

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 128

Session of  
1983INTRODUCED BY BELL, MOORE, LOEPER, BODACK AND PECORA,  
JANUARY 28, 1983

AS AMENDED ON SECOND CONSIDERATION, FEBRUARY 23, 1983

## AN ACT

1 Amending the act of July 9, 1976 (P.L.903, No.161), entitled "An  
2 act amending the act of April 9, 1929 (P.L.177, No.175),  
3 entitled 'An act providing for and reorganizing the conduct  
4 of the executive and administrative work of the Commonwealth  
5 by the Executive Department thereof and the administrative  
6 departments, boards, commissions, and officers thereof,  
7 including the boards of trustees of State Normal Schools, or  
8 Teachers Colleges; abolishing, creating, reorganizing or  
9 authorizing the reorganization of certain administrative  
10 departments, boards, and commissions; defining the powers and  
11 duties of the Governor and other executive and administrative  
12 officers, and of the several administrative departments,  
13 boards, commissions, and officers; fixing the salaries of the  
14 Governor, Lieutenant Governor, and certain other executive  
15 and administrative officers; providing for the appointment of  
16 certain administrative officers, and of all deputies and  
17 other assistants and employes in certain departments, boards,  
18 and commissions; and prescribing the manner in which the  
19 number and compensation of the deputies and all other  
20 assistants and employes of certain departments, boards and  
21 commissions shall be determined,' providing for the office of  
22 Consumer Advocate in the Department of Justice for a limited  
23 period; and imposing powers and duties; and making an  
24 appropriation," extending the time for the management of the  
25 office of Consumer Advocate; establishing different budget  
26 procedures; and making a repeal.

27 The General Assembly of the Commonwealth of Pennsylvania  
28 hereby enacts as follows:

29 Section 1. The act of July 9, 1976 (P.L.903, No.161),

1 entitled "An act amending the act of April 9, 1929 (P.L.177,  
2 No.175), entitled 'An act providing for and reorganizing the  
3 conduct of the executive and administrative work of the  
4 Commonwealth by the Executive Department thereof and the  
5 administrative departments, boards, commissions, and officers  
6 thereof, including the boards of trustees of State Normal  
7 Schools, or Teachers Colleges; abolishing, creating,  
8 reorganizing or authorizing the reorganization of certain  
9 administrative departments, boards, and commissions; defining  
10 the powers and duties of the Governor and other executive and  
11 administrative officers, and of the several administrative  
12 departments, boards, commissions, and officers; fixing the  
13 salaries of the Governor, Lieutenant Governor, and certain other  
14 executive and administrative officers; providing for the  
15 appointment of certain administrative officers, and of all  
16 deputies and other assistants and employees in certain  
17 departments, boards, and commissions; and prescribing the manner  
18 in which the number and compensation of the deputies and all  
19 other assistants and employees of certain departments, boards and  
20 commissions shall be determined,' providing for the office of  
21 Consumer Advocate in the Department of Justice for a limited  
22 period; and imposing powers and duties; and making an  
23 appropriation," is amended by adding a section to read:

24 Section 3.1. Before ~~January 15~~ NOVEMBER 1 of each year, the <—  
25 Consumer Advocate shall estimate the total expenditures for the  
26 Office of Consumer Advocate and submit the estimate to the  
27 Governor in accordance with section 610. At the same time the  
28 Consumer Advocate submits his estimate to the Governor, the  
29 Consumer Advocate shall also submit that estimate to the General  
30 Assembly. Such estimate shall not exceed five one hundredths of

1 one percent (.05%) of the total gross intrastate operating  
2 revenues of the public utilities under the jurisdiction of the  
3 Public Utility Commission for the preceding calendar year. The  
4 Consumer Advocate or his designated representatives shall be  
5 afforded an opportunity to appear before the Governor and the  
6 Senate and House Appropriations Committees regarding his  
7 estimate. If the General Assembly fails to approve the Consumer  
8 Advocate's budget for the purposes of this section, by March 30,  
9 the Public Utility Commission shall assess public utilities on  
10 the basis of the last approved allocation. At such time as the  
11 General Assembly approves the proposed budget, the Consumer  
12 Advocate and the commission shall make an adjustment in the  
13 assessments to reflect the approved budget. The Consumer  
14 Advocate shall subtract from the budget finally approved by the  
15 General Assembly any balance of the appropriation to be carried  
16 over into such fiscal year from the preceding one.

17 Section 2. Section 4 of the act, amended October 4, 1978  
18 (P.L.1016, No.222), is amended to read:

19 Section 4. This act shall take effect July 1, 1976 and shall  
20 expire [June 30, {1984}] DECEMBER 31, 1989 unless the General <—  
21 Assembly extends its existence [prior to April 1, {1983}] 1988. <—  
22 THE OFFICE OF CONSUMER ADVOCATE, TOGETHER WITH ITS STATUTORY <—  
23 FUNCTIONS AND DUTIES, SHALL TERMINATE AND GO OUT OF EXISTENCE ON  
24 DECEMBER 31, 1989, UNLESS REESTABLISHED OR CONTINUED BY THE  
25 GENERAL ASSEMBLY. EVALUATION AND REVIEW, TERMINATION,  
26 REESTABLISHMENT AND CONTINUATION OF THE AGENCY SHALL BE  
27 CONDUCTED PURSUANT TO THE PROVISIONS OF THE ACT OF DECEMBER 22,  
28 1981 (P.L.508, NO.142), KNOWN AS THE "SUNSET ACT."

29 Section 3. Section 904-A.1(a) of the act of April 9, 1929  
30 (P.L.177, No.175), known as The Administrative Code of 1929, is

1 repealed.

2 SECTION 4. THE BUDGETARY PROCEDURES OF SECTION 3.1 SHALL  
3 APPLY TO THE BUDGET OF THE OFFICE OF CONSUMER ADVOCATE FOR  
4 FISCAL YEAR 1984-1985 AND THEREAFTER.

5 Section 4 5. This act shall take effect immediately.

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