

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 144

Session of  
1985

INTRODUCED BY AFFLERBACH, IRVIS, COY, PRATT, BATTISTO, DeWEESE,  
FISCHER, GREENWOOD, KOSINSKI, HALUSKA, OLIVER, PRESSMANN,  
MORRIS, McHALE, FREEMAN AND LINTON, JANUARY 30, 1985

SENATOR WENGER, STATE GOVERNMENT, IN SENATE, AS AMENDED,  
NOVEMBER 18, 1986

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 employees 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 employees of certain departments, boards and  
20 commissions shall be determined," requiring the filing of  
21 additional materials on contracts with corporations; <—  
22 PROVIDING FOR REPORTING IN CONFORMITY WITH GENERALLY ACCEPTED  
23 ACCOUNTING PRINCIPLES; FURTHER PROVIDING FOR THE PAYMENT OF  
24 GRATUITIES TO CHILDREN OF CERTAIN VETERANS; FURTHER PROVIDING  
25 FOR THE SALE OF CERTAIN UNIMPROVED LAND BY THE DEPARTMENT OF  
26 TRANSPORTATION; AND CONVERTING STATE HEATING SYSTEMS TO THE  
27 USE OF COAL WHICH HAS BEEN PRODUCED IN PENNSYLVANIA.

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

1       SECTION 1.   SECTION 617 OF THE ACT OF APRIL 9, 1929 (P.L.177, <—  
2 NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929, ADDED  
3 SEPTEMBER 27, 1978 (P.L.775, NO.149), IS AMENDED TO READ:

4       SECTION 617.   FISCAL PERIOD.--(A)   ALL BOOKS AND ACCOUNTS  
5 KEPT BY THE AUDITOR GENERAL, THE STATE TREASURER AND THE  
6 ATTORNEY GENERAL AND EVERY DEPARTMENT, BOARD AND COMMISSION  
7 SHALL BE KEPT AS OF THE FISCAL YEAR OR PERIOD AND SHALL PROVIDE  
8 FOR REPORTING IN CONFORMITY WITH GENERALLY ACCEPTED ACCOUNTING  
9 PRINCIPLES. THE FISCAL YEAR SHALL BE THE PERIOD BEGINNING ON  
10 JULY 1 OF EACH CALENDAR YEAR AND ENDING ON JUNE 30 OF THE  
11 CALENDAR YEAR NEXT SUCCEEDING.

12       (B)   THE AUDITOR GENERAL AND THE DEPARTMENT OF THE AUDITOR  
13 GENERAL SHALL SUBMIT TO ANY ACCOUNTANTS APPOINTED BY THE  
14 GOVERNOR FOR THE PURPOSE OF MAKING AN AUDIT OF THE AFFAIRS OF  
15 THE AUDITOR GENERAL AND THE DEPARTMENT OF THE AUDITOR GENERAL  
16 ALL BOOKS, PAPERS AND RECORDS IN ANY WAY PERTAINING TO SUCH  
17 AFFAIRS.

18       Section ± 2.   Section 1104 of the act, ~~of April 9, 1929~~ <—  
19 ~~(P.L.177, No.175), known as The Administrative Code of 1929,~~  
20 added December 9, 1980 (P.L.1333, No.244), is amended to read:

21       Section 1104.   Copies of Contracts to be Furnished to the  
22 State Treasurer.--(a)   Whenever any department, board,  
23 commission, agency, instrumentality, authority or institution of  
24 the Commonwealth shall enter into any contract involving any  
25 property, real, personal or mixed of any kind or description or  
26 any contract for personal services where the consideration  
27 involved in said contract is five thousand dollars (\$5,000) or  
28 more, a copy of said contract shall be furnished by the  
29 contracting agency to the Treasury Department [within ten (10)  
30 days after the contract is executed on behalf of the

1 Commonwealth or otherwise becomes an obligation of the  
2 Commonwealth]. If the contract has been executed with a  
3 corporation, it shall include an attachment specifying the names  
4 of the corporation's chairman of the board, chief executive  
5 officer, treasurer and those individuals who held more than ten  
6 per centum (10%) of the corporation's preferred or common stock  
7 on the date the contract was executed.

