

2019 Regular Session

HOUSE BILL NO. 404

BY REPRESENTATIVE SCHEXNAYDER

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

BOARDS/COMMISSIONS: Abolishes certain boards, commissions, authorities, like entities, and related funds

1 AN ACT

2 To amend and reenact R.S. 39:100.116(A)(13), R.S. 44:4.1(B)(8), and R.S. 48:77(B)(3) and

3 to repeal Chapter 15 of Title 15 of the Louisiana Revised Statutes of 1950,

4 comprised of R.S. 15:1601 through 1614, R.S. 17:3138.4, R.S. 22:31(A)(1) and 32,

5 R.S. 36:4(O), 610(J), 686(C)(4), and 769(M), Subpart B of Part V of Chapter 1 of

6 Title 48 of the Louisiana Revised Statutes of 1950, comprised of R.S. 48:81 through

7 90.1, Subpart A-1 of Part VII of Chapter 1 of Title 56 of the Louisiana Revised

8 Statutes of 1950, comprised of R.S. 56:360.1 through 360.3, and Section 5 of Act

9 No. 612 of the 2018 Regular Session of the Legislature, relative to boards,

10 commissions, committees, councils, authorities, districts, like entities, and funds

11 related thereto; to provide relative to the functional organization of state government

12 by abolishing certain boards, commissions, committees, councils, authorities,

13 districts, like entities, and funds related thereto; to remove references to, provisions

14 for, and the powers, functions, and duties of the Witness Protection Services Board;

15 to remove all provisions of the Witness Protection Services Act; to remove

16 references to, provisions for, and the powers, functions, and duties of and relative to

17 the Workforce and Innovation for a Stronger Economy Strategic Planning Council

18 and related duties of the Board of Regents; to remove provisions for the Workforce

19 and Innovation for a Stronger Economy Fund and transfer any unencumbered

20 balance remaining in the fund to the state general fund; to remove references to,

1 provisions for, and the powers, functions, and duties of the Advisory Committee on
 2 Equal Opportunity; to remove references to, provisions for, and the powers,
 3 functions, and duties of the Louisiana State Transportation Infrastructure Bank; to
 4 remove provisions for the Louisiana State Transportation Infrastructure Fund and
 5 redirect certain monies allocated to such fund to the Transportation Trust Fund; to
 6 remove references to, provisions for, and the powers, functions, and duties of the
 7 Louisiana Aquatic Invasive Species Council; remove references to, provisions for,
 8 and the powers, functions, and duties of the Louisiana Aquatic Invasive Species
 9 Advisory Task Force; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. The legislature finds that abolishing certain boards, commissions, and
 12 other statutorily-created entities and funds are in the public interest when such entities are
 13 inactive. Pursuant to the recommendations contained in the October 10, 2018, Legislative
 14 Auditor Report to the Legislature titled "Boards, Commissions, and Like Entities" and other
 15 information, it is the intent of the legislature to abolish, boards, commissions, and other
 16 statutorily-created entities as provided in this Act.

17 **Witness Protection Services Board and the Witness Protection Services Act**

18 Section 2.(A) Chapter 15 of Title 15 of the Louisiana Revised Statutes of 1950,
 19 comprised of R.S. 15:1601 through 1614, and R.S. 36:4(O) are hereby repealed in their
 20 entirety.

21 (B) R.S. 44:4.1(B)(8) is hereby amended and reenacted to read as follows:

22 §4.1. Exceptions

23 * * *

24 B. The legislature further recognizes that there exist exceptions, exemptions,
 25 and limitations to the laws pertaining to public records throughout the revised
 26 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
 27 limitations are hereby continued in effect by incorporation into this Chapter by
 28 citation:

29 * * *

1 (8) R.S. 15:242, 440.6, 477.2, 549, 570(F), 574.12, 578.1, 616, 660, 840.1,
2 1176, 1204.1, 1212.1(E), 1507, ~~1614~~

3 * * *

4 **Workforce and Innovation for a Stronger Economy Strategic Planning Council,**
5 **Workforce and Innovation for a Stronger Economy Fund, and related provisions**

6 Section 3.(A) R.S. 17:3138.4 is hereby repealed in its entirety.

7 (B) Notwithstanding any contrary provision of Section 24 of Act No. 612 of
8 the 2018 Regular Session of Legislature, the state treasurer is hereby authorized and
9 directed to transfer any unencumbered balance remaining in the Workforce and
10 Innovation for a Stronger Economy Fund to the state general fund after satisfying
11 appropriations for Fiscal Year 2018-2019.

12 (C) Notwithstanding any contrary provision of Section 25 of Act No. 612 of
13 the 2018 Regular Session of Legislature, Section 5 of Act No. 612 of the 2018
14 Regular Session of the Legislature is hereby repealed in its entirety and shall not
15 become effective.

