"THE ADMINISTRATIVE CODE OF 1929"

Act of Apr. 9, 1929, P.L. 177, No. 175 **Cl. 71**

AN ACT

Providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; providing for judicial administration; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined. (Title amended Oct. 30, 2017, P.L.379, No.40)

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Section 2315.4. Charges for Medical Services to be Fixed for State-owned Hospitals (Repealed).
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Section 2317. State Welfare Commission (Repealed).
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Section 2403. Standards and Purchases.
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Section 2409. Method of Awarding Contracts for Stationery, Paper, Fuel, Repairs, Furnishings, and Supplies (Repealed).
Section 2409.1. Handicapped-Made Products and Services (Repealed).
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Article XXVIII-A. Powers and Duties of the Pennsylvania Historical and Museum Commission (Repealed).

Section 2801-A. Pennsylvania Historical and Museum Commission (Repealed).
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Section 2804-A. Geographic Names (Repealed).

Section 2805-A. Washington Crossing Park Commission (Repealed).
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Article XXVIII-B. Powers and Duties of The Pennsylvania Securities Commission.

Section 2801-B. Pennsylvania Securities Commission.

Article XXVIII-C. Energy Development Authority and Emergency Powers.

Section 2801-C. Definitions.
Section 2802-C. Emergency Petroleum Product Shortages.
Section 2803-C. Energy Development Authority.
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Section 2805-C. Annual Report.
Section 2806-C. Powers and Duties.
Section 2807-C. Authority Indebtedness.
Section 2808-C. Financial Assistance.
Section 2809-C. Energy Development Plan.
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Article XXVIII-D. Race Horse Industry Reform (Repealed).

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Section 2801-D. Definitions (Repealed).

(b) Racing Oversight (Repealed)

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Section 2812-D. Additional powers of commission (Repealed).
Section 2813-D. Budget (Repealed).
Section 2814-D. Location (Repealed).
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Section 2817-D. Allocation of racing days (Repealed).
Section 2818-D. Licenses for horse race meetings (Repealed).
Section 2819-D. Code of conduct (Repealed).
Section 2820-D. Financial interests (Repealed).
Section 2821-D. Officials at horse race meetings (Repealed).
Section 2822-D. Secondary pari-mutuel organization (Repealed).
Section 2823-D. Occupational licenses for individuals (Repealed).
Section 2824-D. (Reserved) (Repealed).
Section 2825-D. Power of commission to impose fines (Repealed).
Section 2826-D. Admission to racetrack (Repealed).
Section 2827-D. Security personnel (Repealed).
Section 2828-D. (Reserved) (Repealed).
Section 2829-D. Interstate simulcasting (Repealed).
Section 2830-D. Place and manner of conducting pari-mutuel wagering at racetrack enclosure (Repealed).
Section 2831-D. Pari-mutuel wagering at nonprimary locations (Repealed).
Section 2832-D. Books and records of pari-mutuel wagering (Repealed).
Section 2833-D. Filing of certain agreements with commission (Repealed).
Section 2834-D. State Racing Fund and tax rate (Repealed).

Section 2835-D. Pari-mutuel pool distribution (Repealed).
Section 2836-D. Pennsylvania Breeding Fund (Repealed).
Section 2837-D. Pennsylvania Sire Stakes Fund (Repealed).
Section 2838-D. Fair fund proceeds (Repealed).
Section 2839-D. Hearing (Repealed).
Section 2840-D. Prohibition of wagering (Repealed).
Section 2841-D. Veterinarians and State stewards (Repealed).
Section 2842-D. Promotions and discounts (Repealed).
Section 2843-D. Monitoring of wagering on video screens (Repealed).
Section 2844-D. Intrastate simulcasting (Repealed).
Section 2845-D. Commingling (Repealed).
Section 2846-D. Standardbred horse racing purse money (Repealed).

(c) Additional Licensing Requirements for Licensed Racing Entity, Secondary Pari-mutuel Organization, Totalisator and Racing Vendors (Repealed)

Section 2851-D. General license requirements (Repealed).
Section 2852-D. Licensing costs and fees (Repealed).
Section 2853-D. License application procedures (Repealed).
Section 2854-D. Oral presentation by applicant (Repealed).
Section 2855-D. Additional information (Repealed).
Section 2856-D. Operations (Repealed).
Section 2857-D. Transfers of licenses (Repealed).
Section 2858-D. Duration of license (Repealed).
Section 2859-D. Penalties and enforcement (Repealed).

(d) Compliance (Repealed)

Section 2861-D. Tax compliance requirement (Repealed).

(e) Medication Rules and Enforcement Provisions (Repealed)

Section 2871-D. Mandatory requirements for medication rules (Repealed).
Section 2872-D. Establishment of Pennsylvania Race Horse Testing Program (Repealed).
Section 2873-D. Equipment, supplies and facilities (Repealed).
Section 2874-D. Costs of the enforcement of medication rules or regulations (Repealed).

Article XXVIII-E. Judicial Administration.

Section 2801-E. Senior judge operational support grants.
Section 2802-E. Surcharge and fees (Repealed).

Article XXVIII-F. Legislative Agencies (Repealed).

(a) Pennsylvania Commission on Sentencing (Repealed)

Section 2801-F. Definitions (Repealed).
Section 2802-F. Commission (Repealed).
Section 2803-F. Composition of commission (Repealed).
Section 2804-F. Powers and duties of commission (Repealed).

(b) (Reserved) (Repealed)

Article XXVIII-G. Water and Sewer Authorities in Cities of the Second Class.

Section 2801-G. Definitions.
Section 2802-G. Cooperation agreement.
Section 2803-G. Effect of cooperation agreement.

Article XXVIII-H. Access to Public Records During Disaster Declaration.

Section 2801-H. Definitions.
Section 2802-H. Request for records.
Section 2803-H. Guidelines for Commonwealth agencies.
Section 2804-H. Failure to respond to requests for records.
Section 2805-H. Public records under Right-to-Know Law.
Section 2806-H. Applicability.

Article XXIX. Interpretation and Effective Date.

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Section 2902. Continuation of Existing Laws.
Section 2903. Enumeration of Powers of Departments, Boards, and Commissions.
Section 2904. Repealed Laws not Revived.
Section 2905. Effective Date.
Section 2906. Existing Officers to Continue; Exception.

Article XXX. Repealer.

Section 3001. Acts and Parts of Acts Specifically Repealed.
Section 3002. Inconsistent Acts Repealed.

ARTICLE I
SHORT TITLE AND
GENERAL REORGANIZATION PROVISIONS

Section 1. Short Title.--Be it enacted, &c., That this act shall be known, and may be cited, as "The Administrative Code of 1929."

Section 2. Certain Existing Boards and Commissions Abolished.--To accomplish the purposes of this act, the following departmental administrative boards and commissions and advisory boards and commissions are hereby abolished, namely: State Anthracite Mine Cave Commission, Board of Trustees of Central State Penitentiary, Wyoming Valley Memorial Park Commission, General George Gordon Meade Statue Commission, Robert Morris Monument Commission, Camp Curtin Monument Commission, and Gettysburg Battlefield Memorial Commission.

Section 3. Documents.--Where an existing board or commission is abolished by this act, all books, papers, maps, charts, plans, records, and all other equipment, in the possession of such board or commission, or of any member or officer thereof, shall be delivered to the head of the administrative department or departmental administrative board or commission to which its rights, powers, duties, and obligations are transferred.

ARTICLE II
ADMINISTRATIVE ORGANIZATION

Section 201. Executive Officers, Administrative Departments and Independent Administrative Boards and Commissions.--(a) The executive and administrative work of this Commonwealth shall be performed by the Executive Department, consisting of the Governor, Lieutenant Governor, Secretary of the

Commonwealth, Attorney General, Auditor General, State Treasurer, and Secretary of Education; by the Executive Board, and the Pennsylvania State Police; by the following administrative departments: Department of State, Office of Attorney General, Department of Corrections, Department of the Auditor General, Treasury Department, Department of Education, Department of Military Affairs, Insurance Department, Department of Banking, Department of Agriculture, Department of Transportation, Department of Health, Department of Drug and Alcohol Programs, Department of Labor and Industry, Department of Aging, Department of Public Welfare, Department of General Services, Department of Revenue, Department of Community and Economic Development, Department of Environmental Protection and Department of Conservation and Natural Resources; and by the following independent administrative boards and commissions: Pennsylvania Game Commission, Pennsylvania Fish and Boat Commission, State Civil Service Commission, Pennsylvania Public Utility Commission and the Pennsylvania Securities Commission.

(b) All of the provisions of this act, which apply generally to administrative departments, or generally except to the Department of the Auditor General, the Treasury Department and the Office of Attorney General, shall apply to the Executive Board and to the Pennsylvania State Police.

(201 amended July 9, 2010, P.L.348, No.50)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Compiler's Note: Section 301(a)(16) of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that all other powers and duties delegated to the Department of Community Affairs not otherwise expressly transferred elsewhere by Act 58 and currently performed by the Department of Community Affairs under section 201 are transferred from the Department of Community Affairs to the Department of Community and Economic Development.

The Department of Commerce, referred to in this section, was renamed the Department of Community and Economic Development by Act 58.

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Compiler's Note: The name of the Pennsylvania Fish Commission, referred to in this section, was changed to the Pennsylvania Fish and Boat Commission by Act 39 of 1991. See 30 Pa.C.S. § 308 (relating to designation of commission).

Section 202. Departmental Administrative Boards, Commissions, and Offices.--The following boards, commissions, and offices are hereby placed and made departmental administrative boards, commissions, or offices, as the case may be, in the respective administrative departments mentioned in the preceding section, as follows:

In the Department of State,

Commissioner of Professional and Occupational Affairs,
State Real Estate Commission,
State Board of Medical Education and Licensure,
State Board of Physical Therapy Examiners,

State Board of Pharmacy,
State Dental Council and Examining Board,
State Board of Optometrical Examiners,
State Board of Osteopathic Medical Examiners,
State Board of Nurse Examiners,
State Board of Barber Examiners,
State Board of Cosmetology,
State Board of Veterinary Medical Examiners,
State Board of Chiropractic Examiners,
State Board of Podiatry Examiners,
State Board of Examiners of Public Accountants,
State Board of Examiners of Architects,
State Registration Board for Professional Engineers,
State Board of Funeral Directors,
State Board of Examiners of Nursing Home Administrators,
State Board of Auctioneer Examiners,
State Board of Psychologist Examiners,
State Board of Landscape Architects.

(Department of State amended Nov. 26, 1978, P.L.1223, No.292)

In the Department of Justice,

(Department of Justice repealed Oct. 15, 1980, P.L.950, No.164)

In the Treasury Department,
Board of Finance and Revenue;

In the Department of Community Affairs,
Board of Property;

(Department of Community Affairs amended Dec. 18, 1968, P.L.1232, No.390)

In the Department of Education,
Board of Trustees of Thaddeus Stevens College of Technology,
Board of Trustees of Scranton State School for the Deaf,
Public Service Institute Board,
State Board of Private Academic Schools,
State Board of Private Licensed Schools,
State Board of Education.

(Department of Education amended Nov. 26, 1997, P.L.530, No.57)

In the Department of Military and Veterans Affairs,
Armory Board of the State of Pennsylvania,
Board of Trustees of Scotland School for Veterans' Children.

(Department of Military Affairs amended Sept. 28, 1976, P.L.1048, No.211 and July 11, 1996, P.L.619, No.105)

In the Department of Banking,
Board to License Private Bankers;

(Department of Banking amended Dec. 19, 1975, P.L.602, No.172)

In the Department of Agriculture,
State Farm Products Show Commission;

(Department of Forests and Waters and Mines and Mineral Industries deleted Dec. 3, 1970, P.L.834, No.275)

In the Department of Health,

(Department of Health amended July 20, 1974, P.L.549, No.189)

In the Department of Labor and Industry,
Workmen's Compensation Appeal Board,
State Workmen's Insurance Board,
The Industrial Board,
Unemployment Compensation Board of Review,
Pennsylvania Labor Relations Board,
Advisory Council on Affairs of the Handicapped;

(Department of Labor and Industry amended Feb. 8, 1972, P.L.49, No.13)

In the Department of Public Welfare,

Board of Trustees of The Western Youth Development Centers,

Board of Trustees of The Central Youth Development Centers,

Board of Trustees of The Eastern Youth Development Centers,

Board of Trustees of Allentown State Hospital,

Board of Trustees of Clarks Summit State Hospital,

Board of Trustees of Danville State Hospital,

Board of Trustees of Embreeville Center,

Board of Trustees of Farview State Hospital,

Board of Trustees of Harrisburg State Hospital,

Board of Trustees of Mayview State Hospital,

Board of Trustees of Norristown State Hospital,

Board of Trustees of Philadelphia State Hospital,

Board of Trustees of Somerset State Hospital,

Board of Trustees of Warren State Hospital,

Board of Trustees of Wernersville State Hospital,

Board of Trustees of Woodville State Hospital,

Board of Trustees of Torrance State Hospital,

Board of Trustees of Haverford State Hospital,

Board of Trustees of Ashland State General Hospital,

Board of Trustees of Coaldale State General Hospital,

Board of Trustees of Nanticoke State General Hospital,

Board of Trustees of Philipsburg State General Hospital,

Board of Trustees of Scranton State General Hospital,

Board of Trustees of Shamokin State General Hospital,

Board of Trustees of Ebensburg Center,

Board of Trustees of Eastern State School and Hospital,

Board of Trustees of Laurelton Center,

Board of Trustees of Pennhurst Center,

Board of Trustees of Polk Center,

Board of Trustees of Selinsgrove Center,

Board of Trustees of Hamburg Center,

Board of Trustees of Western Center,

Board of Trustees of White Haven Center,

Board of Trustees of Woodhaven Center,

Board of Trustees of South Mountain Restoration Center.

(Department of Public Welfare amended July 9, 1986, P.L.547, No.97)

In the Department of General Services,

Board of Commissioners of Public Grounds and Buildings,

State Art Commission;

(Department of General Services amended July 22, 1975, P.L.75, No.45)

In the Department of Revenue,

State Athletic Commission;

In the Department of Commerce,

Navigation Commission for the Delaware River and its navigable tributaries;

(Department of Commerce amended July 7, 1989, P.L.241, No.42)

In the Department of Highways,

State Highway Commission.

(Department of Highways added Aug. 14, 1963, P.L.918, No.438)

In the Department of Transportation,

Hazardous Substances Transportation Board,

(Department of Transportation reenacted and amended July 9, 1976, P.L.980, No.197)

In the Department of Environmental Resources,

Environmental Quality Board,
Environmental Hearing Board,
State Board for Certification of Sewage Treatment and Waterworks Operators,
State Soil and Water Conservation Commission,
Anthracite Mine Inspectors,
Bituminous Mine Inspectors.

(Department of Environmental Resources added Dec. 3, 1970, P.L.834, No.275)

In the Department of Drug and Alcohol Programs,
Bureau of Prevention and Intervention,
Bureau of Treatment,
Bureau of Administration.

(Department of Drug and Alcohol Programs added July 9, 2010, P.L.348, No.50)

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act.

(202 amended May 25, 1945, P.L.1015, No.389 and June 6, 1945, P.L.1398, No.446)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Compiler's Note: Section 7 of Act 50 of 2009 provided that section 202 is repealed insofar as it is inconsistent with Act 50.

Compiler's Note: Section 301(a)(16) of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that all other powers and duties delegated to the Department of Community Affairs not otherwise expressly transferred elsewhere by Act 58 and currently performed by the Department of Community Affairs under section 202 are transferred from the Department of Community Affairs to the Department of Community and Economic Development.

Section 701 of Act 58 of 1996 provided that the Board of Property is hereby placed and made a departmental administrative board in the Department of Community and Economic Development.

Compiler's Note: The Department of Commerce was renamed the Department of Community and Economic Development by Act 58 of 1996.

Compiler's Note: Section 31.1 of Act 57 of 1996 provided that any reference in a statute to the Workmen's Compensation Appeal Board shall be deemed a reference to the Workers' Compensation Appeal Board.

Compiler's Note: The Department of Environmental Resources was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Compiler's Note: Section 3101(b) of Act 28 of 1989 provided that section 202 is repealed insofar as it relates to the State Athletic Commission.

Compiler's Note: Section 1 of Reorganization Plan No.1 of 1982 provided that the functions, powers and duties of the Department of Commerce with regard to the Navigation Commission for the Delaware River and its navigable tributaries are transferred to the Department of State and the functions, powers and duties of the commission with regard to the regulation, review and approval of

dams, water obstructions and encroachments are transferred to the Department of Environmental Resources.

Compiler's Note: Section 1 of Reorganization Plan No.6 of 1981 provided that the Pennsylvania State Firemen's Training School and the powers and duties of the Department of Education and the Public Service Institute Board pertaining thereto are transferred to the Pennsylvania Emergency Management Agency.

Section 3 of Reorganization Plan No.6 of 1981 provided that section 202 is suspended insofar as it conflicts with Reorganization Plan No.6.

Compiler's Note: Section 2 of Act 283 of 1978 provided that section 202 is repealed insofar as it relates to the Board of Trustess of the Pennsylvania Soldiers' and Sailors' Home and the Board of Trustees of Hollidaysburg Veterans' Home. Without amendment to The Administrative Code, advisory councils for each veterans' home operated by the Commonwealth were created by Act 283. Such councils were not specifically placed under the jurisdiction of the Department of Military Affairs or the Department of Military and Veterans Affairs.

Compiler's Note: Section 3 of Act 275 of 1970 incorrectly refers to the State Board for Certification of Sewage Treatment and Waterworks Operators. The correct name is the State Board for Certification of Sewage Treatment Plant and Waterworks Operators.

Compiler's Note: Sections 2 and 3 of Act 120 of 1970, which amended section 202, overlooked the former Department of Highways paragraph containing the State Highway Commission. The clear intent of Act 120 was to abolish the Department of Highways, replace it with the Department of Transportation and to change the name of the State Highway Commission to the State Transportation Commission.

Compiler's Note: The Advisory Council on Affairs of the Handicapped in the Department of Labor and Industry is in fact an advisory agency and should not be included in section 202.

Section 203. Advisory Boards and Commissions.--The following advisory boards and commissions are placed in and made parts of the respective administrative departments, as follows:

In the Department of Military Affairs,
State Military Reservation Commission,

In the Department of Environmental Protection,
Citizens Advisory Council;

In the Department of Health,
Advisory Health Board;

In the Department of Labor and Industry,
Advisory Council on Affairs of the Handicapped,
Advisory Board on Problems of Older Workers,
Policy, Planning and Evaluation Advisory Committee;

In the Department of Public Welfare,
State Board of Public Welfare,
Advisory Committee for the Blind,
Advisory Committee for General and Special Hospitals,
Advisory Committee for Children and Youth,
Advisory Committee for Public Assistance,
Advisory Committee for Mental Health and Mental Retardation.

(203 amended July 9, 2010, P.L.348, No.50)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Compiler's Note: Section 7(b) of Act 15 of 1999 provided that as much as relates to the Advisory Committee for the Blind in the Department of Public Welfare in section 203 is repealed.

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Compiler's Note: Section 20 of Act 64 of 1993 provided that section 203 is repealed insofar as it refers to the Ben Franklin Partnership Fund.

Compiler's Note: Section 4 of Act 60 of 1988 provided that section 203 is repealed insofar as it relates to the State Veterans' Commission in the Department of Military Affairs.

Compiler's Note: Section 8 of Act 120 of 1970 created a State Transportation Advisory Committee and defined its powers and duties.

Compiler's Note: Section 202 of Act 188 of 1961 created in the Department of Education the Advisory Council on Library Development.

Section 204. Executive Board.--The Executive Board shall consist of the Governor, who shall be Chairman thereof, and six other heads of administrative departments to be designated from time to time by the Governor.

Four members of the board shall constitute a quorum.

Section 205. Pennsylvania State Police.--(a) The Pennsylvania State Police shall consist of a Commissioner, Deputy Commissioners and enlisted members, as now authorized by law, which are hereby consolidated into one force, to be known as the Pennsylvania State Police, and such chiefs, statisticians, clerks, experts and other assistants, as the commissioner, with the approval of the Governor, shall deem necessary for the work of the force. ((a) amended July 2, 2013, P.L.249, No.43)

(b) The Pennsylvania State Police shall consist of such number of officers and enlisted members, and shall be organized in such manner, as the Commissioner of Pennsylvania State Police, with the approval of the Governor, shall from time to time determine: Provided, however, That the number of officers and enlisted members shall not exceed in the aggregate at any time four thousand three hundred ten persons. State police officers and enlisted members, assigned to duty with the Pennsylvania Turnpike Commission, Delaware River Joint Toll Bridge Commission, Gaming Enforcement and Liquor Control Enforcement shall not be counted in determining the total number of officers and enlisted members in the Pennsylvania State Police. ((b) amended July 2, 2013, P.L.249, No.43)

(c) The members of the Pennsylvania State Police and the chiefs, statisticians, clerks, experts, and other assistants, engaged in the work of the Pennsylvania State Police shall be appointed by the commissioner, and shall receive such compensation as shall be fixed by the commissioner, with the approval of the Governor, which compensation shall, however, conform to the standards established by the Executive Board. ((c) amended July 2, 2013, P.L.249, No.43)

(d) Any member of the Pennsylvania State Police, except the Commissioner and Deputy Commissioner, regardless of rank, who

has attained or who shall attain the age of sixty years, shall resign from membership in the said police force: Provided, however, That the provision of this paragraph shall not apply to members of the State Police Force who upon attaining the age of sixty years shall have less than twenty years of service. Upon completion of twenty years of service, the provision of this paragraph shall become applicable to such persons.

(e) No enlisted member of the Pennsylvania State Police shall be dismissed from service or reduced in rank except by action of a court martial board held upon the recommendation of the Commissioner of the Pennsylvania State Police and the Governor.

(f) All new cadets and troopers shall serve a probationary period of eighteen months from date of original enlistment, during which time they may be dismissed by the commissioner for violations of rules and regulations, incompetency, and inefficiency without action of a court-martial board or the right of appeal to a civil court. ((f) added Dec. 5, 1967, P.L.673, No.313)

(g) ((g) deleted by amendment July 2, 2013, P.L.249, No.43)

(205 amended July 25, 1963, P.L.278, No.148)

Compiler's Note: Section 1 of Act 100 of 2001 provided that section 205(b) is repealed to the extent that it limits the aggregate number of Pennsylvania State Police members to less than 4,310 persons, provided that Pennsylvania State Police members assigned to duty with the Pennsylvania Turnpike Commission or as resident State troopers shall be excluded in determining such number.

Section 206. Department Heads.--Each administrative department shall have as its head an officer who shall, either personally, by deputy, or by the duly authorized agent or employe of the department, and subject at all times to the provisions of this act, exercise the powers and perform the duties by law vested in and imposed upon the department.

The following officers shall be the heads of the administrative departments following their respective titles:

Secretary of the Commonwealth, of the Department of State;
Auditor General, of the Department of the Auditor General;
State Treasurer, of the Treasury Department;
Attorney General, of the Office of Attorney General;
Secretary of Education, of the Department of Education;
Adjutant General, of the Department of Military Affairs;
Insurance Commissioner, of the Insurance Department;
Secretary of Banking, of the Department of Banking;
Secretary of Agriculture, of the Department of Agriculture;
Secretary of Transportation, of the Department of Transportation;
Secretary of Health, of the Department of Health;
Secretary of Drug and Alcohol Programs, of the Department of Drug and Alcohol Programs;
Secretary of Labor and Industry, of the Department of Labor and Industry;
Secretary of Aging, of the Department of Aging;
Secretary of Public Welfare, of the Department of Public Welfare;
Secretary of Revenue, of the Department of Revenue;
Secretary of Community and Economic Development, of the Department of Community and Economic Development;
Secretary of Environmental Protection, of the Department of Environmental Protection;
Secretary of Conservation and Natural Resources, of the

Department of Conservation and Natural Resources;
Secretary of General Services, of the Department of General Services;
Secretary of Corrections, of the Department of Corrections.
(206 amended July 9, 2010, P.L.348, No.50)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.
The Secretary of Public Welfare, referred to in this section, was redesignated as the Secretary of Human Services by Act 132 of 2014.
Compiler's Note: Section 7(3)(ii) of Act 86 of 2012 provided that section 206 is repealed insofar as it is inconsistent with Act 86.
Compiler's Note: Section 301(a)(16) of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that all other powers and duties delegated to the Department of Community Affairs not otherwise expressly transferred elsewhere by Act 58 and currently performed by the Department of Community Affairs under section 206 are transferred from the Department of Community Affairs to the Department of Community and Economic Development.
The Department of Commerce, referred to in this section, was renamed the Department of Community and Economic Development by Act 58 of 1996.
Compiler's Note: The Secretary of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. His functions were transferred to the Secretary of Conservation and Natural Resources and the Secretary of Environmental Protection.

Section 207. Appointment.--(207 repealed Nov. 8, 1976, P.L.1109, No.227)

Section 207.1. Gubernatorial Appointments.--(a) Except as hereinafter provided in this section, the Governor may appoint without obtaining the advice and consent of the Senate such public officers which he is authorized by law to appoint including, without limitation, members of independent administrative boards and commissions, members of departmental administrative bodies, boards and commissions and departmental administrative officers, and members of advisory boards and commissions.

(b) ((b) repealed Apr. 28, 1978, P.L.202, No.53)

(c) The Governor shall nominate in accordance with the provisions of the Constitution of the Commonwealth of Pennsylvania and, by and with the advice and consent of two-thirds of the members elected to the Senate, appoint persons to fill the following positions:

(1) Vacancies in the offices of Attorney General, Auditor General and State Treasurer.

(2) Those members which he is authorized to appoint to the Pennsylvania Liquor Control Board and the Pennsylvania Turnpike Commission.

((c) amended Dec. 30, 2002, P.L.2075, No.231)

(d) The Governor shall nominate in accordance with the provisions of the Constitution of the Commonwealth of Pennsylvania and, by and with the advice and consent of a majority of the members elected to the Senate appoint persons to fill the following positions:

(1) The Secretary of Education, the Secretary of the Commonwealth, the Adjutant General, the Insurance Commissioner, the Secretary of Banking, the Secretary of Agriculture, the Secretary of Transportation, the Secretary of Health, the Secretary of Drug and Alcohol Programs, the Commissioner of the State Police, the Secretary of Corrections, the Secretary of Labor and Industry, the Secretary of Aging, the Secretary of Public Welfare, the Secretary of General Services, the Secretary of Revenue, the Secretary of Community and Economic Development, the Secretary of Environmental Protection and the Secretary of Conservation and Natural Resources. ((1) amended July 9, 2010, P.L.348, No.50)

(2) Those members which he is authorized to appoint to the Board of Pardons, the Board of Probation and Parole, the State Civil Service Commission, the State Horse Racing Commission, the State Harness Racing Commission, the Board of Claims, the Pennsylvania Securities Commission, the Pennsylvania Industrial Development Authority, the State Board of Education, the Board of Governors of the State System of Higher Education, the Board of Trustees of Pennsylvania State University, the Board of Trustees of the University of Pittsburgh, the Board of Trustees of Temple University, the Board of Trustees of Lincoln University, the Environmental Hearing Board, the Pennsylvania Fish and Boat Commission, the Pennsylvania Game Commission, the Pennsylvania Labor Relations Board, the Pennsylvania Public Utility Commission, the Industrial Board, the Milk Marketing Board, the Unemployment Compensation Board of Review, the Workers' Compensation Appeals Board, the State Art Commission, the State Transportation Commission and the Pennsylvania Human Relations Commission.

(3) ((3) repealed Apr. 28, 1978, P.L.202, No.53)

(4) Those members which he is authorized to appoint to the Delaware Valley Regional Planning Commission, the State Farm Products Commission, the Pennsylvania Housing Finance Agency, the Council of Trustees of each institution of the State System of Higher Education, the Board of Trustees of Scotland School for Veterans' Children, the Board of Trustees of Thaddeus Stevens College of Technology, the State Conservation Commission, the Commonwealth of Pennsylvania Council on the Arts, the State Planning Board, the Pennsylvania Drug, Device and Cosmetic Board, the County Board of Assistance in each county, the Boards of Trustees of Centers, the Board of Trustees of each Restoration Center, the Board of Trustees of each State School and Hospital, the Board of Trustees of each State Hospital, the State Dental Council and Examining Board, the State Real Estate Commission, the State Registration Board for Professional Engineers, the State Boards of Examiners of Architects, Auctioneers, Nursing Home Administrators and Public Accountants, the State Boards of Barber Examiners, Chiropractic Examiners, Cosmetology, Funeral Directors, Medical Education and Licensure, Nurse Examiners, Optometrical Examiners, Osteopathic Examiners, Pharmacy, Physical Therapy Examiners, Podiatry Examiners, Veterinary Medical Examiners, Landscape Architects and Motor Vehicle Manufacturers, Dealers and Salesmen, the Pennsylvania Board of Psychologist Examiners, the State Athletic Commission, the Pennsylvania Higher Education Assistance Agency, the Pennsylvania Historical and Museum Commission, the State Tax Equalization Board, the Public School Employees' Retirement Board, the State Employees' Retirement Board, the Municipal Police Officers' Education and Training Commission and the Pennsylvania Minority Business Development Authority. ((4) repealed in part Nov. 27, 2019, P.L.667, No.92)

(5) The general officers in the Department of Military Affairs which he is authorized by law to appoint.

(5.1) Vacancies in elective office, other than those set forth in subsection (c), which he is authorized by law to fill. Except for vacancies in judicial offices, the person nominated shall, as of the day preceding the date of the occurrence of the vacancy, be of the same political party as was the person who vacated the office on the date the person who vacated the office was administered the oath of office for the office vacated.

(6) All positions hereinafter statutorily created by amendment to this act or in any other act or amendment thereto for which Senate confirmation is specified but for which the advice and consent of two-thirds of the members elected to the Senate is not required.

((d) amended Dec. 30, 2002, P.L.2075, No.231)

(e) Notwithstanding the provisions of existing law providing for the extension of a term of office until a successor is appointed and qualified, for purposes of appointment under Article IV, section 8 of the Pennsylvania Constitution, for those offices requiring Senate confirmation by this section a vacancy requiring appointment or reappointment by the Governor shall exist upon the expiration of the number of years or time period specified for said office.

(f) A person, other than one serving until a successor is appointed and qualified, nominated by the Governor to a position for which Senate confirmation is required by this section shall not serve in such position nor receive any compensation for serving in such position until he has been confirmed by action of the Senate or by its inaction as provided by the Constitution of the Commonwealth of Pennsylvania and his appointment or commission thereafter issued by the Governor: Provided, however, That nothing contained in this section shall be construed to repeal or modify section 213 of this act: And provided further, That nothing in this act shall affect the right of an incumbent, whose term of office has expired, to continue in his office until his successor is appointed and qualified.

(g) Whenever the Governor shall nominate to fill a position for which Senate confirmation is required, the nominee shall submit to the Senate a sworn statement containing information on the nominee, including but not limited to his voting address, business address if any, employer, party registration, offices held in political parties during the past ten years, any public offices held during the past ten years, records of any criminal convictions other than summary offenses under 75 Pa.C.S. (relating to vehicles), and such other information as is agreed upon by the Governor and the Senate Committee on Rules and Executive Nominations. ((g) amended Dec. 30, 2002, P.L.2075, No.231)

(h) The Governor may not nominate an individual as a member of the Pennsylvania Public Utility Commission if, because of that individual's party affiliation under 25 Pa.C.S. Pt. IV (relating to voter registration) at the time of nomination, appointment of the individual would result in more than three members of the commission having the same party affiliation as the Governor. ((h) added Dec. 30, 2002, P.L.2075, No.231)

Compiler's Note: The Secretary of Public Welfare, referred to in this section, was redesignated as the Secretary of Human Services by Act 132 of 2014.

Compiler's Note: The Secretary of Commerce, referred to in subsec. (d)(1), was renamed the Secretary of Community

and Economic Development by Act 58 of 1996. The Secretary of Community Affairs, referred to in subsec. (d)(1), was abolished by Act 58 of 1996 and the functions of the secretary were transferred to the Secretary of Community and Economic Development.

Compiler's Note: The Secretary of Environmental Resources, referred to in subsec. (d), was abolished by Act 18 of 1995. The functions of the secretary were transferred to the Secretary of Conservation and Natural Resources and the Secretary of Environmental Protection.

Compiler's Note: The name of the Pennsylvania Fish Commission, referred to in subsec. (c)(2), was changed to the Pennsylvania Fish and Boat Commission by Act 39 of 1991. See 30 Pa.C.S. § 308 (relating to designation of commission).

Compiler's Note: Section 301(b) of Act 28 of 1989 provided that section 207.1(d) is repealed insofar as it relates to the State Athletic Commission.

Compiler's Note: Section 17 of Act 114 of 1986 provided that section 207.1(c)(2) is repealed to the extent that it requires a vote of two-thirds of the members elected to the Senate to confirm appointments to the Public Utility Commission as to any vacancies existing on the third Tuesday in January 1987, and as terms expire thereafter.

Compiler's Note: Section 7(c) of Act 93 of 1986 provided that section 207.1(c)(2) is repealed insofar as it is inconsistent with the provisions of Title 34 (relating to game), effective July 1, 1987.

Compiler's Note: Section 21(c) of Act 61 of 1985 provided that section 207.1(c)(2) is repealed to the extent that it requires a vote of two-thirds of the members elected to the Senate to confirm appointments to the Pennsylvania Turnpike Commission made pursuant to section 5(b) of Act 61 of 1985 and requires the advice and consent of the Senate in any manner for appointments to the Pennsylvania Turnpike Commission made pursuant to section 5(a)(2) and (c) of Act 61 of 1985.

Section 208. Terms of Office.--The terms of office of the persons appointed by the Governor under the preceding section shall be as follows:

(a) The Secretary of the Commonwealth and the Attorney General shall serve during the pleasure of the Governor.

(b) The term of the Superintendent of Public Instruction shall be four years.

(c) Except as in this act otherwise provided, the heads of other administrative departments, the Commissioner of the Pennsylvania State Police, the members of independent administrative boards and commissions, of departmental administrative boards and commissions, and of advisory boards and commissions, and departmental administrative officers, shall hold office for terms of four years, from the third Tuesday of January next following the election of a Governor, and until their successors shall have been appointed and qualified: Provided, That the term of the Commissioner of the Pennsylvania State Police appointed prior to the third Tuesday of January, one thousand nine hundred and thirty-nine, shall expire upon that date, or as soon thereafter as his successor shall have been appointed and qualified.

(208 amended Apr. 28, 1943, P.L.94, No.52)

Compiler's Note: Section 505 of Act 164 of 1980 provided that subsec. (a) is repealed insofar as it relates to the Attorney General.

Section 209. Compensation of the Governor, Lieutenant Governor and the Heads of Departments.--(209 repealed Sept. 30, 1983, P.L.160, No.39)

Section 210. Compensation of Members of Administrative Boards and Commissions.--((a) repealed Oct. 12, 1990, P.L.529, No.127)

(b) The members of the Pennsylvania Game Commission, the Pennsylvania Fish Commission, and of the Pennsylvania Historical and Museum Commission, shall not receive any compensation.

(c) Except as in this act otherwise provided, the members of departmental administrative boards and commissions, and of advisory boards and commissions, shall serve without compensation.

(210 amended Apr. 25, 1949, P.L.729, No.180)

Compiler's Note: Section 3 of Act 525 of 1961 provided that all acts and parts of acts which provide salaries inconsistent with Act 525 for the offices named in section 210 are repealed.

Section 211. Employes of the Governor's Office.--The Governor shall appoint, to serve at his pleasure, a Secretary to the Governor, a Budget Secretary, and such consultants, experts, accountants, investigators, clerks, stenographers, messengers, watchmen, and other employes, as may be required for the proper conduct of the work of his office, and of the Executive Board, and shall fix their salaries, wages, fees, or other compensation.

Section 212. Bureaus and Divisions.--The heads of the several administrative departments, except the Auditor General and the State Treasurer and the several independent administrative boards and commissions shall, subject to the approval of the Executive Board, establish such bureaus or divisions in their respective departments, boards, or commissions, as may be required for the proper conduct of the work of such departments, boards or commissions.

(212 amended Dec. 18, 1968, P.L.1232, No.390)

Section 213. Deputies.--The Governor shall appoint and fix the compensation of such number of deputy heads of administrative departments, except those of the Department of Auditor General and Treasury Department, as the Executive Board shall approve, who shall, in the absence of the head of such department, have the right to exercise all the powers and perform all the duties by law vested in and imposed upon the head of such department, except the power to appoint bureau or division chiefs, or other assistants or employes, and who may, at any time, exercise such of the powers and perform such of the duties of the head of his department as may be prescribed by the head of his department: Provided, however, That any such deputy shall not have the right to exercise any power or perform any duty which the Constitution of the Commonwealth of Pennsylvania requires the head of his department personally to exercise or perform. (Par. amended Nov. 8, 1976, P.L.1109, No.227)

Whenever there shall be a vacancy in the office of the head of any department, such deputy as the Governor shall designate in writing shall exercise the powers and perform the duties of the head of the department until the vacancy is filled.

With the approval of the Governor in writing, the head of any department may authorize a named deputy to serve in his

stead on any board or commission, except the Board of Pardons of which such department head is a member ex-officio. One of the Deputy Adjutants General shall possess the same qualifications in all respects as are required by law for the Adjutant General of the Department of Military Affairs.

(213 amended June 25, 1947, P.L.935, No.390)

Section 214. Employment and Compensation of Directors, Bureau Chiefs, and Other Employes.--Except as otherwise provided in this section and in the Civil Service Act, the heads of the several administrative departments, except the Auditor General and the State Treasurer, and the independent administrative boards and commissions, shall appoint and fix the compensation of such directors, superintendents, bureau or division chiefs, assistant directors, assistant superintendents, assistant chiefs, experts, scientists, engineers, surveyors, draftsmen, accountants, secretaries, auditors, inspectors, examiners, statisticians, marshals, clerks, stenographers, bookkeepers, messengers, and other assistants and employes as may be required for the proper conduct of the work of their respective departments, boards, or commissions. Except as otherwise provided in this act, the heads of the respective administrative departments shall appoint and fix the compensation of such clerks, stenographers, and other assistants, as may be required for the proper conduct of the work of any departmental administrative bodies, boards, commissions, or officers, and of any advisory boards or commissions established in their respective departments.

The Governor shall have the power and authority to appoint and fix the compensation of a comptroller in each administrative department, except the Department of the Auditor General and the Treasury Department, and in each independent administrative board and commission, together with all accountants, auditors, clerks, stenographers, bookkeepers, and other assistants and employes, as may be required for the proper conduct of the work of the comptroller in such department, board or commission. All comptrollers and other related employes so appointed shall succeed to the functions and duties of the respective comptrollers and related employes theretofore appointed by the heads of such departments, boards and commissions, and shall be under and subject to the direct regulation, supervision and control of the Governor or such employe in his office as he may designate for that purpose. The compensation of all comptrollers and other related employes shall be paid out of appropriations made for this purpose.

Except as otherwise provided in this section and in the Civil Service Act, the number and compensation of all employes appointed under this section shall be subject to the approval by the Governor, and, after the Executive Board shall have fixed the standard compensation for any kind, grade, or class of service or employment, the compensation of all persons in that kind, grade, or class, appointed hereunder, shall be fixed in accordance with such standard.

(214 amended Dec. 19, 1980, P.L.1333, No.244)

Section 215. Extra Compensation Prohibited.--No employe in any administrative department, independent administrative board or commission, or departmental administrative board or commission, employed at a fixed compensation, shall be paid for any extra services, unless expressly authorized by the Executive Board prior to the rendering of such services.

Section 216. Expenses.--Subject to the rules and regulations of the Executive Board, the heads of administrative departments, the members of independent administrative boards and

commissions, the members of departmental administrative bodies, boards, and commissions, the members of advisory boards and commissions, all administrative officers, and all persons employed under the provisions of this act, shall be entitled to receive their traveling and other necessary expenses, actually incurred in the performance of their public duties, upon requisition of the head of the appropriate administrative department, or of the appropriate administrative board or commission, but, in the case of departmental administrative boards and commissions, such requisitions shall be subject to the approval of the departments with which such boards or commissions are respectively connected. Whenever an employe of any department, board, or commission, who shall have been in the employment of the same department, board, or commission for more than one year, shall be required by the head of the department, or by the board or commission by which he or she is employed, to change his or her residence from one place in Pennsylvania to another such place, such employe may, with the approval of the Governor in writing, receive the expenses of moving his or her household goods to his or her new residence.

Section 217. Qualifications.--All deputies, directors, superintendents, and bureau or division chiefs, and other employes, shall be persons especially qualified for their positions by training and experience in the particular kind of work which their official duties will require them to perform.

Section 218. Oath of Office.--All persons appointed by the Governor under the provisions of this act, and all deputy heads of administrative departments, shall, before entering upon the duties of their offices, take and subscribe the constitutional oath of office, which shall be filed in the office of the Secretary of the Commonwealth.

Section 219. Fidelity Bonds.--Before entering upon the duties of their respective offices or positions, bonds, conditioned for the faithful performance of their respective duties, in such penal sums as shall be fixed by the Executive Board, upon recommendation of the Governor, shall be executed and filed with the State Treasurer by all heads of administrative departments, but the amount of the bond shall not be less than five thousand dollars ($5,000).

Similar bonds, in such penal sums as shall be fixed by the Executive Board, shall be executed and filed with the State Treasurer by--

(a) Such members of independent administrative boards or commissions as the Executive Board shall require;

(b) Such members of departmental administrative boards or commissions as the heads of the departments with which such boards or commissions are respectively connected shall, with the approval of the Executive Board, prescribe;

(c) Such officers and employes of administrative departments, or of independent administrative boards or commissions, as the heads of such departments or such boards or commissions shall, with the approval of the Executive Board, prescribe;

(d) Such officers and employes of departmental administrative boards or commissions as the departments with which such boards or commissions are connected shall, with the approval of the Executive Board, prescribe.

All bonds required to be given under this section shall, before being accepted by the State Treasurer, be approved by the Department of Justice, and, unless the Commonwealth shall establish its own indemnity fund, all such bonds shall be given with security approved by the Department of Justice. If the

Commonwealth shall establish its own indemnity fund, the Executive Board may, nevertheless, require any bond given hereunder to be executed by a surety or sureties satisfactory to the Department of Justice.

(219 amended June 3, 1933, P.L.1470, No.320)

Section 220. Departmental Offices.--Each administrative department, and each independent administrative board and commission, shall maintain a central office at Harrisburg, in rooms assigned to it by the Governor. The head of any department, or any independent administrative board or commission, may, with the approval of the Governor, establish and maintain, at places other than Harrisburg, branch offices for the conduct of any one or more functions of such department, board, or commission, or of any departmental administrative or advisory board or commission in such department.

(220 amended June 5, 1947, P.L.407, No.187)

Section 221. Office Hours.--All administrative offices of the State Government shall be open for the transaction of public business at least eight hours each day, except Saturdays, Sundays and such holidays as may be determined by the Executive Board. The hours when such offices shall open and close shall from time to time be determined by the Executive Board.

(221 amended Oct. 7, 1974, P.L.673, No.225)

Section 222. Work-Hours and Leaves.--(a) Each employe of an administrative department, of an independent administrative board or commission, or of a departmental administrative board or commission, if employed for continuous service, shall work during such hours as the head of the department or the board or commission shall require but not less than thirty-five hours per week.

(b) Each salaried, hourly or per diem employe of such department, board or commission shall be entitled each calendar year to annual leave of absence with pay in accordance with regulations established by the Executive Board. ((b) amended Oct. 7, 1974, P.L.673, No.225)

(c) Each salaried, hourly or per diem employe of such department, board or commission shall be entitled each calendar year to sick leave with pay in accordance with regulations established by the Executive Board. ((c) amended Oct. 7, 1974, P.L.673, No.225)

(c.1) Each salaried employe may, with the approval of the head of the department, board or commission, be granted such other administrative leave of absence with full pay as shall be prescribed by the Executive Board to attend conferences and absent themselves from work for job related purposes.

(d) This section shall be construed to mean that the pay of such employe shall cease upon the expiration of the leave, regardless of his or her continuation thereafter upon the rolls of the department, board or commission. The leaves of absence with pay provided salaried employes by this section shall be exclusive of legal holidays, paid holidays declared by the Governor and non-working days in an employe's normal work week. ((d) amended June 4, 1965, P.L.95, No.65)

(222 amended Aug. 24, 1961, P.L.1126, No.501)

Section 223. Payday.--(a) Each employe of an administrative department, of an independent administrative board or commission and of a departmental administrative board or commission, shall be paid his regular salary every other week.

(b) Effective within six months subsequent to July 1, 1984, all employes of the Executive Branch shall be paid on an after-the-fact pay basis.

(c) An after-the-fact pay is defined as a method of payment in which compensation due for a given pay period is paid to the employe no later than two weeks after the end of the pay period.

(d) Any employe on a before-the-fact pay basis on the date of conversion would receive a conversion payment equal to his biweekly salary in order to avoid any employe missing a payday in the process of conversion. Such conversion payment shall be recoverable by the Commonwealth upon severance of the employe from State service. After the date of conversion, employes shall continue to be paid every other week.

(223 amended July 2, 1984, P.L.511, No.103)

Section 224. Local Tax Withholding of Commonwealth Employes.--(a) Notwithstanding the provisions of the act of December 31, 1965 (P.L.1257, No.511), known as "The Local Tax Enabling Act," the Commonwealth shall deduct, at the time of payment of a salary, wage, commission or other compensation, the tax imposed by ordinance or resolution on the earned income due to its employes and shall, on or before April 30 of the current year, July 31 of the current year, October 31 of the current year and January 31 of the succeeding year, file a return and pay to the officer of the relevant taxing jurisdiction the amount of taxes deducted during the preceding three-month periods ending March 31 of the current year, June 30 of the current year, September 30 of the current year and December 31 of the current year, respectively. The rate of withholding shall be as follows:

(1) For employes residing in a taxing jurisdiction that imposes a resident tax rate, the amount deducted shall be based on the ordinance or resolution of the taxing jurisdiction fixing the resident tax rate where the employe resides, and the Commonwealth shall remit the amount of taxes deducted to that taxing jurisdiction.

(2) For employes residing in a taxing jurisdiction that does not impose a resident tax rate, or where the residence tax rate imposed is less than the nonresident tax rate imposed by the taxing jurisdiction where the office, factory, workshop, branch, warehouse or other place of business is located, the amount deducted shall be based on the ordinance or resolution of the taxing jurisdiction fixing the nonresident tax rate where the office, factory, workshop, branch, warehouse or other place of business is located, and the Commonwealth shall remit the amount of taxes deducted to that taxing jurisdiction.

(3) For employes residing or working in a city of the first class, the amount deducted shall be based on the ordinance imposed by the city under the authority of the act of August 5, 1932 (Sp.Sess., P.L.45, No.45), referred to as the Sterling Act, and the Commonwealth shall remit the amount of taxes deducted to the city of the first class.

(b) Such return, unless otherwise agreed upon between the taxing officer and the Commonwealth, shall show the name and social security number of each such employe, the earned income of such employe during such preceding three-month period, the tax deducted therefrom, the political subdivisions imposing the tax upon such employe, the total earned income of all such employes during such preceding three-month period and the total tax deducted therefrom and paid with the return.

(224 added Dec. 23, 2003, P.L.282, No.47)

Compiler's Note: Section 36 of Act 32 of 2008 provided that section 224 is repealed insofar as it is inconsistent with Act 32.

Section 225. Employes with Access to Federal Tax Information.--(Repealed June 28, 2019, P.L.101, No.15)

Section 226. Criminal History Background Checks of Employes and Contractors with Access to Federal Tax Information.--(a) An agency shall require any current or prospective employe or contractor whose duties and responsibilities require, or will require, access to Federal tax information to submit to a criminal history background check to be conducted by the Pennsylvania State Police. A current or prospective employe or contractor shall submit fingerprints and other identifying information to the Pennsylvania State Police. An individual who refuses to comply with this subsection will not be considered suitable to access Federal tax information for purposes of subsection (c).

(b) When a criminal history background check is requested under subsection (a), the Pennsylvania State Police, or its designee, shall do all of the following:

(1) Provide the agency with a report of the individual's criminal history record information as defined by 18 Pa.C.S. § 9102 (relating to definitions) or a statement that the Pennsylvania State Police central repository contains no information relating to the individual. The criminal history record information shall be limited to that which is disseminated under 18 Pa.C.S. § 9121(b)(2) (relating to general regulations).

(2) Submit the individual's fingerprints to the Federal Bureau of Investigation for a national criminal history records check.

(3) Provide the agency with the national criminal history record information of the individual. The information provided under this subsection may not be limited by 18 Pa.C.S. § 9121(b)(2).

(c) Information relating to a current or prospective employe or contractor submitted to or obtained by an agency under this section shall be interpreted and used only to determine the individual's character, fitness and suitability to access Federal tax information. If an agency determines an individual is not suitable to access Federal tax information, the agency shall take appropriate action, including:

(1) declining to hire or utilize the services of the individual;

(2) transferring the individual to a position that does not require access to Federal tax information; or

(3) terminating the individual's employment.

(d) An agency may receive and retain information consistent with this section that is otherwise protected under 18 Pa.C.S. Ch. 91 (relating to criminal history record information), subject to any requirements related to redaction as specified in 18 Pa.C.S. § 9121(b)(2) with respect to information described in subsection (b)(1). All information received and retained by an agency in accordance with this section shall be marked as confidential and shall be excluded from any requirement of public disclosure as a public record.

(e) An individual who has been determined suitable to access Federal tax information under this section shall resubmit to a criminal history background check under subsections (a) and (b) within ten years of the individual's last check under this section, unless the agency participates in a program exempting employes from clearance.

(f) An agency receiving Federal tax information that transfers the Federal tax information to any other entity except as it involves a Federal or State court or the Board of Finance

and Revenue as part of a legal proceeding before the same may audit that entity to determine compliance with this section.

(g) The Department of Revenue may publish guidelines to implement this section.

(h) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Agency." A Commonwealth agency, office, department, authority, board or commission of the executive branch or a political subdivision receiving Federal tax information, even though the Federal tax information may be forwarded to the agency from or through any of the following:

(1) The Internal Revenue Service.

(2) The Social Security Administration.

(3) A permitted disclosure under section 6103 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 6103).

(4) By exchange agreement approved by the Internal Revenue Service.

(5) Any other secondary source.

"Contractor." An individual who is not an employe of an agency and performs work functions for an agency under the terms of a written agreement, regardless of whether the written agreement is directly with the agency or a third party.

"Federal tax information." Includes any "return" or "return information" as defined in section 6103 of the Internal Revenue Code of 1986.

(226 added June 28, 2019, P.L.101, No.15)

Compiler's Note: See section 13 of Act 15 of 2019 in the appendix to this act for special provisions relating to legislative findings and declarations and effective date.

ARTICLE III

ORGANIZATION OF INDEPENDENT ADMINISTRATIVE BOARDS AND COMMISSIONS

Section 301. Pennsylvania Game Commission.--(301 repealed July 8, 1986, P.L.442, No.93)

Section 301.1. Investment of Moneys.--(a) The Treasury Department may, from time to time, invest in direct short-term obligations of the United States government such amounts of the moneys of the Commonwealth, with the exception of moneys in any fund authorized by law to be invested by any board, commission or State officer, on deposit from time to time in State depositories, as shall have accumulated beyond the ordinary needs of various funds. The Treasury Department shall, from time to time as necessary, sell such short-term obligations and deposit the proceeds in State depositories as provided by this act. The Treasury Department shall not, at any one time, have invested in short-term obligations of the United States government more than an aggregate of such total sum as the Board of Finance and Revenue shall, by resolution, with the Governor's approval, have prescribed.

(b) The Treasury Department may, from time to time, invest its excess funds in United States Treasury and United States Agency obligations, with a maturity of up to and including two years.

(c) The Treasury Department may, from time to time, subject to the hereinafter stated conditions and limitations, invest and reinvest the moneys of any fund as shall have accumulated beyond the ordinary needs of the various funds, and which are

not authorized by law to be invested by any board, commission or State officer in commercial paper.

As used herein, "commercial paper" shall mean unsecured promissory notes issued either in discount or interest-bearing form by any industrial, common carrier, or finance company and must bear Moody's Credit Service "Prime One Rating," or the equivalent by Standard and Poor's or Fitch's Rating Service.

The Treasury Department shall not, at any time, have invested in commercial paper more than an aggregate of such total sum as the Board of Finance and Revenue shall, by resolution, with the Governor's approval, have prescribed.

(d) The Treasury Department may, from time to time pursuant to regulations adopted by the Board of Finance and Revenue invest and reinvest such moneys of any fund as shall be accumulated beyond the ordinary needs of the various funds and which are not authorized by law to be invested by any other board or commission or State officer by purchasing certificates of deposit from commercial banks domiciled in this Commonwealth up to the level equal to twenty per centum of such bank's total capital and surplus. Certificates of deposit may likewise be purchased from savings and loan associations or savings banks domiciled in the Commonwealth up to a level equal to twenty per centum of such association's or savings bank's assets minus liabilities. Such certificates of deposit need not be collateralized. In applying the proceeding limitation on investments in certificates of deposit, the Treasury Department must include the similar investments of the State Employees' Retirement Board and the Public School Employees' Retirement Board. The Treasury Department shall not at anytime have invested in uncollateralized certificates of deposit more than the total amount authorized by resolution of the Board of Finance and Revenue and approved by the Governor. The Treasury Department shall purchase certificates of deposit under this subsection pursuant to procedures established in regulations by the Board of Finance and Revenue and shall take into account the differences, if any, in competitive bids, the financial strength of each of the bidders and the services provided to or at the request of the Commonwealth and any of its departments, agencies or bureaus by each of the bidders.

(e) The Treasury Department may from time to time enter into repurchase agreements secured by Federal obligations.

(f) The Treasury Department may, from time to time, invest its excess funds in Banker's Acceptances.

As used herein, "Banker's Acceptances" shall mean short term trade financing agreements secured by the accepting bank and the goods being purchased, and shall be limited to domestic banks whose parent companies bear a Moody's Credit Service "AA Rating," or the equivalent by Standard and Poor's or Fitch's Rating Service.

(g) Notwithstanding any limitations, conditions or restrictions imposed on the making of investments by this act, except those contained in subsection (h), and notwithstanding any limitations, conditions or restrictions imposed by any other law, the Treasury Department may, at its discretion, invest a maximum of ten per centum of the book value of the assets of the fund in any investments except common stock not otherwise specifically authorized.

(h) All investments allowed under this section must be made with the exercise of that degree of judgment and care under the circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs not in regard to speculation, but in regard to the

permanent disposition of the funds, considering the probable income to be derived therefrom as well as the probable safety of their capital. The exercise of such degree of judgment and care shall include, but shall not be limited to:

(1) The daily investment of available investable funds necessary to maintain maximum effectiveness of the Treasury Department investment portfolio at all times.

(2) The maintenance of portfolio reporting system.

(3) The adherence to Moody's Credit Service "Prime One Rating" or the equivalent of Standard and Poor's or Fitch's Rating Service for institutions with whom investments are transacted pursuant to subsection (g).

(4) At least quarter-annual bank performance ranking according to maximum efficiency in cash management.

(h) amended May 2, 1986, P.L.145, No.45)

(i) (1) Notwithstanding subsections (a) through (h), the Treasury Department shall have the exclusive management and full power to invest and reinvest the moneys of any fund as shall be accumulated beyond the ordinary needs of the various funds and which are not authorized by law to be invested by any board, commission or State officer, subject, however, to the exercise of that degree of judgment and care under the circumstances then prevailing which persons of prudence, discretion and intelligence who are familiar with such matters exercise in the management of their own affairs not in regard to speculation but in regard to the permanent disposition of the funds, considering the probable income to be derived therefrom as well as the probable safety of their capital. The Treasury Department shall have the power to hold, purchase, sell, assign, transfer and dispose of any securities and investments in any such fund as well as the proceeds of such investments and of the money belonging to any such fund. The Treasury Department shall, through the Governor, submit to the General Assembly annually, at the same time the Treasury Department submits its budget covering administrative expenses, a report identifying the nature and amount of all existing investments made pursuant to this section.

(2) ((2) repealed June 22, 1999, P.L.99, No.15)

((i) added May 7, 1998, P.L.345, No.53)

(301.1 amended May 7, 1982, P.L.390, No.113)

Section 302. Pennsylvania Fish Commission.--(302 repealed Oct. 16, 1980, P.L.996, No.175)

Section 303. Pennsylvania Public Utility Commission.--(303 repealed July 1, 1978, P.L.598, No.116)

Section 304. Pennsylvania Historical and Museum Commission.--(304 repealed May 26, 1988, P.L.414, No.72)

Section 304.1. Pennsylvania Historical and Museum Commission Volunteer Program.--(a) The Pennsylvania Historical and Museum Commission is authorized to recruit, train and accept, without regard to the civil service classification laws, rules or regulations, the services of individuals without compensation as volunteers for or in aid of interpretive functions, visitor services, conservation measures and development or other activities in and related to all Commonwealth programs administered by the commission.

(b) The Pennsylvania Historical and Museum Commission is authorized to provide for incidental expenses, such as transportation, uniforms, lodging and subsistence, incurred by volunteers in the course of their service as volunteers.

(c) (1) Except as otherwise provided in this section, a volunteer shall not be deemed to be a Commonwealth employe and shall not be subject to the provisions of law relating to

Commonwealth employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation and Commonwealth employe benefits.

(2) Volunteers performing work under the terms of this section shall be authorized to operate Commonwealth vehicles and shall be treated for the purposes of automotive and general liability as employes of the Commonwealth.

(3) For the purposes of the act of June 2, 1915 (P.L.736, No.338), known as the "Workers' Compensation Act," relating to compensation to employes for work injuries, volunteers under the provisions of this section shall be deemed employes of the Commonwealth within the meaning of the term "employe" as defined in section 104 of the "Workers' Compensation Act," and the provisions of that act shall apply.

(4) No volunteer shall be assigned to any position presently filled in the Pennsylvania Historical and Museum Commission.

(d) The Pennsylvania Historical and Museum Commission shall have the power and the authority to do all things necessary and expedient to establish and operate a volunteer program and to promulgate rules and regulations under this section.

(304.1 added July 11, 1996, P.L.619, No.105)

Section 305. Pennsylvania Securities Commission.--(305 repealed
May 7, 1998, P.L.342, No.51)

Section 306. Agricultural Lands Condemnation Approval Board.--(a) The Agricultural Lands Condemnation Approval Board is hereby created as an independent administrative board and shall be made up of six (6) members, consisting of the Director of the Office of Policy and Planning, or his designee, the Secretary of Agriculture, or his designee, the Secretary of Environmental Resources, or his designee, the Secretary of Transportation, or his designee, and two active farmers appointed by the Governor, with the advice and consent of a majority of the Senate, for a term of four (4) years. The Secretary of Agriculture shall be chairman of such committee and shall convene the committee from time to time as needed to carry out its duties. The farm members of the committee shall be reimbursed for actual expenses incurred in the performance of their duties. Such expenses and any others incurred by the committee shall be paid for from appropriations made to the Office of State Planning and Development.

(b) Before condemning for any of the purposes set forth in subsection (d) any agricultural lands, as classified by the Agricultural Soil Conservation Service of the United States Department of Agriculture, which lands are being used for productive agricultural purposes, but not including the growing of timber, the Commonwealth of Pennsylvania and any of its political subdivisions, agencies or authorities shall request the Agricultural Lands Condemnation Approval Board to determine that there is no reasonable and prudent alternative to the utilization of such lands for the project.

(c) The board shall have sixty (60) days in which to determine whether there is a feasible and prudent alternative to the condemnation. If the board determines that there is no feasible and prudent alternative, or if the board fails to act within sixty (60) days of receipt of the request, the requesting body may proceed to condemn; otherwise, the condemnation shall not be effected.

(d) The board shall have jurisdiction over condemnation for the following purposes:

(1) Highway purposes, but not including activities relating to existing highways such as, but not limited to, widening roadways, the elimination of curves or reconstruction.

(2) Disposal of solid or liquid waste material, but not including underground pipes used to transport waste.

(306 added Dec. 7, 1979, P.L.478, No.100)

Compiler's Note: The Secretary of Environmental Resources, referred to in subsec. (a), was abolished by Act 18 of 1995. The functions of the secretary were transferred to the Secretary of Conservation and Natural Resources and the Secretary of Environmental Protection.

Section 307. The Pennsylvania Industrial Development Authority; Additional Members.--In addition to the members of the board of The Pennsylvania Industrial Development Authority provided in section 4 of the act of May 17, 1956 (1955 P.L.1609, No.537), known as the "Pennsylvania Industrial Development Authority Act," the Majority Leader of the Senate, the Minority Leader of the Senate, the Majority Leader of the House of Representatives and the Minority Leader of the House of Representatives shall each appoint one member to the board of The Pennsylvania Industrial Development Authority. A member appointed pursuant to this section shall serve at the pleasure of the officer who appointed the member. Members of the General Assembly shall not be eligible for appointment to the board.

(307 added Aug. 14, 1991, P.L.331, No.35)

Section 308. Terms of Office Under Pennsylvania Intergovernmental Cooperation Authority.--A member of the board of the Pennsylvania Intergovernmental Cooperation Authority shall serve at the pleasure of his or her appointing authority for a term extending not more than sixty (60) days beyond the current term of office of the appointing authorities from the House of Representatives or until his or her successor is appointed, whichever shall first occur. The Executive Director shall serve at the pleasure of the board for a term ending sixty (60) days beyond the current term of office of the appointing authorities from the House of Representatives or until his or her successor is retained pursuant to section 202(g) of the act of June 5, 1991 (P.L.9, No.6), known as the "Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class," whichever shall first occur. A person named to fill a vacancy occurring prior to the expiration of a term shall serve the unexpired term.

(308 added June 22, 1994, P.L.351, No.52)

Section 309. Pennsylvania Gaming Control Board.--(a) Not later than 90 days after the effective date of this section, the Pennsylvania Gaming Control Board shall submit a report to the chairperson and minority chairperson of the Community, Economic and Recreational Development Committee of the Senate and the chairperson and minority chairperson of the Gaming Oversight Committee of the House of Representatives on the potential of fantasy sports as a gambling product in this Commonwealth.

(b) In compiling the report, the Pennsylvania Gaming Control Board shall consider and address the following:

(1) A definition of "fantasy sports."

(2) The structure of the different fantasy sports formats and the underlying activities that may be appropriate for oversight.

(3) Fantasy sports entities, including the roles and relationships of ancillary fantasy sports businesses, including host Internet websites, collegiate and professional sports

organizations and persons with a controlling interest in fantasy sports entities.

(4) How regulation of fantasy sports would fit into the Commonwealth's current gambling laws and policies.

(5) Compulsive and problem gambling.

(6) Protection of minors.

(7) Measures to ensure the well-being and safety of players.

(8) Safeguards and mechanisms to ensure the reporting of gambling winnings and facilitate the collection of applicable Federal and State taxes in compliance with Federal and State law.

(9) Recommendations for legislative action.

(10) Any other information related to the conduct and operation of fantasy sports as the board may deem appropriate.

(309 added Feb. 23, 2016, P.L.15, No.7)

Section 310. Pennsylvania Commission on Crime and Delinquency.--The following shall apply:

(1) Notwithstanding section 2(b)(1) of the act of November 22, 1978 (P.L.1166, No.274), referred to as the Pennsylvania Commission on Crime and Delinquency Law, the composition of the Pennsylvania Commission on Crime and Delinquency shall consist of the Attorney General or a designee.

(2) Notwithstanding section 2(b)(6) of the Pennsylvania Commission on Crime and Delinquency Law, the composition of the Pennsylvania Commission on Crime and Delinquency shall consist of the chairperson of the Appropriations Committee of the Senate and the chairperson of the Appropriations Committee of the House of Representatives or the chairpersons' designated legislative staff.

(3) Notwithstanding section 2(b)(8) of the Pennsylvania Commission on Crime and Delinquency Law, the composition of the Pennsylvania Commission on Crime and Delinquency shall consist of four members of the General Assembly or the members' designated legislative staff, of whom one shall be designated by, and serve at the pleasure of, the President pro tempore of the Senate, one by the Minority Leader of the Senate, one by the Speaker of the House of Representatives and one by the Minority Leader of the House of Representatives.

(310 added Oct. 30, 2017, P.L.379, No.40)

Section 311. Center for Rural Pennsylvania.--The board of directors under section 302(a) of the act of June 30, 1987 (P.L.163, No.16), known as the "Rural Pennsylvania Revitalization Act," shall include two additional members, one of whom shall be a representative from the Northern Pennsylvania Regional College and one of whom shall be a representative from the Pennsylvania College of Technology.

(311 added June 28, 2019, P.L.101, No.15)

Compiler's Note: See section 13 of Act 15 of 2019 in the appendix to this act for special provisions relating to legislative findings and declarations and effective date.

ARTICLE IV
ORGANIZATION OF DEPARTMENTAL ADMINISTRATIVE BOARDS AND COMMISSIONS AND OF ADVISORY BOARDS AND COMMISSIONS

Section 401. Boards of Trustees of State Institutions.--(a) The boards of trustees of each of the State institutions hereinafter mentioned shall consist of nine members, and the head of the department having supervision over the institution ex officio.

(b) The terms of each member of each such board shall be six years, and until his successor is appointed and qualified.

(c) All members of all boards, appointed to succeed members who have served six year terms, shall be appointed for terms of six years from the date of the expiration of the preceding term. Vacancies happening before the expiration of a term shall be filled for the unexpired term.

(d) Five members of any such board shall constitute a quorum.

(e) Each such board shall annually elect a president and vice-president from among its members, and a secretary and treasurer who need not be members of the board. The secretary and treasurer may be the same person.

(f) This section shall apply to:

Board of Trustees of Thaddeus Stevens College of Technology,
Board of Trustees of Scranton State School for the Deaf,
Board of Trustees of Scotland School for Veterans' Children,
Board of Trustees of Pennsylvania Soldiers' and Sailors' Home,
Board of Trustees of State Industrial Home for Women,
Board of Trustees of the Western Youth Development Centers,
Board of Trustees of the Central Youth Development Centers,
Board of Trustees of the Eastern Youth Development Centers,
Board of Trustees of Allentown State Hospital,
Board of Trustees of Clarks Summit State Hospital,
Board of Trustees of Danville State Hospital,
Board of Trustees of Embreeville Center,
Board of Trustees of Farview State Hospital,
Board of Trustees of Harrisburg State Hospital,
Board of Trustees of Mayview State Hospital,
Board of Trustees of Norristown State Hospital,
Board of Trustees of Philadelphia State Hospital,
Board of Trustees of Somerset State Hospital,
Board of Trustees of Warren State Hospital,
Board of Trustees of Wernersville State Hospital,
Board of Trustees of Woodville State Hospital,
Board of Trustees of Torrance State Hospital,
Board of Trustees of Haverford State Hospital,
Board of Trustees of Ashland State General Hospital,
Board of Trustees of Coaldale State General Hospital,
Board of Trustees of Nanticoke State General Hospital,
Board of Trustees of Philipsburg State General Hospital,
Board of Trustees of Scranton State General Hospital,
Board of Trustees of Shamokin State General Hospital,
Board of Trustees of Ebensburg Center,
Board of Trustees of Eastern State School and Hospital,
Board of Trustees of Laurelton Center,
Board of Trustees of Pennhurst Center,
Board of Trustees of Polk Center,
Board of Trustees of Selinsgrove Center,
Board of Trustees of Hamburg Center,
Board of Trustees of Western Center,
Board of Trustees of White Haven Center,
Board of Trustees of Woodhaven Center,
Board of Trustees of the South Mountain Restoration Centers.
(401 amended Nov. 26, 1997, P.L.530, No.57)

Compiler's Note: Section 7 of Act 50 of 2009 provided that section 401 is repealed insofar as it is inconsistent with Act 50.

Compiler's Note: Without amendment to section 401, section 1 of Act 203 of 1976 changed the designations of the

following institutions from State schools and hospitals to centers: Cresson, Ebensburg, Laurelton, Pennhurst, Polk, Selinsgrove, Hamburg, Western and White Haven.

Section 401.1. Boards of Trustees of State Colleges and Universities.--(401.1 repealed Nov. 12, 1982, P.L. 660, No.188)

Section 401.2. Pennsylvania Higher Education Assistance Agency.--(a) (1) The Pennsylvania Higher Education Assistance Agency shall be governed and all of its corporate powers exercised by a board of directors which shall consist of twenty members, nineteen of whom shall be appointed as hereinafter provided, and the Secretary of Education. Except as provided in subsection (b), three members shall be appointed by the Governor and confirmed by the Senate, eight shall be appointed by the President pro tempore of the Senate, and eight shall be appointed by the Speaker of the House of Representatives.

(2) All members shall be of full age, citizens of the United States and residents of this Commonwealth and shall be appointed for terms of six years each, except as provided in subsection (b)(1). Of the members appointed by the Governor, one shall be appointed for a term which shall expire June 30, 2011, one for a term which shall expire June 30, 2013, and one for a term which shall expire June 30, 2015. Of the members appointed by the President pro tempore of the Senate, three shall be appointed for a term which shall expire June 30, 2011, three for a term which shall expire June 30, 2013, and two for a term which shall expire June 30, 2015. Of the members appointed by the Speaker of the House of Representatives, four shall be appointed for a term which shall expire June 30, 2011, three for a term which shall expire June 30, 2013, and one for a term which shall expire June 30, 2015.

(3) The eight members appointed by the President pro tempore of the Senate shall be members of the Senate or appointees under subsection (b), four of whom shall be of the majority party and four of the minority party; and the eight members appointed by the Speaker of the House of Representatives shall be members of the House of Representatives or appointees under subsection (b), four of whom shall be of the majority party and four of the minority party; and any member of the Senate or House of Representatives hereafter appointed shall serve on the board only so long as he is a member or an appointee under subsection (b) of the particular body of the General Assembly from which he was appointed to the board, in which event he shall be ineligible to continue as a member of the board as a legislative appointee and a vacancy shall exist. In such a case the President pro tempore of the Senate or the Speaker of the House of Representatives shall fill the vacancy for the unexpired term in the same manner as original appointment.

(b) (1) Commencing with legislative board appointments that expire after June 30, 2010, all board appointments made after June 30, 2010, shall be appointed for terms of four years each and, when a legislative member's term, as appointed under this section, expires and the legislative member wishes not to be reappointed, provided he is eligible for reappointment, the legislative leader of the respective chamber shall fill the vacancy with a nonlegislative individual that has relevant experience in a field related to finance, banking, investment, information technology, higher education or higher education finance. The respective legislative leader shall not appoint more than one nonlegislative member to fill a vacancy in the board positions allotted to the majority or minority party, and such appointment shall not replace the chairman of the standing

committee on education or the legislator designated to serve on the education committee chairman's behalf.

(2) A member of the board of directors who becomes ineligible to serve as a legislative appointee shall be eligible for appointment by the Governor.

(3) The board of directors shall elect from its own members each year a chairman and vice chairman, each of whom must be a legislative appointed member of the board, who shall serve for terms of one year and who shall be eligible for reelection for successive terms. Vacancies shall be filled for the unexpired terms in the same manner as original appointments. Directors shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties under the act of August 7, 1963 (P.L.549, No.290), referred to as the Pennsylvania Higher Education Assistance Agency Act.

(c) The board of directors shall provide for the holding of regular and special meetings. Six directors attending shall constitute a quorum for the transaction of any business and, unless a greater number is required by the bylaws of the agency, the act of a majority of the directors present at any meeting shall be deemed the act of the board.

(d) The board of directors shall adopt bylaws for the agency and may appoint such officers and employes as it deems advisable and may fix their compensation and prescribe their duties.

(e) The board of directors may elect an executive committee of not less than five members who, in intervals between meetings of the board, may transact such business of the agency as the bylaws of the agency may from time to time authorize. Unless otherwise provided by the bylaws, a majority of the whole of such committee attending shall constitute a quorum for the transaction of any business, and the act of a majority of the members of the executive committee present at any meeting thereof shall be the act of such committee.

(401.2 added July 9, 2010, P.L.348, No.50)

Compiler's Note: Section 15.1 of Act 50 of 2010, which added section 401.2, provided that until members of the Pennsylvania Higher Education Assistance Agency are appointed and qualified under section 401.2, members of the agency under former section 3 of the act of August 7, 1963 (P.L.549, No.290), referred to as the Pennsylvania Higher Education Assistance Agency Act, shall remain in office.

Section 402. State Employes' Retirement Board.--(402 repealed Mar. 1, 1974, P.L.125, No.31)

Section 403. Board of Pardons.--The Board of Pardons shall consist of the Lieutenant Governor who shall be chairman, the Attorney General, and three members appointed by the Governor as provided in section 9 of Article IV of the Constitution of Pennsylvania, one for two years, one for four years, and one for six years, and thereafter for full terms of six years. The board shall keep records of its actions, which shall at all times be open for public inspection.

Three members of the board shall constitute a quorum.

(403 amended June 1, 1995, 1st Sp.Sess., P.L.1017, No.15)

Compiler's Note: Section 207 of Act 164 of 1980 provided that the Attorney General serve as a member of the Board of Pardons and section 501(c) of the act provided for the transfer of the administrative functions of the Board of Pardons to the Lieutenant Governor.

Section 404. Board of Commissioners on Uniform State Laws.--(Repealed Oct. 30, 2001, P.L.815, No.79)

Compiler's Note: Section 504 of Act 164 of 1980 provided that section 404 was repealed to the extent that it designates the Attorney General as a member of the Board of Commissioners on Uniform State Laws. The powers and duties of the Attorney General contained in section 404 were transferred to the Office of General Counsel by sections 302 and 502 of Act 164.

Section 405. Board of Finance and Revenue.--(405 repealed July 9, 2013, P.L.270, No.52)

Compiler's Note: Sections 207 and 302 of Act 164 of 1980 provided that the Attorney General and the General Counsel both serve as members of the Board of Finance and Revenue.

Section 406. Board of Property.--The Board of Property shall consist of the Secretary of Community Affairs, the Secretary of the Commonwealth, and the Attorney General. Two members of the board shall constitute a quorum.

(406 amended Dec. 18, 1968, P.L.1232, No.390)

Compiler's Note: Section 301(a)(16) of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that all other powers and duties delegated to the Department of Community Affairs and not otherwise expressly transferred elsewhere by Act 58 and currently performed by the Department of Community Affairs under section 406 are transferred to the Department of Community and Economic Development. Section 904 of Act 58 of 1996 provided that, in place of the membership of the Secretary of Community Affairs on the Board of Property under this section, the Secretary of Community and Economic Development shall serve on that board. The General Counsel shall be a member of the Board of Property in place of the Attorney General, and, on and after the effective date of Act 58, the Secretary of the Commonwealth shall be the chairperson of the Board of Property.

Compiler's Note: Section 504 of Act 154 of 1980 provided that section 406 is repealed to the extent that it designates the Attorney General as a member of the Board of Property. Section 304 of Act 164 of 1980 designates the General Counsel as a member of the Board of Property.

Section 407. Pennsylvania Aeronautics Commission.--(407 repealed May 6, 1970, P.L.356, No.120)

Section 408. State Council of Education.--(408 repealed June 17, 1963, P.L.143, No.94)

Section 408.1. The State Board of Education.--(408.1 repealed Mar. 30, 1988, P.L.321, No.43)

Section 409. Pennsylvania State Board of Censors.--(409 repealed July 31, 1968, P.L.892, No.269)

Section 410. Public School Employes' Retirement Board.--(410 repealed Oct. 2, 1975, P.L.298, No.96)

Section 411. Pennsylvania Historical Commission.--(411 repealed June 6, 1945, P.L.1398, No.446)

Section 412. State Board of Medical Education and Licensure.--(412 repealed Dec. 20, 1985, P.L.457, No.112)

Section 412.1. State Board of Physical Therapy Examiners.--(412.1 repealed Dec. 20, 1985, P.L.500, No.117)

Section 413. State Board of Pharmacy.--(413 repealed Dec. 20, 1985, P.L.433, No.111)

Section 414. State Dental Council and Examining Board.--(414 repealed Dec. 20, 1985, P.L.513, No.118)

Section 415. State Board of Optometrical Examiners.--(415 repealed May 15, 1986, P.L.186, No.58)

Section 416. State Board of Osteopathic Medical Examiners.--(416 repealed Dec. 20, 1985, P.L.398, No.108)

Section 417. Osteopathic Surgeons' Examining Board.--(417 repealed Feb. 2, 1956, 1955 P.L.992, No.310)

Section 418. State Board of Nurse Examiners.--(418 repealed Dec. 20, 1985, P.L.409, No.109)

Section 419. State Board of Funeral Directors.--(419 repealed Dec. 22, 1983, P.L.354, No.88)

Section 420. State Board of Veterinary Medical Examiners.--(420 repealed May 9, 1986, P.L.166, No.54)

Section 421. State Board of Examiners of Public Accountants.--(421 repealed Mar. 7, 1984, P.L.106, No.23 and Dec. 4, 1996, P.L.851, No. 140)

Section 422. State Board of Examiners of Architects.--(422 repealed Dec. 14, 1982, P.L.1227, No.281)

Section 423. Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania.--(423 repealed Dec. 3, 1970, P.L.834, No.275)

Section 424. Anthracite Mine Inspectors' Examining Board.--(424 repealed Dec. 3, 1970, P.L.834, No.275)

Section 425. State Registration Board for Professional Engineers.--(425 repealed Dec. 22, 1983, P.L.348, No.87)

Section 426. Armory Board of the State of Pennsylvania.--(426 repealed Aug. 1, 1975, P.L.233, No.92)

Section 427. State Athletic Commission.--(427 repealed July 1, 1989, P.L.136, No.28)

Section 428. Board to License Private Bankers.--The Board to License Private Bankers shall consist of the Secretary of Banking, who shall be chairman thereof, the Secretary of the Commonwealth, and the State Treasurer.

Section 429. Pennsylvania Securities Commission.--(429 repealed Dec. 19, 1975, P.L.602, No.172)

Section 430. State Farm Products Show Commission.--The State Farm Products Show Commission shall consist of the Governor, the Secretary of Agriculture, another officer of the Department of Agriculture to be designated by the Secretary of Agriculture, an officer of the Department of Education to be designated by the Secretary of Education, the dean of the College of Agriculture of Pennsylvania State University, the director of agricultural extension of Pennsylvania State University, and four other persons. At least one of the members at large shall have no direct ties to agricultural interests.

The terms of those members of the commission who are appointed by the Governor shall be four years.

The association known as "State Farm Products Show Committee," shall have the right to nominate, from its membership, at least double the number of candidates required to fill any vacancies which may occur in the membership of the State Farm Products Show Commission, and the Governor shall appoint members to fill such vacancies only from the candidates nominated as aforesaid. In the event, however, that said committee shall fail to make and submit to the Governor nominations to fill vacancies, the Governor may appoint any citizen of Pennsylvania to fill such vacancies.

The Secretary of Agriculture shall be chairman of the commission, and the commission shall elect a secretary and a

treasurer who need not be members thereof. The same person may be secretary and treasurer of the commission.

Six members of the commission shall constitute a quorum.

(430 amended Dec. 21, 1984, P.L.1275, No.242)

Section 431. Water and Power Resources Board.--(431 repealed Dec. 3, 1970, P.L.834, No.275)

Section 432. Geographic Board.--(432 repealed Dec. 3, 1970, P.L.834, No.275)

Section 432.1. State Geospatial Coordinating Board.--(a) There is established a State Geospatial Coordinating Board within the Governor's Office of Administration. The board is established to provide advice and recommendations to the Governor and the citizens of this Commonwealth on geospatial issues and provide uniform data standards, coordination and efficiency in geospatial policy and technology issues among Federal, State and local government agencies, academic institutions and the private sector.

(b) (1) The State Geospatial Coordinating Board shall consist of the following members:

(i) The Secretary of Administration or a designee.

(ii) The Secretary of Environmental Protection or a designee.

(iii) The Secretary of Conservation and Natural Resources or a designee.

(iv) The Director of the Pennsylvania Emergency Management Agency, or its successor agency, or a designee.

(v) The Secretary of Transportation or a designee.

(vi) The Secretary of General Services or a designee.

(vi.1) The Secretary of Agriculture or a designee. ((vi.1) added June 30, 2020, P.L.511, No.37)

(vii) Three members appointed by the President pro tempore of the Senate in consultation with the Majority Leader and Minority Leader of the Senate. One member shall be a representative of a municipal authority. Two members shall be local government officials or employees. ((vii) amended June 30, 2020, P.L.511, No.37)

(viii) Three members appointed by the Speaker of the House of Representatives in consultation with the Majority Leader and Minority Leader of the House of Representatives. One member shall be a local government official or employe representing an urban community. One member shall be an employe of a county emergency management agency. One member shall be an individual with expertise in geospatial technology. ((viii) amended June 30, 2020, P.L.511, No.37)

(ix) Three members appointed by the Governor. One member shall be a county commissioner. One member shall be a member of the Pennsylvania Society of Land Surveyors. One member shall be an individual with expertise in data development and sharing.

(x) One member designated by the County Geographic Information Systems Professionals Association of Pennsylvania.

(xi) One member designated by the Pennsylvania Mapping and Geographic Information Consortium.

(xii) One member designated by the County Commissioners Association of Pennsylvania.

(xiii) One member designated by the Pennsylvania Chapter of the Management Association for Private Photogrammetric Surveyors.

(2) The members of the board shall include persons knowledgeable in the fields related to geographic information systems, including geospatial technology, data development, architecture standards, data sharing, county government, local government, municipal planning or municipal authorities. The

appointees shall serve at the pleasure of the appointing authority.

(c) The board shall also include the following nonvoting ex officio members or their designees, who shall have all the rights of other members, except for voting:

(1) The Commonwealth's mapping liaison from the United States Geological Survey.

(2) One member designated by the Pennsylvania One Call System.

(3) The chairman of the Pennsylvania Public Utility Commission or a designee.

(4) One member designated by The Geographic Information System Consortium of the Pennsylvania State System of Higher Education.

(5) One member designated by the Pennsylvania Municipal Authorities Association.

(6) One member designated by the American Planning Association, Pennsylvania Chapter.

(7) The director of Pennsylvania Spatial Data Access.

(8) The Commissioner of Pennsylvania State Police or a designee.

(d) The terms of office of members representing State agencies shall coincide with the term of the Governor. In case of a vacancy, the Governor shall make an appointment for the unexpired portion of the term. An organizational designee shall serve a term of three years. In the case of a vacancy, the appropriate organization shall provide a designee for the unexpired portion of the term. The replacement council member shall serve until an alternate designee is duly appointed by the appropriate organization for the following term.

(e) The Governor shall designate the chairperson and vice-chairperson of the board from among the members of the board, other than the ex officio members. The board shall meet not less than four times yearly. Additional meetings shall be at the discretion of the chairperson. Ten members of the board shall constitute a quorum.

(f) The members of the board shall serve without compensation. The board may, with the approval of the Governor, appoint and fix the compensation of an executive director who shall be technically qualified for the duties of the office and who shall act as secretary of the board and conduct the work of the board under its supervision.

(f.1) The board may, with the approval of the Governor, appoint an executive director who shall serve at the pleasure of the board. The selection and removal of the executive director shall be made by a simple majority of the voting members of the board that constitute a quorum. Compensation for the executive director shall be set by a vote of a majority of the board members identified in subsection (b)(1)(i), (ii), (iii), (iv), (v), (vi) and (vi.1), subject to the approval of the Executive Board. Funding for the executive director's compensation shall be evenly apportioned amongst all of the Commonwealth agencies represented by members in subsection (b)(1)(i), (ii), (iii), (iv), (v), (vi) and (vi.1) and administered by the Governor's Budget Office. The executive director shall be qualified for the duties of the position, as determined by the board, and shall conduct the work of the board under the board's direction and supervision. No current member of the board may serve as the executive director. The executive director's appointment shall not continue beyond the expiration of this section. The executive director shall be subject to the

same policies and procedures as employes of the Office of Administration. ((f.1) added June 30, 2020, P.L.511, No.37)

(g) From funds appropriated for the purposes of this subsection or to the Office of Administration, the board may employ and fix the compensation of such experts, stenographers and assistants as necessary to carry out the work on the board. The board shall make a diligent effort to enlist voluntary assistance as may be available from citizens, research organizations and other agencies in this Commonwealth or elsewhere, generally recognized as qualified to aid the board.

(h) The board shall have the following powers and duties:

(1) Recommend data development priorities and interoperability standards for data sharing across agencies and different units of government across this Commonwealth.

(2) Monitor national and State trends, identify issues of potential interest and concern to the Commonwealth and submit annual reports to the Governor and the General Assembly and other reports as necessary.

(3) Define and prioritize strategic opportunities where maps and spatial analysis activities could enhance the business of government and provide more cost-effective services to citizens. This paragraph may include recommendations of specific geospatial technology investments in this Commonwealth.

(4) Develop task forces as needed to formulate recommended positions or actions. The task force membership may be comprised of board members or designees appointed by the board. The board shall consider any task force recommendations at its next meeting.

(i) The Office of Administration shall provide administrative assistance to the board and may provide other assistance to the board upon recommendation of the chairperson, if sufficient Commonwealth resources exist.

(j) This section shall expire June 30, 2024. ((j) amended June 30, 2020, P.L.511, No.37)

(432.1 added Oct. 22, 2014, P.L.2881, No.178)

Section 433. Lake Erie and Ohio River Canal Board.--(433 repealed May 21, 1943, P.L.496, No.222)

Section 434. Pennsylvania State Park and Harbor Commission of Erie.--(434 repealed Dec. 3, 1970, P.L.834, No.275)

Section 435. Washington Crossing Park Commission.--(435 repealed May 26, 1988, P.L.414, No.72)

Section 436. Valley Forge Park Commission.--(436 repealed Oct. 5, 1981, P.L.289, No.99)

Section 437. Fort Washington Park Commission.--(437 repealed Aug. 19, 1953, P.L.1092, No.291)

Section 438. Mine Inspectors.--There shall be as many anthracite mine inspectors, and as many bituminous mine inspectors, as may now or hereafter be provided by law. All such mine inspectors shall be appointed, respectively, from among persons holding valid certificates of qualification issued by the Department of Environmental Resources.

The manner of appointing mine inspectors, their qualifications, and their terms of office, shall be as may now or hereafter be provided by law.

(438 amended Dec. 3, 1970, P.L.834, No.275)

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 439. Sanitary Water Board.--(439 repealed Dec. 3, 1970, P.L.834, No. 275)

Section 440. Anatomical Board.--(440 repealed June 21, 1937, P.L.1865, No.373)

Section 441. Workmen's Compensation Appeal Board.--The Workmen's Compensation Appeal Board shall consist of at least three appointed members, of whom the Governor shall designate one as chairman; the Governor may, on the recommendation of the Secretary of Labor and Industry, increase the number of appointed members on the board. The Secretary of Labor and Industry shall be, ex officio, a member of the board. A majority of the total number of appointed members on the board shall constitute a quorum, and no action of the board shall be valid unless it shall have the concurrence of such number of members and that number constitutes a majority of the votes cast. A vacancy on the board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the board.

The Secretary of Labor and Industry, with the approval of the Governor, shall appoint a secretary to the Workmen's Compensation Appeal Board, who shall receive such salary as the Secretary of Labor and Industry, with the approval of the Governor, shall determine.

(441 amended June 29, 1976, P.L.448, No.109)

Compiler's Note: Section 31.1 of Act 57 of 1996 provided that any reference in a statute to the Workmen's Compensation Appeal Board shall be deemed a reference to the Workers' Compensation Appeal Board.

Section 442. Workmen's Compensation Referees.--There shall be, in the Department of Labor and Industry, as many Workmen's Compensation Referees, as, in the judgment of the Secretary of Labor and Industry, shall be necessary properly to administer the workmen's compensation laws of the Commonwealth. Such referees shall be appointed by and subject to the direction and control of the Secretary of Labor and Industry. The Secretary of Labor and Industry shall assign them to the various workmen's compensation districts, and shall prescribe from time to time the duties to be performed by them.

All positions as Workmen's Compensation Referees now existing or hereafter created shall be in the classified service in conformity with the act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act": Provided, That persons occupying such positions on the day before the effective date of this amendment shall serve the maximum probationary period authorized by section 603 of the "Civil Service Act," beginning on effective date of this amendatory act: And provided further, That any handicapped person subsequently appointed to the position of a Workmen's Compensation Referee prior to October 15, 1972 shall serve the maximum probationary period authorized by section 603 of the "Civil Service Act" beginning on the date of his appointment.

(442 amended May 3, 1974, P.L.271, No.76)

Section 442.1. Unemployment Compensation Board of Review.--The Chairman of the Unemployment Compensation Board of Review shall receive a salary at the rate of eleven thousand five hundred dollars per annum. The other members of the board shall receive salaries at the rate of eleven thousand dollars per annum.

(442.1 added Apr. 28, 1949, P.L.776, No.192)

Compiler's Note: Section 2 of Act 11 of 1989 provided that section 442.1 is repealed insofar as it is inconsistent with Act 11.

Section 443. State Workmen's Insurance Board.--The State Workmen's Insurance Board shall consist of the Secretary of Labor and Industry, who shall be the chairman thereof, the State Treasurer, and the Insurance Commissioner.

Section 444. State Council for the Blind.--(444 repealed Dec. 21, 1959, P.L.1944, No.709)

Section 445. The Industrial Board.--(a) The Industrial Board shall consist of the Secretary of Labor and Industry or his designee and six additional members appointed by the Governor, one of whom shall be a licensed architect, one a licensed engineer, one a representative of the building industry with experience in building safety, one a representative of an employe organization with experience in building safety and two representatives of the general public.

(b) The Secretary of Labor and Industry or his designee shall be the chairman of the board.

(c) Four members of the board shall constitute a quorum except as provided for in subsection (g).

(d) A majority vote shall be required for any official action of the board or any panel provided for in subsection (g).

(e) All members, other than the Secretary of Labor and Industry or his designee, shall be appointed for terms of four years, such terms to run concurrent with that of the Governor and until successors are appointed and qualified. Any member appointed to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed.

(f) Board members, other than the Secretary of Labor and Industry or his designee, shall receive one hundred dollars per diem while actually attending to the work of the board. Members shall also receive the amount of reasonable traveling, hotel and other necessary expenses incurred in the performance of their duties in accordance with Commonwealth regulations.

(g) The board may, at the discretion of the chairman, hear appeals or perform its other duties in panels of three members, including the chairman, one of the professional members (the architect, engineer or representative of the building industry) and one member representing an employe organization or a public member. Panels may hold hearings in the various regions of this Commonwealth for the convenience of petitioners or other witnesses. Decisions of the panels shall be final unless the chairman or another panel member refers the matter to the full board for review or unless one of the parties appeals to the full board. The first hearing on any petition shall be held on any petition within forty-five days of receipt of the receiving petition.

(445 amended June 30, 1988, P.L.475, No.80)

Compiler's Note: Section 9(b)(1) of Act 173 of 1978 provided that section 445 is repealed insofar as it is inconsistent with 1 Pa.C.S. § 2301(b).

Compiler's Note: The Industrial Board is subject to periodic review under the act of Dec. 22, 1981, P.L.508, No.142, known as the Sunset Act, and will terminate on the date specified in that act unless reestablished or continued by the General Assembly. The termination is probably not effective since the Sunset Act expired December 22, 1991.

Section 446. Board of Commissioners of Public Grounds and Buildings.--The Board of Commissioners of Public Grounds and Buildings shall consist of the Governor, the Auditor General, and the State Treasurer. The Governor may authorize the Secretary to the Governor, or some other employe of the Governor's office, to serve in his stead on said board. The Auditor General and the State Treasurer may authorize a named deputy, of their respective departments, to serve in their stead on said board: Provided, however, That any such person designated by the Governor, the Auditor General or the State Treasurer, shall not have the right to exercise any power or perform any duty which the Constitution of the Commonwealth of Pennsylvania requires such officials personally to exercise or perform.

(446 amended June 6, 1939, P.L.250, No.144)

Section 447. State Art Commission.--The State Art Commission shall consist of five citizens of this Commonwealth, of whom the Governor shall designate one as chairman, and another as secretary of the commission who need not be a member thereof. Three members shall constitute a quorum.

Compiler's Note: The State Art Commission terminated Dec. 31, 1988, under the act of Dec. 22, 1981, P.L.508, No.142, known as the Sunset Act.

Section 448. Advisory Boards and Commissions.--The advisory boards and commissions, within the several administrative departments, shall be constituted as follows:

(a) ((a) repealed May 27, 1949, P.L.1903, No.568)

(b) ((b) repealed Apr. 29, 1988, P.L.381, No.60)

(c) ((c) repealed Dec. 3, 1970, P.L.834, No.275)

(d) ((d) repealed Dec. 3, 1970, P.L.834, No.275)

(e) ((e) repealed May 23, 1949, P.L.1695, No.513)

(f) The Advisory Health Board shall consist of the Secretary of Health, or in his place his duly authorized deputy, and twelve members, five of whom shall be physicians licensed to practice medicine or osteopathy in Pennsylvania, one a dentist licensed to practice dentistry in Pennsylvania, one a pharmacist registered with the State Board of Pharmacy, one a registered nurse licensed by the State Board of Nurse Examiners, and one an engineer registered with the State Registration Board for Professional Engineers who is experienced in sanitary engineering. The Secretary of Health, or in his place his duly authorized deputy, shall be chairman of the board.

The term of office of each appointed member of the board shall be four years, measured from the third Tuesday of January of the year in which he takes office, or until his successor has been appointed and has qualified; except that in the initial appointment of the members of the board, one member shall be appointed for a term of one year, three members for a term of two years, three members for a term of three years, and three members for a term of four years.

Six members of the board, together with the Secretary of Health, or in his place his duly authorized deputy, shall constitute a quorum.

Each appointed member of the board shall receive actual traveling expenses and per diem compensation at the rate of $25.00 a day for time actually devoted to the business of the board.

((f) amended Jan. 13, 1966, 1965 P.L.1300, No.517)

(g) ((g) repealed Dec. 21, 1959, P.L.1944, No.709)

(h) ((h) repealed July 22, 1975, P.L.75, No.45)

(i) ((i) repealed Dec. 21, 1959, P.L.1944, No.709)

(k) The State Board of Public Welfare is hereby created. The board shall consist of the Secretary of Public Welfare, ex officio, and sixteen (16) members appointed by the Governor. Four (4) members shall be appointed from among the members of the General Assembly, two (2) from the Senate and two (2) from the House of Representatives. These members of the board shall, with respect to each branch of the General Assembly, be from different political parties, and they shall, in no event, retain membership on the board after they cease to be members of the branch of the Legislature from which they were appointed. One (1) member shall be appointed by the Governor from each of the six (6) advisory committees created by clause (l) of this section, and the first member of each advisory committee appointed by the Governor shall automatically become a member of the board. The term of office of each member of the board, except as herein otherwise provided, shall be six (6) years.

In the original appointment of the members of the board, six (6) members shall be appointed for the term of six (6) years, five (5) members for the term of four (4) years, and five (5) members for the term of two (2) years. Any vacancy occurring in the membership of the board shall be filled by the Governor only for the unexpired term. The Governor may remove any member of the board at any time. No member of the board shall serve more than two (2) consecutive terms not including a vacancy appointment, nor shall any member hold office in any political party.

Nine (9) members of the board shall constitute a quorum. A chairman who shall not be a member of an advisory committee shall be elected by the board, annually, from among its members. Members of the board shall serve without compensation other than reimbursement of travel and other actual expenses incurred in the performance of their duties. The board shall meet at least six (6) times a year. Special meetings of the board shall be held on call of the chairman or the Secretary of Public Welfare, and it shall be the duty of the chairman to call a special meeting upon the written request of one-third (1/3) or more members, not including vacancies, of the board.

((k) added Dec. 21, 1959, P.L.1944, No.709)

(l) The following advisory committees are hereby created:

Advisory Committee for the Blind,

Advisory Committee for General and Special Hospitals,

Advisory Committee for Children and Youth,

Advisory Committee for Public Assistance,

Advisory Committee for Mental Health and Mental Retardation.

(Par. amended June 20, 1978, P.L.477, No.70)

Each advisory committee shall consist of the Commissioner in the Department of Public Welfare, directing the program to which the advisory committee is attached, as an ex officio member, and not less than three (3) nor more than nine (9) members appointed by the Governor. In the case of the Advisory Committee for Mental Health and Mental Retardation, the committee shall include the Chairman of the Public Health and Welfare Committee of the Senate, the Chairman of the Health and Welfare Committee of the House of Representatives and the President of the Pennsylvania State Association of County Commissioners or his alternate. The exact number of members of each advisory committee shall be determined by the Governor upon recommendation of the State Board of Public Welfare. The qualifications of the members of each advisory committee shall also be determined by the Governor upon recommendation of the State Board of Public Welfare: Provided, That with respect to each advisory committee, the Governor shall appoint members

with due regard for representation of the professional and lay groups concerned with the fields of interest served by the program to which each advisory committee is attached. The term of office of each member of each advisory committee, except as herein otherwise provided, shall be six (6) years.

The original appointment of the members of the advisory committee shall be for overlapping terms of six (6), four (4) and two (2) years. In making these original appointments, the Governor shall, in so far as possible, appoint approximately one-third (1/3) of the recommended complement of each advisory board to each of the overlapping terms.

A majority of the members of each advisory committee shall constitute a quorum. Each advisory committee shall elect a chairman from among its members. Each advisory committee shall meet at least four (4) times a year. Special meetings of each advisory committee shall be held on call of the chairman, and it shall be the duty of the chairman to call a special meeting upon the written request of one-third (1/3) or more of the members not including vacancies of the advisory committee.

The provisions of clause (k) of this section with respect to filling of vacancies, removal of members, length of service, political party office and compensation shall be applicable to advisory committee members, and are incorporated herein by reference.

((l) amended July 9, 1970, P.L.470, No.161)

(m) ((m) deleted by amendment July 7, 1989, P.L.241, No.42)

(n) ((n) repealed July 2, 1993, P.L.439, No.64)

(n.1) ((n.1) repealed July 2, 1993, P.L.439, No.64)

(o) ((o) deleted by amendment July 7, 1989, P.L.241, No.42)

(p) The Citizens Advisory Council shall be an independent advisory council administratively housed within the Department of Environmental Protection and shall consist of the Secretary of Environmental Protection who shall serve in an ex officio capacity, six members who shall be appointed by the Governor, no more than three of whom shall be of the same political party, six members who shall be appointed by the President Pro Tempore of the Senate, no more than three of whom shall be of the same political party, and six members who shall be appointed by the Speaker of the House of Representatives no more than three of whom shall be of the same political party. The appointed members of the council shall be citizens of the State, who, during their respective terms, shall hold no other State office to which any salary is attached except that of membership on the Environmental Quality Board.

The term of office of each appointed member shall be three years, measured from the third Tuesday of January of the year in which he takes office, or until his successor has been appointed; except that in the initial appointments of the members of the council, the respective appointing authorities shall appoint two members for terms of one year each, two members for terms of two years each, and two members for terms of three years each.

The Citizens Advisory Council shall include persons knowledgeable in fields related to the work of the Department of Environmental Resources such as, but not limited to, ecology, limnology, toxicology, pharmacology, organiculture, and industrial technology.

The council shall annually elect one of its appointed members as chairman and shall elect a secretary who need not be a member of the council. Meetings of the council shall be held at least quarterly or at the call of the chairman.

The council shall have the sole power to employ and fix the compensation of an executive director and such experts, stenographers, and assistants as may be deemed necessary to carry out the work of the council, but due diligence shall be exercised by the council to enlist such voluntary assistance as may be available from citizens, research organizations, and other agencies in Pennsylvania or elsewhere, generally recognized as qualified to aid the council.

((p) amended Feb. 23, 2016, P.L.15, No.7)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

The Secretary of Public Welfare, referred to in this section, was redesignated as the Secretary of Human Services by Act 132 of 2014.

Compiler's Note: Section 7(b) of Act 15 of 1999 provided that as much as relates to the Advisory Committee for the Blind in the Department of Public Welfare in section 448(l) is repealed.

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Compiler's Note: The Secretary of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. The functions of the secretary were transferred to the Secretary of Conservation and Natural Resources and the Secretary of Environmental Protection.

Compiler's Note: Without amendment of the Administrative Code, an Employment Agency Advisory Council was created in the Department of Labor and Industry by section 24 of Act 220 of 1972.

Section 449. State Bridge Commission.--(449 repealed Apr. 22, 1949, P.L.725, No.177)

Section 450. State Board of Public Assistance.--(450 repealed Dec. 21, 1959, P.L.1944, No.709)

Section 451. State Planning Board.--(a) The State Planning Board shall be an advisory board within the Governor's Office with the same status under this act as that of advisory boards.

(b) (1) The State Planning Board shall consist of fifteen members to be appointed by the Governor from among the citizens of the State, who during their terms shall hold no other office in the executive branch of State Government to which any salary is attached. In addition to these members, there shall be six ex officio members, the Secretary of Agriculture, the Secretary of Community and Economic Development, the Secretary of Environmental Protection, the Secretary of Conservation and Natural Resources, the Secretary of Public Welfare and the Secretary of Transportation. There shall also be two members appointed by, and serve at the pleasure of, the President pro tempore of the Senate, neither of whom shall be members of the same political party, and two members appointed by, and serve at the pleasure of, the Speaker of the House of Representatives, neither of whom shall be members of the same political party. The terms of office of those members appointed by the Governor shall be for four years and until their successors are appointed and have qualified. In case of a vacancy, the Governor shall make an appointment for the unexpired portion of the term. The Governor shall designate the chairman and vice-chairman of the

board from among the members of the board, other than the ex officio and legislative members.

(2) Thirteen members of the board shall constitute a quorum.

(3) The members of the board shall serve without compensation but shall be entitled to receive traveling and other reasonable expenses incurred in the discharge of their duties.

(4) The board may, with the approval of the Governor, appoint and fix the compensation of an executive director who shall be technically qualified for the duties of the office and who shall act as secretary of the board and conduct the work of the board under its supervision.

((b) amended July 9, 2010, P.L.348, No.50)

(c) The board shall have the following powers and duties:

(1) Conduct research and collect, compile and analyze data bearing upon social, economic, physical, demographic and other factors which may influence the present and future welfare of the Commonwealth.

(2) Monitor national and State trends, identify issues of potential interest and concern to the Commonwealth and prepare for the Governor and the General Assembly on an annual basis, or more often if necessary, reports detailing the findings of the board.

(3) Develop strategic plans and programs to promote and enhance the welfare of the Commonwealth and make such recommendations thereon to the Governor as it may deem proper and advisable.

(4) Solicit information and input from State and local government officials and private citizens in Pennsylvania as part of the process of developing strategic plans and programs.

(5) Submit annually to the Governor, the President pro tempore of the Senate and the Speaker of the House of Representatives a report on its program and activities.

(451 amended July 7, 1989, P.L.241, No.42)

Compiler's Note: The Secretary of Public Welfare, referred to in this section, was redesignated as the Secretary of Human Services by Act 132 of 2014.

Compiler's Note: Section 1106 of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that, in place of the membership of the Secretary of Community Affairs as an ex officio member of the State Planning Board under subsec. (b), the Governor shall make an additonal appointment.

The Secretary of Commerce, referred to in this section, was renamed the Secretary of Community and Economic Development by Act 58 of 1996. The Secretary of Community Affairs, referred to in this section, was abolished by Act 58 of 1996 and the functions were transferred to the Secretary of Community and Economic Development.

Compiler's Note: The Secretary of Environmental Resources, referred to in subsec. (b), was abolished by Act 18 of 1995 and the functions were transferred to the Secretary of Conservation and Natural Ressources and the Secretary of Environmental Protection.

