

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2157** Session of  
1978

INTRODUCED BY FREIND, NOYE, POLITE, WILSON, KNEPPER, WILT,  
E. Z. TAYLOR, STAIRS, BROWN, LYNCH, BURD AND DAVIES,  
MARCH 15, 1978

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 15, 1978

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 employes 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 employes of certain departments, boards and  
20 commissions shall be determined," transferring powers and  
21 duties from the Department of Transportation and the Turnpike  
22 Commission to the State Transportation Commission, making  
23 related editorial changes and making certain repeals.

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

26 Section 1. Section 201, act of April 9, 1929 (P.L.177,  
27 No.175), known as "The Administrative Code of 1929," amended  
28 July 22, 1975 (P.L.75, No.45), and December 19, 1975 (P.L.602,

1 No.172), is amended to read:

2       Section 201. Executive Officers, Administrative Departments  
3 and Independent Administrative Boards and Commissions.--The  
4 executive and administrative work of this Commonwealth shall be  
5 performed by the Executive Department, consisting of the  
6 Governor, Lieutenant Governor, Secretary of the Commonwealth,  
7 Attorney General, Auditor General, State Treasurer, and  
8 Secretary of Education; by the Executive Board, and the  
9 Pennsylvania State Police; by the following administrative  
10 departments: Department of State, Department of Justice,  
11 Department of the Auditor General, Treasury Department,  
12 Department of Education, Department of Military Affairs,  
13 Insurance Department, Department of Banking, Department of  
14 Agriculture, [Department of Transportation,] Department of  
15 Health, Department of Labor and Industry, Department of Public  
16 Welfare, Department of General Services, Department of Revenue,  
17 Department of Commerce, Department of Community Affairs and  
18 Department of Environmental Resources; and by the following  
19 independent administrative boards and commissions: Pennsylvania  
20 Game Commission, Pennsylvania Fish Commission, State Civil  
21 Service Commission, Pennsylvania Public Utility Commission, the  
22 Pennsylvania Historical and Museum Commission, State  
23 Transportation Commission and the Pennsylvania Securities  
24 Commission.

25       All of the provisions of this act, which apply generally to  
26 administrative departments, or generally except to the  
27 Department of the Auditor General and the Treasury Department,  
28 shall apply to the Executive Board and to the Pennsylvania State  
29 Police.

30       Section 2. As much of section 202 of the act as relates to

1 the Department of Highways and the Department of Transportation,  
2 amended as to the Department of Highways, August 14, 1963  
3 (P.L.918, No.438) and reenacted and amended as to the Department  
4 of Transportation July 9, 1976 (P.L.980, No.197), is amended to  
5 read:

6 Section 202. Departmental Administrative Boards,  
7 Commissions, and Offices.--The following boards, commissions,  
8 and offices are hereby placed and made departmental  
9 administrative boards, commissions, or offices, as the case may  
10 be, in the respective administrative departments mentioned in  
11 the preceding section, as follows:

12 \* \* \*

13 [In the Department of Highways,

14 State Highways Commission

15 In the Department of Transportation,

16 Hazardous Substances Transportation Board,]

17 \* \* \*

18 All of the foregoing departmental administrative boards and  
19 commissions shall be organized or reorganized as provided in  
20 this act.

21 Section 3. Subsection (b) of section 205 of the act amended  
22 December 28, 1972 (P.L.1649, No.349), is amended to read:

23 Section 205. Pennsylvania State Police.--\* \* \*

24 (b) The State Police Force shall consist of such number of  
25 officers and men, and shall be organized in such manner, as the  
26 Commissioner of Pennsylvania State Police, with the approval of  
27 the Governor, shall from time to time determine: Provided,  
28 however, That during the fiscal year 1971-1972, the number of  
29 officers and men shall not exceed in the aggregate at any time,  
30 three thousand seven hundred ninety persons, and during the

1 fiscal year 1972-1973 and thereafter, the number of officers and  
2 men shall not exceed in the aggregate at any time three thousand  
3 nine hundred and forty persons. State policemen, both officers  
4 and men, assigned to duty with the [Pennsylvania Turnpike  
5 Commission,] Turnpike Division of State Transportation  
6 Commission, shall not be counted in determining the total number  
7 of officers and men in the State Police Force.

