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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 232      Session of  
2001

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INTRODUCED BY HOLL, FEBRUARY 5, 2001

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REFERRED TO STATE GOVERNMENT, FEBRUARY 5, 2001

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AN ACT

1 Providing for evaluation, termination and continuation of State  
2 agencies; establishing the Sunset Leadership Committee and  
3 providing for its powers and duties; and making repeals.

4 TABLE OF CONTENTS

5 Section 1. Short title.

6 Section 2. Definitions.

7 Section 3. Sunset Leadership Committee.

8 Section 4. Powers and duties of Sunset Leadership Committee.

9 Section 5. Evaluation and review.

10 Section 6. Termination of agencies.

11 Section 7. Reestablishment or continuation of agencies.

12 Section 8. Newly created agencies.

13 Section 9. Termination procedures.

14 Section 10. Causes of action; rights of bondholders.

15 Section 11. Access to records and witnesses.

16 Section 12. Authority to administer oaths, subpoena witnesses  
17 and records and take depositions.

18 Section 13. Interim provision.

1 Section 14. Nonseverability.

2 Section 15. Repeals.

3 Section 16. Savings provision.

4 Section 17. Retroactivity.

5 Section 18. Expiration.

6 Section 19. Effective date.

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

9 Section 1. Short title.

10 This act shall be known and may be cited as the Sunset Act of  
11 2001.

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall  
14 have the meanings given to them in this section unless the  
15 context clearly indicates otherwise:

16 "Agency." Any statutory authority, agency, board, bureau,  
17 commission, committee, council, office or any similar unit of  
18 the executive or legislative branches of State government.

19 "Legislative Budget and Finance Committee." The committee  
20 formed under the act of August 4, 1959 (P.L.587, No.195),  
21 entitled, as amended, "An act creating and establishing the  
22 Legislative Budget and Finance Committee; providing for its  
23 membership; prescribing its powers, functions and duties;  
24 providing for the appointment of an executive director and other  
25 personnel, and making an appropriation."

26 "Performance audit." A written report by the Legislative  
27 Budget and Finance Committee evaluating the management and  
28 performance of any agency based on the statistics on its  
29 operations and carried out in accordance with the standards for  
30 performance and financial compliance auditing developed by the

1 United States General Accounting Office. It shall determine  
2 whether the agency:

3 (1) Is conducting authorized activities or programs in a  
4 manner consistent with accomplishing the objectives intended  
5 by the General Assembly.

6 (2) Is conducting programs and activities and expending  
7 funds made available in a faithful, efficient, economical and  
8 effective manner.

9 This report shall include, but not be limited to, the criteria  
10 listed in section 5(c).

#### 11 Section 3. Sunset Leadership Committee.

12 There is hereby established a joint committee of the General  
13 Assembly to be known as the Sunset Leadership Committee. The  
14 committee shall be composed of the President pro tempore of the  
15 Senate, the Majority and Minority Leaders of the Senate, the  
16 Speaker of the House of Representatives and the Majority and  
17 Minority Leaders of the House of Representatives. The Speaker of  
18 the House of Representatives shall serve as the temporary  
19 chairman of the committee until the committee shall elect a  
20 chairman. Members of the committee may designate alternate  
21 members of their respective chambers who will have the same  
22 powers and duties as regular members.

#### 23 Section 4. Powers and duties of Sunset Leadership Committee.

24 (a) General rule.--The Sunset Leadership Committee has the  
25 following powers and duties:

26 (1) To direct and coordinate the implementation of the  
27 sunset review procedure.

28 (2) To assign the responsibility for the review and  
29 evaluation of each agency scheduled for review and evaluation  
30 under the provisions of this act to an appropriate standing

1 committee of the Senate or the House of Representatives or to  
2 appropriate standing committees of both houses who shall  
3 operate jointly to review and evaluate the agency if such  
4 joint operation is authorized by the rules of the Senate and  
5 House of Representatives. The assignments for review and  
6 evaluation shall be made not less than 11 months before the  
7 agency's termination date. If any standing committee which  
8 has been assigned an agency for review and evaluation fails  
9 to complete its duties within a reasonable period of time as  
10 determined by the Sunset Leadership Committee, it shall be  
11 discharged from further review or consideration of the  
12 agency. The Sunset Leadership Committee shall then reassign  
13 the agency to another standing committee for review and  
14 evaluation under this act.

