

Regular Session, 2008
HOUSE BILL NO. 935
BY REPRESENTATIVE FANNIN AND SENATOR WALSWORTH

ACT No. 831

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AN ACT

To amend and reenact R.S. 36:4(B)(1)(dd) and (H), 408(D), and 802.3, R.S. 23:2042, R.S. 49:220.4(A)(1), 220.24(C)(6), (J), (K), and (L), and 220.25, R.S. 51:911.26(A)(1), and Sections 5 and 6(B) of Act No. 5 of the 2006 First Extraordinary Session of the Legislature, to enact R.S. 36:309(B)(3), 409(J), and 803.1, and R.S. 49:220.24(M), and to repeal R.S. 36:4(B)(14) and 4.1(D)(16) and R.S. 23:2056, relative to the organization of the executive branch of state government; to transfer certain agencies in the office of the governor into the division of administration in the office of the governor and to transfer certain agencies from the office of the governor to certain executive branch departments; to provide relative to the exercise of the powers, duties, functions, and responsibilities of such agencies; to provide relative to the existence of certain agencies placed in the division of administration; to provide for certain powers, duties, and functions of certain entities remaining in the office of the governor; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:4(B)(1)(dd) and (H), 408(D), and 802.3 are hereby amended and reenacted and R.S. 36:309(B)(3), 409(J), and 803.1 are hereby enacted to read as follows:

§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:

* * *

1 (dd) The Patient's Compensation Fund Oversight Board (R.S. 40:1299.44)
 2 shall be placed in the office of the governor, division of administration, as provided
 3 in R.S. 36:802.3(B).

4 * * *

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

9 * * *

10 §309. Transfer of agencies to Department of Labor

11 * * *

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

14 * * *

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

16 * * *

17 §408. Offices; purposes and functions

18 * * *

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

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

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

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

28 ~~(4)~~ (d) Exclusive power to investigate and to make and prescribe rules and
 29 regulations for the proper construction, installation, repair, use, operation, and safety
 30 of boilers in the state, the city of New Orleans excepted, and to issue general or

1 special orders for the enforcement of such rules and regulations as well as any
2 provision of law affecting boilers. The rules and regulations so formulated shall
3 conform as nearly as practicable to the boiler construction code of the American
4 Society of Mechanical Engineers, all as specified in R.S. 23:531 through ~~R.S.~~
5 ~~23:542.~~

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

7 (2) The office of the state fire marshal shall be responsible for the functions
8 of the state relating to manufactured housing, subject to the provisions of R.S.
9 36:409(J).

10 * * *

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

12 * * *

13 J.(1) The Louisiana Manufactured Housing Commission (R.S. 51:911.26 et
14 seq.) is placed within the office of the state fire marshal of the Department of Public
15 Safety and Corrections and shall perform and exercise its powers, duties, functions,
16 and responsibilities in accordance with the provisions of R.S. 36:803.1.

17 (2) The Louisiana state administrative agency (R.S. 51:912.51 et seq.) is
18 placed within public safety services of the Department of Public Safety and
19 Corrections and shall perform and exercise all of its powers, duties, functions, and
20 responsibilities in accordance with the provisions of R.S. 51:912.51 et seq. Public
21 safety services shall assist the agency in the administration and implementation of
22 its powers, duties, functions, and responsibilities and the deputy secretary and the
23 undersecretary for public safety services shall perform and exercise their respective
24 powers, duties, functions, and responsibilities as necessary to so assist the agency.

25 * * *

26 §802.3. Transfer; certain appointing authority retained

27 A. The agencies transferred by the provisions of R.S. 36:209(M) and 629(C)
28 shall be transferred as provided in R.S. 36:802, except that each of the agencies so
29 transferred shall continue to appoint its own director and assistant director or
30 personnel to fill comparable positions as authorized by law.

1 B. The agency placed in the division of administration by the provisions of
 2 R.S. 36:4(B)(1)(dd) shall be transferred as provided in R.S. 36:802, except that it
 3 shall continue to appoint its executive director and other personnel as authorized by
 4 law.

5 * * *

6 §803.1. Transfer; certain appointing authority retained

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

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

11 §2042. Louisiana Workforce Commission; creation; purpose

12 The Louisiana Workforce Commission is hereby created ~~in the office of the~~
 13 ~~governor~~ for the purpose of developing a strategic state plan that will coordinate and
 14 integrate a workforce development system to assure the greatest cooperation possible
 15 between public and private entities. The commission is created as a human resource
 16 investment council under the Job Training Reform Amendments of 1992 (29 U.S.C.
 17 1501 et seq.).

