

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1491 Session of
1991

INTRODUCED BY MUNDY, LLOYD, O'DONNELL, DeWEESE, FAJT, BLAUM AND
CARONE, MAY 29, 1991

SENATOR LEMMOND, STATE GOVERNMENT, IN SENATE, AS AMENDED,
NOVEMBER 17, 1992

AN ACT

1 ~~Amending the act of December 22, 1981 (P.L.508, No.142),~~ <—
2 ~~entitled "An act requiring the termination of certain~~
3 ~~agencies of State Government under certain circumstances,~~
4 ~~creating a Leadership Committee with certain powers and~~
5 ~~duties and imposing powers and duties upon the Legislative~~
6 ~~Budget and Finance Committee," further providing for powers~~
7 ~~and duties of the Leadership Committee, for evaluation of~~
8 ~~agencies, for termination of agencies, for continuation of~~
9 ~~agencies, for newly established agencies, and for~~
10 ~~termination.~~

11 PROVIDING FOR EVALUATION, TERMINATION AND CONTINUATION OF STATE <—
12 AGENCIES; ESTABLISHING THE SUNSET LEADERSHIP COMMITTEE AND
13 PROVIDING FOR ITS POWERS AND DUTIES; AND MAKING REPEALS.

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12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 ~~Section 1. Sections 4 and 5 of the act of December 22, 1981~~ <—
15 ~~(P.L.508, No.142), known as the Sunset Act, amended December 16,~~
16 ~~1982 (P.L.1355, No.310), are amended to read:~~

17 ~~Section 4. Powers and duties of the Leadership Committee.~~

18 ~~The committee shall have the power and its duty shall be:~~

19 ~~(1) To direct and coordinate the implementation of the~~
20 ~~sunset review procedure.~~

21 ~~(2) To assign the responsibility for the review and~~
22 ~~evaluation of each agency scheduled for such review and~~
23 ~~evaluation under the provisions of this act to an appropriate~~
24 ~~standing committee of the Senate or the House of~~
25 ~~Representatives or to appropriate standing committees of both~~
26 ~~Houses who shall operate jointly to review and evaluate the~~
27 ~~agency, if such joint operation is authorized by the rules of~~
28 ~~the House and Senate. The assignments for review and~~
29 ~~evaluation shall be made in January of the year in which the~~
30 ~~agency is scheduled to be terminated. If any committee which~~

1 ~~has been assigned an agency for review and evaluation fails~~
2 ~~to complete its duties within a reasonable period of time as~~
3 ~~determined by the Leadership Committee, it shall be~~
4 ~~discharged from further review or consideration of the~~
5 ~~agency. The Leadership Committee shall then reassign the~~
6 ~~agency to another committee for review and evaluation~~
7 ~~pursuant to this act.~~

8 ~~(3) To assign tasks to the Legislative Budget and~~
9 ~~Finance Committee for the purpose of conducting performance~~
10 ~~audits. Such tasks shall receive priority from the~~
11 ~~Legislative Budget and Finance Committee. The Leadership~~
12 ~~Committee may waive, by majority vote, the requirement that~~
13 ~~the performance audit be completed in accordance with United~~
14 ~~States General Accounting Office standards as described in~~
15 ~~section 2 under the following circumstances:~~

16 ~~(i) the agency has not held any meetings or~~
17 ~~considered any cases for a period of three years or more;~~
18 ~~or~~

19 ~~(ii) the agency has a budget of less than \$100,000~~
20 ~~annually unless the agency is a departmental board or~~
21 ~~commission within the Bureau of Professional and~~
22 ~~Occupational Affairs, Department of State.~~

23 ~~In the event that the United States General Accounting Office~~
24 ~~standards are waived, the Leadership Committee shall direct~~
25 ~~the Legislative Budget and Finance Committee to complete a~~
26 ~~summary audit in lieu of the performance audit, and specify~~
27 ~~the scope of such audit by September 1 of the year prior to~~
28 ~~the agency's termination.~~

29 ~~[(4) To authorize, if necessary, a postponement of the~~
30 ~~review or termination of an agency for a period not exceeding~~

1 ~~one year.}~~

2 ~~Section 5. Evaluation and review.~~

3 ~~{(a) The standing committee designated by the Leadership~~
4 ~~Committee shall develop a plan for the evaluation and review of~~
5 ~~an agency in conjunction with the Legislative Budget and Finance~~
6 ~~Committee and representatives of the agency being evaluated.}~~

7 ~~(b) The standing committee shall hold at least one public~~
8 ~~hearing for each evaluation and review of an agency. At the~~
9 ~~hearing, the highest ranking officer of the agency or an~~
10 ~~individual appointed by him shall bear the burden to testify~~
11 ~~concerning the need for continued existence of the agency. The~~
12 ~~committee shall receive other testimony at the public hearing as~~
13 ~~it shall deem appropriate.~~

14 ~~(c) The standing committee shall elicit information in each~~
15 ~~evaluation and review of an agency from the Office of the~~
16 ~~Auditor General and the Offices of Budget and Administration as~~
17 ~~to the financial efficiency of the agency being reviewed. The~~
18 ~~committee may request and the agency, subject to termination~~
19 ~~shall provide such information as the committee deems pertinent~~
20 ~~to its evaluation and review.~~

21 ~~(d) The standing committee shall make a determination in~~
22 ~~each evaluation and review as to whether the agency shall be~~
23 ~~continued, altered or terminated. The committee shall base its~~
24 ~~determination on the following criteria:~~

25 ~~(1) whether termination would significantly harm or~~
26 ~~endanger the public health, safety or welfare;~~

27 ~~(2) whether there is overlap or duplication of effort by~~
28 ~~other agencies that permit the termination of the agency;~~

29 ~~(3) whether there is a more economical way of~~
30 ~~accomplishing the objectives of the agency;~~

~~(4) whether there is a demonstrated need, based on service to the public, for the continuing existence of the agency;~~

~~(5) whether the operation of the agency has been in the public interest;~~

~~(6) whether the agency has encouraged public participation in the making of its rules and decisions or whether the agency has permitted participation solely by the persons it regulates;~~

~~(7) whether there is an alternate, less restrictive method of providing the same services to the public; and~~

~~(8) such other criteria as may be established by the standing committees.~~

~~(c) Such standing committees shall draft a report concerning each evaluation and review, stating in that report their findings, their determination as to whether the agency should be continued, altered or terminated, and the reasons for such a determination together with a draft of appropriate legislation to implement the committees' recommendations. The report shall be available for public inspection in the Office of the Secretary of the Senate and of the Chief Clerk of the House of Representatives. The report shall be made to the General Assembly on or before the first session day of September of the year in which the agency in question is scheduled for termination. Once the report is received by each House, the appropriate legislation shall be introduced and referred to a standing committee, in keeping with the rules of each House and be acted on accordingly.~~

~~(f) On or before March 1 of the year in which the agency in question is scheduled for termination, the standing committees~~

1 ~~designated by the Leadership Committee as responsible for the~~
2 ~~evaluation and review of the agency shall receive:~~

3 ~~(1) from the Legislative Budget and Finance Committee, a~~
4 ~~performance audit or summary audit; and~~

5 ~~(2) from the Legislative Reference Bureau, a report~~
6 ~~outlining all legislation, then in effect, pertaining to the~~
7 ~~creation, operation, duties, powers and funding of the~~
8 ~~agency.~~

9 ~~Section 2. Section 6 of the act, amended December 16, 1982~~
10 ~~(P.L.1355, No.310) and repealed in part December 15, 1986~~
11 ~~(P.L.1585, No.174), is amended to read:~~

12 ~~Section 6. Termination of agencies.~~

13 ~~{(a) The following agencies together with their~~
14 ~~corresponding statutory functions and duties shall terminate all~~
15 ~~activities and shall go out of existence on December 31, 1983:~~

16 ~~The State Board of Examiners of Public Accountants.~~

17 ~~The State Farm Products Show Commission.~~

18 ~~The State Board of Examiners of Architects.~~

19 ~~The Milk Marketing Board.~~

20 ~~The State Board of Auctioneer Examiners.~~

21 ~~The Pennsylvania Labor Relations Board.~~

22 ~~The State Board of Barber Examiners.~~

23 ~~The Pennsylvania Securities Commission.~~

24 ~~The State Board of Cosmetology.~~

25 ~~The State Board of Funeral Directors.~~

26 ~~The State Real Estate Commission.~~

27 ~~The State Registration Board for Professional Engineers.~~

28 ~~The State Board of Landscape Architects.~~

29 ~~The State Board of Motor Vehicle Manufacturers, Dealers and~~
30 ~~Salesmen.~~

~~The State Board of Private Trade Schools.~~

~~The State Workmen's Insurance Board.~~

~~The Citizens Advisory Council (DER).~~

~~The Environmental Quality Board.~~

~~The Savings Association Board.~~

~~The Hazardous Substance Transportation Board.~~

~~The Crime Victim's Compensation Board.~~

~~(b) The following agencies together with their corresponding
statutory functions and duties shall terminate all activities
and shall go out of existence on December 31, 1985:~~

~~The Pennsylvania Liquor Control Board.~~

~~The State Board of Chiropractic Examiners.~~

~~The Pennsylvania Public Utility Commission.~~

~~The State Board of Medical Education and Licensure.~~

~~The Governor's Council on Drug and Alcohol Abuse.~~

~~The State Board of Nurse Examiners.~~

~~The Pennsylvania Drug, Device and Cosmetic Board.~~

~~The State Board of Examiners of Nursing Home Administrators.~~

~~The State Board of Optometrical Examiners.~~

~~The State Transportation Commission.~~

~~The State Board of Osteopathic Medical Examiners.~~

~~The State Soil Conservation Commission.~~

~~The State Board of Pharmacy.~~

~~The State Board of Podiatry Examiners.~~

~~The Pennsylvania Board of Psychologist Examiners.~~

~~The Commission on Charitable Organizations.~~

~~The State Board of Veterinary Medical Examiners.~~

~~The State Board of Public Welfare.~~

~~The State Board of Physical Therapy Examiners.~~

~~The Pennsylvania Housing Finance Agency.~~

~~The State Harness Racing Commission.~~

~~The State Horse Racing Commission.~~

~~The Pennsylvania Commission on Sentencing.~~

~~The Pennsylvania Board of Probation and Parole.~~

~~The Pennsylvania Crime Commission.~~

~~The Pennsylvania Human Relations Commission.~~

~~The State Dental Council and Examining Board.~~

~~The Pennsylvania Commission on Crime and Delinquency.~~

~~(c) The following agencies together with their corresponding
statutory functions and duties shall terminate all activities
and shall go out of existence on December 31, 1987:~~

