$32. Rates of tax

A. On individuals. The tax to be assessed, levied, collected and paid upon the taxable income of an individual shall be computed at the following rates:

1. One and eighty-five one hundredths percent on that portion of the first twelve thousand five hundred dollars of net income which is in excess of the credits for personal deductions for federal income tax purposes computed on the basis that such net income is determined for federal income tax purposes.

2. Six percent on any amount of net income in excess of fifty thousand dollars of net income.

§32.1. Individual income tax rate reduction; trigger

A. (1) Beginning April 1, 2024, and each April first through 2034, if the prior fiscal year’s actual individual income tax collections as reported in the state’s accounting system exceed the actual individual income tax collections for the fiscal year ending June 30, 2019, as reported in the state’s accounting system, adjusted annually by the growth factor provided for in Article VII, Section 10(C) of the Constitution, the individual income tax rate in R.S. 47:32 for the tax year beginning the following January first shall be reduced as provided in Paragraph (2) of this Subsection.

B. The reduced rates shall be calculated by multiplying each current rate by the difference between one and the percentage change in individual income tax collections in excess of the individual income tax collections for Fiscal Year 2018-2019 adjusted annually by the growth factor as provided in Paragraph (1) of this Subsection. These reductions shall be made only if both of the following conditions are met:

(a) The prior fiscal year’s actual total tax, licenses, and fees exceed the actual total tax, licenses, and fees for Fiscal Year 2018-2019, adjusted annually by the growth factor in Article VII, Section 10(C) of the Constitution of Louisiana.

(b) The Budget Stabilization Fund balance as determined by the treasurer is at least two and one-half percent of the total state revenue receipts from the prior fiscal year.

C. When the provisions of this Section require a reduction in the individual income tax rates, the secretary of the Department of Revenue shall publish the reduced rates, and shall include the reduced rates when publishing the tax tables pursuant to R.S. 47:290 and the withholding tables pursuant to R.S. 47:119.

§300.1. Tax imposed

There is imposed an income tax for each taxable year upon the Louisiana taxable income of every estate or trust, whether resident or nonresident. The tax to be assessed, levied, collected, and paid upon the Louisiana taxable income of an estate or trust shall be computed at the following rates:

1. One and eighty-five one hundredths percent on that portion of the first twenty thousand dollars of Louisiana taxable income.

2. Four and one-half percent on the next forty thousand dollars of Louisiana taxable income.

3. Six and twenty-five one hundredths percent on Louisiana taxable income in excess of fifty thousand dollars.
with federal law for the same taxable year, as specifically modified by the provisions contained in Subsection B of this Section, less a federal income tax deduction to be computed following the provisions of R.S. 47:287.83 and 287.85.

§300.7. Louisiana taxable income of nonresident estate or trust
A. Definition. “Louisiana taxable income” of a nonresident estate or trust means such portion of the taxable income of the nonresident estate or trust determined in accordance with federal law for the same taxable year, as specifically modified by the provisions contained in Subsection C of this Section, that was earned within or derived from sources within this state, less a federal income tax deduction to be computed following the provisions of R.S. 47:287.83 and 287.85.

Section 2. R.S. 47:2934(a) and (9)(a)(i), 296.1(3)(c), and 298 are hereby repealed in their entirety.

Section 3. The provisions of this Act shall be applicable to taxable periods beginning on or after January 1, 2022. Section 4. This Act shall take effect and become operative on January 1, 2022, if the proposed amendment of Article VII of the Constitution of Louisiana contained in the Act which originated as House Bill No. 274 of this 2021 Regular Session of the Legislature or the Act which originated as Senate Bill No.159 of this 2021 Regular Session of this Legislature is adopted at a statewide election and becomes effective and if both of the Acts that originated as House Bill No. 292 and Senate Bill No. 161 of this 2021 Regular Session of the Legislature are enacted and become law.

Approved by the Governor, June 16, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT NO. 396

BY REPRESENTATIVE RISER

HOUSE BILL NO. 292

To amend and reenact R.S. 47:287.81, 287.12, 287.69, 287.442(B), and 287.732.2(B) and to repeal R.S. 47:55(5), 279, 287.83, 287.85, and 287.732.2(C), relative to corporate income tax; to provide relative to the deductibility of federal income taxes; to repeal deductibility of federal income taxes paid for purposes of calculating corporate income taxes; to decrease the number of tax brackets applicable to corporate income tax; to lower the rates of corporation income tax; 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. 47:32(C), 241, 287.12, 287.69, 287.442(B), and 287.732.2(B) are hereby amended and reenacted to read as follows:

§32. Rates of tax

C. On corporations. The tax to be assessed, levied, collected, and paid upon the net income of every corporation shall be computed at the rate of:

(1) Four percentum upon the first twenty-five thousand dollars of net income.

(2) Five percentum upon the amount of net income above twenty-five thousand dollars but not in excess of fifty thousand dollars.

(3) Six percentum upon the amount of net income above fifty thousand dollars but not in excess of one hundred thousand dollars.

(4) Seven percentum upon the amount of net income above one hundred thousand dollars but not in excess of two hundred thousand dollars.

(5) Eight percentum upon all Louisiana taxable income in excess of two hundred thousand dollars.

§241. Net income subject to tax

The net income of a nonresident individual or a corporation subject to the tax imposed by this Chapter shall be the sum of the net allocable income earned within or derived from sources within this state, as defined in R.S. 47:243, and the net apportionable income derived from sources in this state, as defined in R.S. 47:243. The net allocable income shall be the net income after adjustments, for purposes of federal income taxation, as compared to the computation of net income in accordance with rules and regulations of the collector of revenue. Proper adjustment shall be made for the actual tax rates applying to different classes of income and for all differences in the computation of net income for purposes of federal income taxation as compared to the computation of net income for Louisiana purposes.

§241. Net income subject to tax

(2) Where the allocation of the tax is to be based on a ratio of the amount of net income of a particular class, both the numerator and the denominator of the fraction used in determining the ratio shall be computed on the basis that such net income is determined for federal income tax purposes.

§287.12. Rates of tax

The tax to be assessed, levied, collected, and paid upon the Louisiana taxable income of every corporation shall be computed at the rate of:

(1) Four percentum upon the first twenty-five thousand dollars of Louisiana taxable income.

(2) Five percentum upon the amount of Louisiana taxable income above twenty-five thousand dollars but not in excess of fifty thousand dollars.

(3) Six percentum upon the amount of Louisiana taxable income above fifty thousand dollars but not in excess of one hundred thousand dollars.

(4) Seven percentum upon the amount of Louisiana taxable income above one hundred fifty thousand dollars but not in excess of two hundred thousand dollars.

(5) Eight percentum on all Louisiana taxable income in excess of two hundred thousand dollars.

§287.69. Louisiana taxable income defined
“Louisiana taxable income” means Louisiana net income after adjustments, for purposes of federal income taxation, as compared to the computation of net income in accordance with rules, regulations, or forms prescribed by the collector of revenue.

§287.442. Exceptions to yearly inclusion; tax year deductions taken

B. Period for which deductions and credits shall be taken.

(1) The taxable year in which to claim the federal income tax deduction allowed by R.S. 47:287.85 shall be determined as follows, regardless of the method of accounting regularly employed by the taxpayer.

(a) The federal income tax deduction may be claimed for the same taxable year in which the federal income tax sought to be deducted is incurred, provided the taxpayer files a federal income tax return for the same taxable year or is included with affiliated entities in a consolidated federal income tax return for such taxable year.

(b) The taxable year for adjustments to taxpayer’s federal income tax return.

Excep that as otherwise provided in this Paragraph, adjustments of Louisiana taxable income which are made to the taxpayer’s income tax return subsequent to filing, whether made because of a deficiency proposed by the government, a court order, an amended return, or other appropriate instrument or act, showing an overpayment or a deficiency shall be taken into account in the period for which the return was filed, unless the prescriptive period for the collection of tax or the refund or credit was expired, the additional tax paid by the taxpayer in the case of an overpayment shall be the taxable year such tax was paid, such refund was received, or such credit was allowed, as the case may be.

(2) When a federal refund results from transactions or conditions which arise after the close of the taxable year for which the refund is made, such federal tax shall be taken into account, for purposes of this Part, for the taxable year in which arose the transactions or conditions causing the refund.

(3) Adjustments to a return filed pursuant to this Part, whether initiated by the secretary or the taxpayer, shall be taken into account in the taxable year for which the return was filed in accordance with rules, regulations, or forms prescribed by the secretary.

(4) If a deduction is claimed and allowed in any period, the same deduction cannot again be claimed in a subsequent period in which it otherwise would be properly deductible, unless the taxpayer, prior to the running of prescription with respect to the first period, shall have amended his return for that period so as to eliminate the deduction and shall have paid additional tax which may be due resulting therefrom, together with any interest and penalties that may be applicable thereto.

§287.732.2. Election for S corporations and other flow-through entities

B. Notwithstanding any provision of law to the contrary, the tax on the Louisiana taxable income of every entity that makes the election pursuant to this Section shall be computed at the rates of:

(1) Two and eighty-five one hundredths percent upon the first twenty-five thousand dollars of Louisiana taxable income.

(2) Two and eighty-five one hundredths percent upon the amount of Louisiana taxable income above twenty-five thousand dollars but not in excess of fifty thousand dollars.

(3) Four and one-half percent upon the amount of Louisiana taxable income above fifty thousand dollars but not in excess of one hundred thousand dollars.

(4) Six and one-half percent upon the amount of Louisiana taxable income above one hundred fifty thousand dollars but not in excess of two hundred thousand dollars.

(5) Eight percent upon all Louisiana taxable income in excess of two hundred thousand dollars.

C. An entity that has made the election provided in this Section shall be deemed to be a flow-through entity for purposes of federal income taxation which are made to the taxpayer’s income tax return filed pursuant to this Part, whether initiated by the secretary or the taxpayer, shall be taken into account in the taxable year for which the return was filed in accordance with rules, regulations, or forms prescribed by the secretary.
Section 2. R.S. 47:55(5), 287.79, 287.83, 287.85, and 287.732.2(C) are hereby repealed in their entirety.

Section 3. The provisions of this Act shall be applicable for taxable periods beginning on or after January 1, 2022.

Section 4. This Act shall take effect and become operative on January 1, 2022, if the proposed amendment of Article VII of the Constitution of Louisiana contained in the Act which originated as House Bill No. 275 of this 2021 Regular Session of the Legislature or the Act which originated as Senate Bill No. 159 of this 2021 Regular Session of this Legislature is adopted at a statewide election and becomes effective and if both of the Acts that originated as House Bill No. 278 and Senate Bill No. 161 of this 2021 Regular Session of the Legislature are enacted and become law.

Approved by the Governor, June 16, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 397

BY REPRESENTATIVE HARRIS AND NEWELL
AN ACT
To amend and reenact R.S. 18:563(B), relative to voting procedure; to provide for the presence of children while voting; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:563(B) is hereby amended and reenacted to read as follows:

§563. Procedure for voting

A. A preteen minor may accompany his parent or legal guardian into the voting machine.

B. The provisions of this Act shall become effective on January 1, 2022.

Approved by the Governor, June 16, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 398

BY REPRESENTATIVE COUSSAN
AN ACT
To authorize and provide for the transfer of certain public property; to authorize the exchange of certain public property in Lafourche Parish; to authorize the transfer of certain public property in Lafourche Parish; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The Board of Supervisors for the University of Louisiana System, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, to the property described in Section 4 of this Act, and as more specifically described in any such agreements entered into and documented executed by and between the Board of Supervisors for the University of Louisiana System and the City of Lafayette, in exchange of consideration proportionate to the appraised value of the property.

Section 2. This Act shall become effective January 1, 2022.

Approved by the Governor, June 16, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

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and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, except any rights described in subparts (a) and (b) of Section 5 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the Board of Supervisors for the University of Louisiana System and the Society of the Roman Catholic Church of the Diocese of Lafayette, in exchange of consideration proportionate to the appraised value of the property to be transferred or conveyed.

Section 9. 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 16, 2021.

R. Kyle Ardoin
Secretary of State

ACT No. 399

BY REPRESENTATIVE BUTLER

AN ACT

To enact R.S. 49:260, relative to the attorney general; to provide for a purpose; to provide for regulatory review; to provide for participation in the occupational licensing review program; to provide for submissions; to provide for decision-making by the Department of Justice; to provide for procedures and fees; to provide for a specified fund; to provide for certification; to provide for deposits; to provide for definitions; to provide for promulgation of rules; to provide for certification; to provide for exemptions; and to provide for rules.

Section 1. R.S. 49:260 is hereby enacted to read as follows:

§260. Department of Justice Occupational Licensing Review Program

It is the policy of the state that where the state finds it necessary to displace competition, occupational licensing boards shall use the least restrictive regulation to protect the public from present, significant, and substantiated harms that threaten public health, safety, or welfare. Active state supervision of occupational regulatory actions is a method of ensuring adherence to this clearly articulated state policy. By establishing this program, the state intends to ensure that participating boards and board members will avoid liability under federal antitrust laws.

B. In addition to any other powers, duties, or authority granted to the attorney general and the Department of Justice by the constitution and laws of this state, the attorney general shall have the authority to enter into an agreement to provide active supervision of proposed occupational regulations and proposed anti-competitive disciplinary actions of a state occupational licensing board. Such active supervision shall be performed in accordance with this Section and the terms of the written agreement between the occupational licensing board and the Department of Justice. Participating licensing boards shall pay to the Department of Justice annually the amount set forth in the agreement. The dollar amount set forth in the agreement shall not be less than the number of licenses issued by the board as described in the agreement.

C. Participation in the Department of Justice Occupational Licensing Review Program established in this Section is voluntary and optional. An occupational licensing board that chooses to participate in the program shall be subject to the requirements of the Occupational Board Compliance Act, R.S. 37:41 et seq.

D.(1) Prior to submitting a notice of final regulation to the proper legislative oversight committees, the occupational licensing board shall submit any occupational regulation it seeks to promulgate together with a report of any public comments received, agency response to comments, and the statement of proposed fiscal impact, to the Department of Justice.

(2) The Department of Justice shall review the substance of each proposed occupational regulation submitted to ensure compliance with clearly articulated state policy established by this Act, and as more specifically described in any such agreements entered into and documents executed by and between the Board of Supervisors for the University of Louisiana System and the Society of the Roman Catholic Church of the Diocese of Lafayette, in exchange of consideration proportionate to the appraised value of the property to be transferred or conveyed.

(3) Following the review, the Department of Justice shall do any of the following:

(a) Approve the proposed occupational regulation and authorize the occupational licensing board to proceed with promulgation.

(b) Disapprove the proposed occupational regulation and require the occupational licensing board to revise and resubmit the occupational regulation for approval.

(c) The decision by the Department of Justice shall be communicated in writing with an explanation of the basis for the decision.

(4) Compliance with this Subsection shall not be required for emergency rules adopted pursuant to the Administrative Procedure Act, but emergency rules shall not be used to circumvent active supervision of proposed occupational regulations. Nothing in this Subsection shall prevent the occupational licensing board from electing to submit an emergency rule that meets the definition of occupational regulation for review.

E.(1) Prior to taking an anti-competitive disciplinary action, the occupational licensing board shall submit the proposed action and supporting documentation to the Department of Justice.

(a) Determine that the proposed disciplinary action does not implicate any market competition interests.

(b) Approve the proposed disciplinary action as a proper exercise of state regulatory action in accordance with clearly articulated state policy.

(c) Authorize the occupational licensing board to proceed with imposing the disciplinary action.

(d) Disapprove the proposed disciplinary action and decline to authorize its imposition.

(4) The decision by the Department of Justice shall be communicated in writing with an explanation of the basis for the decision. This written explanation shall be considered confidential until the disciplinary action has become a final determination of the board.

(5) All records, writings, accounts, letters, exhibits, data, pictures, drawings, charts, reports, or photographs shall be considered to be in the custody and control of the occupational licensing board, and all exemptions contained in R.S. 44:1, et seq., or any other provision of law shall continue to apply.

F.(1) There is hereby established in the state treasury a special fund to be known as the Department of Justice Occupational Licensing Review Program Fund, hereafter referred to in this Section as “the fund”.

(2) Notwithstanding any provision of law to the contrary, after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, and after determination by the treasurer that the Department of Justice Occupational Licensing Review Program Fund and other special funds in the state treasury have a sufficient amount is allocated from that fund to pay all of the obligations incurred by the department in the performance of the duties of the department, the Treasurer shall pay an amount into the fund equal to the net receipts provided as revenue from other special funds, occupational licensing boards as compensation for the regulatory activities undertaken pursuant to this Subsection.

(3) Monies in the fund shall be subject to annual appropriation to the Department of Justice solely for the support of occupational licensing board regulatory review activities and general operating expenses. Monies so appropriated shall be used to supplement the department's budget and shall not be used to displace, replace, or supplant appropriations from the state general fund for operations of the department below the level of state general fund for operations of the department in the preceding fiscal year.

(4) All unencumbered and unexpended monies in the fund at the end of the fiscal year shall remain in the fund. Monies in the fund shall be invested by the treasurer in the same manner as those in the state general fund, and any interest earned on such investment shall be deposited in and credited to the fund.

G. For the purposes of this Section:

(1) “Active market participant” means an individual or entity that is any of the following:

(a) Licensed by the occupational licensing board to which they are appointed, including sub-specialties licensed by that board.

(b) A provider of any service subject to the regulatory authority of that occupational licensing board.

(c) A provider of any service subject to the regulatory authority of any occupational licensing board.

(d) An active market participant is not a controlling number of active market participants.

(2) “Occupational licensing board” means any state executive branch department, agency, or committee that exercises licensing authority over any profession, occupation, or profession or occupation regulated by a governmental entity in Louisiana.

(3) “Occupational license” means a license issued by an occupational licensing board.

(4) “Occupational regulation” means a rule as defined in the Administrative Procedure Act that has reasonably foreseeable anti-competitive effects. Any license, permit, or regulation established by a parish, municipality, or a board or agency composed of a controlling number of active market participants is excluded.

H. The Department of Justice is authorized to promulgate rules and procedures as necessary to implement the program established by this Section.

I. Nothing in this Section is intended to restrict an occupational licensing board from requiring, as a condition of licensure or renewal of licensure, that an individual's personal qualifications include obtaining or maintaining certification from a private organization that credentials individuals in the relevant occupation.
J. The provisions of this Section shall not apply to the regulation of the practice of law.

ACT No. 400

BY REPRESENTATIVE EMERSON

To enact R.S. 17:3996(B)(59) and Chapter 43-B of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:4036.1, relative to elementary and secondary education; to authorize public school governing authorities to establish student learning pods for the purpose of providing small group instruction; to provide that students assigned to learning pods shall be enrolled in the school; to require instruction in learning pods to be provided by public school teachers; to provide relative to funding; to provide relative to policies and procedures; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3996(B)(59) and Chapter 43-B of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:4036.1, are hereby enacted to read as follows:

§4036.1. Learning pods

A. Each public school governing authority may establish learning pods as an extension of any school under its jurisdiction. For purposes of this Chapter, "learning pod" means a group of at least ten students enrolled in the school who receive instruction in a small group setting.

B. A student shall be assigned to a learning pod only if the assignment is requested by his parent or authorized by his parent upon the recommendation of school officials.

C. All instruction provided to students assigned to learning pods shall be provided by teachers on the staff of the school who meet all qualifications and are subject to all requirements applicable to public schools with the same grades.

D. Students assigned to a learning pod shall be:

(1) Counted among the enrollment of the public school governing authority for purposes of full funding through the Minimum Foundation Program formula.

(2) Subject to all requirements applicable to students enrolled in the school who are not assigned to a learning pod.

(3) Eligible for participation in all services and activities for which they would be eligible if not assigned to a learning pod.

E. The establishment of learning pods shall be subject to policies and procedures adopted by a public school governing authority, which, at a minimum, shall provide for the following:

(1) The student population of the learning pod, which may be a blended population of students of different grade levels.

(2) The method of instruction for the learning pod, which may occur in-person at a physical location on the school campus, remotely through virtual instruction, or through a hybrid approach that combines both methods.

(3) Any specialized curriculum or program provided in the learning pod.

(4) The process for a parent to request student assignment to a learning pod, grant authorization for a student’s assignment to a learning pod if recommended by school officials, and withdraw a student from a learning pod.

F. This Chapter does not apply to or have any effect on any learning pod or other group of students that is formed and operated by parents, regardless of whether they are enrolled in a public school or a nonpublic school or participating in a home study program.

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 16, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 401

AN ACT

To amend and reenact R.S. 47:6023(C)(2), (D)(2)(c)(iii), and (E) and to repeal R.S. 47:6023(C)(5), relative to the sound recording investor tax credit; to eliminate certain restrictions regarding the reduction of a taxpayer’s tax liability; to authorize the payment of refunds under certain circumstances; to provide for certain deposits; to provide for certain requirements and limitations; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6023(C)(2), (D)(2)(c)(iii), and (E) are hereby amended and reenacted to read as follows:

§6023. Sound recording investor tax credit

(2) Sound recording investor tax credits associated with a state-certified production or tax credits for a Qualified Music Company shall never exceed the total base investment in that production or sound recording infrastructure project.

(3) Any specialized curriculum or program provided in the learning pod.

(4) The method of instruction for the learning pod, which may occur in-person at a physical location on the school campus, remotely through virtual instruction, or through a hybrid approach that combines both methods.

(5) Any specialized curriculum or program provided in the learning pod.

(6) The process for a parent to request student assignment to a learning pod, grant authorization for a student’s assignment to a learning pod if recommended by school officials, and withdraw a student from a learning pod.

E. Tax credit certification letter for Qualified Music Company credit and project-based production tax credit.

(1) After certification, the Louisiana Department of Economic Development shall submit the tax credit certification letter to the Department of Revenue on behalf of the QMC or the investor who earned the sound recording tax credits. The Department of Revenue may require the QMC or the investor to submit additional information as may be necessary to administer the provisions of this Section. Upon receipt of the tax credit certification letter and any necessary additional information, the secretary of the Department of Revenue shall make payment to the QMC or investor in the amount to which he is entitled from the current collections of the taxes collected pursuant to Chapter 1 of Subtitle II of this Title, as amended.

(2) The provisions of this Subsection shall be applicable to Qualified Music Companies with applications received prior to July 1, 2021. Qualified Music Companies with applications received prior to July 1, 2021 shall continue to be applied and carried forward pursuant to the provisions of Subparagraph (C)(4)(b) of this Section.

(3) Any specialized curriculum or program provided in the learning pod.

(4) The process for a parent to request student assignment to a learning pod, grant authorization for a student’s assignment to a learning pod if recommended by school officials, and withdraw a student from a learning pod.

F. This Chapter does not apply to or have any effect on any learning pod or other group of students that is formed and operated by parents, regardless of whether they are enrolled in a public school or a nonpublic school or participating in a home study program.

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 16, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 402

AN ACT

To enact R.S. 22:1674.1 and to repeal R.S. 22:1674, relative to insurance claims adjusters; to provide for the standards of conduct for claims adjusters; to require newly licensed claims adjusters and claims adjusters renewing their license to read and acknowledge the claims adjuster standards of conduct; to provide for penalties for violation of the standards of conduct; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1674.1 is hereby enacted to read as follows:

§1674.1. Standards of conduct; acknowledgment required

A. The following standards of conduct shall be binding on all claims adjusters:

(1) An adjuster shall not have a direct or indirect financial interest in any aspect of the claim, other than the salary, fee, or other consideration...
established with the insurer.
(2) An adjuster shall not acquire any interest in salvage of property subject to the property damage claim.
(3) An adjuster shall not solicit employment, recommend, or otherwise solicit engagement, directly or indirectly, for any attorney at law, contractor, or subcontractor, in connection with any loss or damage for which the adjuster is employed or concerned.
(4) An adjuster shall not solicit or accept any compensation, directly or indirectly, from, by, or on behalf of any contractor or subcontractor engaged by or on behalf of any insured by which such adjuster has been, is, or will be employed or compensated, directly or indirectly.
(5) An adjuster shall not provide favored treatment to any claimant.
(6) An adjuster shall adjust all claims strictly in accordance with the insurance contract.
(7) An adjuster shall not approach investigations, adjustments, and settlements in a manner prejudicial to the insured.
(8) An adjuster shall make truthful and unbiased reports of the facts after completing a thorough investigation.
(9) An adjuster shall handle every adjustment and settlement with honesty and integrity, without any remuneration to himself except that to which he is legally entitled.
(11) An adjuster, upon undertaking the handling of a claim, shall act with dispatch and due diligence in achieving a proper disposition of the claim.
(12) An adjuster shall promptly report to the department any conduct by any licensed insurance representative of this state which violates any provision of this Title or department rule.
(13) An adjuster shall exercise appropriate care when dealing with elderly claimants and claimants who may be vulnerable.
(14) An adjuster shall not negotiate or effect settlement directly or indirectly with any third-party claimant represented by an attorney, if the adjuster has knowledge of such representation, except with the consent of the attorney.
(15) An adjuster may interview any witness, or prospective witness, without the consent of opposing counsel or party. In doing so, however, the adjuster shall scrupulously avoid any suggestion calculated to induce a witness to depart from the truth, or in any degree affect the witness's appearance or testimony during deposition or at the trial. If any witness making or giving a signed or recorded statement so requests, the witness shall be given a copy of the statement.
(16) An adjuster shall not advise a claimant to refrain from seeking legal advice, nor act against the retention of counsel to protect the claimant's interest.
(17) An adjuster shall not knowingly make any oral or written misrepresentation or statement in regards to applicable policy provisions, contract conditions, or pertinent state laws for purposes of this Paragraph, the term “third-party claimant” does not include the insured or the insured’s resident relatives.
(18) An adjuster shall not undertake the adjustment of any claim for which the adjuster is not currently competent and knowledgeable as to the terms and conditions of the insurance coverage, or which otherwise exceeds the adjuster's current expertise.
(19) An adjuster shall not permit an unlicensed employee or representative of the adjuster to conduct business for which a license is required pursuant to the provisions of this Part.
(20) No adjuster, while so licensed by the department, may represent or act as a public adjuster.
(21) No adjuster shall materially misrepresent to an insured or other interested party the terms and coverage of an insurance contract with intent and for the purpose of effecting settlement of a claim for loss or damage or benefit under such contract on less favorable terms than those provided in and contemplated by the insurance contract.
B. Upon license issuance and license renewal, claims adjusters shall read and acknowledge the claims adjuster standards of conduct provided in this Section, in a manner prescribed by the commissioner.
C. Violation of this Section shall be grounds for administrative action against the licensee. In addition to administrative action, a claims adjuster who violates the provisions in Section A of this Section shall be deemed to have committed an unfair trade practice pursuant to R.S. 9:2790(E), and one or more penalties contained in R.S. 22:1869 may be enforced by the commissioner.
D. This Section does not create any civil action or create any cause of action not otherwise provided by law.

§916. Unlawful distribution of sample tobacco products, alternative nicotine product or vapor products to persons under age eighteen twenty-one; penalty.
A. It shall be unlawful for a person to distribute or cause to be distributed to persons under eighteen twenty-one years of age a promotional sample of any tobacco product, alternative nicotine product, or vapor product.

§916. Unlawful sale, purchase, or possession of tobacco, alternative nicotine product or vapor products; signs required; penalties
C. It is unlawful for any manufacturer, distributor, retailer, or other person knowingly to sell or distribute any tobacco product, alternative nicotine product, or vapor product to a person under the age of eighteen twenty-one. However, it shall not be unlawful for a person under the age of eighteen twenty-one to accept receipt of a tobacco product, alternative nicotine product, or vapor product from an employer when required in the performance of such person's duties. At the point of sale, purchase, sale, in not less than 30-point type, that is conspicuous to a reasonable and prudent person, the sign or sticker shall indicate to the consumer an intention of the seller or server to notify the Louisiana Tobacco Quitline (www.quitwithusla.org), as determined by the state department of health, the Louisiana Tobacco Control Program, or the Louisiana Department of Health.
D. It is unlawful for a vending machine operator to place in use a vending machine to vend any tobacco product, alternative nicotine product, or vapor product, unless the machine displays a sign or sticker in not less than 22-point type that the sale, purchase, sale, in not less than 30-point type, conspicuous to a reasonable and prudent person, the sign or sticker shall indicate to the consumer an intention of the seller or server to notify the Louisiana Tobacco Quitline (www.quitwithusla.org), as determined by the state department of health, the Louisiana Tobacco Control Program, or the Louisiana Department of Health.
E. It is unlawful for any person under the age of eighteen twenty-one to buy or sell any tobacco product, alternative nicotine product or vapor product.
F. It is unlawful for any person under the age of eighteen twenty-one to possess any tobacco product, alternative nicotine product, or vapor product.

§939. Additional powers of the commissioner
C. In order to ensure compliance with laws prohibiting the sale or service of alcoholic beverages, tobacco, alternative nicotine, or vapor products to underage persons, the commissioner shall at least once annually conduct random, unannounced inspections at locations where alcoholic beverages, tobacco, or alternative nicotine, or vapor products are sold, served, or distributed, and act in accordance with the commissioner's discretion. As used in this Section, any other use of persons under the age of twenty-one may be enforced by employees of the office of alcohol and tobacco control to test compliance, but such persons may be used only if the testing is conducted under the direct supervision of such employees and written parental consent has been provided if the person is under the age of eighteen. Any person under the age of eighteen or twenty-one shall either carry the person's own identification showing the person's correct date of birth or shall carry no identification. A person under the age of eighteen or twenty-one may not purchase tobacco products, alternative nicotine products, or vapor products. In addition, any person under the age of eighteen or twenty-one shall truthfully answer any questions about the person's age. Except where expressly authorized in writing by the commissioner in furtherance of the objectives of this Section, any other use of persons under the age of eighteen twenty-one to test compliance with the provisions of this Section or any other prohibition of like or similar import shall be unlawful and the person or persons responsible for such use shall be subject to the penalties prescribed in this Title or R.S. 14:916.1, 916(A), and R.S. 26:901.1, relative to tobacco products; to provide relative to alternative nicotine products; and to provide relative to the unlawful distribution, sale, and possession; to raise the minimum age of persons for sale, purchase, and possession; to provide for legislative facts and findings; to require unannounced compliance checks; to require identification under certain circumstances; to provide relative to vending machines and self-service displays; to provide for violations; and to provide for related matters.

THE ADVOCATE       ** As it appears in the enrolled bill
PAGE 6

CODING: Words in black type are deletions from existing law; words underlined (House Bills) and underscored (Senate Bills) are additions.
A. The federal Further Consolidated Appropriations Act of 2020 (PL 116-94) raised the federal minimum age for sale of tobacco products from eighteen years old to twenty-one years old. The Section of that Act providing for this change became known as "Tobacco 21" or "T21." The new federal minimum age of sale of tobacco and tobacco products was effective immediately and applies to all retail establishments and persons with no exceptions.

B. (1) Federal enforcement of the change in age is through the federal block grant program to the states for health and substance abuse. In 1990 Congress enacted the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act (PL 102-321), which included an amendment (Section 1926 known as the Synar Amendment) aimed at decreasing youth access to tobacco. The amendment requires states to enact and enforce laws regarding tobacco and tobacco product sales in accordance with federal law or risk losing their federal Substance Abuse Prevention and Treatment Block Grant (SABG) award.

B. (2) T21 contained a transition period of three years from the date of enactment before fines may be withheld from a SABG award to a state for noncompliance. The Act requires states to document and report to the secretary of the United States Department of Health and Human Services efforts made to come into compliance with federal law.

B. (3) T21 provides for the United States Food and Drug Administration to continue to conduct random and announced compliance check inspections on tobacco product retailers to determine a retailer's compliance with federal law and regulations. While T21 did not provide for a grace period or transition period for tobacco retailers, the United States Food and Drug Administration has agreed to continue to use minors under the age of eighteen for undercover buy inspections in its compliance check program.

C. (1) In addition to the federal mandate, there is a growing body of evidence about health problems related to tobacco and vapor use by youth. In 2016 the Substance Abuse and Mental Health Administration conducted a national survey on drug use and health which showed that about ninety-five percent of adult smokers began smoking before turning twenty-one years of age and nearly eighty percent of them were daily smokers by the age of twenty-one. This is significant because in 2014 the Surgeon General released a report entitled The Health Consequences of Smoking: 50 Years of Progress which recognized that adolescence and young adulthood are critical periods of growth and exposure to nicotine can have lasting, negative consequences on brain development.

C. (2) In 2016 the United States Food and Drug Administration and the United States Centers for Disease Control and Prevention are working to investigate the distressing incidents of severe respiratory illness and deaths associated with use of vaping products and have issued consumer warnings and alerts on the matter. The warnings and alerts include a recommendation that vaping products should never be used by youth.

§910. Vending machines.

A. In order to prevent persons under eighteen twenty-one years of age from purchasing or receiving tobacco products, alternative nicotine products, or vapor products from vending machines, the sale or delivery of such products through a vending machine is prohibited unless either of the following apply:

1. The machine is located in an establishment to which persons under the age of eighteen twenty-one are denied access.

2. The machine is located in facilities where the dealer ensures that no person younger than eighteen twenty-one years of age is present or permitted to enter at any time and the machine is located within the unobstructed line of sight of a dealer or a dealer's agent or employee who is responsible for preventing persons younger than eighteen twenty-one years of age from purchasing tobacco products, alternative nicotine products, or vapor products through that machine.

§910.1. Self-service displays

A. In order to prevent persons under eighteen twenty-one years of age from purchasing or receiving tobacco products, alternative nicotine products, or vapor products from self-service displays, the sale or delivery of such products through a self-service display is prohibited unless the machine is a vending machine as defined in R.S. 26:910 that complies with the terms and provisions of that Section.

