

Regular Session, 2010

ACT No. 861

HOUSE BILL NO. 1467 (Substitute for House Bill No. 1216 by Representative Gallot)

BY REPRESENTATIVE GALLOT

AN ACT

To amend and reenact Children's Code Article 310, Code of Civil Procedure Article 2593, Code of Criminal Procedure Articles 512 and 513, R.S. 3:3501, 3502(1), (4), (11), (15), and (21), 3503(E) and (F)(introductory paragraph), 3504, 3506, 3507, 3508(A), (B), and (C)(2), 3509(A), (C), (D), (F), (G), and (I), 3510(A), (C)(3), (F), (K)(1), and (M), 3511, 3512(E) and (F)(3), 3513(A), (F), (H), (I), (L), and (M)(2), 3514(H), (N), (P), and (Q), 3515(A) and (B)(introductory paragraph), 3517(A) and (B)(introductory paragraph), 3519(A), (C)(2), and (D), 3520(B), 3521(B), 3522(C), 3523(C) and (D), 3524(A), 3525(B), (C), (D), (H), (O), and (P), 3531(introductory paragraph), 3532, 3533(E)(1) and (6), 3534(E) and (F), 3535(C) and (D), 3541(introductory paragraph), 3542, 3543(D)(1) and (3), 3544(A)(3), (C), and (D), 3545(C) and (D), 3551, 3553(A), (B), (C), and (E), 3554(C) and (D), 3555, and 3556, R.S. 11:42(B)(1), (2), (3), (6), (7), (8)(a), and (9), 102(B)(3)(d)(v), (vi), (vii), and (viii), 103(B)(1) and (3)(d) and (e)(i)(bb) and (C)(introductory paragraph), 105(C)(1), 106(C)(1), 247(A)(2) and (3)(b) and (C), 413(3), 446(A)(5)(j) and (E), 542.1.1(E), 701(5)(c)(iii) and (33)(a)(viii) and (xii), 783(A)(3)(e), (C), (D)(1)(b)(ii), (F), (G)(1)(b)(ii), and (I)(1)(b)(ii), 883.3(E), and 1481(1)(a)(iii)(aa), R.S. 12:202.1(D), R.S. 14:67.21(F) and 403.6(A), R.S. 15:574.7(A) and (B)(2)(a), R.S. 17:7(28)(c) and (d), 17.5(D)(1) and (2), 24.10(I)(1)(a)(iii), 53(A), 170.4(C)(2), 183.3(B)(2)(b) and (D)(1)(b)(iii)(cc), 270(A), 416(A)(1)(c)(ii)(cc) and (2)(c), 1206.2(A)(1), 1518.1(I)(3), 1519.17, 1874(D) and (E), 2047(B), 2048.51(C)(14), 2922, 2923(A), 2924(A), 2926(A), 2927(A), 2928(A)(1) and (B), 2929, 2930(A) and (C), 2932(B), 3161, 3165(A)(1), 3983(A)(2)(b) and (3)(b) and (D), 3995(A)(6)(a), 3997(B)(2)(b) and (c)(i) and (ii)(aa), 4012(1), 4020(B), and 4024, R.S. 22:1078(A)(1), R.S. 24:7, 31.4(B)(1), 31.5(A)(4)(a) and (b) and (5) and (C)(1)(a),

52, 55(D)(2) and (E)(2)(a), 101, 107(A), 653(K)(1) and (3), R.S. 27:381(D) and (E),
R.S. 29:653, R.S. 30:10.1(B)(3) and 213(A)(2), and 2117(E), R.S. 32:318(F) and
808, R.S. 33:322, 2740.52(B), 4710.3(A)(8), 9024(E)(2), 9206(5), 9602(C), and
9614(C), R.S. 35:406(B), R.S. 36:4(B)(1)(a), (b), (c), (d), (e), (j), (k), (l), (m), (q),
and (z) and (15), 4.1(D)(14), 209(C)(2), (G), and (P), 254(A)(10)(h), 259(C)(1), (9),
(10), (11), (12), and (16), (L), and (O), 509(B), 610(B)(2), 628(C)(1), 642(B) and
(D)(1), 651(D)(1), (J), and (Q), 744(D), and 769(F)(2), R.S. 42:1118.1(A) and
1123(13)(a)(i)(dd), R.S. 44:4.1(B)(6) and (7), R.S. 46:56(B)(1), 61(B), 932(10), and
2132(3), and R.S. 49:191(3)(f), 220.23(A)(1), 220.24(J), 965.4(4), and 968(B)(1),
to enact R.S. 11:701(33)(a)(xiii) and R.S. 36:4(B)(1)(r), (s), and (aa), 259(K), (N),
(R), and (BB)(1), 359(B) and (C), 409(K), 610(G), 629(H) and (M), 651(D)(5), (O),
and (V), 706(B), 769(K) and (L), R.S. 42:4.1.1, and R.S. 44:1.1, and to repeal R.S.
11:701(33)(c), R.S. 36:4(B)(10), 259(E)(18), (F)(6), (7), (11), (13), (14), and (17),
409(C)(6) and (I), 651(S) and (T), and 802.11 and R.S. 42:1141(B)(3), relative to
the various codal provisions and provisions of the Louisiana Revised Statutes of
1950; to provide for technical corrections to certain codal provisions; to provide for
technical corrections to certain Louisiana Revised Statutes; and to provide for related
matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 310 is hereby amended and reenacted to read as
follows:

Art. 310. Jurisdiction under the Uniform Child Custody Jurisdiction and
Enforcement Act

A. Unless declined, a court exercising juvenile court jurisdiction shall have
exclusive original jurisdiction over cases subject to the provisions of the Uniform
Child Custody Jurisdiction and Enforcement Act, pursuant to R.S. ~~13:1701~~ 13:1801
et seq., when in ~~such~~ interstate custody disputes any of the following occur:

(1) A claim of emergency jurisdiction is made pursuant to R.S.
~~13:1702(A)(3)~~ 13:1816.

(2) A petition alleges that a child is in need of care as defined by Title VI.

(3) A petition otherwise alleges facts that ~~would~~ may bring the proceedings within the exclusive original jurisdiction of the juvenile courts pursuant to this Code.

B. The district courts shall have exclusive original jurisdiction over all other claims of jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act and claims of emergency jurisdiction when declined by the juvenile court.

Section 1A. Code of Civil Procedure Article 2593 is hereby amended and reenacted to read as follows:

Art. 2593. Pleadings

A summary proceeding may be commenced by the filing of a contradictory motion or by a rule to show cause, except as otherwise provided by law.

Exceptions to a contradictory motion, rule to show cause, opposition, or petition in a summary proceeding shall be filed prior to the time assigned for, and shall be disposed of ~~on~~ at, the trial. An answer is not required, except as otherwise provided by law.

No responsive pleadings to an exception are permitted.

Section 2. Code of Criminal Procedure Articles 512 and 513 are hereby amended and reenacted to read as follows:

Art. 512. Assignment of counsel in capital cases

When a defendant charged with a capital offense appears for arraignment without counsel, the court shall provide counsel for his defense in accordance with the provisions of ~~R.S. 15:145~~ R.S. 15:141 et seq. Such counsel must be assigned before the defendant pleads to the indictment, but may be assigned earlier. Counsel assigned in a capital case must have been admitted to the bar for at least five years. An attorney with less experience may be assigned as assistant counsel.

Art. 513. Assignment of counsel in other cases

In the case of an offense punishable by imprisonment, when the defendant appears for arraignment without counsel, the court shall inform him before he pleads to the indictment of his right to have counsel appointed to defend him if he is indigent. When a defendant states under oath that he desires counsel but is indigent,

1 and the court finds the statement of indigency to be true, ~~the court shall provide for~~
 2 ~~counsel in accordance with the provisions of R.S. 15:145 to the defendant before he~~
 3 ~~pleads to the indictment~~ before the defendant pleads to the indictment, the court shall
 4 provide counsel for the defendant, in accordance with R.S. 15:141 et seq.

5 Section 3. R.S. 3:3501, 3502(1), (4), (11), (15), and (21), 3503(E) and
 6 (F)(introductory paragraph), 3504, 3506, 3507, 3508(A), (B), and (C)(2), 3509(A), (C), (D),
 7 (F), (G), and (I), 3510(A), (C)(3), (F), (K)(1), and (M), 3511, 3512(E) and (F)(3), 3513(A),
 8 (F), (H), (I), (L), and (M)(2), 3514(H), (N), (P), and (Q), 3515(A) and (B)(introductory
 9 paragraph), 3517(A) and (B)(introductory paragraph), 3519(A), (C)(2), and (D), 3520(B),
 10 3521(B), 3522(C), 3523(C) and (D), 3524(A), 3525(B), (C), (D), (H), (O), and (P),
 11 3531(introductory paragraph), 3532, 3533(E)(1) and (6), 3534(E) and (F), 3535(C) and (D),
 12 3541(introductory paragraph), 3542, 3543(D)(1) and (3), 3544(A)(3), (C), and (D), 3545(C)
 13 and (D), 3551, 3553(A), (B), (C), and (E), 3554(C) and (D), 3555, and 3556 are hereby
 14 amended and reenacted to read as follows:

15 §3501. Short title

16 This ~~Part~~ Chapter shall be known as "Louisiana Commodities Marketing
 17 Law".

18 §3502. Definitions

19 As used in this ~~Part~~ Chapter, unless the context otherwise requires:

20 (1) "Administrative rules and regulations" means rules and regulations that
 21 are applicable to a particular marketing order which is issued and made effective by
 22 the commissioner pursuant to ~~Section 552.22~~ R.S. 3:3522.

23 * * *

24 (4) "Commodity," except as otherwise provided in ~~Paragraph F of Section~~
 25 ~~552.9~~ R.S. 3:3509(F), means any agricultural, horticultural, floricultural,
 26 aquacultural, or vegetable product which is produced in this state, and any class,
 27 variety, or utilization of such product, either in its natural state or in processed form
 28 for marketing. It does not, however, include all of these or their products: milk,

1 timber, cotton, bees, honey, rice, soybeans, livestock, poultry, feedcorn, sugar cane,
2 and sweet potatoes.

3 * * *

4 (11) "Major amendments" means amendments to any marketing order or
5 agreement which are made pursuant to ~~Section 552.7~~ R.S. 3:3517. It does not
6 include a seasonal marketing regulation.

7 * * *

8 (15) "Person" means an individual, firm, corporation, association, or any
9 other business unit, and includes any state agency which engages in any of the
10 commercial activities which are regulated pursuant to the provisions of this ~~Part~~
11 Chapter.

12 * * *

13 (21) "Seasonal marketing regulation" means marketing regulations that are
14 applicable to a particular marketing order which are made effective by the
15 commissioner pursuant to ~~Section 552.23~~ R.S. 3:3523.

16 * * *

17 §3503. Policy, purposes

18 * * *

19 E. The marketing of commodities within this state is hereby declared to be
20 affected with a public interest. The provisions of this ~~Part~~ Chapter are enacted for
21 the purpose of protecting the health and general welfare of the people of this state.

22 F. The purposes of this ~~Part~~ Chapter are to do the following:

23 * * *

24 §3504. Compliance; defense to civil proceedings

25 Proof that an act was done in compliance with the provisions of this ~~Part~~
26 Chapter shall be a complete defense to any civil action or proceeding arising
27 therefrom.

28 * * *

1 §3506. Volume or quantity defined

2 The terms, volume or quantity, except as in ~~Section 552.13~~ R.S. 3:3523, may
3 be in terms of gross dollar value if the commissioner finds that such volume or
4 quantity cannot be readily ascertained otherwise, or that gross dollar value is a more
5 equitable measure of the commodity involved.

6 §3507. Exceptions to ~~part~~ Chapter

7 A. This ~~Part~~ Chapter does not apply to any order, rule, or regulation which
8 is issued by the Louisiana Public Service Commission or the Interstate Commerce
9 Commission with respect to the operation of common carriers.

10 B. This ~~Part~~ Chapter is not applicable to any retailer of any commodity
11 except to the extent that such retailer also engages in the production, processing, or
12 distribution of any commodity.

13 C. This ~~Part~~ Chapter is not applicable to producers who sell directly to retail
14 stores but shall be applicable if these producers sell through the distribution
15 warehouses of these retail stores.

16 §3508. Administration

17 A. The commissioner shall administer and enforce this ~~Part~~ Chapter.

18 B. The commissioner may issue, administer, and enforce the provisions of
19 any marketing order issued pursuant to this ~~Part~~ Chapter which regulates producer
20 marketing or the handling of any commodity within this state.

21 C. The commissioner may do all of the following:

22 * * *

23 (2) Conduct joint hearings and issue joint or concurrent marketing orders for
24 the purposes and within the standards which are set forth in the ~~Part~~ Chapter.

25 * * *

26 §3509. Marketing orders and agreements

27 A. Subject to the provisions, restrictions, and limitations which are imposed
28 in this ~~Part~~ Chapter, the commissioner may issue marketing orders which regulate
29 producer marketing, the processing, distributing, or handling in any manner of any

1 commodity by any and all persons that are engaged in such producer marketing,
2 processing, distributing, or handling of such commodity within this state.

3 * * *

4 C.(1) The commissioner may issue a marketing order, applicable to the
5 marketing, within this state, of any commodity, which contains like terms,
6 provisions, methods, and procedures as any license or order that regulates the
7 marketing of such commodity in interstate or foreign commerce which is issued by
8 the secretary of agriculture of the United States pursuant to the provisions of any law
9 or laws of the United States.

10 (2) In selecting the members of any board or other advisory agency under
11 such order, the commissioner shall, in so far as practicable, utilize the same persons
12 as those serving in a similar capacity under such federal license or order, so as to
13 avoid duplicating or conflicting personnel.

14 (3) Any board, agency, or committee so appointed by the commissioner shall
15 be responsible to the commissioner for the performance of such of their duties as
16 relate to the administration of any such marketing order which is issued by the
17 commissioner.

18 D. Any marketing order which is issued by the commissioner pursuant to this
19 ~~Part~~ Chapter shall designate the geographic boundaries which it encompasses such
20 as, parish, districts, or state and shall embrace all persons of a like class that are
21 engaged in a specific and distinctive agricultural industry or trade within the
22 geographic boundaries encompassed by the order.

23 * * *

24 F. The purposes and provisions of the ~~Part~~ Chapter which relate to marketing
25 orders are applicable to marketing agreements except as follows:

26 ~~(1) Subsection G of Section 552:10~~ R.S. 3:3510(G), which requires the
27 preparation of an official list of the names and addresses of all producers and the
28 volume of such commodity which was produced or marketed by all such producers
29 in the preceding marketing season and a list of the names and addresses of all

handlers and the volume of such commodity which was handled by all such handlers, during the preceding marketing season, is not applicable to marketing agreements.

(2) ~~Subsections A through E of Section 552.16~~ R.S. 3:3516(A) through (E), and the provisions of ~~Section 552.19~~ R.S. 3:3519 which prescribe requirements for termination by request in writing, are not applicable to marketing agreements. Prior to the issuance of any marketing agreement or amendment to it, the commissioner shall find, that the marketing agreement, or any amendment to it, has been assented to by a sufficient number of signatories that handle a sufficient volume of the commodity which is affected to accomplish the objectives of such agreement or amendment and provide sufficient moneys from assessments levied to defray the necessary expenses of formulation, issuance, administration, and enforcement.

(3) ~~Subsection C of Section 552.25~~ R.S. 3:3525(C) is not applicable to marketing agreements.

G. Notwithstanding the provisions of ~~R.S. 3:552.2(4)~~ R.S. 3:3502(4), the commissioner may issue and make effective marketing orders or marketing agreements that affect handlers only which include only the provisions which are authorized in ~~Subsections F, G, H, I, J, and L of Section 552.13~~ R.S. 3:3513(F) through (J) and (L), or any of such provisions, but no others, as may be applicable to the commodity that is regulated which is handled within this state, without regard to whether or not such commodity is produced within this state.

* * *

I. The commissioner may issue and make effective a marketing order or marketing agreement which applies to two or more commodities. The producers or handlers of each commodity encompassed by such marketing order or agreement shall have all rights and privileges as though such producers or handlers were directly affected by a marketing order or agreement regulating only a single commodity. If the producers or handlers of one commodity who are directly affected by a marketing order or agreement which applies to two or more commodities act to enjoin, amend, suspend, or terminate the provisions thereof to such commodity, the order or agreement shall be enjoined, amended, suspended, or terminated with

1 respect to any other commodity regulated by such order or agreement unless the
2 commissioner finds such injunction, amendment, suspension, or termination
3 respecting one commodity makes continuance of the order or agreement no longer
4 feasible or it fails to attain the objectives of this ~~Part~~ Chapter. A marketing order or
5 agreement applicable to more than one commodity is deemed to be severable with
6 respect to each commodity encompassed by it and also severable as to each sentence,
7 clause, or part as it applies to each commodity. There shall be a clear and concise
8 definition or identification of each commodity regulated by such multiple
9 commodity marketing order or agreement.

10 §3510. Notice, reports, and hearing

11 A. If the commissioner has reason to believe that the issuance of a marketing
12 order or amendments to an existing marketing order will tend to effectuate the policy
13 of this ~~Part~~ Chapter, he shall give notice of not less than thirty days for a public
14 hearing upon a proposed marketing order of such amendments to such existing
15 market order. In an emergency situation, the commissioner may, upon citing the
16 nature of the emergency in the notice, give less than thirty days notice.