8 \* \* \*

9 Section 4. Section 206 of the act, amended July 22, 1975  
10 (P.L.75, No.45), is amended to read:

11 Section 206. Department Heads.--Each administrative  
12 department shall have as its head an officer who shall, either  
13 personally, by deputy, or by the duly authorized agent or  
14 employe of the department, and subject at all times to the  
15 provisions of this act, exercise the powers and perform the  
16 duties by law vested in and imposed upon the department.

17 The following officers shall be the heads of the  
18 administrative departments following their respective titles:

19 Secretary of the Commonwealth, of the Department of State;  
20 Attorney General, of the Department of Justice;  
21 Auditor General, of the Department of the Auditor General;  
22 State Treasurer, of the Treasury Department;  
23 Secretary of Education, of the Department of Education;  
24 Adjutant General, of the Department of Military Affairs;  
25 Insurance Commissioner, of the Insurance Department;  
26 Secretary of Banking, of the Department of Banking;  
27 Secretary of Agriculture, of the Department of Agriculture;  
28 [Secretary of Transportation, of the Department of  
29 Transportation;]  
30 Secretary of Health, of the Department of Health;

Secretary of Labor and Industry, of the Department of Labor  
and Industry;

Secretary of Public Welfare, of the Department of Public  
Welfare;

Secretary of Revenue, of the Department of Revenue;

Secretary of Commerce, of the Department of Commerce;

Secretary of Community Affairs, of the Department of  
Community Affairs;

Secretary of Environmental Resources, of the Department of  
Environmental Resources;

Secretary of General Services, of the Department of General  
Services.

Section 5. Subsection (c) and clauses (1) and (2) of  
subsection (d) of section 207.1 of the act, added November 8,  
1976 (P.L.1109, No.227), are amended to read:

Section 207.1. Gubernatorial Appointments.--\* \* \*

(c) The Governor shall nominate in accordance with the  
provisions of the Constitution of the Commonwealth of  
Pennsylvania and, by and with the advice and consent of two-  
thirds of the members elected to the Senate, appoint persons to  
fill the following positions:

(1) Vacancies in the offices of Auditor General and State  
Treasurer and in any other elective office which he is  
authorized by law to fill when said law requires confirmation.

(2) Those members which he is authorized to appoint to the  
Milk Marketing Board, the Pennsylvania Fish Commission, the  
Pennsylvania Game Commission, the Pennsylvania Liquor Control  
Board, the Pennsylvania Public Utility Commission and the  
[Pennsylvania Turnpike Commission] State Transportation  
Commission.

1 (d) The Governor shall nominate in accordance with the  
2 provisions of the Constitution of the Commonwealth of  
3 Pennsylvania and, by and with the advice and consent of a  
4 majority of the members elected to the Senate appoint persons to  
5 fill the following positions:

6 (1) The Attorney General, the Secretary of Education, the  
7 Secretary of the Commonwealth, the Adjutant General, the  
8 Insurance Commissioner, the Secretary of Banking, the Secretary  
9 of Agriculture, [the Secretary of Transportation,] the Secretary  
10 of Health, the Commissioner of the State Police, the Secretary  
11 of Labor and Industry, the Secretary of Public Welfare, the  
12 Secretary of General Services, the Secretary of Revenue, the  
13 Secretary of Commerce, the Secretary of Community Affairs and  
14 the Secretary of Environmental Resources.

