

Regular Session, 2013

HOUSE BILL NO. 156

BY REPRESENTATIVES SCHEXNAYDER, TIM BURNS, CARTER, HARRISON,
HENSGENS, NANCY LANDRY, LEGER, LORUSSO, MILLER, NORTON, AND
PUGH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 3:3712(D)(4), R.S. 17:17.1(C)(1) and 17.5(D)(1), R.S.
3 39:15.3(B)(1), R.S. 40:1058.3(Section heading), 1235(A)(2)(c) and (3), 1235.1(A)(2)
4 and (B)(1), and 1300.104(B)(introductory paragraph) and (1), R.S. 49:1301 and
5 1304(B), R.S. 56:632(B) and 633(F) and to repeal Section 2 of Act No. 701 of the
6 2010 Regular Session of the Legislature, Chapter 3-E of Title 3 of the Louisiana
7 Revised Statutes of 1950, comprised of R.S. 3:299, R.S. 11:108, R.S. 17:17.3(C)(5),
8 17.4(C)(2), 17.5(D)(2), and 1519.13, R.S. 36:4(B)(14), 259(D)(2), (M), and (R),
9 459(D), 610(B)(9) and (G)(1), 629(M), and 919.10, R.S. 39:15.4 through 15.6,
10 Subpart P-4 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana
11 Revised Statutes of 1950, comprised of R.S. 39:100.111 through 100.117, R.S.
12 40:1058.3(C)(4), 1235(A)(4), 1300.103(2), and 1300.105, Chapter 46 of Title 46 of
13 the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2611 through 2613,
14 and R.S. 56:333.2 and 632.8, relative to boards, commissions, authorities, districts,
15 and like entities; to provide relative to the functional organization of state
16 government by abolishing certain boards, commissions, councils, authorities, and
17 like entities; to transfer certain powers, functions, and duties; to remove references
18 to certain abolished entities; to remove references to, provisions for, and the powers,
19 functions, and duties of the Academic Advisory Council, Ambulance Standards
20 Committee, Commission on Men's Health and Wellness, Emergency Medical
21 Services for Children Advisory Council, Funding Review Panel, Louisiana Bio-Fuel
22 Panel, Louisiana Council on Obesity Prevention and Management, Louisiana

1 Information Technology Advisory Board, Louisiana Postsecondary Education
 2 Information Technology Council, Louisiana Sustainable Local Food Policy Council,
 3 Louisiana Technology Advisory Group, Methadone Maintenance Program Needs
 4 Assessment Task Force, Mullet Task Force, Post Employment Benefits Trust Fund
 5 Board of Trustees, Reptile and Amphibian Task Force, and Uniform Grading Scale
 6 Task Force; to provide relative to provisions of law that require certain information
 7 regarding boards, commissions, and like entities to be filed with the commissioner
 8 of administration; to provide relative to the duties of the commissioner of
 9 administration relative to such provisions; to provide for the content of such
 10 information; to provide deadlines; to provide for the evaluation of boards,
 11 commissions, and like entities that fail to comply with such deadlines; and to provide
 12 for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 **Academic Advisory Council**

15 Section 1. R.S. 17:1519.13 is hereby repealed in its entirety.

16 **Ambulance Standards Committee**

17 Section 2.(A) R.S. 40:1235(A)(2)(c) and (3) and 1235.1(A)(2) and (B)(1) are hereby
 18 amended and reenacted to read as follows:

19 §1235. Qualifications to operate ambulances; equipment; penalty

20 A.

21 * * *

22 (2)

23 * * *

24 (c) No individual shall provide services in any capacity on any ambulance
 25 without holding an American Heart Association Health Care Provider, or American
 26 Red Cross Professional Rescuer, or the equivalent cardio-pulmonary resuscitation
 27 certification that has been approved by the ~~Ambulance Standards Committee~~
 28 Department of Health and Hospitals.

