided for in this Section unless insufficient funds are appropriated to fund the system ~~as provided for in Subsection J of this Section.~~

B.(1) The system by which such taxpayers file electronically and pay their taxes and by which the information provided for in Subsection F ~~H~~ of this Section is to be posted on the internet shall be ~~established, managed, maintained, and supervised by the secretary of the Department of Revenue~~ Louisiana Uniform Local Sales Tax Board, hereinafter referred to in this Section as the "board". The Uniform Electronic Local Return and Remittance Advisory Committee shall provide advice and may make enforceable recommendations to the ~~secretary board~~ for his consideration with regard to the design, implementation, ~~and operation, and maintenance~~ of the system in the manner provided for by this Section. The advisory committee is hereby created ~~within the Department of Revenue under the jurisdiction of the board~~ and shall be composed of the following members:

(a) The secretary of the Department of Revenue or his designee.

(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 member appointed by the governor from a list of three names provided to him by the ~~Louisiana Society of Certified Public Accountants Society of Louisiana Certified Public Accountants~~, to serve at the pleasure of the governor.

(d) ~~The Two members who shall each be the head of a collector's office, appointed by the Louisiana Uniform Local Sales Tax Board board from a list of three~~ six names provided by the board of directors of the Louisiana Association of Tax Administrators, to serve for a three-year term.

(e) 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. The member shall 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 by the Louisiana Association of Business and Industry. The member shall serve at the pleasure of the governor.~~

(2) Each appointment by the governor shall be submitted to the Senate for confirmation. All vacancies shall be filled in the same manner that is provided for the original member.

(3) The members of the advisory committee shall serve without additional compensation except for their 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.

(4) Meetings shall be called by the chair at a time and place to be selected by the chair, or at a time and place provided for upon the written request of three 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.

(5)(a) If at any time the advisory committee believes the ~~secretary board~~ has taken action contrary to the advice or recommendation of the committee, it may make a written request to the ~~secretary board~~ specifying the advice or recommendation, the action which the committee believes the ~~secretary board~~ has taken, and asking ~~him~~ the board to provide written reasons for ~~such the~~ action. The ~~secretary~~ the chairman of the board shall provide a written answer to the chairman of the committee within fifteen days or ~~such a~~ longer time as the committee ~~shall allow~~ allows.

(b) If, after receiving and considering the written answer of the ~~secretary board~~, the committee believes it unsatisfactory, the committee may make a written request to the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means specifying the recommendation and asking the committees to make it an enforceable recommendation.

(c)(i) The request of the advisory committee shall be considered as a proposed rule or regulation of the ~~Department of Revenue board~~ and shall be subjected to the same oversight procedure ~~as is set forth provided for in the Administrative Procedure Act for such rules and regulations~~, except for the need for publication.

(ii) Notwithstanding any other law to the contrary, if the oversight procedure under the Administrative Procedure Act results in approval of the advisory committee's request to make its recommendation an enforceable recommendation, then the advisory committee's recommendation shall be followed by the ~~secretary board~~.

C. The uniform electronic local return and remittance system and the posting of the information required by Subsection F ~~H~~ of this Section shall be ~~established, managed, maintained, and supervised by the secretary 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 rate of the taxing authority's tax.

(ii) The vendor's compensation allowed.

(iii) Optional exclusions or exemptions allowed by state sales and use tax law, adopted by the a local ordinance pursuant to such state law.

(iv) Exclusions and exemptions in the local ordinance which were adopted prior to July 1, 2003, pursuant to state law authorizing ~~such its~~ adoption, but not allowed as an exclusion or exemption from state sales and use tax.

(v) Exclusions and exemptions adopted by local ordinance pursuant to legislation enacted under 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.

(vi) ~~Penalty, Penalties and interest, or attorney fees~~ due on the sales and use tax. The amount of ~~such penalty, penalties and interest, and attorney fees~~, shall be limited as provided by law, including relevant jurisprudence, until ~~such the~~ statute or jurisprudence is changed.

(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 accessed by taxpayers and collectors.~~

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

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

D.(1) Each collector shall provide to the ~~secretary board~~ and the advisory committee within ninety days of its written request, or ~~such other time as may be allowed by the advisory committee, the information necessary to design and implement~~ maintain the system provided for in this Section. Each collector shall follow the data validation procedures ~~established~~ recommended by the advisory committee ~~and adopted by the board~~. If the collector fails or refuses to timely provide ~~such the required~~ information, the ~~secretary board~~ and the advisory committee shall design and implement the system from the best information available to them. A collector's failure or refusal to provide the requested information as required in this Paragraph 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) Each collector shall provide written notification to the ~~secretary board~~ 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 taxpayer may rely on the information on the uniform electronic local return and remittance system and ~~such the~~ reliance shall be an absolute defense against any claim for a taxing authority's sales and use tax.

F.(1) It shall be the duty of the ~~state through the Department of Revenue board~~, with the advice of the advisory committee, to design, implement, maintain and operate the system required by this Section and to provide the staff and equipment necessary to receive and transmit to the collectors the electronic returns and funds.

(2)(a) 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 board~~ 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 comply with the provisions of 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 to be distributed by the collector in the manner provided by local ordinances and shall not in any way be considered 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, the 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~~

determines such system is ready, but no later than January 1, 2005.

(2) However, the system shall not become operative until all of the following occurs:

(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)(b).~~

(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.~~

I. (1)(a) In addition to the uniform electronic local return and remittance system provided for in this Section, a link shall be created on the Department of Revenue's board's web site to a web page where the following information provided by the collectors shall be posted:

(i) ~~A list of Applicable tax rates.~~

(ii) ~~A list of the Applicable optional exemptions enacted by a tax authority as provided for in R.S. 47:337.10.~~

(b) ~~The secretary board and the advisory committee shall be notified of any changes in such the information as provided for in Subsection D of this Section; and R.S. 47:337.5. 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 Paragraph 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 as 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 and such this reliance shall be an absolute defense against any claim for a taxing authority's sales and use tax.

J. ~~If the secretary of the Department of Revenue and the commissioner of administration certify 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 system provided for in this Section for the fiscal year, or that insufficient funds were appropriated in such line item, then such electronic filing 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.~~

K. I.(1) ~~Beginning January 1, 2015, the~~ The collector for each taxing authority may require the electronic filing and remittance of local sales and use tax by any taxpayer required to electronically file or electronically remit state sales and use tax by the Department of Revenue. If the local collector for a taxing authority chooses the option of requiring the electronic filing and remittance of local sales and use tax returns in accordance with the provisions of this Subsection, then all taxpayers required to collect and remit sales or use tax on taxable events occurring within the jurisdiction of the taxing authority who are required by the Department of Revenue to electronically file and remit such taxes shall file all applicable sales and use tax returns and remittances through the electronic filing options available for such those purposes; however, in cases where the taxpayer can show cause that the electronic filing of a return and remittance would create an undue hardship on the taxpayer, the collector for the taxing authority may exempt the taxpayer from the requirements of this Subsection.

(2) Failure of a taxpayer to comply with the electronic filing requirements set forth in this Subsection shall result in the collector for the taxing authority assessing a penalty of one hundred dollars or five percent of the tax owed on the return, whichever is greater; however, the total penalty per return shall not exceed five thousand dollars. The local collector for the taxing authority may waive remittance and payment of the penalty in whole or in part if the local collector determines that the failure to comply by the taxpayer was reasonable and was attributable, not to any negligence on the part of the taxpayer, but for a cause which is submitted to the local collector in writing.

* * *

§337.102. Louisiana Uniform Local Sales Tax Board; creation; membership; powers and duties

* * *

C. Powers and duties of the board. (1) The board may:

(1) (a) Support and advise local sales and use tax collectors concerning the imposition, collection, and administration of local sales and use taxes authorized under the constitution and laws of this state.

(2) (b) Promulgate rules and regulations in accordance with Part H of Chapter 2-D of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950.

(3) (c) Enter into agreements with local tax collectors.

(4) (d) Enter into contracts for the services of legal counsel, analysts, auditors, appraisers, and witnesses, as well as any agency or department of the state or any state or local political subdivision.

(5) (e) Issue policy advice on matters concerning the imposition, collection, and administration of local sales and use tax.

(6) (f) Prescribe uniform forms and model procedures to be used by local sales and use tax collectors.

(7) (g) Procure the development of computer software and equipment for

the collection and administration of local sales and use taxes.

(8) (h) Employ an executive director, and any necessary agents, assistants, auditors, clerks, inspectors, investigators, or other experts and employees.

(9) (i) Issue private letter rulings when requested pursuant to this Section as to the imposition, collection, and administration of local sales and use tax.

(10) (j) Hold an executive session pursuant to R.S. 42:16 for any of the reasons contained in R.S. 42:17 and for the discussion of matters involving confidential taxpayer information including policy advice, private letter rulings, multi-parish audits, or other matters. The records and files of the board held for the purpose of enforcement of the tax laws of this state and its political subdivisions shall be considered to be the files and records of a political subdivision of the state subject to the provisions of R.S. 47:1508 in the same manner as any other political subdivision enforcing tax laws related to sales and use taxes.

(k) Impose a fee on any local collector that does not have an executed agreement as provided for in Subparagraph (c) of this Paragraph in an amount equal to the pro-rata share of the total actual costs incurred by the board for the creation, implementation, and on-going maintenance and operation of the uniform local return and remittance system. The pro-rata fee owed by each local collector shall be based on the parish's share of the state's total population according to the most recent federal decennial census. The fee authorized in this Subparagraph shall be billed by the board to each collector not having an agreement as provided for in Subparagraph (c) of this Paragraph. If a collector does not pay the fee authorized pursuant to the provisions of this Subparagraph within thirty calendar days after imposition of the fee by the board, the board shall notify the Louisiana Sales and Use Tax Commission for Remote Sellers of the delinquency, and the Louisiana Sales and Use Tax Commission for Remote Sellers shall deduct the amount of the unpaid fee from the collector's next monthly distribution and remit the funds directly to the board.

(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. 47:337.23 by which taxpayers can electronically file and remit state and local sales and use taxes.

(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 or 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 posting of information required to be posted pursuant to the provisions of R.S. 47:337.23(H).

* * *

I. Funding. (1) Except as provided for in Paragraph (4) of this Subsection, the The board shall be funded through a dedication of a percentage of the total statewide collections of local sales and use tax on motor vehicles, 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 dedication 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 dedication shall be in addition to any fee imposed by the office of motor vehicles for the collection of the local sales and use tax on motor vehicles. The amount to be disbursed to the board in any fiscal year after Fiscal Year 2018-2019 shall not, under any circumstances and notwithstanding any budget adopted by the board, exceed three-tenths of one percent of the collections.

(2)(a) The actual 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 (1) of this Subsection. To accomplish this, by the first day of June each year the chairman of the board shall notify the commissioner of the office of motor vehicles regarding the amount to be disbursed to the board for the ensuing fiscal year; with the exception of Fiscal Year 2018, when the date for such notification shall be determined 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 funding it currently receives pursuant to the provisions of Paragraph (1) 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 any maintenance or modifications to the single remittance system requested by the state.

(b) The Department of Revenue shall continue to operate the electronic local return and remittance system used and administered by the department as of January 1, 2024, until the board certifies to the Department of Revenue that the uniform electronic local return and remittance system required in this Section is fully designed, implemented, and available for use by taxpayers. The uniform electronic local return and remittance system required in this Section shall be fully designed, implemented, and available

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 local 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.

* * *

§340. Louisiana Sales and Use Tax Commission for Remote Sellers; members; powers

* * *

E.

* * *

(2) The commission shall monthly remit monies, less any refunds, fees owed to the board pursuant to the provisions of R.S. 47:337.102(C)(1)(k), and amounts retained for expenses as defined in Paragraph (3) of this Subsection, to the appropriate state or local collector by electronic funds to the designated bank account of that state or local collector on or before the tenth business day of the month following the month of collection. Records of gross collections, refunds, and amounts retained for expenses shall be made accessible to the respective state or local collector on a monthly basis.