17 * * *

18 C. The notice of hearing shall set forth all of the following:

19 * * *

20 (3) A statement that the commissioner will receive, at such hearing, in
21 addition to testimony and evidence as set forth in ~~Section 552:11~~ R.S. 3:3511,
22 testimony and evidence with respect to the accuracy and sufficiency of lists on file
23 with the commissioner which show the names and addresses of producers or handlers
24 of such commodity that are directly affected by such proposed marketing order or
25 proposed amendments, and the quantities of such commodity which were delivered
26 by such producers to handlers, or handled by such handlers, in the marketing season
27 preceding such hearing.

28 * * *

29 F. Each handler of such commodity that may be directly affected by the
30 provisions of such proposed marketing order shall file such verified report with the

1 commissioner within the time which is specified in Subsection D of this Section.
2 Failure or refusal of any handler to file the report within the time which is specified
3 does not invalidate any proceeding which is taken or marketing order which is issued
4 pursuant to this ~~Part Chapter~~. The commissioner shall proceed upon the basis of
5 such information and reports as may otherwise be available.

6 * * *

7 K. At the hearing, the commissioner shall receive, in addition to other
8 necessary or relevant matters, evidence upon all of the following:

9 (1) The matters which are set forth in ~~Section 552.11~~ R.S. 3:3511.

10 * * *

11 M. If the commissioner finds that a referendum shall be had, he shall direct
12 that a referendum be held in accordance with the provisions of ~~Subsections A, B, C,~~
13 ~~D, and E of Section 552.16~~ R.S. 3:3516(A) through (E), inclusive.

14 §3511. Findings

15 A. For marketing orders containing provisions only for the establishment of
16 grade, size, quality, or condition specification, or for uniform grading and inspection,
17 or the elimination of unfair trade practices, or provisions for advertising or sales
18 promotion, or for research, or for the establishment of necessary facilities specified
19 in ~~Section 552.13, or Subsection E~~ R.S. 3:3513(E), the commissioner may issue such
20 marketing order if he makes all of the following findings:

21 (1) That such marketing order is reasonably calculated to attain the
22 objectives which are sought in such marketing order.

23 (2) That such marketing order is in conformity with the provisions of this
24 ~~Part Chapter~~ and within the applicable limitations and restrictions which are set forth
25 in this ~~Part Chapter~~ and will tend to effectuate the declared purposes and policies of
26 this ~~Part Chapter~~.

27 (3) That the interests of consumers are protected in that the powers
28 established by this ~~Part Chapter~~ are being exercised only to the extent which is
29 necessary to attain such objectives.

B. In making any findings pursuant to this Subsection, the commissioner shall base his findings upon the facts, testimony, and evidence which is received at the public hearing together with any other relevant facts which are available to him from official publications or institutions of recognized standing and which are included in the record at such hearing. These findings constitute the final provisions of the marketing order to be presented for referendum vote.

§3512. Advisory boards and committees

* * *

E. A member of an advisory board is entitled to a per diem of twenty-five dollars while engaged in performing his duties that are authorized by this ~~Part~~ Chapter and, with the approval of the advisory board concerned, may receive per diem not to exceed twenty-five dollars per day for each day spent in actual attendance at, or traveling to and from, meetings of the board or on special assignment for the board.

F. The commissioner may authorize an advisory board to do all of the following:

* * *

(3) Incur such expenses, to be paid by the commissioner from monies which are collected as provided in this ~~Part~~ Chapter, as the commissioner may deem necessary and proper to enable the advisory board properly to perform its duties.

* * *

§3513. Terms of marketing orders

A. ~~Except as otherwise provided in R.S. 3:522.5 and R.S. 522.11, any~~ Any marketing order which is issued by the commissioner may contain any or all of the provisions which are prescribed by this Section for regulating, or providing methods for regulating producer marketing, or the handling, or any of the operations of processing or distributing by handlers, of any commodity within this state, but no others.

* * *

F.(1) A marketing order may contain provisions for the establishment of plans for advertising and sales promotion to maintain present markets or to create new or larger markets for any commodity which is grown in this state, or for the prevention, modification, or removal of trade barriers which obstruct the free flow of any commodity to market. The commissioner may prepare, issue, administer, and enforce plans for promoting the sale of any commodity.

(2) Any such plan shall be directed toward increasing the sale of the commodity without reference to any private brand or trade name which is used by any handler with respect to the commodity regulated by the marketing order.

(3) No advertising or sales promotion program shall be issued by the commissioner which makes use of false or unwarranted claims in behalf of any such product, or disparages the quality, value, sale, or use of any other commodity.

* * *

H. A marketing order may contain provisions which relate to the prohibition of unfair trade practices. In addition to the unfair trade practices now prohibited by law, applicable to the processing, distribution, or handling of any commodity within this state, the commission may include in any marketing order which is issued provisions that are designed to correct any trade practice which affects the processing, distributing, or handling of any commodity within this state which the commissioner finds, after a hearing upon the marketing order in which all interested persons are given an opportunity to be heard, is unfair and detrimental to the effectuation of the declared purposes of this ~~Part~~ Chapter.

I. A marketing order may contain provisions for carrying on research studies in the production, processing, or distribution of any commodity and for the expenditure of moneys for such purposes. Production research for the purpose of determining the production, processing, and distribution qualities of perennial agricultural commodities may be established for the period of time necessary, not to exceed ten years to make such determination even though the period of time necessary may extend beyond the term of the marketing order or agreement involved, provided the commissioner finds there is no satisfactory alternative method

1 to accomplish the desired research, and provided further, that the commissioner has
2 determined, after conducting a public hearing as provided for in ~~Section 552.10~~ R.S.
3 3:3510, and making the necessary findings as required by ~~Section 552.11~~ R.S.
4 3:3511, that such proposed research project shall be submitted for a vote of those
5 persons being regulated, and, provided further, that valid votes have been cast in any
6 such vote that represent not less than forty percent of the total number of producers
7 of the commodity on record with the department, or not less than forty percent of the
8 total number of handlers of the commodity on record with the department, or not less
9 than forty percent of each of such producers and handlers of such commodity when
10 both are affected; and provided still further that, in any such voting, a favorable vote
11 was cast by not less than sixty-five percent of the total number of such producers, or
12 such handlers, or both, respectively, and that such producers, handlers, or both,
13 respectively, marketed not less than fifty-one percent of the total quantity of such
14 commodity that was marketed in the preceding marketing season by all of the
15 producers, or handlers, or both, respectively, that cast ballots in the vote for the
16 proposed research study. An advisory board may recommend and the commissioner
17 may approve that the funds necessary for such research be expended by an advisory
18 board annually or allocated in a lump sum and placed in a trust account established
19 by the commissioner for the purpose of ensuring the completion of such project. In
20 the event a trust fund is established, the commissioner may also appoint a board of
21 trustees to assist the commissioner in the administration of such research project. In
22 any research in production or processing which is carried on pursuant to this
23 Subsection, the director of the agricultural experiment station at Louisiana State
24 University and Agricultural and Mechanical College and the advisory board which
25 is provided for in ~~Section 552.12~~ R.S. 3:3512 shall cooperate in selecting the
26 research project which is to be carried on from time to time. Insofar as practicable,
27 the projects shall be carried out by Louisiana State University and Agricultural and
28 Mechanical College, but if the director and the advisory board determine that the
29 university has no facilities for a particular project, or that some other research agency

1 has better facilities for it, the project may be carried out by any other research agency
2 which is selected by the director and the advisory board.

3 * * *

4 L. A marketing order may contain provisions which establish, or provide
5 authority for establishing, and for regulating the permissive use of any official board
6 brand, trade name, or label, or other distinctive designation of grade, quality, or
7 condition, except the grade or quality designations in effect pursuant to state or
8 federal grade standards, for any commodity, whether as such commodity is produced
9 or is delivered by producers to handlers, or as handled or otherwise prepared for
10 market. The permissive use of any such board brand, trade name, or label or other
11 distinctive designation of quality shall be limited to producers and handlers of the
12 commodity that are participating in the marketing agreement or order, and that are
13 in compliance with its provisions and with any regulation, or rule and regulation,
14 which is adopted under it. Any official brand or trade name which is established
15 pursuant to this Subsection shall not be construed as a private brand or trade name
16 with respect to ~~Subsection F of Section 552.13~~ R.S. 3:3513(F).

17 M.

18 * * *

19 (2) For the purposes of this Subsection, (a) assessments established pursuant
20 to ~~Section 552.14~~ R.S. 3:3514 may include an assessment for nonbearing acreage as
21 well as bearing acreage of the commodity affected by such predators, insects,
22 disease, or parasite, and (b) the commissioner may use both the bearing and
23 nonbearing acreage of such commodity as a measure of production for referendum
24 purposes in relation to such assessments.

25 * * *

26 §3514. Assessments and funds

27 * * *

28 H. If any producer or handler that is duly assessed pursuant to the provisions
29 of this ~~Part Chapter~~ fails to pay to the commissioner the amount so assessed on or
30 before the date which is specified by the commissioner, the commissioner may add

1 to such unpaid assessment an amount not exceeding ten percent of such unpaid
2 assessment to defray the cost of enforcing the collection of such unpaid assessment.

3 * * *

4 N. All assessments, penalties, and other moneys received by the
5 commissioner pursuant to the provisions of this ~~Part~~ Chapter shall be paid to the
6 commissioner and shall be deposited in the state treasury to the credit of a revolving
7 fund, one created for each marketing order under which it is collected and, except as
8 provided in Subsection O of this Section, which funds shall be withdrawn from the
9 state treasury upon warrant on the commissioner and shall be expended by the
10 commissioner only for the necessary expenses which are incurred by the advisory
11 board and which are approved by the commissioner with respect to each marketing
12 order. No part of any such revolving fund shall revert to the general fund of this
13 state.

14 * * *

15 P. Any check or warrant which is drawn against the funds of any marketing
16 order which remains unclaimed or uncashed for a period of six months from the date
17 of issuance shall be canceled and the money retained for disbursement to the original
18 payee or claimant upon satisfactory identification for a period of one year from the
19 time the check or warrant is canceled. The money so retained, if not claimed within
20 the period of one year, shall be credited to the then currently operating marketing
21 order for the commodity under which the funds so retained were collected. If there
22 is no marketing order then in effective operation for the commodity, the funds shall
23 be credited to the unexpended balance, if any, of the last previous marketing order
24 for the commodity. If there is no marketing order then in current operation, or no
25 balance exists from any previous marketing order to which the funds may be
26 credited, the funds so retained may be expended by the commissioner for the benefit
27 of any marketing order established under the provision of this ~~Part~~ Chapter.

28 Q. Each marketing order or agreement shall be charged the amounts which
29 are computed by the commissioner as required to reasonably provide for services to
30 be rendered to such marketing orders by the department. Such amounts are subject

1 to approval by the advisory board which is concerned, shall be included in each
2 budget which recommended to and approved by the commissioner, pursuant to
3 Subsections C and D of this Section, and shall be withdrawn as required by the
4 commissioner and expended only for the necessary expenses which are incurred by
5 the commissioner in the administration of this ~~Part~~ Chapter. Effective three years
6 from implementation of any marketing order, the advisory board shall include in its
7 budget any costs incurred by the department in the promotion and marketing of the
8 products included in such marketing order.

9 §3515. Deposits by applicants for marketing order

10 A. Prior to the issuance of any marketing order by the commissioner, the
11 commissioner may require the applicants for the issuance of the marketing order to
12 deposit with him such amount as he may deem necessary to defray the expenses of
13 preparing and making effective such marketing order. Such funds shall be received,
14 deposited, and disbursed by the commissioner in accordance with the provisions
15 which are set forth in ~~Section 552.14~~ R.S. 3:3514.

16 B. The commissioner shall reimburse the applicant, from any funds for
17 necessary expenses which he has received pursuant to ~~Section 552.14~~ R.S. 3:3514,
18 for any of the following:

19 * * *

20 §3517. Major amendments to marketing order

21 A. In making effective major amendments to a marketing order, the
22 commissioner shall follow the same procedures which are prescribed in this ~~Part~~
23 Chapter for the institution of a marketing order.

24 B. For the purposes of this ~~Part~~ Chapter, a major amendment to a marketing
25 order shall include but not be limited to an amendment which adds to or deletes
26 from, a marketing order authority any of the following:

27 * * *

28 §3519. Termination or suspension

29 A. The commissioner shall suspend or terminate any marketing order, if he
30 finds, after a public hearing held in accordance with the provisions of ~~Section 552.10~~

R.S. 3:3510, that such marketing order is contrary to, or does not tend to effectuate the declared purposes or provisions of this ~~Part~~ Chapter.

* * *

C.

* * *

(2) If the commissioner finds after the hearing that a substantial question exists as to whether such marketing order is contrary to, or does not effectuate the declared purposes or provisions of this ~~Part~~ Chapter, such marketing order shall be submitted for the reapproval of those producers and handlers that are directly affected, as provided in this Section within one hundred twenty days of the receipt of the original request.

* * *

D. If the commissioner finds that the marketing order is not reapproved pursuant to this ~~Part~~ Chapter, he shall declare such order terminated. An order shall be considered reapproved if it has been assented to or favored at a referendum in the same manner as is required for a new marketing order.

* * *

§3520. Publication of notice

* * *

B. This Section does not apply to the termination of any marketing agreement under ~~Subsection G. of Section 552.19~~ R.S. 3:3519(G)(1) and (2).

§3521. General rules and regulations

* * *

B. The provisions of ~~Section 552-20~~ R.S. 3:3520 relative to publication and time of taking effect are applicable to any such general rule and regulation which is established pursuant to this Section and applicable to marketing orders. Such notice shall be mailed to the advisory board for each marketing order or marketing agreement which is in active operation.

1 §3522. Administrative rules and regulations

2 * * *

3 C. The provisions of ~~Section 552.20~~ R.S. 3:3520 relative to publication,
4 mailing of notice, and time of taking effect are applicable to any such administrative
5 rules and regulations.

6 §3523. Seasonal marketing regulations

7 * * *

8 C. Seasonal marketing regulations shall not extend beyond the marketing
9 regulatory authorizations which are specified in the marketing order or agreement,
10 or modify or change the language of such marketing order by adding to, or
11 subtracting from, such marketing order or agreement any of the marketing regulatory
12 authorizations which are classed in ~~Section 552.17~~ R.S. 3:3517 as major
13 amendments, or modify the language of any marketing order or agreement for the
14 purpose of clarification as provided in ~~Section 552.17~~ R.S. 3:3518 for minor
15 amendments.

16 D. Notice of the issuance and the effective date of any such seasonal
17 marketing regulations shall be given by the commissioner to all producers and
18 handlers that are directly affected by any such regulations in the manner and within
19 the time which is specified in the applicable marketing order or agreement, or as
20 specified in the administrative rules and regulations which are made effective for
21 such marketing order or agreement pursuant to ~~Section 552.22~~ R.S. 3:3522.

22 * * *

23 §3524. Records

24 A. The commissioner may require processors or distributors, that are subject
25 to the provisions of any marketing order which is issued pursuant to this ~~Part~~
26 Chapter, to maintain books and records which reflect their operations under such
27 marketing order, and to furnish him with such information as may be requested by
28 him which relate to operations under such marketing order, and to permit the

1 inspection by the commissioner of such portions of such books and records as relate
2 to operations under such marketing order.

3 * * *

4 §3525. Actions and penalties

5 * * *

6 B. The penalties prescribed by this Section apply in instances of any
7 violation of any provision of this ~~Part~~ Chapter, any marketing order, or any
8 regulation, or rule and regulation, which is issued by the commissioner.

9 C. Any person that violates any provision of this ~~Part~~ Chapter, or any
10 marketing order, or that violates any rule, or regulation which is issued by the
11 commissioner for such marketing order, is liable for a civil penalty in an amount not
12 to exceed a sum of one hundred dollars for each and every violation.

13 D. It shall be a violation of this ~~Part~~ Chapter for any person not under the
14 jurisdiction of such marketing order to use any identifying designation of grade,
15 quality, or condition authorized by such order.

16 * * *

17 H. The commissioner shall, upon complaint of any interested party which
18 charges any violation of any provision of any marketing order which is issued, ~~do~~
19 ~~one of the following:~~

20 (1) ~~If necessary,~~ immediately call an administrative hearing to consider the
21 charges in such complaint.

22 * * *

23 O. If it appears to the court upon any application for a temporary restraining
24 order, or upon the hearing of any order to show cause why a preliminary injunction
25 should not be issued, or upon the hearing of any motion for a preliminary injunction,
26 or if the court shall find, in any such action, that any defendant is violating, or has
27 violated, any provision of this ~~Part~~ Chapter, any marketing order, or any regulation,
28 or rule and regulation, the court shall enjoin the defendant from committing further
29 violations and may compel specific performance of any obligation imposed by a

1 marketing order or any regulation which is issued by the commissioner pursuant to
2 this ~~Part~~ Chapter.

3 P. In any suit brought by the attorney general to enforce any provision of this
4 ~~Part~~ Chapter, any marketing order, or any regulation which is issued by the
5 commissioner, the judgment, if in favor of the state, shall provide that the defendant
6 pay to the commissioner the costs which were incurred by the commissioner and by
7 the advisory board concerned with the administration of such marketing order in the
8 prosecution of such action. Any money which is recovered shall be deposited in
9 accordance with ~~Section 552.14~~ R.S. 3:3514.

10 * * *

11 §3531. Definitions

12 As used in this ~~part~~ Chapter, the following terms shall have the following
13 meanings:

14 * * *

15 §3532. Purpose

16 The purpose of this ~~part~~ Chapter is to promote the growth and development
17 of the rice industry in Louisiana by promotion of rice, thereby promoting the general
18 welfare of the people of this state.

