

SENATE BILL NO. 261

BY SENATORS DONAHUE AND THOMPSON

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

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AN ACT

To enact Part II of Chapter 2 of Title 24 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 24:101 through 109, relative to streamlining state government; to create the Commission on Streamlining Government and provide for the membership, powers, duties, and functions of the commission; to provide a procedure for the submission, consideration, approval, and implementation of recommendations of the Commission on Streamlining Government; to provide for staff support and finances for the commission; to provide for cooperation with and support for the commission; to provide for the applicability of other laws; to provide for termination; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part II of Chapter 2 of Title 24 of the Louisiana Revised Statutes of 1950, comprised of R.S. 24:101 through 109, is hereby enacted to read as follows:

PART II. STREAMLINING GOVERNMENT

§101. Purpose and findings

A. The state of Louisiana faces a severe decline in revenues through fiscal year 2012 which, if no corrective action is taken, will leave a significant funding gap in state government expenditures and will create serious sustainability issues in financing of state obligations.

B. It is essential that the state act now to reduce the cost of state government, through all means available, including efficiencies, economies, greater effectiveness, and other means to streamline government in order to overcome the projected severe revenue reductions occurring through 2012 and to ensure that available state tax dollars are being spent efficiently and effectively. Many state agencies were created over thirty years ago and a review

1 of all agencies and its activities, functions, programs, and services is needed to
2 determine whether the purpose served by the agency or activity, function,
3 program, or service continues to be relevant.

4 §102. Definitions

5 As used in this Part, the following terms shall have the following
6 meanings, unless the context requires otherwise:

7 (1) "Activity" means a distinct subset of functions or services within a
8 program.

9 (2) "Agency" means and includes any office, department, board,
10 commission, institution, division, office, instrumentality, or functional group,
11 heretofore existing or hereafter created, that is authorized to exercise, or that
12 does exercise, any functions in the executive branch of state government.

13 "Agency" shall not mean any public institution of postsecondary education, any
14 postsecondary education governing or management board, or any entity under
15 the control of a public institution of postsecondary education or postsecondary
16 education governing or management board.

17 (3) "Commission" means the Commission on Streamlining Government.

18 (4) "Functions" means duties, jurisdiction, powers, rights, and
19 obligations, conferred or imposed upon, or vested in, any agency by law, or
20 exercised, performed, or discharged by any agency without contravention of
21 any provision of law.

22 (5) "Objective" is a specific and measurable target for achievement
23 which describes the exact results sought, which is expressed in an
24 outcome-oriented statement that may reflect effectiveness, efficiency, or quality
25 of work, and which may be either numeric or non-numeric.

26 (6) "Performance indicator" means a statement identifying an activity,
27 input, output, outcome, achievement, ratio, efficiency, or quality to be measured
28 relative to a particular goal or objective in order to assess an agency's
29 performance. Performance indicator shall also mean measurement of any other
30 aspect of performance as determined by rule issued by the commissioner of

1 administration under the provisions of the Administrative Procedure Act.

2 (7) "Performance standard" means the expected level of performance
 3 associated with a particular performance indicator for a particular period.

4 (8) "Program" means a grouping of activities directed toward the
 5 accomplishment of a clearly defined objective or set of objectives.

6 (9) "Quality" means degree or grade of excellence.

7 §103. Commission on Streamlining Government; established

8 A. There is established the Commission on Streamlining Government to
 9 examine each agency's constitutional and statutory activities, functions,
 10 programs, services, powers, duties, and responsibilities to determine which of
 11 these activities, functions, programs, services, powers, duties, and
 12 responsibilities can be (1) eliminated, (2) streamlined, (3) consolidated, (4)
 13 privatized, or (5) outsourced in an effort to reduce the size of state government.

14 B. The commission shall target agencies whose activities, functions,
 15 programs, or services can be consolidated or eliminated, in addition to
 16 identifying opportunities for privatizing and outsourcing current state activities,
 17 functions, programs, or services.

18 C. The commission shall examine the necessity and performance of
 19 activities, functions, programs, and services to ensure that they are meeting
 20 current performance standards effectively and efficiently and they are meeting
 21 the needs of Louisiana citizens.

22 D. The commission shall be composed as follows:

23 (1) The commissioner of administration, or the commissioner's designee.

24 (2) The speaker of the House of Representatives, or the speaker's
 25 designee.

26 (3) The president of the Senate, or the president's designee.

27 (4) The state treasurer, or the treasurer's designee.

28 (5) The chairman of the House Committee on Appropriations, or the
 29 chairman's designee.

30 (6) The chairman of the Senate Committee on Finance, or the chairman's

1 designee.

2 (7) Two individuals engaged in private enterprise, appointed by the
3 governor, which individuals shall be subject to Senate confirmation.

4 (8) One individual engaged in private enterprise, appointed by the
5 speaker of the House of Representatives.