* * *

Section 2. This Act shall become effective on January 1, 2024.

Approved by the Governor, June 14, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 376

HOUSE BILL NO. 563

BY REPRESENTATIVES SCHEXNAYDER, HILFERTY, AND KNOX
AN ACT

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 create the Law Enforcement Recruitment Incentive Fund; 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
§1669. Law Enforcement Recruitment Incentive Program

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) "Law enforcement 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, 2023, 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 reimbursed by the officer who received 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)(2) of this Section.

(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) The treasurer shall send a determination letter to any 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 deputy sheriff shall be submitted by the sheriff of the respective parish to the Deputy Sheriff's Supplemental Pay Board for review and approval. The board shall submit the approved request to the state treasurer for payment. The treasurer shall remit payments from the fund for deputy sheriffs to the sheriff's office of the respective parish. The sheriff of each parish shall expend such funds solely for paying the incentive payment.

(2) Any request for an incentive payment for a municipal police officer shall be submitted by the chief of police of the respective municipality to the Supplemental Pay Board of Review for Municipal Police Officers for review and approval. The board shall submit the approved request to the state treasurer for payment. The treasurer shall remit payments from the fund for municipal police officers to the police department of the respective municipality. The chief of police of each municipality shall expend such funds solely for paying the incentive payment.

(3) Any request for an incentive payment for a law enforcement officer employed by the office of state police shall be submitted pursuant to rules promulgated by the State Police Commission. The treasurer shall remit payments from the fund for the officer to the office of state police. The office of state police shall expend such funds solely for paying the incentive payment.

(4) 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.

H. Payments shall be made on a first-come, first-served basis upon receipt of the approved request of any entity as provided for in Subsection G of this Section. Payments shall cease when all monies in the fund have been expended.

I. To the extent necessary, any local civil service system shall promulgate rules for the effective implementation of this Section within its jurisdiction.

J. The provisions of this Section shall terminate on July 1, 2025. Upon termination of the program, the treasurer is hereby authorized and directed to transfer any unexpended and unencumbered monies in the fund to 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

ACT No. 377

HOUSE BILL NO. 568
BY REPRESENTATIVE PHELPS
AN ACT

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 the 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 insured surrenders 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, provided immediate notice of the cancellation is given within one to five days before issuing the violation. In addition, 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 violation. The reinstatement fees for 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 notice, the total amount 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 true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 378

HOUSE BILL NO. 571

**BY REPRESENTATIVE SCHEXNAYDER
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 (1)(introductory paragraph) and (f) and (g), (E)(2), (F), (G), and (H) and to enact R.S. 30:6(H) and 149, the heading of Subpart A-4 of Part II of Chapter 2 of Subtitle I of Title 30 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, and R.S. 56:30.5, relative to carbon capture and sequestration; to provide for notice to parishes regarding certain well permit applications, State Mineral and Energy Board operating agreements, and geophysical surveys related to carbon dioxide sequestration; to provide for duties, obligations, and responsibilities for the transport and storage of carbon dioxide; to provide for the distribution of funds received by the state for the storage of carbon dioxide; to provide relative to certificates of completion of injection operations; to provide relative to release from liability; to provide relative to the Carbon Dioxide Geologic Storage Trust Fund; to provide for collections of fees for the fund; to provide for uses of the fund; to provide for recordation of notices of geologic storage agreements; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. 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 (1) (introductory paragraph) and (f) and (g), (E)(2), (F), (G), and (H) are hereby amended and reenacted and R.S. 30:6(H) and 149, the heading of Subpart A-4 of Part II of Chapter 2 of Subtitle I of Title 30 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; orders 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 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(B) 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.

C. Nothing in this Section shall impact existing constitutional or statutory dedications from funds collected by the office of mineral resources on behalf of a state department or an agency as defined in R.S. 30:151.

SUBPART A-~~3~~ A-4. LOUISIANA ROYALTY RELIEF
DRY HOLE CREDIT PROGRAM

* * *

§209. State Mineral and Energy Board; authority

In order to carry out the provisions of R.S. 30:208, the State Mineral and Energy Board may:

* * *

(4)

* * *

(e) Upon a two-thirds vote of the members of the State Mineral and Energy Board and after notification to the governing authority of the affected parish, which may be made by electronic mail to the parish president, police jury president, or mayor-president, depending on the form of parish government, and a public hearing conducted by a hearing officer appointed by the assistant secretary for the office of mineral resources in the each affected parish pursuant to R.S. 30:6, enter into operating agreements whereby the state receives a share of revenues from the storage of oil, natural gas, liquid or liquefied hydrocarbons, or carbon dioxide, in whole or in part, as may be agreed upon by the parties, and assumes all or a portion of the risk of the cost of the activity in those situations where the board determines it is in the best interest of the state either in equity or in the promotion of conservation to do so, such as but not limited to the following illustrations:

* * *

§209.2. 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 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(B) 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. C. Nothing in this Section shall impact existing constitutional or statutory dedications from funds collected by the office of mineral resources on behalf

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 used 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) Does a cost-benefit analysis of the environmental impact costs versus the social and economic benefits of the proposed activities demonstrate that the latter outweighs the former?

(3) Are there alternative activities which would offer more protection to the environment than the proposed activity without unduly curtailing non-environmental benefits?

(4) Are there alternative sites which would offer more protection to the environment than the proposed site without unduly curtailing non-environmental benefits?

(5) Are there mitigating measures which would offer more protection to the environment than the proposed activity without unduly curtailing non-environmental benefits?

§1105. Hearings; notice; rules of procedures; emergency; service of process; public records; request for hearings; orders and compliance orders

A. All public hearings under this Part Chapter 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 electronic mail to the parish president, 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 Notwithstanding any provision of this Chapter or any rule, regulation, or order issued by the commissioner under this Chapter to the contrary, accepting or acting pursuant to a certificate of public convenience and necessity or a certificate of completion of injection operations issued under this Chapter, compliance with the provisions of this Chapter, or with rules, regulations, or orders issued by the commissioner under this Chapter, or voluntarily performing any act or acts which could be required by the commissioner pursuant to this Chapter, or rules, regulations, or orders issued by the commissioner under this Chapter, shall not have the following consequences:

(1) Cause any storage operator or carbon dioxide transporter of carbon dioxide for storage to become, or be classified as, a common carrier or a public utility for any purpose whatsoever.

(2) Subject such storage operator or such carbon dioxide to storage transporter of carbon dioxide for storage to any duties, obligations, or liabilities as a common carrier or public utility, under the constitution and laws of this state.

(3) Increase the liability of any storage operator or carbon dioxide for storage transporter of carbon dioxide for storage for any taxes otherwise due to the state of Louisiana in the absence of any additions or amendments to any tax laws of this state.

§1107.1. Reporting; record keeping

A. The owner or operator of a permitted Class VI well shall provide quarterly reports to the commissioner containing, at a minimum, 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 front may endanger an underground source of drinking water.

(2) Noncompliance with a permit condition, or malfunction of the injection system, which may cause fluid migration into or between underground sources of drinking water.

(3) Failure to maintain mechanical integrity.

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) Ten Fifty years after cessation of injection into a storage facility, or any other time frame established on a site-specific basis by rule application of the rules regarding the time frame for a storage operator's post-injection site care and site closure plan, after cessation of injection into a storage facility, the commissioner shall issue a certificate of completion of injection

operations, upon a showing by the current storage operator ~~that the~~ of all of the following:

(a) The reservoir is reasonably expected to retain mechanical integrity, and the

(b) The carbon dioxide will reasonably remain emplaced, at which time,

(c) The storage facility does not pose an endangerment to underground sources of drinking water, or the health and safety of the public.

(d) The current storage operator has complied with all applicable regulations related to post-injection monitoring and the issuance of the certificate of completion of injection operations.

(e) The storage facility has been closed in accordance with all applicable regulations related to site closure.

(2) Upon issuance of the certificate of completion of injection operations, ownership to the remaining project including the stored carbon dioxide transfers to the state.

(3) Upon the issuance of the certificate of completion of injection operations, the storage operator, all generators of any injected carbon dioxide, all owners of carbon dioxide stored in the storage facility, and all owners otherwise having any interest in the storage facility, shall be released from any and all future duties or obligations under this Chapter and any and all liability associated with or related to that storage facility which arises after the issuance of the certificate of completion of injection operations. The release from duties or obligations under this Chapter shall not apply to a current or former owner or operator of a storage facility when such duties or obligations arise from that owner or operator's noncompliance with applicable underground injection control laws and regulations prior to issuance of the certificate of completion of injection operations.

(2) (4) Provided the provisions pertaining to site-specific trust accounts are not applicable, such release from liability will not apply to the owner or last 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.

(3) Such release from liability will (5) The release provided in Paragraphs (3) and (4) of this Subsection shall not apply to the any owner of a storage facility, any storage operator, any operator of a or operator of a storage facility, carbon dioxide transmission pipeline, or the any generator of the carbon dioxide being handled by either the storage facility or carbon dioxide transmission pipeline if it is demonstrated that any such owner, storage operator, operator, or generator intentionally and knowingly concealed or intentionally and knowingly misrepresented material facts related to the mechanical integrity of the storage facility or the chemical composition of any injected carbon dioxide. In addition, upon the issuance of the certificate of completion of injection operations, any performance bonds posted by the operator shall be released and continued monitoring of the site, including remediation of any well leakage, shall become the principal responsibility of the Carbon Dioxide Geologic Storage Trust Fund.

(4) (6) It is the intent of this Section that the state shall not assume or have any liability by the mere act of assuming ownership of a storage facility after issuance of a 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 that act with respect to the storage and sequestration of carbon dioxide, including but not limited to the state's authority to restrain any person from engaging in any unauthorized activity which is endangering or causing damage to public health or the environment.

§1110. Carbon Dioxide Geologic Storage Trust Fund

* * *

C. The commissioner is hereby authorized to levy on storage operators each storage facility the following fees or costs for the purpose of funding the fund:

(1) A fee payable to the office of conservation, in a form and schedule prescribed by the office of conservation, for each ton of carbon dioxide injected for storage into that storage facility. This fee is to be determined based upon the following formula:

* * *

(f) 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 caretaking of any completed that storage facility. The treasurer of the state of Louisiana secretary of the Department of Natural Resources shall certify, to the commissioner; the date on which the balance in the fund for a storage operator facility equals or exceeds five million dollars. The fund fees shall not be collected or required to be paid on or after the first day of the second month following the certification, except that the commissioner shall resume collecting the fees on receipt of a certification from the treasurer secretary of the Department of Natural Resources that, based on the expenditures or commitments to expend monies, the fund has fallen below four million dollars for the that storage operator facility. If at any time the balance in the trust fund exceeds an authorized amount determined by multiplying five million dollars by the number of active and completed storage facilities within the state, the collection of fees from the operators of storage facilities that have already contributed five million dollars to the trust fund will be suspended

until such time as the balance in the trust fund falls below such authorized amount, at which time they will be reinstated.

(g) Notwithstanding the total number of storage facilities owned or operated by a storage operator, once ten million dollars has been contributed to the fund by a storage operator, the fee assessment to that storage operator under this Section shall cease until such time as funds begin to be expended for any storage facility owned or operated by that storage operator. The secretary of the Department of Natural Resources shall certify to the commissioner the date on which the balance in the fund for a storage operator equals or exceeds ten million dollars. The fund fees shall not be collected or required to be paid on or after the first day of the second month following the certification, except that the commissioner shall resume collecting the fees upon receipt of a certification from the secretary of the Department of Natural Resources that, based on the expenditures or commitments to expend monies, the fund has fallen below eight million dollars for that storage operator.

