

No. 1997-57

AN ACT

HB 1027

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," further providing for Commonwealth agencies, for gubernatorial appointments, for boards of trustees of State institutions, for definitions relating to crime victim's compensation, for the lapsing of funds and for public members of licensing boards; modifying and increasing the powers of the executive board; limiting collective bargaining for school administrators employed by cities of the first class; prohibiting certain fees for the use of State property for the purpose of making commercial motion pictures; imposing additional duties on the Auditor General, the State Treasurer and the Attorney General; authorizing the Department of Corrections to assess and collect certain payments from prisoners; providing for bonds for certain oil and gas wells, for timetable for the review of municipal waste landfill and resource recovery facility permit applications, for municipal waste recycling and for the powers of certain campus police; authorizing the establishment of the Pennsylvania Infrastructure Bank in the Department of Transportation; further providing for workers' compensation assessments; repealing provisions relating to gasoline dispensing facilities and certain reports under the Health Care Services Malpractice Act; and making other repeals.

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

Section 1. As much as relates to the Department of Education in section 202 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, amended July 11, 1996 (P.L.619, No.105), is amended to read:

Section 202. Departmental Administrative Boards, Commissions, and Offices.—The following boards, commissions, and offices are hereby placed and made departmental administrative boards, commissions, or offices, as the case may be, in the respective administrative departments mentioned in the preceding section, as follows:

* * *

In the Department of Education,

Board of Trustees of Thaddeus Stevens [State School] *College of Technology*,

Board of Trustees of Scranton State School for the Deaf,

Public Service Institute Board,

State Board of Private Academic Schools,

State Board of Private Licensed Schools,

State Board of Education.

* * *

Section 2. Section 207.1(d)(4) of the act, amended or added November 8, 1976 (P.L.1109, No.227) and February 17, 1984 (P.L.75, No.14), is amended to read:

Section 207.1. **Gubernatorial Appointments.**—* * *

(d) The Governor shall nominate in accordance with the provisions of the Constitution of the Commonwealth of Pennsylvania and, by and with the advice and consent of a majority of the members elected to the Senate appoint persons to fill the following positions:

* * *

(4) Those members which he is authorized to appoint to the Delaware Valley Regional Planning Commission, the Pennsylvania Public Television Network Commission, [the State Council of Civil Defense,] the State Farm Products Commission, the Pennsylvania Housing Finance Agency, the Board of Trustees of each State College and University, the Board of Trustees of Scotland School for Veterans' Children, the Board of Trustees of Thaddeus Stevens [State School] *College of Technology*, the State Conservation Commission, the Commonwealth of Pennsylvania Council on the Arts, the State Planning Board, the Pennsylvania Drug, Device and Cosmetic Board, the County Board of Assistance in each county, the State Board of Public Welfare, the Boards of Trustees of Centers, the Board of Trustees of each Restoration Center, the Board of Trustees of each State General Hospital, the Board of Trustees of each State School and Hospital, the Board of Trustees of each State Hospital, the State Dental Council and Examining Board, the State Real Estate Commission, the State Registration Board for Professional Engineers, the State Boards of Examiners of Architects, Auctioneers, Nursing Home Administrators and Public Accountants, the State Boards of Barber Examiners, Chiropractic Examiners, Cosmetology, Funeral Directors, Medical Education and Licensure, Nurse Examiners, Optometrical Examiners, Osteopathic Examiners, Pharmacy, Physical Therapy Examiners, Podiatry Examiners, Veterinary Medical Examiners, Landscape Architects and Motor Vehicle Manufacturers, Dealers and Salesmen, the Pennsylvania Board of Psychologist Examiners, the State Athletic Commission, [the Hazardous Substance Transportation Board,] the Pennsylvania Higher Education Assistance Agency, the Pennsylvania Historical and Museum Commission, the State Tax Equalization Board, the Public School Employees' Retirement Board, the State Employees' Retirement Board, the Municipal Police Officers' Education and Training Commission, [the Pennsylvania Nursing

Home Loan Agency, the Crime Victims Compensation Board,) the Consumer Advocate, and the Pennsylvania Minority Business Development Authority.

* * *

Section 3. Section 401 of the act, amended July 9, 1986 (P.L.547, No.97), is amended to read:

Section 401. Boards of Trustees of State Institutions.—(a) The boards of trustees of each of the State institutions hereinafter mentioned shall consist of nine members, and the head of the department having supervision over the institution ex officio.

(b) The terms of each member of each such board shall be six years, and until his successor is appointed and qualified.

(c) All members of all boards, appointed to succeed members who have served six year terms, shall be appointed for terms of six years from the date of the expiration of the preceding term. Vacancies happening before the expiration of a term shall be filled for the unexpired term.

(d) Five members of any such board shall constitute a quorum.

(e) Each such board shall annually elect a president and vice-president from among its members, and a secretary and treasurer who need not be members of the board. The secretary and treasurer may be the same person.

