
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1331 Session of
2001

INTRODUCED BY DeWEESE, BELARDI, SANTONI, HARHAI, WATERS, FEESE,
BEBKO-JONES, FAIRCHILD, WOGAN, CALTAGIRONE, TANGRETTI,
CAPPABIANCA, HERMAN, McCALL, MANN, GEORGE, ALLEN, CASORIO,
TRAVAGLIO, RUBLEY, LAUGHLIN, B. SMITH, EACHUS, CAPPELLI,
McGILL, PETRARCA, BASTIAN, PIPPY, COY, CORRIGAN, HANNA,
WOJNAROSKI, ARGALL, THOMAS, TIGUE, TRELLO, DALEY, MANDERINO,
READSHAW, J. EVANS, BELFANTI, MUNDY, ROSS, KELLER, SURRA,
JAMES, COLAFELLA, SOLOBAY, HASAY, J. WILLIAMS, LEDERER AND
ROONEY, APRIL 12, 2001

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, NOVEMBER 26, 2002

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," FURTHER PROVIDING FOR
21 CONSENT OF THE SENATE REQUIRED FOR CERTAIN GUBERNATORIAL
22 APPOINTMENTS AND FOR REQUIRED INFORMATION; PROVIDING FOR
23 MEMBERSHIP OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION;
24 further providing for furnishing lists of employees to
25 certain State officers; ~~and providing for membership of the~~

<—

<—

~~Pennsylvania Public Utility Commission.~~; AND MAKING REPEALS. <—

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

~~Section 1. Section 614(a) and (c) of the act of April 9,~~ <—
~~1929 (P.L.177, No.175), known as The Administrative Code of~~
~~1929, amended August 14, 1997 (P.L.530, No.57), are amended to~~
~~read:~~

~~SECTION 1. SECTION 207.1 OF THE ACT OF APRIL 9, 1929~~ <—
~~(P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929, IS~~
~~AMENDED BY ADDING A SUBSECTION TO READ:~~

~~SECTION 207.1. GUBERNATORIAL APPOINTMENTS. * * *~~

SECTION 1. SECTION 207.1(C), (D) AND (G) OF THE ACT OF APRIL <—
9, 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF
1929, AMENDED OR ADDED NOVEMBER 8, 1976 (P.L.1109, NO. 227),
DECEMBER 30, 1984 (P.L.1299, NO.245) AND NOVEMBER 26, 1997
(P.L.530, NO.57) AND REPEALED IN PART APRIL 28, 1978 (P.L.202,
NO.53), ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A
SUBSECTION 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

1 PENNSYLVANIA GAME COMMISSION, THE] PENNSYLVANIA LIQUOR CONTROL
2 BOARD[, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION] AND THE
3 PENNSYLVANIA TURNPIKE COMMISSION.

4 (D) THE GOVERNOR SHALL NOMINATE IN ACCORDANCE WITH THE
5 PROVISIONS OF THE CONSTITUTION OF THE COMMONWEALTH OF
6 PENNSYLVANIA AND, BY AND WITH THE ADVICE AND CONSENT OF A
7 MAJORITY OF THE MEMBERS ELECTED TO THE SENATE APPOINT PERSONS TO
8 FILL THE FOLLOWING POSITIONS:

9 (1) THE SECRETARY OF EDUCATION, THE SECRETARY OF THE
10 COMMONWEALTH, THE ADJUTANT GENERAL, THE INSURANCE COMMISSIONER,
11 THE SECRETARY OF BANKING, THE SECRETARY OF AGRICULTURE, THE
12 SECRETARY OF TRANSPORTATION, THE SECRETARY OF HEALTH, THE
13 COMMISSIONER OF THE STATE POLICE, THE SECRETARY OF CORRECTIONS,
14 THE SECRETARY OF LABOR AND INDUSTRY, THE SECRETARY OF AGING, THE
15 SECRETARY OF PUBLIC WELFARE, THE SECRETARY OF GENERAL SERVICES,
16 THE SECRETARY OF REVENUE, THE SECRETARY OF [COMMERCE, THE
17 SECRETARY OF COMMUNITY AFFAIRS AND] COMMUNITY AND ECONOMIC
18 DEVELOPMENT, THE SECRETARY OF ENVIRONMENTAL [RESOURCES]
19 PROTECTION AND THE SECRETARY OF CONSERVATION AND NATURAL
20 RESOURCES.

