
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2281 Session of
2020

INTRODUCED BY BROOKS, BOBACK, PICKETT, MILLARD, CIRESI, JOZWIAK,
GREINER, SCHMITT, THOMAS, BERNSTINE, HILL-EVANS, GLEIM,
KAUFER, RYAN, NEILSON, ROEBUCK AND ZIMMERMAN, MARCH 4, 2020

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 4, 2020

AN ACT

1 Amending Titles 7 (Banks and Banking), 12 (Commerce and Trade),
2 15 (Corporations and Unincorporated Associations), 18 (Crimes
3 and Offenses), 20 (Decedents, Estates and Fiduciaries), 23
4 (Domestic Relations), 25 (Elections), 30 (Fish), 34 (Game),
5 35 (Health and Safety), 37 (Historical and Museums), 40
6 (Insurance), 42 (Judiciary and Judicial Procedure), 51
7 (Military Affairs), 53 (Municipalities Generally), 54
8 (Names), 61 (Prisons and Parole), 62 (Procurement), 64
9 (Public Authorities and Quasi-Public Corporations), 66
10 (Public Utilities), 68 (Real and Personal Property), 71
11 (State Government), 74 (Transportation) and 75 (Vehicles) of
12 the Pennsylvania Consolidated Statutes, making editorial
13 changes relating to obsolete references to certain
14 Commonwealth agencies, secretaries and acts relating thereto.

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

17 Section 1. Section 6133(b) and (d)(2) of Title 7 of the
18 Pennsylvania Consolidated Statutes are amended to read:

19 § 6133. Issuance of license.

20 * * *

21 (b) Appeal of denial.--If the department refuses to issue a
22 license, it shall notify the applicant in writing of the denial,
23 the reason for the denial and the applicant's right to appeal

1 the denial to the Secretary of Banking and Securities. An appeal
2 from the department's refusal to approve an application for a
3 license must be filed by the applicant within 30 days of notice
4 of refusal.

5 * * *

6 (d) Denial of license due to conviction.--

7 * * *

8 (2) A license under this chapter shall be deemed to be a
9 covered license within the meaning of section 405 of the act
10 of May 15, 1933 (P.L.565, No.111), known as the Department of
11 Banking and Securities Code. The department shall notify a
12 licensee if a covered individual within the meaning of
13 section 405 of the Department of Banking and Securities Code
14 that is or will be employed or contracted by the licensee has
15 a criminal background that renders the employee unfit for
16 employment in the mortgage loan business.

17 * * *

18 Section 2. The definition of "medical facility" in section
19 2902 of Title 12 is amended to read:

20 § 2902. Definitions.

21 The following words and phrases when used in this chapter
22 shall have the meanings given to them in this section unless the
23 context clearly indicates otherwise:

24 * * *

25 "Medical facility." An entity licensed as a hospital under
26 the act of June 13, 1967 (P.L.31, No.21), known as the [Public
27 Welfare] Human Services Code, or the act of July 19, 1979
28 (P.L.130, No.48), known as the Health Care Facilities Act.

29 * * *

30 Section 3. The definition of "hospital" in section 3402 of

1 Title 12 is amended to read:

2 § 3402. Definitions.

3 The following words and phrases when used in this chapter
4 shall have the meaning given to them in this section unless the
5 context clearly indicates otherwise:

6 * * *

7 "Hospital." A facility operated by an entity licensed as a
8 hospital under the act of June 13, 1967 (P.L.31, No.21), known
9 as the [Public Welfare] Human Services Code, or the act of July
10 19, 1979 (P.L.130, No.48), known as the Health Care Facilities
11 Act, which is used to provide inpatient care and services.

12 * * *

13 Section 4. Section 1511(f) of Title 15 is amended to read:

14 § 1511. Additional powers of certain public utility
15 corporations.

16 * * *

17 (f) Effect on other statutes.--Subsections (a) through (e)
18 shall not be construed to eliminate the exemption by statute of
19 certain agricultural or historical lands from liability to
20 condemnation or entry nor to affect or modify any of the
21 provisions of [the act of December 19, 1984 (P.L.1140, No.223),
22 known as the Oil and Gas Act,] 58 Pa.C.S. Ch. 32 (relating to
23 development) or of 66 Pa.C.S. § 1104 (relating to certain
24 appropriations by [the] right of eminent domain prohibited) or
25 2702 (relating to construction, relocation, suspension and
26 abolition of crossings), nor to permit the acquisition of water
27 rights, water or land underlying them by any public utility
28 corporation that has not received from the Department of
29 Environmental [Resources] Protection a limited power permit,
30 limited water supply permit, order of confirmation, permit for

1 acquisition of water rights or gubernatorial easement, right-of-
2 way, license or lease authorizing the acquisition or occupancy.

3 * * *

4 Section 5. Section 2713(c) of Title 18 is amended to read:

5 § 2713. Neglect of care-dependent person.

6 * * *

7 (c) Report during investigation.--When in the course of
8 conducting any regulatory or investigative responsibility, the
9 Department of Aging, the Department of Health or the Department
10 of [Public Welfare] Human Services has a reasonable cause to
11 believe that a care-dependent person or care-dependent persons
12 residing in a facility have suffered bodily injury or been
13 unlawfully restrained in violation of subsection (a)(1) or (2),
14 a report shall be made immediately to the local law enforcement
15 agency or to the Office of Attorney General.

16 * * *

17 Section 6. The definition of "center for children" in
18 section 3124.2(b) of Title 18 is amended to read:

19 § 3124.2. Institutional sexual assault.

20 * * *

21 (b) Definitions.--As used in this section, the following
22 words and phrases shall have the meanings given to them in this
23 subsection unless the context clearly indicates otherwise:

24 * * *

25 "Center for children." Includes a child day-care center,
26 group and family day-care home, boarding home for children, a
27 center providing early intervention and drug and alcohol
28 services for children or other facility which provides child-
29 care services which are subject to approval, licensure,
30 registration or certification by the Department of [Public

1 Welfare] Human Services or a county social services agency or
2 which are provided pursuant to a contract with the department or
3 a county social services agency. The term does not include a
4 youth development center, youth forestry camp, State or county
5 juvenile detention facility and other licensed residential
6 facility serving children and youth.

7 Section 7. Sections 6501(f) and 7506(a) of Title 18 are
8 amended to read:

9 § 6501. Scattering rubbish.

10 * * *

11 (f) Exception.--Subsection (a)(3) does not apply to the
12 lawful depositing of waste at any site regulated by the
13 Department of Environmental [Resources] Protection.

14 * * *

15 § 7506. Violation of rules regarding conduct on Commonwealth
16 property.

17 (a) Promulgation of rules and regulations.--The Department
18 of [Environmental] Conservation and Natural Resources,
19 Pennsylvania Game Commission and Pennsylvania Historical and
20 Museum Commission may promulgate rules and regulations governing
21 conduct, other than conduct regulated in section 7505 (relating
22 to violation of governmental rules regarding traffic), on
23 Commonwealth property within the jurisdiction of that agency.
24 Such rules and regulations shall be reasonably related to the
25 preservation and protection of such property for its specified
26 or intended use, or to promote the welfare, safety or protection
27 of those persons using such property, shall be consistent with
28 existing law and shall be posted in a manner reasonable likely
29 to come to the attention of persons using such property.

30 * * *

1 Section 8. The definition of "criminal justice agency" in
2 section 9102 of Title 18 is amended to read:

3 § 9102. Definitions.

4 The following words and phrases when used in this chapter
5 shall have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 * * *

8 "Criminal justice agency." Any court, including the minor
9 judiciary, with criminal jurisdiction or any other governmental
10 agency, or subunit thereof, created by statute or by the State
11 or Federal constitutions, specifically authorized to perform as
12 its principal function the administration of criminal justice,
13 and which allocates a substantial portion of its annual budget
14 to such function. Criminal justice agencies include, but are not
15 limited to: organized State and municipal police departments,
16 local detention facilities, county, regional and State
17 correctional facilities, probation agencies, district or
18 prosecuting attorneys, parole boards, pardon boards, the
19 facilities and administrative offices of the Department of
20 [Public Welfare] Human Services that provide care, guidance and
21 control to adjudicated delinquents, and such agencies or
22 subunits thereof, as are declared by the Attorney General to be
23 criminal justice agencies as determined by a review of
24 applicable statutes and the State and Federal Constitutions or
25 both.

26 * * *

27 Section 9. Sections 3101(c), 3319(b)(1), 3321(d), 5488(b),
28 5525, 7780.3(a) and 7799.3(c), (d)(1), (e)(1) and (2) and (f) of
29 Title 20 are amended to read:

30 § 3101. Payments to family and funeral directors.

1 * * *

2 (c) Patient's care account.--When the decedent was a
3 qualified recipient of medical assistance from the Department of
4 [Public Welfare] Human Services, the facility in which he was a
5 patient may make payment of funds, if any, remaining in the
6 patient's care account, for the decedent's burial expenses to a
7 licensed funeral director in an amount not exceeding \$10,000
8 whether or not a personal representative has been appointed.
9 After the payment of decedent's burial expenses, the facility
10 may pay the balance of decedent's patient's care account, as
11 long as the payments, including the payment for burial expenses,
12 does not exceed \$10,000, to the spouse, any child, the father or
13 mother or any sister or brother (preference being given in the
14 order named) of the deceased patient. Any facility making such a
15 payment shall be released to the same extent as if payment had
16 been made to a duly appointed personal representative of the
17 decedent and it shall not be required to see to the application
18 thereof. Any licensed funeral director or other person to whom
19 payment is made shall be answerable therefor to anyone
20 prejudiced by an improper distribution.

21 * * *

22 § 3319. Power of attorney; delegation of power over
23 subscription rights and fractional shares; authorized
24 delegations.

25 * * *

26 (b) Delegation of power over subscription rights and
27 fractional shares.--Where there is more than one personal
28 representative, one or more may delegate to another the power to
29 decide whether rights to subscribe to stock should be sold or
30 should be exercised, and also the power to decide whether a

1 fractional share of stock should be sold or should be rounded
2 out to a whole share through the purchase of an additional
3 fraction, and also the power to carry out any such decision. Any
4 delegation may extend to all subscription rights and fractional
5 shares from time to time received by the personal
6 representatives on account of stock held by them, or may be
7 limited to any extent specified in the delegation. No exercise
8 of any delegated power shall be valid, unless:

9 (1) the stock on which the subscription rights or
10 fractional shares are issued are listed or traded on the New
11 York Stock Exchange or any other exchange approved by the
12 Department of Banking and Securities; and

13 * * *

14 § 3321. Nominee registration; corporate fiduciary as agent;
15 deposit of securities in a clearing corporation;
16 book-entry securities.

17 * * *

18 (d) Deposit of securities in a clearing corporation.--A
19 personal representative holding securities in its fiduciary
20 capacity, any bank and trust company, trust company or National
21 bank holding securities as an agent pursuant to subsection (c)
22 of this section, is authorized to deposit or arrange for the
23 deposit of such securities in a clearing corporation (as defined
24 in Division 8 of Title 13 (relating to investment securities)).
25 When such securities are so deposited, certificates representing
26 securities of the same class of the same issuer may be merged
27 and held in bulk in the name of the nominee of such clearing
28 corporation with any other such securities deposited in such
29 clearing corporation by any person regardless of the ownership
30 of such securities, and certificates of small denomination may

1 be merged into one or more certificates of larger denomination.
2 The records of such fiduciary and the records of such bank and
3 trust company, trust company or National bank acting as an agent
4 under a power of attorney for a personal representative shall at
5 all times show the name of the party for whose account the
6 securities are so deposited. Title to such securities may be
7 transferred by bookkeeping entry on the books of such clearing
8 corporation without physical delivery of certificates
9 representing such securities. A bank and trust company, trust
10 company or National bank so depositing securities pursuant to
11 this section shall be subject to such rules and regulations as,
12 in the case of State chartered institutions, the Department of
13 Banking and Securities and, in the case of National banking
14 associations, the comptroller of the currency may from time to
15 time issue including, without limitation, standards for, or the
16 method of making a determination of, the financial
17 responsibility of any clearing corporation in which securities
18 are deposited. A bank and trust company, trust company or
19 National bank acting as custodian for a personal representative
20 shall, on demand by the personal representative, certify in
21 writing to the personal representative the securities so
22 deposited by such bank and trust company, trust company or
23 National bank in such clearing corporation for the account of
24 such personal representative. A personal representative shall,
25 on demand by any party to a judicial proceeding for the
26 settlement of such personal representative's account or on
27 demand by the attorney for such party, certify in writing to
28 such party the securities deposited by such personal
29 representative in such clearing corporation for its account as
30 such personal representative.

1 * * *

2 § 5488. Advisory committee.

3 * * *

4 (b) Membership.--The committee shall include representatives
5 from the Pennsylvania Medical Society, the Hospital and Health
6 System Association of Pennsylvania, the Joint State Government
7 Commission's Advisory Committee on Decedents' Estates Laws, the
8 Pennsylvania Bar Association, the Department of Aging, the
9 Department of [Public Welfare] Human Services and other
10 interested persons at the department's discretion.

11 * * *

12 § 5525. Notice to Commonwealth and political subdivisions.

13 When the Commonwealth or a political subdivision thereof has
14 a claim for maintaining an incapacitated person in an
15 institution, the guardian, within three months of his
16 appointment, shall give notice thereof to the Department of
17 [Public Welfare] Human Services or the proper officer of such
18 political subdivision, as the case may be.

19 § 7780.3. Duty to inform and report.

