

2018 Regular Session

HOUSE BILL NO. 447

BY REPRESENTATIVE JAY MORRIS

SUNSET LAW: Re-creates the Department of Justice and provides relative to its structure

1 AN ACT

2 To amend and reenact R.S. 36:701(D)(1) and 704, to enact R.S. 49:191(11), and to repeal
3 R.S. 49:191(8)(k), relative to the Department of Justice, including provisions to
4 provide for the re-creation of the Department of Justice and the statutory entities
5 made a part of the department by law and for the structure of the department; to
6 provide for a federalism division of the department; to provide for the effective
7 termination date for all statutory authority for the existence of such statutory entities;
8 and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Pursuant to R.S. 49:193, the Department of Justice and the statutory
11 entities made a part of the department by law shall be re-created effective June 30, 2018, and
12 all statutory authority therefor is continued in accordance with the provisions of Part XII of
13 Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

14 Section 2. All statutory authority for the existence of the Department of Justice and
15 the statutory entities made a part of the department as re-created by Section 1 of this Act
16 shall cease as of July 1, 2025, pursuant to R.S. 49:191. However, the Department of Justice
17 may be re-created prior to such date in accordance with the provisions of Part XII of Chapter
18 1 of Title 49 of the Louisiana Revised Statutes of 1950.

19 Section 3. The provisions of R.S. 49:193 are hereby superseded to the extent that
20 those provisions are in conflict with the provisions of this Act.

1 Section 4. R.S. 49:191(11) is hereby enacted to read as follows:

2 §191. Termination of legislative authority for existence of statutory entities; phase-
3 out period for statutory entities; table of dates

4 Notwithstanding any termination dates set by any previous Act of the
5 legislature, the statutory entities set forth in this Section shall begin to terminate their
6 operations on July first of each of the following years, and all legislative authority
7 for the existence of any statutory entity, as defined in R.S. 49:190, shall cease as of
8 July first of the following year, which shall be the termination date:

9 * * *

10 (11) July 1, 2024:

11 (a) The Department of Justice and all statutory entities made a part of the
12 department by law.

13 Section 5. R.S. 36:701(D)(1) and 704 are hereby amended and reenacted to read as
14 follows:

15 §701. Department of Justice; creation; domicile; purposes and functions

16 * * *

17 D.(1) The Department of Justice shall be composed of the executive office
18 of the attorney general, the civil division, the public protection division, the criminal
19 division, the investigation division, the litigation division, the gaming division, the
20 federalism division, and the administrative services division. The executive office
21 of the attorney general shall be comprised of such personnel and organizational
22 subunits as shall be necessary to carry out the functions of the attorney general as the
23 executive head and chief administrative officer of the department, including legal
24 services.

25 * * *

26 §704. Divisions of the department; functions

27 A. Each division within the Department of Justice shall be under the
28 immediate supervision and direction of a director. The purposes for which the
29 divisions of the Department of Justice are created shall be as set forth in this Section.

1 B. There shall be within the Department of Justice a federalism division. It
2 shall be responsible for the appellate work of the state relating to federal litigation,
3 multistate actions, amicus briefs, and other complex litigation as determined by the
4 attorney general.

5 C. There shall be within the Department of Justice an administrative services
6 division. It shall be responsible for accounting and budget control, procurement and
7 contract management, management and program analysis, data processing, personnel
8 management, grants management for the department, automated systems,
9 governmental relations, and the collection of money owed to the state and its
10 agencies, boards, and commissions.

11 ~~C.~~D. There shall be within the Department of Justice a public protection
12 division. It shall be responsible for consumer protection, environmental protection,
13 anti-trust, securities, family violence prevention, and insurance protection.

14 ~~D.~~E. There shall be within the Department of Justice a civil division. It shall
15 be responsible for providing the full range of civil legal services requested by the
16 officers and agencies of the state. The functions of the civil division shall include
17 the assertion or protection of any right or interest of the state of Louisiana; legal
18 representation of governmental officers, agencies, boards, or commissions; collection
19 of money owed to the state of Louisiana and its agencies, boards, or commissions,
20 construction claims and litigation on public works, and legal protection of state
21 lands, water bottoms, and natural resources of the state.

22 E.~~F.~~ There shall be within the Department of Justice a criminal division. It
23 shall be responsible for criminal appeals, amicus curiae briefs in criminal
24 prosecutions, habeas corpus defense, assistance to district attorneys in criminal cases,
25 criminal prosecution, public corruption, institutional and insurance fraud cases, and
26 extraditions, in accordance with Article IV, Section 8 of the Constitution of
27 Louisiana.

1 ~~F.G.~~ There shall be within the Department of Justice an investigation
2 division. It shall be responsible for investigation of alleged violations of the criminal
3 laws of this state, conducting of civil and special investigations, including
4 investigations of public corruption, institutional and insurance fraud, and executive
5 security.

6 ~~G.H.~~ There shall be within the Department of Justice a litigation division.
7 It shall be responsible for providing legal representation for the state, its officers,
8 agents, employees, boards, and commissions, pursuant to the provisions of Chapter
9 16A of Title 39.

10 ~~H.I.~~ There shall be within the Department of Justice a gaming division. It
11 shall be responsible for providing legal representation, services, and staffing to
12 gaming regulatory entities and agencies of the state as provided by law and such
13 other functions and duties, related to gaming, as are assigned by the attorney general.

14 ~~H.J.~~ The duties and functions of the divisions shall be as provided in this
15 Section and these duties and functions shall not be subject to change by the attorney
16 general, except that the divisions shall perform such additional duties and functions
17 as are assigned by the attorney general.

18 ~~J.K.~~ Whenever the attorney general determines that the administration of the
19 functions of the department may be more efficiently performed by eliminating,
20 merging, or consolidating existing divisions, he shall present a plan therefor to the
21 legislature for its approval by statute.

22 Section 6. R.S. 49:191(8)(k) is hereby repealed in its entirety.

23 Section 7. This Act shall become effective on June 30, 2018; if vetoed by the
24 governor and subsequently approved by the legislature, this Act shall become effective on
25 June 30, 2018, or on the day following such approval by the legislature, whichever is later.

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 447 Engrossed

2018 Regular Session

Jay Morris

Abstract: Re-creates the Dept. of Justice and provides for a federalism division within the department.

Present law (Sunset) provides that the Dept. of Justice and all the statutory entities made a part of that department by law shall begin to terminate their operations on July 1, 2018, and that all legislative authority for such entities shall cease as of July 1, 2019, unless the legislature enacts a bill authorizing the re-creation of the department and its statutory entities prior thereto.

Proposed law provides for the general re-creation of the Dept. of Justice and its statutory entities, effective June 30, 2018, in accordance with the "sunset" law. Proposed law supersedes the provisions of this "sunset" law which set out the procedure for review and re-creation and which require a separate bill to re-create each statutory entity within the department along with additional provisions. Proposed law makes July 1, 2024, the new termination date and termination would begin July 1, 2023, unless the department is re-created again.

Present law provides that the Dept. of Justice is comprised of the following divisions: the civil division, the public protection division, the criminal division, the investigation division, the litigation division, the gaming division, and the administrative services division. Proposed law provides that there shall also be a federalism division in the department, which shall be responsible for the appellate work of the state relating to federal litigation, multistate actions, amicus briefs, and other complex litigation as determined by the attorney general.

Effective June 30, 2018.

(Amends R.S. 36:701(D)(1) and 704; Adds R.S. 49:191(11); Repeals R.S. 49:191(8)(k))