Regular Session, 2011

HOUSE BILL NO. 639 (Substitute for House Bill No. 584 by Representative Smiley)

BY REPRESENTATIVE SMILEY

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

BOARDS/COMMISSIONS: Provides for the abolition of certain boards and commissions

AN ACT

To amend and reenact R.S. 3:3552(A), R.S. 17:3162, 3163(B)(2), (3), and (4), 3164(A)(1) and (2)(b)(i) and (F)(2), 3165(C) and (D)(1), and 3167(D), R.S. 34:3101(B)(7), 3106(A), 3107, 3108(A), 3109(C)(9), 3112(G), 3113(B), 3115(A), and 3116(B), (C), and (D), R.S. 36:504(A)(9) and 509(L) , R.S. 47:337.22(B) and 337.23(A)(2), (B), (C)(introductory paragraph), (D), (F), (G), (I)(1)(b), and (J), and R.S. 48:1093(introductory paragraph), 1101.1(B)(2)(a), and 1161 and to repeal Subpart M of Part II of Chapter 4 of Subtitle I of Title 11 of the Louisiana Revised Statutes of 1950, comprised of R.S. 11:301 through 309, R.S. 17:3166(A)(1) and 3167(A) and(B), Chapter 23 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:1011 through 1016, Chapter 33 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:1301 through 1307, Chapter 35 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:1321 and 1325, R.S. 28:311 through 313, R.S. 29:735.4, R.S. 34:3102(2), 3104, and 3105, R.S. 36:4(B)(1)(o), (S), and (T), 4.1(D)(17), and 509(M), Part V-B of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:211 through 216, Chapter 26 of Title 42 of the Louisiana Revised Statutes of 1950, comprised of R.S. 42:1481 through 1485, R.S. 46:1941.8(A)(3)(b), R.S. 47:337.22(C) and 337.23(H), R.S. 48:1092.1 , and R.S. 51:943, relative to boards, commissions, authorities, districts, and like entities; to provide relative to the

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functional organization of state government by abolishing certain boards, commissions, authorities, and like entities; to transfer certain powers and responsibilities; to remove references to certain abolished entities; to remove references to, provisions for, and the powers, functions, and duties of the Commission on Public Retirement, the Compensation Review Commission, the Emergency/Disaster Medicine Review Panel, the Louisiana Governor's Mansion Commission, the Hurricane Katrina Memorial Commission, the Louisiana Wetlands Conservation and Hurricane Protection Tourist Center Commission, the Mississippi River Bridge Authority, the Small Business Entrepreneurship Commission, the Louisiana Technology Innovations Council, the Uniform Electronic Local Return and Remittance Advisory Committee, and the Youth Enhanced Services Consortium; the Offshore Terminal Authority, and the Statewide Articulation and Transfer Council; to provide for transfer of some of the powers, functions, and duties of some of the above-referenced entities; to provide for certain technical corrections regarding placement of boards and commissions in the Executive Reorganization Act; to provide relative to membership on the Louisiana Soybean and Grain Research and Promotion Board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Commission on Public Retirement

Section 1. Subpart M of Part II of Chapter 4 of Subtitle I of Title 11 of the Louisiana Revised Statutes of 1950, comprised of R.S. 11:301 through 309, is hereby repealed in its entirety.

Compensation Review Commission

Section 2. Chapter 26 of Title 42 of the Louisiana Revised Statutes of 1950, comprised of R.S. 42:1481 through 1485, is hereby repealed in its entirety.

Emergency/Disaster Medicine Review Panel

Section 3. R.S. 29:735.4 is hereby repealed in its entirety.

Louisiana Governor's Mansion Commission

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Section 4. Chapter 23 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:1011 through 1016, and R.S. 36:4(T) are hereby repealed in their entirety.

Hurricane Katrina Memorial Commission

Section 5. Chapter 33 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:1301 through 1307, and R.S. 36:4(B)(1)(o) are hereby repealed in their entirety.

Louisiana Wetlands Conservation and Hurricane Protection Tourist Center Commission

Section 6. Chapter 35 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:1321 and 1325, is hereby repealed in their entirety.

Mississippi River Bridge Authority

Section 7. (A) R.S. 48:1093(introductory paragraph), 1101.1(B)(2)(a), and 1161 are hereby amended and reenacted to read as follows:

§1093. General purposes and powers

Every authority incorporated under this Part shall be for the purpose of constructing or acquiring toll bridges and ferries to improve and extend the highway system of the State of Louisiana and, subject to the consent of the affected local governmental bodies, shall also be authorized to construct or acquire transit systems, terminals and, in the case of the ~~Mississippi River Bridge Authority~~ crescent city connection division of the Department of Transportation and Development, such parking facilities as may be required on the west bank of the Mississippi River within its jurisdiction in connection with its toll bridges and ferries so as to supplement and augment the effectiveness of its bridges and ferries and better provide for the mass movement of people; provided, however, that no such authority shall construct a transit system, in competition with an existing transit system, nor shall any such authority expropriate any portion of an existing transit system unless the entire system is purchased. It is further provided that no State Department of Highways Long Range Highway Fund monies shall be pledged or used to finance any such

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transit systems and terminals or parking facilities. Every such authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of said purposes, including, but without limiting the generality of the foregoing, the following rights and powers:

* * *

§1101.1. Crescent City Connection police

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B.

