
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1729 Session of
2007

INTRODUCED BY HUTCHINSON, TURZAI, GINGRICH, REED, DENLINGER,
PICKETT, MARSICO, CAPPELLI, ADOLPH, ARGALL, BAKER, BARRAR,
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MENSCH, METCALFE, MILLARD, R. MILLER, MILNE, MOUL, MOYER,
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PHILLIPS, PYLE, QUIGLEY, RAPP, REICHLEY, ROAE, ROCK, SAYLOR,
SCAVELLO, S. H. SMITH, SONNEY, STAIRS, STERN, R. STEVENSON,
SWANGER, TRUE, VEREB AND VULAKOVICH, JULY 13, 2007

REFERRED TO COMMITTEE ON APPROPRIATIONS, JULY 13, 2007

AN ACT

1 To provide from the General Fund for the expenses of the
2 Department of Public Welfare for the fiscal year July 1,
3 2007, to June 30, 2008.

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

18 PART I

19 GENERAL PROVISIONS

20 Section 101. Short title.--This act shall be known and may
21 be cited as the Department of Public Welfare Accountability Act.

22 Section 102. Definitions.--The following words and phrases
23 when used in this act shall have the meanings given to them in
24 this section unless the context clearly indicates otherwise:

25 "Employees." Includes all directors, superintendents, bureau
26 or division chiefs, assistant directors, assistant
27 superintendents, assistant chiefs, experts, scientists,
28 engineers, surveyors, draftsmen, accountants, secretaries,
29 auditors, inspectors, examiners, analysts, statisticians,
30 marshals, clerks, stenographers, bookkeepers, messengers and

1 other assistants in the Department of Public Welfare.

2 "Expenses" and "maintenance." Includes all printing, binding
3 and stationery, food and forage, materials and supplies,
4 traveling expenses, training, motor vehicle supplies and
5 repairs, freight, express and cartage, postage, telephones and
6 telegraph rentals and toll charges, newspaper advertising and
7 notices, public advertising by or through any medium, fuel,
8 light, heat, power and water, minor construction and renovation,
9 repairs or reconstruction of equipment, buildings and
10 facilities, rent of real estate and equipment, premiums on
11 workers' compensation, insurance premiums on policies of
12 liability insurance, insurance premiums on medical payment
13 insurance and surety bonds for volunteer workers, premiums on
14 employee group life insurance and employee and retired employee
15 group hospital and medical insurance, payment of Commonwealth
16 share of Social Security taxes and unemployment compensation
17 costs for State employees, the purchase of replacement or
18 additional equipment and machinery and all other incidental
19 costs and expenses, including payment to the Department of
20 General Services of mileage and other charges for the use of
21 automobiles and rental payments for permanently assigned
22 automobiles and of expenses or costs of services incurred
23 through the Purchasing Fund.

24 Section 103. Abbreviations.--The following abbreviations
25 when used in this act shall have the meanings given to them in
26 this section unless the context clearly indicates otherwise:

27 "MR." Mental Retardation.

28 Section 104. State appropriations.--The following sums set
29 forth in this act, or as much thereof as may be necessary, are
30 hereby specifically appropriated from the General Fund to the

1 Department of Public Welfare for the payment of salaries, wages
2 or other compensation and travel expenses of the duly elected or
3 appointed officers and employees of the Commonwealth, for the
4 payment of fees for contractual services rendered, for the
5 purchase or rental of goods and services, printing, public
6 advertising by or through any medium, equipment, land and
7 buildings and for payment of any other expenses, as provided by
8 law or by this act, necessary for the proper conduct of the
9 duties, functions and activities and for the purposes
10 hereinafter set forth for the fiscal year beginning July 1,
11 2007.

12 PART II

13 DEPARTMENT OF PUBLIC WELFARE APPROPRIATIONS

14 FOR 2007-2008

15 Section 201. Department of Public
16 Welfare.--The following sums are
17 appropriated to the Department of

18 Public Welfare:	Federal	State
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19 For general government operations		
20 of the Department of Public Welfare.		
21 By December 15, 2007, and on March 31,		
22 2008, the State Treasurer, based on a		
23 review of TANF reports submitted by		
24 the Department of Public Welfare to		
25 the Federal Department of Health and		
26 Human Services or based on written		
27 notice by the Secretary of Public		
28 Welfare or the Federal Secretary of		
29 Health and Human Services of		
30 noncompliance with the mandatory work		

