



Commonwealth of Pennsylvania
GOVERNOR'S OFFICE

MANAGEMENT DIRECTIVE

260.2 Amended
Number

Subject:

Reorganization Plans for Transfers of Functions Between Agencies

By Direction of:


John T. Tighe, III, Secretary of Administration

Date:

November 16, 1987

All transfers of statutory functions from one agency to one or more other agencies must be submitted to the General Assembly as Reorganization Plans.

1. **PURPOSE.** To establish procedures for submitting reorganization plans to the General Assembly.

2. **SCOPE.** Applies to proposals to transfer statutory functions or activities from one agency to another.

3. **OBJECTIVES.**

a. To establish a standard processing system that will reduce delays and insure consistency of the development of reorganization plans.

b. To encourage adequate advance planning by agencies involved in the transfer of functions or activities.

c. To insure that the transfer of functions or activities between agencies is performed in an effective and efficient manner and that there is sufficient reason and justification for their transfer.

4. **POLICY.**

a. The Reorganization Act of 1955 (April 7, 1955, P.L. 23) requires that transfers of agency functions within State Government be

submitted by the Governor to the General Assembly for approval or disapproval.

b. Under the provisions of Section 3 of the Reorganization Act of 1955 the objectives and purposes of reorganization plans are:

"(1) To promote the better execution of the laws, the more effective management of the executive and administrative 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.”

c. Under the provisions of Section 4 of the Reorganization Act of 1955 the Governor must transmit reorganization plans to the General Assembly with a declaration that the reorganizations are necessary to accomplish one or more of the purposes of the Act (paragraph b, above).

d. Additional contents of reorganization plans are provided in Section 5. Any reorganization plan transmitted by the Governor:

“(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. . .;

“(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;

“(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.”

e. Under the provisions of Section 7 of the Reorganization Act of 1955:

(1) “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.

(2) “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

(3) “May be disapproved by either house during that period by a majority vote of the duly elected membership of each house.”

“The effective date of each reorganization plan shall be the date of approval of the last of the two houses to act. [Also,] 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 [paragraph d(2) or (3), above,] each reorganization plan shall become effective. Any provision of the plan, under provisions contained in the plan, be made operative at a time later than the date on which the plan otherwise [would take] effect.” In computing the thirty-day period, all days on which either House is adjourned for more than ten days are excluded.

5. DEFINITIONS. To provide a better understanding of reorganization plans and to insure consistency in their development, the following definitions are to be used as guidelines for the purposes of this directive:

a. Agency means any executive or administrative department, commission, board, or similar organization under the Governor’s jurisdiction.

b. Reorganization means (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 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.

c. Functions are a group of related actions or activities performed regularly within an operational unit of an agency.

6. RESPONSIBILITIES.

- **a. The Office of Administration** will serve as the designated agency for insuring that reorganization plans are properly developed and submitted in a timely manner for transmission to the Governor.

b. The Bureau of Management Services, OA, will serve as the reviewing and coordinating organization. When the need to transfer functions between agencies becomes known, the Bureau of Management Services has guidelines for preparing reorganization plans and must be contacted for assistance as soon as possible.

7. PROCEDURES.

Action By	Step	Action
Affected Agencies.	1.	Agree to the proposed transfer of functions and responsibilities. NOTE: if the transfer of functions involves units at the division level or above, or if significant changes are made to an existing organization, Executive Board approval will also be required. (Refer to Management Directive 260.1 for Executive Board requests.)
	2.	Prepare : <ul style="list-style-type: none"> a. Justification for the proposed transfer, signed by both agency heads.

Action By	Step	Action
Affected Agencies.	b.	Draft reorganization plan (must cite all statutes affecting the functions to be transferred).
	c.	Draft transmittal message from the Governor to the General Assembly. Draft must explain the justification for the transfer and the effect on services, programs, personnel, and costs.
Agency Chief Counsels.	3.	Approve draft reorganization plan for form and legality.
	4.	Send original and three copies of proposal to OA.
OA.	5.	Reviews proposal, considering sufficiency of justification; organization placement; budgetary and personnel impacts; and conformity to established priorities and policies.
	6.	Approves plan.
Secretary, OA.	7.	Submits proposal to the Secretary for Legislative Affairs.
	8.	Prepares proposal for submission to the General Assembly.
Secretary for Legislative Affairs.	9.	Submits proposal to the General Assembly.
	10.	Places on legislative calendar.
General Assembly.		

This amended version replaces in its entirety Management Directive 260.2, dated October 23, 1981.