

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 804 Session of  
1991

INTRODUCED BY WAMBACH, PICCOLA, NAILOR, CAWLEY, McCALL, PESCI,  
ALLEN, TRELLO, STISH, OLASZ, ITKIN, KASUNIC, HESS, STURLA,  
COWELL, STUBAN, JAROLIN, HERMAN, COY, STEIGHNER, CARLSON,  
PETRARCA, VROON, CAPPABIANCA, STABACK, BUNT, REBER, PISTELLA,  
BELFANTI, MERRY, STEELMAN, SCHEETZ, BELARDI, HALUSKA, CLARK,  
VEON, NAHILL, GANNON, HANNA, JOSEPHS, BILLOW, JOHNSON,  
BATTISTO, FEE, E. Z. TAYLOR, MELIO, NOYE, FARMER, KOSINSKI,  
RICHARDSON, LAUGHLIN, FARGO, KRUSZEWSKI, PHILLIPS, KING,  
RITTER, JAMES, VANCE AND BOYES, MARCH 18, 1991

SENATOR TILGHMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS  
AMENDED, AUGUST 3, 1991

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employes in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employes of certain departments, boards and  
20 commissions shall be determined," FURTHER PROVIDING FOR  
21 MEMBERSHIP OF THE BOARD OF THE PENNSYLVANIA INDUSTRIAL  
22 DEVELOPMENT AUTHORITY, FOR CRIME VICTIMS' COMPENSATION AND  
23 ASSISTANCE AND FOR THE RIGHTS OF CRIME VICTIMS; providing for  
24 the continuation of medical insurance coverage for survivor-  
25 spouse annuitants; PROVIDING FOR COSTS FOR OFFENDER

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1 SUPERVISION PROGRAMS AND FOR THE DEPOSIT OF CERTAIN SURPLUS;  
2 FURTHER PROVIDING FOR THE SUBMISSION OF AGENCY BUDGET  
3 REQUESTS TO THE GENERAL ASSEMBLY AND FOR CONTROL OF THE  
4 BUDGETING PROCESSES BY THE GENERAL ASSEMBLY; PROVIDING FOR  
5 ELECTRONIC ACCESS TO CERTAIN INFORMATION PROVIDED BY THE  
6 GOVERNOR; AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL  
7 RESOURCES TO INDEMNIFY AND HOLD HARMLESS PERMAGRAN PRODUCTS,  
8 INC. FROM AND AGAINST CERTAIN DAMAGES RELATED TO PERSONAL  
9 INJURY AND PROPERTY DAMAGE AT QUEHANNA, PENNSYLVANIA;  
10 PERMITTING THE DRILLING OF WATER WELLS ON STATE LANDS UNDER  
11 CERTAIN CONDITIONS; FURTHER PROVIDING FOR MUNICIPAL NOTICES  
12 RELATING TO CERTAIN PERMITS ISSUED BY THE DEPARTMENT OF  
13 ENVIRONMENTAL RESOURCES; AND PROVIDING FOR THE EXPIRATION OF  
14 THE HEALTH-CARE FACILITIES' CERTIFICATE OF NEED PROCESS.

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

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

20 SECTION 307. THE PENNSYLVANIA INDUSTRIAL DEVELOPMENT <—  
21 AUTHORITY; ADDITIONAL MEMBERS.--IN ADDITION TO THE MEMBERS OF  
22 THE BOARD OF THE PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY  
23 PROVIDED IN SECTION 4 OF THE ACT OF MAY 17, 1956 (1955 P.L.1609,  
24 NO.537), KNOWN AS THE "PENNSYLVANIA INDUSTRIAL DEVELOPMENT  
25 AUTHORITY ACT," THE MAJORITY LEADER OF THE SENATE, THE MINORITY  
26 LEADER OF THE SENATE, THE MAJORITY LEADER OF THE HOUSE OF  
27 REPRESENTATIVES AND THE MINORITY LEADER OF THE HOUSE OF  
28 REPRESENTATIVES SHALL EACH APPOINT ONE MEMBER TO THE BOARD OF  
29 THE PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY. A MEMBER  
30 APPOINTED PURSUANT TO THIS SECTION SHALL SERVE AT THE PLEASURE  
31 OF THE OFFICER WHO APPOINTED THE MEMBER. MEMBERS OF THE GENERAL  
32 ASSEMBLY SHALL NOT BE ELIGIBLE FOR APPOINTMENT TO THE BOARD.

33 SECTION 2. SECTIONS 477 AND 477.3(B) AND (D) OF THE ACT,  
34 AMENDED JUNE 30, 1984 (P.L.458, NO.96) AND DECEMBER 11, 1986  
35 (P.L.1490, NO.155), ARE AMENDED TO READ:

36 SECTION 477. DEFINITIONS.--SO FAR AS IT RELATES TO THE CRIME

1 VICTIM'S COMPENSATION PROVISIONS, THE FOLLOWING TERMS SHALL BE  
2 DEFINED AS:

3 "BOARD" MEANS THE CRIME VICTIM'S COMPENSATION BOARD.

4 "CLAIMANT" MEANS THE PERSON FILING A CLAIM PURSUANT TO THIS  
5 ACT.

