

ADMINISTRATIVE CODE OF 1929 - OMNIBUS AMENDMENTS

Act of Aug. 14, 1991, P.L. 331, No. 35

Cl. 71

Session of 1991

No. 1991-35

HB 804

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," further providing for membership of the board of The Pennsylvania Industrial Development Authority, for crime victims' compensation and assistance and for the rights of crime victims; providing for the continuation of medical insurance coverage for survivor-spouse annuitants; providing for costs for offender supervision programs and for the deposit of certain surplus; further providing for the submission of agency budget requests to the General Assembly and for control of the budgeting processes by the General Assembly; providing for electronic access to certain information provided by the Governor; authorizing the Department of Environmental Resources to indemnify and hold harmless PermaGrain Products, Inc., from and against certain damages related to personal injury and property damage at Quehanna, Pennsylvania; permitting the drilling of water wells on State lands under certain conditions; further providing for municipal notices relating to certain permits issued by the Department of Environmental Resources; and providing for the expiration of the health care facilities' certificate of need process.

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

Section 1. The act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is amended by adding a section to read:

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.

Section 2. Sections 477 and 477.3(b) and (d) of the act, amended June 30, 1984 (P.L.458, No.96) and December 11, 1986 (P.L.1490, No.155), are amended to read:

Section 477. Definitions.--So far as it relates to the crime victim's compensation provisions, the following terms shall be defined as:

"Board" means the Crime Victim's Compensation Board.

"Claimant" means the person filing a claim pursuant to this act.

["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": Provided, however, That no act involving the operation of a motor vehicle which results in injury shall constitute a crime for the purpose of this act unless such injury was intentionally inflicted through the use of a motor vehicle.]

"Crime" means an act, including an act resulting in injury intentionally inflicted through the use of a motor vehicle, which was committed:

(1) In Pennsylvania by a person without regard to legal exemption or defense and which would constitute a crime only as defined in, proscribed by or enumerated in:

(i) 18 Pa.C.S. (relating to crimes and offenses), 30 Pa.C.S. § 5502 (relating to operating watercraft under influence of alcohol or controlled substance) or 5502.1 (relating to homicide by watercraft while operating under influence) and 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance) or 3735 (relating to homicide by vehicle while driving under influence);

(ii) the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act"; or

(iii) the laws of the United States.

(2) Against a resident of Pennsylvania which would be a crime under clause (1), but for its occurrence in a state other than Pennsylvania.

"Diversionary program" means a program used to divert the defendant to an alternative form of disposition under the Pennsylvania Rules of Criminal Procedure or statutory authority and includes those dispositions authorized by Rules 160, 176 and 314 of the Pennsylvania Rules of Criminal Procedure and sections 17 and 18 of the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act."

"Family," when used in reference to a person, shall mean (i) anyone related to such person within the third degree of consanguinity or affinity, (ii) anyone maintaining a common-law relationship with such person, or (iii) anyone residing in the same household with such person.

"Injury" shall include physical or mental damages incurred as a direct result of the crime and aggravation of existing injuries if additional losses can be attributed to the direct result of the crime. Compensation for mental damages shall be limited to expenses incurred for psychological or psychiatric services which became necessary as a direct result of the crime.

"Intervenor" shall mean a person who goes to the aid of another and suffers physical or mental injury or death as a direct result of acting not recklessly to prevent the commission of a crime, or to lawfully apprehend a person reasonably suspected of having committed such crime, or to aid the victim of such crime.

"Local law enforcement agency" means a police department of a city, borough, incorporated town or township.

"Loss of earnings," in addition to its ordinary meaning, shall mean the loss of the cash equivalent of [a] **one month's** social security, railroad retirement, **pension plan, retirement plan, disability**, child support or spousal support payment, where said payment is the primary source of the victim's income and where the victim is deprived of the money as a direct result of a crime.

"Out-of-pocket loss" means the unreimbursed and unreimbursable expenses or indebtedness incurred for medical care, nonmedical remedial care and treatment rendered in accordance with a religious method of healing as approved by the board, or other services, including psychological counseling, **prosthetic devices, eyeglasses or other corrective lenses, or dental devices**, reasonably necessary as a result of the injury upon which the claim is based and for which the claimant either has paid or is liable, to include expenses for physical examinations and materials used to obtain evidence. In no case shall property damages or compensation for pain and suffering be included.

