

Regular Session, 2012

HOUSE BILL NO. 954

BY REPRESENTATIVE DANAHAAY

LEGISLATION: Provides for technical corrections to various provisions of the La. Revised Statutes

1 AN ACT

2 To amend and reenact R.S. 3:2004, 4222(C), and 4674(F), R.S. 12:1084, 1164, and 1413,
3 R.S. 14:403.6(A), R.S. 17:1808(G), 2048.31(B), 2048.32(C), 3139.5(3)(a), 3201(A)
4 and (B)(1), 3202(1), 3351.11(D)(3), 3973(2)(b)(i) and (ii), 3991(F), 3995(B), and
5 4001(A) and (C)(1), (2), and (4), R.S. 23:43 and 1294(A)(1), R.S. 24:36(C)(3),
6 513(A)(4) and (5)(a)(ii) and (F), R.S. 28:821(C) and 824(A) and (C), R.S.
7 33:4169.1(G), R.S. 36:3(4), 4(B)(1)(aa) and (ee), 6(a), and (18), (F), (L), (N), (U),
8 and (X), 4.1(D)(9) and (15), 53(A), 109(N), 201(C)(1), 209(B)(1)(a), (C)(1), (F),
9 (H)(1), (4), (5), (6), (10), and (11), (J), (K), (L), (M), (N), (O), (Q), (S), (T), (U),
10 (W)(2), and (X), 239(B)(1), (4), and (6) and (E), 259(E), (F)(9), (10), (16), (18), and
11 (21), (G), (I)(5), (J)(1), and (L)(1), (M), (Q), (T), (U), (W), (X), (BB)(1), (CC), and
12 (GG), 309(B), (C)(1), and (D), 359(D), (J), (K), and (L), 409(B), (C)(1), (2), (4), (5),
13 and (8), (D), (E), (F), (G), (H), (J), (L), and (O), 459(B), (C), and (H),
14 474(B)(1)(a)(i), 475(A), 478(F), (H)(3) and (4), 509(C), (F)(1), (2), (3), and (8), (H),
15 (K), (L), (M), (O), (Q), (R), (S), and (T), 610(B)(1), (10), and (11), (E), (F), (H), (I),
16 (K), (L), and (N), 629(C)(5), (6), & (8), (D), (E), (F), (G), (H), (J), (K), (L), and (N),
17 643(A) and (C), 651(B), (C), (D), (H), (L), (P), (U), (X), (Y), (Z), and (BB),
18 686(A)(2) and (3), (B), and (F), 706(B) and (C), 725(A), 744, (E), (H), (I), (J), (Q),
19 (T), and (U), 769(C), (D), (F), (H), (I), and (L), 802(Introductory Paragraph), 802.6,
20 802.9, 803(A)(1), 851(A), 901(A), 918, and 921(A), R.S. 37:3103(A)(3.1) and 3134,

1 R.S. 39:1593.1(B), R.S. 40:2009.1(C)(2)(d), R.S. 42:17:(A)(9), 66(C), 1119(C)(3),
2 and 1123(12) and (14), and R.S. 56:1699(C)(introductory paragraph), to enact R.S.
3 36:4(B)(14) and (H), 4.1(D)(16), 239(C), 259(D), 309(F) and (G), 409(I), (P), and
4 (Q), 459(D), 478(M), 629(R), 651(S), and 686(G), and to repeal R.S. 17:3138, R.S.
5 25:802(11), R.S. 35:396, R.S. 36:4.1(D)(18), 53(E), 109(A), 209(A), (H)(9) and
6 (14), and (AA), 239(A) and (B)(3) and (5), 259(A), (C)(24), (E)(22), (F)(8),(15), and
7 (19), and (I)(4), 309(A) and (C)(3), 359(A), 408(B)(3), 409(A) and (J)(2), 459(A),
8 478(A), (B), and (H)(8), (9), (10), and (11), 509(A), (E), (F)(1), and (G), 610(A),
9 629(A) and (C)(4), 650(B), 651(A), (K), (N), and (V), 744(A), 769(A), (D)(3) and
10 (5), (E), and (K), 802.4, and 802.8, R.S. 37:3601, Chapter 30 of Title 40 of the
11 Louisiana Revised Statutes of 1950, comprised of R.S. 40:2801 through 2803, and
12 Act No. 16 of the 1960 Regular Session of the Legislature, relative to the various
13 provisions of the Louisiana Revised Statutes of 1950; to provide for various technical
14 corrections in provisions of the statutes, including corrections in legal citations,
15 corrections in names of agencies, officers, and other entities, removal of references
16 to agencies and other entities that have otherwise been repealed or no longer exist,
17 and conforming changes to clarify potentially conflicting language; and to provide
18 for related matters.

19 Be it enacted by the Legislature of Louisiana:

20 Section 1. R.S. 3:2004, 4222(C), and 4674(F) are hereby amended and reenacted to
21 read as follows:

22 §2004. Scrub bull defined

23 For the purpose of this Part the term "scrub bull" means any bull not entitled
24 to pedigree or registration, as such terms are ordinarily understood in registry
25 associations, societies, or companies recognized by the United States Department of
26 Agriculture and approved by the Louisiana ~~State Livestock Sanitary Board~~ of
27 Animal Health.

28 * * *

29 §4222. Federal and state cooperation; designated authority

1 * * *

2 C. The commissioner of agriculture shall serve as the representative of the
3 governor in all consultations and negotiations with the secretary of the United States
4 Department of Agriculture concerning the development and implementation of this
5 Chapter and the Federal Meat Inspection Act and the Federal Poultry Products
6 Inspection Act. The Louisiana ~~State Livestock Sanitary Board~~ of Animal Health
7 (R.S. 3:2091) shall advise the commissioner on all aspects of all consultations with
8 the federal secretary and on all other aspects of the enforcement of the provisions of
9 this Chapter.

10 * * *

11 §4674. Minimum ethanol and bio-diesel requirements

12 * * *

13 F. Blenders and retailers will have six months to meet the new minimum
14 content requirements. Any combination of alternative fuels, including but not
15 limited to denatured ethanol, bio-diesel and alternative renewable fuel may be used
16 to meet the two percent requirements of Subsections C, D, and E. ~~The Commission~~
17 on Louisiana Commission of Weights and Measures may waive or extend the six-
18 month time period upon a finding that the quality or supply of bio-diesel or ethanol
19 is insufficient to allow blenders or retailers to meet the minimum content
20 requirements, or upon a finding that the motor fuel distribution terminals are or will
21 be unable to blend ethanol due to delays in obtaining permits or delays in
22 construction or installation of ethanol blending or storage equipment for reasons
23 beyond the control of the terminal owner or operator.

24 * * *

25 Section 2. R.S. 12:1084, 1164, and 1413 are hereby amended and reenacted to read
26 as follows:

27 §1084. Regulation by Louisiana State Board of ~~Nurse Examiners~~ Nursing

1 Professional nursing corporations shall be subject to the discipline of the
2 Louisiana State Board of ~~Nurse Examiners~~ Nursing and to its authority to adopt rules
3 and regulations governing the practice of nursing.

4 * * *

5 §1164. Regulation by Louisiana ~~State~~ Board of Veterinary ~~Medical Examiners~~
6 Medicine

7 Professional medical corporations shall be subject to the discipline of the
8 Louisiana ~~State~~ Board of Veterinary ~~Medical Examiners~~ Medicine and to its
9 authority to adopt rules and regulations governing the practice of medicine.

10 * * *

11 §1413. Regulation by the Louisiana State Board of ~~Certified~~ Social Work
12 Examiners

13 Professional social work corporations shall be subject to the discipline of the
14 Louisiana State Board of ~~Certified~~ Social Work Examiners and to its authority to
15 adopt rules and regulations governing the practice of social work.

16 Section 3. R.S. 14:403.6(A) is hereby amended and reenacted to read as follows:

17 §403.6. Reporting of neglect or abuse of animals

18 A. Any state or local law enforcement officer, or any employee of
19 government or of a government contractor who in his professional capacity routinely
20 investigates alleged abuse or neglect or sexual abuse of a child, or abuse or neglect
21 of an adult under the provisions of R.S. 15:1507, who becomes aware of evidence
22 of neglect or abuse of an animal shall report such incident to the law enforcement
23 authority of the governing authority in which the incident has occurred or the local
24 animal welfare authority. The name and identifying information regarding the
25 reporter of animal maltreatment shall be confidential.

26 * * *

27 Section 4. R.S. 17:1808(G), 2048.31(B), 2048.32(C), 3139.5(3)(a), 3201(A) and
28 (B)(1), 3202(1), 3351.11(D)(3), 3973(2)(b)(i) and (ii), 3991(F), 3995(B), and 4001(A) and
29 (C)(1), (2), and (4) are hereby amended and reenacted to read as follows:

1 §1808. Registration and licensure of postsecondary, academic degree-granting
2 institutions

3 * * *

4 G. No institution, except those exempted pursuant to Subsection J of this
5 Section, shall be approved for veterans benefits by the ~~office of veterans affairs,~~
6 Department of Veterans Affairs, unless licensed by the Board of Regents; nor shall
7 the teacher education curriculum of any institution not licensed by the Board of
8 Regents be approved by the State Board of Elementary and Secondary Education.

9 * * *

10 §2048.31. Allied health professionals training programs; student admittance;
11 documentation; records; authorization to obtain criminal history record
12 information

13 * * *

14 B. Such records shall be submitted to the Board of Regents and the
15 postsecondary education management boards on a quarterly basis ~~and shall also be~~
16 ~~submitted to the Allied Health Professionals Supply and Demand Commission on~~
17 ~~whatever schedule they request.~~

18 * * *

19 §2048.32. Allied health professionals training programs; expansion or
20 establishment; salary of faculty members

21 * * *

22 C. Expansion of existing programs or establishment of additional programs
23 shall be sought with due regard for the efficient expenditure of state funds ~~and after~~
24 ~~consultation with the Allied Health Professionals Supply and Demand Commission.~~

25 * * *

26 §3139.5. Autonomies granted

27 * * *

28 (3) Beginning with the 2012-2013 Fiscal Year and thereafter, if the Board
29 of Regents has determined that the institution has met the short-term targets

1 established in the performance agreement and demonstrated progress on long-term
2 targets, the institution shall be authorized to:

3 (a) Increase tuition and fee amounts by up to ten percent annually, without
4 legislative approval, until the institution reaches the average tuition and fee amounts
5 of its peer institutions. ~~The incremental tuition and fee amount increase~~ Tuition and
6 fee amounts for peer institutions shall be weighted ~~in such a manner that~~ based upon
7 the median household income in Southern Regional Education Board states in which
8 respective peer institutions are located. ~~is~~ The median household income in such
9 states shall be compared with the median household income in Louisiana, and any
10 differences between the average of the states shall be factored into the allowable
11 tuition and fee amount increase for the respective institution.

12 * * *

13 §3201. Application of Chapter

14 A. Except as otherwise specifically provided in this Chapter, the provisions
15 of this Chapter shall apply in the same manner and to the same extent to the Board
16 of Supervisors of Louisiana State University and Agricultural and Mechanical
17 College, the Board of Supervisors of Southern University and Agricultural and
18 Mechanical College, the Board of ~~Trustees for State Colleges and Universities~~
19 Supervisors for the University of Louisiana System, the Board of Supervisors of
20 Community and Technical Colleges, and any other board vested with the supervision
21 and management of institutions of postsecondary education hereafter created.

22 B.(1) Except as otherwise provided by law for employees of public
23 institutions predominantly or exclusively providing vocational-technical educational
24 programs, the provisions of this Chapter shall apply in the same manner and to the
25 same extent to the institutions and the employees thereof that are under the
26 management of the Board of Supervisors of Community and Technical Colleges as
27 such provisions apply to those institutions and the employees thereof under the
28 management of the Board of Supervisors of Louisiana State University and
29 Agricultural and Mechanical College, the Board of Supervisors of Southern

1 University and Agricultural and Mechanical College, and the Board of ~~Trustees for~~
2 ~~State Colleges and Universities~~ Supervisors for the University of Louisiana System.

3 * * *

4 §3202. Definitions

5 Unless the context otherwise clearly indicates, the following words shall have
6 the meaning hereinafter ascribed to each:

7 (1) "Board" or "boards" means the Board of Supervisors of Louisiana State
8 University and Agricultural and Mechanical College, the Board of Supervisors of
9 Southern University and Agricultural and Mechanical College, the Board of ~~Trustees~~
10 ~~for State Colleges and Universities~~ Supervisors for the University of Louisiana
11 System, and the Board of Supervisors of Community and Technical Colleges, or any
12 of these boards.

13 §3351.11. Board of Supervisors of Louisiana State University and Agricultural and
14 Mechanical College; tuition and attendance fee amounts; Health Sciences
15 Centers; waivers

16 * * *

17 D.

18 * * *

19 (3) Notwithstanding any provision of this Subsection or of any other law to
20 the contrary, tuition and fee amounts at the Louisiana State University Health
21 Sciences Center-New Orleans School of Medicine or School of Dentistry or the
22 Louisiana State University Health Sciences Center-Shreveport School of Medicine
23 shall be weighted based upon median household income as provided in R.S.
24 17:3139.5(3)(a) and shall not exceed average tuition and fee amounts of their
25 respective peer institutions. For purposes of this Subsection, "peer institutions" shall
26 have the meaning provided by guidelines established by the Board of Regents in the
27 same manner as provided by R.S. 17:3351(A)(5)(e)(i) ~~and weighted based upon~~
28 ~~median household income as provided in R.S. 17:3139(F)(3)(a).~~

29 * * *

1 §3973. Definitions

2 As used in this Chapter, the following words, terms, and phrases shall have
3 the meaning ascribed to them in this Section except when the context clearly
4 indicates a different meaning:

5 * * *

6 (2)

7 * * *

8 (b) Charter schools shall be one of the following types:

9 (i) Type 1, which means a new school operated as the result of and pursuant
10 to a charter between the nonprofit corporation created to operate the school and a
11 local school board. Within such ~~type~~ Type 1 charter schools, only pupils who would
12 be eligible to attend a public school operated by the local school board within the
13 same city or parish will be eligible to attend as provided in the charter.