~~The State Board of Private Academic Schools.~~

~~The State Board of Education.~~

~~The State Civil Service Commission.~~

~~The Board of State College and University Directors.~~

~~The Industrial Board.~~

~~The State Board for Certification of Sewage Treatment Plant
and Waterworks Operators.~~

~~The State Athletic Commission.~~

~~The State Board of Vocational Rehabilitation.~~

~~The Pennsylvania Industrial Development Authority.~~

~~Certification Board for Sewage Enforcement Officers.~~

~~The Pennsylvania Minority Business Development Authority.~~

~~The Professional Standards and Practices Commission.~~

~~The State Veterans Commission.~~

~~The State Ethics Commission.~~

~~The Pennsylvania Historical and Museum Commission.~~

~~The State Art Commission.~~

~~The State Planning Board.~~

~~The Pennsylvania Turnpike Commission.~~

~~The Pennsylvania Parkway Commission.~~

~~The Municipal Police Officer's Education and Training
Commission.~~

~~The Pennsylvania Emergency Management Agency.~~

~~The State Lottery Commission.~~

~~The Department of Aging.}~~

~~(a) Termination dates for agencies shall be as set forth in
this section.~~

~~(b) This section shall apply only to agencies in existence
as of January 1, 1991.~~

~~(c) The following agencies, together with their
corresponding statutory functions and duties, shall terminate
all activities and shall go out of existence on the dates
specified:~~

~~(1) December 31, 1991, unless reestablished during
calendar year 1991:~~

~~The Crime Victim's Compensation Board.~~

~~The Advisory Council for the Deaf and Hearing
Impaired.~~

~~The Pennsylvania Advisory Council on Drug and Alcohol
Abuse.~~

~~The Pennsylvania Human Relations Commission.~~

~~The Municipal Pension Advisory Committee.~~

~~The State Board of Optometry.~~

~~The Public Employee Retirement Study Commission.~~

~~The Pennsylvania Public Utility Commission.~~

~~(2) June 30, 1992:~~

~~The Pennsylvania Cancer Control, Prevention and
Research Advisory Board.~~

~~The Pennsylvania Liquor Control Board.~~

~~The Bureau of Liquor Control Enforcement.~~

~~The Pennsylvania Veterans' Memorial Commission.~~

~~(3) December 31, 1992:~~

~~The committee established in section 2 of the act of June 18, 1982 (P.L.549, No.159), entitled "An act providing for the administration of certain Commonwealth farmland within the Department of Agriculture."~~

~~The Capitol Preservation Committee.~~

~~The Pennsylvania Emergency Management Agency.~~

~~The Health Care Cost Containment Council.~~

~~The Board of Governors of the State System of Higher Education.~~

~~The Noxious Weed Control Committee.~~

~~The State Board of Occupational Therapy Education and Licensure.~~

~~(4) June 30, 1993:~~

~~The Vietnam Veterans Health Initiative Commission.~~

~~(5) December 31, 1993:~~

~~The State Board of Accountancy.~~

~~The Architects Licensure Board.~~

~~The State Board of Auctioneer Examiners.~~

~~The State Board of Barber Examiners.~~

~~The Citizens Advisory Council.~~

~~The State Board of Cosmetology.~~

~~The Dog Law Advisory Board.~~

~~The Energy Development Authority.~~

~~The Environmental Quality Board.~~

~~The State Farm Products Show Commission.~~

~~The State Board of Funeral Directors.~~

~~The State System of Higher Education.~~

~~The Independent Regulatory Review Commission.~~
~~The Pennsylvania Labor Relations Board.~~
~~The State Board of Landscape Architects.~~
~~The Milk Marketing Board.~~
~~The Municipal Employee Pension Advisory Committee.~~
~~The Pharmaceutical Assistance Review Board.~~
~~The Professional Engineers and Professional Land
Surveyors, State Registration Board.~~
~~The Rail Freight Advisory Committee.~~
~~The State Real Estate Commission.~~
~~The Pennsylvania Securities Commission.~~
~~The Office of Small Business Advocate.~~
~~The State Board of Vehicle Manufacturers, Dealers and
Salespersons.~~
~~The Wild Resource Conservation Board.~~
~~The State Workmen's Insurance Board.~~
~~(6) June 30, 1994:~~
~~The Pennsylvania Conservation Corps.~~
~~(7) December 31, 1994:~~
~~The Agricultural Development Advisory Committee.~~
~~The Athletic Trainer Advisory Committee.~~
~~The Department of Corrections.~~
~~The Deputy Sheriffs' Education and Training Board.~~
~~The Hazardous Materials Transportation Advisory
Committee.~~
~~The Milrite Council.~~
~~The Mining and Reclamation Advisory Board.~~
~~The Professional Standards and Practices Commission.~~
~~The Pennsylvania Academic Commission on Technological
Development.~~

~~(8) December 31, 1995:~~

~~The Apparel Industry Loan Board.~~

~~The State Board of Chiropractic.~~

~~The State Conservation Commission.~~

~~The Pennsylvania Commission on Crime and Delinquency.~~

~~The Pennsylvania Crime Commission.~~

~~The State Board of Dentistry.~~

~~The Pennsylvania Drug, Device and Cosmetic Board.~~

~~The Board of Directors of the Pennsylvania Emergency
Health Services Council.~~

~~The State Harness Racing Commission.~~

~~The State Horse Racing Commission.~~

~~The Pennsylvania Housing Finance Agency.~~

~~The State Board of Medicine.~~

~~The State Board of Examiners of Nursing Home
Administrators.~~

~~The State Board of Nursing.~~

~~The Oil and Gas Technical Advisory Board.~~

~~The State Board of Osteopathic Medicine.~~

~~The State Board of Pharmacy.~~

~~The State Board of Physical Therapy.~~

~~The State Board of Podiatry.~~

~~The Pennsylvania Board of Probation and Parole.~~

~~The State Board of Psychology.~~

~~The Pennsylvania Commission on Sentencing.~~

~~The State Board of Examiners in Speech Language and
Hearing.~~

~~The State Transportation Commission.~~

~~The Pennsylvania Trauma Systems Foundation.~~

~~The State Unemployment Compensation Advisory Council.~~

~~The State Board of Veterinary Medicine.~~

~~(9) December 31, 1996:~~

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

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

~~The Bureau of Charitable Organizations.~~

~~The Pennsylvania Convention Center Authority.~~

~~The Private Prison Task Force.~~

~~The Statewide Weatherization and Energy Conservation Policy Council.~~

~~(10) December 31, 1997:~~

~~The Department of Aging.~~

~~The State Athletic Commission.~~

~~The Committee of Blind Vendors.~~

~~The State Civil Service Commission.~~

~~The Office for the Deaf and Hearing Impaired.~~

~~The Pennsylvania Economic Development Financing Authority.~~

~~The State Board of Education.~~

~~The Pennsylvania Historical and Museum Commission.~~

~~The Brandywine Battlefield Park Commission.~~

~~The Washington Crossing Park Commission.~~

~~The Historic Preservation Board.~~

~~The Industrial Board.~~

~~The Pennsylvania Industrial Development Authority.~~

~~The Pennsylvania Minority Business Development Authority.~~

1 ~~The Municipal Police Officers' Education and Training~~
2 ~~Commission.~~

3 ~~The State Planning Board.~~

4 ~~The State Board of Private Academic Schools.~~

5 ~~The State Board of Private Licensed Schools.~~

6 ~~The Center for Rural Pennsylvania.~~

7 ~~The State Board for Certification of Sewage~~
8 ~~Enforcement Officers.~~

9 ~~The State Board for Certification of Sewage Treatment~~
10 ~~Plant and Waterworks Operators.~~

11 ~~The State Board of Social Work Examiners.~~

12 ~~The Pennsylvania Turnpike Commission.~~

13 ~~The State Veterans' Commission.~~

14 ~~The State Board of Vocational Rehabilitation.~~

15 ~~(11) December 31, 1998:~~

16 ~~The Children's Trust Fund Board.~~

17 ~~The Coroners' Education Board.~~

18 ~~The Fire Safety Advisory Committee.~~

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 ~~(12) December 31, 1999:~~

~~The State Agricultural Land Preservation Board.~~

~~The Animal Health and Diagnostic Commission.~~

~~The Board of the Ben Franklin Partnership Fund.~~

~~The Office of Consumer Advocate.~~

~~The Environmental Hearing Board.~~

~~The Environmental Hearing Board Rules Committee.~~

~~The State Ethics Commission.~~

~~The Philadelphia Regional Port Authority.~~

~~The Storage Tank Advisory Committee.~~

~~The Underground Storage Tank Indemnification Board.~~

~~(13) December 31, 2000:~~

~~The Hazardous Material Emergency Planning and
Response Advisory Committee.~~

~~The Interagency Coordinating Council.~~

~~The Port of Pittsburgh Commission.~~

~~The State Board of Certified Real Estate Appraisers.~~

~~The Advisory Council to State Workmen's Insurance
Board.~~

~~(14) December 31, 2001:~~

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

~~(d) The Governor shall not utilize a reorganization plan,
executive order, rule or regulation or comparable authority to
evade the provisions of this act. Any programs, activities or
functions of any agency, scheduled for termination, which are
transferred to another agency not scheduled for termination or
scheduled for termination at a later date, shall be subject to
sunset review at the date scheduled for the termination of the
transferor agency. Any programs, activities or functions, of any~~

1 ~~agency scheduled for termination which are transferred to~~
2 ~~another agency scheduled for termination at an earlier date,~~
3 ~~shall be subject to sunset review at the date scheduled for~~
4 ~~termination of the transferee agency. However, between the time~~
5 ~~at which the Legislative Budget and Finance Committee submits~~
6 ~~its performance audit to the standing committee and the standing~~
7 ~~committee makes its recommendation to the General Assembly, the~~
8 ~~Governor shall not utilize a reorganization plan, executive~~
9 ~~order, rule or regulation or comparable authority to transfer~~
10 ~~any programs, activities or functions of an agency being~~
11 ~~evaluated.~~

