

**GUBERNATORIAL APPOINTMENTS
REQUIRING
SENATORIAL ADVICE AND CONSENT**

**Staff Report
General Assembly of the Commonwealth of Pennsylvania
JOINT STATE GOVERNMENT COMMISSION
108 Finance Building
Harrisburg, Pennsylvania 17120
January 1999**

The release of this report should not be construed as an indication that the members of the Executive Committee of the Joint State Government Commission endorse all of the report's findings, recommendations or conclusions.

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The Joint State Government Commission was created by act of July 1, 1937 (P.L.2460, No.459) as amended, as a continuing agency for the development of facts and recommendations on all phases of government for the use of the General Assembly.

JOINT STATE GOVERNMENT COMMISSION, 1999

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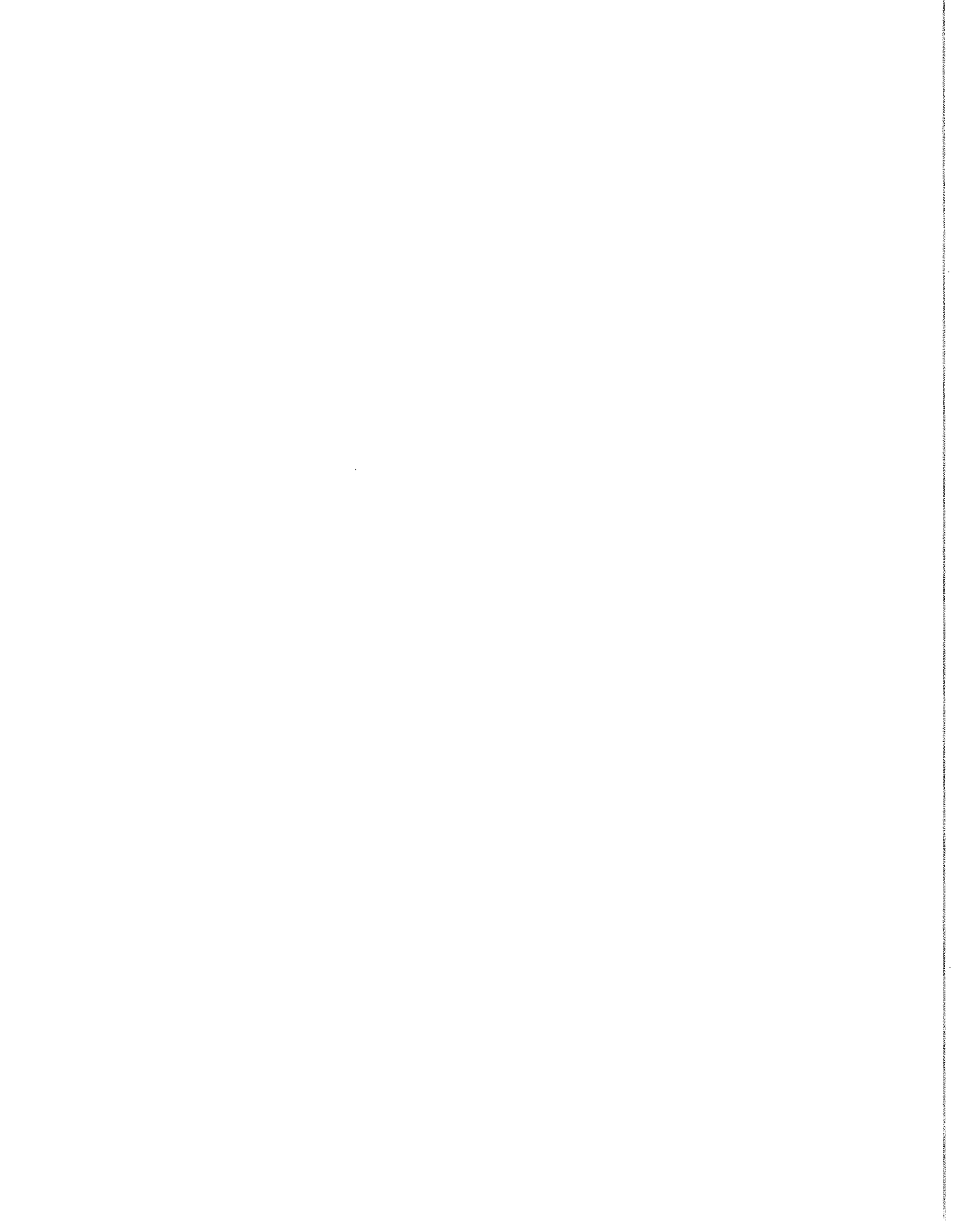
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INTRODUCTION

The following tables list gubernatorial appointments requiring senatorial advice and consent.¹ The first list contains the positions which require consent of a majority of the members elected to the Senate. The second list shows the positions requiring advice and consent of two-thirds of the members of the Senate. Appointments made by the Governor requiring no senatorial consent are excluded from these lists as are appointments made by members of the General Assembly. Also excluded are the appointments which the Governor is authorized to make when vacancies occur in elective offices, regardless of any requirement of senatorial consent.

These tables include enactments through December 31, 1998.

¹Advice and consent is a term of art and used interchangeably with other synonymous terms. Pa. Const. art. 4, § 8(a) uses the term consent. Before this section was amended in 1967, it used the more popular term, advice and consent. Indeed, Administrative Code § 207.1; 71 P.S. § 67.1, uses the term advice and consent. Another term used, albeit less frequently, is confirm or a variation thereof; e.g., act of December 17, 1981, P.L.435, No.135, § 102; 4 P.S. § 325.102. Still another synonymous term and also used relatively infrequently in this context is approval; e.g., act of October 15, 1980, P.L.950, No.164, § 201(b); 71 P.S. § 732-201(b).

When a specific statute is discussed, the precise term used in that statute is referenced. When discussing generally senatorial approval of appointees, the most prevalently used term, advice and consent, or the shorter version, consent, is referenced. No semantic distinction is intended for purposes of legal analysis.



CONTENTS OF THE TABLES

Both tables contain identical column headings. The first column, agency or position, displays any appointments made by the executive which require advice and consent of the Senate. The appointments could be positions on departmental or independent administrative boards and commissions, departmental or independent administrative bodies, departmental administrative officers and advisory boards and commissions. The authorized appointing authority for every included position except that of the Consumer Advocate² is the Governor. All positions are listed in an alphabetized arrangement.

The second column on each page contains a citation to Laws of Pennsylvania and Purdon's Pennsylvania Statutes or Pennsylvania Consolidated Statutes. When more than one section relates to the agency or position, the section relating to composition of membership rather than the section relating to the creation or establishment of the agency or position is cited.

²The Attorney General appoints the Consumer Advocate. Act of October 15, 1980, P.L.950, No.164, § 201(b); 71 P.S. § 732-201(b).

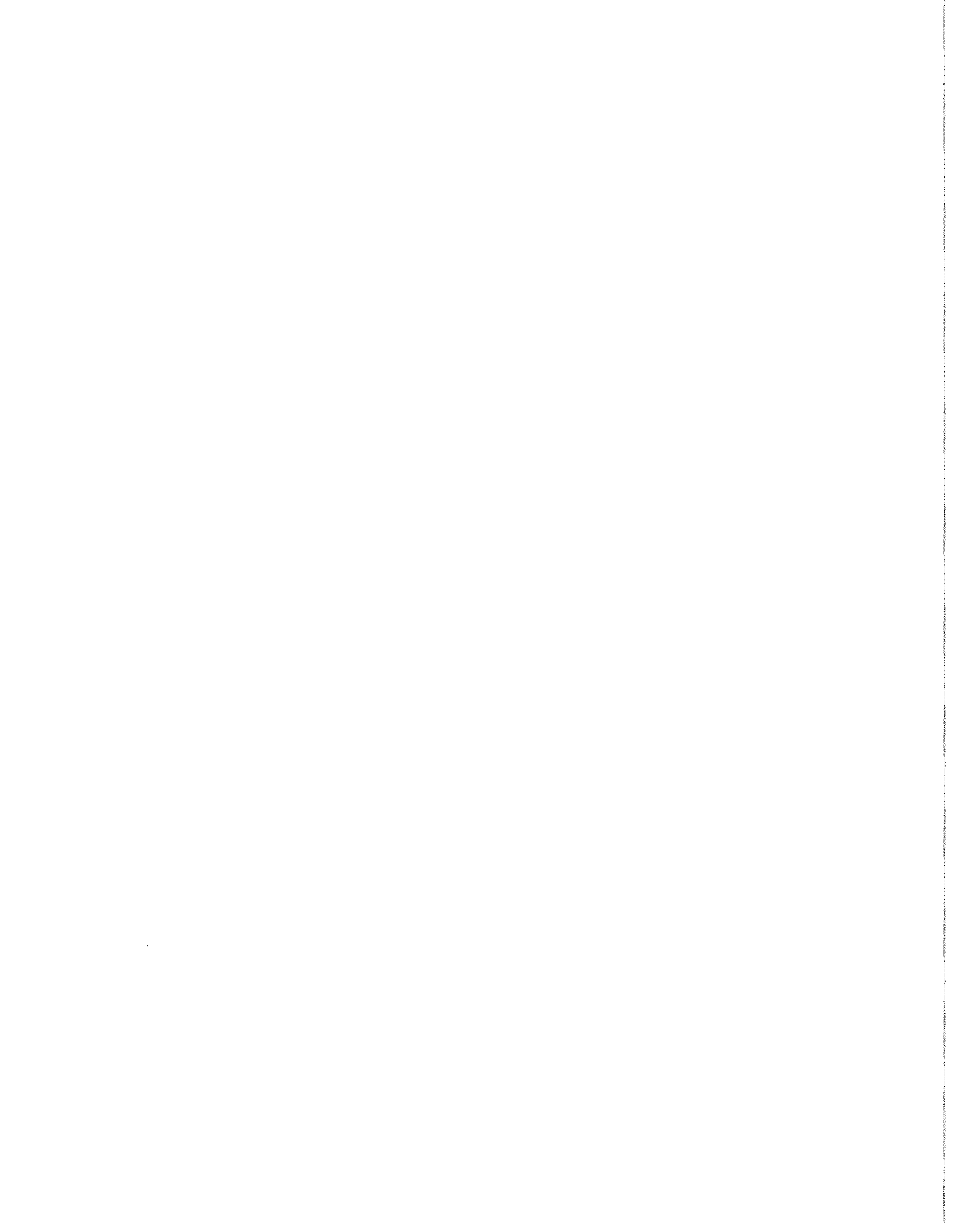
The third column, Gubernatorial appointment, contains a figure representing the number of members who are to be appointed by the Governor with the advice and consent of members elected to the Senate. The figure excludes membership which is statutorily designated. For example, the Agricultural Lands Condemnation Approval Board has six members, yet only two of those are appointments to be made by the Governor which require senatorial advice and consent. The statute creating this independent administrative board, Administrative Code § 306; 71 P.S. 106, specifies the other four members.³

