

Regular Session, 2010

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

BY REPRESENTATIVE GALLOT

LEGISLATION: Makes technical corrections to various codal provisions and provisions of the Louisiana Revised Statutes

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 2593, Code of Criminal Procedure
3 Articles 512 and 513, R.S. 3:3501, 3502(1), (4), (11), (15), and (21), 3503(E) and
4 (F)(introductory paragraph), 3504, 3506, 3507, 3508(A), (B), and (C)(2), 3509(A),
5 (C), (D), (F), (G), and (I), 3510(A), (C)(3), (F), (K)(1), and (M), 3511, 3512(E) and
6 (F)(3), 3513(A), (F), (H), (I), (L), and (M)(2), 3514(H), (N), (P), and (Q), 3515(A)
7 and (B)(introductory paragraph), 3517(A) and (B)(introductory paragraph), 3519(A),
8 (C)(2), and (D), 3520(B), 3521(B), 3522(C), 3523(C) and (D), 3524(A), 3525(B),
9 (C), (D), (H), (O), and (P), 3531(introductory paragraph), 3532, 3533(E)(1) and (6),
10 3534(E) and (F), 3535(C) and (D), 3541(introductory paragraph), 3542, 3543(D)(1)
11 and (3), 3544(A)(3), (C), and (D), 3545(C) and (D), 3551, 3553(A), (B), (C), and
12 (E), 3554(C) and (D), 3555, and 3556, R.S. 11:42(B)(1), (2), (3), (6), (7), (8)(a), and
13 (9), 102(B)(3)(d)(v), (vi), (vii), and (viii), 103(B)(1) and (3)(d) and (e)(i)(bb) and
14 (C)(introductory paragraph), 105(C)(1), 106(C)(1), 247(A)(2) and (3)(b) and (C),
15 413(3), 446(A)(5)(j) and (E), 542.1.1(E), 701(5)(c)(iii) and (33)(a)(viii) and (xii),
16 783(A)(3)(e), (C), (D)(1)(b)(ii), (F), (G)(1)(b)(ii), and (I)(1)(b)(ii), 883.3(E), and
17 1481(1)(a)(iii)(aa), R.S. 12:202.1(D), R.S. 14:67.21(F) and 403.6(A), R.S.
18 15:574.7(A) and (B)(2)(a), R.S. 17:7(28)(c) and (d), 17.5(D)(1) and (2),
19 24.10(I)(1)(a)(iii), 53(A), 170.4(C)(2), 183.3(B)(2)(b) and (D)(1)(b)(iii)(cc), 270(A),
20 416(A)(1)(c)(ii)(cc) and (2)(c), 1206.2(A)(1), 1518.1(I)(3), 1519.17, 1874(D) and
21 (E), 2047(B), 2048.51(C)(14), 2922, 2923(A), 2924(A), 2926(A), 2927(A),
22 2928(A)(1) and (B), 2929, 2930(A) and (C), 2932(B), 3161, 3165(A)(1),

1 3983(A)(2)(b) and (3)(b) and (D), 3995(A)(6)(a), 3997(B)(2)(b) and (c)(i) and
2 (ii)(aa), 4012(1), 4020(B), and 4024, R.S. 22:1078(A)(1), R.S. 24:7, 31.4(B)(1),
3 31.5(A)(4)(a) and (b) and (5) and (C)(1)(a), 52, 55(D)(2) and (E)(2)(a), 101,
4 107(A), 653(K)(1) and (3), R.S. 27:381(D) and (E), R.S. 29:653, R.S. 30:10.1(B)(3)
5 and 213(A)(2) and 2117(E), R.S. 32:318(F), R.S. 33:322, 2740.52(B), 4710.3(A)(8),
6 9024(E)(2), 9206(5), 9602(C), and 9614(C), R.S. 35:406(B), R.S. 36:4(B)(1)(a), (b),
7 (c), (d), (e), (j), (k), (l), (m), (q), and (z) and (15), 4.1(D)(14), 209(C)(2), (G), and
8 (P), 254(A)(10)(h), 259(C)(1), (9), (10), (11), (12), and (16), (L), and (O), 509(B),
9 610(B)(2), 628(C)(1), 642(B) and (D)(1), 651(D)(1), (J), and (Q), 744(D), and
10 769(F)(2), R.S. 42:1118.1(A) and 1123(13)(a)(i)(dd), R.S. 44:4.1(B)(6) and (7), R.S.
11 46:56(B)(1), 61(B), 932(10), and 2132(3), and R.S. 49:220.23(A)(1), 220.24(J), and
12 965.4(4), to enact R.S. 11:701(33)(a)(xiii) and R.S. 36:4(B)(1)(r), (s), and (aa),
13 259(K), (N), (R), and (BB)(1), 359(B) and (C), 409(K), 610(G), 629(H) and (M),
14 651(D)(5), (O), and (V), 706(B), 769(K) and (L), R.S. 42:4.1.1, and R.S. 44:1.1, and
15 to repeal R.S. 11:701(33)(c), R.S. 36:4(B)(10), 259(E)(18), (F)(6), (7), (11), (13),
16 (14), and (17), 409(C)(6) and (I), 651(S) and (T), and 802.11 and R.S.
17 42:1141(B)(3), relative to the various codal provisions and provisions of the
18 Louisiana Revised Statutes of 1950; to provide for technical corrections to certain
19 codal provisions; to provide for technical corrections to certain Louisiana Revised
20 Statutes; and to provide for related matters.

21 Be it enacted by the Legislature of Louisiana:

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

24 Art. 2593. Pleadings

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

27 Exceptions to a contradictory motion, rule to show cause, opposition, or
28 petition in a summary proceeding shall be filed prior to the time assigned for, and

1 shall be disposed of ~~on~~ at, the trial. An answer is not required, except as otherwise
2 provided by law.

3 No responsive pleadings to an exception are permitted.

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

6 Art. 512. Assignment of counsel in capital cases

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

12 An attorney with less experience may be assigned as assistant counsel.

13 Art. 513. Assignment of counsel in other cases

14 In the case of an offense punishable by imprisonment, when the defendant
15 appears for arraignment without counsel, the court shall inform him before he pleads
16 to the indictment of his right to have counsel appointed to defend him if he is
17 indigent. When a defendant states under oath that he desires counsel but is indigent,
18 and the court finds the statement of indigency to be true, ~~the court shall provide for~~
19 ~~counsel in accordance with the provisions of R.S. 15:145 to the defendant before he~~
20 ~~pleads to the indictment~~ before the defendant pleads to the indictment, the court shall
21 provide counsel for the defendant, in accordance with R.S. 141 et seq.

22 Section 3. R.S. 3:3501, 3502(1), (4), (11), (15), and (21), 3503(E) and
23 (F)(introductory paragraph), 3504, 3506, 3507, 3508(A), (B), and (C)(2), 3509(A), (C), (D),
24 (F), (G), and (I), 3510(A), (C)(3), (F), (K)(1), and (M), 3511, 3512(E) and (F)(3), 3513(A),
25 (F), (H), (I), (L), and (M)(2), 3514(H), (N), (P), and (Q), 3515(A) and (B)(introductory
26 paragraph), 3517(A) and (B)(introductory paragraph), 3519(A), (C)(2), and (D), 3520(B),
27 3521(B), 3522(C), 3523(C) and (D), 3524(A), 3525(B), (C), (D), (H), (O), and (P),
28 3531(introductory paragraph), 3532, 3533(E)(1) and (6), 3534(E) and (F), 3535(C) and (D),
29 3541(introductory paragraph), 3542, 3543(D)(1) and (3), 3544(A)(3), (C), and (D), 3545(C)

1 and (D), 3551, 3553(A), (B), (C), and (E), 3554(C) and (D), 3555, and 3556 are hereby
2 amended and reenacted to read as follows:

3 §3501. Short title

4 This ~~Part~~ Chapter shall be known as "Louisiana Commodities Marketing
5 Law".

6 §3502. Definitions

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

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

11 * * *

12 (4) "Commodity," except as otherwise provided in ~~Paragraph F of Section~~
13 ~~552.9~~ R.S. 3:3509(F), means any agricultural, horticultural, floricultural,
14 aquacultural, or vegetable product which is produced in this state, and any class,
15 variety, or utilization of such product, either in its natural state or in processed form
16 for marketing. It does not, however, include all of these or their products: milk,
17 timber, cotton, bees, honey, rice, soybeans, livestock, poultry, feedcorn, sugar cane,
18 and sweet potatoes.