20 (a) Duty to respond to requests.--A trustee shall promptly
21 respond to a reasonable request by the settlor of a trust or by
22 a beneficiary of an irrevocable trust for information related to
23 the trust's administration. A trustee shall promptly respond to
24 the Department of [Public Welfare's] Human Service's reasonable
25 request for information related to the trust's administration
26 when a settlor or beneficiary is a resident in a State-owned
27 facility or an applicant for or recipient of cash or medical
28 assistance from the Commonwealth and the department certifies in
29 writing that it has obtained a currently valid consent for the
30 disclosure of such information from the settlor or beneficiary

1 of the trust. A trustee may rely upon the department's
2 certification without investigating its accuracy.

3 * * *

4 § 7799.3. Pooled trusts for individuals with disabilities.

5 * * *

6 (c) Pooled trust fund.--Before the funding of a pooled
7 trust, all liens and claims in favor of the Department of
8 [Public Welfare] Human Services for repayment of cash and
9 medical assistance shall first be satisfied. All money received
10 for pooled trust funds shall be deposited with a court-approved
11 corporate fiduciary or with the State Treasury if no court-
12 approved corporate fiduciary is available to the trustee. The
13 funds shall be pooled for investment and management. A separate
14 account shall be maintained for each beneficiary, and quarterly
15 accounting statements shall be provided to each beneficiary by
16 the trustee. The court-approved corporate fiduciary or the State
17 Treasury shall provide quarterly accounting statements to the
18 trustee. The court-approved corporate fiduciary or the State
19 Treasury may charge a trust management fee to cover the costs of
20 managing the funds in the pooled trust.

21 (d) Reporting.--

22 (1) In addition to reports required to be filed under 15
23 Pa.C.S. Pt. III (relating to partnerships and limited
24 liability companies), the trustee shall file an annual report
25 with the Office of Attorney General and the Department of
26 [Public Welfare] Human Services, along with an itemized
27 statement which shows the funds collected for the year,
28 income earned, salaries paid, other expenses incurred and the
29 opening and final trust balances. A copy of this statement
30 shall be available to the beneficiary, settlor or designee of

1 the settlor upon request.

2 * * *

3 (e) Coordination of services.--

4 (1) The Department of [Public Welfare] Human Services
5 shall review and approve the pooled trust of an applicant for
6 medical assistance.

7 (2) In the determination of eligibility for medical
8 assistance benefits, the interest of a disabled beneficiary
9 in a pooled trust that has been approved by the Department of
10 [Public Welfare] Human Services shall not be considered as a
11 resource for purposes of determining the beneficiary's
12 eligibility for medical assistance.

13 * * *

14 (f) Notice.--The Office of Attorney General and the
15 Department of [Public Welfare] Human Services shall make
16 available information on the treatment of pooled trusts for the
17 individuals with disabilities in the medical assistance program.

18 * * *

19 Section 10. The definition of "agency" in section 2102 of
20 Title 23 is amended to read:

21 § 2102. Definitions.

22 The following words and phrases when used in this part shall
23 have, unless the context clearly indicates otherwise, the
24 meanings given to them in this section:

25 * * *

26 "Agency." Any incorporated or unincorporated organization,
27 society, institution or other entity, public or voluntary, which
28 may receive or provide for the care of children, supervised by
29 the Department of [Public Welfare] Human Services and providing
30 adoption services in accordance with standards established by

1 the department.

2 * * *

3 Section 11. Sections 2503(e), 2504(d), 2505(e), 2511(c),
4 2551, 2552, 2732 and 2910 of Title 23 are amended to read:

5 § 2503. Hearing.

6 * * *

7 (e) Right to file personal and medical history
8 information.--At the time the decree of termination is
9 transmitted to the parent whose rights are terminated, the court
10 shall advise that parent, in writing, of his or her continuing
11 right to place and update personal and medical history
12 information, whether or not the medical condition is in
13 existence or discoverable at the time of adoption, on file with
14 the court and with the Department of [Public Welfare] Human
15 Services pursuant to Subchapter B of Chapter 29 (relating to
16 records and access to information).

17 § 2504. Alternative procedure for relinquishment.

18 * * *

19 (d) Right to file personal and medical history
20 information.--At the time the decree of termination is
21 transmitted to the parent, the court shall also advise, in
22 writing, the parent whose rights have been terminated of his or
23 her continuing right to place and update personal and medical
24 history information, whether or not the medical condition is in
25 existence or discoverable at the time of adoption, on file with
26 the court and with the Department of [Public Welfare] Human
27 Services pursuant to Subchapter B of Chapter 29 (relating to
28 records and access to information).

29 § 2505. Counseling.

30 * * *

1 (e) Counseling fund.--Except as hereinafter provided, each
2 report of intention to adopt filed pursuant to section 2531
3 (relating to report of intention to adopt) shall be accompanied
4 by a filing fee in the amount of \$75 which shall be paid into a
5 segregated fund established by the county. The county may also
6 make supplemental appropriations to the fund. All costs of
7 counseling provided pursuant to subsection (c) or (d) to
8 individuals who are unable to pay for such counseling shall be
9 paid from the fund. No filing fee may be exacted under this
10 subsection with respect to the adoption of a special needs child
11 who would be eligible for adoption assistance pursuant to
12 regulations promulgated by the Department of [Public Welfare]
13 Human Services. In addition, the court may reduce or waive the
14 fee in cases of demonstrated financial hardship.

15 § 2511. Grounds for involuntary termination.

16 * * *

17 (c) Right to file personal and medical history
18 information.--At the time the decree of termination is
19 transmitted to the parent whose rights have been terminated, the
20 court shall advise the parent, in writing, of his or her
21 continuing right to place and update personal and medical
22 history information, whether or not the medical condition is in
23 existence or discoverable at the time of adoption, on file with
24 the court and with the Department of [Public Welfare] Human
25 Services pursuant to Subchapter B of Chapter 29 (relating to
26 records and access to information).

27 § 2551. Definitions.

28 The following words and phrases when used in this subchapter
29 shall have the meanings given to them in this section unless the
30 context clearly indicates otherwise:

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

3 "PACE." The Pennsylvania Adoption Cooperative Exchange.
4 § 2552. Pennsylvania Adoption Cooperative Exchange.

5 There shall be a Pennsylvania Adoption Cooperative Exchange
6 in the Office of Children, Youth and Families of the Department
7 of [Public Welfare] Human Services.

8 § 2732. Definitions.

9 The following words and phrases when used in this subchapter
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Agency." A public or private entity, including a county
13 agency, that:

14 (1) is licensed, supervised or regulated by the
15 Department of [Public Welfare] Human Services; and

16 (2) provides adoption services.

17 "Agreement." A voluntary written agreement between an
18 adoptive parent and a birth relative that is approved by a court
19 and provides for continuing contact or communication between the
20 child and the birth relative or between the adoptive parent and
21 the birth relative as provided under this subchapter.

22 "Birth relative." A parent, grandparent, stepparent,
23 sibling, uncle or aunt of the child's birth family, whether the
24 relationship is by blood, marriage or adoption.

25 "Child." An individual who is under 18 years of age.

26 "County agency." A county children and youth social service
27 agency established under section 405 of the act of June 24, 1937
28 (P.L.2017, No.396), known as the County Institution District
29 Law, or its successor, and supervised by the Department of
30 [Public Welfare] Human Services under Article IX of the act of

1 June 13, 1967 (P.L.31, No.21), known as the [Public Welfare]
2 Human Services Code.

3 "Department." The Department of [Public Welfare] Human
4 Services of the Commonwealth.

5 § 2910. Penalty for unauthorized disclosure.

6 Any officer or employee of the court, other than a judge
7 thereof, the Department of Health, the Department of [Public
8 Welfare] Human Services or any agency who willfully discloses
9 impounded or otherwise confidential information relating to an
10 adoption, other than as expressly authorized and provided in
11 this chapter, commits a misdemeanor of the third degree.

12 Section 12. The definition of "department" in section 2911
13 of Title 23 is amended to read:

14 § 2911. Definitions.

15 The following words and phrases when used in this subchapter
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 * * *

19 "Department." The Department of [Public Welfare] Human
20 Services of the Commonwealth.

21 * * *

22 Section 13. The definitions of "department" and "State
23 disbursement unit" in section 4302 of Title 23 are amended to
24 read:

25 § 4302. Definitions.

26 The following words and phrases when used in this chapter
27 shall have the meanings given to them in this section unless the
28 context clearly indicates otherwise:

29 * * *

30 "Department." The Department of [Public Welfare] Human

1 Services of the Commonwealth.

2 * * *

3 "State disbursement unit." The organizational unit
4 established within the Department of [Public Welfare] Human
5 Services responsible for collecting and disbursing support as
6 provided in section 4374 (relating to State disbursement unit).

7 * * *

8 Section 14. Section 4306(c) of Title 23 is amended to read:
9 § 4306. Duties of Title IV-D attorney.

10 * * *

11 (c) Joinder of Department of [Public Welfare] Human
12 Services.--Whenever the record in any support action or
13 proceeding indicates that the persons for whom support is sought
14 have received public assistance from the Department of [Public
15 Welfare] Human Services at any time since the initiation of the
16 matter, the department may become a party to the action or
17 proceeding by filing an entry of appearance. This entry of
18 appearance may be entered without leave of court at any time and
19 at any stage of the action or proceeding.

20 Section 15. The definition of "net proceeds" in section
21 4308.1(i) of Title 23 is amended to read:

22 § 4308.1. Collection of overdue support from monetary awards.

23 * * *

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

27 * * *

28 "Net proceeds." Moneys in excess of \$5,000 payable to a
29 prevailing party or beneficiary, or in the case of an award
30 under the act of June 2, 1915 (P.L.736, No.338), known as the

1 Workers' Compensation Act, or the act of June 21, 1939 (P.L.566,
2 No.284), known as The Pennsylvania Occupational Disease Act, the
3 claimant after payment of attorney fees, witness fees, court
4 costs, reasonable litigation expenses, documented unpaid
5 expenses incurred for medical treatment causally related to the
6 claim, any workers' compensation or occupational disease
7 indemnity or medical payment and payments to the medical
8 assistance program under sections 1409 and 1412 of the act of
9 June 13, 1967 (P.L.31, No.21), known as the [Public Welfare]
10 Human Services Code.

11 * * *

12 Section 16. The definition of "health care coverage" in
13 section 4326(1) of Title 23 is amended to read:

14 § 4326. Mandatory inclusion of child medical support.

15 * * *

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

19 * * *

20 "Health care coverage." Coverage for medical, dental,
21 orthodontic, optical, psychological, psychiatric or other health
22 care services for a child. For the purposes of this section,
23 medical assistance under Subarticle (f) of Article IV of the act
24 of June 13, 1967 (P.L.31, No.21), known as the [Public Welfare]
25 Human Services Code, shall not be considered health care
26 coverage.

27 * * *

28 Section 17. Sections 4343(c)(6), 4355(d.6) and 4371 of Title
29 23 are amended to read:

30 § 4343. Paternity.

1 * * *

2 (c) Genetic tests.--

3 * * *

4 (6) A determination of nonpaternity made by another
5 state with respect to a public assistance recipient shall not
6 be binding upon the Department of [Public Welfare] Human
7 Services unless the defendant shows that the department had
8 actual notice of the proceedings, including the date and time
9 of any trial, and a fair opportunity to participate in all
10 material proceedings through counsel of its own choice.

11 § 4355. Denial or suspension of licenses.

12 * * *

13 (d.6) Immunity.--The court, the domestic relations section,
14 the Department of [Public Welfare] Human Services, the
15 Department of Transportation, the Pennsylvania Game Commission,
16 the Pennsylvania Fish and Boat Commission or any employee of any
17 of these entities or any person appointed by the Pennsylvania
18 Game Commission or the Pennsylvania Fish and Boat Commission to
19 issue licenses and permits pursuant to the applicable provisions
20 of 30 Pa.C.S. (relating to fish) and 34 Pa.C.S. (relating to
21 game) shall not be subject to civil or criminal liability for
22 carrying out their duties under this section.

23 * * *

24 § 4371. Definitions.

25 The following words and phrases when used in this subchapter
26 shall have the meanings given to them in this section unless the
27 context clearly indicates otherwise:

28 "Assistance." Cash assistance, medical assistance or
29 designated services provided under Article IV of the act of June
30 13, 1967 (P.L.31, No.21), known as the [Public Welfare] Human

1 Services Code.

2 "Legally responsible relative." Effective January 1, 1997, a
3 spouse and a parent for an unemancipated minor child.

4 "Secretary." The Secretary of [Public Welfare] Human
5 Services of the Commonwealth.

6 Section 18. The definition of "assistance group" in section
7 4374(g) of Title 23 is amended to read:

8 § 4374. State disbursement unit.

9 * * *

10 (g) Definitions.--The following words and phrases when used
11 in this section shall have the meanings given to them in this
12 subsection unless the context clearly indicates otherwise:

13 "Assistance group." The term shall have the meaning given in
14 section 402 of the act of June 13, 1967 (P.L.31, No.21), known
15 as the [Public Welfare] Human Services Code.

16 * * *

17 Section 19. The definition of "department" in section 4602
18 of Title 23 is amended to read:

19 § 4602. Definitions.

20 The following words and phrases when used in this chapter
21 shall have the meanings given to them in this section unless the
22 context clearly indicates otherwise:

23 * * *

24 "Department." The Department of [Public Welfare] Human
25 Services of the Commonwealth.

26 Section 20. Sections 4603(b)(2), 5103(a), (b), (c)(1), (e)
27 and (f), 5329.1(b)(1) and (2), 6106(d) and 6114(b)(2) of Title
28 23 are amended to read:

29 § 4603. Relatives' liability; procedure.

30 * * *

1 (b) Amount.--

2 * * *

3 (2) For medical assistance for the aged other than
4 public nursing home care, as provided in section 401 of the
5 act of June 13, 1967 (P.L.31, No.21), known as the [Public
6 Welfare] Human Services Code, the following apply:

7 (i) Except as set forth in subparagraph (ii), the
8 amount of liability shall, during any 12-month period, be
9 the lesser of:

10 (A) six times the excess of the liable
11 individual's average monthly income over the amount
12 required for the reasonable support of the liable
13 individual and other persons dependent upon the
14 liable individual; or

15 (B) the cost of the medical assistance for the
16 aged.

