

No. 1988-143

AN ACT

HB 2547

Amending the act of May 20, 1937 (P.L.728, No.193), entitled, as amended, "An act providing for the creation of a Board of Claims arising from contracts with the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the board; and fixing the compensation of members and employes thereof; providing that the awards of such board shall be final; providing for the payment of awards; and authorizing an appropriation," reestablishing the power of the Board of Claims to establish hearing panels and fixing the compensation of panel members.

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

Section 1. Section 1 of the act of May 20, 1937 (P.L.728, No.193), referred to as the Board of Claims Act, amended December 12, 1984 (P.L.966, No.189), is reenacted and amended to read:

Section 1. Be it enacted, &c., That there is hereby created an independent administrative board known as the Board of Claims, the duty of which shall be to arbitrate claims against the Commonwealth arising from contracts entered into by the Commonwealth, and to adjust and settle certain other claims against the Commonwealth formerly handled by the Auditor General and State Treasurer acting as the Board of Claims. Any reference in this or any other act to this board shall be deemed a reference to the Board of Claims. Administrative services for the Board of Claims shall be provided by the Department of the Auditor General. Such board shall consist of three members appointed by the Governor by and with the advice and consent of a majority of the elected members of the Senate, one of whom shall be learned in the law and shall be chairman of the board, another of whom shall be a registered civil engineer. The third member of the board shall be a citizen and resident of the Commonwealth. The lawyer member shall hold the title of chief administrative judge, one member shall have the title of engineer member and one member shall have the title of citizen member. Two members of the board shall constitute a quorum. The members shall be appointed for terms of four, six and eight years, and shall serve until their respective successors shall be duly appointed and qualified. Their successors shall each be appointed for a term of eight years. In the event any member shall die or resign during his term of office the Governor shall appoint a successor who shall hold office for such unexpired term. Each member of the board shall receive an annual compensation as may be fixed by the Executive Board and each member of the board and the executive secretary of the board shall also be entitled to all necessary traveling and other expenses incurred by him in the discharge of his official duties. Each member of the board shall be required to devote full-time to the duties imposed by this act and shall perform no duties inconsistent with their duties and responsibilities as board members.

The Board of Claims may, in its discretion appoint three hearing panels consisting of two individuals each, one of whom shall be a registered engineer and the other of whom shall be learned in the law and shall be the chairman. These individuals shall receive actual traveling expenses and per diem compensation at the rate of one hundred fifty dollars (\$150) per day for the time actually devoted to the business of the board, but no panel member shall be paid more than ten thousand dollars (\$10,000) per diem compensation in any calendar year. The hearing panels shall be denominated the Eastern, Middle and Western District Hearing Panel, respectively, and shall have jurisdiction in areas of the Commonwealth coterminous with the three judicial districts of the United States District Courts in the Commonwealth established by section 118 of the Judicial Code and Judiciary, act of June 25, 1948, as amended June 2, 1970 (Public Law 91-272), 28 U.S.C. section 118.

[The power of the Board of Claims to establish hearing panels pursuant to this section shall cease on December 31, 1987 and the functions and duties of the hearing panels shall likewise cease, unless the General Assembly shall approve an extension of the board's power to appoint hearing panels.]

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

Section 1.1. Notwithstanding section 1, beginning with the effective date of this section, the compensation for members of the hearing panels established in section 1 shall be two hundred dollars (\$200) per day for the time actually devoted to the business of the board, but no panel member shall be paid more than fifteen thousand dollars (\$15,000) per diem compensation in any calendar year.

Section 3. Section 1 (section 1) shall be retroactive to December 31, 1987.

Section 4. This act shall take effect immediately.

APPROVED—The 5th day of December, A. D. 1988.

ROBERT P. CASEY