

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1027 Session of
1997

INTRODUCED BY KAISER, NAILOR, LEDERER, GORDNER, THOMAS, BELARDI,
HERSHEY, ROONEY, BAKER, WALKO, SEMMEL, GODSHALL, YOUNGBLOOD,
BIRMELIN, HORSEY, GRUITZA, ALLEN, WAUGH, BOSCOLA, ROSS,
READSHAW, HALUSKA, VAN HORNE, TANGRETTI, E. Z. TAYLOR, LYNCH,
MICHLOVIC, PRESTON, KIRKLAND, MARKOSEK, STERN, ADOLPH,
COLAFELLA, McCALL, TRELLO, A. H. WILLIAMS AND HUTCHINSON,
MARCH 19, 1997

SENATOR TILGHMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, JUNE 10, 1997

AN ACT

1 ~~Prohibiting certain fees for the use of State property for the~~ <—
2 ~~purpose of making commercial motion pictures.~~
3 AMENDING THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), ENTITLED <—
4 "AN ACT PROVIDING FOR AND REORGANIZING THE CONDUCT OF THE
5 EXECUTIVE AND ADMINISTRATIVE WORK OF THE COMMONWEALTH BY THE
6 EXECUTIVE DEPARTMENT THEREOF AND THE ADMINISTRATIVE
7 DEPARTMENTS, BOARDS, COMMISSIONS, AND OFFICERS THEREOF,
8 INCLUDING THE BOARDS OF TRUSTEES OF STATE NORMAL SCHOOLS, OR
9 TEACHERS COLLEGES; ABOLISHING, CREATING, REORGANIZING OR
10 AUTHORIZING THE REORGANIZATION OF CERTAIN ADMINISTRATIVE
11 DEPARTMENTS, BOARDS, AND COMMISSIONS; DEFINING THE POWERS AND
12 DUTIES OF THE GOVERNOR AND OTHER EXECUTIVE AND ADMINISTRATIVE
13 OFFICERS, AND OF THE SEVERAL ADMINISTRATIVE DEPARTMENTS,
14 BOARDS, COMMISSIONS, AND OFFICERS; FIXING THE SALARIES OF THE
15 GOVERNOR, LIEUTENANT GOVERNOR, AND CERTAIN OTHER EXECUTIVE
16 AND ADMINISTRATIVE OFFICERS; PROVIDING FOR THE APPOINTMENT OF
17 CERTAIN ADMINISTRATIVE OFFICERS, AND OF ALL DEPUTIES AND
18 OTHER ASSISTANTS AND EMPLOYES IN CERTAIN DEPARTMENTS, BOARDS,
19 AND COMMISSIONS; AND PRESCRIBING THE MANNER IN WHICH THE
20 NUMBER AND COMPENSATION OF THE DEPUTIES AND ALL OTHER
21 ASSISTANTS AND EMPLOYES OF CERTAIN DEPARTMENTS, BOARDS AND
22 COMMISSIONS SHALL BE DETERMINED," FURTHER PROVIDING FOR
23 COMMONWEALTH AGENCIES, FOR GUBERNATORIAL APPOINTMENTS, FOR
24 BOARDS OF TRUSTEES OF STATE INSTITUTIONS, FOR DEFINITIONS
25 RELATING TO CRIME VICTIM'S COMPENSATION, FOR THE LAPSING OF
26 FUNDS AND FOR PUBLIC MEMBERS OF LICENSING BOARDS; MODIFYING
27 AND INCREASING THE POWERS OF THE EXECUTIVE BOARD; LIMITING

1 COLLECTIVE BARGAINING FOR SCHOOL ADMINISTRATORS EMPLOYED BY
2 CITIES OF THE FIRST CLASS; PROHIBITING CERTAIN FEES FOR THE
3 USE OF STATE PROPERTY FOR THE PURPOSE OF MAKING COMMERCIAL
4 MOTION PICTURES; IMPOSING ADDITIONAL DUTIES ON THE AUDITOR
5 GENERAL, THE STATE TREASURER AND THE ATTORNEY GENERAL;
6 AUTHORIZING THE DEPARTMENT OF CORRECTIONS TO ASSESS AND
7 COLLECT CERTAIN PAYMENTS FROM PRISONERS; PROVIDING FOR BONDS
8 FOR CERTAIN OIL AND GAS WELLS, FOR TIMETABLE FOR THE REVIEW
9 OF MUNICIPAL WASTE LANDFILL AND RESOURCE RECOVERY FACILITY
10 PERMIT APPLICATIONS AND FOR THE POWERS OF CERTAIN CAMPUS
11 POLICE; AUTHORIZING THE ESTABLISHMENT OF THE PENNSYLVANIA
12 INFRASTRUCTURE BANK IN THE DEPARTMENT OF TRANSPORTATION;
13 FURTHER PROVIDING FOR WORKERS' COMPENSATION ASSESSMENTS;
14 RESTRICTING CERTAIN DRUG SUBSTITUTIONS; REPEALING PROVISIONS
15 RELATING TO GASOLINE DISPENSING FACILITIES AND CERTAIN
16 REPORTS UNDER THE HEALTH CARE SERVICES MALPRACTICE ACT; AND
17 MAKING OTHER REPEALS.

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

20 ~~Section 1. Fees prohibited.~~ <—

21 ~~No department or agency of the Commonwealth may charge a fee~~
22 ~~or other cost, except the actual costs incurred by the affected~~
23 ~~department or agency, for the use of State owned property for~~
24 ~~the purpose of making commercial motion pictures.~~

25 ~~Section 2. Effective date.~~

26 ~~This act shall take effect in 60 days.~~

27 SECTION 1. AS MUCH AS RELATES TO THE DEPARTMENT OF EDUCATION <—
28 IN SECTION 202 OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175),
29 KNOWN AS THE ADMINISTRATIVE CODE OF 1929, AMENDED JULY 11, 1996
30 (P.L.618, NO.105), IS AMENDED TO READ:

31 SECTION 202. DEPARTMENTAL ADMINISTRATIVE BOARDS,
32 COMMISSIONS, AND OFFICES.--THE FOLLOWING BOARDS, COMMISSIONS,
33 AND OFFICES ARE HEREBY PLACED AND MADE DEPARTMENTAL
34 ADMINISTRATIVE BOARDS, COMMISSIONS, OR OFFICES, AS THE CASE MAY
35 BE, IN THE RESPECTIVE ADMINISTRATIVE DEPARTMENTS MENTIONED IN
36 THE PRECEDING SECTION, AS FOLLOWS:

37 * * *

38 IN THE DEPARTMENT OF EDUCATION,

1 BOARD OF TRUSTEES OF THADDEUS STEVENS

2 [STATE SCHOOL] COLLEGE OF TECHNOLOGY,

3 BOARD OF TRUSTEES OF SCRANTON STATE SCHOOL FOR THE DEAF,

4 PUBLIC SERVICE INSTITUTE BOARD,

5 STATE BOARD OF PRIVATE ACADEMIC SCHOOLS,

6 STATE BOARD OF PRIVATE LICENSED SCHOOLS,

7 STATE BOARD OF EDUCATION.

8 * * *

9 SECTION 2. SECTION 207.1(D)(4) OF THE ACT, AMENDED OR ADDED
10 NOVEMBER 8, 1976 (P.L.1109, NO.227) AND FEBRUARY 17, 1984
11 (P.L.75, NO.14), IS AMENDED TO READ:

12 SECTION 207.1. GUBERNATORIAL APPOINTMENTS.--* * *

13 (D) THE GOVERNOR SHALL NOMINATE IN ACCORDANCE WITH THE
14 PROVISIONS OF THE CONSTITUTION OF THE COMMONWEALTH OF
15 PENNSYLVANIA AND, BY AND WITH THE ADVICE AND CONSENT OF A
16 MAJORITY OF THE MEMBERS ELECTED TO THE SENATE APPOINT PERSONS TO
17 FILL THE FOLLOWING POSITIONS:

18 * * *

19 (4) THOSE MEMBERS WHICH HE IS AUTHORIZED TO APPOINT TO THE
20 DELAWARE VALLEY REGIONAL PLANNING COMMISSION, THE PENNSYLVANIA
21 PUBLIC TELEVISION NETWORK COMMISSION, THE STATE COUNCIL OF CIVIL
22 DEFENSE, THE STATE FARM PRODUCTS COMMISSION, THE PENNSYLVANIA
23 HOUSING FINANCE AGENCY, THE BOARD OF TRUSTEES OF EACH STATE
24 COLLEGE AND UNIVERSITY, THE BOARD OF TRUSTEES OF SCOTLAND SCHOOL
25 FOR VETERANS' CHILDREN, THE BOARD OF TRUSTEES OF THADDEUS
26 STEVENS [STATE SCHOOL] COLLEGE OF TECHNOLOGY, THE STATE
27 CONSERVATION COMMISSION, THE COMMONWEALTH OF PENNSYLVANIA
28 COUNCIL ON THE ARTS, THE STATE PLANNING BOARD, THE PENNSYLVANIA
29 DRUG, DEVICE AND COSMETIC BOARD, THE COUNTY BOARD OF ASSISTANCE
30 IN EACH COUNTY, THE STATE BOARD OF PUBLIC WELFARE, THE BOARDS OF

1 TRUSTEES OF CENTERS, THE BOARD OF TRUSTEES OF EACH RESTORATION
2 CENTER, THE BOARD OF TRUSTEES OF EACH STATE GENERAL HOSPITAL,
3 THE BOARD OF TRUSTEES OF EACH STATE SCHOOL AND HOSPITAL, THE
4 BOARD OF TRUSTEES OF EACH STATE HOSPITAL, THE STATE DENTAL
5 COUNCIL AND EXAMINING BOARD, THE STATE REAL ESTATE COMMISSION,
6 THE STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, THE
7 STATE BOARDS OF EXAMINERS OF ARCHITECTS, AUCTIONEERS, NURSING
8 HOME ADMINISTRATORS AND PUBLIC ACCOUNTANTS, THE STATE BOARDS OF
9 BARBER EXAMINERS, CHIROPRACTIC EXAMINERS, COSMETOLOGY, FUNERAL
10 DIRECTORS, MEDICAL EDUCATION AND LICENSURE, NURSE EXAMINERS,
11 OPTOMETRICAL EXAMINERS, OSTEOPATHIC EXAMINERS, PHARMACY,
12 PHYSICAL THERAPY EXAMINERS, PODIATRY EXAMINERS, VETERINARY
13 MEDICAL EXAMINERS, LANDSCAPE ARCHITECTS AND MOTOR VEHICLE
14 MANUFACTURERS, DEALERS AND SALESMEN, THE PENNSYLVANIA BOARD OF
15 PSYCHOLOGIST EXAMINERS, THE STATE ATHLETIC COMMISSION, THE
16 HAZARDOUS SUBSTANCE TRANSPORTATION BOARD, THE PENNSYLVANIA
17 HIGHER EDUCATION ASSISTANCE AGENCY, THE PENNSYLVANIA HISTORICAL
18 AND MUSEUM COMMISSION, THE STATE TAX EQUALIZATION BOARD, THE
19 PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD, THE STATE EMPLOYEES'
20 RETIREMENT BOARD, THE MUNICIPAL POLICE OFFICERS' EDUCATION AND
21 TRAINING COMMISSION, THE PENNSYLVANIA NURSING HOME LOAN AGENCY,
22 THE CRIME VICTIMS COMPENSATION BOARD, THE CONSUMER ADVOCATE, AND
23 THE PENNSYLVANIA MINORITY BUSINESS DEVELOPMENT AUTHORITY.

