

2016 Regular Session

HOUSE BILL NO. 743

BY REPRESENTATIVE SCHRODER

STATE DEPARTMENTS: Provides for a subcommittee of the Joint Legislative Committee on the Budget to conduct sunset reviews of state departments

1 AN ACT

2 To amend and reenact R.S. 49:193(B)(introductory paragraph) and to enact R.S. 24:653(N),  
3 relative to the Joint Legislative Committee on the Budget; to establish a statutory  
4 entity review subcommittee; to provide for the powers, duties, and functions of such  
5 subcommittee; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 24:653(N) is hereby enacted to read as follows:

8 §653. Duties and functions

9 \* \* \*

10 N.(1) The committee shall have a statutory entity review subcommittee  
11 which shall review and evaluate statutory entities to make evaluations to achieve the  
12 following:

13 (a) The elimination of inactive entities.

14 (b) The elimination or consolidation of entities, programs, or activities which  
15 duplicate other governmental entities, programs, or activities.

16 (c) The elimination of unnecessary entities, programs, or activities or  
17 entities, programs, or activities which no longer serve the public interest.

1           (d) The elimination or improvement of inefficient or ineffective entities,  
2           programs, or activities.

3           (e) The elimination or revision of entities, programs, or activities that are  
4           inconsistent with the intent of legislation authorizing the entity, program, or activity.

5           (2) The committee, by its own rules, motions, or resolutions, shall provide  
6           for the size, membership, appointment, all administrative matters, and the delegated  
7           powers and duties of the statutory entity review subcommittee. The committee shall  
8           provide that the membership of the subcommittee is bipartisan and diverse.

9           (3) The statutory entity review subcommittee shall conduct the review,  
10           analysis and study of the listings required under R.S. 49:19.1(B) of all legislatively  
11           authorized programs and Acts of the legislature directing any activity to be  
12           administered by the budget unit for which implementing funds were not appropriated  
13           in the prior fiscal year and shall report its findings and recommendations to the  
14           committee in sufficient time for the committee to incorporate its findings and  
15           recommendations in the report the committee is required to submit under R.S.  
16           49:191.1(B).

17           (4) The statutory entity review subcommittee may review and conduct  
18           hearings on the information received by the appropriate standing committees from  
19           a statutory entity as part of the procedure for re-creation of any statutory entity to be  
20           terminated under the provisions of R.S. 49:190, et seq. If the appropriate standing  
21           committee does not provide notice of termination and evaluation to the statutory  
22           entity to be terminated, the statutory entity review subcommittee may send notice of  
23           termination and evaluation.

24           (5) The statutory entity review subcommittee may conduct the oversight  
25           hearings of the undersecretary reports of the House Committee on Appropriations  
26           and the Senate Committee of Finance required by R.S.36:8(C).

27           (6) The statutory entity review subcommittee may request the assistance of  
28           the Legislative Fiscal Office and the legislative auditor to compile pertinent

1 information about any statutory entity under review by the statutory entity review  
2 subcommittee.

3 Section 2. R.S. 49:193(B)(introductory paragraph) is hereby amended and reenacted  
4 to read as follows:

5 §193. Re-creation of terminated entity; procedure

6 The procedure for re-creation of any statutory entity to be terminated under  
7 the provisions of this Part shall be as follows:

8 \* \* \*

9 B. No later than thirty days after the referral of the statutory entities to the  
10 appropriate standing committees, the committees shall, separately or jointly, notify  
11 the statutory entities under their jurisdiction of the termination dates and provide  
12 them a tentative schedule for evaluation hearings. In addition, the committees shall,  
13 separately or jointly, request the Department of State Civil Service to review the job  
14 descriptions and staffing of each entity. After receipt of the notice of termination  
15 and evaluation from the appropriate standing committees or the statutory entity  
16 review subcommittee of the Joint Legislative Committee on the Budget, each  
17 statutory entity shall provide the standing committees and the Joint Legislative  
18 Committee on the Budget with the following information at the same time it submits  
19 its budget request to the governor under the provisions of R.S. 39:33:

20 \* \* \*

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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)]

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HB 743 Engrossed

2016 Regular Session

Schroder

**Abstract:** Creates the statutory entity review subcommittee of the Joint Legislative Committee on the Budget to review information received by standing committees under the Sunset Law and other reports received by agencies.

Proposed law creates the statutory entity review subcommittee (the review subcommittee) of the Joint Legislative Committee on the Budget (JLCB). Provides that the subcommittee shall conduct sunset review and may conduct activities related to the termination of unfunded programs and acts and activities related to reports prepared by the department secretaries as described below:

**SUNSET REVIEW**

Present law (the Sunset Law, R.S. 49:190, et seq.) provides for termination of each state agency, department, and office (statutory entity) and a procedure for standing committees of the legislature to conduct a comprehensive evaluation to determine if the merits of the activities of the entity support its continuation. Statutory entities are assigned to standing committees by the presiding officer of each house and are required to provide information to the standing committees.

Proposed law authorizes the review subcommittee to request the same information statutory entities are required to submit to the standing committees. Further requires the statutory entities to provide to the JLCB the same information submitted to the standing committees.

Present law establishes the purposes of the evaluations of the standing committees as:

- (1) The elimination of inactive entities.
- (2) The elimination or consolidation of entities, programs, or activities which duplicate other governmental entities, programs, or activities.
- (3) The elimination of unnecessary entities, programs, or activities or entities, programs, or activities which no longer serve the public interest.
- (4) The elimination or improvement of inefficient or ineffective entities, programs, or activities.
- (5) The elimination or revision of entities, programs, or activities that are inconsistent with the intent of legislation authorizing the entity, program, or activity.

Proposed law establishes the same purposes of the evaluations for the review subcommittee.

**TERMINATION OF UNFUNDED PROGRAMS AND ACTS**

Present law (R.S. 49:191.1) requires each state budget unit to compile a listing of all legislatively authorized programs directing any activity to be administered by the budget unit for which implementing funds were not appropriated in the prior fiscal year. Requires the reports to be submitted to the JLCB. Requires the JLCB to submit its findings and recommendations to the members of the legislature not later than two weeks prior to each regular session of the legislature.

Proposed law authorizes the review subcommittee to conduct the review, analysis and study of the listings required under present law and report its findings and recommendations to the JLCB in time for the committee to incorporate the findings in the report the JLCB is required to submit under present law.

**UNDERSECRETARY REPORT**

Present law (R.S. 36:8(C)) requires each department secretary to submit the undersecretary report prior to Dec. 5 of each year relating to management and program analysis to the House Committee on Appropriations, to the Senate Committee on Finance, and to the legislative standing committee having oversight of the department. The legislative committees which receive reports as provided present law shall conduct hearings to review such reports.

Proposed law authorizes the review subcommittee to conduct the hearings of the House Committee on Appropriations and the Senate Committee on Finance required in present law.

(Amends R.S. 49:193(B)(intro. para.); Adds R.S. 24:653(N))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the original bill:

1. Requires the Joint Legislative Committee on the Budget to provide for a review subcommittee membership that is bipartisan and diverse.