

AMENDMENTS TO HOUSE BILL NO. 1792

Sponsor: REPRESENTATIVE GROVE

Printer's No. 2034

1 Amend Bill, page 1, line 1, by inserting after "Titles"

2 1 (General Provisions), 2 (Administrative Law and Procedure), 3
3 (Agriculture),

4 Amend Bill, page 1, lines 17 and 18, by striking out all of
5 said lines and inserting

6 Section 1. Sections 501(a) and (c), 905 and 1105(a) of Title
7 1 of the Pennsylvania Consolidated Statutes are amended to read:
8 § 501. Publication and distribution.

9 (a) General rule.--The Legislative Reference Bureau may
10 compile, edit, publish, print, supplement and revise or contract
11 directly or through the Legislative Printing Clerk for the
12 compilation, editing, publishing, printing, supplementation or
13 revision of an official publication of the Pennsylvania
14 Consolidated Statutes and amendments thereto. It shall be the
15 duty of the Department of [Property and Supplies] General
16 Services, upon request of the bureau, to arrange for the prompt
17 distribution of the official publication and the supplements
18 thereto and revisions thereof in accordance with the provisions
19 of this chapter. This publication shall be in addition to the
20 publication of advance copies of statutes and the Laws of
21 Pennsylvania except that the bureau, when authorized by
22 concurrent resolution of the General Assembly, may reduce the
23 number of such statutes and laws published and printed and
24 provide for the manner of their distribution and a fee to be
25 charged for certain distributions.

26 * * *

27 (c) Payments and disposition of moneys.--Payments for
28 documents published by authority of this chapter shall be made
29 to the Department of [Property and Supplies] General Services
30 which shall pay the same into the State Treasury to the credit
31 of the General Fund. Such moneys are hereby appropriated from
32 the General Fund to the Legislative Reference Bureau to carry
33 out the provisions of this chapter.
34 § 905. Section headings.

35 The Director of the Legislative Reference Bureau, with the
36 approval of the [Department of Justice] Attorney General, shall
37 prepare and promulgate an appropriate heading for any section of

1 the Constitution of Pennsylvania which was heretofore or may
2 hereafter be adopted without a section heading. Any section
3 heading promulgated pursuant to this section shall be published
4 in the next available volume of the Laws of Pennsylvania.
5 § 1105. Editing statutes for printing.

6 (a) Correction of errors.--Where any statute shall have been
7 finally enacted and it shall be ascertained that such statute is
8 technically defective in form, or contains misspelled words or
9 typographical errors, or the plural or singular number, or the
10 past, present or future tense appears where another should be
11 used, or where a word clearly intended to be inserted has been
12 omitted, or where a word clearly should have been omitted, or
13 where a word is correctly spelled but it clearly appears that
14 another word was intended, the Director of the Legislative
15 Reference Bureau, in editing such statute, shall have authority,
16 with the approval of the President pro tempore of the Senate,
17 the Speaker of the House of Representatives, and the [Department
18 of Justice] Attorney General, to correct the original copy of
19 such statute, as filed in the Department of State, if such
20 correction will not in any manner affect or change the meaning,
21 intent or substance of such statute.

22 * * *

23 Section 2. Section 508 of Title 2 is amended to read:
24 § 508. Notice to [Department of Justice] Office of Attorney
25 General.

26 Before notice of any hearing leading to an adjudication is
27 given by a Commonwealth agency (except the Pennsylvania Public
28 Utility Commission), the agency shall submit the matter to its
29 representative in the [Department of Justice] Office of Attorney
30 General who shall pass upon the legality of the proposed action
31 or defense. Failure of the agency to submit the matter to the
32 [department] Office of Attorney General shall not invalidate any
33 adjudication.

34 Section 2.1. Section 2703 of Title 3 is amended to read:
35 § 2703. Unlawful acts.

36 A person commits a summary offense of the second degree and
37 shall be subject to the penalty imposed under 34 Pa.C.S. §
38 925(b)(5) (relating to jurisdiction and penalties) if the person
39 does any of the following:

40 (1) If the person is a taxidermist, mounts any specimen
41 which was not lawfully killed or raised under authority of a
42 propagating permit unless the owner of the specimen presents
43 the taxidermist with a permit obtained from the Pennsylvania
44 Game Commission or the Pennsylvania Fish and Boat Commission
45 and, in the case of migratory birds, the required Federal
46 permit.

47 (2) Mounts any specimen unless the owner of the specimen
48 presents the person with a copy of a permit issued by the
49 Pennsylvania Game Commission or the Pennsylvania Fish and
50 Boat Commission. A taxidermist may accept a specimen for
51 safekeeping and, after notifying the nearest Pennsylvania

Game Commission or Pennsylvania Fish and Boat Commission officer, hold it until the owner obtains the necessary permit or for a period not to exceed 60 days.

(3) Violates the provisions of this chapter.

Section 3. Section 6133(b) and (d)(2) of Title 7 are amended to read:

Amend Bill, page 2, line 18, by striking out "2" and inserting

4

Amend Bill, page 2, line 30, by striking out "3" and inserting

5

Amend Bill, page 3, line 13, by striking out "4" and inserting

6

Amend Bill, page 3, line 13, by striking out "Section" where it occurs the second time and inserting

Sections 202(c)(2)(iii) and

Amend Bill, page 3, line 13, by striking out "is" and inserting

are

Amend Bill, page 3, by inserting between lines 13 and 14

§ 202. Requirements for names generally.

