
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 602

Session of
1979

INTRODUCED BY FREIND, E. Z. TAYLOR, POLITE, ZWIKL, E. H. SMITH,
BROWN, REED AND PERZEL, MARCH 7, 1979

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 7, 1979

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 June 20, 1978 (No.70), is amended to read:

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

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

29 Section 2. As much of section 202 of the act as relates to
30 the Department of Highways and the Department of Transportation,

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

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

11 * * *

12 [In the Department of Highways,
13 State Highways Commission
14 In the Department of Transportation,
15 Hazardous Substances Transportation Board,]

16 * * *

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

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

22 Section 205. Pennsylvania State Police.--* * *

23 (b) The State Police Force shall consist of such number of
24 officers and men, and shall be organized in such manner, as the
25 Commissioner of Pennsylvania State Police, with the approval of
26 the Governor, shall from time to time determine: Provided,
27 however, That during the fiscal year 1971-1972, the number of
28 officers and men shall not exceed in the aggregate at any time,
29 three thousand seven hundred ninety persons, and during the
30 fiscal year 1972-1973 and thereafter, the number of officers and

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

7 * * *

8 Section 4. Section 206 of the act, amended June 20, 1978
9 (No.70), is amended to read:

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

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

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

1 and Industry;
2 Secretary of Aging; of the Department of Aging;
3 Secretary of Public Welfare, of the Department of Public
4 Welfare;
5 Secretary of Revenue, of the Department of Revenue;
6 Secretary of Commerce, of the Department of Commerce;
7 Secretary of Community Affairs, of the Department of
8 Community Affairs;
9 Secretary of Environmental Resources, of the Department of
10 Environmental Resources;
11 Secretary of General Services, of the Department of General
12 Services.

13 Section 5. Subsection (c) and clauses (1) and (2) of
14 subsection (d) of section 207.1 of the act, added November 8,
15 1976 (P.L.1109, No.227) and clause (1) of subsection (d) amended
16 June 20, 1978 (No.70), are amended to read:

17 Section 207.1. Gubernatorial Appointments.--* * *

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

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

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

1 Commission.

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

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

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

1 Transportation [Commission] Board and the Pennsylvania Human
2 Relations Commission.

3 * * *

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

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

11 Section 7. Section 468 of the act, amended October 4, 1978
12 (No.192), is amended to read:

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

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

1 board shall be a resident of the counties of Philadelphia and
2 Allegheny, respectively. At least one of the members of the
3 [commission] board shall hold at least a private pilot's license
4 and derive part of his or her livelihood from aviation related
5 activities or be otherwise actively involved in aviation.
6 Effective with the first two appointments after the adoption of
7 this act at least two of the appointees of the Governor shall be
8 members of the board of directors of a transportation authority
9 at the time of their appointment: Provided, That said authority
10 appointees shall not be considered residents of either
11 Philadelphia or Allegheny County for the purpose of the
12 preceding sentence. The present members of the [commission]
13 board shall be entitled to complete their present terms and may
14 be reappointed at the completion thereof.

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

24 (d) The members of the [commission] board shall be reputable
25 citizens of the Commonwealth, of mature judgment and broad
26 business experience and shall not hold any other position as an
27 employe of the Commonwealth. Any person appointed to fill a
28 vacancy shall serve only for the unexpired term. Any member of
29 the [commission] board may be appointed to succeed himself. All
30 appointed members shall serve for their appointed terms and

1 until their successors have been appointed and qualify. All
2 vacancies shall be filled not later than sixty days after such
3 vacancy occurs.

4 (e) No member of the [commission] board, during his term of
5 office shall directly or indirectly own, have any significant
6 financial interest in, be associated with, or receive any fee,
7 commission, compensation or anything of value from any person,
8 firm, partnership, business association or corporation which
9 supplies materials or services of any nature except services of
10 an informational or advisory nature rendered as a public service
11 and without profit to the [Department of Transportation] State
12 Transportation Commission.

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

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

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

24 Section 468.1. State Transportation Advisory Committee.--(a)
25 The State Transportation Advisory Committee shall consist of
26 thirty members, of which eight shall be ex officio members, to
27 wit: the State Transportation Commissioner, the Executive
28 Director of the State Planning Board, the Chairman of the Public
29 Utility Commission, the Secretary of Commerce, the Secretary of
30 Education, the Secretary of Environmental Resources the

1 Secretary of Agriculture, the Secretary of Community Affairs,
2 two members of the House of Representatives to be appointed by
3 the Speaker and who shall not be members of the same political
4 party, two members of the Senate to be appointed by the
5 President Pro Tempore and who shall not be members of the same
6 political party and eighteen additional public members. Each ex
7 officio member may designate a representative from within his
8 department, board, or commission to serve in his stead. An ex
9 officio member who designates a representative shall notify the
10 chairman, in writing, of such designation.

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

25 (c) The Governor shall annually designate the chairman from
26 among the public members.

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

29 Section 471. Environmental Quality Board.--The Environmental
30 Quality Board shall consist of the Secretary of Environmental

1 Resources, who shall be chairman thereof, the Secretary of
2 Health, the Secretary of Commerce, the [Secretary of
3 Transportation] Transportation Commissioner, the Secretary of
4 Agriculture, the Secretary of Labor and Industry, the Secretary
5 of Community Affairs, the Executive Director of the Fish
6 Commission, the Executive Director of the Game Commission, the
7 Chairman of the Public Utilities Commission, the Executive
8 Director of the State Planning Board, the Executive Director of
9 the Pennsylvania Historical and Museum Commission, five members
10 of the Citizens Advisory Council, and four members of the
11 General Assembly. The Citizens Advisory Council members shall be
12 designated by, and serve at the pleasure of, the Citizens
13 Advisory Council. One of the General Assembly members shall be
14 designated by, and serve at the pleasure of, the President Pro
15 Tempore of the Senate, one by the Minority Leader of the Senate,
16 one by the Speaker of the House of Representatives and one by
17 the Minority Leader of the House of Representatives.

18 Eight members of the board shall constitute a quorum.

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

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

1 Transportation] State Transportation Commission. All amounts so
2 credited are hereby appropriated to the [Department of
3 Transportation] State Transportation Commission for the same
4 purposes as other appropriations out of the Motor License Fund
5 for the use of the [department] commission.

6 Section 11. Subsection (c) of section 904-A.1 of the act,
7 added June 21, 1977 (P.L.19, No.15), is amended to read:

8 Section 904-A.1. Assessment Upon Public Utilities,
9 Disposition, Appropriation and Disbursement of such
10 Assessments.--* * *

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

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

25 * * *

26 Section 12. Article XX of the act is repealed.

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