

MAINE STATE LEGISLATURE

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STATE AND LOCAL GOVERNMENT

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STATE OF MAINE

SENATE

123RD LEGISLATURE

FIRST REGULAR SESSION

Minority

COMMITTEE AMENDMENT "A" to S.P. 338, L.D. 1021, "Resolve, To Lower the Cost of State Government"

Amend the resolve by striking out everything after the title and before the summary and inserting the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Advisory Committee to Lower the Cost of State Government is established in this resolve to advise the Office of Program Evaluation and Government Accountability to analyze State Government and identify efficiencies that would lead to spending reductions; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

PART A

Sec. A-1. Office of Program Evaluation and Government Accountability study. Resolved: That the Office of Program Evaluation and Government Accountability shall undertake, in consultation with the advisory committee, a comprehensive study analyzing State Government with the goals of consolidating functions and eliminating duplication and inefficiencies in contracted personal services and in administrative and supervisory positions within the structure of State Government. The study must investigate and identify major sources of administrative excess, redundancy, inefficiency and program overlap with other state, local or federal programs.

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1 The study must identify positions in the unclassified service and major policy-influencing
2 positions, as set out in the Maine Revised Statutes, Title 5, chapter 71, and contracted
3 services that should be eliminated or consolidated to deliver the optimum services in the
4 most cost-effective manner. The study must seek to achieve a targeted spending
5 reduction of \$30,000,000 annually. The Office of Program Evaluation and Government
6 Accountability may hire expert staff to assist with these duties as it determines necessary
7 within its budgeted resources.

8 **PART B**

9 **Sec. B-1. Advisory committee established. Resolved:** That the Advisory
10 Committee to Lower the Cost of State Government, referred to in this resolve as "the
11 advisory committee," is established; and be it further

12 **Sec. B-2. Advisory committee membership. Resolved:** That the advisory
13 committee consists of 13 members appointed as follows:

14 1. Appointments by the President of the Senate:

15 A. Three members of the Senate, one Senator from the political party having the
16 largest number of members in the Senate and 2 Senators from the political party
17 having the second-largest number of members in the Senate. One of the Senators
18 must serve on the Joint Standing Committee on State and Local Government and one
19 must serve on the Government Oversight Committee; and

20 B. One member of the public representing a statewide organization working with and
21 representing low-income residents of the State;

22 2. Appointments by the Speaker of the House:

23 A. Five members of the House of Representatives, 3 from the political party having
24 the largest number of members in the House of Representatives and 2 from the
25 political party having the second-largest number of members in the House of
26 Representatives. At least one of the members from each political party must serve on
27 the Joint Standing Committee on State and Local Government and one must serve on
28 the Government Oversight Committee; and

29 B. One member of the public from a statewide organization representing municipal
30 governments; and

31 3. Appointments by the Governor:

32 A. Two members of the public representing statewide business organizations, one of
33 whom must represent small business; and

34 B. One member of the public who is a retired state employee with expertise in state
35 government financial matters; and be it further

36 **Sec. B-3. Chairs. Resolved:** That the first-named Senate member is the Senate
37 chair of the advisory committee and the first-named House of Representatives member is
38 the House chair of the advisory committee; and be it further

39 **Sec. B-4. Appointments; convening of advisory committee. Resolved:**
40 That all appointments must be made no later than 30 days following the effective date of

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1 this resolve. The appointing authorities shall notify the Executive Director of the
2 Legislative Council once all appointments have been completed. Within 15 days after
3 appointment of all members, the chairs shall call and convene the first meeting of the
4 advisory committee, which must be no later than 30 days after all appointments are made;
5 and be it further

6 **Sec. B-5. Duties. Resolved:** That the advisory committee shall provide advice
7 and consultation to the Office of Program Evaluation and Government Accountability as
8 it undertakes the analysis of State Government outlined in Part A, section 1. At least 2 of
9 the advisory committee's authorized meetings may be public hearings held in Augusta;
10 and be it further

11 **Sec. B-6. Staff assistance. Resolved:** That the Office of Program Evaluation
12 and Government Accountability shall provide necessary staffing services to the advisory
13 committee; and be it further

14 **Sec. B-7. Compensation. Resolved:** That the legislative members of the
15 advisory committee are entitled to receive the legislative per diem, as defined in the
16 Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other
17 necessary expenses related to their attendance at authorized meetings of the advisory
18 committee. Public members not otherwise compensated by their employers or other
19 entities that they represent are entitled to receive reimbursement of necessary expenses
20 and, upon a demonstration of financial hardship, a per diem equal to the legislative per
21 diem for their attendance at authorized meetings of the advisory committee; and be it
22 further

23 **Sec. B-8. Report. Resolved:** That, no later than January 8, 2008, the advisory
24 committee and the Office of Program Evaluation and Government Accountability shall
25 jointly submit a report that includes its findings and recommendations, including
26 suggested legislation, for presentation to the Joint Standing Committee on State and
27 Local Government and the Joint Standing Committee on Appropriations and Financial
28 Affairs for consideration in the Second Regular Session of the 123rd Legislature.
29 Following receipt and review of the report, the Joint Standing Committee on State and
30 Local Government may submit a bill based on the report to the Second Regular Session
31 of the 123rd Legislature; and be it further

