

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 183 Session of 2015

INTRODUCED BY DiGIROLAMO, PASHINSKI, HARKINS, DAVIS, COHEN,
 KINSEY, BROWNLEE, SCHLOSSBERG, MURT, ACOSTA, DeLUCA,
 LONGIETTI, GODSHALL, BOBACK, SABATINA AND DEAN,
 FEBRUARY 3, 2015

REFERRED TO COMMITTEE ON HUMAN SERVICES, FEBRUARY 3, 2015

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled,
 2 as amended, "An act relating to the finances of the State
 3 government; providing for the settlement, assessment,
 4 collection, and lien of taxes, bonus, and all other accounts
 5 due the Commonwealth, the collection and recovery of fees and
 6 other money or property due or belonging to the Commonwealth,
 7 or any agency thereof, including escheated property and the
 8 proceeds of its sale, the custody and disbursement or other
 9 disposition of funds and securities belonging to or in the
 10 possession of the Commonwealth, and the settlement of claims
 11 against the Commonwealth, the resettlement of accounts and
 12 appeals to the courts, refunds of moneys erroneously paid to
 13 the Commonwealth, auditing the accounts of the Commonwealth
 14 and all agencies thereof, of all public officers collecting
 15 moneys payable to the Commonwealth, or any agency thereof,
 16 and all receipts of appropriations from the Commonwealth,
 17 authorizing the Commonwealth to issue tax anticipation notes
 18 to defray current expenses, implementing the provisions of
 19 section 7(a) of Article VIII of the Constitution of
 20 Pennsylvania authorizing and restricting the incurring of
 21 certain debt and imposing penalties; affecting every
 22 department, board, commission, and officer of the State
 23 government, every political subdivision of the State, and
 24 certain officers of such subdivisions, every person,
 25 association, and corporation required to pay, assess, or
 26 collect taxes, or to make returns or reports under the laws
 27 imposing taxes for State purposes, or to pay license fees or
 28 other moneys to the Commonwealth, or any agency thereof,
 29 every State depository and every debtor or creditor of the
 30 Commonwealth," providing for county-based human services
 31 funds; and repealing provisions of the Public Welfare Code
 32 relating to the Human Services Block Grant Pilot Program.

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

3 Section 1. The act of April 9, 1929 (P.L.343, No.176), known
4 as The Fiscal Code, is amended by adding an article to read:

5 ARTICLE XVII-P

6 COUNTY-BASED HUMAN SERVICES FUNDS

7 Section 1701-P. Definitions.

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

11 "County-based human services." Programs approved by the
12 Department of Human Services and provided by county governments
13 through direct or contracted services, supportive services and
14 service coordination. The term includes services designed to
15 meet service needs of the following:

16 (1) Individuals in need of behavioral health services,
17 including, but not limited to, mental health services.

18 (2) Individuals with intellectual disabilities.

19 (3) Individuals in need of drug and alcohol treatment
20 services.

21 (4) Individuals who are homeless or at immediate risk of
22 becoming homeless.

23 (5) Delinquent children and dependent children as
24 defined in 42 Pa.C.S. § 6302 (relating to definitions).

25 (6) Low-income adults eligible to receive services under
26 the act of October 5, 1994 (P.L.531, No.78), known as the
27 Human Services Development Fund Act.

28 (7) Older individuals as provided for under section
29 2206-A of the act of April 9, 1929 (P.L.177, No.175), known
30 as The Administrative Code of 1929, and eligible to receive

1 services under the Human Services Development Fund Act.
2 "Department." The Department of Human Services of the
3 Commonwealth.

4 "Human service category." One of the seven types of county-
5 based human services enumerated in the definition of county-
6 based human services.

7 "Human services funds." Funds allocated to county
8 governments to provide locally identified county-based human
9 services that will meet the service needs of county residents.
10 The term shall include all of the following:

11 (1) The following State funds allocated for a fiscal
12 year:

13 (i) Funds allocated to counties under the act of
14 October 5, 1994 (P.L.531, No.78), known as the Human
15 Services Development Fund Act.

16 (ii) Funds allocated to counties for mental health
17 and intellectual disability services under the act of
18 October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as
19 the Mental Health and Intellectual Disability Act of
20 1966.

21 (iii) Funds allocated to counties for behavioral
22 health services.

23 (iv) Funds allocated to counties for drug and
24 alcohol services under section 2334 of the act of April
25 9, 1929 (P.L.177, No.175), known as The Administrative
26 Code of 1929.

27 (v) Funds allocated to counties for the provision of
28 services to the homeless.

29 (vi) Funds allocated to county child welfare
30 agencies as certain additional grants under section

1 704.1(b) of the act of June 13, 1967 (P.L.31, No.21),
2 known as the Public Welfare Code.

3 (2) Federal funds allocated to a county for a fiscal
4 year which are associated with the funds identified under
5 paragraph (1).

6 "Surplus human services funds." Human services funds which
7 remain unexpended and unencumbered by a county government for a
8 human service category at the end of the fiscal year in which
9 funds for the human service category have been allocated.

10 Section 1702-P. Use of surplus human services funds.

11 (a) General rule.--For a period of 90 days following the end
12 of a fiscal year, surplus human services funds shall continue to
13 be used by a county government to help defray the costs of
14 provision of one or more human service categories that are
15 different from the human service category for which the funds
16 had initially been allocated in the fiscal year if:

17 (1) the costs for the human service category were
18 incurred or expended by the county government prior to the
19 end of the fiscal year; and

20 (2) the county will use the surplus human services funds
21 subject to all of the requirements of the funding source for
22 the different human service category or categories for which
23 the county government intends to use the funds.

