

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 69

Session of
1989

INTRODUCED BY WILLIAMS, JAMES, KOSINSKI, ROBINSON, CARN, FOX,
TRELLO, DALEY, MILLER, THOMAS AND EVANS, JANUARY 23, 1989

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 23, 1989

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 Drug Abuse Prevention and prescribing its functions, powers
22 and duties; and making an appropriation.

23 The General Assembly of the Commonwealth of Pennsylvania

24 hereby enacts as follows:

25 Section 1. Section 201 of the act of April 9, 1929 (P.L.177,
26 No.175), known as The Administrative Code of 1929, amended
27 December 30, 1984 (P.L.1299, No.245) and repealed in part May

1 26, 1988 (P.L.414, No.72), 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, Office of Attorney General,
11 Department of Corrections, Department of the Auditor General,
12 Treasury Department, Department of Education, Department of
13 Military Affairs, Insurance Department, Department of Banking,
14 Department of Agriculture, Department of Transportation,
15 Department of Health, Department of Drug Abuse Prevention,
16 Department of Labor and Industry, Department of Aging,
17 Department of Public Welfare, Department of General Services,
18 Department of Revenue, Department of Commerce, Department of
19 Community Affairs and Department of Environmental Resources; and
20 by the following independent administrative boards and
21 commissions: Pennsylvania Game Commission, Pennsylvania Fish
22 Commission, State Civil Service Commission, Pennsylvania Public
23 Utility 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, the Treasury Department and
27 the Office of Attorney General, shall apply to the Executive
28 Board and to the Pennsylvania State Police.

29 Section 2. Sections 206 and 207.1(d) of the act, amended
30 December 30, 1984 (P.L.1299, No.245), are amended to read:

1 Section 206. Department Heads.--Each administrative
2 department shall have as its head an officer who shall, either
3 personally, by deputy, or by the duly authorized agent or
4 employe of the department, and subject at all times to the
5 provisions of this act, exercise the powers and perform the
6 duties by law vested in and imposed upon the department.

7 The following officers shall be the heads of the
8 administrative departments following their respective titles:

9 Secretary of the Commonwealth, of the Department of State;

10 Auditor General, of the Department of the Auditor General;

11 State Treasurer, of the Treasury Department;

12 Attorney General, of the Office of Attorney General;

13 Secretary of Education, of the Department of Education;

14 Secretary of Drug Abuse Prevention, of the Department of Drug

15 Abuse Prevention;

16 Adjutant General, of the Department of Military Affairs;

17 Insurance Commissioner, of the Insurance Department;

18 Secretary of Banking, of the Department of Banking;

19 Secretary of Agriculture, of the Department of Agriculture;

20 Secretary of Transportation, of the Department of

21 Transportation;

22 Secretary of Health, of the Department of Health;

23 Secretary of Labor and Industry, of the Department of Labor

24 and Industry;

25 Secretary of Aging, of the Department of Aging;

26 Secretary of Public Welfare, of the Department of Public

27 Welfare;

28 Secretary of Revenue, of the Department of Revenue;

29 Secretary of Commerce, of the Department of Commerce;

30 Secretary of Community Affairs, of the Department of

Community Affairs;

Secretary of Environmental Resources, of the Department of
Environmental Resources;

Secretary of General Services, of the Department of General
Services;

Secretary of Corrections, of the Department of Corrections.

Section 207.1. Gubernatorial Appointments.--* * *

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

(1) The Secretary of Education, the Secretary of the
Commonwealth, the Adjutant General, the Insurance Commissioner,
the Secretary of Banking, the Secretary of Agriculture, the
Secretary of Transportation, the Secretary of Health, the
Secretary of Drug Abuse Prevention, the Commissioner of the
State Police, the Secretary of Corrections, the Secretary of
Labor and Industry, the Secretary of Aging, the Secretary of
Public Welfare, the Secretary of General Services, the Secretary
of Revenue, the Secretary of Commerce, the Secretary of
Community Affairs and the Secretary of Environmental Resources.

* * *

Section 3. The act is amended by adding an article to read:

ARTICLE XXI-A

DEPARTMENT OF DRUG ABUSE PREVENTION

Section 2101-A. Objectives.--The objectives of this article
are to establish a cabinet-level State agency whose
jurisdiction, powers and duties are directed to the prevention
of drug abuse throughout this Commonwealth.

