

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1792 Session of 2021

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

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 16, 2021

AN ACT

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

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

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

21 SECTION 1. SECTIONS 501(A) AND (C), 905 AND 1105(A) OF TITLE 1 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

23 § 501. PUBLICATION AND DISTRIBUTION.

24 (A) GENERAL RULE.--THE LEGISLATIVE REFERENCE BUREAU MAY

1 COMPILE, EDIT, PUBLISH, PRINT, SUPPLEMENT AND REVISE OR CONTRACT
2 DIRECTLY OR THROUGH THE LEGISLATIVE PRINTING CLERK FOR THE
3 COMPILATION, EDITING, PUBLISHING, PRINTING, SUPPLEMENTATION OR
4 REVISION OF AN OFFICIAL PUBLICATION OF THE PENNSYLVANIA
5 CONSOLIDATED STATUTES AND AMENDMENTS THERETO. IT SHALL BE THE
6 DUTY OF THE DEPARTMENT OF [PROPERTY AND SUPPLIES] GENERAL
7 SERVICES, UPON REQUEST OF THE BUREAU, TO ARRANGE FOR THE PROMPT
8 DISTRIBUTION OF THE OFFICIAL PUBLICATION AND THE SUPPLEMENTS
9 THERETO AND REVISIONS THEREOF IN ACCORDANCE WITH THE PROVISIONS
10 OF THIS CHAPTER. THIS PUBLICATION SHALL BE IN ADDITION TO THE
11 PUBLICATION OF ADVANCE COPIES OF STATUTES AND THE LAWS OF
12 PENNSYLVANIA EXCEPT THAT THE BUREAU, WHEN AUTHORIZED BY
13 CONCURRENT RESOLUTION OF THE GENERAL ASSEMBLY, MAY REDUCE THE
14 NUMBER OF SUCH STATUTES AND LAWS PUBLISHED AND PRINTED AND
15 PROVIDE FOR THE MANNER OF THEIR DISTRIBUTION AND A FEE TO BE
16 CHARGED FOR CERTAIN DISTRIBUTIONS.

17 * * *

18 (C) PAYMENTS AND DISPOSITION OF MONEYS.--PAYMENTS FOR
19 DOCUMENTS PUBLISHED BY AUTHORITY OF THIS CHAPTER SHALL BE MADE
20 TO THE DEPARTMENT OF [PROPERTY AND SUPPLIES] GENERAL SERVICES
21 WHICH SHALL PAY THE SAME INTO THE STATE TREASURY TO THE CREDIT
22 OF THE GENERAL FUND. SUCH MONEYS ARE HEREBY APPROPRIATED FROM
23 THE GENERAL FUND TO THE LEGISLATIVE REFERENCE BUREAU TO CARRY
24 OUT THE PROVISIONS OF THIS CHAPTER.

25 § 905. SECTION HEADINGS.

26 THE DIRECTOR OF THE LEGISLATIVE REFERENCE BUREAU, WITH THE
27 APPROVAL OF THE [DEPARTMENT OF JUSTICE] ATTORNEY GENERAL, SHALL
28 PREPARE AND PROMULGATE AN APPROPRIATE HEADING FOR ANY SECTION OF
29 THE CONSTITUTION OF PENNSYLVANIA WHICH WAS HERETOFORE OR MAY
30 HEREAFTER BE ADOPTED WITHOUT A SECTION HEADING. ANY SECTION

1 HEADING PROMULGATED PURSUANT TO THIS SECTION SHALL BE PUBLISHED
2 IN THE NEXT AVAILABLE VOLUME OF THE LAWS OF PENNSYLVANIA.

3 § 1105. EDITING STATUTES FOR PRINTING.

4 (A) CORRECTION OF ERRORS.--WHERE ANY STATUTE SHALL HAVE BEEN
5 FINALLY ENACTED AND IT SHALL BE ASCERTAINED THAT SUCH STATUTE IS
6 TECHNICALLY DEFECTIVE IN FORM, OR CONTAINS MISSPELLED WORDS OR
7 TYPOGRAPHICAL ERRORS, OR THE PLURAL OR SINGULAR NUMBER, OR THE
8 PAST, PRESENT OR FUTURE TENSE APPEARS WHERE ANOTHER SHOULD BE
9 USED, OR WHERE A WORD CLEARLY INTENDED TO BE INSERTED HAS BEEN
10 OMITTED, OR WHERE A WORD CLEARLY SHOULD HAVE BEEN OMITTED, OR
11 WHERE A WORD IS CORRECTLY SPELLED BUT IT CLEARLY APPEARS THAT
12 ANOTHER WORD WAS INTENDED, THE DIRECTOR OF THE LEGISLATIVE
13 REFERENCE BUREAU, IN EDITING SUCH STATUTE, SHALL HAVE AUTHORITY,
14 WITH THE APPROVAL OF THE PRESIDENT PRO TEMPORE OF THE SENATE,
15 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE [DEPARTMENT
16 OF JUSTICE] ATTORNEY GENERAL, TO CORRECT THE ORIGINAL COPY OF
17 SUCH STATUTE, AS FILED IN THE DEPARTMENT OF STATE, IF SUCH
18 CORRECTION WILL NOT IN ANY MANNER AFFECT OR CHANGE THE MEANING,
19 INTENT OR SUBSTANCE OF SUCH STATUTE.

20 * * *

21 SECTION 2. SECTION 508 OF TITLE 2 IS AMENDED TO READ:

22 § 508. NOTICE TO [DEPARTMENT OF JUSTICE] OFFICE OF ATTORNEY
23 GENERAL.

24 BEFORE NOTICE OF ANY HEARING LEADING TO AN ADJUDICATION IS
25 GIVEN BY A COMMONWEALTH AGENCY (EXCEPT THE PENNSYLVANIA PUBLIC
26 UTILITY COMMISSION), THE AGENCY SHALL SUBMIT THE MATTER TO ITS
27 REPRESENTATIVE IN THE [DEPARTMENT OF JUSTICE] OFFICE OF ATTORNEY
28 GENERAL WHO SHALL PASS UPON THE LEGALITY OF THE PROPOSED ACTION
29 OR DEFENSE. FAILURE OF THE AGENCY TO SUBMIT THE MATTER TO THE
30 [DEPARTMENT] OFFICE OF ATTORNEY GENERAL SHALL NOT INVALIDATE ANY

1 ADJUDICATION.

2 SECTION 2.1. SECTION 2703 OF TITLE 3 IS AMENDED TO READ:

3 § 2703. UNLAWFUL ACTS.

4 A PERSON COMMITS A SUMMARY OFFENSE OF THE SECOND DEGREE AND
5 SHALL BE SUBJECT TO THE PENALTY IMPOSED UNDER 34 PA.C.S. §
6 925(B) (5) (RELATING TO JURISDICTION AND PENALTIES) IF THE PERSON
7 DOES ANY OF THE FOLLOWING:

8 (1) IF THE PERSON IS A TAXIDERMIST, MOUNTS ANY SPECIMEN
9 WHICH WAS NOT LAWFULLY KILLED OR RAISED UNDER AUTHORITY OF A
10 PROPAGATING PERMIT UNLESS THE OWNER OF THE SPECIMEN PRESENTS
11 THE TAXIDERMIST WITH A PERMIT OBTAINED FROM THE PENNSYLVANIA
12 GAME COMMISSION OR THE PENNSYLVANIA FISH AND BOAT COMMISSION
13 AND, IN THE CASE OF MIGRATORY BIRDS, THE REQUIRED FEDERAL
14 PERMIT.

15 (2) MOUNTS ANY SPECIMEN UNLESS THE OWNER OF THE SPECIMEN
16 PRESENTS THE PERSON WITH A COPY OF A PERMIT ISSUED BY THE
17 PENNSYLVANIA GAME COMMISSION OR THE PENNSYLVANIA FISH AND
18 BOAT COMMISSION. A TAXIDERMIST MAY ACCEPT A SPECIMEN FOR
19 SAFEKEEPING AND, AFTER NOTIFYING THE NEAREST PENNSYLVANIA
20 GAME COMMISSION OR PENNSYLVANIA FISH AND BOAT COMMISSION
21 OFFICER, HOLD IT UNTIL THE OWNER OBTAINS THE NECESSARY PERMIT
22 OR FOR A PERIOD NOT TO EXCEED 60 DAYS.

23 (3) VIOLATES THE PROVISIONS OF THIS CHAPTER.

24 SECTION 3. SECTION 6133(B) AND (D) (2) OF TITLE 7 ARE AMENDED
25 TO READ:

26 § 6133. Issuance of license.

27 * * *

28 (b) Appeal of denial.--If the department refuses to issue a
29 license, it shall notify the applicant in writing of the denial,
30 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 4. 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 5. 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~~ 6. ~~Section~~ SECTIONS 202(C) (2) (III) AND 1511(f) of <--
14 Title 15 ~~is~~ ARE amended to read: <--

15 § 202. REQUIREMENTS FOR NAMES GENERALLY. <--

16 * * *

17 (C) REQUIRED APPROVALS OR CONDITIONS.--

18 * * *

19 (2) THE PROPER NAME OF A COVERED ASSOCIATION SHALL NOT
20 CONTAIN:

21 * * *

22 (III) THE WORDS "ENGINEER" OR "ENGINEERING,"
23 "SURVEYOR" OR "SURVEYING" OR ANY OTHER WORD IMPLYING THAT
24 ANY FORM OF THE PRACTICE OF ENGINEERING OR SURVEYING AS
25 DEFINED IN THE ACT OF MAY 23, 1945 (P.L.913, NO.367),
26 KNOWN AS THE ENGINEER, LAND SURVEYOR AND GEOLOGIST
27 REGISTRATION LAW, IS PROVIDED UNLESS AT LEAST ONE OF THE
28 INDIVIDUALS SIGNING THE INITIAL PUBLIC ORGANIC RECORD OF
29 THE ASSOCIATION OR ONE OF THE GOVERNORS OF THE EXISTING
30 ASSOCIATION HAS BEEN PROPERLY REGISTERED WITH THE STATE

1 REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND
2 SURVEYORS AND GEOLOGISTS IN THE PRACTICE OF ENGINEERING
3 OR SURVEYING AND THERE IS SUBMITTED TO THE DEPARTMENT A
4 CERTIFICATE FROM THE BOARD TO THAT EFFECT.

5 * * *

6 § 1511. Additional powers of certain public utility
7 corporations.

8 * * *

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

25 * * *

26 Section ~~5~~ 7. Section 2713(c) of Title 18 is amended to read: <--

27 § 2713. Neglect of care-dependent person.

28 * * *

29 (c) Report during investigation.--When in the course of
30 conducting any regulatory or investigative responsibility, the

1 Department of Aging, the Department of Health or the Department
2 of [Public Welfare] Human Services has a reasonable cause to
3 believe that a care-dependent person or care-dependent persons
4 residing in a facility have suffered bodily injury or been
5 unlawfully restrained in violation of subsection (a)(1) or (2),
6 a report shall be made immediately to the local law enforcement
7 agency or to the Office of Attorney General.

8 * * *

9 Section ~~6~~ 8. The definition of "center for children" in <--
10 section 3124.2(b) of Title 18, amended July 23, 2020 (P.L.641,
11 No.63), is amended to read:

12 § 3124.2. Institutional sexual assault.

13 * * *

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

17 * * *

18 "Center for children." Includes a child day-care center,
19 group and family day-care home, boarding home for children, a
20 center providing early intervention and drug and alcohol
21 services for children or other facility which provides child-
22 care services which are subject to approval, licensure,
23 registration or certification by the Department of [Public
24 Welfare] Human Services or a county social services agency or
25 which are provided pursuant to a contract with the department or
26 a county social services agency. The term does not include a
27 youth development center, youth forestry camp, State or county
28 juvenile detention facility and other licensed residential
29 facility serving children and youth.

30 * * *

1 Section 7 9. Sections 5749(C), 6501(f) and 7506(a) of Title <--
2 18 are amended to read:

3 § 5749. RETENTION OF CERTAIN RECORDS. <--

4 * * *

5 (C) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
6 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
7 SUBSECTION:

8 "COMMANDER." THE:

9 (1) [COMMISSIONER] COMMISSIONER OF THE PENNSYLVANIA
10 STATE POLICE OR A DESIGNEE, IF THE RECORDING AT ISSUE WAS
11 MADE BY A MEMBER OF THE PENNSYLVANIA STATE POLICE; OR

12 (2) CHIEF OR A DESIGNEE OF THE LAW ENFORCEMENT AGENCY
13 WHICH MADE THE RECORDING AT ISSUE.

14 "LAW ENFORCEMENT OFFICER." A MEMBER OF THE PENNSYLVANIA
15 STATE POLICE OR AN INDIVIDUAL EMPLOYED AS A POLICE OFFICER WHO
16 IS REQUIRED TO BE TRAINED UNDER 53 PA.C.S. CH. 21 SUBCH. D
17 (RELATING TO MUNICIPAL POLICE EDUCATION AND TRAINING).

18 § 6501. Scattering rubbish.

19 * * *

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

23 * * *

24 § 7506. Violation of rules regarding conduct on Commonwealth
25 property.