(g) (h) At the end of each fiscal year, the fee may be redetermined by the commissioner based upon the estimated cost of administering and enforcing this Chapter for the upcoming year divided by the tonnage of carbon dioxide expected to be injected during the upcoming year. The total fee assessed shall be sufficient to assure a balance in the fund not to exceed five million dollars for any active storage facility within the state at the beginning of each fiscal year. Any amount received that exceeds the annual balance required shall be deposited in the fund, but appropriate credits shall be given against future fees or fees associated with other storage facilities operated by the same storage operator.

* * *

E. The fund shall be used solely for the following purposes:

* * *

(2) Remediation associated with, arising from, or related to the site, including remediation of property and of any mechanical problems associated with remaining wells and surface site infrastructure.

* * *

F. No additional purposes for use of the fund may be added unless approved by a two-thirds vote of the elected members of each house of the legislature.

F. G. The commissioner is authorized to enter into agreements and contracts and to expend money in the fund for the following purposes:

(1) To fund research and development in connection with carbon sequestration technology and methods.

(2) To monitor any remaining surface facilities and wells.

(3) To remediate any mechanical problems associated with remaining wells or site infrastructure, or any other remediation associated with, arising from, or related to the site, including remediation of property.

(4) To repair mechanical leaks at the storage facility.

(5) To contract with a private legal entity pursuant to this Chapter.

(6) To plug and abandon remaining wells except for those wells to be used as observation wells.

(7) To contract for professional services to assist with permit or application reviews.

G. H. The commissioner shall keep accurate accounts of all receipts and disbursements related to the administration of the fund and site-specific trust funds and shall make a specific annual report addressing the administration of the funds to the Senate Committee on Natural Resources, the House Committee on Natural Resources and Environment, and the Senate Committee on Environmental Quality before March first.

H. I. Every five years the commissioner shall submit a report to the Senate Committee on Natural Resources, the House Committee on Natural Resources and Environment, and the Senate Committee on Environmental Quality before March first, that assesses the effectiveness of the fund and other related provisions in this Part Chapter and provides such other information as may be requested by the legislature to allow the legislature to assess the effectiveness of this Chapter.

* * *

§1112. Notice of geologic storage agreements; recordation

A.(1) In lieu of recording an agreement for the geologic storage of carbon dioxide or any amendment or modification thereof, as provided by Civil Code Article 3338, a party may record a notice of geologic storage agreement, signed by the grantor who executed the agreement.

(2) Recordation of a notice shall make the geologic storage agreement and any subsequent amendment or modification effective as to third persons to the same extent as recordation of the instrument.

(3) 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, or producing minerals from or below the reservoir.

B.(1) 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:

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

(2) 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 substantial compliance with the provisions of Subsection A of this Section, and such a notice shall affect third persons as of the date of recordation.

E. The grantee of any recorded 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. 56:30.5 is hereby enacted to read as follows:

§30.5. Notice to parish 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 within 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 any public 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. 38:2195(B) and (C) are 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 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 public contracts shall be null and void.

C. The provisions of this Section shall be inapplicable with respect to intrastate intergovernmental contracts 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 authority to go upon, construct works, 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 department 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 department a servitude, right-of-way, or other authority to go upon, construct works, perform activities, or to otherwise exercise control over or use the owner's property.

Approved by the Governor, June 14, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 380

HOUSE BILL NO. 583
BY REPRESENTATIVE DAVIS
AN ACT

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

HOUSE BILL NO. 593
BY REPRESENTATIVE RISER
AN ACT

To amend and reenact R.S. 8:61(A), 64, 66.1, 66.2(A), 67, 69.2(C)(8), 71, 72(A), 75(A), (B), and (C), 454.1(A), 455, 458, 461(A), 463, 464(A)(3), 465(A)(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 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)(8), 71, 72(A), 75(A), (B), and (C), 454.1(A), 455, 458, 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 two members at large, who shall all be 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 domicile of the board shall be in the parish of Jefferson. A majority of the board members 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 are 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 may, for~~ For purposes of discovering a violation of this Chapter or implementing rules or orders issued pursuant to this Title, the board may 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) Take testimony 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) Implement 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.

(6) Require or permit any person to file a statement in writing, under oath, by affidavit or by authentic act, as the board or attorney general determines, as to all the facts and circumstances concerning the matter being investigated.

(7) Investigate a person subject to the jurisdiction of the board and examine ~~the his~~ books, accounts, papers, correspondence, memoranda, purchase agreements, files, or other documents or records: relevant or material to aid in the enforcement of this Title.

(8) Subpoena witnesses, compel their attendance, take evidence, and require the production of any books, accounts, papers, correspondence, memoranda, purchase agreements, files, or other documents or records which the board deems relevant or material to any investigation or proceeding under pursuant to this Title.

(9) Apply to a district court of competent jurisdiction for an order requiring a person's appearance before the board ~~or attorney general, or a designee of either or both,~~ in cases where the person has refused to obey a subpoena issued by the board ~~or attorney general~~. The person may also be required to produce documentary evidence germane relevant or material to the subject of the investigation.

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 legal record of the hearing shall be required in a manner legally accepted in judicial proceedings. After hearing and reviewing the evidence presented, the board by a majority vote of its members, within a reasonable time, shall render a decision and issue its decision and orders to all parties.

D. The board shall determine whether to institute legal proceedings authorized by this Title and how to respond to any legal proceedings to which the board is a party, including all decisions regarding appeal and settlement. The board shall stay fully informed as to all pending investigations, formal hearings, and legal proceedings.

E.(1) The administrative director of the board shall submit a written report to the board addressing the following:

(a) Information that comes to the attention of the staff that may constitute a violation of this Title.

(b) Information that may be grounds for a complaint resulting in suspension, revocation, fine, or penalty.

(2) Such report shall be updated monthly until the matter is acted upon by the board as provided in Subsection B of this Section.

§66.2. Cease and desist orders

A. If it appears to the board or to the attorney general after conducting an investigation in accordance with R.S. 8:66.1 that a person has engaged in an act or practice constituting a violation of this Title, or the implementing of rules or orders issued in accordance with this Title, the board or the attorney general may issue a cease and desist order directed to the person that requires the person to cease and desist from engaging in such an act or practice. A person may request a hearing within thirty days of actual receipt of the cease and desist order, as evidenced by the date on the return service. If a hearing is not timely requested, the cease and desist order shall become final by operation of law. The order shall remain effective from the date of issuance until the date the order becomes final by operation of law or is overturned by a hearing officer authorized to hear the matter the board following a request for hearing.

* * *

§67. Rules and regulations

The board may establish necessary rules and regulations for the administration and enforcement of this Title and prescribe the form of statements and reports provided for in this Title, but such rules and regulations shall not be in conflict with or contrary to any of the provisions of this Title or of the Administrative Procedure Act, R.S. 49:950 et seq. or applicable law.

* * *

§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. ~~12:151~~ 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 and its officers, directors, owners, and managerial personnel are financially responsible, trustworthy, and have good personal and business reputations, in order that only cemeteries of permanent benefit to the community in which they are located will be established in this state. The board may require such proof as it deems advisable concerning the compliance by such applicant with all the laws, rules, regulations, ordinances, and orders applicable to it. If the board refuses to grant an applicant a certificate of authority, it shall inform the applicant in writing by registered or certified mail of the reasons therefor and the applicant shall be entitled to a hearing, if requested by the applicant in writing within thirty days of receipt of the denial. The hearing shall be conducted in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

§72. Certificates; regulatory charges; suspension; restoration; late charge; requirement of certificate

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. All certificates issued by the board shall be valid unless suspended or revoked by a majority vote of the board. However, failure to pay the regulatory charge fixed by the board prior to the first day of February for any year shall effect the suspension of the certificate of authority, which may be restored upon payment of the prescribed charge, and an additional late charge of fifty percent of the amount of the prescribed regulatory charge or one hundred dollars, whichever is lesser.

* * *

§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~~ impose 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. The board, by a majority vote of its members, may summarily suspend a certificate of authority issued pursuant to the provisions of this Chapter upon a finding by a majority of the board that emergency action is required to protect the health, welfare, or safety of the public prior to a formal hearing on the matter. In the event of a summary suspension, a formal hearing shall be set within twenty-one days of the effective date of the suspension.~~

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 vested 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. 8:66.1 or legal 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 those portions of the cemetery in which interment spaces have been sold with a provision for perpetual or endowed care, including the expenses necessary to carry out the purposes and administration of the trust. It is the intent of this Section that the net income of the fund shall be paid to the cemetery authority and used exclusively ~~used solely~~ 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 accordance with this Chapter and the Louisiana Trust Code.

* * *

§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. For the purposes of this Chapter, the business year is any consecutive twelve-month period determined by the cemetery authority and designated in the report. The cemetery authority may change its business year by filing an interim 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.

§456. Annual report by trustee; final accounting by trustee required

* * *

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. 8:455.

* * *

§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 governed by the provisions of this Title, including those organized before and after August 1, 1962, 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 good cause to believe that a violation of this Chapter has occurred.

(3) ~~Whenever the cemetery authority or trustee in charge of endowment or perpetual care funds fails to file the reports required by this Chapter.~~

(4) ~~Whenever the board is requested by verified petition signed by twenty-five individual interment space owners, alleging that the endowment or perpetual care funds are not in compliance with this title, in which case the examination shall be at the expense of the petitioners.~~

* * *

§463. Powers, duties, records, concerning examination of funds

In making such examination, the board shall:

(1) ~~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 hearing.

(2) B. Inspect and examine the endowment or perpetual care funds to determine their condition and the existence of the investments; ~~and,~~

(3) C. Ascertain if the cemetery authority has complied with all laws applicable to 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 and shall be responsible for paying all 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 ~~man~~ person of ordinary prudence, discretion, and intelligence would exercise in the management of his own affairs, not in regard to speculation but in regard to the permanent 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

which appears necessary for the preservation and protection of endowment or perpetual care funds, including but not limited to immediate substitution of trustees. 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.

(2) (3) Whenever the cemetery authority, other entity, or trustee in charge of merchandise trust funds fails to file the reports required by this Chapter.

(3) (4) 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.

Approved by the Governor, June 14, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 382

HOUSE BILL NO. 629
BY REPRESENTATIVE BEAULLIEU
AN ACT

To amend and reenact R.S. 47:305.76(A) and (B)(39) and 337.9(D)(33) and to enact R.S. 47:305.76(B)(47), relative to exemptions from local sales and use taxes; to provide a local sales and use tax exemption for the procurement and administration in medical clinics of certain prescription drugs administered by topical system; to provide for applicability of the exemption; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:305.76(A) and (B)(39) and 337.9(D)(33) are hereby amended and reenacted and R.S. 47:305.76(B)(47) is hereby enacted to read as follows:

§305.76. Exemption; infused or injected prescription drugs for treating certain diseases and conditions

A. The tax imposed by the political subdivisions of the state shall not apply to the procurement and administration of prescription drugs used exclusively by the patient in his medical treatment when administered exclusively to the patient by a physician, nurse, or other health care professional by infusion, topical system, or injection in a medical clinic where patients are not regularly kept as bed patients for twenty-four hours or more. For purposes of this Section, the term "medical clinic" shall mean a facility used for the reception and care of persons who are sick, wounded, or infirm and used for the treatment of the diseases and conditions set forth in Subsection B

of this Section or an outpatient facility licensed to administer drugs for the treatment of the diseases and conditions set forth in Subsection B of this Section.

B. The exemption provided for in Subsection A of this Section shall apply only to prescription drugs that are prescribed for the treatment of the following diseases and conditions:

* * *

(39) Wet and dry age-related macular degeneration.

* * *

(47) Neuropathic pain.

* * *

§337.9. Exemptions applicable to local tax in Chapters 2, 2-A, and 2-B; other exemptions applicable

* * *

D.

* * *

(33) R.S. 47:305.76, "key words": infused, topical system, or injected prescription drugs for treating certain diseases and conditions.