14 (ii) Type 2, which means a new school or a preexisting public school
15 converted and operated as the result of and pursuant to a charter between the
16 nonprofit corporation created to operate the school and the State Board of
17 Elementary and Secondary Education. Prior to the creation of such a charter to
18 convert a preexisting school, it shall be approved by the professional faculty and staff
19 of the preexisting school and by the parents or guardians of children enrolled in the
20 school as provided in R.S. 17:3983(C). Within such ~~type~~ Type 2 charter schools,
21 pupils who reside within the state will be eligible to attend as provided in the charter.
22 Creation of a ~~type~~ Type 2 charter school shall comply with the provisions of R.S.
23 17:3983(A)(2)(a)(i).

24 * * *

25 §3991. Charter schools; requirements; limitations; renewal; amendment; revocation

26 * * *

27 F. Except for a ~~type~~ Type 4 charter school, a local school board shall not
28 assign any pupil or employee to a charter school or interfere in any way with the
29 operation and management of a charter school except as provided by the approved

1 charter, the provisions of this Chapter, or other law applicable to the charter school
2 or its officers or employees.

3 * * *

4 §3995. Charter school funding

5 * * *

6 B. For each pupil enrolled in a charter school who is entitled to special
7 education services, any state special education funding beyond that provided in the
8 minimum foundation program and any federal funds for special education for that
9 pupil that would have been allocated for that pupil shall be allocated to the charter
10 school which the pupil attends. Any ~~type~~ Type 2 charter school shall be considered
11 the local education agency for the purposes of any special education funding or
12 statutory definitions, while the local school board shall remain the local education
13 agency for any ~~type~~ Type 1, 3, or 4 charter school.

14 * * *

15 §4001. Louisiana Charter School Start-Up Loan Fund; creation; purpose;
16 distribution

17 A. The Louisiana Charter School Start-Up Loan Fund, hereafter referred to
18 as the "fund", is hereby created within the state treasury for the purposes of
19 providing a source for funding no-interest loans to assist both existing and new ~~type~~
20 Type 1, ~~type~~ Type 2, or ~~type~~ Type 3 charter schools with initial start-up funding and
21 for funding the administrative and legal cost associated with the charter school
22 program.

23 * * *

24 C.(1) The State Board of Elementary and Secondary Education shall
25 administer the use of the monies appropriated from the fund and shall adopt rules in
26 accordance with the Administrative Procedure Act. The adopted rules shall specify
27 that state board approval of any ~~type~~ Type 2 charter school proposal that includes
28 within its budget a request for loan funding which complies with the provisions of
29 this Section and details regarding how those loan funds are to be expended, shall

1 constitute the approval of that loan amount. No additional loan application
 2 paperwork shall be required. Any ~~type~~ Type 1 or ~~type~~ Type 3 charter school
 3 approved by their local school board shall be required to submit no more than their
 4 approved charter proposal and a detailed budget identifying how any loan funds are
 5 to be expended and how such request complies with the provisions of this Section.
 6 The state board may reject any such request which does not comply with terms of
 7 this Section. Such rules shall also note that any loan funding may only be used to
 8 purchase tangible items such as equipment, technology, instructional materials, and
 9 facility acquisition, upgrade, and repairs. Such equipment or other items shall
 10 become the property of the state if the loan is not fully repaid by virtue of the school
 11 ceasing to operate during the three years of automatic loan repayment as noted in
 12 Paragraph (3) of this Subsection.

13 (2) Loans shall be made only to ~~type~~ Type 1, ~~type~~ Type 2, and ~~type~~ Type 3
 14 charter schools and shall not exceed one hundred thousand dollars to pay for charter
 15 school start-up and early operating expenses. No money lent as provided in this
 16 Section may be used to pay prior debts of the nonprofit corporation which formed
 17 the charter school, any of the natural persons principally involved in forming the
 18 charter school, or any former or current business or nonprofit venture of any such
 19 natural persons for any purchase not related to the creation of the charter school, or
 20 to pay to members of the immediate family of any such natural persons, or to make
 21 any investments.

22 * * *

23 (4) The state board shall not knowingly approve the loan portion of any ~~type~~
 24 Type 2 charter school's budget proposal if the background checks required by the
 25 state board reveals that any person principal to the charter school proposal has been
 26 convicted of any felony related to misappropriation of funds or theft.

27 * * *

28 Section 5. R.S. 23:43 and 1294(A)(1) are hereby amended and reenacted to read as
 29 follows:

1 §43. Appointment; compensation

2 All members of the board of boiler inspector examiners, except the chief
3 inspector, shall be appointed by the ~~secretary~~ executive director, and shall serve at
4 his pleasure, without compensation.

5 * * *

6 §1294. Workers' Compensation Advisory Council

7 A.(1) The Workers' Compensation Advisory Council is hereby created
8 within the Louisiana Workforce Commission pursuant to R.S. ~~36:309(C)(5)~~
9 36:309(C)(4).

10 * * *

11 Section 6. R.S. 24:36(C)(3), 513(A)(4) and (5)(a)(ii) and (F) are hereby amended
12 and reenacted to read as follows:

13 §36. Additional benefits payable to legislators; certain legislative personnel;
14 governor; lieutenant governor; political subdivision service credit; credit for
15 service previously rendered; additional contributions; computation of
16 benefits payable; membership

17 * * *

18 C.

19 * * *

20 (3) Any person retiring under the provisions of this Subsection shall receive
21 a full retirement benefit, without reduction of any percentage which may be provided
22 in the laws pertaining to the retirement system for retirement before the normal
23 retirement age. For purposes of computing retirement benefits for those persons
24 provided for in R.S. ~~24:36(A)~~ Subsection A of this Section, "average compensation"
25 shall be the average annual earned compensation of the member for any three years
26 of service during which said earned compensation was the highest, including salary,
27 per diem, and also the expense allowances provided by R.S. 24:31.1 and R.S. 24:31.2
28 and any other expense allowances provided for the clerk of the House of
29 Representatives and the secretary of the Senate. The retirement benefits provided

1 herein for any person covered by this provision shall not exceed the limitation
 2 provided in R.S. ~~42:575(B)~~ 11:444(B). Beginning with August 1, 1962, the benefits
 3 provided herein shall extend to members covered hereby who were employed in the
 4 state service on or after May 1, 1960 and to their survivors.

5 * * *

6 §513. Powers and duties of legislative auditor; audit reports as public records;
 7 assistance and opinions of attorney general; frequency of audits; subpoena
 8 power

9 A.

10 * * *

11 (4)(a) Paragraph (3) of this Subsection and Subsection B of this Section
 12 notwithstanding, the legislative auditor may audit or investigate a local auditee only
 13 in those instances when:

14 (ⓐ) (i) The local auditee has failed after thirty days written notice from the
 15 legislative auditor to comply with the provisions of this Section relating to timely
 16 audits.

17 (ⓑ) (ii) The Legislative Audit Advisory Council and the legislative auditor
 18 have determined that the local auditee is unable to pay for an audit by a licensed
 19 certified public accountant.

20 (ⓒ) (iii) The local auditee exhibits a record of egregious control deficiencies
 21 and failures to comply with laws and regulations.

22 (ⓓ) (iv) The legislative auditor has received complaints of illegal or irregular
 23 acts with respect to the local auditee.

24 (ⓔ) (v) The local auditee, after requesting proposals for audit services,
 25 receives less than three proposals from licensed certified public accountants or the
 26 local auditee receives three or more proposals and the local auditee rejects all
 27 proposals for cause, including but not limited to excessive cost.

1 (f) (vi) In the opinion of the legislative auditor and the Legislative Audit
2 Advisory Council the best interest of the state of Louisiana would be served by his
3 audit of the local auditee.

4 (b) Any local auditee selected for audit under the provisions of ~~Subparagraph~~
5 ~~(e)~~ Item (iii) of Subparagraph (a) of this Paragraph shall have the right of appeal to
6 the Legislative Audit Advisory Council. Furthermore, the legislative auditor shall
7 ensure that under the provisions of ~~Subparagraph (c)~~ Item (iii) of Subparagraph (a)
8 of this Paragraph audit services are not duplicated.

9 (5)(a)

10 * * *

11 (ii) At any time after a disaster or emergency is declared under the provisions
12 of R.S. 29:724(B)(1) which prevents an entity from completing its report within the
13 period prescribed in ~~R.S. 24:513(A)(5)(i)~~ Item (i) of this Subparagraph, the entity
14 may ask the legislative auditor in writing for an extension of time to complete the
15 report. The legislative auditor may approve the request at his discretion, subject to
16 the approval of the Legislative Audit Advisory Council.

17 * * *

18 F.(1) The legislative auditor shall have authority to compile financial
19 statements and to examine, audit, or review the books and accounts of all private
20 water supply systems. The scope of the examinations may include financial
21 accountability, legal compliance and evaluations of the economy, efficiency, and
22 effectiveness of the private water supply systems or any combination of the
23 foregoing. In addition to the authority granted above, the legislative auditor shall
24 have access to and be permitted to examine all papers, books, accounts, records,
25 files, instruments, documents, films, tapes, and any other forms of recordation of all
26 private water supply systems, including but not limited to computers and recording
27 devices, and all software and hardware which hold data, are part of the technical
28 processes leading up to the retention of data, or are part of the security system.

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

1 ~~(1)~~ (2) For the purpose of this Subsection, "private water supply system"
2 means any private water system which receives local or state assistance in any fiscal
3 year and does not have audited financial statements prepared by licensed certified
4 public accountants. Assistance shall include grants, loans, transfers of property,
5 awards, and direct appropriations of state or local public funds. Assistance shall not
6 include guarantees, membership dues, vendor contracts for goods and services
7 related to administrative support for a local or state assistance program, or benefits
8 to individuals.

9 ~~(2)~~ (3) The financial statements of a private water supply system shall be
10 audited or reviewed by licensed certified public accountants subject to Paragraphs
11 (A)(5) and ~~(A)(6)~~ (6) of this ~~Subsection~~ Section, but may be audited by the
12 legislative auditor pursuant to Paragraph (A)(4) of this Section. Any person
13 authorized to conduct an audit of a governmental entity pursuant to R.S. ~~37:88~~ 37:77
14 shall be permitted to audit the private water supply system subject to the approval
15 of the legislative auditor provided for in Paragraphs (A)(5) and ~~(A)(6)~~ (6) of this
16 Section.

17 ~~(3)~~ (4) State or local assistance and other funds and expenditures of private
18 water supply systems shall be audited.

19 * * *

20 Section 7. R.S. 28:821(C) and 824(A) and (C) are hereby amended and reenacted
21 to read as follows:

22 §821. Findings and purpose

23 * * *

24 C. It is the intention of the legislature that the state of Louisiana adhere to
25 the principles contained in this Chapter in program planning, development, funding,
26 and implementation for persons with developmental disabilities and their families.
27 It is the further intention of the legislature that the Department of Health and
28 Hospitals work to implement the Community and Family Support System plan

1 developed by the Louisiana ~~State Planning Council on~~ Developmental Disabilities
2 Council pursuant to this Chapter.

3 * * *

4 §824. Community and Family Support System plan

5 A. The Louisiana ~~State Planning Council on~~ Developmental Disabilities
6 Council shall develop a plan to implement a Community and Family Support System
7 in accordance with the principles contained in this Chapter. The secretary of the
8 Department of Health and Hospitals shall allocate funds from existing resources to
9 provide staff support to the council for the development of the plan. The council
10 may appoint an advisory committee as necessary to assist in the development of the
11 plan. The advisory committee shall include representation of parents of children or
12 adults now residing in an intermediate care facility for people with developmental
13 disabilities.

14 * * *

15 C. The plan shall be coordinated with the plans of the Mental Retardation
16 and Developmental Disabilities Services System (R.S. 28:380 et seq.), the
17 Handicapped Infants and Toddlers Program (P.L. 99-457 Part H), the Child and
18 Adolescent Service System Program (R.S. 28:801 et seq.), the Comprehensive
19 Mental Health Plan Act of 1986 (P.L. 99-660), and other activities of the Louisiana
20 ~~State Planning Council on~~ Developmental Disabilities Council (R.S. 28:750 et seq.).

21 * * *

22 Section 8. R.S. 33:4169.1(G) is hereby amended and reenacted to read as follows:

23 §4169.1. Municipal and parish authority over collection and disposal of garbage and
24 trash; franchising, permitting, and licensing; assessment and collection of
25 service charge

26 * * *

27 G. The power to permit or regulate solid waste collection, transportation,
28 processing, recovery, and disposal, granted herein to parish and municipal governing
29 authorities, shall not preempt regulatory and licensing authority of the ~~Environmental~~

1 ~~Control Commission and the office of environmental affairs, Department of Natural~~
2 ~~Resources~~ secretary of the Department of Environmental Quality, pursuant to R.S.
3 30:2001, et seq.

