

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 510 Session of
2001

INTRODUCED BY REINARD AND McILHINNEY, FEBRUARY 6, 2001

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 18, 2001

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," FURTHER PROVIDING FOR <—
21 FURNISHING LISTS OF EMPLOYEES TO CERTAIN STATE OFFICERS;
22 ESTABLISHING THE OFFICE OF CONSUMER ADVOCATE FOR INSURANCE;
23 requiring the Department of Environmental Protection to give
24 notice to municipalities of orders for abatement of nuisances
25 and examinations AND TO SUBMIT CERTAIN REPORTS TO THE GENERAL <—
26 ASSEMBLY; PROVIDING FOR MINIMUM WAGE RATES; MAKING A REPEAL;
27 and making editorial changes.

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

30 ~~Section 1. Section 1917 A of the act of April 9, 1929~~ <—

1 ~~(P.L.177, No.175), known as The Administrative Code of 1929,~~
2 ~~added December 3, 1970 (P.L.834, No.275), is amended to read:~~

3 SECTION 1. SECTION 614(A) AND (C) OF THE ACT OF APRIL 9, <—
4 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF
5 1929, AMENDED AUGUST 14, 1997 (P.L.530, NO.57), ARE AMENDED TO
6 READ:

7 SECTION 614. LIST OF EMPLOYES TO BE FURNISHED TO CERTAIN
8 STATE OFFICERS.--(A) ALL ADMINISTRATIVE DEPARTMENTS, BOARDS,
9 AND COMMISSIONS AND THE ATTORNEY GENERAL SHALL ON JULY 15 OF
10 EACH YEAR, TRANSMIT TO THE AUDITOR GENERAL, THE STATE TREASURER
11 AND SECRETARY OF THE BUDGET A COMPLETE LIST, AND TO THE
12 LEGISLATIVE DATA PROCESSING CENTER A COMPUTER TAPE OF SUCH LIST,
13 AS OF JULY 1 PRECEDING, OF THE NAMES OF ALL PERSONS, EXCEPT DAY-
14 LABORERS, ENTITLED TO RECEIVE COMPENSATION FROM THE COMMONWEALTH
15 FOR SERVICES RENDERED IN OR TO THE DEPARTMENT, BOARD, OR
16 COMMISSION, AS THE CASE MAY BE. SUCH LIST SHALL SHOW THE
17 POSITION OCCUPIED BY EACH SUCH PERSON, THE DATE OF BIRTH AND
18 VOTING RESIDENCE OF SUCH PERSON, THE SALARY AT WHICH OR OTHER
19 BASIS UPON WHICH SUCH PERSON IS ENTITLED TO BE PAID, THE DATE
20 WHEN SUCH PERSON ENTERED THE SERVICE OF THE COMMONWEALTH,
21 WHETHER SUCH PERSON HAS BEEN CONTINUOUSLY EMPLOYED BY THE
22 COMMONWEALTH SINCE THAT DATE, AND ALL PERIODS OF SERVICE AND
23 POSITIONS HELD AS AN EMPLOYEE OF THE COMMONWEALTH, OR SUCH PART
24 OF SUCH INFORMATION AS THE GOVERNOR MAY PRESCRIBE.

25 NOTWITHSTANDING THE PRECEDING REQUIREMENT, THE LISTS OF PERSONS
26 FURNISHED BY THE DEPARTMENT OF CORRECTIONS, THE BOARD OF
27 PROBATION AND PAROLE AND THE PARDONS BOARD SHALL ALSO LIST THE
28 COUNTY OF RESIDENCE OF EACH PERSON.

29 * * *

30 (C) THE INFORMATION RECEIVED BY THE AUDITOR GENERAL, THE

1 STATE TREASURER AND THE SECRETARY OF THE BUDGET, UNDER THIS
2 SECTION, SHALL BE PUBLIC INFORMATION[.], EXCEPT THAT THE
3 INFORMATION IDENTIFYING THE VOTING RESIDENCE OF THE PERSONS
4 FURNISHED BY THE DEPARTMENT OF CORRECTIONS, THE BOARD OF
5 PROBATION AND PAROLE AND THE PARDONS BOARD IS NOT PUBLIC
6 INFORMATION AND MAY NOT BE TREATED AS SUCH.

