

No. 1984-245

## AN ACT

SB 1313

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," abolishing the Bureau of Correction; creating a department to be known as the Department of Corrections; and making related substantive and 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 June 20, 1978 (P.L.477, No.70), is amended to read:

Section 201. Executive Officers, Administrative Departments and Independent Administrative Boards and Commissions.—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, [Department of Justice,] *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 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; and by the following independent administrative boards and commissions: Pennsylvania Game Commission, Pennsylvania Fish Commission, State Civil Service Commission, Pennsylvania Public Utility Commission, the Pennsylvania Historical and Museum Commission and the Pennsylvania Securities Commission.

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

Section 2. Sections 206 and 207.1(d)(1) of the act, amended June 20, 1978 (P.L.477, No.70) and repealed in part October 15, 1980 (P.L.950, No.164), are 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 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 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 Commissioner of the State Police, *the Secretary of Corrections*, the Secretary of Labor and Industry, the Secretary of Aging, the Secre-

tary 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. Sections 911, 912, 913, 914, 914.1, 915 and 916 of the act are repealed.

Section 4. The act is amended by adding an article to read:

**ARTICLE IX-B**  
**POWERS AND DUTIES OF THE DEPARTMENT OF**  
**CORRECTIONS**

*Section 901-B. General Powers and Duties of the Department.—The Department of Corrections, which is hereby established as an administrative department, shall have the powers and duties granted to and imposed upon it by this article and by any other statutory provisions. In addition, the Department and Secretary of Corrections shall have all the powers and duties granted to and imposed upon the former Bureau and Commissioner of Correction prior to the effective date of this article and shall also have all the powers and duties formerly vested in and exercised by the General Counsel and the Office of General Counsel insofar as such powers and duties related to the administration, management and supervision of penal and correctional facilities, programs and services.*

Section 5. All personnel, allocations, appropriations, equipment, files, records, contracts, agreements, obligations and other materials which are used, employed or expended in connection with the powers, duties or functions given by this amendatory act to the Department of Corrections, which powers, duties and functions were formerly exercised by the Bureau of Correction or the Office of General Counsel, are hereby transferred to the Department of Corrections 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 Corrections in the first instance and as if said contracts, agreements and obligations had been incurred or entered into by said Department of Corrections. All personnel transferred to the Department of Corrections from the Bureau of Correction pursuant to this act shall retain any civil service or other employment status assigned to said personnel in the Bureau<sup>1</sup> of Correction prior to the effective date of this act.

Section 6. The provisions of this act shall not affect any act done, liability incurred, right accorded or vested or adjudication or decision made, including parole revocations, under the authority of any act of Assembly, or part thereof, repealed by this act.

Section 7. (a) Section 301(5)(i) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, is repealed.

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

<sup>1</sup> "Department" in enrolled bill.

Section 8. This act shall take effect immediately.

APPROVED—The 30th day of December, A. D. 1984.

DICK THORNBURGH