6 ["CRIME" MEANS AN ACT COMMITTED IN PENNSYLVANIA WHICH, IF  
7 COMMITTED BY A MENTALLY COMPETENT, CRIMINALLY RESPONSIBLE ADULT,  
8 WHO HAD NO LEGAL EXEMPTION OR DEFENSE, WOULD CONSTITUTE A CRIME  
9 AS DEFINED IN AND PROSCRIBED BY TITLE 18 OF THE "PENNSYLVANIA  
10 CONSOLIDATED STATUTES," (RELATING TO CRIMES AND OFFENSES) OR  
11 ENUMERATED IN THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN  
12 AS "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT":  
13 PROVIDED, HOWEVER, THAT NO ACT INVOLVING THE OPERATION OF A  
14 MOTOR VEHICLE WHICH RESULTS IN INJURY SHALL CONSTITUTE A CRIME  
15 FOR THE PURPOSE OF THIS ACT UNLESS SUCH INJURY WAS INTENTIONALLY  
16 INFLICTED THROUGH THE USE OF A MOTOR VEHICLE.]

17 "CRIME" MEANS AN ACT, INCLUDING AN ACT RESULTING IN INJURY  
18 INTENTIONALLY INFLICTED THROUGH THE USE OF A MOTOR VEHICLE,  
19 WHICH WAS COMMITTED:

20 (1) IN PENNSYLVANIA BY A PERSON WITHOUT REGARD TO LEGAL  
21 EXEMPTION OR DEFENSE AND WHICH WOULD CONSTITUTE A CRIME ONLY AS  
22 DEFINED IN, PROSCRIBED BY OR ENUMERATED IN:

23 (I) 18 PA.C.S. (RELATING TO CRIMES AND OFFENSES), 30 PA.C.S.  
24 § 5502 (RELATING TO OPERATING WATERCRAFT UNDER INFLUENCE OF  
25 ALCOHOL OR CONTROLLED SUBSTANCE) OR 5502.1 (RELATING TO HOMICIDE  
26 BY WATERCRAFT WHILE OPERATING UNDER INFLUENCE) AND 75 PA.C.S. §  
27 3731 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR  
28 CONTROLLED SUBSTANCE) OR 3735 (RELATING TO HOMICIDE BY VEHICLE  
29 WHILE DRIVING UNDER INFLUENCE);

30 (II) THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS

1 "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT"; OR  
2 (III) THE LAWS OF THE UNITED STATES.

3 (2) AGAINST A RESIDENT OF PENNSYLVANIA WHICH WOULD BE A  
4 CRIME UNDER CLAUSE (1), BUT FOR ITS OCCURRENCE IN A STATE OTHER  
5 THAN PENNSYLVANIA.

6 "DIVERSIONARY PROGRAM" MEANS A PROGRAM USED TO DIVERT THE  
7 DEFENDANT TO AN ALTERNATIVE FORM OF DISPOSITION UNDER THE  
8 PENNSYLVANIA RULES OF CRIMINAL PROCEDURE OR STATUTORY AUTHORITY  
9 AND INCLUDES THOSE DISPOSITIONS AUTHORIZED BY RULES 160, 176 AND  
10 314 OF THE PENNSYLVANIA RULES OF CRIMINAL PROCEDURE AND SECTIONS  
11 17 AND 18 OF THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN  
12 AS "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT."

13 "FAMILY," WHEN USED IN REFERENCE TO A PERSON, SHALL MEAN (I)  
14 ANYONE RELATED TO SUCH PERSON WITHIN THE THIRD DEGREE OF  
15 CONSANGUINITY OR AFFINITY, (II) ANYONE MAINTAINING A COMMON-LAW  
16 RELATIONSHIP WITH SUCH PERSON, OR (III) ANYONE RESIDING IN THE  
17 SAME HOUSEHOLD WITH SUCH PERSON.

18 "INJURY" SHALL INCLUDE PHYSICAL OR MENTAL DAMAGES INCURRED AS  
19 A DIRECT RESULT OF THE CRIME AND AGGRAVATION OF EXISTING  
20 INJURIES IF ADDITIONAL LOSSES CAN BE ATTRIBUTED TO THE DIRECT  
21 RESULT OF THE CRIME. COMPENSATION FOR MENTAL DAMAGES SHALL BE  
22 LIMITED TO EXPENSES INCURRED FOR PSYCHOLOGICAL OR PSYCHIATRIC  
23 SERVICES WHICH BECAME NECESSARY AS A DIRECT RESULT OF THE CRIME.

24 "INTERVENOR" SHALL MEAN A PERSON WHO GOES TO THE AID OF  
25 ANOTHER AND SUFFERS PHYSICAL OR MENTAL INJURY OR DEATH AS A  
26 DIRECT RESULT OF ACTING NOT RECKLESSLY TO PREVENT THE COMMISSION  
27 OF A CRIME, OR TO LAWFULLY APPREHEND A PERSON REASONABLY  
28 SUSPECTED OF HAVING COMMITTED SUCH CRIME, OR TO AID THE VICTIM  
29 OF SUCH CRIME.

30 "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

1 OF THE VICTIM'S OF CRIME ACT OF 1984 (42 U.S.C. § 10601, ET  
2 SEQ.), AS AMENDED.

3 SECTION 477.3. PERSONS ELIGIBLE FOR COMPENSATION.--\* \* \*

4 (B) A PERSON WHO IS CRIMINALLY RESPONSIBLE FOR THE CRIME  
5 UPON WHICH A CLAIM IS BASED OR AN ACCOMPLICE OF SUCH PERSON  
6 SHALL NOT BE ELIGIBLE TO RECEIVE COMPENSATION WITH RESPECT TO  
7 SUCH CLAIM. A MEMBER OF THE FAMILY OF THE PERSON WHO COMMITTED  
8 THE CRIME SHALL NOT BE ELIGIBLE IF THE OFFENDER IS LIVING IN THE  
9 SAME HOUSEHOLD AS THE VICTIM AND WILL SUBSTANTIALLY BENEFIT FROM  
10 THE AWARD. THE ATTORNEY GENERAL MAY SUE THE OFFENDER OR THE  
11 VICTIM OR BOTH TO RECOVER THE AWARD IF THE OFFENDER AT ANY TIME  
12 BENEFITS FROM THE AWARD.

