

ACTS OF 2020
2nd EXTRAORDINARY
SESSION OF THE
LEGISLATURE

Act 1 - 60

ACT No. 1

SENATE BILL NO. 14

BY SENATORS JOHNS, MCMATH, REESE, SMITH AND WARD
AN ACT

To amend and reenact R.S. 47:6016.1(B)(4), (6), (7), (8), (9), (10), and (11) and to enact R.S. 47:6016.1(B)(12), relative to the Louisiana New Markets Jobs Act tax incentives; to add businesses impacted by Hurricane Laura to the eligible qualified active low-income community businesses; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6016.1(B)(4), (6), (7), (8), (9), (10), and (11) are hereby amended and reenacted and R.S. 47:6016.1(B)(12) is hereby enacted to read as follows:
§6016.1. Louisiana New Markets Jobs Act; premium tax credit

B. As used in this Section, the following words, terms, and phrases have the meaning ascribed to them unless a different meaning is clearly indicated by the context:

(4) "Impact business" means a qualified active low-income community business located in Louisiana that is either located in a rural parish or in the recovery zone or is more than fifty percent owned by women, minorities, or military veterans.

(6) "Recovery zone" means any parish for which the Federal Emergency Management Agency of the United States Department of Homeland Security has made a determination that the parish is eligible for both individual and public assistance under the declaration of major disaster for the state of Louisiana Docket Number FEMA-4559-DR.

(7) "Rural parish" means a parish with a population less than one hundred thousand as of the July 1, 2019, census estimate by the United States Census Bureau.

(8) "Qualified active low-income community business" has the meaning given such term in Section 45D of the Internal Revenue Code of 1986, as amended, and 26 CFR 1.45D-1.

(a) With respect to qualified equity investments issued on or after August 1, 2020, a qualified active low-income community business shall also be engaged in an industry assigned a primary North American Industry Classification System code within sector 11, 21, 23, 31, 32, 33, 42, 48, 49, 54, 56, 62, 72, or 81 and have total employees that do not exceed the greater of two hundred fifty and the number of employees set forth for the business's North American Industry Classification System code sector in 13 CFR 121.201.

(b) With respect to qualified equity investments issued on or after August 1, 2020, a business that otherwise satisfies this definition but for being located in a low-income community, as defined in Section 45D of the Internal Revenue Code of 1986, as amended and 26 CFR 1.45D-1, shall satisfy this definition if the business is located in the recovery zone.

(9) "Qualified community development entity" has the meaning given such term in Section 45D of the Internal Revenue Code of 1986, as amended; provided that such entity has entered into, for the current year or any prior year, an allocation agreement with the Community Development Financial Institutions Fund of the U.S. Department of Treasury with respect to credits authorized by Section 45D of the Internal Revenue Code of 1986, as amended, which includes the state of Louisiana within the service area set forth in such allocation agreement. The term shall include qualified community development entities that are controlled by or under common control with any such qualified community development entity. With respect to qualified equity investments issued on or after August 1, 2020, the term excludes any qualified community development entity that, together with its affiliates, has invested less than one hundred million dollars in Louisiana qualified active low-income community businesses or other Louisiana investments.

(10) "Qualified equity investment" means any equity investment in a qualified community development entity that meets each of the following criteria:

(a) Is acquired after August 1, 2013, at its original issuance solely in exchange for cash or, if not so acquired, was a qualified equity investment in the hands of a prior holder.

(b) Has at least one hundred percent of its cash purchase price used by the issuer to make qualified low-income community investments in qualified active low-income community businesses located in this state by the first anniversary of the initial credit allowance date with respect to qualified equity investments issued prior to August 1, 2020, and within nine months of the initial credit allowance date with respect to qualified equity investments issued on or after August 1, 2020.

(c) Is designated by the issuer as a qualified equity investment under this Paragraph and is certified by the department as not exceeding the limitation contained in Paragraph (E)(5) of this Section.

(11) "Qualified low-income community investment" means any capital or equity investment in, or loan to, any qualified active low-income community business. With respect to any one qualified active low-income community business, the maximum amount of qualified low-income community investments made in that business, on a collective basis with all of its affiliates that may be counted towards satisfaction of Subparagraph (9)(b) Subparagraph (10)(b) of this Subsection is ten million dollars for qualified equity investments issued prior to August 1, 2020, and five million dollars for qualified equity investments issued on or after August 1, 2020, whether issued by one or several qualified community development entities. Any amounts returned or repaid by such qualified active low-income community business to a qualified community development entity may be reinvested in such qualified active low-income community business by such qualified community development entity and not be counted against the ten million dollar limit provided for in this Paragraph.

(12) "State premium tax liability" means any liability incurred by any entity under the provisions of R.S. 22:831, 836, 838, and 842 except for liability incurred under R.S. 22:842(C).

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, October 16, 2020.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 2

SENATE BILL NO. 17
BY SENATOR HEWITT
AN ACT

To amend and reenact R.S. 37:682(4) through (15), 683(A), (B)(1), (2), and (3), and (C), 684, 686, 693(A) and (B), 695, 698(C), 700(C), and to enact R.S. 37:682(16), relative to the Louisiana Professional Engineering and Land Surveying Board; to provide for board membership and qualifications of members; to provide for licensure requirements of professional engineers; to provide for examinations; to remove provisions relative to professional naval architects and marine engineers; to provide for disciplinary and enforcement actions by the board; to provide for terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:682(4) through (15), 683(A), (B)(1), (2), and (3), and (C), 684, 686, 693(A) and (B), 695, 698(C), 700(C) are amended and reenacted and R.S. 37:682(16) is hereby enacted to read as follows:

§682. Definitions

The following words and phrases when used in this Chapter shall have the following meaning, unless the context clearly requires otherwise:

(4) "Dual licensee" shall mean any person practicing or seeking to practice both engineering and land surveying in the state of Louisiana who has received both licenses from the board and is otherwise in good standing with the board. This term is often used synonymously with the term "dual registrant".

(5) "Engineer" or "professional engineer" shall mean an individual who, by reason of his special knowledge and ability to apply the mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design, acquired by an engineering education and engineering experience, is qualified to practice engineering, as evidenced by his licensure as such by the board.

(6) "Engineer intern" shall mean an individual who has complied with the requirements for education, experience, and character and has passed an examination in the fundamental engineering subjects, as provided in this Chapter, and has been issued a certificate by the board.

(7) "Firm" shall mean any domestic or foreign firm, partnership, association, cooperative, venture, corporation, limited liability company, limited liability partnership, or any other entity.

(8) "Land surveyor" or "professional land surveyor" shall mean an individual who is qualified to practice land surveying, as evidenced by his

licensure as such by the board.

~~(8)(9)~~ “Land surveyor intern” shall mean an individual who has complied with the requirements for education, experience, and character and has passed an examination in the fundamental surveying subjects, as provided in this Chapter, and has been issued a certificate by the board.

~~(9)(10)~~ “Licensee” shall mean any person practicing or seeking to practice engineering or land surveying in the state of Louisiana that has received a license from the board and is otherwise in good standing with the board. The term is often used synonymously with the term “registrant”.

~~(10)(11)~~ “Licensed” or “licensure” shall mean the recognition granted by the board and its issuance of a license to any person to practice engineering or land surveying in the state of Louisiana. These terms are often used synonymously with the terms “registered” or “registration”.

~~(11)(12)~~ “Person” shall mean any individual or firm.

~~(12)(13)~~(a) “Practice of engineering” shall mean responsible professional service which may include consultation, investigation, evaluation, planning, designing, or inspection of construction in connection with any public or private utilities, structures, machines, equipment, processes, works, or projects wherein the public welfare or the safeguarding of life, health, and property is concerned or involved, when such professional service requires the application of engineering principles and the interpretation of engineering data.

(b) A person shall be construed to practice or offer to practice engineering: who practices in any discipline of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer; or who represents himself as able to perform; or who does perform any engineering service or work or any other professional service designated by the practitioner or recognized by educational authorities as engineering. The practice of engineering shall not include the work ordinarily performed by a person who himself operates or maintains machinery or equipment.

~~(13)(14)~~(a) “Practice of land surveying” shall include the measuring of areas, land surfaces, streams, bodies of water, and swamps for correct determination and description, for the establishment, reestablishment, ascertainment, or description of land boundaries, corners, divisions, distances, and directions, the plotting and monumenting of lands and subdivisions thereof, and mapping and topographical work.

(b) A person shall be construed to practice or offer to practice land surveying ~~who~~ **when that person** engages in land surveying and ~~who~~ by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a land surveyor, or ~~who~~ represents himself as able to perform or ~~who~~ does perform any land surveying service or work, or any other service designated by the practitioner which is recognized as land surveying.

~~(14)(15)~~ “Responsible charge” shall mean the direct control and personal supervision of engineering or land surveying service or work, as the case may be.

~~(15)(16)~~ “Responsible professional services” shall mean the technical responsibility, control, and direction of the investigation, design, or construction of engineering service or work requiring initiative, engineering ability, and its use of independent judgment.

§683. Board; appointments; terms

A.(1) The Louisiana Professional Engineering and Land Surveying Board is hereby created, whose duty it shall be to administer the provisions of this Chapter. The board shall consist of eleven members, nine of whom shall be ~~licensed~~ professional engineers; and two of whom shall be ~~licensed~~ professional land surveyors.

(2) At least two members of the board shall be ~~licensed~~ professional engineers who are ~~active~~ **engaged** in the private practice of engineering. For the purposes of this Section, ~~an a professional~~ **an a professional** engineer engaged in ~~the private practice of engineering~~ **of engineering** is a person legally qualified in the profession of engineering who practices engineering as a principal business and who provides analytical, creative design, and design implementation capabilities devoid of judgment biasing commercial or product affiliations to clients on a fee basis. At least two of the members of the board shall be ~~licensed~~ professional engineers in government employment, at least two of the members of the board shall be ~~licensed~~ professional engineers employed in the field of industry, at least two of the members **of the board** shall be ~~licensed~~ professional engineers employed in the field of education, and **at least** one member **of the board** shall be a ~~licensed~~ professional engineer employed in the field of construction. ~~Two~~ **At least two** members of the board shall be ~~licensed~~ professional land surveyors who are actively engaged in the field of **land** surveying.

B.(1) The governor shall appoint members to the board from among ~~licensed~~ professional ~~engineering~~ **engineer** nominees recommended by the Louisiana Engineering Society or its duly recognized successor; and from ~~among~~ ~~licensed~~ professional land surveyor nominees recommended by the Louisiana Society of Professional Surveyors or its duly recognized successor. All such nominees shall have the qualifications required by R.S. 37:684.

(2) At least ~~five~~ **three** nominations shall be made for each appointment required, ~~which~~ **and each** appointment shall be made by the governor in the same manner as the predecessor appointees were selected.

~~(3)(a)~~ All appointments to the board shall be for terms of not less than five nor more than six years. All appointments shall be for such periods of time as to ensure that the terms of not more than two board members end per year, and shall expire on March thirty-first of the expiration year, regardless of the date on which the successor was appointed and qualified. ~~Notwithstanding~~

~~any provision of this Paragraph to the contrary, the terms of any board members appointed before March 31, 2006, shall expire on March thirty-first of the calendar year following their original expiration year.~~

~~(b) Notwithstanding any provision of this Paragraph to the contrary, the term of the licensed professional land surveyor scheduled to expire on March 31, 2010, shall be extended to March 31, 2012. The term scheduled to expire on March 31, 2012, of the licensed professional engineer in government employment shall be extended to March 31, 2015. The provisions of this Subparagraph shall expire on April 1, 2015.~~

\* \* \*

C. Each member of the board shall receive a certificate of appointment from the governor, and before beginning his term of office, shall file with the secretary of state his written oath or affirmation for faithful discharge of his official duty. Each member shall serve until his successor has been appointed and qualified. It shall be the duty of the president of the Louisiana Engineering Society, in the case of ~~licensed~~ **the** professional engineers ~~engineer nominees~~, or the president of the Louisiana Society of Professional Surveyors, in the case of the ~~licensed~~ professional land surveyors ~~surveyor nominees~~, duly authorized and acting on behalf of ~~the their~~ **their** respective ~~society~~ **societies** to make the nominations described above within sixty days after receipt of notice of the death, resignation, or removal of a member of the board, and at least thirty days prior to the expiration of the term of a member of the board.

\* \* \*

§684. Qualification of board members

Each member of the board shall be a citizen of the United States and a resident of this state, ~~and shall have been engaged in the practice or teaching of engineering or, in the case of the professional land surveyor members, the practice or teaching of land surveying, as the case may be,~~ for at least twelve years, and shall have been in responsible charge of important engineering or land surveying work, as the case may be, for at least five years. ~~Responsible~~ **For the purposes of this Section, responsible** charge of engineering or land surveying teaching may be construed as responsible charge of important engineering or land surveying work.

\* \* \*

§686. Removal of members for cause

**A.** The governor may remove any member of the board for misconduct, incompetency, or neglect of duty. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor, as provided in R.S. 37:683. Before the governor can remove a member for cause, he must serve the member with a written statement of charges against him and afford him an opportunity to be heard publicly on such charges. If the member thus served does not request a public hearing within ten days after service, the governor may proceed with his removal. If the member does request such a public hearing, it shall be heard by a special committee composed of three persons; ~~namely: an as follows:~~

**(1)(a) If the member requesting the hearing is a professional engineer, a professional engineer appointed by the president of the Louisiana Engineering Society shall serve on the committee and shall be the chairman.**

**(b) or, in the case of land surveyor members, If the member requesting the hearing is a professional land surveyor, a professional land surveyor appointed by the president of the Louisiana Society of Professional Land Surveyors, shall serve on the committee and shall be the to serve as chairman;**

**(2) and two Two** deans from Louisiana colleges of engineering that have Accreditation Board for Engineering and Technology, **Inc.,** approved curricula to be chosen by the board.

**B.** The recommendation of this committee shall be binding upon the governor. A copy of the charges, a transcript of the record of the hearing, and a copy of the recommendation shall be filed with the secretary of state.

\* \* \*

§693. Requirements for licensure as a professional engineer or professional land surveyor, and ~~for~~ certification as an engineer intern or land surveyor intern

A.(1) The board shall license or certify, as the case may be, each applicant as an engineer intern, a land surveyor intern, a professional engineer, or a professional land surveyor, as specified herein, as requested by the applicant when, in the opinion of the board, the applicant has met the requirements of this Chapter and is proficient and qualified to practice as such.

(2) Professional engineers ~~will~~ **shall** be issued licenses by the board as a professional engineer. The board shall list a professional engineer in one or more of the disciplines of engineering approved by the National Council of Examiners for Engineering and Surveying to signify the area in which the **professional** engineer has demonstrated competence pursuant to education, experience, and examination. The professional engineer may use a **stamp seal** that designates the discipline of engineering in which the board has listed the **professional** engineer or a **stamp seal** that identifies the licensee as a professional engineer.

B. The minimum requirements for licensure or certification by the board shall be as follows:

(1) An engineer intern shall be ~~either~~ **any of the following**:

(a) A graduate of an accredited engineering curriculum of four years or more approved by the board as being of satisfactory standing, who is of good character and reputation, who has passed the ~~written or electronic~~ examinations required by the board, and who has satisfied the requirements of R.S. 37:694.

(b) A graduate of a nonaccredited engineering or related science or

technology curriculum of four years or more, approved by the board as being of satisfactory standing, who has obtained a graduate degree from a university having an accredited undergraduate engineering curriculum in the same discipline or sub-discipline, approved by the board as being of satisfactory standing, who is of good character and reputation, who has passed the written or electronic examinations required by the board, and who has satisfied the requirements of R.S. 37:694.

(c) A graduate of a nonaccredited engineering curriculum of four years or more approved by the board as being of satisfactory standing, who has met the requirements for progressive engineering experience in work acceptable to the board, who is of good character and reputation, who has passed the written or electronic examinations required by the board, and who has satisfied the requirements of R.S. 37:694.

(2) A professional engineer shall be either any of the following:

(a) An engineer intern, or an individual who meets the qualifications to be an engineer intern, who has met the requirements for progressive engineering experience in work acceptable to the board, who is of good character and reputation, who has passed the written or electronic examinations required by the board, and who has satisfied the requirements of R.S. 37:694.

(b) An individual who holds a valid license to engage in the practice of engineering issued to him by proper authority of a state, territory, or possession of the United States, or the District of Columbia, based on requirements that do not conflict with the provisions of this Chapter and which were of a standard not lower than that specified in the applicable licensure laws in effect in Louisiana at the time such license was issued, who is of good character and reputation, and who has satisfied the requirements of R.S. 37:694, and if the state, territory, or possession, or the District of Columbia, in which he is licensed will accept the license issued by the board on a reciprocal basis.

(c) A graduate of an accredited engineering curriculum of four years or more approved by the board as being of satisfactory standing, who has twenty years or more of progressive engineering experience in work acceptable to the board, who is of good character and reputation, who has passed the examinations required by the board, and who has satisfied the requirements of R.S. 37:694.

(3) A land surveyor intern shall be either:

(a) A graduate holding a baccalaureate degree from a curriculum of four years or more who has completed at least thirty semester credit hours, or the equivalent approved by the board, in courses involving land surveying, mapping, and real property approved by the board, who is of good character and reputation, who has passed the oral and written examinations required by the board, and who has satisfied the requirements of R.S. 37:694.

(b) An individual certified by the board as a land surveyor in training or a land surveyor intern on or before January 1, 1995.

(4) A professional land surveyor shall be either:

(a) A land surveyor intern or an individual who meets the qualifications of a land surveyor intern who has had at least four years or more combined office and field experience in land surveying, including two years or more of progressive experience on land surveying projects under the supervision of a professional land surveyor, who is of good character and reputation, who has passed the oral and written examinations required by the board, and who has satisfied the requirements of R.S. 37:694.

(b) An individual who holds a valid license to engage in the practice of land surveying issued to him by the proper authority of a state, territory, or possession of the United States, or the District of Columbia, based on requirements that do not conflict with the provisions of this Chapter and which were of a standard not lower than that specified in the applicable licensure laws in effect in Louisiana at the time such license was issued, who has passed ~~a written~~ an examination on the laws, procedures, and practices pertaining to land surveying in Louisiana, who is of good character and reputation, and who has satisfied the requirements of R.S. 37:694, and if the state, territory, or possession, or the District of Columbia, in which he is licensed will accept the licenses issued by the board on a reciprocal basis.

~~(5) A professional naval architect or marine engineer shall be either:~~

~~(a) An individual who holds a bachelor of science degree in naval architecture and marine engineering, or an equivalent board approved curriculum, from an accredited engineering curriculum of four years or more approved by the board as being of satisfactory standing, who is of good character and reputation, who has twenty or more years of progressive engineering experience in work acceptable to the board, and who has satisfied the requirements of R.S. 37:694. This Subparagraph shall become null, void, and of no further effect from and after December 31, 2015.~~

~~(b) An individual who holds a master of science degree in naval architecture and marine engineering, or an equivalent board approved curriculum, or two bachelor of science degrees in related engineering curricula, from an accredited engineering curriculum approved by the board as being of satisfactory standing, who is of good character and reputation, who has fifteen or more years of progressive engineering experience in work acceptable to the board, and who has satisfied the requirements of R.S. 37:694. This Subparagraph shall become null, void, and of no further effect from and after December 31, 2015.~~

~~(c) An individual who holds a doctor of philosophy degree in naval architecture and marine engineering, or an equivalent board approved curriculum, from an accredited engineering curriculum approved by the board as being of satisfactory standing, who is of good character and reputation, who has ten or more years of progressive engineering experience in work acceptable to the board, and who has satisfied the requirements of~~

~~R.S. 37:694. This Subparagraph shall become null, void, and of no further effect from and after December 31, 2015.~~

~~(d) An individual who has demonstrated long-standing experience in naval architecture, who is of good character and reputation, who has thirty or more years of progressive engineering experience in work acceptable to the board, and who has satisfied the requirements of R.S. 37:694. This Subparagraph shall become null, void, and of no further effect from and after December 31, 2015.~~

\* \* \*

§695. Examinations

A. When ~~oral or written~~ examinations are required, ~~they shall be at such time and place as the board shall determine~~ the board shall designate the time and place of the examinations. The board shall issue to each such examinee a letter notifying him that he has passed or failed the examination.

B. The scope and administration of the examinations shall be prescribed by the board.

C. The board may assess the administrative costs as well as the actual costs of the examination to the examinee.

D.(1) The board, by rule, may require an individual who has failed an examination required for licensure to appear before the board, or a committee of the board, for an oral interview.

(2) The board may adopt rules in accordance with the Administrative Procedure Act concerning the eligibility for licensure of an individual who has failed an examination required for such licensure seven or more times.

\* \* \*

§698. Disciplinary proceedings against licensees and certificate holders; procedure

\* \* \*

C. The board shall have the power to take disciplinary action against a firm if one or more of its officers, directors, managers, employees, agents, or representatives ~~is found by the board to be guilty of any of the acts or offenses listed in Subsection A of this Section~~ violate any provision of this Chapter.

\* \* \*

§700. Enforcement proceedings against other persons; procedure

\* \* \*

C. The board shall have the power to take enforcement action against a firm if one or more of its officers, directors, managers, employees, agents, or representatives ~~is found by the board to be guilty of any of the acts or offenses listed in Subsection A of this Section~~ violate any provision of this Chapter.

\* \* \*

Section 2. This Act shall become effective on January 1, 2021.

Approved by the Governor, October 16, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 3**  
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SENATE BILL NO. 33  
BY SENATORS FOIL, ABRAHAM, BARROW, BOUDREAUX, CARTER,  
CATHEY, CLOUD, CONNICK, CORTEZ, FESI, HARRIS, HEWITT,  
JACKSON, LUNEAU, MCMATH, MILLIGAN, ROBERT MILLS,  
MORRIS, PRICE, REESE, SMITH, WARD, WHITE AND WOMACK AND  
REPRESENTATIVES GARY CARTER, ECHOLS, MCKNIGHT, ORGERON,  
RISER AND THOMPSON  
AN ACT

To amend and reenact R.S. 12:1-1005(5) and 1-1105(A) and (C) and to enact R.S. 12:1-709(C) and 1-1105(D), relative to corporations; to provide for the holding of annual and special shareholders' meetings solely by means of remote communication; to provide relative to articles of incorporation; to remove certain corporate name change requirements; to provide for additional provisions related to mergers between the parent and subsidiary, or between subsidiaries; to provide for certain terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 12:1-1005(5) and 1-1105(A) and (C) are hereby amended and reenacted, and R.S. 12:1-709(C) and 1-1105(D) are hereby enacted to read as follows:

§1-709. Remote participation in annual and special meetings

\* \* \*

C. Notwithstanding any provision of Subpart A of Part 7 of this Chapter to the contrary, unless the bylaws expressly require the meeting of shareholders to be held at a place, the board of directors may determine that any meeting of shareholders shall be held solely by means of remote communication, in accordance with the provisions of Subsection B of this Section and the guidelines and procedures as the board of directors adopts.

\* \* \*

§1-1005. Amendment by board of directors

Unless the articles of incorporation provide otherwise, a corporation's board of directors may adopt amendments to the corporation's articles of incorporation without shareholder approval to do any of the following:

\* \* \*

(5) Change the corporate name by substituting the word "corporation",

“incorporated”, “company”, “limited”, or the abbreviation, with or without punctuation, “corp”, “inc”, “co”, or “Ltd”, for a similar word or abbreviation in the name, or by adding, deleting, or changing a geographical attribution for the name.

\* \* \*

§1-1105. Merger between parent and subsidiary or between subsidiaries  
A. ~~Unless the articles of incorporation of any of the corporations otherwise provide, or unless, in the case of a foreign subsidiary, approval by the subsidiary's board of directors or shareholders is required by the laws under which the subsidiary is organized,~~ A domestic parent corporation that owns shares of a domestic or foreign subsidiary corporation that carry at least ninety percent of the voting power of each class and series of the outstanding shares of the subsidiary that have voting power may **do either of the following:**  
(1) merge ~~Merge~~ the subsidiary into itself or into another such subsidiary; ~~or without the approval of the shareholders of the parent corporation or board of directors or shareholders of the subsidiary.~~  
(2) merge ~~Merge~~ itself into the subsidiary, without the approval of the board of directors or shareholders of the subsidiary, ~~unless the articles of incorporation of any of the corporations otherwise provide, or unless, in the case of a foreign subsidiary, approval by the subsidiary's board of directors or shareholders is required by the laws under which the subsidiary is organized.~~

\* \* \*

C. **As a result of a merger pursuant to this Section, the articles of incorporation of the parent corporation may be amended only as provided in R.S. 12:1-1005.**  
D. Except as provided in Subsections A and B, **B, and C** of this Section, a merger between a parent and a subsidiary shall be governed by the provisions of this Part applicable to mergers generally.  
Section 2. The provisions of 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 provide by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, the provisions of this Act shall become effective on the day following such approval.

Approved by the Governor, October 16, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 4**

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HOUSE BILL NO. 1  
BY REPRESENTATIVE JAMES  
AN ACT

To amend and reenact R.S. 15:574.4(J)(1)(introductory paragraph) and to enact R.S. 15:574.4(J)(4), relative to parole eligibility for juvenile offenders; to modify the applicability of certain parole eligibility provisions to juvenile offenders serving life sentences; to provide for an effective date; and to provide for related matters.  
Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 15:574.4(J)(1)(introductory paragraph) is hereby amended and reenacted and R.S. 15:574.4(J)(4) is hereby enacted to read as follows:  
§574.4. Parole; eligibility; juvenile offenders

\* \* \*

J.(1) Notwithstanding any provision of law to the contrary, ~~and except as provided in Subsections D, E, F, G, and H of this Section,~~ any person serving a term or terms of imprisonment that result in a period of incarceration of twenty-five years or more and who was under the age of eighteen years at the time of the commission of the offense shall be eligible for parole consideration pursuant to the provisions of this Subsection if all of the following conditions have been met:

\* \* \*

(4) The provisions of this Subsection shall not apply to a person serving a sentence of life imprisonment for a conviction of R.S. 14:30, 30.1, 42, or 44.  
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, October 20, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 5**

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HOUSE BILL NO. 2  
BY REPRESENTATIVE JAMES AND SENATORS BARROW, FIELDS,  
MCMATH, FRED MILLS, PRICE, SMITH, AND WOMACK  
AN ACT

To enact R.S. 15:584(C) and 587(J), relative to criminal justice system data;

to provide relative to the duty and authority of the Louisiana Bureau of Criminal Identification and Information to cooperate with certain nonprofit entities; to provide for the authority of certain nonprofit entities to obtain access to certain criminal justice system data and information under certain conditions; to provide relative to the nonprofit entities access to de-identified arrest and conviction information; to provide relative to the execution of a nondisclosure agreement; to provide for a termination date; to provide for an effective date; and to provide for related matters.  
Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 15:584(C) and 587(J) are hereby enacted to read as follows:  
§584. Cooperation with federal and other state agencies

\* \* \*

C.(1) For the sole purpose of assisting with the study and evaluation of the creation and implementation of a procedure for automated criminal history record-clearing in Louisiana, the bureau may cooperate with nonprofit partners providing technical assistance to the Clean Slate Task Force established by House Resolution No. 67 of the 2020 Regular Session of the Legislature.  
(2) This Subsection shall cease to be effective on August 1, 2022.

\* \* \*

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

\* \* \*

J.(1) For the sole purpose of assisting with the study and evaluation of the creation and implementation of a procedure for the automated criminal history record-clearing in Louisiana, the bureau may provide limited access to de-identified arrest and conviction information contained within the bureau's criminal history record and identification files to nonprofit partners providing technical assistance to the Clean Slate Task Force established by House Resolution No. 67 of the 2020 Regular Session of the Legislature. The bureau shall determine the scope of the limited access to the de-identified arrest and conviction information provided to the nonprofit partners.  
(2) Any nonprofit partner who obtains limited access to de-identified arrest and conviction information pursuant to this Subsection shall maintain the confidentiality of the de-identified arrest and conviction information in accordance with all applicable state and federal law and shall not disseminate the de-identified arrest and conviction information to any other person or entity, including other members of the Clean Slate Task Force established by House Resolution No. 67 of the 2020 Regular Session of the Legislature or any nonprofit partner who did not directly obtain de-identified arrest and conviction information from the bureau pursuant to this Section. However, any nonprofit partner who obtains de-identified arrest and conviction information from the bureau pursuant to this Subsection shall provide the bureau with a report of its analysis and recommendations regarding automated criminal history record-clearing as it relates to the bureau's criminal history record and identification files, which the bureau may provide to the members of the Clean Slate Task Force.  
(3) Any nonprofit partner who receives de-identified arrest and conviction information from the bureau pursuant to this Subsection shall execute a nondisclosure agreement with the bureau and shall execute any nondisclosure agreement required by the bureau's vendors that maintain the disclosed information.  
(4) This Subsection shall cease to be effective on August 1, 2022.

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, October 20, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 6**

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HOUSE BILL NO. 12  
BY REPRESENTATIVE MARINO AND SENATOR BARROW  
AN ACT

To amend and reenact R.S. 15:573.2 and 574.4.1(A)(2), relative to hearings of the Board of Pardons and committee on parole; to provide relative to the continuity of government by authorizing certain persons to appear before the Board of Pardons and committee on parole by teleconference; and to provide for related matters.  
Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 15:573.2 and 574.4.1(A)(2) are hereby amended and reenacted to read as follows:  
§573.2. ~~Telephone~~ Teleconference communications by certain persons  
Notwithstanding any law to the contrary, ~~the crime victim or the victim's family, a victim advocacy group, and the district attorney or his representatives persons providing testimony may appear before the Board of Pardons by means of teleconference or telephone communication from the office of the local district attorney.~~

\* \* \*

§574.4.1. Parole consideration and hearings  
A.

\* \* \*

~~(2) The crime victim or the victim's family, a victim advocacy group, and the district attorney or his representatives, may provide testimony may appear before the committee on parole by means of teleconference or telephone communication from the office of the local district attorney.~~

\* \* \*

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, October 20, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 7**

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HOUSE BILL NO. 14  
BY REPRESENTATIVE STEFANSKI  
AN ACT

To amend and reenact R.S. 27:417(A)(2)(introductory paragraph) and (B)(2) and to enact R.S. 27:417(B)(3) and (D), relative to licensing requirements for qualified truck stop facilities; to provide relative to criteria and amenity requirements for qualified truck stop facilities during a declared emergency; to provide relative to the suspension of operations of the criteria and amenity requirements; to provide relative to the operation of video draw poker devices; to provide relative to force majeure; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:417(A)(2)(introductory paragraph) and (B)(2) are hereby amended and reenacted and R.S. 27:417(B)(3) and (D) are hereby enacted to read as follows:

§417. Qualified truck stop criteria; amenities

A. As used in this Chapter, a qualified truck stop facility shall mean a facility covering at least five developed contiguous acres which sells fuel, lubricating oil, and other vehicular merchandise, such as batteries, tires, or vehicle parts for eighteen-wheel tractor-trailers, and which also meets all of the following criteria:

\* \* \*

(2) It must have an onsite restaurant, except for reason of force majeure affecting the ability to maintain the ~~on-site~~ onsite restaurant for a reasonable period of time as determined by the division following the interruption of such ability, which for the purposes of qualifying as a qualified truck stop facility, shall be required to have only the following features:

\* \* \*B.

\* \* \*

(2) In the event of a renovation to any of the criteria or amenity requirements or buildings housing either of these, for a qualified truck stop facility provided for by this Section, the licensee may request the approval of the division to suspend operations of such criteria or amenity for thirty days in order to complete the renovation. The licensee shall notify the division prior to the beginning of the renovation that would cause the suspension of any criteria or amenity. After the initial approved thirty-day suspension of the criteria or amenity, if the renovation is not completed due to unforeseen circumstances, the licensee may apply to the division, and for good cause shown, the division may grant an additional thirty days for completion. During an approved suspension of the criteria or amenity, the licensee may continue to operate video draw poker devices.

(3) The provisions of this Subsection shall not be construed to adversely affect parish boundary surveys or good faith reliance upon those surveys as provided for in R.S. 27:456.

\* \* \*

D. For purposes of Subsection A of this Section, any declaration of a state of emergency, or public health emergency, by order or proclamation of the governor or the president of the United States that mandates a temporary closure or partial closure of any operations at a qualified truck stop facility shall be considered a force majeure for the duration of the declared state of emergency or public health emergency and sixty days thereafter.

Section 2. Due to the imminent threat posed by COVID-19 as provided in Proclamation Number 30 JBE 2020 and any subsequent proclamation, declaring the existence of a statewide public health emergency, Section 1 of this Act shall be effective retroactive to March 17, 2020.

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, October 20, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 8**

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SENATE BILL NO. 26  
BY SENATOR PETERSON  
AN ACT

To amend and reenact R.S. 48:1655(N), relative to the employees of the Regional Transit Authority; to provide for membership in the Louisiana State Employees' Retirement System; to provide for calculation of and payments for certain unfunded accrued liability attributable to the authority; to provide for an effective date; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:1655(N) is hereby amended and reenacted to read as follows:

§1655. Board of commissioners; membership; terms

\* \* \*

N.(1) Notwithstanding any other provision of law to the contrary, the authority shall not be considered an instrumentality of the state for purposes of Article X, Section 1(A) of the Constitution of Louisiana. No employee ~~in the management class of the authority~~ **covered by a collective bargaining agreement or who is a member of any other retirement plan** shall be included in the state civil service system or the Louisiana State Employees' Retirement System.

~~(2)(a) Expect as provided in Paragraph (1) of this Subsection, all permanent employees of the authority, other than the commissioners, the secretary, the treasurer, the general counsel, the general manager and his assistant shall be classified employees in the state civil service system and as such shall be eligible to participate in the Louisiana State Employees' Retirement System; however, no part-time employee shall participate in group insurance or retirement benefits. The authority shall pay the employer's share of all contributions to such system. Consultants or other persons or groups furnishing services under contract, including but not limited to managerial, engineering, planning, or legal services, shall not be a part of the state civil service system regardless of the length of their contracts or the nature of the services rendered.~~

~~(b) Notwithstanding any other provision of law to the contrary, the authority shall remit to the Louisiana State Employees' Retirement System that portion of the unfunded accrued liability existing on June 30, 2019, attributable to the authority. The amount due shall be determined by the actuary employed by the retirement system and shall be amortized over ten years. The amount shall be paid in equal monthly payments, in the same manner as regular payroll payments to the retirement system.~~

**(b) Notwithstanding any other provision of law to the contrary, the authority shall remit to the Louisiana State Employees' Retirement System that portion of the unfunded accrued liability existing on June 30, 2021, attributable to the authority. The amount due shall be determined by the actuary employed by the retirement system and shall be amortized over ten years. The amount shall be paid in equal monthly payments, in the same manner as regular payroll payments to the retirement system.**

\* \* \*

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, October 22, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 9**

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SENATE BILL NO. 22  
BY SENATOR HEWITT  
AN ACT

To amend and reenact R.S. 18:423(J), and 1315(B) and to enact R.S. 18:1313.2, relative to elections impaired as the result of a declared disaster or emergency; to provide for the powers, functions, duties, processes, and compensation of parish boards of election supervisors relative to the preparation, verification, tabulation, and counting of absentee by mail and early voting ballots for elections impaired as a result of a declared state of disaster or emergency; to provide relative to effectiveness and documentation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:423(J), and 1315(B) are hereby amended and reenacted and R.S. 18:1313.2 is hereby enacted to read as follows:

§423. Parish boards of election supervisors

\* \* \*

J.(1) 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. 18:1313.2, a member of the board may be compensated not more than eleven days for a presidential or regularly scheduled congressional general election or ten days for any other primary or general election if any such election is impaired as the result of a declared emergency or disaster.

\* \* \*

§1313.2. Preparation, verification, tabulation, and counting of absentee by mail and early voting ballots: parishes with one thousand or more absentee by mail ballots for elections impaired as the result of a declared disaster or emergency

A. Notwithstanding any contrary provision of this Code to the contrary, parishes with one thousand or more absentee by mail ballots returned to the registrar of voters for a primary or general election impaired as a result of a declared disaster or emergency may conduct the preparation and verification process for the tabulation and counting of absentee by mail and early voting ballots beginning four days before the election and conduct the tabulation and counting of absentee by mail and early voting ballots on election day in the manner provided by this Section.

