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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 1729** Session of  
2007

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INTRODUCED BY HUTCHINSON, TURZAI, GINGRICH, REED, DENLINGER,  
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SCAVELLO, S. H. SMITH, SONNEY, STAIRS, STERN, R. STEVENSON,  
SWANGER, TRUE, VEREB AND VULAKOVICH, JULY 13, 2007

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REFERRED TO COMMITTEE ON APPROPRIATIONS, JULY 13, 2007

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AN ACT

1 To provide from the General Fund for the expenses of the  
2 Department of Public Welfare for the fiscal year July 1,  
3 2007, to June 30, 2008.

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

18 PART I

19 GENERAL PROVISIONS

20 Section 101. Short title.--This act shall be known and may  
21 be cited as the Department of Public Welfare Accountability Act.

22 Section 102. Definitions.--The following words and phrases  
23 when used in this act shall have the meanings given to them in  
24 this section unless the context clearly indicates otherwise:

25 "Employees." Includes all directors, superintendents, bureau  
26 or division chiefs, assistant directors, assistant  
27 superintendents, assistant chiefs, experts, scientists,  
28 engineers, surveyors, draftsmen, accountants, secretaries,  
29 auditors, inspectors, examiners, analysts, statisticians,  
30 marshals, clerks, stenographers, bookkeepers, messengers and

1 other assistants in the Department of Public Welfare.

2 "Expenses" and "maintenance." Includes all printing, binding  
3 and stationery, food and forage, materials and supplies,  
4 traveling expenses, training, motor vehicle supplies and  
5 repairs, freight, express and cartage, postage, telephones and  
6 telegraph rentals and toll charges, newspaper advertising and  
7 notices, public advertising by or through any medium, fuel,  
8 light, heat, power and water, minor construction and renovation,  
9 repairs or reconstruction of equipment, buildings and  
10 facilities, rent of real estate and equipment, premiums on  
11 workers' compensation, insurance premiums on policies of  
12 liability insurance, insurance premiums on medical payment  
13 insurance and surety bonds for volunteer workers, premiums on  
14 employee group life insurance and employee and retired employee  
15 group hospital and medical insurance, payment of Commonwealth  
16 share of Social Security taxes and unemployment compensation  
17 costs for State employees, the purchase of replacement or  
18 additional equipment and machinery and all other incidental  
19 costs and expenses, including payment to the Department of  
20 General Services of mileage and other charges for the use of  
21 automobiles and rental payments for permanently assigned  
22 automobiles and of expenses or costs of services incurred  
23 through the Purchasing Fund.

24 Section 103. Abbreviations.--The following abbreviations  
25 when used in this act shall have the meanings given to them in  
26 this section unless the context clearly indicates otherwise:

27 "MR." Mental Retardation.

28 Section 104. State appropriations.--The following sums set  
29 forth in this act, or as much thereof as may be necessary, are  
30 hereby specifically appropriated from the General Fund to the

1 Department of Public Welfare for the payment of salaries, wages  
2 or other compensation and travel expenses of the duly elected or  
3 appointed officers and employees of the Commonwealth, for the  
4 payment of fees for contractual services rendered, for the  
5 purchase or rental of goods and services, printing, public  
6 advertising by or through any medium, equipment, land and  
7 buildings and for payment of any other expenses, as provided by  
8 law or by this act, necessary for the proper conduct of the  
9 duties, functions and activities and for the purposes  
10 hereinafter set forth for the fiscal year beginning July 1,  
11 2007.

12 PART II

13 DEPARTMENT OF PUBLIC WELFARE APPROPRIATIONS

14 FOR 2007-2008

15 Section 201. Department of Public  
16 Welfare.--The following sums are  
17 appropriated to the Department of

18 Public Welfare:	Federal	State
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19 For general government operations  
20 of the Department of Public Welfare.  
21 By December 15, 2007, and on March 31,  
22 2008, the State Treasurer, based on a  
23 review of TANF reports submitted by  
24 the Department of Public Welfare to  
25 the Federal Department of Health and  
26 Human Services or based on written  
27 notice by the Secretary of Public  
28 Welfare or the Federal Secretary of  
29 Health and Human Services of  
30 noncompliance with the mandatory work