Compiler's Note: Section 5 of Reorganization Plan No.1 of 1955 provided that section 451 is suspended insofar as it conflicts with Reorganization Plan No.1.

Section 452. State Civil Service Commission.--(452 repealed June 26, 1989, P.L.47, No.10)

Section 453. State Real Estate Commission.--(453 repealed Mar. 29, 1984, P.L.162, No.32)

Section 454. Public Service Institute Board.--The Public Service Institute Board for the in-service training of State and local officials shall consist of twelve members and the Superintendent of Public Instruction, ex officio. The appointed members of the board shall include representatives of State and local government, and of institutions of higher education, which offer training in the field of public administration. Seven members of the board shall constitute a quorum, and no action of the board shall be valid unless it shall have the concurrence of at least seven members.

The members of the board shall be appointed for terms of four years each from the respective dates of their appointments.

Members of the board shall not receive any compensation, but shall be reimbursed for all travelling and hotel expenses incurred in the performance of their duties, which shall not exceed the sum of ten dollars ($10), per diem, and mileage.

The board shall elect from their number a chairman, and, with the approval of the Superintendent of Public Instruction, shall elect an administrative officer, who shall also act as secretary to the board and whose compensation shall be fixed by the Superintendent of Public Instruction.

(454 added May 13, 1947, P.L.211, No.94)

Compiler's Note: The repeal of this section by the act of Feb. 1, 1966, 1965 P.L.1849, No.582, has been held unconstitutional by opinion of the Attorney General as not included within the title of the repealing act.

Compiler's Note: Reorganization Plan No. 1 of 1973 transferred the powers and duties of the Public Service Institute Board to the Department of Community Affairs.

Section 455. State Board of Private Academic Schools.--(455 repealed Jan. 28, 1988, P.L.24, No.11)

Section 456. The State Board of Private Business Schools.--(456 repealed Dec. 15, 1986, P.L.1585, No.174)

Section 457. The State Board of Private Trade Schools.--(457 repealed Dec. 15, 1986, P.L.1585, No.174)

Section 458. The State Board of Private Correspondence Schools.--(458 repealed Dec. 15, 1986, P.L.1585, No.174)

Section 459. State Board of Cosmetology.--(459 repealed June 30, 1984, P.L.479, No.100)

Section 460. Bushy Run Battlefield Commission.--(460 repealed Aug. 14, 1963, P.L.1117, No.474)

Section 461. State Board of Chiropractic Examiners.--(461 repealed Dec. 16, 1986, P.L.1646, No.188)

Section 462. State Board of Barber Examiners.--(462 repealed June 30, 1984, P.L.494, No.101)

Section 463. Advisory Council on Affairs of the Handicapped.--The Advisory Council on Affairs of the Handicapped shall consist of nine members who shall be named by the Governor, three of whom shall be representatives of employers, three as representatives of bona fide labor organizations having State-wide or national membership, and three who are themselves physically handicapped, from bona fide organizations of the physically handicapped.

The Secretary of the State Department of Labor shall be ex officio chairman of said advisory council.

The terms of the members shall be for three years from the dates of their respective appointments.

Five members of the Advisory Council shall constitute a quorum. Each member of the Advisory Council shall be paid travelling expenses and other necessary expenses, and per diem

compensation at the rate of fifteen dollars per day for each day of actual service.

The Advisory Council shall meet not less than twice yearly or oftener on the call of the chairman.

(463 added July 28, 1953, P.L.656, No.197)

Section 464. State Board of Podiatry Examiners.--(464 repealed Dec. 20, 1985, P.L.384, No.107)

Section 464.1. Additional Powers of the State Board of Occupational Therapy Education and Licensure.--In addition to the powers and duties of the State Board of Occupational Therapy Education and Licensure as set forth in the act of June 15, 1982 (P.L.502, No.140), known as the "Occupational Therapy Practice Act," the board, upon payment of the fees required and upon submission of a written application on forms provided by the board, shall issue a license without examination to:

(1) A person paying the fee and filing an application within thirty (30) days from the effective date of this act who presents evidence satisfactory to the board that, prior to the effective date of this act, the applicant has a baccalaureate degree or its equivalent as established by the board in occupational therapy and has had a minimum of five years experience with training satisfactory to the board in occupational therapy or was an occupational therapist registered (O.T.R.) or a certified occupational therapy assistant (C.O.T.A.) through the certification of the American Occupational Therapy Association who resided and practiced in the Commonwealth of Pennsylvania on the effective date of this act.

(2) A person paying the fee and filing an application who presents evidence satisfactory to the board of being licensed or registered as an occupational therapist or occupational therapy assistant by another state, territory of the United States or the District of Columbia or of being a registered occupational therapist or certified occupational therapy assistant through the American Occupational Therapy Association and of residing in or practicing in another state or territory of the United States or the District of Columbia where the requirements for licensure, registration or certification were at the date of his or her licensure, registration or certification substantially equal to the requirements set forth in this act.

(464.1 added Feb. 17, 1984, P.L.75, No.14)

Section 465. Advisory Board on Problems of Older Workers.--

(a) The Advisory Board on Problems of Older Workers shall consist of nine members who shall be appointed by the Governor not more than five of such members to be from the same political party. The Secretary of Labor and Industry shall be ex-officio chairman of the board.

(b) The terms of the members shall be for four years from the dates of their appointment, or until their successors are appointed and qualified.

(c) Five members of the board shall constitute a quorum.

(d) Each member of the board shall receive per diem compensation at the rate of thirty-five dollars ($35) per day for the time actually devoted to the business of the board, such compensation not to exceed, in any calendar year, the sum of five thousand dollars ($5,000) per member. The compensation of the members of the board shall be paid from funds available to the Department of Labor and Industry for operation of its employment programs.

(465 added Apr. 11, 1956, 1955 P.L.1443, No.475)

Section 466. Coal Research Board.--(466 repealed Dec. 3, 1970, P.L.834, No.275)

Section 467. Oil and Gas Conservation Commission.--(467 repealed Dec. 3, 1970, P.L.834, No.275)

Section 468. State Transportation Commission.--(a) There is hereby created a State Transportation Commission which shall consist of fifteen members, one of whom shall be the Secretary of Transportation, who shall be the chairman of the commission. The chairman and minority chairman of the Committee on Transportation of the Senate and the chairman and minority chairman of the Committee on Transportation of the House of Representatives, respectively, shall be members of the commission.

(b) Subject to the provisions of subsection (h), the Governor shall nominate and by and with the advice and consent of a majority of all the members of the Senate, appoint ten of the remaining members of the commission, not more than five of whom shall be members of the same political party, for terms of six years. Not more nor less than one appointed member of the commission shall be a resident of the counties of Philadelphia and Allegheny, respectively. At least one of the members of the commission shall hold at least a private pilot's license and derive part of his or her livelihood from aviation related activities or be otherwise actively involved in aviation. At least two of the appointees of the Governor shall be members of the board of directors of a transportation authority at the time of their appointment: Provided, That said authority appointees shall not be considered residents of either Philadelphia or Allegheny County for the purpose of the preceding sentence. The present members of the commission shall be entitled to complete their present terms and may be reappointed at the completion thereof.

(c) Any member of the General Assembly who serves as a member of the State Transportation Commission pursuant to subsection (a) or this subsection shall have the power and may appoint a designee who shall have the same rights and privileges as a member when attending a meeting of the State Transportation Commission on behalf of the legislative member.

(d) The members of the commission shall be reputable citizens of the Commonwealth, of mature judgment and broad business experience and shall not hold any other position as an employe of the Commonwealth. Any person appointed to fill a vacancy shall serve only for the unexpired term. A member of the commission may be reappointed to succeed himself. All appointed members shall serve for their appointed terms and may serve for a period not to exceed six months until their successors have been appointed and qualify. All vacancies shall be filled not later than sixty days after such vacancy occurs.

(e) No member of the commission, during his term of office shall directly or indirectly own, have any significant financial interest in, be associated with, or receive any fee, commission, compensation or anything of value from any person, firm, partnership, business association or corporation which supplies materials or services of any nature except services of an informational or advisory nature rendered as a public service and without profit to the Department of Transportation.

(f) Each member of the commission shall be deemed to have been appointed to represent the interests of the Commonwealth at large and shall not be deemed to be the representative of any region or district whatsoever.

(g) The members of the commission, other than the secretary and the legislative members, shall be entitled to receive

seventy-five dollars ($75) per diem for each day actually spent in the performance of his duties and all members shall be entitled to reimbursement for reasonable expenses as determined by rule or regulation of the commission.

(h) Upon receipt of a written notice from the chairman of the State Transportation Commission stating that the named appointed member of the commission has missed three consecutive regularly scheduled meetings of the commission without cause and excluding any meetings under section 2011(c), (d) or (e), the appointing authority may remove the member named in the written notice and may appoint a new member to fill the vacancy as provided in subsection (d).

(i) The Department of Transportation shall supply all necessary assistance to assist the State Transportation Commission in carrying out its duties and responsibilities.

(468 amended Apr. 30, 1986, P.L.121, No.37)

Section 469. Pennsylvania Crime Commission.--(469 repealed Oct. 4, 1978, P.L.876, No.169)

Section 469.1. Transition Provisions for the Pennsylvania Crime Commission.--(469.1 expired Nov. 26, 1978, P.L.1418, No.334, effective July 1, 1983)

Section 470. State Board of Examiners of Nursing Home Administrators.--(470 repealed Dec. 20, 1985, P.L.375, No.106)

Section 471. Environmental Quality Board.--The Environmental Quality Board shall consist of the Secretary of Environmental Resources, who shall be chairman thereof, the Secretary of Health, the Secretary of Commerce, the Secretary of Transportation, the Secretary of Agriculture, the Secretary of Labor and Industry, the Secretary of Community Affairs, the Executive Director of the Fish Commission, the Executive Director of the Game Commission, the Chairman of the Public Utilities Commission, the Executive Director of the State Planning Board, the Executive Director of the Pennsylvania Historical and Museum Commission, five members of the Citizens Advisory Council, and four members of the General Assembly. The Citizens Advisory Council members shall be designated by, and serve at the pleasure of, the Citizens Advisory Council. One of the General Assembly members shall be designated by, and serve at the pleasure of, the President Pro Tempore of the Senate, one by the Minority Leader of the Senate, one by the Speaker of the House of Representatives and one by the Minority Leader of the House of Representatives. In addition to the heads of the various departments as elsewhere in this act provided, the other members of the board may have named alternates to serve in their stead, the alternates for the members of the board from the Citizens Advisory Council to be selected by that council from members of the council and each other alternate to be selected by that particular member of the board in whose stead he is to serve. No person will serve as alternate for more than one board member.

Eight members of the board shall constitute a quorum.

(471 amended Nov. 1, 1979, P.L.251, No.83)

Compiler's Note: The Secretary of Commerce, referred to in this section, was renamed the Secretary of Community and Economic Development by Act 58 of 1996. The Secretary of Community Affairs, referred to in this section, was abolished by Act 58 of 1996 and the functions were transferred to the Secretary of Community and Economic Development.

Compiler's Note: The name of the Pennsylvania Fish Commission, referred to in this section, was changed to

the Pennsylvania Fish and Boat Commission by Act 39 of 1991. See 30 Pa.C.S. § 308 (relating to designation of commission).

Section 472. Environmental Hearing Board.--(472 repealed July 13, 1988, P.L.530, No.94)

Section 473. State Board for Certification of Sewage Treatment Plant and Waterworks Operators.--The State Board for Certification of Sewage Treatment Plant and Waterworks Operators shall consist of the Secretary of Environmental Resources, or his representative, and five additional members to be appointed by the Governor.

One member shall be an employe of a municipality or municipality authority which operates a sewage treatment plant, water treatment plant or water distribution system or a representative of a State association of municipalities or municipality authorities.

One member shall be an individual qualified under this act to operate any water treatment plant.

One member shall be the owner or official of a privately owned waterworks.

One member shall be an individual qualified under this act to operate any sewage treatment plant.

One member shall be on the teaching staff of the civil or sanitary engineering department of an accredited Pennsylvania university or college.

The original appointed members of the board, in the order listed above, shall hold office for one, two, three and four years respectively. Thereafter, each appointment shall be for a period of four years duration. The Governor may reappoint board members for successive terms. Members of the board shall remain in office until a successor is appointed and qualified. If vacancies occur prior to completion of a term the Governor shall appoint another member in accordance with this section to fill the unexpired term.

The present members of the board shall continue to be members subject to the other provisions of this section except that the Secretary of Environmental Resources shall replace the Secretary of Health. A chairman and secretary of the board shall be elected annually. Four members of the board shall constitute a quorum. Meetings may be called by the chairman as needed to conduct the business of the board.

The members of the board shall receive no compensation for their service but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

(473 added Dec. 3, 1970, P.L.834, No.275)

Compiler's Note: The Secretary of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. The functions of the secretary were transferred to the Secretary of Conservation and Natural Resources and the Secretary of Environmental Protection.

Section 474. State Soil Conservation Commission.--The State Soil Conservation Commission shall consist of the Secretary of Environmental Resources, who shall be the chairman, the Secretary of Agriculture, the Dean of the College of Agriculture of The Pennsylvania State University, and four farmer members, who shall be farmers, to be appointed by the Governor from a list of eight nominees submitted by the association known as "Pennsylvania State Council of Farm Organizations." Two urban members of the commission shall also be appointed to the commission by the Governor. In the event, however, that said association shall fail to make and submit to the Governor,

nominations to fill vacancies, the Governor may appoint any citizens of Pennsylvania to fill such vacancies. The State Conservationist of the Soil Conservation Service, United States Department of Agriculture and the Director of Agriculture and Home Economics Extension of The Pennsylvania State University shall be associate, nonvoting members of the commission. The commission shall keep a record of its official actions, and may perform such acts and promulgate such rules and regulations as may be necessary, and employ such personnel as needed for the execution of its function under this act. A majority of the voting members shall constitute a quorum and all decisions of the commission shall require a concurrence of the voting members of the commission.

The farmer and urban members of the commission shall be appointed for a period of four years and shall hold office until their successors have been appointed and have qualified. The four farmer members' terms shall be so staggered that one member's term shall expire each year while the two urban members' terms shall be so staggered that one member's term shall expire every second year. At the expiration of their terms of office, or in the event of vacancies through death, resignation or otherwise, new farmer or urban members shall be appointed in the manner set forth in paragraph one of this section. A majority of the commission shall constitute a quorum and all decisions shall require the concurrence of a majority of the commission. All members of the commission shall be entitled to their actual and necessary expenses including traveling expenses incurred in the discharge of their duties. The commission shall provide for the execution of surety bonds for all employes and officers who shall be entrusted with funds or property of the commission and shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations and orders issued or adopted.

(474 added Dec. 3, 1970, P.L.834, No.275)

Compiler's Note: The Secretary of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. The functions of the secretary were transferred to the Secretary of Conservation and Natural Resources and the Secretary of Environmental Protection.

Section 475. Navigation Commission for the Delaware River and its Navigable Tributaries.--(a) The Navigation Commission for the Delaware River and its navigable tributaries shall consist of nine members, four to be appointed by the Governor; by and with the advice and consent of a majority of the members of the Senate; two of whom shall be appointed from among the residents of Delaware County; one of whom shall be appointed from among residents of Bucks County; and one of whom shall be appointed from among the residents of Philadelphia County; two to be appointed by the Mayor of the City of Philadelphia; one to be the Secretary of Environmental Resources or his designee, who shall serve ex officio, one to be the Secretary of Commerce or his designee, who shall be chairman; and one of whom shall be the Director of Commerce of the City of Philadelphia, who shall serve ex officio. The principal office of the commission shall be in the City of Philadelphia.

(b) The members of the Navigation Commission for the Delaware River and its navigable tributaries, hereinafter referred to as the commissioners, shall be appointed initially, two by the Governor and one by the Mayor for a term of two years and two by the Governor and one by the Mayor for a term of four years, and shall hold office for a term of four years

thereafter, and until their successors are appointed and qualified, and may be eligible for reappointment to office. They shall serve without compensation, but shall be reimbursed for necessary expenses. A majority of the commissioners, appointed by the Governor and the Mayor of the City of Philadelphia, shall constitute a quorum for the transaction of business.

(c) The commission shall have a secretary, and such clerks as may be necessary to keep accurate minutes and entries of all orders, regulations, and transactions of the said commissioners, in a book or books to be kept for that purpose; and the said minutes and entries shall be submitted to the inspection of any person or persons who shall desire to see and peruse the same; and the said commissioners shall give true copies of all such entries or minutes, made in the said book or books as may be required, to such person or persons as shall demand the same, he or they paying to the said commissioners one cent per line for each copy thereof. The commissioners may also have, if the Secretary of Commerce approve, a civil engineer, and such other employes as are necessary to the proper transaction of the business of the Navigation Commission for the Delaware River and its navigable tributaries. The said commissioners shall have authority to maintain adequate offices and a meeting room.

The Secretary of Commerce shall appoint the secretary and all employes of the commission, whose salaries shall be fixed as provided by law.

(475 amended July 9, 1976, P.L.980, No.197)

Compiler's Note: The Secretary of Commerce, referred to in this section, was renamed the Secretary of Community and Economic Development by Act 58 of 1996.

Compiler's Note: Reorganization Plan No. 1 of 1982, P.L.1482, transferred the functions, powers and duties of the Department of Commerce with regard to the Navigation Commission for the Delaware River and its navigable tributaries to the Department of State and transferred the functions, powers and duties of the commission with regard to the regulation, review and approval of dams, water obstructions and encroachments to the Department of Environmental Resources.

Section 476. State Board of Auctioneer Examiners.--(476 repealed Dec. 22, 1983, P.L.327, No.85)

Section 476.1. State Board of Psychologist Examiners.--(476.1 repealed Apr. 25, 1986, P.L.89, No.33)

Section 476.2. State Board of Landscape Architects.--(476.2 repealed June 17, 1982, P.L.527, No.151)

Section 477. Definitions.--(477 repealed Nov. 24, 1998, P.L.882, No.111)

Section 477.1. Bureau of Victims' Services.--(477.1 repealed Nov. 24, 1998, P.L.882, No.111)

Section 477.1a. Expiration.--(477.1a repealed Nov. 17, 1995, 1st Sp.Sess., P.L.1093, No.27)

Section 477.2. Powers and Duties of Bureau.--(477.2 repealed Nov. 24, 1998, P.L.882, No.111)

Section 477.3. Persons Eligible for Compensation.--(477.3 repealed Nov. 24, 1998, P.L.882, No.111)

Section 477.4. Filing of Claims for Compensation.--(477.4 repealed Nov. 24, 1998, P.L.882, No.111)

Section 477.5. Minimum Allowable Claim.--(477.5 repealed Nov. 24, 1998, P.L.882, No.111)

Section 477.6. Determination of Claims.--(477.6 repealed Nov. 24, 1998, P.L.882, No.111)

Section 477.7. Judicial Review.--(477.7 repealed Nov. 24, 1998, P.L.882, No.111)

Compiler's Note: Section 502 of Act 164 of 1980 transferred the powers and duties of the Attorney General and/or the Department of Justice contained in section 477.7 to the Office of General Counsel.

Section 477.8. Emergency Awards.--(477.8 repealed Nov. 24, 1998, P.L.882, No.111)

Section 477.9. Awards.--(477.9 repealed Nov. 24, 1998, P.L.882, No.111)

Section 477.10. Manner of Payment.--(477.10 repealed Nov. 24, 1998, P.L.882, No.111)

Section 477.11. Confidentiality of Records.--(477.11 repealed Nov. 24, 1998, P.L.882, No.111)

Section 477.12. Subrogation.--(477.12 repealed Nov. 24, 1998, P.L.882, No.111)

Section 477.13. Restitution.--(477.13 repealed Nov. 24, 1998, P.L.882, No.111)

Section 477.14. Penalty.--(477.14 repealed Nov. 24, 1998, P.L.882, No.111)

Section 477.15. Costs.--(477.15 repealed Nov. 24, 1998, P.L.882, No.111)

Section 477.16. Effective Date.--(477.16 repealed Nov. 24, 1998, P.L.882, No.111)

Section 477.17. Responsibilities of State and Local Law Enforcement Agencies.--(477.17 repealed Nov. 24, 1998, P.L.882, No.111)

Section 477.18. Distribution of Moneys Received as a Result of the Commission of Crime.--(477.18 repealed May 3, 1995, 1st Sp.Sess., P.L.999, No.12 and Nov. 17, 1995, 1st Sp.Sess., P.L.1093, No.27)

Section 477.19. Responsibilities of Service Providers and Insurance Companies.--(477.19 repealed Nov. 24, 1998, P.L.882, No.111)

Section 477.20. Costs for Offender Supervision Programs.--(477.20 repealed Nov. 24, 1998, P.L.882, No.111)

Section 477.21. Victims' Services Advisory Committee.--(477.21 repealed Nov. 24, 1998, P.L.882, No.111)

Section 477.22. Powers and Duties of the Victims' Services Advisory Committee.--(477.22 repealed Nov. 24, 1998, P.L.882, No.111)

Section 478. Office for Procurement Information.--(478 repealed May 15, 1998, P.L.358, No.57)

Section 479. Legislative Intent.--(479 repealed Nov. 24, 1998, P.L.882, No.111)

Section 479.1. Definitions.--(479.1 repealed Nov. 24, 1998, P.L.882, No.111)

Section 479.2. Eligibility of Victims.--(479.2 repealed Nov. 24, 1998, P.L.882, No.111)

Section 479.3. Basic Bill of Rights for Victims.--(479.3 repealed Nov. 24, 1998, P.L.882, No.111)

Section 479.4. Establishment of Basic Services for Victims of Crime.--(479.4 repealed Nov. 24, 1998, P.L.882, No.111)

Section 479.5. Grant Program for Services.--(479.5 repealed Nov. 24, 1998, P.L.882, No.111)

Section 479.6. Responsibilities of Law Enforcement Agencies under Basic Bill of Rights.--(479.6 repealed Nov. 24, 1998, P.L.882, No.111)

Section 479.7. Responsibilities of Prosecutor's Office.--(479.7 repealed Nov. 24, 1998, P.L.882, No.111)

Section 479.8. Responsibilities of Department of Corrections, Local Correctional Facilities and Board.--(479.8 repealed Nov. 24, 1998, P.L.882, No.111)

Section 479.9. Responsibilities of Department of Public Welfare and Mental Health Institutions under Basic Bill of Rights.--(479.9 repealed Nov. 24, 1998, P.L.882, No.111)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 479.10. Responsibilities of Victims of Crime under Basic Bill of Rights.--(479.10 repealed Nov. 24, 1998, P.L.882, No.111)

Section 479.11. Effect on Legal Actions.--(479.11 repealed Nov. 24, 1998, P.L.882, No.111)

ARTICLE V
POWERS AND DUTIES IN GENERAL

Section 501. Coordination of Work.--The several administrative departments, and the several independent administrative and departmental administrative boards and commissions, shall devise a practical and working basis for cooperation and coordination of work, eliminating, duplicating, and overlapping of functions, and shall, so far as practical cooperate with each other in the use of employes, land, buildings, quarters, facilities, and equipment. The head of any administrative department, or any independent administrative or departmental administrative board or commission, may empower or require an employe of another such department, board, or commission, subject to the consent of the head of such department or of such board or commission, to perform any duty which he or it might require of the employes of his or its own department, board, or commission: Provided, however, That employes shall not be assigned to another department, board or commission in order to circumvent appropriation limits.

(501 amended Apr. 6, 1976, P.L.67, No.29)

Section 502. Cooperative Duties.--Whenever, in this act, power is vested in a department, board, or commission, to inspect, examine, secure data or information, or to procure assistance, from any other department, board, or commission, a duty is hereby imposed upon the department, board, or commission, upon which demand is made, to render such power effective.

Section 503. Departmental Administrative Boards and Commissions.--Except as otherwise provided in this act, departmental administrative bodies, boards, and commissions, within the several administrative departments, shall exercise their powers and perform their duties independently of the heads or any other officers of the respective administrative departments with which they are connected, but, in all matters involving the expenditure of money, all such departmental administrative boards and commissions shall be subject and responsible to the departments with which they are respectively connected. Such departments shall, in all cases, have the right to make such examinations of the books, records, and accounts of their respective departmental administrative boards and commissions, as may be necessary to enable them to pass upon the necessity and propriety of any expenditure or proposed expenditure.

Section 504. Departmental Reports.--The head of each administrative department and each independent administrative

board and commission shall, not later than October first of each even-numbered year, report in writing to the Governor concerning the condition, management, and financial transactions, of the department, board, or commission; such reports shall, except where impracticable, be for the two-year period ending May thirty-first of the year in which they are made. Each departmental administrative board and commission, and each advisory board and commission, shall, not later than September first of each even-numbered year, report in writing to the head of the department of which such board or commission is a part. All such reports shall be attached as exhibits to the report made by the head of the department to the Governor.

Except as otherwise in this act specifically provided, the reports required by this section shall be in lieu of all other reports heretofore required by law to be made by the several administrative departments, boards, and commissions, either to the Governor or to the General Assembly.

Section 505. Departmental Seals.--Each administrative department, each independent administrative board and commission, shall, and any departmental administrative board or commission may, adopt and use an official seal.

(505 repealed in part Apr. 28, 1978, P.L.202, No.53)

Section 506. Rules and Regulations.--The heads of all administrative departments, the several independent administrative boards and commissions, the several departmental administrative boards and commissions, are hereby empowered to prescribe rules and regulations, not inconsistent with law, for the government of their respective departments, boards, or commissions, the conduct of their employes and clerks, the distribution and performance of their business, and the custody, use and preservation of the records, books, documents, and property pertaining thereto.

Section 507. Purchases.--It shall be unlawful for any administrative department, other than the Department of General Services, or for any independent administrative board or commission, or for any departmental administrative body, board or commission, or for any advisory board or commission, to purchase or contract for the purchase of any stationery, paper, printing, binding, ruling, lithographing, engraving, envelopes, or other printing or binding supplies, or any fuel, supplies, furniture, furnishings, or equipment, except (Par. amended Feb. 17, 1984, P.L.75, No.14)

(a) Any departments, boards, or commissions, which by law are authorized to purchase materials or supplies and pay for the same out of fees or other moneys collected by them, or out of the moneys appropriated to them by the General Assembly: Provided, That every such department, board, and commission, shall make its purchases through the Department of Property and Supplies, as purchasing agency, and all such purchases shall conform to the effective supplies contracts of the Department of Property and Supplies, unless in any case the Board of Commissioners of Public Grounds and Buildings shall specifically authorize a departure from such effective supplies contracts.

(b) Any department, board, or commission, having charge of a State institution, which may purchase perishable foodstuffs for such institution directly, and may purchase any article directly if it can, after competitive bidding, purchase the same, f.o.b. the institution, for a price less than the Department of Property and Supplies can furnish it f.o.b. the institution, but all articles purchased directly hereunder shall conform to the specification contained in the effective supply contracts of the Department of Property and Supplies, or, if

the article be not included in the effective supply contracts, then to the standard specification, if any, adopted by the Department of Property and Supplies for the commodity purchased, unless the Board of Commissioners of Public Grounds and Buildings shall have specifically authorized a departure from such specification.

In all other cases, such departments, boards, or commissions shall make purchases through the Department of Property and Supplies, as purchasing agency, and all purchases made by the Department of Property and Supplies, as purchasing agency hereunder, shall conform to the specifications contained in the effective supply contracts of the department, or, if the article be not included in the effective supply contracts, then to the standard specifications, if any, adopted by the department for the commodity purchased, unless the Board of Commissioners of Public Grounds and Buildings shall specifically authorize a departure from such effective supply contracts or specifications, except that contracts for the purchase of steel for use in the manufacture of vehicle registration plates may be let on the basis of the market price thereof on date of delivery.

((b) amended June 12, 1951, P.L.516, No.133)

(c) Any department, board, or commission, which shall have been authorized in writing by the Department of Property and Supplies to make purchases in the field, not exceeding a specified amount, but records of all such purchases shall be transmitted periodically to the Department of Property and Supplies in such form as it may require. In so far as practicable, purchases under this paragraph shall be made from contractors having effective supplies contracts with the Department of Property and Supplies, and shall be in accordance with applicable specifications in such contracts, otherwise such purchases shall be made from the lowest of at least two bidders.

(d) As provided in section 2409.2, the State System of Higher Education or its member institutions which may purchase or contract for the purchase of any stationery, paper, printing, binding, ruling, lithographing, engraving, envelopes or other printing or binding supplies. ((d) added Feb. 17, 1984, P.L.75, No.14)

Whenever a state of war exists between the United States and any other nation or nations, and for a period of not longer than two years thereafter, and brings about commercial conditions which make it impossible, because of continually changing prices, to obtain contracts for the furnishing of commodities, supplies and equipment necessary for the proper functioning of the departments, boards or commissions, the Department of Property and Supplies is hereby empowered to purchase and to authorize, in writing, any department, board or commission to purchase, within reasonable limits, in any locality in the open market, at the lowest and most advantageous prices, commodities, supplies and equipment necessary for the proper operation of the State Government without advertising or inviting bids, when commercial conditions are such that make it impossible to secure competitive bids, until such time as the state of war shall cease and normal market conditions shall be restored.

(Par. amended July 5, 1947, P.L.1349, No.531)

Notwithstanding any of the foregoing provisions of this section, any department, board or commission may:

(1) Purchase repairs or repair parts for its equipment from the manufacturer of such equipment, or from the manufacturer's authorized dealer;

(2) Contract for utility services furnished by public utility companies, political subdivisions, authorities and electric cooperative corporations;

(3) Rent machinery and other equipment and devices;

(4) Employ professional or skilled labor, on a temporary basis, in instances where the Department of Property and Supplies does not have an applicable contract, but all such employment shall be approved by the Governor except in the case of a State institution, when it shall be approved by the head of the department having supervision over the institution;

(5) Subscribe to periodicals, magazines or newspapers, or purchase books, manuscripts, historical relics, antique furnishings for historical buildings, microfilms, film strips, recordings and educational and psychological tests available only from one source, or take memberships in independent organizations or societies having related functions, but all such memberships shall be approved by the Governor.

(Par. amended Apr. 19, 1961, P.L.93, No.41)

(507 amended June 21, 1937, P.L.1865, No.373)

Compiler's Note: Section 6(c) of Act 57 of 1998 provided that section 507 is repealed insofar as it is inconsistent with Act 57.

Compiler's Note: Section 2 of Act 678 of 1955 provided that section 507 is repealed insofar as it is inconsistent with section 2403.1 of Act 175.

Compiler's Note: Section 7 of Act 104 of 1937 provided that section 507 is repealed insofar as it relates to the Anatomical Board.

Section 508. Erection, Repairs, or Alterations of and Additions to Buildings.--(a) No administrative department, except the Department of General Services, and no administrative board or commission, shall, except as in this act otherwise specifically provided, erect or construct, or contract for the erection or construction of, any new building, or make, or contract for making, any alterations or additions to an existing building, involving an expenditure of more than twenty-five thousand dollars ($25,000), and, in any case in which any other department or any board or commission is by this act authorized to erect or construct buildings, or make alterations or additions involving an expenditure of less than twenty-five thousand dollars ($25,000), notice of such erection or construction shall be given to the Department of General Services and such erection or construction may be generally supervised by the Department of General Services.

(b) The Department of General Services shall receive at least once every two fiscal years, a survey of all buildings, equipment, land, improvements connected with and comprising each State institution. This survey shall be conducted by the various administrative departments, independent administrative boards and commissions and other State agencies under the Governor's jurisdiction. After making any survey, the administrative departments, independent administrative boards and commissions and other State agencies under the Governor's jurisdiction shall prepare a report, setting forth in detail the results of the survey, including the needs of such institution, with respect to the maintenance of, and repairs, improvements, alterations and additions to, its buildings, land and equipment. The administrative departments, independent

administrative boards and commissions and other State agencies under the Governor's jurisdiction shall file a copy of such report with the Department of General Services who shall compile all the reports and submit the compilation to the Governor. Such reports shall be used, so far as practical, as a guide in formulating future budgetary requests for appropriations for the maintenance of, and repairs, improvements, alterations and additions to, the buildings, lands and equipment of State institutions.

(c) All plans and specifications for new buildings, and for alterations or additions to existing buildings, involving an expenditure of more than twenty-five thousand dollars ($25,000), shall be subject to the approval of the Department of General Services and, in addition thereto, shall also be subject to the approval of the department, board, or commission using or intending to use the building being erected or constructed, or to which an alteration or addition is being made, with respect to the type and general character of the proposed building, design of the floor lay-outs, medical equipment, or other equipment of a nature peculiar to the building, for which the plans and specifications are being prepared. In the case of buildings used by or for the use of departmental administrative boards or commissions, the plans and specifications shall also be approved, with respect to the above mentioned matters, by the department with which the board or commission is connected.

(d) Buildings may be erected or constructed, or alterations or additions made, wholly or partially by the labor of employes or inmates or patients of State institutions, if, in the judgment of the agency responsible for the management of such institutions, the work can be properly and safely done by such employes, inmates, or patients. In cases involving an expenditure of more than twenty five thousand dollars ($25,000), the Department of General Services, or such outside supervising engineer or engineering concern, as it may approve, shall have full and direct responsibility for the management of the work, and the department, board or commission using or intending to use the building shall have complete charge of such employes, inmates, or patients.

((e) repealed May 18, 1949, P.L.1450, No.427)

((f) repealed May 18, 1949, P.L.1450, No.427)

(g) Whenever any building or structure on any land owned by the Commonwealth shall become so obsolete and dilapidated as to make it impractical to repair the same, and shall be no longer of use to the Commonwealth, the Department of General Services, with the approval of the Governor, shall have power to demolish or authorize the demolition of such building or structure whenever requested to do so by the department, board, commission or agency having control or possession of such building or structure.

((h) repealed May 18, 1949, P.L.1450, No.427)

(508 amended July 22, 1975, P.L.75, No.45)

Compiler's Note: Section 5 of Act 59 of 1998 provided that section 508 is repealed to the extent it conflicts with the amendment of 51 Pa.C.S. § 1512 contained in section 2 of Act 59.

Compiler's Note: Section 6(c) of Act 57 of 1998 provided that section 508 is repealed insofar as it is inconsistent with Act 57.

Compiler's Note: Section 2 of Act 678 of 1955 provided that section 508 is repealed insofar as it is inconsistent with section 2403.1 of Act 175.

Section 509. Bonds and Insurance.--No administrative department, or independent administrative, departmental administrative, or advisory board or commission, shall contract for any bonds or insurance of any kind or description, except through the Department of Property and Supplies, as purchasing agency, except the Treasury Department, which may contract for insurance covering the securities of which it, or the State Treasurer, is custodian, as provided in the Fiscal Code.

Compiler's Note. Section 2(b) of Act 577 of 1955 provided that section 509 is repealed insofar as it authorizes the contracting of insurance for any department, board, agency, commission or authority of this Commonwealth through an insurance broker other than the Secretary of Property and Supplies.

Compiler's Note: Section 7 of Act 104 of 1937 provided that section 509 is repealed insofar as it relates to the Anatomical Board.

Section 510. Disposition of Unserviceable Personal Property; Surplus or Unserviceable Road, Bridge Materials or Equipment.--Whenever any furnishings, or other personal property of this Commonwealth, shall be no longer of service to the Commonwealth, it shall be the duty of the department, board, or commission, in whose possession such property shall be or come, to put such property into the custody of the Department of Property and Supplies: Provided, however, That in the case of any perishable property which is not in the city of Harrisburg, the department, board, or commission, having possession of the same, may sell it in such manner, and upon such terms, as the head of the department, or the board, or commission, may determine: And provided further, That any road or bridge materials or equipment that have been declared surplus or unserviceable by the Department of Highways shall be offered for sale to counties, cities, boroughs, incorporated towns and townships at the best available price by the Department of Property and Supplies. Written notification of the availability of such material and equipment shall be given to all counties, cities, boroughs, incorporated towns and townships in the highway district in which such material and equipment was last used. If more than one such political subdivision requests the same material or equipment, any sale shall be made to the political subdivision making the highest letter bid. No sale shall be consummated until after a minimum of fifteen (15) days from the date of mailing the notification. All such material and equipment shall be used by the procuring political subdivision upon roads, streets and bridges. All moneys received for such material shall be deposited in the Motor License Fund.

"Unserviceable property," as used in this section, shall not include products manufactured, grown, or raised, by any department, board, or commission, or by the inmates or patients of any State institution, or minerals, oil, gas, or other materials, taken from any property of the Commonwealth. It shall include only articles previously purchased by the Commonwealth, or any agency thereof, and paid for out of funds of or in the control of the Commonwealth.

(510 amended July 18, 1969, P.L.165, No.67)

Compiler's Note: Section 6(c) of Act 57 of 1998 provided that section 510 is repealed insofar as it is inconsistent with Act 57.

Section 511. Sale and Transfer of Surplus Products and Unneeded Purchased Supplies.--All departments, boards and

commissions may sell, for the best price obtainable, but not less than the current market price for similar products, any surplus products of the soil, meats, livestock, timber, or other materials, raised or grown upon or taken from property of the Commonwealth administered by such departments, boards, or commissions, or their by-products, respectively. Transfers without payment, or by sale at current market price, may be made of such products or of unneeded purchased supplies by and between such departments, boards or commission.

As used in this section, "surplus" shall mean products, meats, livestock, timber, or other materials or their by-products, respectively, which cannot conveniently and economically be used in connection with the proper maintenance of the institution, park, or other property, administered by the department, board, or commission involved, but under no circumstances shall live trees be cut for sale unless and until the Department of Forests and Waters has approved the cutting of such trees, and no sales or transfers shall be made under this section by any departmental administrative board or commission without the approval of the department with which such board or commission is connected.

The proceeds of the sale of any products of the soil, meats, livestock, timber, or other materials, sold by any department, board, or commission, under the provisions of this section, whether publicly, or to another department, board, or commission, shall be paid into the State Treasury, through the Department of Revenue, and may be credited to the General Fund, appropriation of the department, board, or commission producing the products, unless the expenses of such department, board, or commission, are paid wholly or mainly out of a special fund, in which case, such proceeds shall be credited to the proper special fund and may be credited to the proper appropriation or allocation. To be effective the appropriation of such credits shall be specifically provided by the appropriation acts. Any questions arising hereunder shall be determined by the Governor, and his decision shall be certified to the Department of Revenue, and the Treasury Department.

Every department, board, or commission, which sells or transfers any product of the soil, meats, livestock, timber, or other materials, or unneeded purchased supplies, under the provisions of this section, shall keep an accurate record of the dates, quantities, and prices, of all sales or transfers, which records shall, at all times, be subject to audit by the Department of the Auditor General.

The Executive Board shall prescribe rules and regulations prescribing the manner in which transfers shall be made and may authorize credits to be granted to appropriation acts of departments when unneeded purchased supplies are transferred under the provisions of this section.

(511 amended May 13, 1949, P.L.1336, No.398)

Compiler's Note: Section 6(c) of Act 57 of 1998 provided that section 511 is repealed insofar as it is inconsistent with Act 57.

Section 512. Legal Advice and Services.--(512 repealed Oct. 15, 1980, P.L.950, No.164)

Section 513. Acceptance of Gifts or Donations.--Every administrative department, every independent administrative board and commission, and, with the approval of the department with which it is connected, every departmental administrative board or commission, may accept gifts or donations of money, securities, or other personal property, which, or the income

of which, shall be used in conducting the work of such department, board, or commission, or for the benefit of the inmates or patients of any State institution administered by such department, board, or commission.

Except as otherwise in this act expressly provided, a department, board, or commission, shall not accept any gift of real estate, or of any interest in real estate, without specific authority from the General Assembly so to do.

(513 amended July 8, 1977, P.L.65, No.23)

Section 514. Sale of Real Estate and Grants of Rights of Way or Other Rights Over or in Real Estate; Tapping Water Lines of Institutions and Sanatoria.--(a) Except as otherwise in this act expressly provided, a department, board, or commission, shall not sell or exchange any real estate belonging to the Commonwealth, or grant any easement, right of way, or other interest over or in such real estate, without specific authority from the General Assembly so to do, but a department, board, or commission may, with the approval of the Governor, grant a license to any public service corporation to place upon, in, or over, any dry or submerged land or bridge of or maintained by the Commonwealth, any public service line, if such line will enable any State building or State institution to receive better service, or if such line is necessary for the service of the public and it is necessary or reasonably required to cross the Commonwealth's land to afford such service or if the running of such line over a bridge will be more economical than the erection of a separate bridge for the line. Every such license shall be revocable for reasonable cause upon six months' written notice by the Commonwealth, and also after like notice for violation of such proper terms and conditions as the department, board, or commission, with the approval of the Governor, shall prescribe when the license issues. Unless any such line is primarily for the benefit of a State building or State institution, the license shall provide for the payment to the Commonwealth of compensation for the use of its property in such amount as the department, board, or commission granting it shall, with the approval of the Governor, prescribe.

But nothing herein contained shall authorize the Commonwealth to impose and collect from any municipality or township any compensation for a license granted to such municipality or township for the running of a public service line over any such bridge.

This section shall be deemed the exclusive system for the granting of licenses, consents and permits to place public service lines upon, in or over any dry or submerged lands of the Commonwealth. In the case of submerged lands such licenses shall be granted only by the Department of Environmental Resources, and the permit shall prescribe such terms and conditions as shall be deemed necessary by the board to protect the interests of the public. In the case of dry lands, licenses shall be issued by the department, board or commission having the management of such lands.

((a) amended Dec. 3, 1970, P.L.834, No.275)

(b) Any department, board, or commission, having control over lands of the Commonwealth underlaid with veins of coal, may, with the approval of the Governor, exchange part of such coal for coal in place, owned by private interests, which may be necessary to insure lateral or surface support for any building, reservoir, or structure erected or to be erected on such lands of the Commonwealth: Provided, That the coal given by the department, board, or commission, to private interests, shall be approximately equivalent in value to the coal received

in exchange therefor; every such department, board, or commission is hereby authorized and empowered to execute and deliver and to receive legal instruments and deeds necessary to effectuate any exchange authorized hereunder, which instruments and deeds shall have the prior approval of the Department of Justice, and a copy thereof shall be filed with the Department of Community Affairs. ((b) amended Dec. 18, 1968, P.L.1232, No.390)

(c) Any department, board, or commission, having control over any water supply serving any State institution or sanatorium, may, with the approval of the Governor, permit and authorize the public authorities of any political subdivision, to which no other source of supply is available, under suitable regulations, to tap the lines of any such water supply for the purpose of supplying water to the people of any community living in proximity to such institution or sanatorium, and may impose reasonable charges payable periodically by such political subdivision for the water so furnished. All moneys, received under the provisions of this clause, shall be paid into the State Treasury through the Department of Revenue.

(d) In the event that the facilities of any corporation heretofore created under the act, approved the twenty-ninth day of April, one thousand eight hundred seventy-four (Pamphlet Laws, seventy-three), section two, clause eleven, as amended by the act, approved the eighth day of May, one thousand eight hundred eighty-nine (Pamphlet Laws, one hundred thirty-six), are located by virtue of a permanent easement, right of way upon, across, over, under or along lands of the Commonwealth, which lands were acquired by it subject to such easement or right of way and in the interest of national defense, such corporation consents or is required to remove or dispose of such facilities and abandon such easement or right of way, any department, board or commission having control over such lands of the Commonwealth may, with the approval of the Governor, and upon the surrender to the Commonwealth of the easement or right of way pertaining to such facilities grant to such corporation a permanent easement or right of way upon, across, over, under or along other lands of the Commonwealth in the same locality. Every such department, board or commission is hereby authorized and empowered to execute and deliver and to receive deeds or other legal instruments necessary to effectuate such grant and surrender, which deeds or instruments shall have the prior approval of the Department of Justice, and a copy thereof shall be filed with the Department of Community Affairs. ((d) amended Dec. 18, 1968, P.L.1232, No.390)

(e) Subject to the approval of the Governor, any administrative department, board or commission may, in the interest of national defense, grant to the United States of America any easement, right of way or other interest over, on or in any real estate belonging to the Commonwealth upon such terms and conditions and for such periods of time as such department, board or commission may prescribe.

(514 amended July 21, 1941, P.L.429, No.174)

Compiler's Note: Section 301(a)(16) of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that all other powers and duties delegated to the Department of Community Affairs and not otherwise expressly transferred elsewhere by Act 58 and currently performed by the Department of Community

Affairs under section 406 are transferred to the Department of Community and Economic Development.

Compiler's Note: The Department of Environmental Resources, referred to in subsec. (a), was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 515. Automobiles.--All automobiles required for the proper conduct of the business of the several administrative departments, boards, and commissions, shall be purchased and maintained by or under the supervision of the Department of Property and Supplies, except that the Department of Highways may continue to maintain automobiles purchased for it by the Department of Property and Supplies as purchasing agency.

Section 516. Contracts.--No member or officer of any department of the government shall be in any way interested in any contract for furnishing stationery, printing paper, fuel, furniture, materials, or supplies, to the State Government, or for the printing, binding, and distributing of the laws, journals, department reports, or any other printing and binding, or for the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees.

Compiler's Note: Section 6(d) of Act 57 of 1998 provided that nothing in Act 57 shall repeal, modify or supplant section 516.

Section 517. Administering Oaths.--The head of every administrative department, all deputy heads of administrative departments, every member of an independent administrative or departmental administrative board or commission, the Commissioner of the Pennsylvania State police, every workmen's compensation referee, and such officers or employes of the several administrative departments, boards, or commissions, as the heads of such departments or such boards or commissions shall designate, shall have the power to administer oaths or affirmations anywhere in this Commonwealth, with regard to any matter or thing which may properly come before such department, board, commission, commissioner or referee, or any member of a board or commission, as the case may be.

(517 amended Apr. 28, 1943, P.L.94, No.52)

Section 518. Meetings of Boards and Commissions.--Every independent administrative board or commission, departmental administrative board or commission, and every advisory board or commission, shall meet upon the call of the chairman or president thereof, at such times and places as the chairman or president shall designate, and at such times and places as the board or commission may by rule designate.

(518 amended June 1, 1931, P.L.350, No.144)

Section 519. Geographic Names.--Every administrative department, board, or commission of the Commonwealth shall, in preparing or publishing maps, reports, or other documents showing or referring to any mountain, river, creek, or other topographic feature within the Commonwealth, designate such mountain, river, creek, or other topographic feature, by, and only by, such name as shall have been adopted therefor by the Pennsylvania Historical and Museum Commission.

(519 amended Dec. 3, 1970, P.L.834, No.275)

Section 520. Subpoenas.--Every administrative department, every independent administrative board and commission, every departmental administrative board and commission, every advisory board and commission, and the several workmen's compensation referees, shall have the power to issue subpoenas, requiring

the attendance of witnesses and the production of books and papers pertinent to any hearing before such department, board, commission, or officer, and to examine such witnesses, books, and papers.

Any witness, who refuses to obey a subpoena issued hereunder, or who refuses to be sworn or affirmed, or to testify, or who is guilty of any contempt after summons to appear, may be punished for contempt of court, and, for this purpose, an application may be made to any court of common pleas within whose territorial jurisdiction the offense was committed, for which purpose, such court is hereby given jurisdiction.

Section 521. Publications.--No department, board, or commission shall publish or distribute any publication, map, or document to the public, except through the Department of General Services, unless the Department of General Services shall have consented to the direct publication or distribution of such publication, map, or document, by such other department, or by such board or commission. The State System of Higher Education and its member institutions shall be authorized to publish or distribute publications, maps or documents to the public, but this authority shall be limited to those publications, maps or documents directly related to the recruitment of students, maintenance of alumni relations and the informational requirements of students in selecting or scheduling courses or regarding academic requirements and other information directly related to a student's academic program or housing needs. The State System of Higher Education shall be further authorized to publish or distribute publications or documents to the public which convey information regarding educational programs or profiles of the system and its member institutions.

(521 amended Feb. 17, 1984, P.L.75, No.14)

Section 522. Wage Specifications in Contracts for Public Works.--The specifications upon which contracts are entered into by the Commonwealth for the construction, alteration, or repair of any public work shall, as far as possible, contain the minimum wage or wages which may be paid by the contractor or his subcontractors for the work performed by laborers and mechanics employed in such public work, and such laborers or mechanics shall be paid not less than such minimum wage or wages, and shall not be required to refund, directly or indirectly, any part of such wage or wages. The contractor shall certify that he is not receiving or requiring, or will not receive or require, directly or indirectly, from any employe any refund of any such minimum wage or wages.

Every contract entered into upon such specifications shall stipulate a penalty of an amount equal to twice the difference between the minimum wage contained in said specifications and the wage actually paid to each such laborer or mechanic for each day during which he has been employed at a wage less than that prescribed in said specifications. Every officer or person designated as inspector of the work to be performed under any such contract, or to aid in the enforcing of the fulfillment thereof, shall, upon observation or investigation, report to the department, board, or commission which made the contract award, all violations of minimum wage stipulations, together with the name of each laborer or mechanic who has been paid less than that prescribed by the specifications, and the day or days of such violation. All such penalties shall be withheld and deducted, for the use of the Commonwealth, from any moneys due the contractor, by the officer or person whose duty it shall be to authorize the payment of moneys due such contractor,

whether the violation of the minimum wage stipulation of the specifications is by the contractor or by any of his subcontractors.

(522 amended May 11, 1949, P.L.1199, No.353)

Section 523. Reciprocal Limitations upon the Purchase of Supplies and Materials.--(523 repealed Nov. 28, 1986, P.L.1465, No.146)

Section 524. Disposition of Useless Records.--Except as otherwise provided by law, whenever any administrative department, board or commission shall have an accumulation of files of correspondence, reports, records or other papers, which are not needed or useful in the transaction of the current or anticipated future work of such department, board or commission, and which date back a period of four years and more, it shall be the duty of the head of such department, board or commission to submit to the Executive Board and to the Pennsylvania Historical and Museum Commission a report of that fact, accompanied by a concise statement of the condition, quantity, and character of such papers, which statement shall be sufficiently detailed to identify the papers. If the Executive Board shall be of the opinion that such files of correspondence, reports, records or other papers, or any part thereof, are not needed or useful in the transaction of the current or anticipated future work of such department, board or commission, and shall so certify and if the Pennsylvania Historical and Museum Commission shall be of the opinion that such files are not of permanent value or historic interest and shall so certify, the head of such department, board or commission shall place such files, or any part thereof, as the case may be, in the custody of the Department of Property and Supplies, and such department is hereby authorized to dispose of the same as waste paper, in the manner prescribed in this act for the sale of unserviceable property: Provided, however, That the Executive Board, with the approval of the Pennsylvania Historical and Museum Commission, may direct that any such files of correspondence, reports, records or other papers, or any part thereof, that are of permanent value or historical interest be turned over to the Pennsylvania Historical and Museum Commission for preservation for historical and archival purposes or that the Pennsylvania Historical and Museum Commission may negotiate with the head of such department, board or commission for the transfer of such files.

(524 amended June 14, 1947, P.L.604, No.260)

Section 525. Microfilming Records.--Any administrative department, board or commission may, with the approval of the Executive Board, have microfilm records made of any correspondence, records or other papers for the purpose of protecting and safeguarding the original correspondence, records or other papers, or for the purpose of conserving filing space, and such microfilm reproduction shall, when properly identified, be admitted in evidence in any proceedings in place of the original correspondence, records or other papers. In any case where original correspondence, records or other papers are microfilmed under the provisions of this section for the purpose of conserving filing space, the administrative department, board or commission concerned, may, with the approval of the Executive Board, destroy such original correspondence, records or other papers.

The provisions of this section expressly include, but are not limited to, any returns, reports, claims or other papers pertaining to the administration, settlement, payment or collection of taxes, license fees, and other moneys or property

due the Commonwealth or rebates payable. Microfilm reproductions of such papers shall be admitted into evidence in any proceedings in place of the original papers in accordance with the "Uniform Photographic Copies of Business and Public Records as Evidence Act." (Par. added Nov. 26, 1978, P.L.1418, No.334 and repealed in part Oct. 5, 1980, P.L.693, No.142)

(525 amended May 7, 1943, P.L.243, No.112)

Compiler's Note: The "Uniform Photographic Copies of Business and Public Records as Evidence Act" cited in the second paragraph is now located at 42 Pa.C.S. § 6109 (relating to photographic copies of business and public records).

Section 526. Aircraft for Official Use.--(526 repealed Oct. 10, 1984, P.L.837, No.164)

Section 527. Filing and Record Systems.--The Governor shall, from time to time, cause studies to be made of the accumulations of files of correspondence, reports, records and other papers in possession of departments, boards and commissions, and may direct said departments, boards or commissions to comply with the provisions of sections 524 and 525 of this act. The requisitions, warrants, cancelled checks, books, records, correspondence and files of the Department of the Auditor General and the Treasury Department, which date back a period of four years or more, shall be expressly covered by the provisions of this section.

(527 amended Dec. 18, 1968, P.L.1232, No.390)

Section 528. Cotton Fabrics.--All cotton fabrics or other fabrics or material used in State institutions, which involves the threat of fire, shall be treated, processed or used so as to lessen danger from fire, smoke or panic in accordance with regulations of the Department of Labor and Industry.

(528 amended June 30, 1988, P.L.475, No.80)

Section 529. Medical Insurance Coverage For Survivor-Spouses of Annuitants.--(a) A survivor-spouse of an annuitant under the State Employees' Retirement System who had elected to convert medical, major medical and hospitalization insurance coverage shall have the option to continue such insurance coverage. The State Employees' Retirement System shall notify prospectively the appropriate State agency administering that annuitant's group health insurance program. A previously covered survivor-spouse of an annuitant who died before October 14, 1991, must notify the State Employees' Retirement System of potential eligibility. The survivor-spouse must submit satisfactory documentation supporting the claim of eligibility to the appropriate State agency administering that annuitant's group health insurance program. The State agency or fund administering that annuitant's group health insurance program must send an election form to the eligible survivor-spouse within thirty (30) days of notification that the annuitant died. The State Employees' Retirement System, upon receipt of the election by the survivor-spouse of the annuitant to continue such insurance coverage, shall notify the insurance carrier of the election and deduct the appropriate charges in equal monthly installments. Such deductions shall be transmitted to the designated fiscal officer of the Commonwealth having jurisdiction over the payment of such group charges on behalf of the annuitant or the survivor-spouse. This section shall apply to all survivor-spouses of annuitants regardless of when they attain such status. An eligible survivor-spouse who does not return the election form to the State Employees' Retirement System or the appropriate State agency administering the

annuitant's group health insurance program within thirty (30) days shall have a coverage effective date of the first day of the month subsequent to the receipt of the election form.

(b) In the event that the monthly annuity of the survivor-spouse of the annuitant is less than the amount needed or such person receives no survivor annuity to cover the applicable monthly installment payments, the Commonwealth's fiscal officer shall identify the total difference between these amounts and shall notify the survivor-spouse of the annuitant of the deficiency. Within thirty (30) days of this notification, the survivor-spouse of the annuitant shall make a payment to the Commonwealth's fiscal officer in an amount sufficient to cover the deficiency for the period mandated by the State agency administering the annuitant's group health insurance program, which period shall not exceed three (3) months. If payment is not received by the Commonwealth's fiscal officer within the specified time period, the eligibility for State insurance coverage for the survivor-spouse of the annuitant shall be forfeited. Upon forfeiture, the Commonwealth's fiscal officer shall notify both the insurance carrier and the State Employees' Retirement Board.

(c) If the survivor-spouse of the annuitant elects to continue insurance coverage and makes the installment payment or deficiency payment, or both, insurance coverage will continue in force with the Commonwealth's fiscal officer determining rate adjustments annually and any required deficiency amount . The Commonwealth's fiscal officer shall notify the survivor-spouse of the annuitant of the amount required to assure continued coverage. This notification shall take place at least thirty (30) days prior to the date of the proposed rate change.

(529 amended Dec. 18, 1992, P.L.1661, No.183)

Compiler's Note: Section 16 of Act 35 of 1991, which added section 529, provided that section 529 shall apply to all survivor-spouses of annuitants who attain such status subsequent to the effective date of the addition of section 529.

Section 530. Aviation Restricted Account.--(a) This section regulates the special account established in 74 Pa.C.S. § 5103 (relating to Aviation Restricted Account).

(b) The revenue from the following sources shall be deposited in the Aviation Restricted Account:

(1) Proceeds of all excise taxes upon the use of fuel in aircraft engines.

(2) The cost of the use of Department of Transportation aircraft by Commonwealth agencies and the General Assembly, charged pursuant to 74 Pa.C.S. § 5302 (relating to aircraft for official use).

(3) Money collected under 74 Pa.C.S. §§ 5703 (relating to disposition of fines, fees and forfeitures) and 5901 (relating to Harrisburg International Airport).

(4) Proceeds from the sale of State-owned airports or property thereon.

(5) Proceeds from rents, fees and other moneys derived from any source under 74 Pa.C.S. § 5903 (relating to authority of department).

(6) All interest earned on money in the account.

(c) The money from time to time in the account, after providing for the cost of administration and collection of the excise tax upon the use of fuel in aircraft or aircraft engines,

shall be appropriated by the General Assembly to the department or political subdivisions for use in the following manner:

(1) The portion of the account derived from the tax on fuel sold for use in propeller-driven piston aircraft or aircraft engines as provided for in the act of May 21, 1931 (P.L.149, No.105), known as "The Liquid Fuels Tax Act," and the act of January 14, 1952 (1951 P.L.1965, No.550), known as the "Fuel Use Tax Act," and all the money collected under 74 Pa.C.S. § 6121 (relating to tax on aviation fuels) shall be reserved solely for local real estate tax reimbursements for public airports, for costs of administering the program as provided for in 74 Pa.C.S. § 6122(e) (relating to allocation of funds) and for payment of obligations incurred for such purposes. This portion of the account shall be maintained by the State Treasurer and shall be administered by the department. On or before February 1 of each year, the State Treasurer shall notify the department of the money collected and deposited in that portion of the account reserved solely for local real estate tax reimbursements for the preceding calendar year. The notification shall include any money gained through the State Treasurer's investment of revenue.

(2) The portion of the account derived from the tax on fuel sold for use in turbine-propelled jet, turbojet and jet-driven aircraft and aircraft engines as provided for in "The Liquid Fuels Tax Act" and the "Fuel Use Tax Act" and all the money collected pursuant to 74 Pa.C.S. § 6131 (relating to tax on jet fuels) shall be appropriated to fund the continuation of existing aviation programs, including aviation development grants; a runway marking program for public airports; administration, operation and maintenance of all State-owned airports, other than Harrisburg International Airport; payment of debt service for improvements on State-owned airports, including improvements at Harrisburg International Airport authorized prior to July 1, 1984; matching fund programs for public airports as determined by the Statewide regional apportionment formula; and the operations of the Bureau of Aviation. The sum allotted for bureau operations shall not exceed the amount of aviation development grants.

(3) The balance of the account may be used for the purchase, construction, reconstruction, operation and maintenance of State-owned airports, including Harrisburg International Airport; the operation, maintenance and other costs of aircraft owned or leased by the Commonwealth; and any other purpose reasonably related to air navigation. The money in the account shall not be diverted by transfer or otherwise to any other purpose.

(530 added July 11, 1996, P.L.619, No.105)

ARTICLE V-A
OFFICE OF STATE INSPECTOR GENERAL
(Art. added July 20, 2017, P.L.328, No.29)

Compiler's Note: See section 2 of Act 29 of 2017 in the appendix to this act for special provisions relating to legislative findings and declarations and activities initiated by the Office of Inspector General.

Section 501-A. Definitions.

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

"Executive agency." As defined in section 102 of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

"Office." The Office of State Inspector General.

(501-A added July 20, 2017, P.L.328, No.29)

Section 502-A. Office of State Inspector General.

(a) Establishment.--The Office of State Inspector General is established.

(b) Appointment.--Within 90 days of the effective date of this section, the Governor shall appoint a State Inspector General who shall serve concurrent with the Governor's term of office. Compensation shall be set by the Executive Board established under section 204.

(c) Qualifications.--The State Inspector General shall be selected without regard to political affiliation on the basis of integrity, capability for strong leadership and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, investigation or criminal justice administration or other appropriate fields.

(d) Limitation.--The State Inspector General may not seek election to a political office during his or her tenure as State Inspector General.

(e) Removal.--The State Inspector General may be removed by the Governor, including for cause.

(502-A added July 20, 2017, P.L.328, No.29)

Section 503-A. Powers, purpose and duties.

(a) Powers.--The State Inspector General shall have the power to:

(1) Make an investigation and report relating to the administration of a program and operation of an executive agency that the State Inspector General determines is necessary. If the State Inspector General determines that a report should be issued, the State Inspector General may consult with the Office of General Counsel or the Attorney General before issuing the report to insure against an adverse impact on a grand jury proceeding or prosecution being conducted by a law enforcement agency.

(2) Request information or assistance necessary for carrying out the duties and responsibilities under this article from the Federal Government, an executive agency or a local government agency or a unit of a Federal, State or local government agency.

(3) Require and obtain, by written notice from an officer and employee of an executive agency, information, documents, reports, answers, records, accounts, papers and other necessary data and documentary evidence.

(4) Have direct and prompt access to the heads of executive agencies if necessary for a purpose pertaining to the performance of functions and responsibilities under this article.

(5) Select, appoint and employ individuals necessary for carrying out the functions, powers and duties of the office. The employees shall be employed in accordance with current procedures of the Office of Administration and may be assigned by the State Inspector General to a designated executive agency.

(b) Purpose.--The purpose of the Office of State Inspector General is as follows:

(1) To deter, detect, prevent and eradicate fraud, waste, misconduct and abuse in a program, operation and contracting of an executive agency.

(2) To keep the head of an executive agency and the Governor fully informed about a problem and deficiency relating to the operation or administration of a program or contracts entered into by an executive agency.

(3) To provide leadership, coordination and control over satellite Inspector General Offices in a designated executive agency to ensure a coordinated and efficient administration of duties and use of staff. The existing Office of Inspector General in the Department of Transportation shall continue as a satellite Inspector General Office. Each satellite Inspector General Office in an executive agency shall report to and follow the direction of the State Inspector General.

(c) Duties.--The State Inspector General shall:

(1) Inspect, evaluate, investigate and review the activities, records and individuals with contracts, procurements, grants, agreements and other financial arrangements undertaken by an executive agency for the purposes of identifying fraud, waste, misconduct or abuse. This paragraph shall include all contracts entered into by the Pennsylvania Statewide Radio Network after June 30, 1996. ((1) amended June 28, 2019, P.L.101, No.15)

(2) Conduct civil and administrative investigations of a program or operation of an executive agency.

(3) Make referrals to the Auditor General for the audit of the economy, efficiency and effectiveness of an executive agency's operations and functions and conduct reviews of the executive agency's compliance with the performance measurement system.

(4) Review the reliability and validity of the information provided by an executive agency's performance measures and standards.

(5) Provide information and evidence that relates to criminal acts discovered during the course of an investigation into an executive agency to appropriate law enforcement officials.

(6) Receive and investigate complaints from a source or upon the State Inspector General's own initiative concerning alleged abuses, frauds and service deficiencies, including deficiencies in the operation and maintenance of an executive agency facility.

(7) Engage in prevention activities, including, but not limited to, review of legislation, rules, regulations, policies, procedures and transactions, training and education.

(8) Refer matters for further civil, criminal and administrative action to appropriate administrative and prosecutorial agencies.

(9) Conduct joint investigations and projects with other oversight or law enforcement agencies that are consistent with the powers and duties contained under this article.

(10) Recommend remedial actions to be taken by an executive agency to overcome or correct operating or maintenance deficiencies and inefficiencies that were identified by the State Inspector General.

(11) Issue public reports.

(12) Maintain information regarding the cost of investigations and cooperate with appropriate administrative and prosecutorial agencies in recovering the costs from nongovernmental entities involved in willful misconduct.

(13) Perform other functions necessary to effectuate this article.

(503-A added July 20, 2017, P.L.328, No.29)

Compiler's Note: See sections 10 and 13 of Act 15 of 2019 in the appendix to this act for special provisions relating to legislative findings and declarations, applicability and effective date.

Section 504-A. Request for information.

(a) Duty.--Upon request of the State Inspector General for information or assistance, an executive agency must within 10 days furnish the information and assistance to the State Inspector General or an authorized designee.

(b) Report.--If information or assistance requested under subsection (a) is, in the judgment of the State Inspector General, unreasonably refused or not provided, the State Inspector General may report the circumstances to the head of the agency and the Office of General Counsel for appropriate action.

(504-A added July 20, 2017, P.L.328, No.29)

Section 505-A. Subpoenas and witness fees.

(a) Authorization.--In accordance with the powers under section 503-A(a) and duties under section 503-A(c), the State Inspector General may issue a subpoena relating to any matter pertinent to an examination to a person under the State Inspector General's jurisdiction or to an individual or a person receiving services from or through an executive agency. If a person fails or refuses to obey a subpoena, the State Inspector General may petition a court of competent jurisdiction to enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the court order shall be punishable as contempt of court.

(b) Form and effect.--A subpoena under subsection (a) shall be in substantially the same form and have the same force and effect as a subpoena issued by a court of common pleas. The State Inspector General shall have the benefit of the process of the appropriate court of common pleas if necessary to enforce a subpoena.

(c) Confidentiality.--A subpoena issued under this section must clearly indicate on the face of the subpoena that the subpoena is issued in connection with a confidential proceeding and a breach of confidentiality by the person subpoenaed may result in a civil penalty or misdemeanor.

(d) Fees.--Witnesses subpoenaed under this section shall be compensated under 42 Pa.C.S. § 5903 (relating to compensation and expenses of witnesses).

(505-A added July 20, 2017, P.L.328, No.29)

Section 506-A. Criminal charges.

Notwithstanding any other provision of law, the State Inspector General shall have the power to investigate and may file criminal charges for a violation of any of the following:

(1) Section 481 of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

(2) Section 1408 of the Human Services Code.

(3) The following provisions of 18 Pa.C.S. (relating to crimes and offenses) which are substantially related to the administration of benefits by the Department of Human Services:

(i) Section 3921 (relating to theft by unlawful taking or disposition).

(ii) Section 3922 (relating to theft by deception).

(iii) Section 4101 (relating to forgery).

(iv) Section 4104 (relating to tampering with records or identification).

(v) Section 4106 (relating to access device fraud).
(vi) Section 4107 (relating to deceptive or fraudulent business practices).
(vii) Section 4120 (relating to identity theft).
(viii) Section 4914 (relating to false identification to law enforcement authorities).
(ix) Section 7313 (relating to buying or exchanging Federal Supplemental Nutrition Assistance Program (SNAP) benefit coupons, stamps, authorization cards or access devices).
(x) Section 7314 (relating to fraudulent traffic in Supplemental Nutrition Assistance Program (SNAP) benefits).
(4) (Deleted by amendment).
(506-A amended June 28, 2019, P.L.101, No.15)

Compiler's Note: See section 13 of Act 15 of 2019 in the appendix to this act for special provisions relating to legislative findings and declarations and effective date.

Section 507-A. Complaint, disclosure and reprisal.

(a) Complaint.--The State Inspector General may receive and investigate a complaint or information concerning the possible existence of an activity in an executive agency constituting any of the following:
(1) A violation of a law, rule or regulation.
(2) Mismanagement, fraud, waste of funds, abuse of authority, malfeasance, misfeasance and nonfeasance.
(3) A substantial and specific danger to the public health and safety.

(b) Disclosure.--No person may take or threaten to take action against an employee as a reprisal for making a complaint or disclosing information to the State Inspector General, except if the complaint was made or the information was disclosed with the knowledge that the complaint or information was false or with willful disregard for the truth or falsity of the complaint or information.

(c) Protection.--The protections in this article for employees who report, in good faith, fraud, waste, misconduct, malfeasance, misfeasance, nonfeasance or abuse shall be in addition and supplementary to each protection provided by the act of December 12, 1986 (P.L.1559, No.169), known as the Whistleblower Law.

(507-A added July 20, 2017, P.L.328, No.29)

Section 508-A. Appropriation.

The appropriation for the office shall be in a separate line item and shall be under the jurisdiction of the State Inspector General.

(508-A added July 20, 2017, P.L.328, No.29)

Section 509-A. Report to General Assembly.

By December 31 of each year, the State Inspector General shall issue an annual report to the Senate and the House of Representatives. The annual report shall include, at a minimum, the following:
(1) Information relating to investigations undertaken by the office, including the number of cases investigated, categorized by type, with a specific section detailing investigations conducted within the Department of Human Services.
(2) An accounting of taxpayer money that was recovered as a result of the work of the office.
(3) The monetary value that resulted from fraud prevention activities as a result of the work of the office.

(4) Summaries of performance of each bureau within the office.

(5) Specific recommendations concerning the improvement of any State program to further reduce waste, fraud and abuse.

(509-A added July 20, 2017, P.L.328, No.29)

ARTICLE VI

COMMONWEALTH BUDGET PROCEDURES

(Hdg. amended Sept. 27, 1978, P.L.775, No.149)

Section 601. Preparation of Budget.--(601 repealed Sept. 27, 1978, P.L.775, No.149)

Section 602. Submission of Budget to General Assembly.--(602 repealed Sept. 27, 1978, P.L.775, No.149)

Section 603. List of Employes to Be Furnished to Certain State Officers.--(603 repealed Sept. 27, 1978, P.L.775, No.149)

Section 604. Estimates of Current Expenditures by Departments, Boards, and Commissions.--(604 repealed Sept. 27, 1978, P.L.775, No.149)

Section 605. Estimates of Current Expenditures by Departments of Elective Officers.--(605 repealed Sept. 27, 1978, P.L.775, No.149)

Section 606. Departmental Administrative Bodies, Boards, and Commissions.--(606 repealed Sept. 27, 1978, P.L.775, No.149)

Section 607. Fiscal Year.--(607 repealed Feb. 8, 1961, P.L.3, No.1)

Section 608. Fiscal Period.--(608 repealed Sept. 27, 1978, P.L.775, No.149)

Section 609. Office of the Budget.--(a) The Office of the Budget is hereby established as an administrative agency within the Governor's Office. The Office of the Budget shall continue to exercise the powers and perform the duties vested in and imposed upon the Secretary of the Budget and shall be centrally concerned with the development of the budget request of the Governor and with the decisions necessary to allocate revenues among the various Commonwealth programs.

(b) The Governor shall appoint a Secretary of the Budget to serve during the pleasure of the Governor.

(c) The annual salary of the Secretary of the Budget shall be forty-four thousand dollars ($44,000) or at such higher level as is established by the Governor with the approval of the Executive Board.

(609 added Sept. 27, 1978, P.L.775, No.149)

Compiler's Note: Section 5 of Act 149 of 1978 provided for the transfer of the powers, duties, personnel, equipment, documents and appropriations from the Bureau of Financial Management under the Secretary of Administration to the Office of the Budget under the Secretary of the Budget.

Section 610. Preparation of Budget.--(a) The Secretary of the Budget shall, in each year obtain and prepare financial and program information necessary for the preparation of a State budget for the budget year beginning July 1 and for the preparation of financial and program projections for the budget year and for four succeeding years. He shall, not later than August 15 of such year distribute to the Governor, to the Lieutenant Governor, to the Auditor General, to the State Treasurer, to the Attorney General, to each administrative department, to each independent administrative board and commission, to the Chief Clerk of the Senate, to the Chief Clerk of the House of Representatives, to the State court

administrator, and to all institutions or other agencies which desire State appropriations to be made to them, the proper instructions and blanks necessary to the preparation of the budget requests with a notice that such blanks shall be returned with the information desired, not later than November 1 of the same year. Such blanks shall be in such form as shall be prescribed by the secretary, to procure any or all information pertaining to the purposes of all programs to be funded in the budget, the revenues, expenditures, program activities and accomplishments for the preceding fiscal year, for the current fiscal year, and for the budget year and for four succeeding years, the appropriations made for the preceding fiscal year, the expenditures therefrom, encumbrances thereon, the amount unencumbered and unexpended, an itemized estimate of the revenues and expenditures of the current fiscal year, for the budget year and succeeding years, and an estimate of the revenue amounts needed and program activity and accomplishment levels for the respective departments, boards, commissions, for expenses of the General Assembly, for the Judicial Department, and for any and all institutions, or other agencies to which appropriations are likely to be made by the General Assembly for the budget year and ensuing years. Such blanks shall also require the person returning them to accompany them with a statement in writing, giving the purposes of each program to be funded, the expected levels of activity of the programs, the expected levels of accomplishments and the measures to be used to determine to what extent the programs have achieved the stated purposes. In addition such blanks shall require the person returning them to accompany them with a statement in writing giving the facts, and an explanation of the methods and reasons for arriving at the estimates of receipts and expenditures for the budget year and for four succeeding years. It shall be the duty of each administrative department, and each independent administrative board and commission to comply, not later than November 1, with any and all requests made by the Secretary of the Budget in connection with the budget.

(b) The Secretary of the Budget may, under the direction of the Governor, make further inquiries and investigations as to the financial needs, expenditures, estimates of levels of program activities and accomplishments, or revenues, of any department, board, commission, authority, political subdivision, institution or other agency receiving money from the State Treasury. The Governor may, after giving to each department, board or commission an opportunity to be heard, approve, disapprove or alter the budget requests. The Secretary of the Budget shall, on or before January 1 next succeeding, submit to the Governor, in writing, the above information, and any additional requested by the Governor, as the basis for the Governor's requests for appropriations for the next succeeding year.

(610 added Sept. 27, 1978, P.L.775, No.149)

Section 611. Program Evaluation.--The Secretary of the Budget shall have the power and it shall be his duty to initiate and conduct, under the direction of the Governor, evaluations of the effectiveness and management efficiency of programs supported by any agency under the Governor's jurisdiction; including Federally funded as well as State funded programs, and to direct, coordinate, assist and/or advise any agency under the Governor's jurisdiction in the conduct of evaluations of its programs or of programs which it supports. It shall also be the duty of the Secretary of the Budget to prepare reports detailing the results of program evaluation conducted by the

secretary for distribution to the Governor, the General Assembly, interested agencies, and the public.

(611 added Sept. 27, 1978, P.L.775, No.149)

Section 612. Fiscal Notes.--The Office of the Budget shall prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions, or authorities, receiving money from the State Treasury. The fiscal note shall state whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs to the Commonwealth or its political subdivisions. Any such regulatory action or administrative procedure which requires a fiscal note shall be published in the Pennsylvania Bulletin. The fiscal note shall be published in the Pennsylvania Bulletin at the same time the proposed change is advertised. The fiscal note shall provide the following information:

(1) The designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made.

(2) The probable cost for the fiscal year the program is implemented.

(3) A projected cost estimate of the program for each of the five succeeding fiscal years.

(4) The fiscal history of the program for which expenditures are to be made.

(5) The probable loss of revenue for the fiscal year of its implementation.

(6) A projected loss of revenue from the program for each of the five succeeding fiscal years.

(7) The line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures.

(8) The recommendation, if any, of the Secretary of the Budget and the reasons therefor.

(612 added Sept. 27, 1978, P.L.775, No.149)

Section 613. Submission of Budget to General Assembly.--(a) As soon as possible after the organization of the General Assembly, but not later than the first full week in February of each year, except in the case where a Governor has been elected for his first term of office and then no later than the first full week in March, the Governor shall submit to the General Assembly copies of original agency budget requests and all subsequent revised agency budget requests and a State budget and program and financial plan embracing:

(1) A balanced operating budget for the ensuing fiscal year setting forth in detail:

(i) The amounts recommended by him to be appropriated to the General Assembly, the Judicial Department, the Governor, and the several administrative departments, boards, and commissions of the State Government, and to institutions within the State, and for all public purposes, classified by department or agency and by program.

(ii) The estimated revenues or receipts from any and all sources, and an estimated amount to be raised by taxation or otherwise, including proposals for new revenues and receipts.

(2) A capital budget for the ensuing fiscal year setting forth capital projects to be financed from the proceeds of obligations of the Commonwealth or of its agencies or authorities or from operating funds.

(3) A program and financial plan for not less than the prior fiscal year, the current fiscal year, this budget year and the

four succeeding fiscal years, which plan shall include for each such fiscal year:

(i) Actual or estimated operating expenditures classified by department or agency and by program, in reasonable detail, and actual or estimated revenue by major categories from existing and additional sources.

(ii) Clearly stated purposes of each program in terms of desired accomplishments.

(iii) Measures used to determine to what extent such program has achieved its stated purposes.

(iv) Actual or estimated levels of accomplishment for each program and actual or estimated levels of program activities and their associated costs.

(v) Clearly stated purposes for each recommended new or revised program, measures to be used to determine whether each new or revised program has achieved its purpose, estimated levels of additional or new accomplishment of each new or revised program, estimated levels of additional activities for each such program, and their associated costs.

(vi) When the Secretary of the Budget identifies a new or expanded program by criteria used in the budget instructions, the new or expanded program shall be displayed and justified as a separate item in the Governor's budget request. A new program shall not be considered to be enacted by the General Assembly in its first year unless it is specifically referred to or displayed as a line item in an appropriation bill.

(4) The budget shall list as a single, separate line item for each administrative department, board, and commission the amount which the Governor recommends to be appropriated for the ensuing fiscal year for public relations. For the purposes of this clause, "public relations" shall include the preparation, presentation and distribution of advertising, publications, radio tapes, television films and tapes, and media releases. The separate line item shall include all compensation, including fringe benefits; all travel, meal, lodging, and similar expenses; the cost of purchasing new equipment and supplies; the cost of leasing offices and equipment; the cost of purchasing material, including newspapers, magazines, movies, films and tapes; the cost of using wire service equipment; and all other similar public relations expenditures.

(5) For a request for an additional appropriation from State funds for a fiscal year prior to the fiscal year which is the subject of the submission under this subsection, a written statement detailing the amounts requested and the need for the additional appropriation.

(b) For a request for an additional appropriation from State funds made after the submissions under subsection (a) by the Governor to the General Assembly for a fiscal year prior to the next succeeding fiscal year, the request shall include a written statement detailing the amounts requested and the need for the additional appropriation.

(c) Written statements under subsections (a)(5) and (b) shall be submitted to the Chairman and Minority Chairman of the Appropriations Committee of the Senate and the Chairman and Minority Chairman of the Appropriations Committee of the House of Representatives no later than October 31 and May 31 of each year.

(613 amended June 28, 2019, P.L.101, No.15)

Compiler's Note: See section 13 of Act 15 of 2019 in the appendix to this act for special provisions relating to legislative findings and declarations and effective date.

Section 614. List of Employes to be Furnished to Certain State Officers.--(a) All administrative departments, boards, and commissions and the Attorney General shall on July 15 of each year, transmit to the Auditor General, the State Treasurer and Secretary of the Budget a complete list, and to the Legislative Data Processing Center a computer tape of such list, as of July 1 preceding, of the names of all persons, except day-laborers, entitled to receive compensation from the Commonwealth for services rendered in or to the department, board, or commission, as the case may be. Such list shall show for each such person the position occupied, the date of birth, county of residence, voting residence, the salary at which or other basis upon which such person is entitled to be paid, the date of entry into the service of the Commonwealth, whether such person has been continuously employed by the Commonwealth since that date, and all periods of service and positions held as an employe of the Commonwealth, or such part of such information related to previous service and positions as the Governor may prescribe. ((a) amended Dec. 30, 2002, P.L.2075, No.231)

(a.1) The Auditor General and the State Treasurer shall on July 15 of each year transmit to the Secretary of the Budget a complete list, and to the Legislative Data Processing Center a computer tape of such list, as of July 1 preceding, of the names of all persons, except day-laborers, entitled to receive compensation from the Commonwealth for services rendered in or to the Auditor General or the State Treasurer, as the case may be. Such list shall show the position occupied by each such person, the date of birth and voting residence of such person, the salary at which or other basis upon which such person is entitled to be paid, the date when such person entered the service of the Commonwealth, whether such person has been continuously employed by the Commonwealth since that date, and all periods of service and positions held as an employe of the Commonwealth.

(b) No later than the 15th of each month thereafter, the Attorney General, the heads of the several administrative departments, and the several independent administrative boards and commissions, shall certify to the Auditor General, the State Treasurer and the Secretary of the Budget any changes in the annual list of employes last transmitted to them which shall have occurred during the preceding month and shall provide to the Legislative Data Processing Center a computer tape of such changes.

(b.1) No later than the 15th of each month thereafter, the Auditor General and the State Treasurer shall certify to the Secretary of the Budget any changes in the annual list of employes last transmitted to them which shall have occurred during the preceding month and shall provide to the Legislative Data Processing Center a computer tape of such changes.

(c) The information received by the Auditor General, the State Treasurer and the Secretary of the Budget, under this section, shall be public information, except that the information identifying the voting residence of the persons employed by the Commonwealth shall not be public information and may not be treated as such. ((c) amended Dec. 30, 2002, P.L.2075, No.231)

(614 amended Nov. 26, 1997, P.L.530, No.57)

Section 615. Estimates of Current Expenditures by Departments, Boards and Commissions.--(a) Each administrative department, board and commission, except the departments of which the Auditor General, the State Treasurer and the Attorney

General are respectively the heads, shall from time to time, as requested by the Governor, prepare and submit to the Secretary of the Budget, for approval or disapproval, an estimate of the amount of money required and the levels of activity and accomplishment for each program carried on by each department, board or commission, during the ensuing month, quarter, or such other period as the Governor shall prescribe. All available Federal funds and funds from other sources shall be characterized as such and shall be included in the estimated expenditures which must be submitted to the Secretary of the Budget before any expenditures therefrom may be made. If such estimates do not meet with the approval of the Secretary of the Budget, it shall be revised as necessary and resubmitted for approval. The Secretary of the Budget may establish an authorized personnel complement level in conjunction with the approved expenditure estimate.

(b) After the approval of any such estimate, it shall be unlawful for the department, board, or commission to expend any appropriation, Federal funds or funds from other sources or part thereof, except in accordance with such estimate and the authorized complement level, unless the same be revised with the approval of the Secretary of the Budget and within the limits appropriated by the General Assembly.

(c) If any department, board, or commission, to which this section applies, shall fail or refuse to submit to the Secretary of the Budget estimates of expenditures, in accordance with the Governor's request, the Governor may notify the State Treasurer, in writing, of such failure or refusal, and, after receipt of such notice, the State Treasurer shall not draw any warrant in favor of such department, board, or commission, until the Governor shall have notified the State Treasurer, in writing, that the delinquent department, board, or commission has furnished him with, and he has approved, the estimate as required in this section.

(d) The Secretary of the Budget shall not, under his authority pursuant to this section, disapprove or reduce any amount appropriated by the General Assembly for grants and subsidies without giving ten (10) days' prior notice to the Majority and Minority Chairmen of the Appropriations Committees of the Senate and the House of Representatives, for their review and comment. Such notice shall include the amount of the appropriation to be reduced or disapproved, the reasons why the appropriation should be reduced or disapproved and the estimated impact of such reduction or disapproval on the programs, services or purposes for which the appropriation is provided. ((d) added Aug. 14, 1991, P.L.331, No.35)

(615 added Sept. 27, 1978, P.L.775, No.149)

Section 616. Estimates of Current Expenditures by Elective Officers.--The Auditor General, State Treasurer and the Attorney General shall, from time to time, as requested by the Governor, prepare and submit to the Secretary of the Budget estimates of the amounts of money required for each activity or function to be carried on by their respective departments during the ensuing month, quarter, or such other period as the Governor shall prescribe.

(616 added Sept. 27, 1978, P.L.775, No.149)

Section 617. Fiscal Period.--(a) All books and accounts kept by the Auditor General, the State Treasurer and the Attorney General and every department, board and commission shall be kept as of the fiscal year or period. The fiscal year shall be the period beginning on July 1 of each calendar year and ending on June 30 of the calendar year next succeeding.

(b) The Auditor General and the Department of the Auditor General shall submit to any accountants appointed by the Governor for the purpose of making an audit of the affairs of the Auditor General and the Department of the Auditor General all books, papers and records in any way pertaining to such affairs.

(617 added Sept. 27, 1978, P.L.775, No.149)

Section 618. Revenue Estimates.--(a) The Department of Revenue in conjunction with the Secretary of the Budget shall make revenue estimates for the use of the Governor in preparing the budget with periodic revisions until the final estimate is signed by the Governor not later than the time he signs the general appropriation bill. The revenue estimates used to sign any appropriation bill shall show separately State revenues, Federal funds, and, if specifically appropriated, funds from other sources. The Governor shall item veto any part of any appropriation bill that causes total appropriations to exceed the official estimate plus any unappropriated surplus. No changes in the revenue estimates shall be made thereafter unless changes in statutes affecting revenues and receipts are enacted.

(b) The revenue estimates shall be prepared in a way that they are subject to complete and thorough oversight by the Appropriations Committees of the Senate and the House of Representatives with full knowledge of all data, assumptions, and econometric models which were used to develop the projections and any subsequent revisions of these projections.

(c) A committee consisting of the Governor, the Secretary of the Budget, the Secretary of Revenue and the Chairmen of the Appropriations Committees of the Senate and the House of Representatives is hereby established to oversee the development, maintenance and/or use of econometric models which may be applied in the forecasting of State revenues. A model or models shall be developed for this purpose in the event that one does not currently exist. The Governor's Office shall maintain and update the model or models or appoint an appropriate agency or agencies to perform this responsibility. The Governor's Office shall inform the Oversight Committee of any changes to be made to the model or models to keep it updated. The equations of the model or models and any historic data bases related thereto shall be available to any member of the Oversight Committee or to the Minority Chairman of the Appropriations Committee of the Senate or House of Representatives upon request at any time for any reason. Members of the Oversight Committee or the Minority Chairman of the Appropriations Committee of the Senate or the House of Representatives may request the Governor's Office or the appropriate agency to run the model or models for any purpose including the testing of new equations and to produce forecasts. Forecasts produced by the model or models and any forecasted data bases related thereto shall be kept confidential by the Governor's Office and the appropriate agency or agencies producing these forecasts until or unless the individual requesting such forecast shall release them from this requirement. In no way shall this confidentiality provision be construed to prevent access by the Appropriations Committees of the Senate or House of Representatives to forecasts used in the preparation of the Governor's revenue estimates after the presentation of the budget as required in section 619(b).

(618 added Sept. 27, 1978, P.L.775, No.149)

Compiler's Note: Section 4114(b) of Title 71 provided that section 618 is repealed insofar as it is inconsistent with 71 Pa.C.S. Ch. 41.

Section 618.1. Revision of Revenue Estimates.--Notwithstanding any other provisions of this act to the contrary, the Department of Revenue, in conjunction with the Secretary of the Budget may, within sixty days of the effective date of this amendatory act, revise the official revenue estimate for the Commonwealth to account for additional revenues anticipated to be generated by actions taken and finalized prior to such revision by any agency of the executive branch on increasing regulatory fee rates and by any independent agency not under the direct control of the Governor on revising pricing policies or anticipated transfer of retained earnings.

(618.1 added Oct. 8, 1980, P.L.785, No.146)

Section 619. Transmission of Budget Information to the General Assembly.--(a) In December of each year, the Governor shall meet with the Majority and Minority Chairmen of the Appropriations Committees and the officers of the General Assembly to brief the legislative leadership on the issues he can foresee as being imminent in the budget for the next fiscal year and exchange views with them on issues on the budget before it is formally submitted to the General Assembly. The Governor's briefing shall include:

(1) Major anticipated increases or decreases in programs.

(2) The results or anticipated results of employee union negotiations for salaries, wages and other benefits.

(3) The statistics involved in preliminary forecasts of the major programs mandated by statute such as education subsidies, all public assistance programs, debt service and forecasts of revenue.

(4) Other appropriate budget information.

The legislative officers shall also inform the Governor of financial matters which should be considered in the budget.

(b) In the year the Governor is inaugurated, the Governor shall present the budget to the General Assembly no later than the first full week in March and in other years, no later than the first full week in February.

(c) The budget shall include the results of any program evaluation report completed by the Budget Office in the fiscal year preceding the year in which the budget request is made. The results of the evaluation report and its recommendations shall be summarized and included in the budget documentation.

(d) The Governor and each department or agency of the Commonwealth, upon request of the Chairman of the Appropriations Committees of either the Senate or the House of Representatives, shall provide documentation of any budget request, including revenue estimates upon which the Governor's budget estimate is based.

(619 added Sept. 27, 1978, P.L.775, No.149)

Section 620. Budget Implementation Data.--(a) The Governor, the Auditor General, the State Treasurer and the Attorney General shall make monthly expenditure data available to the Majority and Minority Chairmen of the Appropriations Committees of the Senate and the House of Representatives. Monthly data shall be provided within fifteen (15) days after the end of each month. The monthly data shall be prepared in such a way that the last monthly submission is a summary inclusive of the preceding months of the fiscal year and shall be usable to establish a history of expenditure file. This data, at the discretion of the Majority and Minority Chairmen of the Appropriations Committees of the Senate and the House of

Representatives may be provided either in finished reports or on computer tapes. The data shall be provided by fund, by appropriation, by department and by organization within each department and shall include:

(1) Number of filled personnel positions and their cost.

(2) Itemized personnel vacancies and their cost.

(3) New positions created and their cost.

(4) Wage and overtime costs.

(5) Allotments and expenditures for itemized personnel expenses.

(6) Allotments and expenditures for itemized operating expenses.

(7) Allotments and expenditures for itemized fixed assets.

(8) The rate of expenditures in appropriations for major subsidy and grant programs during the month.

In addition to the above specified budgetary data, the Governor, the Auditor General, the State Treasurer and the Attorney General shall make available any other budgetary data as may be requested from time to time by the Majority and Minority Chairmen of the Appropriations Committees of the Senate and the House of Representatives.

(b) The Governor shall make monthly revenue reports to the Majority and Minority Chairmen of the Appropriations Committees of the Senate and the House of Representatives. The revenue reports shall show the actual collection of revenue itemized by source and a comparison of the actual collections with estimated collections for each month. The comparison shall be accompanied by an analysis which would indicate any change in collection patterns which will cause a shortfall or overrun on the annual estimates of more than one per centum (1%).

(c) The Governor, the Auditor General, the State Treasurer and the Attorney General shall cause to be prepared any other revenue data as may be requested from time to time by the Majority or Minority Chairmen of the Appropriations Committees of the Senate or the House of Representatives.

(620 amended Nov. 26, 1997, P.L.530, No.57)

Section 620.1. Electronic Access of Information.--Except for confidential information, the Majority and Minority Chairmen of the Appropriations Committees of the Senate and House of Representatives shall have access to all information available on inquiry-only screens through the Integrated Central System.

(620.1 added Aug. 14, 1991, P.L.331, No.35)

Section 621. Lapsing of Funds.--(a) As used in this section:

"Contingent commitment." An authorization made by proper authority for an agency to commit funds from an appropriation which has not yet been made by the General Assembly. It is contingent upon the eventual passage of an appropriation for the purpose. Neither goods or services can be delivered nor funds expended until such an appropriation has been made.

"Contracted repairs." All repairs to buildings, grounds, roads, fixed and movable equipment and furniture, excluding maintenance and repair work performed by State employes. Repairs are defined as costs which will restore the asset to that condition which will permit the effective use of the asset up to but not beyond its previously determined useful life.

"Economic development." Programs to maximize employment opportunities, economic growth and development of communities and the overall economic development of the Commonwealth through industrial development, employability development, community development, resource development, labor-management relations and job training.

"Emergency." A situation or circumstance that threatens the continued operation of government or the health, safety or lives of the citizens of the Commonwealth.

"Encumbrance." Obligation or commitment in the form of purchase orders, field purchase orders, contracts, grant agreements or other authorizing documents related to unperformed contracts for goods and services which are chargeable to an appropriation and for which a part of the appropriation is 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." 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. Also includes equipment, expendable tools and other articles not meeting the criteria for machinery and equipment set forth in the definition of "fixed assets." In addition, includes services performed by State or outside agencies which may include the use of equipment or the furnishing of commodities in connection with these services under express or implied contracts.

"Personnel services." The cost of salaries and wages, State share of payroll taxes and employe benefits paid to or on behalf of State officials and employes for services rendered and for State annuitants. Includes among other things, the State share of unemployment compensation, employe training and annual and sick leave payouts.

"Procurement document." A document authorizing delivery of specified items or the rendering of certain services and the incurrence of a charge for them. Includes purchase orders, field purchase orders, leases, contracts and other authorizing documents.

"Purchase requisition." A written or electronic request to the central purchasing agency for the purchase of specified items.

(b) All actions relating to the encumbering of funds shall be supported by complete documentation. Procurement documents shall have a specified delivery date. Encumbrances shall be 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 shall be charged to the fiscal year in which the actual expenses or commitment to purchase was incurred.

(1.1) Contracted services and rentals, excluding General State Authority rentals, shall be charged to the fiscal year in which the service was provided or rental occurred.

(2) Contracted repairs shall be charged to the fiscal year in which an encumbrance was created.

(3) Grants and subsidies shall be charged to the fiscal year in which funds were appropriated, allocated for the purpose by the Budget Secretary 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 may be created subsequent to May 31 but not later than June 30.

(6) (Deleted by amendment).

(7) Encumbrances for economic development grants or projects may be retained until the close of the second fiscal year following the fiscal year in which the original grants or projects were encumbered.

(e) Fixed assets shall be charged as follows:

(1) Purchase or cost of fixed assets shall be charged to the fiscal year in which an encumbrance was created.

(2) Except as hereinafter provided, no encumbrance for fixed assets shall be made after May 31 in the fiscal year to which the encumbrance is charged.

(3) Encumbrances for fixed assets made because of purchase orders issued from purchase requisitions or because of an emergency may be created subsequent to May 31 but not later than June 30.

(4) (Deleted by amendment).

(5) (Deleted by amendment).

(f) Outstanding prior year encumbrances shall be cancelled as of October 31, excepting encumbrances for: construction, repairs and improvements and items being litigated. In addition, a prior year encumbrance may remain encumbered beyond October 31 provided the agency comptroller has evidence that either the goods were provided on or before October 31 or the services were provided by June 30 of the previous fiscal year.

(g) Nothing shall preclude an agency from either encumbering funds against or direct charging expenditures to the current fiscal year to pay for a prior year's encumbrance which was cancelled under subsection (c), (d), (e) or (f).

(h) Available balances created by the liquidation or cancellation of prior year encumbrances shall be lapsed. These balances shall not be transferred between major categories of expenditure and may not be used to create any new obligation.

(i) Except as a result of litigation, in no case shall an encumbrance be held for more than the next complete 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) (Deleted by amendment).

(621 amended Nov. 26, 1997, P.L.530, No.57)

Section 622. Transfer of Portion of Surplus.--(622 repealed June 25, 2001, P.L.733, No.74)

Section 623. Disposition of Commonwealth Assets.--Money received from the disposition of assets of the Commonwealth shall be deposited into the Tax Stabilization Reserve Fund.

(623 added Aug. 14, 1991, P.L.331, No.35)

Section 624. Tax Expenditures.--(a) As used in this section, "tax expenditure" shall mean a reduction in revenue that would otherwise be collected by the Commonwealth as the result of an exemption, reduction, deduction, limitation, exclusion, tax deferral, discount, commission, credit, preferential rate or preferential treatment under any of the following:

(1) Sales tax imposed by Article II of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

(2) Personal income tax imposed by Article III of the "Tax Reform Code of 1971."

(3) Corporate net income tax imposed by Article IV of the "Tax Reform Code of 1971."

(4) Capital stock/franchise tax imposed by Article VI of the "Tax Reform Code of 1971."

(5) Bank shares tax imposed by Article VII of the "Tax Reform Code of 1971."

(6) Title insurance and trust companies shares tax imposed by Article VIII of the "Tax Reform Code of 1971."

(7) Insurance premiums tax imposed by Article IX of the "Tax Reform Code of 1971."

(8) Utility gross receipts tax imposed by Article XI of the "Tax Reform Code of 1971."

(9) Liquid fuels and fuel use taxes.

(10) Realty transfer tax imposed by Article XI-C of the "Tax Reform Code of 1971."

(11) Cigarette tax imposed by Article XII of the "Tax Reform Code of 1971."

(12) Mutual thrift institutions tax imposed by Article XV of the "Tax Reform Code of 1971."

(13) Oil company franchise tax imposed by 75 Pa.C.S. Ch. 95 (relating to taxes for highway maintenance and construction).

(14) Motor carriers road tax imposed by 75 Pa.C.S. Ch. 96 (relating to motor carriers road tax).

(15) Inheritance tax imposed by Article XXI of the "Tax Reform Code of 1971."

(16) Unemployment compensation contributions imposed by the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law."

(17) Utility realty tax imposed by Article XI-A of the "Tax Reform Code of 1971."

(18) Gross receipts tax on motor carriers imposed by the act of June 22, 1931 (P.L.694, No.255), referred to as the Motor Carriers Gross Receipts Tax Act.

(19) Marine insurance underwriting profits tax imposed by the act of May 13, 1927 (P.L.998, No.486), entitled "An act imposing a tax for State purposes on marine insurance underwriting profits, and providing for the collection of such tax."

(20) Co-operative agricultural association corporate net income tax imposed pursuant to the act of May 23, 1945 (P.L.893, No.360), known as the "Co-operative Agricultural Association Corporate Net Income Tax Act."

(21) Electric co-operative corporation tax imposed by the act of June 21, 1937 (P.L.1969, No.389), known as the "Electric Cooperative Corporation Act."

(22) Malt beverage tax imposed by Article XX of the "Tax Reform Code of 1971."

(23) Spirituous and vinous liquors tax imposed by the act of December 5, 1933 (Sp.Sess., P.L.38, No.6), known as the "Spirituous and Vinous Liquor Tax Law."

(24) Vehicle registration fees imposed pursuant to 75 Pa.C.S. (relating to vehicles).

(25) Motorbus road tax imposed by 75 Pa.C.S. Ch. 98 (relating to motorbus road tax).

(26) General exemptions:

(i) The exemptions granted pursuant to section 15 of the act of March 31, 1949 (P.L.372, No.34), known as "The General State Authority Act of one thousand nine hundred forty-nine."

(ii) The exemption granted pursuant to 40 Pa.C.S. § 6307(b) (relating to exemptions applicable to certificated professional health care service corporations).

(iii) The exemptions granted pursuant to section 23 of the act of May 28, 1937 (P.L.955, No.265), known as the "Housing Authorities Law."

(iv) The exemptions granted pursuant to section 15 of the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945."

(v) The exemptions granted pursuant to section 15 of the act of June 5, 1947 (P.L.458, No.208), known as the "Parking Authority Law."

(vi) The exemptions granted pursuant to section 17 of the act of April 18, 1949 (P.L.604, No.128), known as the "State Highway and Bridge Authority Act."

(vii) The exemptions granted pursuant to section 14 of the act of July 5, 1947 (P.L.1217, No.498), known as the "State Public School Building Authority Act."

(27) Statutory exemptions, reductions, deductions, limitations, exclusions, tax deferrals, discounts, commissions, credits, preferential rates or preferential treatments established after the effective date of this section.

(b) The term shall not include any statutory exemption, reduction, deduction, limitation, exclusion, tax deferral, discount, commission, credit, preferential rate or preferential treatment for local tax purposes.

(c) At the time required for the submission of the budget to the General Assembly under section 613, the Governor shall also submit to the General Assembly a tax expenditure plan for

not less than the prior fiscal year, the current fiscal year, this budget year and the four (4) succeeding fiscal years, which plan shall include the following information:

(1) The actual or estimated revenue loss to the Commonwealth caused by each tax expenditure in each fiscal year covered by the plan.

(2) The actual or estimated cost of administering and implementing each tax expenditure for each fiscal year covered by the plan.

(3) The actual or estimated number and description, in reasonable detail, of taxpayers benefiting from each tax expenditure in each fiscal year covered by the plan.

(4) The purpose of each tax expenditure in terms of desired accomplishments.

(d) The Governor may also submit to the General Assembly an assessment of each tax expenditure based on whether or not each tax expenditure has been successful in meeting the purpose for which it was enacted and on whether each tax expenditure is the most fiscally effective means of achieving its purpose.

(e) Contents of the tax expenditure plan shall be as follows:

(1) For the first fiscal year in which a tax expenditure plan is required, the plan need only provide the required information for tax expenditures itemized in subsection (a)(1), (5), (6), (7), (12), (16) and (19).

(2) For the second year in which a tax expenditure plan is required, the plan need only provide the required information for the tax expenditures itemized in subsection (a)(1), (3), (4), (5), (6), (7), (8), (12), (16), (17), (19), (20) and (21).

(3) For the third year in which a tax expenditure plan is required, the plan need only provide the required information for the tax expenditures itemized in subsection (a)(1), (2), (3), (4), (5), (6), (7), (8), (9), (12), (13), (14), (16), (17), (18), (19), (20), (21) and (24).

(4) For the fourth year in which a tax expenditure plan is required, the plan shall provide the required information for all tax expenditures itemized in subsection (a).

(f) All data in the tax expenditure plan outlined in subsection (c) shall be revised and updated every two years.

(g) The Secretary of the Budget may obtain the information required for compliance with this section from all State agencies in like manner as provided for budget information under this article.

(h) The Secretary of the Budget is hereby authorized to obtain such data as may be needed for compliance with this section from the appropriate local government officials.

(i) The General Assembly recognizes that the exemption from taxation accorded religious institutions is founded on principles of church-state separation, and nothing in this section is intended to express or imply that tax exemption constitutes subsidization of the religious activities of such institutions, nor shall this section be construed to authorize the imposition of any additional requirements on such institutions relating to tax exemption.

(j) The initial two (2) tax expenditure plans required under this section shall be deemed in compliance with this section if the tax expenditure plan consists, at a minimum, of the tax expenditures reported by the Governor to the General Assembly for fiscal year 1992-1993.

(624 added Dec. 18, 1992, P.L.1638, No.180)

Compiler's Note: Section 15 of Act 180 of 1992, which added section 624, provided that Act 180 shall apply to the budget submitted for the fiscal year next commencing after one year from the effective date of Act 180 and to each fiscal year thereafter. See the preamble to Act 180 in the appendix to this act for special provisions relating to legislative intent.

Section 625. Reappropriation of Lapsed Energy Conservation and Assistance Fund Money.--Notwithstanding the provisions of section 4 of the act of July 10, 1986 (P.L.1398, No.122), known as the "Energy Conservation and Assistance Act," requiring at least seventy-five per centum (75%) of the annual appropriation made from the fund shall be for the supplemental programs established in section 5 of the "Energy Conservation and Assistance Act," any funds lapsed from an annual appropriation may be reappropriated by the General Assembly to the program which lapsed the funds.

(625 added Feb. 23, 1996, P.L.27, No.10)

ARTICLE VI-A
COMMONWEALTH AGENCY FEES
(VI-A added July 1, 1981, P.L.143, No.48)

Section 601-A. Definitions.--As used in this article:

"Agency" means any department, board or commission subject to the provisions of this act.

"Fee" means any money payable to the Commonwealth for goods, services, certifications, permits, inspection licenses or the filing of any legal paper, except for money paid for the purchase of surplus property.

