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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO GENERAL ASSEMBLY - CREATING A COMMISSION ON  
STREAMLINING GOVERNMENT

Introduced By: Representatives Morgan, Costa, Trillo, Ehrhardt, and Reilly

Date Introduced: February 16, 2012

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 22 of the General Laws entitled "GENERAL ASSEMBLY" is hereby  
2 amended by adding thereto the following chapter:

3 CHAPTER 13.1

4 COMMISSION ON STREAMLINING GOVERNMENT

5 **22-13.1-1. Legislative findings.** -- (a) The state faces a severe decline in revenues for the  
6 fiscal year 2013 which, if no corrective action is taken, will leave a significant funding gap in  
7 state government expenditures, and will create serious sustainability issues in financing of state  
8 obligations.

9 (b) It is essential that the state act now to reduce the cost of state government, through all  
10 means available, including efficiencies, economies, greater effectiveness, and other means to  
11 streamline government in order to overcome the projected severe revenue reductions and to  
12 ensure that available state tax dollars are being spent efficiently and effectively. Many state  
13 agencies were created and a review of all agencies and its activities, functions, programs, and  
14 services is needed to determine whether the purpose served by the agency, activity, function,  
15 program or service continues to be relevant. The primary purpose is to provide oversight and to  
16 determine whether or not there is a genuine public need for the agency under review. It is the  
17 intent of the general assembly that a mechanism be established to review such agencies receiving  
18 financial assistance from the state.

1           **22-13.1-2. Definitions. -- As used in this chapter: (1) “Activity” means a distinct subset**  
2 **of functions or services within a program.**

3           **(2) “Agency” means any regulatory, administrative, advisory, executive or legislative**  
4 **body of this state, including, but not limited to, any board, bureau, commission, corporation,**  
5 **department, committee, council, association, authority or any other entity established by an act of**  
6 **the general assembly of this state which:**

7           **(i) Is given authority under the Rhode Island constitution, general laws, or any coded or**  
8 **regulation to regulate any activity, business, occupation, service or profession; or**

9           **(ii) Is supported in whole or in part by public funds; or**

10           **(iii) Expends or disburses public funds; or**

11           **(iv) Expends or disburses funds from ratepayers; or**

12           **(v) Is specifically charged by a public body to advise or make recommendations.**

13           **“Agency” shall not mean any public institution of postsecondary education, any**  
14 **postsecondary education governing or management board, or any entity under the control of a**  
15 **public institution of postsecondary education or postsecondary education governing or**  
16 **management board.**

17           **(3) “Commission” means the commission on streamlining government.**

18           **(4) “Functions” means duties, jurisdiction, powers, rights, and obligations, conferred or**  
19 **imposed upon, or vested in, any agency by law, or exercised, performed, or discharged by any**  
20 **agency without contravention of any provision of law.**

21           **(5) “Objective” means a specific and measurable target for achievement which describes**  
22 **the exact results sought, which is expressed in an outcome-oriented statement that may reflect**  
23 **effectiveness, efficiency, or quality of work and which may be either numeric or non-numeric.**

24           **(6) “Performance indicator” means a statement identifying an activity, input, output,**  
25 **outcome, achievement, ratio, efficiency, or quality to be measured relative to a particular goal or**  
26 **objective in order to assess an agency’s performance.**

27           **(7) “Performance standard” means the expected level of performance associated with a**  
28 **particular performance indicator for a particular period.**

29           **(8) “Program” means a grouping of activities directed toward the accomplishment of a**  
30 **clearly defined objective or set of objectives.**

31           **(9) “Quality” means degree or grade of excellence.**

32           **22-13.1-3. Commission on streamlining government – Establishment - Members –**  
33 **Qualifications – Vacancies – Quorum – Compensation – Immunity. --**

34           **(a) There is established the commission on streamlining government to examine each**

1 agency's constitutional and statutory activities, functions, programs, services, powers, duties, and  
2 responsibilities to determine which of these activities, functions, programs, services, powers,  
3 duties, and responsibilities can be: (1) Eliminated; (2) Streamlined; (3) Consolidated; (4)  
4 Privatized; or (5) Outsourced in an effort to reduce the size of state government.

5 (b) The commission shall target agencies whose activities, functions, programs, or  
6 services can be consolidated or eliminated, in addition to identifying opportunities for privatizing  
7 and outsourcing current state activities, functions, programs, or services.

8 (c) The commission shall examine the necessity and performance of activities, functions,  
9 programs, and services to ensure that they are meeting current performance standards effectively  
10 and efficiently and they are meeting the needs of Rhode Island citizens.

11 (d) The commission shall be composed as follows and appointed in the following  
12 manner:

13 The president of the senate, the minority leader of the senate, the speaker of the house of  
14 representatives, the majority leader of the house of representatives and the minority leader of the  
15 house of representatives, shall, within twenty (20) days of the effective date of this chapter, each  
16 submit to the governor a list of names of at least five (5) persons. The governor shall, within forty  
17 (40) days of the effective date of this chapter, appoint one individual from each of the five (5)  
18 lists so submitted, and four (4) individuals without regard to the lists submitted by the legislative  
19 leaders. Of the four (4) persons appointed by the governor, at no time shall more than three (3) be  
20 from the same political party. The director of administration, the auditor general, the senate fiscal  
21 advisor and the house fiscal advisor or their respective designees shall be exofficio, nonvoting  
22 members of the commission.

23 (e) Members of the commission shall serve for terms of four (4) years, except that, of  
24 the members first (1<sup>st</sup>) appointed:

25 (1) The three (3) persons appointed from the lists submitted by the president of the senate  
26 and the minority leaders of the house of representatives and the senate shall serve for two (2)  
27 years.