Section 2102-A. Powers and Duties.--The Department of Drug Abuse Prevention shall have the power and duty to:

(1) oversee the expenditure of all State funds, whether appropriated, granted or otherwise obtained and from whatever source, for any purpose related to the objective of the department or any of its powers or duties;

(2) oversee enforcement of the drug laws of this Commonwealth;

(3) oversee educational programs;

(4) act as liaison between all other departments and agencies having any connection with illegal drug abuse prevention, treatment, law enforcement, detoxification, rehabilitation, medical assistance coverage, youth programs, education programs or correctional programs;

(5) act as a hotline to the public and as a repository of information;

(6) operate an anonymous tip line;

(7) establish a State Board of Drug Abuse Prevention;

(8) collect, deposit and manage the accounts of all drug abuse prevention funds obtained by the Commonwealth from the Federal Government and any State matching funds;

(9) create and manage a budget for education programs, enforcement activities and public information programs;

(10) oversee the expenditures of the Department of Health Office of Drug and Alcohol programs, the Pennsylvania State Police Drug Enforcement programs and the Department of Education programs aimed at youth;

(11) set aside a portion of its funding to be used for special grants to organized citizens groups for drug abuse prevention programs in their communities;

1 (12) develop a comprehensive plan for enforcement activities
2 on a yearly basis in conjunction with the Pennsylvania State
3 Police and the Attorney General and to act as the main
4 coordinating body between the agencies;

5 (13) work with the Department of Corrections to develop a
6 yearly plan for the eradication of drug manufacture,
7 distribution and abuse in correctional institutions;

8 (14) develop a liaison with Federal and local drug
9 enforcement agencies and to coordinate with those agencies to
10 the ultimate benefit of the drug enforcement activities of this
11 Commonwealth;

12 (15) report to the General Assembly annually on its
13 activities, shortfalls in enforcement, success and needs for the
14 coming year;

15 (16) develop a plan to educate, through public and private
16 schools, outside contractors or State agencies, a coordinated
17 plan for educating school-age children beginning in kindergarten
18 and in each year through grade twelve, such education to consist
19 of at least twenty (20) hours per school year. The plan may
20 include the use of peer group education who may seek training
21 from the department. The department will develop a peer group
22 educational plan to be supplied to interested school district;

23 (17) develop an adult education plan through means deemed
24 most likely to reach large numbers of people and designed to
25 have the greatest positive results;

26 (18) develop methods to reduce the demand for drugs by the
27 public through programs developed by the department;

28 (19) act as a liaison to all other departments with any
29 responsibility for drug abuse prevention or enforcement and to
30 coordinate activities, act as repository and disseminator of

information collected from other departments, and develop a coordinated interfacing plan to better facilitate the activities of the departments;

(20) study the effect of detoxification without rehabilitation on the recidivism rates for additional detoxification services, the potential costs savings to be recognized by providing comprehensive rehabilitation services in addition to detoxification and the benefit of extending medical assistance coverage for nonhospital detoxification and rehabilitation; and

(21) establish a toll-free hotline to collect citizens' ideas and to operate an anonymous tip-line for use by citizens of this Commonwealth.

Section 2103-A. State Board of Drug Abuse Prevention.--(a) There is hereby created in the Governor's Office the State Board of Drug Abuse Prevention, which shall consist of the following members:

(1) The Governor.

(2) The Secretary of the Department of Drug Abuse Prevention, who will be chairman.

(3) The Secretary of Corrections, the Secretary of Education, the Secretary of Health and the Secretary of Public Welfare.

(4) The Commissioner of the Pennsylvania State Police.

(5) The Attorney General.

(6) Two members of the Senate, one appointed by the President pro tempore and one by the Minority Leader.

(7) Two members of the House of Representatives, one appointed by the Speaker and one by the Minority Leader.

(8) Four children of varying ages, selected by the Governor

1 to represent the Peer Group Educator Program from areas of the
2 Commonwealth having the most illegal drug abuse.

3 (9) Two adult members of community or neighborhood organized
4 groups, appointed by the Governor.

5 (10) One representative of the drug abuse detoxification
6 profession, appointed by the Governor.

7 (b) (1) The State Board of Drug Abuse Prevention shall meet
8 at least once monthly.

9 (2) Except for members who are public officials, whose terms
10 shall be coincident with their elected or appointed office,
11 members shall be seated for a period of two years. They may be
12 reappointed for an unlimited number of subsequent terms.

13 (3) Members will be reimbursed for reasonable traveling
14 expenses incurred during the performance of their duties.

15 (4) The board shall appoint a secretary, a treasurer and a
16 vice chairman from among the members.

17 Section 2104-A. Regulations.--The Department of Drug Abuse
18 Prevention is authorized to promulgate such rules and
19 regulations as may be necessary to carry out its functions.

20 Section 2105-A. Appropriation.--The sum of \$10,000,000, or
21 as much thereof as may be necessary, is hereby appropriated to
22 the Department of Drug Abuse Prevention for the fiscal year July
23 1, 1989, to June 30, 1990.

24 Section 4. This act shall take effect in 60 days.