15 (3) To assign tasks to the Legislative Budget and  
16 Finance Committee for the purpose of conducting performance  
17 audits. Such tasks shall receive priority from the  
18 Legislative Budget and Finance Committee. The Sunset  
19 Leadership Committee may waive, by majority vote, the  
20 requirement that the performance audit be completed in  
21 accordance with United States General Accounting Office  
22 standards as described in the definition of "performance  
23 audit" in section 2 under the following circumstances:

24 (i) the agency has not held any meetings or  
25 considered any cases for a period of three years or more;  
26 or

27 (ii) the agency has a budget of less than \$100,000  
28 annually unless the agency is a departmental board or  
29 commission within the Bureau of Professional and  
30 Occupational Affairs, Department of State.

1 In the event that the United States General Accounting Office  
2 standards are waived, the Sunset Leadership Committee shall  
3 direct the Legislative Budget and Finance Committee to  
4 complete a summary audit in lieu of the performance audit and  
5 specify the scope of the audit not less than 16 months before  
6 the agency's termination date.

7 (b) Special waivers.--Notwithstanding the provisions of this  
8 section, the Sunset Leadership Committee may, in the case of an  
9 agency that has not held any meetings or considered any cases  
10 for a period of three years or more, waive the requirement for  
11 the holding of a public hearing for evaluation and review of the  
12 agency. The Sunset Leadership Committee may also waive the  
13 requirement for the preparation or completion of a report  
14 outlining all legislation then in effect pertaining to the  
15 creation, operation, duties, powers and functions of the agency  
16 from the Legislative Reference Bureau.

17 Section 5. Evaluation and review.

18 (a) Hearing.--Except as provided in section 4(b), the  
19 standing committee shall hold at least one public hearing for  
20 each evaluation and review of an agency. At the hearing, the  
21 highest ranking officer of the agency or an individual appointed  
22 by that officer shall bear the burden to testify concerning the  
23 need for continued existence of the agency. The standing  
24 committee shall receive other testimony at the public hearing as  
25 it shall deem appropriate.

26 (b) Financial efficiency.--The standing committee shall  
27 elicit information in each evaluation and review of an agency  
28 from the Department of the Auditor General and the Office of the  
29 Budget as to the financial efficiency of the agency being  
30 reviewed. The standing committee may request, and the agency

1 subject to termination shall provide, information as the  
2 standing committee deems pertinent to its evaluation and review.

3 (c) Determination.--The standing committee shall make a  
4 determination in each evaluation and review as to whether to  
5 recommend that the agency shall be continued, altered or  
6 terminated. The standing committee shall base its determination  
7 on the following criteria:

8 (1) Whether termination would significantly harm or  
9 endanger the public health, safety or welfare.

10 (2) Whether there is overlap or duplication of effort by  
11 other agencies that permit the termination of the agency.

12 (3) Whether there is a more economical way of  
13 accomplishing the objectives of the agency.

14 (4) Whether there is a demonstrated need, based on  
15 service to the public, for the continuing existence of the  
16 agency.

17 (5) Whether the operation of the agency has been in the  
18 public interest.

19 (6) Whether the agency has encouraged public  
20 participation in the making of its rules and decisions or  
21 whether the agency has permitted participation solely by the  
22 persons it regulates.

23 (7) Whether there is an alternate, less restrictive  
24 method of providing the same services to the public.

25 (8) Other criteria as may be established by the standing  
26 committee.

27 (d) Report.--The standing committee shall draft a report  
28 concerning each evaluation and review, stating in that report  
29 its findings; its determination as to whether the agency should  
30 be continued, altered or terminated; the reasons for such a

1 determination; and a draft of appropriate legislation to  
2 implement the standing committee's recommendations. The report  
3 shall be available for public inspection in the Office of the  
4 Secretary of the Senate and of the Chief Clerk of the House of  
5 Representatives. The report shall be made to the General  
6 Assembly not less than 120 days before the agency's termination  
7 date. Once the report is received by each house, the appropriate  
8 legislation shall be introduced and referred to a standing  
9 committee, in keeping with the rules of each house and be acted  
10 on accordingly.

11 (e) Information.--Not less than ten months before an  
12 agency's termination date, the standing committee designated by  
13 the Sunset Leadership Committee as responsible for the  
14 evaluation and review of the agency shall receive:

15 (1) from the Legislative Budget and Finance Committee, a  
16 performance audit or summary audit; and

17 (2) from the Legislative Reference Bureau, a report  
18 outlining all legislation then in effect, pertaining to the  
19 creation, operation, duties, powers and functions of the  
20 agency.

