

# THE GOVERNOR

## GOVERNOR'S OFFICE

[4 PA. CODE CH. 5]

[EXECUTIVE ORDER 1996-3]

### Governor's Advisory Commission on African American Affairs

April 19, 1996

*Whereas*, the history of African Americans in Pennsylvania reflects a diverse and unique blend of cultural, social, and economic influences which have had and continue to have a beneficial impact on life in this Commonwealth; and

*Whereas*, African American citizens nonetheless continue to encounter difficulty in gaining access to avenues of economic development, including access to capital for business formation, to educational opportunities necessary for effective business development and growth, and to established networking relationships, as well as to innovative techniques designed to encourage and promote minority business ownership; and

*Whereas*, despite the numerous gains achieved over the years which have resulted in increased access to political, economic, and institutional systems, expanded opportunities in education and employment, and the passage and enforcement of important antidiscrimination legislation, African Americans are still confronted with systemic conditions which disproportionately affect this segment of our population adversely; and

*Whereas*, these conditions, which are prevalent in the African American community and affect the welfare and integrity of all of the citizens of our Commonwealth, require a forum within which the unique needs and issues of concern for our African American citizens can be articulated and addressed.

*Now, Therefore*, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby reestablish, in the Office of the Governor, the Governor's Advisory Commission on African American Affairs (hereinafter referred to as "Commission") as the Commonwealth's advocate agency for its African American citizens as hereinafter set forth.

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 5. COUNCILS AND COMMITTEES

#### Subchapter YY. GOVERNOR'S ADVISORY COMMISSION ON AFRICAN AMERICAN AFFAIRS

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5.703.	Terms of membership.
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5.706.	Reports.
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#### § 5.701. Functions.

The functions of the Commission shall be to:

(1) Advise the Governor on policies, procedures, legislation and regulations which affect the African American community and which will enable the Commonwealth to be responsive to the needs of the African American community. The areas to be examined include, but are not limited to:

(i) The accelerating rate of poverty among African American children.

(ii) The growing number of households headed by single African American females.

(iii) The high incidence of Black on Black crime.

(iv) The low business formation rate by African American citizens of the Commonwealth.

(v) The high levels of drug and alcohol addiction, abuse and crime in the African American community.

(vi) The high mortality rates for African Americans and access to quality health care.

(vii) The high proportion of African American males in the penal institutions.

(viii) The high dropout rate of African American students and the declining presence of the African American male in institutions of higher education.

(2) Develop, review and recommend to the Governor policies to prevent and eradicate racial discrimination in the areas of health and human services, housing, education, employment, business formation and development, public accommodations, and in contracting practices and procedures.

(3) Provide appropriate assistance and advice to the Pennsylvania Minority Business Development Authority, as may be necessary, to assist the authority in its statutory duties and functions as the principal State agency for the promotion and encouragement of minority economic development within the Commonwealth.

(4) Serve as a liaison to Federal, State and local agencies to ensure that programs affecting African Americans are effectively utilized and that benefits accrue equitably to members of the African American community.

(5) Work with the Governor's Office and the African American community to promote legislation which ensures the equitable treatment of all citizens of the Commonwealth.

(6) Serve as a resource for community groups on African American issues, programs, sources of funding and compliance requirements within State government for the benefit and advancement of African Americans.

(7) Assist local African American community groups in developing strategies and programs which will expand and enhance the social, cultural and economic status of the African American community.

(8) Work with the Bureau of Affirmative Action to strengthen the enforcement of the Commonwealth's antidiscriminatory hiring, retention and promotion policies.

(9) Promote the cultural arts in their various forms within the African American community through coordinated efforts and advocacy.

**§ 5.702. Composition of the Commission.**

(a) The Commission shall consist of 15 members to be appointed by the Governor who are representatives of the Commonwealth's African American community.

(b) The Governor will designate one Commission member to serve as chairperson and one to serve as vice-chairperson of the Commission. The chairperson and vice-chairperson shall serve at the pleasure of the Governor.

(c) The Governor will appoint an Executive Director and a Deputy Executive Director of the Commission who will serve at the Governor's pleasure.