24 * * *

25 SECTION 3. SECTION 401 OF THE ACT, AMENDED JULY 9, 1986
26 (P.L.547, NO.97), IS AMENDED TO READ:

27 SECTION 401. BOARDS OF TRUSTEES OF STATE INSTITUTIONS.--(A)
28 THE BOARDS OF TRUSTEES OF EACH OF THE STATE INSTITUTIONS
29 HEREINAFTER MENTIONED SHALL CONSIST OF NINE MEMBERS, AND THE
30 HEAD OF THE DEPARTMENT HAVING SUPERVISION OVER THE INSTITUTION

1 EX OFFICIO.

2 (B) THE TERMS OF EACH MEMBER OF EACH SUCH BOARD SHALL BE SIX
3 YEARS, AND UNTIL HIS SUCCESSOR IS APPOINTED AND QUALIFIED.

4 (C) ALL MEMBERS OF ALL BOARDS, APPOINTED TO SUCCEED MEMBERS
5 WHO HAVE SERVED SIX YEAR TERMS, SHALL BE APPOINTED FOR TERMS OF
6 SIX YEARS FROM THE DATE OF THE EXPIRATION OF THE PRECEDING TERM.
7 VACANCIES HAPPENING BEFORE THE EXPIRATION OF A TERM SHALL BE
8 FILLED FOR THE UNEXPIRED TERM.

9 (D) FIVE MEMBERS OF ANY SUCH BOARD SHALL CONSTITUTE A
10 QUORUM.

11 (E) EACH SUCH BOARD SHALL ANNUALLY ELECT A PRESIDENT AND
12 VICE-PRESIDENT FROM AMONG ITS MEMBERS, AND A SECRETARY AND
13 TREASURER WHO NEED NOT BE MEMBERS OF THE BOARD. THE SECRETARY
14 AND TREASURER MAY BE THE SAME PERSON.

15 (F) THIS SECTION SHALL APPLY TO:

16 BOARD OF TRUSTEES OF THADDEUS STEVENS [STATE SCHOOL] COLLEGE
17 OF TECHNOLOGY,

18 BOARD OF TRUSTEES OF SCRANTON STATE SCHOOL FOR THE DEAF,
19 BOARD OF TRUSTEES OF SCOTLAND SCHOOL FOR VETERANS' CHILDREN,
20 BOARD OF TRUSTEES OF PENNSYLVANIA SOLDIERS' AND SAILORS'
21 HOME,

22 BOARD OF TRUSTEES OF STATE INDUSTRIAL HOME FOR WOMEN,
23 BOARD OF TRUSTEES OF THE WESTERN YOUTH DEVELOPMENT CENTERS,
24 BOARD OF TRUSTEES OF THE CENTRAL YOUTH DEVELOPMENT CENTERS,
25 BOARD OF TRUSTEES OF THE EASTERN YOUTH DEVELOPMENT CENTERS,
26 BOARD OF TRUSTEES OF ALLENTOWN STATE HOSPITAL,
27 BOARD OF TRUSTEES OF CLARKS SUMMIT STATE HOSPITAL,
28 BOARD OF TRUSTEES OF DANVILLE STATE HOSPITAL,
29 BOARD OF TRUSTEES OF EMBREEVILLE CENTER,
30 BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL,

1 BOARD OF TRUSTEES OF HARRISBURG STATE HOSPITAL,
2 BOARD OF TRUSTEES OF MAYVIEW STATE HOSPITAL,
3 BOARD OF TRUSTEES OF NORRISTOWN STATE HOSPITAL,
4 BOARD OF TRUSTEES OF PHILADELPHIA STATE HOSPITAL,
5 BOARD OF TRUSTEES OF SOMERSET STATE HOSPITAL,
6 BOARD OF TRUSTEES OF WARREN STATE HOSPITAL,
7 BOARD OF TRUSTEES OF WERNERSVILLE STATE HOSPITAL,
8 BOARD OF TRUSTEES OF WOODVILLE STATE HOSPITAL,
9 BOARD OF TRUSTEES OF TORRANCE STATE HOSPITAL,
10 BOARD OF TRUSTEES OF HAVERFORD STATE HOSPITAL,
11 BOARD OF TRUSTEES OF ASHLAND STATE GENERAL HOSPITAL,
12 BOARD OF TRUSTEES OF COALDALE STATE GENERAL HOSPITAL,
13 BOARD OF TRUSTEES OF NANTICOKE STATE GENERAL HOSPITAL,
14 BOARD OF TRUSTEES OF PHILIPSBURG STATE GENERAL HOSPITAL,
15 BOARD OF TRUSTEES OF SCRANTON STATE GENERAL HOSPITAL,
16 BOARD OF TRUSTEES OF SHAMOKIN STATE GENERAL HOSPITAL,
17 BOARD OF TRUSTEES OF EBENSBURG CENTER,
18 BOARD OF TRUSTEES OF EASTERN STATE SCHOOL AND HOSPITAL,
19 BOARD OF TRUSTEES OF LAURELTON CENTER,
20 BOARD OF TRUSTEES OF PENNHURST CENTER,
21 BOARD OF TRUSTEES OF POLK CENTER,
22 BOARD OF TRUSTEES OF SELINGSGROVE CENTER,
23 BOARD OF TRUSTEES OF HAMBURG CENTER,
24 BOARD OF TRUSTEES OF WESTERN CENTER,
25 BOARD OF TRUSTEES OF WHITE HAVEN CENTER,
26 BOARD OF TRUSTEES OF WOODHAVEN CENTER,
27 BOARD OF TRUSTEES OF THE SOUTH MOUNTAIN RESTORATION CENTERS.

28 SECTION 4. THE DEFINITION OF "CRIME" IN SECTION 477 OF THE
29 ACT, AMENDED NOVEMBER 17, 1995 (1ST SP.SESS., P.L.1093, NO.27),
30 IS AMENDED AND THE SECTION IS AMENDED BY ADDING A DEFINITION TO

1 READ:

2 SECTION 477. DEFINITIONS.--SO FAR AS IT RELATES TO THE CRIME
3 VICTIM'S COMPENSATION PROVISIONS, THE FOLLOWING TERMS SHALL BE
4 DEFINED AS:

5 * * *

6 "CRIME" MEANS AN ACT, INCLUDING AN ACT RESULTING IN INJURY
7 INTENTIONALLY INFLICTED THROUGH THE USE OF A MOTOR VEHICLE,
8 WHICH WAS COMMITTED:

9 (1) IN PENNSYLVANIA BY A PERSON WITHOUT REGARD TO LEGAL
10 EXEMPTION OR DEFENSE AND WHICH WOULD CONSTITUTE A CRIME ONLY AS
11 DEFINED IN, PROSCRIBED BY OR ENUMERATED IN:

12 (I) 18 PA.C.S. (RELATING TO CRIMES AND OFFENSES), 30 PA.C.S.
13 § 5502 (RELATING TO OPERATING WATERCRAFT UNDER INFLUENCE OF
14 ALCOHOL OR CONTROLLED SUBSTANCE) OR 5502.1 (RELATING TO HOMICIDE
15 BY WATERCRAFT WHILE OPERATING UNDER INFLUENCE) AND 75 PA.C.S. §
16 3731 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR
17 CONTROLLED SUBSTANCE) OR 3735 (RELATING TO HOMICIDE BY VEHICLE
18 WHILE DRIVING UNDER INFLUENCE);

19 (II) THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS
20 "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT"; OR

21 (III) THE LAWS OF THE UNITED STATES.

22 (2) AGAINST A RESIDENT OF PENNSYLVANIA WHICH WOULD BE A
23 CRIME UNDER CLAUSE (1) BUT FOR ITS OCCURRENCE IN A STATE OTHER
24 THAN PENNSYLVANIA.

25 (3) AGAINST A RESIDENT OF PENNSYLVANIA WHICH IS AN ACT OF
26 INTERNATIONAL TERRORISM.

27 * * *

28 "INTERNATIONAL TERRORISM" MEANS ACTIVITIES THAT:

29 (1) INVOLVE VIOLENT ACTS OR ACTS DANGEROUS TO HUMAN LIFE
30 THAT ARE A VIOLATION OF THE CRIMINAL LAWS OF THE UNITED STATES

1 OR OF ANY STATE, OR THAT WOULD BE A CRIMINAL VIOLATION IF
2 COMMITTED WITHIN THE JURISDICTION OF THE UNITED STATES OR OF ANY
3 STATE.

4 (2) APPEAR TO BE INTENDED:

5 (I) TO INTIMIDATE OR COERCE A CIVILIAN POPULATION;

6 (II) TO INFLUENCE THE POLICY OF A GOVERNMENT BY INTIMIDATION
7 OR COERCION; OR

8 (III) TO AFFECT THE CONDUCT OF A GOVERNMENT BY ASSASSINATION
9 OR KIDNAPPING.

10 (3) OCCUR PRIMARILY OUTSIDE OF THE TERRITORIAL JURISDICTION
11 OF THE UNITED STATES, OR TRANSCEND NATIONAL BOUNDARIES IN TERMS
12 OF THE MEANS BY WHICH THEY ARE ACCOMPLISHED, THE PERSONS THEY
13 APPEAR INTENDED TO INTIMIDATE OR COERCE, OR THE LOCALE IN WHICH
14 THEIR PERPETRATORS OPERATE OR SEEK ASYLUM.