7 SECTION 2. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ:

8 ARTICLE IX-C

9 OFFICE OF CONSUMER ADVOCATE FOR INSURANCE

10 SECTION 901-C. DEFINITIONS.--AS USED IN THIS ARTICLE:

11 "CONSUMER" MEANS ANY PERSON WHO IS A NAMED INSURED, INSURED
12 OR BENEFICIARY OF A POLICY OF INSURANCE OR ANY OTHER PERSON WHO
13 MAY BE AFFECTED IN ANY WAY BY THE INSURANCE DEPARTMENT'S
14 EXERCISE OF OR THE FAILURE TO EXERCISE ITS AUTHORITY.

15 "DEPARTMENT" MEANS THE INSURANCE DEPARTMENT OF THE
16 COMMONWEALTH AND INCLUDES THE INSURANCE COMMISSIONER.

17 "FUND" MEANS THE CONSUMER ADVOCATE FOR INSURANCE FUND
18 ESTABLISHED PURSUANT TO SECTION 906-C.

19 "INSURER" MEANS ANY "COMPANY," "ASSOCIATION" OR "EXCHANGE" AS
20 SUCH TERMS ARE DEFINED IN SECTION 101 OF THE ACT OF MAY 17, 1921
21 (P.L.789, NO.285), KNOWN AS "THE INSURANCE DEPARTMENT ACT OF
22 1921" OR ANY ENTITY SUBJECT TO 40 PA.C.S. CH. 61 (RELATING TO
23 HOSPITAL PLAN CORPORATIONS) OR 63 (RELATING TO PROFESSIONAL
24 HEALTH SERVICES PLAN CORPORATIONS) OR THE ACT OF DECEMBER 29,
25 1972 (P.L.1701, NO.364), KNOWN AS THE "HEALTH MAINTENANCE
26 ORGANIZATION ACT," OR THE ACT OF DECEMBER 14, 1992 (P.L.835,
27 NO.134), KNOWN AS THE "FRATERNAL BENEFIT SOCIETIES CODE."

28 SECTION 902-C. OFFICE OF CONSUMER ADVOCATE FOR INSURANCE.--

29 (A) THERE IS HEREBY ESTABLISHED AS AN INDEPENDENT OFFICE WITHIN
30 THE OFFICE OF ATTORNEY GENERAL AN OFFICE OF CONSUMER ADVOCATE

1 FOR INSURANCE APPOINTED BY THE ATTORNEY GENERAL TO REPRESENT THE
2 INTEREST OF CONSUMERS BEFORE THE DEPARTMENT.

3 (B) THE OFFICE OF CONSUMER ADVOCATE FOR INSURANCE SHALL BE
4 HEADED BY THE CONSUMER ADVOCATE FOR INSURANCE APPOINTED BY THE
5 ATTORNEY GENERAL WHO BY REASON OF TRAINING, EXPERIENCE AND
6 ATTAINMENT IS QUALIFIED TO REPRESENT THE INTEREST OF CONSUMERS.
7 COMPENSATION SHALL BE SET BY THE EXECUTIVE BOARD.

8 (C) NO INDIVIDUAL WHO SERVES AS A CONSUMER ADVOCATE FOR
9 INSURANCE SHALL, WHILE SERVING IN THE POSITION, ENGAGE IN ANY
10 BUSINESS, VOCATION OR OTHER EMPLOYMENT, OR HAVE OTHER INTERESTS,
11 INCONSISTENT WITH THE OFFICIAL RESPONSIBILITIES, NOR SHALL THE
12 INDIVIDUAL SEEK OR ACCEPT EMPLOYMENT NOR RENDER BENEFICIAL
13 SERVICES FOR COMPENSATION WITH ANY INSURER SUBJECT TO THE
14 AUTHORITY OF THE OFFICE DURING THE TENURE OF THE APPOINTMENT AND
15 FOR A PERIOD OF TWO YEARS IMMEDIATELY AFTER THE APPOINTMENT IS
16 SERVED OR TERMINATED.

17 (D) ANY INDIVIDUAL WHO IS APPOINTED TO THE POSITION OF
18 CONSUMER ADVOCATE FOR INSURANCE SHALL NOT SEEK ELECTION NOR
19 ACCEPT APPOINTMENT TO ANY POLITICAL OFFICE DURING THE TENURE AS
20 CONSUMER ADVOCATE FOR INSURANCE AND FOR A PERIOD OF TWO YEARS
21 AFTER THE APPOINTMENT IS SERVED OR TERMINATED.

