2013D05608DMS:NLH

LEGISLATIVE REFERENCE BUREAU

L.R.B. Form No. 4 (Rev. 3/25/10)

No._____

LEGISLATIVE REFERENCE BUREAU

AN ACT

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

INTRODUCED _____ **20**_____

By _____ **District NO.** ____

By _____ **District NO.** ____

By _____ **District NO.** ____

By _____ **District NO.** ____

See next page for additional co-sponsors.

Referred to Committee on

Date_____**20**___

Reported_____**20**___

As Committed-Amended

Recommendation

_____

By Hon._____

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

1 enumerated in the Constitution of Pennsylvania, an act of the
2 General Assembly or an executive order.
3 "Executive agency" or "agency." Any office, officer,
4 department, authority, board, council or commission of the
5 executive department which is subject to the policy, supervision
6 and control of the Governor whether created by the Constitution
7 of Pennsylvania, an act of the General Assembly or an executive
8 order.
9 "Executive department."
10 (1) The term shall include:
11 (i) The Governor's Office.
12 (ii) Executive agencies.
13 (iii) The Office of Attorney General, the Department
14 of the Auditor General and the Treasury Department.
15 (iv) An organization established by the Constitution
16 of Pennsylvania, an act of the General Assembly or an
17 executive order that performs or is intended to perform a
18 core function.
19 (2) The term shall not include an independent agency or
20 a State-affiliated entity.
21 "Government" or "State government." The executive department
22 of State government of this Commonwealth.
23 "Secretaries." The Secretary of Revenue, the Secretary of
24 the Budget and the Secretary of Administration.
25 Section 3. Establishment and purpose.
26 The Commission on State Government Realignment and
27 Reallocation is established within the Governor's Office. The
28 purpose of the commission shall be to conduct a comprehensive
29 analysis and evaluation of core functions of the executive
30 agencies of the executive department, including an analysis and

1 evaluation of all core functions and delivery methods for the
2 purpose of:
3 (1) Identifying opportunities for creating efficiencies
4 in State government, including, but not limited to,
5 streamlining, consolidating or eliminating redundant,
6 duplicative and unnecessary core functions, agencies and
7 regulations.
8 (2) Exploring and recommending innovative systems or
9 approaches for delivering core functions at the lowest cost-
10 effective value.
11 (3) Identifying systems, processes or ways to more
12 effectively perform or provide core functions, including
13 potential privatization of specific government operations.
14 (4) Studying and making recommendations for
15 strengthening integrity and making State government
16 transparent, responsive, accountable and user-friendly to and
17 for the citizens of this Commonwealth.
18 (5) Promoting the delivery of core functions fairly,
19 effectively, impartially and courteously to the citizens of
20 this Commonwealth with sensitivity to the diversity of the
21 people of this Commonwealth.
22 (6) Identifying and recommending innovative systems and
23 processes for place-based delivery of core functions that
24 could be achieved either through one-stop shops that deliver
25 a range of specific core functions in one customer-friendly
26 location or through other innovative initiatives.
27 (7) Promoting public participation through an inclusive
28 approach to policy development and implementation.
29 (8) Making recommendations for reforming policies and
30 procedures to allow better use and exploitation of technology

for the delivery of specific core functions.

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

Section 4. Composition, qualifications and operation of commission.

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

(1) Four legislative appointees as follows:

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

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

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

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

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

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

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

(ii) Four individuals must be recommended by a business organization, civic organization, public safety

organization and labor organization.

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

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

(v) No individual shall be a registered lobbyist.

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

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

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

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

include:

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

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

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

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

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

(b) Qualifications of members.--

(1) All individuals appointed to the commission shall have been residents of this Commonwealth for at least two years prior to appointment to the commission.

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

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

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

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

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

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

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

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

(i) A violation of the commission's rules governing

the conduct of members.

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

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

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

(e) Operations of the commission.--

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

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

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

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

(5) Nine members physically present at a meeting of the

commission shall constitute a quorum for the conduct of business.

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

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

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

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

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

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

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

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

Section 5. Duties of the commission.

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

(1) Hold public hearings and work sessions.

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

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

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

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

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

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

(b) Recommendations.--

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

(i) Adopt methods and procedures for reducing executive department spending to the lowest amount consistent with the efficient performance of essential core functions.

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

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

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

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

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

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

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

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

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

(2) In addition to the requirements of paragraph (1), the commission shall make recommendations for executive orders and legislative proposals to the Governor and the General Assembly regarding:

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

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

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

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

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

Section 6. Expiration.

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

Section 7. Effective date.

This act shall take effect immediately.