The final column contains the term of members appointed by the Governor by and with senatorial advice and consent. For example, the Secretary of Labor and Industry or his designee is chairman of the board of the Industrial Board. Administrative Code § 445(b); 71 P.S. § 155(b). All members other than this statutorily designated member are appointed by the Governor for terms of four years, Administrative Code § 445(a), (e); 71 P.S. § 155(a), (e); therefore, the listing for the Industrial Board only lists the six members appointed by the Governor and describes only their terms. The

³The statutorily designated members are: the Director of the Office of Policy and Planning or his designee, the Secretary of Agriculture or his designee, the Secretary of Environmental Resources or his designee and the Secretary of Transportation or his designee. Administrative Code § 306(a); 71 P.S. § 106(a).

description of terms is virtually a verbatim restatement of the statutory reference to the term of members appointed except to fill a vacancy. Moreover, when the statute indicates that terms are staggered, this is also reflected. The tables show approximately 1,500 appointments which are made by the executive and require senatorial advice and consent. The figure is imprecise because the number of appointments to some agencies is flexible. The most notable entry reflecting such imprecision is County Board of Assistance in each county.

Note that Administrative Code § 208; 71 P.S. § 68, is typically cited for the terms of office listed for departmental secretaries. This section of the Administrative Code preceded the 1967 amendment to Pa. Const. art. 4, § 3, which enables a Governor to succeed himself for one additional term of four years.



GENERAL LEGAL BACKGROUND

Students of revolutionary America recall the constitutional debates regarding executive power vested in and limitations placed upon a President of the United States of America.

[H]e shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments . . . shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers . . . in the President alone, in the Courts of Law, or in the Heads of Departments.
U.S. Const. art. 2, § 2, cl. 2.

The Commonwealth of Pennsylvania did not subject executive appointments to senatorial confirmation until 1838, when it began to reflect the federal scheme insofar as it required senatorial advice and consent for gubernatorial appointments of all judicial officers of courts of record, Pa. Const. art. II, § 8 (1838), and allowed law to direct appointment of officers unprovided for in the constitution, *id.* at art. VI, § 8 (1838). A new constitution (1874) expanded the role of senatorial confirmation of gubernatorial appointments by including nominations of other officers of the Commonwealth and by requiring senatorial advice and consent of a

supermajority for gubernatorial appointments to assure meritorious selection of officers rather than political selection of officers. See Debates of the Convention to Amend the Constitution of Pennsylvania Convened at Harrisburg, November 12, 1872 (Harrisburg: Benjamin Singerly, State Printer, 1873); vol. 5, 208-09.

By 1973, the constitutional provision relating to appointing power, Pa. Const. art. 4, § 8, had been amended twice and the President Pro Tempore of the Senate appointed a committee to review and study the entire Senate confirmation procedure that the Senate follows. 1973 Senate Resolution Serial No. 11, adopted February 6, 1973. The special committee unanimously recommended procedural change to remove or reduce ". . . the inefficiencies and serious abuses that . . . undermine the confirmation process." Special Committee to Study Confirmation Procedure, Senate Confirmation of the Governor's Appointments (November 1973).

Subsequent to transmission of the report, laws (including the constitution) were changed. "The appointment of . . . officers as may be specified by law, shall be subject to the consent of two-thirds or a majority of the members elected to the Senate as specified by law." Pa. Const. art. 4, § 8(a). Prior to the 1975 amendment, the level of consent required was two-thirds of the members elected to the Senate. The year following this constitutional amendment, the Administrative Code of 1929 was also

amended to specify which gubernatorial appointments require consent of two-thirds of the members elected to the Senate, and which gubernatorial appointments require consent of a majority of the members elected to the Senate.

"Careful review of confirmations over the past decades reveals that actual practice has not always been in consistent compliance with the constitutional and statutory provisions governing confirmation of gubernatorial appointments. Confusion exists concerning which appointees require confirmation and why some positions require confirmation and others do not." Supra, Special Committee to Study Confirmation Procedure. The special committee published its recommendations to change procedure. As indicated in the preceding paragraph, reform was legislated relatively soon thereafter; however, there was no particular review by the General Assembly of the resulting reforms for a period lasting almost 20 years. This republished review reflects the changes that occurred during the 181st and 182nd regular sessions of the General Assembly.

Between the amendment of Article 4, § 8, in 1967 and its amendment in 1975 (which retained the senatorial consent requirement of a supermajority and added the option of a simple majority), the Commonwealth Court determined that gubernatorial appointments required senatorial approval from two-thirds of the members elected to the Senate or no

approval. "Senatorial approval is now necessary only in those instances where senatorial approval is specifically mandated by the Constitution or by statute." Crisconi v. Shapp, 5 Pa. Commonwealth Ct. 275, 280 (1972) (emphasis in original). The critical verbiage through which the Commonwealth Court ruled that the 1967 amendment to this section permitted gubernatorial appointments without senatorial consent is the phrase, "as may be specified by law." Between 1874 and 1967, the two-thirds consent requirement applied to officers of the Commonwealth appointed by the Governor which the constitution or law may authorize. Between 1967 and 1975, the two-thirds consent requirement applied to gubernatorial appointments of ". . . officers as may be specified by law." In other words, if the law specified consent, the supermajority level was required; if the law did not specify consent, no consent was required. Three years after this ruling, the third option, consent of a simple majority of the members elected to the Senate, was added when the section was again amended following the special committee's recommendations.

Most of current confusion regarding the necessity or level of senatorial consent required is attributable to three main items. First, the statutes are in disarray. The Administrative Code dates from 1929, whereas the preceding Administrative Code, act of June 7, 1923, P.L.498, No.274; 71 P.S. §§ 1-32, existed for only six years before another Administrative Code

was enacted. The amendments to this code during the last 70 years have resulted in outdated and inconsistent provisions as well as disorganization. The second main cause of confusion is the section relating to gubernatorial appointments. Administrative Code § 207.1; 71 P.S. § 67.1. This section would contain a definitive list if it were amended as often as successive legislation creates and recreates positions or abolishes positions for gubernatorial appointments. Instead, it provides a snapshot view of those gubernatorial appointments which require senatorial advice and consent so long as those positions were established prior to November 1976.⁴ Indeed, one must look well beyond the Administrative Code to discover all gubernatorial appointments including those requiring senatorial advice and consent. The aforementioned two items lead to the third main area of confusion, actual practice.

⁴It is somewhat misleading to characterize this section as a snapshot. A subsection and a paragraph were deleted by the act of April 28, 1978, P.L. 202, No.53. Moreover, two secretaries were added by the acts of June 20, 1978, P.L.477, No.70, § 4, and December 30, 1984, P.L.1299, No.245, § 2. The only other amendments changed the name of a State school and eliminated references to three boards, a council and an agency. Acts of February 17, 1984, P.L.75, No.14, § 2; and November 26, 1997, P.L.530, No.57, § 2. These amendments, however, failed to keep Administrative Code § 207.1 current.

