
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 406 Session of
1995

INTRODUCED BY BAKER, FICHTER, FLEAGLE, FLICK, TRUE, COY, FARGO,
LYNCH, SATHER, ITKIN, DENT, WAUGH, BARLEY, BEBKO-JONES,
E. Z. TAYLOR, BLAUM, PETTIT, D. W. SNYDER, CLARK, BUNT,
STURLA, KING, ARMSTRONG, HUTCHINSON, DeLUCA, HENNESSEY,
TIGUE, SURRA, STEELMAN, GEIST, TRICH, BATTISTO, SERAFINI,
PITTS, M. N. WRIGHT, ALLEN, WOGAN AND STERN, JANUARY 31, 1995

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES,
MARCH 11, 1996

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employees in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employees of certain departments, boards and
20 commissions shall be determined," ~~further providing for the~~ <—
21 ~~Board of Commissioners of Public Grounds and Buildings;~~
22 providing for additional duties of the Department of
23 Corrections in relation to prison inmate medical needs, for
24 seasonal farm labor and for a study of pharmacy prices;
25 further providing for the duties of the Department of General
26 Services relating to certain contracts for modular
27 facilities; and making repeals.

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

3 ~~Section 1. Section 446 of the act of April 9, 1929 (P.L.177, <—~~
4 ~~No.175), known as The Administrative Code of 1929, amended June~~
5 ~~6, 1939 (P.L.250, No.144), is amended to read:~~

6 ~~Section 446. Board of Commissioners of Public Grounds and~~
7 ~~Buildings. The Board of Commissioners of Public Grounds and~~
8 ~~Buildings shall consist of the Governor, the [Auditor General]~~
9 ~~Attorney General, and the State Treasurer. The Governor may~~
10 ~~authorize the Budget Secretary [to the Governor], or some other~~
11 ~~employe of the Governor's office, to serve in his stead on said~~
12 ~~board. The [Auditor General] Attorney General and the State~~
13 ~~Treasurer may authorize a named deputy, of their respective~~
14 ~~departments, to serve in their stead on said board: Provided,~~
15 ~~however, That any such person designated by the Governor, the~~
16 ~~[Auditor General] Attorney General or the State Treasurer, shall~~
17 ~~not have the right to exercise any power or perform any duty~~
18 ~~which the Constitution of the Commonwealth of Pennsylvania~~
19 ~~requires such officials personally to exercise or perform.~~

20 ~~Section 2. The act is amended by adding sections to read:~~

21 ~~SECTION 1. THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN <—~~
22 ~~AS THE ADMINISTRATIVE CODE OF 1929, IS AMENDED BY ADDING~~
23 ~~SECTIONS TO READ:~~

24 Section 903-B. Payment of Inmate Medical Needs.--(a) The
25 Department of Corrections shall devise and implement a program
26 whereby inmates of State correctional institutions who have
27 medical insurance shall pay for their own medical needs through
28 that insurance.

29 (b) This program shall be contained in regulations
30 promulgated by the department.

1 Section 1714 1715. Seasonal Farm Labor.--(a) The Department <—
2 of Agriculture shall have the power, and its duties shall be:

3 (1) To exercise the powers and duties and perform the duties
4 by law heretofore vested in and imposed upon the Department of
5 Environmental Resources under the act of June 23, 1978 (P.L.537,
6 No.93), known as the "Seasonal Farm Labor Act."

7 (2) To exercise the powers and perform the duties authorized
8 or imposed upon the Environmental Hearing Board in the "Seasonal
9 Farm Labor Act."

10 (3) To enforce the provisions of 25 Pa. Code Ch. 177
11 (relating to seasonal farm labor camps) with the same force and
12 effect as though the regulations were promulgated by the
13 Department of Agriculture under the "Seasonal Farm Labor Act."

14 (b) The Secretary of Agriculture shall have the power, and
15 the secretary's duty shall be:

16 (1) To exercise the powers and perform the duties imposed
17 upon the Secretary of Environmental Resources in Chapter 3 of
18 the "Seasonal Farm Labor Act."

19 (2) To exercise the powers and duties vested by law and
20 imposed upon the Environmental Quality Board as specifically set
21 forth in the "Seasonal Farm Labor Act."