* * *

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 14, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 383

HOUSE BILL NO. 653
(Substitute for House Bill No. 603 by Representative Deshotel)
BY REPRESENTATIVE DESHOTEL
AN ACT

To amend and reenact R.S. 44:4.1(B)(35) 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 fees and their use; to require the promulgation of rules; to provide for the grant process and its funding; to provide for administrative and judicial review; to require the submission of certain reports; to provide for the disbursement and reimbursement of certain funds; to provide parameters for the failure of performance by grant recipients; to provide exceptions to the Public Records Law; to authorize the Louisiana State Law Institute to make certain conforming technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart B of Part VI-C of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2370.21 through 2370.33, is hereby enacted to read as follows:

**SUBPART B. GRANTING UNSERVED MUNICIPALITIES
BROADBAND OPPORTUNITIES 2.0**

§2370.21. Establishment; short title

A. There is hereby created a grant program to be known as the "Granting Unserved Municipalities Broadband Opportunities 2.0" program, hereinafter referred to in this Subpart as the "GUMBO 2.0" program. Funding and administration of this program shall be governed in accordance with the Infrastructure Investment and Jobs Act (IIJA), Public Law 117-58, and the Broadband Equity, Access, and Deployment (BEAD) Program Notice of Funding Opportunity (NOFO) issued by the National Telecommunications and Information Administration of United States Department of Commerce (NTIA), including any additional regulations promulgated by or guidance of the assistant secretary may provide.

B. This Subpart shall be known and may be cited as the "GUMBO 2.0 Program Law".

§2370.22. Definitions

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 speeds. This definition has the meaning given by the Federal Communications Commission under rules and guidance that are in effect as of the date of enactment of the Infrastructure Investment and Jobs Act.

(5) "Broadband-serviceable location" means a business or residential location in the United States at which fixed broadband internet access service

is, or can be, installed. See IJJA, Pub. L. No. 117-58, §60102(a)(2)(h), 135 Stat. 429, 1184 (2021). In the Third Broadband Data Collection Report and Order, the Commission adopted “as fundamental definition of a ‘location’ for purposes of the broadband-serviceable location fabric: a business or residential location in the United States at which fixed broadband Internet access service is, or can be, installed.” See Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program, WC Docket Nos. 19§195, 11§10, Third Report and Order, 36 FCC Rcd 1126m 1175 para. 126 (2021).

(6) “Community anchor institution” means an entity such as a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization, or community support organization that facilitates greater use of broadband service by vulnerable populations, including but not limited to low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.

(7) “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.

(8) “Director” means the executive director of the office of broadband development and connectivity within the division of administration.

(9) “Eligible costs” means costs that are eligible for BEAD Program funding as specified by the assistant secretary.

(10) “Eligible grant recipient” means a provider of broadband service, including a provider operated by a local government if the local government is compliant with the Local Government Fair Competition Act, R.S. 45:844.41 et seq., prior to July 1, 2021, with respect to providing such services, a cooperative, or any partnership thereof.

(11) “Eligible location” means an unserved location or underserved location.

(12) “Eligible parish” means any parish with unserved or underserved broadband-serviceable locations.

(13) “Enforceable commitment” means any location that is already subject to a legally enforceable federal, state, or local commitment to deploy broadband.

(14) “Extremely high-cost per location threshold” means a BEAD subsidy cost per location to be utilized during the grantee selection process described in Section IV.B.7 of the BEAD NOFO above which the office may decline to select an application if use of an alternative technology meeting the BEAD Program’s technical requirements would be less expensive.

(15) “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.

(16) “Infrastructure” means existing facilities, equipment, materials, and structures that an internet service provider has installed either for its core business or public enterprise purposes. Examples include but are not limited to copper wire, coaxial cable, optical cable, loose tube cable, communication 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, towers, easements, rights-of-way, and buildings or structures owned by the entity that are made available for location or collocation purposes.

(17) “Local government” means a parish, municipality, or school board.

(18) “Office” means the office of broadband development and connectivity within the division of administration.

(19) “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 grouping 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 be determined to be located in the parish where the greatest number of unserved or underserved households are proposed to be served.

(20) “Reliable broadband service” means broadband service that the Broadband DATA Maps show are accessible to a location via any of the following:

- (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.

(21) “Shapefile” means a file format for storing, depicting, and analyzing geospatial data depicting broadband coverage, comprised of several component files.

(22) “Underserved location” means an underserved location as defined in the IJJA and the BEAD NOFO.

(23) “Unserved location” means an unserved location as defined in the IJJA 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 for the further administration of the GUMBO 2.0 program. The additional one percent shall not be used as compensation for any new or existing positions within the office.

§2370.24. Rules

A. The office shall have the authority and responsibility to promulgate rules that are consistent with requirements promulgated by the assistant secretary pursuant to IJJA, 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. or the Public Bid Law, R.S. 38:2181 et seq. The office shall devise and implement alternative procurement methods consistent with the requirements defined by the assistant secretary to award grants.

§2370.25. Records; limitations

A. Notwithstanding any provision of this Subpart to the contrary, all records related to the GUMBO 2.0 program are public records as provided by the Public Records Law, R.S. 44:1.1 et seq., except for a broadband service provider’s trade secret and proprietary information, including coverage data, maps, and shapefiles.

B. The office shall 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.

§2370.26. Funding; match requirement

A. 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 estimated cost of the project, to be validated by the office, unless granted a written waiver by the office.

B.(1) 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 accordance with the provisions of this Subpart shall not be considered a partnership for providing a covered service in accordance with the Local Government Fair Competition Act, R.S. 45:844.41 et seq.

(2) A local government shall not make or grant any undue or unreasonable preference or advantage to itself or to any provider of broadband service.

(3) A local government shall apply without discrimination as to itself and to any broadband service provider the local government’s ordinances, rules, and policies, including those relating to access to public right-of-way, permitting, and any bonding requirements.

§2370.27. Grant process

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 IJJA, 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 commitment as of the date the challenge process commences.

(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 most recent Broadband DATA Map, updated according to the outcomes of the challenge process and as approved by the assistant secretary. 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.

(3) The office shall release eligible locations at least thirty days prior to the start of a grant round.

(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 website of the division of administration for a period of at least seven days prior to the grant award.

(5) A grant applicant may define proposed project areas in the application for grant funding, which shall include eligible locations identified by the office. However, the office shall award grants to eligible grant recipients according to the priorities established in federal law, including any

additional regulations promulgated by or guidance of the assistant secretary, as provided for in R.S. 51:2370.21(A).

(6)(a) A local governing authority of an eligible parish may submit in writing to the office, up to seven days after the grant applications are made public, an objection to a grant application to deploy broadband services in the local governing authority's parish if the broadband service provider has received a letter grade rating of "D" or "F" from the Better Business Bureau.

(b) At the request of the local governing authority of an eligible parish that submits an objection in accordance with this Paragraph, a broadband service provider shall be ineligible to be awarded grant funds to deploy broadband services in that eligible parish.

(7)(a) If, after soliciting applications, the office has received no applications to serve one or more eligible locations, the office may engage with eligible grant recipients to serve eligible locations. The office may offer inducements as set forth in Section III.B of the Broadband, Equity, Access, and Deployment Program Notice of Funding Opportunity or benefits during the grant selection process, such as points or credits. The office shall ensure that its approach is as transparent as possible.

(b) The outreach authorized by this Paragraph is permitted only after the office has solicited proposals and failed to obtain one or more applications to serve the location or locations at issue.

D. Scoring and grant award. The office shall have the authority and responsibility to promulgate application minimum requirements, scoring rules, and grant awards that are consistent with requirements promulgated by the assistant secretary pursuant to IJA, including any additional requirements or guidance provided for after enactment of this Act, BEAD program guidelines, state law, and this Subpart.

E. For subsequently identified broadband-serviceable locations in a grantee's funded project area, the timeline and additional funding to deploy shall be determined in a supplemental grant agreement between the office and the grantee.

F. Protest of grant award. (1) Upon a grant award announcement, any eligible grant recipient or local governing body may protest a grant award during a fourteen-business-day protest period on a 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 or his designee may, prior to the commencement of an action in court concerning a protest arising pursuant to this Subpart, settle and resolve the 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) Inform all parties to the protest of their right to administrative and judicial review as provided in this Subpart.

B. A copy of 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 in accordance with Subsection D of this Section.

D. If a party to the protest files an appeal with the commissioner of administration, it shall be filed within fourteen business days of receipt of a decision issued pursuant to Subsection A of this Section. The commissioner of administration may review and determine any appeal by a party to the protest from a determination by the director or his designee.

E. On any appeal filed pursuant to Subsection D of this Section, the commissioner of administration shall decide within fourteen business days whether the decision concerning a grant application was in accordance with this state's constitution, statutes, and regulations, the terms and conditions of the application, and any requirements of federal laws or regulations. Any prior determinations by the director or his designee shall not be final or conclusive.

F. A copy of the decision issued pursuant to Subsection E of this Section shall be mailed or otherwise furnished immediately to all parties to the protest.

G. A decision issued pursuant to Subsection E 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 appealed to the court as provided for in Subsection H of this Section.

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 state's constitution, statutes, and regulations. Such actions 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.

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 the constitution of this state. If a court has found in a final judgment that an applicant or a party to the protest has incorrectly designated a location as served or unserved, the office may assess a civil penalty of up to one thousand dollars per incorrectly designated location identified in the GUMBO 2.0 award process and disputed in litigation.

§2370.29. Compliance during the grant agreement

The office will conduct an implementation meeting with a grant recipient within thirty days of execution of a grant agreement and will make reporting templates and instructions available at or shortly after the implementation meeting. The office shall require that a grant recipient offer the proposed advertised minimum download and minimum upload speeds of one hundred Mbps download and twenty Mbps upload. A grant recipient that has offered broadband service to at least one thousand consumers for a period of at least five consecutive years shall offer broadband service at prices consistent with offers to consumers in other areas of the state. Any other broadband service provider shall ensure that the broadband service is priced to consumers at no more than the cost rate identified in the project application, for the duration of the five-year service agreement. In calculating cost, the grant recipient may adjust annually, consistent with the annual percentage increase in the Consumer Price Index in the preceding year. At least annually, a grant recipient shall provide to the office evidence consistent with the Federal Communications Commission attestation that the grant recipient is making available the proposed advertised speed, or a faster speed, as contained in the grant agreement.

§2370.30. Reporting requirements

A. A grantee shall submit to the office an annual report for each funded project for the duration of a grant agreement. The report shall include a summary of the items contained in the grant agreement and shall also include all of the following:

(1) The number of residential and commercial locations that have broadband access as a result of the project.

(2) The percentage of end users in the project area who have access to broadband service and the percentage of end users with access who actually subscribe to the broadband service.

(3) The average number of subscriptions for residential and commercial broadband service in the project area.

(4) Any right-of-way fees, permit fees, or franchise fees paid to local government, state government, railroad, private entity, or person during the fulfillment of the grant awarded pursuant to this Subpart.

(5) Any delays encountered when obtaining a right-of-way permission.

B. An 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.

C. 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.

D. On or before September thirtieth of each calendar year, the office shall submit a report to the House Committee on Commerce, Senate Committee on Commerce, Consumer Protection and International Affairs, and the Joint Legislative Committee on Technology and Cybersecurity. The report shall contain all of the following:

(1) The number of grant applications and the number of executed grant agreements.

(2) A timeline for each grant agreement and the number of households, businesses, agriculture operations, and community anchor institutions expected to benefit from each grant project.

(3) The amount of matching funds committed to each grant project and the total amount of project costs.

(4) A summary of locations by parish that will have, or currently have, access to broadband service through the GUMBO 2.0 program, including the average GUMBO 2.0 grant award per location and advertised broadband speeds and price of services.

(5) Number of unserved and underserved locations that will have, or currently have, access to broadband service through the GUMBO 2.0 program, and the number of unserved and underserved locations that have not yet received grant funding.