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(2)(a) Crescent City Connection police shall have, under the direction and control of the secretary, the same powers to make arrests and the power to execute and return all warrants and processes as sheriffs of the parishes of Jefferson and St. Bernard and police officers of the city of New Orleans and the cities of Gretna and Westwego in and upon the ~~Mississippi River Bridge Authority's~~ Department of Transportation and Development's property occupied by the Crescent City Connection, the Huey P. Long Bridge, the Westbank Expressway, and the ferries and the public ways contiguous thereto. Such police officers, under the same direction and control of the secretary, shall have all other powers of sheriffs of the parishes of Jefferson and St. Bernard and police officers of the city of New Orleans and the cities of Gretna and Westwego as peace officers, in all places and on all premises under the jurisdiction and control of the Crescent City Connection, the Huey P. Long Bridge, the Westbank Expressway, and the ferries and the public ways contiguous thereto.

* * *

§1161. Abolition of bridge and ferry authorities; merger and consolidation of bridge and ferry functions in board of highways

In order to merge and consolidate into one department the duties and functions that are of a similar nature or character, under authority of Section 32 of Article III of the Constitution of Louisiana, the Ascension-St. James Bridge and

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Ferry Authority, the Iberville Parish Bridge and Ferry Authority, the Pointe Coupee-West Feliciana Bridge and Ferry Authority, and the St. Charles-St. John the Baptist Bridge and Ferry Authority are hereby abolished, effective January 1, 1973, and all of the powers, duties, functions, immunities, restrictions and exemptions from taxation under any laws, and particularly under the effective provisions of Act 7 of 1952, Act 526 of 1958, Act 555 of 1966, Act 413 of 1962, Act 413 of 1966, Act 269 of 1968, Act 290 of 1968, Act 57 of 1969 and R.S. 48:1151-1158 are transferred to the State Board of Highways and Department of Highways, effective January 1, 1973, and after said date the board of highways shall have and exercise all of the executive and administrative functions provided for by the constitution or laws with respect to the authorities herein abolished and with respect to the officers and members of such authorities. ~~However, nothing herein shall be construed as abolishing or affecting the operation of the Mississippi River Bridge Authority which is hereby specifically continued in operation.~~

(B) R.S. 36:504(A)(9) is hereby amended and reenacted to read as follows:

§504. Powers and duties of secretary of transportation and development

A. In addition to the functions, powers, and duties otherwise vested in the secretary by law, he shall:

* * *

(9) Have absolute control over the ~~Mississippi River Bridge Authority including but not limited to those responsibilities provided in R.S. 48:1101.1~~ Crescent City Connection.

* * *

(C) R.S. 36:509(M) and R.S. 48:1092.1 are hereby repealed in their entirety.

Small Business Entrepreneurship Commission

Section 8. R.S. 51:943 and R.S. 36:4.1(D)(17) are hereby repealed in their entirety.

Louisiana Technology Innovations Council

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Section 9. R.S. 36:4(S) and Part V-B of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:211 through 216, are hereby repealed in their entirety.

Uniform Electronic Local Return and Remittance Advisory Committee

Section 10.(A) R.S. 47:337.22(B) and 337.23(A)(2), (B), (C)(introductory paragraph), (D), (F), (G), (I)(1)(b), and (J) are hereby amended and reenacted to read as follows:

§337.22. Sales and use tax returns

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B. ~~Until the time provided for in Subsection C of this Section, the~~ The local collector shall be responsible for the design, preparation, and printing of the return.

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§337.23. Uniform electronic local return and remittance system; official record of tax rates, and exemptions

A.

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(2) Notwithstanding any other law to the contrary, ~~beginning on the date provided for in Subsection H of this Section, but~~ no later than January 1, 2005, a taxpayer may file a sales and use tax return of a taxing authority and remit any tax, interest, penalty, or other charge due by means of the uniform electronic local return and remittance system provided for in this Section unless insufficient funds are appropriated to fund the system as provided for in Subsection J of this Section.

