
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2026 Session of
2018

INTRODUCED BY GROVE, MACKENZIE, RYAN, KAUFFMAN, ROTHMAN,
METZGAR, WARD, PHILLIPS-HILL, KAUFER, BERNSTINE, KEEFER,
LAWRENCE AND B. MILLER, JANUARY 25, 2018

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 25, 2018

AN ACT

1 Amending Title 46 (Legislature) of the Pennsylvania Consolidated
2 Statutes, establishing the Committee on Government Oversight
3 of the Senate and the Committee on Government Oversight of
4 the House of Representatives and providing for the powers and
5 duties of investigating committee, for review of Commonwealth
6 agencies by standing committees, for program evaluation
7 reports and for audits by Department of Auditor General.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Title 46 of the Pennsylvania Consolidated
11 Statutes is amended by adding a chapter to read:

12 CHAPTER 15

13 GOVERNMENT OVERSIGHT

14 Sec.

15 1501. Declaration of purpose.

16 1502. Definitions.

17 1503. Establishment of Committee on Government Oversight of the
18 Senate.

19 1504. Establishment of Committee on Government Oversight of the
20 House of Representatives.

- 1 1505. Powers and duties of investigating committee.
2 1506. Scheduled reviews of Commonwealth agencies.
3 1507. Unscheduled reviews of Commonwealth agencies.
4 1508. Request for review of Commonwealth agencies.
5 1509. Requests for information, depositions and rulings.
6 1510. Program evaluation reports.
7 1511. Audit by Department of the Auditor General.
8 1512. Contempt of investigating committee.
9 § 1501. Declaration of purpose.

10 The General Assembly finds and declares as follows:

11 (1) Under section 11 of Article II of the Constitution
12 of Pennsylvania, the General Assembly is vested with "all
13 other powers necessary for the Legislature of a free State."

14 (2) Legislative powers include establishing the laws of
15 this Commonwealth and appropriating Commonwealth funds to
16 meet the needs of the residents of this Commonwealth.

17 (3) The General Assembly is obligated to ensure that the
18 General Assembly's legislative powers are exercised and the
19 General Assembly's legislative duties are fulfilled.

20 (4) In order to meet this obligation, the General
21 Assembly should periodically review the programs of
22 Commonwealth agencies to determine whether the programs meet
23 the needs of the residents of this Commonwealth.

24 § 1502. Definitions.

25 The following words and phrases when used in this chapter
26 shall have the meanings given to them in this section unless the
27 context clearly indicates otherwise:

28 "Commonwealth agency." An authority, board, branch,
29 commission, committee, department, division or other
30 instrumentality of the executive or judicial branch of the

1 Commonwealth. The term includes an administrative body and a
2 body corporate and politic established as an instrumentality of
3 the Commonwealth. The term does not include the General Assembly
4 or a political subdivision of the Commonwealth.

5 "Designated member of the House of Representatives." Any of
6 the following:

7 (1) The Speaker of the House of Representatives.

8 (2) The Majority Leader and Minority Leader of the House
9 of Representatives.

10 (3) The Majority Whip and Minority Whip of the House of
11 Representatives.

12 (4) The Majority Caucus Chair and Minority Caucus Chair
13 of the House of Representatives.

14 (5) The Majority Caucus Secretary and Minority Caucus
15 Secretary of the House of Representatives.

16 (6) The Majority Policy Chair and Minority Policy Chair
17 of the House of Representatives.

18 (7) The Majority Caucus Administrator and Minority
19 Caucus Administrator of the House of Representatives.

20 (8) The chairperson and minority chairperson of the
21 Appropriations Committee of the House of Representatives.

22 "Designated member of the Senate." All of the following:

23 (1) The President pro tempore of the Senate.

24 (2) The Majority Leader and Minority Leader of the
25 Senate.

26 (3) The Majority Whip and Minority Whip of the Senate.

27 (4) The Majority Caucus Chair and Minority Caucus Chair
28 of the Senate.

29 (5) The Majority Caucus Secretary and Minority Caucus
30 Secretary of the Senate.

1 (6) The Majority Policy Chair and Minority Policy Chair
2 of the Senate.

3 (7) The Majority Caucus Administrator and Minority
4 Caucus Administrator of the Senate.

5 (8) The chairperson and minority chairperson of the
6 Appropriations Committee of the Senate.

7 "Investigating committee." Any of the following:

8 (1) The Committee on Government Oversight of the Senate.

9 (2) The Committee on Government Oversight of the House
10 of Representatives.

11 "Program." A program administered by a Commonwealth agency.