22 SECTION 903-C. ASSISTANT CONSUMER ADVOCATES FOR INSURANCE;
23 EMPLOYES.--THE CONSUMER ADVOCATE FOR INSURANCE SHALL APPOINT
24 ATTORNEYS AS ASSISTANT CONSUMER ADVOCATES FOR INSURANCE AND
25 ADDITIONAL CLERICAL, TECHNICAL AND PROFESSIONAL STAFF AS MAY BE
26 APPROPRIATE, AND MAY CONTRACT FOR ADDITIONAL SERVICES AS SHALL
27 BE NECESSARY FOR THE PERFORMANCE OF THE DUTIES IMPOSED BY THIS
28 ARTICLE. THE COMPENSATION OF ASSISTANT CONSUMER ADVOCATES FOR
29 INSURANCE AND CLERICAL, TECHNICAL AND PROFESSIONAL STAFF SHALL
30 BE SET BY THE EXECUTIVE BOARD. NO ASSISTANT CONSUMER ADVOCATE

1 FOR INSURANCE OR OTHER STAFF EMPLOYEE SHALL, WHILE SERVING IN THE
2 POSITION, ENGAGE IN ANY BUSINESS, VOCATION OR OTHER EMPLOYMENT,
3 OR HAVE OTHER INTERESTS, INCONSISTENT WITH OFFICIAL
4 RESPONSIBILITIES.

5 SECTION 904-C. POWERS AND DUTIES OF THE CONSUMER ADVOCATE
6 FOR INSURANCE.--(A) IN ADDITION TO ANY OTHER AUTHORITY
7 CONFERRED BY THIS ARTICLE, THE CONSUMER ADVOCATE FOR INSURANCE
8 IS AUTHORIZED TO AND SHALL, IN CARRYING OUT THE RESPONSIBILITIES
9 UNDER THIS ARTICLE, REPRESENT THE INTEREST OF CONSUMERS AS A
10 PARTY, OR OTHERWISE PARTICIPATE FOR THE PURPOSE OF REPRESENTING
11 AN INTEREST OF CONSUMERS, BEFORE THE DEPARTMENT IN ANY MATTER
12 PROPERLY BEFORE THE DEPARTMENT, AND BEFORE ANY COURT OR AGENCY,
13 INITIATING PROCEEDINGS IF, IN THE JUDGMENT OF THE CONSUMER
14 ADVOCATE FOR INSURANCE, THE REPRESENTATION MAY BE NECESSARY, IN
15 CONNECTION WITH ANY MATTER INVOLVING REGULATION BY THE
16 DEPARTMENT OR THE CORRESPONDING REGULATORY AGENCY OF THE FEDERAL
17 GOVERNMENT, WHETHER ON APPEAL OR OTHERWISE INITIATED.

18 (B) THE CONSUMER ADVOCATE FOR INSURANCE MAY EXERCISE
19 DISCRETION IN DETERMINING THE INTERESTS OF CONSUMERS WHICH WILL
20 BE ADVOCATED IN ANY PARTICULAR PROCEEDING AND IN DETERMINING
21 WHETHER OR NOT TO PARTICIPATE IN OR INITIATE ANY PARTICULAR
22 PROCEEDING AND, IN SO DETERMINING, SHALL CONSIDER THE PUBLIC
23 INTEREST, THE RESOURCES AVAILABLE AND THE SUBSTANTIALITY OF THE
24 EFFECT OF THE PROCEEDING ON THE INTEREST OF CONSUMERS. THE
25 CONSUMER ADVOCATE FOR INSURANCE MAY REFRAIN FROM INTERVENING
26 WHEN, IN THE JUDGMENT OF THE CONSUMER ADVOCATE FOR INSURANCE,
27 INTERVENTION IS NOT NECESSARY TO REPRESENT ADEQUATELY THE
28 INTEREST OF CONSUMERS.