26 (a) Promulgation of rules and regulations.--The Department
27 of [Environmental] Conservation and Natural Resources,
28 Pennsylvania Game Commission and Pennsylvania Historical and
29 Museum Commission may promulgate rules and regulations governing
30 conduct, other than conduct regulated in section 7505 (relating

1 to violation of governmental rules regarding traffic), on
2 Commonwealth property within the jurisdiction of that agency.
3 Such rules and regulations shall be reasonably related to the
4 preservation and protection of such property for its specified
5 or intended use, or to promote the welfare, safety or protection
6 of those persons using such property, shall be consistent with
7 existing law and shall be posted in a manner reasonable likely
8 to come to the attention of persons using such property.

9 * * *

10 Section § 10. The definition of "criminal justice agency" in <--
11 section 9102 of Title 18 is amended to read:

12 § 9102. Definitions.

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

16 * * *

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

1 subunits thereof, as are declared by the Attorney General to be
2 criminal justice agencies as determined by a review of
3 applicable statutes and the State and Federal Constitutions or
4 both.

5 * * *

6 SECTION 11. SECTION 9113(C) AND (E) OF TITLE 18 ARE AMENDED <--
7 TO READ:

8 § 9113. DISPOSITION REPORTING BY CRIMINAL JUSTICE AGENCIES.

9 * * *

10 (C) CORRECTIONAL INSTITUTIONS.--COUNTY, REGIONAL AND STATE
11 CORRECTIONAL INSTITUTIONS SHALL COLLECT AND SUBMIT INFORMATION
12 REGARDING THE ADMISSION, RELEASE AND LENGTH OF SENTENCE OF
13 INDIVIDUALS SENTENCED TO LOCAL AND COUNTY INSTITUTIONS AS
14 REQUIRED BY THE [BUREAU OF CORRECTION] DEPARTMENT OF
15 CORRECTIONS.

16 * * *

17 (E) STATE AGENCIES.--THE ADMINISTRATIVE OFFICE OF
18 PENNSYLVANIA COURTS, THE [BUREAU OF CORRECTION] DEPARTMENT OF
19 CORRECTIONS, THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE AND
20 THE PENNSYLVANIA BOARD OF PARDONS SHALL COLLECT AND SUBMIT TO
21 THE CENTRAL REPOSITORY SUCH INFORMATION NECESSARY TO MAINTAIN
22 COMPLETE AND ACCURATE CRIMINAL HISTORY RECORD INFORMATION. EACH
23 STATE AGENCY LISTED IN THIS SUBSECTION SHALL SUBMIT TO THE
24 CENTRAL REPOSITORY ANY REPORTS OF DISPOSITIONS OCCURRING WITHIN
25 THEIR RESPECTIVE AGENCIES AND SUCH INFORMATION REPORTED FROM
26 COUNTY AND LOCAL CRIMINAL JUSTICE AGENCIES.

27 Section 9 12. Sections 3101(c), 3319(b)(1), 3321(d), <--
28 5488(b), 5525, 7780.3(a) and 7799.3(c), (d)(1), (e)(1) and (2)
29 and (f) of Title 20 are amended to read:

30 § 3101. Payments to family and funeral directors.

1 * * *

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

21 * * *

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

25 * * *

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

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

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

13 * * *

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

17 * * *

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

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

1 * * *

2 § 5488. Advisory committee.

3 * * *

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

11 * * *

12 § 5525. Notice to Commonwealth and political subdivisions.

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

19 § 7780.3. Duty to inform and report.

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

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

3 * * *

4 § 7799.3. Pooled trusts for individuals with disabilities.

5 * * *

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

21 (d) Reporting.--

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

1 the settlor upon request.

2 * * *

3 (e) Coordination of services.--

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

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

13 * * *

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

18 * * *

19 Section ~~10~~ 13. The definition of "agency" in section 2102 of <--
20 Title 23 is amended to read:

21 § 2102. Definitions.

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

25 * * *

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

1 the department.

2 * * *

3 Section ~~14~~ 14. Sections 2503(e), 2504(d), 2505(e), 2511(c), <--
4 2551, 2552, 2732 and 2910 of Title 23 are amended to read:

5 § 2503. Hearing.

6 * * *

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

17 § 2504. Alternative procedure for relinquishment.

18 * * *

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

29 § 2505. Counseling.

30 * * *

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

15 § 2511. Grounds for involuntary termination.

16 * * *

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

27 § 2551. Definitions.

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

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

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

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

8 § 2732. Definitions.

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

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

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

16 (2) provides adoption services.

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

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

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

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

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

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

5 § 2910. Penalty for unauthorized disclosure.

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

12 Section ~~12~~ 15. The definition of "department" in section <--
13 2911 of Title 23 is amended to read:

14 § 2911. Definitions.

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

18 * * *

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

21 * * *

22 Section ~~13~~ 16. The definitions of "department" and "State <--
23 disbursement unit" in section 4302 of Title 23 are amended to
24 read:

25 § 4302. Definitions.

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

29 * * *

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

1 Services of the Commonwealth.

2 * * *

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

7 * * *

8 Section ~~14~~ 17. Section 4306(c) of Title 23 is amended to <--
9 read:

10 § 4306. Duties of Title IV-D attorney.

11 * * *

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

21 Section ~~15~~ 18. The definition of "net proceeds" in section <--
22 4308.1(i) of Title 23 is amended to read:

23 § 4308.1. Collection of overdue support from monetary awards.

24 * * *

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

28 * * *

29 "Net proceeds." Moneys in excess of \$5,000 payable to a
30 prevailing party or beneficiary, or in the case of an award

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

12 * * *

13 Section ~~16~~ 19. The definition of "health care coverage" in <--
14 section 4326(1) of Title 23 is amended to read:

15 § 4326. Mandatory inclusion of child medical support.

16 * * *

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

20 * * *

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

28 * * *

29 Section ~~17~~ 20. Sections 4343(c)(6), 4355(d.6) and 4371 of <--
30 Title 23 are amended to read:

1 § 4343. Paternity.

2 * * *

3 (c) Genetic tests.--

4 * * *

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

12 § 4355. Denial or suspension of licenses.

13 * * *

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

24 * * *

25 § 4371. Definitions.

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

29 "Assistance." Cash assistance, medical assistance or
30 designated services provided under Article IV of the act of June

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

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

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

7 Section ~~18~~ 21. The definition of "assistance group" in <--
8 section 4374(g) of Title 23 is amended to read:

9 § 4374. State disbursement unit.

10 * * *

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

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

17 * * *

18 Section ~~19~~ 22. The definition of "department" in section <--
19 4602 of Title 23 is amended to read:

20 § 4602. 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 "Department." The Department of [Public Welfare] Human
26 Services of the Commonwealth.

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

30 § 4603. Relatives' liability; procedure.

1 * * *

2 (b) Amount.--

3 * * *

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

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

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

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

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

23 * * *

24 § 5103. Acknowledgment and claim of paternity.

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

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

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

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

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

30 (i) A signed, witnessed statement subject to 18

1 Pa.C.S. § 4904 (relating to unsworn falsification to
2 authorities) by the birth mother consenting to the
3 acknowledgment of paternity.

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

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

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

12 * * *

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

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

22 * * *

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

25 * * *

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

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

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

5 * * *

6 § 6106. Commencement of proceedings.

7 * * *

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

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

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

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

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

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

26 * * *

27 § 6114. Contempt for violation of order or agreement.

28 * * *

29 (b) Trial and punishment.--

30 * * *

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

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

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

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

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

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

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

22 * * *

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

25 § 6303. Definitions.

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

29 * * *

30 "County agency." The county children and youth social

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

7 * * *

8 Section ~~22~~ 25. Sections 6311(a)(16), 6341(b), 6344(a)(8) and <--
9 (d.3)(1), 6363, 6376(d), 6383(b)(4) and (c)(1) and 6385 of Title
10 23 are amended to read:

11 § 6311. Persons required to report suspected child abuse.

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

16 * * *

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

24 * * *

25 § 6341. Amendment or expunction of information.

26 * * *

27 (b) Review of grant of request.--If the secretary grants the
28 request under subsection (a)(2), the Statewide database,
29 appropriate county agency, appropriate law enforcement officials
30 and all subjects shall be so advised of the decision. The county

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

12 * * *

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

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

17 * * *

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

24 (i) A family living home.

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

27 (iii) A host home for children.

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

1 * * *

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

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

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

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

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

4 * * *

5 § 6363. County plan for protective services.

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

10 § 6376. Appeals with respect to general protective services.

11 * * *

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

19 * * *

20 § 6383. Education and training.

21 * * *

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

23 * * *

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

29 (i) The applicant or licensee submits documentation
30 acceptable to the licensing board that the person has

1 already completed child abuse recognition training.

2 (ii) The training was:

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

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

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

15 * * *

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

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

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

25 (ii) Foster parents.

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

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

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

12 * * *

13 § 6385. Reimbursement to county agencies.

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

20 Section ~~23~~ 26. The definition of "department" in section <--
21 6502 of Title 23 is amended to read:

22 § 6502. Definitions.

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

26 * * *

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

29 * * *

30 Section ~~24~~ 27. The definitions of "~~department~~" and "~~obligee~~" <--

1 "DEPARTMENT," "OBLIGEE" AND "SECRETARY" in section 8101(b) of <--
2 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 "SECRETARY." THE SECRETARY OF [PUBLIC WELFARE] HUMAN <--
28 SERVICES OF THE COMMONWEALTH.

29 * * *

30 Section ~~25~~ 28. Section 1201 of Title 25 is amended to read: <--

1 § 1201. Departmental responsibilities.

2 The department shall do all of the following:

3 (1) Provide for applicants to submit their voter
4 registration application to a commission, the Department of
5 Transportation and other agencies designated in section 1325
6 (relating to government agencies).

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

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

17 (4) Promulgate regulations necessary to administer this
18 part.

19 Section ~~26~~ 29. Section 306(a) of Title 30 is amended to <--
20 read:

21 § 306. Boating Advisory Board.

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

1 * * *

2 Section ~~27~~ 30. Section 723(3) of Title 34 is amended to <--
3 read:

4 § 723. Exchange or sale.

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

7 * * *

8 (3) Sell lands to the Department of [Environmental]
9 Conservation and Natural Resources for State forests or to
10 the Federal Government for National Forests or National
11 Wildlife Refuges when in the best interests of game or
12 wildlife.

13 Section ~~28~~ 31. The definition of "custodial child care <--
14 facility" in section 7102 of Title 35 is amended to read:

15 § 7102. Definitions.

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

19 * * *

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

24 * * *

25 Section ~~29~~ 32. Sections 7312(a), 7385(B) and 7701(b) of <--
26 Title 35 are amended to read:

27 § 7312. Organization.

28 This agency shall consist of and be organized substantially
29 as follows:

30 (a) Council.--Primary responsibility for overall policy and

1 direction of a Statewide civil defense and disaster program and
2 response capability of the type hereinafter prescribed shall be
3 vested in a body legally known as the Pennsylvania Emergency
4 Management Council, which shall be composed of: the Governor,
5 Lieutenant Governor, Adjutant General, Secretary of Health,
6 Attorney General, General Counsel, Secretary of Community
7 [Affairs] and Economic Development, Secretary of Environmental
8 Protection, Secretary of Transportation, Secretary of
9 Agriculture, Secretary of [Public Welfare] Human Services,
10 Commissioner of the Pennsylvania State Police, Chairman of the
11 Public Utility Commission, State Fire Commissioner, Speaker of
12 the House of Representatives, President pro tempore of the
13 Senate, Minority Leader of the Senate and Minority Leader of the
14 House of Representatives. The Speaker of the House of
15 Representatives, President pro tempore of the Senate, Minority
16 Leader of the Senate and Minority Leader of the House of
17 Representatives may authorize a member of their respective
18 Houses of the General Assembly to serve in their stead. The
19 Governor may authorize up to two representatives of business and
20 industry, up to two representatives of labor, up to two public
21 members at large and one representative respectively of the
22 Pennsylvania State Association of County Commissioners, the
23 Pennsylvania State Association of Township Commissioners, the
24 Pennsylvania State Association of Township Supervisors, the
25 Pennsylvania League of Cities and the Pennsylvania State
26 Association of Boroughs to be nonvoting members of the council.
27 The Governor may designate a member to serve as chairman. Five
28 members shall constitute a quorum.

29 * * *

30 § 7385. PENNSYLVANIA FIRE AND EMERGENCY MEDICAL SERVICES LOAN <--

1 PROGRAM.

2 * * *

3 (B) TRANSFER.--THERE ARE TRANSFERRED TO THE COMMISSIONER, TO
4 BE USED, EMPLOYED AND EXPENDED IN CONNECTION WITH THE FUNCTIONS,
5 POWERS AND DUTIES ENUMERATED IN SUBSECTION (A), PERSONNEL,
6 CONTRACTUAL OBLIGATIONS, IF ANY, MORTGAGES, LIENS, ENCUMBRANCES
7 AND ANY OTHER SECURED INTERESTS, RECORDS, FILES, PROPERTY,
8 SUPPLIES AND EQUIPMENT NOW BEING USED OR HELD IN CONNECTION WITH
9 SUCH FUNCTIONS, POWERS AND DUTIES AND THE UNEXPENDED BALANCE OF
10 APPROPRIATIONS, ALLOCATIONS AND OTHER FUNDS AVAILABLE OR TO BE
11 MADE AVAILABLE FOR USE IN CONNECTION WITH SUCH FUNCTIONS, POWERS
12 AND DUTIES AS PREVIOUSLY WERE VESTED IN THE FORMER DEPARTMENT OF
13 COMMUNITY AFFAIRS UNDER SUBCHAPTER E AND TRANSFERRED TO THE
14 AGENCY BY REORGANIZATION PLAN NO.7 OF 1981 (P.L.615).