6 (9) One individual selected from a list of three individuals nominated by
7 the AFL/CIO, and appointed by the president of the Senate, which individual
8 shall be subject to Senate confirmation.

9 E. The commission may hold public hearings as part of its evaluation
10 process, and may appoint advisory groups to conduct studies, research or
11 analyses, and make reports and recommendations with respect to a matter
12 within the jurisdiction of the commission. At least one member of the
13 commission shall serve on each advisory group.

14 F.(1) The names of the persons who are to serve on the commission shall
15 be submitted to the president of the Senate on or before July 15, 2009.

16 (2) The president of the Senate shall call the first meeting of the
17 commission which shall be held on or before July 30, 2009.

18 (3) At the first meeting, the members of the commission shall
19 elect from their membership a chairman and vice chairman and such
20 other officers as the commission may deem advisable. The president of
21 the Senate or his designee shall preside over the commission until a
22 chairman is elected by the commission.

23 §104. Procedure

24 A. Reports submitted by the Commission on Streamlining Government
25 pursuant to this Section may include any of or any combination of the following:

26 (1) Recommendations to eliminate, streamline, consolidate, privatize, or
27 outsource constitutional and statutory agency activities, functions, programs,
28 services, powers, duties, and responsibilities to provide the same or greater type
29 and quality of activity, function, program, or service that will result in cost
30 reduction or greater efficiency or effectiveness.

1 (2) Recommendations to ensure that agency activities, functions,
2 programs, and services are not duplicative and are necessary, meeting or
3 exceeding performance standards, and meeting the needs of Louisiana citizens.

4 (3) Recommendations for the elimination, consolidation, privatization,
5 or outsourcing of an agency to provide a more cost efficient or more effective
6 manner of providing an activity, function, program, or service.

7 (4) Recommendations providing for the use of alternative resources to
8 the operation of agencies, activities, functions, programs, and services to
9 provide a more cost-effective manner without impacting the quality or
10 availability of needed services.

11 (5) Recommendations for standards, processes, and guidelines for
12 agencies to use in order to review and evaluate government activities, functions,
13 programs, and services to eliminate, streamline, consolidate, privatize, or
14 outsource.

15 B.(1) The commission shall submit an initial report of its
16 recommendations, including recommendations requiring legislation or
17 administrative action, to the governor, the president of the Senate, the speaker
18 of the House of Representatives, the Senate and Governmental Affairs
19 Committee, the House and Governmental Affairs Committee, and the
20 commissioner of administration no later than December 15, 2009.

21 (2) The commission shall prepare the recommendations in the report as
22 a reorganization plan and submit the plan to the Senate and Governmental
23 Affairs Committee and the House and Governmental Affairs Committee for
24 consideration by January 4, 2010 and the committees, meeting as a joint
25 committee, shall review the plan by February 1, 2010.

26 (3) Executive and legislative action as may be necessary to implement the
27 reorganization plan as approved or modified by the two committees meeting
28 jointly shall be taken as soon as possible.

29 C. The commission shall submit a report annually before January first
30 consisting of the status and implementation of the reorganization plan approved

1 by the Senate and Governmental Affairs Committee and the House and
2 Governmental Affairs Committee to the governor, the president of the Senate,
3 the speaker of the House of Representatives, the Senate and Governmental
4 Affairs Committee, the House and Governmental Affairs Committee, and the
5 commissioner of administration.

6 §105. Staff support

7 The staffs of the Senate, House of Representatives, Legislative Fiscal
8 Office, legislative auditor, office of the governor, and division of administration
9 may provide staff support and otherwise assist the commission as requested by
10 the commission. The commission may submit a written request to the president
11 of the Senate, the speaker of the House of Representatives, the legislative fiscal
12 officer, the legislative auditor, or the commissioner of administration, for
13 specific support and assistance to be provided by the staffs of their respective
14 agencies.

15 §106. Agency cooperation and assistance

16 A. Each agency and political subdivision shall furnish aid, services, and
17 assistance as may be requested by the commission.

18 B. To the extent permitted by and in accordance with R.S. 44:1 et seq.,
19 each officer, agency, and political subdivision shall make available all facts,
20 records, information, and data requested by the commission and in all ways
21 cooperate with the commission in carrying out the functions and duties imposed
22 by this Part.

23 §107. Finances

24 A. The commission may apply for, contract for, receive, and expend for
25 purpose of this Part any appropriation or grant from the state, its political
26 subdivisions, the federal government, or any other public or private source.

27 B. The books and records of the commission shall be subject to audit by
28 the legislative auditor pursuant to R.S. 24:513.

29 §108. Effect on other law

30 This Part shall not be deemed to supercede or limit the provisions of Part

1 XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

2 §109. Termination of Part

3 This Part shall become null and of no effect on January 12, 2012.

4 Section 2. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____