17 (ii) The department may, by reasonable regulations,
18 adjust the liability under subparagraph (i), including
19 complete elimination of the liability, at a cost to the
20 Commonwealth not exceeding those funds certified by the
21 Secretary of the Budget as available for this purpose.

22 * * *

23 § 5103. Acknowledgment and claim of paternity.

24 (a) Acknowledgment of paternity.--The father of a child born
25 to an unmarried woman may file with the Department of [Public
26 Welfare] Human Services, on forms prescribed by the department,
27 an acknowledgment of paternity of the child which shall include
28 the consent of the mother of the child, supported by her
29 witnessed statement subject to 18 Pa.C.S. § 4904 (relating to
30 unsworn falsification to authorities). In such case, the father

1 shall have all the rights and duties as to the child which he
2 would have had if he had been married to the mother at the time
3 of the birth of the child, and the child shall have all the
4 rights and duties as to the father which the child would have
5 had if the father had been married to the mother at the time of
6 birth. The hospital or other person accepting an acknowledgment
7 of paternity shall provide written and oral notice, which may be
8 through the use of video or audio equipment, to the birth mother
9 and birth father of the alternatives to, the legal consequences
10 of and the rights and responsibilities that arise from, signing
11 the acknowledgment.

12 (b) Claim of paternity.--If the mother of the child fails or
13 refuses to join in the acknowledgment of paternity provided for
14 in subsection (a), the Department of [Public Welfare] Human
15 Services shall index it as a claim of paternity. The filing and
16 indexing of a claim of paternity shall not confer upon the
17 putative father any rights as to the child except that the
18 putative father shall be entitled to notice of any proceeding
19 brought to terminate any parental rights as to the child.

20 (c) Duty of hospital or birthing center.--Upon the birth of
21 a child to an unmarried woman, an agent of the hospital or
22 birthing center where the birth occurred shall:

23 (1) Provide the newborn's birth parents with an
24 opportunity to complete an acknowledgment of paternity. The
25 completed, signed and witnessed acknowledgment shall be sent
26 to the Department of [Public Welfare] Human Services. A copy
27 shall be given to each of the birth parents. This
28 acknowledgment shall contain:

29 (i) A signed, witnessed statement subject to 18
30 Pa.C.S. § 4904 (relating to unsworn falsification to

1 authorities) by the birth mother consenting to the
2 acknowledgment of paternity.

3 (ii) A signed, witnessed statement subject to 18
4 Pa.C.S. § 4904 by the birth father acknowledging his
5 paternity.

6 (iii) A written explanation of the parental duties
7 and parental rights which arise from signing such a
8 statement.

9 (iv) The Social Security numbers and addresses of
10 both birth parents.

11 * * *

12 (e) Transfer.--The Department of Health shall transfer to
13 the Department of [Public Welfare] Human Services all
14 acknowledgments or claims of paternity filed with the Department
15 of Health under prior statutes.

16 (f) Certifications.--The Department of [Public Welfare]
17 Human Services shall provide necessary certifications under Part
18 III (relating to adoption) as to whether any acknowledgment or
19 claim of paternity has been filed in regard to any child who is
20 a prospective adoptive child.

21 * * *

22 § 5329.1. Consideration of child abuse and involvement with
23 protective services.

24 * * *

25 (b) Cooperation.--The following apply:

26 (1) The Department of [Public Welfare] Human Services
27 and the county children and youth social service agency shall
28 fully cooperate with the court and assist the court in
29 fulfilling its duties under this section.

30 (2) The Department of [Public Welfare] Human Services

1 and the county children and youth social service agency shall
2 fully cooperate with the governing authority in order to
3 implement the provisions of this section.

4 * * *

5 § 6106. Commencement of proceedings.

6 * * *

7 (d) Surcharge on order.--When a protection order is granted
8 under section 6107(a), other than pursuant to an agreement of
9 the parties, a surcharge of \$100 shall be assessed against the
10 defendant. All moneys received from surcharges shall be
11 distributed in the following order of priority:

12 (1) \$25 shall be forwarded to the Commonwealth and shall
13 be appropriated to the Pennsylvania State Police to establish
14 and maintain the Statewide registry of protection orders
15 provided for in section 6105.

16 (2) \$50 shall be retained by the county and shall be
17 used to carry out the provisions of this chapter as follows:

18 (i) \$25 shall be used by the sheriff.

19 (ii) \$25 shall be used by the court.

20 (3) \$25 shall be forwarded to the Department of [Public
21 Welfare] Human Services for use for victims of domestic
22 violence in accordance with the provisions of section 2333 of
23 the act of April 9, 1929 (P.L.177, No.175), known as The
24 Administrative Code of 1929.

25 * * *

26 § 6114. Contempt for violation of order or agreement.

27 * * *

28 (b) Trial and punishment.--

29 * * *

30 (2) All money received under this section shall be

1 distributed in the following order of priority:

2 (i) \$100 shall be forwarded to the Commonwealth and
3 shall be appropriated to the Pennsylvania State Police to
4 establish and maintain the Statewide registry of
5 protection orders provided for in section 6105 (relating
6 to responsibilities of law enforcement agencies).

7 (ii) \$100 shall be retained by the county and shall
8 be used to carry out the provisions of this chapter as
9 follows:

10 (A) \$50 shall be used by the sheriff.

11 (B) \$50 shall be used by the court.

12 (iii) \$100 shall be forwarded to the Department of
13 [Public Welfare] Human Services for use for victims of
14 domestic violence in accordance with the provisions of
15 section 2333 of the act of April 9, 1929 (P.L.177,
16 No.175), known as The Administrative Code of 1929.

17 (iv) Any additional money shall be forwarded to the
18 Commonwealth and shall be used by the Pennsylvania State
19 Police to establish and maintain the Statewide registry
20 of protection orders provided for in section 6105.

21 * * *

22 Section 21. The definition of "county agency" in section
23 6303(a) of Title 23 is amended to read:

24 § 6303. Definitions.

25 (a) General rule.--The following words and phrases when used
26 in this chapter shall have the meanings given to them in this
27 section unless the context clearly indicates otherwise:

28 * * *

29 "County agency." The county children and youth social
30 service agency established pursuant to section 405 of the act of

1 June 24, 1937 (P.L.2017, No.396), known as the County
2 Institution District Law, or its successor, and supervised by
3 the department under Article IX of the act of June 13, 1967
4 (P.L.31, No.21), known as the [Public Welfare] Human Services
5 Code.

6 * * *

7 Section 22. Sections 6311(a)(16), 6341(b), 6344(a)(8) and
8 (d.3)(1), 6363, 6376(d), 6383(b)(4) and (c)(1) and 6385 of Title
9 23 are amended to read:

10 § 6311. Persons required to report suspected child abuse.

11 (a) Mandated reporters.--The following adults shall make a
12 report of suspected child abuse, subject to subsection (b), if
13 the person has reasonable cause to suspect that a child is a
14 victim of child abuse:

15 * * *

16 (16) An adult family member who is a person responsible
17 for the child's welfare and provides services to a child in a
18 family living home, community home for individuals with an
19 intellectual disability or host home for children which are
20 subject to supervision or licensure by the department under
21 Articles IX and X of the act of June 13, 1967 (P.L.31,
22 No.21), known as the [Public Welfare] Human Services Code.

23 * * *

24 § 6341. Amendment or expunction of information.

25 * * *

26 (b) Review of grant of request.--If the secretary grants the
27 request under subsection (a)(2), the Statewide database,
28 appropriate county agency, appropriate law enforcement officials
29 and all subjects shall be so advised of the decision. The county
30 agency and any subject have 90 days in which to file an

1 administrative appeal with the secretary. If an administrative
2 appeal is received, the secretary or his designated agent shall
3 schedule a hearing pursuant to Article IV of the act of June 13,
4 1967 (P.L.31, No.21), known as the [Public Welfare] Human
5 Services Code, attending departmental regulations. If no
6 administrative appeal is received within the designated time
7 period, the Statewide database shall comply with the decision of
8 the secretary and advise the county agency to amend or expunge
9 the information in their records so that the records are
10 consistent at both the State and local levels.

11 * * *

12 § 6344. Employees having contact with children; adoptive and
13 foster parents.

14 (a) Applicability.--Beginning December 31, 2014, this
15 section applies to the following individuals:

16 * * *

17 (8) An individual 18 years of age or older who resides
18 for at least 30 days in a calendar year in the following
19 homes which are subject to supervision or licensure by the
20 department under Articles IX and X of the act of June 13,
21 1967 (P.L.31, No.21), known as the [Public Welfare] Human
22 Services Code:

23 (i) A family living home.

24 (ii) A community home for individuals with an
25 intellectual disability.

26 (iii) A host home for children.

27 This paragraph does not include an individual with an
28 intellectual disability or chronic psychiatric disability
29 receiving services in a home.

30 * * *

1 (d.3) Family living homes, community homes for individuals
2 with an intellectual disability and host homes.--

3 (1) The following shall apply to an individual over 18
4 years of age residing in a family living home, a community
5 home for individuals with an intellectual disability or a
6 host home for children, which are subject to supervision or
7 licensure by the department under Articles IX and X of the
8 [Public Welfare] Human Services Code:

9 (i) If an individual is arrested for or convicted of
10 an offense that would constitute grounds for denying
11 approval under this chapter, or is named as a perpetrator
12 in a founded or indicated report, the individual shall
13 provide the agency with written notice not later than 72
14 hours after the arrest, conviction or notification that
15 the individual was named as a perpetrator in the
16 Statewide database.

17 (ii) The adult family member who is providing
18 services to a child in the home shall be required to
19 report any other change in the household composition
20 within 30 days of the change for review by the agency. If
21 any individual over 18 years of age, who has resided
22 outside this Commonwealth at any time within the previous
23 five-year period, begins residing in the home, that
24 individual shall, within 30 days of beginning residence,
25 submit to the agency a certification obtained from the
26 Statewide database, or its equivalent in each state in
27 which the individual has resided within the previous
28 five-year period, as to whether the person is named as a
29 perpetrator. If the certification shows that the person
30 is named as a perpetrator within the previous five-year

1 period, the agency shall forward the certification to the
2 department for review.

3 * * *

4 § 6363. County plan for protective services.

5 The county agency shall include provisions for protective
6 services in its annual plan as required by the act of June 13,
7 1967 (P.L.31, No.21), known as the [Public Welfare] Human
8 Services Code.

9 § 6376. Appeals with respect to general protective services.

10 * * *

11 (d) Hearing.--If a hearing is requested, the secretary or
12 his designated agent shall schedule a hearing pursuant to
13 Article IV of the act of June 13, 1967 (P.L.31, No.21), known as
14 the [Public Welfare] Human Services Code, and applicable
15 department regulations. The burden of proof in the hearing shall
16 be on the county agency. The department shall assist the county
17 agency as necessary.

18 * * *

19 § 6383. Education and training.

20 * * *

21 (b) Duties of Department of State.--

22 * * *

23 (4) A licensing board with jurisdiction over
24 professional licensees identified as mandated reporters under
25 this chapter may exempt an applicant or licensee from the
26 training or continuing education required by paragraph (3) if
27 all of the following apply:

28 (i) The applicant or licensee submits documentation
29 acceptable to the licensing board that the person has
30 already completed child abuse recognition training.

1 (ii) The training was:

2 (A) required by section 1205.6 of the act of
3 March 10, 1949 (P.L.30, No.14), known as the Public
4 School Code of 1949, and the training program was
5 approved by the Department of Education in
6 consultation with the department; or

7 (B) required by the act of June 13, 1967
8 (P.L.31, No.21), known as the [Public Welfare] Human
9 Services Code, and the training program was approved
10 by the department.

11 (iii) The amount of training received equals or
12 exceeds the amount of training or continuing education
13 required by paragraph (3).

14 * * *

15 (c) Training of persons subject to department regulation.--

16 (1) The following persons shall be required to meet the
17 child abuse recognition and reporting training requirements
18 of this subsection:

19 (i) Operators of institutions, facilities or
20 agencies which care for children and are subject to
21 supervision by the department under Article IX of the
22 [Public Welfare] Human Services Code, and their employees
23 who have direct contact with children.

24 (ii) Foster parents.

25 (iii) Operators of facilities and agencies which
26 care for children and are subject to licensure by the
27 department under Article X of the [Public Welfare] Human
28 Services Code and their employees who have direct contact
29 with children.

30 (iv) Caregivers in family child-care homes which are

1 subject to licensure by the department under Article X of
2 the [Public Welfare] Human Services Code and their
3 employees who have direct contact with children.

4 (v) The adult family member who is a person
5 responsible for the child's welfare and is providing
6 services to a child in a family living home, a community
7 home for individuals with an intellectual disability or a
8 host home which is subject to supervision or licensure by
9 the department under Articles IX and X of the [Public
10 Welfare] Human Services Code.

11 * * *

12 § 6385. Reimbursement to county agencies.

13 The department shall certify in accordance with the needs-
14 based budgeting provisions of Article VII of the act of June 13,
15 1967 (P.L.31, No.21), known as the [Public Welfare] Human
16 Services Code, a level of funds sufficient to meet the cost of
17 services required by the provisions of this chapter which are
18 reasonable and allowable as defined in Article VII.

19 Section 23. The definition of "department" in section 6502
20 of Title 23 is amended to read:

21 § 6502. Definitions.

22 The following words and phrases when used in this chapter
23 shall have the meanings given to them in this section unless the
24 context clearly indicates otherwise:

25 * * *

26 "Department." The Department of [Public Welfare] Human
27 Services of the Commonwealth.

28 * * *

29 Section 24. The definition of "department" in section
30 8101(b) of Title 23 is amended to read:

1 § 8101. Short title of part and definitions.

