

Regular Session, 2013

HOUSE BILL NO. 628

BY REPRESENTATIVE BARRAS

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

LEGISLATION: Provides for technical corrections to various provisions of the La. Revised Statutes, the Children's Code, and the Code of Criminal Procedure

1 AN ACT

2 To amend and reenact R.S. 9:400(A)(introductory paragraph), (B), (D), and (E), R.S.

3 11:22(D), 143(C)(introductory paragraph), 701(10), 1115(C), 1345.4, 1345.6,

4 1632(D)(1), 1633(B)(1), 1644(C)(2), 2132, 2218(J)(4), 2220(A)(1)(g)(i), (ii), and

5 (iv), 2221(K)(3), 2241.8(1)(b), and 2242.8(1)(b), R.S. 14:26 and 63.4(A) and (C),

6 R.S. 15:1084(D) and 1173, R.S. 17:7.2(A)(introductory paragraph), 1684(A)(2),

7 1809(A), 1812(A), 1813(A), the heading of Part IV of Chapter 5 of Title 17 of the

8 Louisiana Revised Statutes of 1950, 1970.2(5), 1970.4(D)(1)(b), (c), and (d),

9 2054(A), 2757(B)(9), 3022(A)(1)(a)(introductory paragraph) and (i), 3130(A), 3218,

10 3226(B), 3351(A)(5)(c), 3351.1(A)(1), 3381(A), 3382(A), and 3387(A), R.S.

11 22:1071(D)(2)(c), R.S. 24:31.1(C)(2), (D), and (E), R.S. 27:220(C), R.S. 28:2(32)(b),

12 54(D)(1)(introductory paragraph), 874(A)(introductory paragraph),

13 894(A)(introductory paragraph) and (B)(5), and 912(B), R.S. 30:4(I)(4) and

14 91(B)(1), R.S. 33:4720.56(23)(a), 4720.58.1(F)(1), 4720.151(K)(6)(a),

15 4720.161(K)(3) and (6)(a), 4720.171(K)(3) and (6)(a), 4720.181(K)(6)(a), and

16 4720.191(K)(6)(a), R.S. 35:191.2(4), R.S. 36:109(V), 204(A)(8),

17 209(W)(introductory paragraph) and (2), 234(A)(13), 239(C), 254(A)(8) and (F)(1),

18 354(A)(12), 404(A)(9), 454(A)(8), 605(A)(8), 624(A)(7), 629(C)(3), 645(A)(7),

19 682(B)(6), 702(6), 722(6), 742(6), and 764(A)(7), R.S. 37:791(A)(3) and 3259(A)(9)

20 and (B), R.S. 39:102(C) and 103(A)(2), R.S. 39:1533(A) as most recently amended

1 by Section 3 of Act No. 449 and Section 3 of Act No. 631 of the 2006 Regular
2 Session of the Legislature, R.S. 40:4(A)(3)(b), 32(12), 33(A), 61(A)(4), 1155,
3 1232(C), 1232.4(2) and (7), 1232.9(2) and (7), 1300.198(B)(4), and 2022(D), R.S.
4 42:447, R.S. 44:4(4)(a), (14), (31), and (37) and 4.1(B)(20), R.S. 46:2(A) and (B),
5 448(A)(1) and (B) through (E), 2111(C), 2402(6), and 2405(B), R.S. 47:332.9(A),
6 337.95(B)(1)(a), 337.96, 337.99(H)(1) and (I), 4331(F), 4352, and 6103(A)(2), R.S.
7 48:1671(C)(1), R.S. 49:214.5.3(B)(3), 952(1), 953(B)(1)(a) and (2) and (F)(3)(b)
8 and (h), 954(A) and (B)(2), 954.1, 966(C), 968(D)(1)(c), (H)(1), (I), and (J), 981,
9 982, 983(A)(introductory paragraph) and (B), 984, 985, 986, 987, and 1101(A), R.S.
10 51:3115 and 3121(G), Children's Code Articles 1302.1(7) and 1437(B), and Code of
11 Criminal Procedure Articles 405, 406, 409, and 410, to enact R.S. 17:4015(7)(e) and
12 R.S. 36:409(R), and to repeal R.S. 11:231(A)(3), 449(A) and (B), 450(B), and
13 788(C)(introductory paragraph) all as amended by Act No. 714 of the 2008 Regular
14 Session of the Legislature and R.S. 11:788(C)(4) as enacted by Act No. 714 of the
15 2008 Regular Session of the Legislature, and R.S. 18:1505.2(T), relative to the
16 various provisions of the Louisiana Revised Statutes of 1950, the Children's Code,
17 and the Code of Criminal Procedure; to provide for various technical corrections,
18 including corrections in legal citations, corrections in names of publications,
19 agencies, department offices, officers, and other entities, removing of references to
20 agencies that have been repealed or no longer exist, listing agencies in the
21 appropriate provisions for each department in executive reorganization provisions,
22 listing of a human services district in appropriate provisions for such districts,
23 designating undesignated statutory provisions, making conforming changes, and
24 clarifying language; and to provide for related matters.

25 Be it enacted by the Legislature of Louisiana:

26 Section 1. R.S. 9:400(A)(introductory paragraph), (B), (D), and (E) are hereby
27 amended and reenacted to read as follows:

1 §400. Putative father registry

2 A. The Department of Health and Hospitals, office of ~~preventive and public~~
3 ~~health services~~, shall establish a putative father registry which shall record the names
4 and addresses of the following:

5 * * *

6 B. A person filing a declaration to claim paternity of a child or an
7 acknowledgement of paternity shall include therein his current address and shall
8 notify the registry of any change of address pursuant to procedures prescribed by
9 rules and regulations of the Department of Health and Hospitals, office of ~~preventive~~
10 ~~and public health services~~.

11 * * *

12 D. The Department of Health and Hospitals, office of ~~preventive and public~~
13 ~~health services~~, shall, upon request, provide the names and addresses of persons
14 listed with the registry to any court or authorized agency, and such information shall
15 not be divulged to any other person, except upon order of a court for good cause
16 shown.

17 E. The Department of Health and Hospitals, office of ~~preventive and public~~
18 ~~health services~~, shall promulgate all rules and regulations necessary to carry out the
19 purposes of this Part.

20 Section 2. R.S. 11:22(D), 143(C)(introductory paragraph), 701(10), 1115(C), 1345.4,
21 1345.6, 1632(D)(1), 1633(B)(1), 1644(C)(2), 2132, 2218(J)(4), 2220(A)(1)(g)(i), (ii), and
22 (iv), 2221(K)(3), 2241.8(1)(b), and 2242.8(1)(b) are hereby amended and reenacted to read
23 as follows:

24 §22. Methods of actuarial valuation established

25 * * *

26 D. For any ~~of the systems~~ system set forth in Subsection B of this Section
27 ~~which are~~ that is funded utilizing the frozen attained age normal method, the
28 actuarial valuation method of ~~such~~ the system shall be converted to the aggregate

1 funding method in the system's first valuation in which the frozen unfunded actuarial
2 accrued liability is fully amortized.

3 * * *

4 §143. Transfers between systems

5 * * *

6 C. Except as provided in Paragraph (D)(5) of this ~~Subsection~~ Section and
7 notwithstanding the provisions of law to the contrary, the system, fund, or plan from
8 which the person transfers such credit shall transfer to the receiving system, fund, or
9 plan an amount which is the lesser of the following:

10 * * *

11 §701. Definitions

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

15 * * *

16 (10) "Earnable compensation" means the compensation earned by a member
17 during the full normal working time as a teacher. Earnable compensation shall
18 include any differential wage payment; as defined by 26 U.S.C. 3401(h)(2), ~~which~~
19 that is made by an employer to any individual performing qualified military service.
20 Earnable compensation shall not include per diem, post allowances, payment in kind,
21 hazardous duty pay, or any other allowance for expense authorized and incurred as
22 an incident to employment, nor payments in lieu of unused sick or annual leave, nor
23 retroactive salary increases unless such an increase was granted by legislative ~~act~~ Act
24 or by a ~~city/parish~~ city-parish systemwide salary increase, nor payment for
25 discontinuation of contractual services, unless the payment is made on a monthly
26 basis. If a member is granted an official leave and he makes contributions for the
27 period of leave, earnable compensation shall not include compensation paid for other
28 employment which would not have been possible without the leave. The board of

1 trustees shall determine whether or not any other payments are to be classified as
2 earnable compensation.

3 * * *

4 §1115. Election of membership; termination

5 * * *

6 C. Any member ~~who~~ ceases to be a member if he:

7 (1) Is absent from service more than five consecutive years and has credit for
8 fewer than twenty years of service.

9 (2) Withdraws his accumulated contributions.

10 (3) Withdraws from active service with a retirement allowance.

11 (4) Dies.

12 ~~shall thereupon cease to be a member.~~

13 * * *

14 §1345.4. Eligibility for retirement

15 Any member shall be eligible for retirement if he has:

16 (1) Twenty-five years or more of service, at any age.

17 (2) Twelve years or more of service, at age fifty-five or thereafter.

18 (3) Twenty years of service credit at any age, exclusive of military service
19 and unused annual and sick leave, but any person retiring under this ~~Subsection~~
20 Paragraph shall have his benefit, inclusive of military service credit and allowable
21 unused annual and sick leave, actuarially reduced from the earliest age that he would
22 normally become eligible for a regular retirement benefit under ~~Subsection A or B~~
23 Paragraphs (1) and (2) of this Section if he had continued in service to that age. Any
24 employee who elects to retire under the provisions of this ~~Subsection~~ Paragraph shall
25 not be eligible to participate in the Back-Deferred Retirement Option Program
26 provided by R.S. 11:1312.1 or the Initial Benefit Option provided by R.S.
27 11:1307(E).

28 * * *

1 §1345.6. Back-Deferred Retirement Option Program

2 A member, except as ~~specified in~~ for a member who retires pursuant to R.S.
3 ~~11:1345.4(C)~~ 11:1345.4(3), shall have the option of participating in the Back-
4 Deferred Retirement Option Program in accordance with the provisions of R.S.
5 11:1312.1.

6 * * *

7 §1632. Retirement eligibility; benefits at three percent

8 * * *

9 D.(1) For purposes of this Section and R.S. 11:1633 and 1634, average final
10 compensation shall include any amounts properly considered as regular rate of pay
11 of the member, ~~as defined in R.S. 11:231~~, and unreduced by amounts excluded from
12 income for federal income tax purposes by reason of 26 U.S.C. 125, 132(f),
13 402(e)(3), 402(h)(1)(B), 403(b), 414(h), or 457 or any other provision of federal law
14 of similar effect.

15 * * *

16 §1633. Retirement eligibility; benefits at three and one-half percent

17 * * *

18 B. Benefits.

19 (1) Normal Retirement Benefits. The retirement allowance for normal
20 retirement benefits shall be three and one-half percent of the ~~final~~ average final
21 compensation for each year of creditable service.

22 * * *

23 §1644. Back-Deferred Retirement Option Program

24 * * *

25 C. The member's Back-DROP monthly benefit accrual shall be calculated
26 based on the provisions applicable for service retirement set forth in R.S. 11:1632
27 and 1633, subject to the following conditions:

28 * * *

1 other manner as the board of trustees may prescribe, the amounts to be deducted; and
2 each of said amounts shall be deducted, and when deducted shall be paid into said
3 annuity savings fund, and shall be credited together with regular interest thereon to
4 the individual account of the member from whose compensation said deduction was
5 made.

6 * * *

7 §2218. Creditable service

8 * * *

9 J.

10 * * *

11 (4) When extending credit for unused earned leave, fractional days of
12 one-half or more shall be granted as one day and less than one-half day shall be
13 disregarded. Any member who ~~had previously terminated~~ terminates his
14 employment for any period of time; but who later becomes reemployed as an active
15 contributing member in this system; shall have contributed to the system for not less
16 than eighteen months subsequent to his reemployment date before using converted
17 unused earned sick and annual leave for purposes of benefit computation. Additional
18 membership service obtained by conversion of unused earned sick and annual leave
19 shall not be used in computation of average final compensation.