(601-A added July 1, 1981, P.L.143, No.48)

Section 602-A. Department of Agriculture.--The Department of Agriculture is authorized to charge fees for the following purposes and in the following amounts:

(1) Commercial feed:	
(i) Annual registration of manufacturer..	$25.00
(ii) ((ii) repealed Dec. 12, 1994, P.L.903, No.131)	
(2) Domestic animal dealer and market license:	
(i) Agent of a dealer.....	3.00
(ii) Dealer.....	10.00
(3) Commercial fertilizer inspection:	
(i) Fertilizer inspection fee determined on a per ton basis.....	.13
(4) Garbage feeders license.....	35.00
(5) Interstate milk shippers rating:	
(i) Milk supply consisting of:	
Less than 10 farms.....	100.00
11 to 50 farms.....	200.00
51 to 100 farms.....	300.00
101 to 300 farms.....	400.00
more than 300 farms.....	500.00
(ii) Milk plant processing daily:	
less than 20,000 lbs.....	100.00
20,000 to 200,000 lbs.....	150.00
more than 200,001 lbs.....	200.00
(iii) Manufacturers of single service containers.....	100.00
(6) Approved milk inspector:	
(i) Initial certificate.....	50.00
(ii) Renewal certificate.....	20.00
(7) Poultry technician license:	
(i) Initial license.....	10.00

(ii) Annual renewal of license..... 10.00

(8) Public weighmaster:

(i) Initial license..... 30.00

(ii) Annual renewal of license..... 30.00

(iii) Annual remittance to city or county 5.00

(9) Solid fuel weighmaster:

(i) Initial license..... 30.00

(ii) Annual renewal of license..... 30.00

(iii) Annual remittance to city or county 5.00

(10) Rendering plants:

(i) Initial license..... 25.00

(ii) Annual renewal of license..... 25.00

(11) Bakery:

(i) License..... 35.00

((11) added July 1, 1990, P.L.277, No.67)

(12) Cold Storage:

(i) License..... 35.00

((12) added July 1, 1990, P.L.277, No.67)

(13) Dessert:

(i) License..... 35.00

((13) added July 1, 1990, P.L.277, No.67)

(14) Nonalcoholic drinks:

(i) License..... 100.00

((14) added July 1, 1990, P.L.277, No.67)

(15) Inspection/registration of plants and trees:

(i) Inspection per establishment..... 40.00

((15) added July 1, 1990, P.L.277, No.67)

(16) ((16) repealed Nov. 23, 2010, P.L.1039, No.106)

(602-A added July 1, 1981, P.L.143, No.48)

Section 603-A. Department of Banking.--The Department of Banking is authorized to charge fees for the following purposes and in the following amounts:

(1) Consumer discount companies:

(i) Initial license..... $500.00

(ii) Additional licenses for each business location..... 500.00

(iii) Annual license renewal..... 350.00

(2) Motor vehicle sales finance:

(i) Initial license for sales finance company..... 500.00

Annual license renewal..... 350.00

(ii) License for installment seller..... 250.00

Annual license renewal..... 250.00

(iii) Initial license collector-repossessor..... 350.00

Annual license renewal..... 250.00

(3) Pawnbroker:

(i) Initial license for pawnbroker..... 500.00

Annual license renewal..... 250.00

(4) Money transmitter:

(i) Initial license for money transmitter..... 2,000.00

Annual license renewal..... 2,000.00

(5) Secondary mortgage loan company:

(i) Initial license for principal place of business and each branch office.... 500.00

Annual license renewal..... 350.00

(6) Secondary mortgage loan broker:

(i) Initial license for principal place of business..... 500.00

Annual license renewal..... 200.00

(ii) Each branch office..... 50.00
Annual branch renewal..... 25.00
(7) First Mortgage Banker:
(i) Initial license for principal place of business and each branch office.... 500.00
Annual license renewal..... 350.00
(8) First mortgage broker:
(i) Initial license fee for principal place of business..... 500.00
Annual license renewal..... 200.00
(ii) Each branch office..... 50.00
Annual branch renewal..... 25.00
(603-A amended July 1, 1990, P.L.277, No.67)

Section 604-A. Department of Commerce.--(604-A repealed June 23,1993, P.L.114, No.27)

Compiler's Note: Section 10 of Act 27 of 1993, which repealed section 604-A, provided that the repeal shall take effect upon the effective date of the first regulation promulgated under section 37 of Act 156 of 1803.

Section 605-A. Department of Community Affairs.--The Department of Community Affairs is authorized to charge fees for the following purposes and in the following amounts:
(1) Municipal indebtedness:
(i) Filing fee for each filing..... $50.00
In addition the filing shall be accompanied by an additional fee of 1/32 mill on each dollar of the aggregate principal amount of the debt relating to such filing.
(605-A amended Feb. 17, 1984, P.L.75, No.14)

Compiler's Note: The Department of Community Affairs, referred to in this section, was abolished by Act 58 of 1996 and its functions were transferred to the Department of Community and Economic Development.

Section 606-A. Department of Education.--The Department of Education is authorized to charge fees for the following purposes and in the following amounts:
(1) ((1) repealed Jan. 28, 1988, P.L.24, No.11)
(2) ((2) repealed Dec. 15, 1986, P.L.1585, No.174)
(3) ((3) repealed Dec. 15, 1986, P.L.1585, No.174)
(4) Private driver training school fees:
(i) Initial license..... 500.00
(ii) License renewals..... 300.00
(iii) Instructor:
(A) Initial..... 30.00
(B) Renewal..... 20.00
(5) ((5) repealed Dec. 15, 1986, P.L.1585, No.174)
(6) Private driver training schools vehicle identification registrations:
(i) Initial..... 10.00
(ii) Renewal/transfer..... 5.00
(606-A amended July 1, 1990, P.L.277, No.67)

Section 607-A. Department of Environmental Resources.--The Department of Environmental Resources is authorized to charge fees for the following purposes and in the following amounts:

(1) ((1) repealed Dec. 23, 2003, P.L.282, No.47)

(2) Certification of sewage and water treatment plant operators:

(i) Initial license.....	20.00
(ii) Annual license renewal.....	5.00

((2) amended July 1, 1990, P.L.277, No.67)

(3) Mines, anthracite:

(i) Examination fee for mine foreman, assistant mine foreman and mine examiner.....	25.00
(ii) Certification fee for mine foreman, assistant mine foreman and mine examiner.....	25.00
(iii) Duplicate certificate.....	1.00
(iv) Miner's certificate.....	5.00

(4) Mines, bituminous:

(i) Examination fee for mine foreman, assistant mine foreman and mine examiner.....	25.00
(ii) Certification fee for mine foreman, assistant mine foreman and mine examiner.....	25.00
(iii) Examination fee for mine electrician.....	15.00
(iv) Certification fee for mine electrician.....	15.00
(v) Miner's certificate.....	5.00

(5) Water and related matters:

(i) Public water supply surface water allocation permit.	Fee to be set by regulation of department to reimburse costs of administering the act of June 24, 1939 (P.L.842, No.365)
(ii) Water sample bacteriological examination/per sample..... (homeowner water bottle program)	10.00
(iii) Water well driller's license.....	60.00
(iv) Water well driller rig fee on a per rig basis.....	20.00

(6) Sewage enforcement officer certification:

(i) Examination.....	25.00

((6) added July 1, 1990, P.L.277, No.67)

(7) Planning module review fee:

(i) Minor subdivisions.....	50.00
(ii) Major subdivisions.....	250.00

((7) added July 1, 1990, P.L.277, No.67)

(607-A added July 1, 1981, P.L.143, No.48)

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 608-A. Harness Racing Commission.--The Harness Racing Commission is authorized to charge fees for the following purposes and in the following amounts:

(1) Occupational and participation licenses...Fee to be set by the commission - not to exceed a maximum of $100.00

(608-A added July 1, 1981, P.L.143, No.48)

Section 609-A. Department of Health.--(a) The Department of Health is authorized to charge fees for the following purposes and in the following amounts:

(1) Permit for operation of clinical laboratory..... $100.00

(2) Provisional approval issued to nursing homes:

(i) Provisional license:

(A) First provisional..... 100.00

Each approved nursing home bed..... 2.00

(B) Second provisional..... 200.00

Each approved nursing home bed..... 2.00

(C) Third provisional..... 300.00

Each approved nursing home bed..... 2.00

(D) Fourth provisional..... 400.00

Each approved nursing home bed..... 2.00

(3) ((3) deleted by amendment Dec. 23, 2003, P.L.282, No.47)

(4) Nursing homes:

(i) Regular license..... 100.00

Each inpatient bed..... 2.00

(ii) Renewal of regular license..... 100.00

Each inpatient bed..... 2.00

(5) Home health care agency:

(i) License..... 200.00

(6) Vital statistics:

(i) Certified copy of a birth record..... 20.00

(ii) Certified copy of a death record..... 20.00

(b) When there is no local registrar, upon application and payment of a fee of twenty dollars ($20), the local Department of Health office shall issue a certificate of death. Each fee received by the local Department of Health office shall be distributed as follows:

(1) Eleven dollars ($11) shall be retained by the Department of Health.

(2) Eight dollars ($8) shall be deposited in the General Fund.

(3) One dollar ($1) shall be retained by the Department of Health for distribution to the county coroner or medical examiner as provided for in section 206 of the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953.

(609-A amended Oct. 30, 2017, P.L.379, No.40)

Section 610-A. Health Care Providers.--The administrator of the act of October 15, 1975 (P.L.390, No.111), known as the "Health Care Services Malpractice Act," is authorized to charge fees for the following purposes and in the following amounts:

(1) Medical malpractice arbitration annual fees..... Fee will be set by administrator based on the costs incurred in the arbitration process for each filing

(610-A added July 1, 1981, P.L.143, No.48)

Section 611-A. Horse Racing Commission.--The Horse Racing Commission is authorized to charge fees for the following purposes and in the following amounts:

(1) Occupational and participation licenses... To be set by the commission not to exceed a maximum fee of $100.00

(611-A added July 1, 1981, P.L.143, No.48)

Section 612-A. Insurance Department.--The Insurance Department is authorized to charge fees for the following purposes and in the following amounts:

(1) Insurance companies, associations or exchanges:

(i) Valuation of life insurance policies based on a per thousand dollar value of such insurance.....	$.01 with a minimum charge of $15.00
((i) amended July 7, 2006, P.L.351, No.74)	
(ii) Filing copy of charter or amendment of a domestic, foreign or alien company, association or exchange.....	300.00
(iii) Filing annual statement or other statement of a domestic, foreign or alien company, association or exchange.....	125.00
(iv) License fee for a domestic, foreign or alien company, association or exchange or any duplicate license.....	100.00
(v) License for a rating organization.....	50.00
(vi) Examination of a domestic, foreign and alien company.....	Expense of examination
(vii) Filing and review of merger agreements of domestic, foreign and alien companies.....	400.00
(viii) Filing and review of conversion plan from mutual company to stock company....	2,500.00
(ix) Filing and review of conversion plan from stock company to mutual company....	2,500.00
(x) Filing and review of proposed exchange of shares of stock.....	600.00
(xi) Filing and review of material in connection with a proposed acquisition or offer to acquire capital stock of a domestic insurance company or insurance holding company.....	2,500.00
(xii) Filing and review of registration statement by an insurance member of an insurance holding company.....	400.00
(xiii) For each amendment to such registration statement.....	200.00
(xiv) Issuance of a certificate of compliance, deposit or surety.....	20.00
(xv) Any other certificate issued by the department.....	20.00
(xvi) Filing and review of qualifications of an insurer to issue variable annuities.....	400.00

(xvii) Certification of each copy of any paper filed with department..... 20.00 plus .20 per page

(xviii) Copy of any paper filed with department on a per/page basis..... .25

(xix) Copy of annual statement pages..... 2.00

(xx) Domestic company license application.. 2,500.00

(xxi) Foreign/alien license application.... 2,500.00

(xxii) Qualification of insurer to issue variable life contracts..... 400.00

(xxiii) Return of increase or decrease or stated capital..... 200.00

(xxiv) Reinsurance and assumption agreement. 300.00

(xxv) Request to pay extraordinary dividends..... 200.00

(xxvi) Surplus line binding authority agreement..... 200.00

(xxvii) Duplicate of agency or broker record..... 20.00

((1) amended Dec. 23, 2003, P.L.282, No.47)

(2) Agents and brokers:

(i) Each listing for written examination of applicants for licenses as agents, brokers, public adjusters or public adjuster solicitors..... 10.00

(ii) For license of an applicant qualified through prior examination..... 5.00

(iii) For agent's license..... 10.00

(iv) For annual renewal of agent's license or for a replacement or duplicate of such license..... 10.00

(v) For each additional variable annuity power in an agent's license on a per annuity basis..... 5.00

(vi) Individual insurance broker license.. 20.00

(vii) Insurance broker license in the name of a corporation or copartnership..... 25.00

(viii) For each broker's license issued in the name of qualified individual active members or officers of a copartnership or corporation on a per license basis..... 25.00

(ix) For certification of an agent or broker license..... 10.00

(x) Surplus line agent:

(A) Initial license..... 100.00

(B) Annual renewal..... 100.00

(C) Annual certificate of eligibility.. 10.00

(D) Examination fee..... 10.00

(3) Fraternal benefit societies:

(i) Filing copy of charter of a domestic, foreign or alien society, in addition to any fee for filing such charter with the Department of State..... 70.00

(ii) The filing of an annual or other statement..... 750.00

(iii) License to society or certified copy or duplicate thereof..... 80.00

(iv) Each listing for written examination of an applicant for license as an agent.. 10.00

(v) Each applicant for such licenses for which an examination is not required.... 5.00

(vi) Agent's license for each domestic or foreign society, for life or accident and health lines, or any combination thereof, regardless of the number of powers, excepting variable annuities, for which licensed..... 10.00

(vii) Copy of any paper filed in the department..... 10.00

department, per page..... .25

(viii) Any certificate required..... 10.00

(ix) Making examinations..... Expense of examination

(x) Filing and reviewing agreements of merger of domestic, foreign and alien societies..... 400.00

(xi) Filing and review of a plan of conversion from a fraternal benefit society to a mutual company and for filing each amendment to registration statement..... 400.00

(xii) For issuing a certificate of compliance, deposit or surety or any other certificate required to be issued by the department..... 20.00

(xiii) Filing and review of qualification of a society to issue variable annuities. 400.00

(xiv) Certificate of an agent's license or for duplicate or replacement licenses... 10.00

(xv) Any other certificate issued by the division of agents..... 10.00

(xvi) Each renewal of license as an individual agent..... 10.00

(xvii) Each additional variable annuity power in such license..... 5.00

((3) amended Dec. 23, 2003, P.L.282, No.47)

(4) License and annual renewal for manager or exclusive general agent for domestic insurance company..... 400.00

((4) amended Dec. 23, 2003, P.L.282, No.47)

(5) Motor vehicle physical damage appraiser:

(i) Initial license..... 55.00

(ii) Annual renewal..... 55.00

((5) amended Dec. 23, 2003, P.L.282, No.47)

(6) Professional bondsman license:

(i) Initial license..... 100.00

(ii) Annual renewal..... 100.00

((6) amended Dec. 23, 2003, P.L.282, No.47)

(7) Public adjustors and solicitors for companies:

(i) Public adjustor:

(A) Initial license..... 100.00

(B) Annual renewal..... 100.00

(ii) Public adjustor solicitor:

(A) Initial license..... 50.00

(B) Annual renewal..... 50.00

(8) Workmen's Compensation Security Fund assessment:

(i) Stock company, mutual carrier and reciprocal exchange..... 1% of annual net written premiums

(9) Annual company appointment fee as defined and regulated by section 671-A act of May 17, 1921 (P.L.789, No.285), known as "The Insurance Department Act of 1921"..... 15.00

((9) added Dec. 23, 2003, P.L.282, No.47)

(10) Insurance producer license fees:

(i) Amended license..... 25.00

(ii) Certified license history..... 25.00

(iii) Duplicate license..... 25.00

((10) added Dec. 23, 2003, P.L.282, No.47)

(612-A amended July 1, 1990, P.L.277, No.67)

Section 613-A. Department of Labor and Industry to Collect Fees.--(a) Notwithstanding any other provision of law, the department is authorized to charge fees for the following purposes and in the following amounts:

(1) Fees for unfired pressure vessels and boilers:

(i) Certificate of operations:

(A) Unfired Pressure Vessels..... $72

(B) Boilers..... 44

(ii) For the internal inspection of power boilers, high-pressure, high temperature water boilers and miniature boilers, the fees shall be as follows:

(A) Boilers of 50 square feet or less of heating surface:

(I) Standard fee..... 65

(II) For expedited inspections..... 165 plus $160 per hour for inspections that occur outside of normal business hours

(B) Boilers with more than 50 square feet of heating surface and less than 4,000 square feet of heating surface:

(I) Standard fee..... 125

(II) For expedited inspections..... 225 plus $160 per hour for inspections that occur outside of normal business hours

(C) Boilers with more than 4,000 square feet of heating surface and less than 10,000 square feet of heating surface:

(I) Standard fee..... 175

(II) For expedited inspections..... 275 plus $160 per hour for inspections that occur

outside of normal business hours

(D) Boilers with 10,000 or more square feet of heating surface:

(I) Standard fee..... 210

(II) For expedited inspections..... 310 plus $160 per hour for inspections that occur outside of normal business hours

(E) Miniature boilers:

(I) Standard fee..... 35

(II) For expedited inspections..... 135 plus $160 per hour for inspections that occur outside of normal business hours

(iii) For the external inspection of power boilers, high-pressure and high-temperature water boilers, the fees shall be as follows:

(A) Boilers with 50 square feet or less of heating surface:

(I) Standard fee..... 55

(II) For expedited inspections..... 155 plus $160 per hour for inspections that occur outside of normal business hours

(B) Boilers with more than 50 square feet of heating surface:

(I) Standard fee..... 80

(II) For expedited inspections..... 180 plus $160 per hour for inspections that occur outside of normal business hours

(iv) For the internal or external inspection of low-pressure boilers, the fees shall be as follows:

(A) Heating boilers without a manhole:

(I) Standard fee..... 55

(II) For expedited inspections..... 155

plus $160 per hour for inspections that occur outside of normal business hours

(B) Heating boilers with a manhole:

(I) Standard fee..... 100

(II) For expedited inspections..... 200 plus $160 per hour for inspections that occur outside of normal business hours

(C) Hot water supply boilers:

(I) Standard fee..... 55

(II) For expedited inspections..... 155 plus $160 per hour for inspections that occur outside of normal business hours

(v) For the internal or external inspection of pressure vessels, the fees shall be as follows:

(A) Pressure vessels subject to inspection having a cross-sectional area of 50 square feet or less:

(I) Standard fee..... 45

(II) For expedited inspections..... 145 plus $160 per hour for inspections that occur outside of normal business hours

(B) Each additional 100 square feet of area in excess of 50 square feet:

(I) Standard fee..... 45

(II) For expedited inspections..... 145 per each additional 100 square feet in area in excess of 50 square feet plus $160 per hour for inspections that occur

outside of normal business hours

(C) A group of pressure vessels, such as the rolls of a paper machine for a dryer operating as a single machine or unit, shall be considered one pressure vessel.

(vi) Intent to install approval:

(A) Complete mechanical room drawings - boilers and other vessels:

(I) Standard fee..... 165

(II) For expedited approval... 1,165 plus $160 per hour for inspections that occur outside of normal business hours

(B) High-pressure boilers:

(I) Standard fee..... 100

(II) For expedited approval... 1,100 plus $160 per hour for inspections that occur outside of normal business hours

(C) Low-pressure boilers:

(I) Standard fee..... 100

(II) For expedited approval... 1,100 plus $160 per hour for inspections that occur outside of normal business hours

(vii) Boiler inspectors:

(A) Inspector's examination fee... 150

(B) New credential card (annual renewal)..... 25

(viii) Hydrostatic test (witnessed):

(A) Standard fee..... 65

(B) For expedited action..... 165 plus $160 per hour for inspections that occur outside of normal business hours

(ix) Inspection of repair fee:

(A) Standard fee..... 65

(B) For expedited inspection..... 165 plus $160 per hour for inspections

that occur outside of normal business hours

(x) Copy of department boiler regulations..... 7

(xi) Acceptance of boilers and pressure vessels not originally destined for use within this Commonwealth:

(A) Standard fee..... 1,500

(B) For expedited action..... 2,500 plus $160 per hour for inspections that occur outside of normal business hours

(2) Fees for elevators:

(i) Plans approval application:

(A) Passenger, freight and combination passenger/freight elevators except hydraulic elevators:

(I) One to seven floors:

(a) Standard fee..... 663

(b) For expedited plan reviews, approvals and inspections.... 1,663 plus $160 per hour for inspections that occur outside normal business hours

(II) Eight to twenty floors:

(a) Standard fee..... 768

(b) For expedited plan reviews, approvals and inspections.... 1,768 plus $160 per hour for inspections that occur outside normal business hours

(III) More than 20 floors:

(a) Standard fee..... 950

(b) For expedited plan reviews, approvals and inspections.... 1,950 plus $160 per hour for inspections that occur outside normal business hours

(B) Hydraulic passenger, freight and combination passenger/freight elevators and other lifting devices:

(I) Standard fee..... 581
(II) For expedited plan reviews, permits and inspections..... 1,581 plus $160 per hour for inspections that occur outside normal business hours

(C) Ski lifts (aerial passenger ropeways):
(I) Standard fee..... 2,800
(II) For expedited plan reviews, permits and inspections..... 3,500 plus $320 per hour for inspections that occur outside normal business hours

(D) Ski lifts nonaerial (surface lifts):
(I) Standard fee..... 600
(II) For expedited plan reviews, permits and inspections..... 1,600 plus $320 per hour for inspections that occur outside normal business hours

(E) Escalators and moving walks:
(I) Standard fee..... 558
(II) For expedited plan reviews, permits and inspections..... 1,558 plus $160 per hour for inspections that occur outside normal business hours

(ii) Alterations and major repairs:
(A) Standard fee..... 696
(B) For expedited plan review and inspections..... 1,696 plus $160 per hour for inspections that occur outside normal business hours

(iii) Certificate renewals:
(A) Two-year renewal..... 72
(B) Four-year renewal..... 144

(iv) Elevator inspections:
(A) Passenger, freight and combination passenger/freight

elevators except hydraulic elevators:

(I) One to seven floors:

(a) Standard fee..... 200

(b) For expedited inspection..... 300 plus $160 per hour for inspections that occur outside normal business hours

(II) Eight to twenty floors:

(a) Standard fee..... 236

(b) For expedited inspection..... 336 plus $160 per hour for inspections that occur outside normal business hours

(III) More than 20 floors:

(a) Standard fee..... 250

(b) For expedited inspection..... 350 plus $160 per hour for inspections that occur outside normal business hours

(B) Hydraulic passenger, freight and combination passenger/freight elevators and other lifting devices:

(I) Standard fee..... 207

(II) For expedited inspections..... 307 plus $160 per hour for inspections that occur outside normal business hours

(C) Ski lifts (aerial passenger ropeways):

(I) Standard fee..... 780

(II) For expedited inspections..... 880 plus $160 per hour for inspections that occur outside normal business hours

(D) Ski lifts nonaerial (surface lifts):

(I) Standard fee..... 175

(II) For expedited inspections..... 275

plus $160 per hour for inspections that occur outside normal business hours

(E) Escalators and moving walks:

(I) Standard fee..... 150

(II) For expedited inspections..... 250 plus $160 per hour for inspections that occur outside normal business hours

(v) Fees for witnessing periodic tests:

(A) Electric elevators with 1-10 openings:

(I) Standard fee..... 435

(II) For expedited action..... 635 plus $160 per hour for inspections that occur outside normal business hours

(B) Electric elevators with 11-20 openings:

(I) Standard fee..... 475

(II) For expedited action..... 675 plus $160 per hour for inspections that occur outside normal business hours

(C) Electric elevators with more than 20 openings:

(I) Standard fee..... 530

(II) For expedited action..... 730 plus $160 per hour for inspections that occur outside normal business hours

(D) Roped hydraulic elevator and roped/chained vertical reciprocal conveyor:

(I) Standard fee..... 530

(II) For expedited action..... 730 plus $160 per hour for inspections that occur outside normal business hours

(E) Hydraulic elevator, limited use/limited application

elevator and direct hydraulic vertical reciprocating conveyor:

(I) Standard fee..... 435

(II) For expedited action..... 635 plus $160 per hour for inspections that occur outside normal business hours

(F) Escalator and moving walk:

(I) Standard fee..... 435

(II) For expedited action..... 635 plus $160 per hour for inspections that occur outside normal business hours

(G) Wheelchair lift and inclined stairway chair lift:

(I) Standard fee..... 280

(II) For expedited action..... 480 plus $160 per hour for inspections that occur outside normal business hours

(H) Orchestra lift, belt lift, state lift and organ lift:

(I) Standard fee..... 530

(II) For expedited action..... 730 plus $160 per hour for inspections that occur outside normal business hours

(I) Other equipment:

(I) Standard fee..... 435

(II) For expedited action..... 635 plus $160 per hour for inspections that occur outside normal business hours

(vi) Fees for witnessing periodic dynamic testing:

(A) Aerial tramways and detachable aerial grips:

(I) Standard fee..... 2,400

(II) For expedited action..... 2,600 plus $320 per hour for inspections that occur outside normal business hours

(B) Fixed grip lifts:

(I) Standard fee..... 2,400
(II) For expedited action..... 2,600 plus $320 per hour for inspections that occur outside normal business hours

(C) Special approval:
(I) Standard fee..... 1,000 plus $115 per hour
(II) For expedited special approval and inspections..... 2,000 plus $160 per hour for inspections that occur outside normal business hours

(D) Reinspection following failed permit acceptance inspection:
(I) Standard fee..... 500
(II) For expedited approval andinspections..... 1,500 plus $160 per hour for inspections that occur outside normal business hours

(E) Reinspection following failure to correct violations within allotted time period:
(I) Standard fee..... 200
(II) For expedited approval andinspections..... 1,200 plus $160 per hour for inspections that occur outside normal business hours

(F) Copy of department elevator regulations..... 7

(G) Duplicate certificate of operation..... 25

(3) Fees for liquefied petroleum gas:

(i) New registration and plan approval for bulk plants of 30,000 gallons or less:
(A) Standard fee..... 360
(B) For expedited registration and planapproval..... 1,360 plus $160 per hour for inspections that occur outside normal business hours

(ii) New registration and plan approval for bulk plants of 30,001-90,000 gallons:

(A) Standard fee..... 430

(B) For expedited registration and planapproval..... 1,430 plus $160 per hour for inspections that occur outside normal business hours

(iii) New registration and plan approval for bulk plants of 90,001 gallons or more:

(A) Standard fee..... 475

(B) For expedited registration and planapproval..... 1,475 plus $160 per hour for inspections that occur outside normal business hours

(iv) New registration and plan approval for industrial or utility users of 2,001-30,000 gallons:

(A) Standard fee..... 250

(B) For expedited registration and planapproval..... 1,250 plus $160 per hour for inspections that occur outside normal business hours

(v) New registration and plan approval for industrial or utility users of 30,001-180,000 gallons:

(A) Standard fee..... 360

(B) For expedited registration and planapproval..... 1,360 plus $160 per hour for inspections that occur outside normal business hours

(vi) Registration and plan approval for industrial or utility users of 180,001 gallons or more:

(A) Standard fee..... 475

(B) For expedited registration and planapproval..... 1,475 plus $160 per hour for inspections that occur outside normal business hours

(vii) Registration and plan approval for retail cylinder or exchange cabinets:
(A) Standard fee..... 150
(B) For expedited registration and planapproval..... 1,150 plus $160 for inspections that occur outside normal business hours
(viii) Dealers having less than 1,000 customers..... 175
(ix) Dealers having 1,000-2,999 customers..... 300
(x) Dealers having 3,000-5,999 customers..... 375
(xi) Dealers having 6,000 or more customers..... 500
(xii) Copy of department LP gas regulations..... 5
(xiii) Annual registration renewal for bulk plants and industrial users..... 135
(xiv) Annual registration renewal for cylinder or exchange cabinets..... 75

(4) Fees for bedding and upholstery:
(i) Manufacturer's license..... 150
(ii) Sterilization permit..... 75
(iii) Sterilization renewal..... 35
(iv) Auctioneer permit..... 75
(v) Auctioneer renewal..... 35
(vi) Quarterly reports..... .05
(vii) Duplicate license or permit.... 25
(viii) Secondhanded initial application..... 100
(ix) Secondhanded renewal..... 50

(5) Fees for combustible and flammable liquids:
(i) Permits for the installation or replacement of tanks:
(A) Standard fee..... 500
(B) For expedited permits and inspections..... 1,500 plus $160 per hour for inspections that occur outside normal business hours
(ii) Permits for the installation or replacement of pumps or dispensers:
(A) Standard fee..... 200
(B) For expedited permits and inspections..... 1,200 plus $160 per hour for inspections that occur outside normal business hours

(iii) Permits for the installation and rebuild of containers for compressed natural gas:

(A) Standard fee..... 500

(B) For expedited permits and inspections..... 1,500 plus $160 per hour for inspections that occur outside normal business hours

(iv) Permits for the installation or replacement of compressed natural gas pumps and dispensers:

(A) Standard fee..... 200

(B) For expedited permits and inspections..... 1,200 plus $160 per hour for inspections that occur outside normal business hours

(v) Duplicate permit..... 75

(6) Fees for asbestos occupations:

(i) Worker certification of less than sixmonths..... 30

(ii) Worker certification of six months or more..... 60

(iii) Supervisor certification of less than six months..... 58

(iv) Supervisor certification of six months or more..... 116

(v) Project designer certification of less than six months..... 175

(vi) Project designer certification of six months or more..... 350

(vii) Inspector certification of less than six months..... 175

(viii) Inspector certification of six months or more..... 350

(ix) Management planner certification of less than six months..... 175

(x) Management planner certification of six months or more..... 350

(xi) Dual inspector or management planner certification of less than sixmonths..... 175

(xii) Dual inspector or management planner certification of six months ormore..... 350

(xiii) Individual contractor certification of less than six months..... 290

(xiv) Individual contractor certification of six months or more 580

(xv) Company certification..... 150

(xvi) Training course accreditation.. 2,000

(xvii) Duplicate certification..... 25

(7) Fees for lead-based paint occupations:

(i) Worker certification of less than six months	30
(ii) Worker certification of six months or more	60
(iii) Supervisor certification of less than six months	58
(iv) Supervisor certification of six months or more	116
(v) Project designer certification of less than six months	175
(vi) Project designer certification of six months or more	350
(vii) Inspector certification of less than six months	175
(viii) Inspector certification of six months or more	350
(ix) Risk assessor certification of less than six months	175
(x) Risk assessor certification of six months or more	350
(xi) Dual inspector and risk assessor certification of less than six months	175
(xii) Dual inspector and risk assessor certification of six months or more	350
(xiii) Third-party examination	50
(xiv) Initial training course accreditation	2,000
(xv) Renewal training course accreditation	1,500
(xvi) Refresher of initial or renewal training course accreditation	1,500
(xvii) Duplicate certification	25
(xviii) Lead companies	500

(8) Fees for stuffed toys:

(i) Initial registration and renewals	75
(ii) Duplicate	25

(9) Fees for Uniform Construction Code certifications:

(i) Initial code official certification and renewal	100
(ii) Initial third-party agency certification and renewal	300
(iii) Duplicate	25

(10) Fees for Uniform Construction Code permits:

(i) Permit for new buildings and additions:

(A) Standard fee	321 plus $0.65 per square foot of floor area or each fraction of floor area
(B) For expedited permits	1,321 plus $0.65 per square

foot of floor area or each fraction of floor area plus $160 per hour for inspections that occur outside normal business hours

(ii) Permit for new structures and facilities other than buildings:

(A) Standard fee..... 965

(B) For expedited permits..... 1,965 plus $160 per hour for inspections that occur outside normal business hours

(iii) Permit for alterations, renovations or modifications to existing building structures:

(A) Standard fee..... 321 plus 6.5% for each $1,000 of estimated cost for alterations, renovations or modification as certified by the applicant

(B) For expedited permits..... 1,321 plus 6.5% for each $1,000 of estimated cost for alterations, renovations or modification as certified by the applicant plus $160 per hour for inspections that occur outside normal business hours

(iv) Accessibility plan review and inspection:

(A) Standard fee..... 645

(B) For expedited plan review..... 1,645 plus $160 per hour for inspections that occur

outside normal business hours

(v) Permit for building or structure demolition:

(A) Standard fee..... 321

(B) For expedited permits..... 1,321 plus $160 per hour for inspections that occur outside normal business hours

(vi) Annual permit:

(A) Standard fee..... 321

(B) For expedited permits..... 1,321 plus $160 per hour for inspections that occur outside normal business hours

(vii) Revision of approved plans:

(A) Standard fee..... 500

(B) For expedited approval..... 1,500 plus $160 per hour for inspections that occur outside normal business hours

(11) Fees for variance requests:

(i) Industrial board variance, appeal and request for extension of time:

(A) Standard fee..... 321

(B) For expedited action on variances, appeals or requests for extensions of time..... 1,321

(ii) Accessibility Advisory Board variance, appeal or request for extension of time:

(A) Standard fee..... 321

(B) For expedited action on variances, appeals or requests for extensions of time..... 1,321

(iii) Elevator Safety Board variance, appeal or request for extension of time:

(A) Standard fee..... 321

(B) For expedited action on variances, appeals or requests for extensions of time..... 1,321

((11) amended June 28, 2018, P.L.451, No.68)

(b) ((b) repealed June 22, 2018, P.L.281, No.42)

(c) Beginning one year after the effective date of this section, and annually thereafter, all fees listed in this section shall increase at the rate of inflation as outlined in the Consumer Price Index for All Urban Consumers in the Northeast Region for the most recent 12-month period for which the figures have been reported by the United States Department of Labor, Bureau of Labor Statistics. If the rate of inflation does not increase, all fees shall remain the same as they were

for the previous year. The department shall publish fee increases in the Pennsylvania Bulletin.

(d) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Department." The Department of Labor and Industry of the Commonwealth.

"Expedited." Any task, excluding inspections, to be performed within seven days of the Department of Labor and Industry, Bureau of Occupational and Industrial Safety's receipt of a written request to perform that task. For inspections, the term means a task to be performed within three days of receipt by the Department of Labor and Industry, Bureau of Occupational and Industrial Safety of a written request to perform that inspection.

"Normal business hours." Monday through Friday from 8:00 a.m. until 5:00 p.m. with the exception of any day when the Department of Labor and Industry is not open for business.

(613-A amended Oct. 30, 2017, P.L.379, No.40)

Compiler's Note: See Act 68 of 2018 in the appendix to this act for special provisions relating to notice, short title and effective date.

Compiler's Note: Section 5 of Act 175 of 1990 provided that the fees established by section 613-A(6) shall remain in effect until the Department of Labor and Industry promulgates regulations establishing fees to be charged under the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act.

Section 614-A. Liquor Control Board.--The Pennsylvania Liquor Control Board is authorized to charge fees for the following purposes and in the following amounts:

(1) Hotel, restaurant liquor licenses:

(i) Application filing fee.....	$700.00
(ii) Renewal filing fee.....	30.00
(iii) License fee:	
(A) Municipalities, population less than 1,500.....	250.00
(B) Municipalities, except townships, population 1,500 - 9,999.....	300.00
(C) Municipalities, townships, population 1,500 - 11,999.....	300.00
(D) Municipalities, except townships, population 10,000 - 49,999.....	400.00
(E) Municipalities, townships, population 12,000 - 49,999.....	400.00
(F) Municipalities, population 50,000 - 99,999.....	500.00
(G) Municipalities, population 100,000 - 149,999.....	600.00
(H) Municipalities, population 150,000 or more.....	700.00
(iv) Transfer fee:	
(A) Person to person.....	650.00
(B) Place to place.....	550.00
(C) Double transfer.....	700.00

(2) Hotel or retail dispenser - eating place malt or brewed beverage licenses:

(i) Application filing fee.....	700.00
(ii) Renewal filing fee.....	30.00
(iii) License fee:	

(A) Municipalities, population less than 10,000..... 200.00
(B) Municipalities, population 10,000 - 49,999..... 250.00
(C) Municipalities, population 50,000 - 99,999..... 300.00
(D) Municipalities, population 100,000 - 149,999..... 350.00
(E) Municipalities, population 150,000 or more..... 400.00
(iv) Transfer fee:
(A) Person to person..... 650.00
(B) Place to place..... 550.00
(C) Double transfer..... 700.00
(3) Clubs (except catering) liquor licenses:
(i) Application filing fee..... 700.00
(ii) Renewal filing fee..... 30.00
(iii) License fee..... 150.00
(iv) Transfer fee:
(A) Person to person..... 650.00
(B) Place to place..... 550.00
(C) Double transfer..... 700.00
(4) Club malt or brewed beverage licenses:
(i) Application filing fee..... 700.00
(ii) Renewal filing fee..... 30.00
(iii) License fee..... 125.00
(iv) Transfer fee:
(A) Person to person..... 650.00
(B) Place to place..... 550.00
(C) Double transfer..... 700.00
(5) Registration of agents; distillery certificate broker:
(i) Application filing fee..... 65.00
(ii) Renewal filing fee..... 65.00
(6) Amusement permit liquor:
(i) Permit fee..... 1/5 annual license fee
(7) Amusement permit malt beverage:
(i) Permit fee..... 1/5 annual license fee
(8) Bailee for hire:
(i) Application filing fee..... 700.00
(ii) Renewal filing fee..... 30.00
(iii) License fee (prorated quarterly)... 265.00
(9) Bonded warehouse:
(i) Application filing fee..... 700.00
(ii) Renewal filing fee..... 30.00
(iii) License fee (prorated quarterly)... 265.00
(10) Brewery license:
(i) Application filing fee..... 700.00
(ii) Renewal filing fee..... 30.00
(iii) License fee (prorated quarterly)... 1,425.00
(iv) Transfer fee:
(A) Person to person..... 650.00
(B) Place to place..... 550.00
(C) Double transfer..... 700.00
(11) Distillery license:
(i) Application filing fee..... 700.00
(ii) Renewal filing fee..... 30.00
(iii) License fee (prorated quarterly on volume)..... 5,400.00
(12) Distillery certificate broker permit:

(i) Application filing fee..... 700.00
(ii) Renewal filing fee..... 30.00
(iii) Permit fee..... 175.00
(13) Distillery of historical significance:
(i) Application filing fee..... 700.00
(ii) Renewal filing fee..... 30.00
(iii) License fee (prorated quarterly)... 1,200.00
((iii) amended Feb. 23, 2016, P.L.15, No.7)
(14) Importer's liquor license:
(i) Application filing fee..... 700.00
(ii) Renewal filing fee..... 30.00
(iii) License fee..... 265.00
(iv) Transfer fee:
(A) Person to person..... 650.00
(B) Place to place..... 550.00
(C) Double transfer..... 700.00
(15) Importer's warehouse license:
(i) Application filing fee, each warehouse..... 700.00
(ii) Renewal filing fee, each warehouse.. 30.00
(iii) License fee, each warehouse..... 65.00
(16) Limited winery:
(i) Application filing fee..... 700.00
(ii) Renewal filing fee..... 30.00
(iii) License fee (prorated quarterly)... 385.00
(17) Malt beverage distributor:
(i) Application filing fee..... 700.00
(ii) Renewal filing fee..... 30.00
(iii) License fee..... 600.00
(iv) Transfer fee:
(A) Person to person..... 650.00
(B) Place to place..... 550.00
(C) Double transfer..... 700.00
(18) Malt beverage importing distributor:
(i) Application filing fee..... 700.00
(ii) Renewal filing fee..... 30.00
(iii) License fee..... 1,350.00
(iv) Transfer fee:
(A) Person to person..... 650.00
(B) Place to place..... 550.00
(C) Double transfer..... 700.00
(19) Performing arts facility license:
(i) Application filing fee..... 700.00
(ii) Renewal filing fee..... 30.00
(iii) License fee..... 675.00
(20) Public service liquor license:
(i) Application filing fee..... 700.00
(ii) Renewal filing fee..... 40.00
(iii) License fee, railroad cars, per vessel..... 65.00
(iv) License fee, steamship or vessel, per vessel..... 260.00
(v) License fee, per air carrier..... 260.00
(vi) Transfer fee, railroad car, steamship or vessel or per air carrier..... 55.00
(21) Public service license malt beverage:
(i) Application filing fee..... 700.00
(ii) Renewal filing fee..... 40.00
(iii) License fee, railroad cars, per vessel..... 40.00
(iv) License fee, steamship or vessel, per vessel..... 160.00

(v) License fee, per air carrier..... 55.00
(vi) Transfer fee, railroad cars, steamship or vessel or per air carrier..... 55.00
(22) Sacramental wine license:
(i) Application filing fee..... 700.00
(ii) Renewal filing fee..... 30.00
(iii) License fee..... 265.00
(iv) Transfer fee..... 45.00
(23) Sales permit; reciprocal:
(i) Permit fee..... To be set by board not to exceed 5,000.00
(24) Special occasion permit:
(i) Permit fee, liquor or malt or brewed beverages, per day:
(A) No investigation..... 30.00
(B) Investigation..... 85.00
(25) Stadium restaurant liquor license:
(i) Application filing fee..... 700.00
(ii) Renewal filing fee..... 30.00
(iii) License fee..... 700.00
(26) Stadium and arena malt beverage license:
(i) Application filing fee..... 700.00
(ii) Renewal filing fee..... 30.00
(iii) License fee..... 150.00
(27) Sunday sales liquor:
(i) Permit fee..... 300.00
(28) Sunday sales malt beverage:
(i) Permit fee..... 300.00
(29) Trade show and convention liquor license:
(i) Application filing fee..... 700.00
(ii) Renewal filing fee..... 30.00
(iii) License fee..... 675.00
(iv) Transfer fee:
(A) Person to person..... 650.00
(B) Place to place..... 550.00
(C) Double transfer..... 700.00
(30) Transporter for hire; Class A and C:
(i) Application filing fee..... 700.00
(ii) Renewal filing fee..... 30.00
(iii) License fee..... 265.00
(31) Transporter for hire; Class B:
(i) Application filing fee..... 700.00
(ii) Renewal filing fee..... 30.00
(iii) License fee..... 160.00
(32) Vendor's permit:
(i) Application filing fee..... 700.00
(ii) Renewal filing fee..... 30.00
(iii) Permit fee..... 265.00
(33) Winery:
(i) Application filing fee..... 700.00
(ii) Renewal filing fee..... 30.00
(iii) License fee (prorated quarterly)... 385.00
(34) To be credited to the State Stores Fund from each of the fees collected for hotel, restaurant and club liquor licenses and retail dispensers' licenses both malt and brewed beverages..... 100.00
(35) Malt or brewed beverage brand registration:
(i) Filing fee (per brand)..... 75.00

(614-A amended July 1, 1990, P.L.277, No.67)

Section 615-A. Pennsylvania Securities Commission.--The Pennsylvania Securities Commission is authorized to charge fees for the following purposes and in the following amounts:

(1) ((1) repealed May 9, 1984, P.L.235, No.52)

(2) ((2) repealed May 9, 1984, P.L.235, No.52)

(3) Takeover Disclosure Law:

(i) For an offer valued at less than $5,000,000..... 1,500.00

(ii) For an offer valued at $5,000,000 or more, but less than $10,000,000..... 2,000.00

(iii) For an offer valued at $10,000,000 or more, but less than $25,000,000.... 3,000.00

(iv) For an offer valued at $25,000,000 or more..... 5,000.00

(v) The fee for filing a notice under section 8(a) of the act of March 3, 1976 (P.L.42, No.19), known as the "Takeover Disclosure Law"..... 100.00

(vi) Any target company making any filing pursuant to section 6, of the "Takeover Disclosure Law," payable at the time of the initial filing..... 500.00

(vii) A registrant, applicant for registration, issuer or other person upon whom the commission has conducted an examination, audit, investigation or prosecution and who has been found guilty of a violation of the provisions of this act shall pay for all the costs incurred in the conduct of such examination, audit, investigation or prosecution. These costs shall include, but are not limited to, the salaries and other compensation paid to clerical, administrative, investigative and legal personnel, plus the actual amount of expenses reasonably incurred by such personnel or the commission in the conduct of such examination, audit, investigation or prosecution

(viii) The fee for requesting an order issued by the commission under section 8(b) of the "Takeover Disclosure Law".. 100.00

(4) ((4) repealed Dec. 18, 1990, P.L.755, No.190)

(5) ((5) repealed Dec. 18, 1990, P.L.755, No.190)

(6) ((6) repealed Dec. 18, 1990, P.L.755, No.190)

(7) ((7) repealed Dec. 18, 1990, P.L.755, No.190)

(8) ((8) repealed Dec. 18, 1990, P.L.755, No.190)

(9) ((9) repealed Dec. 18, 1990, P.L.755, No.190)

(10) ((10) repealed Dec. 18, 1990, P.L.755, No.190)

(11) ((11) repealed Dec. 18, 1990, P.L.755, No.190)

(12) ((12) repealed Nov. 23, 2004, P.L.918, No.126)

(13) ((13) repealed Nov. 23, 2004, P.L.918, No.126)

(14) ((14) repealed Nov. 23, 2004, P.L.918, No.126)

(15) ((15) repealed Nov. 23, 2004, P.L.918, No.126)

(16) ((16) repealed Nov. 23, 2004, P.L.918, No.126)

(17) ((17) repealed Nov. 23, 2004, P.L.918, No.126)

(615-A added July 1, 1981, P.L.143, No.48)

Compiler's Note: Section 203(i) of the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania

Securities Act of 1972, referred to in par. (12)(i) and (iv), does not exist.

Section 205(b)(v) of the Pennsylvania Securities Act of 1972, referred to in par. (12)(ii) and (iii), does not exist.

Section 203(o)(ii) of the Pennsylvania Securities Act of 1972, referred to in par. (12)(v), does not exist.

Section 616-A. Pennsylvania State Police.--(a) The Pennsylvania State Police are authorized to charge fees for the following purposes and in the following amounts:

(1) Accident Reports:

(i) Certified copy of record of investigation of a vehicle accident..... $8.00

(2) Private security agent lethal weapon:

(i)Application..... 50.00

(ii)Certification..... 30.00

(iii)Renewal..... 30.00

(3) ((3) repealed July 13, 2007, P.L.95, No.31)

(4) Bank alarm panel:

(i) Bank alarm connection rate..... 300.00 per year

(5) Fingerprint records check:

(i) Private detective licensing - fingerprint records check request from clerkofcourts..... 17.50

(6) Firearm and name check:

(i) Noncriminal justice agencies and individuals..... 10.00

(b) Notwithstanding any other provision of law, the Pennsylvania State Police may increase the fees for criminal history record information under 18 Pa.C.S. Ch. 91 (relating to criminal history record information) by publishing a notice in the Pennsylvania Bulletin.

(616-A amended Oct. 30, 2017, P.L.379, No.40)

Section 617-A. Historical and Museum Commission.--(617-A repealed May 26, 1988, P.L.414, No.72)

Compiler's Note: Section 6 of Act 131 of 1994 provided that section 1917-A is repealed insofar as it is inconsistent with Act 131.

Section 618-A. Department of State.--The Department of State is authorized to charge fees for the following purposes and in the following amounts:

(1) Bureau of Commissions, Elections and Legislation:

(i) ((i) repealed Oct. 9, 2013, P.L.609, No.73)

(ii) ((ii) repealed Dec. 19, 1990, P.L.834, No.198)

(iii) ((iii) repealed Dec. 19, 1990, P.L.834, No.198)

(iv) ((iv) repealed Dec. 19, 1990, P.L.834, No.198)

(v) ((v) repealed Dec. 19, 1990, P.L.834, No.198)

(vi) ((vi) repealed Dec. 19, 1990, P.L.834, No.198)

(vii) ((vii) repealed Dec. 19, 1990, P.L.834, No.198)

(viii) ((viii) repealed Dec. 19, 1990, P.L.834, No.198)

(ix) ((ix) repealed Dec. 19, 1990, P.L.834, No.198)

(2) Corporation Bureau.--((2) repealed July 9, 2013, P.L.476, No.67)

(3) State Board of Vehicle Manufacturers, Dealers and Salespersons.--In addition to the limitations under section 327(c) of the act of December 22, 1983 (P.L.306, No.84), known as the "Board of Vehicles Act," the maximum documentary fee limitation imposed under section 327(c) as adjusted under section 327(d) shall include an additional amount equal to the product of section 327(c)(1) or section 327(c)(2) multiplied

by a factor of 1.7 to establish a maximum documentary fee that equals all costs associated with the requirements under section 327. ((3) added June 28, 2019, P.L.101, No.15)
(618-A added July 1, 1990, P.L.277, No.67)

Compiler's Note: See section 13 of Act 15 of 2019 in the appendix to this act for special provisions relating to legislative findings and declarations and effective date.

Compiler's Note: Section 401 of Act 198 of 1990 provided that notwithstanding 1 Pa.C.S. § 1952 (relating to effect of separate amendments on code provisions enacted by same General Assembly), Act 198 shall control over any other act of the present General Assembly which relates to the subject matter of 15 Pa.C.S. Ch. 1 Subch. C (relating to Corporation Bureau and UCC fees).

Section 619-A. Department of Transportation.--The Department of Transportation is authorized to charge fees for the following purposes and in the following amounts:

(1) Driving record:
(i) Certified driving record..... $10.00
(2) Uncollectible check fee:
(i) Uncollectible check penalty fee..... 20.00
(619-A added July 1, 1990, P.L.227, No.67)

Compiler's Note: Section 7 of Act 33 of 1993 provided that section 619-A(1)(i) is repealed insofar as it is inconsistent with the provisions of 75 Pa.C.S. § 1902(8).

Section 625-A. Fees Prohibited.--Except for extraordinary activities, no department or agency of the Commonwealth may charge a fee or other cost, except the actual costs incurred by the affected department or agency, for the use of State-owned property for the purpose of making commercial motion pictures. For purposes of this section, the term "extraordinary" shall mean an activity outside the normal course of business of an agency or department of this Commonwealth, including, but not limited to, demolition or construction projects, or any combination thereof, having a total cost in excess of one million dollars ($1,000,000).
(625-A added Nov. 26, 1997, P.L.530, No.57)

ARTICLE VI-B
INDEPENDENT FISCAL OFFICE
(Art. added July 20, 2016, P.L.849, No.100)

Compiler's Note: See sections 3 and 4 of Act 100 of 2016 in the appendix to this act for special provisions relating to continuation of prior law and application of law.

Section 601-B. Scope of article.
This article relates to independent fiscal estimates.
(601-B added July 20, 2016, P.L.849, No.100)

Section 602-B. Definitions.
The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Commonwealth agency." Any office, department, authority, board, multistate agency or commission of the executive branch. The term includes:

(1) The Office of the Governor.
(2) The Office of Attorney General, the Department of the Auditor General and the Treasury Department.

(3) An independent agency as defined in 62 Pa.C.S. § 103 (relating to definitions).

(4) A State-affiliated entity as defined in 62 Pa.C.S. § 103.

(5) The General Assembly.

(6) The Judiciary.

"Director." The Director of the Independent Fiscal Office.

"Office." The Independent Fiscal Office established in section 603-B.

"Proposed collective bargaining agreement." The terms of bargaining between a public employer and an employee organization which:

(1) Apply to wages, hours, terms and conditions of employment, benefits and working conditions.

(2) Are:

(i) Reduced to writing.

(ii) Agreed upon by designated representatives of the public employer and the employee organization.

(iii) Submitted for acceptance as a contract to the public employer and the public employee organization.

"Public employee retirement plan." Any of the following:

(1) The State Employees' Retirement System established under 71 Pa.C.S. Pt. XXV (relating to retirement for State employees and officers).

(2) The Public School Employees' Retirement System established under 24 Pa.C.S. Pt. IV (relating to retirement for school employees).

(3) The Pennsylvania Municipal Retirement System established under the act of February 1, 1974 (P.L.34, No.15), known as the Pennsylvania Municipal Retirement Law.

(4) Any other independent pension or retirement plan for public officers and employees of the Commonwealth.

(5) Pension or retirement plans established under 11 Pa.C.S. Ch. 143 (relating to pensions).

(6) Pension or retirement plans created pursuant to the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law.

"Selection and organization committee." The Independent Fiscal Office Selection and Organization Committee.

(602-B added July 20, 2016, P.L.849, No.100)

Section 603-B. Office established.

There is established a nonpartisan Independent Fiscal Office as an independent agency.

(603-B added July 20, 2016, P.L.849, No.100)

Section 604-B. Duties of office.

(a) Mandatory.--The office shall:

(1) Prepare revenue estimates to include Federal funds, State revenues and funds from other resources, including any projected revenue surplus or deficit for a given fiscal year, as provided under section 605-B.

(2) By November 15 of each year, provide an assessment of the State's current fiscal condition and a projection of what the fiscal condition will be during the next five years. The assessment shall take into account the state of the economy, demographics, revenues and expenditures.

(3) Develop performance measures for executive-level programs and departments and evaluate performance measures and results as promulgated and reported by executive-level departments. Performance measurements shall be outcome based and include, but not be limited to, activity cost analysis, measures of status improvement of recipient populations,

economic outcomes and performance benchmarks against similar State programs.

(4) Provide an analysis, including economic impact, of all tax and revenue proposals submitted by the Governor or the Office of the Budget.

(5) Study and analyze the existing sales and use tax law and propose recommendations to the Governor and the General Assembly for amending the tax to:

(i) eliminate obsolete and unnecessary provisions;

(ii) expand the tax base as necessary;

(iii) ensure a competitive economic market in this Commonwealth; and

(iv) protect the stability of the Commonwealth's budget.

(6) Establish an Internet website.

(7) Study and analyze the impact of shared-risk contributions under 24 Pa.C.S. § 8321(b) (relating to regular member contributions for current service) and 71 Pa.C.S. § 5501.1 (relating to shared-risk member contributions for Class A-3 and Class A-4 service).

(8) Provide a cost analysis for the current fiscal year and remaining subsequent fiscal years of the impact of each proposed collective bargaining agreement under the jurisdiction of the Governor prior to execution, including the costs to cover public employee wages, benefits, pensions and working conditions that have been reduced in writing under section 701 of the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act.

(b) Discretionary.--The office may:

(1) Develop and use econometric models to annually forecast State revenues and update the models. The office shall make the equations of a model and any historic databases related thereto available to the chair and minority chair of the Appropriations Committee of the Senate, the chair and minority chair of the Appropriations Committee of the House of Representatives, the Majority Leader and Minority Leader of the Senate and the Majority Leader and Minority Leader of the House of Representatives.

(2) Provide an analysis of the executive budget, including budgetary projections, economic outlook and economic impact. The budget analysis may include performance recommendations to secure greater efficiency and economy.

(3) Provide an assessment of the Pennsylvania economy and the national economy and the impact of the existing or emerging State or national economic trends on revenue performance for the current year and the forecasted or projected revenue collections for the budget year and the succeeding year.

(604-B added July 20, 2016, P.L.849, No.100)

Section 605-B. Revenue estimates.

(a) Initial revenue estimate.--((a) repealed June 22, 2018, P.L.281, No.42)

(a.1) Initial revenue estimate.--By May 20 of each year, the office shall submit to the General Assembly an initial revenue estimate for the next fiscal year. ((a.1) added June 28, 2019, P.L.101, No.15)

(b) Official revenue estimate.--((b) repealed June 22, 2018, P.L.281, No.42)

(b.1) Official revenue estimate.--The following apply:

(1) By June 20 of each year, the office shall submit an official revenue estimate for the next fiscal year.

(2) A revenue estimate submitted under this section shall be considered by the Governor and the General Assembly as the amount of revenue which may be considered for the general appropriation act for the ensuing fiscal year unless the Governor or the General Assembly determines that revenues are greater than or less than the estimate provided under this section. The office may amend the revenue estimate under this section if changes in law affecting revenues and receipts are enacted or proposed to be enacted with the annual State budget or unless significant changes in economic assumptions occur prior to June 30. The office shall submit the amended revenue estimate to the General Assembly within 10 days of the change.

(3) The office shall publish the methodology used to develop revenue estimates.

((b.1) added June 28, 2019, P.L.101, No.15)

(c) Information.--The office shall provide the chair and minority chair of the Appropriations Committee of the Senate, the chair and minority chair of the Appropriations Committee of the House of Representatives and the Secretary of the Budget all data, assumptions or econometric models used to develop projections and revenue estimates.

(d) Required information.--((d) repealed June 22, 2018, P.L.281, No.42)

(d.1) Required information.--

(1) A revenue estimate submitted by the office under subsection (b) shall include:

(i) Projected revenue collections by specific tax or revenue source, including Federal funds, the General Fund, the State Lottery Fund and the Motor License Fund.

(ii) All data, assumptions and econometric models used to develop a revenue estimate.

(iii) Any projected revenue surplus or deficit for the current fiscal year.

(2) A revenue estimate shall be based on existing law and tax policy and existing or emerging State or national economic trends.

((d.1) added June 28, 2019, P.L.101, No.15)

(e) Proposed change in law.--The office shall prepare a revenue estimate of any change in law affecting revenues and receipts, including increases in regulatory fees, proposed or considered as part of the annual State budget. If the proposed change in law will have a fiscal impact in excess of $10,000,000 in any fiscal year, the estimate shall be prepared on the basis of assumptions that estimate the probable behavioral responses of taxpayers, businesses and other persons to the proposed changes and shall include a statement identifying those assumptions. The information may be used to revise the revenue estimate under subsection (a.1). ((e) amended June 28, 2019, P.L.101, No.15)

(f) Department of Revenue.--The Department of Revenue in conjunction with the Secretary of the Budget shall make revenue estimates for the use of the Governor in preparing the budget.

(g) Governor.--The Governor shall certify that any appropriation bill does not cause total appropriations to exceed revenues plus any unappropriated surplus as provided in section 618.

(605-B added July 20, 2016, P.L.849, No.100)

Compiler's Note: See section 13 of Act 15 of 2019 in the appendix to this act for special provisions relating to legislative findings and declarations and effective date.

Section 606-B. Budget information.

The office shall be notified and shall attend any briefings provided by the Governor or the Secretary of the Budget under section 619.

(606-B added July 20, 2016, P.L.849, No.100)

Section 607-B. Expenditures.

(a) Expenditure reports.--Commonwealth agencies shall make monthly expenditure data available to the office. The data shall be provided within seven days after the end of each month. The monthly data shall include a summary of the last monthly submission. The data shall be provided in finished reports or electronically, as provided in this act. The data shall be provided by fund, by appropriation, by department and by organization within each department and shall include:

(1) Number of filled personnel positions and their cost.

(2) Itemized personnel vacancies and their cost.

(3) New positions created and their cost.

(4) Wage and overtime costs.

(5) Allotments and expenditures for itemized personnel expenses.

(6) Allotments and expenditures for itemized operating expenses.

(7) Allotments and expenditures for itemized fixed assets.

(8) The rate of expenditures in appropriations for major subsidy and grant programs during the month.

(b) Revenue reports.--The Governor shall direct that monthly revenue reports be submitted to the office. The revenue reports shall show the actual collection of revenue itemized by source and a comparison of the actual collections with estimated collections for each month. The comparison shall include an analysis of any change in collection patterns which will cause a shortfall or overrun on annual estimates of more than 1%.

(c) Other revenue data.--Commonwealth agencies shall cause to be prepared any other revenue data as may be requested from time to time by the office.

(d) Electronic access.--Except for information that is confidential pursuant to statute, the office shall have access to all information available under this section on inquiry-only screens through an integrated central computer system.

(607-B added July 20, 2016, P.L.849, No.100)

Section 608-B. Revenue conference.

By January 31 of each year, the office shall convene a meeting with the Secretary of the Budget, the Secretary of Revenue and the chair and minority chair of the Appropriations Committee of the Senate and the chair and minority chair of the Appropriations Committee of the House of Representatives to discuss the following:

(1) The Pennsylvania economy and the national economy and the impact of the economic trends on revenue performance for the budget year and the succeeding year.

(2) Current year-to-date revenue collections by specific tax or revenue source, including Federal funds, the General Fund, the State Lottery Fund and the Motor License Fund and variations that may be occurring in the revenue estimate submitted under section 605-B(a).

(3) Any statutory or tax policy changes that may be recommended by the Governor or the General Assembly for the next succeeding fiscal year.

(608-B added July 20, 2016, P.L.849, No.100)

Section 609-B. Access to information.

(a) Agencies.--The director is authorized to secure information, data, expense information, estimates and statistics directly from a Commonwealth agency or a political subdivision. All Commonwealth agencies and political subdivisions shall furnish the director with all reports of expenditure for each agency and any other available material or data which the director determines to be necessary in the performance of the duties of the office, other than material, the disclosure of which would be a violation of law. The director is also authorized, upon agreement with the head of any Commonwealth agency or political subdivision, to utilize the services, facilities and personnel of the agency with or without reimbursement.

(b) Office of the Budget.--In carrying out the duties and functions of the office, the director is authorized to obtain information, data, estimates and statistics developed by the Office of the Budget and all Commonwealth agencies. The Office of the Budget shall submit to the office copies of final agency budget requests at the same time they are submitted to the General Assembly under this act.

(c) Computer database.--In order to carry out its duties under this article, the office shall have access to any computerized database of a State agency that is required to aid the office in the performance of its duties, except that any statutory requirements regarding privacy of individuals' records shall be observed in providing access.

(d) Daily revenue data.--

(1) The Secretary of Revenue and the Secretary of the Budget shall post revenue collection data for each deposit day and make the information available to the office and the chair and minority chair of the Appropriations Committee of the Senate and the chair and minority chair of the Appropriations Committee of the House of Representatives.

(2) The Governor, the Attorney General, the Auditor General and the State Treasurer shall cause to be prepared any other revenue data as may be requested by the office.

(e) Tax information.--For the purposes of carrying out its official duties under section 605-B and notwithstanding any other law of this Commonwealth, the office shall be authorized to access any information in the possession of the Department of Revenue that is obtained from tax payments, returns or reports, including adjustments or corrections made by the Department of Revenue. The information accessed under this section shall be confidential except for official purposes, and any person divulging the information shall be subject to section 731 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

(f) Civil action.--If information is not made available by a Commonwealth agency or political subdivision within a reasonable time, the director may make a written request to the agency head stating the authority to receive the information. The agency head shall have 15 days to respond. If the information is not provided within 15 days of the receipt of the director's request, the director may bring a civil action to require the agency head to provide the information.

(g) Collective bargaining agreements.--The Office of Administration and the Office of the Budget shall:

(1) Submit to the office at least 20 days, excluding weekends and holidays, in advance of its execution, copies of each proposed collective bargaining agreement under the jurisdiction of the Governor.

(2) Concurrent with each submission under paragraph (1), provide the office with a detailed cost analysis of the proposed collective bargaining agreement. The analysis shall compare the collective bargaining agreement in effect at the time of submission to projections for the proposed collective bargaining agreement for the current fiscal year and the remaining subsequent fiscal years in the agreement. The analysis shall include:

(i) The number of employees covered by the agreement, by fund.

(ii) Wages and salaries, by fund.

(iii) Employer costs for employee benefits, including pension contributions, by fund.

(iv) A summary of the changes to paid leave, working hours, working conditions or any other term of employment in the proposed collective bargaining agreement and the projected cost of such changes, by fund.

(v) A statement explaining the data, assumptions and methodology used to make the projections.

(3) Within four days, excluding weekends and holidays, of a request by the director, provide the office with any information, data, statistics or analysis determined by the director to be necessary to fulfill the office's obligations under section 604-B.

(609-B added July 20, 2016, P.L.849, No.100)

Section 610-B. Selection and organization committee.

(a) Selection and organization committee.--The Independent Fiscal Office Selection and Organization Committee is established to organize the office and select the director of the office. The selection and organization committee shall consist of the following:

(1) The chair and minority chair of the Appropriations Committee of the Senate and the chair and minority chair of the Appropriations Committee of the House of Representatives.

(2) The Majority Leader and the Minority Leader of the Senate and the Majority Leader and the Minority Leader of the House of Representatives.

(3) The President pro tempore of the Senate and the Speaker of the House of Representatives.

(b) Duties of committee.--The selection and organization committee shall deliberate the following:

(1) The procedures to be adopted to select the director of the office.

(2) The operational budget for the office.

(610-B added July 20, 2016, P.L.849, No.100)

Section 611-B. Appointment.

(a) Director.--The office shall be headed by a director appointed by the selection and organization committee. The appointment shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the office based on qualifications published by the selection and organization committee.

(b) Deputy director.--The director shall appoint a deputy director who shall perform such duties as assigned by the director and who shall, during the absence or incapacity of the director or a vacancy, act as the director.

(c) Term.--The term of office of the director shall be six years. An individual appointed as director to fill a vacancy prior to the expiration of a term shall serve only for the unexpired portion of that term. An individual serving as director at the expiration of a term may continue to serve until a successor is appointed.

(d) Removal.--The director may be removed by a concurrent resolution passed by the Senate and the House of Representatives.

(611-B added July 20, 2016, P.L.849, No.100)

Section 612-B. Powers and duties of director.

(a) Personnel.--The director shall appoint and fix the compensation of personnel as necessary to carry out the duties and functions of the office. All personnel of the office shall be appointed without regard to political affiliation and solely on the basis of their fitness to perform their duties.

(b) Experts and consultants.--In carrying out the duties and functions of the office, the director may procure the temporary or intermittent services of attorneys, experts or consultants or organization thereof by contract.

(612-B added July 20, 2016, P.L.849, No.100)

Section 613-B. Records.

The office shall be a legislative agency for purpose of the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(613-B added July 20, 2016, P.L.849, No.100)

Section 614-B. Applicability.

To the extent that this article is inconsistent with section 618, the provisions of this article shall apply.

(614-B added July 20, 2016, P.L.849, No.100)

Section 615-B. Additional duties.

(a) Actuarial notes.--The office shall prepare actuarial notes by selecting an enrolled pension actuary to prepare actuarial notes for bills or amendments which could have a material actuarial impact on a public employee retirement plan. Actuarial notes shall include a reliable estimate of the financial and actuarial effect of the proposed change in any pension or retirement system. The financial analysis contained in actuarial notes for legislation that proposes substantial benefit design changes under 24 Pa.C.S. Pt. IV (relating to retirement for school employees) and 71 Pa.C.S. Pt. XXV (relating to retirement for State employees and officers) shall include, but not be limited to, a risk transfer analysis and, if requested by an officer listed in this subsection, an analysis of the potential impact on the asset allocation and related costs for the systems. The actuarial note shall be factual, and shall, if possible, provide a reliable estimate of both the immediate cost and effect of the bill and, if determinable or reasonably forseeable, the long-range actuarial cost and effect of the bill. The State Employees' Retirement System or the Public School Employees' Retirement System shall provide the office with all information necessary to complete an actuarial note within 14 days of the request for information by the office. The office shall transmit actuarial notes in electronic form to the Governor and all members of the General Assembly within the time periods specified under this section upon the request of any of the following:

(1) The President pro tempore of the Senate or the Speaker of the House of Representatives.

(2) The Majority Leader or the Minority Leader of the Senate.

(3) The Majority Leader or the Minority Leader of the House of Representatives.

(4) The chairperson or minority chairperson of the Appropriations Committee of the Senate.

(5) The chairperson or minority chairperson of the Appropriations Committee of the House of Representatives.

(6) The chairperson or minority chairperson of the standing committee of the Senate to which the bill is referred.

(7) The chairperson or minority chairperson of the standing committee of the House of Representatives to which the bill is referred.

((a) amended June 30, 2020, P.L.511, No.37)

(b) Analysis.--At the request of an officer listed in subsection (a), the office shall analyze the provisions of a bill relating to public employee retirement or pension policy and issue a report on the bill in a timely fashion. The report shall provide a synopsis of the bill and financial cost and shall identify proposed changes to current law and current policy. The report, after consultation with the requesting officer, may include an assessment of the actuarial impact and shall be submitted in electronic form to the Governor and all members of the General Assembly.

(c) Plans.--The office shall establish and review public employee retirement plans for actuarial soundness and report the results to the Governor and the General Assembly.

(d) Website.--The office shall maintain the following on its Internet website in a publicly accessible and searchable area:

(1) All actuarial notes issued by the Public Employee Retirement Commission prior to the effective date of this section.

(2) All actuarial notes prepared pursuant to subsection (a) and reports under subsection (b) issued by the office, which shall be posted at the time they are transmitted under subsection (a).

(3) Any other information that is requested to be posted by an officer listed in subsection (a).

(e) Reimbursement.--The office shall request, after expending all appropriations for the performance of its duties under this section, a reimbursement of expenses from the entity requesting the preparation of materials under this subsection. A restricted account is established in the General Fund which shall consist of reimbursement payments received by the office under this paragraph. The money in the restricted account is appropriated on a continuing basis to the office for the purpose of the performance of its duties under this act, except that the money in the restricted account may not be expended unless the office expends all other appropriations for the performance of its duties under this section.

(f) Formulation.--The office shall study generally the subject of retirement, income after retirement, disability and death benefits and the retirement needs of public employees. The office shall formulate principles and objectives and recommend any new legislation it deems advisable as requested by an officer listed in subsection (a).

(g) Study.--The office shall study the relationship of retirement and pension policy to other aspects of public personnel policy and to the effective operation of government generally, as requested by an officer listed in subsection (a).

(h) Note required for bills.--Except as otherwise provided in subsection (k)(1), no bill proposing any change relative to a public employee pension or retirement plan may be given second consideration in either House of the General Assembly until the office has attached an actuarial note prepared by an enrolled pension actuary which shall include a reliable estimate of the cost and actuarial effect of the proposed change in the pension or retirement system.

(i) Note required for amendments.--Except as otherwise provided in subsection (k)(2), no amendment to any bill concerning any public employee pension or retirement plan may be considered by either House of the General Assembly until an actuarial note prepared by an enrolled pension actuary has been attached.

(j) Notes for proposed constitutional amendments.--The office shall issue an actuarial note, prepared by an enrolled pension actuary, for any joint resolution proposing an amendment to the Constitution of Pennsylvania which initially passes either House of the General Assembly. If the joint resolution is subsequently amended and passes either House of the General Assembly, a new actuarial note shall be prepared.

(k) Effect of failure of office to attach note.--

(1) If the office fails to attach an actuarial note within 20 legislative days after a bill proposing a change relative to a public employee pension or retirement plan has received first consideration in either House of the General Assembly, the bill may be further considered in the same manner as if the actuarial note had been attached to the bill.

(2) If the office fails to attach an actuarial note within 20 legislative days after an amendment to a bill proposing a change relative to a public employee pension or retirement has been submitted to the office by an officer listed in subsection (a), the amendment may be considered in the same manner as if the actuarial note had been attached to the amendment.

(l) Submission of baseline data.--No later than October 1, 2020, July 31, 2021, and July 31 of each year thereafter, the State Employees' Retirement System and the Public School Employees' Retirement System shall each submit to the office data showing the 30-year baseline projections for the retirement systems based on the State law in effect at the time of the submission. The office may specify the data fields and the file format for the data to be transmitted under this subsection. Data submitted under this subsection shall include projections which simulate a 1.0 percentage point increase and a 1.0 percentage point decrease to the official assumed rate of return used by each retirement system. ((l) added June 30, 2020, P.L.511, No.37)

(615-B added July 20, 2016, P.L.849, No.100)

ARTICLE VII
POWERS AND DUTIES OF THE GOVERNOR AND OTHER CONSTITUTIONAL OFFICERS; OF THE EXECUTIVE BOARD; AND OF THE PENNSYLVANIA STATE POLICE

Section 701. The Governor.--The Governor shall have the power and it shall be his duty:

(a) To take care that the laws of the Commonwealth shall be faithfully executed;

(b) To act as Commander-in-Chief of the Army and Navy of the Commonwealth, and of the Militia, except when they shall be called into active service by the United States Government;

(c) To cause to be published, through the Department of Property and Supplies, from time to time, for the information of the public, bulletins of the work of the State Government;

(d) To prescribe and require the installation of a uniform system or systems of bookkeeping, accounting, and reporting, for the several administrative departments, boards, and commissions, except for the Department of the Auditor General

and the Treasury Department but, before prescribing and requiring such installation, the Governor shall consult with the Department of the Auditor General; ((d) amended Dec. 18, 1968, P.L.1232, No.390)

(e) ((e) repealed Dec. 13, 1982, P.L.1123, No.256)

(f) To approve or disapprove all investments by departments, boards, or commissions, of funds administered by such departments, boards, or commissions;

(g) To submit to the General Assembly a State budget;

(h) After each annual appropriation to the Department of Property and Supplies, (1) for the purchase of stationery, paper, printing, binding, ruling, lithographing, color printing, engraving, paper, envelopes, and other printing and binding supplies, (2) for fuel, supplies, furniture, furnishings, repairs, alterations, and improvements, (3) for automobiles, and (4) for rentals of branch offices, after making proper deductions for the needs of the legislative and judicial departments, to allocate and, from time to time, to reallocate to the several administrative departments, boards, and commissions, such portions of such appropriations as will fairly represent the needs of the departments, boards, and commissions, for the year, taking into consideration the right of any such department, board, or commission, to pay its necessary expenses or purchase furniture, materials, or supplies out of fees or other moneys received by or moneys specifically appropriated to it.

Every administrative department, board, or commission shall be limited in its right to make requisition upon the Department of Property and Supplies to the amount allocated to it, unless the Governor shall subsequently permit the Department of Property and Supplies to honor requisitions in excess of such amount.

((h) amended Apr. 14, 1961, P.L.90, No.40)

(i) To do all other acts, make all appointments, fill all vacancies, exercise all the powers vested in him, and perform all the duties imposed upon him, as provided and required by the Constitution and laws of this Commonwealth: Provided, however, That whenever the Governor is authorized or required by law to sign or approve any plans, agreements, contracts, bonds or any official documents, he may in his discretion, authorize another person or other persons to approve such documents as specified in his stead, and may substitute or direct to be substituted in lieu of his signature or as evidence of his approval, a facsimile signature, which shall have the same force and effect as his personal signature. ((i) amended Dec. 19, 1980, P.L.1333, No.244)

(j) To grant to pilots, engaged in aeronautical work under the provisions of The Aeronautical Code of May twenty-five, one thousand nine hundred thirty-three (Pamphlet Laws, one thousand one), and its amendments, commissions of such grades as the Governor may prescribe. ((j) amended July 21, 1941, P.L.429, No.174)

(k) To appoint such competent accountants as may be necessary to make an annual audit of the affairs of the Auditor General and the Department of the Auditor General.

(l) To prescribe the filing system to be adopted by each department, board and commission; to direct, with the approval of the Executive Board, what records shall be destroyed and what records preserved by photographic process, and to assign space in the Capitol Buildings, or in leased quarters for conduct of work and for storage of records. ((l) added June 5, 1947, P.L.407, No.187)

(m) To provide for the participation of the Commonwealth of Pennsylvania in the programs of the Economic Opportunity Act of 1964, Public Law 88-452, 78 P.S.508, as supplemented or amended, and the Appalachian Regional Development Act of 1965, as enacted, supplemented or amended and in furtherance thereof to direct any department, board or commission under his jurisdiction to make arrangements, enter into agreements, appoint and assign personnel and to take any other measures for such purposes and in such manner as he deems necessary to ensure efficient Commonwealth participation in said programs. ((m) added June 8, 1965, P.L.107, No.74)

(701 amended May 21, 1943, P.L.467, No.209)

Section 702. Lieutenant Governor.--The Lieutenant Governor shall exercise such powers and perform such duties as may now or hereafter be vested in or imposed upon him by the Constitution and laws of this Commonwealth.

Section 703. Secretary of the Commonwealth.--The Secretary of the Commonwealth shall:

(a) Keep a record of all official acts and proceedings of the Governor, and, when required, lay the same, with all papers, minutes, and vouchers relating thereto, before either branch of the General Assembly;

(b) Record and file in his office the recommendations of the Board of Pardons, together with the reasons therefor;

(c) Keep the seal of the Commonwealth, and affix it to all public instruments to which the attestation of the Governor's signature now is or may hereafter be required by law;

(d) Have power and authority to administer to all officers of the State Government such oaths or affirmations as, by the Constitution or laws of the Commonwealth, such officers are required to make, in any and all matters pertaining to the administrative work of the Commonwealth;

(e) To deliver the plates from which the Pennsylvania State Reports and Pennsylvania Superior Court Reports are printed, to the Department of Property and Supplies for safe-keeping;

(f) Procure and keep deposited in his department, as required by law, an official State flag;

(g) Perform such other duties as may now or hereafter be imposed upon him by law.

Compiler's Note: Section 609(c) of Act 240 of 1968 provided that subsec. (a) is repealed insofar as it is inconsistent with Act 240.

Compiler's Note: Section 2 of Act 556 of 1965 provided that section 703.2 is repealed insofar as it relates to school districts.

Section 704. Attorney General.--(704 repealed Oct. 15, 1980, P.L.950, No.164)

Section 705. Secretary of Internal Affairs.--(705 repealed Dec. 18, 1968, P.L.1232, No.390)

Section 706. Auditor General.--(a) The Auditor General shall exercise such powers and perform such duties as may now or hereafter be vested in and imposed upon him by the Constitution and the laws of this Commonwealth.

(b) In addition to any other duties imposed by law, the Auditor General shall, on a quadrennial basis, conduct a financial audit and a compliance audit of the affairs and activities of the Pennsylvania Turnpike Commission.

(c) The Auditor General shall submit, to the chairpersons of the Senate Committee on Transportation and the House of Representatives Committee on Transportation, copies of the

completed quadrennial audits of the Pennsylvania Turnpike Commission.

(d) All cost incurred by the Auditor General in the performance of the quadrennial audits of the Pennsylvania Turnpike Commission shall be paid by the Pennsylvania Turnpike Commission.

(706 amended Oct. 23, 1988, P.L.1059, No.122)

Section 707. State Treasurer.--The State Treasurer shall exercise such powers and perform such duties as may now or hereafter be vested in and imposed upon him by the Constitution and the laws of this Commonwealth.

Section 708. Superintendent of Public Instruction.--The Superintendent of Public Instruction shall:

(a) Exercise all the powers and perform all the duties of the Superintendent of Common Schools, in the manner prescribed by law;

(b) Perform such other duties as may now or hereafter be imposed upon him by law.

Section 709. Executive Board.--Subject to the provisions of this act, the Executive Board shall have the power:

(a) To standardize the qualifications for employment, and all titles, salaries, and wages, of persons employed by the administrative departments, boards, and commissions, except the Office of Attorney General, the Department of the Auditor General and the Treasury Department. In establishing such standards the board may:

(1) Take into consideration the location of the work and the 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 Office of Attorney General, 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 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 annual rate of compensation has been established;

(g) To determine by what members of independent administrative boards and commissions fidelity bonds shall be given, to approve or disapprove recommendations of department

heads, or of independent administrative boards or commissions, for the bonding of officers or employes of their departments, or members or officers or employes of departmental administrative boards or commissions, or officers or employes of independent administrative boards or commissions, to fix the amounts of the bonds of all such members, officers, or employes required to give bond, and to require any bond or bonds to be executed by a surety or sureties, even though the Commonwealth may have established its own indemnity fund, as elsewhere in this act provided;

(h) To approve or disapprove the establishment of branch offices outside of the Capital city by or for administrative departments, boards, or commissions;

(i) From time to time to determine within what limits the Department of General Services shall procure liability insurance covering claims for damages against the Commonwealth, and State officers and employes, arising out of the operation of State automobiles or the performance of any other assigned duties and responsibilities by such officers and employes;

(j) From time to time to determine the number and type of automobiles to be purchased by the Department of General Services, acting either on its own behalf or as purchasing agency for any other department, except the Office of Attorney General, the Department of the Auditor General and the Treasury Department, or for any board or commission, and to make rules and regulations for the use of State automobiles by State officers and employes, except the Office of Attorney General, the Department of the Auditor General and the Treasury Department.

(k) To approve or disapprove requests for and to direct the disposal of files of correspondence, reports, records or other papers which are not needed for the current or anticipated future operations of any administrative department, board or commission, and which date back a period of four years or more.

(l) To report to the General Assembly on an annual basis, beginning May 1, 1975 and each May 1 thereafter, on all changes approved or negotiated by the Executive Board in relation to matters covered in sections 222(b), 222(c), 709(e) and 709(e.1), the estimated costs under the existing rules and provisions and the estimated costs under the new rules and provisions for the next five years.

(709 amended Nov. 26, 1997, P.L.530, No.57)

Compiler's Note: Section 2(b) of Act 116 of 1978 provided that section 709 is repealed insofar as inconsistent with Act 116.

Section 710. Pennsylvania State Police.--The Pennsylvania State Police shall have the power and its duty shall be:

(a) Subject to any inconsistent provisions in this act contained, to continue to exercise the powers and perform the duties by law vested in and imposed upon the Department of State Police, the Pennsylvania State Police, the State Highway Patrol, and the Pennsylvania Motor Police;

(b) To assist the Governor in the administration and enforcement of the laws of the Commonwealth, in such manner, at such times, and in such places, as the Governor may from time to time request;

(c) With the approval of the Governor, to assist any administrative department, board, or commission, of the State Government, to enforce the laws applicable or appertaining to such department, board, or commission, or any organization thereof;

(d) Whenever possible, to cooperate with counties and municipalities in the detection of crime, the apprehension of criminals, and the preservation of law and order throughout the State;

(e) To aid in the enforcement of all laws relating to game, fish, forests, and waters;

(f) To collect and classify, and keep at all times available, complete information useful for the detection of crime, and the identification and apprehension of criminals. Such information shall be available for all police officers within the Commonwealth, under such regulations as the Commissioner of Pennsylvania State Police may prescribe;

(g) To enforce the laws regulating the use of the highways of this Commonwealth, and to assist the Department of Transportation and the Department of Revenue in the collection of motor license fees, fees for titling vehicles and tractors, operators' license fees, the tax on cigarettes, and the tax on liquid fuels, and the issuance of certificates of title and motor and operators' licenses;

(h) To search without warrant any boat, conveyance, vehicle or receptacle, or any place of business when there is good reason to believe that any law has been violated, the enforcement or administration of which is imposed or vested in the Department of Revenue;

(i) To collect information relating to crimes and incidents related to the race, color, religion or national origin of individuals or groups, which shall be reported monthly by all local law enforcement agencies and the State Fire Marshal. Any information, records and statistics collected in accordance with this subsection shall be available for use by any agency required to furnish information, to the extent that such information is reasonably necessary or useful to such agency in carrying out the duties imposed on it by law. The Commissioner of the Pennsylvania State Police may, by regulation, establish such conditions for the use or availability of such information as may be necessary to its preservation, the protection of confidential information, or the circumstances of a pending prosecution.

(710 amended Oct. 3, 1986, P.L.1414, No.129)

Compiler's Note: Section 2 of Act 129 of 1986, which amended section 710, provided that Act 129 shall be known as the Ethnic Intimidation Statistics Collection Act.

Section 711. Commissioner of Pennsylvania State Police.--(a) The Commissioner of Pennsylvania State Police shall be the head and executive officer of the Pennsylvania State Police. He shall provide, for the members of the State Police Force, suitable uniforms, arms, equipment, and, where it is deemed necessary, horses or motor vehicles, and make rules and regulations, subject to the approval of the Governor, prescribing qualifications prerequisite to, or retention of, membership in the force; for the enlistment, training, discipline, and conduct of the members of the force; for the selection and promotion of such members on the basis of merit; for the filing and hearing of charges against such members, and such other rules and regulations as are deemed necessary for the control and regulation of the State Police Force. The commissioner shall maintain a training school, to be known as the Pennsylvania State Police Academy, for the proper instruction of members of the State Police Force, which shall be situated at such place or places as the commissioner, with the approval of the Governor, may determine. It shall also be

the duty of the commissioner to establish local headquarters in various places, so as best to distribute the force through the various sections of the Commonwealth where they will be most efficient in carrying out the purposes of this or any other act to preserve the peace, prevent and detect crime and to police the highways.

(a.1) The training prescribed by the commissioner for members of the force shall include identifying and responding to ethnic tension situations and complaints of violation of 18 Pa.C.S. § 2710 (relating to ethnic intimidation) or 3307 (relating to institutional vandalism). ((a.1) added July 18, 1986, P.L.1409, No.125)

(b) (1) Before any enlisted member who has not reached mandatory retirement age is dismissed or refused reenlistment by the commissioner, the commissioner shall furnish such enlisted member with a detailed written statement of the charges upon which his dismissal or refusal of reenlistment is based, together with a written notice, signed by the commissioner or the proper authority, of a time and place where such enlisted member will be given an opportunity to be heard either in person or by counsel, or both, before a Court-martial Board appointed by the commissioner. The board shall consist of three commissioned officers. The hearing shall not be sooner than ten days nor later than thirty days after such written notice. At such hearing all testimony offered, including that of complainants and their witnesses as well as that of the accused enlisted member and his witnesses, shall be recorded by a competent stenographer whose services shall be furnished by the Pennsylvania State Police at its expense. Any such hearing may be postponed, continued or adjourned, by agreement of the person charged and the Court-martial Board with approval of the commissioner. If such hearing is postponed, continued or adjourned and any testimony has been taken, then a free copy of a transcript of such testimony shall be given to the accused, if he makes a request therefor.

(2) The Court-martial Board shall have power to issue subpoenas requiring the attendance of witnesses at any hearing and shall do so at the request of the party against whom a complaint is made. If any person shall refuse to appear and testify in answer to any subpoena issued by the board, any party interested may petition the court of common pleas of the county wherein the hearing is to be held setting forth the facts. The court shall thereupon issue its subpoena commanding such person to appear before the Court-martial Board, there to testify as to the matters being inquired into. Any person refusing to testify before the Court-martial Board may be held for contempt by the court of common pleas. All testimony at any hearing shall be taken under oath and any member of the Court-martial Board shall have power to administer oaths to such witnesses.

After fully hearing the charges or complaints and hearing all witnesses produced by the Court-martial Board and the person against whom the charges are pending, and after full, impartial and unbiased consideration thereof, the Court-martial Board shall, by a two-thirds vote of all members thereof taken by a closed-secret vote and the total results thereof to be recorded, determine whether or not such charges or complaints have been sustained and whether the evidence substantiates such charges and complaints, and in accordance with such determination, shall recommend the discharge, demotion or refusal of reenlistment of such enlisted member to the commissioner. If one member of the Court-martial Board shall dissent from the findings of the

other members, he may state his reason for disagreement which shall be made a part of the record.

Reports of findings of the Court-martial Board shall not be made public before acted upon by the commissioner. The Court-martial Board shall submit all records of the trial to the commissioner for review.

A written notice of any decision of the commissioner discharging, demoting or refusing the reenlistment of any member, together with a free copy of a transcript of the notes of testimony, shall be sent by registered mail to the enlisted member at his last known address within thirty days after the hearing is actually concluded. The commissioner may, in his discretion, follow or disregard the recommendations of the Court-martial Board.

In all cases where the final decision is in favor of the enlisted member, the records in the files of the Pennsylvania State Police shall show accordingly.

(3) In case the enlisted member concerned considers himself aggrieved by the action of the commissioner, an appeal may be taken by him to the Court of Common Pleas of Dauphin County in accordance with the provisions of the act of June 4, 1945 (P.L.1388), and its amendments, known as the "Administrative Agency Law."

(4) For the purposes of this subsection (b), the term "enlisted member" shall not include a cadet or trooper of the Pennsylvania State Police with less than eighteen months of service.

((b) amended Dec. 5, 1967, P.L.671, No.312)

(711 amended July 25, 1963, P.L.275, No.147)

Section 712. The Pennsylvania State Police Force.--The various members of the Pennsylvania State Police are hereby authorized and empowered:

(a) To make arrests, without warrant, for all violations of the law, including laws regulating the use of the highways, which they may witness, and to serve and execute warrants issued by the proper local authorities. They shall have all the powers and prerogatives conferred by law upon members of the police force of cities of the first class, and upon constables of the Commonwealth;

(b) To act as game protectors, and as forest, fish, or fire wardens, and for the better performance of such duties,

(1) Seize all guns, boats, decoys, traps, dogs, game, fish, shooting paraphernalia, or hunting or fishing appliances or devices, used, taken, or had in possession, contrary to the laws of this State. Any article so seized shall be held subject to such disposition as the Executive Director of the Pennsylvania Fish Commission or the Executive Director of the Pennsylvania Game Commission or the Secretary of Environmental Resources may respectively determine.

(2) Seize and take possession of all birds, animals, or fish, which have been taken, caught or killed, or had in possession, or under control, or which have been shipped, or are about to be shipped, contrary to any law of this State.

(3) Search without warrant any boat, conveyance, vehicle or receptacle, when there is good reason to believe that any law has been violated, the enforcement or administration of which is imposed on or vested in the Pennsylvania Fish Commission or the Pennsylvania Game Commission or in the Department of Environmental Resources.

(4) Serve subpoenas issued before any examination, investigation, or trial had pursuant to any law as aforesaid.

(5) Purchase game or fish for the purpose of securing evidence.

((b) amended Dec. 3, 1970, P.L.834, No.275)

(712 amended Apr. 25, 1949, P.L.729, No.180)

Compiler's Note: Section 302(h) of Act 18 of 1995, which created the Department of Conservation and Natural Resources and renamed the Department of Environmental Resources as the Department of Environmental Protection, provided that the Department of Conservation and Natural Resources shall exercise the powers and duties conferred upon the Secretary of Environmental Resources by section 712.

Compiler's Note: The name of the Pennsylvania Fish Commission, referred to in subsec. (b)(1) and (3), was changed to the Pennsylvania Fish and Boat Commission by Act 39 of 1991. See 30 Pa.C.S. § 308 (relating to designation of commission).

Section 713. Resident State Trooper Program.--(a) The Commissioner of the Pennsylvania State Police may appoint members of the regular Pennsylvania State Police Force to be assigned on a regular basis to a municipality or adjacent municipalities which, on the effective date of this act, do not have an organized police force, if the municipality or municipalities agree to pay the entire cost of providing the State trooper service.

(b) In order to implement this section, the Commissioner of the Pennsylvania State Police is authorized to enter into agreements with boroughs and first and second class townships for the furnishing of police protection by one or more resident State troopers on a contractual basis. The contract price for such services shall be the full direct and indirect costs of providing the police protection as determined by the Commissioner of the Pennsylvania State Police, and moneys paid for the police services shall be credited to the General Fund and used for the express purpose of financing the services for which the contract price was paid. Fifty additional personnel are hereby authorized to meet the initial staffing requirements of the Pennsylvania State Police resulting from any agreements executed pursuant to this subsection.

(c) The Commissioner of the Pennsylvania State Police shall promulgate such rules and regulations as may be necessary to implement the resident State trooper program and the contractual agreements authorized by this section. The rules and regulations shall:

(1) Allow adjacent municipalities to join together to request the services of and share in the costs of a resident State trooper. If more than one adjacent municipality shall request the services of a single resident State trooper, the Commissioner of the Pennsylvania State Police may determine that the geographic area is too large to be covered by one resident State trooper and that one or more additional resident State troopers must be assigned in order to provide the geographic area with adequate police protection.

(2) Require that, as a prerequisite to applying for the services of a resident State trooper, a municipality or municipalities shall adopt a resolution or ordinance authorizing a contractual arrangement with the Pennsylvania State Police for the payment by the municipality or municipalities of the entire costs incurred in connection with the provision of the services.

(3) Require resident State troopers to remain under the direct control of the Pennsylvania State Police with supervision to be provided by the commanding officer of the field installation having jurisdiction over the municipality or municipalities contracting for the services of the resident State trooper. The commanding officer shall determine the number of supervisors for the resident State troopers assigned to his field installation. Each resident State trooper shall operate out of his assigned field installation, which shall be his official duty station.

(4) Require all resident State troopers to reside within the geographic area served by the field installation having jurisdiction over the municipality or municipalities to which the resident State trooper is assigned.

(5) Require that all organizational orders, regulations and directives issued by the Pennsylvania State Police apply with full force to resident State troopers.

(6) Require such matters as the geographic area served, hours of duty and type of duties to be arranged by the commander of the field installation in cooperation with the governing body of the municipality or municipalities.

(7) Require that an on-duty resident State trooper not leave his assigned municipality or municipalities without the authorization of the commander of the field installation and require that the commander not remove a resident State trooper from his area of jurisdiction during assigned hours except in cases of extreme emergency, in which case the governing body of the contracting municipality or municipalities shall be notified.

(8) Require resident State troopers to be in uniform at all times during assigned working hours, unless authorized by the commander of the field installation to work in civilian attire.

(9) Require resident State troopers to enforce the Vehicle Code and criminal laws of this Commonwealth.

(10) Require that all supplies and equipment, including vehicles, radios, etc., be obtained by the resident trooper from the supervising field installation.

(d) This section shall expire December 31, 1992, unless reenacted by the General Assembly.

(713 added July 11, 1991, P.L.73, No.12)

ARTICLE VIII
POWERS AND DUTIES OF THE DEPARTMENT OF STATE AND ITS DEPARTMENTAL ADMINISTRATIVE BOARD

Section 801. Powers and Duties in General.--The Department of State shall, subject to any inconsistent provisions in this act contained, continue to exercise the powers and perform the duties heretofore by law vested in and imposed upon the Department of the Secretary of the Commonwealth, and the several bureaus thereof, the Department of State and Finance, the Department of State, and the Secretary of the Commonwealth.

Section 802. General Administration.--The Department of State shall have the power and its duty shall be:

(a) To permit any committee of either branch of the General Assembly to inspect and examine the books, papers, records, and accounts, filed in the department, and to furnish such copies or abstracts therefrom, as may from time to time be required;

(b) To furnish to any person, upon request and the payment of such charges as may be required and fixed by law, certificates of matters of public record in the department, or certified copies of public papers or documents on file therein.

Section 803. Elections.--The Department of State shall have the power, and its duty shall be, to care for, compile, publish, and certify, returns of elections, in all cases in which such duties shall heretofore have been imposed by law upon the Department of the Secretary of the Commonwealth, the Department of State and Finance, or the Department of State.

Section 803.1. Special Election Costs.--(803.1 repealed May 5, 1982, P.L.374, No.108)

Section 804. Legislation.--The Department of State shall have the power, and its duty shall be:

(a) To record all laws, resolutions, acts, and proceedings, of the General Assembly, and perform all other duties with reference thereto, as required by law;

(b) ((b) repealed, Apr. 25, 1969, P.L.29, No.9)

(c) As soon as possible after the signing of any bill by the Governor, whereby it becomes a law, to transmit a correct copy thereof to the printing clerk in the General Assembly so as to enable advance sheets of the same to be printed. ((c) amended Sept. 28, 1965, P.L.553, No.287)

Compiler's Note: Act 9 of 1969, which amended sections 22, 23, 25 and 71 of the Statutory Construction Act of 1937, transferred certain powers and duties relating to the printing of laws from the Secretary of the Commonwealth to the Director of the Legislative Reference Bureau. The act applied to all statutes enacted in 1969 and thereafter.

Section 805. Corporations.--The Department of State shall have the power, and its duty shall be, to file all applications for charters of corporations, for the amendment of such charters, for the merger and consolidation of such corporations, for the change of their corporate names, for the reorganization after judicial sale of their franchises and property, for the increase of their capitalization or indebtedness, or the decrease of their capitalization, for the change of the par value of the shares of their stock, for the change of the location of their principal office, and for any other proceeding by or with reference to such corporations, as may be permitted or required by law; to transmit to the Governor such papers in connection therewith as may be required; and to perform all such other duties, acts, and things, in connection therewith, as are now or may hereafter be prescribed by law.

(805 repealed in part Dec. 21, 1988, P.L.1444, No.177)

Compiler's Note: Section 1103(e) of Act 520 of 1965 provided that as much of section 805 as authorizes or requires a determination by the Department of State that papers or documents to be received or filed by it conform to law is repealed insofar as it relates to domestic and foreign nonprofit corporations.

Compiler's Note: Section 1203(e)(5) of Act 519 of 1965 provided that as much of section 805 as authorizes or requires a determination by the Department of State that papers or documents to be received or filed by it conform to law is repealed insofar as it relates to domestic and foreign business corporations.

Section 806. Registration.--The Department of State shall have the power, and its duty shall be, to register foreign corporations desiring to transact business in this Commonwealth; and to register the names, titles, or designations of associations, societies, and corporations of the first class, the assumed or fictitious names under which individuals carry

on or conduct business, upon application duly made, trade marks, trade-names, labels, bottle descriptions, union labels, badges, emblems, and applications for license to manufacture or distill and sell ethyl alcohol in accordance with the several acts of Assembly providing for such registrations, and to register all other matters or things for the registration of which in the office of the Secretary of the Commonwealth provision may now or hereafter be made by law.

(806 repealed in part June 22, 2001, P.L.418, No.34)

Section 807. Warrants.--The Department of State shall have the power, and its duty shall be, to keep a record of all death warrants, respites, pardons, remittances of fines, forfeitures, and commutations of sentences; and to pass upon and approve all proceedings for extradition of fugitives from justice before laying the same before the Governor; and to make report, quarterly, to the Department of Revenue and to the Department of the Auditor General, of all remissions of fines granted by the Governor.

Section 808. State Employes' Retirement Board.--(808 repealed Mar. 1, 1974, P.L.125, No.31)

Section 809. Commissions.--The Department of State shall have the power, and its duty shall be:

(a) To prepare and issue, with the approval of the Governor, commissions to all officials elected by popular vote, who by law are entitled to receive them, and to prepare and issue, with the approval of the Governor, commissions to aldermen and justices of the peace elect based upon the certificate of the prothonotary showing election and acceptance of such offices;

(b) To issue commissions to such officials as are entitled thereto, appointed by the Governor;

(c) To file bonds of county officers and notaries.

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 810. Professional and Occupational Affairs.--(a) The Commissioner of Professional and Occupational Affairs shall be appointed by the Governor and have the power and his duty shall be--

(1) To establish reciprocity with other states as regards professional and occupational licenses issued by the department, unless otherwise provided by law;

(2) To keep the records of all of the professional and occupational examining boards in the City of Harrisburg, Dauphin County, Pennsylvania;

(3) To issue all certificates and other official documents of the various professional and occupational examining boards in the department. The officers and members, or any of them, of any such examining board may sign such certificates and other documents, if the board shall have taken action authorizing such signatures;

(4) To assist any professional and occupational examining board within the department, if, as and when requested by the board;

(5) To cooperate with the several professions and occupations whose examining bodies are within the department in the determination and establishment of standards of professional education;

(6) Whenever under any act of Assembly the right to practice any profession or work at any trade or occupation is conditioned upon examination, licensure or registration by or within the

department, unless otherwise provided by law, to hold the examination, make such investigations, require such information and do and perform all other acts which may be necessary to determine whether applicants for licensure or registration are qualified to practice the profession or work at the trade or occupation within this Commonwealth, and in proper cases to issue licenses and certificates of registration: Provided, however, That the power and duty of the Department of Public Instruction to determine, value, standardize and regulate the preliminary education, both secondary and collegiate, of those to be hereafter licensed or registered to practice any profession or work at any trade or occupation in this Commonwealth shall remain as heretofore and any action so taken shall be made known to the Commissioner of Professional and Occupational Affairs;

(7) Unless otherwise provided by law, to fix the fees to be charged by the several professional and occupational examining boards within the department;

(8) To be responsible for all administrative affairs of each of the professional and occupational examining boards and to coordinate their activities;

(9) To perform all the powers and duties relating to professional and occupational examining boards that heretofore were imposed upon the Superintendent or the Department of Public Instruction.

(10) To assure that notice is published, in a newspaper of general circulation in the area where the licensee, certificate holder or registrant of any professional or occupational licensing board or commission conducts or recently conducted his or her practice, of any order suspending or revoking his or her right to practice. This clause shall not apply in those cases in which a person enters into an agreement with a board or commission to participate in an approved treatment program for impaired professionals and the enforcement of that person's suspension or revocation is stayed in accordance with that agreement. This clause shall supersede any power or duty of a board or commission under any other provision of law to publish notice in a newspaper of general circulation of disciplinary action taken by that board or commission. ((10) added Mar. 21, 1986, P.L.62, No.18)

(b) In addition to the powers and duties imposed under the provisions of subsection (a) hereof, the Commissioner of Professional and Occupational Affairs shall be a member of each of the said boards. ((b) amended Mar. 21, 1986, P.L.62, No.18)

(c) The Commissioner of Professional and Occupational Affairs shall exercise his power and perform his duties in compliance with the provisions of section 503 of this act.

(810 added June 3, 1963, P.L.63, No.44)

Section 811. Certificate, License, Permit or Registration.--If any person, association, copartnership or corporation has obtained from the Department of Public Instruction or obtains from the Department of State or the responsible agency, board, commission or commissioner therein a certificate, license, permit or registration by fraud or misrepresentation, such department, administrative agency, board, commission or commissioner shall have the power to cancel such certificate, license, permit or registration after giving reasonable notice and opportunity to be heard.

The provisions of this act shall be construed as supplementary to all other acts dealing with the same subject matter. No action brought under the provisions of this act shall prevent the prosecution or institution of any civil or criminal

action otherwise provided by law for violation of any licensing act or rule or regulation promulgated thereunder.

(811 added June 3, 1963, P.L.63, No.44)

Section 812. Professional and Occupational Examining and Licensing Boards.--(a) The professional and occupational examining and licensing boards within the Department of State shall, respectively, exercise the rights and powers and perform the duties by law vested in and imposed upon them: Provided, however, That all certificates and official documents of such examining and licensing boards shall be issued by the Commissioner of Professional and Occupational Affairs but may be signed by the members of the appropriate board, or any of them, as determined by such board.

(b) No member of any professional examining and licensing board shall at the same time be an officer or agent of any Statewide association or organization representing the profession or occupation subject to the board's action.

(812 amended Dec. 13, 1979, P.L.552, No.125)

Section 812.1. Administration of Examinations.--

(a) All written, oral, practical or other nonwritten examinations shall be prepared and administered by a qualified and approved professional testing organization under contract to the appropriate board or commission within the Bureau of Professional and Occupational Affairs and approved by the appropriate board or commission, except that where the particular professional and occupational statutes permit the use of national uniform examinations and/or grading services, these examinations and grading services may continue to be used. No board or commission member shall have a financial interest in a professional testing organization. Notwithstanding any other provision of law, the requirements of this subsection shall not apply to any oral, practical or other nonwritten examination which may be required by a board or commission until such examination is available from a qualified and approved professional testing organization. ((a) amended Mar. 21, 1986, P.L.62, No.18)

(b) Each board or commission shall have the discretionary power to charge a fee for the administration of and cost of each examination. The purpose of this fee is to insure that the applicants' fees cover the entire cost of the examination. This fee shall be in addition to any fee imposed pursuant to any other provision of law. ((b) amended Mar. 21, 1986, P.L.62, No.18)

(c) Cost is defined as all contractual charges relating to the preparation, administration, preparing, administering, grading and recording of the examination.

(d) Nothing herein shall preclude an additional fee for first licensure where such is provided by law.

(e) Each board and commission within the Bureau of Professional and Occupational Affairs shall promulgate the necessary rules and regulations in order to carry out the provisions of this act.

(f) The Bureau of Professional and Occupational Affairs shall issue a report each year to each board and commission. The report shall contain a statement of all fees, fines and other moneys collected and all disbursements made.

(812.1 added Oct. 8, 1980, P.L.785, No.146)

Section 812.2. Legislative Approval or Disapproval; Effect.--(812.2 repealed June 25, 1982, P.L.633, No.181)

Section 813. Public Members of Licensing Boards and Commissions.--(a) A member of a licensing board or commission

designated in this act as representing the public at large shall be a private citizen and shall not:

(1) be a member of any profession or occupation which is regulated or licensed by the board, commission, or Bureau of Professional and Occupational Affairs;

(2) be related to or part of the immediate family of any member of the profession or occupation to be licensed or regulated by the particular board or commission;

(3) be affiliated in any way with the profession or occupation to be licensed or regulated; or

(4) hold any other appointive or elective public office or position within this Commonwealth or another state or the United States Government during the appointive term for which he serves.

(b) Any person not meeting the standards set forth herein shall be ineligible for membership on the board or commission as a public member.

(c) The terms of such public members shall be the same as the other appointive members of the respective board or commission and they shall be entitled to receive the same compensation and expenses as provided by law for other nonpublic members of the same board or commission. Any vacancy occurring before the expiration of the appointive term of a public member shall be filled by the Governor with another public member for the unexpired term in the manner provided by law.

