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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1802 Session of  
2013

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INTRODUCED BY DAVIDSON, COHEN, SCHLOSSBERG AND MURT,  
OCTOBER 23, 2013

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, OCTOBER 23, 2013

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AN ACT

1 Establishing the Commission on Realignment and Restructuring of  
2 State Government within the Office of the Governor; and  
3 providing for the composition, powers and duties and  
4 expiration of the commission.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the State  
9 Government Realignment and Restructuring Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall  
12 have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Commission." The Commission on the Realignment and  
15 Restructuring of State Government established by this act.

16 "Core function." The programs and services that represent an  
17 agency's governmental function or reason for existing, including  
18 any function, obligation or responsibility that may be  
19 enumerated in the Constitution of Pennsylvania, an act of the

1 General Assembly or an executive order.

2 "Executive agency" or "agency." Any office, officer,  
3 department, authority, board, council or commission of the  
4 executive department which is subject to the policy, supervision  
5 and control of the Governor whether created by the Constitution  
6 of Pennsylvania, an act of the General Assembly or an executive  
7 order.

8 "Executive department."

9 (1) The term shall include:

10 (i) The Governor's Office.

11 (ii) Executive agencies.

12 (iii) The Office of Attorney General, the Department  
13 of the Auditor General and the Treasury Department.

14 (iv) An organization established by the Constitution  
15 of Pennsylvania, an act of the General Assembly or an  
16 executive order that performs or is intended to perform a  
17 core function.

18 (2) The term shall not include an independent agency or  
19 a State-affiliated entity.

20 "Government" or "State government." The executive department  
21 of State government of this Commonwealth.

22 "Secretaries." The Secretary of Revenue, the Secretary of  
23 the Budget and the Secretary of Administration.

24 Section 3. Establishment and purpose.

25 The Commission on State Government Realignment and  
26 Reallocation is established within the Governor's Office. The  
27 purpose of the commission shall be to conduct a comprehensive  
28 analysis and evaluation of core functions of the executive  
29 agencies of the executive department, including an analysis and  
30 evaluation of all core functions and delivery methods for the

1 purpose of:

2 (1) Identifying opportunities for creating efficiencies  
3 in State government, including, but not limited to,  
4 streamlining, consolidating or eliminating redundant,  
5 duplicative and unnecessary core functions, agencies and  
6 regulations.

7 (2) Exploring and recommending innovative systems or  
8 approaches for delivering core functions at the lowest cost-  
9 effective value.

10 (3) Identifying systems, processes or ways to more  
11 effectively perform or provide core functions, including  
12 potential privatization of specific government operations.

13 (4) Studying and making recommendations for  
14 strengthening integrity and making State government  
15 transparent, responsive, accountable and user-friendly to and  
16 for the citizens of this Commonwealth.

17 (5) Promoting the delivery of core functions fairly,  
18 effectively, impartially and courteously to the citizens of  
19 this Commonwealth with sensitivity to the diversity of the  
20 people of this Commonwealth.

21 (6) Identifying and recommending innovative systems and  
22 processes for place-based delivery of core functions that  
23 could be achieved either through one-stop shops that deliver  
24 a range of specific core functions in one customer-friendly  
25 location or through other innovative initiatives.

26 (7) Promoting public participation through an inclusive  
27 approach to policy development and implementation.

28 (8) Making recommendations for reforming policies and  
29 procedures to allow better use and exploitation of technology  
30 for the delivery of specific core functions.

1           (9) Identifying procedures which can be used to evaluate  
2           the effectiveness of government spending and which will  
3           enable agencies to be more adaptable in realigning spending  
4           with emerging government priorities.

5 Section 4. Composition, qualifications and operation of  
6           commission.

7           (a) Composition.--The commission shall consist of  
8           individuals who by profession, education, experience or civic  
9           affiliation have a broad mix of public policy, finance and  
10          business experience. Members of the commission shall be  
11          appointed as follows:

12           (1) Four legislative appointees as follows:

13           (i) One individual appointed by the President pro  
14           tempore of the Senate.

