

No. 390

AN ACT

SB 1536

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," transferring agencies, functions, records, personnel, appropriations and equipment from the Department of Internal Affairs to several other designated departments; transferring membership on certain boards from the Secretary of Internal Affairs to other designated officers; abolishing the office of Secretary of Internal Affairs and abolishing the Department of Internal Affairs.

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

Section 1. Section 201, act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," amended February 1, 1966 (P. L. 1849), 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, [Secretary of Internal Affairs,] and Superintendent of Public Instruction; by the Executive Board, and the Pennsylvania State Police; by the following administrative departments: Department of State, Department of Justice, Department of the Auditor General, Treasury Department, [Department of Internal Affairs,] Department of Public Instruction, Department of Military Affairs, Insurance Department, Department of Banking, Department of Agriculture, Department of Forests and Waters, Department of Mines and Mineral Industries, Department of Highways, Department of Health, Department of Labor and Industry, Department of Public Welfare, Department of Property and Supplies, Department of Revenue, Department of Commerce and Department of Community Affairs; and by the following independent administrative boards and commissions: Pennsylvania Game Commission, Pennsylvania Fish Commission, State Civil Service Com-

mission, Pennsylvania Public Utility Commission, and the Pennsylvania Historical and Museum 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, shall apply to the Executive Board and to the Pennsylvania State Police.

Section 2. As much as applies to the Department of Internal Affairs of section 202 of the act, amended May 25, 1945 (P. L. 1015) and June 6, 1945 (P. L. 1398), 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 [Internal] Community Affairs,

Board of Property;

* * *

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

Section 3. As much as applies to the Department of Internal Affairs of section 206 of the act, amended February 1, 1966 (P. L. 1849), is 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 Internal Affairs, of the Department of Internal Affairs;]

* * *

Section 4. Section 212 of the act, amended April 23, 1941 (P. L. 21), is amended to read:

Section 212. Bureaus and Divisions.—The heads of the several administrative departments, except the Auditor General and the State Treasurer [and the Secretary of Internal Affairs,] and the several independent administrative boards and commissions shall, subject to the approval of the Executive Board, establish such bureaus or divisions in their respective departments, boards, or commissions, as may be required for the proper conduct of the work of such departments, boards or commissions [: Provided, That there shall always be, in the Department of Internal Affairs, a Bureau of Industrial Statistics].

Section 5. The first paragraph of section 213 of the act, amended June 25, 1947 (P. L. 935), is amended to read:

Section 213. Deputies.—The head of any administrative department, except the Auditor General and the State Treasurer [and the Secretary of the Department of Internal Affairs] shall have the power, with the approval of the Governor, to appoint and fix the compensation of a deputy, or such number of deputies as the Executive Board shall approve, who shall, in the absence of the head of such department, have the right to exercise all the powers and perform all the duties by law vested in and imposed upon the head of such department, except the power to appoint deputies, bureau or division chiefs, or other assistants or employes, and who may, at any time, exercise such of the powers and perform such of the duties of the head of his department as may be prescribed by the head of his department: Provided, however, That any such deputy shall not have the right to exercise any power or perform any duty which the Constitution of the Commonwealth of Pennsylvania requires the head of his department personally to exercise or perform.

* * *

Section 6. The first and second paragraphs of section 214 of the act, amended August 21, 1953 (P. L. 1329), are amended to read:

Section 214. Employment and Compensation of Directors, Bureau Chiefs, and Other Employes.—Except as otherwise provided in this section and in the Civil Service Act, the heads of the several administrative departments, except the Auditor General and the State Treasurer [and the Secretary of the Department of Internal Affairs], and the independent administrative boards and commissions, shall appoint and fix the compensation of such directors, superintendents, bureau or division chiefs, assistant directors, assistant superintendents, assistant chiefs, experts, scientists, engineers, surveyors, draftsmen, accountants, secretaries, auditors, inspectors, examiners, statisticians, marshals, clerks, stenographers, bookkeepers, messengers, and other assistants and employes as may be required for the proper conduct of the work of their respective departments, boards, or commissions. Except as otherwise provided in this act, the heads of the respective administrative departments shall appoint and fix the compensation of such clerks, stenographers, and other assistants, as may be required for the proper conduct of the work of any departmental administrative bodies, boards, commissions, or officers, and of any advisory boards or commissions established in their respective departments.

