HLS 13RS-573 ENGROSSED

Regular Session, 2013

HOUSE BILL NO. 156

1

#### BY REPRESENTATIVE SCHEXNAYDER

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

AN ACT

BOARDS/COMMISSIONS: Provides relative to boards and commissions

2 To amend and reenact R.S. 3:3712(D)(4), R.S. 17:17.1(C)(1) and 17.5(D)(1), R.S. 28:911(6) 3 and (8), and 919(D)(1) and (2) and (E), R.S. 39:15.3(B)(1), 15.4(B)(2), and 4 15.5(B)(2), R.S. 40:1058.3(Section heading), 1235(A)(2)(c) and (3), 1235.1(A)(2) 5 and (B)(1), and 1300.104(B)(introductory paragraph) and (1), R.S. 49:1301 and 6 1304(B), R.S. 56:632(B) and 633(F) and to repeal Section 2 of Act No. 701 of the 7 2010 Regular Session of the Legislature, Chapter 3-E of Title 3 of the Louisiana 8 Revised Statutes of 1950, comprised of R.S. 3:299, R.S. 11:108, R.S. 17:17.3(C)(5), 9 17.4(C)(2), 17.5(D)(2), and 1519.13, R.S. 28:4(B)(12), 911(9), and 918, R.S. 10 36:4(B)(14), 259(D)(2), (M), and (R), 459(D), 610(B)(9) and (G)(1), 629(M), and 11 919.10, R.S. 39:15.4 through 15.6, Subpart P-4 of Part II-A of Chapter 1 of Subtitle 12 I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 13 39:100.111 through 100.117, and Part XI-A of Chapter 1 of Subtitle I of Title 39 of 14 the Louisiana Revised Statutes of 1950, comprised of R.S. 39:332.1, R.S. 15 40:1058.3(C)(4), 1235(A)(4), 1300.103(2), and 1300.105, Chapter 46 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2611 through 2613, 16 17 and R.S. 56:333.2 and 632.8, relative to boards, commissions, authorities, districts, 18 and like entities; to provide relative to the functional organization of state 19 government by abolishing certain boards, commissions, councils, authorities, and 20 like entities; to transfer certain powers, functions, and duties; to remove references

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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to certain abolished entities; to remove references to, provisions for, and the powers, functions, and duties of the Academic Advisory Council, Ambulance Standards Committee, Commission on Men's Health and Wellness, Emergency Medical Services for Children Advisory Council, Funding Review Panel, Human Services Interagency Council, Louisiana Bio-Fuel Panel, Louisiana Council on Obesity Prevention and Management, Louisiana Information Technology Advisory Board, Louisiana Postsecondary Education Information Technology Council, Louisiana Sustainable Local Food Policy Council, Louisiana Technology Advisory Group, Methadone Maintenance Program Needs Assessment Task Force, Mullet Task Force, Post Employment Benefits Trust Fund Board of Trustees, Reptile and Amphibian Task Force, State Buildings and Land Highest and Best Use Advisory Group, and Uniform Grading Scale Task Force; to provide relative to provisions of law that require certain information regarding boards, commissions, and like entities to be filed with the commissioner of administration; to provide relative to the duties of the commissioner of administration relative to such provisions; to provide for the content of such information; to provide deadlines; to provide for the suspension of authority for boards, commissions, and like entities that fail to comply with such deadlines; and to provide for related matters. Be it enacted by the Legislature of Louisiana: **Academic Advisory Council** Section 1. R.S. 17:1519.13 is hereby repealed in its entirety. **Ambulance Standards Committee** Section 2.(A) R.S. 40:1235(A)(2)(c) and (3) and 1235.1(A)(2) and (B)(1) are hereby amended and reenacted to read as follows:

27 \* \* \* 28 (2)

A.

