
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1792 Session of
2021

INTRODUCED BY BROOKS, SILVIS, R. MACKENZIE, HENNESSEY,
M. MACKENZIE, GROVE, MILLARD, PICKETT AND ZIMMERMAN,
AUGUST 16, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, AUGUST 16, 2021

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, amended July 23, 2020 (P.L.641,
19 No.63), is amended to read:

20 § 3124.2. Institutional sexual assault.

21 * * *

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

25 * * *

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

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

8 * * *

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

11 § 6501. Scattering rubbish.

12 * * *

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

16 * * *

17 § 7506. Violation of rules regarding conduct on Commonwealth
18 property.

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

1 to come to the attention of persons using such property.

2 * * *

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

5 § 9102. Definitions.

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

9 * * *

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

28 * * *

29 Section 9. Sections 3101(c), 3319(b)(1), 3321(d), 5488(b),
30 5525, 7780.3(a) and 7799.3(c), (d)(1), (e)(1) and (2) and (f) of

1 Title 20 are amended to read:

2 § 3101. Payments to family and funeral directors.

3 * * *

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

23 * * *

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

27 * * *

28 (b) Delegation of power over subscription rights and
29 fractional shares.--Where there is more than one personal
30 representative, one or more may delegate to another the power to

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

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

15 * * *

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

19 * * *

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

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

1 representative in such clearing corporation for its account as
2 such personal representative.

3 * * *

4 § 5488. Advisory committee.

5 * * *

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

13 * * *

14 § 5525. Notice to Commonwealth and political subdivisions.

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

21 § 7780.3. Duty to inform and report.

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

1 writing that it has obtained a currently valid consent for the
2 disclosure of such information from the settlor or beneficiary
3 of the trust. A trustee may rely upon the department's
4 certification without investigating its accuracy.

5 * * *

6 § 7799.3. Pooled trusts for individuals with disabilities.

7 * * *

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

23 (d) Reporting.--

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

1 opening and final trust balances. A copy of this statement
2 shall be available to the beneficiary, settlor or designee of
3 the settlor upon request.

4 * * *

5 (e) Coordination of services.--

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

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

15 * * *

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

20 * * *

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

23 § 2102. Definitions.

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

27 * * *

28 "Agency." Any incorporated or unincorporated organization,
29 society, institution or other entity, public or voluntary, which
30 may receive or provide for the care of children, supervised by

1 the Department of [Public Welfare] Human Services and providing
2 adoption services in accordance with standards established by
3 the department.

4 * * *

5 Section 11. Sections 2503(e), 2504(d), 2505(e), 2511(c),
6 2551, 2552, 2732 and 2910 of Title 23 are amended to read:

7 § 2503. Hearing.

8 * * *

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

19 § 2504. Alternative procedure for relinquishment.

20 * * *

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

1 § 2505. Counseling.

2 * * *

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

17 § 2511. Grounds for involuntary termination.

18 * * *

19 (c) Right to file personal and medical history
20 information.--At the time the decree of termination is
21 transmitted to the parent whose rights have been terminated, the
22 court shall advise the parent, in writing, of his or her
23 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 § 2551. 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 "Department." The Department of [Public Welfare] Human
4 Services of the Commonwealth.

5 "PACE." The Pennsylvania Adoption Cooperative Exchange.
6 § 2552. Pennsylvania Adoption Cooperative Exchange.

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

10 § 2732. Definitions.

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

14 "Agency." A public or private entity, including a county
15 agency, that:

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

18 (2) provides adoption services.

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

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

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

28 "County agency." A county children and youth social service
29 agency established under section 405 of the act of June 24, 1937
30 (P.L.2017, No.396), known as the County Institution District

1 Law, or its successor, and supervised by the Department of
2 [Public Welfare] Human Services under Article IX of the act of
3 June 13, 1967 (P.L.31, No.21), known as the [Public Welfare]
4 Human Services Code.

5 "Department." The Department of [Public Welfare] Human
6 Services of the Commonwealth.

7 § 2910. Penalty for unauthorized disclosure.

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

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

16 § 2911. Definitions.

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

20 * * *

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

23 * * *

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

27 § 4302. 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 "Department." The Department of [Public Welfare] Human
3 Services of the Commonwealth.

4 * * *

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

9 * * *

10 Section 14. Section 4306(c) of Title 23 is amended to read:
11 § 4306. Duties of Title IV-D attorney.

12 * * *

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

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

24 § 4308.1. Collection of overdue support from monetary awards.

25 * * *

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

29 * * *

30 "Net proceeds." Moneys in excess of \$5,000 payable to a

1 prevailing party or beneficiary, or in the case of an award
2 under the act of June 2, 1915 (P.L.736, No.338), known as the
3 Workers' Compensation Act, or the act of June 21, 1939 (P.L.566,
4 No.284), known as The Pennsylvania Occupational Disease Act, the
5 claimant after payment of attorney fees, witness fees, court
6 costs, reasonable litigation expenses, documented unpaid
7 expenses incurred for medical treatment causally related to the
8 claim, any workers' compensation or occupational disease
9 indemnity or medical payment and payments to the medical
10 assistance program under sections 1409 and 1412 of the act of
11 June 13, 1967 (P.L.31, No.21), known as the [Public Welfare]
12 Human Services Code.

13 * * *

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

16 § 4326. Mandatory inclusion of child medical support.

17 * * *

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

21 * * *

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

29 * * *

30 Section 17. Sections 4343(c)(6), 4355(d.6) and 4371 of Title

1 23 are amended to read:

2 § 4343. Paternity.

3 * * *

4 (c) Genetic tests.--

5 * * *

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

13 § 4355. Denial or suspension of licenses.

14 * * *

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

25 * * *

26 § 4371. Definitions.

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

30 "Assistance." Cash assistance, medical assistance or

1 designated services provided under Article IV of the act of June
2 13, 1967 (P.L.31, No.21), known as the [Public Welfare] Human
3 Services Code.

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

6 "Secretary." The Secretary of [Public Welfare] Human
7 Services of the Commonwealth.

8 Section 18. The definition of "assistance group" in section
9 4374(g) of Title 23 is amended to read:

10 § 4374. State disbursement unit.

11 * * *

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

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

18 * * *

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

21 § 4602. 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 Section 20. Sections 4603(b)(2), 5103(a), (b), (c)(1), (e)
29 and (f), 5329.1(b)(1) and (2), 6106(d) and 6114(b)(2) of Title
30 23 are amended to read:

1 § 4603. Relatives' liability; procedure.

2 * * *

3 (b) Amount.--

4 * * *

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

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

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

17 (B) the cost of the medical assistance for the
18 aged.

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

24 * * *

25 § 5103. Acknowledgment and claim of paternity.