19 §3533. Creation and organization

20 * * *

21 E. The members of the board shall meet and organize immediately after their
22 appointment and shall elect a chairman, vice chairman, and secretary-treasurer from
23 the membership of the board. The duties of the officers shall be those customarily
24 exercised by such officers or specifically designated by the board. The board may
25 establish rules and regulations for its own government and the administration of the
26 affairs of the board and shall have the following duties, functions, and authorizations
27 in addition to and in conjunction with the aforementioned:

1 (1) To plan and conduct, in such manner as the board may determine,
2 referenda among producers for the approval or disapproval of the program in
3 accordance with the provisions of this ~~part~~ Chapter.

4 * * *

5 (6) To investigate and cause prosecution to be instituted for violation of the
6 provisions of this ~~part~~ Chapter.

7 * * *

8 §3534. Levy of assessment; referendum, collection, and enforcement; records;
9 refunds; transfer of funds

10 * * *

11 E. Collection and enforcement. The assessment levied by this ~~Part~~ Chapter
12 shall be collected by the commissioner. On rice sold by the producer, collection
13 shall be from the buyer of the rice at the first point of sale only. On rice put under
14 loan or purchased by the Commodity Credit Corporation and delivered to the
15 Commodity Credit Corporation, collection shall be from the producer, or from the
16 Commodity Credit Corporation on the producer's behalf. On seed rice, collection
17 shall be from the handler performing the cleaning.

18 F. Records. Every buyer shall keep a complete and accurate record of all
19 rice purchased by him. Such records shall be in such form and contain such other
20 information as the board shall by rule or regulation prescribe. The records shall be
21 preserved by the buyer for a period of two years and shall be offered for inspection
22 at any time upon oral or written demand by the commissioner or his duly authorized
23 representative or agent thereof. Every buyer, at such time or times as the
24 commissioner may require, shall submit reports or other documentary information
25 deemed necessary for the efficient and equitable collection of the assessment levied
26 in this ~~Part~~ Chapter. The commissioner shall have the power to cause any duly
27 authorized agent or representative to enter upon the premises of any buyer of rice
28 from which assessments were collected or to be collected and examine or cause to
29 be examined by such agent any books, papers and records which deal in any way

1 with respect to the payment of the assessment or enforcement of the provisions of
2 this ~~Part~~ Chapter.

3 * * *

4 §3535. Failure to pay assessment; penalty

5 * * *

6 C. Any person required to pay the assessments provided for in this ~~part~~
7 Chapter who refuses to allow full inspection of the premises, or any books, records,
8 or other documents relating to the liability of such person for the assessment herein
9 imposed, or who shall hinder or in any way delay or prevent such inspection, shall
10 be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not
11 exceeding one thousand dollars or by imprisonment not to exceed six months, or
12 both.

13 D. Whoever violates any provisions of this ~~part~~ Chapter or any rule or
14 regulation of the board pursuant to the provisions of this ~~part~~ Chapter shall be guilty
15 of a misdemeanor and upon conviction thereof shall be punished by a fine not to
16 exceed one hundred dollars or by imprisonment not to exceed thirty days, or both.

17 * * *

18 §3541. Terms defined

19 As used in this ~~part~~ Chapter, the terms defined in this ~~section~~ Section shall
20 have the meanings herein given to them, except where the context expressly
21 indicates otherwise:

22 * * *

23 §3542. Purpose

24 The purpose of this ~~part~~ Chapter is to promote the growth and development
25 of the rice industry in Louisiana by expanded research of rice, thereby promoting the
26 general welfare of the people of this state.

27 §3543. Louisiana Rice Research Board; creation and organization

28 * * *

29 D. The members of the board shall meet and organize immediately after their
30 appointment and shall elect a chairman, vice chairman, and secretary-treasurer from

1 the membership of the board, whose duties shall be those customarily exercised by
2 such officers or specifically designated by the board. The board may establish rules
3 and regulations for its own government and the administration of the affairs of the
4 board and shall have the following duties, functions, and authorizations in addition
5 to and in conjunction with the aforementioned:

6 (1) To plan and conduct referenda among producers for the approval or
7 disapproval of the program in accordance with the provisions of this ~~Part~~ Chapter.

8 * * *

9 (3) To receive the funds from the state treasury in accordance with the
10 provisions of this ~~Part~~ Chapter.

11 * * *

12 §3544. Levy of assessment; referendum; collection; enforcement; transfer of funds

13 A. Levy of assessment.

14 * * *

15 (3) The obligation to pay the assessment shall apply to the producer for all
16 rice marketed by him. To facilitate collection, this assessment is to be deducted by
17 each miller or handler from the amount paid the producer at the first point of sale
18 only, whether within or without the state; however, the assessment shall not be
19 imposed unless and until the question of its imposition and the amount thereof has
20 been submitted to and been approved by a majority of the rice producers who vote
21 in referendum to be called and held by the board within ninety days following the
22 effective date of this ~~Part~~ Chapter. If the assessment is approved as provided in this
23 Section, the assessment shall become effective July 1, 1973.

24 * * *

25 C. Collection and Enforcement. The assessment imposed and levied by this
26 ~~part~~ Chapter shall be collected by the commissioner. On rice sold by the producer,
27 collection shall be from the buyer of the rice at the first point of sale only. On rice
28 put under loan and delivered to the CCC, collection shall be from the producer, or
29 from the CCC on the producer's behalf. On seed rice, collection shall be from the
30 handler performing the cleaning.

1 D. Records. Every buyer, miller, or handler shall keep a complete and
2 accurate record of all rice purchased, milled, or handled by him. Such records shall
3 be in such form and contain such other information as the board shall by rule or
4 regulation prescribe. The records shall be preserved by said buyer for a period of
5 two years and shall be offered for inspection at any time upon oral or written demand
6 by the commissioner or his duly authorized representative or agent thereof. Every
7 buyer, miller, or handler, at such time or times as the commissioner may require,
8 shall submit reports or other documentary information deemed necessary for the
9 efficient and equitable collection of the assessment imposed in this ~~part~~ Chapter.
10 The commissioner shall have the power to cause any duly authorized agent or
11 representative to enter upon the premises of any buyer, miller, or handler of rice
12 from which assessments were collected or to be collected and examine or cause to
13 be examined by such agent any books, papers, and records which deal in any way
14 with the payment of the assessment or enforcement of the provision of this ~~part~~
15 Chapter.

16 * * *

17 §3545. Failure to pay assessment: penalty

18 * * *

19 C. Any person required to pay the assessments provided for in this ~~part~~
20 Chapter who refuses to allow full inspection of the premises, or any books, records,
21 or other documents relating to the liability of such person for the assessment herein
22 imposed, or who shall hinder or in any way delay or prevent such inspection, shall
23 be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not
24 exceeding one thousand dollars or by imprisonment not to exceed six months, or
25 both.

26 D. Whoever violates any other provisions of this ~~part~~ Chapter or any rule or
27 regulation of the board pursuant to the provisions of this ~~part~~ Chapter shall be guilty
28 of a misdemeanor and upon conviction thereof shall be punished by a fine not to
29 exceed one hundred dollars or by imprisonment not to exceed thirty days, or both.

30 * * *

1 §3551. Purposes

2 The purpose of this ~~Part~~ Chapter is to promote the growth and development
3 of the soybean, wheat, corn, and grain sorghum industries in Louisiana by research
4 and advertisement, thereby promoting the general welfare of the people of this state.

5 * * *

6 §3553. Levy of assessment; referendum; collection; enforcement; refund

7 A. There is imposed and levied an assessment at the rate of one cent per
8 bushel on all soybeans grown within the state, this assessment to be deducted from
9 the amount paid the producer at the first point of sale, whether within or without the
10 state. However, the assessment shall not be imposed unless and until the question
11 of its imposition has been submitted to and has been approved by at least a majority
12 of the soybean producers who vote in referendum to be called and held by the board.
13 The soybean producers of the state shall be notified by the board of the results of the
14 referendum. The assessment imposed by this Subsection shall be effective for a
15 period of five crop years. This assessment may be extended for an indefinite period
16 of time, in increments of five years, by ratification and approval of a majority of the
17 Louisiana soybean producers who vote in referenda to be called and held by the
18 board in the manner set forth in this ~~Part~~ Chapter. In order to be eligible to vote in
19 the referenda, the prospective voter must have produced soybeans in the crop year
20 immediately preceding the referendum. Producers voting in referenda shall vote
21 only in the parish in which the voter resides.

22 B. There is imposed and levied an assessment at the rate of one-half cent per
23 bushel on all wheat, corn, and grain sorghum grown within the state. However, the
24 assessment shall not be imposed unless and until the question of its imposition has
25 been submitted to and has been approved by at least a majority of the wheat, corn,
26 and grain sorghum producers who vote in a referendum to be called and held by the
27 board. The wheat, corn, and grain sorghum producers of the state shall be notified
28 of the results of the referendum. The assessment imposed by this Subsection shall
29 be effective for a period of five crop years. This assessment may be extended for an
30 indefinite period of time, in increments of five years, by ratification and approval of

1 a majority of the producers of the commodities subject to the assessment who vote
2 in referenda to be called and held by the board in the manner set forth in this ~~Part~~
3 Chapter. In order to be able to vote in the referenda, the prospective voter must have
4 produced at least one of the commodities subject to the assessment in the year
5 preceding the year in which the referendum is held or in the year in which the
6 referendum is held. Producers voting in referenda shall vote only in the parish in
7 which the voter resides.

8 C. The assessments imposed and levied by this ~~Part~~ Chapter shall be
9 collected by the commissioner of agriculture from the buyer of soybeans or the
10 wheat, corn, or grain sorghum at the first point of sale. Every buyer shall keep a
11 complete and accurate record of all soybeans, wheat, corn, or grain sorghum handled
12 by him. Such records shall be in such form and contain such other information as
13 the board shall by rule or regulation prescribe. The records shall be preserved by the
14 buyer for a period of one year and shall be offered for inspection at any time upon
15 oral or written demand by the commissioner or any duly authorized agent or
16 representative of the commissioner. Every buyer, at such time or times as the
17 commissioner may require, shall submit reports or other documentary information
18 deemed necessary for the efficient and equitable collection of the assessment
19 imposed in this ~~Part~~ Chapter. The commissioner of agriculture shall have the power
20 to cause any duly authorized agent or representative to enter upon the premises of
21 any buyer of soybeans, wheat, corn, or grain sorghum and examine or cause to be
22 examined by such agent any books, papers, and records which deal in any way with
23 respect to the payment of the assessment or enforcement of the provisions of this
24 ~~Part~~ Chapter.

25 * * *

26 E. Any producer whose commodities are subject to an assessment levied
27 under this ~~Part~~ Chapter may request and receive a refund of the amount deducted
28 from the sale of his commodities provided he makes a written application with the
29 commissioner within thirty days from date of sale supported by copies of sales slips
30 signed by the purchaser, and provided further that the application is filed before the

1 quarterly accounting is made and the funds paid to the Louisiana Soybean and Grain
2 Research and Promotion Board.

3 §3554. Failure to pay assessment; penalty

4 * * *

5 C. Any person required to pay any assessment provided for in this ~~Part~~
6 Chapter who refuses to allow full inspection of the premises, or any books, records,
7 or other documents relating to the liability of such person for any assessment herein
8 imposed, or who hinders or in any way delays or prevents such inspection, shall be
9 guilty of a misdemeanor and, upon conviction, shall be punished by a fine not
10 exceeding five hundred dollars or by imprisonment not to exceed six months, or
11 both.

12 D. Whoever violates any other provision of this ~~Part~~ Chapter or any rule or
13 regulation of the Louisiana Soybean and Grain Research and Promotion Board
14 pursuant to the provisions of this ~~Part~~ Chapter shall be guilty of a misdemeanor and
15 upon conviction thereof shall be punished by a fine not to exceed one hundred
16 dollars or by imprisonment not to exceed thirty days, or both.

17 §3555. Exclusion from coverage of ~~Part~~ Chapter

18 The provisions of this ~~Part~~ Chapter shall not apply to any person who
19 purchases one thousand or less bushels of soybeans, wheat, corn, or grain sorghum
20 in any calendar year.

21 §3556. Use of funds

22 The Louisiana Soybean and Grain Research and Promotion Board shall plan
23 and conduct a program of research and advertising designed to promote the soybean,
24 wheat, corn, and grain sorghum industries in Louisiana. The board is authorized to
25 use the funds derived from any assessment imposed by this ~~Part~~ Chapter for these
26 purposes, including basic administration expenses of the plan. Use of these funds
27 may be applied, as prescribed in this Section, within or without the state of
28 Louisiana, including regional, national, and international applications. The funds
29 may also be used to defray costs of referenda.

Section 4. R.S. 11:42(B)(1), (2), (3), (6), (7), (8)(a), and (9), 102(B)(3)(d)(v), (vi), (vii), and (viii), 103(B)(1) and (3)(d) and (e)(i)(bb) and (C)(introductory paragraph), 105(C)(1), 106(C)(1), 247(A)(2) and (3)(b) and (C), 413(3), 446(A)(5)(j) and (E), 542.1.1(E), 701(5)(c)(iii) and (33)(a)(viii) and (xii), 783(A)(3)(e), (C), (D)(1)(b)(ii), (F), (G)(1)(b)(ii), and (I)(1)(b)(ii), 883.3(E), and 1481(1)(a)(iii)(aa) are hereby amended and reenacted and R.S. 11:701(33)(a)(xiii) is hereby enacted to read as follows:

§42. Unfunded accrued liabilities; amortization

* * *

B. The provisions of this Subsection shall be implemented and accomplished by the governing authorities of the state and statewide public retirement systems as set forth herein.

(1) Assessors' Retirement Fund. The unfunded accrued liability, as of September 30, 1989, determined under the funding method specified in R.S. 11:22(B)(1), shall be amortized over a ~~forty-year~~ forty-year period, commencing with fiscal year ~~ending 1989-1990~~, with payments forming an annuity increasing at three and one-half percent annually.

(2) Clerks' of Court Retirement and Relief Fund. The unfunded accrued liability, as of June 30, 1989, determined under the funding method specified in R.S. 11:22(B)(2), shall be amortized over a ~~forty-year~~ forty-year period, commencing with fiscal year ~~ending 1989-1990~~, with payments forming an annuity increasing at four and three-quarters percent annually.

(3) Firefighters' Retirement System. The unfunded accrued liability, as of June 30, 1989, determined under the funding method specified in R.S. 11:22(B)(4), shall be amortized over a ~~thirty-year~~ thirty-year period, commencing with fiscal year ~~ending 1989-1990~~, with level dollar payments annually.

* * *

(6) Municipal Police Employees' Retirement System. The unfunded accrued liability or surplus, as of June 30, 1989, determined under the funding method specified in R.S. 11:22(B)(7), shall be amortized over a ~~forty-year~~ forty-year period, commencing with fiscal year ~~ending 1989-1990~~, with level dollar payments annually.

(7) Municipal Employees' Retirement System of Louisiana.

(a) Plan A. The unfunded accrued liability, as of June 30, 1989, determined under the funding method specified in R.S. 11:22(B)(8)(a), shall be amortized over a ~~forty year~~ forty-year period, commencing with fiscal year ~~ending 1989~~-1990, with payments forming an annuity increasing at four and one-quarter percent annually.

(b) Plan B. The unfunded accrued liability, as of June 30, 1989, determined under the funding method specified in R.S. 11:22(B)(8)(b), shall be amortized over a ~~forty year~~ forty-year period, commencing with fiscal year ~~ending 1989~~-1990, with payments forming an annuity decreasing at two percent annually.

(8) Parochial Employees' Retirement System of Louisiana.

(a) Plan A. The unfunded accrued liability, as of December 31, 1989, determined under the funding method specified in R.S. 11:22(B)(9)(a), shall be amortized over a forty-year period, commencing with fiscal year ~~ending 1989~~-1990, with payments forming an annuity increasing at four percent annually.

* * *

(9) Sheriffs' Pension and Relief Fund. The unfunded accrued liability, as of June 30, 1989, determined under the funding method specified in R.S. 11:22(B)(11), shall be amortized over a ~~forty year~~ forty-year period, commencing with fiscal year ~~ending 1989~~-1990, with payments forming an annuity increasing at three and one-half percent annually.

* * *

§102. Employer contributions; determination; state systems

* * *

B.

* * *

(3) With respect to each state public retirement system, the actuarially required employer contribution for each fiscal year, commencing with Fiscal Year 1989-1990, shall be that dollar amount equal to the sum of:

* * *

(d) That fiscal year's payment, computed as of the first of that fiscal year and projected to the middle of that fiscal year at the actuarially assumed interest rate, necessary to amortize changes in actuarial liability due to:

* * *

(v) Effective July 1, 2004, and beginning with ~~the fiscal year ending June 30, 1999~~ Fiscal Year 1998-1999, the amortization period for the changes, gains, or losses of the Louisiana State Employees' Retirement System provided in Items (i) through (iv) of this Subparagraph shall be thirty years, or in accordance with standards promulgated by the Governmental Accounting Standards Board, from the year in which the change, gain, or loss occurred. The outstanding balances of amortization bases established pursuant to Items (i) through (iv) of this Subparagraph before ~~the fiscal year ending June 30, 1999~~ Fiscal Year 1998-1999, shall be amortized as a level dollar amount from July 1, 2004, through June 30, 2029. Beginning with ~~the year ending June 30, 2004~~ Fiscal Year 2003-2004, and for each fiscal year thereafter, the outstanding balances of amortization bases established pursuant to Items (i) through (iv) of this Subparagraph shall be amortized as a level dollar amount.

