

ADMINISTRATIVE CODE OF 1929 - OMNIBUS AMENDMENTS

Act of Jul. 9, 2010, P.L. 348, No. 50

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Session of 2010

No. 2010-50

HB 1186

AN ACT

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," establishing the Department of Drug and Alcohol Programs; providing for governing body of the Pennsylvania Higher Education Assistance Agency; making a related repeal; repealing related provisions of the Pennsylvania Drug and Alcohol Abuse and Control Act; and making editorial changes.

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

Section 1. Section 201 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, amended December 30, 1984 (P.L.1299, No.245) and repealed in part May 26, 1988 (P.L.414, No.72), is amended to read:

Section 201. Executive Officers, Administrative Departments and Independent Administrative Boards and Commissions.--(a) The executive and administrative work of this Commonwealth shall be performed by the Executive Department, consisting of the Governor, Lieutenant Governor, Secretary of the Commonwealth, Attorney General, Auditor General, State Treasurer, and Secretary of Education; by the Executive Board, and the Pennsylvania State Police; by the following administrative departments: Department of State, Office of Attorney General, Department of Corrections, Department of the Auditor General, Treasury Department, Department of Education, Department of Military Affairs, Insurance Department, Department of Banking, Department of Agriculture, Department of Transportation, Department of Health, **Department of Drug and Alcohol Programs**, Department of Labor and Industry, Department of Aging, Department of Public Welfare, Department of General Services, Department of Revenue, [Department of Commerce, Department of Community Affairs and Department of Environmental Resources] **Department of Community and Economic Development, Department of Environmental Protection and Department of Conservation and Natural Resources**; and by the following independent administrative boards

and commissions: Pennsylvania Game Commission, Pennsylvania Fish and Boat Commission, State Civil Service Commission, Pennsylvania Public Utility Commission and the Pennsylvania Securities Commission.

(b) All of the provisions of this act, which apply generally to administrative departments, or generally except to the Department of the Auditor General, the Treasury Department and the Office of Attorney General, shall apply to the Executive Board and to the Pennsylvania State Police.

Section 2. Section 202 of the act is amended by adding, before the last paragraph, a clause to read:

Section 202. Departmental Administrative Boards, Commissions, and Offices.--The following boards, commissions, and offices are hereby placed and made departmental administrative boards, commissions, or offices, as the case may be, in the respective administrative departments mentioned in the preceding section, as follows:

* * *

**In the Department of Drug and Alcohol Programs,
Bureau of Prevention and Intervention,
Bureau of Treatment,
Bureau of Administration.**

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act.

Section 3. Section 203 of the act, amended December 3, 1970 (P.L.834, No.275), July 22, 1975 (P.L.75, No.45), June 20, 1978 (P.L.477, No.70), December 6, 1982 (P.L.774, No.223) and June 30, 1988 (P.L.475, No.80), is amended to read:

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

In the Department of Military Affairs,
State Military Reservation Commission,
In the Department of Environmental [Resources] **Protection**,
Citizens Advisory Council;
In the Department of Health,
Advisory Health Board;
In the Department of Labor and Industry,
Advisory Council on Affairs of the Handicapped,
Advisory Board on Problems of Older Workers,
Policy, Planning and Evaluation Advisory Committee;
In the Department of Public Welfare,
State Board of Public Welfare,
Advisory Committee for the Blind,
Advisory Committee for General and Special Hospitals,
Advisory Committee for Children and Youth,
Advisory Committee for Public Assistance,
Advisory Committee for Mental Health and Mental
Retardation.

Section 4. Section 206 of the act, amended December 30, 1984 (P.L.1299, No.245), is amended to read:

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

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

Secretary of the Commonwealth, of the Department of State;
Auditor General, of the Department of the Auditor General;
State Treasurer, of the Treasury Department;

Attorney General, of the Office of Attorney General;
Secretary of Education, of the Department of Education;
Adjutant General, of the Department of Military Affairs;
Insurance Commissioner, of the Insurance Department;
Secretary of Banking, of the Department of Banking;
Secretary of Agriculture, of the Department of Agriculture;
Secretary of Transportation, of the Department of
Transportation;

Secretary of Health, of the Department of Health;