"Victim" shall mean a person against whom a crime has been committed, other than the alleged offender, who, as a direct result of the crime, suffers physical or mental injury, death or the loss of earnings as herein defined[.] **and shall include a resident of Pennsylvania against whom an act has been committed which otherwise would constitute a crime as defined in this act but for its occurrence in a state other than Pennsylvania and for which the person would otherwise be compensated by the crime victim compensation program of the state where the act occurred but for the ineligibility of such program under the provisions of the Victims of Crime Act of 1984 (42 U.S.C. § 10601, et seq.), as amended.**

Section 477.3. Persons Eligible for Compensation.--* * *

(b) A person who is criminally responsible for the crime upon which a claim is based or an accomplice of such person shall not be eligible to receive compensation with respect to such claim. A member of the family of the person who committed the crime shall not be eligible if the offender is living in the same household as the victim and will **substantially** benefit from the award. The Attorney General may sue the offender or the victim or both to recover the award if the offender at any time benefits from the award.

* * *

(d) Where a crime results in death, the spouse, children, parents or siblings of the victim, who reside within the same household as the victim, shall be eligible for compensation for the cost of psychological counseling [which is] **and other**

reasonable out-of-pocket losses which are deemed necessary as a direct result of the criminal incident.

Section 3. Sections 477.9(e) and 477.15 of the act, amended or added June 30, 1984 (P.L.458, No.96), are amended to read:

Section 477.9. Awards.--* * *

(e) Except for any payments or proceeds that are specifically denominated as compensation for dismemberment or loss of an eye, any award made pursuant to this act shall be reduced by the amount of any payments received or to be received by the claimant as a result of the injury (i) from or on behalf of the person who committed the crime, (ii) under any insurance programs including those mandated by law, (iii) under any contract of insurance wherein the claimant is the [insured] beneficiary, (iv) from public funds, [or] (v) as an emergency award pursuant to section 477.8 of this act, **or (vi) under any pension program, including those providing for disability or survivor's benefits.**

* * *

Section 477.15. [Mandatory] Costs.--(a) Any person who pleads guilty or nolo contendere or who is convicted of any crime, as defined in section 477 shall, in addition to costs imposed pursuant to 42 Pa.C.S. § 3571(c) (relating to Commonwealth portion of fines, etc.), be sentenced to pay costs of at least [fifteen dollars (\$15.)] **thirty dollars (\$30), and may be sentenced to pay additional costs in an amount up to the statutory maximum monetary penalty for the offense committed.**

(a.1) Any person placed in a diversionary program, as defined in section 477, shall be required to pay costs of at least **thirty dollars (\$30),** in addition to costs imposed pursuant to 42 Pa.C.S. § 3571(c).

(b) [Ten dollars (\$10)] **Fifteen dollars (\$15)** of the costs imposed under subsections (a) and (a.1) plus thirty per centum of the costs imposed under subsection (a) which exceed **thirty dollars (\$30)** shall be paid into a special nonlapsing fund, which is hereby established, for use by the Crime Victim's Compensation Board for payment to victims **and technical assistance.**

(c) [Five dollars (\$5)] **Fifteen dollars (\$15)** of the costs imposed under subsections (a) and (a.1) plus seventy per centum of the costs imposed under subsection (a) which exceed **thirty dollars (\$30)** shall be paid into a special nonlapsing fund, which is hereby established, for use by the Commission on Crime and Delinquency for victim-witness services grants **and technical assistance in nonvictim compensation related areas** in accordance with this section.

(d) This cost shall be imposed notwithstanding any other provision [to] **in** this act or other act to the contrary.

(e) The district attorney, the Crime Victim's Compensation Board, **the Commission on Crime and Delinquency** or any victim of a crime (as defined in section 477) shall have standing to seek a mandamus order requiring the county to collect the costs imposed by this section.

Section 4. The act is amended by adding a section to read:

Section 477.20. Costs for Offender Supervision Programs.--(a) The court shall impose, as a condition of supervision, a monthly supervision fee of at least **twenty-five dollars (\$25)** on any offender placed on probation, parole, accelerated rehabilitative disposition, probation without verdict or intermediate punishment, unless the court finds that such fee should be reduced, waived or deferred based on the offender's present inability to pay. Of the fee collected, fifty

percent (50%) shall be deposited into the County Offender Supervision Fund established in each county pursuant to this section and the remaining fifty percent (50%) shall be deposited into the State Offender Supervision Fund established pursuant to this section.

(b) The Pennsylvania Board of Probation and Parole shall impose, as a condition of supervision, a monthly supervision fee of at least twenty-five dollars (\$25) on any offender under the board's supervision, unless the board finds that such fee should be reduced, waived or deferred based on the offender's present inability to pay.