29 (C) IN ADDITION TO ANY OTHER AUTHORITY CONFERRED BY THIS
30 ARTICLE, THE CONSUMER ADVOCATE FOR INSURANCE IS AUTHORIZED TO

1 REPRESENT AN INTEREST OF CONSUMERS WHICH IS PRESENTED FOR
2 CONSIDERATION, UPON PETITION IN WRITING, BY A SUBSTANTIAL NUMBER
3 OF PERSONS WHO ARE CONSUMERS OF AN INSURER SUBJECT TO REGULATION
4 BY THE DEPARTMENT. THE CONSUMER ADVOCATE FOR INSURANCE SHALL
5 NOTIFY THE PRINCIPAL SPONSORS OF THE PETITION WITHIN A
6 REASONABLE TIME AFTER RECEIPT OF THE PETITION OF THE ACTION
7 TAKEN OR INTENDED TO BE TAKEN WITH RESPECT TO THE INTEREST OF
8 CONSUMERS PRESENTED IN THAT PETITION. IF THE CONSUMER ADVOCATE
9 FOR INSURANCE DECLINES OR IS UNABLE TO REPRESENT THE INTEREST,
10 WRITTEN NOTIFICATION AND THE REASONS FOR THE ACTION SHALL BE
11 GIVEN TO THE SPONSORS.

12 (D) ANY ACTION BROUGHT BY THE CONSUMER ADVOCATE FOR
13 INSURANCE BEFORE A COURT OR AN AGENCY OF THIS COMMONWEALTH SHALL
14 BE BROUGHT IN THE NAME OF THE CONSUMER ADVOCATE FOR INSURANCE:
15 PROVIDED, THAT THE CONSUMER ADVOCATE FOR INSURANCE MAY NAME A
16 CONSUMER OR GROUP OF CONSUMERS IN WHOSE NAME THE ACTION MAY BE
17 BROUGHT OR MAY JOIN WITH A CONSUMER OR GROUP OF CONSUMERS IN
18 BRINGING THE ACTION.

19 (E) AT A TIME AS THE CONSUMER ADVOCATE FOR INSURANCE
20 DETERMINES, IN ACCORDANCE WITH APPLICABLE TIME LIMITATIONS, TO
21 INITIATE, INTERVENE OR OTHERWISE PARTICIPATE IN ANY DEPARTMENT,
22 AGENCY OR COURT PROCEEDING, THE CONSUMER ADVOCATE FOR INSURANCE
23 SHALL ISSUE PUBLICLY A WRITTEN STATEMENT, A COPY OF WHICH SHALL
24 BE FILED IN THE PROCEEDING IN ADDITION TO ANY REQUIRED ENTRY OF
25 APPEARANCE, STATING CONCISELY THE SPECIFIC INTEREST OF CONSUMERS
26 TO BE PROTECTED.

27 (F) THE CONSUMER ADVOCATE FOR INSURANCE SHALL BE SERVED WITH
28 COPIES OF ALL FILINGS, CORRESPONDENCE OR OTHER DOCUMENTS FILED
29 BY INSURERS WITH THE DEPARTMENT UNLESS THE CONSUMER ADVOCATE FOR
30 INSURANCE INFORMS THE INSURER THAT SPECIFIC TYPES OF CLASSES OF

DOCUMENTS NEED NOT BE SO SERVED. THE DEPARTMENT SHALL NOT ACCEPT A DOCUMENT AS TIMELY FILED IF THE DOCUMENT IS ALSO REQUIRED TO BE SERVED ON THE CONSUMER ADVOCATE FOR INSURANCE AND THE INSURER HAS NOT INDICATED THAT SERVICE HAS OR IS BEING MADE ON THE CONSUMER ADVOCATE FOR INSURANCE. INSURERS SHALL PROVIDE ANY OTHER NONPRIVILEGED INFORMATION OR DATA REQUESTED BY THE CONSUMER ADVOCATE FOR INSURANCE TO THE EXTENT THAT THE REQUEST IS REASONABLY RELATED TO THE PERFORMANCE OF HIS DUTIES UNDER THIS ARTICLE.

SECTION 905-C. DUTIES OF THE DEPARTMENT.--IN DEALING WITH ANY PROPOSED ACTION WHICH MAY SUBSTANTIALLY AFFECT THE INTEREST OF CONSUMERS, INCLUDING, BUT NOT LIMITED TO, A PROPOSED CHANGE OF RATES AND THE ADOPTION OF RULES, REGULATIONS, GUIDELINES, ORDERS, STANDARDS OR FINAL POLICY DECISIONS, THE DEPARTMENT SHALL:

(1) NOTIFY THE CONSUMER ADVOCATE FOR INSURANCE AND PROVIDE, FREE OF CHARGE, COPIES OF ALL RELATED DOCUMENTS WHEN NOTICE OF THE PROPOSED ACTION IS GIVEN TO THE PUBLIC OR AT A TIME FIXED BY AGREEMENT BETWEEN THE CONSUMER ADVOCATE FOR INSURANCE AND THE DEPARTMENT IN A MANNER TO ASSURE THE CONSUMER ADVOCATE FOR INSURANCE REASONABLE NOTICE AND ADEQUATE TIME TO DETERMINE WHETHER TO INTERVENE IN THE MATTER.

