### CHAPTER 5. COUNCILS AND COMMITTEES

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Subchapter A. GOVERNOR'S TRAFFIC SAFETY COUNCIL

Sec.
5.1. Composition.
5.2. Functions.
5.3. Administration.
5.4. [Reserved].

Source
§ 5.1. Composition.

(a) The following agency heads or designated deputies will serve in person as members of the Governor’s Traffic Safety Council (GTSC):
   (1) The Secretary of Transportation, Chairman.
   (2) The Director of the Governor’s Policy Office.
   (3) The Secretary of Health.
   (4) The Commissioner of the Pennsylvania State Police.
   (5) The Secretary of Education.

(b) The President Pro Tempore of the Senate and the Speaker of the House are each requested to designate one member of their respective bodies to serve as members of the GTSC.

(c) The Chief Justice of the Supreme Court is requested to designate a representative to serve as a member of the GTSC.

Source


§ 5.2. Functions.

The functions of the GTSC are to provide advice, leadership and recommendations to the Governor and citizens on highway safety issues in order to continue to improve safe highway mobility throughout this Commonwealth.

Source


§ 5.3. Administration.

(a) The GTSC shall meet at least twice each year. Additional meetings shall be at the discretion of the Chairperson.

(b) The Deputy Secretary for Highway Administration is designated as the Governor’s Highway Safety representative to carry out the responsibilities and functions of the Highway Safety Act of 1986 (23 U.S.C.A. §§ 105, 307 and 401—408).

(c) The Director, Bureau of Highway Safety and Traffic Engineering, will serve as Secretary to the GTSC and Coordinator of Highway Safety Programs.
§ 5.4. [Reserved].

Source


Subchapter B. [Reserved]

Subchapter C. [Reserved]

Subchapter D. [Reserved]

Subchapter E. [Reserved]

Source


§§ 5.51—5.54. [Reserved].

Subchapter F. [Reserved]
Source

§ 5.61. [Reserved].

§ 5.62. [Reserved].

§ 5.63. [Reserved].

Source

§§ 5.64—5.69. [Reserved].

Subchapter G. [Reserved]

Subchapter H. COUNCIL FOR SEXUAL MINORITIES

Sec.
5.91. Policy.
5.92. Composition of Council.
5.93. Functions.
5.94. Procedures.
5.95. Duties of Agencies.

Source
The provisions of this Subchapter H adopted October 22, 1976, 6 Pa.B. 2640, amended October 6, 1978, 8 Pa.B. 2711 unless otherwise noted.

§ 5.91. Policy.

The council is established to work towards ending discrimination against persons because of their sexual or affectional orientation. There may be no discrimination by any Commonwealth department, board, commission or other official entity under the Governor’s jurisdiction, or any representative thereof, because of sexual or affectional orientation in hiring or employment, housing, credit, contracting, provisions of services or other matters whatsoever. Nothing, however, in this subchapter may be construed to require a review or statistical analyses of the composition of the work force or other class of persons affected hereby.
§ 5.92. Composition of Council.
(a) The Pennsylvania Council for Sexual Minorities shall be composed of not more than 37 members. The Attorney General, the Secretaries of the Departments of Health, Labor and Industry, Public Welfare and Education, the State Police Commissioner, the Secretary of Administration, the Commissioner of Corrections, the Executive Directors of the Pennsylvania Human Relations Commission and the Governor’s Council for Drug and Alcohol Abuse, and the Director of the Commission for Women, or a representative designated by them, shall serve as ex officio members. The remaining members will be appointed by the Governor from the general public.
(b) The Governor shall designate one member as Chairperson of the Council.
(c) Members of the Council shall serve for terms of 1 or 2 years as the Governor shall designate. The Governor shall fill vacancies which may occur.
(d) Members of the Council from the general public shall serve without salary but shall be reimbursed for necessary expenses incurred while attending official Council meetings and performing other official functions as the Chairperson, with the written approval of the Governor’s Office, shall prescribe.

§ 5.93. Functions.
(a) The Council shall study problems of sexual minorities and make recommendations to the Governor as to policy, program, and legislative changes needed to further the goal of obtaining equal rights for all persons.
(b) The Council shall work with State agencies to end discrimination against Commonwealth employes, clients, the general public and employes of firms which contract with the Commonwealth solely on the basis of their affectional or sexual preference.
(c) The Council shall work to educate State personnel and the public in general concerning problems and issues affecting sexual minorities. The Council shall outline plans for educating state employees concerning the problems of sexual minorities, review these plans with appropriate agency officials, develop timetables for their implementation, provide qualified speakers for educational seminars it shall organize, and evaluate the results of its programs.
(d) The Council is authorized to receive complaints from persons claiming that they have been the victims of discrimination for their sexual or affectional orientation. Where feasible, the complaints shall be referred to the appropriate agency for resolution. The Council shall compile a record of complaints received and their disposition. Agencies receiving the complaints directly will inform the Council of their nature and disposition.
§ 5.94. Procedures.

(a) The Council shall adopt rules of procedures consistent with the provisions of this subchapter. The rules shall, where appropriate, provide safeguards for the confidentiality of complaints.

(b) The Council shall convene for meetings or hearings at the call of its Chairperson. A majority of appointed members shall constitute a quorum for the purpose of conducting the business of the Council. A vote of the majority of members present shall be sufficient for all actions of the Council.

(c) The Council shall issue an annual report to the Governor.

§ 5.95. Duties of Agencies.

Agencies under the jurisdiction of the Governor are hereby directed to cooperate with the Pennsylvania Council for Sexual Minorities, to supply the Council with information requested in order that goals of this subchapter may be realized, and to work with the Council to educate agency employes on the problems of sexual minorities. In addition, those agencies and departments not otherwise represented on the Council shall send a representative to Council meetings when so requested by the Chairperson.

Subchapter I. [Reserved]

Subchapter J. PHYSICAL FITNESS AND SPORTS

Sec.
5.111. Appointment of members.
5.112. Terms of membership.
5.113. Functions.
5.114. Cooperation by agencies.
5.115. Effective date.

Source


§ 5.111. Appointment of members.

(a) The Governor Advisory Council on Physical Fitness and Sports (Council) consists of 15 individuals, all of whom are appointed by, and serve at the pleasure of, the Governor representing various sectors, including business and labor, amateur and professional sports, education, local and State governments, other State agencies, persons with special needs and the general public. The Secretary
of Health, the Physician General and the Secretary of Education serve as ex-officio members. The Secretary of Health and Secretary of Education may designate a representative to serve in the Secretary’s place.

(b) The Governor designates one Council member to serve as chairperson. The chairperson serves at the pleasure of the Governor.

§ 5.112. Terms of membership.
(a) Members are appointed for terms of 2 years and continue to serve thereafter until their successors have been appointed. If a vacancy occurs during a member’s term, a successor will be appointed by the Governor.
(b) Upon the expiration of a term of an appointed member, the successor is appointed for a term of 2 years.

§ 5.113. Functions.
The Governor’s Council on Physical Fitness and Sports:
(1) Enlists active community support by creating partnerships with individual citizens, civic and professional groups, amateur and professional athletes, business and labor groups, educational institutions, health care providers and volunteer organizations in an effort to promote and improve physical fitness activities for the citizens of this Commonwealth.
(2) Seeks to strengthen and coordinate State services and programs relating to physical fitness, recreation and sports by making recommendations to the Department of Health and other State agencies as appropriate.
(3) Encourages local governments to enhance physical fitness activities and facilities.
(4) Assists in promoting school health and physical education programs throughout this Commonwealth.
(5) Encourages development of community-centered sports and physical activity programs throughout this Commonwealth.
(6) Recognizes outstanding contributions and achievements by individuals and groups for their efforts to promote physical activity.
(7) Promotes events throughout this Commonwealth that integrate physical activity with disease prevention and health promotion initiatives.
(8) Encourages physical fitness among special populations, such as older Pennsylvanians, persons with disabilities and employees in the workplace.
(9) Works with other groups concerned with promoting physical activity, such as the President’s Council on Physical Fitness and Sports and other State and National organizations.