1 participation rates required under 45  
2 CFR 261.21 (relating to what overall  
3 work rate must a State meet?) and 45  
4 CFR 261.23 (relating to what two-  
5 parent rate must a State meet?), shall  
6 publish in the Pennsylvania Bulletin  
7 notice of whether the department is in  
8 compliance with the mandatory work  
9 participation rates for TANF for the  
10 Federal fiscal year ending September  
11 30, 2007. If noncompliance is found by  
12 the State Treasurer on either of those  
13 dates, the amount of the appropriation  
14 shall be reduced by \$5,887,000. On  
15 December 30, 2007, and March 31, 2008,  
16 the State Treasurer, based on a review  
17 of documents submitted by the  
18 Secretary of Public Welfare, shall  
19 publish in the Pennsylvania Bulletin  
20 notice of whether the department is in  
21 compliance with mandatory work  
22 participation rates with respect to  
23 general assistance. If noncompliance  
24 is found by the State Treasurer on  
25 either of those dates, the amount of  
26 the appropriation shall be reduced by  
27 \$5,887,000. However, the reduction may  
28 only be assessed once, regardless of  
29 the number of times the State  
30 Treasurer publishes notice of

1 noncompliance for TANF or general  
2 assistance.

3                   State appropriation..... 58,866,000

4       For information systems. By  
5 December 15, 2007, and on March 31,  
6 2008, the State Treasurer, based on a  
7 review of TANF reports submitted by  
8 the Department of Public Welfare to  
9 the Federal Department of Health and  
10 Human Services or based on written  
11 notice by the Secretary of Public  
12 Welfare or the Federal Secretary of  
13 Health and Human Services of  
14 noncompliance with the mandatory work  
15 participation rates required under 45  
16 CFR 261.21 (relating to what overall  
17 work rate must a State meet?) and 45  
18 CFR 261.23 (relating to what two-  
19 parent rate must a State meet?), shall  
20 publish in the Pennsylvania Bulletin  
21 notice of whether the department is in  
22 compliance with the mandatory work  
23 participation rates for TANF for the  
24 Federal fiscal year ending September  
25 30, 2007. If noncompliance is found by  
26 the State Treasurer on either of those  
27 dates, the amount of the appropriation  
28 shall be reduced by \$5,353,000. On  
29 December 30, 2007, and March 31, 2008,  
30 the State Treasurer, based on a review

1 of documents submitted by the  
2 Secretary of Public Welfare, shall  
3 publish in the Pennsylvania Bulletin  
4 notice of whether the department is in  
5 compliance with mandatory work  
6 participation rates with respect to  
7 general assistance. If noncompliance  
8 is found by the State Treasurer on  
9 either of those dates, the amount of  
10 the appropriation shall be reduced by  
11 \$5,353,000. However, the reduction may  
12 only be assessed once, regardless of  
13 the number of times the State  
14 Treasurer publishes notice of  
15 noncompliance for TANF or general  
16 assistance.

17                   State appropriation..... 53,528,000

18       For Statewide operations related to  
19 county administration of the public  
20 assistance and medical assistance  
21 programs. By December 15, 2007, and on  
22 March 31, 2008, the State Treasurer,  
23 based on a review of TANF reports  
24 submitted by the Department of Public  
25 Welfare to the Federal Department of  
26 Health and Human Services or based on  
27 written notice by the Secretary of  
28 Public Welfare or the Federal  
29 Secretary of Health and Human Services  
30 of noncompliance with the mandatory

1 work participation rates required  
2 under 45 CFR 261.21 (relating to what  
3 overall work rate must a State meet?)  
4 and 45 CFR 261.23 (relating to what  
5 two-parent rate must a State meet?),  
6 shall publish in the Pennsylvania  
7 Bulletin notice of whether the  
8 department is in compliance with the  
9 mandatory work participation rates for  
10 TANF for the Federal fiscal year  
11 ending September 30, 2007. If  
12 noncompliance is found by the State  
13 Treasurer on either of those dates,  
14 the amount of the appropriation shall  
15 be reduced by \$3,358,000. On December  
16 30, 2007, and March 31, 2008, the  
17 State Treasurer, based on a review of  
18 documents submitted by the Secretary  
19 of Public Welfare, shall publish in  
20 the Pennsylvania Bulletin notice of  
21 whether the department is in  
22 compliance with mandatory work  
23 participation rates with respect to  
24 general assistance. If noncompliance  
25 is found by the State Treasurer on  
26 either of those dates, the amount of  
27 the appropriation shall be reduced by  
28 \$3,358,000. However, the reduction may  
29 only be assessed once, regardless of  
30 the number of times the State