12 "Program evaluation report." A report compiled by a
13 Commonwealth agency at the request of the investigating
14 committee which may include, but is not limited to, the
15 following:

16 (1) A review of the Commonwealth agency's management and
17 organization.

18 (2) Program delivery.

19 (3) The Commonwealth agency's goals and objectives.

20 (4) The Commonwealth agency's compliance with the laws
21 of this Commonwealth.

22 (5) The Commonwealth agency's finances.

23 "Request for information." A list of questions provided to a
24 Commonwealth agency by an investigating committee which relates
25 to any matter concerning an action by the Commonwealth agency
26 that is the subject of an oversight study and investigation
27 under section 1505 (relating to powers and duties of
28 investigating committee).

29 "Standing committee." A permanent committee with a regular
30 meeting schedule and designated jurisdiction as authorized by

1 the rules of the Senate or the House of Representatives.

2 § 1503. Establishment of Committee on Government Oversight of
3 the Senate.

4 (a) Establishment.--The following apply:

5 (1) The President pro tempore of the Senate shall
6 establish the Committee on Government Oversight of the
7 Senate.

8 (2) The President pro tempore of the Senate shall
9 appoint five members to the committee. No more than three
10 members may belong to the same political party.

11 (3) The President pro tempore of the Senate shall
12 designate one member of the Senate from the majority party as
13 chairperson of the committee.

14 (4) The President pro tempore of Senate shall designate
15 one member of the Senate from the minority party as vice
16 chairperson of the committee.

17 (b) Prohibition.--A designated member of the Senate may not
18 be a member of the committee.

19 § 1504. Establishment of Committee on Government Oversight of
20 the House of Representatives.

21 (a) Establishment.--The following apply:

22 (1) The Speaker of the House of Representatives shall
23 establish the Committee on Government Oversight of the House
24 of Representatives.

25 (2) The Speaker of the House of Representatives shall
26 appoint seven members to the committee. No more than four
27 members may belong to the same political party.

28 (3) The Speaker of the House of Representatives shall
29 designate one member of the House of Representatives from the
30 majority party as chairperson of the committee.

1 (4) The Speaker of the House of Representatives shall
2 designate one member of the House of Representatives from the
3 minority party as vice chairperson of the committee.

4 (b) Prohibition.--A designated member of the House of
5 Representatives may not be a member of the committee.

6 § 1505. Powers and duties of investigating committee.

7 (a) Duties.--An investigating committee shall conduct an
8 oversight study and investigation of a Commonwealth agency in
9 accordance with this section for the purpose of determining the
10 following:

11 (1) Whether a program is being implemented and
12 administered in accordance with legislative intent.

13 (2) Whether a program should be continued, curtailed or
14 eliminated.

15 (3) Whether the laws of this Commonwealth regarding the
16 Commonwealth agency are being enforced in accordance with
17 legislative intent.

18 (4) Whether the laws of this Commonwealth regarding the
19 Commonwealth agency should be amended or repealed.

20 (b) Considerations.--During an oversight study and
21 investigation of a Commonwealth agency, an investigating
22 committee shall consider all of the following:

23 (1) The application, administration, execution and
24 effectiveness of the laws of this Commonwealth on a program.

25 (2) The organization and operation of the Commonwealth
26 agency.

27 (3) Conditions or circumstances that may indicate the
28 necessity or desirability of enacting additional laws of this
29 Commonwealth for the purpose of improving the effectiveness
30 and cost-efficiency of a program.

1 (4) Conditions or circumstances that may indicate the
2 necessity or desirability of repealing laws of this
3 Commonwealth for the purpose of improving the effectiveness
4 and cost-efficiency of a program.

5 (c) Subpoenas.--In order to carry out the investigating
6 committee's duties, the investigating committee may issue
7 subpoenas and subpoenas duces tecum or implement other necessary
8 procedures to compel the attendance of witnesses or the
9 production of books, letters or other documentary evidence,
10 including electronic documents or records. In accordance with
11 the laws of this Commonwealth, the chairperson of the
12 investigating committee may administer oaths and affirmations to
13 witnesses who appear before the investigating committee to
14 testify.

15 § 1506. Scheduled reviews of Commonwealth agencies.

16 (a) Senate.--The President pro tempore of the Senate shall
17 develop a schedule for the oversight study and investigation of
18 a Commonwealth agency for the Committee on Government Oversight
19 of the Senate. The chairperson of the committee shall determine
20 the scope of the oversight study and investigation of a
21 Commonwealth agency, including the subjects to be reviewed.

22 (b) House of Representatives.--The Speaker of the House of
23 Representatives shall develop a schedule for the oversight study
24 and investigation of a Commonwealth agency for the Committee on
25 Government Oversight of the House of Representatives. The
26 chairperson of the committee shall determine the scope of the
27 oversight study and investigation of a Commonwealth agency,
28 including the subjects to be reviewed.