21 (f) Special waiver.--Notwithstanding the provisions of this  
22 section, the standing committee designated by the Sunset  
23 Leadership Committee may, in the case of an agency that has not  
24 held any meetings or considered any cases for a period of three  
25 years or more, waive the requirement for the holding of a public  
26 hearing for evaluation and review of the agency. The Sunset  
27 Leadership Committee may also waive the requirement for the  
28 preparation or completion of a report outlining all legislation  
29 then in effect pertaining to the creation, operation, duties,  
30 powers and functions of the agency from the Legislative

1 Reference Bureau.

2 Section 6. Termination of agencies.

3 (a) General rule.--Termination dates for agencies shall be  
4 as set forth in this section.

5 (b) Applicability.--This section shall apply only to  
6 agencies in existence as of January 1, 2001.

7 (c) Schedule.--The following agencies, together with their  
8 corresponding statutory functions and duties, shall terminate  
9 all activities and shall go out of existence on the dates  
10 specified:

11 (1) December 31, 2001:

12 The Dog Law Advisory Board.

13 The State Registration Board for Professional  
14 Engineers, Land Surveyors and Geologists.

15 The Wild Resource Conservation Board.

16 The Rail Freight Advisory Committee.

17 The Board of Governors of the State System of Higher  
18 Education.

19 The State Board of Accountancy.

20 The Pharmaceutical Assistance Review Board.

21 The State Real Estate Commission.

22 The Office of Small Business Advocate.

23 (2) December 31, 2002:

24 The State Workmen's Insurance Board.

25 The State Board of Funeral Directors.

26 The State Board of Vehicle Manufacturers, Dealers and  
27 Salespersons.

28 The State Board of Medicine.

29 (3) December 31, 2003:

30 The Architects Licensure Board.

1 The State Board of Auctioneer Examiners.

2 The State Board of Barber Examiners.

3 The State Board of Cosmetology.

4 The State Board of Landscape Architects.

5 (4) December 31, 2004:

6 The Citizens Advisory Council.

7 The Energy Development Authority.

8 The Environmental Quality Board.

9 The State Farm Products Show Commission.

10 The Independent Regulatory Review Commission.

11 The Pennsylvania Labor Relations Board.

12 The Milk Marketing Board.

13 The Pennsylvania Securities Commission.

14 The Agricultural Development Advisory Committee.

15 The Department of Corrections.

16 The Deputy Sheriffs' Education and Training Board.

17 The Hazardous Materials Transportation Advisory  
18 Committee.

19 The Milrite Council.

20 The Mining and Reclamation Advisory Board.

21 The Professional Standards and Practices Commission.

22 The Vietnam Veterans Health Initiative Commission.

23 The Export Partnership Advisory Board.

24 The Pennsylvania Veterans Memorial Commission.

25 (5) December 31, 2005:

26 The Apparel Industry Loan Board.

27 The Athletic Trainer Advisory Committee.

28 The State Board of Chiropractic.

29 The State Conservation Commission.

30 The Pennsylvania Commission on Crime and Delinquency.

1           The State Board of Dentistry.  
2           The Pennsylvania Drug, Device and Cosmetic Board.  
3           The Board of Directors of the Pennsylvania Emergency  
4   Health Services Council.  
5           The State Harness Racing Commission.  
6           The State Horse Racing Commission.  
7           The Pennsylvania Housing Finance Agency.  
8           The State Board of Examiners of Nursing Home  
9   Administrators.  
10          The State Board of Nursing.  
11          The Oil and Gas Technical Advisory Board.  
12          The State Board of Osteopathic Medicine.  
13          The State Board of Pharmacy.  
14          The State Board of Physical Therapy.  
15          The State Board of Podiatry.  
16          The Pennsylvania Board of Probation and Parole.  
17          The State Board of Psychology.  
18          The Pennsylvania Commission on Sentencing.  
19          The State Board of Examiners in Speech-Language and  
20   Hearing.  
21          The State Transportation Commission.  
22          The Pennsylvania Trauma Systems Foundation.  
23          The State Unemployment Compensation Advisory Council.  
24          The State Board of Veterinary Medicine.  
25          The Pennsylvania Cancer Control, Prevention and  
26   Research Advisory Board.

27   (6)   December 31, 2006:

28          The committee established in section 4 of the act of  
29   July 8, 1986 (P.L.437, No.92), known as the Pennsylvania  
30   Agricultural Fair Act.

1           The commission established in section 116(k) of the  
2           act of November 30, 1965 (P.L.847, No.356), known as the  
3           Banking Code of 1965.

