
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 325 Session of
2024

INTRODUCED BY DUSH, HUTCHINSON AND J. WARD, SEPTEMBER 5, 2024

REFERRED TO STATE GOVERNMENT, SEPTEMBER 5, 2024

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 department heads, for gubernatorial
23 appointments and for deputies.

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

26 Section 1. Sections 206 introductory paragraph, 207.1(f) and
27 213 of the act of April 9, 1929 (P.L.177, No.175), known as The
28 Administrative Code of 1929, are amended to read:

29 Section 206. Department Heads.--[Each] Except as provided in

1 section 213 of this act, each administrative department shall
2 have as its head an officer who shall, either personally, by
3 deputy, or by the duly authorized agent or employe of the
4 department, and subject at all times to the provisions of this
5 act, exercise the powers and perform the duties by law vested in
6 and imposed upon the department.

7 * * *

8 Section 207.1. Gubernatorial Appointments.--* * *

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

23 * * *

24 Section 213. Deputies.--The Governor shall appoint and fix
25 the compensation of such number of deputy heads of
26 administrative departments, except those of the Department of
27 Auditor General and Treasury Department, as the Executive Board
28 shall approve, who shall, in the absence of the head of such
29 department, have the right to exercise all the powers and
30 perform all the duties by law vested in and imposed upon the

1 head of such department, except the power to appoint bureau or
2 division chiefs, or other assistants or employes, and who may,
3 at any time, exercise such of the powers and perform such of the
4 duties of the head of his department as may be prescribed by the
5 head of his department: Provided, however, That any such deputy
6 shall not have the right to exercise any power or perform any
7 duty which the Constitution of the Commonwealth of Pennsylvania
8 requires the head of his department personally to exercise or
9 perform.

10 Whenever there shall be a vacancy in the office of the head
11 of any department, such deputy as the Governor shall designate
12 in writing shall exercise the powers and perform the duties of
13 the head of the department until the vacancy is filled[.], as
14 follows:

15 (1) No designation shall be effective for greater than
16 ninety (90) days.

17 (2) During the period of designation, the deputy shall have
18 the title "Deputy - Head of Department."

19 (3) No deputy may continue as "Deputy - Head of Department"
20 after the expiration of the period in paragraph (1).

21 (4) No individual may be designated as deputy more than once
22 by the same Governor.

23 (5) No designated deputy may receive salary, compensation or
24 emoluments which exceeds the highest salary, compensation or
25 emoluments received by a nondesignated deputy.

26 (6) No designated deputy shall receive any increase in
27 salary, compensation or emoluments during the period of
28 designation or as a result of designation.

29 (7) A designated deputy shall, upon request of either the
30 Appropriations Committee of the Senate or the Appropriations

1 Committee of the House of Representatives, appear at a hearing
2 of either committee concerning the Federal or State
3 appropriations to the department or the budget request of the
4 department.

5 In addition to a designated deputy under paragraph (7), a
6 person nominated by the Governor to a position as the head of
7 any department shall, during the period which the nomination is
8 under consideration by the Senate under section 8(b) of Article
9 IV of the Constitution of Pennsylvania, upon request of either
10 the Appropriations Committee of the Senate or the Appropriations
11 Committee of the House of Representatives, appear at a hearing
12 of either committee concerning the Federal or State
13 appropriations to the department or the budget request of the
14 department.

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

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