

Regular Session, 2014

HOUSE BILL NO. 1013

BY REPRESENTATIVE SCHEXNAYDER

BOARDS/COMMISSIONS: Provides relative to boards and commissions

1 AN ACT

2 To amend and reenact R.S. 17:374(A)(2)(introductory paragraph) and R.S. 49:968(B)(3)(c)

3 and to repeal Part XV of Chapter 5 of Title 3 of the Louisiana Revised Statutes of

4 1950, to be comprised of R.S. 3:558.1 through 558.13, R.S. 17:7(25) and Chapter 14

5 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.

6 17:2751 through 2759, R.S. 25:933(2), 941, 1226.1(7), 1226.2, 1226.4(B)(1), and

7 Chapter 29 of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised

8 of R.S. 25:1251 through 1255, R.S. 32:1751, R.S. 36:4(L)(2), 209(M)(2), (S), and

9 (T), 610(M), 629(R), 651(D)(6), and 802.17, Part IV of Chapter 3 of Title 51 of the

10 Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:955.1 through 955.4,

11 and Part III of Chapter 2 of Title 56 of the Louisiana Revised Statutes of 1950, to be

12 comprised of R.S. 56:901, relative to boards, commissions, authorities, districts, and

13 like entities; to provide relative to the functional organization of state government

14 by abolishing certain boards, commissions, councils, authorities, and like entities;

15 to transfer certain powers, functions, and duties; to remove references to certain

16 abolished entities; to remove references to, provisions for, and the powers, functions,

17 and duties of the Atchafalaya Trace Heritage Area Development Zone Review

18 Board, Broadband Advisory Council, Catfish Promotion and Research Program and

19 Board, Coastal Land Stewardship Authority, Historic Cemetery Trust Advisory

1 Board, Mississippi River Road Commission, Systemic Initiatives Program Council,
2 and Tri-State Corridor Commission; and to provide for related matters.

3 Be it enacted by the Legislature of Louisiana:

4 Section 1. The legislature finds that abolishing, transferring, and consolidating
5 certain boards, commissions, and other statutorily-created entities are in the public interest
6 when such entities no longer serve a public purpose. Pursuant to the recommendations
7 contained in the December 18, 2013, Legislative Auditor Report to the Legislature titled
8 "Boards, Commission, and Like Entities" and other information, it is the intent of the
9 legislature to abolish, transfer, and consolidate boards, commissions, and other
10 statutorily-created entities as provided in this Act.

11 **Atchafalaya Trace Heritage Area Development Zone Review Board**

12 Section 2. R.S. 36:209(M)(2) and R.S. 25:1226.1(7), 1226.2, and 1226.4(B)(1) are
13 hereby repealed in their entirety.

14 **Broadband Advisory Council**

15 Section 3. R.S. 36:4(L)(2) and Part IV of Chapter 3 of Title 51 of the Louisiana
16 Revised Statutes of 1950, comprised of R.S. 51:955.1 through 955.4, are hereby repealed in
17 their entirety.

18 **Catfish Promotion and Research Program and Board**

19 Section 4. R.S. 36:629(R) and Part XV of Chapter 5 of Title 3 of the Louisiana
20 Revised Statutes of 1950, comprised of R.S. 3:558.1 through 558.13, are hereby repealed in
21 their entirety.

22 **Coastal Land Stewardship Authority**

23 Section 5. R.S. 36:610(M) and Part III of Chapter 2 of Title 56 of the Louisiana
24 Revised Statutes of 1950, comprised of R.S. 56:901, are hereby repealed in their entirety.

25 **Historic Cemetery Trust Advisory Board**

26 Section 6. R.S. 25:933(2) and 941 and R.S. 36:209(T) are hereby repealed in their
27 entirety.

1 **Mississippi River Road Commission**

2 Section 7.(A) R.S. 49:968(B)(3)(c) is hereby amended and reenacted to read as
3 follows:

4 §968. Review of agency rules; fees

5 * * *

6 B. Prior to the adoption, amendment, or repeal of any rule or the adoption,
7 increasing, or decreasing of any fee, the agency shall submit a report relative to such
8 proposed rule change or fee adoption, increase, or decrease to the appropriate
9 standing committees of the legislature and the presiding officers of the respective
10 houses as provided in this Section. The report shall be so submitted on the same day
11 the notice of the intended action is submitted to the Louisiana Register for
12 publication in accordance with R.S. 49:953(A)(1). The report shall be submitted to
13 each standing committee electronically if electronic means are available. If no
14 electronic means are available, the report shall be submitted at the committee's office
15 in the state capitol by certified mail with return receipt requested or by messenger
16 who shall provide a receipt for signature. The electronic receipt by the committee,
17 return receipt or the messenger's receipt shall be proof of receipt of the report by the
18 committee.