4           The Bureau of Charitable Organizations.

5           The Pennsylvania Convention Center Authority.

6           The Private Prison Task Force.

7           The Statewide Weatherization and Energy Conservation  
8           Policy Council.

9           The Children's Health Advisory Council.

10          The Children's Health Insurance Management Team.

11          The Folklife Advisory Council.

12          The Pennsylvania Heritage Affairs Commission.

13          (7) December 31, 2007:

14          The Department of Aging.

15          The State Athletic Commission.

16          The Committee of Blind Vendors.

17          The State Civil Service Commission.

18          The Office for the Deaf and Hearing Impaired.

19          The Pennsylvania Economic Development Financing  
20          Authority.

21          The State Board of Education.

22          The Pennsylvania Historical and Museum Commission.

23          The Industrial Board.

24          The Pennsylvania Industrial Development Authority.

25          The Pennsylvania Minority Business Development  
26          Authority.

27          The Municipal Police Officers' Education and Training  
28          Commission.

29          The State Planning Board.

30          The State Board of Private Academic Schools.

1           The State Board of Private Licensed Schools.  
2           The Center for Rural Pennsylvania.  
3           The State Board for Certification of Sewage  
4   Enforcement Officers.  
5           The State Board for Certification of Sewage Treatment  
6   Plant and Waterworks Operators.  
7           The State Board of Social Work Examiners.  
8           The Pennsylvania Turnpike Commission.  
9           The State Veterans' Commission.  
10          The State Board of Vocational Rehabilitation.  
11          The Bureau of Liquor Control Enforcement.  
12          The Brandywine Battlefield Park Commission.  
13          The Washington Crossing Park Commission.  
14          The Historic Preservation Board.  
15          The Pennsylvania Council on Aging.

16       (8)   December 31, 2008:

17          The Children's Trust Fund Board.  
18          The Coroners' Education Board.  
19          The Hardwoods Development Council.  
20          The Hazardous Waste Facility Siting Commission.  
21          The Pennsylvania Infrastructure Investment Authority.  
22          The Lawyer Trust Account Board.  
23          The Intra-Governmental Council on Long-Term Care.  
24          The Low-Level Waste Advisory Committee.  
25          The Policy, Planning and Evaluation Advisory  
26   Committee.  
27          The Quality Assessment Grant and Loan Advisory  
28   Committee.  
29          The Recycling Fund Advisory Committee.

30       (9)   December 31, 2009:

1           The State Agricultural Land Preservation Board.  
2           The Animal Health and Diagnostic Commission.  
3           The Board of the Ben Franklin Partnership Fund.  
4           The Office of Consumer Advocate.  
5           The Environmental Hearing Board.  
6           The Environmental Hearing Board Rules Committee.  
7           The State Ethics Commission.  
8           The Philadelphia Regional Port Authority.  
9           The Storage Tank Advisory Committee.  
10          The Underground Storage Tank Indemnification Board.  
11          The Crime Victim's Compensation Board.  
12          The Advisory Council for the Deaf and Hearing  
13          Impaired.  
14          The Pennsylvania Advisory Council on Drug and Alcohol  
15          Abuse.  
16          The Municipal Pension Advisory Committee.  
17          The Public Employee Retirement Study Commission.  
18          The Pennsylvania Public Utility Commission.  
19          The Pennsylvania Human Relations Commission.  
20          (10) December 31, 2010:  
21          The Hazardous Material Emergency Planning and  
22          Response Advisory Committee.  
23          The Interagency Coordinating Council.  
24          The Port of Pittsburgh Commission.  
25          The State Board of Certified Real Estate Appraisers.  
26          The Advisory Council to State Workmen's Insurance  
27          Board.  
28          The Pennsylvania Liquor Control Board.  
29          The committee established in section 2 of the act of  
30          June 18, 1982 (P.L.549, No.159), entitled "An act

1 providing for the administration of certain Commonwealth  
2 farmland within the Department of Agriculture."

3 The Capitol Preservation Committee.

4 The Fire Safety Advisory Committee.

5 The Pennsylvania Emergency Management Agency.

6 The Health Care Cost Containment Council.

7 The Noxious Weed Control Committee.

8 The State Board of Occupational Therapy Education and  
9 Licensure.

10 The State Board of Optometry.

11 (11) December 31, 2011:

12 The Philadelphia Intergovernmental Cooperation  
13 Authority.

14 The committee established in section 7 of the act of  
15 December 18, 1990 (P.L.748, No.188), known as the Rails  
16 to Trails Act.