(2) CONSISTENT WITH ITS OTHER STATUTORY RESPONSIBILITIES, TAKE ACTION WITH DUE CONSIDERATION TO THE INTEREST OF CONSUMERS.

SECTION 906-C. CONSUMER ADVOCATE FOR INSURANCE FUND.--(A) THERE IS HEREBY ESTABLISHED A SEPARATE ACCOUNT IN THE STATE TREASURY TO BE KNOWN AS THE CONSUMER ADVOCATE FOR INSURANCE FUND. THIS FUND SHALL BE ADMINISTERED BY THE STATE TREASURER.

(B) ALL MONEYS DEPOSITED INTO THE FUND SHALL BE HELD IN TRUST AND SHALL NOT BE CONSIDERED GENERAL REVENUE OF THE

1 COMMONWEALTH BUT SHALL BE USED ONLY TO EFFECTUATE THE PURPOSES
2 OF THIS ARTICLE. THE FUND SHALL BE SUBJECT TO AUDIT BY THE
3 AUDITOR GENERAL.

4 (C) PRIOR TO THE FIRST DAY OF APRIL FOLLOWING THE EFFECTIVE
5 DATE OF THIS ARTICLE AND PRIOR TO THE FIRST DAY OF APRIL OF EACH
6 YEAR THEREAFTER SO LONG AS THIS ARTICLE SHALL REMAIN IN EFFECT,
7 EACH INSURER WHO WRITES COVERAGES FOR FIRE AND CASUALTY,
8 ACCIDENT AND HEALTH, CREDIT ACCIDENT AND HEALTH UNDER
9 LIFE/ANNUITY/ACCIDENT, HEALTH AND LIFE INCLUDING ANNUITIES IN
10 THIS COMMONWEALTH, AS A CONDITION OF ITS AUTHORIZATION TO
11 TRANSACT BUSINESS IN THIS COMMONWEALTH, SHALL PAY INTO THE FUND
12 IN TRUST AN AMOUNT EQUAL TO THE PRODUCT OBTAINED BY MULTIPLYING
13 FIVE MILLION DOLLARS (\$5,000,000) BY A FRACTION, THE NUMERATOR
14 OF WHICH IS THE DIRECT PREMIUM COLLECTED FOR ALL COVERAGES BY
15 THAT INSURER IN THIS COMMONWEALTH DURING THE PRECEDING CALENDAR
16 YEAR AND THE DENOMINATOR OF WHICH IS THE DIRECT PREMIUM WRITTEN
17 ON SUCH COVERAGES IN THIS COMMONWEALTH BY ALL INSURERS IN THE
18 SAME PERIOD. ANY INSURER WHO FAILS TO PAY THE REQUIRED
19 ASSESSMENT UNDER THIS SECTION SHALL BE PROHIBITED FROM WRITING
20 ANY INSURANCE WITHIN THIS COMMONWEALTH.

21 (D) IN SUCCEEDING YEARS THE GENERAL ASSEMBLY MAY VARY THE
22 BASE AMOUNT OF FIVE MILLION DOLLARS (\$5,000,000) BASED UPON THE
23 ACTUAL FUNDING EXPERIENCE AND REQUIREMENTS OF THE OFFICE OF
24 CONSUMER ADVOCATE FOR INSURANCE.

25 (E) ASSESSMENTS MADE UNDER THIS SECTION SHALL NOT BE
26 CONSIDERED BURDENS AND PROHIBITIONS UNDER SECTION 212 OF THE ACT
27 OF MAY 17, 1921 (P.L.789, NO.285), KNOWN AS "THE INSURANCE
28 DEPARTMENT ACT OF 1921."

29 (F) IN THE EVENT THAT THE TRUST FUND IS DISSOLVED OR THE
30 OFFICE OF CONSUMER ADVOCATE FOR INSURANCE IS TERMINATED BY

1 OPERATION OF LAW, ANY BALANCE REMAINING IN THE FUND, AFTER
2 DEDUCTING ADMINISTRATIVE COSTS FOR LIQUIDATION, SHALL BE
3 RETURNED TO INSURERS IN PROPORTION TO THEIR FINANCIAL
4 CONTRIBUTIONS TO THE FUND IN THE PRECEDING CALENDAR YEAR.

