

Regular Session, 2012

HOUSE BILL NO. 954

BY REPRESENTATIVE DANAHAHAY

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. 13:32, R.S. 14:403.6(A), R.S. 17:1808(G), 2048.31(B), 2048.32(C),
4 3139.5(3)(a), 3201(A) and (B)(1), 3202(1), 3351.11(D)(3), 3973(introductory
5 paragraph), (1)(e), and (2)(b)(i) and (ii), 3991(F), 3995(B), and 4001(A) and (C)(1),
6 (2), and (4), R.S. 23:43, 1203.1(F)(introductory paragraph), and 1294(A)(1), R.S.
7 24:36(C)(3), 513(A)(4) and (5)(a)(ii) and (F), R.S. 28:821(C) and 824(A) and (C),
8 R.S. 32:123(B) and (D), 143(A)(5) and (6), 175(A), 213, 215, and 234(A)(1), R.S.
9 33:4169.1(G), R.S. 36:3(4), 4(B)(1)(aa) and (ee), (6)(a), and (18), (F), (L), (N), (U),
10 and (X), 4.1(D)(9) and (15), 53(A), 109(N), 201(C)(1), 209(B)(1)(a), (C)(1), (F),
11 (H)(1), (4), (5), (6), (10), and (11), (J), (K), (L), (M), (N), (O), (Q), (S), (T), (U),
12 (W)(2), and (X), 239(B)(1), (4), and (6) and (E), 259(E), (F)(9), (10), (16), (18), and
13 (21), (G), (I)(5), (J)(1), and (L)(1), (M), (Q), (T), (U), (W), (X), (BB)(1), (CC), and
14 (GG), 309(B), (C)(1), and (D), 359(D), (J), (K), and (L), 409(B), (C)(1), (2), (4), (5),
15 and (8), (D), (E), (F), (G), (H), (J), (L), and (O), 459(B), (C), and (H),
16 474(B)(1)(a)(introductory paragraph) and (i), 475(A), 478(F), (H)(3) and (4), 509(C),
17 (F)(2), (3), and (8), (H), (K), (L), (M), (O), (Q), (R), (S), and (T), 610(B)(1), (10),
18 and (11), (E), (F), (H), (I), (K), (L), and (N), 629(C)(5), (6), and (8), (D), (E), (F),
19 (G), (H), (J), (K), (L), and (N), 643(A) and (C), 651(B), (C), (D), (E), (H), (L), (M),
20 (P), (U), (X), (Y), (Z), and (BB), 686(A)(2), (3), and (5), (B), and (F), 706(B) and
21 (C), 725(A), 744(E), (H), (I), (J), (Q), (T), and (U), 769(C), (D)(1), (2), (4), and (6),
22 (F), (H), (I), and (L), 802(introductory paragraph), 802.6, 802.9, 803(A)(1), 851(A),
23 901(A), 918, and 921(A), R.S. 37:3103(A)(3.1) and 3134, R.S. 39:1593.1(B), R.S.
24 40:2009.1(C)(2)(d), R.S. 42:17(A)(9), 66(C), 1119(C)(3), and 1123(12) and (14), and

1 R.S. 56:1699(C)(introductory paragraph), to enact R.S. 36:4(B)(14) and (H),
 2 4.1(D)(16), 239(C), 259(D), 309(F) and (G), 409(I), (P), and (Q), 459(D), 478(M),
 3 629(R), 651(S), and 686(G), and to repeal R.S. 17:3138, Chapter 10 of Title 25 of
 4 the Louisiana Revised Statutes of 1950, comprised of R.S. 25:571 through 576, R.S.
 5 25:802(3), (4), (10), and (11), R.S. 35:396, R.S. 36:4.1(D)(18), 53(E), 109(A),
 6 209(A), (H)(9) and (14), and (AA), 239(A) and (B)(3) and (5), 259(A), (C)(24),
 7 (E)(22), (F)(8), (15), and (19), and (I)(4), 309(A) and (C)(3), 359(A), 408(B)(3),
 8 409(A) and (J)(2), 459(A), 478(A), (B), and (H)(8), (9), (10), and (11), 509(A), (E),
 9 (F)(1), and (G), 610(A), 629(A) and (C)(4), 650(B), 651(A), (K), (N), and (V),
 10 744(A), 769(A), (D)(3) and (5), (E), and (K), 802.4, and 802.8, R.S. 37:3601,
 11 Chapter 30 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
 12 40:2801 through 2803, and Act No. 16 of the 1960 Regular Session of the
 13 Legislature, relative to the various provisions of the Louisiana Revised Statutes of
 14 1950; to provide for various technical corrections in provisions of the statutes,
 15 including corrections in legal citations, corrections in names of agencies, officers,
 16 and other entities, removal of references to agencies and other entities that have
 17 otherwise been repealed or no longer exist, and conforming changes to clarify
 18 potentially conflicting language; and to provide 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

30 * * *

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

9 * * *

10 §4674. Minimum ethanol and bio-diesel requirements

11 * * *

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

23 * * *

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

26 §1084. Regulation by Louisiana State Board of ~~Nurse Examiners~~ Nursing

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

30 * * *

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

1 3991(F), 3995(B), and 4001(A) and (C)(1), (2), and (4) are hereby amended and reenacted
2 to read as follows:

3 §1808. Registration and licensure of postsecondary, academic degree-granting
4 institutions

5 * * *

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

11 * * *

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

15 * * *

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

20 * * *

21 §2048.32. Allied health professionals training programs; expansion or
22 establishment; salary of faculty members

23 * * *

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

27 * * *

28 §3139.5. Autonomies granted

29 * * *

1 (3) Beginning with the 2012-2013 Fiscal Year and thereafter, if the Board
2 of Regents has determined that the institution has met the short-term targets
3 established in the performance agreement and demonstrated progress on long-term
4 targets, the institution shall be authorized to:

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

14 * * *

15 §3201. Application of Chapter

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

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

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

4 * * *

5 §3202. Definitions

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

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

14 * * *

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

18 * * *

19 D.

20 * * *

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

1 same manner as provided by R.S. 17:3351(A)(5)(e)(i) ~~and weighted based upon~~
2 ~~median household income as provided in R.S. 17:3139(F)(3)(a).~~

3 * * *

4 §3973. Definitions

5 As used in this Chapter, the following words, terms, and phrases shall have
6 the ~~meaning~~ meanings ascribed to them in this Section except when the context
7 clearly indicates a different meaning:

8 (1) "At-risk pupil" means any pupil about whom at least one of the following
9 is true:

10 * * *

11 (e) Has been identified as ~~an exceptional child~~ a student with an
12 exceptionality as defined in R.S. 17:~~1943~~ 1942 not including gifted and talented.