1 participation rates required under 45
2 CFR 261.21 (relating to what overall
3 work rate must a State meet?) and 45
4 CFR 261.23 (relating to what two-
5 parent rate must a State meet?), shall
6 publish in the Pennsylvania Bulletin
7 notice of whether the department is in
8 compliance with the mandatory work
9 participation rates for TANF for the
10 Federal fiscal year ending September
11 30, 2007. If noncompliance is found by
12 the State Treasurer on either of those
13 dates, the amount of the appropriation
14 shall be reduced by \$5,887,000. On
15 December 30, 2007, and March 31, 2008,
16 the State Treasurer, based on a review
17 of documents submitted by the
18 Secretary of Public Welfare, shall
19 publish in the Pennsylvania Bulletin
20 notice of whether the department is in
21 compliance with mandatory work
22 participation rates with respect to
23 general assistance. If noncompliance
24 is found by the State Treasurer on
25 either of those dates, the amount of
26 the appropriation shall be reduced by
27 \$5,887,000. However, the reduction may
28 only be assessed once, regardless of
29 the number of times the State
30 Treasurer publishes notice of

1 noncompliance for TANF or general
2 assistance.

3 State appropriation..... 58,866,000

4 For information systems. By
5 December 15, 2007, and on March 31,
6 2008, the State Treasurer, based on a
7 review of TANF reports submitted by
8 the Department of Public Welfare to
9 the Federal Department of Health and
10 Human Services or based on written
11 notice by the Secretary of Public
12 Welfare or the Federal Secretary of
13 Health and Human Services of
14 noncompliance with the mandatory work
15 participation rates required under 45
16 CFR 261.21 (relating to what overall
17 work rate must a State meet?) and 45
18 CFR 261.23 (relating to what two-
19 parent rate must a State meet?), shall
20 publish in the Pennsylvania Bulletin
21 notice of whether the department is in
22 compliance with the mandatory work
23 participation rates for TANF for the
24 Federal fiscal year ending September
25 30, 2007. If noncompliance is found by
26 the State Treasurer on either of those
27 dates, the amount of the appropriation
28 shall be reduced by \$5,353,000. On
29 December 30, 2007, and March 31, 2008,
30 the State Treasurer, based on a review

1 of documents submitted by the
2 Secretary of Public Welfare, shall
3 publish in the Pennsylvania Bulletin
4 notice of whether the department is in
5 compliance with mandatory work
6 participation rates with respect to
7 general assistance. If noncompliance
8 is found by the State Treasurer on
9 either of those dates, the amount of
10 the appropriation shall be reduced by
11 \$5,353,000. However, the reduction may
12 only be assessed once, regardless of
13 the number of times the State
14 Treasurer publishes notice of
15 noncompliance for TANF or general
16 assistance.

17 State appropriation..... 53,528,000

18 For Statewide operations related to
19 county administration of the public
20 assistance and medical assistance
21 programs. By December 15, 2007, and on
22 March 31, 2008, the State Treasurer,
23 based on a review of TANF reports
24 submitted by the Department of Public
25 Welfare to the Federal Department of
26 Health and Human Services or based on
27 written notice by the Secretary of
28 Public Welfare or the Federal
29 Secretary of Health and Human Services
30 of noncompliance with the mandatory

1 work participation rates required
2 under 45 CFR 261.21 (relating to what
3 overall work rate must a State meet?)
4 and 45 CFR 261.23 (relating to what
5 two-parent rate must a State meet?),
6 shall publish in the Pennsylvania
7 Bulletin notice of whether the
8 department is in compliance with the
9 mandatory work participation rates for
10 TANF for the Federal fiscal year
11 ending September 30, 2007. If
12 noncompliance is found by the State
13 Treasurer on either of those dates,
14 the amount of the appropriation shall
15 be reduced by \$3,358,000. On December
16 30, 2007, and March 31, 2008, the
17 State Treasurer, based on a review of
18 documents submitted by the Secretary
19 of Public Welfare, shall publish in
20 the Pennsylvania Bulletin notice of
21 whether the department is in
22 compliance with mandatory work
23 participation rates with respect to
24 general assistance. If noncompliance
25 is found by the State Treasurer on
26 either of those dates, the amount of
27 the appropriation shall be reduced by
28 \$3,358,000. However, the reduction may
29 only be assessed once, regardless of
30 the number of times the State