§ 5.114. Cooperation by State agencies.
The Department of Health is the lead agency for the Governor’s Council on Physical Fitness and Sports (Council) and provides administrative support. All agencies under the Governor’s jurisdiction shall cooperate fully with the Gover-
nor’s Council and provide assistance and information as needed by the Council to carry out its functions effectively.

§ 5.115. Effective date.
This subchapter is effective October 18, 1997.

Executive Order 1991-4 is rescinded.

Subchapter K. SEASONAL FARMWORKERS

Sec.
5.121. Establishment and composition.
5.122. Commonwealth Plan.
5.123. Council duties.
5.124. Executive Secretary.
5.125. Advisory Committee.

Source
The provisions of this Subchapter K adopted October 22, 1976, 6 Pa.B. 2640, amended November 17, 1978, 8 Pa.B. 3191, unless otherwise noted.

§ 5.121. Establishment and composition.
(a) The Governor’s Interdepartmental Council on Seasonal Farmworkers is hereby established.
(b) The Council shall be composed of the Secretary of Community Affairs, who shall serve as Chairman, the Secretaries of Revenue, Environmental Protection, Agriculture, Education, Public Welfare, Health, and Labor and Industry, the Commissioner of the Pennsylvania State Police, the Chairman of the Liquor Control Board, and the Attorney General.

§ 5.122. Commonwealth plan.
Members of the Interdepartmental Council shall be responsible for developing and overseeing the implementation of a Commonwealth Plan to protect the legal rights of, improve the conditions of employment and housing of, and deliver health, education, training and social services to seasonal farmworkers. The Plan shall include, but not be limited to, methods for:
(1) Coordinating migrant programs and services of Commonwealth agencies.
(2) Coordinating field surveys, research, studies and investigations relating to conditions and problems of seasonal farmworkers.
(3) Reviewing grants and contracts coming to or emanating from Commonwealth agencies which affect seasonal farmworkers.
§ 5.123. Council duties.
The Interdepartmental Council shall:

1. Meet at least six times annually.
2. Review the administration and operation of service and enforcement programs and make recommendations for improvements.
3. Oversee implementation of the Commonwealth Plan.

§ 5.124. Executive Secretary.
The Secretary of Community Affairs shall appoint a member of his staff to serve as Executive Secretary of the Interdepartmental Council. The Executive Secretary shall, on a day-to-day basis, oversee implementation of the Commonwealth Plan and serve as liaison with individuals and agencies outside of State Government concerned with the problems of seasonal farmworkers.

§ 5.125. Advisory committee.
There is hereby established an Advisory Committee to the Interdepartmental Council. It shall consist of no fewer than ten nor more than 20 members appointed by the Interdepartmental Council from seasonal farmworkers, nonprofit organizations providing services to seasonal farmworkers, and representatives of the agricultural industry. Members of the Advisory Committee shall be selected in such a manner so as to assure that the Advisory Committee represents a balanced cross section of opinions and interests. The Advisory Committee shall meet at the Council’s discretion and members of the Advisory Committee shall serve at the pleasure of the Council. Members of the Advisory Committee shall be reimbursed in accordance with procedures established by the Governor’s Office for expenses necessarily incurred in the discharge of their official duties.

Subchapter L. [Reserved]

Subchapter M. DEVELOPMENTAL DISABILITIES PLANNING COUNCIL

Sec.
5.141. Establishment.
5.142. Council function.
5.143. Composition of Council.
5.144. Council responsibilities.
5.145. Council administration and support services.
5.146. Cooperation by State agencies.
5.147. Definition.
5.148. Rescission.

Source

§ 5.141. Establishment.
The Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994, Pub. L No. 103-230, amended substantially the earlier enacted statutes which governed the operation of the Pennsylvania Developmental Disabilities Planning Council. To advance further the development within this Commonwealth of a responsive system of services for individuals with developmental disabilities and to fulfill to the maximum extent practicable the goals of Pub. L. No. 103-230, the Developmental Disabilities Council (referred to as the Council) is established.

§ 5.142. Council function.
(a) The mandate of the Council is to carry out the duties of a State planning council specified in applicable Federal laws and regulations and this subchapter and to advise the Governor on all matters affecting individuals with developmental disabilities in this Commonwealth. Federal policy articulated in Pub. L. No. 103-230 states that individuals with developmental disabilities and their families have competencies, capabilities and personal goals that should be recognized, supported and encouraged, and any assistance to these individuals should be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities and capabilities of these individuals.
(b) The Council shall promote, through systemic change, capacity building and advocacy activities consistent with the policy of Pub. L. No. 103-230 stated in subsection (a), the development of a consumer and family-centered, comprehensive system, and a coordinated array of culturally competent services, supports and other assistance designed to achieve independence, productivity and integration and inclusion into the community for individuals with developmental disabilities.
(c) Duties and obligations of the designated State agency and the Council will be governed by applicable Federal and Commonwealth laws, regulations and procedures.

§ 5.143. Composition of Council.
(a) The Council shall be composed of the Secretary of Public Welfare, the Secretary of Education, the Secretary of Health, the Secretary of Aging and the
Secretary of Labor and Industry, or their designees, and 15 other members to be appointed by the Governor, including representatives of institutions of higher education, university affiliated programs in this Commonwealth, the State protection and advocacy system, local agencies, nongovernmental agencies and private nonprofit groups concerned with services for individuals with developmental disabilities in this Commonwealth in which these agencies and groups are located.

(b) The Governor will select members of the Council, at his discretion, after soliciting recommendations from organizations representing a broad range of individuals with developmental disabilities and individuals interested in individuals with developmental disabilities, including the non-State agency members of the Council. The Council shall coordinate Council and public input to the Governor regarding all recommendations. To the extent feasible, the membership of the Council shall be geographically representative of this Commonwealth and reflect the diversity of this Commonwealth with respect to race and ethnicity.

(c) Ex officio members shall continue to serve as long as they hold office. All other members shall serve terms as determined by the Governor at the time of appointment to rotate membership on the Council. Members shall continue to serve on the Council until the members’ successors are appointed. The Council shall notify the Governor regarding membership requirements when vacancies remain unfilled for a significant period of time.

(d) At least 50% of the membership of the Council shall consist of individuals who are:

1. Individuals with developmental disabilities.
2. Parents or guardians of children with developmental disabilities.
3. Immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves.
4. Not employees of a State agency that receives funds or provides services made available under Pub. L. No. 103-230, and who are not managing employees (as defined in section 1126(b) of The Social Security Act (42 U.S.C.A. § 1320a-5)) of any other entity that receives funds or provides services under Pub. L. No. 103-230.

(e) Of the members of the Council described in subsection (d):

1. One-third shall be individuals with developmental disabilities as described in subsection (d)(1).
2. One-third shall be parents of children with developmental disabilities as described in subsection (d)(2) and immediate relatives or guardians of adults with mentally impairing developmental disabilities as described in subsection (d)(3).
3. One-third shall be a combination of individuals described in subsection (d).

(f) Of the members of the Council described in subsection (e), at least one shall be an immediate relative or guardian of an institutionalized or previously...
institutionalized individual with a developmental disability or an individual with a developmental disability who resides or previously resided in an institution.

(g) The Governor will appoint a Chairperson of the Council who shall serve for 2 years and may thereafter be reappointed. The Council may make recommendations to the Governor concerning the appointment or reappointment of a Chairperson.

§ 5.144. Council responsibilities.

As outlined in Pub. L. No. 103-230, the Council shall have the following responsibilities:

1. Serve as advocate for systemic change, capacity building and advocacy activities.

2. Examine priority areas.

3. Develop and submit a State plan.

4. Implement the State plan by various activities including demonstration of new approaches, outreach, training, supporting communities, interagency collaboration and coordination, coordination with related councils, committees and programs, barrier elimination, systems design, citizen participation, public education, coalition development, informing policymakers and prevention.

5. Monitor the State plan.


7. Submit periodic reports.

8. Develop a Council budget.

9. Hire, supervise and assign staff.

§ 5.145. Council administration and support services.

(a) Members of the Council and its committees shall serve without salary but shall be reimbursed for reasonable and necessary expenses for attending Council meetings and performing Council duties, including child care and personal assistance services.