Statutory Disarray

The statutory disarray of the Administrative Code can be illustrated with the example of the Board of Trustees of Pennsylvania Soldiers' and Sailors' Home. The board was placed and made a departmental administrative board in the Department of Military and Veterans Affairs. Administrative Code § 202; 71 P.S. § 62. The powers and the duties of the board were specifically granted in § 1409 of the code. 71 P.S. § 389. Advisory councils for veterans' homes were established in the act of Nov. 26, 1978, P.L.1207, No.283, § 1. 51 Pa.C.S. 704. When these councils were established, § 202 of the Administrative Code as it related to the board and § 1409 were repealed. Act of November 26, 1978, P.L.1207, No.283, § 2. The 1978 act failed to repeal § 401; 71 P.S. § 111, of the Administrative Code as it relates to the board. The result is that the sections placing the board as well as granting its powers and duties were repealed. The remaining, unrepealed section, id. (as it relates to the board), specifies the number of members and the terms of the members for this extinct board. Retention of the board in § 401 of the Administrative Code was overlooked in 1978 and continues notwithstanding four subsequent amendments to § 401. Act of February 17, 1984, P.L.75, No.14, § 3; act of July 11, 1985, P.L.211, No.55, § 2; act of July 9, 1986, P.L.547, No.97, § 2; act of

November 26, 1997, P.L.530, No.57, § 3. This is a specific example of the status of the Administrative Code which makes it challenging to comprehend.

Administrative Code Section 207.1

"Except as hereinafter provided in this section, the Governor may appoint without obtaining the advice and consent of the Senate such public officers which he is authorized by law to appoint including . . . members of . . . boards and commissions." Administrative Code § 207.1(a); 71 P.S. § 67.1(a). The subsections thereafter provide for those gubernatorial appointments requiring senatorial advice and consent including subsection (d)(6) stipulating "[a]ll positions hereinafter statutorily created . . . for which Senate confirmation is specified . . ." The following scenario illustrates how § 207.1 affects other statutes. When § 207.1 was added to the Administrative Code, act of November 8, 1976, P.L.1109, No.227, § 2, the Governor had previously been authorized to appoint with the advice and consent of the Senate three members to a Weather Modification Board. Act of January 18, 1968, 1967 P.L.1024, No.449, § 3(a)(5); 3 P.S. § 1103(a)(5). Those gubernatorial appointments were excepted from the "hereinafter provided" provision in the Administrative Code; therefore, they do not now require Senate confirmation. Conversely, a Health Policy Board, act of July 19, 1979, P.L.130, No.48, § 401.1; 35 P.S. § 448.401a, whose members appointed by the Governor require senatorial confirmation was "hereinafter

statutorily created" when it was added by the act of December 18, 1992, P.L.1602, No.179, § 3. These gubernatorial appointments are, therefore, included in an accompanying table.

During recent years, reestablishment of a host of boards and agencies was required by the Sunset Act. Act of December 22, 1981, P.L.508, No.142; 71 P.S. §§ 1795.1-1795.14. The Sunset Act expired at the end of ten years from its effective date. Id. at § 14; 71 P.S. § 1795.14. After its expiration, the entire act was judicially invalidated. West Shore School Dist. v. Pennsylvania Labor Relations Bd., 626 A.2d 1131 (Pa. 1993). The dates for review and termination scheduled for boards reestablished in accordance with the Sunset Act have been ignored when those dates arose past expiration of the act. Since the Sunset Act was ruled invalid, commissions reestablished under the Sunset Act where the legislation reestablishing such commissions may have omitted an expressed requirement of senatorial advice and consent for gubernatorial appointments are retained in the accompanying tables because the Administrative Code still requires such consent. Limitations on the existence of boards as set forth in the expired Sunset Act which was judicially invalidated are void. See 626 A.2d at 1136.

Consolidated Statutes lists the paragraph of the subsection which was added in 1990 as repealed by the 1992 act. In other words, it retains the rest of the section from the legislation which passed in 1976; however, this appears to be erroneous for "[t]he repeal of an amendatory statute does not revive the corresponding provision or section of the original statute or of any prior amendment." 1 Pa.C.S. § 1956. This board still exists. The legislation which passed in July 1976 codified the section relating to the composition of the board. 42 Pa.C.S. § 2132.

On February 3, 1976, the Senate confirmed the nomination of four individuals for membership on the board. Final S. History, Sess.'s of 1975 & 1976, M-21. About five months after this confirmation, the legislation relating to composition of the board was codified containing an express requirement for senatorial consent for these appointments. About four months after the codification, § 207.1 was added to the Administrative Code wherein the board was omitted from its list of those established positions which require senatorial advice and consent for appointment thereto. The absence in subsequent Senate Histories of nominations presented by the executive for appointment to the board indicates that Administrative Code § 207.1 was followed regarding these appointments. Indeed, the act of November 29, 1990, P.L.574, No.147, § 3, again amended Title 42 of the Pennsylvania Consolidated Statutes and attempted to reintroduce the

A curious result of this ruling is the extinction of three agencies⁵ under an invalid statute several years before the existential limitations were judicially recognized to be void.

Actual Practice

The third area of confusion is actual practice. The following example provides a clear illustration. The act of November 29, 1990, P.L.574, No.147, which amended Title 42 of Pennsylvania Consolidated Statutes adding provisions relating to constables, inter alia, was declared "invalid and unenforceable." In re Act 147 of 1990, 598 A.2d 985, 986 (Pa. 1991). The section of the act most relevant to this analysis is § 3 which added two constables to be appointed by the Governor to the Minor Judiciary Education Board. 42 Pa.C.S. § 2132(a)(4). Constables "cannot . . . be made part of the judicial branch under our Constitution. . . . In consequence, we find Act 147 unconstitutional and invalid." 598 A.2d at 990. The act of July 9, 1992, P.L.689, No.102, § 3, repealed Act 147 of 1990 which had been invalidated the previous year. The repeal of the 1990 act left standing the act, act of July 9, 1976, P.L.586, No.142, which it amended. Title 42 of Pennsylvania

⁵State Board of Public Welfare, State Art Commission and Pennsylvania Parkway Commission were terminated by the Sunset Act. Act of December 22, 1981, P.L.508, No.142, § 6; 71 P.S. § 1795.6. These agencies are excluded from the accompanying tables notwithstanding the fact that their enabling legislation remains unrepealed. State Board of Public Welfare: Act of April 9, 1929, P.L.177, No.175, § 448; 71 P.S. § 158; State Art Commission: Id. at § 447; 71 P.S. § 157; and Pennsylvania Parkway Commission: Act of July 16, 1941, P.L.386, No.149, § 5; 36 P.S. § 655.5.

senatorial advice and consent requirement for membership on the board by changing the already present but ineffectual phrase, "appointed by the Governor with the consent of a majority of the members elected to the Senate." 42 Pa.C.S. § 2132(a). As has already been related, this amendatory act of 1990 was invalidated and later repealed which is why appointments to the board still neither require nor receive senatorial consent. The practice, with regard to this board, adhered to Administrative Code § 207.1; however, the succeeding paragraph demonstrates that during the same time period an incorrect practice developed.

In contrast, membership on the Navigation Commission for the Delaware River and its navigable tributaries, Administrative Code § 475; 71 P.S. § 180-5, still receives senatorial advice and consent⁶ notwithstanding § 207.1. The advice and consent requirement for membership on the commission was added by amendment to the Administrative Code. Act of July 9, 1976, P.L.980, No.197, § 2, which took effect in 60 days, *id.* at § 8. This made the senatorial advice and consent requirement effective in early September. About two months later, November 8, 1976, § 207.1; 71 P.S. §

⁶In March and April 1977, the Senate confirmed four individuals for membership on the commission. Final S. History, Sess. of 1977 & 1978, M-18. The practice of senatorial confirmation has continued. In May 1995 and October and November 1996, the Senate confirmed four individuals for appointment to the commission. History of S. & H. Bills, Sess.'s of 1995 & 1996, November 14, 1996, J-10.

67.1, was added to the Administrative Code to be immediately effective. This addition to the Administrative Code excluded these appointments from those listed positions which require senatorial advice and consent. Act of November 8, 1976, P.L.1109, No.227, §§ 2, 6. Since § 5 of the act repealed all inconsistent acts, appointments to the commission do not require senatorial advice and consent notwithstanding the continued practice, which is inconsistent with the correct practice relating to membership on the Minor Judiciary Education Board.

Actual Practice and Statutory Disarray

An example combining items causing confusion is the entry for Thaddeus Stevens College of Technology. Administrative Code § 401(c); 71 P.L. § 111(c), specifies that these terms are “six years from the date of the expiration of the preceding term.” Indeed, the trustees serve for six years; however, this conflicts with the terms of three years prescribed by the act of March 10, 1949, P.L.30, No.14, § 1906-B; 24 P.S. § 19-1906-B. The college has been known by other names during its existence. It used to be known as Thaddeus Stevens Trade School,⁷ but the act of February 17, 1984,

⁷When the Administrative Code of 1929 was enacted, the college was referred to as Thaddeus Stevens Industrial School in § 401. This is because the act of April 15, 1907, P.L. 91, No.76, § 1, changed the original name of the Thaddeus Stevens Industrial and Reform School of Pennsylvania to the Thaddeus Stevens Industrial School of Pennsylvania. The reference in Administrative Code § 401 was changed from Thaddeus Stevens Industrial School to Thaddeus Stevens Trade School by the act of May 9, 1947, P.L.187, No.87, § 2.