19 * * *

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

23 * * *

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

28 * * *

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

4 * * *

5 §3503. Policy, purposes

6 * * *

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

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

11 * * *

12 §3504. Compliance; defense to civil proceedings

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

16 * * *

17 §3506. Volume or quantity defined

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

22 §3507. Exceptions to ~~part~~ Chapter

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

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

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

4 §3508. Administration

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

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

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

10 * * *

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

13 * * *

14 §3509. Marketing orders and agreements

15 A. Subject to the provisions, restrictions, and limitations which are imposed
16 in this ~~Part Chapter~~, the commissioner may issue marketing orders which regulate
17 producer marketing, the processing, distributing, or handling in any manner of any
18 commodity by any and all persons that are engaged in such producer marketing,
19 processing, distributing, or handling of such commodity within this state.

20 * * *

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

27 (2) In selecting the members of any board or other advisory agency under
28 such order, the commissioner shall, in so far as practicable, utilize the same persons

1 as those serving in a similar capacity under such federal license or order, so as to
2 avoid duplicating or conflicting personnel.

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

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

12 * * *

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

15 (1) ~~Subsection G of Section 552.10~~ R.S. 3:3510(G), which requires the
16 preparation of an official list of the names and addresses of all producers and the
17 volume of such commodity which was produced or marketed by all such producers
18 in the preceding marketing season and a list of the names and addresses of all
19 handlers and the volume of such commodity which was handled by all such handlers,
20 during the preceding marketing season, is not applicable to marketing agreements.

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

1 §3510. Notice, reports, and hearing

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

8 * * *

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

10 * * *

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

19 * * *

20 F. Each handler of such commodity that may be directly affected by the
21 provisions of such proposed marketing order shall file such verified report with the
22 commissioner within the time which is specified in Subsection D of this Section.
23 Failure or refusal of any handler to file the report within the time which is specified
24 does not invalidate any proceeding which is taken or marketing order which is issued
25 pursuant to this ~~Part~~ Chapter. The commissioner shall proceed upon the basis of
26 such information and reports as may otherwise be available.

27 * * *

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

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

2 * * *

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

6 §3511. Findings

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

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

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

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

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

1 §3512. Advisory boards and committees

2 * * *

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

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

11 * * *

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

15 * * *

16 §3513. Terms of marketing orders

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

23 * * *

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

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

* * *

28 L. A marketing order may contain provisions which establish, or provide
29 authority for establishing, and for regulating the permissive use of any official board

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

12 M.

13 * * *

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

20 * * *

21 §3514. Assessments and funds

22 * * *

23 H. If any producer or handler that is duly assessed pursuant to the provisions
 24 of this ~~Part~~ Chapter fails to pay to the commissioner the amount so assessed on or
 25 before the date which is specified by the commissioner, the commissioner may add
 26 to such unpaid assessment an amount not exceeding ten percent of such unpaid
 27 assessment to defray the cost of enforcing the collection of such unpaid assessment.

28 * * *

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

7 §3515. Deposits by applicants for marketing order

8 A. Prior to the issuance of any marketing order by the commissioner, the
9 commissioner may require the applicants for the issuance of the marketing order to
10 deposit with him such amount as he may deem necessary to defray the expenses of
11 preparing and making effective such marketing order. Such funds shall be received,
12 deposited, and disbursed by the commissioner in accordance with the provisions
13 which are set forth in ~~Section 552:14~~ R.S. 3:3514.

14 B. The commissioner shall reimburse the applicant, from any funds for
15 necessary expenses which he has received pursuant to ~~Section 552:14~~ R.S. 3:3514,
16 for any of the following:

17 * * *

18 §3517. Major amendments to marketing order

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

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

25 * * *

26 §3519. Termination or suspension

27 A. The commissioner shall suspend or terminate any marketing order, if he
28 finds, after a public hearing held in accordance with the provisions of ~~Section 552:10~~

1 §3522. Administrative rules and regulations

2 * * *

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

6 §3523. Seasonal marketing regulations

7 * * *

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

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

22 * * *

23 §3524. Records

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

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

3 * * *

4 §3525. Actions and penalties

5 * * *

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

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

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

16 * * *

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

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

22 * * *

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

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

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

10 * * *

11 §3531. Definitions

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

14 * * *

15 §3532. Purpose

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

19 §3533. Creation and organization

20 * * *

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

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

4 * * *

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

7 * * *

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

10 * * *

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

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

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

3 * * *

4 §3535. Failure to pay assessment; penalty

5 * * *

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

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

16 * * *

17 §3541. Terms defined

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

21 * * *

22 §3542. Purpose

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

26 §3543. Louisiana Rice Research Board; creation and organization

27 * * *

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

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

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

8 * * *

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

11 * * *

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

13 A. Levy of assessment.

14 * * *

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

24 * * *

25 C. Collection and Enforcement. The assessment imposed and levied by this
26 part Chapter shall be collected by the commissioner. On rice sold by the producer,
27 collection shall be from the buyer of the rice at the first point of sale only. On rice put
28 under loan and delivered to the CCC, collection shall be from the producer, or from

1 the CCC on the producer's behalf. On seed rice, collection shall be from the handler
2 performing the cleaning.

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

17 * * *

18 §3545. Failure to pay assessment: penalty

19 * * *

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

26 D. Whoever violates any other provisions of this ~~part~~ Chapter or any rule or
27 regulation of the board pursuant to the provisions of this ~~part~~ Chapter shall be guilty

1 of a misdemeanor and upon conviction thereof shall be punished by a fine not to
2 exceed one hundred dollars or by imprisonment not to exceed thirty days, or both.

3 * * *

4 §3551. Purposes

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

8 * * *

9 §3553. Levy of assessment; referendum; collection; enforcement; refund

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

25 B. There is imposed and levied an assessment at the rate of one-half cent per
26 bushel on all wheat, corn, and grain sorghum grown within the state. However, the
27 assessment shall not be imposed unless and until the question of its imposition has
28 been submitted to and has been approved by at least a majority of the wheat, corn, and
29 grain sorghum producers who vote in a referendum to be called and held by the board.

1 The wheat, corn, and grain sorghum producers of the state shall be notified of the
2 results of the referendum. The assessment imposed by this Subsection shall be
3 effective for a period of five crop years. This assessment may be extended for an
4 indefinite period of time, in increments of five years, by ratification and approval of
5 a majority of the producers of the commodities subject to the assessment who vote in
6 referenda to be called and held by the board in the manner set forth in this ~~Part~~
7 Chapter. In order to be able to vote in the referenda, the prospective voter must have
8 produced at least one of the commodities subject to the assessment in the year
9 preceding the year in which the referendum is held or in the year in which the
10 referendum is held. Producers voting in referenda shall vote only in the parish in
11 which the voter resides.

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

28 * * *

1 E. Any producer whose commodities are subject to an assessment levied
 2 under this ~~Part~~ Chapter may request and receive a refund of the amount deducted from
 3 the sale of his commodities provided he makes a written application with the
 4 commissioner within thirty days from date of sale supported by copies of sales slips
 5 signed by the purchaser, and provided further that the application is filed before the
 6 quarterly accounting is made and the funds paid to the Louisiana Soybean and Grain
 7 Research and Promotion Board.

8 §3554. Failure to pay assessment; penalty

9 * * *

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

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

21 §3555. Exclusion from coverage of ~~Part~~ Chapter

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

25 §3556. Use of funds

26 The Louisiana Soybean and Grain Research and Promotion Board shall plan
 27 and conduct a program of research and advertising designed to promote the soybean,
 28 wheat, corn, and grain sorghum industries in Louisiana. The board is authorized to
 29 use the funds derived from any assessment imposed by this ~~Part~~ Chapter for these

1 purposes, including basic administration expenses of the plan. Use of these funds
2 may be applied, as prescribed in this Section, within or without the state of Louisiana,
3 including regional, national, and international applications. The funds may also be
4 used to defray costs of referenda.

5 Section 4. R.S. 11:42(B)(1), (2), (3), (6), (7), (8)(a), and (9), 102(B)(3)(d)(v), (vi),
6 (vii), and (viii), 103(B)(1) and (3)(d) and (e)(i)(bb) and (C)(introductory paragraph),
7 105(C)(1), 106(C)(1), 247(A)(2) and (3)(b) and (C), 413(3), 446(A)(5)(j) and (E), 542.1.1(E),
8 701(5)(c)(iii) and (33)(a)(viii) and (xii), 783(A)(3)(e), (C), (D)(1)(b)(ii), (F), (G)(1)(b)(ii),
9 and (I)(1)(b)(ii), 883.3(E), and 1481(1)(a)(iii)(aa) are hereby amended and reenacted and R.S.
10 11:701(33)(a)(xiii) is hereby enacted to read as follows:

11 §42. Unfunded accrued liabilities; amortization

12 * * *

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

16 (1) Assessors' Retirement Fund. The unfunded accrued liability, as of
17 September 30, 1989, determined under the funding method specified in R.S.
18 11:22(B)(1), shall be amortized over a ~~forty-year~~ forty-year period, commencing with
19 fiscal year ~~ending 1989-~~1990, with payments forming an annuity increasing at three
20 and one-half percent annually.

