

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2199 Session of 2020

INTRODUCED BY WHEELAND, PICKETT, TOOHL, JAMES, EVERETT AND ZIMMERMAN, JANUARY 10, 2020

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 10, 2020

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; providing for judicial administration; and
 18 prescribing the manner in which the number and compensation
 19 of the deputies and all other assistants and employes of
 20 certain departments, boards and commissions shall be
 21 determined," in administrative organization, further
 22 providing for departmental administrative boards, commissions
 23 and offices and for advisory boards and commissions; in
 24 organization of departmental administrative boards and
 25 commissions and of advisory boards and commissions, repealing
 26 provisions relating to State Art Commission and further
 27 providing for advisory boards and commissions; and, in powers
 28 and duties of the Department of Public Welfare and its
 29 departmental administrative and advisory boards and
 30 commissions, repealing provisions relating to powers and
 31 duties of the State Board of Public Welfare and further
 32 providing for the powers and duties of advisory committees.

33 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Sections 202 and 203 of the act of April 9, 1929
3 (P.L.177, No.175), known as The Administrative Code of 1929, are
4 amended to read:

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

11 In the Department of State,
12 Commissioner of Professional and Occupational Affairs,
13 State Real Estate Commission,
14 State Board of Medical Education and Licensure,
15 State Board of Physical Therapy Examiners,
16 State Board of Pharmacy,
17 State Dental Council and Examining Board,
18 State Board of Optometrical Examiners,
19 State Board of Osteopathic Medical Examiners,
20 State Board of Nurse Examiners,
21 State Board of Barber Examiners,
22 State Board of Cosmetology,
23 State Board of Veterinary Medical Examiners,
24 State Board of Chiropractic Examiners,
25 State Board of Podiatry Examiners,
26 State Board of Examiners of Public Accountants,
27 State Board of Examiners of Architects,
28 State Registration Board for Professional Engineers,
29 State Board of Funeral Directors,
30 State Board of Examiners of Nursing Home Administrators,

1 State Board of Auctioneer Examiners,
2 State Board of Psychologist Examiners,
3 State Board of Landscape Architects.
4 In the Department of Justice,
5 In the Treasury Department,
6 Board of Finance and Revenue;
7 In the Department of Community Affairs,
8 Board of Property;
9 In the Department of Education,
10 Board of Trustees of Thaddeus Stevens College of
11 Technology,
12 Board of Trustees of Scranton State School for the Deaf,
13 Public Service Institute Board,
14 State Board of Private Academic Schools,
15 State Board of Private Licensed Schools,
16 State Board of Education.
17 In the Department of Military and Veterans Affairs,
18 Armory Board of the State of Pennsylvania,
19 Board of Trustees of Scotland School for Veterans'
20 Children.
21 In the Department of Banking,
22 Board to License Private Bankers;
23 In the Department of Agriculture,
24 State Farm Products Show Commission;
25 In the Department of Health,
26 In the Department of Labor and Industry,
27 Workmen's Compensation Appeal Board,
28 State Workmen's Insurance Board,
29 The Industrial Board,
30 Unemployment Compensation Board of Review,

1 Pennsylvania Labor Relations Board,
2 Advisory Council on Affairs of the Handicapped;
3 In the Department of Public Welfare,
4 Board of Trustees of The Western Youth Development
5 Centers,
6 Board of Trustees of The Central Youth Development
7 Centers,
8 Board of Trustees of The Eastern Youth Development
9 Centers,
10 Board of Trustees of Allentown State Hospital,
11 Board of Trustees of Clarks Summit State Hospital,
12 Board of Trustees of Danville State Hospital,
13 Board of Trustees of Embreeville Center,
14 Board of Trustees of Farview State Hospital,
15 Board of Trustees of Harrisburg State Hospital,
16 Board of Trustees of Mayview State Hospital,
17 Board of Trustees of Norristown State Hospital,
18 Board of Trustees of Philadelphia State Hospital,
19 Board of Trustees of Somerset State Hospital,
20 Board of Trustees of Warren State Hospital,
21 Board of Trustees of Wernersville State Hospital,
22 Board of Trustees of Woodville State Hospital,
23 Board of Trustees of Torrance State Hospital,
24 Board of Trustees of Haverford State Hospital,
25 Board of Trustees of Ashland State General Hospital,
26 Board of Trustees of Coaldale State General Hospital,
27 Board of Trustees of Nanticoke State General Hospital,
28 Board of Trustees of Philipsburg State General Hospital,
29 Board of Trustees of Scranton State General Hospital,
30 Board of Trustees of Shamokin State General Hospital,

