

Regular Session, 2013

HOUSE BILL NO. 156

BY REPRESENTATIVE SCHEXNAYDER

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

BOARDS/COMMISSIONS: Provides relative to boards and commissions

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. 28:4

3 (B)(6), 911(6) and (8), and 919(D)(1) and (2) and (E), R.S. 36:4(B)(1)(e), R.S.

4 39:15.3(B)(1) and (14), 15.4(B)(2), and 15.5(B)(2), R.S. 40:31.45, 31.46(A),

5 1004(A), 1007(J), 1008(A)(introductory paragraph) and (B), 1010(A), 1058.3

6 (Section heading), 1235(A)(2)(c) and (3), 1235.1(A)(2) and (B)(1), and

7 1300.104(B)(introductory paragraph) and (1), R.S. 46:2264(A)(introductory

8 paragraph) and (B), 2266(introductory paragraph), the heading of Chapter 37 of Title

9 46 of the Louisiana Revised Statutes of 1950, R.S. 46:2503(A) and (B) and 2504, the

10 heading of Chapter 15 of Title 49 of the Louisiana Revised Statutes of 1950, R.S.

11 49:1054.1(A)(introductory paragraph), 1301, and 1304(B), R.S. 56:632(B) and

12 633(F) and to repeal Section 2 of Act No. 701 of the 2010 Regular Session of the

13 Legislature, Chapter 3-E of Title 3 of the Louisiana Revised Statutes of 1950,

14 comprised of R.S. 3:299, R.S. 11:108, R.S. 17:17.3(C)(5), 17.4(C)(2), 17.5(D)(2),

15 and 1519.13, R.S. 28:4(B)(12), 911(9), and 918, Chapter 20 of Title 30 of the

16 Louisiana Revised Statutes of 1950, comprised of R.S. 30:2501 through 2510,

17 Chapter 16 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S.

18 34:1851 through 1857, R.S. 36:4(B)(14), 259(D)(2), (7), and (8) and (M), (N), (O),

19 and (R), 459(D), 610(B)(9) and (10) and (G)(1), 629(M), and 919.10, R.S. 39:15.4

20 through 15.6, Subpart P-4 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the

1 Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.111 through 100.117,
2 and Part XI-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes
3 of 1950, comprised of R.S. 39:332.1, R.S. 40:31.42(1), 31.46(B) through (F),
4 1003(2), 1005, 1058.3(C)(4), 1235(A)(4), 1300.103(2), and 1300.105, R.S.
5 46:2263(1), 2265, 2500(3), 2501, 2502, 2503(C) and (D), and Chapter 46 of Title 46
6 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2611 through 2613,
7 R.S. 49:1051 through 1054 and 1055 through 1057, and R.S. 56:333.2 and 632.8,
8 relative to boards, commissions, authorities, districts, and like entities; to provide
9 relative to the functional organization of state government by abolishing certain
10 boards, commissions, councils, authorities, and like entities; to transfer certain
11 powers, functions, and duties; to remove references to certain abolished entities; to
12 remove references to, provisions for, and the powers, functions, and duties of the
13 Academic Advisory Council, advisory council for the program of early identification
14 of hearing impaired infants, Ambulance Standards Committee, Commission on
15 Men's Health and Wellness, Concordia Parish Port Commission, Emergency Medical
16 Services for Children Advisory Council, Funding Review Panel, Human Services
17 Interagency Council, Louisiana Bio-Fuel Panel, Louisiana Birth Defects Surveillance
18 System Advisory Board, Louisiana Commission on Addictive Disorders, Louisiana
19 Council on Obesity Prevention and Management, Louisiana Environmental
20 Education Commission, Louisiana Geographic Information Systems Council,
21 Louisiana Information Technology Advisory Board, Louisiana Postsecondary
22 Education Information Technology Council, Louisiana Sustainable Local Food
23 Policy Council, Louisiana Technology Advisory Group, Methadone Maintenance
24 Program Needs Assessment Task Force, Mullet Task Force, Post Employment
25 Benefits Trust Fund Board of Trustees, Prescription Monitoring Program Advisory
26 Council, Reptile and Amphibian Task Force, State Buildings and Land Highest and
27 Best Use Advisory Group, and Uniform Grading Scale Task Force; to provide
28 relative to provisions of law that require certain information regarding boards,
29 commissions, and like entities to be filed with the commissioner of administration;

1 to provide relative to the duties of the commissioner of administration relative to
2 such provisions; to provide for the content of such information; to provide deadlines;
3 to provide for the abolition of boards, commissions, and like entities that fail to
4 comply with such deadlines; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 **Academic Advisory Council**

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

8 **Advisory council for the program of early identification of hearing impaired infants**

9 Section 2.(A) R.S. 46:2264(A)(introductory paragraph) and (B) and 2266
10 (introductory paragraph) are hereby amended and reenacted to read as follows:

11 §2264. Identification of hearing impairment in infants

12 A. The office of public health in the Department of Health and Hospitals
13 shall establish, in consultation with the advice of the Louisiana Commission for the
14 Deaf ~~and the advisory council created in R.S. 46:2265~~, a program for the early
15 identification and follow-up of infants at risk, hearing impaired infants, and infants
16 at risk of developing a progressive hearing impairment. That program shall, at a
17 minimum:

18 * * *

19 B. The office shall consult with the ~~advisory council~~ Louisiana Commission
20 for the Deaf and implement the program.