1 Treasurer publishes notice of  
2 noncompliance for TANF or general  
3 assistance.

4                   State appropriation..... 33,580,000

5       For county assistance office  
6 operations related to administration  
7 of the public assistance and medical  
8 assistance programs. By December 15,  
9 2007, and on March 31, 2008, the State  
10 Treasurer, based on a review of TANF  
11 reports submitted by the Department of  
12 Public Welfare to the Federal  
13 Department of Health and Human  
14 Services or based on written notice by  
15 the Secretary of Public Welfare or the  
16 Federal Secretary of Health and Human  
17 Services of noncompliance with the  
18 mandatory work participation rates  
19 required under 45 CFR 261.21 (relating  
20 to what overall work rate must a State  
21 meet?) and 45 CFR 261.23 (relating to  
22 what two-parent rate must a State  
23 meet?), shall publish in the  
24 Pennsylvania Bulletin notice of  
25 whether the department is in  
26 compliance with the mandatory work  
27 participation rates for TANF for the  
28 Federal fiscal year ending September  
29 30, 2007. If noncompliance is found by  
30 the State Treasurer on either of those

1 dates, the amount of the appropriation  
2 shall be reduced by \$24,791,000. On  
3 December 30, 2007, and March 31, 2008,  
4 the State Treasurer, based on a review  
5 of documents submitted by the  
6 Secretary of Public Welfare, shall  
7 publish in the Pennsylvania Bulletin  
8 notice of whether the department is in  
9 compliance with mandatory work  
10 participation rates with respect to  
11 general assistance. If noncompliance  
12 is found by the State Treasurer on  
13 either of those dates, the amount of  
14 the appropriation shall be reduced by  
15 \$24,791,000. However, the reduction  
16 may only be assessed once, regardless  
17 of the number of times the State  
18 Treasurer publishes notice of  
19 noncompliance for TANF or general  
20 assistance.

21                   State appropriation..... 247,910,000

22       For cash assistance grants  
23 including employment and training and  
24 child care services for cash  
25 assistance recipients and child care  
26 services for former cash assistance  
27 recipients. By December 15, 2007, and  
28 on March 31, 2008, the State  
29 Treasurer, based on a review of TANF  
30 reports submitted by the Department of

1 Public Welfare to the Federal  
2 Department of Health and Human  
3 Services or based on written notice by  
4 the Secretary of Public Welfare or the  
5 Federal Secretary of Health and Human  
6 Services of noncompliance with the  
7 mandatory work participation rates  
8 required under 45 CFR 261.21 (relating  
9 to what overall work rate must a State  
10 meet?) and 45 CFR 261.23 (relating to  
11 what two-parent rate must a State  
12 meet?), shall publish in the  
13 Pennsylvania Bulletin notice of  
14 whether the department is in  
15 compliance with the mandatory work  
16 participation rates for TANF for the  
17 Federal fiscal year ending September  
18 30, 2007. If noncompliance is found by  
19 the State Treasurer on either of those  
20 dates, the amount of the appropriation  
21 shall be reduced by \$48,884,000. On  
22 December 30, 2007, and March 31, 2008,  
23 the State Treasurer, based on a review  
24 of documents submitted by the  
25 Secretary of Public Welfare, shall  
26 publish in the Pennsylvania Bulletin  
27 notice of whether the department is in  
28 compliance with mandatory work  
29 participation rates with respect to  
30 general assistance. If noncompliance



1 committed to or encumbered for payment of, any such procurement  
2 unless and until the department has complied with all of the  
3 requirements applicable to the procurement that are set out in  
4 62 Pa.C.S. (relating to procurement) and in the policies,  
5 procedures and regulations instituted in accordance with that  
6 code.

7 Section 2004. Minority business set-asides.--(a) The  
8 Department of Public Welfare if authorized to contract for  
9 buildings, highways, commodities, equipment, supplies or  
10 services shall report to the General Assembly all information  
11 pertinent to anticipated procurement needs at the beginning of  
12 each fiscal year and each fiscal quarter thereafter.