§911. Acts prohibited

A. No person, agent, associate, employee, representative, or servant of any person shall permit any of the following acts to be done on or about any premises which sells or offers for sale tobacco products, alternative nicotine products, or vapor products:

1. Sell or serve tobacco products, alternative nicotine products, or vapor products over-the-counter in a retail establishment to any person under the age of eighteen unless such person submits twenty-one. All persons engaging in the retail sale of tobacco products, alternative nicotine products, or vapor products shall check the identification of any tobacco purchaser to establish the age of the purchaser. A person shall not sell or serve tobacco products to a minor person under twenty-one years of age by a retail dealer's agent, associate, employee, representative, or servant shall be considered an act of the retail dealer for purposes of suspension, revocation, or assessment of civil penalties unless all of the following conditions exist:

Section 3. R.S. 47:851(C)(2) is hereby amended and reenacted to read as follows:

§851. Monthly reports required; dealers receiving unstamped cigarettes, cigars, and tobacco products; dealers receiving certain items for which taxes are not paid; vending machine restrictions

C. Vending machine operators.

(2) In accordance with R.S. 14:918(D), vending machine operators shall affix a sign or sticker in not less than 22-point type on the front of each machine stating, “LOUISIANA LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS TO PERSONS UNDER AGE 21.”

*   *   *   *

ACT No. 404

BY REPRESENTATIVE DESHOTEL

AN ACT

To enact R.S. 24:677 and to repeal R.S. 24:676, relative to the Joint Legislative Committee on Technology and Cybersecurity; to require the committee to examine potential regulation for the practice of network installation and cybersecurity; to provide for the scope of the consideration; to provide for a report; to remove such provisions; to provide for effectiveness; and to provide related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:677 is hereby enacted to read as follows:

§677. Examination of potential occupational regulations: scope; report

A. Pursuant to the duties and functions provided in R.S. 24:676, the committee shall examine and consider potential regulatory structures for network installers and cybersecurity providers operating in this state.

B. The committee shall consider any regulatory structure it deems appropriate, including but not limited to creating a state board, creating a state certification program, requiring third-party examinations, requiring federally recognized certifications, and creating an apprenticeship program.

C. The committee shall also consider mechanisms for administration excluding but not limited to a controlling agency or board, applications, documentation, registrations, renewals, reciprocity, compliance, and enforcement.

D. The committee shall submit its findings and recommendations relative to its examination and consideration of regulatory structures for network installers and cybersecurity providers pursuant to this Section to the legislature prior to the convening of the 2022 Regular Session of the Legislature of Louisiana.

Section 2. R.S. 24:677 is hereby repealed in its entirety.

Section 3.(A) The provisions of this Section and Section 1 of this Act shall become effective upon signature by the governor.

(B) The provisions of this Section shall become effective on January 1, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State
D. The secretary shall have the following powers and duties:

(22) * * *

(c) The fee schedule authorized by Subparagraph (b) of this Paragraph shall not exceed the following amounts:

(i) Accreditation application fee payable every scope amendment and every three-year renewal $726.00

(ii)(aa) Per major test category per matrix payable every year, or $363.00

(bb) Minor conventional category payable every year. $290.00

(iii) Annual surveillance and evaluation applicable to minor conventional facilities and facilities applying for only one category of accreditation. $363.00

(iv)(a) Proficiency samples biannually to be purchased by the laboratory. $363.00

(v) Third party audit to be billed directly to the laboratory. $363.00

(vi) Interim accreditation application fees will be two times the regular fees. $363.00

§2014. Permits, licenses, registrations, variances, and fees

* * *

D. * * *

(5) In accordance with the provisions of Article VII, Section 2.1 of the Constitution of Louisiana, and notwithstanding any other provision of law to the contrary, the Department of Environmental Quality may increase the following fees that are in effect on June 30, 2021, as authorized by this Title, and are required to be deposited into the Environmental Trust Dedicated Fund Account as indicated:

(a) Air fees provided for in Part III of Title 33 of the Louisiana Administrative Code:

(i) The criteria pollutant annual fee per ton emitted on an annual basis for all facility types may be increased by an amount not exceeding twenty dollars per ton phased in over a two-year period. The first phase will increase to sixty dollars and eighty-one cents per ton and will become effective July 1, 2022. The second phase will increase to eighty dollars per ton and will become effective July 1, 2023. $726.00

(ii) The minimum fee for criteria pollutant annual fee and air toxins annual fees may be increased to two hundred fifty dollars. $726.00

(iii) In addition, the secretary is hereby authorized to establish the fees for asbestos disposal verification forms for sites of the period for one fiscal year. $726.00

(b) Solid waste fees provided for in Part VII of Title 33 of the Louisiana Administrative Code:

(i) Establish a waste tire transporter authorization application fee not to exceed two hundred dollars and fifty dollars, which shall be deposited into the Waste Tire Management Fund. $726.00

(ii) In addition, the secretary is hereby authorized to establish an annual fee schedule for all transporters of solid waste with a facility located in Louisiana. $726.00

(iii) All holders of permits for solid waste processing and disposal facilities that have not completed closure, including post-closure activities, in accordance with an approved plan, shall be charged an annual monitoring and maintenance fee for each permit and an annual tonnage fee for applicable permits. Annual monitoring and maintenance fees shall be charged for each permitted waste type. $726.00

(iv) The maximum annual tonnage fee for type I facilities is one hundred twenty thousand dollars. $726.00

(v) The maximum annual tonnage fee for type II facilities is thirty thousand dollars. $726.00

(vi) The permit application review fee for type I, I-A, II, and II-A standard permit applicants may be increased to six thousand one hundred twenty-five dollars. $726.00

(vii) The permit application review fee for type III standard permit applicants may be increased to one thousand three hundred twenty-five dollars. $726.00

(viii) The permit application review fee for type I, I-A, II, and II-A permit modification applicants may be increased to two thousand six hundred twenty-five dollars. $726.00

(ix) In addition, the secretary is hereby authorized to establish an annual fee of two thousand fifty dollars for all transporters of solid waste with a facility located in Louisiana. $726.00

(c) Radiation protection fees provided for in Part XV of Title 33 of the Louisiana Administrative Code:

(i) Accreditation application fee $726.00

(ii) The permit application review fee for type III permit-modification applicants may be increased to eight hundred thirteen dollars. $726.00

(iii) The permit application review fee for type III permit-modification applicants may be increased to eight hundred thirty dollars. $726.00

(iv) In addition, the secretary is hereby authorized to establish an annual fee of two thousand five hundred dollars for all transporters of solid waste with a facility located in Louisiana. $726.00

(d) Conserve and submit to the United States Environmental Protection Agency for use on grants and contracts. $726.00

(e) Such percentage shall be determined annually by agreement between the department and the United States Environmental Protection Agency for use on grants and contracts. $726.00

To enact R.S. 23:291.2, relative to employment discrimination; to prohibit discrimination based on criminal history records; to provide criteria in making hiring decisions; to provide for hiring decisions in conjunction with criminal history records; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:291.2 is hereby enacted to read as follows: $726.00

291.2. Criminal history; hiring decisions

A. Unless otherwise provided by law, when making a hiring decision, an employer shall not request or consider an arrest record or charge that did not result in a conviction if such information is received in the course of a background check.

B. [Reserved]

C. Upon written request by the applicant an employer shall make available to the applicant any background check information used during the hiring process.

Approved by the Governor, June 16, 2021. $726.00

A true copy:

R. Kyle Ardoin
Secretary of State

ACT NO. 406

HOUSE BILL NO. 707

BECOMING A LAWS OF THE STATE OF LOUISIANA

BY REPRESENTATIVES WILLARD, BRYANT, CARPENTER, GARY CARTER, WILFRED CARLTON, DUPLEISSIS, FREEMAN, GAINES, GREEN, HUGHES, JAMES, JEFFERSON, JONES, JORDAN, LARVADAIN, LYONS, MARCELLE, MOORE, NEWELL, PIERRE, AND SELDERS

The Act becomes effective July 1, 2023. $726.00

Approved by the Governor, June 16, 2021. $726.00

A true copy:

R. Kyle Ardoin
Secretary of State

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in strike through type are deletions from existing law; words under scored (House Bills) and under scored (Senate Bills) are additions.
To amend and reenact R.S. 17:3914(K)(1)(e) and (3)(c)(x) and to enact R.S. 17:3914(K)(1)(e), relative to the collection and sharing of student data and information, to provide for the use of such information for specified purposes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3914(K)(2) and (3)(c)(x) are hereby amended and reenacted and R.S. 17:3914(K)(1)(e) is hereby enacted to read as follows:

§3914. Student information; privacy; legislative intent; definitions; prohibitions; parental access; penalties

Be it enacted by the Legislature of Louisiana:

§3914. Student information; privacy; legislative intent; definitions; prohibitions; parental access; penalties

(1) Notwithstanding any provision of this Part to the contrary, the governing authority of any public school, with the permission of a student’s parent or legal guardian, shall collect the following personally identifiable information for each student enrolled in grades eight through twelve:

(a) Race and ethnicity data.

(ii) For rooms existing prior to August 1, 2018, room taxes levied and collected by the city of New Orleans shall be paid by the casino gaming operator on all discounted and complimentary rooms to be paid at the applicable tax rates based upon average seasonal rates for the preceding year of luxury hotels in the Central Business District, French Quarter, and Warehouse District of the City of New Orleans, as compiled by a nationally recognized firm.

(k) The Board of Regents, to be used only by board staff for the purposes of providing reports to each public school governing authority on the postsecondary education remediation needs, retention rates, and graduation rates for each high school under its jurisdiction and to evaluate comparative postsecondary education performance outcomes based upon student transcript data in order to develop policies designed to improve student academic achievement.

(c) The Board of Regents, to be used only by board staff for the purposes of providing reports to each public school governing authority on the postsecondary education remediation needs, retention rates, and graduation rates for each high school under its jurisdiction and to evaluate comparative postsecondary education performance outcomes based upon student transcript data in order to develop policies designed to improve student academic achievement.

(i) A statement notifying the student’s parent or legal guardian exactly what items of student information will be collected and that disclosure of the student information collected will be restricted to Louisiana postsecondary education institutions to be used for the purposes of processing applications for admission and for compliance with state and federal reporting requirements.

(ii) For the purposes of processing applications for admission and for state and federal financial aid and to the governing authority of each public school, with the permission of a student’s parent or legal guardian, shall collect the following personally identifiable information for each student enrolled in grades eight through twelve:

(a) Race and ethnicity data.

(b) Among other things, the memorandum of understanding and agreement with the Greater New Orleans Hotel and Lodging Association dated April 2019, shall provide for the following:

(1) Additional taxes authorized by the memorandum of understanding and agreement dated April 2019, advertising of market rates shall be based on average seasonal rates for the preceding year of luxury hotels in the Central Business District, French Quarter, and Warehouse District of the City of New Orleans, as compiled by a nationally recognized firm.

(2) The total operating force or personnel level of the third-party tenants shall be reported to the board quarterly on the following dates every:

(a) One million three hundred thousand dollars per year, with the first payment beginning on July 1, 2022, and continuing through July 31, 2045.

(b) Notwithstanding any provision of this Part to the contrary, the governing authority for purposes of meeting its obligations under R.S. 27:244(A) (11), provided that such credit shall be limited to four hundred thousand dollars per year.

(c) As to non-gaming economic development activities:

(i) The total reported operating force or personnel level for the prior quarter shall be determined by taking into account the greater of either the three-month average for the applicable reporting quarter or the highest monthly total during the applicable reporting quarter. The reported operating force or personnel level for the prior quarters shall be calculated by the casino gaming operator for purposes of this Section.

(ii) Operating force or personnel level shall mean the number of people employed by the casino and any related non-gaming entity, including hotel operations, hospitality outlets, third-party tenants, and employees of any third-party operator working at the casino and any related non-gaming venue, excluding any third-
party contractors providing personal or professional services; however, the employees of third-party contractors shall be included only until the capital investment agreement set forth in R.S. 27:244(A)(12) has been fulfilled.

(5) The casino gaming operator shall be credited an amount equal to the pro rata share of compensation to employees of the third-party tenants. The credited amount shall be applied to the total salary level or compensation reported under R.S. 27:244(A)(12) and shall be calculated based on the total operating force or personnel level reported pursuant to R.S. 27:244(A)(12).

Paragraph (2) of this Subsection.

Section 2. The provisions of this Act shall be effective on July 1, 2021.

Approved by the Governor, June 17, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 409

BY REPRESENTATIVE EDMONDS

An ACT

To enact R.S. 13:621.24.2, relative to the Twenty-Fourth Judicial District; to establish the Online Judge Pilot Program; to provide for motions; to provide for oral and written arguments; to provide for admission of evidence; to provide for transmission of pleadings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:621.24.2 is hereby enacted to read as follows:

§621.24.2, Twenty-Fourth Judicial District; Online Judge Pilot Program
A. In an effort to improve access to justice and create a more efficient and effective justice system, the Twenty-Fourth Judicial District Court, by rule adopted by a majority of the judges sitting en banc, may establish the Online Judge Pilot Program. Each division of court, now in existence or subsequently created, is authorized to establish a process to handle any preliminary matter exclusively online.

B. Pursuant to the inherent judicial power of the court, the court may order the parties to any civil case to participate in the program. Any party who wishes to opt out of the program shall file a written motion to opt out within fifteen days of the filing of the order, which may be granted in part. If no party opts out, all parties shall participate in the program unless a party has been exempted by the court due to an undue hardship. An undue hardship exists when a party cannot access the online system or participate in the program without substantial difficulty or expense as determined by the court.

C. In an effort to expedite arguments, motions shall be waived and all motions and exceptions shall be referred to the program, unless the court determines that oral arguments or witness testimony is necessary. Written argument may take place through the program in an asynchronous manner within a time frame specified by the court. The court may also designate a character limit depending upon the complexity of the issue. The court may consider only those documents filed in support of or in opposition to the subject motion and shall consider any documents to which no objection is made. Any objection to a document shall be raised in a timely filed opposition or reply memorandum. The court shall consider all objections prior to rendering judgment. The court shall specifically state in writing which documents, if any, it held to be inadmissible or declined to consider. The parties may present and offer additional evidence if oral arguments are permitted or, if less testimony is required by the court. All motions and exceptions shall be considered part of the order.

D. All messages related to a hearing held through the program shall be considered part of the court record and may be used for any purpose after having been certified by the court reporter. Any issue discussed through the program during the pretrial conference may not be used as evidence in any judicial or administrative proceeding.

E. Notwithstanding any provision of law to the contrary, every pleading subsequent to the original petition, including a pleading or order that sets a court date, shall be served by transmitting an electronic copy to all parties through the program established by the court.

F. This Section shall be null and void on and after August 1, 2025.

Approved by the Governor, June 17, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 410

BY REPRESENTATIVES SCHEMNAYER AND ZERONGUE AND SENATOR CORTEZ

An ACT

To enact R.S. 39:100.44.1, 100.44.2, and Subpart N of Part II-A of Chapter 1 of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.51 through 100.59.2, relative to the disbursement of monies received from the American Rescue Plan Act of 2021; to create programs for the administration of monies from the funds; to create and establish the Water Sector Commission; to provide for the powers, duties, and authority of the Water Sector Commission; to provide for the powers, duties, and authority of the Joint Legislative Committee on the Budget; to authorize the Joint Legislative Committee on the Budget to disburse and administer the funds; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:100.44.1, 100.44.2, and Subpart N of Part II-A of Chapter 1 of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.51 through 100.59.2, are hereby enacted to read as follows:

§100.44.1. Louisiana Main Street Recovery Program: Louisiana Main Street Recovery Funds: Loggers Relief: Save Our Screens
A. Upon the provisions of R.S. 39:100.44, the treasurer shall administer the Louisiana Main Street Recovery Program for grants to the Louisiana Loggers Relief Program and the Louisiana Save Our Screens Program as provided in this Section. The treasurer may utilize the provisions of the monies granted to any business impacted by COVID-19. The treasurer may enter into consulting services, professional services, and other contracts for the purpose of the procurement of any goods or services necessary to implement and expedite the distribution of funds as emergency procurements exempt from the provisions of the Louisiana Procurement Code and corresponding rules and regulations. The cost of such contracts shall be considered administrative expenses.

B. Any business receiving funding from a program within the Louisiana Main Street Recovery Program pursuant to this Section within the Louisiana Main Street Recovery Program shall have priority for ten million dollars of the money granted by the Louisiana Main Street Recovery Program as provided in R.S. 39:100.44, United States Small Business Administration, Guaranty Paycheck Protection Program loan, and United States Small Business Administration Economic Injury Disaster Loan Emergency Advance shall not exceed the amount of revenue loss experienced by the business for the period of January 1, 2020, through December 31, 2020, as compared to the gross revenue of the business during the same period in 2019.

C. Any grant award received pursuant to this Section combined with any money received pursuant to the Louisiana Main Street Recovery Program as provided in R.S. 39:100.44, United States Small Business Administration, Guaranty Paycheck Protection Program loan, and United States Small Business Administration Economic Injury Disaster Loan Emergency Advance shall not exceed the amount of revenue loss experienced by the business for the period of January 1, 2020, through December 31, 2020. D. Priority shall be given to businesses that previously submitted applications to the Louisiana Main Street Recovery Program as provided in R.S. 39:100.44 but whose applications were not considered due to exhaustion of monies in the Louisiana Main Street Recovery Fund.

E. The Louisiana Loggers Relief Program shall have priority for ten million dollars of the money granted by the Louisiana Main Street Recovery Program. Grants shall be distributed to eligible timber harvesting and timber processing businesses impacted by COVID-19. Any grant received pursuant to this Subsection shall not exceed twenty-five thousand dollars per business. In addition to the criteria provided in Subsection B of this Section, a timber harvesting or timber processing business shall meet all of the following criteria to qualify for a grant:

1. Is a timber harvesting or timber processing business.
2. Has fifty or fewer full-time equivalent employees.
3. Is not owned by a business with more than thirty full-time equivalent employees, is not part of a larger business enterprise with more than eighty full-time equivalent employees, and is not owned by a business with more than fifty full-time equivalent employees.

F. The Louisiana Save Our Screens Program shall have priority for four million dollars of the money granted by the Louisiana Main Street Recovery Program. Grants shall be distributed to eligible movie theater businesses impacted by COVID-19. Any grant received pursuant to this Subsection shall not exceed ten thousand dollars per movie screen located in Louisiana. Theatres with corporate ownership based outside of Louisiana shall use funds received pursuant to this Subsection for Louisiana-based screens and operations. In addition to the criteria provided in Subsection B of this Section, a business shall meet all of the following criteria to be eligible to receive a grant:

1. Is an independent movie theater that has at least one permanent indoor auditorium for viewing films for entertainment by the general public who attend the purchase of an individual ticket to view a specific non-adult-oriented film.
2. Conducted regularly scheduled screenings in Louisiana in calendar years 2019 and 2020.
3. Is currently open and actively operating as of the effective date of this Section.
4. Was subject to limitations or restrictions as a result of Proclamation Number 55, B-2020 or any subsequent gubernatorial proclamations related to the COVID-19 pandemic.

Approved by the Governor, June 17, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in boldface type are additions. Words in underlined type are deletions from existing law; words underlined and in boldface (House Bills) and underlined and in italics (Senate Bills) are additions.
to COVID-19.

G. The theater receiving the grant shall be the entity holding the event. The purpose for the physical location of the applicable auditorium shall be significantly impacted by COVID-19.

H. (1) There is hereby created in the state treasury, as a special fund, the Louisiana Main Street Recovery Rescue Plan Fund, hereinafter referred to in this Section as the “fund”. The treasurer is herebyauthorized and directed to transfer fourteen million five hundred thousand dollars from the Coronavirus State Fiscal Recovery Fund of the American Rescue Plan Act of 2021.

(2) Monies in the fund shall be invested in the same manner as monies in the fund shall be deposited in and credited to the fund.

(3) Any small business or eligible nonprofit organization receiving funding pursuant to this Section shall meet the following criteria:

(a) (i) For a small business, is a corporation, limited liability company, limited partnership, or sole proprietorship.

(ii) For a nonprofit organization, is a nonprofit corporation wholly owned by a nonprofit organization.

(b) Is in good standing with the charitable foundation or nonprofit corporation.

(c) Is in good standing with the state of Louisiana.

(d) Does not exist for the purpose of advancing partisan political activity and does not directly lobby federal or state officials.

(e) Has filed certain required tax returns.

(f) For nonprofit organizations, priority shall be given to organizations that provide food, employment, and education assistance programs.

(g) For organizations, priority shall be given to those that provide direct relief to individuals and households impacted by COVID-19.

(h) The fund shall provide assistance to eligible nonprofits and small businesses that complete necessary reporting and documentation associated with the Coronavirus State Fiscal Recovery Fund of the American Rescue Plan Act of 2021.

§100.44.2. Port Relief; Small Business and Nonprofit Assistance

A. (1) The division of administration, hereinafter referred to in this Section as the “division”, shall administer the Port Relief Program. The division shall provide funds to Louisiana small businesses and nonprofits for revenue loss and reimbursement of expenses related to COVID-19 and port security measures. The amount of total funding from the program for security measures shall not exceed twenty-five million dollars. The division shall also ensure that the funds are used in a manner that provides short line rail service for a port, harbor, or terminal district.

B. (1) The state treasurer is hereby authorized and directed to transfer fifteen million dollars out of the Louisiana Rescue Plan Fund into the Legislative Supplemental Appropriations Act of 2021.

(2) Monies in the fund shall be invested in the same manner as monies in the fund shall be deposited in and credited to the fund.

(3) Any small business or nonprofit organization receiving funding pursuant to this Section shall meet the following criteria:

(a) Is a small business or nonprofit organization.

(b) For nonprofits, priority shall be given to organizations that provide food, employment, and education assistance programs.

(c) For small businesses, is a corporation, limited liability company, limited partnership, or sole proprietorship.

(d) For nonprofits, priority shall be given to organizations that provide food, employment, and education assistance programs.

(e) Does not exist for the purpose of advancing partisan political activity and does not directly lobby federal or state officials.

(f) Has filed certain required tax returns.

(g) For nonprofit organizations, priority shall be given to organizations that provide food, employment, and education assistance programs.

(h) The fund shall provide assistance to eligible nonprofits and small businesses that complete necessary reporting and documentation associated with the Coronavirus State Fiscal Recovery Fund of the American Rescue Plan Act of 2021.

§100.44.3. The Louisiana Main Street Revitalization Program

The secretary of the Department of Revenue may promulgate rules with the Department of Revenue to ensure the funds are properly expended.

§100.44.4. The Louisiana Main Street Revival Program

Subpart N. Louisiana Rescue Plan Fund

SUBPART N. LOUISIANA RESCUE PLAN FUND

§100.51. Louisiana Rescue Plan Fund; purpose

A. There is hereby created in the state treasury, as a special fund, the “Louisiana Rescue Plan Fund” for the administration of the Small Business and Nonprofit Assistance Program. The purpose of the fund is to provide up to five percent of the monies in the Louisiana Small Business and Nonprofit Assistance Program.

B. (1) The state treasurer is hereby authorized and directed to transfer five hundred sixty-three million dollars out of the Louisiana Rescue Plan Fund into the Legislative Supplemental Appropriations Act of 2021.

(2) Monies in the fund shall be invested in the same manner as monies in the fund shall be deposited in and credited to the fund.

(3) Any small business or eligible nonprofit organization receiving funding pursuant to this Section shall meet the following criteria:

(a) Is a small business or nonprofit organization.

(b) For nonprofits, priority shall be given to organizations that provide food, employment, and education assistance programs.

(c) For small businesses, is a corporation, limited liability company, limited partnership, or sole proprietorship.

(d) For nonprofits, priority shall be given to organizations that provide food, employment, and education assistance programs.

(e) Does not exist for the purpose of advancing partisan political activity and does not directly lobby federal or state officials.

(f) Has filed certain required tax returns.

(g) For nonprofit organizations, priority shall be given to organizations that provide food, employment, and education assistance programs.

(h) The fund shall provide assistance to eligible nonprofits and small businesses that complete necessary reporting and documentation associated with the Coronavirus State Fiscal Recovery Fund of the American Rescue Plan Act of 2021.

§100.52. Water Sector Fund

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in **italics** are additions; words in _underscore_ type are deletions from existing law; words underlined (House Bills) and **boldface** (Senate Bills) are additions.
§100.53. Granting Unserved Municipalities Broadband Opportunities Fund

A. There is hereby created in the state treasury, as a special fund, the Granting Unserved Municipalities Broadband Opportunities Fund (GUMBO Fund), hereinafter referred to in this Section as the “fund”. The treasurer is hereby authorized and directed to transfer to the fund a sum of thirty million dollars from the Coronavirus Capital Projects Fund into the fund.

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

C. Monies in the fund shall be used to provide grants to help fund broadband access in rural and disadvantaged areas pursuant to the provisions of the Granting Unserved Municipalities Broadband Opportunities program established by law.

§100.54. Louisiana Tourism Revival Fund

A. There is hereby created in the state treasury, as a special fund, the Louisiana Tourism Revival Program (Fund) hereinafter referred to in this Section as the “fund”. The treasurer is hereby authorized and directed to transfer seventy-seven million five-hundred thousand dollars from the Louisiana Resort Plan Fund into the fund.

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

C. Monies in the fund shall be utilized to support the efforts of state, local, and regional tourism entities to revitalize tourism in Louisiana by investing in programs focused on marketing and promoting Louisiana as a destination for in-state and out-of-state travel activity.

D. The division of administration shall establish a program portal in which applications for grants to revitalize tourism in Louisiana shall be submitted, and the division shall publish information on the program. The program portal page shall be operational no later than August 31, 2021.

E. Monies in the fund shall be used for the Louisiana Tourism Revival Program as provided for in R.S. 39:100.55 and seventeen million five-hundred thousand dollars shall be appropriated to the Department of Culture, Recreation and Tourism for the Marketing Program.

§100.55. Louisiana Tourism Revival Program

A. The Louisiana Tourism Revival Program is established to provide grants to local and regional tourist commissions for marketing and promoting Louisiana as a tourism destination for in-state and out-of-state travel activity. The division of administration shall administer the program.

B. The division of administration shall establish a program portal in which applications shall be submitted, and the division shall publish information on the program. The program portal page shall be operational no later than August 31, 2021.

C. In order to qualify to receive a grant award, the recipient shall be an official tourism commission, convention and visitors bureau, or official destination marketing organization.

D. The division of administration shall submit a plan for the administration and structure of the program to the Joint Committee on the Budget by July 31, 2021, for review and approval at the monthly August meeting. No grants shall be awarded prior to Joint Committee on the Budget approving the plan submitted by the division of administration.

E. The division of administration shall utilize an amount not to exceed two hundred fifty thousand dollars collectively from the Louisiana Port Relief Fund and the Louisiana Tourism Revival Fund for administrative expenses associated with the Louisiana Port Relief Program and the Louisiana Tourism Revival Program.

§100.56. Water Sector Program

A. As used in this Section, the following terms shall have the following meanings:

(1) "Commission" shall mean the Water Sector Commission.

(2) "Committee" shall mean the Joint Legislative Committee on the Budget.

(3) "Division" shall mean the division of administration.

(4) "Fund" shall mean the Water Sector Fund.

B. The Water Sector Commission is hereby established to review applications submitted pursuant to the Water Sector Program and make recommendations for funding to the Joint Legislative Committee on the Budget.

(1) The commission shall be comprised of the following members:

(a) Five members of the House of Representatives appointed from the House of Representatives.

(b) Five members of the Senate appointed by the president of the Senate.

(3) A Senator member of the commission and a House member of the commission shall serve as co-chairs of the commission.

(4) A quorum of the commission shall be six members. Any recommendations made by the commission shall require a quorum for approval.

C. The Water Sector Program is hereby established to provide funding for repairs, improvements, and consolidation of community water and wastewater systems. The division of administration, office of facility planning and control, and the office of community development shall administer the program in consultation with the Joint Legislative Committee on the Budget. The recommendations of the commission shall include proposed matching funds unless the commission recommends a waiver of matching funds or decreased match for any project based on the recommendations of the Joint Legislative Committee on the Budget.

D. The commission shall hold its first meeting no later than June 30, 2021.

E. The division of administration shall establish a program portal in which applications for grants to the Water Sector Program shall be submitted, and the division shall publish information on the program. The program portal page shall be operational no later than August 31, 2021.

F. No later than July 15, 2021, the commission shall submit the proposed match for each project, the administration and structure of the program to the Joint Legislative Committee on the Budget. The recommendations shall include proposed matching funds unless the commission recommends waiving the match requirement.

G. The division of administration shall submit a proposal outlining administrative costs for the Water Enrichment and Other Improvements Fund.

H. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the fund shall be deposited in and credited to the fund.

I. Within forty-five days of the end of the application period, the commission shall submit the working panel’s ratings of proposed projects and funding amounts to the Joint Legislative Committee on the Budget. The commission’s recommendations to the joint legislative committee shall include recommendations for utilization of existing funding sources including the Drinking Water Revolving Loan Fund, Clean Water State Revolving Fund, and Community Water Infrastructure Loan Fund.

J. The commission shall review the ratings and recommendations submitted by the working panel. The commission shall submit its recommendations to the joint legislative committee for projects to receive monies from the fund and funding amounts to the Joint Legislative Committee on the Budget. The joint legislative committee may recommend the addition or subtraction of proposed projects to the commission.

K. The committee shall review the recommendations submitted by the commission and have final approval of funding for projects. No monies shall be expended from the fund without approval of the Joint Legislative Committee on the Budget.

L. No later than January 1, 2022, the division shall submit a quarterly construction progress report for projects that received funding approval to the Joint Legislative Committee on the Budget.

M. Each grant recipient that receives funding pursuant to this Section shall comply with the provisions of R.S. 24:519.
$100.57. Louisiana Coronavirus Capital Projects Fund
A. There is hereby created in the state treasury, as a special fund, the "Louisiana Coronavirus Capital Projects Fund", hereinafter referred to in this Section as the "Fund". Monies in the fund shall be expended in accordance with the American Rescue Plan Act of 2021 and subsequent guidance promulgated by the United States Treasury.
B. The treasurer is hereby authorized and directed to deposit in and credit to the fund any federal monies allocated to Louisiana pursuant to the Coronavirus Capital Projects Fund of the American Rescue Plan Act of 2021.
C. 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 in accordance with the provisions of the American Rescue Plan Act of 2021 (P.L. 117-2).

$100.58. Louisiana Small Business and Nonprofit Assistance Fund
A. There is hereby created in the state treasury, as a special fund, the "Louisiana Small Business and Nonprofit Assistance Fund", hereinafter referred to in this Section as the "Fund". Monies in the fund shall be expended to provide grants to small businesses and nonprofits for the administration of the LADCO response and relief efforts in accordance with the provisions of the Louisiana Small Business and Nonprofit Assistance Program as provided in R.S. 39:100.44.2.
B. The treasurer is hereby authorized and directed to transfer ten million dollars from the Louisiana Rescue Plan Fund into the fund. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the fund shall be deposited in and credited to the fund.
C. Any remaining balance in the fund on June 30, 2023, shall be transferred to the Louisiana Disaster Recovery Fund.

$100.59. Louisiana Port Relief Fund
A. There is hereby created in the state treasury, as a special fund, the "Louisiana Port Relief Fund", hereinafter referred to in this Section as the "Fund". Monies in the fund shall be expended to provide economic support to Louisiana port authorities in accordance with the provisions of the Louisiana Port Relief Program as provided in R.S. 39:100.44.2.
B. The treasurer is hereby authorized and directed to transfer fifty million dollars from the Louisiana Rescue Plan Fund into the fund. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the fund shall be deposited in and credited to the fund.
C. Any remaining balance in the fund on January 1, 2022, shall be transferred to the Louisiana Hurricane Recovery Fund.

$100.59.1 Southwest Louisiana Hurricane Recovery Fund
A. There is hereby created in the state treasury, as a special fund, the "Southwest Louisiana Hurricane Recovery Fund", hereinafter referred to in this Section as the "Fund". Monies in the fund shall be used to assist in repairing structural damages caused by the 2020 hurricane season in Southwest Louisiana.
B. The treasurer is hereby authorized and directed to transfer thirty million dollars from the Louisiana Rescue Plan Fund into the fund. In accordance with the provisions of the American Rescue Plan Act of 2021 (P.L. 117-2) authorizing the use of the Coronavirus State Fiscal Recovery Fund for the provision of government services to the extent of a reduction in state revenues, monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the fund shall be deposited in and credited to the fund.

$100.59.2 Capital Outlay Relief Fund
A. There is hereby created in the state treasury, as a special fund, the "Capital Outlay Relief Fund", hereinafter referred to in this Section as the "Fund". Monies in the fund shall be used for capital outlay projects.
B. The treasurer is hereby authorized and directed to transfer thirty million dollars from the Louisiana Rescue Plan Fund into the fund in accordance with the provisions of the American Rescue Plan Act of 2021 (P.L. 117-2) authorizing the use of the Coronavirus State Fiscal Recovery Fund for the provision of government services to the extent of a reduction in state revenues. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the fund shall be deposited in and credited to the fund.
The action for redhibition against a seller who did not know of the existence of a defect in the thing sold prescribes and the action asserting that a thing is not fit for its ordinary or intended use prescribe in four years from the day of delivery of such the thing was made to the buyer or one year from the day the defect or unfitness was discovered by the buyer, whichever occurs first.

(2) However, when the defect is of residential or commercial immovable property, an action for redhibition against a seller who did not know of the existence of the defect prescribes in one year from the day of delivery of the property was made to the buyer.

