
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. **1186** Session of
2009

INTRODUCED BY DiGIROLAMO, McCALL, BAKER, MAHONEY, SAYLOR, ADOLPH, ARGALL, BARRAR, BEAR, BELFANTI, BEYER, BISHOP, BOYD, BRENNAN, BROWN, BUXTON, CALTAGIRONE, CASORIO, CAUSER, CHRISTIANA, CIVERA, CLYMER, COHEN, CONKLIN, CURRY, CUTLER, DALEY, DALLY, DENLINGER, DePASQUALE, DERMODY, DeWEESE, DRUCKER, J. EVANS, EVERETT, FABRIZIO, FARRY, FLECK, FRANKEL, GALLOWAY, GEIST, GEORGE, GIBBONS, GINGRICH, GOODMAN, GROVE, GRUCELA, HALUSKA, HARHAI, HARHART, HARKINS, HARRIS, HELM, HENNESSEY, HESS, HICKERNELL, HORNAMAN, HOUGHTON, JOHNSON, JOSEPHS, W. KELLER, KESSLER, KILLION, KIRKLAND, KORTZ, KOTIK, KULA, LEVDANSKY, LONGIETTI, MANDERINO, MANN, MARKOSEK, MARSHALL, MARSICO, MATZIE, McGEEHAN, McILVAINE SMITH, MELIO, MILNE, MOUL, MURPHY, MURT, MYERS, OBERLANDER, M. O'BRIEN, OLIVER, O'NEILL, PARKER, PAYNE, PAYTON, PERZEL, PETRARCA, PETRI, PHILLIPS, PICKETT, PRESTON, PYLE, QUIGLEY, QUINN, READSHAW, REICHLEY, ROEBUCK, ROHRER, ROSS, SABATINA, SAMUELSON, SANTARSIERO, SANTONI, SCHRODER, SEIP, SHAPIRO, SIPTROTH, K. SMITH, SOLOBAY, SONNEY, STABACK, STURLA, SWANGER, J. TAYLOR, R. TAYLOR, THOMAS, TRUE, VEREB, VULAKOVICH, WAGNER, WALKO, WATERS, WATSON, WHITE, WILLIAMS, YOUNGBLOOD, SAINATO, HANNA, BOYLE, PASHINSKI, CREIGHTON AND GERGELY, APRIL 3, 2009

SENATOR CORMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS AMENDED, JULY 1, 2010

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,

1 boards, commissions, and officers; fixing the salaries of the
2 Governor, Lieutenant Governor, and certain other executive
3 and administrative officers; providing for the appointment of
4 certain administrative officers, and of all deputies and
5 other assistants and employes in certain departments, boards,
6 and commissions; and prescribing the manner in which the
7 number and compensation of the deputies and all other
8 assistants and employes of certain departments, boards and
9 commissions shall be determined," establishing the Department
10 of Drug and Alcohol Programs; PROVIDING FOR GOVERNING BODY OF ←
11 THE PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY; MAKING A
12 RELATED REPEAL; repealing related provisions of the
13 Pennsylvania Drug and Alcohol Abuse and Control Act; and
14 making editorial changes.

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

17 Section 1. Section 201 of the act of April 9, 1929 (P.L.177,
18 No.175), known as The Administrative Code of 1929, amended
19 December 30, 1984 (P.L.1299, No.245) and repealed in part May
20 26, 1988 (P.L.414, No.72), is amended to read:

21 Section 201. Executive Officers, Administrative Departments
22 and Independent Administrative Boards and Commissions.--(a) The
23 executive and administrative work of this Commonwealth shall be
24 performed by the Executive Department, consisting of the
25 Governor, Lieutenant Governor, Secretary of the Commonwealth,
26 Attorney General, Auditor General, State Treasurer, and
27 Secretary of Education; by the Executive Board, and the
28 Pennsylvania State Police; by the following administrative
29 departments: Department of State, Office of Attorney General,
30 Department of Corrections, Department of the Auditor General,
31 Treasury Department, Department of Education, Department of
32 Military Affairs, Insurance Department, Department of Banking,
33 Department of Agriculture, Department of Transportation,
34 Department of Health, Department of Drug and Alcohol Programs,
35 Department of Labor and Industry, Department of Aging,
36 Department of Public Welfare, Department of General Services,
37 Department of Revenue, [Department of Commerce, Department of