15 * * *

16 SECTION 5. SECTION 614 OF THE ACT, AMENDED AUGUST 14, 1991
17 (P.L.331, NO.35), IS AMENDED TO READ:

18 SECTION 614. LIST OF EMPLOYES TO BE FURNISHED TO CERTAIN
19 STATE OFFICERS.--(A) ALL ADMINISTRATIVE DEPARTMENTS, BOARDS,
20 AND COMMISSIONS AND THE ATTORNEY GENERAL SHALL ON JULY 15 OF
21 EACH YEAR, TRANSMIT TO THE AUDITOR GENERAL, THE STATE TREASURER
22 AND SECRETARY OF THE BUDGET A COMPLETE LIST, AND TO THE
23 LEGISLATIVE DATA PROCESSING CENTER A COMPUTER TAPE OF SUCH LIST,
24 AS OF JULY 1 PRECEDING, OF THE NAMES OF ALL PERSONS, EXCEPT DAY-
25 LABORERS, ENTITLED TO RECEIVE COMPENSATION FROM THE COMMONWEALTH
26 FOR SERVICES RENDERED IN OR TO THE DEPARTMENT, BOARD, OR
27 COMMISSION, AS THE CASE MAY BE. SUCH LIST SHALL SHOW THE
28 POSITION OCCUPIED BY EACH SUCH PERSON, THE DATE OF BIRTH AND
29 VOTING RESIDENCE OF SUCH PERSON, THE SALARY AT WHICH OR OTHER
30 BASIS UPON WHICH SUCH PERSON IS ENTITLED TO BE PAID, THE DATE

1 WHEN SUCH PERSON ENTERED THE SERVICE OF THE COMMONWEALTH,
2 WHETHER SUCH PERSON HAS BEEN CONTINUOUSLY EMPLOYED BY THE
3 COMMONWEALTH SINCE THAT DATE, AND ALL PERIODS OF SERVICE AND
4 POSITIONS HELD AS AN EMPLOYE OF THE COMMONWEALTH, OR SUCH PART
5 OF SUCH INFORMATION AS THE GOVERNOR MAY PRESCRIBE.

6 (A.1) THE AUDITOR GENERAL AND THE STATE TREASURER SHALL ON
7 JULY 15 OF EACH YEAR TRANSMIT TO THE SECRETARY OF THE BUDGET A
8 COMPLETE LIST, AND TO THE LEGISLATIVE DATA PROCESSING CENTER A
9 COMPUTER TAPE OF SUCH LIST, AS OF JULY 1 PRECEDING, OF THE NAMES
10 OF ALL PERSONS, EXCEPT DAY-LABORERS, ENTITLED TO RECEIVE
11 COMPENSATION FROM THE COMMONWEALTH FOR SERVICES RENDERED IN OR
12 TO THE AUDITOR GENERAL OR THE STATE TREASURER, AS THE CASE MAY
13 BE. SUCH LIST SHALL SHOW THE POSITION OCCUPIED BY EACH SUCH
14 PERSON, THE DATE OF BIRTH AND VOTING RESIDENCE OF SUCH PERSON,
15 THE SALARY AT WHICH OR OTHER BASIS UPON WHICH SUCH PERSON IS
16 ENTITLED TO BE PAID, THE DATE WHEN SUCH PERSON ENTERED THE
17 SERVICE OF THE COMMONWEALTH, WHETHER SUCH PERSON HAS BEEN
18 CONTINUOUSLY EMPLOYED BY THE COMMONWEALTH SINCE THAT DATE, AND
19 ALL PERIODS OF SERVICE AND POSITIONS HELD AS AN EMPLOYE OF THE
20 COMMONWEALTH.

21 (B) NO LATER THAN THE 15TH OF EACH MONTH THEREAFTER, THE
22 ATTORNEY GENERAL, THE HEADS OF THE SEVERAL ADMINISTRATIVE
23 DEPARTMENTS, AND THE SEVERAL INDEPENDENT ADMINISTRATIVE BOARDS
24 AND COMMISSIONS, SHALL CERTIFY TO THE AUDITOR GENERAL, THE STATE
25 TREASURER AND THE SECRETARY OF THE BUDGET ANY CHANGES IN THE
26 ANNUAL LIST OF EMPLOYEES LAST TRANSMITTED TO THEM WHICH SHALL
27 HAVE OCCURRED DURING THE PRECEDING MONTH AND SHALL PROVIDE TO
28 THE LEGISLATIVE DATA PROCESSING CENTER A COMPUTER TAPE OF SUCH
29 CHANGES.

30 (B.1) NO LATER THAN THE FIFTEENTH OF EACH MONTH THEREAFTER,

1 THE AUDITOR GENERAL AND THE STATE TREASURER SHALL CERTIFY TO THE
2 SECRETARY OF THE BUDGET ANY CHANGES IN THE ANNUAL LIST OF
3 EMPLOYEES LAST TRANSMITTED TO THEM WHICH SHALL HAVE OCCURRED
4 DURING THE PRECEDING MONTH AND SHALL PROVIDE TO THE LEGISLATIVE
5 DATA PROCESSING CENTER A COMPUTER TAPE OF SUCH CHANGES.

6 (C) THE INFORMATION RECEIVED BY THE AUDITOR GENERAL, THE
7 STATE TREASURER AND THE SECRETARY OF THE BUDGET, UNDER THIS
8 SECTION, SHALL BE PUBLIC INFORMATION.

9 SECTION 6. SECTION 620 OF THE ACT, AMENDED SEPTEMBER 27,
10 1978 (P.L.775, NO.149), IS AMENDED TO READ:

11 SECTION 620. BUDGET IMPLEMENTATION DATA.--(A) THE GOVERNOR,
12 THE AUDITOR GENERAL, THE STATE TREASURER AND THE ATTORNEY
13 GENERAL SHALL MAKE MONTHLY EXPENDITURE DATA AVAILABLE TO THE
14 MAJORITY AND MINORITY CHAIRMEN OF THE APPROPRIATIONS COMMITTEES
15 OF THE SENATE AND THE HOUSE OF REPRESENTATIVES. MONTHLY DATA
16 SHALL BE PROVIDED WITHIN FIFTEEN (15) DAYS AFTER THE END OF EACH
17 MONTH. THE MONTHLY DATA SHALL BE PREPARED IN SUCH A WAY THAT THE
18 LAST MONTHLY SUBMISSION IS A SUMMARY INCLUSIVE OF THE PRECEDING
19 MONTHS OF THE FISCAL YEAR AND SHALL BE USABLE TO ESTABLISH A
20 HISTORY OF EXPENDITURE FILE. THIS DATA, AT THE DISCRETION OF THE
21 MAJORITY AND MINORITY CHAIRMEN OF THE APPROPRIATIONS COMMITTEES
22 OF THE SENATE AND THE HOUSE OF REPRESENTATIVES MAY BE PROVIDED
23 EITHER IN FINISHED REPORTS OR ON COMPUTER TAPES. THE DATA SHALL
24 BE PROVIDED BY FUND, BY APPROPRIATION, BY DEPARTMENT AND BY
25 ORGANIZATION WITHIN EACH DEPARTMENT AND SHALL INCLUDE:

26 (1) NUMBER OF FILLED PERSONNEL POSITIONS AND THEIR COST.

27 (2) ITEMIZED PERSONNEL VACANCIES AND THEIR COST.

28 (3) NEW POSITIONS CREATED AND THEIR COST.

29 (4) WAGE AND OVERTIME COSTS.

30 (5) ALLOTMENTS AND EXPENDITURES FOR ITEMIZED PERSONNEL

1 EXPENSES.

2 (6) ALLOTMENTS AND EXPENDITURES FOR ITEMIZED OPERATING
3 EXPENSES.

4 (7) ALLOTMENTS AND EXPENDITURES FOR ITEMIZED FIXED ASSETS.

5 (8) THE RATE OF EXPENDITURES IN APPROPRIATIONS FOR MAJOR
6 SUBSIDY AND GRANT PROGRAMS DURING THE MONTH.

7 IN ADDITION TO THE ABOVE SPECIFIED BUDGETARY DATA, THE GOVERNOR,
8 THE AUDITOR GENERAL, THE STATE TREASURER AND THE ATTORNEY
9 GENERAL SHALL MAKE AVAILABLE ANY OTHER BUDGETARY DATA AS MAY BE
10 REQUESTED FROM TIME TO TIME BY THE MAJORITY AND MINORITY
11 CHAIRMEN OF THE APPROPRIATIONS COMMITTEES OF THE SENATE AND THE
12 HOUSE OF REPRESENTATIVES.

13 (B) THE GOVERNOR SHALL MAKE MONTHLY REVENUE REPORTS TO THE
14 MAJORITY AND MINORITY CHAIRMEN OF THE APPROPRIATIONS COMMITTEES
15 OF THE SENATE AND THE HOUSE OF REPRESENTATIVES. THE REVENUE
16 REPORTS SHALL SHOW THE ACTUAL COLLECTION OF REVENUE ITEMIZED BY
17 SOURCE AND A COMPARISON OF THE ACTUAL COLLECTIONS WITH ESTIMATED
18 COLLECTIONS FOR EACH MONTH. THE COMPARISON SHALL BE ACCOMPANIED
19 BY AN ANALYSIS WHICH WOULD INDICATE ANY CHANGE IN COLLECTION
20 PATTERNS WHICH WILL CAUSE A SHORTFALL OR OVERRUN ON THE ANNUAL
21 ESTIMATES OF MORE THAN ONE PER CENTUM (1%).

22 (C) THE GOVERNOR, THE AUDITOR GENERAL, THE STATE TREASURER,
23 AND THE ATTORNEY GENERAL SHALL CAUSE TO BE PREPARED ANY OTHER
24 REVENUE DATA AS MAY BE REQUESTED FROM TIME TO TIME BY THE
25 MAJORITY OR MINORITY CHAIRMEN OF THE APPROPRIATIONS COMMITTEES
26 OF THE SENATE OR THE HOUSE OF REPRESENTATIVES.