B. The action for redhibition against a seller who knew, or is presumed to have known, the existence of a defect in the thing sold prescribes in one year from the day the defect was discovered by the buyer or ten years from the perfection of the contract of sale, whichever occurs first.

C. In any case, the prescription of redhibitory actions potentially allowed the original transferor to recover the property within “one year from the time he learned or should have learned of the act, or the result of the failure to act, of the obligee that the obligee seeks to annul, but never after three years from the date of the act or result.”

The three year period provided in this Article shall not apply to private loans. Approved by the Governor, June 21, 2021.

A true copy:

R. Kyle Ardoin Secretary of State

ACT No. 413

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HOUSE BILL NO. 42

BY REPRESENTATIVE DAVIS

To enact R.S. 17:3351(N), relative to public postsecondary education institutions; to require institutions to provide students with education loan information; to require annual updates of loan information to be given to students; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3351(N) is hereby enacted to read as follows:

§3351. General powers, duties, and functions of postsecondary education management boards

* * *

N.(1) Each board shall require each institution that is under its control and that receives education loan information for a student enrolled in the institution to provide information to that student in accordance with this Subsection.

(2) The institution shall provide the following annually:

(a) The total amount of education loans taken out by the student.

(b) The percentage of the borrowing limit the student has reached at the time the information is provided.

(c) Monthly repayment amounts that a similarly situated borrower may incur, including principal and interest, for the amount of education loans taken out by the student at the time the information is provided.

(d) The information provided may include a statement that the estimates and ranges provided are not a guarantee or promise of the actual or projected amount.

(4) An institution shall not be held liable for information provided pursuant to this Subsection.

(5) Nothing in this Subsection shall apply to private loans.

Approved by the Governor, June 21, 2021.

A true copy:

R. Kyle Ardoin Secretary of State

ACT No. 414

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HOUSE BILL NO. 81

BY REPRESENTATIVE PRESSLY

(On Recommendation of the Louisiana State Law Institute)

AN ACT

To amend and reenact Civil Code Articles 2041, 2534, and 3463, relative to prescription; to provide for prescription of the recovatory action; to provide for prescription of actions for redhibition and breach of the warranty of fitness for use; to provide for the interruption of prescription; to provide with respect to prescription of actions for recognition of inheritance rights; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Articles 2041, 2534, and 3463 are hereby amended and reenacted to read as follows:

Art. 2041. Presumption

* As it appears in the enrolled bill

THE ADVOCATE

* As it appears in the enrolled bill
ACT No. 415

BY REPRESENTATIVES MCKNIGHT, ADAMS, BACALA, BAGLEY, BRASS, BUTLER, CARPENTER, GARY CARTER, WILFORD CARTER, COBB, COX, DAVIS, EDMONDS, FIBRE, GABBY, GIBSON, GREEN, HARRIS, HORTON, HUGHES, ILLG, IVEY, JAMES, JEFFERSON, JENKINS, MIKE JOHNSON, JONES, JORDAN, KERNER, LARVADAIN, MARCELLE, MCFARLAND, MOORE, NEWELL, ORGERON, CHARLES OWEN, PIERRE, SCHEXNAYDER, SEABAUGH, SEDLERS, ST. BLANC, STAGNIS, THOMAS, THOMPSON, TURNER, WILLARD, WRIGHT, AND ZERINGUE and SENATORS ALAIN, BARROW, BERNARD, BOUDREAUX, BOUJOU, CHAPPELL, CLOUD, CONNIE, CRAIN, COWEN, FIELDS, FOIL, HARRIS, HENRY, HENSSENS, HEWITT, JOHNS, LUNEAU, FRED MILLS, ROBERT MILLS, PEACOCK, PETERSON, POPE, PRICE, REESE, SMITH, TALBOT, WARD, WHITE, AND WOMACK

To enact Part III of Chapter 43 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:4032.1, relative to reading assistance for certain public school students; to establish the Steve Carter Literacy Program; to provide for student and service provider eligibility, program administration, payment amounts and uses; notifications, reports, and funding; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part III of Chapter 43 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:4032.1, is hereby enacted to read as follows:

PART III. STEVE CARTER LITERACY PROGRAM

§4032.1. Steve Carter Literacy Program; establishment; student eligibility; service provider eligibility and approval; administration; payment amounts and uses; notifications; reports; funding

A. The Steve Carter Literacy Program, referred to in this Part as the “program”, is hereby established for the purpose of providing funds for supplemental educational services for eligible students.

B. A public school student who falls into one of the following categories is eligible to participate in the program:

(1) He is in kindergarten or the first, second, or third grade and is determined to need assistance for assistance for reading according to the results of a literacy assessment.

(2) He is in the fourth or fifth grade and scored below mastery on the state assessment for English language arts on the state assessment administered the prior school year.

(3) His eligibility cannot be determined according to the measures provided in Paragraphs (1) and (2) of this Subsection due to the lack of literacy assessment or state assessment results but he is recommended by his English language arts teacher for participation in the program due to the student’s reading difficulties.

C. The state Department of Education shall administer and provide for the implementation of the program pursuant to rules and regulations developed and adopted for such purpose by the State Board of Elementary and Secondary Education in accordance with the Administrative Procedure Act.

D. In administering the program, the department shall:

(1) Evaluate student’s eligibility for the program.

(2) Develop an application process for students and providers and accept applications.

(3) Evaluate providers of supplemental educational services including but not limited to those with expertise in early literacy to determine their eligibility.

(4) Remit payments to service providers for services provided, up to a maximum of one thousand dollars per student per school year.

(5) Notify the governing authority of each public school of the application process, requirements, and deadlines for parents and legal guardians.

E. By not later than September thirtieth of each year, or as soon after as practical if a student’s reading deficiency is identified after this date, each public school governing authority shall notify the parent or legal guardian of each student who is eligible to participate in the program of the program for applying for the program and other information provided by the department pursuant to Paragraph (D)(2) of this Subsection.

F. The department shall remit payment for services provided, up to a maximum of one thousand dollars per student per school year. Program money may be used for any of the following eligible purposes that are designed to improve reading or literacy skills:

(a) Instructional materials and digital books on electronic or digital books and subscriptions to online book clubs; however, such costs shall not exceed two hundred fifty dollars per student per school year.

(b) Instructional materials and curriculum, including but not limited to online materials, that have been reviewed in accordance with R.S. 17:351.1 and have been determined to fully align with state academic content standards.

(c) Tutoring services provided by a person who is trained in the state standards for English language arts and who holds a valid teaching certificate in either elementary education or reading or holds a baccalaureate or graduate degree in education, English, or another subject area indicative of expertise in reading and literacy.

(d) Summer education programs.

(e) After-school education programs.

F. The department shall remit payments to approved providers on behalf of eligible students.

(1) Any expenses above the limit established in Paragraph (1) of this Subsection shall be the responsibility of the student’s parent or legal guardian.

G. The department shall develop a procedure for verification that students in the program received the services for which payments were made.

H. The department shall submit a report to the House Committee on Education and the Senate Committee on Education not later than April thirtieth of each year regarding the implementation of the program. The report shall include, at a minimum, the following information for that year:

(1) The total number of students on whose behalf payments were remitted.

(2) The public schools in which such students are enrolled and the number of students on whose behalf payments were remitted in each school.

(3) The total dollar amount of payments remitted to approved providers.

(4) A list of the approved providers to which payments were remitted and the supplemental educational services provided to each student.

(5) A report relative to the performance of each provider and overall program performance with respect to improving participants’ reading abilities.

I. Implementation of the program is subject to the appropriation of funds for the availability of any federal funds for the purpose of this Part. The department shall use any federal funds appropriated for the purpose of increasing early literacy or supporting academic achievement among elementary school students to make program payments.

Section 2. The state Department of Education shall provide a written report to the House Committee on Education and the Senate Committee on Education not later than sixty days prior to the beginning of the 2022 Regular Session of the Legislature relative to the feasibility of providing state-approved early literacy training to persons who do not meet the requirements of R.S. 17:4032.1(F)(1)(c) as enacted by this Act in order to equip them with the knowledge and skills necessary to serve as effective providers of tutoring services for the program.

Section 3. If the Act that originated as Senate Bill No. 216 of the 2021 Regular Session of the Louisiana Legislature is enacted and becomes effective, the state Department of Education shall ensure that any person who provides tutoring services through this program successfully completes and provides documentation of successful completion of the early literacy professional development course required by such Act not later than December 31, 2023.

Approved by the Governor; June 21, 2021.

R. Kyle Ardoin
Secretary of State

ACT No. 416

BY REPRESENTATIVES LARVADAIN, ROBBY CARTER, JAMES, AND JEFFERSON

(On Recommendation of the Louisiana State Law Institute)

AN ACT

To amend and reenact Code of Civil Procedure Articles 5183(A)(introductory paragraph), (1), and (2) and (B) and 5185(A) and (B), relative to proceeding in forma pauperis; to provide for the rights of parties proceeding in forma pauperis; to provide for the rights of parties proceeding in forma pauperis; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Articles 5183(A)(introductory paragraph), (1), and (2) and (B) and 5185(A) and (B) are hereby amended and reenacted to read as follows:

A. The affidavit of poverty serves as documentation of pauper status; order

A. A person who wishes to exercise the privilege granted in this Chapter shall apply to the court for permission to do so in his first pleading, or in an ex parte written motion if requested later, to which the applicant shall annex the affidavit of poverty.

(1) The applicant’s affidavit that the applicant is unable to pay the costs of court in advance, or as they accrue, or to furnish security therefor, affidavits, are presented to the court, it shall inquire into the facts, determine the facts, and make an order permitting the costs to be paid in installments of not exceeding the limit prescribed in the second paragraph of this Article.

(2) The affidavit of a third person other than his

The Advocate

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* As it appears in the enrolled bill

CODING: Words in struck through type are deletions from existing law; words underlined (House Bills) and underscored and boldfaced (Senate Bills) are additions.
(a) Grants the application and allows the applicant to litigate or to continue the litigation of the action or proceeding without paying the costs in advance; or (b) Denies the application with written reasons for such denial.
(c) Sets the matter for a contradictory hearing.

(2) The submission by the applicant of supporting documentation that the applicant is receiving public assistance benefits or that the applicant’s income is less than or equal to one hundred twenty-five percent of the federal poverty level shall create a rebuttable presumption that the applicant is entitled to the privilege granted in this Chapter. If the court finds that the presumption has been rebutted, it shall provide written reasons for its finding.

(3) The court may permit a party to proceed in forma pauperis on its own motion at any time in a contradictory hearing.

Comments - 2021
Paragraph B of this Article has been amended to require the court to do one of three things after a person has filed a completed application to proceed in forma pauperis with the requisite supporting affidavits: (1) grant the application and allow the applicant to proceed in forma pauperis, (2) deny the application and provide written reasons for such denial, or (3) set the matter for a contradictory hearing. The requirement under this provision that written reasons be provided by the court upon the denial of an application is intended to provide the applicant with additional information necessary to, for example, correct a deficiency in the application. The form and contents of these written reasons are left to the discretion of the court.

Art. 5185. Rights of party permitted to litigate without payment of costs
A. When an order of court permits a party to litigate without the payment of costs until this order is rescinded or expires, the party is entitled to:
(1) All services required by law of a sheriff, clerk of court, court reporter, or other public officer or, in any connection with the judicial proceeding, including but not limited to the filing of pleadings and exhibits, the issuance of certificates, the certification of copies of notarial acts and public records, the issuance and service of subpoenas and process, the taking and transcribing of testimony, and the preparation of a record of appeal;
(2)(a) The right to the compulsory attendance of not more than six witnesses for the purpose of testifying, either in court or by deposition, without the payment of the fees, mileage, and other expenses allowed these witnesses by law. If a party has been permitted to litigate without full payment of costs and is unable to pay for witnesses desired by the party, in addition to those summoned at the expense of the parish, the party shall make a sworn application to the court for the additional witnesses. The application shall state the name, the purpose of testifying, and the facts and the expected testimony of each witness shall be attached to the application.
(b) The court shall make a private inquiry into the facts and, if satisfied that the party is entitled to the privilege, shall render an order permitting the party to subpoena additional witnesses at the expense of the parish. If the application is denied, the court shall state the reasons for the denial in writing, which shall become part of the record.
(3) The right to a trial by jury and to the services of jurors, when allowed by law and applied for timely.
(4) The right to have any judgment or order filed and to receive one certified copy of the judgment or order.
(5) The right to a devolutive appeal, and to apply for supervisory writs.
B. The party is entitled to a suspensive appeal, or to an order or judgment by the court to subpoena additional witnesses at the expense of the parish. If the application is denied, the court shall state the reasons for the denial in writing, which shall become part of the record.

Comments - 2021
Paragraph (A)(4) of this Article has been amended to provide an applicant proceeding in forma pauperis with the right to have a judgment or order filed and to receive a certified copy of such judgment or order, regardless of whether the costs of court have been paid. See Carline v. Carline, 644 So.2d 835 (La. App. 1 Cir. 1994) (holding that it was improper to require a plaintiff proceeding in forma pauperis to pay court costs before providing a certified copy of the judgment rendered in the proceedings).

Approved by the Governor, June 21, 2021.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 417

BY REPRESENTATIVE HUGHES AND SENATORS BOUIE AND HARRIS

To amend and reenact R.S. 17:3138.7(B)(introductory paragraph) and to enact R.S. 17:3138.7(B)(24) and (G)(4), relative to the Advisory Council on Historically Black Colleges and Universities; to provide for membership of the council, to provide for an annual report to the legislature’s education committees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:3138.7(B)(introductory paragraph) is hereby amended and reenacted and R.S. 17:3138.7(B)(24) and (G)(4) are hereby enacted to read as follows:

§3138.7. Advisory Council on Historically Black Colleges and Universities

B. The council shall be composed of twenty-three twenty-four members as follows:

(24) A student serving as student body president of a public or private HBCU in Louisiana, selected annually by the HBCU student body presidents.

G. The council shall:

(24) Submit an annual written report to the House Committee on Education and the Senate Committee on Education not later than sixty days prior to the Regular Session of the Legislature, detailing its findings and recommendations on all aspects of its work pursuant to this Subsection.

Approved by the Governor, June 21, 2021.
R. Kyle Ardoin
Secretary of State

ACT No. 418

BY REPRESENTATIVES BACALA, HUGHES, JAMES, JORDAN, LANDRY, MARINO, AND ORGERON AND SENATORS FIELDS AND LAMBERT

To amend and reenact R.S. 40:2404 (introductory paragraph) and 2404.2(C) and to enact R.S. 15:1212.1(G) and R.S. 40:2401.2, 2401.3, 2401.4, and 15:2405, relative to peace officers; to provide relative to certain reporting requirements; to provide relative to the recruitment of certain peace officer candidates; to provide relative to certain training requirements; to provide for the implementation of disciplinary policies and procedures; to provide relative to investigations into certain peace officer conduct; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 15:1212.1(G) is hereby enacted to read as follows:

§1212.1. Report to the system; duties of persons and agencies

G.(1) Failure by a law enforcement agency to provide the data required by R.S. 15:1212(B)(4) within forty-five days of the change in employment status of a law enforcement officer shall result in a civil fine on the agency of up to five hundred dollars per day in the event a fine is not provided. Monetary collected from such fines shall be directed to the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.

(2) Fines proposed pursuant to Paragraph (1) of this Subsection may be waived or reduced by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice in the event of force majeure or exigent circumstances for good cause shown.

Section 2. R.S. 40:2404 (introductory paragraph) and 2404.2(C) are hereby amended and reenacted and R.S. 40:2401.2, 2401.3, 2401.4, and 2405 are hereby enacted to read as follows:

§2401.2. Recruitment of minority candidates

The council shall develop a policy designed to increase the recruitment of minority candidates for law enforcement positions which may be implemented by governmental entities that employ a peace officer. All governmental entities that employ a peace officer shall either develop and implement a policy designed to increase the recruitment of minority candidates for peace officer positions or adopt and implement the P.O.S.T. recruitment of minority candidate policy referenced in this Section.

§2401.3. Requirement for grant applications

In order to be eligible to apply for and receive any state grants administered or procured by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, any governmental entity that employs a peace officer shall either develop and implement a policy designed to increase the recruitment of minority candidates for peace officer positions or adopt and implement the P.O.S.T. recruitment of minority candidate policy referenced in this Section.

§2404. Powers of the council

In addition to any other powers conferred upon the council elsewhere herein or pursuant to this Chapter or by other law, the council shall have the following powers:

(12) To suspend or revoke P.O.S.T. certification and to develop and implement polices and procedures to suspend or revoke P.O.S.T. certification for misconduct committed by a peace officer.

§2404.2. Minimum training requirements; basic curriculum; annual training

C.(1) No later than January 1, 2018, the council shall develop and implement a curriculum for de-escalation, bias policing recognition, sudden in-death crisis and intervention training, which shall include training for law enforcement interaction with persons with mental illness and persons with developmental disabilities, for peace officers that consists of classroom or online instruction, or both.

LANDRY, MARINO, AND ORGERON AND SENATORS FIELDS AND LAMBERT

HOUSE BILL NO. 129

To amend and reenact R.S. 15:1212(B)(4) within forty-five days of the change in employment status of a law enforcement officer shall result in a civil fine on the agency of up to five hundred dollars per day in the event a fine is not provided. Monetary collected from such fines shall be directed to the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.

(2) Fines proposed pursuant to Paragraph (1) of this Subsection may be waived or reduced by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice in the event of force majeure or exigent circumstances for good cause shown.

In order to be eligible to apply for and receive any state grants administered or procured by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, any governmental entity that employs a peace officer shall either develop and implement a policy designed to increase the recruitment of minority candidates for peace officer positions or adopt and implement the P.O.S.T. recruitment of minority candidate policy referenced in this Section.

In order to be eligible to apply for and receive any state grants administered or procured by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, any governmental entity that employs a peace officer shall either develop and implement a policy designed to increase the recruitment of minority candidates for peace officer positions or adopt and implement the P.O.S.T. recruitment of minority candidate policy referenced in this Section.

In order to be eligible to apply for and receive any state grants administered or procured by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, any governmental entity that employs a peace officer shall either develop and implement a policy designed to increase the recruitment of minority candidates for peace officer positions or adopt and implement the P.O.S.T. recruitment of minority candidate policy referenced in this Section.

In order to be eligible to apply for and receive any state grants administered or procured by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, any governmental entity that employs a peace officer shall either develop and implement a policy designed to increase the recruitment of minority candidates for peace officer positions or adopt and implement the P.O.S.T. recruitment of minority candidate policy referenced in this Section.

In order to be eligible to apply for and receive any state grants administered or procured by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, any governmental entity that employs a peace officer shall either develop and implement a policy designed to increase the recruitment of minority candidates for peace officer positions or adopt and implement the P.O.S.T. recruitment of minority candidate policy referenced in this Section.
(2) No later than January 1, 2022, the council shall develop and implement curriculum to provide instruction for law enforcement personnel on procedural justice and duty-to-intervene matters which shall include training for law enforcement personnel that consists of classroom or internet instruction, or both.

$2555. Officer involved shooting

A. In the event of an officer-involved shooting which results in death or great bodily harm, the investigators of these incidents shall be accountable only to those agencies which have been certified by the council following the effective date of January 1, 2022.

B. In addition to agency certification, there shall be within those agencies at least three certified officer-involved investigators who have completed all necessary coursework and subsequent in-service training and law enforcement experience which will establish eligibility for these investigators before training and certification.

C. This act shall also provide for the personnel to be certified through P.O.S.T. for the processing of all evidence associated officer-involved shootings.

Approved by the Governor, June 21, 2021.
R. Kyle Ardoin
Secretary of State

ACT No. 419

HOUSE BILL NO. 170
BY REPRESENTATIVE MARINO
AN ACT
To enact R.S. 17:392.1(F), relative to students with dyslexia; to require public school governing authorities to report to the State Department of Education and to require the State Department of Education to report to the legislature regarding such students; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:392.1(F) is hereby enacted to read as follows:

§392.1. Screening and intervention; purpose; applicability; city and parish school system, duties

C.(1) Each public school governing authority shall submit a report to the State Department of Education by October thirty-first annually relative to the occurrence of dyslexia. The report shall include numbers of students of all grades levels who are identified as dyslexic, either pursuant to the provisions of this Section or R.S. 17:2112, and shall include, per grade, all of the following:
(a) For students identified as dyslexic through a Section 504 Plan:
(1) The number initially identified during the preceding school year;
(2) The total number;
(b) For students with an Individualized Education Plan identified as having a specific learning disability; dyslexia:
(1) The number initially identified during the preceding school year;
(2) The total number.

...
(2) Each newborn safety device shall meet all of the following specifications: (a) The device has been voluntarily installed by the designated emergency care facility.  (b) The device is installed in a location that ensures the anonymity of the relinquishing parent and has a climate-controlled environment.  (c) The device is installed by a licensed contractor.  (d) The access door to the device locks automatically upon closure when a newborn is in the device.  (e) The supporting frame of the device is anchored so as to align the bed portion of the device directly beneath the access door and prevent movement of the unit as a whole.  

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

(4) Each designated emergency care facility that installs a newborn safety device shall post department-approved signage at the site that clearly identifies the device and provides both written and pictorial instruction to the relinquishing parent to open the access door, place the infant inside the device, and close the access door to engage the lock.  The signage shall also clearly indicate all of the following:  

(a) The maximum age of an infant who may be relinquished in accordance with this Chapter.  

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

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

B. If the parent is unable to travel to such a designated emergency care facility, he may call “911,” and a law enforcement officer, or an emergency medical service provider shall immediately be dispatched to meet the parent and transport the child to a hospital, and to ensure that all requirements listed in Article 1152D through (D) have been met.  

C. Requianishment of an infant in accordance with this Chapter is not a criminal act of neglect, abandonment, cruelty, or a crime against the child.  

Art. 1152. Designated emergency care facility, emergency medical service provider, law enforcement officer, and law enforcement officer responsibilities; newborn safety devices authorized.  

A. The representatives of a designated emergency care facility shall appoint as its representative one or more employees on duty during regular business hours who is knowledgeable about the requirements of this Chapter.  In addition, at other times each facility shall designate a representative who can be reached by emergency telephone service or post instructions to contact “911” for a safety device and that the device will be checked for the initial alarm.  

B. Each designated emergency care facility that installs a newborn safety device shall meet all of the following:  

(i) The system generates an audible alarm at a central location within the facility sixty seconds after the opening of the access door to the newborn safety device.  

(ii) The system is tested at least one time per week to ensure that it is in working order.  

(iii) The alarm system is visually checked at least two times per day to ensure that it is in working order.  

B. Each designated emergency care facility that installs a newborn safety device shall ensure that the device is checked at least daily for debris and is cleaned and sanitized with a hospital-quality disinfectant at least weekly and after any newborn relinquishment into the device.  

C. Each designated emergency care facility that installs a newborn safety device as authorized by this Paragraph shall maintain documentation of the test of the alarm system required by Subparagraph (c) of this Subparagraph and the cleaning and sanitation of the device required by Subparagraph (d) of this Subparagraph.  

D. Each designated emergency care facility that installs a newborn safety device as authorized by this Paragraph shall install an adequate dual alarm that clearly identifies the device and provides both written and pictorial instruction to the relinquishing parent to open the access door, place the infant inside the device, and close the access door to engage the lock.  The signage shall also clearly indicate all of the following:  

(a) The maximum age of an infant who may be relinquished in accordance with this Chapter.  

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

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

(2) They shall not be required to provide payment of an application fee unless, prior to accepting the payment, the lessor gives written notice of all of the following:  

(i) The amount of the application fee.  

(ii) Whether the lessor considers credit scores, employment history, criminal history, or eviction records in deciding whether to rent or lease to the applicant.  

(3) That the applicant may share, in good faith, a statement of two hundred words or less explaining that the applicant has experienced financial hardship resulting from a state or federally declared disaster or emergency and how that hardship impacted the applicant’s credit, employment, or rental history.  

(4) The lessor’s notice regarding the statement of financial hardship shall reference the COVID-19 pandemic and hurricanes.  

B. Notice required by this Section may be delivered, stored, and presented by electronic means if the electronic means meet the requirements of the Uniform Electronic Transactions Act, as provided in R.S. 9:2901 et seq.  

C. This Section shall apply to all lessors of property to be used as a lessee’s primary residence except for owner-occupied buildings consisting of no more than four units.  

D. No person shall have a cause of action against a lessor or a lessor’s agents or employees for any alleged violation of this Section, and a lessor and a lessor’s agents and employees are hereby immune from any and all causes of action for alleged violations of this Section.  

Approved by the Governor, June 20, 2021.  

THE ADVOCATE  BY REPRESENTATIVES HARRIS AND HODGES  

AN ACT  

To amend and reenact R.S. 18:423(J), 1313.1(A), (B), (C)(1), (E), and (G) (introductory paragraph), (6), and (7), and 1315B; and to repeal R.S. 18:1313.2, relative to the preparation, verification, tabulation, and counting of absentee by mail and early voting ballots; to provide for the timing of such processes; to provide relative to elections impaired as the result of a declared disaster or emergency; to provide for an effective date; and to provide for related matters.  

Be it enacted by the Legislature of Louisiana:  

A. The Louisiana Department of Health may promulgate hospital licensing rules, in accordance with the Administrative Procedure Act, regarding newborn safety devices installed in hospitals.  Such rules shall require compliance with the provisions of this Chapter and may include but not be limited to adequate alarms, testing, cleaning, documentation, policies, procedures, and training of staff.  

B. Instruction by a designated emergency care facility on safe haven relinquishment procedures may:  

(1) Be provided in any manner that is deemed appropriate and sufficient by the facility, subject to any applicable healthcare facility licensing requirements.  

F. The representative, emergency medical service provider, or law enforcement officer shall provide to the parent written information about:  

G. In the event that an infant is relinquished to a designated emergency care facility other than a hospital, or to an emergency medical service provider, or law enforcement officer, the staff of the facility, the provider, or the law enforcement officer shall immediately transfer the infant to a hospital.  

H. The representative, provider, or law enforcement officer shall immediately notify the department of the relinquishment.  

Approved by the Governor, June 21, 2021.  

A true copy:  

R. Kyle Ardoin  
Secretary of State  

ACT No. 422  

HOUSE BILL NO. 374  
BY REPRESENTATIVE DUPLESSIS  

AN ACT  

To enact R.S. 9:3256.1, relative to residential leases; to provide for notice to applicants for certain low-income housing properties; to provide for exceptions; to provide for personal hardship statements after a declared disaster or emergency; and to provide for related matters.  

Be it enacted by the Legislature of Louisiana:  

Section 1. R.S. 9:3256.1 is hereby enacted to read as follows:  

A. A lessor shall not require payment of an application fee unless, prior to accepting the payment, the lessor gives written notice of all of the following:  

(i) The amount of the application fee.  

(ii) Whether the lessor considers credit scores, employment history, criminal history, or eviction records in deciding whether to rent or lease to the applicant.  

(3) The applicant may share, in good faith, a statement of two hundred words or less explaining that the applicant has experienced financial hardship resulting from a state or federally declared disaster or emergency and how that hardship impacted the applicant’s credit, employment, or rental history.  

(4) The lessor’s notice regarding the statement of financial hardship shall reference the COVID-19 pandemic and hurricanes.  

B. Notice required by this Section may be delivered, stored, and presented by electronic means if the electronic means meet the requirements of the Uniform Electronic Transactions Act, as provided in R.S. 9:2901 et seq.  

C. This Section shall apply to all lessors of property to be used as a lessee’s primary residence except for owner-occupied buildings consisting of no more than four units.  

D. No person shall have a cause of action against a lessor or a lessor’s agents or employees for any alleged violation of this Section, and a lessor and a lessor’s agents and employees are hereby immune from any and all causes of action for alleged violations of this Section.  

Approved by the Governor, June 21, 2021.  

A true copy:  

R. Kyle Ardoin  
Secretary of State  

ACT No. 423  

HOUSE BILL NO. 398  
BY REPRESENTATIVES HARRIS AND HODGES  

AN ACT  

To amend and reenact R.S. 18:423(J), 1313.1(A), (B), (C)(1), (E), and (G) (introductory paragraph), (6), and (7), and 1315B; and to repeal R.S. 18:1313.2, relative to the preparation, verification, tabulation, and counting of absentee by mail and early voting ballots; to provide for the timing of such processes; to provide relative to elections impaired as the result of a declared disaster or emergency; to provide for an effective date; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:423J(1), 1313.1, (1A), (B), (C)(1), (E), and (G) (introducory paragraph), (6), and (7), and 1315(B) are hereby amended and reenacted to read as follows:

§423. Parish boards of election supervisors

J.(4) Notwithstanding Subsection E of this Section, in a parish where the parish board of election supervisors tabulates and counts absentee by mail and early voting ballots in accordance with R.S. 18:1313.1, a member of the board may be compensated not more than eight days for a presidential or regularly scheduled congressional general election or seven days for any other primary or general election.

(2) Notwithstanding any provision of this Section to the contrary, in a parish where the parish board of election supervisors tabulates and counts absentee by mail and early voting ballots in accordance with R.S. 18:1313.1, a member of the board may be compensated no less than one thousand and five hundred dollars for a parish board commissioner to count the absentee by mail and early voting ballots in accordance with the provisions of R.S. 18:1314. If a majority of the members of the board are present for the counting of absentee by mail and early voting ballots on election day, it shall select parish board commissioners in accordance with R.S. 18:1313.2.

§1313.1. Preparation, verification, tabulation, and counting of absentee by mail and early voting ballots; parishes with one thousand or more absentee by mail ballots

A.(1)(a) Parishes with one thousand or more absentee by mail ballots returned to the registrar of voters for a primary or general election may conduct the preparation and verification process for the tabulation and counting of absentee by mail and early voting ballots for a primary or general election the day before the election.

(b) However, with the written approval of the secretary of state, parishes may conduct the preparation and verification process for the tabulation and counting of absentee by mail and early voting ballot for a primary or general election beginning three days before the election.

(2) and conduct the The tabulation and counting of absentee by mail and early voting ballots shall be conducted during election day.

B. The parish board of election supervisors shall be responsible for the preparation, verification, counting, and tabulation of all absentee by mail and early voting ballots in the parish. The board may utilize parish board commissioners to count the absentee by mail and early voting ballots tabulated in the parish. If the board determines that parish board commissioners are necessary for the preparation and verification process to count and tabulate the absentee by mail and early voting ballots the day before the election and to count and tabulate the absentee by mail and early voting ballots on election day, it shall select parish board commissioners in accordance with the provisions of R.S. 18:1314. If a majority of the members of the board are present for the preparation and verification process to count the absentee by mail and early voting ballots or to count the absentee by mail and early voting ballots and no parish board commissioners were previously selected, the members present may select a sufficient number of parish board commissioners on the day three days before the election or on election day, as applicable, to assist in the preparation and verification process for the tabulation and counting of absentee by mail and early voting ballots and the tabulation and counting of the ballots.

C.(1) The preparation and verification process for the counting of the absentee by mail and early voting ballots may be conducted the day before the election at a public facility within the parish designated by the registrar of voters at a time fixed by the parish board of election supervisors.

E. Candidates, their representatives, and qualified electors may be present during the preparation and verification process for the counting and tabulation of absentee by mail and early voting ballots on election day. If the counting and tabulation of absentee by mail and early voting ballots begins prior to the closing of the polls on election day, the board shall give notice reasonably calculated to inform any person who wants to be present during the counting and tabulation that no person will be allowed to leave or to communicate with any other person outside, until such time as the polls are closed, nor shall any person who is present during the counting and tabulation of absentee by mail and early voting ballots on election day possess a cellular telephone or electronic communication device.

G. The procedure for the preparation and verification process for the tabulation and counting of absentee by mail ballots and early voting paper ballots on the day before the election shall be as follows:

(a) A member of the board shall place the absentee by mail ballots and early voting paper ballots that have been challenged and the ballots that have not been challenged but that are not in the form of a short burst of medicine, or a chemical derivative of tetrahydrocannabinols, which can be administered by metered-dose inhaler. For purposes of this Section, “metered-dose inhaler” means a device that delivers a specific amount of medication to the lungs, in the form of a short burst of medicine that is usually self-administered by the patient via inhalation.

(5)(a) No pharmacy authorized to dispense marijuana for therapeutic use in accordance with the provisions of this Section shall dispense more than two and one-half ounces, or seventy-one grams, of raw or crude marijuana every fourteen days to any individual patient.

(6)(a) In order to dispense marijuana for therapeutic use in accordance with the provisions of this Section shall dispense raw or crude marijuana to any person under twenty-one years of age without a recommendation from a physician specifically recommending marijuana in a form to be administered by metered-dose inhaler. For purposes of this Section, “metered-dose inhaler” means a device that delivers a specific amount of medication by inhaling.

$1315. Challenge of absentee by mail or early voting ballot

B. During the preparation and verification process for the counting of absentee by mail and early voting ballots on the day before the election, as applicable, or the counting of absentee by mail and early voting ballots on election day, any candidate or his representative, member of the board, or qualified elector may challenge an absentee by mail or early voting ballot for cause, other than those grounds specified in R.S. 18:565(A).

Section 2. R.S. 18:1313.2 is hereby repealed in its entirety.

Approved by the Governor, June 21, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 424

HOUSE BILL NO. 391

BY REPRESENTATIVES MAGEE, BRYANT, GARY CARTER, WILFORD CARL, COX, DupleSSIS, FREEMAN, GREEN, HUGHES, JAMES, TRAVIS JOHNSON, LANDRY, LARVAIlAIN, LYONS, MARCELLE MARINO, NELSON, NEWELL, PIERRE, SELLERS, AND WILLARD

AN ACT

To amend and reenact R.S. 40:1046(A)(1) and (C)(2)(e) and to enact R.S. 40:1046(A)(5) and (C)(2)(l), relative to recommendation by physicians of medical marijuana for therapeutic use, known also as medical marijuana; to provide for related matters.