(vi) Effective July 1, 2004, and beginning with ~~the fiscal year ending June 30, 2001~~ Fiscal Year 2000-2001, the amortization period for the changes, gains, or losses of the Louisiana School Employees' Retirement System provided in Items (i) through (iv) of this Subparagraph shall be thirty years, or in accordance with standards promulgated by the Governmental Accounting Standards Board, from the year in which the change, gain, or loss occurred. The outstanding balances of amortization bases established pursuant to Items (i) through (iv) of this Subparagraph before ~~the fiscal year ending June 30, 2001~~ Fiscal Year 2000-2001, shall be amortized as a level dollar amount from July 1, 2004, through June 30, 2029. Beginning with ~~the fiscal year ending June 30, 2004~~ Fiscal Year 2003-2004, and for each fiscal year thereafter, the outstanding balances of amortization bases established pursuant to Items (i) through (iv) of this Subparagraph shall be amortized as a level dollar amount.

(vii) Effective July 1, 2004, and beginning with ~~the fiscal year ending June 30, 2001, Fiscal Year 2000-2001,~~ the amortization period for the changes, gains, or losses of the Teachers' Retirement System of Louisiana provided in Items (i) through (iv) of this Subparagraph shall be thirty years, or in accordance with standards promulgated by the Governmental Accounting Standards Board, from the year in which the change, gain, or loss occurred. The outstanding balances of amortization bases established pursuant to Items (i) through (iv) of this Subparagraph before ~~the fiscal year ending June 30, 2001, Fiscal Year 2000-2001,~~ shall be amortized as a level dollar amount from July 1, 2004, through June 30, 2029. Beginning with ~~the fiscal year ending June 30, 2004, Fiscal Year 2003-2004,~~ and for each fiscal year thereafter, the outstanding balances of amortization bases established pursuant to Items (i) through (iv) of this Subparagraph shall be amortized as a level dollar amount.

(viii) Effective July 1, 2009, and beginning with ~~the fiscal year ending June 30, 1993 Fiscal Year 1992-1993,~~ the amortization period for the changes, gains, or losses of the State Police Pension and Retirement System provided in Items (i) through (iv) of this Subparagraph shall be thirty years, or in accordance with standards promulgated by the Governmental Accounting Standards Board, from the year in which the change, gain, or loss occurred. The outstanding balances of amortization bases established pursuant to Items (i) through (iv) of this Subparagraph before ~~the fiscal year ending June 30, 2009 Fiscal Year 2008-2009,~~ shall be amortized as a level dollar amount from July 1, 2009, through June 30, 2029. Beginning with ~~the fiscal year ending June 30, 2009 Fiscal Year 2008-2009,~~ and for each fiscal year thereafter, the outstanding balances of amortization bases established pursuant to Items (i) through (iv) of this Subparagraph shall be amortized as a level dollar amount.

* * *

§103. Employer contributions; determination; statewide systems

* * *

B.(1) Except as provided in Subsection C of this Section, for each fiscal year beginning with ~~the fiscal year ending 1990~~ Fiscal Year 1989-1990, for each statewide retirement system, the employer contribution rate shall equal the actuarially required employer contribution as determined under Paragraph (3) of this Subsection, divided by the total projected payroll of all active members of the particular system for the fiscal year. Active member payroll shall include participants in the Deferred Retirement Option Plan, but only if direct employer contributions are made based on salaries for such participants.

* * *

(3) The actuarially required employer contribution for each fiscal year shall be that dollar amount equal to the sum of:

* * *

(d) That fiscal year's payment, computed as of the first of that fiscal year using that system's amortization method specified in R.S. 11:42, necessary to amortize the unfunded accrued liability as of the end of ~~the fiscal year ending 1989~~ Fiscal Year 1988-1989, such unfunded accrued liability computed using the system's actuarial funding method as specified in R.S. 11:22, such payment projected to the middle of that fiscal year at the actuarially assumed interest rate.

(e) That fiscal year's payment, calculated as of the first of that fiscal year and projected to the middle of that fiscal year at the actuarially assumed interest rate, necessary to amortize changes in actuarial liability due to:

* * *

(i)

* * *

(bb) For the Municipal Police Employees' Retirement System, actuarial gains and losses, if appropriate for the funding method used by the system as specified in R.S. 11:22, for each fiscal year commencing with ~~the fiscal year ending June 30, 2002~~ Fiscal Year 2001-2002, such payments to be computed as level dollar amounts

1 over a period of thirty years from the year of occurrence of each such actuarial gain
2 or loss, such gains and losses to include any increases in actuarial liability due to
3 governing authority granted cost-of-living increases.

4 * * *

5 C. The net direct actuarially required employer contribution for each fiscal
6 year, beginning with ~~fiscal year~~ Fiscal Year ending 1997 ~~1996-1997~~, shall be that
7 dollar amount equal to the contribution rate specified in Subparagraph (2)(b) of this
8 Subsection, if any, increased by the cost itemized in Paragraph (1) of this Subsection,
9 reduced by the contributions itemized in Paragraph (2) of this Subsection, rounded
10 to the nearest one-quarter percent:

11 * * *

12 §105. Employer contributions; maintaining rates

13 * * *

14 C. If the board of trustees of any retirement system or fund referenced in
15 Subsection A of this Section elects, pursuant to Subsection B of this Section, to
16 maintain the net direct employer contribution rate in effect at the time that a decrease
17 would otherwise occur according to R.S. 11:103, any excess funds resulting from
18 maintaining the contribution rate shall be combined with any contribution surplus,
19 or offset by any contribution shortfall, and the resulting balance, if greater than zero,
20 shall be applied, until exhausted, exclusively for and in the order of the following
21 purposes:

22 (1) To reduce the frozen unfunded accrued liability, if any; however, the
23 future payments on the frozen unfunded accrued liability shall continue to be made
24 according to the original amortization schedule established to initiate compliance
25 with the requirements of ~~Article X, Section 29(E)(2)(c) and (3)~~ Article X, Section
26 29(E)(3) of the Constitution of Louisiana until the outstanding balance is fully
27 liquidated.

28 * * *

§106. Additional employer contributions; increasing rates

* * *

C. If the board of trustees of any retirement system or fund referenced in Subsection A of this Section elects, pursuant to Subsection B of this Section, to increase the net direct employer contribution rate determined under R.S. 11:103, any excess funds resulting from increasing the contribution rate shall be combined with any contribution surplus, or offset by any contribution shortfall, and the resulting balance, if greater than zero, shall be applied, until exhausted, exclusively for and in the order of the following purposes:

(1) To reduce the frozen unfunded accrued liability, if any; however, the future payments on the frozen unfunded accrued liability shall continue to be made according to the original amortization schedule established to initiate compliance with the requirements of ~~Article X, Section 29(E)(2)(c) and (3)~~ Article X, Section 29(E)(3) of the Constitution of Louisiana until the outstanding balance is fully liquidated.

* * *

§247. Automatic cost-of-living adjustments

A.

* * *

(2) The annual cost-of-living adjustment of such retirees shall be based on the retirement allowance received pursuant to the retirement plan option selected by the member and the monthly benefit being paid pursuant thereto on the effective date of the increase, inclusive of cost-of-living adjustments paid pursuant to this Section, but exclusive of cost-of-living adjustments or permanent benefit increases paid pursuant to any other provision of law.

(3)

* * *

(b) Following participation in the Deferred Retirement Option Plan, the annual cost-of-living adjustment shall be applied to the monthly benefit allowance amount determined by the retirement plan option selected, inclusive of cost-of-living

adjustments paid pursuant to this Section, but exclusive of cost-of-living adjustments or permanent benefit increases paid pursuant to any other provision of law. The monthly benefit allowance upon retirement shall reflect the annual benefit adjustments set forth in this Paragraph.

* * *

C. Additional cost-of-living adjustments or permanent benefit increases granted by the system's board of trustees, as otherwise provided by law, shall be computed on the basis of the retiree's benefit amount on the date such cost-of-living adjustment or permanent benefit increase is granted. If an additional cost-of-living adjustment or permanent benefit increase is scheduled to be effective on the same day as the annual cost-of-living adjustment, the annual cost-of-living adjustment shall be calculated first.

* * *

§413. Classes of employees not eligible

The following classes of employees and officers shall not be or become members of this system:

* * *

(3) Persons employed ~~as of~~ on or after July 1, 1991, on a part-time, intermittent, temporary, emergency, or job appointment basis, except those employees who have ten or more years of creditable service in the system.

* * *

§446. Mode of payment where option elected

A. Upon application for retirement any member may elect to receive his benefit in a retirement allowance payable throughout his life, or he may elect at that time to receive the actuarial equivalent of his retirement allowance in a reduced retirement allowance payable throughout life, with the provision that:

* * *

(5)

* * *

1 (j) Cost-of-living adjustments or permanent benefit increases granted by the
2 board of trustees to retirees who select the initial benefit option shall be computed
3 on the basis of each retiree's regular monthly retirement benefit or on the basis of
4 each beneficiary/survivor's benefit based on the option selected as reduced and shall
5 not be computed on the initial benefit received either as a lump-sum or paid pursuant
6 to R.S. 11:450(A)(1).

7 * * *

8 E. If an option of Subsection A of this Section hereof was selected, and the
9 retiree's spouse was designated as the beneficiary, and a judgment of divorce is
10 rendered with respect to the retiree and the spouse, and, in connection therewith, the
11 spouse, irrevocably, by court order, relinquishes the spouse's survivorship rights
12 under the option originally selected by the retiree, the originally selected option shall
13 be considered revoked and the retiree shall be considered as retired under the
14 maximum benefit, subject to reduction as hereinafter set forth, and without affording
15 the retiree the right to select an option under which the retiree could designate a new
16 beneficiary, and the benefits payable to the retiree shall be increased to the amount
17 the retiree would have received had the retiree selected the maximum benefit,
18 adjusted for any cost-of-living increase or permanent benefit increase granted to the
19 retiree, less any amount required as a result of such change in retirement status to
20 render the new benefit to be the actuarial equivalent of the maximum benefit. The
21 retiree shall be required to reimburse the system, by way of a one-time deduction
22 from the retiree's next benefit check, the reasonable costs incurred by the system to
23 have these calculations made. The retiree shall be required to contractually hold the
24 system harmless in the event that the former spouse ever successfully asserts a
25 property right relative hereto which has any adverse effect upon the system. It shall
26 be the responsibility of the retiree to notify the system of these circumstances, to
27 present satisfactory evidence of same, and to request the recomputation of benefits.
28 Adjustment of benefits under this Subsection shall not be retroactive, and shall be

effective on the first day of the next month following official approval of the application for recomputation of benefits.

* * *

§542.1.1. Minimum benefit increase; payment from experience account

* * *

E. The actuarial cost of implementing the provisions of this Section shall be paid from the ~~employee~~ experience account.

* * *

§701. Definitions

As used in this Chapter, the following words and phrases have the meaning ascribed to them in this Section unless a different meaning is plainly required by the context:

* * *

(5)

* * *

(c)

* * *

(iii) Any retiree ~~covered by~~ to whom Item (ii) of this Subparagraph applies, whose benefits are based, or by reason of Item (ii) of this Subparagraph would be based, on a calculation of average compensation which includes earnable compensation between June 30, 1995, and June 30, 1997, shall have his benefits recalculated in accordance with this Subparagraph and, if an increase in benefits results, the retiree shall be paid such an amount to restore any prior benefits that would have been paid if the benefits had originally been calculated in accordance with this Subparagraph.

* * *

(33)(a) "Teacher", except as provided in Subparagraph (b) of this Paragraph, shall mean any of the following:

* * *

(viii)(aa) Except as otherwise provided in this Item, the director, secretary, staff members, or any other individual employed by the Louisiana High School Athletic Association.

(aa) (bb) Notwithstanding the provisions of this Item or any other provision of law to the contrary, any director, secretary, staff member, or any other individual employed by the Louisiana High School Athletic Association on or after July 1, 2000, who does not have a valid Louisiana teacher's certificate shall not be required to participate in the system.

(bb) (cc) Any person ~~covered by Subitem (aa) of this Item~~ to whom this Item applies and who has a valid Louisiana teacher's certificate shall be required to participate in the system provided the person satisfies all other eligibility criteria set forth in this Chapter.

* * *

(xii) All nonclassified employees of the state who are administrators, faculty members, or other professional employees at the New Orleans Center for Creative Arts/Riverfront.

(xii)(xiii) In all cases of doubt, the board of trustees shall determine whether any person is a teacher within the scope of the definition set forth in this Paragraph.

* * *

(c) ~~"Teacher" shall include all nonclassified employees of the state who are administrators, faculty members, and other professional employees at the New Orleans Center for Creative Arts/Riverfront.~~

* * *

§783. Selection of option for method of payment after death of member

A.

* * *

(3)

* * *

(e) Cost-of-living adjustments or permanent benefit increases granted by the board of trustees to retirees who select this Initial Lump-Sum Benefit shall be

computed on the basis of each retiree's regular monthly retirement benefit or on the basis of each beneficiary/survivor's benefit based on the option selected as reduced and shall not be computed on the initial benefit received either as a lump-sum or paid pursuant to R.S. 11:789(A)(1).

* * *

C. Whenever a retiree who has selected Option 4 or 4A dies, the specific benefit payable to his beneficiary shall immediately be increased by the total percentage that the retiree's benefits have been increased by all of the cost-of-living adjustments or permanent benefit increases received by the retiree.

D.(1)

* * *

(b)

* * *

(ii) The benefits payable to the retiree shall be increased to the amount the retiree would have received had the retiree selected the maximum benefit, adjusted for any cost-of-living ~~increase~~ adjustments or permanent benefit increases granted to the retiree, less any amount required as a result of such change in retirement status to render the new benefit to be the actuarial equivalent of the maximum benefit.

* * *

F. Any adjustments to benefits for cost-of-living ~~changes~~ adjustments or permanent benefit increases made by formal action of the board of trustees in accordance with Subsection C of this Section shall be considered amendments to the provisions of the retirement system. If made by formal action of the board of trustees, such changes must be disclosed to members of the retirement system.

G.(1)

* * *

(b)

* * *

(ii) The benefits payable to the retiree shall be increased to the amount the retiree would have received had the retiree selected the maximum benefit, adjusted

for any cost-of-living ~~increase~~ adjustment or permanent benefit increase granted to the retiree, less any amount required as a result of such change in retirement status to render the new benefit to be the actuarial equivalent of the maximum benefit.

* * *

I.(1)

* * *

(b)

* * *

(ii) The benefits payable to the retiree shall be increased to the amount the retiree would have received had the retiree selected the maximum benefit, adjusted for any cost-of-living ~~increase~~ adjustment or permanent benefit increase granted to the retiree, less any amount required as a result of such change in retirement status to render the new benefit to be the actuarial equivalent of the maximum benefit.

* * *

§883.3 Minimum benefit increase; payment from experience account

* * *

E. The actuarial cost of implementing the provisions of this Section shall be paid from the ~~employee~~ experience account.

* * *

§1481. Financing of fund; deductions; deficiencies and surpluses; remedies

The fund shall be financed as set forth hereunder:

(1)(a)

* * *

(iii)(aa) In addition to the payment required pursuant to Item (i) of this Subparagraph, each sheriff and ex officio tax collector for the state of Louisiana, other official responsible for tax collection, or any other person performing such duties for any person, parish, city, or governmental entity certified by the board as having failed to remit all monies required by this Section, shall remit to the Assessors' Retirement Fund an amount, to be determined by the board, of revenue sharing monies otherwise due to the delinquent person, parish, city, or other

governmental entity. The remittance pursuant to this Item shall be paid until the amount of the certified shortfall, including interest and any professional fees incurred through attempts at collection, has been satisfied; however, the board has the authority to negotiate a lesser amount to be paid in satisfaction of this debt. The board shall notify the sheriff and ex officio tax collector for the state of Louisiana, other official responsible for tax collection, or any other person performing such duties by November first that said remittance shall be due for the upcoming year.

* * *

Section 5. R.S. 12:202.1(D) is hereby amended and reenacted to read as follows:

§202.1. Limitation on formation; exceptions

* * *

D. The prohibition of this Section will have no application to local political subdivisions of the state with a population in excess of one hundred fifty thousand, nor to their respective boards, commissions, and departments. Any provision of this Section or other provision of law notwithstanding, a quasi-public nonprofit corporation may be created by any such political subdivision of the state under the general nonprofit corporation law of Louisiana with all powers pertaining thereto, including the right to issue negotiable revenue bonds not to exceed fifteen million dollars with interest thereon not to exceed eight percent per annum which shall be exempted from taxation and which bonds shall constitute negotiable instruments within the meaning of the negotiable instruments law of the state of Louisiana; all properties and assets of whatever nature and description owned or operated by said nonprofit corporation shall be exempted from state and local taxation, including ad valorem taxation; and the governing authority of such quasi-public nonprofit corporation shall be subject to the requirements and provisions of the public contract law, the ~~public meeting law, and the public records law~~ Open Meetings Law, and the Public Records Law of the state of Louisiana.

* * *

Section 6. R.S. 14:67.21(F) and 403.6(A) are hereby amended and reenacted as follows:

§67.21. Theft of the assets of an aged person or disabled person

* * *

F. Any charges made under this Section shall be reported as provided in ~~R.S. 14:403.2~~ R.S. 15:1504 and 1505.

* * *

§403.6. Reporting of neglect or abuse of animals

A. Any state or local law enforcement officer, or any employee of government or of a government contractor who in his professional capacity routinely investigates alleged abuse or neglect or sexual abuse of a child, or abuse or neglect of an adult under the provisions of R.S. ~~14:403.2~~ 15:1507, who becomes aware of evidence of neglect or abuse of an animal.