4 * * *

5 Section 9. R.S. 36:3(4), 4(B)(1)(aa) and (ee), 6(a), and (18), (F), (L), (N), (U), and
6 (X), 4.1(D)(9) and (15), 53(A), 109(N), 201(C)(1), 209(B)(1)(a), (C)(1), (F), (H)(1), (4), (5),
7 (6), (10), and (11), (J), (K), (L), (M), (N), (O), (Q), (S), (T), (U), (W)(2), and (X), 239(B)(1),
8 (4), and (6) and (E), 259(E), (F)(9), (10), (16), (18), and (21), (G), (I)(5), (J)(1), and (L)(1),
9 (M), (Q), (T), (U), (W), (X), (BB)(1), (CC), and (GG), 309(B), (C)(1), and (D), 359(D), (J),
10 (K), and (L), 409(B), (C)(1), (2), (4), (5), and (8), (D), (E), (F), (G), (H), (J), (L), and (O),
11 459(B), (C), and (H), 474(B)(1)(a)(i), 475(A), 478(F), (H)(3) and (4), 509(C), (F)(1), (2),
12 (3), and (8), (H), (K), (L), (M), (O), (Q), (R), (S), and (T), 610(B)(1), (10), and (11), (E),
13 (F), (H), (I), (K), (L), and (N), 629(C)(5), (6), & (8), (D), (E), (F), (G), (H), (J), (K), (L), and
14 (N), 643(A) and (C), 651(B), (C), (D), (H), (L), (P), (U), (X), (Y), (Z), and (BB), 686(A)(2)
15 and (3), (B), and (F), 706(B) and (C), 725(A), 744, (E), (H), (I), (J), (Q), (T), and (U),
16 769(C), (D), (F), (H), (I), and (L), 802(Introductory Paragraph), 802.6, 802.9, 803(A)(1),
17 851(A), 901(A), 918, and 921 (A) are hereby amended and reenacted and R.S. 36:4(B)(14)
18 and (H), 4.1(D)(16), 239(C), 259(D), 309(F) and (G), 409(I), (P), and (Q), 459(D), 478(M),
19 629(R), 651(S), and 686(G) are hereby enacted to read as follows:

20 §3. Definitions

21 For the purposes of this Title the following terms shall have the following
22 meanings unless the context clearly indicates otherwise:

23 * * *

24 (4) "Deputy secretary" means the officer authorized to be appointed by the
25 secretary to serve as his principal administrative assistant. For the Department of
26 Public Safety and Corrections, the "deputy secretary for public safety services" and
27 the "deputy secretary for corrections services" shall be the officers of the department
28 appointed by the secretary to serve as the principal administrative assistants of the
29 secretary and references in any provision of law to the deputy secretary, where

1 reference is to a deputy secretary of the Department of Public Safety and
 2 Corrections, shall include these two officers. "Deputy secretary" shall also include
 3 the deputy secretary for youth services of the Department of Public Safety and
 4 Corrections. For the Louisiana Workforce Commission, the "deputy executive
 5 director" shall mean the officer authorized by the executive director to serve as his
 6 principal administrative assistant. For the Department of Children and Family
 7 Services, "deputy secretary" means the ~~officer~~ officers appointed by the secretary to
 8 direct and be responsible for the functions of the division of programs and the
 9 division of operations within the office of children and family services.

10 * * *

11 §4. Structure of executive branch of state government

12 * * *

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

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

17 * * *

18 (aa) The Louisiana Sentencing Commission (R.S. ~~15:322-324~~ 15:321 et seq.)
 19 under the jurisdiction of the Louisiana Commission on Law Enforcement and
 20 Administration of Criminal Justice.

21 * * *

22 (ee) The Louisiana Commission on HIV, ~~and~~ AIDS and Hepatitis C (R.S.
 23 40:2018.1)

24 * * *

25 (6)(a) The ~~Office of Elderly Affairs~~ office of elderly affairs and the
 26 Louisiana Executive Board on Aging, as more specifically provided in R.S. 46:931
 27 ~~through 934~~ et seq., shall be placed within the office of the governor.

28 * * *

1 (14) The following agencies are placed within the office of the governor,
 2 division of administration, and shall perform and exercise their powers, duties,
 3 functions, and responsibilities as provided by law.

4 (a) The board of trustees of the Post Employment Benefits Trust Fund (R.S.
 5 39:100.111 et seq.)

6 (b) The Louisiana Information Technology Advisory Board (R.S. 39:15.4)

7 (c) The Louisiana Technology Advisory Group (R.S. 39:15.5)

8 (d) The Louisiana Postsecondary Education Information Technology Council
 9 (R.S. 39:15.6)

10 * * *

11 (18) The Louisiana Tax Commission (R.S. ~~47:1831-1837~~ e seq.; R.S.
 12 ~~47:1951-1998~~ et seq.) is placed within the office of the governor, division of
 13 administration and shall exercise and perform its powers, duties, functions, and
 14 responsibilities as provided for agencies transferred in accordance with the
 15 provisions of R.S. 36:801.1.

16 * * *

17 F. ~~The office on women's policy, as more specifically provided in (R.S.~~
 18 ~~46:2521-2525,)~~ shall be placed within the office of the governor. The Louisiana
 19 Women's Policy and Research Commission (R.S. 46:2525) is placed within the
 20 office on women's policy.

21 * * *

22 H. The Intrastate Mutual Aid Subcommittee (R.S. 29:739) is placed within
 23 the office of the governor and shall perform and exercise its powers, duties,
 24 functions, and responsibilities as provided by law.

25 * * *

26 ~~L.(1) The Office of Rural Development, as more specifically provided in~~
 27 ~~office of rural development (R.S. 3:311 through 318, et seq.)~~ shall be placed within
 28 the office of the governor and shall perform and exercise its powers, duties,
 29 functions, and responsibilities as provided by law.

1 (2) The Louisiana Broadband Advisory Council, ~~as more specifically~~
2 ~~provided in R.S. 51:995.1 through 995.4; (R.S. 51:955.1 et seq.)~~ shall be placed
3 within the ~~Office of Rural Development~~ office of rural development in the office of
4 the governor and shall perform and exercise its powers, duties, functions, and
5 responsibilities as provided by law.

6 * * *

7 N. The Louisiana Serve Commission, as more specifically provided for in
8 R.S. 49:1111 ~~through 1122 et seq.~~, shall be placed within the office of the lieutenant
9 governor and shall exercise its powers, duties, and functions in accordance with the
10 provisions of R.S. 36:802.14.

11 * * *

12 U. The Encore Louisiana Commission, as provided for in R.S. 51:1317
13 ~~through 1319 et seq.~~, shall be placed within the office of the lieutenant governor and
14 shall exercise its powers, duties, and functions as provided by law.

15 * * *

16 X. The Louisiana Council on the Social Status of Black Men and Boys, as
17 provided for in R.S. 49:1211 ~~through 1213 et seq.~~, shall be placed within the office
18 of the lieutenant governor and shall exercise its powers, duties, and functions as
19 provided by law.

20 * * *

21 §4.1. Agencies transferred from the Department of Economic Development to the
22 office of the governor; agencies placed within the office of the governor

23 * * *

24 D. The following agencies, as defined in R.S. 36:3, are hereby transferred
25 to and shall be placed within the office of the governor and shall perform and
26 exercise their powers, duties, functions, and responsibilities as provided in R.S.
27 36:803:

28 * * *

1 (9) Louisiana Auctioneers Licensing Board (R.S. 37:3101 ~~through 3105 and~~
2 ~~R.S. 37:3111~~ et seq.).

3 * * *

4 (15) Louisiana State Polygraph Board (R.S. 37:2831 et seq.), notwithstanding
5 the provisions of Chapter 36-A of Title 37 to the contrary.

6 ~~(18)~~ (16) The Louisiana ~~State~~ Board of Cosmetology (R.S. 37:561 ~~through~~
7 ~~607~~ et seq.).

8 * * *

9 §53. Transfer of boards, commissions, departments, and agencies to Department of
10 State Civil Service

11 A. The state examiner of municipal fire and police civil service and the
12 office of the state examiner of municipal fire and police civil service (~~R.S. 33:2471-~~
13 ~~33:2508~~ Parts II and III of Chapter 5 of Title 33 of the Louisiana Revised Statutes
14 of 1950 and other provisions of the constitution and law applicable to the state
15 examiner and his office) are transferred to and hereafter shall be within the
16 Department of State Civil Service, as provided in R.S. 36:801.

17 * * *

18 §109. Transfer of boards, commissions, departments, and agencies to Department
19 of Economic Development

20 * * *

21 N. The Louisiana Economic Development Corporation and its board of
22 directors (R.S. 51:2311=~~2312~~ et seq.) is are placed within the Department of
23 Economic Development and shall exercise and perform ~~its~~ their duties, powers,
24 functions, and responsibilities in the manner provided for agencies transferred in
25 accordance with R.S. 36:801.

26 * * *

27 §201. Department of Culture, Recreation and Tourism; creation; domicile;
28 composition; purposes and functions

29 * * *

1 C.(1) The Department of Culture, Recreation and Tourism shall be
2 composed of the executive office of the secretary, the office of management and
3 finance, the office of the state library, the office of the state museum, the office of
4 state parks, the office of cultural development, the office of tourism, ~~the office of~~
5 ~~litter reduction and public action~~, and such other offices as shall be created by law.

6 * * *

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

9 B.(1) The following agencies, as defined by R.S. 36:3, are transferred to and
10 hereafter shall be within the Department of Culture, Recreation and Tourism, as
11 provided in Part II of Chapter 22 of this Title:

12 (a) The Wedell-Williams Memorial Aviation Museum (R.S. 25:871-874 et
13 seq.)

14 * * *

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

18 (1) Louisiana Archaeological Survey and Antiquities Commission (R.S.
19 41:1601-41:1613 et seq.)

20 * * *

21 F. The Board of Commissioners of the State Library of Louisiana (R.S. 25:2=
22 ~~4~~; R.S. 25:8-9 et seq.) is transferred to and hereafter shall be within the Department
23 of Culture, Recreation and Tourism, as provided in R.S. 36:910.

24 * * *

25 H. The following agencies, as defined by R.S. 36:3, are hereby abolished and
26 their powers, duties, functions, and responsibilities are transferred to the secretary
27 of the Department of Culture, Recreation and Tourism and hereafter shall be
28 exercised and performed as provided in Part IV of Chapter 22 of this Title:

1 (1) State Art, Historical and Cultural Preservation Agency (~~R.S.~~
2 ~~25:801(A)(B) and R.S. 25:802-812~~ R.S. 25:801 et seq.)

3 (4) State Library of Louisiana (~~R.S. 25:1; R.S. 25:5-7; R.S. 25:10-17; R.S.~~
4 ~~25:222-223; R.S. 25:451-455; R.S. 25:631-636~~ R.S. 25:1, 5-7, and 10-16)

5 (5) Toledo Bend Forest Scenic Drive Commission (R.S. 48:1401-~~1406~~ et
6 seq.)

7 (6) Louisiana Art Commission (R.S. 25:301-~~306~~ et seq.)

8 (10) Louisiana Historical Preservation and Cultural Commission (R.S.
9 25:521-~~527~~ et seq.)

10 (11) Old Arsenal Museum Commission (R.S. 25:551-~~553~~ et seq.)

11 * * *

12 J. The following agencies, as defined in R.S. 36:3, are Louisiana National
13 Register Review Committee (R.S. 25:901 et seq.) is placed within the Department
14 of Culture, Recreation and Tourism and shall exercise and perform ~~their~~ its powers,
15 duties, functions, and responsibilities in the manner provided for agencies transferred
16 in accordance with the provisions of Part III of Chapter 22 of this Title:

17 (~~2) The Louisiana National Register Review Committee (R.S. 25:901-~~
18 ~~25:902)~~)

19 (~~3) The Council of 100 (Executive Order 78-10).~~)

20 K. The Louisiana Naval War Memorial Commission (R.S. 25:1000-~~1002~~ et
21 seq.) is placed within the Department of Culture, Recreation and Tourism and shall
22 exercise and perform its powers, duties, functions, and responsibilities in the manner
23 provided for agencies transferred in accordance with the provisions of R.S. 36:801.1.

24 L. The Louisiana Folklife Commission (R.S. 25:821-~~R.S. 25:825~~ et seq.) is
25 placed within the Department of Culture, Recreation and Tourism and shall perform
26 and exercise its powers, duties, functions, and responsibilities in the manner provided
27 for agencies transferred in accordance with the provisions of Part III of Chapter 22
28 of this Title.

1 M.(1) The Atchafalaya Trace Commission, as more specifically provided in
2 R.S. 25:1221 ~~through 1225~~ et seq., shall be placed within the Department of Culture,
3 Recreation and Tourism as provided for agencies transferred in accordance with R.S.
4 36:802.3.

5 (3) The Atchafalaya Trace Heritage Area Development Zone Review Board,
6 as more specifically provided in R.S. 25:1226 ~~through 1226.6~~ et seq., shall be placed
7 within the Department of Culture, Recreation and Tourism as provided for agencies
8 transferred in accordance with Part III of Chapter 22 of this Title.

9 N. The Kenner Naval Museum Commission (R.S. 25:1005-~~1005.3~~ et seq.)
10 is placed within the Department of Culture, Recreation and Tourism and shall
11 exercise and perform its powers, duties, functions, and responsibilities in the manner
12 provided for agencies transferred in accordance with the provisions of R.S. 36:801.1.

13 O. The New Orleans City Park Improvement Association and its board of
14 commissioners (Act No. 130 of 1896; Act No. 104 of 1934; Act No. 492 of 1958;
15 Act No. 405 of 1962; Act No. 865 of 1982; Act No. 569 of 1989; Act No. 13 of 1998
16 First Extraordinary Session; Act No. 395 of 2006) is transferred to the Department
17 of Culture, Recreation and Tourism and shall exercise and perform its powers,
18 duties, functions, and responsibilities as provided for agencies transferred in
19 accordance with the provisions of R.S. 36:802.22.

20 * * *

21 Q. The Louisiana Bicentennial Commission (R.S. 25:1231-~~1237~~ et seq.)
22 shall be placed within the Department of Culture, Recreation and Tourism as
23 provided for agencies transferred in accordance with R.S. 36:802.

24 * * *

25 S. The Mississippi River Road Commission (R.S. 25:1251-~~1255~~ et seq.) is
26 placed within the Department of Culture, Recreation and Tourism and shall exercise
27 and perform its powers, functions, duties, and responsibilities as provided in R.S.
28 36:802.17.

1 T. The Louisiana Historic Cemetery Trust Fund Advisory Board (R.S.
2 25:940-943 et seq.) shall be placed within the Department of Culture, Recreation and
3 Tourism as provided for agencies transferred in accordance with R.S. 36:802.

4 U. The Battle of New Orleans Bicentennial Commission (R.S. 25:1238.1=
5 ~~1238.7~~ et seq.) shall be placed within the Department of Culture, Recreation and
6 Tourism as provided for agencies transferred in accordance with R.S. 36:802.