15 § 7701. Duties concerning disaster prevention.

16 * * *

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

27 * * *

28 Section ~~30~~ 33. ~~Section~~ SECTIONS 306(2) AND 705(B)(1) of <--
29 Title 37 ~~is~~ ARE amended to read: <--

30 § 306. Publications and reproductions.

1 The commission shall have the power and duty to:

2 * * *

3 (2) Official repositories.--Establish one official
4 repository for its publications from among the qualified
5 historical or archaeological societies within each of the
6 geographic areas established and defined by the Department of
7 Community [Affairs] and Economic Development as "Standard
8 Regions." The Pennsylvania State Library and the Library of
9 Congress shall also be official repositories for commission
10 publications.

11 * * *

12 § 705. UNITED STATES BRIG NIAGARA. <--

13 * * *

14 (B) POWERS AND DUTIES OF THE COMMISSION.--THE COMMISSION
15 SHALL HAVE THE POWER AND DUTY TO:

16 (1) COOPERATE WITH THE DEPARTMENT OF MILITARY AND
17 VETERANS AFFAIRS, THE UNITED STATES NAVY AND OTHER
18 APPROPRIATE ORGANIZATIONS IN COMMEMORATING SIGNIFICANT EVENTS
19 OF OUR NAVAL AND MARITIME HERITAGE.

20 * * *

21 Section ~~31~~ 34. 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~~ 35. Sections 761(A)(1), 2705(a), (C) AND (F), <--

1 3502(b), 3721(c)(2) and 4521.1(a)(1) of Title 42 are amended to
2 read:

3 § 761. ORIGINAL JURISDICTION. <--

4 (A) GENERAL RULE.--THE COMMONWEALTH COURT SHALL HAVE
5 ORIGINAL JURISDICTION OF ALL CIVIL ACTIONS OR PROCEEDINGS:

6 (1) AGAINST THE COMMONWEALTH GOVERNMENT, INCLUDING ANY
7 OFFICER THEREOF, ACTING IN HIS OFFICIAL CAPACITY, EXCEPT:

8 (I) ACTIONS OR PROCEEDINGS IN THE NATURE OF
9 APPLICATIONS FOR A WRIT OF HABEAS CORPUS OR POST-
10 CONVICTION RELIEF NOT ANCILLARY TO PROCEEDINGS WITHIN THE
11 APPELLATE JURISDICTION OF THE COURT;

12 (II) EMINENT DOMAIN PROCEEDINGS;

13 (III) ACTIONS OR PROCEEDINGS CONDUCTED PURSUANT TO
14 CHAPTER 85 (RELATING TO MATTERS AFFECTING GOVERNMENT
15 UNITS);

16 (IV) ACTIONS OR PROCEEDINGS CONDUCTED PURSUANT TO
17 THE FORMER ACT OF MAY 20, 1937 (P.L.728, NO.193),
18 REFERRED TO AS THE BOARD OF CLAIMS ACT, OR 62 PA.C.S. CH.
19 17 SUBCH. C (RELATING TO BOARD OF CLAIMS); AND

20 (V) ACTIONS OR PROCEEDINGS IN THE NATURE OF TRESPASS
21 AS TO WHICH THE COMMONWEALTH GOVERNMENT FORMERLY ENJOYED
22 SOVEREIGN OR OTHER IMMUNITY AND ACTIONS OR PROCEEDINGS IN
23 THE NATURE OF ASSUMPSIT RELATING TO SUCH ACTIONS OR
24 PROCEEDINGS IN THE NATURE OF TRESPASS.

25 * * *

26 § 2705. Responsibility for reports to executive agencies.

27 (a) Community [Affairs] and Economic Development.--The
28 office of clerk of the court of common pleas shall certify to
29 the Department of Community [Affairs] and Economic Development a
30 copy of any order of court incorporating, merging, dissolving,

1 annexing any territory from or to, confirming the adoption,
2 amendment or repeal of any home rule charter or optional plan of
3 government, or otherwise affecting the corporate status of any
4 municipality.

5 * * *

6 (C) [DEPARTMENT OF JUSTICE] OFFICE OF ATTORNEY GENERAL.--THE <--
7 PROTHONOTARY AND THE CLERK OF THE COURTS SHALL MAKE TO THE
8 [DEPARTMENT OF JUSTICE] OFFICE OF ATTORNEY GENERAL SUCH PERIODIC
9 OR SPECIAL REPORTS CONCERNING CRIMINAL MATTERS AS THE
10 [DEPARTMENT] OFFICE OF ATTORNEY GENERAL MAY SPECIFY BY
11 REGULATION.

12 * * *

13 (F) SUPERSEDING ADMINISTRATIVE OFFICE PROCEDURES AND
14 STANDARDS.--THE MANNER OF MAKING ANY INFORMATIONAL REPORT
15 REQUIRED BY OR PURSUANT TO SUBSECTIONS (A) THROUGH (E) OR BY OR
16 PURSUANT TO ANY OTHER SIMILAR STATUTE BY THE OFFICE OF THE CLERK
17 OF THE COURT OF COMMON PLEAS MAY BE MODIFIED BY PROCEDURES AND
18 STANDARDS PRESCRIBED PURSUANT TO SECTION 4301 (RELATING TO
19 ESTABLISHMENT AND MAINTENANCE OF JUDICIAL RECORDS) WITH THE
20 APPROVAL OF THE [DEPARTMENT OF JUSTICE] ATTORNEY GENERAL.
21 § 3502. Financial regulations.

22 * * *

23 (b) County staff.--The Department of Community [Affairs] and
24 Economic Development, with the approval of the governing
25 authority, may promulgate regulations relating to forms and
26 accounting methods to be utilized in connection with the
27 judicial and related accounts to be maintained pursuant to this
28 part, designating the county staff who shall establish and
29 maintain the judicial and related account of the political
30 subdivision, defining for accounting purposes terms not

1 otherwise defined, used in this part in connection with judicial
2 and related accounts, specifying the time and manner of making
3 remittances and disbursements of moneys under this part by
4 county staff and fixing bonding requirements of county staff
5 handling moneys which are subject to this part. As used in this
6 subsection the term "county staff" includes personnel, except
7 judicial officers, of the City of Pittsburgh.

8 * * *

9 § 3721. County judicial center or courthouse.

10 * * *

11 (c) Child-care facilities.--

12 * * *

13 (2) If a child-care facility is provided under paragraph
14 (1):

15 (i) The child-care facility shall be licensed and
16 operated pursuant to Articles IX and X of the act of June
17 13, 1967 (P.L.31, No.21), known as the [Public Welfare]
18 Human Services Code, and regulations of the Department of
19 [Public Welfare] Human Services.

20 (ii) In addition to any other court cost or filing
21 fee authorized to be collected by law, an additional fee
22 of \$5 shall be charged and collected by the prothonotary,
23 clerk of orphans' court and register of wills of the
24 county or by any official designated to perform the
25 functions thereof for the initiation of any civil action
26 or legal proceeding.

27 (iii) In addition to any other court cost or filing
28 fee authorized to be collected by law, an additional fee
29 of \$5 shall be charged and collected by the clerk of
30 courts of the county or by any official designated to

1 perform the functions thereof for the initiation of any
2 criminal proceeding for which a fee, charge or cost
3 authorized on the effective date of this subsection and
4 for which a conviction is obtained or guilty plea is
5 entered.

6 * * *

7 § 4521.1. Statewide jury information system.

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

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

19 * * *

20 Section ~~33~~ 36. The definition of "eligible legal services <--
21 provider" in section 4903 of Title 42 is amended to read:

22 § 4903. Definitions.

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

26 * * *

27 "Eligible legal services provider." A not-for-profit entity
28 incorporated in this Commonwealth, tax exempt under section
29 501(c) (3) of the Internal Revenue Code of 1986 (Public Law 99-
30 514, 26 U.S.C. § 501(c) (3)) or any successor provision, which

1 operates within this Commonwealth for the primary purpose of
2 providing civil legal services without charge and which operates
3 to provide such civil legal services to eligible clients and
4 victims of abuse under contract or subcontract with the
5 Department of [Public Welfare] Human Services for the
6 expenditure of funds appropriated by the General Assembly for
7 the provision of legal services.

8 * * *

9 Section ~~34~~ 37. The definitions of "health care provider" and <--
10 "hospital" in section 5101.1(c) of Title 42 are amended to read:
11 § 5101.1. Venue in medical professional liability actions.

12 * * *

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

16 * * *

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

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

1 * * *

2 Section ~~35~~ 38. Sections 5552(b)(4), 5950(D), 5974(B), <--
3 62A05(c.1)(3) and (d)(5) and 62A14(d)(5) of Title 42 are amended
4 to read:

5 § 5552. Other offenses.

6 * * *

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

10 * * *

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

13 * * *

14 § 5950. CONFIDENTIAL COMMUNICATIONS INVOLVING LAW ENFORCEMENT <--
15 OFFICERS.

16 * * *

17 (D) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
18 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
19 SUBSECTION:

20 "COPARTICIPANT." AN INDIVIDUAL WHO PARTICIPATES IN A GROUP
21 CRITICAL INCIDENT STRESS MANAGEMENT TEAM INTERVENTION.

22 "CRITICAL INCIDENT." A SITUATION RESPONDED TO BY A LAW
23 ENFORCEMENT OFFICER WHICH PRESENTS OR INVOLVES EITHER THE DEATH
24 OR SERIOUS BODILY INJURY OF AN INDIVIDUAL OR THE IMMINENT
25 POTENTIAL OF SUCH DEATH OR SERIOUS BODILY INJURY, OR ANY
26 SITUATION FACED BY A LAW ENFORCEMENT OFFICER IN THE COURSE OF
27 DUTY WHICH CAUSES OR MAY CAUSE THE LAW ENFORCEMENT OFFICER TO
28 EXPERIENCE UNUSUALLY STRONG NEGATIVE EMOTIONAL REACTIONS.

29 "CRITICAL INCIDENT STRESS MANAGEMENT NETWORK." A NETWORK
30 THAT MEETS THE REQUIREMENTS OF MEMBERSHIP WITH THE PENNSYLVANIA

1 VOLUNTARY CRITICAL INCIDENT STRESS MANAGEMENT NETWORK AS
2 ADMINISTERED BY THE DEPARTMENT OF HEALTH AND IS REGISTERED WITH
3 THE INTERNATIONAL CRITICAL INCIDENT STRESS FOUNDATION.

4 "CRITICAL INCIDENT STRESS MANAGEMENT SERVICES."
5 CONSULTATION, RISK ASSESSMENT, EDUCATION, INTERVENTION,
6 BRIEFING, DEFUSING, DEBRIEFING, ONSITE SERVICES, REFERRAL AND
7 OTHER CRISIS INTERVENTION SERVICES PROVIDED BY A CRITICAL
8 INCIDENT STRESS MANAGEMENT TEAM TO A LAW ENFORCEMENT OFFICER
9 PRIOR TO, DURING OR AFTER A CRITICAL INCIDENT.

10 "CRITICAL INCIDENT STRESS MANAGEMENT TEAM MEMBER." AN
11 INDIVIDUAL WHO IS SPECIALLY TRAINED TO PROVIDE CRITICAL INCIDENT
12 STRESS MANAGEMENT SERVICES AS A MEMBER OF A POLICE AGENCY OR
13 ORGANIZATION CRITICAL INCIDENT STRESS MANAGEMENT TEAM THAT HOLDS
14 MEMBERSHIP IN THE COMMONWEALTH'S CRITICAL INCIDENT STRESS
15 MANAGEMENT NETWORK.

16 "GOVERNMENT UNIT." THE GENERAL ASSEMBLY AND ITS OFFICERS AND
17 AGENCIES; THE GOVERNOR AND THE DEPARTMENTS, BOARDS, COMMISSIONS,
18 AUTHORITIES AND OFFICERS AND AGENCIES OF THE COMMONWEALTH OR
19 OTHER INSTRUMENTALITIES THEREOF; ANY POLITICAL SUBDIVISION,
20 MUNICIPALITY, SCHOOL DISTRICT OR OTHER LOCAL AUTHORITY AND THE
21 DEPARTMENTS, BOARDS, COMMISSIONS, AUTHORITIES AND OFFICERS AND
22 AGENCIES OF SUCH POLITICAL SUBDIVISIONS OR OTHER
23 INSTRUMENTALITIES THEREOF; AND ANY COURT OR OTHER OFFICER OR
24 AGENCY OF THE UNIFIED JUDICIAL SYSTEM OR INSTRUMENTALITY
25 THEREOF.

26 "LAW ENFORCEMENT OFFICER." ANY OF THE FOLLOWING:

- 27 (1) A MEMBER OF THE PENNSYLVANIA STATE POLICE.
28 (2) ANY ENFORCEMENT OFFICER OR INVESTIGATOR EMPLOYED BY
29 THE PENNSYLVANIA LIQUOR CONTROL BOARD.
30 (3) A PAROLE AGENT OF THE DEPARTMENT OF CORRECTIONS.

1 (4) A CAPITOL POLICE OFFICER.

2 (5) A DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
3 RANGER.

4 (6) A DRUG ENFORCEMENT AGENT OF THE OFFICE OF ATTORNEY
5 GENERAL WHOSE PRINCIPAL DUTY IS THE ENFORCEMENT OF THE DRUG
6 LAWS OF THIS COMMONWEALTH AND A SPECIAL AGENT OF THE OFFICE
7 OF ATTORNEY GENERAL WHOSE PRINCIPAL DUTY IS THE ENFORCEMENT
8 OF THE CRIMINAL LAWS OF THIS COMMONWEALTH.