13 \* \* \*

14 (D) WHERE A CRIME RESULTS IN DEATH, THE SPOUSE, CHILDREN,  
15 PARENTS OR SIBLINGS OF THE VICTIM, WHO RESIDE WITHIN THE SAME  
16 HOUSEHOLD AS THE VICTIM, SHALL BE ELIGIBLE FOR COMPENSATION FOR  
17 THE COST OF PSYCHOLOGICAL COUNSELING [WHICH IS] AND OTHER  
18 REASONABLE OUT-OF-POCKET LOSSES WHICH ARE DEEMED NECESSARY AS A  
19 DIRECT RESULT OF THE CRIMINAL INCIDENT.

20 SECTION 3. SECTIONS 477.9(E) AND 477.15 OF THE ACT, AMENDED  
21 OR ADDED JUNE 30, 1984 (P.L.458, NO.96), ARE AMENDED TO READ:

22 SECTION 477.9. AWARDS.--\* \* \*

23 (E) EXCEPT FOR ANY PAYMENTS OR PROCEEDS THAT ARE  
24 SPECIFICALLY DENOMINATED AS COMPENSATION FOR DISMEMBERMENT OR  
25 LOSS OF AN EYE, ANY AWARD MADE PURSUANT TO THIS ACT SHALL BE  
26 REDUCED BY THE AMOUNT OF ANY PAYMENTS RECEIVED OR TO BE RECEIVED  
27 BY THE CLAIMANT AS A RESULT OF THE INJURY (I) FROM OR ON BEHALF  
28 OF THE PERSON WHO COMMITTED THE CRIME, (II) UNDER ANY INSURANCE  
29 PROGRAMS INCLUDING THOSE MANDATED BY LAW, (III) UNDER ANY  
30 CONTRACT OF INSURANCE WHEREIN THE CLAIMANT IS THE [INSURED]

1 BENEFICIARY, (IV) FROM PUBLIC FUNDS, [OR] (V) AS AN EMERGENCY  
2 AWARD PURSUANT TO SECTION 477.8 OF THIS ACT, OR (VI) UNDER ANY  
3 PENSION PROGRAM, INCLUDING THOSE PROVIDING FOR DISABILITY OR  
4 SURVIVOR'S BENEFITS.

5 \* \* \*

6 SECTION 477.15. [MANDATORY] COSTS.--(A) ANY PERSON WHO  
7 PLEADS GUILTY OR NOLO CONTENDERE OR WHO IS CONVICTED OF ANY  
8 CRIME, AS DEFINED IN SECTION 477 SHALL, IN ADDITION TO COSTS  
9 IMPOSED PURSUANT TO 42 PA.C.S. § 3571(C) (RELATING TO  
10 COMMONWEALTH PORTION OF FINES, ETC.), BE SENTENCED TO PAY COSTS  
11 OF AT LEAST [FIFTEEN DOLLARS (\$15.)] THIRTY DOLLARS (\$30), AND  
12 MAY BE SENTENCED TO PAY ADDITIONAL COSTS IN AN AMOUNT UP TO THE  
13 STATUTORY MAXIMUM MONETARY PENALTY FOR THE OFFENSE COMMITTED.

14 (A.1) ANY PERSON PLACED IN A DIVERSIONARY PROGRAM, AS  
15 DEFINED IN SECTION 477, SHALL BE REQUIRED TO PAY COSTS OF AT  
16 LEAST THIRTY DOLLARS (\$30), IN ADDITION TO COSTS IMPOSED  
17 PURSUANT TO 42 PA.C.S. § 3571(C).

18 (B) [TEN DOLLARS (\$10)] FIFTEEN DOLLARS (\$15) OF THE COSTS  
19 IMPOSED UNDER SUBSECTIONS (A) AND (A.1) PLUS THIRTY PER CENTUM  
20 OF THE COSTS IMPOSED UNDER SUBSECTION (A) WHICH EXCEED THIRTY  
21 DOLLARS (\$30) SHALL BE PAID INTO A SPECIAL NONLAPSING FUND,  
22 WHICH IS HEREBY ESTABLISHED, FOR USE BY THE CRIME VICTIM'S  
23 COMPENSATION BOARD FOR PAYMENT TO VICTIMS AND TECHNICAL  
24 ASSISTANCE.

25 (C) [FIVE DOLLARS (\$5)] FIFTEEN DOLLARS (\$15) OF THE COSTS  
26 IMPOSED UNDER SUBSECTIONS (A) AND (A.1) PLUS SEVENTY PER CENTUM  
27 OF THE COSTS IMPOSED UNDER SUBSECTION (A) WHICH EXCEED THIRTY  
28 DOLLARS (\$30) SHALL BE PAID INTO A SPECIAL NONLAPSING FUND,  
29 WHICH IS HEREBY ESTABLISHED, FOR USE BY THE COMMISSION ON CRIME  
30 AND DELINQUENCY FOR VICTIM-WITNESS SERVICES GRANTS AND TECHNICAL

1 ASSISTANCE IN NONVICTIM COMPENSATION RELATED AREAS IN ACCORDANCE  
2 WITH THIS SECTION.

3 (D) THIS COST SHALL BE IMPOSED NOTWITHSTANDING ANY OTHER  
4 PROVISION [TO] IN THIS ACT OR OTHER ACT TO THE CONTRARY.

