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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier I. Alexander.

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DIGEST

SB 456 Original 2024 Regular Session Pressly

Present law provides for the Occupational Board Compliance Act.

Proposed law changes the name of the Act in present law to the Occupational Board and Commission Compliance Act.

Proposed law creates the Louisiana Regulatory and Advisory Board Review Commission (review commission).

Present law provides that "active supervision" includes but is not limited to the Occupational Licensing Review Commission's responsibilities to do all of the following:

- (1) Review the substance of an occupational regulation proposed by any occupational licensing board.
- (2) Approve or disapprove with suggested amendments, or allow an occupational licensing board to withdraw for revision an occupational regulation to ensure compliance with state policy.

Proposed law retains present law except provides that "active supervision" includes but is not limited to review commission's responsibility to do the following:

- (1) Review the substance of an occupational regulation proposed by any occupational licensing board.
- (2) Approve or disapprove with suggested amendments, or allow an occupational licensing board to withdraw for revision an occupational regulation to ensure compliance with state policy.
- (3) Conduct a sunset review of every state board and commission at least once every four years.
- (4) Determine whether each state board or commission issuing an license fulfills a legitimate health, safety, welfare, or fiduciary objective.

Present law provides that provisions of present law are not applicable to occupational licensing boards that are not controlled by active market participants.

Proposed law retains present law as it relates to applicability.

Proposed law provides that all statutory boards and commissions in this state shall begin to terminate

their operations on July 1, 2028, and all legislative authority for the existence of any board or commission shall cease as of July 1, 2029.

Proposed law provides that the review commission shall perform the review to determine if the board or commission fulfills a legitimate health, safety, welfare, or fiduciary objective and whether the board or commission be continued, modified, or terminated.

Proposed law provides that the review commission shall notify the board or commission of the termination dates and provide the board or commission with a tentative schedule of the review. Further provides that after receipt of the notice of termination and review from the review commission, each board and commission shall provide the review commission with the following information:

- (1) All powers, functions, and duties currently performed by the board or commission under review.
- (2) All constitutional, statutory, or other authority under which the powers, functions, and duties of the board or commission under review are performed and carried out.
- (3) Any powers, functions, or duties which, in the opinion of the board or commission under review, are being performed or duplicated by another board, commission, statutory entity, or political subdivision within the state, including the manner in which this duplication of efforts is occurring and any other recommendation to eliminate the duplication.
- (4) Any powers, functions, or duties which, in the opinion of the board or commission under review, are inconsistent with current and projected public needs and which should be terminated or altered.
- (5) The identity of any problems or any programs of the board or commission to which, in the opinion of the board or commission, the review commission should give particular study.
- (6) A strategic plan, master plan, operating plan, and other planning documents including performance measures.
- (7) All performance audits or studies performed by the legislative auditor within the last five years and a description of actions in response to finding of such audits or studies.
- (8) The identity, amount, and description of each professional, personal, or consulting service contract entered into by the board or commission under review.
- (9) The identity of each report the board or commission is required by law to produce, including the citation of the law requiring the report, an estimate of board or commission resources expended to produce the report and the opinion of the board or commission regarding the continued necessity of the report.

- (10) Any other information which the review commission in its discretion feels is necessary and proper in performing its review and duties.

Proposed law provides that the review commission shall use factors set forth in proposed law for the purpose of achieving the following:

- (1) The elimination of inactive boards or commissions.
- (2) The elimination or consolidation of boards and commissions, programs, or activities that duplicate other governmental entities, programs, or activities.
- (3) The elimination of unnecessary boards or commissions, which no longer serve the public interest.
- (4) The elimination or improvement of inefficient or ineffective boards or commissions.
- (5) The elimination or revision of boards or commissions that are inconsistent with the intent of legislation authorizing the entity, program, or activity.

Proposed law provides that prior to the final adjournment of the regular legislative session convening in the odd-numbered year, two years prior to the year in which the applicable termination date occurs the review commission shall conduct a review of proposed law to determine whether or not proposed law shall be introduced to continue or modify the appropriate statutory boards or commissions.

Proposed law requires the review commission to hold public hearings to receive testimony, from the appropriate board or commission. Further provides that at the public hearing, the board or commission shall have the burden of demonstrating whether the board or commission fulfills a legitimate health, safety, welfare, or fiduciary objective for its continued existence and demonstrate that its objectives, programs, and activities are consistent with legislative intent and effectively achieve this intent.

Proposed law requires the review commission to submit their final report to the legislature and governor by March first before the regular legislative session in the year prior to the applicable termination date. Further provides that the report shall include a summary of its findings.

Proposed law provides that the report shall recommend termination, continuation, or modification of the appropriate board or commission, including proposals of reorganization, consolidation, or transfer of duties of the board or commission.

Proposed law provides that if the review commission finds that a board or commission should terminate as scheduled, then the review commission's report shall include proposed legislation to conform related laws to the termination of that board or commission.

Proposed law provides that if the review commission finds that a board or commission shall be continued or modified, then the review commission's report shall include proposed legislation

necessary to accomplish continuation or modification.

Proposed law provides that if the review commission finds that changes in a particular activity of the board or commission is needed, the report shall include proposed legislation necessary to accomplish such changes.

Proposed law requires the review commission's report to include an evaluation of whether the objectives of the entity for the next four years and measures for performance for these objectives are consistent with statutory authority or requirements of the entity.

Proposed law provides that no recommendation of the review commission shall be submitted in the report unless the recommendation is approved by the majority of the members of the review commission.

Proposed law provides that a bill authorizing the re-creation of boards or commissions may be introduced and requires the bill to be referred to the Senate Committee on Commerce, Consumer Protection and International Affairs and the House Committee on Commerce. Further provides that the bill shall contain a termination date for the board or commission being re-created no more than four years from its effective termination date.

Proposed law requires the board or commission to begin to phase out its operations on the date set forth in proposed law and the legislative authority for the board or commission shall cease on the following July first, unless the legislature enacts the bill to continue or modify the board or commission.

Proposed law provides that if the bill authorizing re-creation of the board or commission does not become law, the statutes creating and continuing the board or commission shall be construed as repealed on the applicable termination date fixed pursuant to this proposed law.

Proposed law provides that no funds shall be appropriated or made available from any source to any board or commission after the applicable termination date of the board or commission, unless it has been re-created in accordance with proposed law.

Proposed law provides that the review commission may request assistance of the Legislative Fiscal Office and the legislative auditor to compile pertinent information about the board or commission under review.

Effective August 1, 2024.

(Amends R.S. 37:41, 43, and 45; adds R.S. 37:45.1)