21 * * *

22 §2266. ~~Powers;~~ Louisiana Commission for the Deaf; duties, functions ~~of the~~
23 ~~advisory council~~

24 The ~~advisory council~~ Louisiana Commission for the Deaf shall:

25 * * *

26 (B) R.S. 36:259(N) and R.S. 46:2263(1) and 2265 are hereby repealed in
27 their entirety.

28 **Ambulance Standards Committee**

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

3 §1235. Qualifications to operate ambulances; equipment; penalty

4 A.

5 * * *

6 (2)

7 * * *

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

13 * * *

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

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

28 * * *

1 §1235.1. Qualifications to operate emergency medical response vehicles; vehicle
2 requirements; equipment; penalties

3 A.

4 * * *

5 (2) No person shall provide services in any capacity on an emergency
6 medical response vehicle unless he is at least a licensed emergency medical
7 responder, or a holder of a certificate of licensure as a registered nurse or licensed
8 practical nurse, or is a physician or surgeon licensed to practice medicine by the
9 Louisiana State Board of Medical Examiners, a licensed respiratory therapist, a
10 licensed nurse practitioner, a licensed physician assistant, or a licensed occupational
11 therapist. No person shall provide services in any capacity on these vehicles without
12 holding an American Heart Association Health Care Provider, or American Red
13 Cross Professional Rescuer, or the equivalent cardio-pulmonary resuscitation
14 certification that has been approved by the ~~Ambulance Standards Committee~~
15 Department of Health and Hospitals.

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

18 (1) Does not carry with it as part of its regular equipment the list of
19 equipment for emergency medical response vehicles as prescribed in rules and
20 regulations promulgated by the Department of Health and Hospitals ~~based on the~~
21 ~~recommendations of the Ambulance Standards Committee of the Emergency~~
22 ~~Medical Services Task Force as established by the assistant secretary of the office~~
23 ~~of public health~~. This list shall be based upon the recommendations of the American
24 College of Surgeons as provided in R.S. 40:1235(A)(3). The list shall be consistent
25 with the scope of practice for emergency medical technicians established in R.S.
26 40:1234. After initial promulgation, such list shall be subject to review after four
27 years and anytime thereafter. The list shall not be changed more often than once
28 every four years. However, nothing shall preclude the Department of Health and
29 Hospitals from supplementing the list with state of the art, newly developed devices,

1 equipment, or medications ~~approved by the Ambulance Standards Committee of the~~
2 ~~Emergency Medical Services Task Force~~ that may be carried in lieu of other items
3 on the list of equipment.

4 * * *

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

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

7 Section 4. The Commission on Men's Health and Wellness, created by Senate
8 Concurrent Resolution No. 8 of the 2004 Regular Session of the Legislature, is hereby
9 abolished.

10 **Concordia Parish Port Commission**

11 Section 5. Chapter 16 of Title 34 of the Louisiana Revised Statutes of 1950,
12 comprised of R.S. 34:1851 through 1857, is hereby repealed in its entirety.

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

14 Section 6.(A) R.S. 40:1300.104(B)(introductory paragraph) and (1) are hereby
15 amended and reenacted to read as follows:

16 §1300.104. Emergency Medical Services for Children Program; establishment;
17 administration; functions

18 * * *

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

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

24 * * *

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

27 **Funding Review Panel**

28 Section 7. R.S. 11:108 is hereby repealed in its entirety.

29 **Human Services Interagency Council**

1 Section 8.(A) R.S. 28:911(6) and (8), 919(D)(1) and (2) and (E) are hereby amended
2 and reenacted to read as follows:

3 §911. Definitions

4 As used in this Chapter and unless the context clearly requires otherwise:

5 * * *

6 (6) "Human services accountability plan", referred to in this Chapter as
7 "accountability plan", means the statewide human services plan developed by the
8 department ~~in consultation with the Human Services Interagency Council~~ which sets
9 forth the criteria, process, timelines, guidelines for service delivery, clinical
10 protocols, evidence-based practices, quality management and monitoring, data
11 collection and reporting, performance outcome measures, information management,
12 and readiness assessment protocols to be followed by the department and the
13 districts.

14 * * *

15 (8) "Human services framework", referred to in this Chapter as "framework",
16 means the requirements specified in the contract between the department and the
17 district that set forth the organizational structure, operational readiness requirements,
18 eligible and priority populations, core and targeted services, and standards for intake
19 and access to institutional and community services, which require adherence to the
20 human services accountability plan for a district. The framework is developed,
21 implemented, and monitored through an ongoing statewide process performed by the
22 department ~~in consultation with the Human Services Interagency Council~~.

23 * * *

24 §919. Department of Health and Hospitals; responsibility and authority; readiness
25 assessment; surveys; framework and accountability plan; sanctions

26 * * *

27 D.(1) The department shall not contract with a new district until the
28 department, ~~in consultation with the interagency council~~, has determined and
29 confirmed in writing to the governor that the department is prepared to contract the

1 provision of services to the district, and the district is prepared to accept and be
2 accountable for such service provision. In making this determination, the department
3 shall conduct a readiness assessment of the district.

4 (2) The readiness assessment shall evaluate the operational preparedness of
5 the district based on a set of uniform criteria established by the ~~interagency council~~
6 ~~and approved by the~~ secretary.