B.~~(1)~~ The system by which such taxpayers file electronically and pay their taxes and by which the information provided for in Subsection I is to be posted on the internet shall be established, managed, and supervised by the secretary of the Department of Revenue. ~~The Uniform Electronic Local Return and Remittance Advisory Committee shall provide advice and may make enforceable recommendations to the secretary for his consideration with regard to the design, implementation, and operation of the system in the manner provided for by this~~

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~~Section. The advisory committee is hereby created within the Department of Revenue and shall be composed of the following members:~~

~~(a) The secretary of the Department of Revenue or his designee.~~

~~(b) A representative of a local governmental subdivision who shall be appointed by the governor from a list of three names, one provided to him by the Louisiana Municipal Association, one by the Police Jury Association of Louisiana, and one by the Louisiana School Board Association. The member shall serve at the pleasure of the governor. He shall serve as chair of the advisory committee.~~

~~(c) A member appointed by the governor from a list of three names provided to him by the Louisiana Society of Certified Public Accountants, to serve at the pleasure of the governor.~~

~~(d) The head of a collector's office, appointed by the governor from a list of three names provided to him by the board of directors of the Louisiana Association of Tax Administrators, to serve at the pleasure of the governor.~~

~~(e) A representative of a business which is required to file sales and use tax returns for multiple collectors in the state, who shall be appointed by the governor from a list of three names provided to him jointly by the Louisiana Retail Dealers Association and the Louisiana Association of Business and Industry. The member shall serve at the pleasure of the governor.~~

~~(2) Each appointment by the governor shall be submitted to the Senate for confirmation. All vacancies shall be filled in the same manner that is provided for the original member.~~

~~(3) The members of the advisory committee shall serve without additional compensation except for their reasonable and necessary expenses related to the performance of their duties as members of the committee, and then only in such amounts as is provided by law for state employees.~~

~~(4) Meetings shall be called by the chair at a time and place to be selected by the chair, or at a time and place provided for upon the written request of three members. Four members of the advisory committee shall be considered a quorum~~

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~~and the committee may make official recommendations and take other official action upon the affirmative vote of four members.~~

~~(5)(a) If at any time the advisory committee believes the secretary has taken action contrary to the advice or recommendation of the committee, it may make a written request to the secretary specifying the advice or recommendation, the action which the committee believes the secretary has taken, and asking him to provide written reasons for such action. The secretary shall provide a written answer to the chairman of the committee within fifteen days or such longer time as the committee shall allow.~~

~~(b) If, after receiving and considering the written answer of the secretary, the committee believes it unsatisfactory, the committee may make a written request to the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means specifying the recommendation and asking the committees to make it an enforceable recommendation.~~

~~(c)(i) The request of the advisory committee shall be considered as a proposed rule or regulation of the Department of Revenue and shall be subjected to the same oversight procedure as is set forth in the Administrative Procedure Act for such rules and regulations, except for the need for publication.~~

~~(ii) Notwithstanding any other law to the contrary, if the oversight procedure under the Administrative Procedure Act results in approval of the advisory committee's request to make its recommendation an enforceable recommendation, then the advisory committee's recommendation shall be followed by the secretary.~~

C. The uniform electronic local return and remittance system and the posting of the information required by Subsection I of this Section shall be established, managed, and supervised by the secretary, ~~with the advice of the advisory committee~~ and the system shall include the following:

* * *

D.(1) Each collector shall provide to the secretary ~~and the advisory committee~~ within ninety days of ~~its~~ his written request, or such other time as may be

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allowed by the ~~advisory committee~~ secretary, the information necessary to design and implement the system provided for in this Section. Each collector shall follow the data validation procedures established by the ~~advisory committee~~ secretary. If the collector fails or refuses to timely provide such information, the secretary ~~and the advisory committee~~ shall design and implement the system from the best information available to them.

(2) Each collector shall provide written notification to the secretary ~~and the advisory committee~~ by certified mail, return receipt requested, of any change in the information provided to it pursuant to Subparagraph (C)(1)(a) of this Section thirty days prior to such changes becoming effective, or such other shorter time as may be allowed by the ~~advisory committee~~ secretary. Each collector shall follow the data validation procedures established by the ~~advisory committee~~ secretary.

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F.(1) It shall be the duty of the state through the Department of Revenue~~,~~ ~~with the advice of the advisory committee,~~ to design, implement, and operate the system required by this Section and to provide the staff and equipment necessary to receive and transmit to the collectors the electronic returns and funds.

(2)(a) It shall be the duty of the collector of each parish to provide and make available the appropriate staff, equipment, and information necessary for the receipt and transmission of electronic returns and funds. The Department of Revenue shall not be responsible for any loss of revenue attributable to the failure of a collector to comply with the provisions of this Paragraph.

