

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 489 Session of  
1995

INTRODUCED BY SCHULER, COY, STAIRS, M. COHEN, FLICK, FLEAGLE,  
PLATTS, BAKER, TRELLO, BUNT, E. Z. TAYLOR, BATTISTO, CIVERA,  
TRUE, YOUNGBLOOD, COWELL, HANNA, MERRY AND SEMMEL,  
FEBRUARY 1, 1995

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 1, 1995

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

1 compensation of legal counsel.

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

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

7 Section 102. Definitions.

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

11 \* \* \*

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

29 \* \* \*

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