(d) The Bureau of Professional and Occupational Affairs shall prepare and periodically revise a manual outlining the general duties of all members of licensing boards and commissions with particular emphasis on methods of protecting the general public.

(e) The Bureau of Professional and Occupational Affairs, in consultation with the Bureau of Consumer Protection and the three public members chosen as provided herein, shall conduct semiannual conferences on the functions of the public members and on developing and implementing methods of protecting the general public. Annually at one of these conferences, the public members present shall elect three representatives from among their membership to consult with the Bureau of Professional and Occupational Affairs and the Bureau of Consumer Protection on matters relating to the role and function of the public members and on the format and contents of the semiannual conferences. The term of such representatives shall be one year.

(f) A public member who fails to attend two consecutive conferences conducted pursuant to subsection (e) shall forfeit his seat on the board or commission of which he is a public member unless the Commissioner of Professional and Occupational Affairs, upon written request from the public member, finds that the public member should be excused from a conference because of illness, the death of a family member or a conflict with the public member's business or work schedule. ((f) amended Nov. 26, 1997, P.L.530, No.57)

(813 added Nov. 26, 1978, P.L.1223, No.292)

Section 814. Corporation Bureau Restricted Account.--(814 repealed July 9, 2013, P.L.476, No.67)

Section 815. Report on Implementation of 2020 General Primary Election.--(a) No later than sixty days after the 2020 general primary election under Article XVIII-B of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, the Department of State shall issue a report to the chairperson and minority chairperson of the State Government Committee of the Senate and the chairperson and minority chairperson of the State Government Committee of the House of

Representatives. A copy of the report shall also be made available on the Department of State's publicly accessible Internet website.

(b) The report under subsection (a) shall include all of the following relating to the administration of the 2020 general primary election by the Department of State, a county board of elections under Article III of the Pennsylvania Election Code or a registration commission established under 25 Pa.C.S. § 1203 (relating to commissions):

(1) For each county and the sum for this Commonwealth, the number of applications for an absentee ballot which were received by the county board of elections.

(2) For each county and the sum for this Commonwealth, the number of applications for a mail-in ballot which were received by the county board of elections.

(3) For each county and the sum for this Commonwealth, the number of applications for an absentee ballot which were approved by the county board of elections.

(4) For each county and the sum for this Commonwealth, the number of applications for a mail-in ballot which were approved by the county board of elections.

(5) For each county and the sum for this Commonwealth, the number of absentee ballots which were voted by the electors.

(6) For each county and the sum for this Commonwealth, the number of mail-in ballots which were voted by the electors.

(7) For each county and the sum for this Commonwealth, the number of qualified electors voting by a provisional ballot under section 1306(b)(2) of the Pennsylvania Election Code.

(8) For each county and the sum for this Commonwealth, the number of qualified electors voting by provisional ballot under section 1306-D(b)(2) of the Pennsylvania Election Code.

(9) For each county and the sum for this Commonwealth, the number of applications for an absentee ballot by an individual who was not a registered elector at the time of the application and for whom a voter registration application was timely received after the application for an absentee ballot was received.

(10) For each county and the sum for this Commonwealth, the number of applications for a mail-in ballot by an individual who was not a registered elector at the time of the application and for whom a voter registration application was timely received.

(11) For each county and the sum for this Commonwealth, the number of voter registration applications under section 1231 of the Pennsylvania Election Code and 25 Pa.C.S. Pt. IV (relating to voter registration) which were received:

(i) Fewer than thirty days before the 2020 general primary election.

(ii) Fewer than fifteen days before the 2020 general primary election.

(12) For each county and the sum for this Commonwealth, the number of election officers appointed under section 1801-B of the Pennsylvania Election Code.

(13) For each county and the sum for this Commonwealth, the number of polling places consolidated under section 1802-B of the Pennsylvania Election Code.

(14) For each county and the sum for this Commonwealth, the number of polling places consolidated under section 1802-B of the Pennsylvania Election Code which required approval of the Department of State under section 1802-B(a)(3) of the Pennsylvania Election Code.

(15) For each county and the sum for this Commonwealth, the number of polling places located in a location permitted under section 1803-B of the Pennsylvania Election Code.

(16) For each county and the sum for this Commonwealth, the number of polling places in school buildings.

(17) For each county, the date and time that the county board of elections began pre-canvassing absentee ballots and mail-in ballots under section 1308(g)(2) of the Pennsylvania Election Code.

(18) For each county, the date and time that the county board of elections began canvassing absentee ballots and mail-in ballots under section 1308(g)(2) of the Pennsylvania Election Code.

(19) For each county and the sum for this Commonwealth, the number of absentee ballots which were challenged under section 1302.2(c) of the Pennsylvania Election Code.

(20) For each county and the sum for this Commonwealth, the number of mail-in ballots which were challenged under section 1302.2-D(a)(2) of the Pennsylvania Election Code.

(21) For each county and the sum for this Commonwealth, the number of absentee ballots subject to challenges under paragraph (19) which were not canvassed.

(22) For each county and the sum for this Commonwealth, the number of mail-in ballots subject to challenges under paragraph (20) which were not canvassed.

(23) The number of incidents known to the Department of State, county board of elections or registration commission relating to each of the following categories:

(i) An absentee ballot or mail-in ballot which was sent to the wrong individual or wrong address.

(ii) An absentee ballot or mail-in ballot which was voted by an individual other than the individual who applied for the absentee ballot or mail-in ballot.

(iii) An absentee ballot or mail-in ballot which was returned to the county board of elections by a means other than the elector sending the absentee ballot or mail-in ballot by mail or delivery in person.

(24) To the extent consistent with Federal and State law, a review of any action taken by the Department of State, county board of elections or registration commission in response to an incident under paragraph (23), including determinations made on the incident, legal actions filed and referrals to law enforcement.

(25) A review of issues or incidents encountered with an electronic voting system that received the approval of the Secretary of the Commonwealth under section 1105-A of the Pennsylvania Election Code, including any technical issues encountered in polling places.

(c) The Department of State shall develop a process to collect data required to be included in the report under subsection (b) from each county board of elections under Article III of the Pennsylvania Election Code or registration commission under 25 Pa.C.S. Pt. IV, as applicable. A county board of elections or registration commission shall comply with the process for submission of data under this subsection no later than forty-five days after the 2020 general primary election under Article XVIII-B of the Pennsylvania Election Code.

(815 added June 17, 2020, P.L.259, No.35)

ARTICLE IX
POWERS AND DUTIES OF THE DEPARTMENT OF JUSTICE AND ITS DEPARTMENTAL ADMINISTRATIVE BOARDS

Section 901. Powers and Duties in General.--(901 repealed Oct. 15, 1980, P.L.950, No.164)
Section 902. Legal Advice.--(902 repealed Oct. 15, 1980, P.L.950, No.164)
Section 903. Litigation.--(903 repealed Oct. 15, 1980, P.L.950, No.164)
Section 904. Investigation and Law Enforcement.--(904 repealed Oct. 15, 1980, P.L.950, No.164)
Section 905. Codification of the Laws.--(905 repealed Oct. 15, 1980, P.L.950, No.164)
Section 905.1. Power to Make Grants.--(905.1 repealed Dec. 4, 2007, P.L.427, No.64)

Compiler's Note: Section 501 of Act 164 of 1980 provided that the powers and duties of the Attorney General and/or the Department of Justice contained in section 905.1 are transferred to the Office of General Counsel.

Section 905.2. Acceptance or Refusal of Grants.--(905.2 repealed Dec. 4, 2007, P.L.427, No.64)

Compiler's Note: Section 501 of Act 164 of 1980 provided that the powers and duties of the Attorney General and/or the Department of Justice contained in section 905.2 are transferred to the Office of General Counsel.

Section 906. Deputy Attorneys General.--(906 repealed Oct. 15, 1980, P.L.950, No.164)
Section 907. Special Attorneys in Criminal Cases.--(907 repealed Oct. 15, 1980, P.L.950, No.164)
Section 908. Access to Books and Papers.--(908 repealed Oct. 15, 1980, P.L.950, No.164)
Section 909. Board of Pardons.--(a) The Board of Pardons shall have the power to hear applications for the remission of fines and forfeitures, and the granting of reprieves, commutations of sentence, and pardons, except in cases of impeachment, and to make recommendations in writing to the Governor thereon, in the manner provided in and under and subject to Article IV, Section 9, of the Constitution of this Commonwealth.

(b) Hearings relating to the granting of reprieves, commutations of sentences and pardons for prisoners serving life sentences or sentences for crimes of violence may only be granted upon approval by a vote of a majority of the members of the Board of Pardons.

(c) The Board of Pardons shall adopt rules and regulations governing its actions and no hearings or recommendations shall be contrary thereto. In cases involving applicants under sentence of death, the application shall be filed within ten days of the Governor's issuance of a warrant specifying a week for execution.

(d) The Board of Pardons shall provide notice to victims as defined under section 479.1 registered with the Department of Corrections, the Pennsylvania Board of Probation and Parole or the Board of Pardons of the opportunity to offer prior comment on any application which has been granted a hearing by the board pertaining to their case. A victim's prior comment may be oral or written and shall be considered by the board as to the advisability of any pardon or related release and any conditions of release. The board shall provide notice to victims of the date, time and place of any hearing pertaining to their case.

(e) Where the Board of Pardons chooses to hear the application of an inmate serving a life sentence or a sentence of death or an inmate serving a sentence for murder of the third degree, voluntary manslaughter, attempt to commit murder of the third degree or attempt to commit voluntary manslaughter, each member of the Board of Pardons shall interview the inmate.

(f) ((f) repealed July 5, 2012, P.L.1050, No.122)

(g) ((g) repealed July 5, 2012, P.L.1050, No.122)

(h) As used in this section, the term "crime of violence" means:

(1) Murder of the third degree, voluntary manslaughter, rape, sexual assault, involuntary deviate sexual intercourse, aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) (relating to aggravated assault), robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery) or kidnapping.

(2) An attempt to commit voluntary manslaughter, rape, sexual assault, involuntary deviate sexual intercourse, aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1), robbery as defined in 18 Pa.C.S. § 3701 (a)(1)(i), (ii) or (iii) or kidnapping.

(3) An offense committed while in visible possession of a firearm for which sentencing was imposed under 42 Pa.C.S. § 9712 (relating to sentences for offenses committed with firearms).

(909 amended June 1, 1995, 1st Sp.Sess., P.L.1017, No.15)

Section 910. Board of Commissioners on Uniform State Laws.--(Repealed Oct. 30, 2001, P.L.815, No.79)

Section 911. Penal and Correctional Institutions.--(911 repealed Dec. 30, 1984, P.L.1299, No.245)

Section 912. Bureau of Correction.--(912 repealed Dec. 30, 1984, P.L.1299, No.245)

Section 913. Deputy Commissioner for Treatment.--(913 repealed Dec. 30, 1984, P.L.1299, No.245)

Section 914. Personnel.--(914 repealed Dec. 30, 1984, P.L.1299, No.245)

Section 914.1. Inmate Labor at Nonpenal Institutions.--(914.1 repealed Dec. 30, 1984, P.L.1299, No.245)

Section 915. Inmate Labor.--(915 repealed Dec. 30, 1984, P.L.1299, No.245)

Section 916. Boards of Trustees of State Institutions.--(916 repealed Dec. 30, 1984, P.L.1299, No.245)

Section 917. Bureau of Consumer Protection.--The Department of Justice shall establish a Bureau of Consumer Protection under the direction of a director appointed by the Attorney General.

(917 added Dec. 17, 1968, P.L.1221, No.386)

Compiler's Note: Sections 201(c) and 204(d) of Act 164 of 1980 provided that the Attorney General is authorized to appoint the director of the Bureau of Consumer Protection and to administer the provisions of sections 917 through 922 of Act 175.

Section 918. Powers and Duties of Bureau of Consumer Protection.--The Bureau of Consumer Protection shall have the power and its duties shall be:

(1) To investigate commercial and trade practices in the distribution, financing and furnishing of goods and services to or for the use of consumers in order to determine if such practices are detrimental to the public interest, and to conduct studies, investigations and research in matters affecting consumer interest, advise the executive and legislative branches on matters affecting consumer interests, assist in developing

executive policies and develop draft and propose legislative programs to protect the consumer.

(2) To investigate fraud, misrepresentation and deception in the sale, servicing and financing of consumer goods and products. To promote consumer education and to publicize matters relating to consumer frauds, deception and misrepresentation.

(3) To do such other acts as may be incidental to the exercise of its powers and functions.

(918 added Dec. 17, 1968, P.L.1221, No.386)

Section 919. Authority of Attorney General and Director of Bureau of Consumer Protection.--(a) The Attorney General shall be authorized to require the attendance and testimony of witnesses and the production of any books, accounts, papers, records, documents, and files relating to any commercial and trade practices which the Bureau of Consumer Protection has authority to investigate and conduct private or public hearings; and, for this purpose, the Attorney General or his representative may sign subpoenas, administer oaths or affirmations, examine witnesses and receive evidence during any such investigation or public or private hearing. In case of disobedience of any subpoena or the contumacy of any witness appearing before the Attorney General or his representative, the Attorney General or his representative may invoke the aid of the Commonwealth Court or any court of record of the Commonwealth, and such court may thereupon issue an order requiring the person subpoenaed to obey the subpoena or to give evidence or to produce books, accounts, papers, records, documents and files relative to the matter in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) No documentary material produced pursuant to a demand under this section shall, unless otherwise ordered by a court for good cause shown, be produced for inspection or copying by, nor shall the contents thereof be disclosed to any person other than the authorized employe of the Attorney General without the consent of the person who produced such material: Provided, That under such reasonable terms and conditions as the Attorney General shall prescribe, such documentary material shall be available for inspection and copying by the person who produced such material or any duly authorized representative of such person. The Attorney General or any attorney designated by him may use such documentary material or copies thereof as he determines necessary in the enforcement of this act, including presentation before any court: Provided, That any such material which contains trade secrets or other highly confidential matter shall not be presented except with the approval of the court in which the action is pending after adequate notice to the person furnishing such material.

(919 added Dec. 17, 1968, P.L.1221, No.386)

Section 920. Appointment of Personnel.--The Attorney General shall appoint such investigators, accountants, engineers, attorneys, clerical and stenographic employes and such other professional and skilled personnel as may be required for the proper conduct of the work of the Bureau of Consumer Protection.

(920 added Dec. 17, 1968, P.L.1221, No.386)

Section 921. Limitation on Powers and Duties; Relationship to Other Agencies.--The Bureau of Consumer Protection shall not duplicate or interfere with the function of the Pennsylvania Public Utility Commission and shall not be in substitution of any other Commonwealth agency having the power and duty to protect consumer interests in a particular field. Each department, bureau, agency officer and employe of the

Commonwealth shall cooperate with the Bureau of Consumer Protection in carrying out its functions.

(921 added Dec. 17, 1968, P.L.1221, No.386)

Section 922. Advisory Committees.--The Governor, by executive order, shall create advisory committees to assist the Bureau of Consumer Protection in carrying out its functions. The Governor shall appoint the members of such committees and they shall serve at his pleasure. The committees shall be under the direction of the Attorney General and their recommendations shall not be binding on the bureau. Members of the committees shall serve without compensation other than reimbursement for actual and necessary expenses incurred in the performance of their duties.

(922 added Dec. 17, 1968, P.L.1221, No.386)

Compiler's Note: Section 504 of Act 164 of 1980 provided that section 922 is repealed to the extent that it provides for the appointment of an advisory committee by the Governor. Section 204(d) of Act 164 provided that the advisory committee shall be appointed by the Attorney General.

Section 922.1. Collections by Attorney General.--(a) Notwithstanding any other provision of law, whenever the Attorney General exercises the Attorney General's powers under section 204(c) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, to collect, by suit or otherwise, the debts, taxes and accounts due the Commonwealth that are referred to and placed with the Attorney General for collection by any Commonwealth agency, no more than twenty-five per centum (25%) of each amount collected shall be deposited in a restricted account within the General Fund known as the Collection Administration Account. No more than two million five hundred thousand dollars ($2,500,000) per fiscal year may be deposited into the restricted account under this section.

(b) Money in the Collection Administration Account is appropriated to the Office of Attorney General. The Attorney General shall submit to the Governor an estimate of the amount of money to be expended from the Collection Administration Account during the next fiscal year as part of the Attorney General's annual budget request to the Governor.

(922.1 added Oct. 30, 2017, P.L.379, No.40)

Section 923. Pennsylvania Crime Commission.--(923 repealed Oct. 4, 1978, P.L.876, No.169)

Section 924. Duties of the Attorney General Relative to Criminal Statistics.--(924 repealed Nov. 22, 1978, P.L.1166, No.274)

Section 925. Duties of Public Agencies and Officers in Reporting Criminal Statistics.--(925 repealed Dec. 17, 1981, P.L.429, No.134 by amendment to act of Nov. 22, 1978, P.L.1166, No.274)

ARTICLE IX-A

OFFICE OF CONSUMER ADVOCATE

(IX-A added July 9, 1976, P.L.903, No.161)

Section 901-A. Definitions.--As used in this article:

"Commission" means the Pennsylvania Public Utility Commission.

"Consumer" means any person (i) who makes a direct use or is the ultimate recipient of a product or a service supplied by any person or public utility subject to the authority of the commission or (ii) who may be a direct user or ultimate

recipient of a product or service supplied by any person or public utility subject to the authority of the commission and may be affected in any way by any action within the authority of the commission. The term "consumer" includes any "person," "corporation" or "municipal corporation" as defined in section 2 of the act of May 28, 1937 (P.L.1053, No.286), known as the "Public Utility Law."

"Public utility" means public utility as defined in section 2(17), act of May 28, 1937 (P.L.1053, No.286), known as the "Public Utility Law."

(901-A added July 9, 1976, P.L.903, No.161)

Section 902-A. Office of Consumer Advocate.--(a) There is hereby established within the Department of Justice an Office of Consumer Advocate to represent the interest of consumers before the Pennsylvania Public Utility Commission.

(b) The Consumer Advocate shall be a person who by reason of training, experience and attainment is qualified to represent the interest of consumers. Compensation shall be set by the Executive Board. ((b) repealed in part Oct. 15, 1980, P.L.950, No.164)

(c) No individual who serves as a Consumer Advocate shall, while serving in such position, engage in any business, vocation, other employment, or have other interests, inconsistent with his official responsibilities, nor shall he seek or accept employment nor render beneficial services for compensation with any "person" or "corporation," as defined in section 2 of the act of May 28, 1937 (P.L.1053, No.286), known as the "Public Utility Law," subject to the authority of the commission during the tenure of the appointment and for a period of two years after the appointment is served or terminated.

(d) Any individual who is appointed to the position of Consumer Advocate shall not seek election nor accept appointment to any political office during the tenure as Consumer Advocate and for a period of two years after the appointment is served or terminated.

(902-A added July 9, 1976, P.L.903, No.161)

Compiler's Note: Section 201(b) of Act 164 of 1980 provided that the Attorney General shall appoint a Consumer Advocate which appointment shall be subject to the approval of a majority of the members elected to the Senate. The Consumer Advocate shall perform the duties and have the powers set forth in Article IX-A.

Section 903-A. Assistant Consumer Advocates; Employes.--The Consumer Advocate with the approval of the Attorney General shall appoint attorneys as assistant consumer advocates and such additional clerical, technical and professional staff as may be appropriate, and may contract for such additional services as shall be necessary for the performance of his function. The compensation of assistant consumer advocates and such clerical, technical and professional staff shall be set by the Executive Board. No assistant consumer advocate or other staff employe shall, while serving in such position, engage in any business, vocation, other employment, or have other interests, inconsistent with his official responsibilities.

(903-A added July 9, 1976, P.L.903, No.161)

Section 904-A. Powers and Duties of the Consumer Advocate.--(a) In addition to any other authority conferred upon him by this act, the Consumer Advocate is authorized, and it shall be his duty, in carrying out his responsibilities under this act, to represent the interest of consumers as a party, or otherwise participate for the purpose of representing an

interest of consumers, before the commission in any matter properly before the commission, and before any court or agency, initiating proceedings if in his judgment such may be necessary, in connection with any matter involving regulation by the commission or the corresponding regulatory agency of the United States whether on appeal or otherwise initiated.

(a.1) The Consumer Advocate may monitor all cases before corresponding regulatory agencies of the United States, including the Federal Communications Commission and the Federal Energy Regulatory Commission, which impact upon the interests of Pennsylvania consumers and may formally participate in those proceedings which in his judgment warrant such participation. ((a.1) added July 20, 1983, P.L.48, No.25)

(b) The Consumer Advocate may exercise discretion in determining the interests of consumers which will be advocated in any particular proceeding and in determining whether or not to participate in or initiate any particular proceeding and, in so determining, shall consider the public interest, the resources available and the substantiality of the effect of the proceeding on the interest of consumers. The Consumer Advocate may refrain from intervening when in the judgment of the Consumer Advocate such is not necessary to represent adequately the interest of consumers.

(c) In addition to any other authority conferred upon him by this act, the Consumer Advocate is authorized to represent an interest of consumers which is presented to him for his consideration upon petition in writing by a substantial number of persons, who make direct use or are ultimate recipients of a product or service supplied by a person, corporation, or municipal corporation subject to regulation by the commission. The Consumer Advocate shall notify the principal sponsors of any such petition within a reasonable time after receipt of any such petition of the action taken or intended to be taken by him with respect to the interest of consumers presented in such petition. If the Consumer Advocate declines or is unable to represent such interest, he shall notify such sponsors and shall state his reasons therefor.

(d) Any action brought by the Consumer Advocate before a court or an agency of this Commonwealth shall be brought in the name of the Consumer Advocate. The Consumer Advocate may name a consumer or group of consumers in whose name the action may be brought or may join with a consumer or group of consumers in bringing the action.

(e) At such time as the Consumer Advocate determines, in accordance with applicable time limitations, to initiate, intervene, or otherwise participate in any commission, agency, or court proceeding, he shall issue publicly a written statement, a copy of which he shall file in the proceeding in addition to any required entry of his appearance, stating concisely the specific interest of consumers to be protected.

(904-A added July 9, 1976, P.L.903, No.161)

Section 904-A.1. Assessment Upon Public Utilities, Disposition, Appropriation and Disbursement of such Assessments.--(a) Before November 1, 1983 for fiscal year 1984-1985 and before November 1 of each year hereafter, the Office of Consumer Advocate shall estimate the total expenditures for the Office of Consumer Advocate and submit the estimate to the Governor in accordance with section 610 of the act. At the same time the Consumer Advocate submits his estimate to the Governor, the Consumer Advocate shall also submit that estimate to the General Assembly. Such estimate shall not exceed five one hundredths of one per centum (.05%) of the total gross

intrastate operating revenues of all public utilities subject to the jurisdiction of the Pennsylvania Public Utility Commission for the preceding calendar year. The Consumer Advocate or his designated representatives shall be afforded an opportunity to appear before the Governor and the Senate and House Appropriations Committees regarding his estimate. If the General Assembly fails to approve the Consumer Advocate's budget for the purposes of this section by March 30, the Public Utility Commission shall assess public utilities on the basis of the last approved allocation. At such time as the General Assembly approves the proposed budget, the Consumer Advocate and the commission shall make an adjustment in the assessments to reflect the approved budget. The Office of Consumer Advocate shall subtract from the budget finally approved by the General Assembly any balance of the appropriation to be carried over into such fiscal year from the preceding one. The remainder so determined shall constitute the total assessment, and shall be allocated to, and paid by, public utilities in the manner hereafter prescribed. ((a) amended July 20, 1983, P.L.48, No.25)

(b) For the fiscal year 1977-1978, the allocation shall be made as described in subsection (c) but for each fiscal year thereafter the allocation shall be made as follows:

(1) The Office of Consumer Advocate shall determine for the preceding calendar year the amount of its expenditures directly attributable, or in its judgement properly allocable, to its activities in connection with each group of utilities furnishing the same kind of service and debit the amount so determined to such group.

(2) The Office of Consumer Advocate shall then allocate the total assessment prescribed by subsection (a) to each group in the proportion which the sum of the debits made to it bears to the sum of the debits made to all groups. The Office of Consumer Advocate shall transmit to the Pennsylvania Public Utility Commission the result of the aforesaid allocation.

(c) The Pennsylvania Public Utility Commission shall thereafter complete the assessment procedure and collect the assessments as follows: each public utility within a group shall then be assessed for and shall pay to the Pennsylvania Public Utility Commission such proportion of the amount allocated to its group as the gross intrastate operating revenues of the public utility for the preceding calendar year bear to the total gross intrastate operating revenues of its group for that year, but for the fiscal year 1977-1978 every public utility shall be assessed for and shall pay to the commission such proportion of the total assessment as the gross intrastate operating revenues of the public utility for the preceding calendar year bear to the total gross intrastate operating revenues of all public utilities that are assessed. The Pennsylvania Public Utility Commission shall give notice by registered or certified mail to each public utility of the amount lawfully charged against it under the provisions of this section, which amount shall be paid by the public utility within thirty (30) days of receipt of such notice, unless the commission specifies on the notices sent to all public utilities an installment plan of payment, in which case each public utility shall pay each installment on or before the date specified therefor by the commission. Within fifteen (15) days after receipt of such notice, the public utility against which such assessment has been made may file with the commission objections setting out in detail the grounds upon which the objector regards such assessment to be excessive, erroneous, unlawful or invalid. The commission, after notice to the objector, shall hold a hearing

upon such objections. After such hearing, the commission shall record upon its minutes its findings on the objections and shall transmit to the objector, by registered or certified mail, notice of the amount, if any, charged against it in accordance with such findings, which amount, or any installment thereof, then due shall be paid by the objector within ten (10) days after receipt of notice of the findings of the commission with respect to such objections. If any payment prescribed by this subsection is not made as aforesaid, the commission may suspend or revoke certificates of public convenience, certify automobile registrations to the Secretary of Transportation for suspension or revocation or, through the Department of Justice, may institute an appropriate action at law for the amount lawfully assessed, together with any additional cost incurred by the commission or the Department of Justice by virtue of such failure to pay.

(d) No suit or proceeding shall be maintained in any court for the purpose of restraining or in anywise delaying the collection or payment of any assessment made under subsections (a), (b) and (c), but every public utility against which an assessment is made shall pay the same as provided in subsection (c). Any public utility making any such payment may, at any time within two (2) years from the date of payment, sue the Commonwealth in an action at law to recover the amount paid, or any part thereof, upon the ground that the assessment was excessive, erroneous, unlawful, or invalid, in whole or in part, provided objections, as hereinbefore provided, were filed with the commission, and payment of the assessment was made under protest either as to all or part thereof. In any action for recovery of any payments made under this section, the claimant shall be entitled to raise every relevant issue of law, but the findings of fact made by the commission, pursuant to this section, shall be prima facie evidence of the facts therein stated. Any records, books, data, documents, and memoranda relating to the expenses of the Office of Consumer Advocate shall be admissible in evidence in any court and shall be prima facie evidence of the truth of their contents. If it is finally determined in any such action that all or any part of the assessment for which payment was made under protest was excessive, erroneous, unlawful, or invalid, the Office of Consumer Advocate shall make a refund to the claimant out of the appropriation specified herein as directed by the court.

(e) The procedure in this section providing for the determination of the lawfulness of assessments and the recovery back of payments made pursuant to such assessments shall be exclusive of all other remedies and procedures.

(f) It is the intent and purpose of this section that each public utility shall advance to the Office of Consumer Advocate its reasonable share of the cost of administering this act. The Office of Consumer Advocate shall keep records of the costs incurred in connection with the administration and enforcement of this act or any other act. The Office of Consumer Advocate and the Pennsylvania Public Utility Commission shall also keep a record of the manner in which it shall have computed the amount assessed against every public utility. Such records shall be open to inspection by all interested parties. The determination of such costs and assessments by the Office of Consumer Advocate and the Pennsylvania Public Utility Commission, and the records and data upon which the same are made, shall be considered prima facie correct. In any proceeding instituted to challenge the reasonableness or correctness of

any assessment under this section, the party challenging the same shall have the burden of proof.

(g) All assessments received, collected, or recovered under this act shall be paid by the commission into the General Fund of the State Treasury through the Department of Revenue.

(h) All such assessments, allocated to and paid by public utilities shall be held in trust solely for the purpose of defraying the cost of the administration and performance of the duties of the Office of Consumer Advocate relating to proceedings before the Pennsylvania Public Utility Commission, the corresponding regulatory agencies of the United States, related judicial proceedings, and other such matters within the jurisdiction of the Office of Consumer Advocate, and shall be earmarked for the use of, and annually appropriated to, the Office of Consumer Advocate for disbursement solely for that purpose. ((h) amended July 20, 1983, P.L.48, No.25)

(i) All requisitions upon such appropriation shall be signed by the Consumer Advocate or such deputies as he may designate in writing to the State Treasurer and shall be presented to the State Treasurer and dealt with by him and the Treasury Department in the manner prescribed by the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code."

(904-A.1 added June 21, 1977, P.L.19, No.15)

Section 905-A. Duties of the Commission.--In dealing with any proposed action which may substantially affect the interest of consumers, including but not limited to a proposed change of rates and the adoption of rules, regulations, guidelines, orders, standards or final policy decisions, the commission shall:

(1) Notify the Consumer Advocate when notice of the proposed action is given to the public or at a time fixed by agreement between the Consumer Advocate and the commission in a manner to assure the Consumer Advocate reasonable notice and adequate time to determine whether to intervene in such matter.

(2) Consistent with its other statutory responsibilities, take such action with due consideration to the interest of consumers.

(905-A added July 9, 1976, P.L.903, No.161)

Section 906-A. Savings Provision; Construction.--(a) Nothing contained herein shall in any way limit the right of any consumer to bring a proceeding before either the commission or a court.

(b) Nothing contained herein shall be construed to impair the statutory authority or responsibility of the commission to regulate public utilities in the public interest.

(906-A added July 9, 1976, P.L.903, No.161)

Section 907-A. Reports.--The Consumer Advocate shall annually transmit to the Governor and the Attorney General and to the General Assembly and shall make available to the public an annual report on the conduct of the Office of Consumer Advocate. The Consumer Advocate shall make recommendations as may from time to time be necessary or desirable to protect the interest of consumers.

(907-A added July 9, 1976, P.L.903, No.161)

Section 908-A. Office of Consumer Advocate to Continue.--(908-A repealed Dec. 20, 1989, P.L.664, No.84)

ARTICLE IX-B
POWERS AND DUTIES OF THE DEPARTMENT OF CORRECTIONS
(IX-B added Dec. 30, 1984, P.L.1299, No.245)

Section 900-B. Definitions.--As used in this article:

"Inmate education and training" means the provision of services relating to the academic or vocational instruction, including special education, of inmates incarcerated in a State correctional institution.

"State correctional institution" means a correctional facility, jail or prison owned or operated by the Department of Corrections.

(900-B added June 22, 1999, P.L.99, No. 15)

Section 901-B. General Powers and Duties of the Department.--The Department of Corrections, which is hereby established as an administrative department, shall have the powers and duties granted to and imposed upon it by this article and by any other statutory provisions. In addition, the Department and Secretary of Corrections shall have all the powers and duties granted to and imposed upon the former Bureau and Commissioner of Correction prior to the effective date of this article and shall also have all the powers and duties formerly vested in and exercised by the General Counsel and the Office of General Counsel insofar as such powers and duties related to the administration, management and supervision of penal and correctional facilities, programs and services.

(901-B added Dec. 30, 1984, P.L.1299, No.245)

Compiler's Note: See sections 5 and 6 of Act 245 of 1984 in the appendix to this act for special provisions relating to transition to the Department of Corrections from the Bureau of Correction.

Section 902-B. Power to Contract.--The Department of Corrections may contract with the Federal Government for the housing of inmates in Federal correctional facilities.

(902-B added Apr. 9, 1990, P.L.115, No.28)

Section 903-B. Payment of Inmate Medical Needs.--(903-B repealed Aug. 11, 2009, P.L.147, No.33)

Section 904-B. Powers to Assess and Collect Costs.--(904-B repealed Aug. 11, 2009, P.L.147, No.33)

Section 905-B. Establishment of Bureau.--There is hereby established a separate bureau within the Department of Corrections, which bureau shall provide centralized administrative services relating to inmate education and training, including:

(1) Provision of education and training.

(2) Staff supervision to include staff discipline in accordance with applicable collective bargaining agreements, department policies and principles of due process.

(3) Curriculum and program development and related matters.

(905-B added June 22, 1999, P.L.99, No.15)

Section 906-B. Responsibilities.--The bureau established under section 905-B shall provide academic education, vocational education, recreation services, library services and special education for school-age inmates and adult inmates incarcerated in State correctional institutions in accordance with law.

(906-B added June 22, 1999, P.L.99, No.15)

Section 907-B. Funding.--Funding for the operation of the bureau established under section 905-B shall be included in the line item for inmate education and training in the General Appropriations Act.

(907-B added June 22, 1999, P.L.99, No.15)

Section 908-B. Transfer and Regulations.--(a) The following shall be included as part of the transfer of responsibilities to the Department of Corrections under this article: all personnel, allocations, unexpended balances of appropriations, fixed assets, equipment, files, records, contracts, agreements,

obligations and other materials and supplies owned, employed or expended by the Department of Education in connection with the provision of inmate education and training. All allocations and appropriations shall have the same force and effect as if they had been made to the Department of Corrections for purposes of inmate education and training. All contracts, agreements and obligations shall have the same force and effect as if they had been executed or incurred by the department.

(b) Existing regulations, policies and other documents and all actions of the Department of Education relating to the provision of inmate education and training shall remain in effect until the department amends the regulation, document or other action.

(908-B added June 22, 1999, P.L.99, No.15)

Section 909-B. Certificates of Education Completion.--The Department of Education shall issue all Commonwealth secondary school diplomas and endorse or sponsor all other academic or vocational certificates of completion for inmates.

(909-B added June 22, 1999, P.L.99, No.15)

Section 910-B. Local Educational Agency.--The bureau established under section 905-B shall be deemed to be a local educational agency for purposes relating to educational services provided for school-age inmates and adult inmates and for purposes of obtaining Federal funding.

(910-B added June 22, 1999, P.L.99, No.15)

Section 911-B. Advisory Committee.--(a) An Inmate Education Advisory Committee is hereby established to advise and make recommendations to the Department of Corrections regarding the provision of inmate education and training.

(b) The committee shall consist of seven members as follows:

(1) The Secretary of Corrections or a designee.

(2) The Secretary of Education or a designee, who shall act as chairman.

(3) One full-time educator who teaches in a State correctional institution appointed by the Secretary of Corrections in consultation with the employe organization representing teachers in the department.

(4) Two members with experience in academic, vocational or special education appointed by the Secretary of Education.

(5) Two members with experience in academic, vocational or special education appointed by the Secretary of Corrections.

(911-B added June 22, 1999, P.L.99, No.15)

Section 912-B. Employment.--(a) All employes of the Department of Education transferred to the Department of Corrections under this article shall, subject to collective bargaining, retain the same pay scales, salaries, wages and seniority and other benefits, except as provided in section 913-B.

(b) (1) Employes who provide inmate education and training to school-age inmates shall hold appropriate State certification as required by Federal and State law.

(2) Notwithstanding any law to the contrary, time spent teaching adults in a State correctional institution shall be applied toward certification for an Instructional II certificate by the holder of an Instructional I certificate.

(c) (1) Teachers and other certified staff providing inmate education and training for school-age and adult inmates shall be considered professional employes working in an educational setting under the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act," and under the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 403(b)) regarding entitlement to tax benefits.

(2) Teachers and other certified staff providing inmate education and training shall not be considered professional employes under section 1101 or any other provision of the act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," unless otherwise specified under this section.

(d) Certified teachers or other certified staff employed to provide inmate education and training shall be subject to section 5(a)(11) of the act of December 12, 1973 (P.L.397, No.141), referred to as the Teacher Certification Law.

(e) All existing civil service classifications relating to the provision of inmate education and training within the Department of Education shall apply to personnel providing inmate education and training within the Department of Corrections.

(912-B added June 22, 1999, P.L.99, No.15)

Section 913-B. Retirement.--(a) An employe who is transferred under section 908-B and who on the effective date of this section participates in an independent retirement program approved by the Department of Education under 24 Pa.C.S. § 8301(a)(1) (relating to mandatory and optional membership) or 71 Pa.C.S. § 5301(a)(12) (relating to mandatory and optional membership) or is a member of the Public School Employees' Retirement System under 24 Pa.C.S. § 8301(a)(1) or 71 Pa.C.S. § 5301(a)(12) shall be deemed to be a school employe under 24 Pa.C.S. Pt. IV (relating to retirement for school employees) or 71 Pa.C.S. Pt. XXV (relating to retirement for State employees and officers) and shall continue to participate in the authorized independent retirement program or the Public School Employees' Retirement System, as the case may be. The Department of Corrections shall approve the program as an independent retirement program under 71 Pa.C.S. § 5301(a)(12) for participating transferred employes. The department shall be considered an employer, as defined under 24 Pa.C.S. § 8102 (relating to definitions), of a transferred employe who is a member of the Public School Employees' Retirement System.

(b) (1) Notwithstanding any other provision of law or any collective bargaining agreement, arbitration award, contract or term or condition of any retirement system or pension plan, an employe who on the effective date of this section is an active member or inactive member of the Public School Employees' Retirement System shall have a one-time election to do one of the following:

(i) Become a member of the State Employees' Retirement System and transfer all credited service and accumulated deductions in the Public School Employees' Retirement System to the State Employees' Retirement System.

(ii) Become a member of the State Employees' Retirement System, retaining credited service and accumulated deductions in the Public School Employees' Retirement System. The employe may elect multiple service at the same time as an election under this subclause.

(2) The election shall be made within ninety (90) days of the effective date of this section but before termination of school service by submitting an election form to the personnel officer of the department. The date the election is submitted to the department shall be the effective date of the election. The department shall notify both the Public School Employees' Retirement System and the State Employees' Retirement System of the election.

(3) If a member elects to transfer credited service from the Public School Employees' Retirement System to the State Employees' Retirement System, all classes of school and

nonschool service credited in the Public School Employees' Retirement System shall be transferred to the State Employees' Retirement System and credited in the appropriate classes of State and nonstate service, respectively. School service which would have been service as a corrections officer as defined in 71 Pa.C.S. § 5102 (relating to definitions) had the employe been a member of the State Employees' Retirement System at the time it was performed shall be credited as corrections officer service. Transferred service shall no longer be considered school or nonschool service for any purpose, but shall be considered State and nonstate service for all purposes. Within sixty (60) days of an election under this subsection, the Public School Employees' Retirement System shall transfer to the State Employees' Retirement System for each transferred member the total accumulated member contributions and statutory interest, plus an amount equal to the value of all annual employer contributions with interest at the annual rate adopted by the State Employees' Retirement Board for the calculation of the normal contribution rate under 71 Pa.C.S. § 5508(b) (relating to actuarial cost method), from the date of each contribution to the date of the transfer of the funds to the State Employees' Retirement Board. A debt to the Public School Employees' Retirement System shall be transferred to the State Employees' Retirement System and shall be paid in a manner and in accordance with conditions prescribed by the State Employees' Retirement Board.

(4) The State Employees' Retirement Board shall determine the total additional actuarial accrued liability resulting from transfers under this subsection as part of the first annual valuation made after June 30, 1999. The department shall pay the amount of the additional actuarial accrued liability to the State Employees' Retirement Board in one lump sum within ninety (90) days of the board's certification of the amount to the department.

(5) The provisions of 71 Pa.C.S. Pt. XXV shall apply to all benefits, rights and obligations under this article.

(913-B added June 22, 1999, P.L.99, No.15)

Section 914-B. Existing Contracts.--(a) Subject to subsections (b) and (c), nothing in this article shall be construed to supersede or alter any collective bargaining agreement in effect on the effective date of this section or any collective bargaining unit recognition or certification issued by the Pennsylvania Labor Relations Board. References to the Department of Education in a collective bargaining agreement or document recognizing or certifying the collective bargaining unit shall after the effective date of this section be deemed to refer to the Department of Corrections.

(b) All provisions in the collective bargaining agreement specifically applicable to individuals employed by the Department of Corrections prior to the effective date of this section shall continue to apply to those individuals.

(c) All provisions in the collective bargaining agreement specifically applicable to individuals employed by the Department of Education prior to the effective date of this section shall continue to apply to individuals transferred under this article.

(914-B added June 22, 1999, P.L.99, No.15)

Section 915-B. Notice of Public Hearing for State Correctional Institution Closure.--During the fiscal year 2017-2018, the Department of Corrections may not close a State correctional institution as defined in 61 Pa.C.S. § 102 (relating to definitions), unless the Department of Corrections

conducts a public hearing in the county in which the State correctional institution is located. The Department of Corrections shall provide notice thirty (30) days before the public hearing in the Pennsylvania Bulletin and in at least two local newspapers.

(915-B added Oct. 30, 2017, P.L.379, No.40)

ARTICLE X

POWERS AND DUTIES OF THE DEPARTMENT OF THE AUDITOR GENERAL

Section 1001. Powers and Duties Retained.--Subject to any inconsistent provisions in this act contained, the Department of the Auditor General shall exercise its powers and perform its duties as provided in the Fiscal Code and other applicable laws.

Section 1002. Chief Counsel; Deputies.--The Auditor General shall have the power to appoint and fix the compensation of a chief counsel and such other deputy counsels as the Auditor General deems necessary to provide legal assistance to the Auditor General.

(1002 added Dec. 17, 1970, P.L.935, No.292)

Section 1003. Powers and Duties of Chief Counsel.--The office of the chief counsel to the Auditor General shall have the power and its duty shall be:

(a) To furnish legal advice to the Auditor General concerning any legal matter or thing arising in connection with the exercise of the official powers or performance of the official duties of the Auditor General.

(b) To supervise, direct and control all of the legal affairs of the Department of the Auditor General.

(c) To represent the Auditor General in any litigation to which the Department of the Auditor General may be a party or in which the Department of the Auditor General is permitted or required by law to intervene or interplead.

(1003 added Dec. 17, 1970, P.L.935, No.292)

Section 1004. Transferring Certain Powers and Duties Relating to Municipal Pension Reporting and Analysis.--(a) Notwithstanding any other provision of law, the powers and duties of the Public Employee Retirement Commission under the act of December 18, 1984 (P.L.1005, No.205), known as the "Municipal Pension Plan Funding Standard and Recovery Act," shall be transferred to the Department of the Auditor General in accordance with this section. The transferred duties shall be independent of the Department of the Auditor General's existing audit functions and shall be segregated in a departmental bureau separate from the bureau that performs audit functions as of the effective date of this section.

(b) Within thirty (30) days of the effective date of this section, the Department of the Auditor General shall provide notice of the transfer of powers and duties under this section to all of the following:

(1) The Governor.

(2) The President pro tempore of the Senate.

(3) The Speaker of the House of Representatives.

(4) The Minority Leader of the Senate.

(5) The Minority Leader of the House of Representatives.

(6) The chair and minority chair of the Finance Committee of the Senate.

(7) The chair and minority chair of the Finance Committee of the House of Representatives.

(c) The following shall be transferred to the Department of the Auditor General which are used or held in connection with the powers and duties transferred under this section:

(1) Contractual obligations.

(2) Mortgages, liens, encumbrances and any other secured interests, records, files, property, supplies and equipment.

(3) The unexpended balance of appropriations, allocations and other funds available or to be made available.

(d) The responsibility of municipalities to file and report materials and to otherwise comply with the "Municipal Pension Plan Funding Standard and Recovery Act" shall remain in effect after the effective date of this section, except all filing and reporting under the "Municipal Pension Plan Funding Standard and Recovery Act" shall be made to the Department of the Auditor General in the manner directed by the Department of General Services. Within thirty (30) days of the effective date of this section, the Auditor General shall submit to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin, and shall post on the Department of the Auditor General's publicly accessible Internet website, the manner of preparing the filings and reports required by the "Municipal Pension Plan Funding Standard and Recovery Act" and the method of delivering and submitting those filings and reports to the Department of the Auditor General.

(e) The Department of the Auditor General shall perform the cost certification procedures pursuant to the "Municipal Pension Plan Funding Standard and Recovery Act" and shall transmit its calculation and determination to the Office of the Budget for review and certification within ninety (90) days. After performing its review and certification, the Office of the Budget shall transmit its certification to the Department of the Auditor General for the performance of any additional functions that have been assigned to it under the "Municipal Pension Plan Funding Standard and Recovery Act" in accordance with this section by August 1 of each calendar year. The Department of the Auditor General shall maintain and post the reports required under the "Municipal Pension Plan Funding Standard and Recovery Act" on its publicly accessible Internet website.

(f) No bond or note issued to fund an unfunded actuarial accrued liability may be valid or obligatory in the hands of an original purchaser until certified copies of the ordinance or ordinances authorizing bonds or notes, the ordinance or resolution awarding the bonds or notes and the certificate of approval of the department have been filed with the Auditor General. Approval of the Auditor General shall be not be required.

(1004 added July 20, 2016, P.L.849, No.100)

Section 1005. Transfer of Certain Employes.--By October 1, 2016, the employes of the Public Employee Retirement Commission are transferred to the Department of Auditor General.

(1005 added July 20, 2016, P.L.849, No.100)

ARTICLE XI

POWERS AND DUTIES OF THE TREASURY DEPARTMENT

Section 1101. Powers and Duties Retained.--Subject to any inconsistent provisions in this act contained, the Treasury Department shall exercise its powers and perform its duties as provided in the Fiscal Code and other applicable laws.

Section 1101.1. Investment Powers.--(1101.1 repealed Nov. 30, 2004, P.L.1725, No.220)

Section 1102. Board of Finance and Revenue.--Subject to any inconsistent provisions in this act contained, the Board of Finance and Revenue shall exercise its powers and perform its duties as provided in the Fiscal Code and other applicable laws.

Section 1103. State Employes' Retirement Board.--(1103 repealed June 6, 1939, P.L.250, No.144)

Section 1104. Copies of Contracts to be Furnished to the State Treasurer.--(a) Whenever any department, board, commission, agency, instrumentality, authority or institution of the Commonwealth shall enter into any contract involving any property, real, personal or mixed of any kind or description or any contract for personal services where the consideration involved in said contract is five thousand dollars ($5,000) or more, a copy of said contract shall be furnished to the Treasury Department within ten (10) days after the contract is executed on behalf of the Commonwealth or otherwise becomes an obligation of the Commonwealth.

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

(1104 added Dec. 19, 1980, P.L.1333, No.244)

Section 1105. Transfer of Powers and Duties Relating to Abandoned and Unclaimed Property from the Secretary of Revenue.--The powers and duties of the Secretary of Revenue under Article XIII.1 of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code," are hereby transferred to the State Treasurer.

(1105 added Dec. 18, 1992, P.L.1638, No.180)

Section 1106. Transfer of Personnel, Appropriations, Records, Equipment and Other Materials Involved with Abandoned and Unclaimed Property.--(a) All personnel which the State Treasurer deems necessary, allocations, equipment, other than the mainframe computer and computer terminals which shall be subject to negotiations between the State Treasurer and the Secretary of Revenue regarding transfer, files, records, contracts, agreements, obligations and other materials which are used, employed or expended in connection with the powers, duties or functions of the Secretary of Revenue under Article XIII.1 of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code," and which are transferred by section 1105 to the State Treasurer are hereby transferred from the Secretary of Revenue with the same force and effect as if the appropriations had been made to the State Treasurer, the materials had been the property of the State Treasurer in the first instance and as if the contracts, agreements and obligations had been incurred or entered into by the State Treasurer.

(b) The personnel, appropriations, equipment and other items and materials transferred by this section shall include an appropriate portion of the general administrative, overhead and supporting personnel, appropriations, equipment and other materials of the Secretary of Revenue and shall also include, where applicable, Federal grants and funds and other benefits from any Federal program.

(c) All personnel transferred pursuant to this section shall retain any civil service employment status assigned to them.

(1106 added Dec. 18, 1992, P.L.1638, No.180)

Compiler's Note: Section 16 of Act 180 of 1992, which added section 1106, provided that the transfer of personnel, appropriations, records, equipment and other materials under section 1106 shall be completed no later than 180 days after the effective date of Act 180.

ARTICLE XII

POWERS AND DUTIES OF THE DEPARTMENT OF INTERNAL AFFAIRS AND ITS DEPARTMENTAL ADMINISTRATIVE BOARD AND COMMISSION

Compiler's Note: The article heading was retained intact though the former Internal Affairs Department was abolished by act of Dec. 18, 1968, P.L.1232, No.390.

Section 1201. Powers and Duties Retained.--(1201 repealed Dec. 18, 1968, P.L.1232, No.390)

Section 1202. Topographic and Geologic Survey.--(1202 repealed Dec. 3, 1970, P.L.834, No.275)

Section 1203. Land Office.--The Department of Community Affairs shall have the power, and its duty shall be: (Par. amended Dec. 18, 1968, P.L.1232, No.390)

(a) To act as the Land Office of the Commonwealth.

(b) To maintain and preserve the records of the first titles acquired by the proprietaries, and the Commonwealth, to all the lands within its boundaries, the records of all lands and conveyances from the proprietaries and the Commonwealth to the purchasers of the land, the papers relating to the surveys of the State and county lines, and the reports of commissioners relating to the boundary lines of the State, maps and other papers pertaining to the colonial history of Pennsylvania, contracts for, section profile maps and other records of and relating to the public works, and all other relevant records relating to titles to real estate now or heretofore owned or hereafter to be acquired by the Commonwealth. ((b) amended Sept. 20, 1961, P.L.1537, No.655)

(c) So to arrange the evidences of title in its custody, by filing, recording, and indexing, as to facilitate searches, examinations, and inspections.

(d) To furnish certified copies of any such records to the heads of departments, upon request, for use in the furtherance of the business of the Commonwealth.

(e) To furnish copies of all records, documents, entries, and papers, in its custody to such persons as shall apply for the same and pay such fees as may now or hereafter be prescribed by law.

Compiler's Note: Section 301(a)(16) of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that all other powers and duties delegated to the Department of Community Affairs not otherwise expressly transferred elsewhere by Act 58 and currently performed by the Department of Community Affairs under section 1203 are transferred from the Department of Community Affairs to the Department of Community and Economic Development.

Section 703 of Act 58 of 1996 provided that the Land Office as provided for in section 1203 shall hereafter be an administrative entity located in the Pennsylvania Historical and Museum Commission.

Section 1204. Municipalities.--The Department of Community Affairs shall have the power, and its duty shall be:

(a) To gather, classify, index, make available, and disseminate, data, statistical information and advice, that may be helpful in improving the methods of administration and municipal development in the several municipalities of the Commonwealth.

(b) To maintain, for the benefit of the several municipalities of the Commonwealth, a publicity service.

(c) To install or assist in the installation and establishment of uniform systems of accounts in the various municipalities of the State.

(d) To promote a comprehensive plan, or series of plans, for the proper future requirements of cities, boroughs, or townships of the Commonwealth, either separately or jointly, in respect to a system of traffic thoroughfares and highways transportation of every sort, suitably coordinated sites for public buildings, parks, parkways, playgrounds, and other uses, the preservation of natural and historic features, and any and all public improvements tending to the advantage of municipalities or townships, and to either make or secure or assist in making or securing the necessary surveys, plans, and information.

(1204 amended Feb. 1, 1966, 1965 P.L.1849, No.582)

Compiler's Note: Section 301(a)(16) of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that all other powers and duties delegated to the Department of Community Affairs not otherwise expressly transferred elsewhere by Act 58 and currently performed by the Department of Community Affairs under section 1204 are transferred from the Department of Community Affairs to the Department of Community and Economic Development.

Section 1205. Statistics and Information.--The Department of Commerce shall have the power, and its duty shall be: (Par. amended Dec. 18, 1968, P.L.1232, No.390)

(a) To collect, compile, and prepare for publication, statistics and uniform data and information relating and pertaining to labor, coal mining, oil and gas production, manufacturing industries, commercial operations, public service companies, and other business interests of the State.

(b) From time to time, to transmit to the Department of Property and Supplies, for publication, such reports of the statistics and information collected and compiled as hereinbefore provided, as shall be necessary to render such information available for the use and benefit of the public.

Compiler's Note: The Department of Commerce, referred to in this section, was renamed the Department of Community and Economic Development by Act 58 of 1996.

Section 1206. Standards.--The Department of Justice shall have the power, and its duty shall be: (Par. amended Dec. 18, 1968, P.L.1232, No.390)

(a) To regulate and maintain uniform standards of legal weights and measures in this Commonwealth, to conform with the original standards of weights and measures adopted by the Congress of the United States, and verified by the National Bureau of Standards.

(b) To assist in securing the enforcement of the laws relating to sealers of weights and measures, which are now in force or may hereafter be enacted.

(c) To have custody of the State's standards of weights and measures.

(d) To compare, test, and regulate all weights and measures of all county, city and borough sealers, now in office or hereafter who may be appointed, with the State standards when presented at the office of the Department for that purpose, and to certify to their correctness by issuing certificates as to their accuracy, bearing the date of examination and approval of the said weight or measure for which the certificate is issued, the signature of the examiner and the official stamp of the Department. ((d) amended July 31, 1941, P.L.613, No.259)

(e) To file annual and other reports received from the local sealers of weights and measures.

Section 1207. Board of Property.--The Board of Property shall, subject to any inconsistent provisions in this act contained, continue to exercise the powers and perform the duties by law vested in and imposed upon the said board.

It shall hear and determine, in all cases of controversy on caveats, in all matters of difficulty or irregularity touching escheats, warrants on escheats, warrants to agree, rights of preemption, promises, imperfect titles, or otherwise, which heretofore have or hereafter may arise in transacting the business of the Land Office in the Department of Community Affairs: Provided, however, That no determination of the Board of Property shall be deemed, taken and construed to prevent either of the parties from bringing their action at the common law, either for the recovery of possession or determining damages for waste or trespass. (Par. amended Dec. 18, 1968, P.L.1232, No.390)

The Board of Property shall also have jurisdiction to hear and determine cases involving the title to land or interest therein brought by persons who claim an interest in the title to lands occupied or claimed by the Commonwealth.

The board shall make its determination within thirty (30) days after the final hearing on any of the above matters. (Par. repealed in part Apr. 28, 1978, P.L.202, No.53)

(1207 amended July 29, 1953, P.L.1023, No.263)

Compiler's Note: Section 301(a)(16) of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that all other powers and duties delegated to the Department of Community Affairs not otherwise expressly transferred elsewhere by Act 58 and currently performed by the Department of Community Affairs under section 1207 are transferred from the Department of Community Affairs to the Department of Community and Economic Development.

Compiler's Note: Section 4(c) of Act 152 of 1978 provided that nothing in section 4 shall repeal the waiver of sovereign immunity in section 1207.

Compiler's Note: Section 508(a)(28) of Act 223 of 1970 provided that section 1207 is repealed insofar as it is inconsistent with Act 223.

Section 1208. Pennsylvania Aeronautics Commission.--(1208 repealed Oct. 10, 1984, P.L.837, No.164)

Section 1209. Local Government Budget and Financial Reports; Compilation of Statistics.--The Department of Community and

Economic Development shall have power and its duty shall be: (Intro. par. amended July 9, 2010, P.L.348, No.50)

(a) To prepare, in cooperation with duly authorized committees of local government officials, and furnish annually at the expense of the Commonwealth, to the corporate authorities of each county (except counties of the first class), city of the third class, borough, incorporated town, township, school district of the second, third, and fourth class blank forms suitable for the making of budgets by the proper authorities of said local government and for the filing of a copy of the budget after adoption with said department.

(b) To furnish to the corporate authorities of each county (except counties of the first class), city of the third class, borough, incorporated town, township suitable blank forms for the making of annual reports of the financial condition of their respective local governments to the department, which forms for financial report purposes shall be placed by said corporate authorities into the hands of the director, controller or auditors who by law are required to make such financial reports to the department. Such annual financial reports shall be prepared in cooperation with aforesaid duly authorized committees of local government officials and shall contain: (1) a statement of the receipts of the unit of local government from all sources and of all accounts and revenue which may be due and uncollected at the close of the fiscal year; (2) a statement of the disbursements for all the governmental activities of the unit of local government during the fiscal year; (3) a detailed statement of the indebtedness of the unit of local government at the close of the fiscal year, the provisions made for the payment thereof, together with the purposes for which it was incurred; (4) a statement of the cost of ownership and operation of each and every public service industry owned, maintained or operated by the unit of local government; (5) such further or more specific information in relation to the cost of any branch of the local government and improvements therein as may be required by the department.

In the case of blank forms for financial reports by townships of the second class and counties, the same shall be so arranged that corresponding data and information, required to be reported by said units of local government to the Department of Transportation or the Department of Public Welfare, may be used for the information required to be furnished to the Department of Community and Economic Development under this section.

((b) amended July 9, 2010, P.L.348, No.50)

(c) The substance of the annual budget and financial reports, required by law to be made to the Department of Community Affairs by the corporate officers, directors, controllers, and auditors of units of local government, shall be arranged by said department in such form as shall indicate the comparative receipts from the various sources of revenue and the comparative costs of the several branches of local government in the governments making such reports, shall be published at the cost of the Commonwealth in an annual statement of comparative statistics which shall be issued for each class of local government as a public document, and shall be submitted by the department to the General Assembly at each regular session. Copies thereof shall also be furnished by the department to each such local government unit named therein.

(1209 amended Feb. 1, 1966, 1965 P.L.1849, No.582)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Compiler's Note: Section 301(a)(16) of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that all other powers and duties delegated to the Department of Community Affairs not otherwise expressly transferred elsewhere by Act 58 and currently performed by the Department of Community Affairs under section 1209 are transferred from the Department of Community Affairs to the Department of Community and Economic Development.

Section 1210. Pennsylvania System of Coordinates.--The Department of Community Affairs shall have power, and its duty shall be, to establish and regulate the establishment in this Commonwealth of the system of rectangular coordinates which has been established and adopted by the United States Coast and Geodetic Survey for defining and stating the positions and location of points on the surface of the earth, to establish or fix triangulation and traverse stations, to collect, check, coordinate and preserve survey data, to advise with parties using the system of coordinates, to supervise the marking of surveys which are to become a part of the system, to keep official records of all surveys and maps, to administer the law establishing the "Pennsylvania Coordinate System," and to adopt and enforce such rules and regulations as may be deemed necessary to carry these powers into effect, and to administer the law relating to the "Pennsylvania Coordinate System."

(1210 amended Dec. 18, 1968, P.L.1232, No.390)

Compiler's Note: Section 301(a)(16) of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that all other powers and duties delegated to the Department of Community Affairs not otherwise expressly transferred elsewhere by Act 58 and currently performed by the Department of Community Affairs under section 1210 are transferred from the Department of Community Affairs to the Department of Community and Economic Development.

Section 304 of Act 58 of 1996 provided that the establishment of the Pennsylvania Coordinate System under section 1210 is transferred from the Department of Community Affairs to the Department of Transportation.

Compiler's Note: Reorganization Plan No. 9 of 1981 (1982 P.L.1481) transferred the functions, powers and duties of the Department of Community Affairs with regard to the State Plane Coordinate System to the Department of Transportation.

ARTICLE XIII
POWERS AND DUTIES OF THE DEPARTMENT OF PUBLIC INSTRUCTION AND ITS DEPARTMENTAL ADMINISTRATIVE BOARDS AND COMMISSIONS

Section 1301. Powers and Duties in General.--Subject to any inconsistent provisions in this act contained, the Department of Public Instruction shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said department, the former Bureau of Vocational Education thereof,

the former Bureau of Professional Education thereof, and the Superintendent of Public Instruction.

Compiler's Note: Section 3(a) of Act 74 of 1969 provided that whenever in any law reference is made to the Department of Public Instruction, such reference shall be deemed to refer to and include the Department of Education.

Section 3(b) of Act 74 of 1969 provided that whenever in any law reference is made to the Superintendent of Public Instruction or to the Secretary of Education, such reference shall be deemed to refer to the Superintendent of Public Instruction as ex officio Secretary of Education.

Compiler's Note: Reorganization Plan No. 8 of 1955 provided that the division of Surplus Property Disposal in the Department of Public Instruction is transferred to the Department of State.

Section 1302. Public Schools.--The Department of Public Instruction shall have the power, and its duty shall be:

(a) To administer all the laws of this Commonwealth with regard to the establishment, maintenance, and conduct of the public schools, and particularly the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent herewith," its amendments and supplements;

(b) To prepare blank forms for the annual district reports, with suitable instructions and forms for conducting the various proceedings and details of the system in a uniform and efficient manner, and forward the same to the county and district superintendents for distribution to and among the proper district officers of their respective counties or school districts;

(c) To prepare and furnish to the proper persons suitable blanks and all other papers required by law;

(d) Whenever required, to give advice, explanations, construction, or information, to the district officers and to citizens relative to the school laws, the duties of school officers, the management of the schools, and all other questions and matters calculated to promote the cause of education;

(e) To classify the high schools of the State, upon the basis of the reports of the directors and the State inspectors of high schools, in compliance with the provisions of the school laws;

(f) To issue all commissions to superintendents and assistant superintendents of schools in this Commonwealth;

(g) To prescribe minimum courses of study for the public schools;

(h) To prepare and furnish to boards of school directors sample blank forms for keeping and reporting school accounts, and sample bonds for their treasurers, secretaries, tax collectors, and depositories, and samples of other bonds or forms required by law;

(i) Subject to such rules, not inconsistent with law, as it may prescribe, to endorse and make valid for teaching in

Pennsylvania any permanent or life teacher's certificate from any other State;

(j) To condemn, as unfit for use, on account of unsanitary or other improper conditions, any school building, school site, or outbuilding, in this Commonwealth, and, upon failure on the part of the board of school directors to remedy such condition, to withhold and declare forfeited all or any part of the annual appropriation apportioned to any such school district;

(k) To hold examinations in secondary school subjects, at suitable times and places, to be designated by the Superintendent of Public Instruction, for the determination of the fitness of applicants unable to present satisfactory certificates showing completion of secondary school courses, and to issue such certificates to those found proficient: Provided, That admission to such examinations shall be denied any applicant eighteen years of age or under regularly enrolled in an accredited secondary school, and no applicant eighteen years of age or under not enrolled in an accredited secondary school, shall be allowed to obtain more units of secondary school credits through such examinations, during any year, than could be carried during any year through enrollment in an accredited secondary school; and to authorize accredited secondary schools to hold similar examinations and grant similar certificates under rules, regulations and standards issued by the Department of Public Instruction.

To establish and publish standards whereby the secondary education of any resident of Pennsylvania, who has not fully completed his or her studies in an accredited secondary school, but has otherwise completed educational studies of an equivalent standard, may be determined and evaluated. The department may, under rules and regulations issued by it, grant credits, certificates or diplomas for secondary school education for educational courses offered by--

(1) The military, naval or merchant marine services.

(2) The Armed Forces Institute.

(3) Evening or extension courses established by schools and colleges, accredited or approved by the Department of Public Instruction.

(4) Institutions maintained by the Commonwealth.

The Department of Public Instruction may, under rules and regulations issued by it, authorize accredited secondary schools to determine and evaluate secondary school subjects, grant credits, certificates and diplomas in like manner. ((k) amended June 17, 1963, P.L.143, No.94)

(l) To inspect and require reports of the educational work in the elementary and secondary schools and institutions, wholly or partly supported by the State, which are not supervised by the public school authorities: Provided, That a copy of the report of the inspection of any such institution which may be made shall be sent to the head of such institution. ((l) added June 17, 1963, P.L.143, No.94)

Section 1303. Vocational Education.--The Department of Public Instruction shall have the power, and its duty shall be:

(a) To administer the laws of this Commonwealth relating to vocational education, industrial education, agricultural education, and household arts education, as defined in said laws;

(b) To investigate the need for and aid in the establishment of, supervise, inspect, and approve, for the purpose of reimbursement on the part of the State, schools, departments, and courses, for agricultural, industrial, commercial, and home economics, mining, and other vocational and practical education,

as well as continuation schools, when maintained as a part of the public school system of the Commonwealth;

(c) Out of the funds appropriated to it by the General Assembly for the purpose, to pay for the education of deaf and blind children, residents of Pennsylvania, in schools which afford vocational training to such children, to make appropriate rules and regulations for the admission of State pupils to such schools, and to supervise the education of State pupils in any such schools.

Section 1304. Professional Education and Licensure.--The Department of Public Instruction shall have the power, and its duty shall be:

(a) To determine, value, standardize, and regulate the preliminary education, both secondary and collegiate, of those to be hereafter licensed to practice any profession or work at any trade or occupation in this Commonwealth for which licenses are issued by the Department of Public Instruction, or any other department of the Commonwealth, but this provision shall not affect educational requirements as now provided by law for any profession, trade or occupation. ((a) amended May 18, 1945, P.L.681, No.288)

(b) To prepare and distribute circulars of information;

(c) To prepare uniform blank forms;

(d) To hold examinations in secondary school subjects, at suitable times and places to be designated by the Superintendent of Public Instruction, for the determination of the fitness of applicants unable to present satisfactory certificates, and to issue certificates to those found proficient. ((d) amended May 18, 1945, P.L.681, No.288)

(e) ((e) repealed June 3, 1963, P.L.63, No.44)

(f) To determine and publish a standard high school course, to compile and cause to be published, from time to time, a list of elementary and secondary schools in this State, which conform to the official standards promulgated by the department, and take such steps as may be appropriate to raise the standard of elementary and secondary education: Provided, That nothing in this section shall be construed to conflict with the provisions of the statutes of this Commonwealth regulating the right to practice any profession or to work at any trade or occupation for which licenses are issued by the Department of Public Instruction. ((f) amended May 18, 1945, P.L.681, No.288)

(g) ((g) repealed June 3, 1963, P.L.63, No.44)

(h) ((h) repealed June 3, 1963, P.L.63, No.44)

(i) ((i) repealed June 3, 1963, P.L.63, No.44)

(j) ((j) repealed June 3, 1963, P.L.63, No.44)

(k) ((k) repealed June 3, 1963, P.L.63, No.44)

(l) ((l) repealed June 3, 1963, P.L.63, No.44)

(1304 amended June 1, 1931, P.L.350, No.144)

Section 1304.1. Certificate, License, Permit or Registration.--(1304.1 repealed June 3, 1963, P.L.63, No.44)

Section 1305. Library and Museum.--(1305 repealed June 14, 1961, P.L.324, No.188)

Section 1306. Pennsylvania State Board of Censors.--(1306 repealed July 31, 1968, P.L.892, No.269)

Section 1307. State Council of Education.--(1307 repealed June 17, 1963, P.L.143, No.94)

Section 1308. Public School Employes' Retirement Board.--(1308 repealed Oct. 2, 1975, P.L.298, No.96)

Section 1309. Bureau of Higher Education.--In addition to such other bureaus as may be created or named in the Department of Public Instruction, there shall be a Bureau of Higher Education, which shall be in charge of a deputy superintendent,

and which shall have the responsibility for all matters relating to higher education assigned thereto by law or by the Superintendent of Public Instruction.

(1309 added Aug. 10, 1951, P.L.1214, No.275)

Section 1310. Professional Examining Boards.--(1310 repealed June 3, 1963, P.L.63, No.44)

Compiler's Note: This section was repealed by the act of June 3, 1963, P.L.63, No.44, but later amended by the act of Aug. 14, 1963, P.L.865, No.416. Under the provisions of 1 Pa.C.S. § 1957, the later amendment is of no effect.

Section 1311. Boards of Trustees of State Institutions Within the Department.--The Board of Trustees of Scranton State School for the Deaf and the Board of Trustees of Thaddeus Stevens State School of Technology shall have general direction and control of the property and management of their respective institutions. Each of the boards of trustees shall have the power and its duty shall be:

(a) Subject to the approval of the Governor, to elect a president, principal, or superintendent, of the institution, who shall, subject to the authority of the board, administer the institution, and, if deemed advisable, a business manager.

(b) On nomination by the president, principal, or superintendent, from time to time, to appoint such officers and employes as may be necessary;

(c) To fix the salaries of its employes in conformity with the standards established by the Executive Board;

(c.1) To authorize the superintendent or business manager of the institution to purchase instructional materials, education, technical, administrative, custodial and maintenance equipment and supplies not in excess of a cost of one thousand five hundred dollars ($1,500) without competitive bidding with the approval of the board of trustees, after notice to the Secretary of General Services, except that such items shall not be bought in series to avoid the dollar ceiling, nor shall any items be included for which the Department of General Services has contracts, either through schedules or group purchase contracts, current or proposed;

(d) Subject to the approval of the Secretary of Education, to make such by-laws, rules and regulations for the management of the institution as it may deem advisable.

(1311 amended July 11, 1996, P.L.619, No.105)

Compiler's Note: Section 7 of Act 50 of 2009 provided that section 1311 is repealed insofar as it is inconsistent with Act 50.

Section 1311.1. The Powers and Duties of Boards of Trustees of State Colleges and Universities.--(1311.1 repealed Nov. 12, 1982, P.L.660, No.188)

Section 1312. State Civil Service Commission.--The State Civil Service Commission shall have the power, and its duty shall be:

(a) ((a) repealed June 28, 2018, P.L.459, No.71)

(b) To take any other action authorized or required by this or any other law.

(1312 added June 6, 1939, P.L.250, No.144)

Compiler's Note: The State Civil Service Commission is subject to periodic review under the act of Dec. 22, 1981, P.L.508, No.142, known as the Sunset Act, and will terminate on the date specified in that act unless reestablished or continued by the General Assembly. The

termination is probably not effective since the Sunset Act expired December 22, 1991.

Compiler's Note: The "Civil Service Act" referred to above did not become a law in 1939, but was passed and approved in 1941, being the act of August 5, 1941, P.L.752, No.286.

Section 1313. Public Service Institute Board.--It shall be the duty of the Public Service Institute Board to establish, and from time to time revise, a program for the in-service training of State and local officials of Pennsylvania, and to provide for the administration thereof; to prescribe qualifications of specialists, teachers, and other persons employed by the Superintendent of Public Instruction to carry out the program established by the board; to receive funds from other sources, and to have all such powers as may be needed to qualify to receive and expend such funds to carry out its program, and to make a biennial report to the Superintendent of Public Instruction on the progress of the program of in-service training, which report shall be included in the biennial report of the Superintendent of Public Instruction to the Governor.

(1313 added May 13, 1947, P.L.211, No.94 and suspended insofar as inconsistent by Reorganization Plan No.1 of 1973, P.L.455 and Reorganization Plan No.6 of 1981, P.L.613)

Compiler's Note: Reorganization Plan No. 6 of 1981 transferred the powers and duties of the Public Service Institute Board pertaining to the Pennsylvania State Firemen's Training School to the Pennsylvania Emergency Management Agency.

Compiler's Note: Reorganization Plan No. 1 of 1973 transferred the powers and duties of Public Service Institute Board from the Department of Education to the Department of Community Affairs.

Section 1314. State Commission on Academic Facilities.--(1314 repealed Oct. 20, 1972, P.L.985, No.244)

Section 1315. Powers and Duties of State Commission on Academic Facilities.--(1315 repealed Oct. 20, 1972, P.L.985, No.244)

Section 1316. Duties of the Superintendent of Public Instruction.--The Superintendent of Public Instruction shall have the power and his duty shall be:

(a) To prescribe, alter and amend basic criteria by regulations to which the provisions of the State plan shall be subject: Provided, That such criteria shall be subject to all applicable laws and regulations of the Federal government or any agency thereof;

(b) To prescribe, alter and amend basic criteria by regulations for determining the Federal share of the development cost of any academic facilities project eligible for receiving any Federal grant, appropriation or allocation, directly or indirectly: Provided, That such criteria shall be subject to all applicable laws and regulations of the Federal government or any agency thereof; and

(c) To do all other things which may be necessary to make possible the participation of the Commonwealth in Federal grants, appropriations, allocations, and programs for the development of academic facilities.

(1316 added Sept. 12, 1961, P.L.1287, No.563)

Section 1316.1. Ethnic Heritage Studies Center.--(a) The Secretary of Education is authorized to arrange through a grant to a public educational agency for the establishment and

operation of a Pennsylvania Ethnic Heritage Studies Center, designed to reflect readily identifiable ethnic groups represented in the population of the Commonwealth of Pennsylvania. Such center shall have the primary responsibility in the Commonwealth for collecting information and research materials germane to the study of the ethnic heritage of the Commonwealth.

(b) The center provided for under this section shall:

(1) Collect information and research materials necessary for the study of the ethnic heritage of the Commonwealth.

(2) Undertake, coordinate and promote research on the Commonwealth's ethnic history.

(3) Develop curriculum materials for use in elementary and secondary schools which deal with ethnic groups of the Commonwealth and their contributions to the American heritage.

(4) Train persons in the development of research techniques and materials and in the preparation and use of curriculum materials.

(c) In carrying out this section, the Secretary of Education shall so locate the center and make arrangements which will enable it to make the fullest possible use of the facilities of the community colleges, as well as the independent, State-owned and State-related institutions of higher education and of the Historic and Museum Commission, will facilitate access to the materials by scholars and students of all colleges and universities in the Commonwealth, as well as scholars from other states interested in examining the ethnic heritage of Pennsylvania, and will take fullest possible advantage of the special knowledge and collections of ethnic groups in local communities throughout the Commonwealth, and of foreign students pursuing their educations in this country, and the expertise of elementary and secondary school teachers.

(d) Funds granted to carry out this section may be used to cover all or part of the cost of establishing, equipping, and operating the center, including the cost of research materials and resources, academic consultants, salary for an executive director, and the cost of training and maintaining a staff for the purpose of carrying out the purposes of this section. Such funds may also be used to provide stipends (in such amounts as may be determined in accordance with regulations of the Secretary of Education) to individuals receiving training or seeking to carry out substantial research (as determined by the Executive Director) in the center, including allowances for dependents.

(1316.1 added Dec. 26, 1974, P.L.985, No.322)

Section 1317. The Powers and Duties of the State Board of Education.--(1317 repealed Mar. 30, 1988, P.L.321, No.43)

Compiler's Note: Section 1317 was repealed Mar. 30, 1988, P.L.321, No.43 and then amended July 13, 1988, P.L.493, No.84. Under the provisions of 1 Pa.C.S. §1957, the later amendment is of no effect.

Section 1318. Cooperation Between the State Board of Education and Department of Public Instruction.--(1318 repealed Mar. 30, 1988, P.L.321, No.43)

Section 1319. Program and Procedure.--(1319 repealed Mar. 30, 1988, P.L.321, No.43)

Section 1320. Reports and Recommendations.--(1320 repealed Mar. 30, 1988, P.L.321, No.43)

Section 1321. Collective Bargaining.--(a) School administrators employed by a city of the first class shall, through labor organizations or other representatives designated

by fifty per centum (50%) or more of such school administrators, have the right to bargain collectively with their public employers concerning the terms and conditions of their employment, including compensation, hours, working conditions, retirement, pension and other benefits, and shall have the right to an adjustment or settlement of their grievances or disputes in accordance with the terms of this section. The Pennsylvania Labor Relations Board shall resolve disputes as to the items under this subsection in the same manner as it resolves disputes under the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act." ((a) amended Dec. 23, 2003, P.L.282, No.47)

(b) It shall be the duty of the public employers and their school administrator employes to settle all disputes by engaging in collective bargaining in good faith and by entering into settlements by way of written agreements and maintaining the same.

(c) Collective bargaining shall begin at least six months before the start of the fiscal year of cities of the first class, and any request for arbitration, as provided in this section, shall be made at least one hundred ten (110) days before the start of the fiscal year.

(d) If in any case of a dispute between a public employer and its school administrator employes the collective bargaining process reaches an impasse and stalemate, with the result that employers and employes are unable to effect a settlement, then either party to the dispute, after written notice to the other party containing specifications of the issue or issues in dispute, may request the appointment of a board of arbitration. For purposes of this section, an impasse or stalemate shall be deemed to occur in the collective bargaining process if the parties do not reach a settlement of the issue or issues in dispute by way of a written agreement within thirty (30) days after collective bargaining proceedings have been initiated.

(e) The board of arbitration shall be composed of three persons, one appointed by the public employer, one appointed by the body of school administrators involved and a third member to be agreed upon by the public employer and such school administrators. The members of the board representing the public employer and the school administrators shall be named within five (5) days from the date of the request for the appointment of the board. If after a period of ten (10) days from the date of the appointment of the two arbitrators appointed by the public employer and the school administrators the third arbitrator has not been selected by them, then either arbitrator may request the American Arbitration Association or its successor in function to furnish a list of three members of the association who are residents of this Commonwealth from which the third arbitrator shall be selected. The arbitrator appointed by the public employer shall eliminate one name from the list within five (5) days after publication of the list, following which the arbitrator appointed by the school administrators shall eliminate one name from the list within five (5) days thereafter. The individual whose name remains on the list shall be the third arbitrator and shall act as chairman of the board of arbitration. The board of arbitration thus established shall commence the arbitration proceedings within ten (10) days after the third arbitrator is selected and shall make its determination within thirty (30) days after the appointment of the third arbitrator.

(f) Notice by the school administrators involved under subsection (e) of this section shall be served upon the Secretary of Education.

(g) Each of the arbitrators selected in accordance with subsection (e) of this section shall have the power to administer oaths and compel the attendance of witnesses and physical evidence by subpoena.

(h) The determination of the majority of the board of arbitration thus established shall be final on the issue or issues in dispute and shall be binding upon the public employer and the school administrators involved. The determination shall be in writing, and a copy thereof shall be forwarded to both parties to the dispute. No appeal therefrom shall be allowed to any court. The determination shall constitute a mandate to the superintendent of schools in cities of the first class, with respect to matters which can be remedied by administrative action, to take the action necessary to carry out the determination of the board of arbitration.

(i) The compensation, if any, of the arbitrator appointed by the school administrators shall be paid by them. The compensation of the other two arbitrators, as well as stenographic and other expenses incurred by the arbitration panel in connection with the arbitration proceedings, shall be paid by the school district in cities of the first class.

(j) School administrators shall be subject to the prohibitions as set forth in the act of June 30, 1947 (P.L.1183, No.492), referred to as the Public Employe Anti-Strike Law.

(k) The provisions of this section shall be applicable to cities of the first class, notwithstanding the fact that such cities of the first class, either before or after the effective date of this section, have adopted or adopt a home rule charter.

(l) As used in this section, the term "school administrator" shall mean all supervisory and administrative employes of a school district below the rank of superintendent, district superintendent, executive director, associate superintendent, assistant superintendent or assistant executive director, but including those persons having the rank of first level supervisor.

(1321 added July 11, 1996, P.L.619, No.105)

Section 1322. Higher Education Regulatory Restricted Account.--(a) The Higher Education Regulatory Restricted Account is established as a restricted account within the General Fund of the State Treasury from which the Department of Education may expend money for the purpose of the costs of administering and implementing 24 Pa.C.S. Ch. 65 (relating to private colleges, universities and seminaries) and all other costs associated with the activities of the department related to the mandated services and regulation of degree-granting institutions. The restricted account shall consist of the fees deposited under subsection (b) and State funds appropriated for use under this section. The restricted account shall be subject to audit by the Auditor General.

(b) The Department of Education shall collect a fee for services provided to degree-granting institutions under this act. The fees are as follows:

(1) For an application for approval of a specialized associate degree program..... $1,000

(2) For an application for approval of a new degree or program at an institution of highereducation..... 1,400

(3) For an application for a new degree-granting institution or a change

from private licensed school to college or university..... 5,000

(4) For an application to change status from college or seminary to university..... 1,000

(5) For an application for education enterprisestatus..... 10,000

(6) To renew status as an education enterprise..... 2,000

(7) For registration of an out-of-State distance education provider that is not a participant in the State Authorization ReciprocityAgreement..... 5,000

(8) For an application for approval to use the word "college," "university" or "seminary" in a business name..... 100

(c) The fees collected under subsection (b) shall be deposited into the Higher Education Regulatory Restricted Account.

(d) The fees imposed under this section shall remain in effect until revised by the State Board of Education. If the revenues raised by fees imposed under this section are not sufficient to meet expenses projected for a two-year period, the State Board of Education shall increase the fees by regulation so that the projected revenue will meet or exceed projected expenditures.

(1322 added Oct. 30, 2017, P.L.379, No.40)

ARTICLE XIV

POWERS AND DUTIES OF THE DEPARTMENT OF MILITARY AFFAIRS AND ITS DEPARTMENTAL ADMINISTRATIVE BOARD

Section 1401. Powers and Duties in General.--(1401 repealed May 27, 1949, P.L.1903, No.568)

Section 1402. Pennsylvania National Guard.--(1402 repealed May 27, 1949, P.L.1903, No.568)

Section 1403. Pensions and Relief.--(1403 repealed May 27, 1949, P.L.1903, No.568)

Section 1404. Naval Militia.--(1404 repealed May 27, 1949, P.L.1903, No.568)

Section 1405. Loans of Arms and Accoutrements.--(1405 repealed May 27, 1949, P.L.1903, No.568)

Section 1406. State Military Cemetery.--(1406 repealed May 27, 1949, P.L.1903, No.568)

Section 1407. The Armory Board of the State of Pennsylvania.--(1407 repealed May 27, 1949, P.L.1903, No.568)

Section 1408. State Athletic Commission.--(1408 repealed June 21, 1937, P.L.1865, No.373)

Section 1409. Board of Trustees of Pennsylvania Soldiers' and Sailors' Home.--(1409 repealed Nov. 26, 1978, P.L.1207, No.283)

Section 1410. State Military Reservation Commission.--(1410 repealed May 27, 1949, P.L.1903, No.568)

Section 1411. State Veterans Commission.--(1411 repealed Apr. 29, 1988, P.L.381, No.60)

Section 1412. Deputy Adjutant General in Charge of Veteran Affairs; Specific Duties.--(1412 repealed Apr. 29, 1998, P.L.296, No.49)

Section 1413. Indiantown Gap Military Reservation.--The Department of Military Affairs, in cooperation with the Department of Public Instruction, the Department of Health, and other State departments or agencies, shall have power to

establish a recreational camp at Indiantown Gap Military Reservation for underprivileged children based upon the population of the various counties.

In connection with this camp the Department of Military Affairs, subject to the approval of the Governor, shall, except as hereinafter provided, have all powers necessary for the carrying out of the aforesaid purpose including, but without limiting the generality of the foregoing, the power to:

(a) Provide transportation to and from the camp;

(b) Provide food and medical care for the children and personnel engaged with the operation of said camp;

(c) Determine the opening and closing dates of said camp;

(d) Make rules and regulations covering the maintenance and operation of said camp.

In connection with this camp the Department of Public Instruction, subject to the approval of the Governor, shall have the power to:

(a) Establish age limits for admittance to said camp;

(b) Establish a method of selecting underprivileged children for the camp through the public schools and private and parochial schools of the Commonwealth. Such selection shall be made without regard to race, color or creed;

(c) Employ necessary personnel to supervise the activities at said camp;

(d) Provide recreational facilities, health, educational and patriotic programs at said camp;

(e) Arrange for religious services or attendance at churches.

(1413 added Mar. 9, 1949, P.L.23, No.9)

Section 1414. Hollidaysburg Veterans' Home.--(a) The Department of Military Affairs shall maintain and operate the Hollidaysburg Veterans' Home for military veterans.

(b) The department shall appoint a director to administer the home. The director shall be qualified and licensed in the Commonwealth as a nursing home administrator. The director shall appoint such officers and employes as may be necessary and fix their salaries in conformity with the standards established by the executive board.

(c) The department may accept gifts, grants or payments for the use of the home: Provided, however, That the department shall only receive and accept Federal funds to the extent they are appropriated to the department by the General Assembly.

(d) The department shall establish a schedule of fees to be charged residents. The fees shall be based on the level of service or care required and the ability of the resident to pay.

(e) The department shall establish the level of service to be provided in accordance with the Federal veteran's administration standards of nursing and domiciliary care.

(1414 added Sept. 28, 1976, P.L.1048, No.211)

Section 1415. Use of Pennsylvania National Guard for Special State Duty.--(a) The Governor may place, or delegate authority to the Adjutant General to order, any volunteer member of the Pennsylvania National Guard or, when unavailable due to call or order into the service of the United States, any member of the Pennsylvania Guard on special State duty to respond to community needs, support Commonwealth functions and ceremonies, participate in courts-martial and board functions, support Federal, State and local drug eradication and interdiction operations and perform other necessary military duties to the extent that funds are appropriated and available for special State duty.

(b) Whenever members of the Pennsylvania National Guard or Pennsylvania Guard are ordered to special State duty in support of Federal, State and local drug operations, the Governor shall annually, by April 1, submit a report to the General Assembly setting forth the types of drug operations performed, the number and types of personnel involved, types of equipment and systems utilized, and any problems encountered in matters of jurisdiction, command and control, hostile encounters and operation approval procedures. The report shall include a breakdown of support provided in the normal course of training and support substantially equivalent to training.

(c) Special State duty shall not be provided if the provision of such support will adversely affect the ability of the Pennsylvania National Guard or Pennsylvania Guard to perform its primary military-preparedness missions.

(d) In addition to the powers and duties of the Adjutant General pursuant to Title 51 of the Pennsylvania Consolidated Statutes (relating to military affairs), the Adjutant General is hereby authorized and directed to order members of the Pennsylvania National Guard to special State duty under subsection (a).

(e) Officers and enlisted personnel ordered on special State duty for which pay is authorized under the order prescribing the performance thereof shall receive the pay and allowances of their respective grades during the time they may continue upon duty under such order. The pay authorized by this subsection shall not be less than forty-five dollars per day.

(f) "Special State duty" means State military duty by the Pennsylvania military forces as authorized by this section. The term does not include active State duty authorized by 51 Pa.C.S. § 508 (relating to active State duty for emergency) or duty authorized and funded under Title 10 of the United States Code (relating to Armed Forces) and Title 32 of the United States Code (relating to National Guard).

(1415 added July 7, 1989, P.L.241, No.42)

Section 1416. Supplemental Pay for Enlisted Personnel Performing Federally Funded Duty.--Whenever any member of the Pennsylvania National Guard is ordered to federally funded duty under Title 32 of the United States Code (relating to National Guard) for the purpose of drug eradication or interdiction within this Commonwealth, the Adjutant General shall be authorized, to the extent that Commonwealth funds are appropriated and available for such purpose, to supplement the Federal pay and allowances of such personnel so that it is not less than forty-five dollars per day.

(1416 added July 7, 1989, P.L.241, No.42)

Section 1417. Incarceration of Civilian Prisoners Prohibited.--Civilian prisoners, either pending trial or appeal or after sentencing, shall not be incarcerated at any military reservation, base or facility within Pennsylvania, whether owned by the Federal or State Government, on a temporary or permanent basis.

(1417 added July 1, 1990, P.L.277, No.67)

ARTICLE XV

POWERS AND DUTIES OF THE INSURANCE DEPARTMENT

Section 1501. Powers and Duties in General.--The Insurance Department shall, subject to any inconsistent provisions in this act contained, continue to exercise the powers and perform

the duties by law vested in and imposed upon the said department, and the Insurance Commissioner.

Section 1502. Insurance.--The Insurance Department is charged with the execution of the laws of this Commonwealth in relation to insurance.

ARTICLE XV-A
JOINT UNDERWRITING ASSOCIATION
(Art. repealed Oct. 30, 2017, P.L.725, No.44)

Section 1501-A. Findings.--(1501-A repealed Oct. 30, 2017, P.L.725, No.44)
Section 1502-A. Definitions.--(1502-A repealed Oct. 30, 2017, P.L.725, No.44)
Section 1503-A. Payment.--(1503-A repealed Oct. 30, 2017, P.L.725, No.44)
Section 1504-A. No liability.--(1504-A repealed Oct. 30, 2017, P.L.725, No.44)
Section 1505-A. Exclusive jurisdiction.--(1505-A repealed Oct. 30, 2017, P.L.725, No.44)
Section 1506-A. Sunset.--(1506-A repealed Oct. 30, 2017, P.L.725, No.44)

ARTICLE XV-B
JOINT UNDERWRITING ASSOCIATION ACCOUNTABILITY
(Art. added June 28, 2019, P.L.101, No.15)

Compiler's Note: See section 13 of Act 15 of 2019 in the appendix to this act for special provisions relating to legislative findings and declarations and effective date.

Section 1501-B. Definitions.

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

"Joint underwriting association." The Pennsylvania Professional Liability Joint Underwriting Association established under section 731 of the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act.

(1501-B added June 28, 2019, P.L.101, No.15)

Section 1502-B. Appropriations.

Notwithstanding any provision of law to the contrary, the operations of the joint underwriting association shall be funded through appropriations determined by the General Assembly.

(1502-B added June 28, 2019, P.L.101, No.15)

Section 1503-B. Reports and hearings.

(a) Budget estimates.--The joint underwriting association shall submit written estimates to the Secretary of the Budget as required of administrative departments, boards and commissions under section 615. Estimates shall be submitted from time to time as requested by the Governor, but in no event less than once every fiscal year.

(b) Testimony.--The following shall apply:

(1) Within 30 days after the submission of an estimate under subsection (a), an agent of the joint underwriting association shall appear at a public hearing of the Banking and Insurance Committee of the Senate and the Insurance Committee of the House of Representatives to testify about the estimate.

(2) The joint underwriting association shall annually appear before the Appropriations Committee of the Senate and

the Appropriations Committee of the House of Representatives to testify as to the fiscal status of the joint underwriting association and to make requests for appropriations.

(1503-B added June 28, 2019, P.L.101, No.15)

Section 1504-B. Board meetings.

The board of directors of the joint underwriting association shall hold quarterly public meetings, subject to the requirements of 65 Pa.C.S. Ch. 7 (relating to open meetings), to discuss the actuarial and fiscal status of the joint underwriting association.

(1504-B added June 28, 2019, P.L.101, No.15)

Section 1505-B. Construction.

The joint underwriting association shall be considered a Commonwealth agency for purposes of:

(1) the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act;

(2) the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law;

(3) the act of June 30, 2011 (P.L.81, No.18), known as the Pennsylvania Web Accountability and Transparency (PennWATCH) Act; and

(4) 62 Pa.C.S. Pt. I (relating to Commonwealth Procurement Code).

(1505-B added June 28, 2019, P.L.101, No.15)

Section 1506-B. Requirements.

The joint underwriting association shall:

(1) transmit to the Auditor General, the State Treasurer, the Secretary of the Budget and the Legislative Data Processing Center a list of all employees of the joint underwriting association required under section 614;

(2) conduct the association's operations in facilities owned by the Commonwealth; and

(3) coordinate with the Department of Revenue to ensure that any employee of the joint underwriting association with access to Federal tax information has met all of the requirements of the Department of Revenue to gain access to that information.

(1506-B added June 28, 2019, P.L.101, No.15)

ARTICLE XVI

POWERS AND DUTIES OF THE DEPARTMENT OF BANKING AND ITS DEPARTMENTAL ADMINISTRATIVE BOARD AND COMMISSION

Section 1601. Powers and Duties in General.--The Department of Banking shall, subject to any inconsistent provisions in this act contained, continue to exercise the powers and perform the duties by law vested in and imposed upon the said department, the Banking Department, the Commissioner of Banking, and the Secretary of Banking.

Section 1602. Banking Supervisory Powers.--The Department of Banking shall have supervision over:

(a) All corporations, now or hereafter incorporated under the laws of this or any other State, and authorized to transact business in this State, which have power to receive, or are receiving, money on deposit, or for safekeeping, otherwise than as bailees, including all banks, banking companies, cooperative banking associations, trust, safe deposit, real estate, mortgage, title insurance, guaranty, surety and indemnity companies, savings institutions, savings banks and provident institutions;

(b) Mutual savings funds, building and loan associations, and corporations doing a safe deposit business only;

(c) All national banking associations located within this State, now or hereafter incorporated under the laws of the United States, which shall, in pursuance of Federal law or regulation, be granted a permit to act, or shall act, as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of insane persons, or in any other fiduciary capacity;

(d) All unincorporated banks, except such as are or shall be exempt by law, and all such individuals, partnerships, and unincorporated associations, as now are, or shall be, by law made subject to the supervision of the department, and any individuals or associations of individuals doing the business of cooperative banks, or of building and loan associations, or a business in the nature of either, whether under the guise of a deed of trust or otherwise.

Section 1603. Banking Laws.--The Department of Banking shall enforce and administer the laws of this Commonwealth in relation to all corporations and persons under its jurisdiction, and shall see that the greatest possible safety is afforded to depositors therein or therewith, and to other interested persons.

Section 1604. Board to License Private Bankers.--Subject to any inconsistent provisions in this act contained, the Board to License Private Bankers shall continue to exercise the powers and perform the duties vested in and imposed upon the said board by the act, approved the nineteenth day of June, one thousand nine hundred and eleven (Pamphlet Laws, one thousand and sixty), entitled "An act to provide for licensing and regulating private banking in the Commonwealth of Pennsylvania, and providing penalties for the violation thereof," its amendments and supplements.

Section 1605. Appropriations for Expenses of Department of Banking; Receipts.--(1605 repealed July 2, 2012, P.L.814, No.86)

ARTICLE XVII
POWERS AND DUTIES OF THE DEPARTMENT OF AGRICULTURE AND ITS DEPARTMENTAL ADMINISTRATIVE COMMISSION

Compiler's Note: Reorganization Plan No. 1 of 1981, P.L.607, transferred the Bureau of Government Donated Food to the Department of Agriculture from the Department of General Services.

Section 1701. Powers and Duties in General.--The Department of Agriculture shall, subject to any inconsistent provisions in this act contained, continue to exercise all the powers and perform all the duties by law vested in and imposed upon said department, the several former bureaus thereof, and the Secretary of Agriculture.

Section 1702. Animal Industry.--The Department of Agriculture shall have the power, and its duty shall be:

(a) To promote the live stock industry, and to prevent, suppress, control, and eradicate any transmissible diseases of animals and poultry;

(b) To establish and maintain quarantines, as may now or hereafter be provided by law;

(c) To prevent the spread of infectious and communicable diseases of animals and poultry, and, for this purpose, the officers, agents, or employes thereof may, at any time, enter

any premises where domestic animals or products thereof are kept confined or stored, to take such measures as may seem advisable concerning methods of preventing, controlling, and eradicating disease of animals, to cause the disinfection of any premises, and, when deemed necessary to prevent the spread of disease, to cause the destruction of animals, poultry, and personal property, and to regulate and prohibit the movement or transportation of animals or poultry into this Commonwealth, or from one place to another within this Commonwealth;

(d) To provide for the licensing of breeding animals kept for public service, and to prevent fraud and deception in the licensing of stallions kept for public service;

(e) To regulate the manufacture, use, and sale of biological products for use on domestic animals;

(f) To make such examinations and tests as may be deemed necessary to determine the healthfulness of the domestic animals and poultry of the Commonwealth;

(g) To organize and administer a service for the purpose of protecting the public against the use of unwholesome meat or meat food products.

Section 1703. Plant Industry.--The Department of Agriculture shall have the power, and its duty shall be:

(a) To inspect any nursery, orchard, farm, garden, park, cemetery, or any private or public place, which may become infested or infected with harmful insects or plant diseases, to establish and enforce quarantines, to issue and enforce orders and regulations and make investigations for the control of said pests, wherever they may exist within the Commonwealth, and to perform such other duties relating to "plants" and "plant products" as may seem advisable and not contrary to law;

(b) To inspect apiaries, for diseases inimical to bees and beekeeping, and enforce the laws relating thereto.

Section 1704. Markets.--The Department of Agriculture shall have the power, and its duty shall be:

(a) To investigate the subject of marketing farm products, including the costs of marketing, to prepare and transmit to the Department of Property and Supplies for publication the results of such investigations, and to furnish advice and assistance to the public with reference to the marketing of farm products within this Commonwealth, and all matters relevant thereto;

(b) To gather and diffuse timely information concerning the supply, demand, prevailing prices, and commercial movement, of farm products, including quantities in common and cold storage;

(c) To secure, in the performance of the duties herein prescribed, the cooperation and assistance of all other agencies;

(d) To assist and advise in the organization and conduct of public markets, of cooperative and other associations for improving marketing conditions and activities among producers, distributors, and consumers;

(e) To investigate delays, embargoes, conditions, practices, charges and rates, in the transportation and storage of all farm products which appear to be detrimental to a free, economical, and efficient marketing of such products;

(f) To take such lawful steps as may be deemed advisable to prevent waste of perishable products;

(g) To establish standards for the grading and other classification of farm products, and to enforce the laws relating thereto.

Section 1705. Foods.--The Department of Agriculture shall have the power, and its duty shall be:

(a) To enforce the laws of the Commonwealth relating to the production, manufacture, transportation and sale of foods used for man, as well as every article entering into and intended for use as an ingredient in the preparation of foods for man;

(b) For the purpose of enforcing such laws, from time to time, to purchase from wholesale or retail dealers samples of any food or drink, and have the same analyzed or examined, and prosecute the sale of adulterated, misbranded, or deleterious foods or drink;

(c) To examine all cold storage warehouses, within the meaning of the laws of this Commonwealth, to ascertain whether they are kept in a sanitary condition, the wholesomeness of the food therein, and the time within which foods shall have been so kept;

(d) To make such rules and regulations, including the adoption of definitions and standards, as shall be necessary for the enforcement of the laws of this Commonwealth relating to oleomargarine, food, drink, and cold storage warehouses;

(e) For the purpose of enforcing such laws, to enter into any place where food is produced, manufactured, sold, or offered for sale, or kept, and to seize all articles of food produced, manufactured, sold, or offered for sale, or kept in violation of such laws.

(1705 amended Apr. 8, 1937, P.L.274, No.67)

Section 1706. Chemistry.--The Department of Agriculture shall have the power, and its duty shall be:

(a) To purchase from wholesale or retail dealers, for the purpose of making chemical analyses, any fertilizers, lime, and lime products, feeds, feeding-stuffs, insecticides, fungicides, paints, oils, turpentine, putties, or materials or ingredients used in the manufacture or compound of any such fertilizers, lime, and lime products, feeds, feeding-stuffs, insecticides, fungicides, paints, oils, turpentine or putties, and to make examinations and analyses thereof, whenever the Secretary of Agriculture shall deem advisable;

(b) To keep correct records of all analyses made of each of the commodities received.

Section 1707. Statistics.--The Department of Agriculture shall have the power, and its duty shall be, to collect, tabulate, and transmit to the Department of Property and Supplies for publication, monthly crop and live stock reports, and such other reports or bulletins, from time to time, pertaining to the agricultural industries and interests of the State as may be deemed advisable.

Section 1708. Quarantines.--The Department of Agriculture shall have the power to establish general quarantines relating to diseases of animals or plants and their products, and to make all needful rules and regulations for the enforcement of the laws relating to animals and plants or the products thereof. When a general quarantine relating to plants or their products has been declared, or rules and regulations for the enforcement of the laws relating to animals or plants or their products have been adopted, such quarantine, or rules and regulations, shall be enforced by the officers or agents of the department, and, for the purpose of enforcing such quarantines, rules and regulations, such officers and agents shall have and possess all the powers of the department, including the powers formerly by law vested in the State Livestock Sanitary Board and the Economic Zoologist.

Section 1709. State Farm Products Show Commission.--The State Farm Products Show Commission shall have the power, and its duty shall be:

(a) To formulate plans for, and conduct and manage, exhibitions, to embrace exhibits of all agricultural, industrial, and artistic products, including exhibits of all classes of farm products, embracing livestock, dairying, horticulture, all classes of manufacture, industries, and domestic arts, and such other exhibits as will best advance the interests of agriculture and the other industries of the Commonwealth;

(b) To lease space to exhibitors, including the departments, boards, and commissions of the State Government, and to lease the Farm Show Complex, at any time, to individuals, associations, or corporations, for exhibitions, conventions, or other proper purposes;

(c) To develop, update and make recommendations regarding a long-range plan for needed capital improvements at the Farm Show Complex;

(d) To oversee the annual capital inventory of the Farm Show Complex conducted by the Bureau of Farm Show to assure policies and procedures of the Department of Agriculture are employed in conducting the inventory and update.

(f) To arrange for the holding of meetings for the promotion of agriculture.

(1709 amended Dec. 21, 1984, P.L.1275, No.242)

Section 1710. Investigation and Control of Insects, other Arthropods and Rodents.--The Department of Agriculture shall have authority, and its duty shall be, to furnish information to citizens of the Commonwealth concerning the control of harmful insects, other arthropods, and rodents, which attack man and other animals, birds or stored products of any kind, or which invade buildings or property, and by their presence constitute a nuisance; also to make studies to determine the value of beneficial insects and other arthropods. The Department of Agriculture may also make investigations, undertake, and carry out control measures against said insects, other arthropods, and rodents; publish and disseminate literature, and otherwise advise and cooperate with the citizens of the Commonwealth in suppressing all such pests.

(1710 added Apr. 8, 1937, P.L.274, No.67)

Section 1711. Milk Sanitation.--The Department of Agriculture shall have the power, and its duty shall be:

(a) To enforce, administer and carry out the provisions of the act approved the second of July, one thousand nine hundred thirty-five (Pamphlet Laws 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to, and regulation of persons and entities selling milk and milk products; conferring powers, and imposing duties on the Secretary of Health, the Advisory Health Board; and otherwise providing for the administration of the act; and imposing penalties."

(b) To perform all duties and exercise all powers vested by such law or any other law in the Department of Health, the Secretary of Health or the Advisory Health Board and relating to the protection of the purity and sanitation of milk for human consumption.

(1711 added July 2, 1953, P.L.341, No.78)

Compiler's Note: Sections 2 Act 78 of 1978, which added section 1711, provided that all powers and duties of the Department of Health, the Secretary of Health and the Advisory Health Board relating to the protection of the purity and sanitation of milk for human consumption are hereby transferred to and hereafter shall be exercised

by the Department of Agriculture and the Secretary of Agriculture.

Section 3 of Act 178 of 1978 provided that Act 78 shall not affect any rules, regulations, orders or permits issued, action taken or contract made by the Department of Health, Secretary of Health or Advisory Health Board prior to the effective date of Act 78. Nor shall this act affect any pending action, civil or criminal brought by or against the Department of Health or its officers, but such action may be prosecuted or defended by the Secretary of Agriculture as if originally brought by or against him.

Section 1712. On-Farm-Produced Denatured Ethyl Alcohol.--The Department of Agriculture shall have the power, and its duty shall be:

(a) To encourage and promote the manufacture and use of Pennsylvania agricultural product-derived denatured ethyl alcohol;

(b) To regulate the manufacture, use and sale of on-farm-produced denatured ethyl alcohol;

(c) To establish a licensing system for denatured ethyl alcohol on-farm producers and to enforce such system so as to prevent fraud and deception in the licensing process;

(d) To collect a fee from denatured ethyl alcohol on-farm producers at a minimum of twenty-five dollars ($25), with a sliding scale fee schedule based upon volume produced;

(e) To make such rules and regulations as shall be deemed necessary for enforcement of the laws of this Commonwealth relating to denatured ethyl alcohol and denatured ethyl alcohol on-farm producers;

(f) To provide for the inspection of denatured ethyl alcohol on-farm production facilities in order to ensure compliance with the law;

(g) To gather and make available information concerning the supply, demand, prevailing prices and applicable use of denatured ethyl alcohol and its by-products;

(h) To secure, in the performance of the duties herein prescribed, the cooperation and assistance of other appropriate agencies.