1 Board of Trustees of Ebensburg Center,
2 Board of Trustees of Eastern State School and Hospital,
3 Board of Trustees of Laurelton Center,
4 Board of Trustees of Pennhurst Center,
5 Board of Trustees of Polk Center,
6 Board of Trustees of Selinsgrove Center,
7 Board of Trustees of Hamburg Center,
8 Board of Trustees of Western Center,
9 Board of Trustees of White Haven Center,
10 Board of Trustees of Woodhaven Center,
11 Board of Trustees of South Mountain Restoration Center.

12 In the Department of General Services,
13 Board of Commissioners of Public Grounds and Buildings[,
14 State Art Commission];

15 In the Department of Revenue,
16 State Athletic Commission;

17 In the Department of Commerce,
18 Navigation Commission for the Delaware River and its
19 navigable tributaries;

20 In the Department of Highways,
21 State Highway Commission.

22 In the Department of Transportation,
23 Hazardous Substances Transportation Board,

24 In the Department of Environmental Resources,
25 Environmental Quality Board,
26 Environmental Hearing Board,
27 State Board for Certification of Sewage Treatment and
28 Waterworks Operators,
29 State Soil and Water Conservation Commission,
30 Anthracite Mine Inspectors,

1 Bituminous Mine Inspectors.

2 In the Department of Drug and Alcohol Programs,
3 Bureau of Prevention and Intervention,
4 Bureau of Treatment,
5 Bureau of Administration.

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

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

12 In the Department of Military Affairs,

13 State Military Reservation Commission,

14 In the Department of Environmental Protection,

15 Citizens Advisory Council;

16 In the Department of Health,

17 Advisory Health Board;

18 In the Department of Labor and Industry,

19 Advisory Council on Affairs of the Handicapped,

20 Advisory Board on Problems of Older Workers,

21 Policy, Planning and Evaluation Advisory Committee;

22 In the Department of Public Welfare,

23 [State Board of Public Welfare,]

24 Advisory Committee for the Blind,

25 Advisory Committee for General and Special Hospitals,

26 Advisory Committee for Children and Youth,

27 Advisory Committee for Public Assistance,

28 Advisory Committee for Mental Health and Mental

29 Retardation.

30 Section 2. Section 447 of the act is repealed:

1 [Section 447. State Art Commission.--The State Art
2 Commission shall consist of five citizens of this Commonwealth,
3 of whom the Governor shall designate one as chairman, and
4 another as secretary of the commission who need not be a member
5 thereof.

6 Three members shall constitute a quorum.]

7 Section 3. Section 448(k) and (l) of the act are amended to
8 read:

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

12 * * *

13 [(k) The State Board of Public Welfare is hereby created.
14 The board shall consist of the Secretary of Public Welfare, ex
15 officio, and sixteen (16) members appointed by the Governor.
16 Four (4) members shall be appointed from among the members of
17 the General Assembly, two (2) from the Senate and two (2) from
18 the House of Representatives. These members of the board shall,
19 with respect to each branch of the General Assembly, be from
20 different political parties, and they shall, in no event, retain
21 membership on the board after they cease to be members of the
22 branch of the Legislature from which they were appointed. One
23 (1) member shall be appointed by the Governor from each of the
24 six (6) advisory committees created by clause (1) of this
25 section, and the first member of each advisory committee
26 appointed by the Governor shall automatically become a member of
27 the board. The term of office of each member of the board,
28 except as herein otherwise provided, shall be six (6) years.
29 In the original appointment of the members of the board, six
30 (6) members shall be appointed for the term of six (6) years,

1 five (5) members for the term of four (4) years, and five (5)
2 members for the term of two (2) years. Any vacancy occurring in
3 the membership of the board shall be filled by the Governor only
4 for the unexpired term. The Governor may remove any member of
5 the board at any time. No member of the board shall serve more
6 than two (2) consecutive terms not including a vacancy
7 appointment, nor shall any member hold office in any political
8 party.

