

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1204 Session of
1979

INTRODUCED BY CIMINI, MAY 2, 1979

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 2, 1979

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.

7 This act shall be known and may be cited as the "Agency
8 Review Act."

9 Section 2. Definition.

10 The following word when used in this act shall have the
11 meaning given to it in this section:

12 "Agency." Any unit of State Government which is created by
13 statute and is not a department or board of trustees.

14 Section 3. The Legislative Budget and Finance Committee.

15 (a) The Legislative Budget and Finance Committee, created by
16 the act of August 4, 1959 (P.L.587, No.195), entitled, as
17 amended, "An act creating and establishing the Legislative
18 Budget and Finance Committee; providing for its membership;
19 prescribing its powers, functions and duties; providing for the

1 appointment of an executive director and other personnel, and
2 making an appropriation," shall implement the provisions of this
3 act.

4 (b) Each fiscal year, the committee shall review and
5 evaluate each agency scheduled for expiration that year.

6 (c) The committee shall consider the following factors in
7 determining whether an agency should be reestablished:

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

11 (2) the extent to which the agency and the individuals
12 which it regulates have complied with affirmative action
13 requirements of State and Federal law;

14 (3) the efficiency of the agency;

15 (4) the extent to which the agency has recommended
16 statutory changes to the General Assembly which would benefit
17 the public as opposed to the persons it regulates;

18 (5) the extent to which the agency has required the
19 persons it regulates to report to it concerning the impact of
20 rules and decisions of the agency on the public regarding
21 improved service, economy of service and availability of
22 service;

23 (6) the extent to which persons regulated by the agency
24 have been required to assess problems in their industry which
25 affect the public;

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

29 (8) the extent to which the agency has operated in the
30 public interest, and the extent to which its operation has

1 been impeded or enhanced by existing statutes or any other
2 circumstances, including budgetary, resource and personnel
3 matters;

4 (9) the efficiency with which formal public complaints
5 filed with the agency concerning persons subject to
6 regulation have been processed to completion by the agency,
7 by the Department of Justice, or by any other applicable
8 department or agency;

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

13 (11) the extent to which changes are necessary in the
14 enabling laws of the agency to adequately comply with the
15 factors listed in this section;

16 (12) the extent to which the objectives of the agency
17 have been achieved in comparison with the objectives
18 initially set forth for the agency;

19 (13) the impact of the agency's activities on the
20 economy of the Commonwealth; and

21 (14) the cost of the agency compared with the public
22 benefit it renders.

23 (d) The committee shall submit a report of each review to
24 each member of the General Assembly. In this report the
25 committee shall recommend whether the agency undergoing review
26 should be reestablished.

27 (e) The committee may request, and the departments and
28 agencies of the Commonwealth shall provide such information as
29 the committee deems pertinent to the execution of its function.

30 Section 4. Schedule for review and expiration of agencies.

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

10 Section 5. Public hearings.

11 The Legislative Budget and Finance Committee shall conduct
12 public hearings, receiving testimony from the public and the
13 agencies involved, at which each agency shall have the burden of
14 proving the public need for its continued existence. A report of
15 each hearing shall be included in the report submitted to the
16 General Assembly.

17 Section 6. Limited continuation after expiration.

18 Upon expiration, every agency shall continue in existence
19 until the end of the next fiscal year for the purpose of winding
20 up its affairs.

21 Section 7. Terms of office of appointees to agencies.

22 The terms of office of appointees to agencies shall expire
23 with the expiration of their respective agencies, but the terms
24 of appointees who were appointed before expiration to terms
25 which would run beyond the expiration of the agency but for this
26 section shall not expire if the agency is reestablished.

27 Section 8. Causes of action.

28 This act shall not cause the dismissal of any claim or right
29 of a citizen against any agency or any claim or right of an
30 agency expiring under this act which is subject to litigation.

1 Section 12. Effective date.

2 This act shall take effect immediately.