26 (a) Acknowledgment of paternity.--The father of a child born
27 to an unmarried woman may file with the Department of [Public
28 Welfare] Human Services, on forms prescribed by the department,
29 an acknowledgment of paternity of the child which shall include
30 the consent of the mother of the child, supported by her

1 witnessed statement subject to 18 Pa.C.S. § 4904 (relating to
2 unsworn falsification to authorities). In such case, the father
3 shall have all the rights and duties as to the child which he
4 would have had if he had been married to the mother at the time
5 of the birth of the child, and the child shall have all the
6 rights and duties as to the father which the child would have
7 had if the father had been married to the mother at the time of
8 birth. The hospital or other person accepting an acknowledgment
9 of paternity shall provide written and oral notice, which may be
10 through the use of video or audio equipment, to the birth mother
11 and birth father of the alternatives to, the legal consequences
12 of and the rights and responsibilities that arise from, signing
13 the acknowledgment.

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

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

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

1 (i) A signed, witnessed statement subject to 18
2 Pa.C.S. § 4904 (relating to unsworn falsification to
3 authorities) by the birth mother consenting to the
4 acknowledgment of paternity.

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

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

11 (iv) The Social Security numbers and addresses of
12 both birth parents.

13 * * *

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

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

23 * * *

24 § 5329.1. Consideration of child abuse and involvement with
25 protective services.

26 * * *

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

28 (1) The Department of [Public Welfare] Human Services
29 and the county children and youth social service agency shall
30 fully cooperate with the court and assist the court in

1 fulfilling its duties under this section.

2 (2) The Department of [Public Welfare] Human Services
3 and the county children and youth social service agency shall
4 fully cooperate with the governing authority in order to
5 implement the provisions of this section.

6 * * *

7 § 6106. Commencement of proceedings.

8 * * *

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

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

18 (2) \$50 shall be retained by the county and shall be
19 used to carry out the provisions of this chapter as follows:

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

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

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

27 * * *

28 § 6114. Contempt for violation of order or agreement.

29 * * *

30 (b) Trial and punishment.--

1 * * *

2 (2) All money received under this section shall be
3 distributed in the following order of priority:

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

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

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

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

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

19 (iv) Any additional money 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 6105.

23 * * *

24 Section 21. The definition of "county agency" in section
25 6303(a) of Title 23 is amended to read:

26 § 6303. Definitions.

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

30 * * *

1 "County agency." The county children and youth social
2 service agency established pursuant to section 405 of the act of
3 June 24, 1937 (P.L.2017, No.396), known as the County
4 Institution District Law, or its successor, and supervised by
5 the department under Article IX of the act of June 13, 1967
6 (P.L.31, No.21), known as the [Public Welfare] Human Services
7 Code.

8 * * *

9 Section 22. Sections 6311(a)(16), 6341(b), 6344(a)(8) and
10 (d.3)(1), 6363, 6376(d), 6383(b)(4) and (c)(1) and 6385 of Title
11 23 are amended to read:

12 § 6311. Persons required to report suspected child abuse.

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

17 * * *

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

25 * * *

26 § 6341. Amendment or expunction of information.

27 * * *

28 (b) Review of grant of request.--If the secretary grants the
29 request under subsection (a)(2), the Statewide database,
30 appropriate county agency, appropriate law enforcement officials

1 and all subjects shall be so advised of the decision. The county
2 agency and any subject have 90 days in which to file an
3 administrative appeal with the secretary. If an administrative
4 appeal is received, the secretary or his designated agent shall
5 schedule a hearing pursuant to Article IV of the act of June 13,
6 1967 (P.L.31, No.21), known as the [Public Welfare] Human
7 Services Code, attending departmental regulations. If no
8 administrative appeal is received within the designated time
9 period, the Statewide database shall comply with the decision of
10 the secretary and advise the county agency to amend or expunge
11 the information in their records so that the records are
12 consistent at both the State and local levels.

13 * * *

14 § 6344. Employees having contact with children; adoptive and
15 foster parents.

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

18 * * *

19 (8) An individual 18 years of age or older who resides
20 for at least 30 days in a calendar year in the following
21 homes which are subject to supervision or licensure by the
22 department under Articles IX and X of the act of June 13,
23 1967 (P.L.31, No.21), known as the [Public Welfare] Human
24 Services Code:

25 (i) A family living home.

26 (ii) A community home for individuals with an
27 intellectual disability.

28 (iii) A host home for children.

29 This paragraph does not include an individual with an
30 intellectual disability or chronic psychiatric disability

1 receiving services in a home.

2 * * *

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

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

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

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

1 perpetrator. If the certification shows that the person
2 is named as a perpetrator within the previous five-year
3 period, the agency shall forward the certification to the
4 department for review.

5 * * *

6 § 6363. County plan for protective services.

7 The county agency shall include provisions for protective
8 services in its annual plan as required by the act of June 13,
9 1967 (P.L.31, No.21), known as the [Public Welfare] Human
10 Services Code.

11 § 6376. Appeals with respect to general protective services.

12 * * *

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

20 * * *

21 § 6383. Education and training.

22 * * *

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

24 * * *

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

30 (i) The applicant or licensee submits documentation

1 acceptable to the licensing board that the person has
2 already completed child abuse recognition training.

3 (ii) The training was:

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

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

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

16 * * *

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

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

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

26 (ii) Foster parents.

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

1 with children.

2 (iv) Caregivers in family child-care homes which are
3 subject to licensure by the department under Article X of
4 the [Public Welfare] Human Services Code and their
5 employees who have direct contact with children.

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

13 * * *

14 § 6385. Reimbursement to county agencies.

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

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

23 § 6502. Definitions.

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

27 * * *

28 "Department." The Department of [Public Welfare] Human
29 Services of the Commonwealth.

30 * * *

1 Section 24. The definitions of "department" and "obligee" in
2 section 8101(b) of Title 23 are amended to read:

3 § 8101. Short title of part and definitions.

4 * * *

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

11 * * *

12 "Department." The Department of [Public Welfare] Human
13 Services of the Commonwealth.

14 * * *

15 "Obligee." Any of the following:

16 (1) An individual to whom a duty of support is or is
17 alleged to be owed or in whose favor a support order has been
18 issued or a judgment determining parentage has been rendered.

19 (2) A political subdivision to which the rights under a
20 duty of support or support order have been assigned or which
21 has independent claims based on financial assistance provided
22 to an individual obligee.

23 (3) An individual seeking a judgment determining
24 parentage of the individual's child.

25 (4) The Department of [Public Welfare] Human Services.

26 * * *

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

28 § 1201. Departmental responsibilities.

29 The department shall do all of the following:

30 (1) Provide for applicants to submit their voter

1 registration application to a commission, the Department of
2 Transportation and other agencies designated in section 1325
3 (relating to government agencies).