22 Section 2213-A. Pharmacy Reimbursement.--An immediate in-
23 depth pharmacy service study shall be performed by the
24 Department of Aging and the Department of Public Welfare in <—
25 conjunction with the Pennsylvania Pharmacists Association and
26 the Pennsylvania Association of Chain Drug Stores. This pharmacy
27 study shall determine the full cost of filling a prescription
28 and providing pharmacy services, including reasonable profits
29 derived, in the Pennsylvania Medicaid and PACE programs. This
30 study shall be considered in determining pharmacy reimbursement.

1 Section 3 2. Section 2408(7) of the act, amended July 22,
2 1975 (P.L.75, No.45), is amended to read:

3 Section 2408. Procedure for Construction of all Capital
4 Improvements, Repairs or Alterations under the Control of the
5 Department of General Services.--Whenever the General Assembly
6 has made an appropriation or authorized borrowing under the act
7 of July 20, 1968 (P.L.550, No.217), known as the "Capital
8 Facilities Debt Enabling Act," in any budget to the Department
9 of General Services or to any department, board, commission,
10 agency or State supported institution for the construction of a
11 capital improvement, or for the repair or alteration of a
12 capital improvement to be completed by the Department of General
13 Services, to cost more than twenty-five thousand dollars
14 (\$25,000), the following procedure shall apply, unless the work
15 is to be done by State employes, or by inmates or patients of a
16 State institution or State institutions, or unless the
17 department, board, or commission to which the General Assembly
18 has appropriated money for the foregoing purposes is, by this
19 act or by the act making the appropriation, authorized to erect,
20 alter, or enlarge buildings independently of the Department of
21 General Services, or under a different procedure:

22 * * *

23 (7) (i) The department may invite proposals, either for
24 completely erecting, altering, or adding to any building, or
25 separately for parts of the work, or both on all projects under
26 twenty-five thousand dollars (\$25,000) base construction cost.
27 [All] Except as provided in paragraph (ii), all projects
28 exceeding twenty-five thousand dollars (\$25,000) shall be
29 subject to the act of May 1, 1913 (P.L.155, No.104), entitled
30 "An act regulating the letting of certain contracts for the

1 erection, construction, and alteration of public buildings."
2 Whenever the department enters into a single contract for a
3 project, in the absence of good and sufficient reasons, the
4 contractor shall pay each subcontractor within fifteen days of
5 receipt of payment from the department, an amount equal to the
6 percentage of completion allowed to the contractor on account of
7 such subcontractor's work. The contractor shall also require
8 such subcontractor to make similar payments to his
9 subcontractors.

10 (ii) The department may invite complete proposals from a
11 single prime contractor for the purchase and installation of
12 modular units for:

13 (A) the institutions operated by the Department of
14 Corrections; or

15 (B) juvenile facilities operated by the Department of Public
16 Welfare.

17 * * *

18 ~~SECTION 4 3. THE DEFINITION OF "SURPLUS PROPERTY" IN SECTION <—~~
19 ~~2401 A OF THE ACT, ADDED JULY 1, 1981 (P.L.143, NO.48), IS~~
20 ~~AMENDED TO READ:~~

21 ~~SECTION 2401 A. LIMITED DEFINITIONS. THE FOLLOWING WORDS~~
22 ~~AND PHRASES WHEN USED IN THIS ARTICLE SHALL HAVE, UNLESS THE~~
23 ~~CONTEXT CLEARLY INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM~~
24 ~~IN THIS SECTION:~~

25 ~~* * *~~

26 ~~"SURPLUS PROPERTY." ANY BUILDINGS, LAND OR OTHER REAL ESTATE~~
27 ~~OWNED BY THE COMMONWEALTH THAT HAS BEEN DEEMED SURPLUS TO THE~~
28 ~~NEEDS OF THE ADMINISTERING AGENCY WHICH [LAST HAD] HAS CURRENT~~
29 ~~USE OF THE PROPERTY [AND WHICH HAS BEEN TURNED OVER TO THE~~
30 ~~JURISDICTION OF THE DEPARTMENT OF GENERAL SERVICES FOR FINAL~~