1 Community Affairs and Department of Environmental Resources]
2 Department of Community and Economic Development, Department of
3 Environmental Protection and Department of Conservation and
4 Natural Resources; and by the following independent
5 administrative boards and commissions: Pennsylvania Game
6 Commission, Pennsylvania Fish and Boat Commission, State Civil
7 Service Commission, Pennsylvania Public Utility Commission and
8 the Pennsylvania Securities Commission.

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

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

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

22 * * *

23 In the Department of Drug and Alcohol Programs,
24 Bureau of Prevention and Intervention,
25 Bureau of Treatment,
26 Bureau of Administration.

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

30 Section 3. Section 203 of the act, amended December 3, 1970

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

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

7 In the Department of Military Affairs,

8 State Military Reservation Commission,

9 In the Department of Environmental [Resources] Protection,

10 Citizens Advisory Council;

11 In the Department of Health,

12 Advisory Health Board;

13 In the Department of Labor and Industry,

14 Advisory Council on Affairs of the Handicapped,

15 Advisory Board on Problems of Older Workers,

16 Policy, Planning and Evaluation Advisory Committee;

17 In the Department of Public Welfare,

18 State Board of Public Welfare,

19 Advisory Committee for the Blind,

20 Advisory Committee for General and Special Hospitals,

21 Advisory Committee for Children and Youth,

22 Advisory Committee for Public Assistance,

23 Advisory Committee for Mental Health and Mental

24 Retardation.

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

27 Section 206. Department Heads.--Each administrative
28 department shall have as its head an officer who shall, either
29 personally, by deputy, or by the duly authorized agent or
30 employe of the department, and subject at all times to the

1 provisions of this act, exercise the powers and perform the
2 duties by law vested in and imposed upon the department.

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

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

6 Auditor General, of the Department of the Auditor General;

7 State Treasurer, of the Treasury Department;

8 Attorney General, of the Office of Attorney General;

9 Secretary of Education, of the Department of Education;

10 Adjutant General, of the Department of Military Affairs;

11 Insurance Commissioner, of the Insurance Department;

12 Secretary of Banking, of the Department of Banking;

13 Secretary of Agriculture, of the Department of Agriculture;

14 Secretary of Transportation, of the Department of

15 Transportation;

16 Secretary of Health, of the Department of Health;

17 Secretary of Drug and Alcohol Programs, of the

18 Department of Drug and Alcohol Programs;

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

20 and Industry;

21 Secretary of Aging, of the Department of Aging;

22 Secretary of Public Welfare, of the Department of Public

23 Welfare;

24 Secretary of Revenue, of the Department of Revenue;

25 [Secretary of Commerce, of the Department of Commerce;

26 Secretary of Community Affairs, of the Department of

27 Community Affairs;

28 Secretary of Environmental Resources, of the Department of

29 Environmental Resources;]

30 Secretary of Community and Economic Development, of the

1 Department of Community and Economic Development;
2 Secretary of Environmental Protection, of the Department of
3 Environmental Protection;
4 Secretary of Conservation and Natural Resources, of the
5 Department of Conservation and Natural Resources;
6 Secretary of General Services, of the Department of General
7 Services;