27 SECTION 7. SECTION 621 OF THE ACT, AMENDED OR ADDED OCTOBER
28 8, 1980 (P.L.785, NO.146) AND JULY 1, 1990 (P.L.277, NO.67), IS
29 AMENDED TO READ:

30 SECTION 621. LAPSING OF FUNDS.--(A) AS USED IN THIS

1 SECTION:

2 "CONTINGENT COMMITMENT." AN AUTHORIZATION MADE BY PROPER
3 AUTHORITY FOR [A SPENDING] AN AGENCY TO COMMIT [MONEYS] FUNDS
4 FROM AN APPROPRIATION WHICH HAS NOT [AS] YET BEEN MADE BY THE
5 GENERAL ASSEMBLY. IT IS CONTINGENT UPON THE EVENTUAL PASSAGE OF
6 AN APPROPRIATION FOR THE PURPOSE [AND MONEY MAY NOT BE PAID OUT
7 OR]. NEITHER GOODS OR SERVICES CAN BE DELIVERED NOR FUNDS
8 EXPENDED UNTIL SUCH AN APPROPRIATION HAS BEEN MADE.

9 "CONTRACTED REPAIRS." ALL [CONTRACTED] REPAIRS TO BUILDINGS,
10 GROUNDS, ROADS, FIXED AND MOVABLE EQUIPMENT AND FURNITURE,
11 EXCLUDING MAINTENANCE AND REPAIR WORK PERFORMED BY STATE
12 EMPLOYEES. REPAIRS ARE DEFINED AS COSTS WHICH WILL RESTORE THE
13 ASSET TO THAT CONDITION WHICH WILL PERMIT THE EFFECTIVE USE OF
14 THE ASSET UP TO BUT NOT BEYOND ITS PREVIOUSLY DETERMINED USEFUL
15 LIFE.

16 "ECONOMIC DEVELOPMENT." PROGRAMS TO MAXIMIZE EMPLOYMENT
17 OPPORTUNITIES, ECONOMIC GROWTH AND DEVELOPMENT OF COMMUNITIES
18 AND THE OVERALL ECONOMIC DEVELOPMENT OF THE COMMONWEALTH THROUGH
19 INDUSTRIAL DEVELOPMENT, EMPLOYABILITY DEVELOPMENT, COMMUNITY
20 DEVELOPMENT, RESOURCE DEVELOPMENT, LABOR-MANAGEMENT RELATIONS
21 AND JOB TRAINING.

22 "EMERGENCY." A SITUATION OR CIRCUMSTANCE THAT THREATENS THE
23 CONTINUED OPERATION OF GOVERNMENT OR THE HEALTH, SAFETY OR LIVES
24 OF THE CITIZENS OF THE COMMONWEALTH.

25 "ENCUMBRANCE." OBLIGATION OR COMMITMENT IN THE FORM OF
26 PURCHASE ORDERS, FIELD PURCHASE ORDERS, CONTRACTS, GRANT
27 AGREEMENTS OR OTHER AUTHORIZING DOCUMENTS RELATED TO UNPERFORMED
28 CONTRACTS FOR GOODS AND SERVICES WHICH ARE CHARGEABLE TO AN
29 APPROPRIATION AND FOR WHICH A PART OF THE APPROPRIATION IS
30 RESERVED.

"FIXED ASSETS." INCLUDES AS MACHINERY, EQUIPMENT OR FURNITURE THOSE ARTICLES WHICH MEET THE FOLLOWING TWO GENERAL CRITERIA:

(1) THOSE ITEMS THAT CAN BE EXPECTED TO HAVE A USEFUL LIFE OF MORE THAN ONE YEAR.

(2) THOSE ITEMS THAT CAN BE USED REPEATEDLY WITHOUT MATERIALLY CHANGING OR IMPAIRING THEIR PHYSICAL CONDITION AND THAT CAN BE KEPT IN SERVICEABLE CONDITION BY NORMAL REPAIR, MAINTENANCE OR REPLACEMENT OF COMPONENTS.

ALSO INCLUDED IN THIS MAJOR CATEGORY OF EXPENDITURE ARE: LIVESTOCK, GAME AND POULTRY PURCHASED PRIMARILY FOR FARM STOCK, BREEDING OR SIMILAR USE, LAND ACQUISITIONS, ACQUISITIONS OF BUILDINGS AND STRUCTURES, CAPITAL IMPROVEMENTS TO BUILDINGS AND STRUCTURES AND NONSTRUCTURAL IMPROVEMENTS.

"GRANTS AND SUBSIDIES." INCLUDES ALL PAYMENTS MADE BY THE STATE TO POLITICAL SUBDIVISIONS, INDIVIDUALS, INSTITUTIONS AND ORGANIZATIONS FOR WHICH NO DIRECT SERVICES ARE RENDERED TO THE STATE. ALSO INCLUDED ARE: AWARDS, BOUNTIES AND INDEMNITIES.

"LITIGATION." ANY PENDING, PROPOSED OR CURRENT ACTION OR MATTER, INCLUDING ARBITRATION AND AUDITS, SUBJECT TO APPEAL BEFORE A COURT OF LAW OR ADMINISTRATIVE ADJUDICATIVE BODY, THE DECISION OF WHICH BODY MAY BE APPEALED TO A COURT OF LAW.

"MAJOR CATEGORIES OF EXPENDITURE." [FIXED ASSETS, OPERATIONAL EXPENSES AND PERSONNEL SERVICES] INCLUDES PERSONNEL SERVICES, OPERATIONAL EXPENSES, FIXED ASSETS, GRANTS AND SUBSIDIES, DEBT SERVICE, AND FIXED CHARGES AND NONEXPENSE ITEMS.

"OPERATIONAL EXPENSES." INCLUDES THE COST OF COMMODITIES, SUBSTANCES OR MANUFACTURED ARTICLES WHICH ARE USED OR CONSUMED IN CURRENT OPERATION OR PROCESSED IN THE CONSTRUCTION OR MANUFACTURE OF ARTICLES. [SUPPLIES ALSO INCLUDE MINOR] ALSO

1 INCLUDES EQUIPMENT, EXPENDABLE TOOLS AND OTHER ARTICLES NOT
2 MEETING THE CRITERIA FOR MACHINERY AND EQUIPMENT SET FORTH IN
3 THE DEFINITION OF "FIXED ASSETS." [THIS MAJOR CATEGORY OF
4 EXPENDITURE ALSO] IN ADDITION, INCLUDES SERVICES PERFORMED BY
5 STATE OR OUTSIDE AGENCIES WHICH MAY INCLUDE THE USE OF EQUIPMENT
6 OR THE FURNISHING OF COMMODITIES IN CONNECTION WITH THESE
7 SERVICES UNDER EXPRESS OR IMPLIED CONTRACTS.

8 "PERSONNEL SERVICES." THE COST OF SALARIES AND WAGES,
9 [INCLUDING THE STATE'S] STATE SHARE OF PAYROLL TAXES AND EMPLOYEE
10 BENEFITS[,] PAID TO OR ON BEHALF OF STATE OFFICIALS AND EMPLOYEES
11 FOR SERVICES RENDERED AND FOR STATE ANNUITANTS. INCLUDES AMONG
12 OTHER THINGS, THE STATE SHARE OF UNEMPLOYMENT COMPENSATION,
13 EMPLOYEE TRAINING AND ANNUAL AND SICK LEAVE PAYOUTS.

14 ["PURCHASE ORDER." A WRITTEN] "PROCUREMENT DOCUMENT." A
15 DOCUMENT AUTHORIZING DELIVERY OF SPECIFIED ITEMS OR THE
16 RENDERING OF CERTAIN SERVICES AND THE INCURRENCE OF A CHARGE FOR
17 THEM. INCLUDES PURCHASE ORDERS, FIELD PURCHASE ORDERS, LEASES,
18 CONTRACTS AND OTHER AUTHORIZING DOCUMENTS.

19 "PURCHASE REQUISITION." A WRITTEN OR ELECTRONIC REQUEST TO
20 THE [PURCHASING OFFICER, USUALLY OF A] CENTRAL [SUPPLY]
21 PURCHASING AGENCY[,] FOR THE PURCHASE [OR DELIVERY] OF SPECIFIED
22 ITEMS [OR SERVICES].

23 (B) ALL ACTIONS RELATING TO THE ENCUMBERING OF FUNDS SHALL
24 BE SUPPORTED BY COMPLETE DOCUMENTATION [INCLUDING A DETAILING OF
25 METHODS USED TO ESTIMATE A YEAR-END ENCUMBRANCE. PURCHASE
26 ORDERS]. PROCUREMENT DOCUMENTS SHALL HAVE A SPECIFIED DELIVERY
27 DATE. [DELIVERY OF GOODS AND SERVICES ENCUMBERED IN ONE FISCAL
28 YEAR SHALL BE MADE BY AUGUST 31 OF THE FOLLOWING FISCAL YEAR,
29 EXCEPT AS OTHERWISE HEREIN PROVIDED.] ENCUMBRANCES SHALL BE
30 EXPENDED AS HEREIN PROVIDED.

(C) PAYMENTS FOR PERSONNEL SERVICES SHALL BE CHARGED TO THE FISCAL YEAR IN WHICH THE EXPENSE WAS INCURRED OR THE LIABILITY ACCRUED.

(D) PAYMENTS FOR OPERATIONAL EXPENSES AND GRANTS AND SUBSIDIES SHALL BE CHARGED AS FOLLOWS:

(1) PURCHASES OF SUPPLIES [AND SERVICES OTHER THAN SPECIFICALLY PROVIDED HEREIN] SHALL BE CHARGED TO THE FISCAL YEAR IN WHICH THE ACTUAL EXPENSES OR COMMITMENT TO PURCHASE WAS INCURRED. [CONTRACTED SERVICES, CONSULTANT FEES]

(1.1) CONTRACTED SERVICES AND RENTALS, EXCLUDING GENERAL STATE AUTHORITY RENTALS, SHALL BE [PRORATED BETWEEN FISCAL YEARS] CHARGED TO THE FISCAL YEAR IN WHICH THE SERVICE WAS PROVIDED OR RENTAL OCCURRED.

(2) [PAYMENT OF THE COST OF CONTRACTED] CONTRACTED REPAIRS SHALL BE CHARGED TO THE FISCAL YEAR IN WHICH [THE OBLIGATION WAS INCURRED] AN ENCUMBRANCE WAS CREATED.

(3) [PAYMENTS OF GRANTS] GRANTS AND SUBSIDIES [AND REIMBURSEMENTS FOR SERVICES PROVIDED OR COSTS INCURRED BY OTHER GOVERNMENT UNITS, INSTITUTIONS, AND INDIVIDUALS] SHALL BE CHARGED TO THE FISCAL YEAR IN WHICH FUNDS WERE APPROPRIATED, ALLOCATED FOR THE PURPOSE BY THE BUDGET SECRETARY [AND OBLIGATED] AND/OR ENCUMBERED.