(f) This section shall apply to:

Board of Trustees of Thaddeus Stevens [State School] College
of Technology,

Board of Trustees of Scranton State School for the Deaf,
Board of Trustees of Scotland School for Veterans' Children,
Board of Trustees of Pennsylvania Soldiers' and Sailors'
Home,

Board of Trustees of State Industrial Home for Women,
Board of Trustees of the Western Youth Development Centers,
Board of Trustees of the Central Youth Development Centers,
Board of Trustees of the Eastern Youth Development Centers,
Board of Trustees of Allentown State Hospital,
Board of Trustees of Clarks Summit State Hospital,
Board of Trustees of Danville State Hospital,
Board of Trustees of Embreeville Center,
Board of Trustees of Farview State Hospital,
Board of Trustees of Harrisburg State Hospital,
Board of Trustees of Mayview State Hospital,
Board of Trustees of Norristown State Hospital,
Board of Trustees of Philadelphia State Hospital,
Board of Trustees of Somerset State Hospital,
Board of Trustees of Warren State Hospital,
Board of Trustees of Wernersville State Hospital,
Board of Trustees of Woodville State Hospital,
Board of Trustees of Torrance State Hospital,

Board of Trustees of Haverford State Hospital,
 Board of Trustees of Ashland State General Hospital,
 Board of Trustees of Coaldale State General Hospital,
 Board of Trustees of Nanticoke State General Hospital,
 Board of Trustees of Philipsburg State General Hospital,
 Board of Trustees of Scranton State General Hospital,
 Board of Trustees of Shamokin State General Hospital,
 Board of Trustees of Ebensburg Center,
 Board of Trustees of Eastern State School and Hospital,
 Board of Trustees of Laurelton Center,
 Board of Trustees of Pennhurst Center,
 Board of Trustees of Polk Center,
 Board of Trustees of Selinsgrove Center,
 Board of Trustees of Hamburg Center,
 Board of Trustees of Western Center,
 Board of Trustees of White Haven Center,
 Board of Trustees of Woodhaven Center,
 Board of Trustees of the South Mountain Restoration Centers.

Section 4. The definition of "crime" in section 477 of the act, amended November 17, 1995 (1st Sp.Sess., P.L.1093, No.27), is amended and the section is amended by adding a definition to read:

Section 477. Definitions.—So far as it relates to the crime victim's compensation provisions, the following terms shall be defined as:

* * *

"Crime" means an act, including an act resulting in injury intentionally inflicted through the use of a motor vehicle, which was committed:

(1) In Pennsylvania by a person without regard to legal exemption or defense and which would constitute a crime only as defined in, proscribed by or enumerated in:

(i) 18 Pa.C.S. (relating to crimes and offenses), 30 Pa.C.S. § 5502 (relating to operating watercraft under influence of alcohol or controlled substance) or 5502.1 (relating to homicide by watercraft while operating under influence) and 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance) or 3735 (relating to homicide by vehicle while driving under influence);

(ii) the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act"; or

(iii) the laws of the United States.

(2) Against a resident of Pennsylvania which would be a crime under clause (1) but for its occurrence in a state other than Pennsylvania.

(3) *Against a resident of Pennsylvania which is an act of international terrorism.*

* * *

"International terrorism" means activities that:

(1) Involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any state or that would be a criminal violation if committed within the jurisdiction of the United States or of any state.

(2) Appear to be intended:

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion;
or

(iii) to affect the conduct of a government by assassination or kidnapping.

(3) Occur primarily outside of the territorial jurisdiction of the United States or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce or the locale in which their perpetrators operate or seek asylum.

* * *

Section 5. Section 614 of the act, amended August 14, 1991 (P.L.331, No.35), is amended to read:

Section 614. List of Employees to be Furnished to Certain State Officers.—(a) All administrative departments, boards, and commissions and the Attorney General shall on July 15 of each year, transmit to the Auditor General, the State Treasurer and Secretary of the Budget a complete list, and to the Legislative Data Processing Center a computer tape of such list, as of July 1 preceding, of the names of all persons, except day-laborers, entitled to receive compensation from the Commonwealth for services rendered in or to the department, board, or commission, as the case may be. Such list shall show the position occupied by each such person, the date of birth and voting residence of such person, the salary at which or other basis upon which such person is entitled to be paid, the date when such person entered the service of the Commonwealth, whether such person has been continuously employed by the Commonwealth since that date, and all periods of service and positions held as an employe of the Commonwealth, or such part of such information as the Governor may prescribe.

(a.1) The Auditor General and the State Treasurer shall on July 15 of each year transmit to the Secretary of the Budget a complete list, and to the Legislative Data Processing Center a computer tape of such list, as of July 1 preceding, of the names of all persons, except day-laborers, entitled to receive compensation from the Commonwealth for services rendered in or to the Auditor General or the State Treasurer, as the case may be. Such list shall show the position occupied by each such person, the date of birth and voting residence of such person, the salary at which or other basis upon which such person is entitled to be paid, the date when such person entered the service of the Commonwealth, whether such person has been continuously employed by the Commonwealth since that date, and all periods of service and positions held as an employe of the Commonwealth.

