

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 86

Session of  
1981

INTRODUCED BY HAGER, JUBELIRER, STAUFFER, O'CONNELL, LOEPER,  
PRICE, STREET, HOPPER, HELFRICK, KUSSE, GREENLEAF, CORMAN,  
HOWARD AND TILGHMAN, JANUARY 8, 1981

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF  
REPRESENTATIVES, AS AMENDED, NOVEMBER 17, 1982

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," ~~further providing for~~ <—  
21 ~~gubernatorial appointments and terms of office.~~ <—  
22 FURTHER PROVIDING FOR THE LEASING OF CERTAIN LANDS BY THE DEPARTMENT  
23 OF TRANSPORTATION, TRANSFERRING THE RESPONSIBILITIES OF THE  
24 PENNSYLVANIA COORDINATE SYSTEM TO THE DEPARTMENT OF  
25 TRANSPORTATION AND MAKING AN APPROPRIATION.

26 The General Assembly of the Commonwealth of Pennsylvania  
27 hereby enacts as follows:

28 ~~Section 1. Subsections (c), (d), (e) and (f) of section~~ <—

~~207.1, act of April 9, 1929 (P.L.177, No.175), known as "The  
Administrative Code of 1929," 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 Attorney General, 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.]~~

~~(d) 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 a  
majority of the members elected to the Senate appoint persons to  
fill the following positions:~~

~~(1) The Secretary of Education, the Secretary of the  
Commonwealth, the Adjutant General, the Insurance Commissioner,  
the Secretary of Banking, the Secretary of Agriculture, the  
Secretary of Transportation, the Secretary of Health, the  
Commissioner of the State Police, the Secretary of Labor and  
Industry, the Secretary of Aging, the Secretary of Public  
Welfare, the Secretary of General Services, the Secretary of~~

~~Revenue, the Secretary of Commerce, the Secretary of Community Affairs and the Secretary of Environmental Resources.~~

~~(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, the Pennsylvania Turnpike Commission, the Board of Pardons, the Board of Probation and Parole, the State Civil Service Commission, the State Horse Racing Commission, the State Harness Racing Commission, the Board of Arbitration of Claims, the Pennsylvania Securities Commission, the Pennsylvania Industrial Development Authority, the State Board of Education, the Board of State College and University Directors, the Board of Trustees of Pennsylvania State University, the Board of Trustees of the University of Pittsburgh, the Board of Trustees of Temple University, the Board of Trustees of Lincoln University, the Environmental Hearing Board, the Pennsylvania Crime Commission, the Pennsylvania Labor Relations Board, the Industrial Board, the Unemployment Compensation Board of Review, the Workmen's Compensation Appeals Board, the State Art Commission, the State Lottery Commission, the State Transportation Commission and the Pennsylvania Human Relations Commission.~~

~~(4) Those members which he is authorized to appoint to the Delaware Valley Regional Planning Commission, the Pennsylvania Public Television Network Commission, the State Council of Civil Defense, the State Farm Products Commission, the Pennsylvania Housing Finance Agency, the Board of Trustees of each State College and University, the Board of Trustees of Scotland School for Veterans' Children, the Board of Trustees of Thaddeus Stevens Trade School, the State Conservation Commission, the~~

1 ~~Commonwealth of Pennsylvania Council on the Arts, the State~~  
2 ~~Planning Board, the Pennsylvania Drug, Device and Cosmetic~~  
3 ~~Board, the County Board of Assistance in each county, the State~~  
4 ~~Board of Public Welfare, the Boards of Trustees of Centers, the~~  
5 ~~Board of Trustees of Eastern Pennsylvania Psychiatric Institute,~~  
6 ~~the Board of Trustees of each Restoration Center, the Board of~~  
7 ~~Trustees of each State General Hospital, the Board of Trustees~~  
8 ~~of each State School and Hospital, the Board of Trustees of each~~  
9 ~~State Hospital, the State Dental Council and Examining Board,~~  
10 ~~the State Real Estate Commission, the State Registration Board~~  
11 ~~for Professional Engineers, the State Boards of Examiners of~~  
12 ~~Architects, Auctioneers, Nursing Home Administrators and Public~~  
13 ~~Accountants, the State Boards of Barber Examiners, Chiropractic~~  
14 ~~Examiners, Cosmetology, Funeral Directors, Medical Education and~~  
15 ~~Licensure, Nurse Examiners, Optometrical Examiners, Osteopathic~~  
16 ~~Examiners, Pharmacy, Physical Therapy Examiners, Podiatry~~  
17 ~~Examiners, Veterinary Medical Examiners, Landscape Architects~~  
18 ~~and Motor Vehicle Manufacturers, Dealers and Salesmen, the~~  
19 ~~Pennsylvania Board of Psychologist Examiners, the State Athletic~~  
20 ~~Commission, the Hazardous Substance Transportation Board, the~~  
21 ~~Pennsylvania Higher Education Assistance Agency, the~~  
22 ~~Pennsylvania Historical and Museum Commission, the State Tax~~  
23 ~~Equalization Board, the Public School Employees' Retirement~~  
24 ~~Board, the State Employees' Retirement Board, the Municipal~~  
25 ~~Police Officers' Education and Training Commission, the~~  
26 ~~Pennsylvania Nursing Home Loan Agency, the Crime Victims~~  
27 ~~Compensation Board, the Consumer Advocate, and the Pennsylvania~~  
28 ~~Minority Business Development Authority.~~