15           (ii) One individual appointed by the Minority Leader  
16           of the Senate.

17           (iii) One individual appointed by the Speaker of the  
18           House of Representatives.

19           (iv) One individual appointed by the Minority Leader  
20           of the House of Representatives.

21          None of the individuals appointed under this paragraph shall  
22          be members of the General Assembly or their staff or a  
23          relative of a member of the General Assembly.

24           (2) Seven public members appointed by the Governor. The  
25           following shall apply to appointments under this paragraph:

26           (i) Only one individual may be a member of the  
27           Pennsylvania bar.

28           (ii) Four individuals must be recommended by a  
29           business organization, civic organization, public safety  
30           organization and labor organization.

1 (iii) No more than four individuals shall be  
2 registered or affiliated with the same political party.

3 (iv) None of the individuals shall be a member of  
4 the Governor's staff, a member of the Governor's cabinet,  
5 a relative of the Governor or the Governor's staff or a  
6 cabinet member.

7 (v) No individual shall be a registered lobbyist.

8 (vi) At least two appointees shall be college  
9 students enrolled in an institution of the State System  
10 of Higher Education or a State-related institution of  
11 higher education in this Commonwealth.

12 (3) The following shall apply to appointments made under  
13 paragraph (2):

14 (i) Within 30 days of the effective date of this  
15 section, the Governor shall cause a notice to be placed  
16 in at least one newspaper in each county of this  
17 Commonwealth and in the Pennsylvania Bulletin alerting  
18 organizations described under paragraph (2) that they may  
19 submit a letter of interest to be included in the process  
20 of appointing public members to the commission. The  
21 notice shall describe the details of the appointment  
22 process and qualifications for appointment pursuant to  
23 subsection (b). The notice shall also be posted on the  
24 Governor's Internet website.

25 (ii) An organization described under paragraph (2)  
26 that desires to recommend an individual to serve on the  
27 commission shall submit a letter of interest to the  
28 Governor within 15 days of publication of the notice in  
29 the Pennsylvania Bulletin. The letter of interest shall  
30 include:

1           (A) The name and address of the organization and  
2 the name and telephone number or electronic mail  
3 address of a contact person.

4           (B) The name, address, contact information,  
5 including electronic mail address, and political  
6 affiliation of at least three individuals recommended  
7 by the organization for appointment to the commission  
8 and a summary of each individual's professional  
9 expertise in public policy, business or finance which  
10 qualifies him for selection.

11           (C) Within 10 days following receipt of the  
12 names of the individuals submitted by organizations  
13 under clause (B), the Governor shall publicly draw  
14 lots from each of the categories of organizations to  
15 determine who shall serve as the public members of  
16 the commission from each category, provided, however,  
17 that the section of individuals to serve as public  
18 members in accordance with this subparagraph shall be  
19 subject to the requirements of paragraph (2)(iii).

20           (D) Notwithstanding subsection (d)(3), the  
21 selection process provided in this paragraph shall be  
22 used to fill a vacancy or replace a member who  
23 resigns from or declines an appointment to the  
24 commission under subsection (a)(2).

25           (4) For the purposes of paragraphs (1) and (2), a  
26 relative shall include a spouse, child or stepchild, mother,  
27 father, grandmother or grandfather, sister or brother,  
28 stepsister or stepbrother or aunt or uncle.

29           (b) Qualifications of members.--

30           (1) All individuals appointed to the commission shall

1 have been residents of this Commonwealth for at least two  
2 years prior to appointment to the commission.

3 (2) All individuals appointed to the commission shall be  
4 18 years of age or older as of the date of their appointment  
5 and shall be registered voters.