**Secretary of Drug and Alcohol Programs, of the
Department of Drug and Alcohol Programs;**

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

Secretary of Aging, of the Department of Aging;

Secretary of Public Welfare, of the Department of Public
Welfare;

Secretary of Revenue, of the Department of Revenue;

[Secretary of Commerce, of the Department of Commerce;

Secretary of Community Affairs, of the Department of
Community Affairs;

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

**Secretary of Community and Economic Development, of the
Department of Community and Economic Development;**

**Secretary of Environmental Protection, of the Department of
Environmental Protection;**

**Secretary of Conservation and Natural Resources, of the
Department of Conservation and Natural Resources;**

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

Secretary of Corrections, of the Department of Corrections.

Section 5. Section 207.1(d)(1) of the act, amended December
30, 2002 (P.L.2075, No.231), is amended to read:

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 and Alcohol Programs**, 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 Community and Economic Development, the Secretary of
Environmental Protection and the Secretary of Conservation and
Natural Resources.

* * *

Section 6. The act is amended by adding a section to read:

**Section 401.2. Pennsylvania Higher Education Assistance
Agency.--(a) (1) The Pennsylvania Higher Education Assistance
Agency shall be governed and all of its corporate powers exercised
by a board of directors which shall consist of twenty members,
nineteen of whom shall be appointed as hereinafter provided, and
the Secretary of Education. Except as provided in subsection (b),
three members shall be appointed by the Governor and confirmed by
the Senate, eight shall be appointed by the President pro tempore
of the Senate, and eight shall be appointed by the Speaker of the
House of Representatives.**

(2) All members shall be of full age, citizens of the United States and residents of this Commonwealth and shall be appointed for terms of six years each, except as provided in subsection (b)(1). Of the members appointed by the Governor, one shall be appointed for a term which shall expire June 30, 2011, one for a term which shall expire June 30, 2013, and one for a term which shall expire June 30, 2015. Of the members appointed by the President pro tempore of the Senate, three shall be appointed for a term which shall expire June 30, 2011, three for a term which shall expire June 30, 2013, and two for a term which shall expire June 30, 2015. Of the members appointed by the Speaker of the House of Representatives, four shall be appointed for a term which shall expire June 30, 2011, three for a term which shall expire June 30, 2013, and one for a term which shall expire June 30, 2015.

(3) The eight members appointed by the President pro tempore of the Senate shall be members of the Senate or appointees under subsection (b), four of whom shall be of the majority party and four of the minority party; and the eight members appointed by the Speaker of the House of Representatives shall be members of the House of Representatives or appointees under subsection (b), four of whom shall be of the majority party and four of the minority party; and any member of the Senate or House of Representatives hereafter appointed shall serve on the board only so long as he is a member or an appointee under subsection (b) of the particular body of the General Assembly from which he was appointed to the board, in which event he shall be ineligible to continue as a member of the board as a legislative appointee and a vacancy shall exist. In such a case the President pro tempore of the Senate or the Speaker of the House of Representatives shall fill the vacancy for the unexpired term in the same manner as original appointment.

(b) (1) Commencing with legislative board appointments that expire after June 30, 2010, all board appointments made after June 30, 2010, shall be appointed for terms of four years each and, when a legislative member's term, as appointed under this section, expires and the legislative member wishes not to be reappointed, provided he is eligible for reappointment, the legislative leader of the respective chamber shall fill the vacancy with a nonlegislative individual that has relevant experience in a field related to finance, banking, investment, information technology, higher education or higher education finance. The respective legislative leader shall not appoint more than one nonlegislative member to fill a vacancy in the board positions allotted to the majority or minority party, and such appointment shall not replace the chairman of the standing committee on education or the legislator designated to serve on the education committee chairman's behalf.

(2) A member of the board of directors who becomes ineligible to serve as a legislative appointee shall be eligible for appointment by the Governor.

(3) The board of directors shall elect from its own members each year a chairman and vice chairman, each of whom must be a legislative appointed member of the board, who shall serve for terms of one year and who shall be eligible for reelection for successive terms. Vacancies shall be filled for the unexpired terms in the same manner as original appointments. Directors shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties under the act of August 7, 1963 (P.L.549, No.290), referred to as the Pennsylvania Higher Education Assistance Agency Act.