20 * * *

21 §2220. Benefits; contribution limit

22 A. Eligibility for normal retirement, early retirement, and limitations.

23 (1)

24 * * *

25 (g) Upon termination of employment, the retiree shall receive an additional
26 retirement benefit based on his additional service rendered since reemployment using
27 the normal method of computation of benefits or as provided in Subparagraph (h) of
28 this Paragraph, subject to the following:

1 (i) If the period of additional service was less than thirty-six months, the
2 average final compensation figure used to calculate the additional benefit shall be
3 that used to calculate his original benefit.

4 (ii) If the period of additional service was thirty-six or more months, the
5 average final compensation figure used to calculate the additional benefit shall be
6 based on his average compensation earned during the period of additional service.

7 * * *

8 (iv) ~~In no event shall the~~ The additional benefit shall not exceed an amount
9 which, when combined with the original benefit, equals one hundred percent of the
10 average final compensation figure used to compute the additional benefit.

11 * * *

12 §2221. Deferred Retirement Option Plan

13 * * *

14 K. The following shall also apply if employment is not terminated at the end
15 of the period of participation:

16 * * *

17 (3) Upon termination of employment, he shall receive an additional
18 retirement benefit based on his additional service rendered since termination of
19 participation in the fund, using the normal method of computation of benefit, subject
20 to the following:

21 (a) If his period of additional service was less than thirty-six months, the
22 average final compensation figure used to calculate the additional benefit shall be
23 that used to calculate his original benefit.

24 (b) If his period of additional service was thirty-six or more months, the
25 average final compensation figure used to calculate the additional benefit shall be
26 based on his compensation during the period of additional service.

27 (c) The option used shall be that applicable to the original benefit.

1 (b) If the board of trustees determines that an active contributing member is
 2 killed as a result of injuries sustained in the line of duty, the cessation of benefits
 3 upon remarriage set forth in this Paragraph shall not apply. The surviving spouse
 4 shall receive a benefit equal to one hundred percent of the member's ~~final~~ average
 5 final compensation less any survivor benefits payable to a child or children as
 6 provided in this Section. The sum of survivor benefits paid to children and a
 7 surviving spouse shall not exceed one hundred percent of the member's average final
 8 compensation. No funds derived from the assessments against insurers pursuant to
 9 R.S. 22:1476 shall be used to pay any increased costs or increase in liability of the
 10 system resulting from the payment of benefits to a surviving spouse pursuant to this
 11 Subparagraph.

12 * * *

13 Section 3. R.S. 14:26 and 63.4(A) and (C) are hereby amended and reenacted to read
 14 as follows:

15 §26. Criminal conspiracy

16 A. Criminal conspiracy is the agreement or combination of two or more
 17 persons for the specific purpose of committing any crime; provided that an
 18 agreement or combination to commit a crime shall not amount to a criminal
 19 conspiracy unless, in addition to such agreement or combination, one or more of
 20 such parties does an act in furtherance of the object of the agreement or combination.

21 B. If the intended basic crime has been consummated, the conspirators may
 22 be tried for either the conspiracy or the completed offense, and a conviction for one
 23 shall not bar prosecution for the other.

24 ~~B.~~ C. Whoever is a party to a criminal conspiracy to commit any crime shall
 25 be fined or imprisoned, or both, in the same manner as for the offense contemplated
 26 by the conspirators; provided, however, whoever is a party to a criminal conspiracy
 27 to commit a crime punishable by death or life imprisonment shall be imprisoned at
 28 hard labor for not more than thirty years.

1 Secondary Education for an approved teacher education program shall include but
2 not be limited to the following:

3 * * *

4 §1684. Children of school teachers and other school employees; definitions;
5 scholarships for children of teachers and school employees killed or
6 permanently and totally disabled as a consequence of physical assault and
7 battery in performance of duty

8 A. Definitions

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

12 * * *

13 (2) "College or university" means any public institution of ~~post secondary~~
14 postsecondary education ~~situated~~ in this state; governed by the Board of Regents for
15 ~~Higher Education~~, the Board of Supervisors of Louisiana State University and
16 Agricultural and Mechanical College, the Board of Supervisors of Southern
17 University and Agricultural and Mechanical College, the Board of ~~Trustees of State~~
18 ~~Colleges and Universities~~ Supervisors for the University of Louisiana System, or the
19 ~~State Board of Elementary and Secondary Education~~ Board of Supervisors of
20 Community and Technical Colleges.

21 * * *

22 §1809. Small business development center; Northeast Louisiana University at
23 Monroe; authority to operate

24 A. Northeast Louisiana University at Monroe is hereby authorized to
25 establish and operate a small business development center which may aid and assist
26 small businesses in solving problems inherent in such enterprises. The establishment
27 and operation of the center shall be subject to the constitutional authority of the

1 Board of Regents and the Board of ~~Trustees of State Colleges and Universities~~
2 Supervisors for the University of Louisiana System.

3 * * *

4 §1812. Small business development and management institute; Northwestern State
5 University at Natchitoches; authority to operate

6 A. Northwestern State University at Natchitoches is hereby authorized to
7 establish and operate a small business development and management institute which
8 may aid and assist small businesses in solving problems inherent in such enterprises.
9 The establishment and operation of the institute shall be subject to the constitutional
10 authority of the Board of Regents and the Board of ~~Trustees of State Colleges and~~
11 ~~Universities~~ Supervisors for the University of Louisiana System.

12 * * *

13 §1813. Computer literacy center; Northwestern State University at Natchitoches;
14 authority to operate

15 A. Northwestern State University at Natchitoches is hereby authorized to
16 establish and operate a computer literacy center. The establishment and operation
17 of the center shall be subject to the constitutional authority of the Board of Regents
18 and the Board of ~~Trustees of State Colleges and Universities~~ Supervisors for the
19 University of Louisiana System.

20 * * *

21 PART IV. BOARD OF ~~TRUSTEES~~ SUPERVISORS FOR THE UNIVERSITY OF
22 LOUISIANA SYSTEM

23 * * *

24 §1970.2. Definitions

25 As used in this Part, the following words, terms, and phrases shall have the
26 meanings ascribed to them in this Section, except when the context clearly indicates
27 a different meaning:

28 * * *

1 policies, procedures, and rules to provide for the dismissal of any employee found
2 by the National Collegiate Athletic Association or the National Association of
3 Intercollegiate Athletics to have committed a deliberate and serious infraction of its
4 rules when such infraction results in sanctions by the association.

5 * * *

6 §2757. Louisiana Systemic Initiatives Program Council; creation; domicile;
7 membership; expenses; terms; vacancies

8 * * *

9 B. The council shall consist of the following persons or a person designated
10 by them in writing to the council president to represent them whenever they are
11 unable to attend:

12 * * *

13 (9) The president of the Board of ~~Trustees for State Colleges and~~
14 ~~Universities~~ Supervisors for the University of Louisiana System.

15 * * *

16 §3022. Membership and organization

17 A.(1) The Louisiana Student Financial Assistance Commission, hereafter
18 referred to as "the commission", shall be composed of twenty-one members, to
19 consist of the executive secretary to the governor or his designee, who shall serve as
20 ex officio chairman; the state superintendent of education, the president of the State
21 Board of Elementary and Secondary Education, the chairpersons of the Board of
22 Regents, the Board of Supervisors for the University of Louisiana System, the Board
23 of Supervisors of Southern University and Agricultural and Mechanical College, the
24 Board of Supervisors of Community and Technical Colleges, and the Board of
25 Supervisors of Louisiana State University and Agricultural and Mechanical College,
26 or their designees from the other members of their respective boards; the chairperson
27 of the Louisiana Association of Independent Colleges and Universities or his
28 designee who shall be an administrator at or a member of a governing board of a
29 Louisiana independent institution of higher education; five persons, who shall be

1 qualified electors of the state, one to be selected by each of the boards of
 2 postsecondary and higher education by the membership of each of said boards and
 3 who shall serve at the pleasure of the board; one person who shall be a qualified
 4 elector of the state to be selected by the board of the Louisiana Association of
 5 Independent Colleges and Universities by the members of that board and who shall
 6 serve at the pleasure of the association; one person who shall be the owner of a fully
 7 accredited proprietary school in Louisiana, as defined by R.S. 17:3141.2, to be
 8 appointed by the governor; one person who shall be a director or employee of a state-
 9 operated postsecondary vocational-technical school to be appointed by the governor;
 10 two persons to be appointed by the governor from a list of the names of five persons
 11 submitted by the Louisiana Bankers' Association; and two student members to be
 12 selected from among the student members of the boards of postsecondary and higher
 13 education and from among the students of member institutions of the Louisiana
 14 Association of Independent Colleges and Universities as follows:

15 (a) One student member of the commission shall be a student member of one
 16 of the boards of postsecondary ~~and higher~~ education in the state, with each of the
 17 student members of the boards serving a one-year term on the commission on a
 18 rotating basis. The order of the rotation shall be as follows:

19 (i) The student member of the Board of ~~Trustees for State Colleges and~~
 20 Universities Supervisors for the University of Louisiana System.

21 * * *

22 §3130. Other powers

23 A. All powers of management over public institutions of postsecondary
 24 education not specifically vested in the Board of Regents by Article VIII, Section 5
 25 of the Constitution of Louisiana, are reserved to the Board of Supervisors of
 26 Louisiana State University and Agricultural and Mechanical College, the Board of
 27 Supervisors of Southern University and Agricultural and Mechanical College, the
 28 Board of Supervisors of Community and Technical Colleges, and the Board of

1 ~~Trustees for State Colleges and Universities~~ Supervisors for the University of
2 Louisiana System, as to the institutions under the control of each.

3 * * *

4 §3218. Authority of system boards

5 The corporate authority, internal and otherwise, vested in the Board of
6 Supervisors of Louisiana State University and Agricultural and Mechanical College,
7 the Board of Supervisors of Southern University and Agricultural and Mechanical
8 College, the Board of Supervisors of Community and Technical Colleges, and the
9 Board of ~~Trustees for State Colleges and Universities~~ Supervisors for the University
10 of Louisiana System to supervise and manage the systems under the jurisdiction of
11 each, extends to all the colleges and universities, branches, centers of learning, or
12 extensions of such systems now existing or hereafter established.

13 * * *

14 §3226. Learning centers; Jefferson Parish; Rapides Parish; Northeast Delta Learning
15 Center; authorization

16 * * *

17 B. The Board of ~~Trustees for State Colleges and Universities~~ Supervisors for
18 the University of Louisiana System or the Board of Supervisors of Community and
19 Technical Colleges, in cooperation with the Board of Regents, shall take such action
20 as necessary to establish a means of awarding certificates and academic and
21 occupational degrees in Jefferson Parish using the instructional resources of existing
22 institutions. Courses which lead to such certificates and academic or occupational
23 degrees shall be offered no later than the fall semester of 1998.

24 * * *

25 §3351. General powers, duties, and functions of college and university boards

26 A. Subject only to the powers of the Board of Regents specifically
27 enumerated in Article VIII, Section 5 of the Constitution of Louisiana, and as
28 otherwise provided by law, each postsecondary system management board as a body
29 corporate shall have authority to exercise power necessary to supervise and manage

1 the day-to-day operations of institutions of postsecondary education under its
2 control, including but not limited to the following:

3 * * *

4 (5)

5 * * *

6 (c) The Board of ~~Trustees for State Colleges and Universities~~ Supervisors for
7 the University of Louisiana System is authorized to establish the tuition amounts and
8 other fees and charges applicable to students enrolled in the Doctor of Pharmacy
9 Program at the University of Louisiana at Monroe to be consistent with tuition
10 amounts and other fees charged to students in Doctor of Pharmacy Programs in states
11 comprising the Southern Regional Education Board.

