

FISCAL CODE, THE
Act of Apr. 9, 1929, P.L. 343, No. 176
AN ACT

Cl. 72

Relating to the finances of the State government; providing for cancer control, prevention and research, for ambulatory surgical center data collection, for the Joint Underwriting Association, for entertainment business financial management firms, for private dam financial assurance and for reinstatement of item vetoes; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth, authorizing the Commonwealth to issue tax anticipation notes to defray current expenses, implementing the provisions of section 7(a) of Article VIII of the Constitution of Pennsylvania authorizing and restricting the incurring of certain debt and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth. (Title amended June 22, 2018, P.L.281, No.42)

Compiler's Note: See section 1 of Act 25 of 2016 in the appendix to this act for special provisions relating to findings and declarations.

Compiler's Note: See section 1 of Act 85 of 2016 in the appendix to this act for special provisions relating to findings and declarations.

Compiler's Note: See section 1 of Act 44 of 2017 in the appendix to this act for special provisions relating to findings and declarations.

Compiler's Note: See section 1 of Act 42 of 2018 in the appendix to this act for special provisions relating to findings and declarations.

Compiler's Note: See section 1 of Act 20 of 2019 in the appendix to this act for special provisions relating to findings and declarations.

Compiler's Notes: See section 1 of Act 23 of 2020 in the appendix to this act for special provisions relating to findings and declarations. See section 1 of Act 114 of 2020 in the appendix to this act for special provisions relating to findings and declarations.

Compiler's Note: See the preamble to Act 24 of 2021 in the appendix to this act for special provisions relating to findings and declarations.

Compiler's Note: See the preamble to Act 54 of 2022 in the appendix to this act for special provisions relating to findings and declarations.

See section 37.1(2) of Act 54 of 2022 in the appendix to this act for special provisions relating to abrogation of regulations.

Compiler's Note: See the preamble to Act 34 of 2023 in the appendix to this act for special provisions relating to findings and declarations.

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Section 1721-J. Department of Corrections.
Section 1721.1-J. Department of Drug and Alcohol Programs (Reserved).
Section 1722-J. Department of Education.
Section 1723-J. Department of Environmental Protection (Reserved).
Section 1724-J. Department of General Services.
Section 1725-J. Department of Health.
Section 1726-J. Insurance Department (Reserved).
Section 1727-J. Department of Labor and Industry.
Section 1728-J. Department of Military and Veterans Affairs (Reserved).
Section 1729-J. Department of Human Services.
Section 1730-J. Department of Revenue (Reserved).
Section 1731-J. Department of State (Reserved).
Section 1732-J. Department of Transportation.
Section 1733-J. Pennsylvania State Police (Reserved).
Section 1734-J. State Civil Service Commission (Reserved).
Section 1735-J. Pennsylvania Emergency Management Agency.
Section 1736-J. Pennsylvania Fish and Boat Commission (Reserved).
Section 1737-J. State System of Higher Education (Reserved).
Section 1737.1-J. State-related institutions (Reserved).
Section 1738-J. Pennsylvania Higher Education Assistance Agency.
Section 1739-J. Pennsylvania Historical and Museum Commission (Reserved).
Section 1740-J. Pennsylvania Infrastructure Investment Authority (Reserved).
Section 1741-J. Environmental Hearing Board (Reserved).
Section 1742-J. Pennsylvania Board of Probation and Parole (Reserved).
Section 1743-J. (Reserved).
Section 1744-J. (Reserved).
Section 1745-J. (Reserved).
Section 1746-J. (Reserved).
Section 1747-J. (Reserved).
Section 1748-J. Commonwealth Financing Authority (Reserved).
Section 1749-J. Thaddeus Stevens College of Technology (Reserved).
Section 1750-J. Pennsylvania Housing Finance Agency (Reserved).
Section 1751-J. LIHEABG (Reserved).

Subarticle C. State Government Support Agencies

Section 1761-J. Health Care Cost Containment Council (Reserved).
Section 1762-J. State Ethics Commission (Reserved).
Section 1763-J. Legislative Reference Bureau (Reserved).
Section 1764-J. Legislative Budget and Finance Committee (Reserved).
Section 1765-J. Legislative Data Processing Committee (Reserved).
Section 1766-J. Joint State Government Commission (Reserved).
Section 1767-J. Joint Legislative Air and Water Pollution Control and Conservation Committee (Reserved).
Section 1768-J. Legislative Audit Advisory Commission (Reserved).

Section 1769-J. Independent Regulatory Review Commission
(Reserved).
Section 1770-J. Capitol Preservation Committee (Reserved).
Section 1771-J. Pennsylvania Commission on Sentencing
(Reserved).
Section 1772-J. Center for Rural Pennsylvania (Reserved).
Section 1773-J. Commonwealth Mail Processing Center (Reserved).
Section 1774-J. Transfers (Reserved).

Subarticle D. Judicial Department

Section 1781-J. Supreme Court (Reserved).
Section 1782-J. Superior Court (Reserved).
Section 1783-J. Commonwealth Court (Reserved).
Section 1784-J. Courts of common pleas (Reserved).
Section 1785-J. Community courts; magisterial district judges
(Reserved).
Section 1786-J. Philadelphia Traffic Court (Reserved).
Section 1787-J. Philadelphia Municipal Court (Reserved).
Section 1788-J. Judicial Conduct Board (Reserved).
Section 1789-J. Court of Judicial Discipline (Reserved).
Section 1790-J. Juror cost reimbursement (Reserved).
Section 1791-J. County court reimbursement (Reserved).
Section 1792-J. Senior judges (Reserved).
Section 1793-J. Transfer of money by Supreme Court (Reserved).

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Funds and Accounts**

Section 1701-K. Applicability.
Section 1702-K. State Lottery Fund.
Section 1703-K. Tobacco Settlement Fund (Reserved).
Section 1704-K. Judicial Computer System Augmentation Account
(Reserved).
Section 1704.1-K. Access to Justice Account (Repealed).
Section 1705-K. Emergency Medical Services Operating Fund
(Reserved).
Section 1706-K. The State Stores Fund (Reserved).
Section 1707-K. Motor License Fund (Reserved).
Section 1708-K. Aviation Restricted Account (Reserved).
Section 1709-K. Hazardous Material Response Fund (Reserved).
Section 1710-K. Milk Marketing Fund (Reserved).
Section 1711-K. HOME Investment Trust Fund (Reserved).
Section 1712-K. Tuition Account Guaranteed Savings Program
Fund (Reserved).
Section 1713-K. Banking Fund (Reserved).
Section 1714-K. Firearm Records Check Fund (Reserved).
Section 1715-K. Ben Franklin Technology Development Authority
Fund (Reserved).
Section 1716-K. Oil and Gas Lease Fund (Reserved).
Section 1717-K. Home Improvement Account (Reserved).
Section 1718-K. Cigarette Fire Safety and Firefighter
Protection Act Enforcement Fund (Reserved).
Section 1718.1-K. Gaming Economic Development and Tourism Fund
(Repealed).
Section 1719-K. Insurance Regulation and Oversight Fund
(Reserved).
Section 1720-K. Pennsylvania Race Horse Development Fund
(Reserved).
Section 1721-K. Justice Reinvestment Fund (Reserved).

Section 1722-K. Multimodal Transportation Fund (Reserved).
Section 1723-K. State Racing Fund (Reserved).
Section 1724-K. ABLE Savings Program Fund (Reserved).
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Section 1702-L. Definitions.
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Subarticle B. Executive Departments

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Section 1718-L. Department of Agriculture.
Section 1719-L. Department of Community and Economic Development.
Section 1720-L. Department of Conservation and Natural Resources (Reserved).
Section 1721-L. Department of Corrections.
Section 1721.1-L. Department of Drug and Alcohol Programs (Reserved).
Section 1722-L. Department of Education.
Section 1723-L. Department of Environmental Protection (Reserved).
Section 1724-L. Department of General Services.
Section 1725-L. Department of Health.
Section 1726-L. Insurance Department (Reserved).
Section 1727-L. Department of Labor and Industry.
Section 1728-L. Department of Military and Veterans Affairs (Reserved).
Section 1729-L. Department of Human Services.
Section 1730-L. Department of Revenue (Reserved).
Section 1731-L. Department of State (Reserved).
Section 1732-L. Department of Transportation.
Section 1733-L. Pennsylvania State Police (Reserved).
Section 1734-L. State Civil Service Commission (Reserved).
Section 1735-L. Pennsylvania Emergency Management Agency.
Section 1736-L. Pennsylvania Fish and Boat Commission (Reserved).
Section 1737-L. State System of Higher Education (Reserved).
Section 1737.1-L. State-related Institutions (Reserved).
Section 1738-L. Pennsylvania Higher Education Assistance Agency.
Section 1739-L. Pennsylvania Historical and Museum Commission (Reserved).
Section 1740-L. Pennsylvania Infrastructure Investment Authority.
Section 1741-L. Environmental Hearing Board (Reserved).
Section 1742-L. Pennsylvania Board of Probation and Parole (Reserved).
Section 1743-L. (Reserved).
Section 1744-L. (Reserved).

Section 1745-L. (Reserved).
Section 1746-L. (Reserved).
Section 1747-L. (Reserved).
Section 1748-L. Commonwealth Financing Authority (Reserved).
Section 1749-L. Thaddeus Stevens College of Technology
(Reserved).
Section 1750-L. Pennsylvania Housing Finance Agency (Reserved).
Section 1751-L. LIHEABG (Reserved).

Subarticle C. State Government Support Agencies

Section 1761-L. Health Care Cost Containment Council
(Reserved).
Section 1762-L. State Ethics Commission (Reserved).
Section 1763-L. Legislative Reference Bureau (Reserved).
Section 1764-L. Legislative Budget and Finance Committee
(Reserved).
Section 1765-L. Legislative Data Processing Committee
(Reserved).
Section 1766-L. Joint State Government Commission (Reserved).
Section 1767-L. Joint Legislative Air and Water Pollution
Control and Conservation Committee (Reserved).
Section 1768-L. Legislative Audit Advisory Commission
(Reserved).
Section 1769-L. Independent Regulatory Review Commission
(Reserved).
Section 1770-L. Capitol Preservation Committee (Reserved).
Section 1771-L. Pennsylvania Commission on Sentencing
(Reserved).
Section 1772-L. Center for Rural Pennsylvania (Reserved).
Section 1773-L. Commonwealth Mail Processing Center (Reserved).
Section 1774-L. Transfers (Reserved).

Subarticle D. Judicial Departments

Section 1781-L. Supreme Court (Reserved).
Section 1782-L. Superior Court (Reserved).
Section 1783-L. Commonwealth Court (Reserved).
Section 1784-L. Courts of common pleas (Reserved).
Section 1785-L. Community courts; magisterial district judges
(Reserved).
Section 1786-L. Philadelphia Traffic Court (Reserved).
Section 1787-L. Philadelphia Municipal Court (Reserved).
Section 1788-L. Judicial Conduct Board (Reserved).
Section 1789-L. Court of Judicial Discipline (Reserved).
Section 1790-L. Juror cost reimbursement (Reserved).
Section 1791-L. County court reimbursement (Reserved).
Section 1792-L. Senior judges (Reserved).
Section 1793-L. Transfer of money by Supreme Court (Reserved).

Subarticle E. General Assembly (Reserved)

Article XVII-M. 2020-2021 Restrictions on Appropriations for Funds and Accounts.

Section 1701-M. Applicability.
Section 1702-M. State Lottery Fund.
Section 1703-M. Tobacco Settlement Fund (Reserved).
Section 1704-M. Judicial Computer System Augmentation Account
(Reserved).
Section 1704.1-M. Access to Justice Account (Reserved).

Section 1705-M. Emergency Medical Services Operating Fund
 (Reserved).
 Section 1706-M. The State Stores Fund (Reserved).
 Section 1707-M. Motor License Fund (Reserved).
 Section 1708-M. Aviation Restricted Account (Reserved).
 Section 1709-M. Hazardous Material Response Fund (Reserved).
 Section 1710-M. Milk Marketing Fund (Reserved).
 Section 1711-M. HOME Investment Trust Fund (Reserved).
 Section 1712-M. Tuition Account Guaranteed Savings Program
 Fund (Reserved).
 Section 1713-M. Banking Fund (Reserved).
 Section 1714-M. Firearm Records Check Fund (Reserved).
 Section 1715-M. Ben Franklin Technology Development Authority
 Fund (Reserved).
 Section 1716-M. Oil and Gas Lease Fund (Reserved).
 Section 1717-M. Home Improvement Account (Reserved).
 Section 1718-M. Cigarette Fire Safety and Firefighter
 Protection Act Enforcement Fund (Reserved).
 Section 1718.1-M. Gaming Economic Development and Tourism Fund
 (Reserved) (Repealed).
 Section 1719-M. Insurance Regulation and Oversight Fund
 (Reserved).
 Section 1720-M. Pennsylvania Race Horse Development Restricted
 Receipts Account.
 Section 1721-M. Justice Reinvestment Fund (Reserved).
 Section 1722-M. Multimodal Transportation Fund (Reserved).
 Section 1723-M. State Racing Fund (Reserved).
 Section 1724-M. ABLE Savings Program Fund (Reserved).
 Section 1725-M. Restricted receipt accounts.
 Section 1726-M. Fund transfers.

Article XVII-N. Retirement

Section 1701-N. Public School Employees' Retirement System
 Recertification to Secretary of the Budget.
 Section 1702-N. State Employees' Retirement System.

Article XVII-O. Audits

Section 1701-O. Audits of Race Horse Development Fund.

Article C. Interpretation; Effective Date, and Repealer

Section 10001. Constitutionality.
 Section 10002. Continuance of Existing Laws.
 Section 10003. Enumeration of Powers of Departments, Boards,
 and Commissions.
 Section 10004. Effective Date.
 Section 10005. Repealer.

ARTICLE I SHORT TITLE AND GENERAL PROVISIONS

Section 1. Short Title and Definitions.--Be it enacted,
 &c., That this act shall be known and may be cited as "The
 Fiscal Code."

As used in this act,
 "Association" shall include partnerships, limited
 partnerships, joint-stock associations, joint-stock companies,
 firms, companies, and all other forms of unincorporated
 enterprise, owned by two or more persons, and, unless in any
 instance its use is otherwise limited, shall include

associations created under the laws of this Commonwealth, and associations created under the laws of another State of the United States, or of a foreign country, and doing business within this Commonwealth;

"Corporation," limited partnership," "joint-stock association," "joint-stock company," or "company," shall, unless in any instance its use is otherwise limited, include a corporation, limited partnership, joint-stock association, joint-stock company, or company, incorporated or created under the laws of this Commonwealth, and a corporation, limited partnership, joint-stock association, joint-stock company, or company, incorporated or created under the laws of another State of the United States, or of a foreign country, and doing business within this Commonwealth; and

"Date of Settlement" and "date of resettlement" shall mean,

(a) In the case of settlements or resettlements made by the Department of Revenue, the date upon which the settlement or resettlement shall be approved by the Department of the Auditor General; or, if the Department of Revenue and the Department of the Auditor General cannot agree, the date upon which the Board of Finance and Revenue shall decide what the amount of the settlement or resettlement shall be, or the date upon which the settlement or resettlement of the Department of Revenue becomes valid because of the failure of the Board of Finance and Revenue to decide what the amount of the settlement or resettlement shall be, within the time hereinafter prescribed; or

(b) In the case of settlements or resettlements made by the Auditor General and the State Treasurer, the date upon which the settlement or resettlement is approved by the State Treasurer; or, if the Auditor General and State Treasurer shall be unable to agree, the date upon which the Governor shall determine what the amount of the settlement shall be.

Section 2. General Scope of the Act.--This is intended to define the powers and duties of the Department of Revenue the Treasury Department, the Department of the Auditor General, the Secretary of the Commonwealth, the Board of Finance and Revenue, the Board of Fish Commissioners, the Board of Game Commissioners, county treasurers, registers of wills, mercantile appraisers, and other statutory agents, with respect to the collection of taxes and other moneys due the Commonwealth, the custody and disbursement or other disposition of all funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth.

This act is not intended to change the incidence or amount of any existing tax, license fee, or bonus, payable to the Commonwealth, or any agency thereof, under existing law, or to impose any new tax, license fee, or bonus, accruing to the Commonwealth or any agency thereof, nor is it intended to provide for the organization of any department, board, or commission. The organization of all agencies whose powers and duties are defined by this act shall continue to be governed by the Administrative Code and other applicable laws.

Section 3. Transfer of Functions.--All rights, powers, and duties, which have heretofore been vested in, exercised by, or imposed upon, any department, board, commission, or officer, and which are by this act transferred, either in whole or in part, to another department, board, commission, or officer, shall be vested in, exercised by, and imposed upon, the department, board, commission, or officer, to which or to whom the same are transferred by this act, and not otherwise; and

every act done in the exercise of such rights or powers, and the performance of such duties, shall have the same legal effect as if done by the former department, board, commission, or officer, except as hereinafter expressly otherwise provided; every person, association, or corporation, shall be subject to the same obligations and duties, but no others, and shall have the same rights arising from the exercise of such rights or powers or in the performance of such duties, as if such rights or powers had been exercised, or such duties performed, by the department, board, commission, or officer, designated under existing laws to perform the functions transferred by this act to another department, board, commission, or officer. Every person, association, and corporation, shall be subject to the same penalty or penalties, civil or criminal, for failure to perform any such obligation or duty, or for doing a prohibited act, as if such obligation or duty arose from, or such act were prohibited in, the exercise of such rights or powers, or the performance of such duties, by the department, board, commission, or officer, designated under existing laws to perform the functions transferred by this act to another department, board, commission, or officer.

Section 4. Documents.--All books, papers, records, and other documents, or equipment, relating to a function by this act transferred from one department, board, commission, or officer, to another, or which have been accumulated through the exercise of such function in the past, shall be delivered to the department, board, commission, or officer, by this act required to perform such function in the future. All questions arising under this section shall be referred to and determined by the Governor.

Section 5. Pending Proceedings.--All petitions, hearings, and other proceedings, pending before any department, board, commission, or officer, and all prosecutions and other legal proceedings of every kind and description, and investigations begun, by a department, board, commission, or officer, and not completed when this act becomes effective, shall continue and remain in full force and effect notwithstanding the passage of this act, and shall be completed before or by the department, board, commission, or officer, which or who under this act will in the future be charged with the duty of disposing of or of instituting similar proceedings.

The Department of Revenue shall collect, or settle and collect, taxes upon reports filed with the Department of the Auditor General, or with the Insurance Department, prior to the effective date of this act, with the same force and effect as if such collections, or settlements and collections, had been made by the Auditor General and State Treasurer, or the Insurance Commissioner, under existing laws, but, upon the settlement of any such tax, the procedure for resettlement, review, appeal, and collection, shall be that provided by this act.

The Department of Revenue shall have the power and authority to make estimated settlements and impose and collect penalties for failure of any person, association, or corporation, to make and file tax reports or tax returns, or pay taxes, which ought to have been made to, filed with, or paid to the Auditor General, the State Treasurer, or the Insurance Commissioner, prior to the effective date of this act, to the same extent to which estimated settlements could have been made, or penalties could have been imposed and collected, by the Auditor General, the Auditor General and State Treasurer, or the Insurance Commissioner, prior to such effective date.

Section 6. Rules and Regulations.--All orders, rules, and regulations made by any department, board, commission, or officer, from which or from whom any function is transferred by this act to another department, board, commission or officer, shall remain in full force and effect until revoked or modified by the department, board, commission or officer succeeding to such function.

Every department, board, commission and officer of the State government, upon which or upon whom powers are conferred or duties imposed by this act, shall have the power to make and promulgate such rules and regulations as may be reasonably necessary for the exercise of such powers and the performance of such duties.

Section 7. Service of Notices.--All reports or notices, now required by law to be made or given to any department, board, commission or officer, in connection with the performance, by such department, board, commission or officer, of any function transferred by this act to another department, board, commission or officer, shall, after the effective date of this act, be made or given to the department, board, commission or officer succeeding to such function, and every penalty for failure to make or give such report or notice shall continue in full force and effect.

Section 8. Payments.--All payments of bonus, taxes, fees or other moneys, now by law required to be made to the Auditor General or to the State Treasurer, shall, after the effective date of this act, be made to the State Treasurer through the Department of Revenue, no matter by what agency such bonus, taxes, fees or other moneys shall be collected from the person, association, corporation, political subdivision or officer liable to pay them to the Commonwealth or to any officer of the Commonwealth.

Section 9. Method of Payment.--(a) Notwithstanding any other provisions of this act or any other acts, the State Treasurer and the Secretary of Revenue shall jointly prescribe by regulation the method of payment of obligations due the Commonwealth. Such regulations shall include:

(1) Requiring payment by electronic funds transfers (EFT) which includes automated clearinghouse debit, automated clearinghouse credit, wire transfer and any other means that may be available to obtain funds due the Commonwealth in the most expeditious manner. The payor shall select which method of electronic funds transfer he wishes to utilize from among these options.

(2) Setting the date on which a payment is deemed to have been received when a method other than mail is required.

(3) Establishing procedures to be followed when a method other than mail is required.

(4) Any other provisions necessary to ensure the prompt deposit of funds legally due the Commonwealth.

(5) An option permitting payment by certified or cashier's check delivered in person or by courier to the Department of Revenue on or before the due date of the obligation, in lieu of payment by electronic funds transfer.

(b) The regulations shall not require:

(1) Any payment to be posted to a Commonwealth account prior to the due date, including grace periods, established by law or regulations.

(2) Changes to the method of payment for those payments made by individuals under Article III of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

(3) Changes to the method of payment when the payment is less than one thousand dollars (\$1,000).

(4) Automated clearinghouse debit as the sole and exclusive means of complying with this act and the regulations promulgated pursuant to this act.

(9 amended July 18, 2013, P.L.574, No.71)

Compiler's Note: Section 22 of Act 71 of 2013, which amended section 9, provided that the amendment, under section 23(1) of Act 71, is not dependent upon rulemaking by the Department of Revenue nor the State Treasurer.

Section 9.1. Failure to Make Payment by Electronic Fund Transfer.--Any person who fails to make a required payment by a method prescribed by section 9 shall, in addition to any other penalty, interest or addition provided by law, be liable for a penalty of three per centum of the total tax due not to exceed five hundred dollars (\$500).

(9.1 added Dec. 12, 1994, P.L.1015, No.138)

Section 10. Method of Filing.--(a) The Department of Revenue may require any return, report or other document required to be filed for a tax administered by the department prepared by a third party who submits more than ten returns, reports or other documents required to be filed per year to be filed by any method prescribed by the department, including by telephonic, electronic or other method. Notice of the method of filing shall be published in the Pennsylvania Bulletin and on the Department of Revenue's Internet website at least sixty days prior to the due date of the return, report or other document required to be filed by telephonic, electronic or other method. The notice shall refer to this section.

(b) Failure to file a return, report or other document by the method required under subsection (a) shall subject the tax preparer to a penalty of one percent of the tax due on the return, report or other document up to a maximum of five hundred dollars (\$500), but not less than ten dollars (\$10). This penalty shall be assessed and collected in the manner provided by the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971." This penalty shall be in addition to any civil penalty imposed in the applicable article of the "Tax Reform Code of 1971" for failure to file a return, report or other document. The criminal penalty for failure to file a return, report or other document by the method required under subsection (a) shall be the same as the criminal penalty for failure to file a return, report or other document under the applicable article of the "Tax Reform Code of 1971."

(c) (1) The Department of Revenue may waive the requirement to file by the method required under subsection (a) when the department determines that any of the following apply:

(i) The prescribed filing method causes an undue hardship.

(ii) The preparer or taxpayer requests a waiver in writing that clearly states why the filing method causes an undue hardship.

(2) In determining whether filing by the method required under subsection (a) causes an undue hardship, the Department of Revenue may consider unusual circumstances that may prevent the person from filing by the prescribed method or any other factor that the department determines is relevant.

(10 amended July 18, 2013, P.L.574, No.71)

Compiler's Note: Section 21.1 of Act 71 of 2013, which amended section 10, provided that section 3 of Act 71 shall apply to reports, returns or other documents due

on or after January 1, 2014. Section 22 of Act 71 provided that the amendment, under section 23(1) of Act 71, is not dependent upon rulemaking by the Department of Revenue nor the State Treasurer.

ARTICLE I-A
EMERGENCY FINANCE AND TAX PROVISIONS
(Art. added March 27, 2020, P.L.30, No.10)

Section 101-A. Declaration of policy.

The General Assembly finds and declares as follows:

(1) There are circumstances under which it is impossible to effectively comply with law relating to State finance or State tax.

(2) When circumstances under paragraph (1) arise, it is necessary for Commonwealth agencies to exercise powers and duties set forth in this article.

(101-A amended Feb. 5, 2021, P.L.1, No.1)

Section 102-A. Department of Revenue.

(102-A expired July 31, 2020. See Act 10 of 2020)

Section 103-A. Department of Community and Economic Development.

(103-A expired July 31, 2020. See Act 10 of 2020)

Section 104-A. Nontaxability of certain income. (104-A repealed July 8, 2022, P.L.513, No.53)

Compiler's Note: Section 5.1(1) of Act 1 of 2021 provided that the addition of section 104-A(a) shall apply to the taxable year in which a loan under section 104-A(a)(1) was forgiven.

Section 5.1(2) of Act 1 of 2021 provided that the addition of section 104-A(b) shall apply to a taxable year in which a payment under section 104-A(b) is received.

ARTICLE I-B
REGIONAL RESPONSE HEALTH COLLABORATION
(Art. added May 29, 2020, P.L.186, No.24)

Section 101-B. Definitions.

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

"Assisted living residence." As defined in section 1001 of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

"COVID-19." The novel coronavirus as identified in the Governor's Proclamation of Disaster Emergency issued on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020).

"Department." The Department of Human Services of the Commonwealth.

"Facility." Any of the following:

(1) An assisted living residence.

(2) A long-term care nursing facility.

(3) A personal care home.

"Health collaborative." A collaboration of a local health care system that provides educational support and clinical coaching in a specific region of this Commonwealth. The term includes an academic medical center located in this Commonwealth.

"Long-term care nursing facility." As defined in section 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

"Personal care home." As defined in section 1001 of the Human Services Code.

(101-B added May 29, 2020, P.L.186, No.24)

Section 102-B. Establishment.

The Regional Response Health Collaborative Program is established within the department.

(102-B added May 29, 2020, P.L.186, No.24)

Section 103-B. Duties of department.

The department shall do the following to implement the Regional Response Health Collaborative Program:

(1) Divide the Commonwealth into six geographic regions, as follows:

- (i) Northeast.
- (ii) Southeast.
- (iii) North central.
- (iv) South central.
- (v) Northwest.
- (vi) Southwest.

(2) Solicit proposals from and enter into a grant agreement with at least one eligible health collaborative applicant from each region under paragraph (1) to provide operations, management and administration to protect residents in facilities from COVID-19.

(3) Establish guidelines for each health collaborative to:

(i) Promote health and stabilize the economy of the region by directly supporting COVID-19 readiness and response in facilities.

(ii) Improve the quality of care related to infection prevention and other priority health care conditions common to facilities.

(iii) Expand COVID-19 testing to include asymptomatic staff and residents in facilities to expand public health surveillance.

(iv) Implement best practices in infection control, including, but not limited to:

- (A) enhanced testing capability;
- (B) infection control consultation and implementation, including contact tracing; and
- (C) advanced clinical care, including onsite and telemedicine-supported clinical care, remote monitoring and physician consultation.

(103-B added May 29, 2020, P.L.186, No.24)

Section 104-B. Eligibility.

In order to be deemed an eligible applicant, a health collaborative must provide information on how it would meet the guidelines under section 103-B when submitting an application to the department.

(104-B added May 29, 2020, P.L.186, No.24)

Section 105-B. Funding.

Funding for the Regional Response Health Collaborative Program shall come from the following sources:

(1) From money appropriated for COVID Relief - Long-Term Living Programs, \$175,000,000 shall be distributed by the department for the purposes provided under section 103-B(2).

(2) An allocation of up to \$175,000,000 from funding received by the Commonwealth from the United States Department of Health and Human Services or Centers for Disease Control and Prevention for testing through Division

B of Title I of the Federal Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139).
(105-B added May 29, 2020, P.L.186, No.24)

ARTICLE I-C
EMERGENCY COVID-19 RESPONSE
(Art. added May 29, 2020, P.L.186, No.24)

SUBARTICLE A
PRELIMINARY PROVISIONS
(Subart. added May 29, 2020, P.L.186, No.24)

Section 101-C. Definitions.

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

"Account." The COVID-19 Response Restricted Account established under section 110-C.

"American Rescue Plan Act of 2021" or "ARPA." The American Rescue Plan Act of 2021 (Public Law 117-2, 135 Stat. 4). (Def. added July 11, 2022, P.L.540, No.54)

"CARES Act." The Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136, 134 Stat. 281).

"Human Services Code." The act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

(101-C added May 29, 2020, P.L.186, No.24)

SUBARTICLE B
COVID-19 RESPONSE RESTRICTED ACCOUNT
(Subart. added May 29, 2020, P.L.186, No.24)

Section 110-C. COVID-19 Response Restricted Account.

The COVID-19 Response Restricted Account is established in the General Fund as a restricted account. Money received by the Commonwealth from the Federal Government under Division A of Title V of the CARES Act shall be deposited into the account. All money in the account shall be appropriated by the General Assembly.

(110-C added May 29, 2020, P.L.186, No.24)

Section 111-C. Money in account.

(a) Continuation.--Except as provided under subsections (d.1) and (d.2), all money in the account, including, but not limited to, money credited to the account under section 110-C, prior year encumbrances and any earned interest, shall not lapse or be transferred to any other fund or account.

(b) County Block Grants.--(Deleted by amendment).

(c) Distribution.--(Deleted by amendment).

(d) Use of funds.--(Deleted by amendment).

(d.1) Unexpended funds.--The following shall apply:

(1) Except as provided in subsections (d.2) and (d.3), money received by the Commonwealth from the Federal Government under Division A of Title V of the Federal Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136, 134 Stat. 281) and initially deposited into the account that remains unexpended as of December 1, 2020, including, but not limited to, any money previously appropriated to the Pennsylvania Housing Finance Agency and the Department of Community and Economic Development, including distributions to the counties, shall be returned to the account by December 15, 2020.

(2) The money in the account under paragraph (1) as of December 22, 2020, is appropriated and shall be transferred

by the State Treasurer to the Department of Corrections to meet payroll expenses for public safety and health care or similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

(d.2) Extension of time for Regional Response Health Collaboration.--Money appropriated for COVID Relief - Long-Term Living Programs for distribution under section 105-B(1) that remains unexpended from the State Treasury as of December 30, 2020, is appropriated and shall be transferred by the State Treasurer to the Department of Corrections to meet payroll expenses for public safety and health care or similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

(d.3) Supplement to the General Appropriation Act of 2020.--Money appropriated under the act of November 23, 2020 (P.L.1469, No.17A), known as the Supplement to the Appropriation Act of 2020, from the account is not subject to subsections (d.1) and (d.2).

(e) Notification by treasurer.--

(1) By November 29, 2020, the State Treasurer shall notify the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives of the amount of money under subsection (d.1) that is estimated to remain unexpended as of December 1, 2020, and will be transferred under subsection (d.1).

(2) By December 29, 2020, the State Treasurer shall notify the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives of the amount of money under subsection (d.2) that is estimated to remain unexpended as of December 30, 2020, and will be transferred under subsection (d.2).

(f) Notification.--(Deleted by amendment).

(g) Transfer.--((g) repealed July 11, 2022, P.L.540, No.54). (111-C amended Nov. 23, 2020, P.L.1140, No.114)

Compiler's Note: Section 17(1) of Act 114 of 2020, which amended section 111-C, provided that the amendment of section 111-C shall apply retroactively to May 29, 2020. Section 39(1) of Act 54 of 2022, which repealed section 111-C(g), provided that the repeal of section 111-C(g) shall apply retroactively to July 1, 2022.

SUBARTICLE B.1 EXECUTIVE OFFICES

(Subart. added July 11, 2022, P.L.540, No.54)

Section 115-C. Transfer to the Unemployment Compensation Trust Fund.

(a) Certification of information.--No later than September 1, 2022, November 1, 2022, December 15, 2022, and February 1, 2023, the Secretary of Labor and Industry shall certify to the Secretary of the Budget, the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives all of the following:

(1) The balance of the Unemployment Compensation Trust Fund as of the date of the certification.

(2) The estimated revenues to be deposited into the Unemployment Compensation Trust Fund for the remainder of the fiscal year.

(3) The estimated expenditures from the Unemployment Compensation Trust Fund for the remainder of the fiscal year.

(4) The balance of the loans from the Federal Government as of the date of the certification.

(5) Whether the balance of the loans under paragraph (4) will subject the Commonwealth to a FUTA credit reduction if the loans are not repaid by January 1, 2023.

(b) Transfer.--Upon receipt of a certification under subsection (a), the Secretary of the Budget shall transfer amounts from the appropriation for COVID Relief - ARPA - Transfer to the Unemployment Compensation Trust Fund to the Unemployment Compensation Trust Fund. Amounts transferred to the Unemployment Compensation Trust Fund under this subsection shall be used as follows:

(1) To repay advances prior to November 10, 2022, to avoid a reduction in the tax credit available to employers under 26 U.S.C. § 3302 (relating to credits against tax).

(2) To repay the entire outstanding advances prior to January 1, 2023, to avoid a reduction in the tax credit available to employers under 26 U.S.C. § 3302.

(3) Excess money remaining after advances are paid in accordance with paragraphs (1) and (2) shall be used to repay outstanding advances prior to April 30, 2023.

(4) After April 30, 2023, any remaining money shall be used in the following order of priority:

(i) The repayment of outstanding advances.

(ii) The payment of benefits under the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, if the department determines that additional advances will not be necessary for at least one year.

(115-C added July 11, 2022, P.L.540, No.54)

Section 116-C. Local Law Enforcement Support Grant Program.

(a) Establishment.--The commission shall establish the Local Law Enforcement Support Grant Program for law enforcement agencies.

(b) Administration.--The program shall provide a law enforcement agency with the necessary resources to allow the law enforcement agency to implement information technology improvements, purchase or upgrade equipment, cover nontraditional law enforcement personnel costs, support retention and recruitment efforts and provide necessary training and cover related expenses.

(c) Applications.--The commission shall prescribe the form and manner in which an application may be submitted to receive a grant award under the program. The commission shall accept applications on an annual basis.

(d) Use of grants.--From money appropriated for COVID Relief - ARPA - Local Law Enforcement Support, a law enforcement agency may use a grant award under the program for any of the following:

(1) Technology and information technology improvements, including, but not limited to, record management systems, report management systems and national incident-based reporting system updates.

(2) Hardware and software equipment, including, but not limited to, body-worn cameras, vehicle cameras and mobile information technology equipment.

(3) Nonsworn personnel costs, including, but not limited to, civilian personnel, co-responder models, crisis intervention specialists or civilian community relations specialists.

(4) Nonreoccurring personnel costs for sworn officers, including, but not limited to, officer wellness programs, programs that support increased diversity and retention and recruitment programs.

(5) Policy development, evidence-based practices and training, including, but not limited to, crisis intervention training, use of force training, implicit bias training, deescalation training and associated costs related to training.

(e) Prioritization.--The commission shall prioritize issuing grants under the program for areas of this Commonwealth with high rates of violence or to law enforcement agencies with low clearance rates.

(f) Limitations.--The following shall apply to grants issued by the commission under the program:

(1) A grant award to a city of the first class shall not exceed \$25,000,000.

(2) A grant award to a city of the second class shall not exceed \$20,000,000.

(3) A grant award to a municipality with a population of 55,000 or greater based on the most recent Federal decennial census, not including a city of the first class or a city of the second class, shall not exceed \$10,000,000.

(4) A grant award to a municipality with a population between 18,000 and 55,000 based on the most recent Federal decennial census, not including a city of the first class or a city of the second class, shall not exceed \$5,000,000.

(5) A grant award to a municipality with a population less than 18,000 based on the most recent Federal decennial census, not including a city of the first class or a city of the second class, shall not exceed \$1,000,000.

(6) A grant award to a transit agency or campus police or university police department shall not exceed \$5,000,000.

(7) A grant award to an airport authority police department or a county park police force shall not exceed \$500,000.

(g) Supplement not supplant.--Grant money allocated through the program shall be used to supplement and not supplant existing funding. Nothing in this section shall be construed to prohibit a law enforcement agency from making an application to receive a grant award under the program in a subsequent year for the same purpose and amount in the prior year.

(h) Diversity.--The commission shall ensure that grant awards made under the program are geographically dispersed throughout this Commonwealth.

(i) Performance metrics.--The commission shall include performance metrics to measure the progress of grants awarded under the program.

(j) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Commission." The Pennsylvania Commission on Crime and Delinquency.

"Law enforcement agency." Any of the following:

(1) A public agency of a political subdivision having general police powers and charged with making arrests in connection with the enforcement of the criminal or traffic laws.

(2) A campus police or university police department, as used in section 2416 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, certified by the Office of Attorney General as a criminal justice agency under the definition of criminal justice agency in 18 Pa.C.S. § 9102 (relating to definitions).

(3) A railroad or street railway police department formed with officers commissioned under 22 Pa.C.S. Ch. 33 (relating to railroad and street railway police) or any prior statute providing for the commissioning.

(4) An airport authority police department, including the Harrisburg International Airport Police.

(5) A county park police force under section 2511(b) of the act of August 9, 1955 (P.L.323, No.130), known as The County Code.

"Most recent Federal decennial census." The population figures for the most recent Federal decennial census as published by the Department of General Services in the most recent Pennsylvania Manual as of the effective date of this section.

"Program." The Local Law Enforcement Support Grant Program established under subsection (a).

(116-C added July 11, 2022, P.L.540, No.54)
Section 117-C. Gun Violence Investigation and Prosecution Grant Program.

(a) Establishment.--The commission shall establish the Gun Violence Investigation and Prosecution Grant Program.

(b) Administration.--The program shall make grants to county district attorneys' offices and local law enforcement agencies to investigate and prosecute the following:

(1) A violation of 18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles).

(2) A crime of violence as defined in 42 Pa.C.S. § 9714(g) (relating to sentences for second and subsequent offenses) where a firearm or a replica of a firearm, as defined in 42 Pa.C.S. § 9712(e) (relating to sentences for offenses committed with firearms), is used in the commission of the crime.

(c) Applications.--The commission shall prescribe the form and manner in which an application may be submitted to receive a grant award under the program. The commission shall accept applications on an annual basis.

(d) Use of grant funds.--From money appropriated for COVID Relief - ARPA - Gun Violence Investigation and Prosecution, grant funds may be used for any of the following purposes:

(1) To improve and enhance coordination of Federal, State and local law enforcement investigations and prosecutions of violations of 18 Pa.C.S. Ch. 61 and crimes of violence involving firearms.

(2) To support personnel costs, including salaries and overtime, relating to investigations and prosecutions of violations of 18 Pa.C.S. Ch. 61 and crimes of violence involving firearms, with priority given to applications focusing on straw purchasers and firearms trafficking.

(3) To purchase technology systems, including related hardware and software, to improve investigations and prosecutions or increase clearance rates, including the purchase of gunshot detection technology and other technologies that support firearm violence reduction initiatives.

(4) Initiatives that support the tracing of firearms used to commit crimes or delinquent acts and the identification of illegal firearms traffickers.

(5) Any other efforts that aid in the investigation, arrest and prosecution of a crime involving firearms.

(e) Limitations.--The limitations under section 116-C(f) for the law enforcement grant program shall apply to a grant awarded under this section.

(f) Priority in awards.--In awarding grants under this program, the commission shall prioritize applications for areas of this Commonwealth experiencing high rates of gun violence. The commission shall reserve no less than 10% of available grant funds for county district attorneys' offices and law enforcement agencies serving rural communities.

(g) Information collection.--To assist the commission in determining the effectiveness of grant outcomes under the program, the Administrative Office of Pennsylvania Courts shall provide the commission with real-time data information on all individuals charged with firearm offenses and their disposition outcomes. The commission shall use the data received under this subsection to provide a real-time analysis on grant recipient outcomes on the commission's publicly accessible Internet website.

(h) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Law enforcement agency." Shall have the same meaning as provided under section 116-C(j).

"Program." The Gun Violence Investigation and Prosecution Grant Program established under subsection (a).

(117-C added July 11, 2022, P.L.540, No.54)
Section 118-C. Violence Intervention and Prevention.

(a) Use of funds.--Money appropriated for COVID Relief - ARPA - Violence Intervention and Prevention shall be used solely to provide grants and technical assistance to community-based organizations, institutions of higher education, municipalities, district attorneys and other entities in accordance with section 1306-B(b) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, and notwithstanding section 1306-B(h)(7) of the Public School Code of 1949 for programs eligible under section 1306-B(j)(22) of the Public School Code of 1949.

(b) (Reserved).

(118-C added July 11, 2022, P.L.540, No.54)

SUBARTICLE C

DEPARTMENT OF AGRICULTURE

(Subart. added May 29, 2020, P.L.186, No.24)

Section 120-C. Dairy Assistance.

(a) COVID Dairy Assistance.--Money appropriated for COVID Relief - Dairy Assistance Program shall be used to make payments to each dairy farm that experienced a loss from the production of milk that was discarded during the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency, and applies for assistance. The payment under this section shall be determined as follows:

(1) A minimum COVID Dairy Assistance payment equal to \$1,500; and

(2) A pro rata share of any funds remaining after payments under paragraph (1) based upon the volume of the

dairy farm's milk that was discarded during the disaster emergency compared to the total volume of milk discarded during the disaster emergency.

(b) Application.--The Department of Agriculture shall develop an application for dairy farmers to apply for assistance under this section within 15 days of the effective date of this section. The application shall be made available and posted on the Department of Agriculture's publicly accessible Internet website and be in a form that can be completed and returned by the dairy farmer electronically or through United States mail. The deadline for submitting applications to the department shall be September 30, 2020.

(c) Methodology.--The Department of Agriculture, in consultation with the Milk Marketing Board, shall determine the method to calculate the volume of discarded milk.

(d) Payments.--Payments under this section shall be made no later than November 30, 2020.

(e) Report.--By December 31, 2020, the Department of Agriculture shall issue a report to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives and post the report on the Department of Agriculture's publicly accessible Internet website. The report shall include the following information:

(1) The total number of dairy farms that applied for assistance under this section.

(2) The total amount of discarded milk for which assistance under this section was sought.

(3) The average amount of discarded milk per dairy farm that applied for assistance under this section.

(4) An estimate of the total value of discarded milk for which assistance was sought under this section.

(5) The average value of discarded milk per dairy farm that applied for assistance under this section.

(6) The total number of dairy farms that received assistance under this section by county.

(7) The total dollar value of assistance payments under this section by county.

(f) Definitions.--For the purpose of this section, "discarded milk" shall be defined as the volume of milk produced compared to the volume of milk that was hauled to a processor.

(120-C added May 29, 2020, P.L.186, No.24)

Section 121-C. Pennsylvania Agricultural Surplus System.

From money appropriated for COVID Relief - Dairy Assistance Program, no more than \$5,000,000 may be administered by the Department of Agriculture under the provisions of the act of November 23, 2010 (P.L.1134, No.113), known as the Pennsylvania Agricultural Surplus System Act. The money shall be used to donate, sell or otherwise provide dairy products to charitable food organizations in existence within this Commonwealth.

(121-C added May 29, 2020, P.L.186, No.24)

Section 122-C. State Food Purchase Program.

Money appropriated for COVID Relief - State Food Purchase Program shall be used for grants to counties for the purchase of food to be provided to needy persons in this Commonwealth, which shall be administered by the Department of Agriculture under the provisions of the act of December 11, 1992 (P.L.807, No.129), known as the State Food Purchase Program Act. This amount may include no more than \$5,000,000 to be used to donate, sell or otherwise provide food products to charitable food organizations in existence within this Commonwealth under the

provisions of the act of November 23, 2010 (P.L.1134, No.113), known as the Pennsylvania Agricultural Surplus System Act.

(122-C added May 29, 2020, P.L.186, No.24)

SUBARTICLE D

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

(Subart. added May 29, 2020, P.L.186, No.24)

Section 130-C. County Block Grant.

(a) General rule.--From money appropriated for COVID Relief - County Block Grant for county block grants, each county shall receive an amount equal to the population proportion amount as determined by subsection (e).

(a.1) Distribution.--The Department of Community and Economic Development shall distribute funding to counties on or before July 15, 2020.

(b) Minimum distribution.--No county shall receive a distribution under this section that is less than \$1,000,000.

(c) Proration.--The distribution to a county shall be adjusted on a pro rata basis to the extent necessary to meet the minimum distribution requirements under subsection (b) and not exceed the total amount appropriated for county block grants.

(d) Exclusion.--A county that has received a disbursement directly from the Federal Government through the CARES Act is not eligible to receive funds under this subarticle.

(e) Population proportion amount.--For the purposes of subsection (a), the population proportion shall be determined as follows:

(1) the population estimate of the county; divided by

(2) the sum of the population estimates of all counties minus the sum of the population estimates of all counties that received a disbursement directly from the Federal Government through the CARES Act.

(f) Population estimate.--For purposes of this section, a county's population shall be equal to the published estimate by the United States Census Bureau Population Estimates Program for calendar year 2019.

(130-C added May 29, 2020, P.L.186, No.24)

Section 131-C. Eligible uses of funds.

Funds appropriated to a county for COVID Relief - County Block Grant shall only be used for the following purposes:

(1) Offsetting the cost of direct county response, planning and outreach efforts related to COVID-19, including the purchase of personal protective equipment. A county may incur direct administrative costs for the County Block Grant Program under this subarticle not to exceed 2% of the amount received or \$200,000, whichever is less.

(2) Small business grant programs to support businesses with fewer than 100 employees with priority given to those businesses that did not receive a loan or grant through the Federal Paycheck Protection Program or the Economic Injury Disaster Loan Program established under the CARES Act and to support businesses and other entities that are primarily engaged in the tourism industry, including State and county fairs, regardless of the number of employees the business or other entity has. Counties may utilize Community Development Financial Institutions to administer all or a portion of their small business grant programs.

(3) Grant programs to support the following entities for costs related to assisting businesses during the COVID-19 disaster emergency:

- (i) Certified Economic Development Organizations.
 - (ii) Local Development Districts.
 - (iii) Industrial Resource Centers.
 - (iv) Small Business Development Centers.
 - (v) Economic Development Corporations.
- (4) Assistance to cities, boroughs, incorporated towns or townships located within the county for response and planning efforts related to COVID-19, including the purchase of personal protective equipment.
- (5) Behavioral health and substance use disorder treatment services.
- (6) Nonprofit assistance programs for entities that are an exempt organization under section 501(c)(3) or 501(c)(19) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).
- (7) Broadband Internet deployment with priority given to unserved or underserved areas.
- (131-C added May 29, 2020, P.L.186, No.24)
- Section 132-C. Cultural and museum preservation grants (Expired).

Compiler's Note: Section 132-C expired on or before December 1, 2020. See also sections 2 and 17(1) of Act 114 of 2020. Section 133-C. Food Access Initiative.

From money appropriated to the Department of Community and Economic Development for COVID Relief - Food Access Initiative, \$10,000,000 shall be distributed to the Food Access Initiative.

(133-C added May 29, 2020, P.L.186, No.24)

Section 134-C. Hospitality Industry Recovery Program.

(a) County block grants.--From money appropriated to the department for COVID Relief - County Block Grant - Hospitality Industry Recovery Program, each county shall receive an amount equal to the population proportion amount as determined by paragraph (2). The following shall apply:

(1) The department shall distribute funding to counties under this subsection on or before February 28, 2021.

(2) For purposes of this subsection, the population proportion amount shall be determined as follows:

(i) divide:

(A) the population estimate of the county; by

(B) the sum of the population estimates of all counties; and

(ii) multiply the quotient under subparagraph (i) by the total amount appropriated for COVID Relief - County Block Grant - Hospitality Industry Recovery Program.

(3) For purposes of this subsection, a county's population shall be equal to the published estimate by the United States Census Bureau Population Estimates Program for calendar year 2019.

(b) County Block Grant - Hospitality Industry Recovery Program.--The County Block Grant - Hospitality Industry Recovery Program is established within the department. The following shall apply to the program:

(1) No later than March 1, 2021, each county that receives a block grant under this section shall contract with one or more CEDO or CDFI designated to serve that county to award grants under this subsection.

(2) Subject to the prohibition under subparagraph (ii), grants may be awarded to eligible applicants for the purpose of alleviating revenue losses and paying eligible operating

expenses. The following shall apply to grants awarded under this subsection:

(i) A grant awarded to an eligible applicant under this subsection may not exceed \$50,000.

(ii) A grant may not be awarded to pay for the same eligible operating expenses for which an eligible applicant receives or received payment, reimbursement or loan forgiveness from the following sources:

(A) The CARES Act or Consolidated Appropriations Act, 2021 money that is not required to be repaid to the Federal Government.

(B) The act of May 29, 2020 (P.L.1442, No.2A), known as the COVID-19 Emergency Supplement to the General Appropriation Act of 2019.

(3) The receipt of a loan or grant issued under the authority of the Federal Government or the Commonwealth shall not disqualify an applicant from eligibility for a grant under this section.

(4) Priority in the awarding of grants shall be given to eligible applicants that:

(i) have not received a loan or grant issued under the authority of the Commonwealth or the Commonwealth's political subdivisions or by the Federal Government under the CARES Act or Consolidated Appropriations Act, 2021;

(ii) were subject to closure by the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency; or

(iii) can demonstrate a reduction in revenue which meets one of the following:

(A) A reduction in gross receipts of 50% or more for the period beginning after March 31, 2020, and ending before December 31, 2020, in comparison to the period beginning after March 31, 2019, and ending before December 31, 2019.

(B) If the eligible applicant was not in operation during the entire comparison period under clause (A), but was in operation on February 15, 2020, a monthly average reduction in gross receipts of 50% or more for the period beginning after March 31, 2020, and ending before December 31, 2020, in comparison to the period beginning after January 1, 2020, and ending before April 1, 2020.

(5) The following shall apply to applications:

(i) Applications for grants under this section shall be in a form determined by a county with input from a CEDO or CDFI processing the applications on behalf of a county and shall contain documentation as required by the county. Applications shall be available electronically.

(ii) By March 15, 2021, each CEDO or CDFI shall receive and consider applications on a rolling basis until funding for grants received by the county under subsection (a) in which the CEDO or CDFI is designated to perform services has been exhausted, or June 15, 2021, whichever occurs first.

(6) The following shall apply to reviewing applications:

(i) By July 15, 2021, each CEDO or CDFI shall approve or disapprove applications for grants under the program.

(ii) Upon approving an application under subparagraph (i), a CEDO or CDFI shall enter into a grant

agreement with the eligible applicant in order to award the grant.

(iii) The grant agreement required under subparagraph (ii) shall explain the terms and conditions of the grant, including each applicable law, statute and reporting requirement.

(iv) The grant agreement under subparagraph (ii) may be electronically signed and returned to the CEDO or CDFI that approved the application.

(7) An eligible applicant or authorized representative of the eligible applicant making application to the program must certify in good faith to each of the following:

(i) The eligible applicant was in operation on February 15, 2020, and, if required, paid income taxes to the Federal and State Government, as reported on individual or business tax returns.

(ii) The eligible applicant remains in operation and does not intend to permanently cease operations within one year of the date of application.

(iii) COVID-19 has had an adverse economic impact on the eligible applicant which makes the grant request necessary to support the ongoing operations of the eligible applicant.

(iv) The grant will be used to pay for COVID-19-related economic impacts.

(v) During the period beginning on January 1, 2021, and ending on June 30, 2021, the applicant has not and will not receive another grant under this program.

(vi) An eligible applicant or authorized representative of the eligible applicant must certify that the information provided in an application to the program and the information provided in all supporting documents and forms is true and accurate in all material respects. An eligible applicant or an authorized representative of the eligible applicant that knowingly makes a false statement to obtain a grant under the program is punishable under penalty of perjury and fines pursuant to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(8) The following shall apply to the awarding of grants under this subsection:

(i) A CEDO or CDFI contracted to award grants may award grants in increments of \$5,000, not to exceed the limitation under paragraph (2)(i).

(ii) A fully executed grant agreement as required under paragraph (6) is required prior to disbursement of grant funds.

(iii) The aggregate amount of all grants awarded may not exceed the amount of money received by the county under subsection (a) in which the CEDO or CDFI is designated to perform services for the County Block Grant - Hospitality Industry Recovery Program.

(9) A CEDO or CDFI may charge a fee not to exceed \$500 per completed and reviewed grant application. Fees charged under this paragraph shall be deducted from the total amount of money distributed to the county under subsection (a) in which the CEDO or CDFI is designated to perform services for the County Block Grant - Hospitality Industry Recovery Program and may not reduce the amount of the grant awarded to an eligible applicant.

(10) Each grant awarded under this subsection shall be paid to eligible applicants by July 31, 2021.

(11) A county providing grants under this subsection shall compile a report, which shall include the following:

- (i) A list of each grant awarded under the program.
- (ii) The name and address of each grant recipient.
- (iii) The amount of the grant and a description of the financial impact to the grantee for which the grant was awarded.
- (iv) The name of the CEDO or CDFI that processed the grant.

(12) A report required under paragraph (11) shall be submitted to the department by August 31, 2021. The department shall prepare a consolidated report with information from all counties and shall submit the report to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives by September 30, 2021. The report shall also be posted and maintained on the county's and department's publicly accessible Internet website.

(13) A county awarding grants and a CEDO or CDFI processing grants on behalf of a county under this subsection shall provide documentation to the Department of the Auditor General or the department, upon request, for purposes of an audit review.

(14) The department is prohibited from placing any additional stipulations on counties that are in addition to this section.

(c) Return of unused funds.--A county receiving a block grant under subsection (a) that does not expend its entire distribution on the program by August 15, 2021, shall return any unused funds to the State Treasurer for deposit into the Workers' Compensation Security Fund.

(d) (Reserved).

(e) Definitions.--The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"CDFI." A community development financial institution that is certified by the United States Department of the Treasury, is headquartered in this Commonwealth, is part of the 17-member Pennsylvania CDFI network and primarily provides business loans to low-to-moderate income individuals and business owners.

"Certified economic development organization" or "CEDO." An economic development organization that has been certified by the Pennsylvania Industrial Development Authority or an economic development organization that serves more than one county and is accredited by the International Economic Development Council.

"Consolidated Appropriations Act, 2021." The Consolidated Appropriations Act, 2021 (Public Law 116-260, 134 Stat. 1182).

"Department." The Department of Community and Economic Development of the Commonwealth.

"Economic development organization." A local development district, an industrial development agency, industrial resource center, redevelopment authority, community development financial institution or any other nonprofit economic development organization that is certified to participate in the Pennsylvania Industrial Development Authority loan program.

"Eligible applicant." A for-profit entity that meets each of the following:

(1) Is not publicly traded.

(2) Experienced a reduction in revenue in calendar year 2020, measured as follows:

(i) the applicant had gross receipts during the first, second, third or fourth quarter in calendar year 2020 that demonstrate at least a 25% reduction from the applicant's gross receipts during the same quarter in calendar year 2019;

(ii) if the applicant was not in business during the first or second quarter of calendar year 2019, but was in business during the third and fourth quarters of calendar year 2019, the applicant had gross receipts during the first, second, third or fourth quarter of calendar year 2020 that demonstrate at least a 25% reduction from the applicant's gross receipts during the third or fourth quarter of calendar year 2019;

(iii) if the applicant was not in business during the first, second or third quarter of calendar year 2019, but was in business during the fourth quarter of calendar year 2019, the applicant had gross receipts during the first, second, third or fourth quarter of calendar year 2020 that demonstrate at least a 25% reduction from the fourth quarter of calendar year 2019;

(iv) if the applicant was not in business during calendar year 2019, but was in operation on February 15, 2020, the applicant had gross receipts during the second, third or fourth quarter of calendar year 2020 that demonstrate at least a 25% reduction from the gross receipts of the entity during the first quarter of calendar year 2020; or

(v) an applicant that was in operation in all four quarters of calendar year 2019 is deemed to have experienced the revenue reduction in subparagraph (i) if the applicant experienced a reduction in annual receipts of at least 25% in 2020 compared to 2019 and the applicant provides copies of its annual Federal tax forms substantiating the revenue decline.

(vi) If an applicant changed ownership or control in calendar year 2020, the applicant may measure its reduction in revenue in calendar year 2020 under subparagraphs (i), (ii), (iii), (iv) or (v) using the gross receipts of the entity for 2019.

(3) Meets each of the following conditions as of February 15, 2020:

(i) Operates a place of business within this Commonwealth having a NAICS designation within the Accommodation subsector (721) or Food Services and Drinking Places subsector (722) and where accommodations, food or drink is served to or provided for the public, with or without charge.

(ii) Has fewer than 300 full-time equivalent employees. For purposes of determining the number of full-time equivalent employees under this subparagraph, the calculation shall include each employee of the eligible applicant notwithstanding whether the eligible applicant has employees at multiple locations.

(iii) Has a maximum tangible net worth of not more than \$15,000,000 computed in accordance with generally accepted accounting principles.

"Eligible operating expense." An operating expense, including a payroll and nonpayroll expense, that is both ordinary and necessary. An ordinary expense is one that is common and accepted in an eligible applicant's industry. A necessary expense is one that is helpful and appropriate for an eligible applicant's trade or business. For purposes of

determining an eligible operating expense, the following limitations shall apply:

(1) The operating expense must have been incurred between March 1, 2020, and June 15, 2021, or prior to submission of an application under subsection (b), whichever occurs first.

(2) For a mortgage obligation, the mortgage must have been in force before February 15, 2020.

(3) For rent, under lease agreements, the lease agreement must have been in force before February 15, 2020.

(4) For utility costs, service must have begun before February 15, 2020.

(5) If an existing mortgage obligation or lease agreement in force before February 15, 2020, is refinanced or restructured after February 15, 2020, the mortgage obligation or lease agreement is deemed to have been in force before February 15, 2020.

"Full-time equivalent employee." The quotient obtained by dividing the total number of hours for which employees were compensated for employment over the preceding 12-month period by 2,080.

"Gross receipts." Revenue in whatever form received or accrued, in accordance with the entity's accounting method, from whatever source, including from the sales of products or services, interest, dividends, rents, royalties, fees or commissions, reduced by returns and allowances. The term does not include the following:

(1) taxes collected for and remitted to a taxing authority if included in gross or total income, such as sales or other taxes collected from customers and excluding taxes levied on the concern or its employees;

(2) proceeds from transactions between a concern and its domestic or foreign affiliates; and

(3) amounts collected for another by a travel agent, real estate agent, advertising agent or conference management service provider.

"NAICS." A classification within the North American Industry Classification System developed for use by Federal statistical agencies for the collection, analysis and publication of statistical data related to the United States economy.

"Program." The County Block Grant - Hospitality Industry Recovery Program established under subsection (b).

(134-C added Feb. 5, 2021, P.L.1, No.1)

Compiler's Note: Section 6(1) of Act 1 of 2021 provided that the sum of \$145,000,000 of amounts transferred under section 1726-M(e) is appropriated to the Department of Community and Economic Development for fiscal year 2020-2021 from the COVID-19 Response Restricted Account for COVID Relief - County Block Grant - Hospitality Industry Recovery Program for the purpose of awarding grants under section 134-C.

Section 135-C. Whole-Home Repairs Program.

(a) Program established.--The department shall establish the Whole-Home Repairs Program. In administering the Whole-Home Repairs Program, the department shall coordinate with existing Federal and State resources relating to home repairs. From money appropriated for COVID Relief - ARPA - Whole Home Repairs Program, the department shall award funds to no more than one applicant per county. The department may develop and publish guidelines to implement the Whole-Home Repairs Program. The department and grantees may receive up to 4% each for

administrative costs to implement this subsection from money appropriated for the Whole-Home Repairs Program. Nothing in this subsection shall be construed to prohibit an applicant which receives funds from the program under this section from subgranting the funds to another entity approved by the department to perform any of the purposes specified in subsection (b), (c) or (d). An applicant which subgrants the funds to another entity shall notify the department and the department shall maintain a list of the applicants and subgrantees contact information on its publicly accessible Internet website.

(b) Grants.--An applicant who receives funds from the Whole-Home Repairs Program shall make grants available to homeowners whose household income does not exceed 80% of the area median income and shall make loans available to small landlords renting affordable units and recorded against a residential property in a mortgage security. A single grant to a homeowner or a single loan to a small landlord may not exceed \$50,000 per owner-occupied or rental unit and may be used to address habitability concerns, improve energy or water efficiency or to make units accessible for individuals with disabilities.

(c) Loan forgiveness.--The following shall apply:

(1) A loan to a small landlord under subsection (b) may be forgiven if all of the following apply:

(i) The small landlord offered a three-year extension of the lease to a tenant occupying a unit when the funds were accepted by the small landlord.

(ii) Annual increases in monthly rent have not exceeded 3% of the base rent or the unit has been occupied by a tenant participating in the Housing Choice Voucher Program for a period of no less than 15 years.

(iii) In the prior 15 years, the small landlord has not committed a serious violation with regard to the small landlord's rental property for which the small landlord has taken no substantial steps to correct the violation.

(iv) The small landlord has maintained ownership of the unit for a period of no less than 15 years.

(2) The applicant shall recapture a loan not forgiven under this paragraph.

(d) Use of funds.--An applicant who receives funds from the Whole-Home Repairs Program shall also use the funds to do all of the following:

(1) Administer the program under this section, including staff, implementing systems and data management tools designed to maximize enrollment in all existing home repair programs administered by nonprofit organizations, governmental entities and public utilities.

(2) Invest in work force development programs that will connect trainees to jobs through committed employer partnerships related to improving the habitability and performance of homes, including cash stipends for trainees and costs related to the design and implementation of pre-apprenticeship, apprenticeship and publicly funded on-the-job training programs.

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Affordable unit." A unit where the rent is affordable to a tenant at or below 60% of the area median income adjusted for

household size, as defined annually by the Pennsylvania Housing Finance Agency's PennHOMES Program countywide limits.

"Applicant." A nonprofit or governmental entity that serves one or more county.

"Department." The Department of Community and Economic Development.

"Habitability concern." Home repairs that are required to ensure that residential units are:

- (1) fit for human habitation;
- (2) free from defective conditions of health and safety hazards, including asbestos, mold, pests and lead; or
- (3) free of conditions preventing the installation of measures to improve energy or water efficiency and lower utility costs.

"Small landlord." A person who meets all of the following criteria:

- (1) The person is a landlord.
- (2) The person has an ownership stake in no more than five properties and no more than 15 rental units.
- (3) The person rents the properties or units under paragraph (2) for use as a primary residence for a fee, regardless of the length or form of lease.

(135-C added July 11, 2022, P.L.540, No.54)

Section 136-C. Arts and culture recovery grants.

(a) Use of funds.--From money appropriated for COVID Relief - ARPA - Cultural and Museum Preservation Grant Program, the sum of \$15,000,000 shall be transferred to the Commonwealth Financing Authority for the purpose of awarding grants to nonprofit arts and culture organizations, local arts and culture districts and arts and culture professionals located in this Commonwealth to ensure the stability and recovery of the Commonwealth's arts and culture sector from the COVID-19 pandemic. The authority shall issue guidelines to implement this section, which, at a minimum, shall include the following:

(1) Eligibility requirements for grant awards to nonprofit arts and culture organizations, local arts and culture districts, professional artists and other individuals or nonprofit entities which the authority determines meets the intent of this program.

(2) Allowable use of grant funds, which shall include reimbursement of revenue lost due to the COVID-19 pandemic, funding for operating costs to maintain essential functions and recruit and retain core staff, costs related to establishing new programs or marketing and any other use which the authority determines meets the intent of this program.

(3) Minimum and maximum grant amounts, provided that the maximum grant award shall be \$500,000 per applicant.

(b) (Reserved).

(136-C added July 11, 2022, P.L.540, No.54)

SUBARTICLE E

DEPARTMENT OF EDUCATION

(Subart. added May 29, 2020, P.L.186, No.24)

Section 140-C. Department of Education.

(a) General rule.--This section shall apply to appropriations to the Department of Education.

(b) Pre-K Counts Program.--Subject to subsection (d), from money appropriated for the COVID Relief - Pre-K Counts Program, \$7,000,000 shall be distributed to the Pre-K Counts Program.

(c) Head Start State Supplemental Assistance Program.--Subject to subsection (d), from money appropriated for the COVID Relief - Head Start Supplemental Assistance Program, \$2,000,000 shall be distributed to the Head Start State Supplemental Assistance Program.

(d) Applicability.--The following shall apply:

(1) An eligible person or entity receiving a payment under this section must be in operation as of March 31, 2020.

(2) A person or entity receiving a payment under this section shall provide documentation to the Department of Education, upon request, for purposes of an audit review.

(3) A payment received under this section may only be used to cover necessary COVID-19-related costs, including, but not limited to, a cost:

(i) not otherwise reimbursed by Federal, State or another source of funding; and

(ii) incurred during the period between March 1, 2020, and November 30, 2020.

(140-C added May 29, 2020, P.L.186, No.24)

Section 141-C. Emergency education relief to nonpublic schools.

(a) Application and reporting.--From money appropriated for COVID Relief - GEER - Emergency Assistance to Nonpublic Schools during the 2020-2021 fiscal year, the following shall apply:

(1) The Department of Education shall provide to nonpublic schools that are eligible to apply for money under this section a notice and application which includes the appropriate uses of the money and any other information required. The notice and application shall be provided no later than 30 days after the Commonwealth receives the money from the Federal Government.

(2) The Department of Education shall approve or deny an application under this section no later than 30 days after the receipt of the application.

(3) The Department of Education may not apply additional eligibility criteria in addition to Federal law or Federal guidance.

(4) The Department of Education shall submit an interim report to the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives, the chairperson and minority chairperson of the Education Committee of the Senate and the chairperson and minority chairperson of the Education Committee of the House of Representatives 90 days after an award of money is made under this section. The report shall include the number of approved and denied applications, the amount of each award and the intended uses of the money as stated in the applications.

(5) The Department of Education shall submit a final report to the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives, the chairperson and minority chairperson of the Education Committee of the Senate and the chairperson and minority chairperson of the Education Committee of the House of Representatives by January 1, 2022. The report shall include the number of approved and denied applications under this section, the amount of each award and the intended uses of the money as stated in the applications.

(a.1) Reallocation.--From money appropriated for Emergency Education Relief to Nonpublic Schools in 2020-2021, \$1,400,000

shall be reallocated to the amount appropriated for COVID Relief GEER during the 2020-2021 fiscal year. The funding shall only be used in accordance with Federal regulations and this section to support nonpublic schools. ((a.1) added July 11, 2022, P.L.540, No.54)

(b) Definition.--As used in this section, the term "GEER" means the Governor's Emergency Education Relief Fund described under section 312 of Title III of Division M of the Consolidated Appropriations Act, 2021.

(141-C added Feb. 5, 2021, P.L.1, No.1)

Compiler's Note: Section 6(2)(i) of Act 1 of 2021 provided that the sum of \$150,023,000 is appropriated to the Department of Education for the purpose of COVID Relief - GEER - Emergency Assistance to Nonpublic Schools for distribution in accordance with section 141-C. Section 142-C. Emergency education relief to educational entities.

(a) General rule.--From money appropriated for COVID Relief - GEER during the 2020-2021 fiscal year, the following shall apply:

(1) The amount of \$20,000,000 shall be distributed to area career and technical schools as follows:

(i) Multiply the amount received by the area career and technical school from the secondary career and technical education subsidy under section 2502.8 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, for school year 2019-2020 by \$20,000,000.

(ii) Divide the product from subparagraph (i) by the sum of the amounts received by area career and technical schools from the secondary career and technical education subsidy under section 2502.8 of the Public School Code of 1949 for school year 2019-2020.

(2) (Reserved).

(3) The amount of \$8,075,000 shall be distributed to approved private schools, the chartered schools for the education of the deaf or the blind and the private residential rehabilitative institutions as follows:

(i) Multiply the 2019-2020 full-time equivalent enrollment of the approved private school, chartered school for the education of the deaf or the blind or private residential rehabilitative institution by \$8,075,000.

(ii) Divide the product from subparagraph (i) by the sum of the 2019-2020 full-time equivalent enrollment for all approved private schools, chartered schools for the education of the deaf or the blind and private residential rehabilitative institutions.

(4) The amount of \$5,000,000 shall be distributed to the State System of Higher Education to support the ongoing functionality of its member institutions as directed by the chancellor.

(5) The amount of \$14,000,000 shall be distributed to the community colleges as follows:

(i) Multiply the amount received by the community college from the Community College Subsidy under section 1913-A of the Public School Code of 1949 for fiscal year 2019-2020 by \$14,000,000.

(ii) Divide the product under subparagraph (i) by the sum of the amounts received by community colleges from the Community College Subsidy under section 1913-A

of the Public School Code of 1949 for fiscal year 2019-2020.

(b) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Average Daily Membership." The sum of the average daily membership of an intermediate unit's component school districts.

"Full-time equivalent enrollment." The full-time equivalent enrollment as defined under section 1376 of the Public School Code of 1949 for an approved private school, the full-time equivalent enrollment as defined under section 1376.1 of the Public School Code of 1949 for a chartered school for the education of the deaf or the blind and the number of students enrolled under section 914.1-A of the Public School Code of 1949 for a private residential rehabilitative institution.

"GEER." The Governor's Emergency Education Relief Fund as described under section 312 of Title III of Division M of the Consolidated Appropriations Act, 2021.

(142-C added Feb. 5, 2021, P.L.1, No.1)

Compiler's Note: Section 6(2)(ii) of Act 1 of 2021 provided that the sum of \$47,075,000 is appropriated to the Department of Education for the purpose of COVID Relief - GEER for distribution in accordance with section 142-C. Section 143-C. Elementary and secondary school emergency relief for school districts, charter schools and cyber charter schools.

(a) General rule.--From money appropriated for COVID Relief - ARPA - Elementary and Secondary School Emergency Relief, the following shall apply:

(1) The amount of \$249,847,658 shall be distributed to school districts, charter schools and cyber charter schools as grants to address student learning loss as follows:

(i) Multiply the amount received by the school district, charter school or cyber charter school from the allocation of Federal funds under Title I, Part A of the Elementary and Secondary Education Act of 1965 (Public Law 89-10, 20 U.S.C. § 6301 et seq.) for the 2020-2021 school year by \$249,847,658.

(ii) Divide the product from subparagraph (i) by the sum of the amounts received by school districts, charter schools and cyber charter schools from the allocation of Federal funds under Title I, Part A of the Elementary and Secondary Education Act of 1965 for the 2020-2021 school year.

(2) The amount of \$49,969,532 shall be distributed to school districts, charter schools and cyber charter schools as grants for summer enrichment programs as follows:

(i) Multiply the amount received by the school district, charter school or cyber charter school from the allocation of Federal funds under Title I, Part A of the Elementary and Secondary Education Act of 1965 for the 2020-2021 school year by \$49,969,532.

(ii) Divide the product from subparagraph (i) by the sum of the amounts received by school districts, charter schools and cyber charter schools from the allocation of Federal funds under Title I, Part A of the Elementary and Secondary Education Act of 1965 for the 2020-2021 school year.

(3) The amount of \$49,969,532 shall be distributed to school districts, charter schools and cyber charter schools as grants for comprehensive after-school programs as follows:

(i) Multiply the amount received by the school district, charter school or cyber charter school from the allocation of Federal funds under Title I, Part A of the Elementary and Secondary Education Act of 1965 for the 2020-2021 school year by \$49,969,532.

(ii) Divide the product from subparagraph (i) by the sum of the amounts received by school districts, charter schools and cyber charter schools from the allocation of Federal funds under Title I, Part A of the Elementary and Secondary Education Act of 1965 for the 2020-2021 school year.

(b) Grant uses.--Grant money received under this section shall be used by the school districts, charter schools and cyber charter schools to implement evidence-based interventions to address learning loss, provide summer enrichment programs and provide comprehensive after-school programs in response to the academic, social, emotional and mental health needs of students and subgroups of students impacted by the COVID-19 public health emergency that supplement school programs and activities.

(b.1) Minimum grant use requirements.--A school district, charter school or cyber charter school, in consultation with the Department of Education, shall at a minimum use the grant money under subsection (a)(1) as follows:

(1) Thirty percent of the money shall be used to address the social, emotional and mental health needs of students.

(2) Ten percent of the money shall be used to provide professional development and technical assistance to educators, school support staff, school leaders and school health professionals to address the social, emotional and mental health needs of students.

(3) Eight percent of the money shall be used to address reading remediation and improvement for students.

(c) Use of money.--The money allocated for distribution under this section shall not lapse and must be utilized through the period during which ARPA - Elementary and Secondary School Emergency Relief funds may be spent according to Federal law.

(d) Existing personnel.--When available, existing personnel shall be utilized by school districts, charter schools and cyber charter schools to staff programs and activities established with grant money under this section.

(e) Notice of grant amount.--Within 60 days of the effective date of this section, the Department of Education shall notify each school district, charter school and cyber charter school of the amount of grant money, itemized by program and activity, to be received under subsection (a).

(f) Plan required.--Within 90 days of receipt of the notification under subsection (e), the school district, charter school or cyber charter school shall submit a three-part plan, in a manner determined by the Department of Education, to the Department of Education that outlines the proposed use of the grant money, itemized by program and activity. The plan shall include:

(1) A description of each program and activity.

(2) A narrative outlining the expected benefit of each program and activity.

(3) A budget for each program and activity detailing personnel and operating costs.

(g) Department review of plan.--Within 90 days of receipt of a plan submitted under subsection (f), the Department of Education shall review and approve or deny the plan. The department may not apply criteria in addition to Federal law or guidance when approving the use of grant money under the

plan. If the Department of Education fails to complete its review of a plan within 90 days, the plan shall be deemed approved. If the Department of Education denies a plan, the Department of Education shall notify the applicant and state the reasons for the denial. A plan that is denied must be revised and resubmitted to the Department of Education within 15 days in order for the Department of Education to continue to review and approve or deny the plan. Within 30 days of resubmission of a denied plan, the Department of Education shall review and approve or deny the resubmitted plan.

(h) Reporting.--The Department of Education shall submit an interim report to the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives, the chairperson and minority chairperson of the Education Committee of the Senate and the chairperson and minority chairperson of the Education Committee of the House of Representatives no later than November 1, 2021. The report shall include the number of approved and denied plans, the amount of each grant and the intended uses of the grant money as stated in the plans.

(i) Final report.--The Department of Education shall submit a final report to the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives, the chairperson and minority chairperson of the Education Committee of the Senate and the chairperson and minority chairperson of the Education Committee of the House of Representatives no later than November 1, 2025. The report shall include:

- (1) The number of approved and denied plans.
- (2) The amount of each grant.
- (3) The intended uses of the grant money as stated in the plans.
- (4) An analysis of the academic improvement resulting from the programs and activities implemented by school districts, charter schools and cyber charter schools with money allocated for distribution under this section.

(143-C added June 30, 2021, P.L.62, No.24)

Section 144-C. Emergency relief for other educational entities.

(a) General rule.--From money appropriated for COVID Relief - ARPA - Elementary and Secondary School Emergency Relief, the following shall apply:

(1) The amount of \$43,500,000 shall be distributed to area career and technical schools as follows:

(i) Multiply the amount received by the area career and technical school from the secondary career and technical education subsidy under section 2502.8 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, for school year 2019-2020 by \$43,500,000.

(ii) Divide the product from subparagraph (i) by the sum of the amounts received by area career and technical schools from the secondary career and technical education subsidy under section 2502.8 of the Public School Code of 1949 for school year 2019-2020.

(2) The amount of \$15,000,000 shall be distributed to approved private schools, the chartered schools for the education of the deaf or the blind and the private residential rehabilitative institutions as follows:

(i) Multiply the 2019-2020 average daily membership of the approved private school, chartered school for the

education of the deaf or the blind or private residential rehabilitative institution by \$15,000,000.

(ii) Divide the product from subparagraph (i) by the sum of the 2019-2020 average daily membership for all approved private schools, chartered schools for the education of the deaf or the blind and private residential rehabilitative institutions.

(3) The amount of \$43,500,000 shall be distributed to intermediate units as follows:

(i) Multiply the intermediate unit's 2020-2021 market value/income aid ratio by the intermediate unit's 2019-2020 average daily membership.

(ii) Multiply the product from subparagraph (i) by \$43,500,000.

(iii) Divide the product from subparagraph (ii) by the sum of the products of the 2020-2021 market value/income aid ratio multiplied by the 2019-2020 average daily membership for all intermediate units.

(iv) Each intermediate unit shall reserve 10% of its allocation under this paragraph to provide support to school entities, in consultation with the Department of Education.

(v) For the purposes of this paragraph, the term "average daily membership" shall mean the sum of the average daily membership of the intermediate unit's component school districts.

(4) The amount of \$14,000,000 shall be distributed to additional targeted support and improvement schools under the Elementary and Secondary Education Act of 1965 (Public Law 89-10, 20 U.S.C. § 6301 et seq.) as follows:

(i) Multiply the 2019-2020 economically disadvantaged enrollment of the additional targeted support and improvement school by \$14,000,000.

(ii) Divide the product from subparagraph (i) by the sum of the 2019-2020 economically disadvantaged enrollment for all additional targeted support and improvement schools.

For purposes of this paragraph, "economically disadvantaged enrollment" shall mean the economically disadvantaged enrollment reported through the Pennsylvania Information Management System in October 2019.

(5) The amount of \$19,908,593 shall be distributed to educational programs for neglected, delinquent and at-risk youth as follows:

(i) Multiply the amount received by the education program for neglected, delinquent and at-risk youth from the allocation of Federal funds under Title I, Part D of the Elementary and Secondary Education School Act of 1965, related to educational programs for neglected, delinquent and at-risk youth for the school year 2021-2022, by \$19,908,593.

(ii) Divide the product from subparagraph (i) by the sum of the amounts received by educational programs for neglected, delinquent and at-risk youth from the allocation of Federal funds under Title I, Part D of the Elementary and Secondary Education School Act of 1965, related to educational programs for neglected, delinquent and at-risk youth for the school year 2021-2022.

For purposes of this paragraph, "educational programs for neglected, delinquent and at-risk youth" shall mean:

(i) An adult correctional institution in which persons, including persons under 21 years of age, are

confined as a result of conviction for a criminal offense.

(ii) An institution for delinquent children and youth, as determined by the Department of Education, whether a public or private residential facility, other than a foster home, operated primarily for the care of children and youth who have been adjudicated delinquent or in need of supervision and have had an average length of stay in the institution of at least 30 days.

(iii) An institution for neglected children and youth, as determined by the Department of Education, whether a public or private residential facility, other than a foster home, operated primarily for the care of children and youth who have been committed to the institution or voluntarily placed in the institution under applicable State law due to:

(A) abandonment;

(B) neglect; or

(C) death of their parents or guardians and have had an average length of stay in the institution of at least 30 days.

(iv) A community day program that provides a regular program of instruction through a State agency at a community day school operated specifically for neglected, delinquent and at-risk youth.

(b) Use of money.--The money allocated for distribution under this section shall not lapse and must be utilized through the period during which ARPA - Elementary and Secondary School Emergency Relief funds may be spent according to Federal law.

(144-C added June 30, 2021, P.L.62, No.24)

Section 145-C. Emergency education relief to nonpublic schools.

(a) Application and reporting.--From money appropriated for COVID Relief - ARPA - Emergency Assistance to Non-Public Schools, the following shall apply:

(1) The Department of Education shall provide to nonpublic schools that are eligible to apply for money under this section a notice and application which includes the appropriate uses of the money and any other information required. The notice and application shall be provided no later than 30 days after the Commonwealth receives the money from the Federal Government.

(2) The Department of Education shall approve or deny an application under this section no later than 30 days after the receipt of the application.

(3) The Department of Education may not apply eligibility criteria other than that required by Federal law or guidance.

(4) The Department of Education shall submit an interim report to the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives, the chairperson and minority chairperson of the Education Committee of the Senate and the chairperson and minority chairperson of the Education Committee of the House of Representatives not later than 90 days after an award of money is made under this section. The report shall include the number of approved and denied applications, the amount of each award and the intended uses of the money as stated in the applications.

(5) The Department of Education shall submit a final report to the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and

minority chairperson of the Appropriations Committee of the House of Representatives, the chairperson and minority chairperson of the Education Committee of the Senate and the chairperson and minority chairperson of the Education Committee of the House of Representatives by June 30, 2022. The report shall include the number of approved and denied applications under this section, the amount of each award and the intended uses of the money as stated in the application.

(6) Nonpublic schools that qualify for a grant under paragraph (1) may choose any educational service provider provided through an intermediate unit that is administering the program under this section, in accordance with Federal law and guidance. ((6) added July 11, 2022, P.L.540, No.54)

(7) No later than February 14, 2023, each intermediate unit that is administering the program under this section shall report to each nonpublic school for which it administers a grant award of the amount of money that remains unexpended and shall make a report to the Department of Education of the total amount of money that remains unexpended for all nonpublic schools for which it administers grants. ((7) added July 11, 2022, P.L.540, No.54)

(b) (Reserved).

(145-C added June 30, 2021, P.L.62, No.24)

Section 146-C. Funding for library services.

(a) General rule.--From money appropriated for COVID Relief - ARPA - IMLS, the following shall apply:

(1) Each library receiving an allocation in fiscal year 2020-2021 under section 2324 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, shall receive an equal share of \$890,000.

(2) The amount of \$3,810,000 shall be distributed to libraries as follows:

(i) Multiply the amount received by the library in fiscal year 2020-2021 under section 2324 of the Public School Code of 1949 by \$3,810,000.

(ii) Divide the product from subparagraph (i) by the sum of the amounts received by libraries under section 2324 of the Public School Code of 1949.

(3) The amount of \$86,000 shall be allocated to the State Library for administration.

(4) Any money to be distributed under this section which remains unexpended, uncommitted or unencumbered as of the effective date of this paragraph, may be distributed at the discretion of the State Librarian.

(b) (Reserved).

(146-C amended July 11, 2022, P.L.540, No.54)

Section 147-C. Allocation from ARPA - Elementary and Secondary School Emergency Relief - Administration.