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 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 beginning four days 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 not 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 four 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 begin four days 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.

(2) Absentee by mail and early voting ballots shall be counted at a public facility within the parish designated by the registrar of voters at a time fixed by the parish board of election supervisors, which time shall be on election day no later than 8:00 p.m.

(3) Prior to the counting of absentee by mail and early voting ballots on election day, any person authorized by the secretary of state may assist the registrar of voters in the challenge removal process on the early voting machines, in the reading of the early voting machine results cartridges on the secretary of state's equipment, and in producing the early voting machine results report. All early voting machine results reports shall be placed in the special absentee by mail and early voting envelope or container.

D.(1) If the counting and tabulation of absentee by mail and early voting ballots begins on election day prior to the closing of the polls, such counting and tabulation shall be conducted in a location and manner to prevent disclosure of the results prior to the closing of the polls. Each person except a person providing security to the parish board of election supervisors; a representative of the attorney general, with written approval of the secretary of state; the clerk of court; the registrar of voters; or a person providing technical assistance pursuant to Paragraph (2) of this Subsection who enters the location in which the absentee by mail and early voting ballots are being counted and tabulated on election day shall remain in that location and shall not be allowed to leave except temporarily, and then only when accompanied by a law enforcement officer, and shall not communicate with any person outside until the polls are closed. The parish board of election supervisors may take any action necessary to ensure that no information with respect to the counting and tabulation of absentee by mail and early voting ballots is transmitted from the location where the absentee by mail and early voting ballots are being counted and tabulated on election day prior to the close of the polls on election day.

(2) Any person authorized by the secretary of state may provide security or technical assistance including advice, analysis, diagnosis, or repair for voting machines at the location where absentee by mail and early voting votes are being counted and tabulated. Such security or technical assistance shall be provided only upon the request of the parish board of election supervisors or a team of parish board commissioners, and may be made in person at the location where absentee by mail and early voting votes are being counted and tabulated, or by telephone, or both. Any authorized person providing such security or technical assistance may enter and leave the location where absentee by mail and early voting votes are being counted and tabulated on election day before the closing of the polls and during the process of counting and tabulation. No such person shall disclose any information with respect to the counting and

tabulation of absentee by mail and early voting ballots prior to the close of the polls on election day.

E. Candidates, their representatives, and qualified electors may be present during the preparation and verification process and for the counting and tabulation of absentee by mail and early voting ballots. The board shall give notice reasonably calculated to inform any person who wants to be present during the counting and tabulation of absentee by mail and early voting ballots 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.

F. The board shall count the absentee by mail and early voting ballots and announce the results after the closing of the polls on election day as the total number of absentee by mail and early voting votes cast in the election for each candidate and the total number cast for and against each proposition.

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

(1)(a) A member of the board shall remove the certificates, early voting verification forms, early voting machine public counter logs, early voting confirmation sheets, absentee by mail ballots, early voting paper ballots, and envelopes containing the absentee by mail ballots and early voting paper ballots from the special absentee by mail and early voting ballot envelope or container.

(b) The board shall review the early voting verification forms and early voting machine public counter logs and, if found to be acceptable to the board, sign each early voting verification form. If the board does not find an early voting verification form to be acceptable, it may review any early voting confirmation sheet and shall document its correction to the early voting verification form and then sign it.

(2) The board shall announce the name of each absentee by mail voter, each voter who voted a paper ballot during early voting and the ward and precinct where he is registered to vote, and shall compare the name on the certificate or on the flap of the envelope containing the absentee by mail ballot or early voting paper ballot with the names on the absentee by mail voter report or early voter report, as applicable.

(3) The board shall separate any ballots that are challenged in accordance with R.S. 18:1315(A) or (B) from the ballots that are not challenged.

(4)(a) If an absentee by mail ballot has not been challenged and is determined by the board to be valid, a member of the board shall make a check mark on the absentee by mail voter report beside the name of the voter as it appears on the report and write his initials on each page of the report. If applicable, a member of the board shall tear the flap from the envelope containing the absentee by mail ballot and leave the envelope sealed.

(b) If an early voting paper ballot has not been challenged and is determined by the board to be valid, a member of the board shall write the words "voted early" and his initials on the early voter report beside the name of the voter as it appears on the report. A member of the board shall tear the flap from the envelope containing the paper ballot voted during early voting and leave the envelope sealed.

(5) If an absentee by mail ballot or early voting paper ballot has been challenged, the members shall leave the flap on the envelope, if applicable, containing the absentee by mail ballot or early voting paper ballot and leave the envelope sealed.

(6) 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 in the special absentee by mail envelope or container provided for that purpose and seal the envelope or container. Two members of the board shall execute the first certificate on the envelope or container and date the certificate with the date on which it was executed before the election.

(7) The members of the board shall place the certificates of the absentee by mail ballots and early voting paper ballots that have not been challenged and the flaps removed from those ballots in the envelope or container provided for that purpose and seal the envelope or container. Two of the members shall execute the first certificate on the envelope and date the certificate with the date on which it was executed before the election.

(8) Absentee by mail ballots that are received by the registrar of voters after the preparation and verification process is completed but before the deadline to return absentee by mail ballots shall be prepared, verified, counted, and tabulated on election day.

H. The procedure for counting absentee by mail ballots and early voting paper ballots on election day shall be as follows:

(1) A member of the board shall break the seal on the special absentee by mail and early voting ballot envelope or container, remove the certificates, absentee by mail ballots and early voting paper ballots that have been challenged, and the absentee by mail ballots and early voting paper ballots that have not been challenged from the envelope or container.

(2) The board shall determine the validity of challenges filed in accordance with R.S. 18:1315(A) and (B).

(3)(a) If the board determines that an absentee by mail ballot is valid, a member of the board shall make a check mark on the absentee by mail voter report beside the name of the voter as it appears on the report and write his initials on each page of the report. If applicable, a member of the board shall tear the flap from the envelope containing the absentee by mail ballot and leave the envelope sealed.

(b) If the board determines that a paper ballot voted during early voting is

valid, a member of the board shall write the words “voted early” and his initials on the early voter report beside the name of the voter as it appears on the report. A member of the board shall tear the flap from the envelope containing the paper ballot voted during early voting and leave the envelope sealed.

(4) If a majority of the members of the board determine that an absentee by mail ballot or early voting paper ballot is invalid, the members shall leave the flap on the envelope containing the ballot, leave the envelope sealed, and a member of the board shall write the word “rejected”, together with the reasons for rejecting the ballot, across the envelope containing the ballot or across the certificate attached to the special absentee by mail ballot or early voting paper ballot. He shall also write the word “rejected” and his initials on the absentee by mail voter report or early voter report, as applicable, beside the name of the voter as it appears in the report. The rejected absentee by mail ballots and early voting paper ballots and certificates shall be replaced in the special absentee by mail and early voting ballot envelope or container. No rejected absentee by mail ballot or early voting paper ballot shall be counted.

(5) After the validity of all absentee by mail ballots and early voting paper ballots have been determined, the members of the board shall break the seal on the envelope or container and place the valid certificates and the flaps removed from the valid absentee by mail ballots and early voting paper ballots in the envelope or container provided for that purpose and seal the envelope or container. Two of the members shall execute the second certificate on the envelope and date the certificate the day of the election.

(6) The members shall open the envelopes containing the valid absentee by mail ballots and early voting paper ballots and remove the ballots.

(7) The board shall, in accordance with the requirements of R.S. 18:1316, reject any ballot which contains a distinguishing mark or feature making the ballot susceptible of identification. However, a ballot shall not be rejected as containing a distinguishing mark if the ballot was transmitted electronically to a member of the United States Service, as defined in R.S. 18:1302, or a person residing outside the United States.

(8) If a ballot is physically damaged or cannot properly be counted by the counting equipment and the vote cast by the voter is clearly discernible from a physical inspection of the defective ballot, the ballot may be counted by hand or a true duplicate may be made of the defective ballot in the presence of witnesses and substituted for the ballot. Any duplicate ballot shall be clearly labeled “duplicate”, bear a ballot number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot shall be placed in the special absentee by mail and early voting ballot envelope or container, and the duplicate ballot shall be counted with the other valid ballots.

(9) The special absentee ballots cast by members of the United States Service or persons who reside outside of the United States may be counted by hand or counted as a true duplicate.

L. The procedure for counting early voting machine ballots on election day shall be as follows:

(1) A member of the board shall remove the early voting machine results reports from the special absentee by mail and early voting ballot envelope or container.

(2) The board shall announce the results from each early voting machine results report for the early voting ballots.

(3) The board shall determine the validity of challenges made in accordance with R.S. 18:1315(A) and (B).

(4)(a) Prior to utilizing any absentee by mail and early voting counting equipment, the parish board of election supervisors shall generate a zero tally to ensure that the equipment’s candidate and question counters are set at zero and that no votes have been cast for any candidate or for or against any proposition.

(b) The board shall sign and certify to the correctness of each zero proof sheet and place all zero proof sheets in the special absentee by mail and early voting envelope or container.

(5) The absentee by mail and early voting votes cast for a candidate and those cast for and against a proposition shall be counted and the total number of absentee by mail and early voting votes cast for a candidate and those cast for and against a proposition shall be announced in the order the offices and candidates and propositions are listed on the ballot. The members of the board shall enter the total number of votes on the final absentee by mail and early voting vote report and shall certify the results.

J. The final absentee by mail and early voting vote report prepared by the parish board of election supervisors shall be transmitted to the clerk of court immediately upon completion of the tabulation of the absentee by mail and early voting ballots on election night. A copy of the record shall be transmitted immediately to the secretary of state, and a copy of the record shall be placed in the special absentee by mail and early voting envelope or container.

K. When the absentee by mail and early voter reports have been returned to the registrar of voters, the registrar, based on the information contained in the reports, shall confirm that the words “voted by mail” or “voted early” are written in the proper space on the precinct register for each voter who voted early or absentee by mail.

L.(1) Upon completion of the tabulation and counting of the absentee by mail and early voting ballots on election day, the parish board of election supervisors shall return the absentee by mail and early voting ballots and electronic results report to the special absentee by mail and early voting ballot envelope or container, shall seal the envelope or container, and shall deliver the envelope or container to the registrar of voters. The registrar shall preserve the envelope or container and its contents inviolate and, except upon order of a court of competent jurisdiction, shall not allow the absentee by mail and

early voting documents to be inspected by anyone until the delay for filing an action contesting the election has lapsed. If an action contesting the election is commenced timely, the registrar shall continue to preserve the envelope or container and its contents inviolate, subject to the orders of the court, until the final judgment in the action has become definitive.

(2)(a)(i) Notwithstanding the provisions of Paragraph (1) of this Subsection, if the number of absentee by mail and early voting ballots cast for all candidates for an office could make a difference in the outcome of the election for such office, upon the written request of a candidate for such office, the board shall recount the absentee by mail ballots by hand or scanning equipment and early voting ballots electronically, unless paper ballots were used for early voting and in such case, the ballots shall be recounted by hand for such office.

(ii) Notwithstanding the provisions of Paragraph (1) of this Subsection, if the number of absentee by mail and early voting ballots cast for and against a proposition could make a difference in the outcome of the election, upon the written request of a person who voted in the proposition election, the board shall recount the absentee by mail ballots by hand or scanning equipment and early voting ballots electronically, unless paper ballots were used for early voting and in such case, the ballots shall be recounted by hand for such election.

(b) All recounts of absentee by mail and early voting ballots shall be held at 10:00 a.m. or following the reinspection of voting machines on the fifth day after the election and at any time ordered by a court of competent jurisdiction. If the fifth day after the election falls on a holiday or weekend, such recount shall be held on the next working day at 10:00 a.m. or following the reinspection of voting machines. Any written request for recount of absentee by mail and early voting ballots shall be filed with the clerk of court. The deadline for filing a request for recount of absentee by mail and early voting ballots shall be 4:30 p.m. on the last working day prior to the date of the recount. Immediately upon receiving any request, the clerk of court shall prominently post in his office a notice of the time and place where the absentee by mail and early voting ballots will be recounted and the name of the candidate or the voter in the proposition election requesting the recount.

(c) Upon completion of the recount of the absentee by mail and early voting ballots, the board shall return the absentee by mail and early voting documents to the special absentee by mail and early voting ballot envelope or container, shall reseal the envelope or container, and shall deliver the envelope or container and its contents to the registrar of voters who shall preserve the envelope or container and its contents in the manner provided for in Paragraph (1) of this Subsection.

(d)(i) The candidate or the voter in the proposition election requesting the recount shall be responsible for all reasonable costs associated with such recount, which shall be payable to the clerk of court. The costs shall be paid at the time the written request for the recount is filed with the clerk of court and shall be paid in cash or by certified or cashier’s check on a state or national bank or credit union, United States postal money order, or money order issued by a state or national bank or credit union.

(ii) If the recount changes the outcome of the election, the costs paid by the candidate or voter in the proposition election shall be refunded by the clerk of court, and the costs of the recount shall be a reimbursable election expense as provided in Chapter 8-A of this Title.

(3) A candidate or his representative, in the presence of a majority of the parish board of election supervisors, shall be allowed to inspect the flaps removed from the valid absentee by mail ballots and the flaps removed from the valid early voting ballots when paper ballots are used for early voting. All such inspections shall be held at 10:00 a.m. or following the recount of absentee by mail and early voting ballots on the fifth day after the election and at any time ordered by a court of competent jurisdiction. If the fifth day after the election falls on a holiday or weekend, such inspection shall be held on the next working day at 10:00 a.m. or following the recount of absentee by mail and early voting ballots. Any written request for inspection shall be filed with the clerk of court. The deadline for filing a request for inspection shall be the last working day prior to the date of the inspection. Immediately upon receiving any request, the clerk of court shall prominently post in his office a notice of the time and place where the inspection will occur and the name of the candidate requesting the inspection. The candidate requesting the inspection shall be responsible for all reasonable costs associated with such inspection, which shall be payable to the clerk of court. The costs shall be paid at the time the written request for the inspection is filed with the clerk of court and shall be paid in cash or by certified or cashier’s check on a state or national bank or credit union, United States postal money order, or money order issued by a state or national bank or credit union.

(4) The parish board of election supervisors shall be entitled to reimbursement at the rate established in R.S. 18:423(E) for attending the recount of absentee by mail and early voting ballots and inspection, but not both if they are conducted on the same day. However, such reimbursement shall not be counted toward the limitation provided in R.S. 18:423(J). No member of the parish board of election supervisors shall be reimbursed for attending a recount of absentee by mail an early voting ballots or inspection if such member received reimbursement for attending the reinspection of voting machines which was conducted on the same day as the recount of the absentee by mail and early voting ballots or inspection.

M. The provisions of this Section shall be void and of no effect on August 1, 2021.

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\* \* \*

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

B.(1) 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).

**(2) Notwithstanding Paragraph (1) of this Subsection, for elections impaired as a result of a declared disaster or emergency, during the preparation and verification process for the counting of absentee by mail and early voting ballots before an election in accordance with R.S. 18:1313.2, or the counting of absentee by mail and early voting ballots on election day in accordance with R.S. 18:1313.2, 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. 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, October 23, 2020.

A true copy:  
R. Kyle Ardoin  
Secretary of State

ACT No. 10

SENATE BILL NO. 44

BY SENATORS FIELDS, ABRAHAM, BARROW, BERNARD, BOUDREAUX, BOUIE, CARTER, CATHEY, CORTEZ, FESI, FOIL, HARRIS, JACKSON, JOHNS, LAMBERT, MCMATH, MILLIGAN, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, POPE, PRICE, REESE, SMITH, TALBOT, TARVER, WARD AND WOMACK

A JOINT RESOLUTION

Proposing to amend Article VIII, Sections 6(B)(1), 7(B)(1), and 7.1(B)(1) of the Constitution of Louisiana, relative to the membership of postsecondary education boards of supervisors; to authorize the governor to appoint persons who reside out-of-state to the boards of supervisors under certain circumstances; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Article VIII, Sections 6(B)(1), 7(B)(1), and 7.1(B)(1) of the Constitution of Louisiana, to read as follows:

§6. Board of Supervisors for the University of Louisiana System  
Section 6.

(B)(1) Membership; Terms. The board shall be composed of fifteen members; ~~of whom two members shall be from each congressional district and the remaining member or members shall be from the state at large,~~ appointed by the governor with consent of the Senate. **Two members shall be from each congressional district. The remaining member or members shall be from the state at large. However, if there is more than one at-large member, at least one at-large member shall be a resident of the state and, upon recommendation of the board, the remaining at-large member or members may reside out-of-state.** The members shall serve overlapping terms of six years, following initial terms fixed by law.

§7. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College; Board of Supervisors of Southern University and Agricultural and Mechanical College

Section 7.  
(B)(1) Membership; Terms. Each board shall be composed of fifteen members; ~~of whom two members shall be from each congressional district and the remaining member or members shall be from the state at large,~~ appointed by the governor with consent of the Senate. **Two members shall be from each congressional district. The remaining member or members shall be from the state at large. However, if there is more than one at-large member, at least one at-large member shall be a resident of the state and, upon recommendation of the board, the remaining at-large member or members may reside out-of-state.** The members shall serve overlapping terms of six years, following initial terms fixed by law.

§7.1. Board of Supervisors of Community and Technical Colleges  
Section 7.1.

(B)(1) Membership; Terms; Initial Membership and Terms. The board shall be composed of fifteen members appointed by the governor, as provided by law. In addition, the board shall have two student members as provided by law. All members selected and appointed by the governor shall be appointed with the consent of the Senate. Of those members selected and appointed by the governor, there shall be two members from each congressional district and the remaining member or members from the state at large. **However, if there is more than one at-large member, at least one at-large member shall be a resident of the state and, upon recommendation of the board, the remaining**

**at-large member or members may reside out-of-state.** The board should be representative of the state's population by race and gender to ensure diversity. The members selected and appointed by the governor shall serve terms of six years, except that the initial members shall serve terms as provided by law.

Section 2. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on December 5, 2020.

Section 3. Be it further resolved that on the official ballot to be used at said election there shall be printed a proposition, upon which the electors of the state shall be permitted to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as follows:

Do you support an amendment to allow the governor to appoint a person who resides out-of-state to serve as an at-large member of a public postsecondary education board of supervisors?

(Amends Article VIII, Sections 6(B)(1), 7(B)(1), and 7.1(B)(1))

A true copy:  
R. Kyle Ardoin  
Secretary of State

ACT No. 11

HOUSE BILL NO. 59

BY REPRESENTATIVE BEAULLIEU AND SENATORS ABRAHAM, BARROW, BERNARD, BOUDREAUX, CATHEY, CLOUD, CORTEZ, FESI, FIELDS, FOIL, HEWITT, JACKSON, JOHNS, LUNEAU, MCMATH, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, POPE, PRICE, REESE, SMITH, TALBOT, TARVER, WARD, WHITE, AND WOMACK

AN ACT  
To amend and reenact R.S. 18:426.1, 1309(J), 1314(E)(2), and 1354(C) and to enact R.S. 18:1314(E)(3), relative to employees of the secretary of state; to provide relative to the compensation of election commissioners and deputy parish custodians of voting machines; to provide relative to such compensation after declared emergencies; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 18:426.1, 1309(J), 1314(E)(2), and 1354(C) are hereby amended and reenacted and R.S. 18:1314(E)(3) is hereby enacted to read as follows:

§426.1. Election commissioners; compensation  
A. Each commissioner who serves at the polling place on election day shall be paid according to the following:  
(1) A commissioner-in-charge shall receive two hundred fifty dollars.  
(2) A commissioner-in-charge who serves at more than one precinct shall receive three hundred dollars.  
(3) A commissioner who has received a certificate of instruction, as provided in R.S. 18:431(A), shall receive one hundred dollars.  
(4) A commissioner who has received a certificate of instruction, as provided in R.S. 18:431(B), shall receive two hundred dollars.(5) An uncertified commissioner shall receive thirty-five dollars.

**B. For an election held within one year following the date of the issuance of any gubernatorial declaration of an emergency, upon application of a parish board of election supervisors, the secretary of state may approve payment of up to one hundred dollars per election or each day of assistance, if applicable, as compensation to each commissioner in addition to compensation provided for in Subsection A of this Section.**

§1309. Early voting; verification

J. Upon approval of the secretary of state, a registrar of voters may utilize commissioners selected and trained by the registrar of voters to assist the registrar during the early voting period in the conduct of early voting by his office. A registrar of voters shall, in seeking the approval of the secretary of state, indicate to the secretary the number of commissioners that is required for such assistance. A commissioner who assists the registrar in the conduct of early voting shall take an oath of office as a deputy registrar for the early voting period and shall complete an affidavit prepared by the secretary of state that contains the name, address, and last four digits of the social security number of the early voting commissioner and an acknowledgment that the law prohibits the disclosure of confidential voter information listed in the precinct register or early voting list kept by the registrar. The affidavit shall be retained in the office of the registrar of voters. A commissioner who assists the registrar in the conduct of early voting shall be paid in accordance with R.S. ~~18:426.1(3)~~ **18:426.1(A)(3) and B, if applicable,** for each day of such assistance.

§1314. Parish board commissioners

E. Compensation. A parish board commissioner who serves on election day or during the counting and tabulating of provisional ballots shall receive fifty dollars or one hundred dollars for each day he serves as provided below:

(2) He shall receive fifty dollars for elections other than those provided for in ~~Paragraph~~ **Paragraphs (1) and (3) of this Subsection.**

(3) **For an election held within one year following the date of the issuance of any gubernatorial declaration of an emergency, upon application of the**

parish board of election supervisors, the secretary of state may approve the payment of up to one hundred dollars per election or each day of assistance, if applicable, as compensation to each commissioner in addition to compensation otherwise provided for in this Subsection.

\* \* \*

§1354. Parish custodian of voting machines; powers and duties; appointment of deputy custodians

\* \* \*

C.(1) The parish custodian of voting machines may employ persons on a temporary basis, as needed, to assist him in the performance of his duties. He may appoint a deputy parish custodian of voting machines for any polling place he deems necessary. He may not appoint as deputy parish custodian of voting machines any person who has been convicted of a felony for which he has not been pardoned. The parish custodian shall not appoint a person who is a candidate or a member of a candidate's immediate family to serve in any polling location where the candidate's name appears on the ballot. The compensation of a deputy parish custodian shall be one hundred dollars for each election at which he serves. The deputy parish custodian shall deliver the key envelope and the supplemental list to the commissioner-in-charge at least one-half hour before the fixed time for the opening of the polls.

(2) For an election held within one year following the date of the issuance of any gubernatorial declaration of an emergency, upon application of the parish custodian of voting machines, the secretary of state may approve the payment of up to one hundred dollars per election as compensation to each deputy parish custodian in addition to compensation otherwise provided for in this Subsection.

\* \* \*

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, October 27, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 12**

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HOUSE BILL NO. 10  
BY REPRESENTATIVE MCFARLAND  
AN ACT

To authorize and provide for the transfer of certain state property in Jackson Parish; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; to repeal Sections 3 and 6 of Act No. 272 of the 2019 Regular Session of the Legislature of Louisiana; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The commissioner of administration and the secretary of the Department of Children and Family Services, notwithstanding any other provision of law to the contrary, are hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have to all or any portion of the following described parcel of property located at 244 Bond Street in Jonesboro, Louisiana, to the Jackson Parish Sheriff's Office:

Beginning at the Northeast corner of the SE1/4 of SE1/4 of Section 32, Township 15 North boundary line of said forty 525 feet, thence run South 414 feet, thence run east 525 feet or to the East boundary line of said forty, thence run North 414 feet or to the point of beginning, together with all improvements and appurtenances thereunto belonging, situated in Jackson Parish, Louisiana.

Section 2. The commissioner of administration and the secretary of the Department of Children and Family Services are hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as are necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, to the property described in Section 1 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the commissioner of administration, the secretary of the Department of Children and Family Services, and the Jackson Parish Sheriff's Office, in exchange of consideration proportionate to the appraised value of the property. Section 3.(A) After allocation to the Bond Security and Redemption Fund as provided in Article VII, all proceeds from the sale of the property described in Sections 1 and 2 of this Act shall be deposited in the Accommodation for Breast-feeding and Lactation Room Fund hereinafter referred to as the fund, which is hereby established in the state treasury.

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

(C) Proceeds in the fund shall be used solely to facilitate the provisions of R.S. 49:148.4.1.

(D) The Commissioner of Administration shall notify the Legislature

when the sale of property described in Sections 1 and 2 of this Act has been finalized.

Section 4. Sections 3 and 6 of Act No. 272 of the 2019 Regular Session of the Legislature of Louisiana are hereby repealed in their entirety.

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

Approved by the Governor, October 28, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 13**

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HOUSE BILL NO. 20  
BY REPRESENTATIVE EDMONDS  
AN ACT

To enact R.S. 47:293(9)(a)(xix) and 297.15, relative to individual income tax deductions; to authorize a deduction for certain educational expenses incurred during the COVID-19 pandemic in 2020; to provide for the amount of the deduction; to provide for definitions; to provide for limitations and requirements; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:293(9)(a)(xix) and 297.15 are hereby enacted to read as follows:

§293. Definitions

The following definitions shall apply throughout this Part, unless the context requires otherwise:

\* \* \*

(9)(a) "Tax table income", for resident individuals, means adjusted gross income plus interest on obligations of a state or political subdivision thereof, other than Louisiana and its municipalities, title to which obligations vested with the resident individual on or subsequent to January 1, 1980, and less:

\* \* \*

(xix) For taxable periods beginning on and after January 1, 2020, and on or before December 31, 2020, the COVID-19 educational expenses deduction as provided for in R.S. 47:297.15.

\* \* \*

§297.15. Tax deduction; educational expenses; COVID-19 pandemic in 2020

A.(1) There shall be allowed a deduction from tax table income for the sum of amounts paid from March 13, 2020, through December 31, 2020, during the COVID-19 pandemic for expenses for educational coaching services for an in-person facilitator of virtual education delivered by a public or approved nonpublic elementary or secondary school.

(2) The amount of the deduction authorized by this Section shall be equal to the actual amount of eligible educational coaching services paid by the taxpayer per eligible child or five thousand dollars per eligible child, whichever is less. The amount of the deduction authorized in this Section shall not exceed the total taxable income of the individual.

B. For purposes of this Section, the following words shall have the following meanings unless the context clearly indicates otherwise:

(1) "Approved nonpublic elementary or secondary school" shall mean a nonpublic elementary or secondary school located in Louisiana which complies with the criteria set forth in *Brumfield, et al. v. Dodd, et al.* 425 F. Supp. 528 (E.D. La. 1977) and Section 501(c)(3) of the Internal Revenue Code, or any public elementary or secondary laboratory school which is operated by a public college or university.

(2) "Eligible child" shall mean a student who qualifies as a dependency exemption on the taxpayer's Louisiana income tax return for either the taxable year or the prior taxable year.

(3) "Immediate family" shall mean the taxpayer's spouse, the children of the taxpayer, the spouses of the taxpayer's children, the taxpayer's brothers or sisters and their spouses, the taxpayer's parents, and the parents of the taxpayer's spouse.

(4) "In-person facilitator of virtual education" shall mean an individual providing in-person instruction or assistance to one or more elementary or secondary school students who is at least eighteen years of age at the time services are provided or, if not eighteen years of age at the time services are provided, who graduated from high school. The individual providing the in-person instruction or assistance shall not be the taxpayer or a member of the taxpayer's immediate family.

C. Expenses claimed by a taxpayer pursuant to the provisions of this Section shall not be eligible for the deductions provided for in R.S. 47:297.10, 297.11, or 297.12 or the credit provided for in R.S. 47:297.4. Section 2. The provisions of this Act shall be applicable to taxable periods beginning on and after January 1, 2020, and on or before December 31, 2020.

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, October 28, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 14**

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**HOUSE BILL NO. 22  
BY REPRESENTATIVE STAGNI  
AN ACT**

To enact R.S. 40:539(C)(8)(j), relative to employees of the Kenner Housing Authority; to provide that employees of the authority shall not be in the state civil service; and to provide for related matters.  
Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 40:539(C)(8)(j) is hereby enacted to read as follows:  
§539. Selection of chairman and vice chairman; executive director; hiring of employees

\* \* \*

C.

\* \* \*

(8)

\* \* \*

(j) Notwithstanding any provision of Subparagraph (a) of this Paragraph or of any other law to the contrary, the Kenner Housing Authority shall not be considered an instrumentality of the state for purposes of Article X, Section 1(A) of the Constitution of Louisiana, and employees of the authority shall not be included in the state civil service.

Approved by the Governor, October 28, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 15**

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**HOUSE BILL NO. 24  
BY REPRESENTATIVE ZERINGUE  
AN ACT**

To appropriate funds from certain sources in specific amounts for the making of supplemental appropriations to the capital outlay budget for Fiscal Year 2020-2021; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The following revisions are hereby made to Act No. 2 of the 2020 First Extraordinary Session of the Legislature for the purpose of making supplemental capital outlay appropriations for Fiscal Year 2020-2021:

A. Notwithstanding any provision of law to the contrary, including the provisions of the Capital Outlay Act, the appropriation to 01/107 DIVISION OF ADMINISTRATION for the Repair, Restoration and Replacement for Declared Disasters, Planning, Construction, Renovation, and Acquisition (Statewide) project is hereby amended and reenacted to include an appropriation made out of the Capital Outlay Savings Fund:

On page 7, delete line 51 in its entirety and insert the following:

“Priority 1	\$	97,059,530
Payable from Capital Outlay Savings Fund	\$	20,000,000
Total	\$	117,059,530

Provided, however, that \$20,000,000 of the appropriation for this project from the Capital Outlay Savings Fund shall be used to fund the construction, repair, or restoration of state-owned buildings damaged or destroyed by Hurricane Laura or Hurricane Delta.”

B. Notwithstanding any provision of law to the contrary, including the provisions of the Capital Outlay Act, the appropriation to 01/109 COASTAL PROTECTION AND RESTORATION AUTHORITY for the Coastal Protection Projects, Planning and Construction (Statewide) project is hereby amended and reenacted to include an appropriation made out of State General Fund (Direct) Non-Recurring Revenues:

On page 8, delete lines 35 and 36 in their entirety and insert the following:”Payable from Federal Funds

Payable from Federal Funds	\$	362,928,040
Payable from State General Fund (Direct)		
Non-Recurring Revenues	\$	3,000,000
Total	\$	1,078,416,654

Provided, however, that \$3,000,000 of the State General Fund (Direct) Non-Recurring Revenues shall be used to fund levee improvements in the North Lafourche Conservation Levee and Drainage District.”

C. On page 76, delete lines 21 through 28 in their entirety.

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, October 28, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 16**

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**HOUSE BILL NO. 26  
BY REPRESENTATIVES SCHEXNAYDER, ADAMS, BACALA, BISHOP,  
BOURRIQUE, BROWN, BRYANT, CARRIER, GARY CARTER,  
COUSSAN, COX, CREWS, DESHOTEL, DUPLESSIS, EDMONDS,  
EMERSON, FIRMENT, FREEMAN, GAINES, HUGHES, JAMES,  
JEFFERSON, MIKE JOHNSON, TRAVIS JOHNSON, JORDAN, LACOMBE,  
LYONS, MCCORMICK, DUSTIN MILLER, NEWELL, ORGERON, PIERRE,  
ROMERO, SELDERS, STEFANSKI, THOMPSON, WHITE, AND WILLARD  
AND SENATOR BARROW  
AN ACT**

To enact R.S. 47:302(BB)(113), 305.74, 321(P)(114), 321.1(D)(114), and 331(V)(114), relative to sales and use tax; to establish a sales and use tax holiday for certain purchases; to provide for requirements and limitations; to provide for the effectiveness of the sales and use tax holiday; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:302(BB)(113), 305.74, 321(P)(114), 321.1(D)(114), and 331(V)(114) 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:

\* \* \*

(113) Purchases of tangible personal property pursuant to the sales tax holiday as provided in R.S. 47:305.74.

\* \* \*

§305.74. Exemption; sales tax holiday; November 20th and 21st, 2020; Hurricane Laura, Hurricane Delta, and the COVID-19 pandemic

A.(1) Notwithstanding any other provision of law to the contrary, the sales and use tax levied by the state of Louisiana shall not apply to the first two thousand five hundred dollars of the sales price or cost price of any consumer purchases of tangible personal property that occur on Friday, November 20, 2020, and Saturday, November 21, 2020, in order to provide tax relief for citizens recovering from Hurricane Laura, Hurricane Delta, and the COVID-19 pandemic.

(2) For purposes of this Section, “consumer purchases” shall mean purchases of items of tangible personal property other than vehicles subject to license and title. Consumer purchases shall not include the purchase of meals furnished for consumption on the premises where purchased, including to-go orders.

B. This Section shall apply if and only if during the eligible tax exemption period one of the following occurs:

(1) Title to or possession of an item of tangible personal property is transferred from a selling dealer to a purchaser.

(2) A customer selects an eligible item from the selling dealer’s inventory for layaway that is physically set aside in the selling dealer’s inventory for future delivery to that customer.

(3) The customer makes final payment and withdraws an item from layaway that might have been placed in layaway before the eligible tax exemption period.

(4) The customer orders and pays for an eligible item and the selling dealer accepts the order for immediate shipment, even if delivery is made after the eligible tax exemption period, provided that the customer has not requested delayed shipment.

C. Eligible items that customers purchase during the eligible tax exemption period with “rain checks” shall qualify for exemption, regardless of when the “rain checks” are issued. However, issuance of “rain checks” during the exemption period shall not qualify items for exemption if the otherwise eligible items are actually purchased after conclusion of the eligible tax exemption period.

D.(1) When a customer purchases an eligible item during the eligible tax exemption period and exchanges the item without additional cash consideration after conclusion of the eligible tax exemption period for an essentially identical item of different size, color, or other feature, no additional tax is due.

(2) When a customer, after conclusion of the eligible tax exemption period returns an eligible item that was purchased during the eligible tax exemption period and receives credit on the purchase of a different item, the appropriate sales tax is due on the purchase of the new item.

E. For a sixty-day period after conclusion of the eligible tax exemption

period, when a customer returns an item that would qualify for an exemption, no credit or refunds of sales tax shall be given unless the customer provides a receipt or invoice that shows that the state sales tax was paid or the retailer has sufficient documentation that shows that the tax was paid on the specific item. This sixty-day period is not intended to change a dealer's policy concerning the time period during which returns will be accepted.

§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:

(114) Purchases of tangible personal property pursuant to the sales tax holiday as provided in R.S. 47:305.74.

§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:

(114) Purchases of tangible personal property pursuant to the sales tax holiday as provided in R.S. 47:305.74.

§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:

(114) Purchases of tangible personal property pursuant to the sales tax holiday as provided in R.S. 47:305.74.

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, October 28, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

ACT No. 17

HOUSE BILL NO. 40  
BY REPRESENTATIVES GAROFALO AND THOMPSON  
AN ACT

To amend and reenact R.S. 17:5103(B)(1)(a) and to enact R.S. 17:5104, relative to the Taylor Opportunity Program for Students; to provide relative to eligibility for awards; to waive or modify certain eligibility provisions for certain students in response to circumstances related to certain natural disasters and certain public health emergencies; to authorize the administering agency to waive eligibility requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 17:5103(B)(1)(a) is hereby amended and reenacted and R.S. 17:5104 is hereby enacted to read as follows:  
§5103. Eligibility under declared health emergency

B.(1) In response to the public health emergency, provisions of this Chapter that provide for initial eligibility are modified or waived as more fully specified in this Subsection:

(a) Notwithstanding the provisions of R.S. 17:5062, the deadline for taking the ACT or SAT for consideration for an award for the 2020-2021 academic year is September 30, 2020; students graduating from high school in 2020 is December 31, 2020. The administering agency may provide an exception to this deadline if the student provides documentation that he was registered for a test that was canceled due to COVID-19 and was unable to schedule a test before the deadline due to circumstances beyond his control as determined by the administering agency. The administering agency shall not reduce the time period of eligibility for the award, as set forth in R.S. 17:5002, of an

applicant who qualifies for an award pursuant to authority granted by this Subparagraph. The initial award or upgraded award shall be paid for the first time beginning with the semester during which the qualifying score was achieved.

