

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1792 Session of 2021

INTRODUCED BY BROOKS, SILVIS, R. MACKENZIE, HENNESSEY, M. MACKENZIE, GROVE, MILLARD, PICKETT, ZIMMERMAN, JOZWIAK, ROWE AND CIRESI, AUGUST 16, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, FEBRUARY 9, 2022

AN ACT

1 Amending Titles 1 (General Provisions), 2 (Administrative Law
2 and Procedure), 3 (Agriculture), 7 (Banks and Banking), 12
3 (Commerce and Trade), 15 (Corporations and Unincorporated
4 Associations), 18 (Crimes and Offenses), 20 (Decedents,
5 Estates and Fiduciaries), 23 (Domestic Relations), 25
6 (Elections), 30 (Fish), 34 (Game), 35 (Health and Safety), 37
7 (Historical and Museums), 40 (Insurance), 42 (Judiciary and
8 Judicial Procedure), 51 (Military Affairs), 53
9 (Municipalities Generally), 54 (Names), 61 (Prisons and
10 Parole), 62 (Procurement), 64 (Public Authorities and Quasi-
11 Public Corporations), 66 (Public Utilities), 68 (Real and
12 Personal Property), 71 (State Government), 74
13 (Transportation) and 75 (Vehicles) of the Pennsylvania
14 Consolidated Statutes, making editorial changes relating to
15 obsolete references to certain Commonwealth agencies,
16 secretaries and acts relating thereto.

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

19 Section 1. Sections 501(a) and (c), 905 and 1105(a) of Title
20 1 of the Pennsylvania Consolidated Statutes are amended to read:

21 § 501. Publication and distribution.

22 (a) General rule.--The Legislative Reference Bureau may
23 compile, edit, publish, print, supplement and revise or contract
24 directly or through the Legislative Printing Clerk for the

1 compilation, editing, publishing, printing, supplementation or
2 revision of an official publication of the Pennsylvania
3 Consolidated Statutes and amendments thereto. It shall be the
4 duty of the Department of [Property and Supplies] General
5 Services, upon request of the bureau, to arrange for the prompt
6 distribution of the official publication and the supplements
7 thereto and revisions thereof in accordance with the provisions
8 of this chapter. This publication shall be in addition to the
9 publication of advance copies of statutes and the Laws of
10 Pennsylvania except that the bureau, when authorized by
11 concurrent resolution of the General Assembly, may reduce the
12 number of such statutes and laws published and printed and
13 provide for the manner of their distribution and a fee to be
14 charged for certain distributions.

15 * * *

16 (c) Payments and disposition of moneys.--Payments for
17 documents published by authority of this chapter shall be made
18 to the Department of [Property and Supplies] General Services
19 which shall pay the same into the State Treasury to the credit
20 of the General Fund. Such moneys are hereby appropriated from
21 the General Fund to the Legislative Reference Bureau to carry
22 out the provisions of this chapter.

23 § 905. Section headings.

24 The Director of the Legislative Reference Bureau, with the
25 approval of the [Department of Justice] Attorney General, shall
26 prepare and promulgate an appropriate heading for any section of
27 the Constitution of Pennsylvania which was heretofore or may
28 hereafter be adopted without a section heading. Any section
29 heading promulgated pursuant to this section shall be published
30 in the next available volume of the Laws of Pennsylvania.

1 § 1105. Editing statutes for printing.

2 (a) Correction of errors.--Where any statute shall have been
3 finally enacted and it shall be ascertained that such statute is
4 technically defective in form, or contains misspelled words or
5 typographical errors, or the plural or singular number, or the
6 past, present or future tense appears where another should be
7 used, or where a word clearly intended to be inserted has been
8 omitted, or where a word clearly should have been omitted, or
9 where a word is correctly spelled but it clearly appears that
10 another word was intended, the Director of the Legislative
11 Reference Bureau, in editing such statute, shall have authority,
12 with the approval of the President pro tempore of the Senate,
13 the Speaker of the House of Representatives, and the [Department
14 of Justice] Attorney General, to correct the original copy of
15 such statute, as filed in the Department of State, if such
16 correction will not in any manner affect or change the meaning,
17 intent or substance of such statute.

18 * * *

19 Section 2. Section 508 of Title 2 is ~~amended to read~~ <--

20 REPEALED: <--

21 [~~§ 508. Notice to {Department of Justice} Office of Attorney~~ <--

22 General.

23 Before notice of any hearing leading to an adjudication is
24 given by a Commonwealth agency (except the Pennsylvania Public
25 Utility Commission), the agency shall submit the matter to its
26 representative in the {Department of Justice} ~~Office of Attorney~~ <--

27 General who shall pass upon the legality of the proposed action
28 or defense. Failure of the agency to submit the matter to the
29 {department} ~~Office of Attorney General~~ shall not invalidate any <--
30 adjudication.] <--

1 Section 2.1. Section 2703 of Title 3 is amended to read:

2 § 2703. Unlawful acts.

3 A person commits a summary offense of the second degree and
4 shall be subject to the penalty imposed under 34 Pa.C.S. §
5 925(b)(5) (relating to jurisdiction and penalties) if the person
6 does any of the following:

7 (1) If the person is a taxidermist, mounts any specimen
8 which was not lawfully killed or raised under authority of a
9 propagating permit unless the owner of the specimen presents
10 the taxidermist with a permit obtained from the Pennsylvania
11 Game Commission or the Pennsylvania Fish and Boat Commission
12 and, in the case of migratory birds, the required Federal
13 permit.

14 (2) Mounts any specimen unless the owner of the specimen
15 presents the person with a copy of a permit issued by the
16 Pennsylvania Game Commission or the Pennsylvania Fish and
17 Boat Commission. A taxidermist may accept a specimen for
18 safekeeping and, after notifying the nearest Pennsylvania
19 Game Commission or Pennsylvania Fish and Boat Commission
20 officer, hold it until the owner obtains the necessary permit
21 or for a period not to exceed 60 days.

22 (3) Violates the provisions of this chapter.

23 Section 3. Section 6133(b) and (d)(2) of Title 7 are amended
24 to read:

25 § 6133. Issuance of license.

26 * * *

27 (b) Appeal of denial.--If the department refuses to issue a
28 license, it shall notify the applicant in writing of the denial,
29 the reason for the denial and the applicant's right to appeal
30 the denial to the Secretary of Banking and Securities. An appeal

1 from the department's refusal to approve an application for a
2 license must be filed by the applicant within 30 days of notice
3 of refusal.

4 * * *

5 (d) Denial of license due to conviction.--

6 * * *

7 (2) A license under this chapter shall be deemed to be a
8 covered license within the meaning of section 405 of the act
9 of May 15, 1933 (P.L.565, No.111), known as the Department of
10 Banking and Securities Code. The department shall notify a
11 licensee if a covered individual within the meaning of
12 section 405 of the Department of Banking and Securities Code
13 that is or will be employed or contracted by the licensee has
14 a criminal background that renders the employee unfit for
15 employment in the mortgage loan business.

16 * * *

17 Section 4. The definition of "medical facility" in section
18 2902 of Title 12 is amended to read:

19 § 2902. Definitions.

20 The following words and phrases when used in this chapter
21 shall have the meanings given to them in this section unless the
22 context clearly indicates otherwise:

23 * * *

24 "Medical facility." An entity licensed as a hospital under
25 the act of June 13, 1967 (P.L.31, No.21), known as the [Public
26 Welfare] Human Services Code, or the act of July 19, 1979
27 (P.L.130, No.48), known as the Health Care Facilities Act.

28 * * *

29 Section 5. The definition of "hospital" in section 3402 of
30 Title 12 is amended to read:

1 § 3402. Definitions.

2 The following words and phrases when used in this chapter
3 shall have the meaning given to them in this section unless the
4 context clearly indicates otherwise:

5 * * *

6 "Hospital." A facility operated by an entity licensed as a
7 hospital under the act of June 13, 1967 (P.L.31, No.21), known
8 as the [Public Welfare] Human Services Code, or the act of July
9 19, 1979 (P.L.130, No.48), known as the Health Care Facilities
10 Act, which is used to provide inpatient care and services.

11 * * *

12 Section 6. Sections 202(c)(2)(iii) and 1511(f) of Title 15
13 are amended to read:

14 § 202. Requirements for names generally.

15 * * *

16 (c) Required approvals or conditions.--

17 * * *

18 (2) The proper name of a covered association shall not
19 contain:

20 * * *

21 (iii) The words "engineer" or "engineering,"
22 "surveyor" or "surveying" or any other word implying that
23 any form of the practice of engineering or surveying as
24 defined in the act of May 23, 1945 (P.L.913, No.367),
25 known as the Engineer, Land Surveyor and Geologist
26 Registration Law, is provided unless at least one of the
27 individuals signing the initial public organic record of
28 the association or one of the governors of the existing
29 association has been properly registered with the State
30 Registration Board for Professional Engineers, Land

1 Surveyors and Geologists in the practice of engineering
2 or surveying and there is submitted to the department a
3 certificate from the board to that effect.

4 * * *

5 § 1511. Additional powers of certain public utility
6 corporations.

7 * * *

8 (f) Effect on other statutes.--Subsections (a) through (e)
9 shall not be construed to eliminate the exemption by statute of
10 certain agricultural or historical lands from liability to
11 condemnation or entry nor to affect or modify any of the
12 provisions of [the act of December 19, 1984 (P.L.1140, No.223),
13 known as the Oil and Gas Act,] 58 Pa.C.S. Ch. 32 (relating to
14 development) or of 66 Pa.C.S. § 1104 (relating to certain
15 appropriations by [the] right of eminent domain prohibited) or
16 2702 (relating to construction, relocation, suspension and
17 abolition of crossings), nor to permit the acquisition of water
18 rights, water or land underlying them by any public utility
19 corporation that has not received from the Department of
20 Environmental [Resources] Protection a limited power permit,
21 limited water supply permit, order of confirmation, permit for
22 acquisition of water rights or gubernatorial easement, right-of-
23 way, license or lease authorizing the acquisition or occupancy.

24 * * *

25 Section 7. Section 2713(c) of Title 18 is amended to read:
26 § 2713. Neglect of care-dependent person.

27 * * *

28 (c) Report during investigation.--When in the course of
29 conducting any regulatory or investigative responsibility, the
30 Department of Aging, the Department of Health or the Department

1 of [Public Welfare] Human Services has a reasonable cause to
2 believe that a care-dependent person or care-dependent persons
3 residing in a facility have suffered bodily injury or been
4 unlawfully restrained in violation of subsection (a)(1) or (2),
5 a report shall be made immediately to the local law enforcement
6 agency or to the Office of Attorney General.

7 * * *

8 Section 8. The definition of "center for children" in
9 section 3124.2(b) of Title 18, amended July 23, 2020 (P.L.641,
10 No.63), is amended to read:

11 § 3124.2. Institutional sexual assault.

12 * * *

13 (b) Definitions.--As used in this section, the following
14 words and phrases shall have the meanings given to them in this
15 subsection unless the context clearly indicates otherwise:

16 * * *

17 "Center for children." Includes a child day-care center,
18 group and family day-care home, boarding home for children, a
19 center providing early intervention and drug and alcohol
20 services for children or other facility which provides child-
21 care services which are subject to approval, licensure,
22 registration or certification by the Department of [Public
23 Welfare] Human Services or a county social services agency or
24 which are provided pursuant to a contract with the department or
25 a county social services agency. The term does not include a
26 youth development center, youth forestry camp, State or county
27 juvenile detention facility and other licensed residential
28 facility serving children and youth.

29 * * *

30 Section 9. Sections 5749(c), 6501(f) and 7506(a) of Title 18

1 are amended to read:

2 § 5749. Retention of certain records.

3 * * *

4 (c) Definitions.--As used in this section, the following
5 words and phrases shall have the meanings given to them in this
6 subsection:

7 "Commander." The:

8 (1) [commissioner] Commissioner of the Pennsylvania
9 State Police or a designee, if the recording at issue was
10 made by a member of the Pennsylvania State Police; or

11 (2) chief or a designee of the law enforcement agency
12 which made the recording at issue.

13 "Law enforcement officer." A member of the Pennsylvania
14 State Police or an individual employed as a police officer who
15 is required to be trained under 53 Pa.C.S. Ch. 21 Subch. D
16 (relating to municipal police education and training).

17 § 6501. Scattering rubbish.

18 * * *

19 (f) Exception.--Subsection (a)(3) does not apply to the
20 lawful depositing of waste at any site regulated by the
21 Department of Environmental [Resources] Protection.

22 * * *

23 § 7506. Violation of rules regarding conduct on Commonwealth
24 property.

25 (a) Promulgation of rules and regulations.--The Department
26 of [Environmental] Conservation and Natural Resources,
27 Pennsylvania Game Commission and Pennsylvania Historical and
28 Museum Commission may promulgate rules and regulations governing
29 conduct, other than conduct regulated in section 7505 (relating
30 to violation of governmental rules regarding traffic), on

1 Commonwealth property within the jurisdiction of that agency.
2 Such rules and regulations shall be reasonably related to the
3 preservation and protection of such property for its specified
4 or intended use, or to promote the welfare, safety or protection
5 of those persons using such property, shall be consistent with
6 existing law and shall be posted in a manner reasonable likely
7 to come to the attention of persons using such property.

8 * * *

9 Section 10. The definition of "criminal justice agency" in
10 section 9102 of Title 18 is amended to read:

11 § 9102. Definitions.

12 The following words and phrases when used in this chapter
13 shall have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 * * *

16 "Criminal justice agency." Any court, including the minor
17 judiciary, with criminal jurisdiction or any other governmental
18 agency, or subunit thereof, created by statute or by the State
19 or Federal constitutions, specifically authorized to perform as
20 its principal function the administration of criminal justice,
21 and which allocates a substantial portion of its annual budget
22 to such function. Criminal justice agencies include, but are not
23 limited to: organized State and municipal police departments,
24 local detention facilities, county, regional and State
25 correctional facilities, probation agencies, district or
26 prosecuting attorneys, parole boards, pardon boards, the
27 facilities and administrative offices of the Department of
28 [Public Welfare] Human Services that provide care, guidance and
29 control to adjudicated delinquents, and such agencies or
30 subunits thereof, as are declared by the Attorney General to be

1 criminal justice agencies as determined by a review of
2 applicable statutes and the State and Federal Constitutions or
3 both.

4 * * *

5 Section 11. Section 9113(c) and (e) of Title 18 are amended
6 to read:

7 § 9113. Disposition reporting by criminal justice agencies.

8 * * *

9 (c) Correctional institutions.--County, regional and State
10 correctional institutions shall collect and submit information
11 regarding the admission, release and length of sentence of
12 individuals sentenced to local and county institutions as
13 required by the [Bureau of Correction] Department of
14 Corrections.

15 * * *

16 (e) State agencies.--The Administrative Office of
17 Pennsylvania Courts, the [Bureau of Correction] Department of
18 Corrections, the Pennsylvania [Board of Probation and] Parole <--
19 BOARD and the Pennsylvania Board of Pardons shall collect and <--
20 submit to the central repository such information necessary to
21 maintain complete and accurate criminal history record
22 information. Each State agency listed in this subsection shall
23 submit to the central repository any reports of dispositions
24 occurring within their respective agencies and such information
25 reported from county and local criminal justice agencies.

26 Section 12. Sections 3101(c), 3319(b)(1), 3321(d), 5488(b),
27 5525, 7780.3(a) and 7799.3(c), (d)(1), (e)(1) and (2) and (f) of
28 Title 20 are amended to read:

29 § 3101. Payments to family and funeral directors.

30 * * *

1 (c) Patient's care account.--When the decedent was a
2 qualified recipient of medical assistance from the Department of
3 [Public Welfare] Human Services, the facility in which he was a
4 patient may make payment of funds, if any, remaining in the
5 patient's care account, for the decedent's burial expenses to a
6 licensed funeral director in an amount not exceeding \$10,000
7 whether or not a personal representative has been appointed.
8 After the payment of decedent's burial expenses, the facility
9 may pay the balance of decedent's patient's care account, as
10 long as the payments, including the payment for burial expenses,
11 does not exceed \$10,000, to the spouse, any child, the father or
12 mother or any sister or brother (preference being given in the
13 order named) of the deceased patient. Any facility making such a
14 payment shall be released to the same extent as if payment had
15 been made to a duly appointed personal representative of the
16 decedent and it shall not be required to see to the application
17 thereof. Any licensed funeral director or other person to whom
18 payment is made shall be answerable therefor to anyone
19 prejudiced by an improper distribution.

20 * * *

21 § 3319. Power of attorney; delegation of power over
22 subscription rights and fractional shares; authorized
23 delegations.

