

2020 First Extraordinary Session

SENATE BILL NO. 27

BY SENATORS WHITE AND MCMATH

STATE AGENCIES. Creates and provides for the Streamlining Government Commission.
(Item #33) (gov sig)

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AN ACT

To amend and reenact Part II of Chapter 2 of Title 24 of the Louisiana Revised Statutes of 1950, comprised of R.S. 24:101 through 109, relative to state government; to create the Streamlining Government Commission; to provide for the membership, powers, duties, and functions of the commission; to provide for recommendations of the commission; to provide procedures and deadlines for reporting; 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 amended and reenacted 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 the financing of state obligations.~~ **The COVID-19 pandemic has resulted in severe declines in revenue for both private and public sector entities and, if no action**

1 is taken, the state of Louisiana will face significant funding challenges
2 threatening the ability to finance state obligations.

3 B. It is essential that the state act now to reduce the cost of state government,
4 through all means available, including efficiencies, economies, greater effectiveness,
5 and other means to streamline government in order to overcome the projected severe
6 revenue reductions occurring through 2012 and to ensure that available state tax
7 dollars are being spent efficiently and effectively. Many state agencies were created
8 over thirty years ago and a review of each agency and its activities, functions,
9 programs, and services is needed to determine whether the purpose served by the
10 agency or activity, function, program, or service continues to be relevant. Like
11 thousands of businesses in Louisiana being forced to reevaluate the nature and
12 scope of their operations in these trying times, the state of Louisiana must do
13 the same. It is imperative to act swiftly to reduce the operational costs of state
14 government entities through all means necessary and available, including
15 efficiencies, economies, enhanced effectiveness, and other means to streamline
16 government and overcome the financial challenges in the near future.

17 C. While many changes were implemented following the activities of the
18 Commission on Streamlining Government created in 2009, the COVID-19
19 pandemic and its impact on state funding has demonstrated that more must be
20 done to reduce the operational costs of state entities.

21 §102. Definitions

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

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

26 (2) "Agency" means and includes any office, department, board, commission,
27 institution, division, office, instrumentality, or functional group, heretofore existing
28 or hereafter created, that is authorized to exercise, or that does exercise, any
29 functions in the executive branch of state government. "Agency" shall not mean any

1 public institution of postsecondary education, any postsecondary education
2 governing or management board, or any entity under the control of a public
3 institution of postsecondary education or postsecondary education governing or
4 management board.

5 (3) "Commission" means the ~~Commission on~~ Streamlining Government
6 **Commission**.

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

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

14 (6) "Performance indicator" means a statement identifying an activity, input,
15 output, outcome, achievement, ratio, efficiency, or quality to be measured relative
16 to a particular goal or objective in order to assess an agency's performance.
17 Performance indicator shall also mean measurement of any other aspect of
18 performance as determined by rule issued by the commissioner of administration
19 under the provisions of the Administrative Procedure Act.

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

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

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

25 §103. ~~Commission on~~ Streamlining Government **Commission**; established

26 A. There is established the ~~Commission on~~ Streamlining Government
27 **Commission** to examine each agency's constitutional and statutory activities,
28 functions, programs, services, powers, duties, and responsibilities to determine which
29 of these activities, functions, programs, services, powers, duties, and responsibilities

1 can be ~~(1)~~ eliminated, ~~(2)~~ streamlined, ~~(3)~~ consolidated, ~~(4)~~ privatized, or ~~(5)~~
2 outsourced in an effort to reduce the size of state government.

3 B. The commission shall target agencies whose activities, functions,
4 programs, or services can be consolidated or eliminated, in addition to identifying
5 opportunities for privatizing and outsourcing current state activities, functions,
6 programs, or services.

7 C. The commission shall examine the necessity and performance of activities,
8 functions, programs, and services to ensure that they are meeting current
9 performance standards effectively and efficiently and ~~they~~ are meeting the needs of
10 Louisiana citizens.

11 D. The commission shall be composed as follows:

12 (1) ~~The commissioner of administration, or the commissioner's designee~~
13 **president of the Senate, or the president's designee.**

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

15 (3) ~~The president of the Senate, or the president's designee~~ **legislative**
16 **auditor.**

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

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

20 (6) The chairman of the Senate Committee on Finance, or the chairman's
21 designee.

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

24 (8) One individual engaged in private enterprise, appointed by the speaker of
25 the House of Representatives, **which individual shall be subject to Senate**
26 **confirmation.**

27 (9) One individual ~~selected from a list of three individuals nominated by the~~
28 ~~AFL/CIO~~ **engaged in private enterprise**, and appointed by the president of the
29 Senate, which individual shall be subject to Senate confirmation.