12 * * *

13 §3351.1. Technology fee; authority to assess; use of proceeds

14 A.(1) The Board of Supervisors of Louisiana State University and
15 Agricultural and Mechanical College, the Board of ~~Trustees for State Colleges and~~
16 ~~Universities~~ Supervisors for the University of Louisiana System, the Board of
17 Supervisors of Community and Technical Colleges, and the Board of Supervisors of
18 Southern University and Agricultural and Mechanical College, each may provide,
19 by the favorable vote of two-thirds of the members of the respective board, for the
20 assessment of a student technology fee at the institutions of postsecondary education
21 under their respective supervision and management. The student technology fee
22 shall be five dollars per course credit hour.

23 * * *

24 §3381. Transportation for college students; transportation for other students subject
25 to restrictions; authority to establish and collect bus transportation fees

26 A. A ~~city or parish~~ city, parish, or other local public school board may enter
27 into contracts with individuals, partnerships, or corporations domiciled in this state
28 to furnish transportation to students attending any ~~university, college or junior~~
29 ~~college~~ institution under the supervision and management of the Board of ~~Trustees~~

1 ~~for State Colleges and Universities~~ Supervisors for the University of Louisiana
2 System, the Board of Supervisors of Louisiana State University and Agricultural and
3 Mechanical College, the Board of Supervisors of Community and Technical
4 Colleges, or the Board of Supervisors of Southern University and Agricultural and
5 Mechanical College, or may furnish such transportation themselves, and pay for the
6 same in the manner provided for defraying other expenses. Students receiving
7 transportation may be charged a bus transportation fee in an amount not to exceed
8 the actual cost of providing the transportation service. A school board shall establish
9 such fees and shall provide for their collection.

* * *

11 §3382. Teacher certification programs in instruction of elementary school French
12 A. The Board of ~~Trustees for State Colleges and Universities~~ Supervisors for
13 the University of Louisiana System, the Board of Supervisors of Louisiana State
14 University and Agricultural and Mechanical College, and the Board of Supervisors
15 of Southern University and Agricultural and Mechanical College are hereby required
16 to direct institutions under their control which presently offer teacher certification
17 programs in the instruction of high school French, to similarly offer teacher
18 certification programs in the instruction of elementary school French.

* * *

20 §3387. Bus transportation to and from postsecondary institutions; authority of
21 postsecondary institutions including vocational-technical schools to contract;
22 payment of costs
23 A. Any ~~university, college, postsecondary vocational-technical school, or~~
24 ~~junior college~~ institution under the supervision and management of the Board of
25 ~~Trustees for State Colleges and Universities~~ Supervisors for the University of
26 Louisiana System, the Board of Supervisors of Louisiana State University and
27 Agricultural and Mechanical College, the Board of Supervisors of Community and
28 Technical Colleges, or the Board of Supervisors of Southern University and
29 Agricultural and Mechanical College may enter into contracts with individuals,

1 partnerships, or corporations domiciled in this state to furnish bus transportation to
2 students attending the respective institution.

3 * * *

4 §4015. Program administration

5 In administering the program pursuant to this Chapter, the department shall:

6 * * *

7 (7) Annually publish the following information for all schools participating
8 in the program:

9 * * *

10 ~~(f)~~ (e) The percentage of parents or legal guardians of scholarship recipients
11 who are satisfied with the participating school.

12 * * *

13 Section 6. R.S. 22:1071(D)(2)(c) is hereby amended and reenacted to read as follows:

14 §1071. Enforcement provisions

15 * * *

16 D.

17 * * *

18 (2)

19 * * *

20 (c) The commissioner shall provide notice of the annual assessment
21 percentage amount for each calendar year which shall be published in the ~~state~~
22 ~~register~~ Louisiana Register no later than July first.

23 * * *

24 Section 7. R.S. 24:31.1(C)(2), (D), and (E) are hereby amended and reenacted to
25 read as follows:

26 §31.1. Salary for members; expense allowance; mileage allowance

27 * * *

28 C.

29 * * *

1 above facilities, except forensic facilities, provided that such facility has a substance
2 abuse in-patient operation maintained separate and apart from any mental health
3 in-patient operation at such facility.

4 * * *

5 §54. Judicial commitment; procedure

6 * * *

7 D.(1) As soon as practical after the filing of the petition, the court shall
8 review the petition and supporting documents, and determine whether there exists
9 probable cause to believe that the respondent is suffering from mental illness which
10 contributes to his being or causes him to be a danger to himself or others or gravely
11 disabled, or is suffering from substance abuse which contributes to his being or
12 causes him to be a danger to himself or others or gravely disabled. If the court
13 determines that probable cause exists, the court shall appoint a physician, preferably
14 a psychiatrist, to examine the respondent and make a written report to the court and
15 the respondent's attorney on the form provided by the office of ~~human services~~
16 behavioral health of the Department of Health and Hospitals. The court-appointed
17 physician may be the respondent's treating physician. The written report shall be
18 made available to counsel for the respondent at least three days before the hearing.
19 This report shall set forth specifically the objective factors leading to the conclusion
20 that the person has a mental illness or suffers from substance abuse, the actions or
21 statements by the person leading to the conclusion that the mental illness or
22 substance abuse causes the person to be dangerous to himself or others or to be
23 gravely disabled and in need of immediate treatment as a result of such illness or
24 abuse, and why involuntary confinement and treatment are indicated. The following
25 criteria should be considered by the physician:

26 * * *

1 §874. Authority; functions, powers, and duties

2 A. The authority, in accordance with R.S. ~~28:382.2~~ 28:911 et seq. and the
3 framework created pursuant thereto, shall:

4 * * *

5 §894. Authority; functions, powers, and duties

6 A. The authority, in accordance with R.S. ~~28:382.2~~ 28:911 et seq. and the
7 framework created pursuant thereto, shall:

8 * * *

9 B. In addition to its function as provided in Subsection A of this Section, the
10 authority shall have the following powers and duties:

11 * * *

12 (5) With the funding provided pursuant to R.S. ~~36:254(J)~~ 36:254(K), to
13 maintain services in community-based mental health, developmental disabilities, and
14 addictive disorders on at least the same level as the state maintains similar programs
15 in other parishes or regions of the state.

16 * * *

17 §912. Creation and jurisdiction

18 * * *

19 B. The human services districts shall be:

20 (1) The following statutory entities:

- 21 (a) Capital Area Human Services District.
- 22 (b) Jefferson Parish Human Services Authority.
- 23 (c) Florida Parishes Human Services Authority.
- 24 (d) Metropolitan Human Services District.
- 25 (e) South Central Louisiana Human Services Authority.
- 26 (f) Northeast Delta Human Services Authority.
- 27 ~~(g) Acadiana Area Human Services District.~~

28 (2) The following districts created by this Chapter organized by region:

1 (a) Acadiana Area Human Services District, which shall comprise the
2 parishes of Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, and
3 Vermilion.

4 (b) ~~Region 5, or any name formally adopted by the district's board~~ Imperial
5 Calcasieu Human Services Authority, which shall ~~consist of~~ comprise the parishes
6 of Allen, Beauregard, Calcasieu, Cameron, and Jefferson Davis.

7 (c) ~~Region 6~~ Human Services District, or any name formally adopted by
8 the district's board, which shall ~~consist of~~ comprise the parishes of Avoyelles,
9 Catahoula, Concordia, Grant, LaSalle, Rapides, Vernon, and Winn.

10 (d) ~~Region 7~~ Human Services District, or any name formally adopted by
11 the district's board, which shall ~~consist of~~ comprise the parishes of Bienville, Bossier,
12 Caddo, Claiborne, DeSoto, Natchitoches, Sabine, Red River, and Webster.

13 * * *

14 Section 10. R.S. 30:4(I)(4) and 91(B)(1) are hereby amended and reenacted to read
15 as follows:

16 §4. Jurisdiction, duties, and powers of the assistant secretary; rules and regulations

17 * * *

18 I. The commissioner shall make, after notice and public hearing as provided
19 in this Chapter, any reasonable rules, regulations, and orders that are necessary to
20 control the offsite disposal at commercial facilities of drilling mud, saltwater and
21 other related nonhazardous wastes generated by the drilling and production of oil and
22 gas wells. Such regulations shall contain provisions identifying the waste materials
23 to be regulated. Such regulations shall at a minimum require:

24 * * *

25 (4) Upon acceptance of the application as complete, the office of
26 conservation shall publish in the next available issue of the ~~State~~ Louisiana Register,
27 a notice of the filing and the location, date and time of a public hearing to be held in
28 the affected parish, which hearing shall not be less than thirty days from the date of
29 notice in the Register. The applicant shall publish a substantially similar notice in

1 the official journal of the parish affected on three separate days at least fifteen days
2 prior to the date set by the office of conservation for such public hearing. Such
3 notice shall be not less than one quarter page in size in boldface type.

4 * * *

5 §91. Orphaned oilfield sites

6 * * *

7 B.(1) Prior to declaring a site to be an orphaned oilfield site, the assistant
8 secretary shall seek to notify the last operator of record, at his last known address
9 contained in the department records, of the site that is to be declared orphaned and
10 shall publish a notice in the ~~state register~~ Louisiana Register that the oilfield site is
11 to be declared orphaned. If resolution of a factual dispute is requested by any owner
12 or operator, the assistant secretary shall hold a fact-finding hearing prior to declaring
13 the site orphaned and the assistant secretary shall make any fact determination
14 necessary to resolve the dispute.

15 * * *

16 Section 11. R.S. 33:4720.56(23)(a), 4720.58.1(F)(1), 4720.151(K)(6)(a),
17 4720.161(K)(3) and (6)(a), 4720.171(K)(3) and (6)(a), 4720.181(K)(6)(a), and
18 4720.191(K)(6)(a) are hereby amended and reenacted to read as follows:

19 §4720.56. Authority

20 The New Orleans Redevelopment Authority shall have all the authority and
21 power necessary or convenient to carry out and effectuate the purposes and
22 provisions of this Chapter, including without limiting the generality of the foregoing,
23 the following authority which shall be in addition to others herein granted:

24 * * *

25 (23)(a) The authority shall have the right, subject to the provisions of this
26 Section, to purchase properties at tax sales conducted in accordance with ~~R.S.~~
27 ~~47:2155 and 2156~~ Part III of Chapter 5 of Subtitle III of Title 47 of the Louisiana
28 Revised Statutes of 1950, and any and all such purchases shall be a purchase

1 by ~~R.S. 47:2183~~ Chapter 5 of Subtitle III of Title 47 of the Louisiana Revised
 2 Statutes of 1950, subject only to the rights of redemption of the property set forth in
 3 Article VII, Section 25(B) of the Constitution of Louisiana, and the property shall
 4 no longer be deemed to be adjudicated property as of such recordation. For purposes
 5 of the right of redemption in Article VII, Section 25(B) of the Constitution of
 6 Louisiana, the three year period commences on the date of the recordation of the
 7 initial adjudication to the political subdivision and not on the date of transfer to the
 8 authority.

9 * * *

10 (6)(a) The authority shall have the right, subject to the provisions of this
 11 Section, to purchase properties at tax sales conducted in accordance with ~~R.S.~~
 12 ~~47:2183~~ Part III of Chapter 5 of Subtitle III of Title 47 of the Louisiana Revised
 13 Statutes of 1950, and any and all such purchases shall be a purchase pursuant to ~~R.S.~~
 14 ~~47:2183~~ those provisions and not an adjudication to a political subdivision.

15 * * *

16 §4720.171. North Lafayette Redevelopment Authority

17 * * *

18 K.

19 * * *

20 (3) Effective upon the recordation of the transfer of an adjudicated property
 21 to the authority pursuant to a purchase and sale agreement, the rights of the authority
 22 in and to such property shall be the rights of a purchaser at a tax sale as contemplated
 23 by ~~R.S. 47:2183~~ Chapter 5 of Subtitle III of Title 47 of the Louisiana Revised
 24 Statutes of 1950, subject only to the rights of redemption of the property set forth in
 25 Article VII, Section 25(B) of the Constitution of Louisiana, and the property shall
 26 no longer be deemed to be adjudicated property as of such recordation. For purposes
 27 of the right of redemption in Article VII, Section 25(B) of the Constitution of
 28 Louisiana the three year period commences on the date of the recordation of the

1 initial adjudication to the political subdivision and not on the date of transfer to the
2 authority.