24 * * *

25 (b) Delegation of power over subscription rights and
26 fractional shares.--Where there is more than one personal
27 representative, one or more may delegate to another the power to
28 decide whether rights to subscribe to stock should be sold or
29 should be exercised, and also the power to decide whether a
30 fractional share of stock should be sold or should be rounded

1 out to a whole share through the purchase of an additional
2 fraction, and also the power to carry out any such decision. Any
3 delegation may extend to all subscription rights and fractional
4 shares from time to time received by the personal
5 representatives on account of stock held by them, or may be
6 limited to any extent specified in the delegation. No exercise
7 of any delegated power shall be valid, unless:

8 (1) the stock on which the subscription rights or
9 fractional shares are issued are listed or traded on the New
10 York Stock Exchange or any other exchange approved by the
11 Department of Banking and Securities; and

12 * * *

13 § 3321. Nominee registration; corporate fiduciary as agent;
14 deposit of securities in a clearing corporation;
15 book-entry securities.

16 * * *

17 (d) Deposit of securities in a clearing corporation.--A
18 personal representative holding securities in its fiduciary
19 capacity, any bank and trust company, trust company or National
20 bank holding securities as an agent pursuant to subsection (c)
21 of this section, is authorized to deposit or arrange for the
22 deposit of such securities in a clearing corporation (as defined
23 in Division 8 of Title 13 (relating to investment securities)).
24 When such securities are so deposited, certificates representing
25 securities of the same class of the same issuer may be merged
26 and held in bulk in the name of the nominee of such clearing
27 corporation with any other such securities deposited in such
28 clearing corporation by any person regardless of the ownership
29 of such securities, and certificates of small denomination may
30 be merged into one or more certificates of larger denomination.

1 The records of such fiduciary and the records of such bank and
2 trust company, trust company or National bank acting as an agent
3 under a power of attorney for a personal representative shall at
4 all times show the name of the party for whose account the
5 securities are so deposited. Title to such securities may be
6 transferred by bookkeeping entry on the books of such clearing
7 corporation without physical delivery of certificates
8 representing such securities. A bank and trust company, trust
9 company or National bank so depositing securities pursuant to
10 this section shall be subject to such rules and regulations as,
11 in the case of State chartered institutions, the Department of
12 Banking and Securities and, in the case of National banking
13 associations, the comptroller of the currency may from time to
14 time issue including, without limitation, standards for, or the
15 method of making a determination of, the financial
16 responsibility of any clearing corporation in which securities
17 are deposited. A bank and trust company, trust company or
18 National bank acting as custodian for a personal representative
19 shall, on demand by the personal representative, certify in
20 writing to the personal representative the securities so
21 deposited by such bank and trust company, trust company or
22 National bank in such clearing corporation for the account of
23 such personal representative. A personal representative shall,
24 on demand by any party to a judicial proceeding for the
25 settlement of such personal representative's account or on
26 demand by the attorney for such party, certify in writing to
27 such party the securities deposited by such personal
28 representative in such clearing corporation for its account as
29 such personal representative.

30 * * *

1 § 5488. Advisory committee.

2 * * *

3 (b) Membership.--The committee shall include representatives
4 from the Pennsylvania Medical Society, the Hospital and Health
5 System Association of Pennsylvania, the Joint State Government
6 Commission's Advisory Committee on Decedents' Estates Laws, the
7 Pennsylvania Bar Association, the Department of Aging, the
8 Department of [Public Welfare] Human Services and other
9 interested persons at the department's discretion.

10 * * *

11 § 5525. Notice to Commonwealth and political subdivisions.

12 When the Commonwealth or a political subdivision thereof has
13 a claim for maintaining an incapacitated person in an
14 institution, the guardian, within three months of his
15 appointment, shall give notice thereof to the Department of
16 [Public Welfare] Human Services or the proper officer of such
17 political subdivision, as the case may be.

18 § 7780.3. Duty to inform and report.

19 (a) Duty to respond to requests.--A trustee shall promptly
20 respond to a reasonable request by the settlor of a trust or by
21 a beneficiary of an irrevocable trust for information related to
22 the trust's administration. A trustee shall promptly respond to
23 the Department of [Public Welfare's] Human Services' reasonable
24 request for information related to the trust's administration
25 when a settlor or beneficiary is a resident in a State-owned
26 facility or an applicant for or recipient of cash or medical
27 assistance from the Commonwealth and the department certifies in
28 writing that it has obtained a currently valid consent for the
29 disclosure of such information from the settlor or beneficiary
30 of the trust. A trustee may rely upon the department's

1 certification without investigating its accuracy.

2 * * *

3 § 7799.3. Pooled trusts for individuals with disabilities.

4 * * *

5 (c) Pooled trust fund.--Before the funding of a pooled
6 trust, all liens and claims in favor of the Department of
7 [Public Welfare] Human Services for repayment of cash and
8 medical assistance shall first be satisfied. All money received
9 for pooled trust funds shall be deposited with a court-approved
10 corporate fiduciary or with the State Treasury if no court-
11 approved corporate fiduciary is available to the trustee. The
12 funds shall be pooled for investment and management. A separate
13 account shall be maintained for each beneficiary, and quarterly
14 accounting statements shall be provided to each beneficiary by
15 the trustee. The court-approved corporate fiduciary or the State
16 Treasury shall provide quarterly accounting statements to the
17 trustee. The court-approved corporate fiduciary or the State
18 Treasury may charge a trust management fee to cover the costs of
19 managing the funds in the pooled trust.

20 (d) Reporting.--

21 (1) In addition to reports required to be filed under 15
22 Pa.C.S. Pt. III (relating to partnerships and limited
23 liability companies), the trustee shall file an annual report
24 with the Office of Attorney General and the Department of
25 [Public Welfare] Human Services, along with an itemized
26 statement which shows the funds collected for the year,
27 income earned, salaries paid, other expenses incurred and the
28 opening and final trust balances. A copy of this statement
29 shall be available to the beneficiary, settlor or designee of
30 the settlor upon request.

1 * * *

2 (e) Coordination of services.--

3 (1) The Department of [Public Welfare] Human Services
4 shall review and approve the pooled trust of an applicant for
5 medical assistance.

6 (2) In the determination of eligibility for medical
7 assistance benefits, the interest of a disabled beneficiary
8 in a pooled trust that has been approved by the Department of
9 [Public Welfare] Human Services shall not be considered as a
10 resource for purposes of determining the beneficiary's
11 eligibility for medical assistance.

12 * * *

13 (f) Notice.--The Office of Attorney General and the
14 Department of [Public Welfare] Human Services shall make
15 available information on the treatment of pooled trusts for the
16 individuals with disabilities in the medical assistance program.

17 * * *

18 Section 13. The definition of "agency" in section 2102 of
19 Title 23 is amended to read:

20 § 2102. Definitions.

21 The following words and phrases when used in this part shall
22 have, unless the context clearly indicates otherwise, the
23 meanings given to them in this section:

24 * * *

25 "Agency." Any incorporated or unincorporated organization,
26 society, institution or other entity, public or voluntary, which
27 may receive or provide for the care of children, supervised by
28 the Department of [Public Welfare] Human Services and providing
29 adoption services in accordance with standards established by
30 the department.

1 * * *

2 Section 14. Sections 2503(e), 2504(d), 2505(e), 2511(c),
3 2551, 2552, 2732 and 2910 of Title 23 are amended to read:

4 § 2503. Hearing.

5 * * *

6 (e) Right to file personal and medical history
7 information.--At the time the decree of termination is
8 transmitted to the parent whose rights are terminated, the court
9 shall advise that parent, in writing, of his or her continuing
10 right to place and update personal and medical history
11 information, whether or not the medical condition is in
12 existence or discoverable at the time of adoption, on file with
13 the court and with the Department of [Public Welfare] Human
14 Services pursuant to Subchapter B of Chapter 29 (relating to
15 records and access to information).

16 § 2504. Alternative procedure for relinquishment.

17 * * *

18 (d) Right to file personal and medical history
19 information.--At the time the decree of termination is
20 transmitted to the parent, the court shall also advise, in
21 writing, the parent whose rights have been terminated of his or
22 her continuing right to place and update personal and medical
23 history information, whether or not the medical condition is in
24 existence or discoverable at the time of adoption, on file with
25 the court and with the Department of [Public Welfare] Human
26 Services pursuant to Subchapter B of Chapter 29 (relating to
27 records and access to information).

28 § 2505. Counseling.

29 * * *

30 (e) Counseling fund.--Except as hereinafter provided, each

1 report of intention to adopt filed pursuant to section 2531
2 (relating to report of intention to adopt) shall be accompanied
3 by a filing fee in the amount of \$75 which shall be paid into a
4 segregated fund established by the county. The county may also
5 make supplemental appropriations to the fund. All costs of
6 counseling provided pursuant to subsection (c) or (d) to
7 individuals who are unable to pay for such counseling shall be
8 paid from the fund. No filing fee may be exacted under this
9 subsection with respect to the adoption of a special needs child
10 who would be eligible for adoption assistance pursuant to
11 regulations promulgated by the Department of [Public Welfare]
12 Human Services. In addition, the court may reduce or waive the
13 fee in cases of demonstrated financial hardship.

14 § 2511. Grounds for involuntary termination.

15 * * *

16 (c) Right to file personal and medical history
17 information.--At the time the decree of termination is
18 transmitted to the parent whose rights have been terminated, the
19 court shall advise the parent, in writing, of his or her
20 continuing right to place and update personal and medical
21 history information, whether or not the medical condition is in
22 existence or discoverable at the time of adoption, on file with
23 the court and with the Department of [Public Welfare] Human
24 Services pursuant to Subchapter B of Chapter 29 (relating to
25 records and access to information).

26 § 2551. Definitions.

27 The following words and phrases when used in this subchapter
28 shall have the meanings given to them in this section unless the
29 context clearly indicates otherwise:

30 "Department." The Department of [Public Welfare] Human

1 Services of the Commonwealth.

2 "PACE." The Pennsylvania Adoption Cooperative Exchange.

3 § 2552. Pennsylvania Adoption Cooperative Exchange.

4 There shall be a Pennsylvania Adoption Cooperative Exchange
5 in the Office of Children, Youth and Families of the Department
6 of [Public Welfare] Human Services.

7 § 2732. Definitions.

8 The following words and phrases when used in this subchapter
9 shall have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Agency." A public or private entity, including a county
12 agency, that:

13 (1) is licensed, supervised or regulated by the
14 Department of [Public Welfare] Human Services; and

15 (2) provides adoption services.

16 "Agreement." A voluntary written agreement between an
17 adoptive parent and a birth relative that is approved by a court
18 and provides for continuing contact or communication between the
19 child and the birth relative or between the adoptive parent and
20 the birth relative as provided under this subchapter.

21 "Birth relative." A parent, grandparent, stepparent,
22 sibling, uncle or aunt of the child's birth family, whether the
23 relationship is by blood, marriage or adoption.

24 "Child." An individual who is under 18 years of age.

25 "County agency." A county children and youth social service
26 agency established under section 405 of the act of June 24, 1937
27 (P.L.2017, No.396), known as the County Institution District
28 Law, or its successor, and supervised by the Department of
29 [Public Welfare] Human Services under Article IX of the act of
30 June 13, 1967 (P.L.31, No.21), known as the [Public Welfare]

1 Human Services Code.

2 "Department." The Department of [Public Welfare] Human
3 Services of the Commonwealth.

4 § 2910. Penalty for unauthorized disclosure.

5 Any officer or employee of the court, other than a judge
6 thereof, the Department of Health, the Department of [Public
7 Welfare] Human Services or any agency who willfully discloses
8 impounded or otherwise confidential information relating to an
9 adoption, other than as expressly authorized and provided in
10 this chapter, commits a misdemeanor of the third degree.

11 Section 15. The definition of "department" in section 2911
12 of Title 23 is amended to read:

13 § 2911. Definitions.

14 The following words and phrases when used in this subchapter
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 * * *

18 "Department." The Department of [Public Welfare] Human
19 Services of the Commonwealth.

20 * * *

21 Section 16. The definitions of "department" and "State
22 disbursement unit" in section 4302 of Title 23 are amended to
23 read:

24 § 4302. Definitions.

25 The following words and phrases when used in this chapter
26 shall have the meanings given to them in this section unless the
27 context clearly indicates otherwise:

28 * * *

29 "Department." The Department of [Public Welfare] Human
30 Services of the Commonwealth.

1 * * *

2 "State disbursement unit." The organizational unit
3 established within the Department of [Public Welfare] Human
4 Services responsible for collecting and disbursing support as
5 provided in section 4374 (relating to State disbursement unit).

6 * * *

7 Section 17. Section 4306(c) of Title 23 is amended to read:
8 § 4306. Duties of Title IV-D attorney.

9 * * *

10 (c) Joinder of Department of [Public Welfare] Human
11 Services.--Whenever the record in any support action or
12 proceeding indicates that the persons for whom support is sought
13 have received public assistance from the Department of [Public
14 Welfare] Human Services at any time since the initiation of the
15 matter, the department may become a party to the action or
16 proceeding by filing an entry of appearance. This entry of
17 appearance may be entered without leave of court at any time and
18 at any stage of the action or proceeding.

19 Section 18. The definition of "net proceeds" in section
20 4308.1(i) of Title 23 is amended to read:

21 § 4308.1. Collection of overdue support from monetary awards.

22 * * *

23 (i) Definitions.--As used in this section, the following
24 words and phrases shall have the meanings given to them in this
25 subsection:

26 * * *

27 "Net proceeds." Moneys in excess of \$5,000 payable to a
28 prevailing party or beneficiary, or in the case of an award
29 under the act of June 2, 1915 (P.L.736, No.338), known as the
30 Workers' Compensation Act, or the act of June 21, 1939 (P.L.566,

1 No.284), known as The Pennsylvania Occupational Disease Act, the
2 claimant after payment of attorney fees, witness fees, court
3 costs, reasonable litigation expenses, documented unpaid
4 expenses incurred for medical treatment causally related to the
5 claim, any workers' compensation or occupational disease
6 indemnity or medical payment and payments to the medical
7 assistance program under sections 1409 and 1412 of the act of
8 June 13, 1967 (P.L.31, No.21), known as the [Public Welfare]
9 Human Services Code.

10 * * *

11 Section 19. The definition of "health care coverage" in
12 section 4326(1) of Title 23 is amended to read:

13 § 4326. Mandatory inclusion of child medical support.

14 * * *

15 (1) Definitions.--As used in this section, the following
16 words and phrases shall have the meanings given to them in this
17 subsection:

18 * * *

19 "Health care coverage." Coverage for medical, dental,
20 orthodontic, optical, psychological, psychiatric or other health
21 care services for a child. For the purposes of this section,
22 medical assistance under Subarticle (f) of Article IV of the act
23 of June 13, 1967 (P.L.31, No.21), known as the [Public Welfare]
24 Human Services Code, shall not be considered health care
25 coverage.

26 * * *

27 Section 20. Sections 4343(c)(6), 4355(d.6) and 4371 of Title
28 23 are amended to read:

29 § 4343. Paternity.

30 * * *

1 (c) Genetic tests.--

2 * * *

3 (6) A determination of nonpaternity made by another
4 state with respect to a public assistance recipient shall not
5 be binding upon the Department of [Public Welfare] Human
6 Services unless the defendant shows that the department had
7 actual notice of the proceedings, including the date and time
8 of any trial, and a fair opportunity to participate in all
9 material proceedings through counsel of its own choice.

10 § 4355. Denial or suspension of licenses.

11 * * *

12 (d.6) Immunity.--The court, the domestic relations section,
13 the Department of [Public Welfare] Human Services, the
14 Department of Transportation, the Pennsylvania Game Commission,
15 the Pennsylvania Fish and Boat Commission or any employee of any
16 of these entities or any person appointed by the Pennsylvania
17 Game Commission or the Pennsylvania Fish and Boat Commission to
18 issue licenses and permits pursuant to the applicable provisions
19 of 30 Pa.C.S. (relating to fish) and 34 Pa.C.S. (relating to
20 game) shall not be subject to civil or criminal liability for
21 carrying out their duties under this section.

22 * * *

23 § 4371. Definitions.

24 The following words and phrases when used in this subchapter
25 shall have the meanings given to them in this section unless the
26 context clearly indicates otherwise:

27 "Assistance." Cash assistance, medical assistance or
28 designated services provided under Article IV of the act of June
29 13, 1967 (P.L.31, No.21), known as the [Public Welfare] Human
30 Services Code.

1 "Legally responsible relative." Effective January 1, 1997, a
2 spouse and a parent for an unemancipated minor child.

3 "Secretary." The Secretary of [Public Welfare] Human
4 Services of the Commonwealth.

5 Section 21. The definition of "assistance group" in section
6 4374(g) of Title 23 is amended to read:

7 § 4374. State disbursement unit.

8 * * *

9 (g) Definitions.--The following words and phrases when used
10 in this section shall have the meanings given to them in this
11 subsection unless the context clearly indicates otherwise:

12 "Assistance group." The term shall have the meaning given in
13 section 402 of the act of June 13, 1967 (P.L.31, No.21), known
14 as the [Public Welfare] Human Services Code.

15 * * *

16 Section 22. The definition of "department" in section 4602
17 of Title 23 is amended to read:

18 § 4602. Definitions.

19 The following words and phrases when used in this chapter
20 shall have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

22 * * *

23 "Department." The Department of [Public Welfare] Human
24 Services of the Commonwealth.

