

2018 Regular Session

SENATE BILL NO. 445

BY SENATOR HEWITT

STATE AGENCIES. Provides relative to reports required of the executive branch by statute or resolution. (7/1/18)

1 AN ACT

2 To amend and reenact R.S. 22:971 and 1333(D), R.S. 24:775(A), and R.S. 39:31(B), 87.3(A)
3 and (B), and 2179, and to enact Chapter 21 of Title 49 of the Louisiana Revised
4 Statutes of 1950, to be comprised of R.S. 49:1401, relative to reports required of
5 agencies of the executive branch of Louisiana state government; to reduce the
6 frequency of certain reports; to eliminate the requirement of certain reports; to
7 provide for an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 21 of Title 49 of the Louisiana Revised Statutes of 1950,
10 comprised of R.S. 49:1401, is hereby enacted to read as follows:

11 **CHAPTER 21. REPORTS**

12 **§1401. Reports of the executive branch**

13 **A. Except as provided in Subsection B of this Section, a legislative**
14 **mandate to produce any report required of an executive branch agency first**
15 **occurring on or after July 1, 2018, shall expire on the July first following the**
16 **fifth regular session after the mandate was approved by the legislature.**

17 **B. The standing committees having jurisdiction over the agency tasked**

1 with producing the report may extend the report for an additional five years by
2 an affirmative vote of the majority of each committee at any time before the
3 July first on which the mandate is set to expire.

4 Section 2. R.S. 22:971 and 1333(D) are hereby amended and reenacted to read as
5 follows:

6 §971. Patient's Bill of Rights

7 It is hereby declared by the Legislature of Louisiana that access to health care
8 for the citizens of this state is a priority to promote well-being and strong state
9 protections. The state has an obligation to ensure that every person enrolled in a
10 health plan enjoys basic rights as a patient. Comprehensive care should guarantee
11 patients greater access to information and care including access to needed specialists
12 and emergency rooms, guarantee a fair appeals process when health plans deny care,
13 expand choice, protect the doctor-patient relationship, and hold managed care
14 organizations accountable for decisions that harm patients. Because many states have
15 passed patient protection laws that are appropriate to their states, the Department of
16 Insurance shall establish and maintain an information collection program to track and
17 evaluate state and federal legislation to provide for a uniform patient bill of rights.
18 The department shall compile the data on an annual basis and upon request of the
19 chairmen of the committees, submit a written report to the Senate Committee on
20 Insurance and the House Committee on Insurance of ongoing efforts to adopt or
21 enact a uniform patient's bill of rights.

22 * * *

23 §1333. Homeowner's insurance; insurer's nonrenewal without cause; inclusion in
24 insured's file prohibited; certain prohibitions

25 * * *

26 D. Notwithstanding the provisions of Subsection C of this Section, an insurer
27 may make a filing with the commissioner pursuant to R.S. 22:1464 for authorization
28 to deviate from the provisions of Subsection C of this Section for the sole purpose
29 of changing the policy deductible to a total deductible of not more than four percent

1 of the value of the property being insured for named storms or hurricanes on a
 2 homeowner's policy of insurance that has been in effect for more than three years.
 3 Any insurer filing with the commissioner pursuant to this Subsection shall file with
 4 the commissioner a business plan setting forth the insurer's plan to write new
 5 business in the particular region or area of the state in which the new deductible is
 6 to apply. The commissioner's approval is to be based on the insurer's commitment
 7 to the writing of new business in the respective region or area of the state in which
 8 the new deductible is to apply. The commissioner may also approve a filing that he
 9 determines to be in the best interest of the policyholders. The commissioner may
 10 subsequently rescind his approval of any filing made pursuant to this Subsection in
 11 the event the insurer fails to write new business in accordance with the business plan.
 12 Any business plan filed shall be considered proprietary or trade secret pursuant to
 13 information under the provisions of R.S. 44:3.2 and the Uniform Trade Secrets Act.
 14 ~~The commissioner shall provide an annual report to the legislative committees on~~
 15 ~~insurance on the application and effectiveness of the provisions of this Section.~~ The
 16 commissioner shall promulgate regulations pursuant to the Administrative Procedure
 17 Act setting forth the criteria for the filing, including any financial or other
 18 requirements that he deems necessary to act on the request by an insurer. Any
 19 regulation promulgated by the commissioner pursuant to this Subsection shall
 20 require the insurer to itemize to the insured the premium savings based on the
 21 increase in the insured's deductible.