* * *

(c) Required approvals or conditions.--

* * *

(2) The proper name of a covered association shall not contain:

* * *

(iii) The words "engineer" or "engineering," "surveyor" or "surveying" or any other word implying that any form of the practice of engineering or surveying as defined in the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law, is provided unless at least one of the individuals signing the initial public organic record of the association or one of the governors of the existing association has been properly registered with the State Registration Board for Professional Engineers, Land Surveyors and Geologists in the practice of engineering

1 or surveying and there is submitted to the department a
2 certificate from the board to that effect.

3 * * *

4 Amend Bill, page 4, line 4, by striking out "5" and inserting

5 7

6 Amend Bill, page 4, line 17, by striking out "6" and
7 inserting

8 8

9 Amend Bill, page 5, line 9, by striking out "7" and inserting

10 9

11 Amend Bill, page 5, line 9, by inserting after "Sections"

12 5749(c),

13 Amend Bill, page 5, by inserting between lines 10 and 11

14 § 5749. Retention of certain records.

15 * * *

16 (c) Definitions.--As used in this section, the following
17 words and phrases shall have the meanings given to them in this
18 subsection:

19 "Commander." The:

20 (1) [commissioner] Commissioner of the Pennsylvania
21 State Police or a designee, if the recording at issue was
22 made by a member of the Pennsylvania State Police; or

23 (2) chief or a designee of the law enforcement agency
24 which made the recording at issue.

25 "Law enforcement officer." A member of the Pennsylvania
26 State Police or an individual employed as a police officer who
27 is required to be trained under 53 Pa.C.S. Ch. 21 Subch. D
28 (relating to municipal police education and training).

29 Amend Bill, page 6, line 3, by striking out "8" and inserting

30 10

31 Amend Bill, page 6, by inserting between lines 28 and 29

32 Section 11. Section 9113(c) and (e) of Title 18 are amended
33 to read:

34 § 9113. Disposition reporting by criminal justice agencies.

35 * * *

36 (c) Correctional institutions.--County, regional and State
37 correctional institutions shall collect and submit information
38 regarding the admission, release and length of sentence of
39 individuals sentenced to local and county institutions as
40 required by the [Bureau of Correction] Department of
41 Corrections.

1 * * *

2 (e) State agencies.--The Administrative Office of
3 Pennsylvania Courts, the [Bureau of Correction] Department of
4 Corrections, the Pennsylvania Board of Probation and Parole and
5 the Pennsylvania Board of Pardons shall collect and submit to
6 the central repository such information necessary to maintain
7 complete and accurate criminal history record information. Each
8 State agency listed in this subsection shall submit to the
9 central repository any reports of dispositions occurring within
10 their respective agencies and such information reported from
11 county and local criminal justice agencies.

12 Amend Bill, page 6, line 29, by striking out "9" and
13 inserting

14 12

15 Amend Bill, page 10, line 26, by striking out "Service's" and
16 inserting

17 Services'

18 Amend Bill, page 12, line 21, by striking out "10" and
19 inserting

20 13

21 Amend Bill, page 13, line 5, by striking out "11" and
22 inserting

23 14

24 Amend Bill, page 16, line 14, by striking out "12" and
25 inserting

26 15

27 Amend Bill, page 16, line 24, by striking out "13" and
28 inserting

29 16

30 Amend Bill, page 17, line 10, by striking out "14" and
31 inserting

32 17

33 Amend Bill, page 17, line 22, by striking out "15" and
34 inserting

35 18

1 Amend Bill, page 18, line 14, by striking out "16" and
2 inserting
3 19
4 Amend Bill, page 18, line 30, by striking out "17" and
5 inserting
6 20
7 Amend Bill, page 20, line 8, by striking out "18" and
8 inserting
9 21
10 Amend Bill, page 20, line 19, by striking out "19" and
11 inserting
12 22
13 Amend Bill, page 20, line 28, by striking out "20" and
14 inserting
15 23
16 Amend Bill, page 25, line 24, by striking out "21" and
17 inserting
18 24
19 Amend Bill, page 26, line 9, by striking out "22" and
20 inserting
21 25
22 Amend Bill, page 31, line 21, by striking out "23" and
23 inserting
24 26
25 Amend Bill, page 32, line 1, by striking out "24" and
26 inserting
27 27
28 Amend Bill, page 32, line 1, by striking out "'department"
29 and "obligee"' and inserting
30 "department," "obligee" and "secretary"
31 Amend Bill, page 32, by inserting between lines 26 and 27

1 "Secretary." The Secretary of [Public Welfare] Human
2 Services of the Commonwealth.