15 (2) Those members which he is authorized to appoint to the  
16 Board of Pardons, the Board of Probation and Parole, the State  
17 Civil Service Commission, the State Horse Racing Commission, the  
18 State Harness Racing Commission, the Board of Arbitration of  
19 Claims, the Pennsylvania Securities Commission, the Pennsylvania  
20 Industrial Development Authority, the State Board of Education,  
21 the Board of State College and University Directors, the Board  
22 of Trustees of Pennsylvania State University, the Board of  
23 Trustees of the University of Pittsburgh, the Board of Trustees  
24 of Temple University, the Board of Trustees of Lincoln  
25 University, the Environmental Hearing Board, the Pennsylvania  
26 Crime Commission, the Pennsylvania Labor Relations Board, the  
27 Industrial Board, the Unemployment Compensation Board of Review,  
28 the Workmen's Compensation Appeals Board, the State Art  
29 Commission, the State Lottery Commission, the State  
30 Transportation [Commission] Board and the Pennsylvania Human

1 Relations Commission.

2 \* \* \*

3 Section 6. The act is amended by adding a section to read:

4 Section 306. State Transportation Commission.--The State  
5 Transportation Commission shall have all the powers, duties,  
6 responsibilities and obligations formerly vested in the  
7 Department of Transportation and in the Pennsylvania Turnpike  
8 Commission and shall function as an independent administrative  
9 commission.

10 Section 7. Section 468 of the act, amended May 6, 1970  
11 (P.L.356, No.120), is amended to read:

12 Section 468. State Transportation [Commission] Board.--(a)  
13 There is hereby created a State Transportation [Commission]  
14 Board which shall consist of thirteen members, one of whom shall  
15 be the [Secretary of Transportation] Transportation  
16 Commissioner, ex officio, who shall be the chairman of the  
17 [commission] board. The chairman of the Committee on Highways of  
18 the Senate and the chairman of the Committee on Transportation  
19 of the House of Representatives, respectively, shall be ex  
20 officio members of the [commission] board.

21 (b) The Governor shall nominate and by and with the advice  
22 and consent of two-thirds of all the members of the Senate,  
23 appoint eight of the remaining members of the [commission]  
24 board, not more than four of whom shall be members of the same  
25 political party, for terms of six years: Provided, That one of  
26 the two members who is to be appointed by virtue of his  
27 membership on the board of directors of a transportation  
28 authority shall be appointed for an initial term of four years.  
29 Not more nor less than one appointed member of the [commission]  
30 board shall be a resident of the counties of Philadelphia and

1 Allegheny, respectively. Effective with the first two  
2 appointments after the adoption of this act at least two of the  
3 appointees of the Governor shall be members of the board of  
4 directors of a transportation authority at the time of their  
5 appointment: Provided, That said authority appointees shall not  
6 be considered residents of either Philadelphia or Allegheny  
7 County for the purpose of the preceding sentence. The present  
8 members of the [commission] board shall be entitled to complete  
9 their present terms and may be reappointed at the completion  
10 thereof.

11 (c) The President Pro Tempore of the Senate and the Speaker  
12 of the House of Representatives shall each appoint one member of  
13 the minority party in their respective houses to serve until  
14 February 1, 1971. Subsequent appointees shall serve for two year  
15 periods ending on January 31, of the odd-numbered years or until  
16 a successor is appointed whichever shall last occur. In the  
17 event a member so appointed is no longer a member of the house  
18 from which he was appointed, there shall be a vacancy in his  
19 position on the [commission] board.

20 (d) The members of the [commission] board shall be reputable  
21 citizens of the Commonwealth, of mature judgment and broad  
22 business experience and shall not hold any other position as an  
23 employe of the Commonwealth. Any person appointed to fill a  
24 vacancy shall serve only for the unexpired term. Any member of  
25 the [commission] board may be appointed to succeed himself. All  
26 appointed members shall serve for their appointed terms and  
27 until their successors have been appointed and qualify. All  
28 vacancies shall be filled not later than sixty days after such  
29 vacancy occurs.