29 \* \* \*

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§1235. Qualifications to operate ambulances; equipment; penalty

2	without holding an American Heart Association Health Care Provider, or American
3	Red Cross Professional Rescuer, or the equivalent cardio-pulmonary resuscitation
4	certification that has been approved by the Ambulance Standards Committee
5	Department of Health and Hospitals.
6	* * *
7	(3)(a) The Department of Health and Hospitals shall promulgate rules and
8	regulations establishing a list of required medical and safety equipment which shall
9	be carried as part of the regular equipment of every ambulance. No person shall
10	conduct, maintain, or operate an ambulance which does not carry with it, in fully
11	operational condition, all of the equipment included in the list, which shall be
12	consistent with the scope of practice for emergency medical technicians established
13	in R.S. 40:1234 and which shall be based upon the recommendations of an advisory
14	committee known as the Ambulance Standards Committee.
15	(b) After its initial establishment, the list shall be subject to review after four
16	years and at any time thereafter. The list shall not be changed more often than once
17	every four years. However, nothing in this Paragraph shall prohibit the department
18	from supplementing the list with state-of-the-art, newly developed devices,
19	equipment, or medications approved by the Ambulance Standards Committee that
20	may be carried in lieu of other items on the list.
21	* * *
22	§1235.1. Qualifications to operate emergency medical response vehicles; vehicle
23	requirements; equipment; penalties
24	A.
25	* * *
26	(2) No person shall provide services in any capacity on an emergency
27	medical response vehicle unless he is at least a licensed emergency medical
28	responder, or a holder of a certificate of licensure as a registered nurse or licensed
29	practical nurse, or is a physician or surgeon licensed to practice medicine by the

(c) No individual shall provide services in any capacity on any ambulance

Louisiana State Board of Medical Examiners, a licensed respiratory therapist, a
licensed nurse practitioner, a licensed physician assistant, or a licensed occupational
therapist. No person shall provide services in any capacity on these vehicles without
holding an American Heart Association Health Care Provider, or American Red
Cross Professional Rescuer, or the equivalent cardio-pulmonary resuscitation
certification that has been approved by the Ambulance Standards Committee
Department of Health and Hospitals.

B. No person shall conduct, maintain, or operate an emergency medical response vehicle as an emergency vehicle which:

equipment for emergency medical response vehicles as prescribed in rules and regulations promulgated by the Department of Health and Hospitals based on the recommendations of the Ambulance Standards Committee of the Emergency Medical Services Task Force as established by the assistant secretary of the office of public health. This list shall be based upon the recommendations of the American College of Surgeons as provided in R.S. 40:1235(A)(3). The list shall be consistent with the scope of practice for emergency medical technicians established in R.S. 40:1234. After initial promulgation, such list shall be subject to review after four years and anytime thereafter. The list shall not be changed more often than once every four years. However, nothing shall preclude the Department of Health and Hospitals from supplementing the list with state of the art, newly developed devices, equipment, or medications approved by the Ambulance Standards Committee of the Emergency Medical Services Task Force that may be carried in lieu of other items on the list of equipment.

25 \* \* \*

(B) R.S. 36:259(M) and R.S. 40:1235(A)(4) are hereby repealed in their entirety.

1	Commission on Men's Health and Wellness
2	Section 3. The Commission on Men's Health and Wellness, created by Senate
3	Concurrent Resolution No. 8 of the 2004 Regular Session of the Legislature, is hereby
4	abolished.
5	<b>Emergency Medical Services for Children Advisory Council</b>
6	Section 4.(A) R.S. 40:1300.104(B)(introductory paragraph) and (1) are hereby
7	amended and reenacted to read as follows:
8	§1300.104. Emergency Medical Services for Children Program; establishment;
9	administration; functions
10	* * *
11	B. The secretary shall hire a full-time coordinator for the EMSC program in
12	consultation with, and by the recommendation of, the advisory council, who:
13	(1) Shall implement the EMSC program following consultation with, and at
14	the recommendation of, the advisory council. The coordinator shall serve as a
15	liaison to the advisory council.
16	* * *
17	(B) R.S. 36:259(R) and R.S. 40:1300.103(2) and 1300.105 are hereby repealed in
18	their entirety.
19	Funding Review Panel
20	Section 5. R.S. 11:108 is hereby repealed in its entirety.
21	<b>Human Services Interagency Council</b>
22	Section 6.(A) R.S. 28:911(6) and (8), 919(D)(1) and (2) and (E) are hereby amended
23	and reenacted to read as follows:
24	§911. Definitions
25	As used in this Chapter and unless the context clearly requires otherwise:
26	* * *
27	(6) "Human services accountability plan", referred to in this Chapter as
28	"accountability plan", means the statewide human services plan developed by the

department in consultation with the Human Services Interagency Council which sets