8 Secretary of Corrections, of the Department of Corrections.

9 Section 5. Section 207.1(d)(1) of the act, amended December
10 30, 2002 (P.L.2075, No.231), is amended to read:

11 Section 207.1. Gubernatorial Appointments.--* * *

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

17 (1) The Secretary of Education, the Secretary of the
18 Commonwealth, the Adjutant General, the Insurance Commissioner,
19 the Secretary of Banking, the Secretary of Agriculture, the
20 Secretary of Transportation, the Secretary of Health, the
21 Secretary of Drug and Alcohol Programs, the Commissioner of the
22 State Police, the Secretary of Corrections, the Secretary of
23 Labor and Industry, the Secretary of Aging, the Secretary of
24 Public Welfare, the Secretary of General Services, the Secretary
25 of Revenue, the Secretary of Community and Economic Development,
26 the Secretary of Environmental Protection and the Secretary of
27 Conservation and Natural Resources.

28 * * *

29 SECTION 6. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

30 SECTION 401.2. PENNSYLVANIA HIGHER EDUCATION ASSISTANCE



1 AGENCY.--(A) (1) THE PENNSYLVANIA HIGHER EDUCATION ASSISTANCE
2 AGENCY SHALL BE GOVERNED AND ALL OF ITS CORPORATE POWERS
3 EXERCISED BY A BOARD OF DIRECTORS WHICH SHALL CONSIST OF TWENTY
4 MEMBERS, NINETEEN OF WHOM SHALL BE APPOINTED AS HEREINAFTER
5 PROVIDED, AND THE SECRETARY OF EDUCATION. EXCEPT AS PROVIDED IN
6 SUBSECTION (B), THREE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR
7 AND CONFIRMED BY THE SENATE, EIGHT SHALL BE APPOINTED BY THE
8 PRESIDENT PRO TEMPORE OF THE SENATE, AND EIGHT SHALL BE
9 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

10 (2) ALL MEMBERS SHALL BE OF FULL AGE, CITIZENS OF THE UNITED
11 STATES AND RESIDENTS OF THIS COMMONWEALTH, AND SHALL BE
12 APPOINTED FOR TERMS OF SIX YEARS EACH, EXCEPT AS PROVIDED IN
13 SUBSECTION (B) (1). OF THE MEMBERS APPOINTED BY THE GOVERNOR, ONE
14 SHALL BE APPOINTED FOR A TERM WHICH SHALL EXPIRE JUNE 30, 2011,
15 ONE FOR A TERM WHICH SHALL EXPIRE JUNE 30, 2013, AND ONE FOR A
16 TERM WHICH SHALL EXPIRE JUNE 30, 2015. OF THE MEMBERS APPOINTED
17 BY THE PRESIDENT PRO TEMPORE OF THE SENATE, THREE SHALL BE
18 APPOINTED FOR A TERM WHICH SHALL EXPIRE JUNE 30, 2011, THREE FOR
19 A TERM WHICH SHALL EXPIRE JUNE 30, 2013, AND TWO FOR A TERM
20 WHICH SHALL EXPIRE JUNE 30, 2015. OF THE MEMBERS APPOINTED BY
21 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, FOUR SHALL BE
22 APPOINTED FOR A TERM WHICH SHALL EXPIRE JUNE 30, 2011, THREE FOR
23 A TERM WHICH SHALL EXPIRE JUNE 30, 2013, AND ONE FOR A TERM
24 WHICH SHALL EXPIRE JUNE 30, 2015.

25 (3) THE EIGHT MEMBERS APPOINTED BY THE PRESIDENT PRO TEMPORE
26 OF THE SENATE SHALL BE MEMBERS OF THE SENATE OR APPOINTEES UNDER
27 SUBSECTION (B), FOUR OF WHOM SHALL BE OF THE MAJORITY PARTY AND
28 FOUR OF THE MINORITY PARTY; AND THE EIGHT MEMBERS APPOINTED BY
29 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL BE MEMBERS OF
30 THE HOUSE OF REPRESENTATIVES OR APPOINTEES UNDER SUBSECTION (B),