21 (2) Clerks' of Court Retirement and Relief Fund. The unfunded accrued
22 liability, as of June 30, 1989, determined under the funding method specified in R.S.
23 11:22(B)(2), shall be amortized over a ~~forty-year~~ forty-year period, commencing with
24 fiscal year ~~ending 1989-~~1990, with payments forming an annuity increasing at four
25 and three-quarters percent annually.

26 (3) Firefighters' Retirement System. The unfunded accrued liability, as of
27 June 30, 1989, determined under the funding method specified in R.S. 11:22(B)(4),

1 shall be amortized over a ~~thirty-year~~ thirty-year period, commencing with fiscal year
2 ~~ending 1989-1990~~, with level dollar payments annually.

3 * * *

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

8 (7) Municipal Employees' Retirement System of Louisiana.

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

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

17 (8) Parochial Employees' Retirement System of Louisiana.

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

22 * * *

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

28 * * *

1 §102. Employer contributions; determination; state systems

2 * * *

3 B.

4 * * *

5 (3) With respect to each state public retirement system, the actuarially
6 required employer contribution for each fiscal year, commencing with Fiscal Year
7 1989-1990, shall be that dollar amount equal to the sum of:

8 * * *

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

12 * * *

13 (v) Effective July 1, 2004, and beginning with ~~the fiscal year ending June 30,~~
14 ~~1999~~ Fiscal Year 1998-1999, the amortization period for the changes, gains, or losses
15 of the Louisiana State Employees' Retirement System provided in Items (i) through
16 (iv) of this Subparagraph shall be thirty years, or in accordance with standards
17 promulgated by the Governmental Accounting Standards Board, from the year in
18 which the change, gain, or loss occurred. The outstanding balances of amortization
19 bases established pursuant to Items (i) through (iv) of this Subparagraph before ~~the~~
20 ~~fiscal year ending June 30, 1999~~ Fiscal Year 1998-1999, shall be amortized as a level
21 dollar amount from July 1, 2004, through June 30, 2029. Beginning with ~~the year~~
22 ~~ending June 30, 2004~~ Fiscal Year 2003-2004, and for each fiscal year thereafter, the
23 outstanding balances of amortization bases established pursuant to Items (i) through
24 (iv) of this Subparagraph shall be amortized as a level dollar amount.

25 (vi) Effective July 1, 2004, and beginning with ~~the fiscal year ending June 30,~~
26 ~~2001~~ Fiscal Year 2000-2001, the amortization period for the changes, gains, or losses
27 of the Louisiana School Employees' Retirement System provided in Items (i) through
28 (iv) of this Subparagraph shall be thirty years, or in accordance with standards
29 promulgated by the Governmental Accounting Standards Board, from the year in

1 which the change, gain, or loss occurred. The outstanding balances of amortization
2 bases established pursuant to Items (i) through (iv) of this Subparagraph before ~~the~~
3 ~~fiscal year ending June 30, 2001~~ Fiscal Year 2000-2001, shall be amortized as a level
4 dollar amount from July 1, 2004, through June 30, 2029. Beginning with ~~the fiscal~~
5 ~~year ending June 30, 2004~~ Fiscal Year 2003-2004, and for each fiscal year thereafter,
6 the outstanding balances of amortization bases established pursuant to Items (i)
7 through (iv) of this Subparagraph shall be amortized as a level dollar amount.

8 (vii) Effective July 1, 2004, and beginning with the fiscal year ending June
9 30, 2001, the amortization period for the changes, gains, or losses of the Teachers'
10 Retirement System of Louisiana provided in Items (i) through (iv) of this
11 Subparagraph shall be thirty years, or in accordance with standards promulgated by
12 the Governmental Accounting Standards Board, from the year in which the change,
13 gain, or loss occurred. The outstanding balances of amortization bases established
14 pursuant to Items (i) through (iv) of this Subparagraph before the fiscal year ending
15 June 30, 2001, shall be amortized as a level dollar amount from July 1, 2004, through
16 June 30, 2029. Beginning with the fiscal year ending June 30, 2004 and for each
17 fiscal year thereafter, the outstanding balances of amortization bases established
18 pursuant to Items (i) through (iv) of this Subparagraph shall be amortized as a level
19 dollar amount.

20 (viii) Effective July 1, 2009, and beginning with ~~the fiscal year ending June~~
21 ~~30, 1993~~ Fiscal Year 1992-1993, the amortization period for the changes, gains, or
22 losses of the State Police Pension and Retirement System provided in Items (i)
23 through (iv) of this Subparagraph shall be thirty years, or in accordance with
24 standards promulgated by the Governmental Accounting Standards Board, from the
25 year in which the change, gain, or loss occurred. The outstanding balances of
26 amortization bases established pursuant to Items (i) through (iv) of this Subparagraph
27 before ~~the fiscal year ending June 30, 2009~~ Fiscal Year 2008-2009, shall be amortized
28 as a level dollar amount from July 1, 2009, through June 30, 2029. Beginning with
29 ~~the fiscal year ending June 30, 2009~~ Fiscal Year 2008-2009, and for each fiscal year

1 thereafter, the outstanding balances of amortization bases established pursuant to
2 Items (i) through (iv) of this Subparagraph shall be amortized as a level dollar
3 amount.

4 * * *

5 §103. Employer contributions; determination; statewide systems

6 * * *

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

15 * * *

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

18 * * *

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

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

28 * * *

1 (i)

2 * * *

3 (bb) For the Municipal Police Employees' Retirement System, actuarial gains
4 and losses, if appropriate for the funding method used by the system as specified in
5 R.S. 11:22, for each fiscal year commencing with ~~the fiscal year ending June 30, 2002~~
6 Fiscal Year 2001-2002, such payments to be computed as level dollar amounts over
7 a period of thirty years from the year of occurrence of each such actuarial gain or loss,
8 such gains and losses to include any increases in actuarial liability due to governing
9 authority granted cost-of-living increases.

10 * * *

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

17 * * *

18 §105. Employer contributions; maintaining rates

19 * * *

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

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

* * *

6 §106. Additional employer contributions; increasing rates

* * *

7
 8
 9 C. If the board of trustees of any retirement system or fund referenced in
 10 Subsection A of this Section elects, pursuant to Subsection B of this Section, to
 11 increase the net direct employer contribution rate determined under R.S. 11:103, any
 12 excess funds resulting from increasing the contribution rate shall be combined with
 13 any contribution surplus, or offset by any contribution shortfall, and the resulting
 14 balance, if greater than zero, shall be applied, until exhausted, exclusively for and in
 15 the order of the following purposes:

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

* * *

21 §247. Automatic cost-of-living adjustments

22 A.

* * *

23
 24
 25 (2) The annual cost-of-living adjustment of such retirees shall be based on the
 26 retirement allowance received pursuant to the retirement plan option selected by the
 27 member and the monthly benefit being paid pursuant thereto on the effective date of
 28 the increase, inclusive of cost-of-living adjustments paid pursuant to this Section, but

1 exclusive of cost-of-living adjustments or permanent benefit increases paid pursuant
2 to any other provision of law.

3 (3)

4 * * *

5 (b) Following participation in the Deferred Retirement Option Plan, the
6 annual cost-of-living adjustment shall be applied to the monthly benefit allowance
7 amount determined by the retirement plan option selected, inclusive of cost-of-living
8 adjustments paid pursuant to this Section, but exclusive of cost-of-living adjustments
9 or permanent benefit increases paid pursuant to any other provision of law. The
10 monthly benefit allowance upon retirement shall reflect the annual benefit
11 adjustments set forth in this Paragraph.

12 * * *

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

20 * * *

21 §413. Classes of employees not eligible

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

24 * * *

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

28 * * *

1 §446. Mode of payment where option elected

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

6 * * *

7 (5)

8 * * *

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

15 * * *

16 E. If an option of Subsection A of this Section hereof was selected, and the
17 retiree's spouse was designated as the beneficiary, and a judgment of divorce is
18 rendered with respect to the retiree and the spouse, and, in connection therewith, the
19 spouse, irrevocably, by court order, relinquishes the spouse's survivorship rights under
20 the option originally selected by the retiree, the originally selected option shall be
21 considered revoked and the retiree shall be considered as retired under the maximum
22 benefit, subject to reduction as hereinafter set forth, and without affording the retiree
23 the right to select an option under which the retiree could designate a new beneficiary,
24 and the benefits payable to the retiree shall be increased to the amount the retiree
25 would have received had the retiree selected the maximum benefit, adjusted for any
26 cost-of-living increase or permanent benefit increase granted to the retiree, less any
27 amount required as a result of such change in retirement status to render the new
28 benefit to be the actuarial equivalent of the maximum benefit. The retiree shall be
29 required to reimburse the system, by way of a one-time deduction from the retiree's

1 next benefit check, the reasonable costs incurred by the system to have these
 2 calculations made. The retiree shall be required to contractually hold the system
 3 harmless in the event that the former spouse ever successfully asserts a property right
 4 relative hereto which has any adverse effect upon the system. It shall be the
 5 responsibility of the retiree to notify the system of these circumstances, to present
 6 satisfactory evidence of same, and to request the recomputation of benefits.
 7 Adjustment of benefits under this Subsection shall not be retroactive, and shall be
 8 effective on the first day of the next month following official approval of the
 9 application for recomputation of benefits.