(b) The ~~advisory committee~~ secretary may determine alternate distribution methods and the appropriate fees to be charged for such methods when a collector fails to comply with the provisions of this Paragraph. The amount of the fee shall not exceed the cost of the alternate distribution method.

G.(1) It is the intention of this Section only to provide to taxpayers a simple, efficient, and cost-effective means of transmitting accurate tax returns and taxes to taxing authorities of the state from a central site in the quickest manner possible.

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This Section shall not be construed to grant to ~~the advisory committee or~~ the Department of Revenue any authority to collect or administer such taxes. In addition, any funds transmitted through the system as provided for in this Section shall be considered the funds of the taxing authorities to be distributed by the collector in the manner provided by local ordinances and shall not in any way be considered state funds.

(2) The ~~advisory committee~~ secretary shall provide a method for all questions related to the application and interpretation of the sales and use tax law of a particular taxing authority received by the ~~committee or the~~ Department of Revenue to be forwarded to the appropriate collector for response.

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(b) The secretary ~~and the advisory committee~~ shall be notified of any changes in such information as provided for in Subsection D of this Section. Each collector shall follow the data validation procedures established by the ~~advisory committee~~ secretary.

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J. If the secretary of the Department of Revenue and the commissioner of administration certify ~~to the advisory committee~~ that there was not a separate line item in the general appropriations bill appropriating funds to the Department of Revenue for the design, implementation, and operation of the system provided for in this Section for the fiscal year, or that insufficient funds were appropriated in such line item, then such electronic filing and remittance shall not be available to taxpayers from the first of the month following such certification and the secretary may take such steps as he deems necessary to prevent access to the system until the secretary and the commissioner certify that such funds have been appropriated in a separate line item.

(B) R.S. 47:337.22(C) and 337.23(H) are hereby repealed in their entirety.

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Youth Enhanced Services Consortium

Section 11. R.S. 28:311 through 313 and R.S. 46:1941.8(A)(3)(b) are hereby repealed in their entirety.

Offshore Terminal Authority

Section12.(A) R.S. 34:3101(B)(7), 3106(A), 3107, 3108(A), 3109(C)(9), 3112(G), 3113(B), 3115(A), and 3116(B), (C), and (D) are hereby amended and reenacted to read as follows:

§3101. Object; purpose of chapter

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B. It is further the object and purpose of this Chapter:

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(7) To create a state agency of the state of Louisiana to exercise the powers and functions granted hereby and to serve as an agency to assist licensees, as hereinafter defined, in the financing of deepwater ports and offshore terminal facilities. The functions exercised by the ~~board~~ authority empowered herein shall be deemed to be governmental functions and public obligations of the state of Louisiana performed on behalf of the state.

* * *

§3106. Annual reports; budget unit

A. The ~~board of commissioners~~ executive director shall make an annual report to the governor showing all receipts and disbursements of the board; the number of arrivals and departures of vessels and their tonnage; the exports and imports passing through the authority; the general condition of the authority and its structures, facilities and other properties; and make such recommendations for its development; welfare and management as may seem advisable.

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§3107. Executive director; selection; duties; employees; compensation

A. The ~~board of commissioners shall select~~ governor shall appoint an executive director who shall exercise all control over all executive functions and the

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general operation of the authority. The authority may ~~either directly or~~ through their executive director employ such other agents and employees permanent and temporary, as it may require and shall determine their qualifications, duties, and compensation. The executive director shall serve at the pleasure of the board. All employees of the authority shall be responsible to the executive director who shall organize the personnel employed by the authority in the most efficient manner to accomplish the purpose of the authority as provided in this Chapter and by regulations established by the ~~authority's board~~ authority, all to be accomplished in accordance with applicable civil service laws, rules, and regulations.

B. ~~The executive director, in addition to his usual functions, shall be secretary to the board of commissioners.~~ The ~~board of commissioners~~ secretary of the Department of Transportation and Development shall fix the compensation of the executive director.

C. All employees of the authority, except the ~~board of commissioners,~~ the executive director, an assistant executive director, an executive secretary to the executive director, and professional employees employed on a contract basis, shall be in the classified service of the state.

§3108. Acquisition of sites; lease of state owned lands and water bottoms

A.(1) To enable the authority to perform the work herein provided, the state of Louisiana, acting by and through the register of state lands, is hereby authorized, empowered and directed to grant to the authority a lease on state owned lands and water bottoms which are selected by the authority as sites for offshore terminal facilities; provided, however, that the mineral rights on any and all state lands shall be reserved to the state of Louisiana.

(2) Upon receipt of a request from the ~~governing body of the~~ authority describing the lands to be leased by the authority, it is hereby made the mandatory duty of the register of state lands to issue a certificate of title evidencing the lease of the land to the authority as described in the request.