13 * * *

14 (2)

15 * * *

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

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

22 (ii) Type 2, which means a new school or a preexisting public school
23 converted and operated as the result of and pursuant to a charter between the
24 nonprofit corporation created to operate the school and the State Board of
25 Elementary and Secondary Education. Prior to the creation of such a charter to
26 convert a preexisting school, it shall be approved by the professional faculty and staff
27 of the preexisting school and by the parents or guardians of children enrolled in the
28 school as provided in R.S. 17:3983(C). Within such ~~type~~ Type 2 charter schools,
29 pupils who reside within the state will be eligible to attend as provided in the charter.

1 Creation of a ~~type~~ Type 2 charter school shall comply with the provisions of R.S.
2 17:3983(A)(2)(a)(i).

3 * * *

4 §3991. Charter schools; requirements; limitations; renewal; amendment; revocation

5 * * *

6 F. Except for a ~~type~~ Type 4 charter school, a local school board shall not
7 assign any pupil or employee to a charter school or interfere in any way with the
8 operation and management of a charter school except as provided by the approved
9 charter, the provisions of this Chapter, or other law applicable to the charter school
10 or its officers or employees.

11 * * *

12 §3995. Charter school funding

13 * * *

14 B. For each pupil enrolled in a charter school who is entitled to special
15 education services, any state special education funding beyond that provided in the
16 minimum foundation program and any federal funds for special education for that
17 pupil that would have been allocated for that pupil shall be allocated to the charter
18 school which the pupil attends. Any ~~type~~ Type 2 charter school shall be considered
19 the local education agency for the purposes of any special education funding or
20 statutory definitions, while the local school board shall remain the local education
21 agency for any ~~type~~ Type 1, 3, or 4 charter school.

22 * * *

23 §4001. Louisiana Charter School Start-Up Loan Fund; creation; purpose;
24 distribution

25 A. The Louisiana Charter School Start-Up Loan Fund, hereafter referred to
26 as the "fund", is hereby created within the state treasury for the purposes of
27 providing a source for funding no-interest loans to assist both existing and new ~~type~~
28 Type 1, ~~type~~ Type 2, or ~~type~~ Type 3 charter schools with initial start-up funding and

1 for funding the administrative and legal cost associated with the charter school
2 program.

3 * * *

4 C.(1) The State Board of Elementary and Secondary Education shall
5 administer the use of the monies appropriated from the fund and shall adopt rules in
6 accordance with the Administrative Procedure Act. The adopted rules shall specify
7 that state board approval of any ~~type~~ Type 2 charter school proposal that includes
8 within its budget a request for loan funding which complies with the provisions of
9 this Section and details regarding how those loan funds are to be expended, shall
10 constitute the approval of that loan amount. No additional loan application
11 paperwork shall be required. Any ~~type~~ Type 1 or ~~type~~ Type 3 charter school
12 approved by their local school board shall be required to submit no more than their
13 approved charter proposal and a detailed budget identifying how any loan funds are
14 to be expended and how such request complies with the provisions of this Section.
15 The state board may reject any such request which does not comply with the terms
16 of this Section. Such rules shall also note that any loan funding may ~~only be used~~
17 be used only to purchase tangible items such as equipment, technology, instructional
18 materials, and facility acquisition, upgrade, and repairs. Such equipment or other
19 items shall become the property of the state if the loan is not fully repaid by virtue
20 of the school ceasing to operate during the three years of automatic loan repayment
21 as noted in Paragraph (3) of this Subsection.

22 (2) Loans shall be made only to ~~type~~ Type 1, ~~type~~ Type 2, and ~~type~~ Type 3
23 charter schools and shall not exceed one hundred thousand dollars to pay for charter
24 school start-up and early operating expenses. No money lent as provided in this
25 Section may be used to pay prior debts of the nonprofit corporation which formed
26 the charter school, any of the natural persons principally involved in forming the
27 charter school, or any former or current business or nonprofit venture of any such
28 natural persons for any purchase not related to the creation of the charter school, or

1 to pay to members of the immediate family of any such natural persons, or to make
2 any investments.

3 * * *

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

8 * * *

9 Section 6. R.S. 23:43, 1203.1(F)(introductory paragraph), and 1294(A)(1) are hereby
10 amended and reenacted to read as follows:

11 §43. Appointment; compensation

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

15 * * *

16 §1203.1. Medical treatment schedule; medical advisory council

17 * * *

18 F. The director of the office of workers' compensation administration shall
19 appoint a medical advisory ~~committee~~ council, which shall be selected in accordance
20 with the following:

21 * * *

22 §1294. Workers' Compensation Advisory Council

23 A.(1) The Workers' Compensation Advisory Council is hereby created
24 within the Louisiana Workforce Commission pursuant to R.S. ~~36:309(C)(5)~~
25 36:309(C)(4).

26 * * *

27 Section 7. R.S. 24:36(C)(3), 513(A)(4) and (5)(a)(ii) and (F) are hereby amended
28 and reenacted to read as follows:

1 §36. Additional benefits payable to legislators; certain legislative personnel;
 2 governor; lieutenant governor; political subdivision service credit; credit for
 3 service previously rendered; additional contributions; computation of
 4 benefits payable; membership

5 * * *

6 C.

7 * * *

8 (3) Any person retiring under the provisions of this Subsection shall receive
 9 a full retirement benefit, without reduction of any percentage which may be provided
 10 in the laws pertaining to the retirement system for retirement before the normal
 11 retirement age. For purposes of computing retirement benefits for those persons
 12 provided for in ~~R.S. 24:36(A)~~ Subsection A of this Section, "average compensation"
 13 shall be the average annual earned compensation of the member for any three years
 14 of service during which said earned compensation was the highest, including salary,
 15 per diem, and also the expense allowances provided by R.S. 24:31.1 and ~~R.S. 24:31.2~~
 16 and any other expense allowances provided for the clerk of the House of
 17 Representatives and the secretary of the Senate. The retirement benefits provided
 18 herein for any person covered by this provision shall not exceed the limitation
 19 provided in R.S. ~~42:575(B)~~ 11:444(B). Beginning with August 1, 1962, the benefits
 20 provided herein shall extend to members covered hereby who were employed in the
 21 state service on or after May 1, 1960, and to their survivors.

