

No. 1982-166

AN ACT

HB 2101

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," providing for a Deputy Secretary for Aviation within the Department of Transportation, making editorial changes, providing for the establishment and maintenance of a center to provide ambulatory and inpatient services for the diagnosis, evaluation, treatment and rehabilitation of persons who have physical or neuro-developmental disabilities; providing for the transfer from the Commonwealth to the Pennsylvania State University of the functions and operations of the Elizabethtown Hospital for Children and Youth; making an appropriation to support the operation of the center and reserving oil, gas and mineral rights to the Commonwealth upon the conveyance of surplus land.

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

Section 1. Section 2001.3, act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," added May 6, 1970 (P.L.356, No.120), is amended to read:

Section 2001.3. Deputy Secretaries.—(a) The Secretary of Transportation shall appoint, with the approval of the Governor, **[five]** *six* deputy secretaries who shall have the title of Deputy Secretary for Administration, Deputy Secretary for Highway Administration, Deputy Secretary for Safety Administration, Deputy Secretary for Planning, **[and]** Deputy Secretary for Local and Area Transportation *and Deputy Secretary for Aviation*.

(b) The Deputy Secretary for Administration, with the approval of the Secretary of Transportation, shall have the powers and perform the duties and functions under this act regarding the fiscal affairs of the department, the management information systems, office services, personnel, and operations analysis and improvement.

(c) The Deputy Secretary for Highway Administration, with the approval of the Secretary of Transportation shall have the powers and perform the functions and duties provided in sections 2002 through 2009 of this act regarding the design, construction, maintenance and land

acquisition of State designated highways and shall assure that the design, maintenance, operation and replacement of highways will be such as to protect health and minimize danger to life or property.

(d) The Deputy Secretary for Safety Administration, with the approval of the Secretary of Transportation shall conduct a continuing study of means to prevent accidents and injuries on the highways, shall have the powers and perform the duties and functions heretofore imposed upon and performed by the Bureau of Motor Vehicles in the Department of Revenue and the Bureau of Traffic Safety in the Department of Revenue and shall exercise such powers and duties with regard to safety in other modes of transportation as may be prescribed by law.

(e) The Deputy Secretary for Planning, with the approval of the Secretary of Transportation shall have the powers and perform the functions and duties provided in this act with regard to environment, conservation, health, recreation and social considerations, transportation planning statistics, economic research, program and budget and advance planning.

(f) The Deputy Secretary for Local and Area Transportation, with the approval of the Secretary of Transportation shall have the powers and perform the functions and duties provided in sections 2002 and 2003 regarding services to municipalities, local and public transportation, planning, development and funding of local and public transportation, technological development of [air,] rail, water or other modes of transportation (except recreational boating and ferry licensing), environmental design, improvement of transportation services [and airports and aircraft] and shall perform the functions and duties heretofore imposed upon and performed by [the Department of Community Affairs and the Department of Commerce under the act of January 22, 1968 (Act No. 7), known as "The Pennsylvania Transportation Assistance Authority Act of 1967," by] the Mass Transportation Division in the Bureau of Community Development of the Department of Community Affairs, by the Secretary of Community Affairs under the act of January 22, 1968 (P.L.42, Act No. 8), known as the "Pennsylvania Urban Mass Transportation [Assistance] Law [of 1967]," [by the former Pennsylvania Aeronautics Commission in the Department of Military Affairs,] by the Department of Commerce in regard to High-Speed Rail Demonstration Programs and by the former Department of Highways in regard to the distribution of liquid fuels taxes to the municipalities and townships.

(g) *The Deputy Secretary for Aviation, with the approval of the Secretary of Transportation shall have the powers and perform the functions and duties as provided by law relating to the department's responsibilities for aviation, airports and air safety within the Commonwealth.*

Section 2. Section 2113 of the act is repealed.

Section 3. The act is amended by adding sections to read:

Section 2117. Center for Treatment of Physical and Neuro-developmental Disabilities.—(a) *Effective July 1, 1982, a center is hereby established to be managed and controlled by the Pennsylvania State Uni-*

versity to provide comprehensive diagnostic and treatment services for persons with physical and neuro-developmental disabilities amenable to medical, surgical and rehabilitative treatment.