(1712 added Oct. 23, 1988, P.L.1059, No.122)

Section 1713. Licensing of Poultry Dealers and Transporters.--(1713 repealed July 11, 1996, P.L.561, No.100)

Section 1714. Anaerobic Manure Digesters.--The Department of Agriculture shall have the power and its duty shall be to administer the provisions of the act of December 12, 1994 (P.L.888, No.128), known as the "Anaerobic Manure Digesters Act." Any regulations, guidelines or statements of policy issued by the Pennsylvania Energy Office for the functions transferred in this section shall remain in effect until such time as the need arises to amend such regulations, guidelines or statements of policy. All allocations, appropriations, fixed assets, equipment, files, records, contracts, agreements, obligations and all other material and supplies which are used, employed or expended in the first instance by the Pennsylvania Energy Office in connection with the functions transferred by this section shall be transferred from the Pennsylvania Energy Office to the Department of Agriculture and shall be considered as if these contracts, agreements and obligations had been incurred or entered into by the Department of Agriculture in the first instance.

(1714 added Feb. 23, 1996, P.L.27, No.10)

Section 1715. Seasonal Farm Labor.--(a) The Department of Agriculture shall have the power and its duties shall be:

(1) To exercise the powers and duties and perform the duties by law heretofore vested in and imposed upon the Department of Environmental Resources under the act of June 23, 1978 (P.L.537, No.93), known as the "Seasonal Farm Labor Act."

(2) To exercise the powers and perform the duties authorized or imposed upon the Environmental Hearing Board in the "Seasonal Farm Labor Act."

(3) To enforce the provisions of 25 Pa. Code Ch. 177 (relating to seasonal farm labor camps) with the same force and effect as though the regulations were promulgated by the Department of Agriculture under the "Seasonal Farm Labor Act."

(b) The Secretary of Agriculture shall have the power and the secretary's duty shall be:

(1) To exercise the powers and perform the duties imposed upon the Secretary of Environmental Resources in Chapter 3 of the "Seasonal Farm Labor Act."

(2) To exercise the powers and duties vested by law and imposed upon the Environmental Quality Board as specifically set forth in the "Seasonal Farm Labor Act."

(1715 added June 12, 1996, P.L.337, No.53)

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

The Secretary of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. The functions of the secretary were transferred to the Secretary of Conservation and Natural Resources and the Secretary of Environmental Protection.

Section 1716. Supplemental Agricultural Conservation Easement Purchase Program.--(1716 repealed May 30, 2001, P.L.103, No.14)

ARTICLE XVIII

POWERS AND DUTIES OF THE DEPARTMENT OF FORESTS AND WATERS, ITS OFFICERS, AND DEPARTMENTAL ADMINISTRATIVE AND ADVISORY BOARDS AND COMMISSIONS

(XVIII repealed Dec. 3, 1970, P.L.834, No.275)

Section 1801. Powers and Duties in General.--(1801 repealed Dec. 3, 1970, P.L.834, No.275)

Section 1802. Forest Powers and Duties.--The Department of Forests and Waters shall have the power, and its duty shall be:

(a) With the approval of the State Forest Commission, to acquire, in the name of the Commonwealth, by purchase, gift, lease, or condemnation, and hold as State forests, subject to the conditions of any such lease, and subject to such reservations, if any, of mineral rights, stumpage rights, rights of way, or other encumbrances, as the department and the State Forest Commission deem to be consistent with such holding, any lands, including tax delinquent lands, which, in the judgment of the department, the Commonwealth should hold, manage, control, protect, maintain, utilize, and regulate, as State forests or for reforestation, and adding to and extending the existing State forests for the purpose of lessening soil erosion and silting up of reservoirs; control the flow of streams and extinguish interior holdings; or for the establishment and

maintenance of fire observation towers and stations, and such adjoining lands as may be deemed necessary to control, maintain, and develop such towers and stations, and to furnish access to them. The purchase price of any such lands shall not exceed ten dollars per acre, except such as are acquired for fire observation tower and station purposes, except for the price paid for lands approved by the State Forest Commission as essential to consolidate existing State forest lands in the interest of sound and economical management practices by eliminating interior holdings and marginal tracts which are deeply indented into State forests, which shall not exceed one hundred dollars per acre and which moneys shall come only from a restricted receipts fund, resulting from the sale of State forest land as provided for in sections 1 through 5 of the act of May 5, 1921 (P.L.418), entitled "An act authorizing the State Forest Commission to exchange or sell certain portions of the State forest land, and providing for the procedure." The amount expended for the acquisition of lands for State forest purposes, in any annual appropriation period, shall not exceed the appropriation for that purpose for such period, and the amount expended for other land acquisitions shall not exceed appropriations made for such purposes, except as hereinbefore provided;

(1802 amended, Dec. 10, 1970, P.L.917, No.290)

Compiler's Note: Section 19 of Act 275 of 1970 provided that Article XVIII is repealed and section 1 of Act 290 of 1970 amended section 1802(a). The text is still carried because the amendment is effective under section 72 of the Statutory Construction Act, then in force, now 1 Pa.C.S. § 1952 (relating to effect of separate amendments on code provisions enacted by same General Assembly).

Section 1803. Forest Powers.--(1803 repealed Dec. 3, 1970, P.L.834, No.275)

Section 1804. Waters.--(1804 repealed Dec. 3, 1970, P.L.834, No.275)

Section 1805. Cooperation with Municipalities.--(1805 repealed Dec. 3, 1970, P.L.834, No.275)

Section 1806. Parks.--(1806 repealed Dec. 3, 1970, P.L.834, No.275)

Section 1807. Pennsylvania State Forest School.--(1807 repealed Dec. 3, 1970, P.L.834, No.275)

Section 1808. Water and Power Resources Board.--(1808 repealed Dec. 3, 1970, P.L.834, No.275)

Section 1809. Geographic Board.--(1809 repealed Dec. 3, 1970, P.L.834, No.275)

Section 1810. Flood Control Commission.--(1810 repealed Dec. 3, 1970, P.L.834, No.275)

Compiler's Note: The prior section 1810, relating to the Lake Erie and Ohio River Canal Board, was repealed May 21, 1943, P.L.496, No.222.

Section 1811. Pennsylvania State Park and Harbor Commission of Erie.--(1811 repealed Dec. 3, 1970, P.L.834, No.275)

Section 1812. Washington Crossing Park Commission.--(1812 repealed Dec. 3, 1970, P.L.834, No.275)

Section 1813. Valley Forge Park Commission.--(1813 repealed Dec. 3, 1970, P.L.834, No.275)

Section 1814. Fort Washington Park Commission.--(1814 repealed Aug. 19, 1953, P.L.1092, No. 291)

Section 1815. State Forest Commission.--(1815 repealed Dec. 3, 1970, P.L.834, No.275)
Section 1816. Bushy Run Battlefield Commission.--(1816 repealed Aug. 14, 1963, P.L.1117, No.474)
Section 1817. Powers of Forest Officers.--(1817 repealed Dec. 3, 1970, P.L.834, No.275)
Section 1818. Powers of Chief Forest Fire Warden.--(1818 repealed Dec. 3, 1970, P.L.834, No.275)
Section 1819. Powers of District Forest Fire Wardens.--(1819 repealed Dec. 3, 1970, P.L.834, No.275)
Section 1820. Powers of Local Forest Fire Wardens.--(1820 repealed Dec. 3, 1970, P.L.834, No.275)
Section 1821. Powers of all Forest Fire Wardens.--(1821 repealed Dec. 3, 1970, P.L.834, No.275)
Section 1822. Powers and Duties of the State Parks Commission.--(1822 repealed June 6, 1939, P.L.250, No.144)
Section 1823. Powers and Duties of State Park Boards.--(1823 repealed June 6, 1939, P.L.250, No.144)

ARTICLE XIX

POWERS AND DUTIES OF THE DEPARTMENT OF MINES AND ITS DEPARTMENTAL ADMINISTRATIVE OFFICERS

(XIX repealed Dec. 3, 1970, P.L.834, No.275)

Section 1901. Powers and Duties in General.--(1901 repealed Dec. 3, 1970, P.L.834, No.275)
Section 1902. Mines.--(1902 repealed Dec. 3, 1970, P.L.834, No.275)
Section 1903. Mine Inspectors.--(1903 repealed Dec. 3, 1970, P.L.834, No.275)
Section 1904. Research for New Uses of Anthracite and Bituminous Coal.--(1904 repealed Dec. 3, 1970, P.L.834, No.275)
Section 1905. Mine Inspectors' Examining Boards.--(1905 repealed Dec. 3, 1970, P.L.834, No.275)
Section 1906. Coal Research Board.--(1906 repealed Dec. 3, 1970, P.L.834, No.275)
Section 1907. Oil and Gas Conservation Commission.--(1907 repealed Dec. 3, 1970, P.L.834, No.275)

ARTICLE XIX-A

POWERS AND DUTIES OF THE DEPARTMENT OF ENVIRONMENTAL RESOURCES, ITS OFFICERS AND DEPARTMENTAL AND ADVISORY BOARDS AND COMMISSIONS

(XIX-A added Dec. 3, 1970, P.L.834, No.275)

Section 1901-A. Powers and Duties in General.--The Department of Environmental Resources shall, subject to any inconsistent provision in this act contained, continue to exercise the powers and perform the duties by law heretofore vested in and imposed upon:

(1) The Department of Forests and Waters, the Secretary of Forests and Waters, the Water and Power Resources Board, the Flood Control Commission, the Pennsylvania State Park and Harbor Commission of Erie, and the State Forest Commission;

(2) The Department of Mines and Mineral Industries, the Secretary of Mines and Mineral Industries, the Oil and Gas Conservation Commission, the Mine Inspectors' Examining Board for the Bituminous Coal Mines of Pennsylvania, and the Anthracite Mine Inspectors' Examining Board;

(3) The Oil and Gas Inspectors' Examining Board, created by the act of December 21, 1959 (P.L.1967), which board is hereby abolished;

(4) The Land Restoration Board, created by the act of June 27, 1947 (P.L.1095), which board is hereby abolished;

(5) The Land Reclamation Board, created by the act of May 31, 1945 (P.L.1198), which board is hereby abolished;

(6) The Department of Health and the Secretary of Health in so far as such powers and duties pertain to the control of nuisances from grounds, vehicles, apartments, buildings and places within the Commonwealth, to the sanitary condition of tenements, lodging and boarding houses, to management of the sanitary affairs of the Commonwealth, the issuance of waterworks permits and to the control of water pollution;

(7) The former Commissioner of Health and the Department of Health by the act of April 22, 1905 (P.L.260), entitled "An act to preserve the purity of the waters of the State, for the protection of the public health;"

(8) The Department of Health and the Secretary of Health by the act of August 20, 1953 (P.L.1217), entitled "An act providing for payments by the Commonwealth to municipalities which have expended money to acquire and construct sewage treatments plants in accordance with the Clean Streams Program and the act, approved the twenty-second day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1987), and making an appropriation;"

(9) The Department of Health by the act of June 23, 1931 (P.L.899), known as the "Public Bathing Law;"

(10) The Department of Health by the act of January 19, 1968 (P.L.996), known as "The Land and Water Conservation and Reclamation Act;"

(11) The Department of Health by the act of May 23, 1945 (P.L.926), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; requiring their licensing; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities; and providing penalties;"

(12) The Department of Health by the act of April 30, 1929 (P.L.897), entitled "An act regulating the manufacturing, bottling, and selling of certain waters, and requiring permits therefor; prescribing the authority of the Department of Health and of local boards of health and health officers with respect thereto; and providing penalties;"

(13) The Department of Health by the act of November 10, 1959 (P.L.1400), entitled "An act providing for the annual registration of organized camps for children, youth and adults; defining the duties of the Department of Health of the Commonwealth of Pennsylvania; and prescribing penalties;"

(14) The Department of Health by the act of January 24, 1966 (P.L.1535), known as the "Pennsylvania Sewage Facilities Act;"

(15) The Department of Health by the act of July 31, 1968 (Act No.241), known as the "Pennsylvania Solid Wastes Management Act;"

(16) The Department of Health by the act of January 8, 1960 (P.L.2119), known as the "Air Pollution Control Act;"

(17) The Department of Health by the act of January 28, 1966 (P.L.1625), known as "The Atomic Energy Development and Radiation Control Act;"

(18) The Department of Health by the act of September 8, 1959 (P.L.807), entitled "An act empowering the Department of Health to regulate the burial of radioactive material and to issue permits therefor; and prescribing penalties;"

(19) The Department of Health and the Secretary of Health by the act of October 26, 1959 (P.L.1380), entitled "An act empowering the Commonwealth to acquire land and operate burial grounds for the disposal of radioactive materials;"

(20) The Department of Health by the act of June 22, 1937 (P.L.1987), known as "The Clean Streams Law;"

(21) The Department of Health by the act of November 18, 1968 (Act No. 322), known as the "Sewage Treatment Plant and Waterworks Operators' Certification Act;"

(22) The Sanitary Water Board;

(23) The Air Pollution Commission, created by the act of January 8, 1960 (P.L.2119), known as the "Air Pollution Control Act," which commission is hereby abolished;

(24) The Department of Labor and Industry and the Secretary of Labor and Industry in so far as such powers and duties relate to regulation of mining operations, quarry operations and sand and gravel pits under the act of July 1, 1937 (P.L.2681), entitled "An act relating to, and regulating the manufacture, storing, and possession of explosives; requiring permits for magazines, and prescribing permit fees; and providing penalties," and July 10, 1957 (P.L.685), entitled "An act regulating the use of explosives in certain blasting operations; requiring examination and licensing of certain explosives' detonators and prescribing the fee thereof; and conferring powers and imposing duties on the Department of Labor and Industry."

(1901-A added Dec. 3, 1970, P.L.834, No.275)

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 1902-A. Forest Powers and Duties.--(1902-A repealed June 30, 1995, P.L.89, No.18)

Section 1903-A. Forest Powers; Lease of Small Areas of State Forests.--(1903-A repealed June 30, 1995, P.L.89, No.18)

Section 1904-A. Waters.--The Department of Environmental Resources shall have the power and its duty shall be:

(1) To study, consider, and determine upon a public policy with regard to the conservation, marketing, and equitable distribution of the water and power to be derived from the utilization of the water resources of the Commonwealth, to the restoration, development, and improvement of transportation by water, to the supply of water and power for municipal, domestic, and industrial use, and to the conservation of water resources by the aid of forestation;

(2) To investigate or examine dams, walls, wing walls, wharves, embankments, abutments, projections, bridges, and other water obstructions, determine whether they are unsafe, need repair, alteration or change in their structure or location, or should be removed, notify owners to repair, alter or change the structure or location or remove the same, repair, alter or change the structure or location or remove the same in emergencies without notice and at the cost of the owners, and apply for injunctions to enforce compliance with or restrain the violation of the law in regard to the safety of dams, or the derogatory effect of walls, wing walls, wharves, embankments, abutments, projections, bridges, or other water obstructions upon the regimen of streams, or the violation of any lawful order or notice of the department in regard thereto. The power of the department under this paragraph shall extend

to and include all types of water obstructions, regardless of the date when such obstructions were constructed, and whether or not the same were constructed by express or implied permission of the Commonwealth, or any agency thereof;

(3) To collect such information relative to the existing conditions of the water resources of the State as, in the opinion of the department, shall be necessary for the utilization of waters, and for the conservation, purification, development, and equitable distribution of water and water power resources, and in particular, for the use of such citizens and communities as may be in need of extended facilities for these purposes;

(4) To establish and maintain gauging stations on rivers and their tributaries;

(5) To issue bulletins, during freshet and flood conditions, forecasting gauge heights, and the times thereof;

(6) To maintain a complete inventory of all the water resources of the Commonwealth; collect all pertinent data, facts, and information in connection therewith; classify, tabulate, record, and preserve the same; and, upon the basis thereof, determine, the points at which storage reservoirs may be constructed for flood control, for municipal and domestic supply, hydraulic and hydroelectric power, steam raising, steam condensation, navigation, and other utilization; and generally to devise all possible ways and means to conserve and develop the water supply and water resources of the Commonwealth for the use of the people thereof;

(7) To construct, maintain, and operate works for water storage, flood control, channel improvement, or other hydraulic purposes;

(8) To acquire by purchase, lease, gift or condemnation, with the approval of the Governor, such land, buildings and appurtenances thereto, as in the judgment of the department, may be necessary for the construction, maintenance, improvement or development of any port or harbor in this Commonwealth.

(9) To promulgate rules and regulations to protect, manage and regulate the recreational use of designated whitewater zones; license whitewater outfitters operating within designated whitewater zones; and establish fees, royalties and charges for licenses and for using public lands, waters and facilities.

(i) For each specific designated whitewater zone, a license to continue operating as a whitewater rafting outfitter shall be issued by the department to any whitewater rafting outfitter who has provided whitewater rafting services on a designated whitewater zone for a period of five or more years, who has provided those services under formal agreement with the department, who has demonstrated an acceptable measure of compliance with the safety and operational requirements of that agreement and who has provided whitewater rafting services on that designated whitewater zone prior to operation and management of that designated whitewater zone through formal agreement with the department. Each whitewater rafting outfitter presently conducting whitewater rafting trips under agreement with the department shall be deemed to fulfill the foregoing criteria.

(ii) Licenses issued by the department to continue to operate as a whitewater rafting outfitter shall be for a period of ten years and shall be renewable under guidelines appropriate and necessary to protect the public health, safety and interest and provide stability to the outfitting industry; shall be transferrable under reasonable guidelines of the department relating to transfer of licenses and required qualifications

of transferees; shall include the right to continue to utilize or lease any premises leased before the effective date of this act by a whitewater rafting outfitter from the department or offer to lease such access areas as the department deems appropriate for use by whitewater rafting outfitters; and shall supersede, after the adoption of regulations, any agreement between the department and a whitewater rafting outfitter, except fee agreements in which a whitewater rafting outfitter is required to pay the department a fee, which fee agreements shall continue for the life of the agreement and which shall not preclude the issuance of a license.

(iii) The department may, with regard to a specific designated whitewater zone, accept bids, issue licenses and charge fees and royalties for an additional whitewater rafting outfitter only if the department determines that there is additional whitewater rafting outfitter carrying capacity on the waterway and that there is a need for additional whitewater rafting outfitter allocations. Such licenses shall apply only for that specific designated whitewater zone and only for a period not to exceed ten years.

(iv) Licensed whitewater rafting outfitters shall be subject to all appropriate rules, regulations and guidelines promulgated by the department for the purposes of regulating the operation and safety of each designated whitewater zone.

(v) Licenses granted by the department may be terminated by the department for noncompliance after a 30-day written notice to the outfitter and a hearing in accordance with Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

((9) added July 11, 1985, P.L.232, No.57)

(1904-A added Dec. 3, 1970, P.L.834, No.275)

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 1904-A.1. Uranium Tailings.--(a) The Department of Environmental Resources shall have the power and its duty shall be:

(1) To enter into such cooperative agreements with the United States Department of Energy as are described in section 103 of the Uranium Mill Tailings Radiation Control Act of 1978, Public Law 95-604, 42 U.S.C. § 7901 et seq. to perform remedial actions at each processing site in Pennsylvania designated by the Secretary of the United States Department of Energy under the Uranium Mill Tailings Radiation Control Act of 1978.

(2) To acquire, in consultation with the United States Government, by purchase or by eminent domain, such property or interest therein as is necessary for performance of remedial action.

(3) To pay, in cooperation with the United States Government, to both tenants and owners in fee of such property as is acquired by purchase, in addition to the purchase price, those moving and removal expenses and other damages as are provided for in Article VI of the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the "Eminent Domain Code."

(4) To dispose of any property or interest therein acquired under the provisions of this section in accordance with the terms and conditions of cooperative agreements entered into pursuant to clause (1).

(5) To perform, in cooperation with the United States Government, such other remedial action as may be necessary.

(b) For the purposes of this section "processing site" means:

(1) any site in the Commonwealth, including the mill, containing residual radioactive materials at which all or substantially all of the uranium was produced for sale to any Federal agency prior to January 1, 1971, under a contract with any Federal agency; or

(2) any other real property or improvement which is in the vicinity of such site and is determined by the Secretary of the United States Department of Energy to be contaminated with residual radioactive materials derived from such site.

(1904-A.1 added July 2, 1980, P.L.345, No.87)

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 1904-A.2. Nuclear Facility Fees.--(1904-A.2 repealed July 13, 2007, P.L.95, No.31)

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 1905-A. Cooperation with Municipalities.--(a) The Department of Environmental Resources shall cooperate with municipalities in the construction and completion of projects and improvements for the conservation of water and the control of floods. For this purpose, the department shall have the power to use and expend any funds advanced by municipalities, under authority of law, on the projects and improvements designated, when such funds are advanced, in the same manner as it expends any funds appropriated by the Commonwealth for similar purposes.

(b) (1) The Department of Environmental Resources shall require every applicant for the following permits and permit revisions to give written notice to each municipality in which the activities are located:

(i) Air quality permits applied for pursuant to the act of January 8, 1960 (1959 P.L.2119, No.787), known as the "Air Pollution Control Act."

(ii) Water allocation permits applied for pursuant to the act of June 24, 1939 (P.L.842, No.365), entitled "An act relating to the acquisition of rights to divert water from rivers, streams, natural lakes, and ponds, or other surface waters within the Commonwealth or partly within and partly without the Commonwealth; defining various words and phrases; vesting in the Water and Power Resources Board certain powers and authorities for the conservation, control and equitable use of the waters within the Commonwealth in the interests of the people of the Commonwealth; making available for public water supply purposes, water rights heretofore or hereafter acquired but not used; providing for hearings by the Water and Power Resources Board and for appeals from its decisions; fixing fees; granting to all public water supply agencies heretofore or hereafter created the right of eminent domain as to waters and the land covered by said waters; repealing all acts or parts of acts inconsistent herewith, including Act No.109, Pamphlet Laws 152, approved April 13, 1905, Act No.307, Pamphlet Laws

455, approved June 7, 1907, Act No.64, Pamphlet Laws 258, approved April 8, 1937."

(iii) Water obstruction permits applied for pursuant to the act of November 26, 1978 (P.L.1375, No.325), known as the "Dam Safety and Encroachments Act."

(iv) Water quality permits, except permits relating to coal mining activities, applied for pursuant to the act of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams Law."

(v) Solid waste and hazardous waste permits applied for pursuant to the act of July 7, 1980 (P.L.380, No.97), known as the "Solid Waste Management Act."

(2) In the case of written notices sent pursuant to subclauses (i), (ii), (iii) and (iv), the written notices shall be received by the municipalities at least thirty (30) days before the Department of Environmental Resources may issue or deny the permit. In the case of written notices sent pursuant to subclause (v), the written notices shall be received by the municipalities at least sixty (60) days before the Department of Environmental Resources may issue or deny the permit.

(3) The provisions of this subsection shall not apply to permits relating to coal mining activities issued under the act of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams Law," the act of May 31, 1945 (P.L.1198, No.418), known as the "Surface Mining Conservation and Reclamation Act," the act of April 27, 1966 (1st Sp.Sess., P.L.31, No.1), known as "The Bituminous Mine Subsidence and Land Conservation Act," and the act of September 24, 1968 (P.L.1040, No.318), known as the "Coal Refuse Disposal Control Act."

(4) When the department issues an emergency permit to respond to or alleviate an actual or imminent threat to life, property or the environment, such as activities conducted in compliance with the emergency response provisions of the Natural Gas Pipeline Safety Act of 1968 (Public Law 90-481, 49 U.S.C. § 1671 et seq.) and 49 CFR 192.615 (relating to emergency plans), the provisions of clause (2) and any other provision in regulation requiring notice to the affected municipality shall not apply. The applicant shall notify the affected municipality of an emergency permit as soon as possible verbally and provide a follow-up notice in writing within forty-eight (48) hours from the issuance of an emergency permit. ((4) added Aug. 14, 1991, P.L.331, No.35)

(1905-A amended Feb. 17, 1984, P.L.75, No.14)

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 1906-A. Parks.--The Department of Environmental Resources shall have the power, and its duty shall be:

(1) To supervise, maintain, improve, regulate, police, and preserve, all parks belonging to the Commonwealth;

(2) For the purpose of promoting healthful outdoor recreation and education, and making available for such use natural areas of unusual scenic beauty, especially such as provide impressive views, waterfalls, gorges, creeks, caves, or other unique and interesting features, to acquire, in the name of the Commonwealth, by purchase, gift, lease, or condemnation, any lands which, in the judgment of the department, should be held, controlled, protected, maintained and utilized as State park lands. Such lands may be purchased or accepted, subject to the conditions of any such lease and

subject to such reservations, if any, of mineral rights, rights of way, or other encumbrances as the department may deem not inconsistent with such holdings: Provided, however, That the amount expended for the acquisition of lands for State park purposes shall not exceed the amount specifically appropriated for such purposes;

(3) To see that conveniences and facilities for the transportation, shelter, comfort and education of people shall be so designed and constructed as to retain, so far as may be, the naturalistic appearance of State park areas, surroundings and approaches, and conceal the hand of man as ordinarily visible in urban, industrial and commercial activities;

(4) To lease for a period not to exceed ten years, on such terms as may be considered reasonable, to any person, corporation, association, or organization of this Commonwealth a portion of any State park, whether owned or leased by the Commonwealth, as may be suitable as a site for buildings and facilities to be used for health, recreational or educational purposes, or for parking areas or concessions for the convenience and comfort of the public: Provided, however, That the department may, with the approval of the Governor, if a substantial capital investment is involved and if it is deemed in the best interests of the Commonwealth, enter into such leases for a period not to exceed thirty-five years; ((4) amended Feb. 17, 1972, P.L.70, No.23)

(5) To study, counsel and advise in reference to gifts of lands or money for park purposes;

(6) To counsel and advise in reference to the development of park lands by concessionaries with facilities and equipment for the accommodation and education of the public;

(7) To appoint and commission persons to preserve order in the State parks, which persons shall have all of the following powers:

(a) To make arrests without warrant for all violations of the law which they may witness, and to serve and execute warrants issued by the proper authorities: Provided, however, That in cases of offenses for violation of any of the provisions of The Vehicle Code, the power to make arrests without warrant shall be limited to cases where the offense is designated a felony or a misdemeanor, or in cases causing or contributing to an accident resulting in injury or death to any person;

(b) To have all the powers and prerogatives conferred by law upon members of the police force of cities of the first class;

(c) To have all the powers and prerogatives conferred by law upon constables of the Commonwealth;

(d) To serve subpoenas issued for any examination, investigation or trial had pursuant to any law of the Commonwealth.

(8) For the purpose of providing parking facilities and incidental services within the borders of any State park area situate in the City of Philadelphia to lease or grant, by and with the written approval of the Governor, any portion of any such State park area, underground, aboveground, or both, to the city or to any parking authority now or hereafter existing in the city, pursuant to the provisions of the act of June 5, 1947 (P.L.458), known as the "Parking Authority Law," as the same may now or hereafter be amended, if

(a) The City of Philadelphia or the parking authority agrees that the lands and interests and privileges therein shall be used by the city or parking authority, or any lessee or sub-lessee holding under either of them, pursuant to any lease

or sub-lease granted by the city or parking authority as may be permitted by law, to promote the establishment of parking services and facilities, but portions of the street level or lower floors of the parking facilities may be leased for commercial use, including emergency automobile repair service and the sale by the lessee of any commodity of trade or commerce or any service except the sale of gasoline or automobile accessories; and

(b) The department, with the written approval of the Governor, determines that the lease or grant (i) will aid in promoting the public safety, convenience and welfare of the people of Philadelphia by aiding in the establishment of adequate parking services for the convenience of the public and otherwise promoting the public policy of the Commonwealth in authorization for the creation of parking authorities, and (ii) will not unduly interfere with the promotion of those public objects for which the State park area was acquired and for which it is held.

Any lease or grant shall be upon the terms and conditions and for the period or periods of time the department, with the written approval of the Governor, may prescribe. The department shall execute and deliver and is empowered to receive deeds or other legal instruments necessary to effectuate any lease or grant. All deeds and instruments shall have the prior approval of the Department of Justice, and a copy thereof shall be filed with the Department of Community Affairs.

(9) To make and execute contracts or leases in the name of the Commonwealth for the mining or removal of any oil or gas that may be found in a State park whenever it shall appear to the satisfaction of the department that it would be for the best interests of the State to make such disposition of said oil and gas. Any proposed contracts or leases of oil and gas exceeding one thousand dollars ($1,000) in value shall be advertised once a week for three weeks in at least two newspapers published nearest the locality indicated in advance of awarding such contract or lease. Such contracts or leases may then be awarded to the highest and best bidder who shall give bond for the proper performance of the contract as the department shall designate.

(10) To grant rights of way in and through State parks to municipal authorities and political subdivisions of this Commonwealth for the laying of water lines and of lines for the transportation of sewage to sewage lines or sewage treatment facilities on State park land, under such terms and conditions, including the payment of fees, as the department may deem proper, and when it shall appear that the grant of such right of way will not so adversely affect the land as to interfere with its usual and orderly administration and that the interests of the Commonwealth or its citizens will be promoted by such grant. ((10) added Dec. 19, 1985, P.L.341, No.96)

(11) To issue permits under emergency situations, upon such terms and subject to such restrictions, fees and regulations as the department may deem proper, for the utilization of water at a State park and for constructing, maintaining and operating lines of pipes upon and through a State park for the purpose of conveying water therefrom, wherever it shall be in the public interest to do so. ((11) added Dec. 19, 1985, P.L.341, No.96)

(1906-A added Dec. 3, 1970, P.L.834, No.275)

Compiler's Note: Section 302 of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community

Affairs, provided that the power to receive deeds or other legal instruments under paragraph (8) are transferred from the Department of Community Affairs to the Pennsylvania Historical and Museum Commission.

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 1907-A. Pennsylvania State Forest School.--(1907-A repealed June 30, 1995, P.L.89, No.18)

Section 1908-A. Water and Power Resources.--The Department of Environmental Resources shall have the power and its duty shall be:

(1) Subject to any inconsistent provisions in this act contained, to continue to exercise the powers and perform the duties by law vested in and imposed upon the Water Supply Commission of Pennsylvania, or in and upon the Water and Power Resources Board, or in and upon the department, with regard to:

(a) Applications for charters for corporations for the supply of water for the public or for the supply, storage, and transportation of water and water power, for commercial and manufacturing purposes, or for any other water or water power company;

(b) Agreements for the merger and consolidation of two or more such corporations heretofore or hereafter formed;

(c) The sale, assignment, disposition, transfer, and conveyance of the franchises and all the property, real, personal, and mixed, of any such corporation, heretofore or hereafter formed, to any other such corporation;

(d) Consents or permits for the construction of dams, and other water obstructions, or of any change therein or addition thereto, and consents or permits for changing or diminishing the course, current, or cross section, of any stream or body of water;

(e) Permits for the condemnation or appropriation of waters, or for the construction of hydraulic works;

(f) Applications for new or additional sources of supply of water or water power;

(g) Applications by companies for approval of the construction, operation, and maintenance of tunnels under navigable rivers, to connect their power to manufacturing plants, with coal lands wherein such companies have coal mining rights;

(h) The extension of time fixed by law for the beginning or completion of the construction of the works of water or water power companies, inquiry into the standing of water or water power charters, and as to the due diligence and bona fide intent of water and water power companies to fulfill the requirements of law, and the certification of facts to the Attorney General requesting him to institute quo warranto proceedings.

(2) ((2) repealed June 30, 1995, P.L.89, No.18)

(3) To enter into agreements to sell, lease or otherwise dispose of any iron, coal, limestone, fire-clay, oil, gas and other minerals, except sand and gravel and minerals deposited as silt in pools created by dams, that may be found in or beneath the beds of navigable streams or bodies of water within the Commonwealth and non-navigable streams or bodies of water where the beds thereof are owned by the Commonwealth, on such terms and conditions as the board deems to be in the best interest of the Commonwealth: Provided, however, That any proposed contracts involving more than one thousand dollars

($1,000) shall be awarded to the highest responsible bidder after due advertisement as prescribed by the board. Nothing herein contained shall authorize anyone to interfere with the free navigation of said streams or bodies of water or to undermine the bed thereof or to interfere with the rights of any person or persons holding property on the banks thereof.

(1908-A added Dec. 3, 1970, P.L.834, No.275)

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 1909-A. Flood Control.--The Department of Environmental Resources shall have the power and it shall be its duty:

(1) To make or cause to be made studies, surveys and examinations of local, State or National flood conditions, causes and effects and prepare, or cause to be prepared designs, plans and recommendations for bringing flood conditions under adequate and reasonable control and for saving life and property from damage by flood;

(2) The department in the performance of its duties may request, and shall receive from any State or local agency, department, board, bureau, commission or political subdivision, which has for one of its objects the control of flood waters, such assistance and data as requisite for carrying out the purposes of this law, and the department is hereby authorized to such end, to cooperate in the activities of, and with such State or local agencies, departments, boards, bureaus, commissions and political subdivisions, and to cooperate with the Federal Government or any appropriate agency thereof, in planning or accomplishing an overall long or short term flood control, either National, local or sectional, and to cooperate with the Congress of the United States in the preparation or presentation of legislation tending to effectuate flood control.

(1909-A added Dec. 3, 1970, P.L.834, No.275)

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 1910-A. Powers of Forest Officers.--(1910-A repealed June 30, 1995, P.L.89, No.18)

Section 1911-A. Powers of Chief Forest Fire Warden.--(1911-A repealed June 30, 1995, P.L.89, No.18)

Section 1912-A. Powers of District Forest Fire Wardens.--(1912-A repealed June 30, 1995, P.L.89, No.18)

Section 1913-A. Powers of Local Forest Fire Wardens.--(1913-A repealed June 30, 1995, P.L.89, No.18)

Section 1914-A. Powers of all Forest Fire Wardens.--(1914-A repealed June 30, 1995, P.L.89, No.18)

Section 1915-A. Mines.--The Department of Environmental Resources shall have the power, and its duty shall be:

(1) To see that the mining laws of the Commonwealth are faithfully executed, and, for that purpose, cause lawfully qualified mine inspectors to enter, inspect, and examine any mine or colliery within the Commonwealth and the works and machinery connected therewith;

(2) To give such aid and instruction to the mine inspectors, from time to time, as may be calculated to protect the health

and promote the safety of all persons employed in and about the mines;

(3) To make such examinations and investigations as may be necessary to enable it to make recommendations upon any matters pertaining to the general welfare of coal miners and others connected with mining and the interests of mine owners and operators in the Commonwealth;

(4) To seal or close or backfill abandoned deep or strip coal mines, to plug abandoned oil and gas wells, other than those governed by the Gas Operations, Well-Drilling, Petroleum and Coal Mining Act, to fill voids in abandoned coal mines, to drill bore holes, dig ditches or construct flumes which would relieve flooding or hazardous conditions caused by mine water, and to extinguish fires in abandoned coal mines and in culm banks, in those instances where such work is in the interest of the public welfare.

(1915-A added Dec. 3, 1970, P.L.834, No.275)

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 1916-A. Mine Inspectors.--Subject to any inconsistent provisions in this act contained, anthracite mine inspectors and bituminous mine inspectors shall, respectively, under the direction of the Secretary of Environmental Resources, continue to exercise the powers and perform the duties by law vested in and imposed upon them.

(1916-A added Dec. 3, 1970, P.L.834, No.275)

Section 1917-A. Abatement of Nuisances.--The Department of Environmental Resources shall have the power and its duty shall be:

(1) To protect the people of this Commonwealth from unsanitary conditions and other nuisances, including any condition which is declared to be a nuisance by any law administered by the department;

(2) To cause examination to be made of nuisances, or questions affecting the security of life and health, in any locality, and, for that purpose, without fee or hinderance, to enter, examine and survey all grounds, vehicles, apartments, buildings, and places, within the Commonwealth, and all persons, authorized by the department to enter, examine and survey such grounds, vehicles, apartments, buildings and places, shall have the powers and authority conferred by law upon constables;

(3) To order such nuisances including those detrimental to the public health to be abated and removed;

(4) If the owner or occupant of any premises, whereon any such nuisance fails to comply with any order of the department for the abatement or removal thereof, to enter upon the premises, to which such order relates, and abate or remove such nuisance;

(5) For the purpose of collecting or recovering the expense of the abatement or removal of a nuisance, to file a claim, or maintain an action, in such manner as may now or hereafter be provided by law, against the owner or occupant of the premises upon or from which such nuisance shall have been abated or removed by the department;

(6) In making examinations as authorized by this section, the Department of Environmental Resources shall cooperate with the Department of Health, for the purpose of avoiding any duplication of inspection or overlapping of functions.

(1917-A added Dec. 3, 1970, P.L.834, No.275)

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 1918-A. Water Supply.--The Department of Environmental Resources shall have the power and its duty shall be:

(1) To issue waterworks permits, and stipulate therein the conditions under which water may be supplied to the public, and to administer sections 1, 2 and 3, act of April 22, 1905 (P.L.260), entitled "An act to preserve the purity of the waters of the State, for the protection of the public health," its amendments and supplements;

(2) To investigate, hold hearings upon and determine any question of fact regarding the purity of water supplied to the public by any public utility over which the Pennsylvania Public Utility Commission has jurisdiction, whenever said commission shall certify such question to the department.

The findings of the department upon any such questions shall be incorporated in and made a part of the determination or decision of said commission of the controversy or other proceeding in connection with which the question arose and shall be binding upon the parties to such controversy or other proceeding unless either party shall take an appeal from the commission's determination or decision as may now or hereafter be provided by law;

(3) To make a bacteriological examination and report of any sample of water sent by any person to the department's laboratory at Philadelphia or Pittsburgh. ((3) amended July 1, 1981, P.L.143, No.48)

(1918-A added Dec. 3, 1970, P.L.834, No.275)

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 1919-A. Housing.--The Department of Environmental Resources shall have the power, and its duty shall be, to investigate the sanitary condition of tenements, lodging and boarding houses, and, when the same are found to be a menace to those occupying the same, or employed therein, or to be overcrowded, to condemn the same, in such manner and subject to such limitations as may now or hereafter be provided by law, and to notify the owners or agents thereof, in writing, setting forth the unsanitary or overcrowded condition thereof, specifying the changes or alterations which shall be made thereto for the purpose of relieving such condition, and further specifying the time within such changes or alterations shall be completed or overcrowding relieved: Provided, That in making inspections as authorized by this section, the Department of Environmental Resources shall cooperate with the Department of Labor and Industry, for the purpose of avoiding any duplication of inspection or overlapping of functions.

For the purpose of making investigations authorized by this section, the officers and agents of the department shall, at all times, have the right of ingress into all tenement, lodging, and boarding houses.

(1919-A added Dec. 3, 1970, P.L.834, No.275)

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 1920-A. Environmental Quality Board.--(a) The Environmental Quality Board shall have the responsibility for developing a master environmental plan for the Commonwealth.

(b) The Environmental Quality Board shall have the power and its duties shall be to formulate, adopt and promulgate such rules and regulations as may be determined by the board for the proper performance of the work of the department, and such rules and regulations, when made by the board, shall become the rules and regulations of the department.

(c) The board shall continue to exercise any power to formulate, adopt and promulgate rules and regulations, heretofore vested in the several persons, departments, boards and commissions set forth in section 1901-A. of this act, and any such rules and regulations promulgated prior to the effective date of this act shall be the rules and regulations of the Department of Environmental Resources until such time as they are modified or repealed by the Environmental Quality Board.

(d) The board shall have the power to subpoena witnesses, records and papers and upon certification to it of failure to obey any such subpoena the Commonwealth Court is empowered after hearing to enter, when proper, an adjudication of contempt and such other order as the circumstances require.

(e) The board shall receive and review reports from the Department of Environmental Resources and shall advise the Department and the Secretary of Environmental Resources on matters of policy.

(f) The board shall establish such rules and regulations, not inconsistent with law, for the control, management, protection, utilization, development, occupancy and use of the lands and resources of State parks, as it may deem necessary to conserve the interests of the Commonwealth. Such rules and regulations shall be compatible with the purposes for which State parks are created. Whenever the board imposes fees or charges for activities, admissions, uses or privileges, including charges for concessions, at or relating to State parks, such charges or fees shall be used solely for the acquisition, maintenance, operation or administration of the State parks systems, and are hereby appropriated for such purposes. The board shall not adopt or impose any charges or fees for parking or general admission to State parks unless the charges were imposed prior to January 1, 1984. The board may continue to impose and modify parking charges and fees applicable to specific services or units within the State park system which were imposed prior to January 1, 1984, and may impose charges or fees for admission to and for use of specific services and facilities in State parks. ((f) amended Dec. 21, 1984, P.L.1275, No.242)

(g) The board shall establish such rules and regulations, not inconsistent with law, for the control, management, protection, utilization, development, occupancy, and use, of the lands and resources of the State forests, as the department deems proper, to conserve the interests of the Commonwealth. Such rules and regulations shall be compatible with the purposes for which the State forests are created, namely to provide a continuous supply of timber, lumber, wood, and other forest

products, to protect the watersheds, conserve the waters, and regulate the flow of rivers and streams of the State and to furnish opportunities for healthful recreation to the public.

(h) Any person may petition the Environmental Quality Board to initiate a rule making proceeding for the issuance, amendment or repeal of a regulation administered and enforced by the department. ((h) added Oct. 10, 1980, P.L.805, No.153)

(i) The chairman of the Environmental Quality Board may suspend any regulation promulgated solely to meet a requirement of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, when the requirement is no longer binding upon Pennsylvania. Notice of the suspension shall be published in the Pennsylvania Bulletin. Within sixty days after the suspension, the Environmental Quality Board shall reconsider the suspended regulation and shall promulgate, amend or repeal the regulation pursuant to the requirements of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law. ((i) added Oct. 10, 1980, P.L.805, No.153)

(j) The board shall promulgate regulations under the act of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams Law," or other laws of this Commonwealth that require that the water quality criteria for manganese established under 25 Pa. Code Ch. 93 (relating to water quality standards) shall be met, consistent with the exception in 25 Pa. Code § 96.3(d) (relating to water quality protection requirements). Within ninety days of the effective date of this subsection, the board shall promulgate proposed regulations. ((j) added Oct. 30, 2017, P.L.379, No.40)

(1920-A added Dec. 3, 1970, P.L.834, No.275)

Compiler's Note: Section 313(f) of Act 18 of 1995, which created the Department of Conservation and Natural Resources and renamed the Department of Environmental Resources as the Department of Environmental Protection, provided that the Department of Conservation and Natural Resources shall continue any power to formulate, adopt and promulgate rules and regulations heretofore vested in the Environmental Quality Board by section 1920-A insofar as that power relates to the power and duty to promulgate regulations imposed upon the Department of Forests and Waters, the Secretary of Forests and Waters, the Pennsyvlania State Park and Harbor Commission of Erie and the State Forest Commission.

Compiler's Note: Section 502(a) of Act 18 of 1995, which created the Department of Conservation and Natural Resources and renamed the Department of Environmental Resouces as the Department of Environmental Protection, provided that the Environmental Quality Board shall continue to exercise any power to formulate, adopt and promulgate rules and regulations currently vested in the Evironmental Quality Board set forth in section 1920-A, except that the Department of Conservation and Natural Resources shall be vested with the power and duty to promulgate regulations imposed upon the Department of Forests and Waters, the Secretary of Forests and Waters, the Pennsylvanai State Park and Harbor Commission of Erie and the State Forest Commission.

Compiler's Note: Section 502(c) of Act 18 of 1995, which created the Department of Conservation and Natural Resources and renamed the Department of Environmental Resouces as the Department of Environmental Protection, provided that the Environmental Quality Board shall have

the powers and duties currently vested in the Environmental Quality Board, except as vested in the Department of Conservation and Natural Resources by Act 18 of 1995, which powers and duties include those set forth in section 1920-A(h) and (i).

Section 1921-A. Environmental Hearing Board.--(1921-A repealed July 13, 1988, P.L.530, No.94)

Section 1922-A. Citizens Advisory Council.--(a) The Citizens Advisory Council shall review all environmental laws of the Commonwealth and make appropriate suggestions for the revision, modification and codification thereof.

(b) The council shall consider, study and review the work of the Department of Environmental Resources and for this purpose, the council shall have access to all books, papers, documents and records pertaining or belonging to the department.

(c) The council shall advise the department, on request, and shall make recommendations upon its initiative, for the improvement of the work of the department.

(d) The council shall report annually to the Governor and to the General Assembly and may make such interim reports as are deemed advisable.

(1922-A added Dec. 3, 1970, P.L.834, No.275)

Compiler's Note: The Department of Environmental Resources, referred to in subsec. (b), was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 1923-A. State Board for Certification of Sewage Treatment Plant and Waterworks Operators.--The State Board for Certification of Sewage Treatment Plant and Waterworks Operators shall continue to exercise the powers and perform the duties by law vested in and imposed upon said board.

(1923-A added Dec. 3, 1970, P.L.834, No.275)

Section 1924-A. Topographic and Geologic Survey.--(1924-A repealed June 30, 1995, P.L.89, No.18)

Section 1925-A. Soil Conservation.--The State Soil Conservation Commission shall continue to exercise the powers and perform the duties by law vested in and imposed upon said commission.

(1925-A added Dec. 3, 1970, P.L.834, No.275)

Section 1926-A. Lease of Land for Right-of-Way.--(1926-A repealed June 30, 1995, P.L.89, No.18)

Section 1927-A. Natural Gas Determinations.--The Department of Environmental Resources shall have the power and its duty shall be:

(1) To exercise jurisdiction with respect to making "determinations" pursuant to Title V, sections 501 and 503 of the Federal Natural Gas Policy Act of 1978, Public Law 95-621 (hereinafter referred to as the "NGPA") on behalf of the Commonwealth of Pennsylvania, and only to the extent required to comply with Title I and Title V of the NGPA and the regulations promulgated thereunder.

(2) To do all such things and take all such actions as may be necessary to implement procedures required for compliance with Title I and Title V of the NGPA as they apply to determinations with respect to certification of natural gas wells and production of natural gas in the Commonwealth, taking into account fully the particular facts and circumstances applicable to such activities in the Commonwealth, and to fully and efficiently carry out on behalf of the Commonwealth the functions, duties and powers which are to be exercised by a

"State agency" under Title V of the NGPA, including specifically, without limiting the foregoing, establishing procedures and general and alternative requirements, promulgating rules, regulations and orders, establishing reasonable filing fees, making specified determinations, executing on behalf of the Commonwealth agreements or contracts with appropriate Federal agencies, expending such funds as are made available to such department for such purposes, and making such reports and certifications as are called for. All fees collected by the department under this section shall be deposited in the General Fund.

(1927-A added June 28, 1979, P.L.51, No.21)

Compiler's Note: Section 2 of Act 21 of 1979, which added section 1927-A, provided that nothing in act 21 shall be interpreted or construed to affect the authority and powers of the Department of Environmental Resources except as specifically set forth herein.

Section 3 of Act 21 of 19179 provided that Act 21 shall take effect immediately and shall be retroactive to November 8, 1978: Provided, however, That the authorization granted to the Department of Environmental Resources hereunder shall expire at such time as its "State agency" functions under the Federal Natural Gas Policy Act of 1978, Public Law 95-621, as enacted, amended or supplemented from time to time, no longer apply.

Section 1928-A. Conflict of Interest in Mining and Oil and Gas Regulation.--(a) No employe of the Department of Environmental Resources performing any function or duty within the scope of activities covered by the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87 (95th Congress) shall have a direct or indirect financial interest in any underground or surface coal mining operation as defined by this act. Whoever knowingly violates the provisions of this subsection shall, upon conviction, be punished by a fine of not more than two thousand five hundred dollars ($2,500) or by imprisonment of not more than one (1) year, or both. Rules and regulations shall be promulgated hereunder to establish methods by which the provisions of this subsection will be monitored and enforced by the Department of Environmental Resources, including but not limited to appropriate provisions for the filing by such employes and the review of statements and supplements thereto concerning any financial interest which may be affected by this subsection.

(b) No employe of the Department of Environmental Resources performing the function or duty of an oil or gas inspector shall act as a manager, employe or agent of any oil or gas drilling operation or of any mine or mining operation, nor shall he or she be interested in any pecuniary way in such operations in this Commonwealth. Whoever knowingly violates the provisions of this subsection shall, upon conviction, be punished by a fine of not more than two thousand five hundred dollars ($2,500) or by imprisonment of not more than one (1) year, or both. Rules and regulations shall be promulgated hereunder to establish methods by which the provisions of this subsection will be monitored and enforced by the Department of Environmental Resources, including but not limited to appropriate provisions for the filing by such employes and the review of statements and supplements thereto concerning any financial interest which may be affected by this subsection.

(1928-A amended May 7, 1982, P.L.383, No.111)

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 1929-A. Expenditures for Correctional Institutions.--Expenditures by the Department of Environmental Resources for utility services for Rockview Correctional Institution under section 2 of the act of June 21, 1978 (P.L.1485, No.16A), entitled "An act to provide for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal period July 1, 1978, to June 30, 1979, and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1978," are validated.

(1929-A added Dec. 18, 1992, P.L.1661, No.183)

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 1930-A. Powers of Environmental Quality Board.--The Environmental Quality Board shall have the power and its duty shall be to review any petition submitted to it to designate an area as unsuitable for surface mining as provided for in section 315(h) through (n) of the act of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams Law," and make designations pursuant thereto: Provided, however, That the board or the Department of Environmental Resources shall not make such designations for surface mining operations regulated by the act of December 19, 1984 (P.L.1093, No.219), known as the "Noncoal Surface Mining Conservation and Reclamation Act." This section shall not apply to any petition to designate an area as unsuitable for noncoal mining operations filed with the Department of Environmental Resources prior to July 30, 1992.

(1930-A added Dec. 18, 1992, P.L.1661, No.183)

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 1931-A. Environmental Resources Review Procedures.--(a) Except as provided in subsection (b), the department shall perform in the manner provided by law or regulation an administrative completeness review of every permit application within twenty (20) days of the receipt of the permit application and notify the applicant on or before the expiration of the twenty-day time period that the permit application is either complete or incomplete. If the department determines that the permit application is incomplete, it shall notify the applicant which forms, items or information are necessary to make the permit application complete. Any permit application resubmitted to the department following a determination that a permit application is incomplete shall be subject to the same requirements for review and notification as the original permit application.

(b) This section shall not apply to any permit application under or relating to:

(1) Any statute which requires a longer period of time for an administrative completeness review.

(2) Hazardous waste governed under any of the following statutes:

Hazardous and Solid Waste Amendments of 1984 (Public Law 98-3221, 98 Stat. 3221).

Act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act.

Act of July 20, 1974 (P.L.572, No.198), known as the Pennsylvania Solid Waste - Resource Recovery Development Act.

Act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act.

Act of October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act.

(3) Municipal waste governed under any of the following statutes:

Act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law.

Act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act.

Act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act.

(4) Infectious and chemotherapeutic waste governed under any of the following statutes:

Act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act.

Act of July 13, 1988 (P.L.525, No.93), referred to as the Infectious and Chemotherapeutic Waste Law.

(5) Residual waste governed under any of the following statutes:

Act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law.

Act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act.

Act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act.

(6) Air quality under the following statutes:

Clean Air Act (Public Law 95-95, 42 U.S.C. § 7401 et seq.).

Act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act.

(c) The department may exempt specific permit applications from the provisions of this section under procedures to be established by regulation of the department.

(d) Failure of the department to notify an applicant that a permit application is either complete or incomplete within the time period required by this section shall result in the administrative completeness review being deemed complete and the permit application being deemed complete.

(e) The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Administrative completeness review." A review by the Department of Environmental Resources to determine whether all forms and information, including, without limitation, appropriate signatures, filing fees, notary seals and maps, necessary as a prerequisite under the applicable statute to enable the Department of Environmental Resources to determine whether the applicant or the conduct of the applicant is in compliance with the law.

"Department." The Department of Environmental Resources of the Commonwealth.

"Permit application." An application filed with the Department of Environmental Resources pursuant to law for a permit, including, without limitation, a permit modification,

a permit amendment, an application for repermitting or a license.

(1931-A added June 22, 1994, P.L.351, No.52)

Compiler's Note: The Department of Environmental Resources, referred to in subsec. (e), was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 1932-A. Tree Harvesting Practices.--(1932-A expired January 1, 1997. See Act 10 of 1996.)

Section 1933-A. Payments for Certain Inspectors.--(a) The Department of Environmental Protection is authorized to pay for the host inspection training program and to pay fifty per centum (50%) of the approved cost of employing a certified host municipality inspector, as provided for in section 1102 of the act of July 28, 1988 (P.L.556, No.101), known as the "Municipal Waste Planning, Recycling and Waste Reduction Act."

(b) The Department of Environmental Protection shall reimburse host municipalities for fifty per centum (50%) of the approved cost of employing certified host municipality inspectors, as provided under section 304 of the act of October 18, 1988 (P.L.756, No.108), known as the "Hazardous Sites Cleanup Act."

(1933-A added July 11, 1996, P.L.619, No.105)

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."

(1934-A added Nov. 26, 1997, P.L.530, No.57)

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.

(1935-A added Nov. 26, 1997, P.L.530, No.57)

Section 1936-A. Recycling Fund Advisory Committee.--(a) The annual expenditure plan recommended by the Recycling Fund Advisory Committee shall be submitted by the Governor to the General Assembly as part of the Governor's annual budget submission. The Recycling Fund expenditure plan shall be open for review and comment by the members of the General Assembly. The recommended Recycling Fund expenditure plan submitted by the Governor as part of the annual budget submission shall include a detailed listing of the types of programs for the actual year, current year and proposed budget year which will receive a higher funding recommendation for the coming fiscal year.

(b) ((b) repealed Dec. 15, 1999, P.L.949, No.68)

(1936-A added Nov. 26, 1997, P.L.530, No.57)

Section 1937-A. Municipal Recycling Grants.--(a) The Department of Environmental Protection shall not award any grant under section 902 of the act of July 28, 1988 (P.L.556, No.101),

known as the "Municipal Waste Planning, Recycling and Waste Reduction Act," unless it is demonstrated to the department's satisfaction that:

(1) The application is complete and accurate.

(2) The recycling program for which the grant is sought does not duplicate any other recycling programs, private or municipally operated, operating within the county. This restriction applies to a grant application for a recycling program operated by a municipality regardless of whether it will be operated solely by the municipality, or by the municipality contracting with a private entity, passing all or a portion of the grant monies through to a private entity, otherwise funding a private entity or in any other manner partnering with a private entity. Acceptable proof that a newly proposed recycling project for which a grant is being sought will not duplicate any other existing municipally or privately operated program shall include, but not be limited to:

(i) A statement from the county recycling coordinator that the applicant has secured a list of known recycling enterprises operating within the county.

(ii) For grant applications in excess of thirty thousand dollars ($30,000), notification of such a grant application, in sufficient detail to describe what will be accomplished with the grant, in a newspaper of general circulation which shall be published once a week for four consecutive weeks.

(iii) Copies of all written responses received as a result of notification under subparagraph (ii).

(3) The department will deny a grant application that does not submit proof of publication and a list of known recycling enterprises.

(4) If the municipality proposes to use some or all of the grant funds to purchase mechanical processing equipment, the equipment is not available to the program in the private sector. Before submitting the application to the department, the municipality shall obtain a written statement from the appropriate county recycling coordinator that the applicant has secured a list of known recycling enterprises operating within the county and publish in a newspaper of general circulation a notice describing in reasonable detail the equipment which the municipality proposes to purchase and the proposed uses of the equipment and allow thirty (30) days for written response from any interested persons. The application shall describe the responses received and shall explain why the municipality has concluded that such equipment is not available from the private sector. Grants awarded under this section for the purchase of equipment will be prorated if it is determined that the equipment proposed to be purchased by the municipality with funds from a grant awarded under this section will not be used exclusively for the purposes stated on the recycling grant application.

(b) (1) The department may not award any grant under the "Municipal Waste Planning, Recycling and Waste Reduction Act" to any county or municipality that has failed to comply with the conditions set forth in previously awarded grants under that act, the requirements of that act, this section and any regulations promulgated pursuant thereto.

(2) The department may make an exception for a county or municipality which proposes to partner with a not-for-profit agency which will utilize the grant to fund the processing of recycled materials identified in section 1501(c)(1)(i) of the "Municipal Waste Planning, Recycling and Waste Reduction Act" or the manufacturing of products made from those materials.

(c) (1) Subsections (a) and (b) shall not apply if the recycling needs of all the citizens of the county cannot be met.

(2) Subsections (a) and (b) shall not apply to any municipality that has received any grant under section 902 of the "Municipal Waste Planning, Recycling and Waste Reduction Act" prior to the effective date of this section.

((c) amended Oct. 30, 2017, P.L.379, No.40)

(d) The fee imposed under section 701 of the "Municipal Waste Planning, Recycling and Waste Reduction Act," shall continue to be imposed on and after January 1, 2020. ((d) added Oct. 30, 2017, P.L.379, No.40)

(e) The money in the Recycling Fund established under section 706 of the "Municipal Waste Planning, Recycling and Waste Reduction Act" shall not be transferred to the Solid Waste Abatement Fund and shall remain in the Recycling Fund for the purposes set forth under the "Municipal Waste Planning, Recycling and Waste Reduction Act." ((e) added Oct. 30, 2017, P.L.379, No.40)

(1937-A added Nov. 26, 1997, P.L.530, No.57)

Section 1938-A. Water Treatment Facilities.--The water treatment facilities providing water disposal services exclusively relating to conventional oil and gas wells and operating under National Pollutant Discharge and Elimination System and other permits issued by the Department of Environmental Protection, shall be allowed to operate under existing permits as of the effective date of this subsection, through December 31, 2019. For the purpose of this subsection, the term "conventional oil and gas well" shall have the same meaning as provided in section 2 of the act of June 23, 2016 (P.L.375, No.52), known as the "Pennsylvania Grade Crude Development Act."

(1938-A added Oct. 30, 2017, P.L.379, No.40)

ARTICLE XIX-B
POWERS AND DUTIES OF DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
(Art. added Oct. 30, 2017, P.L.379, No.40)

Section 1901-B. (Reserved).

(1901-B added Oct. 30, 2017, P.L.379, No.40)

Section 1902-B. State park feasibility study.

The Department of Conservation and Natural Resources shall conduct a feasibility study for the establishment of a State park in Wyoming County, and shall report the results of the study to the General Assembly within one year of the effective date of this section. The study shall include an appraisal of the fair market value of the real property proposed for the State park.

(1902-B added Oct. 30, 2017, P.L.379, No.40)

ARTICLE XX
POWERS AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION
(Hdg. amended May 6, 1970, P.L.356, No.120)

Compiler's Note: See the preamble and sections 19, 20, 21, 22 and 23 of Act 120 of 1970 for special provisions relating to legislative policy, abolition of certain agencies, transfers of appropriations, personnel, etc.,

from Department of Highways, etc., to the Department of Transportation, certain repeals and effective date.

Section 2001. Powers and Duties in General.--The Department of Transportation shall, subject to any inconsistent provisions in this act contained, exercise the powers and perform the duties by law vested in and imposed upon the said department, the Secretary of Transportation, the former State Highway Department, former State Highway Commissioner, the former Department of Highways, the former Secretary of Highways, those powers and duties relating to certificates of title, licensing of operators, registration of motor vehicles, tractors, trailers and semi-trailers, licensing of motor vehicles and tractors and exemptions and reciprocal agreements vested in and imposed upon the Department of Revenue and the Secretary of Revenue by the act of April 29, 1959 (P.L.58), known as "The Vehicle Code," and its amendments, and by section 13 of the act of June 19, 1964 (P.L.7), known as the "Motor Carriers Road Tax Act," and shall perform the functions and duties heretofore imposed upon and performed by the Bureau of Motor Vehicles in the Department of Revenue, the Bureau of Traffic Safety in the Department of Revenue, the Department of Commerce in regard to the High-Speed Rail Demonstration Programs, the Mass Transportation Division in the Bureau of Community Development of the Department of Community Affairs, the Department of Community Affairs and the Secretary of Community Affairs by the act of January 22, 1968 (Act No. 7), known as "The Pennsylvania Transportation Assistance Authority Act of 1967," and the act of January 22, 1968 (Act No. 8), known as the "Pennsylvania Urban Mass Transportation Assistance Law of 1967," and the former Pennsylvania Aeronautics Commission in the Department of Military Affairs.

(2001 amended May 6, 1970, P.L.356, No.120)

Compiler's Note: The Department of Commerce, referred to in this section, was renamed the Department of Community and Economic Development by Act 58 of 1996. The Department of Community Affairs, referred to this section, was abolished by Act 58 of 1996 and the functions were transferred to the Department of Community and Economic Development. The Secretary of Community Affairs, referred to in subsec. (b), was abolished by Act 58 of 1996 and the functions were transferred to the Secretary of Community and Economic Development.

Section 2001.1. Certain Contracts by the Secretary.--The secretary shall enter into all necessary contracts and agreements with the proper agencies of any government, Federal, State and/or political subdivision and/or any private agency and shall do all other things necessary and proper in order to obtain any benefits afforded under the provisions of any act of the United States Congress, the General Assembly of the Commonwealth of Pennsylvania and/or any governing body of any political subdivision of the Commonwealth of Pennsylvania, and also the governing body of any private agency for any purpose connected in any way with the Department of Transportation of the Commonwealth of Pennsylvania. The secretary is authorized to hold the Federal Government harmless from damages due to construction, operation and maintenance of emergency streambank protection projects under section 103(j) of the Water Resources Development Act of 1986 (Public Law 99-662, 33 U.S.C. § 2213(j)), except for damages due to the fault or negligence of the Federal Government or its contractors.

(2001.1 amended Dec. 18, 1992, P.L.1638, No.180)

Section 2001.2. Prohibition of Diversion of Funds.--Disbursement of funds from the Motor License Fund shall be limited as follows:

It is the sense of the Legislature that, although the Department of Transportation includes within its purview not only the former Department of Highways but also other boards, bureaus, commissions and instrumentalities as well, Article VIII, section 11 of the Constitution of Pennsylvania 1968 must be unequivocally adhered to.

Thus, all proceeds therein enumerated are to be used solely and exclusively for the purposes and to the extent provided therein.

(2001.2 added May 6, 1970, P.L.356, No.120)

Section 2001.3. Deputy Secretaries.--(a) The Secretary of Transportation shall appoint, with the approval of the Governor, six deputy secretaries who shall have the title of Deputy Secretary for Administration, Deputy Secretary for Highway Administration, Deputy Secretary for Safety Administration, Deputy Secretary for Planning, Deputy Secretary for Local and Area Transportation and Deputy Secretary for Aviation.

(b) The Deputy Secretary for Administration, with the approval of the Secretary of Transportation, shall have the powers and perform the duties and functions under this act regarding the fiscal affairs of the department, the management information systems, office services, personnel, and operations analysis and improvement.

(c) The Deputy Secretary for Highway Administration, with the approval of the Secretary of Transportation shall have the powers and perform the functions and duties provided in sections 2002 through 2009 of this act regarding the design, construction, maintenance and land acquisition of State designated highways and shall assure that the design, maintenance, operation and replacement of highways will be such as to protect health and minimize danger to life or property.

(d) The Deputy Secretary for Safety Administration, with the approval of the Secretary of Transportation shall conduct a continuing study of means to prevent accidents and injuries on the highways, shall have the powers and perform the duties and functions heretofore imposed upon and performed by the Bureau of Motor Vehicles in the Department of Revenue and the Bureau of Traffic Safety in the Department of Revenue and shall exercise such powers and duties with regard to safety in other modes of transportation as may be prescribed by law.

(e) The Deputy Secretary for Planning, with the approval of the Secretary of Transportation shall have the powers and perform the functions and duties provided in this act with regard to environment, conservation, health, recreation and social considerations, transportation planning statistics, economic research, program and budget and advance planning.

(f) The Deputy Secretary for Local and Area Transportation, with the approval of the Secretary of Transportation shall have the powers and perform the functions and duties provided in sections 2002 and 2003 regarding services to municipalities, local and public transportation, planning, development and funding of local and public transportation, technological development of rail, water or other modes of transportation (except recreational boating and ferry licensing), environmental design, improvement of transportation services and shall perform the functions and duties heretofore imposed upon and performed by the Mass Transportation Division in the Bureau of Community Development of the Department of Community Affairs, by the

Secretary of Community Affairs under the act of January 22, 1968 (P.L.42, Act No.8), known as the "Pennsylvania Urban Mass Transportation Law," by the Department of Commerce in regard to High-Speed Rail Demonstration Programs and by the former Department of Highways in regard to the distribution of liquid fuels taxes to the municipalities and townships.

(g) The Deputy Secretary for Aviation, with the approval of the Secretary of Transportation shall have the powers and perform the functions and duties as provided by law relating to the department's responsibilities for aviation, airports and air safety within the Commonwealth.

(2001.3 amended June 22, 1982, P.L.573, No.166)

Compiler's Note: The Department of Commerce, referred to in subsec. (f), was renamed the Department of Community and Economic Development by Act 58 of 1996. The Department of Community Affairs, referred to in subsec. (f), was abolished by Act 58 of 1996 and the functions were transferred to the Department of Community and Economic Development. The Secretary of Community Affairs, referred to in subsec. (f), was abolished by Act 58 of 1996 and the functions were transferred to the Secretary of Community and Economic Development.

Section 2001.4. State Transportation Advisory Committee.--There is hereby created a State Transportation Advisory Committee which shall consist of thirty members, of which eight shall be ex officio members, to wit; the Secretary of Transportation, the Executive Director of the State Planning Board, the Chairman of the Public Utility Commission, the Secretary of Commerce, the Secretary of Education, the Secretary of Forests and Waters, the Secretary of Agriculture, the Secretary of Community Affairs, two members of the House of Representatives to be appointed by the Speaker and who shall not be members of the same political party, two members of the Senate to be appointed by the President Pro Tempore and who shall not be members of the same political party and eighteen additional public members. Each ex officio member may designate a representative from within his department, board, or commission to serve in his stead. An ex officio member who designates a representative shall notify the chairman, in writing, of such designation.

The Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives each shall appoint six public members to the State Transportation Advisory Committee. The public members must have recent and extensive experience and knowledge in the fields of transportation of people and goods from industry, labor, academic, consulting, research sources and the appointing authorities shall give due consideration to insure a balanced representation by facilities and modes for air, land and water transportation as they exist in the Commonwealth, both public and private. Two of the initially appointed members of the committee designated by each appointive power shall serve one year, two for terms of two years and two for terms of three years from the date of their appointment. A term of each initially appointed member shall be designated by the appointive person, but their successors shall each be appointed for terms of three years. Any person appointed to fill a vacancy shall serve for only the unexpired term. Any member of the committee may be appointed to succeed himself.

The Governor shall annually designate the chairman from among the public members.

The State Transportation Advisory Committee shall meet the first Monday in February of each year and hold at least three additional meetings during the calendar year. It shall have the power and its duty shall be to consult with and advise the State Transportation Commission and the Secretary of Transportation in behalf of all the transportation modes of the Commonwealth and to aid and assist the State Transportation Commission and the Secretary of Transportation in the determination of goals and the allocation of available resources among and between the alternative modes in the planning, development and maintenance of programs, and technologies for transportation systems and to advise the several modes the planning, programs and goals of the department, and the State Transportation Commission.

(2001.4 amended June 21, 1973, P.L.63, No.26)

Compiler's Note: Section 905 of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that, in place of the membership of the Secretary of Community Affairs on the State Transportation Advisory Committee under this section, the Governor shall make an additional appointment under this section. The Secretary of Commerce, referred to in this section, was renamed the Secretary of Community and Economic Development by Act 58 of 1996.

Section 2001.5. Mandatory Deduction of Bridge Inspection Costs.--(a) Upon receipt from the Department of Transportation of a list concerning the nonreimbursed costs incurred in the inspection of county bridges under section 2002(a)(19) of this act, the Department of Revenue shall deduct that appropriate amount of cost from the individual county allocation under the act of May 21, 1931 (P.L.149, No.105), known as "The Liquid Fuels Tax Act," and shall deposit that sum to the credit of the Department of Transportation.

(b) The Department of Transportation shall deduct the nonreimbursed costs incurred in the inspection of municipal bridges under section 2002(a)(19) of this act from the individual municipal allocation under the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law, and shall deposit that sum to the credit of the Department of Transportation.

(2001.5 added Mar. 30, 1988, P.L.329, No.44)

Section 2002. Powers and Duties of the Department.--(a) The Department of Transportation in accord with appropriations made by the General Assembly, and grants of funds from Federal, State, regional, local or private agencies, shall have the power, and its duty shall be:

(1) To develop and maintain a continuing, comprehensive and coordinated transportation planning process;

(2) To develop programs designed to foster efficient and economical public transportation services in the State;

(3) To prepare plans for the preservation and improvement of the commuter railroad system;

(4) To develop plans for more efficient public transportation service by motor bus operation;

(5) To prepare and develop plans and programs for all modes of urban transportation, including in addition to commuter rail and motor bus, rapid rail, trolley coach, surface rail, corridor rail, and other innovative modes of urban transportation;

(6) To coordinate the transportation activities of the department with those of other public agencies and authorities;

(7) To cooperate with interstate commissions and authorities, State departments, councils, boards, commissions, authorities and other State agencies, with political subdivisions of the Commonwealth, with appropriate Federal agencies, public agencies in other states, and with interested private individuals and organizations in the coordination of plans and policies for the development of ground, air and water commerce and facilities;

(8) To mark, build, rebuild, relocate, fix the width of, construct, repair, and maintain State designated highways and transportation facilities and rights of way;

(9) To undertake the powers and duties formerly performed by the Department of Community Affairs under the act of January 22, 1968 (Act No.8), known as the "Pennsylvania Urban Mass Transportation Assistance Law of 1967," and the powers and duties formerly performed by the Department of Community Affairs and the Department of Commerce under the act of January 22, 1968 (Act No.7), known as "The Pennsylvania Transportation Assistance Authority Act of 1967."

(10) To have exclusive authority and jurisdiction over all State designated highways;

(11) To superintend, supervise and control the work of constructing, reconstructing, maintaining and repairing State designated highways, and other transportation facilities and rights of way;

(12) To enter into contracts for designing, constructing, repairing, or maintaining, State designated highways, and other transportation facilities and rights of way, airports or any parts thereof, as may now or hereafter be provided by law;

(13) To prepare and submit every even-numbered year prior to the first day of September, to the State Transportation Commission for its consideration, a program which it recommends to be undertaken by the Department of Transportation during the twelve fiscal years next ensuing. Each two years thereafter, the Department of Transportation, taking into consideration the recommendations of the State Transportation Commission, and other relevant information, shall review, revise, adjust and extend its construction program for two years.

Copies of construction programs shall be supplied to the members of the General Assembly and shall be open to the public for inspection and shall be made available to interested persons. The priority of improvement shall be based upon relative need and sufficiency ratings maintained by the department.

((13) amended July 7, 1989, P.L.241, No.42)

(14) To appear or intervene as a party, when the secretary deems it appropriate, before the Public Utility Commission when transportation problems are being considered by the commission.

(15) To consult with appropriate officials as designated by the chief administrative officer of the Department of Agriculture, the Department of Environmental Resources, the Department of Community Affairs, the Department of Health and the Fish Commission regarding the environmental hazards and the agricultural, conservation, sanitary, recreation and social considerations that may arise by reason of the location, design, construction or reconstruction of any transportation or air facility.

No highway, transit line, highway interchange, airport, or other transportation corridor or facility, shall be built or expanded in such a way as to use any land from any recreation area, wildlife and/or waterfowl refuge, historic site, State forest land, State game land, wilderness areas or public park

unless: (i) there is no feasible and prudent alternative to the use of such land, and (ii) such corridor or facility is planned and constructed so as to minimize harm to such recreation area, wildlife and/or waterfowl refuge, historic site, State forest land, State game land, wilderness area, or public park.

((15) amended July 7, 1989, P.L.241 No.42)

(16) To represent the transportation interests of the Commonwealth including any of its agencies or instrumentalities at the direction of the Governor, or when the secretary deems it appropriate before any Federal agency or commission which determines national or regional transportation rates, routes or policy.

(17) To acquire, by purchase, lease, eminent domain proceedings, gift or otherwise, so as to restore or replace, for just compensation, from a railroad, or in the event any such railroad is subject to a proceeding under the Bankruptcy Law, by a direction from the court having jurisdiction in such bankruptcy proceedings to the trustee or trustees or the debtor to offer to convey to the State, for just compensation, all of its right, title, and interest free and clear of all encumbrances, in any right-of-way, track and other related real and personal property on any branch line or other railroad within the State which has been damaged or destroyed within the period between January 1, 1972 and December 31, 1972 as a result of natural disaster or suspended by action of its owners or operator and which have not been scheduled for restoration or replacement under a Federal loan program and provided that there is demonstrated a valid need for the establishment or reestablishment of railroad service in the affected area. ((17) added June 27, 1973, P.L.81, No.35)

(18) To sell or lease any right-of-way, track, and other related real and personal property on any branch line or other railroad within the State which has been damaged or destroyed within the period between January 1, 1972 and December 31, 1972 as a result of natural disaster or suspended by action of its owners or operator which has been acquired for restoration or replacement, so as to provide for the operation of restored or replaced railroad lines with regional and local public bodies and agencies and private corporations with the technical capability to carry out the proposed railroad service. ((18) added June 27, 1973, P.L.81, No.35)

(19) To compile, maintain and forward to the Federal Highway Administration data on all bridges in the Commonwealth carrying public highways which are twenty or more feet in length, without regard to ownership. In carrying out this duty, the department is authorized to and directed to inspect those bridges owned by municipalities and counties which do not conduct the required biennial inspection, to post the inspected bridges with the required information and to collect all nonreimbursed costs from those municipalities and counties under section 2001.5. No action shall be commenced by the department until the department has notified in writing those municipalities and counties sixty (60) days prior to the required bridge inspection due date of its intention to inspect those bridges which are not inspected by said date. The notice shall include a statement that the department will deduct the nonreimbursed cost of the inspection performed by the department from the respective municipal or county individual allocation under the act of May 21, 1931 (P.L.149, No.105), known as "The Liquid Fuels Tax Act," and the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law. ((19) added Mar. 30, 1988, P.L.329, No.44)

(b) Upon the submission of the preliminary plan or design to the Department of Transportation for any transportation route or program requiring the acquisition of new or additional right-of-way, the Department of Transportation except in cases involving complaint proceedings under the jurisdiction of the Public Utility Commission shall have the power and its duty shall be to follow the hearing procedures now or hereafter required by the Federal Government for Federal-aid transportation programs pursuant to Titles 23 and 49 of the United States Code as amended and the regulations and procedures thereunder even though the transportation route or program does not contemplate the use of or actually employ Federal funds. At the hearings required by this subsection the Department of Transportation shall consider the following effects of the transportation route or program: (Par. amended May 9, 1972, P.L.271, No.65)

(1) Residential and neighborhood character and location;

(2) Conservation including air, erosion, sedimentation, wildlife and general ecology of the area;

(3) Noise, and air and water pollution;

(4) Multiple use of space;

(5) Replacement housing;

(6) Displacement of families and businesses;

(7) Recreation and parks;

(8) Aesthetics;

(9) Public health and safety;

(10) Fast, safe and efficient transportation;

(11) Civil defense;

(12) Economic activity;

(13) Employment;

(14) Fire protection;

(15) Public utilities;

(16) Religious institutions;

(17) Conduct and financing of government including the effect on the local tax base and social service costs;

(18) Natural and historic landmarks;

(19) Property values;

(20) Education, including the disruption of school district operations;

(21) Engineering, right-of-way and construction costs of the project and related facilities;

(22) Maintenance and operating costs of the project and related facilities;

(23) Operation and use of existing transportation routes and programs during construction and after completion.

At the hearings required by this section, the public officials named in clause (15) of subsection (a) of this section shall make a report indicating the environmental effects of the proposed transportation route or program. The Department of Transportation shall not construct or reconstruct any portion of the transportation route or program unless the Secretary of Transportation makes a written finding published in the Pennsylvania Bulletin that:

(1) No adverse environmental effect is likely to result from such transportation route or program; or

(2) There exists no feasible and prudent alternative to such effect and all reasonable steps have been taken to minimize such effect. For the purpose of this subsection environmental effect shall refer to the effects enumerated in this subsection.

(c) Any other provision of law to the contrary notwithstanding, the department may lease real property acquired for any State designated highway or other transportation

facility as is not required for the free movement of traffic, upon the following terms and conditions in each case: (Par. amended Dec. 9, 1982, P.L.1077, No.251)

(1) The opportunity to lease any parcel of real property shall first be offered to interested public agencies; however, if there be no such agency desiring to lease, then the department may lease to one or more private entities: Provided, That all private entities shall make payments in lieu of taxes to the political subdivisions in which such leased property is located in an amount equal to the annual taxes that would normally be due on such property, if taxable. Prior to requiring a payment in lieu of taxes, the political subdivision shall have the leased property reassessed to reflect any change in value caused by the construction of the highway or other transportation facility: And provided, further, That the department may lease to a private entity during the interim period between property acquisition and construction without first offering public agencies opportunity to lease the parcel. ((1) amended Dec. 9, 1982, P.L.1077, No.251)

(2) The lessee or sublessee shall pay all costs incident to:

(i) alteration or construction for its own use of the leased area;

(ii) any change in the highway or other transportation facility occasioned by such use;

(iii) relocation or replacement of public utility facilities, not exceeding the capacity of those occupying the leased area at the time of lease, occasioned by such use;

(iv) relocation or replacement of the related facilities of a consumer of public utility services occasioned by any required relocation of the facilities of the serving utility; and

(v) relocation or replacement of the facilities of an occupant of property abutting the highway or other transportation facility occasioned by any alteration, construction, change, relocation or replacement described in the foregoing subclauses (i), (ii) and (iii).

Revenue derived from any lease of land originally acquired for highway purposes shall be deposited in the Motor License Fund.

((c) added Mar. 13, 1974, P.L.194, No.37)

(d) The secretary shall have the power to promulgate such reasonable rules and regulations as he deems necessary to carry out the provisions of this section. ((d) added Mar. 13, 1974, P.L.194, No.37)

(e) Any person aggrieved by findings made or actions taken under clause (15) of subsection (a) or subsection (b) shall have the right to appeal to the Court. This appeal shall be the sole and exclusive judicial remedy available to contest any such findings or actions. ((e) added Oct. 4, 1978, P.L.972, No.192 and repealed in part Oct. 5, 1980, P.L.693, No.142)

(2002 amended May 6, 1970, P.L.356, No.120)

Compiler's Note: The Department of Commerce, referred to in subsec. (a)(9), was renamed the Department of Community and Economic Development by Act 58 of 1996. The Department of Community Affairs, referred to in this section, was abolished by Act 58 of 1996 and the functions were transferred to the Department of Community and Economic Development.

Compiler's Note: The Department of Environmental Resources, referred to in subsec. (a), was abolished by Act 18 of

1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Compiler's Note: The name of the Pennsylvania Fish Commission, referred to in subsec. (a)(15), was changed to the Pennsylvania Fish and Boat Commission by Act 30 of 1991. See 30 Pa.C.S. § 308 (relating to designation of commission).

Compiler's Note: Section 321 of Act 142 of 1980 provided that the time for appeal under section 2002(e) shall run from the publication of the findings required in section 2002(b).

Section 2003. Machinery, Equipment, Lands and Buildings.--The Department of Transportation in accord with appropriations made by the General Assembly, and grants of funds from Federal, State, regional, local or private agencies, shall have the power, and its duty shall be: (Par. amended May 6, 1970, P.L.356, No.120)

(a) Subject to the limitations hereinbefore in this act contained, to purchase and maintain materials, supplies, and equipment, necessary for the construction and repair of highways and State-owned airports, and to employ all labor necessary therefor; ((a) amended May 6, 1970, P.L.356, No.120)

(b) If necessary in order to expedite and more efficiently to carry out the work of the department, to purchase and maintain, at the expense of the department, vehicles, and aircraft; ((b) amended May 6, 1970, P.L.356, No.120)

(c) To purchase and acquire and lease lands, in the name of the Commonwealth, and situated anywhere therein, containing stone suitable for use in the construction or maintenance of highways, and to quarry and prepare the stone therein for use in the construction and maintenance of the State highways or State-aid highways, and to manufacture any other material used in the construction or maintenance thereof, and to use such stone and material so quarried, prepared, and manufactured, for such construction and maintenance, or to sell, furnish, and supply the same to contractors engaged in building or maintaining the State highways or State-aid highways, or to the townships for the construction and maintenance of roads and bridges, upon such terms and conditions, and for such price, as the department shall deem best for the interests of the Commonwealth;

(d) To erect such buildings, and purchase such machinery, as may be necessary or essential for the proper prosecution of the work of quarrying and preparing stone and manufacturing materials for use in the construction and maintenance of State highways and State-aid highways, and to employ all labor required for the operation thereof;

(e) (1) To acquire, by gift, purchase, condemnation or otherwise, land in fee simple or such lesser estate or interest as it shall determine, in the name of the Commonwealth, for all transportation purposes, including marking, rebuilding, relocating, widening, reconstructing, repairing and maintaining State designated highways and other transportation facilities, and to erect on the land thus acquired such structures and facilities, including garages, storage sheds or other buildings, as shall be required for transportation purposes. Except for acquisitions for airport and airport-related purposes, land shall not be acquired for any capital project unless the project is itemized in an approved capital budget. Notwithstanding any other provision of this or any other act, when the department seeks to take by appropriation real property or an interest in

real property which the department intends to use for other than operating right-of-way for facilities such as maintenance buildings and construction facilities and such real property or interest therein belongs to a railroad, the department shall show by clear and convincing evidence that the activity contemplated on the site proposed to be appropriated could not have been conducted economically at an alternate location. Notwithstanding anything to the contrary contained in this or any other act, the term "transportation purposes" as used herein shall include acquisitions for all airport and airport-related purposes, and the procedures of this act shall apply to all such acquisitions. ((1) amended Dec. 18, 1992, P.L.1638, No.180)

(2) In addition to land required for highways and other transportation facilities, the department may acquire:

(i) Landlocked parcels and other remainders except that remainders may be condemned only if department appraisals indicate that no substantial savings can be effected by acquiring only the land required for right-of-way purposes:

(A) Prior to condemning a remainder, other than a landlocked parcel, the department shall offer to review with the landowners its decision to acquire the remainder and the appraisal or appraisals on which the decision was based.

(B) ((B) repealed May, 4, 2006, P.L.112, No.34)

(ii) Land abutting a highway or other transportation facility if the secretary determines that such land has been or is likely to be adversely affected by reason of its proximity to such highway or other transportation facility, or is required for the purpose of mitigating adverse effects on other land adversely affected by its proximity to such highway or other transportation facility; and

(iii) The fee underlying any easement previously acquired by the department.

(3) Notwithstanding any inconsistent provisions in this or any other act, the provisions of section 306 restricting the condemnation of prime agricultural land shall be applicable to condemnation proceedings by the department.

(4) The secretary shall make payments in lieu of real estate taxes to the county, municipality and school district on excess remainders, landlocked parcels and any other land or improvements located outside of the right-of-way until such land shall be used for highway or other transportation purposes, or conveyed.

(5) Lands which are being used at the time of acquisition for productive agricultural purposes shall continue to be made available to the owner for such purposes until actually needed for the transportation project.

(6) In order to acquire land under this clause, a description or plan thereof shall be prepared, containing the names of the owners or reputed owners, an indication of the estate or interest to be acquired and such other information as the department shall deem necessary. Execution by the secretary of such description or plan shall constitute authority for the filing of a declaration of taking in accordance with the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the "Eminent Domain Code." The description or plan shall be filed as a public record in the department.

(7) ((7) repealed July 9, 2010, P.L.454, No.58)

(8) If the department acquires lands for transportation purposes other than highways, the prohibition contained in section 2001.2 shall apply.

(9) The secretary shall have the power to promulgate such rules and regulations as he deems necessary to carry out the provisions of this clause.

((e) amended Dec. 7, 1979, P.L.478, No.100)

(f) To rent State-owned equipment related to transportation used by the Department of Transportation to political subdivisions or instrumentalities of the Commonwealth or to any agency, bureau or department of the Federal Government, upon such terms as shall be established by the rules and regulations of the Department, with the approval of the Governor: Providing, however, That such equipment shall not be rented for periods exceeding three months, and to sell at cost to any agency, bureau or department of the Federal Government, any road or bridge building material for which the department may have no immediate need. Where the Department of Transportation cannot utilize or salvage any bridge or structure that is scheduled for demolition or dismantling, then the Department of Transportation shall declare the same surplus and turn the same over to the Department of Property and Supplies to dispose of such surplus material. In disposing of such material, the Department of Property and Supplies shall, on behalf of the Commonwealth of Pennsylvania, sell same at public sale to the highest responsible bidder but only after giving first preference and priority to boards of township supervisors, boards of township commissioners, councils of boroughs and cities, and boards of county commissioners in the county within which the State highway or bridge is located to purchase said surplus at a scrap value less cost of removal, and second priority to similar boards, councils and municipalities of Pennsylvania in adjacent counties at scrap value less cost of removal.

The board, council or municipality so purchasing said scrap material shall be required to dismantle and remove scrap within the time period stipulated by the Department of Property and Supplies.

If more than one board, council or municipality having the same degree of priority as is herein provided shall request or offer to purchase said surplus material, the decision as to which board, council or municipality shall receive preference shall be made or determined by the Department of Transportation and the Department of Property and Supplies according to need.

In case such necessary dismantling and removal from said site is not complied with within a stipulated time limit, then the Department of Transportation shall have the right to dismantle such bridge or structure and dispose of said material, bridge or structure as per policies agreed to between the Departments of Transportation and Property and Supplies.

In the event that the board, council or municipality to whom such surplus was sold shall fail to remove and dismantle the structure within the time period so provided, such sale shall be voided, and the Department of Property and Supplies shall then be free to subject such surplus to sale anew in accordance with the provisions of this clause (f). In the event of such contingency, all purchase moneys paid over to the Commonwealth by the defaulting board, council or municipality shall be refunded by the Commonwealth.

All bridges or structures turned over to boards of township supervisors, boards of township commissioners, council of boroughs, towns or cities, or boards of county commissioners shall be used solely for construction, reconstruction, maintenance and repair of highway, street or road facilities in such political subdivisions.

((f) amended May 6, 1970, P.L.356, No.120)

(f.1) To cause to be displayed on every piece of road building equipment rented by the department a sign indicating such rental. The department shall furnish such sign in every case to the contractor operating the equipment and the sign shall be displayed by the contractor at all times the equipment is being operated on a State rental reimbursement cost. ((f.1) added Nov. 24, 1967, P.L.547, No.268)

(g) To make suitable arrangements for the operation, by persons, associations or corporations, of commissaries for employes of the department engaged in building roads at places remote from any place where board and lodging may be procured by such employes, and to deduct from the pay of such employes and pay to the persons, associations, or corporations operating such commissaries, the amount owing to them by such employes.

(h) To take and condemn rights-of-way over private property, as agent for the Federal Government, where such rights-of-way are not a part of the system of State highways and where satisfactory provisions for reimbursement for the expenses thereof by the Federal Government are made. Any such condemnation shall be under the same procedure as in the case of condemnation for State highways. ((h) added May 21, 1943, P.L.462, No.206)

Saved from Repeal. Subsec. (e)(7) is saved from repeal by section 5(4) of the act of May 4, 2006, P.L.112, No.34, which put into effect the provisions of Title 26 (Eminent Domain).

Compiler's Note: Section 4 of Act 100 of 1979, which amended section 2003(e), provided that it is the legislative intent to establish the authority and procedure for the acquisition of land for all State designated highways and other transportation facilities and for the disposition thereof.

Section 5 of Act 100 of 1979 provided that Act 100 shall not authorize condemnation of land for the opening of any street, lane, alley or public road through any land used as a burial ground or for cemetery purposes or through any land already acquired and intended to be used for a burial ground or for cemetery purposes, nor shall anything herein contained be construed to alter or repeal the requirements of subsection (d) of section 2, act of May 29, 1945 (P.L.1108, No.402), referred to as the Limited Access Highway Law.

Section 2004. Districts.--The Department of Transportation shall have the power, and its duty shall be, to divide the State into suitable districts or divisions or both, and place in charge of each such district or division or both such person as the Secretary of Transportation may in his discretion deem advisable to serve at the pleasure of the secretary. Each such employe shall perform such duties in connection with his district or division or both as the Secretary of Transportation shall prescribe.

(2004 amended May 6, 1970, P.L.356, No.120)

Section 2005. General Road Improvement.--The Department of Transportation shall have the power, and its duty shall be: (Par. amended May 6, 1970, P.L.356, No.120)

(a) To make a survey of all the roads of the State, and a general highway plan of the State, and to compile statistics and collect information relative to the mileage, character, and condition of the roads in the townships and counties of the State;

(b) To investigate and determine upon the various methods of road construction best adapted to the various sections of the State, and to establish standards for the construction and maintenance of highways in various sections, taking into consideration the topography of the country and the natural conditions and the character and ability of the townships and counties to build and maintain roads as provided by law;

(c) In all reasonable ways, to advise and give information to county, city, borough, incorporated town, or township officers, having authority over highways and bridges, relative to the design, construction, repairing, alteration and maintenance of such highways and bridges, and to advise and give information to local governing bodies, in advance, of route additions, deletions and changes in municipalities and townships; ((c) amended Mar. 4, 1970, P.L.119, No.46 and May 6, 1970, P.L.356, No.120)

(d) To aid in promoting road improvement throughout the State, and, for that purpose, to prepare and compile useful information relative to road building and maintenance, which may be disseminated by means of printed bulletins;

(e) To cause to be published maps, showing complete road surveys of each county which shall be kept on sale in the department at the cost of publication. Said maps may be furnished free to any agency, bureau or department of the Federal Government. ((e) amended May 27, 1943, P.L.738, No.313)

(f) To call such State, county, or township road meetings or conventions, at such times and at such places as the department shall deem wise, and to assist in the formation of county associations of township officers and be represented at their conventions.

(g) To take responsibility for bringing all manhole covers, drains and other surface devices up to the grade level or other appropriate level at the time any State highway is reconstructed, repaired or resurfaced.

(1) The department shall give advance notice of the project to the utility owner and offer the owner the opportunity to undertake the improvements required under this clause. Such advance notice shall be commensurate with the nature and scope of the improvements to be performed by the utility owner within such time as may be determined by the department.

(2) If the owner does not make the improvements within such time as may be determined by the department, the department may perform or cause to be performed the work as required under such terms as may be acceptable to the department. In construing the provisions of this section, time shall be deemed to be of the essence. Costs incurred may be charged to the owner if the owner is not entitled to reimbursement under section 412 or 412.1 of the act of June 1, 1945 (P.L.1242, No.428), known as the "State Highway Law."

(3) If the owner is a municipality, the department may deduct the costs from any liquid fuel tax payments which shall become due the municipality, but only after notice to the municipality of the amount of the costs and a request for the payment of same.

(4) If the owner is a municipal authority, the department shall have the authority not to issue the municipal authority any highway occupancy permit if the costs incurred by the department for performing the work remain unpaid.

(5)(i) Nothing in this subsection shall be construed to impair, suspend, contract, enlarge, extend or affect in any manner the powers and duties of the Pennsylvania Public Utility Commission as provided in 66 Pa.C.S. §§ 2702 (relating to

construction, relocation, suspension and abolition of crossings), 2703 (relating to ejectment in crossing cases) and 2704 (relating to compensation for damages occasioned by construction, relocation or abolition of crossings).

(ii) For purposes of this clause, the term "utility owner" or "owner" shall not include any utility regulated by the Pennsylvania Public Utility Commission. ((g) added July 1, 1990, P.L.277, No.67)

Section 2006. Township Roads.--The Department of Transportation shall have the power, and its duty shall be: (Par. amended May 6, 1970, P.L.356, No.120)

(a) To have general supervision over all township highways and bridges constructed, improved or maintained, in whole or in part, by the aid of State moneys, and to approve all agreements made by township supervisors for the expenditure of moneys appropriated by the State for road purposes;

(b) To approve plans and specifications and estimates for the erection and repair of township bridges and culverts, and for the construction and maintenance of township highways, but such plans and specifications shall not be approved unless they conform to the standards of the department, and no contract for the repair or construction of any township bridge or culvert or for the reconstruction of a township road shall be valid, unless such contract is in accordance with plans prescribed or unless plans, specifications, and estimates have been prepared or approved by the department;

(c) To furnish, from time to time, bulletins of instruction to the boards of township supervisors throughout the State for the building, repairing, maintenance, and improvement of township roads and bridges, and to furnish any additional information when called upon to do so. The department may also furnish, from time to time, free of charge, standard plans and specifications for permanent improvements in the building of bridges and culverts, establish all grades, proper drainage, and such other matters as may be deemed essential;

(d) To prescribe the method of keeping the township accounts and records of moneys received and expended for highways, machinery, bridges, tools, and implements, and for miscellaneous purposes; from time to time to cause examination of all such accounts and records to be made; and to furnish and supply to the several township officers necessary blanks, forms, and supplies, for the proper conduct of the road work of the township, including a treasurer's book. The department shall also furnish a treasurer's account book to each borough. ((d) amended July 20, 1974, P.L.569, No.196)

Section 2007. State Reward Fund.--(2007 repealed May 6, 1970, P.L.356, No.120)

Section 2008. Toll Roads and Bridges.--The Department of Transportation shall have the power to acquire, for and on behalf of the Commonwealth, by purchase or otherwise turnpike or toll roads, or any parts thereof, or toll bridges, in such manner and under and subject to such terms and conditions as may now or hereafter be provided by law.

(2008 amended May 6, 1970, P.L.356, No.120)

Section 2009. Rebuilding County Bridges Destroyed by Flood, Fire and Other Casualty.--The Department of Transportation shall have the power, and its duty shall be, to prepare plans for and rebuild county bridges over navigable rivers and other streams, where such bridges have been destroyed by flood, fire, or other casualty, as may be provided by law: Provided, however, That such bridges shall be rebuilt only if and when the General

Assembly shall have specifically appropriated funds for such purpose.

(2009 amended May 6, 1970, P.L.356, No.120)

Section 2010. State Bridge Commission.--(2010 repealed Apr. 22, 1949, P.L.725, No.177)

Section 2011. State Transportation Commission.--(a) The commission shall hold at least four regularly scheduled meetings throughout the State, as may be determined and announced in the January meeting, which meetings shall be open to the public at all times. At least two of these regularly scheduled meetings shall be held in different geographical regions of the State. Hearings for purposes of revising the twelve-year plan shall not count against the four regularly scheduled meetings. The members shall meet at the call of the Secretary of Transportation at the State Capitol during the month of January, or as soon thereafter as possible, to organize as the State Transportation Commission. The commission shall biennially elect a secretary who shall be a member of said commission. ((a) amended Apr. 30, 1986, P.L.121, No.37)

(b) The commission may hold public hearings, at its discretion or it may designate one or more of its members to hold such public hearings for the purpose of securing all pertinent information it may deem necessary and to comply with the provisions of Title 23, U.S. Code, "The Federal Interstate Highway Law of 1956," and amendments thereto.

At any hearing or meeting before the commission on the approval or disapproval of the selection of any State transportation route or program, comparative estimates may be presented of the effects of the use of alternative transportation route or program. Estimates based on similar assumptions may be presented of the effect that the selection of any alternative transportation route or program would have upon economic or social values, including, but not limited to, property values, State and local public facilities and local traffic. The commission shall compile and submit to the Governor and the Secretary of Transportation for their consideration the information acquired at such hearings.

(c) The commission shall have the power, and its duties shall be, to gather and study all available information, data, statistics and reports, relating to the needs for highway construction or reconstruction and for needs of rapid transit, railroad, omnibus, marine and other mass and bulk transportation facilities and services, and aviation and airport facilities and services in the Commonwealth to determine on the basis of available information, data, statistics and reports, the highways rapid transit, railroad, omnibus, marine and other mass and bulk transportation facilities and services, and aviation and airport facilities and services which should be constructed or reconstructed and the recommended order of priority in which such highways rapid transit, railroad, omnibus, marine and other mass and bulk transportation facilities and services, and aviation and airport facilities and services should be constructed or reconstructed and to certify from time to time the results of such determination to the Governor, to the General Assembly and to the Secretary of Transportation, for their consideration. Transportation programs so determined shall not be changed, deleted or altered, except by the commission or as provided in subsection (d) of this section.

(d) In view of the particular sensitivity of special instrumentalities of the Commonwealth specifically created to serve and coordinate local mass transportation needs throughout

metropolitan areas within the Commonwealth, the determination of needs and programs and the order of priority in which rapid transit, railroad, omnibus and other mass transportation facilities and services which affect or relate to urban common carrier mass transportation, as defined in the Pennsylvania Urban Mass Transportation Assistance Law of 1967, are to be constructed or reconstructed in the local service area of any such instrumentality shall be as determined by said instrumentality; the determination of needs and programs and the order of priority in which highways, marine, aviation and airport facilities and other non-mass transportation facilities are to be constructed or reconstructed in the local service area of any such instrumentality shall be as determined by the commission but only after thorough prior consultation by the commission with said instrumentality and coordination of the commission's plans with the plans of said instrumentality. For purposes of this subsection, neither the commission nor any said special instrumentality of the Commonwealth shall arbitrarily, unreasonably or capriciously reject any need, program or priority presented to it under this subsection.

(e) The commission shall recommend to the General Assembly a system of classification of highways based upon information supplied by the Department of Transportation and data acquired as a result of its own study or investigation from hearings and otherwise. The commission shall submit and recommend to the General Assembly such highway classification together with a plan for the development and improvement thereof with priorities based upon studies of needs and sufficiency ratings.

(f) The commission may adopt bylaws to govern the conduct of its affairs. The commission shall promulgate regulations not inconsistent with provisions of this section for the execution of the powers and duties herein delegated to them. ((f) amended Apr. 30, 1986, P.L.121, No.37)

(2011 amended May 6, 1970, P.L.356, No.120)

Section 2012. Navigation Commission for the Delaware River.--(2012 repealed July 9, 1976, P.L.980, No.197)

Section 2013. Prohibition on Expenditures for Emission Inspection Program.--(2013 repealed May 4, 1983, P.L.4, No.3)

Section 2014. Pennsylvania System of Coordinates.--The Department of Transportation shall have the power, and its duty shall be, to establish and regulate the establishment in this Commonwealth of the system of rectangular coordinates which has been established and adopted by the United States Coast and Geodetic Survey for defining and stating the positions and location of points on the surface of the earth, to establish or fix triangulation and traverse stations, to collect, check, coordinate and preserve survey data, to advise with parties using the system of coordinates, to supervise the marking of surveys which are to become a part of the system, to keep official records of all surveys and maps, to administer the law establishing the "Pennsylvania Coordinate System," and to adopt and enforce such rules and regulations as may be deemed necessary to carry these powers into effect, and to administer the law relating to the "Pennsylvania Coordinate System."

(2014 added Dec. 9, 1982, P.L.1077, No.251)

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 State Treasurer 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 State Treasurer is authorized to hold and to disburse in accordance with this section all Federal and State money deposited in the fund. The Department of Transportation is also authorized to use money in the Highway and Safety Improvements appropriation in the Motor License Fund to provide payments as authorized by Federal law, including matching funds, for the Pennsylvania Infrastructure Bank.

(b) The Department of Transportation is authorized to:

(1) make loans to or enter into leases with qualified borrowers to finance the costs of qualified projects and to acquire, hold and sell borrower obligations evidencing the loans;

(2) enter into guaranties secured solely by or purchase insurance or other credit enhancement through amounts on deposit in the fund;

(3) enter into contracts, arrangements and agreements to provide assistance through amounts on deposit in the fund. The Department of Transportation shall determine the form and content of any borrower obligation, including the terms and rate of interest on any loans or leases;

(4) enter into contracts, arrangements and agreements with other persons and execute and deliver all trust agreements, loan agreements and other instruments necessary or convenient to the exercise of the powers granted by this section;

(5) enter into grant cooperative, operating and other agreements with the United States relating to the fund;

(6) establish and collect fees, charges and interest;

(7) establish fiscal controls and accounting procedures for the fund;

(8) adopt regulations, procedures or guidelines for the bank and for accounting procedures by qualified borrowers for financial assistance and projects; and

(9) establish accounts and subaccounts in the fund as necessary and invest moneys held in the fund.

(c) The Department of Transportation is authorized to take any actions required by Federal law or regulation in order to qualify as a State infrastructure bank and to receive Federal funds made available to State infrastructure banks.

(d) The Department of Transportation shall not be authorized to be a bank, trust company, insurance company or dealer in securities subject to any Federal or State banking or insurance regulating agency or any securities, securities exchange or securities dealers' law.

(2015 added Nov. 26, 1997, P.L.530, No.57)

ARTICLE XXI

POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH AND ITS DEPARTMENTAL ADMINISTRATIVE AND ADVISORY BOARDS

Section 2101. Powers and Duties in General.--(a) The Department of Health shall, subject to any inconsistent provisions in this act contained, continue to exercise the powers and perform the duties by law vested in and imposed upon the said department, the former bureaus thereof, the Commissioner of Health, and the Secretary of Health.

(b) The Department of Health shall permit any laboratory certified pursuant to the Clinical Laboratory Improvement Act of 1967 (Public Law 90-174, 81 Stat. 533) that is licensed to perform screening testing of newborn infants in any state and uses normal pediatric reference ranges to conduct the analysis

required by section 4(a) of the act of September 9, 1965 (P.L.497, No.251), known as the "Newborn Child Testing Act," as an alternative to the testing laboratory designated by the Department of Health in accordance with section 5 of the "Newborn Child Testing Act." The testing performed by such laboratory must include testing for the newborn diseases as established by law or regulation and shall provide test results and reports consistent with policies, procedures, law and regulations. A testing laboratory designated by the Department of Health or permitted as an alternative under this subsection shall not use or provide blood samples for scientific research without the informed written consent of the parent or guardian of the child.

(2101 amended Dec. 23, 2003, P.L.282, No.47)

Section 2102. General Health Administration.--The Department of Health shall have the power, and its duty shall be:

(a) To protect the health of the people of this Commonwealth, and to determine and employ the most efficient and practical means for the prevention and suppression of disease;

(b) To cause examination to be made of nuisances, or questions affecting the security of life and health, in any locality, and, for that purpose, without fee or hindrance, to enter, examine and survey all grounds, vehicles, apartments, buildings, and places, within the Commonwealth, and all persons, authorized by the department to enter, examine and survey such grounds, vehicles, apartments, buildings and places, shall have the powers and authority conferred by law upon constables;

(c) To order nuisances, detrimental to the public health, or the causes of disease and mortality, to be abated and removed, and to enforce quarantine regulations;

(d) If the owner or occupant of any premises, whereon any nuisance detrimental to the public health exists, fails to comply with any order of the department for the abatement or removal thereof, to enter upon the premises, to which such order relates, and abate or remove such nuisance, as may now or hereafter be provided by law;

(e) For the purpose of collecting or recovering the expense of the abatement or removal of a nuisance, to file a claim, or maintain an action, in such manner as may now or hereafter be provided by law, against the owner or occupant of the premises upon or from which such nuisance shall have been abated or removed by the department;

(f) To revoke or modify any order, regulation, by-law, or ordinance, of a local board of health, concerning a matter which, in the judgment of the department, affects the public health beyond the territory over which such local board has jurisdiction;

(g) To promulgate its rules and regulations. ((g) amended May 24, 1956, 1955 P.L.1692, No.573 and repealed in part July 31, 1968, P.L.769, No.240)

(h) Whenever, in the opinion of the department, conditions exist in any borough, or any township of the first class, within the Commonwealth, which constitute a menace to the lives and health of the people living outside the corporate limits of such borough or township, or, after it be known to the department that any borough or any township of the first class is without an existing or efficient board of health, to enter and take full charge of and administer the health laws, regulations, and ordinances, of such borough or township, and to continue in charge thereof, until the department shall decide that a competent and efficient board of health has been

appointed and qualified for such borough or township and is ready, able, and willing to assume and carry into effect the duties imposed upon it by law, and to collect all expenses incurred by the department in performing its duties hereunder, as may now or hereafter be provided by law;

(i) To take over the administration of the health laws in any such borough or township, at the expense of the department, whenever the borough or township shall request the department to do so, and the department shall deem it advisable to comply with such request;

(j) To prescribe standard requirements for the conduct of the medical inspection of the pupils of the public schools throughout the Commonwealth, and to appoint medical inspectors to make such school inspections, as may now or hereafter be provided by law;

(k) To investigate, hold hearings upon and determine any question of fact regarding the purity of water supplied to the public by any public utility over which the Pennsylvania Public Utility Commission has jurisdiction, whenever said commission shall certify such question to the department.