(4) EXCEPT AS HEREINAFTER PROVIDED, NO ENCUMBRANCE FOR OPERATIONAL EXPENSES AND GRANTS OR SUBSIDIES SHALL BE MADE AFTER MAY 31 IN THE FISCAL YEAR TO WHICH THE ENCUMBRANCE IS CHARGED.

(5) ENCUMBRANCES FOR OPERATIONAL EXPENSES AND GRANTS AND SUBSIDIES MADE BECAUSE OF PURCHASE ORDERS ISSUED FROM PURCHASE REQUISITIONS OR BECAUSE OF AN EMERGENCY [THAT THREATENS THE CONTINUED OPERATION OF GOVERNMENT OR THE HEALTH, SAFETY OR LIVES OF THE CITIZENS OF THE COMMONWEALTH] MAY BE CREATED SUBSEQUENT

1 TO MAY 31[. IF A PURCHASE ORDER IS EXECUTED SUBSEQUENT TO JUNE
2 15, A CONTINGENT COMMITMENT SHALL BE ESTABLISHED TO INSURE THE
3 PAYMENT OF THE BILL] BUT NOT LATER THAN JUNE 30.

4 [(6) OUTSTANDING PRIOR YEAR ENCUMBRANCES CHARGED TO
5 OPERATIONAL EXPENSES OR SUBSIDIES AND GRANTS SHALL BE REVIEWED
6 NOT LATER THAN AUGUST 31 OF THE CURRENT FISCAL YEAR. AT THAT
7 TIME THEY SHALL BE CANCELLED AND THE FUNDS SHALL LAPSE UNLESS
8 EXTENDED BECAUSE OF THE MATERIAL SHORTAGES, DELAYS IN PRODUCTION
9 SCHEDULES, STRIKES, ARBITRATION, INSPECTIONS, AUDITS, ACTS OF
10 NATURE, OR LITIGATION UPON COMPLETE JUSTIFICATION OF THE AGENCY
11 WITH THE CONCURRENCE OF THE AGENCY CONTROLLER.]

12 (7) ENCUMBRANCES FOR ECONOMIC DEVELOPMENT GRANTS OR PROJECTS
13 MAY BE RETAINED UNTIL THE CLOSE OF THE SECOND FISCAL YEAR
14 FOLLOWING THE FISCAL YEAR IN WHICH THE ORIGINAL GRANTS OR
15 PROJECTS WERE ENCUMBERED.

16 (E) FIXED ASSETS SHALL BE CHARGED AS FOLLOWS:

17 (1) PURCHASE OR COST OF FIXED ASSETS SHALL BE CHARGED TO THE
18 FISCAL YEAR IN WHICH [FUNDS FOR THIS PURPOSE ARE ALLOCATED BY
19 THE BUDGET SECRETARY] AN ENCUMBRANCE WAS CREATED.

20 (2) EXCEPT AS HEREINAFTER PROVIDED, NO ENCUMBRANCE FOR FIXED
21 ASSETS SHALL BE MADE AFTER [FEBRUARY 28] MAY 31 IN THE FISCAL
22 YEAR TO WHICH THE ENCUMBRANCE IS CHARGED.

23 (3) ENCUMBRANCES FOR FIXED ASSETS MADE BECAUSE OF PURCHASE
24 ORDERS ISSUED FROM PURCHASE REQUISITIONS OR BECAUSE OF AN
25 EMERGENCY [THAT THREATENS THE CONTINUED OPERATION OF GOVERNMENT,
26 OR THE HEALTH, SAFETY, OR LIVES OF THE CITIZENS OF THE
27 COMMONWEALTH] MAY BE CREATED SUBSEQUENT TO [FEBRUARY 28. IF A
28 PURCHASE ORDER IS EXECUTED SUBSEQUENT TO APRIL 30, A CONTINGENT
29 COMMITMENT SHALL BE ESTABLISHED TO INSURE THE PAYMENT OF THE
30 BILL UNLESS DELIVERY IS EXPECTED PRIOR TO] MAY 31 BUT NOT LATER

1 THAN JUNE 30.

2 [(4) ENCUMBRANCES FOR FIXED ASSETS MADE BECAUSE OF A
3 PURCHASE ORDER SUBSEQUENT TO APRIL 30 SHALL BE AUTOMATICALLY
4 CANCELLED AND THE FUNDS LAPSED IF DELIVERY IS NOT MADE PRIOR TO
5 JUNE 30.

6 (5) OUTSTANDING PRIOR YEAR ENCUMBRANCES CHARGED TO FIXED
7 ASSETS SHALL BE REVIEWED NOT LATER THAN SEPTEMBER 30 OF THE
8 CURRENT FISCAL YEAR. AT THAT TIME THEY SHALL BE CANCELLED AND
9 THE FUNDS LAPSED UNLESS EXTENDED BECAUSE OF MATERIAL SHORTAGES,
10 DELAYS IN PRODUCTION SCHEDULES, STRIKES, ARBITRATION,
11 INSPECTIONS, AUDITS, ACTS OF NATURE, OR LITIGATION UPON COMPLETE
12 JUSTIFICATION OF THE AGENCY WITH THE CONCURRENCE OF THE AGENCY
13 CONTROLLER.]

14 (F) OUTSTANDING PRIOR YEAR ENCUMBRANCES [EXTENDED IN
15 ACCORDANCE WITH THE PROVISIONS OF THIS ACT SHALL BE
16 AUTOMATICALLY] SHALL BE CANCELLED AS OF OCTOBER 31, EXCEPTING
17 ENCUMBRANCES FOR [ITEMS BEING LITIGATED OR ARBITRATED.]:
18 CONSTRUCTION, REPAIRS AND IMPROVEMENTS AND ITEMS BEING
19 LITIGATED. IN ADDITION, A PRIOR YEAR ENCUMBRANCE MAY REMAIN
20 ENCUMBERED BEYOND OCTOBER 31 PROVIDED THE AGENCY COMPTROLLER HAS
21 EVIDENCE THAT EITHER THE GOODS WERE PROVIDED ON OR BEFORE
22 OCTOBER 31 OR THE SERVICES WERE PROVIDED BY JUNE 30 OF THE
23 PREVIOUS FISCAL YEAR.

24 (G) NOTHING SHALL PRECLUDE AN AGENCY FROM EITHER ENCUMBERING
25 FUNDS [FROM] AGAINST OR DIRECT CHARGING EXPENDITURES TO THE
26 CURRENT FISCAL YEAR TO PAY FOR A PRIOR YEAR'S ENCUMBRANCE WHICH
27 WAS CANCELLED UNDER SUBSECTION (C), (D), (E) OR (F).

28 (H) [BALANCES DUE TO] AVAILABLE BALANCES CREATED BY THE
29 LIQUIDATION OR CANCELLATION OF PRIOR YEAR ENCUMBRANCES SHALL BE
30 LAPSED. THESE [FUNDS] BALANCES SHALL NOT BE TRANSFERRED [TO ANY

OTHER MAJOR OR MINOR CATEGORY] BETWEEN MAJOR CATEGORIES OF
EXPENDITURE AND MAY NOT BE USED TO CREATE ANY NEW OBLIGATION.

(I) [MONEYS FROM LIQUIDATION OR CANCELLATION OF PRIOR YEAR
ENCUMBRANCES SHALL BE LAPSED BY THE END OF THE SUBSEQUENT MONTH
IN WHICH THE ENCUMBRANCE WAS LIQUIDATED OR CANCELLED, OR EARLIER
AT THE DISCRETION OF THE BUDGET SECRETARY.] EXCEPT AS A RESULT
OF LITIGATION, IN NO CASE SHALL AN ENCUMBRANCE BE HELD FOR MORE
THAN THE NEXT COMPLETE [SUBSEQUENT] FISCAL YEAR.

(J) IN NO CASE SHALL THERE BE A TRANSFER OF FUNDS FROM AN
ENCUMBRANCE IN ONE MAJOR CATEGORY OF EXPENDITURE TO AN
ENCUMBRANCE IN ANOTHER MAJOR CATEGORY OF EXPENDITURE.

(K) ALL DEADLINES FOR CREATING ENCUMBRANCES SHALL BE
EXTENDED WHEN THE ENCUMBRANCES APPLY TO AN APPROPRIATION
RECEIVED AFTER THE DEADLINES STATED HEREIN.

(L) IN NO CASE SHALL AN ENCUMBRANCE BE CREATED AFTER JUNE 30
OF THE FISCAL YEAR IN WHICH THE MONEYS WERE APPROPRIATED.

(M) THE SECRETARY OF THE BUDGET SHALL HAVE THE POWER TO
WAIVE ANY OF THE PROVISIONS INCLUDED IN SECTION 621 UPON WRITTEN
REQUEST OF AN AGENCY JUSTIFYING AN EXCEPTION TO THESE PROVISIONS
WHICH IS IN THE BEST INTERESTS OF THE COMMONWEALTH. WHEN THE
SECRETARY OF THE BUDGET DECIDES TO APPROVE AN AGENCY REQUEST FOR
A WAIVER OF THESE PROVISIONS, HE SHALL SUBMIT THE AGENCY REQUEST
ALONG WITH HIS OWN WRITTEN ANALYSIS AND JUSTIFICATION FOR THE
WAIVER OF THESE PROVISIONS TO THE RESPECTIVE CHAIRMEN OF THE
MAJORITY AND MINORITY APPROPRIATIONS COMMITTEES IN THE HOUSE OF
REPRESENTATIVES AND THE SENATE ALLOWING A REASONABLE TIME FOR
THEIR REVIEW AND COMMENT.

[(N) DURING THE FIRST TEN (10) DAYS OF THE FISCAL PERIOD
BEGINNING JULY 1, 1990, THE COMPTROLLER OF THE HOUSE OF
REPRESENTATIVES SHALL FORWARD LAPSE DOCUMENTS TO THE STATE

1 TREASURER FOR AT LEAST TWENTY-SEVEN MILLION DOLLARS
2 (\$27,000,000) OF PRIOR YEAR CONTINUING APPROPRIATIONS OF THE
3 HOUSE OF REPRESENTATIVES. THIS SUBSECTION SHALL EXPIRE SEPTEMBER
4 30, 1990.]