9 (7) ANY MEMBER OF A PORT AUTHORITY OR OTHER AUTHORITY
10 POLICE DEPARTMENT.

11 (8) ANY POLICE OFFICER OF A COUNTY, REGION, CITY,
12 BOROUGH, TOWN OR TOWNSHIP.

13 (9) ANY SHERIFF OR DEPUTY SHERIFF.

14 (10) A MEMBER OF THE PENNSYLVANIA FISH AND BOAT
15 COMMISSION.

16 (11) A PENNSYLVANIA WILDLIFE CONSERVATION OFFICER.

17 (12) A MEMBER OF A CAMPUS POLICE FORCE WITH THE POWER TO
18 ARREST UNDER SECTION 2416 OF THE ACT OF APRIL 9, 1929
19 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929.
20 AS USED IN THIS PARAGRAPH, THE TERM "CAMPUS POLICE" HAS THE
21 MEANING GIVEN IN SECTION 302 OF THE ACT OF NOVEMBER 29, 2004
22 (P.L.1383, NO.180), KNOWN AS THE UNIFORM CRIME REPORTING ACT.

23 (13) A MEMBER OF THE FORT INDIANTOWN GAP POLICE FORCE.
24 § 5974. SUMMONING PRISONER IN THIS COMMONWEALTH TO TESTIFY IN
25 ANOTHER STATE.

26 * * *

27 (B) HEARING.--UPON PRESENTATION OF THE CERTIFICATE TO ANY
28 COURT HAVING JURISDICTION OVER THE PERSON CONFINED AND UPON
29 NOTICE TO THE [BUREAU OF CORRECTION] DEPARTMENT OF CORRECTIONS,
30 THE COURT IN THIS COMMONWEALTH SHALL FIX A TIME AND PLACE FOR A

1 HEARING AND SHALL MAKE AN ORDER, DIRECTED TO THE PERSON HAVING
2 CUSTODY OF THE PRISONER, REQUIRING THAT THE PRISONER BE PRODUCED
3 BEFORE IT AT THE HEARING.

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~~ 39. The definition of "shelter care" in section <--
24 6302 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~~ 40. Sections 6303(a)(4), 6306, 6308(a)(6), <--
9 6327(a), (c.1)(1), (e) and (f), 6336.1(b)(3) introductory
10 paragraph, 6352(a)(3) and (4) and 6353(c) of Title 42 are
11 amended to read:

12 § 6303. Scope of chapter.

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

15 * * *

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

20 * * *

21 § 6306. Costs and expenses of care of child.

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

26 § 6308. Law enforcement records.

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

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

7 * * *

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

12 * * *

13 § 6327. Place of detention.

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

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

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

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

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

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

1 * * *

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

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

14 * * *

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

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

30 § 6336.1. Notice and hearing.

1 * * *

2 (b) Permanency hearings.--

3 * * *

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

8 * * *

9 § 6352. Disposition of delinquent child.

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

21 * * *

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

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

30 * * *

1 § 6353. Limitation on and change in place of commitment.

2 * * *

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

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

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

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

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

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

18 Section ~~38~~ 41. The definition of "department" in section <--
19 6402 of Title 42 is amended to read:

20 § 6402. 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 "Department." The Department of [Public Welfare] Human
26 Services of the Commonwealth.

27 * * *

28 Section ~~39~~ 42. Sections 6403(b)(3), 6404.2(c) and, 6406 <--
29 heading, 9107, 9144.1 AND 9727(B)(2) of Title 42 are amended to <--
30 read:

1 § 6403. Court-ordered involuntary treatment.

2 * * *

3 (b) Procedures for initiating court-ordered involuntary
4 commitment.--

5 * * *

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

23 * * *

24 § 6404.2. Duration of outpatient commitment and review.

25 * * *

26 (c) Status reports.--An involuntary outpatient treatment
27 provider shall submit a report on the person's status and
28 clinical progress, on a form prescribed by the department, to
29 the facility operated by the department pursuant to section
30 6406(a) (relating to duty of Department of [Public Welfare]

1 Human Services), not less than every 30 days.

2 * * *

3 § 6406. Duty of Department of [Public Welfare] Human Services.

4 * * *

5 § 9107. ADMINISTRATOR AND INFORMATION AGENT. <--

6 THE [DEPARTMENT OF JUSTICE] ATTORNEY GENERAL SHALL SERVE AS
7 CENTRAL ADMINISTRATOR OF AND INFORMATION AGENT FOR THE AGREEMENT
8 ON DETAINERS.

9 § 9144.1. PAYMENT OF EXPENSES, COSTS AND FEES.

10 ALL COSTS AND EXPENSES SHALL BE PAID OUT OF THE COUNTY
11 TREASURY IN THE COUNTY WHEREIN THE CRIME IS ALLEGED TO HAVE BEEN
12 COMMITTED: PROVIDED, HOWEVER, THAT ALL COSTS AND EXPENSES
13 INCURRED BY A COUNTY IN EXTRADITING A PERSON WHO, UPON RELEASE
14 FROM A FEDERAL PRISON, IS APPREHENDED ON A WRIT OF DETAINER
15 ISSUED BY A STATE OTHER THAN PENNSYLVANIA, SHALL BE REIMBURSED
16 BY THE [DEPARTMENT OF JUSTICE] ATTORNEY GENERAL. REIMBURSABLE
17 COSTS AND EXPENSES INCURRED IN ANY EXTRADITION PROCEEDING SHALL
18 INCLUDE, BUT NOT BE LIMITED TO, APPREHENDING, SECURING,
19 TRANSMITTING AND MAINTAINING THE PRISONER, AS WELL AS FOOD,
20 COURT FEES AND COUNSEL FEES. ANY PERSON RELEASED FROM A FEDERAL
21 PRISON FOR WHOM EXTRADITION PROCEEDINGS HAVE BEEN INITIATED AND
22 WHO IS APPREHENDED ON A WRIT OF DETAINER ISSUED BY A STATE OTHER
23 THAN PENNSYLVANIA, SHALL BE TRANSFERRED TO THE [BUREAU OF
24 CORRECTION] DEPARTMENT OF CORRECTIONS AS SOON AS POSSIBLE UNTIL
25 SUCH EXTRADITION OCCURS OR UNTIL HE IS RELEASED BY THE COURT.
26 THE [COMMISSIONER OF CORRECTION] SECRETARY OF CORRECTIONS SHALL
27 ACCEPT SUCH TRANSFER. THE [BUREAU OF CORRECTION] DEPARTMENT OF
28 CORRECTIONS SHALL MAKE EVERY EFFORT TO BE REIMBURSED FOR ALL
29 COSTS AND EXPENSES FROM THE STATE WHICH IS SEEKING EXTRADITION.
30 § 9727. DISPOSITION OF PERSONS FOUND GUILTY BUT MENTALLY ILL.

1 * * *

2 (B) TREATMENT.--

3 * * *

4 (2) THE COST FOR TREATMENT OF OFFENDERS FOUND GUILTY BUT
5 MENTALLY ILL, COMMITTED TO THE CUSTODY OF THE [BUREAU OF
6 CORRECTION] DEPARTMENT OF CORRECTIONS AND TRANSFERRED TO A
7 MENTAL HEALTH FACILITY, SHALL BE BORNE BY THE COMMONWEALTH.

8 * * *

9 Section ~~40~~ 43. ~~Section~~ CHAPTER 7 HEADING AND SECTIONS 1508, <--
10 1511(B) AND 7502(a) of Title 51 ~~is~~ ARE amended to read: <--

11 CHAPTER 7 <--

12 DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

13 § 1508. PAYMENT OF ARMORY RENTALS BY COMMONWEALTH.

14 THE ANNUAL RENTAL OF ALL ARMORIES AND BUILDINGS NOT OWNED BY
15 THE COMMONWEALTH AND OCCUPIED BY ANY ORGANIZATION, SHALL BE PAID
16 BY THE STATE TREASURER IN THE MANNER PROVIDED BY LAW. ALL
17 PAYMENTS FOR LIGHT, HEAT, WATER AND JANITOR SERVICES IN RENTED
18 ARMORIES AND BUILDINGS SHALL BE MADE BY THE DEPARTMENT OF
19 MILITARY AND VETERANS AFFAIRS UPON PROPERLY ITEMIZED VOUCHERS,
20 EXCEPT WHERE SUCH SERVICES ARE FURNISHED BY THE LANDLORD UNDER
21 THE RENTAL CONTRACT.

22 § 1511. STATE TREASURY ARMORY FUND.

23 * * *

24 (B) APPROPRIATION.--MONEYS IN THE STATE TREASURY ARMORY FUND
25 ARE HEREBY APPROPRIATED TO THE DEPARTMENT OF MILITARY AND
26 VETERANS AFFAIRS IN SUCH AMOUNTS AS MAY BE DETERMINED ANNUALLY
27 BY THE GOVERNOR TO BE USED FOR THE PURPOSES SPECIFIED IN
28 SUBSECTIONS (C) AND (D).

29 * * *

30 § 7502. Retention of licenses and certifications of persons

1 entering military service.

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

16 * * *

17 SECTION 44. THE DEFINITION OF "ELIGIBLE DISABLED OR DECEASED <--
18 VETERAN" IN SECTION 8701 OF TITLE 51 IS AMENDED TO READ:

19 § 8701. 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 "ELIGIBLE DISABLED OR DECEASED VETERAN." A PERSON WHO SERVED
25 IN THE MILITARY OR NAVAL FORCES OF THE UNITED STATES, OR A
26 WOMEN'S ORGANIZATION OFFICIALLY CONNECTED THEREWITH, WHO:

27 (1) WAS KILLED IN ACTION OR DIED AS A RESULT OF WOUNDS
28 INCURRED DURING A PERIOD OF WAR OR ARMED CONFLICT OR AS A
29 RESULT OF HOSTILE FIRE OR TERRORIST ATTACK DURING PEACETIME
30 (AS DETERMINED BY THE DEPARTMENT OF MILITARY AND VETERANS

1 AFFAIRS) ;

2 (2) DIED IN SERVICE DURING A PERIOD OF WAR OR ARMED
3 CONFLICT;

4 (3) WAS HONORABLY DISCHARGED FROM THE MILITARY OR NAVAL
5 FORCES OF THE UNITED STATES AND CERTIFIED BY THE UNITED
6 STATES VETERANS' ADMINISTRATION AS A 100% DISABLED VETERAN AS
7 A RESULT OF SERVICE DURING A PERIOD OF WAR OR ARMED CONFLICT
8 OR AS A RESULT OF HOSTILE FIRE OR TERRORIST ATTACK (AS
9 DETERMINED BY THE DEPARTMENT OF MILITARY AND VETERANS
10 AFFAIRS) DURING PEACETIME; OR

11 (4) WAS HONORABLY DISCHARGED FROM THE MILITARY OR NAVAL
12 FORCES OF THE UNITED STATES AND DIED AS A RESULT OF A
13 SERVICE-CONNECTED DISABILITY (AS CERTIFIED BY THE UNITED
14 STATES VETERANS' ADMINISTRATION) INCURRED DURING A PERIOD OF
15 WAR OR ARMED CONFLICT OR AS A RESULT OF PEACETIME HOSTILE
16 FIRE OR TERRORIST ATTACK (AS DETERMINED BY THE DEPARTMENT OF
17 MILITARY AND VETERANS AFFAIRS) .

18 * * *

19 SECTION 45. SECTIONS 9102(A) AND 9301(A) OF TITLE 51 ARE
20 AMENDED TO READ:

21 § 9102. AFFIDAVITS AND ACKNOWLEDGMENTS BY DESIGNATED OFFICERS.

22 (A) DESIGNATION OF CERTAIN OFFICERS AUTHORIZED.--EACH LOCAL
23 ORGANIZATION OF THE AMERICAN RED CROSS, THE AMERICAN LEGION,
24 VETERANS OF WORLD WAR I OF THE U.S.A., INC., VETERANS OF FOREIGN
25 WARS OF THE UNITED STATES, DISABLED AMERICAN VETERANS, UNITED
26 SPANISH WAR VETERANS, REGULAR VETERANS ASSOCIATION, DIRECTOR OF
27 VETERANS AFFAIRS, JEWISH WAR VETERANS OF THE UNITED STATES, THE
28 MILITARY ORDER OF THE PURPLE HEART, THE ITALIAN AMERICAN WAR
29 VETERANS OF THE UNITED STATES, INCORPORATED, AND SUCH OTHER
30 SIMILAR ORGANIZATIONS NOW OR HEREAFTER ACCREDITED OR RECOGNIZED

1 BY THE UNITED STATES VETERANS ADMINISTRATION, WHICH SUPPLIES
2 SUCH AID AND ASSISTANCE TO VETERANS OR THEIR DEPENDENTS, AND
3 WHICH GRATUITOUSLY PREPARES FORMS FOR VETERANS AND THEIR
4 DEPENDENTS IN CONNECTION WITH THEIR AFFAIRS AS SUCH BEFORE THE
5 UNITED STATES, ANY AGENCY THEREOF, OR THE COMMONWEALTH, ANY
6 AGENCY OR POLITICAL SUBDIVISION THEREOF, IS HEREBY AUTHORIZED TO
7 DESIGNATE ONE OF ITS OFFICERS TO TAKE AFFIDAVITS OR
8 ACKNOWLEDGMENTS TO SUCH FORMS, AS MAY BE REQUIRED BY RULE,
9 REGULATION OR OTHERWISE BY THE UNITED STATES, ANY AGENCY
10 THEREOF, OR THE COMMONWEALTH, ANY AGENCY OR POLITICAL
11 SUBDIVISION THEREOF, IN THE ADMINISTRATION OF THE AFFAIRS OF
12 VETERANS AND THEIR DEPENDENTS. FOR THE SAME PURPOSES THE
13 ADJUTANT GENERAL IS AUTHORIZED TO DESIGNATE ONE OR MORE PERSONS
14 FROM THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS, AND THE
15 STATE DIRECTOR OF SELECTIVE SERVICE IS AUTHORIZED TO DESIGNATE
16 ONE OR MORE PERSONS FROM THE PENNSYLVANIA SELECTIVE SERVICE
17 SYSTEM.