7 * * *

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

11 * * *

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

14 * * *

15 X. The Louisiana Byways Commission (R.S. 56:1948.11 ~~-1948.13~~ et seq.)
16 is placed within the Department of Culture, Recreation and Tourism and shall
17 exercise and perform its powers, duties, functions, and responsibilities as provided
18 for agencies transferred in accordance with R.S. 36:802.19.

19 * * *

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

21 B. The following agencies, as defined in R.S. 36:3, are hereby abolished and
22 their powers, duties, functions, and responsibilities are transferred to the secretary
23 of the Department of Environmental Quality and shall be exercised and performed
24 as provided in Part IV of Chapter 22 of this Title:

25 (1) Governor's Council on Environmental Quality (R.S. 40:2351-~~40:2355~~ et
26 seq.)

27 * * *

28 (4) Environmental Control Commission (R.S. 30:2013-~~30:2017~~)

1 (6) The Louisiana Litter Reduction and Public Action Commission,
2 previously abolished by Act No. 1137 of the 2001 Regular Session, (R.S. 30:2521
3 ~~through 2546 et seq.~~)

4 C. The Motor Fuels Underground Storage Tank Trust Fund Advisory Board
5 is placed within the Department of Environmental Quality and shall exercise and
6 perform its powers, duties, functions, and responsibilities as otherwise provided by
7 law.

8 E. The Board of Certification and Training for Solid Waste Management
9 System Operators (R.S. ~~37:3101-37:3111~~ 37:3151 et seq.) is placed within the
10 Department of Environmental Quality and shall exercise and perform its powers,
11 duties, functions, and responsibilities in the manner provided for agencies transferred
12 in accordance with R.S. 36:803.

13 * * *

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

15 * * *

16 D. The following agencies, as defined in R.S. 36:3, are placed within the
17 Department of Health and Hospitals and shall perform and exercise their powers,
18 duties, functions, and responsibilities as otherwise provided by law:

- 19 (1) Louisiana state office of rural health (R.S. 40:2195.1)
- 20 (2) Louisiana Council on Obesity Prevention and Management (R.S. 46:2611
- 21 et seq.)
- 22 (3) Louisiana State Child Death Review Panel (R.S. 40:2019)
- 23 (4) Marriage and Family Therapy Advisory Committee (R.S. 37:1104)
- 24 (Established by the Louisiana Licensed Professional Counselors Board of
- 25 Examiners).
- 26 (5) Nursing Home Emergency Preparedness Review Committee (R.S.
- 27 40:2009.25)
- 28 (6) Advisory Committee on Polysomnography (R.S. 37:2861 et seq.)

- 1 (7) Louisiana Birth Defects Surveillance System Advisory Board (R.S.
2 40:31.41 et seq.)
- 3 (8) Prescription Monitoring Program Advisory Council (R.S. 40:1001 et
4 seq.)
- 5 (9) Health Data Panel (R.S. 40:1300.111 et seq.)
- 6 E. The following agencies, as defined in R.S. 36:3, are transferred to and
7 hereafter shall be within the Department of Health and Hospitals, as provided in R.S.
8 36:803:
- 9 (1) Louisiana State Board of ~~Nurse Examiners~~ Nursing (R.S. 37:911-~~37:935~~
10 et seq.)
- 11 (2) Louisiana State Board of Dentistry (~~R.S. 37:753-37:790~~ R.S. 37:751 et
12 seq.)
- 13 (3) Louisiana State Board of ~~Board-Certified~~ Social Work Examiners (R.S.
14 ~~37:2701-37:2718~~ et seq.)
- 15 (4) Louisiana State Board of Optometry Examiners (R.S. 37:1041-~~37:1067~~
16 et seq.)
- 17 (5) Louisiana State Board of Examiners for Sanitarians (R.S. 37:2101-
18 ~~37:2116~~ et seq.)
- 19 (6) Louisiana State Board of Practical Nurse Examiners (R.S. 37:961-~~37:979~~
20 et seq.)
- 21 (7) Louisiana Board of Chiropractic Examiners (R.S. 37:2801-~~37:2818~~ et
22 seq.)
- 23 (8) Louisiana State Board of Medical Examiners (R.S. 12:914; R.S. 37:611-
24 ~~37:628~~ et seq.; 37:1261-~~37:1290~~ et seq.; ~~37:2401-37:2417~~)
- 25 (9) Louisiana State Board of Embalmers and Funeral Directors (R.S. 37:831-
26 ~~37:851~~ et seq.)
- 27 (10) State Board of Examiners ~~for~~ of Psychologists (R.S. 37:2351-~~37:2368~~
28 et seq.)

1 (11) Louisiana Board of Examiners for Speech-Language Pathology and
2 Audiology (R.S. 37:2650 et seq.)

3 (12) ~~State~~ Louisiana Board of Veterinary ~~Medical Examiners~~ Medicine (R.S.
4 37:1511=~~37:1532~~ et seq.)

5 (13) Board of Examiners for Nursing ~~Home Facility~~ Administrators (R.S.
6 37:2501=~~37:2511~~ et seq.)

7 (14) Louisiana Board of Pharmacy (R.S. 37:1161=~~1250~~ et seq.; R.S.
8 51:521=~~51:525~~ et seq.)

9 (16) Louisiana Board for Hearing Aid Dealers (R.S. 37:2441=~~37:2465~~ et
10 seq.)

11 (17) Radiologic Technology Board of Examiners (R.S. 37:3200=~~37:3219~~ et
12 seq.)

13 (20) Louisiana Physical Therapy Board (R.S. 37:2401=~~2424~~ et seq.)

14 (21) The Louisiana Licensed Professional Vocational Rehabilitation
15 Counselors Board of Examiners (R.S. 37:3441=~~3452~~ et seq.)

16 (23) The Addictive Disorder Regulatory Authority (R.S. 37:3389).

17 F. The following agencies, as defined in R.S. 36:3, previously abolished by
18 the Executive Reorganization Act, and their powers, duties, functions, and
19 responsibilities are transferred to the secretary of the Department of Health and
20 Hospitals and shall be exercised and performed as provided in Part IV of Chapter 22
21 of this Title:

22 * * *

23 (9) Louisiana State Board of Health and the Louisiana Department of Health
24 and all its subsidiary boards (~~R.S. 40:1-40:335~~ Such provisions of Title 40 of the
25 Louisiana Revised Statutes of 1950 as are applicable to the abolished board and
26 department)

27 (10) Louisiana Narcotics Rehabilitation Commission (R.S. 40:1051=~~40:1055~~
28 et seq.)

29 (16) Anatomical Board (R.S. 17:2271=~~17:2280~~ et seq.)

1 (18) Board of Commissioners of the South Louisiana Health Services
2 District (R.S. 28:241=~~28:249~~ et seq.)

3 * * *

4 (21) Hospital Licensing Council (R.S. 40:2108=~~40:2113.3~~)

5 G. The State Board of Electrolysis Examiners (R.S. 37:3051=~~3077~~ et seq.)
6 is placed within the Department of Health and Hospitals and shall exercise and
7 perform its powers, duties, functions, and responsibilities in the manner provided for
8 agencies transferred in accordance with the provisions of R.S. 36:803.

9 * * *

10 I. The following agencies, as defined in R.S. 36:3, are placed within the
11 Department of Health and Hospitals and shall exercise and perform their powers,
12 duties, functions, and responsibilities in the manner provided for agencies transferred
13 in accordance with the provisions of R.S. 36:802:

14 * * *

15 (5) Water Supply and Sewerage Systems Certification Committee (R.S.
16 40:1141=~~40:1151~~ et seq.)

17 J.(1) The Louisiana Emergency Response Network Board (R.S.
18 40:2841=~~2846~~ et seq.) is placed within the Department of Health and Hospitals and
19 shall exercise and perform its powers, duties, functions, and responsibilities in the
20 manner provided for agencies transferred in accordance with R.S. 36:801.1.

21 * * *

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

28 * * *

1 M. The Ambulance Standards Committee of the Emergency Medical
 2 Services Task Force as established by the assistant secretary of the office of public
 3 health (~~R.S. 40:1232(A)(3) and (4)~~ R.S. 40:1235(A)(3) and (4)) is placed within the
 4 Department of Health and Hospitals and shall exercise and perform its powers,
 5 duties, functions, and responsibilities in the manner provided for agencies transferred
 6 with the provisions of Part III of Chapter 22 of this Title.

7 * * *

8 Q. The Louisiana State Board of Examiners in Dietetics and Nutrition (R.S.
 9 37:3081-~~3093~~ et seq.) is placed within the Department of Health and Hospitals and
 10 shall exercise and perform its powers, duties, functions, and responsibilities in the
 11 manner provided for agencies transferred in accordance with R.S. 36:803.

12 * * *

13 T. The Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board
 14 (R.S. 46:2631 ~~through 2635~~ et seq.) is hereby placed within the Department of
 15 Health and Hospitals and shall exercise and perform its powers, duties, functions,
 16 and responsibilities in the manner provided for agencies transferred in accordance
 17 with the provisions of R.S. 36:802.

18 U. The Louisiana Access to Better Care Medicaid Insurance Demonstration
 19 Project Oversight Board (~~R.S. 46:160.8~~ R.S. 46:160.1 et seq.) is placed within the
 20 Department of Health and Hospitals and shall exercise and perform its powers,
 21 duties, functions, and responsibilities in the manner provided for agencies transferred
 22 in accordance with the provisions of Part III of Chapter 22 of this Title.

23 W. The Louisiana Board of Wholesale Drug Distributors (R.S. 37:3461=
 24 ~~3482~~) et seq. shall be placed within the Department of Health and Hospitals and shall
 25 exercise and perform its powers, duties, functions, and responsibilities in the manner
 26 provided for agencies transferred in accordance with the provisions of R.S. 36:803.

27 X. The Advisory Committee on Hospice Care (~~R.S. 40:2191~~ R.S. 40:2190
 28 et seq.) is placed within the Department of Health and Hospitals and shall exercise

1 and perform its powers, duties, functions, and responsibilities in the manner provided
2 for agencies transferred as provided in Part III of Chapter 22 of this Title.

3 BB. The following agencies, as defined in R.S. 36:3, are placed within the
4 Department of Health and Hospitals and shall perform and exercise their powers,
5 duties, functions, and responsibilities in the manner provided for agencies transferred
6 in accordance with the provisions of R.S. 36:914:

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

8 * * *

9 CC. The Louisiana Board of Massage Therapy (R.S. 37:3551-~~3567~~ et seq.)
10 is placed within the Department of Health and Hospitals and shall exercise and
11 perform its powers, duties, functions, and responsibilities in the manner provided for
12 agencies transferred in accordance with R.S. 36:803.

13 * * *

14 GG. The Louisiana Emergency Medical Services Certification Commission
15 (~~R.S. 40:1232.2~~ R.S. 40:1231 et seq.) is placed within the Department of Health and
16 Hospitals and shall perform and exercise its powers, duties, functions, and
17 responsibilities in the manner provided for agencies transferred in accordance with
18 R.S. 36:919.4.

19 * * *

20 §309. Transfer of agencies to Louisiana Workforce Commission

21 B. The following agencies, as defined by R.S. 36:3, are transferred to and
22 hereafter shall be within the Louisiana Workforce Commission, as provided in R.S.
23 36:802:

24 (1) Employment Security Board of Review (R.S. 23:~~1652; 1621-1636~~ 1621
25 et seq. and particularly R.S. 36:1652).

26 (2) Louisiana Worker's Compensation Second Injury Board (R.S. 23:1371=
27 ~~1379~~ et seq.).

28 (3) The Louisiana Workforce Investment Council (R.S. 23:2041 et seq. and
29 2091 et seq.)

1 * * *

2 C. The following agencies, as defined in R.S. 36:3, are transferred to and
3 hereafter shall be within the Louisiana Workforce Commission, as provided in Part
4 III of Chapter 22 of this Title:

5 (1) Apprenticeship Council (R.S. 23:381-~~392~~ et seq.).

6 * * *

7 D. The following agencies, as defined in R.S. 36:3, are transferred to and
8 hereafter shall be within the Louisiana Workforce Commission as provided in R.S.
9 36:803:

10 (1) Board of Barber Examiners (R.S. 37:341-~~392~~ et seq.).

11 (2) State Plumbing Board (R.S. 37:1361-~~1379~~ et seq.).

12 * * *

13 F. The Worker's Compensation Medical Advisory Council (R.S. 23:1203.1)
14 is placed within the Louisiana Workforce Commission and shall perform and
15 exercise its powers, duties, functions, and responsibilities as provided by law.

16 G. The Blind Vendors Trust Fund Advisory Board is placed within the
17 Louisiana Workforce Commission and shall perform and exercise its powers, duties,
18 functions, and responsibilities as provided by law.

19 * * *

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

21 * * *

22 D. The State Department of Conservation (Article V, Section 18 and Article
23 VI, Section 1(c) of 1921 Louisiana Constitution made statutory by Article XIV,
24 Section 16(A)(2) and (3) of 1974 Louisiana Constitution; ~~R.S. 30:1-30:63; 30:501-~~
25 ~~30:504; 30:521-30:528; 30:541-30:558; 30:571-30:580; 30:591-30:606; 30:691-~~
26 ~~30:692; 30:701-30:704~~ Part I of Chapter 1 of Subtitle I of Title 30 of the Louisiana
27 Revised Statutes of 1950 and other provisions of Title 30 that directly apply to the
28 department) is transferred to and hereafter shall be within the Department of Natural
29 Resources as provided in R.S. 36:806.

1 * * *

2 J. The Atchafalaya Basin Research and Promotion Board and the Atchafalaya
3 Basin Program ~~is~~ (R.S. 30:2000.1 et seq.) are placed within the Department of
4 Natural Resources and shall perform ~~its~~ their powers, duties, functions, and
5 responsibilities in the manner provided by law.

6 K. The Ground Water Resources Commission ~~as provided in~~ (R.S. 38:3097.1
7 ~~through 3097.6 et seq.)~~ shall be placed within the office of conservation, Department
8 of Natural Resources, and shall exercise its powers, duties, functions, and
9 responsibilities as provided in R.S. 36:802.18.