8 (b) Every contract filed pursuant to subsection (a) shall  
9 remain on file with the Treasury Department for a period of [one <—  
10 year] FIVE YEARS or until all disbursements have been made on <—  
11 the contracts, whichever is longer and shall be made available  
12 for public inspection and copies made available at cost to any  
13 individual who requests them.

14 (c) No contract subject to subsection (a) shall be issued by  
15 any department, board, commission, agency, instrumentality,  
16 authority or institution of the Commonwealth unless a copy of  
17 the contract has been filed by the contracting agency with the  
18 Treasury Department. The contract documents and the notice to  
19 proceed shall include a statement from the Treasury Department  
20 acknowledging receipt of a copy of the contract.

21 ~~Section 2. This act shall take effect immediately.~~ <—

22 SECTION 3. SECTION 1411(E) OF THE ACT, ADDED DECEMBER 30, <—  
23 1959 (P.L.2082, NO.767), IS AMENDED TO READ:

24 SECTION 1411. STATE VETERANS' COMMISSION.--THE STATE  
25 VETERANS' COMMISSION SHALL HAVE THE POWER, AND ITS DUTY SHALL  
26 BE:

27 \* \* \*

28 (E) TO CERTIFY FOR PAYMENT GRATUITIES FOR THE CHILDREN,  
29 BETWEEN THE AGES OF SIXTEEN AND [TWENTY-ONE YEARS, OF TOTALLY  
30 DISABLED VETERANS AND OF SOLDIERS, MARINES, FEMALE CLERKS,

1 YEOMAN (FEMALE), OR MEMBERS OF THE ENLISTED NURSE CORPS OF THE  
2 UNITED STATES, WHO DIE OR HAVE DIED OF SPANISH-AMERICAN WAR OR  
3 WORLD WAR I. SERVICE CONNECTED DISABILITIES, AND OF TOTALLY  
4 DISABLED VETERANS AND OF MEMBERS OF THE ARMED FORCES OF THE  
5 UNITED STATES AND OF WOMEN'S ORGANIZATIONS OFFICIALLY CONNECTED  
6 THEREWITH, WHO DIE OR HAVE DIED OF WORLD WAR II., OR THE ARMED  
7 CONFLICT IN KOREA SERVICE CONNECTED DISABILITIES AS CERTIFIED  
8 FROM VETERANS ADMINISTRATION RECORDS] TWENTY-THREE YEARS, OF  
9 HONORABLY DISCHARGED VETERANS WHO HAVE BEEN CERTIFIED BY THE  
10 UNITED STATES VETERANS' ADMINISTRATION AS HAVING WAR-TIME  
11 SERVICE-CONNECTED DISABILITIES, OR PEACE-TIME COMBAT-RELATED  
12 DISABILITIES AS DEFINED BY THE PENNSYLVANIA DEPARTMENT OF  
13 MILITARY AFFAIRS, RATED AS TOTALLY AND PERMANENTLY DISABLED OR  
14 WHO HAVE DIED OF WAR SERVICE-CONNECTED DISABILITIES, OR WHO HAVE  
15 DIED OF PEACE-TIME COMBAT-RELATED DISABILITIES. THE DEPARTMENT  
16 OF MILITARY AFFAIRS SHALL, BY REGULATION, ESTABLISH CRITERIA TO  
17 DETERMINE ELIGIBILITY BASED ON PARTICIPATION IN A PEACE-TIME  
18 COMBAT-RELATED SITUATION, WHICH SHALL INCLUDE, BUT NOT BE  
19 LIMITED TO, HOSTILE FIRE OR TERRORIST ATTACK. SUCH CHILDREN MUST  
20 HAVE LIVED IN THE COMMONWEALTH OF PENNSYLVANIA FOR FIVE YEARS  
21 IMMEDIATELY PRECEDING THE DATE UPON WHICH THE APPLICATION WAS  
22 FILED. CERTIFICATION BY THE STATE VETERANS' COMMISSION SHALL BE  
23 MADE WHEN THE CHILDREN MEET THE FOLLOWING REQUIREMENTS:

- 24 (1) AS COMING WITHIN THE CLASS OF CHILDREN DESCRIBED ABOVE,  
25 (2) AS ATTENDING ANY STATE OR STATE-AIDED EDUCATIONAL OR  
26 TRAINING INSTITUTION OF A SECONDARY OR COLLEGE GRADE OR OTHER  
27 INSTITUTION OF HIGHER EDUCATION, BUSINESS SCHOOL, TRADE SCHOOL,  
28 HOSPITAL PROVIDING TRAINING FOR NURSES SCHOOL, OR INSTITUTION  
29 PROVIDING COURSES IN BEAUTY CULTURE, ART, RADIO OR UNDERTAKING  
30 OR EMBALMING OR SUCH OTHER EDUCATIONAL TRAINING WITHIN THIS

COMMONWEALTH AS APPROVED BY THE STATE VETERANS' COMMISSION, AND  
(3) AS BEING UNABLE, WITHOUT SUCH GRATUITY, TO PURSUE HIS OR  
HER EDUCATION OR TRAINING.

PAYMENTS NOT EXCEEDING [TWO HUNDRED DOLLARS (\$200)] FIVE  
HUNDRED DOLLARS (\$500) PER TERM OR SEMESTER PER CHILD SHALL BE  
MADE TO SUCH INSTITUTION UPON THE SUBMISSION BY THEM OF PROOF  
THAT THE APPLICANT IS A FULL-TIME STUDENT AND THAT BILLS HAVE  
BEEN INCURRED OR CONTRACTED FOR MATRICULATION FEES AND OTHER  
NECESSARY FEES, TUITION, BOARD, ROOM RENT, BOOKS AND SUPPLIES  
FOR SUCH CHILDREN IN A DEFINITE AMOUNT FOR THE SCHOOL YEAR. SUCH  
PROOF SHALL BE SUBMITTED TO THE STATE VETERANS' COMMISSION WHICH  
SHALL ATTACH THE SAME TO THE REQUISITIONS PREPARED FOR PAYMENTS  
OUT OF APPROPRIATIONS MADE FOR SUCH PURPOSE: PROVIDED, HOWEVER,  
THAT PAYMENTS PER TERM OR SEMESTER PER CHILD ARE ADJUSTED SO  
THAT TOTAL PAYMENTS TO SUCH INSTITUTIONS DO NOT EXCEED THE  
AMOUNT OF THE APPROPRIATION.

WHEN A CHILD WITHIN THE CLASS OF CHILDREN ELIGIBLE TO RECEIVE  
A GRATUITY AUTHORIZED BY THIS SECTION IS COMPLETING AN  
EDUCATIONAL OR TRAINING COURSE, AND BECOMES [TWENTY-ONE] TWENTY-  
THREE YEARS OF AGE BEFORE COMPLETING THE COURSE, THE GRATUITY  
MAY BE PAID UNTIL THE COURSE IS COMPLETED: PROVIDED, THAT  
GRATUITIES MAY NOT BE PAID FOR ANY CHILD FOR A LONGER PERIOD  
THAN FOUR SCHOLASTIC YEARS AND/OR AFTER HAVING ATTAINED HIS OR  
HER TWENTY-SEVENTH BIRTHDAY.

SECTION 4. SECTION 2003(E)(7) OF THE ACT, AMENDED DECEMBER  
7, 1979 (P.L.478, NO.100), IS AMENDED TO READ:

SECTION 2003. MACHINERY, EQUIPMENT, LANDS AND BUILDINGS.--  
THE DEPARTMENT OF TRANSPORTATION IN ACCORD WITH APPROPRIATIONS  
MADE BY THE GENERAL ASSEMBLY, AND GRANTS OF FUNDS FROM FEDERAL,  
STATE, REGIONAL, LOCAL OR PRIVATE AGENCIES, SHALL HAVE THE

1 POWER, AND ITS DUTY SHALL BE:

2 \* \* \*

3 (E) \* \* \*

4 (7) ANY OTHER PROVISIONS OF THIS ACT TO THE CONTRARY  
5 NOTWITHSTANDING, THE DEPARTMENT MAY SELL AT PUBLIC SALE ANY LAND  
6 ACQUIRED BY THE DEPARTMENT IF THE SECRETARY DETERMINES THAT THE  
7 LAND IS NOT NEEDED FOR PRESENT OR FUTURE TRANSPORTATION  
8 PURPOSES:

9 (I) IMPROVED LAND OCCUPIED BY A TENANT OF THE DEPARTMENT  
10 SHALL FIRST BE OFFERED TO THE TENANT AT ITS FAIR MARKET VALUE AS  
11 DETERMINED BY THE DEPARTMENT, EXCEPT THAT IF THE TENANT IS THE  
12 PERSON FROM WHOM THE DEPARTMENT ACQUIRED THE LAND, IT SHALL BE  
13 OFFERED TO THE TENANT AT THE ACQUISITION PRICE, LESS COSTS,  
14 EXPENSES AND REASONABLE ATTORNEYS' FEES INCURRED BY THE PERSON  
15 AS A RESULT OF THE ACQUISITION OF THE LAND BY THE DEPARTMENT. IF  
16 THERE IS NO TENANT AND THE PERSON FROM WHOM THE DEPARTMENT  
17 ACQUIRED THE LAND DID NOT RECEIVE A REPLACEMENT HOUSING PAYMENT  
18 UNDER SECTION 602-A OF THE "EMINENT DOMAIN CODE," OR UNDER  
19 FORMER SECTION 304.3 OF THE ACT OF JUNE 1, 1945 (P.L.1242,  
20 NO.428), KNOWN AS THE "STATE HIGHWAY LAW," THE LAND TO BE SOLD  
21 SHALL FIRST BE OFFERED TO SUCH PERSON AT THE ACQUISITION PRICE,  
22 LESS COSTS, EXPENSES AND REASONABLE ATTORNEYS' FEES INCURRED BY  
23 THE PERSON AS A RESULT OF THE ACQUISITION OF THE LAND BY THE  
24 DEPARTMENT.

25 (II) UNIMPROVED LAND SHALL FIRST BE OFFERED TO THE PERSON  
26 FROM WHOM IT WAS ACQUIRED AT ITS ACQUISITION PRICE, LESS COSTS,  
27 EXPENSES AND REASONABLE ATTORNEYS' FEES INCURRED BY THE PERSON  
28 AS A RESULT OF THE ACQUISITION OF THE LAND BY THE DEPARTMENT, IF  
29 THE PERSON STILL RETAINS TITLE TO LAND ABUTTING THE LAND TO BE  
30 SOLD. IF THE LAND ABUTTING THE LAND TO BE SOLD HAS BEEN CONVEYED

1 TO ANOTHER PERSON, THE LAND TO BE SOLD SHALL FIRST BE OFFERED TO  
2 THAT PERSON AT ITS FAIR MARKET VALUE AS DETERMINED BY THE  
3 DEPARTMENT. HOWEVER, LAND ACQUIRED BY GIFT THAT THE SECRETARY  
4 DETERMINES IS NOT NEEDED FOR PRESENT OR FUTURE TRANSPORTATION  
5 PURPOSES MAY FIRST BE OFFERED TO THE DONOR FOR A NOMINAL  
6 CONSIDERATION. IF THE DONOR NO LONGER EXISTS, OR IF THE DONOR  
7 DOES NOT ACCEPT THE OFFER, THEN SUCH UNIMPROVED LAND OR ANY  
8 PORTION THEREOF MAY BE OFFERED ON A COMPETITIVE BID BASIS  
9 RESTRICTED TO OWNERS OF LAND ABUTTING THE UNIMPROVED DONATED  
10 LAND. THE DEPARTMENT SHALL HAVE DISCRETION TO DIVIDE SUCH  
11 DONATED UNIMPROVED LAND FOR SEPARATE COMPETITIVE BID OFFERINGS.

12 (III) NOTICE OF THE OFFER DESCRIBED IN EITHER SUBCLAUSE (I)  
13 OR (II) SHALL BE SENT BE CERTIFIED MAIL, OR, IF NOTICE CANNOT BE  
14 SO MADE, IN THE MANNER REQUIRED FOR "IN REM" PROCEEDINGS. THE  
15 OFFEREE SHALL HAVE ONE HUNDRED TWENTY (120) DAYS AFTER RECEIPT  
16 OF NOTICE TO ACCEPT THE OFFER IN WRITING.