forth the criteria, process, timelines, guidelines for service delivery, clinical
protocols, evidence-based practices, quality management and monitoring, data
collection and reporting, performance outcome measures, information management,
and readiness assessment protocols to be followed by the department and the
districts.
* * *
(8) "Human services framework", referred to in this Chapter as "framework",
means the requirements specified in the contract between the department and the
district that set forth the organizational structure, operational readiness requirements,
eligible and priority populations, core and targeted services, and standards for intake
and access to institutional and community services, which require adherence to the
human services accountability plan for a district. The framework is developed,
implemented, and monitored through an ongoing statewide process performed by the
department in consultation with the Human Services Interagency Council.
* * *
§919. Department of Health and Hospitals; responsibility and authority; readiness
assessment; surveys; framework and accountability plan; sanctions
* * *
D.(1) The department shall not contract with a new district until the
department, in consultation with the interagency council, has determined and
confirmed in writing to the governor that the department is prepared to contract the
provision of services to the district, and the district is prepared to accept and be
accountable for such service provision. In making this determination, the department
shall conduct a readiness assessment of the district.
(2) The readiness assessment shall evaluate the operational preparedness of
the district based on a set of uniform criteria established by the interagency council
and approved by the secretary.

2	statewide human services system of care, framework, and accountability plan. The
3	interagency council shall recommend to the secretary shall develop a schedule for
4	surveys, with such surveys beginning within one year after the standards are
5	approved. Each district shall be surveyed every two years. The survey team
6	members shall be selected by the secretary or his designee and shall include a
7	minimum of two experienced district executives as well as department staff. Each
8	survey shall be designed to, at a minimum, ensure each district maintains
9	competency standards for human resources, adequate financial controls, operational
10	and clinical protocols, and shall be used as an opportunity to share best practices.
11	* * *
12	(B) R.S. 28:4(B)(12), 911(9), and 918 are hereby repealed in their entirety.
13	Louisiana Bio-Fuel Panel
14	Section 7.(A) R.S. 3:3712(D)(4) is hereby amended and reenacted to read as follows:
15	§3712. Purchase of feedstock by operators of renewable fuel manufacturing
16	facilities; notice requirements; annual report
17	* * *
18	D.
19	* * *
20	(4)(a) In an effort to enable the renewable fuel plants in operation in
21	Louisiana to systematically increase the use of Louisiana crops as feedstock over
22	time as provided in this Subsection, the provisions of R.S. 3:4674, except as it relates
23	to biodiesel, shall not be effective until six months after the average wholesale price
24	of a gallon of Louisiana-manufactured ethanol, less any federal alcohol fuel mixture
25	tax credit, is equal to or below the average wholesale price of a gallon of regular
26	unleaded gasoline in Louisiana for a period of not less than sixty days, as determined
27	by the panel established pursuant to Subparagraph (b) of this Paragraph
28	commissioner of agriculture and forestry.

E. All districts shall participate in surveys to ensure compliance with the

(b) The Louisiana Bio-Fuel Panel is hereby established to gather ethanol and
gasoline pricing information to be used in verifying the provisions of Subparagraph
(a). The panel shall consist of the following persons, the names of whom shall be
transmitted to and received by the secretary of the Department of Revenue no late
than December 1, 2006:
(i) A representative of the Louisiana Farm Bureau Federation, appointed by
its president.
(ii) A representative of Louisiana Oil Marketers and Convenience Stor
Association, appointed by the association.
(iii) An appropriately credentialed member of the faculty appointed by the
commissioner of higher education from a list of four nominees, one each submittee
by the president of the Louisiana State University and Agricultural and Mechanica
College System, the Southern University and Agricultural and Mechanical College
System, the University of Louisiana System, and the Community and Technica
College System, respectively.
(c) In gathering pricing information to be used in making the determination
required by Subparagraph (a), the panel commissioner shall rely upon sales in
Louisiana and shall utilize recognized information services, including but not limited
to the Oil Price Information Service.
(d) The panel shall hold its initial meeting no later than January 1, 2007 and
shall meet at least quarterly thereafter, to make a determination as provided in
Subparagraph (a), all at the call of the secretary of revenue. At the initial meeting
the panel shall elect one of its members as chair. The panel shall meet until i
determines that the average wholesale price of a gallon of Louisiana-manufacture
ethanol, less any federal alcohol fuel mixture tax credit, is equal to or below the
average wholesale price of a gallon of regular unleaded gasoline in Louisiana for
period of not less than sixty days, at which time the panel shall dissolve ipso factor
The secretary of the Department of Revenue shall also provide for meeting facilitie
and staff for the panel.