21 (2) THOSE MEMBERS WHICH HE IS AUTHORIZED TO APPOINT TO THE
22 BOARD OF PARDONS, THE BOARD OF PROBATION AND PAROLE, THE STATE
23 CIVIL SERVICE COMMISSION, THE STATE HORSE RACING COMMISSION, THE
24 STATE HARNESS RACING COMMISSION, THE BOARD OF [ARBITRATION OF]
25 CLAIMS, THE PENNSYLVANIA SECURITIES COMMISSION, THE PENNSYLVANIA
26 INDUSTRIAL DEVELOPMENT AUTHORITY, THE STATE BOARD OF EDUCATION,
27 THE BOARD OF [STATE COLLEGE AND UNIVERSITY DIRECTORS] GOVERNORS
28 OF THE STATE SYSTEM OF HIGHER EDUCATION, THE BOARD OF TRUSTEES
29 OF PENNSYLVANIA STATE UNIVERSITY, THE BOARD OF TRUSTEES OF THE
30 UNIVERSITY OF PITTSBURGH, THE BOARD OF TRUSTEES OF TEMPLE

1 UNIVERSITY, THE BOARD OF TRUSTEES OF LINCOLN UNIVERSITY, THE
2 ENVIRONMENTAL HEARING BOARD, [THE PENNSYLVANIA CRIME
3 COMMISSION,] THE PENNSYLVANIA FISH AND BOAT COMMISSION, THE
4 PENNSYLVANIA GAME COMMISSION, THE PENNSYLVANIA LABOR RELATIONS
5 BOARD, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, THE
6 INDUSTRIAL BOARD, THE MILK MARKETING BOARD, THE UNEMPLOYMENT
7 COMPENSATION BOARD OF REVIEW, THE [WORKMEN'S] WORKERS'
8 COMPENSATION APPEALS BOARD, THE STATE ART COMMISSION, [THE STATE
9 LOTTERY COMMISSION,] THE STATE TRANSPORTATION COMMISSION AND THE
10 PENNSYLVANIA HUMAN RELATIONS COMMISSION.

11 (4) THOSE MEMBERS WHICH HE IS AUTHORIZED TO APPOINT TO THE
12 DELAWARE VALLEY REGIONAL PLANNING COMMISSION, THE PENNSYLVANIA
13 PUBLIC TELEVISION NETWORK COMMISSION, THE STATE FARM PRODUCTS
14 COMMISSION, THE PENNSYLVANIA HOUSING FINANCE AGENCY, THE [BOARD
15 OF TRUSTEES OF EACH STATE COLLEGE AND UNIVERSITY] COUNCIL OF
16 TRUSTEES OF EACH INSTITUTION OF THE STATE SYSTEM OF HIGHER
17 EDUCATION, THE BOARD OF TRUSTEES OF SCOTLAND SCHOOL FOR
18 VETERANS' CHILDREN, THE BOARD OF TRUSTEES OF THADDEUS STEVENS
19 COLLEGE OF TECHNOLOGY, THE STATE CONSERVATION COMMISSION, THE
20 COMMONWEALTH OF PENNSYLVANIA COUNCIL ON THE ARTS, THE STATE
21 PLANNING BOARD, THE PENNSYLVANIA DRUG, DEVICE AND COSMETIC
22 BOARD, THE COUNTY BOARD OF ASSISTANCE IN EACH COUNTY, [THE STATE
23 BOARD OF PUBLIC WELFARE,] THE BOARDS OF TRUSTEES OF CENTERS, THE
24 BOARD OF TRUSTEES OF EACH RESTORATION CENTER, [THE BOARD OF
25 TRUSTEES OF EACH STATE GENERAL HOSPITAL,] THE BOARD OF TRUSTEES
26 OF EACH STATE SCHOOL AND HOSPITAL, THE BOARD OF TRUSTEES OF EACH
27 STATE HOSPITAL, THE STATE DENTAL COUNCIL AND EXAMINING BOARD,
28 THE STATE REAL ESTATE COMMISSION, THE STATE REGISTRATION BOARD
29 FOR PROFESSIONAL ENGINEERS, THE STATE BOARDS OF EXAMINERS OF
30 ARCHITECTS, AUCTIONEERS, NURSING HOME ADMINISTRATORS AND PUBLIC

