

Regular Session, 2008

SENATE BILL NO. 572

BY SENATOR MICHOT

GOVERNMENT ORGANIZATION. Transfers certain agencies from the office of the governor to certain departments and agencies in the executive branch of state government. (7/1/08)

1 AN ACT
2 To amend and reenact R.S. 36:4(B)(1)(dd) and (H), 408(D), and 478(G), R.S. 23:2042, R.S.
3 46:2521, R.S. 49:220.4(A)(1), R.S. 51:911.26(A)(1), and Sections 5 and 6(B) of Act
4 No. 5 of the 2006 First Extraordinary Session of the Legislature, to enact R.S.
5 36:309(B)(3), 409(J), and 803.1, and to repeal R.S. 36:4(B)(14) and (F) and
6 4.1(D)(16), and R.S. 23:2056, relative to the organization of the executive branch of
7 state government; to transfer certain agencies in the office of the governor into the
8 division of administration in the office of the governor and to transfer certain
9 agencies from the office of the governor to certain executive branch departments; to
10 provide relative to the exercise of the powers, duties, functions, and responsibilities
11 of such agencies; to provide relative to the existence of certain agencies placed in the
12 division of administration; to provide for an effective date; and to provide for related
13 matters.

14 Be it enacted by the Legislature of Louisiana:
15 Section 1. R.S. 36:4(B)(1)(dd) and (H), 408(D), and 478(G) are hereby amended and
16 reenacted and R.S. 36:309(B)(3), 409(J), and 803.1 are hereby enacted to read as follows:

17 §4. Structure of executive branch of state government

* * *

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

(1) The following agencies and their powers, duties, functions, and responsibilities are hereby transferred to the office of the governor:

* * *

(dd) The Patient's Compensation Fund Oversight Board (R.S. 40:1299.44) **shall be placed in the office of the governor, division of administration, as provided in R.S. 36:802.**

* * *

H. The Louisiana Recovery Authority **and the Louisiana Recovery Authority Board** (originally established by Executive Order No. 63 of 2005), as more specifically provided in R.S. 49:220.1 through 220.7, shall be placed in the office of the governor, **division of administration,** as provided in R.S. 36:801.

* * *

§309. Transfer of agencies to Department of Labor

* * *

B. The following agencies, as defined by R.S. 36:3, are transferred to and hereafter shall be within the Department of Labor, as provided in R.S. 36:802.

* * *

(3) The Louisiana Workforce Commission (R.S. 23:2041 et seq.)

* * *

§408. Offices; purposes and functions

* * *

D.**(1)** The office of state fire marshal, code enforcement and building safety shall perform generally the functions of the state relating to the protection of life and property from the hazards of fire and of panic which may arise from fire or from the threat of fire or explosion, including but not necessarily restricted to:

~~(a)~~**(a)** Supervision and enforcement of safety standards and inspection.

1 ~~(2)~~**(b)** Arrest of individuals suspected of violations of criminal laws specified
2 in R.S. 40:1563.1.

3 ~~(3)~~**(c)** Examination of the circumstances surrounding fires of suspicious
4 origin, and maintenance of records and reports on fires in this state.

5 ~~(4)~~**(d)** Exclusive power to investigate and to make and prescribe rules and
6 regulations for the proper construction, installation, repair, use, operation, and safety
7 of boilers in the state, the city of New Orleans excepted, and to issue general or
8 special orders for the enforcement of such rules and regulations as well as any
9 provision of law affecting boilers. The rules and regulations so formulated shall
10 conform as nearly as practicable to the boiler construction code of the American
11 Society of Mechanical Engineers, all as specified in R.S. 23:531 through R.S.
12 23:542.

13 ~~(5)~~**(e)** Examination and certification of boiler inspector examiners.