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§3109. Powers

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C. In addition to all other powers granted to the authority, the authority is hereby granted the following powers and duties:

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(9) To make secured or unsecured loans, but solely from funds obtained from the sale of revenue bonds issued under Section 3112.1 for the purpose of financing or refinancing the acquisition, construction, improvement, or equipping of a revenue bond project or revenue bond projects; to charge and collect interest on such loans and pledge the proceeds of loan agreements as security for the payment of the principal and interest of bonds, or designated issues of bonds issued by the authority and any agreements made in connection therewith, whenever the ~~board~~ secretary finds such loans to be in furtherance of the public purposes and obligations of the authority and in the public interest, it being recognized that the funds being loaned are not funds of the state or of any political subdivision thereof, but are moneys obtained from revenue bonds secured by payments to be made by licensees and other private industrial and commercial enterprises.

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§3112. Bonds; procedure for issuance

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G. Such bonds shall be authorized by a resolution of the ~~board of commissioners of the authority~~ secretary of the Department of Transportation and Development and shall be of such series, bear such date or dates, mature at such time or times not exceeding forty years from their respective dates, bear interest at such rate or rates per annum, payable at such time or times, be in such denominations, be in such form, either coupon or full registered without coupons, carrying such registration and exchangeability privilege, be payable in such medium of payment and at such place or places, be subject to such terms of redemption not exceeding one hundred five percent of the principal amount thereof, and be entitled to such priority

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on the revenues of the authority as such resolution or resolutions may provide. The bonds shall be signed by such officers as the authority shall determine, and coupon bonds shall have attached thereto interest coupons bearing the facsimile signatures of such officer or officers of the authority as it shall designate. Any such bonds may be issued and delivered, notwithstanding that one or more of the officers signing such bonds or the officers whose facsimile signature or signatures may be upon the coupons shall have ceased to be such officer or officers at the time such bonds shall actually have been delivered. Said bonds shall be sold for not less than par and accrued interest to the highest bidder at a public sale after advertisement by the authority at least seven days in advance of the date of sale, in newspapers or financial journals published at such places as the authority may determine, reserving to the authority the right to reject any and all bids and to readvertise for bids. If, after advertisement as hereinabove provided, no bids are received, or if such bids as are received are considered in the discretion of the ~~board of commissioners of the~~ authority to be unsatisfactory, then and in that event the ~~board of commissioners~~ executive director may publicly negotiate for the sale of such bonds without further advertisement. No proceedings in respect to the issuance of any such bonds shall be necessary except such as are contemplated by this section.

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§3113. Environmental protection plan

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B. The environmental protection plan shall be formulated by the three directors~~, as herein defined, with the advice and consent of the board of commissioners of the authority~~.

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§3115. Remedies and enforcement

In addition to all other rights herein granted, the authority and the courts shall have the power to assure compliance with the purposes of this chapter as follows:

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A. If the authority's ~~board of commissioners or~~ executive director has reasonable cause to believe that there exists a violation of this chapter or of the authority's rules and regulations, which could result in irreparable injury to the authority's operations, the environment or the public interest, the authority may petition the Civil District Court for the parish of Orleans, or any other court of competent jurisdiction, for appropriate mandatory, injunctive or other relief pending final adjudication of such matters.

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§3116. Coordination and cooperation

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B. The ~~board of commissioners~~ executive director shall take affirmative steps to fully coordinate all aspects of the authority development program with the ~~Louisiana Advisory Commission on Coastal and Marine Resources (Act No. 35 of 1971) or its successor group, which is charged with the development of a coastal zone management plan for the state~~ Coastal Protection and Restoration Authority.

C. The~~ board of commissioners~~ executive director shall take affirmative steps to insure that the authority development program is coordinated into the planning programs of other modes of transportation, to include rail, road, waterway, air and pipeline, so that there is a long-term and orderly pursuit of transportation services in the coastal zone which are interrelated and coordinated so as to achieve the most efficient and economical transportation program that is feasible and that will be least destructive of other values in the state.

D. The ~~board of commissioners~~ executive director shall insure that the appropriate federal agencies which are required by federal law to plan or regulate transportation facilities or programs are consulted regularly and are fully involved in the authority development program where appropriate.

(B) R.S. 36:509(L) is hereby amended and reenacted to read as follows:

§509. Transfer of agencies to Department of Transportation and Development

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L. The Offshore Terminal Authority is transferred to and hereafter shall be within the Department of Transportation and Development, as provided ~~in R.S. 36:913~~ by law.

* * *

(C) R.S. 34:3102(2), 3104, and 3105 are hereby repealed in their entirety.