* * *

Section 7. R.S. 15:574.7(A) and (B)(2)(a) are hereby amended and reenacted to read as follows:

§574.7. Custody and supervision of parolees; modification or suspension of supervision; violation of conditions of parole; sanctions; alternative conditions

A. Each parolee shall remain in the legal custody of the Department of Public Safety and Corrections, ~~office of~~ corrections services, and shall be subject to the orders and supervision of the board. At the direction of the board, the chief probation and parole officer shall be responsible for the investigation and supervision of all parolees. The board may modify or suspend such supervision upon a determination that a parolee who had conducted himself in accordance with the conditions of his parole no longer needs the guidance and supervision originally imposed.

B.

* * *

(2) Upon receiving a summary of the prerevocation proceeding, the board may order the following:

(a) The parolee's return to the physical custody of the Department of Public Safety and Corrections, ~~office of~~ corrections services, to await a hearing to determine whether his parole should be revoked.

* * *

Section 8. R.S. 17:7(28)(c) and (d), 17.5(D)(1) and (2), 24.10(I)(1)(a)(iii), 53(A), 170.4(C)(2), 183.3(B)(2)(b) and (D)(1)(b)(iii)(cc), 270(A), 416(A)(1)(c)(ii)(cc) and (2)(c), 1206.2(A)(1), 1518.1(I)(3), 1519.17, 1874(D) and (E), 2047(B), 2048.51(C)(14), 2922, 2923(A), 2924(A), 2926(A), 2927(A), 2928(A)(1) and (B), 2929, 2930(A) and (C), 2932(B), 3161, 3165(A)(1), 3983(A)(2)(b) and (3)(b) and (D), 3995(A)(6)(a), 3997(B)(2)(b) and (c)(i) and (ii)(aa), 4012(1), 4020(B), and 4024 are hereby amended and reenacted to read as follows:

§7. Duties, functions, and responsibilities of board

* * *

(28)

* * *

(c) Each city, parish, ~~or~~ and other local public school board ~~shall~~ annually shall report on the information gathered during the teacher exit interviews conducted in its system to the State Board of Elementary and Secondary Education in a manner that assures complete anonymity and confidentiality for the teacher.

(d) The State Board of Elementary and Secondary Education shall compile and analyze the teacher exit interview information submitted by each city, parish, ~~or~~ and other local public school system each year and make a comprehensive report to the Senate Committee on Education and the House Committee on Education not later than January fifteenth of each year regarding the information collected during the prior year.

* * *

§17.5. Physical fitness assessment; statewide expansion program

* * *

D.(1) Not later than September first of each year, the Cecil J. Picard Center, in collaboration with the Department of Education, the Department of Health and Hospitals, the Governor's Council on Physical Fitness and Sports, and the Louisiana Council on Obesity Prevention and Management, hereinafter referred to as the "Louisiana Obesity Council," shall provide an annual report concerning the implementation of the physical fitness assessment which shall include the findings from an analysis of the plan development and implementation results of the assessment obtained during the preceding school year; to the governor, the Senate and House committees on education, the Senate and House committees on health and welfare, and the State Board of Elementary and Secondary Education.

(2) The Louisiana Obesity Council, in consultation with the Department of Education, the Department of Health and Hospitals, the Governor's Council on Physical Fitness and Sports, and the Cecil J. Picard Center, shall make further recommendations regarding program implementation, findings, best practices, and future direction through the Department of Health and Hospitals, office of public health; to the legislative committees specified in Paragraph (1) of this Subsection. The plan to expand these assessments and develop interventions shall be provided not later than December thirty-first of each year and shall consist of a period of not more than five years for implementation.

* * *

§24.10. The Cecil J. Picard LA 4 Early Childhood Program; early childhood development and enrichment activity classes; establishment; eligibility; requirements; funding; study

* * *

I.(1)(a)

* * *

(iii) No LA 4 funding in excess of the amount received for the 2008-2009 school year shall be allocated to a participating school system that has failed to

1 comply with the provisions of Subparagraph (D)(1)(a) of this Section, unless the
2 participating school system has been granted a waiver as provided in ~~Subparagraph~~
3 Item (D)(1)(b)(iv) of this Section or the provisions of Item (D)(1)(b)(vi) of this
4 Section apply.

5 * * *

6 §53. School board members; training required

7 A. Each member of a city, parish, and other local public school board shall
8 receive a minimum of four hours of training and instruction annually in the school
9 laws of this state, in the laws governing the powers, duties, and responsibilities of
10 city, parish, and other local public school boards, and in educational trends, research,
11 and policy. In a city, parish, or other local public school district that has one or more
12 schools identified as an academically unacceptable school or a school in need of
13 academic assistance as defined by the State Board of Elementary and Secondary
14 Education pursuant to policies developed and adopted by the board for
15 implementation of the school and district accountability system, at least two of such
16 hours shall focus on the improvement of schools identified as failing schools as
17 defined by the state board pursuant to such policies. The remaining hours shall focus
18 on education policy issues, including but not limited to literacy and numeracy,
19 leadership development, dropout prevention, career and technical education,
20 redesigning high schools, early childhood education, school discipline, and
21 harassment, intimidation, and bullying. Training ~~shall~~ also shall include instruction
22 relative to the provisions of the Open Meetings Law, R.S. 42:4.1 et seq., and the
23 Public Bid Law, Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950.
24 Such instruction may be received from a postsecondary education institution in this
25 state, from instruction sponsored by the state Department of Education, or from an
26 in-service training program conducted by a city, parish, or other local public school
27 board central office or the Louisiana School Boards Association provided that the
28 instruction and the method for demonstrating attendance are ~~pre-approved~~
29 preapproved by the Louisiana School Boards Association. Each school board

1 member's attendance ~~must~~ shall be reported by the instructor to the Louisiana School
2 Boards Association.

3 * * *

4 §170.4. Immunizations of certain persons against meningococcal disease;
5 exceptions

6 * * *

7 C.

8 * * *

9 (2) The secretary of the Department of Health and Hospitals shall provide
10 such rules, including the implementation schedule, to the state Department of
11 Education by not later than August 1, 2009. The state Department of Education shall
12 notify each city, parish, ~~or~~ and other local school board, the governing authority of
13 each nonpublic school system or school in the case of a school not a part of a school
14 system, and the parent or legal guardian of any student participating in an approved
15 home study program as specified in Subparagraph (A)(1)(c) of this Section of the
16 requirements of this Section and the rules and schedule for their implementation as
17 provided by this Section.

18 * * *

19 §183.3. Career major; description; curriculum and graduation requirements

20 * * *

21 B.

22 * * *

23 (2) The course requirements for the career major shall consist of the
24 following:

25 * * *

26 (b) At least four mathematics credits, including Algebra I, Algebra I Part
27 One, ~~and~~ Algebra I Part Two, or an applied or hybrid Algebra course, and additional
28 applied or hybrid mathematics courses comparable or identical to courses offered by
29 the Louisiana Technical College as needed to fulfill the mathematics course

requirements as approved by the State Board of Elementary and Secondary Education.

* * *

D.(1) A student who seeks to pursue a career major curriculum must meet one of the following conditions:

* * *

(b)

* * *

(iii) The State Board of Elementary and Secondary Education shall certify that the pupil progression plan established by each city, parish, or other local public school system that promotes a student to the ninth grade pursuant to this Subparagraph contains the following requirements:

* * *

(cc) Such student must participate, during his first year in high school, in a dropout prevention and mentoring program; developed in consultation with school guidance personnel, ~~during his first year in high school~~, as approved by the State Board of Elementary and Secondary Education.

* * *

§270. Driver education and training program for children

A. The State Board of Elementary and Secondary Education and the state Department of Education, in consultation with the Department of Public Safety and Corrections, shall establish and operate a driver education and training program in each parish of this state for children who are fifteen years of age and older. The program shall consist of a course of not less than eight hours of actual driving experience and thirty hours of classroom instruction. The State Board of Elementary and Secondary Education shall provide written notice to each city, parish, and other local public school board of the requirements of the provisions of this Subsection. The aims and purposes of the driver education and training program shall be to educate drivers to be competent, to develop a knowledge of those provisions of the law of this state relating to the operation of motor vehicles, a proper acceptance of

personal responsibility in traffic, a true appreciation of the causes, seriousness, and consequences of traffic accidents, and to develop the knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles. The course shall include training on railroad and highway grade crossing safety and on sharing the road with motorcycles and tractor-trailer trucks and at least thirty minutes of instruction relative to organ and tissue donation. The State Board of Elementary and Secondary Education and the state Department of Education shall develop the organ and tissue portion of the driver education and training program in conjunction with the federally designated organ procurement organization for the state of Louisiana. However, no student shall be required to take the organ and tissue donation instruction if his parent or tutor submits a written statement indicating that such instruction conflicts with the religious beliefs of the student.

* * *

§416. Discipline of pupils; suspension; expulsion

A.(1)

* * *

(c)

* * *

(ii)

* * *

(cc) The principal or his designee may provide oral or written feedback to teachers initiating the removal of pupils from the classroom. The principal or his designee may provide to such teachers guidance and support on practicing effective classroom management; including; but not limited to; positive behavior supports.

* * *

(2) As used in this Section:

* * *

(c) Unless otherwise defined as a permanent expulsion and except as otherwise provided by Subsections B and C of this Section, an expulsion shall be defined as a removal from all regular school settings for a period of not less than one

1 school semester, during which time the city, parish, or other local public school
 2 board shall place the pupil in an alternative school or in an alternative school setting
 3 ~~unless the board is exempt as provided by law from providing such alternative school~~
 4 ~~or alternative school setting.~~

5 * * *

6 §1206.2. Employees; extended sick leave

7 A.(1) ~~Every parish and city~~ Each city, parish, and other local public school
 8 board shall permit each "employee", as defined in R.S. 17:1205, to take up to ninety
 9 days of extended sick leave in each six-year period of employment which may be
 10 used for personal illness or illness of an immediate family member in the manner
 11 provided in this Subsection at any time that the employee has no remaining regular
 12 sick leave balance.

13 * * *

14 §1518.1. Huey P. Long Medical Center; merger with Louisiana State University
 15 Health Sciences Center at Shreveport

16 * * *

17 I.

18 * * *

19 (3) Louisiana State University Health Sciences Center at Shreveport and
 20 HCSD of the Louisiana State University Health Sciences Center at New Orleans
 21 ~~shall~~ jointly shall prepare and agree to a memorandum of understanding (MOU) to
 22 effect an orderly, fair, and equitable transfer of all Huey P. Long Medical Center
 23 activity from HCSD of the Louisiana State University Health Sciences Center at
 24 New Orleans to the Louisiana State University Health Sciences Center at Shreveport.
 25 The MOU shall allow for the reimbursement of transition expenses of the Louisiana
 26 State University Health Sciences Center at New Orleans and HCSD of the Louisiana
 27 State University Health Sciences Center at New Orleans during the transition period.
 28 The transition shall be completed no later than one hundred eighty days following
 29 the beginning of the fiscal year, taking into consideration the transfer of the
 30 information technology systems; the activity centered on the fiscal year end close,

1 annual financial report preparation, and the cost report preparation; and other
 2 operational transitional issues. The MOU shall be presented to and approved by the
 3 Senate Committee on Health and Welfare and the House Committee on Health and
 4 Welfare upon its completion and prior to the parties entering into the MOU.

5 * * *

6 §1519.17. Louisiana State University Health Sciences Center medical ~~centers~~
 7 centers' physicians; authority to render certain opinions

8 ~~Any~~ Each licensed physician serving on the staff of any of the Louisiana
 9 State University Health Sciences Center medical centers and his ~~full-time~~ full-time
 10 supervisory medical staff member, by joint signature, are hereby required, when
 11 requested by a social security claimant who is, or who has been, a patient of the
 12 physician at such medical center and who has a treating relationship with the patient
 13 in the appropriate field and sufficient knowledge to render an opinion, to provide
 14 descriptive statements and opinions for the patient with respect to the patient's
 15 medical condition, employability, and ability to function, upon which disability
 16 determinations may be based. Nothing in this Section shall prohibit a medical center
 17 from requiring payment for the medical center's current evaluation and management
 18 level services, but no such service shall be denied ~~dependent upon~~ due to a patient's
 19 inability to pay. Nothing in this Section shall prohibit Social Security
 20 Administration funding from being ~~utilized~~ used to pay for such services.

21 * * *

22 §1874. Workforce Training Rapid Response Fund

23 * * *

24 D. The fund is in addition to, and separate from, any monies allocated to the
 25 institutions under the management and control of the board or any other ~~higher~~
 26 postsecondary education board. The availability of the fund shall not in any way
 27 substitute, limit, or otherwise affect the allocation of any funds otherwise available
 28 to those institutions under state or federal laws.

29 E. The executive director of the Louisiana Workforce Commission, the
 30 secretary of the Department of Economic Development, and the chief executive

1 officer of the board ~~shall~~ annually shall report to the Senate Committee on Labor and
2 Industrial Relations and the House Committee on Labor and Industrial Relations and
3 such committees shall have oversight of the use of monies in the fund.

4 * * *

5 §2047. Nurse training programs; student demand; documentation; report;
6 authorization to obtain criminal history record information

7 * * *

8 B. Such records shall be submitted to the Board of Regents and the
9 postsecondary education management boards on a quarterly basis and ~~shall~~ also shall
10 be submitted to the Nursing Supply and Demand Council on whatever schedule ~~they~~
11 ~~request.~~ it requests.

12 * * *

13 §2048.51. Louisiana Health Works Commission; creation; membership;
14 compensation; staff and facilities; powers and duties; data collection and
15 reporting

16 * * *

17 C. The following shall serve as members of the Louisiana Health Works
18 Commission:

19 * * *

20 (14) The chairman of the Medical Education Commission or his designee,
21 provided that the commission member provided for herein ~~shall~~ also shall be a
22 member of the Louisiana State Medical Society.

23 * * *

24 §2922. Purpose and goal

25 The State Board of Elementary and Secondary Education, in consultation and
26 collaboration with the postsecondary education management boards through the
27 Board of Regents, shall establish state strategic initiatives to improve high school
28 graduation rates and ensure student readiness for postsecondary education and career
29 opportunities. Such strategies shall seamlessly connect pre-kindergarten through
30 grade twelve education with postsecondary education and the workplace.

§2923. Curriculum development and alignment

A. The State Board of Elementary and Secondary Education shall develop middle and high school curricula that are aligned with state content standards, embed twenty-first century work skills, and provide students with the opportunity to enroll in rigorous career-focused programs of study in high-demand, high-wage, high-skill career fields that are aligned with workforce demands, future employment opportunities, and regional and state economic development priorities.

* * *

§2924. Applied and hybrid courses; local course development

A. The State Board of Elementary and Secondary Education, in collaboration with the Board of Regents, local school boards, and teacher organizations, shall develop applied and hybrid courses that combine rigorous academic content with relevant career education that creates links between what a student does in school to what they want to do in life. Such courses may result in a credit in both the academic and the career technical course and successfully transfer to technical and community colleges and four-year postsecondary educational institutions where applicable.

* * *

§2926. Student guidance and counseling; training and professional development

A. The State Board of Elementary and Secondary Education shall develop a guidance and advisement policy for the middle and high school grades that local school districts can use to equip school guidance personnel with the skills and information needed to:

* * *

§2927. Early identification of underprepared students; support and assistance

A. The State Board of Elementary and Secondary Education shall seek to establish a culture in all schools and school systems in which failure is not an option and all students are supported to meet or exceed grade-level standards. Schools shall take steps to implement instructional strategies designed to provide students in all classes with engaging, challenging assignments based upon real-world tasks through

1 which students are required to creatively solve problems, interpret and evaluate
2 information, and communicate effectively.

3 * * *

4 §2928. Graduation goals; responsibility; recognition for graduation rates and student
5 academic achievement

6 A.(1) The State Board of Elementary and Secondary Education shall
7 establish improved high school graduation rates as a top educational priority, and the
8 board and the state superintendent of education are hereby charged with the
9 responsibility to achieve a high school graduation rate of eighty percent by the end
10 of the 2013-2014 school year, while maintaining the integrity of the required
11 curriculum for each major.

12 * * *

13 B. The State Board of Elementary and Secondary Education shall revise the
14 school and student accountability system to recognize schools and school districts
15 that improve their high school graduation rates and for the number of students who
16 successfully complete programs that lead to industry-based certifications and
17 International Baccalaureate, Advanced Placement, and dual enrollment courses.

18 §2929. Articulation and transfer of credit

19 Every city, parish, and other local public school board shall develop
20 interinstitutional articulation and transfer agreements with technical colleges,
21 community colleges, and four-year colleges and universities, in accordance with
22 policies, rules, and regulations adopted by the Board of Regents and the State Board
23 of Elementary and Secondary Education, that will facilitate communication,
24 interaction, articulation, acceleration, transfer of credit, and the efficient use of
25 faculty, equipment, and facilities.

26 §2930. Collaboration with business and industry; coordination with workforce
27 needs

28 A. The State Board of Elementary and Secondary Education, the Department
29 of Education, the Board of Regents, and the postsecondary education management
30 boards shall work with the designated representative from the Louisiana Workforce

Commission to facilitate the identification of regional and state workforce needs and work-based educational and training opportunities and to ensure coordination in the delivery of career and technical education across all educational agencies and institutions.

