Regular Session, 2010

ACT No. 573

HOUSE BILL NO. 301

BY REPRESENTATIVE RITCHIE

1   AN ACT

2 To amend and reenact R.S. 36:801(introductory paragraph) and 801.1(A), to enact R.S.

3   36:4(B)(18), and to repeal R.S. 36:459(D), relative to the Louisiana Tax

4   Commission; to transfer the commission to the office of the governor, division of

5   administration; to provide for the budget and procurement authority of the

6   commission; to provide for effectiveness; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8   Section 1. R.S. 36:801(introductory paragraph) and 801.1(A) are hereby amended

9 and reenacted and R.S. 36:4(B)(18) is hereby enacted to read as follows:

10   §4. Structure of executive branch of state government

11   *   *   *

12   B.   The office of the governor shall be in the executive branch of state

13   government.

14   *   *   *

15   (18)   The Louisiana Tax Commission (R.S. 47:1831-1837; R.S. 47:1951-

16   1998) is placed within the office of the governor, division of administration and shall

17   exercise and perform its powers, duties, functions, and responsibilities as provided

18   for agencies transferred in accordance with the provisions of R.S. 36:801.1.

19   *   *   *

1   §801. Transfer; retention of functions

2   The agencies transferred by the provisions of R.S. 36:53(A), ~~R.S. 36:~~109(U),

3   ~~R.S. 36:~~409(B), ~~R.S. 36:459(D), R.S. 36:~~478(K), ~~R.S. 36:~~509(K), ~~R.S. 36:~~610(K),

4   and ~~R.S. 36:~~651(C) shall continue to be composed and selected as provided by law;

5   each agency shall continue to exercise all powers, duties, functions, and

6   responsibilities provided or authorized for each by the constitution or laws which are

7   in the nature of policymaking, rulemaking, licensing, regulation, enforcement, or

8   adjudication and also shall continue to exercise all advisory powers, duties, and

9   functions provided by law; each agency shall continue to administer and implement

10   all programs provided or authorized for each by law which relate to rulemaking,

11   licensing, regulation, enforcement, and adjudication; each agency shall continue to

12   be governed by the Administrative Procedure Act, in its entirety, including

13   provisions relative to adjudication proceedings, unless otherwise specifically

14   provided by law; the executive head of each such agency shall employ, appoint,

15   remove, assign, and promote such personnel as is necessary for the efficient

16   administration of such powers, duties, functions, and responsibilities and for the

17   administration and implementation of such programs, in accordance with applicable

18   civil service laws, rules, and regulations, and with policies and rules of the

19   department to which the agency is transferred, and subject to budgetary control and

20   applicable laws; except as specifically provided in Paragraphs (1), (2), and (3) ~~below~~

21   of this Section. The agencies transferred as provided in this Section shall exercise

22   the powers, duties, functions, and responsibilities and shall administer and

23   implement the programs authorized in this Section independently of the secretary,

24   the undersecretary, and any assistant secretary, except that:

25   *   *   *

26   §801.1. Transfer; retention of all functions

27   A. The agencies transferred by the provisions of R.S. 36:4(B)(18) and (D),

28   4.1(C) and (G), 53(H), 209(R), 259(J), 409(N), 509(O), 651(D), 725(A), and 769(J)

29   shall continue to be comprised and selected as provided by law.

30   *   *   *

1   Section 2. R.S. 36:459(D) is hereby repealed in its entirety.

2   Section 3. This Act shall become effective on July 1, 2010.

_____
SPEAKER OF THE HOUSE OF REPRESENTATIVES

_____
PRESIDENT OF THE SENATE

_____
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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