

No. 709

## AN ACT

Amending the act of April 9, 1929 (P. L. 177), 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," creating the State Board of Public Welfare and several departmental advisory committees within the Department of Public Welfare; abolishing certain existing boards, councils, commissions and committees; transferring powers from the State Council for the Blind to the Department of Public Welfare, and giving the Department of Public Welfare power to reimburse counties for child welfare programs and purchase certain services.

The Administrative Code of 1929.

Section 202, Act of April 9, 1929, P. L. 177, amended July 13, 1957, P. L. 852, further amended.

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

Section 1. As much as applies to the Department of Public Welfare of section 202, act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," amended July 13, 1957 (P. L. 852), is amended 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 Public Welfare,  
 [State Council for the Blind,  
 Board of Trustees of the Pennsylvania Training School for Girls,  
 Board of Trustees of the Pennsylvania Training School at Morganza,  
 Board of Trustees of Pennsylvania Training School at Kis-Lyn, Luzerne County, Pennsylvania,]  
*Board of Trustees of the Youth Development Center at Canonsburg,*  
 Board of Trustees of Allentown State Hospital,  
 Board of Trustees of Clarks Summit State Hospital,  
 Board of Trustees of Danville State Hospital,

Board of Trustees of Embreeville State Hospital,  
 Board of Trustees of Farview State Hospital,  
 Board of Trustees of Harrisburg State Hospital,  
 Board of Trustees of Hollidaysburg State Hospital,  
 Board of Trustees of Mayview State Hospital,  
 Board of Trustees of Norristown State Hospital,  
 Board of Trustees of Philadelphia State Hospital,  
 Board of Trustees of Retreat State Hospital,  
 Board of Trustees of Somerset State Hospital,  
 Board of Trustees of Warren State Hospital,  
 Board of Trustees of Wernersville State Hospital,  
 Board of Trustees of Woodville State Hospital,  
 Board of Trustees of Torrance State Hospital,  
 Board of Trustees of Ashland State Hospital,  
 Board of Trustees of Blossburg State Hospital,  
 Board of Trustees of Coaldale State Hospital,  
 Board of Trustees of Connellsville State Hospital,  
 Board of Trustees of Dixmont State Hospital,  
 Board of Trustees of Hazleton State Hospital,  
 Board of Trustees of Locust Mountain State Hospital,  
 Board of Trustees of Nanticoke State Hospital,  
 Board of Trustees of Philipsburg State Hospital,  
 Board of Trustees of Scranton State Hospital,  
 Board of Trustees \*of Shamokin State Hospital,  
 Board of Trustees of Laurelton State Village,  
 Board of Trustees of Pennhurst State School,  
 Board of Trustees of Polk State School,  
 Board of Trustees of Selinsgrove State School;  
 [State Board of Public Assistance]

\* \* \* \* \*

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

Section 2. As much as applies to the Department of Public Welfare of section 203 of the act, amended July 13, 1957 (P. L. 852), is amended to read:

Section 203 of the act, amended July 13, 1957, P. L. 852, further amended.

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 Public Welfare,  
 [State Welfare Commission,]  
 [Advisory Council on Mental Health,]  
*State Board of Public Welfare,*  
*Advisory Committee for the Aging,*  
*Advisory Committee for the Blind,*  
*Advisory Committee for General and Special Hospitals,*

\* "of" not in original.

*Advisory Committee for Children and Youth,  
Advisory Committee for Public Assistance,  
Advisory Committee for Mental Health;*

\* \* \* \* \*

Section 401 of  
the act, amended  
December 14,  
1955, P. L. 853,  
further amended.

Section 3. Section 401 of the act, amended December 14, 1955 (P. L. 853), is amended to read:

Section 401. Boards of Trustees of State Institutions.  
—The boards of trustees of each of the State institutions hereinafter mentioned shall consist of nine members, and the head of the department having supervision over the institution ex officio.

The terms of each member of each such board shall be six years, and until his successor is appointed and qualified.