18 Section 3. R.S. 49:220.4(A)(1), 220.24(C)(6), (J), (K), and (L), and 220.25 are
 19 hereby amended and reenacted and R.S. 49:220.24(M) is hereby enacted to read as follows:

20 §220.4. Louisiana Recovery Authority; creation; executive director; board

21 A.(1) The Louisiana Recovery Authority is hereby created as a state agency
 22 within the office of the governor, division of administration. The authority shall be
 23 a body corporate with power to sue and be sued. The domicile of the authority shall
 24 be in the parish of East Baton Rouge. The purpose of the authority shall be to
 25 recommend policy, planning, and resource allocation affecting programs and
 26 services for the recovery, and to identify duplication of services relative to the
 27 recovery where appropriate. The authority shall carry out its functions to support the
 28 most efficient and effective use of resources for the recovery.

29 * * *

1 §220.24. Authority; duties; powers; standards; functions

2 * * *

3 C.(1)

4 * * *

5 (6) The inspector general shall submit an annual report to the governor and
6 the Joint Legislative Committee on the Budget at the end of each fiscal year that
7 describes the accomplishments and contributions made by the office toward
8 achieving the mission of helping to prevent and detect waste, fraud, and abuse in
9 Louisiana government. Upon completion, as indicated by signature of the inspector
10 general, all final reports of the inspector general immediately shall be filed with the
11 Joint Legislative Committee on the Budget and shall include the response of the
12 agency, if any. All such reports shall be provided to the staff of the governor's office
13 and the Joint Legislative Committee on the Budget upon request.

14 * * *

15 J. The office of the state inspector general is hereby designated as a law
16 enforcement agency and conferred all investigative powers and privileges
17 appurtenant to a law enforcement agency under state law as necessary and in
18 furtherance of the authority, duties, powers, and functions set forth herein. These
19 powers and privileges shall not include arrest powers but shall include access to
20 computer systems, information maintained for the use of law enforcement personnel,
21 and any information contained in the criminal history record and identification file
22 of the Louisiana Bureau of Criminal Identification and Information.

23 ~~¶K.~~ Upon credible information of corruption or fraud, the office of the state
24 inspector general shall notify the appropriate law enforcement agencies. Subsequent
25 to notifying the appropriate law enforcement agency, the inspector general may assist
26 the law enforcement agency in conducting the investigation. Upon detecting a
27 violation of one of the provisions of the Code of Governmental Ethics, the office of
28 the state inspector general may file a complaint with the Board of Ethics.

29 ~~¶~~ L. The office of the state inspector general may conduct joint
30 investigations and projects with other oversight or law enforcement agencies.

1 E M. The inspector general shall do all things necessary to carry out the
2 functions set forth in this Part.

3 §220.25. Confidentiality of certain records

4 Except for the reports of investigations released as provided in R.S.
5 49:220.24(C)(6), the records prepared or obtained by the inspector general in
6 connection with investigations conducted by the inspector general shall be deemed
7 confidential and protected from disclosure pursuant to R.S. 44:3 and 44:5. No
8 privilege established by law shall be deemed waived on any record obtained by the
9 inspector general in connection with the performance of the duties established in this
10 Part. Any record or information obtained by the inspector general which is
11 confidential pursuant to any other provision of law shall remain confidential, and it
12 shall be a misdemeanor punishable by a fine of not more than two thousand dollars
13 or imprisonment for not more than one year, or both, for the inspector general or any
14 of his employees, or any other public official, corporation, or individual, to make
15 public any such information or record. Nothing herein shall be interpreted to prevent
16 public access to public records during the course of an inspector general
17 investigation. The custodian of any public record shall provide that record to any
18 person having the right to examine public records. If the only copy of the public
19 record is in the hands of the inspector general, the custodian of that record shall so
20 certify and the requestor may examine and copy the record at the office of the
21 inspector general.

22 Section 4. R.S. 51:911.26(A)(1) is hereby amended and reenacted to read as follows:

23 §911.26. Louisiana Manufactured Housing Commission

24 A.(1) The Louisiana Manufactured Housing Commission is hereby created
25 ~~within the office of the governor.~~ The commission shall be composed of seven
26 members, with at least one member appointed from each Public Service Commission
27 district, all appointed by the governor with the consent of the Senate as provided in
28 this Section.

29 * * *

1 Section 5. Sections 5 and 6(B) of Act No. 5 of the 2006 First Extraordinary Session
2 of the Legislature are hereby amended and reenacted to read as follows:

3 Section 5. All statutory authority for the Louisiana Recovery Authority shall
4 cease as of July 1, 2010, ~~unless recreated by the Louisiana Legislature.~~

5 Section 6.

6 * * *

7 B. Section 4 of this Act shall become effective on ~~June 30, 2016~~ July 1,
8 2010.

9 Section 6. R.S. 36:4(B)(14), 4.1(D)(16), and R.S. 23:2056 are hereby repealed in
10 their entirety.

11 Section 7. This Act shall become effective on July 1, 2008; if vetoed by the governor
12 and subsequently approved by the legislature, this Act shall become effective on July 1,
13 2008, or on the day following such approval by the legislature, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____