(c) The board of directors shall provide for the holding of regular and special meetings. Six directors attending shall

constitute a quorum for the transaction of any business and, unless a greater number is required by the bylaws of the agency, the act of a majority of the directors present at any meeting shall be deemed the act of the board.

(d) The board of directors shall adopt bylaws for the agency and may appoint such officers and employees as it deems advisable and may fix their compensation and prescribe their duties.

(e) The board of directors may elect an executive committee of not less than five members who, in intervals between meetings of the board, may transact such business of the agency as the bylaws of the agency may from time to time authorize. Unless otherwise provided by the bylaws, a majority of the whole of such committee attending shall constitute a quorum for the transaction of any business, and the act of a majority of the members of the executive committee present at any meeting thereof shall be the act of such committee.

Section 7. Section 451(b) of the act, amended July 7, 1989 (P.L.241, No.42), is amended to read:

Section 451. State Planning Board.--* * *

(b) (1) The State Planning Board shall consist of fifteen members to be appointed by the Governor from among the citizens of the State, who during their terms shall hold no other office in the executive branch of State Government to which any salary is attached. In addition to these members, there shall be six ex officio members, the Secretary of Agriculture, the [Secretary of Commerce, the Secretary of Community Affairs, the Secretary of Environmental Resources] **Secretary of Community and Economic Development, the Secretary of Environmental Protection, the Secretary of Conservation and Natural Resources**, the Secretary of Public Welfare and the Secretary of Transportation. There shall also be two members appointed by, and serve at the pleasure of, the President pro tempore of the Senate, neither of whom shall be members of the same political party, and two members appointed by, and serve at the pleasure of, the Speaker of the House of Representatives, neither of whom shall be members of the same political party. The terms of office of those members appointed by the Governor shall be for four years and until their successors are appointed and have qualified. In case of a vacancy, the Governor shall make an appointment for the unexpired portion of the term. The Governor shall designate the chairman and vice-chairman of the board from among the members of the board, other than the ex officio and legislative members.

(2) Thirteen members of the board shall constitute a quorum.

(3) The members of the board shall serve without compensation but shall be entitled to receive traveling and other reasonable expenses incurred in the discharge of their duties.

(4) The board may, with the approval of the Governor, appoint and fix the compensation of an executive director who shall be technically qualified for the duties of the office and who shall act as secretary of the board and conduct the work of the board under its supervision.

* * *

Section 8. Section 1209 introductory paragraph and (b) of the act, amended February 1, 1966 (1965 P.L.1849, No.582), are amended to read:

Section 1209. Local Government Budget and Financial Reports; Compilation of Statistics.--The Department of Community [Affairs] **and Economic Development** shall have power and its duty shall be:

* * *

(b) To furnish to the corporate authorities of each county (except counties of the first class), city of the third class, borough, incorporated town, township suitable blank forms for the making of annual reports of the financial condition of their

respective local governments to the department, which forms for financial report purposes shall be placed by said corporate authorities into the hands of the director, controller or auditors who by law are required to make such financial reports to the department. Such annual financial reports shall be prepared in cooperation with aforesaid duly authorized committees of local government officials and shall contain: (1) a statement of the receipts of the unit of local government from all sources and of all accounts and revenue which may be due and uncollected at the close of the fiscal year; (2) a statement of the disbursements for all the governmental activities of the unit of local government during the fiscal year; (3) a detailed statement of the indebtedness of the unit of local government at the close of the fiscal year, the provisions made for the payment thereof, together with the purposes for which it was incurred; (4) a statement of the cost of ownership and operation of each and every public service industry owned, maintained or operated by the unit of local government; (5) such further or more specific information in relation to the cost of any branch of the local government and improvements therein as may be required by the department.

In the case of blank forms for financial reports by townships of the second class and counties, the same shall be so arranged that corresponding data and information, required to be reported by said units of local government to the Department of [Highways] **Transportation** or the Department of Public Welfare, may be used for the information required to be furnished to the Department of Community [Affairs] **and Economic Development** under this section.

