

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2720 Session of 2010

INTRODUCED BY GROVE, GILLESPIE, BOYD, BROOKS, CUTLER, GABLER,
GODSHALL, HAHN, HARRIS, KAUFFMAN AND SWANGER,
SEPTEMBER 28, 2010

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 28, 2010

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 executive officers, for the Board of Pardons, for preparation
22 of budget, for the Lieutenant Governor, for grounds in
23 general and for exemption of certain conveyances.

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

26 Section 1. Section 201 of the act of April 9, 1929 (P.L.177,
27 No.175), known as The Administrative Code of 1929, amended July
28 9, 2010 (P.L.348, No.50), is amended to read:

1 Section 201. Executive Officers, Administrative Departments
2 and Independent Administrative Boards and Commissions.--(a) The
3 executive and administrative work of this Commonwealth shall be
4 performed by the Executive Department, consisting of the
5 Governor, [Lieutenant Governor,] Secretary of the Commonwealth,
6 Attorney General, Auditor General, State Treasurer, and
7 Secretary of Education; by the Executive Board, and the
8 Pennsylvania State Police; by the following administrative
9 departments: Department of State, Office of Attorney General,
10 Department of Corrections, Department of the Auditor General,
11 Treasury Department, Department of Education, Department of
12 Military Affairs, Insurance Department, Department of Banking,
13 Department of Agriculture, Department of Transportation,
14 Department of Health, Department of Drug and Alcohol Programs,
15 Department of Labor and Industry, Department of Aging,
16 Department of Public Welfare, Department of General Services,
17 Department of Revenue, Department of Community and Economic
18 Development, Department of Environmental Protection and
19 Department of Conservation and Natural Resources; and by the
20 following independent administrative boards and commissions:
21 Pennsylvania Game Commission, Pennsylvania Fish and Boat
22 Commission, State Civil Service Commission, Pennsylvania Public
23 Utility Commission and the Pennsylvania Securities Commission.

24 (b) All of the provisions of this act, which apply generally
25 to administrative departments, or generally except to the
26 Department of the Auditor General, the Treasury Department and
27 the Office of Attorney General, shall apply to the Executive
28 Board and to the Pennsylvania State Police.

29 Section 2. Section 403 of the act, amended June 1, 1995 (1st
30 Sp.Sess., P.L.1017, No.15), is amended to read:

1 Section 403. Board of Pardons.--The Board of Pardons shall
2 consist of [the Lieutenant Governor who shall be chairman,] the
3 Attorney General[,] and three members appointed by the Governor
4 as provided in section 9 of Article IV of the Constitution of
5 Pennsylvania, one for two years, one for four years, and one for
6 six years, and thereafter for full terms of six years. The board
7 shall keep records of its actions, which shall at all times be
8 open for public inspection.

9 Three members of the board shall constitute a quorum.

10 Section 3. Section 610(a) of the act, added September 27,
11 1978 (P.L.775, No.149), is amended to read:

12 Section 610. Preparation of Budget.--(a) The Secretary of
13 the Budget shall, in each year obtain and prepare financial and
14 program information necessary for the preparation of a State
15 budget for the budget year beginning July 1 and for the
16 preparation of financial and program projections for the budget
17 year and for four succeeding years. He shall, not later than
18 August 15 of such year distribute to the Governor, [to the
19 Lieutenant Governor,] to the Auditor General, to the State
20 Treasurer, to the Attorney General, to each administrative
21 department, to each independent administrative board and
22 commission, to the Chief Clerk of the Senate, to the Chief Clerk
23 of the House of Representatives, to the State court
24 administrator, and to all institutions or other agencies which
25 desire State appropriations to be made to them, the proper
26 instructions and blanks necessary to the preparation of the
27 budget requests with a notice that such blanks shall be returned
28 with the information desired, not later than November 1 of the
29 same year. Such blanks shall be in such form as shall be
30 prescribed by the secretary, to procure any or all information

1 pertaining to the purposes of all programs to be funded in the
2 budget, the revenues, expenditures, program activities and
3 accomplishments for the preceding fiscal year, for the current
4 fiscal year, and for the budget year and for four succeeding
5 years, the appropriations made for the preceding fiscal year,
6 the expenditures therefrom, encumbrances thereon, the amount
7 unencumbered and unexpended, an itemized estimate of the
8 revenues and expenditures of the current fiscal year, for the
9 budget year and succeeding years, and an estimate of the revenue
10 amounts needed and program activity and accomplishment levels
11 for the respective departments, boards, commissions, for
12 expenses of the General Assembly, for the Judicial Department,
13 and for any and all institutions, or other agencies to which
14 appropriations are likely to be made by the General Assembly for
15 the budget year and ensuing years. Such blanks shall also
16 require the person returning them to accompany them with a
17 statement in writing, giving the purposes of each program to be
18 funded, the expected levels of activity of the programs, the
19 expected levels of accomplishments and the measures to be used
20 to determine to what extent the programs have achieved the
21 stated purposes. In addition such blanks shall require the
22 person returning them to accompany them with a statement in
23 writing giving the facts, and an explanation of the methods and
24 reasons for arriving at the estimates of receipts and
25 expenditures for the budget year and for four succeeding years.
26 It shall be the duty of each administrative department, and each
27 independent administrative board and commission to comply, not
28 later than November 1, with any and all requests made by the
29 Secretary of the Budget in connection with the budget.