* * *

§542.1.1. Minimum benefit increase; payment from experience account

* * *

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

* * *

§701. Definitions

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

* * *

(5)

* * *

(c)

* * *

25 (iii) Any retiree ~~covered by~~ to whom Item (ii) of this Subparagraph applies,
 26 whose benefits are based, or by reason of Item (ii) of this Subparagraph would be
 27 based, on a calculation of average compensation which includes earnable
 28 compensation between June 30, 1995, and June 30, 1997, shall have his benefits
 29 recalculated in accordance with this Subparagraph and, if an increase in benefits

1 results, the retiree shall be paid such an amount to restore any prior benefits that
2 would have been paid if the benefits had originally been calculated in accordance with
3 this Subparagraph.

4 * * *

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

7 * * *

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

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

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

20 * * *

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

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

26 * * *

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

1 the retiree, less any amount required as a result of such change in retirement status to
2 render the new benefit to be the actuarial equivalent of the maximum benefit.

3 * * *

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

9 G.(1)

10 * * *

11 (b)

12 * * *

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

18 * * *

19 I.(1)

20 * * *

21 (b)

22 * * *

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

28 * * *

1 §883.3 Minimum benefit increase; payment from experience account

2 * * *

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

5 * * *

6 §1481. Financing of fund; deductions; deficiencies and surpluses; remedies

7 The fund shall be financed as set forth hereunder:

8 (1)(a)

9 * * *

10 (iii)(aa) In addition to the payment required pursuant to Item (i) of this
11 Subparagraph, each sheriff and ex officio tax collector for the state of Louisiana, other
12 official responsible for tax collection, or any other person performing such duties for
13 any person, parish, city, or governmental entity certified by the board as having failed
14 to remit all monies required by this Section, shall remit to the Assessors' Retirement
15 Fund an amount, to be determined by the board, of revenue sharing monies otherwise
16 due to the delinquent person, parish, city, or other governmental entity. The
17 remittance pursuant to this Item shall be paid until the amount of the certified
18 shortfall, including interest and any professional fees incurred through attempts at
19 collection, has been satisfied; however, the board has the authority to negotiate a
20 lesser amount to be paid in satisfaction of this debt. The board shall notify the sheriff
21 and ex officio tax collector for the state of Louisiana, other official responsible for tax
22 collection, or any other person performing such duties by November first that said
23 remittance shall be due for the upcoming year.

24 * * *

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

26 §202.1. Limitation on formation; exceptions

27 * * *

28 D. The prohibition of this Section will have no application to local political
29 subdivisions of the state with a population in excess of one hundred fifty thousand,

1 nor to their respective boards, commissions, and departments. Any provision of this
 2 Section or other provision of law notwithstanding, a quasi-public nonprofit
 3 corporation may be created by any such political subdivision of the state under the
 4 general nonprofit corporation law of Louisiana with all powers pertaining thereto,
 5 including the right to issue negotiable revenue bonds not to exceed fifteen million
 6 dollars with interest thereon not to exceed eight percent per annum which shall be
 7 exempted from taxation and which bonds shall constitute negotiable instruments
 8 within the meaning of the negotiable instruments law of the state of Louisiana; all
 9 properties and assets of whatever nature and description owned or operated by said
 10 nonprofit corporation shall be exempted from state and local taxation, including ad
 11 valorem taxation; and the governing authority of such quasi-public nonprofit
 12 corporation shall be subject to the requirements and provisions of the public contract
 13 law, the ~~public meeting law, and the public records law~~ Open Meetings Law, and the
 14 Public Records Law of the state of Louisiana.

15 * * *

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

18 §67.21. Theft of the assets of an aged person or disabled person

19 * * *

20 F. Any charges made under this Section shall be reported as provided in ~~R.S.~~
21 ~~14:403.2~~ R.S. 15:1504 and 1505.

22 * * *

23 §403.6. Reporting of neglect or abuse of animals

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

29 * * *

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

3 §574.7. Custody and supervision of parolees; modification or suspension of
4 supervision; violation of conditions of parole; sanctions; alternative conditions

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

12 B.

13 * * *

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

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

19 * * *

20 Section 8. R.S. 17:7(28)(c) and (d), 17.5(D)(1) and (2), 24.10(I)(1)(a)(iii), 53(A),
21 170.4(C)(2), 183.3(B)(2)(b) and (D)(1)(b)(iii)(cc), 270(A), 416(A)(1)(c)(ii)(cc) and (2)(c),
22 1206.2(A)(1), 1518.1(I)(3), 1519.17, 1874(D) and (E), 2047(B), 2048.51(C)(14), 2922,
23 2923(A), 2924(A), 2926(A), 2927(A), 2928(A)(1) and (B), 2929, 2930(A) and (C), 2932(B),
24 3161, 3165(A)(1), 3983(A)(2)(b) and (3)(b) and (D), 3995(A)(6)(a), 3997(B)(2)(b) and (c)(i)
25 and (ii)(aa), 4012(1), 4020(B), and 4024 are hereby amended and reenacted to read as
26 follows:

27 §7. Duties, functions, and responsibilities of board

28 * * *

1 (28)

2 * * *

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

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

13 * * *

14 §17.5. Physical fitness assessment; statewide expansion program

15 * * *

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

26 (2) The Louisiana Obesity Council, in consultation with the Department of
27 Education, the Department of Health and Hospitals, the Governor's Council on
28 Physical Fitness and Sports, and the Cecil J. Picard Center, shall make further
29 recommendations regarding program implementation, findings, best practices, and

1 future direction through the Department of Health and Hospitals, office of public
2 health; to the legislative committees specified in Paragraph (1) of this Subsection.
3 The plan to expand these assessments and develop interventions shall be provided not
4 later than December thirty-first of each year and shall consist of a period of not more
5 than five years for implementation.

6 * * *

7 §24.10. The Cecil J. Picard LA 4 Early Childhood Program; early childhood
8 development and enrichment activity classes; establishment; eligibility;
9 requirements; funding; study

10 * * *

11 I.(1)(a)

12 * * *

13 (iii) No LA 4 funding in excess of the amount received for the 2008-2009
14 school year shall be allocated to a participating school system that has failed to
15 comply with the provisions of Subparagraph (D)(1)(a) of this Section, unless the
16 participating school system has been granted a waiver as provided in ~~Subparagraph~~
17 Item (D)(1)(b)(iv) of this Section or the provisions of Item (D)(1)(b)(vi) of this
18 Section apply.

19 * * *

20 §53. School board members; training required

21 A. Each member of a city, parish, and other local public school board shall
22 receive a minimum of four hours of training and instruction annually in the school
23 laws of this state, in the laws governing the powers, duties, and responsibilities of
24 city, parish, and other local public school boards, and in educational trends, research,
25 and policy. In a city, parish, or other local public school district that has one or more
26 schools identified as an academically unacceptable school or a school in need of
27 academic assistance as defined by the State Board of Elementary and Secondary
28 Education pursuant to policies developed and adopted by the board for
29 implementation of the school and district accountability system, at least two of such

1 hours shall focus on the improvement of schools identified as failing schools as
 2 defined by the state board pursuant to such policies. The remaining hours shall focus
 3 on education policy issues, including but not limited to literacy and numeracy,
 4 leadership development, dropout prevention, career and technical education,
 5 redesigning high schools, early childhood education, school discipline, and
 6 harassment, intimidation, and bullying. Training ~~shall~~ also shall include instruction
 7 relative to the provisions of the Open Meetings Law, R.S. 42:4.1 et seq., and the
 8 Public Bid Law, Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950.
 9 Such instruction may be received from a postsecondary education institution in this
 10 state, from instruction sponsored by the state Department of Education, or from an in-
 11 service training program conducted by a city, parish, or other local public school
 12 board central office or the Louisiana School Boards Association provided that the
 13 instruction and the method for demonstrating attendance are ~~pre-approved~~
 14 preapproved by the Louisiana School Boards Association. Each school board
 15 member's attendance ~~must~~ shall be reported by the instructor to the Louisiana School
 16 Boards Association.