(a) General rule.--From money appropriated for COVID Relief - ARPA - Elementary and Secondary School Emergency Relief - Administration, the sum of \$14,000,000 shall be allocated to the Department of Education for administrative costs, including costs to manage and oversee the ARPA - Elementary and Secondary School Emergency Relief and ARPA - Emergency Assistance to Non-Public Schools funds and reporting requirements.

(b) Use of money.--The money allocated under this section shall not lapse and must be utilized through the period during which ARPA - Elementary and Secondary School Emergency Relief funds may be spent according to Federal law.

(147-C added June 30, 2021, P.L.62, No.24)

Section 148-C. Declined and unclaimed allocations.

The following provisions apply to Federal money appropriated or approved by an executive authorization to the Department of Education from the American Rescue Plan Act of 2021 (Public Law 117-2, 135 Stat. 4) or the Consolidated Appropriations Act, 2021 (Public Law 116-260, 134 Stat. 1182), respectively, for local education agencies:

(1) Within 30 days of the effective date of this section, the Department of Education shall notify each local education agency to determine whether the local education agency intends to decline money allocated to the local education agency under the American Rescue Plan Act of 2021 or the Consolidated Appropriations Act, 2021, or both, as applicable.

(2) The notice shall state the amount of money allocated to the local education agency and direct the local education agency to respond, within 60 days of the notice, as to whether the local education agency intends to decline the allocation.

(3) If the local education agency fails to respond as directed in the notice, the Department of Education may deem that the money allocated to the local education agency is unclaimed.

(4) The Department of Education shall calculate the amount of money declined and unclaimed by all local education agencies and shall report to the Secretary of the Budget the aggregate amount, the appropriations from which the money was appropriated and the amount that needs to be deducted from each appropriation in order to equal the aggregate amount.

(5) After receipt of the report, the Secretary of the Budget shall establish a restricted account and transfer to the restricted account a sum equal to the aggregate amount, not to exceed \$26,000,000, and shall deduct the proper amount from the appropriations identified under paragraph (4). The money of the restricted account is appropriated on a continuing basis to the Department of Education for the purpose specified in paragraph (6).

(6) The Department of Education may use money in the restricted account to provide performance monitoring of grant-funded operations and to ensure compliance with achievement and performance goals as required under 2 CFR Pt. 200 Subpt. D (relating to post federal award requirements).

(7) The Department of Education shall prepare and make a report available on its publicly accessible Internet website. The report shall state the local education agencies that have declined and unclaimed money under this section and the corresponding amounts declined and unclaimed. The report shall be available no later than 30 days after receipt of the responses from local education agencies under paragraph (2).

(148-C added Dec. 13, 2023, P.L.251, No.34)

SUBARTICLE F

DEPARTMENT OF HEALTH

(Subart. added May 29, 2020, P.L.186, No.24)

Section 150-C. Department of Health.

(a) General rule.--Subject to subsection (b), from money appropriated for the COVID Relief - Community-Based Health Care Centers, \$10,000,000 shall be used for making payments to

community-based health care centers as a one-time payment to each facility, which shall be determined as follows:

(1) Divide:

(i) the facility's Coronavirus Aid, Relief, and Economic Security Act Supplemental Funding grant award from Health Resources and Services Administration; by

(ii) The total of all community-based health care centers' Coronavirus Aid, Relief, and Economic Security Act Supplemental Funding grant award from Health Resources and Services Administration.

(2) Multiply the quotient under paragraph (1) by \$10,000,000.

(b) Limitations.--The following shall apply:

(1) An eligible person or entity receiving a payment under this section must be in operation as of March 31, 2020.

(2) A person or entity receiving a payment under this section shall provide documentation to the Department of Health, upon request, for purposes of an audit review.

(3) A payment received under this section may only be used to cover necessary COVID-19-related costs, including, but not limited to, those:

(i) not otherwise reimbursed by Federal, State or another source of funding.

(ii) incurred during the period beginning March 1, 2020, and ending December 31, 2021.

(iii) Subparagraph (ii) shall not apply to unexpended funds returned and appropriated under section 111-C(d.1).

((3) amended June 30, 2021, P.L.62, No.24)

(150-C added May 29, 2020, P.L.186, No.24)

Section 151-C. Biotechnology research.

(a) Use of funds.--From funds appropriated for COVID Relief - ARPA - Biotechnology Research, the Department of Health shall award grants to support any of the following Statewide priorities:

(1) Attract, grow and expand biotechnology, pharmaceutical, life science or health research and development capacity located in this Commonwealth, including partnerships between industry and institutions of higher education.

(2) Increase biotechnology, pharmaceutical, life science or health manufacturing capacity located in this Commonwealth.

(3) Promote the growth or development of new and innovative technologies from biotechnology, life science, pharmaceutical and health fields.

(4) Support the commercialization of research in biotechnology, pharmaceutical, life science or health fields, including research developed or conducted in this Commonwealth.

(b) Guidelines.--The Department of Health shall issue guidelines to implement this section.

(151-C added July 11, 2022, P.L.540, No.54)

SUBARTICLE G

DEPARTMENT OF HUMAN SERVICES

(Subart. added May 29, 2020, P.L.186, No.24)

Section 160-C. Use of money.

(a) Uses.--The following shall apply:

(1) Subject to paragraph (11), from money appropriated for COVID Relief - Long-Term Living Programs, \$457,000,000 shall be used for the following purposes:

(i) The sum of \$245,000,000, for the purpose of making payments to nonpublic and county nursing facilities, which shall be allocated as follows:

(A) Of the amount under this subparagraph, \$196,000,000 shall be distributed as a one-time payment to each nonpublic and county nursing facility, which shall be determined as follows:

(I) Divide:

(a) the facility's number of medical assistance days for the third quarter of calendar year 2019 as reported under Article VIII-A of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code; by

(b) the total number of medical assistance days for all facilities for the third quarter of calendar year 2019 as reported under Article VIII-A of the Human Services Code.

(II) Multiply:

(a) the quotient under subclause (I);
by

(b) \$196,000,000.

(B) Of the amount under this subparagraph, \$49,000,000 shall be distributed as a one-time payment to each nonpublic and county nursing facility, which shall be determined as follows:

(I) Divide:

(a) the number of the facility's licensed beds as of March 31, 2020; by

(b) the total licensed beds of all nonpublic and county nursing facilities as of March 31, 2020.

(II) Multiply:

(a) the quotient under subclause (I);
by

(b) \$49,000,000.

(ii) The sum of \$140,000,000 for the purpose of making payments for personal assistance services provided by home health care agencies, home care agencies and direct care workers employed through the participant-directed employer model. Each home health care provider, home care provider or direct care worker employed through the participant-directed employer model shall receive a one-time payment, which shall be determined as follows:

(A) Of the amount under this subparagraph, \$112,000,000 shall be distributed as a one-time payment to a home health care provider or home care provider, which shall be determined as follows:

(I) Divide:

(a) the provider's number of medical assistance 15-minute units, excluding overtime, invoiced in the third quarter of calendar year 2019; by

(b) the total medical assistance 15-minute units for all home health care providers and home care providers, excluding overtime, invoiced in the third quarter of calendar year 2019.

(II) Multiply:

(a) the quotient under subclause (I);

by

(b) \$112,000,000.

(B) Of the amount under this subparagraph, \$28,000,000 shall be distributed as a one-time payment to each direct care worker employed through the participant-directed employer model who provides personal assistance services, which shall be determined as follows:

(I) Divide:

(a) the number of medical assistance personal assistance 15-minute units provided by a direct care worker employed through the participant-directed employer model, excluding overtime, invoiced in the third quarter of calendar year 2019; by

(b) all medical assistance personal assistance 15-minute units provided by all direct care workers employed through the participant-directed employer model, excluding overtime, invoiced in the third quarter of calendar year 2019.

(II) Multiply:

(a) the quotient under subclause (I);

by

(b) \$28,000,000.

(iii) The sum of \$50,000,000 for the purpose of making payments to assisted living residences and personal care homes, which shall be allocated as follows:

(A) Of the amount under this subparagraph, \$45,000,000 shall be distributed as a one-time payment to each assisted living residence and personal care home, which shall be determined as follows:

(I) Divide:

(a) the occupancy of the assisted living residence or personal care home, as determined by the Department of Human Services' most recent inspection on or before April 1, 2020; by

(b) the total occupancy of all assisted living residences, including those with a special care designation, and personal care homes, as determined by the Department of Human Services' most recent inspections on or before April 1, 2020.

(II) Multiply:

(a) the quotient under subclause (I);

by

(b) \$45,000,000.

(B) Of the amount under this subparagraph, \$5,000,000 shall be distributed as a one-time payment to each personal care home, which shall be determined as follows:

(I) Divide:

(a) the personal care facility's number of individuals for whom the facility received a payment from the Department of Human Services for Supplemental Security Income in March 2020; by

(b) the total of all personal care facilities' individuals for whom payments for Supplemental Security Income were made by the Department of Human Services in March 2020.

(II) Multiply:

(a) the quotient under subclause (I);
by

(b) \$5,000,000.

(iv) The sum of \$13,000,000 for the purpose of making payments for adult day care services as a one-time payment to each adult day care services provider, which shall be determined as follows:

(A) Divide:

(I) the adult day care services provider's total medical assistance fee-for-service and Community HealthChoices payments for the third quarter of calendar year 2019; by

(II) the sum of all adult day care services providers' medical assistance fee-for-service and Community HealthChoices payments for the third quarter of calendar year 2019.

(B) Multiply:

(I) the quotient under clause (A); by

(II) \$13,000,000.

(v) The sum of \$1,000,000 for the purpose of making payments for residential habilitation services as a one-time payment to each provider, which shall be determined as follows:

(A) Divide:

(I) the residential habilitation services provider's total medical assistance fee-for-service and Community HealthChoices payments for the third quarter of calendar year 2019; by

(II) The total sum of all residential habilitation medical assistance fee-for-service and Community HealthChoices payments for the third quarter of calendar year 2019.

(B) Multiply:

(I) the quotient under clause (A); by

(II) \$1,000,000.

(vi) The following shall apply:

(A) The sum of \$8,000,000 for the purpose of making payments for eligible Medicaid ventilator or tracheostomy qualified medical assistance nonpublic and county nursing facilities. A nonpublic or county nursing facility will qualify for payment if, based upon The Supplemental Ventilator Care and Tracheostomy Care Payments for December 2019, the facility had:

(I) Ten or more medical assistance recipient residents who received medically necessary ventilator care or tracheostomy care; and

(II) At least 17% of the facility's medical assistance recipient resident population received medically necessary ventilator care or tracheostomy care.

(B) The amount appropriated under this subparagraph shall be distributed as a one-time payment to each qualified medical assistance

nonpublic and county nursing facility, determined as follows:

(I) Divide:

(a) The facility's number of medical assistance recipient residents who received necessary ventilator care or tracheostomy care for the third quarter of calendar year 2019; by

(b) The sum of all qualified medical assistance nonpublic and county nursing facilities' number of medical assistance recipient residents who received necessary ventilator care or tracheostomy care for the third quarter of calendar year 2019.

(II) Multiply:

(a) the quotient under subclause (I); by

(b) \$8,000,000.

(2) Subject to paragraph (11), from money appropriated for COVID Relief - Community HealthChoices, \$50,000,000 shall be used for making payments to Community HealthChoices managed care organizations as a one-time payment to each organization, which shall be determined as follows:

(i) Divide:

(A) the Community HealthChoices managed care organization's number of medical assistance nursing facility clinically eligible participants as of March 31, 2020; by

(B) the total of all Community HealthChoices managed care organizations' number of medical assistance nursing facility clinically eligible recipients as of March 31, 2020.

(ii) Multiply:

(A) the quotient under subparagraph (i); by

(B) \$50,000,000.

(3) Subject to paragraph (11), from money appropriated for COVID Relief - Long-Term Care - Managed Care, \$10,000,000 shall be used for making payments to organizations that have entered into an agreement with the Department of Human Services to operate a life program, as defined under section 602 of the Human Services Code, in a specified county or set of counties, as determined by the department. Each organization shall receive a one-time payment, which shall be determined as follows:

(i) Divide:

(A) the organization's total amount reimbursed for long-term care - managed care for the first quarter of calendar year 2020; by

(B) the total amount reimbursed for long-term care - managed care for the first quarter of calendar year 2020.

(ii) Multiply:

(A) the quotient under subparagraph (i); by

(B) \$10,000,000.

(4) Subject to paragraph (11), from money appropriated for COVID Relief - Intellectual Disabilities - Community Waiver Program, \$259,280,000 shall be allocated for the intellectual disabilities community waiver program.

(5) Subject to paragraph (11), from money appropriated for COVID Relief - Autism Services, \$720,000 shall be allocated for autism intervention and services.

(6) Subject to paragraph (11), from money appropriated for COVID Relief - Child-Care Services, \$116,000,000 shall be allocated for child-care services. No money under this paragraph shall be made available before the Department of Human Services completes a study on the economic impacts of child-care closures during the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency. The Department of Human Services shall use the study to develop criteria for distribution of the appropriation to eligible child care providers.

(7) Subject to paragraph (11), from money appropriated for COVID Relief - Domestic Violence Programs, \$10,000,000 shall be allocated for domestic violence and housing support services.

(8) Subject to paragraph (11), from money appropriated for COVID Relief - Homeless Assistance Services, \$10,000,000 shall be allocated for the homeless assistance program. Counties that participate in the Human Services Block Grant Program under Article XIV-B of the Human Services Code must use these funds for eligible services under the homeless assistance program.

(9) Subject to paragraph (11), from money appropriated for COVID Relief - Legal Services, \$8,000,000 shall be allocated for legal services.

(10) Subject to paragraph (11), from money appropriated for COVID Relief - Critical Access Hospitals, \$10,000,000 shall be used for making payments to critical access hospitals as a one-time payment to each facility, which shall be determined as follows:

(i) Divide:

(A) The facility's fiscal year 2019-2020 allocation by;

(B) The total of all critical access hospitals allocations for fiscal year 2019-2020.

(ii) Multiply:

(A) the quotient under subparagraph (i); by

(B) \$10,000,000.

(10.1) Subject to paragraph (12), from money appropriated for COVID Relief - ARPA - Long-term Living Programs, \$282,000,000 shall be used for the following purposes:

(i) The sum of \$247,000,000, for the purpose of making payments to nonpublic and county nursing facilities, which shall be allocated as follows:

(A) Of the amount under this subparagraph, \$198,000,000 shall be distributed as a one-time payment to each nonpublic and county nursing facility, which shall be determined as follows:

(I) Divide:

(a) the facility's number of medical assistance days for the third quarter of calendar year 2019 as reported under Article VIII-A of the Human Services Code; by

(b) the total number of medical assistance days for all facilities for the third quarter of calendar year 2019 as reported under Article VIII-A of the Human Services Code.

(II) Multiply:

(a) the quotient under subclause (I); by

(b) \$198,000,000.

(B) Of the amount under this subparagraph, \$49,000,000 shall be distributed as a one-time payment to each nonpublic and county nursing facility, which shall be determined as follows:

(I) Divide:

(a) the number of the facility's licensed beds as of March 31, 2020; by
(b) the total licensed beds of all nonpublic and county nursing facilities as of March 31, 2020.

(II) Multiply:

(a) the quotient under subclause (I);
by
(b) \$49,000,000.

(ii) The sum of \$5,000,000 shall be used by the Department of Human Services for the purpose of awarding grants under this section as follows:

(A) The department shall develop an application for long-term care facilities to apply for a grant under this subparagraph within 30 days of the effective date of this section. The application shall be made available and posted on the department's publicly accessible Internet website.

(B) A long-term care facility may be eligible for a grant under this subparagraph for the implementation of best practices regarding indoor air management strategies aimed at reducing the risk of transmission of and occupant exposure to COVID-19, including any of the following:

- (I) Dilution.
- (II) Airflow patterns.
- (III) Outdoor air ventilation.
- (IV) Pressurization.
- (V) Demand-controlled ventilation.
- (VI) Temperature and humidity distribution and control.
- (VII) Filtration.
- (VIII) Ultraviolet germicidal irradiation.
- (IX) Personalized ventilation systems for certain high-risk tasks.
- (X) Portable, free-standing high-efficiency particulate air filters.
- (XI) Ionization technology.
- (XII) Ozonation.

(C) To the extent funds are available, the department may award a grant to a long-term care facility in accordance with this subparagraph, which may not exceed \$15,000.

(D) The department shall ensure that grants under this subparagraph are made available to all geographic areas of this Commonwealth.

(E) Grants may be awarded to any of the following long-term care facilities:

(I) A long-term care nursing facility as defined in section 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

(II) An assisted living residence as defined in section 1001 of the Human Services Code.

(III) A personal care home as defined in section 1001 of the Human Services Code.

(iii) The sum of \$30,000,000 for the purpose of making payments to assisted living residences and personal care homes, which shall be allocated as follows:

(A) Of the amount under this subparagraph, \$27,000,000 shall be distributed as a one-time payment to each assisted living residence and personal care home, which shall be determined as follows:

(I) Divide:

(a) the occupancy of the assisted living residence or personal care home, as determined by the Department of Human Services' most recent inspection on or before April 1, 2020; by

(b) the total occupancy of all assisted living residences, including those with a special care designation, and personal care homes, as determined by the Department of Human Services' most recent inspections on or before April 1, 2020.

(II) Multiply:

(a) the quotient under subclause (I);
by

(b) \$27,000,000.

(B) Of the amount under this subparagraph, \$3,000,000 shall be distributed as a one-time payment to each personal care home, which shall be determined as follows:

(I) Divide:

(a) the personal care facility's number of individuals for whom the facility received a payment from the Department of Human Services for supplemental security income in March 2020; by

(b) the total of all personal care facilities' individuals for whom payments for supplemental security income were made by the Department of Human Services in March 2020.

(II) Multiply:

(a) the quotient under subclause (I);
by

(b) \$3,000,000.

((10.1) added June 30, 2021, P.L.62, No.24)

(11) The following apply:

(i) An eligible person or entity receiving a payment under this section must be in operation as of March 31, 2020.

(ii) A person or entity receiving a payment under this section shall provide documentation to the Department of Human Services, upon request, for purposes of an audit review.

(iii) A payment received under this section may only be used to cover necessary COVID-19 related costs, including, but not limited to, a cost:

(A) not otherwise reimbursed by Federal, State or other source of funding; and

(B) incurred during the period beginning March 1, 2020, and ending December 31, 2021.

(C) Clause (B) shall not apply to unexpended funds returned and appropriated under section 111-C(d.1).

((iii) amended June 30, 2021, P.L.62, No.24)

(12) The following apply to an eligible person or entity receiving a payment under paragraph (10.1):

(i) An eligible person or entity receiving a payment under this section must be in operation as of June 1, 2021.

(ii) A person or entity receiving a payment shall provide documentation to the Department of Human Services, in a format prescribed by the department, for purposes of an audit review.

(iii) A payment received may not otherwise be reimbursed by a Federal, State or other source of funding.

(iv) A payment received shall be obligated by December 31, 2024, and spent by December 31, 2026.

((12) added June 30, 2021, P.L.62, No.24)

(b) (Reserved).

(160-C added May 29, 2020, P.L.186, No.24)

Section 161-C. Use of money.

(a) Uses.--The following shall apply:

(1) Subject to paragraph (2), from money appropriated for COVID Relief - ARPA - Long-Term Living Programs, \$250,000,000 shall be used for the following purposes:

(i) The sum of \$131,157,000 for the purpose of making payments to nonpublic and county nursing facilities, which shall be allocated as follows:

(A) Of the amount under this subparagraph, \$104,926,000 shall be distributed as a one-time payment to each nonpublic and county nursing facility, which shall be determined as follows:

(I) Divide:

(a) the facility's number of medical assistance days for the third quarter of calendar year 2021 as reported under Article VIII-A of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code; by

(b) the total number of medical assistance days for all facilities for the third quarter of calendar year 2021 as reported under Article VIII-A of the Human Services Code.

(II) Multiply:

(a) the quotient under subclause (I); by

(b) \$104,926,000.

(B) Of the amount under this subparagraph, \$26,231,000 shall be distributed as a one-time payment to each nonpublic and county nursing facility, which shall be determined as follows:

(I) Divide:

(a) the number of the facility's licensed beds as of July 1, 2022; by

(b) the total licensed beds of all nonpublic and county nursing facilities as of July 1, 2022.

(II) Multiply:

(a) the quotient under subclause (I); by

(b) \$26,231,000.

(ii) The sum of \$74,946,000 for the purpose of making payments for personal assistance services provided by home health care agencies, home care agencies and

direct care workers employed through the participant-directed employer model. Each home health care provider, home care provider or direct care worker employed through the participant-directed employer model shall receive a one-time payment, which shall be determined as follows:

(A) Of the amount under this subparagraph, \$59,957,000 shall be distributed as a one-time payment to a home health care provider or home care provider, which shall be determined as follows:

(I) Divide:

(a) the provider's number of medical assistance 15-minute units, excluding overtime, invoiced in the third quarter of calendar year 2021; by

(b) the total medical assistance 15-minute units for all home health care providers and home care providers, excluding overtime, invoiced in the third quarter of calendar year 2021.

(II) Multiply:

(a) the quotient under subclause (I);
by

(b) \$59,957,000.

(B) Of the amount under this subparagraph, \$14,989,000 shall be distributed as a one-time payment to each direct care worker employed through the participant-directed employer model who provides personal assistance services, which shall be determined as follows:

(I) Divide:

(a) the number of personal assistance 15-minute units provided by a direct care worker employed through the participant-directed employer model, excluding overtime, invoiced in the third quarter of calendar year 2021; by

(b) all personal assistance 15-minute units provided by all direct care workers employed through the participant-directed employer model, excluding overtime, invoiced in the third quarter of calendar year 2021.

(II) Multiply:

(a) the quotient under subclause (I);
by

(b) \$14,989,000.

(iii) The sum of \$26,767,000 for the purpose of making payments to assisted living residences and personal care homes, which shall be allocated as follows:

(A) Of the amount under this subparagraph, \$24,090,000 shall be distributed as a one-time payment to each assisted living residence and personal care home, which shall be determined as follows:

(I) Divide:

(a) the occupancy of the assisted living residence or personal care home, as determined by the Department of Human Services' most recent inspection on or before July 1, 2022; by

(b) the total occupancy of all assisted living residences, including those with a

special care designation, and personal care homes, as determined by the Department of Human Services' most recent inspections on or before July 1, 2022.

(II) Multiply:

(a) the quotient under subclause (I);
by

(b) \$24,090,000.

(B) Of the amount under this subparagraph, \$2,677,000 shall be distributed as a one-time payment to each personal care home, which shall be determined as follows:

(I) Divide:

(a) the personal care facility's number of individuals for whom the facility received a payment from the Department of Human Services for Supplemental Security Income in March 2022; by

(b) the total of all personal care facilities' individuals for whom payments for Supplemental Security Income were made by the Department of Human Services in March 2022.

(II) Multiply:

(a) the quotient under subclause (I);
by

(b) \$2,677,000.

(iv) The sum of \$6,959,000 for the purpose of making payments for adult day care services as a one-time payment to each adult day care services provider, which shall be determined as follows:

(A) Divide:

(I) the adult day care services provider's total medical assistance fee-for-service and Community HealthChoices payments for the third quarter of calendar year 2021; by

(II) the sum of all adult day care services providers' medical assistance fee-for-service and Community HealthChoices payments for the third quarter of calendar year 2021.

(B) Multiply:

(I) the quotient under clause (A); by

(II) \$6,959,000.

(v) The sum of \$535,000 for the purpose of making payments for residential habilitation services as a one-time payment to each provider, which shall be determined as follows:

(A) Divide:

(I) the residential habilitation services provider's total medical assistance fee-for-service and Community HealthChoices payments for the third quarter of calendar year 2021; by

(II) the total sum of all residential habilitation medical assistance fee-for-service and Community HealthChoices payments for the third quarter of calendar year 2021.

(B) Multiply:

(I) the quotient under clause (A); by

(II) \$535,000.

(vi) The following shall apply:

(A) The sum of \$4,283,000 for the purpose of making payments for eligible Medicaid ventilator or tracheostomy qualified medical assistance nonpublic and county nursing facilities. A nonpublic or county nursing facility shall qualify for payment if a payment under section 443.1(7)(vii) of the Human Services Code was made for the quarter ending March 31, 2022.

(B) The amount appropriated under this subparagraph shall be distributed as a one-time payment to each qualified medical assistance nonpublic and county nursing facility, determined as follows:

(I) Divide:

(a) the facility's payment amount received under section 443.1(7)(vii) of the Human Services Code for quarter ending March 31, 2022; by

(b) the sum of all payment amounts received under section 443.1(7)(vii) of the Human Services Code for the quarter ending March 31, 2022.

(II) Multiply:

(a) the quotient under subclause (I); by

(b) \$4,283,000.

(vii) The following shall apply:

(A) The sum of \$5,353,000 shall be used for making payments to organizations that have entered into an agreement with the Department of Human Services to operate a LIFE Program, as defined under section 602 of the Human Services Code, in a specified county or set of counties, as determined by the department. Each organization shall receive a one-time payment, which shall be determined as follows:

(I) Divide:

(a) the organization's total amount reimbursed for long-term care - managed care for the third quarter of calendar year 2021; by

(b) the total amount reimbursed for long-term care - managed care for the third quarter of calendar year 2021.

(II) Multiply:

(a) the quotient under subclause (I); by

(b) \$5,353,000.

(B) (Reserved).

(2) The following shall apply to an eligible person or entity receiving a payment under paragraph (1):

(i) An eligible person or entity receiving a payment under this section must be in operation as of July 1, 2022.

(ii) A person or entity receiving a payment shall provide documentation to the Department of Human Services, in a format prescribed by the department, for the purpose of an audit review.

(iii) A payment received may not otherwise be reimbursed by a Federal, State or other source of funding.

(3) From money appropriated for COVID Relief - ARPA - Low-Income Home Energy Assistance Program, the entire amount shall only be expended if:

(i) all other money received from the Federal government for the LIHEAP Program, less any amounts allowed to be carried over to the following fiscal year under Federal law, are expended or committed; and

(ii) the Secretary of the Budget notifies the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives and the State Treasurer that all State and non-American Rescue Plan Act Federal funds have been expended or committed.

(b) (Reserved).

(161-C added July 11, 2022, P.L.540, No.54)

Section 162-C. Child Care Stabilization Program.

(a) Child Care Stabilization Program.--The Child Care Stabilization Program is established within the department for the purpose of making retention and recruitment payments to qualified staff in accordance with this article, which shall be distributed as one-time payments to each child-care provider who applies and qualifies.

(b) Use of money.--From money appropriated for COVID Relief - ARPA - Child Care Stabilization to the department, the entire amount shall be used for making payments under the program under this section.

(c) Applications.--The department shall develop an application for qualified child-care providers to apply for program funding under this section. At the discretion of the department, but no later than January 1, 2023, the department shall begin accepting applications. The application shall be made available and posted on the department's publicly accessible Internet website. The department shall accept and process applications on a rolling basis until either funding for the program under this section has been exhausted or the Federal deadline for the use of the American Rescue Plan Act of 2021, whichever occurs first.

(d) Department decision.--The department shall approve or deny an application received under subsection (c) no later than 30 days after receipt of the application.

(e) Conditions.--The following apply to payments received under this section:

(1) Payment received from the department under this section may not supplant existing staff wages and may not otherwise be reimbursed by Federal or State funding.

(2) A qualified staff member may only receive one payment for retention or recruitment under this section.

(3) Payment to a qualified staff member under this section may not exceed \$2,500.

(4) A qualified child-care provider receiving a payment from the department under this section must be in operation as of June 30, 2022, and must maintain operations until at least December 31, 2022.

(5) A qualified child-care provider receiving a payment from the department under this section shall spend the money by the following deadlines:

(i) Staff retention payments under this section shall be made within 90 days of receipt of payment.

(ii) Staff recruitment payments under this section shall be made within 180 days of receipt of payment.

(6) A qualified child-care provider receiving a payment from the department under this section shall submit a report, in a form and manner as prescribed by the department, as follows:

(i) A qualified child-care provider receiving a payment from the department under this section shall submit a report to the department by:

(A) June 30, 2023, regarding staff retention payments; or

(B) September 30, 2023, regarding staff recruitment payments.

(ii) (Reserved).

(7) The department may recover a payment from a qualified child-care provider that receives payment from the department under this section if the entity does not comply with the provisions of this section or with Federal or State law or guidance. A qualified child-care provider that receives a payment from the department under this section shall provide documents, records and other information related to a payment made under this section in the time, manner and format requested by either the department or by any other Federal or Commonwealth agency that is authorized to audit the payments.

(f) Report.--Within 90 days of the reporting deadlines under subsection (e), the department shall issue a report to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives regarding the aggregate staff retention and staff recruitment payment information received under subsection (e). The report shall be posted to the department's publicly accessible Internet website. The publicly available report may not include any proprietary recruitment and retention plan information.

(g) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Department." The Department of Human Services of the Commonwealth.

"Qualified child-care provider." Either of the following:

(1) Child-care provider certified under 55 Pa. Code Chs. 3270 (relating to child care centers), 3280 (relating to group child care homes), unless those providers are under investigation of fraud, refuse to renew or revocation, or 3290 (relating to family child care homes), unless those providers are under investigation of fraud, refuse to renew or revocation.

(2) A relative provider unless directly engaged in child care supervision activities exempt from certification under 55 Pa. Code Chs. 3270, 3280 and 3290.

"Qualified staff." An employee of a qualified child-care provider who is involved in direct supervision of children or environmental services. The term shall not include executives, contracted staff, administrators and administrative support staff or owners of child-care provider.

(162-C added July 11, 2022, P.L.540, No.54)
Section 163-C. Behavioral Health Commission for Adult Mental Health.

(a) Commission.--The Behavioral Health Commission for Adult Mental Health is established in the Department of Human Services.

(b) Composition.--The commission shall consist of the following members:

- (1) The Secretary of Human Services or a designee.
- (2) The Insurance Commissioner or a designee.
- (3) The Secretary of Drug and Alcohol Programs or a designee.
- (4) The Secretary of Health or a designee.
- (5) A representative of the Pennsylvania Commission on Crime and Delinquency.
- (6) An individual appointed by the President pro tempore of the Senate.
- (7) An individual appointed by the Minority Leader of the Senate.
- (8) An individual appointed by the Speaker of the House of Representatives.
- (9) An individual appointed by the Minority Leader of the House of Representatives.
- (10) The following members appointed by the Governor:
 - (i) Two active members of the Mental Health Planning Council.
 - (ii) Two current or former behavioral health consumers or family members with lived experience of navigating diagnosis, treatment and recovery.
 - (iii) An individual from a list of recommendations compiled by the Pennsylvania Association of County Administrators of Mental Health and Developmental Services with experience in county provision of mental health services to the uninsured and underinsured.
 - (iv) Two representatives of behavioral health managed care organizations, one of whom must provide services in a rural county and one of whom must provide services in an urban county.
 - (v) An individual from a list of recommendations compiled by the Hospital and Healthsystem Association of Pennsylvania.
 - (vi) An individual member of local law enforcement who is certified in crisis intervention teams and an active member of a mental health crisis intervention team with experience working in crisis response from a list of recommendations compiled by the Pennsylvania Chiefs of Police Association.
 - (vii) A psychologist who specializes in mental, social and emotional development from a list of recommendations compiled by the Pennsylvania Psychological Association.
 - (viii) A licensed clinical social worker from a list of recommendations compiled by the Pennsylvania Chapter of the National Association of Social Workers.
 - (ix) An individual who is a subject matter expert in evidenced-based trauma-informed treatment modalities and trauma-informed approaches.
 - (x) An individual who specializes in culturally competent behavioral health care.
 - (xi) A recognized subject matter expert in the treatment of co-occurring mental health and substance use disorders from a list of recommendations compiled by the Rehabilitation and Community Providers Association with experience in behavioral health matters.
 - (xii) A recognized subject matter expert in behavioral health from a list of recommendations compiled by the Pennsylvania Association of Community Health Centers.

(c) Chairperson.--The chairperson of the commission shall be selected by the Governor from among the members of the commission.

(d) Vice chairperson.--A vice chairperson shall be designated by the chairperson of the commission from among the members of the commission to preside at meetings in the absence of the chairperson.

(e) (Reserved).

(f) Quorum.--A majority of the members of the commission shall constitute a quorum and a quorum shall be required for all actions.

(g) Actions.--A vote of the majority of the members of the commission present shall be sufficient for all actions taken by the commission. Members may participate in a meeting by means of conference telephone or other electronic technology by means of which all persons participating in the meeting can hear each other. Participation in a meeting pursuant to this subsection shall constitute presence at the meeting.

(h) Meetings.--The following shall apply:

(1) The commission shall hold its first meeting no later than 60 days from the effective date of this subsection.

(2) The commission shall convene no less than two meetings with county mental health administrations to review the provision of behavioral health care and identify recommendations for improvements in coordination of care. The commission shall hold at least one meeting with representatives from a rural county mental health administration and related entities and at least one meeting with representatives from a mental health administration from either an urban or suburban county and related entities.

(3) As used in this subsection, "related entities" includes, but is not limited to, county commissioners, managed care organizations, behavioral health managed care organizations, single county authorities, hospitals, law enforcement, district attorneys, county child welfare agencies and county jails.

(i) Cooperation.--The Department of Human Services shall cooperate with the commission to assist the commission in carrying out its duties.

(j) Report.--The commission shall issue a report on its recommendations for the allocation of funding for the following:

(1) Delivery of services by telemedicine.

(2) Behavioral health rates, network adequacy and mental health payment parity.

(3) Work force development and retention.

(4) Expansion of certified peer support specialist services and peer-run services.

(5) The development and provision of crisis services.

(6) The integration of behavioral health and substance use disorder treatment.

(7) Cultural competencies when providing behavioral health care.

(8) The impact of social determinants of health on behavioral health.

(9) The intersection of behavioral health and the criminal justice system.

(10) Establishing an integrated care model that can deliver timely psychiatric care in a primary care setting.

(k) Recipients.--The report under subsection (j) shall be made available on the Department of Human Services' publicly accessible Internet website and shall be issued to the following:

- (1) The Governor.
 - (2) The Secretary of Human Services.
 - (3) The Secretary of the Budget.
 - (4) The President pro tempore of the Senate.
 - (5) The Majority Leader of the Senate.
 - (6) The Minority Leader of the Senate.
 - (7) The Speaker of the House of Representatives.
 - (8) The Majority Leader of the House of Representatives.
 - (9) The Minority Leader of the House of Representatives.
 - (10) The chairperson and minority chairperson of the Appropriations Committee of the Senate.
 - (11) The chairperson and minority chairperson of the Appropriations Committee of the House of Representatives.
 - (12) The chairperson and minority chairperson of the Health and Human Services Committee of the Senate.
 - (13) The chairperson and minority chairperson of the Health Committee of the House of Representatives.
 - (14) The chairperson and minority chairperson of the Human Services Committee of the House of Representatives.
 - (1) Termination.--The Behavioral Health Commission for Adult Mental Health shall terminate upon the issuance of the report under subsection (j).
- (163-C added July 11, 2022, P.L.540, No.54)

SUBARTICLE H
PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY
(Subart. added May 29, 2020, P.L.186, No.24)

Section 170-C. Health Care System Assistance.

Money appropriated for COVID Relief - Health Care System Assistance to the Pennsylvania Emergency Management Agency shall be used to acquire medical equipment and supplies for health care entities to meet urgent patient and staff needs to address surge demand. Health care entities shall include, but not be limited to, hospitals, nursing facilities and emergency medical services.

(170-C added May 29, 2020, P.L.186, No.24)

SUBARTICLE I
PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY
(Subart. added May 29, 2020, P.L.186, No.24)

Section 180-C. COVID-19 Student Loan Interest Forbearance Program (Expired).

Compiler's Note: Section 180-C expired on or before November 30, 2020. See also sections 2 and 17(1) of Act 114 of 2020.

SUBARTICLE I.1
DEPARTMENT OF REVENUE
(Subart. added July 11, 2022, P.L.540, No.54)

Section 185-C. Property tax rent rebate.

(a) Use of money.--Amounts appropriated for COVID Relief - ARPA - Property Tax Rent Rebate shall be transferred to the State Lottery Fund and shall be used in accordance with this section.

(b) Additional amount.--A claimant under section 704 and Chapter 13 of the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, shall receive an additional amount of property tax rebate or rent rebate in lieu

of property taxes. The amount of property tax rebate or rent rebate in lieu of property taxes under this subsection shall be equal to 70% of the claimant's property tax rebate or rent rebate in lieu of property taxes under section 704 and Chapter 13 of the Taxpayer Relief Act for calendar year 2021.

(c) Manner of payment to claimant.--The amount due to a claimant under subsection (b) shall be paid to the claimant in the same manner as amounts due to a claimant under section 704 and Chapter 13 of the Taxpayer Relief Act for calendar year 2021.

(d) Coordination of payment.--No later than August 31, 2022, the Department of Revenue shall begin making payments due to a claimant under subsection (b) at the same time as amounts due to the claimant under section 704 and Chapter 13 of the Taxpayer Relief Act for calendar year 2021 are made.

(e) Application.--No additional application shall be necessary for a claimant to receive the additional amount of property tax rebate or rent rebate in lieu of property taxes under this subsection.

(185-C added July 11, 2022, P.L.540, No.54)

SUBARTICLE J
PENNSYLVANIA HOUSING FINANCE AGENCY
(Subart. repealed Feb. 5, 2021, P.L.1, No.1)

Section 190-C. Definitions. (190-C repealed Feb. 5, 2021, P.L.1, No.1)

Section 191-C. Mortgage and Rental Assistance Program. (191-C repealed Feb. 5, 2021, P.L.1, No.1)

SUBARTICLE K
STATE SYSTEM OF HIGHER EDUCATION
(Subart. added May 29, 2020, P.L.186, No.24)

Section 192-C. State University Assistance.

(a) Program.--Money appropriated for COVID Relief - State Universities shall be used by the State System of Higher Education to make payments to State universities for costs resulting from the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency.

(b) Determination of payments.--Payments made under this section to each State university shall be determined as follows:

(1) Multiply:

(i) the 2019 fall headcount enrollment for each State university; by

(ii) the amount of the appropriation for COVID Relief - State Universities.

(2) Divide:

(i) the product under paragraph (1); by

(ii) the 2019 fall headcount enrollment for all State universities.

(c) Payment deadline.--Payments made under this section shall be made no later than July 15, 2020.

(d) Report.--By July 31, 2020, the Chancellor of the State System of Higher Education shall issue a report to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives and post the report on the State System of

Higher Education's publicly accessible Internet website. The report shall include the following information:

(1) The 2019 fall headcount enrollment for each State university.

(2) The 2019 fall headcount enrollment for all State universities.

(3) The payment made to each State university under this section.

(4) The total payments made to all State universities under this section.

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Fall headcount enrollment." The number of students enrolled in credit-bearing courses and the number of students enrolled in clock-hour programs.

"State university." A university which is part of the State System of Higher Education under Article XX-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

(Former 190.1-C renumbered to present 192-C Nov. 23, 2020, P.L.1140, No.114)

Section 192.1-C. State university assistance for fiscal year 2022-2023.

(a) Program.--Money appropriated for COVID Relief - ARPA - State System of Higher Education to the State System of Higher Education shall be paid to the State universities for the 2022-2023 fiscal year as provided in this section.

(b) Determination of payments.--Payments made to each State university for the 2022-2023 fiscal year shall be determined as follows:

(1) The Board of Governors of the State System of Higher Education in consultation with the Chancellor of the State System of Higher Education shall make payments in the aggregate amount of \$34,294,978 to the integrated universities.

(2) The amount of \$7,371,688 shall be paid to Cheyney University, to be directed by the president of the university, in consultation with the university's council of trustees.

(3) An amount determined for each State university, to be directed by the president of the university, in consultation with the university's council of trustees, that does not receive payment under paragraph (1) or (2) as follows:

(i) Multiply the average of the 2020 and 2021 fall full-time equivalent enrollment for the State university by \$83,333,334.

(ii) Divide the product under subparagraph (i) by the average of the 2020 and 2021 fall full-time equivalent enrollment for all State universities eligible to receive payments under this paragraph.

(c) Payment deadline.--Payments made under this section shall be made no later than August 1, 2022.

(d) Reports.--The Chancellor of the State System of Higher Education shall issue an interim report by December 31, 2022, and a final report by July 15, 2023, to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives and post the reports on the State System of Higher Education's

publicly accessible Internet website. The reports shall include the following information:

(1) The 2020 and 2021 fall full-time equivalent enrollment for each State university.

(2) The 2020 and 2021 fall full-time equivalent enrollment for all State universities.

(3) The payment made to each State university under this section.

(4) The total payments made to all State universities under this section.

(5) A description of the use by the State university of the payment.

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Commonwealth University of Pennsylvania." The institution consisting of Bloomsburg University of Pennsylvania, Lock Haven University of Pennsylvania and Mansfield University of Pennsylvania, as consolidated under section 2002-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

"Fall full-time equivalent enrollment." The total credit hours reported for the fall semester divided by 15 for undergraduate students and 12 for graduate students, with clock-hour enrollment converted to credit hours based upon national standards.

"Integrated university." The term includes:

(1) Commonwealth University of Pennsylvania.

(2) Pennsylvania Western University.

"Pennsylvania Western University." The institution consisting of California University of Pennsylvania, Clarion University of Pennsylvania and Edinboro University of Pennsylvania, as consolidated under section 2002-A of the Public School Code of 1949.

"State university." An institution which is part of the State System of Higher Education under Article XX-A of the Public School Code of 1949.

(192.1-C added July 11, 2022, P.L.540, No.54)

SUBARTICLE L MUNICIPALITIES

(Subart. added Nov. 23, 2020, P.L.1140, No.114)

Section 193-C. Emergency tax anticipation notes.

(a) Legislative findings.--The General Assembly finds and declares that the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and the resulting global pandemic from COVID-19, has had an unexpected and sudden effect on the citizens, governments and businesses of this Commonwealth, including a material negative effect on the revenues of many local government units.

(b) Emergency borrowing authorized.--Notwithstanding any other provision of this act or law, a local government unit may borrow money under 53 Pa.C.S. § 8121 (relating to power to issue tax anticipation notes) with the following additional terms:

(1) For the purposes of this subsection, the governing body's anticipation of current taxes or current revenues may include an anticipation that the taxes levied or revenues receivable may not be received, in full or in part, until after the end of the current fiscal year due to the extension of tax filing deadlines, administrative break-down during the proclamation of disaster emergency issued by the Governor

on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency, unexpected severe economic contraction or the inability to timely enforce collection due to the proclamation of disaster emergency.

(2) In addition to the other requirements under 53 Pa.C.S. Ch. 81 Subch. B (relating to tax anticipation notes and funding debt), a governing body shall establish a maturity date for a tax anticipation note issued under this subsection which shall not be later than the last day of the local government unit's fiscal year in 2022.

(c) Expiration.--No local government unit may borrow money under the authorization of this section after December 31, 2021.

(d) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Governing body." As defined in 53 Pa.C.S. § 8002(c) (relating to definitions).

"Local government unit." As defined in 53 Pa.C.S. § 8002(c). (193-C added Nov. 23, 2020, P.L.1140, No.114)

SUBARTICLE M
PENNSYLVANIA HOUSING FINANCE AGENCY
(Subart. added June 30, 2021, P.L.62, No.24)

Section 194-C. Construction Cost Relief Program.

(a) Establishment.--The Construction Cost Relief Program is established in the agency to support the production of developments by addressing financial deficiencies directly attributable to the effects of the COVID-19 Pandemic. Money appropriated to the agency for COVID Relief - ARPA - Construction Cost Relief, shall be used to make awards under the program under this section.

(b) Eligibility.--A development which meets all of the following shall be eligible for an award under this section:

(1) Has received a conditional allocation from the agency of low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 42) during the 2019, 2020 or 2021 application cycles.

(2) Has not, as of the effective date of this section, received a certificate of occupancy for each unit within the development.

(3) Has experienced a cost increase related to construction material pricing or has experienced a loss in equity investment as a direct result of conditions arising due to effects of the COVID-19 pandemic, which further jeopardized completion of the project.

(c) Application.--The agency shall make available to an eligible development an application that requires information, as determined necessary by the agency, to verify the need of the development and to determine the extent to which the awards should be awarded, while ensuring that the development remains in compliance with the Low-Income Housing Tax Credit program.

(d) Determination.--

(1) Upon a determination of eligibility for money from the fund, the agency shall provide the development with a letter of commitment indicating the conditional award amount.

(2) The agency shall use the same closing process and terms for an award of money from the fund as is used for an award from the Pennsylvania Housing Affordability and

Rehabilitation Enhancement Program for a low-income housing tax credit recipient development.

(e) Limitation.--Money appropriated for the program under this section may not be used to supplant other agency-committed resources except if the development risks noncompliance with the Low-Income Housing Tax Credit program.

(f) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Agency." The Pennsylvania Housing Finance Agency.

"Development." An affordable multi-family rental development.

(194-C added June 30, 2021, P.L.62, No.24)

Section 195-C. Development Cost Relief Program.

(a) Establishment.--The Development Cost Relief Program is established in the agency to support the production of developments by addressing financial deficiencies attributable to the effects of the COVID-19 pandemic and other economic factors. Money appropriated for COVID Relief - ARPA - Development Cost Relief Program shall be used for the purposes of this section.

(b) Eligibility.--A development which meets all of the following criteria shall be eligible for an award under this section:

(1) Has applied for, or has received a conditional or full allocation from the agency of, low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 42) during the 2019, 2020, 2021, 2022 or 2023 application cycles.

(2) Has not, as of the effective date of this section, received a certificate of occupancy for each unit within the development.

(3) Has experienced cost increases, or a loss in equity investment, as the result of conditions arising from or related to the effects of the COVID-19 pandemic, which in the judgment of the agency necessitates the provision of additional funding to complete the development.

(c) Application.--The agency shall make available to an eligible development an application that requires information, as determined necessary by the agency, to verify the need of the development and to determine the extent to which funding should be awarded, while ensuring that the development remains in compliance with the low-income housing tax credit program.

(d) Determination.--A determination shall be made in accordance with the following:

(1) Upon a determination of eligibility for money allocated under this section, the agency shall provide the development with a letter of commitment indicating the conditional award amount.

(2) The agency shall use the same closing process and terms for an award of money from the fund as is used for an award from the Pennsylvania Housing Affordability and Rehabilitation Enhancement Program for a low-income housing tax credit recipient development.

(e) Limitation.--Money provided for the program under this section may not be used to supplant other agency-committed resources except if the development risks noncompliance with the low-income housing tax credit program. Projects which have received or have been approved by the agency for construction cost relief funding under section 194-C may receive additional funding under the Development Cost Relief Program.

(f) Additional amounts.--In addition to any amounts appropriated for the program under this section, any amounts which have not been awarded by the agency under section 194-C shall be available for award under this section.

(g) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Agency." The Pennsylvania Housing Finance Agency.

"Development." An affordable multifamily rental development.

(195-C added July 11, 2022, P.L.540, No.54)

Section 196-C. Housing Options Grant Program.

(a) Establishment.--The agency shall establish a grant program to be known as the Housing Options Grant Program.

(b) Purpose.--The program shall make grants available from amounts appropriated for COVID Relief - ARPA - Affordable Housing Construction for the development of affordable housing units, including, but not limited to, building new units, rehabbing existing properties to make them affordable housing units or preserving existing affordable units.

(c) Duties.--The agency shall make grants available to developers or nonprofit organizations consistent with the purposes of this section.

(d) Requirements.--A grant shall be made to a developer or a nonprofit organization for a project that meets the requirements for an award under the Federal Low Income Housing Tax Credit. To be eligible for a grant under this section, a developer or nonprofit organization must agree to provide matching funds of at least 25% of the grant amount to be awarded for the development. All grants shall be awarded no later than December 31, 2024.

(e) Diversity.--The agency shall ensure that the grants are geographically diverse across the Commonwealth.

(f) Reporting.--No later than June 30, 2023, and each June 30 thereafter, the agency shall report to the Governor and the General Assembly and post on the agency's publicly accessible Internet website:

(1) The number of grants awarded to a developer and nonprofit organization.

(2) The county in which each grant is awarded.

(3) The total number of applications received in the previous fiscal year and the amount of funds request.

(4) Any other information the agency deems necessary.

(g) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Agency." The Pennsylvania Housing Finance Agency.

"Program." The Housing Options Grant Program established under subsection (a).

(196-C added July 11, 2022, P.L.540, No.54)

SUBARTICLE N

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

(Subart. added July 11, 2022, P.L.540, No.54)

Section 198-C. State Parks and Outdoor Recreation Program.

(a) Establishment.--The State Parks and Outdoor Recreation Program is established in the department to support the rehabilitation, repair and development of park and forest areas within this Commonwealth. Money appropriated to the department for COVID Relief - ARPA - State Parks and Outdoor Recreation Program shall be used to make awards for the program.

(b) Eligibility.--A project shall be eligible for an award under the program if:

(1) One of the following:

(i) The project rehabilitates, repairs or develops a State park, State forest land or the facilities of a State park or State forest land.

(ii) The award will be used for the acquisition of lands for a State park or State forest.

(2) The project is to plan, educate the public of, acquire, develop, rehabilitate or repair:

(i) Greenways.

(ii) Recreational trails, including connections between trails.

(iii) Open space, natural areas, river corridors and access to riverfronts.

(iv) Watersheds.

(v) Community parks and recreations facilities.

(vi) Community conservation and beautification projects.

(vii) Heritage areas and other conservation and recreations.

(c) Allocation.--

(1) From money appropriated for the program, 75% shall be used by the department for projects that meet the requirements of subsection (b)(1).

(2) From money appropriated for the program, 25% shall be used by the department to provide grants to eligible entities for projects that meet the requirements of subsection (b)(2).

(d) Application.--The department shall make available to an eligible entity an application that requires information as determined necessary by the department to verify the need for the project and to determine the extent to which the awards shall be awarded.

(e) Award amounts.--Awards made to eligible entities for projects that meet the requirements of subsection (b)(2) shall not be less than \$50,000, and shall not be more than \$5,000,000.

(f) Determination.--Upon a determination of eligibility for an award, the department shall provide the eligible entity with a letter of commitment indicating the conditional amount of the award.

(g) Matching funds.--The department may require matching funds for awards for eligible entities for projects awarded under subsection (b)(2).

(h) Report.--After the awarding of grants, the department shall provide a report to the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives, the chairperson and minority chairperson of the Environmental Resources and Energy Committee of the Senate and the chairperson and minority chairperson of the Environmental Resources and Energy Committee of the House of Representatives that includes the following information:

(1) The total number of projects receiving awards.

(2) A list of eligible entities that received awards.

(3) The amount received by an eligible entity for each project.

(i) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Department." The Department of Conservation and Natural Resources of the Commonwealth.

"Eligible entity." A county, municipality, council of governments, conservation district or authorized organization.

"Program." The State Parks and Outdoor Recreation Program under this section.

(198-C added July 11, 2022, P.L.540, No.54)

ARTICLE I-D

RENTAL AND UTILITY ASSISTANCE GRANT PROGRAM

(Art. added Feb. 5, 2021, P.L.1, No.1)

Compiler's Note: Section 6(3) of Act 1 of 2021 provided that the sum of \$569,808,000 of Federal amounts is appropriated on a continuing basis to the Department of Human Services from the COVID-19 Response Restricted Account for COVID Relief - Rental and Utility Assistance Grant Program under this article. Any additional Federal amounts received through a reallocation process from the Consolidated Appropriations Act, 2021 are appropriated to the Department of Human Services for distribution under section 105-D(c).

Section 101-D. Definitions.

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

"Consolidated Appropriations Act, 2021." The Consolidated Appropriations Act, 2021 (Public Law 116-260, 134 Stat. 1182).

"Department." The Department of Human Services of the Commonwealth.

"Program." The Rental and Utility Assistance Grant Program established under section 102-D.

"Utilities." Includes separately stated electricity, gas, water and sewer, trash removal and energy costs, such as fuel oil. Telecommunications services, such as telephone, cable and Internet, delivered to the rental dwelling are not considered to be utilities.

(101-D added Feb. 5, 2021, P.L.1, No.1)

Section 102-D. Rental and Utility Assistance Grant Program.

(a) Establishment.--The Rental and Utility Assistance Grant Program is established within the department. The program shall provide the following services to eligible individuals:

(1) Rental assistance, including the following:

(i) Rent.

(ii) Rental arrears.

(iii) Utilities and home energy costs.

(iv) Utilities and home energy cost arrears.

(v) Other expenses related to housing incurred due, directly or indirectly, to COVID-19, to the extent permitted by Federal law.

(2) Housing stability services, including case management and other services intended to keep households stably housed.

(b) County.--Each county is eligible to participate in the program. The following shall apply:

(1) Grant funds received by a county under this article shall be used for the provision of services under subsection (a). To the extent permitted by Federal law, associated administrative costs and housing stability services shall not exceed 9.09% of the amount of the grant funds.

(2) A county may not use the grant funds received as the non-State match for other State funds, programs or grants.

(3) Counties that participate in the Human Services Block Grant Program under Article XIV-B of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, must use the funds for eligible services under this article.

(4) A county is prohibited from placing any stipulations, restrictions or limitations on assistance or eligibility that are in addition to Federal law or guidance or this article.

((b) amended June 30, 2021, P.L.62, No.24)

(c) Distribution.--Grant funds shall be distributed as follows:

(1) From money appropriated for the program, each county shall receive an amount equal to the population proportion amount as determined by paragraphs (3) and (4). For purposes of this paragraph, a county's population shall be equal to the published estimate by the United States Census Bureau Population Estimates Program for calendar year 2019.

(2) The department shall distribute funding to counties before April 1, 2021, or 30 days after the effective date of this section, whichever is sooner.

(3) For the purposes of this subsection, the population proportion shall be determined as follows:

(i) the population estimate of the county; divided by

(ii) the sum of the population estimates of all counties.

(4) Counties shall receive a disbursement in an amount necessary so that the total disbursement to a county is determined as follows:

(i) Add:

(A) the amount of money received by the Commonwealth from the Federal Government for emergency rental assistance under the Consolidated Appropriations Act, 2021; and

(B) the amount of money paid directly by the Federal Government to units of local governments for emergency rental assistance under the Consolidated Appropriations Act, 2021.

(ii) Multiply:

(A) the county's population proportion; and

(B) the sum under subparagraph (i).

(5) An amount equal to a disbursement received by a county directly from the Federal Government for rental assistance through the Consolidated Appropriations Act, 2021 shall be deducted from the amount calculated under paragraph (4).

(d) Human Services Block Grant Program.--Funds received by a county under the program may not be included in the calculation of the allocation of funds under the Human Services Block Grant Program under section 1405-B of the Human Services Code.

(e) Reduction of obligations.--The following shall apply:

(1) Any payments received by the landlord or a utility service provider from a payment made under this section shall be used to reduce the amount of the tenant's obligation to the landlord or utility service provider.

(2) A landlord or utility service provider shall not be required to waive any outstanding obligations for rent

or utility payments as a condition to participate in the program.

(3) Except as provided under paragraph (4), amounts provided for rent, rental arrears, utilities and home energy costs and utility and home energy cost arrears shall be made to the lessor or utility on behalf of an applicant.

(4) If a landlord or utility service provider refuses to participate in the program, a payment received by an individual must be forwarded to the landlord or utility service provider to reduce the tenant's obligation.

(f) Transfer prohibited.--The department shall use funding from the program only for the purpose of services provided under subsection (a) provided for under the Consolidated Appropriations Act, 2021. The funding may not be transferred to other programs within the department.

(102-D added Feb. 5, 2021, P.L.1, No.1)
Section 103-D. Department.

(a) Powers and duties.--The department shall have the power and duty to:

(1) Implement and administer the program in accordance with Federal law. The department shall compile and transmit any information necessary to implement the program and comply with programmatic and eligibility requirements under Federal law and Federal guidance. The department is prohibited from placing any additional stipulations on counties that are in addition to this article, Federal law or Federal guidance. If a county fails to participate in the program or if funds are not expended within the time requirements of this article, the department may administer the services of the program.

(2) Monitor county governments' administration of the grant to ensure compliance with Federal and State requirements.

(3) Allocate and disburse grant funds to counties.

(4) Require counties to submit reports containing information required by the department and as necessary for compliance with the Consolidated Appropriations Act, 2021 in the form and by the deadline prescribed by the department. The department shall develop an application to participate in the program.

(5) Monitor, inspect or audit the financial, operating and accounting records of a county agency or contracted entity that receives grant funds, if deemed necessary by the department.

(6) Withhold, recover or reduce grant funds of a county agency or contracted entity determined to have administered the program in violation of Federal or State requirements.

(7) Recoup and reallocate unobligated grant funds as identified by the county of a county agency or contracted entity, as provided under section 105-D. The reallocation shall be based upon the counties that identified a shortfall and prorated based upon the 2019 census population to the extent of a county's identified shortfall.

(7.1) Prepare a monthly consolidated report with information from all counties submitted under section 104-D(4) and shall submit the report on a monthly basis to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives. The report shall also be posted and maintained on the department's publicly accessible

Internet website. ((7.1) amended June 30, 2021, P.L.62, No.24)

(8) By December 20, 2022, or 90 days after any updated Federal deadline for the use of funds for emergency rental assistance under the Consolidated Appropriations Act, 2021 (Public Law 116-260, 134 Stat. 1182), whichever is later, issue a report to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives and shall post the report to the department's publicly accessible Internet website. The report shall include the following information:

- (i) The total amount of funds received by a county.
- (ii) The total amount of funds spent by a county for services under section 102-D(a).
- (iii) The total amount of excess funding or shortfall identified by a county as of September 20, 2022, or as of any updated Federal deadline for the use of funds for emergency rental assistance under the Consolidated Appropriations Act, 2021, whichever is later.
- (iv) The total number of households that applied for assistance.
- (v) The total number of households that received assistance.
- (vi) The total amount of funding sought by services under section 102-D(a).
- (vii) The total amount of assistance provided by services under section 102-D(a).
- (viii) An itemization of all expenditures for administrative costs.

((8) amended June 30, 2021, P.L.62, No.24)

(b) Costs.--To the extent permitted by Federal law, the department may utilize an amount not to exceed 1% of the amount appropriated to cover the costs associated with the administration of the program.

(103-D added Feb. 5, 2021, P.L.1, No.1)

Section 104-D. Counties.

The local county officials of each county government participating in the program shall have the power and duty to:

- (1) Administer and disburse grant funds for the provision of rental and utility assistance and housing stability services in accordance with this article, information from the department and Federal requirements.
- (2) Establish or maintain, in agreement with another county, local collaborative arrangements for the delivery of rental and utility assistance and housing stability services.
- (3) Determine and redetermine, in accordance with the information provided by the department, whether a person is eligible to participate in the program, subject to appeal under 2 Pa.C.S. Ch. 5 Subch. B (relating to practice and procedure of local agencies).
- (4) Submit monthly reports, which shall include identified excess or insufficient funding and an itemization of expenditures for administrative costs. The reports shall be subject to audit as determined by the department.

(104-D added Feb. 5, 2021, P.L.1, No.1)

Section 105-D. Reallocation of grants.

(a) Obligated funds.--Counties must certify to the department by July 31, 2021:

(1) The percentage of its grant funds obligated under section 102-D(c).

(2) (i) The amount of funding that is expected to be obligated for the period August 1, 2021, through September 20, 2022, or as of any updated Federal deadline for the use of funds for emergency rental assistance under the Consolidated Appropriations Act, 2021 (Public Law 116-260, 134 Stat. 1182), whichever is later; and

(ii) projections of any excess funding or a funding shortfall through September 20, 2022, or as of any updated Federal deadline for the use of funds for emergency rental assistance under the Consolidated Appropriations Act, 2021, whichever is later.

(b) Time.--If the department determines that excess funds will remain on September 20, 2022, or as of any updated Federal deadline for the use of funds for emergency rental assistance under the Consolidated Appropriations Act, 2021, whichever is later, the department may recoup and reallocate excess funding to other counties that have demonstrated a funding shortfall and the ability to spend additional funds within a timeframe to be determined by the department. Any excess funding shall be reallocated by the department in a manner to ensure that funds are spent by the Federal deadline for the use of funds. ((b) amended July 11, 2022, P.L.540, No.54)

(c) Additional allocation.--If the Commonwealth receives an additional allocation under the Consolidated Appropriations Act, 2021, as a result of other states not having met their threshold under Federal law, the department shall distribute reallocated funding to counties who have obligated a specified percentage of their initial allocation, as determined by the department, by September 30, 2021, according to the reallocation methodology under section 103-D(a)(7) and have certified a shortfall demonstrating additional need under subsection (a)(2).

(105-D amended June 30, 2021, P.L.62, No.24)

Compiler's Note: Section 6(3) of Act 1 of 2021 provided that the sum of \$569,808,000 of Federal amounts is appropriated on a continuing basis to the Department of Human Services from the COVID-19 Response Restricted Account for COVID Relief - Rental and Utility Assistance Grant Program under Article I-D. Any additional Federal amounts received through a reallocation process from the Consolidated Appropriations Act, 2021 are appropriated to the Department of Human Services for distribution under section 105-D(c).

ARTICLE I-E
AMERICAN RESCUE PLAN RENTAL AND
UTILITY ASSISTANCE GRANT PROGRAM
(Art. added June 30, 2021, P.L.62, No.24)

Section 101-E. Definitions.

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

"American Rescue Plan." American Rescue Plan Act of 2021 (Public Law 117-2, 135 Stat. 4).

"Department." The Department of Human Services of the Commonwealth.

"Program." The American Rescue Plan Rental and Utility Assistance Grant Program established under section 102-E.

"Utilities." Includes separately stated electricity, gas, water and sewer, trash removal and energy costs, such as fuel oil. Telecommunications services, such as telephone and cable, delivered to the rental dwelling are not considered to be utilities.

(101-E added June 30, 2021, P.L.62, No.24)

Section 102-E. American Rescue Plan Rental and Utility Assistance Grant Program.

(a) Establishment.--The American Rescue Plan Rental and Utility Assistance Grant Program is established within the department. The program shall provide the following services to eligible individuals:

(1) Rental assistance, including the following:

(i) Rent.

(ii) Rental arrears.

(iii) Utilities and home energy costs.

(iv) Utilities and home energy cost arrears.

(v) Other expenses related to housing to the extent permitted by Federal law and guidance.

(2) Housing stability services, including case management and other services intended to keep households stably housed.

(b) County.--Each county is eligible to participate in the program. The following shall apply:

(1) Grant funds received by a county under this article shall be used for the provision of services under subsection (a). To the extent permitted by Federal law or guidance, the following shall apply:

(i) No more than 10% of funds may be used to provide housing stability services.

(ii) Associated administrative costs, including costs related to eligibility determination of applicants, may not exceed 15% of the total amount of grant funds.

(2) A county may not use the grant funds received as the non-State match for other State funds, programs or grants.

(3) Counties that participate in the Human Services Block Grant Program under Article XIV-B of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, must use the funds for eligible services under this article.

(4) A county is prohibited from placing any stipulations, restrictions or limitations on assistance or eligibility that are in addition to Federal law or guidance or this article.

(c) Distribution.--Except as provided under paragraph (6), grant funds shall be distributed as follows:

(1) From money appropriated for the program, each county shall receive an amount equal to the population proportion amount as determined by paragraphs (3) and (4). For purposes of this paragraph, a county's population shall be equal to the published estimate by the United States Census Bureau Population Estimates Program for calendar year 2019.

(2) The department shall distribute funding to counties 30 days after the effective date of this section.

(3) For the purposes of this subsection, the population proportion shall be determined as follows:

(i) the population estimate of the county; divided by

(ii) the sum of the population estimates of all counties.

(4) Counties shall receive a disbursement in an amount necessary so that the total disbursement to a county is determined as follows:

(i) Add:

(A) the amount of money received by the Commonwealth from the Federal Government for emergency rental assistance under the American Rescue Plan; and

(B) the amount of money paid directly by the Federal Government to counties for emergency rental assistance under the American Rescue Plan.

(ii) Multiply:

(A) the county's population proportion; and

(B) the sum under subparagraph (i).

(5) An amount equal to a disbursement received by a county directly from the Federal Government for rental assistance through the American Rescue Plan shall be deducted from the amount calculated under paragraph (4).

(6) Grant funds received by the Commonwealth under section 3201(b)(3) of the American Rescue Plan shall be distributed and used for low-income, high-needs households in accordance with Federal law or guidance.

(d) Human Services Block Grant Program.--Money received by a county under the program may not be included in the calculation of the allocation of funds under the Human Services Block Grant Program under section 1405-B of the Human Services Code.

(e) Reduction of obligations.--The following shall apply:

(1) Any payments received by the landlord, a utility service provider or a payee from a payment made under this section shall be used to reduce the amount of the tenant's obligation to the landlord, utility service provider or a payee.

(2) A landlord or utility service provider shall not be required to waive any outstanding obligations for rent or utility payments as a condition to participate in the program.

(3) Except as provided under Federal law or guidance or paragraph (4), amounts provided for rent, rental arrears, utilities and home energy costs, utility and home energy cost arrears and other expenses related to housing shall be made to the lessor, utility or payee on behalf of an applicant.

(4) If a landlord or utility service provider refuses to participate in or cooperate with the program, payment may be made directly to an individual in accordance with Federal law or guidance. A payment received by an individual must be forwarded to the landlord, utility service provider or payee to reduce the tenant's obligation.

(f) Transfer prohibited.--The department shall use funding from the program only for the purpose of services provided under subsection (a) provided for under the American Rescue Plan. The funding may not be transferred to other programs within the department.

(g) Eligibility.--To the extent permitted by Federal law or guidance, an applicant may self-certify income eligibility for the program.

(102-E added June 30, 2021, P.L.62, No.24)
Section 103-E. Department.

The department shall have the power and duty to:

(1) Implement and administer the program in accordance with Federal law or guidance. The department shall compile

and transmit any information necessary to implement the program and comply with programmatic and eligibility requirements under Federal law and guidance. The department is prohibited from placing any additional stipulations on counties that are not in accordance with Federal law or guidance or this article. If a county fails to participate in the program or if funds are not expended within the time requirements of this article, the department may administer the services of the program.

(2) Monitor county governments' administration of the grant to ensure compliance with Federal and State requirements.

(3) Allocate and disburse grant funds to counties.

(4) Require counties to submit reports containing information required by the department and as necessary for compliance with the American Rescue Plan in the form and by the deadline prescribed by the department.

(5) Monitor, inspect or audit the financial, operating and accounting records of a county agency or contracted entity that receives grant funds, if deemed necessary by the department.

(6) Withhold, recover or reduce grant funds of a county agency or contracted entity determined to have administered the program in violation of Federal or State requirements.

(7) If the department determines that excess funds will remain on September 30, 2025, or as of any updated Federal deadline for the use of grant funds for emergency rental assistance under the American Rescue Plan, the department may recoup and reallocate excess funds to other counties that have demonstrated a funding shortfall and the ability to spend additional funds within a timeframe to be determined by the department. Any excess funding shall be recouped and reallocated by the department as needed in a manner to ensure that funds are spent by the Federal deadline for the use of funds. ((7) amended July 11, 2022, P.L.540, No.54)

(7.1) Prepare a quarterly consolidated report with information from all counties submitted under section 104-E(4) and shall submit the report on a quarterly basis to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives. The report shall also be posted and maintained on the department's publicly accessible Internet website.

(8) Ninety days after December 31, 2025, or any updated Federal deadline for the use of funds for emergency rental assistance under the American Rescue Plan, whichever is later, issue a report to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives and shall post the report to the department's publicly accessible Internet website. The report shall include the following information:

(i) The total amount of funds received by a county.

(ii) The total amount of funds spent by a county for services under section 102-E(a).

(iii) The total number of households that applied for assistance.

(iv) The total number of households that received assistance.

(v) The total amount of funding sought by services under section 102-E(a).

(vi) The total amount of assistance provided by services under section 102-E(a).

(vii) An itemization of all expenditures for administrative costs.

(103-E added June 30, 2021, P.L.62, No.24)

Section 104-E. Counties.

The local county officials of each county government participating in the program shall have the power and duty to:

(1) Administer and disburse grant funds for the provision of assistance and housing stability services in accordance with this article, information from the department and Federal law or guidance.

(2) Establish or maintain, in agreement with another county, local collaborative arrangements for the delivery of assistance and housing stability services under this article.

(3) Determine and redetermine, in accordance with the information provided by the department, whether a person is eligible to participate in the program, subject to appeal under 2 Pa.C.S. Ch. 5 Subch. B (relating to practice and procedure of local agencies).

(4) Submit monthly reports, which shall include identified excess or insufficient funding and an itemization of expenditures for administrative costs. The reports shall be subject to audit as determined by the department.

(5) A county is prohibited from placing any stipulations, restrictions or limitations on assistance or eligibility that are in addition to this article or Federal law or guidance.

(104-E added June 30, 2021, P.L.62, No.24)

Section 105-E. Reallocation of grants.

(a) Obligated funds.--Counties must certify to the department by January 1, 2022, and as frequently thereafter as determined by the department:

(1) The percentage of its grant funds obligated under section 102-E(c).

(2) The projection of any excess funding or fund shortfalls.

(b) Additional allocation.--If the Commonwealth receives an additional allocation under the American Rescue Plan as a result of other states not having met their threshold under Federal law, the department shall distribute additional funding in accordance with Federal law or guidance or this article.

(105-E added June 30, 2021, P.L.62, No.24)

ARTICLE I-F

HOMEOWNERS ASSISTANCE GRANT PROGRAM

(Art. added June 30, 2021, P.L.62, No.24)

Section 101-F. Definitions.

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

"Agency." The Pennsylvania Housing Finance Agency.

"American Rescue Plan." American Rescue Plan Act of 2021 (Public Law 117-2, 135 Stat. 4).

"Fees." Includes homeowner's association fees, condominium association fees and common charges, including liens related to those fees.

"Insurance." Includes homeowner's insurance, flood insurance and mortgage insurance.

"Program." The Homeowners Assistance Grant Program established under section 102-F.

"Utilities." Includes electricity, gas, home energy and water.

(101-F added June 30, 2021, P.L.62, No.24)

Section 102-F. Homeowners Assistance Grant Program.

(a) Establishment.--The Homeowners Assistance Grant Program is established within the agency. The program shall provide the following services to eligible individuals:

- (1) Mortgage payment assistance.
- (2) Financial assistance to allow a homeowner to reinstate a mortgage or to pay other housing-related costs related to a period of forbearance, delinquency or default.
- (3) Principal reduction.
- (4) Facilitating interest rate reductions.
- (5) Payment assistance, including:
 - (i) Utilities.
 - (ii) Internet service, including broadband internet access service.
 - (iii) Insurance.
 - (iv) Fees.
- (6) Any other assistance to promote housing stability for homeowners, including preventing mortgage delinquency, default, foreclosure, postforeclosure eviction or ejection of a homeowner, or the loss of utility or home energy services, to the extent permitted by Federal law or guidance.
- (7) Any other housing-related purpose allowed by Federal law or guidance.

(b) Administration.--The agency shall administer the program. The following shall apply:

(1) Grant funds received by the agency under this article shall be used for the provision of services under subsection (a). To the extent permitted by Federal law or guidance, associated administrative expenses shall not exceed 10%.

(2) The agency may contract with municipalities, housing counseling agencies and other community-based organizations to assist with outreach to potentially eligible individuals and take applications for assistance under the program.

(c) Transfer prohibited.--The agency shall use funding from the program only for the purpose of services provided under subsection (a) or as provided through the American Rescue Plan and United States Department of the Treasury guidance.

(102-F added June 30, 2021, P.L.62, No.24)

Section 103-F. Agency.

The agency shall have the power and duty to:

(1) In conjunction with the Secretary of the Budget, submit a plan regarding the use of the Commonwealth's share of the Homeowner Assistance Fund authorized under section 3206 of the American Rescue Plan to the United States Department of the Treasury by September 30, 2021, or 90 days after any updated Federal deadline for the submission of a plan for Homeowner Assistance under the American Rescue Plan, whichever is later. No later than August 31, 2021, or 60 days after any updated Federal deadline for the submission of a plan for Homeowner Assistance under the American Rescue Plan, whichever is later, the agency shall transmit a copy of the plan to the President pro tempore, the Majority Leader and Minority Leader of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the

Senate, the chairperson and minority chairperson of the Housing and Urban Affairs Committee of the Senate, the Speaker of the House of Representatives, the Majority Leader and Minority Leader of the House of Representatives, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives and the chairperson and minority chairperson of the Urban Affairs Committee of the House of Representatives. The plan shall also be posted on the agency's publicly accessible Internet website.

(2) The plan under paragraph (1) shall include the following:

(i) Homeowner needs and engagement, including data-driven assessment of homeowner needs and evidence of public participation and community engagement.

(ii) Program design, including program description, methods for targeting funding, best practices and coordination with other participants.

(iii) Performance goals.

(iv) Readiness, including staffing and systems, contracts and partnerships and existing and pilot programs.

(v) Budget.

(3) Implement and administer the program in accordance with Federal law and guidance. The agency shall compile and transmit any information necessary to implement the program and comply with programmatic and eligibility requirements under Federal law and guidance. The agency is prohibited from placing any additional stipulations on funding that are in addition to this article or Federal law or guidance.

(4) In the agency's discretion, utilize money appropriated prior to the submission of the plan for a pilot program. If the agency utilizes funds for a pilot program, the pilot program shall comply with the provisions of this article.

(5) Allocate and disburse grants to eligible individuals.

(6) Ensure that assistance under this article is made available to all geographic areas of this Commonwealth.

(7) Prepare and submit quarterly reports, in accordance with Federal reporting timelines, to the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives, the Urban Affairs and Housing Committee of the Senate and the Urban Affairs Committee of the House of Representatives. The report shall also be posted and maintained on the department's publicly accessible Internet website and shall include:

(i) The total amount of funds expended for the quarter.

(ii) The total amount of funds expended since the program began.

(iii) The amount of funding remaining.

(iv) The total amount of funds expended for administrative expenses for the quarter.

(v) The total amount of funds expended for administrative expenses since the program began.

(vi) The total number of individuals who applied for assistance, including a breakdown based on the gender, race, county and income of the applicant.

(vii) The total number of applications reviewed for the quarter, including a breakdown based on the gender, race, county and income of the applicant.

(viii) The total number of applications reviewed since the program began, including a breakdown based on the gender, race, county and income of the applicant.

(ix) The total number of applications approved for the quarter, including a breakdown based on the gender, race, county and income of the applicant.

(x) The total number of applications approved since the program began, including a breakdown based on the gender, race, county and income of the applicant.

(xi) The total number of applications rejected and, if available, the reason for rejection for the quarter, including a breakdown based on the gender, race, county and income of the applicant.

(xii) The total number of applications rejected and, if available, the reason for rejection since the program began, including a breakdown based on the gender, race, county and income of the applicant.

(8) The agency shall appear in person before the Urban Affairs and Housing Committee of the Senate and the Urban Affairs Committee of the House of Representatives on a quarterly basis to discuss the report submitted under paragraph (7).

(9) The agency shall appear in person before the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives upon request to discuss the report submitted under paragraph (7).

(10) By September 30, 2025, issue a report with final information on the program to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives and post the report to the agency's publicly accessible Internet website. The report shall include all of the information required under paragraph (7).

(103-F added June 30, 2021, P.L.62, No.24)

ARTICLE I-G

WATER ASSISTANCE PROGRAM

(Art. added June 30, 2021, P.L.62, No.24)

Section 101-G. Definitions.

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

"American Rescue Plan." American Rescue Plan of 2021 (Public Law 117-2, 135 Stat. 4).

"Department." The Department of Human Services.

"PENNVEST." The Pennsylvania Infrastructure Investment Authority established under the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act.

(101-G added June 30, 2021, P.L.62, No.24)

Section 102-G. Water Assistance Program.

(a) Establishment.--The Water Assistance Program is established within the department to provide water assistance to eligible individuals under the Consolidated Appropriations Act, 2021 (Public Law 116-260, 134 Stat. 1182) and the American Rescue Plan. The department shall administer this program to the extent Federal funds are appropriated.

(b) Powers and duties.--The department shall have the power and duty to:

(1) Implement and administer the program, in consultation with the Department of Environmental Protection and PENNVEST, in accordance with the requirements established under the Consolidated Appropriations Act, 2021, the American Rescue Plan and other applicable Federal law, requirements or guidance provided by the Federal Administering Agency.

(2) Prepare and submit quarterly reports to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives. The report shall be posted and maintained on the department's publicly accessible Internet website and shall include:

(i) The total amount of funds expended for the quarter.

(ii) The total amount of funds expended since the program began.

(iii) The amount of funding remaining.

(iv) The total amount of funds expended for administrative expenses for the quarter.

(v) The total amount of funds expended for administrative expenses since the program began.

(vi) The total number of individuals who applied for assistance, including a breakdown based on the gender, race, county and income of the individual.

(vii) The total number of applications reviewed for the quarter, including a breakdown based on the gender, race, county and income of the individual.

(viii) The total number of applications reviewed since the program began, including a breakdown based on the gender, race, county and income of the individual.

(ix) The total number of applications approved for the quarter, including a breakdown based on the gender, race, county and income of the individual.

(x) The total number of applications approved since the program began, including a breakdown based on the gender, race, county and income of the individual.

(xi) The total number of applications rejected and, if available, the reason for rejection for the quarter, including a breakdown based on the gender, race, county and income of the individual.

(xii) The total number of applications rejected and, if available, the reason for rejection since the program began, including a breakdown based on the gender, race, county and income of the individual.

(3) Issue a report with final information on the program to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives and post the report on the agency's publicly accessible Internet website. The department shall issue the report 90 days after any Federal deadline for the use of funds for water assistance under the Consolidated Appropriations Act, 2021 and the American Rescue Plan. The report shall include all of the information required under paragraph (2).

(4) Ensure that assistance under this article is made available to all geographic areas of this Commonwealth.

(102-G added June 30, 2021, P.L.62, No.24)

ARTICLE I-H
CHILD CARE STABILIZATION PROGRAM
(Art. added June 30, 2021, P.L.62, No.24)

Section 101-H. Scope of article.

This article relates to the Child Care Stabilization Program.

(101-H added June 30, 2021, P.L.62, No.24)

Section 102-H. Definitions.

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

"Department." The Department of Human Services of the Commonwealth.

"Program." The Child Care Stabilization Program established under this article.

"Qualified child-care provider." Either of the following:

(1) A child-care provider certified under 55 Pa. Code Ch. 3270 (relating to child day care centers), 3280 (relating to group child day care homes) or 3290 (relating to family child care homes) as of March 11, 2021, and that meets either of the following:

(i) Is open and available to provide child care services on the date an application is submitted for program funding.

(ii) On the date of application for program funding, is temporarily closed due to public health, financial hardship or other reasons relating to the COVID-19 pandemic.

(2) A relative provider participating in subsidized child care as of March 11, 2021.

"Relative provider." A provider exempt from certification under 55 Pa. Code Chs. 3270, 3280 and 3290.

(102-H added June 30, 2021, P.L.62, No.24)

Section 103-H. Child Care Stabilization Program.

(a) Establishment.--The Child Care Stabilization Program is established within the department.

(b) Applications.--The department shall develop an application for qualified child-care providers to apply for program funding under this section. The application shall be made available and posted on the department's publicly accessible Internet website. The department shall accept and process applications on a rolling basis until either funding for the program has been exhausted, or the Federal deadline for the use of child care stabilization funds under the American Rescue Plan Act of 2021 (Public Law 117-2, 135 Stat. 4), whichever occurs first. The department shall approve or deny an application no later than 30 days after the receipt of the application.

(c) Funding methodology.--The department shall develop a methodology for determining the operating costs of qualified child-care providers that is allowable under Federal law and guidance. Funding under the program shall, to the extent practicable, cover sufficient operating expenses to ensure continuous operations for the intended period of the funding.

(d) Infant and toddler supplemental payment.--The department shall provide additional funds to qualified child-care providers serving infants or toddlers.

(e) Distribution of funds.--In accordance with Federal law or guidance, the department may not require qualified child-care providers to incur expenses to receive funding under the program. Qualified child-care providers may use funding to reimburse expenses incurred since January 31, 2020. The

department shall distribute program funding to qualified child-care providers within 30 days of an application being approved.

(f) Eligible uses of funding.--Program funding shall be in accordance with Federal law and guidance and may include the following:

(1) Personnel costs, including payroll and salaries or similar compensation for an employee, including a sole proprietor or independent contractor, employee benefits, premium pay or costs for employee recruitment and retention.

(2) Rent or payment on a mortgage obligation, utilities, facilities maintenance or improvements and insurance.

(3) Personal protective equipment, cleaning and sanitation supplies and services and health and safety practices.

(4) Purchases of or updates to equipment and supplies to respond to the COVID-19 pandemic.

(5) Goods or services necessary to maintain or resume child-care services.

(6) Mental health supports for children and employees.

(103-H added June 30, 2021, P.L.62, No.24)

Section 104-H. Power and duties of department.

(a) General rule.--The department shall have the power and duty to:

(1) Implement and administer the program in accordance with Federal law or guidance. The department shall compile and transmit information necessary to implement the program and comply with programmatic and eligibility requirements under Federal law or guidance.

(2) Allocate and disburse program funds to qualified child-care providers.

(3) Require qualified child-care providers to submit reports containing information required for compliance with Federal law or guidance, in the form and by the deadline prescribed by the department. The department may not subject qualified child-care providers to additional reporting that is not required by Federal law or guidance, State law or this article.

(4) Monitor, inspect or audit the financial, operating and accounting records of a qualified child-care provider that receives program funding, if deemed necessary by the department.

(5) Withhold, recover or reduce program funding of a qualified child-care provider determined to have administered the program in violation of Federal or State requirements.

(6) By December 11, 2021, issue a report to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives on the percentage of money that has been obligated for the program. If the percentage is below 50%, an analysis must be provided on how the department can achieve the spending deadlines in Federal law or guidance.

(7) By April 1, 2022, issue a report to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives on the amount of money remaining for the program and if the remaining money cannot be obligated by September 30, 2022.