Statewide Articulation and Transfer Council

Section 13.(A) R.S. 17:3162, 3163(B)(2), (3), and (4), 3164(A)(1) and (2)(b)(i) and (F)(2), 3165(C) and (D)(1), and 3167(D) are hereby amended and reenacted to read as follows:"

§3162. ~~Statewide Articulation and Transfer Council; creation; purpose; membership~~ Commissioner of higher education; duties and responsibilities

~~A. The commissioner of higher education, in consultation with the postsecondary education management boards and the State Board of Elementary and Secondary Education, shall establish a Statewide Articulation and Transfer Council, hereinafter referred to as the "council," that shall report to the commissioner of higher education. All council recommendations and decisions shall be submitted to the commissioner of higher education for presentation to the Board of Regents for approval.~~

~~B. The council shall consist of members representing each four-year college and university system, the community and technical college system, public elementary and secondary education, and nonpublic education, provided any eligible nonpublic postsecondary educational institution elects to participate. Council membership shall provide for equitable representation of all educational institutions and levels. The commissioner of higher education shall appoint a chair from among the membership.~~

~~C.~~ The ~~council~~ commissioner of higher education shall, with appropriate faculty consultation:

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(1) Coordinate, oversee, and monitor the seamless articulation and transfer of credit between and among secondary schools, technical colleges, community colleges, and four-year colleges and universities.

(2) Monitor the development of interinstitutional agreements between and among public schools, technical colleges, community colleges, and four-year colleges and universities to facilitate interaction, articulation, acceleration, and the efficient use of faculty, equipment, and facilities.

(3) Develop a statewide articulation and transfer agreement to govern the transfer of credits between and among educational institutions at all levels.

(4) Oversee the development of a statewide core curriculum for lower-division course work that will be fully accepted in its entirety and creditable to the baccalaureate degree by all four-year colleges and universities. Such curriculum shall be comprised of specified general education courses and common degree program prerequisites.

(5) Oversee the development, implementation, and maintenance of a statewide course numbering system.

(6) Establish committees or advisory groups composed of secondary and postsecondary faculty members to determine course comparability, to facilitate articulation in subject areas, and as otherwise deemed necessary to carry out ~~the council's~~ his duties and responsibilities.

(7) Approve common degree program prerequisites across program areas and course and credit-by-exam equivalencies, and establish passing scores and course and credit equivalencies for exams administered pursuant to accelerated programs including, but not limited to, the Advanced Placement, International Baccalaureate, and College-Level Examination Program.

(8) Develop policies to align articulation and transfer policies established by educational institutions including, but not limited to, admissions criteria, student guidance and counseling, and grade forgiveness.

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(9) Provide for end-of-course testing, if necessary and appropriate, for any course ~~the council has~~ approved as eligible for transfer to a postsecondary educational institution.

(10) Establish monitoring, compliance, and reporting systems based upon uniform data collection and reporting methods to facilitate and ensure statewide and institutional compliance with statewide articulation and transfer policies. Data collected shall include:

(a) The number of students enrolled in associate degree transfer programs.

(b) Each student's rate of progress through transfer programs.

(c) The number and percentage of students who complete associate degree transfer programs.

(d) The number of students earning associate degrees that transfer to four-year colleges and universities.

(e) The number of credits earned, degrees awarded, and time to completion of degree for students who have previously transferred associate degrees.

(11) Establish an appeals process to resolve disagreements between transferring students and receiving educational institutions regarding the transfer and acceptance of credits earned at another institution.

(12) Ensure that all articulation and transfer policies and practices ~~approved by the council~~ are compliant with the rules and regulations established by all appropriate institutional accrediting agencies as recognized by the United States Department of Education.

(13) Periodically, but at least annually, review articulation and transfer policies and make recommendations to the commissioner of higher education who shall then make recommendations to the legislature for needed revisions.

(14) Perform such other duties as may be provided by law or the commissioner of higher education.

§3163. Statewide Articulation and Transfer Agreement

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B. The statewide articulation agreement shall, at a minimum:

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(2) Guarantee that every graduate of a community college awarded an associate of arts or an associate of science degree approved by the ~~council~~ commissioner for transfer to a four-year postsecondary educational institution shall be deemed to have met all general education and other core curriculum requirements and must be granted admission to the upper division of any state public four-year college or university, in accordance with each institution's general transfer admission requirements, except to a limited access program or a program that has audition or other specialized admission requirements, as approved by the Board of Regents.

(3) Provide that graduates awarded an associate of arts or an associate of science degree approved by the ~~council~~ commissioner for transfer and who transfer to a four-year college or university shall not be required to take any additional general education courses to fulfill baccalaureate degree requirements.

(4) Provide that graduates awarded an associate of arts or an associate of science degree approved by the ~~council~~ commissioner for transfer shall receive priority for admission to a state four-year college or university over out-of-state students.