The Governor shall have the power and authority to appoint and fix the compensation of a comptroller in each administrative department, except the Department of the Auditor General and the Treasury Department [and the Department of Internal Affairs], and in each independent administrative board and commission, together with all accountants, auditors, clerks, stenographers, bookkeepers, and other

assistants and employes, as may be required for the proper conduct of the work of the comptroller in such department, board or commission. All comptrollers and other related employes so appointed shall succeed to the functions and duties of the respective comptrollers and related employes theretofore appointed by the heads of such departments, boards and commissions, and shall be under and subject to the direct regulation, supervision and control of the Governor or such employe in his office as he may designate for that purpose. The compensation of all comptrollers and other related employes shall be paid out of appropriations made to the respective departments, boards or commissions in which they exercise their functions and duties.

* * *

Section 7. Section 406 of the act is amended to read:

Section 406. Board of Property.—The Board of Property shall consist of the Secretary of [Internal] Community Affairs, the Secretary of the Commonwealth, and the Attorney General. Two members of the board shall constitute a quorum.

Section 8. Section 432 of the act, amended June 6, 1945 (P. L. 1398), is amended to read:

Section 432. Geographic Board.—The Geographic Board shall consist of the Secretary of Forests and Waters, who shall be the chairman thereof, the Secretary of Highways, the chairman of the Pennsylvania Historical and Museum Commission, and such officer of [the Department of Internal Affairs] an administrative department

as shall be designated by the Governor.

Three members of the board shall constitute a quorum.

Section 9. Section 434 of the act, amended April 25, 1949 (P. L. 729), is amended to read:

Section 434. Pennsylvania State Park and Harbor Commission of Erie.—The Pennsylvania State Park and Harbor Commission of Erie shall consist of the Secretary of Forests and Waters, [the Secretary of Internal Affairs,] the Executive Director of the Pennsylvania Fish Commission, ex officio, and nine other persons, of whom two shall be appointed by the council of the City of Erie.

The commission shall annually elect a chairman and a secretary.

Five members of the commission shall constitute a quorum.

Section 10. Subsections (b) and (d) of section 514 of the act, amended July 21, 1941 (P. L. 429), are amended to read:

Section 514. Sale of Real Estate and Grants of Rights of Way or Other Rights Over or in Real Estate; Tapping Water Lines of Institutions and Sanitoria.—* * *

(b) Any department, board, or commission, having control over lands of the Commonwealth underlaid with veins of coal, may, with the approval of the Governor, exchange part of such coal for coal in place, owned by private interests, which may be necessary to insure lateral or surface support for any building, reservoir, or structure erected or to be erected on such lands of the Commonwealth: Pro-

vided, That the coal given by the department, board, or commission, to private interests, shall be approximately equivalent in value to the coal received in exchange therefor; every such department, board, or commission is hereby authorized and empowered to execute and deliver and to receive legal instruments and deeds necessary to effectuate any exchange authorized hereunder, which instruments and deeds shall have the prior approval of the Department of Justice, and a copy thereof shall be filed with the Department of [Internal] Community Affairs.

* * *

(d) In the event that the facilities of any corporation heretofore created under the act, approved the twenty-ninth day of April, one thousand eight hundred seventy-four (Pamphlet Laws, seventy-three), section two, clause eleven, as amended by the act, approved the eighth day of May, one thousand eight hundred eighty-nine (Pamphlet Laws, one hundred thirty-six), are located by virtue of a permanent easement, right of way upon, across, over, under or along lands of the Commonwealth, which lands were acquired by it subject to such easement or right of way and in the interest of national defense, such corporation consents or is required to remove or dispose of such facilities and abandon such easement or right of way, any department, board or commission having control over such lands of the Commonwealth may, with the approval of the Governor, and upon the surrender to the Commonwealth of the easement or right of way pertaining to such facilities grant to such corporation a permanent easement or right of way upon, across, over, under or along other lands of the Commonwealth in the same locality. Every such department, board or commission is hereby authorized and empowered to execute and deliver and to receive deeds or other legal instruments necessary to effectuate such grant and surrender, which deeds or instruments shall have the prior approval of the Department of Justice, and a copy thereof shall be filed with the Department of [Internal] Community Affairs.