* * *

Section 9. Section 2203-A(a)(11) and (26) of the act, amended December 15, 1988 (P.L.1244, No.153), are amended to read:

Section 2203-A. Powers and Duties in General.--(a) The Department of Aging hereinafter referred to in this article as the department shall, subject to any inconsistent provisions in this act contained, have the power and its duty shall be to:

* * *

(11) Promote and support programs, studies and policies, in cooperation with the Departments of Labor and Industry, Education, [Commerce] **Community and Economic Development**, Public Welfare and other agencies, which will enhance the opportunity for continued work, education and training for older persons and for preretirement assistance where appropriate.

* * *

(26) Review and comment on all rules, regulations, eligibility or payment standards issued by the Departments of Public Welfare, Environmental [Resources, Health] **Protection** or Labor and Industry relating to the licensure and regulation of nursing homes, hospitals, and other health facilities; medical assistance, supplemental security income; homemaking and home-health care or residential care facilities for older adults. Said rules, regulations and standards shall not take effect until they have been submitted to the department for comment.

* * *

Section 10. The act is amended by adding an article to read:

ARTICLE XXIII-A

POWERS AND DUTIES OF THE DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS

Section 2301-A. Powers and duties.

The Department of Drug and Alcohol Programs shall have the power and its duty shall be:

(1) To develop and adopt a State plan for the control, prevention, intervention, treatment, rehabilitation, research, education and training aspects of drug and alcohol abuse and

dependence problems. The State plan shall include, but not be limited to, provisions for:

(i) Coordination of the efforts of all State agencies in the control, prevention, intervention, treatment, rehabilitation, research, education and training aspects of drug and alcohol abuse and dependence problems so as to avoid duplications and inconsistencies in the efforts of the agencies.

(ii) Coordination of all health and rehabilitation efforts to deal with the problem of drug and alcohol abuse and dependence, including, but not limited to, those relating to vocational rehabilitation, manpower development and training, senior citizens, law enforcement assistance, parole and probation systems, jails and prisons, health research facilities, mental retardation facilities and community mental health centers, juvenile delinquency, health professions, educational assistance, hospital and medical facilities, social security, community health services, education professions development, higher education, Commonwealth employees health benefits, economic opportunity, comprehensive health planning, elementary and secondary education, highway safety and the civil service laws.

(iii) Encouragement of the formation of local agencies and local coordinating councils, promotion of cooperation and coordination among such groups and encouragement of communication of ideas and recommendations from such groups to the Pennsylvania Advisory Council on Drug and Alcohol Abuse.

(iv) Development of model drug and alcohol abuse and dependence control plans for local government, utilizing the concepts incorporated in the State plan. The model plans shall be reviewed on a periodic basis, but not less than once a year, and revised to keep them current. The model plans shall specify how all types of community resources and existing Federal and Commonwealth legislation may be utilized.

(v) Assistance and consultation to local governments, public and private agencies, institutions and organizations and individuals with respect to the prevention and treatment of drug and alcohol abuse and dependence, including coordination of programs among them.

(vi) Cooperation with organized medicine to disseminate medical guidelines for the use of drugs and controlled substances in medical practice.

(vii) Coordination of research, scientific investigations, experiments and studies relating to the cause, epidemiology, sociological aspects, toxicology, pharmacology, chemistry, effects on health, dangers to public health, prevention, diagnosis and treatment of drug and alcohol abuse and dependence.

(viii) Investigation of methods for the more precise detection and determination of alcohol and controlled substances in urine and blood samples and by other means, and publication on a current basis of uniform methodology for such detections and determinations.

(ix) Any information obtained through scientific investigation or research conducted pursuant to this act shall be used in ways so that no name or identifying characteristics of any person shall be divulged without the approval of the department and the consent of the person concerned. Persons engaged in research pursuant to this section shall protect the privacy of individuals who are

the subject of such research by withholding from all persons not connected with the conduct of such research the names or other identifying characteristics of such individuals. Persons engaged in the research shall protect the privacy of such individuals and may not be compelled in any State, civil, criminal, administrative, legislative or other proceeding to identify such individuals.

(x) Establishment of training programs for professional and nonprofessional personnel with respect to drug and alcohol abuse and dependence, including the encouragement of such programs by local governments.