5 SECTION 8. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

6 SECTION 625-A. FEES PROHIBITED.--EXCEPT FOR EXTRAORDINARY
7 ACTIVITIES, NO DEPARTMENT OR AGENCY OF THE COMMONWEALTH MAY
8 CHARGE A FEE OR OTHER COST, EXCEPT THE ACTUAL COSTS INCURRED BY
9 THE AFFECTED DEPARTMENT OR AGENCY, FOR THE USE OF STATE-OWNED
10 PROPERTY FOR THE PURPOSE OF MAKING COMMERCIAL MOTION PICTURES.
11 FOR PURPOSES OF THIS SECTION, THE TERM "EXTRAORDINARY" SHALL
12 MEAN AN ACTIVITY OUTSIDE THE NORMAL COURSE OF BUSINESS OF AN
13 AGENCY OR DEPARTMENT OF THIS COMMONWEALTH, INCLUDING, BUT NOT
14 LIMITED TO, DEMOLITION OR CONSTRUCTION PROJECTS, OR ANY
15 COMBINATION THEREOF, HAVING A TOTAL COST IN EXCESS OF ONE
16 MILLION DOLLARS (\$1,000,000).

17 SECTION 9. SECTION 709 OF THE ACT, AMENDED APRIL 23, 1941
18 (P.L.21, NO.13), JULY 20, 1968 (P.L.457, NO.215), DECEMBER 18,
19 1968 (P.L.1232, NO.390), OCTOBER 7, 1974 (P.L.673, NO.225) AND
20 REPEALED IN PART JULY 13, 1988 (P.L.530, NO.94), IS AMENDED TO
21 READ:

22 SECTION 709. EXECUTIVE BOARD.--SUBJECT TO THE PROVISIONS OF
23 THIS ACT, THE EXECUTIVE BOARD SHALL HAVE THE POWER:

24 (A) TO STANDARDIZE THE QUALIFICATIONS FOR EMPLOYMENT, AND
25 ALL TITLES, SALARIES, AND WAGES, OF PERSONS EMPLOYED BY THE
26 ADMINISTRATIVE DEPARTMENTS, BOARDS, AND COMMISSIONS, EXCEPT THE
27 DEPARTMENT OF THE AUDITOR GENERAL AND THE TREASURY DEPARTMENT.

28 IN ESTABLISHING SUCH STANDARDS THE BOARD MAY:

29 (1) TAKE INTO CONSIDERATION THE LOCATION OF THE WORK AND THE
30 CONDITIONS UNDER WHICH THE SERVICE IS RENDERED,

(2) ESTABLISH DIFFERENT STANDARDS FOR DIFFERENT KINDS,
GRADES AND CLASSES OF SIMILAR WORK OR SERVICE;

(B) TO APPROVE OR DISAPPROVE THE ESTABLISHMENT OF BUREAUS
AND DIVISIONS BY THE ADMINISTRATIVE DEPARTMENTS, OTHER THAN THE
DEPARTMENT OF THE AUDITOR GENERAL AND THE TREASURY DEPARTMENT,
AND BY THE INDEPENDENT ADMINISTRATIVE BOARDS AND COMMISSIONS,
AND TO INVESTIGATE DUPLICATION OF WORK OF THE SEVERAL
ADMINISTRATIVE DEPARTMENTS, BOARDS, AND COMMISSIONS, AND THE
EFFICIENCY OF THE ORGANIZATION AND ADMINISTRATION THEREOF, AND
THE BETTER COORDINATION OF SUCH DEPARTMENTS, BOARDS, AND
COMMISSIONS;

(C) TO APPROVE OR DISAPPROVE, AS PROVIDED BY THIS ACT, THE
PAYMENT OF EXTRA COMPENSATION TO EMPLOYES OF ADMINISTRATIVE
DEPARTMENTS, BOARDS, OR COMMISSIONS, WHO ARE EMPLOYED AT FIXED
COMPENSATION;

(D) TO DETERMINE, FROM TIME TO TIME, THE HOURS WHEN THE
ADMINISTRATIVE OFFICES OF THE STATE GOVERNMENT SHALL OPEN AND
CLOSE;

(E) TO ESTABLISH REGULATIONS CONCERNING THE ENTITLEMENT TO
LEAVES OF ABSENCE, WITH PAY, FOR EMPLOYES OF ADMINISTRATIVE
DEPARTMENTS, BOARDS OR COMMISSIONS;

(E.1) TO DETERMINE THE HOLIDAYS ON WHICH THE ADMINISTRATIVE
OFFICES OF STATE GOVERNMENT SHALL BE CLOSED FOR THE PURPOSE OF
TRANSACTING PUBLIC BUSINESS;

(F) TO MAKE RULES AND REGULATIONS [DEFINING THE] PROVIDING
FOR TRAVEL, LODGING AND OTHER EXPENSES FOR WHICH ALL OFFICERS
AND EMPLOYES OF THE EXECUTIVE BRANCH OF THE STATE GOVERNMENT MAY
BE REIMBURSED;

(F.1) TO ESTABLISH RATES OF PER DIEM COMPENSATION FOR
MEMBERS OF DEPARTMENTAL BOARDS AND COMMISSIONS FOR WHICH NO

1 ANNUAL RATE OF COMPENSATION HAS BEEN ESTABLISHED;

2 (G) TO DETERMINE BY WHAT MEMBERS OF INDEPENDENT
3 ADMINISTRATIVE BOARDS AND COMMISSIONS FIDELITY BONDS SHALL BE
4 GIVEN, TO APPROVE OR DISAPPROVE RECOMMENDATIONS OF DEPARTMENT
5 HEADS, OR OF INDEPENDENT ADMINISTRATIVE BOARDS OR COMMISSIONS,
6 FOR THE BONDING OF OFFICERS OR EMPLOYES OF THEIR DEPARTMENTS, OR
7 MEMBERS OR OFFICERS OR EMPLOYES OF DEPARTMENTAL ADMINISTRATIVE
8 BOARDS OR COMMISSIONS, OR OFFICERS OR EMPLOYES OF INDEPENDENT
9 ADMINISTRATIVE BOARDS OR COMMISSIONS, TO FIX THE AMOUNTS OF THE
10 BONDS OF ALL SUCH MEMBERS, OFFICERS, OR EMPLOYES REQUIRED TO
11 GIVE BOND, AND TO REQUIRE ANY BOND OR BONDS TO BE EXECUTED BY A
12 SURETY OR SURETIES, EVEN THOUGH THE COMMONWEALTH MAY HAVE
13 ESTABLISHED ITS OWN INDEMNITY FUND, AS ELSEWHERE IN THIS ACT
14 PROVIDED;

15 (H) TO APPROVE OR DISAPPROVE THE ESTABLISHMENT OF BRANCH
16 OFFICES OUTSIDE OF THE CAPITAL CITY BY OR FOR ADMINISTRATIVE
17 DEPARTMENTS, BOARDS, OR COMMISSIONS;

18 (I) FROM TIME TO TIME TO DETERMINE WITHIN WHAT LIMITS THE
19 DEPARTMENT OF PROPERTY AND SUPPLIES SHALL PROCURE LIABILITY
20 INSURANCE COVERING CLAIMS FOR DAMAGES AGAINST THE COMMONWEALTH,
21 AND STATE OFFICERS AND EMPLOYES, ARISING OUT OF THE OPERATION OF
22 STATE AUTOMOBILES OR THE PERFORMANCE OF ANY OTHER ASSIGNED
23 DUTIES AND RESPONSIBILITIES BY SUCH OFFICERS AND EMPLOYES;

24 (J) FROM TIME TO TIME TO DETERMINE THE NUMBER AND TYPE OF
25 AUTOMOBILES TO BE PURCHASED BY THE DEPARTMENT OF PROPERTY AND
26 SUPPLIES, ACTING EITHER ON ITS OWN BEHALF OR AS PURCHASING
27 AGENCY FOR ANY OTHER DEPARTMENT, EXCEPT THE DEPARTMENT OF THE
28 AUDITOR GENERAL AND THE TREASURY DEPARTMENT, OR FOR ANY BOARD OR
29 COMMISSION, AND TO MAKE RULES AND REGULATIONS FOR THE USE OF
30 STATE AUTOMOBILES BY STATE OFFICERS AND EMPLOYES, EXCEPT THE

1 DEPARTMENT OF THE AUDITOR GENERAL AND THE TREASURY DEPARTMENT.

2 (K) TO APPROVE OR DISAPPROVE REQUESTS FOR AND TO DIRECT THE
3 DISPOSAL OF FILES OF CORRESPONDENCE, REPORTS, RECORDS OR OTHER
4 PAPERS WHICH ARE NOT NEEDED FOR THE CURRENT OR ANTICIPATED
5 FUTURE OPERATIONS OF ANY ADMINISTRATIVE DEPARTMENT, BOARD OR
6 COMMISSION, AND WHICH DATE BACK A PERIOD OF FOUR YEARS OR MORE.

7 (L) TO REPORT TO THE GENERAL ASSEMBLY ON AN ANNUAL BASIS,
8 BEGINNING MAY 1, 1975 AND EACH MAY 1 THEREAFTER, ON ALL CHANGES
9 APPROVED OR NEGOTIATED BY THE EXECUTIVE BOARD IN RELATION TO
10 MATTERS COVERED IN SECTIONS 222(B), 222(C), 709(E) AND 709(E.1),
11 THE ESTIMATED COSTS UNDER THE EXISTING RULES AND PROVISIONS AND
12 THE ESTIMATED COSTS UNDER THE NEW RULES AND PROVISIONS FOR THE
13 NEXT FIVE YEARS.

14 SECTION 10. SECTION 813(F) OF THE ACT, ADDED MARCH 21, 1986
15 (P.L.62, NO.18), IS AMENDED TO READ:

16 SECTION 813. PUBLIC MEMBERS OF LICENSING BOARDS AND
17 COMMISSIONS.

18 * * *

19 (F) A PUBLIC MEMBER WHO FAILS TO ATTEND TWO CONSECUTIVE
20 CONFERENCES CONDUCTED PURSUANT TO SUBSECTION (E) SHALL FORFEIT
21 HIS SEAT ON THE BOARD OR COMMISSION OF WHICH HE IS A PUBLIC
22 MEMBER UNLESS THE COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL
23 AFFAIRS, UPON WRITTEN REQUEST FROM THE PUBLIC MEMBER, FINDS THAT
24 THE PUBLIC MEMBER SHOULD BE EXCUSED FROM A CONFERENCE BECAUSE OF
25 ILLNESS [OR], THE DEATH OF A FAMILY MEMBER OR A CONFLICT WITH
26 THE PUBLIC MEMBER'S BUSINESS OR WORK SCHEDULE.