2 * * *

3 (b) Definitions.--Subject to additional definitions
4 contained in subsequent provisions of this part which are
5 applicable to specific provisions of this part, the following
6 words and phrases when used in this part shall have the meanings
7 given to them in this section unless the context clearly
8 indicates otherwise:

9 * * *

10 "Department." The Department of [Public Welfare] Human
11 Services of the Commonwealth.

12 * * *

13 Section 25. Section 1201 of Title 25 is amended to read:

14 § 1201. Departmental responsibilities.

15 The department shall do all of the following:

16 (1) Provide for applicants to submit their voter
17 registration application to a commission, the Department of
18 Transportation and other agencies designated in section 1325
19 (relating to government agencies).

20 (2) Prescribe a procedure for the return of completed
21 voter registration applications from the Department of
22 Transportation, the Department of [Public Welfare] Human
23 Services, armed forces recruitment centers, Offices of the
24 Clerk of Orphan's Court and all other offices under this part
25 to the secretary or the appropriate commission.

26 (3) Develop, establish, implement and administer a
27 Statewide Uniform Registry of Electors in accordance with
28 Subchapter B (relating to Statewide Uniform Registry of
29 Electors (SURE)).

30 (4) Promulgate regulations necessary to administer this

1 part.

2 Section 26. Section 306(a) of Title 30 is amended to read:

3 § 306. Boating Advisory Board.

4 (a) Composition.--There is hereby continued within the
5 commission a Boating Advisory Board. The board shall consist of
6 the Secretary of Environmental [Resources] Protection, or his
7 designee, the executive director of the commission and the
8 assistant executive director of the commission in charge of
9 watercraft safety, all of whom shall be ex officio members, and
10 five volunteer members to be appointed by the Governor for terms
11 of five years or, in the case of a vacancy, for the remainder of
12 the unexpired term.

13 * * *

14 Section 27. Section 723(3) of Title 34 is amended to read:

15 § 723. Exchange or sale.

16 The commission may, by resolution adopted by a majority of
17 the members present and voting at a public meeting:

18 * * *

19 (3) Sell lands to the Department of [Environmental]
20 Conservation and Natural Resources for State forests or to
21 the Federal Government for National Forests or National
22 Wildlife Refuges when in the best interests of game or
23 wildlife.

24 Section 28. The definition of "custodial child care
25 facility" in section 7102 of Title 35 is amended to read:

26 § 7102. Definitions.

27 The following words and phrases when used in this part shall
28 have, unless the context clearly indicates otherwise, the
29 meanings given to them in this section:

30 * * *

1 "Custodial child care facility." A child day care center as
2 defined under section 1001 of the act of June 13, 1967 (P.L.31,
3 No.21), known as the [Public Welfare] Human Services Code, or
4 nursery school licensed or regulated by the Commonwealth.

5 * * *

6 Section 29. Sections 7312(a) and 7701(b) of Title 35 are
7 amended to read:

8 § 7312. Organization.

9 This agency shall consist of and be organized substantially
10 as follows:

11 (a) Council.--Primary responsibility for overall policy and
12 direction of a Statewide civil defense and disaster program and
13 response capability of the type hereinafter prescribed shall be
14 vested in a body legally known as the Pennsylvania Emergency
15 Management Council, which shall be composed of: the Governor,
16 Lieutenant Governor, Adjutant General, Secretary of Health,
17 Attorney General, General Counsel, Secretary of Community
18 [Affairs] and Economic Development, Secretary of Environmental
19 Protection, Secretary of Transportation, Secretary of
20 Agriculture, Secretary of [Public Welfare] Human Services,
21 Commissioner of the Pennsylvania State Police, Chairman of the
22 Public Utility Commission, State Fire Commissioner, Speaker of
23 the House of Representatives, President pro tempore of the
24 Senate, Minority Leader of the Senate and Minority Leader of the
25 House of Representatives. The Speaker of the House of
26 Representatives, President pro tempore of the Senate, Minority
27 Leader of the Senate and Minority Leader of the House of
28 Representatives may authorize a member of their respective
29 Houses of the General Assembly to serve in their stead. The
30 Governor may authorize up to two representatives of business and

1 industry, up to two representatives of labor, up to two public
2 members at large and one representative respectively of the
3 Pennsylvania State Association of County Commissioners, the
4 Pennsylvania State Association of Township Commissioners, the
5 Pennsylvania State Association of Township Supervisors, the
6 Pennsylvania League of Cities and the Pennsylvania State
7 Association of Boroughs to be nonvoting members of the council.
8 The Governor may designate a member to serve as chairman. Five
9 members shall constitute a quorum.

10 * * *

11 § 7701. Duties concerning disaster prevention.

12 * * *

13 (b) Department of Environmental [Resources] Protection.--The
14 Department of Environmental [Resources] Protection, in
15 conjunction with the Pennsylvania Emergency Management Agency,
16 shall keep land uses and construction of structures and other
17 facilities under continuing study and identify areas which are
18 particularly susceptible to severe land shifting, subsidence,
19 flood or other catastrophic occurrence. The studies under this
20 subsection shall concentrate on means of reducing or avoiding
21 the dangers caused by this occurrence or the consequences
22 thereof.

23 * * *

24 Section 30. Section 306(2) of Title 37 is amended to read:

25 § 306. Publications and reproductions.

26 The commission shall have the power and duty to:

27 * * *

28 (2) Official repositories.--Establish one official
29 repository for its publications from among the qualified
30 historical or archaeological societies within each of the

1 geographic areas established and defined by the Department of
2 Community [Affairs] and Economic Development as "Standard
3 Regions." The Pennsylvania State Library and the Library of
4 Congress shall also be official repositories for commission
5 publications.

6 * * *

7 Section 31. Section 6121 of Title 40 is amended to read:

8 § 6121. Eligible hospitals.

9 Any hospital plan corporation may enter into contracts for
10 the rendering of hospitalization to any of its subscribers only
11 with hospitals operated by the Commonwealth, or its agencies, or
12 by political subdivisions, or by corporations organized under
13 the laws of this Commonwealth for hospital purposes, or with
14 such other hospitals as are approved by the Department of
15 [Public Welfare] Human Services.

16 Section 32. Sections 2705(a), 3502(b), 3721(c)(2) and
17 4521.1(a)(1) of Title 42 are amended to read:

18 § 2705. Responsibility for reports to executive agencies.

19 (a) Community [Affairs] and Economic Development.--The
20 office of clerk of the court of common pleas shall certify to
21 the Department of Community [Affairs] and Economic Development a
22 copy of any order of court incorporating, merging, dissolving,
23 annexing any territory from or to, confirming the adoption,
24 amendment or repeal of any home rule charter or optional plan of
25 government, or otherwise affecting the corporate status of any
26 municipality.

27 * * *

28 § 3502. Financial regulations.

29 * * *

30 (b) County staff.--The Department of Community [Affairs] and

1 Economic Development, with the approval of the governing
2 authority, may promulgate regulations relating to forms and
3 accounting methods to be utilized in connection with the
4 judicial and related accounts to be maintained pursuant to this
5 part, designating the county staff who shall establish and
6 maintain the judicial and related account of the political
7 subdivision, defining for accounting purposes terms not
8 otherwise defined, used in this part in connection with judicial
9 and related accounts, specifying the time and manner of making
10 remittances and disbursements of moneys under this part by
11 county staff and fixing bonding requirements of county staff
12 handling moneys which are subject to this part. As used in this
13 subsection the term "county staff" includes personnel, except
14 judicial officers, of the City of Pittsburgh.

15 * * *

16 § 3721. County judicial center or courthouse.

17 * * *

18 (c) Child-care facilities.--

19 * * *

20 (2) If a child-care facility is provided under paragraph
21 (1):

22 (i) The child-care facility shall be licensed and
23 operated pursuant to Articles IX and X of the act of June
24 13, 1967 (P.L.31, No.21), known as the [Public Welfare]
25 Human Services Code, and regulations of the Department of
26 [Public Welfare] Human Services.

27 (ii) In addition to any other court cost or filing
28 fee authorized to be collected by law, an additional fee
29 of \$5 shall be charged and collected by the prothonotary,
30 clerk of orphans' court and register of wills of the

1 county or by any official designated to perform the
2 functions thereof for the initiation of any civil action
3 or legal proceeding.

4 (iii) In addition to any other court cost or filing
5 fee authorized to be collected by law, an additional fee
6 of \$5 shall be charged and collected by the clerk of
7 courts of the county or by any official designated to
8 perform the functions thereof for the initiation of any
9 criminal proceeding for which a fee, charge or cost
10 authorized on the effective date of this subsection and
11 for which a conviction is obtained or guilty plea is
12 entered.

13 * * *

14 § 4521.1. Statewide jury information system.

15 (a) General rule.--Notwithstanding any prohibition found in
16 any other law, regulation or rule to the contrary, the following
17 departments shall submit to the Court Administrator of
18 Pennsylvania, in a format provided herein, a list of individuals
19 as designated for that department to be included in a Statewide
20 jury information system on or before October 31 of each year:

21 (1) The Department of [Public Welfare] Human Services -
22 every individual resident in this Commonwealth who receives
23 cash assistance or food stamps pursuant to a Federal or State
24 program through the department except as prohibited by
25 Federal law or regulation.

26 * * *

27 Section 33. The definition of "eligible legal services
28 provider" in section 4903 of Title 42 is amended to read:

29 § 4903. Definitions.

30 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 legal services provider." A not-for-profit entity
5 incorporated in this Commonwealth, tax exempt under section
6 501(c) (3) of the Internal Revenue Code of 1986 (Public Law 99-
7 514, 26 U.S.C. § 501(c) (3)) or any successor provision, which
8 operates within this Commonwealth for the primary purpose of
9 providing civil legal services without charge and which operates
10 to provide such civil legal services to eligible clients and
11 victims of abuse under contract or subcontract with the
12 Department of [Public Welfare] Human Services for the
13 expenditure of funds appropriated by the General Assembly for
14 the provision of legal services.

15 * * *

16 Section 34. The definitions of "health care provider" and
17 "hospital" in section 5101.1(c) of Title 42 are amended to read:
18 § 5101.1. Venue in medical professional liability actions.

19 * * *

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

23 * * *

24 "Health care provider." A primary health care center, a
25 personal care home licensed by the Department of [Public
26 Welfare] Human Services pursuant to the act of June 13, 1967
27 (P.L.31, No.21), known as the [Public Welfare] Human Services
28 Code, or a person, including a corporation, university or other
29 educational institution licensed or approved by the Commonwealth
30 to provide health care or professional medical services as a

1 physician, a certified nurse midwife, a podiatrist, hospital,
2 nursing home, birth center, and an officer, employee or agent of
3 any of them acting in the course and scope of employment.

4 "Hospital." An entity licensed as a hospital under the act
5 of June 13, 1967 (P.L.31, No.21), known as the [Public Welfare]
6 Human Services Code, or the act of July 19, 1979 (P.L.130,
7 No.48), known as the Health Care Facilities Act.

8 * * *

9 Section 35. Sections 5552(b)(4), 62A05(c.1)(3) and (d)(5)
10 and 62A14(d)(5) of Title 42 are amended to read:

11 § 5552. Other offenses.

12 * * *

13 (b) Major offenses.--A prosecution for any of the following
14 offenses must be commenced within five years after it is
15 committed:

16 * * *

17 (4) Under the act of June 13, 1967 (P.L.31, No.21),
18 known as the [Public Welfare] Human Services Code.

19 * * *

20 § 62A05. Commencement of proceedings.

21 * * *

22 (c.1) Surcharge on order.--When an order is granted under
23 section 62A06 (relating to hearings), a surcharge of \$100 shall
24 be assessed against the defendant. All moneys received from
25 surcharges shall be distributed in the following order of
26 priority:

27 * * *

28 (3) Twenty-five dollars shall be forwarded to the
29 Department of [Public Welfare] Human Services for use for
30 victims of sexual assault in accordance with the provisions

1 of section 2333 of the act of April 9, 1929 (P.L.177,
2 No.175), known as The Administrative Code of 1929.

3 * * *

4 (d) Service.--

5 * * *

6 (5) In the case of a minor victim of sexual violence, a
7 copy of the petition and order shall be served upon the
8 county agency and the Department of [Public Welfare] Human
9 Services. For purposes of this subparagraph, the term "county
10 agency" shall be as defined in 23 Pa.C.S. § 6303 (relating to
11 definitions).

12 * * *

13 § 62A14. Contempt for violation of order.

14 * * *

15 (d) Trial and punishment.--

16 * * *

17 (5) All moneys received under this section shall be
18 distributed in the following order of priority:

19 (i) One hundred dollars shall be forwarded to the
20 Commonwealth and shall be used by the Pennsylvania State
21 Police to establish and maintain the Statewide registry
22 of protection orders provided for in section 62A04(c)
23 (relating to responsibilities of law enforcement
24 agencies).

25 (ii) One hundred dollars shall be retained by the
26 county and shall be used to carry out the provisions of
27 this chapter as follows:

28 (A) Fifty dollars shall be used by the sheriff.

29 (B) Fifty dollars shall be used by the court.

30 (iii) One hundred dollars shall be forwarded to the

1 Department of [Public Welfare] Human Services for use for
2 victims of sexual assault in accordance with the
3 provisions of section 2333 of the act of April 9, 1929
4 (P.L.177, No.175), known as The Administrative Code of
5 1929.

6 (iv) Any additional money shall be distributed in
7 the manner under subparagraph (i).

8 * * *

9 Section 36. The definition of "shelter care" in section 6302
10 of Title 42 is amended to read:

11 § 6302. Definitions.