6 (3) During an individual's term of appointment as a  
7 member of the commission, the individual shall not hold an  
8 office in any political party or political organization or  
9 hold any elected or appointed public office, compensated or  
10 uncompensated.

11 (4) No individual who is a registered lobbyist shall be  
12 appointed as a member of the commission.

13 (5) In making appointments to the commission, an  
14 appointing authority shall assure that the composition of the  
15 group of individuals appointed is representative of and  
16 reflects the age, gender, ethnic and geographic diversity of  
17 this Commonwealth.

18 (c) Ex officio members.--The Auditor General, the Attorney  
19 General, the State Treasurer and the secretaries shall serve as  
20 ex officio, nonvoting members of the commission.

21 (d) Appointments, terms of office, removal and vacancies.--

22 (1) Each appointing authority shall make his or her  
23 initial appointment to the commission within 60 days of the  
24 effective date of this section.

25 (2) Individuals appointed to the commission shall serve  
26 at the pleasure of their appointing authorities and may only  
27 be removed by the appointing authority for the following  
28 reasons:

29 (i) A violation of the commission's rules governing  
30 the conduct of members.

1           (ii) The individual no longer meets the  
2           qualifications for appointment under subsection (b).

3           (iii) Just cause as determined by the appointing  
4           authority.

5           (3) The appropriate appointing authority shall appoint  
6           an individual to the commission to fill a vacancy or to  
7           replace a member who resigns from or declines an initial  
8           appointment, provided that any individual appointed to fill a  
9           vacancy shall be subject to the qualifications under  
10          subsection (b). An appointment to fill a vacancy shall be  
11          effective immediately.

12          (e) Operations of the commission.--

13           (1) The members of the commission shall choose a  
14           chairperson, vice chairperson or other officer as determined  
15           by the commission from among its membership.

16           (2) The Governor shall convene the initial meeting of  
17           the commission no later than 30 days after all members have  
18           been appointed in accordance with subsection (d)(1) and shall  
19           preside, or appoint a designee to preside, until a  
20           chairperson is appointed.

21           (3) After appointment of a chairperson, the commission  
22           shall meet at times and places specified by the call of the  
23           chairperson but not less than twice a month, except that a  
24           meeting of the commission may be called by majority of the  
25           members of the commission.

26           (4) The commission shall establish its own rules of  
27           procedure to govern its operation and rules to govern the  
28           conduct of its membership.

29           (5) Nine members physically present at a meeting of the  
30           commission shall constitute a quorum for the conduct of

1 business.

2 (6) Official action of the commission shall be  
3 authorized by a majority vote of the members of the  
4 commission.

5 (7) A member not physically present at a meeting of the  
6 commission may participate electronically by teleconference,  
7 video conference or by any other means of communication as  
8 approved by rule of the commission.

9 (8) Members shall not be compensated for their service  
10 as members of the commission, but shall be reimbursed for  
11 expenses necessarily incurred and vouchered in the discharge  
12 of their official duties in accordance with Commonwealth  
13 policy for the reimbursement of expenses for executive  
14 agencies under the jurisdiction of the Governor.

15 (f) Open meetings and Right-to-Know.--Proceedings of the  
16 commission shall be subject to the provisions of the following:

17 (1) The act of February 14, 2008 (P.L.6, No.3), known as  
18 the Right-to-Know Law.

19 (2) 65 Pa.C.S. Ch. 7 (relating to open meetings).

20 (g) Notice of proceedings.--The commission shall cause a  
21 notice to be published in the Pennsylvania Bulletin of all  
22 scheduled commission proceedings, including public hearings, in  
23 accordance with 65 Pa.C.S. Ch. 7.

24 (h) Administrative support.--Staff support as is necessary  
25 for the conduct of the work of the commission shall be provided  
26 by executive agencies as the Governor may designate.

27 Section 5. Duties of the commission.

28 (a) Duties of commission.--To achieve the purposes provided  
29 in section 3, the commission shall:

30 (1) Hold public hearings and work sessions.

