

2020 First Extraordinary Session

HOUSE BILL NO. 46

BY REPRESENTATIVE MAGEE

STATE AGENCIES: Provides relative to the Commission on Streamlining Government  
(Item #33)

1 AN ACT

2 To amend and reenact Part II of Chapter 2 of Title 24 of the Louisiana Revised Statutes of  
3 1950, comprised of R.S. 24:101 through 109, relative to state government; to recreate  
4 the Commission on Streamlining Government; to provide for the membership,  
5 powers, duties, and functions of the commission; to provide for recommendations  
6 of the commission, to provide procedures and deadlines for reporting; and to provide  
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

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

11 PART II. STREAMLINING GOVERNMENT

12 §101. Purpose and findings

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

17 B. ~~It is essential that the state act now to reduce the cost of state government,~~  
18 ~~through all means available, including efficiencies, economies, greater effectiveness,~~  
19 ~~and other means to streamline government in order to overcome the projected severe~~  
20 ~~revenue reductions occurring through 2012 and to ensure that available state tax~~

1        ~~dollars are being spent efficiently and effectively. Many state agencies were created~~  
2        ~~over thirty years ago and a review of each agency and its activities, functions,~~  
3        ~~programs, and services is needed to determine whether the purpose served by the~~  
4        ~~agency or activity, function, program, or service continues to be relevant.~~

5                The COVID-19 pandemic has resulted in severe declines in revenue for both  
6        private and public sector entities and, if no action is taken, the state of Louisiana will  
7        face significant funding challenges threatening the ability to finance state  
8        obligations.

9                B. Like thousands of businesses in Louisiana being forced to reevaluate the  
10       nature and scope of their operations in these trying times, the state of Louisiana must  
11       do the same. It is imperative to act swiftly to reduce the operational costs of state  
12       government entities through all means necessary and available, including  
13       efficiencies, economies, enhanced effectiveness, and other means to streamline  
14       government and overcome the financial challenges in the near future.

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

19        §102. Definitions

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

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

24               (2) "Agency" means and includes any office, department, board,  
25        commission, institution, division, office, instrumentality, or functional group,  
26        heretofore existing or hereafter created, that is authorized to exercise, or that does  
27        exercise, any functions in the executive branch of state government. ~~"Agency" shall~~  
28        ~~not mean any public institution of postsecondary education, any postsecondary~~  
29        ~~education governing or management board, or any entity under the control of a~~

1 ~~public institution of postsecondary education or postsecondary education governing~~  
2 ~~or management board.~~

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

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

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

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

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

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

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

22 §103. Commission on Streamlining Government; established

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

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

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

9           D. The commission shall be composed as follows:

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

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

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

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

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

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

18           (7) ~~Two individuals~~ One individual engaged in private enterprise, appointed  
19 by the governor, which ~~individuals~~ individual shall be subject to Senate  
20 confirmation.

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

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

26           (10) The chairman of the Louisiana Economic Recovery Task Force or his  
27 designee.

28           (11) One individual engaged in private enterprise appointed by the Louisiana  
29 Legislative Black Caucus, which individual shall be subject to Senate confirmation.

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

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

8 (2) The ~~president of the Senate~~ speaker of the House of Representatives shall  
9 call the first meeting of the commission which shall be held on or before July 30,  
10 ~~2009~~ 2020.

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

16 §104. Procedure

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

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

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

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

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

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

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

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

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

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

## 1           §105. Staff support

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

## 10          §106. Agency cooperation and assistance

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

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

## 17          §107. Finances

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

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

## 23          §108. Effect on other law

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

## 26          §109. Termination of Part

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

28                  Section 2. This Act shall become effective upon signature by the governor or, if not  
29                  signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
3 effective on the day following such approval.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 46 Original

2020 First Extraordinary Session

Magee

**Abstract:** Reestablishes the Commission on Streamlining Government and provides for its membership, powers, functions, and duties.

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 retains present law and makes it effective.

Present law provides that the commission 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. Proposed law provides instead for one individual 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 further adds the following members to the commission:

- (1) The chairman of the La. Economic Recovery Task Force or his designee.
- (2) One individual engaged in private enterprise appointed by the La. Legislative Black Caucus subject to Senate confirmation.

Present law provides that the names of persons who are to serve on the commission shall be submitted to the president of the Senate on or before July 15, 2009. Proposed law provides instead that the names shall be submitted to the speaker of the House 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 instead that the speaker of the House 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 president of the Senate or his designee shall preside over the commission until a chairman is elected. Proposed law provides instead that the speaker of the House or his designee shall preside over the commission until a chairman is elected and otherwise 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.

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 except proposed law removes an exclusion covering institutions, boards, and other entities of public postsecondary education from the definition of "agency".

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

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

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