(b) No later than the 15th of each month thereafter, the Attorney General, the heads of the several administrative departments, and the several independent administrative boards and commissions, shall certify to the Auditor General, the State Treasurer and the Secretary of the Budget any changes in the annual list of employes last transmitted to them which shall have occurred during the preceding month and shall provide to the Legislative Data Processing Center a computer tape of such changes.

(b.1) No later than the 15th of each month thereafter, the Auditor General and the State Treasurer shall certify to the Secretary of the Budget any changes in the annual list of employes last transmitted to them which shall have occurred during the preceding month and shall provide to the Legislative Data Processing Center a computer tape of such changes.

(c) The information received by the Auditor General, the State Treasurer and the Secretary of the Budget, under this section, shall be public information.

Section 6. Section 620 of the act, amended September 27, 1978 (P.L.775, No.149), is amended to read:

Section 620. Budget Implementation Data.—(a) The Governor, *the Auditor General, the State Treasurer and the Attorney General* shall make monthly expenditure data available to the Majority and Minority Chairmen of the Appropriations Committees of the Senate and the House of Representatives. Monthly data shall be provided within fifteen (15) days after the end of each month. The monthly data shall be prepared in such a way that the last monthly submission is a summary inclusive of the preceding months of the fiscal year and shall be usable to establish a history of expenditure file. This data, at the discretion of the Majority and Minority Chairmen of the Appropriations Committees of the Senate and the House of Representatives may be provided either in finished reports or on computer tapes. The data shall be provided by fund, by appropriation, by department and by organization within each department and shall include:

- (1) Number of filled personnel positions and their cost.
- (2) Itemized personnel vacancies and their cost.
- (3) New positions created and their cost.
- (4) Wage and overtime costs.
- (5) Allotments and expenditures for itemized personnel expenses.
- (6) Allotments and expenditures for itemized operating expenses.
- (7) Allotments and expenditures for itemized fixed assets.
- (8) The rate of expenditures in appropriations for major subsidy and grant programs during the month.

In addition to the above specified budgetary data, the Governor, *the Auditor General, the State Treasurer and the Attorney General* shall make available any other budgetary data as may be requested from time to time by the Majority and Minority Chairmen of the Appropriations Committees of the Senate and the House of Representatives.

(b) The Governor shall make monthly revenue reports to the Majority and Minority Chairmen of the Appropriations Committees of the Senate and the House of Representatives. The revenue reports shall show the actual collection of revenue itemized by source and a comparison of the actual collections with estimated collections for each month. The comparison shall be accompanied by an analysis which would indicate any change in collection patterns which will cause a shortfall or overrun on the annual estimates of more than one per centum (1%).

(c) The Governor, *the Auditor General, the State Treasurer and the Attorney General* shall cause to be prepared any other revenue data as may be requested from time to time by the Majority or Minority Chairmen of the Appropriations Committees of the Senate or the House of Representatives.

Section 7. Section 621 of the act, amended or added October 8, 1980 (P.L.785, No.146) and July 1, 1990 (P.L.277, No.67), is amended to read:

Section 621. Lapsing of Funds.—(a) As used in this section:

“Contingent commitment.” An authorization made by proper authority for [a spending] *an* agency to commit [moneys] *funds* from an appropriation which has not [as] yet been made by the General Assembly. It is contingent upon the eventual passage of an appropriation for the purpose [and money may not be paid out or]. *Neither* goods or services *can be* delivered *nor funds expended* until such an appropriation has been made.

“Contracted repairs.” All [contracted] repairs to buildings, grounds, roads, fixed and movable equipment and furniture, excluding maintenance and repair work performed by State employes. Repairs are defined as costs which will restore the asset to that condition which will permit the effective use of the asset up to but not beyond its previously determined useful life.

“Economic development.” *Programs to maximize employment opportunities, economic growth and development of communities and the overall economic development of the Commonwealth through industrial development, employability development, community development, resource development, labor-management relations and job training.*

“Emergency.” *A situation or circumstance that threatens the continued operation of government or the health, safety or lives of the citizens of the Commonwealth.*

“Encumbrance.” *Obligation or commitment in the form of purchase orders, field purchase orders, contracts, grant agreements or other authorizing documents related to unperformed contracts for goods and services which are chargeable to an appropriation and for which a part of the appropriation is reserved.*

“Fixed assets.” Includes as machinery, equipment or furniture those articles which meet the following two general criteria:

(1) Those items that can be expected to have a useful life of more than one year.

(2) Those items that can be used repeatedly without materially changing or impairing their physical condition and that can be kept in serviceable condition by normal repair, maintenance or replacement of components.

Also included in this major category of expenditure are: livestock, game and poultry purchased primarily for farm stock, breeding or similar use, land acquisitions, acquisitions of buildings and structures, capital improvements to buildings and structures and nonstructural improvements.