3 * * *

4 (6)(a) The authority shall have the right, subject to the provisions of this
5 Section, to purchase properties at tax sales conducted in accordance with ~~R.S.~~
6 ~~47:2183~~ Part III of Chapter 5 of Subtitle III of Title 47 of the Louisiana Revised
7 Statutes of 1950, and any and all such purchases shall be a purchase pursuant to ~~R.S.~~
8 ~~47:2183~~ those provisions and not an adjudication to a political subdivision.

9 * * *

10 §4720.181. New Iberia Redevelopment Authority

11 * * *

12 K.

13 * * *

14 (6)(a) The authority shall have the right, subject to the provisions of this
15 Section, to purchase properties at tax sales conducted in accordance with ~~R.S.~~
16 ~~47:2155 and 2156~~ Part III of Chapter 5 of Subtitle III of Title 47 of the Louisiana
17 Revised Statutes of 1950, and any and all such purchases shall be a purchase
18 pursuant to ~~R.S. 47:2155 and 2156~~ those provisions and not an adjudication to a
19 political subdivision.

20 * * *

21 §4720.191. Lake Charles North Redevelopment Authority

22 * * *

23 K.

24 * * *

25 (6)(a) The authority shall have the right, subject to the provisions of this
26 Section, to purchase properties at tax sales conducted in accordance with ~~R.S.~~
27 ~~47:2155 and 2156~~ Part III of Chapter 5 of Subtitle III of Title 47 of the Louisiana
28 Revised Statutes of 1950, and any and all such purchases shall be a purchase

1 statement of the goals of the department and of the programs thereof and shall
 2 summarize the accomplishments of the department in meeting such goals and
 3 implementing such programs. The report shall also contain a specific statement of
 4 the reorganization and consolidation plan for the department for the next year and
 5 shall include a report on the implementation of such reorganization and consolidation
 6 plan for the previous year. The report concerning reorganization shall specifically
 7 detail the extent to which the department has achieved goals stated the previous year
 8 with respect to merger and consolidation of functions, abolition of agencies,
 9 consolidation of offices, elimination of job positions, and efficiency and economy
 10 in delivery of services. The report shall contain any recommendations with respect
 11 to reorganization which may require legislative action under the provisions of this
 12 Title. A copy of the report and recommended legislation shall also be submitted by
 13 the secretary to the presiding officer of ~~both houses~~ each house of the legislature.
 14 The presiding officer shall refer the report to the appropriate committee having
 15 jurisdiction of the subject matter as provided in the rules of the respective houses.

* * *

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

* * *

20 W. The following museums shall be placed within the office of the state
 21 museum of the Department of Culture, Recreation and Tourism and shall exercise
 22 their powers, duties, functions, and responsibilities as provided in R.S. 36:851.1:

* * *

24 (2) The Louisiana Political Museum and Hall of Fame ~~and its advisory board~~
 25 (R.S. 25:342(B)(3)(c), 352, and 380.141 et seq.).

* * *

1 §234. Powers and duties of secretary of environmental quality

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

4 * * *

5 (13) Provide for the ongoing merger and consolidation of the agencies and
6 functions transferred to his department and submit a report thereon to the governor
7 and the legislature, which report shall accompany the budget ~~statement~~ request which
8 he submits under provisions of R.S. ~~39:45~~ 39:33. Such report shall include a
9 statement of the goals of the department and of the programs thereof and shall
10 summarize the accomplishments of the department in meeting such goals and
11 implementing such programs. The report shall also contain a specific statement of
12 the reorganization and consolidation plan for the department for the next year and
13 shall include a report on the implementation of such reorganization and consolidation
14 plan for the previous year. The report concerning reorganization shall specifically
15 detail the extent to which the department has achieved goals stated the previous year
16 with respect to merger and consolidation of functions, abolition of agencies,
17 consolidation of offices, elimination of job positions, and efficiency and economy
18 in delivery of services. The report shall contain any recommendations with respect
19 to reorganization which may require legislative action under the provisions of this
20 Title. A copy of the report and recommended legislation shall also be submitted by
21 the secretary to the presiding officer of ~~both houses~~ each house of the legislature.
22 The presiding officer shall refer the report to the appropriate committee having
23 jurisdiction of the subject matter as provided in the rules of the respective house.

24 * * *

25 §239. Transfer of agencies and functions to Department of Environmental Quality

26 * * *

1 C. The Motor Fuels Underground Storage Tank Trust Fund Advisory Board
2 (R.S. 30:2195 et seq.) is placed within the Department of Environmental Quality and
3 shall exercise and perform its powers, duties, functions, and responsibilities as
4 otherwise provided by law.

5 * * *

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

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

9 * * *

10 (8) Provide for the ongoing merger and consolidation of the agencies and
11 functions transferred to his department and submit a report thereon to the governor
12 and the legislature, which report shall accompany the budget ~~statement~~ request which
13 he submits under provisions of R.S. ~~39:45~~ 39:33. Such report shall include a
14 statement of the goals of the department and of the programs thereof and shall
15 summarize the accomplishments of the department in meeting such goals and
16 implementing such programs. The report shall also contain a specific statement of
17 the reorganization and consolidation plan for the department for the next year and
18 shall include a report on the implementation of such reorganization and consolidation
19 plan for the previous year. The report concerning reorganization shall specifically
20 detail the extent to which the department has achieved goals stated the previous year
21 with respect to merger and consolidation of functions, abolition of agencies,
22 consolidation of offices, elimination of job positions, and efficiency and economy
23 in delivery of services. The report shall contain any recommendations with respect
24 to reorganization which may require legislative action under the provisions of this
25 Title. A copy of the report and recommended legislation shall also be submitted by
26 the secretary to the presiding officer of ~~both houses~~ each house of the legislature.
27 The presiding officer shall refer the report to the appropriate committee having
28 jurisdiction of the subject matter as provided in the rules of the respective house.

29 * * *

1 F.(1) The functions relative to the operation and management of community-
 2 based mental health, developmental disabilities, substance abuse services, and
 3 certain community-based public health services for the parishes of Ascension, East
 4 Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge, and West
 5 Feliciana transferred in accordance with ~~R.S. 46:2661~~ R.S. 28:901 et seq., shall be
 6 the responsibility of and shall be performed by the Capital Area Human Services
 7 District. If funds are not appropriated by the legislature for the district to perform
 8 these functions in those parishes, the functions shall be the responsibility of and shall
 9 be performed by the department in those parishes.

10 * * *

11 §354. Powers and duties of secretary of natural resources

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

14 * * *

15 (12) Provide for the ongoing merger and consolidation of the agencies and
 16 functions transferred to his department and submit a report thereon to the governor
 17 and the legislature, which report shall accompany the budget ~~statement~~ request which
 18 he submits under provisions of R.S. ~~39:45~~ 39:33. Such report shall include a
 19 statement of the goals of the department and of the programs thereof and shall
 20 summarize the accomplishments of the department in meeting such goals and
 21 implementing such programs. The report shall also contain a specific statement of
 22 the reorganization and consolidation plan for the department for the next year and
 23 shall include a report on the implementation of such reorganization and consolidation
 24 plan for the previous year. The report concerning reorganization shall specifically
 25 detail the extent to which the department has achieved goals stated the previous year
 26 with respect to merger and consolidation of functions, abolition of agencies,
 27 consolidation of offices, elimination of job positions, and efficiency and economy
 28 in delivery of services. The report shall contain any recommendations with respect
 29 to organization which may require legislative action under the provisions of this

1 Title. A copy of the report and recommended legislation shall also be submitted by
2 the secretary to the presiding officer of each house of the legislature. The presiding
3 officer shall refer the report to the appropriate committee having jurisdiction of the
4 subject matter as provided in the rules of the respective house.

5 * * *

6 §404. Powers and duties of secretary of public safety and corrections

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

9 * * *

10 (9) Provide for the ongoing merger and consolidation of the agencies and
11 functions transferred to his department and submit a report thereon to the governor
12 and the legislature, which report shall accompany the budget ~~statement~~ request which
13 he submits under provisions of R.S. ~~39:45~~ 39:33. Such report shall include a
14 statement of the goals of the department and of the programs thereof and shall
15 summarize the accomplishments of the department in meeting such goals and
16 implementing such programs. The report shall also contain a specific statement of
17 the reorganization and consolidation plan for the department for the next year and
18 shall include a report on the implementation of such reorganization and consolidation
19 plan for the previous year. The report concerning reorganization shall specifically
20 detail the extent to which the department has achieved goals stated the previous year
21 with respect to merger and consolidation of functions, abolition of agencies,
22 consolidation of offices, elimination of job positions, and efficiency and economy
23 in delivery of services. The report shall contain any recommendations with respect
24 to reorganization which may require legislative action under the provisions of this
25 Title. A copy of the report and recommended legislation shall also be submitted by
26 the secretary to the presiding officer of ~~both houses~~ each house of the legislature.
27 The presiding officer shall refer the report to the appropriate committee having
28 jurisdiction of the subject matter as provided in the rules of the respective house.

29 * * *

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

2 * * *

3 R. The Louisiana State Uniform Construction Code Council (R.S.
4 40:1730.21 et seq.) is placed within the Department of Public Safety and
5 Corrections and shall perform and exercise its powers, duties, functions, and
6 responsibilities as otherwise provided by law.

7 * * *

8 §454. Powers and duties of secretary of revenue

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

11 * * *

12 (8) Provide for the ongoing merger and consolidation of the agencies and
13 functions transferred to his department and submit a report thereon to the governor
14 and the legislature, which report shall accompany the budget ~~statement~~ request which
15 he submits under provisions of R.S. ~~39:45~~ 39:33. Such report shall include a
16 statement of the goals of the department and of the programs thereof and shall
17 summarize the accomplishments of the department in meeting such goals and
18 implementing such programs. The report shall also contain a specific statement of
19 the reorganization and consolidation plan for the department for the next year and
20 shall include a report on the implementation of such reorganization and consolidation
21 plan for the previous year. The report concerning reorganization shall specifically
22 detail the extent to which the department has achieved goals stated the previous year
23 with respect to merger and consolidation of functions, abolition of agencies,
24 consolidation of offices, elimination of job positions, and efficiency and economy
25 in delivery of services. The report shall contain any recommendations with respect
26 to reorganization which may require legislative action under the provisions of this
27 Title. A copy of the report and recommended legislation shall also be submitted by
28 the secretary to the presiding officer of ~~both houses~~ each house of the legislature.

1 The presiding officer shall refer the report to the appropriate committee having
2 jurisdiction of the subject matter as provided in the rules of the respective house.

3 * * *

4 §605. Powers and duties of the secretary of wildlife and fisheries

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

7 * * *

8 (8) Provide for the ongoing merger and consolidation of the agencies and
9 functions transferred to his department and submit a report thereon to the governor
10 and the legislature, which report shall accompany the budget ~~statement~~ request which
11 he submits under provisions of R.S. ~~39:45~~ 39:33. Such report shall include a
12 statement of the goals of the department and of the programs thereof and shall
13 summarize the accomplishments of the department in meeting such goals and
14 implementing such programs. The report shall also contain a specific statement of
15 the reorganization and consolidation plan for the department for the next year and
16 shall include a report on the implementation of such reorganization and consolidation
17 plan for the previous year. The report concerning reorganization shall specifically
18 detail the extent to which the department has achieved goals stated the previous year
19 with respect to merger and consolidation of functions, abolition of agencies,
20 consolidation of offices, elimination of job positions, and efficiency and economy
21 in delivery of services. The report shall contain any recommendations with respect
22 to reorganization which may require legislative action under the provisions of this
23 Title. A copy of the report and recommended legislation shall also be submitted by
24 the secretary to the presiding officer of ~~both houses~~ each house of the legislature.
25 The presiding officer shall refer the report to the appropriate committee having
26 jurisdiction of the subject matter as provided in the rules of the respective house.