25 Section 23. Sections 4603(b)(2), 5103(a), (b), (c)(1), (e)
26 and (f), 5329.1(b)(1) and (2), 6106(d) and 6114(b)(2) of Title
27 23 are amended to read:

28 § 4603. Relatives' liability; procedure.

29 * * *

30 (b) Amount.--

1 * * *

2 (2) For medical assistance for the aged other than
3 public nursing home care, as provided in section 401 of the
4 act of June 13, 1967 (P.L.31, No.21), known as the [Public
5 Welfare] Human Services Code, the following apply:

6 (i) Except as set forth in subparagraph (ii), the
7 amount of liability shall, during any 12-month period, be
8 the lesser of:

9 (A) six times the excess of the liable
10 individual's average monthly income over the amount
11 required for the reasonable support of the liable
12 individual and other persons dependent upon the
13 liable individual; or

14 (B) the cost of the medical assistance for the
15 aged.

16 (ii) The department may, by reasonable regulations,
17 adjust the liability under subparagraph (i), including
18 complete elimination of the liability, at a cost to the
19 Commonwealth not exceeding those funds certified by the
20 Secretary of the Budget as available for this purpose.

21 * * *

22 § 5103. Acknowledgment and claim of paternity.

23 (a) Acknowledgment of paternity.--The father of a child born
24 to an unmarried woman may file with the Department of [Public
25 Welfare] Human Services, on forms prescribed by the department,
26 an acknowledgment of paternity of the child which shall include
27 the consent of the mother of the child, supported by her
28 witnessed statement subject to 18 Pa.C.S. § 4904 (relating to
29 unsworn falsification to authorities). In such case, the father
30 shall have all the rights and duties as to the child which he

1 would have had if he had been married to the mother at the time
2 of the birth of the child, and the child shall have all the
3 rights and duties as to the father which the child would have
4 had if the father had been married to the mother at the time of
5 birth. The hospital or other person accepting an acknowledgment
6 of paternity shall provide written and oral notice, which may be
7 through the use of video or audio equipment, to the birth mother
8 and birth father of the alternatives to, the legal consequences
9 of and the rights and responsibilities that arise from, signing
10 the acknowledgment.

11 (b) Claim of paternity.--If the mother of the child fails or
12 refuses to join in the acknowledgment of paternity provided for
13 in subsection (a), the Department of [Public Welfare] Human
14 Services shall index it as a claim of paternity. The filing and
15 indexing of a claim of paternity shall not confer upon the
16 putative father any rights as to the child except that the
17 putative father shall be entitled to notice of any proceeding
18 brought to terminate any parental rights as to the child.

19 (c) Duty of hospital or birthing center.--Upon the birth of
20 a child to an unmarried woman, an agent of the hospital or
21 birthing center where the birth occurred shall:

22 (1) Provide the newborn's birth parents with an
23 opportunity to complete an acknowledgment of paternity. The
24 completed, signed and witnessed acknowledgment shall be sent
25 to the Department of [Public Welfare] Human Services. A copy
26 shall be given to each of the birth parents. This
27 acknowledgment shall contain:

28 (i) A signed, witnessed statement subject to 18
29 Pa.C.S. § 4904 (relating to unsworn falsification to
30 authorities) by the birth mother consenting to the

1 acknowledgment of paternity.

2 (ii) A signed, witnessed statement subject to 18
3 Pa.C.S. § 4904 by the birth father acknowledging his
4 paternity.

5 (iii) A written explanation of the parental duties
6 and parental rights which arise from signing such a
7 statement.

8 (iv) The Social Security numbers and addresses of
9 both birth parents.

10 * * *

11 (e) Transfer.--The Department of Health shall transfer to
12 the Department of [Public Welfare] Human Services all
13 acknowledgments or claims of paternity filed with the Department
14 of Health under prior statutes.

15 (f) Certifications.--The Department of [Public Welfare]
16 Human Services shall provide necessary certifications under Part
17 III (relating to adoption) as to whether any acknowledgment or
18 claim of paternity has been filed in regard to any child who is
19 a prospective adoptive child.

20 * * *

21 § 5329.1. Consideration of child abuse and involvement with
22 protective services.

23 * * *

24 (b) Cooperation.--The following apply:

25 (1) The Department of [Public Welfare] Human Services
26 and the county children and youth social service agency shall
27 fully cooperate with the court and assist the court in
28 fulfilling its duties under this section.

29 (2) The Department of [Public Welfare] Human Services
30 and the county children and youth social service agency shall

1 fully cooperate with the governing authority in order to
2 implement the provisions of this section.

3 * * *

4 § 6106. Commencement of proceedings.

5 * * *

6 (d) Surcharge on order.--When a protection order is granted
7 under section 6107(a), other than pursuant to an agreement of
8 the parties, a surcharge of \$100 shall be assessed against the
9 defendant. All moneys received from surcharges shall be
10 distributed in the following order of priority:

11 (1) \$25 shall be forwarded to the Commonwealth and shall
12 be appropriated to the Pennsylvania State Police to establish
13 and maintain the Statewide registry of protection orders
14 provided for in section 6105.

15 (2) \$50 shall be retained by the county and shall be
16 used to carry out the provisions of this chapter as follows:

17 (i) \$25 shall be used by the sheriff.

18 (ii) \$25 shall be used by the court.

19 (3) \$25 shall be forwarded to the Department of [Public
20 Welfare] Human Services for use for victims of domestic
21 violence in accordance with the provisions of section 2333 of
22 the act of April 9, 1929 (P.L.177, No.175), known as The
23 Administrative Code of 1929.

24 * * *

25 § 6114. Contempt for violation of order or agreement.

26 * * *

27 (b) Trial and punishment.--

28 * * *

29 (2) All money received under this section shall be
30 distributed in the following order of priority:

1 (i) \$100 shall be forwarded to the Commonwealth and
2 shall be appropriated to the Pennsylvania State Police to
3 establish and maintain the Statewide registry of
4 protection orders provided for in section 6105 (relating
5 to responsibilities of law enforcement agencies).

6 (ii) \$100 shall be retained by the county and shall
7 be used to carry out the provisions of this chapter as
8 follows:

9 (A) \$50 shall be used by the sheriff.

10 (B) \$50 shall be used by the court.

11 (iii) \$100 shall be forwarded to the Department of
12 [Public Welfare] Human Services for use for victims of
13 domestic violence in accordance with the provisions of
14 section 2333 of the act of April 9, 1929 (P.L.177,
15 No.175), known as The Administrative Code of 1929.

16 (iv) Any additional money shall be forwarded to the
17 Commonwealth and shall be used by the Pennsylvania State
18 Police to establish and maintain the Statewide registry
19 of protection orders provided for in section 6105.

20 * * *

21 Section 24. The definition of "county agency" in section
22 6303(a) of Title 23 is amended to read:

23 § 6303. Definitions.

24 (a) General rule.--The following words and phrases when used
25 in this chapter shall have the meanings given to them in this
26 section unless the context clearly indicates otherwise:

27 * * *

28 "County agency." The county children and youth social
29 service agency established pursuant to section 405 of the act of
30 June 24, 1937 (P.L.2017, No.396), known as the County

1 Institution District Law, or its successor, and supervised by
2 the department under Article IX of the act of June 13, 1967
3 (P.L.31, No.21), known as the [Public Welfare] Human Services
4 Code.

5 * * *

6 Section 25. Sections 6311(a)(16), 6341(b), 6344(a)(8) and
7 (d.3)(1), 6363, 6376(d), 6383(b)(4) and (c)(1) and 6385 of Title
8 23 are amended to read:

9 § 6311. Persons required to report suspected child abuse.

10 (a) Mandated reporters.--The following adults shall make a
11 report of suspected child abuse, subject to subsection (b), if
12 the person has reasonable cause to suspect that a child is a
13 victim of child abuse:

14 * * *

15 (16) An adult family member who is a person responsible
16 for the child's welfare and provides services to a child in a
17 family living home, community home for individuals with an
18 intellectual disability or host home for children which are
19 subject to supervision or licensure by the department under
20 Articles IX and X of the act of June 13, 1967 (P.L.31,
21 No.21), known as the [Public Welfare] Human Services Code.

22 * * *

23 § 6341. Amendment or expunction of information.

24 * * *

25 (b) Review of grant of request.--If the secretary grants the
26 request under subsection (a)(2), the Statewide database,
27 appropriate county agency, appropriate law enforcement officials
28 and all subjects shall be so advised of the decision. The county
29 agency and any subject have 90 days in which to file an
30 administrative appeal with the secretary. If an administrative

1 appeal is received, the secretary or his designated agent shall
2 schedule a hearing pursuant to Article IV of the act of June 13,
3 1967 (P.L.31, No.21), known as the [Public Welfare] Human
4 Services Code, attending departmental regulations. If no
5 administrative appeal is received within the designated time
6 period, the Statewide database shall comply with the decision of
7 the secretary and advise the county agency to amend or expunge
8 the information in their records so that the records are
9 consistent at both the State and local levels.

10 * * *

11 § 6344. Employees having contact with children; adoptive and
12 foster parents.

13 (a) Applicability.--Beginning December 31, 2014, this
14 section applies to the following individuals:

15 * * *

16 (8) An individual 18 years of age or older who resides
17 for at least 30 days in a calendar year in the following
18 homes which are subject to supervision or licensure by the
19 department under Articles IX and X of the act of June 13,
20 1967 (P.L.31, No.21), known as the [Public Welfare] Human
21 Services Code:

22 (i) A family living home.

23 (ii) A community home for individuals with an
24 intellectual disability.

25 (iii) A host home for children.

26 This paragraph does not include an individual with an
27 intellectual disability or chronic psychiatric disability
28 receiving services in a home.

29 * * *

30 (d.3) Family living homes, community homes for individuals

1 with an intellectual disability and host homes.--

2 (1) The following shall apply to an individual over 18
3 years of age residing in a family living home, a community
4 home for individuals with an intellectual disability or a
5 host home for children, which are subject to supervision or
6 licensure by the department under Articles IX and X of the
7 [Public Welfare] Human Services Code:

8 (i) If an individual is arrested for or convicted of
9 an offense that would constitute grounds for denying
10 approval under this chapter, or is named as a perpetrator
11 in a founded or indicated report, the individual shall
12 provide the agency with written notice not later than 72
13 hours after the arrest, conviction or notification that
14 the individual was named as a perpetrator in the
15 Statewide database.

16 (ii) The adult family member who is providing
17 services to a child in the home shall be required to
18 report any other change in the household composition
19 within 30 days of the change for review by the agency. If
20 any individual over 18 years of age, who has resided
21 outside this Commonwealth at any time within the previous
22 five-year period, begins residing in the home, that
23 individual shall, within 30 days of beginning residence,
24 submit to the agency a certification obtained from the
25 Statewide database, or its equivalent in each state in
26 which the individual has resided within the previous
27 five-year period, as to whether the person is named as a
28 perpetrator. If the certification shows that the person
29 is named as a perpetrator within the previous five-year
30 period, the agency shall forward the certification to the

1 department for review.

2 * * *

3 § 6363. County plan for protective services.

4 The county agency shall include provisions for protective
5 services in its annual plan as required by the act of June 13,
6 1967 (P.L.31, No.21), known as the [Public Welfare] Human
7 Services Code.

8 § 6376. Appeals with respect to general protective services.

9 * * *

10 (d) Hearing.--If a hearing is requested, the secretary or
11 his designated agent shall schedule a hearing pursuant to
12 Article IV of the act of June 13, 1967 (P.L.31, No.21), known as
13 the [Public Welfare] Human Services Code, and applicable
14 department regulations. The burden of proof in the hearing shall
15 be on the county agency. The department shall assist the county
16 agency as necessary.

17 * * *

18 § 6383. Education and training.

19 * * *

20 (b) Duties of Department of State.--

21 * * *

22 (4) A licensing board with jurisdiction over
23 professional licensees identified as mandated reporters under
24 this chapter may exempt an applicant or licensee from the
25 training or continuing education required by paragraph (3) if
26 all of the following apply:

27 (i) The applicant or licensee submits documentation
28 acceptable to the licensing board that the person has
29 already completed child abuse recognition training.

30 (ii) The training was:

1 (A) required by section 1205.6 of the act of
2 March 10, 1949 (P.L.30, No.14), known as the Public
3 School Code of 1949, and the training program was
4 approved by the Department of Education in
5 consultation with the department; or

6 (B) required by the act of June 13, 1967
7 (P.L.31, No.21), known as the [Public Welfare] Human
8 Services Code, and the training program was approved
9 by the department.

10 (iii) The amount of training received equals or
11 exceeds the amount of training or continuing education
12 required by paragraph (3).

13 * * *

14 (c) Training of persons subject to department regulation.--

15 (1) The following persons shall be required to meet the
16 child abuse recognition and reporting training requirements
17 of this subsection:

18 (i) Operators of institutions, facilities or
19 agencies which care for children and are subject to
20 supervision by the department under Article IX of the
21 [Public Welfare] Human Services Code, and their employees
22 who have direct contact with children.

23 (ii) Foster parents.

24 (iii) Operators of facilities and agencies which
25 care for children and are subject to licensure by the
26 department under Article X of the [Public Welfare] Human
27 Services Code and their employees who have direct contact
28 with children.

29 (iv) Caregivers in family child-care homes which are
30 subject to licensure by the department under Article X of

1 the [Public Welfare] Human Services Code and their
2 employees who have direct contact with children.

3 (v) The adult family member who is a person
4 responsible for the child's welfare and is providing
5 services to a child in a family living home, a community
6 home for individuals with an intellectual disability or a
7 host home which is subject to supervision or licensure by
8 the department under Articles IX and X of the [Public
9 Welfare] Human Services Code.

10 * * *

11 § 6385. Reimbursement to county agencies.

12 The department shall certify in accordance with the needs-
13 based budgeting provisions of Article VII of the act of June 13,
14 1967 (P.L.31, No.21), known as the [Public Welfare] Human
15 Services Code, a level of funds sufficient to meet the cost of
16 services required by the provisions of this chapter which are
17 reasonable and allowable as defined in Article VII.

18 Section 26. The definition of "department" in section 6502
19 of Title 23 is amended to read:

20 § 6502. Definitions.

21 The following words and phrases when used in this chapter
22 shall have the meanings given to them in this section unless the
23 context clearly indicates otherwise:

24 * * *

25 "Department." The Department of [Public Welfare] Human
26 Services of the Commonwealth.

27 * * *

28 Section 27. The definitions of "department," "obligee" and
29 "secretary" in section 8101(b) of Title 23 are amended to read:

30 § 8101. Short title of part and definitions.

1 * * *

2 (b) Definitions.--Subject to additional definitions
3 contained in subsequent provisions of this part which are
4 applicable to specific provisions of this part, the following
5 words and phrases when used in this part shall have the meanings
6 given to them in this section unless the context clearly
7 indicates otherwise:

8 * * *

9 "Department." The Department of [Public Welfare] Human
10 Services of the Commonwealth.

11 * * *

12 "Obligee." Any of the following:

13 (1) An individual to whom a duty of support is or is
14 alleged to be owed or in whose favor a support order has been
15 issued or a judgment determining parentage has been rendered.

16 (2) A political subdivision to which the rights under a
17 duty of support or support order have been assigned or which
18 has independent claims based on financial assistance provided
19 to an individual obligee.

20 (3) An individual seeking a judgment determining
21 parentage of the individual's child.

22 (4) The Department of [Public Welfare] Human Services.

23 * * *

24 "Secretary." The Secretary of [Public Welfare] Human
25 Services of the Commonwealth.

26 * * *

27 Section 28. Section 1201 of Title 25 is amended to read:

28 § 1201. Departmental responsibilities.

29 The department shall do all of the following:

30 (1) Provide for applicants to submit their voter

1 registration application to a commission, the Department of
2 Transportation and other agencies designated in section 1325
3 (relating to government agencies).

4 (2) Prescribe a procedure for the return of completed
5 voter registration applications from the Department of
6 Transportation, the Department of [Public Welfare] Human
7 Services, armed forces recruitment centers, Offices of the
8 Clerk of Orphan's Court and all other offices under this part
9 to the secretary or the appropriate commission.

10 (3) Develop, establish, implement and administer a
11 Statewide Uniform Registry of Electors in accordance with
12 Subchapter B (relating to Statewide Uniform Registry of
13 Electors (SURE)).

14 (4) Promulgate regulations necessary to administer this
15 part.

16 Section 29. Section 306(a) of Title 30 is amended to read:
17 § 306. Boating Advisory Board.

18 (a) Composition.--There is hereby continued within the
19 commission a Boating Advisory Board. The board shall consist of
20 the Secretary of [Environmental Resources] Conservation and
21 Natural Resources, or his designee, the executive director of
22 the commission and the assistant executive director of the
23 commission in charge of watercraft safety, all of whom shall be
24 ex officio members, and five volunteer members to be appointed
25 by the Governor for terms of five years or, in the case of a
26 vacancy, for the remainder of the unexpired term.