* * *

§3164. Common Course Numbering System

A.(1) In accordance with ~~council~~ policy, the Board of Regents shall develop, coordinate, and maintain a statewide course numbering system for postsecondary and dual enrollment education in all public secondary and postsecondary educational institutions as a means to facilitate program planning and the transfer of students and course credits between and among secondary and postsecondary educational institutions.

(2)

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(b) The development and implementation of the statewide course numbering system shall be prioritized as follows:

(i) All courses required for completion of associate of arts and associate of science degree programs approved by the ~~council~~ commissioner for transfer to four-year educational institutions. Common course numbers shall first be developed and assigned to the required general education courses, and then for the specified common course prerequisites.

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F.

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(2) Each educational institution that awards associate of arts or associate of science degrees approved by the ~~council~~ commissioner for transfer to a four-year postsecondary educational institution and each four-year postsecondary educational institution that admits graduates of such associate degree programs shall be appropriately accredited by the Southern Association of Colleges and Schools - Commission on Colleges.

* * *

§3165. Common core curriculum; general education courses; common prerequisites; other degree requirements

* * *

C. The core curricula for associate in arts and associate in science degree programs approved by the ~~council~~ commissioner for transfer to four-year postsecondary educational institutions shall be approved and adopted by the Board of Regents.

D.(1) The Board of Regents shall monitor and regulate the number of credits required to complete each baccalaureate degree program and shall establish a standard number of credits required to complete associate degree programs approved by the ~~council~~ commissioner for transfer to a four-year postsecondary educational institution.

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§3167. Implementation and funding

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D. All public postsecondary educational institutions shall be prepared to and shall implement the full articulation and transfer of associate of arts and associate of science degrees approved by the ~~council~~ commissioner for transfer to a four-year postsecondary educational institution by the beginning of the 2010-2011 academic year.

* * *

(B) R.S. 17:3166(A)(1) and 3167(A) and(B) are hereby repealed in their entirety.

Louisiana Soybean and Grain Research and Promotion Board

Section 14. R.S. 3:3552(A) is hereby amended and reenacted to read as follows:

§3552. Louisiana Soybean and Grain Research and Promotion Board; creation and organization

A. The Louisiana Soybean and Grain Research and Promotion Board is created with its domicile at Baton Rouge, Louisiana. The board shall be composed of ~~ten~~ twelve producer members to be appointed by the governor to serve terms concurrent with the governor. Each appointment by the governor shall be submitted to the Senate for confirmation. Eight members of the board shall be practical producers of soybeans in the state of Louisiana and two members shall be practical producers of wheat, corn, or grain sorghum. The Louisiana Farm Bureau Federation, Inc. shall submit the names of eight practical soybean producers to the governor, and he shall appoint five persons from the nominees to serve on the board. The Louisiana Soybean Association shall submit the names of five practical soybean producers to the governor, and he shall appoint three members from the nominees to serve on the board. The Louisiana Farm Bureau Federation, Inc. shall submit the names of three persons who produce wheat, corn, or grain sorghum to the governor and he shall appoint two persons from these nominees to serve on the board. The Louisiana Cotton and Grain Association shall submit the names of three persons who

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produce wheat, corn, or grain sorghum to the governor and he shall appoint two persons from these nominees to serve on the board. Every fourth year the aforenamed organizations shall submit the names of nominees to the governor and succeeding boards shall be appointed by the governor in the same manner, giving equal representation to each organization in the appointment of the eight members who are practical soybean producers.

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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)]

Smiley HB No. 639

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 some other person or entity is responsible for the functions and responsibilities of the abolished entity.

Proposed law provides for the abolition of certain boards, commissions, political subdivisions, 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:

Commission on Public Retirement: Present law creates the commission to study and make recommendations concerning the administration, benefits, investments, funding, efficiency, and accountability of the state and statewide public retirement systems, plans, or funds and to advise House and Senate committees on retirement of findings and recommendations. Proposed law abolishes the commission and its functions.

Compensation Review Commission: Present law creates the commission to make a study of the salaries, expenses, reimbursements, and other forms of compensation and benefits of statewide elected officials and members of the legislature and establishes such salaries subject to legislative approval. Proposed law abolishes the commission and its functions.

Emergency/Disaster Medicine Review Panel: Present law establishes the panel to gauge the conduct of medical personnel with regard to clinical judgment during declared disasters and to provide an independent and objective advisory opinion. Proposed law abolishes the panel and its functions.

La. Governor's Mansion Commission: Present law creates the commission for purposes of protection and enhancement of the governor's mansion and its contents, furnishings, and grounds. Proposed law abolishes the commission and its functions.

Hurricane Katrina Memorial Commission: Present law creates the commission to make recommendations for an appropriate memorial to commemorate those who lost their lives in La. in Hurricane Katrina. Provides that the commission terminated July 1,

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2010. Proposed law removes provisions for the board and its functions from the statutes.