9 Nine (9) members of the board shall constitute a quorum. A
10 chairman who shall not be a member of an advisory committee
11 shall be elected by the board, annually, from among its members.
12 Members of the board shall serve without compensation other than
13 reimbursement of travel and other actual expenses incurred in
14 the performance of their duties. The board shall meet at least
15 six (6) times a year. Special meetings of the board shall be
16 held on call of the chairman or the Secretary of Public Welfare,
17 and it shall be the duty of the chairman to call a special
18 meeting upon the written request of one-third (1/3) or more
19 members, not including vacancies, of the board.]

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

- 21 Advisory Committee for the Blind,
- 22 Advisory Committee for General and Special Hospitals,
- 23 Advisory Committee for Children and Youth,
- 24 Advisory Committee for Public Assistance,
- 25 Advisory Committee for Mental Health and Mental Retardation.

26 Each advisory committee shall consist of the Commissioner in
27 the Department of Public Welfare, directing the program to which
28 the advisory committee is attached, as an ex officio member, and
29 not less than three (3) nor more than nine (9) members appointed
30 by the Governor. In the case of the Advisory Committee for

1 Mental Health and Mental Retardation, the committee shall
2 include the Chairman of the Public Health and Welfare Committee
3 of the Senate, the Chairman of the Health and Welfare Committee
4 of the House of Representatives and the President of the
5 Pennsylvania State Association of County Commissioners or his
6 alternate. The exact number of members of each advisory
7 committee shall be determined by the Governor [upon
8 recommendation of the State Board of Public Welfare]. The
9 qualifications of the members of each advisory committee shall
10 also be determined by the Governor [upon recommendation of the
11 State Board of Public Welfare]: Provided, That with respect to
12 each advisory committee, the Governor shall appoint members with
13 due regard for representation of the professional and lay groups
14 concerned with the fields of interest served by the program to
15 which each advisory committee is attached. The term of office of
16 each member of each advisory committee, except as herein
17 otherwise provided, shall be six (6) years.

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

24 A majority of the members of each advisory committee shall
25 constitute a quorum. Each advisory committee shall elect a
26 chairman from among its members. Each advisory committee shall
27 meet at least four (4) times a year. Special meetings of each
28 advisory committee shall be held on call of the chairman, and it
29 shall be the duty of the chairman to call a special meeting upon
30 the written request of one-third (1/3) or more of the members

1 not including vacancies of the advisory committee.

2 The provisions of clause (k) of this section with respect to
3 filling of vacancies, removal of members, length of service,
4 political party office and compensation shall be applicable to
5 advisory committee members, and are incorporated herein by
6 reference.

7 * * *

8 Section 4. Section 2327 of the act is repealed:

9 [Section 2327. Powers and Duties of the State Board of
10 Public Welfare.--The State Board of Public Welfare shall be an
11 advisory body to, and a consultative body of the Department of
12 Public Welfare with no power to approve or disapprove rules or
13 regulations, and shall have the power and its duty shall be:

14 (a) To participate in the development of broad outlines, of
15 policy and in the formulation of long-range programs and
16 objectives of the Department of Public Welfare,

17 (b) To interpret such programs and objectives to the public,
18 and

19 (c) To advise the Secretary of Public Welfare, the Governor
20 and the General Assembly, with respect to the policies,
21 programs, objectives and functioning of the Department of Public
22 Welfare.]

23 Section 5. Section 2328(d) of the act is amended to read:

24 Section 2328. Powers and Duties of Advisory Committees.--The
25 Advisory Committee for the Blind, the Advisory Committee for
26 General and Special Hospitals, the Advisory Committee for
27 Children and Youth, the Advisory Committee for Public Assistance
28 and the Advisory Committee for Mental Health and Mental
29 Retardation, shall, concerning matters within their respective
30 special fields of interest, have the power and their duty shall

1 be:

2 * * *

3 (d) To make recommendations to the [State Board of Public
4 Welfare] Secretary of Human Services on matters referred to the
5 committees for consideration and advice, or as may be required
6 to promote the effectiveness of the programs, of the
7 departmental units advised by them.

8 Section 6. This act shall take effect in 60 days.