“Grants and subsidies.” Includes all payments made by the State to political subdivisions, individuals, institutions and organizations for which no direct services are rendered to the State. Also included are: awards, bounties and indemnities.

“*Litigation.*” Any pending, proposed or current action or matter, including arbitration and audits, subject to appeal before a court of law or administrative adjudicative body, the decision of which body may be appealed to a court of law.

“Major categories of expenditure.” [Fixed assets, operational expenses and personnel services] *Includes personnel services, operational expenses, fixed assets, grants and subsidies, debt service and fixed charges and nonexpense items.*

“Operational expenses.” Includes the cost of commodities, substances or manufactured articles which are used or consumed in current operation or processed in the construction or manufacture of articles. [Supplies also include minor] *Also includes* equipment, expendable tools and other articles not meeting the criteria for machinery and equipment set forth in the definition of “fixed assets.” [This major category of expenditure also] *In addition,* includes services performed by State or outside agencies which may include the use of equipment or the furnishing of commodities in connection with these services under express or implied contracts.

“Personnel services.” The cost of salaries and wages, [including the State’s] *State* share of payroll taxes and employe benefits[,] paid *to or on behalf of* State officials and employes for services rendered and for State annuitants. *Includes, among other things, the State share of unemployment compensation, employe training and annual and sick leave payouts.*

[“Purchase order.” A written] *“Procurement document.”* A document authorizing delivery of specified items or the rendering of certain services and the incurrence of a charge for them. *Includes purchase orders, field purchase orders, leases, contracts and other authorizing documents.*

“Purchase requisition.” A written *or electronic* request to the [purchasing officer, usually of a] central [supply] *purchasing* agency[,] for the purchase [or delivery] of specified items [or services].

(b) All actions relating to the encumbering of funds shall be supported by complete documentation [including a detailing of methods used to estimate a year-end encumbrance. Purchase orders]. *Procurement documents* shall have a specified delivery date. [Delivery of goods and services encumbered in one fiscal year shall be made by August 31 of the following fiscal year,

except as otherwise herein provided.] *Encumbrances shall be expended as herein provided.*

(c) Payments for personnel services shall be charged to the fiscal year in which the expense was incurred or the liability accrued.

(d) Payments for operational expenses and grants and subsidies shall be charged as follows:

(1) Purchases of supplies **[and services other than specifically provided herein]** shall be charged to the fiscal year in which the actual expenses or commitment to purchase was incurred. **[Contracted services, consultant fees]**

(1.1) Contracted services and rentals, excluding General State Authority rentals, shall be [prorated between fiscal years] charged to the fiscal year in which the service was provided or rental occurred.

(2) **[Payment of the cost of contracted]** *Contracted* repairs shall be charged to the fiscal year in which **[the obligation was incurred]** *an encumbrance was created.*

(3) **[Payments of grants]** *Grants* and subsidies **[and reimbursements for services provided or costs incurred by other government units, institutions, and individuals]** shall be charged to the fiscal year in which funds were appropriated, allocated for the purpose by the Budget Secretary **[and obligated] and/or encumbered.**

(4) Except as hereinafter provided, no encumbrance for operational expenses and grants or subsidies shall be made after May 31 in the fiscal year to which the encumbrance is charged.

(5) Encumbrances *for operational expenses and grants and subsidies* made because of purchase orders *issued from purchase requisitions* or because of an emergency **[that threatens the continued operation of government or the health, safety or lives of the citizens of the Commonwealth]** may be created subsequent to May 31. **[If a purchase order is executed subsequent to June 15, a contingent commitment shall be established to insure the payment of the bill] but not later than June 30.**

[(6) Outstanding prior year encumbrances charged to operational expenses or subsidies and grants shall be reviewed not later than August 31 of the current fiscal year. At that time they shall be cancelled and the funds shall lapse unless extended because of the material shortages, delays in production schedules, strikes, arbitration, inspections, audits, acts of nature, or litigation upon complete justification of the agency with the concurrence of the agency controller.]

(7) *Encumbrances for economic development grants or projects may be retained until the close of the second fiscal year following the fiscal year in which the original grants or projects were encumbered.*

(e) Fixed assets shall be charged as follows:

(1) Purchase or cost of fixed assets shall be charged to the fiscal year in which [funds for this purpose are allocated by the Budget Secretary] *an encumbrance was created.*

(2) Except as hereinafter provided, no encumbrance for fixed assets shall be made after [February 28] *May 31* in the fiscal year to which the encumbrance is charged.

(3) Encumbrances for fixed assets made because of purchase orders *issued from purchase requisitions* or because of an emergency [that threatens the continued operation of government, or the health, safety, or lives of the citizens of the Commonwealth] may be created subsequent to [February 28. If a purchase order is executed subsequent to April 30, a contingent commitment shall be established to insure the payment of the bill unless delivery is expected prior to] *May 31 but not later than June 30.*

[(4) Encumbrances for fixed assets made because of a purchase order subsequent to April 30 shall be automatically cancelled and the funds lapsed if delivery is not made prior to June 30.]

