

The Louisiana House of Representatives



Quick Guide

to

Committee Procedure

in the

House of Representatives

and

Related Committee Information

January, 2020

Baton Rouge, Louisiana

This public document was published by the Louisiana House of Representatives at a total cost of \$963.20. 350 copies were printed by the House Legislative Services, P.O. Box 44486, Baton Rouge, Louisiana 70804, to provide informational materials for the use of the House and House staff under authority of House Rule 3.5. This material was printed in accordance with the standards for printing by state agencies established pursuant to R.S. 43:31.

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to
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Dedicated To

*The leaders, members, and staff of the
Louisiana House of Representatives,
past, present, and future,
who dedicate themselves to improving
and strengthening the legislative institution.*

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INTRODUCTION

Procedure in the committees of the Louisiana House of Representatives includes many traditions, practices, and motions that are repeated time after time. During a meeting, the dialogue that occurs between the committee chairman and a committee member or a witness follows these customary practices and House Rules.

This *Quick Guide to Committee Procedure in the Louisiana House of Representatives and Related Committee Information* is intended as a ready reference to committee procedure, including the actual usual and customary language employed in some of the most common procedures. Rules are cited for convenience in referring to the relevant provisions.

This guide also includes information about other rules and practices that guide committee activities both during the session and the interim. Such matters as schedules, notices, agendas, records, jurisdiction, and interim studies are discussed.

This guide is intended as a quick reference. For detailed information on committee procedure, please refer to the House Rules, particularly Chapters 6, 9, and 14, many of which are cited in this guide.

THE COMMITTEE MEETING

One of the significant responsibilities of the standing committees of the House of Representatives is to conduct public hearings on legislative instruments to determine whether and how the committee will report such instruments to the House. Generally, this occurs during session, but can occur prior to session for prefiled instruments. (*See The Interim, beginning on page 23.*)

The order of business (agenda) of a committee meeting held for such purposes is divided into the following six major parts:

- I. Call to Order
- II. Roll Call
- III. Consideration of Scheduled Legislation
- IV. Other Business
- V. Announcements
- VI. Adjournment

Call to Order and Roll Call

It is the duty of the chairman to assure that the committee proceeds in an orderly manner in accordance with the rules and to keep committee members constantly informed of what will happen next during the meeting. (*See House Rule 14.2 for the duties of the committee chairman and House Rule 14.31 relative to roll call.*)

The usual procedure is:

The Committee Meeting

Chairman: "The chair is about to call the meeting to order. Will committee members please be seated?"

When all committee members are seated, the chairman calls the meeting to order.

Chairman: "The meeting of the House Committee on _____ will now come to order. Secretary please call the roll."

After the secretary calls the roll, she tells the chairman the count of the members present and the chairman announces the number of members present.

Chairman: "There are ____ members present and a quorum."

The chairman may then announce how the committee will proceed to handle its business. For example, he may indicate legislation on the agenda that will not be heard and generally indicate the order in which the legislation on the agenda will be considered. The chairman then indicates to the members and audience the next item of business.

In the absence of a quorum, the committee cannot take any official action. The members present may adjourn, may debate and discuss matters before the committee and receive information and testimony, or, if the meeting is a full committee meeting, may constitute a temporary subcommittee to make recommendations to the full committee. (*See House Rules 14.36 through 14.39 relative to quorum and House Rule 14.30 relative to agenda.*)

Consideration of Legislation

Time limitations

If the agenda is lengthy or if a large number of people wish to offer comments or testimony regarding a piece of legislation on the

agenda, the committee may wish to impose equitable time limitations on presentation, questions, and answers. A committee member may offer a motion to impose limitations or if the committee has adopted a committee rule to such effect, the chairman may impose limitations. This is usually done immediately prior to the discussion of the legislation.

Presentation of Bills

Chairman: "The first bill to be heard is House Bill No. 123 by Representative Blue."