§5104. Eligibility for students impacted by Hurricane Laura  
A. The legislature finds that due to the effects of Hurricane Laura, it is in the best interest of the people of the state that initial and continuing eligibility requirements established in Part I of this Chapter for awards pursuant to the Taylor Opportunity Program for Students be modified as provided by this Section.

B.(1) Provisions of this Chapter that provide for initial eligibility are modified or waived as more fully specified in this Subsection:

(a) Notwithstanding the provisions of R.S. 17:5062, the deadline for taking the ACT or SAT for students graduating from high school in 2020 is December 31, 2020. The administering agency may provide an exception to this deadline if the student provides documentation that he was registered for a test that was canceled due to Hurricane Laura and was unable to schedule a test before the deadline due to circumstances beyond his control as determined by the administering agency. The administering agency shall not reduce the time period of eligibility for the award, as set forth in R.S. 17:5002, of an applicant who qualifies for an award pursuant to the authority granted by this Subparagraph. The initial award or upgraded award shall be paid for the first time beginning with the semester during which the qualifying score was achieved.

(b) A student who is certified by his principal to have graduated during the 2020-2021 school year from an eligible out-of-state high school shall not be required to have a higher minimum composite score on the ACT than required by R.S. 17:5024 for a student who graduates from an eligible Louisiana high school.

(c) The requirement that a student complete a core curriculum shall be waived upon proper documentation by his principal that failure to comply is due solely to the fact that required courses were not available to the student at the school attended.

(d)(i) A dependent or independent student shall be deemed to meet program residency requirements if he actually resided in Louisiana during his entire eleventh grade year and was enrolled for such time in an eligible Louisiana high school or, for a dependent student, if he has a parent or court-ordered custodian who actually resided in an affected parish for at least the twelve months prior to August 26, 2020.

(ii) A parent or court-ordered custodian of a dependent student who is eligible for a program award pursuant to the provisions of R.S. 17:5029, relative to students who graduate from certain out-of-state high schools, and who was displaced as a resident from an affected parish shall be deemed to meet residency requirements if the parent or court-ordered custodian actually resided in Louisiana for at least the twelve months prior to August 26, 2020.

(e) A student who during the 2020-2021 school year successfully completes at the twelfth grade level a home study program approved by the State Board of Elementary and Secondary Education, referred to in this Subsection as the "state board", shall be eligible for a program award by complying with the provisions of R.S. 17:5029 relative to certain home study students. In such case, the requirement that the student, if ever enrolled in an eligible Louisiana high school, begin the program no later than the end of the tenth grade is waived.

(2) The provisions of this Subsection shall apply only to a student who, on August 26, 2020, was enrolled in a public or nonpublic high school that is located in an affected parish and that has the approval required by Part I of this Chapter for program eligibility purposes or who resided in such a parish and was enrolled in a home study program approved by the state board.

C.(1) Provisions of this Chapter relative to continuing eligibility are modified or waived with respect to the 2020-2021 academic year as more fully specified in this Subsection:

(a) The provisions of R.S. 17:5041 and 5042 requiring a student to make steady academic progress and achieve a certain cumulative grade point average are waived.

(b) For a student whose program award is suspended due to a low grade point average or failure to make steady academic progress, the time periods provided in Part I of this Chapter for him to meet such requirements before losing eligibility shall be extended by one semester for each semester that he is unable to enroll or complete.

(c) The provisions of R.S. 17:5043 providing that a student's eligibility shall be reduced by a semester for each semester that he is enrolled in an out-of-state college or university are waived.

(2) The provisions of this Subsection shall apply only to a person who, on August 26, 2020, was eligible for or had a program award and who meets either of the following criteria:

(a) His home of record was in an affected parish. For purposes of this Subparagraph, "home of record" means the domiciliary address of a dependent student's parent or court-ordered custodian or an independent student's domiciliary address.

(b) He was enrolled in an eligible college or university in an affected parish.  
D. For purposes of this Section, "affected parish" means Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, LaSalle,

Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry,

Union, Vermilion, Vernon, or Winn.

E.(1) The administering agency may waive any provision of Part I of this Chapter that imposes a program eligibility requirement that a student cannot comply with if it determines that the failure to comply is, more likely than not, due solely to the effects of Hurricane Laura.

(2) The administering agency may waive any provision of Part I of this Chapter that imposes a program eligibility requirement that a student cannot comply with if it determines that the failure to comply is, more likely than not, due solely to the effects of any gubernatorially declared disaster or emergency. The authority granted by this Paragraph shall apply only to the 2020-2021 academic year.

(3) In addition to the provisions of the Administrative Procedure Act relative to legislative oversight, the Joint Legislative Committee on the Budget shall have oversight and approval authority over any rule proposed for adoption pursuant to the authority granted by this Subsection.

F. The administering agency may adopt any rule, policy, or guideline necessary to implement the provisions of this Section and shall disseminate information regarding program changes pursuant to the provisions of this Section in the most timely manner possible.

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, October 28, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 18**

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HOUSE BILL NO. 43  
BY REPRESENTATIVE BACALA  
AN ACT

To enact R.S. 40:2009.4(A)(7) and 2166.5(B)(12), relative to rights of nursing home residents and residents of adult residential care provider facilities; to provide for legislative findings and intent; to require the Louisiana Department of Health to promulgate rules for visitation during a public health emergency; to provide for exceptions to the rules; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2009.4(A)(7) and 2166.5(B)(12) are hereby enacted to read as follows:

§2009.4. Standards prescribed

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

\* \* \*

(7)(a) The requirement for licensed nursing facilities to allow immediate family members and other designated persons to visit residents during a public health emergency whenever a resident requests such a visit with special consideration to be given to residents receiving end-of-life care.

(b) The rules shall include but not be limited to definitions, minimum requirements, restrictions, and provisions to protect the health, safety, and welfare of the residents and the staff of the licensed nursing facility.

(c) The rules shall allow licensed nursing facilities to adopt reasonable time, place, and manner restrictions on resident visitation that are implemented for the purpose of mitigating the possibility of transmission of any infectious agent or disease or to address the medical condition or clinical considerations of an individual resident.

(d) The rules promulgated pursuant to this Paragraph shall be preempted by any federal statute, federal regulation, or guidance from a federal government agency that requires a licensed nursing facility to restrict resident visitation in a manner that is more restrictive than the rules adopted by the department pursuant to this Paragraph.

(e) For purposes of this Paragraph, the following definitions shall apply:

(i) "Public health emergency" means a state of public health emergency that is declared pursuant to the Louisiana Health Emergency Powers Act, R.S. 29:760 et seq.

(ii) "Resident" means the resident of the licensed nursing facility or the legal or designated representative of the resident.

\* \* \*

§2166.5. Rules and regulations; licensing standards; fees

\* \* \*

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

\* \* \*

(12)(a) The requirement for licensed adult residential care providers to allow immediate family members and other designated persons to visit residents during a public health emergency whenever a resident requests such a visit with special consideration to be given to residents receiving end-of-life care.

(b) The rules shall include but not be limited to definitions, minimum

requirements, restrictions, and provisions to protect the health, safety, and welfare of the residents and the staff of the licensed adult residential care provider.

(c) The rules shall allow licensed adult residential care providers to adopt reasonable time, place, and manner restrictions on resident visitation that are implemented for the purpose of mitigating the possibility of transmission of any infectious agent or disease or to address the medical condition or clinical considerations of an individual resident.

(d) The rules promulgated pursuant to this Paragraph shall be preempted by any federal statute, federal regulation, or guidance from a federal government agency that requires a licensed adult residential care provider to restrict resident visitation in a manner that is more restrictive than the rules adopted by the department pursuant to this Paragraph.

(e) For purposes of this Paragraph, the following definitions shall apply:

(i) "Public health emergency" means a state of public health emergency that is declared pursuant to the Louisiana Health Emergency Powers Act, R.S. 29:760 et seq.

(ii) "Resident" means the resident of the licensed adult residential care providers or the legal or designated representative of the resident.

\* \* \*

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, October 28, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 19**

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HOUSE BILL NO. 48  
BY REPRESENTATIVES DUPLESSIS, BRASS, BRYANT, CARPENTER,  
GARY CARTER, CORMIER, COX, FREEMAN, GAINES, GREEN, JAMES,  
JEFFERSON, JENKINS, JONES, JORDAN, LANDRY, LARVADAIN,  
LYONS, DUSTIN MILLER, MOORE, NEWELL, PHELPS, SELTERS, AND  
WILLARD  
AN ACT

To amend and reenact R.S. 17:3351(J), relative to identification cards issued by postsecondary education institutions; to require certain postsecondary education governing authorities to ensure that student identification cards issued by institutions under their jurisdiction contain elements required for voter identification; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3351(J) is hereby amended and reenacted to read as follows:

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

\* \* \*

J. ~~Each public postsecondary education management board except for the Board of Supervisors of Community and Technical Colleges and the governing authority of each institution that is a member of the Louisiana Association of Independent Colleges and Universities shall ensure that a student identification card issued by a public postsecondary education institution under its jurisdiction contains each required element for a generally recognized picture identification card specified in R.S. 18:562(A)(2) and an expiration date. The expiration date shall be four years subsequent to the date of issuance of the student identification card or the anticipated graduation date of the student 18:562(A)(2)(a)(i) and 1309(D)(1)(a)(i). The identification card shall expire on the anticipated date of the student's graduation or program completion or on the date six years subsequent to the date the card is issued, whichever date occurs first.~~

\* \* \*

Section 2. The provisions of this Act shall be implemented in the issuance of new cards after the effective date of this Act; no institution shall be required to reissue otherwise valid identification cards solely for the purposes of compliance with this Act.

Section 3. The provisions of this Act shall become effective on January 1, 2023.

Approved by the Governor, October 28, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 20**

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HOUSE BILL NO. 52  
BY REPRESENTATIVES EDMONDS AND EDMONSTON

AN ACT

To enact R.S. 40:1271.3, relative to the duties of the office of public health of the Louisiana Department of Health; to establish requirements for reporting of certain public health data during a state of public health emergency; to require the office of public health to report data on infectious disease incidence among school-age children under certain circumstances; to specify the schedule of such reporting; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1271.3 is hereby enacted to read as follows:

§1271.3. Infectious disease incidence among school-age children; public health emergencies; reporting of data

During the pendency of any state of public health emergency declared in accordance with R.S. 29:766 and relating to one or more infectious diseases, the Louisiana Department of Health, office of public health shall publish, on a publicly accessible website, a report updated not less than weekly, which provides the total number of children between the ages of five and seventeen years in this state known to have been infected with each disease addressed by the public health emergency declaration.

Section 2. If a state of public health emergency declared in accordance with R.S. 29:766 is in effect on the effective date of this Act, then the office of public health of the Louisiana Department of Health shall publish the first report required by R.S. 40:1271.3, as enacted by Section 1 of this Act, not later than the seventh day after the effective date of this Act. Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided 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, October 28, 2020.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 21**

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HOUSE BILL NO. 54  
BY REPRESENTATIVE JAMES  
AN ACT

To enact Chapter 61 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3211 through 3214, relative to the use of digitized identification cards; to provide definitions; to provide for the acceptance of digitized identification cards at places of business; to provide for exceptions; to limit liability; to provide for certain powers and duties; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 61 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:3211 through 3214, is hereby enacted to read as follows:

**CHAPTER 61. DIGITIZED IDENTIFICATION CARD ACCEPTANCE**

**§3211. Definitions**

As used in this Chapter, the following terms have the meanings ascribed to them in this Section unless the context clearly indicates otherwise:

(1) “Consumer” means any individual who uses, purchases, or leases goods or services.

(2) “Digitized identification card” means a data file available on any mobile device which has connectivity to the internet through a state-approved application that allows the mobile device to download the data file from the Department of Public Safety and Corrections or an authorized representative of the Department of Public Safety and Corrections that contains all of the data elements visible on the face and back of a license or identification card and displays the current status of the license or identification card. For purposes of this Chapter, “current status” includes valid, expired, cancelled, suspended, disqualified, active, inactive, member, nonmember, eligible, or ineligible.

(3) “Person” means any individual, firm, partnership, corporation, association, union, public or private education institution, or other organization, including but not limited to a bar or restaurant that is engaged in trade or commerce within the geographic boundaries of this state.

(4) “Trade” or “commerce” means the advertising, offering for sale, sale, or distribution of any services, including educational services, and any property, corporeal or incorporeal, immovable or movable, and any other article, commodity, or thing of value wherever situated, and includes any trade or commerce directly or indirectly affecting the people of this state.

**§3212. Digitized identification card acceptance; limitation of liability**

A. When a person requests a consumer to produce valid identification for the purpose of furnishing proof of the consumer’s identification or age, the person shall accept a state-issued digitized identification card as a valid form of identification.

B. A digital copy, photograph, or image of a digitized identification card which is not downloaded through a state-approved application on a mobile device shall not be considered a valid digitized identification card as provided for by this Chapter.

C. The display of a digitized identification card does not serve as consent or authorization for a person to search, view, or access any other data or application on the consumer’s mobile device. When a consumer presents his mobile device to a person for the purpose of displaying a digitized identification card, the person shall promptly return the mobile device to the consumer once the person has had an opportunity to verify the identity or age of the consumer and the current status of the license or identification card.

D.(1) Under no circumstances shall this state, or any of its agencies, be held liable in any manner legally or otherwise as a result of the use or misuse of a digitized identification card.

(2) Under no circumstances shall a private business, legal entity, or person be held liable in any manner legally or otherwise as a result of the use or misuse of a digitized identification card.

**§3213. Powers and duties**

The Louisiana Gaming Control Board, the Louisiana State Racing Commission, and the office of alcohol and tobacco control have authority to take actions, not inconsistent with law, as deemed necessary to ensure a respective licensee’s compliance with the provisions of this Chapter.

**§3214. Limitations of applicability**

A. The provisions of this Chapter do not apply to a location of business in the state of Louisiana where a physical copy of an individual’s current driver’s license, valid passport, or visa issued by the federal government or another country or nation, or other card of identity is held in compliance with state or federal law.

B. Notwithstanding any other provision of law to the contrary, the provisions of this Chapter do not apply to the following:

(1) A federally insured depository institution that is organized under the laws of this state, another state, or the United States. However, a federally insured depository institution may, at its option, accept a digitized identification card as a valid form of identification.

(2) An entity licensed pursuant to the provisions of Title 27 of the Louisiana Revised Statutes of 1950, including but not limited to a casino, official gaming establishment, or other establishment providing gaming operations. However, such licensee may, at its option, accept a digitized identification card as a valid form of identification.

(3) An entity licensed pursuant to the provisions of Chapter 4 of Title 4 of the Louisiana Revised Statutes of 1950. However, such licensee may, at its option, accept a digitized identification card as a valid form of identification.

(4) A person validating identification for notarial acts involving immovable property, authentic acts, testaments or codicils thereto, trust instruments or acknowledgments thereof, donations inter vivos, matrimonial agreements or acknowledgments thereof, and acts modifying, waiving, or extinguishing an obligation of final spousal support or acknowledgments thereof. However, a notary public may, at its option, accept a digitized identification card as a valid form of identification.

(5) A person or entity licensed pursuant to the provisions of Subpart R of Part I of Chapter 2 of Title 22 of the Louisiana Revised Statutes of 1950. However, such licensee may, at its option, accept a digitized identification card as a valid form of identification.

(6) A used motor vehicle dealer licensed pursuant to the provisions of Chapter 4-C of Title 32 of the Louisiana Revised Statutes of 1950 or a dealer licensed pursuant to the provisions of Chapter 6 of Title 32 of the Louisiana Revised Statutes of 1950. However, the licensed used motor vehicle dealer or licensed dealer may, at its option, accept a digitized identification card as a valid form of identification.

Approved by the Governor, October 28, 2020.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 22**

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HOUSE BILL NO. 66  
BY REPRESENTATIVE BEAULLIEU  
AN ACT

To enact R.S. 23:1605, relative to unemployment compensation; to provide for definitions; to require the Louisiana Workforce Commission to conduct certain checks with respect to unemployment compensation; to provide for data sharing; to require annual reports; to provide for the promulgation of rules; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1605 is hereby enacted to read as follows:

**§1605. Unemployment insurance integrity program**

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

(1) “Department” means the Louisiana Workforce Commission.

(2) “Integrity Data Hub” means the centralized, multi-state data analysis tool utilized by the National Association of State Workforce Agencies, which allows participating state unemployment insurance agencies to cross-match unemployment insurance claims against a database of information associated with potentially fraudulent claims or overpayments.

(3) “National Directory of New Hires” means the database that stores personal and financial data on employed individuals across the country

and contains information and data on individuals receiving unemployment compensation.

(4) “New hire records” means the directory of newly hired and re-hired employees reported under state and federal law and managed by the child support enforcement section, division of family support, office of children and family services, Department of Children and Family Services.

(5) “Unemployment insurance rolls” means unemployed workers receiving unemployment insurance in the state.

B. The department shall be tasked with the responsibility of enhancing the integrity of the state’s unemployment insurance program.

C. To ensure the integrity of the unemployment insurance program and to verify eligibility and to prevent fraudulent filing and payment of claims, the department is required to do all of the following:

(1) The department may use commercially available database solutions to check new hire records against the state’s unemployment insurance rolls on a weekly basis.

(2) The department, on a weekly basis, shall check new hire records against the National Directory of New Hires.

(3) The department shall check the Integrity Data Hub or another commercially available database.

(4) The department, on a weekly basis, shall check the unemployment insurance rolls against the Louisiana Department of Public Safety and Corrections’ list of incarcerated individuals.

D. When the department receives information concerning an individual who is participating in the unemployment compensation insurance program that indicates a change in circumstances that may affect his eligibility, the department shall review the individual’s case and make a final determination of his eligibility in accordance with the provisions of R.S. 23:1600 and 1601.

E. Pursuant to the performance of all cross-match activities required by this Section, the Louisiana Workforce Commission shall provide to the legislature a report on or before June thirtieth annually. The report shall include all of the following:

(1) The department’s rate of consistency in performing the weekly checks against the Integrity Data Hub or another commercially available database and the National Directory of New Hires.

(2) The type and amount of improper payments detected retroactively.

(3) The type and amount of improper payments prevented.

(4) The dollar amount the state has saved in preventing improper payments and, if any, in recouping improper payments.

F. The department shall have the authority to execute a memorandum of understanding with any state department, agency, or division for data that is necessary to carry out the purposes of this Section.

G. The Louisiana Workforce Commission shall promulgate all rules and regulations necessary for the purposes of carrying out the provisions of this Section.

Section 2.(A) This Act shall be known and may be cited as the “Unemployment Insurance Program Integrity Act of 2020”.

(B) The purpose of this Act is to enhance program integrity for the state’s unemployment insurance program.

Section 3. This Act shall become effective January 1, 2021.

Approved by the Governor, October 28, 2020.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 23**

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**HOUSE BILL NO. 69**

BY REPRESENTATIVES MCFARLAND, BUTLER, DESHOTEL,  
MCCORMICK, MCMAHEN, MINCEY, ROMERO, ST. BLANC, THOMPSON,  
TURNER, WHEAT, AND WHITE AND SENATOR CATHEY  
AN ACT

To enact R.S. 3:266(24) and 285, relative to agricultural workforce development; to establish a monetary incentive program to encourage the creation and employment of agricultural business internships; to authorize the development and establishment of the Louisiana Agricultural Workforce Development Program; to authorize an incentive payment to Louisiana agricultural businesses for the creation and employment of internships; to provide for administration of the program; to provide for definitions; to provide for reporting; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:266(24) and 285 are hereby enacted to read as follows:

§266. Powers of authority

The authority shall have all the powers necessary to give effect to and carry out the purposes and provisions of this Chapter, including, in addition to all other powers granted by other provisions of this Chapter, the powers to:

\* \* \*

(24) Establish, administer, and supervise programs to promote agricultural workforce development within the state.

\* \* \*

§285. Louisiana Agricultural Workforce Development Program

A. Title; creation. There is hereby created the Louisiana Agricultural

Workforce Development Program, hereinafter referred to as the “program”, within the Louisiana Department of Agriculture and Forestry, to be administered and supervised by the Louisiana Agricultural Finance Authority, in order to grant incentive payments to Louisiana agricultural businesses to encourage the creation and employment of internships.

B. Declaration of purpose. The Legislature of Louisiana hereby finds and declares that the health, safety, and welfare of the people of this state are dependent upon the continued encouragement, development, growth, and expansion of the Louisiana agriculture industry and rural areas. Furthermore, agricultural industries are a major source of employment for Louisiana residents and more programs are needed to encourage interest in and provide the necessary training for a wide range of agricultural jobs. Therefore, it is declared to be the purpose of this Section to ensure the continuation of a quality workforce for the agricultural industry and assist in the expansion of agricultural jobs by providing incentive payments to Louisiana agricultural businesses to encourage the creation and employment of internships.

C. Definitions. For purposes of this Section, the following terms shall have the meanings hereinafter ascribed to them, unless the context clearly indicates otherwise:

(1) “Agricultural business” means an agricultural producer, or a person or legal entity who engages in agriculture or provides support activities, products, or services to an agricultural producer and such products or services that are directly related to the planting, growing, production, harvesting, or processing of Louisiana agricultural products.

(2) “Director” means the director of the Louisiana Agricultural Finance Authority.

(3) “Immediate family member” means the spouse, parent, sibling, or child of the owner, manager, chief executive officer, or president of an agricultural business; a person to whom the owner, manager, chief executive officer, or president stands as legal guardian or tutor; or any other person living in the household of the owner, manager, chief executive officer, or president of an agricultural business by blood or marriage.

(4) “Intern” means an individual who is a student enrolled at a Louisiana secondary or postsecondary institution or a young and beginning farmer or rancher employed by an agricultural business pursuant to the program.

D. Program. (1) In accordance with the Administrative Procedure Act, the authority, in cooperation with the commissioner, shall promulgate rules and regulations, subject to oversight by the House and Senate Committees on Agriculture, Forestry, Aquaculture and Rural Development, as are necessary to implement the provisions of this Section including but not limited to rules and regulations regarding the following:

(a) Criteria for selecting agricultural businesses for participation in the program, including the ability of a business to effectively supervise an intern and offer the intern an opportunity to obtain meaningful work experience through the business.

(b) Criteria for an internship to qualify under the program, including requirements that the internship provide an intern with at least one hundred thirty hours of work experience, not exceed one year in duration per intern, and pay an intern an hourly wage rate that is no less than the minimum wage rate pursuant to the Fair Labor Standard Act of 1938.

(c) Criteria for an agricultural business to use in selecting qualified interns provided that an immediate family member shall not be eligible to qualify as an intern.

(d) The process and timetable for selecting qualified agricultural businesses and qualified interns.

(e) Accounting requirements for tracking internship costs.

(f) The process for an agricultural business to seek reimbursement.

(2) Subject to appropriations by the legislature or receipt of other monies, the authority, on behalf of the department, may reimburse a participating agricultural business in an amount not to exceed fifty percent of the actual cost to the business of participating in the program. Actual cost includes the wages paid to an intern, reasonable allocation of fixed overhead expenses, and all incidental costs directly related to the internship. Based on the annual appropriation or monies received from other sources for the program, the director, in consultation with the commissioner, shall determine how many internships may be approved, the amount of reimbursement per internship, and whether an agricultural business may be reimbursed for more than one intern in the same fiscal year; provided that an agricultural business shall not be reimbursed for more than three internships in the same fiscal year.

E. Reporting. The department shall submit annually by August thirty-first to the appropriate legislative oversight committees, a report on the effectiveness of the program in achieving the purpose. The report shall include program information deemed relevant by the director in addition to the following specific informational items for each fiscal year:

(1) The total number of approved agricultural businesses to participate in the program.

(2) The total number of agriculture businesses participating in the program.

(3) The total number of interns and hours worked.

(4) The total amount of incentives granted under the program.

(5) The total amount of income earned by interns under the program.

(6) The total number of internships that led to permanent employment with a Louisiana agricultural business.

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, October 28, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 24**  
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HOUSE BILL NO. 74  
BY REPRESENTATIVES DESHOTEL, ADAMS, AMEDEE, BEAULLIEU, BOURRIAQUE, BUTLER, CARRIER, GARY CARTER, ROBBY CARTER, COX, CREWS, DAVIS, DEVILLIER, ECHOLS, EDMONDS, EMERSON, FARNUM, FREIBERG, GADBERRY, GAROFALO, GOUDEAU, HARRIS, IVEY, JEFFERSON, MIKE JOHNSON, JONES, KERNER, LYONS, MAGEE, MCCORMICK, MCKNIGHT, MCMAHEN, MIGUEZ, NEWELL, ORGERON, CHARLES OWEN, PIERRE, RISER, ROMERO, SCHAMERHORN, SCHEXNAYDER, SELDERS, STEFANSKI, THOMPSON, TURNER, WHITE, AND WRIGHT AND SENATORS JOHNS AND MIZELL  
AN ACT

To enact R.S. 36:4(CC), R.S. 49:968(B)(21)(d), and Chapter 12 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1361 through 1365, relative to the office of broadband and connectivity; to place the office within the executive branch; to provide definitions; to provide for the appointment of an executive director; to require reporting; to provide for functions, powers, and duties; to establish contract authority; to provide for termination of the office; and to provide for related matters.  
Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 36:4(CC) is hereby enacted to read as follows:  
§4. Structure of executive branch of state government

CC. The office of broadband and connectivity (R.S. 51:1361 et seq.) shall be placed within the office of the governor and shall perform and exercise its powers, duties, functions, and responsibilities as provided by law.  
Section 2. R.S. 49:968(B)(21)(d) is hereby enacted to read as follows:  
§968. Review of agency rules; fees

B.  
(21)

(d) The office of broadband and connectivity shall submit the report to the House Committee on Commerce and the Senate Committee on Commerce, Consumer Protection, and International Affairs.

Section 3. Chapter 12 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:1361 through 1365, is hereby enacted to read as follows:  
**CHAPTER 12. THE OFFICE OF BROADBAND AND CONNECTIVITY**  
**§1361. Definitions**  
When used in this Chapter:  
(1) “Connectivity” means the capacity for the interconnection of platforms, systems, and applications. It includes but is not limited to systems that utilize cable, fiber, lines, satellites, sound waves, or wire to transmit information.  
(2) “Government agency” means any department, office, council, or agency of the federal, state, or local government, or any public benefit corporation or authority authorized by law.  
(3) “Office” means the office of broadband and connectivity.  
(4) “Person” means any natural or juridical person, including corporations.  
**§1362. The office of broadband and connectivity**

A. There is hereby created within the office of the governor the office of broadband and connectivity. The head of the office shall be the executive director of broadband and connectivity who shall be appointed by the governor to serve at his pleasure. The appointment shall be subject to Senate confirmation.

B. The executive director shall employ necessary staff to carry out the duties and functions of the office as provided in this Chapter, or as otherwise provided by law.

C. On or before February first of each year, the executive director shall prepare and submit to the governor, the House Committee on Commerce, the Senate Committee on Commerce, Consumer Protection, and International Affairs, and the Joint Legislative Committee on Technology and Cybersecurity, a comprehensive report to include, at a minimum, the following information:

- (1) Activities undertaken by the office during the previous year.
- (2) Data concerning broadband and other connectivity services in this state and expansion and deployment of these services.
- (3) An assessment of the current availability and accessibility of broadband and other connectivity services in the state.
- (4) A mapping initiative to identify availability of broadband to every home and business in the state.
- (5) Availability and description of public or private grants available for the expansion or enhancement of broadband services and other connectivity services in the state.
- (6) Recommendations for legislative proposals.

CODING: Words in struck-through type are deletions from existing law; words underscored (House Bills) and underscored and boldfaced

(7) Identification of resources to assist the office in performing its functions and duties.

D. The governor shall direct that all state agencies provide the executive director with assistance in advancing the purpose of the office and assure that the activities of the office are fully coordinated with the activities of state agencies providing related services.

**§1363. Functions, powers, and duties**  
The office of broadband and connectivity, by and through the executive director or his employees, shall have the following functions, powers, and duties:

- (1) To provide comprehensive information relating to broadband and connectivity in the state upon request to any person or government agency.
- (2) To promote and encourage broadband adoption for households that have not accessed services.
- (3) To study and identify barriers to households that have not adopted broadband services.
- (4) To advise and assist any person or government agency in addressing particular broadband and connectivity needs, including cooperative efforts among such persons and agencies.
- (5) To establish procedures to review and comment on the federal mapping initiative created by the Broadband DATA Act, Public Law 116-130 that precisely maps the availability of broadband services to every home and business in the state.
- (6) To research programs relating to broadband and connectivity services and receive notification from every person and government agency engaged in the provision of broadband and connectivity services of program descriptions, appropriation data, and application procedures. The office shall maintain a listing of existing programs and advise persons or government agencies of their existence.
- (7) To assist, upon request, applicant persons or government agencies in obtaining timely and efficient responses from state and federal agencies; to assist the applicants in consideration of program grant strategies; to assist state and federal agencies in cooperative approaches to address the needs of the applicants; and to provide technical assistance to government agencies in formulating and implementing broadband expansion and connectivity programs.
- (8) To encourage the assistance of the private sector, including broadband service providers, to effectuate the deployment and access to broadband and other connectivity services to all residents of the state.
- (9) To assist the governor and the legislature in the development and integration of a broadband deployment plan and long-range plans to more effectively and efficiently provide access to any new connectivity options.
- (10) To analyze and make recommendations concerning proposed state legislation or programs that may affect the expansion of broadband and other connectivity services.
- (11) To apply for, receive, and administer grants or financial assistance from persons or government agencies.
- (12) To adopt and promulgate such rules and regulations, procedures, instructions, and forms as are deemed necessary to implement the functions, powers, and duties imposed upon the office by this Chapter in accordance with the provisions of the Administrative Procedure Act.
- (13) To do all things necessary or convenient to carry out the functions, powers, and duties expressly set forth in this Chapter.

**§1364. Contract authority**  
The office is hereby empowered to enter into any agreement or contract with any persons or government agencies necessary or convenient to carry out the provisions of this Chapter.

**§1365. Termination**  
The provisions of this Chapter shall terminate at twelve o'clock midnight on June 30, 2023, and shall thereafter have no effect.

Section 4. The provisions of this Act shall only go into effect at such time as funds are appropriated sufficient to fully fund these provisions.

Approved by the Governor, October 28, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 25**  
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HOUSE BILL NO. 75  
BY REPRESENTATIVES MCFARLAND AND THOMPSON AND SENATOR CATHEY  
AN ACT

To amend and reenact the heading of Part II-A of Title 3 of the Louisiana Revised Statutes of 1950 and R.S. 3:4321(C) and (D) and to enact R.S. 3:4321(E), relative to the severance tax on timber; to modify the disposition of the portion of the severance tax on timber allocated to the state general fund; to create the “Wildfire Suppression Subfund”; to provide for the use of monies in the subfund; to provide for the appointment of forest firefighters within the office of forestry; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. The heading of Part II-A of Title 3 of the Louisiana Revised

Statutes of 1950 and R.S. 3:4321(C) and (D) are hereby amended and reenacted and R.S. 3:4321(E) is hereby enacted to read as follows:

PART II-A. FOREST PROTECTION ASSESSMENT FUND  
§4321. Forest protection assessment; Forest Protection Fund and Subfund; disposition of funds

C.(1) After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, an amount equal to that deposited as required ~~herein~~ in Subsection B of this Section shall be credited to a special fund hereby created in the state treasury to be known as the “Forest Protection Fund” hereafter in this Section, the “fund”.

~~D. (2) The monies in the fund, exclusive of monies in the Wildfire Suppression Subfund, shall be expended by the Department of Agriculture and Forestry for the acquisition and maintenance of equipment for the protection of forest lands from damage by fire or other causes and only in the amounts appropriated annually by the legislature. All unexpended and unencumbered monies in the fund at the end of the fiscal year, exclusive of monies in the Wildfire Suppression Subfund, shall revert to the Louisiana Agricultural Finance Authority.~~

D.(1) There is hereby established in the state treasury a special subfund in the Forest Protection Fund to be known as the “Wildfire Suppression Subfund”, hereafter in this Subsection, the “subfund”.

(2) Funds equal to twenty-five percent of that portion of the severance tax on timber allocated to the state by Article VII, Section 4(D) of the Constitution of Louisiana shall be deposited immediately upon receipt into the state treasury.

(3) Beginning with the 2020-2021 Fiscal Year and for each fiscal year thereafter, 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, and prior to monies being placed in the state general fund, an amount equal to that deposited as required by this Subsection shall be credited to the subfund. The subfund shall be used solely as provided in Paragraph (4) of this Subsection and only in the amounts appropriated by the legislature. Monies in the subfund shall be invested by the state treasurer in the same manner as monies in the state general fund and interest earned on the investment of these monies shall be credited to the subfund. All unexpended and unencumbered monies in the subfund at the end of the fiscal year shall remain in the subfund.

(4) The monies in the subfund shall be used solely by the department for forest fire suppression with an intent that money is primarily used for the purpose of appointment and retention of forest firefighters within the office of forestry.

E. No amount appropriated pursuant to this Section shall displace, replace, or supplant appropriations from the state general fund for the Louisiana Department of Agriculture and Forestry. This Subsection shall mean that no appropriation for any fiscal year from the Forest Protection Fund and Wildfire Suppression Subfund shall be made for any purpose for which a general fund appropriation was made in the previous year unless the total appropriations for the fiscal year from the state general fund for such purpose exceed general fund appropriations for the previous year.

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, October 28, 2020.

A true copy:

R. Kyle Ardoin  
Secretary of State

ACT No. 26

HOUSE BILL NO. 89

BY REPRESENTATIVES JAMES AND THOMPSON AND SENATOR  
CARTER  
AN ACT

To enact R.S. 47:293(4)(e), relative to individual income tax; to define federal income tax liability for purposes of calculating individual income tax liability; to require certain federal disaster losses to be included in the calculation of federal income tax liability; 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. 47:293(4)(e) is hereby enacted to read as follows:

§293. Definitions

The following definitions shall apply throughout this Part, unless the context requires otherwise:

(4) “Federal income tax liability”, for the purpose of this Part, means the total amount of tax due to the United States for the taxable period on the individual income tax return required to be filed by any taxpayer, except that:

(e) For taxable periods beginning after December 31, 2018, and before January 1, 2021, federal income tax liability shall be increased by the amount by which an individual’s federal income tax due to the United States for the taxable period was decreased as a result of claiming the federal itemized deduction for certain net disaster losses attributable to Hurricane Laura or Hurricane Delta.

Section 2. The provisions of this Act shall be applicable for taxable periods beginning after December 31, 2018, and before January 1, 2021.

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, October 28, 2020.

A true copy:

R. Kyle Ardoin  
Secretary of State

ACT No. 27

HOUSE BILL NO. 95

BY REPRESENTATIVES BUTLER, ADAMS, AMEDEE, BACALA, BAGLEY, BEAULLIEU, BISHOP, BOURRIAQUE, BRASS, BROWN, BRYANT, CARPENTER, GARY CARTER, ROBBY CARTER, CORMIER, COUSSAN, COX, CREWS, DAVIS, DESHOTEL, DEVILLIER, DUBUISSON, DUPLESSIS, DWIGHT, ECHOLS, EDMONDS, EDMONSTON, EMERSON, FARNUM, FIRMENT, FREEMAN, FREIBERG, FRIEMAN, GADBERRY, GAROFALO, GOUDEAU, GREEN, HARRIS, HILFERTY, HODGES, HORTON, HUGHES, HUVAL, ILLG, IVEY, JAMES, JEFFERSON, JENKINS, MIKE JOHNSON, TRAVIS JOHNSON, JONES, JORDAN, KERNER, LACOMBE, LYONS, MACK, MAGEE, MCCORMICK, MCFARLAND, MCKNIGHT, MCMAHEN, MIGUEZ, DUSTIN MILLER, MINCEY, MOORE, MUSCARELLO, ORGERON, CHARLES OWEN, ROBERT OWEN, PRESSLY, RISER, ROMERO, SCHEXNAYDER, SEABAUGH, SELDERS, ST. BLANC, STEFANSKI, TARVER, THOMAS, THOMPSON, TURNER, VILLIO, WHEAT, WHITE, WILLARD, AND ZERINGUE AND SENATORS ABRAHAM, ALLAIN, BARROW, BERNARD, BOUDREAUX, BOUIE, CARTER, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FIELDS, HARRIS, HENSGENS, HEWITT, JACKSON, JOHNS, LUNEAU, MCMATH, FRED MILLS, ROBERT MILLS, MIZELL, PEACOCK, POPE, PRICE, REESE, SMITH, TALBOT, WARD, WHITE, AND WOMACK  
AN ACT

To enact R.S. 40:2180.2(11), relative to the promulgation of rules by the Louisiana Department of Health to allow visitation of residents of intermediate care facilities by certain family members of those residents; to provide for rulemaking; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2180.2(11) is hereby enacted to read as follows:

§2180.2. Promulgation of rules

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

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

(i) Authorization of visitation for close family members.