17 (IV) REVENUE FROM ANY SALE OF LAND ACQUIRED WITH MOTOR  
18 LICENSE FUNDS SHALL BE DEPOSITED IN THE MOTOR LICENSE FUND.

19 \* \* \*

20 SECTION 5. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

21 SECTION 2402.1. SPECIAL POWER; STATE BUILDINGS.--(A) ANY  
22 HEATING SYSTEM OR HEATING UNIT INSTALLED IN A FACILITY OWNED BY  
23 THE STATE OR BY A STATE-RELATED UNIVERSITY ON OR AFTER THE  
24 EFFECTIVE DATE OF THIS ACT SHALL BE FUELED BY COAL.

25 (B) ANY HEATING SYSTEM SHALL BE EXEMPT FROM THE REQUIREMENT  
26 OF SUBSECTION (A) IF THE DEPARTMENT OF GENERAL SERVICES  
27 DETERMINES THAT THE APPLICATION OF SUBSECTION (A) TO THAT  
28 HEATING SYSTEM OR HEATING UNIT WOULD VIOLATE EXISTING OR  
29 REASONABLY ANTICIPATED ENVIRONMENTAL LAWS OR REGULATIONS OR  
30 WOULD NOT BE COST EFFECTIVE WHEN COMPARED TO OTHER FORMS OF

1 ENERGY. THE DEPARTMENT SHALL REPORT TO THE SENATE COMMITTEE ON  
2 ENVIRONMENTAL RESOURCES AND ENERGY AND THE HOUSE COMMITTEE ON  
3 MINES AND ENERGY MANAGEMENT OR THEIR SUCCESSOR COMMITTEES, THE  
4 BASIS FOR ANY DETERMINATION THAT A HEATING SYSTEM OR HEATING  
5 UNIT SHALL BE EXEMPT FROM THE REQUIREMENT OF SUBSECTION (A).  
6 COGENERATION SYSTEMS USING NATURAL GAS SHALL BE EXEMPT FROM THE  
7 REQUIREMENT OF SUBSECTION (A) IF THE SYSTEMS ARE IN OR BEYOND  
8 THE DESIGN STAGE PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

9 (C) FOR THE PURPOSES OF THIS SECTION "COAL" MEANS COAL  
10 PRODUCED FROM MINES IN PENNSYLVANIA OR ANY MIXTURE OR SYNTHETIC  
11 DERIVED, IN WHOLE OR IN PART, FROM COAL PRODUCED FROM MINES IN  
12 PENNSYLVANIA.

13 (D) FOR THE PURPOSES OF THIS SECTION THE PHRASE "MIXTURE  
14 DERIVED, IN WHOLE OR IN PART, FROM COAL" INCLUDES, BUT IS NOT  
15 LIMITED TO, BOTH THE INTERMITTENT AND THE SIMULTANEOUS BURNING  
16 OF NATURAL GAS WITH COAL OR A COAL DERIVATIVE IF THE  
17 INTERMITTENT OR SIMULTANEOUS BURNING OF NATURAL GAS WOULD:

18 (1) LOWER THE COST OF USING COAL OR A COAL DERIVATIVE  
19 PRODUCED FROM MINES IN PENNSYLVANIA; OR

20 (2) ENABLE COAL OR A COAL DERIVATIVE PRODUCED FROM MINES IN  
21 PENNSYLVANIA TO BE BURNED IN COMPLIANCE WITH PRESENT AND  
22 REASONABLY ANTICIPATED ENVIRONMENTAL LAWS AND REGULATIONS.

23 SECTION 6. (A) SECTION 3 OF THIS ACT, AMENDING SECTION  
24 1411(E) OF THE ADMINISTRATIVE CODE OF 1929, SHALL TAKE EFFECT  
25 JULY 1, 1987, AND SHALL BE APPLICABLE TO TERMS OR SEMESTERS  
26 BEGINNING THEREAFTER.

27 (B) SECTION 2 OF THIS ACT, AMENDING SECTION 1104 OF THE  
28 ADMINISTRATIVE CODE OF 1929, SHALL TAKE EFFECT APRIL 1, 1987.

29 (C) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IMMEDIATELY.