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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

No. 406      Session of  
1995

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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

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SENATE AMENDMENTS TO HOUSE AMENDMENTS, MAY 7, 1996

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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 employes 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 employes of certain departments, boards and  
20 commissions shall be determined," providing for additional  
21 duties of the Department of Corrections in relation to prison  
22 inmate medical needs, for seasonal farm labor and for a study  
23 of pharmacy prices; further providing for the duties of the  
24 Department of General Services relating to certain contracts  
25 for modular facilities; and making repeals.

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

1       Section 1. The act of April 9, 1929 (P.L.177, No.175), known  
2 as The Administrative Code of 1929, is amended by adding  
3 sections to read:

4       Section 903-B. Payment of Inmate Medical Needs.--(a) The  
5 Department of Corrections CONSISTENT WITH, AND AS A SUPPLEMENT <—  
6 TO, THE ACT OF (P.L. , NO. ), KNOWN AS THE "PRISON  
7 MEDICAL SERVICES ACT," shall devise and implement a program  
8 whereby inmates of State correctional institutions who have  
9 medical insurance shall pay for their own medical needs through  
10 that insurance.

11       (b) This program shall be contained in regulations  
12 promulgated by the department.

13       Section 1715. Seasonal Farm Labor.--(a) The Department of  
14 Agriculture shall have the power, and its duties shall be:

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

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

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

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

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

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

4     SECTION 2.   SECTION 2211.1(D) AND (E) OF THE ACT, ADDED                   <—  
5 FEBRUARY 23, 1996 (P.L.27, NO.10), ARE AMENDED TO READ:

6     SECTION 2211.1.   INVESTIGATION OF STATE WORKMEN'S INSURANCE  
7 FUND.--\* \* \*

8     (D)   THE COMMITTEE SHALL MAKE A REPORT OF ITS INVESTIGATION  
9 TO THE GENERAL ASSEMBLY BY [JUNE 30, 1996] NOVEMBER 30, 1996.

10    (E)   THIS SECTION SHALL EXPIRE [JUNE 30, 1996] NOVEMBER 30,  
11 1996.

12    SECTION 3.   THE ACT IS AMENDED BY ADDING A SECTION TO READ:

13    Section 2213-A.   Pharmacy Reimbursement.--An immediate in-  
14 depth pharmacy service study shall be performed by the  
15 Department of Aging and the Department of Public Welfare. This  
16 pharmacy study shall determine the full cost of filling a  
17 prescription and providing pharmacy services, including  
18 reasonable profits derived, in the Pennsylvania Medicaid and  
19 PACE programs. This study shall be considered in determining  
20 pharmacy reimbursement.

21    Section ~~2~~ 4.   Section 2408(7) of the act, amended July 22,                   <—  
22 1975 (P.L.75, No.45), is amended to read:

23    Section 2408.   Procedure for Construction of all Capital  
24 Improvements, Repairs or Alterations under the Control of the  
25 Department of General Services.--Whenever the General Assembly  
26 has made an appropriation or authorized borrowing under the act  
27 of July 20, 1968 (P.L.550, No.217), known as the "Capital  
28 Facilities Debt Enabling Act," in any budget to the Department  
29 of General Services or to any department, board, commission,  
30 agency or State supported institution for the construction of a

1 capital improvement, or for the repair or alteration of a  
2 capital improvement to be completed by the Department of General  
3 Services, to cost more than twenty-five thousand dollars  
4 (\$25,000), the following procedure shall apply, unless the work  
5 is to be done by State employes, or by inmates or patients of a  
6 State institution or State institutions, or unless the  
7 department, board, or commission to which the General Assembly  
8 has appropriated money for the foregoing purposes is, by this  
9 act or by the act making the appropriation, authorized to erect,  
10 alter, or enlarge buildings independently of the Department of  
11 General Services, or under a different procedure:

12 \* \* \*

13 (7) (i) The department may invite proposals, either for  
14 completely erecting, altering, or adding to any building, or  
15 separately for parts of the work, or both on all projects under  
16 twenty-five thousand dollars (\$25,000) base construction cost.  
17 [All] Except as provided in paragraph (ii), all projects  
18 exceeding twenty-five thousand dollars (\$25,000) shall be  
19 subject to the act of May 1, 1913 (P.L.155, No.104), entitled  
20 "An act regulating the letting of certain contracts for the  
21 erection, construction, and alteration of public buildings."  
22 Whenever the department enters into a single contract for a  
23 project, in the absence of good and sufficient reasons, the  
24 contractor shall pay each subcontractor within fifteen days of  
25 receipt of payment from the department, an amount equal to the  
26 percentage of completion allowed to the contractor on account of  
27 such subcontractor's work. The contractor shall also require  
28 such subcontractor to make similar payments to his  
29 subcontractors.

30 (ii) The department may invite complete proposals from a

1 single prime contractor for the purchase and installation of  
2 modular units for:

3 (A) the institutions operated by the Department of  
4 Corrections; or

5 (B) juvenile facilities operated by the Department of Public  
6 Welfare.

7 \* \* \*

8 Section ~~3~~ 5. The General Assembly directs the Governor on <—  
9 warrant of the State Treasurer to transfer from the  
10 appropriation to the Department of Environmental Protection to  
11 the Department of Agriculture an amount equal to the amount  
12 necessary to fund one Program Specialist position and two Food  
13 Inspector positions in the Department of Agriculture for that  
14 portion of the present fiscal year beginning December 1, 1995,  
15 and ending June 30, 1996.

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

20 (b) Section 506 of the Conservation and Natural Resources  
21 Act is repealed.

22 Section ~~5~~ 7. This act shall take effect immediately. <—