

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 1645

Session of  
1977

INTRODUCED BY IRVIS, DOYLE, MANDERINO, GARZIA, BITTINGER,  
BERLIN, McLANE, REED, STAPLETON, ZITTERMAN, CALTAGIRONE,  
FREIND, NOYE, ZORD, WILSON, LYNCH, KATZ, ZELLER, O'CONNELL  
AND PRATT, SEPTEMBER 28, 1977

REFERRED TO COMMITTEE ON FINANCE, SEPTEMBER 28, 1977

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," creating the Department of  
21 Aging and prescribing its functions, powers and duties.

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

24 Section 1. Section 201, act of April 9, 1929 (P.L.177,  
25 No.175), known as "The Administrative Code of 1929," amended  
26 July 22, 1975 (P.L.75, No.45) and December 19, 1975 (P.L.602,

1 No.172), is amended to read:

2       Section 201. Executive Officers, Administrative Departments  
3 and Independent Administrative Boards and Commissions.--The  
4 executive and administrative work of this Commonwealth shall be  
5 performed by the Executive Department, consisting of the  
6 Governor, Lieutenant Governor, Secretary of the Commonwealth,  
7 Attorney General, Auditor General, State Treasurer, and  
8 Secretary of Education; by the Executive Board, and the  
9 Pennsylvania State Police; by the following administrative  
10 departments: Department of State, Department of Justice,  
11 Department of the Auditor General, Treasury Department,  
12 Department of Education, Department of Military Affairs,  
13 Insurance Department, Department of Banking, Department of  
14 Agriculture, Department of Transportation, Department of Health,  
15 Department of Labor and Industry, Department of Aging,  
16 Department of Public Welfare, Department of General Services,  
17 Department of Revenue, Department of Commerce, Department of  
18 Community Affairs and Department of Environmental Resources; and  
19 by the following independent administrative boards and  
20 commissions: Pennsylvania Game Commission, Pennsylvania Fish  
21 Commission, State Civil Service Commission, Pennsylvania Public  
22 Utility Commission, the Pennsylvania Historical and Museum  
23 Commission and the Pennsylvania Securities Commission.

24       All of the provisions of this act, which apply generally to  
25 administrative departments, or generally except to the  
26 Department of the Auditor General and the Treasury Department,  
27 shall apply to the Executive Board and to the Pennsylvania State  
28 Police.

29       Section 2. As much as applies to the Department of Public  
30 Welfare of section 203 of the act, amended December 3, 1970

1 (P.L.834, No.275), is amended to read:

2 Section 203. Advisory Boards and Commissions.--The following  
3 advisory boards and commissions are placed in and made parts of  
4 the respective administrative departments, as follows:

5 \* \* \*

6 In the Department of Public Welfare,  
7 State Board of Public Welfare,  
8 [Advisory Committee for the Aging,]  
9 Advisory Committee for the Blind,  
10 Advisory Committee for General and Special Hospitals,  
11 Advisory Committee for Children and Youth,  
12 Advisory Committee for Public Assistance,  
13 Advisory Committee for Mental Health and Mental Retardation;

14 \* \* \*

15 Section 3. Section 206 of the act amended July 22, 1975  
16 (P.L.75, No.45), is amended to read:

17 Section 206. Department Heads.--Each administrative  
18 department shall have as its head an officer who shall, either  
19 personally, by deputy, or by the duly authorized agent or  
20 employe of the department, and subject at all times to the  
21 provisions of this act, exercise the powers and perform the  
22 duties by law vested in and imposed upon the department.

23 The following officers shall be the heads of the  
24 administrative departments following their respective titles:

25 Secretary of the Commonwealth, of the Department of State;  
26 Attorney General, of the Department of Justice;  
27 Auditor General, of the Department of the Auditor General;  
28 State Treasurer, of the Treasury Department;  
29 Secretary of Education, of the Department of Education;  
30 Adjutant General, of the Department of Military Affairs;

1 Insurance Commissioner, of the Insurance Department;  
2 Secretary of Banking, of the Department of Banking;  
3 Secretary of Agriculture, of the Department of Agriculture;  
4 Secretary of Transportation, of the Department of  
5 Transportation;  
6 Secretary of Health, of the Department of Health;  
7 Secretary of Labor and Industry, of the Department of  
8 Labor and Industry;  
9 Secretary of Public Welfare, of the Department of Public  
10 Welfare;  
11 Secretary of Aging, of the Department of Aging;  
12 Secretary of Revenue, of the Department of Revenue;  
13 Secretary of Commerce, of the Department of Commerce;  
14 Secretary of Community Affairs, of the Department of  
15 Community Affairs;  
16 Secretary of Environmental Resources, of the Department  
17 of Environmental Resources;  
18 Secretary of General Services, of the Department of  
19 General Services.