(b) The Council shall, consistent with State law, recruit and hire a Director of the Council, should the position of Director become vacant, and shall supervise and evaluate annually the Director.

(c) The Director shall hire, supervise and evaluate annually the staff of the Council. Council recruitment and hiring of staff shall be consistent with Federal and State nondiscrimination laws. Dismissal of personnel shall be consistent with State law and personnel policies. The staff and other personnel, while working for the Council, shall be responsible solely for assisting the Council in carrying out its duties and may not be assigned duties by the designated State agency or any other agency or office of the Commonwealth.

(d) The Council is not subject to Commonwealth policies on hiring freezes, reductions in force, prohibitions on staff travel or other policies, to the extent that
these policies would impact staff or functions funded with Federal funds and
would prevent the Council from carrying out its functions.

(e) Until the provisions of subsection (f) are implemented, the responsibilities
of the designated State agency shall temporarily be continued by the Office of the
Secretary of the Department of Public Welfare and staff to the Council shall be
assigned to the Department of Public Welfare for complement and administrative
purposes.

(f) The Council shall conduct a review of the designation of the Department
of Public Welfare (Department) as the designated State agency and submit its
recommendations to the Governor to assure compliance with Pub. L. No. 103-
230. During this review and until its completion, the Department shall ensure the
provision of adequate staff which shall participate with the Council in prepara-
tion of the Developmental Disabilities State Plan. Furthermore, the Department
shall provide assurances and support services, as requested by and negotiated
with the Council, in support of its duties and functions.

(g) The five principal departments which may be involved in the implemen-
tation of the Developmental Disabilities State Plan, Health, Aging, Education,
Public Welfare and Labor and Industry, shall designate specific personnel to work
with the Council and the administrative unit to ensure their ability to perform
mandated functions.

(h) The Council shall adopt rules of procedure consistent with this subchap-
ter, Pub. L. No. 103-230, regulations and guidelines issued by the Department of
Health and Human Services, and applicable Commonwealth laws, regulations and
procedures.

§ 5.146. Cooperation by State agencies.

Commonwealth agencies under the jurisdiction of the Governor shall cooperate
fully with the Developmental Disabilities Council and shall provide assistance
and information as needed to carry out the functions in an effective manner.

§ 5.147. Definition.

As used in this subchapter and as defined in Pub. L. No. 103-230, the term
“developmental disability” means a severe, chronic disability of an individual 5
years of age or older that:

(1) Is attributable to a mental or physical impairment or a combination of
mental and physical impairments.

(2) Is manifested before the individual attains age 22.

(3) Is likely to continue indefinitely.

(4) Results in substantial functional limitations in three or more of the fol-
lowing areas of major life activity:

(i) Self-care.

(ii) Receptive and expressive language.

(iii) Learning.
(iv) Mobility.
(v) Self-direction.
(vi) Capacity for independent living.
(vii) Economic self-sufficiency.

(5) Reflects the individual’s need for a combination and sequence of special, interdisciplinary or generic services, supports or other assistance that is of lifelong or extended duration and is individually planned and coordinated.

(6) When the term is applied to infants and young children, it means individuals from birth to 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.

§ 5.148. Rescission.
Executive Order 1979-9, Executive Order 1981-9 and Executive Order 1989-4 are rescinded.

Subchapter N. [Reserved]

Subchapter O. [Reserved]

Subchapter P. [Reserved]

Subchapter Q. PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY AND PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

Sec.
5.181. [Reserved].
5.182. [Reserved].
5.183. [Reserved].
5.184. [Reserved].
5.185. [Reserved].
5.186. Monitoring supplies of petroleum products.
5.187. Designation of the Department of Environmental Protection.

Source
The provisions of this Subchapter Q adopted by Executive Order No. 1979-7, dated July 19, 1979, effective August 4, 1979, 9 Pa.B. 2513, unless otherwise noted.

(380699) No. 501 Aug. 16
§ 5.181. [Reserved].

Source

§ 5.182. [Reserved].

Source

§ 5.183. [Reserved].

Source

§ 5.184. [Reserved].

Source

§ 5.185. [Reserved].

Source

§ 5.186. Monitoring supplies of petroleum products.

The Pennsylvania Emergency Management Agency is designated as the agency responsible for monitoring supplies of petroleum products and for implementing petroleum allocation measures in the event of a petroleum emergency.

Source
§ 5.187. Designation of the Department of Environmental Protection.
(a) Designated agency. The Department of Environmental Protection, in addition to other duties conferred by the laws of the Commonwealth, is designated as the agency primarily responsible for providing staff services to the Pennsylvania Energy Development Authority (PEDA). The PEDA will refer any projects which require the issuance of debt to the Pennsylvania Economic Development Financing Authority for the issuance of bonds or notes.
(b) Rescission. Executive Order 1995-3 is rescinded.

Source

Subchapter R. [Reserved]
Source

§§ 5.191—5.200. [Reserved].

§ 5.200a. [Reserved].

Subchapter S. [Reserved]
Source
The provisions of this Subchapter S adopted by Executive Order No. 1978-6, dated March 14, 1978, 8 Pa.B. 788; amended by Executive Order No. 1979-10, dated July 25, 1979, effective July 1, 1979, 9 Pa.B. 2615; reserved by Executive Order No. 2016-08, dated December 5, 2016, 46 Pa.B. 7993, unless otherwise noted. Immediately preceding text appears at serial pages (321391) to (321392).

§§ 5.201—5.204. [Reserved].

Subchapter T. [Reserved]
§ 5.211. [Reserved].

Source
The provisions of this Subchapter T adopted by Executive Order No. 1978-12; amended by Executive Order No. 1979-16, dated December 4, 1979, effective December 22, 1979, 9 Pa.B. 4145, unless otherwise noted.

§ 5.212. [Reserved].

Source

§ 5.213. [Reserved].

Source

§ 5.214. [Reserved].

Source

§ 5.215. [Reserved].

Source

§ 5.216. [Reserved].

Source
§ 5.217. [Reserved].

Source


§ 5.218. [Reserved].

Source


§ 5.219. [Reserved].

Source


§§ 5.220—5.222. [Reserved].

Source


Subchapter U. [Reserved]

Source

The provisions of this Subchapter U adopted by Executive Order No. 1979-2, dated May 4, 1979, 9 Pa.B. 1598; reserved February 6, 1987, effective February 7, 1987, 17 Pa.B. 626. Immediately preceding text appears at serial pages (46932) and (87911) to (87912).

§§ 5.221—5.226. [Reserved].

Subchapter V. [Reserved]

Source


§§ 5.231—5.234. [Reserved].

(384851) No. 508 Mar. 17
Subchapter W. [Reserved]

Source

The provisions of this Subchapter W adopted by Executive Order No. 1980-1, dated January 10, 1980, effective February 2, 1980, 10 Pa.B. 456, unless otherwise noted.

§ 5.241. [Reserved].

Source


§ 5.242. [Reserved].

Source


§ 5.243. [Reserved].

Source


§ 5.244. [Reserved].

Source

§ 5.245. [Reserved].

Source


§ 5.246. [Reserved].

Source


§ 5.247. [Reserved].

Source


Subchapter X. [Reserved]

Source

The provisions of this Subchapter X adopted by Executive Order No. 1980-5 dated February 28, 1980, effective March 22, 1980, 10 Pa.B. 1296; reserved by Executive Order No. 2016-08, dated December 5, 2016, 46 Pa.B. 7993, unless otherwise noted. Immediately preceding text appears at serial pages (380703) to (380704).

§§ 5.251—5.254. [Reserved].

Subchapter Y. [Reserved].

Source

§§ 5.261—5.267. [Reserved].

Subchapter Z. [Reserved]

Sec.
5.271. [Reserved].
5.272. [Reserved].
5.273. [Reserved].
5.274. [Reserved].
5.275. [Reserved].
5.276. [Reserved].
5.277. [Reserved].
5.278. [Reserved].
5.279. [Reserved].
5.280. [Reserved].
5.281. [Reserved].
5.282. [Reserved].
5.283. [Reserved].
5.284. [Reserved].