~~VERIFICATION AND DECLARATION OF ITS SURPLUS STATUS}. THE
DEFINITION OF AND THE DESIGNATION OF SURPLUS PROPERTY SHALL NOT
APPLY TO ANY LANDS DESIGNATED AS STATE PARKS OR STATE FORESTS OR
ANY LANDS ACQUIRED BY THE PENNSYLVANIA FISH AND BOAT COMMISSION
OR THE PENNSYLVANIA GAME COMMISSION.~~

~~SECTION 5 4. SECTIONS 2402 A(A) AND (B), 2404 A(A), (B) AND
(D)(1), 2405 A(4) AND 2406 A OF THE ACT, ADDED JULY 1, 1981
(P.L.143, NO.48), ARE AMENDED TO READ:~~

~~SECTION 2402 A. ANNUAL PROPERTY SURVEY. (A) THE DEPARTMENT
SHALL DISTRIBUTE TO ALL AGENCIES, NOT LATER THAN [30 DAYS AFTER
THE EFFECTIVE DATE OF THIS ARTICLE AND NOT LATER THAN MAY 1]
JANUARY 1 OF EACH YEAR [THEREAFTER], A REQUEST TO COMPILE
INFORMATION ON ALL STATE OWNED REAL PROPERTY. THE SURVEY SHALL
REQUIRE THE AGENCY, FOR EACH PARCEL OF REAL PROPERTY, WITHIN ITS
JURISDICTION, TO IDENTIFY ITS LOCATION, SIZE, CURRENT USE, THE
PRESENCE OF ANY BUILDINGS OR OTHER IMPROVEMENTS, THE CONDITION
OF ALL BUILDINGS AND IMPROVEMENTS AND OTHER RELEVANT PROPERTY
ATTRIBUTE DATA. THE SURVEY SHALL REQUIRE THE AGENCY TO IDENTIFY
ANY PROPERTY CURRENTLY SURPLUS TO THE NEEDS OF THE AGENCY.~~

~~(B) AGENCIES SHALL SEND TO THE DEPARTMENT, NOT LATER THAN
[60 DAYS AFTER THE EFFECTIVE DATE OF THIS ARTICLE AND NOT LATER
THAN JULY] MARCH 1 OF EACH YEAR [THEREAFTER], COMPLETED ANNUAL
PROPERTY SURVEYS. THE DEPARTMENT SHALL COMPILE AND CONSOLIDATE
THE AGENCY SURVEYS AND SEND A COPY OF THE COMPILATION TO THE
CHAIRMEN AND MINORITY CHAIRMEN OF THE HOUSE AND SENATE STATE
GOVERNMENT COMMITTEES OR THEIR SUCCESSOR COMMITTEES.~~

~~* * *~~

~~SECTION 2404 A. LEGISLATIVE OVERSIGHT AND PUBLIC REVIEW.
(A) THE PROPERTY DISPOSITION PLAN SHALL BE TRANSMITTED TO THE
CHAIRMEN AND MINORITY CHAIRMEN OF THE HOUSE AND SENATE STATE~~

1 ~~GOVERNMENT COMMITTEES OR THEIR SUCCESSOR COMMITTEES NOT LATER~~
2 ~~THAN [90 DAYS AFTER THE EFFECTIVE DATE OF THIS ARTICLE AND NOT~~
3 ~~LATER THAN SEPTEMBER 1 FOR EACH YEAR THEREAFTER.] MAY 1 OF EACH~~
4 ~~YEAR. THE HOUSE AND SENATE COMMITTEES SHALL CONDUCT PUBLIC~~
5 ~~HEARINGS WHICH MAY BE JOINT HEARINGS TO REVIEW THE PLAN AND~~
6 ~~SHALL ADVISE THE DEPARTMENT OF ANY SUGGESTED MODIFICATIONS IN~~
7 ~~THE PLAN NOT LATER THAN [120 DAYS AFTER THE EFFECTIVE DATE OF~~
8 ~~THIS ARTICLE AND NOT LATER THAN OCTOBER 1 FOR EACH YEAR~~
9 ~~THEREAFTER.] JUNE 1 OF EACH YEAR.~~