1 Treasurer publishes notice of
2 noncompliance for TANF or general
3 assistance.

4 State appropriation..... 33,580,000

5 For county assistance office
6 operations related to administration
7 of the public assistance and medical
8 assistance programs. By December 15,
9 2007, and on March 31, 2008, the State
10 Treasurer, based on a review of TANF
11 reports submitted by the Department of
12 Public Welfare to the Federal
13 Department of Health and Human
14 Services or based on written notice by
15 the Secretary of Public Welfare or the
16 Federal Secretary of Health and Human
17 Services of noncompliance with the
18 mandatory work participation rates
19 required under 45 CFR 261.21 (relating
20 to what overall work rate must a State
21 meet?) and 45 CFR 261.23 (relating to
22 what two-parent rate must a State
23 meet?), shall publish in the
24 Pennsylvania Bulletin notice of
25 whether the department is in
26 compliance with the mandatory work
27 participation rates for TANF for the
28 Federal fiscal year ending September
29 30, 2007. If noncompliance is found by
30 the State Treasurer on either of those

1 dates, the amount of the appropriation
2 shall be reduced by \$24,791,000. On
3 December 30, 2007, and March 31, 2008,
4 the State Treasurer, based on a review
5 of documents submitted by the
6 Secretary of Public Welfare, shall
7 publish in the Pennsylvania Bulletin
8 notice of whether the department is in
9 compliance with mandatory work
10 participation rates with respect to
11 general assistance. If noncompliance
12 is found by the State Treasurer on
13 either of those dates, the amount of
14 the appropriation shall be reduced by
15 \$24,791,000. However, the reduction
16 may only be assessed once, regardless
17 of the number of times the State
18 Treasurer publishes notice of
19 noncompliance for TANF or general
20 assistance.

21 State appropriation..... 247,910,000

22 For cash assistance grants
23 including employment and training and
24 child care services for cash
25 assistance recipients and child care
26 services for former cash assistance
27 recipients. By December 15, 2007, and
28 on March 31, 2008, the State
29 Treasurer, based on a review of TANF
30 reports submitted by the Department of

1 Public Welfare to the Federal
2 Department of Health and Human
3 Services or based on written notice by
4 the Secretary of Public Welfare or the
5 Federal Secretary of Health and Human
6 Services of noncompliance with the
7 mandatory work participation rates
8 required under 45 CFR 261.21 (relating
9 to what overall work rate must a State
10 meet?) and 45 CFR 261.23 (relating to
11 what two-parent rate must a State
12 meet?), shall publish in the
13 Pennsylvania Bulletin notice of
14 whether the department is in
15 compliance with the mandatory work
16 participation rates for TANF for the
17 Federal fiscal year ending September
18 30, 2007. If noncompliance is found by
19 the State Treasurer on either of those
20 dates, the amount of the appropriation
21 shall be reduced by \$48,884,000. On
22 December 30, 2007, and March 31, 2008,
23 the State Treasurer, based on a review
24 of documents submitted by the
25 Secretary of Public Welfare, shall
26 publish in the Pennsylvania Bulletin
27 notice of whether the department is in
28 compliance with mandatory work
29 participation rates with respect to
30 general assistance. If noncompliance

1 is found by the State Treasurer on
2 either of those dates, the amount of
3 the appropriation shall be reduced by
4 \$48,884,000. However, the reduction
5 may only be assessed once, regardless
6 of the number of times the State
7 Treasurer publishes notice of
8 noncompliance for TANF or general
9 assistance.

10 State appropriation..... 488,838,000

11 PART XX

12 MISCELLANEOUS PROVISIONS FOR 2007-2008

13 Section 2001. Prior laws unaffected.--This act is not
14 intended to be inconsistent with or to repeal any provision of
15 any act enacted at this or any prior session of the General
16 Assembly regulating the purchase of supplies, the ordering of
17 printing and binding, the purchase, maintenance and use of
18 automobiles, the method of making payments from the State
19 Treasury for any purpose or the functioning of any
20 administrative department, board or commission.

21 Section 2002. Compliance with other law before funds
22 available.--No appropriation made by this act to the Department
23 of Public Welfare shall be available unless and until the
24 department has complied with section 615 of the act of April 9,
25 1929 (P.L.177, No.175), known as The Administrative Code of
26 1929.

27 Section 2003. Contracts prerequisite to encumbering or
28 committing funds.--Funds available to the Department of Public
29 Welfare under this act for the procurement of supplies, services
30 or construction shall not be available for payment of, or to be

1 committed to or encumbered for payment of, any such procurement
2 unless and until the department has complied with all of the
3 requirements applicable to the procurement that are set out in
4 62 Pa.C.S. (relating to procurement) and in the policies,
5 procedures and regulations instituted in accordance with that
6 code.