4 (2) Prescribe a procedure for the return of completed
5 voter registration applications from the Department of
6 Transportation, the Department of [Public Welfare] Human
7 Services, armed forces recruitment centers, Offices of the
8 Clerk of Orphan's Court and all other offices under this part
9 to the secretary or the appropriate commission.

10 (3) Develop, establish, implement and administer a
11 Statewide Uniform Registry of Electors in accordance with
12 Subchapter B (relating to Statewide Uniform Registry of
13 Electors (SURE)).

14 (4) Promulgate regulations necessary to administer this
15 part.

16 Section 26. Section 306(a) of Title 30 is amended to read:
17 § 306. Boating Advisory Board.

18 (a) Composition.--There is hereby continued within the
19 commission a Boating Advisory Board. The board shall consist of
20 the Secretary of Environmental [Resources] Protection, or his
21 designee, the executive director of the commission and the
22 assistant executive director of the commission in charge of
23 watercraft safety, all of whom shall be ex officio members, and
24 five volunteer members to be appointed by the Governor for terms
25 of five years or, in the case of a vacancy, for the remainder of
26 the unexpired term.

27 * * *

28 Section 27. Section 723(3) of Title 34 is amended to read:
29 § 723. Exchange or sale.

30 The commission may, by resolution adopted by a majority of

1 the members present and voting at a public meeting:

2 * * *

3 (3) Sell lands to the Department of [Environmental]
4 Conservation and Natural Resources for State forests or to
5 the Federal Government for National Forests or National
6 Wildlife Refuges when in the best interests of game or
7 wildlife.

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

10 § 7102. Definitions.

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

14 * * *

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

19 * * *

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

22 § 7312. Organization.

23 This agency shall consist of and be organized substantially
24 as follows:

25 (a) Council.--Primary responsibility for overall policy and
26 direction of a Statewide civil defense and disaster program and
27 response capability of the type hereinafter prescribed shall be
28 vested in a body legally known as the Pennsylvania Emergency
29 Management Council, which shall be composed of: the Governor,
30 Lieutenant Governor, Adjutant General, Secretary of Health,

1 Attorney General, General Counsel, Secretary of Community
2 [Affairs] and Economic Development, Secretary of Environmental
3 Protection, Secretary of Transportation, Secretary of
4 Agriculture, Secretary of [Public Welfare] Human Services,
5 Commissioner of the Pennsylvania State Police, Chairman of the
6 Public Utility Commission, State Fire Commissioner, Speaker of
7 the House of Representatives, President pro tempore of the
8 Senate, Minority Leader of the Senate and Minority Leader of the
9 House of Representatives. The Speaker of the House of
10 Representatives, President pro tempore of the Senate, Minority
11 Leader of the Senate and Minority Leader of the House of
12 Representatives may authorize a member of their respective
13 Houses of the General Assembly to serve in their stead. The
14 Governor may authorize up to two representatives of business and
15 industry, up to two representatives of labor, up to two public
16 members at large and one representative respectively of the
17 Pennsylvania State Association of County Commissioners, the
18 Pennsylvania State Association of Township Commissioners, the
19 Pennsylvania State Association of Township Supervisors, the
20 Pennsylvania League of Cities and the Pennsylvania State
21 Association of Boroughs to be nonvoting members of the council.
22 The Governor may designate a member to serve as chairman. Five
23 members shall constitute a quorum.

24 * * *

25 § 7701. Duties concerning disaster prevention.

26 * * *

27 (b) Department of Environmental [Resources] Protection.--The
28 Department of Environmental [Resources] Protection, in
29 conjunction with the Pennsylvania Emergency Management Agency,
30 shall keep land uses and construction of structures and other

1 facilities under continuing study and identify areas which are
2 particularly susceptible to severe land shifting, subsidence,
3 flood or other catastrophic occurrence. The studies under this
4 subsection shall concentrate on means of reducing or avoiding
5 the dangers caused by this occurrence or the consequences
6 thereof.

7 * * *

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

9 § 306. Publications and reproductions.

10 The commission shall have the power and duty to:

11 * * *

12 (2) Official repositories.--Establish one official
13 repository for its publications from among the qualified
14 historical or archaeological societies within each of the
15 geographic areas established and defined by the Department of
16 Community [Affairs] and Economic Development as "Standard
17 Regions." The Pennsylvania State Library and the Library of
18 Congress shall also be official repositories for commission
19 publications.

20 * * *

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

22 § 6121. Eligible hospitals.

23 Any hospital plan corporation may enter into contracts for
24 the rendering of hospitalization to any of its subscribers only
25 with hospitals operated by the Commonwealth, or its agencies, or
26 by political subdivisions, or by corporations organized under
27 the laws of this Commonwealth for hospital purposes, or with
28 such other hospitals as are approved by the Department of
29 [Public Welfare] Human Services.

30 Section 32. Sections 2705(a), 3502(b), 3721(c)(2) and

1 4521.1(a) (1) of Title 42 are amended to read:

2 § 2705. Responsibility for reports to executive agencies.

3 (a) Community [Affairs] and Economic Development.--The
4 office of clerk of the court of common pleas shall certify to
5 the Department of Community [Affairs] and Economic Development a
6 copy of any order of court incorporating, merging, dissolving,
7 annexing any territory from or to, confirming the adoption,
8 amendment or repeal of any home rule charter or optional plan of
9 government, or otherwise affecting the corporate status of any
10 municipality.

11 * * *

12 § 3502. Financial regulations.

13 * * *

14 (b) County staff.--The Department of Community [Affairs] and
15 Economic Development, with the approval of the governing
16 authority, may promulgate regulations relating to forms and
17 accounting methods to be utilized in connection with the
18 judicial and related accounts to be maintained pursuant to this
19 part, designating the county staff who shall establish and
20 maintain the judicial and related account of the political
21 subdivision, defining for accounting purposes terms not
22 otherwise defined, used in this part in connection with judicial
23 and related accounts, specifying the time and manner of making
24 remittances and disbursements of moneys under this part by
25 county staff and fixing bonding requirements of county staff
26 handling moneys which are subject to this part. As used in this
27 subsection the term "county staff" includes personnel, except
28 judicial officers, of the City of Pittsburgh.

29 * * *

30 § 3721. County judicial center or courthouse.

1 * * *

2 (c) Child-care facilities.--

3 * * *

4 (2) If a child-care facility is provided under paragraph
5 (1):

6 (i) The child-care facility shall be licensed and
7 operated pursuant to Articles IX and X of the act of June
8 13, 1967 (P.L.31, No.21), known as the [Public Welfare]
9 Human Services Code, and regulations of the Department of
10 [Public Welfare] Human Services.