The terms of the first three members of all boards, the members of which now serve for terms of four years, appointed by the Governor on or after the third Tuesday of January, 1959, shall expire on the third Tuesday of January, 1961. The terms of the next three members appointed shall expire on the third Tuesday of January, 1963. The terms of the next three members appointed shall expire on the third Tuesday of January, 1965. Their successors and all members of all boards, appointed to succeed members who have served six year terms, shall be appointed for terms of six years from the date of the expiration of the preceding term. Vacancies happening before the expiration of a term shall be filled for the unexpired term.

Five members of any such board shall constitute a quorum.

Each such board shall annually elect a president and vice-president from among its members, and a secretary and treasurer who need not be members of the board. The secretary and treasurer may be the same person.

This section shall apply to:

Board of Trustees of Thaddeus Stevens Trade School,  
Board of Trustees of Pennsylvania State Oral School  
for the Deaf,

Board of Trustees of Scotland School for Veterans'  
Children,

Board of Trustees of West Chester State Teachers'  
College,

Board of Trustees of Millersville State Teachers' Col-  
lege,

Board of Trustees of Kutztown State Teachers' Col-  
lege,

Board of Trustees of East Stroudsburg State Teachers'  
College,

Board of Trustees of Mansfield State Teachers' College,

Board of Trustees of Bloomsburg State Teachers' College,  
Board of Trustees of Shippensburg State Teachers' College,  
Board of Trustees of Lock Haven State Teachers' College,  
Board of Trustees of Indiana State Teachers' College,  
Board of Trustees of California State Teachers' College,  
Board of Trustees of Slippery Rock State Teachers' College,  
Board of Trustees of Edinboro State Teachers' College,  
Board of Trustees of Clarion State Teachers' College,  
Board of Trustees of Cheyney State Teachers' College,  
Board of Trustees of Pennsylvania Soldiers' and Sailors' Home,  
[Board of Trustees of the Pennsylvania Training School for Girls,]  
Board of Trustees of State Industrial Home for Women,  
[Board of Trustees of Pennsylvania Training School at Morganza,]  
*Board of Trustees of the Youth Development Center at Canonsburg,*  
[Board of Trustees of Pennsylvania Training School at Kis-Lyn, Luzerne County, Pennsylvania,]  
Board of Trustees of Allentown State Hospital,  
Board of Trustees of Clarks Summit State Hospital,  
Board of Trustees of Danville State Hospital,  
Board of Trustees of Embreeville State Hospital,  
Board of Trustees of Farview State Hospital,  
Board of Trustees of Harrisburg State Hospital,  
Board of Trustees of Hollidaysburg State Hospital,  
Board of Trustees of Mayview State Hospital,  
Board of Trustees of Norristown State Hospital,  
Board of Trustees of Philadelphia State Hospital,  
Board of Trustees of Retreat State Hospital,  
Board of Trustees of Somerset State Hospital,  
Board of Trustees of Warren State Hospital,  
Board of Trustees of Wernersville State Hospital,  
Board of Trustees of Woodville State Hospital,  
Board of Trustees of Torrance State Hospital,  
Board of Trustees of Ashland State Hospital,  
Board of Trustees of Blossburg State Hospital,  
Board of Trustees of Coaldale State Hospital,  
Board of Trustees of Connellsville State Hospital,  
Board of Trustees of Dixmont State Hospital,  
Board of Trustees of Hazleton State Hospital,  
Board of Trustees of Locust Mountain State Hospital,  
Board of Trustees of Nanticoke State Hospital,  
Board of Trustees of Philipsburg State Hospital,

Board of Trustees of Scranton State Hospital,  
 Board of Trustees of Shamokin State Hospital,  
 Board of Trustees of Laurelton State Village,  
 Board of Trustees of Pennhurst State School,  
 Board of Trustees of Polk State School,  
 Board of Trustees of Selinsgrove State School.

Section 448 of the act, amended March 20, 1956, P. L. 1310, amended by adding two new clauses (k) and (l).