(8) By December 31, 2023, issue a report to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority

chairperson of the Appropriations Committee of the House of Representatives and post the report to the department's publicly accessible Internet website. The report shall include the following information:

- (i) The total number of applications received by the department.
- (ii) The total amount of qualified child-care providers that received funding.
- (iii) The qualified child-care providers that received funding by county.
- (iv) The number of qualified child-care providers that received funding and were open at the time of their application.
- (v) The number of qualified child-care providers that received funding and were temporarily closed at the time of their application.
- (vi) The total amount of program funding spent.
- (vii) If program funding could not be spent, the amount of unspent money and a description as to why all of the program funding was not spent.
- (viii) A description on the use of program funding.
- (ix) An itemization of the department's expenditures for administrative costs on the program.

(b) Costs.--To the extent permitted by Federal law, the department may utilize an amount not to exceed 10% of the amount appropriated to cover the costs associated with the administration of the program.

(104-H added June 30, 2021, P.L.62, No.24)

Section 105-H. Distribution of funding.

From money appropriated for COVID Relief-ARPA-Child Care Stabilization Grant Program, \$728,864,000 shall be distributed by the department for the purposes under this article.

(105-H added June 30, 2021, P.L.62, No.24)

ARTICLE I-I

OPIOID ABUSE CHILD IMPACT TASK FORCE

(Art. expired January 26, 2023. See Act 2 of 2022.)

Section 101-I. Declaration of policy.

(101-I expired January 26, 2023. See Act 2 of 2022.)

Section 102-I. Definitions.

(102-I expired January 26, 2023. See Act 2 of 2022.)

Section 103-I. Establishment.

(103-I expired January 26, 2023. See Act 2 of 2022.)

Section 104-I. Responsibilities.

(104-I expired January 26, 2023. See Act 2 of 2022.)

Section 105-I. Members and meetings.

(105-I expired January 26, 2023. See Act 2 of 2022.)

Section 106-I. Duties.

(106-I expired January 26, 2023. See Act 2 of 2022.)

Section 107-I. Hearings.

(107-I expired January 26, 2023. See Act 2 of 2022.)

Section 108-I. Agency cooperation.

(108-I expired January 26, 2023. See Act 2 of 2022.)

Section 109-I. Reports.

(109-I expired January 26, 2023. See Act 2 of 2022.)

Section 110-I. Expiration.

(110-I expired January 26, 2023. See Act 2 of 2022.)

ARTICLE I-J

ARPA HEALTH CARE WORKFORCE SUPPORTS

(Art. added Jan. 26, 2022, P.L.5, No.2)

Section 101-J. Definitions.

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

"Behavioral health provider." The following:

(1) A long-term structured residence licensed under 55 Pa. Code Ch. 5320 (relating to requirements for long-term structured residence licensure).

(2) A residential treatment facility for adults licensed under Article X of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

(3) A residential treatment facility licensed under 55 Pa. Code Ch. 3800 (relating to child residential and day treatment facilities) that meets the Medical Assistance reimbursement requirements for the provision of mental health treatment services provided in a residential treatment facility, as determined by the Department of Human Services. The term shall include psychiatric residential treatment facilities and nonaccredited residential treatment facilities.

(4) A private psychiatric hospital licensed under 55 Pa. Code Ch. 5300 (relating to private psychiatric hospitals).

(5) An inpatient hospital psychiatric unit approved under 55 Pa. Code Ch. 5100 (relating to mental health procedures).

"Clinical care services." The diagnostic, treatment or rehabilitative services provided in an entity, including the following services:

(1) Radiology and diagnostic imaging, such as magnetic resonance imaging and positron emission tomography.

(2) Radiation therapy.

(3) Respiratory therapy.

(4) Phlebotomy.

(5) Electrocardiogram and electroencephalography.

(6) Laboratory medical services.

"Critical access hospital." A hospital that meets either of the following:

(1) Has qualified under section 1861(mm)(1) of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1395x(mm)(1)) as a critical access hospital under Medicare.

(2) A rural hospital that is licensed under section 808 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, that provides inpatient medical care and other related services for surgery, acute medical conditions or injuries and that meet all of the following:

(i) Is located in a county of the sixth, seventh or eighth class that has no more than two Medical Assistance-enrolled general acute care hospitals.

(ii) Is located in a county that has greater than 17% of its population that are eligible for Medical Assistance or has greater than 10,000 persons eligible for Medical Assistance.

(iii) Has no more than 200 licensed and staffed beds.

(iv) Does not qualify as a critical access hospital under section 1861(mm)(1) of the Social Security Act as a critical access hospital under Medicare.

"Direct patient care activities." The direct performance of any the following services to a patient by qualified staff:

(1) Assessment.

(2) Examination.

(3) Treatment.

- (4) Medication administration.
- (5) Rehabilitation.
- (6) Direct care services.
- (7) Preparation for clinical care services.

"Entity." A behavioral health provider, critical access hospital, hospital or high Medical Assistance hospital.

"High Medical Assistance hospital." As determined under the Medical Assistance dependency adjustment provisions of the Commonwealth's approved Title XIX State Plan, based on a hospital's approved Medical Assistance cost report for fiscal year 2018-2019. (Def. amended Feb. 9, 2022, P.L.37, No.9)

"Hospital." As follows:

- (1) The term shall include the following:

- (i) A hospital licensed by the Department of Health under section 808 of the Health Care Facilities Act that provides inpatient medical care and other related services for surgery, acute medical conditions or injuries.

- (ii) A hospital licensed by the Department of Health under section 808 of the Health Care Facilities Act that specializes in services exclusively to infants, children, adolescents and young adults from birth up to the age of 21.

- (iii) A critical access hospital.

- (2) The term shall not include a Federal veterans' affairs hospital and a State-owned psychiatric hospital.

"Qualified staff." An employee of an entity who is involved in direct patient care activities, environmental services or clinical care services. The term shall not include behavioral health executives, hospital executives, contracted staff, administrators and administrative support staff or physicians.

(101-J added Jan. 26, 2022, P.L.5, No.2)

Section 102-J. Department of Human Services.

(a) Hospital qualified staff retention and recruitment payments.--From money appropriated to the Department of Human Services under subsection (e)(1), \$100,000,000 shall be used for making payments to hospitals for making retention and recruitment payments to qualified staff, which shall be distributed as one-time payments to each hospital, determined as follows:

- (1) Divide:

- (i) the number of a hospital's licensed beds as of December 30, 2021, as determined in consultation with the Department of Health; by

- (ii) the total licensed hospital beds as of December 30, 2021, as determined in consultation with the Department of Health.

- (2) Multiply:

- (i) the quotient under paragraph (1); by

- (ii) \$100,000,000.

(b) Other qualified staff retention and recruitment payments.--From money appropriated to the Department of Human Services under subsection (e)(2), \$110,000,000 shall be used for making payments to behavioral health providers, critical access hospitals and high Medical Assistance hospitals for staff retention and recruitment payments to qualified staff, which shall be distributed as one-time payments to each behavioral health provider, critical access hospital and high Medical Assistance hospital, determined as follows:

- (1) Divide:

- (i) the unduplicated number of the licensed beds of a behavioral health provider, critical access hospital

or high Medical Assistance hospital as of December 30, 2021, as determined in consultation with the Department of Health; by

(ii) the unduplicated total licensed beds of all behavioral health providers, critical access hospitals and high Medical Assistance hospitals as of December 30, 2021, as determined in consultation with the Department of Health.

(2) Multiply:

(i) the quotient under paragraph (1); by

(ii) \$110,000,000.

(c) Conditions.--The following apply to receipt of payments received under this section:

(1) A payment received from the Department of Human Services under this section may not supplant existing staff wages and may not otherwise be reimbursed by Federal or State funding.

(1.1) A qualified staff member may only receive one payment for retention or recruitment under this section.

(2) An entity receiving a payment from the Department of Human Services under this section must be in operation as of December 30, 2021, and must maintain operations until at least December 31, 2022.

(3) An entity receiving a payment from the Department of Human Services under this section shall spend the funds by the following deadlines:

(i) Staff retention payments under subsections (a) and (b) shall be made within 90 days of receipt of payment.

(ii) Staff recruitment payments under subsections (a) and (b) shall be made within 180 days of receipt of payment.

(4) An entity receiving a payment from the Department of Human Services under this section shall submit a report, in a form and manner as prescribed by the Department of Human Services, as follows:

(i) An entity receiving a payment from the department under subsections (a) and (b) shall submit a report to the department by:

(A) September 30, 2022, regarding staff retention payments.

(B) December 31, 2022, regarding staff recruitment payments.

(ii) A report under this paragraph shall include the following information:

(A) The number of staff payments or bonuses, including any additional retention and recruitment incentives, regardless of funding source.

(B) The ratio of permanent staff to contracted agency/temporary staff as of December 30, 2021, versus that ratio as of the submission date of the report.

(C) The amount of a staff payment or bonus per employee, including the total number of each type of payment or bonus.

(D) The types or classification of employees that received a bonus or payment.

(E) The criteria used for determining a staff payment or bonus, including whether and how staff were engaged in the determination.

(F) The plan for recruitment and retention through December 31, 2023.

(G) The number of the employees who received a bonus or payment, including the number of employees who received a bonus or payment and are still employed at the facility on the submission date of the report.

(H) Any other criteria required by Federal or State law or guidance.

(5) The Department of Human Services may recover a payment from an entity that receives payment from the department under this section if the entity does not comply with the provisions of this section or with Federal or State law or guidance. An entity that receives a payment from the department under this section shall provide documents, records and other information related to a payment made under this section in the time, manner and format requested by either the Department of Human Services or by any other Commonwealth or Federal agency that is authorized to audit the payments.

(d) Report.--Within 90 days of the reporting deadlines under subsection (c), the Department of Human Services, in consultation with the Department of Health, shall issue a report to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives regarding the aggregate employee bonus and payment information received under subsection (c). The report shall be posted to the Department of Human Services' publicly accessible Internet website. The publicly available report may not include any proprietary recruitment and retention plan information.

(e) Appropriation.--The following Federal amounts are appropriated on a continuing basis from the COVID-19 Response Restricted Account to the Department of Human Services:

(1) The sum of \$100,000,000 is appropriated to the Department of Human Services for COVID Relief - Hospital Workforce Assistance in accordance with this section.

(2) The sum of \$110,000,000 is appropriated to the Department of Human Services for COVID Relief - Healthcare Workforce Assistance in accordance with this section.

(102-J added Jan. 26, 2022, P.L.5, No.2)

Section 103-J. Pennsylvania Higher Education Assistance Agency.

(a) Student Loan Relief for Nurses Program.--Notwithstanding any other provision of law, from money appropriated to the Pennsylvania Higher Education Assistance Agency under subsection (b), \$15,000,000 shall be used to fund the Pennsylvania Student Loan Relief for Nurses Program.

(b) Federal funds.--From the COVID-19 Response Restricted Account, Federal funds are appropriated on a continuing basis in the sum of \$15,000,000 to the Pennsylvania Higher Education Assistance Agency for the Pennsylvania Student Loan Relief for Nurses Program in accordance with this section.

(103-J added Jan. 26, 2022, P.L.5, No.2)

ARTICLE I-K

911 EMERGENCY COMMUNICATION SERVICES

(Art. added Dec. 13, 2023, P.L.251, No.34)

Section 101-K. Definitions.

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

"911 communication." Transmission of information to a PSAP for the initial reporting of police, fire, medical or other emergency situation.

"911 communications service." As follows:

(1) A service that allows the two-way transmission, conveyance or routing of voice, data, audio, video or any information of signals, including cable and Internet protocol services, to a point or between or among points by or through any electronic, radio, satellite, cable, optical, microwave or other medium or method in existence on or after the effective date of this definition, regardless of protocol used for the transmission or conveyance, only if that service is capable of contacting a PSAP by entering or dialing the digits 911 and is subject to applicable Federal or State requirements to provide the 911 dialing capability.

(2) The term does not include wireless and Internet-protocol-enabled services that are exempt from Federal Communications Commission regulations for 911 communications service, 911 service and next generation 911 service.

"911 system." A system capable of receiving and processing a 911 communication throughout a defined geographic area. The term shall include a county or county-based regional 911 system or a PSAP.

"Agency." The Pennsylvania Emergency Management Agency.

"Call." A two-way communication established using a 911 communications service.

"Next generation 911 service." 911 service using, in whole or in part, next generation 911 technology.

"Next generation 911 technology." Equipment, products or services that enable a PSAP to receive calls for emergency assistance by voice, text, video, Internet protocol or other technology authorized by Federal law, regulation or industry standard. The term includes any new technology with the same or similar functionality.

"Public safety answering point" or "PSAP." The agency-approved entity that receives 911 communications from a defined geographic area and processes those calls according to a specific operational policy. The term shall refer to a county or county-based regional 911 system.

"Regional." A geographic area that includes more than one county.

(101-K added Dec. 13, 2023, P.L.251, No.34)

Section 102-K. Surcharge.

(a) Rates.--

(1) Before March 1, 2024, the surcharge under 35 Pa.C.S. § 5306.2(a) (relating to uniform 911 surcharge) shall be \$1.65.

(2) After February 29, 2024, and before February 1, 2026, the surcharge under 35 Pa.C.S. § 5306.2(a) shall be \$1.95.

(b) Notification.--Before February 8, 2024, the agency shall transmit notice to the Legislative Reference Bureau for publication of the surcharge increase in the next available issue of the Pennsylvania Bulletin.

(102-K added Dec. 13, 2023, P.L.251, No.34)

Compiler's Note: Section 34.1 of Act 34 of 2023 provided that if the addition of section 102-K(a) takes effect after January 31, 2024, the addition of section 102-K(a) shall apply retroactively to January 31, 2024.

Section 103-K. Efficiency study.

(a) Requirements.--The Legislative Budget and Finance Committee, in conjunction with the Joint State Government Commission and the Local Government Commission, shall study the following and make recommendations with respect to all of the following:

(1) Determining any efficiencies that can be gained in the current 911 system or potential efficiencies that can be gained with a different 911 system.

(2) Reviewing:

(i) operations in other states;

(ii) the amount of funding that the other states provide through all funding sources, including the state funding per capita; and

(iii) the makeup of the local share.

(3) Options for the consolidation of county 911 systems, including the option of regional task forces proposed by the agency.

(4) Options to allow 911 system employees to work from home.

(5) The use of artificial intelligence and other innovative technology for the operation of a 911 system and 988 suicide and crisis lifeline. This paragraph includes recommended standards.

(6) The integration of the 988 suicide and crisis lifeline into the 911 system. This paragraph includes protocols to support the effective communication and coordination of responders, law enforcement and fire and ambulance services, during a behavioral health crisis.

(7) The integration of Pennsylvania State Police dispatch into the 911 system.

(8) Standards and procedures which should be followed when a behavioral health crisis is routed to 988 as an alternative to law enforcement. This paragraph includes consideration of cultural or linguistic barriers and policies established by the National Suicide Prevention Lifeline.

(9) The use of automatic alarms and call stacking, including recommended standards.

(b) Consultation.--The committee and the commissions under subsection (a) may consult with the agency, the 911 Advisory Board, the County Commissioners Association of Pennsylvania, the Pennsylvania Chapter of National Emergency Number Association and other stakeholders in order to conduct the study under subsection (a).

(c) Report.--

(1) By December 30, 2024, the Legislative Budget and Finance Committee shall submit a final report with recommendations to the chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the Senate and the chair and minority chair of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(2) Within 30 days of submission of the report under paragraph (1), the Legislative Budget and Finance Committee shall transmit a copy of the final report to the Legislative Reference Bureau for publication in the next available issue of the Pennsylvania Bulletin.

(103-K added Dec. 13, 2023, P.L.251, No.34)
Section 104-K. Termination.

The provisions of 35 Pa.C.S. Ch. 53 (relating to 911 emergency communication services) shall expire January 31, 2029.

(104-K added Dec. 13, 2023, P.L.251, No.34)

ARTICLE I-L
INSTITUTIONS OF PURELY PUBLIC CHARITY
(Art. added Dec. 13, 2023, P.L.251, No.34)

Section 101-L. Definitions.

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

"Institution." As defined in section 3 of the act of November 26, 1997 (P.L.508, No.55), known as the Institutions of Purely Public Charity Act.

(101-L added Dec. 13, 2023, P.L.251, No.34)

Section 102-L. Charity to persons.

Notwithstanding section 5(e)(5) of the act of November 26, 1997 (P.L.508, No.55), known as the Institutions of Purely Public Charity Act, an institution shall be considered to benefit a substantial and indefinite class of persons who are legitimate subjects of charity if:

(1) the institution is a domestic fraternal society, order or association, that operates under a lodge system, the net earnings of which are devoted to religious, charitable, scientific, literary, educational and fraternal purposes and qualifies for an exemption from taxation under 26 U.S.C. § 501(c)(8) and (10) (relating to exemption from tax on corporations, certain trusts, etc.) and:

(i) the organization has been operating in this Commonwealth for at least 100 years upon the effective date of this subparagraph; and

(ii) the organization has not been issued a license under the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code.

(2) the institution is a title-holding organization that qualifies for an exemption from taxation under 26 U.S.C. § 501(c)(2) that is wholly owned or controlled by one or more qualifying fraternal organization described under paragraph (1).

(102-L added Dec. 13, 2023, P.L.251, No.34)

ARTICLE II
DEPARTMENT OF REVENUE

Section 201. Powers and Duties Transferred.--Except as otherwise in this act provided, the Department of Revenue shall exercise the powers and perform the duties heretofore exercised and performed by the Auditor General, the State Treasurer, the Insurance Commissioner, and all other departments, boards and commissions of the State Government, in the settlement of taxes, and the collection of taxes, license fees, and other moneys due the Commonwealth.

Section 202. Settlement and Collection of State Taxes.--The Department of Revenue shall have the power, and its duty shall be--

(a) To settle and collect all taxes, penalties, and interest, which are now settled and collected by the Auditor General, or by the Auditor General and State Treasurer;

(b) To settle and collect, from partnerships organized within this Commonwealth, the bonus imposed by law on increases of their capital stock;

(c) To settle and collect, from corporations, limited partnerships, or joint-stock associations, chartered or created by or under the laws of any other State, or of the United States, or of any foreign country, the bonus imposed by law upon the amount of their capital actually employed or to be

employed wholly within this Commonwealth, and upon each subsequent increase of capital so employed;

(d) To settle and collect the capital stock and franchise taxes imposed by law upon corporations, or interests in joint-stock associations, limited partnerships, and companies;

(e) To settle and collect the capital stock tax imposed by law upon the capital stock of corporations, or interests in joint-stock associations, limited partnerships, and companies, incorporated or organized for the purpose of distilling liquors and selling the same at wholesale;

(f) To settle and collect the tax imposed by law upon the scrip, bonds, and certificates and evidences of indebtedness, issued or assumed by private corporations, or upon which such corporations pay interest;

(g) To settle and collect from the treasurers of each county, city, borough, school district, and incorporated district, of this Commonwealth, the tax required by law to be assessed and deducted by such treasurers on the payment of any dividend or interest to any holder or agent claiming the same, on any scrip, bond or certificate of indebtedness issued by such county, city, borough, school district, or incorporated district;

(h) To settle and collect the tax imposed by law upon the gross receipts of any corporation, association, or individual, derived from business done wholly within this Commonwealth;

(i) To settle and collect the tax imposed by law upon shares of the capital stock of banks and savings institutions, located within this Commonwealth, and, for that purpose, to assess the actual value of each share of the stock of any such bank or savings institution in the manner provided by law;

(j) To settle and collect the tax imposed by law upon the shares of the capital stock of title insurance companies and trust companies, located within this Commonwealth, and, for that purpose, to assess the actual value of each share of the stock of any such title insurance company or trust company in the manner provided by law;

(k) To settle and collect the tax imposed by law upon the gross amount of the premiums, premium deposits, and assessments, received from business transacted within this Commonwealth, by insurance companies, associations, or exchanges, incorporated under the laws of this Commonwealth;

(l) To settle and collect the tax imposed by law upon full-paid, prepaid, and fully matured, or partly matured stock in building and loan associations, doing business in this Commonwealth, and, for the purpose of collecting such tax from foreign building and loan associations, to make the demand for payment heretofore made by the State Treasury;

(m) To settle and collect the tax imposed by law upon the gross receipts of private bankers;

(n) To settle and collect the tax imposed by section twenty-seven of the act, approved the first day of June, one thousand eight hundred eighty-nine, entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine" (Pamphlet Laws, four hundred twenty), upon the net earnings of certain corporations and limited partnerships;

(o) To settle and collect the tonnage tax imposed by law upon the value of anthracite coal when prepared for market.

(202 amended Feb. 2, 1937, P.L.3, No.1)

Section 202.1. Method of Filing.--Notwithstanding any provisions of law, the department may allow the electronic filing of any tax return or document.

(202.1 added Dec. 12, 1994, P.L.1015, No.138)

Section 202.2. Time for Filing Returns for Certain Sales and Use Taxpayers.--(202.2 repealed July 2, 2012, P.L.751, No.85)

Section 202.3. Exclusion from Classes of Income.--Notwithstanding any other provision of law, amounts paid or incurred by an employer of an employee for dependent care assistance provided to the employee that are excludable under 26 U.S.C. § 129 (relating to dependent care assistance programs) may not be included in any of the classes of income enumerated under section 303 of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

(202.3 added Dec. 13, 2023, P.L.251, No.34)

Compiler's Note: Section 36 of Act 34 of 2023 provided that the addition of section 202.3 shall apply to taxable years beginning after December 31, 2022.

Section 203. Duties in Connection with the Collection of State Taxes Not Settled by the Department.--The Department of Revenue shall have the power and its duty shall be--

(a) To collect the tax imposed by law upon the sale or use within this Commonwealth of liquid fuels, and, in connection with the collection of such tax, to issue liquid fuel permits or licenses to dealers in, or distributors, or consumers of liquid fuels, as provided by law;

(b) To collect the tax imposed by law upon the gross premiums, received from business transacted within this Commonwealth, by stock or mutual insurance companies, associations or exchanges of another State or foreign government, authorized to do business in this Commonwealth;

(c) To collect the tax imposed by law upon the underwriting profits of insurers, organized, admitted or licensed to transact the business of marine insurance, within this Commonwealth;

(d) To collect the tax imposed by law upon insurance or reinsurance premiums from persons, corporations, copartnerships or associations, entering into contracts of insurance or reinsurance with insurance companies or associations of other States or foreign countries not registered or entitled to do business in this Commonwealth;

(e) To collect the tax imposed by law upon the gross premiums named in the policies delivered to policyholders and upon all policies procured by every person, copartnership and corporation licensed by the Insurance Department to transact business as an excess insurance broker;

(f) To collect the tax on sales or transfers of stock imposed by the act, approved the fourth day of June, one thousand nine hundred fifteen (Pamphlet Laws, eight hundred twenty-eight), entitled "An act to provide revenue by imposing a State tax upon sales, or agreements to sell, or memoranda of sales, of stock, and upon deliveries or transfers of shares or certificates of stock in domestic and foreign corporations, copartnership associations and joint-stock associations; providing the manner of collecting such tax; and prescribing penalties," and in connection with such collection, to prescribe the form of books of account, stock certificate books, transfer ledgers or registers, to be kept by persons, corporations, copartnership associations and joint-stock companies, subject to said tax, to cause to be prepared in such form, of such denominations, and in such quantities, as it may deem advisable,

and to sell stamps to persons desiring to purchase the same, to make provisions for the sale of stamps in such places and at such times as it may deem necessary, and to be the custodian of all stamps prepared under its direction until the same shall be sold;

(g) To supervise the collection, by the registers of wills, of transfer inheritance taxes, and to exercise the powers and perform the duties hereinafter provided in connection with the collection of such taxes;

(h) To collect the transfer inheritance tax payable on estates of nonresident decedents;

(i) To prepare and cause to be printed, in such form as the department may determine, such blanks, statements, notices, and other forms, as shall be necessary for use by mercantile appraisers in performing the duties imposed upon them by law, and to supervise the work of the mercantile appraisers;

(j) To collect the tax imposed by law upon malt or brewed beverages manufactured in this Commonwealth, or transported into this Commonwealth for sale and delivery or storage therein;

(k) To collect the floor tax imposed by law upon spirituous and vinous liquor lodged or stored within this Commonwealth;

(l) To collect the tax imposed by law upon the privilege of producing, manufacturing, distilling, rectifying, compounding, selling or using distilled spirits, rectified spirits and wines within this Commonwealth;

(m) To collect the taxes imposed by law upon the privilege of attending or engaging in an amusement, or upon admissions charged within this Commonwealth;

(n) To collect the tax imposed by law upon the sale of cigarettes within this Commonwealth;

(o) To collect the excise tax imposed by law upon corporations, that is measured by their net income, for the privilege of doing business within this Commonwealth;

(p) To collect the tax imposed by law with respect to certain documents executed, issued or delivered in this Commonwealth, that is measured by the value represented by such documents;

(q) To collect the tax imposed by law upon certain personal property, and interests therein, owned, held or possessed by residents of this Commonwealth;

(r) To collect the tax imposed by law upon liquor sold by the Pennsylvania Liquor Control Board;

(s) To receive from the Pennsylvania Liquor Control Board the tax imposed upon the delivery of distilled, rectified, and blended spirits to such board.

(203 amended Feb. 2, 1937, P.L.3, No.1)

Section 204. License Fees.--The Department of Revenue shall have the power, and its duty shall be:

(a) To exercise all of the powers, and perform all of the duties, heretofore exercised and performed by the Department of Highways, or the Secretary of Highways, in connection with the collection of fees for registering and titling motor vehicles and trailers, and for licensing operators of vehicles, and in the collection of fines and penalties imposed upon violators of the laws regulating the registration, titling, and operation of vehicles upon the highways;

(b) To prepare, procure, and supply to the county treasurers of the several counties to be issued by them upon the payment of the fees, if any, prescribed by law,

1. Forms of resident and nonresident fishing license,

2. Fishing license buttons, to be issued in conjunction with resident and nonresident fishing licenses,

3. Forms of resident and nonresident hunters' license certificate,

4. Hunters' license tags, to be issued in conjunction with resident and nonresident hunters' license certificates,

5. Forms of dog license,

6. Dog license tags, to be issued in conjunction with dog licenses, and

7. Forms of kennel license.

The certificates, licenses, buttons and tags, to be furnished by the Department of Revenue to the county treasurers hereunder, shall comply with the requirements of the laws providing for the issuance thereof.

(c) To issue resident and nonresident fishing licenses, and resident and nonresident hunters' licenses, to persons applying to the department therefor, and entitled thereto under the fish and game laws respectively, upon payment of the fees prescribed by law, and, after the effective date of this act, such licenses shall be issued only by the county treasurers and by the Department of Revenue; and

(d) If at any time it shall believe the best interests of the Commonwealth would be subserved by so doing, with the approval of the Governor, to discontinue the issuance through the county treasurers of resident and nonresident hunters' licenses, resident and nonresident fishermen's licenses, dog licenses and kennel licenses, and thereafter to issue all such licenses directly;

(e) To receive for transmission to the State Treasury all other license fees of every kind and description collected for the Commonwealth by any statutory agent thereof, or by any administrative department, independent administrative board or commission, or departmental administrative board or commission; and

(f) To supervise the collection by county officers of any license fees, which it is the duty of such officers to collect as agents of the Commonwealth.

(g) At the time of supplying the license forms and tags each year, to direct the county treasurer to (i) return at the expense of the department, or (ii) destroy or dispose of all unused dog tags which have been in their possession three years or more after the year for which they were applicable, to (iii) return at the expense of the department, or (iv) destroy or dispose of all other license forms, tags, buttons and certificates in their possession, three months after the accounts have been finally audited for the year the respective licenses were applicable. If the department fails to give such direction at the time herein prescribed, all license forms, tags, buttons or certificates, which have been in the possession of the county treasurer for the time herein specified, may be destroyed or disposed of by the treasurer. ((g) added May 31, 1957, P.L.239, No.117)

Compiler's Note: Section 7(c) of Act 93 of 1986 provided that section 204 is repealed insofar as inconsistent with the provisions of Title 34 (relating to game), effective July 1, 1987.

Section 205. Escheats.--(205 repealed Aug. 9, 1971, P.L.286, No.74)

Section 206. Other Collections.--The Department of Revenue shall have the power, and its duty shall be:

(a) To collect all amounts, payable out of the estates of inmates, for their care and maintenance in State-owned institutions for mental patients, mental defectives, or

epileptics, and all amounts payable by other persons, or by political subdivisions of this Commonwealth, or by the Federal Government or any agency thereof, for the care and maintenance in such institutions of persons whose estates are insufficient to enable the entire cost of their care and maintenance to be collected therefrom;

(b) To collect from patients, or from the persons legally liable therefor, all amounts becoming due for the treatment, care, and maintenance of such patients in State-owned hospitals;

(c) To collect from counties and the Federal Government amounts due by them respectively for the cost, or their share of the cost, of maintaining prisoners in State penal or correctional institutions;

(d) To collect all amounts, payable by or for pupils, for instruction and maintenance in State-owned educational institutions, including State normal schools and State teachers' colleges;

(e) To collect, from political subdivisions of this Commonwealth, all sums payable by them as their share of the cost of improving and rebuilding the highways of the Commonwealth;

(f) To receive for transmission to the officer of this Commonwealth, if any, specified in the act of Congress appropriating the money, and if no officer be thus designated, to the State Treasurer, any moneys contributed by the Federal Government to this Commonwealth or any agency thereof for any purpose;

(g) To collect from magistrates, aldermen, justices of the peace, burgesses, and mayors, all fines and penalties imposed by them for violations of acts of Assembly, and payable into the State Treasury, or to any department, board, or commission of the State Government;

(h) Except as otherwise in this act provided, to collect all other revenue of any kind or description payable to the Commonwealth.

In all cases in which existing laws provide that any moneys collectible under this section shall be payable to any other department, or to any board, commission, or officer of the State Government, the Department of Revenue shall act as agent of such department, board, commission, or officer in making collection of such moneys.

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 207. Forms.--The Department of Revenue shall prepare, promulgate, and distribute such forms as may be necessary to persons, associations, corporations, public officers, and other debtors, required by law to make and file reports or returns with the department.

Section 208. Receipt for Moneys Collected.--For all cash paid to or collected by the Department of Revenue, it shall issue its receipt, when requested by the person, association or corporation making payment of such cash, except that, where cash is paid to the department for the issuance of a license by it, the department shall not be obliged to issue a receipt.

Copies of every receipt issued by the Department of Revenue for corporation taxes shall be furnished to and retained by the Department of the Auditor General.

(208 amended July 31, 1957, P.L.838, No.388)

Section 209. Transmission of Moneys.--(a) Except as provided in subsection (b), all moneys received by the Department of Revenue during any day shall be transmitted promptly to the Treasury Department, and the Treasury Department shall forthwith issue its receipt to the Department of Revenue for such moneys, and credit them to the fund and account designated by the Department of Revenue.

Detailed statements of all moneys received shall be furnished to the Treasury Department and the Department of the Auditor General contemporaneously with the transmission of such moneys to the Treasury Department.

(b) The following apply to contracts:

(1) Except as set forth in paragraph (1.1), the Department of Revenue may enter into contracts allowing the contractor to be paid for products provided or services rendered, on a contingent fee basis, for taxes, interest, penalty or fees collected or refunds saved.

(1.1) The Department of Revenue may not enter into a contingent fee contract under which the contractor directly conducts a field audit.

(2) The money collected under paragraph (1) shall be deposited into a restricted receipt account, out of which the contingent fees shall be paid. By the last day of each month, all money remaining in the restricted receipt account shall be transferred to the General Fund.

(3) The Department of Revenue shall submit an annual report setting forth the number of contracts entered into under paragraph (1), the amount collected and the percentage of the contingency.

(209 amended July 18, 2013, P.L.574, No.71)

Section 210. Agents of Department of Revenue for the Collection of Money.--The Department of Revenue shall have authority to appoint agents in any place within this Commonwealth for the collection of moneys due the Commonwealth, except taxes and fees now collectible by county officers.

To facilitate the collection of money from persons who are inmates, patients, or pupils of State institutions, or who have business with administrative departments, boards, or commissions, such agents shall be placed in every such institution, including State normal schools and teachers' colleges, and in the offices of such departments, boards, or commissions. It shall be lawful for the Secretary of Revenue to designate any regular employe of any administrative department, board, or commission, with the consent of such department, board, or commission, as the agent of the Department of Revenue for the collection or receipt of money, but no regular employe thus designated by the Secretary of Revenue shall receive any extra compensation for acting as such agent, except with the approval of the Executive Board.

For all moneys collected by its agents, such agents shall issue receipts on behalf of and in the manner prescribed by the Department of Revenue, except that, where money is paid for the issuance of a license or certificate, no receipt shall be issued unless the Department of Revenue so determines.

All agents shall furnish the Department of Revenue with detailed statements of all moneys received, collected, and transmitted, and shall keep records of the amounts owing to or due the Commonwealth and such other records as shall be required by the Department of Revenue. The form of all such statements and records shall be prescribed by the Department of Revenue.

All agents of the Department of Revenue shall be bonded, in such amounts as shall be determined by the Secretary of Revenue

with the approval of the Executive Board, and the Secretary of Revenue shall be responsible for the actions of employees of other departments, boards, and commissions, designated by him as agents of the Department of Revenue, to the same extent to which he is responsible for the actions of employees of his own department.

(210 amended June 1, 1931, P.L.318, No.143)

Section 211. Agents for the Sale of Stamps.--The Department of Revenue may appoint an agent or agents for the sale of stamps, authorized by law, to be used in paying any State tax, and, whenever the department shall sell, consign, or deliver, to any such agent, any such stamps for sale or use, such agent shall be entitled to receive as compensation for his or its services and expenses as such agent, and to retain out of the moneys to be paid by him or it for such stamps, such commission as shall be prescribed by law. The Department of Revenue is hereby directed and required to allow such commission or compensation in the settlement of the accounts of such agent, upon payment by him or it into the State Treasury, through the Department of Revenue, of any moneys which may be or become due to the Commonwealth by reason of the sale, delivery, or consignment to such agent of such stamps.

(211 amended Feb. 2, 1937, P.L.3, No.1)

Section 212. Examination of Books, Et Cetera, by Expert Accountants.--For the purpose of investigating the books, accounts, documents, or papers of any person, association or corporation, liable by law to make report to the Department of Revenue, or any county officer acting as agent for the Commonwealth, for the purpose of taxation, the department may employ, from time to time, one or more expert accountants, who shall have power to inspect the same and report thereon, but any such investigation shall be limited to such of the books as bear upon the subject matter of the tax under investigation.

(212 amended June 1, 1931, P.L.318, No.143)

Section 213. Duty to Furnish Record of Tax Liens.--It shall be the duty of the Department of Revenue to furnish to any person applying therefor, upon the payment of a fee of two dollars (\$2.00) for the use of the Commonwealth, a certificate showing the character and amount of all liens that may be of record in the department against any corporation, association or person under the provisions of any law of this Commonwealth.

(213 amended Nov. 26, 1978, P.L.1184, No.278)

Section 214. Failure to File.--(a) Any individual, person or entity required by law or regulation to furnish any return or other document to the Department of Revenue who furnishes a false or fraudulent return or who fails to file a return or other document in the manner and at the time required shall, in addition to any other penalty provided by law, be liable for a penalty of fifty dollars (\$50.00) for each failure to file or for each fraudulent filing.

(b) If any person liable to pay a penalty under this section neglects or refuses to pay the penalty after demand, the amount of the penalty, together with any costs, shall be a lien in favor of the Commonwealth upon both the real and personal property of that person. The department may at any time transmit to the prothonotaries of the respective counties certified copies of all liens for penalties imposed by this section. It shall be the duty of each prothonotary receiving the lien to enter and docket the same of record in his office. The lien shall be indexed in the same manner as judgments are indexed.

(214 added Dec. 12, 1994, P.L.1015, No.138)

Section 215. Lottery Winnings Intercept.--(a) In the case of any person winning a single lottery prize of more than \$2,500 in the State Lottery, the Department of Revenue shall:

(1) (i) Make reasonable efforts to determine if the prizewinner has an outstanding State tax liability prior to paying the lottery prize. If the Department of Revenue determines that the prizewinner has an outstanding State tax liability and the rights to appeal have expired with no appeal having been taken or, if an appeal has been taken, it has been resolved and is not pending, the Department of Revenue shall deduct from the lottery prize the amount of outstanding State tax liability. A deduction under this subparagraph may only be made after the Department of Revenue determines under 23 Pa.C.S. § 4308 (relating to lottery winnings intercept) that either the lottery prize is not subject to a deduction for delinquent support or that, after deducting for delinquent support, prize amounts remain that can be subject to deduction for the amount of the outstanding State tax liability.

(ii) First, pay the amount deducted for support as provided in 23 Pa.C.S. § 4308 and, second, apply the amount deducted for any outstanding State tax liability to the prizewinner's delinquent support obligations or outstanding State tax liability.

(2) Request the Department of Human Services to make a reasonable effort to determine if the prizewinner is currently a recipient of public assistance benefits in this Commonwealth prior to paying the lottery prize. If the prizewinner is found to be a recipient of public assistance benefits in this Commonwealth, the Department of Human Services shall determine the prizewinner's eligibility to continue to receive public assistance benefits as a result of winning the lottery prize.

(3) (i) In conjunction with the Administrative Office of Pennsylvania Courts, make a reasonable effort to determine if the prizewinner owes court-ordered obligations for crimes as defined in section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the "Crime Victims Act." If a determination is made that the prizewinner owes court-ordered obligations, the Administrative Office of Pennsylvania Courts shall provide the Department of Revenue with the total amount of obligations owed.

(ii) If it is determined under subparagraph (i) that the prizewinner owes court-ordered obligations, deduct from the amount of the lottery prize remaining after the deductions made under paragraph (1) the amount of the obligations owed.

(iii) Pay the amounts deducted under subparagraph (ii) as provided by applicable law to satisfy or partially satisfy the prizewinner's court-ordered obligations to the clerk of courts of the county in which the court order was issued.

(4) As soon as reasonably possible after the lottery prize was claimed, notwithstanding the provisions of 23 Pa.C.S. § 4308(b)(7):

(i) award the prizewinner the amount of the lottery prize to be paid to the prizewinner after any deductions made under paragraphs (1) and (3) and subsection (c); and

(ii) if applicable, notify the prizewinner that part or all of the lottery prize was used to satisfy the prizewinner's obligations described in paragraphs (1) and (3). If the amount of the lottery prize is not sufficient to fully satisfy any of the obligations of the prizewinner, the prizewinner shall owe the balance of the obligations as provided under applicable law.

(b) (1) A prizewinner whose prize is used to satisfy or partially satisfy an outstanding State tax obligation under subsection (a)(1) may file a petition of review with the Department of Revenue within 90 days after the mailing of the notice under subsection (a)(4). The only issue that may be considered is whether the proper amount of the State tax obligation was deducted or there is an unresolved valid and timely filed State tax appeal of the State tax obligation. The provisions of Article XXVII of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," shall apply to each appeal under this section.

(2) A prizewinner whose prize is used to satisfy or partially satisfy an obligation under 23 Pa.C.S. § 4308 may appeal in accordance with applicable law. The appeal must be filed with a court of competent jurisdiction within 30 days after the person is notified by the Department of Revenue that the prize has been reduced or totally withheld to satisfy the person's obligations under 23 Pa.C.S. § 4308.

(3) If it is determined under subsection (a)(2) that the prizewinner is no longer eligible for public assistance benefits in this Commonwealth, the Department of Human Services shall notify the prizewinner and the prizewinner shall be subject to the act of June 13, 1967 (P.L.31, No.21), known as the "Human Services Code."

(c) The Department of Revenue shall determine and set a fee which reflects the actual costs it incurs to administer this section with respect to a specific prizewinner and deduct the calculated amount from the lottery prize if the prizewinner is found to have an outstanding State tax liability or court-ordered obligations subject to a deduction under subsection (a)(1) or (3).

(d) The Department of Revenue shall annually report to the Finance Committee of the Senate and the Finance Committee of the House of Representatives the amount of outstanding State tax liability and court-ordered obligations collected under this section.

(e) The Department of Revenue may promulgate rules and regulations necessary to carry out this section.

(215 added Oct. 30, 2017, P.L.725, No.44)

ARTICLE II-A

CIGARETTE SALES AND LICENSING

(Art. added July 2, 1993, P.L.250, No.46)

Section 201-A. Legislative Intent.--(201-A repealed June 29, 2002, P.L.614, No.91)

Section 202-A. Definitions.--As used in this article--

"Basic Cost of Cigarettes" shall mean the manufacturer's list price to which shall be added the full face value of any tax which may be required by law, if not already included in the manufacturer's list price. Manufacturer's list price shall mean the gross price of the cigarettes from the manufacturer to the dealer in the quantities stated and shall include any Federal tax, freight or handling charges, if not already included. (Def. amended Dec. 12, 1994, P.L.1015, No.138)

"Board" shall mean the Board of Appeals in the Department of Revenue. (Def. amended June 29, 2002, P.L.614, No.91)

"Cigarettes" shall mean and include any roll for smoking made wholly or in part of tobacco, irrespective of size or shape, and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material, excepting tobacco, and shall not include cigars. For purposes

of licensing under this article, the term shall include little cigars. (Def. amended Oct. 9, 2009, P.L.537, No.50)

"Cigarette Stamping Agent" shall mean any person who is licensed as such by the Department of Revenue for the purpose of affixing cigarette tax stamps to packages of cigarettes and transmitting the proper tax to the Commonwealth.

"Cigarette Tax Act" shall mean Article XII of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

"Cigarette Vending Machine" shall mean any mechanical or electrical device from which cigarettes are dispensed for a consideration.

"Cost of Doing Business" shall mean that amount, as evidenced by the standards and methods of accounting regularly employed in the determination of costs for the purpose of Federal income tax reporting, for the total operation of the establishment for the previous twelve-month period and must include, but shall not be limited to, all direct and indirect costs such as product cost, freight charges, labor costs, cost of equipment, rental and maintenance expenses, cigarette licenses, preopening expenses, management fees, costs, rents, depreciation, selling costs, maintenance expenses, interest expenses, delivery costs, all types of licenses, all types of taxes, insurance, advertising and any central and regional administrative expenses.

"Cost of the Retailer" shall mean the basic cost of cigarettes to the retailer plus the cost of doing business by the retailer in excess of the basic cost of cigarettes, expressed as a percentage and applied to the basic cost of cigarettes. In the absence of filing of satisfactory proof of a lesser or higher cost of doing business by the retailer making the sale, the cost of doing business by the retailer shall be presumed to be seven per centum of the basic cost of cigarettes to the retailer. When a retailer establishes a lesser cost of doing business than the presumptive seven per centum cost of doing business, such lesser cost of doing business may be used to compute the cost of the retailer for a period of time no greater than twelve months, at the end of which time the cost to the retailer shall be computed using the presumptive seven per centum cost of doing business, unless the retailer again establishes a lesser cost of doing business. Any fractional part of a cent in such cost per carton shall be rounded off to the next higher cent. In the case of any person who purchases cigarettes for sale at retail from any manufacturer of cigarettes without resort to a wholesaler as such, such person shall be deemed, for the purposes of this article, to be engaged in the sale of cigarettes as a stamping agent, wholesaler and retailer and as such shall be subject to all mark-up provisions of this article in the order named. (Def. amended July 13, 2016, P.L.664, No.85)

"Cost of the Stamping Agent" shall mean the basic cost of cigarettes plus the cost of doing business by the cigarette stamping agent in excess of the basic cost of cigarettes, expressed as a percentage and applied to the basic cost of cigarettes. Any fractional part of a cent in the cost per carton of cigarettes shall be rounded off to the next higher cent. In the case of sales at retail by cigarette stamping agents, the cost of the cigarette stamping agent shall be the same as the cost of the retailer. There shall be determined a separate cost of the cigarette stamping agent for sales to wholesale dealers and for sales to retail dealers. In the absence of filing of satisfactory proof of a lesser cost of doing business of the

cigarette stamping agent making the sale, the cost of doing business shall be presumed to be one and seven-tenths per centum of the basic cost of cigarettes to the stamper for sales to wholesale dealers and, with respect to sales to retail dealers, the cost of the stamping agent plus the cost of the wholesaler. When a cigarette stamping agent establishes a lesser cost of doing business than the presumptive costs contained herein, such lesser cost of doing business may be used to compute the cost of the cigarette stamping agent for a period of time no greater than twelve months, at the end of which time the cost of the cigarette stamping agent shall be computed using the presumptive costs contained herein, unless the cigarette stamping agent again establishes a lesser cost of doing business. (Def. amended Dec. 23, 2003, P.L.243, No.45)

"Cost of the Wholesaler" shall mean the basic cost of cigarettes to the wholesaler plus the cost of doing business by the wholesaler in excess of the basic cost of cigarettes, expressed as a percentage and applied to the basic cost of cigarettes. Any fractional part of a cent in the cost to the wholesaler per carton of cigarettes shall be rounded off to the next higher cent. There shall be determined a separate cost of the wholesaler for sale to retail dealers. In the absence of filing satisfactory proof of a lesser cost of doing business by the wholesaler with respect to sales to retail dealers, the cost of doing business shall be presumed to be four per centum of the basic cost of cigarettes. When a wholesaler establishes a lesser cost of doing business than the presumptive cost of doing business, such lesser cost of doing business may be used to compute the cost of the wholesaler for a period of time no greater than twelve months, at the end of which time the cost of the wholesaler shall be computed using the presumptive four per centum cost of doing business, unless the wholesaler again establishes a lesser cost of doing business.

"Dealer" shall mean any cigarette stamping agency, wholesaler or retailer as these terms are more specifically defined herein. When used in this article, the term shall include all of the above-mentioned categories. Nothing contained in this article shall preclude any person from being a cigarette stamping agency, wholesaler or retailer: Provided, That such person meets the requirements for each category of dealer and that, where a person holds more than one license, the presumptive minimum price shall include all presumptive costs of doing business if the product is sold at retail. (Def. amended Dec. 23, 2003, P.L.243, No.45)

"Department" shall mean the Department of Revenue of the Commonwealth.

"Franchisee" shall mean any person engaged in the sale of cigarettes who is granted the right to engage in the business of offering, selling or distributing goods or services under a marketing plan or system prescribed in substantial part by the grantor of that right, for which a direct or indirect fee is paid, and whose franchisor franchises five or more retail outlets in this Commonwealth through which cigarettes are sold.

"Little cigars" shall mean any roll for smoking that weighs not more than four pounds per thousand, where the wrapper or cover is made of natural leaf tobacco or of any substance containing tobacco. (Def. added Oct. 9, 2009, P.L.537, No.50)

"Person" shall mean any individual, unincorporated association, company, corporation, joint stock company, group, agency, syndicate, trust or trustee, receiver, fiduciary, partnership, conservator and any political subdivision of the Commonwealth or any other state. As applied to a partnership,

unincorporated association or other joint venture, the term shall also mean the partners or members thereof and, as applied to a corporation, shall also mean all the officers and directors thereof.

"Retailer" shall mean:

(a) Any person who, in the usual course of business, purchases or receives cigarettes from any source whatsoever for the purpose of sale to the ultimate consumer.

(b) Any person who, in the usual course of business, owns, leases or otherwise operates one or more vending machines for the purpose of sale of cigarettes to the ultimate consumer.

(c) Any person who buys, sells, transfers or deals in cigarettes for profit and is not licensed as a cigarette stamping agency or wholesaler under this article.

"Sale" and "Sell" shall mean any transfer for a consideration, in exchange, as barter, as a gift, as an offer for sale or in distribution, in any manner or by any means whatsoever.

"Secretary" shall mean the Secretary of Revenue of the Commonwealth.

"Vending Machine Operator" shall mean any person who places or services one or more cigarette vending machines whether owned, leased or otherwise operated by him at locations from which cigarettes are sold to the ultimate consumer. The owner or tenant of the premises upon which a vending machine is placed shall not be considered a vending machine operator if his sole remuneration therefrom is a flat rental fee or commission based upon the number or value of cigarettes sold from the machine, unless the owner or tenant actually owns the vending machine or leases the vending machine under an agreement whereby the profits from the sale of the cigarettes directly inure to his benefit.

"Wholesaler" shall mean and include:

(a) Any person who, in the usual course of business, purchases cigarettes from a cigarette stamping agent or other wholesaler and receives, stores, sells and distributes within this Commonwealth at least seventy-five per centum of all such cigarettes purchased by him or her to retail dealers or wholesale dealers or any combination who shall buy the cigarettes from him or her for the purpose of resale to the ultimate consumer: Provided, That such person maintains an established place of business for the receiving, storage and distribution of cigarettes.

(b) Any person who is engaged in the business of distributing cigarettes through vending machines to the ultimate consumer by means of placing the cigarette vending machines, owned or leased by him, in various outlets within this Commonwealth and who pays to the owner or lessee of the premises a commission or rental for the use of the premises: Provided, That such vending machine operator shall operate at least ten vending machines: Provided further, That the vending machine operator meets all the other requirements for licensing of wholesalers under this article, including maintaining an established place of business for the receiving, storage and distribution of cigarettes.

(c) Any person, including a franchisee, who owns and operates no less than five retail outlets in this Commonwealth, having one hundred per centum common ownership, who purchases cigarettes from a cigarette stamping agency or another wholesaler for resale to the ultimate consumer: Provided, That such person maintains complete and accurate records of all

purchases and sales in his or her main office and also in the retail outlet.

(202-A added July 2, 1993, P.L.250, No.46)

Section 203-A. Licensing of Cigarette Dealers.--(a) No person, unless all of his sales of cigarettes are exempt from Pennsylvania cigarette tax, shall sell, transfer or deliver any cigarettes within this Commonwealth without first obtaining the proper license pursuant to the provisions of this article.

(b) Every applicant for a dealer's license shall complete and file an application with the department. The application shall be in such form and contain such information as the department by regulation shall prescribe and shall set forth truthfully and accurately the information desired by the department. If the application is approved, the department shall license the dealer for a period of one year and the license may be renewed annually thereafter.

(203-A added July 2, 1993, P.L.250, No.46)

Section 204-A. Licensing of Cigarette Stamping Agents.--(a) The department may license as its agent for a one-year period and may renew the license for further periods of one year if the agent is and remains of good moral character who shall meet the requirements imposed by the following provisions for the privilege of operating as a cigarette stamping agency:

(1) The applicant is a wholesale dealer licensed by the Commonwealth.

(2) The applicant maintains warehousing facilities, adequate to protect the revenue, for the purpose of receiving, storing and distributing cigarettes and conducting their business and has received commitments from at least two cigarette manufacturers whose aggregate share is at least forty per centum of the Commonwealth's cigarette market.

(3) The applicant is a person of good moral character and of reasonable financial stability and is reasonably experienced in the wholesale cigarette business.

(4) The applicant, or any shareholder controlling more than ten per centum of the stock if the applicant is a corporation or any officer or director if the applicant is a corporation, shall not have been convicted of any crime involving moral turpitude.

(5) The applicant shall have filed all required State tax reports and paid any State taxes not subject to a timely perfected administrative or judicial appeal or subject to a duly authorized deferred payment plan.

(b) The department shall, by regulation, prescribe the form, content and manner of the application.

(c) The cigarette stamping agency license shall be valid for one specific location only.

(d) The department may reject any application for a new or renewal license if it finds that any of the aforementioned requirements have not been met or finds that such applicant or licensee has (i) failed to disclose any material information required; (ii) made any material false statement in his application; or (iii) violated any provisions of this article.

(e) For purposes of this section, a person convicted of committing any felony, any infamous crime or any crime involving moral turpitude shall not be a person of good moral character and shall not be licensed as a cigarette stamping agent.

(204-A added July 2, 1993, P.L.250, No.46)

Section 205-A. Licensing of Wholesalers.--(a) Applicants for a wholesale license or renewal thereof shall meet the following requirements:

(1) The premises on which the applicant proposes to conduct business are adequate to protect the revenue.

(2) The applicant is a person of reasonable financial stability and reasonable business experience.

(3) The applicant, or any shareholder controlling more than ten per centum of the stock if the applicant is a corporation or any officer or director if the applicant is a corporation, shall not have been convicted of any crime involving moral turpitude.

(4) The applicant shall not have failed to disclose any material information required by the department, including information that the applicant has complied with this article by providing a signed statement, under penalty of perjury, of adherence to State presumptive minimum prices or written approval from the department to sell at a specific different price.

(5) The applicant shall not have made any material false statement in his application.

(6) The applicant shall not have violated any provision of this article.

(7) The applicant shall have filed all required State tax reports and paid any State taxes not subject to a timely perfected administrative or judicial appeal or subject to a duly authorized deferred payment plan.

(b) The wholesale dealer's license shall be valid for one specific location only.

(205-A added July 2, 1993, P.L.250, No.46)

Section 206-A. Licensing of Retailers.--Applicants for retail license or renewal thereof shall meet the following requirements:

(1) The premises in which the applicant proposes to conduct business are adequate to protect the revenues.

(2) The applicant shall not have failed to disclose any material information required by the department, including information that the applicant has complied with this article by providing a signed statement, under penalty of perjury, of adherence to State presumptive minimum prices or written approval from the department to sell at a specific different price.

(3) The applicant shall not have any material false statement in the application.

(4) The applicant shall not have violated any provision of this article.

(5) The applicant shall have filed all required State tax reports and paid any State taxes not subject to a timely perfected administrative or judicial appeal or subject to a duly authorized deferred payment plan.

(206-A added July 2, 1993, P.L.250, No.46)

Section 207-A. Appeals.--(a) The board shall provide administrative review of all department actions taken under this article.

(b) Whenever a person is aggrieved by a determination of the department, the person may file a complaint with the board, stating the reasons for believing that the department acted improperly. The complaint shall be filed within thirty days after notice by the department of its determination. Within thirty days after receipt of the complaint, the board shall issue a notice directing the person to appear at a hearing scheduled by the board within thirty days. The hearing shall be conducted in accordance with the provisions of 2 Pa.C.S. (relating to administrative law and procedure).

(c) Within thirty days after the termination of the hearing, the board shall render a final decision. Any party aggrieved by the final decision shall have the right of appeal in accordance with the provisions of 2 Pa.C.S.

(207-A amended June 29, 2002, P.L.614, No.91)

Section 208-A. License Fees; Issuance and Posting of License.--(a) At the time of making any application, an applicant for a wholesale cigarette dealer's license shall pay to the department a license fee of five hundred dollars (\$500), an applicant for a retail cigarette dealer's license shall pay to the department a license fee of twenty-five dollars (\$25), an applicant for a vending machine license shall pay to the department a license fee of twenty-five dollars (\$25) and an applicant for a cigarette stamping agency license shall pay to the department a fee of one thousand dollars (\$1,000). Fees shall not be pro-rated.

(b) Upon approval of the application and payment of the fees, the department shall issue the proper license which must be conspicuously displayed at the place for which issued.

(208-A added July 2, 1993, P.L.250, No.46)

Section 209-A. Transfer of Licenses.--The department may permit a dealer, under such conditions as the department may impose by regulation, to transfer a license from one location to another or from one cigarette vending machine to another.

(209-A added July 2, 1993, P.L.250, No.46)

Section 210-A. Disposition of License Fees.--One-half of all fees received by the department under this article shall be restricted for implementation of the enforcement and audit provisions of this article and the Cigarette Tax Act and the remainder shall be paid into the General Fund.

(210-A added July 2, 1993, P.L.250, No.46)

Section 211-A. Expiration of License.--(a) Every license shall expire on the last day of February next succeeding the date upon which it was issued unless sooner suspended, surrendered or revoked.

(b) After the expiration date of the license or sooner if the license is suspended, surrendered or revoked, it shall be illegal for any dealer to engage directly or indirectly in the business heretofore conducted by him for which the license was issued. Any licensee who shall, after the expiration date of the license, engage in the business theretofore conducted by him either by way of purchase, sale, stamping, distribution or in any other manner directly or indirectly engaged in the business of dealing with cigarettes for profit shall be in violation of this article and be subject to the penalties provided herein.

(211-A added July 2, 1993, P.L.250, No.46)

Section 212-A. Duplicate License.--(a) Whenever any license is defaced, destroyed or lost, the department may issue a duplicate to the holder of the defaced, destroyed or lost license upon submission of a duplicate license application. Except as provided in subsection (b), at the time of making any application for a duplicate license, the applicant shall pay to the department a fee of five dollars (\$5). The duplicate license application shall be in such form and contain such information as the department shall prescribe and shall set forth truthfully and accurately the information called for on the form.

(b) In the event a license is defaced or destroyed in the performance of any duty imposed by this article, the department may, by regulation, waive the fee imposed by subsection (a).

(c) No license shall be issued by the department to any person within one year after rejection of an application, refusal to renew or revocation of an existing license, the period of one year to commence from the date that the license is returned to the department or application is rejected.

(212-A added July 2, 1993, P.L.250, No.46)

Section 213-A. License for Cigarette Vending Machines; Names of Owner and Operator.--Each cigarette vending machine shall have a current license which shall be conspicuously and visibly placed on the machine. There shall be conspicuously and visibly placed on every cigarette vending machine the name and address of the owner and the name and address of the operator.

(213-A added July 2, 1993, P.L.250, No.46)

Section 214-A. Required Records.--(a) Every licensed dealer shall keep and maintain for a period of four years such records in such form as the department shall by regulation prescribe. The records shall be maintained at the location for which the license is issued.

(b) A contract of sale complying with the provisions of this article shall be signed by the parties to a sale of cigarettes and shall be kept on file by each party at the location for which the license is issued. In the case of a dealer having more than one location under common ownership, the contract of sale shall be kept at the business or corporate headquarters. A contract of sale shall include, but not be limited to, an actual document or Internet or electronic evidence indicating that a transaction for the sale of cigarettes has taken place.

(214-A amended July 13, 2016, P.L.664, No.85)

Section 215-A. Reports.--Every licensed dealer shall file reports at such times and in such form as the department by regulation may prescribe.

(215-A added July 2, 1993, P.L.250, No.46)

Section 216-A. Examination of Records, Equipment and Premises.--(a) The department is hereby authorized to examine the books and records, the inventory of cigarettes and the premises and equipment of any dealer in order to determine compliance with the provisions of this article and to verify the accuracy of the payment of the tax imposed by the Cigarette Tax Act. Every such person is hereby directed and required to give to the department or its duly authorized representative the means, facilities and opportunity for such examinations.

(b) Any person who prevents or hinders the department or any designated agent thereof from making a full inspection of the premises where cigarettes are sold or stored or prevents or hinders the inspection of invoices, books, records, equipment, inventory or papers required to be kept shall be guilty of a violation of this article and subject to the penalties provided herein.

(216-A added July 2, 1993, P.L.250, No.46)

Section 217-A. Sales at Less Than Cost.--(a) It shall be unlawful:

(1) For any dealer, with intent to injure competitors or destroy or substantially lessen competition or with intent to avoid the collection or paying over of such taxes as may be required by law, to advertise, offer to sell or sell cigarettes at less than cost of such cigarette dealer.

(2) For any wholesaler:

(i) to induce or attempt to induce or to procure or attempt to procure the purchase of cigarettes or to accept cigarettes at a price less than the cost of the cigarette dealer from whom the purchase or acceptance of cigarettes was made; or

(ii) to induce or attempt to induce or to procure or attempt to procure or to accept any unauthorized rebate or concession of any kind or nature whatsoever, other than a rebate or concession authorized by the department, in connection with the purchase of cigarettes.

(3) For any retail dealer:

(i) to induce or attempt to induce or to procure or attempt to procure the purchase of cigarettes or to accept cigarettes at a price less than the cost to the cigarette dealer from whom the purchase or acceptance of cigarettes was made; or

(ii) to induce or attempt to induce or to procure or attempt to procure or to accept any unauthorized rebate or concession of any kind or nature whatsoever, other than a rebate or concession authorized by the department, in connection with the purchase of cigarettes.

(b) Evidence of advertisement offering to sell or sale of cigarettes by any cigarette dealer at less than cost to the dealer or evidence of any offer of a rebate in price or giving of a rebate in price or an offer of a concession or the giving of a concession of any kind or nature whatsoever in connection with the sale of cigarettes or the inducing or attempt to induce or to the procuring or the attempt to procure the purchase of cigarettes at a price less than cost of the cigarette stamping agent, wholesaler or retail dealer shall be prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition or of intent to avoid the collection or paying over of such taxes as may be required by law. Evidence of a final selling cost which is not the invoice cost or an invoice which does not include allowable discounts, rebates, allowances or free or discounted merchandise relating to or in conjunction with the sale of cigarettes when used by the cigarette stamping agent, wholesaler or retailer shall be prima facie evidence of violation of this article.

(217-A added July 2, 1993, P.L.250, No.46)

Section 217.1-A. Labeling and Packaging.--(a) It shall be unlawful to knowingly affix a tax stamp or meter impression to, or to knowingly sell, give, transfer or deliver to any person, any cigarette package:

(1) that bears a label or notice set forth in Federal law or regulation or used to identify cigarettes that are exempt from tax under the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 5704(b));

(2) that is not labeled in conformity with the Federal Cigarette Labeling and Advertising Act (Public Law 89-92, 15 U.S.C. § 1331 et seq.) or any other Federal requirement for the placement of labels, warnings and other information applicable to cigarette packages intended for domestic consumption; or

(3) the packaging of which has been modified or altered by a person other than the original manufacturer. Modification or alteration shall include the placement of a sticker, writing or mark to cover information on the packages. For purposes of this paragraph, a cigarette package shall not be construed to have been modified or altered by a person other than the manufacturer if the most recent modification or alteration was made by the manufacturer or person authorized by the manufacturer and approved by the department.

(b) The department is authorized to exchange information with the United States Customs Service for purposes of enforcing this act.

(217.1-A added Dec. 15, 1999, P.L.942, No.66)

Section 218-A. Combinations Sales; Inducements.--In all advertisements, offers for sale or sales involving two or more

items, at least one of which items is cigarettes, at a combined price and in all advertisements, offers for sale or sales involving the giving of any gift or concession of any kind whatsoever, whether it be coupons or otherwise, the portion of the dealer's combined selling price relating to cigarettes shall not be below the cost of the stamper, cost of the retailer or cost of the wholesaler, as the case may be. Other merchandise offered for sale as a tie-in with the cigarettes shall not be sold at less than the cost of the other merchandise nor shall the gift or concession of the other items advertised or offered for sale be used as an inducement to purchase cigarettes nor shall any payment, openly or in secret, of any rebates, refunds, commission or unearned discounts, whether in the form of money or otherwise, or secret extensions to certain purchasers of special services or privileges not extended to all purchasers upon like terms and conditions be made or offered as an inducement to purchase cigarettes.

(218-A added July 2, 1993, P.L.250, No.46)

Section 219-A. Sales by Wholesaler to Wholesaler.--When one wholesaler sells cigarettes to another wholesaler, the former shall not be required to include in the selling price the cost of the wholesaler as defined in this article, but the latter wholesaler, upon the resale of such cigarettes to a retailer, shall be subject in all respects to the provisions of this article: Provided, however, That such latter wholesaler may, at his option, use as his basic cost of the cigarettes so sold the basic cost of the wholesaler from whom he shall have purchased the same.

(219-A added July 2, 1993, P.L.250, No.46)

Section 220-A. Sales; Exceptions.--The provisions of this article shall not apply to sales of cigarettes a dealer made (i) in an isolated transaction and not in the usual course of business; (ii) where cigarettes are advertised, offered for sale or sold in good-faith clearance sales for the purpose of discontinuing trade in such cigarettes and such advertising, offer to sell or sale shall state the reason thereof and the quantity of such cigarettes advertised, offered for sale or to be sold; (iii) where cigarettes are advertised, offered for sale or sold as imperfect or damaged and such advertising, offer to sell or sale shall state the reason therefor and the quantity of such cigarettes advertised, offered for sale or to be sold; (iv) where cigarettes are sold upon the final liquidation of a business; or (v) where cigarettes are advertised, offered for sale or sold by any fiduciary or other officer acting under the order or direction of any court.

(220-A added July 2, 1993, P.L.250, No.46)

Section 221-A. Advertising of Certain Sales; Good Faith.--(a) Any retailer may advertise, offer to sell or sell cigarettes at a price made in good faith to meet the price of a competitor who is selling the same article at cost to him as a retailer. Any wholesaler may advertise, offer to sell or sell cigarettes at a price made in good faith to meet the price of a competitor if the competitor is rendering the same type of service, has been approved by the department to sell cigarettes at a price different from the presumptive minimum and is not selling the same article below cost to him as a wholesaler. The price of cigarettes advertised, offered for sale or sold under the exceptions specified in this article shall not be considered the price of a competitor and shall not be used as a basis for establishing prices below cost nor shall the price established at a bankrupt sale be considered the price of a competitor, within the purview of this section.

(b) In the absence of proof of the cost of a competitor under this section, the lowest cost of the stamping agent or the lowest cost of the wholesaler, as the case may be, determined by any cost survey made in the same trading area pursuant to the provisions of this article, may be deemed the cost of such competitor within the meaning of this section.

(221-A added July 2, 1993, P.L.250, No.46)

Section 222-A. Sales Contracts Void.--Any contract, expressed or implied, made by any person in violation of any of the provisions of this article shall be an illegal and void contract and no recovery thereon shall be had.

(222-A added July 2, 1993, P.L.250, No.46)

Section 223-A. Admissible Evidence.--(a) In determining the cost of the stamper, cost of the retailer and cost of the wholesaler, the fact-finder shall receive and consider, as bearing on the good faith of such cost, evidence tending to show that any person complained against under any provision of this article purchased cigarettes with respect to the sale of which complaint is made at a fictitious price or upon terms or in such a manner or under such invoices as to conceal the true cost, discounts or terms of purchase. The fact-finder shall also receive and consider, as bearing on the good faith of such cost, evidence of the normal, customary and prevailing terms and discounts in connection with other sales of a similar nature in the trade area or state.

(b) Merchandise given gratis or payment made to a stamping agent, retailer or wholesaler by a cigarette manufacturer for display or advertising or promotion purposes, or otherwise, shall not be considered in determining the cost of cigarettes to the cigarette dealer if such practice is customary in the trade and offered to all dealers on an equal or proportional basis.

(223-A added July 2, 1993, P.L.250, No.46)

Section 224-A. Sales Outside Ordinary Channels of Business; Effect.--In establishing the cost of cigarettes to the stamper, retailer or wholesaler, the invoice cost of such cigarettes purchased at a forced bankrupt or closeout sale or other sale outside of the ordinary channels of trade may not be used as a basis for justifying a price lower than one based upon the replacement cost of the cigarettes to the stamper, retailer or wholesaler within thirty days prior to the date of sale in the quantity last purchased through the ordinary channels of trade.

(224-A added July 2, 1993, P.L.250, No.46)

Section 225-A. Cost Survey; Admissibility.--Where a cost survey pursuant to recognized statistical and cost accounting practices has been made for the trading area in which a violation of this article is committed or charged to determine and establish on the basis of actual existing conditions the lowest cost to stampers or wholesalers or lowest cost to retailers within the area, such cost survey shall be deemed competent evidence in any action or proceeding under this article as tending to prove actual cost to the stamper or wholesaler or to the retailer complained against. Any party against whom any such cost survey may be introduced in evidence shall have the right to offer evidence tending to prove any inaccuracy in such cost survey or any state of facts which would impair its probative value.

(225-A added July 2, 1993, P.L.250, No.46)

Section 226-A. Remedies.--(a) In the case of any violation or threatened violation of this article, the department or any person injured by the violation or who shall suffer injury from the threatened violation may maintain an action in any court

of competent jurisdiction to prevent, restrain or enjoin such violation or threatened violation. If in such action a violation or threatened violation of this article shall be established, the court shall enjoin and restrain or otherwise prohibit such violation or threatened violation, and in addition thereto the court shall assess in favor of the plaintiff and against the defendant the costs of suit, including reasonable attorney fees. In any such action it shall not be necessary that actual damages to the plaintiff be alleged or proved, but, where alleged and proved by a plaintiff other than the department, the plaintiff in the action shall be entitled to recover from the defendant the actual damages sustained by him in addition to such injunctive relief and costs of suit and reasonable attorney fees.

(b) If no injunctive relief is sought or required, any person injured by a violation of this article may maintain an action for damages and cost of suit in any court of competent jurisdiction.

(226-A added July 2, 1993, P.L.250, No.46)

Section 227-A. Administration Powers and Duties.--(a) The administration of this article is hereby vested in the department. The department shall adopt rules and regulations for the enforcement of this article and may from time to time make or cause to be made one or more cost surveys to establish the lowest cost of the cigarette stamping agent, the lowest cost of the retailer and the lowest cost of the wholesaler, as defined in this article for the Commonwealth or such trading area or areas therein as it shall define. Any such survey made or caused to be made by the department may be used for the purposes specified in this article. If the survey is conducted in connection with a cigarette dealer's request to sell at a price different from the presumptive minimum, the cigarette dealer shall pay for the survey. Regulations shall provide a procedure for dealers to prove a cost different from the State presumptive costs, including proof of lower costs, filing of petitions, cost allocation, data to be submitted and guidelines necessary to implement this article. Authorization to sell below the presumptive minimum prices shall be in writing published in the Pennsylvania Bulletin and otherwise in conformance with the requirements of this article and shall contain a statement that the authorization is effective forty-five days after the issuance of the writing and is valid for twelve months therefrom. Authorization by the department for a dealer to sell cigarettes below the established presumptive minimum prices shall be stated as a percentage and be applied to all levels of cigarette prices in the percentage allowed, and this percentage shall also be applied to any new presumptive minimum prices established by the department during the effective period of the dealer's authorization. The department may impose such fees as may be necessary to cover the costs incurred in administering this section, including review and audit of petitioning dealer's audited financial statement. On the effective date of this article and until such time as a dealer receives authorization from the department, in accordance with its regulations, to sell cigarettes at a price different from the presumptive minimum prices established pursuant to this article, the last dealer request to have been authorized by the department shall continue in effect.

(b) The department is authorized to jointly administer this article with the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," including joint reporting of

information, forms, returns, statements, documents or other information submitted to the department.

(227-A added July 2, 1993, P.L.250, No.46)

Section 228-A. Sales Without License.--(a) Any dealer or other person who shall, without being the holder of a proper unexpired dealer's license or vending machine license properly affixed as required by this article, engage in the business of purchasing, selling, stamping, distributing or in any other manner directly or indirectly engaging in the business of dealing with cigarettes for profit shall be in violation of this article and, upon conviction in a summary proceeding, shall be sentenced to pay a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000), costs of prosecution or to suffer imprisonment for a term of not more than thirty days, or both, at the discretion of the court.

(b) Open display of cigarettes in any manner shall be prima facie evidence that the person displaying such cigarettes is directly or indirectly engaging in the business of dealing with cigarettes for profit.

(228-A added July 2, 1993, P.L.250, No.46)

Section 229-A. Violations and Penalties.--(Hdg. amended Dec. 15, 1999, P.L.942, No.66) (a) The license of any cigarette dealer or wholesaler or retailer who violates any of the provisions of this article may be suspended after due notice and opportunity of hearing for a period of not less than five days nor more than thirty days for a first violation and shall be revoked or suspended for any subsequent violation.

(b) In addition to the provisions of subsection (a), upon adjudication of a first violation, the cigarette dealer shall be fined not less than two thousand five hundred dollars (\$2,500) nor more than five thousand dollars (\$5,000). For subsequent violations, the agent, wholesaler or retailer shall, upon adjudication thereof, be fined not less than five thousand dollars (\$5,000) nor more than fifteen thousand dollars (\$15,000).

(c) A person who violates section 208-A(b), 214-A, 215-A or 216-A shall be subject to a civil penalty not to exceed three hundred dollars (\$300) but shall not be subject to subsections (a) and (b).

(c.1) A person who violates section 217.1-A shall be subject to a civil penalty equal to two hundred per centum of the value of the cigarettes or two thousand five hundred dollars (\$2,500), whichever is greater. The cigarettes, vending machine, machinery, equipment or vehicles involved in a violation of section 217.1-A shall be confiscated by the department and forfeited to the Commonwealth in accordance with section 1285 of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971." Upon a second or subsequent violation of section 217.1-A, the department may revoke the license of the person. The licensee and any other person with an equitable interest in the license may be prohibited from holding an interest in any license issued pursuant to this act for a period of up to two years. ((c.1 added Dec. 15, 1999, P.L.942, No.66)

(d) Notwithstanding any provision of this article to the contrary, the department shall suspend or revoke any license for violation of any provision of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," concerning contraband cigarettes or counterfeit cigarette stamps.

(e) In addition to the penalties provided in subsection (c.1), a person who violates section 217.1-A commits the following:

(1) A summary offense for a first offense involving twenty or fewer cartons of cigarettes. Upon conviction, the person shall be subject to imprisonment and to a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) and shall pay the costs of prosecution.

(2) A misdemeanor of the first degree for a second offense, or first offense involving more than twenty and fewer than three hundred cartons of cigarettes. Upon conviction, the person shall be subject to imprisonment and to a fine of not less than one thousand dollars (\$1,000) nor more than fifteen thousand dollars (\$15,000) and shall pay the costs of prosecution.

(3) A felony of the third degree for a third or subsequent offense, or first or second offense involving more than three hundred cartons of cigarettes. Upon conviction, the person shall be subject to imprisonment and to a fine of not less than two thousand dollars (\$2,000) nor more than twenty thousand dollars (\$20,000) and shall pay the costs of prosecution.

((e) added Dec. 15, 1999, P.L.942, No.66)

(f) Receipt of a percentage of a franchisee's gross profits by a franchisor shall not be deemed an equitable interest in the retail license of a franchisee. ((f) added Dec. 15, 1999, P.L.942, No.66)

(g) A licensee who fails to pay for cigarettes in full upon delivery by cash, check or electronic fund transfer or according to the contract of sale, requiring full payment no later than fourteen days after delivery, in addition to any other violations provided by law, shall be in violation of this article. ((g) added July 13, 2016, P.L.664, No.85)

(229-A added July 2, 1993, P.L.250, No.46)

Section 230-A. Unfair Sales Act Inapplicable.--The provisions of the act of August 11, 1941 (P.L.900, No.344), known as the "Unfair Sales Act," shall not apply to sales of cigarettes covered by the provisions of this article.

Section 231-A. Delivery Sales of Cigarettes.--(a) It shall be unlawful for any person in the business of selling cigarettes to take an order for cigarettes through the mail or through any telecommunications means, including by telephone, facsimile or the Internet, if in providing for the sale or delivery of the cigarettes pursuant to the order the person mails the cigarettes or ships the cigarettes sold by him to the purchaser by carrier in or affecting interstate commerce, and the person fails to comply with each of the following procedures for the delivery sales to the purchaser:

(1) Before mailing or shipping the cigarettes, the person receives from the purchaser the following:

(i) A copy of a valid government-issued document, whether an operator's permit or otherwise, that provides the name, address and date of birth of the purchaser.

(ii) A signed statement in writing from the purchaser providing a certification that the purchaser:

(A) is of legal minimum purchase age in this Commonwealth;

(B) wants to receive mailings from a tobacco company; and

(C) understands that providing false information constitutes a violation of law.

(2) Before mailing or shipping the cigarettes, the person:

(i) verifies the date of birth or age of the purchaser against a commercially available database; or

(ii) obtains a photocopy or other image of the valid, government-issued identification stating the date of birth or age of the purchaser placing the order.

(3) In the case of an order for cigarettes that occurs pursuant to an advertisement on the Internet or in any newspaper or print or other media, the person receives payment by credit card or check for the order before mailing or shipping the cigarettes. Payment must be made by credit card issued to or check issued by the person purchasing the cigarettes.

(4) The person employs a method of mailing or shipping the cigarettes requiring that the purchaser of the cigarettes:

(i) Be the addressee.

(ii) Sign for the delivery of the cigarettes.

(iii) If the purchaser appears to the carrier making the delivery to be under twenty-five years of age, take delivery of the package only after producing valid, government-issued identification that bears a photo of the purchaser and indicates that the purchaser is at least eighteen years of age.

(5) The bill of lading clearly states the requirements in paragraph (4) and specifies that State law requires compliance with the requirements.

(6) The person notifies the carrier for the mailing or shipping, in writing, of the age of the addressee as indicated by the government-issued document received under paragraph (1).

(7) This section shall not be construed as imposing liability upon any common carrier, or officers or employees thereof, when acting within the scope of business of the common carrier.

(b) Prior to making delivery sales or shipping cigarettes in connection with any sales subject to this section, every person shall file with the department a statement setting forth such person's name, trade name and the address of such person's principal place of business and any other place of business.

(c) Any person that satisfies the requirements of 15 U.S.C. § 376 (relating to reports to State tobacco tax administrator) shall simultaneously file such report with the department.

(d) Each person making a delivery sale shall collect and remit to the department any taxes levied by the State with respect to such sale pursuant to law, except that such collection and remission shall not be required to the extent such person has obtained proof in the form of the presence of applicable tax stamps or otherwise that such taxes already have been paid to the Commonwealth.

(e) (1) Except as otherwise provided in this section, the first time a person violates any provision of this act, such person shall be fined not more than one thousand dollars (\$1,000).

(2) In the case of a second or subsequent violation of this act, such person shall be fined not less than one thousand dollars (\$1,000) and not more than five thousand dollars (\$5,000).

(3) Any person who knowingly violates any provision of this section or who knowingly and falsely submits a certification under this section in another person's name shall, for each such offense, be fined not more than ten thousand dollars (\$10,000) or imprisoned for not more than five years, or both.

(4) Whoever fails to pay any tax required in connection with a delivery sale shall pay, in addition to any other penalty, a penalty of fifty per centum of the tax due but unpaid.

(5) Any cigarettes sold or attempted to be sold in a delivery sale that does not meet the requirements of this act

shall be forfeited to the Commonwealth and destroyed, pursuant to law.

(f) The department or its designee, the Attorney General or his or her designee or any person who holds a permit under 26 U.S.C. § 5712 (relating to application for permit) or 19 U.S.C. § 1311 (relating to bonded manufacturing warehouses) or 1555 (relating to bonded warehouses) may bring an action in the appropriate court in this Commonwealth to prevent or restrain violations of this section by any person or any person controlling such person.

(231-A added Nov. 23, 2004, P.L.1238, No.150)

Section 232-A. Preemption.--(a) All powers and jurisdiction over dealers licensed under this article, and regarding or affecting the sale of tobacco products by dealers licensed under this article, shall reside in the Commonwealth unless any such power or jurisdiction is specifically granted to a political subdivision.

(b) This section shall not apply to any ordinance or regulation adopted by a city of the first class prior to June 1, 2018, regarding or affecting the sale of tobacco products by dealers licensed under this article. Ordinances and regulations adopted prior to June 1, 2018, shall remain in full force and effect unless repealed by a city of the first class. Nothing in this subsection may be construed to prohibit a city of the first class from enacting or amending an ordinance requiring tobacco products to be maintained behind a counter and under the exclusive control of the retailer or employee of the retailer prior to purchase, provided that the ordinance may not apply to retail stores that derive 75% or more of gross revenue on an annual basis from tobacco products or to an establishment that prohibits minors from entering. ((b) amended June 22, 2018, P.L.281, No.42)

(c) As used in this section, the term "tobacco product" shall have the same meaning as defined in 18 Pa.C.S. § 6305(k) (relating to sale of tobacco).

(232-A added July 13, 2016, P.L.664, No.85)

Section 233-A. Compliance checks.--Notwithstanding the provisions of any other law, a proceeding against a person that is alleged to have sold or otherwise furnished tobacco to an individual under 18 years of age in violation of the provisions of 18 Pa.C.S. § 6305(a) (relating to sale of tobacco) during a compliance check conducted under the provisions of 18 Pa.C.S. § 6305 may only be instituted by the issuance of a citation.

(233-A added July 13, 2016, P.L.664, No.85)

ARTICLE II-B

CANCER CONTROL, PREVENTION AND RESEARCH

(Art. added July 13, 2016, P.L.664, No.85)

Section 201-B. Scope of article.

This article relates to cancer control, prevention and research.

(201-B added July 13, 2016, P.L.664, No.85)

Section 202-B. Definitions.

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

"Board." The Pennsylvania Cancer Control, Prevention and Research Advisory Board established under section 203-B.

"Cancer." All malignant neoplasms, regardless of the tissue of origin, including malignant lymphoma and leukemia.

"Department." The Department of Health of the Commonwealth.

"Secretary." The Secretary of Health of the Commonwealth.
(202-B added July 13, 2016, P.L.664, No.85)
Section 203-B. Pennsylvania Cancer Control, Prevention and
Research Advisory Board.

(a) Board established.--

(1) There is established in the department the
Pennsylvania Cancer Control, Prevention and Research Advisory
Board.

(2) The board shall consist of 11 members, all of whom
shall be Pennsylvania residents, 10 of whom the Governor
shall appoint by and with the consent of a majority of the
Senate. Of the 10 members appointed by the Governor:

(i) three shall be distinguished scientists and
physicians in the field of cancer;

(ii) one shall be a qualified professional nurse
engaged in the practice of oncological nursing;

(iii) one shall be skilled in health care
administration;

(iv) two shall have substantial experience in the
field of public health, one of whom shall be a
professional nurse engaged in the practice of community
health nursing; and

(v) three shall be consumer members.

(3) The secretary shall be a member of the board.

(b) Terms.--The terms of the members shall be four years
from the respective date of their appointment.

(c) Chairperson.--A chairperson of the board shall be
appointed by the Governor for a term of four years.

(d) Meetings and quorum.--The board shall meet no less than
four times annually at the call of the chairperson or, in the
chairperson's absence or incapacity, at the call of the
secretary. Six members of the board shall constitute a quorum
for the purpose of exercising all of the powers of the board.
A vote of the majority of the members present shall be
sufficient for all actions of the board.

(e) Expenses.--Each board member, except the secretary,
shall receive actual traveling expenses and other necessary
expenses.

(f) Conflict of interest.--No member of the board may
participate in any discussions and decisions to recommend grants
or contracts to any qualified association or to any agency of
the Commonwealth or its political subdivisions with which the
member is associated as a member of the governing body or as
an employee, or with which the member has entered into any
contractual arrangement.