(b) The entire management and control of the affairs of the center, including, without limitation, services, administration, finances and personnel, is hereby vested in the Pennsylvania State University, which may exercise with respect to the center all of the powers and franchises vested by law in the university. The Pennsylvania State University shall, to the extent financially feasible, provide a reasonable volume of services to persons unable to pay therefor.

(c) Effective July 1, 1982, the functions and operations¹ of the Commonwealth of Pennsylvania at the Elizabethtown Hospital for Children and Youth are hereby transferred to the Pennsylvania State University to be performed as a part of the functions and operations of the center established in subsection (a):²

(d) All allocations, appropriations, agreements to the extent assignable, leases and personal property of every nature of the Commonwealth which are used, employed or expended in connection with its duties, powers or functions relating to the Elizabethtown Hospital for Children and Youth are hereby transferred to the Pennsylvania State University. All employes, currently covered by a collective bargaining agreement, shall remain Commonwealth employes until termination of its lease. All moneys received by the university for services rendered by the Commonwealth at the Elizabethtown Hospital for Children and Youth prior to July 1, 1982, shall be remitted to the Commonwealth and all accounts payable arising from operations prior to July 1, 1982, shall be paid by the Commonwealth. Nothing contained herein shall impose upon the university any obligation, claim, demand or cause of action against the Commonwealth arising out of or in connection with the operation of the Elizabethtown Hospital for Children and Youth by the Commonwealth.

Section 2118. Lease Authority.—(a) The Department of General Services, with approval as provided by law, is hereby authorized on behalf of the Commonwealth of Pennsylvania to lease for \$1 to the Pennsylvania State University the remaining tracts of land as a unit, together with the improvements situate thereon, known as the Elizabethtown Hospital for Children and Youth, situate in the Township of Mount Joy, Lancaster County, in the Commonwealth of Pennsylvania:

All those four certain tracts of land situate in the Township of Mount Joy, Lancaster County, Pennsylvania, acquired by the Commonwealth of Pennsylvania under and by virtue of the act of May 14, 1925 (P.L. 749, No.408), entitled, as amended, "An act providing for the establishing and maintenance of a State hospital and center to provide ambulatory and inpatient services for the diagnosis, evaluation, treatment and rehabilitation of children and youth under age twenty-one who have physical or neuro-developmental disabilities; and making an appropriation," containing on the north side of Pennsylvania Route 230, 253.55 acres,

¹"operation" in original.

²"section 1" in original.

more or less, including parts thereof conveyed to the General State Authority and subject to the limitations on same totaling 3.828 acres for Projects No. GSA 304-1, 2, 3, 4, 5, 6, in the Main Hospital Complex.

Excepting thereout and therefrom three tracts of surplus land with buildings thereon submitted under Article XXIV-A of this act for sale or disposition, No. 1 containing 9 acres and buildings on both sides of Cassell Road; No. 2 containing a lot, a residence and garage; No. 3 containing the Superintendent's Residence and the surrounding land.

(b) The lease shall contain a provision to the effect that the term thereof shall end not later than the date that the university informs the Department of General Services that the leased premises will no longer be in use to perform the functions and operations of the Elizabethtown Hospital for Children and Youth.

Section 2119. Finances.—The Commonwealth of Pennsylvania hereby pledges its financial support to the Pennsylvania State University for the operation of the center at the Elizabethtown Hospital for Children and Youth until the termination of the lease, as provided in section 2118. In the event that the Commonwealth of Pennsylvania does not make annual appropriations during the term of the lease to the university in amounts not less than the amount appropriated for fiscal year 1981-1982 to the Department of Health for the operation of the Elizabethtown Hospital for Children and Youth, such amounts to escalate to reflect any annual increase in the General Fund Budget of the Commonwealth, the university may reduce or eliminate services of the center.

Section 4. Section 2405-A of the act is amended by adding a clause to read:

Section 2405-A. Conditions Upon Conveyances.—Any proposed disposition of property shall be subject to the following conditions and limitations:

* * *

(6) The deed of conveyance shall expressly reserve all oil, gas and mineral rights to the Commonwealth.

Section 5. All acts and parts of acts are hereby repealed insofar as they are inconsistent herewith.

Section 6. (a) Section 1 (section 2001.3) shall take effect January 1, 1984.

(b) Section 2 (section 2113), section 3 (sections 2117, 2118 and 2119), section 4 (section 2405-A), sections 5 and 6 shall take effect immediately.

APPROVED—The 22nd day of June, A. D. 1982.

DICK THORNBURGH