* * *

18 §170.4. Immunizations of certain persons against meningococcal disease; exceptions

* * *

20 C.

* * *

22 (2) The secretary of the Department of Health and Hospitals shall provide
 23 such rules, including the implementation schedule, to the state Department of
 24 Education by not later than August 1, 2009. The state Department of Education shall
 25 notify each city, parish, ~~or~~ and other local school board, the governing authority of
 26 each nonpublic school system or school in the case of a school not a part of a school
 27 system, and the parent or legal guardian of any student participating in an approved
 28 home study program as specified in Subparagraph (A)(1)(c) of this Section of the

1 requirements of this Section and the rules and schedule for their implementation as
2 provided by this Section.

3 * * *

4 §183.3. Career major; description; curriculum and graduation requirements

5 * * *

6 B.

7 * * *

8 (2) The course requirements for the career major shall consist of the
9 following:

10 * * *

11 (b) At least four mathematics credits, including Algebra I, Algebra I Part One,
12 and Algebra I Part Two, or an applied or hybrid Algebra course, and additional
13 applied or hybrid mathematics courses comparable or identical to courses offered by
14 the Louisiana Technical College as needed to fulfill the mathematics course
15 requirements as approved by the State Board of Elementary and Secondary Education.

16 * * *

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

19 * * *

20 (b)

21 * * *

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

26 * * *

27 (cc) Such student must participate, during his first year in high school, in a
28 dropout prevention and mentoring program; developed in consultation with school

1 guidance personnel; ~~during his first year in high school~~, as approved by the State
2 Board of Elementary and Secondary Education.

3 * * *

4 §270. Driver education and training program for children

5 A. The State Board of Elementary and Secondary Education and the state
6 Department of Education, in consultation with the Department of Public Safety and
7 Corrections, shall establish and operate a driver education and training program in
8 each parish of this state for children who are fifteen years of age and older. The
9 program shall consist of a course of not less than eight hours of actual driving
10 experience and thirty hours of classroom instruction. The State Board of Elementary
11 and Secondary Education shall provide written notice to each city, parish, and other
12 local public school board of the requirements of the provisions of this Subsection.
13 The aims and purposes of the driver education and training program shall be to
14 educate drivers to be competent, to develop a knowledge of those provisions of the
15 law of this state relating to the operation of motor vehicles, a proper acceptance of
16 personal responsibility in traffic, a true appreciation of the causes, seriousness, and
17 consequences of traffic accidents, and to develop the knowledge, attitudes, habits, and
18 skills necessary for the safe operation of motor vehicles. The course shall include
19 training on railroad and highway grade crossing safety and on sharing the road with
20 motorcycles and tractor-trailer trucks and at least thirty minutes of instruction relative
21 to organ and tissue donation. The State Board of Elementary and Secondary
22 Education and the state Department of Education shall develop the organ and tissue
23 portion of the driver education and training program in conjunction with the federally
24 designated organ procurement organization for the state of Louisiana. However, no
25 student shall be required to take the organ and tissue donation instruction if his parent
26 or tutor submits a written statement indicating that such instruction conflicts with the
27 religious beliefs of the student.

28 * * *

1 §416. Discipline of pupils; suspension; expulsion

2 A.(1)

3 * * *

4 (c)

5 * * *

6 (ii)

7 * * *

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

12 * * *

13 (2) As used in this Section:

14 * * *

15 (c) Unless otherwise defined as a permanent expulsion and except as
16 otherwise provided by Subsections B and C of this Section, an expulsion shall be
17 defined as a removal from all regular school settings for a period of not less than one
18 school semester, during which time the city, parish, or other local public school board
19 shall place the pupil in an alternative school or in an alternative school setting ~~unless~~
20 ~~the board is exempt as provided by law from providing such alternative school or~~
21 ~~alternative school setting.~~

22 * * *

23 §1206.2. Employees; extended sick leave

24 A.(1) ~~Every parish and city~~ Each city, parish, and other local public school
25 board shall permit each "employee", as defined in R.S. 17:1205, to take up to ninety
26 days of extended sick leave in each six-year period of employment which may be
27 used for personal illness or illness of an immediate family member in the manner

1 provided in this Subsection at any time that the employee has no remaining regular
2 sick leave balance.

3 * * *

4 §1518.1. Huey P. Long Medical Center; merger with Louisiana State University
5 Health Sciences Center at Shreveport

6 * * *

7 I.

8 * * *

9 (3) Louisiana State University Health Sciences Center at Shreveport and
10 HCSD of the Louisiana State University Health Sciences Center at New Orleans ~~shall~~
11 jointly shall prepare and agree to a memorandum of understanding (MOU) to effect
12 an orderly, fair, and equitable transfer of all Huey P. Long Medical Center activity
13 from HCSD of the Louisiana State University Health Sciences Center at New Orleans
14 to the Louisiana State University Health Sciences Center at Shreveport. The MOU
15 shall allow for the reimbursement of transition expenses of the Louisiana State
16 University Health Sciences Center at New Orleans and HCSD of the Louisiana State
17 University Health Sciences Center at New Orleans during the transition period. The
18 transition shall be completed no later than one hundred eighty days following the
19 beginning of the fiscal year, taking into consideration the transfer of the information
20 technology systems; the activity centered on the fiscal year end close, annual financial
21 report preparation, and the cost report preparation; and other operational transitional
22 issues. The MOU shall be presented to and approved by the Senate Committee on
23 Health and Welfare and the House Committee on Health and Welfare upon its
24 completion and prior to the parties entering into the MOU.

25 * * *

26 §1519.17. Louisiana State University Health Sciences Center medical ~~centers~~
27 centers' physicians; authority to render certain opinions
28 ~~Any~~ Each licensed physician serving on the staff of any of the Louisiana State
29 University Health Sciences Center medical centers and his ~~full-time~~ full-time

1 supervisory medical staff member, by joint signature, are hereby required, when
 2 requested by a social security claimant who is, or who has been, a patient of the
 3 physician at such medical center and who has a treating relationship with the patient
 4 in the appropriate field and sufficient knowledge to render an opinion, to provide
 5 descriptive statements and opinions for the patient with respect to the patient's
 6 medical condition, employability, and ability to function, upon which disability
 7 determinations may be based. Nothing in this Section shall prohibit a medical center
 8 from requiring payment for the medical center's current evaluation and management
 9 level services, but no such service shall be denied ~~dependent upon~~ due to a patient's
 10 inability to pay. Nothing in this Section shall prohibit Social Security Administration
 11 funding from being ~~utilized~~ used to pay for such services.

* * *

§1874. Workforce Training Rapid Response Fund

* * *

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

20 E. The executive director of the Louisiana Workforce Commission, the
 21 secretary of the Department of Economic Development, and the chief executive
 22 officer of the board ~~shall~~ annually shall report to the Senate Committee on Labor and
 23 Industrial Relations and the House Committee on Labor and Industrial Relations and
 24 such committees shall have oversight of the use of monies in the fund.

* * *

1 twenty-first century work skills, and provide students with the opportunity to enroll
2 in rigorous career-focused programs of study in high-demand, high-wage, high-skill
3 career fields that are aligned with workforce demands, future employment
4 opportunities, and regional and state economic development priorities.

5 * * *

6 §2924. Applied and hybrid courses; local course development

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

14 * * *

15 §2926. Student guidance and counseling; training and professional development

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

20 * * *

21 §2927. Early identification of underprepared students; support and assistance

22 A. The State Board of Elementary and Secondary Education shall seek to
23 establish a culture in all schools and school systems in which failure is not an option
24 and all students are supported to meet or exceed grade-level standards. Schools shall
25 take steps to implement instructional strategies designed to provide students in all
26 classes with engaging, challenging assignments based upon real-world tasks through
27 which students are required to creatively solve problems, interpret and evaluate
28 information, and communicate effectively.

29 * * *

1 §2928. Graduation goals; responsibility; recognition for graduation rates and student
2 academic achievement

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

8 * * *

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

14 §2929. Articulation and transfer of credit

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

22 §2930. Collaboration with business and industry; coordination with workforce needs

23 A. The State Board of Elementary and Secondary Education, the Department
24 of Education, the Board of Regents, and the postsecondary education management
25 boards shall work with the designated representative from the Louisiana Workforce
26 Commission to facilitate the identification of regional and state workforce needs and
27 work-based educational and training opportunities and to ensure coordination in the

1 delivery of career and technical education across all educational agencies and
2 institutions.