(203-B added July 13, 2016, P.L.664, No.85)
Section 204-B. Responsibilities of board.

(a) Bylaws.--The board shall have the power to prescribe,
amend and repeal bylaws governing the manner in which the
business of the board is conducted.

(b) Duty to advise.--The board shall advise the secretary
with respect to cancer control, prevention and research in this
Commonwealth.

(c) Approval of program.--The board shall approve each year
a program for cancer control, prevention and research to be
known as the Pennsylvania Cancer Plan.

(d) Award of grants and contracts.--In order to implement
in whole or in part the Pennsylvania Cancer Plan, the board
shall recommend to the secretary the awarding of grants and
contracts to qualified associations, nonprofit organizations
or governmental agencies in order to plan, establish or conduct

programs in cancer control or prevention, cancer education and training and cancer clinical research.

(e) Eligible programs.--Grants and contracts may be recommended for:

- (1) The cancer registry under section 206-B.
- (2) Cancer screening, detection and prevention.
- (3) Cancer epidemiology and biostatistical studies.
- (4) Cancer community outreach programs, including, but not limited to, grants for the provision of facilities and personnel for conducting summer camps and other activities for cancer-afflicted children.
- (5) Cancer rehabilitation.
- (6) Communication and planning among cancer institutions.
- (7) Cancer education and information.
- (8) Cancer training.
- (9) Cancer clinical research.

(f) Funding priorities.--Consistent with the Pennsylvania Cancer Plan the board shall give its:

- (1) first priority to funding grants and contracts relating to subsection (e)(1), (2), (3) and (4);
- (2) second priority to funding grants and contracts relating to subsection (e)(5) and (6); and
- (3) third priority to funding grants and contracts relating to subsection (e)(7), (8) and (9).

(g) Criteria.--The following criteria shall be given consideration for recommending grants and contracts for programs:

- (1) The relevancy of the applicant's proposal to the Pennsylvania Cancer Plan.
- (2) The feasibility of the applicant's proposal.

(h) Rules and regulations.--The board shall recommend to the secretary rules and regulations consistent with laws of this Commonwealth as it may deem necessary for the performance of its duties and the proper administration of this article.

(i) Report.--The board shall report annually to the Governor and the General Assembly. The report shall include, but not be limited to, the following:

- (1) A full description of the grants and contracts funded pursuant to this article.
- (2) The amount of grants and contracts.
- (3) An outline of the proposal on which grants were based.
- (4) The results achieved as a result of the grants.

(204-B added July 13, 2016, P.L.664, No.85)

Section 205-B. Responsibilities of secretary.

(a) Award of grants and contracts.--The secretary shall award grants and contracts only from among those recommended by the board to qualified associations in this Commonwealth and governmental agencies in order to plan, establish or conduct programs in cancer control and prevention, cancer education and training and cancer research. The secretary may request additional recommendations from the board.

(b) Assistance to board.--The secretary shall provide such staff, information and other assistance as the secretary may deem necessary for the completion of the board's responsibilities. The staff shall be responsible to the secretary.

(205-B added July 13, 2016, P.L.664, No.85)

Section 206-B. Cancer registry.

(a) Registry.--The department shall establish a system for the Statewide collection and dissemination of data on cases of

cancer by anatomical site, medical and occupational history of patients, stage of disease and other data necessary to effectuate the provisions of this article as determined by the department.

(b) Required reporting.--Persons in charge of hospitals and laboratories shall be required by the department, in accordance with regulations adopted with the advice of the board to report cases of cancer on forms furnished by the department.

(c) Confidentiality of information.--The reports required under this article shall be confidential and not open to public inspection or dissemination. This subsection shall not restrict the collection and analysis of data by the department or those with which the department contracts, nor shall it restrict the department from permitting the use of the reports and data contained in the reports for research purposes, subject to strict supervision by the department to ensure that the use of the reports is limited to specific research purposes.

(206-B added July 13, 2016, P.L.664, No.85)

Section 207-B. Sunset provisions.

With the exception of section 206-B, this article shall expire on June 30, 2026, unless otherwise extended by an act of the General Assembly.

(207-B added July 13, 2016, P.L.664, No.85)

ARTICLE II-C

AMBULATORY SURGICAL CENTER DATA COLLECTION

(Art. added Oct. 30, 2017, P.L.725, No.44)

Section 201-C. Definitions.

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

"Ambulatory surgical center." An ambulatory surgical facility which is a Medicare-certified ambulatory surgical center as defined in 42 CFR § 416.2 (relating to definitions).

"Ambulatory surgical facility." A facility or portion of a facility licensed as an ambulatory surgical facility under 28 Pa. Code Pt. IV Subpt. F (relating to ambulatory surgical facilities).

"Annual financial data report." The financial, utilization and payor data report submitted annually to the Health Care Cost Containment Council by an ambulatory surgical center.

(201-C added Oct. 30, 2017, P.L.725, No.44)

Section 202-C. Submission of annual financial data reports.

An ambulatory surgical center that is in operation or begins operation, or an ambulatory surgical facility that becomes an ambulatory surgical center, on or after July 1, 2017, shall submit annual financial data reports to the Health Care Cost Containment Council as specified by the council.

(202-C added Oct. 30, 2017, P.L.725, No.44)

ARTICLE II-D

JOINT UNDERWRITING ASSOCIATION

(Art. added Oct. 30, 2017, P.L.725, No.44)

Section 201-D. Findings.

The General Assembly finds as follows:

(1) As a result of a decline in the need in this Commonwealth for the medical professional liability insurance policies offered by the joint underwriting association under Subchapter B of Chapter 7 of the Mcare Act, and a decline in the nature and amounts of claims paid out by the joint

underwriting association under the policies, the joint underwriting association has money in excess of the amount reasonably required to fulfill its statutory mandate.

(2) Funds under the control of the joint underwriting association consist of premiums paid on the policies issued under Subchapter B of Chapter 7 of the Mcare Act and income from investment. The funds do not belong to any of the members of the joint underwriting association nor any of the insureds covered by the policies issued.

(3) The joint underwriting association is an instrumentality of the Commonwealth. Money under the control of the joint underwriting association belongs to the Commonwealth.

(4) At a time when revenue receipts are down and the economy is still recovering, the Commonwealth is in need of revenue from all possible sources in order to continue to balance its budget and provide for the health, welfare and safety of the residents of this Commonwealth.

(5) The payment of money to the Commonwealth required under this article is in the best interest of the residents of this Commonwealth.

(201-D added Oct. 30, 2017, P.L.725, No.44)

Section 202-D. Definitions.

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

"Commissioner." The Insurance Commissioner of the Commonwealth.

"Department." The Insurance Department of the Commonwealth.

"Joint underwriting association." The Pennsylvania Professional Liability Joint Underwriting Association established under section 731 of the Mcare Act.

"Mcare Act." The act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act.

(202-D added Oct. 30, 2017, P.L.725, No.44)

Section 203-D. Payment.

On or before December 1, 2017, the joint underwriting association shall pay the sum of \$200,000,000 to the State Treasurer for deposit into the General Fund.

(203-D added Oct. 30, 2017, P.L.725, No.44)

Section 204-D. Use of amounts deposited.

Amounts deposited in the General Fund under section 203-D shall be available for expenditures in accordance with appropriations by the General Assembly to the Department of Human Services for medical assistance payments for capitation plans.

(204-D added Oct. 30, 2017, P.L.725, No.44)

Section 205-D. No liability.

The joint underwriting association and its officers, board members and employees shall not be liable nor subject to suit for complying with the provisions of this article and making the required payment of money to the State Treasurer.

(205-D added Oct. 30, 2017, P.L.725, No.44)

Section 206-D. Exclusive jurisdiction.

The Supreme Court shall have exclusive jurisdiction to hear any challenge to or to render a declaratory judgment concerning the constitutionality of this article or to enforce the provisions of this article.

(206-D added Oct. 30, 2017, P.L.725, No.44)

Section 207-D. Sunset.

In the event the payment required under section 203-D is not made by December 1, 2017, the provisions of Subchapter C of Chapter 7 of the Mcare Act shall expire on December 1, 2017. In that event, the following shall apply:

(1) The joint underwriting association shall be abolished and the money in the possession or control of the joint underwriting association shall be transferred to the commissioner who shall deposit it in a special account within the department to be used and administered by the department in the same manner as the joint underwriting association was authorized or required to use and administer it prior to the expiration of Subchapter C of Chapter 7 of the Mcare Act.

(2) Notwithstanding paragraph (1), the commissioner shall transfer \$200,000,000 of the money received under paragraph (1) to the State Treasurer for deposit into the General Fund as soon as practicable after receipt. Thereafter, the commissioner shall annually transfer from the special account established under paragraph (1) to the General Fund any money the commissioner determines is in excess of the money needed to administer the funds as required under Subchapter C of Chapter 7 of the Mcare Act. (207-D added Oct. 30, 2017, P.L.725, No.44)

ARTICLE II-E
EARLY DETECTION AND DIAGNOSIS OF ALZHEIMER'S DISEASE OR A
RELATED DISORDER
(Art. added Feb. 9, 2022, P.L.37, No.9)

Section 201-E. Scope of article.

This article relates to the early detection and diagnosis of Alzheimer's disease or a related disorder. (201-E added Feb. 9, 2022, P.L.37, No.9)

Section 202-E. Definitions.

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

"Alzheimer's disease or a related disorder." An irreversible and progressive neurological disorder diagnosed by a physician that has all of the following characteristics:

(1) The disorder causes cognitive decline and memory impairment, behavioral and psychiatric problems and loss of the ability to care for oneself.

(2) The disorder is severe enough to interfere with work or social activities and requires continuous care or supervision.

"Certified registered nurse practitioner." A registered nurse licensed in this Commonwealth who is certified by the State Board of Nursing in a particular clinical specialty area.

"Clinical nurse specialist." A registered nurse licensed in this Commonwealth who is certified by the State Board of Nursing as a clinical nurse specialist.

"Department." The Department of Health of the Commonwealth.

"Physician." A medical doctor or doctor of osteopathy.

"Physician assistant." An individual who is licensed as a physician assistant by the State Board of Medicine.

"Primary care workforce." Physicians, physician assistants, certified registered nurse practitioners and clinical nurse specialists delivering health care services to adult patients with the detection, diagnosis, treatment and care planning referral for individuals with Alzheimer's disease or a related disorder.

"Primary care workforce education resources." The resources established in section 203-E.

"Toolkit." The Early Detection and Diagnosis of Alzheimer's Disease or a Related Disorder toolkit established in section 204-E(a).

(202-E added Feb. 9, 2022, P.L.37, No.9)

Section 203-E. Primary care workforce education resources.

The department, in consultation with the Department of Aging and other public or private organizations with expertise in cognitive decline, Alzheimer's disease or a related disorder, shall establish education resources to assist the primary care workforce with the detection, diagnosis, treatment and care planning referral for individuals with Alzheimer's disease or a related disorder. At a minimum, the primary care workforce education resources shall include all of the following related to Alzheimer's disease or a related disorder:

- (1) The importance of and value of early detection and timely diagnosis.
- (2) Increasing understanding and awareness of early signs and symptoms.
- (3) Person-centered care delivery.
- (4) Cultural competency.
- (5) Racial and ethnic disparities and inequities in detecting, diagnosing and accessing treatment and services.
- (6) Use of validated cognitive assessment tools to detect cognitive decline as part of the annual Medicare Wellness Visit or other annual physical examination.
- (7) Sources of clinical practice guidelines and tools.
- (8) Effective care planning, including treatment options, support and services, long-term care options, financial planning, advanced directives and care coordination, at all stages of dementia, including appropriate counseling and referral.

(203-E added Feb. 9, 2022, P.L.37, No.9)

Section 204-E. Early Detection and Diagnosis of Alzheimer's Disease or a Related Disorder toolkit.

(a) Establishment.--The department shall establish and maintain an Early Detection and Diagnosis of Alzheimer's Disease or a Related Disorder toolkit. The toolkit, at a minimum, shall provide all of the following:

- (1) Best practices and cognitive assessment tools, including the use of appropriate diagnostics, to assist the primary care workforce in the detection, diagnosis, treatment and care planning for individuals with Alzheimer's disease or a related disorder.

(2) Primary care workforce education resources established in section 203-E.

(b) Coordination and integration.--The department shall coordinate and integrate the toolkit across health care sectors, including, but not limited to, all of the following:

(1) Managed care programs administered through the Department of Human Services.

(2) Academic research institutions.

(3) State medical centers.

(4) Federally qualified health centers.

(5) Associations representing hospitals and health systems.

(6) Organizations representing physicians and medical students in Pennsylvania.

(7) Organizations representing the advancement of health care and family physicians.

(8) Organizations representing the advancement of nurse practitioners, health care professionals and health care organizations.

(9) Organizations representing underserved communities which may be disproportionately impacted by Alzheimer's disease.

(10) Any other public or private organization, entity or part of an organization or entity the department deems necessary.

(c) Annual review.--The department shall review and update the information on the toolkit established in subsection (a) to reflect the most current and accurate information available on an annual basis.

(204-E added Feb. 9, 2022, P.L.37, No.9)

Section 205-E. Public awareness.

(a) Public information.--The department shall include and make accessible on the department's publicly accessible Internet website information relating to Alzheimer's disease or a related disorder. The information, at a minimum, shall include the following:

(1) Understanding cognitive decline, Alzheimer's disease or a related disorder, including the difference between normal cognitive aging and dementia.

(2) Early warning signs of Alzheimer's disease or a related disorder.

(3) Benefits of early detection and diagnosis.

(4) Importance of discussing cognition with health care providers and tips on how to do so.

(5) Risk reduction behaviors to slow onset of cognitive impairment, particularly among diverse communities who are at greater risk of developing Alzheimer's disease.

(b) Existing outreach programs.--The department shall incorporate public information in subsection (a) into existing relevant public health outreach programs administered by the department to promote understanding and awareness of Alzheimer's disease or a related disorder to the general public. Public awareness information shall provide uniform, consistent guidance in nonclinical terms, with an emphasis on cultural relevancy and health literacy.

(205-E added Feb. 9, 2022, P.L.37, No.9)

ARTICLE II-F INDIGENT DEFENSE

(Art. added Dec. 13, 2023, P.L.251, No.34)

Section 201-F. Scope of article.

This article relates to indigent defense.

(201-F added Dec. 13, 2023, P.L.251, No.34)

Section 202-F. Definitions.

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

"Commission." The Pennsylvania Commission on Crime and Delinquency.

"Indigent defense services." The legal representation provided to indigent adult defendants and juvenile respondents through either a public defender's office, contracted counsel or conflict counsel.

(202-F added Dec. 13, 2023, P.L.251, No.34)

Section 203-F. Indigent Defense Advisory Committee.

(a) Establishment.--The Indigent Defense Advisory Committee is established within the commission.

(b) Composition.--The committee shall consist of a chairperson and the following members to be selected as follows:

(1) The executive director of the Interbranch Commission for Gender, Racial and Ethnic Fairness, or a designee, who shall serve as an ex officio and nonvoting member.

(2) The executive director of the Public Defender Association of Pennsylvania or a designee.

(3) The executive director of the Pennsylvania Commission on Sentencing, or a designee, who shall serve as an ex officio and nonvoting member.

(4) The executive director of the Pennsylvania District Attorneys Association, or a designee, who shall serve as an ex officio and nonvoting member.

(5) The Commonwealth Victim Advocate, or a designee, who shall serve as an ex officio and nonvoting member.

(6) The executive director of the Pennsylvania Chiefs of Police Association, or a designee, who shall serve as an ex officio and nonvoting member.

(7) The executive director of the Juvenile Court Judges' Commission, or a designee, who shall serve as an ex officio and nonvoting member.

(8) An individual appointed by the President pro tempore of the Senate.

(9) An individual appointed by the Minority Leader of the Senate.

(10) An individual appointed by the Speaker of the House of Representatives.

(11) An individual appointed by the Minority Leader of the House of Representatives.

(12) The following members appointed by the Governor:

(i) One representative of public defenders appointed from a list of three qualified attorneys recommended by the Defender Association of Philadelphia.

(ii) One criminal defense attorney with public defender experience appointed from a list of three qualified individuals recommended by the Pennsylvania Association of Criminal Defense Lawyers.

(iii) One attorney with experience defending juveniles in delinquency proceedings, appointed from a list of three qualified individuals recommended by the Juvenile Defenders Association of Pennsylvania.

(iv) One member from the law school academic community with a background in public defense or legal services appointed from a list of qualified individuals recommended by each law school in this Commonwealth.

(v) One attorney with capital case indigent defense trial, appellate or postconviction experience associated with the Pennsylvania Innocence Project at Temple University Beasley School of Law.

(vi) One representative of county government from the second class or second class A counties appointed from a list of three qualified individuals recommended by the County Commissioners Association of Pennsylvania.

(vii) One representative of county government from the third, fourth, fifth, sixth, seventh or eighth class counties appointed from a list of three qualified individuals recommended by the County Commissioners Association of Pennsylvania.

(viii) One advocate for current and former prison inmates appointed from a list of three individuals recommended by the Pennsylvania Prison Society.

(13) Three judges who routinely preside over criminal or juvenile cases and are representative of the geographic and demographic diversity of the Commonwealth, appointed by the Chief Justice of the Pennsylvania Supreme Court.

(14) The following members appointed by the Chief Justice of the Pennsylvania Supreme Court:

(i) One county chief public defender from a list of three recommendations from the Public Defender Association of Pennsylvania.

(ii) One public defender from the second class OR second class A counties from a list of four recommendations from the Public Defender Association of Pennsylvania.

(iii) One public defender from the third or fourth class counties from a list of four recommendations from the Public Defender Association of Pennsylvania.

(iv) Two public defenders from the fifth, sixth, seventh or eighth class counties from a list of four recommendations from the Public Defender Association of Pennsylvania.

(c) Chairperson and vice chairperson.--The chairperson of the committee shall be selected by the Governor from among the voting members of the committee. A vice chairperson shall be designated by the chairperson of the committee from among the voting members of the committee to preside at meetings in the absence of the chairperson.

(d) Term.--Members of the committee shall serve a four-year term. Members are eligible for reappointment for no more than two consecutive terms. Members appointed under subsection (b)(1), (2), (3), (4), (5), (6) and (7) shall serve by virtue of the member's office, and the term shall be concurrent with the member's service in the office. Vacancies on the committee shall be filled by the appointing authority within 60 days of the vacancy. For the purposes of this subsection, a vacancy occurs when a member resigns from the committee or no longer holds the employment that originally qualified the member for the appointment.

(e) Quorum.--A majority of the voting members of the committee shall constitute a quorum and a quorum shall be required for all actions. A vote of the majority of the voting members of the committee present shall be sufficient for all actions taken by the committee.

(f) Meetings.--The committee shall hold its first meeting no later than 60 days from the effective date of this subsection. Except for the first meeting, meetings related to the implementation and operation of the Indigent Defense Grant Program established under subsection (k) and meetings related to committee duties under subsection (i)(13), members appointed under subsection (b)(4), (5) and (6) may not participate in meetings and committee work related to committee duties under subsection (i)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12), unless requested by a majority of the voting members.

(g) Compensation and expenses.--The committee members shall not receive a salary or per diem allowance for serving as board members, but shall be reimbursed for actual and necessary expenses incurred in the performance of duties as members of the committee. Expenses may include reimbursement of travel and living expenses while engaged in committee business.

(h) Staff.--Staff support shall be made available to the committee by the executive director of the commission in order

to adequately assist the committee in carrying out its duties and responsibilities.

(i) Duties and responsibilities.--With the review and approval of the commission, the committee shall have the following duties and responsibilities:

(1) Propose minimum standards for the delivery of effective indigent defense services throughout this Commonwealth that are consistent with the requirements of the Constitution of the United States and the Constitution of Pennsylvania.

(2) Propose minimum standards for attorneys providing indigent defense services to ensure that the ability, training and experience of the attorneys match the cases assigned to the attorneys.

(3) Submit proposed standards to the Pennsylvania Supreme Court for adoption through a manner prescribed by the Supreme Court.

(4) Identify, develop or provide appropriate Statewide continuing legal education courses, practical training programs and skill development resources, including preservice training for newly hired public defenders, public defender staff attorneys, assigned counsel and contract public defenders and other counsel who provide indigent defense services.

(5) Identify, develop or provide appropriate programs for capital case defense skills training, adult criminal defense training, juvenile delinquency defense training and management and leadership training for chief defenders and public defender office leaders and other counsel who provide indigent defense services.

(6) Establish a virtual defender training library consisting of all programs approved by the committee.

(7) Adopt standards by which counties shall collect and report, at a minimum, the following to the committee:

(i) The caseload and workload of each attorney in the county's public defender office.

(ii) The caseload and workload of attorneys who are assigned to represent an indigent defendant as conflict counsel or contract counsel in the county.

(iii) The total expenditures and per capita spending for indigent criminal defense services in the county.

(8) Adopt standards for the use of case management systems or software by county public defender offices.

(9) Develop, in partnership with the Administrative Office of Pennsylvania Courts and the Juvenile Court Judges' Commission, data requests that include, at a minimum, the following:

(i) The total number of criminal cases involving a public defender by category of criminal offense and by county.

(ii) The total number of criminal cases adjudicated or closed involving a public defender by category of disposition type and by county.

(iii) The total number of juvenile delinquency cases involving a public defender by category of offense and by county.

(iv) The total number of juvenile delinquency cases adjudicated or closed involving a public defender by category of disposition type and by county.

(v) The total number of criminal cases with a court appointed attorney, not a public defender.

(vi) The total number of juvenile delinquency cases with a court appointed attorney, not a public defender.

(vii) The total number of criminal and juvenile delinquency cases appealed involving a public defender by county.

(10) Partner with other departments or agencies for the collection of data related to the delivery of indigent defense services, as may be required by the committee.

(11) Analyze the data to identify trends and overall effectiveness of indigent defense services in the State and the impact of the standards adopted on the effectiveness of indigent defense services in the future.

(12) Prepare a report which includes, at a minimum, the actions of the committee, details of grants awarded, summaries of data collected with statistics regarding the delivery of indigent defense services and recommendations for improvement of the indigent defense system in this Commonwealth. The report shall be submitted two years from the effective date of this section and biennially thereafter. The report shall be published on the commission's publicly accessible Internet website. A copy of the report shall be submitted to the Governor, the chair and minority chair of the Judiciary Committee of the Senate, the chair and minority chair of the Judiciary Committee of the House of Representatives, the chair and minority chair of the Appropriations Committee of the Senate, the chair and minority chair of the Appropriations Committee of the House of Representatives and the Pennsylvania Supreme Court.

(13) Perform functions related to the direct approval and disbursement of grants under the Indigent Defense Grant Program established under subsection (k) in an advisory capacity only.

(j) Confidentiality of data.--County-specific data received and collected by the committee shall remain confidential. The committee may release aggregate data at the committee's discretion when preparing and submitting its biennial report.

(k) Indigent Defense Grant Program.--The Indigent Defense Grant Program is established in the commission. The following shall apply:

(1) Money available to the program shall include appropriations and transfers from the General Fund, special funds, Federal funds and other sources of revenue made available to the program and the commission.

(2) Program funding may only be used for the grant and training activities authorized under this section, and no money may be transferred or diverted to any other purpose by administrative action.

(3) The committee shall have the opportunity to review and comment on grant applications and shall ensure that grant funding or services provided under the program are geographically dispersed throughout this Commonwealth.

(4) Grant money allocated through the program shall be used to supplement and not supplant existing county spending on indigent defense services.

(5) Nothing shall preclude a grant recipient from making an application in a subsequent year for the same purpose and amount awarded in a prior year.

(6) Grants awarded shall be consistent with the standards established by the committee and the standards adopted by the Pennsylvania Supreme Court.

(7) The commission may randomly audit and monitor grant recipients to ensure the appropriate use of grant funds and compliance with the provisions of this section.

(8) The commission may use up to 10% of the money appropriated each year for the costs of supporting the committee and administering the program, which may include the costs relating to the employment of personnel, providing technical assistance to grantees and evaluating the impact of initiatives supported by the grants.

(203-F added Dec. 13, 2023, P.L.251, No.34)

ARTICLE III TREASURY DEPARTMENT

Section 301. Deposit of Moneys.--The Treasury Department shall deposit all moneys of the Commonwealth received by it, including moneys not belonging to the Commonwealth but of which the Treasury Department or the State Treasurer is custodian, in State depositories approved by the Board of Finance and Revenue. The Treasury Department shall not be required to deposit or to keep on deposit moneys of the Commonwealth segregated by funds in State depositories.

The Treasury Department shall not, at any time have in all active depositories more than an aggregate of such total sum as the Board of Finance and Revenue shall, by resolution, have prescribed, and shall not deposit in any one inactive depository an amount in excess of twenty-five per centum of its paid-in capital and surplus, nor in excess of five hundred thousand dollars: Provided, however, That in the case of any particular depository, these limitations may be waived by the Board of Finance and Revenue, so as to permit the State Treasurer to deposit State moneys, not in excess of one million dollars, in any bank, banking institution, or trust company designated as an inactive depository.

All departments, boards or commissions, having in their possession any moneys belonging to the Commonwealth, shall deposit them in State depositories approved by the Board of Finance and Revenue in a manner and with such frequency as shall be prescribed by the State Treasurer. In all such cases the depositing department, board or commission shall forthwith, upon opening the account, notify the Department of the Auditor General and the Treasury Department of the name of the depository and the nature of the funds to be deposited in the account.

(301 amended May 2, 1986, P.L.145, No.45)

Section 301.1. Investment of Moneys.--(a) The Treasury Department may, from time to time, invest in direct short-term obligations of the United States government such amounts of the moneys of the Commonwealth, with the exception of moneys in any fund authorized by law to be invested by any board, commission or State officer, on deposit from time to time in State depositories, as shall have accumulated beyond the ordinary needs of various funds. The Treasury Department shall, from time to time as necessary, sell such short-term obligations and deposit the proceeds in State depositories as provided by this act. The Treasury Department shall not, at any one time, have invested in short-term obligations of the United States government more than an aggregate of such total sum as the Board of Finance and Revenue shall, by resolution, with the Governor's approval, have prescribed.

(b) The Treasury Department may, from time to time, invest its excess funds in United States Treasury and United States

Agency obligations, with a maturity of up to and including two years.

(c) The Treasury Department may, from time to time, subject to the hereinafter stated conditions and limitations, invest and reinvest the moneys of any fund as shall have accumulated beyond the ordinary needs of the various funds, and which are not authorized by law to be invested by any board, commission or State officer in commercial paper.

As used herein, "commercial paper" shall mean unsecured promissory notes issued either in discount or interest-bearing form by any industrial, common carrier, or finance company and must bear Moody's Credit Service "Prime One Rating," or the equivalent by Standard and Poor's or Fitch's Rating Service.

The Treasury Department shall not, at any time, have invested in commercial paper more than an aggregate of such total sum as the Board of Finance and Revenue shall, by resolution, with the Governor's approval, have prescribed.

(d) The Treasury Department may, from time to time pursuant to regulations adopted by the Board of Finance and Revenue invest and reinvest such moneys of any fund as shall be accumulated beyond the ordinary needs of the various funds and which are not authorized by law to be invested by any other board or commission or State officer by purchasing certificates of deposit from commercial banks domiciled in this Commonwealth up to the level equal to twenty per centum of such bank's total capital and surplus. Certificates of deposit may likewise be purchased from savings and loan associations or savings banks domiciled in the Commonwealth up to a level equal to twenty per centum of such association's or savings bank's assets minus liabilities. Such certificates of deposit need not be collateralized. In applying the proceeding limitation on investments in certificates of deposit, the Treasury Department must include the similar investments of the State Employees' Retirement Board and the Public School Employees' Retirement Board. The Treasury Department shall not at anytime have invested in uncollateralized certificates of deposit more than the total amount authorized by resolution of the Board of Finance and Revenue and approved by the Governor. The Treasury Department shall purchase certificates of deposit under this subsection pursuant to procedures established in regulations by the Board of Finance and Revenue and shall take into account the differences, if any, in competitive bids, the financial strength of each of the bidders and the services provided to or at the request of the Commonwealth and any of its departments, agencies or bureaus by each of the bidders.

(e) The Treasury Department may from time to time enter into repurchase agreements secured by Federal obligations.

(f) The Treasury Department may, from time to time, invest its excess funds in Banker's Acceptances.

As used herein, "Banker's Acceptances" shall mean short term trade financing agreements secured by the accepting bank and the goods being purchased, and shall be limited to domestic banks whose parent companies bear a Moody's Credit Service "AA Rating," or the equivalent by Standard and Poor's or Fitch's Rating Service.

(g) Notwithstanding any limitations, conditions or restrictions imposed on the making of investments by this act, except those contained in subsection (h), and notwithstanding any limitations, conditions or restrictions imposed by any other law, the Treasury Department may, at its discretion, invest a maximum of ten per centum of the book value of the assets of

the fund in any investments except common stock not otherwise specifically authorized.

(h) All investments allowed under this section must be made with the exercise of that degree of judgment and care under the circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs not in regard to speculation, but in regard to the permanent disposition of the funds, considering the probable income to be derived therefrom as well as the probable safety of their capital. The exercise of such degree of judgment and care shall include, but shall not be limited to:

(1) The daily investment of available investable funds necessary to maintain maximum effectiveness of the Treasury Department investment portfolio at all times.

(2) The maintenance of portfolio reporting system.

(3) The adherence to Moody's Credit Service "Prime One Rating" or the equivalent of Standard and Poor's or Fitch's Rating Service for institutions with whom investments are transacted pursuant to subsection (g).

(4) At least quarter-annual bank performance ranking according to maximum efficiency in cash management.

((h) amended May 2, 1986, P.L.145, No.45)

(i) (1) Notwithstanding subsections (a) through (h), the Treasury Department shall have the exclusive management and full power to invest and reinvest the moneys of any fund as shall be accumulated beyond the ordinary needs of the various funds and which are not authorized by law to be invested by any board, commission or State officer, subject, however, to the prudent investor standard.

(1.1) When investing, reinvesting, purchasing, acquiring, exchanging, selling or managing public funds, the Treasury Department shall act as a fiduciary with care, skill, prudence and diligence under the circumstances then prevailing, specifically including, but not limited to, the general economic conditions and the anticipated needs of the funds, that a prudent person acting in a like capacity and with familiarity with those matters would use in the conduct of funds of a like character and with like objectives. The following shall apply:

(i) The primary objective of the Treasury Department shall be to safeguard the principal of the funds. The secondary objective shall be to meet the liquidity needs of the funds. The third objective shall be to achieve a return on the funds.

(ii) The prudent investor standard embraces the duty of loyalty whereby actions must be in accordance with the sole purpose doctrine to accomplish the prudent investor objectives and not in pursuit of other objectives except as otherwise provided by statute.

(iii) The prudent investor standard embraces the duty to monitor the ongoing circumstances of investments for ongoing appropriateness of investments to meet the prudent investor objectives.

(iv) The Treasury Department shall have the power and authority to invest in securities subject to the then prevailing standards that institutional investors employ in the context of investment decisions made with consideration of fiduciary standards.

(v) The Treasury Department shall maintain and publish a list of prohibited investments within its investment policy.

(2) The authority to invest or reinvest the moneys of any fund pursuant to this subsection shall expire December 31, 2024. The Treasury Department may maintain investments pursuant to this subsection which are in existence on the expiration date

in this paragraph for not more than two years following such expiration date. ((2) amended June 28, 2019, P.L.173, No.20)

((i) amended July 6, 2010, P.L.279, No.46)

(301.1 amended May 7, 1982, P.L.390, No.113)

Section 301.2. Investment Policy.--The State Treasurer shall maintain an investment policy. The investment policy shall include provisions on general investment principles, including asset allocation, liquidity and operational cash management requirements, prohibited investment activity, investment performance review and any other item that the State Treasurer may include. The State Treasurer shall review and, if necessary, update the investment policy at least annually. The Treasury Department shall post, maintain and update the investment policy as necessary on its publicly accessible Internet website.

(301.2 added July 4, 2008, P.L.629, No.53)

Section 301.3. Annual Investment Report.--By November 30, 2008, and annually thereafter, the State Treasurer shall submit a report to the Governor and to the chair and minority chair of the Appropriations Committee of the Senate, the chair and minority chair of the Finance Committee of the Senate, the chair and minority chair of the Appropriations Committee of the House of Representatives and the chair and minority chair of the Finance Committee of the House of Representatives. The report shall cover the period consisting of the most recently ended fiscal year. The report shall provide for the following:

(1) An analysis of the status and performance of the current investments and transactions made over the last fiscal year.

(2) Targeted asset allocation and actual asset allocation on September 30, December 31, March 31 and June 30 of the previous fiscal year.

(3) The standards and measures of investment performance, including benchmarks for each asset class.

(4) Return for each asset class including a breakdown of the return versus the targeted benchmark calculated net of fees.

(5) A list of external managers, including whether the manager was selected through competitive bid or as a sole source selection, the principals and key staff of the manager, the date of the manager's hire, the amount of fees received by the manager in the previous fiscal year and the return on the manager's portfolio versus his targeted benchmark.

(6) Brokerage fees.

(7) Securities lending information.

(8) Proxy voting information.

(9) Information on securities litigation.

(301.3 added July 4, 2008, P.L.629, No.53)

Section 301.4. Segregation of Duties.--(a) A person who provides financial services to the Treasury Department shall not benefit directly or indirectly from the investment actions of the Treasury Department except as provided in the contract for the provision of those services. No person providing financial services shall knowingly do indirectly that which is directly prohibited by this section.

(b) A violation of this section constitutes a misdemeanor of the third degree.

(c) For the purposes of this section, "financial services" shall include, but not be limited to, the providing of investment advice and management of investments.

(301.4 added July 4, 2008, P.L.629, No.53)

Section 301.5. Commonwealth Payment Security.--(a) To ensure the secure disbursement of public funds under the custodial control of the State Treasurer on behalf of any Commonwealth department, agency, board or commission of the

executive branch, the Treasury Department shall select and require the implementation and maintenance of electronic payment security standards, measures and procedures that, in the opinion of the State Treasurer, are consistent with national financial industry standards for the electronic movement of funds and necessary to detect and prevent the fraudulent expenditure of public funds and reduce administrative costs and financial losses associated with invalid or improper fund disbursements.

(b) The electronic payment security standards, measures and procedures required under subsection (a) shall be designed to confirm and verify the existence, status, standing, maturity and signatory authority of the banking account, authenticate account ownership and control and accurately identify the identity of intended payment counterparties, prior to the initiation and completion of a payment to the account or against the account.

(c) Each Commonwealth department, agency, board or commission of the executive branch for which the Treasury Department makes payment disbursements shall cooperate and assist in the implementation of this section. The departments, agencies, boards and commissions for which the Office of the Budget provides comptroller services shall work with the Office of the Budget to implement this section.

(d) The following shall apply:

(1) Within ninety days of the effective date of this section, the State Treasurer shall provide the Commonwealth departments, agencies, boards and commissions of the executive branch for which the Treasury Department makes payment disbursements with a list of vendors that the Treasury Department has qualified to provide the payment security services under subsection (a).

(2) Within eighteen months of the effective date of this section, the Commonwealth departments, agencies, boards or commissions of the executive branch for which the Treasury Department makes payment disbursements shall implement subsection (a) by procuring electronic payment security services in accordance with 62 Pa.C.S. (relating to procurement) from the list of vendors provided by the State Treasurer under paragraph (1).

(3) The State Treasurer shall update the list of qualified vendors required by paragraph (1) every two years. The Commonwealth departments, agencies, boards and commissions of the executive branch for which the Treasury Department makes payment disbursements shall procure electronic payment security services from the updated list of qualified vendors upon the expiration of their contracts for the services in accordance with 62 Pa.C.S.

(301.5 added July 11, 2022, P.L.540, No.54)

Section 302. Funds.--The moneys paid into the State Treasury, and the moneys of which the State Treasurer is custodian, shall be credited by the Treasury Department to the following funds, as hereinafter provided:

- Agricultural College Land Scrip Fund,
- Banking Department Fund,
- Federal Vocational Education Fund,
- Fire Insurance Tax Fund,
- Fish Fund,
- Game Fund,
- General Fund,
- Liquid Fuels Tax Fund,
- Manufacturing Fund,
- Motor License Fund,

School Employees' Retirement Fund,
Sinking Fund,
State College Experimental Farm Fund,
State Employees' Retirement Fund,
State Farm Products Show Fund,
State Insurance Fund,
State School Fund,
State Workmen's Insurance Fund,
Surplus Commodities Stamp Fund,
Historical Preservation Fund,
Vocational Rehabilitation Fund,
Rehabilitation Center Fund.

(Par. amended May 13, 1959, P.L.308, No.55)

1. Agricultural College Land Scrip Fund.--The \$500,000 derived from the sale of lands and scrip, donated to the Commonwealth for the establishment of a college for the benefit of agriculture and the mechanical arts by the act of Congress, approved July second, one thousand eight hundred sixty-two (Chapter one hundred thirty, twelve Statutes, five hundred three), entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," or the investments representing the same, shall be credited by the Treasury Department to the Agricultural College Land Scrip Fund.

2. Banking Department Fund.--All moneys received by the Treasury Department from the Department of Revenue, arising from fees, assessments, charges, and penalties, collected or recovered from persons, firms, corporations, or associations, under the supervision of the Department of Banking, and from the sale by the Department of Property and Supplies of unserviceable property originally paid for out of the Banking Department Fund, shall be credited to the Banking Department Fund.

3. Federal Rehabilitation Fund.--(3 repealed May 13, 1959, P.L.308, No.55)

4. Federal Vocational Education Fund.--All moneys received by the Treasury Department from the Department of Revenue arising from annual appropriations from the Federal Government to this Commonwealth for the advancement of vocational education, shall be credited to the Federal Vocational Education Fund.

5. Fire Insurance Tax Fund.--All moneys received by the Treasury Department from the Department of Revenue arising from the two per centum tax paid upon premiums received by foreign fire insurance companies from business done within this Commonwealth, shall be credited to the Fire Insurance Tax Fund.

6. Fish Fund.--All moneys received by the Treasury Department from the Department of Revenue arising from license fees, fines, penalties, and other moneys paid, received, recovered, and collected, under the fish laws, and from the sale by the Department of Property and Supplies of unserviceable property originally paid for out of the Fish Fund, shall be credited to the Fish Fund.

7. Game Fund.--All moneys received by the Treasury Department from the Department of Revenue arising from license fees, fines, penalties, and other moneys paid, received, recovered, and collected, under the game laws, and from the sale by the Department of Property and Supplies of unserviceable property originally paid for out of the Game Fund, shall be credited to the Game Fund.

8. General Fund.--All moneys received by the Treasury Department from the Department of Revenue, or from any other

source, which are not by this act required to be credited to any other fund, shall be credited to the General Fund.

9. Liquid Fuels Tax Fund.--That portion of the liquid fuels tax received by the Treasury Department from the Department of Revenue, which is directed by law to be returned to the counties, shall be credited to the Liquid Fuels Tax Fund.

10. Manufacturing Fund.--All moneys received by the Treasury Department from the Department of Revenue arising from the industries established and maintained by the Department of Justice in State institutions, and from the employment of inmates in maintenance activities, and from the sale by the Department of Property and Supplies of unserviceable property originally paid for out of the Manufacturing Fund, shall be credited to the Manufacturing Fund. (10 amended July 29, 1953, P.L.1439, No.413)

11. Motor License Fund.--All moneys received by the Treasury Department from the Department of Revenue arising from title registration and license fees, fines, penalties, bail forfeited, and other miscellaneous receipts, collected or recovered under the motor laws; from the collection of any portion of the Liquid Fuels Tax, not directed by law to be returned to the counties; from contributions by the Federal Government and political subdivisions of this Commonwealth for the improvement, maintenance, and rebuilding of highways within this Commonwealth; from the sale of highway bulletins and maps; from the sale by the Department of Property and Supplies of unserviceable State property originally paid for out of the Motor License Fund; from fees for permits authorizing work on State or township highways and restoration charges, license fees for occupancy of bridges, restoration charges and payments on agreements to which the Commonwealth has succeeded upon taking over county bridges; from amounts received from utility companies covering the cost of constructing facilities over or rentals for the use of bridges; from forfeited checks, fees for certifying records of the Department of Highways, amounts recovered for damage to or loss of equipment of said department, rentals for equipment of said department, liquidated damages on highway contracts; and from tolls collected on intrastate toll bridges, acquired by the Commonwealth, and paid for out of the Motor License Fund,--shall be credited to the Motor License Fund.

12. School Employees' Retirement Fund.--All moneys in the School Employees' Contingent Reserve Fund, the School Employees' Annuity Reserve Fund, the School Employees' State Annuity Reserve Fund, and the School Employees' State Annuity Reserve Fund Number Two, shall, upon the effective date of this act, be consolidated into one fund, to be known as the School Employees' Retirement Fund, and thereafter the Treasury Department shall credit to the School Employees' Retirement Fund all moneys received by it from the Department of Revenue, arising from (a) payments by the Commonwealth of such amounts, certified by the School Employees' Retirement Board as necessary to pay the State annuity to each new entrant in the School Employees' Retirement System, (b) deductions from the salaries of contributors in the School Employees' Retirement System, and (c) payments by the Commonwealth of amounts necessary to accumulate a reserve to pay all State annuity payments to present employees when due.

13. Sinking Fund.--All moneys received by the Treasury Department from the Department of Revenue arising from State appropriations to meet State road bond sinking fund requirements, shall be credited to the Sinking Fund. The sum of one hundred forty-one thousand three hundred twenty dollars

and twenty-six cents (\$141,320.26), which is necessary for the payment of bonds and obligations of the Commonwealth which have never been presented for redemption, shall continue to be credited to the Sinking Fund.

14. State College Experimental Farm Fund.--All moneys derived from the sale of eastern and western experimental farms of State College, which were originally purchased from Federal moneys appropriated by the act of Congress, approved July second, one thousand eight hundred sixty-two (Chapter one hundred thirty, twelve Statutes, five hundred three), entitled "An act donating lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," or the investments representing the same, shall be credited to the State College Experimental Farm Fund.

15. State Employees' Retirement Fund.--All moneys in the State Employees' Contingent Reverse Fund, the State Employees' Annuity Reserve Fund, the State Employees' Annuity Savings Fund, the State Employees' State Annuity Reserve Fund, and the State Employees' State Annuity Reserve Fund Number Two, shall, upon the effective date of this act, be consolidated into one fund to be known as the State Employees' Retirement Fund, and thereafter the Treasury Department shall credit to the State Employees' Retirement Fund all moneys received by it from the Department of Revenue, arising from (a) payments by the Commonwealth of such amounts, certified by the retirement board as necessary to provide a proper reserve to pay the State annuity to all new members in the State Employees' Retirement System, (b) deductions from the salaries of contributors in the State Employees' Retirement System, and (c) payments by the Commonwealth of amounts necessary to accumulate a reserve to meet the annuity values of all retiring original members in the State Employees' Retirement System.

16. State Farm Products Show Fund.--All moneys received by the Treasury Department from the Department of Revenue, arising from the leasing or sub-leasing, by the State Farm Products Show Commission, of space to exhibitors, including the departments, boards, and commissions of the State Government, the leasing of the State Farm Show Building for exhibitions, conventions, or other proper purposes, admission and entry fees, and any other moneys received or collected by the Department of Revenue as agent for the State Farm Products Show Commission, shall be credited to the State Farm Products Show Fund.

17. State Insurance Fund.--All moneys appropriated from the General Fund, or any other fund, to the State Insurance Fund, shall be credited to the State Insurance Fund.

18. State School Fund.--All moneys received by the Treasury Department from all real estate owned by this Commonwealth which is not used for State or other public purposes, from all escheated estates in this Commonwealth, and from all other property or money which shall in any way accrue to such fund, whether by devise, gift, or otherwise, shall be credited to the State School Fund. (18 amended June 11, 1935, P.L.333, No.151)

19. State Workmen's Insurance Fund.--All moneys received by the Treasury Department from the Department of Revenue arising from the collection of premiums on policies issued by the State Workmen's Insurance Board, and from the sale by the Department of Property and Supplies of unserviceable property originally paid for out of the State Workmen's Insurance Fund, shall be credited to the State Workmen's Insurance Fund.

20. State Forests and Waters Fund.--(20 repealed May 21, 1943, P.L.518, No.232)

21. Surplus Commodities Stamp Fund.--All moneys received by the Treasury Department from the Department of Revenue arising from appropriations by the several counties, cities, boroughs, incorporated towns and townships for participation in the Federal Surplus Commodities Stamp plans, all receipts and proceeds resulting from the sale of Federal Surplus Commodities Stamps, and all moneys received from insurance covering losses of such stamps or the proceeds from the sale of such stamps shall be credited to the Surplus Commodities Stamp Fund. (21 added June 19, 1941, P.L.139, No.76)

22. Historical Preservation Fund.--All moneys received by the Treasury Department from the Department of Revenue arising from the sale by the Department of Property and Supplies of publications of the Pennsylvania Historical and Museum Commission, and all moneys received from admission fees to historical buildings, shall be credited to the Historical Preservation Fund. (22 added June 28, 1951, P.L.593, No.147)

23. Vocational Rehabilitation Fund.--All moneys received by the Treasury Department from the Department of Revenue, arising from moneys received from the Federal Government and from moneys contributed by the Commonwealth of Pennsylvania for vocational rehabilitation services and from all other moneys received as a result of vocational rehabilitation services or for the promotion of vocational rehabilitation services, shall be credited to the Vocational Rehabilitation Fund. (23 added May 13, 1959, P.L.308, No.55)

24. Rehabilitation Center Fund.--All moneys received by the Treasury Department from the Department of Revenue, arising from fees for services rendered by the Rehabilitation Center at Johnstown, or from other income received by the Center, shall be credited to the Rehabilitation Center Fund. (24 added May 13, 1959, P.L.308, No.55)

All moneys in the State Treasury, and in the possession of the State Treasurer as custodian, upon the effective date of this act, shall be credited to the funds to which they would be credited if thereafter received, and the Treasury Department shall notify the Department of Revenue and the Department of the Auditor General of the balances in each fund as of such date.

(302 amended June 1, 1931, P.L.318, No.143)

Compiler's Note: Section 2 of Act 51 of 1981 provided that section 302 is repealed insofar as it requires the deposit of moneys earned from fees or charges imposed at State parks into the General Fund.

Section 303. Securities.--The Treasury Department shall--

(a) Safely keep all securities delivered to it, or to the State Treasurer as custodian thereof, by any department, board, or commission, under authority of any act of Assembly;

(b) From time to time, collect dividends, interest, or any other income accruing on such securities, and credit the proceeds of such collections to the proper fund;

(c) In proper cases, surrender such securities for redemption, and credit the proceeds thereof to the proper fund;

(d) Upon receipt of written authorization from the department, board, or commission, which deposited them, make delivery of any such securities lawfully sold by such department, board, or commission;

(e) Safely keep all short-term obligations of the United States government, purchased under the provisions of this act from time to time, collect interest or other income accruing

on such short-term obligations, and credit the same to the proper funds;

(f) From time to time, to advise the Department of Revenue, and the departments, boards, or commissions affected, of amounts credited to any funds hereunder.

The Treasury Department is authorized to carry such insurance against the loss of all or any cash and securities, of which it or the State Treasurer is custodian, through theft, burglary or otherwise, and such insurance to cover forgeries of all kinds on checks, drafts, warrants, and requisitions, as the department shall deem advisable. The Treasury Department is also authorized to make settlement for, to take delivery of, and to have held for the account of the funds out of which purchased, any of the short-term obligations of the United States Government which may be purchased under the terms of this act, at the Federal Reserve Bank of Philadelphia, or the Pittsburgh branch of the Federal Reserve Bank of Cleveland.

The Treasury Department is authorized to contract and participate, either directly or indirectly, with the Depository Trust Company, or a similar depository company, for the deposit of securities and the execution of securities transactions.

(Par. added July 1, 1981, P.L.187, No.54)

(303 amended Apr. 30, 1943, P.L.138, No.70)

Compiler's Note: Section 6(d) of Act 57 of 1998 provided that nothing in Act 57 shall repeal, modify or supplant section 303.

Compiler's Note: Section 2(a) of Act 577 of 1965 provided that section 303 is repealed insofar as it authorizes the contracting of insurance for any State agency or authority through an insurance broker other than the Secretary of Property of Supplies (now Secretary of General Services).

Section 304. Interest on Deposits; Rate; Reports.--It shall be the duty of the Treasury Department to collect from all State depositories interest on State deposits. Active and inactive depositories shall pay interest at such rates as shall be prescribed by the Board of Finance and Revenue, except that, if an active account is opened in an inactive depository by a department other than the Treasury Department, or by a board or commission, the rate of interest thereon may, with the approval of the Board of Finance and Revenue, be reduced to that payable by active depositories. Interest on deposits shall in all cases be credited to the fund upon which the interest was earned, except that interest on deposits of the Liquid Fuels Tax Fund shall be credited to the Motor License Fund, and interest on deposits of the Fire Insurance Tax Fund shall be credited to the State Insurance Fund, and the interest and earnings on deposits from the Liquor License Fund shall be credited to the General Fund, and the interest and earnings on the Special Disaster Relief Fund, which have not heretofore been credited to the General Fund as well as all future interest and earnings on the fund, shall be credited to the Special Disaster Relief Fund of the State Council of Civil Defense and used for flood relief and flood control purposes under the provisions of Act No. 17-A approved September 3, 1955.

Interest payable hereunder shall become due semi-annually, on the thirtieth day of June, and the thirty-first day of December, each year, and it shall be the duty of every bank, banking institution, and trust company, acting as a State depository, to make an interest report, relative to its State deposits, to the Treasury Department, in triplicate, within

thirty days after the dates above set forth. The Treasury Department shall retain one copy of the report, transmit one to the Department of the Auditor General for audit, and the third to the Department of Revenue for its information.

If any bank, banking institution, or trust company shall, within thirty days after the end of any interest period, fail to make such report for such period, the Treasury Department shall certify that fact to the Department of Revenue, with such information as shall enable that department to settle and collect the penalty hereinafter in this act provided.

(304 amended June 16, 1959, P.L.464, No.94)

Section 305. Receipts.--It shall be the duty of the Treasury Department to issue its receipt to the Department of Revenue for all moneys transmitted by the Department of Revenue to the Treasury Department.

Section 306. Examination and Audit of Requisitions and Adjustment of Claims.--The Treasury Department shall examine and audit requisitions for money prior to disbursement thereof, as hereinafter in this act provided, and the Treasury Department shall cooperate with the Department of Auditor General in the examination and adjustment of claims against the Commonwealth, as now provided by law.

(306 amended Mar. 18, 1971, P.L.109, No.4)

Section 307. Audits of and Warrants for Disbursements.--The Treasury Department shall carefully audit and examine in accordance with generally accepted auditing standards requisitions that call upon the State Treasurer to draw his warrant for the payment of any money out of any fund of the State Treasury. Warrants shall be drawn by the State Treasurer only after his approval of the requisition.

No money shall be paid from any of the funds of the State Treasury, except upon warrant of the State Treasurer, issued upon requisition pursuant to law except (1) moneys in the State Workmen's Insurance Fund, which may be disbursed by check of the State Treasurer upon requisition of the Secretary of Labor and Industry and (2) moneys in the Surplus Commodities Stamp Fund which may be disbursed by check of the State Treasurer upon requisition of the Secretary of Public Assistance.

(307 amended Nov. 17, 1982, P.L.684, No.195)

Section 308. Allocation of Disbursement Cost.--In order to reimburse the General Fund for the costs incurred by the Treasury Department in making disbursements for departments, boards, or commissions out of special operating funds in the State Treasury, such departments, boards, or commissions, to which special operating funds are appropriated for this purpose, shall be billed at least quarterly by the Treasury Department, upon a cost basis, at such amount as the Treasury Department, with the approval of the Executive Board, shall determine. Amounts payable hereunder for reimbursing the General Fund for the cost of disbursement shall be paid out of such special operating funds to the Department of the Auditor General, and shall be by it paid into the General Fund of the State Treasury through the Department of Revenue.

(308 added June 3, 1933, P.L.1474, No.322)

Section 308.1. Lists of Uncashed Commonwealth Checks.--(a) Any uncashed check or record of any such check issued by the State Treasurer from funds of the Commonwealth, which is uncashed within the time period specified on the face of the check, shall not be available for examination, inspection or copying by any person within twenty-four (24) months from the date the Treasury Department becomes aware that such check is uncashed. After the twenty-four-month time period provided

for in this section, the State Treasurer shall make a list of uncashed checks available for examination, inspection or copying at fees to be determined by the State Treasurer.

(b) All agreements or powers of attorney entered into to recover the amount payable on the uncashed check within the twenty-four-month period set forth in subsection (a) shall be void.

(c) All such agreements entered into after the twenty-four-month period shall be valid and enforceable only if the agreements:

1. are in writing and duly signed and acknowledged by the payee designated on the uncashed check or record;

2. clearly state the fee or compensation to be paid, which shall not exceed ten per centum of the value of the uncashed check;

3. disclose the check number, pay date and amount payable of uncashed check; and

4. disclose that the State Treasurer is the person who will be contacted to recover the amount payable.

(d) Subsection (b) shall not apply to any agreement or power of attorney entered into between the personal representative, guardian, trustee or other person in a representative capacity to the owner of the property in which such person has an interest for a fixed fee or hourly or daily rate not contingent upon the discovery of property or the value of property discovered: Provided, however, That any such agreement under this subsection for the purpose of evading the provisions of subsection (b) shall be void.

(e) Nothing in this section shall be construed to prevent an owner from asserting, at any time, that any agreement to locate or reveal abandoned and unclaimed property reported to the State Treasurer is based on an excessive or unjust consideration.

(f) To the maximum extent feasible, the State Treasurer shall be entitled to request and receive and shall utilize and be provided with such facilities, resources and data of any court, department, division, board, bureau, commission or agency of the Commonwealth or any political subdivision thereof as it may reasonably request to carry out properly its powers and duties hereunder.

(308.1 added Dec. 12, 1994, P.L.1015, No.138)

Section 309. Replacement Checks.--(a) Upon presentation for payment of any check to the Treasury Department which is more than one hundred and eighty days and not more than one year old, the Treasury Department shall requisition and issue a replacement check to the person entitled thereto from each of the various funds. All reportable Commonwealth checks which have not been presented for payment in excess of one year from the date of issuance shall be delivered to the custodial control of the State Treasurer as abandoned or unclaimed property and shall be disposed of under Article XIII.1.

(b) The Treasury Department as of January 1, 1972, and on each July 1 thereafter, shall take credit on its books and calculate as cash to the credit of the proper funds all amounts held in State depositories or otherwise for the payment of nonreportable checks which on said dates had been issued for a period of one year or more and which had not been presented for payment.

(309 amended July 2, 2012, P.L.823, No.87)

Section 310. Replacement Bonds or Certificates in Case of Loss or Destruction of Old Bonds or Certificates.--It shall and may be lawful for the State Treasurer to issue, or cause to be

issued, a replacement bond or certificate of debt of this Commonwealth, in lieu of any bond or certificate of such debt lost or destroyed, on satisfactory proof being made of such loss or destruction and on such indemnity being given as he shall require, such replacement bond or certificate being of the same tenor with the one alleged to be lost or destroyed and specifying that it is in lieu thereof, which replacement certificate shall be signed in the manner heretofore provided by law.

(310 added May 2, 1986, P.L.145, No.45)

Section 311. Provisions for General Assembly.--(a) Funds available to the Senate or the House of Representatives through a short-term agreement or other instrument executed with a lending institution shall be considered augmenting revenues and are hereby appropriated for the payment of salaries, wages and all other expenses incurred in the operation of the Senate or the House of Representatives. The amounts shall be remitted to the State Treasurer for deposit in the account as the Chief Clerk of the Senate or a floor leader of the House of Representatives, as applicable, may direct.

(b) Upon presentation of requisitions by the Chief Clerk of the Senate or a floor leader of the House of Representatives, as applicable, the requisition shall be paid on warrant of the State Treasurer directly to and in favor of the persons designated in the requisition as entitled to receive the compensation or expenses.

(311 added Oct. 30, 2017, P.L.725, No.44)

Section 312. Keystone Scholars Grant Program.--(a) The department shall establish a grant program as part of the Tuition Account Guaranteed Savings Program Fund established under section 306 of the Tuition Account Programs and College Savings Bond Act to be known as the Keystone Scholars Grant Program. The purpose of the program shall be to promote access to postsecondary educational opportunities for each eligible child.

(b) The following apply:

(1) No later than ninety days following the birth of an eligible child, the Department of Health shall transmit information and record data to the department necessary to administer the program and establish the eligibility of each child born after December 31, 2018. Information under this subsection shall include, but not be limited to, record data such as the full name and residential address of the child's parent or legal guardian and birth date of the child.

(2) Following receipt of the information under paragraph (1), the department shall notify each parent or guardian of each eligible child about the program.

(3) The department shall provide an opportunity to be excluded from the program.

(4) The department shall ensure the security and confidentiality of the information and record data provided under paragraph (1).

(c) The following apply:

(1) The Keystone Scholars Grant Program Account is established as a separate account within the Tuition Account Guaranteed Savings Program Fund. Money contained in this account shall be for the exclusive purpose of providing scholarship grants to eligible children to pay for qualified higher education expenses associated with the attendance at an eligible educational institution.

(2) The following apply:

(i) Subject to subparagraphs (ii) and (iii), at the end of each fiscal year, assets of the Tuition Account Guaranteed Savings Program Fund that are in excess of ten per centum of the actuarially determined liabilities of the Tuition Account Guaranteed Savings Program Fund shall be allocated to the account.

(ii) Annual allocations under this paragraph may not exceed an amount equal to one hundred dollars (\$100) multiplied by the number of children born in this Commonwealth in the fiscal year.

(iii) An allocation under subparagraph (i) may not be made if the allocation would cause the actuarially determined surplus of the Tuition Account Guaranteed Savings Program to fall below ten per centum of the Tuition Account Guaranteed Savings Program's actuarially determined liabilities.

(iv) The department shall have the authority to invest and reinvest money in the account as provided for under section 307 of the Tuition Account Programs and College Savings Bond Act.

(v) Annually, the State Treasurer shall report to the Governor, the chair and minority chair of the Appropriations Committee of the Senate and the chair and minority chair of the Appropriations Committee of House of Representatives the actuarial status of the Tuition Account Guaranteed Savings Program Fund as required under section 306(b)(2) of the Tuition Account Programs and College Savings Bond Act.

(vi) This paragraph shall expire December 31, 2029.

(3) Money in the account shall be used for the purpose of providing grants for qualified higher education expenses associated with the attendance at an eligible educational institution and for costs associated with the administration of the program. Costs associated with the administration of the program shall be reported to the Governor, the chair and minority chair of the Appropriations Committee of the Senate and the chair and minority chair of the Appropriations Committee of the House of Representatives in the same manner as required under paragraph (2)(v).

(4) To an eligible child for whom a Tuition Account Program Contract has been entered into, and upon application and the submission of documentation necessary to establish the child's eligibility and enrollment as a student at an eligible educational institution, the department shall provide a scholarship grant in the amount of one hundred dollars (\$100), plus such investment earnings attributed to the initial grant amount since the birth date of the eligible child as calculated by the department, for qualified higher education expenses associated with attendance at an eligible educational institution.

(5) The department shall make program account balances available to each parent or guardian of an eligible child through a secured Internet account.

(d) The following apply:

(1) Subject to the availability of money under subsection (e), the State Treasurer may establish an annual match of contributions made by a parent or guardian of an eligible child into an established Guaranteed Savings Plan Account under section 309 of the Tuition Account Programs and College Savings Bond Act.

(2) Subject to the availability of money from contributions made under subsection (e), the State Treasurer may establish financial incentives, such as school attendance, for additional grants for an eligible child with an established Guaranteed Savings Plan Account under section 309 of the Tuition Account Programs and College Savings Bond Act.

(3) Money from the Tuition Account Guaranteed Savings Program Fund may not be used for purposes under clauses (1) and (2).

(e) Notwithstanding subsection (c)(2)(iii), the department may receive contributions from any person or legal entity to the account on behalf of, and make grants to, eligible children to pay for qualified higher education expenses associated with attendance at an eligible educational institution.

(f) In addition to the duties under section 304 of the Tuition Account Programs and College Savings Bond Act, the board shall consider, study and review the work of the program, advise the department on request and make recommendations for the improvement of the program.

(g) The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Account" shall mean the Keystone Scholars Grant Program Account established under subsection (c).

"Department" shall mean the Treasury Department of the Commonwealth.

"Eligible child" shall mean an individual born after December 31, 2018, who is:

(1) a resident of this Commonwealth at the time of birth and at the time that the grant for qualified higher education expenses is applied for or received; or

(2) an adoptee in receipt of a valid decree of adoption under 23 Pa.C.S. § 2902 (relating to requirements and form of decree of adoption), whose adopting parent or parents were residents of this Commonwealth at the time the decree of adoption was entered and who is a resident at the time that the grant for qualified higher education expenses is applied for or received.

"Eligible educational institution" shall mean a college, university, vocational or other postsecondary educational institution as defined by section 529 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 529).

"Program" shall mean the Keystone Scholars Grant Program established under subsection (a).

"Qualified higher education expenses" shall mean expenses, as defined under section 529 of the Internal Revenue Code of 1986.

"Tuition Account Programs and College Savings Bond Act" shall mean the act of April 3, 1992 (P.L.28, No.11), known as the Tuition Account Programs and College Savings Bond Act.

(312 added June 22, 2018, P.L.281, No.42)

ARTICLE IV DEPARTMENT OF THE AUDITOR GENERAL

Section 401. Audits of Accounts of Debtors and Agents of the Commonwealth.--The Department of the Auditor General shall have the power, and its duty shall be,

(a) To audit all accounts for taxes, or other moneys due to the Commonwealth, which shall have been settled by the Department of Revenue, to approve the same if found to be correct, and to return them to the Department of Revenue with a request for a resettlement in the event that any error or discrepancy be found in such accounts;

(b) To audit the accounts of city and county officers, in so far as may be necessary to determine whether such officers have reported and transmitted all moneys payable by them to the Commonwealth, and to furnish the Department of Revenue a report

in such detail as shall be sufficient for said department to state and settle an account covering any delinquency;

(c) To audit the accounts of magistrates, aldermen, justices of the peace, burgesses, mayors, and court clerks, for the purpose of ascertaining whether all fines and penalties collected by them and payable to the Commonwealth, or any agency thereof, have been correctly reported and promptly transmitted, and to furnish the Department of Revenue a report in such detail as shall be sufficient for said department to state and settle an account covering any delinquency;

(d) To audit the accounts and records of all agents of the Commonwealth charged with the duty of assessing, appraising, or collecting State taxes or license fees; and

(e) To audit all other accounts between the Commonwealth, acting through any administrative agency thereof, and any person liable to pay money thereto for any purpose or reason whatsoever.

(401 amended June 1, 1931, P.L.318, No.143)

Compiler's Note: Section 7 of Act 50 of 2009 provided that section 401 is repealed insofar as it is inconsistent with Act 50.

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Compiler's Note: Without amendment to section 401, section 1 of Act 203 of 1976 changed the designations of the following institutions from State schools and hospitals to centers: Cresson, Ebensburg, Laurelton, Pennhurst, Polk, Selinsgrove, Hamburg, Western and White Haven.

Section 402. Audits of Affairs of Departments, Boards and Commissions.--Except as may otherwise be provided by law it shall be the duty of the Department of the Auditor General to make all audits of transactions after their occurrence, which may be necessary, in connection with the administration of the financial affairs of the government of this Commonwealth, with the exception of those of the Department of the Auditor General. It shall be the duty of the Governor to cause such audits to be made of the affairs of the Department of the Auditor General. (Par. amended Mar. 18, 1971, P.L.109, No.4)

At least one audit shall be made each year of the affairs of every department, board, and commission of the executive branch of the government, and all collections made by departments, boards, or commissions, and the accounts of every State institution, shall be audited quarterly.

Special audits of the affairs of all departments, boards, commissions, or officers, may be made whenever they may, in the judgment of the Auditor General, appear necessary, and shall be made whenever the Governor shall call upon the Auditor General to make them.

Copies of all audits made by the Department of the Auditor General shall be promptly submitted to the Governor.

Unless the Department of the Auditor General shall fail or refuse to make annual, quarterly, or special audits, as hereinabove required, it shall be unlawful for any other administrative department, any independent administrative board or commission, or any departmental administrative or advisory board or commission, to expend any money appropriated to it by the General Assembly for any audit of its affairs, or, in the case of departments, of any boards or commissions connected with them, except for the reimbursement of the General Fund for

audits made by the Department of the Auditor General as provided by law, or for the payment of the compensation and expenses of such auditors as are regularly employed as part of the administrative staffs of such departments, boards, or commissions, respectively.

(402 amended May 31, 1957, P.L.237, No.115)

Section 403. Audits of Agencies Receiving State Aid.--The Department of the Auditor General shall have the power, and its duty shall be, to audit the accounts and records of every person, association, corporation, and public agency, receiving an appropriation of money, payable out of any fund in the State Treasury, or entitled to receive any portion of any State tax for any purpose whatsoever, as far as may be necessary to satisfy the department that the money received was expended or is being expended for no purpose other than that for which it was paid. Copies of all such audits shall be furnished to the Governor.

If at any time the department shall find that any money received by any person, association, corporation, or public agency, has been expended for any purpose other than that for which it was paid, it shall forthwith notify the Governor, and shall decline to approve any further requisition for the payment of any appropriation, or any further portion of any State tax, to such person, association, corporation or public agency, until an amount equal to that improperly expended shall have been expended for the purpose for which the money improperly expended was received from the State Treasury.

If an audit completed by the department under this section makes recommendations, any person, association, corporation or public agency being audited shall submit a response to the department detailing adoption of such recommendations, or the reason why recommendations have not been adopted, within one hundred and twenty business days of the publication of the audit. The department shall provide notice to the subject of an audit sixty business days after the date of the audit's publication that future appropriations could be denied for the person, association, corporation or public agency if a response is not made.

The department shall regularly notify the Governor, the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives of responses received, accompanied by any comments the department may wish to submit. The department shall post responses to the department's publicly accessible Internet website. The Governor, the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives may consider this response when determining whether future appropriations to the person, association, corporation or public agency will be considered.

If the person, association, corporation or public agency does not respond to the department within one hundred and twenty business days from the date of the publication of the audit, the department shall notify the Governor, the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives. The Governor, the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the

House of Representatives may consider a failure to respond to the audit when determining whether future appropriations to the person, association, corporation or public agency will be considered.

The department shall work with the Governor, the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives to determine the most effective method to communicate information concerning responses to the department's audit recommendations based on the type of audit and significance of the recommendations.

(403 amended Oct. 30, 2017, P.L.725, No.44)

Section 404. Officers Responsible for Audits.--No officer of this Commonwealth charged with the function of auditing transactions after their occurrence shall approve the same transactions prior to their occurrence. Notwithstanding any provision of any law to the contrary, from and after the effective date of this act, the Auditor General shall not be required or empowered to pre-approve or pre-audit any transaction with respect to which said officer is empowered or required to conduct an audit after the transaction has occurred.

(404 amended Mar. 18, 1971, P.L.109, No.4)

Section 405. Adjustment of Claims Against the Commonwealth.--The Department of the Auditor General shall examine and adjust, according to law and equity, the accounts of all persons, associations, or corporations, having claims against the Commonwealth.

Compiler's Note: Section 4(c) of Act 152 of 1978 provided that the waiver of sovereign immunity in section 405 is saved from repeal.

Section 406. Appointment of Mercantile Appraisers and Their Clerks.--(406 repealed May 7, 1943, P.L.237, No.110)

Section 407. Appointment of Clerks and Appraisers to Assist Registers of Wills in Collecting Transfer Inheritance Taxes.--The Secretary of Revenue shall appoint, fix the compensation, and approve or disapprove the expense accounts, of such clerks, investigators, appraisers, expert appraisers, permanent appraisers, and other employes, as may be necessary to enable the registers of wills of the several counties to collect transfer inheritance taxes upon estates of resident decedents as now provided by law.

(407 amended May 28, 1943, P.L.380, No.178)

Section 408. Allocation of Costs of Audits.--In order to reimburse the Department of the Auditor General for the costs incurred in auditing requisitions by departments, boards, or commissions for disbursements out of the General Fund, special operating funds or any other fund in State Treasury, and in auditing, annually, periodically or specially, the affairs of any department, board, or commission which are supported out of the General Fund, a special operating fund or any other fund in the State Treasury, such departments, boards, or commissions, shall be billed at least quarterly by the Department of the Auditor General, upon a cost basis, at such amount as the Department of the Auditor General, with the approval of the Executive Board, shall determine. Amounts payable hereunder for reimbursing the Department of the Auditor General, for the cost of audits shall be credited to the appropriation of the Department of the Auditor General and shall, in respective parts, be paid out of the General Fund, such special operating funds or other funds into the State Treasury through the

Department of Revenue, and are hereby appropriated to the Department of the Auditor General for that purpose.

The procedures herein set forth shall not apply to those instances where appropriations are made directly to the Auditor General for the costs incurred by him in making audits.

The reimbursements and procedures herein shall not apply to the Fire Insurance Tax Fund.

(408 amended May 26, 1959, P.L.321, No.61)

Section 409. Audit of Securities Deposited with State Treasurer.--(a) The Auditor General, through such agents as he may select, shall perform an annual audit of the bonds, stocks, mortgages or other securities, which are deposited with the State Treasurer in whatever capacity, and shall audit the books in which a record is kept of such bonds, stocks, mortgages or other securities, and, for this purpose, the Auditor General may employ such consultants, experts, accountants or investigators as he may deem advisable. The audit may be conducted independently or as part of any other annual audit or audits conducted by the Auditor General.

(b) The State Treasurer shall, whenever demand is made upon him by the Auditor General, submit for the audit of the Auditor General, or his agents, all records in his possession relating to such bonds, stocks, mortgages or other securities, including such records in the possession of any custodian or subcustodian engaged by him regarding such securities, and his failure so to do shall disqualify him from holding the office of State Treasurer.

(409 added July 4, 2008, P.L.629, No.53)

Section 410. Audits of Interstate Commissions.--(a) For the purpose of section 15.11 of the act of July 17, 1968 (P.L.368, No.181), referred to as the Susquehanna River Basin Compact Law, the Auditor General shall be deemed to be a duly authorized officer on behalf of the Commonwealth as a signatory party for the exclusive purpose of examining and auditing all of the books, documents, records, files and accounts and all other papers, things or property of the commission. The designation under this subsection shall be in addition to any other duly authorized officer of the Commonwealth under the Susquehanna River Basin Compact Law.

(b) For the purpose of section 14.11 of the act of July 7, 1961 (P.L.518, No.268), known as the Delaware River Basin Compact, the Auditor General shall be deemed to be a duly authorized officer on behalf of the Commonwealth as a signatory party for the exclusive purpose of examining and auditing all of the books, documents, records, files and accounts and all other papers, things or property of the commission. The designation under this subsection shall be in addition to any other duly authorized officer of the Commonwealth under the Delaware River Basin Compact.

(410 added Oct. 30, 2017, P.L.725, No.44)

ARTICLE V

BOARD OF FINANCE AND REVENUE

Section 501. Powers and Duties in General.--Subject to any inconsistent provisions in this act contained, the Board of Finance and Revenue shall continue as the successor to the board created by the act approved the eighth day of April, one thousand eight hundred and sixty-nine (Pamphlet Laws, page nineteen), entitled "An act relating to the settlement of public accounts," its amendments and supplements, the Board of Public Accounts, the Board of Revenue Commissioners, and the Sinking Fund Commission.

Section 502. Resettlements.--Upon the presentation to it of a petition for review, as hereinafter provided, the Board of Finance and Revenue shall have the power, and its duty shall be, to revise any settlement made with any person, association, corporation, body politic, or public officer, by the Department of Revenue, or by the Department of the Auditor General and the Treasury Department.

Section 503. Refunds of State Taxes, License Fees, Et Cetera.--The Board of Finance and Revenue shall have the power, and its duty shall be,

(a) Except as hereinafter provided with respect to the Department of Transportation, to hear and determine any petition for the refund of taxes, license fees, penalties, fines, bonuses or other moneys paid to the Commonwealth and to which the Commonwealth is not rightfully or equitably entitled and, upon the allowance of any such petition, to refund such taxes, license fees, penalties, fines, bonuses or other moneys, out of the fund into which such taxes, license fees, penalties, fines, bonuses or other moneys were originally paid, or to credit the account of the person, association, corporation, body politic, or public officer entitled to the refund. So much of the proceeds of the various taxes, license fees, penalties, fines, bonuses or other moneys as shall be necessary for the payment of refunds out of the General or Special Funds shall be authorized by the Governor. In the case of moneys erroneously received by the Department of Transportation for motor licenses, permits, rental fees, penalties, fines, bonuses, or other moneys, the Department of Transportation may make direct refunds when necessary from funds appropriated therefor from the proceeds of the various motor license fees, etc. in the Motor License Fund, which appropriations are hereby authorized. A list of the final amounts of any such refunds or credits in excess of five thousand dollars (\$5,000.00) hereafter granted for corporation taxes, the names of the corporations entitled thereto, and a brief summary of the reasons therefor, and a list of the names and final amounts of any such refunds or credits in excess of two hundred dollars (\$200.00) hereafter granted to any persons or corporations shall be available for public inspection. The jurisdiction of the Board of Finance and Revenue to hear and determine a petition for refund, as aforesaid, shall not be affected or limited (I) by the fact that proceedings for review by the Board of Finance and Revenue or appeal to the Commonwealth Court, involving the same tax or bonus and period for which a refund is sought, are pending, have been withdrawn, or have been otherwise closed, provided such proceedings relate to other objections than those raised in the petition for refund, or provided such petition for refund is based upon a final judgment or decision of a court of competent jurisdiction holding the act of Assembly under which the petitioner paid the tax or other money involved to be unconstitutional or to have been erroneously interpreted, or (II) the fact that a petition for resettlement or reassessment involving the same tax or bonus and period and involving either the same or different questions than those raised in the petition for refund is pending has been withdrawn or has been otherwise closed. All such petitions for refund must be filed with the board within two years of the payment of which refund is requested, or within two years of the settlement in the case of taxes or bonus, whichever period last expired, except (Par. amended July 30, 1975, P.L.143, No.71)

(1) Where a petition for refund filed by a domestic or foreign corporation involves the valuation of its capital stock,

or in case of a foreign corporation the valuation of its tangible property for bonus purposes, or where a petition for refund filed by a bank, title insurance or trust company involves the valuation of its shares of stock, such petition must be filed with the board within one year of the payment of which refund is requested, or within one year of the settlement of such taxes or bonus, whichever period last expires.

(2) ((2) repealed June 15, 1961, P.L.373, No.207)

(3) ((3) repealed June 15, 1961, P.L.373, No.207)

(4) ((4) repealed June 15, 1961, P.L.373, No.207)

((a) amended Mar. 6, 1956, 1955 P.L.1218, No.378)

(b) To hear and determine any petition for the remission of penalties imposed and paid for failure to file any tax or bonus report within the time specified by law. If the board be satisfied that the failure to file the report was not wilful, that the report was actually filed within thirty days after it was due, and that the amount of tax or bonus, exclusive of penalty, admitted to be due, was paid to the Commonwealth within thirty days after the date when payment of the tax or bonus became due, it may allow the petition and refund the amount of the penalty, or any part thereof, out of the fund into which such penalty was originally paid, or credit the account of the person, association, corporation, body politic, or public officer by whom or which the penalty was paid, but no such petition shall be considered unless it be filed within two years after the penalty was paid.

In the case of petitions for the remission of penalties imposed and paid for failure to file tentative reports for the year 1953 or fiscal years beginning in 1953 under section 4 (b) of the Corporate Net Income Tax, as reenacted and amended, or under section 4 (b) of the Corporation Income Tax Law, as reenacted and amended, the board may allow such petitions if it is satisfied that the failure to file the tentative report was not wilful, that the tentative report was actually filed within one (1) year after it was due, and that the amount of tax required to be paid with such tentative report was paid to the Commonwealth within one (1) year after the date when payment of such tax became due, but no such petition shall be considered unless it is filed prior to the first day of July, 1956.

((b) amended June 23, 1965, P.L.134, No.92)

(c) To hear and determine petitions for the remission of penalties imposed but not paid for failure to file any tax or bonus report within the time specified by law. If the board be satisfied that the failure to file the report was not wilful, that the report was actually filed within thirty days after it was due, and that the amount of tax or bonus, exclusive of penalty, admitted to be due, was paid to the Commonwealth within thirty days after the date when payment of the tax or bonus became due, it may strike off the penalty, or any part thereof, but no such petition shall be considered unless it be filed within two years after the penalty was imposed.

In the case of petitions for the remission of penalties imposed but not paid for failure to file tentative reports for the year 1953 or fiscal years beginning in 1953 under Section 4 (b) of the Corporate Net Income Tax Act, as reenacted and amended, or under Section 4 (b) of the Corporation Income Tax Law, as reenacted and amended, the Board may allow such petitions if it is satisfied that the failure to file the tentative report was not wilful, that the tentative report was actually filed within one (1) year after it was due, and that the amount of tax required to be paid with such tentative report was paid to the Commonwealth within one (1) year after the date

when payment of such tax become due, but no such petition shall be considered unless it be filed prior to the first day of July, 1956.

((c) amended Mar. 6, 1956, 1955 P.L.1218, No.378)

(d) All petitions filed under this section shall be in such form as the board shall prescribe.

(e) Any person, association, corporation, public officer, or other debtor, or the Commonwealth of Pennsylvania, aggrieved by the decision of the Board of Finance and Revenue on a petition for refund may appeal therefrom to the Commonwealth Court in the manner provided in section 1104 of this act for taking an appeal from the action of the Board of Finance and Revenue on a petition for review. ((e) amended July 20, 1974, P.L.546, No.188)

(f) Notwithstanding any provisions of this act to the contrary, any refund of tuition or related fees due and owing from any State-owned educational institution shall be paid directly out of collections by such institution after approval by the comptroller of the Department of Education. ((f) added Dec. 2, 1976, P.L.1220, No.268)

(g) Notwithstanding any provisions to the contrary, any refund of charges and fees erroneously collected by and due and owing from any State-owned hospital, school or other institution maintained by the Department of Public Welfare or the Department of Health shall be paid directly out of collections by such institution after approval by the department comptroller. ((g) added Dec. 17, 1981, P.L.480, No.140)

(h) Notwithstanding any provisions to the contrary, refunds of fees for licenses, permits and rentals erroneously collected by the departments, boards and commissions shall be paid directly out of collections by such departments, boards and commissions after approval by their respective comptrollers. ((h) added Dec. 17, 1981, P.L.480, No.140)

(i) Notwithstanding any provisions to the contrary, the Board of Finance and Revenue shall not be required to make any refund which the Department of Revenue is empowered to make under section 1108. ((i) added Dec. 9, 1982, P.L.1057, No.248)

(503 amended June 7, 1935, P.L.283, No.124)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Compiler's Note: Section 35.1(b) of Act 7 of 1997 provided that section 503(a), (b) and (c) is repealed insofar as it is inconsistent with Act 7.

Section 503.1. Written Decisions.--(503.1 repealed July 9, 2013, P.L.270, No.52)

Section 504. Refund of Money Subject to Escheat Paid Into the State Treasury; Appeal.--(504 repealed Aug. 9, 1971, P.L.286, No.74)

Section 505. State Depositories.--The Board of Finance and Revenue shall have the power, and its duty shall be,

(a) To select and designate, as depositories for the State moneys, banks, banking institutions, trust companies or savings and loan associations, which are subject to national or State supervision, and the accounts of which are insured by a corporation organized under the Laws of the Commonwealth, or by an instrumentality of the Federal Government, and each of which,

1. Has made written application to the State Treasurer for a deposit of State moneys, designating the amount of deposit solicited, and accompanying its application by a written

statement showing the amount of its capital actually paid in, the amount of its surplus, the number of its stockholders, and whether its stock is well distributed or largely held by a few individuals, and the length of time that said institution has been engaged in business under its charter. Each such statement shall be verified by the oath or affirmation of the president, cashier, or trust officer, as the case may be, and the State Treasurer shall present the same to the board for its consideration within thirty days after the receipt thereof.

2. Shall, upon the receipt of notice of its selection as a depository of State moneys, furnish a bond to secure payment of deposits and interests to the Commonwealth of Pennsylvania, with a proper warrant of attorney to confess judgment in favor of the Commonwealth, secured by a surety company or individual sureties to be approved by the board, in the amount of the deposit to be made. If a corporate bond be given, no one surety company shall be approved in an aggregate amount in excess of five times its capital surplus, and reserve, and, whenever individual sureties are presented for approval, they shall qualify in an aggregate over and above their individual liabilities to three times the amount of the deposit. No one person may qualify for more than one-fourth of the total amount of the bond required: Provided, That when any deposit of State moneys is insured with the Federal Deposit Insurance Commissioner or any other corporation hereafter organized by the United States for the purpose of insuring deposits, such depository shall not be required to furnish bond or security to cover the amount of such deposit so insured: And provided further, That, in lieu of the surety bonds of surety companies or of individuals as aforesaid, the deposit of State moneys may be secured by the deposit with the State Treasurer, with the Federal Reserve Bank of Philadelphia or Pittsburgh, or with any bank or bank and trust company organized under the laws of this Commonwealth or any national association located in this Commonwealth which shall be approved by the State Treasurer, subject to such regulations as may be prescribed by the Board of Finance and Revenue or the State Treasurer, or both, as the case may be, of bonds or notes of the United States, or bonds or notes which the United States fully guarantees both as to principal and interest, bonds of the Delaware River Joint Commissions, bonds of the Pennsylvania Turnpike Commission, bonds of the State Public School Building Authority, bonds of The General State Authority, bonds of the State Highway and Bridge Authority, bonds of the Pennsylvania Housing Agency, bonds or tax anticipation notes of this Commonwealth, or of any municipal subdivision, institution district, or school district or county thereof, to be approved by the board, in an amount measured by their actual market value equal to the amount of deposit so secured and two per centum in addition thereto. Said bonds and any additions to and substitutions and exchanges therefor shall be subject to proper assignment, or right to sell, or power of attorney to transfer the same, and said trust deposit of securities shall be maintained, on request, at the amount aforesaid, in case of any depreciation in the value thereof: Provided, That no bonds, or other security, shall be required of State depositories for State deposits to the extent, that such State deposits are insured under the provisions of Section 12 B of the Federal Reserve Act, approved the twenty-third day of December, one thousand nine hundred and thirteen, its amendments and supplements.