11 (ii) In addition to any other court cost or filing
12 fee authorized to be collected by law, an additional fee
13 of \$5 shall be charged and collected by the prothonotary,
14 clerk of orphans' court and register of wills of the
15 county or by any official designated to perform the
16 functions thereof for the initiation of any civil action
17 or legal proceeding.

18 (iii) In addition to any other court cost or filing
19 fee authorized to be collected by law, an additional fee
20 of \$5 shall be charged and collected by the clerk of
21 courts of the county or by any official designated to
22 perform the functions thereof for the initiation of any
23 criminal proceeding for which a fee, charge or cost
24 authorized on the effective date of this subsection and
25 for which a conviction is obtained or guilty plea is
26 entered.

27 * * *

28 § 4521.1. Statewide jury information system.

29 (a) General rule.--Notwithstanding any prohibition found in
30 any other law, regulation or rule to the contrary, the following

1 departments shall submit to the Court Administrator of
2 Pennsylvania, in a format provided herein, a list of individuals
3 as designated for that department to be included in a Statewide
4 jury information system on or before October 31 of each year:

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

10 * * *

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

13 § 4903. Definitions.

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

17 * * *

18 "Eligible legal services provider." A not-for-profit entity
19 incorporated in this Commonwealth, tax exempt under section
20 501(c) (3) of the Internal Revenue Code of 1986 (Public Law 99-
21 514, 26 U.S.C. § 501(c) (3)) or any successor provision, which
22 operates within this Commonwealth for the primary purpose of
23 providing civil legal services without charge and which operates
24 to provide such civil legal services to eligible clients and
25 victims of abuse under contract or subcontract with the
26 Department of [Public Welfare] Human Services for the
27 expenditure of funds appropriated by the General Assembly for
28 the provision of legal services.

29 * * *

30 Section 34. The definitions of "health care provider" and

1 "hospital" in section 5101.1(c) of Title 42 are amended to read:

2 § 5101.1. Venue in medical professional liability actions.

3 * * *

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

7 * * *

8 "Health care provider." A primary health care center, a
9 personal care home licensed by the Department of [Public
10 Welfare] Human Services pursuant to the act of June 13, 1967
11 (P.L.31, No.21), known as the [Public Welfare] Human Services
12 Code, or a person, including a corporation, university or other
13 educational institution licensed or approved by the Commonwealth
14 to provide health care or professional medical services as a
15 physician, a certified nurse midwife, a podiatrist, hospital,
16 nursing home, birth center, and an officer, employee or agent of
17 any of them acting in the course and scope of employment.

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

22 * * *

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

25 § 5552. Other offenses.

26 * * *

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

30 * * *

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

3 * * *

4 § 62A05. Commencement of proceedings.

5 * * *

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

11 * * *

12 (3) Twenty-five dollars shall be forwarded to the
13 Department of [Public Welfare] Human Services for use for
14 victims of sexual assault in accordance with the provisions
15 of section 2333 of the act of April 9, 1929 (P.L.177,
16 No.175), known as The Administrative Code of 1929.

17 * * *

18 (d) Service.--

19 * * *

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

26 * * *

27 § 62A14. Contempt for violation of order.

28 * * *

29 (d) Trial and punishment.--

30 * * *

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

3 (i) One hundred dollars shall be forwarded to the
4 Commonwealth and shall be used by the Pennsylvania State
5 Police to establish and maintain the Statewide registry
6 of protection orders provided for in section 62A04(c)
7 (relating to responsibilities of law enforcement
8 agencies).

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

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

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

14 (iii) One hundred dollars shall be forwarded to the
15 Department of [Public Welfare] Human Services for use for
16 victims of sexual assault in accordance with the
17 provisions of section 2333 of the act of April 9, 1929
18 (P.L.177, No.175), known as The Administrative Code of
19 1929.

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

22 * * *

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

25 § 6302. Definitions.

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

29 * * *

30 "Shelter care." Temporary care of a child in physically

1 unrestricted facilities. A facility approved by the Department
2 of [Public Welfare] Human Services to provide shelter care may
3 be located in the same building as a facility approved to
4 provide secure detention services provided that children
5 receiving shelter care services are segregated from the children
6 receiving secure detention services as required by the
7 department.

8 Section 37. Sections 6303(a)(4), 6306, 6308(a)(6), 6327(a),
9 (c.1)(1), (e) and (f), 6336.1(b)(3) introductory paragraph,
10 6352(a)(3) and (4) and 6353(c) of Title 42 are amended to read:
11 § 6303. Scope of chapter.

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

14 * * *

15 (4) Proceedings under the Interstate Compact on
16 Juveniles, as set forth in section 731 of the act of June 13,
17 1967 (P.L.31, No.21), known as the [Public Welfare] Human
18 Services Code.

19 * * *

20 § 6306. Costs and expenses of care of child.

21 The costs and expenses of the care of the child shall be paid
22 as provided by sections 704.1 and 704.2 of the act of June 13,
23 1967 (P.L.31, No.21), known as the ["Public Welfare Code."]
24 Human Services Code.

25 § 6308. Law enforcement records.

26 (a) General rule.--Law enforcement records and files
27 concerning a child shall be kept separate from the records and
28 files of arrests of adults. Unless a charge of delinquency is
29 transferred for criminal prosecution under section 6355
30 (relating to transfer to criminal proceedings), the interest of

1 national security requires, or the court otherwise orders in the
2 interest of the child, the records and files shall not be open
3 to public inspection or their contents disclosed to the public
4 except as provided in subsection (b); but inspection of the
5 records and files is permitted by:

6 * * *

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

11 * * *

12 § 6327. Place of detention.

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

15 (1) A licensed foster home or a home approved by the
16 court.

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

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

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

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

30 * * *

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

2 (1) A child who is subject to criminal proceedings
3 having been charged with an act set forth under paragraph
4 (2) (i), (ii) or (iii) of the definition of "delinquent act"
5 in section 6302, who has not been released on bail and who
6 may seek or is seeking transfer to juvenile proceedings under
7 section 6322 (relating to transfer from criminal proceedings)
8 may be detained in a secure detention facility approved by
9 the Department of [Public Welfare] Human Services for the
10 detention of alleged and adjudicated delinquent children if
11 the attorney for the Commonwealth has consented to and the
12 court has ordered the detention.

13 * * *

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

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

29 § 6336.1. Notice and hearing.

30 * * *

1 (b) Permanency hearings.--

2 * * *

3 (3) The Department of [Public Welfare] Human Services
4 shall develop a form for use by a foster parent or parents,
5 preadoptive parent or relative providing care for the child,
6 including, but not limited to, the following information:

7 * * *

8 § 6352. Disposition of delinquent child.

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

20 * * *

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

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

29 * * *

30 § 6353. Limitation on and change in place of commitment.