P.L.75, No. 14, § 3, changed the reference to it in Administrative Code § 401 to be Thaddeus Stevens State School of Technology. The reference to this college in Administrative Code § 401 was again changed by the act of November 26, 1997, P.L.530, No.57, § 3, by identifying it as Thaddeus Stevens College of Technology. This 1997 amendment to the administrative Code of 1929 also mandates that statutory references to Thaddeus Stevens State School of Technology be deemed to be a reference to Thaddeus Stevens College of Technology. Id. at § 14. The 1997 amendment did not change the terms in Administrative Code § 401, it only changed the reference to the name of the institution. Construing irreconcilable statutes passed by different General Assemblies under 1 Pa.C.S. § 1936, this results in the retention of terms of three years as specified in § 1906-B of the Public School Code of 1949, because § 1906-B was added by the act of December 19, 1990, P.L.1362, No.211.

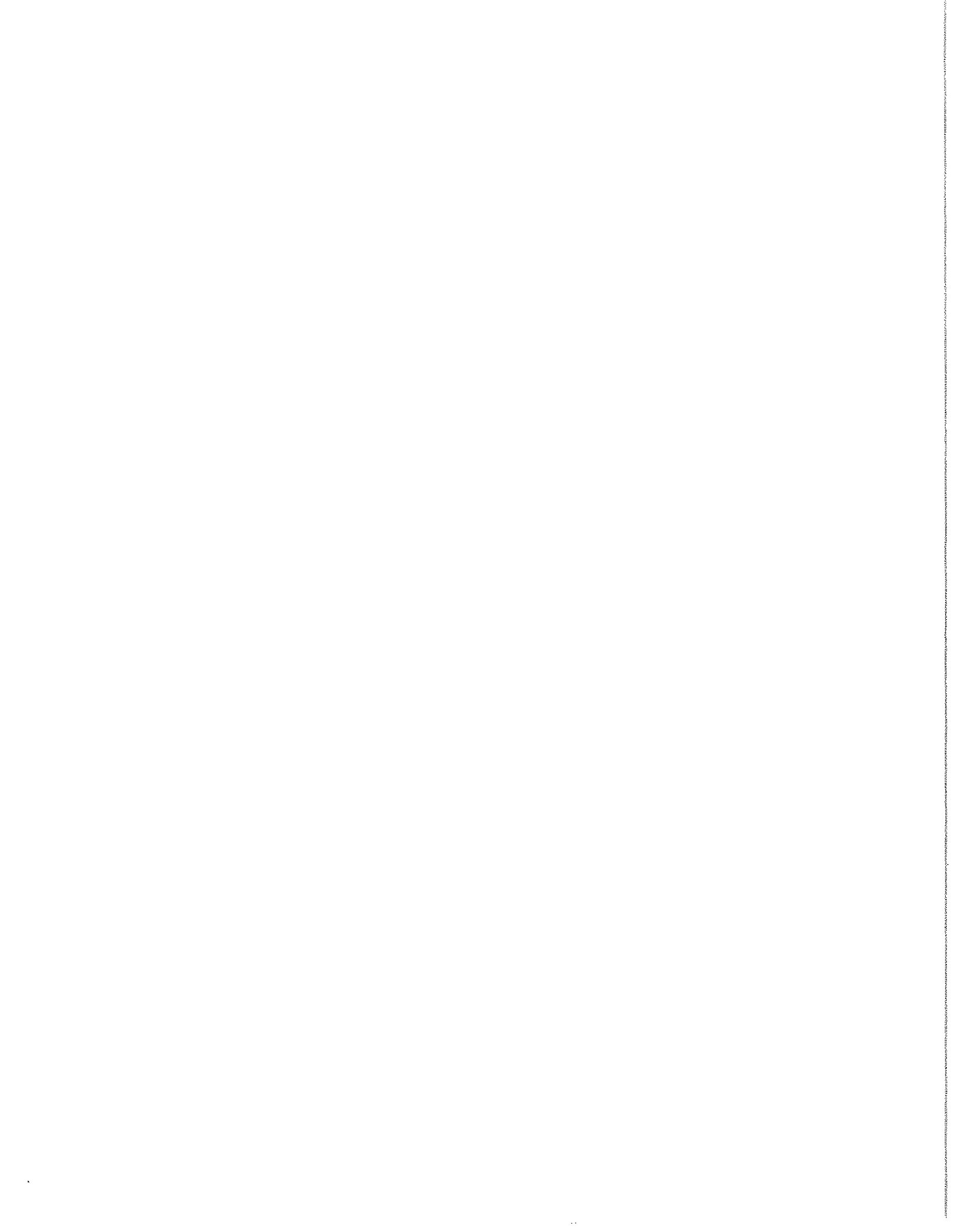
The retention of this college in Administrative Code § 401 conflicted with the act of April 6, 1980, P.L.82, No.28, § 6, known as the Thaddeus Stevens State School of Technology Act, wherein terms were specified to be three years. The Thaddeus Stevens State School of Technology Act authorized continued existence, operation and administration thereof because the General Assembly had inadvertently repealed provisions providing for the establishment and operation of this institution. Id. at § 2.

This Thaddeus Stevens State School of Technology Act was repealed by and replaced with an identically named act by the act of December 19, 1990, P.L.1362, No.211, §§ 6 and 5, that was added as Article XIX-B of the Public School Code of 1949.

The confusion and inconsistency arose because the forerunner of the college was established as the Thaddeus Stevens Industrial Reform School of Pennsylvania by the act of May 11, 1905, P.L.518, No.429, § 7, wherein it was specified that a board of nine trustees would serve staggered, three-year terms. The Administrative Code of 1929 increased the terms to four years for these trustees by including this board in § 401. Act of April 9, 1929, P.L.177, No.175, § 401. The amendatory act of December 14, 1955, P.L.853, No.255, § 3, increased these terms to six years. Later, as herein disclosed, the Thaddeus Stevens State School of Technology Acts were enacted, apparently ignoring Administrative Code § 401.

The Governor is also authorized to fill vacancies to some elective offices in a similar manner, Pa. Const. art. 4, § 8(b); however, gubernatorial appointments to elective offices and other irregularly occurring appointments are excluded from the accompanying tables. For example, vacancies in the office of justice or judge shall be filled by appointment by the Governor with the advice and consent of two-thirds of the members elected to the Senate. Pa. Const. art. 5, § 13(b). Vacancies in the office of justice of the peace are

filled by gubernatorial appointment with the advice and consent of a majority of the members elected to the Senate. Id. All vacancies in county government offices which are filled by officers elected at municipal elections, inter alia sheriffs, prothonotaries, etc. ". . . shall be filled in such a manner as may be provided by law." Pa. Const. art. 9, § 4.



APPOINTMENTS REQUIRING CONSENT OF A MAJORITY
OF THE MEMBERS ELECTED TO THE SENATE

Agency or Position	Citation	Gubernatorial appointment	Terms
Adjutant General	Administrative Code § 207.1; 71 P.S. § 67.1	One	Four years from the third Tuesday of January next following the election of a Governor, and until successor shall have been appointed and qualified ¹
Advisory Committee on Probation	Act of August 6, 1941, P.L.861, No.323 § 16.1; 61 P.S. § 331.16a	Seven	Four years and until their successors have been appointed and qualified, but in no event more than 90 days beyond the expiration of their appointed term
Aging, Pennsylvania Council on	Administrative Code § 2204-A; 71 P.S. § 581-4	Twenty-one	Three years and until their successors are appointed and qualified, staggered
Aging, Secretary of	Administrative Code § 207.1; 71 P.S. § 67.1	One	Four years from the third Tuesday of January next following the election of a Governor and until successor shall have been appointed and qualified ²
Agricultural Lands Condemnation Approval Board	Administrative Code § 306; 71 P.S. § 106	Two	Four years
Agriculture, Secretary of	Administrative Code § 207.1; 71 P.S. § 67.1	One	Four years from the third Tuesday of January next following the election of a Governor and until successor shall have been appointed and qualified ³
Allentown State Hospital Board of Trustees	Administrative Code § 401; 71 P.S. § 111	Nine	Six years from the date of the expiration of the preceding term

¹Administrative Code § 208(c); 71 P.S. § 68(c).

²Id.

³Id.

APPOINTMENTS REQUIRING CONSENT OF A MAJORITY
OF THE MEMBERS ELECTED TO THE SENATE

Agency or Position	Citation	Gubernatorial appointment	Terms
Animal Health and Diagnostic Commission	Act of December 14, 1988, P.L.1198, No.148, § 3; 3 P.S. § 430.3	Nine	Four years and hold office until his successor has been duly appointed and qualified according to law but no longer than six months beyond the period to which the member was appointed, staggered
Appalachian States Low-Level Radioactive Waste Commission	Act of February 9, 1988, P.L.31, No.12, § 701; 35 P.S. § 7130.701	Eight	Governor's pleasure
Architects Licensure Board	Act of December 14, 1982, P.L.1227, No.281, § 4; 63 P.S. § 34.4	Seven	Four years or until his successor is appointed and qualified, staggered
Arts, Council on the, Commonwealth of Pennsylvania	Act of January 25, 1966, 1965 P.L.1542, No.538, §1; 71 P.S. § 1530.1 ⁴	Fifteen	Three years and shall hold office until successors have been appointed and qualified, staggered
Banking, Secretary of	Administrative Code § 207.1; 71 P.S. § 67.1	One	Four years from the third Tuesday of January next following the election of a Governor and until successor shall have been appointed and qualified ⁵
Brandywine Battlefield Park Commission ⁶	37 Pa.C.S. § 703	Ten	Four years and until a successor is appointed and qualified

⁴This statute requires advice and consent of two-thirds of all the members of the Senate for gubernatorial appointments; however, Administrative Code § 207.1(d)(4) (added November 8, 1976); 71 P.S. § 67.1(d)(4), only requires advice and consent of a majority of the members elected to the Senate.

