

## No. 244

## AN ACT

## HB 2085

Amending the act of April 9, 1929 (P.L.177), 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," abolishing the State Commission on Academic Facilities and transferring its powers and duties to the State Board of Education and creating a State Board of Auctioneer Examiners as a departmental administrative board in the Department of State.

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

Section 1. As much as applies to the Department of State of section 202, act of April 9, 1929 (P.L.177), known as "The Administrative Code of 1929," amended June 22, 1970 (P.L.375), is amended to read:

Section 202. Departmental Administrative Boards, Commissions and Offices.—The following boards, commissions, and offices are hereby placed and made departmental administrative boards, commissions, or offices, as the case may be, in the respective administrative departments mentioned in the preceding section, as follows:

In the Department of State,

- State Employees' Retirement Board,
- Commissioner of Professional and Occupational Affairs,
- State Real Estate Commission,
- State Board of Medical Education and Licensure,
- State Board of Pharmacy,
- State Dental Council and Examining Board,
- State Board of Optometrical Examiners,
- State Board of Osteopathic Examiners,
- State Board of Nurse Examiners,
- State Board of Barber Examiners,
- State Board of Cosmetology,
- State Board of Veterinary Medical Examiners,
- State Board of Chiropractic Examiners,
- State Board of Podiatry Examiners,

State Board of Examiners of Public Accountants,  
 State Board of Examiners of Architects,  
 State Registration Board for Professional Engineers,  
 State Board of Funeral Directors,  
 State Board of Examiners of Nursing Home Administrators,  
*State Board of Auctioneer Examiners.*

\* \* \*

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act.

Section 2. The act is amended by adding a section to read:

*Section 476. State Board of Auctioneer Examiners.—The State Board of Auctioneer Examiners shall consist of the Commissioner of Professional and Occupational Affairs ex officio, and five members, who shall be licensed auctioneers, have served as a licensed auctioneer for ten years or more and conducts at least fifty auctions each year.*

*Three members of the board shall constitute a quorum, and the board shall select from among its members, a chairman, and shall elect a secretary who need not be a member of the board.*

*The members of the board, other than the Commissioner of Professional and Occupational Affairs, shall receive thirty-five dollars (\$35) per diem, when actually engaged in the transaction of official business, and the secretary shall receive such reasonable compensation as shall be determined by the board, with the approval of the Secretary of the Commonwealth.*

Section 3. Sections 1314 and 1315, act of April 9, 1929 (P.L.177), known as "The Administrative Code of 1929," added September 12, 1961 (P.L.1287), are repealed.

Section 4. Subsection (b) of section 1317 of the act, added June 17, 1963 (P.L.143), is amended by adding a clause to read:

Section 1317. The Powers and Duties of the State Board of Education.

\* \* \*

(b) The State Board of Education shall:

(1) Hear appeals of schools districts which consider themselves aggrieved by a decision of the Council of Basic Education approving a county plan of organization of administrative units, or approving or disapproving an application for the creation of a new school district, or change in the boundaries of an existing school district;

(2) Establish, whenever deemed advisable, committees of professional and technical advisors to assist the councils in performing research studies undertaken by them;

(3) Review annually the budget requests of the Department of **[Public Instruction] Education** and the budget requests of educational institutions not part of the public school system and return such requests to the department with comments, if any, prior to their submission to the budget secretary; **[and]**

*(3.1) (i) Apply for, receive and administer, subject to any applicable regulations or laws of the Federal Government or any agency thereof, any Federal grants, appropriations, allocations, and programs for the development of academic facilities on behalf of the Commonwealth of Pennsylvania, any of its school districts or any institution of higher education, public or private, within the Commonwealth;*

*(ii) Subject to criteria developed by the Secretary of Education and subject to any applicable regulations or laws of the Federal Government or any agency thereof, to develop, alter, amend and submit to the Federal Government State plans for participation in Federal grants, appropriations, allocations, and programs for the development of academic facilities and to make regulations, criteria, methods, forms, procedures, and to do all other things which may be necessary to make possible the participation of the Commonwealth in such Federal grants, appropriations, allocations, and programs for the development of academic facilities;*

*(iii) Hold hearings, issue subpoenas, and render decisions as to the priority assigned to any project, or as to any other matter or determination affecting any applicant for Federal grants, appropriations, allocations, and programs for the development of academic facilities;*

*(iv) Adopt rules or procedure and prescribe regulations for the submission to it of all matters within its jurisdiction; and*

*(v) Submit, annually, to the Governor, on or before the first Monday of December, a report of its proceedings during that year, together with such recommendations as the board shall deem necessary; and*

*(4) Make all reasonable rules and regulations necessary to effectuate the purposes of this act and carry out all duties placed upon it by law.*

Office of the Secretary of the Commonwealth

Harrisburg, October 21, 1972

I do certify that the above bill, entitled "An Act amending the act of April 9, 1929 (P.L.177), 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,' abolishing the State Commission on Academic Facilities and transferring its powers and duties to the State Board of Education and creating a State Board of Auctioneer Examiners as a departmental administrative board in the Department of State," was presented to the Governor on the tenth day of October, one thousand nine hundred and seventy-two, and was not returned within ten days after it had been presented to him, wherefore it has, agreeably to the Constitution of this Commonwealth, become a law in like manner as if he had signed it.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large, prominent initial "C".

*Secretary of the Commonwealth*