32 **Sec. B-9. Funding sources. Resolved:** That the advisory committee shall seek
33 outside funds to fully fund all costs of the advisory committee. If sufficient outside
34 funding has not been received by July 15, 2007 to fully fund all costs of the advisory
35 committee, no meetings are authorized and no expenses of any kind may be incurred or
36 reimbursed. Contributions to support the work of the advisory committee may not be
37 accepted from any party having pecuniary or other vested interest in the outcome of the
38 matters being studied. Any person, other than a state agency, desiring to make a financial
39 or in-kind contribution must certify to the Legislative Council that it has no pecuniary or
40 other vested interest in the outcome of the study. Such a certification must be made in the
41 manner prescribed by the Legislative Council. All contributions are subject to approval
42 by the Legislative Council. All funds accepted must be forwarded to the Executive
43 Director of the Legislative Council along with an accounting record that includes the
44 amount of funds, the date the funds were received, from whom the funds were received
45 and the purpose of and any limitation on the use of those funds. The Executive Director

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1 of the Legislative Council shall administer any funds received by the advisory committee.
 2 The executive director shall notify the chairs of the advisory committee and the Director
 3 of the Office of Program Evaluation and Government Accountability when sufficient
 4 funding has been received; and be it further

5 **Sec. B-10. Advisory committee budget. Resolved:** That the chairs of the
 6 advisory committee, with assistance from the advisory committee staff, shall administer
 7 the advisory committee's budget. Within 10 days after its first meeting, the advisory
 8 committee shall present a work plan and proposed budget to the Legislative Council for
 9 its approval. The advisory committee may not incur expenses that would result in the
 10 advisory committee's exceeding its approved budget. Upon request from the advisory
 11 committee, the Executive Director of the Legislative Council shall promptly provide the
 12 advisory committee chairs and staff with a status report on the advisory committee
 13 budget, expenditures incurred and paid and available funds; and be it further

14 **Sec. B-11. Appropriations and allocations. Resolved:** That the following
 15 appropriations and allocations are made.

16 **LEGISLATURE**

17 **Study Commissions - Funding 0444**

18 Initiative: Allocates funds for the per diem and expenses of the advisory committee.

19	OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
20	Personal Services	\$2,200	\$0
21	All Other	\$5,350	\$0
22			
23	OTHER SPECIAL REVENUE FUNDS TOTAL	\$7,550	\$0

24 **LEGISLATURE**

25	DEPARTMENT TOTALS	2007-08	2008-09
26			
27	OTHER SPECIAL REVENUE FUNDS	\$7,550	\$0
28			
29	DEPARTMENT TOTAL - ALL FUNDS	\$7,550	\$0

30 **PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY,**
 31 **OFFICE OF**

32 **Office of Program Evaluation and Government Accountability 0976**

33 Initiative: Appropriates funds for consultant services.

34	GENERAL FUND	2007-08	2008-09
35	All Other	\$150,000	\$0

8/21/08

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1			
2	GENERAL FUND TOTAL	\$150,000	\$0
3	PROGRAM EVALUATION AND		
4	GOVERNMENT ACCOUNTABILITY, OFFICE		
5	OF		
6	DEPARTMENT TOTALS	2007-08	2008-09
7			
8	GENERAL FUND	\$150,000	\$0
9			
10	DEPARTMENT TOTAL - ALL FUNDS	\$150,000	\$0
11	SECTION TOTALS	2007-08	2008-09
12			
13	GENERAL FUND	\$150,000	\$0
14	OTHER SPECIAL REVENUE FUNDS	\$7,550	\$0
15			
16	SECTION TOTAL - ALL FUNDS	\$157,550	\$0

17 **Emergency clause.** In view of the emergency cited in the preamble, this
 18 legislation takes effect when approved.'

19 **SUMMARY**

20 This amendment, which is the minority report, makes a number of changes to the
 21 resolve.

22 1. It changes the commission from a legislative study staffed by the Office of
 23 Program Evaluation and Government Accountability to a study that is conducted and
 24 staffed by the Office of Program Evaluation and Government Accountability in
 25 consultation with an advisory committee.

26 2. It amends the membership of the committee from 11 to 13. It includes one more
 27 Senator and one more member of the House of Representatives. It replaces the member
 28 of the Maine Development Foundation with a member representing municipalities. It
 29 requires one of the members representing business to represent small businesses. It
 30 requires a member of the public appointed by the Governor to be a retired state employee
 31 with expertise in state government financial matters.

32 3. It includes an examination of contracted personal services in the study of State
 33 Government.

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1 4. It requires the report to be submitted to the Joint Standing Committee on
2 Appropriations and Financial Affairs, in addition to the Joint Standing Committee on
3 State and Local Government.

4 5. It changes the date by which the advisory committee must have raised outside
5 funding to support its activities from September 15, 2007 to July 15, 2007.

6 FISCAL NOTE REQUIRED

7 (See attached)



123rd MAINE LEGISLATURE

LD 1021

LR 1232(02)

Resolve, To Lower the Cost of State Government

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: State and Local Government
Fiscal Note Required: Yes

Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Net Cost (Savings)				
General Fund	\$150,000	\$0	\$0	\$0
Appropriations/Allocations				
General Fund	\$150,000	\$0	\$0	\$0
Other Special Revenue Funds	\$7,550	\$0	\$0	\$0

Fiscal Detail and Notes

The resolve includes an allocation of Other Special Revenue Funds to the Legislature in the amount of \$7,550 in fiscal year 2007-08 in the event funds are received from outside sources to fully fund the costs of the Advisory Committee to Lower the Cost of State Government. If sufficient outside funding has not been received by the advisory committee by July 15, 2007, no meetings are authorized and no expenses may be incurred.

The resolve also includes a General Fund appropriation of \$150,000 in fiscal year 2007-08 to provide funds for consultant services. This \$150,000 coupled with \$150,000 for consultant services within OPEGA's budget will be required to fully conduct the comprehensive analysis. OPEGA also estimates that this study will require assigning 3 OPEGA staff full-time for the duration of the project. Utilizing OPEGA's entire consulting budget for this study as well as staff resources may significantly impact the ability of the Government Oversight Committee to perform other reviews during this same time period.