22 * * *

23 §513. Powers and duties of legislative auditor; audit reports as public records;
 24 assistance and opinions of attorney general; frequency of audits; subpoena
 25 power

26 A.

27 * * *

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

1 report. The legislative auditor may approve the request at his discretion, subject to
2 the approval of the Legislative Audit Advisory Council.

3 * * *

4 F.(1) The legislative auditor shall have authority to compile financial
5 statements and to examine, audit, or review the books and accounts of all private
6 water supply systems. The scope of the examinations may include financial
7 accountability, legal compliance and evaluations of the economy, efficiency, and
8 effectiveness of the private water supply systems or any combination of the
9 foregoing. In addition to the authority granted above, the legislative auditor shall
10 have access to and be permitted to examine all papers, books, accounts, records,
11 files, instruments, documents, films, tapes, and any other forms of recordation of all
12 private water supply systems, including but not limited to computers and recording
13 devices, and all software and hardware which hold data, are part of the technical
14 processes leading up to the retention of data, or are part of the security system.

15 ~~(1)~~ (2) For the purpose of this Subsection, "private water supply system"
16 means any private water system which receives local or state assistance in any fiscal
17 year and does not have audited financial statements prepared by licensed certified
18 public accountants. Assistance shall include grants, loans, transfers of property,
19 awards, and direct appropriations of state or local public funds. Assistance shall not
20 include guarantees, membership dues, vendor contracts for goods and services
21 related to administrative support for a local or state assistance program, or benefits
22 to individuals.

23 ~~(2)~~ (3) The financial statements of a private water supply system shall be
24 audited or reviewed by licensed certified public accountants subject to Paragraphs
25 (A)(5) and ~~(A)(6)~~ (6) of this ~~Subsection~~ Section, but may be audited by the
26 legislative auditor pursuant to Paragraph (A)(4) of this Section. Any person
27 authorized to conduct an audit of a governmental entity pursuant to R.S. ~~37:88~~ 37:77
28 shall be permitted to audit the private water supply system subject to the approval
29 of the legislative auditor provided for in Paragraphs (A)(5) and ~~(A)(6)~~ (6) of this
30 Section.

1 (3) (4) State or local assistance and other funds and expenditures of private
2 water supply systems shall be audited.

3 * * *

4 Section 8. R.S. 28:821(C) and 824(A) and (C) are hereby amended and reenacted
5 to read as follows:

6 §821. Findings and purpose

7 * * *

8 C. It is the intention of the legislature that the state of Louisiana adhere to
9 the principles contained in this Chapter in program planning, development, funding,
10 and implementation for persons with developmental disabilities and their families.
11 It is the further intention of the legislature that the Department of Health and
12 Hospitals work to implement the Community and Family Support System plan
13 developed by the Louisiana ~~State Planning Council~~ on Developmental Disabilities
14 Council pursuant to this Chapter.

15 * * *

16 §824. Community and Family Support System plan

17 A. The Louisiana ~~State Planning Council~~ on Developmental Disabilities
18 Council shall develop a plan to implement a Community and Family Support System
19 in accordance with the principles contained in this Chapter. The secretary of the
20 Department of Health and Hospitals shall allocate funds from existing resources to
21 provide staff support to the council for the development of the plan. The council
22 may appoint an advisory committee as necessary to assist in the development of the
23 plan. The advisory committee shall include representation of parents of children or
24 adults now residing in an intermediate care facility for people with developmental
25 disabilities.

26 * * *

27 C. The plan shall be coordinated with ~~the~~ any plans ~~of the Mental~~
28 ~~Retardation and Developmental Disabilities Services System (R.S. 28:380 et seq.),~~
29 ~~the Handicapped Infants and Toddlers Program (P.L. 99-457 Part H), the Child and~~
30 ~~Adolescent Service System Program (R.S. 28:801 et seq.);~~ established pursuant to

1 §143. Stopping, standing or parking prohibited in specified places

2 A. No person shall stand, or park a vehicle, except when necessary to avoid
3 conflict with other traffic, or in compliance with law or the directions of a police
4 officer or traffic control device, in any of the following places:

5 * * *

6 (5) On a ~~cross-walk~~ crosswalk;

7 (6) Within twenty feet of a ~~cross-walk~~ crosswalk at an intersection;

8 * * *

9 §175. Vehicles must yield at railroad grade crossings; exceptions; penalties for
10 violations

11 A. The driver or operator of a vehicle approaching a rail-highway grade
12 crossing identified by the presence of a railroad cross buck sign shall slow down to
13 a speed reasonable for the existing conditions, or shall stop if necessary, before
14 entering the ~~cross-walk~~ crosswalk on the near side of the intersection or, in the event
15 there is no ~~cross-walk~~ crosswalk, at a clearly marked stop line, or if none, then at the
16 point nearest the intersecting rail of such railroad where the driver or operator has
17 a clear view of any approaching train. The driver or operator shall listen and look
18 in both directions along such track for any approaching train and for signals
19 indicating the approach of a train. Having slowed or stopped in this manner, the
20 driver or operator shall yield the ~~right-of-way~~ right-of-way to any approaching train
21 and then shall proceed only upon exercising due care and upon being sure that it is
22 safe to proceed.

23 * * *

24 §213. Crossing at other than ~~cross-walks~~ crosswalks

25 A. Every pedestrian crossing a roadway at any point other than within a
26 marked ~~cross-walk~~ crosswalk or within an unmarked ~~cross-walk~~ crosswalk at an
27 intersection shall yield the ~~right-of-way~~ right-of-way to all vehicles upon the
28 roadway.

1 B. Between adjacent intersections at which traffic-control signals are in
2 operation pedestrians shall not cross at any place except in a marked ~~cross-walk~~
3 crosswalk.