1 ACCOUNTANTS, THE STATE BOARDS OF BARBER EXAMINERS, CHIROPRACTIC
2 EXAMINERS, COSMETOLOGY, FUNERAL DIRECTORS, MEDICAL EDUCATION AND
3 LICENSURE, NURSE EXAMINERS, OPTOMETRICAL EXAMINERS, OSTEOPATHIC
4 EXAMINERS, PHARMACY, PHYSICAL THERAPY EXAMINERS, PODIATRY
5 EXAMINERS, VETERINARY MEDICAL EXAMINERS, LANDSCAPE ARCHITECTS
6 AND MOTOR VEHICLE MANUFACTURERS, DEALERS AND SALESMEN, THE
7 PENNSYLVANIA BOARD OF PSYCHOLOGIST EXAMINERS, THE STATE ATHLETIC
8 COMMISSION, THE PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY,
9 THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION, THE STATE TAX
10 EQUALIZATION BOARD, THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT
11 BOARD, THE STATE EMPLOYEES' RETIREMENT BOARD, THE MUNICIPAL
12 POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION, [THE
13 CONSUMER ADVOCATE,] AND THE PENNSYLVANIA MINORITY BUSINESS
14 DEVELOPMENT AUTHORITY.

15 (5) THE GENERAL OFFICERS IN THE DEPARTMENT OF MILITARY
16 AFFAIRS WHICH HE IS AUTHORIZED BY LAW TO APPOINT.

17 (5.1) VACANCIES IN ELECTIVE OFFICE, OTHER THAN THOSE SET
18 FORTH IN SUBSECTION (C), WHICH HE IS AUTHORIZED BY LAW TO FILL.
19 EXCEPT FOR VACANCIES IN JUDICIAL OFFICES, THE PERSON NOMINATED
20 SHALL, AS OF THE DAY PRECEDING THE DATE OF THE OCCURRENCE OF THE
21 VACANCY, BE OF THE SAME POLITICAL PARTY AS WAS THE PERSON WHO
22 VACATED THE OFFICE ON THE DATE THE PERSON WHO VACATED THE OFFICE
23 WAS ADMINISTERED THE OATH OF OFFICE FOR THE OFFICE VACATED.

24 (6) ALL POSITIONS HEREINAFTER STATUTORILY CREATED BY
25 AMENDMENT TO THIS ACT OR IN ANY OTHER ACT OR AMENDMENT THERETO
26 FOR WHICH SENATE CONFIRMATION IS SPECIFIED BUT FOR WHICH THE
27 ADVICE AND CONSENT OF TWO-THIRDS OF THE MEMBERS ELECTED TO THE
28 SENATE IS NOT REQUIRED.

29 * * *

30 (G) WHENEVER THE GOVERNOR SHALL NOMINATE TO FILL A POSITION

1 FOR WHICH SENATE CONFIRMATION IS REQUIRED, [HE] THE NOMINEE
2 SHALL SUBMIT TO THE SENATE [WITH THE NOMINATION] A SWORN
3 STATEMENT CONTAINING INFORMATION ON THE NOMINEE, INCLUDING BUT
4 NOT LIMITED TO HIS VOTING ADDRESS, BUSINESS ADDRESS IF ANY,
5 EMPLOYER, PARTY REGISTRATION, OFFICES HELD IN POLITICAL PARTIES
6 DURING THE PAST TEN YEARS, ANY PUBLIC OFFICES HELD DURING THE
7 PAST TEN YEARS, RECORDS OF ANY CRIMINAL CONVICTIONS OTHER THAN
8 SUMMARY OFFENSES UNDER 75 PA.C.S. (RELATING TO VEHICLES), AND
9 SUCH OTHER INFORMATION AS IS AGREED UPON BY THE GOVERNOR AND THE
10 SENATE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS.

11 (H) THE GOVERNOR MAY NOT NOMINATE AN INDIVIDUAL AS A MEMBER
12 OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION IF, BECAUSE OF
13 THAT INDIVIDUAL'S PARTY AFFILIATION UNDER 25 PA.C.S. PT. IV
14 (RELATING TO VOTER REGISTRATION) AT THE TIME OF NOMINATION,
15 APPOINTMENT OF THE INDIVIDUAL WOULD RESULT IN MORE THAN THREE
16 MEMBERS OF THE COMMISSION HAVING THE SAME PARTY AFFILIATION AS
17 THE GOVERNOR.