(6) Any breaches of grant agreements, grant fund forfeitures, or subsequent reductions or refunds grant funds.

(7) Any recommendations for the GUMBO 2.0 program, including better sources and methods for improving outcomes and accountability.

§2370.31. Receipt and disbursement of federal grant funds

The division of administration shall be the designated agency for receipt and disbursement of state and federal funds received to implement the Broadband Equity, Access, and Deployment Program. All federal grant funds received for this purpose shall be disbursed in accordance with R.S. 51:2370.21(A).

§2370.32. Reimbursement for grantees

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 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 grant agreement, but not to exceed five years after construction 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 Subsection.

B. A grant recipient is not required to forfeit the amount of a grant received if the grant recipient it 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. The actual cost to finish the project 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 remaining GUMBO 2.0 cost per broadband-serviceable location as set forth in the grant recipient's application.

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, 2182, 2262, 2318, 2370.3, 2370.16, 2370.25, 2370.27, 2389

* * *

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. 530 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 enacted 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 official documents. The state may accept payment for 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, LAFLEUR, MARCELLE, AND SEABAUGH
AN ACT

To amend and reenact R.S. 40:1379.1.4(B)(5) and to enact R.S. 40:1379.1.4(E), relative to the carrying of concealed weapons by qualified retired law enforcement officers; to provide relative to annual qualification; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1379.1.4(B)(5) is hereby amended and reenacted and R.S. 40:1379.1.4(E) is hereby enacted to read as follows:

§1379.1.4. Carrying of concealed firearms by qualified retired law enforcement officers

* * *

B. As used in this Section, the term "qualified retired law enforcement officer" means an individual 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. 40:1379.3(D)(1)(f).

* * *

E. The provisions of this Section shall not permit an individual who is retired from service as a qualified law enforcement officer the ability to carry a concealed firearm in another state without proper qualification under the provisions of 18 U.S.C. 926C.

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, HENSGENS, MCMATH, FRED MILLS, ROBERT MILLS, PEACOCK, POPE, PRICE, SMITH, STINE, TALBOT AND WOMACK AND REPRESENTATIVES GAROFALO AND LAFLEUR

Prefiled Pursuant to Article III, Section 2(A)(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:

§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. 73

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.

AN ACT

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 reenact 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 ~~committees~~ **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 and 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. 77

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 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 received as 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. 136

BY SENATOR BARROW

AN ACT

To amend and reenact R.S. 33:2740.67(C)(2) and (7) and to repeal R.S. 33:2740.67(C)(1)(k), 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.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2740.67(C)(2) and (7) are hereby amended and reenacted to read as follows:

§2740.67. Baton Rouge North Economic Development District

* * *

C.

* * *

(2)(a) ~~Members serving pursuant to Subparagraphs (1)(a) through (e) and (j) of this Subsection shall serve two-year terms after initial terms as provided by Subparagraph (b) of this Paragraph.~~

(b) Except for members serving pursuant to Subparagraphs (1)(f) through (i) of this Subsection, two members shall serve an initial term of one year; two 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 be provided in the bylaws and may 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.

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. 390

SENATE BILL NO. 140
BY SENATOR FOIL

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

AN ACT

To amend and reenact Code of Civil Procedure Articles 2293(B)(1), 2334, 2721, and 2724(A) and R.S. 13:3852, 4341, 4360, and 5530(A)(7)(a), and to enact Code of Civil Procedure Article 2344 and R.S. 13:4358 and 4369, relative to judicial sales; to provide for procedures and requirements for online auctions; to provide for notice of seizure and sale; to provide with respect to online auction companies; to provide for submission of payment and readvertisement; to provide with respect to actions to set aside or annul online judicial sales; to provide with respect to the price of adjudication; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Articles 2293(B)(1), 2334, 2721, and 2724(A) are hereby amended and reenacted, and Code of Civil Procedure Article 2344 is hereby enacted, to read as follows:

Art. 2293. Notice to judgment debtor; appointment of attorney

* * *

B.(1) After the seizure of property, the sheriff shall serve promptly upon the judgment debtor, **in the manner provided for service of citation**, a written notice of the seizure and a list of the property seized, ~~in the manner provided for service of citation.~~ **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 time, date, and place of the sheriff's sale, in accordance with the form provided in R.S. 13:3852(B). **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 at least three days before the sale, shall state that the sheriff's sale will be conducted through an online auction, shall specify the date of the online auction and the time when bidding is scheduled to open, and shall identify 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).**

* * *

Art. 2334. Reading of advertisement and certificates

A. At the time and place designated for the sale, the sheriff shall read aloud all or part of the advertisement describing the property in such sufficiency as to reasonably provide notice to the public of the property then being offered for sale, which, at a minimum, shall include the lot and subdivision or municipal number or by the section, township, and range, including some identifying mark, if appropriate, and a reference to the conveyance or mortgage recordation. The sheriff shall also read aloud a mortgage certificate and any other certificate required by law or otherwise provide, at least twenty-four hours prior to the sale, a copy of ~~such these~~ certificates to the public by means of public posting, written copies, electronic means, or by any other method.

B. In the case of sale through an online auction in accordance with Article 2344, the requirements of Article 2344(D) apply.

C. The failure of the sheriff to procure, read aloud, or provide a copy of any certificate as required by this Article, or to comply with the requirements of Article 2344(D) in the case of an online auction, shall not impact the validity of the sale and shall not give rise to any cause of action against the sheriff, the seizing creditor, or the purchaser arising out of such the failure.

* * *

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 through a computer network or other electronic telecommunications system generally available to the public.

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 shall state 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

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 the most recent bid was entered, or if no bid is entered, 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.

D. 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 by Article 2334 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.

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 provide proof of available funds before the opening of bidding. These qualifications shall be displayed or otherwise made accessible on the platform.

F. Upon request made by the debtor before the day of the online auction, the sheriff shall inform the debtor of a location where the debtor may, without charge, have use of a computer terminal or other accommodation to bid at the online auction.

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 2338.

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. The notice of seizure shall reproduce in full the provisions of Article 2642 and include information concerning the ~~availability of housing counseling services,~~ as well as the time, date, and place of the sheriff's sale, in accordance with the form provided in R.S. 13:3852(B). **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 defendant at least three days before the sale, shall state that the sheriff's sale will be conducted through an online auction, shall specify the date of the online auction and the time when bidding is scheduled to open, and shall identify the electronic address of the platform through which bids can be entered.**

C. If the seized 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 and other owner's sole remedy for the wrongful or improper seizure of the property shall be for actual losses sustained under R.S. 10:9-625 against the secured creditor on whose behalf and pursuant to whose instructions the sheriff may act.

* * *

Art. 2724. Articles relating to sales under fieri facias applicable

A. The provisions of ~~Paragraphs A through C of Article 2293~~ **Articles 2293(A) through (C), Articles 2333 through 2335, and 2337 through 2344, and 2371 through 2381,** relating to a sale of property under the writ of fieri facias, shall apply to a sale of property under the writ of seizure and sale.

* * *

Section 2. 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~~ **that** issued the writ, the amount of the judgment or claim specified in the writ, an exact copy of the description of the immovable property furnished ~~him to~~ **the sheriff** in accordance with R.S. 13:3851, the fact that the sheriff is seizing the described property in accordance with Code of Civil Procedure Article 2293, information as provided in Subsection B of this Section concerning the property owner's rights and the availability of housing counseling services, and the date of the first scheduled sale of the property. The initial sheriff's sale date shall not be scheduled any earlier than sixty days after the date of the signed court order commanding the issuance of the writ. If the immovable property to be seized is owned by more than one party, the sheriff shall make an additional notice for each additional party. No other notice of seizure shall be required.

B. The following form shall be used for these notices by the sheriff:

"Notice is hereby given that I am this day seizing, in accordance with the provisions of R.S. 13:3851 through 13:3861, the following described immovable property, to wit: _____ as the property of _____, under a writ of _____, issued on the _____ day of _____,

_____, by the _____ District Court for the Parish of _____, in the matter entitled _____ versus _____, No. _____ of its docket, to satisfy a claim of \$ _____, interest and costs, this _____ day of _____, _____. **This is formal notice that today, this day of _____, I am seizing the property of _____ described as: _____.** This seizure is pursuant to Louisiana law, including R.S. 13:3851 through 3861. This seizure is a result of a writ of _____, issued on the _____ day of _____, by the _____ Court. The writ was issued in _____ versus _____, Docket No. _____. This seizure is to satisfy a claim of \$ _____, plus interest and costs.

This matter is scheduled for sheriff's sale as follows [COMPLETE ONLY ONE OF THE FOLLOWING ALTERNATIVES AS APPROPRIATE]:

A sheriff's sale is scheduled to be conducted on the _____ day of _____, at _____ A.M./P.M.a.m./p.m. at _____.

A sheriff's sale is scheduled to be conducted through an online auction on the _____ day of _____, beginning at _____ a.m./p.m., and bids may be entered on the platform having the following electronic address: _____.

Please be aware that the sheriff's sale date or the manner in which the sale will be conducted may change. You may contact the sheriff's office to find out the new date when the property is scheduled to be sold. The new sale date will also be published in the local newspaper in accordance with R.S. 43:203. **If the sale is conducted through an online auction, the sheriff will, upon your request made before the day of the online auction, inform you of a location where you may, without charge, have use of a computer terminal or other accommodation to bid at the online auction.**

If the seized property is residential property, you may be afforded the opportunity to bring your account in good standing by entering into a loss mitigation agreement with your lender, or by paying all of your past due payments plus permitted costs and expenses within the time permitted by law for reinstatement of your account. You are strongly encouraged to seek legal counsel. If you cannot afford to pay an attorney, you may be able to qualify for free legal services. Foreclosure prevention counseling services through a housing counselor, including loss mitigation, are provided free of charge. To find a local housing counseling agency approved by the U.S. Department of Housing and Urban Development, you may contact the U.S. Department of Housing and Urban Development or the Louisiana Housing Corporation.

THE FOLLOWING PARAGRAPH APPLIES ONLY TO PROPERTY THAT HAS BEEN SEIZED PURSUANT TO A WRIT OF SEIZURE AND SALE ISSUED IN AN EXECUTORY PROCEEDING: As provided in Louisiana Code of Civil Procedure Article 2642, defenses and procedural objections to an executory proceeding may be asserted either through an injunction proceeding to arrest the seizure and sale as provided in Articles 2751 through 2754, or a suspensive appeal from the order directing the issuance of the writ of seizure and sale, or both. A suspensive appeal from an order directing the issuance of a writ of seizure and sale shall be taken within fifteen days of service of the notice of seizure as provided in Article 2721. The appeal is governed by the provisions of Articles 2081 through 2086, 2088 through 2122, and 2124 through 2167, except that the security therefor shall be for an amount exceeding by one-half the balance due on the debt secured by the mortgage or privilege sought to be enforced, including principal, interest to date of the order of appeal, and attorney fees, but exclusive of court costs.

Sheriff _____
Parish of _____
By: _____"

C. The sheriff shall not be required to serve any further notice of rescheduled sale dates **or rescheduled online auction dates** provided ~~he~~ **the sheriff** has not returned the writ to the clerk of court.

* * *

§4341. Time and place of sale; adjournments; Orleans Parish excepted

A. All public sales by auction, the parish of Orleans excepted, when made by sheriffs, coroners, constables, auctioneers, or succession representatives shall be advertised to take place at the courthouse, any courthouse annex if located in the same parish as the courthouse but on the opposite side of any navigable river, or at some other public place in the vicinity of the courthouse, on any Monday, Wednesday, Friday, or Saturday of the month, beginning at 10:00 a.m., after the expiration of the time required by law for the advertisement of such ~~these~~ sales; and the sheriff, coroner, constable, auctioneer, or succession representative may adjourn the sale to the following legal day, and then, from day to day, only in case there shall not be time to conclude the sale in one day. However, nothing contained ~~herein~~ **in this Subsection** shall deprive the defendant of the privilege now enjoyed by him of having his movable property, when it is under seizure, offered for sale at his domicile, upon his giving notice to the proper officer within three days after notice of seizure. In the sales of succession property, consisting of only movable property or of both movable and immovable property, the succession representative may pray that the sale of the succession movable property be made on the premises.