* * *

Section 11. Section 527 of the act, added June 5, 1947 (P. L. 407), is amended to read:

Section 527. Filing and Record Systems.—The Governor shall, from time to time, cause studies to be made of the accumulations of files of correspondence, reports, records and other papers in possession of departments, boards and commissions, and may direct said departments, boards or commissions to comply with the provisions of sections 524 and 525 of this act. The requisitions, warrants, cancelled checks, books, records, correspondence and files of the Department of the Auditor General [, the Department of Internal Affairs,] and the Treasury Department, which date back a period of four years or more, shall be expressly covered by the provisions of this section.

Section 12. The first paragraph of section 604 and section 605 of the act, amended June 3, 1943 (P. L. 833), are amended to read:

Section 604. Estimates of Current Expenditures by Departments, Boards, and Commissions.—Each administrative department, board, and commission, except the departments of which the Auditor General [, Secretary of Internal Affairs] and the State Treasurer are respectively the heads, shall, from time to time, as requested by the Governor, prepare and submit to the Governor, for approval or disapproval, an estimate of the amount of money required for each activity or function to be carried on by such department, board or commission, during the ensuing month, quarter, or such other period as the Governor shall prescribe. If such estimate does not meet with the approval of the Governor, it shall be revised in accordance with the Governor's desires and resubmitted for approval.

* * *

Section 605. Estimates of Current Expenditures by Departments of Elective Officers.—The Auditor General [, Secretary of Internal Affairs] and State Treasurer shall, from time to time, as requested by the Governor, prepare and submit to the Governor estimates of the amounts of money required for each activity or function to be carried on by their respective departments during the ensuing month, quarter, or such other period as the Governor shall prescribe.

Section 13. The first paragraph of section 608 of the act, added February 8, 1961 (P. L. 3), is amended to read:

Section 608. Fiscal Period.—All books and accounts kept by the Auditor General [, Secretary of Internal Affairs] and the State Treasurer and every department, board and commission shall be kept as of the fiscal year or period. The fiscal period shall begin June 1, 1961, and shall not be deemed ended until June 30, 1962. Thereafter, the fiscal year shall be the period beginning on the first day of July of each calendar year and ending on the thirtieth day of June of the calendar year next succeeding.

* * *

Section 14. Clauses (d) and (e) of section 701 of the act, amended May 21, 1943 (P. L. 467), are amended to read:

Section 701. The Governor.—The Governor shall have the power and it shall be his duty:

* * *

(d) To prescribe and require the installation of a uniform system or systems of bookkeeping, accounting, and reporting, for the several administrative departments, boards, and commissions, except for the Department of the Auditor General and the Treasury Department [and the Department of Internal Affairs] but, before prescribing and requiring such installation, the Governor shall consult with the Department of the Auditor General;

(e) To prescribe forms for accounts and financial records, reports, and statements, for the several administrative departments, boards, and commissions, except the Department of the Auditor General and

the Treasury Department [and the Department of Internal Affairs] but, before prescribing such forms, the Governor shall consult with the Department of the Auditor General;

* * *

Section 15. Section 705 of the act is repealed.

Section 16. Clauses (a), (b) and (j) of section 709 of the act, amended April 23, 1941 (P. L. 21), are amended to read:

Section 709. Executive Board.—Subject to the provisions of this act, the Executive Board shall have the power:

(a) To standardize the qualifications for employment, and all titles, salaries, and wages, of persons employed by the administrative departments, boards, and commissions, except the Department of the Auditor General and the Treasury Department [and the Department of Internal Affairs]. In establishing such standards the board may:

(1) Take into consideration the location of the work and the conditions under which the service is rendered,

(2) Establish different standards for different kinds, grades and classes of similar work or service;

(b) To approve or disapprove the establishment of bureaus and divisions by the administrative departments, other than the Department of the Auditor General and the Treasury Department [and the

Department of Internal Affairs], and by the independent administrative boards and commissions, and to investigate duplication of work of the several administrative departments, boards, and commissions, and the efficiency of the organization and administration thereof, and the better coordination of such departments, boards, and commissions;

* * *

(j) From time to time to determine the number and type of automobiles to be purchased by the Department of Property and Supplies, acting either on its own behalf or as purchasing agency for any other department, except the Department of the Auditor General and the

Treasury Department [and the Department of Internal Affairs], or for any board or commission, and to make rules and regulations for the use of State automobiles by State officers and employes, except the Department of the Auditor General and the Treasury Department [and the Department of Internal Affairs].