1 FOUR OF WHOM SHALL BE OF THE MAJORITY PARTY AND FOUR OF THE
2 MINORITY PARTY; AND ANY MEMBER OF THE SENATE OR HOUSE OF
3 REPRESENTATIVES HEREAFTER APPOINTED SHALL SERVE ON THE BOARD
4 ONLY SO LONG AS HE IS A MEMBER OR AN APPOINTEE UNDER SUBSECTION
5 (B) OF THE PARTICULAR BODY OF THE GENERAL ASSEMBLY FROM WHICH HE
6 WAS APPOINTED TO THE BOARD, IN WHICH EVENT HE SHALL BE
7 INELIGIBLE TO CONTINUE AS A MEMBER OF THE BOARD AS A LEGISLATIVE
8 APPOINTEE AND A VACANCY SHALL EXIST. IN SUCH A CASE THE
9 PRESIDENT PRO TEMPORE OF THE SENATE OR THE SPEAKER OF THE HOUSE
10 OF REPRESENTATIVES SHALL FILL THE VACANCY FOR THE UNEXPIRED TERM
11 IN THE SAME MANNER AS ORIGINAL APPOINTMENT.

12 (B) (1) COMMENCING WITH LEGISLATIVE BOARD APPOINTMENTS THAT
13 EXPIRE AFTER JUNE 30, 2010, ALL BOARD APPOINTMENTS MADE AFTER
14 JUNE 30, 2010, SHALL BE APPOINTED FOR TERMS OF FOUR YEARS EACH
15 AND, WHEN A LEGISLATIVE MEMBER'S TERM, AS APPOINTED UNDER THIS
16 SECTION, EXPIRES AND THE LEGISLATIVE MEMBER WISHES NOT TO BE
17 REAPPOINTED, PROVIDED HE IS ELIGIBLE FOR REAPPOINTMENT, THE
18 LEGISLATIVE LEADER OF THE RESPECTIVE CHAMBER SHALL FILL THE
19 VACANCY WITH A NONLEGISLATIVE INDIVIDUAL THAT HAS RELEVANT
20 EXPERIENCE IN A FIELD RELATED TO FINANCE, BANKING, INVESTMENT,
21 INFORMATION TECHNOLOGY, HIGHER EDUCATION OR HIGHER EDUCATION
22 FINANCE. THE RESPECTIVE LEGISLATIVE LEADER SHALL NOT APPOINT
23 MORE THAN ONE NONLEGISLATIVE MEMBER TO FILL A VACANCY IN THE
24 BOARD POSITIONS ALLOTTED TO THE MAJORITY OR MINORITY PARTY, AND
25 SUCH APPOINTMENT SHALL NOT REPLACE THE CHAIRMAN OF THE STANDING
26 COMMITTEE ON EDUCATION OR THE LEGISLATOR DESIGNATED TO SERVE ON
27 THE EDUCATION COMMITTEE CHAIRMAN'S BEHALF.

28 (2) A MEMBER OF THE BOARD OF DIRECTORS WHO BECOMES
29 INELIGIBLE TO SERVE AS A LEGISLATIVE APPOINTEE SHALL BE ELIGIBLE
30 FOR APPOINTMENT BY THE GOVERNOR.

1 (3) THE BOARD OF DIRECTORS SHALL ELECT FROM ITS OWN MEMBERS
2 EACH YEAR A CHAIRMAN AND VICE CHAIRMAN EACH OF WHOM MUST BE A
3 LEGISLATIVE APPOINTED MEMBER OF THE BOARD, WHO SHALL SERVE FOR
4 TERMS OF ONE YEAR AND WHO SHALL BE ELIGIBLE FOR REELECTION FOR
5 SUCCESSIVE TERMS. VACANCIES SHALL BE FILLED FOR THE UNEXPIRED
6 TERMS IN THE SAME MANNER AS ORIGINAL APPOINTMENTS. DIRECTORS
7 SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE
8 REIMBURSED FOR THEIR EXPENSES ACTUALLY AND NECESSARILY INCURRED
9 BY THEM IN THE PERFORMANCE OF THEIR DUTIES UNDER THE ACT OF
10 AUGUST 7, 1963 (P.L.549, NO.290), REFERRED TO AS THE
11 PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY ACT.