27 * * *

1 §624. Powers and duties of commissioner of agriculture and forestry

2 A. In addition to the functions, powers, and duties otherwise vested in the
3 commissioner of agriculture by law, he shall:

4 * * *

5 (7) Provide for the ongoing merger and consolidation of the agencies and
6 functions transferred to his department and submit a report thereon to the legislature,
7 which report shall accompany the budget ~~statement~~ request which he submits under
8 provisions of R.S.~~39:45~~ 39:33. Such report shall include a statement of the goals of
9 the department and of the programs thereof and shall summarize the
10 accomplishments of the department in meeting such goals and implementing such
11 programs. The report shall also contain a specific statement of the reorganization
12 and consolidation plan for the department for the next year and shall include a report
13 on the implementation of such reorganization and consolidation plan for the previous
14 year. The report concerning reorganization shall specifically detail the extent to
15 which the department has achieved goals stated the previous year with respect to
16 merger and consolidation of functions, abolition of agencies, consolidation of
17 offices, elimination of job positions, and efficiency and economy in delivery of
18 services. The report shall contain any recommendations with respect to
19 reorganization which may require legislative action. A copy of the report and
20 recommended legislation shall also be submitted by the commissioner to the
21 presiding officer of ~~both houses~~ each house of the legislature. The presiding officer
22 shall refer the report to the appropriate committee having jurisdiction of the subject
23 matter as provided in the rules of the respective house.

24 * * *

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

27 * * *

1 C. The following agencies as defined by R.S. 36:3 are transferred to and
2 hereafter shall be within the Department of Agriculture and Forestry as provided in
3 R.S. 36:802.3:

4 (3) Structural Pest Control Commission (R.S. ~~3:3301-3:3317~~ 3:3361 et seq.).

5 * * *

6 §645. Powers and duties of superintendent of education

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

9 * * *

10 (7) Provide for the ongoing merger and consolidation of the agencies and
11 functions transferred to his department and submit a report thereon to the legislature,
12 which report shall accompany the budget ~~statement~~ request which he submits under
13 provisions of R.S. ~~39:45~~ 39:33. Such report shall include a statement of the goals of
14 the department and of the programs thereof and shall summarize the
15 accomplishments of the department in meeting such goals and implementing such
16 programs. The report shall also contain a specific statement of the reorganization
17 and consolidation plan for the department for the next year and shall include a report
18 on the implementation of such reorganization and consolidation plan for the previous
19 year. The report concerning reorganization shall specifically detail the extent to
20 which the department has achieved goals stated the previous year with respect to
21 merger and consolidation of functions, abolition of agencies, consolidation of offices
22 and administrative and programmatic divisions of the department, elimination of job
23 positions, and efficiency and economy in delivery of services. The report shall
24 contain any recommendations with respect to reorganization which may require
25 legislative action. A copy of the report and recommended legislation shall also be
26 submitted by the superintendent to the presiding officer of ~~both houses~~ each house
27 of the legislature. The presiding officer shall refer the report to the appropriate

1 committee having jurisdiction of the subject matter as provided in the rules of the
2 respective house.

3 * * *

4 §682. Commissioner of insurance; powers and duties

5 * * *

6 B. In addition to the functions, powers, and duties otherwise vested in the
7 commissioner of insurance by law, he shall:

8 * * *

9 (6) Provide for the ongoing reorganization and consolidation of the
10 department and submit a report thereon to the legislature, which report shall
11 accompany the budget ~~statement~~ request which he submits under provisions of R.S.
12 ~~39:45~~ 39:33. Such report shall include a statement of the goals of the department and
13 of the programs thereof and shall summarize the accomplishments of the department
14 in meeting such goals and implementing such programs. The report shall also
15 contain a specific statement of the reorganization and consolidation plan for the
16 department for the next year and shall include a report on the implementation of such
17 reorganization and consolidation plan for the previous year. The report concerning
18 reorganization shall specifically detail the extent to which the department has
19 achieved goals stated the previous year with respect to merger and consolidation of
20 functions, abolition of agencies, consolidation of offices and administrative and
21 programmatic divisions of the department, elimination of job positions, and
22 efficiency and economy in delivery of services. The report shall contain any
23 recommendations with respect to reorganization which may require legislative
24 action. A copy of the report and recommended legislation shall also be submitted
25 by the commissioner of insurance to the presiding officer of ~~both houses~~ each house
26 of the legislature. The presiding officer shall refer the report to the appropriate
27 committee having jurisdiction of the subject matter as provided in the rules of the
28 respective house.

29 * * *

1 §702. Powers and duties of attorney general

2 In addition to the functions, powers, and duties otherwise vested in the
3 attorney general, he shall:

4 * * *

5 (6) Provide for the ongoing reorganization and consolidation of the
6 department and submit a report thereon to the legislature, which report shall
7 accompany the budget ~~statement~~ request which he submits under provisions of R.S.
8 ~~39:45~~ 39:33. Such report shall include a statement of the goals of the department and
9 of the programs thereof and shall summarize the accomplishments of the department
10 in meeting such goals and implementing such programs. The report shall also
11 contain a specific statement of the reorganization and consolidation plan for the
12 department for the next year and shall include a report on the implementation of such
13 reorganization and consolidation plan for the previous year. The report concerning
14 reorganization shall specifically detail the extent to which the department has
15 achieved goals stated the previous year with respect to merger and consolidation of
16 offices and administrative and programmatic division of the department, elimination
17 of job positions, and efficiency and economy in delivery of services. The report shall
18 contain any recommendations with respect to reorganization which may require
19 legislative action. A copy of the report and recommended legislation shall also be
20 submitted by the attorney general to the presiding officer of ~~both houses~~ each house
21 of the legislature. The presiding officer shall refer the report to the appropriate
22 committee having jurisdiction of the subject matter as provided in the rules of the
23 respective house.

24 * * *

25 §722. Powers and duties of Public Service Commission

26 In addition to the functions, powers, and duties otherwise vested in the Public
27 Service Commission, it shall:

28 * * *

1 (6) Provide for the ongoing reorganization and consolidation of the
2 department and submit a report thereon to the legislature, which report shall
3 accompany the budget ~~statement~~ request which it submits under provisions of R.S.
4 ~~39:45~~ 39:33. Such report shall include a statement of the goals of the department and
5 of the programs thereof and shall summarize the accomplishments of the department
6 in meeting such goals and implementing such programs. The report shall also
7 contain a specific statement of the reorganization and consolidation plan for the
8 department for the next year and shall include a report on the implementation of such
9 reorganization and consolidation plan for the previous year. The report concerning
10 reorganization shall specifically detail the extent to which the department has
11 achieved goals stated the previous year with respect to merger and consolidation of
12 functions, abolition of agencies, consolidation of administrative and programmatic
13 divisions of the department, elimination of job positions, and efficiency and
14 economy in delivery of services. The report shall contain any recommendations with
15 respect to reorganization which may require legislative action. A copy of the report
16 and recommended legislation shall also be submitted by the commission to the
17 presiding officer of ~~both houses~~ each house of the legislature. The presiding officer
18 shall refer the report to the appropriate committee having jurisdiction of the subject
19 matter as provided in the rules of the respective house.

* * *

21 §742. Powers and duties of secretary of state

22 In addition to the functions, powers, and duties otherwise vested in the
23 secretary of state by law, he shall:

* * *

25 (6) Provide for the ongoing reorganization and consolidation of the
26 department and submit a report thereon to the legislature, which report shall
27 accompany the budget ~~statement~~ request which he submits under provisions of R.S.
28 ~~39:45~~ 39:33. Such report shall include a statement of the goals of the department and
29 of the programs thereof and shall summarize the accomplishments of the department

1 in meeting such goals and implementing such programs. The report shall also
 2 contain a specific statement of the reorganization and consolidation plan for the
 3 department for the next year and shall include a report on the implementation of such
 4 reorganization and consolidation plan for the previous year. The report concerning
 5 reorganization shall specifically detail the extent to which the department has
 6 achieved goals stated the previous year with respect to merger and consolidation of
 7 functions, consolidation of administrative and programmatic divisions of the
 8 department, elimination of job positions, and efficiency and economy in delivery of
 9 services. The report shall contain any recommendations with respect to
 10 reorganization which may require legislative action under the provisions of this Title.
 11 A copy of the report and recommended legislation shall also be submitted by the
 12 secretary of state to the presiding officer of ~~both houses~~ each house of the legislature.
 13 The presiding officer shall refer the report to the appropriate committee having
 14 jurisdiction of the subject matter as provided in the rules of the respective house.

15 * * *

16 §764. Powers and duties of state treasurer

17 A. In addition to the functions, powers, and duties otherwise vested in the
 18 state treasurer by law, he shall:

19 * * *

20 (7) Provide for the ongoing merger and consolidation of the agencies and
 21 functions transferred to his department and submit a report thereon to the legislature,
 22 which report shall accompany the budget ~~statement~~ request which he submits under
 23 provisions of R.S. ~~39:45~~ 39:33. Such report shall include a statement of the goals of
 24 the department and of the programs thereof and shall summarize the
 25 accomplishments of the department in meeting such goals and implementing such
 26 programs. The report shall also contain a specific statement of the reorganization
 27 and consolidation plan for the department for the next year and shall include a report
 28 on the implementation of such reorganization and consolidation plan for the previous
 29 year. The report concerning reorganization shall specifically detail the extent to

1 §3259. Reporting

2 A. Every licensed midwife shall report to the board annually in a manner and
3 form prescribed by the board. The report shall be submitted by January thirty-first
4 of each year and shall include all of the following:

5 * * *

6 (9) A brief description of any complications resulting in the ~~mortality~~ death
7 of a mother or an infant.

8 * * *

9 B. A licensed midwife shall report within forty-eight hours to the board any
10 maternal, fetal, or neonatal mortality or morbidity in patients for whom care has been
11 given. The report shall include the sex, weight, date and place of delivery, method
12 of delivery, congenital anomalies of the fetus, and if maternal, fetal, or neonatal
13 death occurred, cause of death.

14 * * *

15 Section 15. R.S. 39:102(C) and 103(A)(2) and R.S. 39:1533(A) as most recently
16 amended by Section 3 of Act No. 449 and Section 3 of Act No. 631 of the 2006 Regular
17 Session of the Legislature are hereby amended and reenacted to read as follows:

18 §102. Capital outlay budget request contents

19 * * *

20 C. A detailed project description and justification shall be prepared in
21 accordance with instructions and procedures published by the division of
22 administration. Such instructions and procedures shall be published in the State
23 Louisiana Register at least thirty days prior to the effective date thereof.

24 §103. Standards for capital projects and evaluations

25 A.

26 * * *

1 (2) The standards established by the commissioner of administration shall
2 be published in the ~~state register~~ Louisiana Register at least thirty days prior to the
3 effective date thereof.

4 * * *

5 §1533. Self-Insurance Fund

6 A. There is hereby created in the Department of the Treasury a special fund
7 to be known as the "Self-Insurance Fund". The fund shall consist of all premiums
8 paid by state agencies under the state's risk management program as established by
9 this Chapter, the investment income earned from such premiums and commissions
10 retained ~~as provided by Title 39~~ in accordance with the provisions of this Title. This
11 fund shall be used only for the payment of losses incurred by state agencies under
12 the self-insurance program, premiums for insurance obtained through commercial
13 carriers, administrative expenses associated with the management of the state's risk,
14 law enforcement officers and firemen's survivors benefits as provided for in R.S.
15 33:1981(C) and 2201(C), the payment of losses incurred by the Jefferson Parish
16 Human Services Authority in accordance with R.S. 28:831(J), the payment of losses
17 incurred by the Capital Area Human Services District in accordance with ~~R.S.~~
18 ~~46:2666~~ R.S. 28:906, the payment of losses incurred by the Florida Parishes Human
19 Services Authority in accordance with R.S. 28:856, the payment of losses incurred
20 by the Metropolitan Human Services District in accordance with R.S. 28:866, the
21 payment of losses incurred by the Northeast Delta Human Services Authority in
22 accordance with R.S. 28:876, the payment of losses incurred by the South Central
23 Louisiana Human Services Authority in accordance with R.S. 28:876, and the
24 funding of the legal services, such funds to be administered by the commissioner of
25 administration.

