

## No. 8

## AN ACT

Providing for reorganizations of agencies and functions of the State Government by the Governor, subject to approval or disapproval by the General Assembly, and authorizing the transfer, abolition, consolidation and coordination of agencies and functions, and the authorization of State officers to delegate functions.

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

Section 1. Short Title.—This act shall be known and may be cited as the “Reorganization Act of 1955.”

“Reorganization Act of 1955.”

Section 2. Definitions.—As used in this act:

Definitions.

(1) “Agency” means any executive or administrative department, commission, council, board, bureau, division, service, office, officer, administration, or other establishment in the executive or administrative branch of the State Government. The term does not include the Auditor General, State Treasurer, or Secretary of Internal Affairs, or the departments of which they are the heads, or any agency within any of those departments, nor does the term include any independent administrative board or commission.

“Agency.”

(2) “Reorganization” means (i) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, or (ii) the abolition of all or any part of the functions of any agency, or (iii) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof, or (iv) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof, or (v) the authorization of any officer to delegate any of his functions, or (vi) the abolition of the whole or any part of any agency which agency or part does not have or upon the taking effect of a reorganization plan will not have any functions.

“Reorganization.”

Section 3. Declaration of Objectives and Purposes of Reorganization Plans.—

Objectives and purposes of reorganization.

(a) The Governor shall examine, and from time to time reexamine, the organization of all agencies of the State Government, and shall determine what changes therein are necessary to accomplish the following purposes:

(1) To promote the better execution of the laws, the more effective management of the executive and adminis-

trative branch of the Government and of its agencies and functions and the expeditious administration of the public business;

(2) To reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the Government;

(3) To increase the efficiency of the operations of the Government to the fullest extent practicable;

(4) To group, coordinate and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;

(5) To reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and

(6) To eliminate overlapping and duplication of effort.

(b) The General Assembly declares that the public interest demands the carrying out of the purposes herein specified and that these purposes may be accomplished in great measure by proceeding under the provisions of this act, and can be accomplished more speedily thereby than by the enactment of specific legislation.

**Powers and  
duties of  
Governor.**

Section 4. Powers and Duties of Governor; Preparation and Contents of Reorganization Plan; Submission to General Assembly.—

When the Governor, after investigation, finds that—

(1) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency; or

(2) the abolition of all or any part of the functions of any agency; or

(3) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; or

(4) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or

(5) the authorization of any officer to delegate any of his functions; or

(6) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of the reorganization plan will not have any functions, is necessary to accomplish one or more of the purposes of this act, he shall prepare a reorganization plan for the making of the reorganizations as to which he has made findings and which he includes in the plan, and transmit the plan (bearing an identify-

ing number) to the General Assembly, together with a declaration that, with respect to each reorganization included in the plan, he has found that the reorganization is necessary to accomplish one or more of the purposes of this act. The delivery to both Houses shall be on the same day and shall be made to each House while it is in session. The Governor, in his message transmitting a reorganization plan, shall specify with respect to each abolition of a function included in the plan the statutory authority for the exercise of the function, and shall specify the reduction of expenditures (itemized so far as practicable) which it is probable will be brought about by the taking effect of the reorganizations included in the plan.

Section 5. Additional Contents of Plans.—

Additional contents of plans.

Any reorganization plan transmitted by the Governor under this act—

(1) shall change, in cases he deems necessary, the name of any agency affected by a reorganization, and the title of its head; and shall designate the name of any agency resulting from a reorganization and the title of its head;

(2) may include provisions for the appointment and compensation of the head and one or more other officers of any agency (including an agency resulting from a consolidation or other type of reorganization) if the Governor finds, and in his message transmitting the plan declares, that by reason of a reorganization made by the plan such provisions are necessary. The head so provided for may be an individual, or may be a commission or board with two or more members. The term of office of any appointee shall not be fixed at more than four years. The compensation shall not be at a rate in excess of that found by the Governor to prevail in respect of comparable officers in the executive and administrative branch. If the appointment is not under the classified civil service, it shall be by the Governor, by and with the advice and consent of the Senate;

(3) shall make provision for the transfer or other disposition of the records, property, and personnel affected by any reorganization;

(4) shall make provision for the transfer of such unexpended balances of appropriations, and of other funds, available for use in connection with any function or agency affected by a reorganization, as he deems necessary by reason of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which has such functions after the reorganization plan is effective. Unexpended balances so transferred shall be used only for the purposes for which the appropriation was originally made;

Limitations  
on powers.

(5) shall make provision for terminating the affairs of any agency abolished;

(6) shall enumerate all acts of the General Assembly which may be suspended if the reorganization plan becomes effective.

Section 6. Limitations on Powers Respecting Reorganizations.—

No reorganization plan shall provide for, and no reorganization under this act shall have the effect of—

(1) abolishing or transferring an executive or administrative department or all the functions thereof or consolidating any two or more executive or administrative departments or all the functions thereof; or

(2) continuing any agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made; or

(3) continuing any function beyond the period authorized by law for its exercise, or beyond the time when it would have terminated if the reorganization had not been made; or

(4) authorizing any agency to exercise any function which is not expressly authorized by law at the time the plan is transmitted to the General Assembly; or

(5) increasing the term of any office beyond that provided by law for the office.