22 * * *

23 Section 3. R.S. 39:2179 is hereby amended and reenacted to read as follows:

24 §2179. Responsibilities of the Louisiana Department of Veterans Affairs

25 A. The secretary of the Louisiana Department of Veterans Affairs, hereinafter
 26 referred to in this Section as "Veterans Affairs", shall assist Louisiana's veterans and
 27 service-connected disabled veterans in procuring state and federal contracts.

28 B. The secretary of Veterans Affairs shall establish policies and procedures
 29 necessary for implementing and publicizing an Internet-based information

1 clearinghouse for the Louisiana Initiative for Veterans and Service-Connected
2 Disabled Veteran-Owned Small Entrepreneurships to Louisiana's veteran population.

3 C. Veterans Affairs shall consult and collaborate with local, state, federal,
4 and nongovernmental agencies and organizations as necessary to carry out the
5 provisions of this Chapter. Veterans Affairs shall rely on data furnished by the
6 United States Department of Veterans Affairs with respect to the number of veterans
7 and service-connected disabled veterans in the state of Louisiana.

8 ~~D. Veterans Affairs shall gather veteran-specific demographic, employment,~~
9 ~~and entrepreneurial data for the commissioner's consideration in developing annual~~
10 ~~goals of the initiative and as additional sources of information for the commissioner's~~
11 ~~annual report.~~

12 Section 4. R.S. 24:775(A) is hereby amended and reenacted to read as follows:

13 §775. Commissioner of insurance; reports to legislature

14 A. The commissioner of insurance shall, ~~at least twice each calendar year,~~
15 **annually** report to the Senate and House committees on insurance relative to
16 insurance regulation in this state.

17 * * *

18 Section 5. R.S. 39:31(B) and 87.3(A) and (B) are hereby amended and reenacted to
19 read as follows:

20 §31. Strategic planning

21 * * *

22 B. Initial strategic plans shall be completed no later than July 1, 1998.
23 Thereafter, all plans shall be revised and updated at least every three years.
24 **Beginning July 1, 2018, all plans shall be revised and updated at least every five**
25 **years.** The commissioner of administration shall provide a schedule and other
26 guidance for the timely preparation, revision, and submission of strategic plans. The
27 plans shall be prepared in the manner prescribed by the commissioner of
28 administration, shall be accompanied by such other information as he may require,
29 and shall be submitted to the commissioner of administration and to the standing

1 committee of each house of the legislature having responsibility for oversight of the
2 department or agency as provided in R.S. 49:968.

3 * * *

4 §87.3. Performance progress reports

5 A. Each agency receiving an appropriation in the General Appropriation Act
6 or the Ancillary Appropriation Act shall produce a ~~series of~~ **year-end** performance
7 progress ~~reports~~ **report**. The reports shall provide the legislature with information
8 on the agency's actual progress toward achievement of ~~that year's~~ performance
9 standards for performance indicators contained within the executive budget or the
10 executive budget supporting document. The Joint Legislative Committee on the
11 Budget or a subcommittee thereof, hereinafter referred to in this Section as the
12 "committee", shall prescribe the format and the method of transmission of the
13 reports. The reports shall be submitted to the committee, the legislative fiscal officer,
14 the legislative auditor, and the commissioner of administration, and shall contain
15 data as provided in Paragraphs (1) through (4) of this Subsection, as well as any
16 other data required by the committee relative to agency performance and
17 accountability. The reporting schedule and specific components of each report are
18 as follows:

19 ~~(1) The First Quarter Performance Progress Report shall be submitted to the~~
20 ~~committee, the legislative fiscal officer, the legislative auditor, and the commissioner~~
21 ~~of administration on or before November eighth of each year. It shall contain data~~
22 ~~for the period of July through September of the current fiscal year and shall include~~
23 ~~for each key performance indicator a comparison of the actual performance with the~~
24 ~~annual performance standard therefor, including a brief explanation of any variance~~
25 ~~from the standard which exceeds five percent.~~