3 * * *

4 Amend Bill, page 32, line 27, by striking out "25" where it
5 occurs the first time and inserting

6 28

7 Amend Bill, page 33, line 16, by striking out "26" and
8 inserting

9 29

10 Amend Bill, page 33, line 20, by inserting a bracket before
11 "Environmental"

12 Amend Bill, page 33, line 20, by striking out the bracket
13 before "Resources"

14 Amend Bill, page 33, line 20, by striking out "Protection"
15 and inserting

16 Conservation and Natural Resources

17 Amend Bill, page 33, line 28, by striking out "27" and
18 inserting

19 30

20 Amend Bill, page 34, line 8, by striking out "28" and
21 inserting

22 31

23 Amend Bill, page 34, line 20, by striking out "29" and
24 inserting

25 32

26 Amend Bill, page 34, line 20, by inserting after "7312(a)"
27 , 7385(b)

28 Amend Bill, page 35, by inserting between lines 24 and 25
29 § 7385. Pennsylvania Fire and Emergency Medical Services Loan
30 Program.

31 * * *

32 (b) Transfer.--There are transferred to the commissioner, to
33 be used, employed and expended in connection with the functions,

1 powers and duties enumerated in subsection (a), personnel,
2 contractual obligations, if any, mortgages, liens, encumbrances
3 and any other secured interests, records, files, property,
4 supplies and equipment now being used or held in connection with
5 such functions, powers and duties and the unexpended balance of
6 appropriations, allocations and other funds available or to be
7 made available for use in connection with such functions, powers
8 and duties as previously were vested in the former Department of
9 Community Affairs under Subchapter E and transferred to the
10 agency by Reorganization Plan No.7 of 1981 (P.L.615).

11 Amend Bill, page 36, line 8, by striking out "30" and
12 inserting

13 33

14 Amend Bill, page 36, line 8, by striking out "Section" where
15 it occurs the second time and inserting

16 Sections

17 Amend Bill, page 36, line 8, by inserting after "306(2)"
18 and 705(b) (1)

19 Amend Bill, page 36, line 8, by striking out "is" and
20 inserting

21 are

22 Amend Bill, page 36, by inserting between lines 20 and 21

23 § 705. United States Brig Niagara.

24 * * *

25 (b) Powers and duties of the commission.--The commission
26 shall have the power and duty to:

27 (1) Cooperate with the Department of Military and
28 Veterans Affairs, the United States Navy and other
29 appropriate organizations in commemorating significant events
30 of our naval and maritime heritage.

31 * * *

32 Amend Bill, page 36, line 21, by striking out "31" and
33 inserting

34 34

35 Amend Bill, page 36, line 30, by striking out "32" and
36 inserting

37 35

38 Amend Bill, page 36, line 30, by inserting after "Sections"

1 761(a)(1),

2 Amend Bill, page 36, line 30, by inserting after "2705(a)"

3 , (c) and (f)

4 Amend Bill, page 37, by inserting between lines 1 and 2

5 § 761. Original jurisdiction.

6 (a) General rule.--The Commonwealth Court shall have
7 original jurisdiction of all civil actions or proceedings:

8 (1) Against the Commonwealth government, including any
9 officer thereof, acting in his official capacity, except:

10 (i) actions or proceedings in the nature of
11 applications for a writ of habeas corpus or post-
12 conviction relief not ancillary to proceedings within the
13 appellate jurisdiction of the court;

14 (ii) eminent domain proceedings;

15 (iii) actions or proceedings conducted pursuant to
16 Chapter 85 (relating to matters affecting government
17 units);

18 (iv) actions or proceedings conducted pursuant to
19 the former act of May 20, 1937 (P.L.728, No.193),
20 referred to as the Board of Claims Act, or 62 Pa.C.S. Ch.
21 17 Subch. C (relating to Board of Claims); and

22 (v) actions or proceedings in the nature of trespass
23 as to which the Commonwealth government formerly enjoyed
24 sovereign or other immunity and actions or proceedings in
25 the nature of assumpsit relating to such actions or
26 proceedings in the nature of trespass.

27 * * *

28 Amend Bill, page 37, by inserting between lines 11 and 12

29 (c) [Department of Justice] Office of Attorney General.--The
30 prothonotary and the clerk of the courts shall make to the
31 [Department of Justice] Office of Attorney General such periodic
32 or special reports concerning criminal matters as the
33 [department] Office of Attorney General may specify by
34 regulation.

35 * * *

36 (f) Superseding administrative office procedures and
37 standards.--The manner of making any informational report
38 required by or pursuant to subsections (a) through (e) or by or
39 pursuant to any other similar statute by the office of the clerk
40 of the court of common pleas may be modified by procedures and
41 standards prescribed pursuant to section 4301 (relating to
42 establishment and maintenance of judicial records) with the
43 approval of the [Department of Justice] Attorney General.

44 Amend Bill, page 39, line 11, by striking out "33" and

45 inserting

36

Amend Bill, page 39, line 30, by striking out "34" and
inserting

37

Amend Bill, page 40, line 23, by striking out "35" and
inserting

38

Amend Bill, page 40, line 23, by inserting after "5552(b)
(4),"

5950(d), 5974(b),

Amend Bill, page 41, by inserting between lines 3 and 4

§ 5950. Confidential communications involving law enforcement
officers.

* * *

(d) Definitions.--As used in this section, the following
words and phrases shall have the meanings given to them in this
subsection:

"Coparticipant." An individual who participates in a group
critical incident stress management team intervention.

"Critical incident." A situation responded to by a law
enforcement officer which presents or involves either the death
or serious bodily injury of an individual or the imminent
potential of such death or serious bodily injury, or any
situation faced by a law enforcement officer in the course of
duty which causes or may cause the law enforcement officer to
experience unusually strong negative emotional reactions.