Source
The provisions of this Subchapter Z adopted by Executive Order No. 1980-10, dated April 2, 1980, effective July 1, 1980, 10 Pa.B. 1659, unless otherwise noted.

§ 5.271. [Reserved].

Source

§ 5.272. [Reserved].

Source

§ 5.273. [Reserved].

Source

§ 5.274. [Reserved].

Source
§ 5.275. [Reserved].

Source

§ 5.276. [Reserved].

Source

§ 5.277. [Reserved].

Source

§ 5.278. [Reserved].

Source

§ 5.279. [Reserved].

Source

§ 5.280. [Reserved].

Source

§ 5.281. [Reserved].

Source
§ 5.282. [Reserved].

Source

§ 5.283. [Reserved].

Source

§ 5.284. [Reserved].

Source

Subchapter AA. [Reserved]

Source

§§ 5.291—5.295. [Reserved].

Subchapter BB. [Reserved]

Source
The provisions of this Subchapter BB adopted by Executive Order No. 1981-6, dated May 22, 1981, 11 Pa.B. 2028; reserved by Executive Order No. 2016-08, dated December 5, 2016, 46 Pa.B. 7993, unless otherwise noted. Immediately preceding text appears at serial pages (380708) to (380710).

§§ 5.301—5.310. [Reserved].

Subchapter CC. [Reserved]

Source

§§ 5.311—5.314. [Reserved].

Subchapter DD. [Reserved]

Source
§§ 5.321—5.326. [Reserved].

Subchapter EE. [Reserved]

Source

§§ 5.331—5.337. [Reserved].

Subchapter FF. [Reserved]

Source

§§ 5.341—5.344. [Reserved].

Subchapter GG. [Reserved]

Source

§§ 5.351—5.356. [Reserved].

Subchapter HH. [Reserved]

Source

§§ 5.361—5.364. [Reserved].

Subchapter II. [Reserved]

Source

§§ 5.371—5.377. [Reserved].
§§ 5.381—5.389. [Reserved].

Subchapter KK. [Reserved]

Source

§§ 5.391—5.396. [Reserved].

Subchapter LL. INTRA-GOVERNMENTAL COUNCIL ON LONG TERM CARE

Sec.
5.401. Creation.
5.402. Purpose.
5.403. Composition.
5.404. Cooperation by State agencies.
5.405. Procedures.
5.406. Termination.

Source

§ 5.401. Creation.
The Intra-Governmental Council on Long Term Care (Council) is created to perform the functions set forth in this subchapter.
§ 5.402. Purpose.
The purpose of the Council is to:

(1) Assist the Governor in assuring that long term care services are developed and managed in a coordinated manner. The Council is the vehicle through which planning and policymaking for long term care will be conducted.

(2) Develop a State plan for long term care that will include background information, examination of options and recommendations for action in the area of long term care that will address:
   
   (i) A definition of long term care for use by Commonwealth departments, including a comprehensive list of services which are part of a continuum of care, the settings in which care may be delivered and methodologies to assure that care provided by the Commonwealth-financed system is accessible and appropriate.
   
   (ii) An assessment of the need for long term care services in this Commonwealth now and in the foreseeable future, and inventory of resources and services currently employed, and estimate of the costs for services and infrastructure needed to fill gaps.

   (iii) A review of current responsibilities being carried out by Commonwealth departments, recommended options for eliminating overlaps and gaps, recommendations for improving the effectiveness of management of the long term care system at the State and local level, and proposed mechanisms for assuring ongoing coordination of long term care policy and systems development in this Commonwealth.

(3) Insure that a long term care system in this Commonwealth is responsive to those Pennsylvanians who require the services, including special needs populations.

(4) Examine and make recommendations on the organizational structure of long term care services at the State and local level.

(5) Explore the use of various funding mechanisms to encourage development, renovation and adaptation of housing for the special needs of the long term care population.

(6) Expand efforts to educate consumers about long term care insurance.

(7) Seek both short and long range solutions to the problem of how to pay for long term care services.

§ 5.403. Composition.
The Council will be chaired by the Secretary of Aging, staffed by the Department of Aging with the support of staff assigned by each participating department, and will include the Secretary of Community Affairs; Secretary of Health; Secretary of Public Welfare; Insurance Commissioner; members of the public who represent special needs populations; a representative from the Pennsylvania Council on Aging; two members of the House of Representatives and two mem-
bers of the Senate; and representatives of the provider community, business, labor and consumers. Nongovernmental members will serve until successors have been appointed.

(1) The Council members will be recommended by the Secretary of Aging for appointments by the Governor.

(2) Members of the Council will not be compensated. Those who are not employees of the Commonwealth, who incur expenses through their service on the Council, will be reimbursed in accordance with established Commonwealth policy.

§ 5.404. Cooperation by State agencies.

The agencies under the Governor’s jurisdiction shall cooperate fully with the Council and provide assistance and information as needed by the Council to carry out its functions effectively.
§ 5.405. Procedures.
(a) The Council will convene for meetings at the call of its Chairperson. A majority of the members constitutes a quorum for the purpose of conducting the business of the Council.
(b) The Department of Aging will establish a regular schedule of meetings and maintain an agenda for meetings.
(c) Additional procedures that may be needed to implement this subchapter will be issued by the Department of Aging in conjunction with the Departments of Community Affairs, Health, Insurance and Public Welfare.

§ 5.406. Termination.
The Council will go out of existence and this subchapter will terminate on June 30, 1990.

Subchapter MM. JOB TRAINING MANAGEMENT COMMITTEE

Sec.
5.421. Establishment and purpose.
5.422. Membership.
5.423. Functions.
5.424. Relationship to other agencies.
5.425. Staffing and expenses.
5.426. Termination.

Source
The provisions of this Subchapter MM adopted by Executive Order No. 1988-7, dated May 9, 1988, 18 Pa.B. 2514, unless otherwise noted.

§ 5.421. Establishment and purpose.
The Job Training Management Committee is established to oversee the coordination and development of job training programs.

§ 5.422. Membership.
The Job Training Management Committee consists of the following:
(1) The Executive Director of the Economic Development Partnership, who serves as Chairperson.
(2) The Secretary of Education.
(3) The Secretary of Labor and Industry.
(4) The Secretary of Public Welfare.
(5) A State official appointed by the Governor.

§ 5.423. Functions.
The Job Training Management Committee has the following powers and duties:
§ 5.424. Relationship to other agencies.

Executive agencies shall cooperate to the fullest extent with the Job Training Management Committee and provide information needed by the Committee in fulfilling its mandate under this subchapter.

§ 5.425. Staffing and expenses.

Each State agency member shall provide staff services from within their agency as required. The expenses of the Committee shall be met through the operating budgets of the participating agencies, as appropriate, including Federal funds.

§ 5.426. Termination.

The Job Training Management Committee will go out of existence and this subchapter will terminate on June 30, 1992.

Source


Subchapter NN. [Reserved]

Sec.
5.441—5.444. [Reserved].
5.445. [Reserved].

Source

The provisions of this Subchapter NN adopted by Executive Order No. 1988-4, dated April 7, 1988, 18 Pa.B. 2512; reserved by Executive Order No. 2015-12, dated September 29, 2015, 45 Pa.B. 6968, unless otherwise noted. Immediately preceding text appears at serial pages (321414) to (321416).
Subchapter PP. MOTOR CARRIER ADVISORY COMMITTEE

Sec.
5.551. Creation.
5.552. Purpose of the Motor Carrier Advisory Committee.
5.553. Composition.
5.554. Administration.
5.555. Termination date.

Source
The provisions of this Subchapter PP adopted by Executive Order No. 1988-11, dated November 18, 1988, 18 Pa.B. 5571, unless otherwise noted.

§ 5.561. Creation.
The Motor Carrier Advisory Committee (Committee) is established to perform the functions set forth in this subchapter.