§1315. Challenge of absentee by mail or early voting ballot

B. During the preparation and verification process for the counting of absentee by mail and early voting ballots on the day before the election, any candidate or his representative, member of the board, or qualified elector may challenge an absentee by mail or early voting ballot on the day before the election, or on election day, any candidate or his representative, member of the board, or qualified elector may challenge an absentee by mail or early voting ballot for cause.

Approved by the Governor, June 21, 2021.
HOUSE BILL NO. 435
BY REPRESENTATIVE ROMERO
AN ACT
To amend and reenact R.S. 27:402(18) and 405(C)(1) through (5), relative to video draw poker devices; to provide relative to the definition of video draw poker; to provide relative to the games offered by video draw poker devices; to provide relative to the method of operation of the games of video draw poker or card games; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 27:402(18) and 405(C)(1) through (5) are hereby amended and reenacted to read as follows:
§402. Definitions
As used in this Chapter, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:
(18) “Video draw poker” means any card game approved by the division that utilizes one deck or more decks of cards per hand with multiple hands permitted per game.

§405. Description and specifications of devices

C. Each video draw poker device shall offer the game of draw poker or such other card games as are approved by the division and have the following method of operation: (1) The cards must be shuffled after each hand is dealt.
(2) Each hand must utilize a deck or more decks of cards consisting of fifty-two standard playing cards each, and up to two jokers per deck may also be used. The deck or decks shall be shuffled by use of a random number generator to exchange each card in the a deck with another randomly selected card.
(3) After shuffling, a required number of cards must be dealt from the top of the a deck.
(4) Any discarded cards must be replaced by remaining cards in the a deck, starting with the next subsequent card and using the cards in the order of the deck.
(5) The game must display the hands for which won games or credits will be awarded and the number of won games or credits for each hand, not to exceed the value of one thousand dollars.

Approved by the Governor, June 21, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 427

HOUSE BILL NO. 541
BY REPRESENTATIVE ILLG
AN ACT
To amend and reenact R.S. 27:30.6(A)(2), (3), and (4) and (B) through (F) and to repeal R.S. 27:30.6(G) and (I), relative to electronic gaming devices; to provide relative to the monitoring and reading of certain gaming devices; to provide that electronic gaming devices at certain gaming establishments shall be connected to a licensee's central computer system, casino management system, and slot machine management system for the purpose of monitoring device activities; to provide relative to monitoring or reading of personal or financial information concerning patrons of gaming activities conducted on riverboats or live racing facilities; to provide relative to the assessment and collection of fees; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 27:30.6(A)(2), (3), and (4) and (B) through (F) are hereby amended and reenacted to read as follows:
§30.6. Electronic gaming devices; licensee's central computer system
A. The legislature hereby finds and declares that:
(2) In order to maintain the security and integrity of electronic gaming devices and for ensuring accurate and thorough accounting procedures, the law mandates that all licensed video draw poker devices, video pull-tabs, electronic gaming devices on licensed riverboats, and slot machines at live racing facilities be connected to a central computer system, casino management system, and slot machine management system as applicable, to which the division and board have complete and unrestricted access to the information contained therein. Likewise the casino operating contract provides for complete and unrestricted access to information contained within their centralized computer to the office of the Louisiana Gaming Control Board. The legislature finds that it is in the best interest of the state and the general public that all electronic gaming devices licensed in this state should be subject to this type of monitoring and accordingly that all electronic gaming devices should be linked by telecommunication to a central computer system which will facilitate the monitoring and reading

Approved by the Governor, June 21, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 426

The Advocate
* As it appears in the enrolled bill
* * *

CODING: Words in strikethrough type are deletions from existing law; words underscored (House Bills) and underlined and boldfaced (Senate Bills) are additions.
of the devices for the purposes of maintaining the security and integrity of the devices and the integrity of the information reported to the system, in order to ensure that licensees meet their financial obligations to the state.

(4) The most efficient, accurate, and honest regulation of the gaming industry in this state can best be facilitated by establishing a central licensee’s computer system under which all electronic gaming devices will be linked to that system by telecommunication to provide superior capability of auditing, reporting, and regulation of that industry, as provided for in this Section.

B. Any electronic gaming device which is included in the definition of “game”, “gaming device”, and “gaming equipment”, as provided for in R.S. 27:44(14) or (22) or in the definition of “slot machine” as provided for in R.S. 27:353(4), or which is included in the definitions in the rules adopted or enforced by the Louisiana Gaming Control Board, or which is otherwise regulated by Chapters 4 and 7 of this Title shall be linked by telecommunication to a central licensee’s computer system for purposes of monitoring and reporting, and regulation of that industry, as provided for in this Section.

C. The provisions of this Section shall apply to any electronic gaming device operated by the holder of a license as defined in R.S. 27:353(4) and regulated by the provisions of Chapter 7 of this Title to and any electronic gaming device operated by the holder of a license as defined in R.S. 27:353(5) and regulated by the provisions of Chapter 7 of this Title.

D. The central licensee’s computer system authorized by the provisions of this Section shall be designed and operated to allow the monitoring and reading of electronic gaming devices on licensed riverboats and at live racing facilities for the purposes of maintaining the security and integrity of the devices and the integrity of the information reported to the system, so that the fiscal responsibility of the licensees with regard to their obligations to the state will be ensured. The central computer system authorized by the provisions of this Section shall be administered by the Department of Public Safety and Corrections, office of state police, gaming division.

E. The central licensee’s computer system shall be capable of monitoring and reading financial aspects of each electronic gaming device such as cash in, cash out, amount played, amount won, games played, and games won. As used in this Subsection, “cash in” means money, currency, tokens, credits, or any other thing of value which is used to play or operate an electronic gaming device or which is used to pay the winnings from playing or operating an electronic gaming device.

F. The central licensee’s computer system shall provide for the monitoring and reading of exception code reporting such as an on-line computer alert, alarm monitoring capability to ensure direct scrutiny of conditions detected and reported by the electronic gaming device, including any device malfunction, any type of tampering, and any open door to the drop area.

Section 2. R.S. 27:30:6(G) and (I) are hereby repealed in their entirety. Approved by the Governor, June 21, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT NO. 428

SENATE BILL NO. 4

BY SENATOR PRICE

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

AN ACT

To repeal R.S. 18:1505.2(H)(7), relative to limits on campaign contributions received from political committees; to eliminate certain restrictions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1505.2(H)(7) is hereby repealed. Approved by the Governor, June 21, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT NO. 429

SENATE BILL NO. 27

BY SENATORS FOIL, ABRAHAM, BARROW, BERNARD, BOUJE, CARTER, CIENFUEGOS, CLOUD, CONNICK, CORTEZ, FIELDS, HARRIS, HENSIGNS, HEWITT, JACKSON, MCMATH, MILLIGAN, FRED MILLIS, ROBERT MILLIS, MORRIS, PEACOCK, POPE, PRICE, REESE, SMITH, TALBOT AND 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. 17:3138.5(A), (B)(1), the introductory paragraph of (B)(2), (B)(2)(a), and (D)(4), and 3165.2(A), (B), (C)(1)(b), and (E), relative to postsecondary education; to establish eligibility for designation as military and veteran friendly campus to all postsecondary education institutions in Louisiana; to provide for the transfer of academic and workforce credits earned by military members and their spouses to Louisiana’s public postsecondary education institutions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3138.5(A), (B)(1), the introductory paragraph of (B)(2), (B)(2)(a), and (D)(4), and 3165.2(A), (B), (C)(1)(b), and (E) are hereby amended and reenacted to read as follows:

§3138.5. Military and veteran friendly campus; designation; process; eligibility; applications

A.(1) The legislature finds that military veterans need comprehensive, statewide support to aid them in transition from military service to enrollment in public postsecondary education institutions. This support should encourage early enrollment of veterans and address issues that may deter their participation in public postsecondary education. These issues include but are not limited to affordability, lack of awareness by postsecondary faculty and staff of veterans’ culture, the need for orientation and mentoring programs designed specifically for veterans, and the facilitation of credit completion by veterans as efficiently and quickly as possible.

B.(1) The Board of Regents shall establish a process for public postsecondary education institutions to be designated as a "Governor’s Military and Veteran Friendly Campus" beginning with the Fall 2021 semester.

(2) To be eligible to receive the designation as specified in Paragraph (1) of this Subsection, an institution shall, at a minimum, meet all of the following criteria:

(a) Adopt For public postsecondary education institutions, adopt and fully implement the military articulation and transfer process as provided in R.S. 17:3165.2.

(b) For nonpublic postsecondary education institutions, adopt and fully implement a military friendly articulation and transfer process that aligns with the Board of Regents’s standards for evaluating educational experiences in the United States Armed Forces.

(c) The most efficient, accurate, and honest regulation of the gaming industry in this state can best be facilitated by establishing a central licensee’s computer system under which all electronic gaming devices will be linked to that system by telecommunication to provide superior capability of auditing, reporting, and regulation of that industry, as provided for in this Section.

(3) The central licensee’s computer system authorized by the provisions of this Section shall be designed and operated to allow the monitoring and reading of electronic gaming devices on licensed riverboats and at live racing facilities for the purposes of maintaining the security and integrity of the devices and the integrity of the information reported to the system, so that the fiscal responsibility of the licensees with regard to their obligations to the state will be ensured. The central computer system authorized by the provisions of this Section shall be administered by the Department of Public Safety and Corrections, office of state police, gaming division.

E. The central licensee’s computer system shall be capable of monitoring and reading financial aspects of each electronic gaming device such as cash in, cash out, amount played, amount won, games played, and games won. As used in this Subsection, “cash in” means money, currency, tokens, credits, or any other thing of value which is used to play or operate an electronic gaming device or which is used to pay the winnings from playing or operating an electronic gaming device.

F. The central licensee’s computer system shall provide for the monitoring and reading of exception code reporting such as an on-line computer alert, alarm monitoring capability to ensure direct scrutiny of conditions detected and reported by the electronic gaming device, including any device malfunction, any type of tampering, and any open door to the drop area.

G. The provisions of this Section shall apply to any electronic gaming device operated by the holder of a license as defined in R.S. 27:353(5) and regulated by the provisions of Chapter 7 of this Title.

H. The central licensee’s computer system authorized by the provisions of this Section shall be designed and operated to allow the monitoring and reading of electronic gaming devices on licensed riverboats and at live racing facilities for the purposes of maintaining the security and integrity of the devices and the integrity of the information reported to the system, so that the fiscal responsibility of the licensees with regard to their obligations to the state will be ensured. The central computer system authorized by the provisions of this Section shall be administered by the Department of Public Safety and Corrections, office of state police, gaming division.

The Advocate

* * * THE ADVOCATE

CODING: Words in uppercase type are deletions from existing law; words underscored (House Bills) and underlined and boldfaced (Senate Bills) are additions.
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 21, 2021.

R. Kyle Ardoin
Secretary of State

ACT No. 430

SENATE BILL NO. 34

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

AN ACT

To enact Chapter 25-A of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2551 through 2553, and Code of Criminal Procedure Article 162.3, relative to law enforcement; to provide for body-worn cameras; to provide for motor vehicle dash cameras; to restrict use of neck restraints; to restrict the use of no-knock warrants; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 25-A of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2551 through 2553, is hereby enacted to read as follows:

CHAPTER 25-A. RESPONSIBILITIES OF LAW ENFORCEMENT OFFICERS WHILE INTERACTING WITH THE PUBLIC

§2551. Use of body-worn cameras
No later than January 1, 2022, any law enforcement agency that utilizes body-worn cameras shall adopt a policy regarding the activation and deactivation of such cameras by the officer.

§2552. Use of motor vehicle dash cameras
No later than January 1, 2022, any law enforcement motor vehicle that is equipped with a dash camera that has the technology to automatically record upon the activation of the motor vehicle's police emergency lights shall utilize that technology.

§2553. Neck restraint prohibition
The use of choke holds and carotid holds are prohibited, except when the officer reasonably believes he or another person is at risk of great bodily harm or when deadly force is authorized.

Section 2. Code of Criminal Procedure Article 162.3 is hereby enacted to read as follows:

Art. 162.3. No-knock warrant
A. No law enforcement officer shall seek, execute, or participate in the execution of a no-knock warrant, except in cases where both of the following apply:
1. The affidavit supporting the request for the warrant establishes probable cause that exigent circumstances exist requiring the warrant to be executed in a no-knock manner.
2. Exigent circumstances shall include circumstances where the surprise of a no-knock entry is necessary to protect life and limb of the law enforcement officers and the occupants.
B. The copy of the warrant being executed that is in the possession of law enforcement officers to be delivered as provided in Paragraph C of this Article includes the judge's signature.
C. A search warrant authorized under this Article shall require that a law enforcement officer be recognizable and identifiable as a uniformed law enforcement officer and provide audible notice of his authority and purpose reasonably expected to be heard by the occupants of such place to be searched prior to the execution of such search warrant.
D. After entering and securing the place to be searched and prior to undertaking any search or seizure pursuant to the search warrant, the executing law enforcement officer shall read and give a copy of the search warrant to the person to be searched or the owner of the place to be searched or, if the owner is not present, to any occupant of the place to be searched. If the place to be searched is unoccupied, the executing law enforcement officer shall leave a copy of the search warrant suitably affixed to the place to be searched.
E. A search warrant is for the withdrawal of blood may be executed at any time of day.
F. Any evidence obtained from a search warrant in violation of this Article shall not be admitted into evidence for prosecution.
G. For purposes of this Article, “no-knock warrant” means a warrant issued by a judge that allows law enforcement to enter a property without immediate prior notification of the residents, such as by knocking or ringing a doorbell.

§976.1. Fairness in enrollee cost-sharing
A. As used in this Section the following definitions shall apply:
1. “Cost-sharing requirement” means any copayment, coinsurance, deductible, or annual limitation on cost-sharing including but not limited to a limitation subject to 42 U.S.C. 18022(c) and 300gg-6(b), required by or on behalf of an enrollee in order to receive a specific healthcare service, including a prescription drug, covered by a health benefit plan.
2. “Enrollee” means an individual who is enrolled or insured by a health insurance issuer for healthcare services.
3. “Health benefit plan” means healthcare services provided directly through insurance, reimbursement, or other means, and including items and services paid for as healthcare services under any hospital or medical service policy or certificate, hospital or medical service plan contract, preferred provider organization contract, or health maintenance organization contract offered by a health insurance issuer.
4. “Healthcare services” means items or services furnished to any individual for the purpose of preventing, alleviating, curing, or healing human illness, injury, or a mental or physical disability.
5. “Health insurance issuer” means any entity that offers health insurance coverage through a health benefit plan, policy, or certificate of insurance subject to state law that regulates the business of insurance.
6. “Person” means a natural person, corporation, mutual company, unincorporated association, partnership, joint venture, limited liability company, trust, estate, foundation, not-for-profit corporation, unincorporated organization, government or governmental subdivision, or agency.
B. When calculating an enrollee’s contribution to any applicable cost-sharing requirement, a health insurance issuer shall include any cost-sharing amounts paid by the enrollee or on behalf of the enrollee by another person.
C. In implementing the requirements of this Section, the state shall regulate a health insurance issuer only to the extent permissible under applicable law.
D. The commissioner of insurance may promulgate rules and regulations necessary to implement this Section.

Section 2. This Act shall be operative 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 21, 2021.

R. Kyle Ardoin
Secretary of State

THE ADVOCATE * As it appears in the enrolled bill
To amend and reenact R.S. 49:150.1(C), (D), (E)(2), (F), the introductory paragraph of (G), and the introductory paragraph of (H)(1) and to enact R.S. 49:150.1(d), relative to the State Capitol Complex; to provide for the establishment and maintenance of a monument honoring African-American service members; to provide for terminology and other technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:150.1(C), (D), (E)(2), (F), the introductory paragraph of (G), and the introductory paragraph of (H)(1) are hereby amended and reenacted and R.S. 49:150.1(d) is hereby enacted to read as follows:

SUBPART H. STATE CAPITOL COMPLEX

§150.1. State capitol complex; allocation of space; maintenance; law

A. As used in this Section:

(1) "African-American military service members monument;

* * *

C. In addition to the provisions of Subsection B of this Section, four floors of the state capitol building shall be designated for use by the attorney general, and one floor of the state capitol building shall be designated for use by the treasurer and the secretary of state. That space leased to members of the press on July 1, 1979, by the Division of Administration division of administration shall constitute the press area of the capitol and shall be under the control of the governor; provided however, that such renovations require temporary or permanent reassignment of the press to another area of the capitol such reassignment shall be determined and made jointly by the governor, the speaker of the House of Representatives, and the president of the Senate.

D. The designation of the eight floors as set forth in Subsections B and C of this Section, not including the fourth floor, shall be jointly determined by the governor, the speaker of the House of Representatives, and the president of the Senate.

E.(1) (2) The time at which such renovation shall begin shall be determined jointly by the President president of the Senate, the Speaker speaker of the House of Representatives, and the commissioner of administration. The allocation of space shall be made by the legislature by joint rule or through the Legislative Budgetary Control Council.

F. Except as otherwise provided in this Section, the superintendent of state buildings director of the office of state buildings shall have charge of the management, operation, and maintenance of the state capitol building, pentagon courts buildings, the Old Arsenal Museum, and the capitol complex grounds. In the performance of the duties specified in this Subsection, the superintendent director shall be under the authority and direction of the governor, the president of the Senate, and the speaker of the House of Representatives.

G. In accordance with R.S. 25:781 through 785 and subject to the joint approval and oversight of the governor, the president of the Senate, and the speaker of the House of Representatives, the superintendent of state buildings director of the office of state buildings shall:

* * *

H.(1) Subject to the joint approval and oversight of the governor, the president of the Senate, and the speaker of the House of Representatives, the superintendent of state buildings director of the office of state buildings shall:

* * *

I.(1) Subject to the joint approval and oversight of the governor, the president of the Senate, and the speaker of the House of Representatives, the director of the office of state buildings shall do all of the following:

* * *

(2) The funding source for the initial construction of the monument shall consist solely of private donations, grants, and other nonpublic monies; however, public funds may be used to maintain the monument.

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 21, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 432

BY SENATORS BOUDREAUX, ABRAHAM, ALLAIN, BARROW, BERNARD, BOUIE, CATHEY, CLOUD, CONNICK, CORTEZ, FIELDS, GIBSON, HENRY, HENSSENS, HEWITT, JACKSON, JOHNS, LAMBERT, LUNEAU, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MORRIS, PEACOCK, PETERSON, POPE, PRICE, REESE, SMITH, TALBOT, TARVER, WARD AND WOMACK AND REPRESENTATIVES ADAMS, BAGLEY, BRASS, BRENNER, BROWN, CARPENT, CARR, CARTER, CARVER, COLE, COLEMAN, CONWAY, DAVIS, DETRUESS, DUBOIS, R. DUPLESSIS, FREIBERG, GAINES, GLOVER, GREEN, HARRIS, HORTON, HUGHES, JAMES, JEFFERSON, JENKINS, TRAVIS JOHNSON, JONES, JORDAN, LACOMBE, LEWIS, LABARDAIN, LYONS, MARCELLE, D. MARTIN, MILLER, MOORE, NEWELL, CHARLES OWEN, PIERRE, PRESSLY, SCHENX NAYDER, SELDERS, THOMPSON AND WILLARD

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

Enduring Freedom, and Operation Iraqi Freedom, among other conflicts.

(b) Plan, implement, and maintain the monument.

The funding source for the initial construction of the monument shall consist solely of private donations, grants, and other nonpublic monies; however, public funds may be used to maintain the monument.

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 21, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 433

BY SENATOR MCMATH

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

Enduring Freedom, and Operation Iraqi Freedom, among other conflicts.

(b) Plan, implement, and maintain the monument.

The funding source for the initial construction of the monument shall consist solely of private donations, grants, and other nonpublic monies; however, public funds may be used to maintain the monument.

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 21, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State
and regulations of this state, that contracts or offers to contract, or enters into an agreement to provide, deliver, arrange for, pay for, or reimburse any of the costs for healthcare services, including a health and accident insurance company, a health maintenance organization, a preferred provider organization, or any similar entity.

B. Within the time period prescribed by a health insurance issuer in which the health insurance issuer can review or audit a claim for purposes of reconsidering the validity of the claim, a request orally or in writing to a health insurance issuer, the health insurance issuer shall provide a copy of all documentation transmitted between the healthcare provider and the health insurance issuer or their respective agents, that is associated with a claim or request for payment from the health insurance issuer shall provide the requested documentation within two business days of the request submitted by the healthcare provider. A health insurance issuer may, in lieu of providing a physical copy, provide electronic access to the provider of the documentation through the use of a provider portal or other electronic means. All information or documentation required to be provided by this Section shall be provided by a health insurance issuer, whether by physical copy or electronic access, shall be provided at no cost to the healthcare provider.

C. (1) Any health insurance plan issued, amended, or renewed on or after January 1, 2022, between a health insurance issuer, its contracted vendor or agent, and a healthcare provider that covers healthcare services to a plan enrollee shall not restrict the method of payment from the health insurance issuer or its vendor to the healthcare provider in which the only acceptable payment method for services rendered requires the healthcare provider to pay a transaction fee, provider subscription fee, or any other type of fee or cost in order to accept payment from the health insurance issuer or that results in a monetary reduction in the healthcare provider's payment for the healthcare services rendered.

(2) If initiating or changing payments to a healthcare provider using electronic funds transfer payments the health insurance issuer, its contracted vendor, or agent shall do both of the following:
   (a) Notify the healthcare provider if any fees are associated with a particular payment method.
   (b) Advise the provider of the available methods of payment and provide instructions to the healthcare provider for selection of an alternative payment method that does not require the healthcare provider to pay a transaction fee, provider subscription fee, or any other type of fee or cost in order to accept payment from the health insurance issuer or that results in a monetary reduction in the healthcare provider for the healthcare services rendered.

D. The provisions of this Section shall not be waived by contract, and any contractual clause in conflict with the provisions of this Section or that purport to waive the requirements of this Section is void.

E. Any violation of the provisions of this Section shall be declared and considered to be unfair methods of competition and unfair or deceptive acts or practices in the business of insurance and subject to the provisions of Part IV of Chapter 7 of this Title.

§1964. Methods, acts, and practices which are defined as unfair or deceptive practices are declared to be unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:


Section 2. R.S. 46:490.75 is hereby enacted to read as follows:

A. If a healthcare provider submits a request, either orally or in writing, to a managed care organization for the time prescribed by state law or regulation in which a managed care organization can subject a claim to any review or audit for purposes of reconsidering the validity of a claim, the managed care organization shall provide, within two business days of such request, a copy of all documentation associated with the claim or request for payment from the managed care organization, or their respective agents, that is associated with a claim for payment of a service. A managed care organization may, in lieu of providing a physical copy, provide electronic access to the documentation through the use of a provider portal or other electronic means to the provider.

All information or documentation required to be provided by this Section shall be provided by a healthcare provider by a health insurance issuer, whether by physical copy or electronic access, shall be provided at no cost to the healthcare provider.

B. Within the time period prescribed by a health insurance issuer in which the health insurance issuer can review or audit a claim for purposes of reconsidering the validity of the claim, a request orally or in writing to a health insurance issuer, the health insurance issuer shall provide a copy of all documentation transmitted between the healthcare provider and the health insurance issuer or their respective agents, that is associated with a claim or request for payment from the health insurance issuer shall provide the requested documentation within two business days of the request submitted by the healthcare provider. A health insurance issuer may, in lieu of providing a physical copy, provide electronic access to the provider of the documentation through the use of a provider portal or other electronic means. All information or documentation required to be provided by this Section shall be provided by a healthcare provider by a health insurance issuer, whether by physical copy or electronic access, shall be provided at no cost to the healthcare provider.

E. Any violation of the provisions of this Section shall be declared and considered to be unfair methods of competition and unfair or deceptive acts or practices in the business of insurance.

§1964. Methods, acts, and practices which are defined as unfair or deceptive practices are declared to be unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:


Section 2. R.S. 46:490.75 is hereby enacted to read as follows:

A. If a healthcare provider submits a request, either orally or in writing, to a managed care organization for the time prescribed by state law or regulation in which a managed care organization can subject a claim to any review or audit for purposes of reconsidering the validity of a claim, the managed care organization shall provide, within two business days of such request, a copy of all documentation associated with the claim or request for payment from the managed care organization, or their respective agents, that is associated with a claim for payment of a service. A managed care organization may, in lieu of providing a physical copy, provide electronic access to the documentation through the use of a provider portal or other electronic means to the provider.

All information or documentation required to be provided by this Section shall be provided by a healthcare provider by a health insurance issuer, whether by physical copy or electronic access, shall be provided at no cost to the healthcare provider.

B. Within the time period prescribed by a health insurance issuer in which the health insurance issuer can review or audit a claim for purposes of reconsidering the validity of the claim, a request orally or in writing to a health insurance issuer, the health insurance issuer shall provide a copy of all documentation transmitted between the healthcare provider and the health insurance issuer or their respective agents, that is associated with a claim or request for payment from the health insurance issuer shall provide the requested documentation within two business days of the request submitted by the healthcare provider. A health insurance issuer may, in lieu of providing a physical copy, provide electronic access to the provider of the documentation through the use of a provider portal or other electronic means. All information or documentation required to be provided by this Section shall be provided by a healthcare provider by a health insurance issuer, whether by physical copy or electronic access, shall be provided at no cost to the healthcare provider.

E. Any violation of the provisions of this Section shall be declared and considered to be unfair methods of competition and unfair or deceptive acts or practices in the business of insurance.

§1964. Methods, acts, and practices which are defined as unfair or deceptive practices are declared to be unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:


Section 2. R.S. 46:490.75 is hereby enacted to read as follows:

A. If a healthcare provider submits a request, either orally or in writing, to a managed care organization for the time prescribed by state law or regulation in which a managed care organization can subject a claim to any review or audit for purposes of reconsidering the validity of a claim, the managed care organization shall provide, within two business days of such request, a copy of all documentation associated with the claim or request for payment from the managed care organization, or their respective agents, that is associated with a claim for payment of a service. A managed care organization may, in lieu of providing a physical copy, provide electronic access to the documentation through the use of a provider portal or other electronic means to the provider.

All information or documentation required to be provided by this Section shall be provided by a healthcare provider by a health insurance issuer, whether by physical copy or electronic access, shall be provided at no cost to the healthcare provider.

B. Within the time period prescribed by a health insurance issuer in which the health insurance issuer can review or audit a claim for purposes of reconsidering the validity of the claim, a request orally or in writing to a health insurance issuer, the health insurance issuer shall provide a copy of all documentation transmitted between the healthcare provider and the health insurance issuer or their respective agents, that is associated with a claim or request for payment from the health insurance issuer shall provide the requested documentation within two business days of the request submitted by the healthcare provider. A health insurance issuer may, in lieu of providing a physical copy, provide electronic access to the provider of the documentation through the use of a provider portal or other electronic means. All information or documentation required to be provided by this Section shall be provided by a healthcare provider by a health insurance issuer, whether by physical copy or electronic access, shall be provided at no cost to the healthcare provider.

E. Any violation of the provisions of this Section shall be declared and considered to be unfair methods of competition and unfair or deceptive acts or practices in the business of insurance.

§1964. Methods, acts, and practices which are defined as unfair or deceptive practices are declared to be unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:

Paragraph shall be allocated and provided to the licensed racing associations in the state which conduct live horse racing on the basis of the proportion of the number of thoroughbred race days each association conducted for the preceding year bears to the total number of thoroughbred race days conducted statewide for the preceding year, and such funds shall be used solely to supplement purses in accordance with a schedule or formula established by the purse committee of the Louisiana Thoroughbred Breeders Association on Louisiana-bred thoroughbred races.

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

Section 3. R.S. 28:843 is hereby enacted to read as follows:

§843. Behavioral Health and Wellness Fund; creation

A. There is hereby created in the state treasury a special fund to be known as the Behavioral Health and Wellness Fund, hereafter referred to in this Section as the “fund.”

B. Any appropriations, public or private grants, gifts, or donations received by the state or by the Department of Health or its office of behavioral health or human services districts for the purposes of this Chapter, except for monies deposited into the Compulsive and Problem Gaming Fund pursuant to the provisions of this Chapter, shall be credited to the fund. Monies in the fund shall be utilized to support and invest in intensive and comprehensive treatment facilities and programs with the state department of behavioral health to address compulsive and problem gambling addictions.

C. Monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund. Interest earned on the investments of monies in the fund shall be deposited in and credited to the fund. 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 only be withdrawn pursuant to an appropriation by the legislature solely to implement the provisions of this Chapter.

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 21, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 436
SENEATE BILL NO. 204
BY SENATORS CORTEZ AND PEACOCK
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)
of the Constitution of Louisiana.

To amend and reenact R.S. 4:143(7), 148, 149, 166.7, 213, and 214(A)(4) and to enact R.S. 4:143(17) through (19), 211(B), 214(K) and (L), 216(E), 217(E) and 228, relative to horse racing; to provide relative to pari-mutuel wagering; to provide for definitions; to provide for rules, regulations, and conditions; to provide for exotic wagering; to provide for allocation of proceeds during and for a race meeting; to provide for terms and conditions; to provide for offtrack wagering facilities; to provide for historical horse racing; to provide for commissions on wagers; to provide for purse supplements; to provide for limitations of offtrack wagering facility locations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 4:143(7), 148, 149, 166.7, 213 and 214(A)(4) are hereby amended and reenacted and R.S. 4:143(17) through (19), 211(B), 214(K) and (L), 216(E), 217(E) and 228 are hereby enacted to read as follows:

§143. Definitions

Unless the context indicates otherwise, the following terms shall have the meaning ascribed to them below:

(7) “Meeting or race meeting” means the whole consecutive period (Sundays excluded) for which a license to conduct live races has been granted to any one association by the commission.

(17) “Historical horse racing” means a form of horse racing that creates pari-mutuel pools from wagers placed on races previously run at a pari-mutuel facility licensed in the United States; concluded with official results; and for a race meeting; to provide for definitions; to provide for rules, regulations, and conditions; to provide for exotic wagering; to provide for allocation of proceeds during and for a race meeting; to provide for terms and conditions; to provide for offtrack wagering facilities; to provide for historical horse racing; to provide for commissions on wagers; to provide for purse supplements; to provide for limitations of offtrack wagering facility locations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 2. R.S. 4:147(7) is hereby repealed in its entirety.

Section 3. This Act shall become effective on July 1, 2021, and the provisions of Section 1 of this Act shall apply to race meetings held on and after October 1, 2021.

Approved by the Governor, June 21, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

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* As it appears in the enrolled bill

CODING: Words in struck through: Type are deletions from existing law; words underlined (House Bills) and underscored (Senate Bills) are additions.
known as pari-mutuel wagering, whether on live or historical horse races. Only those persons receiving a license from the commission may conduct this type of wagering, and shall restrict this form of wagering to a space within the race meeting grounds or an offtrack wagering facility. All other forms of wagering on the result of horse races are illegal, and all wagering on horse races outside the enclosure where horse races have been licensed by the commission is illegal.

§166.7. Exotic wagering, allocation of proceeds and for a race meeting; concurrence required
A. Notwithstanding any provision of this Chapter to the contrary, during and for any race meeting, the commission may accept and transmit wagers as provided in this Chapter and may, at the time of the race, accept bets on six-furlong time or a horse race outside of the enclosure in which a pari-mutuel wagering facility is licensed and approved by the commission. The offtrack wagering facility where the wager is made may either retain the takeout on such wagers or include the takeout in the applicable historical horse racing pari-mutuel pool or pools. Commence may elect to either retain the takeout on such wagers or include the takeout in the applicable historical horse racing pari-mutuel pool or pools. Commence may elect to either retain the takeout on such wagers or include the takeout in the applicable historical horse racing pari-mutuel pool or pools.
B. For the purposes of this Part, “pick (n)” means a form of pari-mutuel wagering where “(n)” is a varying number of races exceeding three races. Bettors select the first horse in each of (n) consecutive races designated as the pick (n) by the permit holder. The sale of pick (n) tickets other than from pari-mutuel machines shall be deemed illegal and is prohibited.

§211. Definitions
Unless the context indicates otherwise, the following terms shall have the meaning ascribed to them below:

(5) “Net Commission” means the commission retained by a licensee on pari-mutuel wagers on historical horse races, less breakage, settlements, and taxes applicable to such wagers.

§213. Offtrack wagering facilities; establishment
In addition to the rights granted in R.S. 4:149.2, any association licensed by the commission to conduct pari-mutuel wagering and engage in all necessary activities to establish appropriate offtrack wagering facilities to accomplish this purpose.

(6) Historical horse racing on the premises of offtrack wagering facilities via dedicated machines or personal mobile devices.

§214. Offtrack wagering facilities; licensing; criteria; management; appeal of license suspension or revocation; limitation on facilities with historical racing
A. License approval shall be subject to the criteria established by R.S. 4:159. Licensure shall be subject to the following conditions:

(4) Not more than two offtrack wagering facilities may be licensed in any parish, except for Orleans and Jefferson. For the purposes of this Paragraph, a pari-mutuel facility as that term is defined in R.S. 4:211 shall not be included in the count of licensed offtrack wagering facilities for the parish in which it is located.

K.(1) No primary licensee may operate more than five offtrack wagering facilities in which historical horse racing is permitted.