17 The State System of Higher Education.

18 The Compliance Advisory Committee.

19 The Constables' Education and Training Board.

20 The Emergency Food Assistance Advisory Committee.

21 The Health Care Policy Board.

22 Low Emissions Vehicle Commission.

23 The Office of Small Business Ombudsman.

24 The Pennsylvania Housing Advisory Committee.

25 The Pennsylvania Quality Leadership Awards Council.

26 The Pennsylvania Quality Leadership Foundation.

27 The Small Water Systems Technical Assistance Center.

28 The Snowmobile Trail Advisory Committee.

29 The Tuition Account Program Bureau.

30 The Tuition Account Program Advisory Board.

1           The Vehicle Emission System Inspection Program  
2           Advisory Committee.

3           The Nutrient Management Advisory Board.

4           The Agriculture Advisory Board.

5           The Community Service Advisory Board.

6           The Governor's Office of Citizen Service (Penn  
7           SERVE).

8           The Advisory Council on Environmental Education.

9       (d) Executive action.--The Governor may not utilize a  
10 reorganization plan, executive order, rule or regulation or  
11 comparable authority to evade the provisions of this act. Any  
12 programs, activities or functions of any agency scheduled for  
13 termination which are transferred to another agency not  
14 scheduled for termination or scheduled for termination at a  
15 later date shall be subject to sunset review at the date  
16 scheduled for the termination of the transferor agency. Any  
17 programs, activities or functions of any agency scheduled for  
18 termination which are transferred to another agency scheduled  
19 for termination at an earlier date shall be subject to sunset  
20 review at the date scheduled for termination of the transferee  
21 agency. However, between the time at which the Legislative  
22 Budget and Finance Committee submits its performance audit to  
23 the standing committee and the standing committee makes its  
24 recommendation to the General Assembly, the Governor may not  
25 utilize a reorganization plan, executive order, rule or  
26 regulation or comparable authority to transfer any programs,  
27 activities or functions of an agency being evaluated.

28       (e) Advisory agencies.--The termination of any agency under  
29 this act shall serve to terminate any advisory agency, whether  
30 created by statute or administrative action, established for the

1 primary purpose of advising or assisting the terminated agency.

2 (f) Windup period.--Agencies terminated shall be given 180  
3 days from the termination date to wind up their affairs. During  
4 that period, the Governor may petition the General Assembly for  
5 a review of the termination, but the agency shall be terminated  
6 unless the General Assembly passes a law to the contrary.

7 (g) Terms of office.--The terms of office of members of an  
8 agency terminated under this act shall end six months from the  
9 termination date. However, these members shall continue to hold  
10 office for the terms set forth in their respective commissions  
11 of office if the agency is reestablished.

12 Section 7. Reestablishment or continuation of agencies.

13 (a) Legislation.--Any agency scheduled for termination under  
14 this act may be reestablished by the General Assembly by  
15 legislation. Each reestablishment as provided in this subsection  
16 shall be by legislation in a separate bill, and the agency shall  
17 be mentioned in the title of the bill. Each reestablishment as  
18 provided in this subsection shall be for a period of ten years  
19 unless otherwise specified in the legislation. At the end of the  
20 period, the agency shall again be subject to evaluation, review  
21 and termination as provided in this act.

22 (b) Resolution for ten-year continuation.--If no legislation  
23 is enacted reestablishing an agency as provided in subsection  
24 (a) by a date two months prior to the termination date, the  
25 President pro tempore of the Senate and the Speaker of the House  
26 of Representatives shall cause to be placed on their respective  
27 calendars for the first legislative day after the date 60 days  
28 prior to the termination date the question, in the form of a  
29 resolution, of whether an agency scheduled for termination shall  
30 be continued. If a majority of the members elected to each house

1 approve such a resolution, the resolution shall be presented to  
2 the Governor in accordance with section 9 of Article III of the  
3 Constitution of Pennsylvania. Upon approval of the resolution in  
4 accordance with section 15 of Article IV of the Constitution of  
5 Pennsylvania, prior to the scheduled termination date, the  
6 agency shall be continued for a period of ten years.

7 (c) Resolution for specific period continuation.--If  
8 resolutions are initiated under subsection (b), the Leadership  
9 Committee may cause to be placed on the respective calendars of  
10 each house a resolution continuing the agency for a definite  
11 period of not more than five years. If a majority of the members  
12 elected to each house approve such a resolution, the resolution  
13 shall be presented to the Governor in accordance with section 9  
14 of Article III of the Constitution of Pennsylvania. Upon  
15 approval prior to the scheduled termination date, the agency  
16 shall be continued for the period specified in the resolution.

17 (d) Priority.--Any statute which terminates or reenacts an  
18 agency shall control over any procedure prescribed by this act  
19 for the continuation or termination of an agency. No statute  
20 shall be deemed to continue an agency beyond a termination date  
21 established for the agency under this act unless the statute  
22 expressly reenacts the agency in its present or altered state.

23 Section 8. Newly created agencies.

24 An agency created after January 1, 1995, shall be scheduled  
25 for termination on December 31 of the tenth year following its  
26 creation unless otherwise specified by the General Assembly by  
27 law.