26 ~~(2) The Mid-year Performance Progress Report shall be submitted to the~~
27 ~~committee, the legislative fiscal officer, the legislative auditor, and the commissioner~~
28 ~~of administration on or before February eighth of each year, and it shall contain data~~
29 ~~for the period of July through December of the current fiscal year. It shall include:~~

1 ~~(a) For each performance indicator included in the executive budget or~~
2 ~~executive budget supporting document, a comparison of the actual performance with~~
3 ~~the annual performance standard therefor contained in the executive budget~~
4 ~~supporting document, including a brief explanation of any variance from the standard~~
5 ~~which exceeds five percent.~~

6 ~~(b) The prior year actual data for the indicators required by Subparagraph (a).~~

7 ~~(3) The Third Quarter Performance Progress Report shall be submitted to the~~
8 ~~committee, the legislative fiscal officer, the legislative auditor, and the commissioner~~
9 ~~of administration on or before May eighth of each year, and it shall contain data for~~
10 ~~the period of July through March of the current fiscal year. It shall include, for each~~
11 ~~key performance indicator designated as such and contained in the executive budget~~
12 ~~or the executive budget supporting document, a comparison of the actual~~
13 ~~performance with the annual performance standard therefor, including a brief~~
14 ~~explanation of any variance from the standard which exceeds five percent.~~

15 ~~(4)~~(1) The Year-end Performance Progress Report shall be submitted to the
16 committee, the legislative fiscal officer, the legislative auditor, and the commissioner
17 of administration on or before September eighth of each year. It shall contain data
18 from the immediately preceding fiscal year, and it shall cover the period of July
19 through June of that fiscal year, to include:

20 (a) For each performance indicator included in the executive budget or
21 executive budget supporting document, a comparison of the actual performance with
22 the annual performance standard therefor contained in the executive budget
23 supporting document, including a brief explanation of any variance from the standard
24 which exceeds five percent.

25 (b) The prior year actual data for the indicators required by Subparagraph (a).

26 ~~(5)~~(2) Performance progress reports which are not submitted within ten days
27 after ~~their respective deadlines~~ the deadline shall be delinquent.

28 B. The performance progress reports shall be used by the committee in the
29 assessment of each agency's progress in achieving the performance standards

1 contained in the executive budget or executive budget supporting document. Each
 2 agency's performance progress reports, ~~particularly the Year-end Performance~~
 3 ~~Progress Report~~, shall be reviewed and considered by the committee in the
 4 development of any recommendation for or the granting of any reward or imposition
 5 of any penalty authorized under R.S. 39:87.4.

6 * * *

7 Section 6. This Act shall become effective on July 1, 2018; if vetoed by the governor
 8 and subsequently approved by the legislature, this Act shall become effective on July 1,
 9 2018, or on the day following such approval by the legislature, whichever is later.

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

DIGEST

SB 445 Original

2018 Regular Session

Hewitt

Present law requires the production of numerous reports, some of which are more utilized than others. Present resolution (SCR 84 of the 2016 Regular Session) requires the division of administration to compile a list of reports and various characteristics of each including the agency tasked with producing the report, the agency receiving the report, the frequency with which the report is prepared, and the format used for delivery of the report. Further requires the division to ascertain the efficacy of each report and to solicit input from the recipient agency regarding whether the report can be eliminated or prepared less frequently.

Proposed law provide that, except as provided in proposed law, a legislative mandate to produce any report required of an executive branch agency first occurring on or after July 1, 2018, shall expire on July first following the fifth regular session after the mandate was approved by the legislature.

Proposed law further provides that the standing committees having jurisdiction over the agency tasked with producing the report may continue the report for an additional five years by an affirmative vote of the majority of each committee at any time before the July first on which the mandate is set to expire.

Proposed law deletes or modifies certain reporting requirements based on the most recent data available from the results of the division's survey.

Effective July 1, 2018.

(Amends R.S. 22:971 and 1333(D), R.S. 24:775(A), and R.S. 39:31(B), 87.3(A) and (B), and 2179; adds R.S. 49:1401)