
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 760 Session of
2021

INTRODUCED BY MARTIN, K. WARD, J. WARD, AUMENT, STEFANO, YAW,
MENSCH, PITTMAN, MASTRIANO, REGAN, PHILLIPS-HILL AND ARGALL,
JUNE 11, 2021

REFERRED TO STATE GOVERNMENT, JUNE 11, 2021

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; providing for judicial administration; and
18 prescribing the manner in which the number and compensation
19 of the deputies and all other assistants and employes of
20 certain departments, boards and commissions shall be
21 determined," in administrative organization, further
22 providing for gubernatorial appointments, for terms of office
23 and for deputies.

24 The General Assembly of the Commonwealth of Pennsylvania

25 hereby enacts as follows:

26 Section 1. Sections 207.1(e) and (f), 208 and 213 of the act
27 of April 9, 1929 (P.L.177, No.175), known as The Administrative
28 Code of 1929, are amended to read:

1 Section 207.1. Gubernatorial Appointments.--* * *

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

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

26 * * *

27 Section 208. Terms of Office.--The terms of office of the
28 persons appointed by the Governor under the preceding section
29 shall be as follows:

30 (a) [The Secretary of the Commonwealth and the Attorney

1 General shall serve during the pleasure of the Governor.

2 (b) The term of the Superintendent of Public Instruction
3 shall be four years.] Those persons appointed under section
4 207.1(d)(1) shall serve at the pleasure of the Governor during
5 the Governor's initial or successive term of office.

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

20 Section 213. Deputies.--The Governor shall appoint and fix
21 the compensation of such number of deputy heads of
22 administrative departments, except those of the Department of
23 Auditor General and Treasury Department, as the Executive Board
24 shall approve, who shall, in the absence of the head of such
25 department, have the right to exercise all the powers and
26 perform all the duties by law vested in and imposed upon the
27 head of such department, except the power to appoint bureau or
28 division chiefs, or other assistants or employes, and who may,
29 at any time, exercise such of the powers and perform such of the
30 duties of the head of his department as may be prescribed by the

1 head of his department: Provided, however, That any such deputy
2 shall not have the right to exercise any power or perform any
3 duty which the Constitution of the Commonwealth of Pennsylvania
4 requires the head of his department personally to exercise or
5 perform.

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

16 With the approval of the Governor in writing, the head of any
17 department may authorize a named deputy to serve in his stead on
18 any board or commission, except the Board of Pardons of which
19 such department head is a member ex-officio. One of the Deputy
20 Adjutants General shall possess the same qualifications in all
21 respects as are required by law for the Adjutant General of the
22 Department of Military Affairs.

23 Section 2. This act shall take effect in 60 days.