Representative Blue (or his designee) presents the bill with a brief explanation.

Chairman: "Are there any questions for Representative Blue?"

In meetings of the committees of the Louisiana House of Representatives, a member cannot speak without being recognized by the committee chairman or the acting chairman. In order to obtain recognition, the member presses the button next to his microphone to indicate he wishes to speak on the motion or matter before the committee, or to ask a question. The chairman recognizes the members whose names are registered on his console in the order in which the buttons are pressed. The chairman should allow every member the opportunity to ask questions. *(See House Rule 14.6 relative to committee members' rights and privileges.)*

Proponents

The chairman will invite any proponents of the bill to speak by reading their names from witness cards they submit to the committee secretary in advance. The witness cards contain a statement that the witness must sign affirming that his testimony is true and correct. *(See House Rule 14.32.)*

Opponents

After the proponents are finished, those in opposition are allowed to present their case. The chairman will also read their names from the witness cards and invite them to speak. During this process, committee members are allowed to question the witnesses (proponents and opponents).

Amendments

If amendments are offered, the chairman allows discussion of the amendments, and a vote is then taken. Only a member of the committee may offer an amendment. The chairman usually asks the staff to read the amendment to begin the discussion. (Most committees have rules concerning the deadline for amendments to be given to committee staff prior to each meeting.) *(See House Rules 14.7 and 14.43. Also see Amendments and Substitutes beginning on page 11.)*

The usual procedure is:

Chairman: "Representative Yellow has offered an amendment to House Bill No. 123. Is there any discussion on the amendment? (pause) Is there any objection? (pause) Without objection, the amendment is adopted."

or if there is objection

"There is objection. All those in favor of the motion to adopt the amendment will vote yea, those opposed will vote nay. The secretary will call the roll."

After the secretary calls the roll, she tells the chairman the count of the members present and the chairman announces the vote and whether or not the amendment is adopted.

Discussion/Debate

The amended bill is then discussed.

Closing

The author (or his designee) is allowed to make closing remarks on his bill and ask for the committee to report the bill to the House.

Disposition of the Bill

The chairman will then recognize a committee member for a motion on the bill. (No second is necessary for any motion to be considered by a committee.) *(See House Rule 14.35.)*

Reporting the Bill

The usual procedure is:

Rep. Gray: "I move that House Bill No. 123 be reported favorably."

Chairman: "Representative Gray moves that House Bill No. 123 be reported favorably. Are there any objections?"
(pause) Without objection, House Bill No. 123 will be reported favorably." *(All members present are then recorded as voting for the motion.)*

or

Chairman: "Is there any other discussion on the bill? (pause) Representative Yellow offered a motion to report House Bill No. 123 unfavorably; are there any objections? (pause) Representative Green offered a substitute motion to defer House Bill No. 123.

The Committee Meeting

Representative Blue (Bill author), would you request that your bill be deferred until a later date? (If yes) Representative Blue requests that his bill be voluntarily deferred to a later date. (pause). Without objection, the bill is voluntarily deferred."

or

Chairman: "Representative Green moves that House Bill No. 123 be reported favorably, to which Representative Orange objects. Those of you in favor of the bill being reported favorably will vote yea and those opposed will vote nay; the secretary will call the roll."

(Also see Motions and Special Order beginning on page 13.)

After calling the roll for the members to vote on the motion, the secretary tells the chairman the count and the chairman announces the vote.

Chairman: "Five yeas, four nays, and the bill will be reported favorably."

These procedures are repeated for each bill or other instrument until the agenda is cleared. Similar procedures are followed for any other motion offered in a committee meeting.

Other Business

Any other business to be conducted by the committee takes place at this time, such as the adoption of minutes of previous meetings.

Announcements

Any announcements are made at this time.