7 * * *

8 E. All districts shall participate in surveys to ensure compliance with the
9 statewide human services system of care, framework, and accountability plan. The
10 ~~interagency council shall recommend to the~~ secretary shall develop a schedule for
11 surveys, with such surveys beginning within one year after the standards are
12 approved. Each district shall be surveyed every two years. The survey team
13 members shall be selected by the secretary or his designee and shall include a
14 minimum of two experienced district executives as well as department staff. Each
15 survey shall be designed to, at a minimum, ensure each district maintains
16 competency standards for human resources, adequate financial controls, operational
17 and clinical protocols, and shall be used as an opportunity to share best practices.

18 * * *

19 (B) R.S. 28:4(B)(12), 911(9), and 918 are hereby repealed in their entirety.

20 **Louisiana Bio-Fuel Panel**

21 Section 9.(A) R.S. 3:3712(D)(4) is hereby amended and reenacted to read as follows:

22 §3712. Purchase of feedstock by operators of renewable fuel manufacturing
23 facilities; notice requirements; annual report

24 * * *

25 D.

26 * * *

27 (4)(a) In an effort to enable the renewable fuel plants in operation in
28 Louisiana to systematically increase the use of Louisiana crops as feedstock over
29 time as provided in this Subsection, the provisions of R.S. 3:4674, except as it relates

1 to biodiesel, shall not be effective until six months after the average wholesale price
2 of a gallon of Louisiana-manufactured ethanol, less any federal alcohol fuel mixture
3 tax credit, is equal to or below the average wholesale price of a gallon of regular
4 unleaded gasoline in Louisiana for a period of not less than sixty days, as determined
5 by the ~~panel established pursuant to Subparagraph (b) of this Paragraph~~ secretary of
6 the Department of Revenue.

7 (b) ~~The Louisiana Bio-Fuel Panel is hereby established to gather ethanol and~~
8 ~~gasoline pricing information to be used in verifying the provisions of Subparagraph~~
9 ~~(a). The panel shall consist of the following persons, the names of whom shall be~~
10 ~~transmitted to and received by the secretary of the Department of Revenue no later~~
11 ~~than December 1, 2006:~~

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

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

16 (iii) ~~An appropriately credentialed member of the faculty appointed by the~~
17 ~~commissioner of higher education from a list of four nominees, one each submitted~~
18 ~~by the president of the Louisiana State University and Agricultural and Mechanical~~
19 ~~College System, the Southern University and Agricultural and Mechanical College~~
20 ~~System, the University of Louisiana System, and the Community and Technical~~
21 ~~College System, respectively.~~

22 (c) In gathering pricing information to be used in making the determination
23 required by Subparagraph (a), the ~~panel~~ secretary shall rely upon sales in Louisiana
24 and shall utilize recognized information services, including but not limited to the Oil
25 Price Information Service.

26 (d) ~~The panel shall hold its initial meeting no later than January 1, 2007 and~~
27 ~~shall meet at least quarterly thereafter, to make a determination as provided in~~
28 ~~Subparagraph (a), all at the call of the secretary of revenue. At the initial meeting,~~
29 ~~the panel shall elect one of its members as chair. The panel shall meet until it~~

1 ~~determines that the average wholesale price of a gallon of Louisiana-manufactured~~
2 ~~ethanol, less any federal alcohol fuel mixture tax credit, is equal to or below the~~
3 ~~average wholesale price of a gallon of regular unleaded gasoline in Louisiana for a~~
4 ~~period of not less than sixty days, at which time the panel shall dissolve ipso facto.~~
5 ~~The secretary of the Department of Revenue shall also provide for meeting facilities~~
6 ~~and staff for the panel.~~

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

10 * * *

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

12 **Louisiana Birth Defects Surveillance System Advisory Board**

13 Section 10.(A) R.S. 40:31.45 and 31.46(A) are hereby amended and reenacted to
14 read as follows:

15 §31.45. Report

16 The department shall produce an annual report on the results obtained
17 through the surveillance system to be submitted to ~~the advisory board~~, the
18 Commission on Perinatal Care and Prevention of Infant Mortality, the secretary, and
19 the House and Senate committees on health and welfare.

20 §31.46. ~~Advisory board~~ Commission on Perinatal Care and Prevention of Infant
21 Mortality; duties, functions

22 ~~A.~~ The secretary Commission on Perinatal Care and Prevention of Infant
23 Mortality shall ~~establish an advisory board to~~ make recommendations to the
24 secretary on the implementation and continuing operation of the surveillance system.

25 (B) R.S. 36:259(D)(7) and R.S. 40:31.42(1) and 31.46(B) through (F) are hereby
26 repealed in their entirety.

27 **Louisiana Commission on Addictive Disorders**

28 Section 11.(A) R.S. 28:4(B)(6) is hereby amended and reenacted to read as follows:

1 §4. Office of behavioral health; legislative findings; creation of behavioral health
2 implementation advisory committee

3 * * *

4 B. An implementation advisory committee, hereinafter referred to as
5 "committee", shall recommend to the secretary a specific plan for implementation
6 of the consolidated administrative functions of the office of behavioral health. The
7 committee shall meet as needed and submit a report to the secretary of the
8 Department of Health and Hospitals with final recommendations on the
9 implementation plan which may be adopted no later than January 31, 2010.
10 Thereafter, the committee shall continue to meet and advise the secretary on matters
11 regarding implementation until the committee automatically dissolves on July 1,
12 2011. The Department of Health and Hospitals shall submit to the Senate Committee
13 on Health and Welfare and the House Committee on Health and Welfare on
14 September 1, 2010, and June 30, 2011, a written status report that details the progress
15 of the implementation of the provisions of this Section. The following persons shall
16 be members of the committee:

17 * * *

18 (6) One consumer of addictive disorder services, chosen by the secretary
19 from a list of names provided by the Louisiana Commission on Addictive Disorders.