1	(e) (c) The secretary of the Department of Revenue commissioner shall
2	provide public notice of each such his determination in the Louisiana Register within
3	ten days after the meeting in which the determination was is made.
4	* * *
5	(B) R.S. 36:459(D) is hereby repealed in its entirety.
6	Louisiana Council on Obesity Prevention and Management
7	Section 8.(A) R.S. 17:17.1(C)(1) and 17.5(D)(1) are hereby amended and reenacted
8	to read as follows:
9	§17.1. Required physical activity in schools
10	* * *
11	C.(1) An outreach and communication plan consisting of current information
12	and research on health, nutrition, and physical education and fitness issues shall be
13	developed pursuant to the collaborative efforts of the Department of Health and
14	Hospitals; Department of Education; Louisiana State University Health Sciences
15	Center, Pennington Biomedical Research Center; Governor's Council on Physical
16	Fitness and Sports; Louisiana Council on Obesity, Prevention and Management;
17	Louisiana Association of Physical Education, Recreation and Dance; and the
18	American Heart Association.
19	* * *
20	§17.5. Physical fitness assessment; statewide expansion program
21	* * *
22	D.(1) Not later than September first of each year, the Cecil J. Picard Center,
23	in collaboration with the Department of Education, the Department of Health and
24	Hospitals, and the Governor's Council on Physical Fitness and Sports, and the
25	Louisiana Council on Obesity Prevention and Management, hereinafter referred to
26	as the "Louisiana Obesity Council", shall provide an annual report concerning the
27	implementation of the physical fitness assessment which shall include the findings
28	from an analysis of the plan development and implementation results of the
29	assessment obtained during the preceding school year to the governor, the Senate and

1	House committees on education, the Senate and House committees on health and
2	welfare, and the State Board of Elementary and Secondary Education.
3	* * *
4	(B) R.S. 17:17.3(C)(5), 17.4(C)(2), and 17.5(D)(2), R.S. 36:259(D)(2), and Chapter
5	46 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2611 through
6	2613, are hereby repealed in their entirety.
7	Louisiana Information Technology Advisory Board and Technology Advisory Group
8	Section 9.(A) R.S. 39:15.3(B)(1) is hereby amended and reenacted to read as
9	follows:
10	§15.3. Office of information technology; offices and staff; duties
1	* * *
12	B. The chief information officer shall manage and direct the office of
13	information technology, with roles, duties, and activities including but not limited
14	to the following:
15	(1) Overseeing and implementing a state master information technology plan
16	on an annual basis with the advice of the Information Technology Advisory Board,
17	the Technology Advisory Group, and the Postsecondary Education IT Council.
18	* * *
19	(B) R.S. 36:4(B)(14)(b) and (c) and 39:15.4 and 15.5 are hereby repealed in their
20	entirety.
21	Louisiana Postsecondary Education Information Technology Council
22	Section 10.(A) R.S. $39:15.4(B)(2)$ and $15.5(B)(2)$ are hereby amended and reenacted
23	to read as follows:
24	§15.4. Louisiana Information Technology Advisory Board
25	* * *
26	B. The IT Advisory Board shall be composed of the following members:
27	* * *

1	(2) One representative from postsecondary education appointed by the
2	governor from a list of recommendations submitted by the Louisiana Postsecondary
3	Education Information Technology Council.
4	§15.5. Louisiana Technology Advisory Group
5	* * *
6	B. The Technology Advisory Group shall be composed of the following
7	members:
8	* * *
9	(2) One information technology representative from postsecondary education
0	to be appointed by the Louisiana Postsecondary Education Information Technology
1	Council governor.
12	(B) R.S. 36:4(B)(14)(d) and R.S. 39:15.6 are hereby repealed in their entirety.
13	Louisiana Sustainable Local Food Policy Council
14	Section 11. Chapter 3-E of Title 3 of the Louisiana Revised Statutes of 1950,
15	comprised of R.S. 3:299, and R.S. 36:629(M) and 919.10 are hereby repealed in their
16	entirety.
17	Methadone Maintenance Program Needs Assessment Task Force
18	Section 12.(A) R.S. 40:1058.3 (Section heading) is hereby amended and reenacted
19	to read as follows:
20	§1058.3. Licensing of substance abuse/addiction treatment facilities; applications;
21	fees; disposition of fees; moratorium on methadone maintenance programs;
22	needs assessment task force; exceptions
23	* * *
24	(B) R.S. 40:1058.3(C)(4) is hereby repealed in its entirety.
25	Mullet Task Force
26	Section 13. R.S. 36:610(B)(9) and R.S. 56:333.2 are hereby repealed in their
27	entirety.