13 (b) As used in this section, the term "minority business"  
14 means a minority business enterprise as defined in the act of  
15 July 22, 1974 (P.L.598, No.206), known as the Pennsylvania  
16 Minority Business Development Authority Act.

17 Section 2005. Appropriation of funds from miscellaneous  
18 sources.--(a) In addition to the amounts appropriated by this  
19 act, moneys received in payment for food and household supplies  
20 furnished to employees and other persons, except inmates, by an  
21 institution, and moneys received from the proceeds from the sale  
22 of any products of the soil, meats, livestock, timber or other  
23 materials sold by the Department of Public Welfare shall be paid  
24 into the General Fund and are hereby appropriated out of the  
25 General Fund to the several respective institutions for the  
26 operation and maintenance of the institutions.

27 (b) In addition to the amounts appropriated by this act, all  
28 moneys received from any other source, except the Federal  
29 Government, as contributions for the programs provided herein or  
30 as payment for services or materials furnished by one

1 institution to another, except those collections designated as  
2 revenues, shall be paid into the General Fund and are hereby  
3 appropriated out of the General Fund for the purposes of the  
4 respective appropriations.

5 (c) In addition to any funds specifically appropriated by  
6 this act, all moneys received by the Department of Public  
7 Welfare from any other sources, except the Federal Government,  
8 as contributions or supplements to the department for a program  
9 or administration of an act included in this act shall be paid  
10 into the General Fund and credited to the appropriation for that  
11 program or administration of the act.

12 Section 2006. Lapsing of unused funds.--Except as otherwise  
13 provided by law, that part of all appropriations in Part II  
14 unexpended, uncommitted or unencumbered as of June 30, 2008,  
15 shall automatically lapse as of that date.

16 Section 2007. Transfer of excess funds.--The Governor may  
17 transfer any excess money in those funds receiving proceeds of  
18 Commonwealth of Pennsylvania general obligation bonds in excess  
19 of the amount necessary for the purposes for which the bonds  
20 were issued to the appropriate sinking fund for payment of debt  
21 service due on outstanding bonds. If such excess funds, together  
22 with any available balance, exceed the amount of debt service  
23 remaining to be paid, the funds shall be transferred to the  
24 General Fund or to the appropriate special fund responsible for  
25 such debt service.

26 Section 2008. Construction.--Nothing in this act is intended  
27 to limit the amount of or the expenditure of any Federal  
28 appropriation to the Department of Public Welfare as set forth  
29 in the act of \_\_\_\_\_, 2007 (P.L. \_\_\_\_\_, No. \_\_\_\_\_), known as the  
30 General Appropriation Act of 2007.

1 Section 2009. Repeal.--Section 219 of the act of ,  
2 2007 (P.L. , No. ), known as the General Appropriation Act  
3 of 2007, is repealed to the extent is it inconsistent with the  
4 State appropriations made to the Department of Public Welfare  
5 under this act.

6 PART XXI

7 EFFECTIVE DATE

8 Section 2101. Retroactivity.--This act shall be retroactive  
9 to July 1, 2007.

10 Section 2102. Implementation legislation.--Upon enactment of  
11 an amendment to the act of April 9, 1929 (P.L.343, No.176),  
12 known as The Fiscal Code, providing for fiscal year 2007-2008  
13 budget implementation and for restrictions on appropriations for  
14 funds and accounts, the following apply:

15 (1) The Secretary of the Commonwealth shall submit  
16 notice of the enactment to the Legislative Reference Bureau  
17 for publication in the Pennsylvania Bulletin.

18 (2) Upon receipt of the notice under paragraph (1), the  
19 bureau shall file the notice for public inspection without  
20 regard to 1 Pa.Code §§ 13.55 (relating to filing for public  
21 inspection) and 13.74 (relating to effectiveness prior to  
22 publication).

23 Section 2103. Effective date.--This act shall take effect as  
24 follows:

25 (1) The following provisions shall take effect  
26 immediately:

27 (i) Sections 2101 and 2102.

28 (ii) This section.

29 (2) The remainder of this act shall take effect upon the  
30 date of filing of the notice for public inspection under

1 section 2102(2).