(ii) Minimum requirements for visitation, including length of visit and location of the visit.

(iii) Requirements for visitors, including health screenings, testing, and personal protective equipment.

(iv) Limitations on visitation due to health, safety, and welfare issues, including limitations of visitation provided in an executive order of the governor of the state or an order of the state health officer due to the public health emergency.

(v) Prohibition of visitation by any close family member who is infected with COVID-19.

(vi) Provisions for off-site visitation, allowing a close family member to visit an ICF/DD resident away from the facility campus, including requirements for allowing the resident to return to the facility upon certain conditions including testing and isolation.

(vii) Provisions for determinations of dispute resolutions regarding deficiencies related to visitation during a declared health emergency or related to COVID-19, including provisions, subject to federal requirements, for determinations to be issued by the department within thirty-five days after receipt of the request by a facility for an informal dispute resolution of the deficiencies.

(b) The rules promulgated pursuant to this Paragraph shall be preempted by any federal statute, federal regulation or guidance from a federal government agency that requires an ICF/DD to restrict resident visitation in a manner that is more restrictive than the rules adopted by the department pursuant to this Paragraph.

(c) For purposes of this Paragraph, “close family member” shall mean a parent, step-parent, sibling, step-sibling, aunt, uncle, child, step-child, spouse, mother-in-law, father-in-law, grandparent, grandchild, or legal representative of the ICF/DD resident.

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, October 28, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 28**

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**HOUSE BILL NO. 100**

BY REPRESENTATIVES NEWELL, BRYANT, AND JONES  
AN ACT

To amend and reenact R.S. 46:2751(C), 2752(C) and (D), 2755(B)(introductory paragraph), and 2756 and to enact R.S. 46:2751(B)(1)(i) and (4), 2752(E), and 2755(B)(5), relative to the Juvenile Justice Reform Act Implementation Commission; to provide relative to the commission’s purposes, powers, and duties; to provide relative to the membership of the commission; to require the commission to consider the well-being of youth in the juvenile justice system during a public health emergency; to provide relative to meetings of the commission; to provide relative to officers of the commission; to require annual reports of the commission; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:2751(C), 2752(C) and (D), 2755(B)(introductory paragraph), and 2756 are hereby amended and reenacted and R.S. 46:2751(B)(1)(i) and (4), 2752(E), and 2755(B)(5) are hereby enacted to read as follows:

§2751. Juvenile Justice Reform Act Implementation Commission; creation; composition; duties

\* \* \*

B.(1) The commission shall be composed as follows:

\* \* \*

(i) The chairman of the House Committee on Administration of Criminal Justice or his designee.

\* \* \*

(4) The appointed representative of the Families and Friends of Louisiana’s Incarcerated Children shall serve as the vice chairperson of the commission.

C. The commission shall have as its purpose the implementation of the recommendations contained in the Juvenile Justice Reform Act of 2003 and ~~HCR House Concurrent Resolution No. 56 or SCR Senate Concurrent Resolution No. 31~~, or both, of the 2003 Regular Session ~~of the Legislature~~, and the continued reform of the state’s juvenile justice system, the well-being of youth in the juvenile justice system during a public health emergency, and House Concurrent Resolution No. 47 of the 2020 Regular Session of the Legislature.

§2752. Rules; meetings; officers

\* \* \*

C. The commission shall meet ~~for the first time no later than August 1, 2003 January 15, 2021~~, and shall meet at such other times as ~~shall be~~ necessary to accomplish its purposes.

D. The commission shall meet at least once each quarter.

E. The commission shall elect such additional officers as it finds necessary.

\* \* \*

§2755. Powers and duties

\* \* \*

B. The commission in its consideration of the recommendations of the Juvenile Justice Reform Act of 2003 and ~~HCR House Concurrent Resolution No. 56 or SCR Senate Concurrent Resolution No. 31~~, or both, of the 2003 Regular Session ~~of the Legislature~~, and in the consideration of recommendation of other juvenile justice reform measures shall address such issues as:

\* \* \*

(5) The well-being of youth in the juvenile justice system during a public health emergency and House Concurrent Resolution No. 47 of the 2020 Regular Session of the Legislature.

\* \* \*

§2756. Reports; recommendations

The commission shall report to the legislature and the governor with respect to the findings of such studies, reviews, and analysis as it may undertake. The commission shall submit its initial report prior to the 2004 Regular Session of the Legislature, ~~and annual reports prior to each regular session of the legislature, and~~ at such other times as it shall deem appropriate.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored (House Bills) and underscored and boldfaced

\* As it appears in the enrolled bill

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, October 28, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 29**

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**SENATE BILL NO. 5**  
BY SENATOR HEWITT  
AN ACT

To amend and reenact R.S. 51:61, 64, and 65, relative to foreign trade zones; to provide relative to the Plaquemines Port, Harbor and Terminal District; to provide authorization for the district to make application to be designated as a foreign trade zone; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:61, 64, and 65 are hereby amended and reenacted to read as follows:

§61. Definitions

Whenever used in this Part, “board” refers to the New Orleans Aviation Board, the Board of Commissioners of the Lake Charles Harbor and Terminal District, the South Louisiana Port Commission, the ~~Livingston-Tangipahoa Parishes~~ South Tangipahoa Parish Port Commission, the Greater Baton Rouge Port Commission, the Caddo-Bossier Port Commission, the Vidalia Port Commission, the Board of Commissioners of the England Economic and Industrial Development District, ~~and the Board of Commissioners of the Port of New Orleans,~~ and the Plaquemines Port, Harbor and Terminal District, and in addition ~~thereto~~, any port commission or port, harbor, and terminal district, the New Orleans Regional Business Park, and any airport with an industrial park or property designated for industrial development.

\* \* \*

§64. Buildings or enclosures

The board may lease the right to do so or may erect, maintain, and operate any structures, buildings, or enclosures as may be necessary or proper for establishing and operating any foreign trade zones or subzones that may be established in the New Orleans International Airport, the South Louisiana Port Commission, the Lake Charles Harbor and Terminal District, the ~~Livingston-Tangipahoa Parishes~~ South Tangipahoa Parish Port Commission, the Greater Baton Rouge Port Commission, the Caddo-Bossier Port Commission, the Vidalia Port Commission, the England Economic and Industrial Development District, ~~or in the Port of New Orleans,~~ the Plaquemines Port, Harbor and Terminal District, or any port commission or port, harbor, and terminal district, the New Orleans Regional Business Park, and any airport commission with an industrial park or property designated for industrial development under and by virtue of 19 U.S.C. §81a et seq.

§65. Extent of authority of commissioners

The authority granted in this Part to the board confers on the board the right to do all things necessary and proper to carry into effect the establishing, maintaining, and operating of foreign trade zones in the New Orleans International Airport, the South Louisiana Port Commission, the Lake Charles Harbor and Terminal District, the Port of New Orleans, the ~~Livingston-Tangipahoa Parishes~~ South Tangipahoa Parish Port Commission, the Caddo-Bossier Port Commission, the Vidalia Port Commission, the England Economic and Industrial Development District, ~~or the Greater Baton Rouge Port Commission,~~ the Plaquemines Port, Harbor and Terminal District, or any port commission or port, harbor, and terminal district, the New Orleans Regional Business Park, and any airport with an industrial park or property designated for industrial development, and to comply fully with the provisions of 19 U.S.C. §81a et seq. and all regulations that may be made under it. Further, a board ~~which that~~ does not have federally authorized foreign trade zone status may enter into agreement with another board ~~which that~~ has federally granted foreign trade zone authority to establish, maintain, or operate a subzone or subzones within the jurisdiction of the board, provided that ~~such the~~ agreement shall not limit or affect the powers and authority of either board.

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, October 28, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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ACT No. 30

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SENATE BILL NO. 12

BY SENATOR ROBERT MILLS AND REPRESENTATIVE EDMONDS  
AN ACT

To amend and reenact R.S. 29:770(B) and 771(B)(2)(c) and to enact R.S. 40:2005.1, relative to a state of public health emergency; to require hospitals, nursing homes, and adult residential care homes to provide patient or resident access to members of the clergy during a state of public health emergency for COVID-19 or other contagious or infectious diseases; to require the Louisiana Department of Health to promulgate rules; to provide for rules for members of the clergy who voluntarily enter inpatient health care facilities to minister; to provide for definitions; to provide for licensed professional counselors; to provide for emotional and spiritual support from clergy; to provide for legislative purpose; to provide for restrictions; to provide for immunity from liability for hospitals, nursing homes, and adult residential care homes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:770(B) and 771(B)(2)(c) are hereby amended and reenacted to read as follows:

§770. Public information regarding a public health emergency; access to mental health support personnel; access to members of the clergy

\* \* \*

B. Access to mental health support personnel.

(1) During a declaration of a state of public health emergency, the secretary of the Louisiana Department of Health or his designee shall provide information about and referrals to mental health support personnel to address psychological responses to the public health emergency. The information provided may include the availability of no-cost or reduced-cost counseling or mental health support services from licensed mental health professionals offered by religious organizations or other nonprofit organizations. The information provided may also include no-cost emotional or spiritual support offered by clergy.

(2) After a declaration of a state of public health emergency, the secretary of the Louisiana Department of Health or his designee shall provide information about and referrals to mental health support personnel to address psychological responses to the public health emergency. The information provided may include the availability of no-cost or reduced-cost counseling or mental health support services from licensed mental health professionals offered by religious organizations or other nonprofit organizations. The information provided may also include no-cost emotional or spiritual support offered by clergy.

§771. Miscellaneous

\* \* \*

B. Liability.

\* \* \*

(2) Private liability.

\* \* \*

(c)(i) During a state of public health emergency, ~~any no~~ health care ~~providers~~ provider shall ~~not~~ be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of gross negligence or willful misconduct.

(ii) During a state of public health emergency, which is declared to combat COVID-19 or any other contagious disease or infectious disease, no inpatient health care facility shall be liable to a member of the clergy for any civil damages for injury or death resulting from or related to actual or alleged exposure during the course of, or through the performance of, allowing access to a member of the clergy in compliance with R.S. 40:2005.1 unless the inpatient health care facility failed to substantially comply with the applicable procedures established by the Louisiana Department of Health that govern the inpatient health care facility operations and the injury or death was caused by the inpatient health care facility's gross negligence or wanton or reckless misconduct.

\* \* \*

Section 2. R.S. 40:2005.1 is hereby enacted to read as follows:

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

A. The legislature declares that the purpose of this Section is to protect the religious liberty of each patient or resident and to protect inpatient health care facilities from costly lawsuits and administrative complaints on the basis of religious discrimination by affording patient or resident access to members of the clergy provided that those members of the clergy enter the inpatient health care facility on a voluntary basis and comply with the safety requirements of the facility in order to visit and minister to the patient or resident.

B.(1) The Louisiana Department of Health shall promulgate rules, pursuant to the Administrative Procedure Act, to require inpatient health care facilities to allow members of the clergy to visit patients or residents during a public health emergency whenever a patient or resident requests such a visit. Special consideration shall be given to patients or residents receiving end-of-life care.

(2)(a) The rules shall include but not be limited to definitions, minimum requirements, and provisions to protect the health, safety, and welfare of the patients or residents and the staff of the inpatient health care facility.

(b) The rules shall allow inpatient health care facilities to adopt reasonable time, place, and manner restrictions on patient or resident visitation that are implemented for the purpose of mitigating the possibility of transmission of any infectious agent or disease or to address the medical condition or clinical

considerations of an individual patient.

(3) The rules promulgated pursuant to this Section shall be preempted by any federal statute, federal regulation, or guidance from a federal government agency that requires an inpatient health care facility to restrict patient visitation in a manner that is more restrictive than the rules adopted by the Louisiana Department of Health pursuant to this Section.

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

(1) "Inpatient health care facilities" means all of the following:

(a) A hospital licensed pursuant to Part II of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950 but shall not include a licensed hospital that is designated as a forensic facility.

(b) A nursing home, as defined in R.S. 40:2009.2.

(c) An adult residential care home, as defined in R.S. 40:2166.3, including but not limited to assisted living facilities.

(2) "Patient or resident" means the patient or resident of the inpatient health care facility or the legal or designated representative of the patient or resident.

(3) "Public health emergency" means a state of public health emergency that is declared pursuant to the Louisiana Health Emergency Powers Act, R.S. 29:760 et seq.

Section 3. Nothing in this Act shall be interpreted to prohibit or restrict any inpatient health care facility from allowing clergy to visit or minister to patients or residents in a manner deemed appropriate by the inpatient health care facility prior to the effective date of the rules which are to be implemented by the Louisiana Department of Health pursuant to this Act.

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, October 28, 2020.

A true copy:

R. Kyle Ardoin

Secretary of State

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ACT No. 31

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SENATE BILL NO. 13

BY SENATOR PEACOCK

AN ACT

To enact R.S. 40:1133.1(E) and Part VI of Chapter 5-C of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1141, relative to the Emergency Medical Services Personnel Licensure Interstate Compact (REPLICA); to provide for enactment of the model legislation required to participate in the compact; to provide for criminal background checks; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1133.1(E) and Part VI of Chapter 5-C of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1141, are hereby enacted to read as follows:

§1133.1. Emergency medical personnel training; licensure

\* \* \*

E.(1) The bureau shall be entitled to the criminal history record and identification files of the Louisiana Bureau of Criminal Identification and Information, located within the Department of Public Safety and Corrections, of any person who is required to be licensed as an emergency medical personnel. Fingerprints and other identifying information of the applicant shall be submitted to the Louisiana Bureau of Criminal Identification and Information for qualification and registry, and the Louisiana Bureau of Criminal Identification and Information shall, upon request of the bureau and after receipt of such fingerprint card and other identifying information from the applicant, make available to the bureau all arrest and conviction information contained in the Louisiana Bureau of Criminal Identification and Information's criminal history record and identification files which pertain to the applicant for licensure. In addition, the fingerprints shall be forwarded by the Louisiana Bureau of Criminal Identification and Information to the Federal Bureau of Investigation for a national criminal history record check.

(2) In accordance with the authority provided for in this Chapter, the costs of providing the information required under this Section shall be charged by the Louisiana Bureau of Criminal Identification and Information, as specified in R.S. 15:587(B) to the bureau for furnishing information contained in the Louisiana Bureau of Criminal Identification and Information's criminal history record and identification files, including any additional cost of providing the national criminal history records check, which pertains to the applicant. The bureau may impose any or all such fees or costs on the applicant.

\* \* \*

PART VI. RECOGNITION OF EMERGENCY MEDICAL  
SERVICES PERSONNEL LICENSURE INTERSTATE  
COMPACT (REPLICA)

§1141. Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (REPLICA); adoption

The Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (REPLICA) is hereby recognized and enacted into law and

entered into by this state with all states legally joining therein in the form substantially as follows:

**EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE**  
**INTERSTATE COMPACT (REPLICA)**  
**SECTION 1. PURPOSE**

In order to protect the public through verification of competency and ensure accountability for patient care related activities all states license emergency medical services (EMS) personnel, such as emergency medical technicians (EMTs), advanced EMTs, and paramedics. This compact is intended to facilitate the day-to-day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority and authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state. This compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of EMS personnel and that such state regulation shared among the member states will best protect public health and safety. This compact is designed to achieve the following purposes and objectives:

- (1) Increase public access to EMS personnel.
- (2) Enhance the states' ability to protect the public's health and safety, especially patient safety.
- (3) Encourage the cooperation of member states in the areas of EMS personnel licensure and regulation.
- (4) Support licensing of military members who are separating from an active duty tour, and their spouses.
- (5) Facilitate the exchange of information between member states regarding EMS personnel licensure, adverse action, and significant investigatory information.
- (6) Promote compliance with the laws governing EMS personnel practice in each member state.
- (7) Invest all member states with the authority to hold EMS personnel accountable through the mutual recognition of member state licenses.

**SECTION 2. DEFINITIONS**

In this compact:

A. "Advanced Emergency Medical Technician (AEMT)" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

B. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which may be imposed against licensed EMS personnel by a state EMS authority or state court, including but not limited to actions against an individual's license such as revocation, suspension, probation, consent agreement, monitoring, or other limitation or encumbrance on the individual's practice, letters of reprimand or admonition, fines, criminal convictions, and state court judgments enforcing adverse actions by the state EMS authority.

C. "Alternative program" means a voluntary, nondisciplinary substance abuse recovery program approved by a state EMS authority.

D. "Certification" means the successful verification of entry-level cognitive and psychomotor competency using a reliable, validated, and legally defensible examination.

E. "Commission" means the national administrative body of which all states that have enacted the compact are members.

F. "Emergency Medical Technician (EMT)" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

G. "Home state" means a member state where an individual is licensed to practice emergency medical services.

H. "License" means the authorization by a state for an individual to practice as an EMT, AEMT, paramedic, or a level in between EMT and paramedic.

I. "Medical director" means a physician licensed in a member state who is accountable for the care delivered by EMS personnel.

J. "Member state" means a state that has enacted this compact.

K. "Privilege to practice" means an individual's authority to deliver emergency medical services in remote states as authorized under this compact.

L. "Paramedic" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

M. "Remote state" means a member state in which an individual is not licensed.

N. "Restricted" means the outcome of an adverse action that limits a license or the privilege to practice.

O. "Rule" means a written statement by the interstate commission promulgated pursuant to Section (12) of this compact that is of general applicability; implements, interprets, or prescribes a policy or provision of the compact; or is an organizational, procedural, or practice requirement of the commission and has the force and effect of statutory law in a member state and includes the amendment, repeal, or suspension of an existing rule.

P. "Scope of practice" means defined parameters of various duties or services that may be provided by an individual with specific credentials. Whether regulated by rule, statute, or court decision, it tends to represent the limits of services an individual may perform.

Q. "Significant investigatory information" means:

(1) Investigative information that a state EMS authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proved true, would result in the imposition of an adverse action on a license or privilege to practice; or

(2) Investigative information that indicates that the individual represents an immediate threat to public health and safety regardless of whether the individual has been notified and had an opportunity to respond.

R. "State" means any state, commonwealth, district, or territory of the United States.

S. "State EMS authority" means the board, office, or other agency with the legislative mandate to license EMS personnel.

**SECTION 3. HOME STATE LICENSURE**

A. Any member state in which an individual holds a current license shall be deemed a home state for purposes of this compact.

B. Any member state may require an individual to obtain and retain a license to be authorized to practice in the member state under circumstances not authorized by the privilege to practice under the terms of this compact.

C. A home state's license authorizes an individual to practice in a remote state under the privilege to practice only if the home state:

(1) Currently requires the use of the National Registry of Emergency Medical Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and paramedic levels.

(2) Has a mechanism in place for receiving and investigating complaints about individuals.

(3) Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding an individual.

(4) No later than five years after activation of the compact, requires a criminal background check of all applicants for initial licensure, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation with the exception of federal employees who have suitability determination in accordance with US CFR §731.202 and submit documentation of such as promulgated in the rules of the commission.

(5) Complies with the rules of the commission.

**SECTION 4. COMPACT PRIVILEGE TO PRACTICE**

A. Member states shall recognize the privilege to practice of an individual licensed in another member state that is in conformance with Section (3).

B. To exercise the privilege to practice under the terms and provisions of this compact, an individual must:

(1) Be at least eighteen years of age.

(2) Possess a current unrestricted license in a member state as an EMT, AEMT, paramedic, or state recognized and licensed level with a scope of practice and authority between EMT and paramedic.

(3) Practice under the supervision of a medical director.

C. An individual providing patient care in a remote state under the privilege to practice shall function within the scope of practice authorized by the home state unless and until modified by an appropriate authority in the remote state as may be defined in the rules of the commission.

D. Except as provided in Section (4), Subsection (C), an individual practicing in a remote state will be subject to the remote state's authority and laws. A remote state may, in accordance with due process and that state's laws, restrict, suspend, or revoke an individual's privilege to practice in the remote state and may take any other necessary actions to protect the health and safety of its citizens. If a remote state takes action it shall promptly notify the home state and the commission.

E. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

F. If an individual's privilege to practice in any remote state is restricted, suspended, or revoked the individual shall not be eligible to practice in any remote state until the individual's privilege to practice is restored.

**SECTION 5. CONDITIONS OF PRACTICE**  
**IN A REMOTE STATE**

An individual may practice in a remote state under a privilege to practice only in the performance of the individual's EMS duties as assigned by an appropriate authority, as defined in the rules of the commission, and under the following circumstances:

(1) The individual originates a patient transport in a home state and transports the patient to a remote state.

(2) The individual originates in the home state and enters a remote state to pick up a patient and provide care and transport of the patient to the home state.

(3) The individual enters a remote state to provide patient care and/or transport within that remote state.

(4) The individual enters a remote state to pick up a patient and provide care and transport to a third member state.

(5) Other conditions as determined by rules promulgated by the commission.

**SECTION 6. RELATIONSHIP TO EMERGENCY**  
**MANAGEMENT ASSISTANCE COMPACT**

Upon a member state's governor's declaration of a state of emergency or disaster that activates the Emergency Management Assistance Compact (EMAC), all relevant terms and provisions of EMAC shall apply and to the extent any terms or provisions of this compact conflicts with EMAC, the terms of EMAC shall prevail with respect to any individual practicing in the remote state in response to such declaration.

**SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING**  
**FROM ACTIVE DUTY MILITARY, AND THEIR SPOUSES**

A. Member states shall consider a veteran, active military service member, and member of the National Guard and Reserves separating from an active duty tour, and a spouse thereof, who holds a current valid and unrestricted NREMT certification at or above the level of the state license being sought as satisfying

the minimum training and examination requirements for such licensure.

B. Member states shall expedite the processing of licensure applications submitted by veterans, active military service members, and members of the National Guard and Reserves separating from an active duty tour, and their spouses.

C. All individuals functioning with a privilege to practice under this Section remain subject to the Adverse Actions provisions of Section (8).

**SECTION 8. ADVERSE ACTIONS**

A. A home state shall have exclusive power to impose adverse action against an individual's license issued by the home state.

B. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

(1) All home state adverse action orders shall include a statement that the individual's compact privileges are inactive. The order may allow the individual to practice in remote states with prior written authorization from both the home state and remote state's EMS authority.

(2) An individual currently subject to adverse action in the home state shall not practice in any remote state without prior written authorization from both the home state and remote state's EMS authority.

C. A member state shall report adverse actions and any occurrences that the individual's compact privileges are restricted, suspended, or revoked to the commission in accordance with the rules of the commission.

D. A remote state may take adverse action on an individual's privilege to practice within that state.

E. Any member state may take adverse action against an individual's privilege to practice in that state based on the factual findings of another member state, so long as each state follows its own procedures for imposing such adverse action.

F. A home state's EMS authority shall investigate and take appropriate action with respect to reported conduct in a remote state as it would if such conduct had occurred within the home state. In such cases, the home state's law shall control in determining the appropriate adverse action.

G. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws. Member states must require individuals who enter any alternative programs to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

**SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS AUTHORITY**

A member state's EMS authority, in addition to any other powers granted under state law, is authorized under this compact to:

(1) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a member state's EMS authority for the attendance and testimony of witnesses, and/or the production of evidence from another member state, shall be enforced in the remote state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state EMS authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located.

(2) Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege to practice in the state.

**SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE**

A. The compact states hereby create and establish a joint public agency known as the Interstate Commission for EMS Personnel Practice.

(1) The commission is a body politic and an instrumentality of the compact states.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

**B. Membership, voting, and meetings**

(1) Each member state shall have and be limited to one delegate. The responsible official of the state EMS authority or his designee shall be the delegate to this compact for each member state. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the member state in which the vacancy exists. In the event that more than one board, office, or other agency with the legislative mandate to license EMS personnel at and above the level of EMT exists, the governor of the state will determine which entity will be responsible for assigning the delegate.

(2) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(3) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(4) All meetings shall be open to the public, and public notice of meetings

shall be given in the same manner as required under the rulemaking provisions in Section (12).

(5) The commission may convene in a closed, nonpublic meeting if the commission must discuss:

(a) Noncompliance of a member state with its obligations under the compact.

(b) The employment, compensation, discipline, or other personnel matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures.

(c) Current, threatened, or reasonably anticipated litigation.

(d) Negotiation of contracts for the purchase or sale of goods, services, or real estate.

(e) Accusing any person of a crime or formally censuring any person.

(f) Disclosure of trade secrets or commercial or financial information that is privileged or confidential.

(g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

(h) Disclosure of investigatory records compiled for law enforcement purposes.

(i) Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact.

(j) Matters specifically exempted from disclosure by federal or member state statute.

(6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

C. The commission shall, by a majority vote of the delegates, prescribe bylaws and/or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including but not limited to:

(1) Establishing the fiscal year of the commission.

(2) Providing reasonable standards and procedures:

(a) For the establishment and meetings of other committees.

(b) Governing any general or specific delegation of any authority or function of the commission.

(3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the membership votes to close a meeting in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each member with no proxy votes allowed.

(4) Establishing the titles, duties and authority, and reasonable procedures for the election of the officers of the commission.

(5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar laws of any member state, the bylaws shall exclusively govern the personnel policies and programs of the commission.

(6) Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees.

(7) Providing a mechanism for winding up the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment and/or reserving of all of its debts and obligations.

(8) The commission shall publish its bylaws and file a copy thereof, and a copy of any amendment thereto, with the appropriate agency or officer in each of the member states, if any.

(9) The commission shall maintain its financial records in accordance with the bylaws.

(10) The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.

D. The commission shall have the following powers:

(1) The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states.

(2) To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state EMS authority or other regulatory body responsible for EMS personnel licensure to sue or be sued under applicable law shall not be affected.

(3) To purchase and maintain insurance and bonds.

(4) To borrow, accept, or contract for services of personnel, including but not limited to employees of a member state.

(5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.

(6) To accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the commission shall strive to avoid any appearance of impropriety and/or conflict of interest.

(7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed, provided that at all times the commission shall strive to avoid any appearance of impropriety.

(8) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed.

(9) To establish a budget and make expenditures.

(10) To borrow money.

(11) To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws.

(12) To provide and receive information from, and to cooperate with, law enforcement agencies.

(13) To adopt and use an official seal.

(14) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of EMS personnel licensure and practice.

#### E. Financing of the commission

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(3) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

#### F. Qualified immunity, defense, and indemnification

(1) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this Paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the gross negligence or intentional or willful or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's gross negligence or intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the gross negligence or intentional or willful or wanton misconduct of that person.

### **SECTION 11. COORDINATED DATABASE**

A. The commission shall provide for the development and maintenance of a coordinated database and reporting system containing licensure, adverse action, and significant investigatory information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the coordinated database on all individuals to whom this compact is applicable as required by the rules of the commission, including:

(1) Identifying information.

(2) Licensure data.

(3) Significant investigatory information.

(4) Adverse actions against an individual's license.

(5) An indicator that an individual's privilege to practice is restricted, suspended, or revoked.

(6) Nonconfidential information related to alternative program participation.

(7) Any denial of application for licensure, and the reason(s) for such denial.

(8) Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

C. The coordinated database administrator shall promptly notify all member states of any adverse action taken against, or significant investigative information on, any individual in a member state.

D. Member states contributing information to the coordinated database may designate information that may not be shared with the public without the express permission of the contributing state.

E. Any information submitted to the coordinated database that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the coordinated database.

### **SECTION 12. RULEMAKING**

A. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

D. Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission.

(2) On the website of each member state EMS authority or the publication in which each state would otherwise publish proposed rules.

E. The notice of proposed rulemaking shall include:

(1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon.

(2) The text of the proposed rule or amendment and the reason for the proposed rule.

(3) A request for comments on the proposed rule from any interested person.

(4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

F. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

G. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

(1) At least twenty-five persons.

(2) A governmental subdivision or agency.

(3) An association having at least twenty-five members.

H. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing.

(1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(3) No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This Subsection shall not preclude the commission from making a transcript or recording of the hearing if it so chooses.

(4) Nothing in this Section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this Section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

J. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

K. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

L. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this Section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety, or welfare.

(2) Prevent a loss of commission or member state funds.

(3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

(4) Protect public health and safety.

M. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

### **SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

#### **A. Oversight**

(1) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission.

(3) The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

#### **B. Default, technical assistance, and termination**

(1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(a) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, and/or any other action to be taken by the commission.

(b) Provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

(4) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(5) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

#### **C. Dispute resolution**

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

#### **D. Enforcement**

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

### **SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT**

A. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission

relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

B. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

C. Any member state may withdraw from this compact by enacting a statute repealing the same.

(1) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's EMS authority to comply with the investigative and adverse action reporting requirements of this Act prior to the effective date of withdrawal.

D. Nothing contained in this compact shall be construed to invalidate or prevent any EMS personnel licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

E. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

### **SECTION 15. CONSTRUCTION AND SEVERABILITY**

This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any member state thereto, the compact shall remain in full force and effect as to the remaining member states. Nothing in this compact supersedes state law or rules related to licensure of EMS agencies.

Section 2. This Act shall become effective on July 1, 2021.

Approved by the Governor, October 28, 2020.

A true copy:

R. Kyle Ardoin  
Secretary of State

### **ACT No. 32**

#### **SENATE BILL NO. 15 BY SENATOR MILLIGAN AN ACT**

To amend and reenact R.S. 17:81(O) and (Z) and R.S. 42:851(E)(2) and to enact R.S. 42:851(U), relative to group health insurance for public school employees; to provide relative to effective dates of coverage for employees of public elementary and secondary school systems during a disaster or emergency; to provide for application and rules promulgation; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:81(O) and (Z) are hereby amended and reenacted to read as follows:

§81. General powers of local public school boards

\* \* \*

~~O.(1) By not later than the beginning of the 2006-2007 school year, each~~ Each city, parish, or other local public school board shall adopt policies and procedures providing leave with pay for any school system employee who is an elected member of the ~~Board of Trustees~~ board of trustees of the Teachers' Retirement System of Louisiana or the ~~Board of Trustees~~ board of trustees of the Louisiana School Employees' Retirement System, an elected or appointed member of the State Board of Elementary and Secondary Education, or an appointed member of any task force, commission, or other advisory body established by the State Board of Elementary and Secondary Education so that such employee may attend meetings of the entity and any committees thereof on which the employee serves.

\* \* \*

Z.(1) Each city, parish, or other local school board shall offer its employees the opportunity to participate in the Louisiana Public Employees Deferred Compensation Plan as established by R.S. 42:1301 et seq. The requirement of this ~~Subsection~~ Paragraph does not prohibit a school board from offering its employees the opportunity to participate in other plans established pursuant to Section 457 of the Internal Revenue Code.

(2) Each city, parish, or other local school board to which R.S. 42:851 applies shall provide the health insurance coverage required pursuant to R.S. 42:851(U).

Section 2. R.S. 42:851(E)(2) is hereby amended and reenacted and R.S. 42:851(U) is hereby enacted to read as follows:

§851. Authority for employee benefit programs; payroll deduction for payment of premiums

\* \* \*

E.

\* \* \*

(2) The Office of Group Benefits shall promulgate all rules necessary to carry out the provisions of Subsections A through E and U of this Section.

\* \* \*

U.(1) Notwithstanding any other provision of law or any rule or regulation to the contrary, health insurance coverage shall begin concurrent with employment by a public elementary or secondary school system if all of the

following apply on the employee's first date of employment with that employer:  
(a) The school system is in an area that is the subject of a gubernatorially or  
presidentially declared disaster or emergency.  
(b) The declaration of disaster or emergency specifies that the disaster or  
emergency involves risks to the health or well-being of any individual who  
engages in certain activities.  
(c) Among the activities posing a risk to an individual's health or well-being  
are activities integral to services to the school system that the employee is  
required to perform.  
(2) The premium for the first month's insurance shall be paid immediately. The  
school system shall pay the employer contribution. The employee contribution  
may be paid by the school system or the employee. If the school system pays the  
employee contribution, the school system shall be reimbursed by a deduction  
from the employee's wages.

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, October 28, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 33**  
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SENATE BILL NO. 21  
BY SENATOR HEWITT  
AN ACT

To amend and reenact R.S. 42:345(B), 1261, 1263(A), 1265, 1267(A)(1), and 1383(A); and to repeal R.S. 36:53(G) and R.S. 42:1262, relative to the Department of State Civil Service; to provide relative to a fee schedule for in-service training and educational programs provided by the department; to abolish the Advisory Board on In-service Training and Education; to provide relative to oversight of the training programs; to provide relative to definition of services provided; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 42:345(B), 1261, 1263(A), 1265, 1267(A)(1), and 1383(A) are hereby amended and reenacted to read as follows:  
§345. Department of State Civil Service; assistance  
\* \* \*

B. As required by Article VII, Section 14 of the Constitution of Louisiana, the Department of State Civil Service shall recoup the costs of copying or reproducing the training material on a compact disc and recoup the cost of mailing the disc to the agency, unless the agency is subject to the fees assessed for in-service training pursuant to ~~R.S. 42:1262(A)~~ **R.S. 42:1383**.  
\* \* \*

§1261. In-service training and educational programs; conducted by ~~for~~ state agencies; eligible employees; fees; ~~policy board~~; contracts and agreements  
A.(1) The Department of State Civil Service shall institute, develop, conduct, maintain, and otherwise provide for continuing programs of in-service training and education designed to improve the supervisory, managerial, and other generally applicable skills and expertise of officials and employees of all state agencies, including supervisory, administrative, and managerial personnel and nonsupervisory employees.

(2) For purposes of this Chapter, "state agency" means any board, commission, department, agency, office, officer, or other entity:  
(a) Within the executive or legislative branches of state government;  
(b) Of the supreme court, a court of appeal, or a district court of the judicial branch of state government; or  
(c) Which employs any state classified employee.