14 **(2) The office of the state fire marshal shall be responsible for the**
15 **functions of the state relating to manufactured housing, subject to the**
16 **provisions of R.S. 36:409(J).**

17 * * *

18 §409. Transfer of agencies to Department of Public Safety and Corrections

19 * * *

20 **J. The Louisiana Manufactured Housing Commission (R.S. 51:911.26**
21 **et seq.) is placed within the office of the state fire marshal of the Department of**
22 **Public Safety and Corrections and shall perform and exercise its powers, duties,**
23 **functions, and responsibilities in accordance with the provisions of R.S.**
24 **36:803.1.**

25 * * *

26 §478. Transfer of agencies and functions to Department of Social Services

27 * * *

28 G. The ~~Interpreter Certification Board (R.S. 46:2352)~~ is **following agency,**
29 **as defined in R.S. 36:3, is** placed within the Department of Social Services and shall

1 perform and exercise its powers, duties, functions, and responsibilities as provided
 2 for agencies transferred as provided in R.S. 36:914:

3 **Interpreter Certification Board (R.S. 46:2352)**

4 * * *

5 **§803.1. Transfer; certain appointing authority retained**

6 **The agency transferred by the provisions of R.S. 36:409(J) shall be**
 7 **transferred as provided in R.S. 36:803, except that it shall continue to appoint**
 8 **its own director as otherwise authorized by law.**

9 Section 2. R.S. 23:2042 is hereby amended and reenacted to read as follows:

10 §2042. Louisiana Workforce Commission; creation; purpose

11 The Louisiana Workforce Commission is hereby created ~~in the office of the~~
 12 ~~governor~~ for the purpose of developing a strategic state plan that will coordinate and
 13 integrate a workforce development system to assure the greatest cooperation possible
 14 between public and private entities. The commission is created as a human resource
 15 investment council under the Job Training Reform Amendments of 1992 (29 U.S.C.
 16 1501 et seq.).

17 Section 3. R.S. 46:2521 is hereby amended and reenacted to read as follows:

18 §2521. ~~Governor's office~~ **Office** on ~~women's policy~~ **Women's Policy**

19 There is hereby created the ~~office on women's policy within the office of the~~
 20 ~~governor~~ **Office on Women's Policy**. The office shall exercise the powers and
 21 duties hereinafter set forth or otherwise provided by law. The office shall be
 22 administered by an executive director who shall be appointed by the governor,
 23 subject to confirmation by the Senate, to serve at his pleasure. The executive
 24 director shall employ necessary staff to carry out the duties and functions of the
 25 office as provided in this Chapter or as otherwise provided by law. The executive
 26 director shall coordinate the activities of the office with the special assistant to the
 27 governor on women's policy.

28 Section 4. R.S. 49:220.4(A)(1) is hereby amended and reenacted to read as follows:

29 §220.4. Louisiana Recovery Authority; creation; executive director; board

1 2008, or on the day following such approval by the legislature, whichever is later.

The original instrument was prepared by Jay Lueckel. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alden A. Clement, Jr.

DIGEST

Michot (SB 572)

Transfers certain agencies from the office of the governor as follows:

Agency	Transferred to/ How transferred
Patient's Compensation Fund Oversight Board	Division of Administration Transferred with policy making authority; division of administration responsible for administrative functions
Louisiana Recovery Authority	Division of Administration Transferred with same generally independent authority as in <u>present law</u> . Adds provision to also transfer LRA board in the same manner. Also repeals provisions that terminate statutory authority for the LRA on 7/1/2010 and that repeal LRA statutes on 6/30/2016.
Louisiana Workforce Commission	Dept. of Labor Transferred with policy making authority; department responsible for administrative functions
Louisiana Manufactured Housing Commission	Dept. of Public Safety and Corrections, office of the state fire marshal Transferred with policy making and rulemaking functions. Retains licensing and regulatory authority and authority over fees. Provides authority for the commission to continue to appoint a director as otherwise provided by law.

Effective July 1, 2008.

(Amends R.S. 36:4(B)(1)(dd) and (H), 408(D), and 478(G), R.S. 23:2042, R.S. 46:2521, R.S. 49:220.4(A)(1), and R.S. 51:911.26(A)(1); and §§ 5 and 6(B) of Act No. 5 of the 2006 1 E.S.); adds R.S. 36:309(B)(3), 409(J), and 803.1; repeals R.S. 36:4(B)(14) and (F) and 4.1(D)(16), and R.S. 23:2056.

Summary of Amendments Adopted by Senate

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

1. Maintains the office of women's policy in the governor's office instead of transferring it to the Department of Social Services.
2. Makes the provisions of present law regarding the Louisiana Recovery Authority effective July 1, 2010.
3. Repeals the provision of present law placing the Louisiana Workforce Commission within the office of the governor.

4. Repeals the provision of present law placing the Louisiana Manufactured Housing Commission within the office of the governor.