27 * * *

28 SECTION 11. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

29 SECTION 904-B. POWERS TO ASSESS AND COLLECT COSTS.--(A)
30 WHEN THE DEPARTMENT OF CORRECTIONS DETERMINES THAT THERE HAS

1 BEEN A FINANCIAL LOSS OR COST AS A RESULT OF A VIOLATION OF A
2 WRITTEN RULE GOVERNING INMATE BEHAVIOR, INCLUDING, BUT NOT
3 LIMITED TO, PROPERTY LOSS OR DAMAGE OR USE OF A CONTROLLED
4 SUBSTANCE, THE DEPARTMENT MAY REQUIRE THE PRISONER TO PAY TO THE
5 DEPARTMENT OR TO THE PERSON WHOSE PROPERTY HAS BEEN LOST OR
6 DAMAGED, THE VALUE OF THE PROPERTY OR THE COSTS INCURRED IN THE
7 INVESTIGATION AND ADMINISTRATIVE REVIEW OF THE BEHAVIOR.

8 (B) THE DEPARTMENT SHALL DEVELOP WRITTEN PROCEDURES RELATING
9 TO THE DETERMINATION, ASSESSMENT AND COLLECTION OF THE COSTS OF
10 LOSSES DUE TO INMATE MISCONDUCT. WHEN THE PROCEDURES HAVE BEEN
11 ADOPTED BY THE DEPARTMENT, THE PROVISIONS OF 2 PA.C.S. CH. 5
12 SUBCH. A (RELATING TO PRACTICE AND PROCEDURE OF COMMONWEALTH
13 AGENCIES) SHALL NOT APPLY TO PROCEEDINGS CONDUCTED BY THE
14 DEPARTMENT UNDER THIS SECTION.

15 (C) THE DEPARTMENT MAY DEDUCT FROM AN INMATE'S INSTITUTIONAL
16 ACCOUNT THE AMOUNT OF ANY JUDGMENT, COURT-ORDERED COSTS OR
17 ASSESSMENTS AGAINST THE INMATE UNDER SUBSECTION (A). NOTICE OF
18 THE DEDUCTION SHALL BE PROVIDED TO THE INMATE BY CERTIFIED MAIL
19 OR PERSONAL NOTICE.

20 SECTION 12. SECTION 1321(A) OF THE ACT, ADDED JULY 11, 1996
21 (P.L.619, N0.105), IS AMENDED TO READ:

22 SECTION 1321. COLLECTIVE BARGAINING.--(A) SCHOOL
23 ADMINISTRATORS EMPLOYED BY A CITY OF THE FIRST CLASS SHALL,
24 THROUGH LABOR ORGANIZATIONS OR OTHER REPRESENTATIVES DESIGNATED
25 BY FIFTY PER CENTUM (50%) OR MORE OF SUCH SCHOOL ADMINISTRATORS,
26 HAVE THE RIGHT TO BARGAIN COLLECTIVELY WITH THEIR PUBLIC
27 EMPLOYERS CONCERNING THE TERMS AND CONDITIONS OF THEIR
28 EMPLOYMENT, INCLUDING COMPENSATION, HOURS, WORKING CONDITIONS[,
29 RETIREMENT, PENSION] AND OTHER BENEFITS, AND SHALL HAVE THE
30 RIGHT TO AN ADJUSTMENT OR SETTLEMENT OF THEIR GRIEVANCES OR

DISPUTES IN ACCORDANCE WITH THE TERMS OF THIS SECTION.

* * *

SECTION 13. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

SECTION 1934-A. BONDS FOR CERTAIN WELLS.--NO BOND OR BOND
SUBSTITUTE SHALL BE REQUIRED FOR ANY WELL DRILLED PRIOR TO APRIL
18, 1985, WHERE SUCH WELL WOULD HAVE OTHERWISE BEEN SUBJECT TO
THE BONDING REQUIREMENTS OF SECTION 215 OR 603.1 OF THE ACT OF
DECEMBER 19, 1984 (P.L.1140, NO.223), KNOWN AS THE "OIL AND GAS
ACT."

SECTION 1935-A. TIMETABLE FOR REVIEW OF MUNICIPAL WASTE
LANDFILL AND RESOURCE RECOVERY FACILITY PERMIT APPLICATIONS.--
UPON THE REQUEST OF AN APPLICANT, THE DEPARTMENT OF
ENVIRONMENTAL PROTECTION SHALL ESTABLISH A TIMETABLE IN WHICH
THE DEPARTMENT SHALL REVIEW AND APPROVE OR DENY ANY PERMIT
APPLICATION FOR A MUNICIPAL WASTE LANDFILL OR RESOURCE RECOVERY
FACILITY. THE DEPARTMENT SHALL ESTABLISH A REASONABLE TIMETABLE
FOR THE APPROVAL OR DENIAL OF THE PERMIT APPLICATION IN
CONSULTATION WITH THE PERMIT APPLICANT AND THE GOVERNING BODY OF
ANY COUNTY AND OTHER MUNICIPALITY WITHIN WHICH THE FACILITY IS
LOCATED AND SHALL PUBLISH A NOTICE REGARDING THE TIMETABLE IN
THE PENNSYLVANIA BULLETIN.

SECTION 2015. PENNSYLVANIA INFRASTRUCTURE BANK.--(A) THERE
IS HEREBY ESTABLISHED A SPECIAL FUND IN THE DEPARTMENT OF
TRANSPORTATION TO BE KNOWN AS THE PENNSYLVANIA INFRASTRUCTURE
BANK. THE FUND SHALL BE ADMINISTERED BY THE DEPARTMENT OF
TRANSPORTATION AND THE SECRETARY OF TRANSPORTATION SHALL BE THE
TREASURER-CUSTODIAN OF THE FUND. ALL MONEYS IN THE FUND ARE
HEREBY APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION FOR THE
PURPOSES SPECIFIED IN THIS SECTION. THE DEPARTMENT OF
TRANSPORTATION IS AUTHORIZED TO HOLD AND TO DISBURSE IN

1 ACCORDANCE WITH THIS SECTION ALL FEDERAL AND STATE MONEY
2 DEPOSITED IN THE FUND. THE DEPARTMENT OF TRANSPORTATION IS ALSO
3 AUTHORIZED TO USE MONEY IN THE HIGHWAY AND SAFETY IMPROVEMENTS
4 APPROPRIATION IN THE MOTOR LICENSE FUND TO PROVIDE PAYMENTS AS
5 AUTHORIZED BY FEDERAL LAW, INCLUDING MATCHING FUNDS, FOR THE
6 PENNSYLVANIA INFRASTRUCTURE BANK.

7 (B) THE DEPARTMENT OF TRANSPORTATION IS AUTHORIZED TO:

8 (1) MAKE LOANS TO OR ENTER INTO LEASES WITH QUALIFIED
9 BORROWERS TO FINANCE THE COSTS OF QUALIFIED PROJECTS AND TO
10 ACQUIRE, HOLD AND SELL BORROWER OBLIGATIONS EVIDENCING THE
11 LOANS;

12 (2) ENTER INTO GUARANTIES SECURED SOLELY BY OR PURCHASE
13 INSURANCE OR OTHER CREDIT ENHANCEMENT THROUGH AMOUNTS ON DEPOSIT
14 IN THE FUND;

15 (3) ENTER INTO CONTRACTS, ARRANGEMENTS AND AGREEMENTS TO
16 PROVIDE ASSISTANCE THROUGH AMOUNTS ON DEPOSIT IN THE FUND. THE
17 DEPARTMENT OF TRANSPORTATION SHALL DETERMINE THE FORM AND
18 CONTENT OF ANY BORROWER OBLIGATION, INCLUDING THE TERMS AND RATE
19 OF INTEREST ON ANY LOANS OR LEASES;

20 (4) ENTER INTO CONTRACTS, ARRANGEMENTS AND AGREEMENTS WITH
21 OTHER PERSONS AND EXECUTE AND DELIVER ALL TRUST AGREEMENTS, LOAN
22 AGREEMENTS AND OTHER INSTRUMENTS NECESSARY OR CONVENIENT TO THE
23 EXERCISE OF THE POWERS GRANTED BY THIS SECTION;

24 (5) ENTER INTO GRANT COOPERATIVE, OPERATING AND OTHER
25 AGREEMENTS WITH THE UNITED STATES RELATING TO THE FUND;

26 (6) ESTABLISH AND COLLECT FEES, CHARGES AND INTEREST;

27 (7) ESTABLISH FISCAL CONTROLS AND ACCOUNTING PROCEDURES FOR
28 THE FUND;

29 (8) ADOPT REGULATIONS, PROCEDURES OR GUIDELINES FOR THE BANK
30 AND FOR ACCOUNTING PROCEDURES BY QUALIFIED BORROWERS FOR

1 FINANCIAL ASSISTANCE AND PROJECTS; AND

2 (9) ESTABLISH ACCOUNTS AND SUBACCOUNTS IN THE FUND AS
3 NECESSARY AND INVEST MONEYS HELD IN THE FUND.

4 (C) THE DEPARTMENT OF TRANSPORTATION IS AUTHORIZED TO TAKE
5 ANY ACTIONS REQUIRED BY FEDERAL LAW OR REGULATION IN ORDER TO
6 QUALIFY AS A STATE INFRASTRUCTURE BANK AND TO RECEIVE FEDERAL
7 FUNDS MADE AVAILABLE TO STATE INFRASTRUCTURE BANKS.

8 (D) THE DEPARTMENT OF TRANSPORTATION SHALL NOT BE AUTHORIZED
9 TO BE A BANK, TRUST COMPANY, INSURANCE COMPANY OR DEALER IN
10 SECURITIES SUBJECT TO ANY FEDERAL OR STATE BANKING OR INSURANCE
11 REGULATING AGENCY OR ANY SECURITIES, SECURITIES EXCHANGE OR
12 SECURITIES DEALERS' LAW.