"Critical Incident Stress Management Network." A network
that meets the requirements of membership with the Pennsylvania
Voluntary Critical Incident Stress Management Network as
administered by the Department of Health and is registered with
the International Critical Incident Stress Foundation.

"Critical incident stress management services." Consultation,
risk assessment, education, intervention,
briefing, defusing, debriefing, onsite services, referral and
other crisis intervention services provided by a critical
incident stress management team to a law enforcement officer
prior to, during or after a critical incident.

"Critical incident stress management team member." An
individual who is specially trained to provide critical incident
stress management services as a member of a police agency or
organization critical incident stress management team that holds
membership in the Commonwealth's critical incident stress
management network.

"Government unit." The General Assembly and its officers and

1 agencies; the Governor and the departments, boards, commissions,
2 authorities and officers and agencies of the Commonwealth or
3 other instrumentalities thereof; any political subdivision,
4 municipality, school district or other local authority and the
5 departments, boards, commissions, authorities and officers and
6 agencies of such political subdivisions or other
7 instrumentalities thereof; and any court or other officer or
8 agency of the unified judicial system or instrumentality
9 thereof.

10 "Law enforcement officer." Any of the following:

11 (1) A member of the Pennsylvania State Police.
12 (2) Any enforcement officer or investigator employed by
13 the Pennsylvania Liquor Control Board.

14 (3) A parole agent of the Department of Corrections.

15 (4) A Capitol Police officer.

16 (5) A Department of Conservation and Natural Resources
17 ranger.

18 (6) A drug enforcement agent of the Office of Attorney
19 General whose principal duty is the enforcement of the drug
20 laws of this Commonwealth and a special agent of the Office
21 of Attorney General whose principal duty is the enforcement
22 of the criminal laws of this Commonwealth.

23 (7) Any member of a port authority or other authority
24 police department.

25 (8) Any police officer of a county, region, city,
26 borough, town or township.

27 (9) Any sheriff or deputy sheriff.

28 (10) A member of the Pennsylvania Fish and Boat
29 Commission.

30 (11) A Pennsylvania Wildlife Conservation Officer.

31 (12) A member of a campus police force with the power to
32 arrest under section 2416 of the act of April 9, 1929

33 (P.L.177, No.175), known as The Administrative Code of 1929.

34 As used in this paragraph, the term "campus police" has the
35 meaning given in section 302 of the act of November 29, 2004

36 (P.L.1383, No.180), known as the Uniform Crime Reporting Act.

37 (13) A member of the Fort Indiantown Gap Police Force.

38 § 5974. Summoning prisoner in this Commonwealth to testify in
39 another state.

40 * * *

41 (b) Hearing.--Upon presentation of the certificate to any
42 court having jurisdiction over the person confined and upon
43 notice to the [Bureau of Correction] Department of Corrections,
44 the court in this Commonwealth shall fix a time and place for a
45 hearing and shall make an order, directed to the person having
46 custody of the prisoner, requiring that the prisoner be produced
47 before it at the hearing.

48 Amend Bill, page 42, line 23, by striking out "36" and
49 inserting

39

Amend Bill, page 43, line 8, by striking out "37" and
inserting

40

Amend Bill, page 47, line 17, by striking out "38" and
inserting

41

Amend Bill, page 47, line 27, by striking out "39" and
inserting

42

Amend Bill, page 47, line 27, by striking out "and" and
inserting a comma

Amend Bill, page 47, line 27, by inserting after "heading"
, 9107, 9144.1 and 9727(b) (2)

Amend Bill, page 49, by inserting between lines 2 and 3

§ 9107. Administrator and information agent.

The [Department of Justice] Attorney General shall serve as
central administrator of and information agent for the Agreement
on Detainers.

§ 9144.1. Payment of expenses, costs and fees.

All costs and expenses shall be paid out of the county
treasury in the county wherein the crime is alleged to have been
committed: Provided, however, That all costs and expenses
incurred by a county in extraditing a person who, upon release
from a Federal prison, is apprehended on a writ of detainer
issued by a state other than Pennsylvania, shall be reimbursed
by the [Department of Justice] Attorney General. Reimbursable
costs and expenses incurred in any extradition proceeding shall
include, but not be limited to, apprehending, securing,
transmitting and maintaining the prisoner, as well as food,
court fees and counsel fees. Any person released from a Federal
prison for whom extradition proceedings have been initiated and
who is apprehended on a writ of detainer issued by a state other
than Pennsylvania, shall be transferred to the [Bureau of
Correction] Department of Corrections as soon as possible until
such extradition occurs or until he is released by the court.
The [Commissioner of Correction] Secretary of Corrections shall
accept such transfer. The [Bureau of Correction] Department of
Corrections shall make every effort to be reimbursed for all
costs and expenses from the state which is seeking extradition.
§ 9727. Disposition of persons found guilty but mentally ill.

1 * * *

2 (b) Treatment.--

3 * * *

4 (2) The cost for treatment of offenders found guilty but
5 mentally ill, committed to the custody of the [Bureau of
6 Correction] Department of Corrections and transferred to a
7 mental health facility, shall be borne by the Commonwealth.