7 Section 2004. Minority business set-asides.--(a) The
8 Department of Public Welfare if authorized to contract for
9 buildings, highways, commodities, equipment, supplies or
10 services shall report to the General Assembly all information
11 pertinent to anticipated procurement needs at the beginning of
12 each fiscal year and each fiscal quarter thereafter.

13 (b) As used in this section, the term "minority business"
14 means a minority business enterprise as defined in the act of
15 July 22, 1974 (P.L.598, No.206), known as the Pennsylvania
16 Minority Business Development Authority Act.

17 Section 2005. Appropriation of funds from miscellaneous
18 sources.--(a) In addition to the amounts appropriated by this
19 act, moneys received in payment for food and household supplies
20 furnished to employees and other persons, except inmates, by an
21 institution, and moneys received from the proceeds from the sale
22 of any products of the soil, meats, livestock, timber or other
23 materials sold by the Department of Public Welfare shall be paid
24 into the General Fund and are hereby appropriated out of the
25 General Fund to the several respective institutions for the
26 operation and maintenance of the institutions.

27 (b) In addition to the amounts appropriated by this act, all
28 moneys received from any other source, except the Federal
29 Government, as contributions for the programs provided herein or
30 as payment for services or materials furnished by one

1 institution to another, except those collections designated as
2 revenues, shall be paid into the General Fund and are hereby
3 appropriated out of the General Fund for the purposes of the
4 respective appropriations.

5 (c) In addition to any funds specifically appropriated by
6 this act, all moneys received by the Department of Public
7 Welfare from any other sources, except the Federal Government,
8 as contributions or supplements to the department for a program
9 or administration of an act included in this act shall be paid
10 into the General Fund and credited to the appropriation for that
11 program or administration of the act.

12 Section 2006. Lapsing of unused funds.--Except as otherwise
13 provided by law, that part of all appropriations in Part II
14 unexpended, uncommitted or unencumbered as of June 30, 2008,
15 shall automatically lapse as of that date.

16 Section 2007. Transfer of excess funds.--The Governor may
17 transfer any excess money in those funds receiving proceeds of
18 Commonwealth of Pennsylvania general obligation bonds in excess
19 of the amount necessary for the purposes for which the bonds
20 were issued to the appropriate sinking fund for payment of debt
21 service due on outstanding bonds. If such excess funds, together
22 with any available balance, exceed the amount of debt service
23 remaining to be paid, the funds shall be transferred to the
24 General Fund or to the appropriate special fund responsible for
25 such debt service.

26 Section 2008. Construction.--Nothing in this act is intended
27 to limit the amount of or the expenditure of any Federal
28 appropriation to the Department of Public Welfare as set forth
29 in the act of , 2007 (P.L. , No.), known as the
30 General Appropriation Act of 2007.

1 Section 2009. Repeal.--Section 219 of the act of ,
2 2007 (P.L. , No.), known as the General Appropriation Act
3 of 2007, is repealed to the extent is it inconsistent with the
4 State appropriations made to the Department of Public Welfare
5 under this act.

6 PART XXI

7 EFFECTIVE DATE

8 Section 2101. Retroactivity.--This act shall be retroactive
9 to July 1, 2007.

10 Section 2102. Implementation legislation.--Upon enactment of
11 an amendment to the act of April 9, 1929 (P.L.343, No.176),
12 known as The Fiscal Code, providing for fiscal year 2007-2008
13 budget implementation and for restrictions on appropriations for
14 funds and accounts, the following apply:

15 (1) The Secretary of the Commonwealth shall submit
16 notice of the enactment to the Legislative Reference Bureau
17 for publication in the Pennsylvania Bulletin.

18 (2) Upon receipt of the notice under paragraph (1), the
19 bureau shall file the notice for public inspection without
20 regard to 1 Pa.Code §§ 13.55 (relating to filing for public
21 inspection) and 13.74 (relating to effectiveness prior to
22 publication).

23 Section 2103. Effective date.--This act shall take effect as
24 follows:

25 (1) The following provisions shall take effect
26 immediately:

27 (i) Sections 2101 and 2102.

28 (ii) This section.

29 (2) The remainder of this act shall take effect upon the
30 date of filing of the notice for public inspection under

1 section 2102(2).