* * *

C. The State Board of Elementary and Secondary Education shall expand existing programs that recruit and train individuals with experience and skills in business and industry, but with no prior teaching experience, to teach courses in the public schools in their specific area of expertise; provided that utilizing such instructional personnel does not prevent the full articulation and transfer of credit for students who complete such courses.

* * *

§2932. Implementation; funding

* * *

B. The State Board of Elementary and Secondary Education shall diligently pursue the funding necessary to fully implement the provisions of this Chapter and shall develop a timeline to prioritize and provide for implementation in phases if deemed necessary.

* * *

§3161. Articulation and transfer of credit; secondary and postsecondary institutions

The postsecondary education management boards, the State Board of Elementary and Secondary Education, and city, parish, and other local public school boards shall jointly develop and implement articulation and transfer programs and agreements that facilitate and maximize the seamless transfer of credits between and among public secondary and postsecondary educational institutions and that make the most efficient use of faculty, equipment, and facilities. Regionally accredited independent colleges and universities that are members of the Louisiana Association of Independent Colleges and Universities are encouraged to participate with public educational institutions in developing programs and agreements to expedite the

transfer of students and credits between secondary and postsecondary educational institutions.

* * *

§3165. Common core curriculum; general education courses; common prerequisites; other degree requirements

A. The Board of Regents, in collaboration with the postsecondary education management boards and institutions, shall:

(1) Identify the degree programs offered by public colleges and universities and the postsecondary career and technical education programs offered by community colleges, technical colleges, and city, parish, and other local public school boards.

* * *

§3983. Chartering process by type; eligibility; limitations; faculty approval; parental approval

A.

* * *

(2)

* * *

(b) All proposals for a ~~type~~ Type 4 charter school shall be made to the State Board of Elementary and Secondary Education.

* * *

(3)

* * *

(b) For ~~type~~ Type 2 charter school proposals, the state board shall notify the local school board of the district in which the proposed charter school is to be located about the receipt of such proposal. The local board, as well as other interested groups, shall be allowed to provide written information regarding the proposal and allowed to present information at a scheduled public meeting of the state board prior to any determination being made by the state board.

* * *

D. Prior to approving a charter for a ~~type~~ Type 1 or ~~type~~ Type 3 school, the local school board considering the proposal shall hold a public meeting for the purpose of considering the proposal and receiving public input. Such meeting shall be held after reasonable efforts have been made by the board to notify the public of the meeting and its content.

* * *

§3995. Charter school funding

A.

* * *

(6)(a) A Type 2 school which has been renewed as provided in R.S. 17:3992(A) ~~shall~~ shall annually be funded in the full amount calculated as provided for in Paragraph (1) of this Subsection. Such full funding shall be provided as a priority prior to the allocation of state funding to any other charter school funded by the state.

* * *

§3997. Charter school employees

* * *

B.

* * *

(2)

* * *

(b) At the end of the second year of leave authorized by this Subsection, an employee may make a written request to the local school board to return to the ~~city or parish~~ school system to a comparable position from which the leave was granted. Upon such request, the employee shall be permitted to return to a comparable position even if such return necessitates a reduction in force by the local school board in accordance with the provisions of R.S. 17:81.4.

(c)(i) Except as otherwise provided by Item (ii) of this Subparagraph, at the end of the third year of leave authorized by this Subsection, an employee shall either make a written request to the local school board to return to the ~~city or parish~~ school

1 system in a comparable position, if one is available, or resign from the position from
2 which the leave was granted. Any employee requesting to return to the ~~city or parish~~
3 school system in a comparable position shall be permitted to return even if such
4 return necessitates a reduction in force by the local school board in accordance with
5 the provisions of R.S. 17:81.4.

6 (ii)(aa) Any employee granted a three-year leave of absence pursuant to the
7 provisions of Paragraph (1) of this Subsection and who would otherwise be required
8 to take, during the 2007-2008 school year or the 2008-2009 school year, one of the
9 actions specified in Item (i) of this Subparagraph relative to returning to or resigning
10 from the school system granting leave may request, in lieu of taking such action, an
11 additional leave of absence from the local school board not to exceed two years. The
12 request for additional leave shall be made in the same manner and in accordance with
13 the same timeline as applicable to a request to return to the school system. A request
14 for additional leave pursuant to the provisions of this Item shall be granted by the
15 local school board.

16 * * *

17 §4012. Legislative findings

18 The legislature finds and declares that:

19 (1) It is in the public interest that all Louisiana schoolchildren receive the
20 best education that its citizens can provide, and the state of Louisiana has the right,
21 ~~the responsibility, the duty, and the obligation~~ to accomplish the objective of quality
22 education for all Louisiana children, particularly for those children in school systems
23 that have been declared to be academically in crisis.

24 * * *

25 §4020. School participation; application

26 * * *

27 B. Any school that wishes to participate in the program and enroll
28 scholarship recipients ~~shall~~ annually shall notify the department of its intent to
29 participate in the program by February first of the previous school year; except that
30 for the 2008-2009 school year, a school that seeks to participate in the program shall

1 notify the department of ~~their~~ its intent to participate not later than July 30, 2008.

2 The notice shall specify the number of seats the school will have available for
3 scholarship recipients at each grade level and the maximum amount of tuition
4 attributable to each available seat.

5 * * *

6 §4024. Reports

7 The Department of Education annually shall report ~~annually~~ to the Senate
8 Committee on Education, the House Committee on Education, and the Joint
9 Legislative Committee on the Budget regarding the implementation of the program,
10 including the number of eligible students receiving scholarships, a list of
11 participating schools and the number of scholarship recipients each such school
12 enrolled, and aggregate test result data for the scholarship recipients enrolled in each
13 participating school.

14 Section 9. R.S. 22:1078(A)(1) is hereby amended and reenacted as follows:

15 §1078. Protections required for victims of the crime of domestic violence

16 A. As used in this Section, the following terms shall be defined as follows:

17 (1) "Abuse" means bodily injury as a result of battery or any offense against
18 the person as defined in the Louisiana Criminal Code, except negligent injury and
19 defamation, when such battery or offense is committed by one family or household
20 member against another. "Abuse" shall also mean abuse of adults as defined in R.S.
21 ~~14:403.2~~ 15:1503 when committed by an adult child or adult grandchild.

22 * * *

23 Section 10. R.S. 24:7, 31.4(B)(1), 31.5(A)(4)(a) and (b) and (5) and (C)(1)(a), 52,
24 55(D)(2) and (E)(2)(a), 101, 107(A), 653(K)(1) and (3) are hereby amended and reenacted
25 to read as follows:

26 §7. Committee meetings between sessions

27 ~~Meetings of legislative committees~~ A legislative committee meeting that is
28 held between sessions of the legislature and during which no vote is ~~required to be~~
29 ~~taken~~ on any matter having the effect of law is to be taken may be conducted by
30 video conference. Each house of the legislature may adopt rules of procedure to

1 provide for and accommodate committee meetings by video conference, including
2 but not limited to rules governing attendance and participation of members of the
3 legislature in; and quorums of committees for; such meetings ~~conducted by video~~
4 ~~conference.~~ ~~Any such~~ Such rules shall provide for public participation in such
5 meetings in accordance with R.S. 42:4.1 et seq. For the purposes of this Section and
6 any rules adopted by either house of the legislature pursuant to this Section, "video
7 conference" shall mean a method of communication which enables persons in
8 different locations to participate in a meeting and to see, hear, and otherwise
9 communicate with each other. ~~In no case, however, shall any~~ No committee meeting
10 shall be held pursuant to this Section unless a quorum of the committee is present,
11 in person, at the location at which the meeting was advertised to take place.

12 * * *

13 §31.4. Members' office allowance

14 * * *

15 B.(1) Any payment; under the allowance provided in Subsection A of this
16 Section for office rental shall be used only for payment of rental for office space in
17 a building situated in a parish which the member represents, and in no case shall
18 payment be made for office space which is located in the legislator's residence or in
19 any other property owned wholly or in part by the legislator or a member of his
20 family. Payment under the allowance provided in Subsection A of this Section for
21 cost of utilities and other expenses shall be for reimbursement for cost of electric,
22 water, gas, and telephone, ~~and telegraph~~ service for the legislator's district office and
23 for ~~such~~ other office expenses, including but not limited to stationery and other
24 supplies.

25 * * *

26 §31.5. Legislative assistants for members

27 A.

28 * * *

29 (4)(a) Each legislative assistant shall perform such duties as the legislator
30 may assign and shall be paid a salary fixed by the legislator; ~~provided that the~~ The

1 salary for any one legislative assistant shall not exceed the base salary established
2 by the Legislative Budgetary Control Council plus the equivalent of one step for
3 each year of his employment as a legislative assistant.

4 (b) ~~When~~ If a legislator employs more than one legislative assistant is
5 ~~employed by a legislator~~, the total salary for all his legislative assistants ~~of a~~
6 ~~legislator~~ shall not exceed the base salary established by the Legislative Budgetary
7 Control Council plus the equivalent of one step for each year of employment as a
8 legislative assistant of the legislative assistant receiving the highest salary, or the
9 equivalent of one step for each year of the employing legislator's service as a
10 legislator, at the option of the employing legislator. However, no legislative assistant
11 shall be paid a salary that exceeds the base salary established by the Legislative
12 Budgetary Control Council plus the equivalent of one step for each year of his
13 employment as a legislative assistant.

14 * * *

15 (5) The salary of each legislative assistant shall be paid from the funds of the
16 respective ~~houses~~ house, withdrawn from the state treasury and deposited in the
17 manner provided in R.S. 24:31.1, and shall be paid to each individual legislative
18 assistant whose employment and salary have been certified by a member to his
19 respective presiding officer. Payment shall be by check signed by the speaker of the
20 House of Representatives as to the salary of legislative assistants to House members
21 and by the president of the Senate as to the salary of legislative assistants to Senate
22 members. Facsimile signatures may be used.

23 * * *

24 C.(1)(a) ~~When~~ If a legislator employs only one legislative assistant, such the
25 assistant may participate in the state's group life, health, and hospitalization
26 insurance program and the state employees' retirement system ~~provided such~~ if the
27 assistant receives at least sixty percent of the total compensation available to employ
28 the legislative assistant.

29 * * *

§52. Persons to whom applicable; exceptions

Unless the context clearly indicates otherwise, the provisions of this Part shall apply only to persons who are lobbyists as defined in R.S. 24:51. The provisions of this Part shall not apply to an elected official or any ~~designees~~ designee of ~~the~~ an elected official; when such designee is a public employee and when such elected official or public employee is acting in the performance of his or her official public duties.

* * *

§55. Lobbyist expenditure reports

* * *

D.

* * *

(2) For the purposes of this Section, the aggregate amount or any per occasion amount attributable to a legislator or the spouse or minor child of a legislator or public servant, other than a legislator, in the legislative branch of state government shall not include any expenditure which is required to be reported in Paragraph (E)(1) or (2) of this Section or which is exempt under Paragraph (E)(3) of this Section.

E.

* * *

(2)(a) Any expenditure; as defined in this Part; for any reception or social gathering sponsored in whole or in part by a lobbyist, individually or on behalf of a principal he represents, held in conjunction with a meeting of a national or regional organization of legislators or legislative staff shall be reported by including the name of the national or regional organization, the date and location of the reception or social gathering, a general description of persons associated with the organization invited to attend the reception or social gathering, and the amount of the expenditure.

* * *

1 §101. Purpose and findings

2 A. The state of Louisiana faces a severe decline in revenues through fiscal
3 year 2012 which, if no corrective action is taken, will leave a significant funding gap
4 in state government expenditures and will create serious sustainability issues in the
5 financing of state obligations.

6 B. It is essential that the state act now to reduce the cost of state government,
7 through all means available, including efficiencies, economies, greater effectiveness,
8 and other means to streamline government in order to overcome the projected severe
9 revenue reductions occurring through 2012 and to ensure that available state tax
10 dollars are being spent efficiently and effectively. Many state agencies were created
11 over thirty years ago and a review of ~~all agencies~~ each agency and its activities,
12 functions, programs, and services is needed to determine whether the purpose served
13 by the agency or activity, function, program, or service continues to be relevant.

14 * * *

15 §107. Finances

16 A. The commission may apply for, contract for, receive, and expend for
17 ~~purpose~~ purposes of this Part any appropriation or grant from the state, its political
18 subdivisions, the federal government, or any other public or private source.

19 * * *

20 §653. Duties and functions

21 * * *

22 K.(1) In the conduct of its responsibility to discharge the constitutional fiscal
23 and budgetary responsibilities of the Louisiana Legislature, the committee shall
24 consider the operating budgets of public entities and salaries of particular public
25 officials which by law require the approval of the committee: in accordance with the
26 following:

27 (a) The ~~consideration of~~ committee shall consider operating budgets ~~shall be~~
28 ~~given~~ in advance of the beginning of ~~the~~ a subject entity's fiscal year. ~~In the event~~
29 If the committee finds that the entity has failed to receive the required approval,
30 either by failure to appear or by committee disapproval of its budget, the committee

1 ~~shall have the authority to~~ may adopt a resolution to direct the commissioner of
2 administration and the state treasurer to deny any warrant or payment of money from
3 the state treasury for any amount contained within that budget. The committee ~~is~~
4 ~~also authorized to~~ may also adopt a resolution to direct the commissioner of
5 administration and state treasurer to recommence the acceptance of warrants. ~~In case~~
6 ~~of a public entity whose operating funds are administered outside of the state~~
7 ~~treasury, if~~ If the committee determines that ~~the~~ an entity whose operating funds are
8 administered outside of the state treasury has failed to receive the required approval
9 of its budget, either by failure to appear or by committee disapproval of its budget,
10 the committee ~~is authorized to~~ may adopt a resolution to that effect, and any
11 expenditure of public monies by such entity shall constitute a violation of the
12 provisions of Article VII, Section 14 of the Constitution of Louisiana.

13 (b) The consideration of salaries of public officials, ~~which~~ that by law
14 require the approval of the committee; shall occur prior to the execution of any
15 employment contract for that official. The state shall not be liable for any payment
16 of such salary if the salary has not been approved by the Joint Legislative Committee
17 on the Budget. The committee shall have the authority to adopt a resolution to direct
18 the commissioner of administration and the state treasurer to deny any warrant or
19 payment of money from the state treasury for any monies related to the payment of
20 the salary at issue. The committee is also authorized to adopt a resolution to direct
21 the commissioner of administration and state treasurer to recommence the
22 acceptance of warrants.

23 * * *

24 (3) Notwithstanding any contrary provision of law, the chairman of the Joint
25 Legislative Committee on the Budget may grant an entity, for good cause shown, an
26 extension of time, not to exceed thirty days, to comply with the provisions of this
27 Subsection, and the Joint Legislative Committee on the Budget may grant an
28 additional extension of time.

29 * * *

1 Section 11. R.S. 27:381(D) and (E) are hereby amended and reenacted to read as
2 follows:

3 §381. Parishwide election on slot machine gaming

4 * * *

5 D. Except as provided in this Section, the elections shall be held in
6 compliance with the Louisiana Election Code provisions governing proposition
7 elections. In addition to the notice required by the Louisiana Election Code, the
8 parish governing authority also shall have five spot announcements, at least two days
9 apart, of the election broadcast on radio or television channels readily receivable in
10 the parish and shall make notice of the election available to the news media. All
11 qualified electors of the parish shall be entitled to vote in the election.

12 E. The proposition to be printed on the election ballot shall be: "TO
13 AUTHORIZE SLOT MACHINE GAMING AT LIVE HORSE RACING
14 FACILITIES. Shall the business of slot machine gaming at a live horse racing
15 facility be conducted within the parish of _____" and the voters shall vote for
16 or against the proposition, a vote for the proposition being a "Yes" vote and a vote
17 against the proposition being a "No" vote. The election shall be conducted as
18 provided in the Louisiana Election Code. Any elector who was qualified to vote in
19 the election may demand a recount of the ballots or contest the election in the
20 manner and within the time provided by law for recount or contest of elections under
21 the general election laws of the state.

22 * * *

23 Section 12. R.S. 29:653 is hereby amended and reenacted to read as follows:

24 §653. Code of ~~ethics~~ Governmental Ethics; applicability

25 All officers, directors and employees of the civil air patrol who are also
26 elected officials of the state of Louisiana shall be subject to the provisions of the
27 ~~code of ethics for state elected officials contained in R.S. 42:1141 to 1148~~ Code of
28 Governmental Ethics with reference to actions taken in their capacities as such
29 officers, directors, or employees of the civil air patrol. All other officers, directors,

1 and employees of the air patrol shall be subject to the provisions of the ~~code of ethics~~
 2 ~~for state employees contained in R.S. 42:1111 to 1123~~ Code of Governmental Ethics
 3 to the same extent as any state employees.

4 Section 13. R.S. 30:10.1(B)(3), 213(A)(2), and 2117(E) are hereby amended and
 5 reenacted to read as follows:

6 §10.1. Authority of governor with advice of the commissioner of conservation to
 7 enter unitization agreements affecting the production from state and federal
 8 waterbottoms

9 * * *

10 B. Unit Agreement.

11 * * *

12 (3) Upon a determination by the governor that a common potentially
 13 hydrocarbon bearing area may underlie the federal and state boundary offshore, all
 14 or any portion or portions of which the governor has reason to believe may be
 15 appropriate for unit operations, the governor shall direct the commissioner of
 16 conservation to call a hearing for the purpose of receiving evidence from affected
 17 state or federal lessees or from any other interested persons. The commissioner
 18 shall, after a review of all testimony and evidence, transmit to the governor an
 19 advisory opinion containing such information and recommendations as may be
 20 requested by the governor. The advisory opinion shall be deemed confidential and
 21 shall be exempt from the provisions of R.S. 44:1 et seq., in accordance with the
 22 provisions of R.S. 44:4(8) and ~~R.S. 44:5~~ 4.1(B).