⁵Administrative Code § 208(c); 71 P.S. § 68(c).

⁶This commission will be abolished in March 1999 and 37 Pa.C.S. § 703 repealed. Act of December 21, 1998, P.L.____, No.163.

APPOINTMENTS REQUIRING CONSENT OF A MAJORITY
OF THE MEMBERS ELECTED TO THE SENATE

Agency or Position	Citation	Gubernatorial appointment	Terms
Cancer Control, Prevention and Research Advisory Board, Pennsylvania	Act of December 18, 1980, P.L.1241, No.224, § 3; 35 P.S. § 5633	Ten	Four years from the respective date of their appointment and until their successors are appointed and qualified, staggered
Children's Trust Fund Board	Act of December 15, 1988, P.L.1235, No.151, § 4; 11 P.S. § 2234	Nine	Three years and until a successor is appointed and qualified, staggered
Civil Service Commission, State	Act of August 5, 1941, P.L.752, No.286, § 201; 71 P.S. § 741.201	Three	Six years or until a successor is appointed and qualified, but not longer than six months beyond the six-year term
Claims, Board of	Act of May 20, 1937, P.L.728, No.193, § 1; 72 P.S. § 4651-1	Three	Eight years, staggered
Clarks Summit State Hospital Board of Trustees	Administrative Code § 401; 71 P.S. § 111	Nine	Six years from the date of the expiration of the preceding term
Commissioner of State Police ⁷	Administrative Code § 207.1; 71 P.S. § 67.1	One	Four years from the third Tuesday of January next following the election of a Governor and until successor shall have been appointed and qualified ⁸
Commonwealth, Secretary of	Administrative Code § 207.1; 71 P.S. § 67.1	One	Governor's pleasure ⁹

⁷Identified as Superintendent of the Pennsylvania State Police in the act of June 3, 1919, P.L.366, No.179, § 7; 71 P.S. § 1192.

⁸Administrative Code § 208(c); 71 P.S. § 68(c).

⁹Administrative Code § 208(a); 71 P.S. § 68(a).

APPOINTMENTS REQUIRING CONSENT OF A MAJORITY
OF THE MEMBERS ELECTED TO THE SENATE

Agency or Position	Citation	Gubernatorial appointment	Terms
Community and Economic Development, Secretary of ¹⁰	Administrative Code § 207.1; 71 P.S. § 67.1	One	Four years from the third Tuesday of January next following the election of a Governor and until successor shall have been appointed and qualified ¹¹
Conservation Commission, State	Act of May 15, 1945, P.L.547, No.217, § 4; 3 P.S. § 852	Six	Four years and until successors appointed and qualified but no longer than six months beyond the four-year period, staggered
Conservation and Natural Resources, Secretary of	Act of June 28, 1995 P.L.89, No.18, § 301; 71 P.S. § 1340.301	One	Four years from the third Tuesday of January next following the election of a Governor and until successor shall have been appointed and qualified ¹²
Constables' Education and Training Board	42 Pa.C.S. § 2943	Six	Three years
Consumer Advocate	Administrative Code § 902-A; 71 P.S. § 309-2	One ¹³	
Coroners' Education Board	Act of March 2, 1988, P.L.108, No.22, § 1; 16 P.S. § 9525.1	Three	Four years

¹⁰Act of June 27, 1996, P.L.403, No.58, § 2103(c); 71 P.S. § 1709.2103(c).

¹¹Administrative Code § 208(c); 71 P.S. § 68(c).

¹²Id.

¹³This office was added to the Administrative Code by the act of July 9, 1976, P.L.903, No.161, §1. It specifies that it is a gubernatorial appointment requiring advice and consent of a majority of the members elected to the Senate. When § 207.1(d)(4); 71 P.S. § 67.1(d)(4) was added in November 1976, this gubernatorial appointment was listed among those requiring advice and consent of a majority of the members elected to the Senate. The act of October 15, 1980, P.L.950, No.164, § 503; 71 P.S. § 732-503, repealed absolutely the sentence specifying this to be a gubernatorial appointment and enacted the following in § 201(b); 71 P.S. § 732-201(b): "The Attorney General shall appoint a Consumer Advocate which appointment shall be subject to the approval of a majority of the members elected to the Senate."

APPOINTMENTS REQUIRING CONSENT OF A MAJORITY
OF THE MEMBERS ELECTED TO THE SENATE

Agency or Position	Citation	Gubernatorial appointment	Terms
Corrections, Secretary of	Administrative Code § 207.1; 71 P.S. § 67.1	One	Four years from the third Tuesday of January next following the election of a Governor and until successor shall have been appointed and qualified ¹⁴
Council of trustees of each State-owned college and university ¹⁵	Act of March 10, 1949, P.L.30, No.14, § 2008-A; 24 P.S. § 20-2008-A	Ten	Six years and until their respective successors are duly appointed and qualified
County Board of Assistance in each county	Act of June 13, 1967, P.L.31, No.21, § 416; 62 P.S. § 416 ¹⁶	Minimum of eleven ¹⁷	Three years
Danville State Hospital Board of Trustees	Administrative Code § 401; 71 P.S. § 111	Nine	Six years from the date of the expiration of the preceding term
Delaware Valley Regional Planning Commission	Act of June 30, 1965, P.L.153, No.103; 73 P.S. § 701	One	Governor's pleasure
Drug, Device and Cosmetic Board, Pennsylvania	Act of April 14, 1972, P.L.233, No.64, § 31; 35 P.S. § 780-131	Ten	Four years from his appointment or until his successor has been appointed and qualified, but no longer than six months beyond the four-year period, staggered

¹⁴Administrative Code § 208(c); 71 P.S. § 68(c).

¹⁵See the act of March 10, 1949, P.L.30, No.14, § 2002-A; 24 P.S. § 20-2002-A, for a list of these 14 institutions.

¹⁶Section 415 (62 P.S. § 415) of this act requires the advice and consent of two-thirds of all members of the Senate; however, the Administrative Code § 207.1(d)(4); 71 P.S. § 67.1(d)(4) (added November 8, 1976), requires the advice and consent of a majority of the members elected to the Senate.

¹⁷Counties of the first and second classes shall have boards composed of a minimum of 11 members; other counties shall have boards composed of a minimum of seven members. Any county board is limited to a maximum of 15 members in addition to two county commissioners who are appointed by the Governor as ex officio members.

APPOINTMENTS REQUIRING CONSENT OF A MAJORITY
OF THE MEMBERS ELECTED TO THE SENATE

Agency or Position	Citation	Gubernatorial appointment	Terms
Ebensburg Center Board of Trustees	Administrative Code § 401; 71 P.S. § 111	Nine	Six years from the date of the expiration of the preceding term
Economic Development Financing Authority Board of Directors, Pennsylvania	Act of August 23, 1967, P.L.251, No.102, § 6.1; 73 P.S. § 376.1	Eight ¹⁸	Four years, staggered
Education, Secretary of ¹⁹	Administrative Code § 207.1; 71 P.S. § 67.1	One	Four years ²⁰
Energy Development Authority	Administrative Code § 2803-C; 71 P.S. § 720.3	Nine	Four years extending until his successor is appointed and qualified, staggered
Environmental Hearing Board	Act of July 13, 1988, P.L.530, No.94, § 3; 35 P.S. § 7513	Five	Six years or until a successor is appointed and qualified
Environmental Protection, Secretary of ²¹	Administrative Code § 207.1; 71 P.S. § 67.1	One	Four years from the third Tuesday of January next following the election of a Governor and until successor shall have been appointed and qualified ²²
Farm Products Show Commission, State	Administrative Code § 430; 71 P.S. § 140	Four	Four years

¹⁸The eighth appointee replaces the Secretary of Community Affairs. Act of June 27, 1996, P.L.403, No.58, § 1101; 71 P.S. § 1709.1101.

¹⁹"The Superintendent of Public Instruction shall ex officio be the Secretary of Education." Act of July 23, 1969, P.L.181, No.74, § 2; 71 P.S. § 1038.

²⁰Administrative Code § 208(b); 71 P.S. § 68(b).

²¹The Department of Environmental Resources was renamed. Act of June 28, 1995, P.L.89, No.18, § 501; 71 P.S. § 1340.501.

²²Administrative Code § 208(c); 71 P.S. § 68(c).

APPOINTMENTS REQUIRING CONSENT OF A MAJORITY
OF THE MEMBERS ELECTED TO THE SENATE

Agency or Position	Citation	Gubernatorial appointment	Terms
General Services, Secretary of	Administrative Code § 207.1; 71 P.S. § 67.1	One	Four years from the third Tuesday of January next following the election of a Governor and until successor shall have been appointed and qualified ²³
Hamburg Center Board of Trustees	Administrative Code § 401; 71 P.S. § 111	Nine	Six years from the date of the expiration of the preceding term
Harness Racing Commission, State	Act of December 17, 1981, P.L.435, No.135, § 201; 4 P.S. § 325.201	Three	Three years and until a successor is qualified
Harrisburg State Hospital Board of Trustees	Administrative Code § 401; 71 P.S. § 111	Nine	Six years from the date of the expiration of the preceding term
Health Policy Board	Act of July 19, 1979, P.L.130, No.48, § 401.1; 35 P.S. § 448.401a	Fourteen ²⁴	Three years, staggered
Health, Secretary of	Administrative Code § 207.1; 71 P.S. § 67.1	One	Governor's pleasure ²⁵
Higher Education Assistance Agency Board of Directors, Pennsylvania	Act of August 7, 1963, P.L.549, No.290; § 3; 24 P.S. § 5103	Three	Six years, staggered
Historical and Museum Commission, Pennsylvania	37 Pa.C.S. § 104	Nine	Four years and until a successor is appointed and qualified

²³d.

