

2019 Regular Session

SENATE BILL NO. 171

BY SENATOR HEWITT

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

STATE AGENCIES. Provides relative to reports required of the executive branch by statute or resolution. (6/30/19)

1 AN ACT

2 To amend and reenact R.S. 49:1401, relative to reports required of executive branch  
3 agencies; to provide relative to review of mandated reports; to provide for expiration  
4 of the mandates; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 49:1401 is hereby amended and reenacted to read as follows:

7 §1401. Reports of the executive branch

8 A. Except as provided in Subsection ~~CD~~ of this Section, a ~~legislative~~ mandate  
9 to produce any report required of an ~~executive branch~~ agency first ~~occurring~~  
10 **imposed by the legislature** on or after July 1, ~~2018~~ **2020**, shall expire on the July  
11 first following the fifth regular session after the mandate was ~~approved~~ **imposed** by  
12 the legislature, **unless the legislation mandating the report provides for a**  
13 **different expiration date.**

14 B. Except as provided in Subsection ~~CD~~ of this Section, a ~~legislative~~ mandate  
15 to produce any report required of an ~~executive branch~~ agency first ~~occurring~~  
16 **imposed by the legislature** on or before June 30, ~~2018~~ **2020**, shall expire on the July  
17 first following June 30, ~~2019~~ **2021**, in the earliest year that is a multiple of five years

1 after the mandate was initially ~~approved~~ **imposed** by the legislature: **as follows:**

2 **(1) Mandates initially imposed in 2016, 2011, and any earlier year**  
3 **ending in "1" or "6" shall expire July 1, 2021.**

4 **(2) Mandates initially imposed in 2017, 2012, and any earlier year**  
5 **ending in "2" or "7" shall expire July 1, 2022.**

6 **(3) Mandates initially imposed in 2018, 2013, and any earlier year**  
7 **ending in "3" or "8" shall expire July 1, 2023.**

8 **(4) Mandates initially imposed in 2019, 2014, and any earlier year**  
9 **ending in "4" or "9" shall expire July 1, 2024.**

10 **(5) Mandates initially imposed in 2020, 2015, and any earlier year**  
11 **ending in "5" or "0" shall expire July 1, 2025.**

12 C. **The agency mandated to produce the report shall, not later than**  
13 **October first of the calendar year two years before the year of expiration of the**  
14 **mandate, notify the agency or executive- or legislative-branch entity designated**  
15 **to receive the report of the pending expiration of the mandate via electronic**  
16 **mail. The notification shall include at a minimum a citation of the original**  
17 **mandate requiring the report, a copy of the most recent report, and an estimate**  
18 **of the agency resources including costs expended in producing the report. If the**  
19 **report has no designated recipient, the agency mandated to produce the report**  
20 **shall notify the legislature of the pending expiration. A notification to the**  
21 **legislature shall be as provided for reports to the legislature in R.S. 24:772.**

22 D.(1)(a) ~~The standing committees having jurisdiction over the agency or, if~~  
23 **not an agency, the board, commission, or other executive-branch entity,** tasked  
24 ~~with producing~~ **designated to receive** the report may extend the mandate for an  
25 additional five years by an affirmative ~~vote of the majority of each committee~~ **action**  
26 **of the head of the agency or of the board, commission, or other entity with**  
27 **administrative authority over the designated recipient** at any time before the July  
28 first ~~on which the mandate is set to expire~~ **January first of the calendar year**  
29 **immediately preceding the year of expiration of the mandate.**

1           **(b) Whether the designated recipient elects to extend the mandate or**  
2           **not, the designated recipient shall, not later than January first of the calendar**  
3           **year immediately preceding the year of expiration, notify the agency mandated**  
4           **to produce the report, the legislature, and the Louisiana State Law Institute of**  
5           **the pending expiration of the mandate and the designated recipient's election**  
6           **regarding the extension. The notification to the legislature shall be as provided**  
7           **for reports to the legislature in R.S. 24:772 and shall include a copy of the**  
8           **notification documents received from the agency mandated to produce the**  
9           **report. If the agency or entity designated to receive the report fails to notify the**  
10           **legislature timely, the mandate shall be extended for an additional five years.**

11           **(2) If the agency mandated to produce the report fails to comply with**  
12           **the notification requirements of Subsection C of this Section, the mandate shall**  
13           **be extended for an additional five years.**

14           **(3) A mandate to submit a report to the legislature, the Senate, or the**  
15           **House of Representatives, or to a legislative officer, committee, or other**  
16           **legislative entity or a mandate to produce a report with no designated recipient**  
17           **may be extended an additional five years by an enactment of the legislature or**  
18           **by the same procedure that originally mandated the report.**

19           **(4) Any mandate extended an additional five years pursuant to**  
20           **Paragraph (1), (2), or (3) of this Subsection shall again be subject to the**  
21           **expiration provisions of this Section at the end of that five-year extension.**

22           ~~The executive branch agency tasked with producing the report shall, not later~~  
23           ~~than the January first immediately preceding the expiration date, notify the~~  
24           ~~committees of the pending expiration of the mandate via electronic mail. The~~  
25           ~~notification shall include at a minimum a citation of the original mandate requiring~~  
26           ~~the report, a copy of the most recent report, and an estimate of the agency resources~~  
27           ~~including costs expended in producing the report.~~

28           **E. As used in this Section, "agency" means any department, office,**  
29           **division, or other entity or an officer within the executive branch of state**

1            **government.**

2            Section 2. This Act shall become effective on June 30, 2019; if vetoed by the  
3            governor and subsequently approved by the legislature, this Act shall become effective on  
4            June 30, 2019, or on the day following such approval by the legislature, whichever is later.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by LG Sullivan.

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DIGEST

SB 171 Engrossed

2019 Regular Session

Hewitt

Present law requires a legislative mandate for an executive branch agency to produce a report to expire five years after legislative approval of the mandate. Requires the producing agency to notify the legislature of the impending expiration. Regardless of the legislative committee with jurisdiction over the subject matter of the report, authorizes the legislative committees with jurisdiction over the producing agency to extend the mandate for an additional five years by an affirmative vote of each committee. Provides for the first reports to expire July 1, 2019.

Proposed law retains the five-year expiration. Delays the first expiration until July 1, 2021.

Proposed law defines "agency" for purposes of proposed law to mean any department, office, division, or other entity or an officer within the executive branch of state government.

Proposed law requires the producing agency to notify the receiving agency or entity of the impending expiration by Oct. 1st two calendar years (21 months) before expiration. Provides for the receiving executive-branch agency or entity to extend the mandate for five years. Requires the receiving agency or entity to report to the producing agency, the legislature, and the Law Institute by Jan. 1st of the calendar year (18 months) before expiration whether or not the designated recipient extends the mandate.

Proposed law provides that if the agency producing the report fails to submit the Oct. 1st notification or if the receiving agency or entity fails to submit the Jan. 1st notification, the mandate shall continue for five additional years.

Proposed law further provides that a report to the legislature, the Senate, or the House of Representatives, or to a legislative officer, committee, or other legislative entity or a report with no designated recipient may be extended an additional five years by an enactment of the legislature or by the same procedure that originally mandated the report.

Proposed law subjects any mandate extended an additional five years to the expiration provisions at the end of that extension.

Effective June 30, 2019.

(Amends R.S. 49:1401)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. For a report to a legislative entity or a report with no designated recipient, require legislative action to continue the mandate.
2. Specify that a Jan. 1st notification to the legislature shall include the Oct. 1st notification the producing agency provides to an executive-branch recipient agency.