1           (2) Review budget, revenue and caseload forecasts and  
2 estimates over the ensuing four-year period.

3           (3) Examine current operations and organization of the  
4 executive department assuming no expansion of current funding  
5 sources.

6           (4) Evaluate operational and organizational  
7 restructuring possibilities to find cost savings and  
8 efficiencies in order to maintain or enhance core functions  
9 with fewer resources.

10          (5) Evaluate the core functions of the executive  
11 department that are required by the Constitution of  
12 Pennsylvania and the United States Constitution, and the core  
13 functions provided by agencies of the executive department  
14 that are essential to the health, safety and welfare of  
15 Pennsylvanians.

16          (6) Analyze methods or approaches which will support an  
17 executive agency's ability to effectively respond to complex  
18 short-term and long-term policy challenges.

19          (7) Study and identify approaches to minimize or  
20 simplify regulatory reporting and compliance requirements for  
21 business and eliminate unnecessary or poorly defined  
22 regulations taking into account the different capacities of  
23 small and large businesses and compliance requirements that  
24 impose unnecessary external regulatory cost and reporting  
25 burden.

26          (b) Recommendations.--

27           (1) The commission shall make recommendations for  
28 executive orders or legislative proposals to the Governor and  
29 the General Assembly that:

30           (i) Adopt methods and procedures for reducing

1 executive department spending to the lowest amount  
2 consistent with the efficient performance of essential  
3 core functions.

4 (ii) Eliminate redundancies, duplication and  
5 overlapping of core functions and wasteful practices.

6 (iii) Consolidate budgets and core functions of a  
7 similar nature or with a similar mission.

8 (iv) Eliminate unnecessary agencies, create  
9 necessary agencies, reorganize existing agencies and  
10 transfer core functions and responsibilities among  
11 agencies.

12 (v) Abolish core functions that are outdated or not  
13 necessary to the efficient operation of the executive  
14 department.

15 (vi) Define or redefine the duties and  
16 responsibilities of State officers.

17 (vii) Streamline, consolidate or eliminate redundant  
18 and antiquated executive agencies, core functions and  
19 regulations.

20 (viii) Make agency data and information accessible  
21 to the public.

22 (ix) Identify innovative approaches to collaborate  
23 and consult with citizens, community groups and  
24 businesses on policy and core function delivery issues.

25 (x) Develop a single Internet login or common  
26 registration process to be used by executive agencies to  
27 provide core functions, which makes better use of  
28 technology and removes legislative and administrative  
29 barriers to the delivery of core functions.

30 (2) In addition to the requirements of paragraph (1),

1 the commission shall make recommendations for executive  
2 orders and legislative proposals to the Governor and the  
3 General Assembly regarding:

4 (i) development of measurable outcomes for each of  
5 the recommended core functions of executive agencies;

6 (ii) methods for setting priorities among executive  
7 agency core functions based on how effectively and  
8 efficiently each agency will address core functions; and

9 (iii) development of a mission statement by each  
10 executive agency, a description of the actions and  
11 priorities necessary to accomplish the agency's mission  
12 and a process or approach for submitting biennial budget  
13 requests which reflect the mission and priorities.

14 (e) Responsibilities of agencies.--Each executive agency  
15 shall assist the commission in the performance of its duties  
16 under this act and, to the extent permitted by law relating to  
17 confidentiality, furnish such information and advice as the  
18 members of the commission consider necessary to perform their  
19 duties.

20 (f) Reports.--The commission shall submit an initial report  
21 of its findings and recommendations to the Governor and General  
22 Assembly not later than June 30, 2014. Subsequent reports shall  
23 be submitted every six months thereafter.

24 Section 6. Expiration.

25 This act shall expire January 1, 2019, unless sooner  
26 reenacted by the General Assembly.

27 Section 7. Effective date.

28 This act shall take effect immediately.