²⁴Subsection (b) provides that "[a]ll members shall be appointed to the policy board by the Governor and confirmed by a majority vote of the Senate." Subsection (a) specifies that the Secretary of Health or his designee is a member of the board. The membership total is, therefore, 15.

²⁵Act of April 27, 1905, P.L.312, No.218, § 1(b); 71 P.S. § 1401(b).

APPOINTMENTS REQUIRING CONSENT OF A MAJORITY
OF THE MEMBERS ELECTED TO THE SENATE

Agency or Position	Citation	Gubernatorial appointment	Terms
Horse Racing Commission, State	Act of December 17, 1981, P.L.435, No.135, § 201; 4 P.S. § 325.201	Three	Three years and until a successor is qualified
Housing Finance Agency, Pennsylvania	Act of December 3, 1959, P.L.1688, No.621, § 202; 35 P.S. § 1680.202	Six	Six years extending until his successor is appointed and qualified, staggered
Human Relations Commission, Pennsylvania	Act of October 27, 1955, P.L.744, No.222, § 6; 43 P.S. § 956	Eleven	Five years or until his successor shall have been duly appointed and qualified
Industrial Board ²⁶	Administrative Code § 445; 71 P.S. § 155	Six	Four years running concurrently with that of the Governor and until successors are appointed and qualified
Industrial Development Authority, Pennsylvania	Act of May 17, 1956, 1955 P.L.1609, No.537, § 4; 73 P.S. § 304	Eight ²⁷	Seven years and until their respective successors shall be duly appointed and qualified
Insurance Commissioner	Administrative Code § 207.1; 71 P.S. § 67.1	One	Four years from the third Tuesday of January next following the election of a Governor and until successor shall have been appointed and qualified ²⁸

²⁶When the board was reestablished under the Sunset Act in the act of June 30, 1988, P.L.475, No.80, an express requirement of senatorial advice and consent was not inserted; however, such a requirement is contained in Administrative Code § 207.1(d)(2); 71 P.S. § 67.1(d)(2).

²⁷The eighth appointee replaces the Secretary of Community Affairs. Act of June 27, 1996, P.L.403, No.58, § 1102; 71 P.S. § 1709.1102.

²⁸Administrative Code § 208(c); 71 P.S. § 68(c).

APPOINTMENTS REQUIRING CONSENT OF A MAJORITY
OF THE MEMBERS ELECTED TO THE SENATE

Agency or Position	Citation	Gubernatorial appointment	Terms
Labor and Industry, Secretary of	Administrative Code § 207.1; 71 P.S. § 67.1	One	Four years from the third Tuesday of January next following the election of a Governor and until successor shall have been appointed and qualified ²⁹
Labor Relations Board, Pennsylvania	Act of June 1, 1937, P.L.1168, No.294, § 4; 43 P.S. § 211.4 ³⁰	Three	Six years, staggered
Lincoln University Board of Trustees	Act of July 7, 1972, P.L.743, No.176, § 4; 24 P.S. § 2510-404 ³¹	Four	Four years, staggered
Mayview State Hospital Board of Trustees	Administrative Code § 401; 71 P.S. § 111	Nine	Six years from the date of the expiration of the preceding term
Military and Veterans Affairs, Department of, general officers	51 Pa.C.S. § 1103 ³² 51 Pa.C.S. § 1303 ³³		
Minority Business Development Authority Board of Directors, Pennsylvania	Act of July 22, 1974, P.L.598, No.206; § 4; 73 P.S. § 390.4	Nine ³⁴	Five years, staggered

²⁹Id.

³⁰This statute requires advice and consent of two-thirds of all of the members of the Senate; however, Administrative Code § 207.1(d)(2), P.S. § 67.1(d)(2) (which was added November 8, 1976), requires the advice and consent of a majority of the members elected to the Senate.

³¹This statute requires advice and consent of two-thirds of all of the members of the Senate; however, Administrative Code § 207.1(d)(2), P.S. § 67.1(d)(2) (which was added November 8, 1976), requires the advice and consent of a majority of the members elected to the Senate.

³²"The number of general officers of the line of the Pennsylvania National Guard shall conform with the number of such officers allocated to this Commonwealth as authorized by the unit manning documents promulgated in conformity with the National Defense Act."

³³The number of general officers of Pennsylvania Guard shall be determined by the Governor. General officers previously confirmed as such by the Senate do not require reconfirmation when thereafter promoted.

³⁴The ninth appointee replaces the Secretary of Community Affairs. Act of June 27, 1996, P.L.403, No. 58, § 1110; 71 P.S. § 1709.1110.

APPOINTMENTS REQUIRING CONSENT OF A MAJORITY
OF THE MEMBERS ELECTED TO THE SENATE

Agency or Position	Citation	Gubernatorial appointment	Terms
Municipal Police Officers' Education and Training Commission	53 Pa.C.S. § 2163	Fourteen	Three
Navigation Commission for the Delaware River and its navigable tributaries ³⁵	Administrative Code § 475; 71 P.S. § 180-5	Four	Four years and until successor is appointed and qualified, staggered
Norristown State Hospital Board of Trustees	Administrative Code § 401; 71 P.S. § 111	Nine	Six years from the date of the expiration of the preceding term
Pardons, Board of	Pa. Const. Art. IV, § 9	Three	Six years
Pennsylvania State University Board of Trustees ³⁶	Act of March 24, 1905, P.L.50, No.35 § 1; 24 P.S. § 2536	Six	Three years beginning on the first day of July in the year in which they are appointed, staggered
Physician General	Act of April 27, 1905, P.L.312, No.218, § 1; 71 P.S. § 1401	One	Governor's pleasure
Planning Board, State ³⁷	Administrative Code § 451; 71 P.S. § 161	Sixteen ³⁸	Four years and until their successors are appointed and have qualified
Polk Center Board of Trustees	Administrative Code, § 401; 71 P.S. § 111	Nine	Six years from the date of the expiration of the preceding term

³⁵See discussion *supra* pp. 17-18.

³⁶The statute identifies this as The Pennsylvania State College.

³⁷When the board was reestablished under the Sunset Act in the act of July 7, 1989, P.L.241, No.42, an express requirement of senatorial advice and consent was not inserted; however, such a requirement is contained in Administrative Code § 207.1(d)(4); 71 P.S. § 67.1(d)(4).

³⁸The sixteenth appointee replaces the Secretary of Community Affairs. Act of June 27, 1996, P.L.403, No.58, § 1106; 71 P.S. § 1709.1106.

APPOINTMENTS REQUIRING CONSENT OF A MAJORITY
OF THE MEMBERS ELECTED TO THE SENATE

Agency or Position	Citation	Gubernatorial appointment	Terms
Probation and Parole, Pennsylvania Board of	Act of August 6, 1941, P.L.861, No.323, § 2; 61 P.S. § 331.2	Nine	Six years or until his successor has been duly appointed and qualified ³⁹
Professional and Occupational Affairs, Commissioner of	Act of July 1, 1978, P.L.700, No.124, § 305; 63 P.S. § 1401- 305	One	Governor's pleasure
Professional Standards and Practices Commission	Act of December 12, 1973, P.L.397, No.141, § 3; 24 P.S. § 2070.3	Thirteen	Three years
Public Employee Retirement Commission	Act of July 9, 1981, P.L.208, No.66, § 5; 43 P.S. § 1405	Five	Six years, staggered
Public School Employees' Retirement Board	24 Pa.C.S. § 8501	Two	Three years, staggered
Public Television Network Commission, Pennsylvania	Act of November 20, 1968, P.L.1075, No.329, § 2; 71 P.S. § 1188.2	Fifteen ⁴⁰	Six years or until a successor has been appointed and qualified but not to exceed six months after expiration of term
Public Utility Commission, Pennsylvania	66 Pa.C.S. § 301	Five	Five years and may continue to hold office for a period not to exceed six months beyond expiration of his term if successor has not been duly appointed and qualified according to law, staggered

³⁹In no event may a board member hold over his membership more than 90 days beyond the expiration of his appointed term.

⁴⁰A recent amendment to this act, the act of June 18, 1998, P.L.____, No.87, § 1, specifies that two gubernatorial appointees serve at the Governor's pleasure and expressly requires senatorial advice and consent for the Governor's other 15 appointees, thereby suggesting that the General Assembly intended to allow two gubernatorial appointments absent senatorial advice and consent. Nine of these appointees have staggered terms.