20 * * *

21 (B) The heading of Chapter 37 of Title 46 of the Louisiana Revised Statutes of 1950,
22 R.S. 46:2503(A) and (B), and 2504 are hereby amended and reenacted to read as follows:

23 CHAPTER 37. ~~LOUISIANA COMMISSION ON~~
24 ADDICTIVE DISORDERS

25 * * *

26 §2503. ~~Commission~~ Office of behavioral health; duties and responsibilities

27 A. ~~The commission shall advise the office of behavioral health and officers~~
28 ~~of any other state department concerning the policy of the state with respect to~~
29 ~~behavioral health. However, the provisions of this Chapter shall not apply to the~~

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1 Substance Abuse Prevention Education Program of the Department of Education and
2 the Highway Safety Act of 1966 (P.L. 89-564) administered by the Highway Safety
3 Commission of the Department of Public Safety and Corrections.

4 B. The ~~commission~~ office of behavioral health shall ~~recommend~~ develop an
5 annual state plan ~~to the office of behavioral health~~ setting forth proposed policy,
6 program initiatives, and goals for each fiscal year relative to the prevention and
7 treatment of ~~behavioral health~~ addictive disorders in this state.

8 §2504. ~~Commission~~ Office of behavioral health; reports; recommendations

9 The ~~commission~~ office of behavioral health shall report annually on March
10 first to the governor, the chairmen of the House and Senate Committees on Health
11 and Welfare, and the secretary of the Department of Health and Hospitals as to its
12 activities for the previous year and recommendations as to future programs.

13 (C) R.S. 36:259(O) and R.S. 46:2500(3), 2501, 2502, and 2503(C) and (D) are
14 hereby repealed in their entirety.

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

16 Section 12.(A) R.S. 17:17.1(C)(1) and 17.5(D)(1) are hereby amended and reenacted
17 to read as follows:

18 §17.1. Required physical activity in schools

19 * * *

20 C.(1) An outreach and communication plan consisting of current information
21 and research on health, nutrition, and physical education and fitness issues shall be
22 developed pursuant to the collaborative efforts of the Department of Health and
23 Hospitals; Department of Education; Louisiana State University Health Sciences
24 Center, Pennington Biomedical Research Center; Governor's Council on Physical
25 Fitness and Sports; ~~Louisiana Council on Obesity, Prevention and Management~~;
26 Louisiana Association of Physical Education, Recreation and Dance; and the
27 American Heart Association.

28 * * *

1 §17.5. Physical fitness assessment; statewide expansion program

2 * * *

3 D.(1) Not later than September first of each year, the Cecil J. Picard Center,
4 in collaboration with the Department of Education, the Department of Health and
5 Hospitals, and the Governor's Council on Physical Fitness and Sports, ~~and the~~
6 ~~Louisiana Council on Obesity Prevention and Management~~, hereinafter referred to
7 as the "Louisiana Obesity Council", shall provide an annual report concerning the
8 implementation of the physical fitness assessment which shall include the findings
9 from an analysis of the plan development and implementation results of the
10 assessment obtained during the preceding school year to the governor, the Senate and
11 House committees on education, the Senate and House committees on health and
12 welfare, and the State Board of Elementary and Secondary Education.

13 * * *

14 (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
15 46 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2611 through
16 2613, are hereby repealed in their entirety.

17 **Louisiana Environmental Education Commission**

18 Section 13. Chapter 20 of Title 30 of the Louisiana Revised Statutes of 1950,
19 comprised of R.S. 30:2501 through 2510, and R.S. 36:610(B)(10) are hereby repealed in
20 their entirety.

21 **Louisiana Geographic Information Systems Council**

22 Section 14.(A) R.S. 36:4(B)(1)(e) is hereby amended and reenacted to read as
23 follows:

24 §4. Structure of executive branch of state government

25 * * *

26 B. The office of the governor shall be in the executive branch of state
27 government.

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

1 (1) The following agencies and their powers, duties, functions, and
2 responsibilities are hereby transferred to the office of the governor:

3 * * *

4 (e) The office of information technology (R.S. 39:15.1 et seq.), ~~including the~~
5 ~~Louisiana Geographic Information Systems Council (R.S. 49:1051 et seq.);~~ within
6 the division of administration.

7 * * *

8 (B) R.S. 39:15.3(B)(14) is hereby amended and reenacted to read as follows:

9 §15.3. Office of information technology; offices and staff; duties

10 * * *

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

14 * * *

15 (14) Providing direction to the ~~Louisiana Geographic Information Systems~~
16 ~~Council~~ and the Louisiana Geographic Information Center (LAGIC) for coordination
17 of geographic data, geographic technology, and geographic standards of the state.

18 * * *

19 (C) The heading of Chapter 15 of Title 49 of the Louisiana Revised Statutes of 1950,
20 and R.S. 49:1054.1(A)(introductory paragraph) are hereby amended and reenacted to read
21 as follows:

22 CHAPTER 15. LOUISIANA GEOGRAPHIC INFORMATION

23 ~~SYSTEMS COUNCIL~~ CENTER

24 * * *

25 §1054.1. Duties of the Louisiana Geographic Information Center

26 A. The Louisiana Geographic Information Center shall have the duty to
27 provide various ~~GIS~~ geographic information system, referred to in this Section as

1 "GIS", services to the state at the direction of the chief information officer, which
2 may include:

3 * * *

4 (D) R.S. 49:1051 through 1054 and 1055 through 1057 are hereby repealed in their
5 entirety.

