

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.

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. 28:911(6)
3 and (8), and 919(D)(1) and (2) and (E), R.S. 39:15.3(B)(1), R.S. 40:1058.3(Section
4 heading), 1235(A)(2)(c) and (3), 1235.1(A)(2) and (B)(1), and
5 1300.104(B)(introductory paragraph) and (1), R.S. 49:1301 and 1304(B), R.S.
6 56:632(B) and 633(F) and to repeal Section 2 of Act No. 701 of the 2010 Regular
7 Session of the Legislature, Chapter 3-E of Title 3 of the Louisiana Revised Statutes
8 of 1950, comprised of R.S. 3:299, R.S. 11:108, R.S. 17:17.3(C)(5), 17.4(C)(2),
9 17.5(D)(2), and 1519.13, R.S. 28:4(B)(12), 911(9), and 918, R.S. 36:4(B)(14),
10 259(D)(2), (M), and (R), 459(D), 610(B)(9) and (G)(1), 629(M), and 919.10, R.S.
11 39:15.4 through 15.6, Subpart P-4 of Part II-A of Chapter 1 of Subtitle I of Title 39
12 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.111 through
13 100.117, and Part XI-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana
14 Revised Statutes of 1950, comprised of R.S. 39:332.1, R.S. 40:1058.3(C)(4),
15 1235(A)(4), 1300.103(2), and 1300.105, Chapter 46 of Title 46 of the Louisiana
16 Revised Statutes of 1950, comprised of R.S. 46:2611 through 2613, and R.S.
17 56:333.2 and 632.8, relative to boards, commissions, authorities, districts, and like
18 entities; to provide relative to the functional organization of state government by
19 abolishing certain boards, commissions, councils, authorities, and like entities; to

1 transfer certain powers, functions, and duties; to remove references to certain
 2 abolished entities; to remove references to, provisions for, and the powers, functions,
 3 and duties of the Academic Advisory Council, Ambulance Standards Committee,
 4 Commission on Men's Health and Wellness, Emergency Medical Services for
 5 Children Advisory Council, Funding Review Panel, Human Services Interagency
 6 Council, Louisiana Bio-Fuel Panel, Louisiana Council on Obesity Prevention and
 7 Management, Louisiana Information Technology Advisory Board, Louisiana
 8 Postsecondary Education Information Technology Council, Louisiana Sustainable
 9 Local Food Policy Council, Louisiana Technology Advisory Group, Methadone
 10 Maintenance Program Needs Assessment Task Force, Mullet Task Force, Post
 11 Employment Benefits Trust Fund Board of Trustees, Reptile and Amphibian Task
 12 Force, State Buildings and Land Highest and Best Use Advisory Group, and Uniform
 13 Grading Scale Task Force; to provide relative to provisions of law that require
 14 certain information regarding boards, commissions, and like entities to be filed with
 15 the commissioner of administration; to provide relative to the duties of the
 16 commissioner of administration relative to such provisions; to provide for the content
 17 of such information; to provide deadlines; to provide for the evaluation of boards,
 18 commissions, and like entities that fail to comply with such deadlines; and to provide
 19 for related matters.

20 Be it enacted by the Legislature of Louisiana:

21 **Academic Advisory Council**

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

23 **Ambulance Standards Committee**

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

26 §1235. Qualifications to operate ambulances; equipment; penalty

27 A.

28 * * *

29 (2)

1 * * *

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

7 * * *

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

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

22 * * *

23 §1235.1. Qualifications to operate emergency medical response vehicles; vehicle
24 requirements; equipment; penalties

25 A.

26 * * *

27 (2) No person shall provide services in any capacity on an emergency
28 medical response vehicle unless he is at least a licensed emergency medical
29 responder, or a holder of a certificate of licensure as a registered nurse or licensed

1 practical nurse, or is a physician or surgeon licensed to practice medicine by the
 2 Louisiana State Board of Medical Examiners, a licensed respiratory therapist, a
 3 licensed nurse practitioner, a licensed physician assistant, or a licensed occupational
 4 therapist. No person shall provide services in any capacity on these vehicles without
 5 holding an American Heart Association Health Care Provider, or American Red
 6 Cross Professional Rescuer, or the equivalent cardio-pulmonary resuscitation
 7 certification that has been approved by the ~~Ambulance Standards Committee~~
 8 Department of Health and Hospitals.