3. Shall agree to pay interest upon all State deposits, at the rate to be fixed every six months by the Board of Finance

and Revenue, having due regard to the then prevailing money market: Provided, That such agreement is not in conflict with law or any regulation of the Comptroller of the Currency, or of the Federal Reserve Board of the United States. The said board may fix different rates of interest for active and inactive depositories, not in conflict with law or any regulation of the Comptroller of the Currency, or of the Federal Reserve Board of the United States, and may adopt and promulgate rules governing the time when interest shall begin to run on deposits of uncollected items. The board shall fix the specific day on which any change in interest rate shall become effective, and shall notify, in writing, every depository of such change and the effective date thereof. Pending action by the board the interest rates heretofore fixed by law shall remain in force. All collections shall be made for the Commonwealth without cost or compensation.

((a) amended July 6, 2010, P.L.279, No.46)

(b) To select, as depositories for State funds, private banking institutions located and doing business in this Commonwealth, if such private banking institutions shall file a statement, in writing, with the board and the Department of Banking, agreeing that they will subject themselves to the same supervision in all respects, including an examination by the bank examiners of the Department of Banking at any time as banks, banking institutions, or trust companies, which are depositories of State funds, and, if and after, compliance with the conditions required of any other depository.

(c) To designate at least eight banks or trust companies in any part of the Commonwealth, to be known as active depositories, in which shall be deposited a sufficient amount of the daily receipts of the State Treasury to transact the current business of the Commonwealth. ((c) amended July 6, 2010, P.L.279, No.46)

(d) To see that no bank, banking institution, trust company or savings and loan association, except those designated as active depositories, shall receive a deposit of State moneys in excess of twenty-five per centum of its paid-in capital and surplus, or have, at any one time, an aggregate of deposits in excess of five hundred thousand dollars: Provided, however, That, in the case of any particular depository, these limitations may be waived, by the Board of Finance and Revenue, so as to permit the State Treasurer to deposit State moneys not in excess of one million dollars in any bank, banking institution, trust company or savings and loan association, designated as an inactive depository. ((d) amended July 11, 1980, P.L.554, No.115)

(e) To see that the combined deposits in the active depositories shall not exceed, at any time, such total sum as it shall, by resolution, have prescribed.

(f) In case it is of the opinion that the credit of any depository is impaired, the safety of the State deposits imperiled, or, for any other cause whatsoever, to require the State Treasurer to reduce, change, or wholly withdraw, within thirty days, any deposit or deposits held by any such depository of State moneys.

(g) Whenever it is considering applications for State deposits, to invite the Secretary of Banking to sit with and advise the board. The secretary shall, however, not vote on any question coming before the board.

(505 amended June 28, 1951, P.L.601, No.152)

Section 506. State Sinking Fund.--The Board of Finance and Revenue shall have the power, and its duty shall be,

(a) To supervise and direct the State Treasurer in receiving the incomes and revenues payable, in accordance with the existing laws, into the Sinking Fund, and in applying the same, first, to payment of the accruing interest on the public debt, and, second, to the principal thereof, and not otherwise, except to repel invasion, suppress insurrection, or defend the State in war, in accordance with the provisions of the Constitution of the Commonwealth of Pennsylvania.

(b) To see that the State Treasurer, under its supervision and direction, shall open books in his department, keep separate and distinct accounts of all Sinking Fund moneys received and disbursed under this act, specifying the source of revenue, and when paid, and, from time to time, as the funds paid in may justify, apply the same to the payment of the accruing interest on the public debt, and the principal at or before the semiannual payments thereof may become due, and at no time or in no manner, shall any portion of the fund hereby created be otherwise applied.

(c) On the first business day of each month, to prepare a statement of the total amount of money in said fund, which, having been verified by oath or affirmation, shall be published in two newspapers, in Harrisburg, for public information. The board shall also, on the first business day in the months of January, April, July, and October in each and every year hereafter, apply all the moneys in the Sinking Fund, in excess of the amount required to pay the interest on the public debt, to the redemption, at not above par, of an equivalent amount of the public debt, or to the purchase of bonds of the Commonwealth at such prices as will be advantageous, taking into consideration the best available return upon the purchase of bonds of the United States at the then market prices. They may purchase any evidence of the said debt in the open market, if such purchase can be made to advantage. If they shall determine to redeem any part of said debt, they shall forthwith give legal notice of the amount of said debt which they are prepared to redeem, that the said amount will be redeemed on presentation to the designated disbursing agent of the State, and that the interest upon the certificates thereof shall cease from and after an interest due date to be designated by them, which shall not be more than ninety days after the publication of the notice: Provided, That the loans of the Commonwealth shall be redeemed, as far as practicable, in the order of their maturity.

(d) If in the opinion of the board, the purchase or redemption of loans of the Commonwealth cannot be made for the best interests of the Commonwealth, to purchase bonds of the United States at the then market prices. The State Treasurer, under the direction of the board, shall enter, on the "Sinking Fund Ledger," the number, amount, and premium, paid for each United States bond so purchased. The board shall have the right to dispose of bonds purchased hereunder, whenever the money shall be required for the extinguishment of the public debt, or whenever the loans of the Commonwealth can be bought at such prices as they may deem for the best interests of the Commonwealth.

(e) To report and certify to the Governor annually, for the preceding calendar year, the amount received under and in accordance with existing laws, the amount of interest paid, the dates of the purchase of the public debt, the prices paid, the place where said sale was effected, the amount of the debt of the Commonwealth redeemed and held by them, and the number and amount of the bonds of the United States purchased and held in

the Sinking Fund, and the amount and date of maturity of the respective loans of the Commonwealth, together with a summary statement of the receipts from all sources, and the expenditures of said fund, and a complete statement of the total amount of bonds and money remaining in said fund, whereupon the Governor shall direct the certificates representing the said indebtedness to be cancelled. ((e) amended Apr. 27, 1961, P.L.100, No.45)

(f) Within ten days after the organization of the General Assembly, to report thereto the amount of the public debt so as aforesaid liquidated, the amount then remaining due, and the annual interest thereon, and what increase or modification of the Sinking Fund may be made, and what increase or reduction of taxes may be required or made, in order that the Legislature may provide for such contingencies as may arise.

(506 amended June 1, 1931, P.L.318, No.143)

Section 507. Restricted Account within Agricultural College Land Scrip Fund.--(a) A restricted account is hereby established within the Agricultural College Land Scrip Fund for the purpose of funding agricultural research programs and agricultural extension services.

(b) The restricted account established under this section shall consist of such moneys as are appropriated or transferred to the restricted account.

(c) Following an appropriation or transfer, the State Treasurer shall pay, on an equal monthly basis during the fiscal year, the money in the restricted account to the Commonwealth's land grant university for agricultural research programs and for agricultural extension services.

(d) Money deposited in the Agricultural College Land Scrip Fund prior to the effective date of this section, and the interest earned thereon, shall be paid pursuant to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," and the act of May 7, 1923 (P.L.145, No.110), entitled "An act providing for the redemption and cancellation of the bond issued under the act, approved April third, one thousand eight hundred and seventy-two (Pamphlet Laws, thirty-nine), entitled 'An act directing the sale of the bonds composing the Agricultural College land script fund, and authorizing the issue of a new bond in lieu thereof, and abolishing the board commissioners created by act of April first, one thousand eight hundred and sixty-three,' and for the investment of the moneys in the fund resulting from such redemption, and the payment of the interest therefrom by the Sinking Fund Commission to Pennsylvania State College."

(507 added June 30, 2011, P.L.159, No.26)

ARTICLE V-A INDEPENDENT FISCAL OFFICE

(Art. expired July 6, 2010. See Act 50 of 2009.)

Section 501-A. Scope of article.

(501-A expired July 6, 2010. See Act 50 of 2009.)

Section 502-A. Definitions.

(502-A expired July 6, 2010. See Act 50 of 2009.)

Section 503-A. Office established.

(503-A expired July 6, 2010. See Act 50 of 2009.)

Section 504-A. Duties of office.

(504-A expired July 6, 2010. See Act 50 of 2009.)

Section 505-A. Revenue estimates.

(505-A expired July 6, 2010. See Act 50 of 2009.)
Section 506-A. Budget information.
(506-A expired July 6, 2010. See Act 50 of 2009.)
Section 507-A. Expenditures.
(507-A expired July 6, 2010. See Act 50 of 2009.)
Section 508-A. Revenue conference.
(508-A expired July 6, 2010. See Act 50 of 2009.)
Section 509-A. Access to information.
(509-A expired July 6, 2010. See Act 50 of 2009.)
Section 510-A. Selection and organization committee.
(510-A expired July 6, 2010. See Act 50 of 2009.)
Section 511-A. Appointment.
(511-A expired July 6, 2010. See Act 50 of 2009.)
Section 512-A. Powers and duties of director.
(512-A expired July 6, 2010. See Act 50 of 2009.)
Section 513-A. Conflict.
(513-A expired July 6, 2010. See Act 50 of 2009.)
Section 514-A. Expiration.
(514-A expired July 6, 2010. See Act 50 of 2009.)

ARTICLE VI

AGENTS OTHER THAN THE DEPARTMENT OF REVENUE FOR THE ASSESSMENT AND COLLECTION OF STATE TAXES AND LICENSE FEES AND THE COLLECTION OF OTHER MONEYS PAYABLE TO THE COMMONWEALTH

Section 601. Secretary of the Commonwealth to Collect Bonus from Domestic Corporations.--(601 repealed Jan. 18, 1966, 1965 P.L.1305, No.519)

Section 602. Insurance Commissioner to Collect Fees, Fines and Penalties.--The Insurance Commissioner shall continue to collect all fines and penalties, which he is now authorized to impose and collect, and all license and other fees which he is authorized by law to collect from persons, associations, and corporations, subject to the jurisdiction of the Insurance Department, but the Department of Revenue shall assign to the Insurance Department an agent, or designate an employe of the Insurance Department as its agent, for the purpose of receiving all such fees, fines, and penalties.

Section 603. Board of Fish Commissioners to Collect Certain License Fees.--The Board of Fish Commissioners shall continue to issue boat and net licenses, seine licenses, propagation licenses, and any other special licenses, which it is authorized by law to issue, and to collect license fees therefor as provided by law, and shall continue to collect fines, penalties, and bail forfeited for violations of the fish laws as provided by law, but the Department of Revenue shall assign to the board an agent, or designate an employe of the board as the agent of the department, for the purpose of receiving all license fees and other moneys payable to the board.

Section 604. Board of Game Commissioners to Collect Certain License Fees.--The Board of Game Commissioners shall continue to issue special deer licenses, special licenses to persons of known scientific attainment, agents of public museums, teachers of ornithology, breeders, taxidermists, and fur dealers, and any other special licenses which it is authorized by law to issue, and to collect license fees therefor as provided by law, and shall continue to collect fines, penalties, and bail forfeited for violations of the game laws, as provided by law, but the Department of Revenue shall assign to the board an agent, or designate an employe of the board as the agent of the department, for the purpose of receiving all license fees and other moneys payable to the board.

Section 605. Other Departments, Boards, and Commissions of the State Government to Continue to Collect Certain Fees, Et Cetera.--Subject to any inconsistent provisions elsewhere in this act contained, every administrative department, every independent administrative board or commission, and every departmental administrative board or commission of the State Government, which is authorized by law to collect any taxes, fees, charges, or other moneys, payable to such department, board, or commission, for its use, or for the use of the Commonwealth, for registrations, licenses, examinations, inspections, services rendered, permits, or any other purpose or reason whatsoever, shall continue to collect such taxes, fees, charges, or other moneys, and, subject as aforesaid, shall continue to collect all fines, penalties, and bail forfeited, which it is authorized by law to collect, but the Department of Revenue shall assign to any such department, board, or commission, an agent, or designate as its agent an employe of such department, board, or commission, for the purpose of receiving all moneys payable to such department, board, or commission.

Section 606. Treasurers of Private Corporations to Collect Tax from Interest Paid.--(606 repealed July 18, 2013, P.L.574, No.71)

Compiler's Note: Section 21 of Act 71 of 2013 provided that the repeal of section 606 shall apply to tax years beginning after December 31, 2013.

Section 607. County, City, District, and Borough Treasurers to Collect Tax from Interest Paid.--The treasurer of each county, incorporated district, city, borough, and school district, of this Commonwealth, shall be the agent of the Commonwealth for the assessment and deduction of the State tax from interest or dividends on debts due by such county, city, borough, school district, or incorporated district, and shall pay the same into the State Treasury, through the Department of Revenue, within sixty days after the date of settlement.

Section 608. Registers of Wills to Collect Inheritance Taxes, Et Cetera.--The registers of wills of the several counties shall continue to act as the agents of the Commonwealth for the collection of the tax or fee payable to the Commonwealth upon the granting of letters testamentary, or of administration, and for the collection of transfer inheritance taxes in the case of resident decedents, and shall exercise all the powers and perform all the duties incidental thereto, and receive compensation therefor, as provided by law, but they shall

(a) Make to the Department of Revenue all reports, certify to the department all facts, and obtain from the department all approvals, which have heretofore been made or certified to or obtained from the Auditor General;

(b) Forward to the Department of Revenue, instead of to the Auditor General, all duplicate receipts issued by them to executors or administrators; and

(c) On the first Monday of each month, make their returns to the Department of Revenue, and pay the taxes collected into the State Treasury, through the Department of Revenue, as provided in this act.

Registers of wills shall continue to give bond to the Commonwealth, as now provided by law, but all bonds hereafter given shall be delivered to the Department of Revenue, instead of to the Auditor General.

Until the register of wills of any county shall have given bond as required by law, and delivered it to the Department of

Revenue, transfer inheritance taxes in his county shall be collected by the county treasurer, as now provided by law, and transmitted to the State Treasury through the Department of Revenue.

(608 amended May 21, 1943, P.L.380, No.178)

Section 609. Mercantile Appraisers to Make Assessments as Heretofore.--(609 repealed May 7, 1943, P.L.237, No.110)

Section 610. County Treasurers to Collect Mercantile License Taxes, Et Cetera.--(610 repealed May 7, 1943, P.L.237, No.110)

Section 611. Prothonotaries to Collect Tax on Writs, Et Cetera.--The prothonotaries of the several courts of common pleas shall continue to be the agents of the Commonwealth for the collection of the tax on original writs, on entries of amicable actions, on writs of certiorari, on entries of judgment by confession or otherwise, and on transcript of judgments of justices of the peace or aldermen, and shall be the agents of the Commonwealth for the collection of the tax on the filing of complaints by which an action is started as provided by law, but they shall make their returns to the Department of Revenue, and pay the amounts collected to the State Treasurer, through the Department of Revenue, as provided in this act.

(611 amended July 3, 1947, P.L.1246, No.510)

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 612. Clerks of the Orphans' Court to Collect Tax on Marriage Licenses.--Clerks of the orphans' courts shall continue to be the agents of the Commonwealth for the collection of the fees payable to the Commonwealth for the issuance of marriage licenses as provided by law, but they shall make their returns to the Department of Revenue, and pay the fees collected to the State Treasurer, through the Department of Revenue, as provided in this act.

Section 613. Recorders of Deeds to Collect Tax on Recording of Deeds, Et Cetera.--Recorders of deeds shall continue to be the agents of the Commonwealth for the collection of the fees or taxes payable to the Commonwealth upon the recording of deeds, mortgages, and other instruments in writing, and upon commissions of public officers, as provided by law, but they shall make their returns to the Department of Revenue, and pay the amounts collected into the State Treasury, through the Department of Revenue, as provided in this act.

Section 614. Escheators.--(614 repealed Aug. 9, 1971, P.L.286, No.74)

ARTICLE VII BONUS AND TAX REPORTS AND RETURNS AND REPORTS AND RECORDS RELATING TO TAX COLLECTIONS

Section 701. Reports and Returns Heretofore Filed with the Auditor General.--Every person, association, and corporation, now required by law to file any tax or bonus report or return with the Auditor General or with the Insurance Commissioners, shall, from and after the effective date of this act, file such report or return with the Department of Revenue, in such form and containing such information necessary to the ascertainment of the amount of bonus or tax due as the Department of Revenue shall prescribe, and, except as in this act otherwise expressly provided, within the time now allowed by law for filing such

report or return with the Auditor General or with the Insurance Commissioner.

Section 702. Report on Fiscal Year Basis.--If any corporation or association closes its fiscal year, not upon the thirty-first day of December, but upon some other date, and reports to the United States Government as of such other date, or would so report were it required to make a return to the United States Government, such corporation or association, except as otherwise provided in this section, shall certify such fact to the Department of Revenue and shall make any capital stock, franchise, or loans tax report or bonus report required to be made by it, or any of its officers, to the Department of Revenue, within one hundred five days after such date, subject in all other respects to the laws relating to the making of such reports and returns.

If any corporation or association on a fiscal period commonly referred to as a fifty-two-fifty-three week accounting fiscal basis closes its fiscal year upon one of the last seven days of December or any one of the first seven days of January, and reports to the United States Government as of such date, or would so report were it to make a return to the United States Government, such corporation or association shall not be deemed to be on a fiscal year basis ending on such date but shall be deemed to be on a calendar year ending on December thirty-first.

The first report made by any corporation or association changing any return or report from the calendar to the fiscal year basis shall cover the period from the last day of the calendar year for which a return or report was filed to the first day of the fiscal year, and the Department of Revenue shall settle the tax for such intervening period at the proportionate annual rate provided by law, and also settle the bonus.

(702 amended June 18, 1982, P.L.535, No.153)

Section 703. Reports and Returns to Be Verified.--Every tax report, tax return, and bonus return, made to or filed with the Department of Revenue, shall be verified by affirmation, in such form as the Department shall prescribe. In the case of any such report or return, made or filed by a corporation or association, such affirmation shall be made by one officer of such corporation or association, or, if the association does not have any officers, by one member thereof. Whenever any law providing for the imposition of taxes requires reports or returns filed thereunder to be verified by affidavit or to be signed by designated officers of a corporation, any other officers of the corporation may make the affidavit or sign the report or return, if the designated officers are duly authorized by the board of directors to make such affidavit or sign such report or return, and evidence of such authorization is submitted with the report or return.

Whenever any tax report or tax return made to or filed with the Department of Revenue is required to be verified by affidavit or affirmation of a designated officer or officers of a corporation or to be signed by a designated officer or officers of the corporation, any other officer of the corporation may make the affidavit or affirmation or sign the report or return if such other officer is duly authorized by the board of directors to make such affidavit or affirmation or sign such report or return, and evidence of such authorization is submitted with the report or return.

(703 amended July 13, 1957, P.L.838, No.388 and July 13, 1957, P.L.850, No.389)

Section 704. Extensions of Time.--(a) The Department of Revenue may, upon application made to it in such form as it shall prescribe, on or prior to the last day for filing any tax report, tax return, or bonus return, grant to the person, association, or corporation, required to file such report or return, an extension of not more than sixty days within which such report or return may be filed without penalty, or in case the Federal income tax authorities at any time grant a longer extension of time for filing tax reports with the Federal government, the department may grant an additional extension of time for filing capital stock, franchise, corporate loans and foreign bonus reports of not more than thirty (30) days after the termination of the Federal extension, but the amount of tax due shall in such cases nevertheless be subject to interest from the due dates and at the rates fixed by this act. The department may, in its discretion, grant such further extensions of time within which the aforesaid tax returns or reports may be filed without penalty, as may be necessary to permit the filing thereof at the same time any taxpayer's corporate net income tax report is required to be filed under the Corporate Net Income Tax Act or under any extension of time for the filing of such corporate net income tax report granted under said act to such taxpayer by the department. The department may also in its discretion, extend generally, for a period not exceeding thirty (30) days, the time within which reports or returns may be filed for any tax. The provisions of this section shall not be construed to affect the provisions of any other act authorizing the department to grant extensions of time for filing corporate net income tax reports.

(b) Whenever the last day of any period of time designated by any law providing for the imposition or collection of taxes shall fall on Saturday, Sunday, or on any day made a legal holiday by the laws of this Commonwealth or by the United States, such days shall be omitted from the computation of that period, and whenever the date for the filing of any report or return shall fall on Saturday, Sunday, or on any day made a legal holiday by the laws of this Commonwealth or by the United States, the report or return may be filed on the next regular business day. ((b) amended Dec. 21, 1967, P.L.881, No.393)

(704 amended July 13, 1957, P.L.838, No.388 and July 13, 1957, P.L.850, No.389)

Section 705. Return of Increase of Corporation or Partnership Capital.--(705 repealed July 20, 1968, P.L.459, No.216)

Section 706. Bonus and Excise Tax Reports of Foreign Corporations, Limited Partnerships and Joint-Stock Associations and Payment of Bonus and Excise Tax.--(a) Every corporation, limited partnership, or joint-stock association, chartered or created under the laws of any other state, or of the United States, or of any foreign country, which has had issued to it a certificate of authority to do business by the Department of State prior to the first day of January, one thousand nine hundred fifty-three, or prior to the first day of any fiscal year beginning in the calendar year one thousand nine hundred fifty-three, shall make a bonus report to the Department of Revenue, within thirty (30) days after the issuance to it of such certificate of authority, and annually thereafter at the same time that such corporation, limited partnership, or joint-stock association is required by law to file with the Department of Revenue a capital stock or franchise tax report. Every such corporation, limited partnership, or joint-stock association, at the time of making every report required by

this section, shall compute and pay to the department the bonus, if any, then due to the Commonwealth.

(b) Every corporation, limited partnership or joint-stock association, chartered or created under the laws of any other state or of the United States or of any foreign country, which shall have issued to it a certificate of authority to do business by the Department of State on or after the first day of January, one thousand nine hundred fifty-three, or on or after the first day of any fiscal year beginning in the calendar year one thousand nine hundred fifty-three, shall make, as of the date of issuance to it of such certificate of authority, an excise tax report to the Department of Revenue within thirty (30) days after the issuance to it of such certificate of authority or within thirty (30) days from the effective date of this act, whichever is later, and annually thereafter, at the same time that such corporation, limited partnership or joint-stock association is required by law to file with the Department of Revenue a capital stock or franchise tax report. Every such corporation, limited partnership or joint-stock association, at the time of making every report required by this section, shall compute and pay to the department the excise tax, if any, then due to the Commonwealth.

(706 amended July 28, 1953, P.L.672, No.208)

Section 707. Capital Stock and Franchise Tax Reports and Payment of Tax.--(707 repealed May 29, 2020, P.L.158, No.23)

Section 708. Report of Corporate Loans and Payment of Tax.--(708 repealed July 18, 2013, P.L.574, No.71)

Compiler's Note: Section 21 of Act 71 of 2013 provided that the repeal of section 708 shall apply to tax years beginning after December 31, 2013.

Section 709. Report of Municipal Loans and Payment of Tax.--(709 repealed July 18, 2013, P.L.574, No.71)

Section 710. Gross Receipts Tax Returns and Payment of Tax.--Every corporation or association, and every individual liable by law to pay to the Commonwealth a tax upon the gross receipts derived from any transportation, traffic, or other business, done wholly within this Commonwealth, shall transmit to the Department of Revenue, on or before the fifteenth day of April of each year, a statement of the amount of such corporation's, association's, or individual's gross receipts from all sources, and gross receipts from business done wholly within the State, during the period of twelve months immediately preceding the first day of January of each year, with such other relevant information as the Department of Revenue may require. Every such corporation, association, and individual, at the time of making every report required by this section, shall compute and pay to the department the tax due the Commonwealth upon its gross receipts for the period for which such report is made.

(710 amended July 13, 1957, P.L.838, No.388)

Section 711. Reports by Banks and Savings Institutions.--Every bank and every savings institution having capital stock, incorporated by or under any law of this Commonwealth, or under any law of the United States and located within this Commonwealth, shall, on or before the fifteenth day of April, in each year, report to the Department of Revenue the full number of the shares of its capital stock subscribed for or issued, and the actual value thereof as of the preceding thirty-first day of December, which actual value shall be ascertained in the manner provided by law. Every such bank and savings institutions at the time of making every report required

by this section, shall compute and pay to the department the tax due the Commonwealth upon such actual value of the shares of its capital stock.

(711 amended July 13, 1957, P.L.838, No.388)

Section 712. Reports by Title Insurance and Trust Companies.--Every company incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, one thousand eight hundred and seventy-four, and its supplements, or any other act of Assembly hereafter approved, for the insurance of owners of real estate, mortgages, and others interested in real estate from loss by reason of defective titles, liens, and incumbrances, and every company entitled to benefits of, and every company having any of the powers of, companies entitled to the benefits of an act, entitled "An act conferring upon certain fidelity insurance, safety deposit, trust and savings companies, the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-nine, Anno Domini one thousand eight hundred and seventy-four, and of the supplement thereto," approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies and every company organized as a bank and trust company or as a trust company under any act of Assembly hereafter approved, shall, on or before the fifteenth day of April in each and every year, make to the Department of Revenue a report setting forth the full number of shares of the capital stock subscribed for or issued by such company, and the actual value thereof as of December thirty-first preceding, which shall be ascertained in the manner provided by law. Every such title insurance and trust company, bank and trust company or trust company at the time of making every report required by this section shall compute and pay to the department the tax due the Commonwealth upon such actual value of the shares of its capital stock.

(712 amended July 13, 1957, P.L.838, No.388)

Section 713. Reports by Domestic Insurance Companies.--It shall be the duty of the president, secretary, or other proper officer, of each and every insurance company, association, or exchange, incorporated by or under any law of this Commonwealth, except companies doing business upon the mutual plan without any capital stock, and purely mutual beneficial associations whose funds for the benefit of members, their families or heirs, are made up entirely of the weekly or monthly contributions of their members and the accumulated interest thereon, to make report to the Department of Revenue, on or before the fifteenth day of March in each year, showing the entire amount of premiums, premium deposits, or assessments received by such company, association, or exchange during the year ending with the thirty-first day of December preceding, whether the said premiums, premium deposits, or assessments were received in money, or in the form of notes, credits, or any other substitutes for money, and whether the same were collected in this Commonwealth or elsewhere. In such report, the reporting officer shall assess the tax provided by law upon the gross amount of such premiums, premium deposits, and assessments received from business transacted within this Commonwealth during such year; but, in making such report to the Department of Revenue and assessment of tax, every such company,

association, and exchange may make the deductions permitted by law.

(713 amended June 3, 1933, P.L.1474, No.322)

Section 714. Reports by Foreign Insurance Companies.--Every stock or mutual insurance company, association, or exchange of another State or foreign government, authorized to do business in this Commonwealth, shall make report to the Department of Revenue, on or before the fifteenth day of April of each year, showing the gross premiums of every character and description received from business transacted in the Commonwealth during the year ending the thirty-first day of December preceding, whether said premiums were received in money, or in the form of notes, credits, or any other substitute for money, or whether the same were collected in this Commonwealth or elsewhere. In making such report, such companies, associations, and exchanges shall assess the tax provided by law upon the gross amount of such premiums, premium deposits, and assessments received from business transacted within this Commonwealth during such year, but, in so doing, may make the deductions permitted by law. For the purposes of this section, "gross premiums" are defined to be the amount of dues, fees, and premiums stated in the policy contracts.

(714 amended July 13, 1957, P.L.838, No.388)

Section 715. Reports by Marine Insurance Companies.--Every insurer, organized, admitted, or licensed to transact the business of marine insurance within this Commonwealth, shall file, on or before the first day of June in each year, with the Department of Revenue, and in the form prescribed by it, a report of all the items pertaining to its insurance business, as prescribed by law. Every insurer, which has been writing such insurance in this Commonwealth for three years, shall furnish to the Department of Revenue a statement of all such items, in the form prescribed by it, for each of the preceding three calendar years. An insurer, which has not been writing such marine insurance for three years, shall furnish to the Department of Revenue a statement of all said items for each of the calendar years during which it has written marine insurance. Every such insurer, at the time of making the report required by this section shall assess its tax upon underwriting profits as provided by law.

(715 amended Apr. 20, 1949, P.L.631, No.139)

Section 716. Reports by Excess Insurance Brokers.--Every person, copartnership, and corporation, licensed by the Insurance Department to transact business as an excess insurance broker, shall on or before the thirty-first day of January of each year, make to the Department of Revenue, in the form prescribed by it, a report of the gross premiums named in the policies delivered to the policyholders, and upon all policies procured by such broker during the preceding calendar year, and shall assess the tax provided by law for such year.

(716 amended June 1, 1931, P.L.318, No.143)

Section 717. Reports by Domestic Building and Loan Associations and Payment of Tax.--Every domestic building and loan association shall annually make return to the Department of Revenue, on or before the fifteenth day of March, of the amount of its stock outstanding entitled to receive cash dividends or interest. Every such building and loan association, at the time of making every return required by this section, shall compute and pay to the department the tax due to the Commonwealth upon its full-paid, prepaid and fully matured or partly matured stock, as required by law.

(717 amended Feb. 2, 1937, P.L.3, No.1)

Section 718. Report by Foreign Building and Loan Associations and Payment of Tax.--Every building and loan association, not incorporated under the laws of this Commonwealth but doing business within this Commonwealth, shall, in the reports required to be made by it, make report of the amount of its stock outstanding, at the time of such reports, and held by residents of Pennsylvania, entitled to receive cash dividends or interest. Every such building and loan association, at the time of making every return required by this section, shall compute and pay the tax due to the Commonwealth upon its full-paid, prepaid and fully matured and partly matured stock, as required by law.

(718 amended Feb. 2, 1937, P.L.3, No.1)

Section 719. Reports by Private Bankers and Payment of Tax.--(a) Every private banker shall, on or before the fifteenth day of February of each year, make a return to the Department of Revenue, setting forth the full amount of his gross receipts from commissions, discounts, abatements, allowances, and all other receipts, arising from his business during the thirteen-month period immediately preceding the first day of January, one thousand nine hundred forty-eight, and during each calendar year immediately preceding such return thereafter. Every such private banker, at the time of making every return required by this section, shall compute and pay to the department the tax due to the Commonwealth upon his gross receipts, as required by law. ((a) amended June 20, 1947, P.L.711, No.311)

(b) Every private banker, hereafter commencing business in this Commonwealth, whether the business be conducted by an individual, or more than one person in partnership, shall, within sixty days after commencing such business, make a report to the Department of Revenue, setting forth the name or names of the persons engaging in such business, the name under which the business is being conducted, its location, and the amount of capital invested therein.

(719 amended Feb. 2, 1937, P.L.3, No.1)

Section 720. Reports by Corporations and Limited Partnerships Subject to Tax on Net Earnings and Payment of Tax.--Every incorporated company or limited partnership subject to the payment of tax on its net earnings, under section twenty-seven of the act, approved June first, one thousand eight hundred and eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," shall annually, upon the fifteenth day of April of each year, report to the Department of Revenue, setting forth the entire amount of net earnings or income received by such corporation or limited partnership, from all sources, during the year ending December thirty-first preceding. Every such incorporated company or limited partnership, at the time of making every report required by this section, shall compute and pay to the department the tax due to the Commonwealth upon its net earnings and income, as required by law.

(720 amended July 13, 1957, P.L.838, No.388)

Section 721. Reports and Returns by Stock Brokers, Stock Transfer Agents, Et Cetera.--(721 repealed Jan. 18, 1966, 1965 P.L.1305, No.519)

Section 722. Records in Connection with Payment of Stamp Tax on Sales and Transfers of Shares of Stock.--(722 repealed Jan. 18, 1966, 1965 P.L.1305, No.519)

Section 723. Report by Agents for the Sale of Stamps.--(723 repealed Jan. 18, 1966, 1965 P.L.1305, No.519)

Section 724. Monthly Statements by Registers of Wills Reporting Inheritance Tax Appraisers' Returns.--(724 repealed July 18, 2013, P.L.574, No.71)

Section 725. Returns by Transferees of Future Interest in Nonresident Decedent's Estate.--(725 repealed June 15, 1961, P.L.373, No.207)

Section 726. Notice of Property Passing from Nonresident Decedent.--(726 repealed June 15, 1961, P.L.373, No.207)

Section 727. Reports and Certificates Relative to Other Taxes.--All persons, associations, and corporations, shall file, with the Department of Revenue, such certificates and reports, at such dates as shall be provided in the laws providing for the imposition and payment of taxes on--

(a) The sale and use of liquid fuels within this Commonwealth;

(b) Malt or brewed beverages manufactured in this Commonwealth, or transported into this Commonwealth for sale and delivery therein;

(c) The privilege of producing, manufacturing, distilling, rectifying, compounding, selling, or using distilled spirits, rectified spirits and wines in this Commonwealth;

(d) The privilege of attending or engaging in an amusement, or on admissions charged within this Commonwealth;

(e) The sale of cigarettes within this Commonwealth;

(f) Corporations for the privilege of doing business in this Commonwealth, measured by their net income;

(g) Certain personal property, and interests therein, owned, held or possessed by residents of this Commonwealth.

(727 amended Feb. 2, 1937, P.L.3, No.1)

Section 728. Reports by Employes of Coal Companies on the Gross Tonnage of Anthracite Coal Prepared for Market.--It shall be the duty of the individual, or the superintendent or other officer, in charge of any mine or mines or washery or operation, to assess the tax imposed by law upon the value of anthracite coal prepared for market, from time to time as the coal is mined, washed or screened, and is ready for shipment or market, and to ascertain and assess daily the number of gross tons of coal so mined, washed or screened, and to fix the value thereof. The said individual, superintendent or other officer, in charge of any such mine or mines, washery or screening operation, shall make annually, on or before the first day of February, for the calendar year next preceding, a report in writing to the Department of Revenue, on forms prescribed and furnished by it, stating specifically the number of gross tons of coal made taxable, the assessed value thereof during the calendar year covered by the report, and the amount of tax assessed thereon.

Section 729. Returns by Vendors of and Dealers in Goods, Wares, and Merchandise, and Auctioneers, Brokers, Agents, and Factors.--Every vendor of or dealer in goods, wares, and merchandise, keeper of any restaurant, eating house, cafe, or quick lunch business, auctioneer, stock broker, bill broker, note broker, exchange broker, merchandise broker, factor, commission merchant, real estate broker, agent, and pawnbroker, keeper for profit of a shooting gallery, shuffle board room, billiard or pool room, bowling alley, nine or ten pin alley or any alley or place on or in which any game is played with the use of balls and pins or other objects, owner or lessee of any place of amusement, building, tent, or enclosure, including individuals, firms, limited partnerships, and corporations, who or which are now required by law to make returns to or file

applications with the mercantile appraisers, on forms or blanks prepared and furnished by the Auditor General, shall, after the effective date of this act, make such returns or file such applications on forms or blanks prepared and furnished by the Department of Revenue. In all other respects, such returns and applications shall be made and filed as now provided by law.

(729 amended June 1, 1931, P.L.318, No.143)

Section 730. Registry of Limited Partnerships, Associations and Corporations.--Every limited partnership, bank, joint-stock association, association, insurance company, corporation, or company whatsoever, formed, erected, incorporated, or organized by or under any law of this Commonwealth, general or special, or formed, erected, incorporated, or organized under the laws of any other State and doing business in this Commonwealth, before going into operation, shall register with the Department of Revenue the name of the institution or company, the date of incorporation or organization, the act of Assembly or authority under which formed, incorporated or organized, the place of business, the post office address, the names of the president, chairman, secretary, and treasurer or cashier, the amount of capital authorized by its charter, and the amount of capital paid into its treasury. Every such corporation, company, association, and limited partnership shall immediately notify the Department of Revenue of any change in its post office address and shall annually notify the Department of Revenue of any change in its officers.

(730 amended June 19, 1951, P.L.1076, No.232)

Compiler's Note: Section 401(a) of Act 198 of 1990 provided that section 730 is repealed insofar as it applies to insurance corporations.

Section 731. Confidential Information.--Except as provided by law, any information gained by any administrative department, board, or commission, as a result of any returns, reports, correspondence, claims, investigations, hearings, certifications or verifications required or authorized under the statutes of the Commonwealth imposing taxes or bonus for State purposes, or providing for the collection of the same, providing for credits as administered by the Department of Revenue independently or in conjunction with other agencies or revenue transfers to improvement or economic development zones shall be confidential except for official purposes, and except that such information may be given to any other state or to the Government of the United States, where such state or the United States by law authorizes the furnishing of similar information to the Commonwealth of Pennsylvania. Any person or agent divulging such information shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars (\$500.00), or to undergo imprisonment for not more than three (3) years, or both, in the discretion of the court.

For purposes of this section, information regarding the amounts of refunds or credits and the identity of the persons or corporations entitled thereto, which is available for public inspection under the provisions of this act, shall not be deemed confidential.

(731 amended June 30, 2021, P.L.62, No.24)

Compiler's Note: Section 26(1) of Act 24 of 2021 provided that the amendment of section 731 shall apply retroactively to January 1, 2016.

Compiler's Note: Section 7(c) of Act 93 of 1986 provided that section 731 is repealed insofar as inconsistent with the provisions of Title 34 (relating to game), effective July 1, 1987.

Section 732. Timely Mailing Treated as Timely Filing and Payment.--Notwithstanding the provisions of any State tax law to the contrary, whenever a report or payment of all or any portion of a State tax is required by law to be received by the Pennsylvania Department of Revenue or other agency of the Commonwealth on or before a day certain, the taxpayer shall be deemed to have complied with such law if the letter transmitting the report or payment of such tax which has been received by the department is postmarked by the United States Postal Service on or prior to the final day on which the payment is to be received. For the purposes of this act, presentation of a receipt indicating that the report or payment was mailed by registered or certified mail on or before the due date shall be prima facie evidence of timely filing and payment.

(732 added Oct. 2, 1974, P.L.648, No.213)

ARTICLE VIII THE SETTLEMENT OF BONUS AND TAX ACCOUNTS

Section 801. Settlements to Be Made by Department of Revenue.--(a) All taxes and bonus due the Commonwealth, which have heretofore been settled by the Auditor General, or by the Auditor General and State Treasurer, shall, after the effective date of this act, be settled by the Department of Revenue.

(b) All such settlements shall, as far as possible, be so made that notice thereof may reach the taxpayer before the end of the year succeeding the year for which the tax or bonus report or return was made or ought to have been made.

(c) All such settlements, including estimated settlements, shall be subject to audit and approval by the Department of the Auditor General, or to correction by the Board of Finance and Revenue, as hereinafter provided.

(d) If the Department of Revenue shall not be satisfied with the appraisement and valuation of capital stock, or of property or capital, located and used within this Commonwealth, and payment of tax, as made and returned by the officers of any corporation, joint-stock association, limited partnership, or other company, it is hereby authorized and empowered to make a valuation thereof, based upon facts contained in the report or return made by such officers, or upon any information within its possession, or that shall come into its possession, and to settle an account on the valuation thus made for taxes, bonus, penalties, and interest, due the Commonwealth.

(e) If the Department of Revenue shall not be satisfied with the correctness of the report made to it by the officers of any bank, savings institution, title insurance company or trust company, it is hereby authorized and empowered to summon the officers of such bank, savings institution, title insurance company, or trust company, to appear before it, upon notice to do so, on a day to be fixed by the department, and to bring with them the books of such bank, savings institution, title insurance or trust company, for examination, and it shall have the right to have further evidence to satisfy itself as to the correctness of the report made to it on the question of the value of the shares of stock of such bank, savings institution, title insurance company, or trust company, according to the rule provided by law.

(f) If the Department of Revenue and the Department of the Auditor General or the Board of Finance and Revenue in making any tax settlement under the provisions of this section and of section 802 hereof, or in making any resettlement under the provisions of sections 1102, 1103 and 1105 hereof, shall change any allocation fraction or taxing apportionment fraction or the value of the entire capital stock or the value of any tangible or intangible assets or amounts of earnings from the figures contained in the tax report, the Department of Revenue or the Board of Finance and Revenue, as the case may be, shall, at the request of the taxpayer, furnish a reconciliation or explanation of such change or changes. ((f) amended June 11, 1963, P.L.128, No.86)

(801 amended Feb. 2, 1937, P.L.3, No.1)

Section 802. Procedure for Making Settlement.--(a) Promptly upon making any settlement, the Department of Revenue shall transmit the original settlement, with all of the papers appertaining thereto, to the Department of the Auditor General.

(b) The Department of the Auditor General shall audit such settlement and, within sixty (60) days after the receipt thereof, express in writing its approval or disapproval thereof, and return it to the Department of Revenue. If the settlement be disapproved, the Department of the Auditor General shall state in writing the specific reasons upon which the disapproval is based.

(c) If the Department of the Auditor General shall disapprove the settlement, it shall be the duty of the Department of Revenue to reconsider it, to confer with the Department of the Auditor General, and to endeavor to agree with the Department of the Auditor General upon the settlement to be made.

(d) If the Department of Revenue shall revise the settlement, it shall resubmit the same to the Department of the Auditor General for approval or disapproval.

(e) In the event that the Department of Revenue and the Department of the Auditor General shall fail to agree, within four months after the original submission of the settlement by the Department of Revenue to the Department of the Auditor General, the settlement shall be submitted by the Department of Revenue to the Board of Finance and Revenue, which shall consider the objections of the Department of the Auditor General, and determine in what amount the settlement shall be made.

(f) The Board of Finance and Revenue shall give every such case precedence over other business pending before it, and shall reach a decision within three months after the date of the submission of the case to it. Should the board fail, within that period, to reach a decision, the settlement made by the Department of Revenue shall automatically become valid, and the Board of Finance and Revenue shall immediately return to the Department of Revenue the settlement and all of the papers appertaining thereto.

(g) No settlement, except as provided in the preceding clause, shall be valid until the Department of the Auditor General shall have approved it in writing, or until the Board of Finance and Revenue, the Department of Revenue, and the Department of the Auditor General, being unable to agree, shall have determined and stated in writing in what amount the settlement shall be made.

Section 803. Determination of Deductions and Exemptions.--In making bonus and tax settlements, it shall be the duty of the Department of Revenue, subject to the approval of the Department

of the Auditor General to determine whether, and to what extent, any corporation, association, or individual is entitled by law to any deduction or exemption from bonus or taxation.

Subject to the approval of the Department of the Auditor General, as provided in the preceding section of this act, the Department of Revenue shall exercise and perform all of the powers and duties heretofore exercised and performed by the Auditor General in determining questions of deduction and exemption, and all statements, certificates, reports, affidavits, or other documents, heretofore required to be filed with the Auditor General, to enable him to determine whether and to what extent any corporation or association is entitled to a deduction or exemption from bonus or taxation, shall hereafter be filed with the Department of Revenue.

Section 804. Estimated Settlements.--If the officers of any corporation, joint-stock association, limited partnership, or other company, shall neglect or refuse to make a capital stock report to the Department of Revenue, within the time prescribed by law or any extension thereof granted by the Department of Revenue, it shall be the duty of the Department of Revenue to estimate a valuation of the capital stock of such corporation, joint-stock association, limited partnership, or other company, and settle an account for taxes, penalties, and interest thereon.

If the treasurer of any corporation shall fail or neglect to make to the Department of Revenue, within the time prescribed by law, or any extension thereof granted by the Department of Revenue, the report required by law of the amount of indebtedness of the corporation owned by residents of this Commonwealth, as nearly as the same can be ascertained, it shall be the duty of the Department of Revenue to estimate a valuation of the scrip, bonds, certificates and evidences of indebtedness, of such defaulting corporation, or assumed by it, or upon which it pays interest, and settle an account for taxes, penalty, and interest thereon.

In any other case, if any taxpayer shall have failed, within the time prescribed by law, or any extension thereof granted by the Department of Revenue, or, if no such time is fixed by law, then after demand by the Department of Revenue, to file any report or return necessary to enable the department to settle any tax against such taxpayer, if the department should deem it more conducive to the public interest because of the supposed smallness of the debt or for any other reason not to proceed to compel the exhibition of the taxpayer's account, it may make an estimated settlement from the previous account settled, or from any other reasonable data, of the probable amount of the account of the delinquent; but in every such case, it shall add to every such estimated settlement an amount, not exceeding fifty per centum to include any losses which might otherwise accrue to the Commonwealth from such neglect or refusal to furnish accounts, and the Department of Revenue shall proceed to recover money so due the Commonwealth as in other cases. No allowance for commissions shall, in any instance, be made by the Department of Revenue in cases of refusal or neglect to furnish accounts.

From any estimated settlement, there shall be no right to file a petition for review, or to appeal, but the Department of Revenue, with the approval of the Department of the Auditor General, may, upon petition, permit the required report or return to be filed, and thereupon make a settlement based upon such report or return, and cancel the estimated settlement. From the department's refusal to permit the filing of a report

or return in such case, there shall, however, be no right to file a petition for review or to appeal.

Section 805. Due Date of Bonus and Taxes.--(a) ((a) deleted by amendment June 10, 1955, P.L.150, No.46)

(b) The amount of the malt beverage tax, the spirituous and vinous liquor floor tax, the spirituous and vinous liquor tax, the amusement or admission tax, the cigarette tax, the corporate net income tax, the documentary stamp tax, and the State personal property tax, shall be due and payable as provided in the acts imposing such taxes.

(c) The amount of all other taxes and bonus due the Commonwealth shall be due and payable upon the dates the reports or returns thereof are required by law to be made, and no extension of time for the filing of any report or return granted by the department, shall extend the date any tax or bonus shall be due and payable, except where a general extension has been granted by the department, as provided in section seven hundred four hereof.

(805 amended Feb. 2, 1937, P.L.3, No.1)

Section 806. Interest on Taxes Due the Commonwealth.--All taxes due the Commonwealth shall bear simple interest from the date they become due and payable until paid. The interest rate per annum during each calendar year shall be the interest rate established by the Secretary of the Treasury of the United States under the provisions of the Internal Revenue Code of 1954, effective January 1 of such calendar year without regard to any change or changes in said Federal interest rate during such calendar year. No penalties shall bear any interest whatsoever. The payment of interest, as aforesaid, shall not relieve any person from any of the penalties, commissions or additional tax prescribed by law for neglect or refusal to furnish timely returns or reports to the Department of Revenue, or to pay any claim due to the Commonwealth from such person. The Secretary of Revenue shall publish the rate of interest for each calendar year in the Pennsylvania Bulletin. In the case of any tentative tax, estimated tax or installment payment, interest shall run on any unpaid amount from the last day the payment is due to the date paid. In the case of tax which is resettled as a result of a final change or correction of taxable income by the Commissioner of Internal Revenue or any other agency or court of the United States, interest shall be computed on any additional tax due from thirty (30) days after the corporation receives notice of such final change or correction until paid.

Whenever the tax liability of a person is so affected by any payment or credit, settlement or resettlement, assessment or reassessment or determination or redetermination as to change the interest liability of such person, such interest liability shall be recomputed and adjusted by the Department of Revenue and approved by the Department of the Auditor General in cases in which said latter department is required to approve settlements and resettlements, so as to correspond to the tax liability as changed, without the necessity for the filing of any petition or request by such person or by said departments.

(806 amended Dec. 9, 1982, P.L.1057, No.248)

Section 806.1. Interest on Overpayments.--(a) "Overpayment" shall mean any payment of tax which is determined in the manner provided by law not to be legally due. Simple interest shall be allowed and paid by the Commonwealth upon any overpayment to the Commonwealth of any tax. The interest shall be allowed and paid for the period during which the Commonwealth retained

the overpayment, beginning with the date of the overpayment, except that:

(1) Any tax actually deducted and withheld at the source shall be deemed to have been overpaid on the last day prescribed for filing the return or report for the taxable year (determined without regard to any extension of time for filing).

(2) Any amount overpaid as estimated tax, tentative tax or installment payment for a taxable year shall be deemed to have been overpaid on the last day prescribed for filing the final return or report for the taxable year (determined without regard to any extension of time for filing).

(3) Any overpayment made before the last day prescribed for payment shall be considered made on the last day.

(4) Any amount claimed to be overpaid with respect to which an administrative review or appellate procedure is initiated in the manner provided by law by the taxpayer shall be deemed to have been overpaid sixty (60) days following the date of initiation of said review or procedure.

(5) If any overpayment of tax is refunded or credited within seventy-five (75) days after the last date prescribed for filing the final return or report of the tax (determined without regard to any extension of time for filing) or, in case the final return or report is filed after the last day, and is refunded or credited within seventy-five (75) days after the date the final return or report is filed, no interest shall be allowed on the overpayment. For the purpose of this clause, a final return or report shall be deemed to have been filed only if, when it is received by the Department of Revenue, it has been submitted on a permitted form containing (i) the taxpayer's name, address and identifying number and the required signature; and (ii) sufficient required information, either on the permitted form or attachments thereto, to permit the verification of tax liability shown on the return. ((5) amended July 18, 1986, P.L.1411, No.127)

(6) Any tax paid to an officer, licensee or collector shall be deemed to have been overpaid no earlier than the first date that the tax is required by law to be reported and transmitted to the department by the officer, licensee or collector.

(7) No overpayment of interest or penalty shall bear any interest whatsoever.

(b) Interest on overpayments shall be allowed and paid at the rate as is prescribed for underpayments under section 806 less two per centum. ((b) amended Dec. 23, 2003, P.L.243, No.45)

(b.1) Interest on overpayments of the tax imposed under Article III of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," shall be allowed and paid at the same rate as is prescribed for underpayments under section 806. ((b.1) added Dec. 23, 2003, P.L.243, No.45)

(c) Interest on overpayments shall be allowed and paid as follows:

(1) In the case of a cash refund, from the date of the overpayment to a date preceding the date of the Commonwealth's refund check by not more than thirty (30) days.

(2) In the case of a credit for an overpayment, from the date of the overpayment to:

(i) The date of the Commonwealth's notice to the taxpayer of the final determination of the credit; or

(ii) The date as of which the credit is applied, whichever first occurs: Provided, however, That in the case of a cash refund of a previously determined credit, interest shall be allowed and paid on the amount of the credit from a date ninety (90) days after the filing of a petition for a cash refund to

a date preceding the date of the refund check by not more than thirty (30) days whether or not the refund check is accepted by the taxpayer after tender to the taxpayer.

(3) The taxpayer's acceptance of the Commonwealth's check shall be without prejudice to any right of the taxpayer to claim any additional overpayment and interest thereon. Tender of a refund check shall be deemed acceptance thereof for the purposes of this section.

(806.1 amended Dec. 9, 1982, P.L.1057, No.248)

Compiler's Note: Section 5 of Act 45 of 2003, which amended subsection (b) and added subsection (b.1), provided that the amendment of subsection (b) and the addition of subsection (b.1) shall apply to interest accruing after December 31, 2003.

Section 807. Special Procedure in Connection with Valuations of the Stock of Banks, Savings Institutions, Title Insurance and Trust Companies.--After the Department of Revenue shall have fixed the value of the shares of stock in any bank, savings institution, title insurance company, or trust company, and a settlement shall have been made as hereinbefore provided, the Department of Revenue shall transmit to the president, cashier, or treasurer of such bank, savings institution, title insurance company, or trust company, a copy of such settlement, showing the valuation and assessment so made by it and the amount of tax due the Commonwealth on all such shares. And it shall be the duty of the president, cashier, or treasurer of any such bank, savings institution, title insurance company, or trust company, immediately upon the receipt of said settlement, to post the same in a conspicuous place in such bank, savings institution, title insurance company, or trust company, so as to give notice to the shareholders of such valuation; and it shall be the duty of the Department of Revenue, upon the filing with said department of a petition for resettlement by the officers of such bank, savings institution, title insurance company, or trust company on behalf of the shareholders thereof, or upon the filing of such petition by any shareholder thereof, within the time limits as provided in this act for the filing of such petition, to hear such officers or shareholder upon the subject of the assessment and valuation of such shares of stock at the department's office. If any such hearing be held, notice thereof shall be given to the Department of the Auditor General, and that department shall be represented at such hearing. The right to petition for review and appeal shall be the same as in the case of other tax settlements.

It shall be the duty of every bank, savings institution, title insurance company, or trust company, within a period of sixty days after the date of such settlement by the Department of Revenue, to collect the amount of said tax from its shareholders, and pay the same over to the State Treasurer through the Department of Revenue.

(807 amended June 2, 1933, P.L.1474, No.322)

Section 808. Special Procedure in Connection with Assessment of Anthracite Tonnage Tax.--If the Department of Revenue is not satisfied with the assessment and estimate of valuation made and returned by any party required by law to assess and value anthracite coal prepared for market, it is hereby authorized and empowered to make an assessment and valuation, based upon the facts contained in the report required of such party, or upon any information within its possession or which shall come into its possession, and to settle an account on the assessment and valuation thus made for the taxes, penalties, and interest

due the Commonwealth, subject to the right of the taxpayer to file a petition for resettlement, petition for review, and appeal, as in the case of other tax settlements.

Section 809. Special Procedure in Connection with the Settlement of Taxes on Domestic Insurance Companies, Foreign Insurance Companies, Marine Insurers, and Excess Insurance Brokers.--If the Department of Revenue is not satisfied with the assessment of taxes made by any domestic insurance company, foreign insurance company, marine insurer, or excess insurance broker, it is hereby authorized and empowered to make a settlement of such taxes, penalties, and interest due the Commonwealth, based upon the facts contained in the report required of such taxable or upon any information within its possession or which shall come into its possession, subject to the right of the taxpayer to file a petition for resettlement, review, and appeal as in the case of other tax settlements.

(809 amended Apr. 20, 1949, P.L.631, No.139)

ARTICLE IX PROCEDURE FOR THE COLLECTION OF MONEYS DUE THE COMMONWEALTH BY COUNTY OR CITY OFFICERS

Section 901. Reports to the Secretary of Revenue.--On the fifth day of each month, or at such times and with such frequency as may be prescribed by the Secretary of Revenue, it shall be the duty of each judicial officer of a court not of record, city officer and county officer to render to the Department of Revenue, under oath or affirmation, returns of all moneys or as much as may be prescribed by the Secretary of Revenue, received during the applicable period for the use of the Commonwealth, designating, under proper headings, the source from which such moneys were received, and to pay the same into the State Treasury, through the Department of Revenue, less any compensation and reimbursement for expenses allowable by law for having made the collections.

(901 amended Dec. 16, 2005, P.L.439, No.81)

Compiler's Note: Section 2(a) of Act 53 of 1978 provided that the partial repeal of section 901 shall take effect upon the promulgation of the initial regulations under 42 Pa.C.S. § 3502(a) (relating to financial regulations) applicable to the making of remittances by district justices.

Section 901.1. Establishment of Federally Insured Interest-bearing Accounts for the Deposit of Commonwealth Moneys.--Judicial officers of courts not of record, city officers and county officers who receive moneys for the use of or on behalf of the Commonwealth shall, when required by the Secretary of Revenue, establish at any bank or savings and loan association whose accounts are insured by an instrumentality of the Federal Government an insured interest-bearing account and therein deposit all moneys received for or on behalf of the Commonwealth except those moneys deducted for commissions and fees. Both the principal and interest in any interest-bearing account established under this section shall be transmitted to the Commonwealth as set forth in section 901.

(901.1 added Dec. 2, 1976, P.L.1274, No.283 and repealed in part Apr. 28, 1978, P.L.202, No.53)

Compiler's Note: Section 2(a) of Act 53 of 1978 provided that the partial repeal of section 901.1 shall take effect upon the promulgation of the initial regulations

under 42 Pa.C.S. § 3502(a) (relating to financial regulations) applicable to the making of remittances by district justices.

Section 902. Settlement of Accounts.--Promptly upon receipt, from any judicial officer of a court not of record, county officer or city officer, of the return required by section 901 of this article, the Department of Revenue shall settle the account of such officer, and transmit it to the Department of the Auditor General for audit and approval as in the case of tax settlements, and the subsequent procedure shall be the same as in the case of tax settlements, but a final discharge shall not be granted to any judicial officer of a court not of record, city officer or county officer upon any such account until the accounts and dockets of such officer shall have been audited by the Department of the Auditor General as in this act provided.

(902 amended Dec. 2, 1976, P.L.1274, No.283 and repealed in part Apr. 28, 1978, P.L.202, No.53)

Compiler's Note: Section 2(a) of Act 53 of 1978 provided that the partial repeal of section 902 shall take effect upon the promulgation of the initial regulations under 42 Pa.C.S. § 3502(a) (relating to financial regulations) applicable to the making of remittances by district justices.

Section 903. Settlement in Case of Failure to Make Return.--The Secretary of Revenue, or any agent appointed by the secretary, is hereby authorized to examine the books and accounts of any judicial officer of a court not of record, county officer or city officer who shall refuse or neglect to make the return and payment required by section 901 of this article, and, upon information obtained from such examination, the Department of Revenue shall settle an account against such officer, and in the settlement shall add a penalty of five per centum per month, or fraction thereof, not to exceed a total of fifty per centum to the amount of the settlement to provide for any losses which might otherwise result to the Commonwealth from the neglect or refusal of the officer to furnish the return. Such settlement shall be transmitted to the Department of the Auditor General for audit and approval, and the subsequent procedure shall be the same as in the case of tax settlements.

(903 amended Dec. 2, 1976, P.L.1274, No.283 and repealed in part Apr. 28, 1978, P.L.202, No.53)

Compiler's Note: Section 2(a) of Act 53 of 1978 provided that the partial repeal of section 903 shall take effect upon the promulgation of the initial regulations under 42 Pa.C.S. § 3502(a) (relating to financial regulations) applicable to the making of remittances by district justices.

Section 904. Interest on Accounts Settled.--Upon the amount of every settlement made under the preceding sections of this article, interest shall be payable from fifteen (15) days after the date of settlement, at the rate of twelve per centum per annum.

Section 905. Resettlement of Accounts Upon Request of the Auditor General.--It shall be the duty of the Auditor General, promptly upon auditing the accounts and dockets of the several county officers for any period, to furnish to the Department of Revenue a detailed report of any errors or discrepancies in the monthly reports of such officers filed with the Department

of Revenue for the same period, and thereupon it shall be the duty of the Department of Revenue to resettle the account of such officer, and credit or charge the officer in accordance with the correct facts. Any such resettlement shall be transmitted to the Department of the Auditor General for audit and approval, as in other cases, and the subsequent procedure shall be the same as in the case of original settlements.

If the Department of Revenue shall fail, within thirty days after notice from the Department of the Auditor General, to resettle the account, the Department of the Auditor General may, within sixty days after the date of its request, file a petition with the Board of Finance and Revenue praying the board to order the Department of Revenue to make such resettlement.

From any resettlement made hereunder, the county officer may, within thirty days after the date of resettlement, file a petition for review, and thereafter appeal as in other cases.

(905 amended June 1, 1931, P.L.318, No.143)

ARTICLE X

SETTLEMENTS OF OTHER ACCOUNTS BETWEEN THE COMMONWEALTH AND ITS DEBTORS, AND SETTLEMENTS BETWEEN THE COMMONWEALTH AND PERSONS HAVING CLAIMS AGAINST IT

Compiler's Note: Section 8(a) of Act 260 of 1978 provided that Article X is repealed insofar as it is inconsistent with Act 260.

Section 1001. Settlements with Debtors When No Other Method Provided by Law for Collection.--In all cases in which any person, association, corporation, public officer, or other party, is indebted, or is believed to be indebted, to the Commonwealth, and no other method for the collection of such debt is provided by law, it shall be the duty of the Department of Revenue to state and settle an account with the debtor, and transmit the original settlement, with the papers appertaining thereto, to the Auditor General for audit and approval, as in the case of tax settlements, and the subsequent procedure shall be the same as in the case of tax settlements.

Section 1002. Due Date of Accounts Settled Under Preceding Section and Interest Thereon.--All moneys for which settlements shall have been made under the preceding section of this act, shall be due and payable upon receipt by the debtor of a copy of the settlement, and shall bear interest at the rate of six per centum per annum, unless paid within sixty days after the date of the settlement.

(1002 amended June 1, 1931, P.L.318, No.143)

Section 1003. Adjustment and Settlement of Claims Against the Commonwealth.--The Auditor General and State Treasurer shall continue to have the power to adjust and settle claims against the Commonwealth, as now provided by law, and they shall settle an account with any claimant against the Commonwealth in the manner following:

When the Department of the Auditor General shall have examined and adjusted any claim against the Commonwealth, it shall submit the same, together with the vouchers and all other papers and information appurtenant thereto, to the Treasury Department for its revision and approbation. Thereafter, the procedure shall be the same as in the case of the audit of requisitions as hereinafter in this act provided.

Section 1004. Set-offs in Settlement of Claims Against the Commonwealth.--It shall be the duty of the Auditor General and State Treasurer, in the settlement of accounts of persons having

claims against the Commonwealth, to ascertain from the Department of Revenue whether such persons are indebted to the Commonwealth, and, if so, to secure the amount so due, or as much thereof as the claim of the Commonwealth may amount to, as shown by the settlement made by the Department of Revenue. Any person, feeling himself aggrieved by the settlement made by the Auditor General and State Treasurer, or by the settlement made by the Department of Revenue and deducted from his claim, may proceed, as in other cases, to file a petition for resettlement, a petition for review, and an appeal, but, if he feels aggrieved both by the action of the Auditor General and State Treasurer and of the Department of Revenue, his petition for review, filed with the Board of Finance and Revenue, and his appeal to the courts, shall consolidate all questions which he desires to raise.

In the event of the failure to deduct such indebtedness, or any part thereof, the Commonwealth of Pennsylvania may file a petition for resettlement; a petition for review of such settlement or resettlement by the Board of Finance and Revenue; and an appeal from the decision of the Board of Finance and Revenue. (Par. repealed in part Apr. 28, 1978, P.L.202, No.53) (1004 amended Apr. 19, 1945, P.L.259, No.119)

Compiler's Note: Section 4(c) of Act 152 of 1978 provided that the waiver of sovereign immunity in section 1004 is saved from repeal.

ARTICLE XI PROCEDURE FOR RESETTLEMENT OF ACCOUNTS, REVIEW AND APPEAL

Compiler's Note: Section 8(a) of Act 260 of 1978 provided that Article XI is repealed insofar as it is inconsistent with Act 260.

Section 1101. Notice of Settlement.--(a) Promptly after the date of any settlement, the Department of Revenue shall send, by mail or otherwise, a copy thereof to the party with whom or with which the settlement was made.

(b) Promptly after the date of any settlement which the Department of the Auditor General and the Treasury Department are by this act authorized to make, the Department of the Auditor General shall send, by mail or otherwise, a copy thereof to the party with whom or with which the settlement was made.

(c) Where the Secretary of the Commonwealth claims that bonus is due from any domestic corporation under any act of Assembly and such claim is disputed, the Secretary of the Commonwealth shall make a settlement for the amount of bonus claimed to be due and shall send, by mail or otherwise, a copy thereof to the party with which the settlement is made.

(1101 amended June 27, 1947, P.L.1023, No.435)

Section 1102. Petition for Resettlement.--Within ninety (90) days after the date upon which the copy of any settlement was mailed to the party with whom or with which the settlement was made, such party or the Commonwealth of Pennsylvania may file, with the department which made it, a petition for resettlement.

Every petition for resettlement shall fully state the reasons which the petitioner believes entitled him or it to such resettlement.

It shall be the duty of the department with which the petition was filed, within six (6) months after the date of the

receipt of any petition for resettlement, to dispose of such petition unless the determination of any petition shall be governed by litigation then pending before any court of competent jurisdiction, in which case, the department, upon the written request of the petitioner containing a statement to such effect, may defer consideration of such petition until the final judgment determining the question or questions involved in such petition has been handed down.

In the case of petitions for resettlement filed with the Department of Revenue, the disposition of the petition shall be subject to the approval of the Department of the Auditor General, as in the case of original settlements, and, if two departments shall be unable to agree, the case shall be submitted to the Board of Finance and Revenue by the Department of Revenue. The Board of Finance and Revenue shall decide every such case within three (3) months from the date of the submission thereof, and, in case of its failure to reach a decision within such period, the disposition of the Department of Revenue shall automatically become valid, and the Board of Finance and Revenue shall immediately return to the Department of Revenue all of the papers appertaining to the case.

In the case of petitions for resettlement filed with the Department of the Auditor General, the petition shall be disposed of by the joint action of that department and of the Treasury Department, as in the case of original settlements.

In the case of petitions for resettlements filed with the Department of State, the petition shall be disposed of solely by that department.

Notice of the action taken upon any petition for a resettlement shall be given to the petitioner, promptly after the date of such action, by the department with which the petition was filed.

(1102 amended July 13, 1957, P.L.838, No.388)

Section 1102.1. Timely Filing.--A taxpayer shall be deemed to have timely filed a petition for resettlement, a petition for reassessment, a petition for redetermination or any other protest relating to the assessment of tax or any other matter relating to any tax imposed by the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," if the letter transmitting the petition is received by the Department of Revenue or is postmarked by the United States Postal Service on or prior to the final day on which the petition is to be received.

(1102.1 added Dec. 12, 1994, P.L.1015, No.138)

Section 1103. Petition to Board of Finance and Revenue for Review.--Within ninety days after the date of mailing of notice by the Department of Revenue, or of the Auditor General, or of the Department of State of the action taken on any petition for a resettlement filed with it, or of any resettlement made under the provisions of section one thousand one hundred five of this act, the party with whom the settlement was made or the Commonwealth of Pennsylvania may, by petition, request the Board of Finance and Revenue to review such action.

Every petition for review, filed hereunder, either shall state specifically therein the reasons upon which the petitioner relies, or shall incorporate, by reference, the petition for resettlement in which such reasons shall have been stated. The petition shall be supported by affidavit that it is not made for the purpose of delay, and that the facts therein set forth are true. If the petitioner be a corporation, joint-stock association, or limited partnership, the affidavit must be made by one of the principal officers thereof. A petition for review

may be amended by the petitioner at any time prior to the hearing thereon, as hereinafter provided.

The Board of Finance and Revenue shall act finally in disposition of such petitions within six months after they have been received, and, in the event of the failure of the Board of Finance and Revenue to dispose of any such petition within six months, the action taken upon the petition for resettlement shall be deemed sustained.

Notwithstanding any other provisions of this section, if the determination of any petition shall be governed by litigation then pending before any court of competent jurisdiction, the board, upon the written request of the petitioner containing a statement to such effect, may defer consideration of such petition until the final judgment determining the question or questions involved in such petition has been handed down.

The Board of Finance and Revenue may sustain the action taken on the petition for resettlement, or it may resettle the account upon such basis as it shall deem according to law and equity.

Notice of the action of the Board of Finance and Revenue shall be given, by mail or otherwise, to all departments involved and to the petitioner.

(1103 amended July 13, 1957, P.L.838, No.388)

Section 1103.1. Timely Mailing Treated as Timely Filing.--Notwithstanding the provisions of any State tax law to the contrary, whenever a petition pertaining to a State tax is required by law to be received by the Board of Finance and Revenue on or before a day certain, the taxpayer shall be deemed to have complied with such law if the letter transmitting the petition which has been received by the board is postmarked by the United States Postal Service on or prior to the final day on which the petition is to be received.

For the purposes of this article, presentation of a receipt indicating that the petition was mailed by registered or certified mail on or before the due date shall be evidence of timely filing.

(1103.1 added Nov. 26, 1978, P.L.1184, No.278)

Section 1103.2. Extension of Time for Filing Petitions.--Notwithstanding any provision to the contrary, the due date for filing a petition with the Board of Finance and Revenue may be extended:

(a) Whenever the due date shall fall on a Saturday, Sunday or a legal holiday, the due date shall be extended to midnight of the first full business day following, or

(b) The board may, on written application and for good cause shown, grant an extension of time for filing any petition required under this article. However, such extension shall not exceed three months.

(1103.2 added Nov. 26, 1978, P.L.1184, No.278)

Section 1104. Appeal to Courts.--(1104 repealed Dec. 20, 1982, P.L.1409, No.326)

Section 1104.1. Exclusive Appeal Procedure; Shares Taxes.--(1104.1 repealed July 9, 2013, P.L.270, No.52)

Compiler's Note: Section 42(5.1) of Act 52 of 2013, which repealed section 1104.1, provided that the repeal shall apply to a petition for reassessment filed with the Department of Revenue on or after the effective date of par. (5.1).

Compiler's Note: Section 42(b) of Act 48 of 1994 provided that section 1104.1 is repealed to the extent that it conflicts with the provisions of Act 48 for filing with the Board of Finance and Revenue of petitions for the

refund of taxes and other moneys collected by the Department of Revenue.

Section 1105. Authorization of Resettlement Upon Petition of the Department Which Made the Settlement.--Within two years after the date of any settlement or resettlement made subsequent to June first, one thousand nine hundred and twenty-nine, except such as have been appealed from the Department of Revenue, with the approval of the Department of the Auditor General, may make a resettlement. Notice of such resettlement shall be given promptly to the party with whom or with which the resettlement was made.

Whenever a resettlement shall have been made hereunder, the Department of Revenue shall resettle the account according to law, and shall credit or charge as the case may be, the amount resulting from such resettlement upon the current accounts of the party with whom or with which it is made.

In the case of settlements made by the Department of Revenue, the resettlement shall be subject to approval by the Department of the Auditor General, as in the case of original settlements, and in case of the failure of two departments to agree, the resettlement shall be submitted to the Board of Finance and Revenue as in the case of original settlements.

In the case of settlements made jointly by the Department of the Auditor General and by the Treasury Department, either of said departments may request authority from the Board of Finance and Revenue to make a resettlement hereunder, and, if such authority be granted, the resettlement shall be made by joint action of said departments as in the case of original settlements.

If a resettlement shall not be made or authorized hereunder within the time above prescribed, an account upon which a final discharge has been granted, shall not be opened, but shall be quieted and finally closed.

(1105 amended Apr. 25, 1949, P.L.745, No.183)

Section 1106. Resettlement of Accounts of Subsidiary Corporations.--In any case where, under the provisions of section eleven hundred five of this act, the Board of Finance and Revenue shall authorize the resettlement of any account of any corporation, leasing or operating the works or owning either the whole or a majority of the capital stock of another corporation, or whose works are leased or operated, or of whose capital stock either the whole or a majority is owned by another corporation, the credit or charge, as the case may be, resulting from such resettlement may, with the consent of the proper officers of both companies, be transferred to the account of either of said corporations.

Section 1107. Assignment of Amount Due on Resettlement.--Whenever, as a result of any action taken by the Board of Finance and Revenue in accordance with the provisions of section eleven hundred five of this act, there shall have been any amount credited or charged to the account of any person or body politic, the amount thereof shall be subject to assignment, and, when duly assigned, shall be applied to the account of the assignee: Provided, That all taxes whatsoever due to the Commonwealth by the assignor shall first have been fully paid.

Section 1108. Payment or Credit; Effect Upon Right of Resettlement, Review, and Appeal.--(a) Any person, public officer, or other debtor who is required to make to the Department of Revenue a return or report upon the basis of which any tax, or other charge is or will be settled, determined or assessed, shall have the right at any time, to pay to the

Department of Revenue all or any part of the amount of any tax, penalty, additional tax, or other charge due or deemed by him to be due, with interest, if any, as is then due and payable for the purpose of stopping the running of further interest thereon, without prejudice to his right to present and prosecute a petition for review, resettlement, reassessment or redetermination to the Department of Revenue, a petition to the Board of Finance and Revenue, or an appeal to a court of competent jurisdiction, in the manner and within the times provided by law.

(b) (1) Whenever the amount due upon a settlement, assessment, determination or decision by the department, the Board of Finance and Revenue or any other department, administrative board, agency or court of competent jurisdiction is less than the amount paid to the Department of Revenue on account thereof, and the person, public officer, or other debtor against whom such settlement, assessment or determination has been made is satisfied therewith, or whenever the amount due upon the final judgment entered on any appeal is less than the amount paid to the Department of Revenue on account thereof, the Department of Revenue shall enter a credit in the amount of such difference to the account of the person, public officer, or other debtor entitled thereto.

(2) The credit may be applied by the Commonwealth or used by the person, public officer, or other debtor to whose account it is entered in payment of any tax or other claim which may be or become due from him to the Commonwealth.

(3) If all obligations due the Commonwealth have been fully paid, any credit may be assigned by the person, public officer or other debtor to whose account it is entered to any other person, public officer, or debtor, and the assignee may use it in payment of any obligation due the Commonwealth.

(4) If all obligations due the Commonwealth have been fully paid, any credit shall be refunded in cash by the Department of Revenue upon application of the person, public officer or other debtor entitled thereto.

(5) The Department of Revenue is authorized to prescribe regulations providing for the payment of refunds. So much of the proceeds of the various taxes, as shall be necessary for the payment of refunds out of the general or special funds shall be authorized by the Governor.

(1108 amended Dec. 9, 1982, P.L.1057, No.248)

Section 1109. Mortgage or Securities Pools for Investment of Fiduciary Funds.--(1109 repealed Feb. 2, 1937, P.L.3, No.1)

ARTICLE XII COLLECTIONS MADE OTHERWISE THAN BY SETTLEMENT OF ACCOUNT

Section 1201. Procedure Relating to Collection of Tax on Transfers of Property of Resident Decedents.--The Department of Revenue shall exercise the following powers and perform the following duties, heretofore exercised and performed by the Auditor General, in connection with the collection by the registers of wills of the several counties of transfer inheritance taxes:

The Department of Revenue shall have the power and its duty shall be,

(a) To supervise the making of appraisements in estates of resident decedents, and, for this purpose, to adopt and enforce rules and regulations for the just administration of the laws imposing transfer inheritance taxes;

(b) To approve or disapprove all expense accounts of appraisers appointed to appraise decedents' estates;

(c) To supervise the work of investigators, appraisers, expert appraisers, permanent appraisers, and other employes, appointed to assist registers of wills in enforcing the transfer inheritance tax laws;

(d) To receive from the several registers of wills and enter in a book to be kept for the purpose the monthly statements of all returns made by appraisers during the preceding month upon which the taxes have been paid or remain unpaid;

(e) To exercise all of the powers vested in the register of wills, if the register of wills in any case fails within the time provided by law to take the proceedings necessary, to secure the filing of the inventory or schedule of the property of a resident decedent, or to collect the tax due, and, for this purpose, to institute such proceedings as may be necessary, charging to the register of wills and deducting from any commissions or fees otherwise due him all costs, expenses, and attorney's fees incurred by the department in connection with such proceedings;

(f) In settling the accounts of registers, or of any county treasurer who has acted prior to the qualification of the register of wills of his county, to credit the accounting officer and deduct from the settlement all commissions due such officer for collecting transfer inheritance taxes, the compensation and expenses paid with the approval of the Secretary of Revenue to investigators, appraisers, and expert appraisers, the costs of advertising, and all other reasonable fees and expenses incurred in the collection of the tax; and

(g) To receive from registers of wills all duplicate receipts for taxes paid to them by executors and administrators and to charge the registers receiving the money with the amount receipted for. The original of each such receipt shall be signed and sealed by the register of wills and transmitted to the executor or administrator, whereupon it shall be a proper voucher in the settlement of the estate. In no event shall the executor or administrator be entitled to a credit in his account by the register, unless the receipt is so signed and sealed by the register of wills. ((g) Amended, May 15, 1945, P.L.528, No.209)

(1201 amended May 21, 1943, P.L.380, No.178)

Section 1202. Procedure for the Collection of Transfer Inheritance Taxes on Transfers From Estates of Nonresident Decedents.--The Department of Revenue shall exercise the following powers and perform the following duties, heretofore exercised and performed by the Auditor General, in connection with the collection of transfer inheritance taxes on transfers from estates of nonresident decedents:

(a) Whenever property within this Commonwealth is transferred from a decedent, who was a nonresident of the Commonwealth at the time of death, the Department of Revenue, whenever occasion may require, on the application of any interested party, or upon its own motion, shall appoint an appraiser to appraise the value of such property if subject to transfer inheritance tax. Every such appraiser shall forthwith give notice by mail, to such persons as the Department of Revenue shall direct, of the time and place when and where he will appraise such property. He shall, at such time and place, make a fair conscionable appraisement of said property, and assess and fix the cash value of all annuities on life-estates growing out of said estates, upon which annuities and life-estates the tax imposed by this act shall be immediately

payable out of the estate, and he shall make report thereof and of such value in writing to the Department of Revenue, which report shall be filed in the office of the department, and the department shall immediately give notice thereof by mail to all parties known by it to be interested therein;

(b) Whenever the interests of the Commonwealth may require, the Department of Revenue is authorized to appoint such additional appraisers, or employ such investigators or experts, as it may deem best, to make appraisements of or investigations in regard to the property of any nonresident decedent subject to transfer inheritance tax. The compensation of all such persons so employed by the department shall be fixed by the Secretary of Revenue, with the approval of the Governor, as in other cases;

((c) repealed June 15, 1961, P.L.373, No.207)

(d) The Department of Revenue shall enter in a public record the returns made by all appraisers appointed by it to appraise the property of nonresident decedents within this Commonwealth subject to transfer inheritance taxes, opening an account in favor of the Commonwealth against each such decedent's estate. The Department of Revenue may give certificates of payment of said tax, from said record, and, upon payment thereof, shall give a receipt therefor to the party paying the same.

(1202 amended July 15, 1935, P.L.1029, No.349)

Section 1203. Procedure Applicable in Cases of Transfer of Corporate Stock Belonging to Decedents' Estates.--(1203 repealed June 15, 1961, P.L.373, No.207)

Section 1204. Procedure Relating to Collection of Mercantile License Taxes and Fees Assessable by the Mercantile Appraisers.--(1204 repealed May 7, 1943, P.L.237, No.110)

Section 1205. Procedure for Collection of Bonus on the Authorized Capital and on Increases of Capital of Domestic Corporations.--(1205 repealed Jan. 18, 1966, 1965 P.L.1305, No.519)

Section 1206. Motor License and Vehicle Operators' License Fees.--(1206 repealed July 18, 2013, P.L.574, No.71)

Section 1207. Other Taxes.--The Department of Revenue shall collect the liquid fuels tax, the malt beverage tax, the spirituous and vinous liquor floor tax, the spirituous and vinous liquor tax, the amusement or admission tax, the cigarette tax, the documentary stamp tax, and the State personal property tax as provided in the acts imposing said taxes, and the interest and penalties, as well as the procedure for the appeal and collections of and with respect to such taxes, shall be as provided in said acts in so far as they are inconsistent with the provisions of this act. All questions relating to the lien of such taxes, including the dates upon which such taxes shall become liens, and their right to priority of lien and payment over other liens, shall be determined by the provisions of the said acts, where such provisions are inconsistent with article fourteen of this act.

(1207 amended Feb. 2, 1937, P.L.3, No.1)

Section 1208. Taxes Due by Foreign Insurance Companies, Marine Insurance Companies, and Excess Insurance Brokers.--(1208 repealed Apr. 20, 1949, P.L.631, No.139)

Section 1209. Collection of Amounts Payable to State Institutions.--(1209 repealed July 18, 2013, P.L.574, No.71)

Section 1210. Collections Made by Departments, Boards and Commissions Other Than the Department of Revenue.--All collections of every kind and description, which any department, board, or commission of the State Government is by this act authorized to continue to make, shall be turned over immediately

upon the receipt thereof to the agent of the Department of Revenue assigned to or designated in such department board or commission.

Copies of all bills rendered by every department, board and commission shall be forwarded to the Department of the Auditor General and to the Department of Revenue, not later than the business day following their date.

(1210 reenacted June 1, 1931, P.L.318, No.143)

Section 1210.1. Collection of Taxes by the Pennsylvania Liquor Control Board.--(a) Notwithstanding any other law to the contrary, the board shall, on the last business day of each calendar month, transmit to the department a statement containing all of the following:

(1) The board's gross receipts from the sale of liquor for all fiscal months ending in that calendar month.

(2) The taxes collected by the board during all fiscal months ending in that calendar month.

(3) Any other information required by the department.

(b) Notwithstanding section 237 of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," the board shall, on the last day of each calendar month, transmit to the department the tax imposed by Article II of the "Tax Reform Code of 1971" and collected by the board during all fiscal months ending in that calendar month.

(c) The board shall, on the last day of each calendar month, transmit to the department the liquor tax collected by the board during all fiscal months ending in that calendar month.

(d) Notwithstanding subsection (c), if the board adds the liquor tax to the wholesale and retail price of the liquor, the board shall, on the last day of each calendar month, transmit to the department an amount equal to the quotient of the board's aggregate gross receipts from the sale of liquor during all fiscal months ending in that calendar month divided by six and five-ninths.

(e) The following words and phrases when used in this section shall have the meaning given to them in this subsection unless the context clearly indicates otherwise:

"Board." The Pennsylvania Liquor Control Board.

"Department." The Department of Revenue of the Commonwealth.

"Liquor." Any alcoholic, spirituous, vinous, fermented or other alcoholic beverage or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or other alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain more than one-half of one per cent of alcohol by volume, except alcohol, and malt or brewed beverages.

"Liquor tax." The tax imposed in accordance with the act of June 9, 1936 (1st Sp. Sess., P.L. 13, No.4), entitled "An act imposing an emergency State tax on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board."