27 * * *

28 Section 30. Section 723(3) of Title 34 is amended to read:
29 § 723. Exchange or sale.

30 The commission may, by resolution adopted by a majority of

1 the members present and voting at a public meeting:

2 * * *

3 (3) Sell lands to the Department of [Environmental]
4 Conservation and Natural Resources for State forests or to
5 the Federal Government for National Forests or National
6 Wildlife Refuges when in the best interests of game or
7 wildlife.

8 Section 31. The definition of "custodial child care
9 facility" in section 7102 of Title 35 is amended to read:

10 § 7102. Definitions.

11 The following words and phrases when used in this part shall
12 have, unless the context clearly indicates otherwise, the
13 meanings given to them in this section:

14 * * *

15 "Custodial child care facility." A child day care center as
16 defined under section 1001 of the act of June 13, 1967 (P.L.31,
17 No.21), known as the [Public Welfare] Human Services Code, or
18 nursery school licensed or regulated by the Commonwealth.

19 * * *

20 Section 32. Sections 7312(a), 7385(b) and 7701(b) of Title
21 35 are amended to read:

22 § 7312. Organization.

23 This agency shall consist of and be organized substantially
24 as follows:

25 (a) Council.--Primary responsibility for overall policy and
26 direction of a Statewide civil defense and disaster program and
27 response capability of the type hereinafter prescribed shall be
28 vested in a body legally known as the Pennsylvania Emergency
29 Management Council, which shall be composed of: the Governor,
30 Lieutenant Governor, Adjutant General, Secretary of Health,

1 Attorney General, General Counsel, Secretary of Community
2 [Affairs] and Economic Development, Secretary of Environmental
3 Protection, Secretary of Transportation, Secretary of
4 Agriculture, Secretary of [Public Welfare] Human Services,
5 Commissioner of the Pennsylvania State Police, Chairman of the
6 Public Utility Commission, State Fire Commissioner, Speaker of
7 the House of Representatives, President pro tempore of the
8 Senate, Minority Leader of the Senate and Minority Leader of the
9 House of Representatives. The Speaker of the House of
10 Representatives, President pro tempore of the Senate, Minority
11 Leader of the Senate and Minority Leader of the House of
12 Representatives may authorize a member of their respective
13 Houses of the General Assembly to serve in their stead. The
14 Governor may authorize up to two representatives of business and
15 industry, up to two representatives of labor, up to two public
16 members at large and one representative respectively of the
17 Pennsylvania State Association of County Commissioners, the
18 Pennsylvania State Association of Township Commissioners, the
19 Pennsylvania State Association of Township Supervisors, the
20 Pennsylvania League of Cities and the Pennsylvania State
21 Association of Boroughs to be nonvoting members of the council.
22 The Governor may designate a member to serve as chairman. Five
23 members shall constitute a quorum.

24 * * *

25 § 7385. Pennsylvania Fire and Emergency Medical Services Loan
26 Program.

27 * * *

28 (b) Transfer.--There are transferred to the commissioner, to
29 be used, employed and expended in connection with the functions,
30 powers and duties enumerated in subsection (a), personnel,

1 contractual obligations, if any, mortgages, liens, encumbrances
2 and any other secured interests, records, files, property,
3 supplies and equipment now being used or held in connection with
4 such functions, powers and duties and the unexpended balance of
5 appropriations, allocations and other funds available or to be
6 made available for use in connection with such functions, powers
7 and duties as previously were vested in the former Department of
8 Community Affairs under Subchapter E and transferred to the
9 agency by Reorganization Plan No.7 of 1981 (P.L.615).

10 § 7701. Duties concerning disaster prevention.

11 * * *

12 (b) Department of Environmental [Resources] Protection.--The
13 Department of Environmental [Resources] Protection, in
14 conjunction with the Pennsylvania Emergency Management Agency,
15 shall keep land uses and construction of structures and other
16 facilities under continuing study and identify areas which are
17 particularly susceptible to severe land shifting, subsidence,
18 flood or other catastrophic occurrence. The studies under this
19 subsection shall concentrate on means of reducing or avoiding
20 the dangers caused by this occurrence or the consequences
21 thereof.

22 * * *

23 Section 33. Sections 306(2) and 705(b)(1) of Title 37 are
24 amended to read:

25 § 306. Publications and reproductions.

26 The commission shall have the power and duty to:

27 * * *

28 (2) Official repositories.--Establish one official
29 repository for its publications from among the qualified
30 historical or archaeological societies within each of the

1 geographic areas established and defined by the Department of
2 Community [Affairs] and Economic Development as "Standard
3 Regions." The Pennsylvania State Library and the Library of
4 Congress shall also be official repositories for commission
5 publications.

6 * * *

7 § 705. United States Brig Niagara.

8 * * *

9 (b) Powers and duties of the commission.--The commission
10 shall have the power and duty to:

11 (1) Cooperate with the Department of Military and
12 Veterans Affairs, the United States Navy and other
13 appropriate organizations in commemorating significant events
14 of our naval and maritime heritage.

15 * * *

16 Section 34. Section 6121 of Title 40 is amended to read:

17 § 6121. Eligible hospitals.

18 Any hospital plan corporation may enter into contracts for
19 the rendering of hospitalization to any of its subscribers only
20 with hospitals operated by the Commonwealth, or its agencies, or
21 by political subdivisions, or by corporations organized under
22 the laws of this Commonwealth for hospital purposes, or with
23 such other hospitals as are approved by the Department of
24 [Public Welfare] Human Services.

25 Section 35. Sections 761(a)(1), 2705(a), (c) and (f),
26 3502(b), 3721(c)(2) and 4521.1(a)(1) of Title 42 are amended to
27 read:

28 § 761. Original jurisdiction.

29 (a) General rule.--The Commonwealth Court shall have
30 original jurisdiction of all civil actions or proceedings:

1 (1) Against the Commonwealth government, including any
2 officer thereof, acting in his official capacity, except:

3 (i) actions or proceedings in the nature of
4 applications for a writ of habeas corpus or post-
5 conviction relief not ancillary to proceedings within the
6 appellate jurisdiction of the court;

7 (ii) eminent domain proceedings;

8 (iii) actions or proceedings conducted pursuant to
9 Chapter 85 (relating to matters affecting government
10 units);

11 (iv) actions or proceedings conducted pursuant to
12 the former act of May 20, 1937 (P.L.728, No.193),
13 referred to as the Board of Claims Act, or 62 Pa.C.S. Ch.
14 17 Subch. C (relating to Board of Claims); and

15 (v) actions or proceedings in the nature of trespass
16 as to which the Commonwealth government formerly enjoyed
17 sovereign or other immunity and actions or proceedings in
18 the nature of assumpsit relating to such actions or
19 proceedings in the nature of trespass.

20 * * *

21 § 2705. Responsibility for reports to executive agencies.

22 (a) Community [Affairs] and Economic Development.--The
23 office of clerk of the court of common pleas shall certify to
24 the Department of Community [Affairs] and Economic Development a
25 copy of any order of court incorporating, merging, dissolving,
26 annexing any territory from or to, confirming the adoption,
27 amendment or repeal of any home rule charter or optional plan of
28 government, or otherwise affecting the corporate status of any
29 municipality.

30 * * *

1 (c) [Department of Justice] Office of Attorney General.--The
2 prothonotary and the clerk of the courts shall make to the
3 [Department of Justice] Office of Attorney General such periodic
4 or special reports concerning criminal matters as the
5 [department] Office of Attorney General may specify by
6 regulation.

7 * * *

8 (f) Superseding administrative office procedures and
9 standards.--The manner of making any informational report
10 required by or pursuant to subsections (a) through (e) or by or
11 pursuant to any other similar statute by the office of the clerk
12 of the court of common pleas may be modified by procedures and
13 standards prescribed pursuant to section 4301 (relating to
14 establishment and maintenance of judicial records) with the
15 approval of the [Department of Justice] Attorney General.
16 § 3502. Financial regulations.

17 * * *

18 (b) County staff.--The Department of Community [Affairs] and
19 Economic Development, with the approval of the governing
20 authority, may promulgate regulations relating to forms and
21 accounting methods to be utilized in connection with the
22 judicial and related accounts to be maintained pursuant to this
23 part, designating the county staff who shall establish and
24 maintain the judicial and related account of the political
25 subdivision, defining for accounting purposes terms not
26 otherwise defined, used in this part in connection with judicial
27 and related accounts, specifying the time and manner of making
28 remittances and disbursements of moneys under this part by
29 county staff and fixing bonding requirements of county staff
30 handling moneys which are subject to this part. As used in this

1 subsection the term "county staff" includes personnel, except
2 judicial officers, of the City of Pittsburgh.

3 * * *

4 § 3721. County judicial center or courthouse.

5 * * *

6 (c) Child-care facilities.--

7 * * *

8 (2) If a child-care facility is provided under paragraph
9 (1):

10 (i) The child-care facility shall be licensed and
11 operated pursuant to Articles IX and X of the act of June
12 13, 1967 (P.L.31, No.21), known as the [Public Welfare]
13 Human Services Code, and regulations of the Department of
14 [Public Welfare] Human Services.

15 (ii) In addition to any other court cost or filing
16 fee authorized to be collected by law, an additional fee
17 of \$5 shall be charged and collected by the prothonotary,
18 clerk of orphans' court and register of wills of the
19 county or by any official designated to perform the
20 functions thereof for the initiation of any civil action
21 or legal proceeding.

22 (iii) In addition to any other court cost or filing
23 fee authorized to be collected by law, an additional fee
24 of \$5 shall be charged and collected by the clerk of
25 courts of the county or by any official designated to
26 perform the functions thereof for the initiation of any
27 criminal proceeding for which a fee, charge or cost
28 authorized on the effective date of this subsection and
29 for which a conviction is obtained or guilty plea is
30 entered.

1 * * *

2 § 4521.1. Statewide jury information system.

3 (a) General rule.--Notwithstanding any prohibition found in
4 any other law, regulation or rule to the contrary, the following
5 departments shall submit to the Court Administrator of
6 Pennsylvania, in a format provided herein, a list of individuals
7 as designated for that department to be included in a Statewide
8 jury information system on or before October 31 of each year:

9 (1) The Department of [Public Welfare] Human Services -
10 every individual resident in this Commonwealth who receives
11 cash assistance or food stamps pursuant to a Federal or State
12 program through the department except as prohibited by
13 Federal law or regulation.

14 * * *

15 Section 36. The definition of "eligible legal services
16 provider" in section 4903 of Title 42 is amended to read:

17 § 4903. Definitions.

18 The following words and phrases when used in this chapter
19 shall have the meanings given to them in this section unless the
20 context clearly indicates otherwise:

21 * * *

22 "Eligible legal services provider." A not-for-profit entity
23 incorporated in this Commonwealth, tax exempt under section
24 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-
25 514, 26 U.S.C. § 501(c)(3)) or any successor provision, which
26 operates within this Commonwealth for the primary purpose of
27 providing civil legal services without charge and which operates
28 to provide such civil legal services to eligible clients and
29 victims of abuse under contract or subcontract with the
30 Department of [Public Welfare] Human Services for the

1 expenditure of funds appropriated by the General Assembly for
2 the provision of legal services.

3 * * *

4 Section 37. The definitions of "health care provider" and
5 "hospital" in section 5101.1(c) of Title 42 are amended to read:

6 § 5101.1. Venue in medical professional liability actions.

7 * * *

8 (c) Definitions.--As used in this section, the following
9 words and phrases shall have the meanings given to them in this
10 subsection:

11 * * *

12 "Health care provider." A primary health care center, a
13 personal care home licensed by the Department of [Public
14 Welfare] Human Services pursuant to the act of June 13, 1967
15 (P.L.31, No.21), known as the [Public Welfare] Human Services
16 Code, or a person, including a corporation, university or other
17 educational institution licensed or approved by the Commonwealth
18 to provide health care or professional medical services as a
19 physician, a certified nurse midwife, a podiatrist, hospital,
20 nursing home, birth center, and an officer, employee or agent of
21 any of them acting in the course and scope of employment.

22 "Hospital." An entity licensed as a hospital under the act
23 of June 13, 1967 (P.L.31, No.21), known as the [Public Welfare]
24 Human Services Code, or the act of July 19, 1979 (P.L.130,
25 No.48), known as the Health Care Facilities Act.

26 * * *

27 Section 38. Sections 5552(b)(4), 5950(d), 5974(b),
28 62A05(c.1)(3) and (d)(5) and 62A14(d)(5) of Title 42 are amended
29 to read:

30 § 5552. Other offenses.

1 * * *

2 (b) Major offenses.--A prosecution for any of the following
3 offenses must be commenced within five years after it is
4 committed:

5 * * *

6 (4) Under the act of June 13, 1967 (P.L.31, No.21),
7 known as the [Public Welfare] Human Services Code.

8 * * *

9 § 5950. Confidential communications involving law enforcement
10 officers.

11 * * *

12 (d) Definitions.--As used in this section, the following
13 words and phrases shall have the meanings given to them in this
14 subsection:

15 "Coparticipant." An individual who participates in a group
16 critical incident stress management team intervention.

17 "Critical incident." A situation responded to by a law
18 enforcement officer which presents or involves either the death
19 or serious bodily injury of an individual or the imminent
20 potential of such death or serious bodily injury, or any
21 situation faced by a law enforcement officer in the course of
22 duty which causes or may cause the law enforcement officer to
23 experience unusually strong negative emotional reactions.

24 "Critical Incident Stress Management Network." A network
25 that meets the requirements of membership with the Pennsylvania
26 Voluntary Critical Incident Stress Management Network as
27 administered by the Department of Health and is registered with
28 the International Critical Incident Stress Foundation.

29 "Critical incident stress management services."
30 Consultation, risk assessment, education, intervention,

1 briefing, defusing, debriefing, onsite services, referral and
2 other crisis intervention services provided by a critical
3 incident stress management team to a law enforcement officer
4 prior to, during or after a critical incident.

5 "Critical incident stress management team member." An
6 individual who is specially trained to provide critical incident
7 stress management services as a member of a police agency or
8 organization critical incident stress management team that holds
9 membership in the Commonwealth's critical incident stress
10 management network.

11 "Government unit." The General Assembly and its officers and
12 agencies; the Governor and the departments, boards, commissions,
13 authorities and officers and agencies of the Commonwealth or
14 other instrumentalities thereof; any political subdivision,
15 municipality, school district or other local authority and the
16 departments, boards, commissions, authorities and officers and
17 agencies of such political subdivisions or other
18 instrumentalities thereof; and any court or other officer or
19 agency of the unified judicial system or instrumentality
20 thereof.

21 "Law enforcement officer." Any of the following:

- 22 (1) A member of the Pennsylvania State Police.
- 23 (2) Any enforcement officer or investigator employed by
24 the Pennsylvania Liquor Control Board.
- 25 (3) A parole agent of the Department of Corrections.
- 26 (4) A Capitol Police officer.
- 27 (5) A Department of Conservation and Natural Resources
28 ranger.
- 29 (6) A drug enforcement agent of the Office of Attorney
30 General whose principal duty is the enforcement of the drug

1 laws of this Commonwealth and a special agent of the Office
2 of Attorney General whose principal duty is the enforcement
3 of the criminal laws of this Commonwealth.

4 (7) Any member of a port authority or other authority
5 police department.

6 (8) Any police officer of a county, region, city,
7 borough, town or township.

8 (9) Any sheriff or deputy sheriff.

9 (10) A member of the Pennsylvania Fish and Boat
10 Commission.

11 (11) A Pennsylvania Wildlife Conservation Officer.

12 (12) A member of a campus police force with the power to
13 arrest under section 2416 of the act of April 9, 1929

14 (P.L.177, No.175), known as The Administrative Code of 1929.

15 As used in this paragraph, the term "campus police" has the
16 meaning given in section 302 of the act of November 29, 2004

17 (P.L.1383, No.180), known as the Uniform Crime Reporting Act.

18 (13) A member of the Fort Indiantown Gap Police Force.
19 § 5974. Summoning prisoner in this Commonwealth to testify in
20 another state.

21 * * *

22 (b) Hearing.--Upon presentation of the certificate to any
23 court having jurisdiction over the person confined and upon
24 notice to the [Bureau of Correction] Department of Corrections,
25 the court in this Commonwealth shall fix a time and place for a
26 hearing and shall make an order, directed to the person having
27 custody of the prisoner, requiring that the prisoner be produced
28 before it at the hearing.

29 § 62A05. Commencement of proceedings.

30 * * *

1 (c.1) Surcharge on order.--When an order is granted under
2 section 62A06 (relating to hearings), a surcharge of \$100 shall
3 be assessed against the defendant. All moneys received from
4 surcharges shall be distributed in the following order of
5 priority:

6 * * *

7 (3) Twenty-five dollars shall be forwarded to the
8 Department of [Public Welfare] Human Services for use for
9 victims of sexual assault in accordance with the provisions
10 of section 2333 of the act of April 9, 1929 (P.L.177,
11 No.175), known as The Administrative Code of 1929.

