

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 842 Session of  
1997

INTRODUCED BY GREENLEAF, AFFLERBACH, HELFRICK AND MOWERY,  
APRIL 1, 1997

REFERRED TO STATE GOVERNMENT, APRIL 1, 1997

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employees in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employees of certain departments, boards and  
20 commissions shall be determined," establishing the  
21 Privatization Division of the Office of the Budget and  
22 providing for its powers and duties; and establishing the  
23 Advisory Commission on Privatization.

24 The General Assembly of the Commonwealth of Pennsylvania  
25 hereby enacts as follows:

26 Section 1. The act of April 9, 1929 (P.L.177, No.175), known  
27 as The Administrative Code of 1929, is amended by adding  
28 sections to read:

1     Section 609.1. Privatization Division.--The Privatization  
2 Division is hereby established within the Office of the Budget  
3 and is charged with the duty to assist the Secretary of the  
4 Budget perform the duties under sections 609.4 and 611 of this  
5 act.

6     Section 609.2. Executive Director.--The Secretary of the  
7 Budget shall appoint an Executive Director to oversee the  
8 administration of the Privatization Division of the Office of  
9 the Budget.

10    Section 609.3. Duties of Privatization Division.--The  
11 Privatization Division shall have the following powers and  
12 duties:

13    (1) Within two years of the effective date of this section,  
14 to evaluate the programs of all administrative departments,  
15 boards and commissions under this act, pursuant to regulations  
16 established under this section, and to make any relevant  
17 recommendations to the Secretary of the Budget and head of any  
18 affected administrative department, board or commission.

19    (2) Within ninety (90) days of the effective date of this  
20 section, to draft general evaluation procedures and construct a  
21 uniform cost evaluation schedule to be employed by each  
22 administrative department, board or commission during the  
23 program evaluation process.

24    (3) To promulgate rules and regulations and establish  
25 procedures to facilitate the program evaluation process.

26    Section 609.4. Evaluation Conducted by Privatization  
27 Division.--(a) In conjunction with the Secretary of the  
28 Budget's duty to initiate and conduct program evaluations, the  
29 Secretary of the Budget shall determine if the programs can be  
30 provided more cost effectively by the private sector under

1 regulations and procedures established under section 609.3 of  
2 this act.

3 (b) When deemed appropriate, the Secretary of the Budget  
4 shall have the authority to direct administrative departments,  
5 boards and commissions to enter into contracts with the private  
6 sector under the act of November 26, 1978 (P.L.1309, No.317),  
7 referred to as the Public Works Contract Regulation Law.

8 Section 609.5. Contracts with Private Sector.--All  
9 administrative departments, boards and commissions shall have  
10 the authority, in conjunction with the Privatization Division,  
11 to enter into contracts with the private sector to provide  
12 services under the act of November 26, 1978 (P.L.1309, No.317),  
13 referred to as the Public Works Contract Regulation Law.

14 Section 609.6. Advisory Commission on Privatization.--(a)  
15 The Advisory Commission on Privatization is hereby established  
16 and is charged with the power and duty to facilitate the  
17 reassignment of State employes affected by those decisions made  
18 by the Privatization Division. The commission shall be under the  
19 direction of the Governor and shall:

20 (1) provide advice on the reassignment of displaced State  
21 employes to other administrative departments, boards and  
22 commissions; or

23 (2) make recommendations for the terms and conditions of  
24 State contracts to ensure continued employment of displaced  
25 State employes with the firm in the private sector that provides  
26 the services.

27 (b) The commission shall be composed of eleven members who  
28 shall be appointed as follows:

29 (1) Four public members, one of whom shall serve as  
30 chairman, to be appointed by the Governor.

1     (2) One member to be appointed by the President pro tempore  
2     of the Senate, and one member to be appointed by the Minority  
3     Leader of the Senate.

4     (3) One member to be appointed by the Speaker of the House  
5     of Representatives, and one member to be appointed by the  
6     Minority Leader of the House of Representatives.

7     (4) The Executive Director of the Privatization Division of  
8     the Office of the Budget.

9     (5) Two members of the Governor's cabinet, excluding the  
10    Secretary of the Budget, to be appointed by the Governor.

11    (c) The members of the commission shall serve until the  
12    expiration of the commission.

13    (d) The commission and this subsection shall expire three  
14    years after the effective date of this section.

15    (e) The commission shall use the staff of the Office of the  
16    Budget to assist it in the discharge of its duties.

17    (f) The public members of the commission shall be  
18    compensated on a per diem basis, established by the Executive  
19    Board, not to exceed two hundred (200) days in one fiscal year,  
20    and the moneys shall be appropriated to the Office of the Budget  
21    to cover these compensation costs.

22    (g) As used in this section, "commission" shall mean the  
23    Advisory Commission on Privatization.

24    Section 2. All acts and parts of acts are repealed insofar  
25 as they are inconsistent with this act.

26    Section 3. This act shall take effect in 60 days.