(2) Notwithstanding Paragraph (1) of this Subsection, any primary licensee that is not operating more than five offtrack wagering facilities on or before July 1, 2021, may conduct historical horse racing at all of its licensed facilities. However, historical horse racing shall not be authorized at any future offtrack wagering facility for that primary licensee if the primary licensee is operating more than five offtrack wagering facilities. If any of the primary licensee’s existing licensed offtrack wagering facilities cease to be a licensed offtrack wagering facility for reasons other than force majeure, the number of offtrack wagering facilities allowed to conduct historical horse racing for that primary licensee shall be reduced by the number of its offtrack wagering facilities that cease to be a licensed offtrack wagering facility for reasons other than force majeure.

(3) The measurement of the distances shall be a straight line from the nearest point of the proposed offtrack wagering facility to the nearest point of the property on the National Register of Historic Places, the public playground, residential property, or a building used primarily as a church, synagogue, public library, or school.

(4) After an application is filed with the commission, the subsequent conditions, advertising, ceasing development, and movement of a property identified in Subsection A of this Section shall not apply to the location of an offtrack wagering facility which applied for a license or was issued a license on or before July 1, 2021, or which applied for or was issued a valid building permit on or before July 1, 2021, and subsequently issued a license. Such location shall be eligible for an offtrack wagering facility license without reference to the prohibition in Subsection A of this Section unless after having obtained a license, an offtrack wagering facility has not been licensed at that location for thirty-six consecutive months and application for licensing is not made within that thirty-six-month period.

D. No location on which an offtrack wagering facility has not been completely constructed, if application for licensing was made on or before July 1, 2021, the prohibited distance shall be one mile from any property on the National Register of Historic Places, any public playground, residential property, or a building used primarily as a church, synagogue, public library, or school.

(2) The measurement of the distances shall be a straight line from the nearest point of the offtrack wagering facility to the nearest point of the property on the National Register of Historic Places, the public playground, residential property, or a building used primarily as a church, synagogue, public library, or school.

E. If a parish or municipality does not have a zoning ordinance which designates certain property within its jurisdiction as residential property, the commission shall designate to certain areas of its jurisdiction as residential districts for the purpose of this Section.

F. If application for licensing is made after July 1, 2021, the prohibition in Subsection D of this Section shall apply.

G. “Residential property” shall mean any property which is wholly or partly used for or intended to be used for living or sleeping by human occupants and which includes one or more rooms, including a bathroom and complete kitchen facilities. Residential property shall include a mobile home or manufactured building. Residential property shall not include any hotel or motel.

§217. Purse supplements; designation and distribution
E. Notwithstanding, and in lieu of, any other provision of law, the monies designated for purses under the provisions of R.S. 4:216(E) from wagers placed at offtrack wagering facilities on historical horse races shall be distributed in the same manner as set forth in P.S. 27:438(B)(a) and not less than twelve percent and not more than twenty-five percent. Absent such an agreement, the takeout shall remain at twenty-five percent.

§228. Offtrack wagering facility locations; prohibited distances; prohibited structures
A. No license shall be granted to any offtrack wagering facility located, at the time of application, which is a license to operate offtrack wagering facilities, within one mile from any property on the National Register of Historic Places, any public playground, any residential property, or a building used primarily as a church, synagogue, public library, or school. The measurement of the distance to the nearest point of the proposed offtrack wagering facility to the nearest point of the property on the National Register of Historic Places, the public playground, residential property, or a building used primarily as a church, synagogue, public library, or school.

B. After an application is filed with the commission, the subsequent condition for being located within one mile from any property on the National Register of Historic Places, the public playground, residential property, or a building used primarily as a church, synagogue, public library, or school.

C. If a parish or municipality does not have a zoning ordinance which designates certain property within its jurisdiction as residential property, the commission shall designate to certain areas of its jurisdiction as residential districts for the purpose of this Section.

D. If application for licensing is made after July 1, 2021, the prohibition in Subsection D of this Section shall apply.

G. “Residential property” shall mean any property which is wholly or partly used for or intended to be used for living or sleeping by human occupants and which includes one or more rooms, including a bathroom and complete kitchen facilities. Residential property shall include a mobile home or manufactured building. Residential property shall not include any hotel or motel.

Section 2. The Louisiana State Law Institute is hereby authorized and directed to arrange in alphabetical order and renumber the definitions for each law, code, or statute, as may be required.
To amend and reenact R.S. 17:24.9, to enact R.S. 17:24.10 and 3996(B)(59) and (60), and to repeal R.S. 17:24.11 and 102, relative to early literacy; to provide for a comprehensive early literacy initiative; to require early literacy instruction for grades kindergarten to three; to provide for annual literacy assessment of certain students; to provide literacy support for certain students; to provide for professional development and teacher training; to require school literacy plans; to require annual literacy reporting; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:24.9 is hereby amended and reenacted and R.S. 17:24.10 and 3996(B)(59) and (60) are hereby enacted to read as follows:

§24.9. Quality early reading initiative; legislative findings; development; criteria; implementation; evaluation limitations

A. The legislature recognizes that reading is the most important academic skill and the foundation for all academic learning. The legislature further recognizes that if our children cannot read then they are on the road to failure. It is for these reasons that the legislature finds that teaching children to read on or above grade level must be the highest priority of the state’s educational system. It is therefore the purpose of this initiative to provide for an evidence-based early childhood reading literacy initiative for students in kindergarten through third grade. The department shall provide evidence-based programs that are research-based and which provide, at a minimum, for the following:

1. Develop a program for early literacy that is applicable for all students in kindergarten through third grade including special education students.

2. A method for selecting schools having students who are economically disadvantaged as defined by the State Board of Elementary and Secondary Education and low performing students in kindergarten through third grade.

3. A plan for the coordination of this initiative with existing programs and funding sources within the schools and school systems.

4. A valid evaluation process.

5. A program that provides phonics as a component.

B. The state Department of Education shall develop a comprehensive and balanced evidence-based early childhood reading literacy initiative for students in kindergarten through third grade. The department shall provide evidence-based programs that are research-based and which provide, at a minimum, for the following:

1. How to effectively teach the foundational literacy skills of phonemic awareness, phonics, fluency, vocabulary, and comprehension.

2. How to differentiate instruction for teaching students with advanced literacy skills and students with significant literacy deficiencies, including dyslexia.

3. How to implement effective literacy instruction using high-quality instructional materials.

4. Behavior management, trauma-informed principles and practices for the classroom.

5. How to administer literacy assessments to students and use the resulting data to improve literacy instruction for students.

6. The results from the literacy assessment shall be used in determining school and district performance scores pursuant to the state’s school and district accountability system.

E. The Board of Elementary and Secondary Education shall adopt rules in accordance with the Administrative Procedure Act to implement the provisions of this Section.

F. The board shall plan for the coordination of this initiative with existing programs and funding sources within schools and school systems.

§24.10. Early literacy instruction and assessment; parental notification; reporting requirements

A. Each public school shall:

1. Provide each student in kindergarten through third grade age-appropriate, systematic foundational literacy skills with instruction based on scientifically researched methods proven to provide a strong literacy foundation.

2. Within the first thirty days of each school year, administer the literacy assessment developed and provided by the State Department of Education pursuant to R.S. 17:24.9 to each student in kindergarten through third grade to determine each student’s literacy level.

3. Report the data for each school, for each school system, and the state as a whole.

4. Ensure, pursuant to R.S. 17:351.1, that all textbooks and instructional materials used to teach students to read are high-quality, fully aligned to state content standards, and based on literacy strategies that are scientifically researched with proven results in teaching phonological awareness, letter formation, phonics, decoding, fluency, vocabulary, and comprehension.

B. (1) Within fifteen days of identifying that a student in kindergarten through third grade has literacy skills determined to be below grade level, the literacy assessment shall provide the student’s parent or legal guardian in writing that the student has been identified as being below grade level and shall provide the student’s parent with the following:

(a) Information regarding the importance of being able to read proficiently by the end of the third grade.

(b) Activities that may be used at home to improve literacy proficiency.

(c) Information regarding the specific interventions and supports designed to improve the foundational literacy skills of any student identified as having literacy skills below grade level. The supports may include daily targeted small-group interventions, before and after school literacy intervention provided by a teacher or paraprofessional, and at-home literacy programs that include literacy workshops for the parents and legal guardians of students and web-based or parent-guided home literacy activities.

(2) A valid literacy assessment at no cost, to each public school for use in identifying a student’s foundational literacy skill level pursuant to R.S. 17:24.10.

(3) The cost of administering the literacy assessment.

(4) The time required to conduct the literacy assessment, with the intention to minimize the impact on instructional time.

(5) The cost of administering the literacy assessment.

(6) The timeliness and ease in reporting the results to teachers, administrators, and parents.

(7) The integration of the literacy assessment with instruction.

(8) The validity and reliability of the literacy assessment.

(9) The literacy assessment shall:

(a) Measure, at a minimum, age-appropriate phonological awareness, phonics, decoding, fluency, and comprehension.

(b) Identify students whose literacy skills are below grade level.

(c) Be a tool to assist in identifying students for further evaluation for specific programming, including students who display characteristics of being dyslexic or gifted.

(10) Early literacy instruction and assessment report to each public school governing authority, each public school, and each public school teacher who teaches students in kindergarten through third grade, the number and percentage of students with literacy skills determined to be above grade level, on grade level, or below grade level. The literacy assessment shall provide the student’s parent or legal guardian in writing that the student has been identified as having literacy skills below grade level and shall provide the student’s parent with the following:

(a) Information regarding the importance of being able to read proficiently by the end of the third grade.

(b) Activities that may be used at home to improve literacy proficiency.

(c) Information regarding the specific interventions and supports designed to improve the foundational literacy skills of any student identified as having literacy skills below grade level. The supports may include daily targeted small-group interventions, before and after school literacy intervention provided by a teacher or paraprofessional, and at-home literacy programs that include literacy workshops for the parents and legal guardians of students and web-based or parent-guided home literacy activities.

(2) A valid literacy assessment at no cost, to each public school for use in identifying a student’s foundational literacy skill level pursuant to R.S. 17:24.10.

(3) The cost of administering the literacy assessment.

(4) The time required to conduct the literacy assessment, with the intention to minimize the impact on instructional time.

(5) The timeliness and ease in reporting the results to teachers, administrators, and parents.

(6) The integration of the literacy assessment with instruction.

(7) The validity and reliability of the literacy assessment.

(8) The literacy assessment shall:

(a) Measure, at a minimum, age-appropriate phonological awareness, phonics, decoding, fluency, and comprehension.

(b) Identify students whose literacy skills are below grade level.

(c) Be a tool to assist in identifying students for further evaluation for specific programming, including students who display characteristics of being dyslexic or gifted.
For the purposes of this Part, the following terms and phrases shall have the following meanings unless the context clearly indicates otherwise:

"President" means the chief executive officer of a public postsecondary education institution.

(2) "Confidential advisor" means a person designated by an institution to provide emergency and ongoing support to students who are alleged victims of power-based violence.

(3) "Sexually oriented criminal offense" includes any sexual assault offense as defined in R.S. 44:1 and any sexual abuse offense as defined in R.S. 14:409.

"D. A report under this Section shall include the following information if applicable:

(a) The amount of time to be devoted daily to foundational literacy skills instruction and a description of how the instructional time will be utilized.

(b) A list of English language arts textbooks and instructional materials 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:

(c) A description of the interventions and supports available to students known:

(3) "Power-based violence" means any form of interpersonal violence intended to control or intimidate another person through the assertion of power over the person and shall include the following:

(a) Dating violence (R.S. 46:2151(C)).
(b) Domestic abuse and family violence (R.S. 46:2121.1(2) and 2123(2)). For the purposes of this Part, domestic abuse shall also include any act or threat to act that is intended to cause, control, intimate, or exact revenge on the other party, for the purpose of preventing the victim from reporting to law enforcement or requesting medical assistance or emergency victim services, or for the purpose of depriving the victim of the means or ability to resist the abuse or escape the relationship.
(c) Nonconsensual observation of another person's sexuality without the other person's consent, including voyeurism (R.S. 14:283.1), video voyeurism (R.S. 14:283.2), nonconsensual disclosure of a private image (R.S. 14:283.3), and peeping tom activities (R.S. 14:284).

(d) Sexual assault (R.S. 14:41.42 through 43.5, 89, 89.1, and 106).
(e) "Sexual exploitation" which means an act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse of another person's sexuality including prostituting another person (R.S. 14:46.2 and 87 through 94).
(f) "Sexual harassment" which means unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature when the conduct explicitly or implicitly affects an individual's employment or education, unreasonably interferes with an individual's work or educational performance, or creates an intimidating, hostile, or offensive work or educational environment and has no legitimate relationship to the subject matter of a course or academic research.
(g) Stalking (R.S. 14:40.2) and cyberstalking (R.S. 14:40.3).
(h) Unlawful communications (R.S. 14:285).
(i) Unwelcoming sexual or gender-based conduct that is objectively offensive, has a discriminatory intent, and lacks a bona fide academic purpose.
(j) "Responsible employee" means an employee as defined in Paragraph (2) of this Part who receives a direct statement regarding or witnesses an incident of power-based violence. "Responsible employee" does not include an employee designated as a confidential advisor pursuant to R.S. 17:3399.15(B) or an employee who has privileged communications with a student as provided by law.

(k) "System president" means the president of a public postsecondary education system.

(l) "Title IX coordinator" means the individual designated by a public postsecondary education institution as the institution's official for coordinating the institution's efforts to comply with and carry out its responsibilities under Title IX of the Education Amendments of 1972.

§3399.13. Mandatory reporting of power-based violence
A. Except as provided in Subsection C of this Section, a responsible employee who receives direct statement regarding or witnesses an incident of power-based violence committed by or against a student shall promptly report the incident to the institution's Title IX coordinator.
B. A responsible employee who receives information regarding retaliation against a complainant or witness for reporting power-based violence shall promptly report the retaliation to the institution's Title IX coordinator.
C. The responsible employee is not required to make a report if information is received under any of the following circumstances:
(1) During a public forum or awareness event in which an individual discloses an incident of power-based violence as part of educating others.
(2) Disclosure is made in the course of academic work consistent with the assignment.
(3) Disclosure is made indirectly, such as in the course of overhearing a conversation or overhearing a conversation.
D. A report under this Section shall include the following information if known:
(1) The identity of the alleged victim.
(2) The identity of the alleged perpetrator.
R.S. 17:3399.13. Coordination with local law enforcement
A. Each On or before January 1, 2022, each institution and law enforcement agency located within the parish of the campus of the institution, including the campus police department, if any, the local district attorney's office, and any law enforcement agency with criminal jurisdiction over the campus, shall enter into and maintain a written memorandum of understanding that clearly delineate responsibilities and share information in accordance with applicable federal and state confidentiality laws, including but not limited to trends about sexually oriented criminal offenses occurring power-based violence committed by or against students of the institution.

§3399.14. Uniform policy on Sexual Assault shall require that the memorandum of understanding, as described in Subsection A of this Section, be updated every two years.

B. Each memorandum of understanding entered into pursuant to this Part shall include:
1. Delineation and sharing protocols of investigative responsibilities.
2. Protocols for investigations, including standards for notification and communication and measures to promote evidence preservation.
3. Agreed-upon training and requirements for the memorandum of understanding on issues related to sexually oriented criminal offenses power-based violence for the purpose of sharing information and coordinating training to the extent possible.
4. A method of sharing general information about sexually oriented criminal offenses power-based violence occurring within the jurisdiction of the parties to the memorandum of understanding in order to improve campus safety.

C. The memorandum of understanding entered into pursuant to this Section shall be construed as prohibiting a victim or responsible employee from making a complaint to both the institution and a law enforcement agency.

§3399.15. Campus security policy
A. The Board of Regents shall establish uniform policies and best practices to implement measures to address the reporting of sexually oriented criminal offenses power-based violence on institution campuses, the prevention of such crimes, the communication and measures to promote evidence preservation, and the provision of medical and mental health care needed for these alleged victims that includes the following:
B. Each public postsecondary education management board shall institute policies incorporating the policies and best practices prescribed by the Board of Regents, and coordinating training to the extent possible.

§3399.16. Annual training
A. The training required under this Part and any memorandum of understanding entered into pursuant to this Section shall be construed as prohibiting a victim or responsible employee from making a complaint to both the institution and a law enforcement agency.

B. Each executed memorandum of understanding shall be reviewed annually by each institution's chancellor, Title IX coordinator, and the executive officer of the criminal justice agency, and shall be revised as considered necessary.

C. The initial and annual training shall be developed by the Board of Regents, in collaboration with the attorney general in consultation with the state's law enforcement agency.

D. The training shall cover:
1. Training on provisions of Title IX, power-based violence and associated crimes.
2. Online training and coordinating training to the extent possible.
3. Training on state and federal laws and regulations.
4. Training on policies of the institution.
5. Training on power-based violence

E. The institutions shall not be held liable if the local law enforcement agency refuses to enter into a memorandum of understanding as required by this Section.

F. Each annual memorandum of understanding shall be signed by all parties to the memorandum.

§3399.17. Each executive memorandum of understanding shall be reviewed annually by each institution's chancellor, Title IX coordinator, and the executive officer of the criminal justice agency, and shall be revised as considered necessary.

§3399.18. Annual training
A. The training required under this Part and any memorandum of understanding entered into pursuant to this Section shall be construed as prohibiting a victim or responsible employee from making a complaint to both the institution and a law enforcement agency.

B. Each public postsecondary education management board shall institute policies incorporating the policies and best practices prescribed by the Board of Regents, and coordinating training to the extent possible.

C. The initial and annual training shall be developed by the Board of Regents, in collaboration with the attorney general in consultation with the state's law enforcement agency.

D. The training shall cover:
1. Training on provisions of Title IX, power-based violence and associated crimes.
2. Online training and coordinating training to the extent possible.
3. Training on state and federal laws and regulations.
4. Training on policies of the institution.
5. Training on power-based violence

E. The institutions shall not be held liable if the local law enforcement agency refuses to enter into a memorandum of understanding as required by this Section.

F. Each annual memorandum of understanding shall be signed by all parties to the memorandum.

§3399.19. Each executive memorandum of understanding shall be reviewed annually by each institution's chancellor, Title IX coordinator, and the executive officer of the criminal justice agency, and shall be revised as considered necessary.

§3399.20. Annual training
A. The training required under this Part and any memorandum of understanding entered into pursuant to this Section shall be construed as prohibiting a victim or responsible employee from making a complaint to both the institution and a law enforcement agency.

B. Each public postsecondary education management board shall institute policies incorporating the policies and best practices prescribed by the Board of Regents, and coordinating training to the extent possible.

C. The initial and annual training shall be developed by the Board of Regents, in collaboration with the attorney general in consultation with the state's law enforcement agency.

D. The training shall cover:
1. Training on provisions of Title IX, power-based violence and associated crimes.
2. Online training and coordinating training to the extent possible.
3. Training on state and federal laws and regulations.
4. Training on policies of the institution.
5. Training on power-based violence

E. The institutions shall not be held liable if the local law enforcement agency refuses to enter into a memorandum of understanding as required by this Section.

F. Each annual memorandum of understanding shall be signed by all parties to the memorandum.

§3399.21. Each executive memorandum of understanding shall be reviewed annually by each institution's chancellor, Title IX coordinator, and the executive officer of the criminal justice agency, and shall be revised as considered necessary.

§3399.22. Annual training
A. The training required under this Part and any memorandum of understanding entered into pursuant to this Section shall be construed as prohibiting a victim or responsible employee from making a complaint to both the institution and a law enforcement agency.

B. Each public postsecondary education management board shall institute policies incorporating the policies and best practices prescribed by the Board of Regents, and coordinating training to the extent possible.

C. The initial and annual training shall be developed by the Board of Regents, in collaboration with the attorney general in consultation with the state's law enforcement agency.

D. The training shall cover:
1. Training on provisions of Title IX, power-based violence and associated crimes.
2. Online training and coordinating training to the extent possible.
3. Training on state and federal laws and regulations.
4. Training on policies of the institution.
5. Training on power-based violence

E. The institutions shall not be held liable if the local law enforcement agency refuses to enter into a memorandum of understanding as required by this Section.

F. Each annual memorandum of understanding shall be signed by all parties to the memorandum.

§3399.23. Each executive memorandum of understanding shall be reviewed annually by each institution's chancellor, Title IX coordinator, and the executive officer of the criminal justice agency, and shall be revised as considered necessary.

§3399.24. Annual training
A. The training required under this Part and any memorandum of understanding entered into pursuant to this Section shall be construed as prohibiting a victim or responsible employee from making a complaint to both the institution and a law enforcement agency.

B. Each public postsecondary education management board shall institute policies incorporating the policies and best practices prescribed by the Board of Regents, and coordinating training to the extent possible.

C. The initial and annual training shall be developed by the Board of Regents, in collaboration with the attorney general in consultation with the state's law enforcement agency.

D. The training shall cover:
1. Training on provisions of Title IX, power-based violence and associated crimes.
2. Online training and coordinating training to the extent possible.
3. Training on state and federal laws and regulations.
4. Training on policies of the institution.
5. Training on power-based violence

E. The institutions shall not be held liable if the local law enforcement agency refuses to enter into a memorandum of understanding as required by this Section.

F. Each annual memorandum of understanding shall be signed by all parties to the memorandum.

§3399.25. Each executive memorandum of understanding shall be reviewed annually by each institution's chancellor, Title IX coordinator, and the executive officer of the criminal justice agency, and shall be revised as considered necessary.

§3399.26. Annual training
A. The training required under this Part and any memorandum of understanding entered into pursuant to this Section shall be construed as prohibiting a victim or responsible employee from making a complaint to both the institution and a law enforcement agency.

B. Each public postsecondary education management board shall institute policies incorporating the policies and best practices prescribed by the Board of Regents, and coordinating training to the extent possible.

C. The initial and annual training shall be developed by the Board of Regents, in collaboration with the attorney general in consultation with the state's law enforcement agency.

D. The training shall cover:
1. Training on provisions of Title IX, power-based violence and associated crimes.
2. Online training and coordinating training to the extent possible.
3. Training on state and federal laws and regulations.
4. Training on policies of the institution.
5. Training on power-based violence

E. The institutions shall not be held liable if the local law enforcement agency refuses to enter into a memorandum of understanding as required by this Section.

F. Each annual memorandum of understanding shall be signed by all parties to the memorandum.
(v) The process of investigation and adjudication of the criminal justice system.

(vi) The limited jurisdiction, scope, and available sanctions of the institutional student disciplinary proceeding, and that it should not be considered a substitute for the criminal justice process.

(vii) Potential reasonable accommodations that the institution may provide to an alleged victim.

(f) The confidential advisor shall administer an alleged victim may have a rape kit administered by an individual trained in sexual assault forensic medical examination and evidence collection, and information on transportation options and available reimbursement for a visit to the nearest medical facility.

(e) The confidential advisor may, as appropriate, serve as a liaison between the alleged victim and the institution or local law enforcement, when directed to do so in writing by an alleged victim who has been fully and accurately informed about procedures shall occur if information is shared, and assistance to the alleged victim in contacting and reporting to a responsible employee or local law enforcement.

(f) The confidential advisor shall be authorized by the institution to liaise with appropriate staff at the institution to arrange reasonable accommodations through the institution to allow the alleged victim to change living arrangements or class schedules, obtain accessibility services, or arrange other accommodations.

(g) The confidential advisor shall be authorized to accompany the alleged victim, when requested to do so by the alleged victim, to interviews and other proceedings of a campus investigation and institutional disciplinary proceedings.

(h) The confidential advisor shall advise the alleged victim of, and provide written information regarding, both the alleged victim’s rights and the institution’s responsibilities regarding confidentiality, no-contact orders, restraining orders, or similar lawful orders issued by a court of competent jurisdiction or by the institution.

(i) The confidential advisor shall not be obligated to report crimes to the institution or local law enforcement that identifies an alleged victim or an accused individual, unless otherwise required to do so by law. The confidential advisor shall, to the extent authorized under law, provide confidential services to students. Any requests for accommodations, as provided for in Paragraph (e) of this Paragraph, made by a confidential advisor shall not trigger an investigation by the institution.

(j) No later than the beginning of the 2016-2017 academic year, the The Board of Regents shall appoint an adequate number of confidential advisors. The Board of Regents shall determine the adequate number of confidential advisors for an institution, based upon its size, no later than January 1, 2016, and on January first annually thereafter.

(k) Each institution that enrolls fewer than five thousand students may partner with another institution in their system or region to provide the services described in this Subsection. However, this Paragraph shall not absolve the institution of its obligations under this Part.

(l) Each institution may offer the same accommodations to the accused that are hereby required to be offered to the alleged victim.

(2) Website. The institution shall list on its website:

(a) The contact information for obtaining a confidential advisor.

(b) Reporting options for alleged victims of a sexually oriented criminal offense, power-based violence.

(c) The process of investigation and disciplinary proceedings of the institution.

(d) The process of investigation and adjudication of the criminal justice system.

(e) Potential reasonable accommodations that the institution may provide to an alleged victim.

(f) The telephone number and website address for a local, state, or national hotline providing information to sexual violence victims of power-based violence, which shall be updated on a timely, at least an annual basis.

(g) The name and location of the nearest medical facility where an individual may receive a rape kit administered by an individual trained in sexual assault forensic medical examination and evidence collection, and information on transportation options and available reimbursement for a visit to such facility.

(h) Each current memorandum of understanding between the institution and a local law enforcement and criminal justice agency located within the parish of the campus.

(i) Online reporting. The institution may provide an online reporting system to collect anonymous disclosures of incidents of power-based violence and crimes and track patterns of power-based violence and crimes on campus. An individual may submit a confidential report about a specific incident of power-based violence or crime to the institution using the online reporting system. If the institution uses an online reporting system, the The online system shall provide the individual with information regarding how to report an incident of power-based violence or crime to a responsible employee and law enforcement and how to contact a confidential advisor.

(j) Amnesty policy. The institution shall provide an amnesty policy for any student who reports, in good faith, sexual power-based violence to the institution. Such student shall not be sanctioned by the institution for a nonviolent student conduct violation, such as underage drinking, that is revealed in the course of such a report.

(k) Training. (a) Not later than January 1, 2016, the Board of Regents, in coordination with the attorney general and in consultation with state or local victim services organizations, shall develop a program for the institution’s employees. The program shall include training for all employees, individual who is involved in implementing an institution’s student grievance procedures, including each individual who is responsible for resolving complaints of reported sex offenses power-based violence, or sexual misconduct policy violations, each Title IX coordinator at all institutions, and each employee who has been found to have committed a code of conduct violation relating to sex or power-based violence. Each institution shall ensure that the individuals and employees receive the training described in this Subsection no later than the beginning of the 2016-2017 academic year.

(b) Not later than January 1, 2022, the Board of Regents, in coordination with the attorney general and in consultation with state or local victim services organizations, shall develop the annual training program required by Subparagraph (a) of this Paragraph. The Board of Regents shall annually review and update the annual training program.

(3) Inter-campus transfer policy. (a) The Board of Regents’ Uniform Policy on Sexual Assault shall require that institutions communicate with each other regarding transfer of students against whom disciplinary action has been taken, result of a code of conduct violation relating to sex or power-based violence.

B. The Board of Regents’ Uniform Policy on Sexual Assault shall require that institutions withhold transcripts of students seeking a transfer with pending disciplinary action relating to sex or power-based violence, crimes on campus, violations of the student code of conduct, and other regarding transfer of students against whom disciplinary action has been taken, result of a code of conduct violation relating to sex or power-based violence.

3399.16. Safety education; recognition and reporting of potential threats to school safety

A. The administration of each public postsecondary institution, in consultation with campus or local law enforcement agencies, shall develop and distribute information to students regarding power-based violence, campus safety, and internet and cell phone safety and online content that is a potential threat to school safety. Such information shall include power-based violence against the victim barred from attending a class in which the victim is enrolled.

B. The information shall include the following:

(1) Instruction on how to identify and prevent power-based violence and how to detect potential threats to school safety exhibited online, including on any social media platform.

(2) Visual examples of possible threats.

How to report incidents of power-based violence, crimes on campus, violations of the student code of conduct, and power-based violence to campus safety.

(3) The reporting processes, as provided in Subsection D of this Section.

Where to find reports regarding campus safety.

The information shall be distributed as part of new student orientation and training. The information shall also be posted on an easily accessible page of each institution’s website.

D. The reporting process for possible threats to the campus shall, at a minimum, include:

(1) A standardized form to be used by students, faculty, and other personnel to report potential threats. The form shall request, at a minimum, the following information:

(a) Name of institution, person, or group being threatened.

(b) Name of student, individual, or group threatening violence.

(c) Date and time the threat was made.

(d) Description of the threat which was made, including the social media outlet or website where the threat was posted, a screenshot or recording of the threat, if available, and any printed evidence of the threat.

(2) A process for allowing anonymous reporting and for safeguarding the identity of the person who reports a threat, an incident of power-based violence or a safety threat.

E. Each institution shall adopt a policy to implement the provisions of this Part. The policy shall require that for every threat report report of an incident of power-based violence or a safety threat received, the actions taken by the institution and the legal requirements of law enforcement or security officers be documented. The policies shall also provide for guidelines on referring the threats reports to the appropriate law enforcement agencies.

3399.17. Public institutions of postsecondary education institutions; sexual assault, power-based violence and criminal justice climate survey.

A. Each public postsecondary education institution shall administer an anonymous sexual assault power-based violence climate survey to its students once every three years. If an institution administers other surveys with regard to campus safety, the sexual assault power-based violence climate survey may...
be included as a separate component of any such survey provided that the sexual assault power-based violence component is clearly identified as such.

(2) Participation in the sexual assault power-based violence climate survey shall be voluntary; no student shall be required or coerced to participate in the survey nor shall any student face retribution or negative consequence of any kind for declining to participate.

(3) Each institution shall make every effort to maximize student participation in the survey.

B. The Board of Regents shall:

(1) Develop the survey in consultation with the public postsecondary education management boards and in accordance with national best practices.

(2) Work with the management boards in researching and selecting the best method of developing and administering the survey.

(3) Consult with victims’ advocacy groups and student leaders who represent a variety of student organizations and affiliations, including student government associations, academic associations, faith-based groups, cultural groups, and fraternities and sororities, when meeting the requirements of Paragraph (1) of this Subsection.

(4) Submit a written report on survey results to the House Committee on Education, Senate Committee on Education, and the governor not later than September first following administration of the survey forty-five days prior to the convening of the next Regular Session of the Legislature following the administration of the survey. The report shall summarize results from each public postsecondary education institution and the state as a whole.

(5) Publish the survey results on the board’s website and in any other location or venue the board deems necessary or appropriate.

C. Each public postsecondary institution shall:

(1) Administer a survey during the 2022-2023 academic year and every third year thereafter.

(2) Report survey results to the institution’s board of supervisors and the Board of Regents.

(3) Publish the survey results in a prominent and easy-to-access location on the institution’s website.

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 21, 2021.

A true copy.

R. Kyle Ardoin
Secretary of State

ACT No. 440

SENATE BILL NO. 247

( Substitute of Senate Bill No. 202 by Senator Cortez)
BY SENATORS CORTEZ, JOHNS AND WARD AND
REPRESENTATIVE STEFANSKI

AN ACT

To amend and reenact R.S. 13:4721, R.S. 14:90.5(A), (B), and (C), R.S. 27:15(B)(8)(c), 205(35), 249.1, Chapter 10 of Title 27 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 27:601 through 611, and 627, and to repeal R.S. 27:24(A)(5)(f), relative to sports wagering; to provide information relating to such sports wagering or overpayments to provide information relating to such surveys or overpayments in a manner, format, or record approved by the board that gives the entity licensed or permitted under Chapters 1, 4, 5, or 7, or 10 of this Title the right to access, use, or disclose the information maintained by the Department of Children and Family Services, or for any claims for damages arising from withholding or failing to withhold any progressive slot machine annuities or cash gaming winnings, based upon information provided to it.

(a) The board may require that the agency reporting current child support arrearages or overpayments to provide information relating to such surveys or overpayments in a manner, format, or record approved by the board that gives the entity licensed or permitted under Chapters 1, 4, 5, or 7, or 10 of this Title the right to access, use, or disclose the information maintained by the Department of Children and Family Services, or for any claims for damages arising from withholding or failing to withhold any progressive slot machine annuities or cash gaming winnings, based upon information provided to it.

(b) The board or any entity licensed or permitted under Chapters 1, 4, 5, or 7, or 10 of this Title the right to access, use, or disclose the information maintained by the Department of Children and Family Services, or for any claims for damages arising from withholding or failing to withhold any progressive slot machine annuities or cash gaming winnings, based upon information provided to it.

(c) If any entity licensed or permitted under Chapters 1, 4, 5, or 7, or 10 of this Title the right to access, use, or disclose the information maintained by the Department of Children and Family Services, or for any claims for damages arising from withholding or failing to withhold any progressive slot machine annuities or cash gaming winnings, based upon information provided to it.

(d) Any entity licensed or permitted under Chapters 1, 4, 5, or 7, or 10 of this Title the right to access, use, or disclose the information maintained by the Department of Children and Family Services, or for any claims for damages arising from withholding or failing to withhold any progressive slot machine annuities or cash gaming winnings, based upon information provided to it.

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in *italics* type are deletions from existing law; words underlined (House Bills) and _underscored_ (Senate Bills) are additions.
dollars.
(c) The board shall also require that the entity licensed or permitted under Chapters 1, 4, 5, or 10 of Title 27 of the Louisiana Revised Statutes of 1950, adopt procedures designed to prevent employees from willfully failing to withhold payments of progressive slot machine annuities or cash gaming winnings from persons who have outstanding child support arrearages or child support overpayments, based upon the information provided by the Department of Children and Family Services that allows the licensee to identify such persons.