8 * * *

9 Amend Bill, page 49, line 3, by striking out "40" and
10 inserting

11 43

12 Amend Bill, page 49, line 3, by striking out "Section" where
13 it occurs the second time and inserting

14 Chapter 7 heading and sections 1508, 1511(b) and

15 Amend Bill, page 49, line 3, by striking out "is" and
16 inserting

17 are

18 Amend Bill, page 49, by inserting between lines 3 and 4

19 CHAPTER 7

20 DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

21 § 1508. Payment of armory rentals by Commonwealth.

22 The annual rental of all armories and buildings not owned by
23 the Commonwealth and occupied by any organization, shall be paid
24 by the State Treasurer in the manner provided by law. All
25 payments for light, heat, water and janitor services in rented
26 armories and buildings shall be made by the Department of
27 Military and Veterans Affairs upon properly itemized vouchers,
28 except where such services are furnished by the landlord under
29 the rental contract.

30 § 1511. State Treasury Armory Fund.

31 * * *

32 (b) Appropriation.--Moneys in the State Treasury Armory Fund
33 are hereby appropriated to the Department of Military and
34 Veterans Affairs in such amounts as may be determined annually
35 by the Governor to be used for the purposes specified in
36 subsections (c) and (d).

37 * * *

38 Amend Bill, page 49, by inserting between lines 20 and 21

39 Section 44. The definition of "eligible disabled or deceased
40 veteran" in section 8701 of Title 51 is amended to read:

41 § 8701. Definitions.

42 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 * * *

4 "Eligible disabled or deceased veteran." A person who served
5 in the military or naval forces of the United States, or a
6 women's organization officially connected therewith, who:

7 (1) was killed in action or died as a result of wounds
8 incurred during a period of war or armed conflict or as a
9 result of hostile fire or terrorist attack during peacetime
10 (as determined by the Department of Military and Veterans
11 Affairs);

12 (2) died in service during a period of war or armed
13 conflict;

14 (3) was honorably discharged from the military or naval
15 forces of the United States and certified by the United
16 States Veterans' Administration as a 100% disabled veteran as
17 a result of service during a period of war or armed conflict
18 or as a result of hostile fire or terrorist attack (as
19 determined by the Department of Military and Veterans
20 Affairs) during peacetime; or

21 (4) was honorably discharged from the military or naval
22 forces of the United States and died as a result of a
23 service-connected disability (as certified by the United
24 States Veterans' Administration) incurred during a period of
25 war or armed conflict or as a result of peacetime hostile
26 fire or terrorist attack (as determined by the Department of
27 Military and Veterans Affairs).

28 * * *

29 Section 45. Sections 9102(a) and 9301(a) of Title 51 are
30 amended to read:

31 § 9102. Affidavits and acknowledgments by designated officers.

32 (a) Designation of certain officers authorized.--Each local
33 organization of The American Red Cross, The American Legion,
34 Veterans of World War I of the U.S.A., Inc., Veterans of Foreign
35 Wars of the United States, Disabled American Veterans, United
36 Spanish War Veterans, Regular Veterans Association, Director of
37 Veterans Affairs, Jewish War Veterans of the United States, the
38 Military Order of the Purple Heart, the Italian American War
39 Veterans of the United States, Incorporated, and such other
40 similar organizations now or hereafter accredited or recognized
41 by the United States Veterans Administration, which supplies
42 such aid and assistance to veterans or their dependents, and
43 which gratuitously prepares forms for veterans and their
44 dependents in connection with their affairs as such before the
45 United States, any agency thereof, or the Commonwealth, any
46 agency or political subdivision thereof, is hereby authorized to
47 designate one of its officers to take affidavits or
48 acknowledgments to such forms, as may be required by rule,
49 regulation or otherwise by the United States, any agency
50 thereof, or the Commonwealth, any agency or political
51 subdivision thereof, in the administration of the affairs of

1 veterans and their dependents. For the same purposes the
2 Adjutant General is authorized to designate one or more persons
3 from the Department of Military and Veterans Affairs, and the
4 State Director of Selective Service is authorized to designate
5 one or more persons from the Pennsylvania Selective Service
6 System.

7 * * *

8 § 9301. Reports of annual conventions.

9 (a) Printing and distribution by Commonwealth.--Whenever the
10 department commanders of the Grand Army of the Republic, the
11 United Spanish War Veterans, the Veterans of Foreign Wars of the
12 United States, the American Legion, the Disabled American
13 Veterans of the World War, the Veterans of World War I of the
14 U.S.A., Inc., the American Veterans of World War II (AMVETS),
15 Military Order of the Purple Heart, Jewish War Veterans,
16 Catholic War Veterans, Inc., The Society of the 28th Division,
17 A.E.F., the Marine Corps League and the Italian American War
18 Veterans of the United States, Incorporated, shall report to the
19 Department of [Property and Supplies] General Services the
20 proceedings of the annual encampment or conventions of their
21 respective departments, with such general and special orders and
22 circulars and other data which may form a part of said
23 proceedings, then the said proceedings, so reported, shall be
24 considered Commonwealth records, and under the direction of the
25 Department of [Property and Supplies] General Services, shall be
26 printed and bound, and a printed and bound copy thereof shall be
27 sent to each post or detachment in this Commonwealth of the
28 organization of whose proceedings the same is a report.