28 Section 9. Termination procedures.

29 (a) Records and property.--Records and property of an agency  
30 shall be transferred to the department of which it was a part

1 or, if it was an independent agency, to the Department of  
2 General Services for appropriate disposal of property and  
3 retention of records.

4 (b) Funds.--All appropriations to and funds of the agency  
5 not spent or encumbered shall lapse when the existence of the  
6 agency ends. No agency, prior to the date in a fiscal year on  
7 which it is scheduled to be terminated, shall expend in excess  
8 of the proportion of any general appropriation, Federal  
9 augmentation, appropriation or similar appropriation made to the  
10 agency for that fiscal year which is equivalent to the  
11 proportion of the fiscal year that will elapse by the  
12 termination date. However, the agency may utilize a portion of  
13 the unexpended balance of the appropriations to conclude its  
14 affairs.

15 (c) Personnel.--The employment of all personnel of the  
16 terminated agency shall be terminated. This subsection shall not  
17 be construed to prohibit the employees from applying for and  
18 being employed by other agencies or departments to fill job  
19 vacancies.

20 (d) Employment security.--Employees of agencies terminated  
21 under this act who have civil service status or who are covered  
22 by union contracts shall fill any existing vacancies within the  
23 administrative branch of State government in their grade and  
24 position. If there are more employees than vacant positions at  
25 the time of termination, then terminated employees shall receive  
26 employment in the first vacancies that shall thereafter exist in  
27 their grade and position.

28 Section 10. Causes of action; rights of bondholders.

29 (a) General rule.--The provisions of this act shall not  
30 affect any liability incurred or right accrued or vested or

1 affect any suit pending or to be instituted to enforce any right  
2 under the authority of any act or part thereof repealed by the  
3 act of December 22, 1981 (P.L.508, No.142), known as the Sunset  
4 Act, or repealed by this act.

5 (b) Bondholders.--The provisions of this act shall not  
6 affect any rights or duties with respect to bondholders of an  
7 agency scheduled to be terminated.

8 Section 11. Access to records and witnesses.

9 The Legislative Budget and Finance Committee and its  
10 authorized representative shall, for the purpose of examination  
11 and audit authorized by this act, have ready access to persons  
12 and may examine and copy to the extent deemed necessary to its  
13 evaluation and review pertinent records, accounts, papers,  
14 reports, vouchers, correspondence, books and other documentation  
15 of any Commonwealth agency.

16 Section 12. Authority to administer oaths, subpoena witnesses  
17 and records and take depositions.

18 For the purpose of this act, the Legislative Budget and  
19 Finance Committee, with the concurrent resolution of both  
20 houses, shall have the power to compel the attendance of  
21 witnesses and the production of any papers, books, accounts and  
22 documents, to subpoena witnesses, to take testimony under oath,  
23 to cause the deposition of witnesses to be taken in the manner  
24 prescribed by law and to assemble records and documents by  
25 subpoena or otherwise with the same power and authority as  
26 courts of record and may apply to courts of record for the  
27 enforcement of these powers. Any person who willfully neglects  
28 or refuses to comply with any subpoena issued on behalf of the  
29 Legislative Budget and Finance Committee or refuses to testify  
30 to any matters regarding which he may be lawfully interrogated

1 shall be subject to the penalties provided by the laws of this  
2 Commonwealth.

3 Section 13. Interim provision.

4 (a) Performance audits.--For purposes of section 5,  
5 performance audits delivered after October 31, 1994, shall be  
6 valid for agencies scheduled for termination under section  
7 6(c)(1) and (2).

8 (b) Alteration.--In the case of an agency scheduled for  
9 termination on December 31, 1997, the Sunset Leadership  
10 Committee may alter the dates for assignment to a standing  
11 committee, submission of the performance audit by the  
12 Legislative Budget and Finance Committee and of the report on  
13 legislation by the Legislative Reference Bureau, and issuance of  
14 the report of the findings and recommendations of the standing  
15 committee.

16 Section 14. Nonseverability.

17 If any provision of section 7(b) or (c) or its application to  
18 any person or circumstance is held unconstitutional, the  
19 remaining provisions or applications of this act are void.

20 Section 15. Repeals.

21 (a) Absolute.--The following acts and parts of acts are  
22 repealed:

23 Sections 447, 448(k) and 477.1a of the act of April 9, 1929  
24 (P.L.177, No.175), known as The Administrative Code of 1929.

