

Regular Session, 2014

HOUSE BILL NO. 1013

BY REPRESENTATIVE SCHEXNAYDER

BOARDS/COMMISSIONS: Provides relative to boards and commissions

1 AN ACT

2 To amend and reenact R.S. 3:558.5, 558.7(F), 558.9(C)(introductory paragraph), (3), and
3 (4), and 558.12(A), R.S. 17:374(A)(2)(introductory paragraph), R.S. 36:4(B)(1)(e),
4 the heading of Chapter 15 of Title 49 of the Louisiana Revised Statutes of 1950, R.S.
5 49:968(B)(3)(c), 1054.1(A)(introductory paragraph), and 1055(D) and to repeal R.S.
6 3:558.2(1), 558.3, 558.4, and 558.12(B) and (C), R.S. 17:7(25) and Chapter 14 of
7 Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:2751
8 through 2759, R.S. 25:933(2), 941, and Chapter 29 of Title 25 of the Louisiana
9 Revised Statutes of 1950, comprised of R.S. 25:1251 through 1255, R.S. 32:1751,
10 R.S. 36:4(L)(2), 209(S) and (T), 610(M), 629(R), 651(D)(6), and 802.17, Subpart E
11 of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950,
12 comprised of R.S. 40:1236.21 through 1236.31, R.S. 49:1051 through 1054 and 1056
13 through 1057, Part IV of Chapter 3 of Title 51 of the Louisiana Revised Statutes of
14 1950, comprised of R.S. 51:955.1 through 955.4, and Part III of Chapter 2 of Title
15 56 of the Louisiana Revised Statutes of 1950, comprised of R.S. 56:901, relative to
16 boards, commissions, authorities, districts, and like entities; to provide relative to the
17 functional organization of state government by abolishing certain boards,
18 commissions, councils, authorities, and like entities; to transfer certain powers,
19 functions, and duties; to remove references to certain abolished entities; to remove
20 references to, provisions for, and the powers, functions, and duties of the Ambulance

1 Service District Commission, Broadband Advisory Council, Catfish Promotion and
2 Research Board, Coastal Land Stewardship Authority, Historic Cemetery Trust
3 Advisory Board, Louisiana Geographic Information Systems Council, Mississippi
4 River Road Commission, Systemic Initiatives Program Council, and Tri-State
5 Corridor Commission; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. The legislature finds that abolishing, transferring, and consolidating
8 certain boards, commissions, and other statutorily-created entities are in the public interest
9 when such entities no longer serve a public purpose. Pursuant to the recommendations
10 contained in the December 18, 2013, Legislative Auditor Report to the Legislature titled
11 "Boards, Commission, and Like Entities" and other information, it is the intent of the
12 legislature to abolish, transfer, and consolidate boards, commissions, and other
13 statutorily-created entities as provided in this Act.

14 **Ambulance Service District Commission**

15 Section 2. Subpart E of Part VII of Chapter 5 of Title 40 of the Louisiana Revised
16 Statutes of 1950, comprised of R.S. 40:1236.21 through 1236.31, is hereby repealed in its
17 entirety.

18 **Broadband Advisory Council**

19 Section 3. R.S. 36:4(L)(2) and Part IV of Chapter 3 of Title 51 of the Louisiana
20 Revised Statutes of 1950, comprised of R.S. 51:955.1 through 955.4, are hereby repealed in
21 their entirety.

22 **Catfish Promotion and Research Board**

23 Section 4.(A) R.S. 3:558.5, 558.7(F), 558.9(C)(introductory paragraph), (3), and (4),
24 and 558.12(A) are hereby amended and reenacted to read as follows:

25 §558.5. Administration

26 A. The ~~board~~ commissioner may adopt rules and regulations for the
27 administration of this Part. All rules shall be adopted in accordance with the
28 Administrative Procedure Act.

1 B. The commissioner shall administer and enforce the provisions of this Part
2 ~~in accordance with rules and regulations adopted by the board~~ and shall collect the
3 assessments authorized under this Part.

4 C. The ~~board~~ commissioner shall determine who shall receive grants for
5 research and educational activities under the rules and regulations adopted pursuant
6 to this Section.

7 * * *

8 §558.7. Referendum

9 * * *

10 F. The ~~board~~ commissioner shall notify the catfish farmers of the results of
11 the referendum.

12 * * *

13 §558.9. Collections

14 * * *

15 C. The ~~board~~ commissioner may impose a civil penalty for failure to collect
16 and remit assessments in accordance with the provisions of this Section. Civil
17 penalties shall be imposed in accordance with the following provisions:

18 * * *

19 (3) Civil penalties may be assessed only by a ruling of the ~~board~~
20 commissioner based on an adjudicatory hearing held in accordance with the
21 Administrative Procedure Act.

22 (4) The ~~board~~ commissioner may institute civil proceedings to enforce ~~its~~ his
23 rulings in the district court for the parish in which the violation occurred.