(5) Outstanding prior year encumbrances charged to fixed assets shall be reviewed not later than September 30 of the current fiscal year. At that time they shall be cancelled and the funds lapsed unless extended because of material shortages, delays in production schedules, strikes, arbitration, inspections, audits, acts of nature, or litigation upon complete justification of the agency with the concurrence of the agency controller.]

(f) Outstanding prior year encumbrances [extended in accordance with the provisions of this act shall be automatically] *shall be* cancelled as of October 31, excepting encumbrances for [items being litigated or arbitrated.]: *construction, repairs and improvements and items being litigated. In addition, a prior year encumbrance may remain encumbered beyond October 31 provided the agency comptroller has evidence that either the goods were provided on or before October 31 or the services were provided by June 30 of the previous fiscal year.*

(g) Nothing shall preclude an agency from *either* encumbering funds [from] *against or direct charging expenditures* to the current fiscal year to pay for a prior year's encumbrance which was cancelled under subsection (c), (d), (e) or (f).

(h) [Balances due to] *Available balances created by the* liquidation or cancellation of prior year encumbrances shall be lapsed. These [funds] *balances* shall not be transferred [to any other major or minor category] *between major categories* of expenditure and may not be used to create any new obligation.

(i) [Moneys from liquidation or cancellation of prior year encumbrances shall be lapsed by the end of the subsequent month in which the encumbrance was liquidated or cancelled, or earlier at the discretion of the Budget Secretary.] Except as a result of litigation, in no

case shall an encumbrance be held for more than the next complete [subsequent] fiscal year.

(j) In no case shall there be a transfer of funds from an encumbrance in one major category of expenditure to an encumbrance in another major category of expenditure.

(k) All deadlines for creating encumbrances shall be extended when the encumbrances apply to an appropriation received after the deadlines stated herein.

(l) In no case shall an encumbrance be created after June 30 of the fiscal year in which the moneys were appropriated.

(m) The Secretary of the Budget shall have the power to waive any of the provisions included in section 621 upon written request of an agency justifying an exception to these provisions which is in the best interests of the Commonwealth. When the Secretary of the Budget decides to approve an agency request for a waiver of these provisions, he shall submit the agency request along with his own written analysis and justification for the waiver of these provisions to the respective Chairmen of the Majority and Minority Appropriations Committees in the House of Representatives and the Senate allowing a reasonable time for their review and comment.

[(n) During the first ten (10) days of the fiscal period beginning July 1, 1990, the Comptroller of the House of Representatives shall forward lapse documents to the State Treasurer for at least twenty-seven million dollars (\$27,000,000) of prior year continuing appropriations of the House of Representatives. This subsection shall expire September 30, 1990.]

Section 8. The act is amended by adding a section to read:

Section 625-A. Fees Prohibited.—Except for extraordinary activities, no department or agency of the Commonwealth may charge a fee or other cost, except the actual costs incurred by the affected department or agency, for the use of State-owned property for the purpose of making commercial motion pictures. For purposes of this section, the term “extraordinary” shall mean an activity outside the normal course of business of an agency or department of this Commonwealth, including, but not limited to, demolition or construction projects, or any combination thereof, having a total cost in excess of one million dollars (\$1,000,000).

Section 9. Section 709 of the act, amended April 23, 1941 (P.L.21, No.13), July 20, 1968 (P.L.457, No.215), December 18, 1968 (P.L.1232, No.390), October 7, 1974 (P.L.673, No.225) and repealed in part July 13, 1988 (P.L.530, No.94), is amended to read:

Section 709. Executive Board.—Subject to the provisions of this act, the Executive Board shall have the power:

(a) To standardize the qualifications for employment, and all titles, salaries, and wages, of persons employed by the administrative departments, boards, and commissions, except the *Office of Attorney General, the*

Department of the Auditor General and the Treasury Department. In establishing such standards the board may:

(1) Take into consideration the location of the work and the conditions under which the service is rendered,

(2) Establish different standards for different kinds, grades and classes of similar work or service;

(b) To approve or disapprove the establishment of bureaus and divisions by the administrative departments, other than the *Office of Attorney General*, the Department of the Auditor General and the Treasury Department, and by the independent administrative boards and commissions, and to investigate duplication of work of the several administrative departments, boards, and commissions, and the efficiency of the organization and administration thereof, and the better coordination of such departments, boards, and commissions;

(c) To approve or disapprove, as provided by this act, the payment of extra compensation to employees of administrative departments, boards, or commissions, who are employed at fixed compensation;

(d) To determine, from time to time, the hours when the administrative offices of the State Government shall open and close;

(e) To establish regulations concerning the entitlement to leaves of absence, with pay, for employes of administrative departments, boards or commissions;

(e.1) To determine the holidays on which the administrative offices of State Government shall be closed for the purpose of transacting public business;