12 ~~(c) The termination of any agency under this act shall serve~~
13 ~~to terminate any advisory agency, whether created by statute or~~
14 ~~administrative action, established for the primary purpose of~~
15 ~~advising or assisting the terminated agency.~~

16 ~~(f) Agencies terminated shall be given [until June 30 of the~~
17 ~~year following the one in which they are terminated] 180 days~~
18 ~~from the termination date to wind up their affairs. During that~~
19 ~~period, the Governor may petition the General Assembly for a~~
20 ~~review of the termination but the agency shall be terminated~~
21 ~~unless the General Assembly passes a law to the contrary.~~

22 ~~(g) The terms of office of appointees of an agency~~
23 ~~terminated under this act shall end [on June 30 of the year~~
24 ~~following] 180 days from the termination date.~~

25 ~~Section 3. Sections 7 and 8 of the act, amended December 16,~~
26 ~~1982 (P.L.1355, No.310), are amended to read:~~

27 ~~Section 7. Reestablishment or continuation of agencies.~~

28 ~~(a) Any agency scheduled for termination under this act, may~~
29 ~~be reestablished by the General Assembly, by legislation. Each~~
30 ~~reestablishment as provided in this subsection or continued as~~

1 ~~provided in subsection (b) shall be:~~

2 ~~(1) for a period of ten years unless otherwise specified~~
3 ~~in the legislation and again be subject to evaluation, review~~
4 ~~and termination as provided in [the] this act; and~~

5 ~~(2) by legislation in a separate bill, in which no more~~
6 ~~than one agency shall be reestablished and such agency shall~~
7 ~~be mentioned in the title of the bill.~~

8 ~~(b) [Unless] If no legislation is enacted [prior to November~~
9 ~~1,] reestablishing an agency as provided in subsection (a) by a~~
10 ~~date 60 days prior to the termination date, the presiding~~
11 ~~officer of each House shall cause to be placed on their~~
12 ~~respective calendars for the first legislative day [in November]~~
13 ~~after the date 60 days prior to the termination date, the~~
14 ~~question, in the form of a resolution, of whether an agency~~
15 ~~scheduled for termination [on December 31 of that year] shall be~~
16 ~~continued. If a majority of the members elected to each House~~
17 ~~approve such a resolution, the resolution shall be presented to~~
18 ~~the Governor in accordance with section 9 of Article III of the~~
19 ~~Constitution of Pennsylvania. Upon approval of the resolution in~~
20 ~~accordance with section 15 of Article IV of the Constitution of~~
21 ~~Pennsylvania, prior to the scheduled termination date [of~~
22 ~~December 31], the agency shall be continued until the next~~
23 ~~review and termination cycle scheduled for said agency.~~

24 ~~(c) Any statute which terminates or reenacts an agency shall~~
25 ~~control over any procedure prescribed by this act for the~~
26 ~~continuation or termination of an agency. No statute shall be~~
27 ~~deemed to continue an agency beyond a termination date~~
28 ~~established for said agency pursuant to this act, unless the~~
29 ~~statute expressly reenacts the agency in its present or altered~~
30 ~~state.~~

1 ~~Section 8. Newly created agencies.~~

2 ~~[A statutory] An agency created after January 1, [1981] 1991,~~
3 ~~shall be scheduled for termination at the conclusion of the~~
4 ~~tenth year following its creation unless otherwise specified by~~
5 ~~the General Assembly at its creation.~~

6 ~~Section 4. Section 14 of the act is amended to read:~~

7 ~~Section 14. Expiration.~~

8 ~~Unless the provisions of this section shall be repealed or~~
9 ~~amended by the General Assembly, the provisions of this act~~
10 ~~shall expire [at the end of ten years from the effective date of~~
11 ~~this act] December 22, 2001.~~

12 ~~Section 5. This act shall take effect immediately.~~

13 SECTION 1. SHORT TITLE.

<—

14 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE SUNSET ACT OF
15 1992.

16 SECTION 2. DEFINITIONS.

17 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
18 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
19 CONTEXT CLEARLY INDICATES OTHERWISE:

20 "AGENCY." ANY STATUTORY AUTHORITY, AGENCY, BOARD, BUREAU,
21 COMMISSION, COMMITTEE, COUNCIL, OFFICE OR ANY SIMILAR UNIT OF
22 THE EXECUTIVE OR LEGISLATIVE BRANCHES OF STATE GOVERNMENT.

23 "LEGISLATIVE BUDGET AND FINANCE COMMITTEE." THE COMMITTEE
24 FORMED PURSUANT TO THE ACT OF AUGUST 4, 1959 (P.L.587, NO.195),
25 ENTITLED, AS AMENDED, "AN ACT CREATING AND ESTABLISHING THE
26 LEGISLATIVE BUDGET AND FINANCE COMMITTEE; PROVIDING FOR ITS
27 MEMBERSHIP; PRESCRIBING ITS POWERS, FUNCTIONS AND DUTIES;
28 PROVIDING FOR THE APPOINTMENT OF AN EXECUTIVE DIRECTOR AND OTHER
29 PERSONNEL, AND MAKING AN APPROPRIATION."

30 "PERFORMANCE AUDIT." A WRITTEN REPORT BY THE LEGISLATIVE

1 BUDGET AND FINANCE COMMITTEE EVALUATING THE MANAGEMENT AND
2 PERFORMANCE OF ANY AGENCY BASED ON THE STATISTICS ON ITS
3 OPERATIONS AND CARRIED OUT IN ACCORDANCE WITH THE STANDARDS FOR
4 PERFORMANCE AND FINANCIAL COMPLIANCE AUDITING DEVELOPED BY THE
5 UNITED STATES GENERAL ACCOUNTING OFFICE. IT SHALL DETERMINE
6 WHETHER THE AGENCY:

7 (1) IS CONDUCTING AUTHORIZED ACTIVITIES OR PROGRAMS IN A
8 MANNER CONSISTENT WITH ACCOMPLISHING THE OBJECTIVES INTENDED
9 BY THE GENERAL ASSEMBLY.

10 (2) IS CONDUCTING PROGRAMS AND ACTIVITIES AND EXPENDING
11 FUNDS MADE AVAILABLE IN A FAITHFUL, EFFICIENT, ECONOMICAL AND
12 EFFECTIVE MANNER.

13 THIS REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE CRITERIA
14 LISTED IN SECTION 5(D).

15 SECTION 3. SUNSET LEADERSHIP COMMITTEE.

16 THERE IS CREATED A JOINT COMMITTEE OF THE GENERAL ASSEMBLY TO
17 BE KNOWN AS THE SUNSET LEADERSHIP COMMITTEE. THE COMMITTEE SHALL
18 BE COMPOSED OF THE PRESIDENT PRO TEMPORE OF THE SENATE, THE
19 MAJORITY AND MINORITY LEADERS OF THE SENATE, THE SPEAKER OF THE
20 HOUSE OF REPRESENTATIVES AND THE MAJORITY AND MINORITY LEADERS
21 OF THE HOUSE OF REPRESENTATIVES. THE SPEAKER OF THE HOUSE OF
22 REPRESENTATIVES SHALL SERVE AS THE TEMPORARY CHAIRMAN OF THE
23 COMMITTEE UNTIL SUCH TIME AS THE COMMITTEE SHALL ELECT A
24 CHAIRMAN. MEMBERS OF THE COMMITTEE MAY DESIGNATE ALTERNATE
25 MEMBERS OF THEIR RESPECTIVE CHAMBERS WHO WILL HAVE THE SAME
26 POWERS AND DUTIES AS REGULAR MEMBERS.

27 SECTION 4. POWERS AND DUTIES OF SUNSET LEADERSHIP COMMITTEE.

28 (A) GENERAL RULE.--THE SUNSET LEADERSHIP COMMITTEE HAS THE
29 FOLLOWING POWERS AND DUTIES:

30 (1) TO DIRECT AND COORDINATE THE IMPLEMENTATION OF THE

1 SUNSET REVIEW PROCEDURE.

2 (2) TO ASSIGN THE RESPONSIBILITY FOR THE REVIEW AND
3 EVALUATION OF EACH AGENCY SCHEDULED FOR SUCH REVIEW AND
4 EVALUATION UNDER THE PROVISIONS OF THIS ACT TO AN APPROPRIATE
5 STANDING COMMITTEE OF THE SENATE OR THE HOUSE OF
6 REPRESENTATIVES OR TO APPROPRIATE STANDING COMMITTEES OF BOTH
7 HOUSES WHO SHALL OPERATE JOINTLY TO REVIEW AND EVALUATE THE
8 AGENCY, IF SUCH JOINT OPERATION IS AUTHORIZED BY THE RULES OF
9 THE SENATE AND HOUSE OF REPRESENTATIVES. THE ASSIGNMENTS FOR
10 REVIEW AND EVALUATION SHALL BE MADE NOT LESS THAN 11 MONTHS
11 BEFORE THE AGENCY'S TERMINATION DATE. IF ANY STANDING
12 COMMITTEE WHICH HAS BEEN ASSIGNED AN AGENCY FOR REVIEW AND
13 EVALUATION FAILS TO COMPLETE ITS DUTIES WITHIN A REASONABLE
14 PERIOD OF TIME AS DETERMINED BY THE SUNSET LEADERSHIP
15 COMMITTEE, IT SHALL BE DISCHARGED FROM FURTHER REVIEW OR
16 CONSIDERATION OF THE AGENCY. THE SUNSET LEADERSHIP COMMITTEE
17 SHALL THEN REASSIGN THE AGENCY TO ANOTHER STANDING COMMITTEE
18 FOR REVIEW AND EVALUATION PURSUANT TO THIS ACT.