Adjournment

After the committee has completed its business (or if time does not permit completion of the agenda), a committee member may offer a motion to adjourn. The motion to adjourn may also be made to end committee consideration of the agenda. The motion to adjourn is not debatable. The motion may include the date and time the committee will next convene. Such a motion has to meet the House's fixed schedule of committee meetings. If a substitute motion is made naming a different date or time, the motion for the longest time of adjournment is considered first. The motion to adjourn is not in order when the main question (a motion to adopt an amendment or to report an instrument) has been ordered. (*See House Rules 6.7, 9.6, 9.14A, and 14.20.*)

The usual procedure is:

Rep. Green: "Mr. Chairman, I move to adjourn." *or* "Mr. Chairman, I move that the committee adjourn."

Chairman: "Are there any objections? (pause) Hearing none, the meeting is adjourned."

AMENDMENTS AND SUBSTITUTES

A committee may adopt committee amendments to a bill and report the bill with amendments. The amendments are actually changes the committee **recommends** to the House. Only a member of the committee may offer an amendment for committee consideration. (*See House Rule 14.7.*)

Amendments **must** be germane. (*See Const. Art. III, §15 and House Rule 11.1.*) This means they:

- Must be related to the same subject as the original measure.
- Must be a natural and logical expansion of or addition to the subject matter of the original proposal.
- Must not raise a new, independent matter.

Some committees mandate by committee rule how far in advance (of a meeting) amendments must be given to committee staff in order for the committee to consider them, usually 24 hours prior if the amendments are lengthy or complicated.

Copies of amendments are distributed to each committee member as the designated instrument is heard. In some instances when an amendment is prepared in committee, copies are not furnished but the language is read.

For more extensive changes, committees may report a bill or several bills (including joint resolutions) on the same subject by substitute. (They may do the same for House Resolutions or for House Concurrent Resolutions.) This simply means that the committee recommends a new bill (or resolution, or concurrent resolution) to the House in the place of the one(s) it has considered. Like amendments, a substitute must be germane to

Amendments and Substitutes

the original instrument(s). The rules require that any committee report on a bill or joint resolution originating in the House which would have the effect of striking all material following the enacting clause or the "Be It Resolved" clause shall be by substitute rather than with amendments. The rules also provide for the listing of the original author(s) name(s) on the substitute instrument, with their consent. (*See House Rule 6.12.*)

MOTIONS AND SPECIAL ORDER

Motions

Some of the motions most frequently used in committee are:

- 1) Adopt amendments
- 2) Voluntarily defer (deferred *at* author's request and without objection)
- 3) Involuntarily defer (deferred over author's request that it be otherwise reported)
- 4) Substitute motion (motion offered in place of original motion)
- 5) Report favorably
- 6) Report with amendments (*Improper form*: “favorably with amendments”)
- 7) Report unfavorably
- 8) Report by substitute (substitute bill or resolution)
- 9) Report favorably, with amendments, by substitute, or without action, with recommendation that it be recommitted to the Committee on _____
- 10) Report without amendments if the bill was recommitted pursuant to House Rule 6.8

A bill or resolution may be reported only as provided in motions 5 through 10 above. (*See House Rule 6.11.*) Motions 1 through 4 are used in committee action on the bill prior to determining the committee report. The motion to defer, voluntarily or involuntarily, also ends consideration of the bill. (*See House Rule 6.10(B)*). Voluntary deferral occurs when the author or member handling the measure requests to defer. When the instrument is voluntarily deferred without objection of a committee member, it can be rescheduled for hearing in the same manner as all other bills referred to the committee. When the author or member handling the instrument requests that an instrument be reported, but the committee votes to defer it, the instrument is involuntarily

Motions and Special Order

deferred. In order for an involuntarily deferred instrument to be rescheduled, a motion to reschedule it must be adopted by 2/3 of the members present and voting at a subsequent meeting. The motion must be offered by a member who voted on the prevailing side of the motion to defer. The instrument cannot be heard before other bills for which a hearing has been requested.