29 (c) Frequency.--An investigating committee shall conduct an
30 oversight study and investigation of Commonwealth agency no less

1 than once every seven years.

2 § 1507. Unscheduled reviews of Commonwealth agencies.

3 In addition to scheduled oversight studies and investigations
4 under section 1506 (relating to scheduled reviews of
5 Commonwealth agencies), the chairperson of a committee may
6 initiate an unscheduled review of a Commonwealth agency.

7 § 1508. Request for review of Commonwealth agencies.

8 (a) Standing committees.--The following apply:

9 (1) The chairperson of a standing committee may request
10 that an investigating committee conduct an oversight study
11 and investigation under section 1505 (relating to powers and
12 duties of investigating committee) of a Commonwealth agency
13 under the standing committee's jurisdiction.

14 (2) The request under paragraph (1) shall state the
15 subject matter and scope of the oversight study and
16 investigation.

17 (b) Other reviews.--The following apply:

18 (1) The President pro tempore of the Senate and Speaker
19 of the House of Representatives may request that an
20 investigating committee conduct an oversight study and
21 investigation under section 1505 of an agency.

22 (2) The request under paragraph (1) shall state the
23 subject matter and scope for the oversight study and
24 investigation.

25 (c) Scope.--An oversight study and investigation requested
26 under this section shall not exceed the scope requested or the
27 scope of the information uncovered by the oversight study and
28 investigation.

29 § 1509. Requests for information, depositions and rulings.

30 (a) Requests.--The following shall apply to a request for

1 information from a Commonwealth agency for the purpose of
2 conducting an oversight study and investigation under section
3 1505 (relating to powers and duties of investigating committee):

4 (1) The request for information shall be answered
5 separately and fully, in writing and under oath or
6 affirmation.

7 (2) Except as provided in subparagraph (3), the request
8 for information shall be returned to the investigating
9 committee within 45 days after being served on the
10 Commonwealth agency.

11 (3) For good cause shown, the time period for answering
12 a request for information under paragraph (2) may be extended
13 as agreed upon by the investigating committee and the
14 Commonwealth agency.

15 (4) The head of the Commonwealth agency shall verify
16 that the answers to the request for information are true and
17 correct and do not violate 18 Pa.C.S. §§ 4903 (relating to
18 false swearing) and 4904 (relating to unsworn falsification
19 to authorities).

20 (5) If part of the request for information includes a
21 request for written or electronic records, audio, video or
22 electronic recordings or other documents, the request for
23 information shall not be considered fulfilled until all the
24 requested information is provided to the investigating
25 committee.

26 (b) Depositions.--The following shall apply:

27 (1) The investigating committee may depose an individual
28 by oral examination if the committee has reason to believe
29 that the individual has knowledge of the activities under
30 investigation.

1 (2) The investigating committee shall provide notice to
2 an individual subject to a deposition and the agency under
3 investigation no less than 10 days before the date of the
4 deposition. The notice shall specify the time and place of
5 the deposition.

6 (3) The investigating committee may issue a subpoena for
7 an individual who fails to appear at a deposition. A
8 designation of the materials to be produced shall be attached
9 to the subpoena.

10 (4) The investigating committee shall provide the
11 Commonwealth agency subject to an oversight study and
12 investigation with the name and address of an individual
13 subject to a deposition and a designation of the materials to
14 be produced by the individual subject to a deposition.

15 (5) The deposition shall be taken under oath or
16 affirmation as administered by the chairperson of the
17 investigating committee or a designee of the chairperson.

18 (6) The deposition shall be taken stenographically or
19 recorded by some other means.

20 (7) The deposition shall be provided in accordance with
21 the applicable provisions under 42 Pa.C.S. Ch. 59 (relating
22 to depositions and witnesses).

23 (8) An individual deposed may have counsel present to
24 advise and represent the individual during the deposition.

25 (9) An individual deposed may claim any legal privilege
26 recognized by the laws of this Commonwealth in response to a
27 question during the deposition.

28 (10) If an individual deposed has an objection, the
29 individual shall be entitled to immediately have a ruling on
30 the objection by the chairperson of the committee.

1 (c) Ruling.--A ruling made by the chairperson of the
2 committee shall not be reviewable by a court unless the ruling
3 is part of a separate proceeding for contempt under section 1512
4 (relating to contempt of investigating committee).

5 § 1510. Program evaluation reports.