3 * * *

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

10 * * *

11 §2932. Implementation; funding

12 * * *

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

17 * * *

18 §3161. Articulation and transfer of credit; secondary and postsecondary institutions

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

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

3 * * *

4 §3165. Common core curriculum; general education courses; common prerequisites;
5 other degree requirements

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

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

11 * * *

12 §3983. Chartering process by type; eligibility; limitations; faculty approval; parental
13 approval

14 A.

15 * * *

16 (2)

17 * * *

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

20 * * *

21 (3)

22 * * *

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

29 * * *

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

6 * * *

7 §3995. Charter school funding

8 A.

9 * * *

10 (6)(a) A Type 2 school which has been renewed as provided in R.S.
11 17:3992(A) ~~shall~~ annually shall be funded in the full amount calculated as provided
12 for in Paragraph (1) of this Subsection. Such full funding shall be provided as a
13 priority prior to the allocation of state funding to any other charter school funded by
14 the state.

15 * * *

16 §3997. Charter school employees

17 * * *

18 B.

19 * * *

20 (2)

21 * * *

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

28 (c)(i) Except as otherwise provided by Item (ii) of this Subparagraph, at the
29 end of the third year of leave authorized by this Subsection, an employee shall either

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

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

17 * * *

18 §4012. Legislative findings

19 The legislature finds and declares that:

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

25 * * *

26 §4020. School participation; application

27 * * *

28 B. Any school that wishes to participate in the program and enroll scholarship
29 recipients ~~shall~~ annually shall notify the department of its intent to participate in the

1 program by February first of the previous school year; except that for the 2008-2009
2 school year, a school that seeks to participate in the program shall notify the
3 department of ~~their~~ its intent to participate not later than July 30, 2008. The notice
4 shall specify the number of seats the school will have available for scholarship
5 recipients at each grade level and the maximum amount of tuition attributable to each
6 available seat.

7 * * *

8 §4024. Reports

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

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

17 §1078. Protections required for victims of the crime of domestic violence

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

19 (1) "Abuse" means bodily injury as a result of battery or any offense against
20 the person as defined in the Louisiana Criminal Code, except negligent injury and
21 defamation, when such battery or offense is committed by one family or household
22 member against another. "Abuse" shall also mean abuse of adults as defined in R.S.
23 ~~14:403.2~~ 15:1503 when committed by an adult child or adult grandchild.

24 * * *

25 Section 10. R.S. 24:7, 31.4(B)(1), 31.5(A)(4)(a) and (b) and (5) and (C)(1)(a), 52,
26 55(D)(2) and (E)(2)(a), 101, 107(A), 653(K)(1) and (3) are hereby amended and reenacted
27 to read as follows:

1 §7. Committee meetings between sessions

2 ~~Meetings of legislative committees~~ A legislative committee meeting that is
3 held between sessions of the legislature and during which no vote ~~is required to be~~
4 ~~taken~~ on any matter having the effect of law is to be taken may be conducted by video
5 conference. Each house of the legislature may adopt rules of procedure to provide for
6 and accommodate committee meetings by video conference, including but not limited
7 to rules governing attendance and participation of members of the legislature in; and
8 quorums of committees for; such meetings ~~conducted by video conference~~. ~~Any such~~
9 Such rules shall provide for public participation in such meetings in accordance with
10 R.S. 42:4.1 et seq. For the purposes of this Section and any rules adopted by either
11 house of the legislature pursuant to this Section, "video conference" shall mean a
12 method of communication which enables persons in different locations to participate
13 in a meeting and to see, hear, and otherwise communicate with each other. ~~In no case,~~
14 ~~however, shall any~~ No committee meeting shall be held pursuant to this Section
15 unless a quorum of the committee is present, in person, at the location at which the
16 meeting was advertised to take place.

17 * * *

18 §31.4. Members' office allowance

19 * * *

20 B.(1) Any payment; under the allowance provided in Subsection A of this
21 Section for office rental shall be used only for payment of rental for office space in
22 a building situated in a parish which the member represents, and in no case shall
23 payment be made for office space which is located in the legislator's residence or in
24 any other property owned wholly or in part by the legislator or a member of his
25 family. Payment under the allowance provided in Subsection A of this Section for
26 cost of utilities and other expenses shall be for reimbursement for cost of electric,
27 water, gas, and telephone, ~~and telegraph~~ service for the legislator's district office and

1 for ~~such~~ other office expenses, including but not limited to stationery and other
2 supplies.

3 * * *

4 §31.5. Legislative assistants for members

5 A.

6 * * *

7 (4)(a) Each legislative assistant shall perform such duties as the legislator
8 may assign and shall be paid a salary fixed by the legislator, ~~provided that the~~ The
9 salary for any one legislative assistant shall not exceed the base salary established by
10 the Legislative Budgetary Control Council plus the equivalent of one step for each
11 year of his employment as a legislative assistant.

12 (b) ~~When~~ If a legislator employs more than one legislative assistant ~~is~~
13 ~~employed by a legislator~~, the total salary for all his legislative assistants ~~of a legislator~~
14 shall not exceed the base salary established by the Legislative Budgetary Control
15 Council plus the equivalent of one step for each year of employment as a legislative
16 assistant of the legislative assistant receiving the highest salary, or the equivalent of
17 one step for each year of the employing legislator's service as a legislator, at the
18 option of the employing legislator. However, no legislative assistant shall be paid a
19 salary that exceeds the base salary established by the Legislative Budgetary Control
20 Council plus the equivalent of one step for each year of his employment as a
21 legislative assistant.

22 * * *

23 (5) The salary of each legislative assistant shall be paid from the funds of the
24 respective ~~houses~~ house, withdrawn from the state treasury and deposited in the
25 manner provided in R.S. 24:31.1, and shall be paid to each individual legislative
26 assistant whose employment and salary have been certified by a member to his
27 respective presiding officer. Payment shall be by check signed by the speaker of the
28 House of Representatives as to the salary of legislative assistants to House members

1 and by the president of the Senate as to the salary of legislative assistants to Senate
2 members. Facsimile signatures may be used.

3 * * *

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

9 * * *

10 §52. Persons to whom applicable; exceptions

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

17 * * *

18 §55. Lobbyist expenditure reports

19 * * *

20 D.

21 * * *

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

27 E.

28 * * *

1 §653. Duties and functions

2 * * *

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

8 (a) The ~~consideration of committee shall consider~~ operating budgets ~~shall be~~
9 ~~given~~ in advance of the beginning of the a subject entity's fiscal year. ~~In the event~~ If
10 the committee finds that the entity has failed to receive the required approval, either
11 by failure to appear or by committee disapproval of its budget, the committee ~~shall~~
12 ~~have the authority to~~ may adopt a resolution to direct the commissioner of
13 administration and the state treasurer to deny any warrant or payment of money from
14 the state treasury for any amount contained within that budget. The committee ~~is also~~
15 ~~authorized to~~ may also adopt a resolution to direct the commissioner of administration
16 and state treasurer to recommence the acceptance of warrants. ~~In case of a public~~
17 ~~entity whose operating funds are administered outside of the state treasury, if~~ If the
18 committee determines that ~~the~~ an entity whose operating funds are administered
19 outside of the state treasury has failed to receive the required approval of its budget,
20 either by failure to appear or by committee disapproval of its budget, the committee
21 ~~is authorized to~~ may adopt a resolution to that effect, and any expenditure of public
22 monies by such entity shall constitute a violation of the provisions of Article VII,
23 Section 14 of the Constitution of Louisiana.

24 (b) The consideration of salaries of public officials, ~~which~~ that by law require
25 the approval of the committee; shall occur prior to the execution of any employment
26 contract for that official. The state shall not be liable for any payment of such salary
27 if the salary has not been approved by the Joint Legislative Committee on the Budget.
28 The committee shall have the authority to adopt a resolution to direct the
29 commissioner of administration and the state treasurer to deny any warrant or

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

1 payment of money from the state treasury for any monies related to the payment of
2 the salary at issue. The committee is also authorized to adopt a resolution to direct
3 the commissioner of administration and state treasurer to recommence the acceptance
4 of warrants.

5 * * *

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

11 * * *

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

14 §381. Parishwide election on slot machine gaming

15 * * *

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

23 E. The proposition to be printed on the election ballot shall be: "TO
24 AUTHORIZE SLOT MACHINE GAMING AT LIVE HORSE RACING
25 FACILITIES. Shall the business of slot machine gaming at a live horse racing facility
26 be conducted within the parish of _____" and the voters shall vote for or against
27 the proposition, a vote for the proposition being a "Yes" vote and a vote against the
28 proposition being a "No" vote. The election shall be conducted as provided in the

1 after a review of all testimony and evidence, transmit to the governor an advisory
2 opinion containing such information and recommendations as may be requested by
3 the governor. The advisory opinion shall be deemed confidential and shall be exempt
4 from the provisions of R.S. 44:1 et seq., in accordance with the provisions of R.S.
5 44:4(8) and ~~R.S. 44:5~~ 4.1(B).