10 L. The Ground Water Management Advisory Task Force (R.S. 38:3097.7)
11 shall be placed within the office of conservation, Department of Natural Resources,
12 and shall perform its powers, duties, functions, and responsibilities in the manner
13 provided by law.

14 * * *

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

16 B. The Louisiana Highway Safety Commission (R.S. 48:1351-~~48:1357~~ et
17 seq.) is transferred to the Department of Public Safety and Corrections and hereafter
18 shall perform and exercise its powers, duties, functions, and responsibilities as
19 provided in R.S. 36:801.

20 C. The following agencies, as defined by R.S. 36:3, are transferred to and
21 hereafter shall be within the Department of Public Safety and Corrections, as
22 provided in R.S. 36:802:

23 (1) Fire Prevention Board of Review (R.S. 40:1578.1-~~40:1578.5~~ et seq.)

24 (2) Fireman's Supplemental Pay Board (R.S. 33:2006-~~33:2009~~ et seq.)

25 * * *

26 (4) Board of Parole (R.S. 15:572; 15:574.2-~~15:574.13~~ et seq.; R.S. 46:1651-
27 ~~46:1656~~ et seq.)

28 (5) Board of Pardons (Article IV, Section 5(E) of the 1974 Louisiana
29 Constitution; R.S. 15:572-~~15:574.1~~ et seq.)

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

1 (8) The Weights and Standards Police Force (R.S. 40:1379.8). The Weights
 2 and Standards Police Force shall perform the functions of the state related to the
 3 enforcement of R.S. 32:380 through 388, R.S. 32:388.1, R.S. 32:390, and R.S.
 4 47:718, and the provisions of Chapter 4 of Subtitle II of Title 47 relating to trucks,
 5 trailers, and semitrailers and Part V of Chapter 7 of Subtitle II of Title 47 of the
 6 Louisiana Revised Statutes of 1950 and the department's regulations adopted
 7 pursuant thereto.

8 * * *

9 D. ~~The following agencies, as defined by R.S. 36:3, are~~ Louisiana State
 10 Board of Private Security Examiners (R.S. 37:3270 et seq.) is transferred to and shall
 11 be within the Department of Public Safety and Corrections, as provided in R.S.
 12 36:803:

- 13 (1) ~~Repealed by Acts 2005, No. 428, §3, eff. July 1, 2005.~~
- 14 (2) ~~Louisiana State Board of Private Security Examiners (R.S. 37:3270-~~
 15 ~~3298)~~

16 E. The Louisiana Medical Advisory ~~Council~~ Board (R.S. 40:1351-~~40:1355~~
 17 et seq.) is transferred to and hereafter shall be within the Department of Public Safety
 18 and Corrections, as provided in Part III of Chapter 22 of this Title.

19 F. The following agencies, as defined in R.S. 36:3, are hereby abolished and
 20 their powers, duties, functions, and responsibilities are transferred to the secretary
 21 of the Department of Public Safety and Corrections and hereafter shall be exercised
 22 and performed as provided in Part IV of Chapter 22 of this Title:

- 23 (1) Department of Public Safety (~~R.S. 40:1301-40:1471.22; R.S. 26:791-~~
 24 ~~26:797; R.S. 32:401-32:427; 32:851-32:1043; 32:1301-32:1310; R.S. 47:531-47:540~~
 25 Chapter 6 of Title 40 of the Louisiana Revised Statutes of 1950 and other statutes
 26 that directly apply to said department)
- 27 (2) State Fire Marshal (~~R.S. 40:1561-40:1592; 40:1601; 40:1621~~ Part III of
 28 Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950 and other statutes
 29 that directly apply to the state fire marshal)

1 (3) The Interagency Recreation Board (R.S. 40:2501 ~~through 2505~~ et seq.;
2 R.S. 41:1081 ~~through 1088~~ et seq.)

3 (4) Louisiana Criminal Justice Information System (R.S. 15:575 et seq.)

4 (5) Louisiana State Board of Boiler Inspector Examiners (R.S. 23:41-~~23:49~~
5 et seq.)

6 (6) The Department of Corrections (R.S. ~~15:572; 15:574.2-15:574.3; 15:821-~~
7 ~~15:840.1; 15:851-15:875; 15:892-15:894; 15:901-15:907; 15:1061-15:1071;~~
8 ~~15:1111; 15:1131-15:1135; 15:1151-15:1159; and R.S. 46:1651-46:1656~~ 15:821 et
9 seq. and other provisions of Title 15 of the Louisiana Revised Statutes of 1950 that
10 directly apply to said department)

11 G. The Prison Enterprises Board (~~R.S. 15:1155~~ R.S. 15:1151 et seq.) is
12 placed within the Department of Public Safety and Corrections and shall exercise and
13 perform its powers, duties, functions, and responsibilities in the manner provided for
14 agencies transferred in accordance with the provisions of R.S. 36:901, et seq.

15 H. The Liquefied Petroleum Gas Commission (Article VI, Section 28 of the
16 1921 Louisiana Constitution made statutory by Article XIV, Section 16(A)(3) of the
17 1974 Louisiana Constitution; R.S. 40:1841-~~40:1850~~; R.S. 3:1351-3:1357 et seq. and
18 1911 et seq.) is placed within the Department of Public Safety and Corrections and
19 shall exercise and perform its powers, duties, functions, and responsibilities in the
20 manner provided for agencies transferred in accordance with the provisions of R.S.
21 36:802, except that any director or assistant director of the agency or similar
22 personnel authorized by law shall continue to be appointed as otherwise provided by
23 law.

24 I. The advisory board to the Liquefied Petroleum Gas Commission (R.S.
25 40:1851(F)) is placed within the Department of Public Safety and Corrections and
26 shall perform and exercise its powers, duties, functions, and responsibilities in the
27 manner provided for agencies transferred in accordance with R.S. 36:901 et seq.

28 J.~~(I)~~ The Louisiana Manufactured Housing Commission (R.S. ~~51:911.26~~
29 51:911.21 et seq. and 911.51 et seq.) is placed within the office of the state fire

1 marshal of the Department of Public Safety and Corrections and shall perform and
2 exercise its powers, duties, functions, and responsibilities in accordance with the
3 provisions of R.S. 36:803.1.

4 ~~(2) The Louisiana state administrative agency (R.S. 51:912.51 et seq.) is~~
5 ~~placed within public safety services of the Department of Public Safety and~~
6 ~~Corrections and shall perform and exercise all of its powers, duties, functions, and~~
7 ~~responsibilities in accordance with the provisions of R.S. 51:912.51 et seq. Public~~
8 ~~safety services shall assist the agency in the administration and implementation of~~
9 ~~its powers, duties, functions, and responsibilities and the deputy secretary and the~~
10 ~~undersecretary for public safety services shall perform and exercise their respective~~
11 ~~powers, duties, functions, and responsibilities as necessary to so assist the agency.~~

12 * * *

13 L. The Louisiana State Board of Private Investigator Examiners (R.S.
14 37:3501-3525 et seq.) is placed within the Department of Public Safety and
15 Corrections and shall perform and exercise its powers, duties, functions, and
16 responsibilities as provided for agencies transferred in accordance with R.S. 36:803.

17 * * *

18 O. The Louisiana Truck Center (R.S. 32:390.21-390.24 et seq.) is placed
19 within the Department of Public Safety and Corrections as provided in R.S. 36:851.

20 P. The Reentry Advisory Council (R.S. 15:1199.4) is placed within the
21 Department of Public Safety and Corrections and shall perform and exercise its
22 powers, duties, functions, and responsibilities as provided by law.

23 Q. The task force to develop and implement an electronic media system for
24 lien recordation and motor vehicle title information (R.S. 32:707.2) is placed within
25 the Department of Public Safety and Corrections and shall perform and exercise its
26 powers, duties, functions, and responsibilities as provided by law.

27 * * *

28 §459. Transfer of agencies or their powers to Department of Revenue

1 B. Public administrators for all parishes appointed pursuant to R.S. 9:1581
 2 (~~R.S. 9:1581-1590; R.S. 9:1551-1552~~ et seq. and other provisions of Title 9 of the
 3 Louisiana Revised Statutes of 1950 that apply to such administrators) shall be
 4 transferred to and hereafter shall be within the Department of Revenue, as provided
 5 in R.S. 36:802.

6 C. The Department of Revenue (~~R.S. 47:1501-1690~~ et seq. and ~~generally,~~
 7 other provisions of Title 47 of the Louisiana Revised Statutes of 1950 applicable to
 8 the former department) is hereby abolished and its powers, duties, functions, and
 9 responsibilities are transferred to the secretary of the Department of Revenue and
 10 hereafter shall be exercised and performed as provided in Part IV of Chapter 22 of
 11 this Title.

12 D. The Louisiana Bio-Fuel Panel (R.S. 3:3712) is placed within the
 13 Department of Revenue and shall perform and exercise its powers, duties, functions,
 14 and responsibilities as provided by law.

15 * * *

16 H. The Uniform Electronic Local Return and Remittance Advisory
 17 Committee ~~as provided for in~~ (R.S. 47:337.23) is placed within the Department of
 18 Revenue and shall exercise and perform its powers, duties, functions, and
 19 responsibilities as provided for agencies transferred in accordance with the
 20 provisions of R.S. 36:901.

21 * * *

22 §474. Powers and duties of the secretary of the Department of Children and Family
 23 Services

24 * * *

25 B. The secretary shall have authority to:
 26 (1)(a) Except as otherwise specifically provided in R.S. 36:801 and R.S.
 27 ~~36:803~~ 36:802.9:
 28 (i) Employ, appoint, remove, assign, and promote such personnel as is
 29 necessary for the efficient administration of the department and the performance of

1 its powers, duties, functions, and responsibilities and such other personnel, ~~who are~~
2 ~~not assigned to an office~~, as may be necessary for the efficient administration ~~of the~~
3 ~~department and for~~ and the performance of the responsibilities, powers, duties, and
4 functions of agencies transferred to it;

5 * * *

6 §475. Deputy secretaries

7 A. There shall be a deputy secretary of programs and a deputy secretary of
8 operations, ~~who~~ each of whom shall be appointed by the secretary with consent of
9 the Senate and ~~who~~ shall serve at the pleasure of the secretary at a salary fixed by the
10 secretary, which salary shall not exceed the amount approved for ~~such~~ the respective
11 position by the legislature while in session. The deputy secretary of programs shall
12 serve as acting secretary in the absence of the secretary.

13 * * *

14 §478. Transfer of agencies and functions to Department of Children and Family
15 Services

16 F. The Louisiana Children's Trust Fund Board (~~R.S. 46:2404~~ R.S. 46:2401
17 et seq.) is placed within the Department of Children and Family Services and shall
18 exercise and perform its powers, duties, functions, and responsibilities in the manner
19 provided by the provisions of R.S. 36:802.9.

20 H. The following agencies, as defined in R.S. 36:3, previously abolished by
21 the Executive Reorganization Act and their powers, duties, functions, and
22 responsibilities are transferred to the secretary of the Department of Children and
23 Family Services and shall be exercised and performed as provided in Part IV of
24 Chapter 22 of this Title:

25 * * *

26 (3) State Department of Public Welfare (~~R.S. 46:51-46:115~~ Such provisions
27 of Title 46 of the Louisiana Revised Statutes of 1950 as apply to the abolished
28 department)

1 (4) State Board of Public Welfare (~~R.S. 46:53-46:54~~ Such provisions of Title
2 46 of the Louisiana Revised Statutes of 1950 as apply to the abolished board)

3 * * *

4 M. The Louisiana Advisory Council on Child Care and Early Education is
5 placed within the Department of Children and Family Services and shall exercise and
6 perform its powers, duties, functions, and responsibilities as provided in R.S.
7 46:1401 et seq., particularly R.S. 46:1414.

8 * * *

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

10 * * *

11 C. The Louisiana Professional Engineering and Land Surveying Board (R.S.
12 37:681-704 et seq.) is transferred to and hereafter shall be within the Department of
13 Transportation and Development, as provided in R.S. 36:803.

14 F. The following agencies, as defined in R.S. 36:3, are hereby abolished, and
15 their powers, duties, functions, and responsibilities are transferred to the secretary
16 of the Department of Transportation and Development and hereafter shall be
17 exercised and performed as provided in Part IV of Chapter 22 of this Title:

18 (2) The Department of Highways (Article VI, Sections 19, 19.2, 19.3, 19.4,
19 22(1) and 23 of 1921 Louisiana Constitution, made statutory by Article XIV, Section
20 16(A)(3) of 1974 Louisiana Constitution, ~~R.S. 48:1-48:461.17, 48:756, 48:781-~~
21 ~~48:786, 48:941-48:952, 48:1091-48:1106, 48:1161-48:1167, and any other laws~~
22 applicable to said and such provisions of Title 48 of the Louisiana Revised Statutes
23 of 1950 as apply to the abolished department)

24 (3) Department of Public Works (~~R.S. 38:1-38:19; R.S. 2:1-2:17; 2:81-2:87;~~
25 ~~and any other laws applicable to said~~ and such provisions of Title 38 of the Louisiana
26 Revised Statutes of 1950 as apply to the abolished department)

27 * * *

28 (8) Louisiana Expressway Authority (R.S. 48:1251-~~48:1281~~ et seq.)

29 * * *

1 H. The Mississippi River Parkway Commission of Louisiana (R.S. 48:101=
2 ~~403~~ et seq.) is placed within the Department of Transportation and Development and
3 shall exercise and perform its powers, duties, functions, and responsibilities as
4 provided for agencies transferred in accordance with the provisions of Part III of
5 Chapter 22 of this Title.

6 K. The Louisiana Transportation Authority (R.S. 48:2071 ~~through 2083~~ et
7 seq.) is placed within the Department of Transportation and Development and shall
8 perform and exercise its powers, duties, functions, and responsibilities in the manner
9 provided for agencies transferred in accordance with the provisions of R.S. 36:801.