**Post Employment Benefits Trust Fund Board of Trustees** 

2	Section 14. R.S. 36:4(B)(14)(a) and Subpart P-4 of Part II-A of Chapter 1 of Subtitle
3	I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.111
4	through 100.117, are hereby repealed in their entirety.
5	Reptile and Amphibian Task Force
6	Section 15.(A) R.S. 56:632(B) and 633(F) are hereby amended and reenacted to read
7	as follows:
8	§632. Powers and duties
9	* * *
10	B. The commission shall have the authority to set seasons, establish harvest
11	restrictions, and adopt other rules and regulations that it deems necessary to manage
12	Louisiana's reptile and amphibian resources. The Reptile and Amphibian Task Force
13	shall be consulted before any new rules or regulations are adopted by the
14	<del>commission.</del>
15	* * *
16	§633. Reptile and Amphibian Research Fund
17	* * *
18	F. The expenditure of funds from the Reptile and Amphibian Research Fund
19	shall be made at the discretion of the department after consultation with the Reptile
20	and Amphibian Task Force.
21	(B) R.S. 36:610(G)(1) and R.S. 56:632.8 are hereby repealed in their entirety.
22	State Buildings and Land Highest and Best Use Advisory Group
23	Section 16. Part XI-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised
24	Statutes of 1950, comprised of R.S. 39:332.1, is hereby repealed in its entirety.
25	Uniform Grading Scale Task Force
26	Section 17. Section 2 of Act No. 701 of the 2010 Regular Session of the Legislature
27	is hereby repealed in its entirety.

# Sunset of Boards, Commissions, and Like Entities

2	Section 18. R.S. 49:1301 and 1304(B) are hereby amended and reenacted to read as
3	follows:
4	§1301. Commissioner of administration; duties; suspension of boards, commissions,
5	and like entities
6	A. The commissioner of administration shall establish and maintain a
7	website to post the information designated in R.S. 49:1302.
8	B.(1) If the commissioner of administration determines that a board,
9	commission, or like entity covered by this Chapter has failed to submit the
10	information required pursuant to R.S. 49:1304 in the manner required by this
11	Chapter, he shall send the board, commission, or like entity a notice of
12	noncompliance by certified mail, return receipt requested.
13	(2)(a) If the board, commission, or like entity fails to submit the information
14	required pursuant to R.S. 49:1304 in the manner required by this Chapter within the
15	response period, all legislative authority for the existence of the board, commission,
16	or like entity shall be suspended on the tenth day after the last day of the response
17	period.
18	(b) For purposes of this Paragraph, "response period" means the period of
19	time beginning with the day the notice of noncompliance sent pursuant to Paragraph
20	(1) of this Subsection is received by the board, commission, or like entity and ending
21	ninety days later.
22	(3) If the board, commission, or like entity fails to submit the information
23	required pursuant to R.S. 49:1304 in accordance with Paragraph (2) of this
24	Subsection, the commissioner of administration shall send a notice to the legislature
25	stating that all legislative authority for the existence of the board, commission, or
26	like entity has been suspended and requesting that the legislature repeal all such
27	authority at the next regular session of the legislature.
28	C. The provisions of Subsection B of this Section shall not apply to any
29	board which is responsible for the administration of any statewide retirement fund

1	held in trust for the benefit of its participants and which retirement fund is not the
2	direct financial responsibility of the state.
3	* * *
4	§1304. Submission of other information
5	* * *
6	B.(1) Except as provided in R.S. 49:1303, each board, commission, or like
7	entity covered by this Chapter shall submit to the commissioner of administration all
8	information required to be included on the website pursuant to R.S. 49:1302,
9	including any change in information previously submitted, no later than thirty days
10	after the information becomes available to the board, commission, or like entity by
11	February first of each year. Except as provided in R.S. 49:1302(E)(2) and (G), the
12	information shall be complete for the previous calendar year.
13	(2) The information required to be submitted pursuant to this Section shall
14	be submitted by an appropriate officer of the board, commission, or like entity. The
15	officer shall certify that the information submitted is true and correct to the best of
16	his knowledge, information, and belief.
17	* * *
18	Section 19. The property and funds, if any, of the entities abolished by this Act shall
19	be the property of the state and the state treasurer shall provide for the deposit of such funds
20	in the state treasury to the credit of the state general fund, after deposit in the Bond Security
21	and Redemption 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. 156

**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; relative to provisions of law that require certain information regarding boards, commissions, and like entities to be filed with the commissioner of administration, provides for the content of such information and

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for annual deadlines; provides for the suspension of authority for boards, commissions, and like entities that fail to comply with such deadlines.

