

AN ACT

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

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

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

12 CHAPTER 15

13 GOVERNMENT OVERSIGHT

14 Sec.

15 1501. Declaration of purpose.

16 1502. Definitions.

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

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

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

10 The General Assembly finds and declares as follows:

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

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

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

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

24 § 1502. Definitions.

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

28 "Commonwealth agency." An authority, board, branch,  
29 commission, committee, department, division or other

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           (5) The Majority Caucus Secretary and Minority Caucus  
2           Secretary of the Senate.

3           (6) The Majority Policy Chair and Minority Policy Chair  
4           of the Senate.

5           (7) The Majority Caucus Administrator and Minority  
6           Caucus Administrator of the Senate.

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

9           "Investigating committee." Any of the following:

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

11           (2) The Committee on Government Oversight of the House  
12           of Representatives.

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

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

18           (1) A review of the Commonwealth agency's management and  
19           organization.

20           (2) Program delivery.

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

22           (4) The Commonwealth agency's compliance with the laws  
23           of this Commonwealth.

24           (5) The Commonwealth agency's finances.

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

1 investigating committee).

2 "Standing committee." A permanent committee with a regular  
3 meeting schedule and designated jurisdiction as authorized by  
4 the rules of the Senate or the House of Representatives.

5 § 1503. Establishment of Committee on Government Oversight of  
6 the Senate.

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

8 (1) The President pro tempore of the Senate shall  
9 establish the Committee on Government Oversight of the  
10 Senate.

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

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

17 (4) The President pro tempore of Senate shall designate  
18 one member of the Senate from the minority party as vice  
19 chairperson of the committee.

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

22 § 1504. Establishment of Committee on Government Oversight of  
23 the House of Representatives.

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

25 (1) The Speaker of the House of Representatives shall  
26 establish the Committee on Government Oversight of the House  
27 of Representatives.

28 (2) The Speaker of the House of Representatives shall  
29 appoint seven members to the committee. No more than four

1 members may belong to the same political party.

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

5 (4) The Speaker of the House of Representatives shall  
6 designate one member of the House of Representatives from the  
7 minority party as vice chairperson of the committee.

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

10 § 1505. Powers and duties of investigating committee.

11 (a) Duties.--An investigating committee shall conduct an  
12 oversight study and investigation of a Commonwealth agency in  
13 accordance with this section for the purpose of determining the  
14 following:

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

17 (2) Whether a program should be continued, curtailed or  
18 eliminated.

19 (3) Whether the laws of this Commonwealth regarding the  
20 Commonwealth agency are being enforced in accordance with  
21 legislative intent.

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

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

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

29 (2) The organization and operation of the Commonwealth

1 agency.

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

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

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

20 § 1506. Scheduled reviews of Commonwealth agencies.

21 (a) Senate.--The President pro tempore of the Senate shall  
22 develop a schedule for the oversight study and investigation of  
23 a Commonwealth agency for the Committee on Government Oversight  
24 of the Senate. The chairperson of the committee shall determine  
25 the scope of the oversight study and investigation of a  
26 Commonwealth agency, including the subjects to be reviewed.

27 (b) House of Representatives.--The Speaker of the House of  
28 Representatives shall develop a schedule for the oversight study  
29 and investigation of a Commonwealth agency for the Committee on

1 Government Oversight of the House of Representatives. The  
2 chairperson of the committee shall determine the scope of the  
3 oversight study and investigation of a Commonwealth agency,  
4 including the subjects to be reviewed.

5 (c) Frequency.--An investigating committee shall conduct an  
6 oversight study and investigation of Commonwealth agency no less  
7 than once every seven years.

8 § 1507. Unscheduled reviews of Commonwealth agencies.

9 In addition to scheduled oversight studies and investigations  
10 under section 1506 (relating to scheduled reviews of  
11 Commonwealth agencies), the chairperson of a committee may  
12 initiate an unscheduled review of a Commonwealth agency.

13 § 1508. Request for review of Commonwealth agencies.

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

15 (1) The chairperson of a standing committee may request  
16 that an investigating committee conduct an oversight study  
17 and investigation under section 1505 (relating to powers and  
18 duties of investigating committee) of a Commonwealth agency  
19 under the standing committee's jurisdiction.

20 (2) The request under paragraph (1) shall state the  
21 subject matter and scope of the oversight study and  
22 investigation.

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

24 (1) The President pro tempore of the Senate and Speaker  
25 of the House of Representatives may request that an  
26 investigating committee conduct an oversight study and  
27 investigation under section 1505 of an agency.

28 (2) The request under paragraph (1) shall state the  
29 subject matter and scope for the oversight study and



1 investigation.

2 (c) Scope.--An oversight study and investigation requested  
3 under this section shall not exceed the scope requested or the  
4 scope of the information uncovered by the oversight study and  
5 investigation.

6 § 1509. Requests for information, depositions and rulings.

7 (a) Requests.--The following shall apply to a request for  
8 information from a Commonwealth agency for the purpose of  
9 conducting an oversight study and investigation under section  
10 1505 (relating to powers and duties of investigating committee):

11 (1) The request for information shall be answered  
12 separately and fully, in writing and under oath or  
13 affirmation.

14 (2) Except as provided in subparagraph (3), the request  
15 for information shall be returned to the investigating  
16 committee within 45 days after being served on the  
17 Commonwealth agency.

