

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2597

Session of  
1982

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INTRODUCED BY TADDONIO, DeWEESE, GRUPPO, SIEMINSKI, LAUGHLIN,  
WESTON, SALVATORE AND PERZEL, JUNE 9, 1982

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AS REPORTED FROM COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, SEPTEMBER 13, 1982

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## AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employees in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employees of certain departments, boards and  
20 commissions shall be determined," establishing different  
21 budget procedures for the Office of Consumer Advocate AND <—  
22 MAKING A REPEAL.

23 The General Assembly of the Commonwealth of Pennsylvania  
24 hereby enacts as follows:

25 SECTION 1. SUBSECTION (D) OF SECTION 902-A, ACT OF APRIL 9, <—  
26 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF  
27 1929," IS REPEALED.

1       Section ± 2. Subsection (a) of section 904-A.1, ~~act of April~~ <—  
2   ~~9, 1929 (P.L.177, No.175), known as "The Administrative Code of~~  
3   ~~1929,"~~ OF THE ACT, amended July 1, 1978 (P.L.581, No.107), is <—  
4   amended to read:

5       Section 904-A.1. Assessment Upon Public Utilities,  
6   Disposition, Appropriation and Disbursement of such  
7   Assessments.--(a) [Before July 1 of each year, the Office of  
8   Consumer Advocate shall estimate its total expenditures in the  
9   administration of this act insofar as it relates to public  
10   utilities for the fiscal year beginning that date, which  
11   estimate for the fiscal year 1977-1978 shall not exceed seven  
12   per centum (7%) of the total assessment of the Public Utility  
13   Commission for the same fiscal year levied pursuant to section  
14   1201 of the act of May 28, 1937 (P.L.1053, No.286), known as the  
15   "Public Utility Law." The Pennsylvania Public Utility  
16   Commission's total assessment for fiscal 1977-1978 was twelve  
17   million nine hundred fifty-four thousand five hundred forty-nine  
18   dollars and ninety eight cents (\$12,954,549.98) and seven per  
19   centum (7%) of that figure is equivalent to nine hundred six  
20   thousand eight hundred eighteen dollars (\$906,818) for the  
21   Office of Consumer Advocate. It is hereby declared that the  
22   assessment for the Office of Consumer Advocate approved by the  
23   Appropriation Committees of both the House and Senate of  
24   Pennsylvania, and by the Governor for the fiscal year 1977-1978  
25   in the amount of nine hundred four thousand dollars (\$904,000)  
26   is within the statutory limit of seven per centum (7%) of the  
27   Pennsylvania Public Utility Commission's total assessment for  
28   the fiscal year 1977-1978. For the fiscal year 1978-1979 and for  
29   each fiscal year thereafter, the Office of Consumer Advocate's  
30   estimate of its total expenditures for that fiscal year shall

1 not exceed five one hundredths of one per centum (.05%) of the  
2 total gross intrastate operating revenues of all public  
3 utilities subject to the jurisdiction of the Pennsylvania Public  
4 Utility Commission for the preceding calendar year. Such  
5 estimate shall be submitted to the Governor and to the  
6 Appropriation Committees of the House and Senate through their  
7 respective chairmen for their respective approvals of such  
8 estimate in the amount submitted or such lesser amount as each  
9 of them may determine: Provided, That if the Governor or either  
10 committee, through its chairman, shall fail to notify the Office  
11 of Consumer Advocate in writing of his or its action within  
12 thirty (30) days after such submission, the estimate as  
13 submitted shall be deemed approved by him or by such committee,  
14 as the case may be. The least of the amounts so approved by the  
15 three (3) approving authorities shall be the final estimate, and  
16 approval of such least amount shall constitute compliance with  
17 section 604. The Office of Consumer Advocate shall subtract from  
18 the final estimate the estimated balance of the appropriation to  
19 be carried over into such fiscal year from the preceding one.  
20 The remainder so determined, herein called the total assessment,  
21 shall be allocated to, and paid by, such public utilities in the  
22 manner hereafter prescribed. The Office of Consumer Advocate or  
23 its designated representative shall be afforded an opportunity  
24 to appear before the Senate and the House Appropriation  
25 Committees regarding its estimate.] Before November 1 of each  
26 year, the ~~Attorney General~~ CONSUMER ADVOCATE shall estimate the <—  
27 total expenditures for the Office of Consumer Advocate and  
28 submit the estimate, together with estimates for the rest of the <—  
29 ~~Attorney General's Office~~ to the Governor in accordance with  
30 section 610. AT THE SAME TIME THE CONSUMER ADVOCATE SUBMITS HIS <—

