

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 806 Session of 2013

INTRODUCED BY DiGIROLAMO, KOTIK, O'BRIEN, PASHINSKI, HARKINS, DERMODY, FRANKEL, STURLA, HANNA, MARKOSEK, GOODMAN, GODSHALL, MILLARD, V. BROWN, KORTZ, SABATINA, WATERS, HALUSKA, DAVIS, READSHAW, COHEN, DeLUCA, W. KELLER, DELISSIO, MURT AND KAVULICH, FEBRUARY 25, 2013

REFERRED TO COMMITTEE ON HUMAN SERVICES, FEBRUARY 25, 2013

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled,  
 2 as amended, "An act relating to the finances of the State  
 3 government; providing for the settlement, assessment,  
 4 collection, and lien of taxes, bonus, and all other accounts  
 5 due the Commonwealth, the collection and recovery of fees and  
 6 other money or property due or belonging to the Commonwealth,  
 7 or any agency thereof, including escheated property and the  
 8 proceeds of its sale, the custody and disbursement or other  
 9 disposition of funds and securities belonging to or in the  
 10 possession of the Commonwealth, and the settlement of claims  
 11 against the Commonwealth, the resettlement of accounts and  
 12 appeals to the courts, refunds of moneys erroneously paid to  
 13 the Commonwealth, auditing the accounts of the Commonwealth  
 14 and all agencies thereof, of all public officers collecting  
 15 moneys payable to the Commonwealth, or any agency thereof,  
 16 and all receipts of appropriations from the Commonwealth,  
 17 authorizing the Commonwealth to issue tax anticipation notes  
 18 to defray current expenses, implementing the provisions of  
 19 section 7(a) of Article VIII of the Constitution of  
 20 Pennsylvania authorizing and restricting the incurring of  
 21 certain debt and imposing penalties; affecting every  
 22 department, board, commission, and officer of the State  
 23 government, every political subdivision of the State, and  
 24 certain officers of such subdivisions, every person,  
 25 association, and corporation required to pay, assess, or  
 26 collect taxes, or to make returns or reports under the laws  
 27 imposing taxes for State purposes, or to pay license fees or  
 28 other moneys to the Commonwealth, or any agency thereof,  
 29 every State depository and every debtor or creditor of the  
 30 Commonwealth," providing for county-based human services  
 31 funds; and making related repeals.

1 The General Assembly of the Commonwealth of Pennsylvania  
2 hereby enacts as follows:

3 Section 1. The act of April 9, 1929 (P.L.343, No.176), known  
4 as The Fiscal Code, is amended by adding an article to read:

5 ARTICLE XVII-P

6 COUNTY-BASED HUMAN SERVICES FUNDS

7 Section 1701-P. Definitions.

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

11 "County-based human services." Programs approved by the  
12 Department of Public Welfare and provided by county governments  
13 through direct or contracted services, supportive services and  
14 service coordination. The term includes services designed to  
15 meet service needs of the following:

16 (1) Individuals in need of behavioral health services.

17 (2) Individuals with intellectual disabilities.

18 (3) Individuals in need of drug and alcohol treatment  
19 services.

20 (4) Individuals who are homeless or at immediate risk of  
21 becoming homeless.

22 (5) Dependent and delinquent children as defined in 42  
23 Pa.C.S. § 6302 (relating to definitions).

24 (6) Low-income adults eligible to receive services under  
25 the act of October 5, 1994 (P.L.531, No.78), known as the  
26 Human Services Development Fund Act.

27 (7) Older individuals as provided for under section  
28 2206-A of the act of April 9, 1929 (P.L.177, No.175), known  
29 as The Administrative Code of 1929, and eligible to receive  
30 services under the Human Services Development Fund Act.

1 "Department." The Department of Public Welfare of the  
2 Commonwealth.

3 "Human service category." One of the seven types of county-  
4 based human services enumerated in the definition of county-  
5 based human services.

6 "Human services funds." Funds allocated to county  
7 governments to provide locally identified county-based human  
8 services that will meet the service needs of county residents.  
9 The term shall include all of the following:

10 (1) The following State funds allocated for a fiscal  
11 year:

12 (i) Funds allocated to counties under the act of  
13 October 5, 1994 (P.L.531, No.78), known as the Human  
14 Services Development Fund Act.

15 (ii) Funds allocated to counties for mental health  
16 and intellectual disability services under the act of  
17 October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as  
18 the Mental Health and Intellectual Disability Act of  
19 1966.

20 (iii) Funds allocated to counties for behavioral  
21 health services.

22 (iv) Funds allocated to counties for drug and  
23 alcohol services under section 2334 of the act of April  
24 9, 1929 (P.L.177, No.175), known as The Administrative  
25 Code of 1929.

26 (v) Funds allocated to counties for the provision of  
27 services to the homeless.

28 (vi) Funds allocated to county child welfare  
29 agencies as certain additional grants under section  
30 704.1(b) of the act of June 13, 1967 (P.L.31, No.21),

1 known as the Public Welfare Code.

2 (2) Federal funds allocated to a county for a fiscal  
3 year which are associated with the funds identified under  
4 paragraph (1).

5 "Surplus human services funds." Human services funds which  
6 remain unexpended and unencumbered by a county government for a  
7 human service category at the end of the fiscal year in which  
8 funds for the human service category have been allocated.

9 Section 1702-P. Use of surplus human services funds.

10 (a) General rule.--For a period of 90 days following the end  
11 of a fiscal year, surplus human services funds may continue to  
12 be used by a county government to help defray the costs of  
13 provision of one or more human service categories that are  
14 different from the human service category for which the funds  
15 had initially been allocated in the fiscal year if:

16 (1) the costs for the human service category were  
17 incurred or expended by the county government prior to the  
18 end of the fiscal year; and

19 (2) the county will use the surplus human services funds  
20 subject to all of the requirements of the funding source for  
21 the different human service category or categories for which  
22 the county government intends to use the funds.

