
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 712 Session of
2015

INTRODUCED BY DAVIDSON, COHEN, THOMAS AND McNEILL, MARCH 4, 2015

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 4, 2015

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 "Agency." An office, officer, department, authority, board,
15 council or commission of the executive department which is
16 subject to the policy, supervision and control of the Governor
17 whether created by the Constitution of Pennsylvania, an act of
18 the General Assembly or an executive order.

19 "Commission." The Commission on Realignment and

1 Restructuring of State Government established by this act.

2 "Core function." The programs and services that represent an
3 agency's governmental function or reason for existing, including
4 a function, obligation or responsibility that may be enumerated
5 in the Constitution of Pennsylvania, an act of the General
6 Assembly or an executive order.

7 "Executive department."

8 (1) The term includes:

9 (i) The Governor's Office.

10 (ii) Executive agencies.

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

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

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

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

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

23 Section 3. Establishment and purpose.

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

30 (1) Identifying opportunities for creating efficiencies

1 in government, including streamlining, consolidating or
2 eliminating redundant, duplicative and unnecessary core
3 functions, agencies and regulations.

4 (2) Exploring and recommending innovative systems or
5 approaches for delivering core functions at the lowest cost-
6 effective value.

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

10 (4) Studying and making recommendations for
11 strengthening integrity and making government transparent,
12 responsive, accountable and user-friendly to and for the
13 citizens of this Commonwealth.

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

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

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

25 (8) Making recommendations for reforming policies and
26 procedures to allow better use and exploitation of technology
27 for the delivery of specific core functions.

28 (9) Identifying procedures which can be used to evaluate
29 the effectiveness of government spending and which will
30 enable agencies to be more adaptable in realigning spending

1 with emerging government priorities.

2 Section 4. Composition, qualifications and operation of
3 commission.

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

9 (1) Four legislative appointees as follows:

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

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

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

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

18 Individuals appointed under this paragraph may not be members
19 of the General Assembly or their staff or a relative of a
20 member of the General Assembly.

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

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

25 (ii) Four individuals must be recommended by a
26 business organization, civic organization, public safety
27 organization or labor organization.

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

30 (iv) An individual may not be a member of the

1 Governor's staff, a member of the Governor's cabinet, a
2 relative of the Governor or the Governor's staff or a
3 cabinet member.

4 (v) An individual may not be a registered lobbyist.

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

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

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

22 (ii) An organization described under paragraph (2)
23 with an interest in recommending an individual to serve
24 on the commission shall submit a letter of interest to
25 the Governor within 15 days of publication of the notice
26 in the Pennsylvania Bulletin. The letter of interest
27 shall include:

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

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

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

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

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

26 (b) Qualifications of members.--

27 (1) Each individual appointed to the commission shall
28 have been a resident of this Commonwealth for at least two
29 years prior to appointment to the commission.

30 (2) Each individual appointed to the commission shall be

1 18 years of age or older as of the date of the appointment
2 and shall be a registered voter.

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

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

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

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

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

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

24 (i) A violation of the commission's rules governing
25 the conduct of members.

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

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

30 (3) The appropriate appointing authority shall appoint

1 an individual to the commission to fill a vacancy or to
2 replace a member who resigns from or declines an initial
3 appointment, provided that an individual appointed to fill a
4 vacancy shall be subject to the qualifications under
5 subsection (b). An appointment to fill a vacancy shall be
6 effective immediately.

7 (e) Operations of the commission.--

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

11 (2) The Governor shall convene the initial meeting of
12 the commission within 30 days after all members have been
13 appointed in accordance with subsection (d)(1) and shall
14 preside, or appoint a designee to preside, until a
15 chairperson is appointed.

16 (3) After appointment of a chairperson, the commission
17 shall meet at times and places specified by the call of the
18 chairperson but not less than twice a month. A meeting of the
19 commission may also be called by majority of the members of
20 the commission.

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

24 (5) Nine members physically present at a meeting of the
25 commission shall constitute a quorum for the conduct of
26 business.

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

30 (7) A member not physically present at a meeting of the

1 commission may participate electronically by teleconference,
2 video conference or by other means of communication as
3 approved by rule of the commission.

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

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

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

14 (2) 65 Pa.C.S. Ch. 7 (relating to open meetings).

15 (g) Notice of proceedings.--The commission shall publish
16 notice in the Pennsylvania Bulletin of all scheduled commission
17 proceedings, including public hearings, in accordance with 65
18 Pa.C.S. Ch. 7.

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

22 Section 5. Duties of the commission.

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

25 (1) Hold public hearings and work sessions.

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

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

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

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

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

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

21 (b) Recommendations.--

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

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

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

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

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

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

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

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

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

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

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

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

28 (i) Development of measurable outcomes for each of
29 the recommended core functions of agencies.

30 (ii) Methods for setting priorities among agency

1 core functions based on how effectively and efficiently
2 each agency will address core functions.

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

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

13 (d) Reports.--The commission shall submit an initial report
14 of its findings and recommendations to the Governor and General
15 Assembly not later than June 30, 2016. Subsequent reports shall
16 be submitted every six months thereafter.

17 Section 6. Expiration.

18 This act shall expire January 1, 2021, unless sooner
19 reenacted by the General Assembly.

20 Section 7. Effective date.

21 This act shall take effect immediately.