29 ~~(5) The general officers in the Department of Military~~  
30 ~~Affairs which he is authorized by law to appoint.~~

~~(6) Vacancies in the offices of Attorney General, Auditor General and State Treasurer, and in any other elective office which he is authorized by law to fill, when said law requires confirmation.~~

~~[(6)] (7) All positions hereinafter statutorily created by amendment to this act or in any other act or amendment thereto for which Senate confirmation is specified but for which the advice and consent of two thirds of the members elected to the Senate is not required.~~

~~[(e) Notwithstanding the provisions of existing law providing for the extension of a term of office until a successor is appointed and qualified, for purposes of appointment under Article IV, section 8 of the Pennsylvania Constitution, for those offices requiring Senate confirmation by this section a vacancy requiring appointment or reappointment by the Governor shall exist upon the expiration of the number of years or time period specified for said office.]~~

~~(f) A person, other than one serving until a successor is appointed and qualified, nominated by the Governor to a position for which Senate confirmation is required by this section shall not serve in such position nor receive any compensation for serving in such position until he has been confirmed by action of the Senate or by its inaction as provided by the Constitution of the Commonwealth of Pennsylvania and his appointment or commission thereafter issued by the Governor: Provided, however, That nothing contained in this section shall be construed to repeal or modify section 213 of this act[: And provided further, That nothing in this act shall affect the right of an incumbent, whose term of office has expired, to continue in his office until his successor is appointed and qualified].~~

1       \* \* \*

2       ~~Section 2. Section 208 of the act, amended April 28, 1943~~  
3       ~~(P.L.94, No.52), is amended to read:~~

4       ~~Section 208. Terms of Office. The terms of office of the~~  
5       ~~persons appointed by the Governor under the preceding section~~  
6       ~~shall be as follows:~~

7       ~~(a) The Secretary of the Commonwealth [and the Attorney~~  
8       ~~General] shall serve during the pleasure of the Governor.~~

9       ~~(b) The term of the [Superintendent of Public Instruction]~~  
10       ~~Secretary of Education shall be four years.~~

11       ~~(c) Except as in this act otherwise provided, the heads of~~  
12       ~~other administrative departments, the Commissioner of the~~  
13       ~~Pennsylvania State Police, the members of independent~~  
14       ~~administrative boards and commissions, of departmental~~  
15       ~~administrative boards and commissions, and of advisory boards~~  
16       ~~and commissions, and departmental administrative officers, shall~~  
17       ~~hold office for terms of four years, from the third Tuesday of~~  
18       ~~January next following the election of a Governor, and until~~  
19       ~~their successors shall have been appointed and qualified or~~  
20       ~~ninety days after the expiration of the fixed term whichever is~~  
21       ~~less: Provided, That the term of the Commissioner of the~~  
22       ~~Pennsylvania State Police appointed prior to the third Tuesday~~  
23       ~~of January, one thousand nine hundred and thirty nine, shall~~  
24       ~~expire upon that date, or as soon thereafter as his successor~~  
25       ~~shall have been appointed and qualified.~~

26       ~~(d) Notwithstanding any other provision of the law to the~~  
27       ~~contrary, and except as provided in this subsection, every~~  
28       ~~appointee of the Governor commissioned hereafter shall only~~  
29       ~~serve for the term of office as is set forth in the appointing~~  
30       ~~commission. No appointee shall continue to hold office after the~~

~~expiration of his fixed term pending the appointment of any  
successor, except that any appointed official whose successor  
has not been appointed and qualified may serve an additional  
ninety days beyond the expiration of the fixed term established  
in the commission. Vacancies occurring in an office for any  
reason other than by expiration of term shall be filled in the  
manner aforesaid for the remainder of the unexpired term.~~

~~Section 3. Any act or any part thereof which is inconsistent  
with the provisions of subsections (c) and (d) of section 208  
are repealed to the extent of the inconsistency.~~

~~Section 4. This act shall take effect immediately.~~

SECTION 1. THE INTRODUCTORY PARAGRAPH AND CLAUSE (1) OF  
SUBSECTION (C) OF SECTION 2002, ACT OF APRIL 9, 1929 (P.L.177,  
NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929," ADDED MARCH  
13, 1974 (P.L.194, NO.37), ARE AMENDED TO READ:

SECTION 2002. POWERS AND DUTIES OF THE DEPARTMENT.--\* \* \*

(C) ANY OTHER PROVISION OF LAW TO THE CONTRARY  
NOTWITHSTANDING, THE [SECRETARY] DEPARTMENT MAY LEASE REAL  
PROPERTY ACQUIRED FOR ANY STATE DESIGNATED HIGHWAY OR OTHER  
TRANSPORTATION FACILITY AS IS NOT REQUIRED FOR THE FREE MOVEMENT  
OF TRAFFIC, UPON THE FOLLOWING TERMS AND CONDITIONS IN EACH  
CASE:

(1) THE [LESSEE SHALL BE A PUBLIC AGENCY, BUT SUCH PUBLIC  
AGENCY MAY SUBLEASE TO ANOTHER PUBLIC AGENCY OR,] OPPORTUNITY TO  
LEASE ANY PARCEL OF REAL PROPERTY SHALL FIRST BE OFFERED TO  
INTERESTED PUBLIC AGENCIES; HOWEVER, IF THERE BE NO SUCH AGENCY  
DESIRING TO [SUBLEASE] LEASE, THEN THE DEPARTMENT MAY LEASE TO  
ONE OR MORE PRIVATE ENTITIES: PROVIDED, THAT [SUCH] ALL PRIVATE  
ENTITIES SHALL MAKE PAYMENTS IN LIEU OF TAXES TO THE POLITICAL  
SUBDIVISIONS IN WHICH SUCH LEASED PROPERTY IS LOCATED IN AN

1 AMOUNT EQUAL TO THE ANNUAL TAXES THAT WOULD NORMALLY BE DUE ON  
2 SUCH PROPERTY, IF TAXABLE. PRIOR TO REQUIRING A PAYMENT IN LIEU  
3 OF TAXES, THE POLITICAL SUBDIVISION SHALL HAVE THE LEASED  
4 PROPERTY REASSESSED TO REFLECT ANY CHANGE IN VALUE CAUSED BY THE  
5 CONSTRUCTION OF THE HIGHWAY OR OTHER TRANSPORTATION FACILITY:  
6 AND PROVIDED, FURTHER, THAT THE [SECRETARY] DEPARTMENT MAY LEASE  
7 [DIRECTLY] TO A PRIVATE ENTITY DURING THE INTERIM PERIOD BETWEEN  
8 PROPERTY ACQUISITION AND CONSTRUCTION WITHOUT FIRST OFFERING  
9 PUBLIC AGENCIES OPPORTUNITY TO LEASE THE PARCEL.

10 \* \* \*

11 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

12 SECTION 2014. PENNSYLVANIA SYSTEM OF COORDINATES.--THE  
13 DEPARTMENT OF TRANSPORTATION SHALL HAVE POWER, AND ITS DUTY  
14 SHALL BE, TO ESTABLISH AND REGULATE THE ESTABLISHMENT IN THIS  
15 COMMONWEALTH OF THE SYSTEM OF RECTANGULAR COORDINATES WHICH HAS  
16 BEEN ESTABLISHED AND ADOPTED BY THE UNITED STATES COAST AND  
17 GEODETIC SURVEY FOR DEFINING AND STATING THE POSITIONS AND  
18 LOCATION OF POINTS ON THE SURFACE OF THE EARTH, TO ESTABLISH OR  
19 FIX TRIANGULATION AND TRAVERSE STATIONS, TO COLLECT, CHECK,  
20 COORDINATE AND PRESERVE SURVEY DATA, TO ADVISE WITH PARTIES  
21 USING THE SYSTEM OF COORDINATES, TO SUPERVISE THE MARKING OF  
22 SURVEYS WHICH ARE TO BECOME A PART OF THE SYSTEM, TO KEEP  
23 OFFICIAL RECORDS OF ALL SURVEYS AND MAPS, TO ADMINISTER THE LAW  
24 ESTABLISHING THE "PENNSYLVANIA COORDINATE SYSTEM," AND TO ADOPT  
25 AND ENFORCE SUCH RULES AND REGULATIONS AS MAY BE DEEMED  
26 NECESSARY TO CARRY THESE POWERS INTO EFFECT, AND TO ADMINISTER  
27 THE LAW RELATING TO THE "PENNSYLVANIA COORDINATE SYSTEM."

28 SECTION 3. THE SUM OF \$150,000 IS HEREBY SPECIFICALLY  
29 APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION FOR THE FISCAL  
30 PERIOD JULY 1, 1982 TO JUNE 30, 1983 FOR PURPOSES OF CARRYING



1 OUT THE DUTIES IMPOSED BY SECTION 2014 OF THIS ACT.

2 SECTION 4. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.