4 * * *

5 §215. Pedestrians to use right half of ~~cross-walks~~ crosswalks

6 Pedestrians shall move, whenever practicable, upon the right half of ~~cross~~
7 ~~walks~~ crosswalks.

8 * * *

9 §234. Flashing signals

10 A. Whenever an illuminated flashing red or yellow signal is used in a traffic
11 sign or signal, it shall require obedience by vehicular traffic as follows:

12 (1) FLASHING RED (STOP SIGNAL)--When a red lens is illuminated with
13 rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest
14 ~~cross-walk~~ crosswalk at an intersection or at a limit line when marked, or, if none,
15 then before entering the intersection, and the right to proceed shall be subject to the
16 rules applicable after making a stop at a stop sign.

17 * * *

18 Section 10. R.S. 33:4169.1(G) is hereby amended and reenacted to read as follows:

19 §4169.1. Municipal and parish authority over collection and disposal of garbage and
20 trash; franchising, permitting, and licensing; assessment and collection of
21 service charge

22 * * *

23 G. The power to permit or regulate solid waste collection, transportation,
24 processing, recovery, and disposal, granted herein to parish and municipal governing
25 authorities, shall not preempt regulatory and licensing authority of the ~~Environmental~~
26 ~~Control Commission and the office of environmental affairs, Department of Natural~~
27 ~~Resources~~ secretary of the Department of Environmental Quality, pursuant to R.S.
28 30:2001, et seq.

29 * * *

1 Department of Children and Family Services, "deputy secretary" means the ~~officer~~
2 officers appointed by the secretary to direct and be responsible for the functions of
3 the division of programs and the division of operations within the office of children
4 and family services.

5 * * *

6 §4. Structure of executive branch of state government

7 * * *

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

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

12 * * *

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

16 * * *

17 (ee) The Louisiana Commission on HIV, ~~and AIDS~~ and Hepatitis C (R.S.
18 40:2018.1)

19 * * *

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

23 * * *

24 (14) The following agencies are placed within the office of the governor,
25 division of administration, and shall perform and exercise their powers, duties,
26 functions, and responsibilities as provided by law:

27 (a) The board of trustees of the Post Employment Benefits Trust Fund (R.S.
28 39:100.111 et seq.)

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

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

1 governor and shall exercise its powers, duties, and functions in accordance with the
2 provisions of R.S. 36:802.14.

3 * * *

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

7 * * *

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

12 * * *

13 §4.1. Agencies transferred from the Department of Economic Development to the
14 office of the governor; agencies placed within the office of the governor

15 * * *

16 D. The following agencies, as defined in R.S. 36:3, are hereby transferred
17 to and shall be placed within the office of the governor and shall perform and
18 exercise their powers, duties, functions, and responsibilities as provided in R.S.
19 36:803:

20 * * *

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

23 * * *

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

26 ~~(18)~~ (16) The Louisiana ~~State~~ Board of Cosmetology (R.S. 37:561 ~~through~~
27 ~~607~~ et seq.).

28 * * *

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

2 * * *

3 (10) Louisiana Historical Preservation and Cultural Commission (R.S.
4 25:521-~~527~~ et seq.)

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

6 * * *

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

12 ~~(2) The Louisiana National Register Review Committee (R.S. 25:901-~~
13 ~~25:902)~~

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

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

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

24 M.(1) The Atchafalaya Trace Commission, as more specifically provided in
25 R.S. 25:1221 ~~through 1225~~ et seq., shall be placed within the Department of Culture,
26 Recreation and Tourism as provided for agencies transferred in accordance with R.S.
27 36:802.3.

28 (3) The Atchafalaya Trace Heritage Area Development Zone Review Board,
29 as more specifically provided in R.S. 25:1226 ~~through 1226.6~~ et seq., shall be placed

1 within the Department of Culture, Recreation and Tourism as provided for agencies
2 transferred in accordance with Part III of Chapter 22 of this Title.

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

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

14 * * *

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

18 * * *

19 S. The Mississippi River Road Commission (R.S. 25:1251-~~1255~~ et seq.) is
20 placed within the Department of Culture, Recreation and Tourism and shall exercise
21 and perform its powers, functions, duties, and responsibilities as provided in R.S.
22 36:802.17.

23 T. The Louisiana Historic Cemetery Trust Fund Advisory Board (R.S.
24 25:940-~~943~~ et seq.) shall be placed within the Department of Culture, Recreation and
25 Tourism as provided for agencies transferred in accordance with R.S. 36:802.

26 U. The Battle of New Orleans Bicentennial Commission (R.S. 25:1238.1-
27 ~~1238.7~~ et seq.) shall be placed within the Department of Culture, Recreation and
28 Tourism as provided for agencies transferred in accordance with R.S. 36:802.

29 * * *

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

4 * * *

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

7 * * *

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

12 * * *

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

14 * * *

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

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

21 * * *

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

23 * * *

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

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

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

6 * * *

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

8 * * *

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

- 12 (1) Louisiana state office of rural health (R.S. 40:2195.1)
- 13 (2) Louisiana Council on Obesity Prevention and Management (R.S. 46:2611
 14 et seq.)
- 15 (3) Louisiana State Child Death Review Panel (R.S. 40:2019)
- 16 (4) Marriage and Family Therapy Advisory Committee (R.S. 37:1104)
 17 (Established by the Louisiana Licensed Professional Counselors Board of
 18 Examiners).
- 19 (5) Nursing Home Emergency Preparedness Review Committee (R.S.
 20 40:2009.25)
- 21 (6) Advisory Committee on Polysomnography (R.S. 37:2861 et seq.)
- 22 (7) Louisiana Birth Defects Surveillance System Advisory Board (R.S.
 23 40:31.41 et seq.)
- 24 (8) Prescription Monitoring Program Advisory Council (R.S. 40:1001 et
 25 seq.)
- 26 (9) Health Data Panel (R.S. 40:1300.111 et seq.)