The findings of the department upon any such questions shall be incorporated in and made a part of the determination or decision of said commission of the controversy or other proceeding in connection with which the question arose and shall be binding upon the parties to such controversy or other proceeding unless either party shall take an appeal from the commission's determination or decision as may now or hereafter be provided by law. ((k) added July 18, 1941, P.L.412, No.160)

(l) To train and make available appropriate facilities to train certain otherwise qualified State, county and municipal employes in the field of public health work, to become more familiar with, and therefor better understand, the various administrative and technical problems peculiar to public health services. ((l) added Apr. 4, 1956, 1955 P.L.1392, No.450)

(m) To make a bacteriological examination and report of any sample of water sent by any person to the department's laboratory at Philadelphia or Pittsburgh. A fee of one dollar ($1.00) shall be charged for the service rendered in making the examination and report. ((m) added Aug. 25, 1959, P.L.764, No.270)

(n) To designate the Health Care Policy Board to adjudicate appeals, in accordance with 2 Pa.C.S. (relating to administrative law and procedure), of decisions made under Chapters 7 and 8 of the act of July 19, 1979 (P.L.130, No.48), known as the "Health Care Facilities Act." The department shall promulgate regulations establishing appeal procedures to be followed. Until such time as final regulations have been promulgated, procedures set forth in 37 Pa. Code Ch. 197 (relating to practice and procedure) and 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) shall be followed for these appeals. ((n) added Feb. 23, 1996, P.L.27, No.10)

Section 2102.1. Recovery of Blood Plasma Proteins.--The Department of Health of the Commonwealth shall have the power, and its duty shall be:

(a) To maintain facilities for, or to contract for, the recovery from out-dated human whole blood and blood from which the cells have been withdrawn of certain proteins useful for immunization, treatment, research and disaster stock-piling purposes.

(b) To make available to research institutions, physicians and hospitals, upon request, blood plasma proteins for research, immunization and treatment.

(c) To maintain facilities for the proper storage of blood proteins for disaster purposes.

(d) To adopt standards for the efficient execution of a blood plasma protein recovery program.

(e) To develop and employ the necessary procedures and to do any and all things necessary to carry out the purposes of this act.

(f) To receive money from any source whatsoever, by gift or otherwise, and to expend such funds for the purpose of carrying out the provisions of this act.

(2102.1 added Aug. 22, 1961, P.L.1025, No.462)

Section 2103. Housing.--(2103 repealed Dec. 3, 1970, P.L.834, No.275)

Section 2104. Vital Statistics.--The Department of Health shall have the power, and its duty shall be:

(a) To obtain, collect, compile, and preserve all statistics of marriages, deaths, diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all professions whose occupation is deemed to be of importance in obtaining a complete registration of births, deaths, marriages, and diseases, or other vital statistics;

(b) To prepare the necessary methods, forms, and blanks, for obtaining and preserving records of registration of births, deaths, marriages, and diseases, and to insure the faithful registration of the same in the townships, boroughs, cities, and counties, of the State, and in the department;

(c) To see that the laws requiring the registration of births, deaths, marriages, and diseases, are uniformly and thoroughly enforced throughout the State, and prompt returns of such registrations made to the department;

(d) With the advice and concurrence of the Advisory Health Board, to make appropriate regulations for the thorough organization and efficiency of the registration of the vital statistics throughout the Commonwealth, and to enforce such regulations;

(e) To issue marriage, birth, and death certificates, and such burial or removal permits, as may now or hereafter be provided by law;

(f) To establish such districts for the registration of vital statistics, and appoint such registrars, deputies, and sub-registrars, as may be necessary, properly to obtain, collect, compile, and preserve the statistics which the department is required to obtain, collect, compile, and preserve. All local registrars, deputies, and sub-registrars, appointed under this section, shall perform such duties as shall be required of them by the department, and shall receive such compensation as may now or hereafter be fixed by law.

Section 2105. Health Districts and Officers.--The Department of Health shall have the power to apportion the Commonwealth into such number of health districts as the department, with the approval of the Governor, shall decide, and, in each district, to appoint a health officer, who shall, under the direction of the department, handle such matters as may be delegated to him by law or by the Secretary of Health and who shall in connection with the management of the sanitary affairs of the Commonwealth cooperate with the Department of Environmental Resources.

(2105 amended Dec. 3, 1970, P.L.834, No.275)

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 2106. Quarantines.--The Department of Health shall have the power, and its duty shall be:

(a) With the approval and concurrence of the Advisory Health Board, to declare certain diseases to be communicable, in addition to those by law declared so to be, and to establish such regulations for the prevention of the spread of such diseases as the department and the Advisory Health Board shall deem necessary and appropriate;

(b) To establish and enforce quarantines, in such manner, for such period, and with such powers, as may now or hereafter be provided by law, to prevent the spread of diseases declared by law or by the department to be communicable diseases;

(c) To administer and enforce the laws of this Commonwealth with regard to vaccination and other means of preventing the spread of communicable diseases.

Section 2107. Tuberculosis Sanatoria.--The Department of Health shall have the power, and its duty shall be:

(a) To maintain sanatoria, or colonies for the reception and treatment of persons affected or suspected of being affected with tuberculosis; ((a) amended Apr. 4, 1956, 1955 P.L.1394, No.451)

(b) To approve or disapprove plans and specifications for county hospitals or sanatoria erected for the treatment therein of persons suffering from tuberculosis, as may now or hereafter be provided by law. ((b) amended Apr. 4, 1956, 1955 P.L.1394, No.451)

(c) To utilize any unused portion of tuberculosis sanatoria in cities of the first class as health care clinics. ((c) added June 9, 1972, P.L.374, No.105)

Section 2108. Narcotic Drugs.--The Department of Health shall have the power, and its duty shall be, to supervise the enforcement of, and administer, laws regulating the possession, control, dealing in, giving away, delivery, dispensing, administering, prescribing, and use of narcotic drugs.

Section 2109. Water Pollution.--(2109 repealed Dec. 3, 1970, P.L.834, No.275)

Section 2110. Sanitary Water Board.--(2110 repealed Dec. 3, 1970, P.L.834, No.275)

Section 2111. Advisory Health Board.--The Advisory Health Board shall have the power, and its duty shall be:

(a) To advise the Secretary of Health on such matters as he may bring before it;

(b) To make such reasonable rules and regulations, not contrary to law, as may be deemed by the board necessary for the prevention of disease, and for the protection of the lives and health of the people of the Commonwealth, and for the proper performance of the work of the Department of Health, and such rules and regulations, when made by the board, shall become the rules and regulations of the department;

(c) ((c) repealed Aug. 27, 1963, P.L.1257, No.520)

(c.1) The Advisory Health Board shall make and from time to time revise a list of such communicable diseases against which children shall be required to be immunized as a condition of attendance at any public, private, or parochial school, including any kindergarten, in the Commonwealth. Such list shall be promulgated by the Secretary of Health along with such rules and regulations as may be necessary to insure that such

immunization be timely, effective and properly verified; ((c.1) added Apr. 11, 1974, P.L.257, No.66)

(d) To prescribe minimum health activities and minimum standards of performance of health services for counties or other political subdivisions.

(2111 amended Aug. 24, 1951, P.L.1340, No.322)

Section 2112. State Board of Undertakers.--(2112 repealed Dec. 22, 1983, P.L.354, No.88)

Section 2113. State Hospital for Crippled Children.--(2113 repealed June 22, 1982, P.L.573, No.166)

Section 2114. Alcoholism.--The Department of Health shall have the power, and its duty shall be:

(a) To investigate the subject of alcoholism in respect to rehabilitation and compile and maintain reliable statistics indicating the effectiveness of any rehabilitation programs carried forward by State-aided clinics for alcoholics, State hospitals and State-aided hospitals receiving alcoholics;

(b) To take such other steps as may be necessary to procure such information and data as may be deemed helpful in the treatment and rehabilitation of alcoholics.

(2114 added May 2, 1949, P.L.817, No.213)

Section 2115. Speech and Hearing Rehabilitation Centers.--The Department of Health shall have power, and its duty shall be:

(a) To provide, maintain, administer and operate speech and hearing rehabilitation centers--

(1) For the diagnosis and treatment of children with or suspected of having hearing loss.

(2) To provide auditory training for preschool children.

(3) To provide consultative services for hard of hearing children of school age and their parents.

(b) The Health Department may purchase such services whenever it is not feasible to provide and maintain such centers.

(2115 added Sept. 1, 1959, P.L.795, No.293)

Section 2116. Cystic Fibrosis Program.--The Department of Health shall have the power, and its duty shall be, to conduct a program of care and treatment of those suffering from cystic fibrosis who are twenty-one or more years of age.

(2116 added Oct. 26, 1972, P.L.1062, No.270)

Section 2117. Center for Treatment of Physical and Neuro-developmental Disabilities.--(a) Effective July 1, 1982, a center is hereby established to be managed and controlled by the Pennsylvania State University to provide comprehensive diagnostic and treatment services for persons with physical and neuro-developmental disabilities amenable to medical, surgical and rehabilitative treatment.

(b) The entire management and control of the affairs of the center, including, without limitation, services, administration, finances and personnel, is hereby vested in the Pennsylvania State University, which may exercise with respect to the center all of the powers and franchises vested by law in the university. The Pennsylvania State University shall, to the extent financially feasible, provide a reasonable volume of services to persons unable to pay therefor.

(c) Effective July 1, 1982, the functions and operations of the Commonwealth of Pennsylvania at the Elizabethtown Hospital for Children and Youth are hereby transferred to the Pennsylvania State University to be performed as a part of the functions and operations of the center established in subsection (a).

(d) All allocations, appropriations, agreements to the extent assignable, leases and personal property of every nature of the Commonwealth which are used, employed or expended in connection with its duties, powers or functions relating to the Elizabethtown Hospital for Children and Youth are hereby transferred to the Pennsylvania State University. All employes, currently covered by a collective bargaining agreement, shall remain Commonwealth employes until termination of its lease. All moneys received by the university for services rendered by the Commonwealth at the Elizabethtown Hospital for Children and Youth prior to July 1, 1982, shall be remitted to the Commonwealth and all accounts payable arising from operations prior to July 1, 1982, shall be paid by the Commonwealth. Nothing contained herein shall impose upon the university any obligation, claim, demand or cause of action against the Commonwealth arising out of or in connection with the operation of the Elizabethtown Hospital for Children and Youth by the Commonwealth.

(2117 added June 22, 1982, P.L.573, No.166)

Section 2118. Lease Authority.--(a) The Department of General Services, with approval as provided by law, is hereby authorized on behalf of the Commonwealth of Pennsylvania to lease for $1 to the Pennsylvania State University the remaining tracts of land as a unit, together with the improvements situate thereon, known as the Elizabethtown Hospital for Children and Youth, situate in the Township of Mount Joy, Lancaster County, in the Commonwealth of Pennsylvania:

All those four certain tracts of land situate in the Township of Mount Joy, Lancaster County, Pennsylvania, acquired by the Commonwealth of Pennsylvania under and by virtue of the act of May 14, 1925 (P.L.749, No.408), entitled, as amended, "An act providing for the establishing and maintenance of a State hospital and center to provide ambulatory and inpatient services for the diagnosis, evaluation, treatment and rehabilitation of children and youth under age twenty-one who have physical or neuro-developmental disabilities; and making an appropriation," containing on the north side of Pennsylvania Route 230, 253.55 acres, more or less, including parts thereof conveyed to the General State Authority and subject to the limitations on same totaling 3.828 acres for Projects No. GSA 304-1, 2, 3, 4, 5, 6, in the Main Hospital Complex.

Excepting thereout and therefrom three tracts of surplus land with buildings thereon submitted under Article XXIV-A of this act for sale or disposition, No. 1 containing 9 acres and buildings on both sides of Cassell Road; No. 2 containing a lot, a residence and garage; No. 3 containing the Superintendent's Residence and the surrounding land.

(b) The lease shall contain a provision to the effect that the term thereof shall end not later than the date that the university informs the Department of General Services that the leased premises will no longer be in use to perform the functions and operations of the Elizabethtown Hospital for Children and Youth.

(2118 added June 22, 1982, P.L.573, No.166)

Section 2119. Finances.--The Commonwealth of Pennsylvania hereby pledges its financial support to the Pennsylvania State University for the operation of the center at the Elizabethtown Hospital for Children and Youth until the termination of the lease, as provided in section 2118. In the event that the Commonwealth of Pennsylvania does not make annual appropriations during the term of the lease to the university in amounts not less than the amount appropriated for fiscal year 1981-1982 to

the Department of Health for the operation of the Elizabethtown Hospital for Children and Youth, such amounts to escalate to reflect any annual increase in the General Fund Budget of the Commonwealth, the university may reduce or eliminate services of the center.

(2119 added June 22, 1982, P.L.573, No.166)

Section 2120. Additional Powers and Duties of the Department.--The Department of Health shall have the power and its duty shall be to carry out those powers and duties conferred upon the Secretary of Health and the Department of Health under the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act." Notwithstanding any provision of "The Controlled Substance, Drug, Device and Cosmetic Act," loperamide hydrochloride is expressly deemed not to be a controlled substance within the meaning of section 4 of that act.

(2120 added Dec. 21, 1984, P.L.1222, No.231)

Section 2121. Exception to Certificate of Need.--Notwithstanding the provisions of the act of July 19, 1979 (P.L.130, No.48), known as the "Health Care Facilities Act," in 1982, the General Assembly found need for the construction of a hospital addition at the Milton S. Hershey Medical Center. The Department of Health shall not require a certificate of need for the hospital addition authorized in section 1.B.II. of the act of December 6, 1982 (P.L.771, No.222), entitled "A supplement to the act of July 1, 1981 (P.L.142, No.47), entitled 'An act providing for the capital budget for the fiscal year 1981-1982,' itemizing public improvement and furniture and equipment projects to be constructed or acquired by the Department of General Services together with their estimated financial cost, authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired by the Department of General Services, stating the estimated useful life of the projects, repealing projects and making appropriations," and section 2(3)(xv)(K) and (L) of the act of May 18, 1984 (P.L.263, No.62), entitled "A supplement to the act of December 20, 1983 (P.L.288, No.76), entitled 'An act providing for the capital budget for the fiscal year 1983-1984,' itemizing public improvement projects, furniture and equipment projects, redevelopment assistance projects and transportation assistance projects to be constructed or acquired or assisted by the Department of General Services, the Department of Transportation, the Department of Community Affairs or the Pennsylvania Fish Commission, together with their estimated financial cost; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services, the Department of Transportation or the Department of Community Affairs; stating the estimated useful life of the projects; authorizing issuing officials to undertake limited temporary borrowing through negotiated settlements; and making an appropriation," nor shall a certificate of need for the development and construction of the hospital addition be required and such hospital addition shall be exempt from the certificate of need provisions of the "Health Care Facilities Act."

(2121 added Dec. 21, 1984, P.L.1222, No.231)

Compiler's Note: The Department of Community Affairs, referred to in this section, was abolished by Act 58 of

1996 and its functions were transferred to the Department of Community and Economic Development.

Compiler's Note: The name of the Pennsylvania Fish Commission, referred to in this section, was changed to the Pennsylvania Fish and Boat Commission by Act 39 of 1991. See 30 Pa.C.S. § 308 (relating to designation of commission).

Section 2122. Expiration of Certificate of Need Process Generally.--The certificate of need process established under the act of July 19, 1979 (P.L.130, No.48), known as the "Health Care Facilities Act," shall expire December 31, 1992, unless sooner extended by the General Assembly pursuant to the review procedure set forth in the act of December 22, 1981 (P.L.508, No.142), known as the "Sunset Act." The certificate of need process may not be used after December 31, 1992, unless this expiration date is extended by statutory amendment.

(2122 added Aug. 14, 1991, P.L.331, No.35)

Section 2123. Residential Drug and Alcohol Treatment Programs for Pregnant Women and Mothers and Their Dependent Children.--(a) The Department of Health shall have the power, and its duty shall be, to make grants or contracts to provide residential drug and alcohol treatment and related services for pregnant women, mothers and their dependent children and mothers who do not have custody of their children where there is a reasonable likelihood that the children will be returned to them if the mother participates satisfactorily in the treatment program. Grant or contract moneys shall only be used for treatment and related services provided to residents of this Commonwealth by drug and alcohol treatment programs licensed by the Department of Health which provide the following services:

(1) Residential treatment services for women and their children, subject to reasonable limitations on the number and ages of the children, provided in a therapeutic community setting and including, but not limited to:

(i) onsite addiction and substance abuse education, counseling and treatment;

(ii) onsite individual, group and family counseling;

(iii) onsite drug and alcohol prevention and education activities for children approved by the Office of Drug and Alcohol Programs of the Department of Health;

(iv) onsite special counseling for children of alcoholics and addicts;

(v) involvement with Alcoholics Anonymous, Narcotics Anonymous, support groups for children of alcoholics and addicts and other support groups; and

(vi) activities which enhance self-esteem and self-sufficiency.

(2) Onsite parenting skills counseling and training.

(3) Access to school for children and mothers where appropriate, including, but not limited to, securing documents necessary for registration.

(4) Job counseling and referral to existing job training programs.

(5) Onsite day care for children when the mother is attending counseling, school or a job training program and when the mother is at a job or looking for a job and at other times as the department deems appropriate.

(6) Referral and linkage to other needed services, including, but not limited to, health care.

(7) Onsite structured reentry counseling and activities.

(8) Referral to outpatient counseling upon discharge from the residential program.

(b) The Department of Health shall inform the single county authorities of those programs in their jurisdiction being considered for funding to provide the services listed in this section and shall give the single county authorities an opportunity to comment on these funding proposals prior to the department making a decision to award funding.

(c) The Department of Health shall require programs receiving funds under this section to collect and provide to the department information concerning the number of women and children denied treatment or placed on waiting lists and may require such data and other information as the department deems useful in determining the effectiveness of the treatment programs. Confidentiality of records regarding identifiable individuals enrolled in treatment programs funded under this section shall be maintained.

(d) Contributions by counties or single county authorities shall not be required as a condition for receiving grants for programs funded under this section, but the Department of Health may require counties or single county authorities to make commitments to provide outpatient intervention, referral and aftercare services to women whose residential treatment is funded under this section upon completion of their residential treatment.

(e) The Department of Health shall annually convene a meeting of all recipients of funds for programs funded under this section and other interested parties so that the department may receive input regarding ways to improve and expand treatment services and prevention activities for pregnant women, mothers and young children.

(f) The Department of Health shall report annually to the Governor and the General Assembly as to its activities and expenditures under this section, the activities of recipients of funds under this section, the number of women and children served, the number of women and children denied treatment or placed on waiting lists, the recommendations in summary form made at the annual meeting provided for in subsection (e) and the recommendations of the department.

(g) As used in this section and section 2124, the term "single county authority" means the agency designated to plan and coordinate drug and alcohol prevention, intervention and treatment services for a geographic area which may consist of one or more counties and to administer the provisions of such services funded through the agency.

(h) As used in this section, the term "therapeutic community setting" means a drug-free, residential, nonhospital treatment program using therapeutic community principles as the underlying philosophy.

(2123 added July 8, 1993, P.L.451, No.65)

Section 2124. Staff Training and Referral Mechanisms.--The Department of Health shall have the power, and its duty shall be:

(a) To establish, on a demonstration basis, programs to train the staff of child protective services agencies, counseling programs and shelters for victims of domestic violence, recipients of funds under the High Risk Maternity Program or the Federal Maternal and Child Health Block Grant and community or State health care centers in order to identify those pregnant women and mothers, for whom these agencies are already providing services, who are in need of drug or alcohol treatment; and

(b) To establish referral networks and mechanisms between these agencies and the single county authorities and appropriate drug and alcohol treatment programs.

(2124 added July 8, 1993, P.L.451, No.65)

Section 2125. Anatomical Gifts.--In addition to the powers and duties of the Department of Health relating to anatomical gifts, the Department of Health shall continue the rotation of referrals to tissue procurement providers started under 20 Pa.C.S. Ch. 86 (relating to anatomical gifts). Adjustments to such rotation may be made to accommodate new, quality tissue procurement providers accredited by the American Association of Tissue Banks as adjudged under the guidelines published in 26 Pa.B. 2044 (April 27, 1996), and that any hospital may discontinue such rotation for cause.

(2125 added June 12, 1996, P.L.337, No.53)

Section 2126. Emergency Drug and Alcohol Detoxification Program.--(a) The Emergency Drug and Alcohol Detoxification Program is established in the Department of Health to provide for detoxification in licensed health care facilities and to establish detoxification facilities. The program shall be administered by the Department of Health.

(b) The Emergency Drug and Alcohol Detoxification Program shall, to the greatest extent possible, utilize existing beds in health care facilities.

(c) In order to provide individuals seeking assistance with better and more timely access to drug and alcohol detoxification, the Department of Health shall provide special priority review for applications for licensure under this section.

(d) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Licensed health care facility" shall mean a health care facility licensed under Chapter 8 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

"Health care facility" shall mean a health care facility as defined in section 802.1 of the Health Care Facilities Act.

(2126 added Oct. 30, 2017, P.L.379, No.40)

ARTICLE XXI-A
OSTEOPOROSIS PREVENTION AND EDUCATION PROGRAM
(Art. XXI-A added June 18, 1998, P.L.511, No.71)

Section 2101-A. Scope.--This article governs osteoporosis prevention and education.

(2101-A added June 18, 1998, P.L.511, No.71)

Section 2102-A. Definitions.--The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department" shall mean the Department of Health of the Commonwealth.

"Health care provider" shall mean a physician, registered nurse, dentist, podiatrist, psychologist, physical therapist, certified registered nurse practitioner, physician's assistant, chiropractor, home health provider, hospital, rehabilitation hospital or long-term care facility.

"Program" shall mean the Osteoporosis Prevention and Education Program established under section 2103-A.

(2102-A added June 18, 1998, P.L.511, No.71)

Section 2103-A. Program.--(a) The department shall establish the Osteoporosis Prevention and Education Program.

(b) The department shall provide staff support and departmental resources as necessary to implement the program.

(c) The department shall identify appropriate public and nonpublic entities to assist in the implementation and operation of the program.

(d) The department shall collect and maintain up-to-date scientific and other information that will increase public awareness and contribute to education programs, including, but not limited to, risk factors, appropriate diet and exercise, diagnostic procedures, Food and Drug Administration-approved drug therapies, rehabilitation and safety and injury prevention measures.

(e) The department shall develop relationships with governmental agencies, community and business leaders, community organizations, health care and human service providers and national osteoporosis organizations to coordinate efforts and maximize public and private resources in the areas of prevention, education and treatment.

(2103-A added June 18, 1998, P.L.511, No.71)

Section 2104-A. Public Awareness and Education.--(a) The program shall include methods to raise public awareness and to educate consumers, health care professionals, teachers and human service providers and to engage in related activities as appropriate.

(b) The department shall use various methods for raising public awareness of the causes and effects of osteoporosis, personal risk factors, prevention, early detection and options for diagnosis and treatment, including, but not limited to:

(1) An outreach campaign utilizing print, radio and television public service announcements, advertisements, posters and other materials.

(2) Community forums.

(3) Distribution of information at public events.

(4) Targeting of at-risk populations.

(5) Provision of reliable information to policymakers.

(6) Distribution of information through county and district health offices, city and county health departments, schools, area agencies on aging, employer wellness programs, health care providers, insurers, including health maintenance organizations, and nonprofit and community organizations.

(c) The department shall use methods to educate consumers of osteoporosis-related services, including, but not limited to:

(1) The provision of available brochures, videotapes and other materials.

(2) The establishment of a Statewide capacity to provide information on all aspects of osteoporosis.

(3) The provision of educational information to consumers of osteoporosis-related services through the use of a toll-free number.

(4) The provision of assistance and encouragement to osteoporosis support groups.

(5) The provision of assistance to groups that conduct workshops and seminars for the public.

(d) The department shall use methods for educating health care and community service providers regarding prevention, diagnosis and treatment, detection and treatment, including Food and Drug Administration-approved medications and research advances, including, but not limited to:

(1) The identification and collection of educational materials for professionals.

(2) The increase in awareness among health care and human service providers regarding the importance of prevention, early detection, treatment and rehabilitation.

(3) The identification of available curricula for educating health care and human service providers and community groups and leaders on prevention, detection and treatment.

(4) The encouragement of workshops and seminars for professional development in the care and management of osteoporosis patients.

(5) The initiation of Statewide conferences on osteoporosis as appropriate.

(2104-A added June 18, 1998, P.L.511, No.71)

Section 2105-A. Repository.--(a) The department shall develop and maintain a repository of information provided to the department regarding the following:

(1) Research programs.

(2) Information on technical assistance for health care and human service providers and organizations.

(3) Services that may be required by osteoporosis patients.

(4) Information on types of services available to osteoporosis patients in this Commonwealth.

(5) Information received from health care providers relating to the number and location of appropriate bone density testing facilities providing services in this Commonwealth.

(b) The department shall provide health care and health service providers and organizations with information regarding the contents of the repository and procedures to access the information maintained in the repository.

(2105-A added June 18, 1998, P.L.511, No.71)

Section 2106-A. Technical Assistance.--(a) The department shall provide technical assistance regarding the development of osteoporosis programs and materials, including, but not limited to:

(1) Educational information and materials on the causes, prevention, detection, treatment and management of osteoporosis.

(2) Training.

(3) Health care professional education, which may include clinical conferences.

(4) Support groups development.

(5) Training of home health aides and nursing home personnel.

(b) The department may consult with national or State organizations with expertise in osteoporosis to obtain assistance in the implementation of the program.

(2106-A added June 18, 1998, P.L.511, No.71)

Section 2107-A. Grant Acceptance.--The department may accept grants, services and property from the Federal Government, foundations, organizations, medical schools and other entities as may be available to carry out the provisions of this article.

(2107-A added June 18, 1998, P.L.511, No.71)

Section 2108-A. Reporting.--On or before December 31 of each year, the department shall report to the General Assembly on the establishment, implementation and operation of the program.

(2108-A added June 18, 1998, P.L.511, No.71)

ARTICLE XXI-B
CERVICAL CANCER EDUCATION AND PREVENTION
(Art. expired November 30, 2007. See Act 74 of 2006.)

Section 2101-B. Short title of article.

(2101-B expired November 30, 2007. See Act 74 of 2006.)

Section 2102-B. Legislative intent.
(2102-B expired November 30, 2007. See Act 74 of 2006.)
Section 2103-B. Definitions.
(2103-B expired November 30, 2007. See Act 74 of 2006.)
Section 2104-B. Cervical Cancer Task Force.
(2104-B expired November 30, 2007. See Act 74 of 2006.)
Section 2105-B. Meetings.
(2105-B expired November 30, 2007. See Act 74 of 2006.)
Section 2106-B. Compensation and expenses.
(2106-B expired November 30, 2007. See Act 74 of 2006.)
Section 2107-B. Duties.
(2107-B expired November 30, 2007. See Act 74 of 2006.)
Section 2108-B. Report.
(2108-B expired November 30, 2007. See Act 74 of 2006.)
Section 2109-B. Expiration.
(2109-B expired November 30, 2007. See Act 74 of 2006.)

ARTICLE XXI-C
COVID-19 DEBT COST REDUCTION REVIEW
(Art. added June 30, 2020, P.L.511, No.37)

Section 2101-C. Review of refinancing opportunities.
The Treasury Department, in conjunction with the Secretary of the Budget, the Auditor General and any chairperson of an authority, commission, agency or board that has the power to issue debt, shall identify and review all outstanding debt obligations of the Commonwealth and its authorities, commissions, agencies or boards and submit a report of the findings to the General Assembly no later than October 30, 2020. In addition to the identification and review of all outstanding debt obligations, the report shall identify options for the refinancing of the outstanding debt obligations to reduce the costs to the Commonwealth and its authorities. Each agency identified under this section shall provide to the Treasury Department, within 30 days after the effective date of this section, information requested by the Treasury Department, including the following, related to all outstanding debt obligations of the agency:

(1) Total outstanding amount of all obligations.
(2) Most recent audited financial statement of the agency.
(3) Description of each obligation, identifying senior or subordinate debt and Federal tax treatment.
(4) Account of all security pledged for each obligation.
(5) Most recent rating associated with each debt obligation, including rate covenant and maturity date.
(6) List of all additional associated agency obligations or covenants.
(7) Annual debt service cost, debt service fund and debt service reserve fund for each debt obligation.
(8) Risk factors and disclosure statements associated with each debt obligation.
(9) Pending litigation that may financially impact the debt obligations of the agency.

(2101-C added June 30, 2020, P.L.511, No.37)

ARTICLE XXI-D
COVID-19 EMERGENCY
TESTING PLAN AND REPORTING
(Art. added July 23, 2020, P.L. , No.70)

Section 2101-D. Definitions.

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

"COVID-19." The novel coronavirus as defined in the Governor's Proclamation of Disaster Emergency issued on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020).

"State laboratory." A State Public Health Laboratory as authorized under section 8(d) of the act of April 27, 1905 (P.L.312, No.218), entitled "An act creating a Department of Health, and defining its powers and duties."

(2101-D added July 23, 2020, P.L. , No.70)

Section 2102-D. COVID-19 testing plan and reporting.

(a) Submission of plan.--The Governor shall submit the plan for COVID-19 testing, including any amendments to the plan, that was submitted to the United States Secretary of Health and Human Services pursuant to the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139, 134 Stat. 620) to all of the following:

(1) The President pro tempore of the Senate.

(2) The Speaker of the House of Representatives.

(3) The Majority Leader of the Senate.

(4) The Minority Leader of the Senate.

(5) The Majority Leader of the House of Representatives.

(6) The Minority Leader of the House of Representatives.

(7) The majority and minority chairperson of the Appropriations Committee of the Senate.

(8) The majority and minority chairperson of the Health and Human Services Committee of the Senate.

(9) The majority and minority chairperson of the Appropriations Committee of the House of Representatives.

(10) The majority and minority chairperson of the Health Committee of the House of Representatives.

(11) The majority and minority chairperson of the Human Services Committee of the House of Representatives.

(b) Testing report required.--Beginning 14 days after the effective date of this section, and every 14 days thereafter, the Department of Health shall submit a report regarding the department's testing of COVID-19 to the President pro tempore of the Senate, the Majority Leader and Minority Leader of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the Senate, the Speaker of the House of Representatives, the Majority Leader and Minority Leader of the House of Representatives and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives.

(c) Testing report contents.--The report shall contain a summary of the following information:

(1) The technology and supplies procured or acquired by the Commonwealth related to COVID-19 testing.

(2) The administrative and operating costs of a State laboratory related to COVID-19 testing.

(3) The number and type of completed tests by a State laboratory. This information shall include diagnostic tests and serology tests.

(4) The number of positive and negative COVID-19 test results from the completed testing under paragraph (3).

(5) A description of State laboratory COVID-19 testing limitations, including limitations relating to acquiring reagents or other components of the testing process.

(6) Demographic test result data, including age, sex, race and ethnicity, as provided under subsection (d).

(d) Reporting requirements.--A health care provider ordering COVID-19 testing shall report, as prescribed by the Department of Health, a patient's self-reported demographic data including age, sex, race and ethnicity.

(e) Expiration.--This section shall expire December 31, 2021.

(2102-D added July 23, 2020, P.L. , No.70)

ARTICLE XXII
POWERS AND DUTIES OF THE DEPARTMENT OF LABOR AND INDUSTRY, ITS DEPARTMENTAL ADMINISTRATIVE AND ADVISORY BOARDS AND DEPARTMENTAL ADMINISTRATIVE OFFICERS

(a) General Provisions
(Hdg. added June 22, 1999, P.L.99, No.15)

Section 2201. Powers and Duties in General.--The Department of Labor and Industry shall, subject to any inconsistent provisions in this act contained, continue to exercise the powers and perform the duties by law vested in and imposed upon the said department, the several former bureaus and divisions thereof, and the Industrial Board abolished by the Administrative Code of one thousand nine hundred and twenty-three.

Section 2202. Inspection and Administration.--The Department of Labor and Industry shall have the power, and its duty shall be:

(a) To inspect, during reasonable hours, and as often as practicable, every room, building, or place within this Commonwealth where and when any labor is being performed, which is affected by the provisions of any law of this Commonwealth, and all buildings in which public assemblies are held, and for this purpose to enter any such room, building or place;

(b) To receive and examine plans for all buildings more than two stories high, and all places of assembly outside of cities of the first and second classes, and second class A, and to approve the same, as may now or hereafter be provided by law;

(c) To receive and check plans for elevator installations outside of cities of the first and second classes, and to issue permits for the erection and repair of elevators, as may now or hereafter be provided by law;

(d) To file reports of inspection of elevators, received from inspectors employed by the department, or from inspectors holding certificates of competency issued by the department;

(e) To inspect boilers, and to receive and check reports of inspection of boilers, made by inspectors holding certificates of competency issued by the department;

(f) To issue licenses, after examination, to motion picture projectionists and apprentices, as may now or hereafter be provided by law;

(g) To receive reports of industrial accidents to persons, and to direct the investigation of such accidents, and prescribe means for the prevention of similar accidents;

(h) To issue orders for removing or safe-guarding against hazards that may cause accidents to employes, as may now or hereafter be provided by law;

(i) To annually inspect emergency lighting systems, sprinkler systems, and fire alarm systems, in all buildings owned or operated by the Commonwealth, and to report the respective operating conditions thereof to the departments of

the Commonwealth having jurisdiction of the buildings. ((i) added Apr. 12, 1956, 1955 P.L.1467, No.481)

Section 2203. Investigations.--The Department of Labor and Industry shall have the power to make investigations and surveys upon any subject within the jurisdiction of the department, either upon its own initiative or upon the request of an advisory board, commission or committee of the department.

(2203 amended June 30, 1988, P.L.475, No.80)

Section 2204. Statistics.--The Department of Labor and Industry shall have the power to collect, compile, and transmit to the Department of Property and Supplies for publication, statistics relating to labor and industry, to organizations of employes, and to organizations of employers.

Section 2205. Rules and Regulations.--The Department of Labor and Industry shall have the power to make rules and regulations for carrying into effect the laws regulating the labor of persons within this Commonwealth, and the construction, ventilation, and equipment of the rooms, buildings, or places where such labor is performed, or where public assemblies are held, and to enforce all such rules and regulations.

(2205 amended June 30, 1988, P.L.475, No.80)

Section 2206. Mediation and Arbitration.--The Department of Labor and Industry shall have the power, and its duty shall be, whenever a difference arises between an employer and his employes with regard to wages, hours, or conditions of employment, to send a representative of the department promptly to the locality in which such difference exists, and endeavor by mediation to effect an amicable settlement of the controversy. If such settlement cannot be effected, and the dispute is submitted for arbitration, the department, in the event of the failure of representatives of employer and employes to name an impartial person to act as chairman of the board of arbitration, shall, if requested by the parties to the dispute, select such person to act as such chairman.

Section 2207. Women and Children.--The Department of Labor and Industry shall have the power, and its duty shall be:

(a) To make studies and investigations of the special problems connected with the labor of women and children;

(b) To create the necessary organization, and to appoint an adequate number of inspectors, to enforce the laws and rules and regulations of the department relating to the work of women and children.

Section 2208. Workmen's Compensation and Occupational Disease.--The Department of Labor and Industry shall have the power, and its duty shall be:

(a) To administer and enforce the laws of this Commonwealth, as now existing or hereafter enacted, relating to workmen's compensation and occupational disease compensation: Provided, however, That the Workmen's Compensation Appeal Board shall perform their duties independently of the Secretary of Labor and Industry, or any other official of the department, except that all clerical, stenographic and other assistance required by the Workmen's Compensation Appeal Board shall be appointed by the department as provided in this act;

(b) To receive and classify reports of all accidents and injuries; to receive and examine or disapprove agreements, supplemental agreements, notices, receipts, final receipts, and other papers in workmen's compensation cases and order the correction of any errors therein and by general rule, to regulate or waive the filing, approval or disapproval of such papers in the interest of fair, practical and prompt resolution of the rights of the parties, as provided by law;

(c) To follow up in all cases in which workmen's compensation is payable, and see that compensation is paid promptly and in accordance with the laws of this Commonwealth;

(d) To advise injured workmen and others of their rights under the workmen's compensation laws;

(e) From time to time, to divide the State into such number of workmen's compensation districts as it may deem advisable for the proper administration of the workmen's compensation laws;

(f) To receive and refer to Workmen's Compensation Referees all claims for compensation in contested or unpaid cases and to receive and refer to the Workmen's Compensation Appeal Board all appeals from decisions of referees and to mail copies of decisions to all affected parties;

(g) To render to the Workmen's Compensation Appeal Board any reasonable assistance requested by the board in the conduct of its work;

(h) Except in cases in which the Commonwealth's liability therefor is covered by insurance, to prepare and issue to the Auditor General certificates or requisitions for the payment of workmen's compensation to injured employes of the Commonwealth.

(2208 amended Feb. 8, 1972, P.L.49, No.13)

Compiler's Note: Section 31.1 of Act 57 of 1996 provided that any reference in a statute to the Workmen's Compensation Appeal Board shall be deemed a reference to the Workers' Compensation Appeal Board. The Workmen's Compensation Appeal Board is referred to in subsecs. (a), (f) and (g).

Section 2209. Rehabilitation.--The Department of Labor and Industry shall have the power:

(a) To render aid to persons injured in industrial pursuits, to arrange for medical treatment for such persons, and procure artificial limbs and appliances to enable them to engage in remunerative occupations;

(b) To make surveys to ascertain the number and condition of physically handicapped persons within the Commonwealth;

(c) To cooperate with the Department of Public Instruction in arranging for training courses in the public schools, or other educational institutions, for persons injured in industrial pursuits, and to arrange for such courses in industrial or agricultural establishments;

(d) To such extent as the department shall have funds available for the purpose, to provide maintenance for such injured persons during such training in such amounts as may be provided by law.

Section 2209.1. The Advisory Council on Affairs of the Handicapped.--The Advisory Council on Affairs of the Handicapped shall have the power and its duties shall be to act in an advisory capacity to all agencies of the State government dealing with the problems of the physically handicapped, including the State Board of Vocational Rehabilitation, the State Employment Service and the State Council of the Blind, and any other agency having a substantial part of the handicapped program, with a view of coordinating and improving these services so as to render better service to the handicapped and to effectuate as far as possible greater economy in the operation of these State services.

(2209.1 added July 28, 1953, P.L.656, No.197)

Section 2209.2. Advisory Board on Problems of Older Workers.--

(a) The Advisory Board on Problems of Older Workers shall have the power, and its objective shall be, to consider and advise the Secretary of Labor and Industry upon all matters related to the problems of the aging and the aged, including the formulation of policies and programs to inform, guide and assist the secretary in the performance of his duties and responsibilities with respect to the problems of the aging and aged persons. In the performance of its objective it shall study, investigate, analyze and assess existing knowledge and programs related to the problems of the aging and the aged to determine what measures can be taken to provide a better integration of this group in the economic life of the Commonwealth.

(b) The board may, for the purpose of accomplishing its objective, hold such hearings and sit and act at such times and places as the board may deem advisable.

(c) The board is authorized to secure directly from any administrative department or independent administrative or departmental administrative board or commission information, suggestions, estimates and statistics for the purpose of performing its objective, and each such administrative department or independent administrative or departmental administrative board or commission is authorized and directed to furnish such information, suggestions, estimates and statistics directly to the board upon request made by the chairman.

(2209.2 added Apr. 11, 1956, 1955 P.L.1443, No.475)

Section 2209.3. Policy, Planning and Evaluation Advisory Committee.--(a) A Policy, Planning and Evaluation Advisory Committee is hereby created within the Department of Labor and Industry. The committee shall consist of any reasonable number of members, to be appointed by the Secretary of Labor and Industry. The appointees must, however, include at least two women who are employed by a private employer within this Commonwealth, two representatives of organized labor, two representatives of Statewide business organizations and two members representing minority ethnic groups. The appointments may be made in any combination.

(b) The Secretary of Labor and Industry shall appoint subcommittees which may or may not have overlapping membership with the committee. These subcommittees shall include, but not be limited to, a subcommittee on farm labor, a subcommittee on child labor, a subcommittee on industrial homework and a subcommittee on women and minorities in the workforce.

(c) The committee shall have the power to advise the department on all issues and regulations within the department's jurisdiction. The committee shall also be specifically responsible for advising the department on those topics previously assigned to the Industrial Board, including farm labor, child labor, industrial homework and women in the workforce, as well as on plans to regularize or improve employment opportunities.

(d) The committee may consider, study and investigate the work of the department and issue reports, and may request the department to investigate or survey any subject within the department's jurisdiction. The committee may also study any issue area relevant to the department's jurisdiction and make reports.

(e) The director of the Office of Policy, Planning and Evaluation within the department shall serve as executive director of the committee. The executive director shall be responsible for providing the committee with such materials and

information as may be necessary for the conduct of the committee's business.

(f) Committee and subcommittee members shall receive the amount of reasonable traveling, hotel and other necessary expenses incurred in the performance of their duties in accordance with Commonwealth regulations.

(2209.3 added June 30, 1988, P.L.475, No.80)

Section 2210. Employment and Unemployment.--The Department of Labor and Industry shall have the power:

(a) To endeavor to bring together employers seeking employes and applicants for employment;

(b) To supervise all public and private employment agencies, including modeling and theatrical agencies:

(1) No modeling or theatrical agency may charge a fee for its services until it has secured an assignment for an applicant, which assignment has been accepted by the applicant and where the applicant and the person with whom the assignment has been secured have agreed on a fee.

(2) A modeling or theatrical agency shall be entitled to charge a fee of more than ten per centum (10%) of the amount earned by an applicant for each job secured through the modeling or theatrical agency regardless of the job's duration.

(3) For the purpose of this subsection, the term "modeling agency" shall mean any person, copartnership, association or corporation engaged in the business of:

(i) conducting an agency, bureau, office or any other place for the purpose of procuring or offering, promising or attempting to provide engagements for persons who want to procure employment as models; or

(ii) giving information as to where such engagements may be procured or provided, whether such business is conducted in a building, on the street or elsewhere.

(4) For the purpose of this subsection, the term "theatrical employment agency" shall mean the business of conducting an agency, bureau, office or any other place for the purpose of procuring or offering, promising or attempting to provide engagements for persons who want employment in the following occupations: circus, fair, vaudeville, musical, theatrical and other entertainment or exhibitions or performances; or of giving information as to where such engagement may be procured or provided, whether such business is conducted in a building, on the street or elsewhere;

(c) To report on the extent of unemployment, the remedy therefor, and the means for the prevention thereof;

(d) To establish employment offices or labor exchanges at convenient places throughout the Commonwealth;

(e) To promote the intelligent distribution of labor and, when necessary, to assist in securing transportation for employes desiring to go to places where work is available.

(2210 amended Feb. 23, 1996, P.L.27, No.10)

Section 2210.1. Older Workers.--The Department of Labor and Industry shall have the power, and its duties shall be:

(a) To develop through public employment offices specialized services in counseling and placement programs for older workers, and foster through cooperative effort the development of the facilities of other governmental and private agencies for expanding the opportunities and potentials of aging persons;

(b) To develop, in cooperation with the Federal government, State, local and private agencies, sound programs for the occupational rehabilitation and vocational training of the employed and unemployed among the aging;

(c) To conduct research with the view to reducing age barriers in the hire, employment and retention of older workers, including analysis of the nature and scope of the problems confronting aging persons, the compilation of adequate current statistics with respect thereto, and the development of measures for improving the utilization of older workers and their skills;

(d) To sponsor in communities of the Commonwealth informational and educational programs to aid in the hire, employment and retention of older workers;

(e) To formulate and submit to the Governor measures for eliminating age restrictions in public employment, reducing relative costs incident to the employment of older workers, and developing financial and other incentives in industry for their employment;

(f) To recommend to the Governor such specific proposals for legislation as are deemed necessary and proper in such fields as unemployment compensation insurance, education, vocational training and rehabilitation for easing and stimulating the employment of aging workers.

(2210.1 added Apr. 11, 1956, 1955 P.L.1443, No.475)

Section 2211. State Workmen's Insurance Board.--Subject to any inconsistent provisions in this act contained, the State Workmen's Insurance Board shall continue to exercise the powers and perform the duties by law vested in and imposed upon the said board.

Section 2211.1. Investigation of State Workmen's Insurance Fund.--(2211.1 expired November 30, 1996. See Act 35 of 1996.)

Section 2212. Workmen's Compensation Board.--(2212 repealed Feb. 8, 1972, P.L.49, No.13)

Section 2213. Workmen's Compensation Referees.--Each Workmen's Compensation Referee shall have the power, and his duty shall be, to hear and determine such claims for compensation as shall be assigned to him by the Secretary of Labor and Industry, and to perform such other duties as shall be required of him by the Secretary of Labor and Industry, or imposed upon him by law. Each decision of a referee shall be subject to appeal to the Workmen's Compensation Appeal Board as provided by law.

(2213 amended Feb. 8, 1972, P.L.49, No.13)

Compiler's Note: Section 31.1 of Act 57 of 1996 provided that any reference in a statute to the Workmen's Compensation Appeal Board shall be deemed a reference to the Workers' Compensation Appeal Board.

Section 2214. Industrial Board.--The Industrial Board created by this act shall have the power, and its duty shall be:

(a) To meet at least once each month for the purpose of considering such matters as are brought before it or the Secretary of Labor and Industry shall request;

(b) To hold hearings with reference to the application by the department of the laws specified in subsection (h), upon appeal either of employes or employers or of the public and, after such hearings, to make recommendations to the department;

(c) To make suggestions to the department for the formulation of rules and regulations within its jurisdiction;

(d) To retain the power to grant variances and hear appeals within its jurisdiction arising out of the enforcement actions of the department consistent with the powers granted to the board by section 14 of the act of June 2, 1913 (P.L.396, No.267), entitled "An act creating a Department of Labor and Industry; defining its powers and duties; establishing an

Industrial Board; providing for the appointment of a Commissioner of Labor, inspectors, statisticians, clerks, and others to enforce the provisions of this act, and providing salaries for the same; prescribing a standard of reasonable and adequate protection to be observed in the rooms, buildings, and places where labor is employed; empowering the said Industrial Board to make, alter, amend, and repeal rules and regulations relating thereto; transferring the powers and duties of the Department of Factory Inspection to the Department of Labor and Industry, and abolishing the Department of Factory Inspection; and providing a penalty for the violation of the provisions of this act, or the rules and regulations of the said board."

(e) To perform any other duties assigned to the board by the Secretary of Labor and Industry;

(f) To request or initiate investigations and make reports on all matters within its jurisdiction. The department shall cooperate with the board and provide such information as the board may request;

(g) To establish such technical advisory boards or committees as may be necessary for the performance of its duties, including, but not limited to, a Fire and Panic Advisory Board and a Boiler Advisory Board; ((g) amended June 28, 2018, P.L.451, No.68)

(h) To have jurisdiction under the following acts:

(1) The act of May 30, 1895 (P.L.129, No.99), entitled "An act to provide for safety guards upon passenger elevators and providing a penalty for violation thereof."

(2) The act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act.

(3) (Deleted by amendment).

(4) (Deleted by amendment).

(5) The act of May 18, 1937 (P.L.654, No.174), entitled, as amended, "An act to provide for the safety and to protect the health and morals of persons while employed; prescribing certain regulations and restrictions concerning places where persons are employed, and the equipment, apparatus, materials, devices and machinery used therein; prescribing certain powers and duties of the Department of Labor and Industry relative to the enforcement of this act; and fixing penalties."

(6) The act of May 27, 1937 (P.L.926, No.249), referred to as the Bedding and Upholstery Law.

(7) (Deleted by amendment).

(8) (Deleted by amendment).

(9) (Deleted by amendment).

(10) The act of July 25, 1961 (P.L.857, No.372), referred to as the Stuffed Toy Manufacturing Act.

(11) The act of August 22, 1961 (P.L.1034, No.467), entitled "An act requiring a guard to be posted when a manhole is entered; imposing powers and duties on the Department of Labor and Industry; and authorizing said department to promulgate rules and regulations relating to manholes, and providing penalties."

(12) The act of June 2, 1971 (P.L.115, No.5), entitled "An act requiring the use of safety glazing materials in hazardous locations in residential, commercial and public buildings, imposing duties on the Department of Labor and Industry and providing penalties."

(12.1) The act of June 18, 1998 (P.L.655, No.85), known as the Boiler and Unfired Pressure Vessel Law.

(12.2) The act of June 19, 2002 (P.L.421, No.61), known as the Propane and Liquefied Petroleum Gas Act.

(13) Any other acts assigned by the Secretary of Labor and Industry.

((h) amended June 28, 2018, P.L.451, No.68)

(2214 amended June 30, 1988, P.L.475, No.80)

Compiler's Note: See Act 68 of 2018 in the appendix to this act for special provisions relating to notice, short title and effective date.

Section 2214.1. Elevator Safety Board.--(a) The Elevator Safety Board is established and shall consist of the members as provided in this section.

(b) The Governor shall appoint the members of the board with one representative from each of the following:

(1) The Department of Labor and Industry.

(2) An elevator manufacturing company.

(3) An elevator servicing company.

(4) An architectural design or elevator consulting profession.

(5) An elevator inspector.

(6) A labor organization specializing in the installation, maintenance and repair of elevators and other conveyances.

(7) A building owner or manager.

(8) A municipality.

(9) The general public.

(c) Within thirty (30) days of the effective date of this section, the Governor shall make the initial appointments to the board.

(d) The board shall have term limitations and structure as follows:

(1) The members of the board shall serve for a term of three (3) years and, except for the member under paragraph (2), may not serve for more than three (3) consecutive terms.

(2) The representative of the Department of Labor and Industry or its designee shall serve continuously.

(3) The members shall serve without salary.

(4) The members shall receive reimbursement from the Commonwealth in such amounts as determined by the Department of Labor and Industry for reasonable travel, lodging and other expenses necessarily incurred by them in the performance of their duties.

(5) The Governor shall appoint one member to serve as chairperson, who shall be the deciding vote in the event of a tie vote.

(e) (1) The board shall meet and organize within one hundred twenty (120) days of the effective date of this section and at that meeting shall elect one secretary of the board to serve during the term to be fixed by the rules and regulations adopted by the board. The board shall meet monthly at a time and place to be fixed by the Department of Labor and Industry and at times as it is deemed necessary for the consideration of code regulations, appeals, variances and the transaction of other business. Special meetings may be called as provided in the rules and regulations adopted by the board. The Department of Labor and Industry shall set the place and time of special meetings.

(2) Any member absent from three consecutive meetings shall be dismissed and the vacancy shall be filled in the same manner as the appointment of the absent member.

(f) (1) The board shall recommend regulations to the Secretary of Labor and Industry relating to construction, maintenance and inspection of elevators and safe operation of elevators. The board may consult with engineering authorities

and other appropriate organizations regarding the application of elevator industry codes and standards.

(2) The Secretary of Labor and Industry shall review any recommendations for regulations submitted by the board and, if the secretary approves the recommendations, shall promulgate regulations consistent with the recommendations.

(3) The board may grant exceptions and variances from the requirements of applicable codes and standards or regulations if the changes would not jeopardize the safety and welfare of the general public or individuals employed in the elevator industry. The Department of Labor and Industry shall accept applications for all exceptions and variances and shall make recommendations on the applications to the board.

(4) The board may hold hearings and hear appeals on matters relating to this section in accordance with regulations and procedures established by the board in consultation with the Department of Labor and Industry.

(2214.1 added June 28, 2018, P.L.451, No.68)

Compiler's Note: See Act 68 of 2018 in the appendix to this act for special provisions relating to notice, short title and effective date.

Section 2215. Fair Share Fee; Payroll Deduction.--(a) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Bona fide religious objection" shall mean an objection to the payment of a fair share fee based upon the tenets or teachings of a bona fide church or religious body of which the employe is a member.

"Commonwealth" shall mean the Commonwealth of Pennsylvania, including any board, commission, department, agency or instrumentality of the Commonwealth.

"Employe organization" shall mean an organization of any kind or any agency or employe representation committee or plan in which membership includes public employes and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, employe-employer disputes, wages, rates of pay, hours of employment or conditions of work, but shall not include any organization which practices discrimination in membership because of race, gender, color, creed, national origin or political affiliation.

"Exclusive representative" shall mean the employe organization selected by the employes of a public employer to represent them for purposes of collective bargaining pursuant to the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act."

"Fair share fee" shall mean the regular membership dues required of members of the exclusive representative less the cost for the previous fiscal year of its activities or undertakings which were not reasonably employed to implement or effectuate the duties of the employe organization as exclusive representative.

"Nonmember" shall mean an employe of a public employer, who is not a member of the exclusive representative, but who is represented in a collective bargaining unit by the exclusive representative for purposes of collective bargaining.

"Public employer" shall mean the Commonwealth of Pennsylvania or a school entity.

"School entity" shall mean any school district, intermediate unit or vocational-technical school.

"Statewide employe organization" shall mean the Statewide affiliated parent organization of an exclusive representative,

or an exclusive representative representing employes Statewide, and which is receiving nonmember fair share payments.

(b) If the provisions of a collective bargaining agreement so provide, each nonmember of a collective bargaining unit shall be required to pay to the exclusive representative a fair share fee.

(c) To implement fair share agreements in accordance with subsection (b), the exclusive representative shall provide the public employer with the name of each nonmember who is obligated to pay a fair share fee, the amount of the fee that he or she is obligated to pay and a reasonable schedule for deducting said amount from the salary or wages of such nonmember. The public employer shall deduct the fee in accordance with said schedule and promptly transmit the amount deducted to the exclusive representative.

(d) As a precondition to the collection of fair share fees, the exclusive representative shall establish and maintain a full and fair procedure, consistent with constitutional requirements, that provides nonmembers, by way of annual notice, with sufficient information to gauge the propriety of the fee and that responds to challenges by nonmembers to the amount of the fee. The procedure shall provide for an impartial hearing before an arbitrator to resolve disputes regarding the amount of the chargeable fee. A public employer shall not refuse to carry out its obligations under subsection (c) on the grounds that the exclusive representative has not satisfied its obligation under this subsection.

(e) Within forty (40) days of transmission of notice under subsection (d), any nonmember may challenge as follows:

(1) to the propriety of the fair share fee; or

(2) to the payment of fair share fees for bona fide religious grounds.

(f) Any objection under subsection (e) shall be made in writing to the exclusive representative and shall state whether the objection is made on the grounds set forth in subsection (e)(1) or (2).

(g) When a challenge is made under subsection (e)(1), such challenge shall be resolved along with all similar challenges by an impartial arbitrator, paid for by the exclusive representative, and selected by the American Arbitration Association, or the Federal Mediation and Conciliation Service, pursuant to the Rules for Impartial Determination of Union Fees promulgated by the American Arbitration Association. The decision of the impartial arbitrator shall be final and binding.

(h) When a challenge is made under subsection (e)(2), the objector shall provide the exclusive representative with verification that the challenge is based on bona fide religious grounds. If the exclusive representative accepts the verification, the challenging nonmember shall pay the equivalent of the fair share fee to a nonreligious charity agreed upon by the nonmember and the exclusive representative. If the exclusive representative rejects the verification because it is not based on bona fide religious grounds, the challenging nonmember may challenge that determination within forty (40) days from receipt of notification.

(i) When a challenge is made under subsection (e)(1), the exclusive representative shall place fifty per centum (50%) of each challenged fair share fee into an interest-bearing escrow account until such time as the challenge is resolved by an arbitrator. When a challenge is made under subsection (e)(2), the exclusive representative shall place one hundred per centum (100%) of each challenged fair share fee into an

interest-bearing escrow account until such time as the challenge is resolved by an arbitrator.

(j) Every Statewide employe organization required to submit a report under Title II of the Labor-Management Reporting and Disclosure Act of 1959 (Public Law 86-257, 29 U.S.C. § 401 et seq.) shall make available a copy of such report to the Secretary of Labor and Industry.

(k) All materials and reports filed pursuant to this section shall be deemed to be public records and shall be available for public inspection at the Office of the Secretary of Labor and Industry during the usual business hours of the Department of Labor and Industry.

(l) Any employe organization which violates the provisions of this section or fails to file any required report or affidavit or files a false report or affidavit shall be subject to a fine of not more than two thousand dollars ($2,000).

(m) Any person who wilfully violates this section, or who makes a false statement knowing it to be false, or who knowingly fails to disclose a material fact shall be fined not more than one thousand dollars ($1,000) or undergo imprisonment for not more than thirty (30) days, or both. Each individual required to sign affidavits or reports under this section shall be personally responsible for filing such report or affidavit and for any statement contained therein he knows to be false.

(2215 added July 13, 1988, P.L.493, No.84)

Section 2216. Pennsylvania Conservation Corps.--(2216 repealed July 2, 1993, P.L.350, No.49)

Section 2217. Above-Ground Refrigerated Low-Pressure Storage and Handling of Propane.--(a) The Department of Labor and Industry shall make, promulgate and enforce regulations setting forth minimum general standards for the design, installation and construction of above-ground refrigerated low-pressure storage facilities for propane. Said regulations issued under the authority of this act and the act of December 27, 1951 (P.L.1793, No.475), referred to as the Liquefied Petroleum Gas Act, shall be such as are reasonably necessary for the protection of the health, welfare and safety of the public and persons using such materials and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

(b) Any person desiring to install, construct or operate an above-ground refrigerated low-pressure storage facility for propane prior to the effective date of the regulations promulgated by the Department of Labor and Industry pursuant to subsection (a) setting forth minimum general standards for design, installation and construction of such a facility shall make application to the department for construction and/or operating approval. Upon receipt of an application hereunder, the department shall, within a reasonable time, review or cause to be reviewed the design, installation and construction of the facility and shall issue approval if the department determines, within its discretion, that the facility meets or exceeds the standards set forth in the current edition of the National Fire Protection Association (NFPA) 58, Chapter 8, the American Petroleum Institute (API) Standard 2510 and 29 CFR 1910.119 (relating to process safety management) and if the department determines that there is a reasonable assurance that operation of the facility would be safe with regard to life and property in the vicinity, particularly in the event of an inability to retain control of the propane by means of keeping it in a liquid state of refrigeration. These standards shall have the same effect as regulations duly promulgated by the department until

the effective date of new regulations that the department promulgates.

(c) The temporary above-ground refrigerated low-pressure storage regulatory authority in subsection (b) shall be the sole regulations applicable to any facility approved prior to the effective date of adoption of final rules and regulations by the Department of Labor and Industry and shall not be applicable to any facility applying for approval after the department promulgates final regulations pursuant to subsection (a).

(2217 amended July 8, 1993, P.L.451, No.65)

Compiler's Note: Section 4 of Act 65 of 1993, which added section 2217, provided that subsec. (b) shall expire upon adoption of final regulations by the Department of Labor and Industry pursuant to subsec. (a).

Section 2218. Workers' Compensation Assessment.--Effective July 1, 1998, the assessments for the maintenance of the Subsequent Injury Fund, the Workmen's Compensation Supersedeas Fund and the Workmen's Compensation Administration Fund under sections 306.2, 443 and 446 of the act of June 2, 1915 (P.L.736, No.338), known as the "Workers' Compensation Act," shall no longer be imposed on insurers but shall be imposed, collected and remitted through insurers in accordance with regulations promulgated by the Department of Labor and Industry.

(2218 added Nov. 26, 1997, P.L.530, No.57)

Section 2219. Bureau of Occupational and Industrial Safety.--(a) Money collected by the Department of Labor and Industry under section 613-A(a) for the 2019-2020 fiscal year and each fiscal year thereafter shall be distributed as follows:

(1) the amount of $10,000,000 shall augment an appropriation made to the Bureau of Occupational and Industrial Safety in a general appropriations act; and

(2) any amount in excess of the amount under paragraph (1) shall be deposited in the General Fund.

(b) (Reserved).

(2219 added June 28, 2019, P.L.101, No.15)

Compiler's Note: See section 13 of Act 15 of 2019 in the appendix to this act for special provisions relating to legislative findings and declarations and effective date.

(b) Services for the Blind and Visually Impaired
(Subart. b added June 22, 1999, P.L.99, No.15)

Compiler's Note: See section 5 of Act 15 of 1999 in the appendix to this act for special provisions relating to the subjects of transfer of the Department of Public Welfare relating to the Article VII of the Public Welfare Code.

Section 2221. Definitions.--As used in this subarticle, the following words and phrases shall have the meanings given to them in this section:

"Advisory committee" shall mean the Advisory Committee for the Blind established in section 2225.

"Blind person" shall mean a person:

(1) whose central acuity does not exceed 20/200 in the better eye with correcting lenses; or

(2) whose visual acuity, if better than 20/200, is accompanied by a limit of the field of vision in the better eye

to a degree that its widest diameter subtends an angle of no greater than twenty (20) degrees.

In determining whether an individual is blind, there must be an examination by a physician skilled in diseases of the eye or by an optometrist.

"Bureau" shall mean the administrative unit in the department which provides services to the blind and visually impaired in accordance with this subarticle or subarticle (c).

"Committee" shall mean the Committee of Blind Vendors established in section 2233.

"Department" shall mean the Department of Labor and Industry of the Commonwealth.

"Fund" shall mean the Employment Fund for the Blind established in section 2223.

"Licensee" shall mean an individual licensed under section 2235.

"Rental fee" shall mean the fee fixed by the bureau and the committee for the rental of the snack bar location and equipment.

"State property" shall mean property owned or leased by the State government or an agency of the State government and designated by the bureau as appropriate for participation in the Business Enterprise Program. The term does not include property which is owned or leased for:

(1) rest, recreation and safety rest areas on the national system of interstate and defense highways;

(2) institutions of higher learning except as provided in section 2239; or

(3) institutions of the Department of Corrections.

"Vending facility" shall mean any automatic vending machine, cafeteria, snack bar, shelter, cart or counter where food, tobacco, newspapers, periodicals or other articles are offered for sale and dispensed automatically or manually.

"Vending machine income" shall mean either of the following:

(1) Receipts, other than those of a licensee, from the operation of vending machines on State property, after cost of goods sold, where the machines are operated, serviced or maintained by or with the approval of the department and the committee.

(2) Commissions paid other than to a licensee by a commercial vending concern which operates, services or maintains vending machines on State property for or with the approval of the department.

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 2222. Department.--The department has the following powers and duties:

(1) To collect, systematize and transmit to other agencies relevant information in regard to blind and visually impaired persons in this Commonwealth as necessary to improve programs relating to the blind and visually impaired.

(2) To formulate general policy and establish and operate programs within this Commonwealth to:

(i) assist blind and visually impaired persons to gain employment and become self-sufficient;

(ii) increase economic opportunities for blind and visually impaired persons; and

(iii) increase the number and variety of occupations available to blind and visually impaired persons.

(3) To provide for the delivery of comprehensive vocational rehabilitation services, training and other specialized services to blind and visually impaired persons consistent with Federal and State law.

(4) To establish and operate a business enterprise program for persons who are blind in accordance with this subarticle, subarticle (c) and Federal law.

(5) To participate in programs involving the use of vocational rehabilitation to assist in the transition of blind and visually impaired students from school to work.

(6) To take any action and to adopt regulations necessary to facilitate the operation of this subarticle and subarticle (c) and, in furtherance of those objectives, to accept any grants or contributions from the Federal Government or any Federal agency.

Section 2223. Fund.--(a) There is established in the State Treasury a revolving fund to be designated as the Employment Fund for the Blind.

(b) The fund shall be used by the department in carrying out the purposes specified in this subarticle and subarticle (c). This subsection includes all of the following:

(1) Purchase new equipment and replace existing equipment for new and existing vending facilities, including any construction necessary for the installation of equipment or related renovation.

(2) Purchase initial stock and supplies.

(3) Provide training services.

(4) Establish and maintain retirement funds or other appropriate benefits for licensees.

(5) Pay for necessary program operating expenses, including appropriate expenses for the committee.

(c) Money in the fund is hereby appropriated to the department for such purposes and shall be paid without further appropriations under requisition and warrant drawn on the State Treasurer in the usual manner.

Section 2224. Business Enterprises; Equipment; Leases; Repayment.--(a) The department is authorized to purchase, own, install, maintain, license and lease equipment, accessories and vending machines to be used for suitable business enterprises for or on behalf of the blind and to advance to deserving blind persons out of money in the fund reasonable amounts as proper to enable blind persons to purchase the merchandise, equipment, stock and accessories necessary to put into operation a vending or refreshment stand or other suitable business enterprises in some suitable location to be leased or arranged for by the department. Pennsylvania blind veterans of the world wars shall be given first preference for locations established in accordance with the provisions of the Randolph-Sheppard Act (49 Stat. 1559, 20 U.S.C. § 107 et seq.) and the regulations pursuant to that act.

(b) Business enterprises under subsection (a) must be approved by the department and shall be supervised periodically by the department.

(c) The leases or permits for the installation and operation of stands or other suitable business enterprises under subsection (a) shall be secured by the department in its own name.

(d) Money advanced to a blind person under this subarticle or subarticle (c) shall be repaid by such person in monthly installments, which shall in no case be less than two per centum (2%) of the gross monthly sales made at the stand or business in question.

(e) Equipment and accessories purchased, owned, installed and maintained by the department may be leased to deserving blind persons for an amount not to exceed four per centum (4%) of the gross monthly sales except in those locations in which the gross monthly sales do not exceed one thousand dollars ($1,000). Rental in these locations shall not exceed one per centum (1%) of the gross monthly sales. The department shall periodically regulate the rental fees charged to blind persons in accordance with the regulations, in such a manner as to achieve approximate equality of opportunity to blind persons. The department shall transmit all repayments and rental fees into the State Treasury where they shall be credited to the fund.

(f) The department is authorized to receive and transmit to the State Treasury for credit to the fund all money received by the Commonwealth on account of contracts between the Commonwealth, acting through the Department of General Services, and vending machine owners, whereby the Commonwealth is to receive a percentage of the profits from vending machines operated in State buildings, except for those vending machines in State buildings in which a restaurant or cafeteria is operated by the Department of General Services.

Section 2225. Advisory Committee for the Blind.--(a) There is established an Advisory Committee for the Blind within the department.

(b) The advisory committee shall consist of the director of the bureau and shall include not less than three nor more than nine members appointed by the Governor. The qualifications of the members of the advisory committee shall be determined by the Governor in consultation with the department. The Governor shall appoint members of the advisory committee to represent the professional and lay groups from fields of interest served by programs administered by the bureau.

(c) The term of office of each member shall be six (6) years. Initial appointments to the advisory committee shall be for terms of six (6), four (4) and two (2) years.

(d) (1) A majority of the advisory committee shall constitute a quorum.

(2) The advisory committee shall elect a chairperson.

(3) The advisory committee shall meet at least four times each year.

(c) Little Randolph-Sheppard
(Subart. c added June 22, 1999, P.L.99, No.15)

Compiler's Note: See section 5 of Act 15 of 1999 in the appendix to this act for special provisions relating to the subjects of transfer of the Department of Public Welfare relating to the Little Randolph-Sheppard Act.

Section 2231. Short Title of Subarticle.--This subarticle shall be known and may be cited as the "Little Randolph-Sheppard Act."

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 2232. Definitions.--The definitions in section 2221 shall apply to this subarticle.

Section 2233. Committee Established.--The Committee of Blind Vendors is established. The committee shall consist of licensees. The committee shall conduct a biennial election of

a president, first vice president and secretary and may conduct elections to fill vacancies in office at any time. The bureau must approve policies, standards and procedures affecting the operation of vending facilities by licensees in consultation and cooperation with the committee. The committee shall actively participate in administrative policy and program development decisions concerning vending facilities operated by licensees.

Section 2234. Blindness and Visual Services.--(a) The bureau has the following powers and duties:

(1) Survey vending facility opportunities on all State property.

(2) License blind persons for the operation of vending facilities on State property.

(3) Provide vending facility equipment and an adequate initial stock of suitable articles to licensees.

(4) Provide the necessary training and supervision to licensees.

(5) Issue appropriate regulations to carry out the provisions of this subarticle.

(6) Collect rental fees and appropriate vending machine income and transmit them to the Treasury Department for deposit in the fund.

(b) The bureau, with active participation by the committee, has the following powers and duties:

(1) Consider and respond to grievances of licensees.

(2) Develop and administer a Statewide system for the transfer and promotion of licensees.

(3) Develop training and retraining programs for licensees and blind persons interested in obtaining a license to operate a vending facility.

(4) Organize meetings and conferences for licensees in this Commonwealth.

(5) Adopt regulations necessary to insure uniform administration of the vending facilities program for licensees. The regulations shall apply uniformly to vending facilities operated by licensees on Federal as well as other public property.

Section 2235. Licensing.--(a) The bureau may issue a license for the operation of a vending facility only to a blind person who is a resident of this Commonwealth; who qualifies for a license under the Randolph-Sheppard Act (49 Stat. 1559, 20 U.S.C. § 107 et seq.); and who is able, after successfully completing all necessary training, to operate a vending facility. Each license shall be for an indefinite period but may be terminated or suspended if, after affording the licensee an opportunity for an appeal under section 2240 to the bureau and the committee, it is determined that the facility is not being operated in accordance with this subarticle.

(b) A license may be terminated or suspended if any of the following apply:

(1) The licensee shows serious or repeated employment-related misconduct or mismanagement of the facility.

(2) The licensee shows continued indebtedness or delinquency in required reporting.

(3) The licensee is incapacitated for an extended period of time to the extent that the licensee cannot conduct the affairs of the facility.

(4) The licensee shows restoration of sight to better than legal blindness, which is the basis of eligibility for participation in the program.

(5) The licensee voluntarily withdraws or resigns from the program.

Section 2236. Veterans Preference.--Pennsylvania blind veterans shall be given preference in placement at their first vending location. This preference shall be applicable only for entry to the program and only in competition with other entering trainees. It may only be used once under the business enterprises regulations as provided for in section 2222(6).

Section 2237. Operation of Vending Facility.--(a) No person in control of the maintenance, operation and protection of State property may offer or grant to any other party a contract or concession to operate a vending facility unless all of the following apply:

(1) The bureau is properly notified to negotiate an agreement with a licensee to operate a vending facility.

(2) The bureau and the committee are not willing or able to establish a vending facility on the property.

(b) If, on the effective date of this subarticle, a vending facility is being operated on State property by a person other than a licensee, when the present contract expires, is terminated or comes up for renewal or upon a change of the maintenance, operation and protection of the property, the person in control shall notify the bureau and attempt to make an agreement with the bureau for a licensee to operate the vending facility. If the bureau determines that a vending facility operated by a full-time licensee is not feasible on State property, the business enterprises program may install vending machines on the property with income accruing under section 2234(a)(6). The contract for the operation of a vending facility shall specify that it shall be operated at a reasonable cost consistent with a fair return, high-quality food products or service and reasonable prices.

Section 2238. Income.--Income from existing vending machines on State property and from new or replacement vending machines installed on State property shall accrue to the licensee operating a vending facility on the property or, if there is none, to the fund. The licensee or the bureau, as appropriate, shall be responsible for servicing and maintaining the vending machines from which income is received.

Section 2239. Institutions of Higher Learning.--An institution of higher learning which, on the effective date of this subarticle, is a party to a lease or other contract with a Commonwealth agency entered into under section 2224 may, when the present contract expires, is terminated or comes up for renewal, enter into contract with the bureau for the operation of a vending facility under this subarticle. An institution of higher learning may, at any time, voluntarily participate in the program established by this subarticle.

Section 2240. Appeal.--A person aggrieved by a decision of the bureau under this subarticle may appeal under 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

ARTICLE XXII-A

DEPARTMENT OF AGING

Section 2201-A. Objectives.--The objectives of this article are:

(1) to establish a cabinet-level State agency whose jurisdiction, powers and duties specifically concern and are directed to advancing the well-being of Pennsylvania's older citizens;

(2) to effect the maximum feasible coordination of, and eliminate duplication in, the Commonwealth's administration of certain Federal and State programs for older Pennsylvanians;

(3) to further promote the efficient delivery of certain social and other services to older Pennsylvanians; and

(4) to promote the creation and growth of independent clubs and associations of older Pennsylvanians and related activities which give promise of assisting older persons to maintain lives of independence and dignity; involvement in the social, economic and political affairs of their communities; and dignified and efficient assistance when disabled or impaired.

(2201-A added June 20, 1978, P.L.477, No.70)

Section 2202-A. Definitions.--As used in this article:

"Area agency" means the single local agency designated by the department within each planning and service area to administer the delivery of a comprehensive and coordinated plan of social and other services and activities.

"Area plan" means the plan submitted to the department by an area agency describing the methods by which it will ensure a coordinated and comprehensive plan of social and other services and activities in the planning and service area.

"Council" means the Pennsylvania Council on Aging.

"Department" means the Department of Aging.

"Domiciliary care" is a protected living arrangement in the community which provides a safe, supportive, homelike residential setting for three or less adults who are unrelated to the domiciliary care provider, who cannot live independently in the community, and who are placed by an area agency.

"Federal Older Americans Act of 1965" means Public Law 89-73, 42 U.S.C. § 3001 et seq., as amended.

"Long-term care" means those services designed to provide diagnostic, therapeutic, rehabilitative, supportive or maintenance services for individuals who have chronic functional impairments in a variety of institutional and noninstitutional care settings, including the home.

"Older adults, older persons, aged, aging, elderly" mean those persons residing within Pennsylvania who are age sixty or over, or other individuals authorized by law.

"Planning and service area" means the geographic unit within the State, as authorized by the Federal Older Americans Act of 1965, as amended, for allocation of funds for the delivery of social services.

"Secretary" means the Secretary of Aging.

"Sole State agency" means the Department of Aging.

"Unit of general purpose local government" means, as used with reference to the designation of area agencies on aging, a county or other unit which carries general government authority for an area designated as a planning and service area under this act or a combination of such units.

(2202-A amended Dec. 15, 1988, P.L.1244, No.153)

Section 2203-A. Powers and Duties in General.-(a) The Department of Aging hereinafter referred to in this article as the department shall, subject to any inconsistent provisions in this act contained, have the power and its duty shall be to:

(1) Evaluate the need for services for the aged within the State and determine the extent to which public and private programs meet such a need with special emphasis on the needs and participation of the minority elderly.

(2) Assist with planning and provide consultation to State agencies with respect to services, programs and activities which they may furnish to older citizens.

(2.1) Develop and periodically update in consultation with the council and the area agencies, a comprehensive plan for coordinating all major Commonwealth services, programs and activities which are directed towards persons with chronic physical or mental impairments which necessitate long-term care.

(3) Provide for services to the aging through area agencies for the aging and other appropriate agencies, organizations and institutions authorized in accordance with Federal Older Americans Act of 1965, related Federal acts, and applicable State law and to stimulate services and opportunities for the aging which are not otherwise available.

(4) Function as the sole State agency to receive and disburse Federal funds under the Older Americans Act of 1965 and State funds made available for providing services to older persons.

(5) Develop and administer the State plan for the aging required by Federal law.

(5.1) Administer the act of November 4, 1983 (P.L.217, No.63), known as the "Pharmaceutical Assistance Contract for the Elderly Act."

(6) Serve as an advocate for the aging at all levels of government and to provide consultation and assistance to the area agencies, communities and civic groups developing local services for older persons.

(7) Maintain a clearinghouse of information related to the interests of older persons and provide technical assistance and consultation to all agencies, both public and private with respect to programs and services for older persons.

(8) Prepare for the Governor an annual budget as may be reasonably required to address the needs of the Pennsylvania Council on Aging and its regional councils.

(9) Promote, utilizing, wherever possible, the area agencies, community education regarding the problems of older persons through institutes, publications, and use of communications media.

(10) Cooperate with area agencies and agencies of the Federal Government in studies and conferences designed to examine the needs of the aging population and to assist in preparing programs and developing facilities to meet those needs.

(11) Promote and support programs, studies and policies, in cooperation with the Departments of Labor and Industry, Education, Community and Economic Development, Public Welfare and other agencies, which will enhance the opportunity for continued work, education and training for older persons and for preretirement assistance where appropriate. ((11) amended July 9, 2010, P.L.348, No.50)

(12) Promote, through the use of area agencies and direct grants, contracts and technical assistance, the development of independent senior centers, service organizations, clubs, associations and organizations dedicated to the rights and needs of older persons when these are not in conflict with State or area plans for the aging.

(13) Make recommendations for legislative action to the Governor and the General Assembly.

(14) In coordination with the area agencies and the council, develop and conduct research, demonstration programs and training programs to advance the interests of older persons.

(15) Publish a description of the organization and function of the department so that all interested agencies and individuals may be better able to solicit assistance from the department.

(16) Administer and supervise a domiciliary care program for adults.

(17) Conduct, in cooperation with appropriate State and local public and private agencies studies and evaluations pertaining to the quality of life, health and social needs, civil rights and status of older persons residing in personal care homes and similar residencies and report such findings and recommendations to the General Assembly.

(17.1) In cooperation with the area agencies and Federal, State and local organizations and agencies, work toward the development of a continuum of community-based service and housing options for impaired and chronically ill older persons designed to maintain them in the community and avoid or delay institutional care. System development activities shall include, but not be limited to, coordinating the Commonwealth's plans for the provision, expansion and effective administration of:

(i) Personal care and health-related provided to adults in their homes.

(ii) Housing options such as service-assisted housing options and personal care homes.

(iii) Special supports to caregivers who care for impaired older persons.

(iv) Adult day-care services, respite services and other community-based services to support care by caregivers.

(v) The promotion of informal community supports.

(vi) Geriatric assessment and nursing home screening programs.

(vii) Special services to protect the health, safety and welfare of older persons who lack the capacity to protect themselves.

(viii) Special advocacy efforts to promote greater awareness of, and more effective response to, the problems of persons with Alzheimer's disease and other related brain disorders.

To the extent that the needs of other adults involve and overlap the needs of older persons addressed by this paragraph, the department shall serve as an advocate for adults of any age.

(17.2) In cooperation with the Department of Health and the Department of Public Welfare:

(i) Develop and administer a system of preadmission assessment for persons who are at risk of needing institutional care, if the Governor finds such a system cost effective.

(ii) Develop and administer a system of managed community-based long-term care for persons who are assessed as being clinically eligible for nursing home care and who can be cared for within cost-of-care guidelines established by the department, if the Governor finds such a system cost effective.

(18) Review all proposed Commonwealth program plans and policies, and administrative regulations that are published in the Pennsylvania Bulletin for their impact on older persons. Where the secretary believes that they have an impact on older persons, he shall comment in accordance with the provisions of the Commonwealth Documents Law.

(19) Make and enforce rules and regulations necessary and proper to the performance of its duties.

(20) After July 1, 1979 and at the option of the secretary, to administer those provisions of the act of January 22, 1968 (P.L.42, No.8), known as the "Pennsylvania Urban Mass Transportation Assistance Law of 1967," which relate to special transit programs for the elderly. The secretary shall confer with the Department of Transportation in order to insure that

the regulations promulgated by the Department of Aging do not conflict with those promulgated by the Department of Transportation.

(21) Serve as an advocate for the needs of the adult handicapped as such needs involve and overlap the needs and services of older persons.

(22) Cooperate with the Pennsylvania Office of Planning in the development of local, regional and Statewide solutions to the needs of older persons.

(23) Review the activities of regulatory agencies of the Commonwealth which affect the full and fair utilization of State and community resources for programs and benefits for older persons and initiate programs which will help assure such utilization.

(24) Conduct, in cooperation with the Department of Health and the Department of Public Welfare, periodic studies and evaluations pertaining to the quality of care and related services for consumers of long-term care services and report such findings to the General Assembly.

(24.1) Conduct, in cooperation with the Department of Health, an ongoing Statewide prescription drug education program designed to inform older adults of the dangers of prescription drug abuse and misuse.

(24.2) Establish and administer a State Long-Term Care Ombudsman Program, including providing resources to area agencies on aging or other contractors to investigate and resolve complaints related to the health, safety or rights of older individuals who are consumers of long-term care services and to prepare and submit to the General Assembly an annual report containing data and findings regarding the types of problems experienced and complaints investigated.

(25) Collaborate with Department of Community Affairs and the Pennsylvania Housing Finance Agency in the location, design, management and services of housing built for older persons and upon request provide technical assistance to local housing authorities, nonprofit housing and community groups, redevelopment authorities, and other groups with a special emphasis on programs on utility costs, rehabilitation and maintenance of the homes of older persons.

(26) Review and comment on all rules, regulations, eligibility or payment standards issued by the Departments of Public Welfare, Environmental Protection or Labor and Industry relating to the licensure and regulation of nursing homes, hospitals, and other health facilities; medical assistance, supplemental security income; homemaking and home-health care or residential care facilities for older adults. Said rules, regulations and standards shall not take effect until they have been submitted to the department for comment. ((26) amended July 9, 2010, P.L.348, No.50)

(27) Review and comment on rules, regulations, eligibility standards, or contract provisions issued by the Departments of Revenue and Transportation relating to activities financed in whole or in part by the Pennsylvania Lottery. Said rules, regulations, eligibility standards and contract provisions shall not take effect until they have been submitted to the department for comment.

(28) Review and comment on rules, regulations, eligibility standards or contract provisions issued by the Department of Transportation relating to specialized transportation needs of the elderly and the handicapped in rural and urban areas. Said rules, regulations, eligibility standards or contract provisions

shall not take effect until they have been submitted to the department for comment.

(29) Provide for services to adults under age sixty whose needs for services are similar to those for which the department is responsible with respect to older persons and as may be specifically authorized by law.

(b) In filling vacancies authorized to the department, the secretary shall assure that preference is given to persons sixty years of age or older.

(2203-A amended Dec. 15, 1988, P.L.1244, No.153)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Compiler's Note: The Department of Commerce, referred to in subsec. (a), was renamed the Department of Community and Economic Development by Act 58 of 1996. The Department of Community Affairs, referred to in subsec. (a), was abolished by Act 58 of 1996 and its functions were transferred to the Department of Community and Economic Development.

Compiler's Note: The Department of Environmental Resources, referred to in subsec. (a), was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Compiler's Note: The act of Dec. 3, 1970, P.L.834, No.275 contained the following additional section 28 relating to the powers and duties of the Department of Environmental Resources. Section 28 was repealed by the act of Oct. 15, 1980, P.L.950, No.164 to the extent of and inconsistency with such act:

Section 28. There shall be established in the Department of Environmental Resources a unit responsible for the enforcement of all laws within the jurisdiction of the department. The head of such unit shall be a deputy secretary who shall report directly to the Secretary of Environmental Resources. The unit shall have its own staff of investigatory, administrative and technical advisory personnel at both regional and State offices. Special legal counsel will be provided to the unit with the cooperation of the Attorney General.

Section 2204-A. Pennsylvania Council on Aging.--(a) There is hereby created in the Office of the Governor the Pennsylvania Council on Aging which shall consist of twenty-one persons at least eleven of whom shall be sixty years of age or older, and which shall include the chairpersons of the regional councils on aging. Eleven members of the Pennsylvania Council shall constitute a quorum for the conduct of matters which come before it. Absence of a member at three consecutive meetings shall result in the member forfeiting his seat, unless he requests in writing and receives approval from the chairman for an absence necessitated by illness of the member or the death of a loved one.

(b) The members of the council shall be nominated by the Governor, subject to the consent of a majority of the members elected to the Senate, and shall represent, as far as possible, different geographical sections of the Commonwealth. In addition, the council shall include representatives of long-term care providers such as, for example, adult day-care providers. The members shall serve staggered three-year terms and shall

serve until their successors are appointed and qualified. Members shall be eligible for reappointment.

(c) The council shall provide for its organization and procedure including the selection of a chairman and such other officers as deemed necessary.

(d) The members of the council shall receive no compensation for their services on the council but shall be reimbursed by the department, in accordance with regulations, for any ordinary and necessary expenses incurred in the performance of their duties.

(e) The council shall meet at least six times per year to review and comment upon all reports of the Department of Aging to the Governor and the General Assembly.

(f) The council shall have the following powers and duties:

(1) Assist the department in the preparation of the State plan on aging.

(2) To review and comment on rules and regulations promulgated by the department.

(3) To prepare and submit to the Governor, the General Assembly, the Secretary of the Department of Aging and the public reports evaluating the level and quality of services and programs provided to the aging by Commonwealth agencies together with recommendations for improved, expanded or additional programs and services for the aging.

(4) To carry out public hearings on matters affecting the rights and interests of the aging including matters involving cases of neglect, abuse and age discrimination against older persons in the administration of the laws of the Commonwealth and its political subdivisions.

(5) To carry out studies in the areas of age discrimination, health care, Medical Assistance program policies affecting the elderly, duration-of-stay contracts for nursing homes, health-related insurance increases and, as appropriate, other major issues affecting the aging and to report to the Governor, the General Assembly, the secretary and the public its findings and recommendations in regard to appropriate action and a long-term strategy for an appropriate manner in which to address these issues.

(6) Consult with the secretary regarding the operations of the department.

(7) To establish no more than five regional councils on aging which shall consist of fifteen citizen members and concerning which the composition, members' terms of offices, organization and duties and responsibilities shall be determined by the council.

(8) Employ, with such funds as are annually appropriated by the General Assembly, sufficient staff and services to carry out these duties and powers as well as the duties and powers of the regional councils.

(2204-A amended Dec. 15, 1988, P.L.1244, No.153)

Section 2205-A. Planning and Service Area.--The Commonwealth is currently divided into planning and service areas. These geographical subdivisions are established by the authority of the secretary under the Federal Older Americans Act of 1965, and may only be changed by order of the secretary under provisions set forth by the department for combining or dividing geographical areas to bring about more effective and efficient planning and service delivery.

(2205-A amended Dec. 15, 1988, P.L.1244, No.153)

Section 2206-A. Designated Area Agencies.--For each planning and service area there shall be an area agency designated by the department in accordance with the Federal Older Americans

Act of 1965, as amended, to serve as a focal point in the community for the coordination of services for older people and for the issues and concerns of aging. An area agency so designated must be (i) an established office of aging; (ii) any office or agency of the unit of general purpose local government, which is designated for this purpose by the chief elected officials of the unit of general purpose local government; (iii) any office or agency designated by the chief elected officials of a combination of units of general purpose local government to act on behalf of such combination for this purpose; or (iv) any public or nonprofit private agency in a planning and service area which is under the supervision or direction for this purpose of the designated State agency and which can engage in the planning or provision of a broad range of social services within such planning and service area; and must provide assurance, found adequate by the department, that it will have the ability to develop and administer an area plan. The secretary may redesignate or designate new area agencies based on established regulations. Such regulations shall include criteria of efficiencies, appropriateness and equity and shall provide for public hearings on redesignation conducted in the affected planning and service areas. Any such determinations of redesignation shall be executed not less than one hundred days prior to the beginning of the fiscal year of the local authority. A designation or redesignation may occur when changes are made in established planning and service area boundaries, when a currently designated area agency is unable or unwilling to continue as the area agency, when removal of an area agency designation is requested by the local authority with cause shown or when the department determines that a currently designated area agency is incapable of carrying out its approved area plan. The removal of an area agency designation and the designation of a new area agency shall be carried out under regulations promulgated by the department and consistent with the Federal Older Americans Act of 1965. For the purpose of this section, the term "local authority" shall mean county commissioners or county council.

(2206-A amended Dec. 15, 1988, P.L.1244, No.153)

Section 2207-A. Area Agencies; Powers and Duties.--(a) The area agency shall have the authority to act as an advocate at all levels of government and within the community at large for the interests of older persons within the planning and service area. It shall develop a comprehensive area plan to coordinate services for older persons within its planning and service area as the department may prescribe by regulation. The area plan shall make provision for:

(1) Information and referral, advocacy programs.

(2) Social service case management and casework services including protective services and placement services.

(3) Transportation services.

(4) Legal counseling and representation.

(5) In-home services including personal care and health-related services.

(6) Assistance to secure adequate housing and health services.

(7) Other services required by Federal law and other such services and activities designated by the department or identified as critical needs by the area agency and the area agency advisory board. The State plan on aging and grants and contracts provided by the department shall reasonably accommodate such locally designated priorities and critical needs.

(8) The establishment of an affiliated network of multiservice centers and neighborhood centers for older persons. Each center shall provide those services required by the department in accordance with regulations adopted by the department, which regulations shall provide for the maximum involvement of members of such centers and sponsoring organizations in the identification and prioritization of services and activities to be conducted in such centers.

(a.1) The area agency shall be responsible for working toward the development, in cooperation with State and local organizations and agencies, of a continuum of community-based service and housing options for impaired and chronically ill older persons designed to maintain them in the community and avoid or delay institutional care. System development activities shall include, but not be limited to, coordinating area plans for the provision, expansion and effective administration of:

(1) Personal care and health-related services provided to adults in their homes.

(2) Housing options such as service-assisted housing and personal care homes.

(3) Special supports to caregivers who care for impaired older persons.

(4) Adult day-care services, respite services and other community-based services to support care by caregivers.

(5) The promotion of informal community supports.

(6) Geriatric assessment and nursing home screening programs.

(7) Special services to protect the health, safety and welfare of older persons who lack the capacity to protect themselves.

(8) Special advocacy efforts to promote greater awareness of, and more effective response to, the problems of persons with Alzheimer's disease and other related brain disorders.

To the extent that the needs of other adults involve and overlap the needs of older persons addressed by this provision, the area agency shall serve as an advocate for adults of any age.

(b) The area agency shall give priority of services to older persons with the greatest needs and least resources. Factors identifying older persons who are entitled to priority are:

(1) Functional disability, i.e., severe restriction of ability to carry out daily activities.

(2) Aloneness, i.e., living alone in a private apartment or home unaccompanied by a related adult.

(3) Advanced age, i.e., seventy-five years of age or above.

(4) Low income.

(5) Services to minorities in proportion to their numbers consistent with the provisions of the Human Relations Act.

(6) Inadequate housing.

(7) Lack of access to recreational and social activities.

(c) In carrying out this section, the area agency shall provide preference in filling all jobs for persons of age sixty and above in accordance with the regulations promulgated by the department.

(d) Consistent with the Federal Older Americans Act of 1965 and provisions set forth by the department, the area agency may grant to or contract with any public or private agency for the provision of social services. The area agency is authorized to use, with their consent, the services, equipment, personnel and facilities of Federal and State agencies, with or without reimbursement, and on a similar basis to cooperate with other

public and private agencies, and instrumentalities, in the use of services, equipment and facilities.

(2207-A amended Dec. 15, 1988, P.L.1244, No.153)

Section 2208-A. Area Agency Advisory Councils.--In each planning and service area, an advisory council of at least fifteen members shall be appointed to advise the area agency with regard to the needs of older persons residing in the planning and service area and the area agency's responses to those needs. The composition and responsibility of the area agency advisory council shall be consistent with the provisions of the Federal Older Americans Act of 1965 and the regulations of the department. As a minimum, these regulations shall require that each council be composed of a majority of persons above the age of sixty. Such councils shall be given the maximum possible opportunity to influence local programs and policies and advocacy roles within area agency programs and local communities. Area agencies shall provide advisory councils with the funds necessary to carry out their functions.

(2208-A amended Dec. 15, 1988, P.L.1244, No.153)

Section 2209-A. Area Agencies; Reports and Plans.--(a) Under provisions set forth by the department, the area agency shall submit to the department a comprehensive area plan on aging which clearly explains the area agency's objectives for providing services to the aging of the planning and service area. This plan may be submitted as part of a coordinated county human service plan, provided that the format is approved by the department.

(b) Each area agency, under provisions set forth by the department, shall submit an annual report which describes and evaluates its programs and services after the close of each year of funding by the department.

(2209-A amended Dec. 15, 1988, P.L.1244, No.153)

Section 2210-A. Allocation of Resources.--(a) The area agency shall receive a basic allocation of resources, consisting of State and Federal funds weighted by the proportion of older poor persons who reside in the planning and service area in relation to the total number of older poor persons who reside in the Commonwealth of Pennsylvania utilizing poverty threshold income standards as determined by the United States Office of Management and Budget except that each area agency shall be held harmless to the amount of State funds received in the preceding program year.

(b) The department may allocate additional resources to area agencies based upon the total number of older persons who reside within the planning and service area, the availability of transportation services, the rural-urban distribution of older persons, and attendant rural program cost differentials, the need for social and medical services, the amount of funds devoted by county commissioners for older persons and other special circumstances as determined by the secretary.

(c) Funds appropriated to carry out the purposes of this act shall be distributed to the local authorities or nonprofit agencies as grants or cost reimbursement for services to the aging, if there is an acceptable plan in accordance with section 2209-A.

(2210-A amended Dec. 15, 1988, P.L.1244, No.153)

Section 2211-A. Evaluation.--The Department of Aging shall continually review and evaluate the activities of area agencies and the impact and effectiveness of all programs under this act. The department shall ensure that evaluations, including an onsite evaluation, be made annually of all area agency activities and programs. A written report of the findings of

the evaluation shall be submitted to the area agency subject to the evaluation and within thirty days shall be available to the public. In all evaluations, the department shall obtain the views of program beneficiaries concerning strengths and weaknesses of the program. Other departments and agencies of the Commonwealth shall make available to the department information necessary for such evaluations. Annually the department shall submit to the Governor and the General Assembly a report on its activities including statistical data reflecting services and activities provided older persons during the preceding fiscal year.

(2211-A added June 20, 1978, P.L.477, No.70)

Section 2212-A. Demonstration Programs.--In recognition of the need for expanded knowledge and experience concerning the status of older persons in Pennsylvania, the Secretary of Aging may provide for research and demonstration programs for the purpose of:

(1) Studying current living conditions and needs of older persons, with special emphasis on persons with low income, medical and functional disabilities, advanced age and isolated living situations.

(2) Studying existing methods and alternatives for providing services, programs and opportunities to older persons.

(3) Identifying those factors of particular detriment or benefit to the welfare of older persons.

(4) Developing new approaches and alternatives for living arrangements, social services, institutional care, health services, legal representation and the coordination of community services for older persons.

(2212-A amended Dec. 15, 1988, P.L.1244, No.153)

Compiler's Note: See sections 9, 10, 11, 12, 13, 14 and 15 of Act 70 of 1978 in the appendix to this act for special provisions relating to the Department of Aging.

Section 2213-A. Pharmacy Reimbursement.--An immediate in-depth pharmacy service study shall be performed by the Department of Aging and the Department of Public Welfare. This pharmacy study shall determine the full cost of filling a prescription and providing pharmacy services, including reasonable profits derived, in the Pennsylvania Medicaid and PACE programs. This study shall be considered in determining pharmacy reimbursement.

(2213-A added June 12, 1996, P.L.337, No.53)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 2214-A. PACE and PACENET Program Payments.--(a) In addition to the requirements under section 509 of the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, the department shall administer the program in accordance with the following:

(1) If the NADAC per unit is available, the program payment shall be the lower of the following amounts:

(i) the NADAC per unit:

(A) with the addition of a professional dispensing fee of ten dollars and forty-nine cents ($10.49) per prescription; and

(B) the subtraction of the copayment; or

(ii) the pharmacy's usual and customary charge for the drug dispensed with the subtraction of the copayment.

(2) If the NADAC per unit is unavailable, the program payment shall be the lower of the following amounts:

(i) the wholesale acquisition cost plus three and two-tenths per centum (3.2%):

(A) with the addition of a professional dispensing fee of ten dollars and forty-nine cents ($10.49) per prescription; and

(B) the subtraction of the copayment; or

(ii) the pharmacy's usual and customary charge for the drug dispensed with the subtraction of the copayment.

(b) Notwithstanding any other statute or regulation, a brand name product shall be dispensed and not substituted with an A-rated generic therapeutically equivalent drug if it is less expensive to the program. If a less expensive A-rated generic therapeutically equivalent drug is available for dispensing to a claimant, the provider shall dispense the A-rated generic therapeutically equivalent drug to the claimant. The department shall reimburse providers based upon the most current listing of the NADAC per unit plus a professional dispensing fee of ten dollars and forty-nine cents ($10.49) per prescription. The department shall not reimburse providers for brand name products except in the following circumstances:

(1) There is no A-rated generic therapeutically equivalent drug available on the market. This paragraph does not apply to the lack of availability of an A-rated generic therapeutically equivalent drug in the providing pharmacy unless it can be shown to the department that the provider made reasonable attempts to obtain the A-rated generic therapeutically equivalent drug or that there was an unforeseeable demand and depletion of the supply of the A-rated generic therapeutically equivalent drug. In either case, the department shall reimburse the provider for the NADAC per unit plus a professional dispensing fee of ten dollars and forty-nine cents ($10.49) per prescription.

(2) An A-rated generic therapeutically equivalent drug is deemed by the department, in consultation with a utilization review committee, to have too narrow a therapeutic index for safe and effective dispensing in the community setting. The department shall notify providing pharmacies of A-rated generic therapeutically equivalent drugs that are identified pursuant to this paragraph on a regular basis.

(3) The Department of Health has determined that a drug shall not be recognized as an A-rated generic therapeutically equivalent drug for purposes of substitution under section 5(b) of the act of November 24, 1976 (P.L.1163, No.259), referred to as the Generic Equivalent Drug Law.

(4) At the time of dispensing, the provider has a prescription on which the brand name drug dispensed is billed to the program by the provider at a usual and customary charge which is equal to or less than the least expensive usual and customary charge of an A-rated generic therapeutically equivalent drug reasonably available on the market to the provider.

(5) The brand name drug is less expensive to the program.

(c) If a claimant chooses not to accept the A-rated generic therapeutically equivalent drug required under subsection (b), the claimant shall be liable for the copayment and the NADAC per unit.

(d) The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"A-rated generic therapeutically equivalent drug." A drug product that the Commissioner of Food and Drugs of the United States Food and Drug Administration has approved as safe and effective and has determined to be therapeutically equivalent, as listed in "The Approved Drug Products with Therapeutic

Equivalence Evaluations" (Food and Drug Administration "Orange Book"), with a specific "A" code designation only.

"Claimant." An eligible person who is enrolled in the program.

"Less expensive." The lowest net cost to the program. The net cost shall include the amount paid by the Commonwealth to a pharmacy for a drug under a current retail pharmacy reimbursement formula less any discount or rebates, including those paid during the previous calendar quarter and inclusive of all dispensing fees.

"NADAC per unit." The current National Average Drug Acquisition Cost per unit.

"Prescription drug." All drugs requiring a prescription in this Commonwealth, insulin, insulin syringes and insulin needles. Experimental drugs or drugs prescribed for wrinkle removal or hair growth are prohibited.

"Program." The Pharmaceutical Assistance Contract for the Elderly (PACE) and the Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier (PACENET) as established by the State Lottery Law.

"Provider." A pharmacy, dispensing physician or certified registered nurse practitioner enrolled as a provider in the program.

"Wholesale acquisition cost." The cost of a dispensed drug based upon the price published in a national drug pricing system in current use by the department as the wholesale acquisition cost of a prescription drug in the most common package size.

(2214-A added Oct. 30, 2017, P.L.379, No.40)

Section 2215-A. Older Adult Daily Living Centers.--

A facility that provides services only to individuals enrolled in a program of all-inclusive care for the elderly operated in accordance with an agreement between the program provider, the Department of Human Services and the Centers for Medicare and Medicaid Services shall not be subject to the provisions of the act of July 11, 1990 (P.L.499, No.118), known as the Older Adult Daily Living Centers Licensing Act.

(2215-A added Oct. 30, 2017, P.L.379, No.40)

Section 2215-A. Older Adult Daily Living Centers.--

A facility that provides services only to individuals enrolled in a program of all-inclusive care for the elderly operated in accordance with an agreement between the program provider, the Department of Human Services and the Centers for Medicare and Medicaid Services shall not be subject to the provisions of the act of July 11, 1990 (P.L.499, No.118), known as the Older Adult Daily Living Centers Licensing Act.

(2215-A added Oct. 30, 2017, P.L.379, No.40)

ARTICLE XXII-B

COORDINATION OF COMMONWEALTH
COMMUNITY SERVICE PROGRAMS
(XXII-B added June 9, 1993, P.L.90, No.19)

Section 2201-B. Definitions.--The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Board" means the Community Service Advisory Board.

"Community-based agency" means a private, nonprofit organization that is representative of a community or a significant segment of a community that is engaged in meeting human, educational or environmental community needs.

"Community service" means performance of tasks designated to accomplish any of the following:

(1) Environmental preservation, enhancement and remediation.

(2) Promotion of the well-being of children, the elderly, persons with physical or developmental disabilities and persons with low incomes.

(3) Educational development, including, but not limited to, literacy training, adult basic education courses and instruction in job search skills and job application skills.

(4) Improvement activities on public lands or facilities.

(5) Projects or activities calculated to improve public health, safety and welfare developed by the board.

(6) Educational activities, through a Pennsylvania education system or a community or governmental entity, that instill an ethic of civic responsibility and citizenship in all Pennsylvanians and in particular young Pennsylvanians.

"Department" means the Department of Labor and Industry of the Commonwealth.

"Office" means the Governor's Office of Citizen Service (PennSERVE) within the Department of Labor and Industry.

(2201-B added June 9, 1993, P.L.90, No.19)

Section 2202-B. Governor's Office of Citizen Service (PennSERVE) Established.--(a) There is hereby established within the department the Governor's Office of Citizen Service (PennSERVE).

(b) The department shall provide staff, space, equipment and supplies for the office to discharge its duties.

(2202-B added June 9, 1993, P.L.90, No.19)

Section 2203-B. Responsibilities of Office.--(a) The predominant, but not the sole responsibility of the office shall be to coordinate the development and implementation of community service programs within this Commonwealth.

(b) PennSERVE is established to make community service the common expectation and experience of all Pennsylvanians with a special concentration on Pennsylvania's young people.

(c) PennSERVE shall work to renew the ethic of civic responsibility in Pennsylvania and to involve and enroll young people in service opportunities that will benefit Pennsylvania while offering our young people literacy skills and improved job skills. PennSERVE shall build on the existing organizational framework of State, local and community-based programs and agencies to expand full-time and part-time service opportunities for all citizens, but particularly youth.

(d) All Commonwealth departments, agencies, boards, commissions and instrumentalities shall share information and cooperate with the office to enable it to perform the functions assigned to it in this article.

(e) The expenditure of money by PennSERVE for the compensation of participants, other than PennSERVE employes, in a community service program or in any other program established by a community-based agency or by the Commonwealth or a political subdivision is prohibited. ((e) added June 22, 1994, P.L.351, No.52)

(2203-B added June 9, 1993, P.L.90, No.19)

Section 2204-B. Commonwealth Departments and Agencies.--The office shall have the following powers and duties:

(1) (i) To develop jointly with the Department of Education and the Pennsylvania Higher Education Assistance Agency a plan under which at least ten per centum (10%) of the funds available under Title IV of the Higher Education Act of 1965 (Public Law 89-329, 79 Stat. 1219) may be used to permit students to perform community service. The office shall assist the Department of

Education and the Pennsylvania Higher Education Assistance Agency in preparing a public information program for students receiving the funds to apprise them of the community service option.

(ii) To develop jointly with the Department of Education and the Pennsylvania Higher Education Assistance Agency a plan to encourage college and university students to participate in thirty (30) hours of community service each year. The plan shall include tuition reimbursement or academic course credit or tuition reimbursement and academic course credit for students who perform community service.

(2) To cooperate with the Department of Community Affairs to produce the following:

(i) A plan to advise local governments of the procedure for establishing community service programs. The plan shall include creation of a data base that will enable local governments to share information with educational institutions, community-based agencies and other entities and individuals concerned with community service and the private sector on a regional basis.