25 Section 5 of the act of July 16, 1941 (P.L.386, No.149),  
26 entitled "An act providing for the establishment, construction,  
27 operation and maintenance of a mountain ridge road or parkway in  
28 the Pocono Mountains through, bordering or accessible to the  
29 counties of Monroe, Northampton, Carbon, Luzerne, Lackawanna,  
30 Wayne and Pike, to be known as the "Pocono Mountain Memorial

1 Parkway"; providing for the creation of the Pennsylvania Parkway  
2 Commission, and conferring powers, and imposing duties on said  
3 commission; authorizing the issuance of parkway revenue bonds of  
4 the Commonwealth, payable solely from tolls, to pay the cost of  
5 such parkway; providing that no debt of the Commonwealth shall  
6 be incurred in the exercise of any of the powers granted by this  
7 act; providing for the collection of tolls for the payment of  
8 such bonds and for the cost of maintenance, operation and repair  
9 of the parkway; making such bonds exempt from taxation;  
10 constituting such bonds legal investments in certain instances;  
11 prescribing conditions upon which such parkway shall become  
12 free; providing for condemnation; granting certain powers and  
13 authority to municipal subdivisions and other agencies of the  
14 Commonwealth to cooperate with the commission; conferring powers  
15 and imposing duties on the Department of Highways and  
16 authorizing the issuance of parkway revenue refunding bonds."

17 Section 7 of the act of December 18, 1980 (P.L.1241, No.224),  
18 known as the Pennsylvania Cancer Control, Prevention and  
19 Research Act.

20 Section 4 of the act of December 20, 1985 (P.L.529, No.119),  
21 entitled "An act amending the act of April 14, 1972 (P.L.221,  
22 No.63), entitled 'An act establishing the Pennsylvania Advisory  
23 Council on Drug and Alcohol Abuse; imposing duties on the  
24 Department of Health to develop and coordinate the  
25 implementation of a comprehensive health, education and  
26 rehabilitation program for the prevention and treatment of drug  
27 and alcohol abuse and drug and alcohol dependence; providing for  
28 emergency medical treatment; providing for treatment and  
29 rehabilitation alternatives to the criminal process for drug and  
30 alcohol dependence; and making repeals,' further providing for

1 powers and duties of the department and the council; and  
2 reestablishing and continuing the council."

3 Section 12 of the act of May 15, 1986 (P.L.186, No.58),  
4 entitled "An act amending the act of June 6, 1980 (P.L.197,  
5 No.57), entitled 'An act regulating the licensure and practice  
6 of optometry, making repeals and providing penalties,'  
7 reestablishing the State Board of Optometrical Examiners as the  
8 State Board of Optometry; providing for its composition, powers  
9 and duties; further providing for renewal, revocation and  
10 suspension of licenses; providing for fees; and making repeals."

11 Section 15 of the act of July 10, 1986 (P.L.1238, No.114),  
12 entitled "An act amending Title 66 (Public Utilities) of the  
13 Pennsylvania Consolidated Statutes, further providing for the  
14 appointment, terms, compensation and qualifications of and  
15 restrictions on commissioners; providing for a director of  
16 operations, the Office of Trial Staff, the Office of Special  
17 Assistants and the Director of Operations and their powers and  
18 duties; further providing for procedures, reports, budget  
19 requests and audits and for rate increase requests; providing  
20 for management efficiency investigators and for fuel purchase  
21 audits; limiting recovery of certain employee meeting expenses;  
22 making provisions relating to the sale of electric generating  
23 units; providing for the regulation of excess capacity costs and  
24 new electric generating units; restricting rate setting  
25 procedures of telephone companies; requiring that certain data  
26 be supplied by electric utilities; further regulating the  
27 recovery of advertising expenses and the recovery of club dues;  
28 authorizing the commission to order conservation and load  
29 management; regulating coin telephone service; and  
30 reestablishing the Pennsylvania Public Utility Commission."

1       Section 7 of the act of December 16, 1986 (P.L.1621, No.184),  
2   entitled "An act establishing and imposing powers and duties on  
3   the Office for the Deaf and Hearing Impaired in the Department  
4   of Labor and Industry; and establishing and providing powers and  
5   duties for the Advisory Council for the Deaf and Hearing  
6   Impaired in the Department of Labor and Industry."