27 E. The following agencies, as defined in R.S. 36:3, are transferred to and
 28 hereafter shall be within the Department of Health and Hospitals, as provided in R.S.
 29 36:803:

- 1 (1) Louisiana State Board of ~~Nurse Examiners~~ Nursing (R.S. 37:911=~~37:935~~
- 2 et seq.)
- 3 (2) Louisiana State Board of Dentistry (~~R.S. 37:753-37:790~~ R.S. 37:751 et
- 4 seq.)
- 5 (3) Louisiana State Board of ~~Board-Certified~~ Social Work Examiners (R.S.
- 6 ~~37:2701-37:2718~~ et seq.)
- 7 (4) Louisiana State Board of Optometry Examiners (R.S. 37:1041=~~37:1067~~
- 8 et seq.)
- 9 (5) Louisiana State Board of Examiners for Sanitarians (R.S. 37:2101=~~37:2116~~
- 10 et seq.)
- 11 (6) Louisiana State Board of Practical Nurse Examiners (R.S. 37:961=~~37:979~~
- 12 et seq.)
- 13 (7) Louisiana Board of Chiropractic Examiners (R.S. 37:2801=~~37:2818~~ et
- 14 seq.)
- 15 (8) Louisiana State Board of Medical Examiners (R.S. 12:914; R.S. 37:611=~~37:628~~
- 16 et seq.; R.S. 37:1261-37:1290 et seq.; ~~37:2401-37:2417~~)
- 17 (9) Louisiana State Board of Embalmers and Funeral Directors (R.S. 37:831=~~37:851~~
- 18 et seq.)
- 19 (10) State Board of Examiners ~~for~~ of Psychologists (R.S. 37:2351=~~37:2368~~
- 20 et seq.)
- 21 (11) Louisiana Board of Examiners for Speech-Language Pathology and
- 22 Audiology (R.S. 37:2650 et seq.)
- 23 (12) ~~State~~ Louisiana Board of Veterinary ~~Medical Examiners~~ Medicine (R.S.
- 24 ~~37:1511-37:1532~~ et seq.)
- 25 (13) Board of Examiners for Nursing ~~Home~~ Facility Administrators (R.S.
- 26 ~~37:2501-37:2511~~ et seq.)
- 27 (14) Louisiana Board of Pharmacy (R.S. 37:1161=~~1250~~ et seq.; R.S.
- 28 ~~51:521-51:525~~ et seq.)
- 29 (16) Louisiana Board for Hearing Aid Dealers (R.S. 37:2441=~~37:2465~~ et
- 30 seq.)

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

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

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

6 * * *

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

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

13 * * *

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

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

20 * * *

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

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

24 * * *

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

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

30 * * *

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

5 * * *

6 (5) Water Supply and Sewerage Systems Certification Committee (R.S.
7 40:1141-40:1151 et seq.)

8 J.(1) The Louisiana Emergency Response Network Board (R.S.
9 40:2841-2846 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. 36:801.1.

12 * * *

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

19 * * *

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

26 * * *

1 of Natural Resources, and shall exercise its powers, duties, functions, and
2 responsibilities as provided in R.S. 36:802.18.

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

7 * * *

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

9 * * *

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

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

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

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

19 * * *

20 (4) Board of Parole (R.S. 15:572; R.S. 15:574.2-~~15:574.13~~ et seq.; R.S.
21 46:1651-~~46:1656~~ et seq.)

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

24 (8) The Weights and Standards Police Force (R.S. 40:1379.8). The Weights
25 and Standards Police Force shall perform the functions of the state related to the
26 enforcement of R.S. 32:380 through 388, R.S. 32:388.1, R.S. 32:390, and R.S.
27 47:718, and the provisions of Chapter 4 of Subtitle II of Title 47 relating to trucks,
28 trailers, and semitrailers and Part V of Chapter 7 of Subtitle II of Title 47 of the

1 (6) The Department of Corrections (R.S. ~~15:572; 15:574.2-15:574.3; 15:821-~~
 2 ~~15:840.1; 15:851-15:875; 15:892-15:894; 15:901-15:907; 15:1061-15:1071;~~
 3 ~~15:1111; 15:1131-15:1135; 15:1151-15:1159;~~ and R.S. ~~46:1651-46:1656~~ 15:821 et
 4 seq. and other provisions of Title 15 of the Louisiana Revised Statutes of 1950 that
 5 directly apply to said department)

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

10 H. The Liquefied Petroleum Gas Commission (Article VI, Section 28 of the
 11 1921 Louisiana Constitution made statutory by Article XIV, Section 16(A)(3) of the
 12 1974 Louisiana Constitution; R.S. ~~40:1841-40:1850; R.S. 3:1351-3:1357~~ et seq. and
 13 1911 et seq.) is placed within the Department of Public Safety and Corrections and
 14 shall exercise and perform its powers, duties, functions, and responsibilities in the
 15 manner provided for agencies transferred in accordance with the provisions of R.S.
 16 36:802, except that any director or assistant director of the agency or similar
 17 personnel authorized by law shall continue to be appointed as otherwise provided by
 18 law.

19 I. The advisory board to the Liquefied Petroleum Gas Commission (R.S.
 20 40:1851(F)) is placed within the Department of Public Safety and Corrections and
 21 shall perform and exercise its powers, duties, functions, and responsibilities in the
 22 manner provided for agencies transferred in accordance with R.S. 36:901 et seq.

23 J.~~(H)~~ The Louisiana Manufactured Housing Commission (R.S. ~~51:911-26~~
 24 ~~51:911.21~~ et seq. and 911.51 et seq.) is placed within the office of the state fire
 25 marshal of the Department of Public Safety and Corrections and shall perform and
 26 exercise its powers, duties, functions, and responsibilities in accordance with the
 27 provisions of R.S. 36:803.1.

28 ~~(2) The Louisiana state administrative agency (R.S. 51:912.51 et seq.) is~~
 29 ~~placed within public safety services of the Department of Public Safety and~~
 30 ~~Corrections and shall perform and exercise all of its powers, duties, functions, and~~

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

1 the former department) is hereby abolished and its powers, duties, functions, and
2 responsibilities are transferred to the secretary of the Department of Revenue and
3 hereafter shall be exercised and performed as provided in Part IV of Chapter 22 of
4 this Title.