5 (E) THE DISTRICT ATTORNEY, THE CRIME VICTIM'S COMPENSATION  
6 BOARD, THE COMMISSION ON CRIME AND DELINQUENCY OR ANY VICTIM OF  
7 A CRIME (AS DEFINED IN SECTION 477) SHALL HAVE STANDING TO SEEK  
8 A MANDAMUS ORDER REQUIRING THE COUNTY TO COLLECT THE COSTS  
9 IMPOSED BY THIS SECTION.

10 SECTION 4. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

11 SECTION 477.20. COSTS FOR OFFENDER SUPERVISION PROGRAMS.--

12 (A) THE COURT SHALL IMPOSE, AS A CONDITION OF SUPERVISION, A  
13 MONTHLY SUPERVISION FEE OF AT LEAST TWENTY-FIVE DOLLARS (\$25) ON  
14 ANY OFFENDER PLACED ON PROBATION, PAROLE, ACCELERATED  
15 REHABILITATIVE DISPOSITION, PROBATION WITHOUT VERDICT OR  
16 INTERMEDIATE PUNISHMENT, UNLESS THE COURT FINDS THAT SUCH FEE  
17 SHOULD BE REDUCED, WAIVED OR DEFERRED BASED ON THE OFFENDER'S  
18 PRESENT INABILITY TO PAY. OF THE FEE COLLECTED, FIFTY PERCENT  
19 (50%) SHALL BE DEPOSITED INTO THE COUNTY OFFENDER SUPERVISION  
20 FUND ESTABLISHED IN EACH COUNTY PURSUANT TO THIS SECTION AND THE  
21 REMAINING FIFTY PERCENT (50%) SHALL BE DEPOSITED INTO THE STATE  
22 OFFENDER SUPERVISION FUND ESTABLISHED PURSUANT TO THIS SECTION.

23 (B) THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE SHALL  
24 IMPOSE, AS A CONDITION OF SUPERVISION, A MONTHLY SUPERVISION FEE  
25 OF AT LEAST TWENTY-FIVE DOLLARS (\$25) ON ANY OFFENDER UNDER THE  
26 BOARD'S SUPERVISION, UNLESS THE BOARD FINDS THAT SUCH FEE SHOULD  
27 BE REDUCED, WAIVED OR DEFERRED BASED ON THE OFFENDER'S PRESENT  
28 INABILITY TO PAY.

29 (C) FOR OFFENDERS UNDER SUPERVISION OF A COUNTY PROBATION  
30 DEPARTMENT OR THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE, AS



1 OF THE EFFECTIVE DATE OF THIS SECTION, THE FEE WILL  
2 AUTOMATICALLY BECOME A PART OF THE SUPERVISION CONDITIONS AS IF  
3 THE COURT OR BOARD HAD IMPOSED IT, UNLESS THE COURT OR BOARD  
4 MAKES A FINDING THAT THE OFFENDER IS PRESENTLY UNABLE TO PAY.

5 (D) THE COURT OR BOARD MAY MAKE A FINDING THAT THE OFFENDER  
6 IS UNABLE TO PAY BASED ON ANY OF THE FOLLOWING FACTORS:

7 (1) THE OFFENDER HAS DILIGENTLY ATTEMPTED BUT HAS BEEN  
8 UNABLE TO OBTAIN EMPLOYMENT THAT PROVIDES THE OFFENDER  
9 SUFFICIENT INCOME TO MAKE SUCH PAYMENTS.

10 (2) THE OFFENDER IS A STUDENT IN A SCHOOL, COLLEGE,  
11 UNIVERSITY OR A COURSE OF VOCATIONAL OR TECHNICAL TRAINING  
12 DESIGNED TO FIT THE STUDENT FOR GAINFUL EMPLOYMENT.

13 (3) THE OFFENDER HAS AN EMPLOYMENT HANDICAP, AS DETERMINED  
14 BY AN EXAMINATION ACCEPTABLE TO OR ORDERED BY THE COURT OR  
15 BOARD.

16 (4) THE OFFENDER'S AGE PREVENTS EMPLOYMENT.

17 (5) THE OFFENDER IS RESPONSIBLE FOR THE SUPPORT OF  
18 DEPENDENTS AND THE PAYMENT OF THE ASSESSMENT CONSTITUTES AN  
19 UNDUE HARDSHIP ON THE OFFENDER.

20 (6) OTHER EXTENUATING CIRCUMSTANCES AS DETERMINED BY THE  
21 COURT OR BOARD.

22 (E) DURING FISCAL YEAR 1991-1992, THE COUNTY TREASURER OF  
23 EACH COUNTY SHALL ESTABLISH AND ADMINISTER A COUNTY OFFENDER  
24 SUPERVISION FUND CONSISTING OF THE FEES COLLECTED PURSUANT TO  
25 THIS SECTION. THE COUNTY TREASURER SHALL DISPERSE MONEYS FROM  
26 THIS FUND ONLY AT THE DISCRETION OF THE PRESIDENT JUDGE OF THE  
27 COURT OF COMMON PLEAS. THE MONEYS IN THIS FUND SHALL BE USED TO  
28 PAY THE SALARIES AND EMPLOYE BENEFITS OF ALL PROBATION AND  
29 PAROLE PERSONNEL EMPLOYED BY THE COUNTY PROBATION AND PAROLE  
30 DEPARTMENT AND THE OPERATIONAL EXPENSES OF SAID DEPARTMENT.