§ 5.562. Purpose of the Motor Carrier Advisory Committee.
The Committee is established to provide advice and recommendations to the Governor and the citizens of this Commonwealth on motor carrier issues in order to provide for uniformity, safety and the efficiency of motor carrier transportation, and to further the goals of the Commonwealth.
§ 5.563. Composition.
The following officials or their designated representatives will serve as members of the Committee:
(1) The Secretary of Transportation, who shall serve as Chairperson.
(2) The Executive Director of the Governor’s Policy Office.
(3) The Secretary of Revenue.
(4) The Commissioner of the State Police.
(5) The Secretary of Commerce.
(6) The Secretary of Agriculture.
(8) Four members shall be appointed from the Pennsylvania General Assembly in the following manner:
   (i) Two members from the House of Representatives, one from the majority party and one from the minority party, appointed by the Speaker of the House.
   (ii) Two members from the Senate, one from the majority party and one from the minority party, appointed by the President Pro Tempore.
(9) The President of the Pennsylvania Motor Trucking Association.
(10) The Chairperson of the Pennsylvania Transportation Advisory Committee.
(11) Ten representatives from labor and industry to be appointed by the Governor for 2-year terms, from categories such as:
   (i) Common commodity carrier.
   (ii) Private carrier.
   (iii) Rental carrier.
   (iv) Heavy hauling.
   (v) Owner-operator.
   (vi) Logging.
   (vii) Bulk hauler.

§ 5.564. Administration.
(a) The Committee shall meet at least twice each year. Additional meetings shall be at the discretion of the Chairperson.
(b) Bylaws of the Committee shall be drafted by the membership.
(c) An annual report of the Committee’s previous years’ activities shall be prepared for the Governor.

§ 5.565. Termination date.
The duties and responsibilities of the Committee will be reviewed and if not reconstituted, will expire on December 31, 2000.
Subchapter QQ. GOVERNOR’S ADVISORY COUNCIL FOR YOUNG CHILDREN

Sec.  
5.571. Creation.
5.572. Purpose.
5.573. Composition.
5.574. Compensation.
5.575. Cooperation by State agencies.
5.576. Reports.
5.577. Effective date.
5.578. Termination.

Source
The provisions of this Subchapter QQ adopted by Executive Order No. 19897, dated September 29, 1989, effective October 1, 1989, 19 Pa.B. 4704, unless otherwise noted.

§ 5.571. Creation.
The Governor’s Advisory Council for Young Children (Council) is established to perform the functions set forth in this subchapter.

§ 5.572. Purpose.
The Council is established to:
(1) Recommend policies that would improve the conditions in which families and other institutions nurture and develop children.
(2) Improve the climate for collaboration and coordination between families and institutions that provide services to children.
(3) Stimulate public and private partnerships supportive of the development of young children.
(4) Explore the opportunities for improving conditions for children of this Commonwealth presented by new policies at the Federal level and by emphasis being given to young children by private foundations.

§ 5.573. Composition.
The Council will be chaired by the Governor and supported by a staff from the Governor’s Office and other State agencies.
(1) The Council will include representatives of cabinet agencies, and members of the public who represent parents, advocacy groups, academia, local
government, education, unions, service providers and community and business leaders. The Council will be a working body to review and recommend comprehensive policy.

(2) The Council members will be recommended by the Adviser to the Governor on Child Care Policy for appointment by the Governor.

§ 5.574. Compensation.

Members of the Council will receive no compensation for their services. However, those who are not employees of the Commonwealth, who incur expenses through their services on the Council, will be reimbursed in accordance with established Commonwealth policy.

§ 5.575. Cooperation by State agencies.

Agencies under the Governor’s jurisdiction shall cooperate fully with the Council and provide staff assistance and information as needed by the Council to carry out its functions effectively.

§ 5.576. Reports.

The Council will compile, publish and submit a comprehensive report on the “status of young children” in this Commonwealth to the Executive Branch and the General Assembly.

§ 5.577. Effective date.

This subchapter is effective October 1, 1989.

§ 5.578. Termination.

The Governor’s Advisory Council for Young Children will go out of existence and this subchapter will terminate on December 31, 1990, unless otherwise renewed.

Subchapter RR. [Reserved]

Sec. 5.591—5.594. [Reserved].
5.595. [Reserved].

Source

The provisions of this Subchapter RR adopted by Executive Order 1990-2, dated April 1, 1990, terminated June 30, 1995, 20 Pa.B. 2643, unless otherwise noted.
§§ 5.591—5.594. [Reserved].

§ 5.595. [Reserved].

Source

Subchapter SS. GOVERNOR'S ADVISORY COMMITTEE ON THE UNITED STATES MARITIME CENTER IN ERIE

Sec.
5.601. Establishment.
5.602. Purpose.
5.603. Composition.
5.604. Compensation.
5.605. Termination.

Source
The provisions of this Subchapter SS adopted by Executive Order No. 1990-5, dated August 17, 1990, effective June 5, 1990, 20 Pa.B. 4950, unless otherwise noted.

§ 5.601. Establishment.
The Governor’s Advisory Committee (Committee) on the United States Brig Niagara is established to perform the functions set forth in this subchapter.

§ 5.602. Purpose.
The Committee is established to:

1. Represent the view of the Erie community with respect to the Master Planning for the development of facilities and programs which support the United States Brig Niagara on the former Grain Elevator site on the Erie waterfront.

2. Advise the Historical and Museum Commission on issues relevant to development of the United States Brig Niagara Maritime Center and its role in revitalization of the Erie waterfront.

3. Make recommendations to the Governor or a designee with respect to the Master Plan and resources required to ensure successful completion of proposed development in support of the United States Brig Niagara Maritime Center.

§ 5.603. Composition.
The Committee shall consist of 12 members.
§ 5.604. Compensation.

The members of the Committee shall serve without compensation other than reimbursement for expenses in accordance with established Commonwealth policy.

§ 5.605. Termination.

The Committee shall go out of existence and this subchapter shall terminate on December 31, 1992, unless extended by further order.

Subchapter TT. GOVERNOR’S RURAL COORDINATING COUNCIL

Sec.
5.621. Establishment.
5.622. Purpose of the Council.
5.624. Termination.

Source

The provisions of this Chapter 5 adopted by Executive Order No. 1990-6, dated September 13, 1990, effective September 13, 1990, 20 Pa.B. 5040, unless otherwise noted.

§ 5.621. Establishment.

The Governor’s Rural Coordinating Council (Council) is established to perform the functions set forth in this subchapter.

§ 5.622. Purpose of the Council.

The Council is established to:

1. Coordinate economic, community and human development programs and policies of the Commonwealth serving and affecting rural citizens and communities.

2. Collaborate with private and public sectors, including Federal, state and local governments, in developing rural economic, community and human development initiatives.

3. Recommend policies for State or local adoption that would assist in the preservation or enhancement of the quality of life for rural citizens and communities.

4. Explore the opportunities for improving conditions in rural Pennsylvania presented by new Federal policies and private foundation philanthropic interest in rural revitalization.

The Council shall be chaired by the Governor’s Advisor on Rural Affairs and supported by the Governor’s Rural Policy Development Team and other State agencies. The Council shall include the secretary or secretary’s designee of appropriate cabinet agencies.

§ 5.624. Termination.

The Governor’s Rural Coordinating Council shall go out of existence and this subchapter shall terminate on December 31, 1992, unless otherwise reconstituted.

Subchapter UU. INTERAGENCY RIVER ISLAND TASK FORCE

Sec.
5.631. Administration.
5.632. Inventory.
5.633. State park and forest lands.
5.634. Transfer of jurisdiction.
5.635. Legal action.
5.636. Prior patents.

Source

The provisions of this Subchapter UU adopted by Executive Order No. 1990-7 effective November 3, 1990, 20 Pa.B. 5524; amended by Executive Order No. 1990-7 Revision 1, dated December 20, 1996, 27 Pa.B. 921, unless otherwise noted. Immediately preceding text appears at serial pages (200988) to (200989).

§ 5.631. Administration.

The Department of Conservation and Natural Resources shall be responsible for the administration of the unappropriated or unpatented islands in the navigable rivers and in streams declared by law to be public highways, except as that responsibility may be delegated as set forth in this subchapter.

§ 5.632. Inventory.