(c) For offenders under supervision of a county probation department or the Pennsylvania Board of Probation and Parole, as of the effective date of this section, the fee will automatically become a part of the supervision conditions as if the court or board had imposed it, unless the court or board makes a finding that the offender is presently unable to pay.

(d) The court or board may make a finding that the offender is unable to pay based on any of the following factors:

(1) The offender has diligently attempted but has been unable to obtain employment that provides the offender sufficient income to make such payments.

(2) The offender is a student in a school, college, university or a course of vocational or technical training designed to fit the student for gainful employment.

(3) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the court or board.

(4) The offender's age prevents employment.

(5) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(6) Other extenuating circumstances as determined by the court or board.

(e) During fiscal year 1991-1992, the county treasurer of each county shall establish and administer a County Offender Supervision Fund consisting of the fees collected pursuant to this section. The county treasurer shall disperse moneys from this fund only at the discretion of the president judge of the court of common pleas. The moneys in this fund shall be used to pay the salaries and employee benefits of all probation and parole personnel employed by the county probation and parole department and the operational expenses of said department. Moneys from the fund shall be used to supplement Federal, State or county appropriations for the county adult probation and parole department. The president judge shall, on or before August 31 of each year, provide the board with an annual statement which fully reflects all collections deposited into and expenditures from the Offender Supervision Fee Fund for the preceding fiscal year. The board shall establish temporary rules, regulations and guidelines for the immediate implementation of the County Offender Supervision Fee Program and shall, within one year of the effective date of this act, promulgate regulations under the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, and the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," to provide for the permanent administration of this program.

(f) Beginning in fiscal year 1991-1992, there is hereby established a State Offender Supervision Fund to be administered

by the board and comprised of the supervision fees collected by the board pursuant to this section. The moneys in this fund shall be used to supplement the Federal or State funds appropriated for the improvement of adult probation services.

(g) For purposes of this section, the term "board" shall refer to and mean the Pennsylvania Board of Probation and Parole.

Section 5. The definition of "crime" in section 479.1 of the act, added June 30, 1984 (P.L.458, No.96), is amended to read:

Section 479.1. Definitions.--The following words and phrases when used in sections 479 through 479.5 shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

["Crime" means an act committed in this Commonwealth 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." No act involving the operation of a motor vehicle which results in injury shall constitute a crime for the purpose of this act unless the injury was intentionally inflicted through the use of a motor vehicle.]

"Crime" means an act resulting in injury, including an act intentionally inflicted through the use of a motor vehicle, which was committed by a person in Pennsylvania, without regard to legal exemption or defense, which would constitute a crime only as defined in, proscribed by or enumerated in:

(1) 18 Pa.C.S. (relating to crimes and offenses), 30 Pa.C.S. § 5502 (relating to operating watercraft under influence of alcohol or controlled substance) or 5502.1 (relating to homicide by watercraft while operating under influence) and 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance) or 3735 (relating to homicide by vehicle while driving under influence);

(2) the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act"; or

(3) the laws of the United States.

* * *

Section 6. Section 479.3 of the act, added June 30, 1984 (P.L.458, No.96), is amended to read:

Section 479.3. Basic Bill of Rights for Victims.--Victims of crime have the following rights:

(1) To have included in any presentence report information concerning the effect that the crime committed by the defendant has had upon the victim, including any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources.

(2) To have restitution ordered as a condition of probation whenever feasible.

(3) Upon request of the victim of a feloniously assaultive crime, to be promptly informed by the district attorney whenever the assailant is to be released on parole, furlough or any other form of supervised or unsupervised release from full incarceration.

(4) To have assistance in the preparation of, submission of and follow-up on financial assistance claims to the board.

Section 7. Section 479.5(f) of the act, added December 11, 1986 (P.L.1490, No.155), is amended to read:

Section 479.5. Grant Program for Services.--* * *

(f) In the allocation of funds for services under section 479.4, the commission shall consider the revenue collected by potential grant recipients under the penalty assessments authorized in section 477.15 of this act and section 1203 of the act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code," pertaining to domestic violence and rape crisis services **and the extent to which crime victims compensation claims assistance is made available.**

Section 8. The act is amended by adding a section to read:

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 Board, 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 annual 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.

(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 annual 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 full year's deficiency. 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 annual deficiency payment, insurance coverage will continue for twelve (12) months, during which the Commonwealth's fiscal officer will redetermine the required annual deficiency amount and 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 anniversary date of the election by the survivor-spouse of the annuitant to pay for insurance coverage.