<u>Proposed law</u> 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:

- Academic Advisory Council: <u>Present law</u> creates the council to hold public meetings, seek public input, and provide advice and suggestions to LSU Health Sciences Center-Health Care Services Division with regard to the coordination and improvement of health training programs, other than those specifically covered by the Medical Education Commission, that are operated within the hospitals and clinics of the division. <u>Proposed law</u> abolishes the council and its functions.
- Ambulance Standards Committee: <u>Present law</u> establishes the committee within the Dept. of Health and Hospitals to approve cardio-pulmonary resuscitation certification and make recommendations to the department regarding equipment that is required to be carried in an ambulance or emergency medical response vehicle. <u>Proposed law</u> abolishes the committee and its advisory functions. Transfers its certification functions to the department.
- Commission on Men's Health and Wellness: The commission was established by Senate Concurrent Resolution No. 8 of the 2004 R.S. to study and make recommendations relative to improving the health of men living in Louisiana and to require the commission to report such recommendations to the legislative committees on health and welfare each year. Proposed law abolishes the commission and its functions.
- Emergency Medical Services for Children Advisory Council: <u>Present law</u> creates the council within the Dept. of Health and Hospitals to advise the department and the coordinator of the emergency medical services for children program on all matters concerning emergency medical services for children. <u>Proposed law</u> abolishes the council and its functions.
- Funding Review Panel: <u>Present law</u> creates the panel to study the funding and benefit provisions of the Firefighters' Retirement System, the Municipal Employees' Retirement System, and the Municipal Police Employees' Retirement System and to report annually to the House and Senate committees on retirement and to the legislative auditor. <u>Proposed law</u> abolishes the panel and its functions.
- Human Services Interagency Council: <u>Present law</u> creates the council to consult with and make recommendations to the secretary of the Dept. of Health and Hospitals relative to the readiness assessment process and the monitoring and planning of the framework and accountability plan for human services districts, and to provide policy guidance to the department in the development, implementation, and ongoing management of the districts. <u>Proposed law</u> abolishes the council and its functions.
- Louisiana Bio-Fuel Panel: <u>Present law</u> establishes the panel in the Dept. of Revenue to gather ethanol and gasoline pricing information to be used to determine that the average wholesale price of a gallon of La.-manufactured ethanol, less any federal alcohol fuel mixture tax credit, has been equal to or below the average wholesale price of a gallon of regular unleaded gasoline in La. for a period of not less than 60 days (this is the trigger for provisions of <u>present law</u> (R.S. 3:4674) relative to ethanol to become effective). <u>Proposed law</u> abolishes the panel and transfers its functions to the commissioner of agriculture and forestry.
- Louisiana Council on Obesity Prevention and Management: <u>Present law</u> creates the council within the Dept. of Health and Hospitals to assist the secretary of the department in

achieving programmatic goals relative to obesity prevention and management, including organizational efforts, articulating standards through dissemination of materials, creating awareness, enhancing reporting mechanisms of outcomes and health trends, conducting evaluations of program effectiveness, encouraging and assisting in conducting research, ensuring that the policy direction on obesity issues is integrated with goals established in Healthy People 2010; and advising and assisting participating agencies with the development and implementation of obesity programs. Proposed law abolishes the council and its functions.

Louisiana Information Technology Advisory Board and Technology Advisory Group:

Present law creates the advisory board to advise the chief information officer (who is the head of the office of information technology within the division of administration) on approaches to coordinating information technology solutions among La. state government entities; to provide a forum for the discussion of emerging technologies that enhance electronic accessibility to various publicly funded sources of information and services; to advise the chief information officer in matters regarding the use of information technology; to provide advice and support as requested by the chief information officer; and to advise the chief information officer on approaches to encourage and support the use of La. domiciled vendors when procuring information technology systems, related equipment, related services, and software.