10 L. The Offshore Terminal Authority (R.S. 34:3101 et seq.) is transferred to
11 and hereafter shall be within the Department of Transportation and Development, as
12 provided by law.

13 M. The Mississippi River Bridge Authority (R.S. 48:1092 ~~-1092.1~~) is placed
14 within the Department of Transportation and Development as provided in R.S.
15 36:901.

16 O. The Sabine River Authority, state of Louisiana (Article XIV, Section 45
17 of 1921 Louisiana Constitution, made statutory by Article XIV, Section 16(A)(10)
18 of 1974 Louisiana Constitution; R.S. 38:2321~~–2337~~ et seq.) is placed within the
19 Department of Transportation and Development and shall perform and exercise its
20 powers, duties, functions, and responsibilities in the manner provided for agencies
21 transferred in accordance with the provisions of R.S. 36:801.1.

22 Q. The Poverty Point Reservoir District (R.S. 38:3087.1~~-3087.15~~ et seq.) is
23 placed within the Department of Transportation and Development and shall perform
24 and exercise its powers, duties, functions, and responsibilities in the manner provided
25 for agencies transferred in accordance with the provisions of R.S. 36:801.1.

26 R. The Allen Parish Reservoir District (R.S. 38:3087.171~~-3087.185~~ et seq.)
27 is placed within the Department of Transportation and Development and shall
28 perform and exercise its powers, duties, functions, and responsibilities in the manner
29 provided for agencies transferred in accordance with the provisions of R.S. 36:801.1.

1 S. The Washington Parish Reservoir District (R.S. 38:3087.191-~~3087.205~~
2 et seq.) is placed within the Department of Transportation and Development and
3 shall perform and exercise its powers, duties, functions, and responsibilities in the
4 manner provided for agencies transferred in accordance with the provisions of R.S.
5 36:801.1.

6 T. The West Ouachita Reservoir Commission (R.S. 38:3087.241-~~3087.255~~
7 et seq.) is placed within the Department of Transportation and Development and
8 shall perform and exercise its powers, duties, functions, and responsibilities in the
9 manner provided for agencies transferred in accordance with the provisions of R.S.
10 36:801.1.

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

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

15 (1) The Wildlife and Fisheries Commission (Article IX, Section 7 of 1974
16 Louisiana Constitution; ~~R.S. 34:341-34:343~~; R.S. 56:1-~~56:28~~, ~~56:61-56:801~~;
17 ~~56:1437~~, ~~56:1452~~, ~~56:1464-56:1464.4~~ et seq. and other provisions of the Louisiana
18 Revised Statutes of 1950 that apply to the commission)

19 * * *

20 (10) Louisiana Environmental Education Commission (~~R.S. 30:2503~~ R.S.
21 30:2501 et seq.)

22 (11) The Louisiana Shrimp Task Force (R.S. 56:494)

23 * * *

24 E. The Louisiana Seafood Promotion and Marketing Board, R.S. 56:578.1
25 ~~through 578.10~~, et seq. is placed within the Department of Wildlife and Fisheries and
26 shall perform and exercise its duties, powers, functions, and responsibilities as
27 provided for agencies transferred in accordance with the provisions of R.S. 36:802.5.

28 F. The Lake Fausse Point, Lake Dauterive, and Grande Avoille Cove
29 Advisory Board (R.S. 56:796) is hereby placed within the Department of Wildlife

1 and Fisheries and shall exercise its powers, duties, functions, and responsibilities as
2 provided in R.S. 36:918.

3 * * *

4 H. The Louisiana Artificial Reef Development Council (~~R.S. 56:639.6~~ R.S.
5 56:639.1 et seq.) is placed within the Department of Wildlife and Fisheries and shall
6 exercise and perform its powers, duties, functions, and responsibilities in the manner
7 provided for agencies transferred in accordance with Part III of Chapter 22 of this
8 Title.

9 I. The Louisiana Fur Advisory Council (~~R.S. 56:266(C)~~ R.S. 56:266) is
10 placed within the Department of Wildlife and Fisheries and shall exercise and
11 perform its powers, duties, functions, and responsibilities in the manner provided for
12 agencies transferred in accordance with Part III of Chapter 22 of this Title.

13 * * *

14 K. The White Lake Property Advisory Board (R.S. 56:799.1=~~799.6~~ et seq.)
15 is placed within the Department of Wildlife and Fisheries and shall exercise and
16 perform its powers, duties, functions, and responsibilities in the manner provided for
17 agencies transferred in accordance with R.S. 36:801.

18 L. The Louisiana Alligator Advisory Council (R.S. 56:278 and 279) is placed
19 within the Department of Wildlife and Fisheries and shall exercise and perform its
20 powers, duties, functions, and responsibilities in the manner provided for agencies
21 transferred in accordance with Part III of Chapter 22 of this Title.

22 * * *

23 N. The Oyster Seed Ground Vessel Permit Appeals Board (~~R.S. 56:433.1(C)~~
24 R.S. 56:433.1) is placed within the Department of Wildlife and Fisheries and shall
25 exercise and perform its powers, duties, functions, and responsibilities in the manner
26 provided for agencies transferred in accordance with Part III of Chapter 22 of this
27 Title.

28 * * *

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

3 * * *

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

7 * * *

8 (5) Louisiana ~~State Livestock Sanitary~~ Board of Animal Health (~~R.S. 3:495-~~
9 ~~496; 3:561-566; 3:661-671; 3:1961-1971; 3:2004-2005; 3:2091-2099; 3:2171-2188;~~
10 ~~3:2221-2232; 3:2261-2264; 3:2341-2347; and 3:4222(C)~~ R.S. 3:2091 et seq. and
11 other provisions of Title 3 of the Louisiana Revised Statutes of 1950 that apply to the
12 board). Notwithstanding the provisions of R.S. 36:802.3, the Louisiana ~~State~~
13 ~~Livestock Sanitary~~ Board of Animal Health shall serve solely in an advisory capacity
14 with respect to the meat inspection program, as provided in R.S. 3:4222(C).

15 (6) Seed Commission (R.S. 3:1431-~~3:1448~~ et seq.)

16 (8) Louisiana Commission of Weights and Measures ~~Commission~~ (R.S.
17 ~~55:1-55:19~~ 3:4601 et seq.).

18 D. The following agencies, as defined by R.S. 36:3, are transferred to and
19 hereinafter shall be within the Department of Agriculture and Forestry, as provided
20 in R.S 36:913:

21 (1) Livestock Brand Commission (R.S. 3:731-~~3:784~~ et seq.)

22 (2) Advisory Commission on Pesticides (R.S. 3:3211 et seq.)

23 E. The following agencies, as defined by R.S. 36:3, are transferred to and
24 hereinafter shall be within the Department of Agriculture and Forestry, as provided
25 in R.S. 36:802.1:

26 (1) Louisiana Egg Commission (R.S. 3:835-~~846~~ et seq.)

27 (3) Louisiana Rice Promotion Board (R.S. 3:3531-~~3538~~ et seq.)

28 (4) Louisiana Rice Research Board (R.S. 3:3541-~~3548~~ et seq.)

1 (5) Louisiana Soybean and Grain Research and Promotion Board (R.S.
2 3:3551=~~3556~~ et seq.).

3 (6) Louisiana Strawberry Marketing Board (R.S. 3:730.1=~~730.8~~ et seq.)

4 (7) Louisiana Beef Industry Council (R.S. 3:2051=~~2063~~ et seq.)

5 (8) Louisiana Crawfish Promotion and Research Board (R.S. 3:556.1=
6 3:556.12 et seq.)

7 F. The Louisiana Sweet Potato Advertising and Development Commission
8 (R.S. 3:1741=~~1748~~ et seq.) is hereby transferred to and hereafter shall be within the
9 Department of Agriculture and Forestry as provided in R.S. 36:802.2.

10 G. The Dairy Stabilization Board (R.S. 3:4106 3:4101 et seq.) is hereby
11 transferred to and hereafter shall be within the Department of Agriculture and
12 Forestry as provided in R.S. 36:801 until the second Monday in March of 1980, at
13 which time the Dairy Stabilization Board shall be transferred as provided in Part III
14 of Chapter 22 of this Title.

15 H. The Louisiana Feed, Fertilizer, and Agricultural Liming Commission
16 (R.S. 3:1891 1381 et seq.) is placed within the Department of Agriculture and
17 Forestry and shall perform and exercise its powers, duties, functions, and
18 responsibilities as provided by law.

19 * * *

20 J. The Louisiana Agricultural Commodities Commission (R.S. 3:3401=~~3425~~
21 et seq.) hereafter shall be within the Department of Agriculture and Forestry as
22 provided under R.S. 36:802.6.

23 K. The Louisiana Agricultural Finance Authority (R.S. 3:261 ~~through R.S.~~
24 3:283.1 et seq.) is established within the Department of Agriculture and Forestry and
25 hereafter shall exercise and perform its powers, duties, functions, and responsibilities
26 in the manner provided for agencies transferred in accordance with R.S. 36:802.6.

27 L. The Dairy Industry Promotion Board (R.S. 3:4151=~~4162~~ et seq.) hereafter
28 shall be within the Department of Agriculture and Forestry as provided in R.S.
29 36:802.7.

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* * *

N. The Forestry Commission (Article IX, Section 8(B) and (C) of the Constitution of Louisiana, ~~R.S. 3:4271-4365~~ and Chapter 28 of Title 3 of the Louisiana Revised Statutes of 1950) hereafter shall be within the Department of Agriculture and Forestry as provided in R.S. 36:802.10.

* * *

R. The Louisiana Catfish Promotion and Research Board (R.S. 3:558.3) is placed within the Department of Agriculture and Forestry and shall perform and exercise its powers, duties, functions, and responsibilities as provided by law.

* * *

§643. Officers of the department; compensation for one office only

A. The officers of the department shall be the superintendent of education, the deputy superintendent of education, and an assistant deputy superintendent for each office of the department. With the exception of the superintendent of education, each of them shall be selected as provided in this Title. They shall perform functions as provided in this Title. The deputy superintendent shall be the first assistant to the superintendent appointed pursuant to Article IV, Section 13 of ~~the constitution~~ Constitution of Louisiana.

* * *

C. Notwithstanding any provision ~~herein~~ of this Section to the contrary, subject to approval of the superintendent, any person serving as deputy superintendent or assistant deputy superintendent may receive additional compensation for part-time services rendered as an instructor in post-secondary educational institutions, or as a member of the National Guard.

* * *

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

1 B. For purposes of this Chapter, references in Chapters 22 and 24 of this
2 Title to the "secretary" shall refer to the superintendent of education, references to
3 the "undersecretary" shall refer to the assistant deputy superintendent for the office
4 of management and finance, references to an "assistant secretary" shall refer to ~~an~~
5 a deputy assistant superintendent, ~~except that references in Chapters 22 and 24 of this~~
6 ~~Title to the "secretary", "the undersecretary", or an "assistant secretary" shall mean~~
7 ~~the chairman as provided in R.S. 17:3022(A), for any agency transferred under the~~
8 ~~provisions of R.S. 36:651(K).~~

9 C. The Louisiana Educational Television Authority (R.S. 17:2501-~~17:2506~~
10 et seq.) is transferred to and hereafter shall be within the Department of Education
11 as provided in R.S. 36:801.

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

14 (1) The Board of Supervisors for the University of Louisiana System (Article
15 VIII, Section 6 of the 1974 Louisiana Constitution; R.S. 17:1831 et seq. and R.S.
16 17:1806, 3201 et seq., and 3351 et seq. and other provisions of Title 17 of the
17 Louisiana Revised Statutes of 1950 that apply to the board.)

18 (2) Board of Regents (Article VIII, Section 5 of the 1974 Constitution; R.S.
19 17:3121-17:3133 et seq. and other provisions of Title 17 of the Louisiana Revised
20 Statutes that apply to the board.)

21 (3) Board of Supervisors of Louisiana State University and Agricultural and
22 Mechanical College (Article VIII, Section 7 of the 1974 Constitution; R.S. 17:1453;
23 17:1455-1456; 17:2181-17:2193; 17:3121-17:3133 et seq. and 3201 et seq. and other
24 provisions of the Louisiana Revised Statutes that apply to the board.)

25 (4) Board of Supervisors of Southern University and Agricultural and
26 Mechanical College (Article VIII, Section 7 of the 1974 Constitution; R.S. 17: ~~3121-~~
27 17:3133 1851 et seq. and 3201 et seq. and other provisions of Title 17 of the
28 Louisiana Revised Statutes of 1950 that apply to the board.)

1 (5) The Board of Supervisors of Community and Technical Colleges (Article
2 VIII, Section 7.1 of the 1974 Louisiana Constitution; R.S. 17:1871 et seq. and 3201
3 et seq. and other provisions of Title 17 of the Louisiana Revised Statutes of 1950 that
4 apply to the board).

5 (6) Louisiana Systemic Initiatives Program Council (R.S. 17:~~2757~~ 2751 et
6 seq.).

7 (8) The New Orleans Center for Creative Arts and its board of directors (R.S.
8 17:1970.21 ~~=1970.27~~ et seq.).

9 E. The State Board of Elementary and Secondary Education (Article VIII,
10 Section 3 of 1974 Louisiana Constitution; R.S. 17:1~~-17:14~~; R.S. 17:274.1; R.S.
11 17:341~~-17:347~~; R.S. 17:351; R.S. 17:391.1~~-17:391.10~~; R.S. 17:411; R.S. 17:416.2;
12 R.S. 17:420.1 et seq and other provisions of Title 17 of the Louisiana Revised
13 Statutes of 1950 that apply to the board) is hereby transferred to and hereafter shall
14 be within the Department of Education as provided in R.S. 36:801.2.

15 * * *

16 H. The State Department of Education (R.S. 17:24 as provided in Acts 1975,
17 No. 274) is hereby abolished and its powers, duties, functions, and responsibilities
18 are transferred to the superintendent of education of the Department of Education
19 and hereafter shall be exercised and performed as provided in Part IV of Chapter 22
20 of this Title.

