

2020 Regular Session

HOUSE BILL NO. 6

BY REPRESENTATIVE GREGORY MILLER

STATE AGENCIES: Provides relative to reports by executive branch agencies

1 AN ACT

2 To amend and reenact R.S. 49:1401, relative to reports by agencies in the executive branch
3 of state government; to repeal provisions providing for the automatic expiration of
4 requirements for such reports and related provisions for extending such
5 requirements; to provide for notification concerning such reports; to provide for
6 evaluation of reporting requirements by legislative committees; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 49:1401 is hereby amended and reenacted to read as follows:

10 §1401. Reports of the executive branch

11 A. ~~Except as provided in Subsection C of this Section, a legislative mandate~~
12 ~~to produce any report required of an executive branch agency first occurring on or~~
13 ~~after July 1, 2018, shall expire on the July first following the fifth regular session~~
14 ~~after the mandate was approved by the legislature.~~

15 B. ~~Except as provided in Subsection C of this Section, a legislative mandate~~
16 ~~to produce any report required of an executive branch agency first occurring on or~~
17 ~~before June 30, 2018, shall expire on the July first following June 30, 2019, in the~~
18 ~~earliest year that is a multiple of five years after the mandate was initially approved~~
19 ~~by the legislature.~~

1 ~~C. The standing committees having jurisdiction over the agency tasked with~~
2 ~~producing the report may extend the mandate for an additional five years by an~~
3 ~~affirmative vote of the majority of each committee at any time before the July first~~
4 ~~on which the mandate is set to expire.~~

5 ~~D. The~~ Not later than January 1, 2022, and every fourth year thereafter, each
6 ~~executive branch agency tasked with producing the report~~ required by law to produce
7 ~~one or more reports shall, not later than the January first immediately preceding the~~
8 ~~expiration date, notify the committees of the pending expiration of the mandate via~~
9 ~~electronic mail. The notification~~ submit to the speaker of the House of
10 ~~Representatives and the president of the Senate a notice which~~ shall include at a
11 ~~minimum~~ the following for each required report:

12 (1) ~~a~~ A ~~citation of the original mandate law requiring the agency to produce~~
13 ~~the report, a copy of the most recent report, and.~~

14 (2) ~~an~~ An ~~estimate of the agency resources including costs expended in~~
15 ~~producing the report.~~

16 (3) The opinion of the agency regarding the continued necessity of the
17 ~~report.~~

18 B. The speaker of the House of Representatives and the president of the
19 ~~Senate shall each promptly forward the notice to the appropriate standing committee~~
20 ~~of his house. If the speaker of the House of Representatives or the president of the~~
21 ~~Senate determines that the notice contains one or more reports that should be~~
22 ~~reviewed by different standing committees of his house, he shall promptly notify in~~
23 ~~writing the appropriate standing committees of this determination and forward the~~
24 ~~notice to the standing committees.~~

25 C. Each standing committee that receives a notice shall evaluate the
26 ~~necessity for the continuation of the requirement for the agency to produce the~~
27 ~~report. The standing committees of the two houses performing the evaluation of the~~
28 ~~same report may meet jointly to perform the evaluation. If a standing committee~~

1 finds that a requirement to produce a report should terminate, the committee shall
 2 cause legislation to be introduced to repeal the requirement.

3 Section 2. This Act shall become effective upon signature by the governor or, if not
 4 signed by the governor, upon expiration of the time for bills to become law without signature
 5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 7 effective on the day following such approval.

DIGEST

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

HB 6 Reengrossed

2020 Regular Session

Gregory Miller

Abstract: Repeals provisions providing for the automatic expiration of requirements for reports by executive branch agencies and instead requires evaluation of the necessity for the reports by standing committees of the legislature.

Present law (R.S. 49:1401) provides that a legislative mandate for an executive branch agency to produce a report expires five years after legislative approval of the mandate. Requires the producing agency to notify the legislature of the impending expiration. Authorizes the standing committee with jurisdiction over the producing agency to extend a mandate for an additional five years. Provides for the first reports to expire July 1, 2019.

Proposed law repeals present law.

Present law requires the executive branch agency tasked with producing a report to notify the committees of the pending expiration of the mandate no later than the Jan. 1st immediately preceding the expiration date. Requires the notification to include at a minimum a citation of the original mandate requiring the report, a copy of the most recent report, and an estimate of the agency resources including costs expended in producing the report.

Proposed law instead requires each executive branch agency required by law to produce one or more reports to submit a notice to the speaker of the House of Representatives and the president of the Senate. Requires the notice to be submitted no later than Jan. 1, 2022, and every fourth year thereafter. Requires the notice to include at a minimum a citation of the law requiring the agency to produce the report, an estimate of the agency resources including costs expended in producing the report, and the opinion of the agency regarding the continued necessity of the report.

Proposed law requires the speaker and the president to each promptly forward the notice to the appropriate standing committee or committees of his house.

Proposed law requires each standing committee that receives a notice to evaluate the necessity for the continuation of the requirement for the agency to produce the report. If a standing committee finds that a requirement to produce a report should terminate, proposed law requires the committee to cause legislation to be introduced to repeal the requirement.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 49:1401)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Require the agency to give its opinion regarding the continued necessity of the report rather than its determination regarding the same.