7       The second sentence of section 143 of the act of June 29,  
8   1987 (P.L.32, No.14), entitled "An act reenacting and amending  
9   the act of April 12, 1951 (P.L.90, No.21), entitled 'An act  
10   relating to alcoholic liquors, alcohol and malt and brewed  
11   beverages; amending, revising, consolidating and changing the  
12   laws relating thereto; regulating and restricting the  
13   manufacture, purchase, sale, possession, consumption,  
14   importation, transportation, furnishing, holding in bond,  
15   holding in storage, traffic in and use of alcoholic liquors,  
16   alcohol and malt and brewed beverages and the persons engaged or  
17   employed therein; defining the powers and duties of the  
18   Pennsylvania Liquor Control Board; providing for the  
19   establishment and operation of State liquor stores, for the  
20   payment of certain license fees to the respective municipalities  
21   and townships, for the abatement of certain nuisances and, in  
22   certain cases, for search and seizure without warrant;  
23   prescribing penalties and forfeitures; providing for local  
24   option, and repealing existing laws,' providing for the  
25   reestablishment, powers and duties of the board; providing  
26   ethical standards for the board and its members and employees;  
27   establishing administrative officers and units for the  
28   administration and enforcement of the act; providing for the  
29   powers and duties of the Auditor General, State Treasurer,  
30   Attorney General and Pennsylvania State Police; regulating

1 advertising; further providing for licenses, for brand  
2 registration, for penalties, for funding and for disposition of  
3 moneys; and transferring personnel, property and  
4 appropriations."

5 As much as reads ", for a period of five years" in section 11  
6 of the act of July 13, 1988 (P.L.501, No.87), entitled "An act  
7 amending Title 35 (Health and Safety) of the Pennsylvania  
8 Consolidated Statutes, authorizing the Governor to utilize  
9 public or quasi-public property; changing the organization of  
10 the council; expanding powers and duties; ratifying  
11 reorganization structure; further regulating authority of  
12 political subdivisions; expanding compensation for injuries;  
13 creating the office of Pennsylvania State Fire Commissioner;  
14 providing for the Pennsylvania State Fire Academy and the  
15 Pennsylvania Volunteer Loan Assistance Program; and  
16 reestablishing the Pennsylvania Emergency Management Agency."

17 Section 4(b) of the act of December 15, 1988 (P.L.1244,  
18 No.153), entitled "An act amending the act of April 9, 1929  
19 (P.L.177, No.175), entitled 'An act providing for and  
20 reorganizing the conduct of the executive and administrative  
21 work of the Commonwealth by the Executive Department thereof and  
22 the administrative departments, boards, commissions, and  
23 officers thereof, including the boards of trustees of State  
24 Normal Schools, or Teachers Colleges; abolishing, creating,  
25 reorganizing or authorizing the reorganization of certain  
26 administrative departments, boards, and commissions; defining  
27 the powers and duties of the Governor and other executive and  
28 administrative officers, and of the several administrative  
29 departments, boards, commissions, and officers; fixing the  
30 salaries of the Governor, Lieutenant Governor, and certain other

1 executive and administrative officers; providing for the  
2 appointment of certain administrative officers, and of all  
3 deputies and other assistants and employees in certain  
4 departments, boards, and commissions; and prescribing the manner  
5 in which the number and compensation of the deputies and all  
6 other assistants and employees of certain departments, boards  
7 and commissions shall be determined,' further providing for the  
8 Department of Aging, for the Pennsylvania Council on Aging and  
9 for services and programs for older citizens; reestablishing the  
10 Department of Aging; and further providing for the status of  
11 nonprofit corporations which lease facilities to the  
12 Commonwealth."

13 Section 3104 of the act of December 2, 1992 (P.L.741,  
14 No.113), known as the Children's Health Care Act, absolutely.

15 Section 10 of the act of December 14, 1992 (P.L.810, No.130),  
16 known as the Pennsylvania Export Partnership Act.

17 51 Pa.C.S. § 1906.

18 (b) Other.--The following acts and parts of acts are  
19 repealed to the extent specified:

20 Section 14 of the act of July 13, 1987 (P.L.348, No.67),  
21 known as the Vietnam Veterans Health Initiative Act, insofar as  
22 it applies to the Vietnam Veterans Health Initiative Commission.

23 (c) General.--All other acts and parts of acts are repealed  
24 insofar as they are inconsistent with this act.

25 Section 16. Savings provision.

26 The repeal of statutory provisions under section 15(b)(2)  
27 shall not effect the validity of transfers of functions from  
28 agencies established by the repealed provisions.

29 Section 17. Retroactivity.

30 (a) General.--Section 15(b)(1) shall be retroactive to

1 December 22, 1991.

2 (b) Specific.--The following provisions shall be retroactive  
3 to the dates specified:

4 (1) Section 15(b)(2)(i), to December 31, 1988.

5 (2) Section 15(b)(2)(ii), to June 30, 1986.

6 (3) Section 15(b)(2)(iii), to December 31, 1987.

7 Section 18. Expiration.

8 This act shall expire ten years from the effective date of  
9 this act.

10 Section 19. Effective date.

11 This act shall take effect immediately.