29 * * *

1 (3)(a) The Department of Health and Hospitals shall promulgate rules and
2 regulations establishing a list of required medical and safety equipment which shall
3 be carried as part of the regular equipment of every ambulance. No person shall
4 conduct, maintain, or operate an ambulance which does not carry with it, in fully
5 operational condition, all of the equipment included in the list, which shall be
6 consistent with the scope of practice for emergency medical technicians established
7 in R.S. 40:1234 ~~and which shall be based upon the recommendations of an advisory~~
8 ~~committee known as the Ambulance Standards Committee.~~

9 (b) After its initial establishment, the list shall be subject to review after four
10 years and at any time thereafter. The list shall not be changed more often than once
11 every four years. However, nothing in this Paragraph shall prohibit the department
12 from supplementing the list with state-of-the-art, newly developed devices,
13 equipment, or medications ~~approved by the Ambulance Standards Committee~~ that
14 may be carried in lieu of other items on the list.

15 * * *

16 §1235.1. Qualifications to operate emergency medical response vehicles; vehicle
17 requirements; equipment; penalties

18 A.

19 * * *

20 (2) No person shall provide services in any capacity on an emergency
21 medical response vehicle unless he is at least a licensed emergency medical
22 responder, or a holder of a certificate of licensure as a registered nurse or licensed
23 practical nurse, or is a physician or surgeon licensed to practice medicine by the
24 Louisiana State Board of Medical Examiners, a licensed respiratory therapist, a
25 licensed nurse practitioner, a licensed physician assistant, or a licensed occupational
26 therapist. No person shall provide services in any capacity on these vehicles without
27 holding an American Heart Association Health Care Provider, or American Red
28 Cross Professional Rescuer, or the equivalent cardio-pulmonary resuscitation
29 certification that has been approved by the ~~Ambulance Standards Committee~~
30 Department of Health and Hospitals.

1 B. No person shall conduct, maintain, or operate an emergency medical
 2 response vehicle as an emergency vehicle which:

3 (1) Does not carry with it as part of its regular equipment the list of
 4 equipment for emergency medical response vehicles as prescribed in rules and
 5 regulations promulgated by the Department of Health and Hospitals ~~based on the~~
 6 ~~recommendations of the Ambulance Standards Committee of the Emergency~~
 7 ~~Medical Services Task Force as established by the assistant secretary of the office~~
 8 ~~of public health.~~ This list shall be based upon the recommendations of the American
 9 College of Surgeons as provided in R.S. 40:1235(A)(3). The list shall be consistent
 10 with the scope of practice for emergency medical technicians established in R.S.
 11 40:1234. After initial promulgation, such list shall be subject to review after four
 12 years and anytime thereafter. The list shall not be changed more often than once
 13 every four years. However, nothing shall preclude the Department of Health and
 14 Hospitals from supplementing the list with state of the art, newly developed devices,
 15 equipment, or medications ~~approved by the Ambulance Standards Committee of the~~
 16 ~~Emergency Medical Services Task Force~~ that may be carried in lieu of other items
 17 on the list of equipment.

18 * * *

19 (B) R.S. 36:259(M) and R.S. 40:1235(A)(4) are hereby repealed in their entirety.

20 **Commission on Men's Health and Wellness**

21 Section 3. The Commission on Men's Health and Wellness, created by Senate
 22 Concurrent Resolution No. 8 of the 2004 Regular Session of the Legislature, is hereby
 23 abolished.

24 **Emergency Medical Services for Children Advisory Council**

25 Section 4.(A) R.S. 40:1300.104(B)(introductory paragraph) and (1) are hereby
 26 amended and reenacted to read as follows:

27 §1300.104. Emergency Medical Services for Children Program; establishment;
 28 administration; functions

29 * * *

1 B. The secretary shall hire a full-time coordinator for the EMSC program in
2 ~~consultation with, and by the recommendation of, the advisory council,~~ who:

3 (1) Shall implement the EMSC program ~~following consultation with, and at~~
4 ~~the recommendation of, the advisory council. The coordinator shall serve as a~~
5 ~~liaison to the advisory council.~~

6 * * *

7 (B) R.S. 36:259(R) and R.S. 40:1300.103(2) and 1300.105 are hereby repealed in
8 their entirety.