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

7 Section 15.(A) R.S. 39:15.3(B)(1) is hereby amended and reenacted to read as
8 follows:

9 §15.3. Office of information technology; offices and staff; duties

10 * * *

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

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

17 * * *

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

20 **Louisiana Postsecondary Education Information Technology Council**

21 Section 16.(A) R.S. 39:15.4(B)(2) and 15.5(B)(2) are hereby amended and reenacted
22 to read as follows:

23 §15.4. Louisiana Information Technology Advisory Board

24 * * *

25 B. The IT Advisory Board shall be composed of the following members:

26 * * *

27 (2) One representative from postsecondary education appointed by the
28 governor ~~from a list of recommendations submitted by the Louisiana Postsecondary~~
29 ~~Education Information Technology Council.~~

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

1 §15.5. Louisiana Technology Advisory Group

2 * * *

3 B. The Technology Advisory Group shall be composed of the following
4 members:

5 * * *

6 (2) One information technology representative from postsecondary education
7 to be appointed by the ~~Louisiana Postsecondary Education Information Technology~~
8 ~~Council~~ governor.

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

10 **Louisiana Sustainable Local Food Policy Council**

11 Section 17. Chapter 3-E of Title 3 of the Louisiana Revised Statutes of 1950,
12 comprised of R.S. 3:299, and R.S. 36:629(M) and 919.10 are hereby repealed in their
13 entirety.

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

15 Section 18.(A) R.S. 40:1058.3 (Section heading) is hereby amended and reenacted
16 to read as follows:

17 §1058.3. Licensing of substance abuse/addiction treatment facilities; applications;
18 fees; disposition of fees; moratorium on methadone maintenance programs;
19 ~~needs assessment task force~~; exceptions

20 * * *

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

22 **Mullet Task Force**

23 Section 19. R.S. 36:610(B)(9) and R.S. 56:333.2 are hereby repealed in their
24 entirety.

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

26 Section 20. R.S. 36:4(B)(14)(a) and Subpart P-4 of Part II-A of Chapter 1 of Subtitle
27 I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.111
28 through 100.117, are hereby repealed in their entirety.

29 **Prescription Monitoring Program Advisory Council**

1 Section 21.(A) R.S. 40:1004(A), 1007(J), 1008(A)(introductory paragraph) and (B),
2 and 1010(A) are hereby amended and reenacted to read as follows:

3 §1004. Establishment of prescription monitoring program

4 A. The board shall establish and maintain, ~~in consultation with and upon the~~
5 ~~recommendation of the advisory council~~, an electronic system for the monitoring of
6 controlled substances and drugs of concern dispensed in the state or dispensed to an
7 address in the state.

8 * * *

9 §1007. Access to prescription monitoring information

10 * * *

11 J. The board ~~and the advisory council~~ shall be immune from civil liability
12 arising from inaccuracy of any of the information submitted to the board pursuant
13 to this Part.

14 §1008. Education and treatment

15 A. The board shall, ~~in consultation with and upon the recommendation of the~~
16 ~~advisory council~~, implement the following education courses:

17 * * *

18 B. The board shall, ~~in consultation with and upon recommendation of the~~
19 ~~advisory council~~, implement an educational program to inform the public about the
20 use, diversion and abuse of, addiction to, and treatment for the addiction to
21 controlled substances or drugs monitored by the prescription monitoring program.

22 * * *

23 §1010. Evaluation; data analysis; reporting

24 A. The board shall, ~~in consultation with and upon recommendation of the~~
25 ~~advisory council~~, design and implement an evaluation component to identify cost
26 benefits of the prescription monitoring program and other information relevant to
27 policy, research, and education involving controlled substances and drugs monitored
28 by the prescription monitoring program.

29 * * *

1 (B) R.S. 36:259(D)(8) and R.S. 40:1003(2) and 1005 are hereby repealed in their
2 entirety.

3 **Reptile and Amphibian Task Force**

4 Section 22.(A) R.S. 56:632(B) and 633(F) are hereby amended and reenacted to read
5 as follows:

6 §632. Powers and duties

7 * * *

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

13 * * *

14 §633. Reptile and Amphibian Research Fund

15 * * *

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

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

20 **State Buildings and Land Highest and Best Use Advisory Group**

21 Section 23. Part XI-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised
22 Statutes of 1950, comprised of R.S. 39:332.1, is hereby repealed in its entirety.

23 **Uniform Grading Scale Task Force**

24 Section 24. Section 2 of Act No. 701 of the 2010 Regular Session of the Legislature
25 is hereby repealed in its entirety.

26 **Sunset of Boards, Commissions, and Like Entities**

27 Section 25. R.S. 49:1301 and 1304(B) are hereby amended and reenacted to read as
28 follows:

1 §1301. Commissioner of administration; duties; termination of boards,
2 commissions, and like entities

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

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

10 (2)(a) If the board, commission, or like entity fails to submit the information
11 required pursuant to R.S. 49:1304 in the manner required by this Chapter within the
12 response period, all legislative authority for the existence of the board, commission,
13 or like entity shall cease on the tenth day after the last day of the response period.