6 * * *

7 §213. Furnishing state information obtained under permits

8 A.

9 * * *

10 (2) For any permit issued on or ~~after~~ after July 1, 2004, the holder of a permit
11 to conduct geophysical or geological surveys shall retain ownership of the data
12 gathered and shall not be required to submit the data as required in Paragraph (1) of
13 this Subsection. However, the State Mineral and Energy Board or the employees of
14 the office of mineral resources shall be allowed to review the data. Except for the
15 information included in a seismic permit, including the plat showing the geometric
16 polygon of the area which the seismic is to be shot, all other information, including
17 maps, plots, and other data reviewed by the State Mineral and Energy Board or the
18 staff of the office of mineral resources hereunder shall be confidential and an
19 exception to the provisions of public records laws and shall not be released to any
20 other agency or entity, or for any reason, including publication in a technical journal,
21 absent a valid court order from court of competent jurisdiction or absent written
22 permission of, and under the strict limitations imposed by, the owner having authority
23 to license said data.

24 * * *

25 §2117. Radioactive waste disposal; prohibition of disposal of radioactive wastes in
26 salt domes; salt dome usage

27 * * *

28 E. Results of all prior studies conducted to determine the feasibility of using
29 Louisiana salt domes or other geologic structures within the state for disposal of

1 radioactive wastes shall be made available to the House Committee on Natural
2 Resources and Environment and ~~the Senate environment committees~~ Committee on
3 Environmental Quality.

4 * * *

5 Section 14. R.S. 32:318(F) is hereby amended and reenacted to read as follows:

6 §318. Audible and visual signals on certain vehicles

7 * * *

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

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

16 * * *

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

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

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

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

3 * * *

4 §2740.52. Kenner Assistance District

5 * * *

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

17 * * *

18 §4710.3. Powers of authority; division of surplus

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

24 * * *

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

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

11 * * *

12 §9024. Incorporation as a private nonprofit corporation

13 * * *

14 E.

15 * * *

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

27 * * *

1 §9206. General powers and duties of the board

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

5 * * *

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

14 * * *

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

16 * * *

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

20 * * *

21 §9614. Confidentiality of preliminary investigations

22 * * *

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

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

3 (a) Division of Administration (R.S. ~~39:1-39:332; 39:333-39:354; 39:366.1-~~
4 ~~39:366.5; 39:1410.1-39:1410.9; 39:1481-39:1526; 39:1527-39:1544; 39:1551-~~
5 ~~39:1716; 39:1731-39:1736; Subtitle I of Title 39 of the Louisiana Revised Statutes of~~
6 1950 generally, including but not limited to R.S. 39:1 et seq., 11 et seq., 15.1 et seq.,
7 16.1 et seq., 21 et seq., 51 et seq., 71 et seq., 87.1 et seq., 88.1 et seq., 101 et seq., 140
8 et seq., 171 et seq., 196 et seq., 211 et seq., 231 et seq., 251 et seq., 321 et seq., 333
9 et seq., 360 et seq., and 367; and also R.S. 39:1410, 1481 et seq., 1527 et seq., 1551
10 et seq., 1751 et seq., 1761 et seq., 1796 et seq., 2001 et seq., and 2171 et seq.; R.S.
11 42:14-42:29; R.S. 42:81-42:90 801 et seq. and 1261 et seq.; R.S. 40:1299.39.1; R.S.
12 41:1 et seq., R.S. 43:1, 43:13, 43:25, 43:27-43:31, 33, and 43:81- 43:90; and R.S.
13 47:35; and R.S. 49:41-50 and 141, 205, 661-665 et seq. 954.1, and 981 et seq.)

14 (b) ~~Department of Contractual Review (Executive Order Nos. 28, 40, and 41~~
15 ~~of 1973; Office of contractual review, division of administration (R.S. 39:171, 39:174~~
16 ~~1481 et seq.)~~

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

19 (d) ~~Facility Planning and Control Department (Executive Order Nos. 40 and~~
20 ~~51 of 1973) Office of facility planning and control, division of administration (R.S.~~
21 ~~39:101 et seq.)~~

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

26 * * *

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

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

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

5 (m) Louisiana Landscape Architects Selection Board (~~Executive Order No.~~
6 ~~76 of 1974~~ R.S. 38:2311)

7 * * *

8 (q) Ozarks Regional Commission (~~Executive Order No. 7 of 1972~~ R.S.
9 49:667)

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

12 (s) The Law Enforcement Executive Management Institute and its board (R.S.
13 33:2341 et seq.) are placed within the office of the governor and shall perform and
14 exercise their powers, duties, functions, and responsibilities as provided by law.

15 * * *

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

18 * * *

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

22 * * *

23 (15)(a) The Office of Group Benefits, as more specifically provided in R.S.
24 42:801 et seq., shall be placed within the office of the governor, division of
25 administration, and shall perform and exercise its powers, duties, functions, and
26 responsibilities as provided by law.

27 (b) The Group Benefits Policy and Planning Board (R.S. 42:881 et seq.) shall
28 be within the Office of Group Benefits within the office of the governor, division of

1 administration, and shall perform and exercise its powers, duties, functions, and
2 responsibilities as provided by law.

3 * * *

4 §4.1. Agencies transferred from the Department of Economic Development to the
5 office of the governor; agencies placed within the office of the governor

6 * * *

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

10 * * *

11 (14) Louisiana ~~Recreational and~~ Used Motor Vehicle Commission (R.S.
12 32:751 et seq. and R.S. 32:771 et seq.).

13 * * *

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

16 * * *

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

20 * * *

21 (2) State Parks and Recreation Commission (R.S. 56:1681-~~56:1696~~, ~~56:1731-~~
22 ~~56:1732~~, ~~56:1741~~, ~~56:1801-56:1808~~ et seq.)

23 * * *

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

27 * * *

28 P. The Louisiana Tourism Development Commission (R.S. 51:~~1256-51:1257~~,
29 ~~and 51:1271-51:1276~~ 1251 et seq. and R.S. 48:271) is hereby transferred to and shall

1 hereafter be within the Department of Culture, Recreation and Tourism, as provided
2 in R.S. 36:912.

3 * * *

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

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

7 * * *

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

9 * * *

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

12 * * *

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

14 * * *

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

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

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

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

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

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

23 * * *

24 (16) The mental health facilities located in New Orleans, Baton Rouge,
25 Shreveport, Monroe, Lake Charles, Alexandria, Lafayette, Metairie, Hammond,
26 Natchitoches, Ruston, Chalmette, Houma, Harvey, Marksville, Bogalusa, Pineville,
27 Many, New Roads, Covington, Crowley, Donaldsonville, Plaquemine, Raceland,
28 Leesville, Norco, Mandeville, Ville Platte, Patterson, Tallulah, Columbia, Oakdale,

1 and any other state owned or operated facilities as may be hereinafter established
2 (R.S. ~~40:2002~~; 28:22.4-22.5)

3 * * *

4 K. The Medicaid Pharmaceutical and Therapeutics Committee (R.S.
5 46:153.3) is placed within the Department of Health and Hospitals and shall perform
6 and exercise its powers, duties, functions, and responsibilities as provided by law.

7 L.(1) The Louisiana State Planning Council on Developmental Disabilities
8 (R.S. 28:750 et seq.) is placed within the Department of Health and Hospitals and
9 shall exercise and perform its powers, duties, functions, and responsibilities in the
10 manner provided for agencies transferred in accordance with the provisions of R.S.
11 36:801.1. The council shall have full appointing authority for all personnel purposes.

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

16 * * *

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

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

26 * * *

27 R. The Emergency Medical Services for Children Advisory Council (R.S.
28 40:1300.101 et seq.) is placed within the Department of Health and Hospitals and

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

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

2 * * *

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

8 * * *

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

10 * * *

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

14 * * *

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

16 * * *

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

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

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

24 * * *

25 §628. Offices; purposes and functions

26 * * *

27 C.(1) The office of agricultural and environmental sciences shall administer
28 the provisions of law relating to fertilizers, seeds, plant diseases, commercial feeds,
29 pesticides, horticulture, and apiaries. The office shall perform technical services and

1 laboratory functions for the farmers of the state and shall perform functions designed
 2 to expand and improve seed certification; increase production of rice and nursery
 3 stock; monitor and provide for the prevention, control, and eradication of regulated
 4 and exotic crop pests or diseases endangering Louisiana's agricultural, horticultural,
 5 and apiary industries; assure that products certified for export are free from pests;
 6 oversee the qualifications and practices of persons engaged in the green industry;
 7 sample pesticides, feeds, fertilizer, seed, and agricultural materials to assure that they
 8 meet all requirements of law and regulation; assure the proper labeling, distribution,
 9 storage, sale, offering for sale, and application of pesticides; license and regulate
 10 pesticide applicators and pest control companies; regulate the treatment, storage, ~~or~~
 11 and disposal of pesticide wastes; and perform other related functions, all in
 12 accordance with applicable law.