**§ 5.703. Terms of membership.**

(a) Members will be appointed for a term of 2 years. All members shall serve at the pleasure of the Governor.

(b) If a vacancy occurs on the Commission due to resignation, disability or death of a member, a successor may be appointed by the Governor to serve the duration of the unexpired term. A successor so appointed may thereafter be reappointed.

**§ 5.704. Compensation.**

Members of the Commission will not receive compensation for their service except that the members may be reimbursed for actual travel and related expenses in accordance with Commonwealth policy.

**§ 5.705. Relationship with other agencies.**

To implement the purpose of this subchapter, the Commission may request and receive from any department, division, board, bureau, commission or any other agency of the State or any political subdivision thereof or public authority, cooperation, assistance, information and data needed by the Commission to properly carry out its powers and duties hereunder.

**§ 5.706. Reports.**

The Commission shall submit reports, as it deems necessary, on issues affecting African Americans in this Commonwealth.

**§ 5.707. Procedures.**

(a) The Commission is authorized to establish subcommittees and rules and procedures for the effective implementation of its functions consistent with this order.

(b) The Commission may hold public hearings in order to evaluate the effectiveness of Commonwealth services and programs to the African American community.

**§ 5.708. Rescission.**

Executive Order 1991-7 under this subchapter is rescinded.

*Governor*

**Fiscal Note:** GOV 96-3. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 96-796. Filed for public inspection May 17, 1996, 9:00 a.m.]

**[4 PA. CODE CH. 5]**

**[EXECUTIVE ORDER 1996-4]**

**Governor's Advisory Commission on Latino Affairs**

April 19, 1996

*Whereas*, the character of Pennsylvania has been shaped by the various religious, ethnic, and National groups which have settled within its boundaries and this diversity is the very fiber that has allowed us to grow, prosper, and succeed as a Commonwealth; and

*Whereas*, as one of the fastest growing communities in the Commonwealth, the Latino community has had a positive impact upon business and industry and has enhanced Pennsylvania through culture, creativity, and innovation; and

*Whereas*, the Latino community must be given the opportunity to continue to grow and prosper within our boundaries. Concomitantly, the Commonwealth must protect this important community against discrimination, provide Latino children with the opportunity to receive the best education possible, and increase economic development and employment possibilities in order to help enhance the social and economic status of the Latino community in Pennsylvania.

*Now, Therefore, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby reestablish the Governor's Advisory Commission on Latino Affairs (hereinafter referred to as the "Commission") as the Commonwealth's advocate agency for its Latino citizens as hereinafter set forth.*

**Annex A**

**TITLE 4. ADMINISTRATION**

**PART I. GOVERNOR'S OFFICE**

**CHAPTER 5. COUNCILS AND COMMITTEES**

**Subchapter T. GOVERNOR'S ADVISORY COMMISSION ON LATINO AFFAIRS**

**§ 5.212. Functions.**

The functions of the Commission shall be to:

(1) Make recommendations to the Governor on policies, procedures and legislation that would enhance the status of the Latino community in Pennsylvania.

(2) Serve as the Governor's liaison to the Latino community on policies, procedures, legislation and regulations which affect the Latino community in order to ensure that State government is accessible, accountable and responsive to the Latino community.

(3) Serve as a resource to all departments, commissions and agencies to ensure that they are cognizant of the needs of the Latino community and that this community benefits in an equitable fashion from their respective services and programs.

(4) Assist local Latino communities in developing strategies and programs which will enhance their social and economic status.

(5) Work with the administration to monitor the hiring, retention and promotion practices of the Commonwealth as they relate to the employment of Latinos in order to ensure that there are no discriminatory employment practices within the Commonwealth.

**§ 5.213. Composition of the Commission.**

(a) The Commission shall consist of 15 members to be appointed by the Governor who are representatives of the Commonwealth's Latino community.

(b) The Governor will appoint an Executive Director of the Commission.

(c) The Governor will designate one Commission member to serve as chairperson of the Commission.

**§ 5.214. Terms of membership.**

(a) Members will be appointed for a term of 2 years. All members shall serve at the pleasure of the Governor.