19 (3) TO ASSIGN TASKS TO THE LEGISLATIVE BUDGET AND
20 FINANCE COMMITTEE FOR THE PURPOSE OF CONDUCTING PERFORMANCE
21 AUDITS. SUCH TASKS SHALL RECEIVE PRIORITY FROM THE
22 LEGISLATIVE BUDGET AND FINANCE COMMITTEE. THE SUNSET
23 LEADERSHIP COMMITTEE MAY WAIVE, BY MAJORITY VOTE, THE
24 REQUIREMENT THAT THE PERFORMANCE AUDIT BE COMPLETED IN
25 ACCORDANCE WITH UNITED STATES GENERAL ACCOUNTING OFFICE
26 STANDARDS AS DESCRIBED IN THE DEFINITION OF "PERFORMANCE
27 AUDIT" IN SECTION 2 UNDER THE FOLLOWING CIRCUMSTANCES:

28 (1) THE AGENCY HAS NOT HELD ANY MEETINGS OR
29 CONSIDERED ANY CASES FOR A PERIOD OF THREE YEARS OR MORE;

30 OR

(II) THE AGENCY HAS A BUDGET OF LESS THAN \$100,000
ANNUALLY UNLESS THE AGENCY IS A DEPARTMENTAL BOARD OR
COMMISSION WITHIN THE BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS, DEPARTMENT OF STATE.

IN THE EVENT THAT THE UNITED STATES GENERAL ACCOUNTING OFFICE
STANDARDS ARE WAIVED, THE SUNSET LEADERSHIP COMMITTEE SHALL
DIRECT THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE TO
COMPLETE A SUMMARY AUDIT IN LIEU OF THE PERFORMANCE AUDIT AND
SPECIFY THE SCOPE OF SUCH AUDIT NOT LESS THAN 16 MONTHS
BEFORE THE AGENCY'S TERMINATION DATE.

(B) SPECIAL WAIVERS.--NOTWITHSTANDING THE PROVISIONS OF THIS
SECTION, THE SUNSET LEADERSHIP COMMITTEE MAY, IN THE CASE OF AN
AGENCY THAT HAS NOT HELD ANY MEETINGS OR CONSIDERED ANY CASES
FOR A PERIOD OF THREE YEARS OR MORE, WAIVE THE REQUIREMENT FOR
THE HOLDING OF A PUBLIC HEARING FOR EVALUATION AND REVIEW OF THE
AGENCY. THE SUNSET LEADERSHIP COMMITTEE MAY ALSO WAIVE THE
REQUIREMENT FOR THE PREPARATION OR COMPLETION OF A REPORT
OUTLINING ALL LEGISLATION THEN IN EFFECT PERTAINING TO THE
CREATION, OPERATION, DUTIES, POWERS AND FUNCTIONS OF THE AGENCY
FROM THE LEGISLATIVE REFERENCE BUREAU.

SECTION 5. EVALUATION AND REVIEW.

(A) HEARING.--EXCEPT AS PROVIDED IN SECTION 4(B), THE
STANDING COMMITTEE SHALL HOLD AT LEAST ONE PUBLIC HEARING FOR
EACH EVALUATION AND REVIEW OF AN AGENCY. AT THE HEARING, THE
HIGHEST RANKING OFFICER OF THE AGENCY OR AN INDIVIDUAL APPOINTED
BY THAT OFFICER SHALL BEAR THE BURDEN TO TESTIFY CONCERNING THE
NEED FOR CONTINUED EXISTENCE OF THE AGENCY. THE STANDING
COMMITTEE SHALL RECEIVE OTHER TESTIMONY AT THE PUBLIC HEARING AS
IT SHALL DEEM APPROPRIATE.

(B) FINANCIAL EFFICIENCY.--THE STANDING COMMITTEE SHALL

1 ELICIT INFORMATION IN EACH EVALUATION AND REVIEW OF AN AGENCY
2 FROM THE DEPARTMENT OF THE AUDITOR GENERAL AND THE OFFICE OF THE
3 BUDGET AS TO THE FINANCIAL EFFICIENCY OF THE AGENCY BEING
4 REVIEWED. THE STANDING COMMITTEE MAY REQUEST, AND THE AGENCY
5 SUBJECT TO TERMINATION SHALL PROVIDE, SUCH INFORMATION AS THE
6 STANDING COMMITTEE DEEMS PERTINENT TO ITS EVALUATION AND REVIEW.

7 (C) DETERMINATION.--THE STANDING COMMITTEE SHALL MAKE A
8 DETERMINATION IN EACH EVALUATION AND REVIEW AS TO WHETHER TO
9 RECOMMEND THAT THE AGENCY SHALL BE CONTINUED, ALTERED OR
10 TERMINATED. THE STANDING COMMITTEE SHALL BASE ITS DETERMINATION
11 ON THE FOLLOWING CRITERIA:

12 (1) WHETHER TERMINATION WOULD SIGNIFICANTLY HARM OR
13 ENDANGER THE PUBLIC HEALTH, SAFETY OR WELFARE.

14 (2) WHETHER THERE IS OVERLAP OR DUPLICATION OF EFFORT BY
15 OTHER AGENCIES THAT PERMIT THE TERMINATION OF THE AGENCY.

16 (3) WHETHER THERE IS A MORE ECONOMICAL WAY OF
17 ACCOMPLISHING THE OBJECTIVES OF THE AGENCY.

18 (4) WHETHER THERE IS A DEMONSTRATED NEED, BASED ON
19 SERVICE TO THE PUBLIC, FOR THE CONTINUING EXISTENCE OF THE
20 AGENCY.

21 (5) WHETHER THE OPERATION OF THE AGENCY HAS BEEN IN THE
22 PUBLIC INTEREST.

23 (6) WHETHER THE AGENCY HAS ENCOURAGED PUBLIC
24 PARTICIPATION IN THE MAKING OF ITS RULES AND DECISIONS OR
25 WHETHER THE AGENCY HAS PERMITTED PARTICIPATION SOLELY BY THE
26 PERSONS IT REGULATES.

27 (7) WHETHER THERE IS AN ALTERNATE, LESS RESTRICTIVE
28 METHOD OF PROVIDING THE SAME SERVICES TO THE PUBLIC.

29 (8) SUCH OTHER CRITERIA AS MAY BE ESTABLISHED BY THE
30 STANDING COMMITTEE.

1 (D) REPORT.--SUCH STANDING COMMITTEE SHALL DRAFT A REPORT
2 CONCERNING EACH EVALUATION AND REVIEW, STATING IN THAT REPORT
3 ITS FINDINGS; ITS DETERMINATION AS TO WHETHER THE AGENCY SHOULD
4 BE CONTINUED, ALTERED OR TERMINATED; THE REASONS FOR SUCH A
5 DETERMINATION; AND A DRAFT OF APPROPRIATE LEGISLATION TO
6 IMPLEMENT THE STANDING COMMITTEE'S RECOMMENDATIONS. THE REPORT
7 SHALL BE AVAILABLE FOR PUBLIC INSPECTION IN THE OFFICE OF THE
8 SECRETARY OF THE SENATE AND OF THE CHIEF CLERK OF THE HOUSE OF
9 REPRESENTATIVES. THE REPORT SHALL BE MADE TO THE GENERAL
10 ASSEMBLY NOT LESS THAN FOUR MONTHS BEFORE THE AGENCY'S
11 TERMINATION DATE. ONCE THE REPORT IS RECEIVED BY EACH HOUSE, THE
12 APPROPRIATE LEGISLATION SHALL BE INTRODUCED AND REFERRED TO A
13 STANDING COMMITTEE, IN KEEPING WITH THE RULES OF EACH HOUSE AND
14 BE ACTED ON ACCORDINGLY.

15 (E) INFORMATION.--NOT LESS THAN TEN MONTHS BEFORE AN
16 AGENCY'S TERMINATION DATE, THE STANDING COMMITTEE DESIGNATED BY
17 THE SUNSET LEADERSHIP COMMITTEE AS RESPONSIBLE FOR THE
18 EVALUATION AND REVIEW OF THE AGENCY SHALL RECEIVE:

19 (1) FROM THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE, A
20 PERFORMANCE AUDIT OR SUMMARY AUDIT; AND

21 (2) FROM THE LEGISLATIVE REFERENCE BUREAU, A REPORT
22 OUTLINING ALL LEGISLATION, THEN IN EFFECT, PERTAINING TO THE
23 CREATION, OPERATION, DUTIES, POWERS AND FUNCTIONS OF THE
24 AGENCY.

25 (F) SPECIAL WAIVER.--NOTWITHSTANDING THE PROVISIONS OF THIS
26 SECTION, THE STANDING COMMITTEE DESIGNATED BY THE SUNSET
27 LEADERSHIP COMMITTEE MAY, IN THE CASE OF AN AGENCY THAT HAS NOT
28 HELD ANY MEETINGS OR CONSIDERED ANY CASES FOR A PERIOD OF THREE
29 YEARS OR MORE, WAIVE THE REQUIREMENT FOR THE HOLDING OF A PUBLIC
30 HEARING FOR EVALUATION AND REVIEW OF THE AGENCY. THE SUNSET

1 LEADERSHIP COMMITTEE MAY ALSO WAIVE THE REQUIREMENT FOR THE
2 PREPARATION OR COMPLETION OF A REPORT OUTLINING ALL LEGISLATION
3 THEN IN EFFECT PERTAINING TO THE CREATION, OPERATION, DUTIES,
4 POWERS AND FUNCTIONS OF THE AGENCY FROM THE LEGISLATIVE
5 REFERENCE BUREAU.

6 SECTION 6. TERMINATION OF AGENCIES.

7 (A) GENERAL RULE.--TERMINATION DATES FOR AGENCIES SHALL BE
8 AS SET FORTH IN THIS SECTION.

9 (B) APPLICABILITY.--THIS SECTION SHALL APPLY ONLY TO
10 AGENCIES IN EXISTENCE AS OF JANUARY 1, 1992.

11 (C) SCHEDULE.--THE FOLLOWING AGENCIES, TOGETHER WITH THEIR
12 CORRESPONDING STATUTORY FUNCTIONS AND DUTIES, SHALL TERMINATE
13 ALL ACTIVITIES AND SHALL GO OUT OF EXISTENCE ON THE DATES
14 SPECIFIED:

15 (1) DECEMBER 31, 1994:

16 THE STATE BOARD OF ACCOUNTANCY.

17 THE COMMITTEE ESTABLISHED IN SECTION 2 OF THE ACT OF
18 JUNE 18, 1982 (P.L.549, NO.159), ENTITLED "AN ACT
19 PROVIDING FOR THE ADMINISTRATION OF CERTAIN COMMONWEALTH
20 FARMLAND WITHIN THE DEPARTMENT OF AGRICULTURE."