23 * * *

24 §213. Furnishing state information obtained under permits

25 A.

26 * * *

27 (2) For any permit issued on or ~~after~~ after July 1, 2004, the holder of a permit
 28 to conduct geophysical or geological surveys shall retain ownership of the data
 29 gathered and shall not be required to submit the data as required in Paragraph (1) of
 30 this Subsection. However, the State Mineral and Energy Board or the employees of

1 the office of mineral resources shall be allowed to review the data. Except for the
2 information included in a seismic permit, including the plat showing the geometric
3 polygon of the area which the seismic is to be shot, all other information, including
4 maps, plots, and other data reviewed by the State Mineral and Energy Board or the
5 staff of the office of mineral resources hereunder shall be confidential and an
6 exception to the provisions of public records laws and shall not be released to any
7 other agency or entity, or for any reason, including publication in a technical journal,
8 absent a valid court order from court of competent jurisdiction or absent written
9 permission of, and under the strict limitations imposed by, the owner having
10 authority to license said data.

11 * * *

12 §2117. Radioactive waste disposal; prohibition of disposal of radioactive wastes in
13 salt domes; salt dome usage

14 * * *

15 E. Results of all prior studies conducted to determine the feasibility of using
16 Louisiana salt domes or other geologic structures within the state for disposal of
17 radioactive wastes shall be made available to the House Committee on Natural
18 Resources and Environment and ~~the Senate environment committees~~ Committee on
19 Environmental Quality.

20 * * *

21 Section 14. R.S. 32:318(F) and 808 are hereby amended and reenacted to read as
22 follows:

23 §318. Audible and visual signals on certain vehicles

24 * * *

25 F.(1) In lieu of the alternating flashing red lights in the front of the vehicle,
26 or of the large revolving red light on the roof of the vehicle, all law enforcement
27 officers are hereby authorized to equip, operate, and use motor vehicles with blue
28 colored electric emergency lights in the exercise of their official duties. These lights
29 shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(2) All persons other than law enforcement officers on official duty are prohibited from equipping, operating, or using motor vehicles with blue colored electric lights thereon.

* * *

§808. Salvage pools; record keepers

~~A.-D. Repealed by Acts 2007, No. 257, §2.~~

E: A. (1) The owner, manager, or person in charge of a salvage pool or salvage disposal sale shall keep a register of all sales of motor vehicles for three years from the date of sale, showing the make, model, year, body style, vehicle identification number, odometer reading, and the name and address of the seller and buyer.

(2) The register shall be made available for inspection by identified law enforcement officers of the state, parish, or municipality or agents of the commission at the salvage pool or salvage disposal sale business location during regular business hours on business days.

F: B. In the event a bid card is not required in order to purchase a vehicle, a transaction fee of five dollars shall be collected and remitted monthly, electronically or otherwise, and transmitted to the commission by the owner or operator of the salvage pool in connection with the sale of each vehicle.

Section 15. R.S. 33:322, 2740.52(B), 4710.3(A)(8), 9024(E)(2), 9206(5), 9602(C), and 9614(C) are hereby amended and reenacted to read as follows:

§322. Election to adopt mayor-board of aldermen form of government

The legislative body of any municipality not governed by this Part may by a majority vote call an election to become governed by the provisions of this Part. The election shall be held in accordance with the procedures specified in R.S. 18:1300 and other applicable provisions of the Louisiana Election Code. If a majority of the legal votes cast are for adopting the provisions of this Part, the municipality shall be governed by its provisions, and the result of the election shall be certified to the secretary of state, who shall make a record of the same in his office. If a majority of the votes cast are against adopting the provisions of this Part,

1 the legislative body may not call another election on the question for at least twelve
2 months after the date of the election.

3 * * *

4 §2740.52. Kenner Assistance District

5 * * *

6 B. Creation. There is hereby created and established the Kenner Assistance
7 District, the "district", whose boundaries shall be coterminous with the boundaries
8 of the city of Kenner. The district is created as a special taxing district and a body
9 politic and corporate and a political subdivision of the state and shall have all powers
10 accorded by law to political subdivisions of the state. The creation and establishment
11 of the district is in all respects a public and governmental purpose exercised to assist
12 the city of Kenner in funding its governmental functions and in carrying out its
13 purposes including the provision of adequate infrastructure and for the health, safety,
14 welfare, comfort, and security of its citizens. The district shall be subject to the
15 Public Records Law, ~~Public Meeting~~ Open Meetings Law, and Code of
16 Governmental Ethics.

17 * * *

18 §4710.3. Powers of authority; division of surplus

19 A. The parish, city, school board, and state board, in said contract, may
20 authorize and empower the authority, acting by and through the commission, to have
21 and exercise all powers of a political subdivision necessary or convenient for the
22 carrying out of its objects and purposes, including but not limited to the following
23 rights and powers:

24 * * *

25 (8) In its own name and behalf, to incur debt, levy and cause to be collected
26 ad valorem taxes and issue general obligation bonds under the authority of and
27 subject to the provisions of Article VI, Section 33 of the Constitution of Louisiana,
28 and Subpart A of Part III of Chapter 4 Subtitle II of Title 39 of the Louisiana Revised
29 Statutes of 1950 as amended, for the establishment, operation, and maintenance of
30 Chennault as an industrial park and to carry out the other public purposes of this

Chapter upon approval of a majority of the qualified electors who vote in an election called for either or both of those purposes under the ~~election code~~ Louisiana Election Code; to issue revenue bonds, borrow money, and issue certificates of indebtedness, notes, and other debt obligations as evidence thereof and provide for the manner and method of repayment; to require and issue license; to regulate the imposition of fees and rentals charged by the authority for services rendered by it or fees or rentals charged for use of privately-owned facilities located at Chennault when such facilities are offered for use by the public or a private industrial, commercial, research, or other economic development entity or activity.

* * *

§9024. Incorporation as a private nonprofit corporation

* * *

E.

* * *

(2) Without altering the private nature of economic development corporations, any economic development corporation which obtains funds from the state or any agency or subdivision thereof of ten thousand dollars or more in any calendar year shall, as a condition to the receipt or expenditure of such public funds, maintain all of its books and records with respect to the use or receipt of any public funds as public documents and make them available for inspection and copying pursuant to the provisions of the public records law, R.S. 44:1 et seq., hold any and all meetings of such corporation with respect to the receipt or expenditure of public funds in public after due notice thereof in accordance with the provisions of the ~~open meeting law, R.S. 42:4.1 et seq.~~ Open Meetings Law, and comply with any conditions of funding.

* * *

§9206. General powers and duties of the board

1 In addition to the power and authority granted elsewhere in this Chapter, the
2 board shall have all powers necessary and convenient for carrying out the purposes
3 of the district enumerated in R.S. 33:9202 including the following:

4 * * *

5 (5) To levy taxes, incur debt, and issue certificates of indebtedness and
6 bonds in the name of the district as further provided in R.S. 33:9208 and ~~R.S.~~
7 ~~33:9209~~. However, no district tax shall be levied nor shall any general obligation
8 bonds of the district be issued pursuant to this Chapter unless authorized by a
9 majority of the electors of the district who vote at an election held for that purpose.
10 The board shall petition the governing authority of Lafayette Parish and the State
11 Bond Commission for permission to hold such an election and shall conduct the
12 election in accordance with applicable provisions of the Louisiana Election Code of
13 ~~Louisiana~~.

14 * * *

15 §9602. Judicial administrative districts; creation and boundaries; power to incur
16 debt

17 * * *

18 C. Each district shall be subject to the public contracts law, public records
19 law, ~~public meetings law, code of ethics,~~ Open Meetings Law, Code of
20 Governmental Ethics, and the bond validation procedures law.

21 * * *

22 §9614. Confidentiality of preliminary investigations

23 * * *

24 C. Except for the completed reports, findings, advisories, letters, and
25 recommendations of investigations, audits, inspections, performance reviews,
26 qualitative assurance reviews, peer reviews, annual operating budgets, and annual
27 office reports, the records prepared or obtained by the ethics entity, ethics review
28 board, or office of inspector general shall be deemed confidential and protected from
29 disclosure pursuant to R.S. 44:3 and ~~44:5~~. In order to maintain the confidentiality
30 of such materials, the ethics entity, ethics review board, or office of inspector general

may meet and make decisions in executive session. No privilege established by law shall be deemed waived on any record obtained by the ethics entity, ethics review board, or office of inspector general in connection with the performance of duties established by this Chapter. Any record or information obtained by the ethics entity, ethics review board, or office of inspector general which is confidential pursuant to any other provision of law shall remain confidential, and it shall be a misdemeanor punishable by a fine of not more than two thousand dollars or imprisonment for not more than one year, or both, for the ethics entity, ethics review board, or office of inspector general or any designated staff member or any other public official, corporation, or individual to make public any such information or record.

Section 16. R.S. 35:406(B) is hereby amended and reenacted as follows:

§406. Ex officio notaries public of the adult protection agency

* * *

B. Such an ex officio notary public may exercise the functions of a notary public only to administer oaths, receive sworn statements, and execute affidavits and other documents, which shall be limited solely to matters with the official functions of the adult protection agency as provided in R.S. 14:403.2 15:1511(A).

* * *

Section 17. R.S. 36:4(B)(1)(a), (b), (c), (d), (e), (j), (k), (l), (m), (q), and (z) and (15), 4.1(D)(14), 209(C)(2), (G), and (P), 254(A)(10)(h), 259(C)(1), (9), (10), (11), (12), and (16), (L), and (O), 509(B), 610(B)(2), 628(C)(1), 642(B) and (D)(1), 651(D)(1), (J), and (Q), 744(D), and 769(F)(2) are hereby amended and reenacted and R.S. 36:4(B)(1)(r), (s), and (aa), 259(K), (N), (R), and (BB)(1), 359(B) and (C), 409(K), 610(G), 629(H) and (M), 651(D)(5), (O), and (V), 706(B), 769(K) and (L) are hereby enacted to read as follows:

§4. Structure of executive branch of state government

* * *

B. The office of the governor shall be in the executive branch of state government.

(1) The following agencies and their powers, duties, functions, and responsibilities are hereby transferred to the office of the governor:

(a) Division of Administration (~~R.S. 39:1-39:332; 39:333-39:354; 39:366.1-39:366.5; 39:1410.1-39:1410.9; 39:1481-39:1526; 39:1527-39:1544; 39:1551-39:1716; 39:1731-39:1736;~~ Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950 generally, including but not limited to R.S. 39:1 et seq., 11 et seq., 15.1 et seq., 21 et seq., 51 et seq., 71 et seq., 87.1 et seq., 88.1 et seq., 101 et seq., 140 et seq., 171 et seq., 196 et seq., 211 et seq., 231 et seq., 251 et seq., 321 et seq., 333 et seq., 360 et seq., and 367; and also R.S. 39:1410, 1481 et seq., 1527 et seq., 1551 et seq., 1751 et seq., 1761 et seq., 1796 et seq., 2001 et seq., and 2171 et seq.; R.S. 40:1299.39.1; R.S. 41:1 et seq., R.S. 42:14-42:29; R.S. 42:81-42:90 801 et seq. and 1261 et seq.; R.S. 43:1, 43:13, 43:25, 43:27-43:31, 33, and 43:81- 43:90; and R.S. 47:35; and R.S. 49:41-50 and 141, 205, 661-665 et seq. 954.1, and 981 et seq.)

(b) ~~Department of Contractual Review (Executive Order Nos. 28, 40, and 41 of 1973;~~ Office of contractual review, division of administration (R.S. 39:171, 39:174 1481 et seq.)

(c) ~~Division of State Buildings~~ state buildings (R.S. 49:141; ~~Executive Order No. 41 of 1973)~~

(d) ~~Facility Planning and Control Department (Executive Order Nos. 40 and 51 of 1973)~~ Office of facility planning and control, division of administration (R.S. 39:101 et seq.)

(e) The office of information technology (R.S. 39:15.1-15.6 et seq.) ~~and the office of electronic services (R.S. 39:16.1-16.5), including the Louisiana Geographic Information Systems Council (R.S. 49:1051-1057 et seq.), within the division of administration.~~

* * *

(j) ~~Department~~ Office of the State Register, division of administration (~~Executive Order No. 73 of 1974~~ R.S. 49:954.1 and 981 et seq.)

(k) Louisiana Architects Selection Board (~~Executive Order No. 76 of 1974~~ R.S. 38:2311)

(l) Louisiana Engineers Selection Board (~~Executive Order No. 76 of 1974~~ R.S. 38:2311)

(m) Louisiana Landscape Architects Selection Board (~~Executive Order No. 76 of 1974~~ R.S. 38:2311)

* * *

(q) Ozarks Regional Commission (~~Executive Order No. 7 of 1972~~ R.S. 49:667)

(r) The Cash Management Review Board (R.S. 39:88.1 et seq. and 371 et seq.) is placed within the office of the governor, division of administration.

(s) The Law Enforcement Executive Management Institute and its board (R.S. 33:2341 et seq.) are placed within the office of the governor and shall perform and exercise their powers, duties, functions, and responsibilities as provided by law.

* * *

(z) The Louisiana Commission on Law Enforcement and Administration of Criminal Justice (~~Executive Orders Nos. 8, 30, 55, 57 and 76-3~~ R.S. 15:1201 et seq.)

* * *

(aa) The Louisiana Sentencing Commission (R.S. 15:322-324) under the jurisdiction of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.

* * *

(15)(a) The Office of Group Benefits, as more specifically provided in R.S. 42:801 et seq., shall be placed within the office of the governor, division of administration, and shall perform and exercise its powers, duties, functions, and responsibilities as provided by law.

(b) The Group Benefits Policy and Planning Board (R.S. 42:881 et seq.) shall be within the Office of Group Benefits within the office of the governor, division of administration, and shall perform and exercise its powers, duties, functions, and responsibilities as provided by law.

* * *

§4.1. Agencies transferred from the Department of Economic Development to the office of the governor; agencies placed within the office of the governor

* * *

D. The following agencies, as defined in R.S. 36:3, are hereby transferred to and shall be placed within the office of the governor and shall perform and exercise their powers, duties, functions, and responsibilities as provided in R.S. 36:803:

* * *

(14) Louisiana ~~Recreational and~~ Used Motor Vehicle Commission (R.S. 32:781 et seq.).

* * *

§209. Transfer of boards, commissions, departments, and agencies to Department of Culture, Recreation and Tourism

* * *

C. The following agencies, as defined in R.S. 36:3, are transferred to and hereafter shall be within the Department of Culture, Recreation and Tourism, as provided in Part III of Chapter 22 of this Title:

* * *

(2) State Parks and Recreation Commission (R.S. 56:1681-~~56:1696~~; ~~56:1731-56:1732~~; ~~56:1741~~; ~~56:1801-56:1808~~ et seq.)

* * *

G. The Louisiana State Arts Council (~~Executive Order No. 76-14~~ R.S. 25:891 et seq.) is transferred to and hereafter shall be within the Department of Culture, Recreation and Tourism, as provided in R.S. 36:911.

* * *

P. The Louisiana Tourism Development Commission (R.S. 51:~~1256~~-~~51:1257~~, and ~~51:1271-51:1276~~ 1251 et seq. and R.S. 48:271) is hereby transferred to and shall hereafter be within the Department of Culture, Recreation and Tourism, as provided in R.S. 36:912.

* * *

§254. Powers and duties of the secretary of the Department of Health and Hospitals

A. In addition to the functions, powers, and duties otherwise vested in the secretary by law, he shall:

* * *

(10) Perform the functions of the state relating to:

* * *

(h) Provision of adult protective services to disabled adults in accordance with R.S. ~~14:403.2~~ 15:1501, et seq.

* * *

§259. Transfer of agencies and functions to Department of Health and Hospitals

* * *

C. The following agencies, as defined by R.S. 36:3, are transferred to and hereafter shall be within the Department of Health and Hospitals, as provided in Part II of Chapter 22 of this Title:

(1) Greenwell Springs Hospital (Greenwell Springs) (~~R.S. 40:2002~~)

(9) Southeast Louisiana State Hospital (Mandeville) (~~R.S. 40:2002~~)

(10) East Louisiana State Hospital (Jackson) (~~R.S. 40:2002~~)

(11) Jonesboro Charity Hospital (Jonesboro) (~~R.S. 40:2002~~)

(12) Central Louisiana State Hospital (Pineville) (~~R.S. 40:2002~~)

* * *

(16) The mental health facilities located in New Orleans, Baton Rouge, Shreveport, Monroe, Lake Charles, Alexandria, Lafayette, Metairie, Hammond, Natchitoches, Ruston, Chalmette, Houma, Harvey, Marksville, Bogalusa, Pineville, Many, New Roads, Covington, Crowley, Donaldsonville, Plaquemine, Raceland, Leesville, Norco, Mandeville, Ville Platte, Patterson, Tallulah, Columbia, Oakdale, and any other state owned or operated facilities as may be hereinafter established (R.S. 40:2002-28:22.4-22.5)

* * *

1 K. The Medicaid Pharmaceutical and Therapeutics Committee (R.S.
2 46:153.3) is placed within the Department of Health and Hospitals and shall perform
3 and exercise its powers, duties, functions, and responsibilities as provided by law.