12 (C) THE BOARD OF DIRECTORS SHALL PROVIDE FOR THE HOLDING OF
13 REGULAR AND SPECIAL MEETINGS. SIX DIRECTORS ATTENDING SHALL
14 CONSTITUTE A QUORUM FOR THE TRANSACTION OF ANY BUSINESS AND,
15 UNLESS A GREATER NUMBER IS REQUIRED BY THE BYLAWS OF THE AGENCY,
16 THE ACT OF A MAJORITY OF THE DIRECTORS PRESENT AT ANY MEETING
17 SHALL BE DEEMED THE ACT OF THE BOARD.

18 (D) THE BOARD OF DIRECTORS SHALL ADOPT BYLAWS FOR THE AGENCY
19 AND MAY APPOINT SUCH OFFICERS AND EMPLOYEES AS IT DEEMS ADVISABLE
20 AND MAY FIX THEIR COMPENSATION AND PRESCRIBE THEIR DUTIES.

21 (E) THE BOARD OF DIRECTORS MAY ELECT AN EXECUTIVE COMMITTEE
22 OF NOT LESS THAN FIVE MEMBERS WHO, IN INTERVALS BETWEEN MEETINGS
23 OF THE BOARD, MAY TRANSACT SUCH BUSINESS OF THE AGENCY AS THE
24 BYLAWS OF THE AGENCY MAY FROM TIME TO TIME AUTHORIZE. UNLESS
25 OTHERWISE PROVIDED BY THE BYLAWS, A MAJORITY OF THE WHOLE OF
26 SUCH COMMITTEE ATTENDING SHALL CONSTITUTE A QUORUM FOR THE
27 TRANSACTION OF ANY BUSINESS, AND THE ACT OF A MAJORITY OF THE
28 MEMBERS OF THE EXECUTIVE COMMITTEE PRESENT AT ANY MEETING
29 THEREOF SHALL BE THE ACT OF SUCH COMMITTEE.

30 Section ~~6~~ 7. Section 451(b) of the act, amended July 7, 1989



1 (P.L.241, No.42), is amended to read:

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

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

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

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

1 duties.

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

7 * * *

8 Section 7 8. Section 1209 introductory paragraph and (b) of ←
9 the act, amended February 1, 1966 (1965 P.L.1849, No.582), are
10 amended to read:

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

15 * * *

16 (b) To furnish to the corporate authorities of each county
17 (except counties of the first class), city of the third class,
18 borough, incorporated town, township suitable blank forms for
19 the making of annual reports of the financial condition of their
20 respective local governments to the department, which forms for
21 financial report purposes shall be placed by said corporate
22 authorities into the hands of the director, controller or
23 auditors who by law are required to make such financial reports
24 to the department. Such annual financial reports shall be
25 prepared in cooperation with aforesaid duly authorized
26 committees of local government officials and shall contain: (1)
27 a statement of the receipts of the unit of local government from
28 all sources and of all accounts and revenue which may be due and
29 uncollected at the close of the fiscal year; (2) a statement of
30 the disbursements for all the governmental activities of the

1 unit of local government during the fiscal year; (3) a detailed
2 statement of the indebtedness of the unit of local government at
3 the close of the fiscal year, the provisions made for the
4 payment thereof, together with the purposes for which it was
5 incurred; (4) a statement of the cost of ownership and operation
6 of each and every public service industry owned, maintained or
7 operated by the unit of local government; (5) such further or
8 more specific information in relation to the cost of any branch
9 of the local government and improvements therein as may be
10 required by the department.