30 (e) No member of the [commission] board, during his term of



1 office shall directly or indirectly own, have any significant  
2 financial interest in, be associated with, or receive any fee,  
3 commission, compensation or anything of value from any person,  
4 firm, partnership, business association or corporation which  
5 supplies materials or services of any nature except services of  
6 an informational or advisory nature rendered as a public service  
7 and without profit to the [Department of Transportation] State  
8 Transportation Commission.

9 (f) Each member of the [commission] board shall be deemed to  
10 have been appointed to represent the interests of the  
11 Commonwealth at large and shall not be deemed to be the  
12 representative of any region or district whatsoever.

13 (g) The members of the [commission] board, other than  
14 legislative members, shall be entitled to receive seventy-five  
15 dollars (\$75) per diem for each day actually spent in the  
16 performance of his duties and all members shall be entitled to  
17 reimbursement for reasonable expenses as determined by rule or  
18 regulation of the [commission] board.

19 Section 8. The act is amended by adding a section to read:

20 Section 468.1. State Transportation Advisory Committee.--(a)  
21 The State Transportation Advisory Committee shall consist of  
22 thirty members, of which eight shall be ex officio members, to  
23 wit: the State Transportation Commissioner, the Executive  
24 Director of the State Planning Board, the Chairman of the Public  
25 Utility Commission, the Secretary of Commerce, the Secretary of  
26 Education, the Secretary of Environmental Resources the  
27 Secretary of Agriculture, the Secretary of Community Affairs,  
28 two members of the House of Representatives to be appointed by  
29 the Speaker and who shall not be members of the same political  
30 party, two members of the Senate to be appointed by the

1 President Pro Tempore and who shall not be members of the same  
2 political party and eighteen additional public members. Each ex  
3 officio member may designate a representative from within his  
4 department, board, or commission to serve in his stead. An ex  
5 officio member who designates a representative shall notify the  
6 chairman, in writing, of such designation.

7 (b) The Governor, the President Pro Tempore of the Senate  
8 and the Speaker of the House of Representatives each shall  
9 appoint six public members to the State Transportation Advisory  
10 Committee. The public members must have recent and extensive  
11 experience and knowledge in the fields of transportation of  
12 people and goods from industry, labor, academic, consulting,  
13 research sources and the appointing authorities shall give due  
14 consideration to insure a balanced representation by facilities  
15 and modes for aid, land and water transportation as they exist  
16 in the Commonwealth, both public and private. Such public  
17 members shall be appointed for terms of three years. Any person  
18 appointed to fill a vacancy shall serve for only the unexpired  
19 term. Any member of the committee may be appointed to succeed  
20 himself.

21 (c) The Governor shall annually designate the chairman from  
22 among the public members.

23 Section 9. Section 471 of the act, added December 3, 1970  
24 (P.L.834, No.275), is amended to read:

25 Section 471. Environmental Quality Board.--The Environmental  
26 Quality Board shall consist of the Secretary of Environmental  
27 Resources, who shall be chairman thereof, the Secretary of  
28 Health, the Secretary of Commerce, the [Secretary of  
29 Transportation] Transportation Commissioner, the Secretary of  
30 Agriculture, the Secretary of Labor and Industry, the Secretary

1 of Community Affairs, the Executive Director of the Fish  
2 Commission, the Executive Director of the Game Commission, the  
3 Chairman of the Public Utilities Commission, the Executive  
4 Director of the State Planning Board, the Executive Director of  
5 the Pennsylvania Historical and Museum Commission, five members  
6 of the Citizens Advisory Council, and four members of the  
7 General Assembly. The Citizens Advisory Council members shall be  
8 designated by, and serve at the pleasure of, the Citizens  
9 Advisory Council. One of the General Assembly members shall be  
10 designated by, and serve at the pleasure of, the President Pro  
11 Tempore of the Senate, one by the Minority Leader of the Senate,  
12 one by the Speaker of the House of Representatives and one by  
13 the Minority Leader of the House of Representatives.