16 **Advisory Committee on Equal Opportunity**

17 Section 4. R.S. 22:31(A)(1) and 32 and R.S. 36:686(C)(4) are hereby repealed in
18 their entirety.

19 **Louisiana State Transportation Infrastructure Bank and Louisiana State**
20 **Transportation Infrastructure Fund**

21 Section 5.(A) R.S. 36:769(M) and Subpart B of Part V of Chapter 1 of Title 48 of
22 the Louisiana Revised Statutes of 1950, comprised of R.S. 48:81 through 90.1, are hereby
23 repealed in their entirety.

24 (B) R.S. 39:100.116(A)(13) is hereby amended and reenacted to read as follows:

25 §100.116. Dedication of mineral revenues

26 A. All mineral revenues as defined in Subsection D of this Section received
27 in each fiscal year by the state as a result of the production of or exploration for
28 minerals, hereinafter referred to as mineral revenues, shall be allocated as provided

1 in this Section after the following allocations and deposits of mineral revenues have
2 been made:

3 * * *

4 (13) An amount equal to the state general fund deposited into the
5 Transportation Trust Fund ~~and the Louisiana State Transportation Infrastructure~~
6 ~~Fund~~ as provided in R.S. 48:77.

7 * * *

8 (C) R.S. 48:77(B)(3) is hereby amended and reenacted to read as follows:

9 §77. Transportation Trust Fund; dedication and uses of certain monies for
10 transportation purposes

11 * * *

12 B. The monies dedicated pursuant to Subsection A of this Section shall be
13 deposited to the funds specified for the following purposes:

14 * * *

15 (3)(a) After compliance with the provisions of Paragraph (1) of this
16 Subsection, seven percent of the remaining monies shall be deposited into the
17 ~~Louisiana State Transportation Infrastructure Fund~~ established in R.S. 48:86 as
18 ~~provided in Acts 2015, No. 431~~ Transportation Trust Fund. The monies deposited
19 in the ~~Louisiana State Transportation Infrastructure Fund~~ Transportation Trust Fund
20 pursuant to this ~~Subsection~~ Paragraph shall be used exclusively for final design and
21 construction and shall not be used for studies.

22 (b) ~~If the Act [Acts 2015, No. 431] which originated as House Bill No. 767~~
23 ~~of the 2015 Regular Session of the Legislature fails to pass and is not enacted into~~
24 ~~law, the monies allocated to this Paragraph shall be deposited into the Transportation~~
25 ~~Trust Fund and used exclusively for port construction and development priority~~
26 ~~program projects as provided in Subparagraph (2)(b) of this Subsection.~~

27 * * *

28 **Louisiana Aquatic Invasive Species Council and the Louisiana Aquatic Invasive**
29 **Species Advisory Task Force**

1 Section 6. R.S. 36:610(J) and Subpart A-1 of Part VII of Chapter 1 of Title 56 of the
2 Louisiana Revised Statutes of 1950, comprised of R.S. 56:360.1 through 360.3, are hereby
3 repealed in their entirety.

4 Section 7. The property and funds, if any, of the entities abolished by this Act whose
5 functions or funds are not transferred to another entity or official shall be the property of the
6 state and the state treasurer shall provide for the deposit of such funds in the state treasury
7 to the credit of the state general fund, after deposit in the Bond Security and Redemption
8 Fund as otherwise provided by law.

9 Section 8. This Act shall become effective on June 30, 2019; if vetoed by the
10 governor and subsequently approved by the legislature, this Act shall become effective on
11 June 30, 2019, or on the day following such approval by the legislature, whichever is later.

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)]

HB 404 Original

2019 Regular Session

Schexnayder

Abstract: Provides for the abolition of certain boards, commissions, authorities, like entities and related funds and abolishes the powers, functions, duties, and responsibilities of such entities, and removes references and related provisions.

Proposed law provides for the abolition of certain boards, commissions, authorities, like entities and related funds and abolishes the powers, functions, duties, and responsibilities of such entities, and removes references and related provisions all as follows:

Witness Protection Services Board and the Witness Protection Services Act

Present law establishes the Witness Protection Services Act to foster the full and voluntary cooperation of witnesses and provide services that may assist in protecting witnesses to obtain such cooperation. Creates the Witness Protection Services Board, consisting of seven members, within the office of the governor and provides its powers, functions, and duties of the board. Provides that the board consider or act on matters concerning the identity, location, or award of protection to critical witnesses or their immediate family, including armed protection or escort, marked or unmarked surveillance, or periodic visits or contact by law enforcement officials prior, during, or subsequent to a criminal proceeding; physical relocation to an alternate shelter, housing, or residence; and reasonable housing expenses. Provides for immunity for the board and its members in providing or failing to provide witness protection services. Proposed law repeals present law.