26 * * *

27 Section 16. R.S. 40:4(A)(3)(b), 32(12), 33(A), 61(A)(4), 1155, 1232(C), 1232.4(2)
28 and (7), 1232.9(2) and (7), 1300.198(B)(4), and 2022(D) are hereby amended and reenacted
29 to read as follows:

1 §4. Sanitary Code

2 A. The state health officer acting through the office of public health of the
3 Department of Health and Hospitals shall prepare, promulgate, and enforce rules and
4 regulations embodied within the state's Sanitary Code covering all matters within his
5 jurisdiction as defined and set forth in R.S. 40:5. The promulgation of this Sanitary
6 Code shall be accomplished in strict accordance with the provisions of the
7 Administrative Procedure Act, and further, in conformity with the following
8 guidelines and directives:

9 * * *

10 (3)

11 * * *

12 (b) In order to protect the public from disease associated with the handling
13 of dead human remains, the state health officer, acting through the office of
14 ~~preventive and public health services~~, shall prepare and promulgate all rules
15 necessary to insure that all hospitals will identify corpses that are infected with a
16 contagious disease, when there is actual knowledge of such infection, and report such
17 to embalmers and funeral directors who handle the corpses for interment or
18 cremation. The state health officer shall prepare a list of contagious diseases and
19 such list shall be added to or deleted from as circumstances warrant.

20 * * *

21 §32. Definition of terms

22 As used in this Chapter, the following terms shall have the meanings ascribed
23 to them in this Section unless otherwise provided for or unless the context otherwise
24 indicates:

25 * * *

26 (12) "Public health statistics unit" means that section which codes, tabulates,
27 analyzes, reports, and coordinates vital records and other health status indicator data
28 for the office of ~~preventive and public health services~~.

29 * * *

1 §33. Vital records registry; establishment; general authority and duties of state
2 registrar

3 A. There is hereby established a central vital records registry within the
4 office of ~~preventive and public health services~~ and a registrar of vital records for the
5 state with an office properly equipped and operated for the safety and preservation
6 of all vital records covering the births, deaths, marriages, divorce judgments,
7 adoptions, and change of names, made and received under this Chapter or under the
8 regulations adopted by the Department of Health and Hospitals.

9 * * *

10 §61. Penalties

11 A. A fine of not more than ten thousand dollars or imprisonment of not more
12 than five years, or both, shall be imposed on:

13 * * *

14 (4) In addition to dismissal proceedings pursuant to state civil service
15 regulations, any employee of the vital records registry or office of ~~preventive and~~
16 ~~public health services~~ who willfully and knowingly furnishes or processes a
17 certificate of birth or death, or certified copy of a certificate of birth or death, or
18 discloses information contained in a certificate of birth or death, with the knowledge
19 or intention that it be used for the purposes of deception; or

20 * * *

21 §1155. Approval of individual sewage treatment and disposal systems

22 No parish, municipality, or planning commission shall enact a sewerage
23 permit ordinance or similar regulation authorizing the installation of individual
24 sewage treatment and disposal systems without written approval by the office of
25 ~~preventive and public health services~~ of the Department of Health and Hospitals.

26 * * *

27 §1232. Emergency medical personnel training; ~~certification~~ licensure

28 * * *

1 C. The bureau shall affirmatively provide that there is no discrimination
2 toward any individual in the ~~certification~~ licensure process on the basis of race,
3 religion, creed, national origin, sex, or age.

4 * * *

5 §1232.4. Powers and duties of the bureau

6 The bureau shall:

7 * * *

8 (2) Prescribe application forms for ~~certification and certification~~ licensure
9 and license renewal.

10 * * *

11 (7) Adopt continuing education requirements and standards for individuals
12 seeking to renew a ~~certificate~~ license.

13 * * *

14 §1232.9. Violations

15 No person or individual shall engage in any of the following activities:

16 * * *

17 (2) Practice as an emergency medical services practitioner under any
18 ~~diploma or certificate~~ diploma, certificate, or license illegally obtained or signed or
19 issued unlawfully.

20 * * *

21 (7) Conduct or serve as an educator in conducting any course claiming to
22 prepare students for ~~license~~ licensure as emergency medical services practitioner
23 under the provisions of this Subpart, unless both the course and the educator have
24 been approved by the bureau.

25 * * *

26 §1300.198. Funding

27 * * *

28 B. In the event that the secretary determines that the funds appropriated may
29 not meet projected expenditure for the fiscal year, the secretary may:

30 * * *

1 (4) Establish a period of open enrollment which shall be not less than thirty
2 days and which shall include an enrollment period for those who become age eligible
3 during the year. Any such changes shall be effective thirty days after notice of such
4 adjustment is published in the ~~state register~~ Louisiana Register.

5 * * *

6 §2022. Health care information; pertussis

7 * * *

8 D. Nothing in this Section shall require any hospital or the office of public
9 health within the Department of Health and ~~Hospital~~ Hospitals to provide or pay for
10 any vaccination against pertussis.

11 Section 17. R.S. 42:447 is hereby amended and reenacted to read as follows:

12 §447. Leave remaining after termination of personal emergency

13 Transferred annual, sick, or compensatory leave remaining to the credit of a
14 leave recipient when the personal emergency terminates ~~must~~ shall be restored to the
15 pool account.

16 Section 18. R.S. 44:4(4)(a), (14), (31), and (37) and 4.1(B)(20) are hereby amended
17 and reenacted to read as follows:

18 §4. Applicability

19 This Chapter shall not apply:

20 * * *

21 (4)(a) To any records, writings, accounts, letters, letter books, photographs,
22 reports of examination, work papers of examiners, including loan write-ups, line
23 sheets, handwritten notes, loan classification documentation, and any other
24 documentation relating to the financial statements of a financial institution's
25 borrowers, or other entity supervised by the office of financial institutions, except
26 as otherwise provided in R.S. 6:103, R.S. 9:3518.1, R.S. 37:1806, R.S. 51:1934, or
27 R.S. 51:2389. This exception shall apply to any financial institution governed by
28 Title 6, supervised entities licensed under Title 9 of the Louisiana Revised Statutes
29 of 1950, and those entities licensed and supervised by the office of financial
30 institutions pursuant to Title 37 or 51 of the Louisiana Revised Statutes of 1950,

1 including those which are exercising the privileges granted by their charters or
2 licenses, as well as those which have been determined to be insolvent or operating
3 in an unsafe and unsound condition and have lost their deposit insurance coverage,
4 or, for other legal reasons have been closed and placed in conservatorship or
5 receivership by the commissioner of financial institutions, or whose licenses issued
6 under the provisions of Title 9, 37, or 51 of the Louisiana Revised Statutes of 1950
7 have been terminated for any lawful reason.

8 * * *

9 (14) To any records of the Department of Health and ~~Human Resources~~
10 Hospitals, office of ~~preventive and public health services~~, which records contain any
11 technical information pertaining to any formula, method, or process which is a trade
12 secret which has been submitted by any manufacturer of a product or mechanical
13 sewage treatment plant in order to obtain or retain approval of such product for sale
14 or use in this state or in order to assist said office in carrying out and enforcing the
15 sanitary laws and regulations of the state.

16 * * *

17 (31) To proprietary information provided to a communications district by a
18 service ~~provider~~ supplier, as defined in R.S. 33:9106(A)(4). "Proprietary
19 information" as used in this Paragraph shall mean customer telephone numbers,
20 information relating to the quantity, technical destination, location, and amount of
21 use of a telecommunications service subscribed to by any customer of a
22 telecommunications carrier, and information that is made available to the carrier by
23 the customer solely by virtue of the carrier-customer relationship.

24 * * *

25 (37) To any protected health information as defined in R.S. 29:762 pursuant
26 to the Louisiana ~~Public Health Emergency Powers~~ Act.

27 * * *

28 §4.1. Exceptions

29 * * *

1 §448. Emergency assistance information and referral

2 A. Definitions

3 1. As used in this Section, "~~office of human development~~" "office of children
4 and family services" shall mean the office of ~~human development~~ children and
5 family services, Department of Children and Family Services, state of Louisiana.

6 * * *

7 B. The office of ~~human development~~ children and family services shall
8 gather through its local offices information on all governmental and private agencies
9 in each parish as to the type of assistance each agency can and will provide and as
10 to what eligibility requirements, if any, these agencies apply to their assistance.

11 C. The office of ~~human development~~ children and family services shall
12 designate an office in each parish which will aid people seeking emergency
13 assistance, either in person or by telephone, to identify what assistance, if any, the
14 person can obtain. The office of ~~human development~~ children and family services
15 shall publicize in each parish the availability of this information.

16 D. Each office will report at the end of each calendar year to the assistant
17 secretary of the office of ~~human development~~ children and family services, the total
18 number and type of emergency assistance requests it has received and the number
19 and type of emergency assistance requests for which no agency provides assistance
20 in that area. The reports shall be available to the public on request.

21 E. The services provided by this Section shall be funded from such monies
22 as are already provided for the office of ~~human development of the Department of~~
23 ~~Children and Family Services~~ children and family services, and to this end, shall be
24 deemed not to require additional personnel or appropriations.

25 * * *

26 §2111. Findings; purpose

27 * * *

28 C. The purpose of this Chapter is to establish a bureau for handicapped
29 persons within the office of ~~human services~~ children and family services in the
30 Department of Children and Family Services to carry out the duties and

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1 responsibilities described by this Chapter, which duties and responsibilities will
2 broaden the scope of those formerly carried out by the Governor's Committee on
3 Employment of Physically Handicapped.

4 * * *

5 §2402. Definitions

6 Except where the context clearly indicates otherwise, in this Chapter:

7 * * *

8 (6) "Office" means the office of ~~human development~~ children and family
9 services.

10 * * *

11 §2405. Louisiana Children's Trust Fund Board; staff; duties

12 * * *

13 B. The commissioner of administration shall make available one additional
14 position to the table of organization of the office of ~~human development~~ children and
15 family services in order to provide for the position of executive director.

16 * * *

17 Section 20. R.S. 47:332.9(A), 337.95(B)(1)(a), 337.96, 337.99(H)(1) and (I),
18 4331(F), 4352, and 6103(A)(2) are hereby amended and reenacted to read as follows:

19 §332.9. Disposition of certain collections in parish of Lafayette

20 A. The avails of the tax imposed by R.S. 47:331 from the sale of services as
21 defined in R.S. 47:301(14)(a) in the parish of Lafayette under the provisions of R.S.
22 47:331(C) and 332 shall be credited to the Bond Security and Redemption Fund and
23 after a sufficient amount is allocated from that fund to pay all the obligations secured
24 by the full faith and credit of the state which become due and payable within any
25 fiscal year, the treasurer shall pay the remainder of such ~~fund~~ funds into a special
26 fund which is hereby created in the state treasury and designated as the "Lafayette
27 Parish Visitor Enterprise Fund".

28 * * *

29 §337.95. Filing; taking effect of rules

30 * * *

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1 Fiscal Affairs and the House Committee on Ways and Means. However, if such
2 committees do not take action on the rule within sixty days of publication in the ~~State~~
3 Louisiana Register, the rule shall become effective.

4 * * *

5 Section 21. R.S. 48:1671(C)(1) is hereby amended and reenacted to read as follows:

6 §1671. Southern Rapid Rail Transit Compact

7 * * *

8 C.(1) The states that are parties to this compact (hereinafter referred to as
9 party states) do hereby establish and create a joint agency, which shall be known as
10 the Southern ~~High-Speed~~ Rail Commission (hereinafter referred to as the
11 commission). The membership of the commission shall consist of the governor of
12 each party state, one representative each from the Mississippi Energy and
13 Transportation Board or its successor, the Louisiana Department of Transportation
14 and Development or its successor, the Texas Transportation Commission or its
15 successor, and the conservation division of the Alabama Department of Energy or
16 its successor; and five other citizens of each party state, to be appointed by the
17 governor thereof. The appointive members of the commission shall serve for terms
18 of four years each. Vacancies on the commission shall be filled by appointment by
19 the governor for the unexpired portion of the term.