(ii) An informational brochure or pamphlet for local governments that describes community-based agencies and explains the desirability of having participants in community service and recipients of community service serve on the governing board of community-based agencies.

(iii) ((iii) repealed June 22, 1994, P.L.351, No.52)

(3) To work jointly with the Department of Corrections and the State Board of Education to formulate and implement a project to encourage children adjudicated delinquent for commission of nonviolent offenses to perform community service for local governments and school districts. The project shall include an evaluative and reflective component.

(4) To cooperate with the Department of Education to implement the policy of the State Board of Education that all secondary, college and university students be encouraged to become involved in community service.

(5) (i) To work with other bureaus and offices of the department to attempt to obtain increased Federal funding for the Pennsylvania Conservation Corps and Summer Youth Corps programs.

(ii) To meet and consult with other bureaus and offices of the department to enhance the quality and efficiency of job training programs.

(6) To assist the Department of Environmental Resources in incorporating the goals of protecting the environment, promoting recreational facilities and restoring public parks into the mission of the Pennsylvania Conservation Corps.

(7) To work with the Department of Aging to produce the following results:

(i) Involvement of young people in assisting professional staff in the delivery of services to older Pennsylvanians in nursing homes, retirement communities or personal households.

(ii) Expansion of service opportunities that combine the human resources of younger Pennsylvanians with the human resources of older Pennsylvanians to expand intergenerational programs so as to combine the energy, wisdom, strength and time of both our younger and older population in order to address vital social needs.

(8) To develop with the Department of Health a proposal that will allow young people to be involved in the health-related activities, including, but not limited to, the following:

(i) Educational programs that are aimed at increasing awareness in communities and educational institutions about community health problems.

(ii) Engagement with community health clinics and professional medical personnel to ensure that all Pennsylvania children are immunized.

(9) To work with the Department of Transportation to meet the transportation and infrastructure needs of Pennsylvania by ensuring the eligibility of the Pennsylvania Conservation Corps or local corps to perform contract work that may include, but need not be limited to, maintenance work, rehabilitation and repainting of bridge and underpass structures and beautifying efforts along public roadways.

(10) To develop and implement with the Department of Public Welfare a plan for job training programs that will have community service options which can serve as a transition from public assistance to sustained employment.

(2204-B added June 9, 1993, P.L.90, No.19)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Compiler's Note: The Department of Community Affairs, referred to in par. (2), was abolished by Act 58 of 1996 and its functions were transferred to the Department of Community and Economic Development.

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 2205-B. Liaison with Federal Government.--The office shall serve as the liaison between the Federal Government and State, county and local governments for submitting grant proposals, accessing funds, seeking changes in Federal community service laws and regulations and related purposes.

(2205-B added June 9, 1993, P.L.90, No.19)

Section 2206-B. Annual Report.--The office, through the Secretary of Labor and Industry, shall submit an annual report of its activities to the General Assembly.

(2206-B added June 9, 1993, P.L.90, No.19)

Section 2207-B. Community Service Advisory Board.--(a) There is hereby established within the department the Community Service Advisory Board which shall include no more than twenty-five (25) members.

(b) The board shall include the following members:

(1) The Secretary of Labor and Industry who shall be the presiding officer of the board.

(2) The Secretary of Education.

(3) The Secretary of Community Affairs.

(4) The Secretary of Corrections.

(5) The executive director of the Pennsylvania Higher Education Assistance Agency.

(6) A member of the Senate appointed by the Majority Leader.

(7) A member of the Senate appointed by the Minority Leader.

(8) A member of the House of Representatives appointed by the Majority Leader.

(9) A member of the House of Representatives appointed by the Minority Leader.

(10) A representative of the State System of Higher Education, who is an active member of the Pennsylvania Campus Compact, appointed by the Governor.

(11) A representative of a private college or university, who is an active member of the Pennsylvania Campus Compact, appointed by the Governor.

(12) A college or university student, who is personally involved in community service, appointed by the Governor.

(13) One adult and one minor, who are actively involved in the Pennsylvania Conservation Corps or the Summer Youth Corps, both appointed by the Governor.

(14) A public school administrator, appointed by the Governor.

(15) A secondary public school student, appointed by the Governor.

(16) Two representatives of community-based agencies, both appointed by the Governor.

(17) A member of a labor organization, appointed by the Governor.

(18) A member representing the business community, appointed by the Governor.

(19) A member of the Pennsylvania Service Delivery Area, appointed by the Governor.

(20) Other members, at the discretion of and appointed by the Governor.

(c) The terms of office of the public members shall coincide with the terms of their respective elective or appointive offices. Members appointed by the Governor shall serve for a term of two years. No member shall serve for more than two consecutive terms on the board.

(d) The board shall have the power to adopt rules governing its organization and its procedure.

(e) The members of the board shall receive no compensation for their services on the board, but shall be reimbursed by the department for ordinary and necessary expenses incurred in the performance of their duties.

(f) The board shall consult with and advise the office on the development of a Statewide plan for expansion of community service opportunities. The board shall encourage youth to participate in community service, shall disseminate information concerning community service and shall monitor the effectiveness and geographical distribution of community service programs. The board shall also have the power to develop novel community service programs.

(2207-B added June 9, 1993, P.L.90, No.19)

Compiler's Note: Section 907 of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that, in place of the membership of the Secretary of Community Affairs on the Community Service Advisory Board as provided in subsec. (b), the Secretary of Community and Economic Development shall serve on that board.

ARTICLE XXIII
POWERS AND DUTIES OF THE DEPARTMENT OF PUBLIC WELFARE AND ITS DEPARTMENTAL ADMINISTRATIVE AND ADVISORY BOARDS AND COMMISSIONS

(Hdg. amended July 13, 1957, P.L.852, No.390)

Compiler's Note: Entire Article suspended insofar as it conflicts with Reorganization Plan No. 3 of 1975.

Section 2301. Powers and Duties in General.--The Department of Public Welfare shall, subject to any inconsistent provisions in this act contained, continue to exercise the powers and perform the duties by law vested in and imposed upon the said department, the Secretary of Public Welfare, and the former Department of Public Welfare, and Commissioner of Public Welfare, and the former Department of Welfare.
(2301 amended July 13, 1957, P.L.852, No.390)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.
The Secretary of Public Welfare, referred to in this section, was redesignated as the Secretary of Human Services by Act 132 of 2014.

Section 2302. Definitions.--(2302 repealed June 13, 1967, P.L.31, No.21)
Section 2303. Supervisory Powers.--(2303 repealed June 13, 1967, P.L.31, No.21)
Section 2304. Visitations and Inspections.--(2304 repealed June 13, 1967, P.L.31, No.21)
Section 2305. Appointment of Visitorial Bodies.--(2305 repealed Aug. 13, 1963, P.L.674, No.354)
Section 2305.1. State Participation in Cooperative Federal Programs.--(2305.1 repealed June 13, 1967, P.L.31, No.21)
Section 2306. Promotion of County Welfare Organizations.--(2306 repealed June 13, 1967, P.L.31, No.21)
Section 2307. Recommendations.--(2307 repealed June 13, 1967, P.L.31, No.21)
Section 2308. Rules and Regulations.--(2308 repealed Aug. 7, 1963, P.L.557, No.294)
Section 2309. Transfer, Parole or Discharge of Patients.--(2309 repealed Aug. 7, 1963, P.L.557, No.294)
Section 2310. Child Welfare.--(2310 repealed June 13, 1967, P.L.31, No.21)
Section 2310.1. Reimbursement to Counties for Child Welfare Program.--(2310.1 repealed June 13, 1967, P.L.31, No.21)
Section 2310.2. Annual Plans and Grants.--(2310.2 repealed June 13, 1967, P.L.31, No.21)
Section 2310.3. Adjustment of Annual Grants.--(2310.3 repealed June 13, 1967, P.L.31, No.21)
Section 2310.4. Administration of County Child Welfare Services.--(2310.4 repealed June 13, 1967, P.L.31, No.21)
Section 2311. Restoration.--(2311 repealed July 13, 1957, P.L.852, No.390)
Section 2312. Inmate Labor.--(2312 repealed July 13, 1957, P.L.852, No.390)
Section 2313. Mental Health.--The Department of Public Welfare shall have the power and its duty shall be: (Par. amended July 13, 1957, P.L.852, No.390)
(a) To administer and enforce the laws of this Commonwealth relative to mental health, the care, prevention, early recognition and treatment of mental illness, mental defects, epilepsy, and inebriety, the licensing and regulation of institutions for the mentally ill, mentally defective and epileptic, the admission and commitment of patients to such institutions and the transfer, discharge, escape, interstate rendition, and deportation of such patients. ((a) amended Aug. 7, 1963, P.L.557, No.294)
(b) Subject to any inconsistent provisions in this act contained, approve or disapprove the advice and recommendations

of the several boards of trustees of State mental institutions. ((b) amended Feb. 17, 1984, P.L.75, No.14)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 2313.1. Commissioner of Mental Health.--(2313.1 repealed Dec. 7, 1979, P.L.485, No.102)

Section 2313.2. Advisory Council on Mental Health.--(2313.2 repealed Dec. 21, 1959, P.L.1944, No.709)

Section 2313.3. Boards of Trustees of State Mental Institutions and Youth Development Centers.--(2313.3 repealed June 13, 1967, P.L.31, No.21)

Section 2313.4. Operation of Eastern Pennsylvania Psychiatric Institute.--The Department of Public Welfare is hereby authorized to relinquish the entire government, management, operation and control of the Eastern Pennsylvania Psychiatric Institute to The Medical College of Pennsylvania upon the effective date of a lease entered pursuant to section 2418.

(1) Upon the execution of the lease permitted pursuant to section 2418, the Eastern Pennsylvania Psychiatric Institute shall be operated under the management of the Board of Corporators of The Medical College of Pennsylvania, which shall be responsible for the management and operation of the institute.

(2) The Medical College of Pennsylvania shall conduct research into the causes, prevention, treatment and cure of mental, neurological and related disorders and shall provide consultation, education, training and treatment at the Eastern Pennsylvania Psychiatric Institute responsive to the mental health needs of the public. Provision of these services and the conduct of research shall be limited only by funds available for these purposes. In addition to requesting appropriations from the General Assembly to fund these functions, the Board of Corporators of The Medical College of Pennsylvania shall make good faith efforts to obtain funding from third party sources.

(3) The Medical College of Pennsylvania shall utilize all space in the buildings known as the Eastern Pennsylvania Psychiatric Institute consistent with the functions described in this section. If The Medical College of Pennsylvania uses space in the Eastern Pennsylvania Psychiatric Institute for functions other than those described, it shall provide the Department of Public Welfare with written documentation that an equivalent amount of space is used in other facilities of The Medical College of Pennsylvania for those functions.

(4) The Medical College of Pennsylvania may construct buildings on vacant land of the leased premises if the buildings are consistent with the academic health mission of The Medical College of Pennsylvania.

(2313.4 added Dec. 11, 1986, P.L.1485, No.153)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 2314. Approval of Plans and Mortgages.--(2314 repealed June 13, 1967, P.L.31, No.21)

Section 2315. State Institutions.--(2315 repealed June 13, 1967, P.L.31, No.21)

Section 2315.1. Stores at State Institutions.--(2315.1 repealed June 13, 1967, P.L.31, No.21)

Section 2315.2. Utility Services for State Institutions.--(2315.2 repealed June 13, 1967, P.L.31, No.21)

Section 2315.3. Powers State Institution Leases.--(2315.3 repealed June 13, 1967, P.L.31, No.21)

Section 2315.4. Charges for Medical Services to be Fixed for State-owned Hospitals.--(2315.4 repealed June 13, 1967, P.L.31, No.21)

Section 2316. Care of the Indigent.--(2316 repealed June 13, 1967, P.L.31, No.21)

Section 2317. State Welfare Commission.--(2317 repealed Dec. 21, 1959, P.L.1944, No.709)

Section 2318. Boards of Trustees of State Institutions.--(2318 repealed June 13, 1967, P.L.31, No.21)

Section 2319. Western State Psychiatric Institute and Clinic.--(2319 repealed May 20, 1949, P.L.1643, No.496)

Section 2320. The Blind and Visually Handicapped.--(2320 repealed Aug. 13, 1963, P.L.772, No.388)

Section 2320.1. The Blind and Visually Handicapped.--(2320.1 repealed June 13, 1967, P.L.31, No.21)

Section 2321. Pennsylvania Alcohol Permit Board.--(2321 repealed June 21, 1937, P.L.1865, No.373)

Section 2322. Juvenile Delinquency.--(2322 repealed June 13, 1967, P.L.31, No.21)

Section 2323. Study Classification and Assignment.--(2323 repealed June 13, 1967, P.L.31, No.21)

Section 2324. Definitions.--(2324 repealed June 13, 1967, P.L.31, No.21)

Section 2325. Powers and Duties of the Department of Public Welfare.--(2325 repealed June 13, 1967, P.L.31, No.21)

Section 2326. State Board of Public Assistance.--(2326 repealed Dec. 21, 1959, P.L.1944, No.709)

Section 2327. Powers and Duties of the State Board of Public Welfare.--The State Board of Public Welfare shall be an advisory body to, and a consultative body of the Department of Public Welfare with no power to approve or disapprove rules or regulations, and shall have the power and its duty shall be:

(a) To participate in the development of broad outlines, of policy and in the formulation of long-range programs and objectives of the Department of Public Welfare,

(b) To interpret such programs and objectives to the public, and

(c) To advise the Secretary of Public Welfare, the Governor and the General Assembly, with respect to the policies, programs, objectives and functioning of the Department of Public Welfare.

(2327 added Dec. 21, 1959, P.L.1944, No.709)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

The Secretary of Public Welfare, referred to in this section, was redesignated as the Secretary of Human Services by Act 132 of 2014.

Compiler's Note: The State Board of Public Welfare terminated June 30, 1986, under the act of Dec. 22, 1981, P.L.508, No.142, known as the Sunset Act.

Section 2328. Powers and Duties of Advisory Committees.--The Advisory Committee for the Blind, the Advisory Committee for General and Special Hospitals, the Advisory Committee for Children and Youth, the Advisory Committee for Public Assistance and the Advisory Committee for Mental Health and Mental Retardation, shall, concerning matters within their respective

special fields of interest, have the power and their duty shall be:

(a) To advise the appropriate major program unit of the Department of Public Welfare. This advice shall include, but shall not be limited to, such matters as standards of eligibility, nature and extent of service, amounts of payments to individuals, standards of approval, certification and licensure of institutions and agencies, ways and means of coordinating public and private welfare activities, and such other matters as may, by law, require citizen review or may be referred to the committees by the departmental units advised by them; and the Advisory Committee for Mental Health and Mental Retardation shall also have the power and duty to advise the Governor and the Secretary of Public Welfare with regard to the appointment of the Commissioner of Mental Health.

(b) To arrange for and conduct such public hearings as may be required by law or which they deem necessary and advisable,

(c) To promote better public understanding of the programs and objectives of the departmental units advised by them, and

(d) To make recommendations to the State Board of Public Welfare on matters referred to the committees for consideration and advice, or as may be required to promote the effectiveness of the programs, of the departmental units advised by them.

(2328 amended June 20, 1978, P.L.477, No.70)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

The Secretary of Public Welfare, referred to in this section, was redesignated as the Secretary of Human Services by Act 132 of 2014.

Compiler's Note: Section 7(b) of Act 15 of 1999 provided that as much as relates to the Advisory Committee for the Blind in the Department of Public Welfare in section 2328 is repealed.

Compiler's Note: The State Board of Public Welfare terminated June 30, 1986, under the act of Dec. 22, 1981, P.L.508, No.142, known as the Sunset Act.

Section 2329. Purchase of Services.--(2329 repealed June 13, 1967, P.L.31, No.21)

Section 2330. Training Programs.--(2330 repealed June 13, 1967, P.L.31, No.21)

Section 2331. Geriatric Centers.--(2331 repealed June 13, 1967, P.L.31, No.21)

Section 2332. Annual Grants; Aid for Community Living for Aged Persons.--(2332 repealed June 13, 1967, P.L.31, No.21)

Section 2333. Domestic Violence and Rape Victims Services.--(a) The General Assembly finds that the public health and safety is threatened by increasing incidences of domestic violence and rape. Domestic violence programs and rape crisis programs provide needed support services for victims and assist in prevention through community education. Therefore, the General Assembly finds that it is in the public interest for the Commonwealth to establish a mechanism to provide financial assistance to domestic violence centers and rape crisis centers for the operation of domestic violence and rape crisis programs.

(b) Where any person after the effective date of this section pleads guilty or nolo contendere to or is convicted of any crime as herein defined, there shall be imposed, in addition to all other costs, an additional cost in the sum of ten dollars ($10) for the purpose of funding the services as described in

this section. Such sum shall be paid over to the State Treasurer to be deposited in the General Fund. Under no condition shall a political subdivision be liable for the payment of the ten dollars ($10) in additional costs.

(c) The Department of Public Welfare shall make grants to domestic violence centers and rape crisis centers for the operation of domestic violence programs and rape crisis programs consistent with this section. In awarding grants, the Department of Public Welfare shall consider the population to be served, the geographical area to be serviced, the scope of the services, the need for services and the amount of funds provided from other sources.

(d) The Department of Public Welfare shall make available at cost to the public copies of applications that have been submitted or approved for funding and reports on any fiscal or programmatic reviews of funded programs.

(e) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Crime" means an act committed in Pennsylvania which, if committed by a mentally competent, criminally responsible adult, who had no legal exemption or defense, would constitute a crime as defined in and proscribed by Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) or enumerated in the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act." However, no act involving the operation of a motor vehicle which results in injury shall constitute a crime for the purpose of this section unless such injury was intentionally inflicted through the use of a motor vehicle.

"Domestic violence" means the occurrence of one or more of the following acts between family or household members:

(1) Intentionally, knowingly or recklessly causing or attempting to cause bodily injury.

(2) Placing, by physical menace, another in fear of imminent serious bodily injury.

"Domestic violence center" means an organization, or the coordinating body of an organization, which has as its primary purpose the operation of domestic violence programs.

"Domestic violence program" means a program which has as its primary purpose the provision of direct services to victims of domestic violence and their children, including, but not limited to, victim advocacy, counseling, shelter, information and referral, victim-witness, accompaniment, community education and prevention.

"Rape crisis center" means an organization, or the coordinating body of an organization, which has as its primary purpose the operation of rape crisis programs.

"Rape crisis program" means a program which has as its primary purpose the provision of direct services to victims of sexual assault, including, but not limited to, crisis intervention, counseling, victim advocacy, information and referral, victim-witness and assistance, accompaniment through the medical, police and judicial systems as well as providing education and prevention programs on rape and sexual assaults.

"Sexual assault" means any conduct which is a crime under 18 Pa.C.S. Ch. 31 (relating to sexual offenses).

(2333 added Mar. 30, 1988, P.L.329, No.44)

Compiler's Note: The short title of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, referred to in this section, was amended by the act of

December 28, 2015 (P.L.500, No.92). The amended short title is now the Human Services Code.

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Compiler's Note: Section 4 of Act 44 of 1988, which added section 2333, provided that it is the intent of the General Assembly that section 2333 is a reenactment of Article XII of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code. Section 5 of Act 44 of 188 provided that section 2333 shall be retroactive to June 18, 1987.

Section 2334. Medical Assistance Payments.--(a) It is the general purpose of this section to provide for a continuum of alcohol and drug detoxification and rehabilitation services to persons eligible for medical assistance. Facilities serving as appropriate treatment settings include hospital and nonhospital drug detoxification and rehabilitation facilities, hospital and nonhospital alcohol detoxification and rehabilitation facilities, and hospital and nonhospital drug and alcohol detoxification and rehabilitation facilities and outpatient services licensed by the Office of Drug and Alcohol Programs of the Department of Health. The General Assembly recognizes that the fluctuating nature of alcohol and drug dependency, in combination with the associated physical complications often arising from long-term use of alcohol and drugs, necessitates that a variety of treatment modalities and settings be made available to persons eligible for medical assistance. The availability of a new service in this area is in no way intended to limit access to or funding of services available currently.

(b) Consistent with section 2301, the Department of Public Welfare shall:

(1) Provide, on behalf of persons eligible for medical assistance, medical assistance coverage for detoxification, treatment and care in a nonhospital alcohol detoxification facility, nonhospital drug detoxification facility, nonhospital alcohol and drug detoxification facility, or a nonhospital treatment facility which can provide services for either drug or alcohol detoxification or treatment or for both, provided that the facility is licensed by the Office of Drug and Alcohol Programs in the Department of Health.

(2) Use criteria developed by the Office of Drug and Alcohol Programs for governing the type, level and length of care or treatment, including hospital detoxification, as a basis for the development of standards for services provided under clause (1).

(3) Notwithstanding clause (1), provide by regulation for gradual implementation of medical assistance coverage under this subsection to client populations which shall be identified in cooperation with the Department of Health. The regulations shall provide for full implementation of clause (1) to all medical assistance eligibles in phases over a period of time not to exceed five years from the effective date of the regulations. The program phases shall be structured so as to allow for independent evaluation of each phase on an ongoing basis. Initial regulations adopted pursuant to this subsection shall not be subject to review pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," except that the regulations may be reviewed under section 5(h) of that act.

(c) The Department of Public Welfare, the Department of Health and the Office of Drug and Alcohol Programs shall jointly

provide for an independent evaluation of the program authorized by this section in accordance with specific evaluation criteria, which shall include, but not be limited to: (i) comparison of medical costs before and after program implementation; (ii) employment history; and (iii) involvement with other programs of the Department of Health, the Department of Public Welfare, the Department of Corrections and any other appropriate agencies. The evaluation shall be conducted in compliance with all applicable Federal and State confidentiality requirements.

(2334 added Dec. 15, 1988, P.L.1239, No.152)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Compiler's Note: Section 5 of Act 53 of 1997 provided that nothing in Act 53 shall relieve, restrict or expand the obligations of any insurer, health maintenance organization, third-party administrators, hospital plan corporation or health services plan corporation doing business in this Commonwealth with respect to the coverage of drug and alcohol benefits, as set forth in section 2334.

Compiler's Note: Section 6 of Act 152 of 1988, which added section 2334, provided that section 2334 shall terminate on December 31, 1993, subject to the provisions of the Act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act. The termination date of December 31, 1993, is probably not effective since the Sunset Act expired December 22, 1991.

Section 2335. Admissions to Drug and Alcohol Facilities.--(a) Drug or alcohol abusers and drug or alcohol dependent persons shall be admitted to and treated in all facilities licensed by the Department of Health and Office of Drug and Alcohol Programs, at reasonable rates on the basis of medical or psychotherapeutic need, and shall not be discriminated against on the basis of medical assistance eligibility.

(b) As part of its licensure process, the Office of Drug and Alcohol Programs shall review each facility's admission policies for compliance and shall investigate complaints.

(c) The Office of Drug and Alcohol Programs may suspend or revoke the license of any facility which fails to maintain an admission policy consistent with the requirements of this section and may impose a fine not to exceed one thousand dollars ($1,000) for each violation.

(d) Nothing in this section shall require any facility to accept medical assistance eligible patients for whom payment is not available pursuant to regulations adopted under section 2334(b)(3).

(2335 added Dec. 15, 1988, P.L.1239, No.152)

Compiler's Note: Section 6 of Act 152 of 1988, which added section 2335, provided that section 2334 shall terminate on December 31, 1993, subject to the provisions of the Act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act. The termination date of December 31, 1993, is probably not effective since the Sunset Act expired December 22, 1991.

Section 2336. Child Protective Services Fees.--The Department of Human Services may charge a fee not to exceed thirteen dollars ($13) in order to conduct the certification as required under 23 Pa.C.S. § 6344(b)(2) (relating to employees

having contact with children; adoptive and foster parents), except that no fee shall be charged to an individual who makes the request in order to apply to become a volunteer with an affiliate of Big Brothers Big Sisters of America or with a rape crisis center or domestic violence shelter.

(2336 added Oct. 30, 2017, P.L.379, No.40)

ARTICLE XXIII-A
POWERS AND DUTIES OF THE DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS

(Art. added July 9, 2010, P.L.348, No.50)

SUBARTICLE A
GENERAL PROVISIONS

(Subart. hdg. added Dec. 19, 2017, P.L.1187, No.59)

Section 2301-A. Powers and duties.

The Department of Drug and Alcohol Programs shall have the power and its duty shall be:

(1) To develop and adopt a State plan for the control, prevention, intervention, treatment, rehabilitation, research, education and training aspects of drug and alcohol abuse and dependence problems. The State plan shall include, but not be limited to, provisions for:

(i) Coordination of the efforts of all State agencies in the control, prevention, intervention, treatment, rehabilitation, research, education and training aspects of drug and alcohol abuse and dependence problems so as to avoid duplications and inconsistencies in the efforts of the agencies.

(ii) Coordination of all health and rehabilitation efforts to deal with the problem of drug and alcohol abuse and dependence, including, but not limited to, those relating to vocational rehabilitation, manpower development and training, senior citizens, law enforcement assistance, parole and probation systems, jails and prisons, health research facilities, mental retardation facilities and community mental health centers, juvenile delinquency, health professions, educational assistance, hospital and medical facilities, social security, community health services, education professions development, higher education, Commonwealth employees health benefits, economic opportunity, comprehensive health planning, elementary and secondary education, highway safety and the civil service laws.

(iii) Encouragement of the formation of local agencies and local coordinating councils, promotion of cooperation and coordination among such groups and encouragement of communication of ideas and recommendations from such groups to the Pennsylvania Advisory Council on Drug and Alcohol Abuse.

(iv) Development of model drug and alcohol abuse and dependence control plans for local government, utilizing the concepts incorporated in the State plan. The model plans shall be reviewed on a periodic basis, but not less than once a year, and revised to keep them current. The model plans shall specify how all types of community resources and existing Federal and Commonwealth legislation may be utilized.

(v) Assistance and consultation to local governments, public and private agencies, institutions and organizations and individuals with respect to the

prevention and treatment of drug and alcohol abuse and dependence, including coordination of programs among them.

(vi) Cooperation with organized medicine to disseminate medical guidelines for the use of drugs and controlled substances in medical practice.

(vii) Coordination of research, scientific investigations, experiments and studies relating to the cause, epidemiology, sociological aspects, toxicology, pharmacology, chemistry, effects on health, dangers to public health, prevention, diagnosis and treatment of drug and alcohol abuse and dependence.

(viii) Investigation of methods for the more precise detection and determination of alcohol and controlled substances in urine and blood samples and by other means, and publication on a current basis of uniform methodology for such detections and determinations.

(ix) Any information obtained through scientific investigation or research conducted pursuant to this act shall be used in ways so that no name or identifying characteristics of any person shall be divulged without the approval of the department and the consent of the person concerned. Persons engaged in research pursuant to this section shall protect the privacy of individuals who are the subject of such research by withholding from all persons not connected with the conduct of such research the names or other identifying characteristics of such individuals. Persons engaged in the research shall protect the privacy of such individuals and may not be compelled in any State, civil, criminal, administrative, legislative or other proceeding to identify such individuals.

(x) Establishment of training programs for professional and nonprofessional personnel with respect to drug and alcohol abuse and dependence, including the encouragement of such programs by local governments.

(xi) Development of a model curriculum, including the provision of relevant data and other information, for utilization by elementary and secondary schools for instructing children and for parent-teachers' associations, adult education centers, private citizen groups or other State and local sources for instruction of parents and other adults about drug and alcohol abuse and dependence.

(xii) Preparation of a broad variety of educational, prevention and intervention material for use in all media, to reach all segments of the population, that can be utilized by public and private agencies, institutions and organizations in educational programs with respect to drug and alcohol abuse and dependence.

(xiii) Establishment of educational courses, including the provision of relevant data and other information on the causes and effects of and treatment for drug and alcohol abuse and dependence, for law enforcement officials, including prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officers and other law enforcement personnel, welfare, vocational rehabilitation and other State and local officials, who come in contact with drug abuse and dependence problems.

(xiv) Recruitment, training, organization and employment of professional and other persons, including

former drug and alcohol abusers and dependent persons, to organize and participate in programs of public education.

(xv) Treatment and rehabilitation services for male and female juveniles and adults who are charged with, convicted of or serving a criminal sentence for any criminal offense under the laws of this Commonwealth. Provision of similar services shall be made for juveniles adjudged to be delinquent, dependent or neglected. These services shall include, but are not limited to, emergency medical services, inpatient services and intermediate care, rehabilitative and outpatient services.

(xvi) Giving priority to developing community-based drug or alcohol abuse treatment services in a cooperative manner among State and local governmental agencies and departments and public and private agencies, institutions and organizations. Consideration shall be given to supportive medical care, services or residential facilities for drug or alcohol dependent persons for whom treatment has repeatedly failed and for whom recovery is unlikely.

(xvii) Establishment of a system of emergency medical services for persons voluntarily seeking treatment, for persons admitted and committed to treatment facilities according to the procedural admission and commitment provisions of the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act, and for persons charged with a crime under Pennsylvania law. Upon the establishment of such emergency medical services, the Department of Drug and Alcohol Programs, by regulation, shall require that appropriate emergency medical services be made available to all drug and alcohol abusers who are arrested for a crime under Pennsylvania law.

(xviii) Providing standards for the approval by the relevant State agency for all private and public treatment and rehabilitative facilities, which may include, but are not limited to, State hospitals and institutions, public and private general hospitals, community mental health centers or their contracting agencies and public and private drug or alcohol dependence and drug and alcohol abuse and dependence treatment and rehabilitation centers.

(xix) Grants and contracts for the prevention, intervention and treatment of drug and alcohol dependence. The grants and contracts may include assistance to local governments and public and private agencies, institutions and organizations for prevention, intervention, treatment, rehabilitation, research, education and training aspects of the drug and alcohol abuse and dependence problems with the Commonwealth. Any grant made or contract entered into by a department or agency shall be pursuant to the functions allocated to that department or agency by the State plan.

(xx) Preparation of general regulations for and operation of programs supported with assistance.

(xxi) Establishment of priorities for deciding allocation of the funds.

(xxii) Review the administration and operation of programs, including the effectiveness of such programs in meeting the purposes for which they are established and operated, and make annual reports of the findings.

(xxiii) Evaluate the programs and projects carried out and disseminate the results of such evaluations.

(xxiv) Establish such advisory committees as deemed necessary to assist the department in fulfilling its responsibilities.

(2) In developing the State plan initially, and prior to its amendment annually, to hold a public hearing at least 30 days prior to the adoption of the initial State plan and subsequent amendments and to afford all interested persons an opportunity to present their views either orally or in writing. The Department of Drug and Alcohol Programs, through its staff, shall consult and collaborate with appropriate Federal, State and local departments, boards, agencies and governmental units, and with appropriate public and private agencies, institutions, groups and organizations. Otherwise, the promulgation of the State plan shall conform to the procedure contained in the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(3) In accordance with the State plan, to allocate the responsibility for all services, programs and other efforts provided for among the appropriate departments, agencies and other State personnel. The department, through its employees, shall have the power and its duty shall be to implement compliance with the provisions of the State plan and to coordinate all such efforts.

(4) To gather and publish statistics pertaining to drug and alcohol abuse and dependence and promulgate regulations, specifying uniform statistics to be obtained, records to be maintained and reports to be submitted by public and private departments, agencies, organizations, practitioners and other persons with respect to drug and alcohol abuse and dependence and related problems. Such statistics and reports shall not reveal the identity of any patient or drug or alcohol-dependent person or other confidential information.

(5) To establish an information center, which will attempt to gather and contain all available published and unpublished data and information on the problems of drug and alcohol abuse and dependence. All Commonwealth departments and agencies shall send to the Department of Drug and Alcohol Programs any data and information pertinent to the cause, prevention, diagnosis and treatment of drug and alcohol abuse and dependence and the toxicology and pharmacology effects on the health of drug and alcohol abusers and danger to the public health of alcohol, drugs and controlled substances. The Department of Drug and Alcohol Programs shall make such data and information widely available.

(6) To require all appropriate State and local departments, agencies, institutions and others engaged in implementing the State plan to submit as often as necessary, but no less often than annually, reports detailing the activities and effects of the implementation and recommending appropriate amendments to the State plan. The department may direct a performance audit of any activity engaged in pursuant to the State plan.

(7) To submit an annual report to the General Assembly which shall specify the actions taken and services provided and funds expended and an evaluation of their effectiveness. The annual report shall also contain the current State plan. The Department of Drug and Alcohol Programs shall submit such additional reports as may be requested by the General Assembly and recommendations to further the prevention,

treatment and control of drug and alcohol abuse and dependence.

(8) To make provisions for facilities in each city or region or catchment area which shall provide information about the total Commonwealth drug and alcohol abuse and drug and alcohol dependency programs and services.

(9) The department shall have the power to promulgate the rules and regulations necessary to carry out the provisions of this article.

(2301-A added July 9, 2010, P.L.348, No.50)

Compiler's Note: See sections 11, 12, 13 and 14 of Act 50 of 2010 in the appendix to this act for special provisions relating to transfers from Department of Health, applicability of Civil Service Act, additional transfer from Department of Health and status of Pennsylvania Advisory Council on Drug and Alcohol Abuse.

SUBARTICLE B
DRUG AND ALCOHOL RECOVERY HOUSES
(Subart. added Dec. 19, 2017, P.L.1187, No.59)

Section 2311-A. Definitions.

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

"Department." The Department of Drug and Alcohol Programs of the Commonwealth.

"Drug and alcohol recovery house." Housing for individuals recovering from drug or alcohol addiction, which provides those individuals with a safe and supportive drug and alcohol-free environment that may include peer support and other recovery support services.

(2311-A added Dec. 19, 2017, P.L.1187, No.59)

Section 2312-A. Powers and duties of department.

(a) Licensure or certification.--The department shall license or certify drug and alcohol recovery houses. The following shall apply:

(1) All referrals from State agencies or State-funded facilities shall be to licensed or certified drug and alcohol recovery houses.

(2) Only licensed or certified drug and alcohol recovery houses may be eligible to receive Federal or State funding to deliver drug and alcohol recovery housing services.

(3) Individuals whose treatment is funded with Federal or State funding shall only be referred to a certified drug and alcohol recovery house.

(4) A State or county court shall give first consideration to a certified drug and alcohol recovery house when residential recommendations are made for individuals under their supervision.

(b) Timing.--Licensure or certification shall occur no later than two years from the effective date of this section.

(2312-A added Dec. 19, 2017, P.L.1187, No.59)

Section 2313-A. Regulations for licensure or certification of drug and alcohol recovery houses.

The department shall promulgate final-omitted regulations for the licensure or certification of drug and alcohol recovery houses that receive funds or referrals from the department, or a Federal, State or other county agency, to ensure that a drug and alcohol recovery house provides a safe environment for

residents. The regulations shall include, but not be limited to, the following:

(1) A policy that ensures that residents are informed of all drug and alcohol recovery house rules, residency requirements and lease agreements.

(2) Policies and procedures for management of all funds received and expended by the drug and alcohol recovery house in accordance with standard accounting practices, including funds received from or managed on behalf of residents of the drug and alcohol recovery house.

(3) Policies regarding criminal background checks for operators and employees of the drug and alcohol recovery house.

(4) A policy that no drug and alcohol recovery house owner, employee, house officer or individual related to a drug and alcohol recovery house owner, employee or house officer shall directly or indirectly solicit or accept a commission, fee or anything of monetary or material value from residents, other related individuals, third party entities or referral sources, beyond specified rent established in writing at the time of residency.

(5) Policies and procedures addressing the safety and protection of residents.

(6) Policies that promote recovery by requiring resident participation in treatment, self-help groups or other recovery supports.

(7) Policies requiring abstinence from alcohol and illicit drugs.

(8) Procedures regarding appropriate use and security of medication.

(9) Maintenance of the property in which the drug and alcohol recovery house is located, including, but not limited to, the installation of functioning smoke detectors, carbon monoxide detectors and fire extinguishers and compliance with local fire codes.

(10) Policies and procedures which prohibit an owner, house administrator or employee of a drug and alcohol recovery house from requiring a resident to sign any document for the purpose of relinquishing the resident's public assistance benefits, including, but not limited to, medical assistance benefits, cash assistance and SNAP benefits.

(11) Policies and procedures for managing complaints about licensed or certified drug and alcohol recovery houses.

(12) Requirements for notification of a family member or other emergency contact designated by the resident under certain circumstances, including, but not limited to, death due to an overdose.

(2313-A added Dec. 19, 2017, P.L.1187, No.59)

Section 2314-A. Licensure or certification.

(a) Time period.--Licensure or certification of a drug and alcohol recovery house shall be for a period of one year.

(b) Compliance of existing drug and alcohol recovery houses.--A drug and alcohol recovery house in existence on the effective date of this section may be deemed licensed or certified by the department after inspection and if the drug and alcohol recovery house provides documentation to the department within 180 days after the promulgation of regulations by the department that it is in compliance with those regulations.

(c) Fee schedule.--

(1) The department shall establish fees to be paid by each drug and alcohol recovery house licensed or certified

by the department that are adequate to carry out the provisions of this subarticle as follows:

(i) A fee for initial certification or licensure.

(ii) A fee for recertification or continuing licensure.

(iii) A fee for investigation of complaints.

(2) The distribution of the fees shall be determined by the department.

(3) In order for fees to be kept at a minimum, the department shall seek all possible other funding, including any available Federal grants.

(2314-A added Dec. 19, 2017, P.L.1187, No.59)

Section 2315-A. Registry.

The department shall create and maintain a registry on its publicly accessible Internet website of all licensed or certified drug and alcohol recovery houses within this Commonwealth, which shall be updated annually by the department.

(2315-A added Dec. 19, 2017, P.L.1187, No.59)

Section 2316-A. Violations.

(a) Penalties.--A person operating a drug and alcohol recovery house that is funded, in whole or in part, by the department or a Federal, other State or county agency, that has failed to attain or maintain licensure or certification of a drug and alcohol recovery house and has not been licensed or certified by the department shall pay a fine of up to $1,000 for each violation.

(b) Referral.--If the department determines a drug and alcohol recovery house is not in compliance with this subarticle due to an alleged violation of any Federal, State or local law, the department shall refer the matter to the appropriate agency for investigation.

(2316-A added Dec. 19, 2017, P.L.1187, No.59)

Section 2317-A. Drug and Alcohol Recovery House Fund.

(a) Establishment.--The Drug and Alcohol Recovery House Fund is established in the State Treasury. Money in the fund shall be used for the enforcement of this subarticle.

(b) Deposit.--All fines and fees collected under this subarticle shall be deposited into the Drug and Alcohol Recovery House Fund.

(2317-A added Dec. 19, 2017, P.L.1187, No.59)

Section 2318-A. Compliance with other laws.

In order to receive and maintain licensure or certification, a drug and alcohol recovery house must be in compliance with all Federal, State and local laws, including, but not limited to, the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327). Failure to comply or remain in compliance shall result in loss of licensure or certification and removal from the registry.

(2318-A added Dec. 19, 2017, P.L.1187, No.59)

ARTICLE XXIII-B
CHILDREN'S ADVOCACY CENTERS
(Art. added Apr. 7, 2014, P.L.383, No.28)

Section 2301-B. Declaration of policy.

The General Assembly finds and declares as follows:

(1) State-of-the-art treatment for victims of child sexual abuse and child abuse is provided by children's advocacy centers. These centers bring together doctors, nurses, prosecutors, social workers and police in order to

provide a unique and essential program of treatment and healing for child victims.

(2) Children's advocacy centers not only treat child victims, but assist in preventing and detecting child abuse and provide, through forensic interviewing and other techniques employed by the multidisciplinary investigative teams, the most effective way to bring perpetrators of child sexual abuse to justice.

(3) The Task Force on Child Protection stated in its November 2012 report that the Commonwealth's children are underserved when it comes to access to children's advocacy centers. The Task Force on Child Protection recommended that children's advocacy centers be established in order to allow the maximum number of abused children to be treated. Further, the Task Force on Child Protection recommended that the General Assembly provide a dedicated funding stream to support existing children's advocacy centers and to enable the establishment of additional children's advocacy centers within this Commonwealth.

(4) It is in the public interest for this Commonwealth to provide financial assistance to children's advocacy centers, both for their enhancement and establishment, and to multidisciplinary investigative teams.

(2301-B added Apr. 7, 2014, P.L.383, No.28)

Section 2302-B. Definitions.

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

"Children's advocacy center." As defined in 23 Pa.C.S. § 6303 (relating to definitions).

"Commission." The Pennsylvania Commission on Crime and Delinquency.

"Committee." The Child Advocacy Center Advisory Committee established under this article.

"Multidisciplinary investigative team." A team established to coordinate child abuse investigations between county agencies and law enforcement as set forth in 23 Pa.C.S. Ch. 63 (relating to child protective services).

(2302-B added Apr. 7, 2014, P.L.383, No.28)

Section 2303-B. Funding.

The following apply:

(1) The commission shall make grants to qualified applicants as provided in this article for the operation of existing children's advocacy centers and for the establishment of children's advocacy centers, consistent with this article. In awarding grants, the commission shall consider:

(i) The number of children to be served.

(ii) The geographical area to be serviced.

(iii) The scope of the services.

(iv) The need for services.

(v) The availability of expert pediatric medical and mental health services.

(2) The commission shall make grants to qualified applicants for the operation of multidisciplinary investigative teams.

(2303-B added Apr. 7, 2014, P.L.383, No.28)

Section 2303.1-B. Additional funding.

(a) Initial year.--For the fiscal year beginning July 1, 2014, 50% of the fee charged by the Department of Health for a certified copy of a birth record under section 609-A shall be transferred to the Department of Public Welfare for training

of mandated reporters of child abuse and child abuse related costs.

(b) Subsequent years.--For the fiscal year beginning July 1, 2015, and each fiscal year thereafter, 50% of the fee charged by the Department of Health for a certified copy of a birth record under section 609-A shall be distributed as follows:

(1) Twenty-five percent shall be transferred to the Department of Public Welfare for training of mandated reporters of child abuse and child abuse related costs.

(2) Seventy-five percent shall be transferred to the commission for grants for child advocacy centers and multidisciplinary investigative teams.

(c) Restrictions.--The funding under this section shall not be used to supplant Federal, State or local funds otherwise available for child advocacy centers and multidisciplinary investigative teams.

(2303.1-B added Apr. 7, 2014, P.L.383, No.28)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 2304-B. Permitted use of funds.

(a) Grants to qualified applicants.--Funding shall be used to provide resources to qualified applicants as provided in this article. Grants shall be provided to all qualified applicants that apply to the extent that funds are available. However, no more than 20% of the funds collected annually under this article shall be provided to any single qualified applicant. Any remaining funds may be provided to other qualified applicants.

(b) Initial award of funds.--For the first three years after the effective date of this article, the commission shall endeavor to provide 30% of the funds collected under this article to qualified applicants working to establish children's advocacy centers in regions not yet served by such centers.

(2304-B added Apr. 7, 2014, P.L.383, No.28)

Section 2305-B. Procedure.

In order to be a qualified applicant and to be awarded a grant under this article, the commission must find that either:

(1) The applicant is an accredited, associate/developing or affiliate member of the National Children's Alliance.

(2) In the case of an applicant that is not a member of the National Children's Alliance:

(i) The applicant identifies a region of this Commonwealth it intends to serve.

(ii) The applicant has received a letter of endorsement from all of the district attorneys and multidisciplinary investigative teams of the counties which will be served within the region. A district attorney and a multidisciplinary investigative team shall submit a letter jointly. In no case may the commission distribute funds under this article to an applicant which has not been endorsed by all of the district attorneys and multidisciplinary investigative teams of the counties to be served within the region.

(iii) The applicant intends to apply for membership in the National Children's Alliance within a reasonable period of time.

(iv) The applicant obtains a letter of endorsement from the Pennsylvania Chapter of Children's Advocacy Centers and Multidisciplinary Teams.

(2305-B added Apr. 7, 2014, P.L.383, No.28)

Section 2306-B. Child Advocacy Center Advisory Committee.

(a) Establishment.--The Child Advocacy Center Advisory Committee is established within the commission.

(b) Composition.--The committee shall consist of no more than 21 members and be appointed by the chairman of the commission and shall include all of the following:

(1) The Victim Advocate.

(2) The Deputy Secretary of the Office of Children, Youth and Families of the Department of Public Welfare.

(3) Representatives from each of the following, who have experience in the multidisciplinary investigation of child abuse and the use and operation of a child advocacy center:

(i) Child advocacy centers.

(ii) County children and youth service agencies.

(iii) Municipal police departments.

(iv) The Pennsylvania State Police.

(v) District attorneys offices.

(vi) Victims' service providers.

(vii) Medical and mental health professionals.

(c) Term.--Members shall serve for a four-year term and may be appointed for no more than one additional consecutive term.

(d) Conditions of appointment.--The committee and its members shall be subject to the same limitations and conditions imposed upon the commission under section 2(d), (e), (h), (i), (m) and (n) of the act of November 22, 1978 (P.L.1166, No.274), referred to as the Pennsylvania Commission on Crime and Delinquency Law.

(e) Quorum.--A majority of the members shall constitute a quorum, and a vote of the majority of the members present shall be sufficient for all actions.

(f) Chairman.--The Governor shall appoint a chairman from among the members of the committee who shall serve at the pleasure of the Governor. A vice chairman shall be designated by the chairman and preside at meetings in the absence of the chairman. The committee shall meet at the call of the chairman, but not less than four times a year.

(g) Powers and duties.--The committee shall have the power, and its duty shall be to:

(1) Perform those functions related to the direct approval and disbursement of grants to child advocacy centers and multidisciplinary investigative teams under sections 2303-B and 2304-B in an advisory capacity only. The committee shall have the opportunity to review and comment on grant applications.

(2) Advise the commission on the definition, development and correlation of programs and projects and the establishment of priorities for child advocacy centers and multidisciplinary investigative teams.

(3) Upon request, provide assistance and advice to the commission on any other matters relating to child advocacy centers and multidisciplinary investigative teams.

(h) Staff support.--Staff support shall be made available to the committee by the executive director of the commission to adequately perform the duties provided for under this section.

(2306-B added Apr. 7, 2014, P.L.383, No.28)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

ARTICLE XXIV

POWERS AND DUTIES OF THE DEPARTMENT OF GENERAL SERVICES AND ITS DEPARTMENTAL ADMINISTRATIVE AND ADVISORY BOARDS AND COMMISSIONS

(Hdg. amended July 22, 1975, P.L.75, No.45)

Compiler's Note: Section 1 of Reorganization Plan No. 1 of 1981 provided that the Bureau of Government Donated Food is transferred from the Department of General Services to the Department of Agriculture.

Compiler's Note: See sections 18, 19, 20, 21, 22, 23, 24 and 25 of Act 45 of 1975 in the appendix to this act for special provisions relating to the annual salary of the Secretary of General Services, transfer of certain functions, powers and duties to the Department of General Services, construction of law, references to the Department of Property and Supplies, abolition of certain agencies, inconsistent repeals and effective date.

Section 2401. Powers and Duties Transferred.--Subject to any inconsistent provisions in this act contained, the Department of Property and Supplies shall exercise the powers and perform the duties exercised and performed prior to the fifteenth day of June, one thousand nine hundred and twenty-three, by the Board of Commissioners of Public Grounds and Buildings, the Superintendent of Public Grounds and Buildings, the Bureau of Information, the Department of Public Printing and Binding, the Division of Documents, the Superintendent of Public Printing and Binding, the Director of Publications, the Gettysburg Battlefield Memorial Commission, the General George Gordon Meade Statue Commission, the Robert Morris Monument Commission, the General Galusha Pennypacker Monument Commission, and the Camp Curtin Park Commission, as hereinafter in this article provided, and any powers and duties subsequently vested in and imposed upon the Department of Property and Supplies by law.

Compiler's Note: Section 1 of Reorganization Plan No. 1 of 1981 provided that the Bureau of Government Donated Food is transferred from the Department of General Services to the Department of Agriculture.

Compiler's Note: Section 1 of Reorganization Plan No. 8 of 1955 provided that the Division of Surplus Property Disposal is transferred from the Department of Public Instruction to the Department of Property and Supplies.

Section 2401.1. Specific Powers of the Department of General Services.--In addition to all other powers and duties set forth in this act, the Department of General Services shall have the power, and its duty shall be:

(1) To exercise all the powers and duties as to new construction, alteration and repairs over twenty-five thousand dollars ($25,000) base cost, heretofore exercised by the Department of Property and Supplies and other Commonwealth departments. Base cost shall mean and include the base construction cost of a capital project as set forth in a capital budget.

(2) To have exclusive authority over all construction of capital public improvement projects passed in a Commonwealth Capital Budget or other legislation; excluding, however, highways, bridges and other transportation facilities. "Public improvement projects" means and includes constructing,

improving, and acquiring sewers, sewer systems, and sewage treatment works for State institutions of every kind and character, public buildings for the use of the Commonwealth, State arsenals, armories, and military reserves, State airports and landing fields, State institutions of every kind and character, additions and improvements to State colleges and Indiana University of Pennsylvania, State-related educational institutions, necessary roads, bridges, tunnels, and relocation of highways needed for "public improvement projects," swimming pools, reservoirs and lakes, marinas, marine terminals, port improvements, low head dams, improvements to river embankments, desilting dams, impounding basins, flood control projects, and the purchase of lands for rehabilitation purposes in connection with State institutions and for use of State colleges: Provided, however, That the purpose and intent of these projects being to benefit the people of the Commonwealth by, among other things, increasing their commerce and prosperity, and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises which, in whole or in part, shall duplicate or compete with existing enterprises serving substantially the same purposes.

(3) To have exclusive authority over all Commonwealth repair projects which cost in excess of twenty-five thousand dollars ($25,000) funded by appropriations in the operating budget; excluding, however, highways, bridges, and other transportation facilities.

(4) To acquire land in the name of the Commonwealth by purchase or eminent domain proceedings, in fee or in such right, title, interest or easement as the department may deem necessary for the project as specifically authorized in a capital budget or other legislation; excluding, however, highways, bridges and other transportation facilities.

(5) To carry out all construction activities which cost in excess of twenty-five thousand dollars ($25,000), including all aspects of project management, design and construction, such as preplanning and estimating, legal and administrative services, planning, actual construction, repair, alteration or addition to existing facilities.

(6) To exercise all the powers and duties as to new construction heretofore exercised by The General State Authority.

(7) To provide, when and if requested, by contract all the services cited above for all State agencies.

(8) To take by assignment from The General State Authority and the Department of Property and Supplies all contracts which have been entered into for the construction of projects not completed, and all projects which have or shall have been authorized for which funds have been allocated or otherwise committed.

(9) To formulate and establish minimum specifications and standards for construction, room design, materials and utilities for all projects to be constructed by or the construction of which is subsidized in whole or in part by the Commonwealth and to be used by any department, board, agency, commission, or State supported institution, agency, or project; for this purpose, the Department of General Services may establish a laboratory for testing new construction materials, procedures and systems and shall issue reports on the results of any such laboratory tests.

(10) To assume specific responsibility for controlling the quality of materials and workmanship, giving due consideration

to the feasibility of maintaining public projects once they have been built.

(11) To provide architectural and engineering services, including planning, estimating and project management to any department, board, commission, agency or State supported institution contemplating State construction or repair projects out of funds appropriated to it or the department, board, agency, commission, or State-supported institution for which the project is intended.

(12) To employ officers, agents, employes, capable registered architects and engineers, technical specialists and clerical personnel as may be necessary to comply with the provisions of this section. No employe may, on leaving the employ of the department, negotiate or participate in any contract for the providing of goods or services to the department before the expiration of one year from the date of termination of his employment.

(13) With approval of the Governor, to allocate increases in the cost of capital projects to be acquired and/or constructed from general obligation bonds provided (i) funds are available from authorizations no longer required for design, acquisition or construction of any approved capital project and provided (ii) that the previously approved cost of the project is increased by an amount no greater than a dollar amount determined as follows: the approved project cost multiplied by one hundred twenty per centum (120%) of the escalation percentage in The Composite Construction Cost Index of the United States Department of Commerce for the period from the date of the General Assembly approval of the base construction cost to the date of the awarding of the construction bids.

(14) With the approval of the Governor, to transfer and convey any easements or licenses necessitated by any construction project which has been previously authorized by the General Assembly.

(15) To enter into contracts of all kinds and to execute all instruments necessary or convenient for carrying on its operations.

(16) To accept grants and subsidies from and enter into agreements or other transactions with any Federal agency or agency of the Commonwealth or other entity.

(17) To accept grants-in-aid, gifts, donations, legacies or usages of money made or extended by individuals, organizations, public or private corporations, departments or instrumentalities of the Commonwealth, or the Federal Government, and to return money advanced for its usage not otherwise required for its purposes.

(18) To pay for administrative expenses related to capital projects funded by Commonwealth General Obligation Bonds or other funds appropriated, the Department of General Services, with the approval of the Governor, shall charge a fee against proceeds from said bonds which were sold to finance base construction or acquisition costs of said projects undertaken by the department or a like fee against other specifically appropriated funds for capital improvement projects. The amount of the fee shall be set by departmental regulations.

(19) ((19) repealed May 15, 1998, P.L.358, No.57)

(20) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts, including but not limited to the issuance of general regulations implementing the act.

(21) To delegate at the discretion of the Secretary of General Services to a State-related institution in the

Commonwealth system of higher education the performance on behalf of the Commonwealth of some or all of the powers and duties to plan, design, construct, administer and manage any public improvement project which has been statutorily authorized by the Commonwealth for such institution and the furnishing and equipping thereof, subject to such reasonable, necessary and appropriate conditions as may be mutually agreed upon between the department and such institution. (21 added Dec. 18, 1992, P.L.1638, No.180)

(2401.1 added July 22, 1975, P.L.75, No.45)

Section 2401.1a. Restrictions on Powers of the Department of General Services.--(a) The provisions of section 2401.1(19) shall not apply to additional capital projects in the category of public improvement projects to be acquired or constructed by the Department of General Services for the program development and design of prototypical one thousand-cell facilities to be used in construction of a facility in Clearfield County and other State prison projects itemized in the act of July 1, 1990 (P.L.315, No.71), known as the "Prison Facilities Improvement Act."

(b) Capital projects in the category of public improvement projects specifically itemized for the Department of Corrections in section 3(1) of the act of December 20, 1990 (P.L.1472, No.223), known as the "Capital Budget Project Itemization Act for 1990-1991," are hereby authorized to be acquired, constructed or used by the Department of General Services, its successor or assigns, notwithstanding any provision of law providing for or regulating zoning or land use planning or any zoning ordinance, land use ordinance, building code or other regulation adopted or enacted by a political subdivision under the authority of any statute or under the authority of any home rule charter authorized and adopted under any statute or the Constitution of Pennsylvania.

(2401.1a amended Dec. 18, 1992, P.L.1638, No.180)

Section 2401.2. Department of Environmental Resources Powers not Affected.--It is not the intention or purpose of this Article XXIV to curtail the historical construction activities of the Department of Environmental Resources. Therefore, nothing in this article shall be interpreted as altering in any way the powers, duties and authority of the Department of Environmental Resources as possessed by it just prior to the effective date of this article.

(2401.2 added July 22, 1975, P.L.75, No.45)

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 2402. Grounds, Buildings and Monuments in General.--The Department of General Services shall have the power, and its duty shall be: (Par. amended July 22, 1975, P.L.75, No.45)

(a) Subject to the powers by this act vested in the Board of Commissioners of Public Grounds and Buildings, to control and supervise the State Capitol Building, and the public grounds and buildings connected with the State Capitol, including the State Arsenal, any building or buildings that may have been devised or may hereafter be devised to the Commonwealth within the City of Harrisburg, the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board, the Pittsburgh State Office Building, the Philadelphia State Office

Building and the Executive Mansion, and to make, or supervise the making, of all repairs, alterations, and improvements, in and about such grounds and buildings, including the furnishing and refurnishing of the same, and also to have general supervision over repairs, alterations, and improvements to all other buildings, lands, and property of the State, except as in this act otherwise provided: ((a) amended Dec. 27, 2019, P.L.828, No.118)

(b) To employ such captains, sergeants of police, and police officers, as may be necessary to preserve good order in the Capitol grounds and buildings, Pittsburgh State Office Building and grounds, Philadelphia State Office Building and grounds, and fix their compensation and their hours of employment, which shall not be spread over more than five days in any one week except in emergency: Provided, however, That the number and compensation of such captains, sergeants and officers shall be subject to the approval of the Governor. Such captains, sergeants and officers shall be known as the Capitol Police and Commonwealth Property Police. ((b) amended Mar. 28, 1961, P.L.66, No.25)

(c) To employ such help as may be reasonably necessary for the cleaning, care, and preservation of the Capitol grounds and buildings, Pittsburgh State Office Building and grounds, Philadelphia State Office Building and grounds, and the furnishings therein, for operating the mechanical plants in the Capitol buildings, Pittsburgh State Office Building, Philadelphia State Office Building and the Executive Mansion, and for service at the Executive Mansion; ((c) amended Mar. 28, 1961, P.L.66, No.25)

(d) To contract in writing for and rent proper and adequate offices, rooms, or other accommodations, outside of the Capitol buildings, for any department, board, or commission, which cannot be properly and adequately accommodated with offices, rooms, and accommodations in the Capitol buildings; and, in all cases in which the head of a department, for such department or for a departmental administrative board or commission within such department, or an independent administrative board or commission, with the approval of the Executive Board, has established or is about to establish a branch office in any city or place outside of the capital city, with the approval of the Board of Commissioners of Public Grounds and Buildings, to contract in writing for and rent such offices, rooms, and other accommodations, as shall be proper and adequate for such department, board, or commission. The department shall rent such garages or contract for such garage space as may be necessary for the accommodation of State-owned automobiles, either in or outside of the capital city, at such rentals or rates as it shall deem reasonable. The department may also, if the General Assembly shall have appropriated funds therefor, lease any lands which may be necessary for use by any department, board, or commission in the exercise of its powers or the performance of its duties. It shall be unlawful for any other department, board, commission, or agency of the State Government to enter into any leases, but the Department of General Services shall act only as agent in executing leases for departments, boards, and commissions, the expenses of which are paid wholly or mainly out of special funds, and, in such cases, the rentals shall be paid out of such special funds. Any nonprofit corporation which leases lands, offices or accommodations to the Commonwealth for any department, board, commission or agency with a rental amount in excess of one million five hundred thousand dollars ($1,500,000) per year

shall be deemed an agency as defined by the act of July 3, 1986 (P.L.388, No.84), known as the "Sunshine Act," and the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-To-Know Law, and any such nonprofit corporation shall be subject to and governed by the provisions of the "Sunshine Act" and the Right-To-Know Law. ((d) amended Dec. 15, 1988, P.L.1244, No.153)

(e) ((e) repealed July 22, 1975, P.L.75, No.45)

(f) Out of the funds appropriated or otherwise made available to the department therefor, to purchase or condemn land, with or without buildings thereon, for all projects, whenever, in the judgment of the Governor, the purchase or condemnation of such land is necessary, or whenever such purchase or condemnation shall have been authorized by law, and an appropriation shall have been made therefor. The condemnation of land by the department hereunder shall be in the manner provided by the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the "Eminent Domain Code." ((f) amended July 22, 1975, P.L.75, No.45)

(g) To erect or supervise the erection of all monuments which may now or hereafter be authorized by law, and to maintain and care for all monuments belonging to the Commonwealth which may now or hereafter be erected: Provided, That with regard to any monument which comes within the jurisdiction of an advisory board in the Department of Property and Supplies, the exercise of the powers hereby vested in the department shall be subject to approval or disapproval by such advisory board,

(h) Whenever loss or damage by fire or other casualty shall occur to any structure, building, equipment, or other property owned by the Commonwealth, and be reported to the department, to make an examination thereof, and, in its discretion, subject only to the approval of the Governor, to rebuild, restore, or replace the property damaged or destroyed, and, for that purpose, to have plans and specifications prepared and contracts executed, and to supervise the erection, construction, or replacement thereof, such rebuilding, restoration, or replacement to be in substantial accord with the original character, use, and purposes of the property damaged or destroyed. The cost of the materials furnished, and work and labor performed, under such contracts, shall be certified by the department to the Auditor General, who shall issue his warrant against the State Insurance Fund of this Commonwealth, which warrant shall be paid by the State Treasurer, in the manner provided by law: Provided, That whenever the department shall have taken such action as will involve expenditures from said fund, it shall forthwith certify the probable amount of expenditure to the State Treasurer, who shall forthwith take such action as is necessary to provide funds sufficient to meet the obligations so entered into.

(i) To rent to individuals, firms or corporations, or the Government of the United States or any branch or agency thereof, such real estate, owned by the Commonwealth, as is not being used in connection with the work of any department, board, or commission thereof, upon such terms and conditions as the Secretary of General Services may prescribe, with the approval of the Governor in writing: Provided, however, That no lease executed under the authority hereby conferred shall be for a longer term than five years, except that State owned airports, or any part of the facilities thereof, may be leased for terms not longer than twenty years when the lessee proposes to make a major capital investment in the construction or purchase of facilities at said State owned airport, or for five years in

other cases, and except leases made in the interest of national defense to the Government of the United States or any branch or agency thereof, which leases may be for such terms as are approved by the Governor. ((i) amended Dec. 19, 1980, P.L.1333, No.244)

(j) From time to time, to rent to persons, associations, or corporations, upon such terms as shall be approved by the Board of Commissioners of Public Grounds and Buildings, the auditorium in the South Office Building, Number Two, when it shall not be required for the Commonwealth's use.

(k) With the approval of the board of trustees of a State institution having the management of such institution, to grant a right of way or easement over the lands of such institution to any county, borough or township for the purpose of laying out and opening a public road for the benefit of the traveling public and for the use of such institution. ((k) added May 28, 1937, P.L.998, No.269)

(l) To establish standards for all mechanical and electrical equipment used in connection with the operation of any State institution or other State building. ((l) amended May 7, 1943, P.L.248, No.116)

(m) To supervise the work of employes of the Pennsylvania Liquor Control Board who are employed by the board for the cleaning, care, preservation and protection of the Northwest Office Building and the furnishings, records and other matters therein and for the operation of the mechanical plants in such building; ((m) amended July 21, 1941, P.L.429, No.174)

(n) To lease the whole or any part of the Indiantown Gap Military Reservation or any State airport or landing field to the Government of the United States or any branch or agency thereof upon such terms and conditions and for such periods of time as the Adjutant General, in the case of the Indiantown Gap Military Reservation, or the Secretary of Revenue in the case of any State airport or landing field, may prescribe, with the approval of the Governor in writing. ((n) added July 21, 1941, P.L.429, No.174)

(o) ((o) deleted by amendment Dec. 27, 2019, P.L.828, No.118)

(2402 amended June 21, 1937, P.L.1865, No.373)

Compiler's Note: The act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, referred to in subsec. (d), was repealed by the act of Feb. 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

Section 2402.1. Utilization of Capitol Annex.--(a) The Department of General Services shall hereby grant exclusive use of the Capitol Annex Building, also known as the Old Museum Building, to the House of Representatives.

(b) The Speaker of the House of Representatives shall allocate the space in the Capitol Annex Building, also known as the Old Museum Building, for such legislative purposes as he deems necessary.

(c) Notwithstanding any other provision of law to the contrary, the Capitol Annex Building, also known as the Old Museum Building, shall be used for the legislative purposes of the House of Representatives and not for administrative offices.

(d) The Department of General Services shall commence and complete the repair and renovation of the Capitol Annex Building, also known as the Old Museum Building, on an expedited basis.

(2402.1 added Dec. 18, 1992, P.L.1638, No.180)

Compiler's Note: Section 3 of Act 16 of 1999 provided that section 2402.1 is repealed to the extent that it is inconsistent with the provisions of Act 16.

Section 2402.2. Energy Profiles for State Buildings.--(2402.2 expired March 31, 2005. See Act 47 of 2003.)

Section 2402.3. Transfer authority over Lieutenant Governor's Mansion.--(a) Within 12 months of the effective date of this section, the Department of General Services is hereby authorized and directed to transfer the authority of the official residence of the Lieutenant Governor, the Lieutenant Governor's Mansion located at Fort Indiantown Gap, through a memorandum of understanding with the Department of Military and Veterans Affairs.

(b) The Lieutenant Governor's Mansion, upon transfer of the property under this section, shall be used for the purposes of supporting Pennsylvania's veterans programs and supporting the National Guard to include current and survivor families.

(c) The Department of General Services shall maintain the Lieutenant Governor's Mansion prior to the transfer of authority over the property under this section, including making or supervising the making of all necessary repairs, alterations and improvements in and about the grounds of the Lieutenant Governor's Mansion.

(2402.3 added Dec. 27, 2019, P.L.828, No.118)

Section 2403. Standards and Purchases.--The Department of General Services shall have the power, and its duty shall be: (Par. amended June 27, 1977, P.L.24, No.17)

(a) ((a) repealed May 15, 1998, P.L.358, No.57)

(b) ((b) repealed May 15, 1998, P.L.358, No.57)

(c) ((c) repealed May 15, 1998, P.L.358, No.57)

(d) To distribute stationery, paper, and fuel to the legislative and other departments of the Government, and arrange for the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, upon requisition of the Governor, or of the appropriate administrative department or independent administrative board or commission, or the proper officer of the General Assembly, or of the judicial department, as the case may be: Provided, That all requisitions for furniture, materials, or supplies, required by any departmental administrative board, commission or officer, or any advisory board or commission, shall be made by the administrative department with which such departmental administrative board, commission or officer or such advisory board or commission is connected: And provided further, That the department shall not, without the consent of the Governor, honor any requisition from any administrative department, board or commission after the amount of any annual appropriation for furniture, stationery, materials, and supplies allocated to such department, board, or commission by the Governor, shall have been expended for such department, board, or commission; 1937, P.L.411, No.104 and amended Apr. 14, 1961, P.L.90, No.40)

(e) To act as the purchasing agency for any administrative department, or independent administrative or departmental administrative board or commission, which by law is authorized to purchase materials or supplies and pay for the same out of fees or other moneys collected by it, or out of moneys specifically appropriated to it by the General Assembly, except that all departments, boards, and commissions, requiring perishable food-stuffs for use in State institutions may purchase such food-stuffs directly, and any department, board, or commission, having charge of a State institution, which is able, after competitive bidding, to purchase any article for a

less price, f.o.b. the institution, than the price at which such article can be furnished by the Department of Property and Supplies, f.o.b. the institution, may purchase such article directly. All purchases made by the Department of Property and Supplies, as purchasing agency under this clause, shall conform to schedule, unless the Board of Commissioners of Public Grounds and Buildings shall specifically authorize a departure from schedule, and all purchases made directly for any State institution shall conform to the specification contained in the schedules, or, if the article be not included in the schedules, then to the standard specification, if any, adopted by the Department of Property and Supplies for the commodity purchased, unless the Board of Commissioners of Public Grounds and Buildings shall have specifically authorized a departure from such specification.

(f) To collect, and furnish on request, market prices and such other information as will be serviceable in purchasing to any institution receiving State funds directly or indirectly;

(g) ((g) repealed May 15, 1998, P.L.358, No.57)

(h) ((h) repealed December 3, 2002, P.L.1147, No.142)

(2403 amended June 21, 1937, P.L.1865, No.373)

Compiler's Note: Section 2 of Act 678 of 1955 provided that section 2403 is repealed insofar as it is inconsistent with section 2403.1 of Act 175.

Compiler's Note: Section 7 of Act 411 of 1937 provided that subsecs. (d) and (e) are repealed insofar as they related to the Anatomical Board.

Section 2403.1. Specifications for Buildings, Furnishings, Equipment and Materials.--(2403.1 repealed July 22, 1975, P.L.75, No.45)

Section 2404. Bonds and Liability Insurance.--The Department of Property and Supplies shall have the power, and its duty shall be:

(a) To procure from a corporation or corporations, authorized by law to act as sureties in the Commonwealth of Pennsylvania, good and sufficient bonds, which shall be approved by the Attorney General, and filed with the State Treasurer or the Federal Government, to meet the requirements of law, in the case of all State officers and employes required by statute to give surety bonds to the Commonwealth or the Federal Government for the faithful performance of their official duties or to account for State funds in their possession: Provided, That if and when the Commonwealth shall establish its own indemnity fund, such bonds shall be purchased only in such cases as the Executive Board may require;

(b) To procure automobile liability insurance, covering vehicles owned by the Commonwealth of Pennsylvania or the United States of America or its instrumentalities, which are loaned to and operated by State officers or employes or officers and enlisted men of the Pennsylvania National Guard, the Pennsylvania Reserve Corps or its successor, and to procure public liability insurance covering all State employes, including members of boards and commissions, while engaged in the performance of their duties, and to purchase such insurance on a group basis, or otherwise, and the issuance of such insurance for State employes by any duly authorized insurance company in Pennsylvania, is hereby declared to be lawful, and, in the department's discretion, to purchase excess fire insurance on State buildings, and any other kind of insurance which it may be lawful for the Commonwealth, or any department, board, commission, or officer thereof, to carry and for which

an appropriation has been made to the department, or to any other administrative department, board, or commission.

The department shall pay for such insurance, out of the moneys appropriated to it, except that it shall not pay for insurance covering--(1) officers, employes, or property of the departments, boards, and commissions, whose expenses are wholly paid out of funds other than the General Fund of the State Treasury; or (2) officers, employes, and property of departments, boards, and commissions receiving appropriations out of the General Fund for such purpose. Insurance covering the officers, employes, and property of such departments, boards, and commissions shall be paid for out of the special funds appropriated to them, or out of the moneys of the General Fund, appropriated to them, as the case may be.

All automobile liability insurance procured by the Department of Property and Supplies hereunder shall protect both the Commonwealth and the State officer or employe operating the vehicle, or State officers and employes and officers and enlisted men of the Pennsylvania National Guard, the Pennsylvania Reserve Corps, or its successor operating vehicles loaned by the Federal Government, against claims for damages for injury to person or property, within such limits as the department, with the approval of the Executive Board shall prescribe.

((b) amended July 20, 1968, P.L.457, No.215)

(2404 amended July 20, 1961, P.L.820, No.356)

Section 2404.1. Secretary of Property and Supplies a Licensed Insurance Broker.--The Secretary of Property and Supplies, ex officio, is hereby authorized and his duty shall be to transact business as a licensed insurance broker for the purpose of contracting all insurance and surety bonds for any department, board, agency or commission of this Commonwealth and for the General State Authority, the State Public School Building Authority or any other State authority or commission created by law.

Any and all fees collected by the Secretary of Property and Supplies for the performance of the duties of a licensed insurance broker in contracting insurance or surety bonds for any department, board, agency, commission or authority of this Commonwealth shall be paid into the Higher Education Assistance Fund.

(2404.1 added Jan. 27, 1966, 1965 P.L.1624, No.577)

Section 2405. Sale of Unserviceable Property.--(2405 repealed May 15, 1998, P.L.358, No.57)

Section 2406. Publications.--The Department of General Services shall have the power, and its duty shall be: (Par. amended Dec. 10, 1976, P.L.1305, No.287)

(a) To edit the Capital Telephone Directory and the Directory of State Publications; ((a) amended Sept. 28, 1965, P.L.553, No.287)

(b) (1) With the approval of the Governor, to determine the need, size, character, quantity, and method of distribution of the various publications to be printed for the use of or distribution by the several departments, boards, commissions and other agencies engaged in the administrative work of the State Government: Provided, That in the case of reports made by the several departments, boards, or commissions, the department, board, or commission making the report shall be consulted with regard to the need, size, character, quantity and method of distribution of such reports;

(2) With the approval of the Governor, and of the Chief Justice of the Supreme Court of Pennsylvania, to determine the

size, character, quantity, and method of distribution of the various publications to be printed for the use of the judicial department;

(3) Unless specifically authorized by act or resolution, no public printing and binding shall be ordered, performed, or furnished by the department for any department, board, commission, or other agency, of the State Government, until a requisition for said work or materials has been presented to the department, duly signed by the head or the person or persons who may be given such authority by the head of the department, or the chief executive officer, or other authorized representative of the board, commission, or other agency of the State Government making such requisition;

(4) The provisions of this subsection shall not apply to the State System of Higher Education or any member institution.

((b) amended Feb. 17, 1984, P.L.75, No.14)

(c) To compile and edit a State Manual, which shall be published annually or biennially, under such name as the department and the Governor shall determine. The members and officers of the Senate and House of Representatives shall be given for distribution of said publication, not less than the number that they were heretofore given of Smull's Legislative Hand Book. The number to be published for the several State departments, boards, and commissions shall be fixed by the department, with the approval of the Governor. If in the judgment of the department, it is deemed advisable to publish copies of said manual in addition to those herein authorized, which can be sold at the cost of printing and binding, the department is authorized to publish such additional copies, and pay the amount realized from the sale of same to the State Treasurer, through the Department of Revenue;

(d) (1) To enter into contracts for furnishing all printing used in the Legislative Reference Bureau and other departments of the government, and the printing, binding and distributing of the laws, journals, department reports, and all other printing and binding, lithographing, cuts, plates, dies and supplies and materials incident thereto, which contracts shall be given to the lowest responsible bidder below such maximum price and under such regulations as are prescribed by this act, and shall be subject to the approval of the Governor, Auditor General and State Treasurer;

(2) The provisions of this subsection shall not apply to the State System of Higher Education or any member institution.

((d) amended Feb. 17, 1984, P.L.75, No.14)

(e) To distribute all documents, upon requisition of the persons entitled to make requisition therefor, by causing the same to be packed in packages or boxes addressed as required in the requisition, and delivered personally at the office of the department, or free at the post office, express or freight office, indicated in the requisition: Provided, That the department shall not, without the consent of the Governor, honor any requisition from any administrative department, board, or commission, after the amount of any annual appropriation for documents allocated to such department, board, or commission, shall have been expended for such department, board, or commission; ((e) amended Apr. 14, 1961, P.L.90, No.40)

(f) To furnish blank requisition forms at cost to all persons entitled to make requisitions upon the department for documents, stationery, furniture, or supplies of any character;

(g) ((g) repealed May 15, 1998, P.L.358, No.57)

(h) ((h) repealed Dec. 9, 2002, P.L.1395, No.173)

(i) To copyright, in the name of the Commonwealth, all publications of the Commonwealth, or of any department, board, or commission or officer thereof, including the State Reports which under existing or future laws it shall be necessary to have copyrighted, and such other publications as the Secretary of Property and Supplies, with the approval of the Governor, shall deem it advisable to copyright;

(j) ((j) repealed Dec. 9, 2002, P.L.1395, No.173)

(2406 amended June 21, 1937, P.L.1865, No.373 and July 31, 1968, P.L.769, No.240)

Compiler's Note: Section 61 of Act 428 of 1959 provided that section 2406 is repealed insofar as it is inconsistent with Act 428.

Section 2407. Automobiles.--The Department of Property and Supplies shall, upon the effective date of this act, take over, and thereafter assume responsibility for, the maintenance and operation of all automobiles owned by the Commonwealth, or any administrative department, board, or commission thereof, except the Department of Highways.

After the effective date of this act, all automobiles required for use by the administrative departments, boards, commissions, and officers of the State Government, shall be purchased by the Department of Property and Supplies, but, in purchasing automobiles required for the use of any department, board, or commission, having authority to purchase automobiles out of money appropriated to it, the Department of Property and Supplies shall act as purchasing agency.

The Department of Property and Supplies shall make or contract for the making of all repairs to automobiles owned by the Commonwealth, except those operated by the Department of Highways, unless in any case it shall specifically authorize any department, board, commission, or officer, to make or order the making of repairs to any specified automobiles, and, except emergency repairs necessarily made while any automobile is away from its garage.

The Department of Property and Supplies may assign to any department, board, or commission, such automobiles as may be required by it for full-time daily use, and such automobiles shall be operated by employes of such departments, boards, or commissions. The department shall maintain a sufficient number of automobiles, not assigned to departments, boards, or commissions, to meet the requirements of departments, boards, and commissions which do not require the full-time daily use of automobiles, and to meet extraordinary and occasional demands of all departments, boards, and commissions, other than the Department of Highways. Such automobiles with or without chauffeurs, shall be furnished to departments, boards, or commissions, upon requisition of the heads of the respective departments, or of the executive officers of the respective boards or commissions. This paragraph shall not be construed to prohibit a State officer or employe from being reimbursed for the use of his own automobile on State business, but all such reimbursements shall be made under and subject to the rules of the Executive Board regulating the payment of expenses to State officers and employes.

The cost of oil, gasoline, tires, repair parts for and repairs to automobiles permanently assigned to departments, boards, and commissions, shall be paid out of the appropriations to such departments, boards, and commissions, but the Department of Property and Supplies shall contract for all such oil, gasoline, tires, repair parts, and repairs, except that repairs

may be made by the Department of Highways, and, if authorized as hereinbefore provided, by other departments and by boards and commissions. For the use of other automobiles, departments, boards, and commissions shall be billed by the Department of Property and Supplies, upon a mileage basis, at such amount per mile as the Department of Property and Supplies, with the approval of the Governor, shall determine. Amounts payable for the use of such automobiles shall be paid out of the appropriations to such departments, boards, or commissions to the Department of Property and Supplies, and shall be, by it, paid into the General Fund of the State Treasury, through the Department of Revenue.

The Department of Property and Supplies shall require every administrative department, including the Department of Highways, and every independent administrative and departmental administrative board or commission, to report to it monthly, upon forms supplied by it, and with such detail as it shall require, the places to and from which each automobile was operated, the mileage traveled, the amount of oil and gasoline purchased, the names of employes of the department, board, or commission operating each automobile, the names of the employes of the department, board, or commission for whom the automobiles were operated, and such other information as may be necessary to enable the Department of Property and Supplies to make and keep complete records of the use and cost of operation of all State automobiles, except that it shall not be necessary for the Department of the Auditor General, the Treasury Department, or the Pennsylvania State Police, to report the places to and from which, or the names of the persons by or for whom automobiles were operated. (Par. amended Dec. 18, 1968, P.L.1232, No.390)

The types and number of automobiles to be purchased by the Department of Property and Supplies hereunder shall be subject to approval by the Executive Board, and the use of automobiles by State officers and employes shall be subject to the rules and regulations of the Executive Board.

Subject to the approval of the Board of Commissioners of Public Grounds and Buildings, the Department of Property and Supplies may sell automobiles, owned by the Commonwealth, when it deems it is in the public interest to do so. The proceeds of such sales shall be paid into the State Treasury, shall be credited to the appropriation to the department for the purchase of automobiles, or to any department, board or commission having authority to purchase automobiles with money appropriated to it, and are hereby appropriated to the respective department, board or commission for the purchase of automobiles. (Par. added Feb. 23, 1956, 1955 P.L.1080, No.350)

(2407 amended June 3, 1943, P.L.833, No.352)

Section 2407.1. Special Power Relating to State Vehicles.--(a) The Department of General Services shall, on an ongoing basis, monitor the research and development efforts to produce synthetic motor vehicle fuel derived in whole or in part from coal and shall determine the feasibility of converting State-owned vehicles to operate on such synthetic fuel.

(b) In making its determination of the feasibility of using a synthetic motor vehicle fuel derived in whole or in part from coal, the department is authorized to utilize such synthetic fuel in a limited number of State-owned vehicles on an experimental basis and to make necessary mechanical changes in those vehicles to facilitate the experimentation.

(c) If, as a result of the monitoring and experimentation conducted in accordance with subsections (a) and (b), the

department determines that there is a sufficient, assured supply of such synthetic fuel which can be used in one or more State-owned vehicles at a reasonable cost and without creating any significant threat to the environment, the department shall submit to the General Assembly a plan for such conversion. Such plan shall be accompanied by a summary report setting forth the basis for the department's determination that such conversion is feasible.

(2407.1 added Dec. 14, 1982, P.L.1213, No.280)

Section 2408. Procedure for Construction of all Capital Improvements, Repairs or Alterations under the Control of the Department of General Services.--(2408 repealed May 15, 1998, P.L.358, No.57)

Section 2409. Method of Awarding Contracts for Stationery, Paper, Fuel, Repairs, Furnishings, and Supplies.--(2409 repealed May 15, 1998, P.L.358, No.57)

Section 2409.1. Handicapped-Made Products and Services.--(2409.1 repealed May 15, 1998, P.L.358, No.57)

Section 2409.2. Authority for State System of Higher Education and Member Institutions to Award Contracts for Stationery, Paper, Printing Supplies, Public Printing and Binding.--Notwithstanding any other provisions of this act, the State System of Higher Education or any member institution shall be authorized to accept local bids and award contracts for its stationery, paper, printing supplies, printing and binding needs through a competitive bidding process.

(2409.2 added Feb. 17, 1984, P.L.75, No.14)

Section 2410. Method of Awarding Contracts for Public Printing and Binding.--(2410 repealed May 15, 1998, P.L.358, No.57)

Section 2411. Preparation of Plans and Specifications and in Anticipation of Requests for Appropriations.--(2411 repealed July 22, 1975, P.L.75, No.45)

Section 2412. Qualification of Bidders.--(2412 repealed May 15, 1998, P.L.358, No.57)

Section 2413. Board of Commissioners of Public Grounds and Buildings.--(2413 repealed May 15, 1998, P.L.358, No.57)

Section 2414. State Art Commission.--(2414 repealed May 15, 1998, P.L.358, No.57)

Section 2415. General Galusha Pennypacker Monument Commission.--(2415 repealed July 22, 1975, P.L.75, No.45)

Section 2416. Capitol Police, Commonwealth Property Police and Campus Police.--(Hdg. amended July 7, 1968, P.L.297, No.149) The Capitol Police, Commonwealth Property Police and the Security or Campus Police of all State colleges and universities, State aided or related colleges and universities and community colleges shall have the power, and their duty shall be: (Par. amended Sept. 27, 1978, P.L.775, No.149)

(a) To enforce good order in State buildings and on State grounds in Dauphin County, in the Pittsburgh State Office Building and the grounds, in the Philadelphia State Office Building and the grounds and in the grounds and buildings of all State colleges and universities, State aided or related colleges and universities and community colleges; ((a) amended Sept. 27, 1978, P.L.775, No.149)

(b) To protect the property of the Commonwealth in State grounds and buildings in Dauphin County, in the Pittsburgh State Office Building and grounds, in the Philadelphia State Office Building and grounds and in the grounds and buildings of all State colleges and universities, State aided or related colleges and universities and community colleges; ((b) amended Sept. 27, 1978, P.L.775, No.149)

(c) To exclude all disorderly persons from the premises of the State Capitol, State buildings in Dauphin County, the Pittsburgh State Office Building and the Philadelphia State Office Building and from the grounds and buildings of all State colleges and universities, State aided or related colleges and universities and community colleges; ((c) amended Sept. 27, 1978, P.L.775, No.149)

(d) In the performance of their duties, to adopt whatever means may be necessary;

(e) To exercise the same powers as are now or may hereafter be exercised under authority of law or ordinance by the police of the cities of Harrisburg, Pittsburgh and Philadelphia, municipalities in Dauphin County wherein State buildings are located and in municipalities wherein said colleges, universities and community colleges are located; ((e) amended Sept. 27, 1978, P.L.775, No.149)

(g) To order off said grounds and out of said buildings all vagrants, loafers, trespassers, and persons under the influence of liquor, and, if necessary, remove them by force, and, in case of resistance, carry such offenders before an alderman, justice of the peace or magistrate and

(h) To arrest any person who shall damage, mutilate or destroy the trees, plants, shrubbery, turf, grass-plots, benches, buildings or structures, or commit any other offense within State buildings on State grounds in Dauphin County, the Pittsburgh State Office Building and grounds, and the Philadelphia State Office Building and grounds, the Executive Mansion, and the grounds and buildings of all State colleges and universities, State aided or related colleges and universities and community colleges, and carry the offender before the proper alderman, justice of the peace or magistrate and prefer charges against him under the laws of the Commonwealth. ((h) amended Sept. 27, 1978, P.L.775, No.149)

Security and Campus Police shall exercise their powers and perform their duties only on the premises of the State colleges and universities, State aided or related colleges and universities and community colleges by or for which they are employed and only after they have completed a course of training including crisis intervention training and riot control as approved by the Department of Education except, that Campus Police employed by State owned colleges and universities located in any municipalities, other than cities of the first class or second class, are authorized, in emergency situations occurring within the municipality, upon the request of the mayor or other executive authority and under the direction of the local law enforcement authorities, to exercise those powers and perform those duties conferred pursuant to this section within the municipality for the limited purpose of aiding local authorities in emergency situations. When so acting, the Campus Police shall be acting within the scope of the authority of this act and are, at all times, State employes of this Commonwealth and entitled to all the rights and benefits accruing therefrom. (Par. amended Sept. 27, 1978, P.L.775, No.149)

(2416 amended Sept. 28, 1965, P.L.553, No.287)

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Compiler's Note: Section 39 of Act 48 of 2003 provided that section 2416 is repealed insofar as it is inconsistent with Act 48.

Compiler's Note: Section 15(b) of Act 57 of 1997 provided that section 2416 is repealed insofar as it is inconsistent with section 2416.1.

Section 2416.1. Campus Police Powers and Duties.--(a) Campus Police shall have the power and their duty shall be:

(1) to enforce good order on the grounds and in the buildings of the college or university;

(2) to protect the grounds and buildings of the college or university;

(3) to exclude all disorderly persons from the grounds and buildings of the college or university;

(4) to adopt whatever means may be necessary for the performance of their duties;

(5) to exercise the same powers as are now or may hereafter be exercised under authority of law or ordinance by the police of the municipalities wherein the college or university is located, including, but not limited to, those powers conferred pursuant to 42 Pa.C.S. Ch. 89 Subch. D (relating to municipal police jurisdiction);

(6) to prevent crime, investigate criminal acts, apprehend, arrest and charge criminal offenders and issue summary citations for acts committed on the grounds and in the buildings of the college or university and carry the offender before the proper alderman, justice of the peace, magistrate or bail commissioner and prefer charges against him under the laws of this Commonwealth. Except when acting pursuant to 42 Pa.C.S. Ch. 89 Subch. D, Campus Police shall exercise these powers and perform these duties only on the grounds or within 500 yards of the grounds of the college or university. For the purposes of applying the provisions of 42 Pa.C.S. Ch. 89 Subch. D, the grounds and within 500 yards of the grounds of the college or university shall constitute the primary jurisdiction of the Campus Police;

(7) to order off the grounds and out of the buildings of the college or university all vagrants, loafers, trespassers and persons under the influence of liquor and, if necessary, remove them by force and, in case of resistance, carry such offenders before an alderman, justice of the peace, bail commissioner or magistrate; and

(8) to arrest any person who damages, mutilates or destroys the trees, plants, shrubbery, turf, grass plots, benches, buildings and structures or commits any other offense on the grounds and in the buildings of the college or university and carry the offender before the proper alderman, justice of the peace, bail commissioner or magistrate and prefer charges against him under the laws of this Commonwealth.

(b) Campus Police and municipalities are authorized to enter into an agreement with the municipality wherein the college or university is located to exercise concurrently those powers and to perform those duties conferred pursuant to a cooperative police service agreement in accordance with 42 Pa.C.S. § 8953 (relating to Statewide municipal police jurisdiction). When so acting, the Campus Police of the college or university shall have the same powers, immunities and benefits granted to police officers in 42 Pa.C.S. Ch. 89 Subch. D.

(c) When acting within the scope of the authority of this section, Campus Police are at all times employes of the college or university and shall be entitled to all of the rights and benefits accruing therefrom.

(d) As used in this section:

"Campus Police" means all law enforcement personnel employed by a State-aided or State-related college or university who

have successfully completed a Campus Police course of training approved under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

"College" or "university" means all State-aided or State-related colleges and universities.

"Grounds" means all lands and buildings owned, controlled, leased or managed by a college or university.

(2416.1 added Nov. 26, 1997, P.L.530, No.57)

Compiler's Note: Section 9 of Act 98 of 2008 provided that references in other law to a bail commissioner shall be deemed to be a reference to an arraignment court magistrate.

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 2417. Allocation of Certain Costs Incurred by the Department.--In order to reimburse the General Fund for the costs incurred by the Department of Property and Supplies in purchasing equipment, materials, and supplies for departments, boards, and commissions, as purchasing agency, and for space occupied in the Capitol buildings and water, light, heat, power, telephone and other services utilized and consumed by the departments, boards, and commissions, whose expenses are wholly or mainly paid out of funds other than the General Fund of the State Treasury such departments, boards, or commissions, to which special operating funds are appropriated for this purpose, shall be billed at least quarterly by the Department of Property and Supplies, upon a cost basis, at such amounts as the Department of Property and Supplies, with the approval of the Executive Board, shall determine. Amounts payable hereunder for reimbursing the General Fund for the above costs shall be paid out of such special operating funds in the State Treasury to the Department of Property and Supplies, and shall be by it paid into the General Fund of the State Treasury through the Department of Revenue.

(2417 added June 3, 1933, P.L.1468, No.319)

Section 2418. Lease of Eastern Pennsylvania Psychiatric Institute.--The Department of General Services, with the approval of the Governor and the Department of Public Welfare, is authorized to lease or sublease, for the rental of one dollar ($1) per annum, all of the land and buildings in the city and county of Philadelphia known as the Eastern Pennsylvania Psychiatric Institute, and all improvements, fixtures, equipment and furnishings located there, to The Medical College of Pennsylvania upon such terms and conditions as The Medical College of Pennsylvania and the Department of Public Welfare shall agree. The provisions of section 2402(i) shall not apply to a lease entered into pursuant to this section.

(2418 added Dec. 11, 1986, P.L.1485, No.153)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 2418.1. Exemption from Taxation.--The lease authorized by section 2418 shall be exempt from taxes, imposts or other fees and costs to the extent that such taxes, imposts or fees and costs are imposed by a taxing authority.

(2418.1 added Oct. 23, 1988, P.L.1059, No.122)

Section 2419. Retirement of Certain Debt.--(a) The General State Authority shall retire, as soon as the Governor's Budget

Office certifies that funds to do so are available from the Commonwealth's appropriation for debt service in the General Fund Budget, the existing principal debt outstanding on General State Authority bonds which funded certain former Commonwealth projects on property described in subsection (c).

(b) The payment directed in subsection (a) shall be deemed to satisfy the restriction contained in section 6 of the act of December 22, 1975 (P.L.606, No.175), entitled "An act authorizing and directing the Department of General Services, or such department and The General State Authority, to convey to Philadelphia or transfer jurisdiction within the State government of certain tracts of Commonwealth real property acquired under the act of September 29, 1938 (Sp.Sess., P.L.53, No.21), entitled, as amended, 'An act relating to institutions of counties, cities, wards, boroughs, townships, institution districts and other political subdivisions, for the care, maintenance, and treatment of mental patients; providing for the transfer to the Commonwealth for the care, maintenance and treatment of mental patients of such institutions, and all grounds, lands, buildings and personal property of such political subdivisions used for the care and maintenance of indigent persons connected with such mental institutions; providing for the management and operation or closing and abandonment thereof; and the maintenance of mental patients therein; including the collection of maintenance in certain cases; providing for the retransfer of certain property to counties, cities, wards, boroughs, townships, institution districts and other political subdivisions under certain circumstances; conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities, wards, boroughs, townships, institution districts and other political subdivisions certain powers and duties; prohibiting cities, counties, wards, boroughs, townships, institution districts and other political subdivisions from maintaining and operating institutions, in whole or in part, for the care and treatment of mental patients; and repealing inconsistent laws,' imposing powers and duties on the Department of Environmental Resources in connection with one such tract, and providing for use of land conveyed to the City of Philadelphia."

(c) The Department of General Services and The General State Authority shall convey to the City of Philadelphia any remaining interest the Commonwealth may have in the property conveyed by the Commonwealth of Pennsylvania, through the Department of General Services, to the City of Philadelphia by deed dated November 15, 1983, recorded in the office of the Recorder of Deeds of Philadelphia at Deed Book ALO Vol. 120, Page 405, which conveyance was subject to the restriction referenced in subsection (b).

(d) It is the intent of the General Assembly that the Commonwealth will fund the demolition of abandoned buildings formerly erected and maintained by the Commonwealth, which buildings are located on the property described in this section, through existing Commonwealth grant programs.

(2419 added Oct. 23, 1988, P.L.1059, No.122)

Compiler's Note: The Department of Environmental Resources, referred to in subsec. (b), was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 2420. State Heating Systems to be Fueled by Coal.--(a) The following words and phrases when used in this article shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Coal." Coal produced from mines in Pennsylvania or any mixture or synthetic derived, in whole or in part, from coal produced from mines in Pennsylvania.

"Mixture derived, in whole or in part, from coal." Includes, but is not limited to, both the intermittent and the simultaneous burning of natural gas with coal or a coal derivative if the intermittent or simultaneous burning of natural gas would:

(1) lower the cost of using coal or a coal derivative produced from mines in Pennsylvania; or

(2) enable coal or a coal derivative produced from mines in Pennsylvania to be burned in compliance with present and reasonably anticipated environmental laws and regulations.

(b) Any heating system or heating unit installed in a facility owned by the State on or after the effective date of this section shall be fueled by coal.

(b.1) Any State facility or agency which seeks to perform a study or take any action which may result in the conversion of its coal-fired heating system to use a fuel other than coal shall publish its intention in the Pennsylvania Bulletin and shall report its intention to do so to the Department of General Services within 90 days prior to beginning the study.

(b.2) Any report, finding or recommendations to the State facility or agency as a result of the study shall be reported immediately to the Secretary of General Services and the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives.

(c) Any heating system or heating unit shall be exempt from the requirement of subsection (b) if the Secretary of General Services determines that:

(1) using coal as the fuel for that heating system or heating unit would violate existing or reasonably anticipated environmental laws or regulations;

(2) using coal as the fuel for that heating system or heating unit would not be cost effective when compared to using other forms of energy;

(3) using electricity generated primarily from the combustion of coal would be more cost effective when compared to using coal as the fuel for that heating system or heating unit;

(4) the principal fuel for that heating system or heating unit would be natural gas from wells located in Pennsylvania or wood from forests located in Pennsylvania, if such fuel were at least as cost effective as using coal as the fuel; or

(5) that heating system or heating unit was in or beyond the design stage prior to the effective date of this act.

(d) In determining cost-effectiveness under clauses (2), (3) and (4) of subsection (c), the Secretary of General Services shall perform a life cycle cost analysis.

(e) The Secretary of General Services shall report to the Appropriations Committees of the House of Representatives and the Senate the basis for any determination that a heating system or heating unit shall be exempt from the requirement of subsection (b).

(2420 amended Dec. 23, 2003, P.L.282, No.47)

Section 2421. Utilization of Lock Haven University Condemnation Proceeds.--All sums received from the condemnation of lands owned by the Commonwealth and utilized by Lock Haven

University which have been condemned by the Army Corps of Engineers on behalf of the Lock Haven Area Flood Protection Authority, specifically Clinton County Tax Parcel Numbers 21-H-1-121 through 21-H-1-126 and 21-H-1-222, shall be used for improvement to the replacement properties or remaining properties impacted by this condemnation. All sums realized by the condemnation of Tax Parcel Numbers 21-A-01-25, 21-A-01-26 and part of 21-A-01-24 shall be used for improvements to the remaining property impacted by this condemnation. Any additional benefits received from the condemnation shall be used by the university for public improvement of the remaining Commonwealth properties impacted by the condemnation.

(2421 added Dec. 18, 1992, P.L.1661, No.183)

ARTICLE XXIV-A
DISPOSITION OF COMMONWEALTH SURPLUS LAND
(XXIV-A added July 1, 1981, P.L.143, No.48)

Section 2401-A. Limited Definitions.--The following words and phrases when used in this article shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Agency." Any department, departmental administrative board or commission, independent board or commission, agency or other authority of this Commonwealth now existing or hereafter created, but shall not include any court, political subdivision, municipal or local authority.

"Department." The Department of General Services.

"Surplus property." Any buildings, land or other real estate owned by the Commonwealth that has been deemed surplus to the needs of the administering agency which has current use of the property. The definition of and the designation of surplus property shall not apply to any lands designated as State parks or State forests or any lands acquired by the Pennsylvania Fish and Boat Commission or the Pennsylvania Game Commission. (Def. amended Feb. 23, 1996, P.L.27, No.10)

(2401-A added July 1, 1981, P.L.143, No.48)

Compiler's Note: The name of the Pennsylvania Fish Commission, referred to in this section, was changed to the Pennsylvania Fish and Boat Commission by Act 39 of 1991. See 30 Pa.C.S. § 308 (relating to designation of commission).

Section 2402-A. Annual Property Survey.--(a) The department shall distribute to all agencies, not later than January 1 of each year, a request to compile information on all State-owned real property. The survey shall require the agency, for each parcel of real property, within its jurisdiction, to identify its location, size, current use, the presence of any buildings or other improvements, the condition of all buildings and improvements and other relevant property attribute data. The survey shall require the agency to identify any property currently surplus to the needs of the agency. ((a) amended Feb. 23, 1996, P.L.27, No.10)

(b) Agencies shall send to the department, not later than March 1 of each year, completed annual property surveys. The department shall compile and consolidate the agency surveys and send a copy of the compilation to the Chairmen and Minority Chairmen of the House and Senate State Government Committees or their successor committees. ((b) amended Feb. 23, 1996, P.L.27, No.10)

(c) For all real property identified as surplus by an agency, the department shall determine whether any other

agencies have an appropriate use for the property. If it is desirable and appropriate to transfer to another agency property that has been deemed surplus by the administering agency currently using the property, the department shall prepare a plan for transfer of the property. Upon approval of the transfer plan by the General Counsel and the Secretary of Budget and Administration, use of the property shall be transferred to the agency that can make the best use of the property.

(2402-A added July 1, 1981, P.L.143, No.48)

Section 2403-A. Property Disposition Plan.--(a) The department shall annually develop a plan for the orderly disposition of all real property deemed surplus by the agency currently in possession of the property, which property is not suitable for use by another agency.

(b) The plan shall consider the following factors in proposing the manner and schedule for property disposition:

(1) Whether the property should be leased, transferred in fee simple, or transferred with a restriction as to use, right of reversion, or other special deed provisions.

(2) Whether the land should be retained in agricultural use or as open space for recreation or conservation. A determination whether land should be preserved as open space or in agricultural use shall be made in consultation with the Department of Agriculture, the Department of Environmental Resources and the Department of Community Affairs.

(3) Likely cost savings and expenses to the Commonwealth arising from the proposed property disposition.

(4) The needs of local governments, charitable institutions, and local volunteer fire and rescue squads.

(5) The likely revenue to be generated by the sale of the property and the needs of the Commonwealth for those revenues.

(c) The plan for the disposition of surplus property shall, for each parcel, identify the proposed manner of disposition, when the property will be disposed of, likely revenues and costs, the assessed market value of the property, and the Commonwealth's acquisition cost for the property.

(d) Any Commonwealth lands acquired by condemnation which is later determined to be surplus land shall be disposed pursuant to and consistent with the provisions of section 2003(e) and the provisions of the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the "Eminent Domain Code."

(2403-A added July 1, 1981, P.L.143, No.48)

Compiler's Note: The Department of Community Affairs, referred to in subsec. (b), was abolished by Act 58 of 1996 and its functions were transferred to the Department of Community and Economic Development.

Compiler's Note: The Department of Environmental Resources, referred to in subsec. (b), was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 2404-A. Legislative Oversight and Public Review.--(a) The property disposition plan shall be transmitted to the Chairmen and Minority Chairmen of the House and Senate State Government Committees or their successor committees not later than May 1 of each year. The House and Senate Committees shall conduct public hearings which may be joint hearings to review the plan and shall advise the department of any suggested modifications in the plan not later than June 1 of each year.

((a) amended Feb. 23, 1996, P.L.27, No.10)

(b) The department shall publish its proposed property disposition plan in the Pennsylvania Bulletin not later than May 1 of each year and invite public comments on the plan during the following 30-day period. The proposed plan shall not require review by the Attorney General for form and legality prior to publication, but during the 30-day comment period the department shall request that the Attorney General review the plan for form and legality. The Attorney General shall communicate his evaluation of the plan, in writing, to the department and to the Chairmen and Minority Chairmen of the House and Senate State Government Committees or their successor committees. ((b) amended Feb. 23, 1996, P.L.27, No.10)

(c) Whenever the department deems that there is significant public interest in the plan proposed for disposition of a parcel of real property, the department shall, in the vicinity of the site, hold public hearings on the proposed property disposition plan for the parcel.

(d) (1) Not later than June 15, the department shall transmit the plan to the Governor for his approval and the Governor shall transmit the plan to the Chief Clerk of the House of Representatives and the Secretary of the Senate for consideration by the General Assembly in the manner specified by the act of April 7, 1955 (P.L.23, No.8), known as the "Reorganization Act of 1955," except that either House of the General Assembly may reject a plan for the disposition of a specific parcel while approving the balance of the surplus property disposition plan. ((1) amended Feb. 23, 1996, P.L.27, No.10)

(2) If no action is taken on the plan within 20 calendar days after submission of the plan to the General Assembly, any five members of the Senate or 25 members of the House may petition their respective presiding officer to schedule a vote on the plan. This vote shall be scheduled to occur within five calendar days of the presentation of the petition.

(3) If the General Assembly disapproves any plan in whole or in part, the department may submit to the Governor for transmittal to the General Assembly an amended plan designed to resolve the General Assembly's objections to the disapproved plan.

(2404-A added July 1, 1981, P.L.143, No.48)

Section 2405-A. Conditions Upon Conveyances.--Any proposed disposition of property shall be subject to the following conditions and limitations:

(1) The department may sell real estate to an individual, an organization, a firm or corporation, a political subdivision of the Commonwealth, or to the Government of the United States or a branch or agency thereof.

(2) Following approval of the property disposition plan, information regarding the availability and sale of each parcel of surplus property shall be provided through the publication of legal notice in the Pennsylvania Bulletin and such State newspapers as the department shall direct.

(3) The remuneration for a conveyance of surplus property shall be based on fair consideration. Fair consideration requires either the payment of the current fair market value of the property or the demonstration of equivalent or greater return to the Commonwealth within five years due to the proposed use of the property by the entity receiving the conveyance.

(4) After appropriate public notice, the sale of declared surplus property by the department shall be open to public review and inspection. Acceptance of an offer shall be subject

to a minimum price requirement as established by the department, which shall not be less than the fair market value. Declared surplus property shall be sold by the department through either a competitive sealed bidding process in which prospective buyers submit sealed offers through the mail or at an auction conducted by an auctioneer holding a license under the provisions of the act of December 22, 1983 (P.L.327, No.85), known as the "Auctioneer and Auction Licensing Act." The use of either method of sale shall be at the department's discretion. Except as provided in clause (3), sale of the declared surplus property shall be to the highest bidder, provided that no offer may be accepted which is below the fair market value, established through independent appraisal. ((4) amended Feb. 23, 1996, P.L.27, No.10)

(5) The disposition of property shall be made upon such terms and conditions of sale as the department may prescribe. The sale of such real estate may be in the form of a lump sum purchase, installment purchase or lease purchase and may include use restrictions and reverter clauses. The term and conditions of sale and the form of purchase shall reflect current market conditions, shall afford maximum protection of Commonwealth assets and shall prescribe procedures to be utilized in the event of default. In the case of the sale of authority properties, the sale of such property shall be in accordance to the applicable bond indentures.