The Department of Conservation and Natural Resources, in conjunction with the Game Commission and the Fish and Boat Commission, shall undertake an inventory of unpatented islands in the navigable rivers and in streams declared by law to be public highways.

§ 5.633. State park and forest lands.

The Department of Conservation and Natural Resources may, in accordance with law, manage and control islands under its jurisdiction as Pennsylvania’s State park or State forest lands for one or more of the purposes for which the lands are held, or in connection with the administration of the Pennsylvania Scenic Rivers System or the construction or maintenance of dams or projects for

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flood control or water conservation, or for other lawful purposes consistent with the public trust responsibilities imposed by Pa. Const. Art. I, § 27.

§ 5.634. Transfer of jurisdiction.

The Department of Conservation and Natural Resources, in the interest of efficiency of administration and in accordance with section 501 of The Administrative Code of 1929 (71 P. S. § 181), may transfer administrative jurisdiction and control over any island to the Game Commission, the Fish and Boat Commission or another Commonwealth agency having land management authority, to be managed by that agency in a manner consistent with its statutory mission and with the Commonwealth’s public trust responsibilities.

§ 5.635. Legal action.

The Department of Conservation and Natural Resources, or another agency to which administrative jurisdiction and control has been transferred under this subchapter, may take action authorized by law, including appropriate legal action, to protect the unpatented islands, prevent their unauthorized use, or otherwise implement the terms of this subchapter.

§ 5.636. Prior patents.

This subchapter does not affect the use or administration of islands which previously passed into private ownership by virtue of valid patents, and which may now be privately or publicly owned.

Subchapter VV. [Reserved]

Source


§§ 5.641—5.649. [Reserved].

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Subchapter WW. [Reserved]

Source
The provisions of this Subchapter WW adopted by Executive Order No. 1991-5, dated April 22, 1991, effective July 1, 1991, 21 Pa.B. 2549; reserved by Executive Order No. 2016-08, dated December 5, 2016, 46 Pa.B. 7993, unless otherwise noted. Immediately preceding text appears at serial pages (380727) to (380728).

§§ 5.651—5.657. [Reserved].

Subchapter XX. [Reserved]

Source

§§ 5.671—5.676. [Reserved].

Subchapter YY. [Reserved]

Source

§§ 5.701—5.708. [Reserved].

Subchapter ZZ. [Reserved]

Source

§§ 5.721—5.728. [Reserved].

Subchapter AAA. PENNSYLVANIA COMMISSION ON CORRECTIONS PLANNING

Sec.
5.741. Purpose of the Pennsylvania Commission on Corrections Planning (Commission).
5.742. Membership.
5.743. Powers and duties.
5.744. Relationship to other agencies.
5.745. Expenses.
5.746. Report to Governor and General Assembly.
5.747. Termination date.

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§ 5.741. Purpose of the Pennsylvania Commission on Corrections Planning (Commission).

The Commission is established to examine issues relating to the delivery of corrections services within a system of cost containment.

§ 5.742. Membership.

(a) The Commission will consist of eleven members appointed by the Governor. Membership will represent various segments of the public, including minority representation and representation from the various regions of this Commonwealth. The Commission membership will include at least one representative from each of the following:

1. Institutions of higher education.
2. Large Pennsylvania based corporations.
3. The small business community.
4. The financial services industry.
5. Organized labor.

(b) Members may not be employees of the Commonwealth or other political subdivisions. The Governor will designate one of the members as Chairperson. The Governor will request the Majority and Minority Chairpersons of the House and Senate Appropriations Committees and the Majority and Minority Chairpersons of the House and Senate Judiciary Committees to each recommend one citizen for appointment to the Commission.

§ 5.743. Powers and duties.

The Commission will:

1. Actively seek information and recommendations from the National, State and local criminal justice experts and agencies, victim services providers, advocates, local government and the public at large.
2. Study financial costs related to the corrections system, including the following:
   i. Direct and indirect operational costs.
   ii. Construction and financing costs.
   iii. Costs related to treatment of offenders in prison and in alternate programs.
   iv. Costs to victims of violence and of property crimes.

§ 5.744. Relationship to other agencies.

Staff support shall be provided by the Department of Corrections. Commonwealth agencies shall cooperate to the fullest extent with the Commission in fulfilling its mandate under this subchapter.

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§ 5.745. Expenses.
Members of the Commission will not be compensated for their services but will be entitled to reimbursement for expenses necessarily incurred in accordance with Commonwealth expense reimbursement policy.

§ 5.746. Report to Governor and General Assembly.
The Commission will submit a report to the Governor and General Assembly containing its recommendations on changes in policy legislation and budgetary requirements which will promote cost-effective correctional policy.

§ 5.747. Termination date.
The Commission will communicate its findings and recommendations to the Governor on or before December 1, 1993, and this subchapter will terminate on that date.

Source

Subchapter BBB. GOVERNOR'S TASK FORCE TO REDUCE WELFARE DEPENDENCY

Sec.
5.761. Purpose of the Task Force.
5.762. Membership.
5.763. Staffing.
5.764. Expenses.
5.765. Cooperation by State agencies.
5.766. Termination date.

Source
The provisions of this Subchapter BBB adopted by Executive Order No. 1992-6, dated November 12, 1992, 23 Pa.B. 922, unless otherwise noted.

§ 5.761. Purpose of the Task Force.
The Task Force shall do the following:
(1) Evaluate and recommend criteria on proposed changes in the welfare system based on their impact on clients, families and budget consequences.
(2) Identify and study the obstacles and disincentives which may prevent welfare recipients from becoming self-sufficient, productive members of society. Issues to be addressed shall include child support, support services such as child care, education and training, health care and transportation for welfare recipients.
(3) Identify the specific incentives that could be strengthened to foster the transition from welfare to work and the preservation of families.
(4) Identify ways to efficiently provide appropriate services for individuals who must remain dependent on public assistance.
(5) Prepare an interim report outlining initiatives that can be implemented in a year, within existing fiscal constraints. This report shall be submitted to the Governor and the General Assembly on March 1, 1993.

(6) Develop a final report containing recommendations for restructuring the welfare system over the next 5 years to increase self-sufficiency and independence from welfare. This report shall be submitted to the Governor and the General Assembly on June 30, 1993.

§ 5.762. Membership.
The Task Force shall consist of 21 members appointed by the Governor. The membership shall be comprised of appointees representing appropriate State agencies, the General Assembly, the business community, the client community, public human service policy experts from institutions of higher education and the general public. The Governor will appoint the chairperson for the Task Force.

§ 5.763. Staffing.
The Department of Public Welfare shall provide professional staff services necessary to accomplish the work of the Task Force.

§ 5.764. Expenses.
Members of the Task Force shall serve without salary or compensation but may be reimbursed for necessary expenses incurred in accordance with Chapter 40 (relating to travel and subsistence).

§ 5.765. Cooperation by State agencies.
Commonwealth agencies are directed to cooperate with and assist the Task Force in fulfilling its duties and responsibilities. Facilities, personnel assistance, information and services necessary to fulfill the mission of the Task Force shall be furnished by the Department of Public Welfare, which shall serve as the fiscal and administrative support agency of the Task Force.

§ 5.766. Termination date.
This subchapter shall terminate on June 30, 1993, unless reestablished or sooner rescinded.

Subchapter CCC. STATE COMMISSION ON NATIONAL AND COMMUNITY SERVICE

Sec.
5.771. Definitions.
5.773. Application for approval.
5.774. State Commission.
5.775. Activities of Board.
5.776. Host agency.
5.777. Assistance to Commission.
5.778. Effective date.
§ 5.771. Definitions.
The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:


Board—The Community Service Advisory Board.

Commission—The State Commission approved by the Corporation.

Corporation—The Corporation for National and Community Service.

PennServe—The Governor’s Office of Citizen Service.

The Commonwealth will inform the Corporation of the Commonwealth’s intent to implement and operate a State Commission in compliance with the act in order for the Commonwealth to participate in National service initiatives.

§ 5.773. Application for approval.
The Commonwealth will apply to the Corporation for approval that the Board, authorized under Article XXII-B of the Administrative Code of 1929 (71 P.S. §§ 582-1—582-7), be an “alternative administrative entity,” as authorized by the act to apply for National service program funds and approve National service positions.

