
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 25, 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 repeals;
23 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2 (P.L.530, No.57) and repealed in part April 28, 1978 (P.L.202,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 of the members elected to the Senate, appoint persons to
9 fill the following positions:

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

19 (d) The Governor shall nominate in accordance with the
20 provisions of the Constitution of the Commonwealth of
21 Pennsylvania and, by and with the advice and consent of a
22 majority of the members elected to the Senate appoint persons to
23 fill the following positions:

24 (1) The Secretary of Education, the Secretary of the
25 Commonwealth, the Adjutant General, the Insurance Commissioner,
26 the Secretary of Banking, the Secretary of Agriculture, the
27 Secretary of Transportation, the Secretary of Health, the
28 Commissioner of the State Police, the Secretary of Corrections,
29 the Secretary of Labor and Industry, the Secretary of Aging, the
30 Secretary of Public Welfare, the Secretary of General Services,

1 the Secretary of Revenue, the Secretary of [Commerce, the
2 Secretary of Community Affairs and] Community and Economic
3 Development, the Secretary of Environmental [Resources]
4 Protection and the Secretary of Conservation and Natural
5 Resources.

6 (2) Those members which he is authorized to appoint to the
7 Board of Pardons, the Board of Probation and Parole, the State
8 Civil Service Commission, the State Horse Racing Commission, the
9 State Harness Racing Commission, the Board of [Arbitration of]
10 Claims, the Pennsylvania Securities Commission, the Pennsylvania
11 Industrial Development Authority, the State Board of Education,
12 the Board of [State College and University Directors] Governors
13 of the State System of Higher Education, the Board of Trustees
14 of Pennsylvania State University, the Board of Trustees of the
15 University of Pittsburgh, the Board of Trustees of Temple
16 University, the Board of Trustees of Lincoln University, the
17 Environmental Hearing Board, [the Pennsylvania Crime
18 Commission,] the Pennsylvania Fish and Boat Commission, the
19 Pennsylvania Game Commission, the Pennsylvania Labor Relations
20 Board, the Pennsylvania Public Utility Commission, the
21 Industrial Board, the Milk Marketing Board, the Unemployment
22 Compensation Board of Review, the [Workmen's] Workers'
23 Compensation Appeals Board, the State Art Commission, [the State
24 Lottery Commission,] the State Transportation Commission and the
25 Pennsylvania Human Relations Commission.

26 (4) Those members which he is authorized to appoint to the
27 Delaware Valley Regional Planning Commission, the Pennsylvania
28 Public Television Network Commission, the State Farm Products
29 Commission, the Pennsylvania Housing Finance Agency, the [Board
30 of Trustees of each State College and University] Council of

1 Trustees of each institution of the State System of Higher
2 Education, the Board of Trustees of Scotland School for
3 Veterans' Children, the Board of Trustees of Thaddeus Stevens
4 College of Technology, the State Conservation Commission, the
5 Commonwealth of Pennsylvania Council on the Arts, the State
6 Planning Board, the Pennsylvania Drug, Device and Cosmetic
7 Board, the County Board of Assistance in each county, [the State
8 Board of Public Welfare,] the Boards of Trustees of Centers, the
9 Board of Trustees of each Restoration Center, [the Board of
10 Trustees of each State General Hospital,] the Board of Trustees
11 of each State School and Hospital, the Board of Trustees of each
12 State Hospital, the State Dental Council and Examining Board,
13 the State Real Estate Commission, the State Registration Board
14 for Professional Engineers, the State Boards of Examiners of
15 Architects, Auctioneers, Nursing Home Administrators and Public
16 Accountants, the State Boards of Barber Examiners, Chiropractic
17 Examiners, Cosmetology, Funeral Directors, Medical Education and
18 Licensure, Nurse Examiners, Optometrical Examiners, Osteopathic
19 Examiners, Pharmacy, Physical Therapy Examiners, Podiatry
20 Examiners, Veterinary Medical Examiners, Landscape Architects
21 and Motor Vehicle Manufacturers, Dealers and Salesmen, the
22 Pennsylvania Board of Psychologist Examiners, the State Athletic
23 Commission, the Pennsylvania Higher Education Assistance Agency,
24 the Pennsylvania Historical and Museum Commission, the State Tax
25 Equalization Board, the Public School Employees' Retirement
26 Board, the State Employees' Retirement Board, the Municipal
27 Police Officers' Education and Training Commission, [the
28 Consumer Advocate,] and the Pennsylvania Minority Business
29 Development Authority.

30 (5) The general officers in the Department of Military

1 Affairs which he is authorized by law to appoint.

2 (5.1) Vacancies in elective office, other than those set
3 forth in subsection (c), which he is authorized by law to fill.
4 ~~The person appointed shall be of the same political party as the~~ <—
5 EXCEPT FOR VACANCIES IN JUDICIAL OFFICES, THE PERSON NOMINATED <—
6 SHALL, AS OF THE DAY PRECEDING THE DATE OF THE OCCURRENCE OF THE
7 VACANCY, BE OF THE SAME POLITICAL PARTY AS WAS THE person who
8 vacated the office ON THE DATE THE PERSON WHO VACATED THE OFFICE <—
9 WAS ADMINISTERED THE OATH OF OFFICE FOR THE OFFICE VACATED.

10 (6) All positions hereinafter statutorily created by
11 amendment to this act or in any other act or amendment thereto
12 for which Senate confirmation is specified but for which the
13 advice and consent of two-thirds of the members elected to the
14 Senate is not required.

15 * * *

16 (g) Whenever the Governor shall nominate to fill a position
17 for which Senate confirmation is required, [he] the nominee
18 shall submit to the Senate [with the nomination] a sworn
19 statement containing information on the nominee, including but
20 not limited to his voting address, business address if any,
21 employer, party registration, offices held in political parties
22 during the past ten years, any public offices held during the
23 past ten years, records of any criminal convictions other than
24 summary offenses under 75 Pa.C.S. (relating to vehicles), and
25 such other information as is agreed upon by the Governor and the
26 Senate Committee on Rules and Executive Nominations.

27 Section 2. 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 this act shall be applicable to all nominations other than for

1 appointments under Article V of the Constitution of Pennsylvania
2 currently pending before the Senate as well as those submitted
3 on or after the effective date of this act.

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

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

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

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

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

15 30 Pa.C.S. § 301.

16 34 Pa.C.S. § 301.

17 66 Pa.C.S. § 301.

18 Section 4. This act shall take effect in 60 days.