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

8 * * *

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

14 * * *

15 §474. Powers and duties of the secretary of the Department of Children and Family
16 Services

17 * * *

18 B. The secretary shall have authority to:

19 (1)(a) Except as otherwise specifically provided in R.S. 36:801 and R.S.
20 ~~36:803~~ 36:802.9:

21 (i) Employ, appoint, remove, assign, and promote such personnel as is
22 necessary for the efficient administration of the department and the performance of
23 its powers, duties, functions, and responsibilities and such other personnel, ~~who are~~
24 ~~not assigned to an office~~, as may be necessary for the efficient administration of ~~the~~
25 ~~department and for~~ and the performance of the responsibilities, powers, duties, and
26 functions of agencies transferred to it;

27 * * *

28 §475. Deputy secretaries

29 A. There shall be a deputy secretary of programs and a deputy secretary of
30 operations, ~~who~~ each of whom shall be appointed by the secretary with consent of

1 the Senate and ~~who~~ shall serve at the pleasure of the secretary at a salary fixed by the
2 secretary, which salary shall not exceed the amount approved for ~~such~~ the respective
3 position by the legislature while in session. The deputy secretary of programs shall
4 serve as acting secretary in the absence of the secretary.

5 * * *

6 §478. Transfer of agencies and functions to Department of Children and Family
7 Services

8 * * *

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

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

18 * * *

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

22 (4) State Board of Public Welfare (~~R.S. 46:53-46:54~~ Such provisions of Title
23 46 of the Louisiana Revised Statutes of 1950 as apply to the abolished board)

24 * * *

25 M. The Louisiana Advisory Council on Child Care and Early Education is
26 placed within the Department of Children and Family Services and shall exercise and
27 perform its powers, duties, functions, and responsibilities as provided in R.S.
28 46:1401 et seq., particularly R.S. 46:1414.

29 * * *

1 perform and exercise its powers, duties, functions, and responsibilities in the manner
 2 provided for agencies transferred in accordance with the provisions of R.S. 36:801.

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

6 M. The Mississippi River Bridge Authority (R.S. 48:1092 -1092.1) is placed
 7 within the Department of Transportation and Development as provided in R.S.
 8 36:901.

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

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

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

23 S. The Washington Parish Reservoir District (R.S. 38:3087.191~~-3087.205~~
 24 et seq.) is placed within the Department of Transportation and Development and
 25 shall perform and exercise its powers, duties, functions, and responsibilities in the
 26 manner provided for agencies transferred in accordance with the provisions of R.S.
 27 36:801.1.

28 T. The West Ouachita Parish Reservoir Commission (R.S. 38:3087.241~~-~~
 29 ~~3087.255~~ et seq.) is placed within the Department of Transportation and
 30 Development and shall perform and exercise its powers, duties, functions, and

1 responsibilities in the manner provided for agencies transferred in accordance with
2 the provisions of R.S. 36:801.1.

3 * * *

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

5 * * *

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

9 (1) The Wildlife and Fisheries Commission (Article IX, Section 7 of 1974
10 Louisiana Constitution; ~~R.S. 34:341-34:343~~; R.S. 56:1-56:28; ~~56:61-56:801~~;
11 ~~56:1437; 56:1452; 56:1464-56:1464.4~~ et seq. and other provisions of the Louisiana
12 Revised Statutes of 1950 that apply to the commission)

13 * * *

14 (10) Louisiana Environmental Education Commission (~~R.S. 30:2503~~ R.S.
15 30:2501 et seq.)

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

17 * * *

18 E. The Louisiana Seafood Promotion and Marketing Board, R.S. 56:578.1
19 ~~through 578:10~~, et seq. is placed within the Department of Wildlife and Fisheries and
20 shall perform and exercise its duties, powers, functions, and responsibilities as
21 provided for agencies transferred in accordance with the provisions of R.S. 36:802.5.

22 F. The Lake Fausse Point, Lake Dauterive, and Grande Avoille Cove
23 Advisory Board (R.S. 56:796) is hereby placed within the Department of Wildlife
24 and Fisheries and shall exercise its powers, duties, functions, and responsibilities as
25 provided in R.S. 36:918.

26 * * *

27 H. The Louisiana Artificial Reef Development Council (~~R.S. 56:639.6~~ R.S.
28 56:639.1 et seq.) is placed within the Department of Wildlife and Fisheries and shall
29 exercise and perform its powers, duties, functions, and responsibilities in the manner

1 provided for agencies transferred in accordance with Part III of Chapter 22 of this
2 Title.

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

7 * * *

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

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

16 * * *

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

22 * * *

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

25 * * *

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

29 * * *

1 (5) Louisiana ~~State Livestock Sanitary Board~~ of Animal Health (R.S. ~~3:495-~~
2 ~~496; 3:561-566; 3:661-671; 3:1961-1971; 3:2004-2005; 3:2091-2099; 3:2171-2188;~~
3 ~~3:2221-2232; 3:2261-2264; 3:2341-2347; and 3:4222(C)~~ R.S. 3:2091 et seq. and
4 other provisions of Title 3 of the Louisiana Revised Statutes of 1950 that apply to the
5 board). Notwithstanding the provisions of R.S. 36:802.3, the Louisiana ~~State~~
6 ~~Livestock Sanitary Board~~ of Animal Health shall serve solely in an advisory capacity
7 with respect to the meat inspection program, as provided in R.S. 3:4222(C).

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

9 (8) Louisiana Commission of Weights and Measures ~~Commission~~ (R.S.
10 ~~55:1-55:19~~ 3:4601 et seq.).

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

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

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

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

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

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

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

22 (5) Louisiana Soybean and Grain Research and Promotion Board (R.S.
23 ~~3:3551-3556~~ et seq.).

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

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

26 (8) Louisiana Crawfish Promotion and Research Board (R.S. 3:556.1=
27 ~~3:556.12~~ et seq.)

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

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

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

9 * * *

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

15 * * *

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

19 * * *

20 B. For purposes of this Chapter, references in Chapters 22 and 24 of this
21 Title to the "secretary" shall refer to the superintendent of education, references to
22 the "undersecretary" shall refer to the assistant deputy superintendent for the office
23 of management and finance, references to an "assistant secretary" shall refer to an
24 assistant deputy superintendent, ~~except that references in Chapters 22 and 24 of this~~
25 ~~Title to the "secretary", "the undersecretary", or an "assistant secretary" shall mean~~
26 ~~the chairman as provided in R.S. 17:3022(A), for any agency transferred under the~~
27 ~~provisions of R.S. 36:651(K).~~

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

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

3 (1) The Board of Supervisors for the University of Louisiana System (Article
4 VIII, Section 6 of the 1974 Louisiana Constitution; R.S. 17:1831 et seq. and R.S.
5 17:1806, 3201 et seq., and 3351 et seq. and other provisions of Title 17 of the
6 Louisiana Revised Statutes of 1950 that apply to the board.)