§ 5.774. State Commission.
Once approved by the Corporation, the Board shall act as the State Commission and as such shall carry out the duties required by the act.

§ 5.775. Activities of Board.
The Board, as the Commission, is authorized to accept Federal grants under the act and other funds and in-kind services from other State and Federal entities as authorized by applicable State and Federal laws.

§ 5.776. Host agency.
PennServe will be the host agency for the Commission and will be delegated the nonpolicymaking duties of the Commission allowed by the Federal regulations published by the Corporation.

§ 5.777. Assistance to Commission.
PennServe will provide necessary administrative and staff support services to the Commission.

§ 5.778. Effective date.
This subchapter shall take effect January 28, 1994.
Subchapter DDD. [Reserved]

Source
The provisions of this Subchapter DDD adopted by Executive Order 1994-4, dated May 18, 1994, 24 Pa.B. 2878; reserved by Executive Order No. 2016-08, dated December 5, 2016, 46 Pa.B. 7993, unless otherwise noted. Immediately preceding text appears at serial pages (321433) to (321435).

§§ 5.791—5.799. [Reserved].

Subchapter EEE. [Reserved]

Source
The provisions of this Subchapter EEE adopted by Executive Order No. 1995-6, dated September 14, 1995, 25 Pa.B. 4515; reserved by Executive Order No. 2016-08, dated December 5, 2016, 46 Pa.B. 7993, unless otherwise noted. Immediately preceding text appears at serial pages (321436) and (380731).

§§ 5.811—5.816. [Reserved].

Subchapter FFF. [Reserved]

Source

§§ 5.821—5.829. [Reserved].

Subchapter GGG. [Reserved]

Source
The provisions of this Subchapter GGG adopted by Executive Order No. 1995-8, dated October 11, 1995, 25 Pa.B. 4603; reserved by Executive Order No. 2016-08, dated December 5, 2016, 46 Pa.B. 7993, unless otherwise noted. Immediately preceding text appears at serial pages (380732) and (321439).

§§ 5.841—5.845. [Reserved].

Subchapter HHH. [Reserved]

Source
The provisions of this Subchapter HHH adopted by Executive Order No. 1995-7, dated October 11, 1995, 25 Pa.B. 4604; reserved by Executive Order No. 2016-08, dated December 5, 2016, 46 Pa.B. 7993, unless otherwise noted. Immediately preceding text appears at serial pages (321439) to (321441).

§§ 5.861—5.865. [Reserved].
Subchapter III. [Reserved]

Source
The provisions of this Subchapter III adopted by Executive Order No. 1995-10, dated October 27, 1995, 25 Pa.B. 5236; reserved by Executive Order No. 2016-08, dated December 5, 2016, 46 Pa.B. 7993, unless otherwise noted. Immediately preceding text appears at serial pages (321441) to (321442).

§§ 5.871—5.875. [Reserved].

Subchapter JJJ. [Reserved]

Source
The provisions of this Subchapter JJJ, adopted by Executive Order No. 1996-2, dated April 19, 1996, 26 Pa.B. 2292; reserved by Executive Order No. 2016-08, dated December 5, 2016, 46 Pa.B. 7993, unless otherwise noted. Immediately preceding text appears at serial pages (321442) to (321443).

§§ 5.891—5.897. [Reserved].

Subchapter KKK. [Reserved]

Source
The provisions of this Subchapter KKK adopted by Executive Order No. 1996-5, 26 Pa.B. 4515; reserved by Executive Order No. 2016-08, dated December 5, 2016, 46 Pa.B. 7993, unless otherwise noted. Immediately preceding text appears at serial pages (321444) to (321446).

§§ 5.901—5.906. [Reserved].

Subchapter LLL. [Reserved]

Source
The provisions of this Subchapter LLL adopted by Executive Order No. 1996-6, dated September 30, 1996, 26 Pa.B. 5630; reserved by Executive Order No. 2016-08, dated December 5, 2016, 46 Pa.B. 7993, unless otherwise noted. Immediately preceding text appears at serial pages (321446) to (321447).

§§ 5.921—5.925. [Reserved].

Subchapter MMM. [Reserved]

Source
The provisions of this Subchapter MMM adopted by Executive Order No. 1996-7, dated December 20, 1996, 27 Pa.B. 1782; reserved by Executive Order No. 2016-08, dated December 5, 2016, 46 Pa.B. 7993, unless otherwise noted. Immediately preceding text appears at serial pages (321448) to (321449).

§§ 5.931—5.935. [Reserved].
Subchapter NNN. [Reserved]

Source
The provisions of this Subchapter NNN adopted by Executive Order No. 1997-1, dated March 17, 1997, 27 Pa.B. 1918; reserved by Executive Order No. 2016-08, dated December 5, 2016, 46 Pa.B. 7993, unless otherwise noted. Immediately preceding text appears at serial pages (321449) to (321450).

§§ 5.941—5.946. [Reserved].

Subchapter OOO. [Reserved]

Source

§§ 5.951—5.958. [Reserved].

Subchapter PPP. [Reserved]

Source
The provisions of this Subchapter PPP adopted by Executive Order No. 1998-2, dated March 1, 1998, terminated March 1, 2001, 28 Pa.B. 2128, unless otherwise noted.

§§ 5.961—5.969. [Reserved].

Subchapter QQQ. PENNSYLVANIA GREENWAYS PARTNERSHIP COMMISSION

Sec.
5.981. Purpose and effective date.
5.982. Composition and appointments.
5.983. Functions and scope.
5.984. State agency coordination.
5.985. Meetings and communication.

Source

§ 5.981. Purpose and effective date.
(a) The purpose of the Pennsylvania Greenways Partnership Commission is to aid the Secretary of the Department of Conservation and Natural Resources in the promotion of greenways development throughout this Commonwealth.
(b) This subchapter is amended effective September 1, 2001.
§ 5.982. Composition and appointments.

(a) The Pennsylvania Greenways Partnership Commission (Commission) consists of individuals who are appointed by and serve at the pleasure of the Secretary of the Department of Conservation and Natural Resources (DCNR). The membership of the Commission reflects a cross section of greenway interests and the geographic diversity of this Commonwealth.

(1) The Commission is comprised of one representative from each of the following organizations:

   (i) The Pennsylvania Environmental Council.
   (iii) The Pennsylvania Rails-to-Trails Conservancy.
   (iv) The Pennsylvania Recreation and Parks Society.
   (vi) The Pennsylvania Chamber of Business and Industry.
   (ix) The Pennsylvania Recreational Trails Advisory Board.

(2) The remaining members of the Commission represent a diversity of greenway interests.

(b) The Secretary of DCNR will select a chair or cochairs.

(c) DCNR is the primary State agency for the planning and coordination of a Pennsylvania greenways program and will provide administrative support to the Commission.

(d) Each Commission member may designate an alternate to represent him on the Commission.

§ 5.983. Functions and scope.

The Commission will advise and assist the Secretary of the Department of Conservation and Natural Resources in carrying out the following responsibilities:

(1) Implementing an action plan for advancing a Pennsylvania greenways partnership program in the 21st century.

(2) Pursuing the creation of partnership opportunities to plan, implement, maintain and fund a greenways network for this Commonwealth.

(3) Maintaining an inventory, catalog and map of the network of greenways and trails in this Commonwealth.

(4) Exploring creative financial and technical assistance programs and strategies to benefit the creation and sustainability of State and local greenway efforts.

(5) Researching and identifying “best practices” of existing greenways efforts within this Commonwealth and other states.

(6) Creating a Statewide clearinghouse system for collecting, maintaining and disseminating materials on greenways and trails legal, design and mapping information.

(7) Developing a public education, outreach and coalition building strategy (including local government) for greenways and trails.
§ 5.984 Developing strategies for incorporating greenways opportunities into Federal, State and local planning efforts dealing with issues such as land use/smart growth, open space preservation, watershed protection, natural areas protection, heritage conservation, recreation, tourism development, intermodal transportation systems and brownfields development.