24 (b) Notification.--Subsection (a) shall apply to a county
25 government that has notified the department and the Department
26 of Drug and Alcohol Programs in writing at least 10 days prior
27 to the end of the fiscal year that it intends to use surplus
28 human services funds as provided under subsection (a) and how it
29 intends to use the funds.

30 Section 1703-P. Powers and duties of department and the

1 Department of Drug and Alcohol Programs.

2 (a) Department.--

3 (1) From funds appropriated to the department for the
4 programs set forth under paragraph (1) of the definition of
5 human services funds, make each of the allocations described
6 in paragraph (1) of the definition of human services funds.

7 (2) With respect to surplus human services funds
8 allocated as described in paragraph (1)(i), (ii), (v) and
9 (vi) of the definition of human services funds in section
10 1701-P as well as the portion of surplus human services funds
11 allocated as described in paragraph (1)(iii) of the
12 definition of human services funds in section 1701-P for
13 services other than drug and alcohol programs, the department
14 shall have the power and duty to:

15 (i) Monitor county governments' administration of
16 surplus human services funds to ensure compliance with
17 applicable Federal and State requirements.

18 (ii) Provide technical support and assistance to
19 counties.

20 (iii) Monitor, inspect or audit the financial,
21 operating and accounting records of any county agency or
22 contracted entity that receives any surplus human
23 services funds if deemed necessary by the department.

24 (iv) Withhold, recover or reduce any surplus human
25 services funds determined to have been spent or disbursed
26 in violation of Federal or State requirements.

27 (v) Establish procedures for the submission, review
28 and approval process of plans for the expenditure of
29 surplus human services funds.

30 (vi) Prepare and submit by January 1, 2016, and by

1 November 30 each year thereafter, a report to the
2 chairman and minority chairman of the Public Health and
3 Welfare Committee of the Senate, the chairman and
4 minority chairman of the Appropriations Committee of the
5 Senate, the chairman and minority chairman of the Health
6 Committee of the House of Representatives, the chairman
7 and minority chairman of the Human Services Committee of
8 the House of Representatives and the chairman and
9 minority chairman of the Appropriations Committee of the
10 House of Representatives of the expenditures of surplus
11 human services funds by county governments.

12 (vii) Make available for public inspection and post
13 on the department's publicly accessible Internet website
14 the annual report under subparagraph (vi).

15 (viii) Promulgate regulations as may be necessary to
16 carry out its obligations under this section.

17 (b) Department of Drug and Alcohol Programs.--With respect
18 to surplus human services funds allocated as described in
19 paragraph (1)(iv) of the definition of human services funds in
20 section 1701-P and the portion of the funds allocated as
21 described in paragraph (1)(iii) of the definition of human
22 services funds in section 1701-P for drug and alcohol programs,
23 the Department of Drug and Alcohol Programs and the department
24 shall jointly perform the duties enumerated under subsection (a)
25 (2).

26 Section 1704-P. Powers and duties of counties.

27 The local county officials of each county government
28 proposing to use surplus human services funds under this article
29 shall have the power and duty to:

30 (1) Administer and disburse surplus human services funds

1 for the provision of county-based human services in
2 accordance with this article, regulations promulgated under
3 section 1703-P and Federal requirements.

4 (2) Provide the notice required under section 1702-P(b).

5 (3) Submit reports required by law other than this
6 article with respect to human services funds allocated to the
7 counties.

8 Section 1705-P. County obligation.

9 Counties shall have no financial obligation to provide
10 county-based human services in excess of their allocation of
11 human services funds for any fiscal year.

12 Section 1706-P. Appeals.

13 A county agency or contracted entity aggrieved by a
14 determination by the department or the Department of Drug and
15 Alcohol Programs made under section 1703-P may file a request
16 for a review with the department's Bureau of Hearings and
17 Appeals, which shall have exclusive jurisdiction. The procedures
18 and requirements of 2 Pa.C.S. Ch. 5 Subch. A (relating to
19 practice and procedure of Commonwealth agencies) and 1 Pa. Code
20 Pt. II (relating to general rules of administrative practice and
21 procedure) shall apply to requests for review filed under this
22 section.

23 Section 1707-P. Construction.

24 (a) Federal money.--This article shall be construed so as to
25 maintain and not decrease or limit the eligibility of any person
26 or facility or the Commonwealth or any political subdivision of
27 the Commonwealth to receive any Federal assistance, grant or
28 funds.

29 (b) Availability of services.--Nothing under this article
30 shall create or provide an individual with an entitlement to

1 services or benefits. Services under this article shall only be
2 available from county governments to the extent that funds are
3 appropriated.

4 Section 2. Repeals are as follows:

5 (1) The General Assembly declares that the repeal under
6 paragraph (2) is necessary to effectuate the addition of
7 Article XVII-P of the act.

8 (2) Article XIV-B of the act of June 13, 1967 (P.L.31,
9 No.21), known as the Public Welfare Code, is repealed.

10 Section 3. Regulations and parts of regulations that are
11 inconsistent with Article XVII-P of the act are abrogated.

12 Section 4. The addition of Article XVII-P of the act shall
13 apply to surplus human services funds allocated during fiscal
14 year 2015-2016 and each fiscal year thereafter.

15 Section 5. This act shall take effect July 1, 2015, or
16 immediately, whichever is later.