Mississippi River Bridge Authority: Present law creates the authority for the purpose of acquiring, constructing, operating, and maintaining the Mississippi River Bridges in New Orleans. Proposed law abolishes the authority and transfers its powers to the crescent city connection division of the Dept. of Transportation and Development.

Offshore Terminal Authority: Present law creates the authority within the Dept. of Transportation and Development to promote, plan, finance, develop, construct, control, license, regulate, supervise, operate, manage, maintain and modify offshore terminal facilities within its jurisdiction. Provides for a board of commissioners to govern the authority and provides that the board shall appoint an executive director to exercise control over all executive functions and the general operation of the authority. Proposed law abolishes the board of commissioners but generally retains the existence and the powers and duties of the authority. Provides that the governor shall appoint the executive director.

Small Business Entrepreneurship Commission: Present law creates the commission to assess, evaluate, and review programs dealing with small business and entrepreneurship. Proposed law abolishes the commission and its functions.

Louisiana Soybean and Grain Research and Promotion Board: Present law creates the La. Soybean and Grain Research and Promotion Board in the Dept. of Agriculture and Forestry to promote the growth and development of the soybean, wheat, corn, and grain sorghum industries by research and advertisement. Provides that the board is comprised of 10 producer members appointed by the governor from nominations made by the Farm Bureau and the La. Soybean Assoc. Proposed law provides for two additional members of the board who shall be producers of wheat, corn, or grain sorghum nominated by the La. Cotton and Grain Assoc. and appointed by the governor.

Statewide Articulation and Transfer Council: Present law requires the postsecondary education management boards, the State Board of Elementary and Secondary Education, and local school boards to develop and implement articulation and transfer programs and agreements that facilitate and maximize the seamless transfer of credits between and among public secondary and postsecondary educational institutions. Proposed law retains present law. Present law provides for a council, appointed by the commissioner of higher education and answerable to him. Provides that the council's duties include coordinating, overseeing, and monitoring the seamless articulation and transfer of credit between and among secondary and postsecondary institutions; monitoring the development of interinstitutional agreements; and overseeing the development of a statewide core curriculum for lower-division course work. Proposed law abolishes the council but otherwise retains present law. Proposed law makes the commissioner of higher education directly responsible for the duties and responsibilities of the council.

La. Technology Innovations Council: Present law establishes the council for the purpose of establishing policies, procedures, and criteria relative to innovative technological systems and services and their applications to government as well as recommend funding for those proposed projects that meet established requirements. Provides for the La. Technology Innovations Fund. Proposed law abolishes the council and its functions and the fund.

Uniform Electronic Local Return and Remittance Advisory Committee: Present law establishes the committee to create a uniform electronic local return form for sales tax remittance. Proposed law abolishes the committee and transfers its authority to the Dept. of Revenue.

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Louisiana Wetlands Conservation and Hurricane Protection Tourist Center Commission: Present law creates the commission to promote awareness of wetlands conservation and to collect, preserve, and exhibit documents, archives, and other artifacts that promote wetlands conservation and hurricane protection. Proposed law abolishes the commission and its functions.

Youth Enhanced Services Consortium: Present law creates the consortium for the purpose of preparing and submitting a plan to the Dept. of Health and Hospitals for the provision of mental health services to emotionally disturbed children. Proposed law abolishes the consortium and its functions.

(Amends R.S. 3:3552(A), R.S. 17:3162, 3163(B)(2), (3), and (4), 3164(A)(1) and (2)(b)(i) and (F)(2), 3165(C) and (D)(1), and 3167(D), R.S. 34:3101(B)(7), 3106(A), 3107, 3108(A), 3109(C)(9), 3112(G), 3113(B), 3115(A), and 3116(B), (C), and (D), R.S. 36:504(A)(9) and 509(L) , R.S. 47:337.22(B) and 337.23(A)(2), (B), (C)(introductory paragraph), (D), (F), (G), (I)(1)(b), and (J), and R.S. 48:1093(introductory paragraph), 1101.1(B)(2)(a), and 1161; Repeals R.S. 11:301-309, R.S. 17:3166(A)(1) and 3167(A) and(B), R.S. 25:1011-1016, 1301-1307, and 1321 through1325, R.S. 28:311-313, R.S. 29:735.4, R.S. 34:3102(2), 3104, and 3105, R.S. 36:4(B)(1)(o), (S), and (T), 4.1(D)(17), and 509(M), R.S. 39:211-216, R.S. 42:1481-1485, R.S. 46:1941.8(A)(3)(b), R.S. 47:337.22(C) and 337.23(H), R.S. 48:1092.1, and R.S. 51:943,)

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