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

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

26 * * *

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

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

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

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

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

8 §1300.104. Emergency Medical Services for Children Program; establishment;
9 administration; functions

10 * * *

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

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

16 * * *

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

19 **Funding Review Panel**

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

21 **Human Services Interagency Council**

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

24 §911. Definitions

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

26 * * *

27 (6) "Human services accountability plan", referred to in this Chapter as
28 "accountability plan", means the statewide human services plan developed by the
29 department ~~in consultation with the Human Services Interagency Council~~ which sets

1 forth the criteria, process, timelines, guidelines for service delivery, clinical
2 protocols, evidence-based practices, quality management and monitoring, data
3 collection and reporting, performance outcome measures, information management,
4 and readiness assessment protocols to be followed by the department and the
5 districts.

6 * * *

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

15 * * *

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

18 * * *

19 D.(1) The department shall not contract with a new district until the
20 department, ~~in consultation with the interagency council,~~ has determined and
21 confirmed in writing to the governor that the department is prepared to contract the
22 provision of services to the district, and the district is prepared to accept and be
23 accountable for such service provision. In making this determination, the department
24 shall conduct a readiness assessment of the district.

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

28 * * *

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

11 * * *

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

13 **Louisiana Bio-Fuel Panel**

14 Section 7.(A) R.S. 3:3712(D)(4) is hereby amended and reenacted to read as follows:

15 §3712. Purchase of feedstock by operators of renewable fuel manufacturing
16 facilities; notice requirements; annual report

17 * * *

18 D.

19 * * *

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

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

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

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

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

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

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

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

4 * * *

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

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

7 Section 8.(A) R.S. 17:17.1(C)(1) and 17.5(D)(1) are hereby amended and reenacted
8 to read as follows:

9 §17.1. Required physical activity in schools

10 * * *

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

19 * * *

20 §17.5. Physical fitness assessment; statewide expansion program

21 * * *

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

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

1 House committees on education, the Senate and House committees on health and
2 welfare, and the State Board of Elementary and Secondary Education.

3 * * *

4 (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
5 46 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2611 through
6 2613, are hereby repealed in their entirety.

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

8 Section 9.(A) R.S. 39:15.3(B)(1) is hereby amended and reenacted to read as
9 follows:

10 §15.3. Office of information technology; offices and staff; duties

11 * * *

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

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

18 * * *

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

21 **Louisiana Postsecondary Education Information Technology Council**

22 Section 10. R.S. 36:4(B)(14)(d) and R.S. 39:15.6 are hereby repealed in their
23 entirety.

24 **Louisiana Sustainable Local Food Policy Council**

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

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

2 Section 12.(A) R.S. 40:1058.3 (Section heading) is hereby amended and reenacted
3 to read as follows:

4 §1058.3. Licensing of substance abuse/addiction treatment facilities; applications;
5 fees; disposition of fees; moratorium on methadone maintenance programs;
6 ~~needs assessment task force~~; exceptions

7 * * *

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

9 **Mullet Task Force**

10 Section 13. R.S. 36:610(B)(9) and R.S. 56:333.2 are hereby repealed in their
11 entirety.

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

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

16 **Reptile and Amphibian Task Force**

17 Section 15.(A) R.S. 56:632(B) and 633(F) are hereby amended and reenacted to read
18 as follows:

19 §632. Powers and duties

20 * * *

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

26 * * *

27 §633. Reptile and Amphibian Research Fund

28 * * *

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

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

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

6 Section 16. Part XI-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised
7 Statutes of 1950, comprised of R.S. 39:332.1, is hereby repealed in its entirety.

8 **Uniform Grading Scale Task Force**

9 Section 17. Section 2 of Act No. 701 of the 2010 Regular Session of the Legislature
10 is hereby repealed in its entirety.

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

12 Section 18. R.S. 49:1301 and 1304(B) are hereby amended and reenacted to read as
13 follows:

14 §1301. Commissioner of administration; duties; sunset review of boards,
15 commissions, and like entities

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

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

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

1 (ii) The commissioner shall also send notice detailing the failure to comply
2 to the Senate Committee on Senate and Governmental Affairs, the House Committee
3 on House and Governmental Affairs, and the oversight committees for the board,
4 commission, or like entity.