12 * * *

13 (d) Service.--

14 * * *

15 (5) In the case of a minor victim of sexual violence, a
16 copy of the petition and order shall be served upon the
17 county agency and the Department of [Public Welfare] Human
18 Services. For purposes of this subparagraph, the term "county
19 agency" shall be as defined in 23 Pa.C.S. § 6303 (relating to
20 definitions).

21 * * *

22 § 62A14. Contempt for violation of order.

23 * * *

24 (d) Trial and punishment.--

25 * * *

26 (5) All moneys received under this section shall be
27 distributed in the following order of priority:

28 (i) One hundred dollars shall be forwarded to the
29 Commonwealth and shall be used by the Pennsylvania State
30 Police to establish and maintain the Statewide registry

1 of protection orders provided for in section 62A04(c)
2 (relating to responsibilities of law enforcement
3 agencies).

4 (ii) One hundred dollars shall be retained by the
5 county and shall be used to carry out the provisions of
6 this chapter as follows:

7 (A) Fifty dollars shall be used by the sheriff.

8 (B) Fifty dollars shall be used by the court.

9 (iii) One hundred dollars shall be forwarded to the
10 Department of [Public Welfare] Human Services for use for
11 victims of sexual assault in accordance with the
12 provisions of section 2333 of the act of April 9, 1929
13 (P.L.177, No.175), known as The Administrative Code of
14 1929.

15 (iv) Any additional money shall be distributed in
16 the manner under subparagraph (i).

17 * * *

18 Section 39. The definition of "shelter care" in section 6302
19 of Title 42 is amended to read:

20 § 6302. Definitions.

21 The following words and phrases when used in this chapter
22 shall have, unless the context clearly indicates otherwise, the
23 meanings given to them in this section:

24 * * *

25 "Shelter care." Temporary care of a child in physically
26 unrestricted facilities. A facility approved by the Department
27 of [Public Welfare] Human Services to provide shelter care may
28 be located in the same building as a facility approved to
29 provide secure detention services provided that children
30 receiving shelter care services are segregated from the children

1 receiving secure detention services as required by the
2 department.

3 Section 40. Sections 6303(a)(4), 6306, 6308(a)(6), 6327(a),
4 (c.1)(1), (e) and (f), 6336.1(b)(3) introductory paragraph,
5 6352(a)(3) and (4) and 6353(c) of Title 42 are amended to read:
6 § 6303. Scope of chapter.

7 (a) General rule.--This chapter shall apply exclusively to
8 the following:

9 * * *

10 (4) Proceedings under the Interstate Compact on
11 Juveniles, as set forth in section 731 of the act of June 13,
12 1967 (P.L.31, No.21), known as the [Public Welfare] Human
13 Services Code.

14 * * *

15 § 6306. Costs and expenses of care of child.

16 The costs and expenses of the care of the child shall be paid
17 as provided by sections 704.1 and 704.2 of the act of June 13,
18 1967 (P.L.31, No.21), known as the ["Public Welfare Code."]
19 Human Services Code.

20 § 6308. Law enforcement records.

21 (a) General rule.--Law enforcement records and files
22 concerning a child shall be kept separate from the records and
23 files of arrests of adults. Unless a charge of delinquency is
24 transferred for criminal prosecution under section 6355
25 (relating to transfer to criminal proceedings), the interest of
26 national security requires, or the court otherwise orders in the
27 interest of the child, the records and files shall not be open
28 to public inspection or their contents disclosed to the public
29 except as provided in subsection (b); but inspection of the
30 records and files is permitted by:

1 * * *

2 (6) The Department of [Public Welfare] Human Services
3 for use in determining whether an individual named as the
4 perpetrator of an indicated report of child abuse should be
5 expunged from the Statewide database.

6 * * *

7 § 6327. Place of detention.

8 (a) General rule.--A child alleged to be delinquent may be
9 detained only in:

10 (1) A licensed foster home or a home approved by the
11 court.

12 (2) A facility operated by a licensed child welfare
13 agency or one approved by the court.

14 (3) A detention home, camp, center or other facility for
15 delinquent children which is under the direction or
16 supervision of the court or other public authority or private
17 agency, and is approved by the Department of [Public Welfare]
18 Human Services.

19 (4) Any other suitable place or facility, designated or
20 operated by the court and approved by the Department of
21 [Public Welfare] Human Services.

22 Under no circumstances shall a child be detained in any facility
23 with adults, or where the child is apt to be abused by other
24 children.

25 * * *

26 (c.1) Detention of child.--

27 (1) A child who is subject to criminal proceedings
28 having been charged with an act set forth under paragraph

29 (2) (i), (ii) or (iii) of the definition of "delinquent act"
30 in section 6302, who has not been released on bail and who

1 may seek or is seeking transfer to juvenile proceedings under
2 section 6322 (relating to transfer from criminal proceedings)
3 may be detained in a secure detention facility approved by
4 the Department of [Public Welfare] Human Services for the
5 detention of alleged and adjudicated delinquent children if
6 the attorney for the Commonwealth has consented to and the
7 court has ordered the detention.

8 * * *

9 (e) Detention of dependent child.--A child alleged to be
10 dependent may be detained or placed only in a Department of
11 [Public Welfare] Human Services approved shelter care facility
12 as stated in subsection (a) (1), (2) and (4), and shall not be
13 detained in a jail or other facility intended or used for the
14 detention of adults charged with criminal offenses, but may be
15 detained in the same shelter care facilities with alleged or
16 adjudicated delinquent children.

17 (f) Development of approved shelter care programs.--The
18 Department of [Public Welfare] Human Services shall develop or
19 assist in the development in each county of this Commonwealth
20 approved programs for the provision of shelter care for children
21 needing these services who have been taken into custody under
22 section 6324 (relating to taking into custody) and for children
23 referred to or under the jurisdiction of the court.

24 § 6336.1. Notice and hearing.

25 * * *

26 (b) Permanency hearings.--

27 * * *

28 (3) The Department of [Public Welfare] Human Services
29 shall develop a form for use by a foster parent or parents,
30 preadoptive parent or relative providing care for the child,

1 including, but not limited to, the following information:

2 * * *

3 § 6352. Disposition of delinquent child.

4 (a) General rule.--If the child is found to be a delinquent
5 child the court may make any of the following orders of
6 disposition determined to be consistent with the protection of
7 the public interest and best suited to the child's treatment,
8 supervision, rehabilitation and welfare, which disposition
9 shall, as appropriate to the individual circumstances of the
10 child's case, provide balanced attention to the protection of
11 the community, the imposition of accountability for offenses
12 committed and the development of competencies to enable the
13 child to become a responsible and productive member of the
14 community:

15 * * *

16 (3) Committing the child to an institution, youth
17 development center, camp, or other facility for delinquent
18 children operated under the direction or supervision of the
19 court or other public authority and approved by the
20 Department of [Public Welfare] Human Services.

21 (4) If the child is 12 years of age or older, committing
22 the child to an institution operated by the Department of
23 [Public Welfare] Human Services.

24 * * *

25 § 6353. Limitation on and change in place of commitment.

26 * * *

27 (c) Notice of available facilities and services.--
28 Immediately after the Commonwealth adopts its budget, the
29 Department of [Public Welfare] Human Services shall notify the
30 courts and the General Assembly, for each Department of [Public

1 Welfare] Human Services region, of the available:

2 (1) Secure beds for the serious juvenile offenders.

3 (2) General residential beds for the adjudicated
4 delinquent child.

5 (3) The community-based programs for the adjudicated
6 delinquent child.

7 If the population at a particular institution or program exceeds
8 110% of capacity, the department shall notify the courts and the
9 General Assembly that intake to that institution or program is
10 temporarily closed and shall make available equivalent services
11 to children in equivalent facilities.

12 Section 41. The definition of "department" in section 6402
13 of Title 42 is amended to read:

14 § 6402. Definitions.

15 The following words and phrases when used in this chapter
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 * * *

19 "Department." The Department of [Public Welfare] Human
20 Services of the Commonwealth.

21 * * *

22 Section 42. Sections 6403(b)(3), 6404.2(c), 6406 heading,
23 9107, 9144.1 and 9727(b)(2) of Title 42 are amended to read:

24 § 6403. Court-ordered involuntary treatment.

25 * * *

26 (b) Procedures for initiating court-ordered involuntary
27 commitment.--

28 * * *

29 (3) The court shall set a date for the hearing which
30 shall be held within 30 days of the filing of the petition

1 pursuant to paragraph (1) and direct the person to appear for
2 the hearing. A copy of the petition and notice of the hearing
3 date shall be served on the person, the attorney who
4 represented the person at the most recent dispositional
5 review hearing pursuant to section 6358(e) and the county
6 solicitor or a designee. A copy of the petition, the
7 assessment and notice of the hearing date shall also be
8 provided to the director of the facility operated by the
9 department pursuant to section 6406(a) (relating to duty of
10 Department of [Public Welfare] Human Services). The person
11 and the attorney who represented the person shall, along with
12 copies of the petition, also be provided with written notice
13 advising that the person has the right to counsel and that,
14 if he cannot afford one, counsel shall be appointed for the
15 person.

16 * * *

17 § 6404.2. Duration of outpatient commitment and review.

18 * * *

19 (c) Status reports.--An involuntary outpatient treatment
20 provider shall submit a report on the person's status and
21 clinical progress, on a form prescribed by the department, to
22 the facility operated by the department pursuant to section
23 6406(a) (relating to duty of Department of [Public Welfare]
24 Human Services), not less than every 30 days.

25 * * *

26 § 6406. Duty of Department of [Public Welfare] Human Services.

27 * * *

28 § 9107. Administrator and information agent.

29 The [Department of Justice] ~~Attorney General~~ DEPARTMENT OF
30 CORRECTIONS shall serve as central administrator of and

<--

1 information agent for the Agreement on Detainers.

2 § 9144.1. Payment of expenses, costs and fees.

3 All costs and expenses shall be paid out of the county
4 treasury in the county wherein the crime is alleged to have been
5 committed: Provided, however, That all costs and expenses
6 incurred by a county in extraditing a person who, upon release
7 from a Federal prison, is apprehended on a writ of detainer
8 issued by a state other than Pennsylvania, shall be reimbursed
9 by the [Department of Justice] Attorney General. Reimbursable
10 costs and expenses incurred in any extradition proceeding shall
11 include, but not be limited to, apprehending, securing,
12 transmitting and maintaining the prisoner, as well as food,
13 court fees and counsel fees. Any person released from a Federal
14 prison for whom extradition proceedings have been initiated and
15 who is apprehended on a writ of detainer issued by a state other
16 than Pennsylvania, shall be transferred to the [Bureau of
17 Correction] Department of Corrections as soon as possible until
18 such extradition occurs or until he is released by the court.
19 The [Commissioner of Correction] Secretary of Corrections shall
20 accept such transfer. The [Bureau of Correction] Department of
21 Corrections shall make every effort to be reimbursed for all
22 costs and expenses from the state which is seeking extradition.

23 § 9727. Disposition of persons found guilty but mentally ill.

24 * * *

25 (b) Treatment.--

26 * * *

27 (2) The cost for treatment of offenders found guilty but
28 mentally ill, committed to the custody of the [Bureau of
29 Correction] Department of Corrections and transferred to a
30 mental health facility, shall be borne by the Commonwealth.

1 * * *

2 Section 43. Chapter 7 heading and sections 1508, 1511(b) and
3 7502(a) of Title 51 are amended to read:

4 CHAPTER 7

5 DEPARTMENT OF MILITARY and Veterans AFFAIRS

6 § 1508. Payment of armory rentals by Commonwealth.

7 The annual rental of all armories and buildings not owned by
8 the Commonwealth and occupied by any organization, shall be paid
9 by the State Treasurer in the manner provided by law. All
10 payments for light, heat, water and janitor services in rented
11 armories and buildings shall be made by the Department of
12 Military and Veterans Affairs upon properly itemized vouchers,
13 except where such services are furnished by the landlord under
14 the rental contract.

15 § 1511. State Treasury Armory Fund.

16 * * *

17 (b) Appropriation.--Moneys in the State Treasury Armory Fund
18 are hereby appropriated to the Department of Military and
19 Veterans Affairs in such amounts as may be determined annually
20 by the Governor to be used for the purposes specified in
21 subsections (c) and (d).

22 * * *

23 § 7502. Retention of licenses and certifications of persons
24 entering military service.

25 (a) General rule.--Any person licensed or certified by the
26 Department of State, Department of Labor and Industry,
27 Department of Education, Insurance Department, Department of
28 Banking and Securities or the Municipal Police Officers'
29 Education and Training Commission or pursuant to the act of
30 October 10, 1974 (P.L.705, No.235), known as the Lethal Weapons

1 Training Act, to practice any profession or to work at any trade
2 or occupation, who heretofore has or shall thereafter enlist or
3 be inducted or drafted into the military or naval service of the
4 United States in time of war or preparation for national defense
5 during a national emergency, shall not thereby forfeit his or
6 her current license or registration and shall be exempt from any
7 continuing educational requirements or in-service training
8 requirements.

9 * * *

10 Section 44. The definition of "eligible disabled or deceased
11 veteran" in section 8701 of Title 51 is amended to read:

12 § 8701. Definitions.

13 The following words and phrases when used in this chapter
14 shall have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 * * *

17 "Eligible disabled or deceased veteran." A person who served
18 in the military or naval forces of the United States, or a
19 women's organization officially connected therewith, who:

20 (1) was killed in action or died as a result of wounds
21 incurred during a period of war or armed conflict or as a
22 result of hostile fire or terrorist attack during peacetime
23 (as determined by the Department of Military and Veterans
24 Affairs);

25 (2) died in service during a period of war or armed
26 conflict;

27 (3) was honorably discharged from the military or naval
28 forces of the United States and certified by the United
29 States Veterans' Administration as a 100% disabled veteran as
30 a result of service during a period of war or armed conflict

1 or as a result of hostile fire or terrorist attack (as
2 determined by the Department of Military and Veterans
3 Affairs) during peacetime; or

4 (4) was honorably discharged from the military or naval
5 forces of the United States and died as a result of a
6 service-connected disability (as certified by the United
7 States Veterans' Administration) incurred during a period of
8 war or armed conflict or as a result of peacetime hostile
9 fire or terrorist attack (as determined by the Department of
10 Military and Veterans Affairs).

11 * * *

12 Section 45. Sections 9102(a) and 9301(a) of Title 51 are
13 amended to read:

14 § 9102. Affidavits and acknowledgments by designated officers.

15 (a) Designation of certain officers authorized.--Each local
16 organization of The American Red Cross, The American Legion,
17 Veterans of World War I of the U.S.A., Inc., Veterans of Foreign
18 Wars of the United States, Disabled American Veterans, United
19 Spanish War Veterans, Regular Veterans Association, Director of
20 Veterans Affairs, Jewish War Veterans of the United States, the
21 Military Order of the Purple Heart, the Italian American War
22 Veterans of the United States, Incorporated, and such other
23 similar organizations now or hereafter accredited or recognized
24 by the United States Veterans Administration, which supplies
25 such aid and assistance to veterans or their dependents, and
26 which gratuitously prepares forms for veterans and their
27 dependents in connection with their affairs as such before the
28 United States, any agency thereof, or the Commonwealth, any
29 agency or political subdivision thereof, is hereby authorized to
30 designate one of its officers to take affidavits or

1 acknowledgments to such forms, as may be required by rule,
2 regulation or otherwise by the United States, any agency
3 thereof, or the Commonwealth, any agency or political
4 subdivision thereof, in the administration of the affairs of
5 veterans and their dependents. For the same purposes the
6 Adjutant General is authorized to designate one or more persons
7 from the Department of Military and Veterans Affairs, and the
8 State Director of Selective Service is authorized to designate
9 one or more persons from the Pennsylvania Selective Service
10 System.

11 * * *

12 § 9301. Reports of annual conventions.

13 (a) Printing and distribution by Commonwealth.--Whenever the
14 department commanders of the Grand Army of the Republic, the
15 United Spanish War Veterans, the Veterans of Foreign Wars of the
16 United States, the American Legion, the Disabled American
17 Veterans of the World War, the Veterans of World War I of the
18 U.S.A., Inc., the American Veterans of World War II (AMVETS),
19 Military Order of the Purple Heart, Jewish War Veterans,
20 Catholic War Veterans, Inc., The Society of the 28th Division,
21 A.E.F., the Marine Corps League and the Italian American War
22 Veterans of the United States, Incorporated, shall report to the
23 Department of [Property and Supplies] General Services the
24 proceedings of the annual encampment or conventions of their
25 respective departments, with such general and special orders and
26 circulars and other data which may form a part of said
27 proceedings, then the said proceedings, so reported, shall be
28 considered Commonwealth records, and under the direction of the
29 Department of [Property and Supplies] General Services, shall be
30 printed and bound, and a printed and bound copy thereof shall be

1 sent to each post or detachment in this Commonwealth of the
2 organization of whose proceedings the same is a report.

3 * * *

4 Section 46. The definitions of "assisted living residence"
5 and "personal care home" in section 9503 of Title 51 are amended
6 to read:

7 § 9503. Definitions.

8 The following words and phrases when used in this chapter
9 shall have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Assisted living residence." As defined in section 1001 of
12 the act of June 13, 1967 (P.L.31, No.21), known as the [Public
13 Welfare] Human Services Code.