Section 4. Section 448 of the act, amended March 20, 1956 (P. L. 1310), is amended by adding, at the end thereof, two new clauses to read :

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

\* \* \* \* \*

*(k) The State Board of Public Welfare is hereby created. The board shall consist of the Secretary of Public Welfare, ex officio, and sixteen (16) members appointed by the Governor. Four (4) members shall be appointed from among the members of the General Assembly, two (2) from the Senate and two (2) from the House of Representatives. These members of the board shall, with respect to each branch of the General Assembly, be from different political parties, and they shall, in no event, retain membership on the board after they cease to be members of the branch of the Legislature from which they were appointed. One (1) member shall be appointed by the Governor from each of the six (6) advisory committees created by clause \*(l) of this section, and the first member of each advisory committee appointed by the Governor shall automatically become a member of the board. The term of office of each member of the board, except as herein otherwise provided, shall be six (6) years.*

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

*Nine (9) members of the board shall constitute a quorum. A chairman who shall not be a member of an advisory committee shall be elected by the board, annually, from among its members. Members of the board shall serve without compensation other than reimburse-*

\* "l" omitted in original.

ment of travel and other actual expenses incurred in the performance of their duties. The board shall meet at least six (6) times a year. Special meetings of the board shall be held on call of the chairman or the Secretary of Public Welfare, and it shall be the duty of the chairman to call a special meeting upon the written request of one-third ( $1/3$ ) or more members, not including vacancies, of the board.

(l) The following advisory committees are hereby created:

Advisory Committee for the Aging,  
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.

Each advisory committee shall consist of the Commissioner in the Department of Public Welfare, directing the program to which the advisory committee is attached, as an ex officio member, and not less than three (3) nor more than nine (9) members appointed by the Governor. The exact number of members of each advisory committee shall be determined by the Governor upon recommendation of the State Board of Public Welfare. The qualifications of the members of each advisory committee shall also be determined by the Governor upon recommendation of the State Board of Public Welfare: Provided, That with respect to each advisory committee, the Governor shall appoint members with due regard for representation of the professional and lay groups concerned with the fields of interest served by the program to which each advisory committee is attached. The term of office of each member of each advisory committee, except as herein otherwise provided, shall be six (6) years.

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

A majority of the members of each advisory committee shall constitute a quorum. Each advisory committee shall elect a chairman from among its members. Each advisory committee shall meet at least four (4) times a year. Special meetings of each advisory committee shall be held on call of the chairman, and it shall be the duty of the chairman to call a special meeting upon the written request of one-third ( $1/3$ ) or more of the members not including vacancies of the advisory committee.

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

Act of April 9, 1929, P. L. 177, amended by adding a new section 2310.1.

Section 5. The act is amended by adding, after section 2310, a new section to read:

*Section 2310.1. Reimbursement to Counties for Child Welfare Program.—The Department of Public Welfare shall have the power to enter into agreements with county commissioners to reimburse them, from State and Federal funds, for \*part of the cost of child welfare programs, including the cost of salaries, the cost of care and treatment in foster homes and private institutions, and the cost of services designed to keep children in their own homes. The amount of reimbursement to each county shall be calculated in accordance with a formula to be established by the department.*

Heading clauses (c) and (f), subsection (1) and subsection (2), section 2313.3 of the act, amended July 13, 1957, P. L. 852, further amended.

Section 6. The heading clauses (c) and (f) of subsection (1) and subsection (2) of section 2313.3 of the act, amended July 13, 1957 (P. L. 852), are amended to read:

Section 2313.3. Boards of Trustees of State Mental Institutions *and Youth Development Centers.*—(1) The powers and duties of the boards of trustees of each institution within the Department of Public Welfare caring for the mentally ill, feeble-minded, mentally retarded, mentally deficient and juvenile delinquents, shall be only as defined in this section.