12 The following words and phrases when used in this chapter
13 shall have, unless the context clearly indicates otherwise, the
14 meanings given to them in this section:

15 * * *

16 "Shelter care." Temporary care of a child in physically
17 unrestricted facilities. A facility approved by the Department
18 of [Public Welfare] Human Services to provide shelter care may
19 be located in the same building as a facility approved to
20 provide secure detention services provided that children
21 receiving shelter care services are segregated from the children
22 receiving secure detention services as required by the
23 department.

24 Section 37. Sections 6303(a)(4), 6306, 6307(a)(6.5), 6308(a)
25 (6), 6327(a), (c.1)(1), (e) and (f), 6336.1(b)(3) introductory
26 paragraph, 6352(a)(3) and (4) and 6353(c) of Title 42 are
27 amended to read:

28 § 6303. Scope of chapter.

29 (a) General rule.--This chapter shall apply exclusively to
30 the following:

1 * * *

2 (4) Proceedings under the Interstate Compact on
3 Juveniles, as set forth in section 731 of the act of June 13,
4 1967 (P.L.31, No.21), known as the [Public Welfare] Human
5 Services Code.

6 * * *

7 § 6306. Costs and expenses of care of child.

8 The costs and expenses of the care of the child shall be paid
9 as provided by sections 704.1 and 704.2 of the act of June 13,
10 1967 (P.L.31, No.21), known as the ["Public Welfare Code."]
11 Human Services Code.

12 § 6307. Inspection of court files and records.

13 (a) General rule.--All files and records of the court in a
14 proceeding under this chapter are open to inspection only by:

15 * * *

16 (6.5) The Department of [Public Welfare] Human Services
17 for use in determining whether an individual named as the
18 perpetrator of an indicated report of child abuse should be
19 expunged from the Statewide database.

20 * * *

21 § 6308. Law enforcement records.

22 (a) General rule.--Law enforcement records and files
23 concerning a child shall be kept separate from the records and
24 files of arrests of adults. Unless a charge of delinquency is
25 transferred for criminal prosecution under section 6355
26 (relating to transfer to criminal proceedings), the interest of
27 national security requires, or the court otherwise orders in the
28 interest of the child, the records and files shall not be open
29 to public inspection or their contents disclosed to the public
30 except as provided in subsection (b); but inspection of the

1 records and files is permitted by:

2 * * *

3 (6) The Department of [Public Welfare] Human Services
4 for use in determining whether an individual named as the
5 perpetrator of an indicated report of child abuse should be
6 expunged from the Statewide database.

7 * * *

8 § 6327. Place of detention.

9 (a) General rule.--A child alleged to be delinquent may be
10 detained only in:

11 (1) A licensed foster home or a home approved by the
12 court.

13 (2) A facility operated by a licensed child welfare
14 agency or one approved by the court.

15 (3) A detention home, camp, center or other facility for
16 delinquent children which is under the direction or
17 supervision of the court or other public authority or private
18 agency, and is approved by the Department of [Public Welfare]
19 Human Services.

20 (4) Any other suitable place or facility, designated or
21 operated by the court and approved by the Department of
22 [Public Welfare] Human Services.

23 Under no circumstances shall a child be detained in any facility
24 with adults, or where the child is apt to be abused by other
25 children.

26 * * *

27 (c.1) Detention of child.--

28 (1) A child who is subject to criminal proceedings
29 having been charged with an act set forth under paragraph

30 (2) (i), (ii) or (iii) of the definition of "delinquent act"

1 in section 6302, who has not been released on bail and who
2 may seek or is seeking transfer to juvenile proceedings under
3 section 6322 (relating to transfer from criminal proceedings)
4 may be detained in a secure detention facility approved by
5 the Department of [Public Welfare] Human Services for the
6 detention of alleged and adjudicated delinquent children if
7 the attorney for the Commonwealth has consented to and the
8 court has ordered the detention.

9 * * *

10 (e) Detention of dependent child.--A child alleged to be
11 dependent may be detained or placed only in a Department of
12 [Public Welfare] Human Services approved shelter care facility
13 as stated in subsection (a) (1), (2) and (4), and shall not be
14 detained in a jail or other facility intended or used for the
15 detention of adults charged with criminal offenses, but may be
16 detained in the same shelter care facilities with alleged or
17 adjudicated delinquent children.

18 (f) Development of approved shelter care programs.--The
19 Department of [Public Welfare] Human Services shall develop or
20 assist in the development in each county of this Commonwealth
21 approved programs for the provision of shelter care for children
22 needing these services who have been taken into custody under
23 section 6324 (relating to taking into custody) and for children
24 referred to or under the jurisdiction of the court.

25 § 6336.1. Notice and hearing.

26 * * *

27 (b) Permanency hearings.--

28 * * *

29 (3) The Department of [Public Welfare] Human Services
30 shall develop a form for use by a foster parent or parents,

1 preadoptive parent or relative providing care for the child,
2 including, but not limited to, the following information:

3 * * *

4 § 6352. Disposition of delinquent child.

5 (a) General rule.--If the child is found to be a delinquent
6 child the court may make any of the following orders of
7 disposition determined to be consistent with the protection of
8 the public interest and best suited to the child's treatment,
9 supervision, rehabilitation and welfare, which disposition
10 shall, as appropriate to the individual circumstances of the
11 child's case, provide balanced attention to the protection of
12 the community, the imposition of accountability for offenses
13 committed and the development of competencies to enable the
14 child to become a responsible and productive member of the
15 community:

16 * * *

17 (3) Committing the child to an institution, youth
18 development center, camp, or other facility for delinquent
19 children operated under the direction or supervision of the
20 court or other public authority and approved by the
21 Department of [Public Welfare] Human Services.

22 (4) If the child is 12 years of age or older, committing
23 the child to an institution operated by the Department of
24 [Public Welfare] Human Services.

25 * * *

26 § 6353. Limitation on and change in place of commitment.

27 * * *

28 (c) Notice of available facilities and services.--
29 Immediately after the Commonwealth adopts its budget, the
30 Department of [Public Welfare] Human Services shall notify the

1 courts and the General Assembly, for each Department of [Public
2 Welfare] Human Services region, of the available:

3 (1) Secure beds for the serious juvenile offenders.

4 (2) General residential beds for the adjudicated
5 delinquent child.

6 (3) The community-based programs for the adjudicated
7 delinquent child.

8 If the population at a particular institution or program exceeds
9 110% of capacity, the department shall notify the courts and the
10 General Assembly that intake to that institution or program is
11 temporarily closed and shall make available equivalent services
12 to children in equivalent facilities.

13 Section 38. The definition of "department" in section 6402
14 of Title 42 is amended to read:

15 § 6402. Definitions.

16 The following words and phrases when used in this chapter
17 shall have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 * * *

20 "Department." The Department of [Public Welfare] Human
21 Services of the Commonwealth.

22 * * *

23 Section 39. Sections 6403(b)(3), 6404.2(c), 6406 heading,
24 9727(b)(1), (c) and (f)(3), 9777(d)(2), 9799.16(d), 9799.20,
25 9799.22(d) and 9799.32(9) of Title 42 are amended to read:

26 § 6403. Court-ordered involuntary treatment.

27 * * *

28 (b) Procedures for initiating court-ordered involuntary
29 commitment.--

30 * * *

1 (3) The court shall set a date for the hearing which
2 shall be held within 30 days of the filing of the petition
3 pursuant to paragraph (1) and direct the person to appear for
4 the hearing. A copy of the petition and notice of the hearing
5 date shall be served on the person, the attorney who
6 represented the person at the most recent dispositional
7 review hearing pursuant to section 6358(e) and the county
8 solicitor or a designee. A copy of the petition, the
9 assessment and notice of the hearing date shall also be
10 provided to the director of the facility operated by the
11 department pursuant to section 6406(a) (relating to duty of
12 Department of [Public Welfare] Human Services). The person
13 and the attorney who represented the person shall, along with
14 copies of the petition, also be provided with written notice
15 advising that the person has the right to counsel and that,
16 if he cannot afford one, counsel shall be appointed for the
17 person.

18 * * *

19 § 6404.2. Duration of outpatient commitment and review.

20 * * *

21 (c) Status reports.--An involuntary outpatient treatment
22 provider shall submit a report on the person's status and
23 clinical progress, on a form prescribed by the department, to
24 the facility operated by the department pursuant to section
25 6406(a) (relating to duty of Department of [Public Welfare]
26 Human Services), not less than every 30 days.

27 * * *

28 § 6406. Duty of Department of [Public Welfare] Human Services.

29 * * *

30 § 9727. Disposition of persons found guilty but mentally ill.

1 * * *

2 (b) Treatment.--

3 (1) An offender who is severely mentally disabled and in
4 need of treatment at the time of sentencing shall, consistent
5 with available resources, be provided such treatment as is
6 psychiatrically or psychologically indicated for his mental
7 illness. Treatment may be provided by the Bureau of
8 Correction, by the county or by the Department of [Public
9 Welfare] Human Services in accordance with the "Mental Health
10 Procedures Act."

11 * * *

12 (c) Discharge report.--When a treating facility designated
13 by either the Bureau of Correction or the Department of [Public
14 Welfare] Human Services discharges such a defendant from
15 treatment prior to the expiration of his maximum sentence, that
16 treating facility shall transmit to the Pennsylvania Board of
17 Probation and Parole, the correctional facility or county jail
18 to which the offender is being returned and the sentencing judge
19 a report on the condition of the offender together with the
20 reasons for its judgments, which describes:

- 21 (1) The defendant's behavior.
22 (2) The course of treatment.
23 (3) The potential for recurrence of the behavior.
24 (4) The potential for danger to himself or the public.
25 (5) Recommendations for future treatment.

26 * * *

27 (f) Probation.--

28 * * *

29 (3) Treatment shall be provided by an agency approved by
30 the Department of [Public Welfare] Human Services or, with

1 the approval of the sentencing court and at individual
2 expense, by private agencies, private physicians or other
3 mental health personnel. A mental health status report,
4 containing the information set forth in subsection (c), shall
5 be filed with the probation officer and the sentencing court
6 every three months during the period of probation. If a
7 motion on a petition to discontinue probation is made by the
8 defendant, the probation officer shall request a report as
9 specified from the treating facility.

10 § 9777. Transfer of inmates in need of medical treatment.

11 * * *

12 (d) Notice.--

13 * * *

14 (2) The sentencing court shall forward notice of any
15 order entered under this section placing an inmate in a
16 hospital, long-term care nursing facility or hospice care
17 location to the hospital, long-term care nursing facility or
18 hospice care location and to the Department of [Public
19 Welfare] Human Services.

20 * * *

21 § 9799.16. Registry.

22 * * *

23 (d) Cooperation.--There shall be cooperation between the
24 Pennsylvania State Police, State and county correctional
25 institutions, the Pennsylvania Board of Probation and Parole,
26 the county office of probation and parole, any court with
27 jurisdiction over a sexual offender, the chief juvenile
28 probation officer of the court, juvenile probation and parole
29 and the Department of [Public Welfare] Human Services to ensure
30 that the information set forth in subsections (b) and (c) is

1 provided and placed in the registry.

2 § 9799.20. Duty to inform.

3 In order to implement the provisions of section 9799.19
4 (relating to initial registration), as appropriate, the
5 Pennsylvania State Police, the court having jurisdiction over
6 the sexual offender, the chief juvenile probation officer of the
7 court and the appropriate official of the Pennsylvania Board of
8 Probation and Parole, county office of probation and parole, the
9 Department of [Public Welfare] Human Services or a State or
10 county correctional institution shall:

11 (1) Inform the individual required to register of the
12 individual's duties under this subchapter.

13 (2) Require the individual to read and sign a form
14 stating that the duty to register has been explained and that
15 the individual understands the registration requirement.

16 (3) Collect the information required under section
17 9799.16(b) and (c) (relating to registry) and forward the
18 information to the Pennsylvania State Police for inclusion in
19 the registry as set forth in this subchapter.

20 § 9799.22. Enforcement.

21 * * *

22 (d) Duty to inform Pennsylvania State Police.--In order to
23 implement this subchapter, the court with jurisdiction over the
24 sexual offender, the chief juvenile probation officer of the
25 court and the appropriate official of the Pennsylvania Board of
26 Probation and Parole, the county office of probation and parole,
27 the Department of [Public Welfare] Human Services or a State or
28 county correctional institution shall inform the Pennsylvania
29 State Police if the individual refuses to provide the
30 information required by this subchapter so that the Pennsylvania

1 State Police may comply with this section.

2 § 9799.32. Pennsylvania State Police.

3 The Pennsylvania State Police have the following duties:

4 * * *

5 (9) In consultation with the Administrative Office of
6 Pennsylvania Courts, the Department of [Public Welfare] Human
7 Services and the Juvenile Court Judges' Commission, to
8 promulgate guidelines regarding the completion of information
9 required by juvenile offenders and sexually violent
10 delinquent children under this subchapter.

11 * * *

12 Section 40. Section 7502(a) of Title 51 is amended to read:

13 § 7502. Retention of licenses and certifications of persons
14 entering military service.

15 (a) General rule.--Any person licensed or certified by the
16 Department of State, Department of Labor and Industry,
17 Department of Education, Insurance Department, Department of
18 Banking and Securities or the Municipal Police Officers'
19 Education and Training Commission or pursuant to the act of
20 October 10, 1974 (P.L.705, No.235), known as the Lethal Weapons
21 Training Act, to practice any profession or to work at any trade
22 or occupation, who heretofore has or shall thereafter enlist or
23 be inducted or drafted into the military or naval service of the
24 United States in time of war or preparation for national defense
25 during a national emergency, shall not thereby forfeit his or
26 her current license or registration and shall be exempt from any
27 continuing educational requirements or in-service training
28 requirements.

29 * * *

30 Section 41. The definitions of "assisted living residence"

1 and "personal care home" in section 9503 of Title 51 are amended
2 to read:

3 § 9503. Definitions.

4 The following words and phrases when used in this chapter
5 shall have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 "Assisted living residence." As defined in section 1001 of
8 the act of June 13, 1967 (P.L.31, No.21), known as the [Public
9 Welfare] Human Services Code.