1 MONEYS FROM THE FUND SHALL BE USED TO SUPPLEMENT FEDERAL, STATE  
2 OR COUNTY APPROPRIATIONS FOR THE COUNTY ADULT PROBATION AND  
3 PAROLE DEPARTMENT. THE PRESIDENT JUDGE SHALL, ON OR BEFORE  
4 AUGUST 31 OF EACH YEAR, PROVIDE THE BOARD WITH AN ANNUAL  
5 STATEMENT WHICH FULLY REFLECTS ALL COLLECTIONS DEPOSITED INTO  
6 AND EXPENDITURES FROM THE OFFENDER SUPERVISION FEE FUND, FOR THE  
7 PRECEDING FISCAL YEAR. THE BOARD SHALL ESTABLISH TEMPORARY  
8 RULES, REGULATIONS AND GUIDELINES FOR THE IMMEDIATE  
9 IMPLEMENTATION OF THE COUNTY OFFENDER SUPERVISION FEE PROGRAM  
10 AND SHALL, WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ACT,  
11 PROMULGATE REGULATIONS UNDER THE ACT OF JULY 31, 1968 (P.L.769,  
12 NO.240), REFERRED TO AS THE COMMONWEALTH DOCUMENTS LAW, AND THE  
13 ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE "REGULATORY  
14 REVIEW ACT," TO PROVIDE FOR THE PERMANENT ADMINISTRATION OF THIS  
15 PROGRAM.

16 (F) BEGINNING IN FISCAL YEAR 1991-1992, THERE IS HEREBY  
17 ESTABLISHED A STATE OFFENDER SUPERVISION FUND TO BE ADMINISTERED  
18 BY THE BOARD AND COMPRISED OF THE SUPERVISION FEES COLLECTED BY  
19 THE BOARD PURSUANT TO THIS SECTION. THE MONEYS IN THIS FUND  
20 SHALL BE USED TO SUPPLEMENT THE FEDERAL OR STATE FUNDS  
21 APPROPRIATED FOR THE IMPROVEMENT OF ADULT PROBATION SERVICES.

22 (G) FOR PURPOSES OF THIS SECTION, THE TERM "BOARD" SHALL  
23 REFER TO AND MEAN THE PENNSYLVANIA BOARD OF PROBATION AND  
24 PAROLE.

25 SECTION 5. THE DEFINITION OF "CRIME" IN SECTION 479.1 OF THE  
26 ACT, ADDED JUNE 30, 1984 (P.L.458, NO.96), IS AMENDED TO READ:

27 SECTION 479.1. DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES  
28 WHEN USED IN SECTIONS 479 THROUGH 479.5 SHALL HAVE THE MEANINGS  
29 GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY  
30 INDICATES OTHERWISE:

1       \* \* \*

2       ["CRIME" MEANS AN ACT COMMITTED IN THIS COMMONWEALTH WHICH,  
3 IF COMMITTED BY A MENTALLY COMPETENT, CRIMINALLY RESPONSIBLE  
4 ADULT WHO HAD NO LEGAL EXEMPTION OR DEFENSE, WOULD CONSTITUTE A  
5 CRIME AS DEFINED IN AND PROSCRIBED BY TITLE 18 OF THE  
6 PENNSYLVANIA CONSOLIDATED STATUTES (RELATING TO CRIMES AND  
7 OFFENSES) OR ENUMERATED IN THE ACT OF APRIL 14, 1972 (P.L.233,  
8 NO.64), KNOWN AS "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND  
9 COSMETIC ACT." NO ACT INVOLVING THE OPERATION OF A MOTOR VEHICLE  
10 WHICH RESULTS IN INJURY SHALL CONSTITUTE A CRIME FOR THE PURPOSE  
11 OF THIS ACT UNLESS THE INJURY WAS INTENTIONALLY INFLICTED  
12 THROUGH THE USE OF A MOTOR VEHICLE.]

13       "CRIME" MEANS AN ACT RESULTING IN INJURY, INCLUDING AN ACT  
14 INTENTIONALLY INFLICTED THROUGH THE USE OF A MOTOR VEHICLE,  
15 WHICH WAS COMMITTED BY A PERSON IN PENNSYLVANIA, WITHOUT REGARD  
16 TO LEGAL EXEMPTION OR DEFENSE, WHICH WOULD CONSTITUTE A CRIME  
17 ONLY AS DEFINED IN, PROSCRIBED BY OR ENUMERATED IN:

18       (1) 18 PA.C.S. (RELATING TO CRIMES AND OFFENSES), 30 PA.C.S.  
19 § 5502 (RELATING TO OPERATING WATERCRAFT UNDER INFLUENCE OF  
20 ALCOHOL OR CONTROLLED SUBSTANCE) OR 5502.1 (RELATING TO HOMICIDE  
21 BY WATERCRAFT WHILE OPERATING UNDER INFLUENCE) AND 75 PA.C.S. §  
22 3731 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR  
23 CONTROLLED SUBSTANCE) OR 3735 (RELATING TO HOMICIDE BY VEHICLE  
24 WHILE DRIVING UNDER INFLUENCE);

25       (2) THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS  
26 "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT"; OR

27       (3) THE LAWS OF THE UNITED STATES.

28       \* \* \*

29       SECTION 6. SECTION 479.3 OF THE ACT, ADDED JUNE 30, 1984  
30 (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 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

1 of Annuitants.--(a) A survivor-spouse of an annuitant under the  
2 State Employees' Retirement System who had elected to convert  
3 medical, major medical and hospitalization insurance coverage  
4 shall have the option to continue such insurance coverage. The  
5 State Employees' Retirement Board, upon receipt of the election  
6 by the survivor-spouse of the annuitant to continue such  
7 insurance coverage, shall notify the insurance carrier of the  
8 election and deduct the appropriate annual charges in equal  
9 monthly installments. Such deductions shall be transmitted to  
10 the designated fiscal officer of the Commonwealth having  
11 jurisdiction over the payment of such group charges on behalf of  
12 the annuitant or the survivor-spouse.