<u>Present law</u> creates the advisory group to serve as the technology counterpart to the advisory board, providing advice and support as requested; to advise the chief information officer on technology approaches to coordinating information technology solutions among state government entities; to provide a forum for the discussion of emerging technologies that enhance electronic accessibility to various publicly funded sources of information and services; to provide technical resources to assist the chief information officer in the development and implementation of statewide information technology plans, policies, architecture, standards, and guidelines; to provide advice and support as requested by the chief information officer; and to provide assistance to the Joint Legislative Committee on the Budget as required under the provisions of <u>present law</u> (R.S. 39:15.3(C)).

<u>Proposed law</u> abolishes the advisory board and the advisory group and their functions.

Louisiana Postsecondary Education Information Technology Council: <u>Present law</u> creates the council to advise and assist the chief information officer (who is the head of the office of information technology within the division of administration) with respect to issues, policies, strategic planning, management, and operations relative to information technology for postsecondary education; to advise the chief information officer in matters regarding the use of information technology; and to provide advice and support as requested by the chief information officer. <u>Proposed law</u> abolishes the council and its functions.

Louisiana Sustainable Local Food Policy Council: <u>Present law</u> creates the council within the Dept. of Agriculture and Forestry, for the purpose of building a local food economy benefitting La. by creating jobs, stimulating statewide economic development, preservation of farmlands and water resources, increasing consumer access to fresh and nutritious foods, and providing greater food security for all Louisianians. <u>Proposed law</u> abolishes the council and its functions.

Methadone Maintenance Program Needs Assessment Task Force: <u>Present law</u> creates the task force to conduct a statewide assessment of needs for services of methadone maintenance programs and deliver a written report of findings to the legislative health and welfare committees on or before March 15, 2011. <u>Proposed law</u> repeals provisions of law relative to the task force.

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Mullet Task Force: <u>Present law</u> creates the task force within the Dept. of Wildlife and Fisheries to advise the La. Wildlife and Fisheries Commission as to the most appropriate date to open mullet season. <u>Proposed law</u> abolishes the task force and its functions.

Post Employment Benefits Trust Fund Board of Trustees: <u>Present law</u> creates the Post Employment Benefits Trust Fund and dedicates its assets to providing benefits to or for employees retired from agencies, departments, boards, and commissions of the state and the dependents of such retired employees eligible to participate in the office of group benefits programs. Establishes the board within the division of administration to act as trustee of the fund and exercise the state's fiduciary responsibilities. Proposed law abolishes the board and its functions and the fund.

Reptile and Amphibian Task Force: <u>Present law</u> creates the task force within the Dept. of Wildlife and Fisheries. Requires the La. Wildlife and Fisheries Commission to consult with the task force regarding promulgation of rules relative to the management of the state's reptile and amphibian resources. Requires the department to consult with the task force when expending funds from the Reptile and Amphibian Research Fund. <u>Proposed law</u> abolishes the task force and its functions.

State Buildings and Land Highest and Best Use Advisory Group: <u>Present law</u> creates the advisory group to advise the commissioner of administration on all matters relating to state-owned property and development opportunities for the state to enter into public-private development partnerships with private, nonprofit or public partners, chosen by competitive bid, in order to develop and manage state-owned real estate in a manner that achieves the highest and best use of the property. <u>Proposed law</u> abolishes the advisory group and its functions.

Uniform Grading Scale Task Force: <u>Present law</u> requires the State Board of Elementary and Secondary Education (BESE) to develop, adopt, and provide for the implementation of a uniform grading scale in schools and programs under its jurisdiction. Requires BESE to appoint the task force to provide input, recommendations, and advice regarding the development of the uniform grading scale. Requires BESE to promulgate rules prior to the 2011-2012 school year. <u>Proposed law</u> abolishes the task force and its functions.

<u>Proposed law</u> provides that the property and funds, if any, of the entities abolished by <u>proposed law</u> 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 <u>present law</u>.

Present law (R.S. 49:1301-1307) requires the commissioner of administration to establish and maintain a website to post certain specified information concerning certain boards and commissions, including notices and minutes, statutory citations, contact information, membership information, employee information, information concerning the budget and finances of the board or commission, and rules and regulations of the board or commission. Provides that notices must be submitted in a manner which allows the commissioner enough time to post the notice on the website prior to the deadline applicable to the board, commission, or like entity for giving notice pursuant to present law (R.S. 42:19–Open Meetings Law). Provides that all submissions of information shall be made in an electronic format designated by the commissioner of administration. Provides that minutes must be submitted within 10 days after the minutes are adopted by the board, commission, or like entity.