9 **Funding Review Panel**

10 Section 5. R.S. 11:108 is hereby repealed in its entirety.

11 **Louisiana Bio-Fuel Panel**

12 Section 6.(A) R.S. 3:3712(D)(4) is hereby amended and reenacted to read as follows:
13 §3712. Purchase of feedstock by operators of renewable fuel manufacturing
14 facilities; notice requirements; annual report

15 * * *

16 D.

17 * * *

18 (4)(a) In an effort to enable the renewable fuel plants in operation in
19 Louisiana to systematically increase the use of Louisiana crops as feedstock over
20 time as provided in this Subsection, the provisions of R.S. 3:4674, except as it relates
21 to biodiesel, shall not be effective until six months after the average wholesale price
22 of a gallon of Louisiana-manufactured ethanol, less any federal alcohol fuel mixture
23 tax credit, is equal to or below the average wholesale price of a gallon of regular
24 unleaded gasoline in Louisiana for a period of not less than sixty days, as determined
25 by the ~~panel established pursuant to Subparagraph (b) of this Paragraph~~
26 commissioner of agriculture and forestry.

27 (b) ~~The Louisiana Bio-Fuel Panel is hereby established to gather ethanol and~~
28 ~~gasoline pricing information to be used in verifying the provisions of Subparagraph~~

29 (a). ~~The panel shall consist of the following persons, the names of whom shall be~~

1 transmitted to and received by the secretary of the Department of Revenue no later
2 than December 1, 2006:

3 (i) ~~A representative of the Louisiana Farm Bureau Federation, appointed by~~
4 ~~its president.~~

5 (ii) ~~A representative of Louisiana Oil Marketers and Convenience Store~~
6 ~~Association, appointed by the association.~~

7 (iii) ~~An appropriately credentialed member of the faculty appointed by the~~
8 ~~commissioner of higher education from a list of four nominees, one each submitted~~
9 ~~by the president of the Louisiana State University and Agricultural and Mechanical~~
10 ~~College System, the Southern University and Agricultural and Mechanical College~~
11 ~~System, the University of Louisiana System, and the Community and Technical~~
12 ~~College System, respectively.~~

13 (e) In gathering pricing information to be used in making the determination
14 required by Subparagraph (a), the ~~panel~~ commissioner shall rely upon sales in
15 Louisiana and shall utilize recognized information services, including but not limited
16 to the Oil Price Information Service.

17 (d) ~~The panel shall hold its initial meeting no later than January 1, 2007 and~~
18 ~~shall meet at least quarterly thereafter, to make a determination as provided in~~
19 ~~Subparagraph (a), all at the call of the secretary of revenue. At the initial meeting,~~
20 ~~the panel shall elect one of its members as chair. The panel shall meet until it~~
21 ~~determines that the average wholesale price of a gallon of Louisiana-manufactured~~
22 ~~ethanol, less any federal alcohol fuel mixture tax credit, is equal to or below the~~
23 ~~average wholesale price of a gallon of regular unleaded gasoline in Louisiana for a~~
24 ~~period of not less than sixty days, at which time the panel shall dissolve ipso facto.~~
25 ~~The secretary of the Department of Revenue shall also provide for meeting facilities~~
26 ~~and staff for the panel.~~

27 (e) (c) ~~The secretary of the Department of Revenue~~ commissioner shall
28 provide public notice of each such his determination in the Louisiana Register within
29 ten days after the ~~meeting in which the determination was~~ is made.

30 * * *

1 (B) R.S. 36:459(D) is hereby repealed in its entirety.

2 **Louisiana Council on Obesity Prevention and Management**

3 Section 7.(A) R.S. 17:17.1(C)(1) and 17.5(D)(1) are hereby amended and reenacted
4 to read as follows:

5 §17.1. Required physical activity in schools

6 * * *

7 C.(1) An outreach and communication plan consisting of current information
8 and research on health, nutrition, and physical education and fitness issues shall be
9 developed pursuant to the collaborative efforts of the Department of Health and
10 Hospitals; Department of Education; Louisiana State University Health Sciences
11 Center, Pennington Biomedical Research Center; Governor's Council on Physical
12 Fitness and Sports; ~~Louisiana Council on Obesity, Prevention and Management;~~
13 Louisiana Association of for Health, Physical Education, Recreation and Dance; and
14 the American Heart Association.