23 (b) Notification.--Subsection (a) shall apply to a county  
24 government that has notified the department and the Department  
25 of Drug and Alcohol Programs in writing at least ten days prior  
26 to the end of the fiscal year that it intends to use surplus  
27 human services funds as provided under subsection (a) and how it  
28 intends to use the funds.

29 Section 1703-P. Powers and duties of department and the

30 Department of Drug and Alcohol Programs.

1 (a) Department.--

2 (1) From funds appropriated to the department for the  
3 programs set forth under paragraph (1) of the definition of  
4 human services funds, make each of the allocations described  
5 in paragraph (1) of the definition of human services funds.

6 (2) With respect to surplus human services funds  
7 allocated as described in paragraph (1)(i), (ii), (v) and  
8 (vi) of the definition of human services funds in section  
9 1701-P as well as the portion of surplus human services funds  
10 allocated as described in paragraph (1)(iii) of the  
11 definition of human services funds in section 1701-P for  
12 services other than drug and alcohol programs, the department  
13 shall have the power and duty to:

14 (i) Monitor county governments' administration of  
15 surplus human services funds to ensure compliance with  
16 applicable Federal and State requirements.

17 (ii) Provide technical support and assistance to  
18 counties.

19 (iii) Monitor, inspect or audit the financial,  
20 operating and accounting records of any county agency or  
21 contracted entity that receives any surplus human  
22 services funds if deemed necessary by the department.

23 (iv) Withhold, recover or reduce any surplus human  
24 services funds determined to have been spent or disbursed  
25 in violation of Federal or State requirements.

26 (v) Establish procedures for the submission, review  
27 and approval process of plans for the expenditure of  
28 surplus human services funds.

29 (vi) Prepare and submit by January 1, 2014, and by  
30 November 30 each year thereafter, a report to the

1 chairman and minority chairman of the Public Health and  
2 Welfare Committee of the Senate, the chairman and  
3 minority chairman of the Appropriations Committee of the  
4 Senate, the chairman and minority chairman of the Health  
5 Committee of the House of Representatives, the chairman  
6 and minority chairman of the Human Services Committee of  
7 the House of Representatives and the chairman and  
8 minority chairman of the Appropriations Committee of the  
9 House of Representatives of the expenditures of surplus  
10 human services funds by county governments.

11 (vii) Make available for public inspection and post  
12 on the department's publicly accessible Internet website  
13 the annual report under subparagraph (vi).

14 (viii) Promulgate regulations as may be necessary to  
15 carry out its obligations under this section.

16 (b) Department of Drug and Alcohol Programs.--With respect  
17 to surplus human services funds allocated as described in  
18 paragraph (1)(iv) of the definition of human services funds in  
19 section 1701-P and the portion of the funds allocated as  
20 described in paragraph (1)(iii) of the definition of human  
21 services funds in section 1701-P for drug and alcohol programs,  
22 the Department of Drug and Alcohol Programs and the department  
23 shall jointly perform the duties enumerated under subsection (a)  
24 (2).

25 Section 1704-P. Powers and duties of counties.

26 The local county officials of each county government  
27 proposing to use surplus human services funds under this article  
28 shall have the power and duty to:

29 (1) Administer and disburse surplus human services funds  
30 for the provision of county-based human services in

1 accordance with this article, regulations promulgated under  
2 section 1703-P and Federal requirements.

3 (2) Provide the notice required under section 1702-P(b).

4 (3) Submit reports required by law other than this  
5 article with respect to human services funds allocated to the  
6 counties.

7 Section 1705-P. County obligation.

8 Counties shall have no financial obligation to provide  
9 county-based human services in excess of their allocation of  
10 human services funds for any fiscal year.

11 Section 1706-P. Appeals.

12 A county agency or contracted entity aggrieved by a  
13 determination by the department or the Department of Drug and  
14 Alcohol Programs made under section 1703-P may file a request  
15 for a review with the department's Bureau of Hearings and  
16 Appeals, which shall have exclusive jurisdiction. The procedures  
17 and requirements of 2 Pa.C.S. Ch. 5 Subch. A (relating to  
18 practice and procedure of Commonwealth agencies) and 1 Pa. Code  
19 Pt. II (relating to general rules of administrative practice and  
20 procedure) shall apply to requests for review filed under this  
21 section.

22 Section 1707-P. Construction.

23 (a) Federal money.--This article shall be construed so as to  
24 maintain and not decrease or limit the eligibility of any person  
25 or facility or the Commonwealth or any political subdivision of  
26 the Commonwealth to receive any Federal assistance, grant or  
27 funds.

28 (b) Availability of services.--Nothing under this article  
29 shall create or provide an individual with an entitlement to  
30 services or benefits. Services under this article shall only be

1 available from county governments to the extent that funds are  
2 appropriated.

3 Section 2. Repeals are as follows:

4 (1) The General Assembly declares that the repeal under  
5 paragraph (2) is necessary to effectuate the addition of  
6 Article XVII-P of the act.

7 (2) Article XIV-B of the act of June 13, 1967 (P.L.31,  
8 No.21), known as the Public Welfare Code, is repealed.

9 Section 3. Regulations and parts of regulations that are  
10 inconsistent with Article XVII-P of the act are abrogated.

11 Section 4. The addition of Article XVII-P of the act shall  
12 apply to surplus human services funds allocated during fiscal  
13 year 2013-2014 and each fiscal year thereafter.

14 Section 5. This act shall take effect July 1, 2013, or  
15 immediately, whichever is later.