1 **(10) One representative of the Public Affairs Research Council of**
 2 **Louisiana, which individual shall be subject to Senate confirmation.**

3 **(11) One representative of the Council for a Better Louisiana, which**
 4 **individual shall be subject to Senate confirmation.**

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

10 F.(1) The names of the persons who are to serve on the commission shall be
 11 submitted to the president of the Senate on or before July 15, ~~2009~~ **2020**.

12 (2) The president of the Senate shall call the first meeting of the commission
 13 which shall be held on or before July 30, ~~2009~~ **2020**.

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

18 §104. Procedure

19 A. Reports submitted by the ~~Commission on~~ Streamlining Government
 20 **Commission** pursuant to this Section may include any of or any combination of the
 21 following:

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

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

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

4 (4) Recommendations providing for the use of alternative resources ~~to~~ **for** the
5 operation of agencies, activities, functions, programs, and services to provide **them**
6 **in** a more cost-effective manner without impacting the quality or availability of
7 needed services.

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

11 B.(1) The commission shall submit an initial report of its recommendations,
12 including recommendations requiring legislation or administrative action, to the
13 governor, the president of the Senate, the speaker of the House of Representatives,
14 the Senate and Governmental Affairs Committee, the House and Governmental
15 Affairs Committee, and the commissioner of administration no later than December
16 15, ~~2009~~ **2020**.

17 (2) The commission shall prepare the recommendations in the report as a
18 reorganization plan and submit the plan to the Senate and Governmental Affairs
19 Committee and the House and Governmental Affairs Committee for consideration
20 by January 4, ~~2010~~ **2021**, and the committees, meeting as a joint committee, shall
21 review the plan by February 1, ~~2010~~ **2021**.

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

25 C. The commission shall submit a report annually before January first
26 consisting of the status and implementation of the reorganization plan approved by
27 the Senate and Governmental Affairs Committee and the House and Governmental
28 Affairs Committee to the governor, the president of the Senate, the speaker of the
29 House of Representatives, the Senate and Governmental Affairs Committee, the

1 House and Governmental Affairs Committee, and the commissioner of
2 administration.

3 §105. Staff support

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

12 §106. Agency cooperation and assistance

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

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

19 §107. Finances

20 A. The commission may apply for, contract for, receive, and expend for
21 purposes of this Part any appropriation or grant from the state, its political
22 subdivisions, the federal government, or any other public or private source.

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

25 §108. Effect on other law

26 This Part shall not be deemed to supercede or limit the provisions of Part XII
27 of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

28 §109. Termination of Part

29 This Part shall become null and of no effect on January 12, ~~2012~~ **2023**.

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

The original instrument was prepared by Jerry J. Guillot. The following digest, which does not constitute a part of the legislative instrument, was prepared by Matthew Deville.

DIGEST

SB 27 Engrossed

2020 First Extraordinary Session

White

Present law, which terminated in 2012, establishes the Commission on Streamlining Government to examine each agency's constitutional and statutory activities, functions, programs, services, powers, duties, and responsibilities, and to determine which of these activities, functions, programs, services, powers, duties, and responsibilities can be eliminated, streamlined, consolidated, privatized, or outsourced in an effort to reduce the size of state government.

Present law provides that the commission is to target agencies whose activities, functions, programs, or services can be consolidated or eliminated, in addition to identifying opportunities for privatizing and outsourcing current state activities, functions, programs, or services.

Present law provides that the commission is to examine the necessity and performance of activities, functions, programs, and services in order to ensure that they are meeting current performance standards effectively and efficiently and that they are meeting the needs of La. citizens.

Proposed law creates the Streamlining Government Commission, otherwise retains present law.

Present law provides that the Commission on Streamlining Government is composed as follows:

- (1) The commissioner of administration, or the commissioner's designee.
- (2) The speaker of the House of Representatives, or the speaker's designee.
- (3) The president of the Senate, or the president's designee.
- (4) The state treasurer, or the treasurer's designee.
- (5) The chairman of the House Committee on Appropriations, or the chairman's designee.
- (6) The chairman of the Senate Committee on Finance, or the chairman's designee.
- (7) Two individuals engaged in private enterprise, appointed by the governor subject to Senate confirmation.
- (8) One individual engaged in private enterprise, appointed by the House speaker.

- (9) One individual selected from a list of three individuals nominated by the AFL/CIO, and appointed by the Senate president, subject to Senate confirmation.

Proposed law provides that the Streamlining Government Commission is composed as follows:

- (1) The president of the Senate, or the president's designee.
- (2) The speaker of the House of Representatives, or the speaker's designee.
- (3) The legislative auditor.
- (4) The state treasurer, or the treasurer's designee.
- (5) The chairman of the House Committee on Appropriations, or the chairman's designee.
- (6) The chairman of the Senate Committee on Finance, or the chairman's designee.
- (7) Two individuals engaged in private enterprise, appointed by the governor subject to Senate confirmation.
- (8) One individual engaged in private enterprise, appointed by the House speaker subject to Senate confirmation.
- (9) One individual engaged in private enterprise, appointed by the Senate president subject to Senate confirmation.
- (10) One representative of PAR subject to Senate confirmation.
- (11) One representative of CABL subject to Senate confirmation.