10 * * *

11 "Personal care home." As defined in section 1001 of the act
12 of June 13, 1967 (P.L.31, No.21), known as the [Public Welfare]
13 Human Services Code.

14 * * *

15 Section 42. Section 9507 of Title 51 is amended to read:

16 § 9507. Fee.

17 A person authorized under section 9505(a) (relating to third-
18 party drugs in long-term care facilities, assisted living
19 residences and personal care homes) to dispense a drug may
20 charge no more than the maximum dispensing fee authorized by the
21 Department of [Public Welfare] Human Services regulations under
22 the medical assistance program.

23 Section 43. The definition of "health center" in section
24 5602 of Title 53 is amended to read:

25 § 5602. Definitions.

26 The following words and phrases when used in this chapter
27 shall have the meanings given to them in this section unless the
28 context clearly indicates otherwise:

29 * * *

30 "Health center." A facility which:

1 (1) is operated by a nonprofit corporation and:
2 (i) provides health care services to the public;
3 (ii) provides health care-related services or
4 assistance to one or more organizations in aid of the
5 provision of health care services to the public,
6 including, without limitation, such facilities as blood
7 banks, laboratories, research and testing facilities,
8 medical and administrative office buildings and ancillary
9 facilities;
10 (iii) constitutes an integrated facility which
11 provides substantial health care services on a
12 nonsectarian basis and other reasonably related services,
13 including, without limitation, life care or continuing
14 care communities and nursing, personal care or assisted
15 living facilities for the elderly, handicapped or
16 disabled; or
17 (iv) provides educational and counseling services
18 regarding the prevention, diagnosis and treatment of
19 health care problems; and

20 (2) if required by law to be licensed to provide such
21 services by the Department of Health, the Department of
22 [Public Welfare] Human Services or the Insurance Department,
23 is so licensed or, in the case of a facility to be
24 constructed, renovated or expanded, is designed to comply
25 with applicable standards for such licensure.

26 * * *

27 Section 44. Section 8815(c)(2) of Title 53 is amended to
28 read:

29 § 8815. Catastrophic loss.

30 * * *

1 (c) Definition.--As used in this section, the term
2 "catastrophic loss" means any loss due to mine subsidence, fire,
3 flood or other natural disaster which affects the physical state
4 of the real property and which exceeds 50% of the market value
5 of the real property prior to the loss. The term "catastrophic
6 loss" shall also mean any loss which exceeds 50% of the market
7 value of the real property prior to the loss incurred by
8 residential property owners who are not deemed responsible
9 parties under the Comprehensive Environmental Response,
10 Compensation, and Liability Act of 1980 or the Hazardous Sites
11 Cleanup Act and whose residential property is included or
12 proposed to be included as residential property on:

13 * * *

14 (2) the State priority list by the Department of
15 Environmental [Resources] Protection under the Hazardous
16 Sites Cleanup Act.

17 Section 45. Section 311(f) (3) and (6) of Title 54 are
18 amended to read:

19 § 311. Registration.

20 * * *

21 (f) Required approvals.--The fictitious name shall not
22 contain:

23 * * *

24 (3) The words "bank," "banking," "banker" or "trust" or
25 any other word implying that the entity is a bank, bank and
26 trust company, savings bank, private bank or trust company,
27 as defined in the act of November 30, 1965 (P.L.847, No.356),
28 known as the Banking Code of 1965, unless approved by the
29 Department of Banking and Securities.

30 * * *

1 (6) The words "credit union" or any other words implying
2 that the entity is a credit union as defined in 17 Pa.C.S. §
3 102 (relating to application of title), unless approved by
4 the Department of Banking and Securities.

5 * * *

6 Section 46. Section 1104(a) of Title 61 is amended to read:
7 § 1104. State recording system for application of restraints to
8 pregnant prisoners or detainees.

9 (a) General rule.--A correctional institution as defined by
10 section 5905(e) (relating to healthy birth for incarcerated
11 women) shall report each restraint applied to a pregnant
12 prisoner or detainee. The report must be in writing and must
13 note the number of restraints. Individual, separate written
14 findings for each restraint must accompany the report. This
15 shall include reports from the following:

16 (1) A correctional institution that is not operated,
17 supervised or licensed by the Department of [Public Welfare]
18 Human Services pursuant to the act of June 13, 1967 (P.L.31,
19 No.21), known as the [Public Welfare] Human Services Code,
20 shall make the report to the secretary.

21 (2) A correctional institution that is operated,
22 supervised or licensed by the Department of [Public Welfare]
23 Human Services pursuant to the [Public Welfare] Human
24 Services Code shall make the report to the Secretary of
25 [Public Welfare] Human Services.

26 * * *

27 Section 47. The definition of "correctional facility" in
28 section 1172 of Title 61 is amended to read:
29 § 1172. Definitions.

30 The following words and phrases when used in this subchapter

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

3 "Correctional facility." A correctional institution, group
4 home, community corrections center, parole center or any
5 facility that houses a person convicted of a criminal offense,
6 or awaiting trial, sentencing or extradition in a criminal
7 proceeding. The term does not include any facility or
8 institution operated, supervised or licensed under the act of
9 June 13, 1967 (P.L.31, No.21), known as the [Public Welfare]
10 Human Services Code.

11 * * *

12 Section 48. Sections 5905(d) and 7103 of Title 61 are
13 amended to read:

14 § 5905. Healthy birth for incarcerated women.

15 * * *

16 (d) Annual report.--No later than August 1 of each year, the
17 secretary and the Secretary of [Public Welfare] Human Services
18 shall each submit to the Governor's Office a written report
19 containing information regarding the use of restraints on any
20 pregnant prisoner or detainee during the preceding fiscal year
21 specifically identifying and enumerating the circumstances that
22 led to the determination that the prisoner or detainee fell
23 under the exception in subsection (b)(2). The secretary shall
24 report on pregnant prisoners or detainees in the custody of
25 correctional institutions operated, supervised or licensed by
26 the department. The Secretary of [Public Welfare] Human Services
27 shall report on pregnant prisoners or detainees in the custody
28 of correctional institutions operated, supervised or licensed by
29 the Department of [Public Welfare] Human Services pursuant to
30 the act of June 13, 1967 (P.L.31, No.21), known as the [Public

1 Welfare] Human Services Code. The reports shall not contain any
2 identifying information of any prisoner or detainee. The reports
3 shall be posted on the Governor's Internet website and shall be
4 made available for public inspection at the offices of the
5 department and the Department of [Public Welfare] Human
6 Services, respectively.

7 * * *

8 § 7103. Powers.

9 The secretary or his designee is hereby authorized and
10 directed to do all things necessary or incidental to the
11 carrying out of the compact in every particular except that no
12 contract for the confinement of inmates in the institutions of
13 this State shall be entered into unless the secretary has first
14 determined that the inmates are acceptable, notwithstanding the
15 provisions of Article IX-B of the act of April 9, 1929 (P.L.177,
16 No.175), known as the Administrative Code of 1929. The
17 secretary or his designee shall not enter into a contract
18 pursuant to Article III of the compact relating to inmates who
19 are mentally ill or mentally retarded without consultation with
20 the Secretary of [Public Welfare] Human Services.

21 Section 49. Section 102(e) of Title 62 is amended to read:

22 § 102. Application of part.

23 * * *

24 (e) Application to medical assistance provider agreements
25 and participating provider agreements.--Nothing in this part
26 shall apply to medical assistance provider agreements
27 administered by the Department of [Public Welfare] Human
28 Services or to participating provider agreements entered into by
29 the Department of Health.

30 * * *

1 Section 50. The definition of "medical assistance provider
2 agreement" in section 103 of Title 62 is amended to read:

3 § 103. Definitions.

4 Subject to additional definitions contained in subsequent
5 provisions of this part which are applicable to specific
6 provisions of this part, the following words and phrases when
7 used in this part shall have the meanings given to them in this
8 section unless the context clearly indicates otherwise:

9 * * *

10 "Medical assistance provider agreement." A written agreement
11 by a licensed or qualified provider of medically related
12 services to participate in the medical assistance program
13 administered by the Department of [Public Welfare] Human
14 Services.

15 * * *

16 Section 51. Sections 520(c) and 1724(c) of Title 62 are
17 amended to read:

18 § 520. Supplies manufactured and services performed by persons
19 with disabilities.

20 * * *

21 (c) Distribution.--At the request of the department, the
22 Department of [Public Welfare] Human Services or a nonprofit
23 agency with the approval of the Department of [Public Welfare]
24 Human Services shall facilitate the distribution of orders for
25 supplies manufactured by or services performed by persons with
26 disabilities among agencies for persons with disabilities.

27 * * *

28 § 1724. Jurisdiction.

29 * * *

30 (c) Limitations.--The board shall have no power and exercise

1 no jurisdiction over a claim asserted under subsection (a) (1)
2 unless it is filed with the board in accordance with section
3 1712.1. The board shall have no power and exercise no
4 jurisdiction over a claim asserted against a Commonwealth agency
5 under subsection (a) (2) or (3) unless the claim was filed with
6 the board within six months after it accrued. The board shall
7 have no power and exercise no jurisdiction over claims for
8 payment or damages to providers of medical assistance services
9 arising out of the operation of the medical assistance program
10 established by the act of June 13, 1967 (P.L.31, No.21), known
11 as the [Public Welfare] Human Services Code.

12 * * *

13 Section 52. Section 1512(a) of Title 64 is amended to read:
14 § 1512. Board.

15 (a) Composition.--The board shall be composed of the
16 following members:

17 (1) The Secretary of Community and Economic Development
18 or a designee.

19 (2) The Secretary of the Budget or a designee.

20 (3) The Secretary of Banking and Securities or a
21 designee.

22 (4) Four legislative appointees.

23 (i) Appointments are as follows:

24 (A) One individual appointed by the President
25 pro tempore of the Senate.

26 (B) One individual appointed by the Minority
27 Leader of the Senate.

28 (C) One individual appointed by the Speaker of
29 the House of Representatives.

30 (D) One individual appointed by the Minority

1 Leader of the House of Representatives.

2 (ii) Legislative appointees shall serve at the
3 pleasure of the appointing authority.

4 (iii) An individual appointed to the board pursuant
5 to subparagraph (i) may not be a member of the General
6 Assembly or staff of a member of the General Assembly.

7 * * *

8 Section 53. Sections 318(b) and (c), 514(c), 517(b), 518(c),
9 519(c), 521(f), 529(a) (2), (c) (5), (h), (j), (k) (3) and (l) (3)
10 and (4), 1308(d), 1327(a) (3) (i) and (d) and 1358(e) (3) of Title
11 66 are amended to read:

12 § 318. Commission to cooperate with other departments.

13 * * *

14 (b) Purity of water supply.--The commission may certify to
15 the Department of Environmental [Resources] Protection any
16 question of fact regarding the purity of water supplied to the
17 public by any public utility over which it has jurisdiction,
18 when any such question arises in any controversy or other
19 proceeding before it, and upon the determination of such
20 question by the department incorporate the department's findings
21 in its decision.

22 (c) Powers of certain governmental agencies unaffected.--
23 Nothing in this part shall be construed to deprive the
24 Department of Health or the Department of Environmental
25 [Resources] Protection of any jurisdiction, powers or duties now
26 vested in them.

27 § 514. Use of coal.

28 * * *

29 (c) Cost of upgrading.--Notwithstanding section 1315
30 (relating to limitation on consideration of certain costs for

1 electric utilities) and subject to regulations promulgated by
2 the commission, the commission may allow a portion of the
3 prudently incurred costs, determined on a per megawatt basis and
4 not to exceed 50% of the unit's undepreciated original cost per
5 megawatt, of uprating the capability of an existing coal-fueled
6 plant to use coal mined in Pennsylvania to be made a part of the
7 rate base or otherwise included in the rates charged by the
8 utility before such uprating is completed. This subsection shall
9 not apply unless, upon application of the affected public
10 utility, the commission determines that the uprating would be
11 more cost effective for the utility's ratepayers than other
12 alternatives for meeting the utility's load and capacity
13 requirements. Notwithstanding section 1309 (relating to rates
14 fixed on complaint; investigation of costs of production), the
15 commission, by regulation, shall provide for a utility to remove
16 the costs of an uprating from its rate base and to refund any
17 revenues collected as the result of this subsection, plus
18 interest, which shall be the average rate of interest specified
19 for residential mortgage lending by the Secretary of Banking and
20 Securities in accordance with the act of January 30, 1974
21 (P.L.13, No.6), referred to as the Loan Interest and Protection
22 Law, during the period or periods for which the commission
23 orders refunds, if the commission, after notice and hearings,
24 determines that the uprating has not been completed within a
25 reasonable time.

26 § 517. Conversion of electric generating units fueled by oil or
27 natural gas.

28 * * *

29 (b) Environmental questions.--The commission may certify, to
30 the Department of Environmental [Resources] Protection, any

1 question regarding the applicability of environmental laws and
2 regulations, when the question arises in a proceeding under this
3 section, and may incorporate the department's findings in its
4 decision.

5 * * *

6 § 518. Construction of electric generating units fueled by
7 nuclear energy.

8 * * *

9 (c) Environmental questions.--The commission may certify, to
10 the Department of Environmental [Resources] Protection, any
11 question regarding the applicability of environmental laws and
12 regulations, when the question arises in a proceeding under this
13 section, and may incorporate the department's findings in its
14 decision.

15 * * *

16 § 519. Construction of electric generating units fueled by oil
17 or natural gas.

18 * * *

19 (c) Environmental questions.--The commission may certify, to
20 the Department of Environmental [Resources] Protection, any
21 question regarding the applicability of environmental laws and
22 regulations, when the question arises in a proceeding under this
23 section, and may incorporate the department's findings in its
24 decision.

25 * * *

26 § 521. Retirement of electric generating units.