13 (b) In the event that the monthly annuity of the survivor-  
14 spouse of the annuitant is less than the amount needed or such  
15 person receives no survivor annuity to cover the applicable  
16 monthly installment payments, the Commonwealth's fiscal officer  
17 shall identify the total annual difference between these amounts  
18 and shall notify the survivor-spouse of the annuitant of the  
19 deficiency. Within thirty (30) days of this notification, the  
20 survivor-spouse of the annuitant shall make a payment to the  
21 Commonwealth's fiscal officer in an amount sufficient to cover  
22 the full year's deficiency. If payment is not received by the  
23 Commonwealth's fiscal officer within the specified time period,  
24 the eligibility for State insurance coverage for the survivor-  
25 spouse of the annuitant shall be forfeited. Upon forfeiture, the  
26 Commonwealth's fiscal officer shall notify both the insurance  
27 carrier and the State Employees' Retirement Board.

28 (c) If the survivor-spouse of the annuitant elects to  
29 continue insurance coverage and makes the annual deficiency  
30 payment, insurance coverage will continue for twelve (12)

1 months, during which the Commonwealth's fiscal officer will  
2 redetermine the required annual deficiency amount and notify the  
3 survivor-spouse of the annuitant of the amount required to  
4 assure continued coverage. This notification shall take place at  
5 least thirty (30) days prior to the anniversary date of the  
6 election by the survivor-spouse of the annuitant to pay for  
7 insurance coverage.

8 ~~Section 2. This act shall apply to all survivor spouses of~~ <—  
9 ~~annuitants who attain such status subsequent to the effective~~  
10 ~~date of this act.~~

11 ~~Section 3. This act shall take effect in 60 days.~~

12 SECTION 9. SECTIONS 613 INTRODUCTORY PARAGRAPH AND 614 OF <—  
13 THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE  
14 ADMINISTRATIVE CODE OF 1929, ADDED SEPTEMBER 27, 1978 (P.L.775,  
15 NO.149), ARE AMENDED TO READ:

16 SECTION 613. SUBMISSION OF BUDGET TO GENERAL ASSEMBLY.--AS  
17 SOON AS POSSIBLE AFTER THE ORGANIZATION OF THE GENERAL ASSEMBLY,  
18 BUT NOT LATER THAN THE FIRST FULL WEEK IN FEBRUARY OF EACH YEAR,  
19 EXCEPT IN THE CASE WHERE A GOVERNOR HAS BEEN ELECTED FOR HIS  
20 FIRST TERM OF OFFICE AND THEN NO LATER THAN THE FIRST FULL WEEK  
21 IN MARCH, THE GOVERNOR SHALL SUBMIT TO THE GENERAL ASSEMBLY  
22 COPIES OF ORIGINAL AGENCY BUDGET REQUESTS AND ALL SUBSEQUENT  
23 REVISED AGENCY BUDGET REQUESTS AND A STATE BUDGET AND PROGRAM  
24 AND FINANCIAL PLAN EMBRACING:

25 \* \* \*

26 SECTION 614. LIST OF EMPLOYES TO BE FURNISHED TO CERTAIN  
27 STATE OFFICERS.--(A) ALL ADMINISTRATIVE DEPARTMENTS, BOARDS,  
28 AND COMMISSIONS AND THE ATTORNEY GENERAL SHALL ON JULY 15 OF  
29 EACH YEAR, TRANSMIT TO THE AUDITOR GENERAL, THE STATE TREASURER  
30 AND SECRETARY OF THE BUDGET A COMPLETE LIST, AND TO THE

1 LEGISLATIVE DATA PROCESSING CENTER A COMPUTER TAPE OF SUCH LIST,  
2 AS OF JULY 1 PRECEDING, OF THE NAMES OF ALL PERSONS, EXCEPT DAY-  
3 LABORERS, ENTITLED TO RECEIVE COMPENSATION FROM THE COMMONWEALTH  
4 FOR SERVICES RENDERED IN OR TO THE DEPARTMENT, BOARD, OR  
5 COMMISSION, AS THE CASE MAY BE. SUCH LIST SHALL SHOW THE  
6 POSITION OCCUPIED BY EACH SUCH PERSON, THE DATE OF BIRTH AND  
7 VOTING RESIDENCE OF SUCH PERSON, THE SALARY AT WHICH OR OTHER  
8 BASIS UPON WHICH SUCH PERSON IS ENTITLED TO BE PAID, THE DATE  
9 WHEN SUCH PERSON ENTERED THE SERVICE OF THE COMMONWEALTH,  
10 WHETHER SUCH PERSON HAS BEEN CONTINUOUSLY EMPLOYED BY THE  
11 COMMONWEALTH SINCE THAT DATE, AND ALL PERIODS OF SERVICE AND  
12 POSITIONS HELD AS AN EMPLOYE OF THE COMMONWEALTH, OR SUCH PART  
13 OF SUCH INFORMATION AS THE GOVERNOR MAY PRESCRIBE.