4 L.(1) The Louisiana State Planning Council on Developmental Disabilities
5 (R.S. 28:750 et seq.) is placed within the Department of Health and Hospitals and
6 shall exercise and perform its powers, duties, functions, and responsibilities in the
7 manner provided for agencies transferred in accordance with the provisions of R.S.
8 36:801.1. The council shall have full appointing authority for all personnel purposes.

9 (2) The regional and state advisory councils for the community and family
10 support system (R.S. 28:824(J)) are placed within the Department of Health and
11 Hospitals and shall exercise and perform their powers, duties, functions, and
12 responsibilities as provided by or pursuant to law.

13 * * *

14 N. The advisory council for the program of early identification of hearing
15 impaired infants (R.S. 46:2261 et seq.) is placed within the Department of Health and
16 Hospitals and shall exercise and perform its powers, duties, functions, and
17 responsibilities as provided by or pursuant to law.

18 O. The Louisiana Commission on ~~Alcohol and Drug Abuse~~ Addictive
19 Disorders (R.S. 46:2500-~~R.S. 46:2504~~ et seq.) is placed within the Department of
20 Health and Hospitals and shall exercise and perform its powers, duties, functions,
21 and responsibilities in the manner provided for agencies transferred in accordance
22 with the provisions of R.S. 36:914.

23 * * *

24 R. The Emergency Medical Services for Children Advisory Council (R.S.
25 40:1300.101 et seq.) is placed within the Department of Health and Hospitals and
26 shall exercise and perform its powers, duties, functions, and responsibilities as
27 provided by or pursuant to law.

28 * * *

29 BB. The following agencies, as defined in R.S. 36:3, are placed within the
30 Department of Health and Hospitals and shall perform and exercise their powers,

duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:914:

(1) Respiratory Care Advisory Committee (R.S. 37:3356)

* * *

§359. Transfer of agencies and functions to Department of Natural Resources

* * *

B. The Oyster Lease Damage Evaluation Board (R.S. 56:700.10 et seq.) is placed within the Department of Natural Resources and shall perform and exercise its powers, duties, functions, and responsibilities as provided by law.

C. The advisory committee for the regulation and control of water well drillers (R.S. 38:3098 et seq.) is placed within the Department of Natural Resources and shall perform and exercise its powers, duties, functions, and responsibilities as provided by law.

* * *

§409. Transfer of agencies to Department of Public Safety and Corrections

* * *

K. The Emergency Response Commission (R.S. 30:2361 et seq.) is placed within public safety services of the Department of Public Safety and Corrections and shall perform and exercise its powers, duties, functions, and responsibilities as provided by law.

* * *

§509. Transfer of agencies to Department of Transportation and Development

* * *

~~B. The following agencies as defined by R.S. 36:3 are transferred to and hereafter shall be~~ Flood Control Project Evaluation Committee (R.S. 38:90.1 et seq.) is placed within the Department of Transportation and Development and shall exercise and perform its powers, duties, functions, and responsibilities as provided in R.S. 36:802: by law.

* * *

§610. Transfer of agencies and functions to Department of Wildlife and Fisheries

* * *

B. The following agencies, as defined in R.S. 36:3, are transferred to and hereinafter shall be within the Department of Wildlife and Fisheries, as provided in R.S. 36:802.

* * *

(2) Gulf States Marine Fisheries Commission (R.S. 56:~~41-56:57~~ 71 et seq.)

* * *

G. The following agencies, as defined in R.S. 36:3, are placed within the Department of Wildlife and Fisheries and shall exercise and perform their powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with Part III of Chapter 22 of this Title:

(1) The Reptile and Amphibian Task Force (R.S. 56:632 et seq.)

(2) The Hunting and Fishing Advisory Education Council (R.S. 56:699.21 et seq.)

* * *

§628. Offices; purposes and functions

* * *

C.(1) The office of agricultural and environmental sciences shall administer the provisions of law relating to fertilizers, seeds, plant diseases, commercial feeds, pesticides, horticulture, and apiaries. The office shall perform technical services and laboratory functions for the farmers of the state and shall perform functions designed to expand and improve seed certification; increase production of rice and nursery stock; monitor and provide for the prevention, control, and eradication of regulated and exotic crop pests or diseases endangering Louisiana's agricultural, horticultural, and apiary industries; assure that products certified for export are free from pests; oversee the qualifications and practices of persons engaged in the green industry; sample pesticides, feeds, fertilizer, seed, and agricultural materials to assure that they meet all requirements of law and regulation; assure the proper labeling, distribution, storage, sale, offering for sale, and application of pesticides; license and regulate

pesticide applicators and pest control companies; regulate the treatment, storage, ~~or~~
and disposal of pesticide wastes; and perform other related functions, all in
accordance with applicable law.

* * *

§629. Transfer of boards, commissions, departments, and agencies to the
Department of Agriculture and Forestry

* * *

H. The Louisiana Feed Commission (R.S. 3:1891 et seq.) is placed within
the Department of Agriculture and Forestry and shall perform and exercise its
powers, duties, functions, and responsibilities as provided by law.

* * *

M. The Louisiana Boll Weevil Eradication Commission (R.S. 3:1601 et seq.)
is placed within the Department of Agriculture and Forestry and shall perform and
exercise its powers, duties, functions, and responsibilities as provided by law.

* * *

§642. Department of Education; creation; domicile; composition; purposes and
functions

* * *

B. The Department of Education, through its offices, officers, and
management boards shall, in accordance with law, provide for the education of the
people of the state and shall be the agency through which the state administers the
functions of the superintendent of education, the Board of Elementary and Secondary
Education, the Board of Regents, the Board of ~~Trustees for State Colleges and
Universities~~ Supervisors for the University of Louisiana System, the Board of
Supervisors of Louisiana State University and Agricultural and Mechanical College,
~~and~~ the Board of Supervisors of Southern University and Agricultural and
Mechanical College, and the Board of Supervisors of Community and Technical
Colleges, as provided by the constitution and laws of this state and this Title.

* * *

1 D.(1) In accordance with their constitutional mandate, the Board of Regents,
2 the Board of ~~Trustees for State Colleges and Universities~~ Supervisors for the
3 University of Louisiana System, the Board of Supervisors of Louisiana State
4 University and Agricultural and Mechanical College, ~~and~~ the Board of Supervisors
5 of Southern University and Agricultural and Mechanical College, and the Board of
6 Supervisors of Community and Technical Colleges, and the State Board of
7 Elementary and Secondary Education shall be responsible for performing their
8 respective functions of education in the state of Louisiana, and each such board shall
9 retain all of its powers, duties, and responsibilities as provided by the constitution
10 and by law.

11 * * *

12 §651. Transfer of boards, commissions, departments, and agencies to Department
13 of Education; boards, commissions, and agencies within Department of
14 Education

15 * * *

16 D. The following agencies, as defined by R.S. 36:3, are transferred to and
17 hereafter shall be within the Department of Education as provided in R.S. 36:801.1:

18 (1) The Board of ~~Trustees for State Colleges and Universities~~ Supervisors
19 for the University of Louisiana System (Article VIII, Section 6 of the 1974 Louisiana
20 Constitution; R.S. 17:1806, R.S. ~~17:1831-17:1854~~; R.S. ~~17:3201-17:3382~~ 3201 et
21 seq., and 3351 et seq.)

22 * * *

23 (5) The Board of Supervisors of Community and Technical Colleges (Article
24 VIII, Section 7.1 of the 1974 Louisiana Constitution; R.S. 17:1871 et seq.).

25 * * *

26 J. The advisory councils to ~~post-secondary~~ postsecondary vocational-
27 technical schools (R.S. 17:1998) are transferred to and hereafter shall be within the
28 Department of Education but shall retain their function of advising the Board of

~~Elementary and Secondary Education Supervisors of Community and Technical Colleges.~~

* * *

O. The Louisiana Hall of Fame for the Arts election board (R.S. 17:1815) is placed within the Department of Education and shall exercise and perform its powers, duties, functions, and responsibilities as provided by law.

* * *

~~Q. The Louisiana School for Gifted and Talented Children of Math, Science, and the Arts~~ and its board of directors (R.S. 17:1961-17:1968 et seq.) is placed within the Department of Education and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:801.1.

* * *

V. The boards of directors of the regional service centers (R.S. 17:3781 et seq.) are placed within the Department of Education and shall exercise and perform their powers, duties, functions, and responsibilities as provided by law.

* * *

§706. Transfer of boards, commissions, and agencies to Department of Justice

* * *

B. The Law Enforcement Officers and Firemen's Survivor Benefit Review Board (R.S. 33:1947, 1981, and 2201) is placed within the Department of Justice and shall perform and exercise its powers, duties, functions, and responsibilities as provided by law.

* * *

§744. Transfer of boards, commissions, and agencies to the Department of State

* * *

D. The Louisiana Historical Records Advisory ~~Commission~~ Board (Executive Order No. ~~76-4~~ 08-62) is hereby transferred to and hereafter shall be within the Department of State as provided in Part III of Chapter 22 of this Title.

* * *

§769. Transfer of boards, commissions, departments, and agencies to Department
of the Treasury

* * *

F. The following agencies, as defined by R.S. 36:3 are hereby abolished and
their powers, duties, functions, and responsibilities are transferred and shall be
exercised and performed within the Department of the Treasury to the extent and in
the manner as otherwise provided by law:

* * *

(2) State Bond and Tax Board (R.S. 39:641-39:645; R.S. 39:871; ~~R.S.
47:1801-47:1808~~)

* * *

K. The Louisiana Infrastructure Bank and its board of directors (R.S.
51:3111 et seq.) are placed within the Department of the Treasury and shall exercise
and perform their powers, duties, functions, and responsibilities as provided by law.

L. The Public Retirement Systems' Actuarial Committee (R.S. 11:82, 101 et
seq., and 121 et seq.) is placed within the Department of the Treasury and shall
exercise and perform its powers, duties, functions, and responsibilities as provided
by law.

Section 18. R.S. 42:1118.1(A) and 1123(13)(a)(i)(dd) are hereby amended and
reenacted and R.S. 42:4.1.1 is hereby enacted to read as follows:

§4.1.1. Short title

This Chapter shall be known and may be cited as the "Open Meetings Law".

* * *

§1118.1. Studies or position papers on public policy

A. If not otherwise prohibited by ~~the code of ethics~~ this Chapter, any public
employee of the executive, judicial, or legislative branch of state government or any
local governmental subdivision who contracts with a person or governmental entity
to provide political position papers, economic studies, or policy statements relative
to public policy concerning any rule, regulation, or legislation proposed, passed, or
adopted by the state or any of its political subdivisions, or any entity receiving public

funds, shall disclose the name and address of the person or governmental entity engaging his services, the amount of the contract, and the nature of the business or relationship.

* * *

§1123. Exceptions

This Part shall not preclude:

* * *

(13)(a)(i) The acceptance by a public servant of complimentary admission to a civic, non-profit, educational, or political event when the public servant is:

* * *

(dd) Attending the event to assist an elected official who meets the provisions of this ~~Subparagraph~~ Item when the public servant is under the supervision of the elected official and such assistance is within the ordinary employment duties of the public servant.

* * *

Section 19. R.S. 44:4.1(B)(6) and (7) are hereby amended and reenacted and R.S. 44:1.1 is hereby enacted to read as follows:

§1.1 Short title

This Chapter shall be known and may be cited as the "Public Records Law".

* * *

§4.1. Exceptions

* * *

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

* * *

(6) R.S. 14:403, 403. 1, ~~403.2~~, 403.5;

1 (7) R.S. 15:242, 440.6, 477.2, 549, 570(F), 574.12, 578.1, 616, 660, 840.1,
2 1176, 1204.1, 1507, 1614

3 * * *

4 Section 20. R.S. 46:56(B)(1), 61(B), 932(10), and 2132(3) are hereby amended and
5 reenacted to read as follows:

6 §56. Applications and client case records; definitions; confidentiality; waiver;
7 penalty

8 * * *

9 B.(1) For the purposes of this Section, "department" means the Department
10 of Health and Hospitals, the Department of Social Services, and the adult protection
11 agency as provided in R.S. ~~14:403.2(B)(3)~~ 15:1503(4). It is the express intent of this
12 Section that the Department of Health and Hospitals, the Department of Social
13 Services, and, for the purpose of adult protective services, the Office of Elderly
14 Affairs share access to each other's case records to the extent that such access is not
15 prohibited by any contrary provision of federal law or regulation.

16 * * *

17 §61. Elderly abuse; release of information

18 * * *

19 B. The information released by the department shall constitute an authorized
20 disclosure under the provisions of R.S. ~~14:403.2(E)(8)~~ 15:1507.

21 * * *

22 §932. Powers and duties

23 The office shall have the following powers and duties:

24 * * *

25 (10) To perform the functions of the state which are designed to meet the
26 social and community needs of Louisiana residents sixty years of age or older,
27 including but not limited to the provision of such comprehensive social programs as
28 homemaker services, home repair and maintenance services, employment and
29 training services, recreational and transportation services, counseling, information
30 and referral services, protective services under ~~R.S. 14:403.2~~ R.S. 15:1501 et seq.,

and health-related outreach; but excluding the transportation program for the elderly and the handicapped program administered by the Department of Transportation and Development under Section 16(b)(2) of the Federal Urban Mass Transportation Act of 1964 as amended and other such programs and services assigned to departments of state government as provided in Title 36 of the Louisiana Revised Statutes of 1950.

* * *

§2132. Definitions

As used in this Part:

* * *

(3) "Domestic abuse" includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one family or household member against another. "Domestic abuse" also includes abuse of adults as defined in R.S. ~~14:403.2~~ 15:1503 when committed by an adult child or adult grandchild.

* * *

Section 21. R.S. 49:191(3)(f), 220.23(A)(1), 220.24(J), 965.4(4), and 968(B)(1) are hereby amended and reenacted to read as follows:

§191. Termination of legislative authority for existence of statutory entities; phase-out period for statutory entities; table of dates

Notwithstanding any termination dates set by any previous Act of the legislature, the statutory entities set forth in this Section shall begin to terminate their operations on July first of each of the following years, and all legislative authority for the existence of any statutory entity, as defined in R.S. 49:190, shall cease as of July first of the following year, which shall be the termination date:

* * *

(3) July 1, 2010:

* * *

(f) Those entities transferred to or placed within the office of the governor pursuant to R.S. ~~36:4(V)~~ and ~~4:1~~ 36:4.1.

* * *

§220.23. State inspector general; appointment; term; vacancy; compensation; removal

A.(1) There shall be a state inspector general, hereinafter referred to as the "inspector general", who shall be appointed by the governor with the consent of the Senate. No person appointed inspector general shall hold or be a candidate for any elective office, including elective political party office, or any other public office or political party office. No person shall be appointed inspector general who has held any elective office or political party office within two years immediately preceding his appointment. No former inspector general shall be eligible to ~~become a qualified~~ qualify as a candidate for any elective office, including elective political party office, nor shall he assume any elective office or political party office within four years after the termination of his service as inspector general.

* * *

§220.24. Authority; duties; powers; standards; functions

* * *

J. The office of the state inspector general is hereby designated as a law enforcement agency and conferred all investigative powers and privileges appurtenant to a law enforcement agency under state law as necessary and in furtherance of the authority, duties, powers, and functions set forth ~~herein~~ in this Part. These powers and privileges shall not include arrest powers but shall include access to computer systems, information maintained for the use of law enforcement personnel, and any information contained in the criminal history record and identification file of the Louisiana Bureau of Criminal Identification and Information.

* * *

1 §965.4. Definitions

2 The following words or terms as used in this Act shall have the following
3 meanings unless a different meaning appears from the context:

4 * * *

5 (4) "Small business" means a ~~small~~ business that is domiciled in this state,
6 employs one hundred or fewer full-time employees, and meets at least one of the
7 following conditions:

8 * * *

9 §968. Review of agency rules; fees

10 * * *

11 B. Prior to the adoption, amendment, or repeal of any rule or the adoption,
12 increasing, or decreasing of any fee, the agency shall submit a report relative to such
13 proposed rule change or fee adoption, increase, or decrease to the appropriate
14 standing committees of the legislature and the presiding officers of the respective
15 houses as provided in this Section. The report shall be so submitted on the same day
16 the notice of the intended action is submitted to the Louisiana Register for
17 publication in accordance with R.S. 49:953(A)(1). The report shall be submitted to
18 each standing committee at the committee's office in the state capitol by certified
19 mail with return receipt requested or by messenger who shall provide a receipt for
20 signature. The return receipt or the messenger's receipt shall be proof of receipt of
21 the report by the committee.

22 (1) The Department of Economic Development, all of the agencies made a
23 part of it, and those agencies transferred to or placed within the office of the
24 governor pursuant to R.S. ~~36:4(V)~~ and ~~4:1~~ 36:4.1 shall submit the report to the House
25 Committee on Commerce and the Senate Committee on Commerce, Consumer
26 Protection, and International Affairs.

27 * * *

28 Section 22. R.S. 11:701(33)(c), R.S. 36:4(B)(10), 259(E)(18), (F)(6), (7), (11), (13),
29 (14), and (17), 409(C)(6) and (I), 651(S) and (T), and 802.11 and R.S. 42:1141(B)(3) are
30 hereby repealed in their entirety.

1 Section 23. The Louisiana State Law Institute shall designate R.S. 42:4.1 through
2 13 as "Chapter 1-A. Open Meetings Law" and may renumber the Sections within the
3 Chapter as it deems appropriate.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____