1 ESTIMATE TO THE GOVERNOR, THE CONSUMER ADVOCATE SHALL ALSO  
2 SUBMIT THAT ESTIMATE TO THE GENERAL ASSEMBLY. Such estimate  
3 shall not exceed five one hundredths of one per centum (.05%) of  
4 the total gross intrastate operating revenues of the public  
5 utilities under the jurisdiction of the Public Utility  
6 Commission for the preceding calendar year. The Consumer  
7 Advocate or his designated representatives shall be afforded an  
8 opportunity to appear before the Governor and the Senate and  
9 House Appropriations Committees regarding their estimates HIS <—  
10 ESTIMATE. If the General Assembly fails to approve the Consumer  
11 Advocate's budget for the purposes of this section, by March 15,  
12 the Public Utility Commission shall assess public utilities on  
13 the basis of the last approved allocation. At such time as the  
14 General Assembly approves the proposed budget, the Consumer  
15 Advocate and the commission shall have the authority to make an <—  
16 adjustment in the assessments to reflect the approved budget.  
17 The Attorney General shall subtract from the final estimate any <—  
18 balance of the appropriation to be carried over into such fiscal  
19 year from the preceding one. THE CONSUMER ADVOCATE SHALL <—  
20 SUBTRACT FROM THE BUDGET FINALLY APPROVED BY THE GENERAL  
21 ASSEMBLY ANY BALANCE OF THE APPROPRIATION TO BE CARRIED OVER  
22 INTO SUCH FISCAL YEAR FROM THE PRECEDING ONE.

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24 Section 2 3. The act is amended by adding a section to read: <—  
25 Section 908-A. Sunset.--The Office of Consumer Advocate,  
26 together with its statutory functions and duties, shall  
27 terminate and go out of existence on December 31, 1988, unless  
28 reestablished or continued by the General Assembly. Evaluation  
29 and review, termination, reestablishment and continuation of the  
30 agency shall be conducted pursuant to the provisions of the act

1 of December 22, 1981 (P.L.508, No.142), known as the "Sunset  
2 Act."

3       Section ~~3~~ 4. The budgetary procedures of section ~~1~~ 2 shall <—  
4 apply to the budget of the Office of the Consumer Advocate for  
5 fiscal year 1983-1984 and thereafter. IN ADDITION TO THE SUM OF <—  
6 \$1,525,000 PREVIOUSLY APPROVED FOR THE OFFICE OF CONSUMER  
7 ADVOCATE FOR THE FISCAL YEAR JULY 1, 1982 TO JUNE 30, 1983, THE  
8 SUM OF \$145,000, OR AS MUCH THEREOF AS MAY BE NECESSARY, IS  
9 HEREBY SPECIFICALLY APPROPRIATED FOR THAT FISCAL YEAR TO THE  
10 OFFICE OF CONSUMER ADVOCATE FROM THE RESTRICTED REVENUE ACCOUNT  
11 WITHIN THE GENERAL FUND. THE PUBLIC UTILITY COMMISSION SHALL  
12 MAKE AN ADJUSTMENT IN THE PREVIOUS ASSESSMENTS OF PUBLIC  
13 UTILITIES FOR THE 1982-1983 FISCAL YEAR TO REFLECT THE TOTAL  
14 OFFICE OF CONSUMER ADVOCATE BUDGET OF \$1,670,000 FOR THAT FISCAL  
15 YEAR.

16       Section ~~4~~ 5. Section 4, act of July 9, 1976 (P.L.903, <—  
17 No.161), entitled "An act amending the act of April 9, 1929  
18 (P.L.177, No.175), entitled 'An act providing for and  
19 reorganizing the conduct of the executive and administrative  
20 work of the Commonwealth by the Executive Department thereof and  
21 the administrative departments, boards, commissions, and  
22 officers thereof, including the boards of trustees of State  
23 Normal Schools, or Teachers Colleges; abolishing, creating,  
24 reorganizing or authorizing the reorganization of certain  
25 administrative departments, boards, and commissions; defining  
26 the powers and duties of the Governor and other executive and  
27 administrative officers, and of the several administrative  
28 departments, boards, commissions, and officers; fixing the  
29 salaries of the Governor, Lieutenant Governor, and certain other  
30 executive and administrative officers; providing for the

1 appointment of certain administrative officers, and of all  
2 deputies and other assistants and employes in certain  
3 departments, boards, and commissions; and prescribing the manner  
4 in which the number and compensation of the deputies and all  
5 other assistants and employes of certain departments, boards and  
6 commissions shall be determined,' providing for the office of  
7 Consumer Advocate in the Department of Justice for a limited  
8 period; and imposing powers and duties; and making an  
9 appropriation," is repealed.

10 Section 5 6. This act shall take effect immediately.

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