19 * * *

20 (3) The Department of Culture, Recreation and Tourism and all of the
21 agencies made a part of it, except as otherwise provided in this Paragraph, shall
22 submit the report to the House Committee on Municipal, Parochial and Cultural
23 Affairs and the Senate Committee on Commerce, Consumer Protection, and
24 International Affairs.

25 * * *

26 (c) The office of tourism and promotion; and the Louisiana Tourist
27 Development Commission; ~~and the Mississippi River Road Commission~~ shall submit

1 the report to the House Committee on Commerce and the Senate Committee on
2 Commerce, Consumer Protection, and International Affairs.

3 * * *

4 (B) R.S. 36:209(S) and 802.17 and Chapter 29 of Title 25 of the Louisiana Revised
5 Statutes of 1950, comprised of R.S. 25:1251 through 1255, are hereby repealed in their
6 entirety.

7 **Systemic Initiatives Program Council**

8 Section 8.(A) R.S. 17:374(A)(2)(introductory paragraph) is hereby amended and
9 reenacted to read as follows:

10 §374. Quality Science and Mathematics Council; creation; membership; terms;
11 vacancies; domicile; meetings; compensation

12 A.

13 * * *

14 (2) The council shall be comprised of one member of the State Board of
15 Elementary and Secondary Education selected by the board, ~~the assistant directors~~
16 ~~of science and mathematics education for the Louisiana Systemic Initiatives~~
17 ~~Program~~; two members from the state Department of Education appointed by the
18 superintendent of education, and two members of each of the following organizations
19 chosen by the organization:

20 * * *

21 (B) R.S. 17:7(25) and Chapter 14 of Title 17 of the Louisiana Revised Statutes of
22 1950, comprised of R.S. 17:2751 through 2759, and R.S. 36:651(D)(6) are hereby repealed
23 in their entirety.

24 **Tri-State Corridor Commission**

25 Section 9. R.S. 32:1751 is hereby repealed in its entirety.

26 Section 10. Upon the effective date of this Act, the Department of Agriculture and
27 Forestry shall transfer any remaining monies received by the Louisiana Catfish Promotion
28 and Research Board to the Louisiana Agricultural Finance Authority for the purpose of
29 catfish promotion.

1 Section 11. The property and funds, if any, of the entities abolished by this Act
2 whose functions are not transferred to another entity or official shall be the property of the
3 state and the state treasurer shall provide for the deposit of such funds in the state treasury
4 to the credit of the state general fund, after deposit in the Bond Security and Redemption
5 Fund as otherwise provided by law.

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)]

Schexnayder

HB No. 1013

Abstract: Provides for the abolition of certain boards, commissions, authorities, and like entities; in some cases also abolishes the functions and responsibilities of the entity; in other cases provides that a different entity is responsible for the functions and responsibilities of the abolished entity.

Proposed law provides for the abolition of certain boards, commissions, authorities, and like entities; in some cases also abolishes the functions and responsibilities of the entity; in other cases provides that some other person or entity is responsible for the functions and responsibilities of the abolished entity, all as follows:

Atchafalaya Trace Heritage Area Development Zone Review Board: Present law establishes the board to evaluate the eligibility of applicants to receive tax benefits pursuant to a pilot program that provides specific tax incentives for heritage-based cottage industry located in the Atchafalaya Trace Heritage Area. Proposed law abolishes the board and its functions.

Broadband Advisory Council: Present law creates the council to serve as the central broadband planning body for the state and to communicate and coordinate with state, regional, and local agencies and private entities in order to develop a coordinated statewide broadband access and usage policy, consistent with homeland security and emergency response needs, policies, and systems. Proposed law abolishes the council and its functions and repeals present law.

Catfish Promotion and Research Program and Board: Present law creates the catfish promotion and research program to provide a voluntary method of raising revenues to be used for the purposes of developing markets for La. catfish and for funding research and educational activities for the La. catfish industry. Provides for assessments levied upon a majority vote of catfish farmers. Authorizes the board to adopt rules and regulations. Provides that the board directs the conducting of referenda and notifies the catfish farmers of the results. Authorizes the board to impose a civil penalty for failure to collect and remit assessments after a hearing and to institute civil proceedings to enforce its rulings. Proposed law abolishes the program and board. Requires the Dept. of Agriculture and Forestry to transfer any remaining monies received by the La. Catfish Promotion and Research Board to the La. Agricultural Finance Authority for the purpose of catfish promotion.