14 (b) For purposes of this Paragraph, "response period" means the period of
15 time beginning with the day the notice of noncompliance sent pursuant to Paragraph
16 (1) of this Subsection is received by the board, commission, or like entity and ending
17 ninety days later.

18 (3) If the board, commission, or like entity fails to submit the information
19 required pursuant to R.S. 49:1304 in accordance with Paragraph (2) of this
20 Subsection, the commissioner of administration shall send a notice to the legislature
21 stating that all legislative authority for the existence of the board, commission, or
22 like entity has ceased and requesting that the legislature repeal all such authority at
23 the next regular session of the legislature.

24 * * *

25 §1304. Submission of other information

26 * * *

27 B.(1) Except as provided in R.S. 49:1303, each board, commission, or like
28 entity covered by this Chapter shall submit to the commissioner of administration all
29 information required to be included on the website pursuant to R.S. 49:1302,

1 ~~including any change in information previously submitted, no later than thirty days~~
2 ~~after the information becomes available to the board, commission, or like entity by~~
3 February first of each year. Except as provided in R.S. 49:1302(E)(2) and (G), the
4 information shall be complete for the previous calendar year.

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

9 * * *

10 Section 26. The property and funds, if any, of the entities abolished by this Act shall
11 be the property of the state and the state treasurer shall provide for the deposit of such funds
12 in the state treasury to the credit of the state general fund, after deposit in the Bond Security
13 and Redemption 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. 156

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; relative to provisions of law that require certain information regarding boards, commissions, and like entities to be filed with the commissioner of administration, provides for the content of such information and for annual deadlines; provides for the abolition of boards, commissions, and like entities that fail to comply with such deadlines.

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:

Academic Advisory Council: Present law creates the council to hold public meetings, seek public input, and provide advice and suggestions to LSU Health Sciences Center-Health Care Services Division with regard to the coordination and improvement of health training programs, other than those specifically covered by the Medical Education Commission, that are operated within the hospitals and clinics of the division. Proposed law abolishes the council and its functions.

Advisory council for the program of early identification of hearing impaired infants: Present law creates the council within the Dept. of Health and Hospitals to advise and

- recommend risk factors or criteria for infants who are at risk of hearing impairments and infants at risk of developing a progressive hearing impairment. Provides that the council advises the office of public health on hearing screening, setting standards for the program for early identification of hearing impairment, monitoring and reviewing the program, and providing quality assurance for the program; integrating the program for early identification of hearing impaired infants with existing medical, audiological, and early infant education programs; materials to be distributed to the public concerning hearing impaired infants; and implementation of the program and followup of infants at risk, hearing impaired infants, and infants who are at risk of developing a progressive hearing impairment. Proposed law abolishes the council and transfers its functions to the La. Commission for the Deaf.
- Ambulance Standards Committee: Present law establishes the committee within the Dept. of Health and Hospitals to approve cardio-pulmonary resuscitation certification and make recommendations to the department regarding equipment that is required to be carried in an ambulance or emergency medical response vehicle. Proposed law abolishes the committee and its advisory functions. Transfers its certification functions to the department.
- Commission on Men's Health and Wellness: The commission was established by Senate Concurrent Resolution No. 8 of the 2004 R.S. to study and make recommendations relative to improving the health of men living in Louisiana and to require the commission to report such recommendations to the legislative committees on health and welfare each year. Proposed law abolishes the commission and its functions.
- Concordia Parish Port Commission: Present law creates the commission to regulate the commerce and traffic within Concordia Parish outside of the area under the jurisdiction of the Vidalia Port Commission with respect to administering public wharves, docks, sheds, and landings. Proposed law repeals the commission and its functions.
- Emergency Medical Services for Children Advisory Council: Present law creates the council within the Dept. of Health and Hospitals to advise the department and the coordinator of the emergency medical services for children program on all matters concerning emergency medical services for children. Proposed law abolishes the council and its functions.
- Funding Review Panel: Present law creates the panel to study the funding and benefit provisions of the Firefighters' Retirement System, the Municipal Employees' Retirement System, and the Municipal Police Employees' Retirement System and to report annually to the House and Senate committees on retirement and to the legislative auditor. Proposed law abolishes the panel and its functions.
- Human Services Interagency Council: Present law creates the council to consult with and make recommendations to the secretary of the Dept. of Health and Hospitals relative to the readiness assessment process and the monitoring and planning of the framework and accountability plan for human services districts, and to provide policy guidance to the department in the development, implementation, and ongoing management of the districts. Proposed law abolishes the council and its functions.
- Louisiana Bio-Fuel Panel: Present law establishes the panel in the Dept. of Revenue to gather ethanol and gasoline pricing information to be used to determine that the average wholesale price of a gallon of La.-manufactured ethanol, less any federal alcohol fuel mixture tax credit, has been equal to or below the average wholesale price of a gallon of regular unleaded gasoline in La. for a period of not less than 60 days (this is the trigger for provisions of present law (R.S. 3:4674) relative to ethanol to become effective). Proposed law abolishes the panel and transfers its functions to the secretary of the department.

Louisiana Birth Defects Surveillance System Advisory Board: Present law establishes the board in the Dept. of Health and Hospitals to make recommendations on the implementation and continuing operation of the system established by law to collect, analyze, and disseminate data regarding birth defects in the state and to provide information to families of children born with birth defects regarding services available in their communities and the development of appropriate prevention programs. Proposed law abolishes the panel and transfers its functions to the Commission on Perinatal Care and Prevention of Infant Mortality.