Special Order

After it has been reported by a committee, each legislative instrument reported favorably, or with amendments, or by substitute is considered by the full House (unless the House does not accept the committee recommendation).

The standard order of placement of bills on the calendar is set by House Rule 8.8(A): "After being reported by a committee, each House instrument shall take precedence in the order of its maturing by day; that is, instruments shall take precedence in numerical order by day of report by committee and thereafter in the order otherwise advanced to further action by the House."

Generally, the order of business can not be postponed or changed except by a two-thirds vote of the members present and voting. The rules also provide, however, for exceptions to the standard order of business. A bill may be made *Special Order* for a particular day if the committee reporting the bill makes such a recommendation and the full House, by majority of those present and voting, agrees. The House can make a bill *Special Order* without a committee recommendation by suspending the rules. The practical effect of *Special Order* is that the bill is heard on the day established when it is made *Special Order*. (See House Rules 6.11(A)(4), 8.4, 8.5, and 8.6.)

RELATED DOCUMENTS

There are a number of documents related to committee procedure. This discussion briefly explains some of those documents.

Committee Rules

House Rules authorize standing committees to adopt rules to govern their procedure provided they are consistent with House Rules. Prior to each session meeting, committee members receive a meeting folder that includes an agenda for the meeting, a copy of each bill on the agenda, and a copy of the committee's rules. These rules are enforced at the chairman's discretion. *(See House Rules 14.1. and 14.2(7))*

Weekly Schedule

The Weekly Schedule is a list of bills to be heard at a committee's meeting(s) for the upcoming week. A copy will be delivered to each committee member's desk on the floor, as well as being posted in various locations in the building. It is also available on the Legislature's website on the Internet. The committee can delete items from the weekly schedule when the meeting notice is prepared, but cannot make additions without a rule suspension. *(See House Rules 14.23 and 14.24.)*

Author Notices

When a bill is scheduled for a committee hearing, the committee secretary will present to the author for signature an author notice advising the author as to when the bill is scheduled for hearing. A copy of the bill and author notice will be left with the author at that time as a reminder. The committee cannot take up a House Bill unless the author or coauthor is present or has given written consent to the committee. *(See House Rule 14.12)*

Meeting Notice

The day before a committee meeting, a meeting notice will be delivered to each committee member's desk on the floor, along with a folder that includes an agenda and copies of each bill scheduled to be heard at the committee meeting. This will afford each member the opportunity to review those instruments in advance in order to move the discussion along quickly; this is important since the agenda for a meeting may be quite lengthy. Changes to the notice can only be made with a rule suspension. The notice is also filed with the House Clerk and posted at various locations as required by the House Rules. It also appears on the Legislature's website on the Internet. (Notices of non-session committee meetings are sent to members seven days prior to the meeting.) *(See House Rules 14.24 through 14.29.)*

Agenda

The agenda will list all instruments being heard by the committee, along with any other business scheduled to come before the committee at that particular meeting. A copy of the agenda is included in each committee member's meeting folder. *(See House Rule 14.30.)*

Fiscal/Actuarial Notes

Fiscal notes estimate the fiscal effect of the legislation. Most are prepared by the Legislative Fiscal Office, though the legislative auditor prepares certain fiscal notes for local entities and certain state entities to which state funds are not appropriated. Actuarial notes are prepared by the legislative actuary (in the legislative auditor's office) to estimate the financial and actuarial effect of legislation on state, municipal, or parochial retirement systems. *(See House Rules 7.16 and 7.17 and Joint Rule 4.)*

Witness Cards

Witness cards are required to be completed in advance by persons wishing to present testimony during a hearing or record their position on a bill.

The witness cards contain a statement the person must sign affirming that his testimony is true and correct. The person is then considered to be under oath while providing such testimony before the committee.