20 * * *

21 Section 22. R.S. 49:214.5.3(B)(3), 952(1), 953(B)(1)(a) and (2) and (F)(3)(b) and
22 (h), 954(A) and (B)(2), 954.1, 966(C), 968(D)(1)(c), (H)(1), (I), and (J), 981, 982,
23 983(A)(introductory paragraph) and (B), 984, 985, 986, 987, and 1101(A) are hereby
24 amended and reenacted to read as follows:

25 §214.5.3. Coastal protection annual plans; development; priorities

26 * * *

27 B. The board shall develop the master and annual plans in accordance with
28 the following procedure:

29 * * *

1 (h) No later than fifteen days prior to the time of publication of the final rule
 2 in the Louisiana Register, the secretary or any authorized assistant secretary of the
 3 department shall (i) certify, under oath, to the governor of the state of Louisiana, the
 4 attorney general of Louisiana, the speaker of the House of Representatives, the
 5 president of the Senate, the chairman of the House Committee on Natural Resources
 6 and Environment, the chairman of the Senate Committee on Environmental Quality,
 7 and the ~~office of the state register~~ Office of the State Register that the proposed rule
 8 is identical to a specified federal law or regulation applicable in Louisiana and (ii)
 9 furnish the chairman of the Senate Committee on Environmental Quality and the
 10 chairman of the House Committee on Natural Resources and Environment the
 11 response to comments and submissions required under Subparagraph (g) of this
 12 Paragraph, together with a copy of the notice required under Subparagraph (a) of this
 13 Paragraph.

14 * * *

15 §954. Filing; taking effect of rules

16 A. No rule adopted on or after January 1, 1975, is valid unless adopted in
 17 substantial compliance with this Chapter. Each rule making agency shall file a
 18 certified copy of its rules with the ~~Department~~ Office of the State Register. No rule,
 19 whether adopted before, on, or after January 1, 1975, shall be effective, nor may it
 20 be enforced, unless it has been properly filed with the ~~Department~~ Office of the State
 21 Register. No rule, adopted on or after November 1, 1978, shall be effective, nor may
 22 it be enforced, unless prior to its adoption a report relative to the proposed rule
 23 change is submitted to the appropriate standing committee of the legislature or to the
 24 presiding officers of the respective houses as provided in R.S. 49:968. No rule,
 25 adopted on or after September 12, 1980, shall be effective, nor may it be enforced,
 26 unless the approved economic and fiscal impact statements, as provided in R.S.
 27 49:953A, have been filed with the ~~Department~~ Office of State Register and published
 28 in the Louisiana Register. The inadvertent failure to mail notice and statements to
 29 persons making request for such mail notice, as provided in R.S. 49:953, shall not
 30 invalidate any rule adopted hereunder. A proceeding under R.S. 49:963 to contest

1 any rule on the grounds of noncompliance with the procedures for adoption, as given
2 in this Chapter, must be commenced within two years from the date upon which the
3 rule became effective.

4 B. Each rule hereafter adopted shall be effective upon its publication in the
5 Louisiana Register, said publication to be subsequent to the act of adoption, except
6 that:

7 * * *

8 (2) Subject to applicable constitutional or statutory provisions, an emergency
9 rule shall become effective on the date of its adoption, or on a date specified by the
10 agency to be not more than sixty days future from the date of its adoption, provided
11 written notice is given within five days of the date of adoption to the governor of
12 Louisiana, the attorney general of Louisiana, the speaker of the House of
13 Representatives, and the president of the Senate, and the ~~Department~~ Office of the
14 State Register as provided in R.S. 49:953(B). Such emergency rule shall not remain
15 in effect beyond the publication date of the Louisiana Register published in the
16 month following the month in which the emergency rule is adopted, unless such rule
17 and the reasons for adoption thereof are published in said issue; provided, however,
18 that any emergency rule so published shall not be effective for a period longer than
19 one hundred twenty days, except as provided by R.S. 49:967(D), but the adoption of
20 an identical rule under Paragraphs (1), (2) and (3) of Subsection A of R.S. 49:953 is
21 not precluded. The agency shall take appropriate measures to make emergency rules
22 known to the persons who may be affected by them.

23 §954.1. Louisiana Administrative Code and Louisiana Register; publication;
24 distribution; copies; index; interagency rules

25 A. The ~~Department~~ Office of the State Register shall compile, index, and
26 publish a publication to be known as the Louisiana Administrative Code, containing
27 all effective rules adopted by each agency subject to the provisions of this Chapter,
28 and all boards, commissions, agencies and departments of the executive branch,
29 notwithstanding any other provision of law to the contrary. The Louisiana
30 Administrative Code shall also contain all executive orders issued by the governor

1 on or after May 9, 1972, which are in effect at the time the Louisiana Administrative
2 Code is published. The Louisiana Administrative Code shall be supplemented or
3 revised as often as necessary and at least once every two years.

4 B. The ~~Department~~ Office of the State Register shall publish at least once
5 each month a bulletin to be known as the Louisiana Register which shall set forth the
6 text of all rules filed during the preceding month and such notices as shall have been
7 submitted pursuant to this Chapter. It shall also set forth all executive orders of the
8 governor issued during the preceding month and a summary or digest of and fiscal
9 note prepared for each such order as required by the provisions of R.S. 49:215. In
10 addition, the ~~Department~~ Office of the State Register may include in the Louisiana
11 Register digests or summaries of new or proposed rules; however, if any conflict
12 should arise between the written digest of a rule and the rule, the rule shall take
13 precedence over the written digest.

14 C. The ~~Department~~ Office of the State Register shall publish such rules,
15 notices, statements, and other such matters as submitted by the rulemaking agency
16 without regard to their validity. However, the Office of the State Register may omit
17 from the Louisiana Register or Louisiana Administrative Code any rule the
18 publication of which would be unduly cumbersome, expensive, or otherwise
19 inexpedient, if the rule in printed or processed form is made available on application
20 to the adopting agency, and if the Louisiana Register or Louisiana Administrative
21 Code, as the case may be, contains a notice stating the general subject matter of the
22 omitted rule and stating how a copy thereof may be obtained.

23 D. One copy, or multiple copies if practical, of the Louisiana Register and
24 Louisiana Administrative Code shall be made available upon request to state
25 depository libraries free of charge, and to other agencies or persons at prices fixed
26 by the department of the state register to recover all or a portion of the mailing and
27 publication costs. Notwithstanding the provisions of R.S. 49:951(2) of this Chapter
28 to the contrary, the ~~department of the state register~~ Office of the State Register shall
29 provide free copies of the Louisiana Register and the Louisiana Administrative Code

1 to the David R. Poynter Legislative Research Library, the Senate Law Library, and
2 the Huey P. Long Memorial Law Library.

3 E. The ~~Department~~ Office of the State Register shall prescribe a uniform
4 system of indexing, numbering, arrangement of text and citation of authority and
5 history notes for the Louisiana Administrative Code.

6 F. The ~~Department~~ Office of the State Register may publish advertisements
7 for bids and other legal notices in the Louisiana Register in addition to other
8 publications thereof required by law.

9 G. The ~~Department~~ Office of the State Register is hereby authorized and
10 empowered to promulgate and enforce interagency rules for the implementation and
11 administration of this Section.

12 H. The governor shall be the publisher of the Louisiana Administrative Code
13 and Louisiana Register provided for through the ~~Department~~ Office of the State
14 Register.

15 * * *

16 §966. Construction and effect; judicial cognizance

17 * * *

18 C. The courts of this state shall take judicial cognizance of rules promulgated
19 in the ~~State~~ Louisiana Register under the provisions of this Chapter.

20 * * *

21 §968. Review of agency rules; fees

22 * * *

23 D.(1)

24 * * *

25 (c) The agency shall publish on its website public notice that the report
26 required by Subparagraph (b) of this Paragraph has been delivered to the appropriate
27 standing committee as provided for in Subsection B of this Section within one
28 business day from submission of the report to the appropriate standing committee.

29 If the agency does not maintain a website, the agency may submit the public notice

1 to the ~~office of the state register~~ Office of the State Register for publication on a
2 website maintained by the ~~office of the state register~~ Office of the State Register.

3 * * *

4 H.(1) If both the House and Senate oversight subcommittees fail to find a
5 proposed rule change unacceptable as provided herein, or if the governor disapproves
6 the action of an oversight subcommittee within the time provided in R.S. 49:968(G),
7 the proposed rule change may be adopted by the agency in the identical form
8 proposed by the agency or with technical changes or with changes suggested by the
9 subcommittee, provided at least ninety days and no more than twelve months have
10 elapsed since notice of intent was published in the ~~State~~ Louisiana Register.

11 * * *

12 I. If the governor disapproves the action of an oversight subcommittee, he
13 shall state written reasons for his action and shall deliver a copy of his reasons to the
14 House and Senate oversight subcommittees, the agency proposing the rule change,
15 and the ~~State~~ Louisiana Register.

16 J. The ~~State~~ Louisiana Register shall publish a copy of the written report of
17 an oversight subcommittee and the written report of the governor in disapproving
18 any such action, or if unduly cumbersome, expensive, or otherwise inexpedient, a
19 notice stating the general subject matter of the omitted report and stating how a copy
20 thereof may be obtained.

21 * * *

22 §981. Continuous revision under supervision of division of administration, ~~office of~~
23 ~~the state register~~ Office of the State Register

24 The ~~office of the state register~~ Office of the State Register, as the official
25 entity to receive, compute, index, and publish the Louisiana Register and Louisiana
26 Administrative Code, shall direct and supervise the continuous revision, clarification,
27 and coordination of the Louisiana Register and Louisiana Administrative Code in a
28 manner not inconsistent with the provisions of this Chapter.

1 §982. New regulation; incorporation in Louisiana Register and Louisiana
2 Administrative Code; resolution of conflicting rules

3 A. Upon receipt of any rules promulgated under the Administrative
4 Procedure Act, the ~~office of the state register~~ Office of the State Register shall
5 prepare the "Louisiana Register", containing the rules to be promulgated in the
6 Louisiana Administrative Code as they may have been amended or repromulgated
7 and omitting therefrom those sections that have been repealed. There shall also be
8 incorporated therein, in an appropriate place and classification, the text of all the new
9 rules of a general and public nature, assigning to these rules an appropriate title, part,
10 chapter, and section number, and indicating the statutory authority of the rules from
11 which they are taken.

12 B. When a conflict between two or more rules affecting the same subject
13 matter in the same provision or regulation cannot be resolved for the purpose of
14 incorporating the text into the Louisiana Administrative Code, the ~~office of the state~~
15 ~~register~~ Office of the State Register shall so notify the secretary of the department
16 or administrative officer charged with the promulgation of the rule prior to preparing
17 the Louisiana Administrative Code. The secretary or administrative officer shall be
18 notified of the proposed correction. If no written disapproval of the secretary or
19 administrative officer, or his designee, of the proposed correction is received by the
20 ~~office of the state register~~ Office of the State Register within seven days after the
21 secretary or administrative officer receives the notice, the ~~office of the state register~~
22 Office of the State Register shall then direct the printer to incorporate into the
23 Louisiana Administrative Code the text of the provision of the rule properly
24 promulgated.

25 §983. Incorporation of current rules and regulations procedure

26 A. In preparing the Louisiana Register or the Louisiana Administrative Code
27 as provided for in R.S. 49:981, the ~~office of the state register~~ Office of the State
28 Register shall not alter the sense, meaning, or effect of any rule properly
29 promulgated under the Administrative Procedure Act, but it may:

30 * * *

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1 B. The ~~office of the state register~~ Office of the State Register shall notify the
 2 secretary or administrative officer charged with promulgation of the rule prior to
 3 making any proposed revision authorized by this Section. If no written disapproval
 4 of the secretary or administrative officer, or his designee, of the proposed revision
 5 is received by the ~~office of the state register~~ Office of the State Register within seven
 6 days after the secretary or administrative officer receives the notice, the ~~office of the~~
 7 ~~state register~~ Office of the State Register shall proceed with the revision.