(6) The deed of conveyance shall expressly reserve all oil, gas and mineral rights to the Commonwealth. ((6) added June 22, 1982, P.L.573, No.166)

(2405-A added July 1, 1981, P.L.143, No.48)

Section 2406-A. Allocation of Sale Proceeds.--The proceeds of the sale of real estate under the provisions of section 2405-A shall be paid into the State Treasury, through the Department of Revenue and deposited in the Capital Facilities Redemption Fund, or if the land was acquired by moneys wholly or mainly out of a special fund, such proceeds shall be credited to the proper special fund, and all proceeds of the sale of authority properties shall be paid to the respective fiscal agent of the authority in accordance with the bond resolution. The costs and fees incurred by the Department of General Services, including but not limited to costs of auctions or sales at auction, title searches, notice, surveys and appraisals, shall be deducted from the purchase price and that amount shall be an executively authorized augmentation to the appropriation from which the costs and fees were paid by the department.

(2406-A amended Feb. 23, 1996, P.L.27, No.10)

Section 2407-A. Construction of Article in Relation to Contrary Provisions of this Act.--Except for sections 1902-A and 2003 of this act, the provisions of this article shall be construed to prevail over any other provision of this act in the event of any inconsistency.

(2407-A added July 1, 1981, P.L.143, No.48)

Section 2408-A. General Assembly Not Limited.--Nothing in this article shall be construed as limiting the power of the General Assembly to otherwise enact legislation providing for the conveyance of real property owned by the Commonwealth.

(2408-A added July 1, 1981, P.L.143, No.48)

Section 2409-A. Exemption for Certain Conveyances.--(a) This article shall not apply to a conveyance by The General State Authority where a resolution authorizing such conveyance was adopted by the board of directors of the authority on or before July 1, 1981.

(b) Notwithstanding the provisions of this act, including without limitation this article or any other act to the contrary, the Department of General Services is authorized to convey, with the approval of the Governor, any project within the meaning of the act of March 31, 1949 (P.L.372, No.34), known as "The General State Authority Act of one thousand nine hundred forty-nine," which was conveyed and transferred by resolution of The General State Authority and under the authority of the act of July 22, 1975 (P.L.75, No.45), entitled "An act amending the act of April 9, 1929 (P.L.177, No.175), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined,' creating the Department of General Services and defining its functions, powers and duties; and transferring certain functions, records, equipment, personnel and appropriations from the Department of Property and Supplies and The General State Authority to such department," to the Department of General Services, provided that:

(1) The grantee is an institution of higher education located in this Commonwealth.

(2) The project was constructed by The General State Authority on behalf of the grantee.

(3) The consideration for each conveyance shall be based upon either the outstanding principle and interest indebtedness of the project or the total cost of the project adjusted to its present value as determined by the Department of General Services in consultation with the Secretary of the Budget.

(4) All costs of the transaction are borne by the grantee.

(5) No part of the consideration or transaction costs are paid with General Fund moneys or Capital Facilities Fund moneys.

(6) No conveyance shall be made under the authority of this subsection to an institution of the State System of Higher Education.

(c) Notwithstanding the provisions of this act, including without limitation this article or any other act to the contrary, the Department of General Services is authorized to convey, with the approval of the Governor, to The Pennsylvania State University, the University of Pittsburgh, Temple University or Lincoln University any project which The General State Authority or the Department of General Services constructed on behalf of the grantee, provided that:

(1) All outstanding principal and interest indebtedness of the project has been retired.

(2) All costs of the transaction are borne by the university.

(3) The university shall pay one dollar ($1.00) for each project transferred.

(4) No part of the transaction costs is paid with General Fund moneys or Capital Facilities Fund moneys.

(5) The deed of conveyance shall contain a clause that the property conveyed shall be used for educational purposes by the grantee, and, if at any time the grantee or its successor in function conveys the property or permits the property to be used for any purpose other than those specified in this section, the title to the property shall immediately revert to and revest in the Commonwealth of Pennsylvania.

(2409-A amended Dec. 18, 1992, P.L.1638, No.180)

Compiler's Note: Section 13 of Act 180 of 1992, which amended section 2409-A, provided that all moneys from the conveyances authorized by Act 180 shall be deposited into the Capital Debt Fund. Section 14 of Act 180 provided that the conveyances authorized by Act 180 shall be exempt from all taxes, imposts, fees and costs relating to such conveyances which are levied, imposed or chargeable by any taxing authority as long as the documents necessary to effect such conveyances are recorded prior to January 1, 1994.

ARTICLE XXIV-B
JAIL FACILITIES
(Art. added Oct. 30, 2017, P.L.379, No.40)

Section 2401-B. Scope of article.

This article relates to new and former jail facilities.

(2401-B added Oct. 30, 2017, P.L.379, No.40)

Section 2402-B. Definitions.

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

"Adaptive reuse." The alteration, renovation, remodeling, modification or reconstruction of former jail facilities for reuse as courtrooms, office space or other facilities and uses as the board of commissioners shall from time to time deem necessary and appropriate.

"Alternative contracting procedure." A procedure under which a proposer would be responsible for all aspects or phases necessary to achieve the development of a parcel of property. The aspects or phases of development shall include, but not be limited to, the planning, design, finance, construction and management of property.

"Board of commissioners." The governing body of a county of the third class with a population between 280,000 and 298,000 as of the 2010 census.

"Former jail facility." A building or group of buildings with related facilities owned by a county of the third class which is more than 100 years old and which was previously used as a jail facility.

"New jail facility." A building or group of buildings with related facilities to be owned or leased by a county of the third class.

"Proposer." A firm, organization or company or a combination of firms, organizations or companies acting as a partnership, joint venture, consortium or similar joint relationship with sufficient knowledge, expertise and experience in the areas of architectural design, construction, financing of real estate development or construction and real estate management.

(2402-B added Oct. 30, 2017, P.L.379, No.40)

Section 2403-B. Alternative contracting procedure.

(a) General rule.--Notwithstanding section 1801 of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, the board of commissioners may, in its sole discretion, elect to use an alternative contracting procedure to achieve the adaptive reuse of former jail facilities or construction of new jail facilities.

(b) Resolution required.--If the board of commissioners elects to utilize an alternative contracting procedure, the board of commissioners shall adopt a resolution stating that the use of an alternative contracting procedure is the most efficient, economical and timely method to secure an adaptive reuse of former jail facilities or construction of new jail facilities.

(c) Written proposals.--Upon adoption of a resolution, the board of commissioners shall request written proposals from proposers for the adaptive reuse of a former jail facility or construction of a new jail facility under an alternative contracting method. In its request for proposals, the board of commissioners shall include the terms, conditions and requirements which the board of commissioners deems necessary to protect the interests of the county.

(2403-B added Oct. 30, 2017, P.L.379, No.40)

Section 2404-B. Evaluation criteria.

(a) Criteria.--The board of commissioners shall, in addition to compliance with the terms, conditions and requirements set forth in the request for proposals, consider the following criteria in evaluating proposals for the adaptive reuse of former jail facilities or construction of new jail facilities:

(1) The cost of the proposer's adaptive reuse or new construction proposal.

(2) Experience of the proposer.

(3) Preservation of the distinct architectural design and integrity of the former jail facilities.

(4) Adherence to prevailing wage laws and other work force standards.

(5) Commitment to enter into voluntary contracts with disadvantaged business enterprises.

(b) Selection of proposal.--After due consideration of proposals in accordance with the criteria under subsection (a), the board of commissioners may select a proposal and award a contract to a responsible proposer for the adaptive reuse of a former jail facility or construction of a new jail facility under an alternative contracting procedure.

(2404-B added Oct. 30, 2017, P.L.379, No.40)

ARTICLE XXV

POWERS AND DUTIES OF THE DEPARTMENT OF REVENUE

Section 2501. Powers and Duties in General.--The Department of Revenue shall exercise such powers and perform such duties as are vested in and imposed upon it by The Fiscal Code and other applicable laws.

Section 2502. Vehicle and Tractor Codes.--In the collection of motor license fees, fees for titling vehicles and tractors and operators' license fees, and the issuance of certificates of title and motor and operators' licenses, the Department of Revenue shall be entitled to such assistance from the Pennsylvania State Police as the department may deem necessary.

The Secretary of Revenue may designate the person in charge of the work to which this section refers as the Commissioner of Motor Vehicles.

(2502 amended Apr. 28, 1943, P.L.94, No.52)

Section 2503. State Athletic Commission.--(2503 repealed July 1, 1989, P.L.136, No.28)

Section 2504. Space on Form for Contributions.--(2504 repealed Dec. 18, 1992, P.L.1638, No.180)

Section 2505. Waiver of Realty Transfer Tax; Allocation.--(a) The Department of Revenue may, in the case of a transfer of real property from the Commonwealth to a nonprofit organization where that organization will utilize the property for a drug or alcohol abuse rehabilitation program, waive the collection of the realty transfer tax imposed under Article XI-C of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

(b) Notwithstanding the limitation contained in section 7 of the act of July 2, 1993 (P.L.359, No.50), known as the "Keystone Recreation, Park and Conservation Fund Act," moneys in the Keystone Recreation, Park and Conservation Fund designated for the State System of Higher Education shall be made available quarterly during the fiscal year beginning July 1, 1994.

(2505 amended June 22, 1994, P.L.351, No.52)

Section 2506. Space on Form for Contributions.--(2506 repealed May 7, 1997, P.L.85, No.7)

Section 2507. Contribution to Korea/Vietnam Memorial National Education Center.--(a) ((a) repealed June 29, 2002, P.L.559, No.89)

(b) (1) KVM shall use all contributions collected under this section to carry out the following purposes and responsibilities:

(i) Determine and prioritize the funding objectives deemed most necessary to facilitate the development of the center.

(ii) Obtain assistance and advice from the Department of Military Affairs, veterans' organizations and the public regarding the development of the center.

(iii) Establish projects or programs appropriate to the furtherance of the purposes of this act, and allocate moneys to such public or private organizations selected to implement those programs or projects.

(iv) Establish programs to promote the voluntary contribution system set forth in this act and other lawful programs to solicit additional contributions to KVM and allocate moneys to implement the same.

(v) Submit a report to the Military and Veterans Affairs Committee of the Senate and the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives by December 31, 2000, to include a financial analysis and a synopsis of the use of the funds collected under the voluntary contribution system.

(2) KVM may use funds collected under this section to develop a program for the sale of public stamps, decals or other items of personal property to the public intended to signify the interest of the purchaser in contributing to the center.

(c) KVM may establish an advisory committee, the members of which shall be chosen from State and local officials, veterans organizations and the general public. Membership shall include the Adjutant General or his designee and at least one member of the State Armory Board or his designee. The advisory committee shall make recommendations regarding general management objectives, obtain input from the public on the

development of the center and advise KVM on specific projects and programs in furtherance of this section.

(d) The checkoff system created by this section shall not be the only such checkoff allowed on Pennsylvania individual income tax return forms seeking voluntary contributions from tax refunds. In the event KVM shows a net loss after the deduction of administrative costs by the department for two (2) consecutive years and the Secretary of the Budget and the State Treasurer certify to the General Assembly that such loss has in fact occurred, then the Advisory Committee and all of its powers and duties shall terminate and go out of existence within sixty (60) days of the certification.

(e) Except to complete any transfer required by this section, no moneys from the General Fund shall be used for the purposes of this section.

(f) The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Center." The National Education Center.

"Department." The Department of Revenue of the Commonwealth.

"KVM." Korea/Vietnam Memorial, Inc., a Pennsylvania nonprofit corporation.

(2507 added July 11, 1996, P.L.619, No.105)

Compiler's Note: The Department of Military Affairs, referred to in subsec. (b), was designated the Department of Military and Veterans Affairs by Act 12 of 1996.

Section 2508. Sales and Use Tax Exclusion for Commercial Racing Activities.--(2508 repealed Apr. 23, 1998, P.L.239, No.45)

ARTICLE XXV-A

POWERS AND DUTIES OF THE DEPARTMENT OF PUBLIC ASSISTANCE AND OF THE STATE BOARD OF PUBLIC ASSISTANCE

(XXV-A repealed July 13, 1957, P.L.852, No.390)

Section 2501-A. Definitions.--(2501-A repealed July 13, 1957, P.L.852, No.390)

Section 2502-A. Powers and Duties of the Department of Public Assistance.--(2502-A repealed July 13, 1957, P.L.852, No.390)

Section 2503-A. State Board of Public Assistance.--(2503-A repealed July 13, 1957, P.L.852, No.390)

Compiler's Note: Section 1101 of Act 45 of 1999 provided that Act 45 shall not repeal or in any way affect section 2203-A.

Compiler's Note: The Department of Commerce, referred to in subsec. (a), was renamed the Department of Community and Economic Development by Act 58 of 1996. The Department of Community Affairs, referred to in subsec. (a), was abolished by Act 58 of 1996 and its functions were transferred to the Department of Community and Economic Development.

Compiler's Note: The Department of Environmental Resources, referred to in subsec. (a), was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Compiler's Note: Section 28 of Act 275 of 1970 provided that there shall be established in the Department of

Environmental Resources a unit responsible for the enforcement of all laws within the jurisdiction of the department. The head of such unit shall be a deputy secretary who shall report directly to the Secretary of Environmental Resources. The unit shall have its own staff of investigatory, administrative and technicaladvisory personnel at both regional and State offices. Special legal counsel will be provided to the unit with the cooperation of the Attorney General.

Act 164 of 1980 repealed section 28 insofar as it is inconsistent with Act 164.

Section 2504-A. Employment in the Department of Public Assistance.--(2504-A repealed July 13, 1957, P.L.852, No.390)

Section 2505-A. Joint Actions by Department and Employment Board.--(2505-A repealed July 13, 1957, P.L.852, No.390)

ARTICLE XXV-B

POWERS AND DUTIES OF THE DEPARTMENT OF COMMERCE AND ITS DEPARTMENTAL ADMINISTRATIVE BOARD

(XXV-B added May 10, 1939, P.L.101, No.50)

Section 2501-B. Powers and Duties of the Department of Commerce.--The Department of Commerce shall have the power, and its duty shall be:

(a) To administer and carry out the provisions of the Commerce Law.

(b) To take any other action authorized or required by this or any other law.

(c) To take such steps as it may deem advisable to promote the welfare of the mining and mineral interests of the Commonwealth, and the use of the mineral products of Pennsylvania. ((c) added Dec. 3, 1970, P.L.834, No.275)

(d) To conduct, or cause to be conducted, thorough and comprehensive research studies and research programs in the technology, the economics, and the methods of mining, preparing, transporting and the marketing of bituminous and anthracite coal and their by-products, and such other purposes as shall be deemed to be advantageous to the well-being and future of the bituminous and anthracite coal industry.

With the approval of the Governor, the department is authorized to enter into mutually satisfactory contracts or agreements with any person, firm, institution or corporation as well as any State or Federal agency which the department deems wise, necessary and expedient in carrying out its objectives, but the department, in so far as it is practicable, shall make such contracts or agreements with persons, associations and institutions located within the Commonwealth of Pennsylvania. The department may, subject to the approval of the Governor, make grants to public and private scientific schools, institutions and associations which have the necessary existing research laboratory facilities for the accomplishment of its powers and, to this end, it may use any matching or donated funds available from the Federal Government, private or philanthropic concerns, associations and institutions.

((d) added Dec. 3, 1970, P.L.834, No.275)

(e) The department shall supervise the expenditure by the School of Mineral Industries of Pennsylvania State University of appropriations made for the purpose of conducting researches to discover a by-product for the use of anthracite and bituminous coal and to develop new scientific, chemical and

other uses, and new and extended markets for anthracite and bituminous coal and its products.

The Commonwealth, through the department, shall have the right to accept and receive gifts, contributions, bequests and devises of real or personal property made by any person for the above purposes, which shall be designated as being for the use of the School of Mineral Industries of Pennsylvania State University to be expended by it under the supervision of the department.

((e) added Dec. 3, 1970, P.L.834, No.275)

(2501-B added May 10, 1939, P.L.101, No.50)

Compiler's Note: The Department of Commerce, referred to in this section, was renamed the Department of Community and Economic Development by Act 58 of 1996.

Compiler's Note: Reorganization Plan No.2 of 1966 provided that section 2501-B is suspended insofar as it conflicts with Reorganization Plan No. 2.

Compiler's Note: Reorganization Plan No. 1 of 1982 provided that the functions, powers and duties of the Department of Commerce with regard to the Navigation Commission for the Delaware River and its navigable tributaries are transferred to the Department of State and the functions, powers and duties of the commission with regard to the regulation, review and approval of dams, water obstructions and encroachments are transferred to the Department of Environmental Resources.

Section 2502-B. Powers and Duties of the State Planning Board.--(2502-B repealed July 7, 1989, P.L.241, No.42)

Section 2503-B. Duties and Powers of the Board of the Ben Franklin Partnership Fund.--(2503-B repealed July 2, 1993, P.L.439 No.64)

Section 2504-B. Powers and Duties of the Navigation Commission for the Delaware River.--The Navigation Commission for the Delaware River shall have the power, and its duty shall be:

(1) To develop, implement and administer a testing program to provide for the licensure of pilots who travel the Delaware River;

(2) To maintain a complete set of records relating to the licensing of pilots for the Delaware River;

(3) To maintain records for all construction permits issued for the Delaware River;

(4) To promulgate rules and regulations necessary for the proper navigation of the Delaware River in conformity with existing Federal laws or Federal rules and regulations;

(5) To impose fines and penalties including the revocation of a pilot's license for violations of the rules and regulations of the commission after due notice and proper hearing in accordance with the act of June 4, 1945 (P.L.1388, No.442), known as the "Administrative Agency Law";

(6) To consult with appropriate Federal and State agencies in relation to navigational control over the Delaware River.

(2504-B added July 9, 1976, P.L.980, No.197)

Compiler's Note: Reorganization Plan No. 1 of 1982, P.L.1482, transferred the functions, powers and duties of the Department of Commerce with regard to the Navigation Commission for the Delaware River and its navigable tributaries to the Department of State and transferred the functions, powers and duties of the commission with regard to the regulation, review and

approval of dams, water obstructions and encroachments to the Department of Environmental Resources.

ARTICLE XXV-C

POWERS AND DUTIES OF THE DEPARTMENT OF COMMUNITY AFFAIRS, ITS DEPARTMENTAL BOARDS, BUREAUS AND AGENCIES

(XXV-C added Feb. 1, 1966, 1965 P.L.1849, No.582)

Compiler's Note: Section 301(a)(16) of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that all other powers and duties delegated to the Department of Community Affairs not otherwise expressly transferred elsewhere by Act 58 and currently performed by the Department of Community Affairs under Article XXV-C are transferred from the Department of Community Affairs to the Department of Community and Economic Development.

Section 2501-C. Powers and Duties in General.--The Department of Community Affairs shall have the power, and its duties shall be:

(a) To coordinate the many programs of grants and subsidies paid to political subdivisions by various agencies of State and Federal government.

(b) Provide for a central clearing house for information concerning local government problems between local governments and the various State agencies; and to direct inquiries about specific problems of local government to the proper State agencies for solution.

(c) Maintain close contact with all local governments to help them improve their administrative methods and to foster better municipal government and development.

(d) To review State policy and Federal programs with respect to major local governmental, metropolitan and area problems; and to determine their impact on local units of government as they pertain to community affairs.

(e) To conduct general research for various units of local government on problems affecting community affairs in the field of municipal administrative management, comprehensive planning, municipal forms of government, State-local relationships, fiscal procedures and generally to do any and all things necessary as an aid to better local and area government and community development; and upon request of a specific political subdivision to conduct under contract mutually agreed upon, extensive and continuous research on general problems of local and urban government and analysis of specific problems of the political subdivision.

(f) Provide direct consultive services to political subdivisions upon requests and staff services to special commissions, or the Governor, or the Legislature as directed.

(g) Provide technical assistance and research to political subdivisions participating in various operational programs affecting political subdivisions in the State.

(h) To coordinate and wherever provided by law to supervise or administer the various programs of State and Federal assistance and grants, including but not limited to housing, redevelopment, urban renewal, urban planning assistance, Project 70, area development, revitalization of central city cores, mass transportation, river basin studies, port development, air and water pollution, land and soil conservation, economic

opportunity, and public works and community facilities and Appalachian assistance; and to furnish comprehensive planning and technical assistance on any program set forth in this subsection (h).

(i) To furnish assistance to political subdivisions in the preparation of and advice on enforcement of codes and ordinances.

(j) To aid in the preparation of and to distribute handbooks, research, financial and other reports derived from the activities of the department.

(k) To generally do any and all things necessary to make this act effective.

(l) Subject to the limitations of this act and of law, the Secretary of Community Affairs shall, from time to time, establish, rules and regulations to better carry this act into effect.

(m) To make grants to any two or more counties, cities, boroughs, incorporated towns, townships, or any other similar general purpose unit of government which shall hereafter be created by the General Assembly, or to any body which is authorized to act in behalf of two or more units of government, for the purpose of assisting them in acting in concert in the performance of any local governmental function or functions, or for the purpose of conducting studies and investigations to determine the feasibility and desirability of acting in concert in the performance of local governmental functions. ((m) added Mar. 21, 1970, P.L.198, No.78)

(n) To make direct grants or provide other forms of technical assistance to various public safety, recreation, senior citizen or other community service organizations. ((n) added June 22, 1994, P.L.351, No.52)

(2501-C added Feb. 1, 1966, 1965 P.L.1849, No.582)

Compiler's Note. The Department of Community Affairs, referred to in this section, was abolished by Act 58 of 1996 and his functions were transferred to the Secretary of Community and Economic Development. The Secretary of Community Affairs, referred to in this section, was abolished by Act 58 of 1996 and the functions were transferred to the Secretary of Community and Economic Development.

Compiler's Note: Section 306(d) of Act 18 of 1995, which created the Department of Conservation and Natural Resources and renamed the Department of Environmental Resouces as the Department of Environmental Protection, provided that the Department of Conservation and Natural Resources shall exercise the powers and duties vested in the Department of Commerce by Act 8, Sp.Sess., of 1964 and transferred to the Department of Community Affairs by section 2501-C(h).

Section 2502-C. Powers and Duties of Pennsylvania Academic Commission on Technological Development.--The function of the Pennsylvania Academic Commission on Technological Development shall be to establish a Statewide network of interinstitutional communication on technological innovation and development for dissemination of information on such matters to the Pennsylvania business community and others who may use such information for new business and job development in Pennsylvania. To further these purposes, the commission shall have the following powers and its duties shall be to:

(1) Meet at least quarterly at locations designated by the chairman.

(2) Keep minutes and records of its meetings and other activities and to make such minutes and records available to the public through publication and broadcast in newspapers, trade journals, business magazines, radio, television and other appropriate media sources.

(3) Receive and accept grants, appropriations, aid or contributions from any source, of money, property or labor or other things of value to be held, used and applied to carry out the purposes of this act, subject to the conditions upon which such grants and contributions may be made, including, but not limited to, gifts or grants from any department or agency of the United States or the Commonwealth.

(4) Collect and disseminate information on technological innovation, new product and process development and implementation, industrial and commercial development and such other information which may encourage or stimulate new business or job growth in Pennsylvania.

(5) Do all things necessary and proper to carry out the powers, duties, purposes and functions stated herein.

(2502-C added Feb. 17, 1984, P.L.75, No.14)

ARTICLE XXVI

POWERS AND DUTIES
OF THE PENNSYLVANIA GAME COMMISSION
AND ITS ENFORCEMENT OFFICERS
(XXVI repealed July 8, 1986, P.L.442, No.93)

Section 2601. Powers and Duties in General.--(2601 repealed July 8, 1986, P.L.442, No.93)

Section 2602. Enforcement of Game Laws.--(2602 repealed July 8, 1986, P.L.442, No.93)

Section 2603. Special Hunters' Licenses.--(2603 repealed July 8, 1986, P.L.442, No.93)

Section 2604. State Game Land Refuges and Farms.--(2604 repealed July 8, 1986, P.L.442, No.93)

Section 2605. Powers of Game Protectors.--(2605 repealed July 8, 1986, P.L.442, No.93)

ARTICLE XXVII

POWERS AND DUTIES OF THE PENNSYLVANIA FISH
COMMISSION AND ITS ENFORCEMENT OFFICERS
(XXVII repealed Oct. 16, 1980, P.L.996, No.175)

Section 2701. Powers and Duties in General.--(2701 repealed Oct. 16, 1980, P.L.996, No.175)

Section 2702. Enforcement of Fish Laws.--(2702 repealed Oct. 16, 1980, P.L.996, No.175)

Section 2703. Hatching Stations and Distribution of Fish.--(2703 repealed Oct. 16, 1980, P.L.996, No.175)

Section 2704. Fishways.--(2704 repealed Oct. 16, 1980, P.L.996, No.175)

Section 2705. Special Licenses.--(2705 repealed Oct. 16, 1980, P.L.996, No.175)

Section 2706. Powers of Fish Wardens.--(2706 repealed Oct. 16, 1980, P.L.996, No.175)

Section 2707. Present Fish Wardens and Other Employes Continued.--(2707 repealed Oct. 16, 1980, P.L.996, No.175)

ARTICLE XXVIII

POWERS AND DUTIES OF THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION
(Hdg. amended June 21, 1937, P.L.1865, No.373)

Section 2801. Powers and Duties in General.--The Pennsylvania Public Utility Commission shall continue to exercise the powers and perform the duties by law vested in and imposed upon such commission.

(2801 amended June 21, 1937, P.L.1865, No.373)

Section 2802. Public Service Company Law.--(2802 repealed Mar. 31, 1937, P.L.160, No.43)

Section 2803. Elevated and Underground Railways.--(2803 repealed Mar. 31, 1937, P.L.160, No.43)

Section 2804. Alternative Energy Portfolio Standards.--The following shall apply:

(1) Notwithstanding section 4 of the act of November 30, 2004 (P.L.1672, No.213), known as the "Alternative Energy Portfolio Standards Act," in order to qualify as an alternative energy source eligible to meet the photovoltaic share of this Commonwealth's compliance requirements under the "Alternative Energy Portfolio Standards Act" and to qualify for solar renewable alternative energy portfolio credits, each solar photovoltaic system must do one of the following:

(i) Directly deliver the electricity it generates to a retail customer of an electric distribution company or to the distribution system operated by an electric distribution company operating within this Commonwealth and currently obligated to meet the compliance requirements contained under the "Alternative Energy Portfolio Standards Act."

(ii) Be directly connected to the electric system of an electric cooperative or municipal electric system operating within this Commonwealth.

(iii) Connect directly to the electric transmission system at a location that is within the service territory of an electric distribution company operating within this Commonwealth.

(2) Nothing under this section or section 4 of the "Alternative Energy Portfolio Standards Act" shall affect any of the following:

(i) A certification originating within the geographical boundaries of this Commonwealth granted prior to the effective date of this section of a solar photovoltaic energy generator as a qualifying alternative energy source eligible to meet the solar photovoltaic share of this Commonwealth's alternative energy portfolio compliance requirements under the "Alternative Energy Portfolio Standards Act."

(ii) Certification of a solar photovoltaic system with a binding written contract for the sale and purchase of alternative energy credits derived from solar photovoltaic energy sources entered into prior to the effective date of this section.

(3) This section shall apply to contracts entered into or renewed on or after the effective date of this section.

(4) As used in this section, the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Alternative energy source." As the term "alternative energy sources" is defined in section 2 of the "Alternative Energy Portfolio Standards Act."

"Electric distribution company." As defined in section 2 of the "Alternative Energy Portfolio Standards Act."

(2804 added Oct. 30, 2017, P.L.379, No.40)

ARTICLE XXVIII-A

POWERS AND DUTIES OF THE PENNSYLVANIA

HISTORICAL AND MUSEUM COMMISSION
(XXVIII-A repealed May 26, 1988, P.L.414, No.72)

Section 2801-A. Pennsylvania Historical and Museum Commission.--(2801-A repealed May 26, 1988, P.L.414, No.72)

Section 2802-A. Historical Preservation Fund.--(2802-A repealed May 26, 1988, P.L.414, No.72)

Section 2803-A. Historical Publications.--(2803-A repealed May 26, 1988, P.L.414, No.72)

Section 2804-A. Geographic Names.--(2804-A repealed May 26, 1988, P.L.414, No.72)

Section 2805-A. Washington Crossing Park Commission.--(2805-A repealed May 26, 1988, P.L.414, No.72)

Section 2806-A. Valley Forge Park Commission.--(2806-A repealed Oct. 5, 1981, P.L.289, No.99)

ARTICLE XXVIII-B
POWERS AND DUTIES OF THE PENNSYLVANIA SECURITIES COMMISSION
(XXVIII-B added Dec. 19, 1975, P.L.602, No.172)

Compiler's Note: Section 7(3)(ii) of Act 86 of 2012 provided that Article XXVIII-B is repealed insofar as it is inconsistent with Act 86.

Section 2801-B. Pennsylvania Securities Commission.--The Pennsylvania Securities Commission shall continue to exercise the powers and perform the duties vested in and imposed upon such commission by law.
(2801-B added Dec. 19, 1975, P.L.602, No.172)

ARTICLE XXVIII-C
ENERGY DEVELOPMENT AUTHORITY AND EMERGENCY POWERS
(XXVIII-C added Dec. 14, 1982, P.L.1213, No.280)

Section 2801-C. Definitions.--The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Authority" means the Energy Development Authority.

"Board" means the board of directors of the authority.

"Bond" or "Bonds" means notes, bonds, refunding or renewal notes and bonds and other evidence of indebtedness or obligations which the authority is authorized to issue.

"Cost" means the expense of construction and the expense of acquisition of all structures, lands and other property rights and interests in land necessary to a project. The term also includes the expense of demolishing, removing or relocating any buildings or structures on lands acquired or to be acquired, including the expense of acquiring any lands to which such buildings or structures may be moved or relocated; sewage treatment, waste treatment and pollution control facilities; railroad sidings, spurs or branch lines; all labor, materials, machinery and equipment, fixtures; financing charges; interest on all bonds prior to and during construction, and for a period of one year thereafter; engineering, financial and legal services; plans, specifications, studies, surveys necessary or incidental to determining the feasibility or practicability of constructing a project; administrative expenses; reserves for interest and for extension, enlargements, additions and improvements; and such other expenses as may be necessary or

incidental to the construction of the project and the placing of the same in operation.

"Person" means a natural person, corporation, partnership, association, and any municipality of this Commonwealth and any public corporation, authority or body whatsoever.

"Petroleum product" includes motor gasoline, kerosene, distillates (including Number 2 fuel oil) and diesel fuel.

"Project" means an activity, entirely or largely conducted in Pennsylvania, which cannot be effectively funded using privately available resources, relating to:

(1) basic and applied research concerning energy use, renewable energy resources and energy extraction, transmission, storage or conversion;

(2) limited scale demonstration of innovative or commercially unproven technology to promote the production, use or conservation of energy; or

(3) activities to promote or remove obstacles to the utilization and transportation of Pennsylvania energy resources, including but not limited to limited scale synthetic fuel facilities and the conversion or technological improvement of industrial, commercial or agricultural systems to utilize Pennsylvania coal or renewable energy resources: Provided, That no such facility unreasonably interferes with private waste recycling industries.

(2801-C added Dec. 14, 1982, P.L.1213, No.280)

Section 2802-C. Emergency Petroleum Product Shortages.--(a) The Governor may, by executive order, proclaim a state of emergency based upon a finding that there impends or exists a substantial shortage of petroleum products available for use in Pennsylvania which poses a serious threat to health, safety or welfare of the public. A state of energy emergency shall remain in effect for the maximum period of ninety days and may be extended by the Governor unless the extension is disapproved by concurrent resolution adopted by both Houses of the General Assembly. A state of emergency may be declared for all or any portion of the Commonwealth.

(b) Upon proclamation of a state of emergency, the Governor shall designate a State agency to conduct emergency allocation measures during the period of the declared emergency. Emergency allocation measures may consist of:

(1) the administration of any emergency allocation powers delegated to the State by the President or any Federal agency;

(2) the implementation of a set aside program, for not more than one percent (1%) of the petroleum products available for use in Pennsylvania, to alleviate hardship or meet emergency needs. A set aside program shall be established in conformity with any Federal law, regulations or executive orders governing petroleum allocation, and shall apply only to petroleum products found to be in a substantial shortage;

(3) measures to reduce the demand for or consumption of gasoline; and

(4) other measures identified by the Governor in his executive order proclaiming a state of emergency as necessary to protect the public health, safety and welfare.

(c) The agency designated by the Governor to conduct emergency measures may, during the period of the emergency, adopt rules and regulations pursuant to section 204 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law. Any regulation adopted during a state of emergency shall be automatically rescinded upon the expiration of the emergency.

(d) The Governor may designate a state agency to monitor supplies of petroleum products available for use in the Commonwealth to determine whether there exists, or is likely to exist, an emergency shortage.

(1) In order to monitor supplies of petroleum products, the agency may require recordkeeping and periodic reports from petroleum suppliers. These reporting and recordkeeping requirements shall, to the maximum extent possible, employ Federally mandated reports and records, avoid any unnecessary duplicative reporting or recordkeeping, and minimize paperwork, recordkeeping and reporting requirements.

(2) Reports filed and records maintained pursuant to this subsection shall be deemed confidential.

(3) When a petroleum supplier or a company providing information to a petroleum supplier claims that the information requested by the agency is confidential, proprietary, market or trade secret information, or when the information is deemed confidential pursuant to this section, the agency shall not disclose such information publicly or to any other governmental agency unless the information is aggregated as part of a statistical report in which the data and individual companies supplying the data cannot be identified.

(4) No employe or appointee of the agency or other person may release information from a petroleum product company that would enable data provided by or relating to individual customers of the petroleum company to be identified as relating to or coming from the individual customer. Any person disclosing such information in violation of this section shall be guilty of a misdemeanor, shall be subject to disciplinary action, including reprimand, suspension or termination, and may be ordered to make restitution to any injured or aggrieved party for losses or damages shown.

(5) In order to obtain information required pursuant to this subsection, the agency designated by the Governor to monitor supplies of petroleum products may receive or share information from any other Commonwealth, Federal or local agency: Provided, That the agency shall provide the same confidentiality to information recovered as is provided by the supplying agency.

(2802-C added Dec. 14, 1982, P.L.1213, No.280)

Section 2803-C. Energy Development Authority.--(a) There is hereby established the Energy Development Authority.

(b) The authority shall be governed and all of its corporate powers exercised by a board of directors which shall be composed of the following individuals:

(1) Nine members to be appointed by the Governor, one of whom shall be designated as chairman. At least two members shall be members of the general public. The members initially appointed shall serve for terms of two, three and four years, respectively, the particular term of each to be designated by the Governor at the time of appointment. The terms of all of their successors shall be four years each, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Every member's term shall extend until his successor is appointed and qualified. Any appointment of a member of the authority shall be subject to the advice and consent of a majority of all of the members of the Senate. Any appointed member of the authority shall be eligible for reappointment.

(2) The Secretary of Environmental Resources or his designee.

(3) The Secretary of Banking or his designee.

(4) The Secretary of Commerce or his designee.
(5) The Secretary of Agriculture or his designee.
(6) Two members of the Senate, one from the majority party and one from the minority party, to be appointed by the President pro tempore to serve at his pleasure, or the designees appointed by such members.
(7) Two members of the House of Representatives, one from the majority party and one from the minority party, to be appointed by the Speaker of the House to serve at his pleasure, or the designees appointed by such members.
(8) The Consumer Advocate or his designee.
(9) The Chairman of the Public Utility Commission or his designee.
((b) amended July 11, 1985, P.L.211, No.55)
(c) The members of the board of directors shall be entitled to no compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members.
(d) The board of directors shall provide for the holding of regular and special meetings. Ten directors attending shall constitute a quorum for the transaction of any business and at least six votes shall be required to adopt any action, except that at least nine votes shall be required to approve financial assistance for any project.
(2803-C added Dec. 14, 1982, P.L.1213, No.280)

Compiler's Note: The Secretary of Commerce, referred to in subsec. (b), was renamed the Secretary of Community and Economic Development by Act 58 of 1996.

Compiler's Note: The Secretary of Environmental Resources, referred to in subsec. (b), was abolished by Act 18 of 1995. The functions of the Secretary were transferred to the Secretary of Conservation and Natural Resources and the Secretary of Environmental Protection.

Section 2804-C. Technical and Financial Support.--(a) The Governor shall designate a State agency to provide staff services to the authority for its administration of the act, including technical services to assist the authority in carrying out the provisions of this article.
(b) The authority may utilize personnel and services from any departments, agencies or any other authorities of the Commonwealth whose facilities and services may be useful to the authority for their implementation of this article upon approval of such departments, agencies or authorities.
(c) The authority is authorized to make reimbursement to any agency, department or authority of the Commonwealth for such expenses as may be incurred in the provision of any services or the use of any facilities acquired by the authority.
(d) Notwithstanding the provisions of 66 Pa.C.S. § 511 (relating to disposition, appropriation and disbursement of assessments and fees), or any other statute of this Commonwealth, no funds received as reimbursement under this section shall be considered to be in substitution for funds from any other source, nor shall such funds reduce assessments to any utility. No such funds shall lapse at the termination of any fiscal year nor shall such funds reduce any assessment by the Public Utility Commission in any fiscal year.
(2804-C added Dec. 14, 1982, P.L.1213, No.280)

Section 2805-C. Annual Report.--The board shall make an annual report of the authority's activities for the preceding fiscal year not later than one hundred twenty days after the conclusion thereof to the Governor and the General Assembly.

Each such report shall contain a statement of activities and a complete operating and financial statement covering the operations of the authority during such year.

(2805-C added Dec. 14, 1982, P.L.1213, No.280)

Section 2806-C. Powers and Duties.--The authority, as a public corporation and governmental instrumentality exercising public powers of the Commonwealth, is hereby granted and shall have and may exercise all powers necessary or appropriate to carry out and effectuate the purposes of this article, including the following powers, in addition to others herein granted:

(1) To conduct examinations and investigations and to take testimony, under oath or affirmation, at public or private hearings, on any matter material for its information and necessary to the determination and approval of energy development project loan applications.

(2) To have existence for a term of fifty years, or until its existence shall be terminated by law.

(3) To sue and be sued, implead and be impleaded, complain and defend in all courts.

(4) To adopt, use and alter at will a corporate seal.

(5) To make bylaws for the management and regulation of its affairs and to make and, from time to time, amend and repeal rules and regulations governing the conduct of the business of the authority.

(6) To seek technical determinations on project applications.

(7) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business.

(8) To accept grants from and to enter into contracts or other transactions with any Federal agency.

(9) To take title by foreclosure or otherwise to any project or other property pledged, mortgaged, encumbered or otherwise available as security for a project financed whole or in part by the authority, whether by loan, loan guarantee or otherwise where such acquisition is necessary to protect the interests of the authority with respect to a project and to pay all costs arising out of such acquisition from moneys held in the Energy Development Fund and to sell, transfer and convey all or any portion of any such project to any responsible buyer.

(10) To purchase mortgages and to make payments of mortgages on any project where such purchase or payment is necessary to protect any loan or loan guarantee previously made by the authority, and to sell, transfer, convey or assign any such mortgage. Moneys so used by the authority in the purchase of any mortgage, or any payments thereon, shall be withdrawn from the Energy Development Fund, and any moneys derived from the sale of any mortgages shall be deposited by the authority in such fund.

(11) To lease, lease with an option to purchase, sell by installment sale or otherwise, or to otherwise dispose of, any or all of its projects, for such rentals or amounts and upon such terms and conditions as the authority may deem proper.

(12) To finance projects by making loans to persons to provide funds for project costs.

(13) To guarantee loans of money made to persons, upon such terms and conditions as the authority may prescribe, relating to projects.

(14) To make grants to fund research projects.

(15) To collect fees and charges, as the authority determines to be reasonable, relating to activities undertaken in furtherance of the purposes of this article.

(16) To borrow money for the operation and work of the authority by the making of notes and by the issuance of bonds in accordance with the provisions of this article.

(17) To pledge, hypothecate or otherwise encumber all or any of the revenues or receipts of the authority as security for all or any of the bonds of the authority.

(18) To receive appropriations and apply for and accept grants, gifts, donations, bequests and settlements from any public or private source. Funds received by the authority shall be deposited in the Energy Development Fund and used for the purposes of the authority.

(2806-C added Dec. 14, 1982, P.L.1213, No.280)

Section 2807-C. Authority Indebtedness.--(a) The authority shall have the power and hereby is authorized from time to time, by resolution of the authority and subject to the written approval of the Governor, to issue its negotiable bonds in such principal amount as, in the opinion of the authority, shall be necessary to provide sufficient funds for any of its corporate purposes, the establishment of reserves to secure such bonds and all other expenditures of the authority incident to and necessary or convenient to carry out its corporate purposes and powers. The authority may issue its bonds to provide financial assistance for projects only after the authority has first identified and approved such projects. The aggregate principal amount of bonds and notes of the authority shall not exceed $300,000,000 outstanding at any one time. ((a) amended Dec. 15, 1988, P.L.1239, No.152)

(b) The authority, whenever it deems it expedient, shall have the power to refund or renew any bonds by the issuance of new bonds whether the bonds to be refunded or renewed have or have not matured. Refunding bonds shall be sold and the proceeds applied to the purchase, redemption or payment of the bonds to be refunded.

(c) Neither the members of the board of the authority nor any person executing the notes shall be liable personally on the notes or be subject to any personal liability or accountability by reason of the issuance thereof.

(d) Bonds issued under the provisions of this act shall not be deemed to constitute a debt of the Commonwealth or any political subdivision thereof or a pledge of the faith and credit of the Commonwealth or of any such political subdivision.

(e) (1) The bonds of the authority shall be of such series, bear date or dates, mature at such time or times, not exceeding forty years from their respective dates, bear interest at such rate or rates, payable at least semiannually, be in such denominations, be in such form, either coupon or fully registered without coupons, carry such registration, exchangeability and interchangeability privileges, by payment in medium of payment and at such place or places, be subject to such terms of redemption, with or without premium, and be entitled to such priorities in the revenue or receipts of the authority as such resolution or resolutions may provide.

(2) The bonds shall be signed by or shall bear the facsimile signature of such officers as the authority shall determine and coupon bonds shall have attached thereto in interest coupons bearing the facsimile signature of the chairman of the authority, all as may be prescribed in such resolution or resolutions.

(3) Bonds may be issued and delivered, notwithstanding that one or more of the officers signing such bonds shall have ceased to be such officer or officers at the time when such bonds shall actually be delivered.

(4) Bonds may be sold at public or private sales for such price or prices as the authority shall determine. Pending the preparation of the definitive bonds, interim receipts may be issued to the purchaser or purchasers thereof and may contain such terms and conditions as the authority may determine.

(5) Any bond reciting in substance that it has been issued by the authority to aid in the financing of one or more projects to accomplish the public purposes of this act shall be conclusively deemed in proceedings involving the validity or enforceability of such bond or security therefor to have been issued for such purpose.

(f) Any resolution or resolutions authorizing any bonds may contain provisions which shall be part of the contract with holders thereof, as to:

(1) pledging the full faith and credit of the authority;

(2) the terms and provisions of the bonds;

(3) limitations on the purposes to which the proceeds of the bonds then or thereafter to be issued may be applied;

(4) the setting aside of reserves or sinking funds and the regulation and disposition thereof;

(5) limitations on the issuance of additional bonds;

(6) the terms and provisions of any indenture under which the same may be issued; and

(7) any other or additional agreements with the holders of the bonds.

(g) The authority may enter into any indentures or other agreements, with any bank or trust company within or without the Commonwealth of Pennsylvania including any Federal agency, and may assign and pledge all or any of the revenues or receipts of the authority. Such indenture or other agreement may contain such provisions as may be customary in such instruments or as the authority may authorize, including, but without limitation, provisions as to:

(1) the application of funds and the safeguarding of funds on hand or on deposit;

(2) the rights and remedies of the trustee and the holders of the bonds which may include restrictions upon the individual right of action of such holders; and

(3) the terms and provisions of the bonds or any additional bonds or the resolutions authorizing the issuance of the same.

(h) Said bonds shall have all the qualities of negotiable instruments under the law merchant and Title 13 of the Pennsylvania Consolidated Statutes (relating to commercial code).

(i) The rights and remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by any indenture or other agreement under which the same may be issued.

(j) In the event that the authority shall default in the payment of principal of premium, if any, or interest on any issue of bonds after the principal premium or interest shall become due, whether at maturity, upon call for redemption or otherwise and such default shall continue for a period of thirty days or in the event that the authority shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds, the holders of twenty-five percent (25%) in aggregate principal amount of the bonds then outstanding of such issues, by instrument or instruments filed in the Office of the Prothonotary of the Commonwealth Court, may appoint a trustee to represent the

bondholders for the purpose herein provided. Such trustee and any trustee under any indenture or other agreement, may, and upon written request of the holders of twenty-five percent (25%), or such other percentage as may be specified in any indenture or other agreement aforesaid, in principal amount of the particular issues of bonds then outstanding, shall, in his or its own name:

(1) By mandamus or other suit, action or proceeding at law, or in equity, enforce all rights of the bondholders, including the right to require the authority to carry out any agreement as to or pledge of the revenues or receipts of the authority and to require the authority to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this article.

(2) Bring suit upon the bonds.

(3) By action or suit in equity require the authority to account as if it were the trustee of an express trust for the bondholders.

(4) By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders.

(5) By notice in writing to the authority, declare all bonds due and payable and if all defaults shall be made good, then with the consent of the holders of twenty-five percent (25%) or such other percentage as may be specified in any indenture or other agreement aforesaid of the principal amount of bonds then outstanding, to announce such declaration and its consequences.

(k) The Commonwealth Court shall have jurisdiction of any suit, action or proceedings by the trustee on behalf of the bondholders.

(l) (1) Any trustee appointed by the court or trustee acting under an indenture or other agreement, and whether or not all bonds have been declared due and payable, shall be entitled as of right to the appointment of a receiver, who may exercise dominion over the mortgages or other security held by or available to the authority or any part thereof, the revenues or receipts from which are or may be applicable to the payment of the bonds so in default, and collect and receive all revenues thereafter arising therefrom in the same manner as the authority might do and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct.

(2) In any suit, action or proceeding by a trustee, the fees, the counsel fees and expenses of such trustee and of the receiver, if any, and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the mortgages of the authority or other security held by or available to the authority, the revenues or receipts from which are or may be applicable to the payment of the bonds so in default.

(3) A trustee shall also have and possess all of the power necessary or appropriate for the exercise of any function specifically set forth herein or in any indenture or other agreement or incident to the general representation of the bondholders in the enforcement and protection of their rights.

(2807-C added Dec. 14, 1982, P.L.1213, No.280)

Section 2808-C. Financial Assistance.--(a) When it has been determined by the authority, upon application and hearing thereon in the manner hereinafter provided, that the granting of financial assistance will accomplish the public purposes of this article, the authority may contract to make financial

assistance available in an amount not in excess of the cost of such project.

(b) Prior to committing itself to provide financial assistance under this section, the authority shall have determined that the person requesting such assistance has obtained from other responsible and independent sources which may include but shall not be limited to the Federal Government, banks, savings and loan associations or otherwise, a firm commitment for all other funds, over and above the amount of financial assistance requested from the authority, which in the aggregate shall be sufficient to cover the entire cost of the project.

(c) Any loan, lease, sale, guarantee or other agreement with response to a project shall be for such period of time and shall bear interest at such rate as shall be determined by the authority and may be secured by mortgage on and security interest in the project which such loan, lease, guarantee or other sale agreement relates, or with respect to any other property of the obligor, or any other security which the authority determines to be necessary.

(d) Moneys made available for projects by the authority shall be withdrawn from the appropriate funds and paid over to the obligor in such manner as shall be provided and prescribed by the resolutions, rules and regulations of the authority, the loan, lease, sale, guarantee or other agreement and the indenture or agreement of trust, if any, relating to the project.

(e) All payments of interest on funds made available for projects and the principal amount thereof shall be deposited by or on behalf of the authority in the appropriate funds.

(f) Prior to disbursing any funds for, or committing itself to guarantee any indebtedness relating to, or providing technical assistance for, a project, the authority shall receive an application in such form and having such content as the authority may prescribe from the person seeking such assistance.

(2808-C added Dec. 14, 1982, P.L.1213, No.280)

Section 2809-C. Energy Development Plan.--(a) In order to devise the most effective strategy for providing the financial and technical assistance authorized in this article, the authority shall publish, within one hundred eighty days of the effective date of this act, a plan for the allocation and distribution of financial and technical assistance. The Energy Development Plan shall:

(1) Place maximum reliance upon allocation and distribution strategies which exploit the use of other available Federal, State, local and private financial support.

(2) Allocate appropriated authority funds, moneys made available from payment of principal and interest received by the authority not otherwise payable to other creditors or bondholders and other funds available to the authority to projects whose likelihood or implementation would be diminished unless financial and technical assistance from the authority is made available.

(3) Provide for the approval of assistance for projects which will make the greatest possible contributions to energy conservation and development.

(4) Provide financial and technical assistance only to persons with a demonstrated need and who evidence reasonable likelihood of being able, in the case of loans and loan guarantees, to repay such loans.

(5) Identify the various classes of projects to be provided with financial and technical assistance and allocate available

authority funds among these classes. Specifically, the authority shall consider increasing coal production and the use of renewable fuels and in energy efficiency in buildings and industry in establishing its priorities.

(6) Establish application procedures and criteria for granting financial and technical assistance.

(7) Establish procedures for the periodic updating and revision of the Energy Development Plan.

(b) The authority shall hold public hearings at locations throughout the Commonwealth to receive comments upon and suggestions for the improvement of the Energy Development Plan. These hearings shall be concluded within ninety days of the publication of the initial plan. Not more than ninety days following the completion of hearings, the authority shall promulgate its final Energy Development Plan.

(2809-C added Dec. 14, 1982, P.L.1213, No.280)

Section 2810-C. Exemption from Taxation.--(a) The effectuation of the authorized purposes of the authority shall and will in all respects be for the benefit of the people of the Commonwealth of Pennsylvania and since it will as a government instrumentality of the Commonwealth be performing essential government functions in effectuating such purposes, the bonds or other evidences of indebtedness issued by the authority, their transfer and the income therefrom, shall at all times be free from taxation within the Commonwealth of Pennsylvania.

(b) The authority may covenant and consent that the interest on certain of its bonds shall be includible, under the Internal Revenue Code of 1954 or any subsequent corresponding internal revenue laws of the United States, in the gross income of the holders of the bonds to the same extent and in the same manner that the interest on bills, bonds, notes or other obligations of the United States is includible in the gross income of the holders thereof under said Internal Revenue Code or any such subsequent law. Notwithstanding any such covenant or consent of the authority, the exemption provided in subsection (a) shall not be affected thereby.

(2810-C added Dec. 14, 1982, P.L.1213, No.280)

Section 2811-C. Funding of the Authority.--(a) The sum of two million dollars ($2,000,000) is hereby specifically appropriated to the authority to be deposited in a special account to be created in the Treasury of the Commonwealth to be known as the Energy Development Fund. The fund shall be used to prepare the Energy Development Plan, to pay for initial administrative costs associated with initial bond issues, to make grants for limited research, and pursuant to this act to establish such reserves as in the judgment of the authority with respect to loans guaranteed or bonds issued by the authority may be necessary or desirable or to accomplish any other of its corporate purposes.

(b) As often as may be necessary, the authority shall requisition from the appropriate funds such amounts as may be necessary to provide adequate funds for the payment of the administrative costs related to this article.

(c) At any time that the authority shall determine that funds held for the credit of the Energy Development Fund are in excess of the amount needed to carry out the purposes of this article, the authority shall take such action as shall be required to release such excess from the fund and transfer the same to the General Fund of the State Treasury.

(2811-C added Dec. 14, 1982, P.L.1213, No.280)

Compiler's Note: The Governor withheld approval of subsec. (a) Dec. 14, 1982, for the following reasons:

The Commonwealth of Pennsylvania has available to it funds from consent decrees between the United States Department of Energy (DOE) and various oil companies based on DOE audits of oil company pricing policies since 1973. Pennsylvania's share of these funds is determined by DOE. This year $1.4 million has been received as a result of the consent decree with Standard Oil of Ohio.

I propose to deposit the funds already received from the consent decree with Standard Oil of Ohio into the Energy Development Fund created by House Bill 1738 and thereby provide funding for the activities contained in the bill. Since the funds are derived from energy related companies it is appropriate that they be spent on energy related programs.

Section 2812-C. Limitation of Powers.--The Commonwealth does hereby pledge to and agree with any person or Federal agency subscribing to or acquiring the bonds to be issued by the authority for the construction of any project or part thereof, that the Commonwealth will not limit or alter adversely the rights hereby vested in the authority until all bonds at any time issued, together with the interest thereof, are fully met and discharged. The Commonwealth does further pledge to and agree with any Federal agency that if such Federal agency shall construct or contribute funds for the construction of any project or any portion thereof, the Commonwealth will not alter or limit the rights and powers of the authority in any manner which would be inconsistent with the continued maintenance and operation of any project or the improvement thereof, or which would be inconsistent with the due performance of any agreements between the authority and such Federal agency, and the authority shall continue to have and may exercise all powers herein granted, as long as the same shall be necessary or desirable for carrying out the purposes of this act and the purposes of the United States pertaining to the construction, acquisition or improvement of any project or such portion thereof.

(2812-C added Dec. 14, 1982, P.L.1213, No.280)

Section 2813-C. Audit.--The accounts and books of the authority including its receipts, disbursements, contracts, mortgages, investments and other matters relating to its finances, operation and affairs shall be examined and audited every two years by the Auditor General.

(2813-C added Dec. 14, 1982, P.L.1213, No.280)

ARTICLE XXVIII-D
RACE HORSE INDUSTRY REFORM
(Art. repealed Oct. 28, 2016, P.L.913, No.114)

(a) Preliminary Provisions
(Subart. repealed Oct. 28, 2016, P.L.913, No.114)

Section 2801-D. Definitions. (2801-D repealed Oct. 28, 2016, P.L.913, No.114)

(b) Racing Oversight
(Subart. repealed Oct. 28, 2016, P.L.913, No.114)

Section 2811-D. State Horse Racing Commission. (2811-D repealed Oct. 28, 2016, P.L.913, No.114)

Section 2812-D. Additional powers of commission. (2812-D repealed Oct. 28, 2016, P.L.913, No.114)

Section 2813-D. Budget. (2813-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2814-D. Location. (2814-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2815-D. Number of licensed racing entities. (2815-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2816-D. Department of Revenue. (2816-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2817-D. Allocation of racing days. (2817-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2818-D. Licenses for horse race meetings. (2818-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2819-D. Code of conduct. (2819-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2820-D. Financial interests. (2820-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2821-D. Officials at horse race meetings. (2821-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2822-D. Secondary pari-mutuel organization.--(2822-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2823-D. Occupational licenses for individuals.--(2823-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2824-D. (Reserved). (2824-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2825-D. Power of commission to impose fines. (2825-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2826-D. Admission to racetrack. (2826-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2827-D. Security personnel. (2827-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2828-D. (Reserved). (2828-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2829-D. Interstate simulcasting. (2829-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2830-D. Place and manner of conducting pari-mutuel wagering at racetrack enclosure. (2830-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2831-D. Pari-mutuel wagering at nonprimary locations. (2831-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2832-D. Books and records of pari-mutuel wagering. (2832-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2833-D. Filing of certain agreements with commission. (2833-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2834-D. State Racing Fund and tax rate. (2834-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2835-D. Pari-mutuel pool distribution. (2835-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2836-D. Pennsylvania Breeding Fund. (2836-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2837-D. Pennsylvania Sire Stakes Fund. (2837-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2838-D. Fair fund proceeds. (2838-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2839-D. Hearing. (2839-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2840-D. Prohibition of wagering. (2840-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2841-D. Veterinarians and State stewards. (2841-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2842-D. Promotions and discounts. (2842-D repealed Oct. 28, 2016, P.L.913, No.114)

Section 2843-D. Monitoring of wagering on video screens. (2843-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2844-D. Intrastate simulcasting. (2844-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2845-D. Commingling. (2845-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2846-D. Standardbred horse racing purse money. (2846-D repealed Oct. 28, 2016, P.L.913, No.114)

(c) Additional Licensing Requirements for Licensed Racing Entity, Secondary Pari-mutuel Organization, Totalisator and Racing Vendors
(Subart. repealed Oct. 28, 2016, P.L.913, No.114)

Section 2851-D. General license requirements. (2851-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2852-D. Licensing costs and fees. (2852-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2853-D. License application procedures. (2853-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2854-D. Oral presentation by applicant. (2854-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2855-D. Additional information. (2855-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2856-D. Operations. (2856-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2857-D. Transfers of licenses. (2857-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2858-D. Duration of license. (2858-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2859-D. Penalties and enforcement. (2859-D repealed Oct. 28, 2016, P.L.913, No.114)

(d) Compliance
(Subart. repealed Oct. 28, 2016, P.L.913, No.114)

Section 2861-D. Tax compliance requirement. (2861-D repealed Oct. 28, 2016, P.L.913, No.114)

(e) Medication Rules and Enforcement Provisions
(Subart. repealed Oct. 28, 2016, P.L.913, No.114)

Section 2871-D. Mandatory requirements for medication rules. (2871-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2872-D. Establishment of Pennsylvania Race Horse Testing Program. (2872-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2873-D. Equipment, supplies and facilities. (2873-D repealed Oct. 28, 2016, P.L.913, No.114)
Section 2874-D. Costs of the enforcement of medication rules or regulations. (2874-D repealed Oct. 28, 2016, P.L.913, No.114)

ARTICLE XXVIII-E
JUDICIAL ADMINISTRATION
(Art. added Oct. 30, 2017, P.L.379, No.40)

Section 2801-E. Senior judge operational support grants.
The Court Administrator of Pennsylvania shall continue the program created under former 42 Pa.C.S. § 1906 (relating to senior judge operational support grants) to defray the costs imposed on counties by the rules of judicial administration for

facilities and staff for senior judges assigned to the courts of common pleas. The following shall apply:

(1) Grants shall be made available to counties based on the level of operational support provided by a county to all of the following:

(i) Senior judges formerly of the judicial district in which the county is situated who are regularly or periodically assigned in that county or who are assigned under 42 Pa.C.S. § 4544 (relating to convening multicounty investigating grand jury).

(ii) Visiting senior judges.

(2) Grants shall be made available to counties to reimburse the counties for operational support provided by the county during the preceding calendar year. Grants shall be calculated based on use of judicial chambers, utilization of the services of a law clerk and utilization of the services of a secretary, as the chambers or services are deemed adequate and appropriate by the Administrative Office of Pennsylvania Courts as follows:

(i) Use of judicial chambers shall be reimbursed at the rate of $60 per day, billable in one-half-day increments.

(ii) Utilization of services of a law clerk shall be reimbursed at $20 per hour.

(iii) Utilization of services of a secretary shall be reimbursed at $12 per hour.

(3) Counties shall be reimbursed upon timely application by the board of commissioners or, in the absence of a board of commissioners, the executive authority of the county or, in the case of a county which is coterminous with a city of the first class, the mayor of the city of the first class. The application must be certified by the president judge of the judicial district in which the county is situated and shall include documentation as may be required by the Administrative Office of Pennsylvania Courts. The due dates for applications for operational support shall be established by the Court Administrator of Pennsylvania.

(4) The Administrative Office of Pennsylvania Courts shall set forth minimum standards regarding adequacy, appropriateness and quality of judicial chambers and services required to qualify for reimbursement.

(5) If the total reimbursement qualifying for payment for any calendar year exceeds the amount appropriated by the General Assembly for that purpose, the Court Administrator of Pennsylvania shall proportionally reduce the grant for each county so that the total of all grants does not exceed the amount appropriated.

(6) A county may not receive more than 20% of the amount appropriated for senior judge operational support grants in any fiscal year.

(7) Not later than 60 days following the payment of grants, the Court Administrator of Pennsylvania shall make a report to the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives setting forth the payments made to counties and the services provided.

(2801-E added Oct. 30, 2017, P.L.379, No.40)

Section 2802-E. Surcharge and fees (2802-E repealed May 29, 2020, P.L.158, No.23).

ARTICLE XXVIII-F
LEGISLATIVE AGENCIES

(Art. repealed Dec. 18, 2019, P.L.776, No.115)

(a) Pennsylvania Commission on Sentencing
(Subart. repealed Dec. 18, 2019, P.L.776, No.115)

Section 2801-F. Definitions (Repealed).
(2801-F repealed Dec. 18, 2019, P.L.776, No.115)
Section 2802-F. Commission (Repealed).
(2802-F repealed Dec. 18, 2019, P.L.776, No.115)
Section 2803-F. Composition of commission (Repealed).
(2803-F repealed Dec. 18, 2019, P.L.776, No.115)
Section 2804-F. Powers and duties of commission (Repealed).
(2804-F repealed Dec. 18, 2019, P.L.776, No.115)

(b) (Reserved)
(Subart. repealed Dec. 18, 2019, P.L.776, No.115)

ARTICLE XXVIII-G
WATER AND SEWER AUTHORITIES IN
CITIES OF THE SECOND CLASS
(Art. added July 23, 2020, P.L. , No.70)

Section 2801-G. Definitions.
The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:
"Authority." A water and sewer authority of a city.
"City." A city of the second class located in a county of the second class.
"City park." A city-owned park that consists of at least 50 contiguous acres.
"Commission." The Pennsylvania Public Utility Commission.
"Cooperation agreement." The cooperation agreement entered into between the city and the authority on October 3, 2019.
"System." The following, owned or operated by the authority and used in the rendering of water service and sewer service by the authority:
(1) Plants, warehouses, equipment, structures, facilities, lands, easements, rights of way, public water lines and public sewer lines.
(2) Patents, copyrights and contracts with municipalities or authorities outside the boundaries of the city.
(3) Water treatment plants, pumping facilities, reservoirs, storage tanks, distribution mains, public service lines and appurtenances, public sewers, inlets, sewer grates, manholes, diversion structures, pumping stations, force mains, public subsurface storm water conveyance lines and related facilities conveying storm water.
(4) Patents and copyrights obtained by the city, assigned to the authority or retained directly by the authority and related to the design, operation, maintenance, replacement or abandonment of water, sewer or storm water systems.
(5) Tangible public property, fixed or moveable.
(6) Capital additions constructed or acquired relating to water service and sewer service.
(7) Franchises used or useful to the authority in the rendering of water, sewer and storm water service by the

authority and other agreements between the city and authority.

(2801-G added July 23, 2020, P.L. , No.70)

Section 2802-G. Cooperation agreement.

The cooperation agreement shall have the force and effect of law until January 1, 2025, or an earlier termination date to which the city and authority mutually agree. The cooperation agreement shall govern:

(1) Changes in the city and authority's rights and obligations resulting from the enactment of the act of December 21, 2017 (P.L.1208, No.65), entitled "An act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in rates and distribution systems, further providing for rates to be just and reasonable; and providing for water and sewer authorities in cities of the second class," including rates paid by the city to the authority for public utility service.

(2) The division of services related to the system.

(3) Payments by the city and authority to the other based on actual, verifiable, direct expenses and in accordance with customary utility practices under 66 Pa.C.S. Pt. I (relating to Public Utility Code).

(4) Payments by the authority to the city that shall be subordinate to each debt obligation of the authority.

(5) Cooperation by the city and authority in their respective capital projects which may impact each other.

(6) Responsibilities of the authority with respect to city parks and other city properties.

(7) Ownership of the system.

(8) Roles and responsibilities of the city and authority with respect to the system.

(2802-G added July 23, 2020, P.L. , No.70)

Section 2803-G. Effect of cooperation agreement.

A cooperation agreement entered into between the city and authority on or before January 1, 2020, shall:

(1) Notwithstanding 66 Pa.C.S. Pt. I (relating to Public Utility Code), supersede, during the term of the cooperation agreement, any provision of 66 Pa.C.S. Pt. I, a commission regulation, policy statement, order and regulatory proceeding as they pertain to issues covered by the cooperation agreement, including the authority's rates, terms and conditions of service rendered to the city and the respective rights and duties between the authority and the city.

(2) Remain subject to the home rule charter of a city.

(2803-G added July 23, 2020, P.L. , No.70)

ARTICLE XXVIII-H
ACCESS TO PUBLIC RECORDS DURING DISASTER DECLARATION
(Art. added July 27, 2020, P.L. , No.77)

Section 2801-H. Definitions.

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

"Commonwealth agency." Any agency or commission of the executive branch under the policy, direction or supervision of the Governor.

"Disaster declaration." A declaration by the Governor of disaster emergency under 35 Pa.C.S. § 7301(c) (relating to general authority of Governor).

"Office." The Office of Open Records established under section 1310 of the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

"Record." Information, regardless of physical form or characteristics, that documents a transaction or activity of a Commonwealth agency and is created, received or retained in accordance with the laws of this Commonwealth or in connection with a transaction, business or activity of the agency. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data-processed or image-processed document.

"Request for records." A request made under the Right-to-Know Law for records held by a Commonwealth agency.

"Requester." An individual or entity making a request for records.

(2801-H added July 27, 2020, P.L. , No.77)

Section 2802-H. Request for records.

(a) Prohibition on Governor.--The Governor may not direct a Commonwealth agency to ignore requests for records or suspend the Commonwealth agency's process to answer a request for records during a disaster declaration.

(b) Prohibition on Commonwealth agencies.--A Commonwealth agency may not suspend the process by which a Commonwealth agency responds to a request for records during a disaster declaration, except as otherwise provided under section 902(a) of the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. If an extension of time is determined to be necessary, the Commonwealth agency shall comply with section 902(b) of the Right-to-Know Law.

(2802-H added July 27, 2020, P.L. , No.77)

Section 2803-H. Guidelines for Commonwealth agencies.

No later than five days after the effective date of this section, the office shall publish guidelines for a Commonwealth agency specifying how the Commonwealth agency is required to respond to a request for records made during a disaster declaration when the Governor has ordered the Commonwealth agency to close the Commonwealth agency's physical location. A Commonwealth agency shall adhere to the guidelines published by the office under this section.

(2803-H added July 27, 2020, P.L. , No.77)

Section 2804-H. Failure to respond to requests for records.

(a) Petitions.--If a Commonwealth agency fails to respond to a request for records during a disaster declaration, a requester may bring a petition before the Commonwealth Court to compel the Commonwealth agency to respond to the request for records.

(b) Appeals.--If a Commonwealth agency denies a request for records after being ordered to respond by the Commonwealth Court under subsection (a), a requester may conduct the request for records in accordance with Chapter 11 of the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(c) Denials.--

(1) Except as provided under paragraph (2), a Commonwealth agency may only deny a request for records during a disaster declaration for reasons authorized under the Right-to-Know Law.

(2) A Commonwealth agency may not deny a request for records during a disaster declaration for a reason specified under section 506(b)(1)(i) of the Right-to-Know Law.

(2804-H added July 27, 2020, P.L. , No.77)

Section 2805-H. Public records under Right-to-Know Law.

Subject to section 708 of the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, the following information shall be considered a public record under the Right-to-Know Law during a disaster declaration:

(1) Data used by a Commonwealth agency for any rules, policies or actions taken by the Commonwealth agency in relation to a disaster declaration.

(2) The process by which a Commonwealth agency determines how the Commonwealth agency will collect the data used by the Commonwealth agency for any rules, policies or actions taken by the Commonwealth agency in relation to a disaster declaration.

(3) Any quantitative or predictive models based on the data collected by a Commonwealth agency which are then used by the Commonwealth agency for any rules, policies or actions taken by the Commonwealth agency in relation to a disaster declaration.

(2805-H added July 27, 2020, P.L. , No.77)

Section 2806-H. Applicability.

This article shall apply as follows:

(1) For the duration of any disaster declaration or any renewal of a disaster declaration until the disaster declaration expires or is terminated by executive order, proclamation or operation of law.

(2) In addition to the provisions of paragraph (1), for the disaster declaration issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), all requests for records received by a Commonwealth agency since March 6, 2020, shall be treated as if the request for the record had been received by the agency on the effective date of this section.

(2806-H added July 27, 2020, P.L. , No.77)

ARTICLE XXIX

INTERPRETATION AND EFFECTIVE DATE

Section 2901. Constitutionality.--It is the intention of the General Assembly that, if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof, the remaining provisions of the act shall be given full force and effect, as completely as if the part or parts held unconstitutional had not been included herein. It is the intention of the General Assembly that, if any court of competent jurisdiction shall hold unconstitutional any provisions of this act transferring to a department, board, commission, or officer the powers and duties heretofore exercised and performed by a department, board, or commission, abolished by this act, the provisions abolishing such department, board, or commission shall thereby become inoperative, and that, in such event, such department, board, or commission shall not be abolished but shall continue as prior to the passage of this act, and shall exercise its powers and perform its duties, as heretofore. The remaining provisions of this act shall in any such case be given full force and effect.

Section 2902. Continuation of Existing Laws.--The provisions of this act, so far as they are the same as those of existing laws, shall be construed as a continuation of such laws and not as new enactments.

Section 2903. Enumeration of Powers of Departments, Boards, and Commissions.--Whenever in this act the powers and duties of a department, board, commission, or officer are enumerated

and defined, such enumeration and definition shall not be construed to be in derogation or limitation of the powers and duties heretofore exercised and performed by such department, board, commission, or officer unless:

(a) Any power or duty, as enumerated and defined, is clearly inconsistent with the exercise of a power or the performance of a duty heretofore exercised or performed;

(b) There is a specific statement that a power or a duty heretofore exercised or performed shall not be exercised or performed by such department, board, commission, or officer, or that such power or duty shall be exercised in a different manner.

Section 2904. Repealed Laws not Revived.--The repeal by this act of any provision of law shall not revive any law heretofore repealed or superseded.

Section 2905. Effective Date.--This act shall take effect on the first day of June, one thousand nine hundred twenty-nine: Provided, however, That any provision of this act increasing or diminishing the salary or emoluments of any public officer now holding office shall not become effective until the term of such officer shall expire or he shall die, resign, or be removed from office.

Section 2906. Existing Officers to Continue; Exception.--All appointive administrative officers, holding office when this act becomes effective, whose offices are not abolished by this act, the members of all independent administrative boards and commissions, and, unless expressly otherwise provided in this act, the appointive members of departmental administrative boards and commissions and advisory boards and commissions, which are not abolished by this act, shall continue in office until the term for which they were respectively appointed shall expire or until they shall die, resign, or be removed from office.

(2906 amended May 21, 1943, P.L.443, No.200)

ARTICLE XXX

REPEALER

Section 3001. Acts and Parts of Acts Specifically Repealed.--The following acts and parts of acts are hereby specifically repealed:

Sections 2003 to 2021 inclusive, and sections 2026 to 2039 inclusive, of the act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," but the repeal of the aforesaid sections of said act shall not in anywise affect any proceedings begun prior to the effective date of this act under section 2029 of said act as amended.

The act approved the nineteenth day of July, one thousand nine hundred seventeen (Pamphlet Laws, eleven hundred sixteen), entitled "An act to amend an act, approved the first day of June, one thousand nine hundred fifteen, entitled 'An act to amend an act approved the eighteenth day of May, one thousand nine hundred eleven, entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered and

prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith."'"

The act, approved the eighteenth day of April, one thousand nine hundred nineteen (Pamphlet Laws, seventy-five), entitled "An act to amend section two thousand thirty-four of article twenty of an act, entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith,' approved the eighteenth day of May, one thousand nine hundred and eleven, by authorizing and empowering the State Board of Education to make purchases and sales of real estate, or other property, for normal schools purchased by the State, and prescribing the disposition of the proceeds of any such sales."

The act approved the twenty-sixth day of April, one thousand nine hundred twenty-one (Pamphlet Laws, two hundred eighty-one), entitled "An act to amend an act approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, three hundred nine), entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith,' by adding to article twenty thereof section two thousand forty."

Section one of the act approved the twentieth day of May, one thousand nine hundred twenty-one (Pamphlet Laws, nine hundred forty-two), entitled "An act to amend section two thousand twenty-one of an act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, three hundred nine), entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith,' and repealing sections two thousand twenty-two, two thousand twenty-three, two thousand twenty-four, and two thousand twenty-five thereof."

Excepting sections 1, 2, 201 to 203 inclusive, 205, 208, 209, 2804, 2901, and 2902 thereof, the act approved the seventh day of June, one thousand nine hundred twenty-three (Pamphlet Laws, four hundred ninety-eight), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and certain existing and certain new administrative departments, boards, commissions, and officers; abolishing, combining, changing the names of, reorganizing or authorizing the reorganization of certain administrative departments, boards, commissions, bureaus, divisions, offices, and agencies; defining the powers and duties of the Governor and other executive and administrative officers, and of the

several administrative departments, boards, and commissions; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined."

Excepting sections 2, 3, 4, 5, and 7 thereof, the act approved the thirteenth day of April, one thousand nine hundred twenty-seven (Pamphlet Laws, two hundred seven), entitled "An act to amend the act, approved the seventh day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, four hundred and ninety-eight), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and certain existing, and certain new administrative departments, boards, commissions, and officers; abolishing, combining, changing the names of, reorganizing or authorizing the reorganization of certain administrative departments, boards, commissions, bureaus, divisions, offices, and agencies; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, and commissions; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined'; further reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, the existing administrative departments, a new administrative department to be known as the Department of Revenue, and certain existing and certain new administrative boards, commissions, and officers; abolishing, changing the names or terms of, reorganizing or authorizing the reorganization of, certain administrative boards, commissions, bureaus, offices, and agencies; reorganizing the Department of Internal Affairs; modifying the powers and duties of the Governor, and certain other executive and administrative officers, and of certain administrative departments, boards, and commissions; and defining the powers and duties of certain existing, and certain new administrative departments, boards, commissions, and officers; increasing the salaries of certain executive and administrative officers; and providing for the appointment of, and fixing the compensation of, or prescribing the manner in which compensation shall be fixed, for certain additional administrative officers, and of and for the deputies and other assistants and employes in the Department of Internal Affairs, the Department of Revenue, and in certain existing, and certain new administrative boards and commissions."

In so far as the sections of said act, approved the seventh day of June, one thousand nine hundred twenty-three, and of said act, approved the thirteenth day of April, one thousand nine hundred twenty-seven, not repealed by the foregoing provisions of this section, are supplied by or inconsistent with the provisions of this act, they are hereby repealed.

Section 3002. Inconsistent Acts Repealed.--All other acts or parts of acts inconsistent herewith are hereby repealed.

APPENDIX

Supplementary Provisions of Amendatory Statutes

1970, MAY 6, P.L.356, NO.120

Preamble

It is hereby declared to be the policy of the Commonwealth of Pennsylvania that the general welfare, the economic growth, job mobility, convenience and the enjoyment of recreational, health and educational facilities, stability and well-being of the citizens of the Commonwealth of Pennsylvania can be better served by the creation of a State Department of Transportation to develop programs to assure adequate, safe and efficient transportation facilities and services at reasonable cost to the citizens of the Commonwealth of Pennsylvania and that the planning and development of such facilities and services shall be coordinated by the creation of such department with overall responsibility for balanced transportation policy, research, planning and development. The establishment of said department is necessary in the public interest to assure the coordinated effective administration of the transportation programs of the State government, to facilitate the development and improvement of coordinated transportation service by local government and private enterprise to the maximum extent feasible; to encourage cooperation of Federal, State, and local governments, carriers, labor and other interested parties toward the achievement of providing needed facilities for movement of people and goods; to stimulate technological advances in transportation; to provide general leadership in the identification and solution of transportation problems; and to develop inter-modal transportation policies and programs to accomplish these objectives with full and appropriate consideration of the needs of the public, users, carriers, industry and labor.

Section 19. (a) The Pennsylvania Aeronautics Commission created by the act of April 9, 1929 (P.L.177), known as "The Administrative Code of 1929," is abolished.

(b) The Hazardous Substances Transportation Board created by the act of November 9, 1965 (P.L.657), known as the "Hazardous Substances Transportation Act," is hereby transferred to the Department of Transportation from the Department of Revenue.

(c) All other boards, bureaus and commissions whose functions and duties are hereby transferred to the Department of Transportation are abolished.

Section 20. (a) All personnel, allocations, appropriations, agreements, equipment, files, records, classified data files, maps, air photographs, and other material which are used, employed or expended in connection with the duties, powers or vocations transferred by this act or which relate to the administration and enforcement of the act of April 9, 1929 (P.L.177), known as "The Administrative Code of 1929," as it relates to the Department of Highways, to the Bureau of Traffic Safety of the Department of Revenue, the Bureau of Motor

Vehicles of the Department of Revenue, the Pennsylvania Aeronautics Commission and to the Mass Transportation Division in the Bureau of Community Development in the Department of Community Affairs are hereby transferred to the Department of Transportation with the same force and effect as if the appropriations had been made to and said items had been the property of the Department of Transportation in the first instance.

(b) All contracts, agreements, and obligations which were incurred in connection with the powers, duties or vocations transferred by this act or which relate to the administration of the act of April 9, 1929 (P.L.177), known as "The Administrative Code of 1929," as it relates to the Department of Highways, to the Bureau of Traffic Safety of the Department of Revenue, the Bureau of Motor Vehicles of the Department of Revenue, the Pennsylvania Aeronautics Commission and to the Mass Transportation Division in the Bureau of Community Development in the Department of Community Affairs are hereby transferred to the Department of Transportation with the same force and effect as if the said contracts, agreements, and obligations had been incurred or entered into by said Department of Transportation.

(c) All personnel transferred to the Department of Transportation from other State agencies pursuant to this act shall retain any civil service employment status assigned to said personnel in said agencies.

Section 21. (a) The act of April 29, 1959 (P.L.58), known as "The Vehicle Code," is repealed in so far as it is inconsistent herewith.

(b) The act of January 22, 1968 (Act No.8), known as the "Pennsylvania Urban Mass Transportation Assistance Law of 1967," is repealed only in so far as it imposes powers and duties on the Department of Community Affairs.

(c) Effective July 1, 1970, the act of May 1, 1929 (P.L.1046) entitled "An act appropriating the moneys in the Motor License Fund," is repealed in order that the General Assembly shall have the power and the duty to make appropriations from the Motor License Fund within the limitations established by Article VIII, section 11 of the Pennsylvania Constitution and section 2001.2 of this act.

(d) All other acts and parts of acts, general, local and special, are repealed in so far as they are inconsistent herewith.

Section 22. Nothing contained in this act shall impair, suspend, contract, enlarge or extend or affect in any manner the powers and and duties of the Pennsylvania Public Utility Commission or any authority created according to the provisions of the Metropolitan Transportation Authorities Act of 1963.

Section 23. This act shall take effect July 1, 1970 or immediately upon the Governor issuing his proclamation stating that the Department of Transportation is organized and ready to perform the powers, duties and responsibilities granted to it by this act, whichever shall first occur.

1975, JULY 22, P.L.75, NO.45

Section 18. The annual salary of the Secretary of General Services shall be $40,000.

Section 19. (a) All personnel, allocations, appropriations, agreements, leases, claims, demands and causes of action of any nature whether or not subject to litigation on the date of this act, equipment, files, records, classified data files, plans,

maps, air photographs, and all other materials which are used, employed or expended in connection with the duties, powers or functions of the Department of Property and Supplies and/or The General State Authority are hereby transferred by this act to the Department of General Services with the same force and effect as if the appropriations had been made to and said items had been the property of the Department of General Services in the first instance and if said contracts, agreements, leases and obligations had been incurred or entered into by the Department of General Services.

(b) All personnel transferred to the Department of General Services from other State departments and agencies pursuant to this act shall retain any civil service or other employment status assigned to said personnel in those departments or agencies prior to the effective date of this act.

Section 20. Nothing contained in this act shall be construed to affect any project of The General State Authority upon which any of the proceeds of its bonds have been or may be expended.

Section 21. (a) Whenever in any law, reference is made to the Department of Property and Supplies, such reference shall be deemed to refer to and include the Department of General Services.

(b) Whenever in any law, reference is made to the Secretary of Property and Supplies, such reference shall be deemed to refer to the Secretary of General Services.

Section 22. There are hereby transferred to the Department of General Services all of the functions, powers and duties of:

(a) The Department of Property and Supplies. (b) The General State Authority under the act of March 31, 1949 (P.L.372, No.34), known as "The General State Authority Act of one thousand nine hundred forty-nine."

(c) The Capitol Park Extension Commission under the act of June 3, 1943 (P.L.818, No.346), entitled "An act for the extension of Capitol Park in the City of Harrisburg and for the acquisition of real estate in connection therewith, and for the demolition of the buildings and structures thereon; providing for and imposing powers and duties upon a Capitol Park Extension Commission; conferring powers and duties upon the Department of Property and Supplies; and making an appropriation."

(d) The division of Surplus Property Disposal under Reorganization Plan No.8 of 1955.

Section 23. (a) The General State Authority organized and existing under the act of March 31, 1949 (P.L.372, No.34), known as "The General State Authority Act of one thousand nine hundred forty-nine," shall continue in existence and maintain the rights vested in the authority until all General State Authority bonds at any time issued, together with the interest thereon, are fully met and discharged, at which time The General State Authority is abolished.

(b) The Capitol Park Extension Commission organized and existing under the act of June 3, 1943 (P.L.818, No.346); entitled "An act for the extension of Capitol Park in the City of Harrisburg and for the acquisition of real estate in connection therewith, and for the demolition of the buildings and structures thereon; providing for and imposing powers and duties upon a Capitol Park Extension Commission; conferring powers and duties upon the Department of Property and Supplies; and making an appropriation," is abolished.

Section 24. All other acts and parts of acts, general, local and special, are repealed in so far as they are inconsistent herewith.

Section 25. This act shall take effect in 90 days: Provided, however, That prior to the aforementioned effective date the Governor may nominate and, by and with the advice and consent of two-thirds of all the members of the Senate, appoint the Secretary of General Services, whose term of office shall begin on the aforementioned effective date of this act.

1978, JUNE 20, P.L.477, NO.70

Section 9. (a) All personnel, allocations, appropriations, equipment, files, records, contracts, agreements, obligations, and other materials which are used, employed or expended by the Department of Public Welfare in connection with the powers, duties or functions exercised under this act by the Department of Aging are hereby transferred to the Department of Aging with the same force and effect as if the appropriations had been made to and said items had been the property of the Department of Aging in the first instance and as if said contracts, agreements and obligations had been incurred or entered into by said Department of Aging.

(b) All personnel, allocations, appropriations, equipment, files, records, contracts, agreements, obligations, and other materials which are used, employed or expended by the Department of Transportation in connection with the powers, duties or functions exercised under this act by the Department of Aging are hereby transferred to the Department of Aging with the same force and effect as if the appropriations had been made to and said items had been the property of the Department of Aging in the first instance and as if said contracts, agreements and obligations had been incurred or entered into by said Department of Aging.

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Compiler's Note: Act 70 added Article XXII-A.

Section 10. (a) All positions in the Department of Aging shall be deemed to be included in the list of positions set forth in section 3(d) of the act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act," and the provisions and benefits of the act shall be applicable to the employees of, and positions in, the department.

(b) All personnel transferred to the Department of Aging from other State agencies and departments pursuant to this act shall retain any civil service or other employment status assigned to said personnel in those departments and agencies prior to the effective date of this act.

Section 11. (11 repealed Dec. 16, 1982, P.L.1355, No.310)

Section 12. The provisions of this act which establish the Department of Aging shall not be construed to grant any power or authority to either the Department of Revenue or the Department of Aging to transfer or exchange any of the powers or duties imposed on the Department of Revenue by the act of March 11, 1971 (P.L.104, No.3), known as the "Senior Citizens Property Tax or Rent Rebate Act."

Section 14. The Department of Aging shall be a consolidation of functions transferred thereto by this act and new job positions shall not be established before July 1, 1980 except administrative positions necessary in the organization and operation of a department. Personnel transferred from other departments shall be assigned to job positions before any other

persons are employed. In filling all vacancies authorized to the department, the secretary shall assure preference to persons above the age of 50.

Section 15. This act shall take effect January 1, 1979 and the Governor shall nominate a secretary within 30 days of that date. Programs and activities authorized by this act shall not commence before July 1, 1979 except that the secretary and adequate staff, to be supported from the affected authorizations described in section 9, shall immediately commence transitional and budgetary activities upon his confirmation.

1984, DECEMBER 30, P.L.1299, NO.245

Section 5. All personnel, allocations, appropriations, equipment, files, records, contracts, agreements, obligations and other materials which are used, employed or expended in connection with the powers, duties or functions given by this amendatory act to the Department of Corrections, which powers, duties and functions were formerly exercised by the Bureau of Correction or the Office of General Counsel, are hereby transferred to the Department of Corrections with the same force and effect as if the appropriations had been made to and said items had been the property of the Department of Corrections in the first instance and as if said contracts, agreements and obligations had been incurred or entered into by said Department of Corrections. All personnel transferred to the Department of Corrections from the Bureau of Correction pursuant to this act shall retain any civil service or other employment status assigned to said personnel in the Bureau of Correction prior to the effective date of this act.

Section 6. The provisions of this act shall not affect any act done, liability incurred, right accorded or vested or adjudication or decision made, including parole revocations, under the authority of any act of Assembly, or part thereof, repealed by this act.

1992, DECEMBER 18, P.L.1638, NO.180

Preamble. It is the intent of section 624 of the act to provide a mechanism which will enable the General Assembly to better determine those programs, activities and groups which are receiving public support subsidies as a result of tax expenditures. The General Assembly recognizes that the present budgeting system fails to accurately and totally reflect the true level of budgetary support for such programs due to such tax expenditures and that, as a result, undetermined amounts of indirect expenditures are escaping public or legislative scrutiny. The loss of potential revenue also causes a narrowing of tax bases which in turn forces higher tax rates on the remaining taxpayers.

Compiler's Note: Act 180 added section 624.

1999, JUNE 22, P.L.99, NO.15

Section 5. (a) The subjects of transfer of the Department of Public Welfare relating to Article VIII of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, and the act of December 16, 1986 (P.L.1641, No.187), known as the Little Randolph-Sheppard Act, are transferred to the Department

of Labor and Industry with the same force and effect as if they had originally belonged to the Department of Labor and Industry.

(b) The civil service or other employment status of employees of the Department of Public Welfare transferred by subsection (a) shall not be affected by the transfer.

(c) As used in this section, the term "subjects of transfer" means personnel, appropriations, allocations, documents, records, equipment, materials, rights and obligations, utilized or accruing in materials, rights and obligations, utilized or accruing in connection with transferred functions.

Compiler's Note: The short title of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, referred to in this section, was amended by the act of December 28, 2015 (P.L.500, No.92). The amended short title is now the Human Services Code.

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Compiler's Note: Act 15 added sections 900-B, 905-B, 906-B, 907-B, 908-B, 909-B, 910-B, 911-B, 912-B, 913-B, 914-B and 1716 and subarticles (b) and (c) of Act 175.

2006, JULY 7, P.L.3518, NO.74

The General Assembly finds and declares as follows:

(1) According to Federal statistics, cervical cancer is the third most commonly diagnosed gynecological cancer among American women.

(2) Pennsylvania has the sixth highest rate of cervical cancer in the nation.

(3) Cervical cancer disproportionately affects minority women and women with lower incomes because they are less likely to have access to routine screening.

(4) According to the American Cancer Society, human papillomavirus (HPV) is recognized as the primary cause of cervical cancer.

(5) Each year more than five million people acquire human papillomavirus, which is linked to cervical cancer in high-risk cases.

(6) With regular and accurate screening, cervical cancer is highly preventable.

(7) When found early, cervical cancer is highly curable.

(8) Approximately half of all cervical cancer cases are in women who have never been screened, and 10% of cases are in women who have not been screened within five years.

Compiler's Note: Act 74 amended or added section 612-A and Article XXI-B of Act 175.

2010, JULY 9, P.L.348, NO.50

Section 11 . All personnel, allocation, appropriations, equipment, files, records, contracts, agreements, obligations and other material which are used, employed or expended in connection with the powers, duties or functions of the Department of Health concerning drug or alcohol abuse are hereby transferred to the Department of Drug and Alcohol Programs established by this act with the same force and effect as if the appropriations had been made to and said items had been the property of the Department of Drug and Alcohol Programs in the first instance, and as if said contracts, agreements and

obligations had been incurred or entered into by the Department of Drug and Alcohol Programs. The personnel, appropriations, equipment and other items and material transferred by this section shall include Federal grants and funds and other benefits from any Federal program. All personnel transferred pursuant to this act shall retain any civil service employment status assigned to said personnel.

Compiler's Note: Act 50 amended or added sections 201, 202, 203, 206, 207.1, 401.2, 451, 1209 and 2203-A and Article XXIII-A of Act 175.

Section 12. All positions in the Department of Drug and Alcohol Programs shall be deemed to be "classified service" as defined in section 3(d) of the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, and the provisions and benefits of that act shall be applicable to the employees of and positions in the department.

Section 13. All orders, permits, regulations, decisions and other actions of the Department of Health or any department, board, commission or agency whose functions have been transferred by this act to the Department of Drug and Alcohol Programs shall remain in full force and effect until modified, repealed, superseded in or otherwise changed by appropriate action of the Department of Drug and Alcohol Programs.

Section 14. The Pennsylvania Advisory Council on Drug and Alcohol Abuse established in section 3 of the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act, shall be recognized as the advisory council to the Department of Drug and Alcohol Programs.

2016, FEBRUARY 23, P.L.17, NO.5

Section 4.1. No later than one year after the effective date of this section, the Joint State Government Commission, with assistance from the Independent Fiscal Office, shall conduct a study and provide a report to the chairperson and minority chairperson of the Agriculture and Rural Affairs Committee of the Senate and the chairperson and minority chairperson of the Agriculture and Rural Affairs Committee of the House of Representatives. The report shall include an assessment of the financial, regulatory and market factors listed under paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9) and (10) and shall offer recommendations on best practices in each area for the Commonwealth to consider. The study shall provide an assessment of and recommendation on the following:

(1) Potential cost savings and regulatory streamlining in the oversight of racing, including those associated with combining Pennsylvania's gaming oversight functions, such as horse racing, casino gaming and lottery, into a single, coordinated entity.

(2) The necessity, efficiency and benefits of having separate racing commissions or divisions within a single commission for thoroughbred and harness tracks.

(3) A determination of best regulatory practices in other jurisdictions, such as New York, Ohio and Maryland and other states or provinces, and comparing Pennsylvania's approach against the best regulatory practices in other jurisdictions.

(4) In addition to the Auditor General's June 17, 2014 Special Performance Audit of the State Racing Fund, a determination of what safeguards and policies can be

implemented to avoid future inappropriate Department of Agriculture cost allocations to the racing commissions.

(5) An evaluation of the cost effectiveness of the Pennsylvania Equine Toxicology Research Laboratory and comparing the laboratory's functions to other jurisdictions.

(6) Consideration of the imposition of increased fines and the assessment of Pennsylvania Equine Toxicology Research Laboratory costs against those found to have engaged in the impermissible doping of race horses and examination of how to strengthen property owner rights in the ejectment of bad actors in racing.

(7) A determination of the economic return to the Commonwealth, racetrack operators, horsemen, breeders and other stakeholders on the investment of gaming assessments collected under the act of July 5, 2004 (P.L.572, No.71), entitled, "An act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, authorizing certain racetrack and other gaming; providing for regulation of gaming licensees; establishing and providing for the powers and duties of the Pennsylvania Gaming Control Board; conferring powers and imposing duties on the Department of Revenue, the Department of Health, the Office of Attorney General, the Pennsylvania State Police and the Pennsylvania Liquor Control Board; establishing the State Gaming Fund, the Pennsylvania Race Horse Development Fund, the Pennsylvania Gaming Economic Development and Tourism Fund, the Compulsive and Problem Gambling Treatment Fund and the Property Tax Relief Fund; providing for enforcement; imposing penalties; making appropriations; and making related repeals."

(8) A determination of the nature of thoroughbred and standardbred breeding in this Commonwealth since the enactment of the act of July 5, 2004 (P.L.572, No.71), and comparing it to the nature of breeding before enactment of the act of July 5, 2004 (P.L.572, No.71).

(9) A determination of how Pennsylvania's race horse industry and regulatory entities can best be positioned for future success or at a minimum financial stability in an environment of declining race track patrons and handle, competition from live racing from neighboring states and the increasing availability of alternative gaming platforms, such as Internet and mobile gaming and fantasy sports. Specifically, the study shall consider options for reforming and promoting horse race meetings that will increase handle, reduce racing costs, promote the health of the horse and advance the best interests of racing fans and bettors.

(10) An assessment of live racing marketing programs at each track and the impact on pari-mutuel wagering and public attendance on race days. This assessment shall include marketing or advertising expenditures and the return on investment of those expenditures specific to racing.

Compiler's Note: Act 7 amended or added the title and sections 309, 448, and 614-A and Article XXVIII-D of Act 175.

2016, JULY 20, P.L.849, NO.100

Section 3. The addition of Article VI-B of the act is a continuation of 71 Pa.C.S. Ch. 41. Except as otherwise provided in Article VI-B of the act, all activities initiated under 71 Pa.C.S. Ch. 41 shall continue and remain in full force and

effect and may be completed under Article VI-B of the act. Orders, regulations, rules and decisions which were made under 71 Pa.C.S. Ch. 41 and which are in effect on the effective date of this section shall remain in full force and effect until revoked, vacated or modified under Article VI-B of the act. Contracts, obligations and collective bargaining agreements entered into under 71 Pa.C.S. Ch. 41 are not affected nor impaired by the repeal of 71 Pa.C.S. Ch. 41.

Compiler's Note: Act 100 added Article VI-B and sections 1004 and 1005 of Act 175.

Section 4. The following shall apply:

(1) Except as provided under Article VI-B of the act, any report required prior to the effective date of section 1004 to be filed with the Public Employee Retirement Commission shall, on and after the effective date of section 1004, be filed with the Auditor General.

(2) The Independent Fiscal Office may utilize existing contracts for actuarial services or may contract with other vendors for actuarial services approved by the Department of General Services. The department shall assist in technical revisions required to any existing contracts.

2017, JULY 20, P.L.328, NO.29

The General Assembly finds and declares that:

(1) The prevention of fraud, waste, abuse and corruption in the administration of State government agencies is an important responsibility of the Commonwealth.

(2) The prevention of waste, fraud, abuse and corruption in the administration of State government depends in part on the development, implementation and enforcement of sound policies and procedures to that end.

(3) Each State agency should exercise constant vigilance and firmly commit to the implementation and enforcement of such policies and procedures.

(4) The establishment of a full-time program of investigation and performance review to provide increased accountability and oversight over State agencies best helps deter and identify waste, fraud, abuse and illegal acts.

(5) The statutory creation of the Office of State Inspector General to conduct investigations, inspections and other reviews in accordance with those professional standards that relate to the fields of investigation in governmental environments is necessary to achieve these goals.

Compiler's N o te: Act 29 added Article V-A of Act 175.

Section 2. Except as otherwise provided in Article V-A of the act:

(1) All activities initiated by the Office of Inspector General in existence on the effective date of this section shall continue and remain in full force and effect and may be completed under Article V-A of the act.

(2) Orders, regulations, rules and decisions which were made by the Office of Inspector General in existence on the effective date of this section and which are in effect on the effective date of this section shall remain in full force and effect until revoked, vacated or modified under Article V-A of the act.

(3) Contracts, obligations and collective bargaining agreements entered into by the Office of Inspector General in existence on the effective date of this section are not affected nor impaired by the addition of Article V-A of the act.

2017, OCTOBER 30, P.L.379, NO.40

The General Assembly finds and declares as follows:

(1) The intent of this act is to provide for the administration of the 2017-2018 Commonwealth budget.

(2) The Constitution of Pennsylvania confers numerous express duties upon the General Assembly, including the passage of a balanced budget for the Commonwealth.

(3) Section 24 of Article III of the Constitution of Pennsylvania requires the General Assembly to adopt all appropriations for the operation of government in the Commonwealth, regardless of their source. The Supreme Court has repeatedly affirmed that, "It is fundamental within Pennsylvania's tripartite system that the General Assembly enacts the legislation establishing those programs which the State provides for its citizens and appropriates the funds necessary for their operation."

(4) Pursuant to section 13 of Article VIII of the Constitution of Pennsylvania, the General Assembly is explicitly required to adopt a balanced Commonwealth budget. Given the unpredictability and potential insufficiency of revenue collections, various changes in State law relating to the 2017-2018 budget implementation and the administration of State Government which impact revenue may be required to discharge this constitutional obligation.

(5) Section 11 of Article III of the Constitution of Pennsylvania requires the adoption of a general appropriation act that embraces "nothing but appropriations." While actual items of appropriation can be contained in a General Appropriations Act, the achievement and implementation of a comprehensive budget involves administrative action related to appropriations. Ultimately, the budget has to be balanced under section 13 of Article VIII of the Constitution of Pennsylvania. This may necessitate administrative changes and the enactment of statutes to achieve full compliance with these constitutional provisions.

(6) Among the many administrative challenges faced by the Commonwealth is use of financial resources for health care. Central to the health care crisis in this Commonwealth is substance dependence.

(7) For the reasons set forth in paragraphs (1) through (6), it is the intent of the General Assembly through this act to provide for the administrative implementation of the 2017-2018 Commonwealth budget.

(8) Every provision of this act relates to the administrative implementation of the operating budget of the Commonwealth for this fiscal year, addressing in various ways the administrative operations and potential liabilities of the Commonwealth. To that end, this act is intended to implement the 2017-2018 Commonwealth budget without specifically appropriating public money from the General Fund. This act provides administrative accountability for spending and makes other changes necessary to impact the availability of revenue in order to meet the requirements of section 13 of Article VIII of the Constitution of Pennsylvania and to implement the act of July 11, 2017

(P.L.1279, No.1A), known as the General Appropriation Act of 2017.

Compiler's Note : Act 40 amended or added the Title, sections 225, 310, 609-A, 613-A, 616-A, 922.1, 915-B, 1322, Article XV-A, sections 1920-A, 1937-A, 1938-A, Article XIX-B, sections 2126, 2214-A, 2215-A, 2336, Article XXIV-B, section 2804 and Article XXVIII-E of Act 175.

2018, JUNE 28, P.L.450, NO.68

Section 4. Within seven days of the first meeting of the Elevator Safety Board, the Department of Labor and Industry shall publish a notice in the Pennsylvania Bulletin stating the date of the meeting.

Section 5. This amendatory act shall be known and may be cited as Kristopher's Law.

Section 6. This act shall take effect as follows:

(1) The amendment of sections 613-A(a)(11) and 2214(g) and (h) of the act shall take effect upon the date of the first meeting of the Elevator Safety Board as stated in the notice required under section 4.

(2) The remainder of this act shall take effect in 60 days.

Compiler's Note : Act 68 amended or added sections 613-A, 2214 and 2214.1 of Act 175.

The notice referred to in Section 4 of Act 68 of 2018 was published October 5, 2019, 49 Pa.B. 5768.

2019, JUNE 28, P.L.101, NO.15

Section 1. The General Assembly finds and declares as follows:

(1) The intent of this act is to provide for the administration of the 2019-2020 Commonwealth budget.

(2) The Constitution of Pennsylvania confers numerous express duties upon the General Assembly, including the passage of a balanced budget for the Commonwealth.

(3) Section 24 of Article III of the Constitution of Pennsylvania requires the General Assembly to adopt all appropriations for the operation of government in the Commonwealth, regardless of their source. The Supreme Court has repeatedly affirmed that, "It is fundamental within Pennsylvania's tripartite system that the General Assembly enacts the legislation establishing those programs which the State provides for its citizens and appropriates the funds necessary for their operation."

(4) Pursuant to section 13 of Article VIII of the Constitution of Pennsylvania, the General Assembly is explicitly required to adopt a balanced Commonwealth budget. Given the unpredictability and potential insufficiency of revenue collections, various changes in State law relating to the 2019-2020 budget implementation and the administration of State Government which impact revenue may be required to discharge this constitutional obligation.

(5) Section 11 of Article III of the Constitution of Pennsylvania requires the adoption of a general appropriation act that embraces "nothing but appropriations." While actual items of appropriation can be contained in a General Appropriations Act, the achievement and implementation of a comprehensive budget involves administrative action related

to appropriations. Ultimately, the budget has to be balanced under section 13 of Article VIII of the Constitution of Pennsylvania. This may necessitate administrative changes and the enactment of statutes to achieve full compliance with these constitutional provisions.

(6) Among the many administrative challenges faced by the Commonwealth is use of financial resources in a fiscally responsible manner, the timely submission of financial data related to the annual budget process by the Independent Fiscal Office, the extension of audit authority to ensure that public funds are used for their intended purposes and other related changes necessary to accomplish the goal set forth in paragraph (7).

(7) For the reasons set forth in paragraphs (1) through (6), it is the intent of the General Assembly through this act to provide for the administrative implementation of the 2019-2020 Commonwealth budget.

(8) Every provision of this act relates to the administrative implementation of the operating budget of the Commonwealth for this fiscal year, addressing in various ways the administrative operations and potential liabilities of the Commonwealth. To that end, this act is intended to implement the 2019-2020 Commonwealth budget without specifically appropriating public money from the General Fund. This act provides administrative accountability for spending and makes other changes necessary to impact the availability of revenue in order to meet the requirements of section 13 of Article VIII of the Constitution of Pennsylvania and to implement the act of June 28, 2019 (P.L.839, No.1A), known as the General Appropriation Act of 2019.

Compiler's Note : Act 15 amended, added or repealed sections 225, 226, 311, 503-A, 506-A, 613, 618-A, 605-B, Article XV-B, section 219 and Article XXVIII-F of Act 175, sections 1704-E and 1727-E of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, and sections 2151.2, 2152 and 2153 of Title 42 (Judiciary and Judicial Procedure).

Section 10. The following apply:

(1) Not later than one year after the effective date of this section, the State Inspector General shall submit a report on the implementation of the amendment to section 503-A(c)(1) of the act, including any finding relating to the Pennsylvania Statewide Radio Network, to the General Assembly.

(2) The terms of the members of the Pennsylvania Commission on Sentencing who are members on the effective date of this section shall expire on October 1, 2019, or immediately, whichever is later.

Section 12. The addition of sections 2802-F, 2803-F and 2804-F of the act are a continuation of 42 Pa.C.S. §§ 2151.2, 2152 and 2153. The following apply:

(1) Except as otherwise provided in sections 2802-F, 2803-F and 2804-F of the act, all activities initiated under 42 Pa.C.S. §§ 2151.2, 2152 and 2153 shall continue and remain in full force and effect and may be completed under sections 2802-F, 2803-F and 2804-F of the act. Orders, regulations, rules and decisions which were made under 42 Pa.C.S. §§ 2151.2, 2152 and 2153 and which are in effect on the

effective date of this act shall remain in full force and effect until revoked, vacated or modified under sections 2802-F, 2803-F and 2804-F of the act. Contracts, obligations and collective bargaining agreements entered into under 42 Pa.C.S. §§ 2151.2, 2152 and 2153 are not affected nor impaired by the repeal of 42 Pa.C.S. §§ 2151.2, 2152 and 2153.

(2) Except as set forth in paragraph (3), any difference in language between sections 2802-F, 2803-F and 2804-F of the act and 42 Pa.C.S. §§ 2151.2, 2152 and 2153 is not intended to change or affect the legislative intent, judicial construction or administration and implementation of 42 Pa.C.S. §§ 2151.2, 2152 and 2153.

(3) Paragraph (2) does not apply to the addition of section 2803-F(a), (b) and (h) of the act.

Section 13. This act shall take effect as follows:

(1) The following provisions of this act shall take effect immediately:

(i) This section.

(ii) The addition of sections 311 and 605-B(a.1), (b.1), (d.1) and (e), Article XV-B and section 2219 of the act.

(iii) Section 10(2) of this act.

(iv) Except as provided in paragraph (2)(ii), section 11 of this act.

(2) The following provisions of this act shall take effect October 1, 2019, or immediately, whichever is later:

(i) The addition of Article XXVIII-F of the act.

(ii) Sections 11(5) and (6) and 12.

(3) The addition of section 618-A(3) shall take effect January 1, 2020.

(4) The remainder of this act shall take effect in 60 days.