
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2569

Session of
1976

INTRODUCED BY CIMINI, REED, HEPFORD, TADDONIO, McCUE, ZELLER,
PETRARCA, SCHWEDER, THOMAS, PITTS, LEVI, DREIBELBIS,
USTYNOSKI, TAYLOR, TURNER, FISHER, NOYE, BRANDT,
S. E. HAYES JR., WESTERBERG, CRAWFORD, LINCOLN, ANDERSON,
GIAMMARCO, TOLL, WORRILOW, CESSAR, A. P. KELLY, GRIECO,
SHELHAMER, KERNICK, ARTHURS, SHUMAN, DIETZ, DORR, SELTZER,
O'CONNELL, DeVERTER, LYNCH, L. E. SMITH, MEBUS, SPENCER,
MORRIS, MILLIRON, STAPLETON, PRATT AND GALLEN, JUNE 24, 1976

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 24, 1976

AN ACT

1 Providing for the periodic expiration of all agencies and
2 establishing a system for periodic review to determine which
3 shall be reestablished.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short Title.--This act shall be known and may be
7 cited as the "Administrative Agency Expiration and Review Act."

8 Section 2. Definition.--The following word when used in this
9 act shall have the meaning given to it in this section:

10 "Agency." Any legislatively-created unit of State Government
11 not a department or board of trustees.

12 Section 3. Joint Review Committee.--Four members each from
13 the House of Representatives and the Senate, to be designated by
14 the Speaker of the House and the President pro tempore of the
15 Senate, respectively, shall constitute a continuing joint

1 legislative committee to be known as the Joint Review Committee.
2 The committee shall convene within 30 days after the effective
3 date of this act. Meetings of the committee shall be scheduled
4 by a chairman to be elected by the committee from among its
5 members.

6 Section 4. Powers and Duties of the Joint Review
7 Committee.--(a) The committee shall have the power and its duty
8 shall be:

9 (1) to employ a director and such professional, technical,
10 clerical and other assistance as it may deem necessary.

11 (2) to call upon any department or agency of the State
12 Government for such information as it deems pertinent to the
13 execution of its function.

14 (3) to implement the provisions of this act.

15 (b) The committee shall consider the following factors in
16 determining whether an agency shall be reestablished:

17 (1) with respect to a licensing agency, the extent to which
18 it has permitted qualified applicants to serve the public;

19 (2) the extent to which the agency and the individuals which
20 it regulates have complied with affirmative action requirements
21 of State and Federal law;

22 (3) the efficiency of the agency;

23 (4) the extent to which the agency has recommended statutory
24 changes to the General Assembly which would benefit the public
25 as opposed to the persons it regulates;

26 (5) the extent to which the agency has required the persons
27 it regulates to report to it concerning the impact of rules and
28 decisions of the agency on the public regarding improved
29 service, economy of service and availability of service;

30 (6) the extent to which persons regulated by the agency have

1 been required to assess problems in their industry which affect
2 the public;

3 (7) the extent to which the agency has encouraged public
4 participation in making its rules and decisions as opposed to
5 participation solely by the persons it regulates;

6 (8) the extent to which the agency has operated in the
7 public interest, and the extent to which its operation has been
8 impeded or enhanced by existing statutes or any other
9 circumstances, including budgetary, resource and personnel
10 matters;

11 (9) the efficiency with which formal public complaints filed
12 with the agency concerning persons subject to regulation have
13 been processed to completion by the agency, by the Department of
14 Justice, or by any other applicable department or agency;

15 (10) the extent to which other agencies have similar
16 objectives, along with a comparison of the cost and
17 effectiveness of such agencies and any duplication of effort
18 with respect to the agency under review;

19 (11) the extent to which changes are necessary in the
20 enabling laws of the agency to adequately comply with the
21 factors listed in this section;

22 (12) the extent to which the objectives of the agency have
23 been achieved in comparison with the objectives initially set
24 forth for the agency;

25 (13) the impact of the agency's activities on the economy of
26 the Commonwealth; and

27 (14) the cost of the agency compared with the public benefit
28 it renders.

29 (c) The committee shall submit a report of each review to
30 each member of the General Assembly. In this report the

1 committee shall recommend whether the agency undergoing review
2 should be reestablished.

3 Section 5. Schedule for Review and Expiration of Agencies.--

4 All agencies shall be divided into six groups based on
5 similarity of function and any other criteria that the Joint
6 Review Committee may deem appropriate. Each of the six groups
7 shall be scheduled by the committee to expire at the end of a
8 different fiscal year over a six year period. Reviews shall be
9 completed at least three months before the expiration of the
10 agency concerned. Newly created agencies shall be reviewed at
11 least three months before the end of their sixth year of
12 existence.

13 Section 6. Public Hearings.--The Joint Review Committee
14 shall conduct public hearings, receiving testimony from the
15 public and the agencies involved, at which each agency shall
16 have the burden of proving the public need for its continued
17 existence. A report of each hearing shall be included in the
18 reports to be submitted to each member of the General Assembly
19 under section 4.

20 Section 7. Limited Continuation after Expiration.--Upon
21 expiration, every agency shall continue in existence until the
22 end of the next fiscal year for the purpose of winding up its
23 affairs.

24 Section 8. Reestablishment of Agencies.--Any agency
25 scheduled for expiration under this act may be reestablished by
26 the General Assembly for periods not to exceed six years. Any
27 newly created agency shall have a life not to exceed six years
28 and shall be subject to the provisions of this act.

29 Section 9. Legislation for Reestablishment of Agencies.--No
30 more than one agency shall be reestablished in any bill, and

1 such agency shall be mentioned in the bill's title.

2 Section 10. Terms of Office of Appointees to Agencies.--The
3 terms of office of appointees to agencies shall expire with the
4 expiration of their respective agencies, but the terms of
5 appointees who were appointed before expiration to terms which
6 would run beyond the expiration of the agency but for this
7 section shall not expire if the agency is reestablished.

8 Section 11. Causes of Action.--This act shall not cause the
9 dismissal of any claim or right of a citizen against any agency
10 or any claim or right of an agency expiring under this act which
11 is subject to litigation.

12 Section 12. Effective Date.--This act shall take effect
13 immediately.