

## No. 2002-231

## AN ACT

## HB 1331

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," further providing for consent of the Senate required for certain gubernatorial appointments and for required information; providing for membership of the Pennsylvania Public Utility Commission; further providing for furnishing lists of employees to certain State officers; and making repeals.

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

Section 1. Section 207.1(c), (d) and (g) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, amended or added November 8, 1976 (P.L.1109, No.227), December 30, 1984 (P.L.1299, No.245) and November 26, 1997 (P.L.530, No.57) and repealed in part April 28, 1978 (P.L.202, No.53), are amended and the section is amended by adding a subsection to read:

Section 207.1. Gubernatorial Appointments.—\* \* \*

(c) The Governor shall nominate in accordance with the provisions of the Constitution of the Commonwealth of Pennsylvania and, by and with the advice and consent of two-thirds of the members elected to the Senate, appoint persons to fill the following positions:

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

(2) Those members which he is authorized to appoint to the [Milk Marketing Board, the Pennsylvania Fish Commission, the Pennsylvania Game Commission, the] Pennsylvania Liquor Control Board[, the Pennsylvania Public Utility Commission] and the Pennsylvania Turnpike Commission.

(d) The Governor shall nominate in accordance with the provisions of the Constitution of the Commonwealth of Pennsylvania and, by and with

the advice and consent of a majority of the members elected to the Senate appoint persons to fill the following positions:

(1) The Secretary of Education, the Secretary of the Commonwealth, the Adjutant General, the Insurance Commissioner, the Secretary of Banking, the Secretary of Agriculture, the Secretary of Transportation, the Secretary of Health, the Commissioner of the State Police, the Secretary of Corrections, the Secretary of Labor and Industry, the Secretary of Aging, the Secretary of Public Welfare, the Secretary of General Services, the Secretary of Revenue, the Secretary of **[Commerce, the Secretary of Community Affairs and] *Community and Economic Development***, the Secretary of Environmental **[Resources] *Protection and the Secretary of Conservation and Natural Resources***.

(2) Those members which he is authorized to appoint to the Board of Pardons, the Board of Probation and Parole, the State Civil Service Commission, the State Horse Racing Commission, the State Harness Racing Commission, the Board of **[Arbitration of] Claims**, the Pennsylvania Securities Commission, the Pennsylvania Industrial Development Authority, the State Board of Education, the Board of **[State College and University Directors] *Governors of the State System of Higher Education***, the Board of Trustees of Pennsylvania State University, the Board of Trustees of the University of Pittsburgh, the Board of Trustees of Temple University, the Board of Trustees of Lincoln University, the Environmental Hearing Board, **[the Pennsylvania Crime Commission,] *the Pennsylvania Fish and Boat Commission, the Pennsylvania Game Commission***, the Pennsylvania Labor Relations Board, ***the Pennsylvania Public Utility Commission***, the Industrial Board, ***the Milk Marketing Board***, the Unemployment Compensation Board of Review, the **[Workmen's] *Workers'*** Compensation Appeals Board, the State Art Commission, **[the State Lottery Commission,] the State Transportation Commission and the Pennsylvania Human Relations Commission.**

(4) Those members which he is authorized to appoint to the Delaware Valley Regional Planning Commission, the Pennsylvania Public Television Network Commission, the State Farm Products Commission, the Pennsylvania Housing Finance Agency, the **[Board of Trustees of each State College and University] *Council of Trustees of each institution of the State System of Higher Education***, the Board of Trustees of Scotland School for Veterans' Children, the Board of Trustees of Thaddeus Stevens College of Technology, the State Conservation Commission, the Commonwealth of Pennsylvania Council on the Arts, the State Planning Board, the Pennsylvania Drug, Device and Cosmetic Board, the County Board of Assistance in each county, **[the State Board of Public Welfare,] the Boards of Trustees of Centers, the Board of Trustees of each Restoration Center, [the Board of Trustees of each State General Hospital,] the Board of Trustees of each State School and Hospital, the Board of Trustees of each State Hospital, the State Dental Council and Examining Board, the**