~~B.(1) In-service training and educational programs, as required by Subsection A of this Section, shall consist of a public training program which will be open to all employees and officials of all state agencies and a management development program which shall be open to all such employees and officials who manage or supervise.~~

~~(2) The in-service training and educational programs may be made available on a fee basis to other public officials and employees and to other participants as determined by the Department of State Civil Service, based on recommendations by the policy board established herein, provided such participation does not have the effect of denying access to the program by any employee or official of a state agency. The department~~ **Department of State Civil Service shall may** establish and impose a schedule of fees or other charges for such officials, employees, and participants to attend such programs, ~~based upon recommendations of the policy board.~~

~~(3)(2) The Department of State Civil Service is hereby designated as the training agency for the public training program and the management development program state agencies as set forth in Subsection A of this Section.~~

~~C.(1) A policy board is hereby established to be composed as follows:  
(a) One representative each from the office of the governor, the division of administration, the Department of State Civil Service, the Judicial College, the Louisiana Board of Regents, and one nonprofit public interest~~

~~organization. The representative of each of the named boards, agencies, offices, or organizations is to be appointed by the State Civil Service Commission from a list of names submitted by each of such boards, agencies, offices, or organizations for such purpose.~~

~~(b) A representative from the House of Representatives, designated by the speaker of the House, and a representative of the Senate, designated by the president of the Senate.~~

~~(c) The training director for the public training program and management development program, as designated by the Department of State Civil Service.~~

~~(2) The policy board shall advise the Department of State Civil Service on said training programs and shall award certifications to employees successfully completing all requirements in the management development program.~~

~~D. The State Civil Service Commission shall advise the Department of State Civil Service on in-service training and educational programs and may award certifications to employees upon successful completion of such programs.~~ Cooperative arrangements or agreements may be entered into between the Department of State Civil Service and state educational institutions for their participation in said training **and educational program programs** as needed to accomplish any of the purposes enumerated in Subsection A of this Section.  
\* \* \*

§1263. Employee training program  
A. Pursuant to ~~Louisiana Constitution~~ Article X, Section 10(A) **of the Constitution of Louisiana**, the State Civil Service Commission shall require the Department of State Civil Service to institute an employee training program in accordance with the provisions of this Chapter for the ~~several state departments, agencies, boards, and commissions, to coordinate servicewide and intergovernmental~~ **in-service training and educational programs** through the ~~public training program and the management development program,~~ to review the development and conduct of such programs, and to submit progress reports to the governor and legislature as either may direct.  
\* \* \*

§1265. Cooperative arrangements with educational institutions  
In addition to the in-service training **and educational** programs provided for in this Chapter, all state ~~departments, agencies, boards, and commissions~~ may engage in cooperative arrangements or agreements with the Department of State Civil Service and with state educational institutions for specialized training, work-study programs, internships, and research projects designed to be useful in making long-range training and educational plans. State educational institutions are hereby directed to give special consideration to such projects and programs.  
\* \* \*

§1267. Required training; cybersecurity  
A.(1) The Department of State Civil Service shall institute, develop, conduct, and otherwise provide for training programs designed to keep state agencies safe from cyberattack. The programs shall be designed to focus on forming information security habits and procedures that protect information resources and teach best practices for detecting, assessing, reporting, and addressing information security threats. The department may make the training available as an online course. The office of technology services shall provide assistance to the Department of State Civil Service in the development of the training program. The cost of instituting, developing, conducting, and otherwise providing cybersecurity awareness training shall be paid in the manner established by ~~R.S. 42:1262~~ **R.S. 42:1383**.  
\* \* \*

§1383. Department of State Civil Service; appropriations; pro rata share paid by other agencies; billing; collection calculations  
A. The cost of operating the state civil service system **and instituting, developing, conducting, and otherwise providing in-service training and educational programs by the Department of State Civil Service** shall be paid by agencies employing state classified employees. The total amount payable by each agency shall be calculated on the basis of a percentage of the annual gross salaries of the state classified employees within each agency, as reflected in the records maintained by the Department of State Civil Service on the last working day of the calendar year preceding the year of the billing, and shall not exceed ~~seven~~ **nine**-tenths of one percent of the annual gross salaries. The Department of State Civil Service shall bill each state agency the amount payable by that agency for the billing period. The amount so billed shall be payable by each agency within thirty calendar days from the date of the mailing of the billing.  
\* \* \*

Section 2. R.S. 36:53(G) is hereby repealed.  
Section 3. R.S. 42:1262 is hereby repealed.

Approved by the Governor, October 28, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 34**  
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SENATE BILL NO. 23  
BY SENATOR MCMATH  
AN ACT

To amend and reenact R.S. 17:500(B)(1), 1201(A)(2), and 1206(A)(1), relative to sick leave for school employees; to require a teacher, school bus operator, or other school employee to present a certificate from a physician, physician assistant, or nurse practitioner when using more than six days of sick leave for personal illness; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:500(B)(1), 1201(A)(2), and 1206(A)(1) are hereby amended and reenacted to read as follows:

§500. Sick leave for school bus operators; minimum pay for substitute

B.(1) All school bus operators employed by the parish and the city school boards of this state shall be entitled to and shall be allowed a minimum of ten days absence per school year because of personal illness or because of other emergencies, without loss of pay. Such sick leave when not used in any year shall be accumulated to the credit of the school bus operator without limitation. Provided that when a school bus operator is absent for six or more consecutive days because of personal illness, he shall be required to present a certificate from a physician, physician assistant providing health care services in accordance with R.S. 37:1360.28, or nurse practitioner providing health care services in accordance with R.S. 37:913 certifying such illness; provided, further, that the parish and city school boards are authorized to adopt such rules and regulations as are necessary relative to the use of such sick leave, either current or accumulated, for emergencies. The parish and city school boards may grant additional sick leave, without loss of pay, or with such reduction of pay as they may establish and fix.

§1201. Amount of sick leave; reimbursement; injury on the job

A.  
(2) When a member of the teaching staff is absent for six or more consecutive days because of personal illness, he shall be required to present a certificate from a physician, physician assistant providing health care services in accordance with R.S. 37:1360.28, or nurse practitioner providing health care services in accordance with R.S. 37:913 certifying such illness. Each parish and city school board may adopt such rules and regulations as are necessary relative to the use of such sick leave, either current or accumulated, for emergencies. The parish and city school boards may grant additional sick leave, without loss of pay, or with such reduction of pay as they may establish and fix.

§1206. Ten days sick leave for employees; cumulation of unused sick leave

A.(1) All such employees, as defined in R.S. 17:1205, shall be entitled to and shall be allowed a minimum of ten days leave of absence as sick leave or in case of other emergencies, per school year, without loss of pay. Any portion of such sick leave not used in any year shall be accumulated to the credit of the employee without limitation. When such employee is absent for six or more consecutive days because of personal illness, he shall be required to present a certificate from a physician, physician assistant providing health care services in accordance with R.S. 37:1360.28, or nurse practitioner providing health care services in accordance with R.S. 37:913 certifying such illness. Each parish and city school board may adopt such rules and regulations as are necessary relative to the use of such sick leave, either current or accumulated, for emergencies. The parish and city school boards may grant additional sick leave, without loss of pay, or with such reduction of pay as they may establish and fix.

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, October 28, 2020.

A true copy:

R. Kyle Ardoin  
Secretary of State

ACT No. 35

SENATE BILL NO. 27  
BY SENATOR PEACOCK  
AN ACT

To amend and reenact R.S. 37:1272(2) and to enact Part I - C of Chapter 15 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1310.1, relative to the practice of medicine; to provide for certain qualifications of applicants who wish to practice medicine; to provide for authority to enter into the Interstate Medical Licensure Compact; to provide for enactment of the model language required to participate in the compact; to provide for definitions; to provide for eligibility, application, and renewal process; to provide for a coordinated information system; to provide for investigations and disciplinary actions; to provide for membership, powers, and duties of the Interstate Medical Licensure Compact Commission; to provide for oversight and enforcement of the compact; to provide for

withdrawal and dissolution of the compact; to provide for severability; to provide for an effective date; and provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1272(2) is hereby amended and reenacted and Part I - C of Chapter 15 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:1310.1, is hereby enacted to read as follows:

§1272. Qualifications of applicants

Any person who wishes to practice medicine shall:

(2) Be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the commissioner of the Immigration and Naturalization Service of the United States pursuant to the federal Immigration and Nationality Act and the commissioner's regulations thereunder;

PART I - C. INTERSTATE MEDICAL LICENSURE COMPACT

§1310.1. Interstate Medical Licensure Compact; adoption

The Interstate Medical Licensure Compact is hereby recognized and enacted into law and entered into by this state with all states legally joining therein in the form substantially as follows:

SECTION 1. PURPOSE

In order to strengthen access to health care, and in recognition of the advances in the delivery of health care, the member states of the Interstate Medical Licensure Compact have allied in common purpose to develop a comprehensive process that complements the existing licensing and regulatory authority of state medical boards, provides a streamlined process that allows physicians to become licensed in multiple states, thereby enhancing the portability of a medical license and ensuring the safety of patients. The compact creates another pathway for licensure and does not otherwise change a state's existing medical practice act. The compact also adopts the prevailing standard for licensure and affirms that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter, and therefore, requires the physician to be under the jurisdiction of the state medical board where the patient is located. State medical boards that participate in the compact retain the jurisdiction to impose an adverse action against a license to practice medicine in that state issued to a physician through the procedures in the compact.

SECTION 2. DEFINITIONS

In this compact:

(a) “Bylaws” means those bylaws established by the Interstate Commission pursuant to Section 11.

(b) “Commissioner” means the voting representative appointed by each member board pursuant to Section 11.

(c) “Conviction” means a finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a plea of guilt or no contest to the charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board.

(d) “Expedited license” means a full and unrestricted medical license granted by a member state to an eligible physician through the process set forth in the compact.

(e) “Interstate commission” means the interstate commission created pursuant to Section 11.

(f) “License” means authorization by a member state for a physician to engage in the practice of medicine, which would be unlawful without authorization.

(g) “Medical practice act” means laws and regulations governing the practice of allopathic and osteopathic medicine within a member state.

(h) “Member board” means a state agency in a member state that acts in the sovereign interests of the state by protecting the public through licensure, regulation, and education of physicians as directed by the state government.

(i) “Member state” means a state that has enacted the compact.

(j) “Practice of medicine” means that clinical prevention, diagnosis, or treatment of human disease, injury, or condition requiring a physician to obtain and maintain a license in compliance with the medical practice act of a member state.

(k) “Physician” means any person who:

(1) Is a graduate of a medical school accredited by the Liaison Committee on Medical Education, the Commission on Osteopathic College Accreditation, or a medical school listed in the International Medical Education Directory or its equivalent;

(2) Passed each component of the United States Medical Licensing Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) within three attempts, or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes;

(3) Successfully completed graduate medical education approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association;

(4) Holds specialty certification or a time-unlimited specialty certificate recognized by the American Board of Medical Specialties or the American Osteopathic Association's Bureau of Osteopathic Specialists;

(5) Possesses a full and unrestricted license to engage in the practice of medicine issued by a member board;

(6) Has never been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;

(7) Has never held a license authorizing the practice of medicine subjected to

discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to non-payment of fees related to a license;

(8) Has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration; and

(9) Is not under active investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction.

(l) “Offense” means a felony, gross misdemeanor, or crime of moral turpitude.

(m) “Rule” means a written statement by the interstate commission promulgated pursuant to Section 12 of the compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the interstate commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

(n) “State” means any state, commonwealth, district, or territory of the United States.

(o) “State of principal license” means a member state where a physician holds a license to practice medicine and which has been designated as such by the physician for purposes of registration and participation in the compact.

### SECTION 3. ELIGIBILITY

(a) A physician must meet the eligibility requirements as defined in Section 2(k) to receive an expedited license under the terms and provisions of the compact.

(b) A physician who does not meet the requirements of Section 2(k) may obtain a license to practice medicine in a member state if the individual complies with all laws and requirements, other than the compact, relating to the issuance of a license to practice medicine in that state.

### SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

(a) A physician shall designate a member state as the state of principal license for purposes of registration for expedited licensure through the compact if the physician possesses a full and unrestricted license to practice medicine in that state, and the state is:

(1) The state of principal residence for the physician, or

(2) The state where at least twenty-five percent of the practice of medicine occurs, or

(3) The location of the physician’s employer, or

(4) If no state qualifies under subsection (1), subsection (2), or subsection (3), the state designated as state of residence for purpose of federal income tax.

(b) A physician may redesignate a member state as state of principal license at any time, as long as the state meets the requirements of subsection (a).

(c) The interstate commission is authorized to develop rules to facilitate redesignation of another member state as the state of principal license.

### SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE

(a) A physician seeking licensure through the compact shall file an application for an expedited license with the member board of the state selected by the physician as the state of principal license.

(b) Upon receipt of an application for an expedited license, the member board within the state selected as the state of principal license shall evaluate whether the physician is eligible for expedited licensure and issue a letter of qualification, verifying or denying the physician’s eligibility, to the interstate commission.

(1) Static qualifications, which include verification of medical education, graduate medical education, results of any medical or licensing examination, and other qualifications as determined by the interstate commission through rule, shall not be subject to additional primary source verification where already primary source verified by the state of principal license.

(2) The member board within the state selected as the state of principal license shall, in the course of verifying eligibility, perform a criminal background check of an applicant, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, with the exception of federal employees who have suitability determination in accordance with 5 CFR §731.202.

(3) Appeal on the determination of eligibility shall be made to the member state where the application was filed and shall be subject to the law of that state.

(c) Upon verification in subsection (b), physicians eligible for an expedited license shall complete the registration process established by the interstate commission to receive a license in a member state selected pursuant to subsection (a), including the payment of any applicable fees.

(d) After receiving verification of eligibility under subsection (b) and any fees under subsection (c), a member board shall issue an expedited license to the physician. This license shall authorize the physician to practice medicine in the issuing state consistent with the medical practice act and all applicable laws and regulations of the issuing member board and member state.

(e) An expedited license shall be valid for a period consistent with the licensure period in the member state and in the same manner as required for other physicians holding a full and unrestricted license within the member state.

(f) An expedited license obtained through the compact shall be terminated if a physician fails to maintain a license in the state of principal licensure for a non-disciplinary reason, without redesignation of a new state of principal licensure.

(g) The interstate commission is authorized to develop rules regarding the application process, including payment of any applicable fees, and the issuance of an expedited license.

### SECTION 6. FEES FOR EXPEDITED LICENSURE

(a) A member state issuing an expedited license authorizing the practice of medicine in that state may impose a fee for a license issued or renewed through the compact.

(b) The interstate commission is authorized to develop rules regarding fees for expedited licenses.

### SECTION 7. RENEWAL AND CONTINUED PARTICIPATION

(a) A physician seeking to renew an expedited license granted in a member state shall complete a renewal process with the interstate commission if the physician:

(1) Maintains a full and unrestricted license in a state of principal license;

(2) Has not been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;

(3) Has not had a license authorizing the practice of medicine subject to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to non-payment of fees related to a license; and

(4) Has not had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration.

(b) Physicians shall comply with all continuing professional development or continuing medical education requirements for renewal of a license issued by a member state.

(c) The interstate commission shall collect any renewal fees charged for the renewal of a license and distribute the fees to the applicable member board.

(d) Upon receipt of any renewal fees collected in subsection (c), a member board shall renew the physician’s license.

(e) Physician information collected by the interstate commission during the renewal process will be distributed to all member boards.

(f) The interstate commission is authorized to develop rules to address renewal of licenses obtained through the compact.

### SECTION 8. COORDINATED INFORMATION SYSTEM

(a) The interstate commission shall establish a database of all physicians licensed, or who have applied for licensure, under Section 5.

(b) Notwithstanding any other provision of law, member boards shall report to the interstate commission any public action or complaints against a licensed physician who has applied or received an expedited license through the compact.

(c) Member boards shall report disciplinary or investigatory information determined as necessary and proper by rule of the interstate commission.

(d) Member boards may report any non-public complaint, disciplinary, or investigatory information not required by subsection (c) to the interstate commission.

(e) Member boards shall share complaint or disciplinary information about a physician upon request of another member board.

(f) All information provided to the interstate commission or distributed by member boards shall be confidential, filed under seal, and used only for investigatory or disciplinary matters.

(g) The interstate commission is authorized to develop rules for mandated or discretionary sharing of information by member boards.

### SECTION 9. JOINT INVESTIGATIONS

(a) Licensure and disciplinary records of physicians are deemed investigative.

(b) In addition to the authority granted to a member board by its respective medical practice act or other applicable state law, a member board may participate with other member boards in joint investigations of physicians licensed by the member boards.

(c) A subpoena issued by a member state shall be enforceable in other member states.

(d) Member boards may share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

(e) Any member state may investigate actual or alleged violations of the statutes authorizing the practice of medicine in any other member state in which a physician holds a license to practice medicine.

### SECTION 10. DISCIPLINARY ACTIONS

(a) Any disciplinary action taken by any member board against a physician licensed through the compact shall be deemed unprofessional conduct which may be subject to discipline by other member boards, in addition to any violation of the medical practice act or regulations in that state.

(b) If a license granted to a physician by the member board in the state of principal license is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status. If the member board in the state of principal license subsequently reinstates the physician’s license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the medical practice act of that state.

(c) If disciplinary action is taken against a physician by a member board not in the state of principal license, any other member board may deem the action conclusive as to matter of law and fact decided, and:

(1) Impose the same or lesser sanction(s) against the physician so long as such sanctions are consistent with the medical practice act of that state; or

(2) Pursue separate disciplinary action against the physician under its respective medical practice act, regardless of the action taken in other member states.

(d) If a license granted to a physician by a member board is revoked, surrendered or relinquished in lieu of discipline, or suspended, then any license(s) issued to the physician by any other member board(s) shall be suspended, automatically and immediately without further action necessary by the other member board(s), for ninety days upon entry of the order by the disciplining board, to permit the member board(s) to investigate the basis for the action under the

medical practice act of that state. A member board may terminate the automatic suspension of the license it issued prior to the completion of the ninety day suspension period in a manner consistent with the medical practice act of that state.

#### **SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION**

(a) The member states hereby create the “Interstate Medical Licensure Compact Commission”.

(b) The purpose of the interstate commission is the administration of the interstate medical licensure compact, which is a discretionary state function.

(c) The interstate commission shall be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth in the compact, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of the compact.

(d) The interstate commission shall consist of two voting representatives appointed by each member state who shall serve as commissioners. In states where allopathic and osteopathic physicians are regulated by separate member boards, or if the licensing and disciplinary authority is split between separate member boards, or if the licensing and disciplinary authority is split between multiple member boards within a member state, the member state shall appoint one representative from each member board. A commissioner shall be a(n):

- (1) Allopathic or osteopathic physician appointed to a member board;
- (2) Executive director, executive secretary, or similar executive of a member board; or
- (3) Member of the public appointed to a member board.

(e) The interstate commission shall meet at least once each calendar year. A portion of this meeting shall be a business meeting to address such matters as may properly come before the commission, including the election of officers. The chairperson may call additional meetings and shall call for a meeting upon the request of a majority of the member states.

(f) The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication.

(g) Each commissioner participating at a meeting of the interstate commission is entitled to one vote. A majority of commissioners shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission. A commissioner shall not delegate a vote to another commissioner. In the absence of its commissioner, a member state may delegate voting authority for a specified meeting to another person from that state who shall meet the requirements of subsection (d).

(h) The interstate commission shall provide public notice of all meetings and all meetings shall be open to the public. The interstate commission may close a meeting, in full or in portion, where it determines by a two-thirds vote of the commissioners present that an open meeting would be likely to:

(1) Relate solely to the internal personnel practice and procedures of the interstate commission;

(2) Discuss matters specifically exempted from disclosure by federal statute;

(3) Discuss trade secrets, commercial, or financial information that is privileged or confidential;

(4) Involve accusing a person of a crime, or formally censuring a person;

(5) Discuss information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(6) Discuss investigative records compiled for law enforcement purposes; or

(7) Specifically relate to the participation in a civil action or other legal proceeding.

(i) The interstate commission shall keep minutes which shall fully describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including record of any roll call votes.

(j) The interstate commission shall make its information and official records, to the extent not otherwise designated in the compact or by its rules, available to the public for inspection.

(k) The interstate commission shall establish an executive committee, which shall include officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the interstate commission, with the exception of rulemaking, during periods when the interstate commission is not in session. When acting on behalf of the interstate commission, the executive committee shall oversee the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as necessary.

(l) The interstate commission shall establish other committees for governance and administration of the compact.

#### **SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION**

(a) Oversee and maintain the administration of the compact;

(b) Promulgate rules which shall be binding to the extent and in the manner provided for in the compact;

(c) Issue, upon the request of a member state or member board, advisory opinions concerning the meaning or interpretation of the compact, its bylaws, rules, and actions;

(d) Enforce compliance with compact provisions, the rules promulgated by the interstate commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process;

(e) Establish and appoint committees including, but not limited to, an executive committee as required by Section 11, which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties;

(f) Pay, or provide for the payment of the expenses related to the establishment,

organization, and ongoing activities of the interstate commission;

(g) Establish and maintain one or more offices;

(h) Borrow, accept, hire, or contract for services of personnel;

(i) Purchase and maintain insurance and bonds;

(j) Employ an executive director who shall have such powers to employ, select or appoint employees, agents, or consultants, and to determine their qualifications, define their duties, and fix their compensation;

(k) Establish personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;

(l) Accept donations and grants of money, equipment, supplies, materials, and services and to receive, utilize, and dispose of it in a manner consistent with the conflict of interest policies established by the interstate commission;

(m) Lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use, any property, real, personal, or mixed;

(n) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

(o) Establish a budget and make expenditures;

(p) Adopt a seal and bylaws governing the management and operation of the interstate commission;

(q) Report annually to the legislatures and governors of the member states concerning the activities of the interstate commission during the preceding year. Such reports shall also include reports of financial audits and any recommendations that may have been adopted by the interstate commission;

(r) Coordinate education, training, and public awareness regarding the compact, its implementation, and its operation;

(s) Maintain records in accordance with the bylaws;

(t) Seek and obtain trademarks, copyrights, and patents; and

(u) Perform such functions as may be necessary or appropriate to achieve the purpose of the compact.

#### **SECTION 13. FINANCE POWERS**

(a) The interstate commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the interstate commission and its staff. The total assessment must be sufficient to cover the annual budget approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated upon a formula to be determined by the interstate commission, which shall promulgate a rule binding upon all member states.

(b) The interstate commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same.

(c) The interstate commission shall not pledge the credit of any of the member states, except by, and with the authority of, the member state.

(d) The interstate commission shall be subject to a yearly financial audit conducted by a certified or licensed accountant and the report of the audit shall be included in the annual report of the interstate commission.

#### **SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION**

(a) The interstate commission shall, by a majority of commissioners present and voting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact within twelve months of the first interstate commission meeting.

(b) The interstate commission shall elect or appoint annually from among its commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the interstate commission.

(c) Officers selected in subsection (b) shall serve without remuneration for the interstate commission.

(d) The officers and employees of the interstate commission shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of, or relating to, an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of interstate commission employment, duties, or responsibilities; provided that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the gross negligence or intentional or willful and wanton misconduct of such person.

(e) The liability of the executive director and employees of the interstate commission or representatives of the interstate commission, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state, may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. The interstate commission is considered to be an instrumentality of the states for the purpose of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the gross negligence or intentional or willful and wanton misconduct of such person.

(f) The interstate commission shall defend the executive director, its employees, and subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an interstate commission representative, shall defend such interstate commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from gross negligence or intentional or willful

and wanton misconduct on the part of such person.

(g) To the extent not covered by the state involved, member state, or the interstate commission, the representatives or employees of the interstate commission shall be held harmless in the amount of a settlement or judgement, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of the interstate commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

#### **SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION**

(a) The interstate commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purpose of the compact. Notwithstanding the foregoing, in the event the interstate commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such an action by the interstate commission shall be invalid and have no force or effect.

(b) Rules deemed appropriate for the operations of the interstate commission shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act" of 2010, and subsequent amendments thereto.

(c) Not later than thirty days after a rule is promulgated, any person may file a petition for judicial review of the rule in the United States District Court for the District of Columbia or the federal district where the interstate commission has its principal offices, provided that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the interstate commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the authority granted to the interstate commission.

#### **SECTION 16. OVERSIGHT OF INTERSTATE COMPACT**

(a) The executive, legislative, and judicial branches of state government in each member state shall enforce the compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of the compact and the rules promulgated hereunder shall have standing as statutory law but shall not override existing state authority to regulate the practice of medicine.

(b) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of the compact which may affect the powers, responsibilities or actions of the interstate commission.

(c) The interstate commission shall be entitled to receive all services of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the interstate commission shall render a judgment or order void as to the interstate commission, the compact, or promulgated rules.

#### **SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT**

(a) The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of the compact.

(b) The interstate commission may, by majority vote of the commissioners, initiate legal action in the United States Court for the District of Columbia, or, at the discretion of the interstate commission, in the federal district where the interstate commission has its principal offices, to enforce compliance with the provisions of the compact, and its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

(c) The remedies herein shall not be the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or regulation of a profession.

#### **SECTION 18. DEFAULT PROCEDURES**

(a) The grounds for default include, but are not limited to, failure of a member state to perform such obligations or responsibilities imposed upon it by the compact, or the rules and bylaws of the interstate commission promulgated under the compact.

(b) If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the compact, or the bylaws or promulgated rules, the interstate commission shall:

(1) Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default, and any action taken by the interstate commission. The interstate commission shall specify the conditions by which the defaulting state must cure its default; and

(2) Provide remedial training and specific technical assistance regarding the default.

(c) If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the commissioners and all rights, privileges, and benefits conferred by the compact shall terminate on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

(d) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to terminate shall be given by the interstate commission to the governor, the

majority and minority leaders of the defaulting state's legislature, and each of the member states.

(e) The interstate commission shall establish rules and procedures to address licenses and physicians that are materially impacted by the termination of a member state, or the withdrawal of a member state.

(f) The member state which has been terminated is responsible for all due, obligations, and liabilities incurred through the effective date of termination including obligations, the performance of which extends beyond the effective date of termination.

(g) The interstate commission shall not bear any costs relating to any state that has been found to be in default or which has been terminated from the compact, unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state.

(h) The defaulting state may appeal the action of the interstate commission by petitioning the United States District Court for the District of Columbia or the federal district where the interstate commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

#### **SECTION 19. DISPUTE RESOLUTION**

(a) The interstate commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states or member boards.

(b) The interstate commission shall promulgate rules providing for both mediation and binding dispute resolution as appropriate.

#### **SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT**

(a) Any state is eligible to become a member of the compact.

(b) The compact shall become effective and binding upon legislative enactment of the compact into law by no less than seven states. Thereafter, it shall become effective and binding on a state upon enactment of the compact into law by that state.

(c) The governors of non-member states, or their designees, shall be invited to participate in the activities of the interstate commission on a non-voting basis prior to adoption of the compact by all states.

(d) The interstate commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the interstate commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

#### **SECTION 21. WITHDRAWAL**

(a) Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.

(b) Withdrawal from the compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member state.

(c) The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing the compact in the withdrawing state.

(d) The interstate commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty days of its receipt of notice provided under subsection (c).

(e) The withdrawing state is responsible for all dues, obligations and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

(f) Reinstatement following withdrawal of a member state shall occur upon the withdrawing date reenacting the compact or upon such later date as determined by the interstate commission.

(g) The interstate commission is authorized to develop rules to address the impact of the withdrawal of a member state on licenses granted in other member states to physicians who designated the withdrawing member state as the state of principal license.

#### **SECTION 22. DISSOLUTION**

(a) The compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership of the compact to one member state.

(b) Upon the dissolution of the compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be concluded, and surplus funds shall be distributed in accordance with the bylaws.

#### **SECTION 23. SEVERABILITY AND CONSTRUCTION**

(a) The provisions of the compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

(b) The provisions of the compact shall be liberally construed to effectuate its purposes.

(c) Nothing in the compact shall be construed to prohibit the applicability of other interstate compacts to which the member states are members.

#### **SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS**

(a) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact.

(b) All laws in a member state in conflict with the compact are superseded to the extent of the conflict.

(c) All lawful actions of the interstate commission, including all rules and bylaws promulgated by the commission, are binding upon the member states.

(d) All agreements between the interstate commission and the member states

are binding in accordance with their terms.  
(e) In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Section 2. This Act shall become effective on July 1, 2021.

Approved by the Governor, October 28, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 36**  
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SENATE BILL NO. 32  
BY SENATORS FIELDS, ABRAHAM, BARROW, BERNARD, BOUDREAUX,  
BOUIE, CARTER, CATHEY, CLOUD, CORTEZ, FESI, FOIL, HARRIS,  
JOHNS, LUNEAU, MCMATH, MILLIGAN, ROBERT MILLS, POPE, PRICE,  
REESE, SMITH, TALBOT, TARVER AND WARD  
AN ACT

To enact R.S. 17:3393, relative to colleges and universities; to provide relative to the exceptions and exemptions that a public postsecondary education institution may receive from state regulations of their operations under certain conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3393 is hereby enacted to read as follows:

**§3393. Operational autonomy contingent on audit findings**

A.(1)(a) Notwithstanding any provision of law to the contrary, any institution that meets the requirements of this Paragraph may exercise the autonomies provided by this Subsection subject to the limitations provided in this Paragraph.

(b) Subsequent to a postsecondary management board granting approval to an institution in its system to exercise operational autonomies or a system exercising the provided authorities, the division of administration shall approve the exercise of such autonomies to all institutions in the system governed by the management board, provided the system received for its most recent audit, a financial audit with an unmodified opinion, where the financial statements were free of material misstatements and material weaknesses, and the financial position, results of operations, and cash flows were represented fairly in accordance with Generally Accepted Accounting Principles. If the system did not receive for the most recent audit, a financial audit with an unmodified opinion, where the financial statements were free of material misstatements and material weaknesses, and the financial position, results of operations, and cash flows were represented fairly in accordance with Generally Accepted Accounting Principles, then the division of administration shall approve the exercise of such autonomies to all institutions in the system, except for any institution which was responsible for the finding of noncompliance at the system level.

(c) If an institution granted the right to exercise operational autonomies pursuant to Subparagraph (b) of this Paragraph subsequently receives an audit with a material weakness through a financial audit, the institution shall be required to develop and implement a corrective action plan for approval by the management board. The institution shall be required to demonstrate to the management board that the necessary corrective actions were taken within six months from the date the audit finding was reported, or the institution will lose the authority to exercise the autonomies granted for the remainder of the period that this authority is in effect. The corrective action plan and post-implementation report shall be submitted to the division of administration and the Board of Regents.

(2) The operational autonomies that may be granted pursuant to this Subsection are:

(a)(i) Authority to retain any funds which remain unexpended and unobligated at the end of the fiscal year for use at the institution's discretion.

(ii) No later than October first of each year, each postsecondary management board shall report to the Joint Legislative Committee on the Budget the amount of unexpended and unobligated funds retained by each institution by means of finance from the prior fiscal year.

(b) Authority to identify and dispose of obsolete equipment, excluding vehicles and items considered by federal law to be of a dangerous nature. Prior to exercising this autonomy with respect to electronic devices, the postsecondary management board shall provide certification to the division of administration that all such devices are sanitized of any personally identifiable information.

(c) Authority to be excluded by the division of administration from any table of organization.

(d)(i) Authority to participate in the higher education procurement code as established by Louisiana State University and Agricultural and Mechanical College and approved by the division of administration. Institutions within the same system may cooperatively operate procurement operations under the higher education procurement code. Each postsecondary education management board may adopt the higher education procurement code, with amendments necessary to insert the name of each management board into the procurement code and to implement the code but excluding any substantive changes, pursuant to rules and regulations adopted in accordance with the Administrative Procedure Act. Any entity whose budget is appropriated through Schedule 19-Higher Education or 19E-LSU Health Sciences Center-health care services division may use the

higher education procurement code in lieu of the Louisiana Procurement Code as provided in R.S. 39:15.3, 196 through 200, and 1551 through 1755, subject to the prior review and approval of the Joint Legislative Committee on the Budget. Any changes to the higher education procurement code after an initial five-year period shall be submitted to the Joint Legislative Committee on the Budget for approval. However, there shall be only one higher education procurement code except for nonsubstantive changes required to implement the code.

(ii) The division of administration shall maintain a list of all institutions participating in the higher education procurement code, which shall be published on its website.

(e)(i) Exemption from participation in the state's risk management program established by R.S. 39:1527 et seq. and administered by the office of risk management, pursuant to a determination by the division of administration that the institution or management board, as applicable, has the capacity to manage its own risk and a phased-in plan of implementation as determined by the institution in collaboration with the attorney general and the division of administration, subject to the prior review and approval of the Joint Legislative Committee on the Budget. This exemption shall not include the coverage provided by the state's risk management program pursuant to R.S. 40:1237.1.

(ii) Nothing in this exemption shall abrogate, amend, or alter the authority of the attorney general or the Department of Justice under Article IV, Sections 1 and 8 of the Constitution of Louisiana or any other provision of law to represent the state and all departments and agencies of state government in all litigation arising out of or involving tort or contract. Any institution that is granted an exemption under this Subparagraph shall enter into an interagency agreement with the attorney general and pay the attorney general reasonable attorney fees and expenses incurred in representing the institution.

(iii) Nothing in this Subparagraph shall be construed as creating any independent or separate cause of action against the state. The state shall continue to be sued only through the exempt institution's management board and cannot be sued in addition to or separately from the exempt institution's management board in any cause of action asserted against the exempt institution. The office of risk management shall not be responsible for payment of any judgment against the exempt institution's management board rendered subsequent to the transfer of the applicable line of coverage. The state's obligation to indemnify a covered individual as provided in R.S. 13:5108.1 shall not be performed by the office of risk management.

(iv) Any contract between the exempt institution's management board and its insurer shall name the state as an additional insured. Any provision in any contract between the exempt institution's management board and its insurer that conflicts with the provisions of this Subparagraph shall be considered null and void.

(v) Nothing in this Subparagraph shall be construed to adversely affect any of the substantive and procedural provisions and limitations applicable to actions against the state, including but not limited to the provisions of R.S. 13:5106, 5107, 5108.1, and 5112, and R.S. 9:2800 which would continue to apply equally to any exempted institution. Those provisions that will not apply are those that are specifically excluded in this Section. Upon transfer of each line of coverage to the exempted institution under this Section, the provisions of R.S. 39:1527 et seq., as well as the provisions of R.S. 13:5106(B)(3)(c), shall not apply to the line of coverage so transferred, nor to any claims asserted against the exempted institution within the transferred line of coverage.

(f) Notwithstanding the provisions of R.S. 39:113, authority to administer all facilities projects funded with self-generated revenue, federal funds, donations, grants, or revenue bonds, including all projects falling under R.S. 39:128; however, excluding those projects falling under R.S. 39:128, these projects shall not be exempted from the capital outlay budget or any requirements as pertains thereto.

(g) Authority to invest funds as defined by R.S. 49:327(C) in municipal bonds issued by any state or political subdivision and those instruments laid out in R.S. 49:327(B)(1), in tax exempt bonds and other taxable governmental bonds issued by any state or a political subdivision or public corporation of any state, provided that such bonds are rated by a nationally recognized rating agency as investment grade. The investment policy governing such investment as defined by R.S. 49:327(C)(1)(b) shall define the allocation of funds among instruments and the term of maturity of the instruments, subject to the prior review and approval of the investment advisory committee. If an institution is determined by the division of administration to no longer possess the capacity relevant to this autonomy, or both, authority to invest additional funds shall be limited to those instruments defined by R.S. 49:327(B)(1) and (C), and shall exclude further investments in tax exempt bonds and other taxable government bonds issued by any state or a political subdivision or public corporation of any state.

B. Nothing in this Section abrogates, amends, or alters the authority of the attorney general or the Department of Justice under Article IV, Sections 1 and 8 of the Constitution of Louisiana or any other provision of law to represent the state and all departments and agencies of state government in all litigation arising out of or involving tort or contract. Any exempt institution under this Section shall enter into an interagency agreement with the attorney general and pay the attorney general reasonable attorney fees and expenses incurred in representing the institution.

C. Nothing in this Section shall be construed as creating any independent or separate cause of action against the state. The state shall continue to be sued only through the exempt institution's management board and cannot be sued in addition to or separately from the exempt institution's management board in any cause of action asserted against the exempt institution.

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, October 28, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 37**  
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**SENATE BILL NO. 34**  
**BY SENATOR PEACOCK AND REPRESENTATIVE CARPENTER**  
**AN ACT**

To enact Part II of Chapter 34 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:2678.1, relative to the Audiology and Speech-Language Pathology Interstate Compact; to provide for the model language required to participate in the compact; to provide for the effectiveness of the compact upon adoption by ten member states; to provide for the definitions, powers, duties, and functions of the compact; to designate Chapter 34 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:2650 through 2666, “PART I. SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS”; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. The provisions of Chapter 34 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:2650 through 2666, are hereby designated “PART I. SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS”.