29 * * *

30 Amend Bill, page 49, line 21, by striking out "41" and
31 inserting

32 46

33 Amend Bill, page 50, line 6, by striking out "42" and
34 inserting

35 47

36 Amend Bill, page 50, line 14, by striking out "43" and
37 inserting

38 48

39 Amend Bill, page 51, line 18, by striking out "44" and
40 inserting

41 49

42 Amend Bill, page 52, line 2, by striking out "45" and

1 inserting
2 50
3 Amend Bill, page 52, line 17, by striking out "46" and
4 inserting
5 51
6 Amend Bill, page 53, line 3, by striking out "47" and
7 inserting
8 52
9 Amend Bill, page 53, line 23, by striking out "48" and
10 inserting
11 53
12 Amend Bill, page 53, line 23, by striking out "311(f)(3)" and
13 inserting
14 311(f)(2), (3)
15 Amend Bill, page 53, by inserting between lines 29 and 30
16 (2) The words "engineer" or "engineering" or "surveyor"
17 or "surveying" or any other word implying that any form of
18 the practice of engineering or surveying, as defined in the
19 act of May 23, 1945 (P.L.913, No.367), known as the
20 [Professional Engineers] Engineer, Land Surveyor and
21 Geologist Registration Law, is provided unless at least one
22 of the parties to the registration has been properly
23 registered with the State Registration Board for Professional
24 Engineers, Land Surveyors and Geologists and there is
25 submitted to the department a certificate from the board to
26 that effect.
27 Amend Bill, page 54, line 12, by striking out "49" and
28 inserting
29 54
30 Amend Bill, page 55, line 3, by striking out "50" and
31 inserting
32 55
33 Amend Bill, page 55, line 18, by striking out "51" and
34 inserting
35 56

1 Amend Bill, page 56, line 27, by striking out "52" and
2 inserting
3 57
4 Amend Bill, page 57, line 7, by striking out "53" and
5 inserting
6 58
7 Amend Bill, page 57, line 22, by striking out "54" and
8 inserting
9 59
10 Amend Bill, page 57, line 22, by inserting after "Sections"
11 322(4),
12 Amend Bill, page 57, by inserting between lines 23 and 24
13 § 322. Specific construction powers, duties and procedures.
14 The following procedure shall apply to construction to be
15 completed by the department which costs more than the amount
16 established by the department under section 514 (relating to
17 small procurements) for construction procurement unless the work
18 is to be done by Commonwealth agency employees or by inmates or
19 patients of a Commonwealth agency institution:
20 * * *
21 (4) The enforcement of all contracts provided for by
22 this section shall be under the control and supervision of
23 the department. The department shall have the authority to
24 engage the services of a construction management firm to
25 coordinate the work of the total project. All questions or
26 disputes arising between the department and any contractor
27 with respect to any matter pertaining to a contract entered
28 into with the department or any part thereto or any breach of
29 contract arising thereunder shall be submitted to final and
30 binding arbitration as provided by the terms of the contract,
31 which finding shall be final and not subject to further
32 appeal, or, if not so provided, shall be referred to the
33 Board of Claims as set forth in [the act of May 20, 1937
34 (P.L.728, No.193), referred to as the Board of Claims Act,]
35 Subchapter C of Chapter 17 (relating to Board of Claims),
36 whose decision and award shall be final and binding and
37 conclusive upon all parties thereto except that either party
38 shall have the right to appeal from the decision and award as
39 provided by law.
40 * * *
41 Amend Bill, page 58, line 19, by striking out "55" and

1 inserting
2 60
3 Amend Bill, page 59, line 14, by striking out "56" and
4 inserting
5 61
6 Amend Bill, page 59, line 14, by inserting after "(c),"
7 332(h), 333(d), 510(c),
8 Amend Bill, page 59, line 14, by inserting after "514(c),"
9 516(a) and (b),
10 Amend Bill, page 59, line 16, by striking out "and" where it
11 occurs the second time and inserting
12 , (b)
13 Amend Bill, page 59, line 16, by inserting after "(d)"
14 and (e)
15 Amend Bill, page 60, by inserting between lines 2 and 3
16 § 332. Procedures in general.
17 * * *
18 (h) Exceptions and appeal procedure.--Any party to a
19 proceeding referred to an administrative law judge under section
20 331(b) may file exceptions to the decision of the administrative
21 law judge with the commission, in a form and manner and within
22 the time to be prescribed by the commission. The commission
23 shall rule upon such exceptions within 90 days after filing. If
24 no exceptions are filed, the decision shall become final,
25 without further commission action, unless two or more
26 commissioners within 15 days after the decision request that the
27 commission review the decision and make such other order, within
28 90 days of such request, as it shall determine. The [Office of
29 Trial Staff] commission's prosecutory bureau or office and the
30 chief counsel shall be deemed to have automatic standing as a
31 party to such proceeding and may file exceptions to any decision
32 of the administrative law judge under this subsection.
33 * * *
34 § 333. Prehearing procedures.
35 * * *
36 (d) Interrogatories.--Any party to a proceeding may serve
37 written interrogatories upon any other party for purposes of
38 discovering relevant, unprivileged information. A party served
39 with interrogatories may, before the time prescribed either by
40 commission rule or otherwise for answering the interrogatories,
41 apply to the presiding officer for the holding of a prehearing