B. When the sale takes place at the courthouse, courthouse annex, sheriff's office, or other public place in the vicinity of the courthouse, the sheriff or other person conducting the sale may use an empty courtroom, auditorium, or office with sufficient seating for persons attending the sale. The location shall be accessible to the public and reasonably specified in the advertisement of the time and place of sale. The sheriff or other person conducting the sale shall maintain the decorum of proceedings during the sale and may use a

microphone or amplified sound system for recitals required by the sale. The provisions of this Subsection are applicable to all parishes in the state. If the sale is held under the provisions of this Subsection at a location other than the steps of the courthouse, on the date of sale, a notice of the time and location of the sale shall be posted at the main entrance to the courthouse.

C. A sale conducted by online auction in accordance with Code of Civil Procedure Article 2344 shall take place on one of the days specified in Subsection A of this Section but shall not otherwise be subject to the provisions of this Section.

* * *

§4358. 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 serve notices required by law, to receive and obtain appraisals 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 proces 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 shall not be entitled to reimbursement of any expenses incurred in connection with the sale. Any contrary stipulation shall be absolutely null.

E. Any stipulation by which the auction company agrees to share any portion of its fee with the sheriff or otherwise provide a financial benefit of any nature to the sheriff shall be absolutely null.

F. The contract by which the sheriff 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 will receive funds from bidders, other than fees earned by the auction company under this Section, the contract shall require the auction company to furnish a fidelity bond in an amount deemed appropriate by the sheriff.

G. 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 adjudicatee fails to pay balance

A. If the terms of the sale provide for the full payment of the adjudication price at the moment of the adjudication, or if the terms provide for a deposit, and the purchaser fails to make ~~such the~~ full payment or deposit, the seizing creditor may direct the officer conducting the sale either to re-offer ~~reoffer~~ the property immediately; or re-advertise to ~~readvertise~~ the property for sale as provided in ~~Sub-section C~~ **Subsection D** of this Section. If the property is re-offered ~~reoffered~~ for sale immediately, the first purchaser is relieved of any liability. **This Subsection does not apply to a sale conducted by online auction in accordance with Code of Civil Procedure Article 2344.**

B. **In the case of a sale 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. 1:55(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 purchase the property for the amount of his bid, or to readvertise the property for sale as provided in Subsection D of this Section. If the property is adjudicated to the second highest bidder, the first purchaser is relieved of any liability.**

C. If the purchaser makes the deposit required by the terms of the sale; and fails to pay the entire purchase price within thirty days after the adjudication, on demand of any interested party, the officer conducting the sale shall re-advertise ~~readvertise~~ the property for sale as provided in ~~Sub-section C~~ **Subsection D** of this Section.

~~E.D.(1)~~ When the property is re-advertised ~~readvertised~~, it shall be in the manner required by law for the advertisement of the original sale, and the second sale is at the risk and for the account of the first purchaser. Should there be a loss because of the second sale, the first purchaser is liable for ~~such the~~ loss; but should the property bring a higher price at the second sale, the first purchaser has no right to the increase.

(2) The first purchaser ~~may~~ **shall** not bid at a second sale.

* * *

§4369. Actions to set aside or annul online judicial sales

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. 13:4358 if the sheriff executing the judicial sale has either filed the proces 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 movable property through an online auction by reason of noncompliance with the requirements of Code of Civil Procedure Article 2344 or R.S. 13:4358 if the sheriff executing the judicial sale has either filed the proces 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” **the “price of adjudication”** shall mean 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. 13:4358 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.

AN ACT

To enact R.S. 39:100.59.3, relative to special treasury funds; to create the Correctional Facility Capital Outlay Fund; to provide for deposits into the 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 become 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.

AN ACT

To amend and reenact R.S. 15:587.1(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 certifications; 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 recodify and redesignate certain current provisions of Title 17 of the Louisiana Revised Statutes of 1950 into a new format 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 instrument; to make technical and conforming changes to reflect the format and number scheme provided in this instrument; 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 instrument; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:7(6), 7.1, and 15(B), (C), and (E)(1) are hereby amended and reenacted, and R.S. 17:8.1 through 8.9 are enacted to read as follows:

§7. Duties, functions, and responsibilities of board

In addition to the authorities granted by R.S. 17:6 and any powers, duties, and responsibilities vested by any other applicable laws, the board shall:

* * *

(6)(a)(i) Prescribe the qualifications and provide for the certification of teachers in accordance with applicable law, which qualifications and requirements shall ensure that certification shall be a reliable indicator of the minimum current ability and proficiency of the teacher to educate at the grade level and in the subjects to which the teacher is assigned.

(ii) [Redesignated as R.S. 17:8.1(C)]

(b) [Redesignated as R.S. 17:8.2(A) and (B)(introductory paragraph) and (1)]

(i) [Redesignated as R.S. 17:8.2(B)(2)]

(ii) [Redesignated as R.S. 17:8.2(C)]

(iii) [Redesignated as R.S. 17:8.2(D)]

(iv) [Redesignated as R.S. 17:8.2(E)]

(v) [Redesignated as R.S. 17:8.2(F)]

(vi) [Redesignated as R.S. 17:8.2(G)]

(c) [Redesignated as R.S. 17:8.3]

(d) [Redesignated as R.S. 17:8.2(H)]

(e) [Repealed]

(f) [Redesignated as R.S. 17:8.8]

(g) [Redesignated as R.S. 17:8.5]

(h) [Redesignated as R.S. 17:8.7(B)]

(i) [Redesignated as R.S. 17:8.7(C)]

* * *

~~§7-1§8.1. Certification of teachers; certification of principals and superintendents; certification of school psychologists~~

A. In carrying out its responsibility to prescribe the qualifications and provide for the certification of teachers under authority of R.S. 17:7(6), the qualifications and requirements established by the State Board of Elementary and Secondary Education for certification of any applicant for certification who completes an approved teacher education program in Louisiana shall include but not be limited to the following:

(1) Beginning with the 2024-2025 academic year, that each approved teacher education program shall not require more than one hundred twenty semester hours of college credit for degree completion, inclusive of any classroom observation time or mentorship requirements. Programs designated by the Board of Regents as dual degrees or dual certifications shall be permitted to exceed the one-hundred-twenty-semester-hour credit limit.

(2) That the applicant shall have attained a 2.20 average on a 4.00 scale as a condition for entrance into a teacher education program. **However, an applicant who has not attained a 2.20 average may be granted conditional acceptance into a teacher education program. In order for a student granted conditional acceptance to continue in a teacher education program that awards credit hours, the student shall achieve a 3.00 average on the first twelve credit hours of the program. In order for a student granted conditional acceptance to continue in a teacher education program that does not award credit hours, the student shall demonstrate mastery of competencies as required by the program and by the school system in which the applicant completes required clinical practice.**

(3)(a) That the applicant shall have achieved a 2.50 average on a 4.00 scale at graduation from an approved program.

(b) An applicant who has passed all requisite examinations covering pre-professional skills and content knowledge but who does not meet the requirement of Subparagraph (a) of this Paragraph may be certified if he completes **upon completion** of a post-baccalaureate program, or he may be employed as a teacher for a period not to exceed five years in the following manner:

(i) The state superintendent of education, upon receipt of a signed affidavit by the president and superintendent of the school board to which such person has applied for employment that there is no other applicant available for employment for a specific teaching position who has met the requirements of this Section, may issue an emergency teaching permit to such person. Such permit shall be in effect for not more than five years.

(ii) 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 receipt of a valid Louisiana teaching certificate, the person shall be granted a valid standard professional level teaching certificate by the

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 R.S. 17:8.3.**

(4)(a) 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 Complete** the prescribed number of semester hours in the teaching of reading as established in policy by the State Board of Elementary and Secondary Education in accordance with the level of certification to be awarded, ~~such~~. **The** requirement to **shall** be in addition to requirements for English courses, ~~and such~~. **The** courses in the teaching of reading shall emphasize techniques of teaching reading and the recognition and 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.** For certification at the secondary level, not more than three semester hours in the teaching of reading shall be considered for purposes of meeting certification requirements.

(b) For applicants who have participated in any alternate teacher education program as provided pursuant to rules and regulations adopted by the State Board of Elementary and Secondary Education, that the applicant shall be given the option of either completing the same amount of semester hours as required for the teaching of reading for undergraduate program applicants pursuant to this Paragraph or, in lieu of such semester hour requirements, shall possess **Possess** the reading and literacy competencies identified in scientifically based reading research at the national level and approved by the State Board of Elementary and Secondary Education for the teaching of reading.

(5) That the applicant shall have spent a minimum of ~~270~~ **two hundred seventy** clock hours in student teaching with at least ~~180~~ **of such one hundred eighty** hours spent in actual teaching.

(6) That the applicant shall have completed a substantial portion of ~~his 180~~ **the one hundred eighty** hours of actual student teaching on an all-day basis.

[Effective Date: Text of Paragraph (A)(8) **(A)(7)** effective on January 1, 2024.]

~~(7)(8)~~ **(7)(8)** 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(6)(b)~~ **R.S. 17:8.2**, pass a rigorous test of scientifically researched, evidence-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(B) redesignated as §17:8.4]

~~§7.1(C)B.~~ The State Board of Elementary and Secondary Education may adopt ~~such any~~ rules as are necessary for the orderly implementation of this Section and may make further provisions with regard to qualifications and requirements not inconsistent with this Section.

~~§7(6)(a)(i)C.~~ Additionally, whenever there is a qualification or condition established by law or board policy, or both, that a teacher holding a ~~regular standard professional level~~ teacher certificate which is valid for three years shall comply with, in order for the teacher to be issued a ~~permanent regular standard professional level~~ teacher certificate, and it is not possible for a teacher at a nonpublic school to comply with ~~such the~~ qualification or condition due to the teacher being employed at a nonpublic school, the board shall establish an alternative method or process by which the nonpublic school teacher may meet ~~such the~~ qualification or condition. A teacher employed in a nonpublic school who meets the qualifications or conditions pursuant to the alternative method or process established pursuant to this ~~Item~~ **Subsection** shall be issued a ~~permanent regular standard professional level~~ teacher certificate which shall be valid for all purposes in this state and under all the same conditions as if it had been issued to a teacher who complied with the qualifications or conditions as otherwise established by law or board policy. Prior to establishing an alternative method or process, the board shall direct the nonpublic school commission to formulate, develop, and recommend to the board the alternative method or process by which the nonpublic school teacher may meet the qualification; or condition and the method or process established by the board shall be consistent with the recommendations of the nonpublic school commission.

§7.1(D) [Redesignated as R.S. 17:8.6(A)]

§7.1(E) [Redesignated as R.S. 17:8.6(B)]

~~§7.1(F) D.~~ In carrying out its responsibility to prescribe the qualifications and provide for the certification of teachers under authority of R.S. 17:7(6), if the State Board of Elementary and Secondary Education enters into any agreement for the certification to teach in Louisiana of teachers certified to teach in another state, ~~such the~~ agreement shall:

(1) Be reciprocal, making applicable to any other state which is a party to ~~such the~~ agreement and teachers certified to teach in ~~such the~~ other state who seek certification in Louisiana equivalent to requirements as determined by the Louisiana state Department of Education to those the agreement places on Louisiana and teachers certified to teach in Louisiana who apply for certification in ~~another the other~~ state.

(2) Provide for the certification in Louisiana of a teacher certified to teach in another state only if ~~such the~~ teacher has been employed in a professional educational capacity requiring certification as a teacher for the three years immediately preceding application for Louisiana teacher certification unless the teacher completes ~~such the~~ additional educational requirements as shall be approved by the State Board of Elementary and Secondary Education. The provisions of this Paragraph shall not apply to a 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 for the entire period of certification.