(xi) Development of a model curriculum, including the provision of relevant data and other information, for utilization by elementary and secondary schools for instructing children and for parent-teachers' associations, adult education centers, private citizen groups or other State and local sources for instruction of parents and other adults about drug and alcohol abuse and dependence.

(xii) Preparation of a broad variety of educational, prevention and intervention material for use in all media, to reach all segments of the population, that can be utilized by public and private agencies, institutions and organizations in educational programs with respect to drug and alcohol abuse and dependence.

(xiii) Establishment of educational courses, including the provision of relevant data and other information on the causes and effects of and treatment for drug and alcohol abuse and dependence, for law enforcement officials, including prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officers and other law enforcement personnel, welfare, vocational rehabilitation and other State and local officials, who come in contact with drug abuse and dependence problems.

(xiv) Recruitment, training, organization and employment of professional and other persons, including former drug and alcohol abusers and dependent persons, to organize and participate in programs of public education.

(xv) Treatment and rehabilitation services for male and female juveniles and adults who are charged with, convicted of or serving a criminal sentence for any criminal offense under the laws of this Commonwealth. Provision of similar services shall be made for juveniles adjudged to be delinquent, dependent or neglected. These services shall include, but are not limited to, emergency medical services, inpatient services and intermediate care, rehabilitative and outpatient services.

(xvi) Giving priority to developing community-based drug or alcohol abuse treatment services in a cooperative manner among State and local governmental agencies and departments and public and private agencies, institutions and organizations. Consideration shall be given to supportive medical care, services or residential facilities for drug or alcohol dependent persons for whom treatment has repeatedly failed and for whom recovery is unlikely.

(xvii) Establishment of a system of emergency medical services for persons voluntarily seeking treatment, for persons admitted and committed to treatment facilities according to the procedural admission and commitment provisions of the act of July 9, 1976 (P.L.817, No.143) , known as the Mental Health Procedures Act, and for persons charged with a crime under Pennsylvania law. Upon the establishment of such emergency medical services, the

Department of Drug and Alcohol Programs, by regulation, shall require that appropriate emergency medical services be made available to all drug and alcohol abusers who are arrested for a crime under Pennsylvania law.

(xviii) Providing standards for the approval by the relevant State agency for all private and public treatment and rehabilitative facilities, which may include, but are not limited to, State hospitals and institutions, public and private general hospitals, community mental health centers or their contracting agencies and public and private drug or alcohol dependence and drug and alcohol abuse and dependence treatment and rehabilitation centers.

(xix) Grants and contracts for the prevention, intervention and treatment of drug and alcohol dependence. The grants and contracts may include assistance to local governments and public and private agencies, institutions and organizations for prevention, intervention, treatment, rehabilitation, research, education and training aspects of the drug and alcohol abuse and dependence problems with the Commonwealth. Any grant made or contract entered into by a department or agency shall be pursuant to the functions allocated to that department or agency by the State plan.

(xx) Preparation of general regulations for and operation of programs supported with assistance.

(xxi) Establishment of priorities for deciding allocation of the funds.

(xxii) Review the administration and operation of programs, including the effectiveness of such programs in meeting the purposes for which they are established and operated, and make annual reports of the findings.

(xxiii) Evaluate the programs and projects carried out and disseminate the results of such evaluations.

(xxiv) Establish such advisory committees as deemed necessary to assist the department in fulfilling its responsibilities.

(2) In developing the State plan initially, and prior to its amendment annually, to hold a public hearing at least 30 days prior to the adoption of the initial State plan and subsequent amendments and to afford all interested persons an opportunity to present their views either orally or in writing. The Department of Drug and Alcohol Programs, through its staff, shall consult and collaborate with appropriate Federal, State and local departments, boards, agencies and governmental units, and with appropriate public and private agencies, institutions, groups and organizations. Otherwise, the promulgation of the State plan shall conform to the procedure contained in the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(3) In accordance with the State plan, to allocate the responsibility for all services, programs and other efforts provided for among the appropriate departments, agencies and other State personnel. The department, through its employees, shall have the power and its duty shall be to implement compliance with the provisions of the State plan and to coordinate all such efforts.