6 (a) Reports.--Except as provided under subsection (b), an
7 investigating committee may request that a Commonwealth agency
8 submit a program evaluation report regarding a Commonwealth
9 agency program subject to an oversight study and investigation
10 under section 1505 (relating to powers and duties of
11 investigating committee). A program evaluation report may
12 include the following information:

13 (1) The established priorities, goals and objectives of
14 the program.

15 (2) The performance criteria, timetables and other
16 benchmarks designed and implemented by the Commonwealth
17 agency to measure the progress in achieving the priorities,
18 goals and objectives of the program.

19 (3) An assessment by the agency, using performance
20 criteria, indicating the extent to which the Commonwealth
21 agency has met the priorities, goals and objectives of the
22 program.

23 (4) If a program has not met the program's priorities,
24 goals and objectives, the following information:

25 (i) An identification of the reasons for not
26 achieving the program's priorities, goals and objectives.

27 (ii) The corrective measures that the Commonwealth
28 agency has taken or will take to achieve the program's
29 priorities, goals and objectives in the future.

30 (5) The structure of the Commonwealth agency, including

1 the number of agency positions and job classifications and an
2 organizational flow chart indicating lines of responsibility
3 within the Commonwealth agency.

4 (6) A financial summary of the Commonwealth agency,
5 including sources of funding for the program and the amounts
6 allocated or expended over the immediately preceding 10
7 years.

8 (7) The areas in which the Commonwealth agency has
9 coordinated efforts with Federal or other Commonwealth
10 agencies for the purpose of achieving the program priorities,
11 goals and objectives.

12 (8) The areas in which the Commonwealth agency may
13 establish collaborative arrangements, including, but not
14 limited to, cooperative arrangements to coordinate services
15 and eliminate redundant requirements.

16 (9) Constituencies served by the Commonwealth agency or
17 program, including changes to the constituencies served by
18 the agency or program during the immediately preceding year.

19 (10) A summary of the Commonwealth agency's use of
20 alternative delivery systems, including privatization, to
21 achieve the priorities, goals and objectives of the program.

22 (11) Emerging issues that the Commonwealth agency faces
23 in implementing the program.

24 (12) A summary of any Federal laws or regulations which
25 affect the State laws or regulations governing the
26 Commonwealth agency or program.

27 (13) Policies for collecting, managing and using
28 personal information using information technology and
29 nonelectronic methods.

30 (14) The filing requirements necessary for the public to

1 utilize the program, including the following:

2 (i) The statutory authority for the filing
3 requirements.

4 (ii) The date when the filing requirements were
5 adopted or altered by the Commonwealth agency.

6 (iii) Each time period for filing requirements.

7 (iv) The number of filings received annually for the
8 immediately preceding seven years and the number of
9 anticipated filings for the next four years.

10 (v) A description of the actions taken or
11 contemplated by the Commonwealth agency to reduce
12 duplicative filing requirements.

13 (vi) A five-year innovation and cost-savings plan.

14 (vii) Any other relevant information specifically
15 requested by the investigating committee.

16 (b) Exception.--A Commonwealth agency which is vested with
17 revenue bonding authority may submit annual reports and annual
18 external audit reports conducted by a third party to an
19 investigating committee in lieu of a program evaluation report.
20 § 1511. Audit by Department of the Auditor General.

21 An investigating committee may direct the Department of the
22 Auditor General to perform an audit of a Commonwealth agency or
23 program which is subject to an oversight study and investigation
24 under section 1505 (relating to powers and duties of
25 investigating committee). An audit under this section shall be
26 paid for by unencumbered funds of the agency.

27 § 1512. Contempt of investigating committee.

28 (a) Offense.--An individual commits an offense under 18
29 Pa.C.S. § 5110 (relating to contempt of General Assembly) if the
30 individual is disorderly or contemptuous in the presence of an

1 investigating committee, or if the individual neglects or
2 refuses to appear in the presence of an investigating committee
3 after having been duly served with a subpoena under section
4 1509(b) (3) (relating to requests for information, depositions
5 and rulings).

6 (b) Definition.--As used in this section, the term
7 "contemptuous" means any of the following actions by an
8 individual:

9 (1) Appearing before an investigating committee and
10 knowingly giving false, materially misleading or materially
11 incomplete testimony.

12 (2) Failing or refusing to appear before an
13 investigating committee without lawful excuse.

14 (3) Refusing to provide testimony under oath or
15 affirmation to an investigating committee.

16 (4) Refusing to answer any material and proper question
17 posed by an investigating committee.

18 (5) Refusing to produce subpoenaed information to an
19 investigating committee in the individual's possession or
20 under the individual's control if the information constitutes
21 material and proper evidence.

22 Section 2. This act shall take effect in 60 days.