APPOINTMENTS REQUIRING CONSENT OF A MAJORITY
OF THE MEMBERS ELECTED TO THE SENATE

Agency or Position	Citation	Gubernatorial appointment	Terms
Public Welfare, Secretary of	Administrative Code § 207.1; 71 P.S. § 67.1	One	Four years from the third Tuesday of January next following the election of a Governor and until successor shall have been appointed and qualified ⁴¹
Real Estate Commission, State	Act of February 19, 1980, P.L.15, No.9, § 202; 63 P.S. § 455.202	Eleven ⁴²	Five years from appointment or until his successor has been appointed and qualified but not longer than six months beyond the five-year period
Revenue, Secretary of	Administrative Code § 207.1; 71 P.S. § 67.1	One	Four years from the third Tuesday of January next following the election of a Governor and until successor shall have been appointed and qualified ⁴³
Scotland School for Veterans' Children Board of Trustees	Administrative Code § 401; 71 P.S. § 111	Nine	Six years from the date of the expiration of the preceding term
Scranton State School for the Deaf Board of Trustees ⁴⁴	Administrative Code § 401; 71 P.S. § 111	Nine	Six years from the date of the expiration of the preceding term
Securities Commission, Pennsylvania	Act of December 5, 1972, P.L.1280, No.284, § 601; 70 P.S. § 1-601	Three	Governor's pleasure and until their successors are duly appointed and qualified

⁴¹Administrative Code § 208(c); 71 P.S. § 68(c).

⁴²This total includes the Commissioner of Professional and Occupational Affairs as well as the Director of the Bureau of Consumer Protection or his designee. The statute as amended, act of June 29, 1990, P.L.246, No.58, § 2, omits an expressed requirement of senatorial advice and consent. Even so, the Senate has continued the practice of confirming appointments to the commission, History of S. Bills, Sess.'s of 1995 and 1996, Final Issue, J-36, for such a requirement is contained in Administrative Code § 207.1(d)(4); 71 P.S. § 67.1(d)(4).

⁴³Administrative Code § 208(c); 71 P.S. § 68(c).

⁴⁴Neither §§ 207.1 nor 401 of the Administrative Code; 71 P.S. §§ 67.1 nor 111 require senatorial advice and consent for appointments to this board of trustees; however, these appointments have regularly been submitted for senatorial advice and consent. See History of S. Bills, Sess.'s of 1995 and 1996, Final Issue, J-37.

APPOINTMENTS REQUIRING CONSENT OF A MAJORITY
OF THE MEMBERS ELECTED TO THE SENATE

Agency or Position	Citation	Gubernatorial appointment	Terms
Selinsgrove Center Board of Trustees	Administrative Code § 401; 71 P.S. § 111	Nine	Six years years from the date of the expiration of the preceding term
Small Business Advocate	Act of December 21, 1988, P.L.1871, No.181, § 3; 73 P.S. § 399.43	One	Until a successor is appointed and qualified
South Mountain Restoration Center Board of Trustees	Administrative Code § 401; 71 P.S. § 111	Nine	Six years from the date of the expiration of the preceding term
State Athletic Commission	5 Pa.C.S. § 102	Three	Four years
State Board of Accountancy	Act of May 26, 1947, P.L.318, No.140, § 2.3; 63 P.S. § 9.2c	Thirteen	Four years from the date of appointment and a period not to exceed six months beyond expiration of his term if a successor has yet to be duly appointed and qualified according to law
State Board of Auctioneer Examiners	Act of December 22, 1983, P.L.327, No.85, § 31; 63 P.S. § 734.31	Seven	Three years from his appointment or until his successor has been appointed and qualified but no longer than six months beyond the three-year period
State Board of Barber Examiners	Act of June 19, 1931, P.L.589, No.202, § 2.2; 63 P.S. § 552.2	Nine	Three years, staggered
State Board of Certified Real Estate Appraisers	Act of July 10, 1990, P.L.404, No.98, § 4; 63 P.S. § 457.4	Six	Four years and until a successor is duly appointed and qualified but no longer than six months after the expiration of the term, staggered
State Board of Chiropractic	Act of December 16, 1986, P.L.1646, No.188, § 301; 63 P.S. § 625.301	Seven	Four years from his appointment or until his successor has been duly appointed and qualified according to law but no longer than six months beyond the four-year period

APPOINTMENTS REQUIRING CONSENT OF A MAJORITY
OF THE MEMBERS ELECTED TO THE SENATE

Agency or Position	Citation	Gubernatorial appointment	Terms
State Board of Cosmetology	Act of May 3, 1933, P.L.242, No.86, § 1.1; 63 P.S. § 507.1	Eleven	Three years, staggered
State Board of Dentistry	Act of May 1, 1933, P.L.216, No.76, § 2.1; 63 P.S. § 121.1	Ten	Six years from his appointment and until his successor has been duly appointed and qualified according to law but no longer than six months beyond the six-year period
State Board of Education	Act of March 10, 1949, P.L.30, No.14, § 2602-B; 24 P.S. § 26- 2602-B	Seventeen	Six years or until his successor has been appointed and has qualified
State Board of Examiners of Nursing Home Administrators	Act of June 22, 1970, P.L.378, No.122, § 3.1; 63 P.S. § 1103.1	Twelve	Four years from his appointment or until his successor has been appointed and qualified but no longer than six months beyond the four-year period
State Board of Examiners in Speech-Language and Hearing	Act of December 21, 1984, P.L.1253, No.238, § 4; 63 P.S. § 1704	Nine	Three years and until their successors are appointed and qualified but not longer than six months beyond the three-year period, staggered
State Board of Funeral Directors	Act of January 14, 1952, 1951 P.L.1898, No.522, § 19; 63 P.S. § 479.19	Seven	Five years and may continue for a period not to exceed six months beyond the expiration of his term if a successor has yet to be duly appointed and qualified according to law
State Board of Landscape Architects	Act of January 24, 1966, 1965 P.L.1527, No.535, § 2.1; 63 P.S. § 902.2a	Seven	Three years and until their successors are appointed and qualified but not longer than six months beyond the three-year period

APPOINTMENTS REQUIRING CONSENT OF A MAJORITY
OF THE MEMBERS ELECTED TO THE SENATE

Agency or Position	Citation	Gubernatorial appointment	Terms
State Board of Medicine	Act of December 20, 1985, P.L.457, No.112, § 3; 63 P.S. § 422.3	Nine	Four years or until his successor has been appointed and qualified but not longer than six months beyond the four-year period
State Board of Nursing	Act of May 22, 1951, P.L.317, No.69, § 2.1; 63 P.S. § 212.1	Ten	Six years or until his successor has been appointed and qualified but not longer than six months beyond the six-year period
State Board of Optometry	Act of June 6, 1980, P.L.197, No.57, § 2.1; 63 P.S. § 244.2a	Eleven	Four years and may continue until a successor is duly appointed and qualified according to law but no longer than six months following the expiration of his term
State Board of Osteopathic Medicine	Act of October 5, 1978, P.L.1109, No.261, § 2.1; 63 P.S. § 271.2a	Nine	Four years or until his successor has been appointed and qualified but not longer than six months beyond the four-year period
State Board of Pharmacy	Act of September 27, 1961, P.L.1700, No.699, § 6; 63 P.S. § 390-6	Seven	Six years or until a successor has been appointed and qualified but no longer than six months beyond the six-year period
State Board of Physical Therapy	Act of October 10, 1975, P.L.383, No.110, § 2.1; 63 P.S. § 1302.1 ⁴⁵	Nine	Four years and may continue for a period not to exceed six months beyond the expiration of his term if a successor has yet to be duly appointed and qualified according to law ⁴⁶

⁴⁵"The board shall consist of nine members. . . One member shall be the Commissioner of Professional and Occupational Affairs. The members . . . shall be appointed with the advice and consent of . . . the Senate." Act of October 10, 1975, P.L.383, No.110, § 2.1(a), § 2; 63 P.S. § 1302.1(a). Usually, only the public and professional members require senatorial advice and consent for appointment to licensing boards. The Commissioner must be confirmed to fill that position initially.

⁴⁶This term duration applies to the public and professional members of this board. Their terms are staggered.

APPOINTMENTS REQUIRING CONSENT OF A MAJORITY
OF THE MEMBERS ELECTED TO THE SENATE

Agency or Position	Citation	Gubernatorial appointment	Terms
State Board of Podiatry	Act of March 2, 1956, 1955 P.L.1206, No.375, § 2.1; 63 P.S. § 42.2a	Eight	Four years or until a successor has been appointed and qualified but not longer than six months beyond the four-year period
State Board of Psychology	Act of March 23, 1972, P.L.136, No.52, § 3.1; 63 P.S. § 1203.1	Eight	Four years or until a successor has been appointed and qualified but not longer than six months beyond the four-year period
State Board of Social Work Examiners	Act of July 9, 1987, P.L.220, No.39, § 5; 63 P.S. § 1905 ⁴⁷	Seven	Four years and until a successor is duly appointed and qualified but not longer than six months after expiration of the term, staggered
State Board of Vehicle Manufacturers, Dealers and Salespersons ⁴⁸	Act of December 22, 1983, P.L.306, No.84, § 3; 63 P.S. § 818.3	Fourteen	Four years from the respective date of their appointment and may continue for a period not to exceed six months beyond the expiration of his term if a successor has yet to be duly appointed and qualified according to law
State Board of Veterinary Medicine	Act of December 27, 1974, P.L.995, No.326, § 4; 63 P.S. § 485.4	Eight	Four years from his appointment or until his successor has been duly appointed and qualified according to law but no longer than six months beyond the four-year period, staggered

⁴⁷The statute specifies that there are seven members, "one of whom shall be the Commissioner of Professional and Occupational Affairs. . . . The members . . . shall be appointed . . . with the advice and consent of . . . the Senate." In February 1999, this board will be renamed the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors. Its size will increase to thirteen members, one of whom shall be the Commissioner of Professional and Occupational Affairs. Act of December 21, 1998, P.L. ____, No.136, § 1.