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

19 * * *

20 Section ~~8~~ 9. Section 2203-A(a)(11) and (26) of the act, ←
21 amended December 15, 1988 (P.L.1244, No.153), are amended to
22 read:

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

27 * * *

28 (11) Promote and support programs, studies and policies, in
29 cooperation with the Departments of Labor and Industry,
30 Education, [Commerce] Community and Economic Development, Public

1 Welfare and other agencies, which will enhance the opportunity
2 for continued work, education and training for older persons and
3 for preretirement assistance where appropriate.

4 * * *

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

14 * * *

15 Section 9 10. The act is amended by adding an article to
16 read:



17 ARTICLE XXIII-A

18 POWERS AND DUTIES OF THE DEPARTMENT OF DRUG

19 AND ALCOHOL PROGRAMS

20 Section 2301-A. Powers and duties.

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

23 (1) To develop and adopt a State plan for the control,
24 prevention, intervention, treatment, rehabilitation,
25 research, education and training aspects of drug and alcohol
26 abuse and dependence problems. The State plan shall include,
27 but not be limited to, provision for:

28 (i) Coordination of the efforts of all State
29 agencies in the control, prevention, intervention,
30 treatment, rehabilitation, research, education and

1 training aspects of drug and alcohol abuse and dependence
2 problems so as to avoid duplications and inconsistencies
3 in the efforts of the agencies.

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

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

25 (iv) Development of model drug and alcohol abuse and
26 dependence control plans for local government, utilizing
27 the concepts incorporated in the State plan. The model
28 plans shall be reviewed on a periodic basis but not less
29 than once a year, and revised to keep them current. The
30 model plans shall specify how all types of community

1 resources and existing Federal and Commonwealth
2 legislation may be utilized.

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

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

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

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

23 (ix) Any information obtained through scientific
24 investigation or research conducted pursuant to this act
25 shall be used in ways so that no name or identifying
26 characteristics of any person shall be divulged without
27 the approval of the department and the consent of the
28 person concerned. Persons engaged in research pursuant to
29 this section shall protect the privacy of individuals who
30 are the subject of such research by withholding from all

1 persons not connected with the conduct of such research
2 the names or other identifying characteristics of such
3 individuals. Persons engaged in the research shall
4 protect the privacy of such individuals and may not be
5 compelled in any State, civil, criminal, administrative,
6 legislative or other proceeding to identify such
7 individuals.

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

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

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

26 (xiii) Establishment of educational courses,
27 including the provision of relevant data and other
28 information on the causes and effects of and treatment
29 for drug and alcohol abuse and dependence, for law
30 enforcement officials, including prosecuting attorneys,

1 court personnel, the judiciary, probation and parole
2 officers, correctional officers and other law enforcement
3 personnel, welfare, vocational rehabilitation and other
4 State and local officials who come in contact with drug
5 abuse and dependence problems.

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

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

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

28 (xvii) Establishment of a system of emergency
29 medical services for persons voluntarily seeking
30 treatment, for persons admitted and committed to

1 treatment facilities according to the procedural
2 admission and commitment provisions of the act of July 9,
3 1976 (P.L.817, No.143), known as the Mental Health
4 Procedures Act, and for persons charged with a crime
5 under Pennsylvania law. Upon the establishment of such
6 emergency medical services, the Department of Drug and
7 Alcohol Programs, by regulation, shall require that
8 appropriate emergency medical services be made available
9 to all drug and alcohol abusers who are arrested for a
10 crime under Pennsylvania law.

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

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

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

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

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

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

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

14 (2) In developing the State plan initially, and prior to
15 its amendment annually, to hold a public hearing at least 30
16 days prior to the adoption of the initial State plan and
17 subsequent amendments and to afford all interested persons an
18 opportunity to present their views either orally or in
19 writing. The Department of Drug and Alcohol Programs, through
20 its staff, shall consult and collaborate with appropriate
21 Federal and State and local departments, boards, agencies and
22 governmental units, and with appropriate public and private
23 agencies, institutions, groups and organizations. Otherwise,
24 the promulgation of the State plan shall conform to the
25 procedure contained in the Commonwealth Documents Law.