14 (B) [EACH] NO LATER THAN THE 15TH OF EACH MONTH THEREAFTER,  
15 THE ATTORNEY GENERAL, THE HEADS OF THE SEVERAL ADMINISTRATIVE  
16 DEPARTMENTS, AND THE SEVERAL INDEPENDENT ADMINISTRATIVE BOARDS  
17 AND COMMISSIONS, SHALL CERTIFY TO THE AUDITOR GENERAL, THE STATE  
18 TREASURER AND THE SECRETARY OF THE BUDGET ANY CHANGES IN THE  
19 ANNUAL LIST OF EMPLOYEES LAST TRANSMITTED TO THEM WHICH SHALL  
20 HAVE OCCURRED DURING THE PRECEDING MONTH[.] AND SHALL PROVIDE TO  
21 THE LEGISLATIVE DATA PROCESSING CENTER A COMPUTER TAPE OF SUCH  
22 CHANGES.

23 (C) THE INFORMATION RECEIVED BY THE AUDITOR GENERAL, THE  
24 STATE TREASURER AND THE SECRETARY OF THE BUDGET, UNDER THIS  
25 SECTION, SHALL BE PUBLIC INFORMATION.

26 SECTION 10. SECTION 615 OF THE ACT IS AMENDED BY ADDING A  
27 SUBSECTION TO READ:

28 SECTION 615. ESTIMATES OF CURRENT EXPENDITURES BY  
29 DEPARTMENTS, BOARDS AND COMMISSIONS.--\* \* \*

30 (D) THE SECRETARY OF THE BUDGET SHALL NOT, UNDER HIS

1 AUTHORITY PURSUANT TO THIS SECTION, DISAPPROVE OR REDUCE ANY  
2 AMOUNT APPROPRIATED BY THE GENERAL ASSEMBLY FOR GRANTS AND  
3 SUBSIDIES WITHOUT GIVING TEN (10) DAYS' PRIOR NOTICE TO THE  
4 MAJORITY AND MINORITY CHAIRMEN OF THE APPROPRIATIONS COMMITTEES  
5 OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, FOR THEIR REVIEW  
6 AND COMMENT. SUCH NOTICE SHALL INCLUDE THE AMOUNT OF THE  
7 APPROPRIATION TO BE REDUCED OR DISAPPROVED, THE REASONS WHY THE  
8 APPROPRIATION SHOULD BE REDUCED OR DISAPPROVED AND THE ESTIMATED  
9 IMPACT OF SUCH REDUCTION OR DISAPPROVAL ON THE PROGRAMS,  
10 SERVICES OR PURPOSES FOR WHICH THE APPROPRIATION IS PROVIDED.

11 SECTION 11. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

12 SECTION 620.1. ELECTRONIC ACCESS OF INFORMATION.--EXCEPT FOR  
13 CONFIDENTIAL INFORMATION, THE MAJORITY AND MINORITY CHAIRMEN OF  
14 THE APPROPRIATIONS COMMITTEES OF THE SENATE AND HOUSE OF  
15 REPRESENTATIVES SHALL HAVE ACCESS TO ALL INFORMATION AVAILABLE  
16 ON INQUIRY ONLY SCREENS THROUGH THE INTEGRATED CENTRAL SYSTEM.

17 SECTION 622. TRANSFER OF PORTION OF SURPLUS.--IN ANY FISCAL  
18 YEAR IN WHICH THE SECRETARY OF THE BUDGET CERTIFIES THAT THERE  
19 IS A SURPLUS OF OPERATING FUNDS IN THE GENERAL FUND, TEN PER  
20 CENTUM (10%) OF SUCH SURPLUS SHALL BE DEPOSITED BY THE END OF  
21 THE NEXT SUCCEEDING QUARTER INTO THE TAX STABILIZATION RESERVE  
22 FUND ESTABLISHED UNDER CHAPTER 2 OF THE ACT OF JULY 1, 1985  
23 (P.L.120, NO.32), REFERRED TO AS THE TAX STABILIZATION RESERVE  
24 FUND ACT.

25 SECTION 623. DISPOSITION OF COMMONWEALTH ASSETS.--MONEY  
26 RECEIVED FROM THE DISPOSITION OF ASSETS OF THE COMMONWEALTH  
27 SHALL BE DEPOSITED INTO THE TAX STABILIZATION RESERVE FUND.

28 SECTION 12. SECTION 1903-A(5) AND (11) OF THE ACT, AMENDED  
29 DECEMBER 3, 1970 (P.L.834, NO.275), ARE AMENDED TO READ:

30 SECTION 1903-A. FOREST POWERS; LEASE OF SMALL AREAS OF STATE



1 FORESTS.--THE DEPARTMENT OF ENVIRONMENTAL RESOURCES SHALL HAVE  
2 THE POWER:

3 \* \* \*

4 (5) TO GIVE TO BOROUGHES AND OTHER MUNICIPALITIES OF THIS  
5 COMMONWEALTH AND TO RELATED MUNICIPAL AUTHORITIES, UPON SUCH  
6 TERMS AND SUBJECT TO SUCH RESTRICTIONS AND REGULATIONS AS THE  
7 DEPARTMENT MAY DEEM PROPER, THE PRIVILEGE OF IMPOUNDING WATER  
8 AND DRILLING WATER WELLS UPON ANY STATE FOREST, AND OF  
9 CONSTRUCTING, MAINTAINING, AND OPERATING LINES OF PIPES UPON AND  
10 THROUGH STATE FORESTS FOR THE PURPOSE OF CONVEYING WATER  
11 THEREFROM, WHENEVER IT SHALL BE TO THE PUBLIC INTEREST SO TO DO.