\* \* \* \* \*

(c) To advise and make recommendations to the Commissioner of Mental Health *and the Secretary of Public Welfare, as the case may be*, with regard to the selection and appointment of a superintendent in case of a vacancy.

\* \* \* \* \*

(f) To make recommendations to the [Advisory Council on Mental Health] *Advisory Committee for Mental Health and the Advisory Committee for Children and Youth, as the case may be*, on matters of policy and program emerging from its intimate knowledge and experience of mental health *and juvenile delinquency* programs in operation.

\* \* \* \* \*

(2) The provisions of this section shall be applicable to the boards of trustees in all of the State mental institutions *and in all of the youth development centers*

\* "parts" in original.

within the Department of Public Welfare caring for mentally ill, feeble-minded, mentally retarded, mentally deficient and juvenile delinquents, *as the case may be*, but shall not apply to the Board of Trustees of the Eastern Pennsylvania Psychiatric Institute.

Section 7. The heading, first paragraph and clauses (g) and (j) of section 2320 of the act amended May 21, 1956 (P. L. 1647), September 1, 1959 (P. L. 794), are amended to read:

Heading, first paragraph and clauses (g) and (j), section 2320 of the act, amended May 21, 1956, P. L. 1647, September 1, 1959, P. L. 794, further amended.

Section 2320. [State Council for the Blind.—The State Council for the Blind] *The Blind and Visually Handicapped*.—*The Department of Public Welfare* shall have the power, and its duties shall be:

\* \* \* \* \*

(g) To encourage the cooperation of all agencies, public and private, doing work for the blind in this Commonwealth, and of the agencies whose work is related to the prevention of blindness, and to consult and advise with authorized representatives of organizations of the blind to the fullest extent practicable in the formation, administration and execution of programs for the aid and rehabilitation of the blind. No officer or employe of the [State Council for the Blind] *Department of Public Welfare* shall exert the influence of his office or position, either directly or indirectly, to prevent the free exercise of the right of the blind to join organizations of the blind, nor shall any such officer or employe, either directly or indirectly, interfere with the exercise by the blind of their rights to freedom of assembly, of speech and of petition;

\* \* \* \* \*

(j) To take any action and to adopt any regulations necessary to carry out the objectives of this section and, in furtherance of those objectives, to accept any grants, contributions, payments or donations from the Federal Government or any agency thereof.

Any such grants, contributions, payments or donations shall be held by the State Treasurer as custodian for the [State Council for the Blind] *Department of Public Welfare*, and shall be paid out on requisition of the [State Council for the Blind] *Department of Public Welfare* without further appropriation. State appropriations as well as such grants, contributions, payments or donations, as hereinabove mentioned, shall be available to the [State Council for the Blind] *Department of Public Welfare* for the purpose of this section and for such research, extension or improvement projects as may pertain or relate to the purposes of this section or appropriate Federal Vocational Rehabilitation statutes;

\* \* \* \* \*



Act of April 9,  
1929, P. L. 177,  
amended by  
adding three  
new sections,  
2327, 2328 and  
2329.

Section 8. The act is amended by adding, after section 2326, three new sections to read:

*Section 2327. Powers and Duties of the State Board of Public Welfare.—The State Board of Public Welfare shall be an advisory body to, and a consultative body of the Department of Public Welfare, with no power to approve or disapprove rules or regulations, and shall have the power and its duty shall be:*

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

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

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

*Section 2328. Powers and Duties of Advisory Committees.—The Advisory Committee for the Aging, the Advisory Committee for the Blind, the Advisory Committee for General and Special Hospitals, the Advisory Committee for Children and Youth, the Advisory Committee for Public Assistance and the Advisory Committee for Mental Health, shall, concerning matters within their respective special fields of interest, have the power and their duty shall be:*

