
DIGEST

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Donahue

SB No. 261

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

Proposed 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.

Proposed 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 provides that the commission will be 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 speaker of the House of Representatives.
- (9) One individual selected from a list of three individuals nominated by the AFL/CIO, and appointed by the president of the Senate subject to Senate confirmation.

Proposed 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. Proposed law provides that at least one member of the commission will serve on each advisory group.

Proposed 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 to the operation of agencies, activities, functions, programs, and services to provide 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 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 12/15/09. Proposed 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 1/4/10. Proposed law provides that the committees, meeting as a joint committee, shall review the reorganization plan by 2/1/10, 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 requires that legislative and executive action necessary to implement the approved reorganization plan be taken by as soon as possible.

Proposed law requires the commission to provide a report annually before January 1st consisting of the status and implementation of the reorganization plan approved by the Senate and Governmental Affairs Committee and the House and Governmental Affairs Committee 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.

Proposed 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 requires each agency and political subdivision to furnish aid, services, and assistance as may be requested by the commission. Proposed 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 proposed law.

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

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

Proposed law will become null and of no effect on 1/12/12.

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

Summary of Amendments Adopted by Senate

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

1. Technical amendment conforming the language of the bill to the language of the executive order by deleting the word "State" from "Commission on Streamlining State Government" where appropriate.
2. 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 (1) eliminated, (2) streamlined, (3) consolidated, (4) privatized, or (5) outsourced in an effort to reduce the size of state government.
3. Provides that the commission will 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.
4. Provides that the commission will examine the necessity and performance of activities, functions, programs, and services to ensure that they are meeting current performance standards effectively and efficiently and they are meeting the needs of Louisiana citizens.
5. Provides that the commission will be composed of 13 members as follows, seven of which shall form a quorum:
 - a. The commissioner of administration, as the governor's designee.
 - b. The speaker of the House of Representatives, or the speaker's designee.
 - c. The president of the Senate or the president's designee.
 - d. The state treasurer or the treasurer's designee.
 - e. The secretary of the Department of Health and Hospitals or the secretary's designee.
 - f. The secretary of the Department of Natural Resources or the secretary's designee.
 - g. The executive director of the Louisiana Workforce Commission or the director's designee.
 - h. The chairman of the House Committee on Appropriations or the chairman's designee.
 - i. The chairman of the Senate Committee on Finance or the chairman's designee.
 - j. Two individuals engaged in private enterprise, appointed by the governor, which individuals shall be subject to Senate confirmation.
 - k. One individual engaged in private enterprise, appointed by the speaker of the House of Representatives, which individual shall be subject to Senate confirmation.

1. One individual selected from a list of three individuals nominated by the AFL/CIO, and appointed by the president of the Senate, which individual shall be subject to Senate confirmation.
6. 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 with respect to a matter within the jurisdiction of the commission. At least one member of the commission shall serve on each advisory group.
7. Provides that the committees, meeting as a joint committee, shall review the reorganization plan by 2/1/10, and may recommend adoption of the plan with such additions, deletions, or modifications to the plan as the two committees meeting jointly deem necessary.
8. Provides that executive and legislative action as may be necessary to implement the approved reorganization plan will be taken as soon as possible.

Senate Floor Amendments to engrossed bill.

1. Changes the provision from mandatory to permissive that requires the staff of the Senate, House of Representatives, Legislative Fiscal Office, Legislative Auditor, office of the governor, and division of administration to provide staff support and assist to the commission.
2. Adds the provision that the commission may submit a written request for specific support and assistance from the staff of the above agencies.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the reengrossed bill.

1. Removes the secretary of DHH, or his designee; the secretary of DNR, or his designee; and the executive director of the La. Workforce Commission or his designee from the commission.
2. Removes specific language regarding the number of members of the commission and the number necessary to constitute a quorum.
3. Removes "any officer or other person" from the definition of "agency" and specifically excludes any public institution of postsecondary education, any postsecondary education governing or management board, or any entity under the control of a public institution of postsecondary education or postsecondary education governing or management board from the definition of "agency" for purposes of proposed law.
4. Removes provision requiring that the individual appointed by the speaker of House be subject to Senate confirmation.