

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 83

Session of
1979

INTRODUCED BY HOFFEL, LETTERMAN, ZWIKL, LEHR, STUBAN, DeWEESE,
WACHOB, REED, FREIND, SCIRICA, POTT, NOYE, DAWIDA, SIEMINSKI,
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D. R. WRIGHT, E. Z. TAYLOR, STEIGHNER, PERZEL AND MRKONIC,
FEBRUARY 6, 1979

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 6, 1979

AN ACT

1 Providing for a system of evaluation and for periodic review of
2 certain units of State Government and providing for their
3 termination in certain circumstances.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the "Sunset Act."

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have unless the context clearly indicates otherwise, the
11 meanings given to them in this section:

12 "Agency." Any agency, board, commission, committee, council
13 or similar unit of State Government.

14 "Preliminary performance audit." A written report on the
15 examination and review of the financial condition and
16 performance of an agency conducted by the Office of the Auditor

1 General and containing a descriptive narrative of such financial
2 condition and performance.

3 Section 3. Leadership Committee.

4 There is hereby created a joint committee of the General
5 Assembly to be known as the Leadership Committee. The Leadership
6 Committee shall be composed of the Speaker of the House of
7 Representatives, the President pro tempore of the Senate, and
8 the Majority and Minority leaders of the House of
9 Representatives and the Senate. The Speaker of the House of
10 Representatives shall serve as the temporary chairman of the
11 committee until such time as the committee shall elect a
12 chairman. Members of the Leadership Committee may designate
13 alternates who will have the same powers and duties as regular
14 members.

15 Section 4. Powers and duties of the Leadership Committee.

16 The committee shall have the power and its duty shall be:

17 (1) to study the legislative oversight structure;

18 (2) to assign the responsibility for the review and
19 evaluation of each agency scheduled for such review and
20 evaluation under the provisions of this act to an appropriate
21 standing committee of the Senate or the House of
22 Representatives;

23 (3) to schedule and assign to an appropriate standing
24 committee a review and evaluation of any agency project, or
25 program not otherwise provided for in this act, either by
26 majority vote of the members of the committee or by
27 concurrent resolution of the General Assembly; and

28 (4) to utilize the staff of the Budget and Finance
29 Committee in the administration of its duties.

30 Section 5. Evaluation and review.

1 (a) The standing committee designated by the Leadership
2 Committee as responsible for the evaluation and review of an
3 agency shall develop a plan for such evaluation and review in
4 conjunction with representatives of the agency being evaluated,
5 the Office of the Auditor General, the Governor's Budget Office
6 and the Legislative Reference Bureau.

7 (b) Such standing committee shall hold at least one public
8 hearing for each evaluation and review of an agency. At such
9 public hearing, the highest ranking officer or an individual
10 appointed by him, shall testify concerning the need for
11 continued existence of that agency. The standing committee shall
12 receive other testimony at such public hearing as it shall deem
13 appropriate.

14 (c) Such standing committee shall elicit information in each
15 evaluation and review of an agency from the Office of the
16 Auditor General and the Governor's Budget Office as to the
17 financial efficiency of the agency being reviewed.

18 (d) Such standing committee shall make a determination in
19 each evaluation and review as to whether the agency shall be
20 terminated. The standing committee shall base its determination
21 on the following criteria:

22 (1) whether termination would significantly harm or
23 endanger the public health, safety or welfare;

24 (2) whether there is overlap or duplication of effort by
25 other agencies that permit the termination of the agency;

26 (3) whether there is a more economical way of
27 accomplishing the objectives of the agency;

28 (4) whether there is a demonstrated need, based on
29 service to the public, for the continuing existence of the
30 agency;

1 (5) whether the operation of the agency has been in the
2 public interest;

3 (6) whether the agency has encouraged public
4 participation in the making of its rules and decisions, or
5 whether the agency has permitted participation solely by the
6 persons it regulates;

7 (7) whether there is an alternate, less restrictive
8 method of providing the same services to the public; and

9 (8) such other criteria as may be established by the
10 Leadership Committee.

11 (e) Such standing committee shall draft a report concerning
12 each evaluation and review, stating in that report its findings,
13 determination as to whether the agency in question should be
14 continued, altered or terminated, the reasons for such a
15 determination and appropriate drafts of legislation if the
16 agency is to be continued or altered. The report shall be
17 available for public inspection in the offices of the Chief
18 Clerks of the Senate and House of Representatives. The report
19 shall be placed before the General Assembly on or before the
20 first session day of September of the year in which the agency
21 in question is scheduled for termination under section 6(a), or
22 if the agency in question is not scheduled under section 6(a),
23 then the report shall be placed before the General Assembly as
24 directed by the Leadership Committee.

25 (f) On or before March 1 of the year in which the agency in
26 question is scheduled for termination under section 6(a), or if
27 the agency in question is not scheduled under section 6(a), then
28 by a date determined by the Leadership Committee, the standing
29 committee designated by the Leadership Committee as responsible
30 for the evaluation and review of that agency shall receive:

1 (1) from the Office of the Auditor General, a
2 preliminary performance audit of that agency; and

3 (2) from the Legislative Reference Bureau, a report
4 outlining all legislation then in effect pertaining to the
5 creation, operation, duties, powers and funding of that
6 agency.

