

ADMINISTRATIVE CODE OF 1929, THE - OMNIBUS AMENDMENTS

Act of Dec. 18, 1992, P.L. 1661, No. 183

Cl. 71

Session of 1992

No. 1992-183

HB 2390

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 medical insurance coverage for survivor-spouses of annuitants; validating expenditures by the Department of Environmental Resources; further providing for certain powers of the Environmental Quality Board in relation to surface mining; providing for the use of the proceeds of certain condemnation proceedings; and making a repeal.

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

Section 1. Section 529 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, added August 14, 1991 (P.L.331, No.35), is amended 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 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 [Board] 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 [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. **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 [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 **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 [annual] **installment payment or deficiency payment, or both,** insurance coverage will continue [for twelve (12) months, during which] **in force with** the Commonwealth's fiscal officer [will redetermine the] **determining rate adjustments annually and any** required [annual] deficiency amount [and]. **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 [anniversary] date of the [election by the survivor-spouse of the annuitant to pay for insurance coverage.] **proposed rate change.**

Section 2. The act is amended by adding sections to read:

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.

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.

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.

Section 3. Section 16 of the act of August 14, 1991 (P.L.331, No.35), 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,' 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," is repealed.

Section 4. This act shall take effect immediately.

APPROVED--The 18th day of December, A. D. 1992.

ROBERT P. CASEY