* * *

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

* * *

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

* * *

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

* * *

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

* * *

28 B. The Department of Education, through its offices, officers, and
 29 management boards shall, in accordance with law, provide for the education of the

1 people of the state and shall be the agency through which the state administers the
 2 functions of the superintendent of education, the Board of Elementary and Secondary
 3 Education, the Board of Regents, the Board of ~~Trustees for State Colleges and~~
 4 ~~Universities~~ Supervisors for the University of Louisiana System, the Board of
 5 Supervisors of Louisiana State University and Agricultural and Mechanical College,
 6 ~~and the Board of Supervisors of Southern University and Agricultural and Mechanical~~
 7 ~~College, and the Board of Supervisors of Community and Technical Colleges,~~ as
 8 provided by the constitution and laws of this state and this Title.

9 * * *

10 D.(1) In accordance with their constitutional mandate, the Board of Regents,
 11 the Board of ~~Trustees for State Colleges and Universities~~ Supervisors for the
 12 University of Louisiana System, the Board of Supervisors of Louisiana State
 13 University and Agricultural and Mechanical College, ~~and the Board of Supervisors~~
 14 ~~of Southern University and Agricultural and Mechanical College, and the Board of~~
 15 ~~Supervisors of Community and Technical Colleges,~~ and the State Board of
 16 Elementary and Secondary Education shall be responsible for performing their
 17 respective functions of education in the state of Louisiana, and each such board shall
 18 retain all of its powers, duties, and responsibilities as provided by the constitution and
 19 by law.

20 * * *

21 §651. Transfer of boards, commissions, departments, and agencies to Department of
 22 Education; boards, commissions, and agencies within Department of
 23 Education

24 * * *

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

27 (1) The Board of ~~Trustees for State Colleges and Universities~~ Supervisors for
 28 the University of Louisiana System (Article VIII, Section 6 of the 1974 Louisiana

1 Constitution; R.S. 17:1806, ~~R.S. 17:1831-17:1854, R.S. 17:3201-17:3382~~ 3201 et
2 seq., and 3351 et seq.)

3 * * *

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

6 * * *

7 J. The advisory councils to ~~post-secondary~~ postsecondary vocational-
8 technical schools (R.S. 17:1998) are transferred to and hereafter shall be within the
9 Department of Education but shall retain their function of advising the Board of
10 ~~Elementary and Secondary Education~~ Supervisors of Community and Technical
11 Colleges.

12 * * *

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

16 * * *

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

22 * * *

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

26 * * *

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

2 * * *

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

7 * * *

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

9 * * *

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

13 * * *

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

16 * * *

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

21 * * *

22 (2) State Bond and Tax Board (R.S. 39:641-39:645; R.S. 39:871; ~~R.S.~~
23 ~~47:1801-47:1808~~)

24 * * *

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

28 L. The Public Retirement Systems' Actuarial Committee (R.S. 11:82, 101 et
29 seq., and 121 et seq.) is placed within the Department of the Treasury and shall

1 exercise and perform its powers, duties, functions, and responsibilities as provided by
2 law.

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

5 §4.1.1. Short title

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

7 * * *

8 §1118.1. Studies or position papers on public policy

9 A. If not otherwise prohibited by ~~the code of ethics~~ this Chapter, any public
10 employee of the executive, judicial, or legislative branch of state government or any
11 local governmental subdivision who contracts with a person or governmental entity
12 to provide political position papers, economic studies, or policy statements relative
13 to public policy concerning any rule, regulation, or legislation proposed, passed, or
14 adopted by the state or any of its political subdivisions, or any entity receiving public
15 funds, shall disclose the name and address of the person or governmental entity
16 engaging his services, the amount of the contract, and the nature of the business or
17 relationship.

18 * * *

19 §1123. Exceptions

20 This Part shall not preclude:

21 * * *

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

24 * * *

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

29 * * *

1 Section 19. R.S. 44:4.1(B)(6) and (7) are hereby amended and reenacted and R.S.
2 44:1.1 is hereby enacted to read as follows:

3 §1.1 Short title

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

5 * * *

6 §4.1. Exceptions

7 * * *

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

13 * * *

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

15 (7) R.S. 15:242, 440.6, 477.2, 549, 570(F), 574.12, 578.1, 616, 660, 840.1,
16 1176, 1204.1, 1507, 1614

17 * * *

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

20 §56. Applications and client case records; definitions; confidentiality; waiver;
21 penalty

22 * * *

23 B.(1) For the purposes of this Section, "department" means the Department
24 of Health and Hospitals, the Department of Social Services, and the adult protection
25 agency as provided in R.S. ~~14:403.2(B)(3)~~ 15:1503(4). It is the express intent of this
26 Section that the Department of Health and Hospitals, the Department of Social
27 Services, and, for the purpose of adult protective services, the Office of Elderly

1 Affairs share access to each other's case records to the extent that such access is not
2 prohibited by any contrary provision of federal law or regulation.

3 * * *

4 §61. Elderly abuse; release of information

5 * * *

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

8 * * *

9 §932. Powers and duties

10 The office shall have the following powers and duties:

11 * * *

12 (10) To perform the functions of the state which are designed to meet the
13 social and community needs of Louisiana residents sixty years of age or older,
14 including but not limited to the provision of such comprehensive social programs as
15 homemaker services, home repair and maintenance services, employment and training
16 services, recreational and transportation services, counseling, information and referral
17 services, protective services under ~~R.S. 14:403.2~~ R.S. 15:1506 et seq., and health-
18 related outreach; but excluding the transportation program for the elderly and the
19 handicapped program administered by the Department of Transportation and
20 Development under Section 16(b)(2) of the Federal Urban Mass Transportation Act
21 of 1964 as amended and other such programs and services assigned to departments
22 of state government as provided in Title 36 of the Louisiana Revised Statutes of 1950.

23 * * *

24 §2132. Definitions

25 As used in this Part:

26 * * *

27 (3) "Domestic abuse" includes but is not limited to physical or sexual abuse
28 and any offense against the person as defined in the Criminal Code of Louisiana,
29 except negligent injury and defamation, committed by one family or household

1 member against another. "Domestic abuse" also includes abuse of adults as defined
2 in R.S. ~~14:403.2~~ 15:1503 when committed by an adult child or adult grandchild.

3 * * *

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

6 §220.23. State inspector general; appointment; term; vacancy; compensation;
7 removal

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

18 * * *

19 §220.24. Authority; duties; powers; standards; functions

20 * * *

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

29 * * *

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

1 §965.4. Definitions

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

4 * * *

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

8 * * *

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

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

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)]

Gallot

HB No. 1467

Makes technical changes to various codal provisions and certain Revised Statutes.

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

22:1078(A)(1), R.S. 24:7, 31.4(B)(1), 31.5(A)(4)(a) and (b) and (5) and (C)(1)(a), 52, 55(D)(2) and (E)(2)(a), 101, 107(A), 653(K)(1) and (3), R.S. 27:381(D) and (E), R.S. 29:653, R.S. 30:10.1(B)(3), 213(A)(2), and 2117(E), R.S. 32:318(F), R.S. 33:322, 2740.52(B), 4710.3(A)(8), 9024(E)(2), 9206(5), 9602(C), and 9614(C), R.S. 35:406(B), R.S. 36:4(B)(1)(a), (b), (c), (d), (e), (j), (k), (l), (m), (q), and (z) and (15), 4.1(D)(14), 209(C)(2), (G), and (P), 254(A)(10)(h), 259(C)(1), (9), (10), (11), (12), and (16), (L), and (O), 509(B), 610(B)(2), 628(C)(1), 642(B) and (D)(1), 651(D)(1), (J), and (Q), 744(D), and 769(F)(2), R.S. 42:1118.1(A) and 1123(13)(a)(i)(dd), R.S. 44:4.1(B)(6) and (7), R.S. 46:56(B)(1), 61(B), 932(10), and 2132(3), and R.S. 49:220.23(A)(1), 220.24(J), and 965.4(4); Adds R.S. 11:701(33)(a)(xiii) and R.S. 36:4(B)(1)(r), (s), and (aa), 259(K), (N), (R), and (BB)(1), 359(B) and (C), 409(K), 610(G), 629(H) and (M), 651(D)(5), (O), and (V), 706(B), 769(K) and (L), R.S. 42:4.1.1, and R.S. 44:1.1; Repeals R.S. 11:701(33)(c), R.S. 36:4(B)(10), 259(E)(18), (F)(6), (7), (11), (13), (14), and (17), 409(C)(6) and (I), 651(S) and (T), and 802.11 and R.S. 42:1141(B)(3))

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Made technical changes only.