27 * * *

28 (f) Construction costs.--Notwithstanding section 1315
29 (relating to limitation on consideration of certain costs for
30 electric utilities) and subject to regulations promulgated by

1 the commission, the commission may allow a portion of the
2 prudently incurred costs of capital additions, determined on a
3 per megawatt basis and not to exceed 50% of the unit's
4 undepreciated original cost per megawatt, to an electric
5 generating unit to be made a part of the rate base or otherwise
6 included in the rates charged by the utility before such capital
7 additions are completed if the commission, acting pursuant to
8 subsection (a) or (b), prohibits the utility from retiring the
9 unit or orders the utility to return the unit to normal
10 operation, provided that:

11 (1) the capital additions would allow the continued or
12 increased use of coal mined in Pennsylvania; and

13 (2) the capital additions would be more cost effective
14 for the utility's ratepayers than other alternatives for
15 meeting the utility's load and capacity requirements.

16 Notwithstanding section 1309 (relating to rates fixed on
17 complaint; investigation of costs of production), the
18 commission, by regulation, shall provide for a utility to remove
19 the costs of capital additions from its rate base and to refund
20 any revenues collected as the result of this subsection, plus
21 interest, which shall be the average rate of interest specified
22 for residential mortgage lending by the Secretary of Banking and
23 Securities in accordance with the act of January 30, 1974
24 (P.L.13, No.6), referred to as the Loan Interest and Protection
25 Law, during the period or periods for which the commission
26 orders refunds, if the commission, after notice and hearing,
27 determines that the capital addition has not been completed
28 within a reasonable time.

29 * * *

30 § 529. Power of commission to order acquisition of small water

1 and sewer utilities.

2 (a) General rule.--The commission may order a capable public
3 utility to acquire a small water or sewer utility if the
4 commission, after notice and an opportunity to be heard,
5 determines:

6 * * *

7 (2) that the small water or sewer utility has failed to
8 comply, within a reasonable period of time, with any order of
9 the Department of Environmental [Resources] Protection or the
10 commission concerning the safety, adequacy, efficiency or
11 reasonableness of service, including, but not limited to, the
12 availability of water, the potability of water, the
13 palatability of water or the provision of water at adequate
14 volume and pressure;

15 * * *

16 (c) Factors to be considered.--In making a determination
17 pursuant to subsection (a), the commission shall consider:

18 * * *

19 (5) The opinion and advice, if any, of the Department of
20 Environmental [Resources] Protection as to what steps may be
21 necessary to assure compliance with applicable statutory or
22 regulatory standards concerning the adequacy, efficiency,
23 safety or reasonableness of utility service.

24 * * *

25 (h) Notice.--The notice required by subsection (a) or any
26 other provision of this section shall be served upon the small
27 water or sewer utility affected, the Office of Consumer
28 Advocate, the Office of Small Business Advocate, the Office of
29 Trial Staff, the Department of Environmental [Resources]
30 Protection, all proximate public utilities providing the same

1 type of service as the small water or sewer utility, all
2 proximate municipalities and municipal authorities providing the
3 same type of service as the small water or sewer utility and the
4 municipalities served by the small water or sewer utility. The
5 commission shall order the affected small water or sewer utility
6 to provide notice to its customers of the initiation of
7 proceedings under this section in the same manner in which the
8 utility is required to notify its customers of proposed general
9 rate increases.

10 * * *

11 (j) Plan for improvements.--Any capable public utility
12 ordered by the commission to acquire a small water or sewer
13 utility shall, prior to acquisition, submit to the commission
14 for approval a plan, including a timetable, for bringing the
15 small water or sewer utility into compliance with applicable
16 statutory and regulatory standards. The capable public utility
17 shall also provide a copy of the plan to the Department of
18 Environmental [Resources] Protection and such other State or
19 local agency as the commission may direct. The commission shall
20 give the Department of Environmental [Resources] Protection
21 adequate opportunity to comment on the plan and shall consider
22 any comments submitted by the department in deciding whether or
23 not to approve the plan. The reasonably and prudently incurred
24 costs of each improvement shall be recoverable in rates only
25 after that improvement becomes used and useful in the public
26 service.

27 (k) Limitations on liability.--Upon approval by the
28 commission of a plan for improvements submitted pursuant to
29 subsection (j) and the acquisition of a small water or sewer
30 utility by a capable public utility, the acquiring capable

1 public utility shall not be liable for any damages beyond the
2 aggregate amount of \$50,000, including a maximum amount of
3 \$5,000 per incident, if the cause of those damages is
4 proximately related to identified violations of applicable
5 statutes or regulations by the small water or sewer utility.

6 This subsection shall not apply:

7 * * *

8 (3) if, within 60 days of having received notice of the
9 proposed plan for improvements, the Department of
10 Environmental [Resources] Protection submitted written
11 objections to the commission and those objections have not
12 subsequently been withdrawn.

13 (1) Limitations on enforcement actions.--Upon approval by
14 the commission of a plan for improvements submitted pursuant to
15 subsection (j) and the acquisition of a small water or sewer
16 utility by a capable public utility, the acquiring capable
17 public utility shall not be subject to any enforcement actions
18 by State or local agencies which had notice of the plan if the
19 basis of such enforcement action is proximately related to
20 identified violations of applicable statutes or regulations by
21 the small water or sewer utility. This subsection shall not
22 apply:

23 * * *

24 (3) if, within 60 days of having received notice of the
25 proposed plan for improvements, the Department of
26 Environmental [Resources] Protection submitted written
27 objections to the commission and those objections have not
28 subsequently been withdrawn; or

29 (4) to emergency interim actions of the commission or
30 the Department of Environmental [Resources] Protection,

1 including, but not limited to, the ordering of boil-water
2 advisories or other water supply warnings, of emergency
3 treatment or of temporary, alternate supplies of water.

4 * * *

5 § 1308. Voluntary changes in rates.

6 * * *

7 (d) General rate increases.--Whenever there is filed with
8 the commission by any public utility described in paragraph (1)
9 (i), (ii), (vi) or (vii) of the definition of "public utility"
10 in section 102 (relating to definitions), and such other public
11 utility as the commission may by rule or regulation direct, any
12 tariff stating a new rate which constitutes a general rate
13 increase, the commission shall promptly enter into an
14 investigation and analysis of said tariff filing and may by
15 order setting forth its reasons therefor, upon complaint or upon
16 its own motion, upon reasonable notice, enter upon a hearing
17 concerning the lawfulness of such rate, and the commission may,
18 at any time by vote of a majority of the members of the
19 commission serving in accordance with law, permit such tariff to
20 become effective, except that absent such order such tariff
21 shall be suspended for a period not to exceed seven months from
22 the time such rate would otherwise become effective. Before the
23 expiration of such seven-month period, a majority of the members
24 of the commission serving in accordance with law, acting
25 unanimously, shall make a final decision and order, setting
26 forth its reasons therefor, granting or denying, in whole or in
27 part, the general rate increase requested. If, however, such an
28 order has not been made at the expiration of such seven-month
29 period, the proposed general rate increase shall go into effect
30 at the end of such period, but the commission may by order

1 require the interested public utility to refund, in accordance
2 with section 1312 (relating to refunds), to the persons in whose
3 behalf such amounts were paid, such portion of such increased
4 rates as by its decision shall be found not justified, plus
5 interest, which shall be the average rate of interest specified
6 for residential mortgage lending by the Secretary of Banking and
7 Securities in accordance with the act of January 30, 1974
8 (P.L.13, No.6), referred to as the Loan Interest and Protection
9 Law, during the period or periods for which the commission
10 orders refunds. The rate in force when the tariff stating such
11 new rate was filed shall continue in force during the period of
12 suspension unless the commission shall grant extraordinary rate
13 relief as prescribed in subsection (e). The commission shall
14 consider the effect of such suspension in finally determining
15 and prescribing the rates to be thereafter charged and collected
16 by such public utility, except that the commission shall have no
17 authority to prescribe, determine or fix, at any time during the
18 pendency of a general rate increase proceeding or prior to a
19 final determination of a general rate increase request,
20 temporary rates as provided in section 1310, which rates may
21 provide retroactive increases through recoupment. As used in
22 this part general rate increase means a tariff filing which
23 affects more than 5% of the customers and amounts to in excess
24 of 3% of the total gross annual intrastate operating revenues of
25 the public utility. If the public utility furnishes two or more
26 types of service, the foregoing percentages shall be determined
27 only on the basis of the customers receiving, and the revenues
28 derived from, the type of service to which the tariff filing
29 pertains.

30 * * *

1 § 1327. Acquisition of water and sewer utilities.

2 (a) Acquisition cost greater than depreciated original
3 cost.--If a public utility acquires property from another public
4 utility, a municipal corporation or a person at a cost which is
5 in excess of the original cost of the property when first
6 devoted to the public service less the applicable accrued
7 depreciation, it shall be a rebuttable presumption that the
8 excess is reasonable and that excess shall be included in the
9 rate base of the acquiring public utility, provided that the
10 acquiring public utility proves that:

11 * * *

12 (3) the public utility, municipal corporation or person
13 from which the property was acquired was not, at the time of
14 acquisition, furnishing and maintaining adequate, efficient,
15 safe and reasonable service and facilities, evidence of which
16 shall include, but not be limited to, any one or more of the
17 following:

18 (i) violation of statutory or regulatory
19 requirements of the Department of Environmental
20 [Resources] Protection or the commission concerning the
21 safety, adequacy, efficiency or reasonableness of service
22 and facilities;

23 * * *

24 (d) Forfeiture.--Notwithstanding section 1309 (relating to
25 rates fixed on complaint; investigation of costs of production),
26 the commission, by regulation, shall provide for the removal of
27 the excess costs of acquisition from its rates, or any portion
28 thereof, found by the commission to be unreasonable and to
29 refund any excess revenues collected as a result of this
30 section, plus interest, which shall be the average rate of

1 interest specified for residential mortgage lending by the
2 Secretary of Banking and Securities in accordance with the act
3 of January 30, 1974 (P.L.13, No.6), referred to as the Loan
4 Interest and Protection Law, during the period or periods for
5 which the commission orders refunds, if the commission, after
6 notice and hearings, determines that the reasonable and prudent
7 investments to be made in accordance with this section have not
8 been completed within a reasonable time.

9 * * *

10 § 1358. Customer protections.

11 * * *

12 (e) Audit and reconciliation.--The following shall apply:

13 * * *

14 (3) If revenues received from the distribution system
15 improvement charge exceed eligible costs, the over
16 collections shall be refunded with interest. Interest on the
17 over collections shall be calculated at the residential
18 mortgage lending rate specified by the Secretary of Banking
19 and Securities in accordance with the act of January 30, 1974
20 (P.L.13, No.6), referred to as the Loan Interest and
21 Protection Law, and shall be refunded in the same manner as
22 an over collection.

23 * * *

24 Section 54. The definition of "LIHEAP" or "Low Income Home
25 Energy Assistance Program" in section 1403 of Title 66 is
26 amended to read:

27 § 1403. Definitions.

28 The following words and phrases when used in this chapter
29 shall have the meanings given to them in this section unless the
30 context clearly indicates otherwise:

1 * * *

2 "LIHEAP" or "Low Income Home Energy Assistance Program." A
3 federally funded program that provides financial assistance in
4 the form of cash and crisis grants to low-income households for
5 home energy bills and is administered by the Department of
6 [Public Welfare] Human Services.

7 * * *

8 Section 55. Sections 1406(g), 1413, 2709(a) and (b) (2),
9 3019(f) (5) and 3105 of Title 66 are amended to read:

10 § 1406. Termination of utility service.

11 * * *

12 (g) Qualification for LIHEAP.--A notice of termination to a
13 customer of a public utility shall be sufficient proof of a
14 crisis for a customer with the requisite income level to receive
15 a LIHEAP Crisis Grant from the Department of [Public Welfare]
16 Human Services or its designee as soon as practicable after the
17 date of the notice. Termination of service is not necessary to
18 demonstrate sufficient proof of crisis.

19 * * *

20 § 1413. Reporting of recipients of public assistance.

21 The Department of [Public Welfare] Human Services shall
22 annually provide a city natural gas distribution operation with
23 the listing of recipients of public assistance in a city of the
24 first class. A city natural gas distribution operation shall not
25 use the listing for anything but qualification and continued
26 eligibility for a customer assistance program or LIHEAP.

27 § 2709. Disposition of real property by public utility engaged
28 in railroad business.

29 (a) Notice.--Before a public utility engaged in a railroad
30 business disposes of real property previously used as a roadbed

1 right-of-way, it must notify the county, city, borough,
2 incorporated town or township in which the real property is
3 located, and it must notify the Department of Transportation,
4 the Pennsylvania Game Commission, the Pennsylvania Fish and Boat
5 Commission and the Department of [Environmental] Conservation
6 and Natural Resources. Notifications shall be in writing.

7 (b) Procedure after notice.--

8 * * *

9 (2) If a municipality or any authority created by a
10 municipality or group of municipalities does not make an
11 offer to purchase the real property within 60 days of
12 receiving notice under subsection (a) or if the public
13 utility rejects the offer of a municipality, the
14 administrative agencies specified in subsection (a) have 60
15 days to decide on making an offer for the real property. If
16 an administrative agency makes an offer under this paragraph,
17 the public utility shall consider the offer and make a
18 decision on the offer before making other disposition of the
19 property. If more than one administrative agency makes an
20 offer, the public utility shall consider the offers in the
21 following order: the Department of Transportation, the
22 Department of [Environmental] Conservation and Natural
23 Resources, the Pennsylvania Game Commission and the
24 Pennsylvania Fish and Boat Commission.

25 * * *

26 § 3019. Additional powers and duties.