1 conference for the mutual exchange of evidence exhibits and
2 other information. Each interrogatory which requests information
3 not previously supplied at a prehearing conference or hearing
4 shall be answered separately and fully in writing under oath,
5 unless it is objected to, in which event the reasons for the
6 objections shall be stated in lieu of an answer. The party upon
7 whom the interrogatories have been served shall serve a copy of
8 the answers and objections within a reasonable time, unless
9 otherwise specified, upon the party submitting the
10 interrogatories. The party submitting the interrogatories may
11 petition the presiding officer for an order compelling an answer
12 to an interrogatory or interrogatories to which there has been
13 an objection or other failure to answer. The commission shall
14 designate an appropriate official, other than the [Director of
15 Trial Staff or any other employee of the Office of Trial Staff]
16 director of the commission's prosecutory bureau or office, on
17 whom other parties to the proceeding may serve written
18 interrogatories directed to the commission. That official shall
19 arrange for agency personnel with knowledge of the facts to
20 answer and sign the interrogatories on behalf of the commission.
21 Interrogatories directed to the commission shall be allowed only
22 upon an order of the commission based upon a specific finding
23 that the interrogating party is seeking significant,
24 unprivileged information not discoverable by alternative means.
25 When participating in a commission proceeding, the [Office of
26 Trial Staff] commission's prosecutory bureau or office shall be
27 subject to the same rules of discovery applicable to any other
28 party to the case.

29 * * *

30 § 510. Assessment for regulatory expenses upon public
31 utilities.

32 * * *

33 (c) Notice, hearing and payment.--The commission shall give
34 notice by registered or certified mail to each public utility of
35 the amount lawfully charged against it under the provisions of
36 this section, which amount shall be paid by the public utility
37 within 30 days of receipt of such notice, unless the commission
38 specifies on the notices sent to all public utilities an
39 installment plan of payment, in which case each public utility
40 shall pay each installment on or before the date specified
41 therefor by the commission. Within 15 days after receipt of such
42 notice, the public utility against which such assessment has
43 been made may file with the commission objections setting out in
44 detail the grounds upon which the objector regards such
45 assessment to be excessive, erroneous, unlawful or invalid. The
46 commission, after notice to the objector, shall hold a hearing
47 upon such objections. After such hearing, the commission shall
48 record upon its minutes its findings on the objections and shall
49 transmit to the objector, by registered or certified mail,
50 notice of the amount, if any, charged against it in accordance
51 with such findings, which amount or any installment thereof then

1 due, shall be paid by the objector within ten days after receipt
2 of notice of the findings of the commission with respect to such
3 objections. If any payment prescribed by this subsection is not
4 made as aforesaid, the commission may suspend or revoke
5 certificates of public convenience, certify automobile
6 registrations to the Department of Transportation for suspension
7 or revocation or, through the [Department of Justice] Attorney
8 General, may institute an appropriate action at law for the
9 amount lawfully assessed, together with any additional cost
10 incurred by the commission or the [Department of Justice]
11 Attorney General by virtue of such failure to pay.

12 * * *

13 Amend Bill, page 61, by inserting between lines 1 and 2

14 § 516. Audits of certain utilities.

15 (a) General rule.--The commission shall provide for audits
16 of any electric, gas, telephone or water utility whose plant in
17 service is valued at not less than \$10,000,000. The audits shall
18 include an examination of management effectiveness and operating
19 efficiency. The commission shall establish procedures for audits
20 of the operations of utilities as provided in this section.
21 Audits shall be conducted at least once every five years unless
22 the commission finds that a specific audit is unnecessary, but
23 in no event shall audits be conducted less than once every eight
24 years. A summary of the audits mandated by this subsection shall
25 be released to the public, and a complete copy of the audits
26 shall be provided to the [Office of Trial Staff] commission's
27 prosecutory bureau or office and the Office of Consumer
28 Advocate.

29 (b) Management efficiency investigations.--In addition to
30 the audits mandated by subsection (a), the commission shall
31 appoint a management efficiency investigator who shall
32 periodically examine the management effectiveness and operating
33 efficiency of all utilities required to be audited under
34 subsection (a) and monitor the utility company responses to the
35 audits required by subsection (a). For the purposes of carrying
36 out the periodic audit required by this subsection and for
37 carrying out the monitoring of audits required by subsection
38 (a), the commission is hereby empowered to direct the management
39 efficiency investigator to conduct such investigations through
40 and with teams made up of commission staff and/or independent
41 consulting firms; further, the commission may designate specific
42 items of management effectiveness and operating efficiency to be
43 investigated. The management efficiency investigator shall
44 provide an annual report to the commission, the affected
45 utility, the [Office of Trial Staff] commission's prosecutory
46 bureau or office and the Office of Consumer Advocate detailing
47 the findings of such investigations.