10 ~~(B) THE DEPARTMENT SHALL PUBLISH ITS PROPOSED PROPERTY~~
11 ~~DISPOSITION PLAN IN THE PENNSYLVANIA BULLETIN NOT LATER THAN [90~~
12 ~~DAYS AFTER THE EFFECTIVE DATE OF THIS ARTICLE AND NOT LATER THAN~~
13 ~~SEPTEMBER 1 FOR EACH YEAR THEREAFTER] MAY 1 OF EACH YEAR AND~~
14 ~~INVITE PUBLIC COMMENTS ON THE PLAN DURING THE FOLLOWING 30 DAY~~
15 ~~PERIOD. THE PROPOSED PLAN SHALL NOT REQUIRE REVIEW BY THE~~
16 ~~ATTORNEY GENERAL FOR FORM AND LEGALITY PRIOR TO PUBLICATION, BUT~~
17 ~~DURING THE 30 DAY COMMENT PERIOD THE DEPARTMENT SHALL REQUEST~~
18 ~~THAT THE ATTORNEY GENERAL REVIEW THE PLAN FOR FORM AND LEGALITY.~~
19 ~~THE ATTORNEY GENERAL SHALL COMMUNICATE HIS EVALUATION OF THE~~
20 ~~PLAN, IN WRITING, TO THE DEPARTMENT AND TO THE CHAIRMEN AND~~
21 ~~MINORITY CHAIRMEN OF THE HOUSE AND SENATE STATE GOVERNMENT~~
22 ~~COMMITTEES OR THEIR SUCCESSOR COMMITTEES.~~

23 ~~* * *~~

24 ~~(D) (1) NOT LATER THAN [150 DAYS FOLLOWING THE EFFECTIVE~~
25 ~~DATE OF THIS ARTICLE AND NO LATER THAN OCTOBER 15 OF EACH~~
26 ~~YEAR THEREAFTER] JUNE 15, THE DEPARTMENT SHALL TRANSMIT THE~~
27 ~~PLAN TO THE GOVERNOR FOR HIS APPROVAL AND THE GOVERNOR SHALL~~
28 ~~TRANSMIT THE PLAN TO THE CHIEF CLERK OF THE HOUSE OF~~
29 ~~REPRESENTATIVES AND THE SECRETARY OF THE SENATE FOR~~
30 ~~CONSIDERATION BY THE GENERAL ASSEMBLY IN THE MANNER SPECIFIED~~

1 BY THE ACT OF APRIL 7, 1955 (P.L.23, NO.8), KNOWN AS THE
2 "REORGANIZATION ACT OF 1955," EXCEPT THAT EITHER HOUSE OF THE
3 GENERAL ASSEMBLY MAY REJECT A PLAN FOR THE DISPOSITION OF A
4 SPECIFIC PARCEL WHILE APPROVING THE BALANCE OF THE SURPLUS
5 PROPERTY DISPOSITION PLAN.

6 * * *

7 SECTION 2405 A. CONDITIONS UPON CONVEYANCES. ANY PROPOSED
8 DISPOSITION OF PROPERTY SHALL BE SUBJECT TO THE FOLLOWING
9 CONDITIONS AND LIMITATIONS:

10 * * *

11 (4) AFTER APPROPRIATE PUBLIC NOTICE, THE SALE OF DECLARED
12 SURPLUS PROPERTY BY THE DEPARTMENT SHALL BE OPEN TO PUBLIC
13 REVIEW AND INSPECTION. ACCEPTANCE OF AN OFFER SHALL BE SUBJECT
14 TO A MINIMUM PRICE REQUIREMENT AS ESTABLISHED BY THE DEPARTMENT,
15 WHICH SHALL NOT BE LESS THAN THE FAIR MARKET VALUE. [PROSPECTIVE
16 BUYERS SHALL SUBMIT SEALED OFFERS TO PURCHASE DECLARED SURPLUS
17 PROPERTY THROUGH THE MAIL.] DECLARED SURPLUS PROPERTY SHALL BE
18 SOLD BY THE DEPARTMENT THROUGH EITHER A COMPETITIVE SEALED
19 BIDDING PROCESS, IN WHICH PROSPECTIVE BUYERS SUBMIT SEALED
20 OFFERS THROUGH THE MAIL, OR AT AN AUCTION, CONDUCTED BY AN
21 AUCTIONEER HOLDING A LICENSE UNDER THE PROVISIONS OF THE ACT OF
22 DECEMBER 22, 1983 (P.L.327, NO.85), KNOWN AS THE "AUCTIONEER AND
23 AUCTION LICENSING ACT." THE USE OF EITHER METHOD OF SALE SHALL
24 BE AT THE DEPARTMENT'S DISCRETION. EXCEPT AS PROVIDED IN CLAUSE
25 (3), SALE OF THE DECLARED SURPLUS PROPERTY SHALL BE TO THE
26 HIGHEST BIDDER, PROVIDED THAT NO OFFER MAY BE ACCEPTED WHICH IS
27 BELOW THE FAIR MARKET VALUE, ESTABLISHED THROUGH INDEPENDENT
28 APPRAISAL.