Section 2. Part II of Chapter 34 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:2678.1, is hereby enacted to read as follows:

**PART II. AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY**  
**INTERSTATE COMPACT**

**§2678.1. Audiology and Speech-Language Interstate Compact; adoption**  
**The Audiology and Speech-Language Pathology Interstate Compact is hereby recognized and enacted into law and entered into by this state with all states legally joining therein in the form substantially as follows:**

**SECTION 1. PURPOSE**

**The purpose of this compact is to facilitate interstate practice of audiology and speech-language pathology with the goal of improving public access to audiology and speech-language pathology services. The practice of audiology and speech-language pathology occurs in the state where the patient, client, or student is located at the time of the patient, client, or student’s encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.**

- This compact is designed to achieve the following objectives:**  
**(1) Increase public access to audiology and speech-language pathology services by providing for the mutual recognition of other member state licenses.**  
**(2) Enhance the states’ ability to protect the public’s health and safety.**  
**(3) Encourage the cooperation of member states in regulating multistate audiology and speech-language pathology practice.**  
**(4) Support spouses of relocating active duty military personnel.**  
**(5) Enhance the exchange of licensure, investigative, and disciplinary information between member states.**  
**(6) Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state’s practice standards.**  
**(7) Allow for the use of telehealth technology to facilitate increased access to audiology and speech-language pathology services.**

**SECTION 2. DEFINITIONS**

**As used in this compact, and except as otherwise provided, the following definitions shall apply:**

- A. “Active duty military” means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211.**  
**B. “Adverse action” means any administrative, civil, equitable or criminal action permitted by a state’s laws which is imposed by a licensing board or other authority against an audiologist or speech-language pathologist, including actions against an individual’s license or privilege to practice such as revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee’s practice.**  
**C. “Alternative program” means a nondisciplinary monitoring process approved by an audiology or speech-language pathology licensing board to address impaired practitioners.**  
**D. “Audiologist” means an individual who is licensed by a state to practice audiology.**  
**E. “Audiology” means the care and services provided by a licensed audiologist as set forth in the member state’s statutes and rules.**  
**F. “Audiology and Speech-Language Pathology Compact Commission” or “Commission” means the national administrative body whose membership consists of all states that have enacted the compact.**  
**G. “Audiology and speech-language pathology licensing board,” “audiology licensing board,” “speech-language pathology licensing board,” or “licensing board” means the agency of a state that is responsible for the licensing and**

- regulation of audiologists or speech-language pathologists.**  
**H. “Compact privilege” means the authorization granted by a remote state to allow a licensee from another member state to practice as an audiologist or speech-language pathologist in the remote state under its laws and rules. The practice of audiology or speech-language pathology occurs in the member state where the patient, client, or student is located at the time of the patient, client, or student’s encounter.**  
**I. “Current significant investigative information” means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the audiologist or speech-language pathologist to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.**  
**J. “Data system” means a repository of information about licensees, including but not limited to continuing education, examination, licensure, investigative, compact privilege, and adverse action.**  
**K. “Encumbered license” means a license in which an adverse action restricts the practice of audiology or speech-language pathology by the licensee and said adverse action has been reported to the National Practitioners Data Bank (NPDB).**  
**L. “Executive Committee” means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.**  
**M. “Home state” means the member state that is the licensee’s primary state of residence.**  
**N. “Impaired practitioner” means individuals whose professional practice is adversely affected by substance abuse, addiction, or other health-related conditions.**  
**O. “Licensee” means an individual who currently holds an authorization from the state licensing board to practice as an audiologist or speech-language pathologist.**  
**P. “Member state” means a state that has enacted the compact.**  
**Q. “Privilege to practice” means a legal authorization permitting the practice of audiology or speech-language pathology in a remote state.**  
**R. “Remote state” means a member state other than the home state where a licensee is exercising or seeking to exercise the compact privilege.**  
**S. “Rule” means a regulation, principle, or directive promulgated by the commission that has the force of law.**  
**T. “Single-state license” means an audiology or speech-language pathology license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state.**  
**U. “Speech-language pathologist” means an individual who is licensed by a state to practice speech-language pathology.**  
**V. “Speech-language pathology” means the care and services provided by a licensed speech-language pathologist as set forth in the member state’s statutes and rules.**  
**W. “State” means any state, commonwealth, district, or territory of the United States of America that regulates the practice of audiology and speech-language pathology.**  
**X. “State practice laws” means a member state’s laws, rules, and regulations that govern the practice of audiology or speech-language pathology, define the scope of audiology or speech-language pathology practice, and create the methods and grounds for imposing discipline.**  
**Y. “Telehealth” means the application of telecommunication technology to deliver audiology or speech-language pathology services at a distance for assessment, intervention, or consultation.**  
**SECTION 3. STATE PARTICIPATION IN THE COMPACT**  
**A. A license issued to an audiologist or speech-language pathologist by a home state to a resident in that state shall be recognized by each member state as authorizing an audiologist or speech-language pathologist to practice audiology or speech-language pathology, under a privilege to practice, in each member state where the licensee obtains such privilege.**  
**B. A state must implement or utilize procedures for considering the criminal history records of applicants for initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant’s criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state’s criminal records.**  
**(1) A member state must fully implement a criminal background check requirement, within a timeframe established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions.**  
**(2) Communication between a member state, the Commission, and among member states regarding the verification of eligibility for licensure through the Compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member state under Public Law 92-544.**  
**C. Upon application for a privilege to practice, the licensing board in the issuing remote state shall ascertain, through the data system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or privilege to practice held by the applicant, whether any adverse action has been taken against any license or privilege to practice held by the applicant.**  
**D. Each member state shall require an applicant to obtain or retain a license in the home state and meet the home state’s qualifications for licensure or renewal of licensure, as well as, all other applicable state laws.**  
**E. For an audiologist:**

(1) Must meet one of the following educational requirements:  
(a) On or before December 31, 2007, has graduated with a master's degree or doctorate in audiology, or equivalent degree regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board.

(b) On or after January 1, 2008, has graduated with a Doctoral degree in audiology, or equivalent degree, regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board.

(c) Has graduated from an audiology program that is housed in an institution of higher education outside of the United States (a) for which the program and institution have been approved by the authorized accrediting body in the applicable country and (b) the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program.

(2) Has completed a supervised clinical practicum experience from an accredited educational institution or its cooperating programs as required by the board.

(3) Has successfully passed a national examination approved by the Commission.

(4) Holds an active, unencumbered license.

(5) Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of audiology, under applicable state or federal criminal law.

(6) Has a valid United States Social Security or National Practitioner Identification number.

F. For a speech-language pathologist:

(1) Must meet one of the following educational requirements:

(a) Has graduated with a master's degree from a speech-language pathology program that is accredited by an organization recognized by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board.

(b) Has graduated from a speech-language pathology program that is housed in an institution of higher education outside of the United States (a) for which the program and institution have been approved by the authorized accrediting body in the applicable country and (b) the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program.

(2) Has completed a supervised clinical practicum experience from an educational institution or its cooperating programs as required by the Commission.

(3) Has completed a supervised postgraduate professional experience as required by the Commission.

(4) Has successfully passed a national examination approved by the Commission.

(5) Holds an active, unencumbered license.

(6) Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of speech-language pathology, under applicable state or federal criminal law.

(7) Has a valid United States Social Security or National Practitioner Identification number.

G. The privilege to practice is derived from the home state license.

H. An audiologist or speech-language pathologist practicing in a member state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of audiology and speech-language pathology shall include all audiology and speech-language pathology practice as defined by the state practice laws of the member state in which the client is located. The practice of audiology and speech-language pathology in a member state under a privilege to practice shall subject an audiologist or speech-language pathologist to the jurisdiction of the licensing board, the courts, and the laws of the member state in which the client is located at the time service is provided.

I. Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting the privilege to practice audiology or speech-language pathology in any other member state. Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license.

J. Member states may charge a fee for granting a compact privilege.

K. Member states must comply with the bylaws and rules and regulations of the commission.

#### **SECTION 4. COMPACT PRIVILEGE**

A. To exercise the compact privilege under the terms and provisions of the compact, the audiologist or speech-language pathologist shall:

(1) Hold an active license in the home state.

(2) Have no encumbrance on any state license.

(3) Be eligible for a compact privilege in any member state in accordance with Section 3.

(4) Have not had any adverse action against any license or compact privilege within the previous two years from date of application.

(5) Notify the commission that the licensee is seeking the compact privilege

within a remote state or states.

(6) Pay any applicable fees, including any state fee, for the compact privilege.

(7) Report to the commission adverse action taken by any nonmember state within thirty days from the date the adverse action is taken.

B. For the purposes of the compact privilege, an audiologist or speech-language pathologist shall only hold one home state license at a time.

C. Except as provided in Section 6, if an audiologist or speech-language pathologist changes primary state of residence by moving between two-member states, the audiologist or speech-language pathologist must apply for licensure in the new home state, and the license issued by the prior home state shall be deactivated in accordance with applicable rules adopted by the commission.

D. The audiologist or speech-language pathologist may apply for licensure in advance of a change in primary state of residence.

E. A license shall not be issued by the new home state until the audiologist or speech-language pathologist provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a license from the new home state.

F. If an audiologist or speech-language pathologist changes primary state of residence by moving from a member state to a nonmember state, the license issued by the prior home state shall convert to a single-state license, valid only in the former home state.

G. The compact privilege is valid until the expiration date of the home state license. The licensee must comply with the requirements of Section 4A to maintain the compact privilege in the remote state.

H. A licensee providing audiology or speech-language pathology services in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

I. A licensee providing audiology or speech-language pathology services in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and take any other necessary actions to protect the health and safety of its citizens.

J. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

(1) The home state license is no longer encumbered.

(2) Two years have elapsed from the date of the adverse action.

K. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of Section 4A to obtain a compact privilege in any remote state.

L. Once the requirements of Section 4J have been met, the licensee must meet the requirements in Section 4A to obtain a compact privilege in a remote state.

#### **SECTION 5. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH**

Member states shall recognize the right of an audiologist or speech-language pathologist, licensed by a home state in accordance with Section 3 and under rules promulgated by the commission, to practice audiology or speech-language pathology in any member state via telehealth under a privilege to practice as provided in the compact and rules promulgated by the commission.

#### **SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES**

Active duty military personnel, or their spouses, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state.

#### **SECTION 7. ADVERSE ACTIONS**

A. In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:

(1) Take adverse action against an audiologist's or speech-language pathologist's privilege to practice within that member state.

(2) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

(3) Only the home state shall have the power to take adverse action against an audiologist's or speech-language pathologist's license issued by the home state.

B. For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

C. The home state shall complete any pending investigations of an audiologist or speech-language pathologist who changes primary state of residence during the course of the investigations. The home state shall also have the authority to take appropriate action or actions and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any adverse actions.

D. If otherwise permitted by state law, recover from the affected audiologist or speech-language pathologist the costs of investigations and disposition of cases resulting from any adverse action taken against that audiologist or speech-language pathologist.

E. Take adverse action based on the factual findings of the remote state, provided that the home state follows its own procedures for taking the adverse action.

**F. Joint Investigations:**

(1) In addition to the authority granted to a member state by its respective audiology or speech-language pathology practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

G. If adverse action is taken by the home state against an audiologist's or speech-language pathologist's license, the audiologist's or speech-language pathologist's privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an audiologist's or speech-language pathologist's license shall include a statement that the audiologist's or speech-language pathologist's privilege to practice is deactivated in all member states during the pendency of the order.

H. If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

I. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

**SECTION 8. ESTABLISHMENT OF THE AUDIOLOGY**

**AND SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION**

A. The compact member states hereby create and establish a joint public agency known as the Audiology and Speech-Language Pathology Compact Commission:

(1) The commission is an instrumentality of the compact states.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

**B. Membership, Voting, and Meetings:**

(1) Each member state shall have two delegates selected by that member state's licensing board. The delegates shall be current members of the licensing board. One shall be an audiologist and one shall be a speech-language pathologist.

(2) An additional five delegates, who are either a public member or board administrator from a state licensing board, shall be chosen by the executive committee from a pool of nominees provided by the commission at-large.

(3) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

(4) The member state board shall fill any vacancy occurring on the commission, within ninety days.

(5) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

(6) A delegate shall vote in person or by other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(7) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

**C. The commission shall have the following powers and duties:**

(1) Establish the fiscal year of the commission.

(2) Establish bylaws.

(3) Establish a code of ethics.

(4) Maintain its financial records in accordance with the bylaws.

(5) Meet and take actions as are consistent with the provisions of this compact and the bylaws.

(6) Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states.

(7) Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state audiology or speech-language pathology licensing board to sue or be sued under applicable law shall not be affected.

(8) Purchase and maintain insurance and bonds.

(9) Borrow, accept, or contract for services of personnel, including but not limited to employees of a member state.

(10) Hire employees, elect or appoint officers, fix compensation, define duties, grant individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.

(11) Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest.

(12) Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed, provided that at all times the commission shall avoid any appearance of impropriety.

(13) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise

dispose of any property real, personal or mixed.

(14) Establish a budget and make expenditures.

(15) Borrow money.

(16) Appoint committees, including standing committees composed of members, and other interested persons as may be designated in this compact and the bylaws.

(17) Provide and receive information from, and cooperate with, law enforcement agencies.

(18) Establish and elect an executive committee.

(19) Perform other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of audiology and speech-language pathology licensure and practice.

**D. The Executive Committee:**

The executive committee shall have the power to act on behalf of the commission according to the terms of this compact.

(1) The executive committee shall be composed of ten members:

(a) Seven voting members who are elected by the commission from the current membership of the commission.

(b) Two ex-officios, consisting of one nonvoting member from a recognized national audiology professional association and one nonvoting member from a recognized national speech-language pathology association.

(c) One ex-officio, nonvoting member from the recognized membership organization of the audiology and speech-language pathology licensing boards.

E. The ex-officio members shall be selected by their respective organizations.

(1) The commission may remove any member of the executive committee as provided in bylaws.

(2) The executive committee shall meet at least annually.

(3) The executive committee shall have the following duties and responsibilities:

(a) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege.

(b) Ensure compact administration services are appropriately provided, contractual or otherwise.

(c) Prepare and recommend the budget.

(d) Maintain financial records on behalf of the Commission.

(e) Monitor compact compliance of member states and provide compliance reports to the commission.

(f) Establish additional committees as necessary.

(g) Other duties as provided in rules or bylaws.

(4) Meetings of the Commission:

All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 10.

(5) The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must discuss:

(a) Noncompliance of a member state with its obligations under the compact.

(b) The employment, compensation, discipline or other matters, practices or procedures related to specific employees, or other matters related to the commission's internal personnel practices and procedures.

(c) Current, threatened, or reasonably anticipated litigation.

(d) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate.

(e) Accusing any person of a crime or formally censuring any person.

(f) Disclosure of trade secrets or commercial or financial information that is privileged or confidential.

(g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

(h) Disclosure of investigative records compiled for law enforcement purposes.

(i) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact.

(j) Matters specifically exempted from disclosure by federal or member state statute.

(6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(7) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in the minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(8) Financing of the Commission:

(a) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(b) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(c) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall

be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

(9) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(10) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

F. Qualified Immunity, Defense, and Indemnification:

(1) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any person from suit or liability for any damage, loss, injury, or liability caused by the intentional and/or willful or wanton misconduct or gross negligence of that person.

(2) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person's gross negligence or intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties, or responsibilities, or that person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error or omission did not result from the gross negligence or intentional or willful or wanton misconduct of that person.

**SECTION 9. DATA SYSTEM**

A. The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission including:

- (1) Identifying information.
- (2) Licensure data.
- (3) Adverse actions against a license or compact privilege.
- (4) Nonconfidential information related to alternative program participation.
- (5) Any denial of application for licensure and the reason or reasons for denial.
- (6) Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

C. Investigative information pertaining to a licensee in any member state shall only be available to other member states.

D. The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.

E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

**SECTION 10. RULEMAKING**

A. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, the rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

D. Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty days in advance of the meeting at which the rule shall be considered and voted upon, the commission shall file a notice of proposed rulemaking:

- (1) On the website of the commission or other publicly accessible platform.
- (2) On the website of each member state's audiology or speech-language pathology licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

E. The notice of proposed rulemaking shall include:

- (1) The proposed time, date, and location of the meeting in which the rule shall be considered and voted upon.
- (2) The text of the proposed rule or amendment and the reason for the proposed rule.

(3) A request for comments on the proposed rule from any interested person.

(4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

F. Prior to the adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

G. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

- (1) At least twenty-five persons.
- (2) A state or federal governmental subdivision or agency.
- (3) An association having at least twenty-five members.

H. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

(1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(3) All hearings shall be recorded. A copy of the recording shall be made available on request.

(4) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

J. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

K. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

L. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

- (1) Meet an imminent threat to public health, safety, or welfare.
- (2) Prevent a loss of commission or member state funds.
- (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

M. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

**SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

**A. Dispute Resolution:**

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

**B. Enforcement:**

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of litigation, including reasonable attorney's fees.

(3) The remedies herein shall not be the exclusive remedies of the commission.

The commission may pursue any other remedies available under federal or state law.

**SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT**

A. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

B. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

C. Any member state may withdraw from this compact by enacting a statute repealing the same.

(1) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's audiology or speech-language pathology licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this compact shall be construed to invalidate or prevent any audiology or speech-language pathology licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

E. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

**SECTION 13. CONSTRUCTION AND SEVERABILITY**

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

**SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS**

A. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact.

B. All laws in a member state in conflict with the compact are superseded to the extent of the conflict.

C. All lawful actions of the commission, including all rules and bylaws promulgated by the commission, are binding upon the member states.

D. All agreements between the commission and the member states are binding in accordance with their terms.

E. In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Section 3. This Act shall become effective on July 1, 2021.

Approved by the Governor, October 28, 2020.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 38**

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**SENATE BILL NO. 45**

BY SENATORS FIELDS, ABRAHAM, BARROW, BERNARD, BOUDREAUX, BOUIE, CARTER, CATHEY, CORTEZ, FESI, FOIL, HARRIS, HEWITT, JACKSON, JOHNS, LAMBERT, MCMATH, MILLIGAN, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, POPE, PRICE, REESE, SMITH, TALBOT, TARVER, WARD, WHITE AND WOMACK

**AN ACT**

To amend and reenact R.S. 17:1453(A), 1831(B), 1851(B), and 1871(A)(1)(c), relative to the membership of public postsecondary education boards of supervisors boards; to authorize the governor to appoint persons from out-of-state as at-large members of the boards; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:1453(A), 1831(B), 1851(B), and 1871(A)(1)(c) are hereby amended and reenacted to read as follows:

§1453. Terms and appointment of members of board

A. The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College is created as a body corporate in accordance with the provisions of Article VIII, Section 7 of the Constitution of 1974. The board shall

be composed of fifteen members appointed by the governor with the consent of the Senate. Two members shall be appointed from each congressional district and the remaining member or members shall be appointed from the state at large. **If there is more than one at-large member, at least one shall be a resident of the state, and upon written recommendation of the board, the remaining at-large member or members may reside out-of-state.** Each member shall serve a term of six years, which shall expire on June 1 of the sixth year of the term to which he is appointed, or until his successor is appointed and takes office.

\* \* \*

§1831. Board of Supervisors for the University of Louisiana System; creation; membership; terms of office; vacancies

\* \* \*

B. The board shall be composed of fifteen members. Two members from each congressional district shall be appointed by the governor and one or more members shall be appointed by the governor from the state at large. **If there is more than one at-large member, at least one shall be a resident of the state, and upon written recommendation of the board, the remaining at-large member or members may reside out-of-state.** All such appointments shall be made with the consent of the Senate.

\* \* \*

§1851. Board of Supervisors of Southern University and Agricultural and Mechanical College; creation; membership; terms of office; vacancies

\* \* \*

B. The board shall be composed of fifteen members to be appointed by the governor, two members from each congressional district and the remaining member or members from the state at large. **If there is more than one at-large member, at least one shall be a resident of the state, and upon written recommendation of the board, the remaining at-large member or members may reside out-of-state.** All such appointments shall be made with the consent of the Senate.

\* \* \*

§1871. Board of Supervisors of Community and Technical Colleges; establishment; members; qualifications and terms; vacancies; duties

A.(1)

\* \* \*

(c) Of the members selected and appointed by the governor, there shall be two members from each congressional district and the remaining member or members from the state at large. **If there is more than one at-large member, at least one shall be a resident of the state, and upon written recommendation of the board, the remaining at-large member or members may reside out-of-state.**

\* \* \*

Section 2. This Act shall be known as the "Lod Cook Act".

Section 3. This Act shall take effect and become operative if and when the proposed amendment of Article VIII, Sections 6, 7, and 7.1 of the Constitution of Louisiana contained in the Act which originated as Senate Bill No. 44 of this 2020 Second Extraordinary Session of the Legislature is adopted at the statewide election to be held on December 5, 2020, and becomes effective.

Approved by the Governor, October 28, 2020.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 39**

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**SENATE BILL NO. 50  
BY SENATOR ALLAIN  
AN ACT**

To amend and reenact R.S. 39:122(A), relative to work on projects in the annual capital outlay act; to provide relative to the commencement of work or delays in construction; to provide relative to public statements and notices of delays in construction; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:122(A) is hereby amended and reenacted to read as follows:

§122. Commencement of work; **delays in construction; public statement; allocated funds**

A.(1) No work shall commence and no contract shall be entered into for any project contained in the capital outlay act unless and until funds are available from the cash sources indicated in the act or from the sale of bonds or from a line of credit approved by the State Bond Commission, except contracts for Department of Transportation and Development projects which are subject to the provisions of R.S. 48:251(D).

**(2) State-owned projects planned for the fiscal year in which an appropriation has been funded shall be commenced in that fiscal year and the administering agencies shall diligently commence work on those projects in accordance with the provisions of the annual capital outlay act, Titles 38, 39, and 48 of the Louisiana Revised Statutes of 1950 and any other applicable statutory provision. If a project cannot be commenced within the fiscal year for which it is planned, the administering agency shall file with the project records a public statement as to the factors causing the delay. The administering agency shall send a copy of the public statement regarding the cause of the delay and notice when the delaying factors have been overcome, no later than the first day of February**

each year, to the Joint Legislative Committee on Capital Outlay and to each senator and representative in whose district the project is located. When the cause of the delay has been cured, the administering agency shall commence the work immediately and expeditiously.

(3) The Joint Legislative Committee on Capital Outlay shall make recommendations to the commissioner of administration concerning the non-state entity projects to be granted lines of credit. The commissioner of administration shall submit to the Joint Legislative Committee on Capital Outlay a list of projects that will be submitted to the State Bond Commission for lines of credit a minimum of five days prior to the submission to the State Bond Commission.

\* \* \*

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, October 28, 2020.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 40**

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SENATE BILL NO. 55  
BY SENATORS CORTEZ AND REESE  
AN ACT

To enact R.S. 23:1474(J), relative to unemployment insurance; to provide for taxes and benefits for calendar year 2021; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1474(J) is hereby enacted to read as follows:  
§1474. Administrator; Revenue Estimating Conference; “wages”; weekly benefit amounts

\* \* \*

**J. Notwithstanding any other provision of this Section or any other law to the contrary, the administrator shall apply Procedure 2 from the table in Subsection I of this Section for the calendar year beginning on January 1, 2021, for the maximum dollar amount of “wages”, maximum weekly benefit amount, with any applicable discounts under R.S. 23:1592, and the formula for computation of benefits.**

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, October 28, 2020.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 41**

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SENATE BILL NO. 67  
BY SENATOR REESE  
AN ACT

To enact R.S. 51:1787(B)(5)(f) and 2455(I), relative to economic development incentives; to provide for an extension for job creation requirements for enterprise zone incentives; to provide for an extension for the rebate filing period for quality jobs incentive rebates; to provide for notification requirements; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:1787(B)(5)(f) and 2455(I) are hereby enacted to read as follows:  
§1787. Enterprise zone incentives

\* \* \*

B. The board may enter into the contracts provided in Subsection A of this Section provided that:

\* \* \*

(5)

\* \* \*

**(f) Due to the impacts of COVID-19 and hurricanes Laura and Delta, the Department of Economic Development shall provide an option to companies with an active agreement to extend the time period for the creation of new jobs required in Subparagraph (a) of this Paragraph for an additional twelve months. This option shall be available only to companies that have an executed enterprise zone incentive contract with a due date impacted by COVID-19 Emergency Proclamations, Hurricane Laura, or Hurricane Delta and that notify the department of their preference in writing prior to the original certification due date, but not later than December 31, 2021. Notification to the department**

shall be in a manner consistent with the provisions of their existing contract.

\* \* \*

§2455. Quality jobs incentive rebates

\* \* \*

**I. Due to the impacts of COVID-19 and hurricanes Laura and Delta, the Department of Economic Development shall provide an option to employers with an active agreement to extend the third annual rebate filing period required in Subsection E of this Section for an additional twelve months. This option shall be available only to employers that have an executed quality jobs incentive rebate contract with a due date impacted by COVID-19 Emergency Proclamations, Hurricane Laura, or Hurricane Delta and that notify the department of their preference in writing prior to the original certification due date, but not later than December 31, 2021. Notification to the department shall be in a manner consistent with the provisions of their existing contract.**

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, October 28, 2020.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 42**

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SENATE BILL NO. 69  
BY SENATORS JOHNS, ABRAHAM, ALLAIN, BERNARD, BOUDREAUX, BOUIE, CARTER, CATHEY, CORTEZ, FESI, FIELDS, FOIL, HARRIS, HENSGENS, HEWITT, JACKSON, LAMBERT, LUNEAU, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, PRICE, REESE, SMITH, TALBOT, TARVER, WARD, WHITE AND WOMACK  
AN ACT

To enact Chapter 14 of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:1611 through 1613, relative to cable service providers and video service providers; to provide relative to an emergency service plan; to provide for submission of certain information to the legislature and certain executive branch agencies; to provide for civil fines; to provide for certain terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 14 of Title 45 of the Louisiana Revised Statutes of 1950, comprised of R.S. 45:1611 through 1613, is hereby enacted to read as follows:

**CHAPTER 14. EMERGENCY SERVICE PLAN BY CABLE SERVICE PROVIDERS AND VIDEO SERVICE PROVIDERS**

**§1611. Emergency service plan; cable service providers and video service providers**

**When used in this Chapter:**

**(1) “Cable service” means the one-way transmission to subscribers of video programming or other programming service and any subscriber interaction required for the selection or use of video programming or other programming service, but shall not include any video programming provided by a commercial mobile service provider.**

**(2) “Cable service provider” means any person or entity that provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in that cable system, or who otherwise controls or is responsible for, through any arrangement, the management and operation of that system.**

**(3) “Cable system” means a facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community but does not include the following facilities or systems:**

**(a) A facility that serves only to retransmit the television signals of one or more television broadcast stations.**

**(b) A facility that serves subscribers without using any public right-of-way.**

**(c) A facility of a common carrier which is subject, in whole or in part, to common carrier regulation, except that the facility shall be considered a cable system to the extent the facility is used in the transmission of video programming directly to subscribers, unless the extent of the use is solely to provide interactive on-demand services.**

**(d) An open video system to the extent the system is considered under federal law not to be a cable system.**

**(e) Any facilities of an electric utility used solely for operating its electric system.**

**(4) “Commercial mobile service provider” means an interconnected radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, provided for profit and to the public or to a substantial portion of the public.**

**(5) “Commission” means the Louisiana Public Service Commission.**

**(6) “Video programming” means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.**

(7) “Video service” means any video programming service provided through wireline facilities located at least in part in the public rights-of-way without regard to delivery technology, including internet protocol technology. “Video service” shall not include any video programming provided by a commercial mobile service provider or video programming provided as part of a service that enables users to access content, information, email, or other services offered over the public internet.

(8) “Video service provider” means any entity providing video service.  
§1612. Emergency service plan; cable service providers and video service providers; public service commission

A.(1) On or before June 1, 2021, each cable service provider and video service provider shall prepare and submit to the commission an emergency service plan, which shall include a provider's emergency preparedness and response plan to an emergency or disaster.

(2) The emergency service plan shall include all of the following information:  
(a) The name and contact information of two persons who have knowledge of the provider's emergency operations.

(b) The identification of any available human resources and their position and responsibilities during an emergency.

(c) The provider's plan for obtaining resources that may be necessary during an emergency, including but not limited to communication, equipment, generators, and vehicles.

(d) The arrangement of any alternative facility if a facility is needed for the operation and continuity of service.

(e) A description of the drills or exercises to be performed at least annually that test and evaluate the effectiveness of the emergency service plan.

(f) A schedule for the regular evaluation and a risk mitigation strategy for all operating assets that may be at a higher risk or are prone to damage during an emergency.

(g) The provider's means of communication with the commission in the event of a disruption of telecommunication services.

B.(1) Upon receipt of an emergency service plan, the commission shall review the plan to determine compliance with the provisions of this Chapter and any applicable rules and regulations of the commission.

(2) On or before August first of each year, the commission shall submit a written declaration certifying compliance or noncompliance with the provisions of this Section for each cable service provider and video service provider to the director of the Governor's Office of Homeland Security and Emergency Preparedness, the Senate Committee on Commerce, Consumer Protection and International Affairs, and the House Committee on Commerce.

C. Each cable service provider and video service provider shall review its emergency service plan on an annual basis. If any change is made to the emergency service plan, the revised plan shall be submitted to the commission on or before the following June first. If no change was made to the emergency service plan, written notification that the previously submitted plan is current shall be submitted to the commission on or before the following June first.

D. On or before March 1, 2021, the commission shall adopt rules and regulations consistent with its rulemaking authority in Article 4, Section 21(B) of the Constitution of Louisiana to implement the provisions of this Chapter.

E. The filing of an emergency service plan in accordance with the provisions of this Section shall not subject any cable service provider or video service provider to any regulatory jurisdiction by the commission not in effect on December 1, 2020.

F. If a cable service provider or video service provider uses the same facilities to provide any other service regulated by the commission and files with the commission an emergency service plan for that service that includes an emergency preparedness and response plan for cable service, video service, or both, that cable service provider or video service provider shall not be required to submit an additional emergency service plan pursuant to the provisions of this Section.

§1613. Violations; penalties

Any cable service provider or video service provider found by the commission, after notice and hearing, to be in violation of any provision of this Chapter shall be subject to a civil fine not to exceed one thousand dollars for the first violation. The civil fine for any subsequent violation of any provision of this Chapter shall not exceed five thousand dollars.

Section 2. This Act shall become effective on December 1, 2020.

Approved by the Governor, October 28, 2020.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 43**

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SENATE BILL NO. 71  
BY SENATOR PEACOCK  
AN ACT

To amend and reenact R.S. 42:17.1(A), relative to meetings of public bodies during a gubernatorially declared state of disaster or emergency; to provide requirements for meeting via electronic means; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:17.1(A) is hereby amended and reenacted to read as follows:

CODING: Words in struck-through type are deletions from existing law; words underscored (House Bills) and underscored and **boldfaced**

§17.1. Exception for meetings during a gubernatorially declared disaster or emergency

A. Notwithstanding any other provision of this Chapter to the contrary, a public body may conduct and its members may attend and participate in a meeting via electronic means provided ~~all of the following~~:

(1) The governor has declared a state of emergency or disaster involving a geographic area within the jurisdiction of the public body and the nature of the emergency or disaster would cause a meeting of the public body conducted pursuant to the other provisions of this Chapter to be detrimental to the health, safety, or welfare of the public.

(2) The presiding officer of the public body certifies on the notice of the meeting that the agenda of the meeting is limited to one or more of the following:

(a) Matters that are directly related to the public body's response to the disaster or emergency and are critical to the health, safety, or welfare of the public.

(b) Matters that if they are delayed will cause curtailment of vital public services or severe economic dislocation and hardship.

(c) Matters that are critical to continuation of the business of the public body and that are not able to be postponed to a meeting held in accordance with the other provisions of this Chapter due to a legal requirement or other deadline that cannot be postponed or delayed by the public body.

~~(d) Other matters that are critical or time-sensitive and that in the determination of the presiding officer should not be delayed; however, such matters shall not be considered at the meeting unless the members of the body present at the meeting approve the consideration of the matters by a two-thirds vote.~~

(3) The public body and its presiding officer comply with all of the requirements of this Section.

\* \* \*

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, October 28, 2020.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 44**

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SENATE BILL NO. 77  
BY SENATOR SMITH  
AN ACT

To amend and reenact R.S. 27:305, 308(A)(3), (4)(a), and (B) and to enact R.S. 27:302(11), relative to fantasy sports; to clarify licensee requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:305, 308(A)(3), (4)(a), and (B) are hereby amended and reenacted and R.S. 27:302(11) is hereby enacted to read as follows:

§302. Definitions

For purposes of this Chapter:

\* \* \*

(11) “Participation” or “participate” means to pay an entry fee to a fantasy sports contest operator.

\* \* \*

§305. Fantasy sports contests prohibited in certain parishes

Notwithstanding any provision of law to the contrary, **participation in** fantasy sports contests shall not be permitted in any parish in which, at the election held pursuant to R.S. 27:303, a majority of the qualified electors in the parish voting on the proposition to authorize fantasy sports contests in the parish voted against the proposition.

\* \* \*

§308. Licensee requirements

A. As a condition of licensure, a fantasy sports contest operator shall submit evidence to the board that the operator has established and will implement commercially reasonable procedures for fantasy sports contests with an entry fee and that:

\* \* \*

(3) Provide that no winning outcome is based on the score, point spread, or any performance of any single real-world sports team or combination of such teams or solely on any single performance of an individual athlete or **participant person engaged** in any single real-world sporting event.

(4) Ensure that any of following persons do not participate in fantasy sports contests:

(a) Athletes and individuals who **participate engage** in or officiate a game or competition that is a real-world sport or athletic event that is the subject of a fantasy sports contest.

\* \* \*

B. A fantasy sports contest operator shall not offer fantasy sports contests based on the performances of ~~participants~~ **athletes or persons that engage** in high school or youth athletic events.

\* \* \*

\* As it appears in the enrolled bill

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, October 28, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 45**  
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**HOUSE BILL NO. 39**  
**BY REPRESENTATIVE ZERINGUE**  
**AN ACT**

To appropriate funds and to make certain reductions from certain sources to be allocated to designated agencies and purposes in specific amounts for the making of supplemental appropriations and reductions for the agencies and purposes for Fiscal Year 2020-2021; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The following sums are hereby appropriated from the sources specified for the purpose of making supplemental appropriations for Fiscal Year 2020-2021. Reductions are denoted in parentheses.

**EXECUTIVE DEPARTMENT**

**01-109 COASTAL PROTECTION & RESTORATION AUTHORITY**

Payable out the State General Fund by Interagency Transfers from the Department of Transportation and Development to the Implementation Program for vessel sonar scanning of the Southwest Pass of the Mississippi River for sediment distribution \$ 250,000

**01-111 GOVERNOR'S OFFICE OF HOMELAND SECURITY AND EMERGENCY PREPAREDNESS**

Payable out of the State General Fund by Statutory Dedications out of the State Emergency Response Fund to the Administrative Program for cybersecurity response initiatives \$ 7,200,246

Payable out of Federal Funds from the Fiscal Year 2019-2020 Coronavirus Relief Fund allocation to the Administrative Program for payments to the Legislative Budgetary Control Council for eligible expenses related to COVID-19 response efforts \$ 3,223,984

Payable out of the State General Fund by Statutory Dedications out of the Coronavirus Local Recovery Allocation Fund to the Administrative Program for payments to local governments for eligible expenses related to COVID-19 response efforts \$ 5,000,000

The commissioner of administration is hereby authorized and directed to adjust the means of financing for this agency, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of Federal Funds by (\$85,000,000).

The commissioner of administration is hereby authorized and directed to adjust the means of financing for this agency, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of Federal Funds by (\$2,340,485).

**01-112 DEPARTMENT OF MILITARY AFFAIRS**

Payable out of the State General Fund by Interagency Transfers from the Governor's Office of Homeland Security and Emergency Preparedness to the Military Affairs Program for cybersecurity response initiatives \$ 2,000,000

**01-116 LOUISIANA PUBLIC DEFENDER BOARD**

Payable out of the State General Fund (Direct) to the Louisiana Public Defender Board Program for the renovation or purchase of office space for district defender offices \$ 3,000,000

space for district defender offices may be expended unless a plan for such expenditures is approved by the Joint Legislative Committee on the Budget.

Vetoed--November 5, 2020  
Veto #1

/s/ John Bel Edwards  
Gov. of La.

**DEPARTMENT OF ECONOMIC DEVELOPMENT**

**05-252 OFFICE OF BUSINESS DEVELOPMENT**

Payable out of the State General Fund (Direct) to the Business Development Program for the North Louisiana Economic Partnership \$ 100,000

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Business Development Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of the State General Fund (Direct) by (\$100,000).

