
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 362 Session of
2001

INTRODUCED BY MELLOW, KASUNIC, MUSTO AND WOZNIAK,
FEBRUARY 7, 2001

REFERRED TO RULES AND EXECUTIVE NOMINATIONS, FEBRUARY 7, 2001

AN ACT

1 Providing for conditions for removal of members of certain
2 commissions and boards of the Commonwealth.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Agency
7 Integrity Act.

8 Section 2. Declaration of policy.

9 The General Assembly finds and declares as follows:

10 (1) Protecting the integrity, independence and stability
11 of agencies of Commonwealth government which expend
12 taxpayers' moneys, render decisions that impact on lives of
13 citizens or promulgate regulations which affect the rights of
14 citizens is critical.

15 (2) Statutory procedures already exist that protect
16 certain agencies of Commonwealth government but not are not
17 in place for other agencies.

18 (3) Recent events have highlighted the need to preserve

1 the integrity, independence and insure the stability of these
2 agencies.

3 (4) The Pennsylvania Supreme Court has recognized the
4 General Assembly has the authority to limit the Governor's
5 ability to remove members of boards and commissions.

6 Section 3. Definitions.

7 The following words and phrases when used in this act shall
8 have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 "Agency." The Pennsylvania Fish and Boat Commission, the
11 Pennsylvania Game Commission, the Pennsylvania Historical and
12 Museum Commission, the Pennsylvania Turnpike Commission, the
13 Pennsylvania Liquor Control Board, the Pennsylvania Human
14 Relations Commission, the Pennsylvania Labor Relations Board,
15 the Pennsylvania Securities Commission, the State Tax
16 Equalization Board and Pennsylvania Higher Education Assistance
17 Agency.

18 "Member." A commissioner or board member of an agency, who
19 is confirmed by the Senate for that position.

20 Section 4. Removal of member.

21 The Governor may, by and with the consent of two-thirds of
22 all the members of the Senate, remove any member of an agency
23 for incompetence, inefficiency, neglect of duty, malfeasance or
24 misfeasance in office, by giving the member a statement, in
25 writing, of the charges against the member and affording the
26 member an opportunity to make a written answer and on request be
27 publicly heard in person and by counsel after a notice of not
28 less than ten days. If a member is removed, the Governor shall
29 file with the Department of State a complete statement of all
30 charges made against the member and the Governor's findings

1 thereon, together with a copy of the member's answer and a
2 complete record of any proceedings.

3 Section 5. Exceptions.

4 (a) Members of General Assembly.--This act shall not apply
5 to a member of the General Assembly who serves as a member of an
6 agency by virtue of being a legislator or who serves by virtue
7 of being appointed by the President pro tempore of the Senate,
8 the Majority Leader of the Senate, the Minority Leader of the
9 Senate, the Speaker of the House of Representatives, the
10 Majority Leader of the House of Representatives or the Minority
11 Leader of the House of Representatives.

12 (b) Heads of executive departments.--This act shall not
13 apply to any head of an executive department who serves as a
14 member of an agency by virtue of holding an appointed office.

15 Section 6. Repeal.

16 All acts and parts of acts are repealed insofar as they are
17 inconsistent with this act.

18 Section 7. Effective date.

19 This act shall take effect immediately.