12 \* \* \*

13 (11) TO LEASE, WITH THE APPROVAL OF THE GOVERNOR, AND IN  
14 COOPERATION WITH THE DEPARTMENT OF COMMERCE, THOSE STATE FOREST  
15 LANDS ACQUIRED BY GIFT FROM PENNSYLVANIA STATE UNIVERSITY OR BY  
16 ACQUISITION FROM THE CURTISS-WRIGHT CORPORATION WHICH ARE  
17 LOCATED AT QUEHANNA, PENNSYLVANIA, OR RECOVERED THROUGH THE  
18 TERMINATION OF A LEASE WITH CURTISS-WRIGHT CORPORATION RELATING  
19 TO QUEHANNA, PENNSYLVANIA, AND UPON WHICH ARE ERECTED CERTAIN  
20 INDUSTRIAL BUILDINGS CONSTRUCTED BY THE CURTISS-WRIGHT  
21 CORPORATION FOR INDUSTRIAL OR ECONOMIC DEVELOPMENT PURPOSES OR  
22 FOR NUCLEAR REACTOR SAFETY ZONE PURPOSES.

23 SUCH LEASES MAY BE MADE WITH INDUSTRIAL TENANTS OR NONPROFIT  
24 INDUSTRIAL DEVELOPMENT CORPORATIONS. THE DEPARTMENT IN SECURING  
25 TENANTS SHALL COOPERATE FULLY WITH THE DEPARTMENT OF COMMERCE.  
26 EVERY SUCH LEASE ENTERED INTO SHALL CONFORM IN GENERAL TO THE  
27 TERMS OF THE STANDARD INDUSTRIAL LEASE USED BY THE DEPARTMENT  
28 AND APPROVED BY THE ATTORNEY GENERAL. EVERY SUCH LEASE SHALL  
29 OTHERWISE THAN AS IN THIS ACT PRESCRIBED BE UPON SUCH TERMS AND  
30 CONDITIONS AS THE SECRETARY OF ENVIRONMENTAL RESOURCES DEEMS IN

1 THE BEST INTERESTS OF THE COMMONWEALTH. HOWEVER, ALL PAVED ROADS  
2 THROUGH THE QUEHANNA PROJECT SHALL REMAIN OPEN TO THE GENERAL  
3 PUBLIC USE. ANY SUCH LEASE MAY PERMIT THE TENANT TO ALTER OR  
4 EXPAND, AT ITS OWN EXPENSE AND WITH THE APPROVAL OF THE  
5 DEPARTMENT FIRST OBTAINED IN WRITING, EXISTING BUILDINGS TO MEET  
6 THE REQUIREMENTS OF ITS PARTICULAR INDUSTRIAL OPERATION. EVERY  
7 SUCH LEASE SHALL PROVIDE FOR THE DEPOSIT OF INDUSTRIAL FLOOR  
8 SPACE RENTALS AND SEWAGE AND WATER RENTALS IN A RESTRICTED  
9 RECEIPTS FUND, FROM WHICH THE DEPARTMENT MAY DRAW MONEYS FOR USE  
10 IN DEVELOPING, OPERATING AND MAINTAINING THE WATER AND SEWAGE  
11 DISPOSAL FACILITIES, AND REPLACING MACHINERY, EQUIPMENT AND  
12 FIXTURES APPURTENANT THERETO, AT AFORESAID QUEHANNA. SAID  
13 RESTRICTED RECEIPTS FUND SHALL BE AUDITED TWO YEARS FROM THE  
14 EFFECTIVE DATE OF THIS ACT AND AT TWO-YEAR INTERVALS THEREAFTER,  
15 WITH ANY RESIDUE APPEARING IN SAID FUND AT THE END OF EACH  
16 AUDITING PERIOD TO BE DEPOSITED IN THE GENERAL FUND.

17 THE DEPARTMENT IS HEREBY AUTHORIZED TO INDEMNIFY AND HOLD  
18 HARMLESS PERMAGRAIN PRODUCTS, INC. FROM AND AGAINST ANY AND ALL  
19 DAMAGES INCURRED BY PERMAGRAIN PRODUCTS, INC., RELATED TO  
20 PERSONAL INJURY OR PROPERTY DAMAGE, RESULTING FROM RADIOACTIVE  
21 CONTAMINATION ARISING EXCLUSIVELY FROM PERFORMANCE BY THE  
22 COMMONWEALTH OR ITS CONTRACTORS OF THE CHARACTERIZATION,  
23 REMEDICATION, DECONTAMINATION AND REMOVAL OF RADIOACTIVE  
24 MATERIALS FROM CONTAMINATED STRUCTURES ON THOSE STATE FOREST  
25 LANDS ACQUIRED FROM THE PENNSYLVANIA STATE UNIVERSITY OR  
26 CURTISS-WRIGHT CORPORATION AND LOCATED AT QUEHANNA,  
27 PENNSYLVANIA.

28 \* \* \*

29 SECTION 13. SECTION 1905-A(B) OF THE ACT IS AMENDED BY  
30 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

1 APPLY TO ALL SURVIVOR-SPOUSES OF ANNUITANTS WHO ATTAIN SUCH  
2 STATUS SUBSEQUENT TO THE EFFECTIVE DATE OF THE ADDITION OF  
3 SECTION 529 OF THE ACT.

4 SECTION 17. THE AMENDMENT OF THE DEFINITION OF "CRIME" IN  
5 SECTION 477 OF THE ACT SHALL BE RETROACTIVE TO SEPTEMBER 1,  
6 1990.

7 SECTION 18. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

8 (1) THE AMENDMENT OR ADDITION OF SECTIONS 477.3, 477.9,  
9 477.15, 479.1, 479.3 AND 529 OF THE ACT SHALL TAKE EFFECT IN  
10 60 DAYS.

11 (2) THE REMAINDER OF THE ACT SHALL TAKE EFFECT  
12 IMMEDIATELY.