14 * * *

15 "Personal care home." As defined in section 1001 of the act
16 of June 13, 1967 (P.L.31, No.21), known as the [Public Welfare]
17 Human Services Code.

18 * * *

19 Section 47. Section 9507 of Title 51 is amended to read:

20 § 9507. Fee.

21 A person authorized under section 9505(a) (relating to third-
22 party drugs in long-term care facilities, assisted living
23 residences and personal care homes) to dispense a drug may
24 charge no more than the maximum dispensing fee authorized by the
25 Department of [Public Welfare] Human Services regulations under
26 the medical assistance program.

27 Section 48. The definition of "health center" in section
28 5602 of Title 53 is amended to read:

29 § 5602. Definitions.

30 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 * * *

4 "Health center." A facility which:

5 (1) is operated by a nonprofit corporation and:

6 (i) provides health care services to the public;

7 (ii) provides health care-related services or
8 assistance to one or more organizations in aid of the
9 provision of health care services to the public,
10 including, without limitation, such facilities as blood
11 banks, laboratories, research and testing facilities,
12 medical and administrative office buildings and ancillary
13 facilities;

14 (iii) constitutes an integrated facility which
15 provides substantial health care services on a
16 nonsectarian basis and other reasonably related services,
17 including, without limitation, life care or continuing
18 care communities and nursing, personal care or assisted
19 living facilities for the elderly, handicapped or
20 disabled; or

21 (iv) provides educational and counseling services
22 regarding the prevention, diagnosis and treatment of
23 health care problems; and

24 (2) if required by law to be licensed to provide such
25 services by the Department of Health, the Department of
26 [Public Welfare] Human Services or the Insurance Department,
27 is so licensed or, in the case of a facility to be
28 constructed, renovated or expanded, is designed to comply
29 with applicable standards for such licensure.

30 * * *

1 Section 49. The definition of "common level ratio" in
2 section 8562 of Title 53 is amended to read:

3 § 8562. Definitions.

4 The following words and phrases when used in this subchapter
5 shall have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 * * *

8 "Common level ratio." The ratio of assessed value to market
9 value as determined by the State Tax Equalization Board under
10 [the act of June 27, 1947 (P.L.1046, No.447), referred to as the
11 State Tax Equalization Board Law.] Chapter 15 of the act of June
12 27, 1996 (P.L.403, No.58), known as the Community and Economic
13 Development Enhancement Act.

14 * * *

15 Section 50. The definition of "common level ratio" in
16 section 8582 of Title 53 is amended to read:

17 § 8582. Definitions.

18 The following words and phrases when used in this subchapter
19 shall have the meanings given to them in this section unless the
20 context clearly indicates otherwise:

21 * * *

22 "Common level ratio." The ratio of assessed value to current
23 market value used generally in the county as last determined by
24 the State Tax Equalization Board under [the act of June 27, 1947
25 (P.L.1046, No.447), referred to as the State Tax Equalization
26 Board Law.] Chapter 15 of the act of June 27, 1996 (P.L.403,
27 No.58), known as the Community and Economic Development
28 Enhancement Act.

29 * * *

30 Section 51. The definition of "common level ratio" in

1 section 8802 of Title 53 is amended to read:

2 § 8802. Definitions.

3 The following words and phrases when used in this chapter
4 shall have the meanings given to them in this section unless the
5 context clearly indicates otherwise:

6 * * *

7 "Common level ratio." The ratio of assessed value to current
8 market value used generally in the county and published by the
9 State Tax Equalization Board on or before July 1 of the year
10 prior to the tax year on appeal before the board under [the act
11 of June 27, 1947 (P.L.1046, No.447), referred to as the State
12 Tax Equalization Board Law.] Chapter 15 of the act of June 27,
13 1996 (P.L.403, No.58), known as the Community and Economic
14 Development Enhancement Act.

15 * * *

16 Section 52. Section 8815(c)(2) of Title 53 is amended to
17 read:

18 § 8815. Catastrophic loss.

19 * * *

20 (c) Definition.--As used in this section, the term
21 "catastrophic loss" means any loss due to mine subsidence, fire,
22 flood or other natural disaster which affects the physical state
23 of the real property and which exceeds 50% of the market value
24 of the real property prior to the loss. The term "catastrophic
25 loss" shall also mean any loss which exceeds 50% of the market
26 value of the real property prior to the loss incurred by
27 residential property owners who are not deemed responsible
28 parties under the Comprehensive Environmental Response,
29 Compensation, and Liability Act of 1980 or the Hazardous Sites
30 Cleanup Act and whose residential property is included or

1 proposed to be included as residential property on:

2 * * *

3 (2) the State priority list by the Department of
4 Environmental [Resources] Protection under the Hazardous
5 Sites Cleanup Act.

6 Section 53. Section 311(f) (2), (3) and (6) of Title 54 are
7 amended to read:

8 § 311. Registration.

9 * * *

10 (f) Required approvals.--The fictitious name shall not
11 contain:

12 * * *

13 (2) The words "engineer" or "engineering" or "surveyor"
14 or "surveying" or any other word implying that any form of
15 the practice of engineering or surveying, as defined in the
16 act of May 23, 1945 (P.L.913, No.367), known as the
17 [Professional Engineers] Engineer, Land Surveyor and
18 Geologist Registration Law, is provided unless at least one
19 of the parties to the registration has been properly
20 registered with the State Registration Board for Professional
21 Engineers, Land Surveyors and Geologists and there is
22 submitted to the department a certificate from the board to
23 that effect.

24 (3) The words "bank," "banking," "banker" or "trust" or
25 any other word implying that the entity is a bank, bank and
26 trust company, savings bank, private bank or trust company,
27 as defined in the act of November 30, 1965 (P.L.847, No.356),
28 known as the Banking Code of 1965, unless approved by the
29 Department of Banking and Securities.

30 * * *

1 (6) The words "credit union" or any other words implying
2 that the entity is a credit union as defined in 17 Pa.C.S. §
3 102 (relating to application of title), unless approved by
4 the Department of Banking and Securities.

5 * * *

6 Section 54. Section 1104(a) of Title 61 is amended to read:
7 § 1104. State recording system for application of restraints to
8 pregnant prisoners or detainees.

9 (a) General rule.--A correctional institution as defined by
10 section 5905(e) (relating to healthy birth for incarcerated
11 women) shall report each restraint applied to a pregnant
12 prisoner or detainee. The report must be in writing and must
13 note the number of restraints. Individual, separate written
14 findings for each restraint must accompany the report. This
15 shall include reports from the following:

16 (1) A correctional institution that is not operated,
17 supervised or licensed by the Department of [Public Welfare]
18 Human Services pursuant to the act of June 13, 1967 (P.L.31,
19 No.21), known as the [Public Welfare] Human Services Code,
20 shall make the report to the secretary.

21 (2) A correctional institution that is operated,
22 supervised or licensed by the Department of [Public Welfare]
23 Human Services pursuant to the [Public Welfare] Human
24 Services Code shall make the report to the Secretary of
25 [Public Welfare] Human Services.

26 * * *

27 Section 55. The definition of "correctional facility" in
28 section 1172 of Title 61 is amended to read:
29 § 1172. Definitions.

30 The following words and phrases when used in this subchapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Correctional facility." A correctional institution, group
4 home, community corrections center, parole center or any
5 facility that houses a person convicted of a criminal offense,
6 or awaiting trial, sentencing or extradition in a criminal
7 proceeding. The term does not include any facility or
8 institution operated, supervised or licensed under the act of
9 June 13, 1967 (P.L.31, No.21), known as the [Public Welfare]
10 Human Services Code.

11 * * *

12 Section 56. Sections 5905(d) and 7103 of Title 61 are
13 amended to read:

14 § 5905. Healthy birth for incarcerated women.

15 * * *

16 (d) Annual report.--No later than August 1 of each year, the
17 secretary and the Secretary of [Public Welfare] Human Services
18 shall each submit to the Governor's Office a written report
19 containing information regarding the use of restraints on any
20 pregnant prisoner or detainee during the preceding fiscal year
21 specifically identifying and enumerating the circumstances that
22 led to the determination that the prisoner or detainee fell
23 under the exception in subsection (b)(2). The secretary shall
24 report on pregnant prisoners or detainees in the custody of
25 correctional institutions operated, supervised or licensed by
26 the department. The Secretary of [Public Welfare] Human Services
27 shall report on pregnant prisoners or detainees in the custody
28 of correctional institutions operated, supervised or licensed by
29 the Department of [Public Welfare] Human Services pursuant to
30 the act of June 13, 1967 (P.L.31, No.21), known as the [Public

1 Welfare] Human Services Code. The reports shall not contain any
2 identifying information of any prisoner or detainee. The reports
3 shall be posted on the Governor's Internet website and shall be
4 made available for public inspection at the offices of the
5 department and the Department of [Public Welfare] Human
6 Services, respectively.

7 * * *

8 § 7103. Powers.

9 The secretary or his designee is hereby authorized and
10 directed to do all things necessary or incidental to the
11 carrying out of the compact in every particular except that no
12 contract for the confinement of inmates in the institutions of
13 this State shall be entered into unless the secretary has first
14 determined that the inmates are acceptable, notwithstanding the
15 provisions of Article IX-B of the act of April 9, 1929 (P.L.177,
16 No.175), known as the Administrative Code of 1929. The
17 secretary or his designee shall not enter into a contract
18 pursuant to Article III of the compact relating to inmates who
19 are mentally ill or mentally retarded without consultation with
20 the Secretary of [Public Welfare] Human Services.

21 Section 57. Section 102(e) of Title 62 is amended to read:

22 § 102. Application of part.

23 * * *

24 (e) Application to medical assistance provider agreements
25 and participating provider agreements.--Nothing in this part
26 shall apply to medical assistance provider agreements
27 administered by the Department of [Public Welfare] Human
28 Services or to participating provider agreements entered into by
29 the Department of Health.

30 * * *

1 Section 58. The definition of "medical assistance provider
2 agreement" in section 103 of Title 62 is amended to read:

3 § 103. Definitions.

4 Subject to additional definitions contained in subsequent
5 provisions of this part which are applicable to specific
6 provisions of this part, the following words and phrases when
7 used in this part shall have the meanings given to them in this
8 section unless the context clearly indicates otherwise:

9 * * *

10 "Medical assistance provider agreement." A written agreement
11 by a licensed or qualified provider of medically related
12 services to participate in the medical assistance program
13 administered by the Department of [Public Welfare] Human
14 Services.

15 * * *

16 Section 59. Sections 322(4), 520(c) and 1724(c) of Title 62
17 are amended to read:

18 § 322. Specific construction powers, duties and procedures.

19 The following procedure shall apply to construction to be
20 completed by the department which costs more than the amount
21 established by the department under section 514 (relating to
22 small procurements) for construction procurement unless the work
23 is to be done by Commonwealth agency employees or by inmates or
24 patients of a Commonwealth agency institution:

25 * * *

26 (4) The enforcement of all contracts provided for by
27 this section shall be under the control and supervision of
28 the department. The department shall have the authority to
29 engage the services of a construction management firm to
30 coordinate the work of the total project. All questions or

1 disputes arising between the department and any contractor
2 with respect to any matter pertaining to a contract entered
3 into with the department or any part thereto or any breach of
4 contract arising thereunder shall be submitted to final and
5 binding arbitration as provided by the terms of the contract,
6 which finding shall be final and not subject to further
7 appeal, or, if not so provided, shall be referred to the
8 Board of Claims as set forth in [the act of May 20, 1937
9 (P.L.728, No.193), referred to as the Board of Claims Act,]
10 Subchapter C of Chapter 17 (relating to Board of Claims),
11 whose decision and award shall be final and binding and
12 conclusive upon all parties thereto except that either party
13 shall have the right to appeal from the decision and award as
14 provided by law.

15 * * *

16 § 520. Supplies manufactured and services performed by persons
17 with disabilities.

18 * * *

19 (c) Distribution.--At the request of the department, the
20 Department of [Public Welfare] Human Services or a nonprofit
21 agency with the approval of the Department of [Public Welfare]
22 Human Services shall facilitate the distribution of orders for
23 supplies manufactured by or services performed by persons with
24 disabilities among agencies for persons with disabilities.

25 * * *

26 § 1724. Jurisdiction.

27 * * *

28 (c) Limitations.--The board shall have no power and exercise
29 no jurisdiction over a claim asserted under subsection (a) (1)
30 unless it is filed with the board in accordance with section

1 1712.1. The board shall have no power and exercise no
2 jurisdiction over a claim asserted against a Commonwealth agency
3 under subsection (a) (2) or (3) unless the claim was filed with
4 the board within six months after it accrued. The board shall
5 have no power and exercise no jurisdiction over claims for
6 payment or damages to providers of medical assistance services
7 arising out of the operation of the medical assistance program
8 established by the act of June 13, 1967 (P.L.31, No.21), known
9 as the [Public Welfare] Human Services Code.

10 * * *

11 Section 60. Section 1512(a) of Title 64 is amended to read:
12 § 1512. Board.

13 (a) Composition.--The board shall be composed of the
14 following members:

15 (1) The Secretary of Community and Economic Development
16 or a designee.

17 (2) The Secretary of the Budget or a designee.

18 (3) The Secretary of Banking and Securities or a
19 designee.

20 (4) Four legislative appointees.

21 (i) Appointments are as follows:

22 (A) One individual appointed by the President
23 pro tempore of the Senate.

24 (B) One individual appointed by the Minority
25 Leader of the Senate.

26 (C) One individual appointed by the Speaker of
27 the House of Representatives.

28 (D) One individual appointed by the Minority
29 Leader of the House of Representatives.

30 (ii) Legislative appointees shall serve at the

1 pleasure of the appointing authority.

2 (iii) An individual appointed to the board pursuant
3 to subparagraph (i) may not be a member of the General
4 Assembly or staff of a member of the General Assembly.

5 * * *

6 Section 61. Sections 318(b) and (c), 332(h), 333(d), 510(c),
7 514(c), 516(a) and (b), 517(b), 518(c), 519(c), 521(f), 529(a)
8 (2), (c) (5), (h), (j), (k) (3) and (l) (3) and (4), 1308(d),
9 1327(a) (3) (i), (b), (d) and (e) and 1358(e) (3) of Title 66 are
10 amended to read:

11 § 318. Commission to cooperate with other departments.

12 * * *

13 (b) Purity of water supply.--The commission may certify to
14 the Department of Environmental [Resources] Protection any
15 question of fact regarding the purity of water supplied to the
16 public by any public utility over which it has jurisdiction,
17 when any such question arises in any controversy or other
18 proceeding before it, and upon the determination of such
19 question by the department incorporate the department's findings
20 in its decision.

21 (c) Powers of certain governmental agencies unaffected.--
22 Nothing in this part shall be construed to deprive the
23 Department of Health or the Department of Environmental
24 [Resources] Protection of any jurisdiction, powers or duties now
25 vested in them.

26 § 332. Procedures in general.

27 * * *

28 (h) Exceptions and appeal procedure.--Any party to a
29 proceeding referred to an administrative law judge under section
30 331(b) may file exceptions to the decision of the administrative

1 law judge with the commission, in a form and manner and within
2 the time to be prescribed by the commission. The commission
3 shall rule upon such exceptions within 90 days after filing. If
4 no exceptions are filed, the decision shall become final,
5 without further commission action, unless two or more
6 commissioners within 15 days after the decision request that the
7 commission review the decision and make such other order, within
8 90 days of such request, as it shall determine. The [Office of
9 Trial Staff] commission's prosecutory bureau or office and the
10 chief counsel shall be deemed to have automatic standing as a
11 party to such proceeding and may file exceptions to any decision
12 of the administrative law judge under this subsection.

13 * * *

14 § 333. Prehearing procedures.

15 * * *

16 (d) Interrogatories.--Any party to a proceeding may serve
17 written interrogatories upon any other party for purposes of
18 discovering relevant, unprivileged information. A party served
19 with interrogatories may, before the time prescribed either by
20 commission rule or otherwise for answering the interrogatories,
21 apply to the presiding officer for the holding of a prehearing
22 conference for the mutual exchange of evidence exhibits and
23 other information. Each interrogatory which requests information
24 not previously supplied at a prehearing conference or hearing
25 shall be answered separately and fully in writing under oath,
26 unless it is objected to, in which event the reasons for the
27 objections shall be stated in lieu of an answer. The party upon
28 whom the interrogatories have been served shall serve a copy of
29 the answers and objections within a reasonable time, unless
30 otherwise specified, upon the party submitting the

1 interrogatories. The party submitting the interrogatories may
2 petition the presiding officer for an order compelling an answer
3 to an interrogatory or interrogatories to which there has been
4 an objection or other failure to answer. The commission shall
5 designate an appropriate official, other than the [Director of
6 Trial Staff or any other employee of the Office of Trial Staff]
7 director of the commission's prosecutory bureau or office, on
8 whom other parties to the proceeding may serve written
9 interrogatories directed to the commission. That official shall
10 arrange for agency personnel with knowledge of the facts to
11 answer and sign the interrogatories on behalf of the commission.
12 Interrogatories directed to the commission shall be allowed only
13 upon an order of the commission based upon a specific finding
14 that the interrogating party is seeking significant,
15 unprivileged information not discoverable by alternative means.
16 When participating in a commission proceeding, the [Office of
17 Trial Staff] commission's prosecutory bureau or office shall be
18 subject to the same rules of discovery applicable to any other
19 party to the case.