26 (3) In accordance with the State plan, to allocate the
27 responsibility for all services, programs and other efforts
28 provided for among the appropriate departments, agencies and
29 other State personnel. The department, through its employees,
30 shall have the power and its duty shall be to implement

1 compliance with the provisions of the State plan and to
2 coordinate all such efforts.

3 (4) To gather and publish statistics pertaining to drug
4 and alcohol abuse and dependence and promulgate regulations,
5 specifying uniform statistics to be obtained, records to be
6 maintained and reports to be submitted by public and private
7 departments, agencies, organizations, practitioners and other
8 persons with respect to drug and alcohol abuse and
9 dependence, and related problems. Such statistics and reports
10 shall not reveal the identity of any patient or drug or
11 alcohol-dependent person or other confidential information.

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

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

1 pursuant to the State plan.

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

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

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

18 Section ~~10~~ 11. All personnel, allocation, appropriations, ←
19 equipment, files, records, contracts, agreements, obligations
20 and other material which are used, employed or expended in
21 connection with the powers, duties or functions of the
22 Department of Health concerning drug or alcohol abuse are hereby
23 transferred to the Department of Drug and Alcohol Programs
24 established by this act with the same force and effect as if the
25 appropriations had been made to and said items had been the
26 property of the Department of Drug and Alcohol Programs in the
27 first instance, and as if said contracts, agreements and
28 obligations had been incurred or entered into by the Department
29 of Drug and Alcohol Programs. The personnel, appropriations,
30 equipment and other items and material transferred by this

1 section shall include Federal grants and funds and other
2 benefits from any Federal program. All personnel transferred
3 pursuant to this act shall retain any civil service employment
4 status assigned to said personnel.

5 Section ~~11~~ 12. All positions in the Department of Drug and ←
6 Alcohol Programs shall be deemed to be "classified service" as
7 defined in section 3(d) of the act of August 5, 1941 (P.L.752,
8 No.286), known as the Civil Service Act, and the provisions and
9 benefits of that act shall be applicable to the employees of,
10 and positions in, the department.

11 Section ~~12~~ 13. All orders, permits, regulations, decisions ←
12 and other actions of the Department of Health or any department,
13 board, commission or agency whose functions have been
14 transferred by this act to the Department of Drug and Alcohol
15 Programs shall remain in full force and effect until modified,
16 repealed, superseded in or otherwise changed by appropriate
17 action of the Department of Drug and Alcohol Programs.

18 Section ~~13~~ 14. The Pennsylvania Advisory Council on Drug and ←
19 Alcohol Abuse established in section 3 of the act of April 14,
20 1972 (P.L.221, No.63), known as the Pennsylvania Drug and
21 Alcohol Abuse Control Act, shall be recognized as the advisory
22 council to the Department of Drug and Alcohol Programs.

23 Section ~~14~~ 15. (a) The General Assembly finds that the ←
24 repeal in ~~subsection (b) is~~ SUBSECTIONS (B), (C) AND (D) ARE ←
25 necessary to effectuate this act.

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

29 (C) THE REPEAL UNDER SUBSECTION (D) IS NECESSARY TO ←
30 EFFECTUATE THE ADDITION OF SECTION 401.2 OF THE ACT.

1 (D) SECTION 3 OF THE ACT OF AUGUST 7, 1963 (P.L.549,
2 NO.290), REFERRED TO AS THE PENNSYLVANIA HIGHER EDUCATION
3 ASSISTANCE AGENCY ACT, IS REPEALED.

4 ~~(e)~~ (E) All other acts and parts of acts are repealed ←
5 insofar as they are inconsistent with this act.

6 Section ~~15~~ 16. This act shall take effect ~~July 1, 2011~~. AS ←
7 FOLLOWS:

8 (1) THE ADDITION OF SECTION 401.2 OF THE ACT SHALL TAKE
9 EFFECT IMMEDIATELY.

10 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JULY 1,
11 2011.