**DEPARTMENT OF CULTURE, RECREATION AND TOURISM**

**06-267 OFFICE OF TOURISM**

Payable out of the State General Fund (Direct) to the Marketing Program for operating expenses \$ 5,000,000

**DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS  
PUBLIC SAFETY SERVICES**

**08-419 OFFICE OF STATE POLICE**

Payable out of the State General Fund by Interagency Transfers from the Governor's Office of Homeland Security and Emergency Preparedness to the Operational Support Program for cybersecurity response initiatives \$ 250,000

**LOUISIANA DEPARTMENT OF HEALTH**

**09-300 JEFFERSON PARISH HUMAN SERVICES AUTHORITY**

Payable out of the State General Fund (Direct) for operating expenses \$ 3,935,230

The commissioner of administration is hereby authorized and directed to adjust the means of financing for this agency, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of State General Fund by Interagency Transfers by (\$3,935,230).

**09-301 FLORIDA PARISHES HUMAN SERVICES AUTHORITY**

Payable out of the State General Fund (Direct) for operating expenses \$ 3,422,534

The commissioner of administration is hereby authorized and directed to adjust the means of financing for this agency, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of State General Fund by Interagency Transfers by (\$3,422,534).

**09-302 CAPITAL AREA HUMAN SERVICES DISTRICT**

Payable out of the State General Fund (Direct) for operating expenses \$ 3,179,323

The commissioner of administration is hereby authorized and directed to adjust the means of financing for this agency, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of State General Fund by Interagency Transfers by (\$3,179,323).

**09-304 METROPOLITAN HUMAN SERVICES DISTRICT**

Payable out of the State General Fund (Direct) for operating expenses \$ 5,939,065

The commissioner of administration is hereby authorized and directed to adjust the means of financing for this agency, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of State General Fund by Interagency Transfers by (\$5,939,065).

**09-306 MEDICAL VENDOR PAYMENTS**

Provided, however, no funds herein appropriated to the Louisiana Public Defender Board Program for the renovation or purchase of office

EXPENDITURES:	
Payments to Private Providers Program for two retainer payments to providers of adult day center services	\$ 6,200,000
TOTAL EXPENDITURES	\$ 6,200,000
MEANS OF FINANCE:	
State General Fund (Direct)	\$ 1,635,560
Federal Funds	\$ 4,564,440
TOTAL MEANS OF FINANCING	\$ 6,200,000
EXPENDITURES:	
Payments to Private Providers Program for temporary rate increases for providers of home and community based services and intermediate care facilities for the developmentally disabled	\$ 30,000,000
TOTAL EXPENDITURES	\$ 30,000,000
MEANS OF FINANCE:	
State General Fund (Direct)	\$ 7,914,000
Federal Funds	\$ 22,086,000
TOTAL MEANS OF FINANCING	\$ 30,000,000
Provided, however, that Medicaid staff shall work in collaboration with the Arc of Louisiana, the Community Provider Association, and the Louisiana Supported Living Network in determining amounts for the distribution of these funds.	
The commissioner of administration is hereby authorized and directed to adjust the means of financing for the Payments to Private Providers Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of State General Fund (Direct) by (\$36,152,360).	
The commissioner of administration is hereby authorized and directed to adjust the means of financing for the Payments to Private Providers Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of State General Fund (Direct) by (\$1,126,338).	
The commissioner of administration is hereby authorized and directed to adjust the means of financing for the Payments to Private Providers Program, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of State General Fund (Direct) by (\$90,000,000).	
09-307 OFFICE OF THE SECRETARY	
Payable out of the State General Fund (Direct) for operating expenses	\$ 20,644,629
The commissioner of administration is hereby authorized and directed to adjust the means of financing for this agency, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of State General Fund by Interagency Transfers by (\$20,644,629).	
Payable out of the State General Fund (Direct) to OPTIONS for services for individuals with disabilities	\$ 355,000
09-309 SOUTH CENTRAL LOUISIANA HUMAN SERVICES AUTHORITY	
Payable out of the State General Fund (Direct) for operating expenses	\$ 3,451,924
The commissioner of administration is hereby authorized and directed to adjust the means of financing for this agency, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of State General Fund by Interagency Transfers by (\$3,451,924).	
Payable out of the State General Fund (Direct) to the ARC of St. Mary	\$ 200,000
09-310 NORTHEAST DELTA HUMAN SERVICES AUTHORITY	
Payable out of the State General Fund (Direct) for operating expenses	\$ 2,647,524
The commissioner of administration is hereby authorized and directed to adjust the means of financing for this agency, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing	

the appropriation out of State General Fund by Interagency Transfers by (\$2,647,524).	
09-320 OFFICE OF AGING AND ADULT SERVICES	
Payable out of the State General Fund (Direct) for operating expenses	\$ 4,438,100
The commissioner of administration is hereby authorized and directed to adjust the means of financing for this agency, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of State General Fund by Interagency Transfers by (\$4,438,100).	
09-324 LOUISIANA EMERGENCY RESPONSE NETWORK	
Payable out of the State General Fund (Direct) to the Orleans Parish Communications Center for operating expenses	\$ 1,126,338
Payable out of the State General Fund (Direct) for operating expenses	\$ 523,029
The commissioner of administration is hereby authorized and directed to adjust the means of financing for this agency, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of State General Fund by Interagency Transfers by (\$523,029).	
09-325 ACADIANA AREA HUMAN SERVICES DISTRICT	
Payable out of the State General Fund (Direct) for operating expenses	\$ 3,781,070
The commissioner of administration is hereby authorized and directed to adjust the means of financing for this agency, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of State General Fund by Interagency Transfers by (\$3,781,070).	
09-326 OFFICE OF PUBLIC HEALTH	
Payable out of the State General Fund (Direct) for operating expenses	\$ 10,046,711
The commissioner of administration is hereby authorized and directed to adjust the means of financing for this agency, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of State General Fund by Interagency Transfers by (\$10,046,711).	
09-330 OFFICE OF BEHAVIORAL HEALTH	
Payable out of the State General Fund (Direct) for operating expenses	\$ 14,608,941
The commissioner of administration is hereby authorized and directed to adjust the means of financing for this agency, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of State General Fund by Interagency Transfers by (\$14,608,941).	
09-375 IMPERIAL CALCASIEU HUMAN SERVICES AUTHORITY	
Payable out of the State General Fund (Direct) for operating expenses	\$ 2,361,185
The commissioner of administration is hereby authorized and directed to adjust the means of financing for this agency, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of State General Fund by Interagency Transfers by (\$2,361,185).	
09-376 CENTRAL LOUISIANA HUMAN SERVICES DISTRICT	
Payable out of the State General Fund (Direct) for operating expenses	\$ 2,962,299
The commissioner of administration is hereby authorized and directed to adjust the means of financing for this agency, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of State General Fund by Interagency Transfers by (\$2,962,299).	
09-377 NORTHWEST LOUISIANA HUMAN SERVICES DISTRICT	

Payable out of the State General Fund (Direct) for operating expenses		\$	3,058,436	communications systems at all facilities of the Louisiana Community and Technical College System, including but not limited to upgrades to computer servers, computer programs, computer services, computer software, internet-connected devices, networking and network security components, computer systems or programs and telephone systems. Provided further, if such funding is used to finance upgrades and improvements to information technology and communications systems described herein, the twelve percent private match requirement described in the introductory paragraph of R.S. 17:3394.3(C) shall not apply.			
The commissioner of administration is hereby authorized and directed to adjust the means of financing for this agency, as contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, by reducing the appropriation out of State General Fund by Interagency Transfers by (\$3,058,436).							
DEPARTMENT OF WILDLIFE AND FISHERIES				20-945 STATE AID TO LOCAL GOVERNMENT ENTITIES			
16-513 OFFICE OF WILDLIFE							
Payable out of the State General Fund (Direct) to the Wildlife Program for the Spring Bayou Entrance Road Resurfacing Project		\$	100,000	Payable out of the State General Fund (Direct) to the New Orleans City Park Improvement Association		\$	2,500,000
HIGHER EDUCATION				Payable out of the State General Fund (Direct) to the Bayou Blue Fire Protection District of Terrebonne and Lafourche for equipment		\$	94,000
19-600 LOUISIANA STATE UNIVERSITY BOARD OF SUPERVISORS				Payable out of the State General Fund (Direct) to the Bayou Cane Fire Protection District for the installation of fire hydrants		\$	100,000
Payable out of the State General Fund (Direct) to the Louisiana State University Board of Supervisors for Pennington Biomedical Research Center for operating expenses		\$	2,000,000	Payable out of the State General Fund (Direct) to the Livingston Parish Sheriff's Office for substation improvements		\$	500,000
Payable out of the State General Fund (Direct) to the Louisiana State University Board of Supervisors for Louisiana State University - Agricultural Center for operating expenses		\$	750,000	Payable out of the State General Fund (Direct) to the Town of Springfield for land improvements		\$	100,000
Payable out of the State General Fund (Direct) to the Louisiana State University Board of Supervisors for the Louisiana State University Health Sciences Center at Shreveport for the purchase of equipment for the Viral Neutralization Test program		\$	700,000	Payable out of the State General Fund (Direct) to the St. John Parish Sheriff's Office for jail improvements		\$	100,000
Payable out of the State General Fund by Statutory Dedications out of the Shreveport Riverfront and Convention Center and Independence Stadium Fund to the Louisiana State University Board of Supervisors for the Louisiana State University Health Sciences Center - Shreveport for the purchase of equipment for the Viral Neutralization Test program, in the event Senate Bill No. 38 of the 2020 Second Extraordinary Session of the Legislature is enacted into law		\$	187,000	Payable out of the State General Fund (Direct) to the St. James Parish Sheriff's Office for safety equipment for patrol		\$	50,000
Payable out of the State General Fund (Direct) to the Louisiana State University Board of Supervisors for Louisiana State University - Shreveport for the Technology Center		\$	540,000	Payable out of the State General Fund (Direct) to the Ascension Parish Sheriff's Office for substation improvements		\$	50,000
Payable out of State General Fund (Direct) to the Louisiana State University Board of Supervisors for the Louisiana State University Health Sciences Center - New Orleans for SARS-CoV2 testing		\$	1,000,000	Payable out of the State General Fund (Direct) to the Colyell Community Water Association		\$	50,000
19-649 LOUISIANA COMMUNITY AND TECHNICAL COLLEGES BOARD OF SUPERVISORS				Payable out of the State General Fund (Direct) to the Terrebonne Parish Fire District No. 5 for fire equipment		\$	50,000
Payable out of the State General Fund (Direct) to the Louisiana Delta Community College for renovation to an existing building or construction of a new building		\$	200,000	Payable out of the State General Fund (Direct) to the Terrebonne Parish Fire District No. 6 for fire equipment		\$	75,000
DEPARTMENT OF EDUCATION				Payable out of the State General Fund (Direct) to the Terrebonne Parish Fire District No. 7 for fire equipment		\$	75,000
19-681 SUBGRANTEE ASSISTANCE				Payable out of the State General Fund (Direct) to the South Louisiana Wetlands Discovery Center for construction of observation, water, and electrical infrastructure		\$	193,000
Payable out of the State General Fund (Direct) for the Non Federal Support Program		\$	150,000	Vetoed--November 5, 2020 Veto #2		/s/ John Bel Edwards Gov. of La.	
OTHER REQUIREMENTS				Payable out of the State General Fund (Direct) to the Terrebonne Parish Consolidated Government for improvements to the East Houma airbase		\$	230,000
20-930 HIGHER EDUCATION - DEBT SERVICE AND MAINTENANCE				Vetoed--November 5, 2020 Veto #3		/s/ John Bel Edwards Gov. of La.	
Notwithstanding any provision of law to the contrary, if the cost of any project described in R.S. 17:3394.3, including payments for indebtedness, equipment leases and maintenance reserves, which received appropriation in Act No. 1 of the 2020 First Extraordinary Session of the Legislature, was not increased to meet contingencies or the amount of the funding increase for any project was less than fifteen percent, an amount equal to the aggregate unused funding increases described in R.S. 17:3394.3(C)(4) may be used to finance upgrades and improvements to information technology and				Payable out of the State General Fund (Direct) to the Terrebonne Parish Consolidated Government for Parish Council District 5 drainage and infrastructure projects		\$	100,000
				Payable out of the State General Fund (Direct) to the Houma Police Department for neighborhood security cameras, monitoring equipment, and related items		\$	25,000
				Vetoed--November 5, 2020 Veto #4		/s/ John Bel Edwards Gov. of La.	
THE ADVOCATE		* As it appears in the enrolled bill		CODING: Words in <del>struck through</del> type are deletions from existing law;			
PAGE 38				words <u>underscored</u> (House Bills) and <u>underscored</u> and <b>boldfaced</b>			

Payable out of the State General Fund (Direct) to the Terrebonne Parish Consolidated Government for economic development construction projects in downtown Houma	\$	228,000	Payable out of the State General Fund (Direct) to the Village of Palmetto for water well improvements	\$	20,000
Payable out of the State General Fund (Direct) to the City of Lake Providence for emergency road repairs	\$	50,000	Payable out of the State General Fund (Direct) to the Town of Jean Lafitte for infrastructure improvements	\$	20,000
Payable out of the State General Fund (Direct) to the City of Tallulah for water and sewerage	\$	100,000	Payable out of the State General Fund (Direct) to the Eunice Fire Department for equipment	\$	20,000
Payable out of the State General Fund (Direct) to the Town of Delhi for the Sapa Drive project	\$	100,000	Payable out of the State General Fund (Direct) to the City of Oakdale for infrastructure repairs	\$	20,000
Payable out of the State General Fund (Direct) to the City of Denham Springs for repairs to Gas Department Building	\$	50,000	Payable out of the State General Fund (Direct) to the Calcasieu Parish Police Jury for hurricane relief	\$	500,000
Payable out of the State General Fund (Direct) to the City of Walker for drainage improvements	\$	50,000	Payable out of the State General Fund (Direct) to the Calcasieu Parish School Board for hurricane relief	\$	400,000
Payable out of the State General Fund (Direct) to ARC of Livingston Parish for building renovations	\$	80,000	Payable out of the State General Fund (Direct) to the Cameron Parish Police Jury for hurricane relief	\$	250,000
Payable out of the State General Fund (Direct) to the Livingston Parish Fire District No. 4 for equipment	\$	20,000	Payable out of the State General Fund (Direct) to the Jefferson Davis Parish Police Jury for hurricane relief	\$	250,000
Payable out of the State General Fund (Direct) to the Livingston Parish Fire District No. 5 for a rescue boat	\$	20,000	Payable out of the State General Fund (Direct) to the Acadia Parish Police Jury for road work equipment	\$	100,000
Payable out of the State General Fund (Direct) to the City of Denham Springs Police Department for mobile technology	\$	15,000	Payable out of the State General Fund (Direct) to the Acadia Parish Sheriff's Office for purchase of equipment	\$	100,000
Payable out of the State General Fund (Direct) to the City of Walker Police Department for equipment	\$	15,000	Payable out of the State General Fund (Direct) to the City of Estherwood for purchase of generator for water tower	\$	25,000
Payable out of the State General Fund (Direct) to the Town of Madisonville for lighthouse improvement and construction	\$	250,000	Payable out of the State General Fund (Direct) to the Town of Iota for purchase of generator for water tower	\$	25,000
Vetoed--November 5, 2020 Veto #5	/s/ John Bel Edwards Gov. of La.		Payable out of the State General Fund (Direct) to the Crowley Fire Department for equipment	\$	20,000
			Payable out of the State General Fund (Direct) to Grant Parish for community waterworks	\$	20,000
Payable out of the State General Fund (Direct) to the Baton Rouge North Economic Development District	\$	250,000	Vetoed--November 5, 2020 Veto #6		
Payable out of the State General Fund (Direct) to the Urban League of Louisiana for the Resilient Restart Program	\$	250,000	Payable out of the State General Fund (Direct) to the City of Kenner for lift station generator	\$	20,000
Payable out of the State General Fund (Direct) to the City of Baton Rouge for the Mayor's Healthy City Initiative	\$	250,000	Payable out of the State General Fund (Direct) to the Jefferson Davis Fire District No. 4	\$	10,000
Payable out of the State General Fund (Direct) to the Lafayette Consolidated Government for road infrastructure projects	\$	500,000	Payable out of the State General Fund (Direct) to the Jefferson Davis Fire District No. 5	\$	15,000
Payable out of the State General Fund (Direct) to the St. Bernard Parish Sheriff's Office for equipment	\$	500,000	Payable out of the State General Fund (Direct) to the City of New Orleans for economic development, education, and community health initiatives	\$	700,000
Payable out of the State General Fund (Direct) to St. Charles Parish for drainage and infrastructure improvements	\$	500,000	Payable out of the State General Fund (Direct) to the City of Baton Rouge Police Department for coronavirus response	\$	2,065,000
Payable out of the State General Fund (Direct) to the Village of Grosse Tete for LA Highway 77 realignment improvements	\$	100,000	Payable out of the State General Fund (Direct) to the St. Helena Parish Police Jury for bridge repairs	\$	75,000
Payable out of the State General Fund (Direct) to Cameron Parish for the Cameron Parish Water and Wastewater District No. 1	\$	50,000	Payable out of the State General Fund (Direct) to the Morehouse Parish Sheriff's Department for coronavirus testing	\$	22,000
Payable out of the State General Fund (Direct) to Lafourche Fire District No. 8C for equipment	\$	25,000	Payable out of the State General Fund (Direct) to the City of Gretna for coronavirus expenses	\$	60,300
			Payable out of the State General Fund (Direct) to the Constable of the 2nd City Court of the City of New Orleans for coronavirus expenses	\$	21,500

Payable out of the State General Fund (Direct) to the Tensas Parish Police Jury for the Delta Regional Authority for the St. Francis Medical Center air handler unit	\$	200,000	Payable out of the State General Fund (Direct) to the Town of New Llano Fire Department	\$	200,000
Payable out of the State General Fund (Direct) to the Evangeline Parish Police Jury for electrical repairs compliance upgrades	\$	100,000	Payable out of the State General Fund (Direct) to the City of Opelousas for parks and recreation	\$	500,000
Payable out of the State General Fund (Direct) to the Denham Springs Municipal Government	\$	75,000	Payable out of the State General Fund (Direct) to Pointe Coupee Parish for the False River Ecosystem Restoration Project	\$	750,000
Payable out of the State General Fund (Direct) to the City of Walker	\$	75,000	Payable out of the State General Fund (Direct) to the Lafourche Basin Levee District for drainage improvements	\$	300,000
Payable out of the State General Fund (Direct) to the Town of Livingston	\$	50,000	Payable out of the State General Fund (Direct) to the City of Carencro for drainage, and street and utility improvements	\$	500,000
Payable out of the State General Fund (Direct) to the Town of Albany	\$	50,000	Payable out of the State General Fund (Direct) to the East Baton Rouge Parish Government	\$	300,000
Payable out of the State General Fund (Direct) to the Ascension Parish Government for the Bluff Road to Highway 73 connector	\$	150,000	Payable out of the State General Fund (Direct) to the Louisiana Leadership Institute	\$	500,000
Payable out of the State General Fund (Direct) to the Ascension Parish Sheriff's Department	\$	25,000	Payable out of the State General Fund (Direct) to the DeSoto Parish Sheriff's Office for emergency operations and equipment	\$	250,000
Payable out of the State General Fund (Direct) to the City of Gonzales for the St. Francis Road Project	\$	50,000	Payable out of the State General Fund (Direct) to the Rapides Parish Police Jury for roads and drainage	\$	250,000
Payable out of the State General Fund (Direct) to the City of Gonzales Police Department	\$	10,000	Payable out of the State General Fund (Direct) to Jefferson Parish for recreational facilities and for Council District No. 2 on the Westbank	\$	250,000
Payable out of the State General Fund (Direct) to the St. James Parish Sheriff's Department	\$	25,000	Payable out of the State General Fund (Direct) to the City of Destrehan for drainage improvements	\$	300,000
Payable out of the State General Fund (Direct) to the Civil District Court for the Parish of Orleans, Division L, Assistive Outpatient Treatment Program, under the provisions of R.S. 28:66, et al.	\$	200,000	Payable out of the State General Fund (Direct) to the Lafourche Parish Council for water line and drainage improvements in Kraemer	\$	200,000
Payable out of the State General Fund (Direct) to Beautification Project for New Orleans Neighborhoods	\$	200,000	Payable out of the State General Fund (Direct) to the Village of Maurice for City Hall upgrades	\$	250,000
Payable out of the State General Fund (Direct) to the St. John the Baptist Parish Sheriff's Department for emergency equipment	\$	100,000	Payable out of the State General Fund (Direct) to the Town of Merryville	\$	50,000
Payable out of the State General Fund (Direct) to the Town of Grambling for fire equipment	\$	100,000	Payable out of the State General Fund (Direct) to the Town of Anacoco	\$	100,000
Payable out of the State General Fund (Direct) to the City of Pineville for street improvements	\$	150,000	Payable out of the State General Fund (Direct) to the Beauregard Parish Police Jury	\$	100,000
Payable out of the State General Fund (Direct) to the City of Harahan	\$	250,000	Payable out of the State General Fund (Direct) to the Opportunities Industrialization Center of Ouachita, Inc. for workforce initiatives	\$	150,000
Payable out of the State General Fund (Direct) to the City of Kenner	\$	250,000	Payable out of the State General Fund (Direct) to the City of Central for the Central Community Sports Complex	\$	1,000,000
Payable out of the State General Fund (Direct) to the Assumption Parish Government for installation of parish-wide fire hydrants	\$	639,000	Payable out of the State General Fund (Direct) to the Cajundome for operations	\$	250,000
Payable out of the State General Fund (Direct) for the Terrebonne Parish Sheriff's Office	\$	100,000	Payable out of the State General Fund (Direct) to the Washington Parish Jail for HVAC equipment	\$	400,000
Payable out of the State General Fund (Direct) to the East Baton Rouge Parish Government	\$	200,000	Payable out of the State General Fund (Direct) to the Town of Independence Fire Station	\$	100,000
Payable out of the State General Fund (Direct) to the City of New Orleans for crime cameras and beautification	\$	100,000	Payable out of the State General Fund (Direct) to the St. Martin Parish Government for operations	\$	250,000
Payable out of the State General Fund (Direct) to the Gentilly Development District	\$	100,000	Payable out of the State General Fund (Direct) to the Iberia Parish Government for operations	\$	250,000
Payable out of the State General Fund (Direct) to the St. Bernard Parish Recreation Department	\$	100,000	Payable out of the State General Fund (Direct) to the Livingston Activity Center	\$	150,000
Payable out of the State General Fund (Direct) to the West Jefferson Recreation Department	\$	100,000	Payable out of the State General Fund (Direct) to the City of Youngsville for drainage	\$	250,000
			Payable out of the State General Fund (Direct) to the City of Broussard for water line improvements	\$	500,000

Payable out of the State General Fund (Direct) to the City of Covington for road improvements	\$	500,000
Payable out of the State General Fund (Direct) to St. Mary Parish Hospital Service District No. 1	\$	300,000
Payable out of the State General Fund (Direct) to the Tangipahoa Parish Government	\$	355,000

**20-XXX FUNDS**

Payable out of the State General Fund (Direct) to the Administrative Program for transfer to the State Emergency Response Fund	\$	7,200,246
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The state treasurer is hereby authorized and directed to transfer monies from the appropriation above out of the State General Fund (Direct) in the amount of \$7,200,246 into the State Emergency Response Fund.

Payable out of Federal Funds to the Administrative Program for transfer to the Clearing Account of the Unemployment Compensation Fund pursuant to R.S. 23:1491	\$	85,000,000
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The state treasurer is hereby authorized and directed to transfer monies from the appropriation above out of Federal Funds in the amount of \$85,000,000 into the Clearing Account of the Unemployment Compensation Fund.

Payable out of Federal Funds to the Administrative Program for transfer to the Coronavirus Local Recovery Allocation Fund	\$	5,000,000
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The state treasurer is hereby authorized and directed to transfer monies from the appropriation above out of Federal Funds in the amount of \$5,000,000 into the Coronavirus Local Recovery Allocation Fund.

**ANCILLARY APPROPRIATIONS**

**21-815 OFFICE OF TECHNOLOGY SERVICES**

Payable out of the State General Fund by Interagency Transfers from the Governor’s Office of Homeland Security and Emergency Preparedness to the Technology Services Program for cybersecurity response initiatives	\$	7,700,246
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**JUDICIAL EXPENSE**

**23-949 LOUISIANA JUDICIARY**

Payable out of the State General Fund (Direct) to the Judiciary for operating expenses	\$	2,451,467
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In the appropriation contained in Section 3 of Act No. 7 of the 2020 First Extraordinary Session of the Legislature, on page 12, line 15, delete “Four” and on line 16, delete “Million and No/100 (\$4,000,000)” and insert “One Million Six Hundred Fifty-Nine Thousand Five Hundred Fifteen and No/100 (\$1,659,515)”.

In the appropriation contained in Section 4 of Act No. 7 of the 2020 First Extraordinary Session of the Legislature, on page 13, after line 29, insert the following:

“H. Prior to December 1, 2020, the commissioner of administration shall report to the Joint Legislative Committee on the Budget any coronavirus relief funds that are projected to be unexpended and unencumbered as of December 1, 2020. The Joint Legislative Committee on the Budget may authorize and direct the commissioner of administration to reduce any amount of unexpended and unencumbered interagency transfers budget authority of the Judicial Budgetary Control Board from interagency transfers from the Governor’s Office of Homeland Security and Emergency Preparedness originating from coronavirus relief fund monies that cannot be expended or encumbered by December 30, 2020. The treasurer is hereby authorized and directed to transfer any reductions approved by the Joint Legislative Committee on the Budget to the State Coronavirus Relief Fund. Any coronavirus relief funds being used or projected to be used to cover personal services expenses shall be considered encumbered for the purposes of this Paragraph.”

**LEGISLATIVE EXPENSE**

**24-960 LEGISLATIVE BUDGETARY CONTROL COUNCIL**

Payable out of the State General Fund by Interagency Transfers from the Governor’s Office of Homeland Security and Emergency Preparedness to the Legislative Budgetary Control Council for eligible expenses related to COVID-19 response efforts	\$	3,223,984
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In the appropriation contained in Section 8 of Act No. 8 of the 2020 First Extraordinary Session of the Legislature, on page 9, at the beginning of line 1, change “Section 8.” to “Section 8.(A)”

In the appropriation contained in Section 8 of Act No. 8 of the 2020 First Extraordinary Session of the Legislature, on page 9, between lines 4 and 5, insert the following:

“(B) Prior to December 1, 2020, the commissioner of administration shall report to the Joint Legislative Committee on the Budget any coronavirus relief funds that are projected to be unexpended and unencumbered as of December 1, 2020. The Joint Legislative Committee on the Budget may authorize and direct the commissioner of administration to reduce any amount of unexpended and unencumbered interagency transfers budget authority of the Legislative Budgetary Control Council from interagency transfers from the Governor’s Office of Homeland Security and Emergency Preparedness originating from coronavirus relief fund monies that cannot be expended or encumbered by December 30, 2020. The treasurer is hereby authorized and directed to transfer any reductions approved by the Joint Legislative Committee on the Budget to the State Coronavirus Relief Fund. Any coronavirus relief funds being used or projected to be used to cover personal services expenses shall be considered encumbered for the purposes of this Paragraph.”

Section 2. Section 2.D. of Act No. 1 of the 2020 First Extraordinary Session is hereby enacted to read as follows:

On page 2, between lines 13 and 14, insert the following:  
“D. Prior to December 1, 2020, the commissioner of administration shall report to the Joint Legislative Committee on the Budget any coronavirus relief funds that are projected to be unexpended and unencumbered as of December 1, 2020. The Joint Legislative Committee on the Budget may authorize and direct the commissioner of administration to reduce any amount of unexpended and unencumbered interagency transfers budget authority of any agency or entity that received an appropriation from interagency transfers from the Governor’s Office of Homeland Security and Emergency Preparedness originating from coronavirus relief fund monies that cannot be expended or encumbered by December 30, 2020. The treasurer is hereby authorized and directed to transfer any reductions approved by the Joint Legislative Committee on the Budget to the State Coronavirus Relief Fund. Any coronavirus relief funds being used or projected to be used to cover personal services expenses shall be considered encumbered for the purposes of this Paragraph.

Section 3. The appropriation to **20-901 SALES TAX DEDICATIONS** for the Sales Tax Dedications Program contained in Act No. 1 of the 2020 First Extraordinary Session of the Legislature is hereby amended and reenacted to read as follows:

On page 145, delete lines 31 through 51 in their entirety and insert in lieu thereof:

“Provided, however, that in the event that the monies in the Jefferson Parish Convention Center Fund exceed \$1,200,000 for FY 2020-2021, at least \$1,200,000 shall be allocated for the purposes provided for in R.S. 47:322.34 and 332.1.

Provided further, out of the remaining monies appropriated herein out of the Jefferson Parish Convention Center Fund, \$350,000 shall be allocated and distributed to the Jefferson Performing Arts Society - East Bank, \$250,000 shall be allocated and distributed to the Jefferson Performing Arts Society - city of Westwego, \$100,000 shall be allocated and distributed to the city of Westwego for the Westwego Farmers and Fisherman’s Market, \$50,000 to the city of Westwego for improvements to Sala Avenue, \$25,000 shall be allocated and distributed to the city of Westwego for the Creative Arts Center, \$30,000 shall be allocated and distributed to the city of Westwego for Westwego Fest, \$250,000 shall be allocated and distributed to Jefferson Parish for FORE Kids Foundation for Zurich Classic, \$75,000 shall be allocated and distributed to Jefferson Parish for the Allstate Sugar Bowl Basketball Tournament, \$150,000 shall be allocated and distributed to the city of Westwego for the WHARF project, \$250,000 shall be allocated and distributed to the city of Gretna for the Marketing Program for the Gretna Heritage Festival, \$250,000 shall be allocated and distributed to the city of Gretna - Heritage Festival, \$135,000 shall be allocated and distributed to the Jefferson Parish Council for the New Growth Economic Development Association, \$200,000 shall be allocated and distributed to the Jefferson Parish Council for Hope Haven Festival Park Improvements, \$25,000 shall be allocated and distributed to the Jefferson Parish Council for the Louisiana Crawfish Boiling Championships, and \$25,000 shall be allocated and distributed to the town of Jean Lafitte for the Lafitte Fisheries Market. If the remaining monies in the fund are insufficient to fully fund the allocations provided for in this paragraph after fulfilling any other

requirement of this Act, then the allocations provided for in this paragraph shall each receive a pro rata share of the monies available.”

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, November 5, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 46**

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**HOUSE BILL NO. 77**  
**BY REPRESENTATIVE DAVIS**  
**AN ACT**

To enact R.S. 12:1-709(C) and (D), relative to remote participation in meetings; to allow certain persons to participate in certain meetings by remote communications; to provide for guidelines and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 12:1-709(C) and (D) are hereby enacted to read as follows:  
§1-709. Remote participation in annual and special meetings

\* \* \*  
C. Notwithstanding any provision of Subpart A of Part 7 of this Chapter to the contrary, unless the bylaws expressly require the meeting of shareholders to be held at a place, the board of directors may determine that any meeting of shareholders shall be held solely by means of remote communication, in accordance with the provisions of Subsection B of this Section and the guidelines and procedures as the board of directors adopts.

D. Notwithstanding the requirements of R.S. 6:272, 647, 648, 709, or 1182, or any other provision of law to the contrary, banks, savings banks, savings and loan associations, and credit unions may permit shareholders or members of the financial institution to participate in any meeting of shareholders or members by means of remote communication, or unless the bylaws expressly require the meeting of shareholders or members to be held at a place, hold any meeting solely by means of remote communication. Any such participation by means of remote communication shall be subject to such guidelines and procedures as the board of directors adopts, and shall be in conformity with Subsection B of this Section. Participation by remote communication may include but is not limited to any telephonic or internet form of communication.

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, November 5, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 47**

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**HOUSE BILL NO. 80**  
**BY REPRESENTATIVE CHARLES OWEN AND SENATORS ABRAHAM,**  
**BARROW, BERNARD, BOUDREAUX, BOUIE, CATHEY, CLOUD, FESI,**  
**FIELDS, FOIL, HENSGENS, JACKSON, MCMATH, MILLIGAN, MORRIS,**  
**POPE, PRICE, REESE, AND SMITH**  
**AN ACT**

To enact R.S. 17:24.4(F)(1)(i) and to repeal R.S. 17:24.4(F)(1)(g) and (h) and (2), relative to student assessments; to provide relative to the use of assessment results for certain purposes for the 2020-2021 school year; to provide relative to the assignment of letter grades to schools and school districts pursuant to the school and district accountability system for the 2020-2021 school year; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 17:24.4(F)(1)(i) is hereby enacted to read as follows:  
§24.4. Louisiana Competency-Based Education Program; statewide standards for required subjects; Louisiana Educational Assessment Program; parish or city school board comprehensive pupil progression plans; waivers

\* \* \*  
F.(1)  
  
\* \* \*  
(i) Notwithstanding any provision of law to the contrary, for the 2020-2021 school year, the board shall examine the results of student value-added model assessments and school-level test data and make such allowances in calculating school and district performance scores as the board deems necessary and appropriate. The state superintendent of education shall

present a report relative to such results to the House Committee on Education and the Senate Committee on Education, meeting separately or jointly, not later than May 30, 2021. The board shall prepare a petition for the United States Department of Education for a waiver of the requirement of issuing letter grades for schools and school districts for the 2020-2021 school year and submit the petition if it is the opinion of the state superintendent of education that issuance of letter grades would be detrimental to the state of Louisiana. The superintendent and the board shall present a report to each committee, meeting separately or jointly, regarding this decision not later than June 15, 2021.

\* \* \*  
Section 2. R.S. 17:24.4(F)(1)(g) and (h) and (2) are hereby repealed in their entirety.

Approved by the Governor, November 5, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 48**

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**HOUSE BILL NO. 83**  
**BY REPRESENTATIVES ROMERO, ADAMS, AMEDEE, BACALA, BRASS,**  
**BRYANT, BUTLER, CARPENTER, CARRIER, GARY CARTER, ROBBY**  
**CARTER, CORMIER, COUSSAN, COX, CREWS, DAVIS, DESHOTEL,**  
**DEVILLIER, EDMONDS, EDMONSTON, EMERSON, FIRMENT,**  
**FONTENOT, FREEMAN, FREIBERG, GADBERRY, GAROFALO,**  
**GOUDEAU, GREEN, HILFERTY, HODGES, HORTON, HUGHES, JAMES,**  
**JEFFERSON, JENKINS, MIKE JOHNSON, TRAVIS JOHNSON, JONES,**  
**JORDAN, LARVADAIN, LYONS, MACK, MCCORMICK, MCFARLAND,**  
**MCKNIGHT, MCMAHEN, MIGUEZ, MOORE, NELSON, NEWELL,**  
**ORGERON, CHARLES OWEN, ROBERT OWEN, PHELPS, PRESSLY,**  
**RISER, SCHAMERHORN, SEABAUGH, SELDERS, ST. BLANC, THOMAS,**  
**THOMPSON, TURNER, WHITE, WILLARD, WRIGHT, AND ZERINGUE**  
**AND SENATORS ABRAHAM, BARROW, BERNARD, BOUIE, CARTER,**  
**CATHEY, CONNICK, CORTEZ, FESI, FIELDS, HARRIS, HENRY, HEWITT,**  
**JOHNS, LUNEAU, MCMATH, ROBERT MILLS, MIZELL, MORRIS, REESE,**  
**SMITH, TALBOT, TARVER, WARD, AND WOMACK**  
**AN ACT**

To amend and reenact R.S. 17:416(C)(4) and (5) and to enact R.S. 17:416(K), relative to student discipline; to provide for judicial review of certain discipline actions; to provide for discipline policies applicable during online instruction; to provide for awarding of damages and attorney fees; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 17:416(C)(4) and (5) are hereby amended and reenacted and R.S. 17:416(K) is hereby enacted to read as follows:  
§416. Discipline of students; suspension; expulsion

\* \* \*  
C.(1)  
  
\* \* \*  
(4) The parent or tutor of the pupil who has been recommended for expulsion pursuant to this Section may, within five days after the decision is rendered, request the city or parish school board to review the findings of the superintendent or his designee at a time set by the school board; otherwise the decision of the superintendent shall be final. If requested, as herein provided, and after reviewing the findings of the superintendent or his designee, the school board may affirm, modify, or reverse the action previously taken. The parent or tutor of the pupil shall have such right of review even if the recommendation for expulsion is reduced to a suspension.