1 * * *

2 (c) Notice of available facilities and services.--

3 Immediately after the Commonwealth adopts its budget, the
4 Department of [Public Welfare] Human Services shall notify the
5 courts and the General Assembly, for each Department of [Public
6 Welfare] Human Services region, of the available:

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

8 (2) General residential beds for the adjudicated
9 delinquent child.

10 (3) The community-based programs for the adjudicated
11 delinquent child.

12 If the population at a particular institution or program exceeds
13 110% of capacity, the department shall notify the courts and the
14 General Assembly that intake to that institution or program is
15 temporarily closed and shall make available equivalent services
16 to children in equivalent facilities.

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

19 § 6402. 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 * * *

27 Section 39. Sections 6403(b)(3), 6404.2(c) and 6406 heading
28 of Title 42 are amended to read:

29 § 6403. Court-ordered involuntary treatment.

30 * * *

1 (b) Procedures for initiating court-ordered involuntary
2 commitment.--

3 * * *

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

21 * * *

22 § 6404.2. Duration of outpatient commitment and review.

23 * * *

24 (c) Status reports.--An involuntary outpatient treatment
25 provider shall submit a report on the person's status and
26 clinical progress, on a form prescribed by the department, to
27 the facility operated by the department pursuant to section
28 6406(a) (relating to duty of Department of [Public Welfare]
29 Human Services), not less than every 30 days.

30 * * *

1 § 6406. Duty of Department of [Public Welfare] Human Services.

2 * * *

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

4 § 7502. Retention of licenses and certifications of persons
5 entering military service.

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

20 * * *

21 Section 41. The definitions of "assisted living residence"
22 and "personal care home" in section 9503 of Title 51 are amended
23 to read:

24 § 9503. Definitions.

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

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

1 * * *

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

5 * * *

6 Section 42. Section 9507 of Title 51 is amended to read:
7 § 9507. Fee.

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

14 Section 43. The definition of "health center" in section
15 5602 of Title 53 is amended to read:

16 § 5602. Definitions.

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

20 * * *

21 "Health center." A facility which:

22 (1) is operated by a nonprofit corporation and:

23 (i) provides health care services to the public;

24 (ii) provides health care-related services or

25 assistance to one or more organizations in aid of the
26 provision of health care services to the public,

27 including, without limitation, such facilities as blood

28 banks, laboratories, research and testing facilities,

29 medical and administrative office buildings and ancillary

30 facilities;

1 (iii) constitutes an integrated facility which
2 provides substantial health care services on a
3 nonsectarian basis and other reasonably related services,
4 including, without limitation, life care or continuing
5 care communities and nursing, personal care or assisted
6 living facilities for the elderly, handicapped or
7 disabled; or

8 (iv) provides educational and counseling services
9 regarding the prevention, diagnosis and treatment of
10 health care problems; and

11 (2) if required by law to be licensed to provide such
12 services by the Department of Health, the Department of
13 [Public Welfare] Human Services or the Insurance Department,
14 is so licensed or, in the case of a facility to be
15 constructed, renovated or expanded, is designed to comply
16 with applicable standards for such licensure.

17 * * *

18 Section 44. The definition of "common level ratio" in
19 section 8562 of Title 53 is amended to read:

20 § 8562. Definitions.

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

24 * * *

25 "Common level ratio." The ratio of assessed value to market
26 value as determined by the State Tax Equalization Board under
27 [the act of June 27, 1947 (P.L.1046, No.447), referred to as the
28 State Tax Equalization Board Law.] Chapter 15 of the act of June
29 27, 1996 (P.L.403, No.58), known as the Community and Economic
30 Development Enhancement Act.

1 * * *

2 Section 45. The definition of "common level ratio" in
3 section 8582 of Title 53 is amended to read:

4 § 8582. Definitions.

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

8 * * *

9 "Common level ratio." The ratio of assessed value to current
10 market value used generally in the county as last determined by
11 the State Tax Equalization Board under [the act of June 27, 1947
12 (P.L.1046, No.447), referred to as the State Tax Equalization
13 Board Law.] Chapter 15 of the act of June 27, 1996 (P.L.403,
14 No.58), known as the Community and Economic Development
15 Enhancement Act.

16 * * *

17 Section 46. The definition of "common level ratio" in
18 section 8802 of Title 53 is amended to read:

19 § 8802. 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 "Common level ratio." The ratio of assessed value to current
25 market value used generally in the county and published by the
26 State Tax Equalization Board on or before July 1 of the year
27 prior to the tax year on appeal before the board under [the act
28 of June 27, 1947 (P.L.1046, No.447), referred to as the State
29 Tax Equalization Board Law.] Chapter 15 of the act of June 27,
30 1996 (P.L.403, No.58), known as the Community and Economic

1 Development Enhancement Act.

2 * * *

3 Section 47. Section 8815(c)(2) of Title 53 is amended to
4 read:

5 § 8815. Catastrophic loss.

6 * * *

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

19 * * *

20 (2) the State priority list by the Department of
21 Environmental [Resources] Protection under the Hazardous
22 Sites Cleanup Act.

23 Section 48. Section 311(f)(3) and (6) of Title 54 are
24 amended to read:

25 § 311. Registration.

26 * * *

27 (f) Required approvals.--The fictitious name shall not
28 contain:

29 * * *

30 (3) The words "bank," "banking," "banker" or "trust" or

1 any other word implying that the entity is a bank, bank and
2 trust company, savings bank, private bank or trust company,
3 as defined in the act of November 30, 1965 (P.L.847, No.356),
4 known as the Banking Code of 1965, unless approved by the
5 Department of Banking and Securities.

6 * * *

7 (6) The words "credit union" or any other words implying
8 that the entity is a credit union as defined in 17 Pa.C.S. §
9 102 (relating to application of title), unless approved by
10 the Department of Banking and Securities.

11 * * *

12 Section 49. Section 1104(a) of Title 61 is amended to read:
13 § 1104. State recording system for application of restraints to
14 pregnant prisoners or detainees.

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

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

27 (2) A correctional institution that is operated,
28 supervised or licensed by the Department of [Public Welfare]
29 Human Services pursuant to the [Public Welfare] Human
30 Services Code shall make the report to the Secretary of

1 [Public Welfare] Human Services.

2 * * *

3 Section 50. The definition of "correctional facility" in
4 section 1172 of Title 61 is amended to read:

5 § 1172. Definitions.

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

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

17 * * *

18 Section 51. Sections 5905(d) and 7103 of Title 61 are
19 amended to read:

20 § 5905. Healthy birth for incarcerated women.