5 SECTION 907-C. REPORTS.--THE CONSUMER ADVOCATE FOR INSURANCE
6 SHALL ANNUALLY TRANSMIT TO THE GOVERNOR AND TO THE GENERAL
7 ASSEMBLY, AND SHALL MAKE AVAILABLE TO THE PUBLIC, AN ANNUAL
8 REPORT ON THE CONDUCT OF THE OFFICE OF CONSUMER ADVOCATE FOR
9 INSURANCE. THE CONSUMER ADVOCATE FOR INSURANCE SHALL MAKE
10 RECOMMENDATIONS AS MAY, FROM TIME TO TIME, BE NECESSARY OR
11 DESIRABLE TO PROTECT THE INTEREST OF CONSUMERS.

12 SECTION 908-C. SAVINGS PROVISION; CONSTRUCTION.--(A)
13 NOTHING CONTAINED IN THIS ARTICLE SHALL IN ANY WAY LIMIT THE
14 RIGHT OF ANY CONSUMER TO BRING A PROCEEDING BEFORE EITHER THE
15 DEPARTMENT OR A COURT.

16 (B) NOTHING CONTAINED IN THIS ARTICLE SHALL BE CONSTRUED TO
17 IMPAIR THE STATUTORY AUTHORITY OR RESPONSIBILITY OF THE
18 DEPARTMENT TO REGULATE INSURERS IN THE PUBLIC INTEREST.

19 SECTION 3. SECTION 1917-A OF THE ACT, ADDED DECEMBER 3, 1970
20 (P.L.834, NO.275), IS AMENDED TO READ:

21 Section 1917-A. Abatement of Nuisances.--The Department of
22 Environmental [Resources] Protection shall have the power and
23 its duty shall be:

24 (1) To protect the people of this Commonwealth from
25 unsanitary conditions and other nuisances, including any
26 condition which is declared to be a nuisance by any law
27 administered by the department;

28 (2) To cause examination to be made of nuisances, or
29 questions affecting the security of life and health, in any
30 locality, and, for that purpose, without fee or hinderance, to

1 enter, examine and survey all grounds, vehicles, apartments,
2 buildings, and places, within the Commonwealth, and all persons,
3 authorized by the department to enter, examine and survey such
4 grounds, vehicles, apartments, buildings and places, shall have
5 the powers and authority conferred by law upon constables;

6 (3) To order such nuisances including those detrimental to
7 the public health to be abated and removed and to provide the
8 governing body of the local municipality and county in which an
9 alleged nuisance is located a copy of the order within seven
10 days after its issuance;

11 (4) If the owner or occupant of any premises, whereon any
12 such nuisance fails to comply with any order of the department
13 for the abatement or removal thereof, to enter upon the
14 premises, to which such order relates, and abate or remove such
15 nuisance;

16 (5) For the purpose of collecting or recovering the expense
17 of the abatement or removal of a nuisance, to file a claim, or
18 maintain an action, in such manner as may now or hereafter be
19 provided by law, against the owner or occupant of the premises
20 upon or from which such nuisance shall have been abated or
21 removed by the department;

22 (6) In making examinations as authorized by this section,
23 the Department of Environmental [Resources] Protection shall
24 cooperate with the Department of Health, for the purpose of
25 avoiding any duplication of inspection or overlapping of
26 functions[.] and shall notify the governing body of the
27 municipality in which an examination will be conducted.