* * *

Section 17. Section 1201 of the act is repealed.

Section 18. The introductory paragraph of section 1203 of the act is amended to read:

Section 1203. Land Office.—The Department of [Internal] Community Affairs shall have the power, and its duty shall be:

* * *

Section 19. The introductory paragraph of section 1205 of the act is amended to read:

Section 1205. Statistics and Information.—The Department of [Internal Affairs] Commerce shall have the power, and its duty shall be:

* * *

Section 20. The introductory paragraph of section 1206 of the act is amended to read:

Section 1206. Standards.—The Department of [Internal Affairs] Justice shall have the power, and its duty shall be:

* * *

Section 21. The second paragraph of section 1207 of the act, amended July 29, 1953 (P. L. 1023), is amended to read:

Section 1207. Board of Property.—* * *

It shall hear and determine, in all cases of controversy on caveats, in all matters of difficulty or irregularity touching escheats, warrants on escheats, warrants to agree, rights of preemption, promises, imperfect titles, or otherwise, which heretofore have or hereafter may arise in transacting the business of the Land Office in the Department of [Internal] Community Affairs: Provided, however, That no determination of the Board of Property shall be deemed, taken and construed to prevent either of the parties from bringing their action at the common law, either for the recovery of possession or determining damages for waste or trespass.

* * *

Section 22. Section 1210 of the act, added April 29, 1937 (P. L. 536), is amended to read:

Section 1210. Pennsylvania System of Coordinates.—The Department of [Internal] Community Affairs shall have power, and its duty shall be, to establish and regulate the establishment in this Commonwealth of the system of rectangular coordinates which has been established and adopted by the United States Coast and Geodetic Survey for defining and stating the positions and location of points on the surface of the earth, to establish or fix triangulation and traverse stations, to collect, check, coordinate and preserve survey data, to advise with parties using the system of coordinates, to supervise the marking of surveys which are to become a part of the system, to keep official records of all surveys and maps, to administer the law establishing the "Pennsylvania Coordinate System," and to adopt and enforce such rules and regulations as may be deemed necessary to carry these powers into effect, and to administer the law relating to the "Pennsylvania Coordinate System."

Section 23. The sixth paragraph of section 2407 of the act, amended June 3, 1943 (P. L. 833), is amended to read:

Section 2407. Automobiles.—* * *

The Department of Property and Supplies shall require every administrative department, including the Department of Highways, and every independent administrative and departmental administra-

tive board or commission, to report to it monthly, upon forms supplied by it, and with such detail as it shall require, the places to and from which each automobile was operated, the mileage traveled, the amount of oil and gasoline purchased, the names of employes of the department, board, or commission operating each automobile, the names of the employes of the department, board, or commission for whom the automobiles were operated, and such other information as may be necessary to enable the Department of Property and Supplies to make and keep complete records of the use and cost of operation of all State automobiles, except that it shall not be necessary for the Department of the Auditor General, [the Department of Internal Affairs,] the Treasury Department, or the Pennsylvania State Police, to report the places to and from which, or the names of the persons by or for whom automobiles were operated.

* * *

Section 24. All personnel, appropriations, allocations, contracts, agreements, equipment, files, obligations and other materials which relate to the administration and enforcement of any act as it relates to the Department of Internal Affairs are hereby transferred to the State Planning Board, to the Department of Commerce, to the Department of Community Affairs and to the Department of Justice as the case may be, to the degree that such matter relates to a function or duty transferred to such department, with the same force and effect as if the appropriations had been made to such department in the first instance.

Section 25. The office of Secretary of Internal Affairs is hereby abolished.

Section 26. The Department of Internal Affairs is hereby abolished.

Section 27. All acts or parts of acts conferring any powers or imposing any duties on the Secretary of Internal Affairs are repealed to the extent they confer powers or impose duties.

Section 28. This act shall take effect immediately.

APPROVED—The 18th day of December, A. D. 1968.

RAYMOND P. SHAFER.

No. 391

AN ACT

SB 1546

Amending the act of May 11, 1949 (P. L. 1116), entitled "An act to regulate deliveries of light fuel oil to domestic consumers; conferring powers and imposing duties on the Department of Internal Affairs and the inspectors of weights and measures of the several counties and cities; and prescribing penalties," transferring jurisdiction of administering and enforcing the