§8.2. Teacher certification examinations

~~§7(6)(b) A.~~ A person applying for initial certification as a teacher in a public school shall have passed satisfactorily an examination, which shall include pedagogical knowledge, and knowledge in ~~his the applicant's~~ area of specialization, as a prerequisite to the granting of ~~such the~~ certificate **by the State Board of Elementary and Secondary Education.**

B. However, a person **the following persons may be issued a provisional teaching permit or an authorization to teach without meeting the requirement of Subsection A of this Section:**

(1) **Any person** 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 Associate Teacher Program, shall ~~not be required to pass the examination required by this Subparagraph, but shall who has~~ at least have a baccalaureate degree, and shall be subject to ~~has satisfied~~ all provisions of state law relative to background checks and criminal history review applicable to the employment of public school personnel.

(i) ~~Any person certified to teach in another state who applies for certification to teach in the public schools of Louisiana shall be required to pass satisfactorily the examination which is administered in accordance with the provisions of this Paragraph as a prerequisite to the granting of such certification. However, a~~

(2) **Any teacher** certified in another state who meets all other requirements for a Louisiana **standard professional level teacher** certificate granted to out-of-state graduates except for the satisfactory passage of the examination shall be granted a three-year provisional certificate **and who does not meet the requirements of Subsection C of this Section.**

(3) **Any person who meets all other certification requirements except failure to successfully pass the original examination but who scored within ten percent of the score required for passage.**

(ii) **Any C. In addition, 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 previously taken in another state as a prerequisite to the granting of certification in Louisiana. Upon application and verification of successful teaching experience in another state by the board, the teacher shall be granted a valid standard Louisiana **professional level** teaching certificate provided the teacher meets all other requirements for background checks and criminal history reviews as may be required by law and board policy.

(iii) **D.** The examination shall be administered to each student in a teacher education program at a public college or university in Louisiana prior to graduation and shall be administered to other applicants at any time ~~such the~~ examination is offered. The board shall prescribe other qualifications and requirements and shall consider other factors.

(iv) **E.** The state superintendent of education shall administer the ~~forementioned~~ policy of the board **regarding examinations.** In administering the policy, the superintendent shall choose the appropriate testing instrument, shall conduct all necessary research to validate the applicability of the instrument to teacher education programs within the state of Louisiana, and shall conduct all necessary research to determine the level at which the examination is satisfactorily completed. During the conduct of the research and in the preparation of the testing instrument, the superintendent shall meet with and consider the suggestions of individual classroom teachers, representatives of teacher organizations, deans of education of the public colleges and universities of the state, and representatives of each of the governing boards for higher education.

(v) **F.** Any applicant seeking certification may apply for and take any required test or tests without limitation as to the frequency of applications or testing.

(vi) **G.** 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 the~~ persons, the number of persons successfully completing the examination, the effectiveness of the examination, and any suggestions for improving the examination.

~~§7(6)(d)H.~~ Any examination selected by the state superintendent of education which would supercede the examination **to be 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 Teaching Permit

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:**

§7(6)(c) ~~Any person who holds (a) Holds~~ at least a master's degree in the subject area in which ~~he the person~~ is seeking employment;

(b) Holds 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 2.50 average on a 4.00 scale.

(iii) Passed all requisite examinations covering content knowledge.
~~(c) or any person who meets~~ **Meets** 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;.

(2) Any person who has graduated from an approved teacher education program with less than a 2.50 average on a 4.00 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 ~~in~~ **if both of** the following ~~manner~~ **are satisfied:**

~~(i)(1)~~ **(1)** The state superintendent of education, ~~upon receipt of~~ **receives** a signed affidavit by the president and superintendent of the school board to which ~~such~~ **the** person has applied for employment that there is no other applicant available for employment for a specific teaching position 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 **a 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 students.

~~(ii)(d)~~ **(d)** At any time ~~the a person who failed to pass the examination~~ **meets the requirements of Subparagraph (A)(1)(c) of this Section** successfully passes the examination, ~~he the person~~ shall be certified and ~~may be employed on a permanent basis~~ **issued a standard professional level teacher certificate** ~~provided the person meets all other requirements for background checks and criminal history reviews as required by law and board policy.~~

~~(iii)(e)~~ **(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 receipt of a valid Louisiana teaching certificate, the person shall be granted a valid standard professional level ~~teaching~~ **teacher** certificate by the state superintendent of education, subject only to ~~passing~~ **complying with** all provisions of law ~~or board policy~~ relative to background checks and criminal history review.

~~(iv)(f)~~ **(f)** 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)(A)~~ **(1)** Any ~~persons~~ **person** applying for initial certification as a principal or vice, assistant, or deputy principal, hereafter referred to **in this Section** as a principal, in addition to any other requirements of the State Board of Elementary and Secondary Education, shall have passed the administrative portion of the educational leadership exam adopted by and at a level determined by the State Board of Elementary and Secondary Education.

~~(2) Beginning August 15, 2003, and thereafter, any~~ **Any** person applying for initial certification as a principal or superintendent, in addition to any other requirements of the State Board of Elementary and Secondary Education, shall have satisfactorily passed the appropriate assessment instrument selected by the board at a level determined by the board.

~~(3) Any principal who holds valid out-of-state certification as a principal, and has at least four years of successful experience as a principal in another state as determined by the board, and has completed one year of successful employment as an assistant principal or a principal in a Louisiana public school system shall not be required to take the examination administered in accordance with the provisions of this Subsection~~ **Section** or to submit any examination scores from any examination previously taken in another state as a prerequisite to the granting of certification in Louisiana provided that ~~all of the following conditions are met:~~

~~(a) The principal meets all other requirements for a Louisiana certificate as may be required by law or board policy.~~

~~(b) The local superintendent or his designee of the public school system employing the principal has recommended the principal for employment for the following school year subject to the receipt of a valid Louisiana certificate as a principal.~~

~~(c) The local superintendent or his designee has requested, on behalf of the principal, that the principal be granted a valid Louisiana certificate as a principal~~ **the principal meets all other requirements for a Louisiana certificate, including background checks and criminal history reviews, as may be required by law and board policy.**

~~(4) A principal who holds valid out-of-state certification as a principal, and who applies to the State Board of Elementary and Secondary Education for certification as a principal, shall be granted a three-year~~ **five-year** nonrenewable provisional certificate to be used while ~~such~~ **the** principal completes the requirements set forth in this ~~Subsection~~ **Section**.

B. The State Board of Elementary and Secondary Education may adopt rules as are necessary for the orderly implementation of this Section and may make further provisions with regard to qualifications and requirements not

inconsistent with this Section.

§8.5. Certification of foreign associate teachers

~~§7(6)(g)~~ The board shall develop and implement policies relative to the certification of foreign associate teachers that include ~~but shall not be limited to~~ the following components:

~~(i)(1)~~ **(1)** The designation by the board of the appropriate foreign language associate teaching certificate to be granted to teachers who meet the certification requirements of the Foreign Associate Teacher Program.

~~(ii)(2)~~ **(2)** Procedures for foreign language associate teaching certificate renewal upon the teacher's completion of a required number of continuing learning units as determined by the board.

~~(iii)(3)~~ **(3)** Testing requirements for teachers holding certain foreign language associate teaching certificates who are pursuing a regular teaching certificate.

~~(iv)(4)~~ **(4)** The expansion of languages covered under the foreign language associate teaching certificate that will allow for growth of the Foreign Associate Teacher Program.

~~(v)(5)~~ **(5)** Support for the addition of a foreign language indicator to the list of critical certification shortage areas in the revised Teacher Preparation Accountability System to encourage universities to increase the number of foreign language teachers who complete teacher preparation programs.

§8.6. Qualifications of school psychologists

~~§7-1(D)(A)~~ **(A)** The State Board of Elementary and Secondary Education shall, by regulation, prescribe the qualifications, ~~provide for the certification,~~ and provide for the supervision of school psychologists in the employ of any public agency regulated by the board, notwithstanding the provisions of R.S. 37:2363 or any other ~~provisions~~ **provision** of law to the contrary. ~~The certification requirements~~ **qualifications** shall not be less than those requirements established by the National Association of School Psychology **Psychologists. The board may deem a psychologist who meets the qualifications as certified.** Nothing herein **in this Section** shall be construed as permitting a person certified **qualified** under the provisions of this Subsection to offer to render, or to render his services as a psychologist in any setting other than ~~his~~ **the** institutional employment unless ~~he~~ **the person** has been licensed under the provisions of R.S. 37:2356 or licensed as a medical psychologist under the provisions of R.S. 37:1360.51 et seq.

~~§7-1(E)(B)~~ **(B)** Notwithstanding any provision of law to the contrary, any person certified as a Level A school psychologist prior to September 1, 1986, shall be allowed to continue in the employment in which he was engaged and which was not specifically prohibited at the time of receiving ~~such~~ **the** certificate and may use the title "certified school psychologist" in the context of that employment.

C. 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.

§8.7. 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).

~~§7(6)(h)(B)~~ **(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 ~~an a felony~~ **an offense listed, or an offense listed** in R.S. 15:587.1(C), who has been found to have submitted fraudulent documentation to the board or the state Department of Education 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:

~~(i)(1)~~ **(1)** Five years have passed from the date of entry of the person's final conviction, the date of entry of his ~~a~~ **a** plea of nolo contendere, or the date of receipt of notification from the board of its determination that ~~he~~ **the person** submitted fraudulent documentation or facilitated cheating on a state assessment.

~~(ii)(2)~~ **(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 letters of recommendation to the board, all in accordance with board policies.

~~(iii)~~ **(3) The provisions of Subsection A of this Section shall not apply to any educator with an offense is 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 related to those specific offenses before July 1, 2023, or who has an appeal pending on June 30, 2023.** The board shall not grant a person who has been convicted of or has pled nolo contendere to any other offense listed in R.S. 15:587.1(C) a teaching certificate, a teaching authorization, or an appeal.

~~§7(6)(i)(C)~~ **(C)** Not later than December thirty-first of each year, the board shall submit a written report to the Senate Committee on Education and the House 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 teacher certifications or other authorization to teach issued as the result of all successful appeals. The information in the report shall be reported in aggregate and by individual school and school system.

D. In accordance with the Administrative Procedure Act, the board may adopt any rules necessary for the orderly implementation of this Section and may

make further provisions not inconsistent with this Section.

§8.8. Certification appeals; appeals council; membership; duties; reporting
~~§7(6)(f)(i)~~ **A.** The board **State Board of Elementary and Secondary Education** shall establish an appeals process which provides for the circumstances under which an applicant who has been denied certification may appeal ~~such~~ **the** denial to the Teacher Certification Appeals Council, referred to in this **Subparagraph Section** as the “council”.

~~(i)~~ **B.** The council shall consist of nine members recommended by the state superintendent of education and approved by the board as follows:

~~(aa)~~ **(1)** Three council members shall be college of education faculty members, each of whom shall represent a postsecondary education institution participating in both traditional and alternative certification programs. The Louisiana Association of Colleges for Teacher Education, the Louisiana Association of Independent Colleges and Universities, and the Louisiana Association of Teacher Educators shall each submit a list of three nominees. The superintendent shall recommend one college of education faculty member from each ~~such~~ list.

~~(bb)~~ **(2)** Three council members shall be classroom teachers. The Associated Professional Educators of Louisiana, the Louisiana Association of Educators, and the Louisiana Federation of Teachers shall each submit a list of three nominees. The superintendent shall recommend one classroom teacher from each ~~such~~ list.

~~(cc)~~ **(3)** Three council members shall be certified school or system administrators. The Louisiana Association of School Executives, the Louisiana State Association of School Personnel Administrators, and the Louisiana Association of School Superintendents shall each submit a list of three nominees. The superintendent shall recommend one administrator from each ~~such~~ list.