28 ~~Section 2. This act shall take effect in 60 days.~~ <—

29 SECTION 4. THE ACT IS AMENDED BY ADDING SECTIONS TO READ: <—

30 SECTION 1938-A. LANDFILL WASTE STATISTICAL REPORTS TO

1 GENERAL ASSEMBLY.--THE DEPARTMENT OF ENVIRONMENTAL PROTECTION
2 SHALL SUBMIT TO THE GENERAL ASSEMBLY QUARTERLY AND ANNUAL
3 STATISTICS FOR THE WEIGHT AND ORIGIN OF MUNICIPAL WASTE,
4 RESIDUAL WASTE, INFECTIOUS WASTE, SEWAGE SLUDGE, CONSTRUCTION
5 AND RESIDUAL WASTE, ASH RESIDUE AND ASBESTOS DISPOSED AT
6 MUNICIPAL SOLID WASTE LANDFILLS AND INCINERATORS AND FOR THE
7 CAPACITY USED, ADDED AND REMAINING AT THESE FACILITIES. THE
8 ANNUAL AND QUARTERLY STATISTICS SHALL INCLUDE OVERALL TOTALS BY
9 ORIGIN OF WASTE. THE DEPARTMENT SHALL ALSO SUBMIT QUARTERLY AND
10 ANNUAL STATISTICS ON NOTICE OF VIOLATIONS, ENFORCEMENT ACTIONS
11 AND COMPLIANCE RATES FOR EACH OF THESE FACILITIES. THE ANNUAL
12 STATISTICS SHALL BE SUBMITTED TO THE GENERAL ASSEMBLY NO LATER
13 THAN MARCH 15 OF THE FOLLOWING CALENDAR YEAR AND THE QUARTERLY
14 STATISTICS SHALL BE SUBMITTED TO THE GENERAL ASSEMBLY NO LATER
15 THAN SEVENTY-FIVE (75) DAYS AFTER THE END OF EACH QUARTER.

16 SECTION 2219. MINIMUM WAGES.--EXCEPT AS MAY OTHERWISE BE
17 PROVIDED UNDER THE ACT OF JANUARY 17, 1968 (P.L.11, NO.5), KNOWN
18 AS "THE MINIMUM WAGE ACT OF 1968":

19 (A) EVERY EMPLOYER SHALL PAY TO EACH OF HIS EMPLOYEES WAGES
20 FOR ALL HOURS WORKED AT A RATE OF NOT LESS THAN FIVE DOLLARS
21 FIFTEEN CENTS (\$5.15) AN HOUR AFTER AUGUST 31, 1997, AND BEFORE
22 JULY 1, 2001; FIVE DOLLARS SIXTY-FIVE CENTS (\$5.65) AN HOUR
23 AFTER JUNE 30, 2001, AND BEFORE JULY 1, 2002; AND SIX DOLLARS
24 FIFTEEN CENTS (\$6.15) AN HOUR AFTER JUNE 30, 2002.

25 (B) IF THE MINIMUM WAGE SET FORTH IN THE FAIR LABOR
26 STANDARDS ACT OF 1938 (52 STAT. 1060, 29 U.S.C. § 201 ET SEQ.)
27 IS INCREASED ABOVE THE MINIMUM WAGE REQUIRED UNDER THIS SECTION,
28 THE MINIMUM WAGE REQUIRED UNDER THIS SECTION SHALL BE INCREASED
29 BY THE SAME AMOUNTS AND EFFECTIVE THE SAME DATE AS THE INCREASES
30 UNDER THE FAIR LABOR STANDARDS ACT OF 1938, AND THE PROVISIONS

1 OF SUBSECTION (A) ARE SUSPENDED TO THE EXTENT THEY DIFFER FROM
2 THOSE SET FORTH UNDER THE FAIR LABOR STANDARDS ACT OF 1938.

3 (C) THE SECRETARY OF LABOR AND INDUSTRY, TO THE EXTENT
4 NECESSARY TO PREVENT CURTAILMENT OF EMPLOYMENT OPPORTUNITIES,
5 SHALL BY REGULATIONS PROVIDE FOR THE EMPLOYMENT OF LEARNERS AND
6 STUDENTS, UNDER SPECIAL CERTIFICATES AT WAGES LOWER THAN THE
7 MINIMUM WAGE APPLICABLE UNDER THIS SECTION, AND SUBJECT TO SUCH
8 LIMITATIONS AS TO NUMBER, PROPORTION AND LENGTH OF SERVICE AS
9 THE SECRETARY SHALL PRESCRIBE: PROVIDED, THAT THE MINIMUM WAGE
10 PRESCRIBED UNDER SUBSECTION (C) SHALL NOT BE LESS THAN EIGHTY-
11 FIVE PERCENT OF THE OTHERWISE APPLICABLE WAGE RATE IN EFFECT
12 UNDER THIS SECTION. A SPECIAL CERTIFICATE ISSUED UNDER THIS
13 SUBSECTION SHALL PROVIDE THAT FOR SIX OR FEWER STUDENTS FOR WHOM
14 IT IS ISSUED SHALL, EXCEPT DURING VACATION PERIODS, BE EMPLOYED
15 ON A PART-TIME BASIS AND NOT IN EXCESS OF TWENTY HOURS IN ANY
16 WORKWEEK AT A SUB-MINIMUM RATE.