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

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

27 (5) If part of the request for information includes a  
28 request for written or electronic records, audio, video or  
29 electronic recordings or other documents, the request for

1 information shall not be considered fulfilled until all the  
2 requested information is provided to the investigating  
3 committee.

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

5 (1) The investigating committee may depose an individual  
6 by oral examination if the committee has reason to believe  
7 that the individual has knowledge of the activities under  
8 investigation.

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

14 (3) The investigating committee may issue a subpoena for  
15 an individual who fails to appear at a deposition. A  
16 designation of the materials to be produced shall be attached  
17 to the subpoena.

18 (4) The investigating committee shall provide the  
19 Commonwealth agency subject to an oversight study and  
20 investigation with the name and address of an individual  
21 subject to a deposition and a designation of the materials to  
22 be produced by the individual subject to a deposition.

23 (5) The deposition shall be taken under oath or  
24 affirmation as administered by the chairperson of the  
25 investigating committee or a designee of the chairperson.

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

28 (7) The deposition shall be provided in accordance with  
29 the applicable provisions under 42 Pa.C.S. Ch. 59 (relating

1 to depositions and witnesses).

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

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

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

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

14 § 1510. Program evaluation reports.

15 (a) Reports.--Except as provided under subsection (b), an  
16 investigating committee may request that a Commonwealth agency  
17 submit a program evaluation report regarding a Commonwealth  
18 agency program subject to an oversight study and investigation  
19 under section 1505 (relating to powers and duties of  
20 investigating committee). A program evaluation report may  
21 include the following information:

22 (1) The established priorities, goals and objectives of  
23 the program.

24 (2) The performance criteria, timetables and other  
25 benchmarks designed and implemented by the Commonwealth  
26 agency to measure the progress in achieving the priorities,  
27 goals and objectives of the program.

28 (3) An assessment by the agency, using performance  
29 criteria, indicating the extent to which the Commonwealth

1 agency has met the priorities, goals and objectives of the  
2 program.

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

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

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

10 (5) The structure of the Commonwealth agency, including  
11 the number of agency positions and job classifications and an  
12 organizational flow chart indicating lines of responsibility  
13 within the Commonwealth agency.

14 (6) A financial summary of the Commonwealth agency,  
15 including sources of funding for the program and the amounts  
16 allocated or expended over the immediately preceding 10  
17 years.

18 (7) The areas in which the Commonwealth agency has  
19 coordinated efforts with Federal or other Commonwealth  
20 agencies for the purpose of achieving the program priorities,  
21 goals and objectives.

22 (8) The areas in which the Commonwealth agency may  
23 establish collaborative arrangements, including, but not  
24 limited to, cooperative arrangements to coordinate services  
25 and eliminate redundant requirements.

26 (9) Constituencies served by the Commonwealth agency or  
27 program, including changes to the constituencies served by  
28 the agency or program during the immediately preceding year.

29 (10) A summary of the Commonwealth agency's use of

1 alternative delivery systems, including privatization, to  
2 achieve the priorities, goals and objectives of the program.

3 (11) Emerging issues that the Commonwealth agency faces  
4 in implementing the program.

5 (12) A summary of any Federal laws or regulations which  
6 affect the State laws or regulations governing the  
7 Commonwealth agency or program.

8 (13) Policies for collecting, managing and using  
9 personal information using information technology and  
10 nonelectronic methods.

11 (14) The filing requirements necessary for the public to  
12 utilize the program, including the following:

13 (i) The statutory authority for the filing  
14 requirements.

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

17 (iii) Each time period for filing requirements.

18 (iv) The number of filings received annually for the  
19 immediately preceding seven years and the number of  
20 anticipated filings for the next four years.

21 (v) A description of the actions taken or  
22 contemplated by the Commonwealth agency to reduce  
23 duplicative filing requirements.

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

25 (vii) Any other relevant information specifically  
26 requested by the investigating committee.

27 (b) Exception.--A Commonwealth agency which is vested with  
28 revenue bonding authority may submit annual reports and annual  
29 external audit reports conducted by a third party to an

1 investigating committee in lieu of a program evaluation report.

2 § 1511. Audit by Department of the Auditor General.

3 An investigating committee may direct the Department of the  
4 Auditor General to perform an audit of a Commonwealth agency or  
5 program which is subject to an oversight study and investigation  
6 under section 1505 (relating to powers and duties of  
7 investigating committee). An audit under this section shall be  
8 paid for by unencumbered funds of the agency.

9 § 1512. Contempt of investigating committee.

10 (a) Offense.--An individual commits an offense under 18  
11 Pa.C.S. § 5110 (relating to contempt of General Assembly) if the  
12 individual is disorderly or contemptuous in the presence of an  
13 investigating committee, or if the individual neglects or  
14 refuses to appear in the presence of an investigating committee  
15 after having been duly served with a subpoena under section  
16 1509(b)(3) (relating to requests for information, depositions  
17 and rulings).

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

21 (1) Appearing before an investigating committee and  
22 knowingly giving false, materially misleading or materially  
23 incomplete testimony.

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

26 (3) Refusing to provide testimony under oath or  
27 affirmation to an investigating committee.

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

1           (5) Refusing to produce subpoenaed information to an  
2           investigating committee in the individual's possession or  
3           under the individual's control if the information constitutes  
4           material and proper evidence.

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