

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 771 Session of
1995

INTRODUCED BY HOLL, MARCH 14, 1995

SENATOR TILGHMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,
JUNE 13, 1995

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 employees 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 employees of certain departments, boards and
20 commissions shall be determined," requiring the Department of
21 Environmental Resources to make annual in lieu of tax
22 payments to certain school districts; AND FURTHER PROVIDING <—
23 FOR THE POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH IN
24 RELATION TO METHADONE MAINTENANCE FACILITIES.

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

27 Section 1. Section 1906-A of the act of April 9, 1929
28 (P.L.177, No.175), known as The Administrative Code of 1929, is

1 amended by adding a clause to read:

2 Section 1906-A. Parks.--The Department of Environmental
3 Resources shall have the power, and its duty shall be:

4 * * *

5 (4.1) To make annual in lieu of tax payments, within the
6 limits of annual appropriations for such purpose, to any school
7 district which has a State park situated within the boundaries
8 of that school district and which State park has parcels of land
9 leased under clause (4) at a rental amount nearly equivalent to
10 fair market value, such in lieu of tax payment to be equivalent
11 to the amount of tax which would be collected except for
12 Commonwealth ownership.

13 * * *

14 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

15 SECTION 2125. METHADONE MAINTENANCE FACILITIES.--(A) THE
16 DEPARTMENT OF HEALTH MAY, IN ITS OPINION, REFUSE ANY APPLICATION
17 FOR A NEW LICENSE FOR A METHADONE MAINTENANCE FACILITY IF THE
18 FACILITY IS OR WOULD BE WITHIN ONE THOUSAND FEET OF ANY CHURCH,
19 CHARITABLE INSTITUTION, SCHOOL OR PUBLIC PLAYGROUND, OR IF, IN
20 THE OPINION OF THE DEPARTMENT THE FACILITY IS OR WOULD BE
21 DETRIMENTAL TO THE HEALTH, WELFARE, PEACE OR MORALS OF SUCH
22 CHURCH, CHARITABLE INSTITUTION, SCHOOL OR PUBLIC PLAYGROUND OR
23 THE INHABITANTS OF THE NEIGHBORHOOD WITHIN A RADIUS OF ONE
24 THOUSAND FEET OF THE LICENSED FACILITY.

25 (B) (1) OWNERS AND OPERATORS OF METHADONE MAINTENANCE
26 FACILITIES LICENSED BY THE DEPARTMENT SHALL REQUIRE PROSPECTIVE
27 EMPLOYEES TO SUBMIT WITH THEIR EMPLOYMENT APPLICATION, PURSUANT
28 TO 18 PA.C.S. CH. 91 (RELATING TO CRIMINAL HISTORY RECORD
29 INFORMATION), A REPORT OF CRIMINAL HISTORY RECORD INFORMATION
30 FROM THE PENNSYLVANIA STATE POLICE OR A STATEMENT FROM THE

1 PENNSYLVANIA STATE POLICE THAT THEIR CENTRAL REPOSITORY CONTAINS
2 NO SUCH INFORMATION RELATING TO THAT PERSON. THIS CRIMINAL
3 HISTORY RECORD INFORMATION SHALL BE LIMITED TO THAT WHICH IS
4 DISSEMINATED PURSUANT TO 18 PA.C.S. § 9121(B)(2) (RELATING TO
5 GENERAL REGULATIONS) AND SHALL BE NO MORE THAN ONE YEAR OLD. AN
6 APPLICANT MAY SUBMIT A COPY OF THE REQUIRED INFORMATION WITH THE
7 APPLICATION FOR EMPLOYMENT. ADMINISTRATORS SHALL MAINTAIN A COPY
8 OF THE REQUIRED INFORMATION AND SHALL REQUIRE EACH APPLICANT TO
9 PRODUCE THE ORIGINAL DOCUMENT PRIOR TO EMPLOYMENT. ALL CURRENT
10 EMPLOYEES MUST OBTAIN THIS REPORT WITHIN SIX MONTHS FROM THE
11 EFFECTIVE DATE OF THIS SECTION IN ORDER TO REMAIN AN EMPLOYEE OF
12 THE FACILITY.

13 (2) THIS SUBSECTION SHALL APPLY TO ALL CURRENT AND
14 PROSPECTIVE EMPLOYEES OF METHADONE MAINTENANCE FACILITIES
15 LICENSED BY THE DEPARTMENT OF HEALTH.

16 (C) THE DEPARTMENT SHALL PROMULGATE REGULATIONS TO IMPLEMENT
17 THE PROVISIONS OF THIS SECTION.

18 Section 2.—~~This~~ 3. THE AMENDMENT OF SECTION 1906-A OF THE <—
19 act shall apply to the fiscal year beginning July 1, 1995, and
20 each fiscal year thereafter.

21 ~~Section 3. This act shall take effect immediately.~~ <—

22 SECTION 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

23 (1) THE ADDITION OF SECTION 2125 OF THE ACT SHALL TAKE
24 EFFECT IN 60 DAYS.

25 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
26 IMMEDIATELY.