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

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

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

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

28 C. The provisions of Subsection B of this Section shall not apply to any
29 board which is responsible for the administration of any statewide retirement fund

1 held in trust for the benefit of its participants and which retirement fund is not the
2 direct financial responsibility of the state.

3 * * *

4 §1304. Submission of other information

5 * * *

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

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

17 * * *

18 Section 19. The property and funds, if any, of the entities abolished by this Act shall
19 be the property of the state and the state treasurer shall provide for the deposit of such funds
20 in the state treasury to the credit of the state general fund, after deposit in the Bond Security
21 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 evaluation 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.

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.

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 commissioner of agriculture and forestry.

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 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.

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, the commissioner 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, the commissioner shall send notice detailing the failure to comply to the board, commission, or like entity and to the chief administrative officer of the department of which the board, commission, or like entity is a part, if applicable. Provides that the commissioner shall also send notice detailing the failure to comply to the legislative governmental affairs committees and the oversight committees for the board, commission, or like entity.

Proposed law provides that each oversight committee that receives a notice pursuant proposed law shall within 60 days of receiving the notice evaluate the board, commission, or like entity and determine whether the board, commission, or like entity should be continued, modified, or terminated. Provides that the committee may direct the board, commission, or like entity to begin to terminate its operations and to prepare for the orderly transfer or termination of its powers, duties, responsibilities, and functions, as appropriate.

Proposed law provides that no later than 30 days prior to the beginning of a regular session, each oversight committee that received a notice pursuant to proposed law during the year prior to the year in which the session is to be held shall submit a report to the legislature and the governor. Requires the report to contain a summary of all action taken by the committee with respect to each such notice. Requires the report to also contain the committee's determination as to whether each board, commission, or like entity that was the subject of such a notice should be continued, modified, or terminated and any legislation concerning the board, commission, or like entity that the committee will propose to the legislature.

Proposed law defines "response period" as the period of time beginning with the day the notice of noncompliance sent pursuant to proposed law is received by the board, commission, or like entity and ending 90 days later. Defines "oversight committees" as the standing committees of the two houses of the legislature which have usual jurisdiction over the affairs of the board, commission, or like entity."

Proposed law provides that proposed law does not apply to any board which is responsible for the administration of any statewide retirement fund held in trust for the benefit of its participants and which retirement fund is not the direct financial responsibility of the state.

(Amends R.S. 3:3712(D)(4), R.S. 17:17.1(C)(1) and 17.5(D)(1), R.S. 28:911(6) and (8), and 919(D)(1) and (2) and (E), R.S. 39:15.3(B)(1), R.S. 40:1058.3 (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. 49:1301 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. 36:4(B)(14), 259(D)(2), (M), and (R), 459(D), 610(B)(9) and (G)(1), 629(M), and 919.10, R.S. 39:15.4-15.6, 100.111-100.117, and 332.1, R.S. 40:1058.3(C)(4), 1235(A)(4), 1300.103(2), and 1300.105, R.S. 46:2611-2613, R.S. 56:333.2 and 632.8)

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 the bill thereby retaining their existence: advisory council for the program of early identification of hearing impaired infants, Concordia Parish Port Commission, La. Birth Defects Surveillance System Advisory Board, La. Commission on Addictive Disorders, La. Environmental Education Commission, La. Geographic Information Systems Council, and Prescription Monitoring Program Advisory Council.
2. Transfers the functions of the Bio-Fuel Panel to the commissioner of agriculture and forestry instead of to the secretary of the Dept. of Revenue.
3. Relative to provisions of proposed law providing deadlines for submitting certain information to the commissioner of administration, provides that authority for boards, commissions, and like entities that fail to comply with such deadlines will be suspended instead of such authority ceasing as a consequence of failing to comply with such deadlines.
4. Provides that provisions of proposed law providing for suspension of the authority for a board, commission, or like entity that fails to timely comply with reporting deadlines shall not apply to any board which is responsible for the administration of any statewide retirement fund held in trust for the benefit of its participants and which retirement fund is not the direct financial responsibility of the state.

House Floor Amendments to the engrossed bill.

1. Relative to provisions of proposed law providing deadlines for submitting certain information to the commissioner of administration, provides for legislative evaluation of a board, commission, or like entity that fails to comply with such deadlines to determine whether the board, commission, or like entity should be continued, modified, or terminated instead of suspending the authority for the board, commission, or like entity.
2. Makes technical changes.