

ACT No. 409

SENATE BILL NO. 320

BY SENATORS ALARIO, THOMPSON AND WALSWORTH

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

AN ACT

To amend and reenact R.S. 13:621.42.1(B), the introductory paragraph of (E)(1), and (E)(3), 998(B), the introductory paragraph of (E)(1), and (E)(3), and 1414(B), the introductory paragraph of (E)(1), and (E)(3), R.S. 30:2455 and the introductory paragraph of 2456(A), R.S. 36:401(C)(1)(b)(i), 405(A)(1)(b), 642(D)(2), and the introductory paragraph of 801, R.S. 39:15.3(A), the introductory paragraph of (B), and (B)(12) through (18), R.S. 46:2122, 2123, and 2124(A) and (B), and R.S. 49:1053(B), 1054(1) and (2), and 1054.1(A) and (B)(3), to enact R.S. 36:4.1(D)(18), 408(I), 409(C)(10), 477(C)(3), and 651(BB) and R.S. 39:15.3(B)(19), and to repeal R.S. 36:4(M) and 4.1(B), Subpart D of Part I of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:16.1 through 16.5, and R.S. 46:2522(11), relative to the organization of the executive branch of state government; to transfer certain agencies in the executive branch of state government; to provide relative to the transfer and exercise of the powers, duties, functions, and responsibilities of certain agencies in the executive branch; to abolish the office of electronic services within the office of information technology in the division of administration; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:621.42.1(B), the introductory paragraph of (E)(1), and (E)(3), 998(B), the introductory paragraph of (E)(1), and (E)(3), and 1414(B), the introductory paragraph of (E)(1), and (E)(3) are hereby amended and reenacted to read as follows:

§998. Nonrefundable fee; assessment and disposition

* * *

B. The clerks of the respective district courts, within thirty days of the close of each fiscal year, shall remit all funds collected pursuant to this Section to be deposited in the state treasurer's account for credit to a special fund after meeting the requirements of Article VII, Section 9 of the Constitution of Louisiana. The monies

1 in this fund shall be invested by the state treasurer in the same manner as monies in
 2 the state general fund, and interest earned on the investment of these monies shall be
 3 credited to the fund following compliance with the requirement of Article VII,
 4 Section 9(B) relative to the Bond Security and Redemption Fund. Disbursement of
 5 funds shall be made by the office of ~~women's~~ **community** services in the ~~office of~~
 6 ~~the governor~~ **Department of Social Services**, or its successor, in accordance with
 7 Paragraph E(2) of this Section and only in amounts appropriated by the legislature.

8 * * *

9 E.(1) Within thirty days of receipt of such funds, the ~~Office~~ **office** of
 10 ~~Women's Services~~ **community services** shall distribute the funds among those
 11 qualifying organizations. A qualifying organization must be recognized as a
 12 nonprofit organization under Section 501(c)(3) of the Internal Revenue Code and be
 13 located and operated within Caddo, Calcasieu, Caldwell, East Carroll, West Carroll,
 14 Franklin, Jackson, St. Landry, Lincoln, Madison, Morehouse, St. Bernard, Ouachita,
 15 Union, Richland, Tensas, Sabine, DeSoto, Vermilion, or Lafayette Parish and shall
 16 provide:

17 * * *

18 (3) Organizations seeking to be qualified shall apply on an annual basis to
 19 the office of ~~women's~~ **community** services within the time and in the manner
 20 designated by the office of ~~women's~~ **community** services and afford such reasonable
 21 proof as is required to establish its entitlement to funds.

22 * * *

23 §621.42.1. Domestic Relations Section; nonrefundable fee; assessment and
 24 disposition

25 * * *

26 B. The clerk of the civil district court, within thirty days of the close of each
 27 fiscal year, shall remit all costs collected pursuant to this Section to be deposited in
 28 the state treasurer's account for credit to a special fund after meeting the
 29 requirements of Article VII, Section 9 of the Constitution of Louisiana. The monies
 30 in this fund shall be invested by the state treasurer in the same manner as monies in

1 the state general fund, and interest earned on the investment of these monies shall be
 2 credited to the fund following compliance with the requirement of Article VII,
 3 Section 9(B) relative to the Bond Security and Redemption Fund. Disbursement of
 4 funds shall be made by the office of ~~women's~~ community services in the ~~office of~~
 5 ~~the governor~~ Department of Social Services, or its successor, in accordance with
 6 Paragraph E(2) of this Section and only in amounts appropriated by the legislature.