18 * * *

19 § 9301. REPORTS OF ANNUAL CONVENTIONS.

20 (A) PRINTING AND DISTRIBUTION BY COMMONWEALTH.--WHENEVER THE
21 DEPARTMENT COMMANDERS OF THE GRAND ARMY OF THE REPUBLIC, THE
22 UNITED SPANISH WAR VETERANS, THE VETERANS OF FOREIGN WARS OF THE
23 UNITED STATES, THE AMERICAN LEGION, THE DISABLED AMERICAN
24 VETERANS OF THE WORLD WAR, THE VETERANS OF WORLD WAR I OF THE
25 U.S.A., INC., THE AMERICAN VETERANS OF WORLD WAR II (AMVETS),
26 MILITARY ORDER OF THE PURPLE HEART, JEWISH WAR VETERANS,
27 CATHOLIC WAR VETERANS, INC., THE SOCIETY OF THE 28TH DIVISION,
28 A.E.F., THE MARINE CORPS LEAGUE AND THE ITALIAN AMERICAN WAR
29 VETERANS OF THE UNITED STATES, INCORPORATED, SHALL REPORT TO THE
30 DEPARTMENT OF [PROPERTY AND SUPPLIES] GENERAL SERVICES THE

1 PROCEEDINGS OF THE ANNUAL ENCAMPMENT OR CONVENTIONS OF THEIR
2 RESPECTIVE DEPARTMENTS, WITH SUCH GENERAL AND SPECIAL ORDERS AND
3 CIRCULARS AND OTHER DATA WHICH MAY FORM A PART OF SAID
4 PROCEEDINGS, THEN THE SAID PROCEEDINGS, SO REPORTED, SHALL BE
5 CONSIDERED COMMONWEALTH RECORDS, AND UNDER THE DIRECTION OF THE
6 DEPARTMENT OF [PROPERTY AND SUPPLIES] GENERAL SERVICES, SHALL BE
7 PRINTED AND BOUND, AND A PRINTED AND BOUND COPY THEREOF SHALL BE
8 SENT TO EACH POST OR DETACHMENT IN THIS COMMONWEALTH OF THE
9 ORGANIZATION OF WHOSE PROCEEDINGS THE SAME IS A REPORT.

10 * * *

11 Section ~~41~~ 46. The definitions of "assisted living <--
12 residence" and "personal care home" in section 9503 of Title 51
13 are amended to read:

14 § 9503. Definitions.

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

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

21 * * *

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

25 * * *

26 Section ~~42~~ 47. Section 9507 of Title 51 is amended to read: <--
27 § 9507. Fee.

28 A person authorized under section 9505(a) (relating to third-
29 party drugs in long-term care facilities, assisted living
30 residences and personal care homes) to dispense a drug may

1 charge no more than the maximum dispensing fee authorized by the
2 Department of [Public Welfare] Human Services regulations under
3 the medical assistance program.

4 Section ~~43~~ 48. The definition of "health center" in section <--
5 5602 of Title 53 is amended to read:

6 § 5602. Definitions.

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

10 * * *

11 "Health center." A facility which:

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

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

14 (ii) provides health care-related services or
15 assistance to one or more organizations in aid of the
16 provision of health care services to the public,
17 including, without limitation, such facilities as blood
18 banks, laboratories, research and testing facilities,
19 medical and administrative office buildings and ancillary
20 facilities;

21 (iii) constitutes an integrated facility which
22 provides substantial health care services on a
23 nonsectarian basis and other reasonably related services,
24 including, without limitation, life care or continuing
25 care communities and nursing, personal care or assisted
26 living facilities for the elderly, handicapped or
27 disabled; or

28 (iv) provides educational and counseling services
29 regarding the prevention, diagnosis and treatment of
30 health care problems; and

1 (2) if required by law to be licensed to provide such
2 services by the Department of Health, the Department of
3 [Public Welfare] Human Services or the Insurance Department,
4 is so licensed or, in the case of a facility to be
5 constructed, renovated or expanded, is designed to comply
6 with applicable standards for such licensure.

7 * * *

8 Section ~~44~~ 49. The definition of "common level ratio" in <--
9 section 8562 of Title 53 is amended to read:

10 § 8562. 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 * * *

15 "Common level ratio." The ratio of assessed value to market
16 value as determined by the State Tax Equalization Board under
17 [the act of June 27, 1947 (P.L.1046, No.447), referred to as the
18 State Tax Equalization Board Law.] Chapter 15 of the act of June
19 27, 1996 (P.L.403, No.58), known as the Community and Economic
20 Development Enhancement Act.

21 * * *

22 Section ~~45~~ 50. The definition of "common level ratio" in <--
23 section 8582 of Title 53 is amended to read:

24 § 8582. Definitions.

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

28 * * *

29 "Common level ratio." The ratio of assessed value to current
30 market value used generally in the county as last determined by

1 the State Tax Equalization Board under [the act of June 27, 1947
2 (P.L.1046, No.447), referred to as the State Tax Equalization
3 Board Law.] Chapter 15 of the act of June 27, 1996 (P.L.403,
4 No.58), known as the Community and Economic Development
5 Enhancement Act.

6 * * *

7 Section ~~46~~ 51. The definition of "common level ratio" in <--
8 section 8802 of Title 53 is amended to read:

9 § 8802. Definitions.

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

13 * * *

14 "Common level ratio." The ratio of assessed value to current
15 market value used generally in the county and published by the
16 State Tax Equalization Board on or before July 1 of the year
17 prior to the tax year on appeal before the board under [the act
18 of June 27, 1947 (P.L.1046, No.447), referred to as the State
19 Tax Equalization Board Law.] Chapter 15 of the act of June 27,
20 1996 (P.L.403, No.58), known as the Community and Economic
21 Development Enhancement Act.

22 * * *

23 Section ~~47~~ 52. Section 8815(c) (2) of Title 53 is amended to <--
24 read:

25 § 8815. Catastrophic loss.

26 * * *

27 (c) Definition.--As used in this section, the term
28 "catastrophic loss" means any loss due to mine subsidence, fire,
29 flood or other natural disaster which affects the physical state
30 of the real property and which exceeds 50% of the market value

1 of the real property prior to the loss. The term "catastrophic
2 loss" shall also mean any loss which exceeds 50% of the market
3 value of the real property prior to the loss incurred by
4 residential property owners who are not deemed responsible
5 parties under the Comprehensive Environmental Response,
6 Compensation, and Liability Act of 1980 or the Hazardous Sites
7 Cleanup Act and whose residential property is included or
8 proposed to be included as residential property on:

9 * * *

10 (2) the State priority list by the Department of
11 Environmental [Resources] Protection under the Hazardous
12 Sites Cleanup Act.

13 Section ~~48~~ 53. Section ~~311(f)(3)~~ 311(F)(2), (3) and (6) of <--
14 Title 54 are amended to read:

15 § 311. Registration.

16 * * *

17 (f) Required approvals.--The fictitious name shall not
18 contain:

19 * * *

20 (2) THE WORDS "ENGINEER" OR "ENGINEERING" OR "SURVEYOR" <--
21 OR "SURVEYING" OR ANY OTHER WORD IMPLYING THAT ANY FORM OF
22 THE PRACTICE OF ENGINEERING OR SURVEYING, AS DEFINED IN THE
23 ACT OF MAY 23, 1945 (P.L.913, NO.367), KNOWN AS THE
24 [PROFESSIONAL ENGINEERS] ENGINEER, LAND SURVEYOR AND
25 GEOLOGIST REGISTRATION LAW, IS PROVIDED UNLESS AT LEAST ONE
26 OF THE PARTIES TO THE REGISTRATION HAS BEEN PROPERLY
27 REGISTERED WITH THE STATE REGISTRATION BOARD FOR PROFESSIONAL
28 ENGINEERS, LAND SURVEYORS AND GEOLOGISTS AND THERE IS
29 SUBMITTED TO THE DEPARTMENT A CERTIFICATE FROM THE BOARD TO
30 THAT EFFECT.

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

7 * * *

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

12 * * *

13 Section ~~49~~ 54. Section 1104(a) of Title 61 is amended to <--
14 read:

15 § 1104. State recording system for application of restraints to
16 pregnant prisoners or detainees.

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

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

29 (2) A correctional institution that is operated,
30 supervised or licensed by the Department of [Public Welfare]

1 Human Services pursuant to the [Public Welfare] Human
2 Services Code shall make the report to the Secretary of
3 [Public Welfare] Human Services.

4 * * *

5 Section ~~50~~ 55. The definition of "correctional facility" in <--
6 section 1172 of Title 61 is amended to read:

7 § 1172. Definitions.

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

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

19 * * *

20 Section ~~54~~ 56. Sections 5905(d) and 7103 of Title 61 are <--
21 amended to read:

22 § 5905. Healthy birth for incarcerated women.

23 * * *

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

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

15 * * *

16 § 7103. Powers.

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

29 Section ~~52~~ 57. Section 102(e) of Title 62 is amended to
30 read:

<--

1 § 102. Application of part.

2 * * *

3 (e) Application to medical assistance provider agreements
4 and participating provider agreements.--Nothing in this part
5 shall apply to medical assistance provider agreements
6 administered by the Department of [Public Welfare] Human
7 Services or to participating provider agreements entered into by
8 the Department of Health.

9 * * *

10 Section ~~53~~ 58. The definition of "medical assistance <--
11 provider agreement" in section 103 of Title 62 is amended to
12 read:

13 § 103. Definitions.

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

19 * * *

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

25 * * *

26 Section ~~54~~ 59. Sections 322(4), 520(c) and 1724(c) of Title <--
27 62 are amended to read:

28 § 322. SPECIFIC CONSTRUCTION POWERS, DUTIES AND PROCEDURES. <--

29 THE FOLLOWING PROCEDURE SHALL APPLY TO CONSTRUCTION TO BE
30 COMPLETED BY THE DEPARTMENT WHICH COSTS MORE THAN THE AMOUNT

1 ESTABLISHED BY THE DEPARTMENT UNDER SECTION 514 (RELATING TO
2 SMALL PROCUREMENTS) FOR CONSTRUCTION PROCUREMENT UNLESS THE WORK
3 IS TO BE DONE BY COMMONWEALTH AGENCY EMPLOYEES OR BY INMATES OR
4 PATIENTS OF A COMMONWEALTH AGENCY INSTITUTION:

5 * * *

6 (4) THE ENFORCEMENT OF ALL CONTRACTS PROVIDED FOR BY
7 THIS SECTION SHALL BE UNDER THE CONTROL AND SUPERVISION OF
8 THE DEPARTMENT. THE DEPARTMENT SHALL HAVE THE AUTHORITY TO
9 ENGAGE THE SERVICES OF A CONSTRUCTION MANAGEMENT FIRM TO
10 COORDINATE THE WORK OF THE TOTAL PROJECT. ALL QUESTIONS OR
11 DISPUTES ARISING BETWEEN THE DEPARTMENT AND ANY CONTRACTOR
12 WITH RESPECT TO ANY MATTER PERTAINING TO A CONTRACT ENTERED
13 INTO WITH THE DEPARTMENT OR ANY PART THERETO OR ANY BREACH OF
14 CONTRACT ARISING THEREUNDER SHALL BE SUBMITTED TO FINAL AND
15 BINDING ARBITRATION AS PROVIDED BY THE TERMS OF THE CONTRACT,
16 WHICH FINDING SHALL BE FINAL AND NOT SUBJECT TO FURTHER
17 APPEAL, OR, IF NOT SO PROVIDED, SHALL BE REFERRED TO THE
18 BOARD OF CLAIMS AS SET FORTH IN [THE ACT OF MAY 20, 1937
19 (P.L.728, NO.193), REFERRED TO AS THE BOARD OF CLAIMS ACT,]
20 SUBCHAPTER C OF CHAPTER 17 (RELATING TO BOARD OF CLAIMS),
21 WHOSE DECISION AND AWARD SHALL BE FINAL AND BINDING AND
22 CONCLUSIVE UPON ALL PARTIES THERETO EXCEPT THAT EITHER PARTY
23 SHALL HAVE THE RIGHT TO APPEAL FROM THE DECISION AND AWARD AS
24 PROVIDED BY LAW.

25 * * *

26 § 520. Supplies manufactured and services performed by persons
27 with disabilities.

28 * * *

29 (c) Distribution.--At the request of the department, the
30 Department of [Public Welfare] Human Services or a nonprofit

1 agency with the approval of the Department of [Public Welfare]
2 Human Services shall facilitate the distribution of orders for
3 supplies manufactured by or services performed by persons with
4 disabilities among agencies for persons with disabilities.