(b) If a vacancy occurs on the Commission due to resignation, disability or death of a member, a successor may be appointed by the Governor to serve the duration of the unexpired term. A successor so appointed may thereafter be reappointed.

**§ 5.215. Compensation.**

Members of the Commission will not receive compensation for their service except that the members may be reimbursed for actual travel and related expenses in accordance with Commonwealth policy.

**§ 5.216. Relationship with other agencies.**

To implement the purpose of this subchapter, the Commission may request and receive from any department, division, board, bureau, commission or any other agency of the State or any political subdivision thereof or public authority, cooperation, assistance, information and data needed by the Commission to properly carry out its powers and duties hereunder.

**§ 5.217. Reports.**

The Commission shall submit reports, as it deems necessary, on issues affecting the Latino community in this Commonwealth.

**§ 5.218. Procedure.**

The Commission is authorized to establish subcommittees and rules and procedures for the effective implementation of its functions consistent with this order.

**§ 5.219. Rescission.**

Executive Order 1989-1 under this subchapter is rescinded.

*Governor*

**Fiscal Note:** GOV 96-4. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 96-797. Filed for public inspection May 17, 1996, 9:00 a.m.]

[4 PA. CODE CH. 5]

[EXECUTIVE ORDER 1996-2]

**Implementation of the IMPACCT Commission Recommendations**

April 19, 1996

*Whereas*, on March 9, 1995, the Improve Management and Cost Control Task Force (IMPACCT) was established to review the operations of State government and to recommend the means by which Pennsylvania government can become more efficient and less costly; and

*Whereas*, the IMPACCT Commission has completed its work and identified over 400 opportunities for change in the way State government conducts its business that are efficient and less costly; and

*Whereas*, in order to make State government more efficient and less costly, Pennsylvania must become a job friendly State with quality, results oriented education; must take a new approach to environmental issues; must establish and maintain a first rate infrastructure; and must provide quality government which is user friendly and customer focused; and

*Whereas*, in order for Pennsylvania to be a leader among states and a competitor among nations, State government must quickly adapt to the ever changing National and global circumstances and position itself to be a proactive partner with the public and business communities; and

*Whereas*, only through an aggressive and well focused effort to streamline and refocus State government can we hope to make State government more efficient and less costly.

*Now, Therefore*, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the Privatize Retain Innovate Modify and Eliminate (PRIME) Council (hereinafter referred to as "PRIME Council") to coordinate the implementation of as many of the recommendations contained in the IMPACCT Commission's final report as shall be deemed appropriate, and to review those areas of State government which, due to time and other constraints, were not included in the report.

**Annex A**  
**TITLE 4. ADMINISTRATION**  
**PART I. GOVERNOR'S OFFICE**  
**CHAPTER 5. COUNCILS AND COMMITTEES**  
**Subchapter JJJ. IMPLEMENTATION OF THE IMPACCT**  
**COMMISSION RECOMMENDATIONS**

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5.891.	Purpose of the PRIME Council.
5.892.	Responsibilities.
5.893.	Composition of the PRIME Council.
5.894.	Terms of membership.
5.895.	Compensation.
5.896.	Cooperation of State agencies.
5.897.	Staff.

**§ 5.891. Purpose of the PRIME Council.**

The purpose of the PRIME Council shall be to coordinate the reengineering of State government in order to make State government more efficient and less costly.

**§ 5.892. Responsibilities.**

The PRIME Council's specific duties will include:

- (1) Offering advice and assistance in prioritizing the recommendations of the IMPACCT Commission's report and recommendations.
- (2) Providing advice and assistance in the review of agency action plans and in the implementation of specific Commonwealth reengineering initiatives.
- (3) Assisting in the further review of areas of State government which were not reviewed by the IMPACCT Commission.

**§ 5.893. Composition of the PRIME Council.**

The PRIME Council shall consist of the following members, all of whom will be appointed by and serve at the pleasure of the Governor:

- (1) The Lieutenant Governor, who shall serve as chairperson, and who shall be responsible for the day-to-day management of the reengineering efforts and other duties in order to ensure the successful completion of the PRIME Council's efforts.
- (2) Other individuals as the Governor may appoint.