Louisiana Commission on Addictive Disorders: Present law creates the commission within the office of behavioral health within the Dept. of Health and Hospitals to advise the office and officers of any other state department concerning the policy of the state with respect to addictive disorders. Requires the commission to recommend an annual state plan to the office setting forth proposed policy, program initiatives, and goals for each fiscal year. Requires the commission to report annually to the governor, the legislative health and welfare committees, and the secretary of the Dept. of Health and Hospitals. Proposed law abolishes the commission and requires the office of behavioral health to develop the annual state plan and to report to the governor, the legislative health and welfare committees, and the secretary.

Louisiana Council on Obesity Prevention and Management: Present law creates the council within the Dept. of Health and Hospitals to assist the secretary of the department in achieving programmatic goals relative to obesity prevention and management, including organizational efforts, articulating standards through dissemination of materials, creating awareness, enhancing reporting mechanisms of outcomes and health trends, conducting evaluations of program effectiveness, encouraging and assisting in conducting research, ensuring that the policy direction on obesity issues is integrated with goals established in Healthy People 2010; and advising and assisting participating agencies with the development and implementation of obesity programs. Proposed law abolishes the council and its functions.

Louisiana Environmental Education Commission: Present law creates the commission within the Dept. of Wildlife and Fisheries to develop, review, approve, and transmit a plan for environmental education to the governor, the legislature, and the public; to advise and assist the secretary of the department, the governor, the legislature, the secretary of the Dept. of Environmental Quality, and other state agencies, including university extension services, conservation and environmental organizations, community action groups, and nature and environmental centers on policies and practices needed to provide environmental education; to serve as a forum for the discussion and study of problems that affect the environment and environmental education; and to assist and obtain information from various sources to coordinate the environmental education programs of federal and state agencies. Proposed law abolishes the commission and its functions.

Louisiana Geographic Information Systems Council: Present law creates the council within the division of administration, office of information technology, to be responsible for guiding the sound development of geographic information systems (GIS), spatially enabled data, and geographically related information technology for the state. Provides that the council shall advise the chief information officer (who is the head of the office of information technology within the division of administration) on the activities and duties of and provide oversight to the La. Geographic Information Center; make recommendations to the chief information officer on the establishment of GIS policies, procedures, and guidelines for the sharing of data and technology among federal, state, and local agencies; provide a forum for the coordination and cooperation of federal, state, and local GIS efforts; and advise state agencies on the acquisition and implementation of GIS and related activities. Requires the council to prepare and distribute periodic reports regarding the development of GIS

technology and data sharing in state government. Proposed law abolishes the council and its functions.

Louisiana Information Technology Advisory Board and Technology Advisory Group: Present law creates the advisory board to advise the chief information officer (who is the head of the office of information technology within the division of administration) on approaches to coordinating information technology solutions among La. state government entities; to provide a forum for the discussion of emerging technologies that enhance electronic accessibility to various publicly funded sources of information and services; to advise the chief information officer in matters regarding the use of information technology; to provide advice and support as requested by the chief information officer; and to advise the chief information officer on approaches to encourage and support the use of La. domiciled vendors when procuring information technology systems, related equipment, related services, and software.

Present law creates the advisory group to serve as the technology counterpart to the advisory board, providing advice and support as requested; to advise the chief information officer on technology approaches to coordinating information technology solutions among state government entities; to provide a forum for the discussion of emerging technologies that enhance electronic accessibility to various publicly funded sources of information and services; to provide technical resources to assist the chief information officer in the development and implementation of statewide information technology plans, policies, architecture, standards, and guidelines; to provide advice and support as requested by the chief information officer; and to provide assistance to the Joint Legislative Committee on the Budget as required under the provisions of present law (R.S. 39:15.3(C)).

Proposed law abolishes the advisory board and the advisory group and their functions.

Louisiana Postsecondary Education Information Technology Council: Present law creates the council to advise and assist the chief information officer (who is the head of the office of information technology within the division of administration) with respect to issues, policies, strategic planning, management, and operations relative to information technology for postsecondary education; to advise the chief information officer in matters regarding the use of information technology; and to provide advice and support as requested by the chief information officer. Proposed law abolishes the council and its functions.

Louisiana Sustainable Local Food Policy Council: Present law creates the council within the Dept. of Agriculture and Forestry, for the purpose of building a local food economy benefitting La. by creating jobs, stimulating statewide economic development, preservation of farmlands and water resources, increasing consumer access to fresh and nutritious foods, and providing greater food security for all Louisianians. Proposed law abolishes the council and its functions.

Methadone Maintenance Program Needs Assessment Task Force: Present law creates the task force to conduct a statewide assessment of needs for services of methadone maintenance programs and deliver a written report of findings to the legislative health and welfare committees on or before March 15, 2011. Proposed law repeals provisions of law relative to the task force.

Mullet Task Force: Present law creates the task force within the Dept. of Wildlife and Fisheries to advise the La. Wildlife and Fisheries Commission as to the most appropriate date to open mullet season. Proposed law abolishes the task force and its functions.

Post Employment Benefits Trust Fund Board of Trustees: Present law creates the Post Employment Benefits Trust Fund and dedicates its assets to providing benefits to or for employees retired from agencies, departments, boards, and commissions of the state and the dependents of such retired employees eligible to participate in the office of group benefits programs. Establishes the board within the division of administration to act as trustee of the fund and exercise the state's fiduciary responsibilities. Proposed law abolishes the board and its functions and the fund.