48 * * *

49 Amend Bill, page 64, line 4, by inserting a bracket before

1 "Office" where it occurs the second time

2 Amend Bill, page 64, line 5, by inserting after "Staff"

3] commission's prosecutory bureau or office

4 Amend Bill, page 68, by inserting between lines 29 and 30

5 (b) Procedure.--The commission, upon application by a public
6 utility, person or corporation which has agreed to acquire
7 property from another public utility, municipal corporation or
8 person, may approve an inclusion in rate base in accordance with
9 subsection (a) prior to the acquisition and prior to a
10 proceeding under this subchapter to determine just and
11 reasonable rates if:

12 (1) the applicant has provided notice of the proposed
13 acquisition and any proposed increase in rates to the
14 customers served by the property to be acquired, in such form
15 and manner as the commission, by regulation, shall require;

16 (2) the applicant has provided notice to its customers,
17 in such form and manner as the commission, by regulation,
18 shall require, if the proposed acquisition would increase
19 rates to the acquiring public utility's customers by an
20 amount in excess of 1% of the acquiring public utility's base
21 annual revenue;

22 (3) the applicant has provided notice of the application
23 to the [Director of Trial Staff] director of the commission's
24 prosecutory bureau or office and the Consumer Advocate; and

25 (4) in addition to any other information required by the
26 commission, the application includes a full description of
27 the proposed acquisition and a plan for reasonable and
28 prudent investments to assure that the customers served by
29 the property to be acquired will receive adequate, efficient,
30 safe and reasonable service.

31 * * *

32 Amend Bill, page 69, by inserting between lines 14 and 15

33 (e) Acquisition cost lower than depreciated original cost.--
34 If a public utility acquires property from another public
35 utility, a municipal corporation or a person at a cost which is
36 lower than the original cost of the property when first devoted
37 to the public service less the applicable accrued depreciation
38 and the property is used and useful in providing water or sewer
39 service, that difference shall, absent matters of a substantial
40 public interest, be amortized as an addition to income over a
41 reasonable period of time or be passed through to the ratepayers
42 by such other methodology as the commission may direct. Notice
43 of the proposed treatment of an acquisition cost lower than
44 depreciated original cost shall be given to the [Director of
45 Trial Staff] director of the commission's prosecutory bureau or
46 office and the Consumer Advocate.

1 Amend Bill, page 69, line 30, by striking out "57" and
2 inserting
3 62
4 Amend Bill, page 70, line 14, by striking out "58" and
5 inserting
6 63
7 Amend Bill, page 73, line 4, by striking out "59" and
8 inserting
9 64
10 Amend Bill, page 73, line 4, by striking out "Section" where
11 it occurs the second time and inserting
12 Sections
13 Amend Bill, page 73, line 4, by inserting after "paragraph"
14 and 5402(a)(27)(iii)
15 Amend Bill, page 73, line 5, by striking out "is" and
16 inserting
17 are
18 Amend Bill, page 73, by inserting between lines 10 and 11
19 (26) A statement as to whether the declarant has
20 knowledge of any one or more of the following:
21 * * *
22 Amend Bill, page 73, by inserting between lines 18 and 19
23 § 5402. Public offering statement; general provisions.
24 (a) General rule.--Except as provided in subsection (b), a
25 public offering statement must contain or fully and accurately
26 disclose:
27 * * *
28 (27) A statement as to whether the declarant has
29 knowledge of any one or more of the following:
30 * * *
31 (iii) Any finding or action recommended to be taken
32 in the report of any such investigation or by any
33 governmental body, agency or authority, in order to
34 correct any hazardous conditions and any action taken
35 pursuant to those recommendations. If the declarant has
36 no knowledge of such matters, the declarant shall make a
37 statement to that effect. The declarant shall also set

1 forth the address and phone number of the regional
2 offices of the Department of Environmental [Resources]
3 Protection and the United States Environmental Protection
4 Agency where information concerning environmental
5 conditions affecting the planned community site may be
6 obtained.
7 * * *

8 Amend Bill, page 73, line 19, by striking out "60" and
9 inserting

10 65

11 Amend Bill, page 74, line 13, by striking out "61" and
12 inserting

13 66

14 Amend Bill, page 77, line 5, by striking out "62" and
15 inserting

16 67

17 Amend Bill, page 77, line 5, by inserting after "1337(c) (4),"
18 1517(a),

19 Amend Bill, page 77, line 6, by inserting after "3354(g) (2)"
20 , 6327

21 Amend Bill, page 78, by inserting between lines 4 and 5

22 § 1517. Medical Advisory Board.

23 (a) Membership.--There shall be a Medical Advisory Board
24 consisting of 13 members appointed by the secretary. The board
25 shall be composed of an authorized representative from the
26 Department of Transportation, [Department of Justice, Governor's
27 Council on Drug and Alcohol Abuse] General Counsel, Pennsylvania
28 Advisory Council on Drug and Alcohol Abuse, Department of
29 Health, Pennsylvania State Police and professionals as follows:
30 One neurologist, one doctor of cardiovascular disease, one
31 doctor of internal medicine, one general practitioner, one
32 ophthalmologist, one psychiatrist, one orthopedic surgeon and
33 one optometrist.

34 * * *

35 Amend Bill, page 79, by inserting between lines 10 and 11

36 § 6327. Inspection of records.

37 The records of the issuing authority, department and each
38 police department required under this subchapter shall be open
39 for inspection by any police officer or authorized employee of
40 the department, the [Department of Justice] Office of Attorney

1 General, the Department of Revenue, the Auditor General and the
2 Court Administrator of the Supreme Court.

3 Amend Bill, page 80, lines 2 through 30; page 81, lines 1 and
4 2; by striking out all of said lines on said pages

5 Amend Bill, page 81, line 3, by striking out "64" and
6 inserting

7 68