State Real Estate Commission, the State Registration Board for Professional Engineers, the State Boards of Examiners of Architects, Auctioneers, Nursing Home Administrators and Public Accountants, the State Boards of Barber Examiners, Chiropractic Examiners, Cosmetology, Funeral Directors, Medical Education and Licensure, Nurse Examiners, Optometrical Examiners, Osteopathic Examiners, Pharmacy, Physical Therapy Examiners, Podiatry Examiners, Veterinary Medical Examiners, Landscape Architects and Motor Vehicle Manufacturers, Dealers and Salesmen, the Pennsylvania Board of Psychologist Examiners, the State Athletic Commission, the Pennsylvania Higher Education Assistance Agency, the Pennsylvania Historical and Museum Commission, the State Tax Equalization Board, the Public School Employees' Retirement Board, the State Employees' Retirement Board, the Municipal Police Officers' Education and Training Commission[, the Consumer Advocate,] and the Pennsylvania Minority Business Development Authority.

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

*(5.1) Vacancies in elective office, other than those set forth in subsection (c), which he is authorized by law to fill. Except for vacancies in judicial offices, the person nominated shall, as of the day preceding the date of the occurrence of the vacancy, be of the same political party as was the person who vacated the office on the date the person who vacated the office was administered the oath of office for the office vacated.*

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

\* \* \*

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

*(h) The Governor may not nominate an individual as a member of the Pennsylvania Public Utility Commission if, because of that individual's party affiliation under 25 Pa.C.S. Pt. IV (relating to voter registration) at the time of nomination, appointment of the individual would result in more than three members of the commission having the same party affiliation as the Governor.*

Section 2. Section 614(a) and (c) of the act, amended August 14, 1997 (P.L.530, No.57), are amended to read:

Section 614. List of Employees to be Furnished to Certain State Officers.—(a) All administrative departments, boards, and commissions and the Attorney General shall on July 15 of each year, transmit to the Auditor General, the State Treasurer and Secretary of the Budget a complete list, and to the Legislative Data Processing Center a computer tape of such list, as of July 1 preceding, of the names of all persons, except day-laborers, entitled to receive compensation from the Commonwealth for services rendered in or to the department, board, or commission, as the case may be. Such list shall show *for each such person* the position occupied [by each such person], the date of birth [and], *county of residence*, voting residence [of such person], the salary at which or other basis upon which such person is entitled to be paid, the date [when such person entered] *of entry into* the service of the Commonwealth, whether such person has been continuously employed by the Commonwealth since that date, and all periods of service and positions held as an employe of the Commonwealth, or such part of such information *related to previous service and positions* as the Governor may prescribe.

\* \* \*

(c) The information received by the Auditor General, the State Treasurer and the Secretary of the Budget, under this section, shall be public information[.], *except that the information identifying the voting residence of the persons employed by the Commonwealth shall not be public information and may not be treated as such.*

Section 3. Except for the amendments of section 207.1(g) which shall be applicable to all nominations submitted to the Senate commencing 30 days following the enactment of this act and the addition of section 207.1(h) and amendment of section 614(a) and (c), this act shall be applicable to all nominations other than for appointments under Article V of the Constitution of Pennsylvania currently pending before the Senate as well as those submitted on or after the effective date of this act.

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

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

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

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

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

30 Pa.C.S. § 301.

34 Pa.C.S. § 301.

66 Pa.C.S. § 301.

Section 5. This act shall take effect as follows:

- (1) The following provisions shall take effect in 60 days:
  - (i) The amendment of section 207.1(c), (d) and (g) of the act.
  - (ii) Section 3 of this act.
  - (iii) Section 4 of this act.
- (2) The following provisions shall take effect immediately:
  - (i) The addition of section 207.1(h) of the act.
  - (ii) The amendment of section 614(a) and (c) of the act.
  - (iii) This section.
  - (iv) The remainder of this act.

APPROVED—The 30th day of December, A.D. 2002.

MARK S. SCHWEIKER