
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2547

Session of
1988

INTRODUCED BY OLIVER, JUNE 13, 1988

SENATOR TILGHMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, SEPTEMBER 28, 1988

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," reestablishing the power of the Board of
10 Claims to establish hearing panels and fixing the
11 compensation of panel members.

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

14 Section 1. Section 1 of the act of May 20, 1937 (P.L.728,
15 No.193), referred to as the Board of Claims Act, amended
16 December 12, 1984 (P.L.966, No.189), is reenacted and amended to
17 read:

18 Section 1. Be it enacted, &c., That there is hereby created
19 an independent administrative board known as the Board of
20 Claims, the duty of which shall be to arbitrate claims against
21 the Commonwealth arising from contracts entered into by the

1 Commonwealth, and to adjust and settle certain other claims
2 against the Commonwealth formerly handled by the Auditor General
3 and State Treasurer acting as the Board of Claims. Any reference
4 in this or any other act to this board shall be deemed a
5 reference to the Board of Claims. Administrative services for
6 the Board of Claims shall be provided by the Department of the
7 Auditor General. Such board shall consist of three members
8 appointed by the Governor by and with the advice and consent of
9 a majority of the elected members of the Senate, one of whom
10 shall be learned in the law and shall be chairman of the board,
11 another of whom shall be a registered civil engineer. The third
12 member of the board shall be a citizen and resident of the
13 Commonwealth. The lawyer member shall hold the title of chief
14 administrative judge, one member shall have the title of
15 engineer member and one member shall have the title of citizen
16 member. Two members of the board shall constitute a quorum. The
17 members shall be appointed for terms of four, six and eight
18 years, and shall serve until their respective successors shall
19 be duly appointed and qualified. Their successors shall each be
20 appointed for a term of eight years. In the event any member
21 shall die or resign during his term of office the Governor shall
22 appoint a successor who shall hold office for such unexpired
23 term. Each member of the board shall receive an annual
24 compensation as may be fixed by the Executive Board and each
25 member of the board and the executive secretary of the board
26 shall also be entitled to all necessary traveling and other
27 expenses incurred by him in the discharge of his official
28 duties. Each member of the board shall be required to devote
29 full-time to the duties imposed by this act and shall perform no
30 duties inconsistent with their duties and responsibilities as

1 board members.

2 The Board of Claims may, in its discretion appoint three
3 hearing panels consisting of two individuals each, one of whom
4 shall be a registered engineer and the other of whom shall be
5 learned in the law and shall be the chairman. These individuals
6 shall receive actual traveling expenses and per diem
7 compensation at the rate of ~~one hundred fifty dollars (\$150)~~ <—
8 ~~TWO HUNDRED DOLLARS (\$200)~~ per day for the time actually devoted <—
9 to the business of the board, but no panel member shall be paid
10 more than ~~ten thousand dollars (\$10,000)~~ ~~FIFTEEN THOUSAND~~ <—
11 ~~DOLLARS (\$15,000)~~ per diem compensation in any calendar year.

12 The hearing panels shall be denominated the Eastern, Middle and
13 Western District Hearing Panel, respectively, and shall have
14 jurisdiction in areas of the Commonwealth coterminous with the
15 three judicial districts of the United States District Courts in
16 the Commonwealth established by section 118 of the Judicial Code
17 and Judiciary, act of June 25, 1948, as amended June 2, 1970
18 (Public Law 91-272), 28 U.S.C. section 118.

19 [The power of the Board of Claims to establish hearing panels
20 pursuant to this section shall cease on December 31, 1987 and
21 the functions and duties of the hearing panels shall likewise
22 cease, unless the General Assembly shall approve an extension of
23 the board's power to appoint hearing panels.]

24 ~~Section 2. This act shall be retroactive to December 30,~~ <—
25 ~~1987.~~

26 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

27 SECTION 1.1. NOTWITHSTANDING SECTION 1, BEGINNING WITH THE
28 EFFECTIVE DATE OF THIS SECTION, THE COMPENSATION FOR MEMBERS OF
29 THE HEARING PANELS ESTABLISHED IN SECTION 1 SHALL BE TWO HUNDRED
30 DOLLARS (\$200) PER DAY FOR THE TIME ACTUALLY DEVOTED TO THE

1 BUSINESS OF THE BOARD; BUT NO PANEL MEMBER SHALL BE PAID MORE
2 THAN FIFTEEN THOUSAND DOLLARS(\$15,000) PER DIEM COMPENSATION IN
3 ANY CALENDAR YEAR.

4 SECTION 3. SECTION 1 (SECTION 1) SHALL BE RETROACTIVE TO
5 DECEMBER 31, 1987.

6 Section ~~3~~ 4. This act shall take effect immediately.

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