Section 9. Sections 613 introductory paragraph and 614 of the act, added September 27, 1978 (P.L.775, No.149), are amended to read:

Section 613. Submission of Budget to General Assembly.--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:

* * *

Section 614. List of Employees 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 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, or such part of such information as the Governor may prescribe.

(b) [Each] **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.**

(c) The information received by the Auditor General, the State Treasurer and the Secretary of the Budget, under this section, shall be public information.

Section 10. Section 615 of the act is amended by adding a subsection to read:

Section 615. Estimates of Current Expenditures by Departments, Boards and Commissions.--* * *

(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.**

Section 11. The act is amended by adding sections to read:

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.

Section 622. Transfer of Portion of Surplus.--In any fiscal year in which the Secretary of the Budget certifies that there is a surplus of operating funds in the General Fund, ten per centum (10%) of such surplus shall be deposited by the end of the next succeeding quarter into the Tax Stabilization Reserve Fund established under Chapter 2 of the act of July 1, 1985

(P.L.120, No.32), known to as the "Tax Stabilization Reserve Fund Act."

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.

Section 12. Section 1903-A(5) and (11) of the act, amended December 3, 1970 (P.L.834, No.275), are amended to read:

Section 1903-A. Forest Powers; Lease of Small Areas of State Forests.--The Department of Environmental Resources shall have the power:

* * *

(5) To give to boroughs and other municipalities of this Commonwealth **and to related municipal authorities**, upon such terms and subject to such restrictions and regulations as the department may deem proper, the privilege of impounding water **and drilling water wells** upon any State forest, and of constructing, maintaining, and operating lines of pipes upon and through State forests for the purpose of conveying water therefrom, whenever it shall be to the public interest so to do.

* * *

(11) To lease, with the approval of the Governor, and in cooperation with the Department of Commerce, those State forest lands acquired by gift from Pennsylvania State University or by acquisition from the Curtiss-Wright Corporation which are located at Quehanna, Pennsylvania, or recovered through the termination of a lease with Curtiss-Wright Corporation relating to Quehanna, Pennsylvania, and upon which are erected certain industrial buildings constructed by the Curtiss-Wright Corporation for industrial or economic development purposes or for nuclear reactor safety zone purposes.

Such leases may be made with industrial tenants or nonprofit industrial development corporations. The department in securing tenants shall cooperate fully with the Department of Commerce. Every such lease entered into shall conform in general to the terms of the standard industrial lease used by the department and approved by the Attorney General. Every such lease shall otherwise than as in this act prescribed be upon such terms and conditions as the Secretary of Environmental Resources deems in the best interests of the Commonwealth. However, all paved roads through the Quehanna project shall remain open to the general public use. Any such lease may permit the tenant to alter or expand, at its own expense and with the approval of the department first obtained in writing, existing buildings to meet the requirements of its particular industrial operation. Every such lease shall provide for the deposit of industrial floor space rentals and sewage and water rentals in a restricted receipts fund, from which the department may draw moneys for use in developing, operating and maintaining the water and sewage disposal facilities, and replacing machinery, equipment and fixtures appurtenant thereto, at aforesaid Quehanna. Said restricted receipts fund shall be audited two years from the effective date of this act and at two-year intervals thereafter, with any residue appearing in said fund at the end of each auditing period to be deposited in the General Fund.

The department is hereby authorized to indemnify and hold harmless PermaGrain Products, Inc., from and against any and all damages incurred by PermaGrain Products, Inc., related to personal injury or property damage, resulting from radioactive contamination arising exclusively from performance by the Commonwealth or its contractors of the characterization, remediation, decontamination and removal of radioactive

materials from contaminated structures on those State forest lands acquired from the Pennsylvania State University or Curtiss-Wright Corporation and located at Quehanna, Pennsylvania.

* * *

Section 13. Section 1905-A(b) of the act is amended by adding a clause to read:

Section 1905-A. Cooperation with Municipalities.--* * *

(b) * * *

(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.

Section 14. The act is amended by adding a section to read:

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.

Section 15. The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Section 16. The addition of section 529 of the act shall apply to all survivor-spouses of annuitants who attain such status subsequent to the effective date of the addition of section 529 of the act.

Section 17. The amendment of the definition of "crime" in section 477 of the act shall be retroactive to September 1, 1990.

Section 18. This act shall take effect as follows:

(1) The amendment or addition of sections 477.3, 477.9, 477.15, 479.1, 479.3 and 529 of the act shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

APPROVED--The 14th day of August, A. D. 1991.

ROBERT P. CASEY