15 * * *

16 §17.5. Physical fitness assessment; statewide expansion program

17 * * *

18 D.(1) Not later than September first of each year, the Cecil J. Picard Center,
19 in collaboration with the Department of Education, the Department of Health and
20 Hospitals, and the Governor's Council on Physical Fitness and Sports, ~~and the~~
21 ~~Louisiana Council on Obesity Prevention and Management, hereinafter referred to~~
22 ~~as the "Louisiana Obesity Council"~~, shall provide an annual report concerning the
23 implementation of the physical fitness assessment which shall include the findings
24 from an analysis of the plan development and implementation results of the
25 assessment obtained during the preceding school year to the governor, the Senate and
26 House committees on education, the Senate and House committees on health and
27 welfare, and the State Board of Elementary and Secondary Education.

28 * * *

1 (B) R.S. 17:17.3(C)(5), 17.4(C)(2), and 17.5(D)(2), R.S. 36:259(D)(2), and Chapter
2 46 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2611 through
3 2613, are hereby repealed in their entirety.

4 **Louisiana Information Technology Advisory Board and Technology Advisory Group**

5 Section 8.(A) R.S. 39:15.3(B)(1) is hereby amended and reenacted to read as
6 follows:

7 §15.3. Office of information technology; offices and staff; duties

8 * * *

9 B. The chief information officer shall manage and direct the office of
10 information technology, with roles, duties, and activities including but not limited
11 to the following:

12 (1) Overseeing and implementing a state master information technology plan
13 on an annual basis ~~with the advice of the Information Technology Advisory Board,~~
14 ~~the Technology Advisory Group, and the Postsecondary Education IT Council.~~

15 * * *

16 (B) R.S. 36:4(B)(14)(b) and (c) and 39:15.4 and 15.5 are hereby repealed in their
17 entirety.

18 **Louisiana Postsecondary Education Information Technology Council**

19 Section 9. R.S. 36:4(B)(14)(d) and R.S. 39:15.6 are hereby repealed in their entirety.

20 **Louisiana Sustainable Local Food Policy Council**

21 Section 10. Chapter 3-E of Title 3 of the Louisiana Revised Statutes of 1950,
22 comprised of R.S. 3:299, and R.S. 36:629(M) and 919.10 are hereby repealed in their
23 entirety.

24 **Methadone Maintenance Program Needs Assessment Task Force**

25 Section 11.(A) R.S. 40:1058.3 (Section heading) is hereby amended and reenacted
26 to read as follows:

27 §1058.3. Licensing of substance abuse/addiction treatment facilities; applications;
28 fees; disposition of fees; moratorium on methadone maintenance programs;
29 ~~needs assessment task force~~; exceptions

30 * * *

1 (B) R.S. 40:1058.3(C)(4) is hereby repealed in its entirety.

2 **Mullet Task Force**

3 Section 12. R.S. 36:610(B)(9) and R.S. 56:333.2 are hereby repealed in their
4 entirety.

5 **Post Employment Benefits Trust Fund Board of Trustees**

6 Section 13. R.S. 36:4(B)(14)(a) and Subpart P-4 of Part II-A of Chapter 1 of Subtitle
7 I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.111
8 through 100.117, are hereby repealed in their entirety.

9 **Reptile and Amphibian Task Force**

10 Section 14.(A) R.S. 56:632(B) and 633(F) are hereby amended and reenacted to read
11 as follows:

12 §632. Powers and duties

13 * * *

14 B. The commission shall have the authority to set seasons, establish harvest
15 restrictions, and adopt other rules and regulations that it deems necessary to manage
16 Louisiana's reptile and amphibian resources. ~~The Reptile and Amphibian Task Force~~
17 ~~shall be consulted before any new rules or regulations are adopted by the~~
18 ~~commission.~~

19 * * *

20 §633. Reptile and Amphibian Research Fund

21 * * *

22 F. The expenditure of funds from the Reptile and Amphibian Research Fund
23 shall be made at the discretion of the department ~~after consultation with the Reptile~~
24 ~~and Amphibian Task Force.~~

25 (B) R.S. 36:610(G)(1) and R.S. 56:632.8 are hereby repealed in their entirety.

26 **Uniform Grading Scale Task Force**

27 Section 15. Section 2 of Act No. 701 of the 2010 Regular Session of the Legislature
28 is hereby repealed in its entirety.