14 Eight members of the board shall constitute a quorum.

15 Section 10. Section 526 of the act, amended May 16, 1970  
16 (P.L.356, No.120), is amended to read:

17 Section 526. Aircraft for Official Use.--All aircraft  
18 required for the proper conduct of the business of the several  
19 administrative departments, boards and commissions, and the  
20 officers and authorized agents of the General Assembly, or of  
21 either branch thereof, shall be purchased and maintained by the  
22 [Department of Transportation] State Transportation Commission.  
23 The use of such aircraft shall be charged by the [department]  
24 commission to the using agency. The amount of such charge shall  
25 be paid into the Motor License Fund and be credited to the  
26 amounts appropriated therefrom for the use of the [Department of  
27 Transportation] State Transportation Commission. All amounts so  
28 credited are hereby appropriated to the [Department of  
29 Transportation] State Transportation Commission for the same  
30 purposes as other appropriations out of the Motor License Fund

1 for the use of the [department] commission.

2 Section 11. Subsection (c) of section 904-A.1 of the act,  
3 added June 21, 1977 (No.15), is amended to read:

4 Section 904-A.1. Assessment Upon Public Utilities,  
5 Disposition, Appropriation and Disbursement of such  
6 Assessments.--\* \* \*

7 (c) The Pennsylvania Public Utility Commission shall  
8 thereafter complete the assessment procedure and collect the  
9 assessments as follows: each public utility within a group shall  
10 then be assessed for and shall pay to the Pennsylvania Public  
11 Utility Commission such proportion of the amount allocated to  
12 its group as the gross intrastate operating revenues of the  
13 public utility for the preceding calendar year bear to the total  
14 gross intrastate operating revenues of its group for that year,  
15 but for the fiscal year 1977-1978 every public utility shall be  
16 assessed for and shall pay to the commission such proportion of  
17 the total assessment as the gross intrastate operating revenues  
18 of the public utility for the preceding calendar year bear to  
19 the total gross intrastate operating revenues of all public  
20 utilities that are assessed. The Pennsylvania Public Utility  
21 Commission shall give notice by registered or certified mail to  
22 each public utility of the amount lawfully charged against it  
23 under the provisions of this section, which amount shall be paid  
24 by the public utility within thirty (30) days of receipt of such  
25 notice, unless the commission specifies on the notices sent to  
26 all public utilities an installment plan of payment, in which  
27 case each public utility shall pay each installment on or before  
28 the date specified therefor by the commission. Within fifteen  
29 (15) days after receipt of such notice, the public utility  
30 against which such assessment has been made may file with the

1 commission objections setting out in detail the grounds upon  
2 which the objector regards such assessment to be excessive,  
3 erroneous, unlawful or invalid. The commission, after notice to  
4 the objector, shall hold a hearing upon such objections. After  
5 such hearing, the commission shall record upon its minutes its  
6 findings on the objections and shall transmit to the objector,  
7 by registered or certified mail, notice of the amount, if any,  
8 charged against it in accordance with such findings, which  
9 amount, or any installment thereof, then due shall be paid by  
10 the objector within ten (10) days after receipt of notice of the  
11 findings of the commission with respect to such objections. If  
12 any payment prescribed by this subsection is not made as  
13 aforesaid, the commission may suspend or revoke certificates of  
14 public convenience, certify automobile registrations to the  
15 [Secretary of Transportation] Transportation Commissioner for  
16 suspension or revocation or, through the Department of Justice,  
17 may institute an appropriate action at law for the amount  
18 lawfully assessed, together with any additional cost incurred by  
19 the commission or the Department of Justice by virtue of such  
20 failure to pay.

21 \* \* \*

22 Section 12. Article 20 of the act is repealed.

23 Section 13. This act shall take effect on the same day the  
24 act of (P.L. , No. ), known as the "State  
25 Transportation Commission Act," becomes effective.