29 * * *

30 SECTION 2406 A. ALLOCATION OF SALE PROCEEDS. THE PROCEEDS

1 ~~OF THE SALE OF REAL ESTATE UNDER THE PROVISIONS OF SECTION 2405~~
2 ~~A SHALL BE PAID INTO THE STATE TREASURY, THROUGH THE DEPARTMENT~~
3 ~~OF REVENUE AND DEPOSITED IN THE CAPITAL FACILITIES REDEMPTION~~
4 ~~FUND, OR IF THE LAND WAS ACQUIRED BY MONEYS WHOLLY OR MAINLY OUT~~
5 ~~OF A SPECIAL FUND, SUCH PROCEEDS SHALL BE CREDITED TO THE PROPER~~
6 ~~SPECIAL FUND, AND ALL PROCEEDS OF THE SALE OF AUTHORITY~~
7 ~~PROPERTIES SHALL BE PAID TO THE RESPECTIVE FISCAL AGENT OF THE~~
8 ~~AUTHORITY IN ACCORDANCE WITH THE BOND RESOLUTION. THE COSTS AND~~
9 ~~FEES INCURRED BY THE DEPARTMENT OF GENERAL SERVICES, INCLUDING~~
10 ~~BUT NOT LIMITED TO COSTS OF AUCTIONS OR SALES AT AUCTION, TITLE~~
11 ~~SEARCHES, NOTICE, SURVEYS AND APPRAISALS, SHALL BE DEDUCTED FROM~~
12 ~~THE PURCHASE PRICE AND THAT AMOUNT SHALL BE AN EXECUTIVELY~~
13 ~~AUTHORIZED AUGMENTATION TO THE APPROPRIATION FROM WHICH THE~~
14 ~~COSTS AND FEES WERE PAID BY THE DEPARTMENT.~~

15 SECTION ~~6-5~~ 3. THE GENERAL ASSEMBLY DIRECTS THE GOVERNOR ON <—
16 WARRANT OF THE STATE TREASURER TO TRANSFER FROM THE
17 APPROPRIATION TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION TO
18 THE DEPARTMENT OF AGRICULTURE AN AMOUNT EQUAL TO THE AMOUNT
19 NECESSARY TO FUND ONE PROGRAM SPECIALIST POSITION AND TWO FOOD
20 INSPECTOR POSITIONS IN THE DEPARTMENT OF AGRICULTURE FOR THAT
21 PORTION OF THE PRESENT FISCAL YEAR BEGINNING DECEMBER 1, 1995,
22 AND ENDING JUNE 30, 1996.

23 Section ~~4-7-6~~ 4. (a) Section 502(c) of the act of June 28, <—
24 1995 (P.L.89, No.18), known as the Conservation and Natural
25 Resources Act, is repealed to the extent that it is inconsistent
26 with this act.

27 (b) Section 506 of the Conservation and Natural Resources
28 Act is repealed.

29 Section 5. ~~This act shall take effect immediately.~~ <—

30 SECTION ~~8-7~~. ~~THIS ACT SHALL TAKE EFFECT AS FOLLOWS:~~ <—

1 ~~(1) THE AMENDMENT OF SECTIONS 2401 A, 2402 A(A) AND (B),~~
2 ~~2404 A(A), (B) AND (D)(1), 2405 A(4) AND 2406 A OF THE ACT~~
3 ~~SHALL TAKE EFFECT JANUARY 1, 1996.~~

4 ~~(2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT~~
5 ~~IMMEDIATELY.~~

6 SECTION 5. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.

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