

2015 Regular Session

HOUSE BILL NO. 610

BY REPRESENTATIVES HARRIS, GEYMAN, SCHRODER, STUART BISHOP, POPE, PEARSON, JAY MORRIS, HAVARD, BERTHELOT, WILLMOTT, SCHEXNAYDER, TALBOT, HENSGENS, RICHARD, AND HARRISON

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

STATE AGENCIES: Places the Department of Economic Development within the office of the lieutenant governor

1 AN ACT

2 To amend and reenact R.S. 36:101(A), 102(A), 103, 104(A)(1), (5), and (7) and (B)(2),

3 106(A), 107(A), and 108(B)(7), relative to the office of the lieutenant governor; to

4 place the Department of Economic Development in the office of the lieutenant

5 governor; to provide for the powers, functions, and duties of the lieutenant governor

6 relative to the department; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 36:101(A), 102(A), 103, 104(A)(1), (5), and (7) and (B)(2), 106(A),

9 107(A), and 108(B)(7) are hereby amended and reenacted to read as follows:

10 §101. Department of Economic Development; creation; domicile; composition;

11 purposes and functions

12 A.(1) The Department of Economic Development is created and shall be a

13 body corporate with the power to sue and be sued. The domicile of the department

14 shall be in Baton Rouge. The department shall be in the office of the lieutenant

15 governor.

1 (2) The lieutenant governor may also be referred to as the commissioner of
2 the Department of Economic Development.

3 * * *

4 §102. Officers of the department; compensation for one office only

5 A. The officers of the department shall be the secretary, if a secretary is
6 appointed, the undersecretary, the deputy secretary, if a deputy secretary is
7 appointed, and assistant secretaries, each of whom shall be selected and shall
8 perform functions as provided in this Title.

9 * * *

10 §103. Secretary of economic development

11 A. There ~~shall~~ may be a secretary of economic development, who shall be
12 appointed by the lieutenant governor with consent of the Senate and who shall serve
13 at the pleasure of the lieutenant governor at a salary fixed by the lieutenant governor,
14 which salary shall not exceed the amount approved for such position by the
15 legislature while in session. The secretary shall serve as the executive head and chief
16 administrative officer of the Department of Economic Development and shall have
17 the responsibility for the policies of the department, except as otherwise provided by
18 this Title, and for the administration, control, and operation of the functions,
19 programs, and affairs of the department; provided that the secretary shall perform his
20 functions under the general control and supervision of the lieutenant governor.
21 Nothing in this Chapter shall be construed to alter the present civil service
22 classification of any employee, deputy, or officer of the department or to place any
23 such employee, deputy, or officer of the department in the office of the lieutenant
24 governor for purposes of civil service classification.

25 B. If a secretary is not appointed as provided by Subsection A of this
26 Section, the lieutenant governor shall perform all duties, functions, and
27 responsibilities of the secretary as provided by law.

1 §104. Powers and duties of the secretary of economic development

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

4 (1) Represent the public interest in the administration of this Chapter and
5 shall be responsible to the governor, the lieutenant governor, the legislature, and the
6 public therefor.

7 * * *

8 (5) Advise the governor and the lieutenant governor on problems concerning
9 the administration of the department.

10 * * *

11 (7) Make, publish, and submit electronically an annual report to the
12 governor, the lieutenant governor, every member of the legislature, and the Senate
13 Committee on Commerce, Consumer Protection, and International Affairs, and the
14 House Committee on Commerce concerning the operations of the department,
15 including an overview of each business incentive and assistance program
16 administered by the department, and submit with each report such recommendations
17 as he deems necessary for the more effective internal structure and administration
18 of the department, and make other reports and recommendations on his own
19 initiative or upon request of the governor, the lieutenant governor, the legislature, or
20 any committee or member thereof. The overview of each business incentive and
21 assistance program administered by the department shall include a brief description
22 of each program's objective and annual activity and performance information
23 including, as applicable, number of applications received, number of new projects,
24 amount of associated certified spending in the state, number of new permanent jobs,
25 number of construction jobs, number of retained permanent jobs, amount of
26 associated capital investment, and amount of incentive awarded.

27 * * *

28 B. The secretary shall have the authority to:

29 * * *

1 (2) Appoint, subject to ~~gubernatorial~~ approval of the lieutenant governor,
2 advisory councils, boards, and commissions necessary in the administration of the
3 department, except as otherwise provided by law or by executive order.

4 * * *

5 §106. Undersecretary; functions; office of management and finance

6 A. There shall be an undersecretary of the Department of Economic
7 Development who shall be appointed by the lieutenant governor with the consent of
8 the Senate and who shall serve at the pleasure of the lieutenant governor, at a salary
9 fixed by the lieutenant governor, which salary shall not exceed the amount approved
10 for such position by the legislature while in session. The undersecretary shall be
11 directly responsible to and shall perform his functions under the supervision and
12 control of the secretary.