28 (2) The person appointed from the list submitted by the speaker of the house of  
29 representatives and one of the individuals appointed by the governor without regard to the list of  
30 legislative leaders shall serve for four (4) years;

31 (3) The persons appointed from the list submitted by the majority leader of the house of  
32 representatives shall serve for one year; and

33 (4) Of the other three (3) members appointed by the governor without regard to any lists,  
34 one shall serve for one year, one shall serve for two (2) years and one shall serve for three (3)

1 years.

2 (f) No person shall be appointed to serve for more than six (6) consecutive years;  
3 provided, however, that each member shall continue to serve until his or her successor is  
4 appointed and qualified.

5 (g) Any vacancy on the commission, occurring for any reasons prior to the expiration of  
6 the term, shall be filled for the unexpired term in the same manner as the original appointment  
7 within thirty (30) days of the vacancy occurring.

8 (h) At the initial meeting of the commission, and annually, thereafter, the commission  
9 shall elect a chairperson and a vice chairperson. The vice chairperson shall act as chairperson in  
10 the absence of the chairperson or in the event of a vacancy in that position.

11 (i) Five (5) members of the commission shall constitute a quorum. Except as otherwise  
12 provided in this chapter, any action of the commission shall be by an affirmative vote of a  
13 majority of the members present at a meeting at which a quorum is present. A final action or  
14 recommendation shall not be made unless approved by a record vote of a majority of the  
15 commission's full membership.

16 (j) No person shall be appointed or reappointed to the commission or continue to serve on  
17 the commission, if such individual:

18 (1) Holds any elected or appointed office in this state or in any municipality or other  
19 political subdivision within this state;

20 (2) Is or becomes a candidate for any elected office in this state or in any municipality or  
21 other subdivision within this state;

22 (3) Has held any elected office in this state or in any municipality or other political  
23 subdivision within this state in the twelve (12) month period immediately preceding appointment;

24 (4) Is or becomes an employee of state or municipal government or of any other political  
25 subdivision in this state.

26 (k) All commission members and commission employees shall be subject to the Rhode  
27 Island code of ethics and regulation by the state ethics commission.

28 (l) All employees of the commission shall be subject to the requirements stated in  
29 subsections (g) and (h):

30 (m) No employee of the commission shall become an employee of any municipality or  
31 other political subdivision within this state while remaining in the employ of the commission.

32 (n) Commission members acting in good faith within the scope of their authority and in  
33 their official capacities shall be afforded protection against civil liability as provided in section 9-  
34 1-31.1.

1 (o) All departments and agencies of the state or of any city or town or political  
2 subdivision within this state shall furnish advice or information, documentary or otherwise to the  
3 commission and its agents, as is deemed necessary or desirable by the commission, to facilitate  
4 the purposes of this chapter.

5 (p) The director of administration is hereby authorized and directed to provide suitable  
6 quarters for the commission.

7 (q) A witness who is required to attend a commission proceeding under process is entitled  
8 to the same mileage and per diem as a witness who appears before a grand jury in this state.

9 **22-13.1-4. Procedure. --** (a) Reports submitted by the commission on streamlining  
10 government pursuant to this section may include any of or any combination of the following:

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

15 (2) Recommendations to ensure that agency activities, functions, programs, and services  
16 are not duplicative and are necessary, meeting or exceeding performance standards, and meeting  
17 the needs of Rhode Island citizens.

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

21 (4) Recommendations providing for the use of alternative resources to the operation of  
22 agencies, activities, functions, programs, and services to provide a more cost-effective manner  
23 without impacting the quality or availability of needed services.

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

27 (b)(1) The commission shall submit an initial report of its recommendations, including  
28 recommendations requiring legislation or administrative action, to the governor, the president of  
29 the senate, the speaker of the house of representatives, no later than December 15, 2012.

30 (2) The commission shall prepare the recommendations in the report as a reorganization  
31 plan and submit the plan to the senate and the house for consideration by January 4, 2013.

32 (c) The commission shall submit a report annually before January 1<sup>st</sup> consisting of the  
33 status and implementation of the reorganization plan approved by the senate and the house, to the  
34 governor, the president of the senate and the speaker of the house of representatives.

1           **22-13.1-5. Agency cooperation and assistance.** -- (a) Each agency and political  
2 subdivision shall furnish aid, services, and assistance as may be requested by the commission.

3           (b) To the extent permitted by and in accordance with the Rhode Island general laws,  
4 each officer, agency, and political subdivision shall make available all facts, records, information,  
5 and data requested by the commission and in all ways cooperate with the commission in carrying  
6 out the functions and duties imposed by this chapter.

7           **22-13.1-6. Finances.** -- The commission may apply for, contract for, receive, and expend  
8 for purpose of this chapter any appropriation or grant from the state, its political subdivisions, the  
9 federal government or any other public or private source.

10           **22-13.1-7. Severability.** -- If any provision of this chapter or any rule or regulation made  
11 under this chapter, or its application to any person or circumstance is held invalid by a court of  
12 competent jurisdiction, the remainder of the chapter, rule, or regulation and the application of the  
13 provision to other persons or circumstances shall not be affected by this invalidity. The invalidity  
14 of any section or sections or parts of any section or sections shall not affect the validity of the  
15 remainder of the chapter.

16           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO GENERAL ASSEMBLY - CREATING A COMMISSION ON  
STREAMLINING GOVERNMENT

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1           This act would establish a commission on streamlining government to review all state  
2 agencies and its activities, functions, programs and services to determine whether the purpose  
3 served by the agency, activity, function, program or service continues to be relevant. It would  
4 also determine whether or not there is a genuine public need for the agency being reviewed.

5           This act would take effect upon passage.

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