20 Section 4. Clause (1) of subsection (d) of section 207.1 of  
21 the act, added November 8, 1976 (No.227), is amended to read:

22 Section 207.1. Gubernatorial Appointments.--\* \* \*

23 (d) The Governor shall nominate in accordance with the  
24 provisions of the Constitution of the Commonwealth of  
25 Pennsylvania and, by and with the advice and consent of a  
26 majority of the members elected to the Senate appoint persons to  
27 fill the following positions:

28 (1) The Attorney General, the Secretary of Education, the  
29 Secretary of the Commonwealth, the Adjutant General, the  
30 Insurance Commissioner, the Secretary of Banking, the Secretary

1 of Agriculture, the Secretary of Transportation, the Secretary  
2 of Health, the Commissioner of the State Police, the Secretary  
3 of Labor and Industry, the Secretary of Aging, the Secretary of  
4 Public Welfare, the Secretary of General Services, the Secretary of  
5 of Revenue, the Secretary of Commerce, the Secretary of  
6 Community Affairs and the Secretary of Environmental Resources.

7 \* \* \*

8 Section 5. The first paragraph of subsection (1) of section  
9 448 of the act, amended July 9, 1970 (P.L.470, No.161), is  
10 amended to read;

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

14 \* \* \*

15 (1) The following advisory committees are hereby created:  
16 [Advisory Committee for the Aging,]  
17 Advisory Committee for the Blind,  
18 Advisory Committee for General and Special Hospitals,  
19 Advisory Committee for Children and Youth,  
20 Advisory Committee for Public Assistance,  
21 Advisory Committee for Mental Health and Mental Retardation.

22 \* \* \*

23 Section 6. The act is amended by adding an article to read:

24 ARTICLE XXII-A  
25 POWERS AND DUTIES OF THE  
26 DEPARTMENT OF AGING

27 Section 2201-A. Powers and Duties in General.--Subject to  
28 any inconsistent provisions in this act contained, the  
29 Department on Aging shall have the power and its duty shall be:

30 (1) To evaluate the need for social services for the aged

within the State and determine the extent to which present public or private programs meet such a need.

(2) To coordinate, evaluate and plan the services for the aging presently furnished by State agencies and make appropriate recommendations regarding such services to the Governor and the General Assembly.

(3) To function as the sole State agency to develop a comprehensive plan to meet the needs of the State's senior citizens.

(4) To receive and disburse, directly or through the several State agencies Federal funds made available for providing services for senior citizens or for purposes related thereto, and to develop and administer any State plan for the aging required by Federal law.

(5) To provide consultation and assistance to communities and groups developing local services for senior citizens.

(6) To promote community education regarding the problems of senior citizens through institutes, publications, radio, television and the local press.

(7) To cooperate with agencies of the Federal Government in studies and conferences designed to examine the needs of senior citizens and to prepare programs and facilities to meet those needs.

(8) To establish and maintain information and referral sources throughout the State when not provided by other agencies.

(9) To provide such staff support as may reasonably be required by the Council and Technical Advisory Committee.

(10) To provide direct services to the aged when not available through other public or private agencies or

1 facilities.

2 (11) To make and enforce rules and regulations necessary and  
3 proper to the performance of its duties.

4 Section 2202-A. Council on Services for the Aging.--(a)  
5 There is hereby created the Council on Services for the Aging  
6 which shall consist of thirty-one voting members, including: two  
7 Senators appointed by the President pro tempore of the Senate;  
8 two Senators appointed by the Senate Minority Leader; two  
9 Representatives appointed by the Speaker of the House of  
10 Representatives; two Representatives appointed by the House  
11 Minority Leader; and twenty-three citizen members, at least  
12 sixteen of whom shall be sixty years of age or older. The  
13 members of the Technical Advisory Committee created in section  
14 2203-A of this act shall be ex-officio nonvoting members of the  
15 council.