(1210.1 added June 29, 2002, P.L.614, No.91)

ARTICLE XIII
PROCEDURE FOR COLLECTION OF
ESCHEATABLE PROPERTY
(Art. repealed Aug. 9, 1971, P.L.286, No.74)

ARTICLE XIII

PROCEDURE FOR COLLECTION OF
ESCHEATABLE PROPERTY
(Art. XIII repealed Aug. 9, 1971, P.L.286, No.74)

Section 1301. In General.--(1301 repealed Aug. 9, 1971, P.L.286, No.74)

Section 1302. Powers and Duties of Escheators Appointed by the Department of Revenue.--(1302 repealed Aug. 9, 1971, P.L.286, No.74)

Section 1303. Department of Revenue to Demand Returns of Property in Certain Cases.--(1303 repealed Aug. 9, 1971, P.L.286, No.74)

Section 1304. Compensation of Informers.--(1304 repealed Aug. 9, 1971, P.L.286, No.74)

Section 1305. Reports by Banks, Fiduciaries, Prothonotaries, Et Cetera.--(1305 repealed Aug. 9, 1971, P.L.286, No.74)

Section 1306. Index.--(1306 repealed Aug. 10, 1951, P.L.1204, No.273)

Section 1307. Notice to Owners of Deposits, Et Cetera.--(1307 repealed Aug. 9, 1971, P.L.286, No.74)

Section 1308. Action for Recovery of Escheated Property, Deposits, Dividends, or Profits, Debts, or Interest on Debts, Money or Other Estates, Held by Fiduciaries.--(1308 repealed Aug. 9, 1971, P.L.286, No.74)

Section 1309. Action by Attorney General in Lieu of Appointment of Escheator.--(1309 repealed Aug. 9, 1971, P.L.286, No.74)

Section 1310. Alternative Procedure in Certain Cases.--(1310 repealed Aug. 9, 1971, P.L.286, No.74)

Section 1310.1. Sales of Escheatable Property by the Secretary of Revenue.--(1310.1 repealed Aug. 9, 1971, P.L.286, No.74)

Section 1311. Payments by Corporations Prior to Dissolution.--(1311 repealed Aug. 9, 1971, P.L.286, No.74)

Section 1312. Reports and Payments by Liquidating Trustees, Et Cetera.--(1312 repealed Aug. 9, 1971, P.L.286, No.74)

Section 1313. Reports and Payments by Receivers.--(1313 repealed Aug. 9, 1971, P.L.286, No.74)

Section 1314. Reports and Payments by Fiduciaries.--(1314 repealed Aug. 9, 1971, P.L.286, No.74)

Section 1302. Powers and Duties of Escheators Appointed by the Department of Revenue.--(1302 repealed Aug. 9, 1971, P.L.286, No.74)

Section 1303. Department of Revenue to Demand Returns of Property in Certain Cases.--(1303 repealed Aug. 9, 1971, P.L.286, No.74)

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Section 1312. Reports and Payments by Liquidating Trustees, Et Cetera.--(1312 repealed Aug. 9, 1971, P.L.286, No.74)

Section 1313. Reports and Payments by Receivers.--(1313 repealed Aug. 9, 1971, P.L.286, No.74)

Section 1314. Reports and Payments by Fiduciaries.--(1314 repealed Aug. 9, 1971, P.L.286, No.74)

ARTICLE XIII.1

DISPOSITION OF ABANDONED AND UNCLAIMED PROPERTY

(Art. added Dec. 9, 1982, P.L.1057, No.248)

Compiler's Note: Section 17(b) of Act 180 of 1992 provided that Article XIII.1 is repealed insofar as it is inconsistent with Act 180.

Section 1301.1. Definitions.--As used in this article, unless the context otherwise requires:

"Business association" shall include any corporation (other than a public corporation), joint stock company, business trust, partnership or any association of two (2) or more individuals for business purposes, whether organized or operated under State or Federal law.

"Crime Victim's Compensation Fund" shall mean the special nonlapsing fund created by the act of November 24, 1998 (P.L.882, No.111), known as the "Crime Victims Act." (Def. added Dec. 23, 2003, P.L.243, No.45)

"Electronic" shall mean relating to technology having electrical, digital, magnetic, wireless, optical, electromagnet or similar capabilities. (Def. added July 10, 2014, P.L.1053, No.126)

"Financial institution" shall include a bank, a private bank, a bank and trust company, a savings association, a savings bank, a trust company, a savings and loan association, a building and loan association, a credit union and any issuer of travelers checks, money orders or similar monetary obligations or commitments, whether organized or operated under State or Federal law.

"General use prepaid cards" shall mean cards issued only by a bank or other similarly regulated financial institution or by a licensed money transmitter and shall mean plastic cards or other electronic payment devices which are:

(1) usable and honored upon presentation at multiple, unaffiliated merchants or service providers for goods or services or at automated teller machines (ATMs); and

(2) issued in a requested prepaid amount which amount may be, at the option of the issuer, increased in value or reloaded if requested by the holder.

The term shall not include debit cards linked to a deposit account or prepaid telephone calling cards. The term also shall not include flexible spending arrangements, including health reimbursement arrangements, as defined in section 106(c)(2) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 106(c)(2)); flexible spending accounts subject to section 125 of the Internal Revenue Code of 1986; Archer MSAs as defined in section 220(d) of the Internal Revenue Code of 1986;

dependent care reimbursement accounts subject to section 129 of the Internal Revenue Code of 1986; health savings accounts subject to section 223(d) of the Internal Revenue Code of 1986; or similar accounts from which, under the Internal Revenue Code of 1986 and its implementing regulations, individuals may pay medical expenses, health care expenses, dependent care expenses or similar expenses on a pretax basis.

(Def. added Nov. 9, 2006, P.L.1335, No.138)

"Gift card" shall mean plastic cards or other electronic payment devices which are:

(i) usable and honored upon presentation at a single merchant or an affiliated group or merchants that share the same name, mark or logo, or usable at multiple, unaffiliated merchants or service providers for the future purchase or delivery of any goods or services; and

(ii) issued in a specified prepaid amount and may or may not be increased in value or reloaded.

The term shall not include general use prepaid cards or debit cards linked to a deposit account. The term also shall not include flexible spending arrangements, including health reimbursement arrangements, as defined in section 106(c)(2) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 106(c)(2)); flexible spending accounts subject to section 125 of the Internal Revenue Code of 1986; Archer MSAs as defined in section 220(d) of the Internal Revenue Code of 1986; dependent care reimbursement accounts subject to section 129 of the Internal Revenue Code of 1986; health savings accounts subject to section 223(d) of the Internal Revenue Code of 1986; or similar accounts from which, under the Internal Revenue Code and its implementing regulations, individuals may pay medical expenses, health care expenses, dependent care expenses or similar expenses on a pretax basis.

(Def. added Nov. 9, 2006, P.L.1335, No.138)

"Gift certificate" shall mean a written promise which is:

(i) usable and honored upon presentation at a single merchant or an affiliated group of merchants that share the same name, mark or logo, or usable at multiple, unaffiliated merchants or service providers for the future purchase or delivery of any goods or services; and

(ii) issued in a specific prepaid amount and may or may not be increased in value or reloaded.

The term shall not include general use prepaid cards or debit cards linked to a deposit account. The term also shall not include flexible spending arrangements, including health reimbursement arrangements, as defined in section 106(c)(2) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 106(c)(2)); flexible spending accounts subject to section 125 of the Internal Revenue Code of 1986; Archer MSAs as defined in section 220(d) of the Internal Revenue Code of 1986; dependent care reimbursement accounts subject to section 129 of the Internal Revenue Code of 1986; health savings accounts subject to section 223(d) of the Internal Revenue Code of 1986; or similar accounts from which, under the Internal Revenue Code and its implementing regulations, individuals may pay medical expenses, health care expenses, dependent care expenses or similar expenses on a pretax basis.

(Def. added Nov. 9, 2006, P.L.1335, No.138)

"Holder" shall mean a person obligated to hold for the account of or deliver or pay to the owner property which is subject to this article and shall include any person in possession of property subject to this article belonging to another, or who is a trustee in case of a trust, or is indebted

to another on an obligation subject to this article and the agent or legal representative of the person obligated, the person in possession, the trustee or the debtor. (Def. amended July 10, 2014, P.L.1053, No.126)

"Indicated an interest in property" shall mean any contact, communication or transaction, related to property, from the owner, or involving some affirmative action by the owner, which is documented in a contemporaneous record prepared by or on behalf of the holder or in the possession of the holder, including:

- (i) a written contact, communication or transaction;
- (ii) a secure or password-protected electronic contact, communication or transaction;
- (iii) a verbal contact, communication or transaction, in which the holder takes reasonable action to verify the identity of the owner; or
- (iv) a contact, communication or transaction, which is evidenced by other criteria provided by the State Treasurer.

(Def. added July 10, 2014, P.L.1053, No.126)

"Insurer" shall include any person authorized to conduct an insurance business under the laws of this Commonwealth or under the laws of any other jurisdiction.

"Owner" shall mean a person that has a legal or equitable interest in property subject to this article or a person whose name appears on the record of a holder as the person entitled to property held, issued or owing by the holder and shall include a depositor in case of a deposit, a creditor, claimant or payee in case of other choses in action and a legal representative of the person with the interest, the entitled person, the depositor, the creditor, the claimant or the payee. (Def. amended July 10, 2014, P.L.1053, No.126)

"Person" shall include any individual, business association, government or political subdivision, public corporation, public authority, estate, trust, two (2) or more persons having a joint or common interest or any other legal or commercial entity.

"Property" shall include all real and personal property, tangible or intangible, all legal and equitable interests therein, together with any income, accretions or profits thereof and thereon, and all other rights to property, subject to all legal demands on the same. The term shall not include property deemed lost at common law. (Def. amended May 16, 1986, P.L.197, No.60)

"Qualified gift certificate" shall mean a gift certificate or gift card that does not contain any of the following:

- (i) An expiration date or a period of time after which it expires.
- (ii) Any type of postsale charge or fee, including, but not limited to, a service charge, dormancy fee, account maintenance fee, cash-out fee, replacement card fee or activation or reactivation fee.

The term shall not include general use prepaid cards.

(Def. added Nov. 9, 2006, P.L.1335, No.138)

"Record" shall mean information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form. (Def. added July 10, 2014, P.L.1053, No.126)

"Restitution" shall mean restitution ordered by a court in accordance with the provisions of 18 Pa.C.S. § 1106 (relating to restitution for injuries to person or property) and collected in accordance with the provisions of 42 Pa.C.S. § 9728 (relating to collection of restitution, reparation, fees, costs, fines and penalties). (Def. added Dec. 23, 2003, P.L.243, No.45)

"Secretary" (Def. deleted by amendment June 29, 2002, P.L.614, No.91)

"United States savings bond" shall mean property, tangible or intangible, in the form of a savings bond issued by the United States Treasury, whether in paper, electronic or paperless form, along with all the proceeds of the savings bond. (Def. added added July 13, 2016, P.L.664, No.85)

"Utility" shall include any person who owns or operates, for public use, any plant, equipment, property, franchise or license for the transmission of communications, or the production, storage, transmission, sale, delivery or furnishing of electricity, water, steam or gas.

(1301.1 added Dec. 9, 1982, P.L.1057, No.248)

Compiler's Note: Section 6 of Act 138 of 2006, which amended section 1301.1, provided that Act 138 shall apply to gift cards and gift certificates reported to the Commonwealth for the year 2006 and each year thereafter.

Section 1301.2. Property Subject to Custody and Control of the Commonwealth.--(a) All abandoned and unclaimed property and property without a rightful or lawful owner as hereafter set forth is subject to the custody and control of the Commonwealth:

1. If it is tangible and physically located within the Commonwealth; or

2. If it is intangible, and (i) the last known address of the owner, as shown by the records of the holder, is within the Commonwealth; or (ii) the last known address of the owner as shown by the records of the holder is within a jurisdiction, the laws of which do not provide for the escheat or custodial taking of such property, and the domicile of the holder is within the Commonwealth; or (iii) no address of the owner appears on the records of the holder and the domicile of the holder is within the Commonwealth. Where the records of the holder do not show a last known address of the owner of a travelers check or money order, it shall be presumed that the state in which the travelers check or money order was issued is the state of the last known address of the owner; or (iv) no address of the owner appears on the records of the holder and the domicile of the holder is not within the Commonwealth, but it is proved that the last known address of the owner is in the Commonwealth.

(b) Property is payable or distributable for the purpose of this article notwithstanding the owner's failure to make demand or to present any instrument or document otherwise required to receive payment.

(c) Any property presumed to be abandoned and unclaimed under this article that is held by a rural electric cooperative organized or qualified to do business in this Commonwealth under 15 Pa.C.S. Ch. 73 (relating to electric cooperative corporations) may, at the discretion of the rural electric cooperative, be retained and used by the rural electric cooperative if the property is used within the rural electric cooperative's service territory for energy assistance, educational or civic purposes under a program adopted by the board of directors of the rural electric cooperative. The rural electric cooperative shall comply with the reporting requirements of this act with respect to such property and shall include with its report a certificate of compliance with the provisions of this subsection that is signed by the chief executive officer of the rural electric cooperative. ((c) added Nov. 29, 2006, P.L.1626, No.187)

(1301.2 amended May 16, 1986, P.L.197, No.60)

Section 1301.3. Property Held by Financial Institutions.--The following property held or owing by a financial institution is presumed abandoned and unclaimed:

1. Any demand, saving or matured time deposit in a financial institution, or any funds paid toward the purchase of shares or other interest in a savings association, savings and loan or building and loan association, excluding any charges that may lawfully be withheld, unless within the preceding three (3) years the owner has:

(i) Increased the amount of the deposit, shares or claim, otherwise than by the crediting of accrued interest, or decreased it, or presented to the holder evidence of the deposit, shares or claim; or

(ii) Corresponded in writing with the holder concerning the deposit, shares or claim; or

(ii.1) Affirmatively, in written or electronic communication, changed or assented to a change in the terms and conditions under which the deposit, shares or claim is held; or

(iii) Otherwise indicated an interest in the deposit, shares or claim as evidenced by a writing on file with the holder; or

(iv) Received tax reports or regular statements of the deposits, shares or claim by certified mail or other method of communication that will provide the financial institution with a record that such report or statement was transmitted and received; or

(v) Owned other property held by the financial institution to which subclause (i), (ii), (iii) or (iv) applies.

2. A deposit under clause 1 shall include any interest or dividend which the financial institution would pay to the owner upon claim therefor. The charges which may be excluded hereunder shall not include any charge due to inactivity imposed, directly or indirectly, after December 31, 1981 unless there is a valid and enforceable written contract between the financial institution and the owner of the deposit pursuant to which the financial institution may impose said charge.

3. Any sum payable on checks or on written instruments including, but not limited to, drafts, money orders and travelers checks, on which a financial institution is directly liable, and (i) which have been outstanding for more than three (3) years, or in the case of travelers checks, fifteen (15) years, or in the case of money orders, six (6) years in calendar year 2003 and seven (7) years in calendar year 2004 and thereafter, from the date payable or from the date of issuance if payable on demand; and (ii) the owner of which has not written to the financial institution concerning it, nor otherwise indicated an interest. An indication of interest in a check or instrument on which a financial institution is directly liable shall be recognized if it is made with respect to the interests of the remitter, the payee or a person entitled to enforce the instrument.

4. Any funds or other personal property, tangible or intangible, removed from a safe deposit box or any other safekeeping repository in the Commonwealth on which the lease or rental period has expired due to nonpayment of rental charges or other reason, or any surplus amounts arising from the sale thereof pursuant to law, if the same has not been claimed by the owner for more than three (3) years from the date on which the rental period expired.

5. The following deposits described in clause 1 shall be excluded from the presumption of being abandoned and unclaimed only while the conditions described below are in effect:

(i) Deposits during any period when withdrawals may be made only upon an order of a court of competent jurisdiction.

(ii) Deposits established under 20 Pa.C.S. Ch. 53 (relating to Pennsylvania Uniform Transfers to Minors Act) or similar law concerning transfers to minors while the custodianship has not been terminated.

(iii) Burial reserve accounts and similar deposits established under written agreements to provide for the funeral and/or burial expenses of a person while the person is still alive.

(1301.3 amended July 10, 2014, P.L.1053, No.126)

Section 1301.4. Property Held by Insurers.--(a) In the case of life insurance, the following property held or owing by an insurer is presumed abandoned and unclaimed:

1. Any moneys held or owing by an insurer as established by its records under any contract of annuity or policy of life insurance including premiums returnable or dividends payable, unclaimed and unpaid for more than three (3) years after the moneys have or shall become due and payable under the provisions of such contract of annuity or policy of insurance. A life insurance policy not matured by actual proof of the death of the insured is deemed to be matured and the proceeds thereof are deemed to be due and payable if such policy was in force when the insured attained the limiting age under the mortality table on which the reserve is based, unless the person appearing entitled thereto has within the preceding three (3) years, (i) assigned, readjusted or paid premiums on the policy, or subjected the policy to loan, or (ii) corresponded in writing with the insurer concerning the policy.

2. If a person other than the insured or annuitant is entitled to the funds and no address of such person is known to the insurer or if it is not definite and certain from the records of the insurer what person is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured or annuitant according to the records of the insurer.

3. Moneys otherwise payable according to the records of the insurer are deemed due and payable although the policy or contract has not been surrendered as required.

4. Property distributable in the course of a demutualization or related reorganization of an insurance company is deemed abandoned two (2) years after the date of the demutualization or reorganization if instruments or statements reflecting the distribution are either mailed to the owner and returned by the post office as undeliverable or not mailed to the owner because of a known bad address on the books and records of the holder.

(b) In the case of insurance other than life insurance, the following property held or owing by an insurer is presumed abandoned and unclaimed:

1. Any moneys held or owing by an insurer as established by its records under any contract of insurance other than annuity or life insurance, including premiums or deposits returnable or dividends payable to policy or contract holders or other persons entitled thereto, unclaimed and unpaid for more than three (3) years after the moneys have or shall become due and payable under the provisions of such contracts of insurance.

2. If a person other than the insured, the principal or the claimant is entitled to the funds and no address of such person is known to the insurer or if it is not definite and certain from the records of the insurer what person is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured, the principal or the claimant according to the records of the insurer.

(1301.4 amended July 10, 2014, P.L.1053, No.126)

Compiler's Note: Section 6 of Act 45 of 2003, which amended section 1301.4, provided that property subject to subsection (a)(4) shall be reported and delivered as provided in section 1301.13; however, the initial report under subsection (a)(4) consisting of all property deemed abandoned as of December 31, 2002, shall be reported and delivered to the State Treasurer 45 days after the effective date of section 6.

Section 1301.5. Property Held by Utilities.--The following funds held or owing by any utility are presumed abandoned and unclaimed:

1. Any customer advance, toll, deposit or collateral security or any other property held by any utility if under the terms of an agreement the advance, toll, deposit, collateral security or other property is due to or demandable by the owner and has remained unclaimed for three (3) years or more from the date when it first became due to or demandable by the owner under the agreement.

2. Any sum which a utility has been ordered to refund, less any lawful deductions, and which has remained unclaimed by the person appearing on the records of the utility entitled thereto for two (2) years or more after the date it became payable in accordance with the final order providing for the refund.

(1301.5 amended July 10, 2014, P.L.1053, No.126)

Section 1301.6. Property Held by Business Associations.--The following property held or owing by a business association is presumed abandoned and unclaimed:

1. The consideration paid for a gift certificate or gift card which has remained unredeemed for two (2) years or more after its redemption period has expired or after the minimum period specified in section 915(c) of the Consumer Credit Protection Act (Public Law 90-321, 15 U.S.C. § 1693l-1(c)), whichever occurs later, or for three (3) years or more from the date of issuance if no redemption period is specified. The provisions of this clause shall not apply to a qualified gift certificate.

2. Any certificate of stock or participating right in a business association, for which a certificate has been issued or is issuable but has not been delivered three (3) years after the holder has lost contact with the owner, unless the owner has within that three (3) year period:

(i) increased or decreased the principal;
(ii) accepted payment of principal or income; or
(iii) otherwise indicated an interest in the property or in other property of the owner in the possession, custody or control of the holder.

3. Any sum due as a dividend, profit, distribution, payment or distributive share of principal held or owing by a business association three (3) years after the holder has lost contact with the owner, unless the owner has within that three (3) year period:

(i) increased or decreased the principal;

(ii) accepted payment of principal or income; or
(iii) otherwise indicated an interest in the property or in other property of the owner in the possession, custody or control of the holder.

4. Any sum due as principal or interest on the business association's bonds or debentures, or coupons attached thereto, whenever the owner has not claimed or indicated an interest in such sum within three (3) years after the date prescribed for payment.

5. Any sum or certificate or participating right due by a cooperative to a participating patron, whenever the owner has not claimed or indicated an interest in such property within three (3) years after the date prescribed for payment or delivery.

6. The following apply:

(i) For the purpose of clauses 2 and 3, the date on which the holder has lost contact with the owner is:

(A) the date a second consecutive communication sent by the holder by first class United States mail to the owner is returned to the holder undelivered by the United States Postal Service; or

(B) if the second communication is made later than thirty (30) days after the first communication is returned, the date the first communication is returned undelivered to the holder by the United States Postal Service.

(ii) If the owner does not receive communications from the holder by United States mail, the holder shall attempt to confirm the owner's interest in the property by sending the owner an electronic mail communication not later than two (2) years after the owner's last indication of interest in the property. If the holder receives notification that the electronic mail communication was not received or if the owner does not respond to the electronic mail communication within thirty (30) days after the communication was sent, the holder shall promptly attempt to contact the owner by first class United States mail. If the mail is returned to the holder undelivered by the United States Postal Service, the holder shall be deemed to have lost contact with the owner on the date of the owner's last indication of interest in the property.

7. Notice to owners shall be provided in accordance with section 1301.10a.

(1301.6 amended June 22, 2018, P.L.281, No.42)

Compiler's Note: Section 6 of Act 138 of 2006, which amended clause 1, provided that Act 138 shall apply to gift cards and gift certificates reported to the Commonwealth for the year 2006 and each year thereafter.

Section 1301.7. Property Held in the Course of Dissolution of Business Associations, Financial Institutions, Insurers and Utilities.--The following property held in the course of dissolution of a business association, financial institution, insurer or utility is presumed abandoned and unclaimed:

Any property distributable in the course of dissolution of a business association, financial institution, insurer or utility organized under the laws of or created in the Commonwealth, unclaimed by the owner within two (2) years after the date for final distribution.

(1301.7 added Dec. 9, 1982, P.L.1057, No.248)

Section 1301.8. Property Held by Agents-in-Fact and Fiduciaries.--(a) The following property held by agents-in-fact or fiduciaries is presumed abandoned and unclaimed:

1. All property held by an agent-in-fact or in a fiduciary capacity for the benefit of another person, three (3) years after the holder has lost contact with the owner, unless the owner has, within that three (3) year period:

- (i) increased or decreased the principal;
- (ii) accepted payment of principal or income; or
- (iii) otherwise indicated an interest in the property or in other property of the owner in the possession, custody or control of the holder.

2. An individual retirement account, a retirement plan for self-employed individuals or similar account or a retirement plan created pursuant to Federal law or the laws of this Commonwealth, three (3) years after the holder has lost contact with the owner, unless the owner has, within that three (3) year period:

- (i) commenced receiving distributions of principal or income;
- (ii) increased or decreased the principal;
- (iii) received payment of principal or income; or
- (iv) otherwise indicated an interest in the account or plan or in other property of the owner in possession, custody or control of the holder.

(b) Except as provided under subsection (c), the date on which the holder has lost contact with the owner is:

1. the date a second consecutive communication sent by the holder by first class United States mail to the owner is returned to the holder undelivered by the United States Postal Service; or

2. if the second communication is made later than thirty (30) days after the first communication is returned, the date the first communication is returned undelivered to the holder by the United States Postal Service.

(c) If the owner does not receive communications from the holder by United States mail, the holder shall attempt to confirm the owner's interest in the property by sending the owner an electronic mail communication not later than two (2) years after the owner's last indication of interest in the property. If the holder receives notification that the electronic mail communication was not received or if the owner does not respond to the electronic mail communication within thirty (30) days after the communication was sent, the holder shall promptly attempt to contact the owner by first class United States mail. If the mail is returned to the holder undelivered by the United States Postal Service, the holder shall be deemed to have lost contact with the owner on the date of the owner's last indication of interest in the property.

(1301.8 deleted by amendment and added July 13, 2016, P.L.664, No.85)

Section 1301.9. Property Held by Courts and Public Officers and Agencies.--The following property is presumed abandoned and unclaimed:

1. Except as provided in clauses 2 and 2.1 or clause 6, all property held for the owner by any court, public corporation, public authority or instrumentality of the United States, the Commonwealth, or any other state, or by a public officer or political subdivision thereof, unclaimed by the owner for more than three (3) years from the date it first became demandable or distributable.

2. Bicycles held for the owner by a municipality unclaimed by the owner for more than ninety (90) days from the date it first became demandable or distributable.

2.1. All tangible property, other than bicycles, held for the owner by a municipality unclaimed by the owner for more than three (3) years from the date it first became demandable or distributable.

3. The bicycles held pursuant to clause 2 and tangible property held pursuant to clause 2.1 and which the State Treasurer refuses in writing to accept may be disposed of by the municipality to the highest bidder after due notice by advertisement for bids or at public auction at such time and place as may be designated by the municipality or the governing body may, by resolution, donate the bicycles or such tangible property to a charitable organization. Any proceeds from the sale of the bicycles or such tangible property shall be retained by the municipality and used for municipal purposes.

4. Bicycles held by or acquired by the Commonwealth for ninety (90) days may be disposed of at public auction at such time and place as may be designated by the State Treasurer. Proceeds of such sale or sales shall be deposited in the General Fund.

5. All property held by or subject to the control of any court, public corporation, public authority or instrumentality of the Commonwealth or by a public officer or political subdivision thereof, which is without a rightful or lawful owner, to the extent not otherwise provided for by law, held for more than one year.

6. Restitution held for the owner by any court, public corporation, public authority or instrumentality of the Commonwealth, or by a public officer or political subdivision thereof, unclaimed by the owner for more than three (3) years from the date it first became demandable or distributable.

(1301.9 amended July 10, 2014, P.L.1053, No.126)

Section 1301.10. Miscellaneous Property Held for or Owing to Another.--The following property, held or owing to any owner, is presumed abandoned and unclaimed:

1. All property, not otherwise covered by this article, which is admitted in writing by the holder and adjudicated to be due, which is held or owing in the ordinary course of the holder's business, which has remained unclaimed by the owner for more than three (3) years after it became payable or distributable and in which the owner has not indicated an interest is presumed abandoned and unclaimed except for clause 2.

2. Wages or other compensation for personal services that have remained unclaimed by the owner for more than two (2) years after the wages or other compensation for personal services become payable or are distributed are presumed abandoned and unclaimed.

(1301.10 amended July 10, 2014, P.L.1053, No.126)

Section 1301.10a. Notice Given by Holder.--(a) The holder of property presumed abandoned shall send notice to the owner, not more than one hundred twenty (120) days nor less than sixty (60) days prior to the date in which the corresponding report is to be submitted to the State Treasurer, stating that the holder is in possession of property subject to this article, if:

1. the holder of property has in its records an address for the owner which the holder's records do not disclose to be inaccurate; and

2. the value of the property is fifty dollars (\$50) or more.

(b) Written notice shall be sent by first class mail, unless the owner has previously agreed to a method of electronic notice that remains valid to contact the owner, and include:

1. A description of the property.
2. A description of the property ownership.
3. The value of the property, if known.
4. Any information necessary to contact the holder to prevent the reporting of the property to the State Treasurer.

(c) In addition to the notice required under subsection (a), the holder of property may give additional notice at any time between the date of last activity by or communication with the owner of the property and the date the holder transfers the property to the custody and control of the State Treasurer.

(d) In addition to the verification required under section 1301.11, the holder of property shall include an affirmation of compliance with subsection (a).

(e) No cost or fee shall be imposed upon an owner associated with any notice under this section.

(1301.10a added July 13, 2016, P.L.664, No.85)

Section 1301.10b. United States Savings Bonds.--(a) It is the intent of the General Assembly to allow the State Treasurer to obtain possession of unredeemed and unclaimed United States savings bonds on behalf of residents of this Commonwealth but held by the Federal Government to permit and facilitate the right of Pennsylvania bond holders to be reunited with the bond holders' United States savings bonds proceeds.

(b) Any sum due as principal or interest on a United States savings bond or debenture, or coupons attached thereto, whenever the bond has remained unclaimed and unredeemed by the owner for more than three (3) years after its date of final maturity and in which the owner has not indicated an interest, shall be presumed abandoned and unclaimed.

(c) Notwithstanding any law to the contrary, United States savings bonds that are unclaimed property pursuant to section 1301.10(1) shall escheat to the Commonwealth three (3) years after becoming unclaimed property by virtue of the provisions of section 1301.2. All property rights and legal title to and ownership of United States savings bonds or proceeds from the bonds, including all rights, powers and privileges of survivorship of any owner, co-owner or beneficiary, shall vest solely in the Commonwealth according to procedures set forth in subsections (d), (e), (f), (g) and (h).

(d) Within one hundred eighty (180) days after becoming reportable as unclaimed property pursuant to section 1301.10(1), if no claim has been filed in accordance with the provisions of section 1301.19 for a United States savings bond, the State Treasurer may commence a civil action in Commonwealth Court for a determination that the United States savings bond shall escheat to the Commonwealth. The State Treasurer may postpone bringing the action until sufficient United States savings bonds have accumulated to justify, in the State Treasurer's opinion, the expense of the proceedings.

(e) The State Treasurer shall make service by publication of the proceeding in accordance with Pa.R.C.P. No. 430 (relating to Service Pursuant to Special Order of Court. Publication). In addition, the notice shall name any known owner, co-owner or beneficiary to be served and notify the person that:

1. the person has been sued in Commonwealth Court;
2. the person shall answer the petition or other pleading or otherwise defend, on or before a specified date, not less than forty-one (41) days after the date the notice is first published;
3. if the person does not answer or otherwise respond, the petition or other pleading shall be taken as true, and judgment,

the nature of which shall be stated, shall be rendered accordingly.

(f) The Commonwealth Court, if satisfied by evidence that the State Treasurer has substantially complied with the laws of this Commonwealth, shall enter a judgment that the United States savings bond has escheated to the Commonwealth if:

1. no person files a claim or appears at the hearing to substantiate a claim; or

2. the Commonwealth Court determines that a claimant is not entitled to the property claimed by the claimant.

(g) The State Treasurer shall redeem the United States savings bonds escheated to the Commonwealth. The proceeds, minus administrative expenses and expenses incurred by the Commonwealth in securing title to the bonds, from the redemption of United States savings bonds shall be deposited in the General Fund in accordance with the provisions of section 1301.18.

(h) Notwithstanding any law to the contrary, a person making a claim for United States savings bonds escheated to the Commonwealth under this section, or for the proceeds from the bonds, may file a claim with the State Treasurer. Upon providing sufficient proof of the validity of the person's claim, the State Treasurer shall pay the claim. If payment has been made to a claimant, no action shall be maintained by any other claimant against the Commonwealth or any officer of the Commonwealth, for or on account of the funds.

(1301.10b added July 13, 2016, P.L.664, No.85)

Section 1301.11. Report of Property Subject to Custody and Control of the Commonwealth under this Article.--(a) Every person holding property which became subject to custody and control of the Commonwealth under this article during the preceding year shall report to the State Treasurer as hereinafter provided.

(b) The report shall be verified and shall include:

1. Except with respect to travelers checks and money orders, the name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of any property of the value of fifty dollars (\$50) or more;

2. The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that items of value under fifty dollars (\$50) each may be reported in the aggregate;

3. The date when the property became payable, demandable, returnable or the date upon which the property was declared or found to be without a rightful or lawful owner, and the date of the last transaction with the owner with respect to the property; and

4. Other information consistent with law which the State Treasurer prescribes by regulations as necessary for administration of this article.

(c) If the person holding property subject to custody and control of the Commonwealth under this article is a successor to other persons who previously held the property for the owner, or if the holder has changed his name while holding the property, he shall file with his report all prior known names and addresses of each holder of the property.

(d) The report shall be filed on or before April 15 of the year following the year in which the property first became subject to custody and control of the Commonwealth under this article. The State Treasurer may postpone for a period not exceeding six (6) months the reporting date upon written request by any person required to file a report.

(e) Verification, if made by a partnership, shall be executed by a partner; if made by an unincorporated association or private corporation, by an officer; and if made by a public corporation, by its chief fiscal officer; if made by a court, by an officer of the court; and if made by a public officer of the United States, of the Commonwealth of Pennsylvania or any political subdivisions thereof or of any other state or political subdivision thereof, by that public officer.

(f) Subsequent to the filing of the reports required by this section, the State Treasurer shall compile a list of the abandoned and unclaimed property contained in the reports. The listing shall contain the names, items of property and last known addresses, if any, of the owners listed in the reports. The State Treasurer shall, after the notification period provided for in section 1301.12, make the listing available for examination, inspection or copying at fees to be determined by the State Treasurer.

(g) All agreements or powers of attorney to recover or collect abandoned and unclaimed property contained in the reports filed under this article shall be valid and enforceable only if the agreements:

1. are in writing and duly signed and acknowledged by the owner;
2. clearly state the fee or compensation to be paid, which shall not exceed fifteen per centum of the value of the abandoned and unclaimed property;
3. disclose the nature and value of the property;
4. disclose the name and address of the holder and, if known, whether the abandoned and unclaimed property has been paid or delivered to the State Treasurer;
5. identify the name, address and telephone number of the person assisting in the location, delivery or recovery of the abandoned and unclaimed property; and
6. identify the valid certificate of registration number assigned to the person assisting in the location, delivery or recovery of the abandoned and unclaimed property under section 1301.11a.

((g) amended July 10, 2014, P.L.1053, No.126)

(i) Subsection (g) shall not apply to any agreement or power of attorney entered into between the personal representative, guardian, trustee or other person in a representative capacity to the owner of the property in which such person has an interest for a fixed fee or hourly or daily rate not contingent upon the discovery of property or the value of property discovered: Provided, however, That any such agreement under this subsection for the purpose of evading the provisions of subsection (g) shall be void.

(j) Nothing in this section shall be construed to prevent an owner from asserting at any time that any agreement to locate or reveal abandoned and unclaimed property reported to the State Treasurer is based on an excessive or unjust consideration.

(k) To the maximum extent feasible, the State Treasurer shall be entitled to request and receive and shall utilize and be provided with such facilities, resources and data of any court, department, division, board, bureau, commission or agency of the Commonwealth or any political subdivision thereof as it may reasonably request to carry out properly its powers and duties hereunder.

(1301.11 amended June 29, 2002, P.L.614, No.91)

Section 1301.11a. Certificate of Finder Registration.--(a) Except for a person who is admitted to practice law before a

court of a Federal or State jurisdiction or subject to section 1301.11(i), a person may not on behalf of another:

1. engage in an activity for the purpose of locating, delivering, recovering or assisting in the recovery of abandoned or unclaimed property; and

2. receive a fee, compensation, commission or other remuneration for the activity under clause 1 without first obtaining a certificate of registration from the State Treasurer in accordance with this section.

(b) An application for a certificate of registration shall be in writing and on the form prescribed by the State Treasurer and accompanied by a recent full face color photograph of the applicant. In addition to information that may be requested by the State Treasurer, the application shall provide the following:

1. the applicant's full name, telephone number, e-mail address, home address and work address;

2. a statement that the applicant has not, during the ten-year (10) period immediately preceding the submission of the application, violated a provision of this article or been convicted of a felony or an offense of:

- (i) theft or other related offenses against property as enumerated under 18 Pa.C.S. Ch. 39 (relating to theft and related offenses) or its equivalent if committed in another jurisdiction;

- (ii) forgery or other fraudulent practices as enumerated in 18 Pa.C.S. Ch. 41 (relating to forgery and fraudulent practices) or its equivalent if committed in another jurisdiction; or

- (iii) perjury, false swearing, fraud or other offense as enumerated in 18 Pa.C.S. Ch. 49 Subch. A (relating to perjury and falsification in official matters) or its equivalent if committed in another jurisdiction;

3. A statement that, to the applicant's knowledge, the applicant is not the subject of an ongoing investigation or prosecution involving an alleged violation of a provision of this article or an offense of:

- (i) theft or other related offenses against property as enumerated under 18 Pa.C.S. Ch. 39 or its equivalent if committed in another jurisdiction;

- (ii) forgery or other fraudulent practices as enumerated in 18 Pa.C.S. Ch. 41 or its equivalent if committed in another jurisdiction; or

- (iii) perjury, false swearing, fraud or other offense as enumerated in 18 Pa.C.S. Ch. 49 Subch. A or its equivalent if committed in another jurisdiction; and

4. The notarized signature of the applicant immediately following an acknowledgment that a false or perjured statement subjects the applicant to criminal liability.

((b) amended July 13, 2016, P.L.664, No.85)

(c) Upon the filing of the application, the State Treasurer may investigate the applicant to verify the information provided in the application and to determine the applicant's eligibility for a certificate of registration under this section. False information on an application is grounds for a denial, nonrenewal, suspension or revocation of the applicant's certificate of registration.

(d) A certificate of registration with a unique registration number may be issued to an applicant if the following conditions are met:

1. During the ten-year (10) period immediately preceding the submission of the application, the applicant has not

violated a provision of this article or been convicted of a felony or an offense of:

(i) theft or other related offenses against property as enumerated under 18 Pa.C.S. Ch. 39 or its equivalent if committed in another jurisdiction;

(ii) forgery or other fraudulent practices as enumerated in 18 Pa.C.S. Ch. 41 or its equivalent if committed in another jurisdiction; or

(iii) perjury, false swearing, fraud or other offense as enumerated in 18 Pa.C.S. Ch. 49 Subch. A or its equivalent if committed in another jurisdiction; and

2. The applicant has executed a sworn statement that is a commitment to conduct his actions as a finder of abandoned and unclaimed property in compliance with this article and the regulations promulgated under this article.

((d) amended July 13, 2016, P.L.664, No.85)

(e) The certificate of registration issued under this section is for a period of two (2) years and may be renewed every two (2) years if the following conditions are met:

1. The applicant submits a renewal application form prescribed by the State Treasurer.

2. The applicant meets the conditions set forth under subsection (d).

3. The applicant is not the subject of an ongoing investigation or order of revocation by the State Treasurer or the equivalent in another jurisdiction or an ongoing investigation or prosecution by a law enforcement agency involving an offense enumerated under subsection (d)1.

(1301.11a added July 10, 2014, P.L.1053, No.126)

Section 1301.11b. Revocation of Finder Registration.--(a) After notice and an opportunity for a hearing, the State Treasurer may revoke, suspend or refuse to issue or renew a certificate of registration if the following are found:

1. The person violated a provision of this article or the regulations promulgated under this article or has been convicted of a felony or an offense of:

(i) theft or other related offenses against property as enumerated under 18 Pa.C.S. Ch. 39 (relating to theft and related offenses) or its equivalent if committed in another jurisdiction;

(ii) forgery or other fraudulent practices as enumerated in 18 Pa.C.S. Ch. 41 (relating to forgery and fraudulent practices) or its equivalent if committed in another jurisdiction; or

(iii) perjury, false swearing, fraud or other offense as enumerated in 18 Pa.C.S. Ch. 49 Subch. A (relating to perjury and falsification in official matters) or its equivalent if committed in another jurisdiction.

2. In the opinion of the State Treasurer, the person's conduct as a finder of abandoned or unclaimed property undermines the confidence of the public or warrants the belief that the person's business will not be conducted honestly and fairly.

(b) The State Treasurer may investigate an allegation or complaint of misconduct involving an applicant for or a person holding a certification of registration.

(c) In conducting an investigation under this section, the State Treasurer may compel, by subpoena, witnesses to testify in relation to any alleged misconduct or complaint and may require the production of a book, record or other document pertaining to that matter. If a person fails to file a statement or report, obey a subpoena, give testimony, produce a book,

record or other document as required by a subpoena, or permit photocopying of a book, record or other document subpoenaed, the Commonwealth Court, upon application made to it by the State Treasurer, may compel obedience by an attachment proceeding for contempt, as in the case of disobedience of the requirements of a subpoena issued by the court or a refusal to testify in the court.

(d) If a person is engaged in an activity that constitutes a violation of this article or has attempted or committed an offense identified under subsection (a)1, the State Treasurer shall immediately revoke the certificate of registration of the person.

(1301.11b added July 10, 2014, P.L.1053, No.126)

Section 1301.11c. Appeals.--(a) The Commonwealth Court shall be vested with exclusive appellate jurisdiction to consider appeals of a final order, determination or decision of the State Treasurer involving the issuance, nonissuance, renewal, nonrenewal, revocation or suspension of a certification of registration under this article.

(b) Notwithstanding law to the contrary, orders, determinations or decisions of the State Treasurer involving the issuance, nonissuance, renewal, nonrenewal, revocation or suspension of a certification of registration under this article shall be affirmed unless it is found that the State Treasurer committed an error of law or that the order, determination or decision was arbitrary and there was a capricious disregard of the evidence.

(1301.11c added July 10, 2014, P.L.1053, No.126)

Section 1301.12. Notice and Publication of Lists of Property Subject to Custody and Control of the Commonwealth under this Article.--(a) Within twelve (12) months from the filing of the report required by section 1301.11, the State Treasurer shall cause notice to be published at least once in a legal newspaper as well as an English language newspaper of general circulation in the county in which the owner of the property had a last known address appearing from the verified report filed by the holder or, if there is no name or address or the owner is not a Pennsylvania resident, then at least one time in the Pennsylvania Bulletin. Notice shall also be posted on the Internet website of the Treasury Department.

(b) The published notice shall be entitled "Notice of Names of Persons Appearing to be Owners of Abandoned and Unclaimed Property," and shall contain:

1. The names of persons listed in the report and entitled to notice within the county as hereinbefore specified and the name and address of the holder;

2. A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any persons possessing an interest in the property by addressing an inquiry to the holder;

3. A statement that a proof of claim should be presented by the owner to the holder within three (3) months from the date of the published notice, and that thereafter claims should be filed with the State Treasurer.

(c) The State Treasurer is not required to include in such notice published in an English language newspaper of general circulation any item of less than two hundred fifty dollars (\$250) or to include in such notice published in a legal newspaper any item of less than two hundred fifty dollars (\$250), unless the State Treasurer, in either instance, deems such publication to be in the public interest.

(d) Within nine (9) months from the receipt of the report required by section 1301.11, the State Treasurer shall mail a notice to each person having an address listed who appears to be entitled to property of the value of two hundred fifty dollars (\$250) or more subject to custody and control of the Commonwealth under this article. The mailed notice shall contain:

1. A statement that, according to a report filed with the State Treasurer, property is being held to which the addressee appears entitled;

2. The name and address of the holder of the property and any necessary information regarding changes of name and address of the holder;

3. A statement that, if satisfactory proof of claim is not presented by the owner to the holder by the date specified in the published notice, claims should thereafter be filed with the State Treasurer.

(e) This section is not applicable to sums payable on travelers checks and money orders or to property reported to be without a rightful or lawful owner.

(f) Compliance with the publication requirements of this section shall be based on the best available commercial rates and subject to available appropriations.

(1301.12 amended July 13, 2016, P.L.664, No.85)

Section 1301.13. Payment or Delivery.--(a) Every person who holds property subject to the custody and control of the Commonwealth shall, after compliance with section 1301.11, where required, and on or before April 15 of the year following the year in which the property first became subject to custody and control of the Commonwealth under this article, pay or deliver to the State Treasurer all property subject to custody and control of the Commonwealth under this article, except that, if the owner establishes his right to receive the property to the satisfaction of the holder, or if it appears that for some other reason the property is not then subject to custody and control of the Commonwealth under this article, the holder need not pay or deliver the property to the State Treasurer, but in lieu thereof shall file a verified written explanation of the proof of claim or as to the reason the property is not subject to custody and control of the Commonwealth.

(b) A receipt shall be issued, on behalf of the Commonwealth, for all property received under this article.

(c) Notwithstanding subsection (a) of this section, in the case of the deposits and the sums payable under clauses 1 and 3 of section 1301.3 the amount of such deposits and such sums shall be paid to the State Treasurer on or before the final date for filing the report required by section 1301.11.

(d) Any person who holds property which may become subject to the custody and control of the Commonwealth pursuant to this act may, with the consent of the State Treasurer, report and deliver such property prior to the expiration of any holding period specified for such reporting. Any person who pays or delivers property prior to the expiration of such holding period shall be relieved of further liability pursuant to section 1301.14. Property thus reported may be disposed of pursuant to section 1301.17, but in no event shall the period for filing of claims be diminished by such early delivery or disposition.

(1301.13 amended June 29, 2002, P.L.614, No.91)

Section 1301.14. Relief from Liability by Payment or Delivery.--Upon the payment or delivery of the property to the State Treasurer, the Commonwealth shall assume custody and shall be responsible for the safekeeping thereof. Any person who pays

or delivers property to the State Treasurer under this article is relieved of all liability with respect to the safekeeping of such property so paid or delivered for any claim which then exists or which thereafter may arise or be made in respect to such property. Any holder who has paid moneys to the State Treasurer pursuant to this article may make payment to any person appearing to such holder to be entitled thereto. In the case of deposits and sums paid to the State Treasurer under subsection (c) of section 1301.13, financial institutions shall make payment to any person appearing to such financial institution to be entitled thereto. Upon proof of such payment by a holder and proof that the payee was entitled thereto, the State Treasurer shall forthwith reimburse the holder for such payment together with interest from the date of receipt of such proofs by the State Treasurer to a date within thirty (30) days of the date of mailing of the reimbursement. Interest under this section shall be at the rate prevailing for tax over payments on the date of receipt of the proofs by the State Treasurer as provided for in section 806 of this act.

(1301.14 amended June 29, 2002, P.L.614, No.91)

Section 1301.15. Income Accruing After Payment or Delivery.--When property is paid or delivered to the State Treasurer under this article, the owner is entitled to receive income or other increments actually received by the State Treasurer.

(1301.15 amended June 29, 2002, P.L.614, No.91)

Section 1301.16. Periods of Limitation.--Except as hereinbelow set forth, the expiration of any period of time specified by statute or court order, during which an action may be commenced or maintained, or could have been commenced or maintained, by the owner against the holder of the property, shall not prevent such property from being subject to the custody and control of the Commonwealth under this article, nor affect the duty to file a report or to pay or deliver the property to the State Treasurer, as required by this article, nor bar any action by the State Treasurer under this article, provided that:

1. If any holder required to file a report under any act in effect prior to the effective date of this article, or under this article, has filed or files a report, no action shall be commenced or maintained against such holder unless it has been or is commenced within fifteen (15) years after such report has been or is filed.

2. If any holder was not required to file a report under any act in effect prior to the effective date hereof, no action shall be commenced or maintained unless it has been or is commenced within fifteen (15) years after the property first became escheatable or payable into the State Treasury without escheat.

(1301.16 amended June 29, 2002, P.L.614, No.91)

Section 1301.17. Disposition of Property.--(a) Within a reasonable time after delivery to the State Treasurer of any property under this article, the State Treasurer may sell it to the highest bidder at public sale in whatever city in the Commonwealth affords, in the State Treasurer's judgment, the most favorable market for the property involved. The State Treasurer may decline the highest bid or reoffer the property for sale if the State Treasurer considers the price bid insufficient. The State Treasurer need not offer any property for sale, if, in the State Treasurer's opinion, the probable cost of sale exceeds the value of the property.

(b) If the property is of a type customarily sold on a recognized market or of a type which is subjected to widely distributed standard price quotations, the State Treasurer may sell the property without notice by publication or otherwise. The language provided in this section grants to the State Treasurer express authority to sell any property, including, but not limited to, stocks, bonds, notes, bills and all other public or private securities.

(c) Property reported or delivered to the custody or control of the State Treasurer pursuant to this act may be donated to the use of the Commonwealth or any of its political subdivisions or otherwise consumed or discarded, at the discretion of the State Treasurer where, in the opinion of the State Treasurer, the costs associated with delivery, notice or sale exceed the value of the property. Property which is refused or is to be donated to the use of a political subdivision shall first be offered to the political subdivision which holds the property. A donee or purchaser at any sale conducted by the State Treasurer pursuant to this article shall receive title to the property purchased, free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The State Treasurer shall execute all documents necessary to complete the transfer of title.

(d) The State Treasurer shall be responsible to an owner only for the amount actually received by the State Treasurer upon the sale of any property pursuant to subsections (a), (b) and (c).

(e) The State Treasurer shall be required to sell all stocks, bonds and other negotiable financial instruments upon receipt of such items. The State Treasurer shall not be held liable for any loss or gain in the value that the financial instrument would have obtained had the financial instrument been held instead of being sold.

(1301.17 amended June 29, 2002, P.L.614, No.91)

Section 1301.18. Deposit of Funds.--(a) Except as provided in subsection (a.1), all funds received under this article, including the proceeds from the sale of property under section 1301.17, shall forthwith be deposited by the State Treasurer in the General Fund of the Commonwealth except that the State Treasurer shall retain in a separate trust fund an amount not exceeding twenty-five thousand dollars (\$25,000) plus twenty per centum of deposits and sums paid to the State Treasurer under subsection (c) of section 1301.13 during the preceding twelve (12) months from which the State Treasurer shall make reimbursements under section 1301.14 and prompt payment of claims duly allowed under section 1301.19. Before making the deposit, the State Treasurer shall record the name and last known address of each person appearing from the holders' reports to be entitled to the property and of the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of an insurer, its number, the name of the insurer and the amount due. The record with respect to any specific claim shall be available to the claimant at all regular business hours.

(a.1) (1) On or before the thirtieth day of June, all of the funds received under clause 6 of section 1301.9 shall forthwith be deposited annually by the State Treasurer in the Crime Victim's Compensation Fund.

(2) Of these funds, the State Treasurer shall transfer five per centum in a special fund hereby established in the State Treasury to be designated the Rightful Owners' Claims Payment Fund from which the State Treasurer shall make reimbursements

and prompt payments of claims for funds received under clause 6 of section 1301.9 duly allowed as provided by this act.

(3) If at any time the State Treasurer determines that there are insufficient funds in the Rightful Owners' Claims Payment Fund to pay all claims duly allowed by the State Treasurer or by order of a court of law to be paid, the State Treasurer shall withdraw from the Crime Victim's Compensation Fund an amount sufficient to pay such claims and need only notify the administrators of the Crime Victim's Compensation Fund as to when and what amount shall be withdrawn.

(4) If, however, the Rightful Owners' Claims Payment Fund has sufficient funds to satisfy all claims duly allowed by the State Treasurer or by order of a court of law to be paid throughout the twelve (12) month period immediately following the annual deposit by the State Treasurer in the Crime Victim's Compensation Fund, the remaining balance, if any, of the five per centum transferred by the State Treasurer during the preceding year shall be transferred to the Crime Victim's Compensation Fund.

(5) Before making the deposit in the Crime Victim's Compensation Fund and the Rightful Owners' Claims Payment Fund, the State Treasurer shall record the name and last known address of each person appearing from the holders' reports to be entitled to the property. The record with respect to any specific claim shall be available to the claimant at all regular business hours.

(6) Notwithstanding any other provision of this subsection, the State Treasurer shall make reimbursements and prompt payment of claims for funds received under clause 6 of section 1301.9 first under clause (2) of this subsection and then from other available sources as provided by this act.

(b) The General Assembly shall annually appropriate to the State Treasurer such funds as it deems necessary and appropriate to administer this article.

(1301.18 amended Dec. 23, 2003, P.L.243, No.45)

Section 1301.19. Claim for Property Paid or Delivered.--Any person claiming an interest in any property paid or delivered to the Commonwealth under this article may file a claim thereto or to the proceeds from the sale thereof on the form prescribed by the State Treasurer.

(1301.19 amended June 29, 2002, P.L.614, No.91)

Section 1301.20. Determination of Claims.--(a) The State Treasurer shall consider any claim filed under this article and may hold a hearing and receive evidence concerning it. If a hearing is held, the State Treasurer shall prepare a finding and a decision in writing on each claim filed, stating the substance of any evidence heard by the State Treasurer and the reasons for the State Treasurer's decision. The decision shall be a public record.

(b) If the claim is allowed, the State Treasurer shall make payment forthwith.

(1301.20 amended June 29, 2002, P.L.614, No.91)

Section 1301.21. Judicial Action upon Determinations.--(a) Any person aggrieved by a decision of the State Treasurer may appeal to the Commonwealth Court. The appeal shall be filed within thirty (30) days after the decision of the State Treasurer. The case shall be heard in Commonwealth Court's appellate jurisdiction.

(b) Any person as to whose claim the State Treasurer has failed to take action within ninety (90) days after the filing of the claim may commence an action in the Commonwealth Court to establish his claim within one hundred twenty (120) days

from the filing of the claim. The action shall be tried de novo without a jury.

(1301.21 amended July 4, 2008, P.L.629, No.53)

Section 1301.22. Election to Take Payment or Delivery.--The State Treasurer may decline to receive any item of property reported, in which event the holder thereof shall be discharged of any liability to the Commonwealth with respect thereto. Unless the holder of the property is notified to the contrary within ninety (90) days after filing the report required under section 1301.11, the State Treasurer shall be deemed to have elected to receive the custody of the property.

(1301.22 amended June 29, 2002, P.L.614, No.91)

Section 1301.23. Examination of Records.--(a) The State Treasurer may require a person who has not filed a report, or a person who the State Treasurer believes has filed an inaccurate, incomplete or false report, to file a verified report in a form specified by the State Treasurer. The report must state whether the holder or agent thereof is holding property reportable under this article, describe property not previously reported or as to which the State Treasurer has made inquiry and specifically identify and state the amounts of property that may be in issue.

(b) The State Treasurer, at reasonable times and upon reasonable notice, may examine the records of any person or agent thereof to determine whether the person has complied with this article. The administrator may conduct the examination even if the person believes it is not in possession of any property that must be reported, paid or delivered under this article. The State Treasurer may contract with any other person to conduct the examination on behalf of the State Treasurer, the selection of whom shall not be questioned.

(c) The State Treasurer at reasonable times may examine the records of an agent, including a dividend disbursing agent or transfer agent, of a business association or financial association that is the holder of property presumed abandoned if the administrator has given the notice required by subsection (b) to both the association or organization and the agent at least 90 days before the examination.

(d) Documents and working papers obtained or compiled by the State Treasurer, or the State Treasurer's agents, employees or designated representatives, in the course of conducting an examination are confidential and are not public records, but the documents and papers may be:

1. used by the State Treasurer in the course of an action to collect unclaimed property or otherwise enforce this article;
2. used in joint examinations conducted with or pursuant to an agreement with another state, the Federal Government or any other governmental subdivision, agency or instrumentality;
3. produced pursuant to subpoena or court order; or
4. disclosed to the abandoned property office of another state for that state's use in circumstances equivalent to those described in this subdivision if the other state is bound to keep the documents and papers confidential.

(e) If an examination of the records of a holder results in the disclosure of property reportable under this article, the State Treasurer may assess the cost of the examination against the holder at the rate of two hundred dollars (\$200) a day for each examiner, or a greater amount that is reasonable and was incurred, but the assessment may not exceed the value of the property found to be reportable. The cost of an examination made pursuant to subsection (c) may be assessed only against the business association or financial institution.

(f) If, after the effective date of this section, a holder does not maintain the adequate records and the records of the holder that are available are insufficient to permit the preparation of a report, the State Treasurer may require the holder to report and pay to the State Treasurer the amount the State Treasurer reasonably estimates, on the basis of any available records of the holder or by any other reasonable method of estimation that the State Treasurer may select.

(1301.23 amended July 10, 2014, P.L.1053, No.126)

Section 1301.24. Proceeding to Compel Reporting or Delivery.--(a) If any person refuses to report or to pay or deliver property to the State Treasurer as required under this article, including property subject to written demands pursuant to section 1301.3 and the amount required to be paid pursuant to section 1301.23(b), the Commonwealth shall bring an action in a court of appropriate jurisdiction to enforce reporting or delivery. In any such action the Pennsylvania Rules of Civil Procedure shall apply, including without limitation those pertaining to discovery. The State Treasurer bears the burden of proof regarding the estimation of the value of property pursuant to this article.

(b) If any holder fails, without proper cause, (i) to report or (ii) to pay and deliver to the State Treasurer property subject to custody and control of the Commonwealth under this article, such holder shall be liable to pay to the State Treasurer interest at the rate of twelve per centum per annum from the time such report should have been filed, to be computed on the value of such property as established in an action by the State Treasurer under subsection (a), and such interest shall be recoverable in the same action.

(c) If a holder fails, without proper cause, to report or to pay and deliver to the State Treasurer property subject to custody and control of the Commonwealth under this article, the holder shall pay a penalty not to exceed one thousand dollars (\$1,000) per day to the State Treasurer beginning with the day after the report should have been filed and continuing each day thereafter until a proper report is filed with the State Treasurer. The State Treasurer may waive all or a portion of the penalty for good cause. ((c) added July 10, 2014, P.L.1053, No.126)

(1301.24 amended June 29, 2002, P.L.614, No.91)

Section 1301.25. Penalties.--(a) Any person who, without proper cause, fails to render any report or perform other duties required under this article, shall, upon conviction in a summary proceeding be sentenced to pay a fine of one hundred dollars (\$100) for each day such report is withheld, but not more than ten thousand dollars (\$10,000).

(b) Any person who, without proper cause, refuses to pay or deliver property to the State Treasurer as required under this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000), or imprisonment for not more than twenty-four (24) months, or both.

(c) Upon good cause shown, the State Treasurer may waive, in whole or in part, interest and penalties under subsections (a) and (b) and shall waive penalties if the holder acted in good faith and without negligence.

(d) A person who is found to have violated section 1301.11 or 1301.11a, in addition to other sanctions under this article, shall be guilty of a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine not to exceed one

thousand dollars (\$1,000) for the first offense. A person who is found guilty of a subsequent offense shall be subject to a fine not to exceed five thousand dollars (\$5,000). ((d) added July 10, 2014, P.L.1053, No.126)

(1301.25 amended June 29, 2002, P.L.614, No.91)

Compiler's Note: Section 19 of Act 91 of 2002, which amended section 1301.25, provided that the amendment of subsections (a) and (b) shall not apply to any holder of abandoned or unclaimed property or to any abandoned or unclaimed property reportable and payable to the State Treasurer prior to December 31, 2003, that has a dormancy period of five years. Section 19 expired December 31, 2003.

Section 1301.26. Regulations.--(a) The State Treasurer is hereby authorized to make necessary regulations to carry out the provisions of this article.

(b) Within twelve (12) months of the effective date of this subsection, the State Treasurer shall promulgate regulations regarding estimation calculations. Pending the promulgation of the regulations and prior to issuing any demand pursuant to section 1301.24 that incorporates any estimate of amounts due following the State Treasurer's examination of a holder's records, the State Treasurer shall promulgate a statement of policy regarding estimation calculations. Estimation procedures set forth by the statement of policy shall conform to generally accepted auditing standards. The statement of policy shall expire upon promulgation of final regulations or one (1) year from the effective date of this subsection, whichever occurs first.

(1301.26 amended June 29, 2002, P.L.614, No.91)

Section 1301.27. Effect of Laws of Other States.--This article shall not apply to any property that has been presumed abandoned, escheated, or subject to custody and control of another jurisdiction under the laws of such other jurisdiction prior to the effective date of this article.

(1301.27 added Dec. 9, 1982, P.L.1057, No.248)

Section 1301.28. Exclusions.--(1301.28 deleted by amendment June 29, 2002, P.L.614. No.91)

Section 1301.28a. Interdepartmental Cooperation.--(a) The head of any department, board, commission, agency or instrumentality of the Commonwealth shall, unless otherwise prohibited by law, disclose to the State Treasurer the last known address of individuals listed in the Treasury Department's records as owners of unclaimed property.

(b) Notwithstanding subsection (a), section 731 of this act and sections 274, 353(f) and 408(b) of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," the Department of Revenue shall disclose to the State Treasurer the last known address of individuals listed in the Treasury Department's records as owners of unclaimed property.

(c) Upon receipt of the information referred to in subsections (a) and (b), the Treasury Department shall keep the information confidential and shall use it solely to assist in the process of returning unclaimed property to its rightful owner.

(1301.28a added June 29, 2002, P.L.614, No.91)

Section 1301.28b. Relation to Electronic Signatures in Global and National Commerce Act.--(a) Except as set forth in subsection (b), this article modifies, limits and supersedes the Electronic Signatures in Global and National Commerce Act (Public Law 106-229, 15 U.S.C. § 7001 et seq.).

(b) This article does not:

1. modify, limit or supersede section 101(c) of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. § 7001(c)); or

2. authorize electronic delivery of the notice described in section 103(b) of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. § 7003(b)).

(1301.28b added July 10, 2014, P.L.1053, No.126)

Section 1301.29. Repeal.--The act of August 9, 1971 (P.L.286, No.74), known as the "Disposition of Abandoned and Unclaimed Property Act," is repealed.

(1301.29 added Dec. 9, 1982, P.L.1057, No.248)

ARTICLE XIV

LIEN OF ACCOUNTS DUE THE COMMONWEALTH AND PROCEDURE IN CASE OF NONPAYMENT

Section 1401. Liens of Taxes, Interest, Penalties, and Other Accounts Due to the Commonwealth.--All State taxes imposed under the authority of any law of this Commonwealth, now existing or that may hereafter be enacted, and unpaid bonus, penalties, and all public accounts settled, assessed or determined against any corporation, association, or person, including interest thereupon, shall be a first lien upon the franchises and property, both real and personal, of such corporation, association, or person, from the date of settlement, assessment or determination, except as otherwise expressly provided by law under which the claim of the Commonwealth arises, and whenever the franchise or property of a corporation, association or person shall be sold at a judicial sale, all taxes, interest, bonus, penalties, and public accounts due the Commonwealth shall first be allowed and paid out of the proceeds of such sale before any judgment, mortgage, or any other claim or lien against such corporation, association, or person except as otherwise expressly provided by law under which the claim of the Commonwealth arises: Provided, however, Where the lien of a ground rent, mortgage, or other lien created by or entered against a predecessor in title to such corporation, association, or person, or of any mortgage or other lien to which priority over the Commonwealth's lien is allowed by the provisions of the law under which the claim of the Commonwealth arises is discharged by a judicial sale, the lien of the Commonwealth shall be transferred from the property sold to the fund realized from the sale, and the purchaser shall take free of the lien of the Commonwealth, notwithstanding that the fund may be insufficient to pay all or any part of the same, unless such sale is upon a lien subordinate to the Commonwealth's lien in which case the Commonwealth's lien to the extent not paid from the proceeds shall continue in full force and effect. On distribution of the fund, the Commonwealth's lien shall be postponed in payment to said lien or liens created by or entered against such predecessor in title or other mortgagee or lien holder having priority as aforesaid, but shall not be postponed in payment to local taxes or municipal claims, except as otherwise expressly provided by law under which the claim of the Commonwealth arises: Provided further, That the Department of Revenue, with the approval of the Attorney General and Auditor General, may release from the lien of such taxes, such part or parts of the real property of any corporation, as may be requested by such corporation or owners or lien creditors thereof, upon payment of such proportionate part of the taxes due as the value of the real property released bears to the

value of all the real property bound by such lien, except in cases where the value of the real property requested to be released is less than the proportionate share of the taxes due, then upon payment of such portion of the taxes due as may be deemed equitable by the Department of Revenue, with approval of the Attorney General and Auditor General, not exceeding, however, the value of the real property requested to be released, and the department shall furnish the person or corporation paying such tax with a certificate showing the property released, which certificate may be recorded in the office of the recorder of deeds of the county in which the land lies. But the lien of transfer inheritance taxes shall be limited to the property chargeable therewith, and, unless such taxes shall be sued for within five years after they are due, they shall cease to be a lien as against any purchaser of real estate.

(1401 amended Aug. 24, 1963, P.L.1123, No.479)

Compiler's Note: Section 302(a) of Act 177 of 1988, known as the General Association Act of 1988, provided that the penultimate sentence of section 1401 is repealed insofar as it relates to the release of lien as provided by 15 Pa.C.S. §§ 1957(c) and 5957(c).

Section 1402. Protection of Commonwealth Liens on Judicial Sales.--It shall be the duty of the Department of Revenue, after receiving notice as aforesaid, to settle according to law all tax, bonus or other public accounts for which reports have been filed, and to make estimated settlements of all tax, bonus or other public accounts for which reports have not been filed to date of such sale, whether or not reports for such tax, bonus or other public accounts are due, and to furnish to the sheriff, receiver, trustee, assignee, master, or other officer having charge of the sale, a certified statement of account showing all unpaid taxes, bonus, or other public accounts on file in the department, as liens against such corporation, limited partnership, or joint-stock association, and, in the case of no liens, a certificate showing that fact.

(1402 amended Apr. 8, 1976, P.L.90, No.37 and repealed in part Apr. 28, 1978, P.L.202, No.53)

Compiler's Note: Section 2(a) of Act 53 of 1978 provided that the reference in section 1402 of the act to "notice as aforesaid" shall be deemed a reference to notice pursuant to 42 Pa.C.S. § 8141 (relating to notice to Department of Revenue of judicial sale of property).

Section 1403. Protection of Commonwealth's Tax Claims in Case of Bulk Sales or Sales of Real Estate or Auction Sales.--(a) Every corporation, joint-stock association, limited partnership, or company, which shall sell or transfer in bulk fifty-one per centum or more of any stock of goods, wares, or merchandise of any kind, fixtures, machinery, equipment, buildings, or real estate, shall give the Department of Revenue ten days' notice of the sale or transfer prior to the completion of the transfer of such property. It shall also be the duty of every corporation, joint-stock association, limited partnership or company to file all State tax reports with the Department of Revenue, to and including the date of such proposed transfer of property, and pay all taxes due the Commonwealth to and including said date. The seller or transferer shall present to the purchaser of such property a certificate from the Department of Revenue, showing that all State tax reports have been filed and all State taxes paid to and including the date of the

proposed transfer. The failure of the purchaser to require this certificate shall render such purchaser liable to the Commonwealth for the unpaid taxes owing by the seller or transferer to and including the date of such transfer, whether or not at that time such taxes have been settled, assessed, or determined: Provided, That nothing contained in this act shall apply to sales or transfers made under any order of court, or to any sales or transfers made by assignees for the benefit of creditors, executors, administrators, receivers, or any public officer in his official capacity, or by any officer of a court. Whenever it shall become necessary for the department to make an estimated tax settlement for the purpose of issuing a certificate under the provisions of this section, the department may strike off such an estimated settlement when the annual tax report is settled. ((a) amended July 13, 1957, P.L.838, No.388)

(b) Every corporation, joint-stock association, limited partnership, or company, which shall sell or cause to be sold at auction, in one or more sales at such action, a total of fifty-one per centum or more of any stock of goods, wares or merchandise of any kind, fixtures, machinery, equipment, buildings, or real estate, shall give the Department of Revenue ten (10) days' notice of such auction sale prior to the completion of the transfer of such property. It shall also be the duty of every corporation, joint-stock association, limited partnership, or company, to file all State tax reports with the Department of Revenue to the date of such proposed transfer of property and pay all taxes due the Commonwealth to said date. Every such corporation, joint-stock association, limited partnership, or company, shall present to the person conducting such auction sale a certificate from the Department of Revenue showing that all State tax reports have been filed and all State taxes paid to the date of the proposed sale. The person conducting such sale shall require such certificate before he makes any distribution other than to the Commonwealth of the fund realized at such sale upon any such action.

(1403 amended June 6, 1939, P.L.261, No.145)

Section 1404. Entry of Tax Liens; Scire Facias.--The Department of Revenue may, at any time, transmit to the prothonotaries of the respective counties of the Commonwealth, to be by them entered of record, certified copies of all liens for State taxes, unpaid bonus, interest, and penalties, which may now exist, or hereafter arise, by virtue of any law of this Commonwealth, upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution, in the same manner as such writs are ordinarily employed.

Whenever the law under which the claim of the Commonwealth arises provides a time for the expiration of such lien, the Commonwealth may revive the same for a period of five years, and thereafter for successive periods of five years, by filing with the prothonotary a suggestion of nonpayment and an averment of default prior to the expiration thereof in form substantially as provided herein, each such suggestion and averment to be effective as a revival of the lien for a period of five years only from the date of the filing thereof, and such lien, unless paid or divested, shall continue in full force and effect until a period of five years has elapsed without the revival thereof by the filing of a suggestion and averment as aforesaid. The suggestion and averment shall be in substantially the following form, under the caption of the claim:

AND NOW, 19 , the Commonwealth of Pennsylvania, by the Secretary of Revenue, Claimant herein,

suggests of record, that the above claim is still due and owing to the claimant, and avers that the above named defendant is still in default for nonpayment thereof. The prothonotary is directed to enter this suggestion and averment on the proper docket of said claim, and also to index it in the judgment index for the purpose of continuing the lien of said claim.

The prothonotary shall docket and index such suggestion and averment as directed therein. The filing and indexing of such suggestion and averment within the prescribed period shall have the same force and effect for the purposes of continuing and preserving the lien of the claim as though a writ of scire facias had been issued or a judgment of revival had been obtained within such period. (Par. repealed in part Apr. 28, 1978, P.L.202, No.53)

(1404 amended Aug. 7, 1963, P.L.559, No.296)

Compiler's Note: Section 1404 was suspended by Pennsylvania Rule of Civil Procedure No. 3191(b), adopted March 5, 1997, insofar as it may authorize the sale of real estate subject to tax liens on writ of scire facias.

Section 1404.1. Automatic Revival and Priority of Tax Liens.--All tax liens required to be filed by the Department of Revenue shall continue and shall retain their priority without the necessity of refileing or revival. All tax liens shall have priority to and be fully paid before any other obligation, judgment, claim, lien or estate paid and satisfied out of the judicial sale of the real and personal property with which that property may subsequently become charged or for which that property may subsequently become liable, subject, however, to mortgage or other liens existing and duly recorded at the time the tax lien is recorded, except for the cost of sale and the writ upon which the sale is made and real estate taxes imposed or assessed upon that property.

(1404.1 added Dec. 12, 1994, P.L.1015, No.138)

Section 1405. Collection of Taxes, Et Cetera, by Department of Justice.--Whenever any taxes, bonus, interest, penalties, and public accounts, are not paid within ninety (90) days:

(1) From the date of settlement, if no petition for resettlement has been filed; or

(2) From the date of resettlement, if no petition for review has been filed; or

(3) From the date of the decision of the Board of Finance and Revenue, upon a petition for review, or the expiration of said board's time for acting upon such petition, if no appeal has been filed; and in all cases of judicial sales, assignments, or bankruptcies, the Department of Revenue shall call upon the Department of Justice to collect the same.

(1405 amended June 1, 1931, P.L.318, No.143)

Section 1406. Action to Recover Transfer Inheritance Taxes and other Debts Due or Property Escheating to the Commonwealth.--(a) Whenever any tax imposed upon the transfer of property of a nonresident decedent within this Commonwealth, shall have remained due and unpaid for one year, the Department of Justice, acting for and on behalf of the Department of Revenue, may apply to the court of common pleas of Dauphin County, or of any county in which such property may be situated, by bill or petition, to enforce the payment of the same, whereupon the court, having caused notice to be given to the owner of the property subject to the tax, or to the executor, administrator, or trustee of the decedent, and to such other parties as may be interested, shall proceed according to equity

to make such decree or order for the payment of the tax out of such property, as shall be just and proper.

(b) The Department of Justice, at its discretion, acting for and on behalf of the Department of Revenue, shall have authority to cause to be commenced, in the name of the Commonwealth, in any court of the Commonwealth having jurisdiction, any appropriate suit at law or in equity, by action of assumpsit or otherwise, for any money or taxes due the Commonwealth, or property belonging to or liable to escheat to the same and a remedy by means of such suit is hereby provided, whether it be now authorized by law or not, and any action at law or in equity, both by bill in the nature of a bill of discovery in equity, or otherwise, which may be necessary for the ascertainment of the fact as to whether such money, taxes, or property exists, and are due the Commonwealth, whether the defendant or defendants therein have or have not made any or all reports thereof required by law.

(c) The Department of Justice, at its discretion, is further authorized, when requested by the Department of Revenue so to do, to bring suit, in the name of the Commonwealth, in any court of competent jurisdiction outside of Pennsylvania, for the recovery of any sum due, owing, or payable, for or on account of any tax imposed by law upon the transfer of property within this Commonwealth, of which a nonresident of the Commonwealth may have died seized or possessed, or for or on account of any other tax or debt due the Commonwealth, with costs of suit.

Section 1407. Collection of Amount of Estimated Settlement Against City or County Officers.--If the amount of any account, settled in accordance with section 903 of this act, shall not be paid into the State Treasury, through the Department of Revenue, within fifteen days from the date of settlement of such account, the same shall be placed in the hands of the Department of Justice for collection, and if the Department of Revenue shall deem it conducive to the public interest to proceed immediately upon such account against the sureties of such officer, the Department of Revenue shall request the Department of Justice so to do, and the Department of Justice shall proceed in accordance with such request.

In any suit brought by the Commonwealth against such defaulting officer or his sureties, interest shall be allowed and computed in favor of the Commonwealth, from the time the public money sued for came to the hands or should have been in the hands of such officer.

Section 1408. Attorney's Commission on Amount Recovered.--(1408 repealed May 15, 1945, P.L.528, No.209)

Section 1409. Collection of Debts by Instalments.--The Department of Revenue, with the approval of the State Treasurer, is hereby authorized, at any time after the first settlement of any account between the Commonwealth and any debtor thereof, if the department deems it conducive to the public interest, to compromise with such debtor or his surety for the payment of the debt by instalments: Provided, That the amount of the debt be not lessened, and that the security be not impaired, and that the principal, with interest, together with costs, if any, be paid within seven years subsequent to such compromise.

Section 1410. Compromising Certain Debts.--(a) If any corporation which has heretofore carried on business in this State, and is indebted to the Commonwealth, shall have gone into liquidation, become insolvent, or ceased to carry on business, or has no known or available property in this or any other state that may be seized in execution by process issued out of any of the courts of this or any other State, or if such

property as it owns is insufficient to satisfy the taxes or other debts due from it, the Department of Revenue may, with the approval of the Department of the Auditor General and of the Attorney General, compound or settle any taxes or other debts due by such corporation to the Commonwealth, on such terms as may be adjudged by said officers to be for the best interests of the Commonwealth, and the lien of the Commonwealth shall be reduced to the amount of taxes or debt as compounded or compromised.

(b) In compounding and settling such taxes or other debts due from any such insolvent corporation in bankruptcy or reorganization under any State or Federal law, the Department of Revenue may, with the approval of the Auditor General and the Attorney General, accept in lieu of cash any property, other than real property, of historical significance: Provided, That the Pennsylvania Historical and Museum Commission certifies to the Department of Revenue that the property involved possesses historical significance: And, provided further, That the commission, based upon not less than two competent independent appraisals, shall certify the value of such property. Upon such certifications and upon acceptance of delivery of such property by the commission, the amount of taxes or debt as compounded or compromised shall be reduced by the amount certified by the commission.

(1410 amended Nov. 26, 1978, P.L.1297, No.312)

Section 1411. Accounts of County Treasurers, Settled by Department of Revenue, Good as Evidence in Actions at Law.--All accounts of county treasurers, or duly certified copies thereof, heretofore or hereafter settled as provided by this act, shall be received in evidence in all suits brought, or that may be brought, by authority of any law against any such treasurers, or their sureties, and the same shall be considered as good and valid as if the same had been duly settled by the county auditors.

ARTICLE XV PROCEDURE FOR THE DISBURSEMENT OF MONEY FROM THE STATE TREASURY

Section 1501. Requisitions.--No money shall be paid out of any fund in the State Treasury, except (1) the State Workmen's Insurance Fund, and except (2) the Surplus Commodities Stamp Fund, until a requisition therefor shall have been presented to or prepared by the State Treasurer.

For money appropriated to the Governor or to the Executive Board, the Governor shall prepare requisitions and present them to the Treasury Department.

For money appropriated to the Lieutenant Governor he shall prepare requisitions and present them to the Treasury Department.

For money appropriated to administrative departments, or to independent administrative boards or commissions, the respective departments, boards, or commissions, shall prepare their requisitions, with the written approval of their respective department heads and departmental comptrollers noted thereon, and present them to the Treasury Department.

Requisitions for payment shall be presented in such form, whether paper, electronic or otherwise, in accordance with generally commercially accepted methods. Requisitions for payment may be presented to the Treasury Department by electronic transmission which shall evidence the approval of the comptroller and department head.

For money appropriated to departmental administrative boards or commissions, or advisory boards or commissions, such boards or commissions shall prepare requisitions, and forward them to the departments with which they are respectively connected. Such departments, if they approve the requisitions, shall so signify in writing, and shall transmit them to the Treasury Department. No requisition of a departmental administrative board or commission, or of an advisory board or commission, shall be valid without the approval in writing of the head and the comptroller of the department with which such board or commission is connected.

For money appropriated to a person, association, corporation, or agency, not a part of the executive branch of the State Government, the person, association, corporation, or agency, to whom or to which the appropriation was made, shall prepare requisitions and present them to the Treasury Department, but whenever, in any such case, any other act of Assembly requires the requisition to be approved by an administrative department of the State Government, other than the Treasury Department, it shall be forwarded to the Treasury Department through such other administrative department.

For money appropriated for a purpose, without designation of the expending agency, the Treasury Department shall prepare requisitions except as to appropriations for the purposes of the judiciary for which the Court Administrator of Pennsylvania shall prepare, supervise or delegate preparation of requisitions and present them to the Treasury Department. Such requisitions shall include those for the payment of the salaries, compensations and expenses of all justices, judges, district justices, employes, boards, commissions and other agencies of the judicial department who are paid from Commonwealth appropriations.

(1501 amended July 6, 2010, P.L.279, No.46)

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 1502. Audit of Requisitions and Issuance of Warrants.--Requisitions shall be audited by the Treasury Department in accordance with generally accepted auditing standards and if they appear to be lawful and correct, the State Treasurer shall issue his warrant for the payment thereof. The Treasury Department shall audit requisitions for payments to credit card processors in accordance with generally accepted auditing standards to determine if they appear to be lawful and correct after issuing a warrant for payment and shall refer any error to the Secretary of the Budget and the Office of Attorney General for recovery or collection. Otherwise, they shall be returned to the source from which they came for revision, correction, or cancellation.

(1502 amended July 6, 2010, P.L.279, No.46)

Section 1503. Payments.--(a) All payments out of the several funds in the State Treasury shall be made by a commercially accepted method of payment from the Treasury Department. The State Treasurer shall determine the form and method of issuing such payments. The State Treasurer shall make available to the agencies for which the Treasury Department makes payments as many of such payment methods as the Treasury Department determines to be commercially accepted and generally used. The Treasury Department shall administer and support the

provisioning of these payment methods. ((a) amended July 6, 2010, P.L.279, No.46)

(a.1) Upon written request by a taxpayer, the State Treasurer shall remit any tax refund which exceeds twenty thousand dollars (\$20,000) by electronic funds transfers (EFT) which include automated clearinghouse debit, automated clearinghouse credit, wire transfer and any other means that may be available to the Commonwealth. The State Treasurer, Secretary of Revenue and Secretary of the Budget shall jointly select which method of electronic funds transfer shall be utilized from among these options and jointly adopt procedures for making the tax refunds. ((a.1) added Nov. 21, 1990, P.L.542, No.134)

(b) ((b) deleted by amendment May 2, 1986, P.L.145, No.45)

(c) All checks except those for payment of unemployment compensation and public assistance shall have imprinted upon their face a statement that they will not be honored unless presented within six months from their date. All checks for payment of unemployment compensation and public assistance shall have imprinted upon their face a statement that they will not be honored unless presented within thirty days from their date. Upon the surrender of any check which would have become void because of the failure of the holder to present it for payment within the period for presentation imprinted upon its face, the Treasury Department shall issue a new check to the payee or payees named in such check in the amount thereof or validate the original check for an additional period equal to that specified on the original check.

The Treasury Department may, if satisfied that a check has been lost or destroyed, and after stopping payment thereof, issue a duplicate.

((c) amended Nov. 23, 1976, P.L.1121, No.234)

Section 1504. Advances Out of Appropriations.--Whenever an appropriation shall have been made to any department, board, or commission of the State government, or to the board of trustees or other agency in charge of any semi-State institution, which is intended for expenses of such a nature as to make it impracticable for such department, board, commission, board of trustees, or agency, to file with the Treasury Department itemized receipts or vouchers prior to the payment of such expenses, upon requisition and warrant in the usual way, such department, board, commission, board of trustees, or other agency, may make requisition upon the State Treasurer from time to time, for such sum or sums of the appropriation as may be necessary to meet such expenses, and the State Treasurer shall draw his warrant for such sum or sums, to be paid out of the appropriation. The total amount of requisitions for advancements from any appropriation less the total amount of properly itemized receipts or vouchers filed with the State Treasurer accounting for such advancements shall never exceed an amount approved by the Governor nor shall it in any case exceed the amount of the bond of the officers or individuals having control of the disbursements from the funds advanced.

Requisitions for advances hereunder to any departmental administrative board or commission, must be approved by the head and by the comptroller of the department with which such board or commission is connected prior to the presentation thereof to the State Treasurer.

Any department, board, commission, board of trustees, or agency, having received an advance hereunder shall,

(1) Whenever required by the State Treasurer file specifically itemized vouchers, in such form as may be prescribed by him, accounting for all money expended out of such advance;

(2) At the end of the appropriation period, return to the State Treasury all unexpended balances of such advance, before any advance shall be made out of any succeeding appropriation or requisition, the State Treasurer to credit the expiring appropriation, and charge the new appropriation with the exact amount of cash on hand at end of the period: Provided, That advances to local county boards of assistance under the Public Assistance Law for reasonable emergency funds may be made before unexpended balances of advancements out of any previous appropriation are actually returned by such boards to the State Treasury;

(3) Deposit all moneys advanced, in the name of the Commonwealth, in a State depository approved by the Board of Finance and Revenue, and certify the name thereof to the State Treasurer.

(1504 amended Mar. 18, 1971, P.L.109, No.4)

Section 1505. Advances to State Agencies Having Funds to Invest.--Whenever any administrative department, board, or commission, whose duty it is to invest funds in securities, shall desire to bid for the whole or any part of a bond issue for which bids are invited by the issuer thereof, and the invitation to bidders require the deposit of a check or a certified check in order to validate all bids, the department, board, or commission, having the funds to invest, and having procured the approval of the Governor in writing to the bid which it proposes to make, may requisition the Auditor General to draw his warrant on the State Treasurer for such amount, payable out of the fund to be invested, as shall be necessary to validate the bid which such department, board, or commission proposes to make.

In each such case, it shall be the duty of the Auditor General promptly to draw his warrant, and of the State Treasurer promptly to issue a check, and, if necessary, have it certified by the depository against which it is drawn, in favor of the issuer of the securities in the amount of the requisition.

It shall be unlawful for any department, board, or commission to make any use of any such check, otherwise than for the purpose for which it was issued, and, if such department's, board's, or commission's bid shall not be accepted, the check shall forthwith be returned to the State Treasury for cancellation.