⁴⁸When the board was reestablished pursuant to the Sunset Act, an express requirement of senatorial advice and consent was not inserted; however, such a requirement is contained in Administrative Code §207.1(d)(4); 71 P.S. § 67.1(d)(4).

APPOINTMENTS REQUIRING CONSENT OF A MAJORITY
OF THE MEMBERS ELECTED TO THE SENATE

Agency or Position	Citation	Gubernatorial appointment	Terms
State Charter School Appeal Board	Act of March 10, 1949, P.L.30, No. 14, § 1721-A; 24 P.S. § 17-1721-A	Six	Four years or until a successor is appointed and qualified, staggered
State Employees' Retirement Board	71 Pa.C.S. § 5901	Six	Four years, staggered
State Registration Board for Professional Engineers, Land Surveyors and Geologists	Act of May 23, 1945, P.L.913, No.367, § 4.1; 63 P.S. § 151.1 ⁴⁹	Twelve	Six years or until his successor has been appointed and qualified but not longer than six months beyond the six-year period
State System of Higher Education Board of Governors	Act of March 10, 1949, P.L.30, No.14, § 2004-A; 24 P.S. § 20-2004-A	Fourteen	Four years ⁵⁰
State Tax Equalization Board	Act of June 27, 1947, P.L.1046, No.447, § 2; 72 P.S. § 4656.2	Three	Four years or until their successors shall be duly appointed and shall have qualified

⁴⁹The statute which reestablished the board did not insert an express requirement of senatorial advice and consent for appointment of members. Act of December 22, 1983, P.L.348, No.87, § 5. Nonetheless, the Senate confirms members of the board, History of S. Bills, Sess.'s of 1995 and 1996, Final Issue, J-33, for such a requirement is contained in Administrative Code § 207.1(d)(4); 71 P.S. § 67.1(d)(4).

⁵⁰This term length is for all members of the board appointed by the Governor except the students, whose terms expire upon graduation, separation or failure to maintain good academic standards at their institution.

APPOINTMENTS REQUIRING CONSENT OF A MAJORITY
OF THE MEMBERS ELECTED TO THE SENATE

Agency or Position	Citation	Gubernatorial appointment	Terms
Temple University Board of Trustees	Act of November 30, 1965, P.L.843, No.355, § 4; 24 P.S. § 2510-4 ⁵¹	Four	Four years, staggered
Thaddeus Stevens College of Technology Board of Trustees	Act of March 10, 1949, P.L.30, No.14, § 1906-B; 24 P.S. § 19-1906-B	Nine	Three years, staggered ⁵²
Torrance State Hospital Board of Trustees	Administrative Code § 401; 71 P.S. § 111	Nine	Six years from the date of the expiration of the preceding term
Transportation Commission, State	Administrative Code § 468; 71 P.S. § 178	Ten	Six years and may serve for a period not to exceed six months until their successors have been appointed and qualify
Transportation, Secretary of	Administrative Code § 207.1; 71 P.S. § 67.1	One	Four years from the third Tuesday of January next following the election of a Governor and until successor shall have been appointed and qualified ⁵³
Unemployment Compensation Board of Review	Act of December 5, 1936 (Second Ex. Sess., 1937), P.L.2897, No.1, § 203; 43 P.S. § 763 ⁵⁴	Three	Six years and until their successors shall have been appointed and qualified, staggered

⁵¹This statute requires advice and consent of two-thirds of all of the members of the Senate; however, Administrative Code § 207.1(d)(2); 71 P.S. § 67.1(d)(2), requires the advice and consent of a majority of the members elected to the Senate.

⁵²See discussion *supra* pp. 18-20.

⁵³Administrative Code § 208(c); 71 P.S. § 68(c).

⁵⁴This statute requires advice and consent of two-thirds of all of the members of the Senate; however Administrative Code § 207.1(d)(2); 71 P.S. § 67.1(d)(2), requires the advice and consent of a majority of the members elected to the Senate.

APPOINTMENTS REQUIRING CONSENT OF A MAJORITY
OF THE MEMBERS ELECTED TO THE SENATE

Agency or Position	Citation	Gubernatorial appointment	Terms
University of Pittsburgh Board of Trustees	Act of July 28, 1966 (Spec. Sess. No. 3), P.L.87, No.3, § 4; 24 P.S. § 2510-204 ⁵⁵	Four	Four years, staggered
Victim Advocate	Act of November 24, 1998, P.L.____, No.111, § 301	One	Six years and until a successor shall have been duly appointed and qualified but in no event more than 90 days beyond the expiration of the appointed term
Warren State Hospital Board of Trustees	Administrative Code § 401; 71 P.S. § 111	Nine	Six years from the date of the expiration of the preceding term
Washington Crossing Park Commission ⁵⁶	37 Pa.C.S. § 704	Ten	Five years and until a successor is appointed and qualified
Wernersville State Hospital Board of Trustees	Administrative Code § 401; 71 P.S. § 111	Nine	Six years from the date of the expiration of the preceding term
Western Center Board of Trustees	Administrative Code § 401; 71 P.S. § 111	Nine	Six years from the date of the expiration of the preceding term
White Haven Center Board of Trustees	Administrative Code § 401; 71 P.S. § 111	Nine	Six years from the date of the expiration of the preceding term

⁵⁵This statute requires advice and consent of two-thirds of all of the members of the Senate; however, Administrative Code § 207.1(d)(2); 71 P.S. § 67.1(d)(2), requires the advice and consent of a majority of the members elected to the Senate.

⁵⁶This commission will be abolished in March 1999 and 37 Pa.C.S. § 704 repealed. Act of December 21, 1998, P.L.____, No.163.

APPOINTMENTS REQUIRING CONSENT OF A MAJORITY
OF THE MEMBERS ELECTED TO THE SENATE

Agency or Position	Citation	Gubernatorial appointment	Terms
Workers' Compensation Appeal Board	Administrative Code § 441; 71 P.S. § 151	At least three	Four years from the third Tuesday of January next following the election of a Governor and until their successors have been appointed and qualified ⁵⁷
Youth Development Center at Bensalem Board of Trustees ⁵⁸	Administrative Code § 401; 71 P.S. § 111	Nine	Six years from the date of the expiration of the preceding term
Youth Development Center at Loysville Board of Trustees ⁵⁹	Administrative Code § 401; 71 P.S. § 111	Nine	Six years from the date of the expiration of the preceding term
Youth Development Center at New Castle Board of Trustees ⁶⁰	Administrative Code § 401; 71 P.S. § 111	Nine	Six years from the date of the expiration of the preceding term

⁵⁷Administrative Code § 208(c); 71 P.S. § 68(c). "Any reference in a statute to the Workmen's Compensation Appeal Board shall be deemed a reference to the Workers' Compensation Appeal Board." Act of June 24, 1996, P.L.350 No.57, § 31.1.

⁵⁸The statute identifies this State institution as Eastern Youth Development Centers.

⁵⁹The statute identifies this State institution as Central Youth Development Centers.

⁶⁰The statute identifies this State institution as Western Youth Development Centers.

APPOINTMENTS REQUIRING CONSENT OF TWO-THIRDS
OF THE MEMBERS ELECTED TO THE SENATE

Agency or Position	Citation	Gubernatorial appointment	Terms
Milk Marketing Board	Act of April 28, 1937, P.L.417, No.105, § 201; 31 P.S. § 700j-201	Three	Six years and until their successors have been appointed and qualified, staggered
Pennsylvania Convention Center Authority, chairman of the governing board ¹	Act of June 27, 1986, P.L.267, No.70, § 11; 53 P.S. § 16211	One	Until his successor is duly appointed
Pennsylvania Fish and Boat Commission	30 Pa.C.S. § 301	Ten	Eight years and may continue for a period not to exceed six months or until a successor is appointed and qualified, whichever occurs first
Pennsylvania Game Commission	34 Pa.C.S. § 301	Eight	Eight years and may continue for a period not to exceed six months or until a successor is appointed and qualified, whichever occurs first
Pennsylvania Liquor Control Board	Act of April 12, 1951, P.L.90, No.21, § 201; 47 P.S. § 2-201	Three	Four years, staggered, ending on the third Tuesday in May; no member may hold over in office upon the expiration of his term
Pennsylvania Turnpike Commission	Act of September 30, 1985, P.L.240, No.61, § 5; 36 P.S. § 651.5	Four ²	Four years and 90 days holdover or until his successor shall be duly appointed and qualified, whichever period is shorter, but not thereafter unless reappointed in accordance with law

¹This gubernatorial appointment is available only when the members cannot agree upon the selection of a chairman within 90 days of a vacancy.

²Act of May 21, 1937, P.L.774, No.211, § 4; 36 P.S. § 652d.