20 * * *

21 § 510. Assessment for regulatory expenses upon public
22 utilities.

23 * * *

24 (c) Notice, hearing and payment.--The commission shall give
25 notice by registered or certified mail to each public utility of
26 the amount lawfully charged against it under the provisions of
27 this section, which amount shall be paid by the public utility
28 within 30 days of receipt of such notice, unless the commission
29 specifies on the notices sent to all public utilities an
30 installment plan of payment, in which case each public utility

1 shall pay each installment on or before the date specified
2 therefor by the commission. Within 15 days after receipt of such
3 notice, the public utility against which such assessment has
4 been made may file with the commission objections setting out in
5 detail the grounds upon which the objector regards such
6 assessment to be excessive, erroneous, unlawful or invalid. The
7 commission, after notice to the objector, shall hold a hearing
8 upon such objections. After such hearing, the commission shall
9 record upon its minutes its findings on the objections and shall
10 transmit to the objector, by registered or certified mail,
11 notice of the amount, if any, charged against it in accordance
12 with such findings, which amount or any installment thereof then
13 due, shall be paid by the objector within ten days after receipt
14 of notice of the findings of the commission with respect to such
15 objections. If any payment prescribed by this subsection is not
16 made as aforesaid, the commission may suspend or revoke
17 certificates of public convenience, certify automobile
18 registrations to the Department of Transportation for suspension
19 or revocation or, through the [Department of Justice] Attorney
20 General, may institute an appropriate action at law for the
21 amount lawfully assessed, together with any additional cost
22 incurred by the commission or the [Department of Justice]
23 Attorney General by virtue of such failure to pay.

24 * * *

25 § 514. Use of coal.

26 * * *

27 (c) Cost of upgrading.--Notwithstanding section 1315
28 (relating to limitation on consideration of certain costs for
29 electric utilities) and subject to regulations promulgated by
30 the commission, the commission may allow a portion of the

1 prudently incurred costs, determined on a per megawatt basis and
2 not to exceed 50% of the unit's undepreciated original cost per
3 megawatt, of uprating the capability of an existing coal-fueled
4 plant to use coal mined in Pennsylvania to be made a part of the
5 rate base or otherwise included in the rates charged by the
6 utility before such uprating is completed. This subsection shall
7 not apply unless, upon application of the affected public
8 utility, the commission determines that the uprating would be
9 more cost effective for the utility's ratepayers than other
10 alternatives for meeting the utility's load and capacity
11 requirements. Notwithstanding section 1309 (relating to rates
12 fixed on complaint; investigation of costs of production), the
13 commission, by regulation, shall provide for a utility to remove
14 the costs of an uprating from its rate base and to refund any
15 revenues collected as the result of this subsection, plus
16 interest, which shall be the average rate of interest specified
17 for residential mortgage lending by the Secretary of Banking and
18 Securities in accordance with the act of January 30, 1974
19 (P.L.13, No.6), referred to as the Loan Interest and Protection
20 Law, during the period or periods for which the commission
21 orders refunds, if the commission, after notice and hearings,
22 determines that the uprating has not been completed within a
23 reasonable time.

24 § 516. Audits of certain utilities.

25 (a) General rule.--The commission shall provide for audits
26 of any electric, gas, telephone or water utility whose plant in
27 service is valued at not less than \$10,000,000. The audits shall
28 include an examination of management effectiveness and operating
29 efficiency. The commission shall establish procedures for audits
30 of the operations of utilities as provided in this section.

1 Audits shall be conducted at least once every five years unless
2 the commission finds that a specific audit is unnecessary, but
3 in no event shall audits be conducted less than once every eight
4 years. A summary of the audits mandated by this subsection shall
5 be released to the public, and a complete copy of the audits
6 shall be provided to the [Office of Trial Staff] commission's
7 prosecutory bureau or office and the Office of Consumer
8 Advocate.

9 (b) Management efficiency investigations.--In addition to
10 the audits mandated by subsection (a), the commission shall
11 appoint a management efficiency investigator who shall
12 periodically examine the management effectiveness and operating
13 efficiency of all utilities required to be audited under
14 subsection (a) and monitor the utility company responses to the
15 audits required by subsection (a). For the purposes of carrying
16 out the periodic audit required by this subsection and for
17 carrying out the monitoring of audits required by subsection
18 (a), the commission is hereby empowered to direct the management
19 efficiency investigator to conduct such investigations through
20 and with teams made up of commission staff and/or independent
21 consulting firms; further, the commission may designate specific
22 items of management effectiveness and operating efficiency to be
23 investigated. The management efficiency investigator shall
24 provide an annual report to the commission, the affected
25 utility, the [Office of Trial Staff] commission's prosecutory
26 bureau or office and the Office of Consumer Advocate detailing
27 the findings of such investigations.

28 * * *

29 § 517. Conversion of electric generating units fueled by oil or
30 natural gas.

1 * * *

2 (b) Environmental questions.--The commission may certify, to
3 the Department of Environmental [Resources] Protection, any
4 question regarding the applicability of environmental laws and
5 regulations, when the question arises in a proceeding under this
6 section, and may incorporate the department's findings in its
7 decision.

8 * * *

9 § 518. Construction of electric generating units fueled by
10 nuclear energy.

11 * * *

12 (c) Environmental questions.--The commission may certify, to
13 the Department of Environmental [Resources] Protection, any
14 question regarding the applicability of environmental laws and
15 regulations, when the question arises in a proceeding under this
16 section, and may incorporate the department's findings in its
17 decision.

18 * * *

19 § 519. Construction of electric generating units fueled by oil
20 or natural gas.

21 * * *

22 (c) Environmental questions.--The commission may certify, to
23 the Department of Environmental [Resources] Protection, any
24 question regarding the applicability of environmental laws and
25 regulations, when the question arises in a proceeding under this
26 section, and may incorporate the department's findings in its
27 decision.

28 * * *

29 § 521. Retirement of electric generating units.

30 * * *

1 (f) Construction costs.--Notwithstanding section 1315
2 (relating to limitation on consideration of certain costs for
3 electric utilities) and subject to regulations promulgated by
4 the commission, the commission may allow a portion of the
5 prudently incurred costs of capital additions, determined on a
6 per megawatt basis and not to exceed 50% of the unit's
7 undepreciated original cost per megawatt, to an electric
8 generating unit to be made a part of the rate base or otherwise
9 included in the rates charged by the utility before such capital
10 additions are completed if the commission, acting pursuant to
11 subsection (a) or (b), prohibits the utility from retiring the
12 unit or orders the utility to return the unit to normal
13 operation, provided that:

14 (1) the capital additions would allow the continued or
15 increased use of coal mined in Pennsylvania; and

16 (2) the capital additions would be more cost effective
17 for the utility's ratepayers than other alternatives for
18 meeting the utility's load and capacity requirements.

19 Notwithstanding section 1309 (relating to rates fixed on
20 complaint; investigation of costs of production), the
21 commission, by regulation, shall provide for a utility to remove
22 the costs of capital additions from its rate base and to refund
23 any revenues collected as the result of this subsection, plus
24 interest, which shall be the average rate of interest specified
25 for residential mortgage lending by the Secretary of Banking and
26 Securities in accordance with the act of January 30, 1974
27 (P.L.13, No.6), referred to as the Loan Interest and Protection
28 Law, during the period or periods for which the commission
29 orders refunds, if the commission, after notice and hearing,
30 determines that the capital addition has not been completed

1 within a reasonable time.

2 * * *

3 § 529. Power of commission to order acquisition of small water
4 and sewer utilities.

5 (a) General rule.--The commission may order a capable public
6 utility to acquire a small water or sewer utility if the
7 commission, after notice and an opportunity to be heard,
8 determines:

9 * * *

10 (2) that the small water or sewer utility has failed to
11 comply, within a reasonable period of time, with any order of
12 the Department of Environmental [Resources] Protection or the
13 commission concerning the safety, adequacy, efficiency or
14 reasonableness of service, including, but not limited to, the
15 availability of water, the potability of water, the
16 palatability of water or the provision of water at adequate
17 volume and pressure;

18 * * *

19 (c) Factors to be considered.--In making a determination
20 pursuant to subsection (a), the commission shall consider:

21 * * *

22 (5) The opinion and advice, if any, of the Department of
23 Environmental [Resources] Protection as to what steps may be
24 necessary to assure compliance with applicable statutory or
25 regulatory standards concerning the adequacy, efficiency,
26 safety or reasonableness of utility service.

27 * * *

28 (h) Notice.--The notice required by subsection (a) or any
29 other provision of this section shall be served upon the small
30 water or sewer utility affected, the Office of Consumer

1 Advocate, the Office of Small Business Advocate, the [Office of
2 Trial Staff] commission's prosecutory bureau or office, the
3 Department of Environmental [Resources] Protection, all
4 proximate public utilities providing the same type of service as
5 the small water or sewer utility, all proximate municipalities
6 and municipal authorities providing the same type of service as
7 the small water or sewer utility and the municipalities served
8 by the small water or sewer utility. The commission shall order
9 the affected small water or sewer utility to provide notice to
10 its customers of the initiation of proceedings under this
11 section in the same manner in which the utility is required to
12 notify its customers of proposed general rate increases.

13 * * *

14 (j) Plan for improvements.--Any capable public utility
15 ordered by the commission to acquire a small water or sewer
16 utility shall, prior to acquisition, submit to the commission
17 for approval a plan, including a timetable, for bringing the
18 small water or sewer utility into compliance with applicable
19 statutory and regulatory standards. The capable public utility
20 shall also provide a copy of the plan to the Department of
21 Environmental [Resources] Protection and such other State or
22 local agency as the commission may direct. The commission shall
23 give the Department of Environmental [Resources] Protection
24 adequate opportunity to comment on the plan and shall consider
25 any comments submitted by the department in deciding whether or
26 not to approve the plan. The reasonably and prudently incurred
27 costs of each improvement shall be recoverable in rates only
28 after that improvement becomes used and useful in the public
29 service.

30 (k) Limitations on liability.--Upon approval by the

1 commission of a plan for improvements submitted pursuant to
2 subsection (j) and the acquisition of a small water or sewer
3 utility by a capable public utility, the acquiring capable
4 public utility shall not be liable for any damages beyond the
5 aggregate amount of \$50,000, including a maximum amount of
6 \$5,000 per incident, if the cause of those damages is
7 proximately related to identified violations of applicable
8 statutes or regulations by the small water or sewer utility.

9 This subsection shall not apply:

10 * * *

11 (3) if, within 60 days of having received notice of the
12 proposed plan for improvements, the Department of
13 Environmental [Resources] Protection submitted written
14 objections to the commission and those objections have not
15 subsequently been withdrawn.

16 (1) Limitations on enforcement actions.--Upon approval by
17 the commission of a plan for improvements submitted pursuant to
18 subsection (j) and the acquisition of a small water or sewer
19 utility by a capable public utility, the acquiring capable
20 public utility shall not be subject to any enforcement actions
21 by State or local agencies which had notice of the plan if the
22 basis of such enforcement action is proximately related to
23 identified violations of applicable statutes or regulations by
24 the small water or sewer utility. This subsection shall not
25 apply:

26 * * *

27 (3) if, within 60 days of having received notice of the
28 proposed plan for improvements, the Department of
29 Environmental [Resources] Protection submitted written
30 objections to the commission and those objections have not

1 subsequently been withdrawn; or

2 (4) to emergency interim actions of the commission or
3 the Department of Environmental [Resources] Protection,
4 including, but not limited to, the ordering of boil-water
5 advisories or other water supply warnings, of emergency
6 treatment or of temporary, alternate supplies of water.

7 * * *

8 § 1308. Voluntary changes in rates.

9 * * *

10 (d) General rate increases.--Whenever there is filed with
11 the commission by any public utility described in paragraph (1)
12 (i), (ii), (vi) or (vii) of the definition of "public utility"
13 in section 102 (relating to definitions), and such other public
14 utility as the commission may by rule or regulation direct, any
15 tariff stating a new rate which constitutes a general rate
16 increase, the commission shall promptly enter into an
17 investigation and analysis of said tariff filing and may by
18 order setting forth its reasons therefor, upon complaint or upon
19 its own motion, upon reasonable notice, enter upon a hearing
20 concerning the lawfulness of such rate, and the commission may,
21 at any time by vote of a majority of the members of the
22 commission serving in accordance with law, permit such tariff to
23 become effective, except that absent such order such tariff
24 shall be suspended for a period not to exceed seven months from
25 the time such rate would otherwise become effective. Before the
26 expiration of such seven-month period, a majority of the members
27 of the commission serving in accordance with law, acting
28 unanimously, shall make a final decision and order, setting
29 forth its reasons therefor, granting or denying, in whole or in
30 part, the general rate increase requested. If, however, such an

1 order has not been made at the expiration of such seven-month
2 period, the proposed general rate increase shall go into effect
3 at the end of such period, but the commission may by order
4 require the interested public utility to refund, in accordance
5 with section 1312 (relating to refunds), to the persons in whose
6 behalf such amounts were paid, such portion of such increased
7 rates as by its decision shall be found not justified, plus
8 interest, which shall be the average rate of interest specified
9 for residential mortgage lending by the Secretary of Banking and
10 Securities in accordance with the act of January 30, 1974
11 (P.L.13, No.6), referred to as the Loan Interest and Protection
12 Law, during the period or periods for which the commission
13 orders refunds. The rate in force when the tariff stating such
14 new rate was filed shall continue in force during the period of
15 suspension unless the commission shall grant extraordinary rate
16 relief as prescribed in subsection (e). The commission shall
17 consider the effect of such suspension in finally determining
18 and prescribing the rates to be thereafter charged and collected
19 by such public utility, except that the commission shall have no
20 authority to prescribe, determine or fix, at any time during the
21 pendency of a general rate increase proceeding or prior to a
22 final determination of a general rate increase request,
23 temporary rates as provided in section 1310, which rates may
24 provide retroactive increases through recoupment. As used in
25 this part general rate increase means a tariff filing which
26 affects more than 5% of the customers and amounts to in excess
27 of 3% of the total gross annual intrastate operating revenues of
28 the public utility. If the public utility furnishes two or more
29 types of service, the foregoing percentages shall be determined
30 only on the basis of the customers receiving, and the revenues

1 derived from, the type of service to which the tariff filing
2 pertains.

3 * * *

4 § 1327. Acquisition of water and sewer utilities.

5 (a) Acquisition cost greater than depreciated original
6 cost.--If a public utility acquires property from another public
7 utility, a municipal corporation or a person at a cost which is
8 in excess of the original cost of the property when first
9 devoted to the public service less the applicable accrued
10 depreciation, it shall be a rebuttable presumption that the
11 excess is reasonable and that excess shall be included in the
12 rate base of the acquiring public utility, provided that the
13 acquiring public utility proves that:

14 * * *

15 (3) the public utility, municipal corporation or person
16 from which the property was acquired was not, at the time of
17 acquisition, furnishing and maintaining adequate, efficient,
18 safe and reasonable service and facilities, evidence of which
19 shall include, but not be limited to, any one or more of the
20 following:

21 (i) violation of statutory or regulatory
22 requirements of the Department of Environmental
23 [Resources] Protection or the commission concerning the
24 safety, adequacy, efficiency or reasonableness of service
25 and facilities;

26 * * *

27 (b) Procedure.--The commission, upon application by a public
28 utility, person or corporation which has agreed to acquire
29 property from another public utility, municipal corporation or
30 person, may approve an inclusion in rate base in accordance with

1 subsection (a) prior to the acquisition and prior to a
2 proceeding under this subchapter to determine just and
3 reasonable rates if:

4 (1) the applicant has provided notice of the proposed
5 acquisition and any proposed increase in rates to the
6 customers served by the property to be acquired, in such form
7 and manner as the commission, by regulation, shall require;

8 (2) the applicant has provided notice to its customers,
9 in such form and manner as the commission, by regulation,
10 shall require, if the proposed acquisition would increase
11 rates to the acquiring public utility's customers by an
12 amount in excess of 1% of the acquiring public utility's base
13 annual revenue;

14 (3) the applicant has provided notice of the application
15 to the [Director of Trial Staff] director of the commission's
16 prosecutory bureau or office and the Consumer Advocate; and

17 (4) in addition to any other information required by the
18 commission, the application includes a full description of
19 the proposed acquisition and a plan for reasonable and
20 prudent investments to assure that the customers served by
21 the property to be acquired will receive adequate, efficient,
22 safe and reasonable service.