Present law provides that the names of persons who are to serve on the commission shall be submitted to the Senate president on or before July 15, 2009. Proposed law provides instead that the names shall be submitted to the Senate president on or before July 15, 2020.

Present law provides that the president of the Senate shall call the first meeting of the commission to be held on or before July 30, 2009. Proposed law provides that the Senate president shall call the first meeting on or before July 30, 2020.

Present law provides that at the first meeting, the members shall elect from their membership a chairman, vice chairman, and such other officers as advisable and provides that the Senate president or his designee shall preside over the commission until a chairman is elected. Proposed law retains present law.

Present law provides that the commission may hold public hearings as part of its evaluation process, and may appoint advisory groups to conduct studies, research or analyses, and make reports and recommendations. Present law requires that at least one member of the commission serve on each advisory group. Proposed law retains present law.

Present law provides that reports submitted by the commission may include any of the following:

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

- (2) Recommendations to ensure that agency activities, functions, programs, and services are necessary, meeting or exceeding performance standards, and meeting the needs of La. citizens.
- (3) Recommendations for the elimination, consolidation, privatization, or outsourcing of an agency to provide a more cost-efficient or more effective manner of providing an activity, function, program, or service.
- (4) Recommendations providing for the use of alternative resources for the operation of agencies, activities, functions, programs, and services to provide them in a more cost-effective manner without impacting the quality or availability of needed services.
- (5) Recommendations for standards, processes, and guidelines for agencies to use in order to review and evaluate government activities, functions, programs, and services to eliminate, streamline, consolidate, privatize, or outsource.

Proposed law retains present law.

Present law requires the commission to submit an initial report of its recommendations, including recommendations requiring legislation or administrative action, to the governor, the Senate president, the House speaker, the Senate and Governmental Affairs Committee, the House and Governmental Affairs Committee, and the commissioner of administration, no later than Dec. 15, 2009. Proposed law changes the deadline to Dec. 15, 2020, and otherwise retains present law.

Present law requires that the commission prepare the recommendations in the report as a reorganization plan and submit the plan to the Senate and Governmental Affairs Committee and the House and Governmental Affairs Committee for consideration by Jan. 4, 2010. Proposed law changes the deadline to Jan. 4, 2021, and otherwise retains present law.

Present law provides that the committees, meeting as a joint committee, shall review the reorganization plan by Feb. 1, 2010, and may recommend adoption of the plan with such additions, deletions, or modifications to the plan as the two committees meeting jointly deem necessary. Proposed law changes the deadline to Feb. 1, 2021, and otherwise retains present law.

Present law requires that legislative and executive action necessary to implement the approved reorganization plan be taken as soon as possible.

Present law requires the commission to provide a report annually before Jan. first consisting of the status and implementation of the approved reorganization plan to the governor, the Senate president, the House speaker, the Senate and Governmental Affairs Committee, the House and Governmental Affairs Committee, and the commissioner of administration.

Present law provides that the staffs of the Senate, House of Representatives, legislative fiscal office, legislative auditor, office of the governor, and division of administration may provide staff support and otherwise assist the commission as requested by the commission. Further provides that the commission may submit a written request for specific support and assistance from the staff of the above agencies.

Proposed law retains present law but provides that staff of the enumerated entities shall provide assistance upon request

Present law requires each agency and political subdivision to furnish aid, services, and assistance as may be requested by the commission. Present law requires, to the extent permitted by the Public Records Law, that each officer, agency, and political subdivision make available all facts, records, information, and data requested by the commission and in

all ways cooperate with the commission in carrying out the functions and duties imposed by present law.

Present law authorizes the commission to apply for, contract for, receive, and expend for the purpose of present law any appropriation or grant from the state, its political subdivisions, the federal government, or any other public or private source. Present law further provides that the books and records of the commission are subject to audit by the legislative auditor.

Present law provides that present law will not be deemed to supercede or limit present law regarding the review and re-creation of state agencies.

Proposed law retains present law.

Present law defines terms for its purposes including "activity", "agency", "commission", "functions", "objective", "performance indicator", "performance standard", "program", and "quality".

Proposed law retains present law definitions.

Present law became null and of no effect on Jan. 12, 2012. Proposed law, including present law retained, terminates on Jan. 12, 2023.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 24:101-109)

Summary of Amendments Adopted by Senate

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

1. Requires that the staffs of the Senate, House of Representatives, legislative fiscal office, legislative auditor, office of the governor, and division of administration provide support and assistance upon request.