~~(iii)~~ **C.** Council members shall serve four-year terms, ~~after initial terms as provided in this Item. As determined by lot at the first meeting of the council, initial terms shall be as follows:~~

~~(aa) One college of education faculty member, one classroom teacher, and one certified school or system administrator shall serve an initial term of two years.~~

~~(bb) One college of education faculty member, one classroom teacher, and one certified school or system administrator shall serve an initial term of three years.~~

~~(cc) One college of education faculty member, one classroom teacher, and one certified school or system administrator shall serve an initial term of four years.~~

~~(iv)~~ **D.** A majority of council members, not including vacancies, shall constitute a quorum. All actions of the council shall be approved by the affirmative vote of a majority of the members present and voting.

~~(v)~~ **E.** The council shall evaluate the appeals of persons seeking Louisiana certification, including a review of the documents and transcripts of appellants, and shall submit a written report of its findings to the board. A decision of the council shall be a final decision.

~~(vi)~~ **F.** The council shall not consider appeals of persons who are nondegreed, lack any examination scores required by the board for initial certification or administrative certification, or lack fifty percent or more of required course work. The council shall not consider requests to waive state or federal statutes pertaining to teacher certification.

~~(vii)~~ **G.** The board shall establish by rules and regulations, in accordance with the Administrative Procedure Act, all guidelines and procedures for carrying out the provisions of this **Subparagraph Section**.

H. Upon the notification of the dissolution of any association with nominating authority under this Section, the board shall name a similar association to act as a nominating authority. The association shall submit a list of three nominees to the superintendent. The superintendent shall recommend one person from the list for approval by the board.

§8.9. Criminal history reviews for certification, teaching permits, or teacher authorizations; state repository

~~§15(C)~~ **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 Section**.

(2) The Except as provided in R.S. 17:8.7(B), 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~~ **Section** as the “state bureau”, and the Federal Bureau of Investigation, referred to in this ~~Subsection~~ **Section** 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

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 policy, 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 to the state bureau, and from the state bureau to the federal bureau, in a form acceptable to the state bureau.

(4) The state Department of Education may charge a criminal history record check processing fee not to exceed twenty-five dollars, which may be increased by up to five percent annually; may collect the processing fees charged by the state 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 sheriffs and third-party vendors for fingerprinting. The department shall timely submit the appropriate fees to the appropriate entities.

(5) ~~Except as provided in R.S. 17:7(6)(h), neither~~ **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.**

~~(6) Any~~ **B. The department shall check the rap backs provided for in R.S. 15:587.1 for any person with an educator credential or teaching authorization issued prior to June 1, 2023, shall obtain a state and federal criminal history check, through the procedures provided for in this Subsection for new applicants who has not previously obtained a state and federal criminal history check by the department, when an educator is seeking to have such educator a credential or teaching authorization renewed, advanced, or otherwise modified or by June 1, 2028, whichever occurs sooner. The department may obtain a state and federal criminal history check in accordance with this Section.**

C. Except as provided in R.S. 17:7(6)(h) **R.S. 17:8.7(B)**, neither the board nor the department shall **issue, renew, advance, or otherwise modify** an educator credential or teaching authorization for a person who has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C).

D.(1) Upon final conviction of or plea of guilty or nolo contendere to any felony offense or any offense listed in R.S. 15:587.1(C), an administrator, teacher, or other school employee who has an educator credential or teaching authorization issued by the board or the department shall report the fact of the conviction or plea to the department within two business days, exclusive of weekends and holidays, of the conviction or plea.

(2) An administrator, teacher, or school employee who fails to report to the department the conviction or plea shall be fined not more than one thousand dollars or imprisoned for not more than one year, with or without hard labor, or both.

(3) The board shall revoke the educator credential or teaching authorization of any person whose criminal history check reveals a conviction of or plea of guilty or nolo contendere to any offense listed in R.S. 15:587.1(C) or any felony offense.

(4) The department shall notify the last known school that employed the person of the revocation of the educator credential or teaching authorization.

E. The department shall maintain and make available on its website the identity of any person whose teaching certification or teaching authorization has been denied, suspended, or revoked for any 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 as determined by the board.

F. 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.

G. The board may adopt any rules necessary for the orderly implementation of this Section and may make further provisions not inconsistent with this Section.

§15. Criminal history review

B. Each city, parish, and other local public school board shall establish, by regulation, requirements, and procedures consistent with the provisions of R.S. 15:587.1 under which the school systems ~~shall~~ **may** determine whether an applicant **with a teaching credential or authorization issued by the state board or the state department, or and shall determine whether an** employee, including any person employed as provided in Subparagraph (A)(1)(c) of this Section, has been arrested for or convicted of or pled nolo contendere to any criminal offense. **A criminal background check is not required for an applicant with a teaching credential or authorization issued by the board or the department unless the applicant’s teaching certification or teaching authorization has been denied, suspended, or revoked by the board or the department.** Included in this regulation shall be the requirement and the procedure for the submission of a person’s fingerprints in a form acceptable to the Louisiana Bureau of Criminal Identification and Information prior to employment of such person.

C. [Redesignated as R.S 17:8.9]

E.(1) An administrator, teacher, or other school employee upon his final

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 ~~forty-eight hours~~ **two business days, exclusive of weekends and holidays**, of the conviction or plea of guilty or nolo contendere. **Upon receiving a report of a final conviction of or plea of guilty or nolo contendere to any criminal offense, excluding traffic offenses, by an employee holding a teaching certificate or teaching authorization issued by the state board, a school or school system shall report the fact of the conviction or plea to the Louisiana Department of Education within two business days, exclusive of weekends and holidays, of receiving the report of the conviction or plea of guilty or nolo contendere.**

* * *

Section 2. R.S. 15:587.1(A), (B)(1)(a), (C)(introductory paragraph), (D)(2), and (E) are hereby amended and reenacted to read as follows:

§587.1. Provision of information to protect children

A.(1)(a) As provided in R.S. 15:825.3, R.S. ~~17:15~~, **17:8.9, 15**, 407.42, and 407.71, Children's Code Article 424.1, and R.S. 46:51.2, any employer or others responsible for the actions of one or more persons who have been given or have applied to be considered for a position of supervisory or disciplinary authority over children, and as provided in R.S. 46:51.2(A), the Department of Children and Family Services as employer of one or more persons who have been given or have applied to be considered for a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys, and for individuals who are employed by or contracted staff of a child care institution, as defined in 42 U.S.C. 672, licensed by the department, shall request in writing that the bureau supply information to ascertain whether that person or persons have been arrested for or convicted of, or pled nolo contendere to, any criminal offense. The request must be on a form prepared by the bureau and signed by a responsible officer or official of the organization or department making the request. It must include a statement signed by the person about whom the request is made which gives his permission for such information to be released.

(b)(2) In responding to a request for information as provided for in ~~Subparagraph (a) of this Paragraph (1) of this Subsection~~, the bureau shall make available a record of all criminal arrests and convictions prior to the date of request. Any recipient of such information as provided in this **Paragraph Subsection** shall maintain the confidentiality of such criminal history information in accordance with applicable federal or state law.

(c)(3) The bureau, upon receiving a request as provided for in ~~Subparagraph (a) of this Paragraph (2) of this Subsection~~, shall provide a report promptly and in writing, but provide only such information as is necessary to specify whether or not that person has been arrested or convicted of or pled nolo contendere to any such crime or crimes, the crime or crimes of which he has been arrested or convicted or to which he has pled nolo contendere, and the date or dates on which they occurred.

B.(1)(a) Upon receiving a request 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. 15:587, that meets the requirements of Subsection A of this Section, the bureau of criminal identification and information shall survey its criminal history records and identification files and make a simultaneous request of the Federal Bureau of Investigation for like information from other jurisdictions. The bureau of criminal identification and information shall provide a report promptly and in writing, but provide only such information as is necessary to specify whether or not that person has been arrested for or convicted of or pled nolo contendere to any crime or crimes, the crime or crimes of which he has been arrested for or convicted or to which he has pled nolo contendere, and the date or dates on which they occurred. The report provided pursuant to the provisions of this Subsection shall include arrests, convictions, or other dispositions, including convictions dismissed pursuant to Code of Criminal Procedure Articles 893 and 894.

* * *

C. The provisions of R.S. 15:825.3, R.S. ~~17:15~~, **17:8.9, 15**, 407.42, and 407.71, R.S. 46:51.2 and 1441.13, and Children's Code Article 424.1 shall govern the employment of persons who have been convicted of, or pled guilty or nolo contendere to, any of the following crimes:

* * *

D.

* * *

(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, or 407.71 or R.S. 46:51.2.

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**, or R.S. 46:51.2(A) or (B), shall be fined not more than five hundred dollars.

* * *

Section 3. R.S. 17:7(6)(e) and (10) are hereby repealed.

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, 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. 393

SENATE BILL NO. 201

BY SENATORS HEWITT, ABRAHAM, BARROW, BOUDREAUX, CARTER,
CLOUD, CORTEZ, DUPLESSIS, HENSGENS, JACKSON, MILLIGAN,
FRED MILLS, MIZELL, STINE, TALBOT AND WOMACK 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 for related matters.

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

* * *

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 or a designated caregiver of such a person to participate in its meetings via teleconference or video conference as defined in R.S. 42:17.2 shall adopt rules, regulations, and procedures to regulate and facilitate participation via teleconference or video conference for any such person who prior to the meeting requests that accommodation.

(2) Each public body that does not have the capability to allow any member of the public with a disability recognized by the Americans with Disabilities Act or a designated caregiver of such a person to participate in its meetings via teleconference or video conference as defined in R.S. 42:17.2 shall adopt rules, regulations, and procedures to facilitate viable alternative methods for a member of the public with a disability recognized by the Americans with Disabilities Act or a designated caregiver of such a person who so requests to participate in its meetings.

(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. 42:17.2(D).

(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**

A. Notwithstanding any other provision of this Chapter to the contrary, ~~the pharmacy benefit manager monitoring advisory council~~, as provided for in ~~R.S. 40:2869~~, **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~~ **public body**, emailed to any member of the public or the news media who requests notice of meetings of the public body, and **widely posted and 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) Detailed information regarding how members of the public may participate in the meeting and submit comments regarding matters on the agenda, which information shall be posted on the website of the ~~Louisiana Board of Pharmacy and the Department of Insurance~~, **public body and** emailed to any member of the public or the news media who requests notice of meetings of the ~~public body~~, 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.**

C. For each meeting conducted pursuant to this Section, the following

requirements shall apply:

(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 each person participating in the meeting is 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.

(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. 49:951 shall promulgate such rules pursuant to the Administrative Procedure Act.

(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.

(1) Except as provided in Subsection I 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.

(2) However, no licensing or regulatory public body shall conduct a disciplinary hearing or adjudication via electronic means pursuant to this Section.

I. The provisions of this Section shall not apply to:

(1) The legislature, either house of the legislature, or any committee of the legislature or either house of the legislature.

(2) The State Board of Elementary and Secondary Education.

(3) The Board of Regents.

(4) The Board of Ethics or Ethics Adjudicatory Board.

(5) The State Civil Service Commission.

(6) The board of directors of the Louisiana Citizens Property Insurance Corporation.

(7) The State Board of Commerce and Industry.

(8) The board of supervisors for the Louisiana State University System, the University of Louisiana System, the Louisiana Community and Technical

Colleges System, or the Southern University System.

(9) Any parish board of election supervisors.

§17.2.1. Public body; member with a disability

A. Notwithstanding any provision of this Chapter that requires a member of a public body to be physically present in order to be counted for a quorum and to participate and vote in a meeting, a member of a public body who has a disability recognized by the Americans with Disabilities Act shall be allowed to participate and vote in a meeting via electronic means as defined in R.S. 42:17.2.

B. 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. 49:951 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