27 * * *

28 (f) Lifeline service.--

29 * * *

30 (5) When a person enrolls in a low-income program

1 administered by the Department of [Public Welfare] Human
2 Services that qualifies the person for Lifeline service, the
3 Department of [Public Welfare] Human Services shall
4 automatically notify that person at the time of enrollment of
5 his or her eligibility for Lifeline service. This
6 notification also shall provide information about Lifeline
7 service, including a telephone number of and Lifeline
8 subscription form for the person's current eligible
9 telecommunications carrier or, if the person does not have
10 telephone service, telephone numbers of eligible
11 telecommunications carriers serving the person's area that
12 the person can call to obtain Lifeline service. Eligible
13 telecommunications carriers shall provide the Department of
14 [Public Welfare] Human Services with Lifeline service
15 descriptions and subscription forms, contact telephone
16 numbers and a listing of the geographic area or areas they
17 serve, for use by the Department of [Public Welfare] Human
18 Services in providing the notifications required by this
19 paragraph.

20 * * *

21 § 3105. Reports to Department of Community [Affairs] and
22 Economic Development.

23 Each municipality and private corporation operating a foreign
24 trade zone within the limits of this Commonwealth shall file a
25 copy of every report which it shall make, or be required to
26 make, under the act of Congress with the Department of Community
27 [Affairs] and Economic Development.

28 Section 56. Section 3402(a) last paragraph of Title 68 is
29 amended to read:

30 § 3402. Public offering statement; general provisions.

1 (a) General rule.--Except as provided in subsection (b), a
2 public offering statement must contain or fully and accurately
3 disclose:

4 * * *

5 If the declarant has no knowledge of such matters, the
6 declarant shall make a statement to that effect. Declarant
7 shall also set forth the address and phone number of the
8 regional offices of the Department of Environmental
9 [Resources] Protection and the United States Environmental
10 Protection Agency where information concerning environmental
11 conditions affecting the condominium site may be obtained.

12 * * *

13 Section 57. The definitions of "correction officer" and
14 "psychiatric security aide" in section 5102 of Title 71 are
15 amended to read:

16 § 5102. Definitions.

17 The following words and phrases as used in this part, unless
18 a different meaning is plainly required by the context, shall
19 have the following meanings:

20 * * *

21 "Correction officer." Any full-time employee assigned to the
22 Department of Corrections or the Department of [Public Welfare]
23 Human Services whose principal duty is the care, custody and
24 control of inmates or direct therapeutic treatment, care,
25 custody and control of inmates of a penal or correctional
26 institution, community treatment center, forensic unit in a
27 State hospital or secure unit of a youth development center
28 operated by the Department of Corrections or by the Department
29 of [Public Welfare] Human Services.

30 * * *

1 "Psychiatric security aide." Any employee whose principal
2 duty is the care, custody and control of the criminally insane
3 inmates of a maximum security institution for the criminally
4 insane or detention facility operated by the Department of
5 [Public Welfare] Human Services.

6 * * *

7 Section 58. Sections 1516(d)(5) and (f)(2) and 5905 of Title
8 74 are amended to read:

9 § 1516. Programs of Statewide significance.

10 * * *

11 (d) Community transportation.--

12 * * *

13 (5) The department shall conduct a study to evaluate the
14 effectiveness and efficiency of community transportation
15 service delivery as it relates to human service programs. The
16 Department of [Public Welfare] Human Services, the Office of
17 the Budget and the Department of Aging and other appropriate
18 Commonwealth agencies identified by the department shall
19 participate in the study. Within two years following the
20 effective date of this section, these agencies shall make
21 recommendations to the Governor and the Majority and Minority
22 chairpersons of the Transportation Committee of the Senate
23 and the Majority and Minority chairpersons of the
24 Transportation Committee of the House of Representatives for
25 improving coordination and efficiency of human services and
26 community transportation.

27 * * *

28 (f) Shared Ride Community Transportation Service Delivery
29 Pilot Program.--

30 * * *

1 (2) The department shall establish an advisory committee
2 to provide guidance and input for pilot planning, start-up,
3 operations, data collection and post pilot evaluation. The
4 committee shall be comprised of the following:

5 (i) A member appointed by the President pro tempore
6 of the Senate.

7 (ii) A member appointed by the Minority Leader of
8 the Senate.

9 (iii) A member appointed by the Speaker of the House
10 of Representatives.

11 (iv) A member appointed by the Minority Leader of
12 the House of Representatives.

13 (v) Two members from the Pennsylvania Public Transit
14 Association appointed by the secretary.

15 (vi) A member appointed by the secretary to
16 represent people with disabilities.

17 (vii) A member appointed by the Secretary of Aging
18 to represent senior citizens.

19 (viii) A member appointed by the Secretary of
20 [Public Welfare] Human Services to represent people using
21 medical assistance transportation.

22 (ix) A member of the County Commissioners
23 Association appointed by the secretary.

24 (x) The secretary or a designee.

25 (xi) The Secretary of Aging or a designee.

26 (xii) The Secretary of the Budget or a designee.

27 (xiii) The Secretary of [Public Welfare] Human
28 Services or a designee.

29 * * *

30 § 5905. Certain State-owned airport.

1 Notwithstanding any other provision of law to the
2 contrary, all right, title and interest in the property known
3 as Mid-State Airport located in Centre County, containing
4 496.68 acres, more or less, including the present access road
5 from L.R.504 to and into Mid-State Airport, shall be
6 transferred to and held within the jurisdiction and control
7 of the Department of General Services for all purposes, and
8 the Department of General Services shall have the same powers
9 and duties with respect to Mid-State Airport as it has with
10 respect to other real estate under its jurisdiction, with the
11 exception that the facilities currently owned, used and
12 operated at Mid-State Airport by the Department of
13 [Environmental] Conservation and Natural Resources for wild
14 fire attack operations and full access thereto by land and by
15 air shall remain, without charge of any kind, in the
16 Department of [Environmental] Conservation and Natural
17 Resources, it being intended that nothing herein shall
18 diminish the ability of the Department of [Environmental]
19 Conservation and Natural Resources to continue its wild fire
20 air attack operations as conducted at and out of Mid-State
21 Airport prior to the effective date hereof. Because this
22 involves a transfer of State forest and State park lands, no
23 future use of Mid-State Airport shall impair in any way the
24 integrity of the adjacent State forest and State park lands
25 and their ecosystems. If at any time the jurisdiction and
26 control of the land herein transferred entails significant
27 maintenance and operation responsibilities for the Department
28 of General Services, then and thereafter the jurisdiction and
29 control of the land shall be transferred to the Department of
30 Transportation.

1 Section 59. Sections 1111(b.1), 1337(c)(4), 1905(b)(2), (3)
2 and (4), 3354(g)(2), 4709(a), 4710(b)(4) and 8307(a) of Title 75
3 are amended to read:

4 § 1111. Transfer of ownership of vehicle.

5 * * *

6 (b.1) Transfers relating to the RESET program.--A motor
7 vehicle transferred to the Commonwealth or a political
8 subdivision for use in the RESET program administered under
9 section 405.1 of the act of June 13, 1967 (P.L.31, No.21), known
10 as the [Public Welfare] Human Services Code, shall not be
11 subject to sales or use tax under Article II of the act of March
12 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971,
13 upon the removal of the vehicle from inventory by any:

14 (1) motor vehicle dealer, importer or wholesaler; or

15 (2) "broker," "dealer" or "distributor," as defined in
16 section 2 of the act of December 22, 1983 (P.L.306, No.84),
17 known as the Board of Vehicles Act.

18 * * *

19 § 1337. Use of "Miscellaneous Motor Vehicle Business"
20 registration plates.

21 * * *

22 (c) Classes of "Miscellaneous Motor Vehicle Business".--

23 * * *

24 (4) Financier or collector-repossessor.--Any person who
25 is duly authorized by the Department of Banking and
26 Securities to do business in this Commonwealth as a financier
27 or collector-repossessor and who is regularly engaged in the
28 business of financing sales, making loans on the security of
29 vehicles or repossessing vehicles which are the subject of
30 installment sales contracts as an independent contractor.

1 * * *

2 § 1905. Payments to special funds.

3 * * *

4 (b) Zoological Enhancement Fund.--Fifteen dollars of each
5 fee received under section 1355 (relating to zoological plate)
6 shall be credited to the Zoological Enhancement Fund, created as
7 follows:

8 * * *

9 (2) All moneys in the Zoological Enhancement Fund are
10 hereby annually appropriated to the Department of [Commerce]
11 Community and Economic Development and may be expended for
12 the purposes authorized under this subsection.

13 (3) Estimates of amounts to be expended under this
14 subsection shall be submitted to the Governor by the
15 Department of [Commerce] Community and Economic Development
16 for his approval.

17 (4) The State Treasurer shall not honor any requisition
18 for expenditures by the Department of [Commerce] Community
19 and Economic Development in excess of estimates approved by
20 the Governor or in excess of the amount available for the
21 purposes for which the requisition was made, whichever is the
22 lesser amount.

23 * * *

24 § 3354. Additional parking regulations.

25 * * *

26 (g) Special penalty; disposition.--

27 * * *

28 (2) All fines collected under this subsection shall be
29 disposed of as follows:

30 (i) Ninety-five percent shall be paid to the

1 Department of Revenue, transmitted to the Treasury
2 Department and credited to the Department of [Public
3 Welfare] Human Services for use for the Attendant Care
4 Program.

5 (ii) Five percent shall be paid to the municipality
6 in which the offense occurred.

7 * * *

8 § 4709. Low-Emissions Vehicle Commission.

9 (a) Establishment.--There is hereby established a Low-
10 Emissions Vehicle Commission which shall consist of 13 members.
11 The Secretary of [Commerce] Community and Economic Development,
12 the Secretary of Environmental [Resources] Protection and the
13 Secretary of Transportation shall be members. Six members shall
14 be appointed by the Governor as follows:

15 (1) One member shall be a representative of an
16 environmental advocacy group, and one each shall be appointed
17 from a list of at least three nominees provided by each of
18 the following:

19 (i) The Associated Petroleum Industries of
20 Pennsylvania.

21 (ii) The Pennsylvania Gas Association.

22 (iii) The Pennsylvania Electric Association.

23 (iv) The Pennsylvania Automotive Association.

24 (v) The Pennsylvania AAA Federation.

25 (2) There shall be four legislative members: two members
26 of the Senate, one appointed by the Majority Leader of the
27 Senate and one appointed by the Minority Leader of the
28 Senate; and two members of the House of Representatives, one
29 appointed by the Majority Leader of the House of
30 Representatives and one appointed by the Minority Leader of

1 the House of Representatives.

2 (3) The Low-Emissions Vehicle Commission shall elect a
3 chairman.

4 (4) The Secretary of Transportation and the Secretary of
5 [Commerce] Community and Economic Development shall jointly
6 provide administrative staff.

7 * * *

8 § 4710. Vehicle Emission System Inspection Program Advisory
9 Committee.

10 * * *

11 (b) Members.--The committee shall consist of 16 members.
12 Members shall serve without compensation other than
13 reimbursement for reasonable and necessary expenses in
14 accordance with the rules of the Executive Board and shall serve
15 for terms fixed by the secretary. The members shall include:

16 * * *

17 (4) The Secretary of [Commerce] Community and Economic
18 Development, the Secretary of Environmental [Resources]
19 Protection and the Secretary of Transportation or their
20 designees shall serve as ex officio, nonvoting members of the
21 committee.

22 * * *

23 § 8307. Hazardous Materials Transportation Advisory Committee.

24 (a) Membership.--There shall be a Hazardous Materials
25 Transportation Advisory Committee appointed by the secretary.
26 The committee shall be composed of an authorized representative
27 from the Department of Transportation, who shall chair the
28 committee, the Office of Attorney General, the Department of
29 Health, the Department of Environmental [Resources] Protection,
30 the Pennsylvania State Police, the Pennsylvania Emergency

1 Management Agency and the Pennsylvania Public Utility Commission
2 and representatives of the hazardous materials industry and the
3 public as follows:

- 4 (1) A manufacturer or shipper.
- 5 (2) A consignee or user.
- 6 (3) A common carrier.
- 7 (4) A private carrier.
- 8 (5) A representative of the fire services.
- 9 (6) A representative of the emergency medical services.
- 10 (7) A representative with highway safety experience.
- 11 (8) A member from the general public.
- 12 (9) Others deemed appropriate by the secretary.

13 * * *

14 Section 60. Repeals are as follows:

15 (1) The General Assembly declares that the repeal under
16 paragraph (2) is necessary to effectuate the amendment of 34
17 Pa.C.S. § 723(3).

18 (2) Section 302(h) of the Conservation and Natural
19 Resources Act is repealed to the extent the subsection
20 applies to the transfer of duties from the Department of
21 Environmental Resources under 34 Pa.C.S. § 723 to the
22 Department of Conservation and Natural Resources.

23 (3) The General Assembly declares that the repeal under
24 paragraph (4) is necessary to effectuate the amendment of 66
25 Pa.C.S. § 2709(a) and (b)(2).

26 (4) Section 304(c) of the Conservation and Natural
27 Resources Act is repealed to the extent the subsection
28 applies to the transfer of duties from the Department of
29 Environmental Resources to the Department of Conservation and
30 Natural Resources under the act of November 29, 1990

1 (P.L.600, No.151), entitled "An act amending Title 66 (Public
2 Utilities) of the Pennsylvania Consolidated Statutes,
3 providing an opportunity for municipalities to purchase real
4 property being disposed of by public utilities engaged in a
5 railroad business."

6 (5) The General Assembly declares that the repeal under
7 paragraph (6) is necessary to effectuate the amendment of 74
8 Pa.C.S. § 5905.

9 (6) Section 302(h) of the Conservation and Natural
10 Resources Act is repealed to the extent the subsection
11 applies to the transfer of duties from the Department of
12 Environmental Resources under 74 Pa.C.S. § 5905 to the
13 Department of Conservation and Natural Resources.
14 Section 61. This act shall take effect in 60 days.