(6) The administration and enforcement of accumulating unclaimed monies on which the time period for collection has expired, the remittance thereof to the state treasurer; and related matters as required by R.S. 27:94, 292, and 394, and 669.

§27.1. Uniform compulsive and problem gambling program

C. Within one hundred twenty days from the adoption of the rules provided for in Subsection B of this Section, each holder of a license as defined in R.S. 27:444, R.S. 27:535, and 662, and the casinos gaming operator shall submit for approval to the board a comprehensive program that, at a minimum, shall cover the following areas of concern and are designed to:

§44. Definitions

When used in this Chapter, the following terms shall mean:

(9)(a) “Game” means any banking or percentage game which is played with cards, dice, or any electronic, electrical, or mechanical device or machine for money, property, or any thing of value. “Game” does not include a lottery, bingo, pull tabs, raffles, electronic pull tab, electronic bingo, phone, television bingo, dog race wagering, or any wagering on any type of sport event, including but not limited to football, basketball, baseball, hockey, boxing, tennis, wrestling, jai alai, or other sports contest or event. Game “Game” shall also include racing wagering.

(b) Notwithstanding any provision of Subparagraph (a) of this Paragraph to the contrary, “game” shall include wagering on certain sports events through its sports book for a licensee who is also licensed by the board in accordance with Chapter 10 of this Title.

(11)(a) “Gaming device” or “gaming equipment” means any equipment or mechanical, electro-mechanical, or electronic contrivance, component, or machine, including a slot machine, used directly or indirectly in connection with gaming or any game, which affects the result of a wager by determining wins or losses.

(b) Notwithstanding any provision of Subparagraph (a) of this Paragraph to the contrary “gaming device” or “gaming equipment” shall also include a sports wagering mechanism as that term is defined in R.S. 27:602 if the riverboat gaming operator is licensed by the board for a sports book in accordance with Chapter 10 of this Title.

(13) “Gaming position” means a gaming device seat or a space at a table game. Each gaming device seat shall be counted as one position and each space at a table game shall be counted as one position, subject to the rules and regulations of the board. The board shall specifically provide for rule for the counting of gaming positions for devices and games where seats and spaces are not readily countable. “Gaming position” shall not include a seat or space at a sports wagering mechanism or at a sports wagering window.

§56. Division responsibilities

The division shall:

(5)(a) Require all licensees to utilize a cashless wagering system, except for racehorse wagering and the play of slot machines, whereby all players' money is converted to tokens, electronic cards, or chips used only for wagering in the gaming establishment.

(b) Notwithstanding any provision of Subparagraph (a) of this Paragraph to the contrary, a licensee may accept cash wagers in its sports book if it is also licensed by the board in accordance with Chapter 10 of this Title.

§65. Licenses to conduct gaming activities upon riverboats; limitations

A. Gaming shall be conducted aboard riverboats, subject to the following requirements:

(11)(a) Except for racehorse wagering and the play of slot machines, gaming wagers may be made only with tokens, chips, vouchers, coupons, or electronic cards issued by the licensee. Such tokens, chips, vouchers, coupons, or electronic cards may be used while aboard the riverboat only for the purpose of making wagers on gambling games. Electronic cards may be used which are affiliated with a magnetic storage media, a “smart card” or those containing an integrated circuit chip, but excluding credit cards issued by any other entity or institution or cards which automatically withdraw funds from a credit, savings, or checking account held at a depository institution as defined by Section 3 of the Federal Deposit Insurance Act, which includes any credit union.

(b) Notwithstanding any provision of Subparagraph (a) of this Paragraph to the contrary, if the riverboat is also licensed by the board for a sports book in accordance with Chapter 10 of this Title, sports wagers may also be made in cash or through a patron’s verified sports wagering account.

§205. Definitions

When used in this Chapter, the following terms have these meanings:

(11)(a) “Game” means any banking or percentage game located exclusively within an official gaming establishment which is played with cards, dice, or any electronic, electrical, or mechanical device or machine for money, property, or any thing of value. “Game” does not include lottery, bingo, pull tabs, raffles, electronic pull tab, electronic bingo, dog race wagering, or any wagering on any type of sports event, inclusive including but not limited to football, basketball, baseball, hockey, boxing, tennis, wrestling, jai alai, or other sports contest or event. “Game” shall also include race wagering.

(b) Notwithstanding any provision of Subparagraph (a) of this Paragraph to the contrary “game” shall include sports betting through its sports book if the casino gaming operator is licensed by the board in accordance with Chapter 10 of this Title.

(35) “Racehorse wagering” means wagers placed on horse racing conducted under the pari-mutuel form of wagering at licensed racing facilities that are accepted by a licensed racehorse wagering operator in accordance with the provisions of this Chapter.

§239.1. Wagering at the official gaming establishment

Wagering. A. Except for racehorse wagering and as provided in Subsection B of this Section, wagering at the official gaming establishment may be conducted with tokens, chips, vouchers, coupons, or electronic cards issued by the casino gaming operator or an approved casino manager acting on behalf of the casino gaming operator. Electronic cards may be used which are affiliated with a magnetic storage media, a “smart card” or those containing an integrated circuit chip, but excluding credit cards issued by any other entity or institution or cards which automatically withdraw funds from a credit, savings, or checking account held at a depository institution as defined by Section 3 of the Federal Deposit Insurance Act, which includes any credit union.

B. Notwithstanding any provision of Subsection A of this Section to the contrary, if the casino gaming operator is issued a license to operate a sports book by the board in accordance with Chapter 10 of this Title, sports wagers at the official gaming establishment may also be made in cash or through a patron’s verified sports wagering account.

§249.1. Issuance of permit to conduct racehorse wagering

A. The division shall issue a permit to a qualified racehorse wagering operator to conduct racehorse wagering at the official gaming establishment in accordance with the provisions of this Chapter.

B. An applicant for a permit to conduct racehorse wagering shall submit with his application a written contract of the terms between the applicant and the casino gaming operator authorizing the applicant to conduct racehorse wagering at the official gaming establishment.

C. The division shall promulgate rules and regulations for the conducting of racehorse wagering at the official gaming establishment in accordance with the provisions of this Chapter.

D. The racehorse wagering operator shall deliver to the designated representative at the licensed racing association operated by the racehorse wagering operator twenty-five percent of the audited net profits derived from racehorse wagering authorized under this Part for use as purses supplements. These funds shall be in addition to all other funds available for use as purses under current provisions of law. Such amounts shall be paid quarterly, within thirty days of the end of each quarter.

§383. Definitions

When used in this Chapter, the following terms shall have these meanings:

(2) “Designated slot machine gaming area” means the contiguous area of an eligible live racing facility at which slot machine gaming may be conducted.

CODING: Words in small type are deletions from existing law; words underscored (House Bills) and underlined and boldfaced (Senate Bills) are additions.
§387. Business or legal entity shall have the same meaning as that term is defined in R.S. 27:3.

§388. “Constitution” means a written document that establishes or comprises the fundamental principles of a government or political organization.

§389. “Court” means a judicial authority or body established by the government of the United States of America or of the state of Louisiana to hear and decide cases.

§390. “Patron” or “player” means an individual who places a wager on a sports event.

§391. “Representative of value” means tokens, chips, vouchers, coupons, or electronic cards issued by the licensed eligible gaming area.

§392. “Slot machine” means a machine, device, or contrivance or any of the delinquency of the United States or of the state of Louisiana. Further, the legislature declares that no holder of any license or permit acquires any vested interest in a right therein or thereunder.

§602. “Electronic sports wagering” means sports wagering via a sports wagering platform provider to operate, a sports book in this state in accordance with the provisions of this Chapter.

§603. “License” means any person issued a license by the board.

§604. “Louisiana State Racing Commission” means the commission established in R.S. 4:144.

§605. “Mobile application” means an application on a mobile phone or other device through which a player is able to register, fund, and place a wager with an operator on a sports event and receive credit on the player’s sports wagering account.

§606. “Slot machine gaming” means wagering on a sports event through a website or mobile application.

§607. “Net gaming proceeds” means the amount equal to the total gross revenue of all wagers placed by patrons less the total amount of all winnings paid out to patrons and the amount of eligible promotional play determined pursuant to R.S. 27:627.

§608. “Operator” or “sports wagering operator” means the entity that actually books a sports wager. The operator may be:

(a) The licensee who manages and operates a sports book itself.

(b) The licensee’s contracted sports wagering platform provider, in accordance with the scope of the contract, when the licensee chooses to contract the wagering platform provider to operate, a sports book in this state in accordance with the provisions of this Chapter.

(c) The licensee’s ‘dba’ or “Doing business as” sports wagering platform provider.

§609. “Permit” has the same meaning as that term is defined in R.S. 27:3.

§610. “Patent” or “patentee” means any individual who holds an invention and has the exclusive right to make, use, or sell the same, or to authorize others to do the same.

§611. “Person” has the same meaning as that term is defined in R.S. 27:3.

§612. “Representation of value” means tokens, chips, vouchers, coupons, or electronic cards that are issued by the licensee and authorized for use in sports wagering facilitation by the board.

§613. “Sports book” means the offering of sports wagering by an operator on a licensee’s premises or through a sports wagering platform.

§614. “Sports event” means any professional sport or athletic event, any collegiate sport or athletic event, any amateur sport or athletic event, any Olympic or international sports competition event, any competitive video game or other electronic sports event, or any other special event or competition of relative skill as authorized by the board to be a sports event for purposes of this Chapter. “Sports event” shall not include high school sports, youth events, any collegiate sports event, or any other special event or competition where the participants are under the age of eighteen years, fantasy sports contests as provided in Chapter 6 of this Title, and any event prohibited by law.

§615. “Sports wager” or “sports bet” means a sum of money or representation of money wagered on a sports event at the risk of a player on an occurrence associated with a sports event for which the outcome is uncertain. The term includes but is not limited to single-game bets, teaser bets, parlay bets, over-under bets, moneyline bets, pools, exchange wagering, in-game wagering, in-play bets, proposition bets, and straight bets.
(23) “Sports wagering” means the acceptance of wagers on sports events or on portions of a sports event or on the individual performance or statistics of athletes or participants in a sports event or a combination of sports events, by any system or method of wagering.

(24) “Sports wagering account” means an electronic financial record established with an operator for an individual in which the patron may deposit and withdraw funds for sports wagering and other authorized purchases and in which the operator may credit winnings or other amounts due to that patron or authorized by that patron.

(25) “Sports wagering mechanism” or “kiosk” means a board-approved self-service mechanical, electrical, or computerized terminal, device, apparatus, or piece of equipment that is directly tied to a licensee’s approved sports wagering platform that allows a patron to place a sports wager in a board-approved location on a licensee’s premises.

(26) “Sports wagering platform” means an integrated system of hardware, software, or applications, including mobile applications and servers, through which an operator conducts the business of offering sports wagering in accordance with this Chapter.

“Sports wagering platform provider” means a suitable business or legal entity that holds a permit from the board to engage in the operation of a sports book on behalf of a licensee.

§605. Gaming Control Board; state police; duties and powers

A. (1) The board shall perform the duties and functions as authorized by this Chapter and shall possess authority, control, and jurisdiction and all power incidental and necessary thereto with respect to the regulation of sports wagering as provided by Chapters 2 and 3 of this Title.

(2) In accordance with the Administrative Procedure Act, the board shall:

(i) Develop qualifications and standards and a process and procedure for the issuance of a license to operate a sports book as well as the renewal thereof.

(ii) Develop standards and procedures for permitting sports wagering platform providers, manufacturers, suppliers, and personnel as well as the renewals thereof.

(iii) Promulgate forms, processes, and procedures necessary to implement, administer, and enforce this Chapter.

(iv) Establish standards and procedures for permitting sports wagering platform providers, manufacturers, suppliers, and personnel as well as the renewals thereof.

(v) Establish guidelines for the acceptance of wagers on a series of sports events by an operator.

(vi) Establish for the acceptance and issuance of licenses.

(b) For purposes of expeditious implementation of the provisions of this Chapter, the board shall:

(i) Develop qualifications and standards and a process and procedure for permitting sports wagering platform providers, manufacturers, suppliers, and personnel as well as the renewals thereof.

(ii) Promulgate forms, processes, and procedures necessary to implement, administer, and enforce this Chapter.

(iii) Promulgate forms, processes, and procedures necessary to implement, administer, and enforce this Chapter.

(iv) Establish standards and procedures for permitting sports wagering platform providers, manufacturers, suppliers, and personnel as well as the renewals thereof.

(v) Establish guidelines for the acceptance of wagers on a series of sports events by an operator.

(vi) Establish for the acceptance and issuance of licenses.

(b) For purposes of expeditious implementation of the provisions of this Chapter, the board shall:

(i) Develop qualifications and standards and a process and procedure for permitting sports wagering platform providers, manufacturers, suppliers, and personnel as well as the renewals thereof.

(ii) Promulgate forms, processes, and procedures necessary to implement, administer, and enforce this Chapter.

(iii) Promulgate forms, processes, and procedures necessary to implement, administer, and enforce this Chapter.

(iv) Establish standards and procedures for permitting sports wagering platform providers, manufacturers, suppliers, and personnel as well as the renewals thereof.

(v) Establish guidelines for the acceptance of wagers on a series of sports events by an operator.

(vi) Establish for the acceptance and issuance of licenses.

(b) For purposes of expeditious implementation of the provisions of this Chapter, the board shall:

(i) Develop qualifications and standards and a process and procedure for permitting sports wagering platform providers, manufacturers, suppliers, and personnel as well as the renewals thereof.

(ii) Promulgate forms, processes, and procedures necessary to implement, administer, and enforce this Chapter.

(iii) Promulgate forms, processes, and procedures necessary to implement, administer, and enforce this Chapter.

(iv) Establish standards and procedures for permitting sports wagering platform providers, manufacturers, suppliers, and personnel as well as the renewals thereof.

(v) Establish guidelines for the acceptance of wagers on a series of sports events by an operator.

(vi) Establish for the acceptance and issuance of licenses.
E. The board shall issue no more than twenty licenses to applicants that meet the provisions of this Section and all other qualifications and standards as determined by the board.

F. (1) A licensee may operate the sports book itself or contract for operation of its onsite or electronic wagering with a sports wagering platform provider. Only a licensee, or its sports wagering platform provider on its behalf, shall process, accept, offer, or solicit sports wagers.

(2) This license shall be responsible for the conduct of its sports wagering platform provider.

G. Prior to beginning operations, an operator shall install and thereafter maintain a computerized booking system, referred to in this Chapter as a sports wagering platform, that meets the specifications required by law and rule and is approved by the board.

§605. Sports wagering platform provider

A. (1) The board shall issue a sports wagering platform provider permit to a suitable person who desires to enter into a contract with a licensee to manage or operate all or a portion of a licensee’s sports book line-of-business. A person shall not manage or operate all or a portion of a licensee’s sports book unless it possesses a valid permit.

(2) In addition to the standards provided in R.S. 27:28, in determining an applicant’s suitability as a sports wagering platform provider, the board may request from the applicant and consider as a factor in its determination any of the items of information listed in R.S. 27:604(C)(1) that it considers relevant.

B. (1) A sports wagering platform provider shall contract with a licensee to provide sports wagering services.

(2) Any contract between the licensee and its sports wagering platform provider shall provide for access by the board and the division to any information maintained by the platform provider for verification of compliance with this Chapter.

C. A sports wagering platform provider shall use no more than one sports wagering platform to offer, conduct, or operate a sports book on behalf of the licensee.

D. A sports wagering platform provider shall keep books and records for the management and operation of sports wagering as authorized by this Chapter and for services for which it is contracted by a licensee. The keeping of books and records shall be separate and distinct from any other business the sports wagering platform provider operates. A sports wagering platform provider shall file quarterly reports with the board listing all of its contracts and services related to sports wagering authorized under this title.

E. (1) The board shall provide by rule for the standards and requirements of a sports wagering platform. The rules shall specify technical requirements as well as operational requirements.

(2) A sports wagering platform that meets the standards and requirements as provided by rule may be used by an operator to book sports wagers.

F. The sports wagering platform provider shall divide the wager with a readily available point of contact to ensure compliance with the requirements of this Chapter.

G. All servers responsible for the processing of sports wagers shall be physically located in Louisiana. Any other servers used in connection with the sports wagering platform provider may be located outside Louisiana and nothing in this Chapter shall prevent the use of cloud computing.

H. Any sports wagering platform utilized for electronic wagering shall have a component of its design to reasonably verify that the person attempting to place the wager is:

(1) At least twenty-one years of age.

(2) Physically located in the state and not physically located in a parish that has not approved a proposition to authorize sports wagering at the time the wager is initiated or placed.

(3) Not a person who is otherwise prohibited from wagering with the operator through law, rule, policy of the operator, self-exclusion, or pursuant to R.S. 27:27.1.

§606. Temporary certificate of authority

A. When considering a person’s application for a license to conduct sports wagering or a permit as a sports wagering platform provider or service provider, the board may issue to the person a temporary certificate of authority to conduct business pursuant to this Chapter if all of the following:

(1) The person has filed with the board a completed application, including all fees.

(2) The person has substantially demonstrated to the satisfaction of the board that the person meets the requirements of this Chapter, the board’s rules, including emergency rules, and the board’s or division’s orders.

(3) The person applying for a permit as a sports wagering platform provider or service provider holds a gaming license or permit for similar activity in Louisiana or another state of the United States and the license or permit is in good standing.

(4) The person agrees in writing to the following conditions of the temporary certificate of authority issued pursuant to this Section:

(a) The temporary certificate of authority does not create a right or privilege.

(b) The board may rescind the person’s temporary authority to conduct business under this Section at any time, with or without notice to the person and without a hearing. If either of the following apply:

(i) The board is informed that the person may be at issue, (ii) The person fails to cooperate with the investigation into the qualifications and suitability of the person applying for a license or the person applying for a permit as a sports wagering platform provider or service provider.

(1) The temporary certificate of authority shall expire six months after issuance.

(2) The board may issue one ninety-day extension of the certificate upon a showing of good cause.

(3) If a license or permit is issued to the holder of a temporary certificate of authority, the license or permit term shall begin on the date of issuance of the temporary certificate of authority.

PART III. WAGERING

§607. Operators; sports lounge required; responsibilities; pooling

A. (1) An operator may conduct sports wagering in person or via a sports wagering mechanism located on its premises or through a website or mobile application.

(2) An operator shall house its retail sports book in a sports wagering lounge on its premises which shall be restricted to patrons who are twenty-one years of age or older and shall conform to all requirements concerning square footage, design, equipment, security measures, and related matters which the board shall prescribe.

(3) An operator shall establish and display the odds at which wagers may be placed on sports events. No operator shall accept a wager in person, via a sports wagering mechanism, or through a website or mobile application unless the wagering proposition is posted by electronic or manual means.

B. An operator shall adopt comprehensive rules, which shall be approved by the board, governing sports wagering transactions with its patrons. The rules shall specify the amount to be paid on winning wagers and the effect of schedule changes. The rules, together with any other information the board deems appropriate, shall be conspicuously displayed in the establishment, posted electronically on any sports wagering mechanism, website, or mobile application, and included in the terms and conditions of the sports wagering account system.

C. The operator shall maintain records of sports wagering activities and operations in accordance with rules and regulations of the board and follow federal anti-money laundering standards in the day-to-day operations of its business.

D. Each operator shall designate one or more key employees who shall be responsible for the operation of the sports book.

E. All wagers on sports events authorized pursuant to this Chapter shall be initiated, received, and otherwise made within the state unless otherwise determined by the board in accordance with applicable federal and state laws and regulations. Consistent with the Unlawful Internet Gambling Enforcement Act of 2006, 31 U.S.C. 5361 et seq., the intermediate routing of electronic data relating to a lawful intrastate wager authorized by this Chapter shall not determine the location or locations in which the wager is initiated, received, or otherwise made.

F. An operator may pool wagers with persons who are not physically present in this state if the board determines that this wagering is not inconsistent with the law of this state or any federal law, including the law of any foreign nation in which the person is located, or that the wagering is conducted pursuant to a reciprocal agreement to which the state is a party that is not inconsistent with federal law.

§608. Limitations on wagering

A. (1) To place a sports wager with an operator, a player shall meet all of the following:

(a) Be twenty-one years of age or older.

(b) Be physically located in a parish that has approved a proposition authorizing sports wagering.

(c) Have a wagering account established with the operator, if the player is attempting to place the sports wager through a website or mobile application.

(d) Be not prohibited from wagering with the operator by law, rule, policy of the operator, or self-exclusion, or pursuant to R.S. 27:27.1.

(2) In order to accept a sports wager from a player, an operator shall confirm that the player meets all of the following criteria:

(a) Is twenty-one years of age or older.

(b) Is physically located in a parish that has approved a proposition authorizing sports wagering.

(c) Has an existing sports wagering account with the operator, if the wager is attempted in person.

(d) Is not prohibited from wagering with the operator by law, rule, policy of the operator, or self-exclusion, or pursuant to R.S. 27:27.1.

B. (1) An operator shall not knowingly accept a wager from a person who is an athlete, coach, referee or other official, or staff of a participant or team that is participating in the sports event on which the person is attempting to place the wager.

(2) An operator shall not knowingly accept a wager from a person who is the operator itself or is a director, officer, owner, or employee of the operator or any relative or other person living in the same household as a director, officer, owner, or employee of the operator.

C. No sports wagers may be accepted or paid by any operator on any of the following:

(1) On any sport or athletic event not authorized by law or the board.

(2) On any sport or athletic event which the operator knows or reasonably should know are being placed by or on behalf of an athlete, coach, referee or other official, or staff of a participant or team that is participating in that event.

(3) On any sport or athletic event which the board is informed that the outcome of such event is affected by injury or death of a person, or the outcome of an athlete’s disciplinary rulings, or replay reviews.

(4) On other types, forms, or categories of wagering prohibited by the board by rule.

D. Subject to the rules of the board, an operator shall promptly report to the
board on the following activities:

(1) Any criminal or disciplinary proceedings commenced against the licensee or any employee of a sports wagering platform provider or its employees, in connection with the operations of the sports book.

(2) Any abnormal wagering activity or patterns that may indicate a concern about the integrity of a sports event.

(3) Any other conduct with the potential to corrupt a wagering outcome of a sports event for purposes of financial gain, including but not limited to match fixing.

(4) Suspicious or illegal wagering activities, including the use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, or use of funds in a manner that betrays a lack of concern for the integrity or perceived integrity of the body or the sporting event.

(5) Any reports made by law enforcement or any other person of suspicious or illegal activity.

C. Mobile wagering. (1) For purposes of mobile wagering, each licensee contract with no more than two sports wagering platform providers who may each provide individually branded websites each of which may have an agreement with any mobile application to provide wagering services. The website and mobile application shall be offered only under the same brand as the licensee, or the sports wagering platform provider, or both. The website and mobile application will be, at the discretion of the licensee, in addition to any other agreements or other applications operated by the platform provider and offering other types of mobile wagering.

(2) Wagering through a website or mobile application shall be subject to the following requirements:

(a) A patron shall establish a wagering account in person or remotely with the operator before the operator may accept any sports wager through a website or mobile application from the patron, and an initial verification of the account shall be completed by the operator either in person or remotely. An account may be established with a line of credit or as an advance deposit wagering account.

(b) No wagers shall be placed when the physically located out of state or in a parish that has not approved a proposition authorizing sports wagering and $100,000 of the total amount wagered or in amount of wagers placed by licensees subject to the rules and regulations of the board.

(2) The failure to present a winning ticket within the prescribed time shall constitute a waiver of the right to the payment, and the holder of the ticket shall thereafter have no right to enforce payment of the ticket.

(3) A winning ticket will be deemed invalid if the wager was placed but not presented for payment.

(4) The funds held by any operator for payment of outstanding tickets shall be retained by the operator for that purpose until the expiration of one hundred eighty days after the date of the event.

(5) After such time, the operator shall return the funds subject to the rules and regulations of the board.

§610. Payment of winnings; collection and use of funds

A. Any winnings that were placed in person or via a sports wagering mechanism with cash and are evidenced by a ticket receipt shall be redeemed by the operator within one hundred eighty days after the date of the event. An operator shall pay tickets upon presentation after performing validation procedures with respect to the ticket pursuant to the rules and regulations of the board.

B. Winnings wagered through a website or mobile application shall be subject to the following requirements:

(a) Winnings wagered through a website or mobile application shall be subject to the same rules and regulations as those applicable to in-person wagering.

(b) Winnings wagered through a website or mobile application shall be subject to the rules and regulations of the board.

§609. Electronic wagering; kiosk; mobile wagering

A.(1) Electronic wagering may be conducted only to the extent that it is conducted in accordance with this Chapter and in accordance with the rules and regulations promulgated by the board.

(2) A sports wagering mechanism shall be linked to an operator's sports wagering account.

B. Sports wagering mechanism. (1) A player may place a wager via a sports wagering mechanism with cash or vouchers or by utilizing the player's established sports wagering account.

(2) Sports wagering mechanisms shall be located only on a licensee's premises in areas where accessibility is limited to patrons twenty-one years of age or older.

(3) Sports wagering mechanisms shall be branded in the same brand as the licensee, or the sports wagering platform provider, or both.

(b) Each sports wagering mechanism shall:

(i) Not have any device or program that will alter the readings of the actual amounts or values relating to any function or occurrence of the mechanism.

(ii) Not have any device, switch, program, or function that can alter the readings of the actual amounts or values relating to any function or occurrence of the mechanism.

(iii) Have separate secure areas with locking doors for the logic board and software, the cash compartment, and the mechanical meters as required by the rules of the board. Access to one area from the other shall not be allowed at any time.

(iv) Not have any functions or parameters adjustable by or through any separate video display or input codes, except for the adjustment of features that are wholly cosmetic.

(v) Have a circuit interrupting device, method, or capability that will disable the mechanism if the board-approved program is accessed or altered.

(vi) Have a serial number or other identification number permanently affixed to the mechanism by the manufacturer.

(2) Each sports wagering mechanism shall be linked to an operator's sports wagering platform for purposes of placing or redeeming mechanism activities and for remote shutdown of mechanism operations. If the platform fails as a result of a malfunction or catastrophic event, or the mechanism loses connectivity to the platform, the mechanism shall not accept any additional wagers until the connection to the platform is restored.

(3) This Section shall provide additional specifications for mechanisms to be approved and authorized pursuant to the provisions of this Chapter as it considers necessary to maintain the integrity of sports wagering mechanisms and operations.

(4) Any wagers placed with cash via a sports wagering mechanism shall be evidenced by a ticket indicating the name of the operator booking the wager, the sports event on which the wager was placed, the amount of cash wagered, the type of bet and odds if applicable, the date of the event, and any other information required by the board.
E. Sports wagering shall not be considered gambling for purposes of this Section so long as the wagering is conducted in compliance with Chapter 10 of Title 27 of the Louisiana Revised Statutes of 1950. 

§90.3. Gambling by computer  

§90.5. Unlawful playing of gaming devices by persons under the age of twenty-one; underage persons, penalty

A. It is unlawful for any person under twenty-one years of age to play casino games, gaming devices, or slot machines, or to place a wager on a sports event.

B. No person under the age of twenty-one, except an emergency responder acting in his official capacity, shall enter, or be permitted to enter, the designated gaming area of a riverboat, the designated gaming area of a pari-mutuel wagering facility which offers live horse racing licensed for operation and regulated under the applicable provisions of Chapters 4, 5, 6, 7, and 8 of Title 27 of the Louisiana Revised Statutes of 1950.

C. For purposes of this Section, “casino games, gaming devices, or slot machines” means a game or device, as defined in R.S. 27:44(10) or (12), or 353(4), or 353(41) operated on a riverboat, at the official gaming establishment, or at a pari-mutuel wagering facility which offers live horse racing which is licensed for operation and regulated under the provisions of Chapters 4, 5, and 7 of Title 27 of the Louisiana Revised Statutes of 1950.

D. For purposes of this Section, “place a wager on a sports event” shall apply to wagers attempted to be or actually placed in person, via a self-service sports wagering mechanism, or through a website or mobile application as those terms are defined in R.S. 27:602 and the operation of which is regulated under the provisions of Chapters 4, 5, 6, 7 of Title 27 of the Louisiana Revised Statutes of 1950.

§906. Crime Victims Reparations Fund; creation; sources and use of funds

A. For the purposes of this Act, “casino games, gaming devices, or slot machines” means a game or device, as defined in R.S. 27:44(10) or (12), or 353(4), or 353(41) operated on a riverboat, at the official gaming establishment, or at a pari-mutuel wagering facility which offers live horse racing which is licensed for operation and regulated under the provisions of Chapters 4, 5, and 7 of Title 27 of the Louisiana Revised Statutes of 1950.

B. The fund shall be composed of:

1. Monies deposited by the state treasurer from the collection of unclaimed prize money as provided for in R.S. 4:176 and R.S. 27:94, 252, 394, and 609, which shall be used exclusively to pay the expenses associated with health care services of victims of sexually-oriented criminal offenses, including forensic medical examinations as defined in R.S. 15:622.

2. The provisions of this Act enacting R.S. 27:627 shall supersede the provisions of the Act which originated as House Bill No. 697 of the 2021 Regular Session enacting R.S. 27:627.

3. Approved by the Governor, June 21, 2021.

4. True copy.

B. Kyle Ardoin
Secretary of State

THE ADVOCATE

CODING: Words in italics or in type are deletions from existing law; words underlined (House Bills) and underscored and boldfaced (Senate Bills) are additions.
By Representative Devillier
An Act

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:100.101(D) is hereby amended and reenacted to read as follows:

§100.101. Power-Based Fund; purpose

Section 2. The provisions of Section 2 of this Act propose to amend and reenact R.S. 100.101(D) as enacted by the Act which originated as House Bill No. 515 of this 2021 Regular Session of the Legislature.

D. Monies in the fund shall be appropriated and used for the establishment of Title IX offices at every public postsecondary institution in the state.

The Board of Regents shall develop a plan and promulgate rules for the distribution of funds.

Section 3. The provisions of Section 2 of this Act propose to amend and reenact R.S. 100.101(D) as enacted by the Act which originated as House Bill No. 515 of this 2021 Regular Session of the Legislature. If the Louisiana State Law Institute renumbers R.S. 100.101 when incorporating it into the Bill No. 515 of this 2021 Regular Session of the Legislature.

The Board of Regents shall provide staff support to the panel.

Section 4. The provisions of Section 2 of this Act propose to amend and reenact R.S. 100.101(D) as enacted by the Act which originated as House Bill No. 515 of this 2021 Regular Session of the Legislature.

The Board of Regents shall provide staff support to the panel.

The Board of Regents shall provide staff support to the panel.

Section 5. The provisions of Section 2 of this Act propose to amend and reenact R.S. 100.101(D) as enacted by the Act which originated as House Bill No. 515 of this 2021 Regular Session of the Legislature.

The Board of Regents shall provide staff support to the panel.

The Board of Regents shall provide staff support to the panel.

Section 6. The provisions of Section 2 of this Act propose to amend and reenact R.S. 100.101(D) as enacted by the Act which originated as House Bill No. 515 of this 2021 Regular Session of the Legislature.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 442

HOUSE BILL NO. 44

BY REPRESENTATIVE DEVILLIER

To enact R.S. 32:388(B)(4)(b)(xxv), relative to construction aggregates; to expand the definition of “construction aggregates” to include dirt; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:388(B)(4)(b)(xxv) is hereby enacted to read as follows:

§388. Penalties; payments

B. * * *

(4) * * *

(b) When used in this Paragraph, “construction aggregates” means any of the following:

THE ADVOCATE

* As it appears in the enrolled bill
(1) The individual requesting access to the employee restroom presents a copy of a written statement, signed, and issued by a healthcare provider on the healthcare provider’s letterhead, of a facility with which the healthcare provider is associated, stating that the individual suffers from an eligible medical condition as provided in R.S. 40:1123.2 or utilizes an ostomy device.

(2) A public restroom is not immediately accessible to the individual.

(3) The employee restroom is located in an area of the retail establishment where access would not create an obvious risk to the health or safety of the individual or create an obvious security risk to the retail establishment.

B. This Section shall not apply to any retail establishment that meets either of the following criteria:

1. It sells prescription drugs, if the employee restroom is located in an area where the individual may gain access to any prescription drugs.

2. It maintains records or information that is subject to the Health Insurance Portability and Accountability Act of 1996, if the employee restroom is located in an area where the records or information may be accessed.

§1123.4. Liability
A. A retail establishment or an employee of a retail establishment shall not be liable for any act or omission when an individual is allowed access to an employee restroom pursuant to the provisions of this Part, if such act or omission meets all of the following requirements:

1. It does not constitute gross, willful, or wanton negligence on the part of the retail establishment or an employee of the retail establishment.

2. It occurs in an area of the retail establishment that is not otherwise accessible to the public.

3. It results in injury or death of the individual other than an employee accompanying the individual to the employee restroom.

B. No retail establishment shall be required to make any physical change to an employee restroom to effectuate the purposes of this Part.