13 SECTION 2218. WORKERS' COMPENSATION ASSESSMENT.--EFFECTIVE
14 JULY 1, 1997, THE ASSESSMENTS FOR THE MAINTENANCE OF THE
15 SUBSEQUENT INJURY FUND, THE WORKMEN'S COMPENSATION SUPERSEDEAS
16 FUND AND THE WORKMEN'S COMPENSATION ADMINISTRATION FUND UNDER
17 SECTIONS 306.2, 443 AND 446 OF THE ACT OF JUNE 2, 1915 (P.L.736,
18 NO.338), KNOWN AS THE "WORKERS' COMPENSATION ACT," SHALL NO
19 LONGER BE IMPOSED ON INSURERS BUT SHALL BE IMPOSED, COLLECTED
20 AND REMITTED THROUGH INSURERS IN ACCORDANCE WITH REGULATIONS
21 PROMULGATED BY THE DEPARTMENT OF LABOR AND INDUSTRY.

22 SECTION 2416.1. CAMPUS POLICE POWERS AND DUTIES.--(A)
23 CAMPUS POLICE SHALL HAVE THE POWER AND THEIR DUTY SHALL BE:

24 (1) TO ENFORCE GOOD ORDER ON THE GROUNDS AND IN THE
25 BUILDINGS OF THE COLLEGE OR UNIVERSITY;

26 (2) TO PROTECT THE GROUNDS AND BUILDINGS OF THE COLLEGE OR
27 UNIVERSITY;

28 (3) TO EXCLUDE ALL DISORDERLY PERSONS FROM THE GROUNDS AND
29 BUILDINGS OF THE COLLEGE OR UNIVERSITY;

30 (4) TO ADOPT WHATEVER MEANS MAY BE NECESSARY FOR THE

1 PERFORMANCE OF THEIR DUTIES;

2 (5) TO EXERCISE THE SAME POWERS AS ARE NOW OR MAY HEREAFTER
3 BE EXERCISED UNDER AUTHORITY OF LAW OR ORDINANCE BY THE POLICE
4 OF THE MUNICIPALITIES WHEREIN THE COLLEGE OR UNIVERSITY IS
5 LOCATED, INCLUDING, BUT NOT LIMITED TO, THOSE POWERS CONFERRED
6 PURSUANT TO 42 PA.C.S. CH. 89 SUBCH. D (RELATING TO MUNICIPAL
7 POLICE JURISDICTION);

8 (6) TO PREVENT CRIME, INVESTIGATE CRIMINAL ACTS, APPREHEND,
9 ARREST AND CHARGE CRIMINAL OFFENDERS AND ISSUE SUMMARY CITATIONS
10 FOR ACTS COMMITTED ON THE GROUNDS AND IN THE BUILDINGS OF THE
11 COLLEGE OR UNIVERSITY AND CARRY THE OFFENDER BEFORE THE PROPER
12 ALDERMAN, JUSTICE OF THE PEACE, MAGISTRATE OR BAIL COMMISSIONER
13 AND PREFER CHARGES AGAINST HIM UNDER THE LAWS OF THIS
14 COMMONWEALTH. EXCEPT WHEN ACTING PURSUANT TO 42 PA.C.S. CH. 89
15 SUBCH. D, CAMPUS POLICE SHALL EXERCISE THESE POWERS AND PERFORM
16 THESE DUTIES ONLY ON THE GROUNDS OR WITHIN 500 YARDS OF THE
17 GROUNDS OF THE COLLEGE OR UNIVERSITY. FOR THE PURPOSES OF
18 APPLYING THE PROVISIONS OF 42 PA.C.S. CH. 89 SUBCH. D, THE
19 GROUNDS AND WITHIN 500 YARDS OF THE GROUNDS OF THE COLLEGE OR
20 UNIVERSITY SHALL CONSTITUTE THE PRIMARY JURISDICTION OF THE
21 CAMPUS POLICE;

22 (7) TO ORDER OFF THE GROUNDS AND OUT OF THE BUILDINGS OF THE
23 COLLEGE OR UNIVERSITY ALL VAGRANTS, LOAFERS, TRESPASSERS AND
24 PERSONS UNDER THE INFLUENCE OF LIQUOR AND, IF NECESSARY, REMOVE
25 THEM BY FORCE AND, IN CASE OF RESISTANCE, CARRY SUCH OFFENDERS
26 BEFORE AN ALDERMAN, JUSTICE OF THE PEACE, BAIL COMMISSIONER OR
27 MAGISTRATE; AND

28 (8) TO ARREST ANY PERSON WHO DAMAGES, MUTILATES OR DESTROYS
29 THE TREES, PLANTS, SHRUBBERY, TURF, GRASS PLOTS, BENCHES,
30 BUILDINGS AND STRUCTURES OR COMMITS ANY OTHER OFFENSE ON THE

1 GROUNDS AND IN THE BUILDINGS OF THE COLLEGE OR UNIVERSITY AND
2 CARRY THE OFFENDER BEFORE THE PROPER ALDERMAN, JUSTICE OF THE
3 PEACE, BAIL COMMISSIONER OR MAGISTRATE AND PREFER CHARGES
4 AGAINST HIM UNDER THE LAWS OF THIS COMMONWEALTH.

5 (B) CAMPUS POLICE AND MUNICIPALITIES ARE AUTHORIZED TO ENTER
6 INTO AN AGREEMENT WITH THE MUNICIPALITY WHEREIN THE COLLEGE OR
7 UNIVERSITY IS LOCATED TO EXERCISE CONCURRENTLY THOSE POWERS AND
8 TO PERFORM THOSE DUTIES CONFERRED PURSUANT TO A COOPERATIVE
9 POLICE SERVICE AGREEMENT IN ACCORDANCE WITH 42 PA.C.S. § 8953
10 (RELATING TO STATEWIDE MUNICIPAL POLICE JURISDICTION). WHEN SO
11 ACTING, THE CAMPUS POLICE OF THE COLLEGE OR UNIVERSITY SHALL
12 HAVE THE SAME POWERS, IMMUNITIES AND BENEFITS GRANTED TO POLICE
13 OFFICERS IN 42 PA.C.S. CH. 89 SUBCH. D.

14 (C) WHEN ACTING WITHIN THE SCOPE OF THE AUTHORITY OF THIS
15 SECTION, CAMPUS POLICE ARE AT ALL TIMES EMPLOYES OF THE COLLEGE
16 OR UNIVERSITY AND SHALL BE ENTITLED TO ALL OF THE RIGHTS AND
17 BENEFITS ACCRUING THEREFROM.

18 (D) AS USED IN THIS SECTION:

19 "CAMPUS POLICE" MEANS ALL LAW ENFORCEMENT PERSONNEL EMPLOYED
20 BY A STATE-AIDED OR STATE-RELATED COLLEGE OR UNIVERSITY WHO HAVE
21 SUCCESSFULLY COMPLETED A CAMPUS POLICE COURSE OF TRAINING
22 APPROVED UNDER 53 PA.C.S. CH. 21 SUBCH. D (RELATING TO MUNICIPAL
23 POLICE EDUCATION AND TRAINING).

24 "COLLEGE" OR "UNIVERSITY" MEANS ALL STATE-AIDED OR STATE-
25 RELATED COLLEGES AND UNIVERSITIES.

26 "GROUNDS" MEANS ALL LANDS AND BUILDINGS OWNED, CONTROLLED,
27 LEASED OR MANAGED BY A COLLEGE OR UNIVERSITY.

28 SECTION 14. A STATUTORY REFERENCE TO THE THADDEUS STEVENS
29 STATE SCHOOL OF TECHNOLOGY SHALL BE DEEMED TO BE A REFERENCE TO
30 THE THADDEUS STEVENS COLLEGE OF TECHNOLOGY.

1 SECTION 15. (A) THE FOLLOWING ACTS AND PARTS OF ACTS ARE
2 REPEALED:

3 SECTION 6.7(A), (B), (C), (D), (E), (F) AND (G) OF THE ACT OF
4 JANUARY 8, 1960 (1959 P.L.2119, NO.787), KNOWN AS THE AIR
5 POLLUTION CONTROL ACT.

6 THE FIRST TWO SENTENCES OF SECTION 841-A(C) OF THE ACT OF
7 OCTOBER 15, 1975 (P.L.390, NO.111), KNOWN AS THE HEALTH CARE
8 SERVICES MALPRACTICE ACT.

9 SECTION 512(B) OF THE ACT OF JULY 28, 1988 (P.L.556, NO.101),
10 KNOWN AS THE MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE
11 REDUCTION ACT.

12 (B) THE FOLLOWING ACTS AND PARTS OF ACTS ARE REPEALED TO THE
13 EXTENT SPECIFIED:

14 ACT OF JUNE 2, 1915 (P.L.736, NO.338), KNOWN AS THE WORKERS'
15 COMPENSATION ACT INsofar AS IT IS INCONSISTENT WITH SECTION 2218
16 OF THE ACT.

17 SECTION 2416 OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175),
18 KNOWN AS THE ADMINISTRATIVE CODE OF 1929, INsofar AS IT IS
19 INCONSISTENT WITH SECTION 2416.1 OF THE ACT.

20 (C) ALL OTHER ACTS AND PARTS OF ACTS ARE REPEALED INsofar AS
21 THEY ARE INCONSISTENT WITH THIS ACT.

22 SECTION 16. THE DEPARTMENT OF HEALTH SHALL, WITHIN 30 DAYS
23 AFTER THE EFFECTIVE DATE OF THIS ACT, PREPARE AND PUBLISH IN THE
24 PENNSYLVANIA BULLETIN A LIST OF DRUG PRODUCTS THAT HAVE A NARROW
25 THERAPEUTIC RANGE, AS IDENTIFIED BY THE FOOD AND DRUG
26 ADMINISTRATION AND FOR WHICH A GENERIC DRUG HAS NOT BEEN
27 APPROVED FOR USE IN THIS COMMONWEALTH AS OF THE EFFECTIVE DATE
28 OF THIS ACT, WHICH REQUIRE CAREFUL PATIENT TITRATION AND
29 MONITORING FOR SAFE AND EFFECTIVE USE. NO SUBSTITUTION OR
30 INTERCHANGE OF THESE DRUG FORMULATIONS SHALL BE MADE WITHOUT

1 WRITTEN OR APPROPRIATELY DOCUMENTED ORAL OR ELECTRONIC
2 CONCURRENCE OF THE PRESCRIBER.

3 SECTION 17. THIS ACT SHALL TAKE EFFECT JULY 1, 1997, OR
4 IMMEDIATELY, WHICHEVER IS LATER.