7 (2) Board of Regents (Article VIII, Section 5 of the 1974 Constitution; R.S.
8 17:3121-~~17:3133~~ et seq. and other provisions of Title 17 of the Louisiana Revised
9 Statutes that apply to the board.)

10 (3) Board of Supervisors of Louisiana State University and Agricultural and
11 Mechanical College (Article VIII, Section 7 of the 1974 Constitution; R.S. 17:1453;
12 ~~17:1455-1456; 17:2181-17:2193; 17:3121-17:3133~~ et seq. and 3201 et seq. and other
13 provisions of the Louisiana Revised Statutes that apply to the board.)

14 (4) Board of Supervisors of Southern University and Agricultural and
15 Mechanical College (Article VIII, Section 7 of the 1974 Constitution; R.S. 17: ~~3121-~~
16 ~~17:3133~~ 1851 et seq. and 3201 et seq. and other provisions of Title 17 of the
17 Louisiana Revised Statutes of 1950 that apply to the board.)

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

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

24 (8) The New Orleans Center for Creative Arts and its board of directors (R.S.
25 17:1970.21 ~~-1970.27~~ et seq.).

26 E. The State Board of Elementary and Secondary Education (Article VIII,
27 Section 3 of 1974 Louisiana Constitution; R.S. 17:1-~~17:14~~; ~~R.S. 17:274.1~~; ~~R.S.~~
28 ~~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~~;
29 ~~R.S. 17:420.1~~ et seq. and other provisions of Title 17 of the Louisiana Revised

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

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

5 * * *

6 (2) The Governing Committee of the Louisiana Joint Reinsurance Plan (~~R.S.~~
7 ~~22:1406.3-1406.4~~ R.S. 22:2336-2347).

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

10 * * *

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

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

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

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

20 * * *

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

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

28 * * *

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

30 * * *

1 39 of the Louisiana Revised Statutes of 1950 and other provisions of the Louisiana
2 Revised Statutes of 1950 that apply to the commission.)

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

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

8 (1) Louisiana State Employees' Retirement System (~~R.S. 42:541-42:699~~ R.S.
9 11:401 et seq.)

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

12 * * *

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

15 * * *

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

18 * * *

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

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

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

29 I. The Louisiana Deferred Compensation Commission (R.S. 42:1301-
30 ~~42:1310~~ et seq.) is placed within the Department of Treasury and shall exercise and

1 perform its powers, duties, functions, and responsibilities in the manner provided for
2 agencies transferred in accordance with the provisions of R.S. 36:801.1.

3 * * *

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

9 * * *

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

11 The agencies transferred by the provisions of R.S. 36:209(Q), ~~239(E),~~
12 ~~259(B),~~ 259(T), 309(B), ~~359(B),~~ 409(C), 459(B), ~~509(B),~~ 610(B), 629(I), and 769(C)
13 shall continue to be composed and selected as provided by law, and each shall
14 continue to exercise all of the powers, duties, functions, and responsibilities provided
15 or authorized for each by the constitution or laws which are in the nature of
16 policymaking, rulemaking, licensing, regulation, enforcement, or adjudication and
17 also shall continue to exercise all advisory powers, duties, functions, and
18 responsibilities provided by law. Such powers, duties, functions, and responsibilities
19 shall be exercised independently of the secretary and any assistant secretary, except
20 that:

21 * * *

22 §802.6. Transfer; certain appointive authority retained

23 The agencies placed in the Department of Agriculture and Forestry by R.S.
24 36:629(J); and (K), ~~and (R)~~ shall exercise and carry out all powers, duties, functions,
25 and responsibilities as provided in R.S. 36:802, except that each agency, subject to
26 the approval of the commissioner of agriculture and forestry, shall appoint its own
27 director and assistant director.

28 * * *

1 §802.9. Transfer; Children's Trust Fund Board

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

11 * * *

12 §803. Transfer; licensing agencies

13 A.(1) Each of the agencies transferred by the provisions of R.S. 36:4.1(D),
14 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
15 R.S. 36:509(C), all of which are charged by law with the responsibility for the
16 regulation, examination, certification, and ~~or~~ licensing of persons in this state, and
17 the enforcement of the laws relating thereto, shall continue to be composed and
18 selected as provided by law, and each shall continue to exercise all of the powers,
19 duties, functions, and responsibilities provided or authorized for each by the
20 constitution or laws which are in the nature of policymaking, rulemaking,
21 certification, licensing, regulation, enforcement, or adjudication and also shall
22 continue to exercise all advisory powers, duties, functions, and responsibilities
23 provided by law.

24 * * *

25 §851. Transfer; merger and consolidation of functions

26 A. The powers, duties, functions, responsibilities, programs, and operations
27 as vested by the constitution and laws of this state, of each of the agencies transferred
28 by the provisions of ~~R.S. 36:209(B), R.S. 36:209(I), R.S. 36:259(C), R.S. 36:409(D)~~
29 ~~and (O), R.S. 36:478(J), and R.S. 36:610(D);~~ R.S. 36:209(B), 259(C), 409(O), and
30 610(D) upon and after the date of each such transfer shall be exercised by and be

1 under the administration and control of the secretary of the department to which each
2 is transferred, except for those functions of each which are required to be performed
3 and administered by the undersecretary of each department, as heretofore provided
4 for each by this Title.