§ 5.984. State agency coordination. All State agencies shall cooperate with and provide assistance as needed to the Department of Conservation and Natural Resources (DCNR) in performing its mission and functions related to greenways development. The following State agencies shall designate a liaison who will serve as the coordinator of greenway-related activities and primary contact for DCNR:

(1) The Department of Aging.
(2) The Department of Agriculture.
(3) The Department of Community and Economic Development.
(4) The Department of Education.
(5) The Department of Environmental Protection.
(6) The Fish and Boat Commission.
(7) The Game Commission.
(8) The Department of Health.
(9) The Historical and Museum Commission.
(12) The Department of Transportation.

§ 5.985. Meetings and communication. The Pennsylvania Greenways Partnership Commission (Commission) members will meet at least once a year during the life of the Commission.

Subchapter RRR. [Reserved]

Source

The provisions of this Subchapter RRR adopted by Executive Order No. 2002-8, dated July 18, 2002, 32 Pa.B. 3695; reserved by Executive Order No. 2016-08, dated December 5, 2016, 46 Pa.B. 7993, unless otherwise noted. Immediately preceding text appears at serial pages (321456) to (321458).

§§ 5.991—5.997. [Reserved].
Subchapter SSS. GOVERNOR’S GREEN GOVERNMENT COUNCIL.

Sec.
5.1001. Climate goal for the Commonwealth.
5.1002. Performance goals for State agencies.
5.1006. Responsibilities of Commonwealth agencies.
5.1007. Independent agencies, State-affiliated entities, and State-related entities.
5.1008. Effective date.
5.1009. Recission.

Source
The provisions of this Subchapter SSS adopted by Executive Order No. 2019-01, dated January 8, 2019, 49 Pa.B. 438, unless otherwise noted.

§ 5.1001. Climate goal for the Commonwealth.
The Commonwealth shall strive to achieve a 26% reduction of net greenhouse gas emissions statewide by 2025 from 2005 levels, and an 80% reduction of net greenhouse gas emissions by 2050 from 2005 levels.

§ 5.1002. Performance goals for State agencies.
(a) All agencies under the Governor’s jurisdiction shall:
   (1) Collectively reduce overall energy consumption by 3% per year, and 21% by 2025 from 2017 levels.
   (2) Replace 25% of the state passenger car fleet with battery electric and plug-in electric hybrid cars by 2025 and evaluate opportunities for the reduction of vehicle miles traveled and incorporation of new technology where appropriate.
   (3) Procure renewable energy to offset at least 40% of the Commonwealth’s annual electricity use and evaluate opportunities to source electricity through Pennsylvania Certified Tier I credits, and/or direct purchase of renewable power generation sited within the Commonwealth.
(b) Any new building construction project, build-to-suit leased building, or renovation project by a Commonwealth agency that costs more than 50% of the replacement cost of the building, where the design of the project commences after the effective date of the Executive Order, shall be designed and constructed as a high-performance building achieving a 10% reduction in energy consumption over ANSI/ASHRAE/IES Standard 90.1.2016. Agencies may seek US Green Building Council LEED certification, Green Building Initiative Green Globe rating, or a comparable numeric rating from another accredited sustainable building certification program where appropriate.

The GreenGov Council shall encourage the incorporation of environmentally sustainable practices into the Commonwealth government’s policy, planning, operations, procurement, and regulatory functions, and strive for continuous improvement in efficiency and performance, to achieve the goals set forth above.

The GreenGov Council (Council) shall consist of the Secretaries of the Departments of General Services, Environmental Protection and Conservation and Natural Resources, who shall chair the Council jointly, as well as other individuals the Governor shall appoint.


The GreenGov Council (Council) shall serve as a central coordinating body to promote the implementation of this Order and the achievement of the Goals set forth above. In this role, the Council shall:

1. Establish a schedule of regular meetings with designated representatives of Commonwealth agencies to review methods, policies, programs and actions that will implement the objectives of this Order and evaluate and track progress towards meeting the Performance Goals.
2. Establish and administer a GreenGov certification program to assess agencies’ efforts to implement cost-effective conservation and efficiency strategies and achieve the Performance Goals.
3. Prepare, issue and maintain an electronic GreenGov Certification Checklist, containing a menu of measures and strategies which may be employed by Commonwealth agencies to achieve certification in the GreenGov program.
4. Work with all agencies to develop procedures to reduce energy and other utility usage and costs in all Commonwealth-owned and leased facilities.
5. Examine opportunities to provide additional training and acknowledgment programs to enable and encourage Commonwealth agencies to become more proficient in identifying opportunities and implementing best practices for energy conservation and efficiency, and create incentives for further improvements.

§ 5.1006. Responsibilities of Commonwealth agencies.

(a) All Commonwealth agencies shall work to achieve the Goals set forth in this subchapter. In particular, all agencies shall:

1. Develop policies to incorporate the strategies outlined in this subchapter to achieve the Commonwealth’s Performance Goals.
2. Seek to implement new cost-effective conservation, sustainability, and efficiency strategies in order to achieve GreenGov certification. Complete and submit to the GreenGov Council (Council) a GreenGov Certification Checklist within 6 months of establishment of the certification program, and yearly thereafter.
3. Cooperate with the Department of General Services to track and analyze agency utility usage through the Commonwealth’s utility bill management system.
4. Establish energy and other utility performance benchmarks for all Commonwealth-owned facilities over 20,000 square feet which are cooled or heated over which the agency has jurisdiction.
(5) Designate an Agency Representative at the Deputy Secretary or equivalent level to attend meetings of the Council and ensure compliance and implementation of the necessary activities and measures to achieve the Goals.

(6) Evaluate opportunities and implement, where practical, renewable and clean energy resources, energy and resource conservation, and energy efficiency best practices at Commonwealth facilities.

(7) Work collaboratively to conserve energy and promote sustainable resources and best energy and resource management practices.

(8) Propose and support Guaranteed Energy Savings Act ("GESA") projects for recommendation to Department where cost-effective and appropriate.

(9) Provide to the Council, or Department, any requested information and data needed to implement the intent of this subchapter.

(10) Contribute a proportional share of costs to support the Council and the annual Commonwealth Comprehensive Energy and Utility Usage Report.

(b) The Department of General Services:

(1) Coordinate with all agencies to include green building, energy conservation, and energy efficiency practices as part of any new construction and renovation projects.

(2) Work with all agencies to track and analyze agency utility bills through Pennsylvania’s utility bill management system.

(3) Provide agencies with access to current utility bill performance data.

(4) Benchmark Commonwealth facilities’ energy efficiency against Federal and association standards.

(5) Consider life cycle cost analysis in the selection of new energy sources, products, systems, and controls in conjunction with new construction and renovation projects.

(6) Develop and implement programs to train appropriate personnel in benchmarking, energy conservation and energy efficiency.

(7) Pursue and facilitate the development of new GESA projects with all Commonwealth agencies.


(9) Research, recommend, and develop vehicle fleet sustainability practices and metrics consistent with leading fleet accreditation programs.

(c) The Department of Environmental Protection shall:

(1) Provide advice and assistance to the Council and agencies in developing cost-effective conservation, sustainability, and efficiency strategies necessary to implement the requirements of this subchapter.

(2) On an ongoing basis, develop and recommend additional no-cost and low-cost management and conservation measures which may be implemented by the Department of General Services and Commonwealth agencies.

(3) Assist the Department in developing and implementing long-range management and conservation plan goals and options to be applied in Commonwealth facilities.

(d) The Department of Conservation and Natural Resources shall:
(1) Offer technical assistance and references on green building and site design, low-water landscaping, and related topics.
(2) Provide demonstrations of its high-performance buildings and sites and alternative energy and transportation installations and operations.
(3) Continue to invest in green building and sites projects on state parks and forest lands and in communities.

§ 5.1007. Independent agencies, State-affiliated entities, and State-related entities.
Independent agencies, state-affiliated entities, and State-related agencies are encouraged to participate in the goals and provisions of this subchapter.

§ 5.1008. Effective date.
This subchapter shall take effect immediately and shall remain in effect until amended or rescinded by the Governor.

§ 5.1009. Rescission.
Executive Orders 1998-1 and 2004-12 are hereby rescinded.