21 THE ARCHITECTS LICENSURE BOARD.

22 THE STATE BOARD OF AUCTIONEER EXAMINERS.

23 THE STATE BOARD OF BARBER EXAMINERS.

24 THE CAPITOL PRESERVATION COMMITTEE.

25 THE CITIZENS ADVISORY COUNCIL OF THE DEPARTMENT OF
26 ENVIRONMENTAL RESOURCES.

27 THE STATE BOARD OF COSMETOLOGY.

28 THE CRIME VICTIM'S COMPENSATION BOARD.

29 THE DOG LAW ADVISORY BOARD.

30 THE PENNSYLVANIA ADVISORY COUNCIL ON DRUG AND ALCOHOL

1 ABUSE.

2 THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY.

3 THE ENERGY DEVELOPMENT AUTHORITY.

4 THE ENVIRONMENTAL QUALITY BOARD.

5 THE STATE FARM PRODUCTS SHOW COMMISSION.

6 THE FIRE SAFETY ADVISORY COMMITTEE.

7 THE STATE BOARD OF FUNERAL DIRECTORS.

8 THE HEALTH CARE COST CONTAINMENT COUNCIL.

9 THE STATE SYSTEM OF HIGHER EDUCATION AND ITS BOARD OF
10 GOVERNORS.

11 THE INDEPENDENT REGULATORY REVIEW COMMISSION.

12 THE PENNSYLVANIA LABOR RELATIONS BOARD.

13 THE STATE BOARD OF LANDSCAPE ARCHITECTS.

14 THE MILK MARKETING BOARD.

15 THE MUNICIPAL EMPLOYEE PENSION ADVISORY COMMITTEE.

16 THE NOXIOUS WEED CONTROL COMMITTEE.

17 THE STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND
18 LICENSURE.

19 THE STATE REGISTRATION BOARD FOR PROFESSIONAL
20 ENGINEERS AND PROFESSIONAL LAND SURVEYORS.

21 THE RAIL FREIGHT ADVISORY COMMITTEE.

22 THE STATE REAL ESTATE COMMISSION.

23 THE PENNSYLVANIA SECURITIES COMMISSION.

24 THE OFFICE OF SMALL BUSINESS ADVOCATE.

25 THE STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND
26 SALESPERSONS.

27 THE VIETNAM VETERANS HEALTH INITIATIVE COMMISSION.

28 THE WILD RESOURCE CONSERVATION BOARD.

29 THE STATE WORKMEN'S INSURANCE BOARD.

30 (2) DECEMBER 31, 1995:

1 THE AGRICULTURAL DEVELOPMENT ADVISORY COMMITTEE.
2 THE DEPUTY SHERIFFS' EDUCATION AND TRAINING BOARD.
3 THE HAZARDOUS MATERIALS TRANSPORTATION ADVISORY
4 COMMITTEE.
5 THE MILRITE COUNCIL.
6 THE MINING AND RECLAMATION ADVISORY BOARD.
7 THE STATE BOARD OF OPTOMETRY.
8 THE PROFESSIONAL STANDARDS AND PRACTICES COMMISSION.
9 THE PENNSYLVANIA ACADEMIC COMMISSION ON TECHNOLOGICAL
10 DEVELOPMENT.

11 (3) DECEMBER 31, 1996:

12 THE APPAREL INDUSTRY LOAN BOARD.
13 THE ATHLETIC TRAINER ADVISORY COMMITTEE.
14 THE STATE BOARD OF CHIROPRACTIC.
15 THE STATE CONSERVATION COMMISSION.
16 THE PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY.
17 THE PENNSYLVANIA CRIME COMMISSION.
18 THE STATE BOARD OF DENTISTRY.
19 THE PENNSYLVANIA DRUG, DEVICE AND COSMETIC BOARD.
20 THE BOARD OF DIRECTORS OF THE PENNSYLVANIA EMERGENCY
21 HEALTH SERVICES COUNCIL.
22 THE STATE HARNESS RACING COMMISSION.
23 THE STATE HORSE RACING COMMISSION.
24 THE PENNSYLVANIA HOUSING FINANCE AGENCY.
25 THE PENNSYLVANIA LIQUOR CONTROL BOARD.
26 THE BUREAU OF LIQUOR CONTROL ENFORCEMENT.
27 THE STATE BOARD OF MEDICINE.
28 THE STATE BOARD OF EXAMINERS OF NURSING HOME
29 ADMINISTRATORS.
30 THE STATE BOARD OF NURSING.

1 THE OIL AND GAS TECHNICAL ADVISORY BOARD.
2 THE STATE BOARD OF OSTEOPATHIC MEDICINE.
3 THE STATE BOARD OF PHARMACY.
4 THE STATE BOARD OF PHYSICAL THERAPY.
5 THE STATE BOARD OF PODIATRY.
6 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE.
7 THE STATE BOARD OF PSYCHOLOGY.
8 THE PENNSYLVANIA COMMISSION ON SENTENCING.
9 THE STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE AND
10 HEARING.
11 THE STATE TRANSPORTATION COMMISSION.
12 THE PENNSYLVANIA TRAUMA SYSTEMS FOUNDATION.
13 THE STATE UNEMPLOYMENT COMPENSATION ADVISORY COUNCIL.
14 THE PENNSYLVANIA VETERANS' MEMORIAL COMMISSION.
15 THE STATE BOARD OF VETERINARY MEDICINE.
16 (4) DECEMBER 31, 1997:
17 THE COMMITTEE ESTABLISHED IN SECTION 4 OF THE ACT OF
18 JULY 8, 1986 (P.L.437, NO.92), KNOWN AS THE PENNSYLVANIA
19 AGRICULTURAL FAIR ACT.
20 THE COMMISSION ESTABLISHED IN SECTION 116(K) OF THE
21 ACT OF NOVEMBER 30, 1965 (P.L.847, NO.356), KNOWN AS THE
22 BANKING CODE OF 1965.
23 THE PENNSYLVANIA CANCER CONTROL, PREVENTION AND
24 RESEARCH ADVISORY BOARD.
25 THE BUREAU OF CHARITABLE ORGANIZATIONS.
26 THE PRIVATE PRISON TASK FORCE.
27 THE STATEWIDE WEATHERIZATION AND ENERGY CONSERVATION
28 POLICY COUNCIL.
29 (5) DECEMBER 31, 1998:
30 THE PENNSYLVANIA COUNCIL ON AGING.

1 THE STATE ATHLETIC COMMISSION.
2 THE COMMITTEE OF BLIND VENDORS.
3 THE STATE CIVIL SERVICE COMMISSION.
4 THE ADVISORY COUNCIL FOR THE DEAF AND HEARING
5 IMPAIRED.
6 THE OFFICE FOR THE DEAF AND HEARING IMPAIRED.
7 THE PENNSYLVANIA ECONOMIC DEVELOPMENT FINANCING
8 AUTHORITY.
9 THE STATE BOARD OF EDUCATION.
10 THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION.
11 THE INDUSTRIAL BOARD.
12 THE PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY.
13 THE PENNSYLVANIA MINORITY BUSINESS DEVELOPMENT
14 AUTHORITY.
15 THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING
16 COMMISSION.
17 THE PHARMACEUTICAL ASSISTANCE REVIEW BOARD.
18 THE STATE PLANNING BOARD.
19 THE STATE BOARD OF PRIVATE ACADEMIC SCHOOLS.
20 THE STATE BOARD OF PRIVATE LICENSED SCHOOLS.
21 THE PENNSYLVANIA PUBLIC UTILITY COMMISSION.
22 THE CENTER FOR RURAL PENNSYLVANIA.
23 THE STATE BOARD FOR CERTIFICATION OF SEWAGE
24 ENFORCEMENT OFFICERS.
25 THE STATE BOARD FOR CERTIFICATION OF SEWAGE TREATMENT
26 PLANT AND WATERWORKS OPERATORS.
27 THE STATE BOARD OF SOCIAL WORK EXAMINERS.
28 THE PENNSYLVANIA TURNPIKE COMMISSION.
29 THE STATE VETERANS' COMMISSION.
30 THE STATE BOARD OF VOCATIONAL REHABILITATION.

1 THE BRANDYWINE BATTLEFIELD PARK COMMISSION.

2 THE WASHINGTON CROSSING PARK COMMISSION.

3 THE HISTORIC PRESERVATION BOARD.

4 (6) DECEMBER 31, 1999:

5 THE CHILDREN'S TRUST FUND BOARD.

6 THE CORONERS' EDUCATION BOARD.

7 THE HARDWOODS DEVELOPMENT COUNCIL.

8 THE HAZARDOUS WASTE FACILITY SITING COMMISSION.

9 THE PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY.

10 THE LAWYER TRUST ACCOUNT BOARD.

11 THE INTRA-GOVERNMENTAL COUNCIL ON LONG-TERM CARE.

12 THE LOW-LEVEL WASTE ADVISORY COMMITTEE.

13 THE POLICY, PLANNING AND EVALUATION ADVISORY
14 COMMITTEE.

15 THE QUALITY ASSESSMENT GRANT AND LOAN ADVISORY
16 COMMITTEE.

17 THE RECYCLING FUND ADVISORY COMMITTEE.

18 (7) DECEMBER 31, 2000:

19 THE STATE AGRICULTURAL LAND PRESERVATION BOARD.

20 THE ANIMAL HEALTH AND DIAGNOSTIC COMMISSION.

21 THE BOARD OF THE BEN FRANKLIN PARTNERSHIP FUND.

22 THE OFFICE OF CONSUMER ADVOCATE.

23 THE ENVIRONMENTAL HEARING BOARD.

24 THE ENVIRONMENTAL HEARING BOARD RULES COMMITTEE.

25 THE STATE ETHICS COMMISSION.

26 THE STORAGE TANK ADVISORY COMMITTEE.

27 THE UNDERGROUND STORAGE TANK INDEMNIFICATION BOARD.

28 (8) DECEMBER 31, 2001:

29 THE HAZARDOUS MATERIAL EMERGENCY PLANNING AND
30 RESPONSE ADVISORY COMMITTEE.

1 THE INTERAGENCY COORDINATING COUNCIL.

2 THE STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS.

3 (9) DECEMBER 31, 2002:

4 THE PENNSYLVANIA HUMAN RELATIONS COMMISSION.

5 THE MUNICIPAL PENSION ADVISORY COMMITTEE.

6 THE PHARMACEUTICAL ASSISTANCE REVIEW BOARD.

7 THE PUBLIC EMPLOYEE RETIREMENT COMMISSION.

8 THE COMMITTEE ESTABLISHED IN SECTION 7 OF THE ACT OF

9 DECEMBER 18, 1990 (P.L.748, NO.188), KNOWN AS THE RAILS

10 TO TRAILS ACT.

11 THE SNOWMOBILE TRAIL ADVISORY COMMITTEE.

12 (D) EXECUTIVE ACTION.--THE GOVERNOR MAY NOT UTILIZE A
13 REORGANIZATION PLAN, EXECUTIVE ORDER, RULE OR REGULATION OR
14 COMPARABLE AUTHORITY TO EVADE THE PROVISIONS OF THIS ACT. ANY
15 PROGRAMS, ACTIVITIES OR FUNCTIONS OF ANY AGENCY SCHEDULED FOR
16 TERMINATION WHICH ARE TRANSFERRED TO ANOTHER AGENCY NOT
17 SCHEDULED FOR TERMINATION OR SCHEDULED FOR TERMINATION AT A
18 LATER DATE, SHALL BE SUBJECT TO SUNSET REVIEW AT THE DATE
19 SCHEDULED FOR THE TERMINATION OF THE TRANSFEROR AGENCY. ANY
20 PROGRAMS, ACTIVITIES OR FUNCTIONS OF ANY AGENCY SCHEDULED FOR
21 TERMINATION WHICH ARE TRANSFERRED TO ANOTHER AGENCY SCHEDULED
22 FOR TERMINATION AT AN EARLIER DATE SHALL BE SUBJECT TO SUNSET
23 REVIEW AT THE DATE SCHEDULED FOR TERMINATION OF THE TRANSFEREE
24 AGENCY. HOWEVER, BETWEEN THE TIME AT WHICH THE LEGISLATIVE
25 BUDGET AND FINANCE COMMITTEE SUBMITS ITS PERFORMANCE AUDIT TO
26 THE STANDING COMMITTEE AND THE STANDING COMMITTEE MAKES ITS
27 RECOMMENDATION TO THE GENERAL ASSEMBLY, THE GOVERNOR MAY NOT
28 UTILIZE A REORGANIZATION PLAN, EXECUTIVE ORDER, RULE OR
29 REGULATION OR COMPARABLE AUTHORITY TO TRANSFER ANY PROGRAMS,
30 ACTIVITIES OR FUNCTIONS OF AN AGENCY BEING EVALUATED.

1 (E) ADVISORY AGENCIES.--THE TERMINATION OF ANY AGENCY UNDER
2 THIS ACT SHALL SERVE TO TERMINATE ANY ADVISORY AGENCY, WHETHER
3 CREATED BY STATUTE OR ADMINISTRATIVE ACTION, ESTABLISHED FOR THE
4 PRIMARY PURPOSE OF ADVISING OR ASSISTING THE TERMINATED AGENCY.

5 (F) WINDUP PERIOD.--AGENCIES TERMINATED SHALL BE GIVEN SIX
6 MONTHS FROM THE TERMINATION DATE TO WIND UP THEIR AFFAIRS.
7 DURING THAT PERIOD, THE GOVERNOR MAY PETITION THE GENERAL
8 ASSEMBLY FOR A REVIEW OF THE TERMINATION; BUT THE AGENCY SHALL
9 BE TERMINATED UNLESS THE GENERAL ASSEMBLY PASSES A LAW TO THE
10 CONTRARY.

11 (G) TERMS OF OFFICE.--THE TERMS OF OFFICE OF MEMBERS OF AN
12 AGENCY TERMINATED UNDER THIS ACT SHALL END SIX MONTHS FROM THE
13 TERMINATION DATE. HOWEVER, THESE MEMBERS SHALL CONTINUE TO HOLD
14 OFFICE FOR THE TERMS SET FORTH IN THEIR RESPECTIVE COMMISSIONS
15 OF OFFICE IF THE AGENCY IS REESTABLISHED.

16 SECTION 7. REESTABLISHMENT OR CONTINUATION OF AGENCIES.

17 (A) LEGISLATION.--ANY AGENCY SCHEDULED FOR TERMINATION UNDER
18 THIS ACT MAY BE REESTABLISHED BY THE GENERAL ASSEMBLY BY
19 LEGISLATION. EACH REESTABLISHMENT AS PROVIDED IN THIS SUBSECTION
20 SHALL BE BY LEGISLATION IN A SEPARATE BILL, AND THE AGENCY SHALL
21 BE MENTIONED IN THE TITLE OF THE BILL. EACH REESTABLISHMENT AS
22 PROVIDED IN THIS SUBSECTION SHALL BE FOR A PERIOD OF TEN YEARS
23 UNLESS OTHERWISE SPECIFIED IN THE LEGISLATION. AT THE END OF THE
24 PERIOD, THE AGENCY SHALL AGAIN BE SUBJECT TO EVALUATION, REVIEW
25 AND TERMINATION AS PROVIDED IN THIS ACT.

26 (B) RESOLUTION FOR TEN-YEAR CONTINUATION.--IF NO LEGISLATION
27 IS ENACTED REESTABLISHING AN AGENCY AS PROVIDED IN SUBSECTION

28 (A) BY A DATE TWO MONTHS PRIOR TO THE TERMINATION DATE, THE
29 PRESIDING OFFICERS OF EACH HOUSE SHALL CAUSE TO BE PLACED ON
30 THEIR RESPECTIVE CALENDARS FOR THE FIRST LEGISLATIVE DAY AFTER

1 THE DATE TWO MONTHS PRIOR TO THE TERMINATION DATE THE QUESTION,
2 IN THE FORM OF A RESOLUTION, OF WHETHER AN AGENCY SCHEDULED FOR
3 TERMINATION SHALL BE CONTINUED. IF A MAJORITY OF THE MEMBERS
4 ELECTED TO EACH HOUSE APPROVE SUCH A RESOLUTION AND THE
5 RESOLUTION IS APPROVED AND TAKES EFFECT PURSUANT TO SECTION 9 OF
6 ARTICLE III OF THE CONSTITUTION OF PENNSYLVANIA PRIOR TO THE
7 SCHEDULED TERMINATION DATE, THE AGENCY SHALL BE CONTINUED FOR A
8 PERIOD OF TEN YEARS.

9 (C) RESOLUTION FOR SPECIFIC PERIOD CONTINUATION.--IF
10 RESOLUTIONS ARE INTRODUCED UNDER SUBSECTION (B), THE LEADERSHIP
11 COMMITTEE MAY CAUSE TO BE PLACED ON THE RESPECTIVE CALENDARS OF
12 EACH HOUSE A RESOLUTION CONTINUING THE AGENCY FOR A DEFINITE
13 PERIOD. IF A MAJORITY OF THE MEMBERS ELECTED TO EACH HOUSE
14 APPROVE SUCH A RESOLUTION AND THE RESOLUTION IS APPROVED AND
15 TAKES EFFECT PURSUANT TO SECTION 9 OF ARTICLE III OF THE
16 CONSTITUTION OF PENNSYLVANIA PRIOR TO THE SCHEDULED TERMINATION
17 DATE, THE AGENCY SHALL BE CONTINUED FOR THE PERIOD SPECIFIED IN
18 THE RESOLUTION.

19 (D) PRIORITY.--ANY STATUTE WHICH TERMINATES OR REENACTS AN
20 AGENCY SHALL CONTROL OVER ANY PROCEDURE PRESCRIBED BY THIS ACT
21 FOR THE CONTINUATION OR TERMINATION OF AN AGENCY. NO STATUTE
22 SHALL BE DEEMED TO CONTINUE AN AGENCY BEYOND A TERMINATION DATE
23 ESTABLISHED FOR THE AGENCY PURSUANT TO THIS ACT UNLESS THE
24 STATUTE EXPRESSLY REENACTS THE AGENCY IN ITS PRESENT OR ALTERED
25 STATE.

26 SECTION 8. NEWLY CREATED AGENCIES.

27 AN AGENCY CREATED AFTER JANUARY 1, 1992, SHALL BE SCHEDULED
28 FOR TERMINATION AT THE CONCLUSION OF THE TENTH YEAR FOLLOWING
29 ITS CREATION UNLESS OTHERWISE SPECIFIED BY THE GENERAL ASSEMBLY
30 BY LAW.

1 SECTION 9. TERMINATION PROCEDURES.

2 (A) RECORDS AND PROPERTY.--RECORDS AND PROPERTY OF AN AGENCY
3 SHALL BE TRANSFERRED TO THE DEPARTMENT OF WHICH IT WAS A PART
4 OR, IF IT WAS AN INDEPENDENT AGENCY, TO THE DEPARTMENT OF
5 GENERAL SERVICES FOR APPROPRIATE DISPOSAL OF PROPERTY AND
6 RETENTION OF RECORDS.

7 (B) FUNDS.--ALL APPROPRIATIONS TO AND FUNDS OF THE AGENCY
8 NOT SPENT OR ENCUMBERED SHALL LAPSE WHEN THE EXISTENCE OF THE
9 AGENCY ENDS. NO AGENCY, PRIOR TO THE DATE IN A FISCAL YEAR ON
10 WHICH IT IS SCHEDULED TO BE TERMINATED, SHALL EXPEND IN EXCESS
11 OF THE PROPORTION OF ANY GENERAL APPROPRIATION, FEDERAL
12 AUGMENTATION, APPROPRIATION OR SIMILAR APPROPRIATION MADE TO THE
13 AGENCY FOR THAT FISCAL YEAR WHICH IS EQUIVALENT TO THE
14 PROPORTION OF THE FISCAL YEAR THAT WILL ELAPSE BY THE
15 TERMINATION DATE. HOWEVER THE AGENCY MAY UTILIZE A PORTION OF
16 THE UNEXPENDED BALANCE OF THE APPROPRIATIONS TO CONCLUDE ITS
17 AFFAIRS. THE SUNSET LEADERSHIP COMMITTEE SHALL HAVE THE ABILITY
18 TO WAIVE THE RESTRICTIONS ON EXPENDITURES SET FORTH IN THIS
19 SECTION UPON A SHOWING BY THE AGENCY OF EXCEPTIONAL
20 CIRCUMSTANCES.