16 (b) The twenty-three citizen members of the council shall be  
17 appointed by the Governor and shall represent, so far as  
18 possible, different geographical sections of the State. Not more  
19 than twelve of such appointments by the Governor shall be of the  
20 same political party. Of the citizen members first appointed, as  
21 designated by the Governor at the time of each appointment,  
22 seven citizen members shall serve on the council for a term of  
23 one year, seven citizen members shall serve for a term of two  
24 years and nine citizen members shall serve for a term of three  
25 years. Any member appointed to fill a vacancy occurring prior to  
26 the expiration of the term for which his predecessor was  
27 appointed shall be appointed for the remainder of such term.  
28 Upon the expiration of the initial terms set forth herein,  
29 subsequent terms shall be for a period of three years. Members  
30 shall be eligible for reappointment.

1     (c) The council shall provide for its organization and  
2 procedure including the selection of a chairman and such other  
3 officers as deemed necessary.

4     (d) The citizen members of the council shall receive no  
5 compensation for their services on the council but shall be  
6 reimbursed by the department for any ordinary and necessary  
7 expenses incurred in the performance of their duties.

8     (e) The council shall meet at least once each quarter, or as  
9 often as the chairman of the council deems necessary, or upon  
10 the written request of ten of the voting members of the council.

11     (f) The council shall have the following powers and duties:

12     (1) To review and comment upon reports of the department to  
13 the Governor and the General Assembly.

14     (2) To prepare and submit to the Governor, the General  
15 Assembly and the secretary an annual report evaluating the level  
16 and quality of services provided to the aging by State agencies.

17     (3) To review and comment upon the comprehensive State plan  
18 prepared by the department.

19     (4) To review and comment upon disbursements of public funds  
20 to private agencies.

21     (5) To consult with the secretary regarding the operations  
22 of the department.

23     Section 2203-A. Technical Advisory Committee.--(a) There is  
24 created the Technical Advisory Committee on Services for the  
25 Aging which shall consist of the Lieutenant Governor as  
26 Chairman, the Secretary of Aging, the Secretary of Education and  
27 the secretaries of the following departments or agencies: Labor  
28 and Industry, Health, Public Welfare, Revenue, Transportation  
29 and Community Affairs.

30     (b) The Technical Advisory Committee shall meet as often as

1 the chairman of the committee deems necessary.

2 (c) The Technical Advisory Committee shall serve as liaison  
3 between the several State agencies and departments to facilitate  
4 the effective delivery of services and planning for services to  
5 the aging.

6 Section 7. The introductory paragraph of section 2328 of the  
7 act, amended July 9, 1970 (P.L.470, No.161), is amended to read:

8 Section 2328. Powers and Duties of Advisory Committees.--The  
9 [Advisory Committee for the Aging, the] Advisory Committee for  
10 the Blind, the Advisory Committee for General and Special  
11 Hospitals, the Advisory Committee for Children and Youth, the  
12 Advisory Committee for Public Assistance and the Advisory  
13 Committee for Mental Health and Mental Retardation, shall,  
14 concerning matters within their respective special fields of  
15 interest, have the power and their duty shall be:

16 \* \* \*

17 Section 8. The Secretary of Aging shall receive an annual  
18 salary, payable in equal semimonthly installments, of \$35,500.

19 Section 9. All personnel, allocations, appropriations,  
20 equipment, files, records, contracts, agreements, obligations,  
21 and other materials which are used, employed or expended by the  
22 Department of Public Welfare in connection with the powers,  
23 duties or functions exercised under this act are hereby  
24 transferred to the Department of Aging with the same force and  
25 effect as if the appropriations had been made to and said items  
26 had been the property of the Department of Aging in the first  
27 instance and as if said contracts, agreements and obligations  
28 had been incurred or entered into by said Department of Aging.

29 Section 10. All positions in the Department of Aging shall  
30 be deemed to be included in the list of positions set forth in

1 section 3(d) act of August 5, 1941 (P.L.752, No.286), known as  
2 the "Civil Service Act," and the provisions and benefits of that  
3 act shall be applicable to the employees of, and positions in,  
4 the department. Persons occupying such positions on the day  
5 before the effective date of this act shall serve the  
6 probationary period authorized by section 603 of the "Civil  
7 Service Act," beginning on the effective date of this act.

8 Section 11. All acts and parts of acts are repealed insofar  
9 as they are inconsistent herewith.

10 Section 12. This act shall take effect in six months.