21 * * *

22 (d) Annual report.--No later than August 1 of each year, the
23 secretary and the Secretary of [Public Welfare] Human Services
24 shall each submit to the Governor's Office a written report
25 containing information regarding the use of restraints on any
26 pregnant prisoner or detainee during the preceding fiscal year
27 specifically identifying and enumerating the circumstances that
28 led to the determination that the prisoner or detainee fell
29 under the exception in subsection (b) (2). The secretary shall
30 report on pregnant prisoners or detainees in the custody of

1 correctional institutions operated, supervised or licensed by
2 the department. The Secretary of [Public Welfare] Human Services
3 shall report on pregnant prisoners or detainees in the custody
4 of correctional institutions operated, supervised or licensed by
5 the Department of [Public Welfare] Human Services pursuant to
6 the act of June 13, 1967 (P.L.31, No.21), known as the [Public
7 Welfare] Human Services Code. The reports shall not contain any
8 identifying information of any prisoner or detainee. The reports
9 shall be posted on the Governor's Internet website and shall be
10 made available for public inspection at the offices of the
11 department and the Department of [Public Welfare] Human
12 Services, respectively.

13 * * *

14 § 7103. Powers.

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

27 Section 52. Section 102(e) of Title 62 is amended to read:

28 § 102. Application of part.

29 * * *

30 (e) Application to medical assistance provider agreements

1 and participating provider agreements.--Nothing in this part
2 shall apply to medical assistance provider agreements
3 administered by the Department of [Public Welfare] Human
4 Services or to participating provider agreements entered into by
5 the Department of Health.

6 * * *

7 Section 53. The definition of "medical assistance provider
8 agreement" in section 103 of Title 62 is amended to read:

9 § 103. Definitions.

10 Subject to additional definitions contained in subsequent
11 provisions of this part which are applicable to specific
12 provisions of this part, the following words and phrases when
13 used in this part shall have the meanings given to them in this
14 section unless the context clearly indicates otherwise:

15 * * *

16 "Medical assistance provider agreement." A written agreement
17 by a licensed or qualified provider of medically related
18 services to participate in the medical assistance program
19 administered by the Department of [Public Welfare] Human
20 Services.

21 * * *

22 Section 54. Sections 520(c) and 1724(c) of Title 62 are
23 amended to read:

24 § 520. Supplies manufactured and services performed by persons
25 with disabilities.

26 * * *

27 (c) Distribution.--At the request of the department, the
28 Department of [Public Welfare] Human Services or a nonprofit
29 agency with the approval of the Department of [Public Welfare]
30 Human Services shall facilitate the distribution of orders for

1 supplies manufactured by or services performed by persons with
2 disabilities among agencies for persons with disabilities.

3 * * *

4 § 1724. Jurisdiction.

5 * * *

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

18 * * *

19 Section 55. Section 1512(a) of Title 64 is amended to read:
20 § 1512. Board.

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

23 (1) The Secretary of Community and Economic Development
24 or a designee.

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

26 (3) The Secretary of Banking and Securities or a
27 designee.

28 (4) Four legislative appointees.

29 (i) Appointments are as follows:

30 (A) One individual appointed by the President

1 pro tempore of the Senate.

2 (B) One individual appointed by the Minority
3 Leader of the Senate.

4 (C) One individual appointed by the Speaker of
5 the House of Representatives.

6 (D) One individual appointed by the Minority
7 Leader of the House of Representatives.

8 (ii) Legislative appointees shall serve at the
9 pleasure of the appointing authority.

10 (iii) An individual appointed to the board pursuant
11 to subparagraph (i) may not be a member of the General
12 Assembly or staff of a member of the General Assembly.

13 * * *

14 Section 56. Sections 318(b) and (c), 514(c), 517(b), 518(c),
15 519(c), 521(f), 529(a)(2), (c)(5), (h), (j), (k)(3) and (l)(3)
16 and (4), 1308(d), 1327(a)(3)(i) and (d) and 1358(e)(3) of Title
17 66 are amended to read:

18 § 318. Commission to cooperate with other departments.

19 * * *

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

28 (c) Powers of certain governmental agencies unaffected.--
29 Nothing in this part shall be construed to deprive the
30 Department of Health or the Department of Environmental

1 [Resources] Protection of any jurisdiction, powers or duties now
2 vested in them.

3 § 514. Use of coal.

4 * * *

5 (c) Cost of upgrading.--Notwithstanding section 1315
6 (relating to limitation on consideration of certain costs for
7 electric utilities) and subject to regulations promulgated by
8 the commission, the commission may allow a portion of the
9 prudently incurred costs, determined on a per megawatt basis and
10 not to exceed 50% of the unit's undepreciated original cost per
11 megawatt, of uprating the capability of an existing coal-fueled
12 plant to use coal mined in Pennsylvania to be made a part of the
13 rate base or otherwise included in the rates charged by the
14 utility before such uprating is completed. This subsection shall
15 not apply unless, upon application of the affected public
16 utility, the commission determines that the uprating would be
17 more cost effective for the utility's ratepayers than other
18 alternatives for meeting the utility's load and capacity
19 requirements. Notwithstanding section 1309 (relating to rates
20 fixed on complaint; investigation of costs of production), the
21 commission, by regulation, shall provide for a utility to remove
22 the costs of an uprating from its rate base and to refund any
23 revenues collected as the result of this subsection, plus
24 interest, which shall be the average rate of interest specified
25 for residential mortgage lending by the Secretary of Banking and
26 Securities in accordance with the act of January 30, 1974
27 (P.L.13, No.6), referred to as the Loan Interest and Protection
28 Law, during the period or periods for which the commission
29 orders refunds, if the commission, after notice and hearings,
30 determines that the uprating has not been completed within a

1 reasonable time.

2 § 517. Conversion of electric generating units fueled by oil or
3 natural gas.

4 * * *

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

11 * * *

12 § 518. Construction of electric generating units fueled by
13 nuclear energy.

14 * * *

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

21 * * *

22 § 519. Construction of electric generating units fueled by oil
23 or natural gas.

24 * * *

25 (c) Environmental questions.--The commission may certify, to
26 the Department of Environmental [Resources] Protection, any
27 question regarding the applicability of environmental laws and
28 regulations, when the question arises in a proceeding under this
29 section, and may incorporate the department's findings in its
30 decision.

1 * * *

2 § 521. Retirement of electric generating units.