Workforce and Innovation for a Stronger Economy Strategic Planning Council and Workforce and Innovation for a Stronger Economy Fund

Present law establishes the WISE Council comprised of the president-chancellor of the Louisiana State University System, the president of the Southern University System, the

president of the University of Louisiana System, the president of the Louisiana Community and Technical College System, the commissioner of higher education, the secretary of the Dept. of Economic Development (DED), the executive director of the La. Workforce Commission (LWC), and the chairman of the La. Workforce Investment Council, within the Board of Regents. Requires the WISE Council to develop a statewide workforce and gap analysis and requires the WISE Council to review implementation plans submitted by the institutions. Present law creates the WISE fund, within the state treasury as a special fund for the purpose of funding degree and certificate production and research priorities in high demand fields through programs offered by La.'s public postsecondary education institutions to meet the state's current and future workforce and innovation needs. Proposed law repeals present law and repeals provisions of present law (Act No. 612 of the 2018 R.S.) which repeals the WISE fund in 2020 and proposed law further directs the state treasurer to transfer any unencumbered balance remaining in the fund to the state general fund after satisfying appropriations for FY 2018-2019.

Advisory Committee on Equal Opportunity

Present law creates the Advisory Committee on Equal Opportunity within the Department of Insurance, in the division of diversity and opportunity. Provides that the committee shall be composed of twenty-five members to assist the commissioner of insurance and the division of diversity and opportunity in establishing educational and informational services to foster a greater awareness of the opportunities available in the insurance industry and of the skills, training, and education necessary to prepare for opportunities in employment, appointment as producers, and contracting for services with insurance companies transacting business in Louisiana. Further requires the division of diversity and opportunity to assist in coordinating the activities of the advisory committee. Proposed law repeals present law.

Louisiana State Transportation Infrastructure Bank and Louisiana State Transportation Infrastructure Fund

Present law creates the La. State Transportation Infrastructure Bank and its board of directors within the Dept. of the Treasury for the purpose of selecting and assisting in financing eligible transportation projects by providing loans and other financial assistance to municipalities, parishes, publicly operated ports, harbors, or terminal districts, publicly operated airports, publicly operated ferries, or publicly operated transit systems in the state for planning, constructing, and improving transportation facilities necessary for public purposes. Provides that any loan or other financial assistance shall be made pursuant to a cooperative endeavor agreement between the bank and a qualified borrower. Additionally creates the La. State Transportation Infrastructure Fund as a special fund in the state treasury. Monies in the fund are to be used exclusively by the bank to provide assistance to qualified borrowers for eligible transportation projects as may be permitted by law or regulations. Provides that the bank shall establish and maintain at least the four following accounts in the fund: state and local roadway account, state and local nonroadway account, federal roadway account, and the federal nonroadway account. Dedicates 7% of the phased in deposits of the tax on the sale, use, lease or rental, the distribution, consumption, and the storage of motor vehicles and specified mineral revenues to the fund to be used exclusively for final design and construction and not for studies. Proposed law repeals present law and provides that allocation of revenues to the La. State Transportation Infrastructure Fund shall be dedicated to the Transportation Trust Fund to be used exclusively for final design and construction and not for studies.

Louisiana Aquatic Invasive Species Council and the Louisiana Aquatic Invasive Species Advisory Task Force

Creates the La. Aquatic Invasive Species Council in the Dept. of Wildlife and Fisheries, composed of the following people or their designees: (a) governor; (b) secretary of DWF; (c) secretary of DNR; (d) secretary of DEQ; (e) commissioner of agriculture; (f) secretary of DOTD; (g) secretary of DHH; (h) state superintendent of education; and (i) secretary of

DCRT. Further creates the La. Aquatic Invasive Species Advisory Task Force in the Dept. of Wildlife and Fisheries to assist the council. Provides that the council, with the advice of the task force, is charged with implementation of the La. Invasive Aquatic Species Management Plan; coordination of the efforts of the state, the region, and the nation to control, prevent or eradicate invasive or potentially invasive aquatic species; implement the management plan's goals to prevent and control the introduction of new non-indigenous aquatic species, to control the spread of existing invasive aquatic species and to eradicate already established invasive aquatic species; identify funding sources; and submit a status report to the legislature every two years in even-numbered years. Proposed law repeals present law.

Proposed law further provides that the property and funds, if any, of the entities or funds abolished by proposed law that are not otherwise transferred 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 Funds as provided by law.

Effective June 30, 2019.

(Amends R.S. 39:100.116(A)(13), R.S. 44:4.1(B)(8), and R.S. 48:77(B)(3); Repeals R.S. 15:1601 - 1614, R.S. 17:3138.4, R.S. 22:31(A)(1) and 32, R.S. 36:4(O), 610(J), 686(C)(4), and 769(M), R.S. 48:81 - 90.1, R.S. 56:360.1 - 360.3, and Section 5 of Act No. 612 of the 2018 R.S.)