21 * * *

22 L. The Advisory Commission on Proprietary Schools (R.S. 17:3141.1~~-~~
23 ~~3141.19~~ et seq.) is placed within the Department of Education and shall exercise and
24 perform its powers, duties, functions, and responsibilities in the manner provided in
25 R.S. 36:801.5.

26 M. The Council of the Louisiana Universities Marine Consortium for
27 Research and Education (R.S. 17:3451~~-17:3456~~ et seq.) shall be within the
28 Department of Education as provided in R.S. 36:801.4.

29 * * *

1 P. The Task Force on Student Proficiency (R.S. 17:24.4~~(I)~~) is placed within
2 the Department of Education and shall exercise and perform its powers, duties,
3 functions, and responsibilities in the manner provided for agencies transferred under
4 the provisions of Part III of Chapter 22 of this Title.

5 * * *

6 S. The following agencies are placed within the Department of Education
7 and shall perform and exercise their powers, duties, functions, and responsibilities
8 as provided by law:

9 (1) Statewide Articulation and Transfer Council (R.S. 17:3162)

10 (2) Process Technology Advisory Board (R.S. 17:3398.2)

11 (3) Louisiana Tuition Trust Authority (R.S. 17:3091 et seq.)

12 (4) Governing board of the Louisiana Cancer Research Center of L.S.U.
13 Health Sciences Center in New Orleans/Tulane Health Sciences Center (R.S.
14 40:1922 et seq.)

15 (5) Louisiana State University Health Sciences Center Health Maintenance
16 Organization (R.S. 22:2181 et seq.)

17 U.~~(4)~~ The office of instructional technology (R.S. 17:3921~~-3921.4~~ et seq.)
18 is placed within the Department of Education and shall exercise and perform its
19 powers, duties, functions, and responsibilities in accordance with the provisions of
20 R.S. 36:801.

21 X. The State Advisory Commission on Teacher Education and Certification
22 (R.S. 17:31~~-17:33~~ et seq.) is placed within the Department of Education and shall
23 exercise and perform its powers, duties, functions, and responsibilities in the manner
24 provided for agencies transferred in accordance with the provisions of Part III of
25 Chapter 22 of this Title.

26 Y. The Quality Science and Mathematics Council (R.S. 17:371~~-377~~ et seq.)
27 is placed within the Department of Education and shall exercise and perform its
28 powers, duties, functions, and responsibilities in the manner provided for agencies
29 transferred under the provisions of R.S. 36:801.1.

1 Z. The Governor's Program for Gifted Children (R.S. 17:1989.1-~~1989.8~~ et
2 seq.) is placed within the Department of Education and shall exercise and perform
3 its powers, duties, functions, and responsibilities in the manner provided for agencies
4 transferred in accordance with the provisions of R.S. 36:801.1.

5 * * *

6 BB. The Louisiana Student Financial Assistance Commission (R.S. 17:3021=
7 ~~3048.7~~ et seq.) is placed within the Board of Regents and shall exercise and perform
8 its powers, duties, functions, and responsibilities in the manner provided for agencies
9 transferred in accordance with the provisions of R.S. 36:801.1.

10 * * *

11 §686. Transfer of agencies to the Department of Insurance

12 A. The following agencies are transferred to the Department of Insurance
13 and shall exercise their powers, duties, functions, and responsibilities in the manner
14 provided in R.S. 36:801.1:

15 * * *

16 (2) The Governing Committee of the Louisiana Joint Reinsurance Plan (~~R.S.~~
17 ~~22:1406.3-1406.4~~ R.S. 22:2336-2347).

18 (3) The Governing Committee of the Louisiana Insurance Underwriting Plan
19 (~~R.S. 22:1434-1435~~ R.S. 2322-2334).

20 * * *

21 (5) The Board of Directors of the Louisiana Citizens Property Insurance
22 Corporation (~~R.S. 22:2294~~ R.S. 22:2291 et seq.).

23 B. The following agencies are transferred to the Department of Insurance
24 and shall exercise their powers, duties, functions, and responsibilities in the manner
25 provided in R.S. 36:801:

26 (1) The Board of Directors of the Louisiana Consortium of Insurance and
27 Financial Services (~~R.S. 22:2143~~ R.S. 22:2141 et seq.).

28 (2) The Advisory Committee of the Louisiana Consortium of Insurance and
29 Financial Services (~~R.S. 22:2144~~ R.S. 22:2141 et seq.).

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* * *

F. The Louisiana Mandated Health Benefits Commission (R.S. 22:2186-~~2186.1 et seq.~~) is hereby placed within the Department of Insurance and shall exercise its powers, duties, functions, and responsibilities in the same manner as agencies transferred in the manner provided in R.S. 36:802.

G. The board of review for public fire protection grading (R.S. 22:1461) is hereby placed within the Department of Insurance and shall exercise its powers, duties, functions, and responsibilities in the manner provided by law.

* * *

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

* * *

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

C. The Governor's Consumer Protection Division (R.S. 51:1401 ~~through 1418~~ et seq.) is hereby abolished and its powers, duties, functions, and responsibilities are transferred to the Department of Justice and hereafter shall be exercised and performed as provided in Part IV of Chapter 22 of this Title.

* * *

§725. Transfer of Public Service Commission

A. The Public Service Commission (Article IV, Section 21 of 1974 Louisiana Constitution; ~~R.S. 45:171-45:194; R.S. 45:251-45:265; R.S. 45:301-45:303; R.S. 45:307-45:315; R.S. 45:321; R.S. 45:351-45:357; R.S. 45:1161-45:1205; R.S. 45:1500-45:1504~~ R.S. 45:1161 et seq. and other provisions of Title 45 of the Louisiana Revised Statutes of 1950 that apply to the commission) shall be transferred to and hereafter shall be within the Department of Public Service, as provided in R.S. 36:801.1, with all powers and duties enumerated in the constitution

1 or by law. This transfer shall be effective on or before December 31, 1977, as
2 provided in Chapter 24 of this Title.

3 * * *

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

5 * * *

6 E. The Archives and Records Commission and the Archives and Records
7 Service (R.S. 25:127 and R.S. 44:404-~~429~~ et seq.) are hereby abolished and their
8 powers, duties, functions, and responsibilities are transferred to the secretary of state
9 and hereafter shall be exercised and performed as provided in Part IV of Chapter 22
10 of this Title.

11 * * *

12 H. The Old State Capitol ~~is~~ and the Advisory Board of the Old State Capitol
13 are transferred to and placed within the Department of State as provided in ~~Part II of~~
14 ~~Chapter 22 of this Title~~ R.S. 25:371 et seq. and R.S. 36:919.1.

15 I. The Regional Museum Governing Board of the Louisiana State Exhibit
16 Museum (~~R.S. 25:379.1~~ R.S. 25:379 et seq.) is placed within the Department of State
17 and shall perform and exercise its powers, duties, functions, and responsibilities in
18 the manner provided for agencies transferred in accordance with the provisions of
19 R.S. 36:801.6.

20 J. The Louisiana State Exhibit Museum (R.S. 25:379 et seq.) is transferred
21 to and placed within the Department of State as provided in R.S. 36:801.6.

22 * * *

23 Q. The Eddie G. Robinson Museum Commission (R.S. 25:1241-~~1246~~ et
24 seq.) is placed in the Department of State as provided in R.S. 36:919.6.

25 * * *

26 T. The Louisiana Military Museum and its governing board (R.S. 25:380.61
27 et seq.) are placed within the Department of State as provided in R.S. 36:801.13.

1 U. The Jean Lafitte Marine Fisheries Museum and its governing board (R.S.
2 25:380.71 et seq.) are placed within the Department of State as provided in R.S.
3 36:801.14.

4 * * *

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

7 * * *

8 C. The following agencies, as defined by R.S. 36:3, are transferred to and
9 hereafter shall be within the Department of the Treasury, as provided in R.S. 36:802:

10 (1) State Bond Commission, including the powers, duties, functions, and
11 responsibilities of any agencies which have been previously transferred to the State
12 Bond Commission (Article VII, Section 8 of the Constitution of 1974; ~~R.S. 39:451-~~
13 ~~39:456; R.S. 39:465.1-39:465.8; R.S. 39:466.11-39:466.13; 39:871; 39:1361-~~
14 ~~39:1366; 39:1401-39:1410; R.S. 47:1801-47:1808~~ Chapter 11 of Subtitle III of Title
15 39 of the Louisiana Revised Statutes of 1950 and other provisions of the Louisiana
16 Revised Statutes of 1950 that apply to the commission.)

17 (2) Interim Emergency Board (Const. Art. VII, §7; R.S. 39:461-~~461.8~~ et seq.)

18 D. The following agencies, as defined by R.S. 36:3, and the boards of each,
19 except the Board of Supervisors of Louisiana State University and Agricultural and
20 Mechanical College, are transferred to and shall be within the Department of the
21 Treasury, as provided in R.S. 36:801.3:

22 (1) Louisiana State Employees' Retirement System (~~R.S. 42:541-42:699~~ R.S.
23 11:401 et seq.)

24 (2) ~~State Police Retirement Fund (R.S. 40:1421-40:1444)~~ State Police
25 Pension and Retirement System (R.S. 11:1301 et seq.)

26 (4) Louisiana School Employees' Retirement System (~~R.S. 17:881-17:993~~
27 R.S. 11:1101 et seq.)

28 (6) Teachers' Retirement System of Louisiana (~~R.S. 17:571-17:764~~ R.S.
29 11:701 et seq.)

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

5 (2) State Bond and Tax Board (R.S. 39:641-~~39:645~~ et seq.; R.S. 39:871)

6 H. The State Medical Disability Board (R.S. 42:700.1 R.S. 11:219 and other
7 provisions of Title 11 of the Louisiana Revised Statutes of 1950 that apply to the
8 board) is placed within the Department of Treasury and shall exercise and perform
9 its powers, duties, functions, and responsibilities in the manner provided for agencies
10 transferred in accordance with the provisions of R.S. 36:802.

11 I. The Louisiana Deferred Compensation Commission (R.S. 42:1301=
12 ~~42:1310~~ et seq.) is placed within the Department of Treasury and shall exercise and
13 perform its powers, duties, functions, and responsibilities in the manner provided for
14 agencies transferred in accordance with the provisions of R.S. 36:801.1.

15 * * *

16 L. The Public Retirement Systems' Actuarial Committee (~~R.S. 11:82, 101 et~~
17 ~~seq., and 121 et seq.~~) R.S. 11:121 et seq. and other provisions of Title 11 of the
18 Louisiana Revised Statutes of 1950 that apply to the board is placed within the
19 Department of the Treasury and shall exercise and perform its powers, duties,
20 functions, and responsibilities as provided by law.

21 * * *

22 §802. Transfer; retention of policymaking and rulemaking functions

23 The agencies transferred by the provisions of R.S. 36:209(Q), ~~239(E);~~
24 ~~259(B);~~ 259(T), 309(B), ~~359(B);~~ 409(C), 459(B), ~~509(B);~~ 610(B), 629(I), and 769(C)
25 shall continue to be composed and selected as provided by law, and each shall
26 continue to exercise all of the powers, duties, functions, and responsibilities provided
27 or authorized for each by the constitution or laws which are in the nature of
28 policymaking, rulemaking, licensing, regulation, enforcement, or adjudication and
29 also shall continue to exercise all advisory powers, duties, functions, and

1 responsibilities provided by law. Such powers, duties, functions, and responsibilities
2 shall be exercised independently of the secretary and any assistant secretary, except
3 that:

4 * * *

5 §802.6. Transfer; certain appointive authority retained

6 The agencies placed in the Department of Agriculture and Forestry by R.S.
7 36:629(J); and (K), ~~and (R)~~ shall exercise and carry out all powers, duties, functions,
8 and responsibilities as provided in R.S. 36:802, except that each agency, subject to
9 the approval of the commissioner of agriculture and forestry, shall appoint its own
10 director and assistant director.

11 * * *

12 §802.9. Transfer; Children's Trust Fund Board

13 The Louisiana Children's Trust Fund Board (R.S. 46:2404) shall exercise its
14 powers, duties, functions, and responsibilities in the manner provided for agencies
15 transferred in accordance with R.S. 36:802, except the board shall appoint the
16 executive director of the Louisiana Children's Trust Fund Board subject to the
17 approval of the secretary of the Department of Children and Family Services ~~and the~~
18 ~~assistant secretary of the office of community services~~. The executive director shall
19 serve as secretary to the board. The authority granted to the board by the provisions
20 of R.S. 36:802 shall specifically include but not be limited to the authority to adopt
21 the comprehensive state plan for prevention of child abuse and neglect.

22 * * *

23 §803. Transfer; licensing agencies

24 A.(1) Each of the agencies transferred by the provisions of R.S. 36:4.1(D),
25 R.S. 36:209(D), R.S. 36:259(E), R.S. 36:309(D), R.S. 36:409(D), ~~R.S. 36:478(F)~~, and
26 R.S. 36:509(C), all of which are charged by law with the responsibility for the
27 regulation, examination, certification and/or licensing of persons in this state, and the
28 enforcement of the laws relating thereto, shall continue to be composed and selected
29 as provided by law, and each shall continue to exercise all of the powers, duties,

1 functions, and responsibilities provided or authorized for each by the constitution or
2 laws which are in the nature of policymaking, rulemaking, certification, licensing,
3 regulation, enforcement, or adjudication and also shall continue to exercise all
4 advisory powers, duties, functions, and responsibilities provided by law.

5 * * *

6 §851. Transfer; merger and consolidation of functions

7 A. The powers, duties, functions, responsibilities, programs, and operations
8 as vested by the constitution and laws of this state, of each of the agencies transferred
9 by the provisions of ~~R.S. 36:209(B), R.S. 36:209(I), R.S. 36:259(C), R.S. 36:409(D)~~
10 ~~and (O), R.S. 36:478(J), and R.S. 36:610(D)~~, R.S. 36:209(B), 259(C), 409(O), and
11 610(D) upon and after the date of each such transfer shall be exercised by and be
12 under the administration and control of the secretary of the department to which each
13 is transferred, except for those functions of each which are required to be performed
14 and administered by the undersecretary of each department, as heretofore provided
15 for each by this Title.