18 SECTION 2. SECTION 614(A) AND (C) OF THE ACT, AMENDED AUGUST
19 14, 1997 (P.L.530, NO.57), ARE AMENDED TO READ:

20 Section 614. List of Employees to be Furnished to Certain
21 State Officers.--(a) All administrative departments, boards,
22 and commissions and the Attorney General shall on July 15 of
23 each year, transmit to the Auditor General, the State Treasurer
24 and Secretary of the Budget a complete list, and to the
25 Legislative Data Processing Center a computer tape of such list,
26 as of July 1 preceding, of the names of all persons, except day-
27 laborers, entitled to receive compensation from the Commonwealth
28 for services rendered in or to the department, board, or
29 commission, as the case may be. Such list shall show FOR EACH <—
30 SUCH PERSON the position occupied [by each such person], the <—

1 date of birth [and], COUNTY OF RESIDENCE, voting residence [of <—
2 such person], the salary at which or other basis upon which such <—
3 person is entitled to be paid, the date [when such person <—
4 entered] OF ENTRY INTO the service of the Commonwealth, whether <—
5 such person has been continuously employed by the Commonwealth
6 since that date, and all periods of service and positions held
7 as an employe of the Commonwealth, or such part of such
8 information RELATED TO PREVIOUS SERVICE AND POSITIONS as the <—
9 Governor may prescribe. ~~Notwithstanding the preceding~~ <—
10 ~~requirement, the lists of persons furnished by the Department of~~
11 ~~Corrections, the Board of Probation and Parole and the Pardons~~
12 ~~Board shall also list the county of residence of each person.~~

13 * * *

14 (c) The information received by the Auditor General, the
15 State Treasurer and the Secretary of the Budget, under this
16 section, shall be public information[.], except that the
17 information identifying the voting residence of the persons
18 ~~furnished by the Department of Corrections, the Board of~~ <—
19 ~~Probation and Parole and the Pardons Board is not~~ EMPLOYED BY <—
20 THE COMMONWEALTH SHALL NOT BE public information and may not be
21 treated as such.

22 ~~Section 2. The act is amended by adding a section to read:~~ <—
23 ~~Section 2802. Membership. Not more than three members of~~
24 ~~the Pennsylvania Public Utility Commission shall be of the same~~
25 ~~political party.~~

26 ~~Section 3. This act shall take effect immediately.~~ <—

27 SECTION 3. EXCEPT FOR THE AMENDMENTS OF SECTION 207.1(G) <—
28 WHICH SHALL BE APPLICABLE TO ALL NOMINATIONS SUBMITTED TO THE
29 SENATE COMMENCING 30 DAYS FOLLOWING THE ENACTMENT OF THIS ACT,
30 AND THE ADDITION OF SECTION 207.1(H) AND AMENDMENT OF SECTION

614(A) AND (C), THIS ACT SHALL BE APPLICABLE TO ALL NOMINATIONS
OTHER THAN FOR APPOINTMENTS UNDER ARTICLE V OF THE CONSTITUTION
OF PENNSYLVANIA CURRENTLY PENDING BEFORE THE SENATE AS WELL AS
THOSE SUBMITTED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT.

SECTION 4. THE FOLLOWING ACTS AND PARTS OF ACTS ARE HEREBY
REPEALED INsofar AS THEY RELATE TO THE CONSENT REQUIRED BY THE
SENATE TO APPOINTMENTS BY THE GOVERNOR:

SECTION 201 OF THE ACT OF APRIL 28, 1937 (P.L.417, NO.105),
KNOWN AS THE MILK MARKETING LAW.

SECTION 409 OF THE ACT OF JULY 28, 1953 (P.L.723, NO.230),
KNOWN AS THE SECOND CLASS COUNTY CODE.

SECTION 409 OF THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130),
KNOWN AS THE COUNTY CODE.

SECTION 202 OF THE ACT OF OCTOBER 15, 1980 (P.L.950, NO.164),
KNOWN AS THE COMMONWEALTH ATTORNEYS ACT.

30 PA.C.S. § 301.

34 PA.C.S. § 301.

66 PA.C.S. § 301.

SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

(1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT IN 60
DAYS:

(I) THE AMENDMENT OF SECTION 207.1(C), (D) AND (G)
OF THE ACT.

(II) SECTION 3 OF THIS ACT.

(III) SECTION 4 OF THIS ACT.

(2) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
IMMEDIATELY:

(I) THE ADDITION OF SECTION 207.1(H) OF THE ACT.

(II) THE AMENDMENT OF SECTION 614(A) AND (C) OF THE
ACT.

1 (III) THIS SECTION.

2 (IV) THE REMAINDER OF THIS ACT.