**§ 5.894. Terms of membership.**

Members shall serve terms of 1 year and shall continue to serve thereafter until their successors have been appointed. If a vacancy occurs during a member's term, the Governor will appoint a successor.

**§ 5.895. Compensation.**

Members of the PRIME Council will not receive compensation for their services. Members who are not employees of the Commonwealth shall be reimbursed for expenses incurred in serving the PRIME Council in accordance with established Commonwealth policy.

**§ 5.896. Cooperation by State agencies.**

All agencies under the Governor's jurisdiction shall cooperate fully with the PRIME Council and provide staff assistance and information as needed by the PRIME Council to carry out its functions effectively:

- (1) All agencies are further directed to establish internal innovation teams which will be responsible for implementing reengineering efforts. The Lieutenant Governor will be responsible for establishing fair and timely procedures for the preparation, submittal, review, implementation and monitoring of agency and multi-agency reengineering plans.
- (2) All agencies will, when appropriate, provide resources to analyze and design initiatives to implement reengineering recommendations which involve one or more agencies.

**§ 5.897. Staff.**

The Office of the Lieutenant Governor, Office of General Counsel, Office of Administration, Office of the Budget and the Governor's Policy Office shall provide personnel, equipment and resources as may be required for the functioning of the PRIME Council.

*Governor*

**Fiscal Note:** GOV 96-2. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 96-798. Filed for public inspection May 17, 1996, 9:00 a.m.]

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## PROCLAMATION

### Constitutional Amendment—Article I

*Whereas*, Joint Resolution No. 1 of 1994 proposed to amend Article I, Section 9 of the Constitution of Pennsylvania, changing provisions relating to the right of confrontation of the accused in a criminal prosecution to read as follows:

“§ 9. Rights of accused in criminal prosecutions.

In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land. The use of a suppressed voluntary admission or voluntary confession to impeach the credibility of a person may be permitted and shall not be construed as compelling a person to give evidence against himself. Notwithstanding the provisions of this section, the General Assembly may by statute provide for the manner of testimony of child victims or child material witnesses in criminal proceedings, including the use of videotaped depositions or testimony by closed-circuit television;” and

*Whereas*, Joint Resolution No. 1 of 1994 was agreed to by a majority of the members elected to each House of the General Assembly and published pursuant to Article XI, Section 1 of the Constitution of Pennsylvania; and

*Whereas*, in the General Assembly next afterwards chosen, the aforesaid amendment to Article I, Section 9 of the Constitution of Pennsylvania was proposed in Joint Resolution No. 1 of 1995, which was agreed to by a majority of the members elected to each House of the General Assembly and published pursuant to Article XI, Section 1 of the Constitution of Pennsylvania; and

*Whereas*, the aforesaid proposed amendment to Article I, Section 9 of the Constitution of Pennsylvania was submitted for approval to the qualified electors of the Commonwealth of Pennsylvania pursuant to Article XI, Section 1 of the Constitution of Pennsylvania at an election held on November 7, 1995; and

*Whereas*, the Secretary of the Commonwealth, pursuant to law, has certified to me that the aforesaid proposed amendment to Article I, Section

9 of the Constitution of Pennsylvania was approved by a majority of those voting thereon on the aforesaid day; and

*Whereas*, Section 903 of Title 1 of the Pennsylvania Consolidated Statutes requires the Governor, upon receiving the aforesaid certification of the Secretary of the Commonwealth, to issue his proclamation indicating whether or not the proposed amendment to Article I, Section 9 of the Constitution of Pennsylvania has been adopted by a majority of the electors voting thereon.

*Now Therefore*, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, do hereby proclaim that the aforesaid amendment to Article I, Section 9 of the Constitution of Pennsylvania was adopted by a majority of the electors voting thereon on November 7, 1995.

*Given* under my hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this twentieth day of March in the year of our Lord one thousand nine hundred and ninety-six, and of the Commonwealth the two hundred and twentieth.

*Governor*

[Pa.B. Doc. No. 96-799. Filed for public inspection May 17, 1996, 9:00 a.m.]