17 IN THE CASE OF AN EMPLOYER WHO INTENDS TO EMPLOY SEVEN OR
18 MORE STUDENTS, AT A SUB-MINIMUM RATE, THE SECRETARY OF LABOR AND
19 INDUSTRY MAY ISSUE A SPECIAL CERTIFICATE ONLY IF THE EMPLOYER
20 CERTIFIES TO THE SECRETARY THAT EMPLOYMENT OF SUCH STUDENTS WILL
21 NOT CREATE A SUBSTANTIAL PROBABILITY OF REDUCING THE FULL-TIME
22 EMPLOYMENT OPPORTUNITIES FOR OTHER WORKERS.

23 (D) EMPLOYES SHALL BE PAID FOR OVERTIME NOT LESS THAN ONE
24 AND ONE-HALF TIMES THE EMPLOYEE'S REGULAR RATE AS PRESCRIBED IN
25 REGULATIONS PROMULGATED BY THE SECRETARY: PROVIDED, THAT
26 STUDENTS EMPLOYED IN SEASONAL OCCUPATIONS AS DEFINED AND
27 DELIMITED BY REGULATIONS PROMULGATED BY THE SECRETARY OF LABOR
28 AND INDUSTRY MAY, BY SUCH REGULATIONS, BE EXCLUDED FROM THE
29 OVERTIME PROVISIONS OF THIS ACT: AND PROVIDED FURTHER, THAT THE
30 SECRETARY SHALL PROMULGATE REGULATIONS WITH RESPECT TO OVERTIME

1 SUBJECT TO THE LIMITATIONS THAT NO PAY FOR OVERTIME IN ADDITION
2 TO THE REGULAR RATE SHALL BE REQUIRED EXCEPT FOR HOURS IN EXCESS
3 OF FORTY HOURS IN A WORKWEEK.

4 (E) AN EMPLOYE WHOSE EARNING CAPACITY IS IMPAIRED BY
5 PHYSICAL OR MENTAL DEFICIENCY OR INJURY MAY BE PAID LESS THAN
6 THE APPLICABLE MINIMUM WAGE IF EITHER A LICENSE SPECIFYING A
7 WAGE RATE COMMENSURATE WITH THE EMPLOYE'S PRODUCTIVE CAPACITY
8 HAS BEEN OBTAINED BY THE EMPLOYER FROM THE SECRETARY OR A
9 FEDERAL CERTIFICATE IS OBTAINED UNDER SECTION 14(C) OF THE FAIR
10 LABOR STANDARDS ACT OF 1938. A LICENSE OBTAINED FROM THE
11 SECRETARY SHALL BE GRANTED ONLY UPON JOINT APPLICATION OF
12 EMPLOYER AND EMPLOYEE.

13 (F) THIS SECTION SHALL BE DEEMED A CONTINUATION OF SECTION 4
14 OF "THE MINIMUM WAGE ACT OF 1968."

15 SECTION 5. SECTION 4 OF THE ACT OF JANUARY 17, 1968 (P.L.11,
16 NO.5), KNOWN AS THE MINIMUM WAGE ACT OF 1968, IS REPEALED.

17 SECTION 6. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

18 (1) THE AMENDMENT OF SECTION 614 OF THE ACT SHALL TAKE
19 EFFECT IMMEDIATELY.

20 (2) THE ADDITION OF SECTION 906-C OF THE ACT SHALL TAKE
21 EFFECT IN 90 DAYS.

22 (3) THE AMENDMENT OF SECTION 1917-A OF THE ACT SHALL
23 TAKE EFFECT IN 60 DAYS.

24 (4) THE ADDITION OF SECTION 1938-A OF THE ACT SHALL TAKE
25 EFFECT IN 60 DAYS.

26 (5) THE ADDITION OF SECTION 2219 OF THE ACT SHALL TAKE
27 EFFECT IMMEDIATELY.

28 (6) SECTION 5 OF THIS ACT SHALL TAKE EFFECT IN 60 DAYS.

29 (7) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

30 (8) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JULY 1,

1 2001, OR IMMEDIATELY, WHICHEVER IS LATER.