7 * * *

8 E.(1) Within thirty days of the receipt of such funds, the office of ~~women's~~
 9 community services shall distribute the funds among those qualifying organizations.
 10 A qualifying organization must be recognized as a non-profit organization under
 11 Section 501(c)(3) of the Internal Revenue Code and be located within the parish of
 12 Orleans, and shall provide:

13 * * *

14 (3) Organizations seeking to be qualified shall apply on an annual basis to the
 15 office of ~~women's~~ community services within the time and in the manner designated
 16 by the office of ~~women's~~ community services and afford such reasonable proof as
 17 is required to establish its entitlement to funds.

18 * * *

19 §1414. Nonrefundable fee; assessment and disposition

20 * * *

21 B. The clerk of the 19th Judicial District Court, within thirty days of the
 22 close of each fiscal year, shall remit all costs collected pursuant to this Section to be
 23 deposited in the state treasurer's account for credit to a special fund after meeting the
 24 requirements of Article VII, Section 9 of the Constitution of Louisiana. The monies
 25 in this fund shall be invested by the state treasurer in the same manner as monies in
 26 the state general fund, and interest earned on the investment of these monies shall be
 27 credited to the fund following compliance with the requirement of Article VII,
 28 Section 9(B) relative to the Bond Security and Redemption Fund. Disbursement of
 29 funds shall be made by the office of ~~women's~~ community services in the ~~office of~~
 30 ~~the governor~~ Department of Social Services, or its successor, in accordance with

1 Paragraph E(2) of this Section and only in amounts appropriated by the legislature.

2 * * *

3 E.(1) Within thirty days of the receipt of such funds, the office of ~~women's~~
4 **community** services shall distribute the funds among those qualifying organizations.

5 A qualifying organization must be recognized as a non-profit organization under
6 Section 501(c)(3) of the Internal Revenue Code and be located within the parish of
7 East Baton Rouge, and shall provide:

8 * * *

9 (3) Organizations seeking to be qualified shall apply on an annual basis to
10 the office of ~~women's~~ **community** services within the time and in the manner
11 designated by the office of ~~women's~~ **community** services and afford such reasonable
12 proof as is required to establish its entitlement to funds.

13 Section 2. R.S. 30:2455 and the introductory paragraph of 2456(A) are hereby
14 amended and reenacted to read as follows:

15 §2455. Office of the Louisiana oil spill coordinator

16 The office of the Louisiana oil spill coordinator is hereby created within the
17 ~~office of the governor~~ **Department of Public Safety and Corrections, Public**
18 **Safety Services** and shall exercise the powers and duties set forth in this Chapter or
19 otherwise provided by law. The office shall be administered by the coordinator who
20 shall be appointed by the governor, subject to Senate confirmation. The initial
21 coordinator shall not perform any official duties prior to confirmation.

22 §2456. General powers and duties of the coordinator

23 A. The coordinator, under the direction and control of the ~~governor~~ **deputy**
24 **secretary for public safety services**, shall:

25 * * *

26 Section 3. R.S. 36:401(C)(1)(b)(i), 405(A)(1)(b), 642(D)(2), and the introductory
27 paragraph of 801 are hereby amended and reenacted and R.S. 36:4.1(D)(18), 408(I),
28 409(C)(10), 477(C)(3), and 651(BB) are hereby enacted to read as follows:

29 §4.1. Agencies transferred from the Department of Economic Development to the
30 office of the governor; agencies placed within the office of the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

governor

* * *

D. The following agencies, as defined in R.S. 36:3, are hereby transferred to and shall be placed within the office of the governor and shall perform and exercise their powers, duties, functions, and responsibilities as provided in R.S. 36:803:

* * *

(18) The Louisiana State Board of Cosmetology (R.S. 37:561 through 607).

* * *

§401. Department of Public Safety and Corrections; public safety services; corrections services; youth services; creation; domicile; composition; purposes and functions

* * *

C.(1)

* * *

(b)(i) Public safety services shall include the office of management and finance for public safety services, the office of state police, the office of legal affairs, the office of motor vehicles, ~~and~~ the office of state fire marshal, code enforcement and building safety, and **the office of the Louisiana oil spill coordinator and** shall also include the deputy secretary of public safety services, the assistant secretaries of the offices, and personnel necessary to carry out their functions.