3 * * *

4 (f) Construction costs.--Notwithstanding section 1315
5 (relating to limitation on consideration of certain costs for
6 electric utilities) and subject to regulations promulgated by
7 the commission, the commission may allow a portion of the
8 prudently incurred costs of capital additions, determined on a
9 per megawatt basis and not to exceed 50% of the unit's
10 undepreciated original cost per megawatt, to an electric
11 generating unit to be made a part of the rate base or otherwise
12 included in the rates charged by the utility before such capital
13 additions are completed if the commission, acting pursuant to
14 subsection (a) or (b), prohibits the utility from retiring the
15 unit or orders the utility to return the unit to normal
16 operation, provided that:

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

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

22 Notwithstanding section 1309 (relating to rates fixed on
23 complaint; investigation of costs of production), the
24 commission, by regulation, shall provide for a utility to remove
25 the costs of capital additions from its rate base and to refund
26 any revenues collected as the result of this subsection, plus
27 interest, which shall be the average rate of interest specified
28 for residential mortgage lending by the Secretary of Banking and
29 Securities in accordance with the act of January 30, 1974
30 (P.L.13, No.6), referred to as the Loan Interest and Protection

1 Law, during the period or periods for which the commission
2 orders refunds, if the commission, after notice and hearing,
3 determines that the capital addition has not been completed
4 within a reasonable time.

5 * * *

6 § 529. Power of commission to order acquisition of small water
7 and sewer utilities.

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

12 * * *

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

21 * * *

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

24 * * *

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

30 * * *

1 (h) Notice.--The notice required by subsection (a) or any
2 other provision of this section shall be served upon the small
3 water or sewer utility affected, the Office of Consumer
4 Advocate, the Office of Small Business Advocate, the Office of
5 Trial Staff, the Department of Environmental [Resources]
6 Protection, all proximate public utilities providing the same
7 type of service as the small water or sewer utility, all
8 proximate municipalities and municipal authorities providing the
9 same type of service as the small water or sewer utility and the
10 municipalities served by the small water or sewer utility. The
11 commission shall order the affected small water or sewer utility
12 to provide notice to its customers of the initiation of
13 proceedings under this section in the same manner in which the
14 utility is required to notify its customers of proposed general
15 rate increases.

16 * * *

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

1 after that improvement becomes used and useful in the public
2 service.

3 (k) Limitations on liability.--Upon approval by the
4 commission of a plan for improvements submitted pursuant to
5 subsection (j) and the acquisition of a small water or sewer
6 utility by a capable public utility, the acquiring capable
7 public utility shall not be liable for any damages beyond the
8 aggregate amount of \$50,000, including a maximum amount of
9 \$5,000 per incident, if the cause of those damages is
10 proximately related to identified violations of applicable
11 statutes or regulations by the small water or sewer utility.
12 This subsection shall not apply:

13 * * *

14 (3) if, within 60 days of having received notice of the
15 proposed plan for improvements, the Department of
16 Environmental [Resources] Protection submitted written
17 objections to the commission and those objections have not
18 subsequently been withdrawn.

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

29 * * *

30 (3) if, within 60 days of having received notice of the

1 proposed plan for improvements, the Department of
2 Environmental [Resources] Protection submitted written
3 objections to the commission and those objections have not
4 subsequently been withdrawn; or

5 (4) to emergency interim actions of the commission or
6 the Department of Environmental [Resources] Protection,
7 including, but not limited to, the ordering of boil-water
8 advisories or other water supply warnings, of emergency
9 treatment or of temporary, alternate supplies of water.

10 * * *

11 § 1308. Voluntary changes in rates.

12 * * *

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

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

1 the public utility. If the public utility furnishes two or more
2 types of service, the foregoing percentages shall be determined
3 only on the basis of the customers receiving, and the revenues
4 derived from, the type of service to which the tariff filing
5 pertains.

6 * * *

7 § 1327. Acquisition of water and sewer utilities.

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

17 * * *

18 (3) the public utility, municipal corporation or person
19 from which the property was acquired was not, at the time of
20 acquisition, furnishing and maintaining adequate, efficient,
21 safe and reasonable service and facilities, evidence of which
22 shall include, but not be limited to, any one or more of the
23 following:

24 (i) violation of statutory or regulatory
25 requirements of the Department of Environmental
26 [Resources] Protection or the commission concerning the
27 safety, adequacy, efficiency or reasonableness of service
28 and facilities;

29 * * *

30 (d) Forfeiture.--Notwithstanding section 1309 (relating to

1 rates fixed on complaint; investigation of costs of production),
2 the commission, by regulation, shall provide for the removal of
3 the excess costs of acquisition from its rates, or any portion
4 thereof, found by the commission to be unreasonable and to
5 refund any excess revenues collected as a result of this
6 section, plus interest, which shall be the average rate of
7 interest specified for residential mortgage lending by the
8 Secretary of Banking and Securities in accordance with the act
9 of January 30, 1974 (P.L.13, No.6), referred to as the Loan
10 Interest and Protection Law, during the period or periods for
11 which the commission orders refunds, if the commission, after
12 notice and hearings, determines that the reasonable and prudent
13 investments to be made in accordance with this section have not
14 been completed within a reasonable time.

15 * * *

16 § 1358. Customer protections.

17 * * *

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

19 * * *

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

29 * * *

30 Section 57. The definition of "LIHEAP" or "Low Income Home

1 Energy Assistance Program" in section 1403 of Title 66 is
2 amended to read:

3 § 1403. 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 "LIHEAP" or "Low Income Home Energy Assistance Program." A
9 federally funded program that provides financial assistance in
10 the form of cash and crisis grants to low-income households for
11 home energy bills and is administered by the Department of
12 [Public Welfare] Human Services.

13 * * *

14 Section 58. Sections 1406(g), 1413, 2709(a) and (b)(2),
15 3019(f)(5) and 3105 of Title 66 are amended to read:

16 § 1406. Termination of utility service.

17 * * *

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

25 * * *

26 § 1413. Reporting of recipients of public assistance.

27 The Department of [Public Welfare] Human Services shall
28 annually provide a city natural gas distribution operation with
29 the listing of recipients of public assistance in a city of the
30 first class. A city natural gas distribution operation shall not

1 use the listing for anything but qualification and continued
2 eligibility for a customer assistance program or LIHEAP.
3 § 2709. Disposition of real property by public utility engaged
4 in railroad business.

5 (a) Notice.--Before a public utility engaged in a railroad
6 business disposes of real property previously used as a roadbed
7 right-of-way, it must notify the county, city, borough,
8 incorporated town or township in which the real property is
9 located, and it must notify the Department of Transportation,
10 the Pennsylvania Game Commission, the Pennsylvania Fish and Boat
11 Commission and the Department of [Environmental] Conservation
12 and Natural Resources. Notifications shall be in writing.

13 (b) Procedure after notice.--

14 * * *

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

1 * * *

2 § 3019. Additional powers and duties.

3 * * *

4 (f) Lifeline service.--

5 * * *

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

26 * * *

27 § 3105. Reports to Department of Community [Affairs] and
28 Economic Development.