Approved by the Governor, June 22, 2021.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 445

BY REPRESENTATIVE CREWS

AN ACT

To amend and reenact R.S. 2:135.1(B)(2)(introductory paragraph) and to enact R.S. 2:135.1(B)(2)(c), relative to airport facility leases operated and maintained by the Shreveport Downtown Airport; to provide for the removal of lease requirements pertaining to the addition or construction of certain improvements for non-air carrier airports and air carrier airports; 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. 2:135.1(B)(2)(introductory paragraph) is hereby amended and reenacted, and R.S. 2:135.1(B)(2)(c) is hereby enacted to read as follows:

§135.1. Authority to equip, improve, establish fees and charges, and lease airport facilities

A. To amend and reenact R.S. 39:100.26(B) and (D) and to enact Subpart Q-1 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100-122, and R.S. 39:134.1, relative to funding for infrastructure investment and construction; to provide relative to the Louisiana Superdome Fund; to provide relative to federal funds received from the American Jobs Plan Act; to provide for the transfer of monies into the Capital Outlay Savings Fund; to create the Hurricane and Storm Damage Risk Reduction System Repayment Fund; to provide for an effective date; and to provide for related matters.

Approved by the Governor, June 22, 2021.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 448

BY REPRESENTATIVES ZERINGUE AND SCHEXNADYER

AN ACT

To amend and reenact R.S. 39:100.26(B) and (D) and to enact Subpart Q-1 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100-122, and R.S. 39:134.1, relative to funding for infrastructure investment and construction; to provide relative to the Louisiana Superdome Fund; to provide relative to federal funds received from the American Jobs Plan Act; to provide for the transfer of monies into the Capital Outlay Savings Fund; to create the Hurricane and Storm Damage Risk Reduction System Repayment Fund; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:100.26(B) and (D) are hereby amended and reenacted, and Subpart Q-1 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100-122, and R.S. 39:134.1 are hereby enacted to read as follows:

§100.26. Louisiana Superdome Fund; purpose

...
B. Notwithstanding any provision of law to the contrary, the proceeds received by the state and the Louisiana Stadium and Exposition District from the sale at retail or after issuance of the following bonds of the Jazz Casino Company, LLC v. Secretary, Department of Revenue, State of Louisiana, 19th JDC, Docket No. 597,371; Jazz Casino Company, LLC v. Secretary, Department of Revenue, State of Louisiana, 19th JDC, Docket 622,075; Jazz Casino Company, LLC v. Secretary, Department of Revenue, State of Louisiana, 19th JDC, Docket No. 597,372; JCC Fulton Development, LLC v. Secretary, Department of Revenue, State of Louisiana, 19th JDC, Docket No. 622,076; JCC Fulton Development, LLC v. Secretary, Department of Revenue, State of Louisiana, BTA Docket No. 9562D; and Secretary, Department of Revenue, State of Louisiana v. Jazz Casino Company, LLC and JCC Fulton Development, LLC, 19th JDC, Docket No. 670,597 (hereinafter the “Jazz Casino Litigation”), shall be deposited into the fund. No proceeds shall be deposited into the fund resulting from the Jazz Casino Litigation that are attributable to outstanding debt secured by and payable from such proceeds, court costs, or attorney’s fees.

D. Monies in the fund shall be invested exclusively to partially defray the cost of upgrades to certain state facilities or for operational costs by the Louisiana Stadium and Exposition District.

SUBPART Q-1. HURRICANE AND STORM DAMAGE RISK REDUCTION SYSTEM REPAYMENT FUND
§100.122. Hurricane and Storm Damage Risk Reduction System Repayment Fund; purpose
A. There is hereby created in the state treasury, as a special fund, the “Hurricane and Storm Damage Risk Reduction System Repayment Fund,” hereafter referred to as the “fund.”
B. Between July 1, 2021, and June 30, 2022, and after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, the treasurer is hereby authorized and directed to deposit .38% of any increase of State General Fund revenue recognized by the Revenue Estimating Conference for Fiscal Year 2021-2022 above the official state general fund forecast adopted on May 18, 2021, into the fund.
C. During the period from July 1, 2022, and June 30, 2023, and after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, state taxes levied on the sale at retail, use, lease, rental, consumption, distribution, and storage for use or consumption of each item or article of tangible personal property pursuant to R.S. 47:302(A) and (B), R.S. 47:321(A) and (B), and R.S. 331(A) and (B), including remote sales, that are collected in the parishes of St., Charles, Jefferson, Plaquemines, St. Bernard, and Orleans shall be deposited into the fund.
D. 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. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.
E. The total amount of monies deposited into the fund pursuant to Subsections B and C of this Section shall not exceed four hundred million dollars.
F. Monies in the fund shall be used exclusively to make payments to the United States Army Corp of Engineers for costs associated with the Hurricane and Storm Damage Risk Reduction System or to make debt service payments in the event the state issues general obligation bonds to fund the payments to the United States Army Corp of Engineers.

§134.1. American Jobs Plan Act
No federal funds received by the state for infrastructure projects pursuant to the American Jobs Plan Act shall be expended or encumbered prior to approval by the Joint Legislative Committee on the Budget of a proposal for spending the funds submitted by the division of administration. The proposal shall include the amount of funding for specific transportation, highway, construction, or other infrastructure projects.

Section 2. Notwithstanding any provision of law to the contrary, the state treasurer is hereby authorized and directed to transfer $1,650,000 from the State General Fund (Direct) in state Fiscal Year 2020-2021 into the Capital Outlay Savings Fund.

Section 3. The provisions of Section 1 of this Act propose to amend and reenact R.S. 39:100.26(W) and (D) as enacted by Act 114 of this 2021 Regular Session of the Legislature. If the Louisiana State Law Institute renumbers R.S. 39:100.26 when incorporating it into the Louisiana Revised Statutes of 1950, it shall make the change proposed by Section 1 of this Act to the corresponding provision of the statutes.

Section 4. The provisions of this Act shall become effective on June 30, 2021. Approved by the Governor, June 22, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 449
- - - - -
HOUSE BILL NO. 7

BY REPRESENTATIVES FREEMAN, BRASS, CARPENTER, GARY CARTER, CORMIER, COX, DULESSIS, FREIBREG, GLOVER, GREEN, JEFFERSON, JENKINS, JONES, LANDRY, LARVADAIN, LYONS, MARCELLE, MOORE, PIERRE, SEDLERS, WHITE, AND WILLARD AND SENATORS BARROW, BOUDREAUX, BOUIE, FIELDS, HARRIS, JACKSON, LUNEAU, MIZEZ, PETERSON, AND SMITH

To enact R.S. 47:302(B)(x)(114), 305.75, 321((x)(115), 321.1((x)(115) and 331(V)(115) and to repeal R.S. 47:337.5(2)(C), relative to sales and use tax exemptions; to provide for a state sales and use tax exemption for certain purchases of feminine hygiene products; to provide for a state sales and use tax exemption for certain purchases of diapers; and to provide for definitions; to provide for the effectiveness of the optional local sales and use tax exemption for certain purchases of feminine hygiene products and diapers; to provide for certain requirements and limitations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 47:302(B)(x)(114), 305.75, 321((x)(115), 321.1((x)(115), and 331(V)(115) are hereby enacted to read as follows:
§302. Imposition of tax
* * * * * * *
BB. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:
* * * * * * *
(14) Purchases of feminine hygiene products, diapers, or both for personal use as provided in R.S. 47:305.75.
* * * * * * *
§305.75. Exemptions; feminine hygiene products and diapers
A. The sales and use tax imposed by the state of Louisiana or any political subdivision whose boundaries are coextensive with those of the state shall not be levied or imposed on the sale of, or purchase of diapers designed to be worn by a child who cannot yet control bladder or bowel movements.
B. For the purposes of this Section:
(1) “Diaper” means any absorbent diaper or undergarment used for incontinence in adults and any absorbent diaper or undergarment designed to be worn by a child who cannot yet control bladder or bowel movements.
(2) “Feminine hygiene product” means tampons, menstrual pads, sanitary napkins, panty liners, menstrual sponges, and menstrual cups, including disposable and washable versions of these items.

§321. Imposition of tax
* * * * * * *
P. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:
* * * * * * *
(15) Purchases of feminine hygiene products, diapers, or both for personal use as provided in R.S. 47:305.75.
* * * * * * *
§321.1. Imposition of tax
* * * * * * *
I. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:
* * * * * * *
(15) Purchases of feminine hygiene products, diapers, or both for personal use as provided in R.S. 47:305.75.
* * * * * * *
§331. Imposition of tax
* * * * * * *
V. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:
* * * * * * *
(15) Purchases of feminine hygiene products, diapers, or both for personal use as provided in R.S. 47:305.75.
subsequently approved by the legislature, this Act shall become effective on
the day following such approval.

Approved by the Governor, June 23, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 450

BY REPRESENTATIVES BUTLER, ADAMS, AMEDEE, BROWN,
CARPENTER, CARRIER, GARY CARTER, ROBBY CARTER, WILFORD
CARTER, CORMIER, COUSSAN, COX, CREWS, DAVIS, ECHOLS,
EDMONSTON, EMERSON, FIRMENT, FREEMAN, FREIBERG,
GAY, GREEN, HILL, HORTON, HUGHES, HILG, MIKE
JOHNSON, KERNER, LACOMBE, LANDRY, LARVADAIN, LYONS,
MCMAHEN, DUSTIN MILLER, MOORE, NEWELL, ROBERT OWEN,
PIERRE, PRESSLY, SCHLEGEL, SEDLERS, STAGNI, STEFANSKI,
THOMPSON, TURNER, VILLIO, WHITE, AND ZERINGER AND
SENATOR FOIL

AN ACT

To enact Part II-B of Chapter 5-E of Title 40 of the Louisiana Revised
Statutes of 1950, to be comprised of R.S. 40:1250.31 and 1250.32, relative
to the medical assistance program of this state known as Medicaid; to provide relative to administration of the Medicaid program by the Louisiana Department of Health; to require Medicaid coverage of dental services for certain persons with developmental or intellectual disabilities; to provide for eligibility for such coverage; to require the provision of such coverage by a certain date; to require administrative rulemaking; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part II-B of Chapter 5-E of Title 40 of the Louisiana Revised
Statutes of 1950, comprised of R.S. 40:1250.31 and 1250.32, is hereby enacted to read as follows:

PART II-B. DENTAL COVERAGE FOR PERSONS WITH
DEVELOPMENTAL OR INTELLECTUAL DISABILITIES

§1250.31. Dental care for certain adults with developmental or intellectual disabilities. Medicaid coverage required

A.(1) The Louisiana Department of Health shall ensure that comprehensive Medicaid coverage for dental care is provided to each person of age twenty-one or older who is enrolled in any Medicaid waiver program for persons with developmental or intellectual disabilities.

(2) For purposes of this Section, “comprehensive Medicaid coverage for dental care” means Medicaid coverage which reimburses for dental and oral health services including all of the following:

(a) Diagnostic services.
(b) Preventive services.
(c) Restorative services.
(d) Endodontics.
(e) Periodontics.
(f) Prosthodontics.
(g) Oral and maxillofacial surgery.
(h) Orthodontics.
(i) Emergency care.

B. The Louisiana Department of Health shall not furnish any coverage required by Subsection A of this Section until all of the following have occurred:

(i) The Centers for Medicare and Medicaid Services has approved the provision of such coverage.
(ii) The legislature has appropriated the funding necessary for the provision of such coverage.

§1250.32. Administrative rulemaking

The Louisiana Department of Health shall promulgate all such rules in accordance with the Administrative Procedure Act as are necessary to implement the provisions of this Part.

Section 2. The Louisiana Department of Health shall take all such actions as are necessary to make the coverage required by the provisions of Section 1 of this Act available to all persons eligible for such coverage on or before July 1, 2022.

Approved by the Governor, June 23, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 451

BY REPRESENTATIVES JAMES, BRASS, BRYANT, ROBBY CARTER,
DUPLESSIS, GLOVER, GREEN, HUGHES, JEFFERSON, JENKINS,
JONES, JORDAN, LARVADAIN, LYONS, MARCELLE, NEWELL, PIERRE,
AND SENATORS HARRISON, HORROH, BOUDREAUX, BOUIE,
FIELDS, HARRIS, JACKSON, PETERSON, PRICE, SMITH, AND TARVER
AN ACT

To amend and reenact R.S. 40:2531(B)(4)(b)(i) and (ii) and (7) and to enact R.S. 40:2533(D), relative to time periods for officer disciplinary matters; to provide for time limits relative to officer representation; to provide for time limits relative to length of investigation of an officer; to provide for time limits relative to officer personnel files; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2531(B)(4)(b)(i) and (ii) and (7) are hereby amended and reenacted and R.S. 40:2533(D) is hereby enacted to read as follows:

§2531. Applicability; minimum standards during investigation; penalties for failure to comply

* * *

B. Whenever a police employee or law enforcement officer is under investigation, the following minimum standards shall apply:

(4) * * *

(b)(i) Except as otherwise provided in this Subparagraph, the police employee or law enforcement officer shall be granted up to thirty-fourteen days to secure such representation, during which time all questioning shall be suspended.

(ii) If a police employee or law enforcement officer is involved in an officer-involved incident, the police employee or law enforcement officer shall be granted up to fourteen days to secure representation, during which time all questioning shall be suspended. However, if the police employee or law enforcement officer is confined to a medical facility due to injury or illness related to the officer-involved incident, or if two or more police employees or law enforcement officers are involved in the officer-involved incident, or otherwise incapacitated, the police employees or law enforcement officers shall be granted up to thirty days to secure representation.

(7) When a formal, written complaint is made against any police employee or law enforcement officer, the superintendent of state police or the chief of police or his authorized representative shall initiate an investigation within fourteen days of the date the complaint is made. Except as otherwise provided in this Paragraph, each investigation of a police employee or law enforcement officer which is conducted under the provisions of this Chapter shall be completed within sixty seventy-five days, inclusive of Saturdays, Sundays, and legal holidays. However, in each municipality which is subject to a Municipal Fire and Police Civil Service law, the municipal police department may petition the Municipal Fire and Police Civil Service Board for an extension of the time within which to complete the investigation. The board shall set the matter for hearing and shall provide notice of the hearing to the police employee or law enforcement officer who is under investigation. The police employee or law enforcement officer who is under investigation shall have the right to attend the hearing and to present evidence and arguments against the extension. If the board finds that the municipal police department has shown good cause for the granting of an extension of time within which to complete the investigation, the board shall grant an extension of up to sixty days. Nothing contained in this Part shall be construed to prohibit the police employee or law enforcement officer under investigation and the appointing authority from entering into a written agreement extending the investigation for up to an additional sixty days. The investigation shall be considered complete upon notice to the police employee or law enforcement officer under investigation of a pre-disciplinary hearing or a determination of an unfounded or unsustained complaint. The notice may be given in writing or electronically. The notice is considered received by the police employee or law enforcement officer under investigation on the date sent, provided it is sent to the department email address in the personnel file of the police employee or law enforcement officer. The notice shall be considered received by the police employee or law enforcement officer under investigation on the date received, provided it is sent to the home address in the personnel file of the police employee or law enforcement officer. Nothing in this Paragraph shall limit any investigation of alleged criminal activity.

* * *

§2533. Personnel files

* * *

D. Sustained complaints against the law enforcement officer shall remain in the officer’s personnel file for a period of at least ten years, but only after the officer has exhausted all administrative appeals to which he is entitled.

Approved by the Governor, June 23, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 452

BY REPRESENTATIVES BUTLER, ADAMS, BROWN, GARY CARTER,
ROBBY CARTER, WILFORD CARTER, COUSSAN, COX, FREIBERG,
HUGHES, JEFFERSON, JENKINS, KERNER, LACOMBE, LARVADAIN,
MARCELLE, MOORE, PIERRE, AND ST. BLANC AND SENATORS FOIL,
HEWITT, PRICE, REESE, TARVER, AND WOOLACK

To enact R.S. 36:4(BX)(o) and Chapter 44-A of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:25301 through 2599, relative to state administration; to create the office of the state Americans with Disabilities Act coordinator within the division of administration; to
create a state ADA coordinator position and provide that the coordinator is the executive staff member of the office; to establish the functions, powers, and duties of the office; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:4(B)(ix) is hereby enacted to read as follows:

$4. Structure of executive branch of state government

§2951. Creation; personnel

The office of the state Americans with Disabilities Act coordinator is hereby created as a state agency within the office of the governor, division of administration. The office shall exercise the powers and duties set forth in this Chapter and otherwise provided by law. The office shall be administered by an executive director who shall have the title of, and is referred to hereafter in this Chapter as, state ADA coordinator. The state ADA coordinator shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

§2952. Definitions

For purposes of this Chapter, the following terms have the meaning ascribed to them in this Section:

(1) “Americans with Disabilities Act” and “ADA” mean the Americans with Disabilities Act of 1990, as amended (42 U.S.C. 12101 et seq.).

(2) “Office” means the office of the state Americans with Disabilities Act coordinator within the office of the governor, division of administration.

§2953. Powers and duties

The office shall have the following functions, powers, and duties:

(1) To serve as the coordinating body for ADA compliance for all state agencies within the executive branch of state government.

(2) To assist state agencies in updating, strengthening, and enhancing the scope of self-evaluation and transition plans to ensure compliance with the ADA mandate.

(3) To provide reports and recommendations to the legislature for the adoption of legislation to facilitate compliance with the ADA.

(4) To offer subject matter expertise for all matters relating to the ADA.

(5) To conduct general and customized training on ADA topics for state agencies.

(6) To provide informal technical assistance about the ADA to the general public and collaborate with local ADA support systems.

(7) To increase public awareness of the ADA for the purpose of helping more citizens to understand the letter and the spirit of the law.

§29594 through 2599. [Reserved]

Approved by the Governor, June 23, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 453

BY REPRESENTATIVE DUPLESSIS
AN ACT

To amend and reenact R.S. 47:297.8(A) and to enact R.S. 47:287.750, relative to income tax credits; to provide for an income tax credit for certain businesses that hire participants in work release programs; to provide for the amount of the credit; to provide for the maximum amount of credits to be issued annually; to provide for eligibility; to authorize unclaimed portions of a credit to be carried forward; to provide for the administration of the tax credit; to provide for rulemaking authority; to extend the current amount of the federal earned income tax credit; to provide for applicability; to provide for certain limitations and requirements; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:297.8(A) is hereby amended and reenacted and R.S. 47:287.750 is hereby enacted to read as follows:

§297.8. Earned income tax credit

A. (1) Except as provided in Paragraph (2) of this Subsection, there shall be a credit against the tax imposed by this Chapter for individuals in an amount equal to five percent of the federal earned income tax credit for which the individual is eligible for the taxable year under Section 32 of the Internal Revenue Code.

(2) For tax years beginning on or after January 1, 2019, there shall be a credit against the tax imposed by this Chapter for individuals in an amount equal to three and one-half percent of the federal earned income tax credit for which the individual is eligible for the taxable period in which the credit is earned.

B. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

C. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

D. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

E. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

F. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

G. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

H. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

I. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

J. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

K. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

L. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

M. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

N. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

O. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

P. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

Q. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

R. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

S. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

T. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

U. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

V. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

W. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

X. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

Y. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

Z. Credits previously granted to an eligible business, but later disallowed under the provisions of this Section, shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

§295.3 Through 2599. [Reserved]

Approved by the Governor, June 23, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 454

BY REPRESENTATIVES HUGHES, BRASS, GARY CARTER, WILFORD CARTER, CORMIER, DUPLESSIS, GAINES, GREEN, JAMES, JEFFERSON, JENNINGS, JONES, JORDAN, LANDRY, LARVAIDIN, LYONS, DUSTIN MILLER, MOORE, NEWELL, PHELPS, PIERRE, SEDLERS, WHITE, AND WILCOX; SENATORS BARROW, BOUDREAU, BOUJE, BURLEIGH, HARRIS, PETERSON, PRICE, AND SMITH
AN ACT

To enact R.S. 47:6023 and 6033, relative to tax credits; to provide with respect to the Louisiana Youth Jobs Tax Credit Program; to provide with respect to apprenticeship tax credits; to authorize a procedure for granting apprenticeship tax credits against relative and incorporation franchise tax to employers; to provide relative to the powers and duties of the Department of Revenue; to provide definitions; to provide an effective date;
§6028. Louisiana Youth Jobs Tax Credit Program

A. Purpose. It is hereby found that disadvantaged youth in Louisiana are often unemployed or underemployed through no fault of their own. The purpose of this program is to help young people entering the workforce have a successful start by providing them critical workforce skills that will serve them well for their entire careers.

B. Definitions. For purposes of this Section:

(1)(a) “Department” means the Louisiana Department of Revenue.

(b) “Tax credit” means a credit allowed against the income or franchise tax due from a taxpayer for the taxable period in which the tax credit is earned.

(c) “Taxpayer” means an individual, estate, trust, or corporation. If the tax credit is earned pursuant to this Section by an individual, estate, or trust, then the credit shall be claimed by the taxpayer if the taxpayer is a U.S. citizen or resident alien. If the tax credit is earned pursuant to this Section by an estate or trust, then the credit shall be earned by the estate or trust, and the credit claim shall be made by the fiduciary of the estate or trust. If the tax credit is earned pursuant to this Section by a corporation, then the credit shall be claimed by the taxpayer as provided in Section 2402 of the Internal Revenue Code.

(d) “Taxable period” means the period in which the tax credit is earned.

(e) “Credit period” means a period of time that begins on the date on which the taxpayer hires one or more eligible youth on or after July 1, 2021. Notwithstanding any provision of this Section to the contrary, no credit shall be granted unless the eligible youth works at least three consecutive months in a full-time or part-time position at the business.

B. Establishment. The department shall establish the method of allocating available tax credits for a specific time; or other method that the department, in its discretion, may find beneficial to the program.

C. Administration of the credit. Shall there be allowed a non-refundable tax credit against income and corporation franchise taxes for a business that hires one or more eligible youth on or after July 1, 2021. Notwithstanding any provision of this Section to the contrary, no credit shall be granted unless the eligible youth works at least three consecutive months in a full-time or part-time position at the business.

(1) The credit shall be equal to the following for each eligible youth hired:

(a) One thousand two hundred fifty dollars for hiring an eligible youth in a full-time position.

(b) Seven hundred fifty dollars for hiring an eligible youth in a part-time position.

(2) The hiring business shall earn a credit equal to the applicable amount provided in (1) of this Subsection in the year in which the eligible youth completes the third consecutive month of work in either a full-time or part-time position.

(3) The hiring business shall not terminate an employee or otherwise reduce its workforce with the intention of creating a new hire eligible for this credit.

D. Application of the Credit. (1a) The credit shall be allowed against the income or corporation franchise tax due from a taxpayer for the taxable period in which the tax credit is earned. If the tax credit allowed pursuant to this Section exceeds the amount of such taxes due from a taxpayer, then the taxpayer may carry forward any unused portion as a credit against subsequent tax liability for a period not to exceed five years. However, in no event shall the amount of any tax credit applied by a taxpayer in a taxable period exceed the amount of such taxes due from the taxpayer for that taxable period.

(b) All entities taxed as corporations for Louisiana income tax purposes shall claim any credit on their corporation income and franchise tax returns.

(c) Individuals, estates, and trusts shall claim their share of any credit on their income tax return.

(d) Entities not taxed as corporations shall claim their share of any credit on their corporation income tax returns.

(e) Individual partners or members shall claim their share of any credit on their individual income tax returns.

F. The secretary shall promulgate rules in accordance with the Administrative Procedure Act to establish the policies and criteria regarding program eligibility and other matters necessary to carry out the intent and purposes of this Section.

G. The tax credit shall not receive any other incentive for the job creation or hiring of an eligible youth for which the taxpayer has received a tax credit under this Section.

H. No credit shall be earned pursuant to the provisions of this Section after December 31, 2025.

§6033. Apprenticeship tax credits

A. Purpose. The legislature hereby determines that a major impediment to the economy of the state is the lack of an adequate number of people in the workforce with sufficient on the job training to find and keep good paying jobs already present and those that would be here if more of the workforce was of higher skill level or experience. Further, the legislature finds that a tax credit that provides an incentive for businesses to employ apprentices will provide a step toward creating and maintaining such a workforce.

B. Definitions. For purposes of this Section:

(1) “Department” means the Louisiana Department of Revenue.

(2) “Eligible apprentice” means a person who enters into a written apprentice agreement with an employer pursuant to a registered apprenticeship program administered by the agency to the department.

(3) “Eligible employer” means an association of employers pursuant to a registered apprenticeship program administered by the agency to the department.

(4) “Eligible workforce” means a workforce with sufficient on the job training to find and keep good paying jobs already present and those that would be here if more of the workforce was of higher skill level or experience.

C. Administration of the credit. There shall be allowed a non-refundable tax credit against income and corporation franchise taxes for a business that hires one or more eligible youth on or after July 1, 2021. Notwithstanding any provision of this Section to the contrary, no credit shall be granted unless the eligible youth works at least three consecutive months in a full-time or part-time position at the business.

(1) For each eligible apprentice employed for a minimum of two hundred fifty hours during the taxable period, an employer shall be eligible for a credit equal to one dollar and twenty-five cents per hour of employment for a maximum credit of one thousand two hundred fifty dollars per eligible apprentice.

(2) The total amount of tax credits granted by the department in any calendar year shall not exceed two million five hundred thousand dollars.

D. Application of the Credit. The department shall establish the method of allocating available tax credits to employers including but not limited to a first-come, first-served system, reservation of tax credits for employers that are already present and those that would be here if more of the workforce was of higher skill level or experience. Further, the legislature finds that a tax credit that provides an incentive for businesses to employ apprentices will provide a step toward creating and maintaining such a workforce.

E. The department shall promulgate rules in accordance with the Administrative Procedure Act to establish the policies and criteria regarding program eligibility and other matters necessary to carry out the intent and purposes of this Section.

F. The department shall determine the enrollment and transcript data required by the National Center for Construction Education and Research and the eligible apprentices as provided for in this Section.

G. The department shall determine the number of apprenticeships for which the tax credit is earned.

H. The department shall determine the number of apprenticeships for which the tax credit is earned.

I. The department shall determine the number of apprenticeships for which the tax credit is earned.

J. The department shall determine the number of apprenticeships for which the tax credit is earned.

K. The department shall determine the number of apprenticeships for which the tax credit is earned.

L. The department shall determine the number of apprenticeships for which the tax credit is earned.

M. The department shall determine the number of apprenticeships for which the tax credit is earned.

N. The department shall determine the number of apprenticeships for which the tax credit is earned.

O. The department shall determine the number of apprenticeships for which the tax credit is earned.

P. The department shall determine the number of apprenticeships for which the tax credit is earned.

Q. The department shall determine the number of apprenticeships for which the tax credit is earned.

R. The department shall determine the number of apprenticeships for which the tax credit is earned.

S. The department shall determine the number of apprenticeships for which the tax credit is earned.

T. The department shall determine the number of apprenticeships for which the tax credit is earned.

U. The department shall determine the number of apprenticeships for which the tax credit is earned.

V. The department shall determine the number of apprenticeships for which the tax credit is earned.

W. The department shall determine the number of apprenticeships for which the tax credit is earned.

X. The department shall determine the number of apprenticeships for which the tax credit is earned.

Y. The department shall determine the number of apprenticeships for which the tax credit is earned.

Z. The department shall determine the number of apprenticeships for which the tax credit is earned.
(3) Individuals, estates, and trusts shall claim any credit on their income tax return.

(4) Entities not taxed as corporations shall claim their share of any credit on the returns of the partners or members as follows:

(a) Corporate partners or members shall claim their share of any credit on their corporate income tax returns.

(b) Individual partners or members shall claim their share of any credit on their individual income tax returns.

(c) Partners or members that are estates or trusts shall claim their share of any credit on their fiduciary income tax returns.

K. Recovery of credits by Department of Revenue. Credits previously deducted, but disallowed, may be recovered by the Secretary of the Department of Revenue through any collection remedy authorized by R.S. 47:1561.3.

L. The department may promulgate rules in accordance with the Administrative Procedure Act to establish the policies and criteria regarding program eligibility and any other matter necessary to carry out the intent and purposes of this Section.

G. No credit shall be granted for the employment of eligible apprentices before January 1, 2022, or after December 31, 2026.

Section 2. This Act shall become effective upon signature by the Governor, if 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 23, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 455

HOUSE BILL NO. 705
(Subtitle for House Bill No. 151 by Representative Riser)

BY REPRESENTATIVE RISER AND SENATORS ALLAIN, BARROW, BOUDREAU, BOURJAS, CONNICK, FIELDS, HEWITT, JACKSON, LUNEAU, PRICE, SMITH, TARVER, AND WARD

AN ACT

To amend and reenact R.S. 23:1711(G)(1) and to enact R.S. 23:1711.1, relative to

purposes of this Section.

program eligibility and any other matter necessary to carry out the intent and

Administrative Procedure Act to establish the policies and criteria regarding

systems.

subject to an additional fine of not less than one hundred dollars nor more

or imprisonment for not less than thirty days nor more than one year.

benefit of section, each employee so misclassified shall constitute a separate offense.

No such determination shall be final or effective, and no resulting

administrative penalty shall be assessed, unless the administrator first provides the employer with written notification by certified mail of the determination, including the amount of the proposed contributions, interest, and penalties determined to be due and of the opportunity to request a fair hearing, of which a record shall be made within thirty days of the mailing of such notice. The hearing request may be made by mail, as evidenced by the official postmarked date, or by otherwise timely delivering such appeal. If the employer does not request a hearing within the thirty-day period the determination shall become final and effective, and the contributions, interest, and penalties due shall be assessed.

(e) All administrative penalties assessed pursuant to this Section shall be deposited into the state’s unemployment trust fund.

$1711.1. Independent contractor; rebuttable presumption

A.(1) Notwithstanding any provision of this Chapter to the contrary, there shall be a rebuttable presumption of an independent contractor relationship with the contracting party for whom the independent contractor performs work, if an individual or entity controls the performance, methods, or processes used to perform services and meets at least six of the following criteria:

(a) The individual or entity operates an independent business that provides services for or in connection with the contracting party.

(b) The individual or entity represents the provided services as self-employment available to others, including through the use of a platform and third-party work opportunities.

(c) The individual or entity accepts responsibility for all tax liability associated with payments received from or through the contracting party.

(d) The individual or entity is responsible for obtaining and maintaining any necessary licenses required in connection with the legal performance of the services rendered by him as the contractor.

(e) The individual or entity is not insured under the contracting party’s health insurance or workers’ compensation insurance coverage and is not entitled to credits or deductions.

(f) The individual or entity has the right to accept or decline requests for services by or through the contracting party and is able to perform services for or through other parties or can accept work from and perform work for other businesses and individuals besides the contracting party even if the services are performed for the contracting party.

(g) The individual or entity furnishes the major tools or items of equipment necessary to perform the work.

(h) The individual or entity furnishes the major tools or items of equipment necessary to perform the work.

(i) The individual or entity is paid a fixed or contract rate for the work performed and the contracting party does not pay the individual or entity a salary or wages based on an hourly rate.

(j) The individual or entity receives payments that are reimbursements incurred in performing the services, unless the expenses are reimbursed under an express provision of a written contract between the parties or through a common accounting system.

(k) The individual or entity can use assistants as deemed proper for the performance of the work and is directly responsible for supervision and compensation.

(l) The individual or entity is paid for the performance of services, not for the performance of work.

(m) The individual or entity is not an employee of the contracting party or independent contractor.

(n) The individual or entity or any other person acting on behalf of the individual or entity is not an employee of the contracting party or independent contractor.

The contracting party or independent contractor may rely on the provisions of this Section for the purpose of establishing an employment or independent contractor relationship.

B. The provisions of this Section shall not apply to any of the following:

(1) A motor carrier who pursuant to a contract with an owner operator as defined in R.S. 23:1021(10) undertakes the performance of services as a motor carrier.

(2) Any service excluded from the term “employment” as provided in R.S. 25:1472(10).

(3) Any service performed in the employ of a state, or any political subdivision of the state, or of an Indian tribe, or any instrumentality of the state, any political subdivision of the state, or any Indian tribe, which is wholly owned by one or more states, political subdivisions, or Indian tribes, but only if these criteria will reduce unnecessary and costly litigation, as well as confusion in the workforce industry, amongst agencies, and within the court systems.

(C) To this end, this Act is to ensure that employees will be properly classified as such and afforded the legal protections and obligations that
apply to that status while workers who desire to be independent contractors
know the criteria for that designation.

Section 3.  Of this Act shall not apply to any person or
organization licensed by the Department of Insurance, any securities broker-
dealer, or any investment adviser or their agents and representatives who
are registered with the Securities and Exchange Commission, the Financial
Industry Regulatory Authority, or licensed by the state of Louisiana.

Section 4.  This Act shall be known and may be cited as "The Ernest C.
Stephens Act".

Approved by the Governor, June 23, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

**ACT No. 456**

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BY SENATORS FOIL, ABRAHAM, BARROW, BOUDREAUX, CLOUD,
FESI, TARVER, WHITE AND 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. 44:4.1(B)(9) and to enact R.S. 17:1948 and 3996(B)
(59), relative to students with exceptionalities; to require public school
governing authorities to adopt policies relative to the installation and
operation of cameras in certain classrooms upon the request of a parent or
legal guardian; to provide an exception relative to public records; to
provide relative to funding; to provide relative to implementation; and
to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1.  R.S. 17:1948 and 3996(B)(59) are hereby enacted to read as follows:

§1948. Cameras in certain classrooms; definitions; required policies; confidentiality; authorization of funding

A. The governing authority of each public elementary and secondary school
shall adopt policies relative to the installation and operation of cameras that
record both video and audio in a classroom upon the written request of a parent or
legal guardian.

B. The legislature further recognizes that there exist exceptions, exemptions,
and limitations to a request.

1. Procedures for the approval or disapproval of a request for the installation
and operation of cameras pursuant to this Section.

(1) Written notice of the placement of the cameras to be provided to persons
who enter a classroom where a camera is installed, including teachers and
other school employees, students in the classroom, the students’ parents
and legal guardians, and any other individual authorized by the
principal to be present in the classroom.