16 * * *

17 §901. Transfer; merger and consolidation of functions; advisory agency

18 A. The functions, powers, duties, responsibilities, programs, and operations
19 of each of the agencies transferred by the provisions of ~~R.S. 36:109(D), R.S.~~
20 ~~36:209(C), R.S. 36:209(M)(2), R.S. 36:259(D), R.S. 36:309(C), R.S. 36:359(C), R.S.~~
21 ~~36:409(E), R.S. 36:509(E) and (N), R.S. 36:559(D), R.S. 36:629(Q), R.S. 36:651(G),~~
22 ~~and R.S. 36:744(D)~~ R.S. 36:209(C), 309(C), 409(E), 651(G), and 744(D) on the date
23 of each such transfer shall vest in and thereafter be the responsibility of the secretary
24 of the department to which the transfer is made and shall be administered by the
25 secretary in accordance with the powers vested in him by this Title and the
26 applicable laws pertaining to each agency, except for those functions of each which
27 are required to be performed and administered by the undersecretary of the
28 department as heretofore provided for each by this Title. Each agency thus
29 transferred shall continue in existence, the members thereof shall continue in office

1 and hereafter shall be selected in the manner provided by law for each, and each
2 agency hereafter shall serve solely in an advisory capacity to the secretary with
3 respect to policies concerning matters within the purview of each as originally
4 created.

5 * * *

6 §918. Transfer, Lake Fausse Point and Grande Avoille Cove Advisory Board

7 The Lake Fausse Point, Lake Dauterive, and Grande Avoille Cove Advisory
8 Board is placed within the Department of Wildlife and Fisheries and shall exercise
9 its powers, duties, functions, and responsibilities as provided in this Part. In addition
10 the board may solicit, receive, and expend funds as authorized by law.

11 * * *

12 §921. Transfer, merger and consolidation of functions

13 A. The powers, duties, functions, responsibilities, programs, and operations
14 as vested by the constitution and laws of the state; of each of the agencies abolished
15 by the provisions of R.S. 36:4.1(E), ~~R.S. 36:109(G), R.S. 36:209(H), R.S. 36:259(F),~~
16 ~~R.S. 36:259(G), R.S. 36:309(F), R.S. 36:359(G), R.S. 36:409(F), R.S. 36:459(C),~~
17 ~~R.S. 36:509(F), R.S. 36:559(D), R.S. 36:559(F), R.S. 36:610(C), R.S. 36:651(H),~~
18 ~~R.S. 36:651(K), R.S. 36:744(E), and R.S. 36:769(E),~~ 109(G), 209(H), 259(F),
19 409(F), 459(C), 509(F), 610(C), 651(H) and (K), 744(E), and 769(E) upon and after
20 the date of each such abolition shall be exercised and performed by and be under the
21 administration and control of the secretary of the department to which such powers,
22 duties, functions, and responsibilities are transferred. The secretary shall assign
23 those functions of each which are required to be performed and administered by the
24 undersecretary of each department, as heretofore provided for each department by
25 this Title, to the undersecretary.

26 * * *

27 Section 10. R.S. 37:3103(A)(3.1) and 3134 are hereby amended and reenacted to
28 read as follows:

29 §3103. Definitions of terms

1 A. As used in this Chapter, these terms shall have the definitions ascribed to
2 them, unless the context indicates otherwise:

3 * * *

4 (3.1) "Auction house", "auction company", and "auction business" are
5 synonymous and interchangeable terms and mean any entity, whether a sole
6 proprietorship, partnership, limited liability partnership, limited liability company,
7 corporation, or any other legal entity defined by the board, which arranges, manages,
8 sponsors, advertises, or carries out two or more auctions within any twelve-month
9 period and which regularly represents that goods are sold at auction. However, a
10 public livestock auction business which exclusively auctions livestock and which is
11 regulated as a public livestock market by the Louisiana ~~State Livestock Sanitary~~
12 Board of Animal Health pursuant to R.S. 3:2091 et seq. shall not be defined as an
13 auction business for purposes of this Chapter. "Auction house," "auction company,"
14 and "auction business" shall not mean an entity which sells property through an
15 Internet-based trading platform unless such entity's activities constitute an "auction"
16 as defined in Paragraph (3) of this Subsection.

17 * * *

18 §3134. Livestock auctioneers

19 The provisions of this Chapter shall not apply to and the board shall not have
20 jurisdiction over auctioneers who are engaged in the auction business exclusively as
21 an employee or agent of a Louisiana public livestock market which is regulated by
22 the Louisiana ~~State Livestock Sanitary~~ Board of Animal Health and who are
23 registered with that board as required by R.S. 3:2100.

24 * * *

25 Section 11. R.S. 39:1593.1(B) is hereby amended and reenacted to read as follows:

26 §1593.1. Group purchasing

27 * * *

28 B. Prior to the award of ~~the~~ such contract, the proposed contract shall be
29 approved by the commissioner of administration provided he determines the total

1 cost to be less than the state procurement prices and that the contract is in the best
2 interest of the state.

3 * * *

4 Section 12. R.S. 40:2009.1(C)(2)(d) is hereby amended and reenacted to read as
5 follows:

6 §2009.1. Rules and regulations; nursing home advisory committee

7 * * *

8 C.

9 * * *

10 (2) Ex officio members of the committee shall be:

11 * * *

12 (d) The chairman of the Louisiana Board of Examiners for Nursing Home
13 Facility Administrators.

14 * * *

15 Section 13. R.S. 42:17:(A)(9), 66(C), 1119(C)(3), and 1123(12) and (14) are hereby
16 amended and reenacted to read as follows:

17 §17. Exceptions to open meetings

18 A. A public body may hold an executive session pursuant to R.S. 42:16 for
19 one or more of the following reasons:

20 * * *

21 (9) The portion of any meeting of the Second Injury Board during which
22 records or matters regarding the settlement of a workers' compensation claim are
23 required to be considered or discussed by the board with its staff in order to grant
24 prior written approval as required by R.S. ~~23:1378(A)(8)~~ 23:1378(A)(6).

25 * * *

26 §66. Exemptions

27 * * *

28 C. Nothing in this Part shall be construed to prohibit a municipal officer or
29 employee from holding another municipal office or employment as authorized by

1 ~~Subsection C of Section 381 of Title 33 of the Louisiana Revised Statutes of 1950~~
2 R.S. 33:381(C).

3 * * *

4 §1119. Nepotism

5 * * *

6 C.

7 * * *

8 (3) The provisions of the Section shall not apply to pilots appointed by the
9 governor pursuant to R.S. 34:943, 34:992, ~~34:1043~~ 34:1044, and 34:1072.

10 * * *

11 §1123. Exceptions

12 This Part shall not preclude:

13 * * *

14 (12) Any tenant of a housing authority, as defined in R.S. ~~40:382~~ 40:384,
15 from serving on the board of commissioners of that housing authority.

16 * * *

17 (14) Persons employed by public school systems to provide special
18 education and related services pursuant to R.S. 17:1941 et seq. to ~~exceptional~~
19 ~~children, as defined by R.S. 17:1943(1)~~ a student with an exceptionality as defined
20 in R.S. 17:1942 from performing, on a private fee basis and outside of school hours,
21 those same special education and related services for their own students or any other
22 persons eligible to receive such services from their school system during school
23 hours, provided that the child's parents or guardian are advised, in writing, of the
24 procedures through which their child may be evaluated for eligibility to receive such
25 services for free through the school system. With respect to any child already
26 receiving such services for free through the school system, the notice shall explain
27 the procedures through which the child's eligibility to receive additional services for
28 free from the school system may be reviewed.

29 * * *

1 Section 14. R.S. 56:1699(C)(introductory paragraph) is hereby amended and
2 reenacted to read as follows:

3 §1699. Chicot State Park, special facilities camp for handicapped; creation; advisory
4 committee; programs; use

5 * * *

6 C. The office for citizens with developmental disabilities of the Department
7 of Health and Hospitals, in coordination with the Louisiana ~~State Planning Council~~
8 ~~on~~ Developmental Disabilities Council, shall be responsible for all programmatic
9 functions of such park facility, including but not limited to the following:

10 * * *

11 Section 15. R.S. 17:3138, R.S. 25:802(11), R.S. 35:396, R.S. 36:4.1(D)(18), 53(E),
12 109(A), 209(A), (H)(9) and (14), and (AA), 239(A) and (B)(3) and (5), 259(A), (C)(24),
13 (E)(22), (F)(8),(15), and (19), and (I)(4), 309(A) and (C)(3), 359(A), 408(B)(3), 409(A) and
14 (J)(2), 459(A), 478(A), (B), and (H)(8), (9), (10), and (11), 509(A), (E), (F)(1), and (G),
15 610(A), 629(A) and (C)(4), 650(B), 651(A), (K), (N), and (V), 744(A), 769(A), (D)(3) and
16 (5), (E), and (K), 802.4, and 802.8, and Act No. 16 of the 1960 Regular Session of the
17 Legislature are hereby repealed in their entirety.

18 Section 16. Chapter 30 of Title 40 of the Louisiana Revised Statutes of 1950,
19 comprised of R.S. 40:2801 through 2803, is hereby repealed in its entirety.

20 Section 17.(A) Sections 1 thorough 15 of his Act and this Section shall become
21 effective on July 1, 2012; if this Act is vetoed by the governor and subsequently approved
22 by the legislature, Sections 1 through 15 of this Act and this Section shall become effective
23 on July 1, 2012, or on the day following such approval by the legislature, whichever is later.

24 (B) Section 16 of this Act shall become effective on September 1, 2012.

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)]

Danahay

HB No. 954

Abstract: Provides for technical corrections to certain provisions of the La. Revised Statutes.

Proposed law makes technical corrections in provisions of the La. Revised Statutes, including corrections in legal citations, corrections in names of agencies, officers, and other entities, removal of references to agencies and other entities that have otherwise been repealed or no longer exist, placement of agencies in appropriate listing for each department in Title 36 (Executive Branch organization), and conforming changes to clarify potentially conflicting language.

(Amends R.S. 3:2004, 4222(C), and 4674(F), R.S. 12:1084, 1164, and 1413, R.S. 14:403.6(A), R.S. 17:1808(G), 2048.31(B), 2048.32(C), 3139.5(3)(a), 3201(A) and (B)(1), 3202(1), 3351.11(D)(3), 3973(2)(b)(i) and (ii), 3991(F), 3995(B), and 4001(A) and (C)(1), (2), and (4), R.S. 23:43 and 1294(A)(1), R.S. 24:36(C)(3), 513(A)(4) and (5)(a)(ii) and (F), R.S. 28:821(C) and 824(A) and (C), R.S. 33:4169.1(G), R.S. 36:3(4), 4(B)(1)(aa) and (ee), 6(a), and (18), (F), (L), (N), (U), and (X), 4.1(D)(9) and (15), 53(A), 109(N), 201(C)(1), 209(B)(1)(a), (C)(1), (F), (H)(1), (4), (5), (6), (10), and (11), (J), (K), (L), (M), (N), (O), (Q), (S), (T), (U), (W)(2), and (X), 239(B)(1), (4), and (6) and (E), 259(E), (F)(9), (10), (16), (18), and (21), (G), (I)(5), (J)(1), and (L)(1), (M), (Q), (T), (U), (W), (X), (BB)(1), (CC), and (GG), 309(B), (C)(1), and (D), 359(D), (J), (K), and (L), 409(B), (C)(1), (2), (4), (5), and (8), (D), (E), (F), (G), (H), (J), (L), and (O), 459(B), (C), and (H), 474(B)(1)(a)(i), 475(A), 478(F), (H)(3) and (4), 509(C), (F)(1), (2), (3), and (8), (H), (K), (L), (M), (O), (Q), (R), (S), and (T), 610(B)(1), (10), and (11), (E), (F), (H), (I), (K), (L), and (N), 629(C)(5), (6), & (8), (D), (E), (F), (G), (H), (J), (K), (L), and (N), 643(A) and (C), 651(B), (C), (D), (H), (L), (P), (U), (X), (Y), (Z), and (BB), 686(A)(2) and (3), (B), and (F), 706(B) and (C), 725(A), 744, (E), (H), (I), (J), (Q), (T), and (U), 769(C), (D), (F), (H), (I), and (L), 802(Introductory Paragraph), 802.6, 802.9, 803(A)(1), 851(A), 901(A), 918, and 921(A), R.S. 37:3103(A)(3.1) and 3134, R.S. 39:1593.1(B), R.S. 40:2009.1(C)(2)(d), R.S. 42:17:(A)(9), 66(C), 1119(C)(3), and 1123(12) and (14), and R.S. 56:1699(C)(introductory paragraph); **Adds** R.S. 36:4(B)(14) and (H), 4.1(D)(16), 239(C), 259(D), 309(F) and (G), 409(I), (P), and (Q), 459(D) 478(M), 629(R), 651(S), and 686(G); **Repeals** R.S. 17:3138, R.S. 25:802(11), R.S. 35:396, R.S. 36:4.1(D)(18), 53(E), 109(A), 209(A), (H)(9) and (14), and (AA), 239(A) and (B)(3) and (5), 259(A), (C)(24), (E)(22), (F)(8),(15), and (19), and (I)(4), 309(A) and (C)(3), 359(A), 408(B)(3), 409(A) and (J)(2), 459(A), 478(A), (B), and (H)(8), (9), (10), and (11), 509(A), (E), (F)(1), and (G), 610(A), 629(A) and (C)(4), 650(B), 651(A), (K), (N), and (V), 744(A), 769(A), (D)(3) and (5), (E), and (K), 802.4, and 802.8, R.S. 37:3601, Chapter 30 of Title 40 of the La. Revised Statutes of 1950, comprised of R.S. 40:2801 through 2803, and Act No. 16 of the 1960 R.S.)

Effective July 1, 2012, except repeal of provisions for Interagency Task Force on the Future of Family Medicine is effective September 1, 2012 (the date the provisions terminate as provided in present law).