(f) To make rules and regulations [defining the] *providing for travel, lodging and other* expenses for which *all* officers and employes of the executive branch of the State Government may be reimbursed;

(f.1) To establish rates of per diem compensation for members of departmental boards and commissions for which no annual rate of compensation has been established;

(g) To determine by what members of independent administrative boards and commissions fidelity bonds shall be given, to approve or disapprove recommendations of department heads, or of independent administrative boards or commissions, for the bonding of officers or employes of their departments, or members or officers or employes of departmental administrative boards or commissions, or officers or employes of independent administrative boards or commissions, to fix the amounts of the bonds of all such members, officers, or employes required to give bond, and to require any bond or bonds to be executed by a surety or sureties, even though the Commonwealth may have established its own indemnity fund, as elsewhere in this act provided;

(h) To approve or disapprove the establishment of branch offices outside of the Capital city by or for administrative departments, boards, or commissions;

(i) From time to time to determine within what limits the Department of **[Property and Supplies] General Services** shall procure liability insurance covering claims for damages against the Commonwealth, and State officers and employes, arising out of the operation of State automobiles or the performance of any other assigned duties and responsibilities by such officers and employes;

(j) From time to time to determine the number and type of automobiles to be purchased by the Department of **[Property and Supplies] General Services**, acting either on its own behalf or as purchasing agency for any other department, except the *Office of Attorney General*, the Department of the Auditor General and the Treasury Department, or for any board or commission, and to make rules and regulations for the use of State automobiles by State officers and employes, except the *Office of Attorney General*, the Department of the Auditor General and the Treasury Department.

(k) To approve or disapprove requests for and to direct the disposal of files of correspondence, reports, records or other papers which are not needed for the current or anticipated future operations of any administrative department, board or commission, and which date back a period of four years or more.

(l) To report to the General Assembly on an annual basis, beginning May 1, 1975 and each May 1 thereafter, on all changes approved or negotiated by the Executive Board in relation to matters covered in sections 222(b), 222(c), 709(e) and 709(e.1), the estimated costs under the existing rules and provisions and the estimated costs under the new rules and provisions for the next five years.

Section 10. Section 813(f) of the act, added March 21, 1986 (P.L.62, No.18), is amended to read:

Section 813. Public Members of Licensing Boards and Commissions.—

* * *

(f) A public member who fails to attend two consecutive conferences conducted pursuant to subsection (e) shall forfeit his seat on the board or commission of which he is a public member unless the Commissioner of Professional and Occupational Affairs, upon written request from the public member, finds that the public member should be excused from a conference because of illness [or], the death of a family member *or a conflict with the public member's business or work schedule*.

Section 11. The act is amended by adding a section to read:

Section 904-B. Powers to Assess and Collect Costs.—(a) When the Department of Corrections determines that there has been a financial loss or cost as a result of a violation of a written rule governing inmate behavior, including, but not limited to, property loss or damage or use of a controlled substance, the department may require the prisoner to pay to the department, or to the person whose property has been lost or damaged,

the value of the property or the costs incurred in the investigation and administrative review of the behavior.

(b) The department shall develop written procedures relating to the determination, assessment and collection of the costs of losses due to inmate misconduct. When the procedures have been adopted by the department, the provisions of 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) shall not apply to proceedings conducted by the department under this section.

(c) The department may deduct from an inmate's institutional account the amount of any judgment, court-ordered costs or assessments against the inmate under subsection (a). Notice of the deduction shall be provided to the inmate by certified mail or personal notice.

Section 12. Section 1321(a) of the act, added July 11, 1996 (P.L.619, No.105), is amended to read:

Section 1321. Collective Bargaining.—(a) School administrators employed by a city of the first class shall, through labor organizations or other representatives designated by fifty per centum (50%) or more of such school administrators, have the right to bargain collectively with their public employers concerning the terms and conditions of their employment, including compensation, hours, working conditions[, retirement, pension] and other benefits, and shall have the right to an adjustment or settlement of their grievances or disputes in accordance with the terms of this section.

* * *

Section 13. The act is amended by adding sections to read:

Section 1934-A. Bonds for Certain Wells.—No bond or bond substitute shall be required for any well drilled prior to April 18, 1985, where such well would have otherwise been subject to the bonding requirements of section 215 or 603.1 of the act of December 19, 1984 (P.L.1140, No.223), known as the "Oil and Gas Act."

Section 1935-A. Timetable for Review of Municipal Waste Landfill and Resource Recovery Facility Permit Applications.—Upon the request of an applicant, the Department of Environmental Protection shall establish a timetable in which the department shall review and approve or deny any permit application for a municipal waste landfill or resource recovery facility. The department shall establish a reasonable timetable for the approval or denial of the permit application in consultation with the permit applicant and the governing body of any county and other municipality within which the facility is located and shall publish a notice regarding the timetable in the Pennsylvania Bulletin.

