
DIGEST

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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.