24 * * *

25 §558.12. Distribution of proceeds

26 ~~A.~~ On or before the last day of each month, the department shall transmit the
27 refunds requested for the previous month ~~and deliver the balance of the proceeds of~~
28 ~~the assessments to the board.~~

29 * * *

1 (B) R.S. 36:629(R) and R.S. 3:558.2(1), 558.3, 558.4, and 558.12(B) and (C) are
2 hereby repealed in their entirety.

3 **Coastal Land Stewardship Authority**

4 Section 5. R.S. 36:610(M) and Part III of Chapter 2 of Title 56 of the Louisiana
5 Revised Statutes of 1950, comprised of R.S. 56:901, are hereby repealed in their entirety.

6 **Historic Cemetery Trust Advisory Board**

7 Section 6. R.S. 25:933(2) and 941 and R.S. 36:209(T) are hereby repealed in their
8 entirety.

9 **Louisiana Geographic Information Systems Council**

10 Section 7.(A) R.S. 36:4(B)(1)(e) is hereby amended and reenacted to read as
11 follows:

12 §4. Structure of executive branch of state government

13 * * *

14 B. The office of the governor shall be in the executive branch of state
15 government.

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

18 * * *

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

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

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

24 * * *

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

28 * * *

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

4 * * *

5 (C) The heading of Chapter 15 of Title 49 of the Louisiana Revised Statutes of 1950,
 6 and R.S. 49:1054.1(A)(introductory paragraph) and 1055(D) are hereby amended and
 7 reenacted to read as follows:

8 CHAPTER 15. LOUISIANA GEOGRAPHIC INFORMATION
 9 ~~SYSTEMS COUNCIL~~ CENTER

10 * * *

11 §1054.1. Duties of the Louisiana Geographic Information Center

12 A. The Louisiana Geographic Information Center shall have the duty to
 13 provide various ~~GIS~~ geographic information system, referred to in this Chapter as
 14 "GIS", services to the state at the direction of the chief information officer, which
 15 may include:

16 * * *

17 ~~§1055. Staff of the council; cooperation by departments and local units of~~
 18 ~~government~~ Louisiana Geographic Information Center; agreements

19 ~~A. Each member entity of the council may provide staff support for the~~
 20 ~~activities of the council.~~

21 ~~B. All departments and agencies of all branches of government and all units~~
 22 ~~of local government shall cooperate with the council in providing and maintaining~~
 23 ~~information related to the GIS activities of the state.~~

24 ~~C. No department or agency unit of local or state government shall furnish~~
 25 ~~information or data protected by the confidentiality provisions of Part I of Chapter~~
 26 ~~1 of Title 44 of the Louisiana Revised Statutes of 1950, data protected by contract~~
 27 ~~or licensing agreements, or any other confidential or privileged information;~~
 28 ~~however, every department and agency and every unit of local government shall~~
 29 ~~provide information on such data without disclosing the confidential or protected~~

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

1 return receipt or the messenger's receipt shall be proof of receipt of the report by the
2 committee.

3 * * *

4 (3) The Department of Culture, Recreation and Tourism and all of the
5 agencies made a part of it, except as otherwise provided in this Paragraph, shall
6 submit the report to the House Committee on Municipal, Parochial and Cultural
7 Affairs and the Senate Committee on Commerce, Consumer Protection, and
8 International Affairs.

9 * * *

10 (c) The office of tourism and promotion; and the Louisiana Tourist
11 Development Commission, ~~and the Mississippi River Road Commission~~ shall submit
12 the report to the House Committee on Commerce and the Senate Committee on
13 Commerce, Consumer Protection, and International Affairs.

14 * * *

15 (B) R.S. 36:209(S) and 802.17 and Chapter 29 of Title 25 of the Louisiana Revised
16 Statutes of 1950, comprised of R.S. 25:1251 through 1255, are hereby repealed in their
17 entirety.

18 **Systemic Initiatives Program Council**

19 Section 9.(A) R.S. 17:374(A)(2)(introductory paragraph) is hereby amended and
20 reenacted to read as follows:

21 §374. Quality Science and Mathematics Council; creation; membership; terms;
22 vacancies; domicile; meetings; compensation

23 A.

24 * * *

25 (2) The council shall be comprised of one member of the State Board of
26 Elementary and Secondary Education selected by the board, ~~the assistant directors~~
27 ~~of science and mathematics education for the Louisiana Systemic Initiatives~~
28 ~~Program~~; two members from the state Department of Education appointed by the

1 superintendent of education, and two members of each of the following organizations
2 chosen by the organization:

3 * * *

4 (B) R.S. 17:7(25) and Chapter 14 of Title 17 of the Louisiana Revised Statutes of
5 1950, comprised of R.S. 17:2751 through 2759, and R.S. 36:651(D)(6) are hereby repealed
6 in their entirety.

7 **Tri-State Corridor Commission**

8 Section 10. R.S. 32:1751 is hereby repealed in its entirety.

9 Section 11. The property and funds, if any, of the entities abolished by this Act
10 whose functions are not transferred to another entity or official shall be the property of the
11 state and the state treasurer shall provide for the deposit of such funds in the state treasury
12 to the credit of the state general fund, after deposit in the Bond Security and Redemption
13 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. 1013

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.