1 **Sunset Review of Boards, Commissions, and Like Entities**

2 Section 16. R.S. 49:1301 and 1304(B) are hereby amended and reenacted to read as
3 follows:

4 §1301. Commissioner of administration; duties; sunset review of boards,
5 commissions, and like entities

6 A. The commissioner of administration shall establish and maintain a
7 website to post the information designated in R.S. 49:1302.

8 B.(1) If the commissioner of administration determines that a board,
9 commission, or like entity covered by this Chapter has failed to submit the
10 information required pursuant to R.S. 49:1304 in the manner required by this
11 Chapter, the commissioner shall send the board, commission, or like entity a notice
12 of noncompliance by certified mail, return receipt requested.

13 (2)(a)(i) If the board, commission, or like entity fails to submit the
14 information required pursuant to R.S. 49:1304 in the manner required by this Chapter
15 within the response period, the commissioner shall send notice detailing the failure
16 to comply to the board, commission, or like entity and to the chief administrative
17 officer of the department of which the board, commission, or like entity is a part, if
18 applicable.

19 (ii) The commissioner shall also send notice detailing the failure to comply
20 to the Senate Committee on Senate and Governmental Affairs, the House Committee
21 on House and Governmental Affairs, and the oversight committees for the board,
22 commission, or like entity.

23 (b)(i) Each oversight committee that receives a notice pursuant to Item (a)(ii)
24 of this Paragraph shall within sixty days of receiving the notice evaluate the board,
25 commission, or like entity and determine whether the board, commission, or like
26 entity should be continued, modified, or terminated. The committee may direct the
27 board, commission, or like entity to begin to terminate its operations and to prepare
28 for the orderly transfer or termination of its powers, duties, responsibilities, and
29 functions, as appropriate.

1 (ii) No later than thirty days prior to the beginning of a regular session, each
 2 oversight committee that received a notice pursuant to Item (a)(ii) of this Paragraph
 3 during the year prior to the year in which the session is to be held shall submit a
 4 report to the legislature and the governor. The report shall contain a summary of all
 5 action taken by the committee with respect to each such notice. The report shall also
 6 contain the committee's determination as to whether each board, commission, or like
 7 entity that was the subject of such a notice should be continued, modified, or
 8 terminated and any legislation concerning the board, commission, or like entity that
 9 the committee will propose to the legislature.

10 (c)(i) For purposes of this Paragraph, "response period" means the period of
 11 time beginning with the day the notice of noncompliance sent pursuant to Paragraph
 12 (1) of this Subsection is received by the board, commission, or like entity and ending
 13 ninety days later.

14 (ii) For purposes of this Paragraph, "oversight committees" means the
 15 standing committees of the two houses of the legislature which have usual
 16 jurisdiction over the affairs of the board, commission, or like entity.

17 C. The provisions of Subsection B of this Section shall not apply to any
 18 board which is responsible for the administration of any statewide retirement fund
 19 held in trust for the benefit of its participants and which retirement fund is not the
 20 direct financial responsibility of the state.

21 * * *

22 §1304. Submission of other information

23 * * *

24 B.(1) Except as provided in R.S. 49:1303, each board, commission, or like
 25 entity covered by this Chapter shall submit to the commissioner of administration all
 26 information required to be included on the website pursuant to R.S. 49:1302,
 27 ~~including any change in information previously submitted, no later than thirty days~~
 28 ~~after the information becomes available to the board, commission, or like entity by~~
 29 February first of each year. Except as provided in R.S. 49:1302(E)(2) and (G), the
 30 information shall be complete for the previous calendar year.

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

1 (2) The information required to be submitted pursuant to this Section shall
 2 be submitted by an appropriate officer of the board, commission, or like entity. The
 3 officer shall certify that the information submitted is true and correct to the best of
 4 his knowledge, information, and belief.

5 * * *

6 Section 17. The property and funds, if any, of the entities abolished by this Act shall
 7 be the property of the state and the state treasurer shall provide for the deposit of such funds
 8 in the state treasury to the credit of the state general fund, after deposit in the Bond Security
 9 and Redemption Fund as otherwise provided by law.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____