

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1510 Session of
1980

INTRODUCED BY SMITH AND GURZENDA, SEPTEMBER 16, 1980

REFERRED TO STATE GOVERNMENT, SEPTEMBER 16, 1980

AN ACT

1 Amending the act of May 20, 1937 (P.L.728, No.193), entitled, as
2 amended, "An act providing for the creation of a Board of
3 Claims arising from contracts with the Commonwealth;
4 providing for and regulating the procedure in prosecuting
5 claims before such board; defining the powers of the board;
6 and fixing the compensation of members and employes thereof;
7 providing that the awards of such board shall be final;
8 providing for the payment of awards; and authorizing an
9 appropriation," extending the time period for appointing
10 hearing panels.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 1, act of May 20, 1937 (P.L.728, No.193),
14 entitled, as amended, "An act providing for the creation of a
15 Board of Claims arising from contracts with the Commonwealth;
16 providing for and regulating the procedure in prosecuting claims
17 before such board; defining the powers of the board; and fixing
18 the compensation of members and employes thereof; providing that
19 the awards of such board shall be final; providing for the
20 payment of awards; and authorizing an appropriation," amended
21 October 5, 1978 (P.L.1104, No.260), is amended to read:

1 Section 1. Be it enacted, &c., That there is hereby created
2 [a] an independent administrative board known as the Board of
3 Claims, the duty of which shall be to arbitrate claims against
4 the Commonwealth arising from contracts entered into by the
5 Commonwealth, and to adjust and settle certain other claims
6 against the Commonwealth formerly handled by the Auditor General
7 and State Treasurer acting as the Board of Claims. Any reference
8 in this or any other act to this board shall be deemed a
9 reference to the Board of Claims. Administrative services for
10 the Board of Claims shall be provided by the Department of the
11 Auditor General. Such board shall consist of three members
12 appointed by the Governor by and with the advice and consent of
13 a majority of the elected members of the Senate, one of whom
14 shall be learned in the law and shall be chairman of the board,
15 another of whom shall be a registered civil engineer. The third
16 member of the board shall be a citizen and resident of the
17 Commonwealth. The lawyer member shall hold the title of chief
18 administrative judge, one member shall have the title of
19 engineer member and one member shall have the title of citizen
20 member. Two members of the board shall constitute a quorum. The
21 members shall be appointed for terms of four, six and eight
22 years, and shall serve until their respective successors shall
23 be duly appointed and qualified. Their successors shall each be
24 appointed for a term of eight years. In the event any member
25 shall die or resign during his term of office the Governor shall
26 appoint a successor who shall hold office for such unexpired
27 term. Each member of the board shall receive an annual
28 compensation as may be fixed by the Executive Board and each
29 member of the board and the executive secretary of the board
30 shall also be entitled to all necessary traveling and other

1 expenses incurred by him in the discharge of his official
2 duties. Each member of the board shall be required to devote
3 full-time to the duties imposed by this act and shall perform no
4 duties inconsistent with their duties and responsibilities as
5 board members.

6 The Board of Claims may, in its discretion appoint three
7 hearing panels consisting of two individuals each, one of whom
8 shall be a registered engineer and the other of whom shall be
9 learned in the law and shall be the chairman. These individuals
10 shall receive actual traveling expenses and per diem
11 compensation at the rate of one hundred fifty dollars (\$150) per
12 day for the time actually devoted to the business of the board,
13 but no panel member shall be paid more than ten thousand dollars
14 (\$10,000) per diem compensation in any calendar year. The
15 hearing panels shall be denominated the Eastern, Middle and
16 Western District Hearing Panel, respectively, and shall have
17 jurisdiction in areas of the Commonwealth coterminous with the
18 three judicial districts of the United States District Courts in
19 the Commonwealth established by section 118 of the Judicial Code
20 and Judiciary, act of June 25, 1948, as amended June 2, 1970
21 (Public Law 91-272), 28 U.S.C. section 118.

22 The power of the Board of Claims to establish hearing panels
23 pursuant to this section shall cease on December 31, [1980] 1982
24 and the functions and duties of the hearing panels shall
25 likewise cease, unless the General Assembly shall, pursuant to
26 any sunset law enacted by it, approve an extension of the
27 board's power to appoint hearing panels.

28 Section 2. This act shall take effect immediately.