8 §984. Alphabetical or numerical sequence of laws

9 A. Whenever a rule defines terms, enumerates provisions or items, or
 10 otherwise sets forth provisions of a rule in a numerical or alphabetical listing or
 11 sequence, and such provision, as promulgated, fails to establish or fails to maintain
 12 an existing alphabetical or numerical sequence, the ~~office of the state register~~ Office
 13 of the State Register, in preparing the Louisiana Register and the Louisiana
 14 Administrative Code as provided for by R.S. 49:983, shall rearrange and renumber
 15 or redesignate the provisions to the extent necessary to place all of them in consistent
 16 order.

17 B. The ~~office of the state register~~ Office of the State Register shall notify the
 18 secretary or administrative officer charged with promulgation of the rule prior to
 19 making any proposed revision authorized by this Section. If no written disapproval
 20 of the secretary or administrative officer, or his designee, is received by the ~~office~~
 21 ~~of the state register~~ Office of the State Register within seven days after the secretary
 22 or administrative officer receives the notice, the ~~office of the state register~~ Office of
 23 the State Register shall proceed with the revision.

24 C. This requirement is in addition to any other authority granted to the ~~office~~
 25 ~~of the state register~~ Office of the State Register in the preparation of the Louisiana
 26 Register or the Louisiana Administrative Code, particularly by R.S. 49:983.

27 §985. Submitting copy to the proper party

28 A draft of the Louisiana Administrative Code prepared by the ~~office of the~~
 29 ~~state register~~ Office of the State Register shall be submitted to the appropriate

1 secretary or administrative officer charged with the promulgation of any rule prior
2 to transmittal to the printer.

3 §986. Filing of copy with commissioner of administration; certificate of correctness;
4 printing

5 Any edition of the Louisiana Administrative Code, or of any supplement
6 thereto, prepared in the manner provided in R.S. 49:982 and 983, shall be certified
7 by the ~~office of the state register~~ Office of the State Register that each section therein
8 has been compared with the original sections in the official copy of the Louisiana
9 Register with the final provisions of the promulgated rules from which the sections
10 were derived, and that with the exception of the changes of form permitted in R.S.
11 49:983, the sections are correct. The ~~office of the state register~~ Office of the State
12 Register shall order the printing of an edition sufficient in number to supply the
13 demand. When the edition has been printed, the ~~office of the state register~~ Office of
14 the State Register shall affix to one copy of the printed edition the ~~office of the state~~
15 ~~register's~~ Office of the State Register's original certificate and file the same for
16 record in his office. All other copies of the same edition may contain a printed
17 facsimile of the office's certificate.

18 §987. Printing and publication of Louisiana Register; proof of certified edition

19 The ~~office of the state register~~ Office of the State Register may enter into
20 contracts with private publishers for the printing, publication, sale, and distribution
21 of any edition of the Louisiana Register and the Louisiana Administrative Code
22 prepared by the ~~office of the state register~~ Office of the State Register and certified
23 by it pursuant to the provisions of this Chapter. Those editions so authorized by the
24 ~~office of the state register~~ Office of the State Register and containing the printed
25 facsimile of the ~~office of the state register's~~ Office of the State Register's certificate
26 of correctness shall be admissible as prima facie evidence of the rules contained
27 therein.

28 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 Art. 1302.1. Basis for jurisdiction over nonresident

2 In a proceeding to establish, enforce, or modify a support order or to
3 determine parentage, a tribunal of this state may exercise personal jurisdiction over
4 a nonresident individual, or his tutor, in any of the following situations:

5 * * *

6 (7) The individual asserted parentage in the putative father registry
7 maintained in this state by the Department of Health and Hospitals, office of
8 ~~preventive and public health services~~.

9 * * *

10 Art. 1437. Probable cause; order for examination

11 * * *

12 B. If the court determines that probable cause exists, the court may appoint
13 the minor respondent's treating physician if available or, if none, then another
14 physician, preferably a psychiatrist, to examine the minor and make a written report
15 to the court and respondent's attorney on the form provided by the office of ~~human~~
16 ~~services~~ behavioral health of the Department of Health and Hospitals.

17 Section 25. Code of Criminal Procedure Articles 405, 406, 409, and 410 are hereby
18 amended and reenacted to read as follows:

19 Art. 405. Notice of jury commission meetings

20 A. Each member of the jury commission shall be notified in writing of the
21 time and place designated for a meeting of the commission, at least twenty-four
22 hours prior to the meeting.

23 B. The notice shall be issued by one of the members or the secretary of the
24 jury commission in Orleans Parish, and by the clerk of court in all other parishes, and
25 shall be served in the manner provided for service of subpoenas.

26 Art. 406. Powers of jury commission; penalty for disobedience of commission
27 process

28 In order to secure qualified jurors, the jury commission may issue subpoenas
29 to compel the attendance of witnesses and the production of evidence relative to the

1 qualifications of prospective jurors. Disobedience of a subpoena of a jury
2 commission is punishable as contempt of court.

3 ~~Disobedience of a subpoena of a jury commission is punishable as contempt~~
4 ~~of court.~~

5 * * *

6 Art. 409. Selection of general venire in Orleans Parish

7 A. In the Parish of Orleans, the jury commission shall select impartially at
8 least seven hundred fifty persons having the qualifications to serve as jurors, who
9 shall constitute the general venire.

10 B. A list of the persons so selected shall be prepared and certified by the
11 commission as the general venire list and shall be kept as part of the records of the
12 commission.

13 C. The name and address of each person on the list shall be written on a
14 separate slip of paper, with no designation as to race or color, which shall be placed
15 in a box labeled "General Venire Box."

16 D. No drawing shall be made from a general venire containing fewer than
17 seven hundred fifty names, except when the court orders the drawing of tales jurors.

18 E. After the jury commission has selected the general venire, it shall lock and
19 seal the general venire box and deliver it to the secretary of the commission, as the
20 custodian thereof.

21 Art. 410. Revising and supplementing the general venire

22 A. At each commission meeting to revise and supplement the general venire,
23 the commission shall examine the general venire list prepared at the previous
24 selection of the general venire and shall delete therefrom the names of those persons
25 who:

26 (1) Have served as civil or criminal jurors since the previous selection of the
27 general venire; or

28 (2) Are known to have died or who have become disqualified to serve as
29 jurors since their selection on the general venire.

1 B. The slips bearing the names of those persons deleted from the general
2 venire list shall be removed from the general venire box.

3 C. The commission shall then supplement the list prepared at the previous
4 commission meeting and the corresponding slips in the box by selecting a sufficient
5 number of additional persons in compliance with Article 408 or Article 409,
6 whichever is applicable. Where the general venire list is maintained in a form
7 suitable for use by an electronic device commonly known as a computer, the general
8 venire shall likewise as hereinabove provided be deleted and supplemented.

9 Section 26. R.S. 11:231(A)(3) is hereby repealed in its entirety.

10 Section 27. R.S. 11:449(A) and (B), 450(B), and 788(C)(introductory paragraph) all
11 as amended by Act No. 714 of the 2008 Regular Session of the Legislature and R.S.
12 11:788(C)(4) as enacted by Act No. 714 of the 2008 Regular Session of the Legislature are
13 hereby repealed in their entirety.

14 Section 28. R.S. 18:1505.2(T) is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Barras

HB No. 628

Abstract: Provides for technical corrections to certain provisions of the La. Revised Statutes, the Children's Code, and the Code of Criminal Procedure.

Proposed law makes technical corrections in provisions of the La. Revised Statutes, the Children's Code, and the Code of Criminal Procedure, including corrections in legal citations, corrections in names of agencies, department offices, publications, officers, and other entities, conforming terms to those elsewhere in the law, removing references to agencies that have otherwise been repealed or no longer exist, placement of agencies in the appropriate listing for each department in Title 36 (Executive Branch organization), listing of a human services district in appropriate provisions for such districts, designating undesignated statutory provisions, removing conflicting provisions, and making conforming changes and other clarifying changes in language.

(Amends R.S. 9:400(A)(intro. para.), (B), (D), and (E); R.S. 11:22(D), 143(C)(intro. para.), 701(10), 1115(C), 1345.4, 1345.6, 1632(D)(1), 1633(B)(1), 1644(C)(2), 2132, 2218(J)(4), 2220(A)(1)(g)(i), (ii), and (iv), 2221(K)(3), 2241.8(1)(b), and 2242.8(1)(b); R.S. 14:26 and 63.4(A) and (C); R.S. 15:1084(D) and 1173; R.S. 17:7.2(A)(intro. para.), 1684(A)(2), 1809(A), 1812(A), 1813(A), the heading of Part IV of Chapter 5 of Title 17 of the Louisiana Revised Statutes of 1950, 1970.2(5), 1970.4(D)(1)(b), (c), and (d), 2054(A), 2757(B)(9), 3022(A)(1)(a)(intro. para.) and (i), 3130(A), 3218, 3226(B), 3351(A)(5)(c), 3351.1(A)(1), 3381(A), 3382(A), and 3387(A); R.S. 22:1071(D)(2)(c); R.S. 24:31.1(C)(2), (D), and (E);

R.S. 27:220(C); R.S. 28:2(32)(b), 54(D)(1)(intro. para.), 874(A)(intro. para.), 894(A)(intro. para.) and (B)(5), and 912(B); R.S. 30:4(I)(4) and 91(B)(1); R.S. 33:4720.56(23)(a), 4720.58.1(F)(1), 4720.151(K)(6)(a), 4720.161(K)(3) and (6)(a), 4720.171(K)(3) and (6)(a), 4720.181(K)(6)(a), and 4720.191(K)(6)(a); R.S. 35:191.2(4); R.S. 36:109(V), 204(A)(8), 209(W)(intro. para.) and (2), 234(A)(13), 239(C), 254(A)(8) and (F)(1), 354(A)(12), 404(A)(9), 454(A)(8), 605(A)(8), 624(A)(7), 629(C)(3), 645(A)(7), 682(B)(6), 702(6), 722(6), 742(6), and 764(A)(7); R.S. 37:791(A)(3) and 3259(A)(9) and (B); R.S. 39:102(C) and 103(A)(2); R.S. 39:1533(A) as most recently amended by Section 3 of Act No. 449 and Section 3 of Act No. 631 of the 2006 Regular Session of the Legislature; R.S. 40:4(A)(3)(b), 32(12), 33(A), 61(A)(4), 1155, 1232(C), 1232.4(2) and (7), 1232.9(2) and (7), 1300.198(B)(4) and 2022(D); R.S. 42:447; R.S. 44:4(4)(a), (14), (31), and (37) and 4.1(B)(20); R.S. 46:2(A) and (B), 448(A)(1) and (B) through (E), 2111(C), 2402(6), and 2405(B); R.S. 47:332.9(A), 337.95(B)(1)(a), 337.96, 337.99(H)(1) and (I), 4331(F), 4352, and 6103(A)(2); R.S. 48:1671(C)(1); R.S. 49:214.5.3(B)(3), 952(1), 953(B)(1)(a) and (2) and (F)(3)(b) and (h), 954(A) and (B)(2), 954.1, 966(C), 968(D)(1)(c), (H)(1), (I), and (J), 981, 982, 983(A)(intro. para.) and (B), 984, 985, 986, 987, and 1101(A); R.S. 51:3115 and 3121(G); Ch. C. Arts. 1302.1(7) and 1437(B); and C.Cr.P. Arts. 405, 406, 409, and 410; Adds R.S. 17:4015(e) and R.S. 36:409(R); Repeals R.S. 11:231(A)(3); Repeals R.S. 11:449(A) and (B), 450(B), and 788(C)(intro. para.) all as amended by Act No. 714 of the 2008 RS and R.S. 11:788(C)(4) as enacted by Act No. 714 of the 2008 RS; Repeals R.S. 18:1505.2(T))