Section 1506. Disbursements to Agencies of Counties.--All payments or disbursements from any fund by any department, agency, board or commission of State Government to any agency under the jurisdiction of a county shall be made payable to the board of county commissioners of such county or, in the case of home rule counties, to the chief executive officer of the county, or in the case of counties of the first class coterminous with cities of the first class, to the city treasurer, on behalf of the agency designated as recipient of such payment or disbursement, to be credited to the account of such recipient agency for use as specified in the contract, voucher, or expense authorization which serves as the basis for the Commonwealth to make said payment or disbursement.

(1506 added Dec. 24, 1979, P.L.578, No.132)

Section 1507. Interest Penalties on Commonwealth Accounts.--(a) (1) In accordance with regulations prescribed by the Secretary of the Budget, each Commonwealth agency which

acquires property or services from a business concern or a qualified small business concern but which does not make payment for each such complete delivered item of property or service by the required payment date may pay an interest penalty to such business concern, and shall pay an interest penalty to any qualified small business concern, in accordance with this section on the amount of the payment which is due.

(2) Such regulations:

(i) shall specify that the required payment date shall be:

(A) the date on which payment is due under the terms of the contract for the provision of such property or service; or

(B) thirty calendar days after receipt of a proper invoice for the amount of the payment due, if a specific date on which payment is due is not established by contract;

(ii) shall specify separate required payment dates for contracts under which property or services are provided in a series of partial executions or deliveries, to the extent that such contract provides for separate payment of such partial execution or delivery;

(iii) shall require that prior to the date upon which payment without an interest penalty is due, Commonwealth agencies notify the business concern or qualified small business concern of any defect in goods and services or impropriety in such invoice which would prevent the running of the time periods specified in this paragraph; and

(iv) may require any qualified small business concern to present on or with the invoice a statement that it meets the definition of a qualified small business concern contained in this section.

(b) (1) Interest penalties payable on amounts due to a business concern or qualified small business concern under this section shall be paid to the business concern for the period beginning on the day after the required payment date and ending on the date on which payment on the amount due is made, except no interest penalty shall be paid if payment for the complete delivered item of property or service concerned is made on or before the fifteenth calendar day after the required payment date.

(2) Interest shall be computed at the rate determined by the Secretary of Revenue for interest payments on overdue taxes or the refund of taxes as provided in sections 806 and 806.1 and any subsequent amendments to those sections.

(3) Interest may be paid by separate payment made to a business concern or qualified small business concern within thirty days of payment of the original invoice.

(4) Any amount of an interest penalty imposed because of a debt which remains unpaid at the end of any thirty day period shall be added to the principle amount of the debt and thereafter interest penalties shall accrue on such added amount.

(c) A Commonwealth agency shall pay any interest penalties required by this section out of funds made available for the administration or operation of the program for which the penalty was incurred, or from general administrative funds of the agency. Nothing in this section shall be construed to require payment of interest penalties from Federal funds if such payment is prohibited by Federal law or regulation.

(d) Claims for interest penalties which a Commonwealth agency has failed to pay in accordance with the requirements of this section may be filed with the Board of Arbitration of Claims following the exhaustion of other appropriate administrative or contractual remedies. If a claim for interest penalties is filed under this subsection, the jurisdictional

amount in controversy requirement established by section 4 of the act of May 20, 1937 (P.L.728, No.193), referred to as the Board of Claims Act, shall not be applicable to such proceedings.

(e) This section shall not be construed to require interest penalties on payments which are not made by the required payment date by reason of a dispute between a Commonwealth agency and a business concern or qualified small business concern over the amount of that payment or other allegations concerning compliance with a contract. Claims concerning any such dispute, and any interest which may be payable with respect to the period while the dispute is being resolved, may be filed with the Board of Arbitration of Claims, following the exhaustion of other appropriate administrative or contractual remedies, if the claim meets the other jurisdictional requirements of the board. Interest penalties awarded by the board, if any, shall be computed at the rate established by subsection (b) (2).

(f) For the purposes of this section:

(1) The term "Commonwealth agency" shall include, the Executive and all departments, boards, bureaus and agencies hereunder, all independent agencies as defined by section 102 of the act of October 15, 1980 (P.L.950, No.164), known as the "Commonwealth Attorneys Act," and the Auditor General, the Board of Arbitration of Claims, the State Treasurer and the Public Utility Commission.

(2) The term "qualified small business concern" means any independently owned and operated for-profit business concern employing one hundred or fewer employees.

(3) The term "business concern" means any person engaged in a trade or business and operating as contractors with Commonwealth agencies, and nonprofit entities operating as contractors with Commonwealth agencies.

(4) An invoice shall be considered a "proper invoice" when it contains or is accompanied by such substantiating documentation as the Secretary of Budget may require by regulation, and as the Commonwealth agency involved may require by regulation or contract.

(5) An invoice shall be deemed to have been received by an agency on the later of:

(i) the date on which the agency's designated payment office or finance center actually receives a proper invoice; or

(ii) the date on which such agency accepts the property or service concerned.

(6) A payment shall be considered made on the date on which a check for such payment is dated.

(7) This section shall not apply to any "public contracts" subject to the act of November 26, 1978 (P.L.1309, No.317), referred to as the Public Works Contract Regulation Law.

((f) amended Dec. 12, 1984, P.L.982, No.196)

(1507 added Dec. 13, 1982, P.L.1155, No.266)

Section 1507.1. Settlement Agreements; Enforcement Actions.--(a) Except as set forth in subsections (b) and (b.1), the following apply:

(1) Unless otherwise provided by this section or another provision of law, money received by an agency as a result of a settlement, litigation or an enforcement action shall be deemed funds of the Commonwealth and shall, upon receipt, be deposited into the General Fund.

(2) If money to pursue a settlement, litigation or enforcement action was expended by the agency from the General Fund or other fund or account established by law, those costs recovered shall be credited to the appropriation, fund or

account from which the original costs were expended and used as provided by law and shall be available for expenditure in accordance with the law governing the expenditure.

(3) Amounts that exceed the actual costs of a settlement, litigation or enforcement action and are deposited in the General Fund may be redirected to the agency that was the party to the settlement, litigation or enforcement action to supplement the activities of the agency upon request of the agency and approval of the Secretary of the Budget.

(4) If there is a redirection under paragraph (3), the secretary shall provide notice of the transfer to the chair of the Appropriations Committee of the Senate and the chair of the Appropriations Committee of the House of Representatives and include a detailed determination of actual costs incurred by the agency and the identification of the associated settlement, litigation or enforcement action.

(b) Subsection (a) shall not apply as follows:

(1) The recovery of Federal money shall be disposed of in accordance with this section and applicable Federal or State law or contract.

(2) Nothing in this section shall supersede any payments, including restitution, ordered by a court.

(b.1) Notwithstanding the act of January 8, 1960 (1959 P.L.2119, No.787), known as the "Air Pollution Control Act," or any other provision of law to the contrary, the sum of \$30,409,055, received from a settlement during the 2017-2018 or 2018-2019 fiscal year, shall be deemed funds of the Commonwealth and shall, upon receipt, be deposited into the General Fund to be expended in compliance with the Commonwealth's trustee duties under section 27 of Article I of the Constitution of Pennsylvania. ((b.1) amended June 22, 2018, P.L.281, No.42)

(c) As used in this section, the term "agency" includes the Commonwealth and an agency or instrumentality of the Commonwealth.

(1507.1 amended Oct. 30, 2017, P.L.725, No.44)

Section 1507.2. Reimbursement for Administrative Cost of Collection.--(a) Commonwealth agencies, departments, boards or commissions may recover their administrative costs incurred to certify and collect a delinquency owed by a person or entity who owes the Commonwealth for a good, service or benefit provided by the Commonwealth to the person or entity when the delinquency does not arise from a tax liability. The recovery shall be three per centum of the delinquency not to exceed thirty dollars (\$30) per delinquency and shall be paid by the debtor person or entity before the delinquency is extinguished.

(b) The amount of the debt recovered shall be deposited into the General Fund, other fund or account from which the delinquency arises. The amount of the administrative costs recovered shall be credited to the appropriation, fund or account from which the agency's, department's, board's or commission's administrative costs connected to the recovery were paid and shall then be available for expenditure in accordance with the law.

(c) This section shall not apply to:

(1) costs of collection incurred by the Department of Revenue or by the Office of Attorney General on tax liabilities for taxes administered by the Department of Revenue; or

(2) debts, taxes or accounts collected by the Office of Attorney General pursuant to the act of October 15, 1980 (P.L.950, No.164), known as the "Commonwealth Attorneys Act."

(1507.2 added July 18, 2013, P.L.574, No.71)

Section 1508. Use and Appropriation of Unused Commonwealth Funds.--(a) Whenever the Governor has declared a disaster emergency, the Governor may transfer any unused funds which may have been appropriated for the ordinary expenses of the State government in the General Fund to such Commonwealth agencies as the Governor may direct to be expended for relief of disaster in such manner as the Governor shall approve, and the funds are hereby appropriated to the Governor for such purposes. The total of the transfers under this subsection shall not exceed twenty million dollars (\$20,000,000) in any one fiscal year except by action of the General Assembly.

(b) Whenever the Governor shall have proclaimed a disaster emergency under 35 Pa.C.S. § 7301(c) (relating to general authority of Governor), the Governor shall have power to transfer any unused funds which may have been appropriated for the ordinary expenses of government in the General Fund to such Commonwealth agencies as he may direct to be expended for reimbursements as provided in 35 Pa.C.S. § 7705(a) and (b) (relating to special powers of local agencies). Such reimbursements shall be made in accordance with and to the extent permitted by regulations issued by such agency or agencies as the Governor may designate to administer the reimbursement programs established by 35 Pa.C.S. § 7705(a) and (b). The total of such transfers shall never exceed five million dollars (\$5,000,000) in any one fiscal year except by action of the General Assembly.

(1508 added July 17, 2007, P.L.141, No.42)

ARTICLE XV-A
COMMONWEALTH EMPLOYEES GROUP LIFE INSURANCE
(Art. added July 17, 2007, P.L.141, No.42)

Compiler's Note: See section 6 of Act 42 of 2007 in the appendix to this act for special provisions relating to continuation of prior law.

Section 1501-A. Definitions.

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

"Annual pay rate." The base pay rate annualized and, in the case of hourly eligible employees, computed on the basis of expected work hours.

"Department." The Department of General Services of the Commonwealth.

"Employees." A permanent, continuously scheduled employee of the executive, judicial or legislative branch of the Commonwealth, its commissions, boards, departments and authorities. The term shall include members of the General Assembly.

"Life insurance." Life insurance procured under this article.

"Secretary." The Secretary of General Services of the Commonwealth.

(1501-A added July 17, 2007, P.L.141, No.42)

Section 1502-A. Group life insurance.

(a) Procurement by department.--Except as provided under subsection (b), the department, with the approval of the Governor and with the advice of the Insurance Commissioner, shall procure from one or more life insurance companies,

authorized to do business in this Commonwealth, a policy or policies of group life insurance covering eligible employees.

(b) Legislative branch.--Upon written notice to the secretary, an individual agency of the General Assembly may procure life insurance for its eligible employees, including members of the General Assembly, in place of life insurance available under subsection (a). Any life insurance procured under this subsection shall, at a minimum, meet the requirements of sections 1503-A, 1504-A, 1505-A, 1506-A and 1508-A.

(c) Eligibility.--An employee under subsection (a) or (b) in active service shall be eligible for life insurance under this article if the employee has completed three months' continuous service as an employee under subsection (a) or (b). Temporary employees shall not be eligible.

(1502-A added July 17, 2007, P.L.141, No.42)

Section 1503-A. Amount.

(a) Schedule.--The amount of life insurance for any eligible employee shall be based on the eligible employee's annual pay rate from the Commonwealth in accordance with a schedule to be submitted annually by the secretary for publication in the Pennsylvania Bulletin.

(b) Reduction.--The amount of life insurance for any eligible employees 70 years of age or older shall be one-half the amount of life insurance provided under the schedule published under subsection (a).

(c) Change in amount.--Any change in the amount of life insurance made necessary by a change in pay shall take effect on the next succeeding program anniversary.

(1503-A added July 17, 2007, P.L.141, No.42)

Section 1504-A. Contributions.

(a) Eligible employee payment.--Except as provided under subsection (b), each eligible employee covered by life insurance shall pay, either directly or by means of a payroll deduction authorized by the employee, the cost of the insurance in an amount as may be determined from time to time on the basis of the actual total costs of the life insurance policy or policies contracted for by the Commonwealth.

(b) Commonwealth payment.--The Commonwealth may agree to pay all or any of the costs for life insurance.

(1504-A added July 17, 2007, P.L.141, No.42)

Section 1505-A. Termination.

(a) Cessation.--Except as provided under subsection (b), life insurance shall, subject to any conversion privilege, cease upon the occurrence of any of the following:

(1) Termination of employment.

(2) Nonpayment of any contribution due from an eligible employee.

(3) After 12 continuous months of unpaid absence.

(b) Disability.--Life insurance shall be continued for employees who terminate after becoming permanently and totally disabled while covered under this program.

(1505-A added July 17, 2007, P.L.141, No.42)

Section 1506-A. Automatic coverage.

(a) Provision for coverage.--Any policy of life insurance shall provide that all eligible employees shall be automatically covered commencing on the date they first become eligible.

(b) Notice.--An employee desiring not to be covered by life insurance shall give written notice on a prescribed form to the employee's employing office that the employee desires not to be insured. If the notice is received before the employee becomes insured under the policy, the employee shall not be insured. If the notice is received after the employee becomes

insured, the employee's insurance under the policy will cease effectiveness with the end of the pay period during which the notice is received by the employing office.

(1506-A added July 17, 2007, P.L.141, No.42)

Section 1507-A. Secretary to be agent.

(a) Agent.--Except for life insurance procured under section 1502-A(b), the secretary is exclusively authorized and shall have the duty to transact all business necessary for the purpose of contracting for insurance under this article.

(b) Commission.--The life insurance company or companies from whom life insurance is procured by the secretary shall compute commissions in accordance with their standard practice followed in other similar plans. The commissions shall be paid to the secretary to offset administrative and other expenses incurred in the administration of the insurance plan.

(1507-A added July 17, 2007, P.L.141, No.42)

Section 1508-A. Applicability of insurance laws.

All life insurance shall be subject to the laws of this Commonwealth relating to insurance.

(1508-A added July 17, 2007, P.L.141, No.42)

ARTICLE XVI INQUISITORIAL POWERS OF FISCAL OFFICERS

Section 1601. In the Collection of Taxes.--The Secretary of Revenue and the Auditor General, severally, and any agent appointed by either of them, is hereby authorized to examine the books and papers of any corporation, association, or individual, made taxable for State purposes by any act of Assembly, to verify the accuracy of any return or report made under the provisions of this act or any other act requiring the filing of such return or report.

Section 1602. In the Examination and Adjustment of Public Accounts and the Collection of Amounts Due the Commonwealth.--(a) To enable the Auditor General to examine and adjust the public accounts, the State Treasurer to examine and revise the same and abandoned and unclaimed property accounts, and the Secretary of Revenue to settle or otherwise determine the amount of and collect taxes, or collect other amounts due the Commonwealth, each of said officers is severally hereby invested with power to compel all persons, in the receipt or possession of public moneys, to render to him their accounts, and to enforce the attendance (in the manner hereinafter pointed out) at his office of such persons, whether parties or witnesses, whom he may deem necessary to examine in the investigation of any public account, and to administer all necessary oaths or affirmations; and each of said officers is hereby also invested with power to compel the exhibition or delivery to him (as the case may be), by any person possessing the same, in the manner hereinafter pointed out, of all official or public books, accounts, documents or papers, which have any relation to or connection with any public account or abandoned and unclaimed property account, and which he may deem necessary in the investigation, adjustment or collection of the same: Provided, however, That if by reason of the distance of residence from the seat of government, or from any sufficient cause satisfactory to the Auditor General, the State Treasurer, or the Secretary of Revenue, as the case may be, if it be found impracticable or difficult to procure the attendance of such person at the office of such officer for the purpose of giving information respecting any public account or abandoned and unclaimed property account, it is hereby made the duty of such

officer to procure the testimony of all such persons to be taken before any judge of a court of common pleas, or justice of the peace, on a commission, with interrogatories annexed, issued under the hand and seal of office of such officer. ((a) amended July 10, 2014, P.L.1053, No.126)

(b) In order to procure the attendance of such persons as the Auditor General, the State Treasurer, or the Secretary of Revenue, may deem necessary in relation to any public account or abandoned and unclaimed property account, already furnished or to be furnished, he, the said Auditor General, State Treasurer, or Secretary of Revenue, shall issue his writ, directed to and commanding the sheriff of the county wherein such person or persons reside, whom he may summon to cause the attendance at the office of the Auditor General, the State Treasurer, or the Secretary of Revenue, as the case may be, of such person or persons; and, if, after thirty days from the time the said person or persons ought to have appeared in the office of the Auditor General, the State Treasurer, or the Secretary of Revenue, agreeably to the said summons, such person or persons neglect or refuse to appear, he, the said Auditor General, State Treasurer, or Secretary of Revenue, may issue his writ of attachment, commanding the sheriff to commit such person or persons, so neglecting or refusing to appear, to the common jail of the county, there to remain until he or they shall consent to comply with this act or shall be discharged by due course of law. ((b) amended July 10, 2014, P.L.1053, No.126)

(c) In order to procure the exhibition or delivery to him of all public accounts, books, documents, or other papers, the Auditor General, State Treasurer, or the Secretary of Revenue is hereby authorized and required, in case of neglect or refusal to exhibit or deliver them, to issue his summons, directed to the sheriff of the county in which the person or persons reside who neglect or refuse to exhibit or deliver public accounts, books, documents, or papers, to the Auditor General, State Treasurer, or Secretary of Revenue, as the case may be, commanding such sheriff to execute such writ, and procure the exhibition or delivery, as the case may be, of the same at his office; and, if the person or persons summoned by the Auditor General, State Treasurer, or Secretary of Revenue, neglect or refuse to appear with, or transmit the accounts, books, documents, or other papers, within sixty (60) days after the expiration of the day mentioned in the summons of the Auditor General, State Treasurer, or Secretary of Revenue, such officer may issue his writ of attachment, commanding the said sheriff to commit the person or persons, so neglecting or refusing, to the common jail of the county, there to remain until he or they comply with this act or shall be discharged by due course of law.

(d) Prothonotaries, clerks of courts, sheriffs, and all other officers and persons employed by the Auditor General, the State Treasurer, or the Secretary of Revenue, in carrying this or any other act in relation to the settlement of the public accounts and the recovery of public moneys into effect, shall receive for their services such compensation as they are by law entitled to in common cases, and, where there are no established rates of compensation, the Auditor General, the State Treasurer, or the Secretary of Revenue shall make such allowances as may appear to them reasonable, payable out of the funds in the treasury appropriated to their respective departments for contingent expenses.

(e) If any person or corporation shall fail to comply with any summons of the Auditor General, the State Treasurer, or the Secretary of Revenue, for the attendance of persons, or for the production of books, accounts, documents, or papers, or shall refuse to be sworn as a witness, or refuse to testify fully as such, or, if any person or corporation shall refuse to permit any person designated by the Auditor General, the State Treasurer, or Secretary of Revenue to inspect books, accounts, documents, or papers, as required by law, the Auditor General, the State Treasurer, or the Secretary of Revenue, as the case may be, may apply by petition, in the name of the Commonwealth, to the court of common pleas having jurisdiction, and the court shall make such order, on reasonable notice to such person or corporation, as shall compel compliance with the law, and the violation of such order shall be a contempt of such court and punishable as such. The remedy herein provided shall be in addition to other remedies and penalties provided by law.

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

ARTICLE XVI-A
TAX ANTICIPATION NOTES
(Art. added June 21, 1984, P.L.407, No.83)

Section 1601-A. Authorization to Borrow.--Whenever the General Assembly has provided revenues for the general purposes of any fiscal period and the Governor, the Auditor General and the State Treasurer determine such revenues will not be sufficient for the current and other expenses payable from the General Fund or such determination is made with regard to the revenues of the Motor License Fund, as a result of which the collectible revenues may not be sufficient to defray the current and other expenses payable from the General Fund or those of the Motor License Fund, the Governor, the Auditor General and the State Treasurer, on behalf of the Commonwealth of Pennsylvania, are hereby authorized and directed during any fiscal period to authorize and direct the borrowing, from time to time, on the credit of the current revenues levied, assessed, collectible and accruing during any current period or on the credit of such revenues of the Motor License Fund, or on the credit of the sum of such revenues of both funds, such sum or sums of money not exceeding, in the aggregate, one-fifth of the contemplated receipts from the revenues which have been provided for either of said funds or from the sum of the revenues of both funds, depending upon the fund or funds for which the loans are being made, based upon estimates submitted to the Governor through the Budget Secretary by the Department of Revenue for any current period by the General Assembly, for the general purposes or the purposes of the General Fund or Motor License Fund of any fiscal period: Provided, That the money borrowed at any one time, when added to the outstanding amount of any other such loan made during such period, shall not exceed one-fifth of the contemplated revenues for such fund or the contemplated revenues of the sum of both funds for such fiscal period.

(1601-A added June 21, 1984, P.L.407, No.83)

Section 1602-A. Notes to Evidence Borrowing.--(a) (1) Any borrowing authorized hereunder shall be evidenced by notes of

the Commonwealth of Pennsylvania. All of said notes shall mature not later than the last day of the current fiscal period.

(2) The Governor, the Auditor General and the State Treasurer shall authorize and direct the issuance of notes authorized hereunder, which authorization and direction may provide for the subsequent issuance of such notes (hereinafter designated as "replacement notes") to refund such notes or replacement notes and may specify such other terms and conditions with respect to the notes and replacement notes thereby authorized for issuance as they may determine and direct.

(3) Such notes shall be offered for sale by the Governor, the Auditor General and the State Treasurer to the highest and best bidder, after due public advertisement and open competitive bidding, on such terms and conditions as the Governor, the Auditor General and the State Treasurer shall direct provided that:

(i) When the authorization and direction of the Governor, the Auditor General and the State Treasurer provide for the issuance of replacement notes, the Governor, the Auditor General and the State Treasurer are hereby authorized in the name and on behalf of the Commonwealth to issue, enter into or authorize and direct the State Treasurer to enter into agreements with any banks, trust companies, investment banking firms or other institutions or persons in the United States having the power to enter into the same (A) to purchase or underwrite an issue or series of issues of notes, (B) to credit, to enter into any purchase, loan or credit agreements, to draw moneys pursuant to any such agreements on the terms and conditions set forth therein and to issue notes as evidence of borrowings made under any such agreements, (C) to appoint an issuing and paying agent or agents with respect to notes, and (D) to do such other acts as may be necessary or appropriate to provide for the payment, when due, of the interest on and principal of such notes; such agreements may provide for the compensation of any purchasers or underwriters of notes or replacement notes, by discount in the purchase price of the notes or by payment of a fixed fee or commission at the time of issuance thereof and all other costs and expenses, including fees for agreements related to the notes, issuing and paying agent costs, and costs and expenses of issuance, may be paid from the proceeds of the notes; or

(ii) When in a determination by the Governor, the Auditor General and the State Treasurer a more favorable interest rate on the competitive sale of the notes may be obtained by providing a line or letter of credit or some other suitable liquidity support for the notes, the Governor, the Auditor General and the State Treasurer are hereby authorized to enter into agreements with any banks, trust companies or other institutions or persons in the United States having the power to enter the same to credit, to enter into any purchase, loan or credit agreement, to draw moneys pursuant to such agreements and to issue notes as evidence of borrowings made from such agreements.

(4) When the authorization and direction of the Governor, the Auditor General and the State Treasurer provide for the issuance of replacement notes, the State Treasurer shall, at or prior to the time of delivery of these notes or replacement notes, determine the principal amounts, dates of issue, interest rate or rates (or procedures for establishing such rates from time to time), rates of discount, denominations and all other terms and conditions relating to the issuance and shall perform

all acts and things necessary to pay, or cause to be paid, when due, all principal of and interest on the notes being refunded by replacement notes and to assure that the same may draw upon any moneys available for that purpose pursuant to any purchase, loan or credit agreements established with respect thereto, all subject to the authorization and direction of the Governor, the Auditor General and the State Treasurer.

(b) All notes issued under the authority of this article shall bear either the signatures of the Governor, the Auditor General and the State Treasurer, or the facsimile signatures of the Governor, the Auditor General and the State Treasurer, in which latter event such notes shall be countersigned by an officer of the duly designated loan and transfer agent or the issuing and paying agent of the Commonwealth. All such notes shall bear a facsimile of the Great Seal of the Commonwealth.

(c) All notes issued under the authority of this article shall have the qualities and incidents of negotiable instruments under the Uniform Commercial Code.

(d) The current revenues of the General Fund or the current revenues of the Motor License Fund, or the total current revenues of both funds respectively proportioned, shall be pledged for the payment of the principal and interest of such notes during such fiscal period and shall be payable in lawful money of the United States. All notes issued under the provisions of this article shall be exempt from taxation for State and local purposes except as may be provided under Article XVI of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

(1602-A added June 21, 1984, P.L.407, No.83)

Section 1603-A. Payment of Proceeds.--(a) The proceeds derived from the issuance of notes issued for a purpose other than the repayment of a prior issue or issues of notes or negotiation of loans under the provisions of this article shall be paid respectively and proportionally into the General Fund of the State Treasury or into the Motor License Fund, or into both funds, and shall be used for the payment of appropriations made from such funds to defray the current and other expenses of the State government for the current fiscal period and, if the proceeds or part of the proceeds so derived are paid into the Motor License Fund, such fund shall pay its proportionate share of the cost and interest charges involved in said loans.

(b) The proceeds of replacement notes may, at the direction of the State Treasurer, be deposited in trust in a special fund held by a duly authorized issuing and paying agent and, in such case, shall be applied thereby to the repayment of principal and interest, if any, due on the issue or issues of notes being refunded and thereafter to the payment of costs and expenses of issuance of said notes.

(c) Any issue of notes or replacement notes may include as a part of the principal amount thereof an amount equal to the interest to become due thereon and an amount necessary to pay the costs and expenses of issuance thereof (including the costs associated with any agreements related thereto). Any issue of replacement notes may be in a principal amount sufficient to repay the principal and interest, if any, due on the issue or issues of notes being refunded.

(1603-A added June 21, 1984, P.L.407, No.83)

Section 1604-A. Security for Notes.--Any borrowing under the provisions of this article shall be secured by the current revenues levied and assessed for revenue purposes of every kind or character accruing to the General Fund or the current revenues of the Motor License Fund, or the sum of the moneys

in the two funds, respectively proportioned, during the current fiscal period and, except in the case of repayment of outstanding notes from the proceeds of replacement notes, shall be paid out of such revenues and so much of such revenues as shall be necessary for the payment of the principal and interest of such loans are hereby specifically and respectively appropriated. The Department of Revenue shall allocate such revenues to said payments.

(1604-A added June 21, 1984, P.L.407, No.83)

Section 1605-A. Severability.--The provisions of this article are severable and, if any of its provisions are held unconstitutional, the decision so holding shall not be construed to impair any other provision of this article. It is hereby declared that the legislative intent would have been to adopt this article had such unconstitutional provision not been included herein.

(1605-A added June 21, 1984, P.L.407, No.83)

ARTICLE XVI-B
BORROWING FOR CAPITAL FACILITIES
(Art. repealed July 9, 2013, P.L.270, No.52)

Section 1601-B. Scope of article. (1601-B repealed July 9, 2013, P.L.270, No.52)
Section 1602-B. Definitions. (1602-B repealed July 9, 2013, P.L.270, No.52)
Section 1603-B. Facility. (1603-B repealed July 9, 2013, P.L.270, No.52)
Section 1604-B. Neighborhood Improvement Zone Funds. (1604-B repealed July 9, 2013, P.L.270, No.52)
Section 1605-B. Keystone Opportunity Zone. (1605-B repealed July 9, 2013, P.L.270, No.52)
Section 1606-B. Duration. (1606-B repealed July 9, 2013, P.L.270, No.52)
Section 1607-B. Commonwealth pledges. (1607-B repealed July 9, 2013, P.L.270, No.52)
Section 1608-B. Confidentiality. (1608-B repealed July 9, 2013, P.L.270, No.52)

ARTICLE XVI-B.1
CAPITAL FACILITIES
(Art. added July 13, 2016, P.L.664, No.85)

Section 1601-B.1. Applications.

Notwithstanding section 318 of the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, a redevelopment assistance capital project may receive funds if the project was itemized in a capital project itemization bill or a capital budget bill that was enacted more than 10 years before the date the project is approved under section 318 of the Capital Facilities Debt Enabling Act, provided that the Office of the Budget received an application or other written form of request for redevelopment assistance capital project grant funding for the project from a prospective applicant during the time period from:

- (1) January 9, 2015, through May 18, 2015; or
 - (2) January 29, 2018, through February 27, 2018.
- (1601-B.1 amended June 22, 2018, P.L.281, No.42)

ARTICLE XVI-B.2
ENTERTAINMENT BUSINESS FINANCIAL MANAGEMENT FIRMS
(Art. added June 22, 2018, P.L.281, No.42)

Section 1601-B.2. Definitions.

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

"Entertainment business financial management firm." An entity with no employees or operations in the zone organized separately from a qualified business operating in the facility or the zone which is primarily in the business of providing management services to entertainers which may include, but is not limited to, accounting and tax services, royalty management, touring services, domestic and foreign tax planning and compliance, insurance, financial planning services and estate planning services.

"Facility." A facility as defined in section 1902-B of the Tax Reform Code of 1971.

"Master list." A master list as defined in section 1902-B of the Tax Reform Code of 1971.

"Operating organization." An operating organization as defined in section 1902-B of the Tax Reform Code of 1971.

"Qualified business." A qualified business as defined in section 1902-B of the Tax Reform Code of 1971.

"Tax Reform Code of 1971." The act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

"Zone." A neighborhood improvement zone as defined in section 1902-B of the Tax Reform Code of 1971.

(1601-B.2 added June 22, 2018, P.L.281, No.42)

Section 1602-B.2. Reporting requirements.

For purposes of inclusion on the master list under section 1904-B(a.3)(2) of the Tax Reform Code of 1971, the following shall apply:

(1) If an operating organization is advised that an entertainment business financial management firm has the primary responsibility, under a management contract, for completing reports for a qualified business which is engaged in the active conduct of a trade or business in the facility under section 1904-B(a.3)(2) of the Tax Reform Code of 1971, an operating organization may satisfy the requirements of section 1904-B(a.3)(2) of the Tax Reform Code of 1971 by providing to the contracting authority a copy of the relevant section of the contract between the qualified business and operating organization which documents the name, telephone number and e-mail address of the individual employed at the entertainment business financial management firm who has primary responsibility for completing reports for a qualified business.

(2) Paragraph (1) shall apply only with respect to qualified businesses who are engaged in the provision of entertainment services or activities in a facility, such as concerts or other performances.

(1602-B.2 added June 22, 2018, P.L.281, No.42)

Section 1603-B.2. Applicability.

This article shall apply to tax years beginning on or after January 1, 2018.

(1603-B.2 added June 22, 2018, P.L.281, No.42)

ARTICLE XVI-C

POLITICAL SUBDIVISION PROCUREMENT INTEREST PAYMENTS

(Art. added Dec. 12, 1994, P.L.1015, No.138)

Section 1601-C. Short Title.--This article shall be known and may be cited as the "Political Subdivision Procurement Interest Payment Act."

(1601-C added Dec. 12, 1994, P.L.1015, No.138)

Section 1602-C. Definitions.--As used in this article--

"Local authority" shall mean a municipal authority or any other body corporate and politic created by one (1) or more political subdivisions pursuant to statute.

"Political subdivision" shall mean any county, city, borough, incorporated town, township, school district, vocational school district, county institution district, local authority or any joint or cooperative body of political subdivisions having the power to enter into contracts.

"Proper invoice" shall mean an invoice which contains or is accompanied by substantiating documentation as the political subdivision involved may require by regulation or contract.

"Qualified small business concern" shall mean any independently owned and operated for-profit business concern, including any person engaged in a trade, employing one hundred or fewer employees operating as a contractor with a political subdivision.

"Received invoice" shall mean any invoice received by a political subdivision on the later of:

1. the date on which the political subdivision's designated payment office or finance center actually receives a proper invoice; or

2. the date on which the political subdivision accepts the property or service concerned.

(1602-C added Dec. 12, 1994, P.L.1015, No.138)

Section 1603-C. Political Subdivision Interest

Payments.--(a) In accordance with section 1604-C, each political subdivision which acquires property or services from a qualified small business concern but which does not make payment for each complete delivered item of property or service by the required payment date shall pay an interest penalty to the business concern in accordance with this section on the amount of the payment which is due. Unless a lower rate has been agreed to, the interest rate to be assessed against any late payments shall be determined by the Secretary of Revenue under section 1605-C(b): Provided, That any qualified small business concern shall conspicuously present a statement, on or with the invoice statement, that it meets the definition of a qualified small business concern contained in this article.

(b) A payment shall be considered made on the date on which a check for the payment is dated.

(1603-C added Dec. 12, 1994, P.L.1015, No.138)

Section 1604-C. Condition for Interest Payments.--All of the following conditions shall apply for the payment of interest by a political subdivision:

(a) The required payment date shall be:

1. the date on which payment is due under the terms of the contract for the provision of the property or service; or

2. thirty calendar days after receipt of a proper invoice for the amount of the payment due if a specific date on which payment is due is not established by contract.

(b) Separate required payment dates for contracts under which property or services are provided in a series of partial executions or deliveries shall be established to the extent that the contract provides for separate payment of the partial execution or delivery.

(c) Prior to the date upon which payment without an interest penalty is due, a political subdivision shall notify the qualified small business concern of any defect in goods and services or impropriety in the invoice which would prevent the running of the time periods specified in this paragraph.

(1604-C added Dec. 12, 1994, P.L.1015, No.138)

Section 1605-C. Due Date of Payment.--(a) Interest penalties payable on amounts due to a qualified small business concern under this article shall be paid to the business concern for the period beginning on the day after the required payment date and ending on the date on which payment on the amount due is made except no interest penalty shall be paid if payment for the complete delivered item of property or service concerned is made on or before the 15th calendar day after the required payment date.

(b) Interest shall be computed at the rate determined by the Secretary of Revenue for interest payments on overdue taxes or the refund of taxes as provided in sections 806 and 806.1 and any subsequent amendments to those sections.

(c) Interest may be paid by separate payment made to a qualified small business concern within thirty days of payment of the original invoice.

(d) Any amount of an interest penalty imposed because of a debt which remains unpaid at the end of any thirty-day period shall be added to the principal amount of the debt and thereafter interest penalties shall accrue on the added amount.

(1605-C added Dec. 12, 1994, P.L.1015, No.138)

Section 1606-C. Funds for Interest Payment.--A political subdivision shall pay any interest penalties required by this article out of funds made available for the administration or operation of the program for which the penalty was incurred or from general administrative funds of the political subdivision. Nothing in this article shall be construed to require payment of interest penalties from Federal or State funds if the payment is prohibited by Federal or State law or regulation.

(1606-C added Dec. 12, 1994, P.L.1015, No.138)

Section 1607-C. Claims.--Claims for interest penalties which a political subdivision has failed to pay in accordance with this article shall be made in a formal civil action against the offending political subdivision following the exhaustion of all contractual remedies.

(1607-C added Dec. 12, 1994, P.L.1015, No.138)

Section 1608-C. Disputes.--This article shall not be construed to require interest penalties on payments which are not made by the required payment date by reason of a dispute between a political subdivision and a qualified small business concern over the amount of that payment or other allegations concerning compliance with a contract.

(1608-C added Dec. 12, 1994, P.L.1015, No.338)

Section 1609-C. Exception.--This article shall not apply when the political subdivision's nonpayment on a particular project is caused by failure of the Federal or State government to pay funds designated for the specific project. Nothing in this article shall be construed to require payment of interest penalties by the Federal or State government.

(1609-C added Dec. 12, 1994, P.L.1015, No.138)

Section 1610-C. Nonapplication of Article.--This article shall not apply to any of the following:

1. "Public contracts" subject to the act of November 26, 1978 (P.L.1309, No.317), referred to as the Public Works Contract Regulation Law.

2. A municipality determined to be distressed under the act of July 10, 1987 (P.L.246, No.47), known as the "Municipalities Financial Recovery Act."

3. A school district which has been determined to be a distressed school district under section 691 of the act of March

10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949."

4. (4. repealed July 7, 2022, P.L.440, No.36)

5. Any corporate entity or school district as defined in the "Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class."

(1610-C added Dec. 12, 1994, P.L.1015, No.138)

Section 1611-C. Applicability.--This article shall apply to all contracts entered into on or after the effective date of Article XVI-C of this article.

(1611-C added Dec. 12, 1994, P.L.1015, No.138)

ARTICLE XVI-D

LOCAL GOVERNMENT CAPITAL PROJECT LOAN FUND

(Art. XVI-D added Oct. 6, 1997, P.L.387, No.46)

Section 1601-D. Short Title.--This article shall be known and may be cited as the "Local Government Capital Project Loan Fund Act."

(1601-D added Oct. 6, 1997, P.L.387, No.46)

Section 1602-D. Definitions.--As used in this article--

"Department" shall mean the Department of Community and Economic Development of the Commonwealth.

"Equipment" shall mean any truck, car, bulldozer, backhoe, grader, highlift, forklift, street sweeper, other mechanized vehicle or data processing equipment, including any computer, terminal, printer, expansion unit, display unit or related component of a data processing system.

"Facilities" shall mean any structure used to house offices or equipment and the land on which the structure is situated.

"Fund" shall mean the Local Government Capital Project Loan Fund.

"Municipality" shall mean any borough, town, first class township, second class township, third class city or county, provided that the term shall not include any boroughs, towns, townships, cities or counties which have a population in excess of 12,000.

(1602-D added Oct. 6, 1997, P.L.387, No.46)

Section 1603-D. Assistance to Municipalities.--(a) The department is hereby authorized, upon application of a municipality, to make loans to the municipality for the following purposes and in the following amounts:

1. Purchasing equipment. The amount of a loan made for purchasing equipment shall not exceed fifty thousand dollars (\$50,000) for any single piece of equipment or fifty per centum of the total cost of the piece of equipment, whichever is less.

2. Purchasing, constructing, renovating or rehabilitating facilities. The amount of a loan made for purchasing, constructing, renovating or rehabilitating facilities shall not exceed one hundred thousand dollars (\$100,000) for any single facility or fifty per centum of the total cost for purchasing, constructing, renovating or rehabilitating the facility, whichever is less.

3. (Deleted by amendment).

(b) Loans made by the department for the purchase of equipment shall be for a period not to exceed the useful life of the equipment, and loans made for the purchase, construction, renovation or rehabilitation of facilities shall be for a period of not more than fifteen years. Loans shall be subject to the payment of interest at two per centum per annum and shall be subject to such security as shall be determined by the department. The total amount of interest earned by the

investment or reinvestment of all or any part of the principal of any loan shall be returned to the department and transferred to the fund and shall not be credited as payment of principal or interest on the loan. The minimum amount of any loan shall be one thousand dollars (\$1,000). The municipality shall comply with the approval requirements of 53 Pa.C.S. Ch. 80 Subch. C (relating to procedure for securing approval of electors).

(c) Every application for a loan under this article shall be accompanied by a financial statement of the municipality and a financial plan to show how the loan will be repaid. Every application shall be accompanied by evidence sufficient to show that all costs, except the amount of the loan, will be met by assets or revenues of the municipality, grants or loans from other sources or in-kind contributions or services.

(d) Loans under this article shall be used for purchasing equipment and for purchasing, constructing, renovating or rehabilitating facilities and shall not be used for operating expenses or for the refinancing or reduction of any debt or obligation incurred prior to the effective date of this article.

(e) Loans made by the department shall be paid from the fund to municipalities in accordance with rules and regulations promulgated by the department.

(f) All payments of interest on loans and the principal thereof shall be deposited by the department in the fund.

(1603-D amended July 18, 2013, P.L.574, No.71)

Section 1604-D. Local Government Capital Project Loan Fund.--(a) There is hereby created a special fund in the Treasury Department, to be known as the Local Government Capital Project Loan Fund, to which shall be credited all appropriations made by the General Assembly, other than appropriations for expenses of administering this article, or grants from other sources to the department as well as repayment of principal and interest on loans made pursuant to this article.

(b) The department shall routinely requisition from the fund such amounts as shall be allocated by the department for loans to municipalities pursuant to this article. When and as the amounts so allocated by the department as loans to municipalities are repaid to the department pursuant to the terms of the agreements made and entered into with the department, the department shall pay such amounts into the fund. It is the intent of this article that the fund shall operate as a revolving fund whereby all appropriations and payments made thereto may be applied and reapplied for the purposes of this article.

(1604-D added Oct. 6, 1997, P.L.387, No.46)

Section 1605-D. Powers and Duties of Department.--In addition to the powers and duties conferred upon the department under other provisions of law, the department shall have the power and duty to:

1. Lend money for the purposes authorized by this article over a term of years, but in no case in excess of ten years.
2. Accept grants from the Federal Government and any other individual, agency or government for use in the fund.
3. Prescribe the form of the application for a loan pursuant to this article.
4. Advise a municipality regarding the financial ability of the municipality to purchase equipment or to purchase, construct, renovate or rehabilitate facilities.
5. Assist a municipality in taking advantage of joint purchasing arrangements and of opportunities to purchase surplus equipment from the Commonwealth or other political subdivisions.

6. Require security for a loan, if determined to be necessary.

7. Specify priority of liens against any facilities or equipment purchased by a municipality using funds loaned pursuant to this article, if determined to be necessary.

8. Establish a schedule which provides at least an annual opportunity for municipalities to apply for and receive loans.

(1605-D added Oct. 6, 1997, P.L.387, No.46)

Section 1606-D. Ranking of Applications.--Whenever the department determines that there will not be enough money in the fund to make loans to all of the municipalities expected to submit eligible applications during an application period, the department shall rank the applications in order of priority to determine which loans shall be made first. A system of ranking shall be established for the purposes of this section by regulation and shall provide for consideration of factors such as whether the municipality has previously received a loan pursuant to this act; the financial condition of the municipality; and the impact of the purchase of equipment or the purchase, construction, renovation or rehabilitation of facilities on the health, safety or welfare of the residents of the municipality.

(1606-D added Oct. 6, 1997, P.L.387, No.46)

Section 1607-D. Construction of Article.--This article shall be construed to be a continuation of the act of December 19, 1990 (P.L.1358, No.210), known as the "Local Government Capital Project Loan Fund Act." All loans, applications and administrative determinations under that act shall be in full force and effect under this article.

(1607-D added Oct. 6, 1997, P.L.387, No.46)

ARTICLE XVI-D.1 FINANCIALLY DISTRESSED MUNICIPALITIES (Art. added June 30, 2011, P.L.159, No.26)

Section 1601-D.1. Administrative oversight.

(1601-D.1 expired Nov. 30, 2012. See Act 87 of 2012)

Section 1602-D.1. Financial recovery.

As of the date of the termination of distressed status under the provisions of the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, a city of the second class A that is levying, or had been authorized to levy within the previous three fiscal years, a local services tax in excess of \$52 in accordance with the Municipalities Financial Recovery Act, may, upon the termination of distressed status, levy, without court approval, the local services tax at a rate which does not exceed \$156 per year, if a pension system of the municipality is in moderate distress or severe distress as defined by section 503(d) of the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, and the amount in excess of \$52 is used solely to defray the municipality's unfunded actuarial accrued pension liability. A local services tax in excess of \$52 may not be levied in the same year that the income of nonresidents is subject to a tax above maximum rates as provided in section 607(f) of the Municipal Pension Plan Funding Standard and Recovery Act.

(1602-D.1 added Apr. 25, 2016, P.L.168, No.25)

Section 1603-D.1. Payroll tax.

Notwithstanding any provision of law to the contrary, in the event that the rate of a payroll tax imposed by a city of the second class A, or a home rule municipality that was previously

a city of the second class A, under section 123(d)(2) of the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, produces less than the revenues projected in the first full year after the imposition of a payroll tax, the city may, for a second year, adjust the rate to one that is sufficient to produce revenues equal to the revenues collected as a result of the mercantile or business privilege tax in the final year it was levied. The city may levy the payroll tax in any subsequent year at a rate not to exceed the adjusted rate authorized under this section.

(1603-D.1 added Oct. 30, 2017, P.L.725, No.44)

Section 1604-D.1. Emergency plan extension.

A municipality operating pursuant to a recovery plan under the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, shall be eligible for an 18-month extension beyond the time limit imposed under section 254 of the Municipalities Financial Recovery Act.

(1604-D.1 added May 29, 2020, P.L.158, No.23)

Section 1605-D.1. Local services tax.

(a) Continuation of levy.--Notwithstanding section 123(d) of the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, or any other provision of law to the contrary, a city of the third class in a county of the third class with a population of at least 48,000 and not more than 52,000 based on the most recent Federal decennial census as of the effective date of this section may continue to levy the local services tax at a rate of \$156 for 10 years after the effective date of this section.

(b) Ten-year expiration.--After the expiration of the permitted 10-year time period in subsection (a), a city of the third class subject to this section may levy a local services tax at a rate not to exceed \$104 for a time period not to exceed five years.

(c) Five-year expiration.--After the expiration of the five-year time period in subsection (b), a city of the third class subject to this section shall adjust the local services tax to the rate authorized by the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act.

(d) Limitation and prohibition.--A city of the third class subject to this section may continue to levy an earned income tax on residents which does not exceed 2%, but shall not levy a tax or fee on the earned income of nonresidents.

(e) Determination.--A city of the third class subject to this section is eligible for a determination to terminate distressed status in the manner provided under section 255.1 of the Municipalities Financial Recovery Act.

(1605-D.1 added Nov. 23, 2020, P.L.1140, No.114)

ARTICLE XVI-E

OIL AND GAS WELLS

(Art. added Oct. 9, 2009, P.L.537, No.50)

SUBARTICLE A

PRELIMINARY PROVISIONS

(Subart. added Oct. 9, 2009, P.L.537, No.50)

Section 1601-E. Definitions.

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

"Department." The Department of Conservation and Natural Resources of the Commonwealth.

"Fund." The Oil and Gas Lease Fund. (Def. amended Oct. 30, 2017, P.L.725, No.44)

"Marcellus well." An active production well certified by the Department of Environmental Protection as a well from which gas from the Marcellus Shale formation, as determined by the United States Geological Survey, was extracted during the fiscal year, including wells on Commonwealth and non-Commonwealth land.

(1601-E added Oct. 9, 2009, P.L.537, No.50)

Section 1601.1-E. Legislative findings.

The General Assembly finds and declares as follows:

(1) Revenue from the leasing of State land to extract natural gas is necessary to obtain the revenue necessary to effectuate the act of July 10, 2014 (P.L.3052, No.1A), known as the General Appropriation Act of 2014.

(2) Leases utilized by the department include provisions that are highly protective of the ecological integrity of State forest lands and carefully crafted to minimize impacts to rare and endangered plants, wildlife and their habitat and the vast number of streams and watersheds that are part of State forest and park lands.

(3) Leases utilized by the department for shale gas provide for enhanced environmental and surface protections, including:

(i) Increased setback distances from critical recreation infrastructure, streams and water features, State parks and designated wild and natural areas.

(ii) Limiting the amount of surface area disturbed, prohibiting shallow well drilling and authorizing the application of strict forestry resource management principles.

(iii) Limiting the number of well pads allowed to be constructed on the lease tract; providing for deep drilling insurance; and prohibiting the development of the ecologically sensitive areas, including designated wild and natural areas and areas of special consideration, without the department's prior written approval.

(4) The department continually updates and employs best management practices when managing oil and gas activities on State forest lands to ensure that shale gas activities are consistent with the recreational and ecological uses of State forest.

(5) The department has implemented a Shale Gas Monitoring Program to monitor, evaluate and report any impacts of shale gas development on the State forest system.

(6) The fund is not a constitutional trust.

(7) Money in the fund has increased exponentially from the extraction of shale gas and the implementation of new gas extraction techniques.

(8) The Commonwealth's role as trustee of the public's natural resources is broader and more comprehensive than just conserving the State forest and parks.

(9) The General Assembly affirms its intent that:

(i) The department should continue the operation of the shale gas monitoring activities program to monitor, evaluate and report the impacts of shale gas activities in State forest and, in consultation with the Governor's Office, utilize data received from ongoing monitoring to adjust its management planning and practices.

(ii) The department should consider the State forest and park lands as one of the Commonwealth's interests

when considering whether or not to lease additional State forest and park lands and determining what is in the best interests of the Commonwealth. Interest involved in decisions relating to leasing State forest and park lands should not be made to the exclusion of all other interests of the Commonwealth.

(iii) Notwithstanding any other law to the contrary, it is in the best interest of the Commonwealth to lease oil and gas rights in State forests and parks if the department:

(A) in consultation with the Governor, continues strong and effective lease protections, best management practices and ongoing monitoring programs on the impact of gas operations; and

(B) maintains a balance of money in the fund to carry out the department's statutory obligation to protect State forest and park land and other environmental activities.

(10) If a balance in the funds is adequate to achieve the purposes of paragraph (9), transfers to the General Fund are permissible.

(1601.1-E added July 10, 2014, P.L.1053, No.126)

Section 1601.2-E. Oil and Gas Lease Fund.

(a) Continuation.--The fund is continued as a special fund in the State Treasury.

(b) Sources.--The following shall be deposited into the fund:

(1) Rents and royalties from oil and gas leases of land owned by the Commonwealth, except rents and royalties received from game and fish lands.

(2) Amounts as provided under section 5 of the act of October 8, 2012 (P.L.1194, No.147), known as the Indigenous Mineral Resources Development Act.

(3) Any other money appropriated or transferred to the fund.

(c) Use.--Money in the fund may only be used as provided under subsection (e) or as annually appropriated by the General Assembly. In making an appropriation from the fund, the General Assembly shall consider the Commonwealth's trustee duties under section 27 of Article I of the Constitution of Pennsylvania.

(d) Priority.--Money appropriated from the fund under a General Appropriation Act or other appropriation act shall be distributed prior to allocations under subsection (e).

(e) Annual transfers.--The following apply:

(1) (i) Except as provided under subparagraph (ii), for the 2017-2018 fiscal year and each fiscal year thereafter, \$20,000,000 shall be transferred from the fund to the Marcellus Legacy Fund for distribution to the Environmental Stewardship Fund.

(ii) No amount shall be transferred from the fund to the Marcellus Legacy Fund for distribution to the Environmental Stewardship Fund for the 2019-2020, 2020-2021, 2021-2022, 2022-2023 and 2023-2024 fiscal year. ((ii) amended Dec. 13, 2023, P.L.251, No.34)

(2) For the 2017-2018 fiscal year and each fiscal year thereafter, \$15,000,000 shall be transferred from the fund to the Marcellus Legacy Fund for distribution to the Hazardous Sites Cleanup Fund.

((e) amended July 11, 2022, P.L.540, No.54)

(1601.2-E added Oct. 30, 2017, P.L.725, No.44)

Section 1602-E. Appropriation.

Notwithstanding any other provision of law and except as provided in section 1603-E, no money in the fund from royalties may be expended unless appropriated or transferred to the General Fund by the General Assembly from the fund. In making appropriations, the General Assembly shall consider the adoption of an allocation to municipalities impacted by a Marcellus well.

(1602-E amended July 10, 2014, P.L.1053, No.126)

Section 1603-E. Department of Conservation and Natural Resources.

Subject to the availability of money in the fund following transfers, up to \$50,000,000 from the fund from royalties shall be appropriated annually to the department to carry out the purposes set forth in the act of December 15, 1955 (P.L.865, No.256), entitled "An act requiring rents and royalties from oil and gas leases of Commonwealth land to be placed in a special fund to be used for conservation, recreation, dams, and flood control; authorizing the Secretary of Forests and Waters to determine the need for and location of such projects and to acquire the necessary land." The department shall give preference to the operation and maintenance of State parks and forests.

(1603-E amended July 10, 2014, P.L.1053, No.126)

Section 1604-E. Transfer.

Notwithstanding section 1603-E or any other provision of law, in fiscal year 2009-2010 the amount of \$60,000,000 shall be transferred from the fund to the General Fund.

(1604-E added Oct. 9, 2009, P.L.537, No.50)

Section 1605-E. Additional transfers.

(a) Fiscal year 2010-2011.--Notwithstanding section 1603-E or any other provision of law, in fiscal year 2010-2011, the amount of \$180,000,000 shall be transferred from the fund to the General Fund.

(b) Fiscal year 2014-2015.--Notwithstanding section 1603-E or any other provision of law, in fiscal year 2014-2015, the amount of \$95,000,000 shall be transferred from the fund to the General Fund.

(1605-E amended July 10, 2014, P.L.1053, No.126)

Section 1606-E. Conventional oil and gas well bonding.--(1606-E repealed July 11, 2022, P.L.1622, No.96)

Section 1607-E. Oil and gas operations in the South Newark Basin.

(a) Legislative findings.--The General Assembly finds and declares that:

(1) The United States Geological Survey issued a report in June of 2012, entitled "Assessment of Undiscovered Oil and Gas Resources of the East Coast Mesozoic Basins of the Piedmont, Blue Ridge Thrust Belt, Atlantic Coastal Plain, and New England Provinces, 2011."

(2) The report under paragraph (1) revealed a mean average of 876,000,000,000 cubic feet of total undiscovered natural gas resources in the South Newark Basin assessment unit.

(3) The unique geologic and geochemical characteristics of the South Newark Basin evaluated in the report under paragraph (1) have not been adequately evaluated by the Commonwealth and are deserving of further study.

(b) Well permits.--The Department of Environmental Protection may not issue well permits under 58 Pa.C.S. Ch. 32 (relating to development) to engage in oil and gas operations within the geographic boundaries of the South Newark Basin, as defined by the report under subsection (a), until all of the following have occurred:

(1) A study is completed by the Department of Conservation and Natural Resources, in consultation with the municipalities located in the South Newark Basin, evaluating the practical resource recovery implications of the report under subsection (a) and the fiscal impact of oil and gas operations on the South Newark Basin.

(2) Legislation authorizes the governing body of a county situated in whole or in part within the South Newark Basin that has spud a gas well located within its borders to elect whether to impose a fee on gas wells pursuant to 58 Pa.C.S. Ch. 23 (relating to unconventional gas well fee).

(c) ((c) repealed Oct. 30, 2017, P.L.725, No.44)

(1607-E added July 2, 2012, P.L.823, No.87)

Section 1608-E. Transfers and allocations. (Hdg. amended July 13, 2016, P.L.664, No.85)

(a) Environmental Stewardship Fund transfer.--Notwithstanding 58 Pa.C.S. § 2505(b)(1)(ii) (relating to funds), the amount transferred from the fund to the Marcellus Legacy Fund for distribution to the Environmental Stewardship Fund in fiscal year 2015-2016 and fiscal year 2016-2017 shall be \$20,000,000. ((a) amended July 13, 2016, P.L.664, No.85)

(a.1) Hazardous Sites Cleanup Fund transfer.--Notwithstanding 58 Pa.C.S. § 2505(b)(2)(ii), the amount transferred from the fund to the Marcellus Legacy Fund for distribution to the Hazardous Sites Cleanup Fund in fiscal year 2016-2017 shall be \$5,000,000. ((a.1) added July 13, 2016, P.L.664, No.85)

(b) Allocation of appropriation.--Money appropriated from the Environmental Stewardship Fund under 27 Pa.C.S. § 6104(c) (relating to fund) in fiscal year 2015-2016 shall be allocated as follows:

(1) 23% to the department.

(2) 35.7% to the Department of Environmental Protection.

(3) 18.7% to the Department of Agriculture.

(4) 22.6% to the Pennsylvania Infrastructure Investment Authority.

(c) Debt payments.--Nothing in this section shall affect payments authorized under 27 Pa.C.S. § 6115 (relating to Commonwealth indebtedness).

(1608-E added Apr. 25, 2016, P.L.168, No.25)

Section 1609-E. Oil and gas conservation.

Notwithstanding section 3(b) of the act of July 25, 1961 (P.L.825, No.359), known as the Oil and Gas Conservation Law, the Oil and Gas Conservation Law shall not apply to or affect any well or wells which do not penetrate the Onondaga horizon, or in those areas in which the Onondaga horizon is nearer to the surface than 3,800 feet, any well or wells which do not exceed a depth of 3,800 feet beneath the surface or any well or wells that unintentionally penetrate the Onondaga horizon and do not intentionally produce oil or gas from the Onondaga horizon. For the purposes of the Oil and Gas Conservation Law, the question whether a pool is covered by that law shall be determined by the depth of the producing interval in the discovery well in such pool, and if such producing interval is covered by that law, all wells drilled to such pool shall be covered by that law, even though some of the wells in the pool, if considered alone, would not be covered by that law.

(1609-E added July 13, 2016, P.L.664, No.85)

Section 1610-E. Temporary cessation of oil and gas wells.

(a) General rule.--An oil and gas lessor shall be deemed to acknowledge that a period of nonproduction under an oil and gas lease is a temporary cessation insufficient to terminate

the lease and the lessor waives his right to seek lease termination upon those grounds if, prior to claiming the lease has terminated:

(1) production is recommenced and the lessor accepts royalty payments for the production. Any first royalty payment following recommencement of production after a period of more than one year of inactivity shall be accompanied by an explanation, in plain terms, that acceptance of the royalty payment shall constitute acknowledgment of an existing lease with the operator; or

(2) the operator, after notifying the lessor of its intent to drill a new well and giving the lessor 90 days within which to object, drills a new well under the lease.

(b) Lease provisions.--Nothing in this section is intended to waive lease requirements related to commencement of operations during a lease's primary term or affect a lease provision expressly providing for lease termination following a fixed period of nonproduction.

(1610-E added Oct. 30, 2017, P.L.725, No.44)

ARTICLE XVI-F
KEYSTONE SPECIAL DEVELOPMENT ZONE
(Art. repealed July 9, 2013, P.L.270, No.52)

Section 1601-F. Scope of article. (1601-F repealed July 9, 2013, P.L.270, No.52)

Section 1602-F. Definitions. (1602-F repealed July 9, 2013, P.L.270, No.52)

Section 1603-F. Keystone Special Development Zone tax credit. (1603-F repealed July 9, 2013, P.L.270, No.52)

Section 1604-F. Tax liability attributable to Keystone Special Development Zone. (1604-F repealed July 9, 2013, P.L.270, No.52)

ARTICLE XVI-G
BONDS
(Art. added July 6, 2010, P.L.279, No.46)

Section 1601-G. Issuance of certain refunding bonds.

(a) Issuance of bonds.--Notwithstanding any other provision of law, any transit entity may issue bonds to refund obligations issued prior to June 30, 2007, and may pay and secure such refunding bonds with all or part of the sources of payment and security for the obligations that are being refunded, including, but not limited to, money from the fund. Refunding bonds issued pursuant to this section may include bonds issued to fund costs of the refunding, including, but not limited to, costs of issuance, funding one or more debt service reserve or similar funds and making termination payments on interest rate exchange agreements related to the obligations being refunded. The term of any refunding bonds issued under this section may not exceed the term of the obligations being refunded and the total debt service payable on refunding bonds issued under this section may not exceed the total debt service payable on the obligations being refunded by the refunding.

(b) Commonwealth pledge.--The Commonwealth does hereby pledge to and agree with any person, firm or corporation, government agency, whether in this Commonwealth or elsewhere, or Federal agency subscribing to or acquiring bonds issued under this section, that the Commonwealth will not limit or alter the rights hereby vested in the transit entity in any manner inconsistent with the obligations of the transit entity to the

obligees of the transit entity until all the refunding bonds issued by the transit entity under this section, together with the interest thereon, are fully paid or provided for.

(c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Bonds." Notes, bonds, refunding notes and refunding bonds, interim certificates, debentures and other evidences of indebtedness or obligations which a transit entity is authorized to issue.

"Fund." The Public Transportation Assistance Fund established under Article XXIII of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

"Obligations." Any bonds, notes, bond anticipation notes, refunding notes and refunding bonds, interim certificates, debentures and other evidences of indebtedness or obligations of a transit entity for which revenues from the fund were pledged prior to June 30, 2007.

"Obligees of the transit entity." Any holder or owner of any refunding bond of a transit entity issued under this section or any trustee or other fiduciary for any such holder or any provider of a letter of credit, policy of municipal bond insurance or other credit enhancement or liquidity facility for refunding bonds issued under this section.

"Transit entity." Any class of transit entity as defined in former 74 Pa.C.S. § 1301 (relating to definitions).

(1601-G added July 6, 2010, P.L.279, No.46)

ARTICLE XVI-H TAX CREDITS

(Art. hdg. amended June 30, 2011, P.L.159, No.26)

Section 1601-H. Department of Education. (1601-H repealed July 2, 2012, P.L.823, No.87)

Section 1602-H. Department of Revenue. (1602-H repealed July 2, 2012, P.L.823, No.87)

Section 1603-H. Department of Community and Economic Development. (1603-H repealed July 2, 2012, P.L.823, No.87)

Section 1604-H. Department of Community and Economic Development.

(a) Educational tax credits.--Tax credits awarded under Article XVII-F of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in fiscal year 2015-2016 to a business firm making an approved contribution to a scholarship organization, prekindergarten scholarship organization, opportunity scholarship organization or educational improvement organization may be used in the taxable year in which a completed application was submitted by the business firm or the taxable year in which the contribution was made by the business firm, as determined by the business firm.

(b) Entertainment Economic Enhancement Program.--The following apply:

(1) For fiscal year 2018-2019, in accordance with the procedures under Subarticle E of Article XVII-D of the Tax Reform Code of 1971 and notwithstanding section 1777-D(a) of the Tax Reform Code of 1971, the Department of Community and Economic Development shall award tax credits for qualified rehearsal and tour expenses incurred or to be incurred related to 10 tours in the fiscal year. Tax credits awarded under this paragraph may not be considered an advance award of tax credits for the purposes of section 1777-D(b)

of the Tax Reform of 1971 and may not reduce the number of tours that the department may award tax credits to in succeeding fiscal years.

(2) In fiscal year 2018-2019, the Department of Community and Economic Development may, in the department's discretion, advance the award of tax credits for qualified rehearsal and tour expenses incurred or to be incurred related to a maximum of two additional tours. Tax credits awarded under this paragraph shall be considered an advance award of tax credits for the purposes of section 1777-D(b) of the Tax Reform code of 1971.

(1604-H amended June 22, 2018, P.L.281, No.42)

ARTICLE XVI-I PERMIT EXTENSIONS

(Art. repealed July 9, 2013, P.L.362, No.54)

- Section 1601-I. Scope of article. (1601-I repealed July 9, 2013, P.L.362, No.54)
- Section 1602-I. Definitions. (1602-I repealed July 9, 2013, P.L.362, No.54)
- Section 1603-I. Existing approval. (1603-I repealed July 9, 2013, P.L.362, No.54)
- Section 1604-I. Subsequent changes. (1604-I repealed July 9, 2013, P.L.362, No.54)
- Section 1605-I. Agency verification. (1605-I repealed July 9, 2013, P.L.362, No.54)
- Section 1606-I. Applicability. (1606-I repealed July 9, 2013, P.L.362, No.54)
- Section 1607-I. Notice. (1607-I repealed July 9, 2013, P.L.362, No.54)
- Section 1608-I. Miscellaneous. (1608-I repealed July 9, 2013, P.L.362, No.54)

ARTICLE XVI-J HERITAGE AREAS

(Art. added July 6, 2010, P.L.279, No.46)

Section 1601-J. Scope of article.

This article relates to the Heritage Area Program.

(1601-J deleted by amendment and added July 13, 2016, P.L.664, No.85)

Section 1602-J. Declaration of policy.

The General Assembly finds and declares as follows:

(1) The act of June 28, 1995 (P.L.89, No.18), known as the Conservation and Natural Resources Act, created the department and empowered the department to administer State heritage conservation programs, such as the Pennsylvania Heritage Parks Program.

(2) The Pennsylvania Heritage Parks Program consists of heritage areas, which are multicounty regions located in this Commonwealth and designated by gubernatorial action that promotes an appreciation of the history and heritage of the regions.

(3) Since 1989, heritage areas assist communities in developing, restoring, preserving and conserving nationally, State and locally significant historic, cultural, natural and recreational resources through capital and programmatic investments.

(4) Heritage areas have successfully demonstrated the ability to create public, private and nonprofit investment

partnerships leveraging significant investments for every dollar of Commonwealth funds.

(5) Heritage areas are a key catalyst in regions of this Commonwealth for economic growth and community development strategies and investments resulting in tourism promotion, small business development and the creation of jobs.

(6) The Commonwealth's program has long been recognized, studied and replicated by other states and the National Park Service as a model for successful heritage and community conservation and development.

(7) Due to the success of the program, a targeted effort should be made to promote this Commonwealth's heritage areas by providing dedicated funding.

(1602-J added July 13, 2016, P.L.664, No.85)

Section 1603-J. Definitions.

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

"Department." The Department of Conservation and Natural Resources of the Commonwealth.

"Heritage area." A Commonwealth-designated region, managed by a nonprofit organization or governmental entity, which conserves nationally significant and State-significant landscapes and develops, protects, interprets and promotes its historical, cultural, natural and recreational resources to stimulate economic and community development.

"Program." The Heritage Area Program.

"Secretary." The Secretary of the Department of Conservation and Natural Resources of the Commonwealth.

(1603-J added July 13, 2016, P.L.664, No.85)

Section 1604-J. Heritage Area Program.

(a) Establishment.--The Heritage Area Program is established within the department to identify, protect, develop, enhance and promote the historical, recreational, natural, cultural and scenic resources of this Commonwealth and to stimulate community revitalization and economic development through regional heritage conservation, recreation, tourism and partnerships.

(b) Administration.--

(1) The department shall adopt program guidelines and policies for the implementation and administration of the program.

(2) The department shall consult with the heritage areas on an annual basis to discuss program goals, guidelines and policies.

(c) Funding.--The department shall, under subsection (f), allocate funds appropriated to the department to the program for the following purposes:

(1) Management, administration, operation and marketing of heritage areas.

(2) Planning, implementation, technical assistance and educational projects and programs related to heritage areas.

(3) Development, construction, rehabilitation, repair, acquisition, preservation and enhancement of lands, buildings and other structures related to heritage areas.

(4) Protection, documentation, interpretation and promotion of the cultural, natural, scenic, recreational and historical resources of heritage areas.

(5) Establishment of partnerships and coalitions of governmental and nongovernmental agencies and organizations to assist heritage areas with the implementation of management action plans.

(6) Any other activities deemed appropriate by the department.

(d) Use.--A heritage area may use the funding allocated by the department for the program to provide a grant to another entity and organization, including a county, municipality, authority, nonprofit organization, other authorized organization, private sector firm or business, if the purpose of the grant meets the requirements of subsection (c).

(e) Eligibility.--In addition to any other funding provided to a heritage area, a heritage area shall be eligible to apply for a grant and loan program administered by the department or other Federal or State agency or entity.

(f) Amount.--

(1) The department shall distribute funds to the program based on established program goals, guidelines and policies.

(2) The department shall allocate all funds appropriated annually for the program and each State-designated heritage area shall receive a minimum amount established by the program goals, guidelines and policies.

(g) Administrative use.--The department may use no more than 5% of the funding appropriated annually for the program for administrative expenses, including the development of a strategic plan or other appropriate initiative related to the administration of the program.

(1604-J added July 13, 2016, P.L.664, No.85)

ARTICLE XVI-K

BUSINESS IN OUR SITES PROGRAM ACCOUNT

(Art. added July 13, 2016, P.L.664, No.85)

Section 1601-K. Definitions.

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

"Authority." The Commonwealth Financing Authority established under 64 Pa.C.S. Ch. 15 (relating to Commonwealth Financing Authority).

(1601-K added July 13, 2016, P.L.664, No.85)

Section 1602-K. Transfers of funds.

The authority shall make all of the following transfers:

(1) \$50,000,000 from the First Industries Program account established under 64 Pa.C.S. § 1542(b) (relating to revolving loan program accounts) to the Business In Our Sites Program account established under 64 Pa.C.S. § 1542(a), subject to the provisions of any pledge to or agreement made by the authority with or for the benefit of obligees of the authority.

(2) \$25,000,000 from the trust account established under 64 Pa.C.S. § 1541 (relating to trust accounts) for the Building Pennsylvania program to the Business In Our Sites Program account established under 64 Pa.C.S. § 1542(a), subject to the provisions of any pledge to or agreement made by the authority with or for the benefit of obligees of the authority.

(3) In fiscal year 2018-2019, \$10,000,000 from the First Industries Program account established under 64 Pa.C.S. § 1542(b) to the Business In Our Sites Program account established under 64 Pa.C.S. § 1542(a), subject to the provisions of any pledge to or agreement made by the authority with or for the benefit of obligees of the authority.

(4) In fiscal year 2018-2019, \$35,000,000 from the trust account established under 64 Pa.C.S. § 1541 for the Building Pennsylvania program to the Business In Our Sites Program account established under 64 Pa.C.S. § 1542(a), subject to the provisions of any pledge to or agreement made by the authority with or for the benefit of obligees of the authority.

(1602-K amended June 22, 2018, P.L.281, No.42)

Section 1603-K. Business in Our Sites Program limitations.

A project grant awarded under 64 Pa.C.S. § 1551(f) (relating to Business in Our Sites Program) shall not exceed 40% of the total amount of financing awarded by the board of directors of the authority for the project or \$4,000,000, whichever is less. No more than one-third of the funds made available for the program authorized by 64 Pa.C.S. § 1551, including loan repayments and funds transferred pursuant to this act, may be used for all project grants.

(1603-K added July 13, 2016, P.L.664, No.85)

ARTICLE XVI-M

TRANSPORTATION NETWORK COMPANIES, MOTOR CARRIER COMPANIES AND PARKING AUTHORITY OF A CITY OF THE FIRST CLASS

(Art. hdg. amended Oct. 30, 2017, P.L.725, No.44)

Section 1601-M. Transportation network companies.

(a) Certificate of public convenience.--A transportation network company operating pursuant to a certificate of public convenience for experimental service issued by the commission may operate in a city of the first class under this section.

(b) Regulations.--A parking authority of a city of the first class may adopt reasonable temporary regulations relating to enforcement under this section that do not impose additional burdens on the transportation network company and are consistent with those imposed by the commission on transportation network companies under the certificate of public convenience.

Regulations under this subsection shall expire upon the expiration of this section. A transportation network company driver operating in a city of the first class may not solicit or accept a prearranged ride at any of the following locations:

(1) An international airport owned by the city and located in whole or in part in the city. Nothing under this paragraph may be construed to limit the ability of a municipality or other governing authority that owns or operates an airport located, in whole or in part, in the city from adopting contracts, licenses and regulations relating to the duties and responsibilities on airport property of a transportation network service or a transportation network company driver, including the imposition of reasonable fees.

(2) A designated taxi stand, no stopping or standing zone or other area where a personal vehicle may not enter at a train station owned by AMTRAK located in the city.

(3) An organized line of taxis at a hotel utilized to provide services to patrons and visitors at the hotel.

(c) Disqualification of drivers.--The following shall apply to a parking authority of a city of the first class:

(1) The authority may issue an order to a transportation network company requiring disqualification of a driver from being a transportation network company driver if, prior to the expiration of this section, the driver commits five or more violations of the regulations promulgated under this section.

(2) An authority directive to the transportation network company to disqualify a driver from being a transportation network company driver may occur only after the filing and adjudication of a formal complaint pursuant to 52 Pa. Code Ch. 1005 (relating to formal proceedings), by which the transportation network company shall be afforded full due process, including notice and opportunity to be heard.

(3) The authority may adopt regulations to allow reinstatement of a driver following an appropriate disqualification period and compliance with any conditions imposed by the authority.

(4) The authority may only confiscate the vehicle of a driver if the driver continues to provide service while disqualified or following suspension or revocation of a transportation network company's license by the commission.

(d) Assessment.--A parking authority of a city of the first class shall require a transportation network company operating in a city of the first class to pay to the parking authority an assessment amount equal to 1% of the gross receipts from all fares charged to all passengers for prearranged rides that originate in the city. The amount assessed shall be remitted on a quarterly basis and deposited into a restricted receipts account in the State Treasury. The Treasurer shall distribute 66.67% to a school district of the first class and 33.33% to the parking authority on a quarterly basis. The authority may enter into a settlement with a transportation network company relating to legal disputes relating to the time period from October 24, 2014, through July 7, 2016.

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Commission." The Pennsylvania Public Utility Commission.

"Transportation network company." A motor carrier service that uses an online application, software or Internet website to provide prearranged rides to passengers.

(f) Expiration.--This section shall expire September 30, 2016, or upon enactment of enabling legislation, whichever is sooner.

(1601-M added July 13, 2016, P.L.664, No.85)

Section 1602-M. Motor carrier companies.

(a) Regulation of taxis and limousines.--

(1) The Pennsylvania Public Utility Commission shall, within 150 days of the effective date of this section, promulgate temporary regulations. The temporary regulations shall not be subject to the following:

(i) Sections 201, 202, 203, 204 and 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(ii) Sections 204(b) and 301(10) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(iii) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(2) The temporary regulations shall expire upon the promulgation of final-form regulations or two years following the effective date of this section, whichever is earlier.

(3) The temporary regulations under this subsection shall address all of the following:

(i) The use of log sheets and manifests, including the storage of information on digital or other electronic devices.

(ii) Metering addressing the use of a variety of technologies.

(iii) Vehicles' age and mileage, including procedures to petition for exceptions to age and mileage standards.

(iv) Marking of taxis, including advertising.

(v) The operation of lease-to-own taxi and limousine equipment subject to the following conditions:

(A) Providing required levels of insurance on the vehicle.

(B) Ensuring that the vehicle is subject to and complies with all vehicle inspection requirements.

(C) Ensuring that the driver complies with all the requirements of 52 Pa. Code Ch. 29 Subch. F (relating to driver regulations).

(D) Terminating insurance provided to a driver who completes the purchase of the vehicle or who no longer provides driver services to the taxi or limousine company.

(vi) Taxi tariffs, including rate and tariff change procedures for both meters and digital platforms. Regulations shall reflect reduced or flexible rates and tariffs as appropriate.

(vii) Procedures for cancellations, no-shows and cleaning fees.

(viii) Limousine tariffs, including rate and tariff change procedures. Regulations shall reflect reduced or flexible rates and tariffs as appropriate.

(ix) Driver requirements, including criminal history background check requirements and driving record requirements.

(x) Vehicle requirements, including compliance with environmental, cleanliness, safety and customer service standards, including special safety requirements for children.

(xi) Requirements for continuous service and exceptions for unexpected demand and personal health and safety.

(b) Dual dispatch.--A motor carrier that provides call or demand service under a certificate of public convenience and that is operating under a certificate of public convenience for experimental service issued by the Pennsylvania Public Utility Commission to provide transportation network service may dispatch either a call or demand vehicle or a personal vehicle driven by a transportation network company driver to provide service in the motor carrier's authorized service territory.

(1602-M added July 13, 2016, P.L.664, No.85)

Section 1603-M. Regulation of taxicabs and limousines by parking authority of city of the first class.

For the purpose of the temporary and final-form regulations required under 53 Pa.C.S. § 57B02(c)(1) (relating to regulation of taxicabs and limousines) and notwithstanding 53 Pa.C.S. § 5707 (relating to budget and assessments), the owner of a taxicab authorized by the authority to provide taxicab service in a city of the first class shall pay to the authority an assessment equal to 1% of the gross receipts from the fares charged to passengers for taxicab service in the city of the first class. The amount assessed must be remitted on a quarterly basis to the authority.

(1603-M added Oct. 30, 2017, P.L.725, No.44)

Section 1604-M. Penalties.

(a) Suspension or revocation.--In addition to any other penalties authorized under 53 Pa.C.S. Ch. 57A (relating to transportation network companies), the authority may suspend or revoke the license of a transportation network company which fails to comply with 53 Pa.C.S. § 57A16(n)(2) (relating to operating regulations).

(b) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Authority." As defined in 53 Pa.C.S. § 57A01 (relating to definitions).

"License." As defined in 53 Pa.C.S. § 57A01.

"Transportation network company." As defined in 53 Pa.C.S. § 57A01.

(1604-M added Oct. 30, 2017, P.L.725, No.44)

Section 1605-M. Provision of transportation network service.

Notwithstanding any provision under 53 Pa.C.S. § 57A08(a)(5) (relating to vehicle ownership and standards) or 66 Pa.C.S. § 2606(b) (relating to personal vehicle requirements) to the contrary, a vehicle up to 15 model years old may be used to provide transportation network service.

(1605-M added Oct. 30, 2017, P.L.725, No.44)

Section 1606-M. Transportation network company extension.

Notwithstanding 53 Pa.C.S. § 57A22(1) (relating to assessment), the provisions of 53 Pa.C.S. § 57A22 shall not expire until December 31, 2027.

(1606-M amended July 11, 2022, P.L.540, No.54)

Section 1607-M. Designated municipal agent and authorized salvor for city of the first class.

For purposes of 75 Pa.C.S. § 7304.1 (relating to reports and removal of abandoned vehicles within the boundaries of a city of the first class or second class), a designated municipal agency and an authorized salvor for a city of the first class shall mean the Philadelphia Parking Authority.

(1607-M added Dec. 13, 2023, P.L.251, No.34)

ARTICLE XVI-N

PRIVATE DAM FINANCIAL ASSURANCE

(Art. added June 22, 2018, P.L.281, No.42)

Section 1601-N. Short title.

This article shall be known and may be cited as the Private Dam Financial Assurance Program Act.

(1601-N added June 22, 2018, P.L.281, No.42)

Section 1602-N. Definitions.

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

"Common interest community." Includes a cooperative, condominium and planned community where an individual, by virtue of ownership interest in any portion of real estate, is or may become obligated by covenant, easement or agreement imposed upon the owner's interest to pay any amount for real property taxes, insurance, maintenance, repair, improvement, management, administration or regulation of any part of the real estate other than the portion or interest owned solely by the individual.

"Community association." Any person or incorporated community under 68 Pa.C.S. Subpts. B (relating to condominiums), C (relating to cooperatives) and D (relating to planned communities) or common interest community.

"Department." The Department of Community and Economic Development of the Commonwealth.

"Eligible cost." Any cost to be incurred by an owner enrolled in the program for the maintenance, repair, rehabilitation or permanent breach of the owner's dam. The term includes construction activities, engineering fees, demolition, excavation, reclamation and related costs.

"Fund." The Private Dam Financial Assurance Fund established under section 1606-N.

"Owner." A person who owns, controls, operates, maintains or manages a regulated private dam in this Commonwealth.

"Person." Includes a natural person, partnership, association, community association or corporation. The term does not include an agency of the Federal, State, county or municipal government or an interstate government.

"Program." The Private Dam Financial Assurance Program established under section 1603-N.

"Regulated private dam." A privately owned dam subject to the requirements of section 11 of the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act.

(1602-N added June 22, 2018, P.L.281, No.42)
Section 1603-N. Private Dam Financial Assurance Program.

(a) Establishment.--The department, in consultation with the Department of Environmental Protection, is authorized to establish the Private Dam Financial Assurance Program to provide financial assurance assistance to owners of regulated private dams to meet any proof of financial responsibility requirements promulgated under section 11 of the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act, and any regulations promulgated under that act.

(b) Financial responsibility.--An owner that is enrolled in the program is deemed to have met proof of financial responsibility requirements promulgated under section 11 of the Dam Safety and Encroachments Act for the owner's dam.

(c) Eligibility.--Financial assurance assistance through the program shall be made available to an owner provided that the owner:

(1) Demonstrates compliance with the Dam Safety and Encroachments Act and the regulations promulgated under that act, as determined by the Department of Environmental Protection, including annual inspection reporting, payment of registration fees and compliance with an approved emergency action plan.

(2) Pays a one-time program enrollment fee of \$1,000 per dam to the fund.

(3) Pays an annual fee to the fund in an amount equal to 1% of the bond amount required by the Department of Environmental Protection under proof of financial responsibility requirements promulgated under section 11 of the Dam Safety and Encroachments Act.

(d) Program application.--Owners seeking assurance under this article must submit a complete program application on forms provided by the department. The department shall develop the application form in consultation with the Department of Environmental Protection. The department shall consult with the Department of Environmental Protection to determine owner eligibility under this article.

(1603-N added June 22, 2018, P.L.281, No.42)
Section 1604-N. Revolving loan program.

(a) Establishment.--The department, in consultation with the Department of Environmental Protection, is authorized to

establish a revolving loan program for private dam owners enrolled in the program to provide assistance.

(b) Loan criteria.--The department, in consultation with the Department of Environmental Protection, shall establish criteria to award loans under the revolving loan program. Participation in the program shall be considered collateral for any loans awarded under this section.

(c) Loan amounts.--A loan amount under the program may not exceed 50% of the eligible costs and may not exceed \$500,000.

(d) Loan application.--Owners seeking program loans must submit a complete loan application to the department. The loan application form shall be provided by the department. The loan application form shall be developed in consultation with the Department of Environmental Protection and shall include all of the following:

(1) The name of the applicant.

(2) A brief description of the project to be funded.

(3) A demonstrated estimate of the eligible costs of the project.

(4) Any other information as the department or Department of Environmental Protection may require.

(e) Repayment.--Loans shall have a repayment period of up to 10 years.

(f) Interest.--Loan interest rates shall be fixed at an interest rate in effect at the time the loan is made and shall be equal to the Five-Year United States Treasury Note on the date the loan is awarded.

(g) Fee.--The department may charge a loan origination fee not to exceed 2.5% of the approved loan amount.

(h) Penalties.--The department, in consultation with the Department of Environmental Protection, shall establish penalties for loan recipients who fail to meet their repayment obligations under the loan terms.

(1604-N added June 22, 2018, P.L.281, No.42)
Section 1605-N. Annual report.

The department, in consultation with the Department of Environmental Protection, shall prepare an annual report for the General Assembly concerning activities and expenditures made under this article for the preceding year. The report shall include information concerning all loans made to owners and loan applications denied.

(1605-N added June 22, 2018, P.L.281, No.42)
Section 1606-N. Private Dam Financial Assurance Fund.

