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**H. B. 4112**

(By Delegates Morgan, Stephens, Hall, Hatfield,  
Hartman, Householder, Howell, Nelson,  
Snuffer and Staggers)

[Introduced January 18, 2012; referred to the  
Committee on Government Organization then Finance.]

10 A BILL to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new article, designated §29-30-1, §29-30-2,  
12 §29-30-3, §29-30-4, §29-30-5, §29-30-6 and §29-30-7, all  
13 relating to streamlining state government; creating the  
14 Commission on Streamlining Government and providing for the  
15 membership, powers, duties, and functions of the commission;  
16 providing a procedure for the submission, consideration,  
17 approval, and implementation of recommendations of the  
18 Commission on Streamlining Government; providing for staff  
19 support and finances for the commission; providing for  
20 cooperation with and support for the commission; providing for  
21 the applicability of other laws; providing for termination;  
22 and providing for related matters.

23 *Be it enacted by the Legislature of West Virginia:*

24 That the Code of West Virginia, 1931, as amended, be amended  
25 by adding thereto a new article, designated §29-30-1, §29-30-2,

1 §29-30-3, §29-30-4, §29-30-5, §29-30-6 and §29-30-7, all to read as  
2 follows:

3 **ARTICLE 30. STREAMLINING GOVERNMENT.**

4 **§29-30-1. Purpose and findings.**

5 It is essential that the state act now to reduce the cost of  
6 state government, through all means available, including  
7 efficiencies, economies, greater effectiveness, and other means to  
8 streamline government and to ensure that available state tax  
9 dollars are being spent efficiently and effectively. Many state  
10 agencies were created over thirty years ago and a review of all  
11 agencies and its activities, functions, programs, and services is  
12 needed to determine whether the purpose served by the agency or  
13 activity, function, program, or service continues to be relevant.

14 **§29-30-2. Definitions.**

15 As used in this section, the following terms shall have the  
16 following meanings:

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

19 (2) "Agency" means and includes any office, department, board,  
20 commission, institution, division, office, instrumentality, or  
21 functional group that is authorized to exercise, or that does  
22 exercise, any functions in the executive branch of state  
23 government. "Agency" does not mean any public institution of  
24 education or postsecondary education, or any entity under the

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

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

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

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

14 (6) "Performance indicator" means a statement identifying an  
15 activity, input, output, outcome, achievement, ratio, efficiency,  
16 or quality to be measured relative to a particular goal or  
17 objective in order to assess an agency's performance.

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

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

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

1 §29-30-3. Commission on Streamlining Government; established.

2 (a) There is created the Commission on Streamlining Government  
3 to examine each agency's constitutional and statutory activities,  
4 functions, programs, services, powers, duties, and responsibilities  
5 to determine which of these activities, functions, programs,  
6 services, powers, duties, and responsibilities can be; (1)  
7 Eliminated; (2) streamlined; (3) consolidated; or (4) privatized,  
8 in an effort to reduce the size of state government.

9 (b) The commission shall target agencies whose activities,  
10 functions, programs, or services can be consolidated or eliminated,  
11 in addition to identifying opportunities for privatizing current  
12 state activities, functions, programs, or services.

13 (c) The commission shall examine the necessity and performance  
14 of activities, functions, programs, and services to ensure that  
15 they are meeting current performance standards effectively and  
16 efficiently and they are meeting the needs of West Virginia  
17 citizens.

18 (d) The commission shall be composed as follows:

19 (1) The Secretary of Administration, or the secretary's  
20 designee.

21 (2) The Speaker of the House of Delegates, or the speaker's  
22 designee.

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

24 (4) The Governor, or the Governor's designee.

1       (5) The chairman of the House Committee on Finance, or the  
2 chairman's designee.

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

5       (7) The Minority Leader of the House of Delegates, or the  
6 minority leader's designee.

7       (8) The Minority Leader of the Senate, or designee.

8       (9) Two individuals engaged in private enterprise, appointed  
9 by the Governor;

10       (e) The commission may hold public hearings as part of its  
11 evaluation process, and may appoint advisory groups to conduct  
12 studies, research or analyses, and make reports and recommendations  
13 with respect to a matter within the jurisdiction of the commission.

14       (f) The names of the persons who are to serve on the  
15 commission shall be submitted on or before July 1, 2012.

16       (g) The Governor shall call the first meeting of the  
17 commission which shall be held on or before July 30, 2012. The  
18 Governor shall chair the meetings.

19 **§29-30-4. Procedure.**

20       (a) Reports submitted by the Commission on Streamlining  
21 Government pursuant to this section may include any of or any  
22 combination of the following:

23       (1) Recommendations to eliminate, streamline, consolidate, or  
24 privatize constitutional and statutory agency activities,

1 functions, programs, services, powers, duties, and responsibilities  
2 to provide the same or greater type and quality of activity,  
3 function, program, or service that will result in cost reduction or  
4 greater efficiency or effectiveness.

5 (2) Recommendations to ensure that agency activities,  
6 functions, programs, and services are not duplicative and are  
7 necessary, meeting or exceeding performance standards, and meeting  
8 the needs of West Virginia citizens.

9 (3) Recommendations for the elimination, consolidation, or  
10 privatization of an agency to provide a more cost efficient or more  
11 effective manner of providing an activity, function, program, or  
12 service.

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

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

21 (b) (1) The commission shall submit an initial report of its  
22 recommendations, including recommendations requiring legislation or  
23 administrative action, to the Governor and the Joint Committee on  
24 Government and Finance no later than December 1, 2012.

1       (2) The commission shall prepare the recommendations in the  
2 report as a reorganization plan and submit the plan to the Joint  
3 Committee on Government and Finance for consideration by December  
4 15, 2012 and the committee, shall review the plan by January 10,  
5 2013.

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

9 **§29-30-5. Staff support.**

10       The staffs of the Senate, House of Delegates, the budget  
11 office, legislative auditor, office of the Governor, and division  
12 of administration may provide staff support and otherwise assist  
13 the commission as requested by the commission. The commission may  
14 submit a written request to the President of the Senate, the  
15 Speaker of the House of Delegates, the budget office, the  
16 legislative auditor, or the Secretary of Administration, for  
17 specific support and assistance to be provided by the staffs of  
18 their respective agencies.

19 **§29-30-6. Agency cooperation and assistance.**

20       (a) Each agency and political subdivision shall furnish aid,  
21 services, and assistance as may be requested by the commission.

22       (b) Each officer, agency, and political subdivision shall make  
23 available all facts, records, information, and data requested by

1 the commission and in all ways cooperate with the commission in  
2 carrying out the functions and duties imposed by this article.

3 **§29-30-7. Finances.**

4 (a) The commission may apply for, contract for, receive, and  
5 expend for purpose of this article any appropriation or grant from  
6 the state, its political subdivisions, the federal government, or  
7 any other public or private source.

8 (b) The books and records of the commission shall be subject  
9 to audit by the legislative auditor.

NOTE: The purpose of this bill is to create a Commission on Streamlining Government.

This article is new; therefore, it is completely underlined.