7 Section 6. Termination of agencies.

8 (a) The following agencies shall terminate all activities
9 and shall go out of existence according to the following
10 schedule:

11 (1) On December 31, 1981:

12 State Lottery Commission

13 Bicentennial Commission of Pennsylvania

14 State Farm Products Show Commission

15 Milk Marketing Board

16 Professional Standards and Practices Commission

17 State Board of Cosmetology

18 State Board of Barber Examiners

19 State Board of Motor Vehicle Manufacturers, Dealers
20 and Salesmen

21 State Real Estate Commission

22 Pennsylvania Securities Commission

23 State Veterans Commission

24 State Harness Racing Commission

25 State Horse Racing Commission

26 Pennsylvania Fish Commission

27 Pennsylvania Game Commission

28 State Board of Examiners of Architects

29 State Board of Landscape Architects

30 State Board of Auctioneer Examiners

1 State Board of Private Academic Schools

2 State Board of Private Business Schools

3 State Board of Private Correspondence Schools

4 State Board of Private Trade Schools

5 Anthracite Mine Inspectors' and Electrical

6 Inspectors' Examining Board

7 Bituminous Mine Inspectors' and Electrical

8 Inspectors' Examining Board

9 Citizens Advisory Council (DER)

10 Environmental Quality Board

11 Environmental Hearing Board

12 (2) On December 31 1983:

13 Pennsylvania Liquor Control Board

14 Pennsylvania Public Utilities Commission

15 Pennsylvania Drug, Device, and Cosmetic Board

16 State Board of Pharmacy

17 State Board of Optometrical Examiners

18 State Board of Osteopathic Examiners

19 State Board of Nurse Examiners

20 State Board of Examiners of Nursing Home

21 Administrators

22 Pennsylvania Turnpike Commission

23 Hazardous Substances Transportation Board

24 State Transportation Commission

25 State Board for the Examination of Public Accountants

26 State Civil Service Commission

27 State Board of Public Welfare

28 State Conservation Commission

29 Governor's Energy Council

30 State Athletic Commission

1 State Board of Education
2 Board of State College and University Directors
3 Commission on Charitable Organizations
4 State Council of Civil Defense
5 Public Safety Commission
6 Pennsylvania Commission for Women
7 Governor's Council on Drug and Alcohol Abuse

8 (3) On December 31, 1985:

9 State Board of Chiropractic Examiners
10 State Board of Podiatry Examiners
11 State Board of Veterinary Medical Examiners
12 Pennsylvania Board of Psychologist Examiners
13 Mobile Home Standards Advisory Commission
14 State Registration Board for Professional Engineers
15 State Board of Funeral Directors
16 State Board for Certification of Sewage Treatment
17 Plant and Waterworks Operators
18 State Board for Certification of Sewage
19 Enforcement Officers
20 Pennsylvania Labor Relations Board
21 Pennsylvania Human Relations Commission
22 State Board of Vocational Rehabilitation
23 Pennsylvania Industrial Development Authority
24 Industrial Board
25 Banking Board
26 Pennsylvania Historical and Museum Commission
27 State Art Commission
28 State Planning Board
29 Pennsylvania Parkway Commission
30 Advisory Health Board

1 Comprehensive Health Planning Advisory Council
2 State Dental Council and Examining Board
3 State Board of Medical Education and Licensure
4 Board of Property
5 Building and Loan Board
6 Governor's Justice Commission

7 (b) Agencies terminated shall be given until June 30 of the
8 year following the one in which they are terminated to wind up
9 their affairs. During that period the Governor may petition the
10 General Assembly for a review of the termination but the agency
11 shall be terminated unless the General Assembly passes a law to
12 the contrary.

13 (c) The terms of office of appointees of an agency
14 terminated under subsection (a) shall end on June 30 of the year
15 following termination.

16 (d) Unless the legislation continuing or altering the agency
17 specifies otherwise, the agency shall, every six years, again be
18 subject to evaluation and review under section 5 and to
19 termination as otherwise provided in this section.

20 Section 7. Newly created agencies.

21 An agency created after November 1, 1979, shall be assigned
22 to an appropriate standing committee for a review and evaluation
23 following a period of four years after the creation of such an
24 agency every six years thereafter.

25 Section 8. Primacy of employees of terminated agencies.

26 Employees of agencies terminated under section 6(a), who have
27 civil service status or who are covered by union contracts shall
28 fill any existing vacancies within the administrative branch of
29 State Government in their grade and position. If there are more
30 employees than vacant positions at the time of termination, then

1 such terminated employees shall receive employment in the first
2 vacancies that shall thereafter exist in their grade and rank.

3 Section 9. Causes of action.

4 The provisions of this act shall not affect any liability
5 incurred or right accrued or vested or affect any suit pending
6 or to be instituted to enforce any right under the authority of
7 any act or part thereof repealed by this act.

8 Section 10. General repeal.

9 All acts or parts of acts are repealed insofar as they are
10 inconsistent herewith.

11 Section 11. Effective date and termination.

12 This act shall take effect on January 1, 1980, and shall
13 expire on November 30, 1994.