5 * * *

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

7 A. The functions, powers, duties, responsibilities, programs, and operations
8 of each of the agencies transferred by the provisions of ~~R.S. 36:109(D), R.S.
9 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.
10 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),
11 and R.S. 36:744(D)~~ R.S. 36:209(C), 309(C), 409(E), 651(G), and 744(D) on the date
12 of each such transfer shall vest in and thereafter be the responsibility of the secretary
13 of the department to which the transfer is made and shall be administered by the
14 secretary in accordance with the powers vested in him by this Title and the
15 applicable laws pertaining to each agency, except for those functions of each which
16 are required to be performed and administered by the undersecretary of the
17 department as heretofore provided for each by this Title. Each agency thus
18 transferred shall continue in existence, the members thereof shall continue in office
19 and hereafter shall be selected in the manner provided by law for each, and each
20 agency hereafter shall serve solely in an advisory capacity to the secretary with
21 respect to policies concerning matters within the purview of each as originally
22 created.

23 * * *

24 §918. Transfer, Lake Fausse Point, Lake Dauterive, and Grande Avoille Cove
25 Advisory Board

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

30 * * *

1 §921. Transfer, merger and consolidation of functions

2 A. The powers, duties, functions, responsibilities, programs, and operations
3 as vested by the constitution and laws of the state; of each of the agencies abolished
4 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),~~
5 ~~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),~~
6 ~~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),~~
7 ~~R.S. 36:651(K), R.S. 36:744(E), and R.S. 36:769(E),~~ 109(G), 209(H), 259(F),
8 409(F), 459(C), 509(F), 610(C), 651(H) and (K), 744(E), and 769(E) upon and after
9 the date of each such abolition shall be exercised and performed by and be under the
10 administration and control of the secretary of the department to which such powers,
11 duties, functions, and responsibilities are transferred. The secretary shall assign
12 those functions of each which are required to be performed and administered by the
13 undersecretary of each department, as heretofore provided for each department by
14 this Title, to the undersecretary.

15 * * *

16 Section 12. R.S. 37:3103(A)(3.1) and 3134 are hereby amended and reenacted to
17 read as follows:

18 §3103. Definitions of terms

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

21 * * *

22 (3.1) "Auction house", "auction company", and "auction business" are
23 synonymous and interchangeable terms and mean any entity, whether a sole
24 proprietorship, partnership, limited liability partnership, limited liability company,
25 corporation, or any other legal entity defined by the board, which arranges, manages,
26 sponsors, advertises, or carries out two or more auctions within any twelve-month
27 period and which regularly represents that goods are sold at auction. However, a
28 public livestock auction business which exclusively auctions livestock and which is
29 regulated as a public livestock market by the Louisiana ~~State Livestock Sanitary~~
30 Board of Animal Health pursuant to R.S. 3:2091 et seq. shall not be defined as an

1 auction business for purposes of this Chapter. "Auction house," "auction company,"
 2 and "auction business" shall not mean an entity which sells property through an
 3 Internet-based trading platform unless such entity's activities constitute an "auction"
 4 as defined in Paragraph (3) of this Subsection.

5 * * *

6 §3134. Livestock auctioneers

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

12 * * *

13 Section 13. R.S. 39:1593.1(B) is hereby amended and reenacted to read as follows:

14 §1593.1. Group purchasing

15 * * *

16 B. Prior to the award of ~~the~~ such contract, the proposed contract shall be
 17 approved by the commissioner of administration provided he determines the total
 18 cost to be less than the state procurement prices and that the contract is in the best
 19 interest of the state.

20 * * *

21 Section 14. R.S. 40:2009.1(C)(2)(d) is hereby amended and reenacted to read as
 22 follows:

23 §2009.1. Rules and regulations; nursing home advisory committee

24 * * *

25 C.

26 * * *

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

28 * * *

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

3 * * *

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

6 §17. Exceptions to open meetings

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

9 * * *

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

14 * * *

15 §66. Exemptions

16 * * *

17 C. Nothing in this Part shall be construed to prohibit a municipal officer or
18 employee from holding another municipal office or employment as authorized by
19 ~~Subsection C of Section 381 of Title 33 of the Louisiana Revised Statutes of 1950~~
20 R.S. 33:381(C).

21 * * *

22 §1119. Nepotism

23 * * *

24 C.

25 * * *

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

28 * * *

1 §1123. Exceptions

2 This Part shall not preclude:

3 * * *

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

6 * * *

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

19 * * *

20 Section 16. R.S. 56:1699(C)(introductory paragraph) is hereby amended and
21 reenacted to read as follows:

22 §1699. Chicot State Park, special facilities camp for handicapped; creation; advisory
23 committee; programs; use

24 * * *

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

29 * * *

1 Section 17. R.S. 17:3138, Chapter 10 of Title 25 of the Louisiana Revised Statutes
2 of 1950, comprised of R.S. 25:571 through 576, and R.S. 25:802(3), (4), (10), and (11), R.S.
3 35:396, R.S. 36:4.1(D)(18), 53(E), 109(A), 209(A), (H)(9) and (14), and (AA), 239(A) and
4 (B)(3) and (5), 259(A), (C)(24), (E)(22), (F)(8),(15), and (19), and (I)(4), 309(A) and (C)(3),
5 359(A), 408(B)(3), 409(A) and (J)(2), 459(A), 478(A), (B), and (H)(8), (9), (10), and (11),
6 509(A), (E), (F)(1), and (G), 610(A), 629(A) and (C)(4), 650(B), 651(A), (K), (N), and (V),
7 744(A), 769(A), (D)(3) and (5), (E), and (K), 802.4, 802.8, R.S. 37:3601, and Act No. 16 of
8 the 1960 Regular Session of the Legislature are hereby repealed in their entirety.

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

11 Section 19. It is the intent of the legislature in enacting this Act that the Acts that
12 originated as House Bills Nos. 94, 372, 373, 565, 626, and 640 and Senate Bills Nos. 62, 87,
13 249, 314, 315, and 384, all of which re-create departments of the executive branch of state
14 government and statutory entities made a part of such departments by law, shall not
15 supersede the provisions of this Act, and such Acts shall not have the effect of continuing
16 any statutory authority repealed by this Act.

17 Section 20.(A) Sections 1 through 17 and Section 19 of this Act and this Section
18 shall become effective on July 1, 2012; if this Act is vetoed by the governor and
19 subsequently approved by the legislature, Sections 1 through 17 and Section 19 of this Act
20 and this Section shall become effective on July 1, 2012, or on the day following such
21 approval by the legislature, whichever is later.

1 (B) Section 18 of this Act shall become effective on September 1, 2012.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____