

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1989 Session of
1985

INTRODUCED BY BARBER, DECEMBER 11, 1985

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, DECEMBER 11, 1985

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," further providing for the
21 State Board of Public Welfare; continuing the agency under
22 the Sunset Act; and making editorial corrections.

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

25 Section 1. Section 448(k) and (l) of the act of April 9,
26 1929 (P.L.177, No.175), known as The Administrative Code of
27 1929, added or amended December 21, 1959 (P.L.1944, No.709),

1 July 9, 1970 (P.L.470, No.161) and June 20, 1978 (P.L.477,
2 No.70), are amended to read:

3 Section 448. Advisory Boards and Commissions.--The advisory
4 boards and commissions, within the several administrative
5 departments, shall be constituted as follows:

6 * * *

7 (k) The State Board of Public Welfare is hereby created. The
8 board shall consist of the Secretary of Public Welfare, ex
9 officio, and sixteen (16) members appointed by the Governor.
10 Four (4) members shall be appointed from [among the members of]
11 the General Assembly[, two (2) from the Senate and two (2) from
12 the House of Representatives. These members of the board shall,
13 with respect to each branch of the General Assembly, be from
14 different political parties, and they shall, in no event, retain
15 membership on the board after they cease to be members of the
16 branch of the Legislature from which they were appointed.]: the
17 Chairman and Minority Chairman of the Public Health and Welfare
18 Committee of the Senate and the Chairman and Minority Chairman
19 of the Health and Welfare Committee of the House, or their
20 designees who shall have voting rights on the board. One (1)
21 member shall be appointed by the Governor from each of the [six
22 (6)] five (5) advisory committees created by clause (1) of this
23 section, and the first member of each advisory committee
24 appointed by the Governor shall automatically become a member of
25 the board. In the event an advisory committee is no longer
26 functioning, that seat on the board shall be filled by a public
27 member. One (1) member of the board shall be a welfare advocate
28 who is or was a former welfare recipient, appointed by the
29 Governor. One (1) member shall be an employe of the Department
30 of Public Welfare, appointed by the Governor. Five (5) members

1 shall be private citizens appointed by the Governor who are not
2 employed by the Commonwealth or any local government or employed
3 by or otherwise associated with any service provider or other
4 entity which receives funding from the Department of Public
5 Welfare. The term of office of each member of the board, except
6 as herein otherwise provided, shall be six (6) years. No member
7 shall serve beyond the expiration of his term unless
8 reappointed.

9 In the original appointment of the members of the board, six
10 (6) members shall be appointed for the term of six (6) years,
11 five (5) members for the term of four (4) years, and five (5)
12 members for the term of two (2) years. Any vacancy occurring in
13 the membership of the board shall be filled by the Governor only
14 for the unexpired term. In the event any vacancy exists for more
15 than ninety (90) calendar days the Governor forfeits that
16 appointment and the Speaker of the House shall fill the vacancy
17 in accordance with this subsection. The Governor may remove any
18 member of the board at any time. No member of the board shall
19 serve more than two (2) consecutive terms not including a
20 vacancy appointment, nor shall any member hold office in any
21 political party.

22 Nine (9) members of the board shall constitute a quorum. A
23 chairman who shall not be a member of an advisory committee
24 shall be elected by the board, annually, from among its members.
25 Members of the board shall serve without compensation other than
26 reimbursement of travel and other actual expenses incurred in
27 the performance of their duties. The board shall meet at least
28 six (6) times a year. At least three (3) of these meetings shall
29 be held in various regional locations of this Commonwealth as
30 follows: one (1) meeting in the east; one (1) meeting in the

1 central area of the State, other than Harrisburg; and one (1)
2 meeting in the west. Special meetings of the board shall be held
3 on call of the chairman or the Secretary of Public Welfare, and
4 it shall be the duty of the chairman to call a special meeting
5 upon the written request of one-third (1/3) or more members, not
6 including vacancies, of the board. Any member who fails to
7 attend three (3) consecutive meetings shall forfeit his seat,
8 unless excused from a meeting by the chairman for good cause.

9 (1) The following advisory committees are hereby created:

10 [Advisory Committee for the Blind,
11 Advisory Committee for General and Special Hospitals,]
12 Consumer Provider Council on Blindness,
13 Advisory Committee for Medical Assistance,
14 Advisory Committee for Children and Youth,
15 Advisory Committee for Public Assistance,
16 Advisory Committee for Mental Health and Mental Retardation.

17 Each advisory committee shall consist of the Commissioner in
18 the Department of Public Welfare, directing the program to which
19 the advisory committee is attached, as an ex officio member, and
20 not less than three (3) nor more than nine (9) members appointed
21 by the Governor. In the case of the Advisory Committee for
22 Mental Health and Mental Retardation, the committee shall
23 include the Chairman of the Public Health and Welfare Committee
24 of the Senate, the Chairman of the Health and Welfare Committee
25 of the House of Representatives and the President of the
26 Pennsylvania State Association of County Commissioners or his
27 alternate. The exact number of members of each advisory
28 committee shall be determined by the Governor upon
29 recommendation of the State Board of Public Welfare. The
30 qualifications of the members of each advisory committee shall

1 also be determined by the Governor upon recommendation of the
2 State Board of Public Welfare: Provided, That with respect to
3 each advisory committee, the Governor shall appoint members with
4 due regard for representation of the professional and lay groups
5 concerned with the fields of interest served by the program to
6 which each advisory committee is attached. The term of office of
7 each member of each advisory committee, except as herein
8 otherwise provided, shall be six (6) years.

9 The original appointment of the members of the advisory
10 committee shall be for overlapping terms of six (6), four (4)
11 and two (2) years. In making these original appointments, the
12 Governor shall, in so far as possible, appoint approximately
13 one-third (1/3) of the recommended complement of each advisory
14 board to each of the overlapping terms.

15 A majority of the members of each advisory committee shall
16 constitute a quorum. Each advisory committee shall elect a
17 chairman from among its members. Each advisory committee shall
18 meet at least four (4) times a year. Special meetings of each
19 advisory committee shall be held on call of the chairman, and it
20 shall be the duty of the chairman to call a special meeting upon
21 the written request of one-third (1/3) or more of the members
22 not including vacancies of the advisory committee.

23 The provisions of clause (k) of this section with respect to
24 filling of vacancies, removal of members, length of service,
25 political party office and compensation shall be applicable to
26 advisory committee members, and are incorporated herein by
27 reference.

28 * * *

29 Section 2. The State Board of Public Welfare shall continue
30 together with its statutory functions and duties until December

1 31, 1991, when it shall terminate and go out of existence unless
2 reestablished or continued by the General Assembly. Evaluation
3 and review, termination, reestablishment and continuation of the
4 agency beyond December 31, 1991, shall be conducted pursuant to
5 the act of December 22, 1981 (P.L.508, No.142), known as the
6 Sunset Act.

7 Section 3. If enacted after December 31, 1985, this act
8 shall be retroactive to December 31, 1985.

9 Section 4. This act shall take effect immediately.