

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 806 Session of 2001

INTRODUCED BY CONTI, MADIGAN, WAUGH, LEMMOND, RHOADES, CORMAN AND EARLL, MAY 17, 2001

AS AMENDED ON THIRD CONSIDERATION, NOVEMBER 20, 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; ~~making editorial~~ <—  
23 ~~changes; and~~ making repeals; AND MAKING EDITORIAL CHANGES. <—

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

26 Section 1. Section 207.1(c), (d) and (g) of the act of April  
27 9, 1929 (P.L.177, No.175), known as The Administrative Code of  
28 1929, amended or added November 8, 1976 (P.L.1109, No. 227),

1 December 30, 1984 (P.L.1299, No.245) and November 26, 1997  
2 (P.L.530, No.57) and repealed in part April 28, 1978 (P.L.202,  
3 No.53), are amended to read:

4 Section 207.1. Gubernatorial Appointments.--\* \* \*

5 (c) The Governor shall nominate in accordance with the  
6 provisions of the Constitution of the Commonwealth of  
7 Pennsylvania and, by and with the advice and consent of ~~two~~ ←  
8 ~~thirds] a majority of the members elected to the Senate, appoint~~  
9 ~~persons to fill [the following positions:~~

10 ~~(1) Vacancies] vacancies in the offices of Attorney General,~~  
11 ~~Auditor General and State Treasurer and in any other elective~~  
12 ~~office which he is authorized by law to fill when said law~~  
13 ~~requires confirmation.~~

14 ~~[(2) Those members which he is authorized to appoint to the~~  
15 ~~Milk Marketing Board, the Pennsylvania Fish Commission, the~~  
16 ~~Pennsylvania Game Commission, the Pennsylvania Liquor Control~~  
17 ~~Board, the Pennsylvania Public Utility Commission and the~~  
18 ~~Pennsylvania Turnpike Commission.] TWO-THIRDS OF THE MEMBERS ←~~  
19 ELECTED TO THE SENATE, APPOINT PERSONS TO FILL THE FOLLOWING  
20 POSITIONS:

21 (1) VACANCIES IN THE OFFICES OF ATTORNEY GENERAL, AUDITOR  
22 GENERAL AND STATE TREASURER [AND IN ANY OTHER ELECTIVE OFFICE  
23 WHICH HE IS AUTHORIZED BY LAW TO FILL WHEN SAID LAW REQUIRES  
24 CONFIRMATION].

25 (2) THOSE MEMBERS WHICH HE IS AUTHORIZED TO APPOINT TO THE  
26 [MILK MARKETING BOARD, THE PENNSYLVANIA FISH COMMISSION, THE  
27 PENNSYLVANIA GAME COMMISSION, THE] PENNSYLVANIA LIQUOR CONTROL  
28 BOARD[, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION] AND THE  
29 PENNSYLVANIA TURNPIKE COMMISSION.

30 (d) The Governor shall nominate in accordance with the

1 provisions of the Constitution of the Commonwealth of  
2 Pennsylvania and, by and with the advice and consent of a  
3 majority of the members elected to the Senate appoint persons to  
4 fill the following positions:

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

17 (2) Those members which he is authorized to appoint to the  
18 Board of Pardons, the Board of Probation and Parole, the State  
19 Civil Service Commission, the State Horse Racing Commission, the  
20 State Harness Racing Commission, the Board of [Arbitration of]  
21 Claims, the Pennsylvania Securities Commission, the Pennsylvania  
22 Industrial Development Authority, the State Board of Education,  
23 the Board of [State College and University Directors] Governors  
24 of the State System of Higher Education, the Board of Trustees  
25 of Pennsylvania State University, the Board of Trustees of the  
26 University of Pittsburgh, the Board of Trustees of Temple  
27 University, the Board of Trustees of Lincoln University, the  
28 Environmental Hearing Board, [the Pennsylvania Crime  
29 Commission,] The Pennsylvania Fish and Boat Commission, the  
30 Pennsylvania Game Commission, the Pennsylvania Labor Relations

1 Board, ~~the Pennsylvania Liquor Control Board,~~ the Pennsylvania ←  
2 Public Utility Commission, the Industrial Board, the Milk  
3 Marketing Board, the Unemployment Compensation Board of Review,  
4 the [Workmen's] Workers' Compensation Appeals Board, the State  
5 Art Commission, [the State Lottery Commission,] ~~the Pennsylvania~~ ←  
6 ~~Turnpike Commission,~~ the State Transportation Commission and the  
7 Pennsylvania Human Relations Commission.