Section 1936-A. Recycling Fund Advisory Committee.—(a) The annual expenditure plan recommended by the Recycling Fund Advisory Committee shall be submitted by the Governor to the General Assembly as part of the Governor's annual budget submission. The Recycling Fund expenditure plan shall be open for review and comment by the members of the General Assembly. The recommended Recycling Fund expenditure plan submitted

by the Governor as part of the annual budget submission shall include a detailed listing of the types of programs for the actual year, current year and proposed budget year which will receive a higher funding recommendation for the coming fiscal year.

(b) No fee shall be imposed under section 701 of the act of July 28, 1988 (P.L.556, No.101), known as the "Municipal Waste Planning, Recycling and Waste Reduction Act," on and after October 25, 2003.

Section 1937-A. Municipal Recycling Grants.—(a) The Department of Environmental Protection shall not award any grant under section 902 of the act of July 28, 1988 (P.L.556, No.101), known as the "Municipal Waste Planning, Recycling and Waste Reduction Act," unless it is demonstrated to the department's satisfaction that:

(1) The application is complete and accurate.

(2) The recycling program for which the grant is sought does not duplicate any other recycling programs, private or municipally operated, operating within the county. This restriction applies to a grant application for a recycling program operated by a municipality regardless of whether it will be operated solely by the municipality, or by the municipality contracting with a private entity, passing all or a portion of the grant monies through to a private entity, otherwise funding a private entity or in any other manner partnering with a private entity. Acceptable proof that a newly proposed recycling project for which a grant is being sought will not duplicate any other existing municipally or privately operated program shall include, but not be limited to:

(i) A statement from the county recycling coordinator that the applicant has secured a list of known recycling enterprises operating within the county.

(ii) For grant applications in excess of thirty thousand dollars (\$30,000), notification of such a grant application, in sufficient detail to describe what will be accomplished with the grant, in a newspaper of general circulation which shall be published once a week for four consecutive weeks.

(iii) Copies of all written responses received as a result of notification under subparagraph (ii).

(3) The department will deny a grant application that does not submit proof of publication and a list of known recycling enterprises.

(4) If the municipality proposes to use some or all of the grant funds to purchase mechanical processing equipment, the equipment is not available to the program in the private sector. Before submitting the application to the department, the municipality shall obtain a written statement from the appropriate county recycling coordinator that the applicant has secured a list of known recycling enterprises operating within the county and publish in a newspaper of general circulation a notice describing in reasonable detail the equipment which the municipality proposes to purchase and the proposed uses of the equipment and allow thirty (30) days for written response from any interested persons. The

application shall describe the responses received and shall explain why the municipality has concluded that such equipment is not available from the private sector. Grants awarded under this section for the purchase of equipment will be prorated if it is determined that the equipment proposed to be purchased by the municipality with funds from a grant awarded under this section will not be used exclusively for the purposes stated on the recycling grant application.

(b) (1) The department may not award any grant under the "Municipal Waste Planning, Recycling and Waste Reduction Act" to any county or municipality that has failed to comply with the conditions set forth in previously awarded grants under that act, the requirements of that act, this section and any regulations promulgated pursuant thereto.

(2) The department may make an exception for a county or municipality which proposes to partner with a not-for-profit agency which will utilize the grant to fund the processing of recycled materials identified in section 1501(c)(1)(i) of the "Municipal Waste Planning, Recycling and Waste Reduction Act" or the manufacturing of products made from those materials.

(c) (1) This section shall not apply if the recycling needs of all the citizens of the county cannot be met.

(2) This section shall not apply to any municipality that has received any grant under section 902 of the "Municipal Waste Planning, Recycling and Waste Reduction Act" prior to the effective date of this section.

Section 2015. Pennsylvania Infrastructure Bank.—(a) There is hereby established a special fund in the Department of Transportation to be known as the Pennsylvania Infrastructure Bank. The fund shall be administered by the Department of Transportation, and the State Treasurer shall be the treasurer-custodian of the fund. All moneys in the fund are hereby appropriated to the Department of Transportation for the purposes specified in this section. The State Treasurer is authorized to hold and to disburse in accordance with this section all Federal and State money deposited in the fund. The Department of Transportation is also authorized to use money in the Highway and Safety Improvements appropriation in the Motor License Fund to provide payments as authorized by Federal law, including matching funds, for the Pennsylvania Infrastructure Bank.

(b) The Department of Transportation is authorized to:

(1) make loans to or enter into leases with qualified borrowers to finance the costs of qualified projects and to acquire, hold and sell borrower obligations evidencing the loans;

(2) enter into guaranties secured solely by or purchase insurance or other credit enhancement through amounts on deposit in the fund;

(3) enter into contracts, arrangements and agreements to provide assistance through amounts on deposit in the fund. The Department of Transportation shall determine the form and content of any borrower obligation, including the terms and rate of interest on any loans or leases;

(4) enter into contracts, arrangements and agreements with other persons and execute and deliver all trust agreements, loan agreements and other instruments necessary or convenient to the exercise of the powers granted by this section;

(5) enter into grant cooperative, operating and other agreements with the United States relating to the fund;

(6) establish and collect fees, charges and interest;

(7) establish fiscal controls and accounting procedures for the fund;

(8) adopt regulations, procedures or guidelines for the bank and for accounting procedures by qualified borrowers for financial assistance and projects; and

(9) establish accounts and subaccounts in the fund as necessary and invest moneys held in the fund.