(2) Written notice of the placement of the cameras to be provided to
persons who enter a classroom where a camera is installed.

(3) Training concerning the provisions of this Section for any teacher or
other school employee who provides services in a classroom where cameras are
installed.

(4) The retention, storage, and disposal of the video and audio data recorded,
including a requirement that the recordings be retained for at least one month
from the recording date.

(5) Protecting student privacy and for determining to whom and under what
circumstances the recordings may be disclosed including:

(a) Limiting viewing of the recordings to the superintendent or his designee
and the parent or legal guardian of a recorded student upon request.

(b) Requiring any person who views a recording and who suspects the
recordings show a violation of state or federal law to report the suspected
violation to the appropriate law enforcement.

(c) Requiring any person who views a recording and who suspects the
recordings show a violation of state or federal law to report the suspected
violation to the appropriate law enforcement agency.

(d) Requiring any person who views a recording and who suspects the
recordings show a violation of state or federal law to report the suspected
violation to the appropriate law enforcement agency.

2. The recordings shall not be considered “personally identifiable information” as defined in R.S. 17:3914.

E. The governing authority of each public elementary and secondary school
is authorized to accept, administer, and make use of federal, state, and local funds,
any public and private grants and donations, and, when considered appropriate
and feasible, to accept nonmonetary resources in the form of services or equipment for use in connection with the installation and operation of cameras pursuant to this Section.

F. The state Department of Education shall assist public school governing
authorities in identifying state and federal funds that may be used for the
installation and operation of cameras pursuant to this Section.

G. As specific funding becomes available for this purpose, each public school
governing authority shall implement the provisions of this Section.

§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
officials and employees except for the following laws otherwise applicable to
public schools with the same grades:


Section 2. R.S. 44:4.1(B)(9) 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:

(9) R.S. 17:7.2, 46, 47, 81.9, 304.7, 407.28, 407.47, 407.65, 500.2, 1175, 1202, 1237,
1252, 1948, 1989.7, 2047, 2048.31, 3099, 3136, 3137, 3390, 3773, 3884

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 23, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

**ACT No. 457**

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BY SENATORS CORTEZ, ABRAHAM, ALLAIN, BARROW, BERNARD,
BOUDREAUX, CATHEY, CLOUD, FIELDS, FOIL, HARRIS, HENRY,
HENSGENS, HEWITT, JACKSON, JOHNS, LAMBERT, LUNEAU,
MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL,
PEACOCK, POPE, PRICE, REESE, TALBOT, TARVER, WHITE AND
WOMACK and Representative ADAMS, AIMEE, BACALA, BAGLEY,
BEAULIEU, BISHOP, BOURRIAUQUE, BRASS, BROWN,
BRYANT, BUTLER, CARRIER, GARY CARTER, ROBBY CARTER,
WILFORD CARTER, CORMIER, COUSSAN, COX, CREWS, DAVIS,
DEVILLER, DUROUSON, DUROUSON, EDMOND, EMERSON,
FARNUM, FIRMENT, FONTENOT, FREEMAN, FREIBERG, FRIEMAN,
GADDERRY, GAINES, GAROFALO, GLOVER, GOUDEAU, GREEN,
HARRIS, HILFERTY, HODGES, HOLLIS, HORTON, HUGHES, HUVAL,
ILLG, JEFFERSON, JENKINS, TRAVIS JOHNSON, JONES, JORDAN,
KERNER, LAcombe, LANDRY, LARVADAIN, MACK, MAGEE, MARINO,
MCCORMICK, MCKNIGHT, MCMAHEN, MIGUEZ, GREGORY MILLER,
MINCKY, MOORE, MUSCARELLO, NELSON, NEWELL, ORGERON,
PRABHAKAR, ROBERT OWEN, PHELPS, PIERRE, PRESSLY,
ROMERO, SCHAMERHORN, SCHENXYDER, SCHLEGEL, SEABAUGH,
Sellers, ST. BLANC, STAGNI, STEFANSKI, TARVER, THOMAS,
THOMPSON, TURNER, VILLIO, WHEAT, WHITE, WRIGHT
AND ZERINGUE

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

AN ACT

To enact Chapter 20-G of Title 17 of the Louisiana Revised Statutes of 1950,
to be comprised of R.S. 17:3047 through 3047.7, relative to the M.J. Foster
Promise Program; to establish the program; to provide for program
awards including establishing eligibility requirements and award amount
limitations; to provide for funding and administration of the program; and
to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section 1. Chapter 20-G of Title 17 of the Louisiana Revised Statutes of 1950,
comprised of R.S. 17:3047 through 3047.7, is hereby enacted to read as follows:

CHAPTER 20-G. M.J. FOSTER PROMISE PROGRAM

§3047. M.J. Foster Promise Award; purpose; award amount; limitations
A. There is hereby created the M.J. Foster Promise Program to provide a financial assistance award to an eligible student who enrolls in a qualified program at a two-year public postsecondary education institution or proprietary school where the award recipient is enrolled in a qualified program.

B. The award shall be applicable only to the cost of tuition and required fees.

C. (1) Award amounts shall not exceed three thousand dollars per year for each award recipient enrolled full-time in a qualified program, or an amount proportional to the hours in which the award recipient is enrolled less than full-time.

(2) Total award payments for an award recipient shall not exceed six thousand dollars.

D. The award shall provide an amount proportional to the hours in which the award recipient is enrolled less than full-time.

E. (1) A student who is eligible for the award pursuant to this Paragraph, and who also qualifies for any other federal, state, or institutional financial aid or award, may use the award only after all other financial aid and awards are applied and only after satisfying all other financial aid award requirements, including the requirement to maintain satisfactory academic progress.

(2) Withholding the provisions of Paragraph (1) of this Subsection to the contrary, an eligible student who initially qualifies for an award pursuant to this Chapter and a Taylor Opportunity Program for Students award as provided pursuant to 42 U.S.C. § 12071, shall receive the highest award available and shall comply with the requirements of the award received.

§3047.1. Advisory council; membership; responsibilities

A. The Board of Regents shall establish an advisory council to identify programs in which an eligible student may enroll to receive an award pursuant to this Subpart, the identified programs to be known as "qualified programs".

B. The advisory council shall be comprised of the following members or their designees:

(1) The chancellor of Louisiana State University at Eunice.

(2) The chancellor of Southern University at Shreveport.

(3) The president of the Louisiana Community and Technical College System.

(4) The commissioner of higher education.

(5) The state superintendent of education.

(6) The secretary of the Louisiana Department of Economic Development.

(7) The executive director of the Louisiana Workforce Investment Commission.

(8) The chairman of the Louisiana Workforce Investment Council.

(9) The secretary of the Louisiana Department of Revenue.

C. By January 1, 2022, and at least once every three years thereafter, the advisory council shall review the wage priorities of the state and each of its workforce regions and qualify designated programs.

D. The process for selecting qualified programs by the advisory council shall include:

(1) The identification of not more than five industry sectors that are predominated by high-demand, high-wage jobs that are aligned to workforce priorities of the state and each of its workforce regions and identify high-demand, high-wage jobs in each of the sectors.

(2) A review of the postsecondary education requirements of each job identified pursuant to Paragraph (1) of this Subsection as "qualifying postsecondary education requirements".

(3) A review of the postsecondary education program and or proprietary school, at the associate degree level or below, that offers credentials and degrees that are aligned to the identified jobs in each industry sector.

(4) The designation of "qualified programs" that are aligned to the identified jobs in the industry sectors considered pursuant to Paragraph (3) of this Subsection as "qualified programs".

(5) The review of the return on the state's investment in awards made to recipients who completed a qualified program.

F. The advisory council shall identify and assist in the establishment of mechanisms to support award recipients to complete a qualified program and gain employment in the associated high-demand, high-wage jobs. Such mechanisms shall include the provision of college academic and career counseling and employer partnerships for developing mentorship programs and work-based learning experiences.

§3047.2. Initial eligibility

A. To be eligible for the award, an applicant shall meet the following requirements:

(1) Be at least twenty-one years old.

(2) Have earned a high school diploma or its equivalent, or shall be enrolled in a qualified program and a program to earn a high school credential that is recognized by the state of Louisiana.

(3) Have a family income that does not exceed three hundred percent of the applicable federal poverty guideline as published in the Federal Register.

(4) Meet any admission requirements of the postsecondary education institution or an amount proportional to the hours in which the award recipient is enrolled less than full-time.

(5) Be at least twenty hours of community service or to participate for at least twenty hours in an apprenticeship, internship, or mentorship that is related to the qualified program.

(6) Have at least twenty-four hours of community service or to participate for at least twenty-four hours in an apprenticeship, internship, or mentorship that is related to the qualified program.

(7) Have applied for federal student aid, unless the applicant demonstrates an academic progress as defined by the administering agency toward completion of the requirements of the qualified program, unless an exception for cause is granted by the administering agency.

(8) Have a family income that does not exceed three hundred percent of the applicable federal poverty guideline as published in the Federal Register.

(9) Have applied for federal student aid, unless the applicant demonstrates an academic progress as defined by the administering agency toward completion of the requirements of the qualified program, unless an exception for cause is granted by the administering agency.

(10) Provide the administering agency permission to collect and verify information relative to the success of the program provided pursuant to this Chapter including information regarding the applicant's employment before and after receiving the award.

(11) Agree to reside and work full-time in Louisiana for at least one year after the completion of the last semester that an award is provided.

(12) Agree to annually update, during each year that an award is received, the administrator of the award program to the extent required by applicable law.

B. Proof of meeting each requirement shall be demonstrated and certified as required by the administering agency.

§3047.3. Maintaining eligibility

A. To maintain continued state payment of the award, once enrolled in a postsecondary education institution, an award recipient shall:

(1) Make steady academic progress as defined by the administering agency.

(2) Pay any remaining balance due for tuition and required fees.

(3) Complete all required courses for the award recipient.

(4) Have a family income that does not exceed three hundred percent of the applicable federal poverty guideline as published in the Federal Register.

(5) Have a family income that does not exceed three hundred percent of the applicable federal poverty guideline as published in the Federal Register.

(6) Meet any admission requirements of the postsecondary education institution or a program to earn a high school credential that is recognized by the state of Louisiana.

(7) Have received the Taylor Opportunity Program for Students award as provided pursuant to this Chapter.

(8) Have a family income that does not exceed three hundred percent of the applicable federal poverty guideline as published in the Federal Register.

(9) Have a family income that does not exceed three hundred percent of the applicable federal poverty guideline as published in the Federal Register.

(10) Provide the administering agency permission to collect and verify information relative to the success of the program provided pursuant to this Chapter including information regarding the applicant's employment before and after receiving the award.

(11) Agree to reside and work full-time in Louisiana for at least one year after the completion of the last semester that an award is provided.

(12) Agree to annually update, during each year that an award is received, the administering agency to the extent required by applicable law.

B. Proof of meeting each requirement shall be demonstrated and certified as required by the administering agency.

§3047.4. Application and award procedures

A. There is hereby created the M.J. Foster Promise Program to provide a financial assistance award to an eligible student who enrolls in a qualified program at a two-year public postsecondary education institution or proprietary school where the award recipient is enrolled in a qualified program.

B. The award shall be applicable only to the cost of tuition and required fees.

C. Total award payments for an award recipient shall not exceed six thousand dollars.

D. The award shall provide an amount proportional to the hours in which the award recipient is enrolled less than full-time.

E. (1) A student who is eligible for the award pursuant to this Subpart, and who also qualifies for any other federal, state, or institutional financial aid or award, may use the award only after all other financial aid and awards are applied and only after satisfying all other financial aid award requirements, including the requirement to maintain satisfactory academic progress.

(2) Withholding the provisions of Paragraph (1) of this Subpart to the contrary, an eligible student who initially qualifies for an award pursuant to this Subpart and a Taylor Opportunity Program for Students award as provided pursuant to 42 U.S.C. § 12071, shall receive the highest award available and shall comply with the requirements of the award received.

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in strike-through type are deletions from existing law; words underlined or underscored (House Bills) and underscored and boldfaced (Senate Bills) are additions.
accordance with the limitations as specified in this Chapter, for any remaining
time of eligibility by enrolling in another qualified program and continuing
to meet all other eligibility requirements provided pursuant to this Chapter and by rule of the administering agency.

C. If an award recipient previously received the award and enrolled in a program that is subsequently determined to no longer meet the criteria as a qualified program, the award recipient may continue to use the award to continue in the program as long as all other continuing eligibility requirements are met.

§3047.4. Funding
A. The administering agency may seek, accept, and expend funds from any source, including private business, industry, foundations, and other groups, as well as any available federal and state governmental funding.

B. If the available funding is not sufficient to fully fund all eligible award recipients, awards shall be provided to eligible students in the order that applications are received, with priority given to previous award recipients who have met all requirements for maintaining the award and who are continuing in a qualified program for which funds are available, and the public relative to the effectiveness of the award provided pursuant to this Chapter.

C. The administering agency shall enter into a memorandum of understanding with the Louisiana Department of Public Safety and Corrections to share information relative to a person’s criminal history in order to determine award eligibility. All data relative to the recidivism rates of scholarship recipients. Any information shared or furnished shall be held confidential by the administering agency, shall be reported in the aggregate only, and shall contain no personally identifiable information.

§3047.5. Administering agency
A. The program provided pursuant to this Chapter shall be administered by the Board of Regents through the office of student financial assistance.

B. The administering agency shall adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Chapter including the following:

1. A mechanism for informing residents of the availability of the award.

2. Financial and audit procedures, program audit procedures, and other matters related to the efficient operation of the program.

3. Applications, forms, timelines, deadlines, guidelines, policies, procedure, including timelines and deadlines for receipt by the administrative agency of any required information.

4. Notification to all appropriate public postsecondary education and proprietary school personnel of any changes in law or agency rules relative to the program no later than sixty days after such change.

§3047.6. Coordination with other agencies
A. The office of student financial assistance shall establish a working group composed of an appointee from each of the following:

(a) The Louisiana Department of Children and Family Services.

(b) The Louisiana Department of Health.

(c) The Louisiana Department of Education.

(d) The Louisiana Workforce Commission.

(e) The Louisiana Veterans Affairs.

(f) The Louisiana Association of Student Financial Aid Administrators.

(g) The Louisiana Association of Independent Colleges and Universities.

(h) The Louisiana Department of Public Safety and Corrections.

B. The working group shall meet at least annually upon the call of the executive director of the office of student financial assistance.

C. The working group shall identify federal and state programs, including child support enforcement, and other programs and initiatives that may provide additional support to award recipients to further their postsecondary education.

D. The working group shall compile a list of all identified aid and services, provide a copy to the Board of Regents, and post the listing on the website of the office of student financial assistance.

E. Notwithstanding R.S. 47:1508 or any other law to the contrary, the administrating agency shall enter into a memorandum of understanding with the Louisiana Department of Revenue and the Louisiana Workforce Commission to share information relative to a taxpayer’s reported income and employment information for purposes of generating data related to the success of award recipients in the workforce. Any information shared or furnished shall be held confidential by the administering agency, shall be reported in the aggregate only, and shall contain no personally identifiable information.

§3047.7. Reporting system; implementation; requirements; applicability; participation by eligible institutions
A. The administering agency shall develop and implement a uniform information reporting system for the purposes of policy analysis and program evaluation and for providing accurate data and statistics to the legislature, the governor, appropriate executive branches for which funds are available, and the public relative to the effectiveness of the award provided pursuant to this Chapter.

B. The reporting system shall include data on all award recipients.

C. Compliance with the requirements of the information reporting system shall be a condition for a postsecondary education institution to remain eligible to receive payments from the state on behalf of an award recipient. Compliance determinations shall be made annually by the administering agency.

D. The information reporting system shall include the following:

1. The mean length of time required for award recipients to complete a qualified program as compared to other completers of the program who did not receive the award.

2. Demographic information of award recipients, including age, race, gender, and household income.

3. Pre- and post-award employment information, including employment status, annual wages, and employer’s industry sector.

4. Recidivism rates of award recipients.

5. The administrative agency shall, with the cooperation and assistance of the state’s public two-year institutions of postsecondary education and proprietary schools, annually query each first-time award recipient to determine the extent receiving the award influenced the recipient’s decision to enroll in postsecondary education.

6. Throughout December first of each year, the administering agency shall submit a written report including all of the information required by this Section for the preceding academic year to the Senate Committee on Education and the House Committee on Education.

E. All information reported pursuant to this Section shall be reported in the aggregate only, contain no personally identifiable information.

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 23, 2021.

R. Kyle Ardoin
Secretary of State

ACT No. 458

SENATE BILL NO. 214
Prefiled Pursuant to Senate Concurrent Resolution 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To amend and reenact R.S. 17:183.2(B)(1), (C), and (D), 183.3(C), and 2925(A) and (B), and to enact R.S. 17:2926(C), relative to individual graduation plans and curriculum options to provide for a student's parent or legal guardian be provided certain information and approve the student's plan; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:183.2(B)(1), (C), and (D), 183.3(C), and 2925(A) and (B) are hereby amended and reenacted, and R.S. 17:2926(C) is hereby enacted to read as follows:

183.2. Career option description

(C) A true copy:

R. Kyle Ardoin
Secretary of State
A. (1) By the end of the eighth grade, every student, with the assistance of his parent or other legal custodian guardian and school counselor, shall list the required core courses to be taken through the tenth grade and shall identify the courses to be taken in the first year of high school. Students who fail to meet the standard for promotion to the ninth grade, pursuant to policies adopted by the State Board of Education and Secondary Education, shall have any necessary remedial courses included in their Individual Graduation Plan. The plan shall be reviewed annually and updated as necessary; students shall have the core courses to be taken each year until all required core courses are completed.

(2) By the end of the eighth grade, each student's Individual Graduation Plan or the student's Individualized Education Program, if applicable, shall outline high school graduation requirements relevant to the student's chosen postsecondary goals. Each student, with the assistance of his parent or other legal custodian guardian and school counselor, shall choose the high school curriculum framework and related graduation requirements that best meet his postsecondary goals. Each student's Individual Graduation Plan or the student's Individualized Education Program, if applicable, shall include the recommended sequence of courses for successful completion of a standard diploma and shall be reviewed annually and updated as necessary.

(3) By the end of the ninth grade, each student's Individual Graduation Plan, based on the student's academic record, talents, and interests, shall outline high school graduation requirements relevant to the student's chosen postsecondary goals. Each student, with the assistance of his parent or other legal custodian guardian and school counselor, shall choose the high school curriculum framework and related graduation requirements that best meet his postsecondary goals. Each student's Individual Graduation Plan or the student's Individualized Education Program, if applicable, shall include the recommended sequence of courses for successful completion of a standard diploma and shall be reviewed annually and updated as necessary.

(4) The Individual Graduation Plan shall be sufficiently flexible to allow the student, with the written approval of a parent or legal guardian, to change his program of study, yet be sufficiently structured to ensure that the student will meet the high school graduation requirements for his chosen major or the requirements of the student's Individualized Education Program, if applicable, and be qualified for admission to a postsecondary education institution or to enter the workforce.

(5) Each student's Individual Graduation Plan shall be reviewed annually and revised as necessary to identify the courses to be taken each year until all required core courses are completed.

(6) Upon completion of the review, the plan shall be signed by the student, his parent or other legal custodian guardian, and the school counselor.

(7) Prior to revising a student's individual graduation plan, the school counselor shall meet with the student's parent or legal guardian either in person or by telephone to explain the role of the Plan in the student's academic progress, to explain the student's graduation requirements and postsecondary education goals, and to explain to the student's parent or legal guardian how the Plan will be used to meet the student's academic needs. Any revisions to a student's plan shall be approved in writing by the student's parent or legal guardian.

B. To provide a foundation for the development of the Individual Graduation Plan, schools shall provide career education.

(1) Provide career awareness and exploration activities to all students in grades six through eight that create linkages between what a student does in school and what he wants to achieve in life. Such activities shall include career awareness and exploration activities such as career inventories, field trips, mentorship, introduction to the workplace, and career decision making process and may include job shadowing, job mentoring, and job internships.

(2) Hold an informational meeting for the parents and legal guardians of students enrolled in eighth through twelfth grade to provide information regarding graduation requirements and curriculum choices. The meeting shall be held in conjunction with the scheduling of courses for the next academic year. Notice of the meeting shall be made through available means of communication, including the school's automatic call system.

$2926. Student guidance and counseling; training and professional development

C. The state Department of Education shall develop materials regarding high school curriculum frameworks, graduation requirements, and relevant postsecondary education and career opportunities. The materials shall be provided to each school for use in the annual meeting with parents and legal guardians required by R.S. 17:2055.
useful physical or chemical properties after serving a specific purpose or are reused or recycled for the same or other purposes, including uses as an energy source. The term "recovered feedstock" shall not include feedstocks that were post-use polymers or recovered feedstocks through advanced recycling.

(4) "Resource recovery and management facility" means any solid waste disposal area or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste, excluding any "pyrolysis, gasification, or disposal facility" as defined in R.S. 30:2173. The term "resource recovery and management facility" shall not include a facility that stores post-use polymers or recovered feedstocks or converts post-use polymers or recovered feedstocks through advanced recycling.

(5) "Solid waste disposal facility" means any land area or structure or combination of land areas and structures, used for storing, salvaging, processing, reducing, incinerating, or disposing of solid wastes, excluding any "processing, treatment, or disposal facility" as defined in R.S. 30:2173 and any facilities used for the handling, storage, or transportation of solid waste from collection vehicles to other vehicles for transport without processing. The term "solid waste disposal facility" shall not include a facility that stores post-use polymers or recovered feedstocks or converts post-use polymers or recovered feedstocks through advanced recycling.

(6) "Advanced recycling" means a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic hydrocarbon raw materials, feedstocks, chemicals, and other products like waxes and lubricants through processes that include pyrolysis, gasification, depolymerization, catalytic cracking, reforming, hydrogenation, solvolysis, and other similar technologies. The recycled products produced at advanced recycling facilities include but are not limited to monomers, oligomers, plastics, plastic and chemical feedstocks, basic and unfinished chemicals, crude oil, naphtha, waxes, lubricants, coatings, and diesel and gasoline blendstocks. The recycling process includes the conversion of post-use polymers into fuel shall not be considered recycling as defined in R.S. 30:2412(24). Advanced recycling shall not be considered solid waste disposal, processing, incineration, combustion, or storage.

(7) "Resource recovery" means the capture and recovery of valuable raw materials, including monomers, intermediates, and valuable raw materials. The process includes the conversion of post-use polymers into fuel shall not be considered recycling as defined in R.S. 30:2412(24). Advanced recycling shall not be considered solid waste disposal, processing, incineration, combustion, or storage.

(8) "Gasification" means a manufacturing process through which recovered feedstocks are heated and converted into a fuel and gas mixture in an oxygen-deficient atmosphere and the mixture is converted into raw, intermediate, and final products, including but not limited to plastic monomers, chemicals, waxes, lubricants, chemical feedstocks, crude oil, diesel, gasoline, and diesel and gasoline blendstocks, home heating oil and other fuels, including ethanol and transportation fuel, that are returned to economic utility in the form of raw materials, products, or fuels.

(9) "Post-use polymer" means a plastic to which all of the following apply:
(a) The plastic is derived from any industrial, commercial, agricultural, or domestic activities.
(b) The plastic is not mixed with solid waste or hazardous waste onsite or during processing at the advanced recycling facility.
(c) The plastics' use or intended use is as a feedstock for the manufacturing of crude oil, fuels, feedstocks, blendstocks, raw materials, or other intermediate products or final products using advanced recycling.
(d) The plastic has been sorted from solid waste or other regulated waste but may contain residual amounts of organic material or incidental contaminants such as organic material or incidental contaminants or impurities such as paper labels or metal rings.
(e) The plastic is processed at an advanced recycling facility or held at such facility prior to processing.

(10) "Pyrolysis" means a manufacturing process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed and are then cooled, condensed, and converted into valuable raw, intermediate, and final products, including but not limited to monomers, chemical feedstocks, plastic and chemical feedstocks, basic and unfinished chemicals, crude oil, naphtha, waxes, lubricants, coatings, and diesel and gasoline blendstocks. The recycled products produced at advanced recycling facilities include but are not limited to monomers, oligomers, plastics, plastic and chemical feedstocks, basic and unfinished chemicals, crude oil, naphtha, waxes, lubricants, coatings, and diesel and gasoline blendstocks. The recycling process includes the conversion of post-use polymers into fuel shall not be considered recycling as defined in R.S. 30:2412(24). Advanced recycling shall not be considered solid waste disposal, processing, incineration, combustion, or storage.

(11) "Recovered feedstock" means one or more of the following materials that have been processed so that it may be used as feedstock in an advanced recycling facility:
(a) Post-use polymers.
(b) Materials for which the United States Environmental Protection Agency or any department has made a non-waste determination pursuant to 40 CFR 241.3(c), or has otherwise determined are feedstocks and not solid waste.
(b) The term "recovered feedstock" shall not include the following:
(a) Unprocessed municipal waste.
(b) Contaminated recycled paper that is segregated from solid waste.
(c) Contaminated recycled paper that is collected as part of a collection system that commingles the paper with other solid waste at any point from the time of collection through the materials recovery.
(d) Material that is mixed with solid waste or hazardous waste onsite or during processing at an advanced recycling facility.

(12) "Pyrolysis" means a manufacturing process through which post-use polymers or recovered feedstocks are reacted with the aid of solvents while heated at low temperatures or pressurized to make useful products, while allowing additives and contaminants to be separated. The products of solvolysis include but are not limited to pyrolyzed, gasified, or solvolyzed monomers, intermediates, and valuable raw materials. The process includes but is not limited to hydrolysis, aminolysis, ammonolysis, methanolysis, ethanolysis, and glycolysis.

§2154. Powers; duties; restrictions; prohibitions; penalties
B. The secretary is hereby directed:
(1) * * *
(b) However, such rules and regulations shall not include any of the following:
* * * 
(iii) Advanced recycling or facilities that store post-use polymers or recovered feedstocks or that convert post-use polymers and recovered feedstocks through advanced recycling.

§2155. Post-use polymers; management; use
A. Post-use polymers, as defined in this Chapter, shall be managed as follows:
(1) The storage of the post-use polymers prior to use shall not exceed reasonable time frames.
(2) Where there is an analogous ingredient, the post-use polymers shall be managed in a manner consistent with the analogous ingredient or otherwise be adequately contained to prevent releases to the environment.
(3) If there is no analogous ingredient, the post-use polymers shall be adequately contained to prevent releases to the environment.

B. The post-use polymers shall provide a useful contribution to the production or manufacturing process or be used to produce a valuable product or intermediate. A contribution is useful if it contributes a valuable ingredient to the product or intermediate or is an effective substitute for a commercial product or intermediate.

(1) Post-use polymers are sold to a third party.
(2) Post-use polymers are used as an effective substitute for a commercial product or as an ingredient or intermediate in an industrial process.

C. The use of post-use polymers shall result in products that contain contaminants at levels that are comparable in concentration to or lower than those found in traditional products that are manufactured with post-use polymers.

Approved by the Governor, June 24, 2021.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 461

SENATE BILL NO. 149
BY SENATOR HARRIS AND REPRESENTATIVE WILFORD CARTER

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

AN ACT

To provide for a special statewide election on the second Saturday in October of 2021 for the sole purpose of submitting to the voters of the state: to provide for the conduct of such election; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section 1. A special statewide election shall be held on the second Saturday in October of 2021 for the sole purpose of submitting to the voters of the state any proposed constitutional amendment as proposed by Joint Resolutions of the legislature enacted during any regular session of the legislature in 2021.

Section 2. The election for which provision is made in this Act shall be held in accordance with and subject to the applicable provisions of the election laws of the state.

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 the governor's signature, and to the extent necessary to carry out the purposes hereof, to be in effect for one year after such expiration, and to be in effect until such time as and modified by such time as such amendments may be enacted by the legislature during the 2021 Regular Session of the Louisiana Legislature that specify the special statewide election provided in this Act as the statewide election at which the proposed constitutional amendment shall be submitted to the voters.

Approved by the Governor, June 28, 2021.
A true copy:
R. Kyle Ardoin
Secretary of State
To amend and reenact R.S. 14:107.4(B), relative to the crime of unlawful posting of criminal activity for notoriety and publicity; to provide enhanced penalties when the criminal activity results in serious bodily injury or death; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:107.4(B) is hereby amended and reenacted to read as follows:

§107.4. Unlawful posting of criminal activity for notoriety and publicity 

A. Any person who is a birth mother, or who holds herself out to be a birth mother, who is interested in making an adoption plan and who knowingly or intentionally benefits from payment of adoption-related expenses in connection with that adoption plan commits adoption deception if any of the following:

(1) The person knows or should have known that she is not pregnant at the time the payments were requested or received.

(2) The person accepts living expenses assistance from a prospective adoptive parent or adoption entity without disclosing that she is receiving living expenses assistance from another prospective adoptive parent or adoption entity at the same time in an effort to adopt the same child.

B. Any person who commits the crime of adoption deception shall be punished as follows:

(1) If the amount received by the person is one thousand dollars or less, the person shall either be fined up to five hundred dollars, imprisoned for not more than sixty days, or both.

(2) If the amount received by the person exceeds one thousand dollars, the person shall either be fined up to five thousand dollars, imprisoned with or without hard labor for not more than five years, or both.

Approved by the Governor, June 28, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 463

To amend and reenact R.S. 40:1379.3(D)(2) and to enact R.S. 40:1379.3(D)(1)(j), relative to concealed handgun permits; to provide relative to the required safety and training for applicants; to provide relative to the certification of instructors of the required safety and training courses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1379.3(D)(2) is hereby amended and reenacted and R.S. 40:1379.3(D)(1)(j) is hereby enacted to read as follows:

§1379.3. Statewide permits for concealed handguns; application procedures; definitions

D. In addition to the requirements of Subsection C of this Section, an applicant shall demonstrate competence with a handgun by any one of the following:

(i) Completion of any United States Concealed Carry Association handgun safety or training course conducted by a United States Concealed Carry Association certified instructor within the preceding twelve months.

(ii) Instructors for any class, training, or course of instruction authorized by this Subsection, except for small arms training in military service as provided in Subparagraph (1)g) of this Subsection, shall be certified by the Council on Peace Officer Standards and Training as a firearms instructor or by the National Rifle Association as an instructor for Basic Pistol Shooting, Personal Protection in the Home, Carrying a Concealed Weapon, or Personal Protection Outside the Home.

(iii) The National Rifle Association Law Enforcement Division as an instructor for courses involving the teaching of handguns.

(iv) The United States Concealed Carry Association as an instructor for Home Defense and Concealed Carry Fundamentals or Defensive Shooting Fundamentals.

(v) The Federal Law Enforcement Training Center's Firearms Instructor Training Program or other federal agency firearms instructor course consisting of at least forty hours of instruction.

(vi) Other instructor certification programs approved by the Department of Public Safety and Corrections.

B. Any safety or training course or class as described in this Subsection, except for basic handgun training or military service provided in Subparagraph (1)g) of this Subsection, shall include instruction in child access prevention, a demonstration by the applicant of shooting proficiency, and safe handling of a handgun.

Approved by the Governor, June 29, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 464

To enact R.S. 14:67.5, relative to misappropriation without violence; to create the crime of adoption deception; to provide for elements of the offense; to provide for criminal penalties; to provide for restitution; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:67.5 is hereby enacted to read as follows:

§67.5. Adoption deception

A. Any person who is a birth mother, or who holds herself out to be a birth mother, who is interested in making an adoption plan and who knowingly or intentionally benefits from payment of adoption-related expenses in connection with that adoption plan commits adoption deception if any of the following:

(1) The person knows or should have known that she is not pregnant at the time the payments were requested or received.

(2) The person accepts living expenses assistance from a prospective adoptive parent or adoption entity without disclosing that she is receiving living expenses assistance from another prospective adoptive parent or adoption entity at the same time in an effort to adopt the same child.

B. Any person who commits the crime of adoption deception shall be punished as follows:

(1) If the amount received by the person is one thousand dollars or less, the person shall either be fined up to five hundred dollars, imprisoned for not more than sixty days, or both.

(2) If the amount received by the person exceeds one thousand dollars, the person shall either be fined up to five thousand dollars, imprisoned with or without hard labor for not more than five years, or both.

Approved by the Governor, June 29, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 465

To amend and reenact R.S. 14:95(A)(1), (2), and (3), relative to the illegal carrying of weapons; to provide relative to the prohibition on the concealed carrying of any firearm or other instrumentality customarily used or intended for use as a dangerous weapon; to provide an exception to the offense for a concealed handgun permit holder; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95(A)(1), (2), and (3) are hereby amended and reenacted to read as follows:

§95. Illegal carrying of weapons

A. Illegal carrying of weapons is any of the following:

(1) The intentional concealment of any firearm, or other instrumentality customarily used or intended for probable use as a dangerous weapon, on one's person.

(b) The provisions of this Paragraph shall not apply to a person with a valid concealed handgun permit issued pursuant to R.S. 40:1379.1.1, 1379.3, or 1379.3.2 from carrying a concealed firearm or other instrumentality customarily used or intended for probable use as a dangerous weapon on his person unless otherwise prohibited by this Section.

(2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

(3) The ownership, possession, custody or use of any tools, or dynamite, or nitroglycerine, or explosives, or other instrumentality customarily used by thieves or burglars at any time by any person with the intent to commit a crime.

Approved by the Governor, June 29, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 466

To enact R.S. 14:67.5, relative to misappropriation without violence; to create the crime of adoption deception; to provide for elements of the offense; to provide for criminal penalties; to provide for restitution; and to provide for related matters.