Consideration  
by General  
Assembly.

Section 7. Consideration by General Assembly; Effective Date of Reorganizations Specified in Plan.—

(a) Each reorganization plan transmitted to the General Assembly shall be proposed as a resolution, and shall be placed on the calendar of each house for the next legislative day following its receipt, and shall be considered by each house within thirty calendar days of continuous session of the General Assembly. (b) Each reorganization plan shall take effect if it is approved by a majority vote of the duly elected membership of each house during such thirty-day period, or (c) may be disapproved by either house during that period by a majority vote of the duly elected membership of each house. No resolution shall be effective, (1) unless it designates the number of the reorganization plan and the date on which it was transmitted to the General Assembly, or (2) if it specifies more than one reorganization plan except as otherwise provided by subsection (e) of this section. The effective date of each reorganization plan shall be the date of approval of the last of the two houses to act. Upon the expiration of the thirty-day period after the delivery of the plan to the two houses of the General Assembly and the failure to act as provided in \*subsections (b) or (c) of this section each reorganization plan shall become effective.

\* "subsection" in original.

(d) For the purposes of subsection (a) of this section—

(1) continuity of session shall be considered as broken only by an adjournment of the General Assembly sine die; but

(2) in the computation of the thirty-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than ten days to a day certain.

(e) any provision of the plan may, under provisions contained in the plan, be made operative at a time later than the date on which the plan otherwise takes effect.

**Section 8. Effect of Reorganization on Statutes and Regulations or Other Actions.—**

Any statute enacted, and any regulation or other action made, prescribed, issued, granted, or performed in respect of or by any agency or function affected by a reorganization under the provisions of this act, before the effective date of the reorganization, shall, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law or by the abolition of a function, have the same effect as if the reorganization had not been made. If any such statute, regulation, or other action has vested the function in the agency from which it is removed under the plan, the function shall, insofar as it is to be exercised after the plan becomes effective, be considered as vested in the agency under which the function is placed by the plan.

As used in this section “regulation or other action” means any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

**Section 9. Effect of Reorganization on Pending Legal Proceedings.—**

No suit, action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the Commonwealth, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of the taking effect of any reorganization plan under the provisions of this act. The court may, on motion or supplemental petition filed at any time within twelve months after the reorganization plan takes effect, showing a necessity for a survival of the suit, action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the successor of such head or officer under the reorganization effected by the plan or, if there is no successor, against such agency or officer as the Governor shall designate.

**Section 10. Effect on Unexpended Appropriations.—**

The appropriations or portions of appropriations un-

Effect of reorganization on statutes and regulations and other actions.

Effect of reorganization on pending legal proceedings.

Effect on unexpended appropriations.

expended by reason of the operation of this act shall not be used for any purpose, but shall be lapsed into the General Fund of the State Treasury, or into any special fund from which it was made.

Laws suspended.

Section 11. Laws Suspended.—

From the effective date of a reorganization plan and as long as it is in effect the operation of any act of Assembly inconsistent therewith shall be suspended insofar as it is inconsistent with the reorganization plan.

Publication of reorganization plans.

Section 12. Publication of Reorganization Plans.—

Each reorganization plan which takes effect shall be printed in the Pamphlet Laws in the same volume as the acts of Assembly.

Act effective immediately.

Section 13. This act shall take effect immediately.

APPROVED—The 7th day of April, A. D. 1955.

GEORGE M. LEADER

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No. 9

AN ACT

Amending the act of July fifth, one thousand nine hundred forty-seven (Pamphlet Laws 1335), entitled "An act to provide for an inventory of existing hospitals; for a survey of the need for additional hospital facilities; and for the development and administration of a hospital construction program, which will in conjunction with existing facilities, afford hospitals adequate to serve all people of the State; and appropriating money; establishing methods of administration and control; providing for compliance with the requirements of the Federal Hospital Survey and Construction Act and regulations thereunder authorizing the acceptance and expenditure of Federal funds in accordance with such requirements; and placing additional duties upon the Department of Welfare," bringing the act within the scope of the Federal Medical Facilities Survey and Construction Act of 1954 and making an appropriation.

"Pennsylvania Hospital Survey and Construction Act."

Sections 2, 4, 8, 10 and 12, act of July 5, 1947, P. L. 1335, amended.

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

Section 1. Sections 2, 4, 8, 10 and 12, act of July five, one thousand nine hundred forty-seven (Pamphlet Laws 1335), known as the "Pennsylvania Hospital Survey and Construction Act," are amended to read:

Section 2. Definitions.—The following words and phrases shall have the meanings ascribed to them in this section, unless the context clearly requires otherwise,—

(a) "Secretary" means the Secretary of the Department of Welfare.

(b) "The Federal [Act" means] Acts" mean Public Law seven hundred twenty-five of the 79th Congress, approved the thirteenth day of August, one thousand