5 * * *

6 § 1724. Jurisdiction.

7 * * *

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

20 * * *

21 Section ~~55~~ 60. Section 1512(a) of Title 64 is amended to <--
22 read:

23 § 1512. Board.

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

26 (1) The Secretary of Community and Economic Development
27 or a designee.

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

29 (3) The Secretary of Banking and Securities or a
30 designee.

1 (4) Four legislative appointees.

2 (i) Appointments are as follows:

3 (A) One individual appointed by the President
4 pro tempore of the Senate.

5 (B) One individual appointed by the Minority
6 Leader of the Senate.

7 (C) One individual appointed by the Speaker of
8 the House of Representatives.

9 (D) One individual appointed by the Minority
10 Leader of the House of Representatives.

11 (ii) Legislative appointees shall serve at the
12 pleasure of the appointing authority.

13 (iii) An individual appointed to the board pursuant
14 to subparagraph (i) may not be a member of the General
15 Assembly or staff of a member of the General Assembly.

16 * * *

17 Section ~~56~~ 61. Sections 318(b) and (c), 332(H), 333(D), <--
18 510(C), 514(c), 516(A) AND (B), 517(b), 518(c), 519(c), 521(f), <--
19 529(a) (2), (c) (5), (h), (j), (k) (3) and (l) (3) and (4), 1308(d),
20 1327(a) (3) (i) ~~and~~, (B), (d) AND (E) and 1358(e) (3) of Title 66 <--
21 are amended to read:

22 § 318. Commission to cooperate with other departments.

23 * * *

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

1 in its decision.

2 (c) Powers of certain governmental agencies unaffected.--
3 Nothing in this part shall be construed to deprive the
4 Department of Health or the Department of Environmental
5 [Resources] Protection of any jurisdiction, powers or duties now
6 vested in them.

7 § 332. PROCEDURES IN GENERAL. <--

8 * * *

9 (H) EXCEPTIONS AND APPEAL PROCEDURE.--ANY PARTY TO A
10 PROCEEDING REFERRED TO AN ADMINISTRATIVE LAW JUDGE UNDER SECTION
11 331(B) MAY FILE EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE
12 LAW JUDGE WITH THE COMMISSION, IN A FORM AND MANNER AND WITHIN
13 THE TIME TO BE PRESCRIBED BY THE COMMISSION. THE COMMISSION
14 SHALL RULE UPON SUCH EXCEPTIONS WITHIN 90 DAYS AFTER FILING. IF
15 NO EXCEPTIONS ARE FILED, THE DECISION SHALL BECOME FINAL,
16 WITHOUT FURTHER COMMISSION ACTION, UNLESS TWO OR MORE
17 COMMISSIONERS WITHIN 15 DAYS AFTER THE DECISION REQUEST THAT THE
18 COMMISSION REVIEW THE DECISION AND MAKE SUCH OTHER ORDER, WITHIN
19 90 DAYS OF SUCH REQUEST, AS IT SHALL DETERMINE. THE [OFFICE OF
20 TRIAL STAFF] COMMISSION'S PROSECUTORY BUREAU OR OFFICE AND THE
21 CHIEF COUNSEL SHALL BE DEEMED TO HAVE AUTOMATIC STANDING AS A
22 PARTY TO SUCH PROCEEDING AND MAY FILE EXCEPTIONS TO ANY DECISION
23 OF THE ADMINISTRATIVE LAW JUDGE UNDER THIS SUBSECTION.

24 * * *

25 § 333. PREHEARING PROCEDURES.

26 * * *

27 (D) INTERROGATORIES.--ANY PARTY TO A PROCEEDING MAY SERVE
28 WRITTEN INTERROGATORIES UPON ANY OTHER PARTY FOR PURPOSES OF
29 DISCOVERING RELEVANT, UNPRIVILEGED INFORMATION. A PARTY SERVED
30 WITH INTERROGATORIES MAY, BEFORE THE TIME PRESCRIBED EITHER BY

1 COMMISSION RULE OR OTHERWISE FOR ANSWERING THE INTERROGATORIES,
2 APPLY TO THE PRESIDING OFFICER FOR THE HOLDING OF A PREHEARING
3 CONFERENCE FOR THE MUTUAL EXCHANGE OF EVIDENCE EXHIBITS AND
4 OTHER INFORMATION. EACH INTERROGATORY WHICH REQUESTS INFORMATION
5 NOT PREVIOUSLY SUPPLIED AT A PREHEARING CONFERENCE OR HEARING
6 SHALL BE ANSWERED SEPARATELY AND FULLY IN WRITING UNDER OATH,
7 UNLESS IT IS OBJECTED TO, IN WHICH EVENT THE REASONS FOR THE
8 OBJECTIONS SHALL BE STATED IN LIEU OF AN ANSWER. THE PARTY UPON
9 WHOM THE INTERROGATORIES HAVE BEEN SERVED SHALL SERVE A COPY OF
10 THE ANSWERS AND OBJECTIONS WITHIN A REASONABLE TIME, UNLESS
11 OTHERWISE SPECIFIED, UPON THE PARTY SUBMITTING THE
12 INTERROGATORIES. THE PARTY SUBMITTING THE INTERROGATORIES MAY
13 PETITION THE PRESIDING OFFICER FOR AN ORDER COMPELLING AN ANSWER
14 TO AN INTERROGATORY OR INTERROGATORIES TO WHICH THERE HAS BEEN
15 AN OBJECTION OR OTHER FAILURE TO ANSWER. THE COMMISSION SHALL
16 DESIGNATE AN APPROPRIATE OFFICIAL, OTHER THAN THE [DIRECTOR OF
17 TRIAL STAFF OR ANY OTHER EMPLOYEE OF THE OFFICE OF TRIAL STAFF]
18 DIRECTOR OF THE COMMISSION'S PROSECUTORY BUREAU OR OFFICE, ON
19 WHOM OTHER PARTIES TO THE PROCEEDING MAY SERVE WRITTEN
20 INTERROGATORIES DIRECTED TO THE COMMISSION. THAT OFFICIAL SHALL
21 ARRANGE FOR AGENCY PERSONNEL WITH KNOWLEDGE OF THE FACTS TO
22 ANSWER AND SIGN THE INTERROGATORIES ON BEHALF OF THE COMMISSION.
23 INTERROGATORIES DIRECTED TO THE COMMISSION SHALL BE ALLOWED ONLY
24 UPON AN ORDER OF THE COMMISSION BASED UPON A SPECIFIC FINDING
25 THAT THE INTERROGATING PARTY IS SEEKING SIGNIFICANT,
26 UNPRIVILEGED INFORMATION NOT DISCOVERABLE BY ALTERNATIVE MEANS.
27 WHEN PARTICIPATING IN A COMMISSION PROCEEDING, THE [OFFICE OF
28 TRIAL STAFF] COMMISSION'S PROSECUTORY BUREAU OR OFFICE SHALL BE
29 SUBJECT TO THE SAME RULES OF DISCOVERY APPLICABLE TO ANY OTHER
30 PARTY TO THE CASE.

1 * * *

2 § 510. ASSESSMENT FOR REGULATORY EXPENSES UPON PUBLIC
3 UTILITIES.

4 * * *

5 (C) NOTICE, HEARING AND PAYMENT.--THE COMMISSION SHALL GIVE
6 NOTICE BY REGISTERED OR CERTIFIED MAIL TO EACH PUBLIC UTILITY OF
7 THE AMOUNT LAWFULLY CHARGED AGAINST IT UNDER THE PROVISIONS OF
8 THIS SECTION, WHICH AMOUNT SHALL BE PAID BY THE PUBLIC UTILITY
9 WITHIN 30 DAYS OF RECEIPT OF SUCH NOTICE, UNLESS THE COMMISSION
10 SPECIFIES ON THE NOTICES SENT TO ALL PUBLIC UTILITIES AN
11 INSTALLMENT PLAN OF PAYMENT, IN WHICH CASE EACH PUBLIC UTILITY
12 SHALL PAY EACH INSTALLMENT ON OR BEFORE THE DATE SPECIFIED
13 THEREFOR BY THE COMMISSION. WITHIN 15 DAYS AFTER RECEIPT OF SUCH
14 NOTICE, THE PUBLIC UTILITY AGAINST WHICH SUCH ASSESSMENT HAS
15 BEEN MADE MAY FILE WITH THE COMMISSION OBJECTIONS SETTING OUT IN
16 DETAIL THE GROUNDS UPON WHICH THE OBJECTOR REGARDS SUCH
17 ASSESSMENT TO BE EXCESSIVE, ERRONEOUS, UNLAWFUL OR INVALID. THE
18 COMMISSION, AFTER NOTICE TO THE OBJECTOR, SHALL HOLD A HEARING
19 UPON SUCH OBJECTIONS. AFTER SUCH HEARING, THE COMMISSION SHALL
20 RECORD UPON ITS MINUTES ITS FINDINGS ON THE OBJECTIONS AND SHALL
21 TRANSMIT TO THE OBJECTOR, BY REGISTERED OR CERTIFIED MAIL,
22 NOTICE OF THE AMOUNT, IF ANY, CHARGED AGAINST IT IN ACCORDANCE
23 WITH SUCH FINDINGS, WHICH AMOUNT OR ANY INSTALLMENT THEREOF THEN
24 DUE, SHALL BE PAID BY THE OBJECTOR WITHIN TEN DAYS AFTER RECEIPT
25 OF NOTICE OF THE FINDINGS OF THE COMMISSION WITH RESPECT TO SUCH
26 OBJECTIONS. IF ANY PAYMENT PRESCRIBED BY THIS SUBSECTION IS NOT
27 MADE AS AFORESAID, THE COMMISSION MAY SUSPEND OR REVOKE
28 CERTIFICATES OF PUBLIC CONVENIENCE, CERTIFY AUTOMOBILE
29 REGISTRATIONS TO THE DEPARTMENT OF TRANSPORTATION FOR SUSPENSION
30 OR REVOCATION OR, THROUGH THE [DEPARTMENT OF JUSTICE] ATTORNEY

1 GENERAL, MAY INSTITUTE AN APPROPRIATE ACTION AT LAW FOR THE
2 AMOUNT LAWFULLY ASSESSED, TOGETHER WITH ANY ADDITIONAL COST
3 INCURRED BY THE COMMISSION OR THE [DEPARTMENT OF JUSTICE]
4 ATTORNEY GENERAL BY VIRTUE OF SUCH FAILURE TO PAY.

5 * * *

6 § 514. Use of coal.

7 * * *

8 (c) Cost of upgrading.--Notwithstanding section 1315
9 (relating to limitation on consideration of certain costs for
10 electric utilities) and subject to regulations promulgated by
11 the commission, the commission may allow a portion of the
12 prudently incurred costs, determined on a per megawatt basis and
13 not to exceed 50% of the unit's undepreciated original cost per
14 megawatt, of uprating the capability of an existing coal-fueled
15 plant to use coal mined in Pennsylvania to be made a part of the
16 rate base or otherwise included in the rates charged by the
17 utility before such uprating is completed. This subsection shall
18 not apply unless, upon application of the affected public
19 utility, the commission determines that the uprating would be
20 more cost effective for the utility's ratepayers than other
21 alternatives for meeting the utility's load and capacity
22 requirements. Notwithstanding section 1309 (relating to rates
23 fixed on complaint; investigation of costs of production), the
24 commission, by regulation, shall provide for a utility to remove
25 the costs of an uprating from its rate base and to refund any
26 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 hearings,
3 determines that the uprating has not been completed within a
4 reasonable time.

5 § 516. AUDITS OF CERTAIN UTILITIES. <--

6 (A) GENERAL RULE.--THE COMMISSION SHALL PROVIDE FOR AUDITS
7 OF ANY ELECTRIC, GAS, TELEPHONE OR WATER UTILITY WHOSE PLANT IN
8 SERVICE IS VALUED AT NOT LESS THAN \$10,000,000. THE AUDITS SHALL
9 INCLUDE AN EXAMINATION OF MANAGEMENT EFFECTIVENESS AND OPERATING
10 EFFICIENCY. THE COMMISSION SHALL ESTABLISH PROCEDURES FOR AUDITS
11 OF THE OPERATIONS OF UTILITIES AS PROVIDED IN THIS SECTION.
12 AUDITS SHALL BE CONDUCTED AT LEAST ONCE EVERY FIVE YEARS UNLESS
13 THE COMMISSION FINDS THAT A SPECIFIC AUDIT IS UNNECESSARY, BUT
14 IN NO EVENT SHALL AUDITS BE CONDUCTED LESS THAN ONCE EVERY EIGHT
15 YEARS. A SUMMARY OF THE AUDITS MANDATED BY THIS SUBSECTION SHALL
16 BE RELEASED TO THE PUBLIC, AND A COMPLETE COPY OF THE AUDITS
17 SHALL BE PROVIDED TO THE [OFFICE OF TRIAL STAFF] COMMISSION'S
18 PROSECUTORY BUREAU OR OFFICE AND THE OFFICE OF CONSUMER
19 ADVOCATE.