* * *

§405. Deputy secretaries for public safety services, corrections services, and youth services

A.(1) There shall be a deputy secretary for public safety services and a deputy secretary for corrections services. Each shall be appointed by the secretary and serve at the pleasure of the secretary at a salary fixed by the secretary, which salary shall not exceed the amount approved for such position by the legislature while in session. Each appointment by the secretary shall be submitted to the Senate for confirmation. The duties and functions of the deputy secretaries provided for in this Subsection shall be determined and assigned by the secretary, except that:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

* * *

(b) Public safety services, including the office of state police, the office of legal affairs, the office of motor vehicles, the office of state fire marshal, code enforcement and building safety, **the office of the Louisiana oil spill coordinator**, and their assistant secretaries, shall be under the supervision and direction of the deputy secretary for public safety services. The deputy secretary for public safety services shall be an ex officio member of each board and commission in the Department of Public Safety and Corrections which is related to the functions of public safety services. However, the deputy secretary may appoint a designee to be his representative as an ex officio member of each board and commission which is related to the functions of public safety services.

* * *

§408. Offices; purposes and functions

* * *

I. The office of the Louisiana oil spill coordinator shall perform and exercise its powers, duties, functions, and responsibilities as provided and specified in the Oil Spill Prevention and Response Act (R.S. 30:2451 et seq.).

§409. Transfer of agencies to Department of Public Safety and Corrections

* * *

C. The following agencies, as defined by R.S. 36:3, are transferred to and hereafter shall be within the Department of Public Safety and Corrections, as provided in R.S. 36:802:

* * *

(10) The office of the Louisiana oil spill coordinator (R.S. 30:2451 et seq.).

* * *

§477. Offices; purposes and functions

* * *

C.

* * *

1 continue to exercise all advisory powers, duties, and functions provided by
 2 law; each agency shall continue to administer and implement all programs
 3 provided or authorized for each by law which relate to rulemaking, licensing,
 4 regulation, enforcement, and adjudication; each agency shall continue to be
 5 governed by the Administrative Procedure Act, in its entirety, including
 6 provisions relative to adjudication proceedings, unless otherwise specifically
 7 provided by law; the executive head of each such agency shall employ,
 8 appoint, remove, assign, and promote such personnel as is necessary for the
 9 efficient administration of such powers, duties, functions, and responsibilities
 10 and for the administration and implementation of such programs, in
 11 accordance with applicable civil service laws, rules, and regulations, and
 12 with policies and rules of the department to which the agency is transferred,
 13 and subject to budgetary control and applicable laws; except as specifically
 14 provided in Paragraphs (1), (2), and (3) below. The agencies transferred as
 15 provided in this Section shall exercise the powers, duties, functions, and
 16 responsibilities and shall administer and implement the programs authorized
 17 in this Section independently of the secretary, the undersecretary, and any
 18 assistant secretary, except that:

19 * * *

20 Section 4. R.S. 39:15.3(A), the introductory paragraph of (B), and (B)(12) through
 21 (18) are hereby amended and reenacted and R.S. 39:15.3(B)(19) is hereby enacted to read
 22 as follows:

23 §15.3. Office of information technology; offices and staff; duties

24 A. The office of information technology shall consist of executive offices and
 25 staff as deemed necessary for effective information technology governance,
 26 ~~including but not limited to the following two executive offices, each headed by an~~
 27 ~~executive director:~~

28 ~~(1) Office of telecommunications management.~~

29 ~~(2) Office of electronic services.~~

30 B. The ~~CEO~~ **chief information officer** shall manage and direct the office of

1 information technology, with roles, duties, and activities including but not limited
2 to the following:

3 * * *

4 ~~(12) Providing direction to the Louisiana Geographic Information Systems~~
5 ~~Council.~~ **Overseeing and coordinating access to state information that is**
6 **electronically available online from agency web sites.**

7 **(13) Facilitating a process among state agencies to identify services that**
8 **are favorable for electronic delivery, and maintaining an electronic directory**
9 **of state services.**

10 **(14) Providing direction to the Louisiana Geographic Information**
11 **Systems Council and the Louisiana Geographic Information Center (LAGIC)**
12 **for coordination of geographic data, geographic technology, and geographic**
13 **standards of the state.**

14 ~~(13)~~ **(15)** Identifying information technology applications that should be
15 statewide in scope, and ensuring that these applications are not developed
16 independently or duplicated by individual state agencies of the executive branch.

17 ~~(14)~~ **(16)** Reviewing and approving the receipt by executive agencies of
18 information technology goods and services and telecommunication systems and
19 services from non-appropriated sources, including but not limited to grants,
20 donations, and gifts.