23 * * *

24 (d) Forfeiture.--Notwithstanding section 1309 (relating to
25 rates fixed on complaint; investigation of costs of production),
26 the commission, by regulation, shall provide for the removal of
27 the excess costs of acquisition from its rates, or any portion
28 thereof, found by the commission to be unreasonable and to
29 refund any excess revenues collected as a result of this
30 section, plus interest, which shall be the average rate of

1 interest specified for residential mortgage lending by the
2 Secretary of Banking and Securities in accordance with the act
3 of January 30, 1974 (P.L.13, No.6), referred to as the Loan
4 Interest and Protection Law, during the period or periods for
5 which the commission orders refunds, if the commission, after
6 notice and hearings, determines that the reasonable and prudent
7 investments to be made in accordance with this section have not
8 been completed within a reasonable time.

9 (e) Acquisition cost lower than depreciated original cost.--
10 If a public utility acquires property from another public
11 utility, a municipal corporation or a person at a cost which is
12 lower than the original cost of the property when first devoted
13 to the public service less the applicable accrued depreciation
14 and the property is used and useful in providing water or sewer
15 service, that difference shall, absent matters of a substantial
16 public interest, be amortized as an addition to income over a
17 reasonable period of time or be passed through to the ratepayers
18 by such other methodology as the commission may direct. Notice
19 of the proposed treatment of an acquisition cost lower than
20 depreciated original cost shall be given to the [Director of
21 Trial Staff] director of the commission's prosecutory bureau or
22 office and the Consumer Advocate.

23 * * *

24 § 1358. Customer protections.

25 * * *

26 (e) Audit and reconciliation.--The following shall apply:

27 * * *

28 (3) If revenues received from the distribution system
29 improvement charge exceed eligible costs, the over
30 collections shall be refunded with interest. Interest on the

1 over collections shall be calculated at the residential
2 mortgage lending rate specified by the Secretary of Banking
3 and Securities in accordance with the act of January 30, 1974
4 (P.L.13, No.6), referred to as the Loan Interest and
5 Protection Law, and shall be refunded in the same manner as
6 an over collection.

7 * * *

8 Section 62. The definition of "LIHEAP" or "Low Income Home
9 Energy Assistance Program" in section 1403 of Title 66 is
10 amended to read:

11 § 1403. Definitions.

12 The following words and phrases when used in this chapter
13 shall have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 * * *

16 "LIHEAP" or "Low Income Home Energy Assistance Program." A
17 federally funded program that provides financial assistance in
18 the form of cash and crisis grants to low-income households for
19 home energy bills and is administered by the Department of
20 [Public Welfare] Human Services.

21 * * *

22 Section 63. Sections 1406(g), 1413, 2709(a) and (b) (2),
23 3019(f) (5) and 3105 of Title 66 are amended to read:

24 § 1406. Termination of utility service.

25 * * *

26 (g) Qualification for LIHEAP.--A notice of termination to a
27 customer of a public utility shall be sufficient proof of a
28 crisis for a customer with the requisite income level to receive
29 a LIHEAP Crisis Grant from the Department of [Public Welfare]
30 Human Services or its designee as soon as practicable after the

1 date of the notice. Termination of service is not necessary to
2 demonstrate sufficient proof of crisis.

3 * * *

4 § 1413. Reporting of recipients of public assistance.

5 The Department of [Public Welfare] Human Services shall
6 annually provide a city natural gas distribution operation with
7 the listing of recipients of public assistance in a city of the
8 first class. A city natural gas distribution operation shall not
9 use the listing for anything but qualification and continued
10 eligibility for a customer assistance program or LIHEAP.

11 § 2709. Disposition of real property by public utility engaged
12 in railroad business.

13 (a) Notice.--Before a public utility engaged in a railroad
14 business disposes of real property previously used as a roadbed
15 right-of-way, it must notify the county, city, borough,
16 incorporated town or township in which the real property is
17 located, and it must notify the Department of Transportation,
18 the Pennsylvania Game Commission, the Pennsylvania Fish and Boat
19 Commission and the Department of [Environmental] Conservation
20 and Natural Resources. Notifications shall be in writing.

21 (b) Procedure after notice.--

22 * * *

23 (2) If a municipality or any authority created by a
24 municipality or group of municipalities does not make an
25 offer to purchase the real property within 60 days of
26 receiving notice under subsection (a) or if the public
27 utility rejects the offer of a municipality, the
28 administrative agencies specified in subsection (a) have 60
29 days to decide on making an offer for the real property. If
30 an administrative agency makes an offer under this paragraph,

1 the public utility shall consider the offer and make a
2 decision on the offer before making other disposition of the
3 property. If more than one administrative agency makes an
4 offer, the public utility shall consider the offers in the
5 following order: the Department of Transportation, the
6 Department of [Environmental] Conservation and Natural
7 Resources, the Pennsylvania Game Commission and the
8 Pennsylvania Fish and Boat Commission.

9 * * *

10 § 3019. Additional powers and duties.

11 * * *

12 (f) Lifeline service.--

13 * * *

14 (5) When a person enrolls in a low-income program
15 administered by the Department of [Public Welfare] Human
16 Services that qualifies the person for Lifeline service, the
17 Department of [Public Welfare] Human Services shall
18 automatically notify that person at the time of enrollment of
19 his or her eligibility for Lifeline service. This
20 notification also shall provide information about Lifeline
21 service, including a telephone number of and Lifeline
22 subscription form for the person's current eligible
23 telecommunications carrier or, if the person does not have
24 telephone service, telephone numbers of eligible
25 telecommunications carriers serving the person's area that
26 the person can call to obtain Lifeline service. Eligible
27 telecommunications carriers shall provide the Department of
28 [Public Welfare] Human Services with Lifeline service
29 descriptions and subscription forms, contact telephone
30 numbers and a listing of the geographic area or areas they

1 serve, for use by the Department of [Public Welfare] Human
2 Services in providing the notifications required by this
3 paragraph.

4 * * *

5 § 3105. Reports to Department of Community [Affairs] and
6 Economic Development.

7 Each municipality and private corporation operating a foreign
8 trade zone within the limits of this Commonwealth shall file a
9 copy of every report which it shall make, or be required to
10 make, under the act of Congress with the Department of Community
11 [Affairs] and Economic Development.

12 Section 64. Sections 3402(a)(26) last paragraph and 5402(a)
13 (27)(iii) of Title 68 are amended to read:

14 § 3402. Public offering statement; general provisions.

15 (a) General rule.--Except as provided in subsection (b), a
16 public offering statement must contain or fully and accurately
17 disclose:

18 * * *

19 (26) A statement as to whether the declarant has
20 knowledge of any one or more of the following:

21 * * *

22 If the declarant has no knowledge of such matters, the
23 declarant shall make a statement to that effect. Declarant
24 shall also set forth the address and phone number of the
25 regional offices of the Department of Environmental
26 [Resources] Protection and the United States Environmental
27 Protection Agency where information concerning environmental
28 conditions affecting the condominium site may be obtained.

29 * * *

30 § 5402. Public offering statement; general provisions.

1 (a) General rule.--Except as provided in subsection (b), a
2 public offering statement must contain or fully and accurately
3 disclose:

4 * * *

5 (27) A statement as to whether the declarant has
6 knowledge of any one or more of the following:

7 * * *

8 (iii) Any finding or action recommended to be taken
9 in the report of any such investigation or by any
10 governmental body, agency or authority, in order to
11 correct any hazardous conditions and any action taken
12 pursuant to those recommendations. If the declarant has
13 no knowledge of such matters, the declarant shall make a
14 statement to that effect. The declarant shall also set
15 forth the address and phone number of the regional
16 offices of the Department of Environmental [Resources]
17 Protection and the United States Environmental Protection
18 Agency where information concerning environmental
19 conditions affecting the planned community site may be
20 obtained.

21 * * *

22 Section 65. The definitions of "correction officer" and
23 "psychiatric security aide" in section 5102 of Title 71 are
24 amended to read:

25 § 5102. Definitions.

26 The following words and phrases as used in this part, unless
27 a different meaning is plainly required by the context, shall
28 have the following meanings:

29 * * *

30 "Correction officer." Any full-time employee assigned to the

1 Department of Corrections or the Department of [Public Welfare]
2 Human Services whose principal duty is the care, custody and
3 control of inmates or direct therapeutic treatment, care,
4 custody and control of inmates of a penal or correctional
5 institution, community treatment center, forensic unit in a
6 State hospital or secure unit of a youth development center
7 operated by the Department of Corrections or by the Department
8 of [Public Welfare] Human Services.

9 * * *

10 "Psychiatric security aide." Any employee whose principal
11 duty is the care, custody and control of the criminally insane
12 inmates of a maximum security institution for the criminally
13 insane or detention facility operated by the Department of
14 [Public Welfare] Human Services.

15 * * *

16 Section 66. Sections 1516(d)(5) and (f)(2) and 5905 of Title
17 74 are amended to read:

18 § 1516. Programs of Statewide significance.

19 * * *

20 (d) Community transportation.--

21 * * *

22 (5) The department shall conduct a study to evaluate the
23 effectiveness and efficiency of community transportation
24 service delivery as it relates to human service programs. The
25 Department of [Public Welfare] Human Services, the Office of
26 the Budget and the Department of Aging and other appropriate
27 Commonwealth agencies identified by the department shall
28 participate in the study. Within two years following the
29 effective date of this section, these agencies shall make
30 recommendations to the Governor and the Majority and Minority

1 chairpersons of the Transportation Committee of the Senate
2 and the Majority and Minority chairpersons of the
3 Transportation Committee of the House of Representatives for
4 improving coordination and efficiency of human services and
5 community transportation.

6 * * *

7 (f) Shared Ride Community Transportation Service Delivery
8 Pilot Program.--

9 * * *

10 (2) The department shall establish an advisory committee
11 to provide guidance and input for pilot planning, start-up,
12 operations, data collection and post pilot evaluation. The
13 committee shall be comprised of the following:

14 (i) A member appointed by the President pro tempore
15 of the Senate.

16 (ii) A member appointed by the Minority Leader of
17 the Senate.

18 (iii) A member appointed by the Speaker of the House
19 of Representatives.

20 (iv) A member appointed by the Minority Leader of
21 the House of Representatives.

22 (v) Two members from the Pennsylvania Public Transit
23 Association appointed by the secretary.

24 (vi) A member appointed by the secretary to
25 represent people with disabilities.

26 (vii) A member appointed by the Secretary of Aging
27 to represent senior citizens.

28 (viii) A member appointed by the Secretary of
29 [Public Welfare] Human Services to represent people using
30 medical assistance transportation.

- 1 (ix) A member of the County Commissioners
2 Association appointed by the secretary.
3 (x) The secretary or a designee.
4 (xi) The Secretary of Aging or a designee.
5 (xii) The Secretary of the Budget or a designee.
6 (xiii) The Secretary of [Public Welfare] Human
7 Services or a designee.

8 * * *

9 § 5905. Certain State-owned airport.

10 Notwithstanding any other provision of law to the contrary,
11 all right, title and interest in the property known as Mid-State
12 Airport located in Centre County, containing 496.68 acres, more
13 or less, including the present access road from L.R.504 to and
14 into Mid-State Airport, shall be transferred to and held within
15 the jurisdiction and control of the Department of General
16 Services for all purposes, and the Department of General
17 Services shall have the same powers and duties with respect to
18 Mid-State Airport as it has with respect to other real estate
19 under its jurisdiction, with the exception that the facilities
20 currently owned, used and operated at Mid-State Airport by the
21 Department of [Environmental] Conservation and Natural Resources
22 for wild fire attack operations and full access thereto by land
23 and by air shall remain, without charge of any kind, in the
24 Department of [Environmental] Conservation and Natural
25 Resources, it being intended that nothing herein shall diminish
26 the ability of the Department of [Environmental] Conservation
27 and Natural Resources to continue its wild fire air attack
28 operations as conducted at and out of Mid-State Airport prior to
29 the effective date hereof. Because this involves a transfer of
30 State forest and State park lands, no future use of Mid-State

1 Airport shall impair in any way the integrity of the adjacent
2 State forest and State park lands and their ecosystems. If at
3 any time the jurisdiction and control of the land herein
4 transferred entails significant maintenance and operation
5 responsibilities for the Department of General Services, then
6 and thereafter the jurisdiction and control of the land shall be
7 transferred to the Department of Transportation.

8 Section 67. Sections 1111(b.1), 1337(c)(4), 1517(a), 1905(b)
9 (2), (3) and (4), 3354(g)(2), 6327 and 8307(a) of Title 75 are
10 amended to read:

11 § 1111. Transfer of ownership of vehicle.

12 * * *

13 (b.1) Transfers relating to the RESET program.--A motor
14 vehicle transferred to the Commonwealth or a political
15 subdivision for use in the RESET program administered under
16 section 405.1 of the act of June 13, 1967 (P.L.31, No.21), known
17 as the [Public Welfare] Human Services Code, shall not be
18 subject to sales or use tax under Article II of the act of March
19 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971,
20 upon the removal of the vehicle from inventory by any:

21 (1) motor vehicle dealer, importer or wholesaler; or

22 (2) "broker," "dealer" or "distributor," as defined in
23 section 2 of the act of December 22, 1983 (P.L.306, No.84),
24 known as the Board of Vehicles Act.

25 * * *

26 § 1337. Use of "Miscellaneous Motor Vehicle Business"
27 registration plates.

28 * * *

29 (c) Classes of "Miscellaneous Motor Vehicle Business".--

30 * * *

1 (4) Financier or collector-repossessor.--Any person who
2 is duly authorized by the Department of Banking and
3 Securities to do business in this Commonwealth as a financier
4 or collector-repossessor and who is regularly engaged in the
5 business of financing sales, making loans on the security of
6 vehicles or repossessing vehicles which are the subject of
7 installment sales contracts as an independent contractor.

8 * * *

9 § 1517. Medical Advisory Board.

10 (a) Membership.--There shall be a Medical Advisory Board
11 consisting of 13 members appointed by the secretary. The board
12 shall be composed of an authorized representative from the
13 Department of Transportation, [Department of Justice, Governor's
14 Council on Drug and Alcohol Abuse] General Counsel, Pennsylvania
15 Advisory Council on Drug and Alcohol Abuse, Department of
16 Health, Pennsylvania State Police and professionals as follows:
17 One neurologist, one doctor of cardiovascular disease, one
18 doctor of internal medicine, one general practitioner, one
19 ophthalmologist, one psychiatrist, one orthopedic surgeon and
20 one optometrist.

21 * * *

22 § 1905. Payments to special funds.

23 * * *

24 (b) Zoological Enhancement Fund.--Fifteen dollars of each
25 fee received under section 1355 (relating to zoological plate)
26 shall be credited to the Zoological Enhancement Fund, created as
27 follows:

28 * * *

29 (2) All moneys in the Zoological Enhancement Fund are
30 hereby annually appropriated to the Department of [Commerce]

1 Community and Economic Development and may be expended for
2 the purposes authorized under this subsection.

3 (3) Estimates of amounts to be expended under this
4 subsection shall be submitted to the Governor by the
5 Department of [Commerce] Community and Economic Development
6 for his approval.

7 (4) The State Treasurer shall not honor any requisition
8 for expenditures by the Department of [Commerce] Community
9 and Economic Development in excess of estimates approved by
10 the Governor or in excess of the amount available for the
11 purposes for which the requisition was made, whichever is the
12 lesser amount.

13 * * *

14 § 3354. Additional parking regulations.

15 * * *

16 (g) Special penalty; disposition.--

17 * * *

18 (2) All fines collected under this subsection shall be
19 disposed of as follows:

20 (i) Ninety-five percent shall be paid to the
21 Department of Revenue, transmitted to the Treasury
22 Department and credited to the Department of [Public
23 Welfare] Human Services for use for the Attendant Care
24 Program.

25 (ii) Five percent shall be paid to the municipality
26 in which the offense occurred.

27 * * *

28 § 6327. Inspection of records.

29 The records of the issuing authority, department and each
30 police department required under this subchapter shall be open

1 for inspection by any police officer or authorized employee of
2 the department, the [Department of Justice] Office of Attorney
3 General, the Department of Revenue, the Auditor General and the
4 Court Administrator of the Supreme Court.

5 § 8307. Hazardous Materials Transportation Advisory Committee.

6 (a) Membership.--There shall be a Hazardous Materials
7 Transportation Advisory Committee appointed by the secretary.
8 The committee shall be composed of an authorized representative
9 from the Department of Transportation, who shall chair the
10 committee, the Office of Attorney General, the Department of
11 Health, the Department of Environmental [Resources] Protection,
12 the Pennsylvania State Police, the Pennsylvania Emergency
13 Management Agency and the Pennsylvania Public Utility Commission
14 and representatives of the hazardous materials industry and the
15 public as follows:

- 16 (1) A manufacturer or shipper.
- 17 (2) A consignee or user.
- 18 (3) A common carrier.
- 19 (4) A private carrier.
- 20 (5) A representative of the fire services.
- 21 (6) A representative of the emergency medical services.
- 22 (7) A representative with highway safety experience.
- 23 (8) A member from the general public.
- 24 (9) Others deemed appropriate by the secretary.

25 * * *

26 Section 68. This act shall take effect in 60 days.