20 (B) MANAGEMENT EFFICIENCY INVESTIGATIONS.--IN ADDITION TO
21 THE AUDITS MANDATED BY SUBSECTION (A), THE COMMISSION SHALL
22 APPOINT A MANAGEMENT EFFICIENCY INVESTIGATOR WHO SHALL
23 PERIODICALLY EXAMINE THE MANAGEMENT EFFECTIVENESS AND OPERATING
24 EFFICIENCY OF ALL UTILITIES REQUIRED TO BE AUDITED UNDER
25 SUBSECTION (A) AND MONITOR THE UTILITY COMPANY RESPONSES TO THE
26 AUDITS REQUIRED BY SUBSECTION (A). FOR THE PURPOSES OF CARRYING
27 OUT THE PERIODIC AUDIT REQUIRED BY THIS SUBSECTION AND FOR
28 CARRYING OUT THE MONITORING OF AUDITS REQUIRED BY SUBSECTION
29 (A), THE COMMISSION IS HEREBY EMPOWERED TO DIRECT THE MANAGEMENT
30 EFFICIENCY INVESTIGATOR TO CONDUCT SUCH INVESTIGATIONS THROUGH

1 AND WITH TEAMS MADE UP OF COMMISSION STAFF AND/OR INDEPENDENT
2 CONSULTING FIRMS; FURTHER, THE COMMISSION MAY DESIGNATE SPECIFIC
3 ITEMS OF MANAGEMENT EFFECTIVENESS AND OPERATING EFFICIENCY TO BE
4 INVESTIGATED. THE MANAGEMENT EFFICIENCY INVESTIGATOR SHALL
5 PROVIDE AN ANNUAL REPORT TO THE COMMISSION, THE AFFECTED
6 UTILITY, THE [OFFICE OF TRIAL STAFF] COMMISSION'S PROSECUTORY
7 BUREAU OR OFFICE AND THE OFFICE OF CONSUMER ADVOCATE DETAILING
8 THE FINDINGS OF SUCH INVESTIGATIONS.

9 * * *

10 § 517. Conversion of electric generating units fueled by oil or
11 natural gas.

12 * * *

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

19 * * *

20 § 518. Construction of electric generating units fueled by
21 nuclear energy.

22 * * *

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

29 * * *

30 § 519. Construction of electric generating units fueled by oil

1 or natural gas.

2 * * *

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

9 * * *

10 § 521. Retirement of electric generating units.

11 * * *

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

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

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

30 Notwithstanding section 1309 (relating to rates fixed on

1 complaint; investigation of costs of production), the
2 commission, by regulation, shall provide for a utility to remove
3 the costs of capital additions from its rate base and to refund
4 any revenues collected as the result of this subsection, plus
5 interest, which shall be the average rate of interest specified
6 for residential mortgage lending by the Secretary of Banking and
7 Securities in accordance with the act of January 30, 1974
8 (P.L.13, No.6), referred to as the Loan Interest and Protection
9 Law, during the period or periods for which the commission
10 orders refunds, if the commission, after notice and hearing,
11 determines that the capital addition has not been completed
12 within a reasonable time.

13 * * *

14 § 529. Power of commission to order acquisition of small water
15 and sewer utilities.

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

20 * * *

21 (2) that the small water or sewer utility has failed to
22 comply, within a reasonable period of time, with any order of
23 the Department of Environmental [**Resources**] Protection or the
24 commission concerning the safety, adequacy, efficiency or
25 reasonableness of service, including, but not limited to, the
26 availability of water, the potability of water, the
27 palatability of water or the provision of water at adequate
28 volume and pressure;

29 * * *

30 (c) Factors to be considered.--In making a determination

1 pursuant to subsection (a), the commission shall consider:

2 * * *

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

8 * * *

9 (h) Notice.--The notice required by subsection (a) or any
10 other provision of this section shall be served upon the small
11 water or sewer utility affected, the Office of Consumer
12 Advocate, the Office of Small Business Advocate, the [Office of <--
13 Trial Staff] COMMISSION'S PROSECUTORY BUREAU OR OFFICE, the <--
14 Department of Environmental [Resources] Protection, all
15 proximate public utilities providing the same type of service as
16 the small water or sewer utility, all proximate municipalities
17 and municipal authorities providing the same type of service as
18 the small water or sewer utility and the municipalities served
19 by the small water or sewer utility. The commission shall order
20 the affected small water or sewer utility to provide notice to
21 its customers of the initiation of proceedings under this
22 section in the same manner in which the utility is required to
23 notify its customers of proposed general rate increases.

24 * * *

25 (j) Plan for improvements.--Any capable public utility
26 ordered by the commission to acquire a small water or sewer
27 utility shall, prior to acquisition, submit to the commission
28 for approval a plan, including a timetable, for bringing the
29 small water or sewer utility into compliance with applicable
30 statutory and regulatory standards. The capable public utility

1 shall also provide a copy of the plan to the Department of
2 Environmental [Resources] Protection and such other State or
3 local agency as the commission may direct. The commission shall
4 give the Department of Environmental [Resources] Protection
5 adequate opportunity to comment on the plan and shall consider
6 any comments submitted by the department in deciding whether or
7 not to approve the plan. The reasonably and prudently incurred
8 costs of each improvement shall be recoverable in rates only
9 after that improvement becomes used and useful in the public
10 service.

11 (k) Limitations on liability.--Upon approval by the
12 commission of a plan for improvements submitted pursuant to
13 subsection (j) and the acquisition of a small water or sewer
14 utility by a capable public utility, the acquiring capable
15 public utility shall not be liable for any damages beyond the
16 aggregate amount of \$50,000, including a maximum amount of
17 \$5,000 per incident, if the cause of those damages is
18 proximately related to identified violations of applicable
19 statutes or regulations by the small water or sewer utility.
20 This subsection shall not apply:

21 * * *

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

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

1 public utility shall not be subject to any enforcement actions
2 by State or local agencies which had notice of the plan if the
3 basis of such enforcement action is proximately related to
4 identified violations of applicable statutes or regulations by
5 the small water or sewer utility. This subsection shall not
6 apply:

7 * * *

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

13 (4) to emergency interim actions of the commission or
14 the Department of Environmental [Resources] Protection,
15 including, but not limited to, the ordering of boil-water
16 advisories or other water supply warnings, of emergency
17 treatment or of temporary, alternate supplies of water.

18 * * *

19 § 1308. Voluntary changes in rates.

20 * * *

21 (d) General rate increases.--Whenever there is filed with
22 the commission by any public utility described in paragraph (1)
23 (i), (ii), (vi) or (vii) of the definition of "public utility"
24 in section 102 (relating to definitions), and such other public
25 utility as the commission may by rule or regulation direct, any
26 tariff stating a new rate which constitutes a general rate
27 increase, the commission shall promptly enter into an
28 investigation and analysis of said tariff filing and may by
29 order setting forth its reasons therefor, upon complaint or upon
30 its own motion, upon reasonable notice, enter upon a hearing

1 concerning the lawfulness of such rate, and the commission may,
2 at any time by vote of a majority of the members of the
3 commission serving in accordance with law, permit such tariff to
4 become effective, except that absent such order such tariff
5 shall be suspended for a period not to exceed seven months from
6 the time such rate would otherwise become effective. Before the
7 expiration of such seven-month period, a majority of the members
8 of the commission serving in accordance with law, acting
9 unanimously, shall make a final decision and order, setting
10 forth its reasons therefor, granting or denying, in whole or in
11 part, the general rate increase requested. If, however, such an
12 order has not been made at the expiration of such seven-month
13 period, the proposed general rate increase shall go into effect
14 at the end of such period, but the commission may by order
15 require the interested public utility to refund, in accordance
16 with section 1312 (relating to refunds), to the persons in whose
17 behalf such amounts were paid, such portion of such increased
18 rates as by its decision shall be found not justified, plus
19 interest, which shall be the average rate of interest specified
20 for residential mortgage lending by the Secretary of Banking and
21 Securities in accordance with the act of January 30, 1974
22 (P.L.13, No.6), referred to as the Loan Interest and Protection
23 Law, during the period or periods for which the commission
24 orders refunds. The rate in force when the tariff stating such
25 new rate was filed shall continue in force during the period of
26 suspension unless the commission shall grant extraordinary rate
27 relief as prescribed in subsection (e). The commission shall
28 consider the effect of such suspension in finally determining
29 and prescribing the rates to be thereafter charged and collected
30 by such public utility, except that the commission shall have no

1 authority to prescribe, determine or fix, at any time during the
2 pendency of a general rate increase proceeding or prior to a
3 final determination of a general rate increase request,
4 temporary rates as provided in section 1310, which rates may
5 provide retroactive increases through recoupment. As used in
6 this part general rate increase means a tariff filing which
7 affects more than 5% of the customers and amounts to in excess
8 of 3% of the total gross annual intrastate operating revenues of
9 the public utility. If the public utility furnishes two or more
10 types of service, the foregoing percentages shall be determined
11 only on the basis of the customers receiving, and the revenues
12 derived from, the type of service to which the tariff filing
13 pertains.

14 * * *

15 § 1327. Acquisition of water and sewer utilities.

16 (a) Acquisition cost greater than depreciated original
17 cost.--If a public utility acquires property from another public
18 utility, a municipal corporation or a person at a cost which is
19 in excess of the original cost of the property when first
20 devoted to the public service less the applicable accrued
21 depreciation, it shall be a rebuttable presumption that the
22 excess is reasonable and that excess shall be included in the
23 rate base of the acquiring public utility, provided that the
24 acquiring public utility proves that:

25 * * *

26 (3) the public utility, municipal corporation or person
27 from which the property was acquired was not, at the time of
28 acquisition, furnishing and maintaining adequate, efficient,
29 safe and reasonable service and facilities, evidence of which
30 shall include, but not be limited to, any one or more of the

1 following:

2 (i) violation of statutory or regulatory
3 requirements of the Department of Environmental
4 [Resources] Protection or the commission concerning the
5 safety, adequacy, efficiency or reasonableness of service
6 and facilities;

7 * * *

8 (B) PROCEDURE.--THE COMMISSION, UPON APPLICATION BY A PUBLIC <--
9 UTILITY, PERSON OR CORPORATION WHICH HAS AGREED TO ACQUIRE
10 PROPERTY FROM ANOTHER PUBLIC UTILITY, MUNICIPAL CORPORATION OR
11 PERSON, MAY APPROVE AN INCLUSION IN RATE BASE IN ACCORDANCE WITH
12 SUBSECTION (A) PRIOR TO THE ACQUISITION AND PRIOR TO A
13 PROCEEDING UNDER THIS SUBCHAPTER TO DETERMINE JUST AND
14 REASONABLE RATES IF:

15 (1) THE APPLICANT HAS PROVIDED NOTICE OF THE PROPOSED
16 ACQUISITION AND ANY PROPOSED INCREASE IN RATES TO THE
17 CUSTOMERS SERVED BY THE PROPERTY TO BE ACQUIRED, IN SUCH FORM
18 AND MANNER AS THE COMMISSION, BY REGULATION, SHALL REQUIRE;

19 (2) THE APPLICANT HAS PROVIDED NOTICE TO ITS CUSTOMERS,
20 IN SUCH FORM AND MANNER AS THE COMMISSION, BY REGULATION,
21 SHALL REQUIRE, IF THE PROPOSED ACQUISITION WOULD INCREASE
22 RATES TO THE ACQUIRING PUBLIC UTILITY'S CUSTOMERS BY AN
23 AMOUNT IN EXCESS OF 1% OF THE ACQUIRING PUBLIC UTILITY'S BASE
24 ANNUAL REVENUE;

25 (3) THE APPLICANT HAS PROVIDED NOTICE OF THE APPLICATION
26 TO THE [DIRECTOR OF TRIAL STAFF] DIRECTOR OF THE COMMISSION'S
27 PROSECUTORY BUREAU OR OFFICE AND THE CONSUMER ADVOCATE; AND

28 (4) IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY THE
29 COMMISSION, THE APPLICATION INCLUDES A FULL DESCRIPTION OF
30 THE PROPOSED ACQUISITION AND A PLAN FOR REASONABLE AND

1 PRUDENT INVESTMENTS TO ASSURE THAT THE CUSTOMERS SERVED BY
2 THE PROPERTY TO BE ACQUIRED WILL RECEIVE ADEQUATE, EFFICIENT,
3 SAFE AND REASONABLE SERVICE.

4 * * *

5 (d) Forfeiture.--Notwithstanding section 1309 (relating to
6 rates fixed on complaint; investigation of costs of production),
7 the commission, by regulation, shall provide for the removal of
8 the excess costs of acquisition from its rates, or any portion
9 thereof, found by the commission to be unreasonable and to
10 refund any excess revenues collected as a result of this
11 section, plus interest, which shall be the average rate of
12 interest specified for residential mortgage lending by the
13 Secretary of Banking and Securities in accordance with the act
14 of January 30, 1974 (P.L.13, No.6), referred to as the Loan
15 Interest and Protection Law, during the period or periods for
16 which the commission orders refunds, if the commission, after
17 notice and hearings, determines that the reasonable and prudent
18 investments to be made in accordance with this section have not
19 been completed within a reasonable time.