(5)(a) The parent or tutor of the pupil who has been recommended for expulsion pursuant to this Section may, within ten days, appeal to the district court for the parish in which the student’s school is located, an adverse ruling of the school board in upholding the action of the superintendent or his designee. The court may reverse or revise the ruling of the school board upon a finding that the ruling of the board was based on an absence of any relevant evidence in support thereof. The parent or tutor of the pupil shall have such right to appeal to the district court even if the recommendation for expulsion is reduced to a suspension.

(b) If a judgment is rendered in favor of a student who sought judicial review of a decision of a school board pursuant to this Paragraph, the judgment may include an award for reasonable attorney fees if the court finds any school official acted in a grossly negligent manner; with deliberate disregard for the consequences of his actions to the student; with willful or malicious indifference; with intent to deprive the student, his parent, guardian, or tutor of due process; or initiated a charge that is knowingly false. The court may award any damages appropriate under the circumstances and render any other appropriate relief including but not limited to requiring the school board to issue an official apology letter, which shall be provided to the student, his parent, guardian, or tutor, and retained in the student’s educational records.

\* \* \*  
K. For the purposes of this Section, “virtual instruction” means instruction provided to a student through an electronic delivery medium including but not limited to electronic learning platforms that connect to a student in

a remote location to classroom instruction. A city or parish school board discipline policy shall clearly define the rules of conduct and expectations of students engaged in virtual instruction, shall provide for notice of such rules and expectations to the parents and guardians of students, shall include clearly defined consequences of conduct, shall be narrowly tailored to address compelling government interests, and shall take into consideration the students' and their families' rights to privacy and other constitutional rights while at home or in a location that is not school property.

Section 2. Any student who has been recommended for expulsion, even if the recommendation for expulsion was reduced to a suspension, for behavior displayed while participating in virtual instruction, as defined in R.S. 17:416(K) as enacted by this Act, between March 13, 2020, and December 31, 2020, shall be entitled to the following:

(a) A hearing within thirty days conducted by the school board to determine whether charges should be dismissed and to provide the student with any other relief including but not limited to reinstating the student's enrollment status.

(b) Judicial review of any decision by the school board in the district court where the student's school is located.

(c) De novo judicial review of the school board's decision. After such review, the court may determine whether the student shall be cleared of the charge, whether any other conditions placed on the student shall be removed, or if the student is eligible for any other relevant relief.

(d) Reasonable attorney fees if the court finds any school official acted in a grossly negligent manner; with deliberate disregard for the consequences of his actions to the student; with willful or malicious indifference; with intent to deprive the student, his parent, guardian, or tutor of due process; or initiated a charge that is knowingly false. The court may award any damages appropriate under the circumstances and render any other appropriate relief including but not limited to requiring the school board to issue an official apology letter, which shall be provided to the student, his parent, guardian, or tutor, and retained in the student's educational records.

Section 3. The provisions of this Act shall be given prospective and retroactive application. Section 4. No later than December 31, 2020, every public school board shall comply with the provisions of R.S. 17:416.8 and convene a meeting of its disciplinary policy review committee to update all policies and procedures relative to conduct that occurs at home or other locations that are not school property where a student is participating in virtual instruction.

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

Section 6. This Act shall be known and may be cited as the "Ka'Mauri Harrison Act".

Approved by the Governor, November 5, 2020.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 49**

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**HOUSE BILL NO. 96**

BY REPRESENTATIVES FREEMAN, ADAMS, BACALA, BRYANT,  
BUTLER, CARRIER, GARY CARTER, ROBBY CARTER, WILFORD  
CARTER, CORMIER, COX, DUPLESSIS, FREIBERG, GAINES, GREEN,  
HILFERTY, JEFFERSON, JENKINS, TRAVIS JOHNSON, JONES,  
JORDAN, LACOMBE, LANDRY, LARVADAIN, LYONS, MARCELLE,  
MCKNIGHT, NEWELL, PHELPS, PIERRE, SELDERS, THOMPSON,  
WHITE, AND WILLARD

**AN ACT**

To enact R.S. 17:3914(M) and to repeal R.S. 17:3914(M), relative to student information; to require school governing authorities to share certain student information with the Department of Children and Family Services for the purpose of facilitating the administration of the pandemic electronic benefits transfer program; to provide exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3914(M) is hereby enacted to read as follows:

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

\* \* \*

M.(1) Notwithstanding any provision of law to the contrary and except as provided in Paragraph (2) of this Subsection, the governing authority of each public or nonpublic school or other entity that participates in a meal program through which students are eligible for the pandemic electronic benefits transfer program shall share student information with the Department of Children and Family Services for the purpose of facilitating program administration, including but not limited to the automatic issuance of benefits to eligible families. Such information shall be limited to the first name, last name, address, and date of birth of each student eligible for free or reduced price meals at school.

(2) Such a governing authority shall not share a student's information if his parent or legal guardian has chosen not to share information pursuant to the policy of the governing authority.

Section 2. R.S. 17:3914(M) is hereby repealed in its entirety.

Section 3.(A) Section 1 and this Section of this Act shall become effective upon signature of this Act by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and subsequently approved by the legislature, Section 1 and this Section of this Act shall become effective on the day following such approval.

(B) Section 2 of this Act shall become effective on June 10, 2021.

Approved by the Governor, November 5, 2020.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 50**

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**SENATE BILL NO. 1**

**BY SENATOR WARD AND REPRESENTATIVE THOMPSON**

**AN ACT**

To amend and reenact R.S. 47:6006(B), relative to tax credits and incentives; to provide for the carryforward of the tax credit for ad valorem taxes paid on inventory; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6006(B) is hereby amended and reenacted to read as follows:

§6006. Tax credits for local inventory taxes paid

\* \* \*

B.(1) Credit for taxes paid by corporations shall be applied to state corporate income and corporation franchise taxes. Credit for taxes paid by unincorporated persons shall be applied to state personal income taxes. The secretary shall make a refund to the taxpayer in the amount to which he is entitled from the current collections of the taxes collected pursuant to Chapter 1 and Chapter 5 of Subtitle II of this Title. If the amount of the credit authorized pursuant to Subsection A of this Section exceeds the amount of tax liability for the tax year, the following amounts of the excess credit shall either be refundable or may be carried forward as a credit against subsequent Louisiana income or corporation franchise tax liability for a period not to exceed ~~five ten~~ years, as follows:

(a) Taxpayers whose ad valorem taxes eligible for the credit authorized pursuant to this Section paid to all political subdivisions in the taxable year was less than or equal to five hundred thousand dollars shall be refunded all of the excess credit.

(b) Taxpayers whose ad valorem taxes eligible for the credit authorized pursuant to this Section paid to all political subdivisions in the taxable year was more than five hundred thousand dollars, but less than or equal to one million dollars, shall be refunded seventy-five percent of the excess credit, and the remaining twenty-five percent of the excess credit shall be carried forward as a credit against subsequent tax liability for a period not to exceed ~~five ten~~ years.

(c) Taxpayers whose ad valorem taxes eligible for the credit authorized pursuant to this Section paid to all political subdivisions in the taxable year was more than one million dollars shall be refunded seventy-five percent of the first one million dollars of excess credit, and the remaining amount of the credit shall be carried forward as a credit against subsequent tax liability for a period not to exceed ~~five ten~~ years.

(2) Each taxpayer allowed a credit under this Section shall claim the credit on its separately filed income or corporate franchise tax return; however, for purposes of the application of the limitations on refundability of excess credit provided for in Subparagraphs (1)(a) through (c) of this Subsection, all taxpayers included in one consolidated federal income tax return filed under the Internal Revenue Code shall be treated as a single taxpayer. ~~The secretary shall promulgate rules to ensure that taxpayers included in one consolidated federal income tax return shall be considered one taxpayer for the purpose of the limitations on refunds provided for in Subparagraphs (1)(a) through (c) of this Subsection.~~

(3)(a) Subparagraphs (1)(a) and (b) of this Subsection shall not apply to any new business entity formed or registered to do business in this state after April 15, 2016.

(b) New business entities formed or first registered to do business in this state after April 15, 2016, whose ad valorem taxes paid to all political subdivisions in the taxable year was less than ten thousand dollars shall be refunded all of the excess credit.

(c) New business entities formed or first registered to do business in this state after April 15, 2016, whose ad valorem taxes paid to all political subdivisions in the taxable year was ten thousand dollars or more, but no more than one million dollars shall be refunded seventy-five percent of the excess credit, and the remaining twenty-five percent of the credit shall be carried forward as a credit against subsequent tax liability for a period not to exceed ~~five ten~~ years.

(4) Notwithstanding any provision in this Section to the contrary, for a

manufacturer, as defined in Subparagraph (C)(3)(b) of this Section, if the amount of the credit authorized pursuant to Subsection A of this Section exceeds the amount of tax liability for the tax year, the excess credit **shall not be refundable and** may only be carried forward as a credit against subsequent Louisiana income or corporation franchise tax liability for a period not to exceed five ~~ten~~ years and shall not be refundable. ~~The secretary shall promulgate rules to ensure that taxpayers included in one consolidated federal income tax return shall be considered one taxpayer for the purpose of the limitations on refundability provided for in this Paragraph. This rulemaking authority shall be in addition to the rulemaking authority provided for elsewhere in this Title.~~

Section 2. This Act shall become effective on January 1, 2021.

Approved by the Governor, November 5, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

ACT No. 51

SENATE BILL NO. 7  
BY SENATOR HEWITT  
AN ACT

To amend and reenact R.S. 34:3494(A) and (B), 3495(A), (C), and (G), and 3496(A), relative to the Louisiana International Deep Water Gulf Transfer Terminal Authority board of commissioners; to provide for a reduction in membership on the board of commissioners; to provide for membership term limits; to provide for review of reporting practices; to provide for the election of officers to the board; to provide for quorum and vote requirements; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 34:3494(A) and (B), 3495(A), (C), and (G), and 3496(A) are hereby amended and reenacted to read as follows:

§3494. Board of commissioners; qualifications; term; vacancies; compensation  
A. The authority shall be governed by a board of ~~fifteen~~ **nine** commissioners, consisting of the secretary of the Department of Economic Development and the secretary of the Department of Transportation and Development, ~~the chairmen of the House and Senate committees on transportation, highways, and public works~~ or their designees and ~~eleven~~ **five** commissioners appointed by the governor to be chosen on the basis of their demonstrated experience in maritime or business leadership, or both, and their stature and ability to act effectively for the best interests of Louisiana: **as provided in Paragraph (B) (1) of this Section and two commissioners, who are members of the legislature, serving as provided in Paragraph (B)(2) of this Section.** Such ~~The appointed~~ commissioners shall not be appointed or elected commissioners or board members of any other Louisiana port.

- B. ~~(1)~~ Commissioners shall be chosen as follows:
- ~~(1)(a)~~ One member shall be selected from a list of three nominees submitted by the Ports Association of Louisiana.
  - ~~(2)(b)~~ One member shall be selected from a list of three nominees submitted by the Louisiana Association of Business and Industry.
  - ~~(3)~~ One member shall be selected from a list of three nominees submitted by the Louisiana Maritime Association.
  - ~~(4)~~ One member shall be selected from a list of three nominees submitted by the Louisiana River Pilots Association.
  - ~~(5)(c)~~ Two members **One member** at large.
  - ~~(6)(d)~~ One member appointed **selected** by the American Federation of Labor-Congress of Industrial Organizations.
  - ~~(e)~~ **One member selected from a list of two nominees, with the Louisiana River Pilots' Association and the Louisiana Maritime Association each submitting one nominee.**
  - ~~(7)(2)(a)~~ One member shall be selected from a list of three nominees submitted by the president of the Louisiana State Senate **the senator who represents the district where the project is located or his designee. The senator's term on the board shall run concurrent with his term in office.**
  - ~~(8)(b)~~ One member shall be selected from a list of three nominees submitted by the speaker of the Louisiana House of Representatives **the representative who represents the district where the project is located or his designee. The representative's term on the board shall run concurrent with his term in office.**
  - ~~(9)~~ Repealed by Acts 2012, No. 775, §2, eff. June 12, 2012.
  - ~~(10)~~ One member shall be selected from a list of three nominees submitted jointly by the chief executive officer and the governing authority of Plaquemines Parish. Such nominees shall be residents of Plaquemines Parish.
  - ~~(11)~~ One member selected by the New Orleans Public Belt Railway, and appointed by the governor, who shall be a non-voting member.
  - ~~(12)(3)~~ **The Except as otherwise provided in Paragraph (2) of this Subsection, the commissioners appointed shall be appointed for terms of six years. A member shall serve until his successor is appointed unless removed as provided for in Paragraph (C)(1) of this Section. A commissioner may be reappointed, but no commissioner shall serve more than two consecutive terms.**

§3495. Duties of board; officers; rules; meetings; quorum  
A. The board of commissioners shall be the governing body of the authority

with full power to promulgate rules and regulations for the maintenance and operation of the authority but may defer certain matters to the executive board provided for in Subsection C of this Section for consideration and action. Any action taken by the executive board shall be ratified by the board of commissioners. ~~Prior to the adoption of any rule or regulation for the maintenance and operation of the authority, such rule or regulation shall be subject to the approval of the House and Senate committees on transportation, highways, and public works and the Joint Legislative Committee on the Budget.~~

C. The commissioners shall elect a president, ~~two~~ **a vice presidents president**, a secretary, and a treasurer from among the members of the board of commissioners to serve for a term of two years and ~~who~~ shall constitute the executive board.

G. All matters to be acted upon by the board of commissioners or the executive board shall require the affirmative vote of a majority of the board, with the exception that the affirmative vote of not less than ~~ten~~ **six** commissioners shall be required to select the executive director.

§3496. Annual reports; budget unit; funding limitation  
A. The board of commissioners shall make an annual report to the governor, **and** the House and Senate committees on transportation, highways, and public works, ~~and the Joint Legislative Committee on the Budget.~~ **not later than February first of each year. The report shall include a summary of the authority's progress since its inception, the board's plans in the coming year to advance the authority's development program, and a financial report.**

Section 2. Any member currently appointed to a seat that is unaltered as a result of this Act shall continue to serve the unexpired portion of the term.

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, November 5, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

ACT No. 52

SENATE BILL NO. 30  
BY SENATORS MILLIGAN, ABRAHAM, CLOUD, FESI, HARRIS, JOHNS, MORRIS, WHITE AND WOMACK AND REPRESENTATIVE WHITE  
AN ACT

To amend and reenact R.S. 39:1755(5) and to enact R.S. 38:2237.1 and R.S. 39:1753.1, relative to purchases of certain telecommunications and video equipment by certain educational entities; to require certain items purchased comply with federal guidelines under Section 889(a) of the Fiscal Year 2019 National Defense Authorization Act; to provide for violations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 38:2237.1 is hereby enacted to read as follows:  
**§2237.1. Purchase of approved telecommunications equipment by certain educational entities**

**A. No telecommunications or video surveillance equipment as described in Section 889(a) of the Fiscal Year 2019 National Defense Authorization Act shall be purchased by public elementary, secondary, and postsecondary education schools, institutions, and governing authorities; nonpublic elementary, secondary, and postsecondary schools, institutions, and governing authorities that receive state funds; and proprietary schools that receive state funds unless the equipment is from a manufacturer who is in compliance with Section 889(a) of the Fiscal Year 2019 National Defense Authorization Act as provided in this Section.**

**B. Prior to the purchase of equipment, the vendor shall provide documentation by affidavit that the telecommunications and video surveillance equipment to be purchased is from a manufacturer that is in compliance with Section 889(a) of the Fiscal Year 2019 National Defense Authorization Act.**

**C. No award of any bid or purchase shall be made from a vendor or other entity who fails to provide the documentation required in Subsection B of this Section. Any award of a bid to a contractor or purchase or contract to purchase in violation of this Section shall be null and void.**

Section 2. R.S. 39:1755(5) is hereby amended and reenacted and R.S. 39:1753.1 is hereby enacted to read as follows:

**§1753.1. Purchase of approved telecommunications equipment by certain educational entities**

**A. No telecommunications or video surveillance equipment as described in Section 889(a) of the Fiscal Year 2019 National Defense Authorization Act shall be purchased by public elementary, secondary, and postsecondary education schools, institutions, and governing authorities; nonpublic elementary, secondary, and postsecondary schools, institutions, and governing authorities that receive state funds; and proprietary schools that receive state funds unless the equipment is from a manufacturer who is in compliance with Section 889(a)**

**of the Fiscal Year 2019 National Defense Authorization Act as provided in this Section.**

**B. Prior to the purchase of equipment, the vendor shall provide documentation by affidavit that the telecommunications and video surveillance equipment to be purchased is from a manufacturer that is in compliance with Section 889(a) of the Fiscal Year 2019 National Defense Authorization Act.**

**C. No award of any bid or purchase shall be made from a vendor or other entity who fails to provide the documentation required in Subsection B of this Section. Any award of a bid to a contractor or purchase or contract to purchase in violation of this Section shall be null and void.**

\* \* \*

§1755. General provisions

The following general provisions shall apply to all procurements under this Part:

\* \* \*

(5) The provisions of this Part **and R.S. 38:2237.1** shall, with respect to the procurement of telecommunications systems or telecommunications services, supersede specifications of any contradictory or conflicting provisions of the following statutes: R.S. 38:2211 et seq. with respect to awarding of public contracts, and R.S. 39:1551 through 1736.

Section 3. This Act shall become effective on January 1, 2021.

Approved by the Governor, November 5, 2020.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 53**

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SENATE BILL NO. 31  
BY SENATOR FIELDS  
AN ACT

To amend and reenact R.S. 17:3997(D)(2) and to enact R.S. 17:24.4(F)(1)(i) and 3902(E), relative to elementary and secondary education; to provide relative to the use of statewide student assessments for the 2020-2021 school year; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3997(D)(2) is hereby amended and reenacted, and R.S. 17:24.4(F)(1)(i) and 3902(E) are hereby enacted to read as follows:

§24.4. Louisiana Competency-Based Education Program; statewide standards for required subjects; Louisiana Educational Assessment Program; parish or city school board comprehensive pupil progression plans; waivers

\* \* \*

F.(1)

\* \* \*

**(i) Notwithstanding any provision of law to the contrary, for the 2020-2021 school year, the board shall examine the results from student assessments and school-level test data but shall not use such assessments and data for purposes of evaluating teacher performance or making placement decisions for fourth and eighth grade students.**

\* \* \*

§3902. Evaluation program; process

\* \* \*

**E. Notwithstanding any provision of law to the contrary, for the 2020-2021 school year, value-added data shall not be used to evaluate teacher performance or effectiveness.**

\* \* \*

§3997. Charter school employees

\* \* \*

D.

\* \* \*

(2)(a) Fifty percent of each teacher and administrator evaluation conducted pursuant to Paragraph (1) of this Subsection shall be based on evidence of growth in student achievement as determined by the state board. Data derived from a value-added assessment model, as determined by the state board, shall be a factor in determining evidence of student growth for grade levels and subjects for which value-added data is available and shall comprise thirty-five percent of the overall evaluation. For grade levels and subjects for which value-added data is not available, the state board shall establish measures of student growth. The model shall take into account important student factors, including but not limited to special education, economic disadvantage, attendance, and discipline. The state board shall develop and adopt a policy to invalidate such student growth data for any teacher for any school year in which there is a natural disaster or any other unexpected event that results in the temporary closure of the school.

**(b) Notwithstanding any provision of law to the contrary, for the 2020-2021 school year, value-added data shall not be used to evaluate teacher performance or effectiveness.**

\* \* \*

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, November 5, 2020.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 54**

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SENATE BILL NO. 41  
BY SENATOR JOHNS  
AN ACT

To enact R.S. 40:1664.8(I), relative to the state fire marshal; to provide for the provisional licensure of certain applicants; to provide for the revocation of a provisional license; to provide for terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1664.8(I) is hereby enacted to read as follows:

§1664.8. Criminal background checks; provisional license

\* \* \*

**I.(1) The state fire marshal may issue a provisional license to a property protection applicant for a period not to exceed sixty days from the date of issuance while verification of the applicant's criminal history is pending. The issuance of this provisional license is contingent upon the applicant's attestation that he has never been convicted of a felony, received a first-time offender pardon for a felony, or entered a plea of guilty or nolo contendere to a felony charge. Any person with a provisional license issued pursuant to this Subsection shall work under the direct supervision and accompaniment of a technician who is licensed to the same firm and holding a valid license to perform the same acts.**

**(2) The fire marshal shall revoke the provisional license issued pursuant to Paragraph (1) of this Subsection if the applicant fails to pass the criminal background check or is in violation of R.S. 14:133.**

Section 2. The provisions of 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 provide by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, the provisions of this Act shall become effective on the day following such approval.

Approved by the Governor, November 5, 2020.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 55**

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SENATE BILL NO. 49  
BY SENATOR HEWITT  
AN ACT

To amend and reenact R.S. 34:3492(1), (10), (11), and (14), 3493(A)(1), 3499(F), 3501, and 3503(A)(2) and (3), relative to the Louisiana International Deep Water Gulf Transfer Terminal Authority; to provide with respect to the issuance of bonds; to revise definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 34:3492(1), (10), (11), and (14), 3493(A)(1), 3499(F), 3501, and 3503(A)(2) and (3) are hereby amended and reenacted to read as follows:

§3492. Definitions

For the purposes of this Chapter, unless the context clearly otherwise requires, the following definitions shall apply and shall be equally applicable to both the singular and plural forms of any of the defined terms:

(1) "Authority development program" means a full and complete plan for the development, construction, and operation of deep draft ~~container~~ vessel and intermodal terminal facilities not in existence on July 1, 2008, including but not limited to research and experimentation; promotion; financing; all phases of technical development and refinement; construction; operation and maintenance, including renovation, retirement, and reconstruction; regulation of any aspect of ~~such~~ a plan; and any other action the authority deems necessary to the fulfillment of ~~such~~ a plan.

\* \* \*

(10) "Revenue bond project" or "revenue bond projects" means any one or more of the facilities authorized to be financed by the issuance of revenue bonds pursuant to the provisions of R.S. ~~34:3112-1~~ **34:3503**.

(11) "Revenue bonds" means any bonds or notes issued pursuant to R.S. ~~34:3112-1~~ **34:3503**.

\* \* \*

(14) "Transfer Terminal facilities" or "facilities" means a structure, a series of structures, or a facility constructed after July 1, 2008, developed pursuant to the authority development program on the lower end of the east bank of Southwest Pass in Plaquemines Parish on ~~state-owned~~ **state-owned** property and designed to accommodate deep draft ~~container~~ vessels and their cargoes, including all intermodal structures, property, and equipment used for transportation, and facilities directly related thereto and necessary or useful to the operation thereof, whether landward, onshore, or seaward of the main structures or facilities themselves, including any facility which is part of a gulf transfer ~~container~~ terminal, as defined herein.

§3493. Jurisdiction; domicile

A.(1) The Louisiana International Deep Water Gulf Transfer Terminal Authority shall have only that exclusive jurisdiction as provided herein over a structure, a series of structures, or a facility constructed after July 1, 2008, at the lower end of the east bank at Southwest Pass in Plaquemines Parish on ~~state-owned~~ **state-owned** property, described as follows to wit: beginning at a point having latitude 28.953797 degrees north and longitude 89.316072 degrees west; thence proceed to a point having latitude 28.941817 degrees north and 89.316192 degrees west; thence proceed to a point having latitude 28.918486 degrees north and 89.336992 degrees west; thence proceed to a point having latitude 28.918692 degrees north and longitude 89.349631 degrees west; thence proceed to a point having latitude 28.940650 degrees north and longitude 89.353161 degrees west; thence proceed to a point having latitude 28.953931 degrees north and 89.324425 degrees west; thence proceed to the point of beginning and designed to accommodate deep draft ~~container~~ vessels and their cargoes, including all intermodal structures, property, and equipment used for transportation, and facilities directly related thereto and necessary or useful to the operation thereof, whether landward, onshore, or seaward of the main structures or facilities themselves, including any facility which is part of a gulf transfer ~~container~~ terminal.

\* \* \*

§3499. Powers

F. The authority may lease or sublease lands leased from the state of Louisiana and is authorized to negotiate and enter into leases, subleases, contracts, or agreements with any person in order to facilitate the acquisition, construction, or operation of terminal facilities constructed or acquired after July 1, 2008, for unloading, temporarily storing, and transporting after unloading, ~~containerized~~ cargo in accordance with a license or licenses granted by the authority. However, the provisions of R.S. 33:4715.1, Chapter 10 of Title 41 of the Louisiana Revised Statutes of 1950, and R.S. 38:2211 et seq., shall not apply to this Subsection.

\* \* \*

§3501. Purchases

The authority may purchase machinery and equipment related to the operation of deep draft ~~container~~ vessels and intermodal terminal facilities; including but not limited to container cranes. The provisions of Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, R.S. 38:2211 et seq., shall not be applicable to ~~such~~ purchases made with nonstate funds.

\* \* \*

§3503. Additional authorization to issue revenue bonds and notes

A.(1)

\* \* \*

(2) Authorization of revenue bonds. The authority is hereby authorized to issue its negotiable revenue bonds in one or more series in ~~such the~~ principal amount as shall be necessary to provide sufficient monies for payment of project costs of one or more revenue bond projects **as may be determined by the authority**. The authority shall have power, from time to time, and subject to agreements with the holders of its revenue bonds and with the approval of the State Bond Commission, to issue renewal notes; to issue revenue bonds to pay notes; and, whenever the authority deems it expedient, to refund any revenue bonds by the issuance of new revenue bonds, whether the revenue bonds to be refunded have or have not matured, and may issue revenue bonds partly to refund revenue bonds then outstanding and partly for any other purpose under this Chapter. Refunding revenue bonds may be exchanged for outstanding revenue bonds or sold and the proceeds applied to or deposited in escrow for the purchase, redemption, or payment of revenue bonds and interest and premiums thereon and for any other purpose specified in the resolution or trust agreement authorizing or securing ~~such the~~ bonds.

(3) Bond resolution; trust agreement; publication; ~~peremption~~ **preemption**. The authority shall authorize revenue bonds by one or more resolutions executed by ~~the secretary of the Department of Transportation and Development~~ **an authorized officer of the board of commissioners** and approved by the State Bond Commission. Any revenue bonds issued pursuant to this Section also may be secured by a trust agreement by and between the authority and one or more corporate trustees or fiscal agents, which may be any trust company or bank having the powers of a trust company within or without this state. Any resolution authorizing the issuance of revenue bonds shall be published one time in the official journal of the state; however, it shall not be necessary to publish any exhibits to ~~such the~~ resolution if the same are available for public inspection and ~~such this~~ fact is stated in the publication. For thirty days after the date of publication, any person in interest may contest the legality of the resolution, any provision of the revenue bonds to be issued pursuant to it, the provisions therein made for the security and payment of the revenue bonds, and the validity of all other provisions and proceedings relating to the authorization and issuance of ~~such the~~ bonds. After that time, no person may contest the regularity, formality, legality, or effectiveness of the resolution, any provisions of the revenue bonds to be issued pursuant to it, the provisions for the security and payment of the revenue bonds, and the validity of all other provisions and proceedings relating to their authorization and issuance, for any cause whatsoever. Thereafter, it shall be conclusively presumed that the revenue bonds are legal and that every legal requirement for the issuance of the revenue bonds has been complied with. No court shall have authority to inquire into any of these matters after the thirty days.

\* \* \*

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, November 5, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 56**

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SENATE BILL NO. 52  
BY SENATOR REESE  
AN ACT

To enact R.S. 47:6006(G), 6006.1(H), and 6014(G), relative to tax credits; to authorize payments of certain ad valorem taxes made for the 2020 tax year to be treated as timely paid for purposes of the tax credits for ad valorem taxes paid; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 47:6006(G), 6006.1(H), and 6014(G) are hereby enacted to read as follows:

§6006. Tax credits for local inventory taxes paid

\* \* \*

**G. Taxpayers that pay ad valorem taxes for the 2020 tax year that are eligible for the credit provided by this Section but are paid after December 31, 2020, may elect to treat these taxes as having been paid on December 31, 2020, for purposes of this credit, provided that the payments are made to the local tax collector on or before April 15, 2021. Taxpayers that make this election shall not also claim these taxes as having been paid in 2021 for purposes of claiming this credit for the 2021 tax year.**

\* \* \*

§6006.1. Tax credits for taxes paid with respect to vessels in Outer Continental Shelf Lands Act Waters

\* \* \*

**H. Taxpayers that pay ad valorem taxes for the 2020 tax year that are eligible for the credit provided by this Section but are paid after December 31, 2020, may elect to treat these taxes as having been paid on December 31, 2020, for purposes of this credit, provided that the payments are made to the local tax collector on or before April 15, 2021. Taxpayers that make this election shall not also claim these taxes as having been paid in 2021 for purposes of claiming this credit for the 2021 tax year.**

\* \* \*

§6014. Credit for property taxes paid by certain telephone companies; fund

\* \* \*

**G. Taxpayers that pay ad valorem taxes for the 2020 tax year that are eligible for the credit provided by this Section but are paid after December 31, 2020, may elect to treat these taxes as having been paid on December 31, 2020, for purposes of this credit, provided that the payments are made to the local tax collector on or before April 15, 2021. Taxpayers that make this election shall not also claim these taxes as having been paid in 2021 for purposes of claiming this credit for the 2021 tax year.**

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, November 5, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 57**

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SENATE BILL NO. 53  
BY SENATOR MCMATH  
AN ACT

To enact R.S. 40:1203.2(C)(3), relative to the employment of nonlicensed persons by certain health care providers; to provide for an exemption from the criminal history and security check requirement for certain rehired persons; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 40:1203.2(C)(3) is hereby enacted to read as follows:

§1203.2. Employment of nonlicensed persons and licensed ambulance personnel; training program enrollment of nonlicensed persons; mandatory criminal history and security checks; temporary employment; notice to applicants

\* \* \*

C.

\* \* \*

(3) Notwithstanding any other provision of law to the contrary, any adult day health care provider and any home- and community-based service provider providing adult day care services may make an offer of employment to a nonlicensed person without conducting the criminal history and security check required pursuant to this Part if all of the following conditions are met:

- (a) The nonlicensed person was employed by the provider on March 22, 2020.  
(b) The provider was required to temporarily cease operations pursuant to Proclamation Number 33 JBE 2020, or any subsequent proclamation declaring the existence of a statewide COVID-19 public health emergency.  
(c) The nonlicensed person is no longer employed by the provider as a result of the temporary closure mandated pursuant to Proclamation Number 33 JBE 2020, or any subsequent proclamation declaring the existence of a statewide COVID-19 public health emergency.  
(d) The nonlicensed person is being rehired by the same provider within sixty days of the provider resuming operations.  
(e) The nonlicensed person provides a written attestation that he has not been arrested or received a criminal conviction during the period from the date the nonlicensed person was last employed by the provider to the date of rehiring.

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, November 5, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 58**

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SENATE BILL NO. 56  
BY SENATOR TALBOT  
AN ACT

To amend and reenact R.S. 22:242(7) and 243(F), relative to licensing requirements for health maintenance organizations; to provide for the organization of a health maintenance organization as either a business or nonprofit corporation; to provide with respect to nonprofit corporation law; to provide for an effective date; and to provide for related matters.  
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:242(7) and 243(F) are hereby amended and reenacted to read as follows:  
§242. Definitions  
As used in this Subpart:

\* \* \*  
(7) “Health maintenance organization” means any corporation organized as either a business corporation or a nonprofit corporation and domiciled in this state which undertakes to provide or arrange for the provision of basic health care services to enrollees in return for a prepaid charge. The health maintenance organization may also provide or arrange for the provision of other health care services to enrollees on a prepayment or other financial basis. A health maintenance organization is deemed considered to be an insurer for the purposes of R.S. 22:73, 96, 691 through 713, 691.1 through 691.27, Subpart H of Part III of this Chapter, R.S. 22:731 et seq. through 737, R.S. 22:1022 and 1023, Part H of Chapter 7 of this Title, R.S. 22:1921 through 1929, and Chapter 9 of this Title, R.S. 22:2001 et seq. through 2045. A health maintenance organization shall not be considered an insurer for any other purpose.

\* \* \*  
§243. Incorporation

\* \* \*  
F. The provisions of R.S. 12:1-101 through R.S. 12:1-1705, R.S. 12:201 through 269, and other provisions of the Louisiana Revised Statutes of 1950, relative to business **and nonprofit** corporations, shall apply to the regulation of the business and the conduct of the affairs of any health maintenance organization which has been incorporated pursuant to the provisions of this Subpart. If a conflict exists between the provisions of this Subpart and the provisions of Title 12, the provisions of this Subpart shall govern.

Section 2. The provisions of this Act shall be given retroactive application.  
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, November 5, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 59**

SENATE BILL NO. 62  
BY SENATOR SMITH AND REPRESENTATIVE GREGORY MILLER  
AN ACT

To enact R.S. 47:6006(G), relative to tax credits; to provide for refunds of the ad valorem taxes paid on inventory for certain taxpayers impacted by the 2020 emergency and disasters; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 47:6006(G) is hereby enacted to read as follows:  
§6006. Tax credits for local inventory taxes paid

\* \* \*  
G.(1) Notwithstanding the provisions of Subparagraphs (B)(1)(b) and (B)(3)(c) of this Section, for ad valorem taxes on inventory paid for tax year 2020, taxpayers whose ad valorem taxes eligible for the credit authorized pursuant to this Section paid to all political subdivisions in the taxable year was less than or equal to one million dollars shall be refunded all of the excess credit.

(2) The provisions of this Subsection shall apply only to taxpayers that employed a minimum of one hundred full-time employees at each location in the state for whom withholding tax was remitted to the Department of Revenue for at least one month within each of the first three quarters of calendar year 2020.

(3) The provisions of this Subsection shall not apply to manufacturers as defined in Subparagraph (C)(3)(b) of this Section.

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, November 5, 2020.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 60**

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SENATE BILL NO. 72  
BY SENATOR TALBOT  
AN ACT

To enact R.S. 47:6041, relative to income tax credits; to authorize an income tax credit for certain businesses; to provide for the amount of the credit; to provide for requirements and limitations; to provide for the claiming of credits; 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. 47:6041 is hereby enacted to read as follows:  
§6041. Tax credit for restaurants and bars affected by the COVID-19 pandemic; 2020 tax year

A. There shall be allowed a one-time refundable credit against Louisiana income tax for a portion of the state license or permit fees imposed by the commissioner of alcohol and tobacco control and paid by the owners or operators of restaurant establishments and establishments licensed to sell or serve alcoholic beverages for consumption on their premises by paying customers.

B. (1) The amount of the credit shall equal the amount of the annual state license or permit fee for calendar year 2020 attributable to any calendar month, or fraction thereof, during 2020 that the permit holder was required to temporarily close operations pursuant to Proclamation Number 30 JBE 2020, or any subsequent proclamation declaring the existence of a statewide COVID-19 public health emergency.

(2) The credit authorized pursuant to the provisions of this Section shall apply to licenses or permits issued on a two-year basis if any part of the license or permit authorized the business to be operational during calendar year 2020 and the amount of the credit shall be determined as provided in Paragraph (1) of this Subsection.

C. Credits may be claimed in accordance with the following:  
(1) Any entity taxed as a corporation for Louisiana income tax purposes shall claim any credit authorized according to the provisions of this Section on its corporation income and franchise tax return.

(2) Any individual, estate, or trust shall claim any credit authorized according to the provisions of this Section on its income tax return.

(3) Any entity not taxed as a corporation shall claim any credit authorized according to the provisions of this Section on the returns of the partners or members as follows:

(a) Corporate partners or members shall claim their share of the credit on their corporation income tax returns.

(b) Individual partners or members shall claim their share of the credit on their individual income tax returns.

(c) Partners or members that are estates or trusts shall claim their share of the credit on their fiduciary income tax returns.

Section 2. The provisions of this Act shall be applicable to income taxable periods beginning on January 1, 2020, through December 31, 2020.

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, November 5, 2020.

A true copy:

R. Kyle Ardoin  
Secretary of State

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