30 * * *

1 Section 4. Section 702 of the act is repealed:

2 [Section 702. Lieutenant Governor.--The Lieutenant Governor
3 shall exercise such powers and perform such duties as may now or
4 hereafter be vested in or imposed upon him by the Constitution
5 and laws of this Commonwealth.]

6 Section 5. Section 2402(a) and (o) of the act, amended or
7 added June 17, 1971 (P.L.163, No.11), are amended to read:

8 Section 2402. Grounds, Buildings and Monuments in General.--
9 The Department of General Services shall have the power, and its
10 duty shall be:

11 (a) Subject to the powers by this act vested in the Board of
12 Commissioners of Public Grounds and Buildings, to control and
13 supervise the State Capitol Building, and the public grounds and
14 buildings connected with the State Capitol, including the State
15 Arsenal, any building or buildings that may have been devised or
16 may hereafter be devised to the Commonwealth within the City of
17 Harrisburg, the Northwest Office Building now occupied by the
18 Pennsylvania Liquor Control Board, the Pittsburgh State Office
19 Building, the Philadelphia State Office Building[,] and the
20 Executive Mansion [and the Mansion of the Lieutenant Governor],
21 and to make, or supervise the making, of all repairs,
22 alterations, and improvements, in and about such grounds and
23 buildings, including the furnishing and refurnishing of the
24 same, and also to have general supervision over repairs,
25 alterations, and improvements to all other buildings, lands, and
26 property of the State, except as in this act otherwise provided:

27 * * *

28 [(o) To maintain, for the use of the Lieutenant Governor,
29 the Mansion located on the Edward Martin Military Reservation.]

30 Section 6. Section 2409-A(b) of the act is amended to read:

1 Section 2409-A. Exemption for Certain Conveyances.--* * *

2 (b) Notwithstanding the provisions of this act, including
3 without limitation this article or any other act to the
4 contrary, the Department of General Services is authorized to
5 convey, with the approval of the Governor, any project within
6 the meaning of the act of March 31, 1949 (P.L.372, No.34), known
7 as "The General State Authority Act of one thousand nine hundred
8 forty-nine," which was conveyed and transferred by resolution of
9 The General State Authority and under the authority of the act
10 of July 22, 1975 (P.L.75, No.45), entitled "An act amending the
11 act of April 9, 1929 (P.L.177, No.175), entitled 'An act
12 providing for and reorganizing the conduct of the executive and
13 administrative work of the Commonwealth by the Executive
14 Department thereof and the administrative departments, boards,
15 commissions, and officers thereof, including the boards of
16 trustees of State Normal Schools, or Teachers Colleges;
17 abolishing, creating, reorganizing or authorizing the
18 reorganization of certain administrative departments, boards,
19 and commissions; defining the powers and duties of the Governor
20 and other executive and administrative officers, and of the
21 several administrative departments, boards, commissions, and
22 officers; fixing the salaries of the Governor[, Lieutenant
23 Governor,] and certain other executive and administrative
24 officers; providing for the appointment of certain
25 administrative officers, and of all deputies and other
26 assistants and employes in certain departments, boards, and
27 commissions; and prescribing the manner in which the number and
28 compensation of the deputies and all other assistants and
29 employes of certain departments, boards and commissions shall be
30 determined,' creating the Department of General Services and

1 defining its functions, powers and duties; and transferring
2 certain functions, records, equipment, personnel and
3 appropriations from the Department of Property and Supplies and
4 The General State Authority to such department," to the
5 Department of General Services, provided that:

6 (1) The grantee is an institution of higher education
7 located in this Commonwealth.

8 (2) The project was constructed by The General State
9 Authority on behalf of the grantee.

10 (3) The consideration for each conveyance shall be based
11 upon either the outstanding principle and interest indebtedness
12 of the project or the total cost of the project adjusted to its
13 present value as determined by the Department of General
14 Services in consultation with the Secretary of the Budget.

15 (4) All costs of the transaction are borne by the grantee.

16 (5) No part of the consideration or transaction costs are
17 paid with General Fund moneys or Capital Facilities Fund moneys.

18 (6) No conveyance shall be made under the authority of this
19 subsection to an institution of the State System of Higher
20 Education.

21 * * *

22 Section 7. Upon the ratification of the amendment to the
23 Constitution of Pennsylvania abolishing the office of Lieutenant
24 Governor, the Secretary of the Commonwealth shall cause the date
25 of ratification to be published in the Pennsylvania Bulletin.

26 Section 8. This act shall take effect as follows:

27 (1) Section 7 of this act and this section shall take
28 effect immediately.

29 (2) Sections 1, 2, 3, 4, 5 and 6 of this act shall take
30 effect upon publication in the Pennsylvania Bulletin of the

1 ratification date of the amendment to the Constitution of
2 Pennsylvania that abolishes the office of Lieutenant
3 Governor.