8 (4) Those members which he is authorized to appoint to the  
9 Delaware Valley Regional Planning Commission, the Pennsylvania  
10 Public Television Network Commission, the State Farm Products  
11 Commission, the Pennsylvania Housing Finance Agency, the [Board  
12 of Trustees of each State College and University] Council of  
13 Trustees of each institution of the State System of Higher  
14 Education, the Board of Trustees of Scotland School for  
15 Veterans' Children, the Board of Trustees of Thaddeus Stevens  
16 College of Technology, the State Conservation Commission, the  
17 Commonwealth of Pennsylvania Council on the Arts, the State  
18 Planning Board, the Pennsylvania Drug, Device and Cosmetic  
19 Board, the County Board of Assistance in each county, [the State  
20 Board of Public Welfare,] the Boards of Trustees of Centers, the  
21 Board of Trustees of each Restoration Center, [the Board of  
22 Trustees of each State General Hospital,] the Board of Trustees  
23 of each State School and Hospital, the Board of Trustees of each  
24 State Hospital, the State Dental Council and Examining Board,  
25 the State Real Estate Commission, the State Registration Board  
26 for Professional Engineers, the State Boards of Examiners of  
27 Architects, Auctioneers, Nursing Home Administrators and Public  
28 Accountants, the State Boards of Barber Examiners, Chiropractic  
29 Examiners, Cosmetology, Funeral Directors, Medical Education and  
30 Licensure, Nurse Examiners, Optometrical Examiners, Osteopathic

1 Examiners, Pharmacy, Physical Therapy Examiners, Podiatry  
2 Examiners, Veterinary Medical Examiners, Landscape Architects  
3 and Motor Vehicle Manufacturers, Dealers and Salesmen, the  
4 Pennsylvania Board of Psychologist Examiners, the State Athletic  
5 Commission, the Pennsylvania Higher Education Assistance Agency,  
6 the Pennsylvania Historical and Museum Commission, the State Tax  
7 Equalization Board, the Public School Employees' Retirement  
8 Board, the State Employees' Retirement Board, the Municipal  
9 Police Officers' Education and Training Commission, [the  
10 Consumer Advocate,] and the Pennsylvania Minority Business  
11 Development Authority.

12 (5) The general officers in the Department of Military  
13 Affairs which he is authorized by law to appoint.

14 (5.1) VACANCIES IN ELECTIVE OFFICE, OTHER THAN THOSE SET ←  
15 FORTH IN SUBSECTION (C), WHICH HE IS AUTHORIZED BY LAW TO FILL.  
16 THE PERSON APPOINTED SHALL BE OF THE SAME POLITICAL PARTY AS THE  
17 PERSON WHO VACATED THE OFFICE.

18 (6) All positions hereinafter statutorily created by  
19 amendment to this act or in any other act or amendment thereto  
20 for which Senate confirmation is specified but for which the  
21 advice and consent of two-thirds of the members elected to the  
22 Senate is not required.

23 \* \* \*

24 (g) Whenever the Governor shall nominate to fill a position  
25 for which Senate confirmation is required, [he] the nominee  
26 shall submit to the Senate [with the nomination] a sworn  
27 statement containing information on the nominee, including but  
28 not limited to his voting address, business address if any,  
29 employer, party registration, offices held in political parties  
30 during the past ten years, any public offices held during the

1 past ten years, records of any criminal convictions other than  
2 summary offenses under 75 Pa.C.S. (relating to vehicles), and  
3 such other information as is agreed upon by the Governor and the  
4 Senate Committee on Rules and Executive Nominations.

5 Section 2. Except for the amendments of section 207.1(g)  
6 which shall be applicable to all nominations submitted to the  
7 Senate commencing 30 days following the enactment of this act,  
8 this act shall be applicable to all nominations other than for  
9 appointments under Article V of the Constitution of Pennsylvania  
10 currently pending before the Senate as well as those submitted  
11 on or after the effective date of this act.

12 Section 3. The following acts and parts of acts are hereby  
13 repealed insofar as they relate to the consent required by the  
14 Senate to appointments by the Governor:

15 Section 201 of the act of April 28, 1937 (P.L.417, No.105),  
16 known as the Milk Marketing Law.

17 ~~Section 4 of the act of May 21, 1937 (P.L.774, No.211),~~ <—  
18 ~~referred to as the Pennsylvania Turnpike Commission Act.~~

19 ~~Section 201 of the act of April 12, 1951 (P.L.90, No.21),~~  
20 ~~known as the Liquor Code.~~

21 Section 409 of the act of July 28, 1953 (P.L.723, No.230),  
22 known as the Second Class County Code.

23 Section 409 of the act of August 9, 1955 (P.L.323, No.130),  
24 known as The County Code.

25 Section 202 of the act of October 15, 1980 (P.L.950, No.164),  
26 known as the Commonwealth Attorneys Act.

27 ~~Section 5 of the act of September 30, 1985 (P.L.240, No.61),~~ <—  
28 ~~known as the Turnpike Organization, Extension and Toll Road~~  
29 ~~Conversion Act.~~

30 30 Pa.C.S. § 301.

1 34 Pa.C.S. § 301.

2 66 Pa.C.S. § 301.

3 Section 4. This act shall take effect ~~immediately~~ IN 60

<—

4 DAYS.