(c) The Department of Transportation is authorized to take any actions required by Federal law or regulation in order to qualify as a State infrastructure bank and to receive Federal funds made available to State infrastructure banks.

(d) The Department of Transportation shall not be authorized to be a bank, trust company, insurance company or dealer in securities subject to any Federal or State banking or insurance regulating agency or any securities, securities exchange or securities dealers' law.

Section 2218. Workers' Compensation Assessment.—Effective July 1, 1998, the assessments for the maintenance of the Subsequent Injury Fund, the Workmen's Compensation Supersedeas Fund and the Workmen's Compensation Administration Fund under sections 306.2, 443 and 446 of the act of June 2, 1915 (P.L.736, No.338), known as the "Workers' Compensation Act," shall no longer be imposed on insurers but shall be imposed, collected and remitted through insurers in accordance with regulations promulgated by the Department of Labor and Industry.

Section 2416.1. Campus Police Powers and Duties.—(a) Campus Police shall have the power and their duty shall be:

(1) to enforce good order on the grounds and in the buildings of the college or university;

(2) to protect the grounds and buildings of the college or university;

(3) to exclude all disorderly persons from the grounds and buildings of the college or university;

(4) to adopt whatever means may be necessary for the performance of their duties;

(5) to exercise the same powers as are now or may hereafter be exercised under authority of law or ordinance by the police of the municipalities wherein the college or university is located, including, but not limited to, those powers conferred pursuant to 42 Pa.C.S. Ch. 89 Subch. D (relating to municipal police jurisdiction);

(6) to prevent crime, investigate criminal acts, apprehend, arrest and charge criminal offenders and issue summary citations for acts committed

on the grounds and in the buildings of the college or university and carry the offender before the proper alderman, justice of the peace, magistrate or bail commissioner and prefer charges against him under the laws of this Commonwealth. Except when acting pursuant to 42 Pa.C.S. Ch. 89 Subch. D, Campus Police shall exercise these powers and perform these duties only on the grounds or within 500 yards of the grounds of the college or university. For the purposes of applying the provisions of 42 Pa.C.S. Ch. 89 Subch. D, the grounds and within 500 yards of the grounds of the college or university shall constitute the primary jurisdiction of the Campus Police;

(7) to order off the grounds and out of the buildings of the college or university all vagrants, loafers, trespassers and persons under the influence of liquor and, if necessary, remove them by force and, in case of resistance, carry such offenders before an alderman, justice of the peace, bail commissioner or magistrate; and

(8) to arrest any person who damages, mutilates or destroys the trees, plants, shrubbery, turf, grass plots, benches, buildings and structures or commits any other offense on the grounds and in the buildings of the college or university and carry the offender before the proper alderman, justice of the peace, bail commissioner or magistrate and prefer charges against him under the laws of this Commonwealth.

(b) Campus Police and municipalities are authorized to enter into an agreement with the municipality wherein the college or university is located to exercise concurrently those powers and to perform those duties conferred pursuant to a cooperative police service agreement in accordance with 42 Pa.C.S. § 8953 (relating to Statewide municipal police jurisdiction). When so acting, the Campus Police of the college or university shall have the same powers, immunities and benefits granted to police officers in 42 Pa.C.S. Ch. 89 Subch. D.

(c) When acting within the scope of the authority of this section, Campus Police are at all times employes of the college or university and shall be entitled to all of the rights and benefits accruing therefrom.

(d) As used in this section:

“Campus Police” means all law enforcement personnel employed by a State-aided or State-related college or university who have successfully completed a Campus Police course of training approved under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

“College” or “university” means all State-aided or State-related colleges and universities.

“Grounds” means all lands and buildings owned, controlled, leased or managed by a college or university.

Section 14. A statutory reference to the Thaddeus Stevens State School of Technology shall be deemed to be a reference to the Thaddeus Stevens College of Technology.

Section 15. (a) The following acts and parts of acts are repealed:

Section 6.7(a), (b), (c), (d), (e), (f) and (g) of the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act.

The first two sentences of section 841-A(c) of the act of October 15, 1975 (P.L.390, No.111), known as the Health Care Services Malpractice Act.

Section 512(b) of the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act.

(b) The following acts and parts of acts are repealed to the extent specified:

Act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, insofar as it is inconsistent with section 2218 of the act.

Section 2416 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, insofar as it is inconsistent with section 2416.1 of the act.

Sections 701, 706, 902 and 905 of the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, insofar as they are inconsistent with this act.

(c) All other acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 16. This act shall take effect immediately.

APPROVED—The 26th day of November, A.D. 1997.

THOMAS J. RIDGE