13 * * *

14 §107. Assistant secretaries

15 A. Each office within the Department of Economic Development, except the
16 office of management and finance and the office of entertainment industry
17 development, shall be under the immediate supervision and direction of an assistant
18 secretary. The assistant secretary of each such office shall be appointed by the
19 lieutenant governor with the consent of the Senate. Each shall serve at the pleasure
20 of the lieutenant governor and shall be paid a salary which shall be fixed by the
21 lieutenant governor, which salary shall not exceed the amount approved for such
22 position by the legislature while in session.

23 * * *

24 §108. Offices; purposes and functions

25 * * *

26 B. The office of business development shall perform the following functions
27 of the state:

28 * * *

1 (7) The office shall provide research necessary to support the work of the
2 department and its offices, including analyzing new economic development policy
3 directions, assessing the effectiveness of existing policies for the department and for
4 the governor and lieutenant governor, and developing industry-specific research and
5 promotional materials.

6 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 610 Original 2015 Regular Session Harris

Abstract: Places the Dept. of Economic Development in the office of the lieutenant governor. Provides that the lieutenant governor may be referred to as the commissioner of the department. Provides that if a secretary of the dept. is not appointed, the lieutenant governor shall perform all the duties, functions, and responsibilities of the secretary as provided by law.

Present law creates the Dept. of Economic Development as a body corporate with the power to sue and be sued. Provides that the domicile of the department shall be in Baton Rouge.

Proposed law further provides that the dept. shall be in the office of the lieutenant governor and that the lieutenant governor may also be referred to as the commissioner of the Dept. of Economic Development.

Present law provides that there shall be a secretary of economic development appointed by the governor with the consent of the Senate, who serves at the pleasure of the governor at a salary fixed by the governor which salary shall not exceed the amount approved for such position by the legislature while in session. Provides that the secretary serves as the executive head and chief administrative officer of the department and shall have the responsibility for the policies of the department, except as otherwise provided by present law (Title 36), and for the administration, control, and operation of the functions, programs, and affairs of the department, provided that he performs those functions under the general control and supervision of the governor. Present law provides that the officers of the department shall be the secretary, the undersecretary, the deputy secretary if a deputy secretary is appointed, and assistant secretaries.

Proposed law provides instead that there may be a secretary of economic development appointed by the lieutenant governor with the consent of the Senate, who serves at the pleasure of the lieutenant governor at a salary fixed by the lieutenant governor which salary shall not exceed the amount approved for such position by the legislature while in session. Proposed law further specifies that the secretary is an officer of the department if one is appointed. Proposed law provides that the secretary performs the functions as the executive head and chief administrative officer of the department under the general control and supervision of the lieutenant governor. Proposed law further provides that if a secretary is not appointed, the lieutenant governor shall perform all duties, functions, and responsibilities of the secretary as provided by law.

Proposed law specifies that nothing in proposed law or present law shall be construed to alter the present civil service classification of any employee, deputy, or officer of the department or to place any such employee, deputy, or officer of the department in the office of the lieutenant governor for purposes of civil service classification.

Present law provides for the powers and duties of the secretary, including to represent the public interest in the administration of present law and to be responsible to the governor, the legislature, and the public therefor; to advise the governor on problems concerning the department administration; and to make an annual report concerning operations of the department, including overviews and specified details of each business incentive and assistance program administered by the department and such recommendations as he deems necessary for the more effective internal structure and administration of the departments and to make other reports and recommendations on his own initiative or upon request of the governor, the legislature, or any committee or member thereof.

Proposed law includes the lieutenant governor as a person to whom the secretary is responsible, advises, and makes reports to. Otherwise retains present law.

Present law provides that the secretary has the authority to appoint, subject to gubernatorial approval, advisory councils, boards, and commissions necessary in the administration of the department, except as otherwise provided by law or by executive order. Proposed law provides instead that such appointments are subject to the approval of the lieutenant governor.

Present law provides that the governor shall appoint the undersecretary and the assistant secretaries of the department who each serve at the pleasure of the governor at a salary fixed by the governor which salary shall not exceed the amount approved for the position by the legislature while in session. Proposed law provides instead that the undersecretary and the assistant secretaries are appointed by the lieutenant governor and serve at the pleasure of the lieutenant governor at a salary fixed by the lieutenant governor which salary shall not exceed the amount approved for the position by the legislature while in session.

Present law provides that the office of business development shall provide research necessary to support the work of the department and its offices including analyzing new economic development policy directions, assessing the effectiveness of existing policies for the department and for the governor, and developing industry-specific research and promotional materials. Proposed law retains present law, but includes the lieutenant governor in the list of those to whom the office is to provide information.

(Amends R.S. 36:101(A), 102(A), 103, 104(A)(1), (5), and (7) and (B)(2), 106(A), 107(A), and 108(B)(7))