21 (C) PERSONNEL.--THE EMPLOYMENT OF ALL PERSONNEL OF THE
22 TERMINATED AGENCY SHALL BE TERMINATED. THIS SUBSECTION SHALL NOT
23 BE CONSTRUED TO PROHIBIT THE EMPLOYEES FROM APPLYING FOR AND
24 BEING EMPLOYED BY OTHER AGENCIES OR DEPARTMENTS TO FILL JOB
25 VACANCIES.

26 (D) EMPLOYMENT SECURITY.--EMPLOYEES OF AGENCIES TERMINATED
27 UNDER THIS ACT WHO HAVE CIVIL SERVICE STATUS OR WHO ARE COVERED
28 BY UNION CONTRACTS SHALL FILL ANY EXISTING VACANCIES WITHIN THE
29 ADMINISTRATIVE BRANCH OF STATE GOVERNMENT IN THEIR GRADE AND
30 POSITION. IF THERE ARE MORE EMPLOYEES THAN VACANT POSITIONS AT

1 THE TIME OF TERMINATION, THEN TERMINATED EMPLOYEES SHALL RECEIVE
2 EMPLOYMENT IN THE FIRST VACANCIES THAT SHALL THEREAFTER EXIST IN
3 THEIR GRADE AND POSITION.

4 SECTION 10. CAUSES OF ACTION; RIGHTS OF BONDHOLDERS.

5 (A) GENERAL RULE.--THE PROVISIONS OF THIS ACT SHALL NOT
6 AFFECT ANY LIABILITY INCURRED OR RIGHT ACCRUED OR VESTED OR
7 AFFECT ANY SUIT PENDING OR TO BE INSTITUTED TO ENFORCE ANY RIGHT
8 UNDER THE AUTHORITY OF ANY ACT OR PART THEREOF REPEALED BY THE
9 ACT OF DECEMBER 22, 1981 (P.L.508, NO.142), KNOWN AS THE SUNSET
10 ACT, OR REPEALED BY THIS ACT.

11 (B) BONDHOLDERS.--THE PROVISIONS OF THIS ACT SHALL NOT
12 AFFECT ANY RIGHTS OR DUTIES WITH RESPECT TO BONDHOLDERS OF AN
13 AGENCY SCHEDULED TO BE TERMINATED.

14 SECTION 11. ACCESS TO RECORDS AND WITNESSES.

15 THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE AND ITS
16 AUTHORIZED REPRESENTATIVE SHALL, FOR THE PURPOSE OF EXAMINATION
17 AND AUDIT AUTHORIZED BY THIS ACT, HAVE READY ACCESS TO PERSONS
18 AND MAY EXAMINE AND COPY TO THE EXTENT DEEMED NECESSARY TO ITS
19 EVALUATION AND REVIEW PERTINENT RECORDS, ACCOUNTS, PAPERS,
20 REPORTS, VOUCHERS, CORRESPONDENCE, BOOKS AND OTHER DOCUMENTATION
21 OF ANY COMMONWEALTH AGENCY.

22 SECTION 12. AUTHORITY TO ADMINISTER OATHS, SUBPOENA WITNESSES
23 AND RECORDS AND TAKE DEPOSITIONS.

24 FOR THE PURPOSE OF THIS ACT, THE LEGISLATIVE BUDGET AND
25 FINANCE COMMITTEE, WITH THE CONCURRENT RESOLUTION OF BOTH
26 HOUSES, SHALL HAVE THE POWER TO COMPEL THE ATTENDANCE OF
27 WITNESSES AND THE PRODUCTION OF ANY PAPERS, BOOKS, ACCOUNTS AND
28 DOCUMENTS, TO SUBPOENA WITNESSES, TO TAKE TESTIMONY UNDER OATH,
29 TO CAUSE THE DEPOSITION OF WITNESSES RESIDING WITHIN OR WITHOUT
30 THE COMMONWEALTH TO BE TAKEN IN THE MANNER PRESCRIBED BY LAW,

1 AND TO ASSEMBLE RECORDS AND DOCUMENTS BY SUBPOENA OR OTHERWISE,
2 WITH THE SAME POWER AND AUTHORITY AS COURTS OF RECORD AND MAY
3 APPLY TO COURTS OF RECORD FOR THE ENFORCEMENT OF THESE POWERS.
4 ANY PERSON WHO WILLFULLY NEGLECTS OR REFUSES TO COMPLY WITH ANY
5 SUBPOENA ISSUED ON BEHALF OF THE LEGISLATIVE BUDGET AND FINANCE
6 COMMITTEE OR REFUSES TO TESTIFY TO ANY MATTERS REGARDING WHICH
7 HE MAY BE LAWFULLY INTERROGATED SHALL BE SUBJECT TO THE
8 PENALTIES PROVIDED BY THE LAWS OF THIS COMMONWEALTH.

9 SECTION 13. NONSEVERABILITY.

10 IF ANY PROVISION OF SECTION 7(B) OR (C) OR ITS APPLICATION TO
11 ANY PERSON OR CIRCUMSTANCE IS HELD UNCONSTITUTIONAL UNDER THE
12 CONSTITUTION OF PENNSYLVANIA IN A FINAL JUDGMENT BY THE SUPREME
13 COURT OR BY A STATEWIDE COURT, THE REMAINING PROVISIONS OR
14 APPLICATIONS OF THIS ACT ARE VOID.

15 SECTION 14. REPEALS.

16 (A) GENERAL.--ALL ACTS AND PARTS OF ACTS ARE REPEALED
17 INSOFAR AS THEY ARE INCONSISTENT WITH THIS ACT.

18 (B) SPECIFIC.--THE FOLLOWING ACTS AND PARTS OF ACTS ARE
19 REPEALED TO THE EXTENT SPECIFIED:

20 SECTION 477.1A OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175),
21 KNOWN AS THE ADMINISTRATIVE CODE OF 1929, ABSOLUTELY.

22 SECTION 7 OF THE ACT OF DECEMBER 18, 1980 (P.L.1241, NO.224),
23 KNOWN AS THE PENNSYLVANIA CANCER CONTROL, PREVENTION AND
24 RESEARCH ACT, ABSOLUTELY.

25 SECTION 4 OF THE ACT OF DECEMBER 20, 1985 (P.L.529, NO.119),
26 ENTITLED "AN ACT AMENDING THE ACT OF APRIL 14, 1972 (P.L.221,
27 NO.63), ENTITLED 'AN ACT ESTABLISHING THE PENNSYLVANIA ADVISORY
28 COUNCIL ON DRUG AND ALCOHOL ABUSE; IMPOSING DUTIES ON THE
29 DEPARTMENT OF HEALTH TO DEVELOP AND COORDINATE THE
30 IMPLEMENTATION OF A COMPREHENSIVE HEALTH, EDUCATION AND

1 REHABILITATION PROGRAM FOR THE PREVENTION AND TREATMENT OF DRUG
2 AND ALCOHOL ABUSE AND DRUG AND ALCOHOL DEPENDENCE; PROVIDING FOR
3 EMERGENCY MEDICAL TREATMENT; PROVIDING FOR TREATMENT AND
4 REHABILITATION ALTERNATIVES TO THE CRIMINAL PROCESS FOR DRUG AND
5 ALCOHOL DEPENDENCE; AND MAKING REPEALS, ' FURTHER PROVIDING FOR
6 POWERS AND DUTIES OF THE DEPARTMENT AND THE COUNCIL; AND
7 REESTABLISHING AND CONTINUING THE COUNCIL," ABSOLUTELY.

8 SECTION 12 OF THE ACT OF MAY 15, 1986 (P.L.186, NO.58),
9 ENTITLED "AN ACT AMENDING THE ACT OF JUNE 6, 1980 (P.L.197,
10 NO.57), ENTITLED 'AN ACT REGULATING THE LICENSURE AND PRACTICE
11 OF OPTOMETRY, MAKING REPEALS AND PROVIDING PENALTIES, '
12 REESTABLISHING THE STATE BOARD OF OPTOMETRICAL EXAMINERS AS THE
13 STATE BOARD OF OPTOMETRY; PROVIDING FOR ITS COMPOSITION, POWERS
14 AND DUTIES; FURTHER PROVIDING FOR RENEWAL, REVOCATION AND
15 SUSPENSION OF LICENSES; PROVIDING FOR FEES; AND MAKING REPEALS,"
16 ABSOLUTELY.

17 SECTION 15 OF THE ACT OF JULY 10, 1986 (P.L.1238, NO.114),
18 ENTITLED "AN ACT AMENDING TITLE 66 (PUBLIC UTILITIES) OF THE
19 PENNSYLVANIA CONSOLIDATED STATUTES, FURTHER PROVIDING FOR THE
20 APPOINTMENT, TERMS, COMPENSATION AND QUALIFICATIONS OF AND
21 RESTRICTIONS ON COMMISSIONERS; PROVIDING FOR A DIRECTOR OF
22 OPERATIONS, THE OFFICE OF TRIAL STAFF, THE OFFICE OF SPECIAL
23 ASSISTANTS AND THE DIRECTOR OF OPERATIONS AND THEIR POWERS AND
24 DUTIES; FURTHER PROVIDING FOR PROCEDURES, REPORTS, BUDGET
25 REQUESTS AND AUDITS AND FOR RATE INCREASE REQUESTS; PROVIDING
26 FOR MANAGEMENT EFFICIENCY INVESTIGATORS AND FOR FUEL PURCHASE
27 AUDITS; LIMITING RECOVERY OF CERTAIN EMPLOYEE MEETING EXPENSES;
28 MAKING PROVISIONS RELATING TO THE SALE OF ELECTRIC GENERATING
29 UNITS; PROVIDING FOR THE REGULATION OF EXCESS CAPACITY COSTS AND
30 NEW ELECTRIC GENERATING UNITS; RESTRICTING RATE SETTING

1 PROCEDURES OF TELEPHONE COMPANIES; REQUIRING THAT CERTAIN DATA
2 BE SUPPLIED BY ELECTRIC UTILITIES; FURTHER REGULATING THE
3 RECOVERY OF ADVERTISING EXPENSES AND THE RECOVERY OF CLUB DUES;
4 AUTHORIZING THE COMMISSION TO ORDER CONSERVATION AND LOAD
5 MANAGEMENT; REGULATING COIN TELEPHONE SERVICE; AND
6 REESTABLISHING THE PENNSYLVANIA PUBLIC UTILITY COMMISSION,"
7 ABSOLUTELY.