Prescription Monitoring Program Advisory Board: Present law creates the advisory board to provide information and advice regarding the development and operation of the electronic monitoring system established and maintained by the La. Board of Pharmacy. Proposed law abolishes the advisory board and its functions.

Reptile and Amphibian Task Force: Present law creates the task force within the Dept. of Wildlife and Fisheries. Requires the La. Wildlife and Fisheries Commission to consult with the task force regarding promulgation of rules relative to the management of the state's reptile and amphibian resources. Requires the department to consult with the task force when expending funds from the Reptile and Amphibian Research Fund. Proposed law abolishes the task force and its functions.

State Buildings and Land Highest and Best Use Advisory Group: Present law creates the advisory group to advise the commissioner of administration on all matters relating to state-owned property and development opportunities for the state to enter into public-private development partnerships with private, nonprofit or public partners, chosen by competitive bid, in order to develop and manage state-owned real estate in a manner that achieves the highest and best use of the property. Proposed law abolishes the advisory group and its functions.

Uniform Grading Scale Task Force: Present law requires the State Board of Elementary and Secondary Education (BESE) to develop, adopt, and provide for the implementation of a uniform grading scale in schools and programs under its jurisdiction. Requires BESE to appoint the task force to provide input, recommendations, and advice regarding the development of the uniform grading scale. Requires BESE to promulgate rules prior to the 2011-2012 school year. Proposed law abolishes the task force 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.

Present law (R.S. 49:1301-1307) requires the commissioner of administration to establish and maintain a website to post certain specified information concerning certain boards and commissions, including notices and minutes, statutory citations, contact information, membership information, employee information, information concerning the budget and finances of the board or commission, and rules and regulations of the board or commission. Provides that notices must be submitted in a manner which allows the commissioner enough time to post the notice on the website prior to the deadline applicable to the board, commission, or like entity for giving notice pursuant to present law (R.S. 42:19–Open Meetings Law). Provides that all submissions of information shall be made in an electronic format designated by the commissioner of administration. Provides that minutes must be submitted within 10 days after the minutes are adopted by the board, commission, or like entity.

Present law (R.S. 49:1304) requires that information other than notices and minutes, including any change in information previously submitted, must be submitted no later than 30 days after the information becomes available to the board, commission, or like entity. Proposed law provides instead that such information must be submitted by Feb. 1 of each

year. Provides that, except for information required by present law (R.S. 49:1302(E)(2) and (G)), to be reported by fiscal year, the information shall be complete for the previous calendar year. Provides further that the information must be submitted by an appropriate officer of the board, commission, or like entity and that the officer shall certify that the information submitted is true and correct to the best of his knowledge, information, and belief.

Proposed law provides that if the commissioner of administration determines that a board, commission, or like entity covered by this Chapter has failed to submit the information other than notices and minutes in the manner required by proposed law, he shall send the board, commission, or like entity a notice of noncompliance by certified mail, return receipt requested. Provides that if the board, commission, or like entity fails to submit the information within the response period, all legislative authority for the existence of the board, commission, or like entity shall cease on the 10th day after the last day of the response period. Defines "response period" as the period of time beginning with the day the notice of noncompliance is received by the board, commission, or like entity and ending 90 days later. Provides further that if the board, commission, or like entity fails to submit the information within the response period, the commissioner of administration shall send a notice to the legislature stating that all legislative authority for the existence of the board, commission, or like entity has ceased and requesting that the legislature repeal all such authority at the next regular session of the legislature.

(Amends R.S. 3:3712(D)(4), R.S. 17:17.1(C)(1) and 17.5(D)(1), R.S. 28:4(B)(6), 911(6) and (8), and 919(D)(1) and (2) and (E), R.S. 36:4(B)(1)(e), R.S. 39:15.3(B)(1) and (14), 15.4(B)(2), and 15.5(B)(2), R.S. 40:31.45, 31.46(A), 1004(A), 1007(J), 1008(A)(intro. para.) and (B), 1010(A), 1058.3 (Section heading), 1235(A)(2)(c) and (3), 1235.1(A)(2) and (B)(1), and 1300.104(B)(intro. para.) and (1), R.S. 46:2264(A)(intro. para.) and (B), 2266 (intro. para.), the heading of Ch. 37 of Title 46, R.S. 46:2503(A) and (B) and 2504, the heading of Ch. 15 of Title 49, R.S. 49:1054.1(A)(intro. para.), 1301, and 1304(B), R.S. 56:632(B) and 633(F); Repeals §2 of Act No. 701 of 2010 R.S., R.S. 3:299, R.S. 11:108, R.S. 17:17.3(C)(5), 17.4(C)(2), 17.5(D)(2), and 1519.13, R.S. 28:4(B)(12), 911(9), and 918, R.S. 30:2501–2510, R.S. 34:1851–1857, R.S. 36:4(B)(14), 259(D)(2), (7), and (8) and (M), (N), (O), and (R), 459(D), 610(B)(9) and (10) and (G)(1), 629(M), and 919.10, R.S. 39:15.4-15.6, 100.111–100.117, and 332.1, R.S. 40:31.42(1), 31.46(B)–(F), 1003(2), 1005, 1058.3(C)(4), 1235(A)(4), 1300.103(2), and 1300.105, R.S. 46:2263(1), 2265, 2500(3), 2501, 2502, 2503(C) and (D), and 2611–2613, R.S. 49:1051-1054 and 1055-1057, and R.S. 56:333.2 and 632.8)