

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 380 Session of
1991

INTRODUCED BY SCHULER, SCHEETZ, HERSHEY, FARGO, NOYE, BUNT,
KOSINSKI, BARLEY, E. Z. TAYLOR, TRELLO AND DAVIES,
FEBRUARY 12, 1991

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 12, 1991

AN ACT

1 Amending the act of October 15, 1980 (P.L.950, No.164), entitled
2 "A supplement to the act of April 9, 1929 (P.L.177, No.175),
3 entitled 'An act providing for and reorganizing the conduct
4 of the executive and administrative work of the Commonwealth
5 by the Executive Department thereof and the administrative
6 departments, boards, commissions, and officers thereof,
7 including the boards of trustees of State Normal Schools, or
8 Teachers Colleges; abolishing, creating, reorganizing or
9 authorizing the reorganization of certain administrative
10 departments, boards, and commissions; defining the powers and
11 duties of the Governor and other executive and administrative
12 officers, and of the several administrative departments,
13 boards, commissions, and officers; fixing the salaries of the
14 Governor, Lieutenant Governor, and certain other executive
15 and administrative officers; providing for the appointment of
16 certain administrative officers, and of all deputies and
17 other assistants and employes in certain departments, boards,
18 and commissions; and prescribing the manner in which the
19 number and compensation of the deputies and all other
20 assistants and employes of certain departments, boards and
21 commissions shall be determined,' implementing the addition
22 of section 4.1 to Article IV of the Constitution of
23 Pennsylvania; establishing the Office of Attorney General
24 elected by the citizens and setting forth powers and duties
25 of the Attorney General; creating an Office of General
26 Counsel and providing for legal services for Commonwealth
27 agencies; transferring, reorganizing or reconstituting
28 certain boards, commissions and agencies; placing certain
29 duties upon the courts and district attorneys; repealing
30 certain acts and parts of acts and making appropriations,"
31 classifying the State System of Higher Education as an
32 independent agency entitled to appoint and fix the
33 compensation of legal counsel.

1 The General Assembly of the Commonwealth of Pennsylvania
2 hereby enacts as follows:

3 Section 1. The definition of "independent agency" in section
4 102 of the act of October 15, 1980 (P.L.950, No.164), known as
5 the Commonwealth Attorneys Act, is amended to read:

6 Section 102. Definitions.

7 The following words and phrases when used in this act shall
8 have, unless the context clearly indicates otherwise, the
9 meanings given to them in this section:

10 * * *

11 "Independent agency." The Department of the Attorney
12 General, the Pennsylvania Fish Commission, the Pennsylvania Game
13 Commission, the Historical and Museum Commission, the State
14 Civil Service Commission, the Pennsylvania Turnpike Commission,
15 the Milk Marketing Board, the Pennsylvania Liquor Control Board,
16 the Pennsylvania Human Relations Commission, the Pennsylvania
17 Labor Relations Board, the Pennsylvania Securities Commission,
18 the State Tax Equalization Board, Pennsylvania Higher Education
19 Assistance Agency, the State System of Higher Education, the
20 Pennsylvania Crime Commission, and the State Ethics Commission.
21 Except for the provisions of section 204(b) and (f), and for
22 actions pursuant to 42 Pa.C.S. § 5110 (relating to limited
23 waiver of sovereign immunity), for the purposes of this act the
24 Department of the Auditor General, including the Board of
25 Claims, State Treasury and the Public Utility Commission shall
26 not be considered either executive agencies or independent
27 agencies.

28 * * *

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