8 SECTION 7 OF THE ACT OF DECEMBER 16, 1986 (P.L.1621, NO.184),
9 ENTITLED "AN ACT ESTABLISHING AND IMPOSING POWERS AND DUTIES ON
10 THE OFFICE FOR THE DEAF AND HEARING IMPAIRED IN THE DEPARTMENT
11 OF LABOR AND INDUSTRY; AND ESTABLISHING AND PROVIDING POWERS AND
12 DUTIES FOR THE ADVISORY COUNCIL FOR THE DEAF AND HEARING
13 IMPAIRED IN THE DEPARTMENT OF LABOR AND INDUSTRY," ABSOLUTELY.

14 THE SECOND SENTENCE OF SECTION 143 OF THE ACT OF JUNE 29,
15 1987 (P.L.32, NO.14), ENTITLED "AN ACT REENACTING AND AMENDING
16 THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), ENTITLED 'AN ACT
17 RELATING TO ALCOHOLIC LIQUORS, ALCOHOL AND MALT AND BREWED
18 BEVERAGES; AMENDING, REVISING, CONSOLIDATING AND CHANGING THE
19 LAWS RELATING THERETO; REGULATING AND RESTRICTING THE
20 MANUFACTURE, PURCHASE, SALE, POSSESSION, CONSUMPTION,
21 IMPORTATION, TRANSPORTATION, FURNISHING, HOLDING IN BOND,
22 HOLDING IN STORAGE, TRAFFIC IN AND USE OF ALCOHOLIC LIQUORS,
23 ALCOHOL AND MALT AND BREWED BEVERAGES AND THE PERSONS ENGAGED OR
24 EMPLOYED THEREIN; DEFINING THE POWERS AND DUTIES OF THE
25 PENNSYLVANIA LIQUOR CONTROL BOARD; PROVIDING FOR THE
26 ESTABLISHMENT AND OPERATION OF STATE LIQUOR STORES, FOR THE
27 PAYMENT OF CERTAIN LICENSE FEES TO THE RESPECTIVE MUNICIPALITIES
28 AND TOWNSHIPS, FOR THE ABATEMENT OF CERTAIN NUISANCES AND, IN
29 CERTAIN CASES, FOR SEARCH AND SEIZURE WITHOUT WARRANT;
30 PRESCRIBING PENALTIES AND FORFEITURES; PROVIDING FOR LOCAL

1 OPTION, AND REPEALING EXISTING LAWS,' PROVIDING FOR THE
2 REESTABLISHMENT, POWERS AND DUTIES OF THE BOARD; PROVIDING
3 ETHICAL STANDARDS FOR THE BOARD AND ITS MEMBERS AND EMPLOYEES;
4 ESTABLISHING ADMINISTRATIVE OFFICERS AND UNITS FOR THE
5 ADMINISTRATION AND ENFORCEMENT OF THE ACT; PROVIDING FOR THE
6 POWERS AND DUTIES OF THE AUDITOR GENERAL, STATE TREASURER,
7 ATTORNEY GENERAL AND PENNSYLVANIA STATE POLICE; REGULATING
8 ADVERTISING; FURTHER PROVIDING FOR LICENSES, FOR BRAND
9 REGISTRATION, FOR PENALTIES, FOR FUNDING AND FOR DISPOSITION OF
10 MONEYS; AND TRANSFERRING PERSONNEL, PROPERTY AND
11 APPROPRIATIONS," ABSOLUTELY.

12 SECTION 14 OF THE ACT OF JULY 13, 1987 (P.L.348, NO.67),
13 KNOWN AS THE VIETNAM VETERANS HEALTH INITIATIVE ACT, INsofar AS
14 IT APPLIES TO THE VIETNAM VETERANS HEALTH INITIATIVE COMMISSION.

15 AS MUCH AS READS ", FOR A PERIOD OF FIVE YEARS" IN SECTION 11
16 OF THE ACT OF JULY 13, 1988 (P.L.501, NO.87), ENTITLED "AN ACT
17 AMENDING TITLE 35 (HEALTH AND SAFETY) OF THE PENNSYLVANIA
18 CONSOLIDATED STATUTES, AUTHORIZING THE GOVERNOR TO UTILIZE
19 PUBLIC OR QUASI-PUBLIC PROPERTY; CHANGING THE ORGANIZATION OF
20 THE COUNCIL; EXPANDING POWERS AND DUTIES; RATIFYING
21 REORGANIZATION STRUCTURE; FURTHER REGULATING AUTHORITY OF
22 POLITICAL SUBDIVISIONS; EXPANDING COMPENSATION FOR INJURIES;
23 CREATING THE OFFICE OF PENNSYLVANIA STATE FIRE COMMISSIONER;
24 PROVIDING FOR THE PENNSYLVANIA STATE FIRE ACADEMY AND THE
25 PENNSYLVANIA VOLUNTEER LOAN ASSISTANCE PROGRAM; AND
26 REESTABLISHING THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY,"
27 ABSOLUTELY.

28 SECTION 4(B) OF THE ACT OF DECEMBER 15, 1988 (P.L.1244,
29 NO.153), ENTITLED "AN ACT AMENDING THE ACT OF APRIL 9, 1929
30 (P.L.177, NO.175), ENTITLED 'AN ACT PROVIDING FOR AND

1 REORGANIZING THE CONDUCT OF THE EXECUTIVE AND ADMINISTRATIVE
2 WORK OF THE COMMONWEALTH BY THE EXECUTIVE DEPARTMENT THEREOF AND
3 THE ADMINISTRATIVE DEPARTMENTS, BOARDS, COMMISSIONS, AND
4 OFFICERS THEREOF, INCLUDING THE BOARDS OF TRUSTEES OF STATE
5 NORMAL SCHOOLS, OR TEACHERS COLLEGES; ABOLISHING, CREATING,
6 REORGANIZING OR AUTHORIZING THE REORGANIZATION OF CERTAIN
7 ADMINISTRATIVE DEPARTMENTS, BOARDS, AND COMMISSIONS; DEFINING
8 THE POWERS AND DUTIES OF THE GOVERNOR AND OTHER EXECUTIVE AND
9 ADMINISTRATIVE OFFICERS, AND OF THE SEVERAL ADMINISTRATIVE
10 DEPARTMENTS, BOARDS, COMMISSIONS, AND OFFICERS; FIXING THE
11 SALARIES OF THE GOVERNOR, LIEUTENANT GOVERNOR, AND CERTAIN OTHER
12 EXECUTIVE AND ADMINISTRATIVE OFFICERS; PROVIDING FOR THE
13 APPOINTMENT OF CERTAIN ADMINISTRATIVE OFFICERS, AND OF ALL
14 DEPUTIES AND OTHER ASSISTANTS AND EMPLOYEES IN CERTAIN
15 DEPARTMENTS, BOARDS, AND COMMISSIONS; AND PRESCRIBING THE MANNER
16 IN WHICH THE NUMBER AND COMPENSATION OF THE DEPUTIES AND ALL
17 OTHER ASSISTANTS AND EMPLOYEES OF CERTAIN DEPARTMENTS, BOARDS
18 AND COMMISSIONS SHALL BE DETERMINED,' FURTHER PROVIDING FOR THE
19 DEPARTMENT OF AGING, FOR THE PENNSYLVANIA COUNCIL ON AGING AND
20 FOR SERVICES AND PROGRAMS FOR OLDER CITIZENS; REESTABLISHING THE
21 DEPARTMENT OF AGING; AND FURTHER PROVIDING FOR THE STATUS OF
22 NONPROFIT CORPORATIONS WHICH LEASE FACILITIES TO THE
23 COMMONWEALTH," ABSOLUTELY.

24 SECTION 15. INTERIM PROVISION.

25 (A) GENERAL REVIEW.--FOR PURPOSES OF SECTION 5, EVALUATION
26 AND REVIEW UNDER THE ACT OF DECEMBER 22, 1981 (P.L.508, NO.142),
27 KNOWN AS THE SUNSET ACT, WHICH BEGAN AFTER DECEMBER 31, 1990,
28 SHALL BE VALID FOR AN AGENCY SCHEDULED FOR TERMINATION UNDER
29 SECTION 6(C)(1).

30 (B) PERFORMANCE AUDITS.--FOR PURPOSES OF SECTION 5,

1 PERFORMANCE AUDITS DELIVERED AFTER OCTOBER 31, 1990, SHALL BE
2 VALID FOR AGENCIES SCHEDULED FOR TERMINATION UNDER SECTION
3 6(C)(1) AND (2).

4 (C) ALTERATION.--IN THE CASE OF AN AGENCY SCHEDULED FOR
5 TERMINATION ON DECEMBER 31, 1993, THE SUNSET LEADERSHIP
6 COMMITTEE MAY ALTER THE DATES FOR ASSIGNMENT TO A STANDING
7 COMMITTEE, SUBMISSION OF THE PERFORMANCE AUDIT BY THE
8 LEGISLATIVE BUDGET AND FINANCE COMMITTEE AND OF THE REPORT ON
9 LEGISLATION BY THE LEGISLATIVE REFERENCE BUREAU, AND ISSUANCE OF
10 THE REPORT OF THE FINDINGS AND RECOMMENDATIONS OF THE STANDING
11 COMMITTEE.

12 SECTION 16. RETROACTIVITY.

13 SECTION 14(B) SHALL BE RETROACTIVE TO DECEMBER 22, 1991.

14 SECTION 17. EXPIRATION.

15 THIS ACT SHALL EXPIRE DECEMBER 31, 1997.

16 SECTION 18. EFFECTIVE DATE.

17 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.