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:

Ambulance Service District Commission: Present law provides for a statewide ambulance service district to enhance reimbursement and financial stability of ambulance providers. Provides that the commission governs the district. Proposed law repeals present law.

Broadband Advisory Council: Present law creates the council is to serve as the central broadband planning body for the state and to communicate and coordinate with state, regional, and local agencies and private entities in order to develop a coordinated statewide broadband access and usage policy, consistent with homeland security and emergency response needs, policies, and systems. Proposed law abolishes the council and its functions and repeals present law.

Catfish Promotion and Research Board: Present law creates the catfish promotion and research program to provide a voluntary method of raising revenues to be used for the purposes of developing markets for La. catfish and for funding research and educational activities for the La. catfish industry. Provides for assessments levied upon a majority vote of catfish farmers. Authorizes the board to adopt rules and regulations. Provides that the board directs the conducting of referenda and notifies the catfish farmers of the results. Authorizes the board to impose a civil penalty for failure to collect and remit assessments after a hearing and to institute civil proceedings to enforce its rulings. Proposed law abolishes the board and transfers its functions to the commissioner of agriculture and forestry.

Coastal Land Stewardship Authority Board of Directors: Present law creates the authority to provide for management and administration of certain immovable properties, servitudes, and easements acquired by the state in connection with the development, design, and implementation of coastal conservation, restoration, and protection plans and projects in a manner determined appropriate by the Coastal Protection and Restoration Authority and consistent with any agreements entered into between the Coastal Protection and Restoration Authority and the federal government. Provides that the authority is administered by a board of directors. Proposed law abolishes the authority and the board and their functions.

Historic Cemetery Trust Fund Advisory Board: Present law creates the board to determine the need for an inventory of historic cemeteries and isolated graves to be regulated by the Dept. of Culture, Recreation and Tourism and to maintain any such inventory, to adopt such rules, regulations, standards, and grant application procedures necessary to implement the funding provisions of present law (La. Historic Cemetery Preservation Act), and to establish priorities and criteria to be considered for grants. Proposed law abolishes the board 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.

Mississippi River Road Commission: Present law creates the commission with the purpose of to preserving, enhancing, and promoting the Mississippi River Road as an historic, cultural, scenic, natural, and economic resource for the state. Proposed law abolishes the commission and its functions.

Systemic Initiatives Program Council: Present law establishes a program for the improvement of the quality of science and mathematics education through a committed and cooperative effort among agencies involved in higher education, elementary and secondary education, and the National Science Foundation. Requires the council to approve activities selected for program sponsorship and other projects and programs; establish and make available rules and procedures for the conduct of the program and the council; meet not less often than two times a year; employ and evaluate staff; and receive and approve the disbursement of all funds made available

for the program. Authorizes the council to establish any permanent or temporary advisory bodies that the council deems helpful; establish any structure for the operation of the program, including committees of the council, that contributes to the efficient conduct of business; consider and recommend to the legislature, BESE, the Board of Regents or any other entity changes in law, regulation, or policy that the council deems necessary or useful to the improvement of mathematics or science education; and permit, notwithstanding present law (Ch. 15 of Title 42 of the Louisiana Revised Statutes of 1950), members of the council to participate in projects and programs and activities sponsored by the program, in accordance with rules adopted by the council with regard to such participation. Proposed law abolishes the council and its functions.

Tri-State Corridor Commission: Present law creates to commission to undertake and perform economic development, industrial development, and tourism development in the corridor and in behalf of the membership comprising those political subdivisions (city, town, village, county, parish) within the boundaries of the commission's authority. Provides that the boundary of the commission is the geographical boundaries of the parish of Caddo in La. and the counties of Marion, Cass, and Bowie in Texas and Miller and Little River Counties in Arkansas. Authorizes the commission to receive monies, to levy and collect taxes other than ad valorem taxes, and to enter into cooperative agreements and arrangements. Proposed law abolishes the commission 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.

(Amends R.S. 3:558.5, 558.7(F), 558.9(C)(intro. para.), (3), and (4), and 558.12(A), R.S. 17:374(A)(2)(intro. para.), R.S. 36:4(B)(1)(e), the heading of Ch. 15 of Title 49, R.S. 49:968(B)(3)(c), 1054.1(A)(intro. para.), and 1055(D); Repeals R.S. 3:558.2(1), 558.3, 558.4, and 558.12(B) and (C), R.S. 17:7(25) and 2751-2759, R.S. 25:933(2), 941, and 1251-1255, R.S. 32:1751, R.S. 36:4(L)(2), 209(S) and (T), 610(M), 629(R), 651(D)(6), and 802.17, R.S. 40:1236.21-1236.31, R.S. 49:1051 through 1054 and 1056 through 1057, R.S. 51:955.1-955.4, and R.S. 56:901)