<u>Present law</u> (R.S. 49:1304) requires that information other than notices and minutes, including any change in information previously submitted, must be submitted no later than 30 days after the information becomes available to the board, commission, or like entity. <u>Proposed law</u> provides instead that such information must be submitted by Feb. 1 of each

year. Provides that, except for information required by <u>present law</u> (R.S. 49:1302(E)(2) and (G)), to be reported by fiscal year, the information shall be complete for the previous calendar year. Provides further that the information must be submitted by an appropriate officer of the board, commission, or like entity and that the officer shall certify that the information submitted is true and correct to the best of his knowledge, information, and belief.

<u>Proposed law</u> provides that if the commissioner of administration determines that a board, commission, or like entity covered by this Chapter has failed to submit the information other than notices and minutes in the manner required by <u>proposed law</u>, he shall send the board, commission, or like entity a notice of noncompliance by certified mail, return receipt requested. Provides that if the board, commission, or like entity fails to submit the information within the response period, all legislative authority for the existence of the board, commission, or like entity shall be suspended on the 10th day after the last day of the response period. Defines "response period" as the period of time beginning with the day the notice of noncompliance is received by the board, commission, or like entity and ending 90 days later. Provides further that if the board, commission, or like entity fails to submit the information within the response period, the commissioner of administration shall send a notice to the legislature stating that all legislative authority for the existence of the board, commission, or like entity has been suspended and requesting that the legislature repeal all such authority at the next regular session of the legislature.

<u>Proposed law</u> provides that <u>proposed law</u> does not apply to any board which is responsible for the administration of any statewide retirement fund held in trust for the benefit of its participants and which retirement fund is not the direct financial responsibility of the state.

(Amends R.S. 3:3712(D)(4), R.S. 17:17.1(C)(1) and 17.5(D)(1), R.S. 28:911(6) and (8), and 919(D)(1) and (2) and (E), R.S. 39:15.3(B)(1), 15.4(B)(2), and 15.5(B)(2), R.S. 40:1058.3 (Section heading), 1235(A)(2)(c) and (3), 1235.1(A)(2) and (B)(1), and 1300.104(B)(intro. para.) and (1), R.S. 49:1301 and 1304(B), R.S. 56:632(B) and 633(F); Repeals §2 of Act No. 701 of 2010 R.S., R.S. 3:299, R.S. 11:108, R.S. 17:17.3(C)(5), 17.4(C)(2), 17.5(D)(2), and 1519.13, R.S. 28:4(B)(12), 911(9), and 918, R.S. 36:4(B)(14), 259(D)(2), (M), and (R), 459(D), 610(B)(9) and (G)(1), 629(M), and 919.10, R.S. 39:15.4-15.6, 100.111–100.117, and 332.1, R.S. 40:1058.3(C)(4), 1235(A)(4), 1300.103(2), and 1300.105, R.S. 46:2611–2613, R.S. 56:333.2 and 632.8)

# Summary of Amendments Adopted by House

Committee Amendments Proposed by <u>House Committee on House and Governmental</u> <u>Affairs</u> to the <u>original</u> bill.

- 1. Removes the following from the bill thereby retaining their existence: advisory council for the program of early identification of hearing impaired infants, Concordia Parish Port Commission, La. Birth Defects Surveillance System Advisory Board, La. Commission on Addictive Disorders, La. Environmental Education Commission, La. Geographic Information Systems Council, and Prescription Monitoring Program Advisory Council.
- 2. Transfers the functions of the Bio-Fuel Panel to the commissioner of agriculture and forestry instead of to the secretary of the Dept. of Revenue.
- 3. Relative to provisions of <u>proposed law</u> providing deadlines for submitting certain information to the commissioner of administration, provides that authority for boards, commissions, and like entities that fail to comply with such deadlines will be suspended instead of such authority ceasing as a consequence of failing to comply with such deadlines.

4. Provides that provisions of <u>proposed law</u> providing for suspension of the authority for a board, commission, or like entity that fails to timely comply with reporting deadlines shall not apply to any board which is responsible for the administration of any statewide retirement fund held in trust for the benefit of its participants and which retirement fund is not the direct financial responsibility of the state.