20 (E) ACQUISITION COST LOWER THAN DEPRECIATED ORIGINAL COST.-- <--
21 IF A PUBLIC UTILITY ACQUIRES PROPERTY FROM ANOTHER PUBLIC
22 UTILITY, A MUNICIPAL CORPORATION OR A PERSON AT A COST WHICH IS
23 LOWER THAN THE ORIGINAL COST OF THE PROPERTY WHEN FIRST DEVOTED
24 TO THE PUBLIC SERVICE LESS THE APPLICABLE ACCRUED DEPRECIATION
25 AND THE PROPERTY IS USED AND USEFUL IN PROVIDING WATER OR SEWER
26 SERVICE, THAT DIFFERENCE SHALL, ABSENT MATTERS OF A SUBSTANTIAL
27 PUBLIC INTEREST, BE AMORTIZED AS AN ADDITION TO INCOME OVER A
28 REASONABLE PERIOD OF TIME OR BE PASSED THROUGH TO THE RATEPAYERS
29 BY SUCH OTHER METHODOLOGY AS THE COMMISSION MAY DIRECT. NOTICE
30 OF THE PROPOSED TREATMENT OF AN ACQUISITION COST LOWER THAN

1 DEPRECIATED ORIGINAL COST SHALL BE GIVEN TO THE [DIRECTOR OF
2 TRIAL STAFF] DIRECTOR OF THE COMMISSION'S PROSECUTORY BUREAU OR
3 OFFICE AND THE CONSUMER ADVOCATE.

4 * * *

5 § 1358. Customer protections.

6 * * *

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

8 * * *

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

18 * * *

19 Section ~~57~~ 62. The definition of "LIHEAP" or "Low Income
20 Home Energy Assistance Program" in section 1403 of Title 66 is
21 amended to read:

<--

22 § 1403. Definitions.

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

26 * * *

27 "LIHEAP" or "Low Income Home Energy Assistance Program." A
28 federally funded program that provides financial assistance in
29 the form of cash and crisis grants to low-income households for
30 home energy bills and is administered by the Department of

1 [Public Welfare] Human Services.

2 * * *

3 Section ~~58~~ 63. Sections 1406(g), 1413, 2709(a) and (b)(2), <--
4 3019(f)(5) and 3105 of Title 66 are amended to read:

5 § 1406. Termination of utility service.

6 * * *

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

14 * * *

15 § 1413. Reporting of recipients of public assistance.

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

22 § 2709. Disposition of real property by public utility engaged
23 in railroad business.

24 (a) Notice.--Before a public utility engaged in a railroad
25 business disposes of real property previously used as a roadbed
26 right-of-way, it must notify the county, city, borough,
27 incorporated town or township in which the real property is
28 located, and it must notify the Department of Transportation,
29 the Pennsylvania Game Commission, the Pennsylvania Fish and Boat
30 Commission and the Department of [Environmental] Conservation

1 and Natural Resources. Notifications shall be in writing.

2 (b) Procedure after notice.--

3 * * *

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

20 * * *

21 § 3019. Additional powers and duties.

22 * * *

23 (f) Lifeline service.--

24 * * *

25 (5) When a person enrolls in a low-income program
26 administered by the Department of [Public Welfare] Human
27 Services that qualifies the person for Lifeline service, the
28 Department of [Public Welfare] Human Services shall
29 automatically notify that person at the time of enrollment of
30 his or her eligibility for Lifeline service. This

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

15 * * *

16 § 3105. Reports to Department of Community [Affairs] and
17 Economic Development.

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

23 Section ~~59~~ 64. ~~Section~~ SECTIONS 3402(a)(26) last paragraph <--
24 AND 5402(A)(27)(III) of Title 68 ~~is~~ ARE amended to read: <--

25 § 3402. Public offering statement; general provisions.

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

29 * * *

30 (26) A STATEMENT AS TO WHETHER THE DECLARANT HAS <--

1 KNOWLEDGE OF ANY ONE OR MORE OF THE FOLLOWING:

2 * * *

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

10 * * *

11 § 5402. PUBLIC OFFERING STATEMENT; GENERAL PROVISIONS. <--

12 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (B), A
13 PUBLIC OFFERING STATEMENT MUST CONTAIN OR FULLY AND ACCURATELY
14 DISCLOSE:

15 * * *

16 (27) A STATEMENT AS TO WHETHER THE DECLARANT HAS
17 KNOWLEDGE OF ANY ONE OR MORE OF THE FOLLOWING:

18 * * *

19 (III) ANY FINDING OR ACTION RECOMMENDED TO BE TAKEN
20 IN THE REPORT OF ANY SUCH INVESTIGATION OR BY ANY
21 GOVERNMENTAL BODY, AGENCY OR AUTHORITY, IN ORDER TO
22 CORRECT ANY HAZARDOUS CONDITIONS AND ANY ACTION TAKEN
23 PURSUANT TO THOSE RECOMMENDATIONS. IF THE DECLARANT HAS
24 NO KNOWLEDGE OF SUCH MATTERS, THE DECLARANT SHALL MAKE A
25 STATEMENT TO THAT EFFECT. THE DECLARANT SHALL ALSO SET
26 FORTH THE ADDRESS AND PHONE NUMBER OF THE REGIONAL
27 OFFICES OF THE DEPARTMENT OF ENVIRONMENTAL [RESOURCES]
28 PROTECTION AND THE UNITED STATES ENVIRONMENTAL PROTECTION
29 AGENCY WHERE INFORMATION CONCERNING ENVIRONMENTAL
30 CONDITIONS AFFECTING THE PLANNED COMMUNITY SITE MAY BE

1 OBTAINED.

2 * * *

3 Section ~~60~~ 65. The definitions of "correction officer" and <--
4 "psychiatric security aide" in section 5102 of Title 71 are
5 amended to read:

6 § 5102. Definitions.

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

10 * * *

11 "Correction officer." Any full-time employee assigned to the
12 Department of Corrections or the Department of [Public Welfare]
13 Human Services whose principal duty is the care, custody and
14 control of inmates or direct therapeutic treatment, care,
15 custody and control of inmates of a penal or correctional
16 institution, community treatment center, forensic unit in a
17 State hospital or secure unit of a youth development center
18 operated by the Department of Corrections or by the Department
19 of [Public Welfare] Human Services.

20 * * *

21 "Psychiatric security aide." Any employee whose principal
22 duty is the care, custody and control of the criminally insane
23 inmates of a maximum security institution for the criminally
24 insane or detention facility operated by the Department of
25 [Public Welfare] Human Services.

26 * * *

27 Section ~~61~~ 66. Sections 1516(d)(5) and (f)(2) and 5905 of <--
28 Title 74 are amended to read:

29 § 1516. Programs of Statewide significance.

30 * * *

1 (d) Community transportation.--

2 * * *

3 (5) The department shall conduct a study to evaluate the
4 effectiveness and efficiency of community transportation
5 service delivery as it relates to human service programs. The
6 Department of [Public Welfare] Human Services, the Office of
7 the Budget and the Department of Aging and other appropriate
8 Commonwealth agencies identified by the department shall
9 participate in the study. Within two years following the
10 effective date of this section, these agencies shall make
11 recommendations to the Governor and the Majority and Minority
12 chairpersons of the Transportation Committee of the Senate
13 and the Majority and Minority chairpersons of the
14 Transportation Committee of the House of Representatives for
15 improving coordination and efficiency of human services and
16 community transportation.

17 * * *

18 (f) Shared Ride Community Transportation Service Delivery
19 Pilot Program.--

20 * * *

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

25 (i) A member appointed by the President pro tempore
26 of the Senate.

27 (ii) A member appointed by the Minority Leader of
28 the Senate.

29 (iii) A member appointed by the Speaker of the House
30 of Representatives.

1 (iv) A member appointed by the Minority Leader of
2 the House of Representatives.

3 (v) Two members from the Pennsylvania Public Transit
4 Association appointed by the secretary.

5 (vi) A member appointed by the secretary to
6 represent people with disabilities.

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

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

12 (ix) A member of the County Commissioners
13 Association appointed by the secretary.

14 (x) The secretary or a designee.

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

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

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

19 * * *

20 § 5905. Certain State-owned airport.

21 Notwithstanding any other provision of law to the contrary,
22 all right, title and interest in the property known as Mid-State
23 Airport located in Centre County, containing 496.68 acres, more
24 or less, including the present access road from L.R.504 to and
25 into Mid-State Airport, shall be transferred to and held within
26 the jurisdiction and control of the Department of General
27 Services for all purposes, and the Department of General
28 Services shall have the same powers and duties with respect to
29 Mid-State Airport as it has with respect to other real estate
30 under its jurisdiction, with the exception that the facilities

1 currently owned, used and operated at Mid-State Airport by the
2 Department of [Environmental] Conservation and Natural Resources
3 for wild fire attack operations and full access thereto by land
4 and by air shall remain, without charge of any kind, in the
5 Department of [Environmental] Conservation and Natural
6 Resources, it being intended that nothing herein shall diminish
7 the ability of the Department of [Environmental] Conservation
8 and Natural Resources to continue its wild fire air attack
9 operations as conducted at and out of Mid-State Airport prior to
10 the effective date hereof. Because this involves a transfer of
11 State forest and State park lands, no future use of Mid-State
12 Airport shall impair in any way the integrity of the adjacent
13 State forest and State park lands and their ecosystems. If at
14 any time the jurisdiction and control of the land herein
15 transferred entails significant maintenance and operation
16 responsibilities for the Department of General Services, then
17 and thereafter the jurisdiction and control of the land shall be
18 transferred to the Department of Transportation.

19 Section ~~62~~ 67. Sections 1111(b.1), 1337(c)(4), 1517(A), <--
20 1905(b)(2), (3) and (4), 3354(g)(2), 6327 and 8307(a) of Title <--
21 75 are amended to read:

22 § 1111. Transfer of ownership of vehicle.

23 * * *

24 (b.1) Transfers relating to the RESET program.--A motor
25 vehicle transferred to the Commonwealth or a political
26 subdivision for use in the RESET program administered under
27 section 405.1 of the act of June 13, 1967 (P.L.31, No.21), known
28 as the [Public Welfare] Human Services Code, shall not be
29 subject to sales or use tax under Article II of the act of March
30 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971,

1 upon the removal of the vehicle from inventory by any:

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

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

6 * * *

7 § 1337. Use of "Miscellaneous Motor Vehicle Business"
8 registration plates.

9 * * *

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

11 * * *

12 (4) Financier or collector-repossessor.--Any person who
13 is duly authorized by the Department of Banking and
14 Securities to do business in this Commonwealth as a financier
15 or collector-repossessor and who is regularly engaged in the
16 business of financing sales, making loans on the security of
17 vehicles or repossessing vehicles which are the subject of
18 installment sales contracts as an independent contractor.

19 * * *

20 § 1517. MEDICAL ADVISORY BOARD.

<--

21 (A) MEMBERSHIP.--THERE SHALL BE A MEDICAL ADVISORY BOARD
22 CONSISTING OF 13 MEMBERS APPOINTED BY THE SECRETARY. THE BOARD
23 SHALL BE COMPOSED OF AN AUTHORIZED REPRESENTATIVE FROM THE
24 DEPARTMENT OF TRANSPORTATION, [DEPARTMENT OF JUSTICE, GOVERNOR'S
25 COUNCIL ON DRUG AND ALCOHOL ABUSE] GENERAL COUNSEL, PENNSYLVANIA
26 ADVISORY COUNCIL ON DRUG AND ALCOHOL ABUSE, DEPARTMENT OF
27 HEALTH, PENNSYLVANIA STATE POLICE AND PROFESSIONALS AS FOLLOWS:
28 ONE NEUROLOGIST, ONE DOCTOR OF CARDIOVASCULAR DISEASE, ONE
29 DOCTOR OF INTERNAL MEDICINE, ONE GENERAL PRACTITIONER, ONE
30 OPHTHALMOLOGIST, ONE PSYCHIATRIST, ONE ORTHOPEDIC SURGEON AND

1 ONE OPTOMETRIST.

2 * * *

3 § 1905. Payments to special funds.

4 * * *

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

9 * * *

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

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

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

24 * * *

25 § 3354. Additional parking regulations.

26 * * *

27 (g) Special penalty; disposition.--

28 * * *

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

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

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

8 * * *

9 § 6327. INSPECTION OF RECORDS.

<--

10 THE RECORDS OF THE ISSUING AUTHORITY, DEPARTMENT AND EACH
11 POLICE DEPARTMENT REQUIRED UNDER THIS SUBCHAPTER SHALL BE OPEN
12 FOR INSPECTION BY ANY POLICE OFFICER OR AUTHORIZED EMPLOYEE OF
13 THE DEPARTMENT, THE [DEPARTMENT OF JUSTICE] OFFICE OF ATTORNEY
14 GENERAL, THE DEPARTMENT OF REVENUE, THE AUDITOR GENERAL AND THE
15 COURT ADMINISTRATOR OF THE SUPREME COURT.

16 § 8307. Hazardous Materials Transportation Advisory Committee.

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

- 27 (1) A manufacturer or shipper.
28 (2) A consignee or user.
29 (3) A common carrier.
30 (4) A private carrier.

- 1 (5) A representative of the fire services.
- 2 (6) A representative of the emergency medical services.
- 3 (7) A representative with highway safety experience.
- 4 (8) A member from the general public.
- 5 (9) Others deemed appropriate by the secretary.

6 * * *

7 ~~Section 63. Repeals are as follows:~~ <--

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

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

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

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

30 ~~(5) The General Assembly declares that the repeal under~~

1 ~~paragraph (6) is necessary to effectuate the amendment of 74~~
2 ~~Pa.C.S. § 5905.~~

3 ~~(6) Section 302(h) of the Conservation and Natural~~
4 ~~Resources Act is repealed to the extent the subsection~~
5 ~~applies to the transfer of duties from the Department of~~
6 ~~Environmental Resources under 74 Pa.C.S. § 5905 to the~~
7 ~~Department of Conservation and Natural Resources.~~

8 Section ~~64~~ 68. This act shall take effect in 60 days.

<--