*(a) To advise the appropriate major program unit of the Department of Public Welfare. This advice shall include, but shall not be limited to, such matters as standards of eligibility, nature and extent of service, amounts of payments to individuals, standards of approval, certification and licensure of institutions and agencies, ways and means of coordinating public and private welfare activities, and such other matters as may, by law, require citizen review or may be referred to the committees by the departmental units advised by them; and the Advisory Committee for Mental Health shall also have the power and duty to advise the Governor and the Secretary of Public Welfare with regard to the appointment of the Commissioner of Mental Health.*

*(b) To arrange for and conduct such public hearings as may be required by law or which they deem necessary and advisable,*

*(c) To promote better public understanding of the programs and objectives of the departmental units advised by them, and*

*(d) To make recommendations to the State Board of Public Welfare on matters referred to the committees for consideration and advice, or as may be required to pro-*

*note the effectiveness of the programs of the departmental units advised by them.*

*Section 2329. Purchase of Services.—The Department of Public Welfare shall have the power:*

*(a) Whenever the General Assembly shall have appropriated money to the department for public welfare purposes, to purchase necessary services for individuals entitled to such services at rates charged the general public or actual cost, such services may be purchased directly from agencies or institutions conforming to minimum standards established by the department or by law, or the department may reimburse local public agencies which purchase such services from such agencies or institutions. This subsection shall not be interpreted to include the direct provision by the department of services to dependent or neglected children.*

*(b) To establish rules and regulations, not inconsistent with law, prescribing minimum standards of plant, equipment, service, administration, and care and treatment for agencies and institutions furnishing service to individuals paid for, in whole or in part, by money appropriated to the department by the General Assembly, and, when not otherwise established by law, fixing per diem or other rates for services furnished by such agencies or institutions.*

Section 9. (a) The following sections and parts of sections of the act are repealed. Specific repeals.

(1) Section 444, amended May 2, 1949 (P. L. 788).

(2) Subsection (g) of section 448.

(3) Subsection (i) of section 448, added by act of December 14, 1955 (P. L. 853).

(4) Section 450, added by act of June 24, 1937 (P. L. 2003).

(5) Section 2313.2, amended July 13, 1957 (P. L. 852).

(6) Subsections (b) and (c) of section 2316, amended July 13, 1957 (P. L. 852).

(7) Section 2317, amended July 13, 1957 (P. L. 852).

(8) Section 2326, added by act of July 13, 1957 (P. L. 852).

(b) Section 5 of the act of July 5, 1947 (P. L. 1335), known as the "Pennsylvania Hospital Survey and Construction Act," is repealed.

(c) The act of May 14, 1925 (P. L. 760), entitled "An act creating a State Council for the Blind as a depart-

mental administrative board within the Department of Welfare; and defining its powers and duties," is repealed.

Act effective immediately.

Section 10. This act shall take effect immediately.

APPROVED—The 21st day of December, A. D. 1959.

DAVID L. LAWRENCE

No. 710

AN ACT

Amending the act of June 29, 1953 (P. L. 300), entitled "An act providing for compliance with Federal law and the approval of certain institutions; providing for inspections of such institutions; conferring powers and imposing duties on the Department of Welfare; and imposing penalties," abolishing the advisory committee on standards and transferring its functions to the State Board of Public Welfare.

Institutions.

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

Second paragraph, section 3, act of June 29, 1953, P. L. 300, amended.

Section 1. The second paragraph of section 3 of the act of June 29, 1953 (P. L. 300), entitled "An act providing for compliance with the Federal law and the approval of certain institutions; providing for inspections of such institutions; conferring powers and imposing duties on the Department of Welfare; and imposing penalties," is amended to read as follows:

Section 3. Standards.—

\* \* \* \* \*

In the establishment, amendment or revocation of standards, the Department of Welfare shall confer with [an advisory committee of not less than seven or more than eleven persons, to be appointed by the Secretary of Welfare with the consent of the Governor, from representatives of recognized agencies and religious organizations conducting institutions and from the public at large. The Secretary of Welfare or someone designated by him shall be the chairman of the advisory committee] *the State Board of Public Welfare.*

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 21st day of December, A. D. 1959.

DAVID L. LAWRENCE