Coastal Land Stewardship Authority Board of Directors: Present law creates the authority to provide for management and administration of certain immovable properties, servitudes, and easements acquired by the state in connection with the development, design, and implementation of coastal conservation, restoration, and protection plans and projects in a manner determined appropriate by the Coastal Protection and Restoration Authority and consistent with any agreements entered into between the Coastal Protection and Restoration Authority and the federal government. Provides that the authority is administered by a board of directors. Proposed law abolishes the authority and the board and their functions.

Historic Cemetery Trust Fund Advisory Board: Present law creates the board to determine the need for an inventory of historic cemeteries and isolated graves to be regulated by the Dept. of Culture, Recreation and Tourism and to maintain any such inventory, to adopt such rules, regulations, standards, and grant application procedures necessary to implement the funding provisions of present law (La. Historic Cemetery Preservation Act), and to establish priorities and criteria to be considered for grants. Proposed law abolishes the board and its functions.

Mississippi River Road Commission: Present law creates the commission with the purpose of preserving, enhancing, and promoting the Mississippi River Road as an historic, cultural, scenic, natural, and economic resource for the state. Proposed law abolishes the commission and its functions.

Systemic Initiatives Program Council: Present law establishes a program for the improvement of the quality of science and mathematics education through a committed and cooperative effort among agencies involved in higher education, elementary and secondary education, and the National Science Foundation. Requires the council to approve activities selected for program sponsorship and other projects and programs; establish and make available rules and procedures for the conduct of the program and the council; meet not less often than two times a year; employ and evaluate staff; and receive and approve the disbursement of all funds made available for the program. Authorizes the council to establish any permanent or temporary advisory bodies that the council deems helpful; establish any structure for the operation of the program, including committees of the council, that contributes to the efficient conduct of business; consider and recommend to the legislature, BESE, the Board of Regents or any other entity changes in law, regulation, or policy that the council deems necessary or useful to the improvement of mathematics or science education; and permit, notwithstanding present law (Ch. 15 of Title 42 of the Louisiana Revised Statutes of 1950), members of the council to participate in projects and programs and activities sponsored by the program, in accordance with rules adopted by the council with regard to such participation. Proposed law abolishes the council and its functions.

Tri-State Corridor Commission: Present law creates the commission to undertake and perform economic development, industrial development, and tourism development in the corridor and on behalf of the membership comprising those political subdivisions (city, town, village, county, parish) within the boundaries of the commission's authority. Provides that the boundary of the commission is the geographical boundaries of the parish of Caddo in La. and the counties of Marion, Cass, and Bowie in Texas and Miller and Little River Counties in Arkansas. Authorizes the commission to receive monies, to levy and collect taxes other than ad valorem taxes, and to enter into cooperative agreements and arrangements. Proposed law abolishes the commission and its functions.

Proposed law provides that the property and funds, if any, of the entities abolished by proposed law shall be the property of the state and the state treasurer shall provide for the deposit of such funds in the state treasury to the credit of the state general fund, after deposit in the Bond Security and Redemption Fund as otherwise provided by present law.

(Amends R.S. 17:374(A)(2)(intro. para.) and R.S. 49:968(B)(3)(c); Repeals R.S. 3:558.1-558.13, R.S. 17:7(25) and 2751-2759, R.S. 25:933(2), 941, 1226.1(7), 1226.2, 1226.4(B)(1), and 1251-1255, R.S. 32:1751, R.S. 36:4(L)(2), 209(M)(2), (S), and (T), 610(M), 629(R), 651(D)(6), and 802.17, R.S. 51:955.1-955.4, and R.S. 56:901)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Removes the following from proposed law thereby retaining their existence: Ambulance Service District Commission and Louisiana Geographic Information Systems Council.
2. Adds provisions abolishing the Atchafalaya Trace Heritage Area Development Zone Review Board and its functions.
3. Instead of transferring the functions of the Catfish Promotion and Research Board to the commissioner of agriculture and forestry, abolishes the Catfish Promotion and Research Program and Board and provides that the Dept. of Agriculture and Forestry shall transfer any remaining monies received by the board to the La. Agricultural Finance Authority for the purpose of catfish promotion.