The cards are given to the committee secretary, who presents them to the chairman at the appropriate time. *(See House Rule 14.32.)*

Roll Call and Record Vote Forms

Roll call and Record Vote Forms are used to indicate which committee members are present at the meeting and their respective votes on each matter brought before the committee. Every roll call vote and every motion adopted is recorded on a roll call and record vote form. If the motion adopted without objection each member present is recorded as voting for the motion. *(See House Rule 14.43.)*

Committee Report

After each committee meeting, the committee staff prepares a report of any action taken on the legislative instruments (bills and resolutions) heard at the meeting and the report is presented to the Clerk and usually will be read prior to adjournment of that afternoon's session. *(See House Rule 6.11.)*

Minutes

Minutes are prepared as soon as possible after each meeting and, after an editing and proofing process, are made available to the

Related Documents

committee members. The minutes must be adopted by the committee. The minutes constitute a written report of the committee proceedings and are permanent, public records. (*See House Rules 14.47 and 14.48.*)

Per Diem Sheets

During each interim meeting each committee member will be presented a per diem sheet for signature. The per diem sheet is sent to House Accounting by the committee secretary. If any information is incorrect, the member should contact the House Accounting office.

Meeting Video

Live and archived video recordings of committee meetings conducted within the State Capitol are available on the Internet.

COMMITTEE INFORMATION

Committee Jurisdiction

House Rule 6.6 of the Rules of Order of the House of Representatives lists the subject matter jurisdiction of the standing committees. This governs which legislative instruments, messages, petitions, memorials, and other matters will be referred to each committee.

Seating

The seating arrangement for committee members is established at the beginning of each term and remains generally the same so that the names of members (which are entered into a computer system that operates the committee room audio/video equipment) will appear at the proper seats. If a member does not find the committee room seating arrangement satisfactory, he or she should contact the committee chairman or secretary.

Filing of Prepared Statements

House Rule 14.33 permits any interested person or committee member to file with a committee a prepared statement concerning legislation or a matter within the committee's scope of authority and requires that the committee records reflect receipt of such statement and the date and time received. This rule also requires a person who files a prepared statement which contains data or statistical information to include in the statement sufficient information to identify the source of the data or statistical information. "Source" means a publication, website, person, or other source from which the data or statistical information was obtained by the person who prepared the statement.

THE INTERIM

A major factor in the effectiveness of the Louisiana Legislature is how well the standing committees use the interim between legislative sessions. The constitutional convention which wrote the new constitution had some understanding of this when it incorporated into the very first section of the legislative Article the language: "The legislature is a continuous body during the term for which its members are elected" The time between sessions is used for committees to study issues and problems and conduct oversight within their subject matter jurisdictions. Committees may also conduct hearings on prefiled legislation before the session convenes.

Committee studies can be generally placed into one of two main categories though a study may incorporate aspects of more than one type of study. These categories are:

- Those that are intended to *explore an issue or problem* looking toward policy and program development, and often toward development of legislation.
- Those that are in the nature of *oversight*, seeking to determine whether legislation is being implemented as intended, whether a program is carrying out its purpose, whether an agency is functioning as it should, and whether proposed rules should or should not be adopted.

Studies of Problems and Issues

The most typical type of legislative study is an examination of a problem or issue to seek a solution or a study of the feasibility or advisability of implementing a particular program or practice which is seen as an answer to a problem. These studies examine the nature of the problem and various proposed solutions and often result in proposed legislation.

Oversight Studies

Statutes and legislative rules provide for a number of standing committee activities which are in the nature of legislative oversight. These include:

- Review of administrative rules.
- Sunset reviews of agencies and departments.
- Program review or evaluation.