(4) To gather and publish statistics pertaining to drug and alcohol abuse and dependence and promulgate regulations, specifying uniform statistics to be obtained, records to be maintained and reports to be submitted by public and private departments, agencies, organizations, practitioners and other persons with respect to drug and alcohol abuse and dependence and related problems. Such statistics and reports shall not

reveal the identity of any patient or drug or alcohol-dependent person or other confidential information.

(5) To establish an information center, which will attempt to gather and contain all available published and unpublished data and information on the problems of drug and alcohol abuse and dependence. All Commonwealth departments and agencies shall send to the Department of Drug and Alcohol Programs any data and information pertinent to the cause, prevention, diagnosis and treatment of drug and alcohol abuse and dependence and the toxicology and pharmacology effects on the health of drug and alcohol abusers and danger to the public health of alcohol, drugs and controlled substances. The Department of Drug and Alcohol Programs shall make such data and information widely available.

(6) To require all appropriate State and local departments, agencies, institutions and others engaged in implementing the State plan to submit as often as necessary, but no less often than annually, reports detailing the activities and effects of the implementation and recommending appropriate amendments to the State plan. The department may direct a performance audit of any activity engaged in pursuant to the State plan.

(7) To submit an annual report to the General Assembly which shall specify the actions taken and services provided and funds expended and an evaluation of their effectiveness. The annual report shall also contain the current State plan. The Department of Drug and Alcohol Programs shall submit such additional reports as may be requested by the General Assembly and recommendations to further the prevention, treatment and control of drug and alcohol abuse and dependence.

(8) To make provisions for facilities in each city or region or catchment area which shall provide information about the total Commonwealth drug and alcohol abuse and drug and alcohol dependency programs and services.

(9) The department shall have the power to promulgate the rules and regulations necessary to carry out the provisions of this article.

Section 11. All personnel, allocation, appropriations, equipment, files, records, contracts, agreements, obligations and other material which are used, employed or expended in connection with the powers, duties or functions of the Department of Health concerning drug or alcohol abuse are hereby transferred to the Department of Drug and Alcohol Programs established by this act with the same force and effect as if the appropriations had been made to and said items had been the property of the Department of Drug and Alcohol Programs in the first instance, and as if said contracts, agreements and obligations had been incurred or entered into by the Department of Drug and Alcohol Programs. The personnel, appropriations, equipment and other items and material transferred by this section shall include Federal grants and funds and other benefits from any Federal program. All personnel transferred pursuant to this act shall retain any civil service employment status assigned to said personnel.

Section 12. All positions in the Department of Drug and Alcohol Programs shall be deemed to be "classified service" as defined in section 3(d) of the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, and the provisions and benefits of that act shall be applicable to the employees of and positions in the department.

Section 13. All orders, permits, regulations, decisions and other actions of the Department of Health or any department, board, commission or agency whose functions have been transferred by this act to the Department of Drug and Alcohol Programs shall remain in full force and effect until modified, repealed, superseded in or

otherwise changed by appropriate action of the Department of Drug and Alcohol Programs.

Section 14. The Pennsylvania Advisory Council on Drug and Alcohol Abuse established in section 3 of the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act, shall be recognized as the advisory council to the Department of Drug and Alcohol Programs.

Section 15. (a) The General Assembly finds that the repeal in subsections (b), (c) and (d) are necessary to effectuate this act.

(b) Section 4 of the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act, is repealed.

(c) The repeal under subsection (d) is necessary to effectuate the addition of section 401.2 of the act.

(d) Section 3 of the act of August 7, 1963 (P.L.549, No.290), referred to as the Pennsylvania Higher Education Assistance Agency Act, is repealed.

(e) All other acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 15.1. Until members of the Pennsylvania Higher Education Assistance Agency are appointed and qualified under the addition of section 401.2 of the act, members of the agency under former section 3 of the act of August 7, 1963 (P.L.549, No.290), referred to as the Pennsylvania Higher Education Assistance Agency Act, shall remain in office.

Section 16. This act shall take effect as follows:

- (1) The following provisions shall take effect immediately:
 - (i) The addition of section 401.2 of the act.
 - (ii) Section 15(a), (c) and (d) of this act.
 - (iii) Section 15.1 of this act.
 - (iv) This section.
- (2) The remainder of this act shall take effect July 1, 2011.

APPROVED--The 9th day of July, A.D. 2010.

EDWARD G. RENDELL