21 ~~(15)~~ **(17)** Preparing annual reports and plans concerning the status and result
22 of the state's specific information technology plans and submitting these annual
23 reports and plans to the governor and the legislature.

24 ~~(16)~~ **(18)** Facilitating and fostering the identification of the policy and
25 planning data needs of the state.

26 ~~(17) Overseeing and coordinating the identification of databases in the state~~
27 ~~and the creation of a catalog maintained in electronic format of those databases.~~

28 ~~(18)~~ **(19)** Charging respective user agencies for the cost of the information
29 technology services provided by the office of information technology.

30 * * *

1 Section 5. R.S. 46:2122, 2123, and 2124(A) and (B) are hereby amended and
2 reenacted to read as follows:

3 §2122. Program creation; ~~duties of director~~

4 A. From federal funds, state funds, or funds made available from private or
5 local sources for this purpose, the ~~executive director of the office of women's~~
6 ~~services in the office of the governor~~ **office of community services within the**
7 **Department of Social Services** is hereby authorized to establish a family violence
8 program, **hereafter called the "Family Violence Prevention and Intervention**
9 **Program,** for the development of community-based shelters for victims of family
10 violence. The ~~executive director~~ **Department of Social Services** shall establish such
11 program within the office of ~~women's services~~ **community services** which shall be
12 the recipient of any funds made available for the program.

13 B. The ~~executive director~~ **office of community services** shall establish
14 standards for the expenditure of state funds made available from federal, private, or
15 local sources and shall assure the availability of personnel, resources, and equipment
16 necessary for the purpose of the Chapter.

17 §2123. Program functions; ~~duties of the designee of the executive director~~

18 ~~A designee of the executive director~~ **The office of community services** shall
19 develop and administer the program to do the following:

20 (1) Establish full-time, community-based, family-oriented shelters for the
21 victims of family violence and their children.

22 (2) Increase, improve, and coordinate the delivery of comprehensive services
23 to the victims of domestic or family violence.

24 (3) Provide the types of innovative approaches and methods in services
25 designed to reduce the problems of domestic and family violence.

26 §2124. Community shelters; funding; services

27 A. ~~Through the program the executive director~~ **The office of community**
28 **services** shall seek to establish a limited number of community-based shelters and
29 family-oriented shelters for victims of family or domestic violence. Such shelters
30 may be developed on a contract basis with public or private agencies.

1 (2) (1) To create a statewide geo-spatial portal for the consolidated
2 distribution of spatial and related non-spatial data.

3 (3) (2) To collect, maintain, and distribute existing spatial or related non-
4 spatial data by a statewide geo-spatial portal.

5 (4) (3) To provide technical assistance to state agencies on the acquisition and
6 implementation of GIS and related activities.

7 (5) ~~To facilitate the establishment of an infrastructure for network~~
8 ~~communication and data exchange among state GIS users.~~

9 (6) (4) To promote GIS use and development in Louisiana.

10 (7) (5) To attract funding for state GIS efforts.

11 (8) (6) To serve as the primary contact for information related to geo-spatial
12 activities.

13 (9) (7) To ~~coordinate~~ **assist in the coordination of** GIS activities in state
14 government with the activities of the office of information technology, ~~office of~~
15 ~~electronic services~~, as provided in R.S. 39:15.1 et seq.

16 B. * * *

17 (3) The Louisiana Geographic Information Center may apply for, accept, and
18 utilize grants, contributions, and other funding in order to carry out its powers,
19 functions, and duties and the directives of the ~~Louisiana Geographic Information~~
20 ~~Systems Council~~ **chief information officer**.

21 Section 7. R.S. 36:4(M) and 4.1(B), Subpart D of Part I of Chapter 1 of Subtitle I of
22 Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:16.1 through 16.5,
23 and R.S. 46:2522(11) are hereby repealed.

24 Section 8. The Department of Social Services shall have the authority to operate the
25 Family Violence Prevention and Intervention Program pursuant to the existing rules of the
26 office of the governor, office of women's services until the Department of Social Services
27 promulgates minimum standards for operation of the program.

28 Section 9. (A) This Section and Sections 1, 2, 3, 5, 6, 7, 8, and 9 of this Act shall
29 become effective on July 1, 2009; if this Act is vetoed by the governor and subsequently
30 approved by the legislature, this Section and Sections 1, 2, 3, 5, 6, 7, 8, and 9 of this Act

1 shall become effective on July 1, 2009, or on the day following such approval by the
2 legislature, whichever is later.

3 (B) Section 4 of this Act shall become effective on July 1, 2010.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____