The Louisiana *Administrative Procedure Act* (APA - R.S. 49:950 et seq.) provides for rulemaking by executive branch agencies. These provisions include procedures for ***review of proposed rules*** by the appropriate standing committees of both houses. If the standing committee having jurisdiction finds a proposed rule unacceptable and so reports to the governor, and if within 10 days thereafter the governor does not disapprove the committee action, the rule cannot be adopted by the agency. If a committee takes no action in the time provided by law, the rule can be adopted. The law requires prior submission of all rules to the specified standing committee by the agency with a report citing authority for the rule and the reasons for it. It also requires a report of the agency hearing on the rule, comments received by the agency, a revision of the rule if changes are made or a statement that no changes have been made, and a statement of the reasons for and against any such changes. The rule is void if procedures for adoption are not in substantial compliance with the APA procedures for adoption. The committee, in evaluating the proposed rule, determines if it conforms to legislative intent and whether it is advisable and has merit. (See R.S. 49:968.) The APA also provides for review of emergency rules which have been adopted by agencies, provided such review occurs within 60 days after adoption. (See R.S. 49:953.)

The ***Sunset Law*** (R.S. 49:190 et seq.) provides that all agencies in executive branch departments will be abolished on certain specified dates unless re-created by the legislature prior to their termination dates.

Standing committees having subject matter jurisdiction are required to evaluate the agencies and their programs and determine whether they should continue in existence. Committees may select particular agencies or programs for in-depth study. The committees are required to make a report of their findings and may recommend changes in an agency rather than terminating it. The law provides criteria and guidelines for committee study.

Joint Rule 16 of the Joint Rules of the Senate and House of Representatives requires each standing committee of the Senate and House to "*conduct legislative oversight of the administration of laws and programs by agencies supported entirely or partially by state funds.*" It gives each standing committee responsibility for oversight of those statutory entities for which the respective committee has jurisdiction in accordance with the rules of the respective house.

Program review can be described as concentrated, in-depth study and evaluation of a particular program of state government to determine: 1) whether it accomplishes its intended purposes; 2) whether it is conducted as effectively and efficiently as possible in terms of services rendered, benefits achieved, purposes accomplished, and economic costs; 3) whether the program should be modified or eliminated; and 4) what specific changes should be made in the program.

Planning the Interim for Each Committee

Regardless of the type of study, thorough planning will pay off in more interesting and productive meetings, better attendance, better and more on-point information and testimony, more organized and efficient decisions on findings and recommendations, and more informed decisionmaking.

The planning process may even serve as a means of getting affected parties talking to each other and can be instrumental in problem solving.

Planning the committee’s interim work includes:

- Deciding what the committee will study
- Planning each study
- Putting together the overall plan

Each House committee must submit the estimated costs for its proposed interim activity to the Speaker for approval. *(See House Rule 14.16.)*

Pre-Session Consideration of Prefiled Legislation

House Rules provide for prefiling of legislation and also allow committees to consider such legislation prior to the session. Prefiling and presession hearings are intended to allow more time for committee hearings, particularly for complex and controversial matters, and to relieve the busy committee agendas during session. The earliest time for presession hearings on prefiled legislation is the third Monday in January prior to session. Provisions for referral of instruments and objections thereto and for an Interim Calendar and notice of referral and committee hearings are included in the rules. In general, committee procedure is the same for such hearings as it is during the session.

If the committee determines its report at a pre-session hearing, then during the session the committee must report the bill in the same way, unless the committee requests permission to change its report and the House permits the change, all within certain time frames. If a committee determines its report to the House on a prefiled instrument at a pre-session hearing, the House Rules specifically authorize the author of the instrument or another House member, once the session has convened, to move to discharge the committee from further consideration of the instrument. (*See House Rules 6.11(C)(2), 7.2, and 14.19.*)

HOUSE LEGISLATIVE SERVICES

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EXECUTIVE DIRECTOR'S OFFICE

7th Floor. (225) 342-0375

GOVERNMENTAL AFFAIRS DIVISION

8th and 7th Floors. (225) 342-2399

- Education Committee
- House & Governmental Affairs Committee
- Retirement Committee
- Municipal, Parochial & Cultural Affairs Committee
- Central Staff

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