

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 587 Session of 2015

INTRODUCED BY WARD, ARGALL, YAW, EICHELBERGER, VOGEL, ALLOWAY, FOLMER, WHITE, VANCE, STEFANO, HUTCHINSON, MENSCH AND BARTOLOTTA, APRIL 8, 2015

REFERRED TO STATE GOVERNMENT, APRIL 8, 2015

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," in administrative
 21 organization, further providing for gubernatorial
 22 appointments, for terms of office and for deputies.

23 The General Assembly of the Commonwealth of Pennsylvania

24 hereby enacts as follows:

25 Section 1. Section 207.1(e) and (f) of the act of April 9,
 26 1929 (P.L.177, No.175), known as The Administrative Code of
 27 1929, added November 8, 1976 (P.L.1109, No.227), are amended to

1 read:

2 Section 207.1. Gubernatorial Appointments.--* * *

3 (e) Notwithstanding the provisions of existing law providing
4 for the extension of a term of office until a successor is
5 appointed and qualified, for purposes of appointment under
6 Article IV, section 8 of the Pennsylvania Constitution, for
7 those offices requiring Senate confirmation by this section a
8 vacancy requiring appointment or reappointment by the Governor
9 shall exist upon [the expiration of the number of years or time
10 period specified for said office.] the commencement of the
11 Governor's first term of office or immediately upon the
12 resignation of the current department head.

13 (f) A person, other than one serving until a successor is
14 appointed and qualified, nominated by the Governor to a position
15 for which Senate confirmation is required by this section shall
16 not serve in such position, in any capacity, including as an
17 acting department head, nor receive any compensation for serving
18 in such position until he has been confirmed by action of the
19 Senate or by its inaction as provided by the Constitution of the
20 Commonwealth of Pennsylvania and his appointment or commission
21 thereafter issued by the Governor: Provided, however, That
22 nothing contained in this section shall be construed to repeal
23 or modify section 213 of this act: And provided further, That
24 nothing in this act shall affect the right of an incumbent,
25 whose term of office has expired, to continue in his office
26 until his successor is appointed and qualified.

27 * * *

28 Section 2. Section 208 of the act, amended or repealed in
29 part April 28, 1943 (P.L.94, No.52) and October 15, 1980
30 (P.L.950, No.164), is amended to read:

1 Section 208. Terms of Office.--The terms of office of the
2 persons appointed by the Governor under the preceding section
3 shall be as follows:

4 (a) [The Secretary of the Commonwealth and the Attorney
5 General shall serve during the pleasure of the Governor.] Those
6 persons appointed under section 207.1(d)(1) shall serve at the
7 pleasure of the Governor during the Governor's initial or
8 successive term of office.

9 [(b) The term of the Superintendent of Public Instruction
10 shall be four years.]

11 (c) Except as in this act otherwise provided, the heads of
12 other administrative departments, [the Commissioner of the
13 Pennsylvania State Police,] the members of independent
14 administrative boards and commissions, of departmental
15 administrative boards and commissions, and of advisory boards
16 and commissions, and departmental administrative officers, shall
17 hold office for terms of four years, from the third Tuesday of
18 January next following the election of a Governor, and until
19 their successors shall have been appointed and qualified[:
20 Provided, That the term of the Commissioner of the Pennsylvania
21 State Police appointed prior to the third Tuesday of January,
22 one thousand nine hundred and thirty-nine, shall expire upon
23 that date, or as soon thereafter as his successor shall have
24 been appointed and qualified].

25 Section 3. Section 213 of the act, amended June 25, 1947
26 (P.L.935, No.390) and November 8, 1976 (P.L.1109, No.227), is
27 amended to read:

28 Section 213. Deputies.--The Governor shall appoint and fix
29 the compensation of such number of deputy heads of
30 administrative departments, except those of the Department of

1 Auditor General and Treasury Department, as the Executive Board
2 shall approve, who shall, in the absence of the head of such
3 department, have the right to exercise all the powers and
4 perform all the duties by law vested in and imposed upon the
5 head of such department, except the power to appoint bureau or
6 division chiefs, or other assistants or employes, and who may,
7 at any time, exercise such of the powers and perform such of the
8 duties of the head of his department as may be prescribed by the
9 head of his department: Provided, however, That any such deputy
10 shall not have the right to exercise any power or perform any
11 duty which the Constitution of the Commonwealth of Pennsylvania
12 requires the head of his department personally to exercise or
13 perform.

14 Whenever there shall be a vacancy in the office of the head
15 of any department, such deputy as the Governor shall designate
16 in writing shall exercise the powers and perform the duties of
17 the head of the department until the vacancy is filled[.] by a
18 person other than a deputy designated under this section. No
19 deputy or person may serve as head of the department in any
20 capacity for longer than thirty (30) days without the Governor
21 nominating a person under section 207.1(d) (1) and in accordance
22 with the provisions of the Constitution of the Commonwealth of
23 Pennsylvania.

24 With the approval of the Governor in writing, the head of any
25 department may authorize a named deputy to serve in his stead on
26 any board or commission, except the Board of Pardons of which
27 such department head is a member ex-officio. One of the Deputy
28 Adjutants General shall possess the same qualifications in all
29 respects as are required by law for the Adjutant General of the
30 Department of Military Affairs.

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