29 Each municipality and private corporation operating a foreign
30 trade zone within the limits of this Commonwealth shall file a

1 copy of every report which it shall make, or be required to
2 make, under the act of Congress with the Department of Community
3 [Affairs] and Economic Development.

4 Section 59. Section 3402(a)(26) last paragraph of Title 68
5 is amended to read:

6 § 3402. Public offering statement; general provisions.

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

10 * * *

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

18 * * *

19 Section 60. The definitions of "correction officer" and
20 "psychiatric security aide" in section 5102 of Title 71 are
21 amended to read:

22 § 5102. Definitions.

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

26 * * *

27 "Correction officer." Any full-time employee assigned to the
28 Department of Corrections or the Department of [Public Welfare]
29 Human Services whose principal duty is the care, custody and
30 control of inmates or direct therapeutic treatment, care,

1 custody and control of inmates of a penal or correctional
2 institution, community treatment center, forensic unit in a
3 State hospital or secure unit of a youth development center
4 operated by the Department of Corrections or by the Department
5 of [Public Welfare] Human Services.

6 * * *

7 "Psychiatric security aide." Any employee whose principal
8 duty is the care, custody and control of the criminally insane
9 inmates of a maximum security institution for the criminally
10 insane or detention facility operated by the Department of
11 [Public Welfare] Human Services.

12 * * *

13 Section 61. Sections 1516(d)(5) and (f)(2) and 5905 of Title
14 74 are amended to read:

15 § 1516. Programs of Statewide significance.

16 * * *

17 (d) Community transportation.--

18 * * *

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

1 improving coordination and efficiency of human services and
2 community transportation.

3 * * *

4 (f) Shared Ride Community Transportation Service Delivery
5 Pilot Program.--

6 * * *

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

11 (i) A member appointed by the President pro tempore
12 of the Senate.

13 (ii) A member appointed by the Minority Leader of
14 the Senate.

15 (iii) A member appointed by the Speaker of the House
16 of Representatives.

17 (iv) A member appointed by the Minority Leader of
18 the House of Representatives.

19 (v) Two members from the Pennsylvania Public Transit
20 Association appointed by the secretary.

21 (vi) A member appointed by the secretary to
22 represent people with disabilities.

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

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

28 (ix) A member of the County Commissioners
29 Association appointed by the secretary.

30 (x) The secretary or a designee.

- 1 (xi) The Secretary of Aging or a designee.
2 (xii) The Secretary of the Budget or a designee.
3 (xiii) The Secretary of [Public Welfare] Human
4 Services or a designee.

5 * * *

6 § 5905. Certain State-owned airport.

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

1 transferred entails significant maintenance and operation
2 responsibilities for the Department of General Services, then
3 and thereafter the jurisdiction and control of the land shall be
4 transferred to the Department of Transportation.

5 Section 62. Sections 1111(b.1), 1337(c)(4), 1905(b)(2), (3)
6 and (4), 3354(g)(2) and 8307(a) of Title 75 are amended to read:
7 § 1111. Transfer of ownership of vehicle.

8 * * *

9 (b.1) Transfers relating to the RESET program.--A motor
10 vehicle transferred to the Commonwealth or a political
11 subdivision for use in the RESET program administered under
12 section 405.1 of the act of June 13, 1967 (P.L.31, No.21), known
13 as the [Public Welfare] Human Services Code, shall not be
14 subject to sales or use tax under Article II of the act of March
15 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971,
16 upon the removal of the vehicle from inventory by any:

- 17 (1) motor vehicle dealer, importer or wholesaler; or
18 (2) "broker," "dealer" or "distributor," as defined in
19 section 2 of the act of December 22, 1983 (P.L.306, No.84),
20 known as the Board of Vehicles Act.

21 * * *

22 § 1337. Use of "Miscellaneous Motor Vehicle Business"
23 registration plates.

24 * * *

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

26 * * *

27 (4) Financier or collector-repossessor.--Any person who
28 is duly authorized by the Department of Banking and
29 Securities to do business in this Commonwealth as a financier
30 or collector-repossessor and who is regularly engaged in the

1 business of financing sales, making loans on the security of
2 vehicles or repossessing vehicles which are the subject of
3 installment sales contracts as an independent contractor.

4 * * *

5 § 1905. Payments to special funds.

6 * * *

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

11 * * *

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

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

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

26 * * *

27 § 3354. Additional parking regulations.

28 * * *

29 (g) Special penalty; disposition.--

30 * * *

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

3 (i) Ninety-five percent shall be paid to the
4 Department of Revenue, transmitted to the Treasury
5 Department and credited to the Department of [Public
6 Welfare] Human Services for use for the Attendant Care
7 Program.

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

10 * * *

11 § 8307. Hazardous Materials Transportation Advisory Committee.

12 (a) Membership.--There shall be a Hazardous Materials
13 Transportation Advisory Committee appointed by the secretary.
14 The committee shall be composed of an authorized representative
15 from the Department of Transportation, who shall chair the
16 committee, the Office of Attorney General, the Department of
17 Health, the Department of Environmental [Resources] Protection,
18 the Pennsylvania State Police, the Pennsylvania Emergency
19 Management Agency and the Pennsylvania Public Utility Commission
20 and representatives of the hazardous materials industry and the
21 public as follows:

- 22 (1) A manufacturer or shipper.
23 (2) A consignee or user.
24 (3) A common carrier.
25 (4) A private carrier.
26 (5) A representative of the fire services.
27 (6) A representative of the emergency medical services.
28 (7) A representative with highway safety experience.
29 (8) A member from the general public.
30 (9) Others deemed appropriate by the secretary.

1 * * *

2 Section 63. Repeals are as follows:

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

6 (2) Section 302(h) of the act of June 28, 1995 (P.L.89,
7 No.18), known as the Conservation and Natural Resources Act,
8 is repealed to the extent the subsection applies to the
9 transfer of duties from the Department of Environmental
10 Resources under 34 Pa.C.S. § 723 to the Department of
11 Conservation and Natural Resources.

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

15 (4) Section 304(c) of the Conservation and Natural
16 Resources Act is repealed to the extent the subsection
17 applies to the transfer of duties from the Department of
18 Environmental Resources to the Department of Conservation and
19 Natural Resources under the act of November 29, 1990
20 (P.L.600, No.151), entitled "An act amending Title 66 (Public
21 Utilities) of the Pennsylvania Consolidated Statutes,
22 providing an opportunity for municipalities to purchase real
23 property being disposed of by public utilities engaged in a
24 railroad business."

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

28 (6) Section 302(h) of the Conservation and Natural
29 Resources Act is repealed to the extent the subsection
30 applies to the transfer of duties from the Department of

1 Environmental Resources under 74 Pa.C.S. § 5905 to the
2 Department of Conservation and Natural Resources.
3 Section 64. This act shall take effect in 60 days.