(a) Establishment of fund.--The Private Dam Financial Assurance Fund is established as a special fund in the State Treasury. The fund shall consist of all payments and fees collected by the department under this article and all money earned from the investment and reinvestment of money in the fund by the State Treasurer. The fund shall be the sole source of money for any and all payments due under or required by this article. The Commonwealth shall have no liability for any cost or expense under this article beyond the amount deposited in the fund, and the Commonwealth's credit is not pledged to meet any cost or expense payable from the fund. Money in the fund shall be paid out upon warrant of the State Treasurer drawn after requisition by the department or the Department of Environmental Protection. Money deposited into the fund and any interest it accrues are appropriated to the department for use in accordance with this article and to the Department of Environmental Protection for costs associated with the entry, correction, repair, operation, maintenance, inspection, monitoring or removal of a dam as necessary in response to:

(1) the failure of an owner enrolled in the program to comply with the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act, or any regulation, permit or order issued under that act, where the failure of the owner to comply creates an unsafe condition under the Dam Safety and Encroachments Act and the regulations under that act; or

(2) abandonment of the dam by an owner enrolled in the program.

(b) Fund balance and loan program.--At any time that the fund has a balance equal to or greater than \$1,500,000 and the Department of Environmental Protection has not identified the need for an amount in excess of \$1,500,000 to correct the failure of owners to comply with the Dam Safety and Encroachments Act, the department may begin accepting and approving owner loan applications for eligible costs so long as a balance of at least \$1,000,000 remains in the fund.

(c) Supplements to fund.--The fund may be supplemented by appropriations from Federal, State or local government or from any private source.

(1606-N added June 22, 2018, P.L.281, No.42)

ARTICLE XVI-O ASSESSMENTS

(Art. added May 29, 2020, P.L.158, No.23)

Section 1601-O. Managed care organization assessment.

Notwithstanding any other provision of law, the assessment authorized and implemented under Article VIII-I of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, shall continue and remain in effect until June 30, 2025. Beginning July 1, 2020, the fixed fee required under section 803-I(b) of the Human Services Code shall be \$24.95 and remain in effect until June 30, 2025. The assessment, including the fixed fee, shall remain subject to the provisions of Article VIII-I of the Human Services Code.

(1601-O added May 29, 2020, P.L.158, No.23)

ARTICLE XVI-P ANGEL INVESTMENT VENTURE CAPITAL PROGRAM (Art. added June 30, 2021, P.L.62, No.24)

Section 1601-P. Short title.

This article shall be known and may be cited as the Angel Investment Venture Capital Program Act.

(1601-P added June 30, 2021, P.L.62, No.24)

Section 1602-P. Definitions.

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

"Account." The Angel Investment Venture Capital Account established under section 1604-P.

"Angel investor." A person or entity whose purpose is to make investments in companies.

"Eligible applicant." An angel investor or a qualified business venture.

"Office." The Executive Offices of the Governor.

"Program." The Angel Investment Venture Capital Program established under section 1603-P.

"Qualified business venture." A business that:

(1) Is primarily focused on commercialization of research and development, technology transfers or the

application of new technology, or if not engaged in those industries, the office makes a determination that the qualified investment will be highly beneficial to the economic growth of this Commonwealth.

(2) Has at least 51% of its employees employed in this Commonwealth at the time the qualified business venture applies for a qualified investment.

(3) Has fewer than 100 employees at the time the qualified business venture applies for a qualified investment.

(4) Has been in operation in this Commonwealth for not more than five consecutive years at the time the qualified business venture applies for a qualified investment.

(5) Has not received more than \$2,000,000, in the aggregate, in private equity investments of which not more than \$1,000,000 was invested by a single investor.

(6) Is not engaged in a business involving the following:

(i) Real estate.

(ii) Real estate development.

(iii) Insurance.

(iv) Professional services provided by an accountant, a lawyer or a physician.

(v) Retail sales, except when the primary purpose of the business is the development or support of electronic commerce using the Internet.

"Qualified investment." A payment of money or its equivalent for a private equity interest in a qualified business venture.

(1602-P added June 30, 2021, P.L.62, No.24)

Section 1603-P. Establishment.

The Angel Investment Venture Capital Program is established as a grant program within the office. The program shall:

(1) Create a business environment that attracts and encourages early-stage financing for businesses with the potential for high growth.

(2) Increase capital investment.

(3) Encourage job creation.

(1603-P added June 30, 2021, P.L.62, No.24)

Section 1604-P. Angel Investment Venture Capital Account.

The Angel Investment Venture Capital Account is established as a restricted account within the General Fund. Money transferred under section 1605-P shall be deposited into the account. All money in the account shall be used by the office for the purpose of making grants under this article.

(1604-P added June 30, 2021, P.L.62, No.24)

Section 1605-P. Transfer from the Commonwealth Financing Authority.

In fiscal year 2021-2022, \$5,000,000 from the trust account established under 64 Pa.C.S. § 1541 (relating to trust accounts) for the Building Pennsylvania Program shall be transferred to the Angel Investment Venture Capital Account and made available for distribution in accordance with this article, subject to the provisions of any pledge to or agreement made by the Commonwealth Financing Authority with or for the benefit of obligees of the authority.

(1605-P added June 30, 2021, P.L.62, No.24)

Section 1606-P. Applications.

(a) Application for angel investor.--An angel investor may submit an application to the office requesting a grant agreement related to a qualified investment to be made in a qualified business venture. The application shall be on a form prescribed by the office.

(b) Application for qualified business venture.--A qualified business venture may submit an application to the office requesting a qualified investment. The application shall be on a form prescribed by the office.

(c) Review.--The office shall review each application submitted under this section to determine the suitability of the eligible applicant.

(d) Approval.--Upon being satisfied under subsection (c), the office shall approve the applications and award a grant for making a qualified investment in a qualified business venture.

(e) Notification.--The office shall notify the angel investor and the qualified business venture of the amount of the grant to be invested within 30 days after approval by the office and execute a grant agreement with the angel investor.

(1606-P added June 30, 2021, P.L.62, No.24)
Section 1607-P. Limitation.

The total amount of grants awarded under section 1606-P(d) shall not exceed the amount transferred under section 1605-P.

(1607-P added June 30, 2021, P.L.62, No.24)
Section 1608-P. Annual report.

(a) Report.--The office shall provide an annual report, which shall include, but not be limited to:

(1) A list of all grants approved during the previous fiscal year.

(2) The name and address of each recipient, including the name of a contact person of the recipient.

(3) The amount of the grant and a detailed description of the project for which the grant was awarded.

(b) Submission of report.--The report required under subsection (a) shall be submitted to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives by October 1, 2022. The report shall also be posted and maintained on the office's publicly accessible Internet website.

(1608-P added June 30, 2021, P.L.62, No.24)

ARTICLE XVI-Q TRANSPORTATION PILOT PROGRAMS (Art. added June 30, 2021, P.L.62, No.24)

Section 1601-Q. Electric low-speed scooter pilot program.
(1601-Q expired July 1, 2023. See act 24 of 2021.)

ARTICLE XVI-R AGRICULTURE CONSERVATION ASSISTANCE PROGRAM (Art. added July 11, 2022, P.L.540, No.54)

Section 1601-R. Definitions.

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

"Agricultural erosion and sediment control plan." A site-specific plan identifying BMPs to minimize accelerated erosion and sedimentation from agricultural runoff required by 25 Pa. Code Ch. 102 (relating to erosion and sediment control).

"Agricultural operation." The management and use of farming resources for production of crops, livestock or poultry.

"Agriculturally impaired stream miles." Stream miles that are designated impaired due to the identified source being agriculture as defined by the most recent Pennsylvania

Integrated Water Quality Monitoring and Assessment Report by the Department of Environmental Protection.

"Animal concentration areas." The following:

(1) Barnyards, feedlots, loafing areas, exercise lots or other similar animal confinement areas that will not maintain a growing crop or where deposited manure nitrogen is in excess of crop needs.

(2) The term does not include:

(i) Areas managed as pastures or other cropland.

(ii) Pasture access ways, if they do not cause direct flow of nutrients to surface water or groundwater.

"Best management practice" or "BMP." A practice or combination of practices determined by the commission or United States Department of Agriculture Natural Resources Conservation Service to be effective and practical, considering technological, economic and institutional factors, to manage nutrients and sediment to protect surface water and groundwater.

"Commission." The State Conservation Commission.

"Conservation district." A county conservation district established under the act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law.

"Conservation plan." A United States Department of Agriculture Natural Resources Conservation Service Plan, including a schedule for implementation, that identifies site specific conservation best management practices on an agricultural operation.

"Cropland acres." The acres of land used to produce adapted crops for harvest, which includes both cultivated and noncultivated crops and areas managed for forage production that are harvested by livestock, or a combination of livestock and mechanical harvesting.

"Eligible applicant." Any person or other legal entity that has legal or financial responsibility for one of the following:

(1) the agricultural operation in which they are engaged; or

(2) property on which an agricultural operation takes place.

"Erosion." The natural process by which the surface of the land is worn away by water, wind or chemical action.

"Livestock." Animals raised, stabled, fed or maintained on an agricultural operation with the purpose of generating income or providing work, recreation or transportation. The term does not include aquatic species.

"Manure management plan." A plan developed and implemented in accordance with 25 Pa. Code Ch. 91 (relating to general provisions).

"Nutrient." A substance or recognized plant nutrient, element or compound which is used or sold for its plant nutritive content or its claimed nutritive value. The term includes, but is not limited to, livestock and poultry manures, compost as fertilizer, commercially manufactured chemical fertilizers, biosolids or combinations thereof.

"Nutrient management plan." A written site-specific plan which incorporates BMPs to manage the use of plant nutrients for crop production and water quality protection consistent with the criteria established in 3 Pa.C.S. §§ 504 (relating to powers and duties of commission) and 506 (relating to nutrient management plans).

"Poultry." Birds raised, fed or maintained on an agricultural operation with the purpose of generating income.

"Program." The Agriculture Conservation Assistance Program established under this article.

"Sediment." Soils or other erodible materials transported by storm water as a product of erosion.

"Surface waters." Perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps and estuaries. The term does not include water at facilities approved for wastewater treatment, such as wastewater treatment impoundments, cooling water ponds and constructed wetlands used as part of a wastewater treatment process.

"Technical assistance." Advice, technical expertise, information, training and tools provided to a landowner, commission, conservation district or others regarding program implementation, including, but not limited to, the proper planning, design and installation of best management practices.

"Watershed implementation plan." A plan created to achieve water quality improvement goals within a watershed of this Commonwealth, including, but not limited to, Chesapeake Bay Watershed implementation plans, county action plans or other watershed-based restoration and implementation plans.

(1601-R added July 11, 2022, P.L.540, No.54)

Section 1602-R. Establishment.

The Agriculture Conservation Assistance Program is established in the commission.

(1602-R added July 11, 2022, P.L.540, No.54)

Section 1603-R. Sources of funding.

Funding for the program may be provided through any of the following:

- (1) Money appropriated for purposes of the program.
- (2) Amounts made available from the Clean Streams Fund under section 1712-A.2(c)(1).
- (3) Federal money appropriated or authorized for purposes of the program.
- (4) Money received from another governmental agency through an interagency agreement or memorandum of understanding.
- (5) A gift or other contribution from a public or private source.
- (6) Return on money dedicated for the program, including interest on loans, investment interest or refunds.

(1603-R added July 11, 2022, P.L.540, No.54)

Section 1604-R. Powers, duties and administration.

(a) Administration.--The commission may dedicate up to 4% of the funds allocated under section 1603-R for expenses incurred in administration of the program. Up to 4% of the funds provided under section 1603-R may be committed by the commission to compensate the entities performing the administrative tasks and activities under subsection (c).

(b) Powers and duties of commission.--The commission shall:

- (1) Adopt guidelines and criteria for:
 - (i) Administration and oversight of the program.
 - (ii) Best management practices to be implemented and receive funding under the program.
- (2) Provide a system of program evaluation and quality control.
- (3) Develop a training, education and technical assistance program for technicians, engineers and other individuals performing work under the program.
- (4) Designate or adopt a system for collecting and reporting of collected data on funded practices to governmental agencies, in a manner consistent with criteria established under Federal and State laws.

(c) Delegation of powers and duties.--In performance of its powers and duties, the commission may delegate to conservation

districts, The Pennsylvania State University, or other entity determined appropriate by the commission, certain duties and responsibilities necessary to carry out the program.

(d) Apportionment criteria.--The commission shall apportion the funds under section 1603-R to participating conservation districts based on written apportionment criteria developed by the commission to establish priorities based on preventing nutrient and sediment pollution. The following shall apply:

- (1) The apportionment criteria shall consider:
 - (i) Agriculturally impaired stream miles.
 - (ii) The number of cropland acres.
 - (iii) The number of farms.
 - (iv) The number of livestock and poultry.
 - (v) Other criteria as established by the commission.

(2) Any apportioned funds that are not used in any fiscal year may roll over for the following fiscal year. Any unused apportioned funds after two years shall be reapportioned to participating conservation districts in the following year, consistent with the apportionment criteria prescribed under paragraph (1).

(e) Powers and duties of participating conservation districts.--The following shall apply:

(1) Each conservation district participating in the program shall manage and administer funds apportioned by the commission in a manner consistent with this article and the guidelines established by the commission. Each participating conservation district shall enter into an agreement with the commission to establish the administrative responsibilities and activities to be performed by the conservation district.

(2) Funds apportioned to a participating conservation district shall be used for:

(i) Approving and providing financial assistance to an eligible applicant to install and implement BMPs, consistent with the criteria for approval of projects provided under subsection (h).

(ii) Costs for technical training and education and technical assistance in administration of projects approved by the conservation district, including technical assistance provided by the Pennsylvania Fish and Boat Commission and third parties in accordance with the provisions of subsection (b)(3).

(iii) Establishment of procedures for submission and approval of applications for financial assistance for BMPs that minimize, to the extent feasible, procedural tasks and obligations for applicants.

(iv) Adoption of written criteria for ranking of applications for financial assistance and determination of proposed projects to be given priority.

(v) Entering into written agreements with recipients of approved funding.

(vi) Administration and procedures to ensure recipients of financial assistance timely complete projects in a manner that meets established design and construction standards.

(vii) Adoption of procedures to ensure that recipients of the approved funding will fully comply with requirements for future maintenance activities established under the terms of agreement.

(viii) Development of procedures to ensure proper performance of agreements executed under the program.

(ix) Other duties and responsibilities necessary to carry out the purposes of this chapter.

(3) A participating district may dedicate up to 6% of the annual amount apportioned by the commission under subsection (d) for expenses incurred in administration of the program. For purposes of this paragraph, expenses for technical assistance under subsection (e)(2)(ii) shall not be considered as expenses incurred in administration of the program.

(f) Advisory committee.--Within a conservation district, a committee may be appointed by the conservation district board to advise the program and identify local priorities and opportunities to complement other programs. The committee shall include, at a minimum, one staff member of the conservation district and one local representative of the United States Department of Agriculture Natural Resources Conservation Service and may include up to three other local representatives who are knowledgeable of agricultural operations and conservation.

(g) Applications and certifications.--The following shall apply:

(1) In a county with a delegated conservation district, an eligible applicant may apply to the delegated conservation district for an eligible project under the program. In a county without a participating delegated conservation district, an eligible applicant may apply directly to the commission for an eligible project under the program. The conservation district and commission shall prescribe the respective form and manner of the application. The application, at a minimum, shall include:

(i) The location of the project.

(ii) The description of the project, including the planned BMPs.

(iii) If applicable, the amount and sources of funding available for the project.

(iv) The total cost of the project.

(v) Any other information as required by the conservation district or commission, as applicable.

(vi) Relevance of the project to the development, improvement or implementation of the applicant's manure or nutrient management plan, conservation plan or agricultural erosion and sediment control plan.

(2) The conservation district or commission, as applicable, shall review complete applications based upon the criteria established under subsection (h) on an ongoing basis and in the order received. Within 90 days of receipt of a complete application, unless extenuating circumstances prevent the conservation district or commission from doing so, the conservation district or commission, as applicable, shall notify the applicant of:

(i) Whether the project is approved for funding under the program.

(ii) The total amount of funds approved for the project.

(iii) The amount of each type of funding approved for the project.

(3) Upon completion of a project funded under this program, the eligible applicant who received the approval for the project shall notify the conservation district or commission, as applicable, of the completion of the project and shall submit all documents to certify the completion.

(4) Projects funded under this program may be subject to inspection by the commission, conservation district or their designated agent.

(5) The funds shall be distributed upon certification and verification that the funded project has been completed and design and construction standards have been met.

(h) Criteria for evaluation of applications.--In approving applications for eligible projects under the program, the applicable delegated conservation district or commission shall give priority to complete applications based upon the following criteria:

(1) The project meets the goals of any applicable watershed implementation plan or county action plan.

(2) If applicable to the agricultural operation, the applicant has a conservation plan or agricultural erosion and sediment control plan and a manure management plan or nutrient management plan. Development of such plans shall be included in the application if not yet developed prior to the application.

(3) The project implements best management practices included in a conservation plan, agricultural erosion and sediment control plan, manure management plan or nutrient management plan. For purposes of this paragraph, the conservation district or commission shall give priority to projects that implement best management practices for control of nitrogen or phosphorus or sediment.

(4) An agricultural operation with an animal concentration area shall have implemented best management practices necessary to abate storm water runoff, loss of sediment, loss of nutrients and runoff of other pollutants from the animal concentration area, or the implementation of such best management practices shall be included in an application for funds.

(5) Proximity to surface waters, public drinking water sources or karst geology with underground drainage systems or open sinkholes.

(6) The project meets the design and construction standards established by the commission. If standards do not exist for a best management practice approved by the commission, the commission may establish or approve design, construction and certification standards for such a best management practice.

(7) Any other criteria considered by the conservation district, as applicable, and approved by the commission.

(i) Liability for failure of performance.--An eligible applicant receiving funds under an approved project who fails to adequately perform any term of the agreement executed for the project shall be liable for repayment of money provided to the eligible applicant related to adequate performance of the agreement term. The commission or its designated agent may take action to enforce the terms of the agreement with the eligible applicant under agreement with the commission or its designated agent in law or equity to compel adequate performance of a project agreement or recoup funds provided under an approved project for which the recipient is liable for repayment under this article. Any funds repaid to the commission as a result of failure of performance of a project agreement may be provided to the conservation district that was party to that project agreement for use in other project agreements.

(j) Reports.--The commission shall perform a periodic program assessment, develop an annual report and provide the report to:

(1) The chairperson and minority chairperson of the Agriculture and Rural Affairs Committee of the Senate.

(2) The chairperson and minority chairperson of the Agriculture and Rural Affairs Committee of the House of Representatives.

(3) The chairperson and minority chairperson of the Environmental Resources and Energy Committee of the Senate.

(4) The chairperson and minority chairperson of the Environmental Resources and Energy Committee of the House of Representatives.

(1604-R added July 11, 2022, P.L.540, No.54)

ARTICLE XVI-S

CLEAN WATER PROCUREMENT PROGRAM

(Art. added July 11, 2022, P.L.540, No.54)

Section 1601-S. Scope of article.

This article relates to the Clean Water Procurement Program.

(1601-S added July 11, 2022, P.L.540, No.54)

Section 1602-S. Definitions.

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

"Aggregator." A person or entity that facilitates or coordinates a best management practice implemented by other persons for nutrient or sediment reduction. The term includes an agricultural or conservation business, educational institution or nonprofit agricultural or conservation organization that:

(1) acts on behalf of farmers through a production contract or cooperative membership; or

(2) administers a publicly or privately supported program for implementation of a best management practice to reduce nutrient or sediment pollution on a farm.

"Authority." The Pennsylvania Infrastructure Investment Authority.

"Best management practice." A practice or combination of practices determined by the commission or by the United States Department of Agriculture Natural Resources Conservation Service to be effective and practical, considering technological, economic and institutional factors, to manage nutrient and sediment to protect surface water and groundwater.

"Chesapeake Bay TMDL." The most current Chesapeake Bay TMDL for nitrogen, phosphorus and sediment as established by the Environmental Protection Agency.

"Commission." The State Conservation Commission.

"Department." The Department of Environmental Protection of the Commonwealth.

"Locally impaired watershed." The land area not larger than a watershed corresponding to a 12-digit Hydrologic Unit Code as designated by the United States Geological Survey, that includes a body of water on the Commonwealth's list of impaired waters under section 303(d) of the Federal Water Pollution Control Act (62 Stat. 1155, 33 U.S.C. § 1251 et seq.).

"Nutrient." Nitrogen or phosphorus.

"Nutrient or sediment reduction." A reduction in a nitrogen, phosphorus or sediment pollution load discharged to surface water or groundwater that can be directly quantified or modeled using any model approved or accepted by the department or the Environmental Protection Agency for the purpose of determining the amount of nutrient or sediment pollution reduction, in pounds per year, achieved by implementing a best management practice.

"Program." The Clean Water Procurement Program established under section 1603-S.

"Qualified bidder." A person or aggregator with a verification plan approved by the department that meets the following criteria:

(1) The person or aggregator is not listed on the Debarment and Suspension List maintained by the Department of General Services.

(2) The person or aggregator is not in default of a loan or funding agreement administered by the authority or any other Commonwealth agency.

(3) The person or aggregator does not have a history of notice of violation of the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, or regulations of the department.

"Sediment." Soils or other erodible materials transported by storm water as a product of erosion.

"Small farm." An agricultural operation, except for a CAFO, as defined in 25 Pa. Code § 92a.2 (relating to definitions).

"TMDL." Total maximum daily load.

"Verification plan." A written plan that details the method that a qualified bidder will use to verify performance of a best management practice for nutrient or sediment reduction in accordance with a protocol approved or accepted by the department.

"Verified nutrient or sediment reduction." Nutrient or sediment reduction measured in pounds created by a best management practice pursuant to a verification plan and approved by the department.

(1602-S added July 11, 2022, P.L.540, No.54)

Section 1603-S. Establishment.

The Clean Water Procurement Program is established and shall provide for the purchase of a verified nutrient or sediment reduction through a competitive bidding process consistent with 62 Pa.C.S. Pt. I (relating to Commonwealth Procurement Code).

(1603-S added July 11, 2022, P.L.540, No.54)

Section 1604-S. Sources of funding.

Funding for the program may be provided through any of the following:

(1) Money appropriated for the purposes of the program.

(2) Amounts made available from the Cleans Streams Fund under section 1712-A.2(c)(2).

(3) Federal money appropriated to or authorized for the purposes of the program.

(4) Money received from another governmental agency through an interagency agreement or memorandum of understanding.

(5) A gift or other contribution from a public or private source.

(6) Return on money dedicated to the program, including, but not limited to, interest on loans, investment interest or refunds.

(1604-S added July 11, 2022, P.L.540, No.54)

Section 1605-S. Administrative expenses.

No more than 4% of the money appropriated for the program may be used by the department to implement the program.

(1605-S added July 11, 2022, P.L.540, No.54)

Section 1606-S. Duties of authority.

The authority shall have all of the following duties:

(1) Issue a request for proposals or initiate a competitive bidding process under 62 Pa.C.S. Pt. I (relating to Commonwealth Procurement Code) for the supply of a

verified nutrient or sediment reduction toward the achievement of the Chesapeake Bay TMDL. The authority shall require that a response to the request for proposals or competitive bidding process shall include:

(i) The legal name, address and contact information, including, where available, a telephone number and email address of the person submitting the proposal.

(ii) A description of the project or practices to be used or implemented to achieve the proposed nutrient or sediment reduction, including an estimate of the amount of reduction in pounds per year for each year of the contract and the basis for estimates.

(iii) The location where the projects or practices will be used or implemented.

(iv) The expected life of each reduction that will be achieved as a result of the proposed projects or practices.

(v) A description of the ownership, or written agreement with the owner, of each parcel of land or facility that will be used in implementing the projects or practices.

(vi) A description of the measures to be used to quantify, by measurement or modeling, the amounts of the reductions of nutrients or sediment resulting from the proposed projects or practices, and a verification plan to verify the reductions, at such times or intervals as the authority or the department shall specify.

(vii) A suggested payment schedule.

(viii) A statement of the qualified bidder's qualification, experience and resources.

(ix) A statement of the qualified bidder's proposed surety and other financial assurances.

(2) Evaluate, in consultation with the department and the commission, the responses to the request for proposals or competitive bidding process under paragraph (1).

(3) Execute a contract with a qualified bidder. A contract under this paragraph:

(i) May not be for a term of more than 10 years.

(ii) Shall require periodic submissions from a qualified bidder in accordance with a verification plan approved by the department.

(iii) Shall require that payment be conditioned on the achievement of specific outcomes based on defined performance targets in accordance with a verification plan approved by the department.

(iv) Shall specify measures that the authority will take in the event of a failure by the qualified bidder to meet or satisfy any performance obligation, or otherwise fail to comply with any term or condition of the contract, including the withholding of payments or portions of payments that would otherwise be made, the use of payment adjustments and time schedules, including the extension of any target date, if performance targets or schedules are not met, cancellation of the contract in the event of a substantial failure of performance that cannot be readily corrected or mitigated, and other measures as may be appropriate.

(4) After the department has verified a nutrient or sediment reduction, purchase a verified nutrient or sediment reduction in accordance with the terms of a contract under paragraph (3).

(1606-S added July 11, 2022, P.L.540, No.54)

Section 1607-S. Publicly funded reductions.

A verified nutrient or sediment reduction funded entirely by public funding shall not be eligible to be purchased under the program. If a percentage of a verified nutrient or sediment reduction is funded by public funding, the percentage of the remaining verified nutrient or sediment reduction that is eligible to be purchased shall be commensurate with the percentage of the verified nutrient or sediment reduction that is not provided by public funding.

(1607-S added July 11, 2022, P.L.540, No.54)

Section 1608-S. Criteria.

The criteria for the evaluation of responses to the request for proposals or competitive bidding process under section 1606-S(1) and the weighted percentage to be applied to each factor in the evaluation of the responses shall be determined by the authority in consultation with the department and commission and be published as part of the request for proposals or competitive bidding process under section 1606-S(1). The criteria to be considered must include all of the following:

- (1) A verified nutrient or sediment reduction in a locally impaired watershed.
- (2) A verified nutrient or sediment reduction in a county designated by the department as a Tier 1 Chesapeake Bay county.
- (3) The dollar cost per pound of nutrient or sediment removed.
- (4) The extent to which the project includes small farms.
- (5) The quantity of nutrient or sediment loads anticipated to be reduced.
- (6) The extent to which the project would provide additional community and environmental benefits, including mitigation of flooding, human exposure to toxic substances and climate change.
- (7) Any additional criteria determined relevant and necessary by the authority, department and commission.

(1608-S added July 11, 2022, P.L.540, No.54)

Section 1609-S. Annual report.

The authority shall publish and make available to the public an annual report on the program detailing all of following for the prior year:

- (1) The total cost of the program.
- (2) The best management practices implemented which resulted in nutrient or sediment reductions.
- (3) The verified nutrient or sediment reductions achieved toward the satisfaction of the Chesapeake Bay TMDL.
- (4) The total cost for each verified nutrient or sediment reduction.
- (5) The participation of small farms in the program.

(1609-S added July 11, 2022, P.L.540, No.54)

Section 1610-S. Duties of department.

The department shall:

- (1) Advise the authority as the authority establishes criteria under section 1608-S.
- (2) Review and approve a verification plan submitted with a response to a request for proposals or competitive bidding process under section 1606-S(1) and advise the authority regarding the acceptability of a verification plan, including what changes, if any, must be made in order for it to be acceptable. To be approved, a verification plan must describe the procedures that can be easily used by the bidder, the department or a technically qualified inspection

contractor engaged by the department, to inspect any projects or practices utilized by a bidder and determine the amount of any reduction of nutrients or sediment being achieved under the terms of the contract.

(3) Evaluate the responses to the request for proposals or competitive bidding process based on the criteria under section 1608-S and advise the authority regarding the acceptability of the responses.

(4) In accordance with a contract under section 1606-S(3), ensure, through inspections, compliance audits or other means, that a qualified bidder is in compliance with an approved verification plan. The department may enter into an agreement with a third party to perform the duty under this paragraph.

(1610-S added July 11, 2022, P.L.540, No.54)

Section 1611-S. Duties of commission.

The commission shall:

(1) Advise the authority as it establishes criteria under section 1608-S.

(2) Review a response to a request for proposals or competitive bidding process under section 1606-S(1) and advise the authority accordingly.

(1611-S added July 11, 2022, P.L.540, No.54)

Section 1612-S. Regulations.

The department may promulgate regulations necessary to administer the provisions of this article. A lack of regulations promulgated under this section shall not preclude the department, the commission or the authority from administering and implementing the provisions of this article.

(1612-S added July 11, 2022, P.L.540, No.54)

Section 1613-S. Expiration.

This article shall expire 10 years after the effective date of this section.

(1613-S added July 11, 2022, P.L.540, No.54)

ARTICLE XVI-T HUMAN SERVICES

(Art. added July 11, 2022, P.L.540, No.54)

Section 1601-T. Eligibility for public assistance.

Notwithstanding any provision of law, beginning in State fiscal year 2022-2023, the monthly State supplemental assistance amounts for residents of a domiciliary care home, as defined in section 2202-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, or a personal care home as defined in section 1001 of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, shall be as follows:

	Individual	Couple
Domiciliary Care Home	\$634.30	\$1,347.40
Personal Care Home	\$639.30	\$1,357.40

(1601-T added July 11, 2022, P.L.540, No.54)

Section 1602-T. Medical assistance payments for institutional care.

Notwithstanding section 443.1(7)(iv) of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code:

(1) Payments to county and nonpublic nursing facilities enrolled in the medical assistance program as providers of nursing facility services shall be determined in accordance with the methodologies for establishing payment rates for county and nonpublic nursing facilities specified in the Department of Human Services's regulations and the

Commonwealth's approved Title XIX State Plan for nursing facility services in effect after June 30, 2007. The following shall apply:

(i) Subject to Federal approval of such amendments as may be necessary to the Commonwealth's approved Title XIX State Plan, the Department of Human Services shall apply a revenue adjustment neutrality factor to county and nonpublic nursing facility payment rates so that the estimated Statewide day-weighted average payment rate in effect for that fiscal year is limited to the amount permitted by the funds appropriated by the General Appropriation Act for the fiscal year. The revenue adjustment neutrality factor shall remain in effect until the sooner of June 30, 2026, or the date on which a new rate-setting methodology for medical assistance nursing facility services which replaces the rate-setting methodology codified in 55 Pa. Code Chs. 1187 (relating to nursing facility services) and 1189 (relating to county nursing facility services) takes effect.

(ii) Subject to Federal approval as may be necessary, the following shall apply to nonpublic and county nursing facility payment rates, to the extent funds are appropriated for the purpose of rate increases for increased direct resident care requirements and resident care and related costs:

(A) Beginning January 1, 2023, the Department of Human Services shall make capitation payments to medical assistance Community HealthChoices managed care organizations that include amounts exclusively for the purpose of making payments to nonpublic nursing facilities and county nursing facilities as provided under clause (B)(I).

(B) The Department of Human Services shall adopt a minimum payment rate for payments for services rendered to medical assistance recipients under the Community HealthChoices program, effective with dates of service of January 1, 2023, through December 31, 2025, as follows:

(I) Community HealthChoices managed care organizations shall apply no less than the minimum payment rate to make payments to nonpublic nursing facilities and county nursing facilities for services rendered to medical assistance recipients under the Community HealthChoices program.

(II) The minimum payment rate shall be greater than or equal to the following amounts:

(a) For nonpublic nursing facilities, the nursing facility case-mix rates calculated in accordance with 55 Pa. Code Ch. 1187 and the Commonwealth's approved Title XIX State Plan in effect for the dates of service.

(b) For county nursing facilities, the county nursing facility rates in accordance with 55 Pa. Code Ch. 1189 and the Commonwealth's approved Title XIX State Plan in effect for the dates of service.

(2) (Reserved).

(1602-T added July 11, 2022, P.L.540, No.54)

Compiler's Note: Section 39.1 of Act 54 of 2022, which added section 1602-T(1)(i), provided that the addition of section 1602-T(1)(i) shall apply retroactively to June 29, 2022.

Section 1602.1-T. Medical assistance dental services and packages.

(a) Use of money.--From money appropriated for Medical Assistance - Capitation and subject to Federal approval, \$12,000,000 in State funds shall be used by the Department of Human Services to increase the calendar year capitation rates for dental services, beginning January 1, 2025, for the following dental codes: D0120, D0150, D0272, D0274, D1110, D1120, D1206, D1351, D2391, D2392, D7140, D0220, D0230, D1208, D2393, D2751, D4341, D5110, D5120, D5213, D5214, D0330, D2140, D2150, D2331, D2930, D2933, D3220, D3230, D8080 and D9230. The Department of Human Services shall seek Federal matching funds on the \$24,000,000.

(b) Uniform percentage increase.--A managed care organization shall implement a uniform percentage increase, as determined by the Department of Human Services, to increase payments for the dental services identified under subsection (a) to dentists who are under contract to provide services to medical assistance recipients and who are participating in the medical assistance program.

(c) Expiration.--This section shall expire June 30, 2026.

(1602.1-T added Dec. 13, 2023, P.L.251, No.34)

Section 1603-T. Resident care and related costs.

(a) County and nonpublic nursing facility.--The following applies to a county and nonpublic nursing facility enrolled in the medical assistance program:

(1) The county or nonpublic nursing facility shall demonstrate on its submitted MA-11 that 70% of its total costs, as reported by the facility, are resident care costs or other resident-related costs under 55 Pa. Code § 1187.51(e)(1) and (2) (relating to scope).

(2) Except as provided under paragraph (3), the Department of Human Services shall use the following methodology to determine the facility's compliance with paragraph (1):

(i) Add the facility's unallocated Total Net Operating Costs reported as total expenses on the facility's Schedule C of the MA-11, plus the following capital costs reported by the facility on its Schedule C, to determine the facility's total costs:

- (A) Real estate taxes.
- (B) Nursing facility assessment/HAI assessment.
- (C) Depreciation.
- (D) Interest on capital indebtedness.
- (E) Rent on facility.
- (F) Amortization capital costs.

(ii) Add the facility's unallocated Total Resident Care Costs reported as total expenses on the facility's Schedule C and the unallocated Total Other Resident Related Costs reported as total expenses on the facility's Schedule C to determine the facility's total resident cost of care.

(iii) Divide the facility's total resident cost of care under subparagraph (ii) by the facility's total costs under subparagraph (i) to determine the percentage of total costs related to resident care costs and other resident-related costs.

(3) When a county or nonpublic nursing facility is affiliated with a continuing care retirement community, the following shall apply:

(i) The facility shall submit a supplemental cost report form apportioning the capital costs related to the nursing facility, in a form and manner as prescribed by the Department of Human Services.

(ii) The Department of Human Services shall use the following methodology to determine the facility's compliance with paragraph (1):

(A) Add the facility's unallocated Total Net Operating Costs reported as total expenses on the facility's Schedule C of the MA-11, plus the following capital costs, reported by the facility on its supplemental cost report form under subparagraph (i), to determine the facility's total costs:

(I) Real estate taxes.

(II) Nursing facility assessment/HAI assessment.

(III) Depreciation.

(IV) Interest on capital indebtedness.

(V) Rent on facility.

(VI) Amortization capital costs.

(B) Add the facility's unallocated Total Resident Care Costs reported as total expenses on the facility's Schedule C and the unallocated Total Other Resident Related Costs reported as total expenses on the facility's Schedule C to determine the facility's total resident cost of care.

(C) Divide the facility's total resident cost of care under clause (B) by the facility's total costs under clause (A) to determine the percentage of total costs related to resident care and other resident-related costs.

(b) Penalty.--

(1) If in any 12-month cost-reporting period a county or nonpublic nursing facility enrolled in the medical assistance program fails to meet the resident care percentage under subsection (a)(1), the Department of Human Services may impose a penalty on the facility up to the difference between the 70% of total costs requirement under paragraph (2) and the percentage spent by the facility on resident care costs or other resident-related costs, but no more than 5%.

(2) The formula for determining the maximum penalty amount is as follows:

(i) Determine the percentage difference from the 70% resident care requirement by subtracting the percentage of total costs related to resident care and other resident-related costs under subsection (a)(2)(iii) or (3)(ii)(C) from 70%.

(ii) Determine the penalty amount as follows:

(A) Use the lesser of the following:

(I) Five.

(II) The difference under subparagraph (i).

(B) Multiply the lowest numeral under clause (A) by one hundredth (.01).

(C) Multiply the product under clause (B) by the county or nonpublic nursing facility's fee-for-service per diem payment rate as of June 30, 2022.

(D) Multiply the product under clause (C) by the total MA resident days of care on the facility's MA-11.

(3) A penalty imposed under this section shall be transmitted by the facility to the Department of Human Services for deposit into the Nursing Facility Quality Improvement Fund.

(4) The Department of Human Services shall enforce the penalty provisions under this subsection against full 12-month cost reports with reporting periods that begin on or after January 1, 2023, after making the first payment of the increased county and nonpublic nursing facility rates, under both the fee-for-service program and the Community HealthChoices program, beginning January 1, 2023. If the first payment of the increased county and nonpublic nursing facility rates, including payments under both the fee-for-service program and the Community HealthChoices program, is after June 30, 2023, the enforcement of the penalty provisions of this subsection shall commence with the first full 12-month cost report after payment of the increased county and nonpublic nursing facility rates.

(5) Paragraph (4) shall expire December 31, 2025.

(c) Nursing Facility Quality Improvement Fund.--

(1) The Nursing Facility Quality Improvement Fund is established as a separate fund in the State Treasury and shall be administered by the Department of Human Services.

(2) All interest earned from the investment or deposit of money accumulated in the fund shall be deposited into the fund for the same use.

(3) Money in the fund shall be expended by the Department of Human Services for the following purposes:

(i) To administer and enforce this section.

(ii) To provide funding for nursing facility quality improvement.

(d) Guidelines.--The Department of Human Services may promulgate guidelines, as necessary, to implement this section. The guidelines shall be transmitted to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. Prior to publication of the guidelines, the Department of Human Services shall consult interested parties. The guidelines under this section shall not be subject to:

(1) Sections 201, 202, 203, 204 and 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(2) Sections 204(b) and 301(10) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(3) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"HAI." Hospital Acquired Infection.

"MA-11." The Medical Assistance Financial and Statistical Report for Nursing Facilities and Services submitted to the Department of Human Services by either a county nursing facility or a nonpublic nursing facility for a 12-month cost report period.

"Nonpublic nursing facility." A nursing facility other than a county nursing facility or a facility owned or operated by the Federal or State Government.

"Schedule C." The computation and allocation of allowable costs schedule.

"Total MA resident days of care." The Nursing Facility MA Fee-for-Service days of care and the Nursing Facility MA Community HealthChoices days of care, as reported on the MA-11.

(1603-T added July 11, 2022, P.L.540, No.54)

Section 1604-T. LIFE Program.

(a) Applicability.--This section shall apply notwithstanding section 602 of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

(a.1) Information materials.--Informational materials and Department of Human Services correspondence used by the Department of Human Services and the Independent Enrollment Broker to educate or notify an eligible individual about long-term care services and supports, including an individual's rights, responsibilities and choice of managed care organization to cover long-term care services and supports, shall include the following:

(1) A description of the LIFE program.

(2) A statement that an eligible individual has the option to enroll in the LIFE program or a managed care organization under the Community HealthChoices program.

(3) Contact information for LIFE providers.

(b) Training.--The Department of Human Services shall continue to provide training to the Independent Enrollment Broker on the LIFE program through the Independent Enrollment Broker LIFE module to better educate the Independent Enrollment Broker and to require that the LIFE program is offered equally to eligible individuals.

(c) Report.--At the end of each quarter, the Department of Human Services shall issue a report to the chairperson and minority chairperson of the Health and Human Services Committee of the Senate and the chairperson and minority chairperson of the Human Services Committee of the House of Representatives that tracks by county the enrollment of eligible individuals in long-term care service programs by the Independent Enrollment Broker, including managed care organizations and LIFE programs. The report shall also include documentation of compliance with subsections (a) and (b).

(1604-T added July 11, 2022, P.L.540, No.54)

Section 1605-T. Limits on reimbursements to counties.

Money appropriated for community-based family centers may not be considered as part of the base for calculation of a county's child welfare needs-based budget for a fiscal year.

(1605-T added July 11, 2022, P.L.540, No.54)

Section 1606-T. Nursing facility assessment time periods.

Notwithstanding section 815-A of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, the assessment authorized in Article VIII-A of the Human Services Code shall be imposed July 1, 2003, through June 30, 2026.

(1606-T added July 11, 2022, P.L.540, No.54)

Compiler's Note: Section 39.1 of Act 54 of 2022, which added section 1606-T, provided that the addition of section 1606-T shall apply retroactively to June 29, 2022.

ARTICLE XVI-U
ATTORNEY GENERAL

(Art. added Dec. 13, 2023, P.L.251, No.34)

Section 1601-U. Authority of Attorney General and Director of Bureau of Consumer Protection.

(a) General rule.--Notwithstanding the provisions of section 919(b) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, the Attorney General or his duly authorized representative or employee may use documentary material or copies of documentary material produced pursuant to a demand under section 919 of The Administrative Code of 1929, as necessary in the enforcement of any civil laws related to the powers and duties granted to the Attorney General, including:

(1) sharing the documentary material with any Federal or State agency or their duly authorized representatives or employees that may be assisting in the investigation of the subject matter of the subpoena; and

(2) presentation in a subsequent administrative or judicial proceeding.

(b) Responsibility of Attorney General.--It shall be the responsibility of the Attorney General to ensure that no documentary material produced under paragraph (1) shall, unless otherwise ordered by a court for good cause shown, be produced for inspection or copying by, or the contents be disclosed to, any person other than those authorized by this section.

(1601-U added Dec. 13, 2023, P.L.251, No.34)

ARTICLE XVI-V
PENNSYLVANIA LONG-TERM CARE COUNCIL
(Art. added Dec. 13, 2023, P.L.251, No.34)

Compiler's Note: See section 34 of Act 34 of 2023 in the appendix to this act for special provisions relating to continuation of prior law.

Section 1601-V. Definitions.

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

"Council." The Pennsylvania Long-term Care Council established under section 1602-V(a).

"Department." The Department of Aging of the Commonwealth.

(1601-V added Dec. 13, 2023, P.L.251, No.34)

Section 1602-V. Pennsylvania Long-term Care Council.

(a) Establishment.--The Pennsylvania Long-term Care Council is established within the department.

(b) Membership.--The council shall be composed of and appointed in accordance with the following:

(1) The Secretary of Aging.

(2) The Secretary of Health.

(3) The Secretary of Human Services.

(4) The Insurance Commissioner.

(5) The Adjutant General.

(6) The Secretary of Transportation.

(7) The Executive Director of the Pennsylvania Housing Finance Agency.

(8) Two members of the Senate, one appointed by the President pro tempore and one appointed by the Minority Leader.

(9) Two members of the House of Representatives, one appointed by the Speaker of the House of Representatives and one appointed by the Minority Leader.

(10) The following members to be appointed by the Governor, in consultation with the Secretary of Aging:

(i) One representative from the Pennsylvania Council on Aging.

(ii) One member who represents the local area agencies on aging.

(iii) Six members who represent consumer advocacy groups, with at least two being consumers of long-term care services.

(iv) One member who represents the elder law section of the Pennsylvania Bar Association.

(v) One member who is a licensed insurance producer with at least 10 years' experience in the long-term care insurance market.

(vi) Seven members who represent providers throughout the long-term care continuum, with no more than one member representing a single provider group, as follows:

(A) One member representing nonprofit skilled nursing facilities.

(B) One member representing for-profit skilled nursing facilities.

(C) One member representing assisted living residences or personal care homes.

(D) One member representing home care or hospice.

(E) One member representing older adult daily living centers.

(F) One member representing senior community centers.

(G) One member representing long-term care managed care.

(vii) Two members with caregiver experience, at least one of whom has personal experience as a family caregiver.

(viii) Two members who represent the medical community, one of whom must be a physician with at least five years' experience in a long-term care setting and the other of whom must be a nurse with at least five years' experience in a long-term care setting.

(ix) Two members who represent an academic research institution.

(x) One member who represents the County Commissioners Association of Pennsylvania.

(xi) The chair of the State Veterans Commission or a designee.

(xii) One member who represents the Office of the State Long-Term Care Ombudsman within the department.

(c) Designee.--With the exception of the chairperson, governmental members may appoint a designee to attend and vote at meetings of the council. Each governmental member who appoints a designee shall do so by sending a letter to the chairperson stating the name of that designee.

(d) Chairperson.--The Secretary of Aging shall serve as chairperson.

(e) Executive director.--The Secretary of Aging shall appoint an executive director of the council.

(f) Terms of members.--

(1) The terms of those members who serve in accordance with subsection (b) (1), (2), (3), (4), (5), (6) and (7) shall be concurrent with their service in the office from which they derive their membership.

(2) Members appointed in accordance with subsection (b) (8) and (9) shall serve terms conterminous with their respective appointing authorities.

(3) Of the members appointed by the Governor, no less than one-third of the members shall be appointed to serve a two-year initial term, no less than one-third of the members shall be appointed to serve a three-year initial term, and the remaining members shall serve a four-year term. Members of the council shall serve for terms of four years after completion of the initial terms as designated in this section.

(4) Members shall be eligible for reappointment but shall serve no more than two consecutive full terms. Members shall serve until their successors are appointed and qualified, provided they represent the interests of the membership class for which they were appointed.

(g) Vacancies.--Any vacancy on the council shall be filled by the original appointing authority. An individual appointed to fill a vacancy shall serve the balance of the previous member's term.

(h) Removal.--In addition to the provisions of subsection (f)(1) and (2), members may be removed from the council for the following reasons:

(1) A member who fails to attend three consecutive meetings shall forfeit his or her seat unless the chairperson, upon written request from the member, finds that the member should be excused from a meeting.

(2) A member shall forfeit his or her seat if he or she no longer represents the interests of the membership class for which he or she was appointed. Specifically, a member meeting this threshold shall no longer be employed or associated with the interests of the respective qualification for which he or she was appointed.

(i) Expenses.--Members may not receive compensation or remuneration for their service as council members or as committee members. Nongovernmental council members shall be entitled to reimbursement for travel and related actual expenses accrued in the performance of their duties as members, in accordance with Commonwealth travel policy. Committee members who are not members of the council may not receive reimbursement.

(1602-V added Dec. 13, 2023, P.L.251, No.34)
Section 1603-V. Powers and duties of council.

(a) General rule.--The council shall have the following powers and duties:

(1) To consult with various departments and agencies and to make recommendations on regulations, licensure, financing or any other responsibilities of those departments or agencies relating to long-term care.

(2) To perform such other duties as the Governor may assign relating to long-term care.

(3) To approve reports produced by any committee established under section 1604-V before release to the public or the General Assembly.

(4) To develop and adopt rules for conducting council meetings, including, but not limited to, the procedure for formally adopting the approval of committee reports before release to the public.

(5) To develop and adopt rules for conducting committee meetings. This power includes, but is not limited to, determining the scope of responsibilities for each committee, the number of members for each committee and the procedure for formally adopting the approval of committee reports before release to the council.

(6) To assign topics for research and study to each committee. Nothing in this paragraph shall be construed to prohibit a committee from proposing topics for consideration to the council.

(b) Scope.--All the powers and duties enumerated in this section shall be performed in a manner that addresses all areas of long-term care, including, but not limited to, institutional care and home-based and community-based services.

(1603-V added Dec. 13, 2023, P.L.251, No.34)

Section 1604-V. Council committees.

(a) Establishment.--The council shall establish committees which may research and study the following areas:

(1) Regulatory review and access to quality care.

(2) Community access and public education.

(3) Long-term care services models and delivery.

(4) Work force.

(5) Housing.

(6) Behavioral health issues of senior citizens who are at least 60 years of age.

(b) Composition.--The council chairperson shall appoint committee members, who may include those who are not members of the council and who have expertise pertaining to the specific topics and tasks assigned.

(c) Chairpersons and vice chairpersons.--The chairperson of the council shall appoint council members to serve as chairperson and, as needed, vice chairperson for each committee.

(d) Duties.--The council committees shall have the following powers and duties:

(1) To study and report on the topics assigned by the council.

(2) To facilitate the creation of the reports and, with the permission of the council, invite individuals to assist in preparation of reports for the council.

(3) To approve reports and recommendations for submission to the council. Only members appointed to each committee may participate in approving reports and recommendations to the council.

(e) Construction.--Nothing in this section shall be construed to prohibit the chairperson, with concurrence by the council, from establishing additional committees or ad hoc work groups to assist the council or committees.

(1604-V added Dec. 13, 2023, P.L.251, No.34)

ARTICLE XVI-W
PENNSYLVANIA CHILD AND DEPENDENT
CARE ENHANCEMENT TAX CREDIT PROGRAM
(Art. added Dec. 13, 2023, P.L.251, No.34)

Compiler's Note: See section 34 of Act 34 of 2023 in the appendix to this act for special provisions relating to continuation of prior law.

Section 1601-W. Scope of article.

This article relates to the Pennsylvania Child and Dependent Care Enhancement Tax Credit Program.

(1601-W added Dec. 13, 2023, P.L.251, No.34)

Section 1602-W. Definitions.

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

"Applicable percent." As defined in section 21(a)(2) of the Internal Revenue Code of 1986 in effect for the taxable year

beginning after December 31, 2021, and ending before January 1, 2023.

"Department." The Department of Revenue of the Commonwealth.

"Employment-related expenses." As defined in section 21(b)(2) of the Internal Revenue Code of 1986.

"Internal Revenue Code of 1986." The Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

"Qualifying individual." As defined in section 21(b)(1) of the Internal Revenue Code of 1986.

"Resident individual." An individual who meets any of the following criteria:

(1) Is domiciled in this Commonwealth, unless the individual maintains no permanent place of abode in this Commonwealth and does maintain a permanent place of abode elsewhere and spends in the aggregate no more than 30 days of the taxable year in this Commonwealth.

(2) Is not domiciled in this Commonwealth, but maintains a permanent place of abode in this Commonwealth and spends in the aggregate more than 183 days of the taxable year in this Commonwealth.

"Section 21 of the Internal Revenue Code of 1986." Section 21 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 21).

"Tax credit." The Pennsylvania child and dependent care enhancement tax credit provided for under this article.

"Tax liability." The liability for taxes imposed under Article III of the Tax Reform Code of 1971, excluding any tax withheld by an employer under Article III of the Tax Reform Code of 1971.

"Tax Reform Code of 1971." The act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

"Taxable year." As defined in section 301 of the Tax Reform Code of 1971.

"Taxpayer." A resident individual subject to the tax imposed under Article III of the Tax Reform Code of 1971.

(1602-W added Dec. 13, 2023, P.L.251, No.34)

Compiler's Note: See section 34(6)(i) of Act 34 of 2023 in the appendix to this act for special provisions relating to continuation of prior law.
Section 1603-W. Credit for child and dependent care employment-related expenses.

(a) Tax credit.--For taxable years beginning after December 31, 2021, a taxpayer who receives a credit under section 21 of the Internal Revenue Code of 1986 may claim a tax credit against the taxpayer's tax liability.

(b) Amount of tax credit.--The amount of the tax credit under subsection (a) for the taxable year beginning after December 31, 2021, and ending before January 1, 2023, shall be equal to 30% of:

(1) the actual amount of employment-related expenses incurred by the taxpayer and claimed for the Federal tax credit under section 21 of the Internal Revenue Code of 1986 during the prior taxable year or the following, as applicable, whichever is less:

(i) \$3,000 for one qualifying individual with respect to the taxpayer; or

(ii) \$6,000 for two or more qualifying individuals with respect to the taxpayer; multiplied by

(2) the applicable percent, with respect to the taxpayer, in effect for the taxable year beginning after December 31, 2021, and ending before January 1, 2023.

(c) Amount of tax credit in subsequent taxable years.--The amount of the tax credit under subsection (a) for taxable years beginning after December 31, 2022, and for each taxable year thereafter, shall be equal to 100% of:

(1) the actual amount of employment-related expenses incurred by the taxpayer and claimed for the Federal tax credit under section 21 of the Internal Revenue Code of 1986 during the prior taxable year or the following, as applicable, whichever is less:

(i) \$3,000 for one qualifying individual with respect to the taxpayer; or

(ii) \$6,000 for two or more qualifying individuals with respect to the taxpayer; multiplied by

(2) the applicable percent, with respect to the taxpayer, in effect for the taxable year beginning after December 31, 2021, and ending before January 1, 2023.

(d) Claim of tax credit.--A taxpayer shall claim a tax credit under this section on a return filed under section 330 of the Tax Reform Code of 1971.

(e) Applicability of tax credit.--The tax credit under this section shall be applied against the taxpayer's tax liability. If the tax credit exceeds the taxpayer's tax liability, the department may issue a refund under the procedures specified in section 346 of the Tax Reform Code of 1971.

(1603-W added Dec. 13, 2023, P.L.251, No.34)

Compiler's Note: See section 34(6)(ii) of Act 34 of 2023 in the appendix to this act for special provisions relating to continuation of prior law.

Section 1604-W. Prohibitions.

The following apply:

(1) A taxpayer is not entitled to carry over, carry back or sell, assign or transfer a tax credit under this article.

(2) A taxpayer may not claim a tax credit for the same employment-related expenses used to claim a tax credit on a return filed by another taxpayer.

(1604-W added Dec. 13, 2023, P.L.251, No.34)

Section 1605-W. Application of Internal Revenue Code of 1986.

The provisions of section 21 of the Internal Revenue Code of 1986 in effect as of July 8, 2022, and any Federal regulations promulgated regarding those provisions, shall apply to the department's interpretation and administration of the tax credit provided for under this article.

(1605-W added Dec. 13, 2023, P.L.251, No.34)

Section 1605.1-W. Administration of article.

The department may jointly administer this article with the Tax Reform Code of 1971, including joint reporting of information, forms, returns, statements, documents or other information submitted to the department.

(1605.1-W added Dec. 13, 2023, P.L.251, No.34)

Compiler's Note: See section 34(6)(ii) of Act 34 of 2023 in the appendix to this act for special provisions relating to continuation of prior law.

Section 1606-W. Departmental duties.

The department shall publish guidelines and may promulgate regulations necessary for the implementation and administration of this article.

(1606-W added Dec. 13, 2023, P.L.251, No.34)

Section 1607-W. Report to General Assembly.

(a) Annual report.--No later than March 1, 2024, and each March 1 thereafter, the department shall submit a report to the General Assembly indicating the effectiveness of the tax credit under this article.

(b) Information required.--The report required under subsection (a) shall include, but not be limited to, the following information:

(1) The number of tax credits approved under this article.

(2) The amount of tax credits approved under this article.

(3) The amount of tax credits claimed under this article.

(4) The amount of tax credits refunded under this article.

(1607-W added Dec. 13, 2023, P.L.251, No.34)

ARTICLE XVI-X
ADDITIONAL KEYSTONE OPPORTUNITY EXPANSION ZONES
(Art. added Dec. 13, 2023, P.L.251, No.34)

SUBARTICLE A
PRELIMINARY PROVISIONS
(Subart. added Dec. 13, 2023, P.L.251, No.34)

Section 1601-X. Scope of article.

This article relates to additional keystone opportunity expansion zones.

(1601-X added Dec. 13, 2023, P.L.251, No.34)

Section 1602-X. Definitions.

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

"Affiliate." A person who directly or indirectly:

(1) owns or controls another person;

(2) is owned or controlled by another person; or

(3) is under common ownership or control with another person.

"Business." As defined in section 103 of the KOZ Act.

"Department." The Department of Community and Economic Development of the Commonwealth.

"Keystone opportunity expansion zone." As defined in section 103 of the KOZ Act.

"KOZ Act." The act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act.

"Person." As defined in section 103 of the KOZ Act.

"Political subdivision." As defined in section 103 of the KOZ Act.

"Tax Reform Code of 1971." The act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

"Unoccupied parcel." As defined in section 103 of the KOZ Act.

(1602-X added Dec. 13, 2023, P.L.251, No.34)

SUBARTICLE B
ADDITIONAL ZONE FOR DETERIORATED,
UNDERUTILIZED OR UNOCCUPIED PARCELS
(Subart. added Dec. 13, 2023, P.L.251, No.34)

Section 1611-X. Additional keystone opportunity expansion zone for deteriorated, underutilized or unoccupied parcels.

(a) Designation.--In addition to any designation under Article XIX-D of the Tax Reform Code of 1971, or Chapter 3 of the KOZ Act, the department may designate one additional keystone opportunity expansion zone that includes an area in a county that has a population of at least 80,000 but less than 83,000 based on the 2020 Federal decennial census.

(b) Criteria.--Notwithstanding the Tax Reform Code of 1971 and the KOZ Act, the additional keystone opportunity expansion zone authorized under subsection (a):

(1) May not be less than 300 acres in size.

(2) Shall employ a micro-grid power source utilizing renewable and nonrenewable energy sources, including, but not limited to, solar, wind, natural gas or biomass.

(3) Shall be comprised of one or more parcels that are deteriorated, underutilized or unoccupied parcels on the effective date of this paragraph.

(c) Exemptions and deductions.--

(1) A business or affiliate of a business located within an additional keystone opportunity expansion zone authorized under subsection (a) shall be entitled to all tax exemptions, deductions, abatelements or credits under Chapters 5 and 7 of the KOZ Act, except for exemptions for sales and use taxes under section 511(a) or 705(a) of the KOZ Act, for a period of 10 years from the date manufacturing commences in the keystone opportunity expansion zone.

(2) Exemptions for sales and use taxes under section 511(a) or 705(a) of the KOZ Act shall commence upon designation of the keystone opportunity expansion zone by the department and shall continue for 10 years.

(d) Applications.--

(1) In order to receive a designation under subsection (a), the department must receive an application from a political subdivision or the political subdivision's designee no later than October 1, 2026. The application shall contain the information required under section 302(a) of the KOZ Act.

(2) The department, in consultation with the Department of Revenue, shall review the application and, if approved, issue a certification of all tax exemptions, deductions, abatelements or credits under the KOZ Act consistent with subsection (c) within three months of receipt of the application.

(3) The department shall act on an application for a designation under subsection (a) no later than December 31, 2026.

(e) Disapproval.--If the department does not approve of a designation under subsection (a), the department shall hold a public hearing in the municipality for which the application was made within 30 days of the disapproval. The Secretary of Community and Economic Development or a designee shall provide the following information at the public hearing:

(1) The reason for the disapproval.

(2) The estimated number of new jobs that would have been created in the parcel.

(3) The estimated dollar amount of new investment that would have been made in the parcel.

(4) An alternative economic development plan developed by the department that would, if implemented, provide an

equivalent amount of investment in the municipality for which the application was made.

(f) Transparency.--The department shall conduct the public hearing required under subsection (e) in accordance with applicable provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings).

(1611-X added Dec. 13, 2023, P.L.251, No.34)

SUBARTICLE C
ADDITIONAL ZONE FOR PARCELS IMPACTED BY
CURRENT OR FORMER MINING OPERATIONS
(Subart. added Dec. 13, 2023, P.L.251, No.34)

Section 1621-X. Additional keystone opportunity expansion zone for parcels impacted by current or former mining operations.

(a) Designation.--In addition to a designation under Article XIX-D of the Tax Reform Code of 1971, or Chapter 3 of the KOZ Act, the department may designate one additional keystone opportunity expansion zone that includes an area in a county that has a population of at least 200,000 but less than 215,000 based on the 2020 Federal decennial census and an area in a county that has a population of at least 1,000,000 but less than 1,300,000 based on the 2020 Federal decennial census.

(b) Criteria.--Notwithstanding the Tax Reform Code of 1971 and the KOZ Act, the additional keystone opportunity expansion zone under subsection (a):

(1) May not be less than 300 acres in size.

(2) Shall be comprised of parcels of land where not less than 50% of the total acreage:

(i) Is currently being used for mining operations or activities.

(ii) Was formerly used for mining operations or activities.

(3) Shall be utilized for activities related to the production, generation or storage of renewable energy.

(4) Shall be occupied by a qualified business that makes a capital investment of at least \$100,000,000 in the additional keystone opportunity expansion zone within five years of the designation under subsection (a).

(c) Authorization.--

(1) A business or affiliate of a business located within an additional keystone opportunity expansion zone authorized under subsection (a) shall be entitled to all tax exemptions, deductions, abatements or credits under Chapter 5 of the KOZ Act, except for exemptions for sales and use taxes under section 511(a) of the KOZ Act, for a period of 15 years from the time production or generation of renewable energy is commenced.

(2) Exemptions for sales and use taxes under section 511(a) of the KOZ Act shall commence upon designation of the keystone opportunity expansion zone by the department and shall continue for 15 years.

(d) Application.--

(1) In order to receive a designation under subsection (a), the department must receive an application from an economic development authority or an economic development authority's designee no later than October 1, 2027. The application must contain the information required under section 302(a)(1) and (2)(i) and (ix) of the KOZ Act. A single application shall be permitted for two adjacent

counties when abatement is for State tax purposes and not local taxes.

(2) The department, in consultation with the Department of Revenue, shall review the application and, if approved, issue a certification of all tax exemptions, deductions, abatements or credits under Chapter 5 of the KOZ Act consistent with subsection (c) within three months of receipt of the application.

(3) The department shall act on an application for a designation under subsection (a) no later than December 31, 2027.

(e) Disapproval.--If the department does not approve of a designation under subsection (a), the department shall hold a public hearing in the municipality for which the application was made within 30 days of the disapproval. The Secretary of Community and Economic Development or a designee shall provide the following information at the public hearing:

(1) The reason for the disapproval.

(2) The estimated number of new jobs that would have been created in the parcel.

(3) The estimated dollar amount of new investment that would have been made in the parcel.

(4) An alternative economic development plan developed by the department that would, if implemented, provide an equivalent amount of investment in the municipality for which the application was made.

(f) Transparency.--The department shall conduct the public hearing required under subsection (e) in accordance with applicable provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings).

(g) Applicability.--

(1) The exemptions, deductions, abatements or credits authorized under Chapter 7 of the KOZ Act shall not apply to this section.

(2) The department may not require that the political subdivision in which the additional keystone opportunity expansion zone under this section is located approve an application submitted under subsection (d).

(3) The provisions of section 902 of the KOZ Act shall apply to an additional keystone opportunity expansion zone approved under this section.

(1621-X added Dec. 13, 2023, P.L.251, No.34)

ARTICLE XVII PENALTIES

Section 1701. Failure of Corporation or Partnership to Make Bonus Return Upon Increase of Capital.--(1701 repealed Jan. 18, 1966, 1965 P.L.1308, No.519)

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Compiler's Note: Section 2(a) of Act 53 of 1978 provided that the partial repeal of section 1701 shall take effect upon the promulgation of the initial regulations under 42 Pa.C.S. § 3502(a) (relating to financial regulations) applicable to the making of remittances by district justices.

Section 1702. Failure of Corporation, Association, Exchange, or Person to Make Bonus or Tax Reports on Time.--If any

corporation, association, exchange or person, or the officer or officers of any corporation, association, or exchange, shall neglect or refuse to furnish to the Department of Revenue, within the time prescribed by law, or any extension thereof granted by the Department of Revenue, any bonus or tax report required by sections seven hundred six, seven hundred seven, seven hundred eight, seven hundred ten, seven hundred thirteen, seven hundred fourteen, seven hundred fifteen, seven hundred sixteen, seven hundred nineteen or seven hundred twenty, of this act, unless within thirty days after the report became due it has been filed, the amount of the tax or bonus admitted to be due has been paid, and reasons satisfactory to the Department of Revenue have been shown to the Department of Revenue why the reports were not furnished to it as required by this act, it shall be the duty of the Department of Revenue to add to the bonus or tax of such corporation, association, exchange, or person, for each and every tax period for which such report was not so furnished, the following percentages, which shall be collected with the bonus or tax in the usual manner of settling and collecting such bonus or tax:

On the first one thousand dollars of bonus or tax, ten per centum; on the next four thousand dollars, five per centum; and on everything in excess of five thousand dollars, one per centum.

(1702 amended Dec. 1, 1959, P.L.1672, No.615)

Section 1703. Failure to Make Tax Reports; Lien of Penalty.--If any corporation or association doing business in this Commonwealth, of any kind whatsoever, or having filed a statement of location of offices in the office of the Secretary of the Commonwealth, or having registered in the Department of the Auditor General, or in the Department of Revenue, except such corporations or associations as have been by the several acts of Assembly of this Commonwealth specifically exempted from making reports to the Department of the Auditor General, and are or may be exempted from making reports to the Department of Revenue, shall have neglected or refused, or shall hereafter neglect or refuse, upon demand of the Department of Revenue, to make reports to the Department of Revenue, as required by law, within thirty days after such demand, such corporation or association shall be liable to a penalty of five hundred dollars (\$500), which shall be settled against such corporation or association by the Department of Revenue, in the same manner as State taxes are settled against corporations or associations: Provided, That the imposition of such penalty shall not be construed to relieve such corporations or associations from liability to any other penalty or penalties now in force by any provision of law.

(1703 amended June 1, 1931, P.L.318, No.143)

Section 1704. Intentional Failure of Corporate Officers to Make Reports.--(a) If any officer or officers of any corporation or association shall intentionally have neglected or refused to make reports to the Auditor General, or to the Department of Revenue, or successively to the Auditor General and to the Department of Revenue, as required by law, for any two successive tax years, he or they shall be guilty of a misdemeanor, and, on conviction thereof, shall be sentenced to pay a fine of five hundred dollars, and undergo an imprisonment not exceeding one year, or either, at the discretion of the court.

(b) If any officer or officers of any corporation or association shall have neglected or refused to make reports to the Department of Revenue for three successive years, unless

excused from so doing by said department, the Department of Revenue may report the fact to the Secretary of the Commonwealth who shall thereupon:

(1) In the case of a corporation or association organized under the laws of Pennsylvania, declare the charter thereof forfeited, and its charter privileges at an end, whereupon the same shall cease, end, and be determined, saving, however, the rights of the creditors and stockholders in and to any property, assets, claims, or demands, of or belonging to such corporation or association;

(2) In the case of a corporation or association organized under the laws of any other State, or of the United States, or of any foreign government, and qualified to do business within this Commonwealth, declare forfeited the right of such corporation or association to do business within this Commonwealth, and thereupon such right shall cease, end, and be determined.

(c) Any person or persons who shall (i) exercise or attempt to exercise any powers, privileges, or franchises, under a charter which shall have been declared forfeited hereunder, or (ii) do or attempt to do any business within this Commonwealth in the name of, or for, or on account of any corporation or association, whose right to do business within this Commonwealth shall have been declared forfeited hereunder, shall be guilty of a misdemeanor, and, on being convicted thereof, shall be fined not less than one hundred dollars, or more than one thousand dollars.

(1704 amended Dec. 12, 1994, P.L.1015, No.138)

Section 1704A. Penalty for Fraudulent Report or Return.--Any person who, with intent to defraud the Commonwealth, shall wilfully make, or cause to be made, any report or return, required by this act, which is false, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding two thousand dollars (\$2000), or undergo imprisonment not exceeding three years, or both.

(1704A added July 13, 1957, P.L.850, No.389)

Section 1705. Failure of Bank, Savings Institution, Title Insurance Company, or Trust Company to Make Report, Pay Tax, or Post Notice of Settlement.--If any bank, or savings institution, having capital stock, incorporated by or under any law of this Commonwealth, or under any law of the United States, and located within this Commonwealth, or any title insurance company or trust company, as defined in section seven hundred twelve of this act, shall fail or refuse to make the report required by section seven hundred eleven or section seven hundred twelve of this act, at the times therein specified, or shall make any false statement in such report, or shall fail or refuse, by its officers, to appear before the Department of Revenue, or shall fail or refuse to produce its books for examination when required to do so by the Department of Revenue, the department shall, after having ascertained the actual value of each share of the capital stock of such company from the best information it can obtain, add the following percentages thereto as a penalty, assess the tax, and proceed according to law to collect the same from such company. On the first one thousand dollars of tax ten per centum, on the next four thousand dollars five per centum, and on everything in excess of five thousand dollars one per centum. If the president, secretary, or treasurer of any such company shall neglect or refuse to post a copy of the settlement in a conspicuous place in such company's place of business, immediately upon the receipt of the same, so as to give notice to the shareholders,

such president, secretary, or treasurer, shall be adjudged to be in default, and, as a penalty for such default, such company shall be responsible to the Commonwealth for the amount of the tax assessed against the shareholders of such company.

(1705 amended Mar. 6, 1956, 1955 P.L.1218, No.378)

Section 1706. Failure of Foreign Building and Loan Association to Pay Tax on Matured Stock Held by Residents of Pennsylvania.--Any foreign building and loan association which shall fail, within thirty days after demand by the Department of Revenue, to pay the tax imposed by law upon full-paid, prepaid, and fully matured, or partly matured, stock in such association, held by residents of Pennsylvania, entitled to receive cash dividends or interest, shall forfeit its right to transact business in this State.

Section 1707. Failure of Private Banker to Make Return or Report.--Any private banker who shall neglect or refuse to make any return or report required by section 719 of this act, shall, for every such neglect or refusal, be subject to a penalty of one thousand dollars, which shall be collected on an account settled by the Department of Revenue, as taxes on the capital stock of corporations are settled and collected, and the payment of such penalty shall not relieve such private banker from the payment of any tax which he is required by law to pay, but the Department of Revenue shall suspend said penalty upon the payment by such private banker of all taxes due the Commonwealth and the costs incurred in any proceedings for the collection of the penalty.

Section 1708. Failure of Stockbrokers, Et Cetera, to File Certificates.--(1708 repealed Jan. 18, 1966, 1965 P.L.1305, No.519)

Section 1709. Failure of Stockbrokers, Et Cetera, to Keep Records Evidencing Payment of Stamp Tax or to Permit Inspection by Department of Revenue.--(1709 repealed Jan. 18, 1966, 1965 P.L.1305, No.519)

Section 1710. Failure of Officer to Make Return and Payment to Department of Revenue.--Any judicial officer of a court not of record, city officer or county officer who shall refuse or neglect to make the return and payment required by section 901 of this article, shall be personally liable for a penalty of ten per centum of the amount of money collected during the period to which the return and payment apply, and which shall be added to the total amount found due.

(1710 amended Dec. 2, 1976, P.L.1274, No.283 and repealed in part Apr. 28, 1978, P.L.202, No.53)

Compiler's Note: Section 2(a) of Act 53 of 1978 provided that the partial repeal of section 1710 shall take effect upon the promulgation of the initial regulations under 42 Pa.C.S. § 3502(a) (relating to financial regulations) applicable to the making of remittances by district justices.

Section 1710.1. Penalty for Failure of an Officer to Establish an Interest-bearing Account.--Any judicial officer of a court not of record, city officer, or county officer who shall refuse or neglect, when required by the Secretary of Revenue, to establish a Federally insured interest-bearing account in any bank or savings and loan association and to deposit all moneys received for the use of or on behalf of the Commonwealth shall be personally liable for a penalty of one per centum per month or fraction thereof on the moneys collected for the period during which said account is not established and said funds are not deposited therein.

(1710.1 added Dec. 2, 1976, P.L.2174, No.283 and repealed in part Apr. 28, 1978, P.L.202, No.53)

Compiler's Note: Section 2(a) of Act 53 of 1978 provided that the partial repeal of section 1710.1 shall take effect upon the promulgation of the initial regulations under 42 Pa.C.S. § 3502(a) (relating to financial regulations) applicable to the making of remittances by district justices.

Section 1710.2. Collection of Inheritance Taxes.--All clerks, appraisers, investigators and other persons required to assist any register of wills, in any county of the Commonwealth, in collecting and paying over inheritance taxes shall be appointed and their compensation fixed by the Secretary of Revenue, and, upon his approval and order, shall be paid out of the said taxes by the Department of Revenue, together with other necessary expenses incident to the collection of such taxes, including the payment of the cost of the premium on bonds filed by registers with the Department of Revenue.

(1710.2 added Dec. 2, 1976, P.L.1274, No.283)

Section 1711. Proceedings Against Officers Failing to Make Return.--If after the Department of Revenue has once been required to appoint an agent to examine the books and accounts of any county or city officer, as provided in section 903 of this act, and such county or city officer again refuses or neglects to file a return as required by section 901, it shall be the duty of the Department of Revenue to certify such refusal to the Attorney General, who shall thereupon institute proceedings for the purpose of ousting such delinquent officer from his office. Such proceedings shall be carried on as provided by law, and it shall be the duty of the court, upon finding that the defendant has repeatedly refused to file the returns required by section nine hundred one of this act, to oust the incumbent from his office and declare the same vacant, and, upon the entry of any such decree, the court shall certify the same to the Governor, who shall revoke the commission theretofore issued to the officer, and shall fill the vacancy as provided by law.

(1711 repealed in part Apr. 28, 1978, P.L.202, No.53 and Dec. 20, 1982, P.L.1409, No.326)

Section 1712. Failure of Sheriff, Receiver, Et Cetera, to Make Report of Judicial Sales or Auction Sales.--Any sheriff, receiver, trustee, assignee, master, or other officer, who shall neglect or refuse to comply with the provisions of section one thousand four hundred two of this act, or any person, partnership, joint-stock association, company, or corporation, who or which shall neglect or refuse to comply with the provisions of paragraph (b) of section one thousand four hundred three of this act, shall forfeit and pay to the Commonwealth, for every such offense, neglect, or refusal, a fine or penalty of two hundred dollars, to be recovered by suit in assumpsit.

(1712 amended June 6, 1939, P.L.261, No.145 and repealed in part Apr. 28, 1978, P.L.202, No.53)

Section 1713. Failure of County, City, Borough, or District Treasurer to Make Return of Outstanding Debt.--If the treasurer of any county, city, borough, school district, or incorporated district, shall fail to make the return required by section 709 of this act, he shall be subject to a penalty of five thousand dollars to be settled by the Department of Revenue, sued for, and collected as debts due by defaulting public officers are collected.

Section 1714. Failure of Transferee of Future Estates from Nonresident Decedent to Make Return and Enter Security.--(1714 repealed June 15, 1961, P.L.373, No.207)

Section 1715. Transfer of Corporation Stock Without Payment of Transfer Inheritance Tax.---(1715 repealed June 15, 1961, P.L.373, No.207)

Section 1716. Failure of Persons Liable for Anthracite Tonnage Tax to Make Report.--

(a) If any individual superintendent or other officer of any firm, corporation, limited partnership, or joint-stock association, or any other owner, partner, or lessee, of any mine, washery, or screening operation, shall neglect or refuse to furnish to the Department of Revenue, within the time required by law, or any extension thereof granted by such department, the assessment and report required by section 728 of this act, or cause the same to be done, or shall make or cause to be made any false report, it shall be the duty of the Department of Revenue to add ten per centum to the tonnage tax payable upon the value of each and every kind of anthracite coal prepared for market, and such mine, washery, or screening operation, for each and every year for which a true and correct assessment and report was not furnished, which percentage shall be settled and collected with the tax in the usual manner of settling accounts and collecting such taxes.

(b) If any such person or officer shall intentionally make, or cause to be made, any false assessment and report, or intentionally neglect or refuse to furnish the Department of Revenue with the assessment and report required by law, he shall be guilty of a misdemeanor, and, on conviction thereof, shall be sentenced to pay a fine of five hundred dollars, or undergo imprisonment not exceeding one year, or both, at the discretion of the court.

Section 1717. Failure of Vendors of or Dealers in Goods, Wares, and Merchandise, Restaurant Keepers, etc., to Make Return to Mercantile Appraisers.--If any vendor of or dealer in goods, wares, and merchandise, or individual, firm, copartnership, or corporation, engaged in carrying on a restaurant, eating-house, cafe, or quick-lunch business, or in the business of keeping for profit any shooting gallery, shuffleboard room, billiard or pool room, bowling alley, nine or ten pin alley, or any alley or place on or in which any game is played with the use of balls and pins or other objects, or the owner or lessee of any place of amusement, or building, tent, or enclosure, required, by section 729 of this act, to make a return or application to the mercantile appraiser, on a form prepared by the Department of Revenue, shall fail or neglect so to do, he shall be assessed, taxed, and penalized, as now provided by law for failure to make or file such return or application.

Section 1718. Failure of Auctioneer, Broker, Agent, or Factor to Make Return to Mercantile Appraiser.--If any auctioneer, broker, agent, or factor, shall fail or refuse to make a return, as required by section 729 of this act, to the mercantile appraiser of his county, when requested so to do, it shall be the duty of the mercantile appraiser to assess him or it with the maximum license tax provided for by the act or acts of Assembly imposing an annual license tax upon such auctioneer, broker, agent or factor. A certified copy of such assessment shall be forwarded to the auctioneer, broker, agent, or factor, which assessment shall be final and conclusive and without appeal, and such auctioneer, broker, agent, or factor, shall not be permitted, in any action brought to recover such assessment, to deny the correctness thereof.

Section 1719. Failure of State Depository to Make Report.--If any bank, banking institution, or trust company, acting as a State depository, shall fail to make to the Treasury Department the report required by section 304 of this act, within the time prescribed therein, for any six months' period, it shall be subject to a penalty of ten per centum of the amount of the interest due for such period, which penalty shall be settled and collected by the Department of Revenue as other claims against debtors of the Commonwealth are settled and collected, and shall be paid into the General Fund of the State Treasury.

(1719 amended June 1, 1931, P.L.318, No.143)

Section 1720. Failure to Make Report of Escheated Property; False Oath in Escheat; Report; Refusal to Testify.--(1720 repealed Aug. 9, 1971, P.L.286, No.74)

Section 1721. Failure of Sheriff or Jailer to Execute Writ of Fiscal Officer.--Any sheriff refusing or neglecting to execute the writs of the Auditor General, the State Treasurer, or the Secretary of Revenue, issued in pursuance of section 1602 of this act, shall forfeit and pay to the Commonwealth the sum of five hundred dollars, and if any jailer refuses to receive and hold any person who may be ordered to jail under the writs of the Auditor General, the State Treasurer, or the Secretary of Revenue, issued in pursuance of section 1602 of this act, such jailer shall forfeit and pay to the Commonwealth the sum of three hundred dollars.

Section 1722. Failure of Limited Partnerships and Corporations to Register with the Department of Revenue.--Any limited partnership, association, corporation, or company, which shall neglect or refuse to register with the Department of Revenue as required by section 730 of this act, shall be subject to a penalty of five hundred dollars (\$500), which penalty shall be collected on an account settled by the Department of Revenue in the same manner as taxes on capital stock are settled and collected.

(1722 added June 1, 1931, P.L.318, No.143)

ARTICLE XVII-A

SPECIAL FUNDS

(Art. added June 29, 2002, P.L.614, No.91)

SUBARTICLE A

BUDGET STABILIZATION RESERVE FUND

(Subart. added June 29, 2002, P.L.614, No.91)

Section 1701-A. Establishment of Budget Stabilization Reserve Fund.

There is established a special fund to be known as the Budget Stabilization Reserve Fund.

(1701-A added June 29, 2002, P.L.614, No.91)

Section 1702-A. Funding.

(a) Intent.--It is hereby declared as the intent and goal of the General Assembly to create a stabilization reserve in an eventual amount of 6% of the revenues of the General Fund of the Commonwealth.

(b) Transfer of portion of surplus.--

(1) Except as may be provided in paragraph (2), for fiscal years beginning after June 30, 2002, the following apply:

(i) Except as set forth in this paragraph, if the Secretary of the Budget certifies that there is a surplus

in the General Fund for a specific fiscal year, 25% of the surplus shall be deposited by the end of the next succeeding quarter into the Budget Stabilization Reserve Fund.

(ii) If the Secretary of the Budget certifies, after June 30, 2005, that there is a surplus in the General Fund for the fiscal year 2004-2005, 15% of the surplus shall be deposited by the end of the next succeeding quarter into the Budget Stabilization Reserve Fund.

(iii) No amount of the surplus in the General Fund for fiscal year 2007-2008 may be deposited into the Budget Stabilization Reserve Fund.

(iv) No amount of the surplus in the General Fund for fiscal year 2010-2011 may be deposited into the Budget Stabilization Reserve Fund.

(v) No amount of the surplus in the General Fund for fiscal year 2011-2012 may be deposited into the Budget Stabilization Reserve Fund.

(vi) No amount of the surplus in the General Fund for fiscal year 2012-2013 may be deposited into the Budget Stabilization Reserve Fund.

(vii) No amount of the surplus in the General Fund for fiscal year 2013-2014 may be deposited into the Budget Stabilization Reserve Fund.

(viii) No amount of the surplus in the General Fund for fiscal year 2014-2015 may be deposited into the Budget Stabilization Reserve Fund.

(ix) No amount of the surplus in the General Fund for fiscal year 2015-2016 may be deposited into the Budget Stabilization Reserve Fund.

(x) If the Secretary of the Budget certifies that there is a surplus in the General Fund for the 2017-2018 fiscal year, 50% of the surplus shall be deposited by the end of the next succeeding quarter into the Budget Stabilization Reserve Fund. ((x) added June 22, 2018, P.L.281, No.42)

(xi) If the Secretary of the Budget certifies that there is a surplus in the General Fund for the 2018-2019 fiscal year, 100% of the surplus shall be deposited by the end of the next succeeding quarter into the Budget Stabilization Reserve Fund. ((xi) added June 28, 2019, P.L.173, No.20)

(xii) If the Secretary of the Budget certifies that there is a surplus in the General Fund for the 2020-2021 fiscal year, 100% of the surplus shall be deposited by the end of the next succeeding quarter into the Budget Stabilization Reserve Fund established under section 1701-A. ((xii) added June 30, 2021, P.L.62, No.24)

(xiii) If the Secretary of the Budget certifies that there is a surplus in the General Fund for the 2021-2022 fiscal year, the amount of \$2,100,000,000 shall be deposited by the end of the next succeeding quarter into the Budget Stabilization Reserve Fund. ((xiii) added July 11, 2022, P.L.540, No.54)

(2) If, at the end of any fiscal year, the ending balance of the Budget Stabilization Reserve Fund equals or exceeds 6% of the actual General Fund revenues received for the fiscal year in which the surplus occurs, 10% of the surplus shall be deposited by the end of the next succeeding quarter into the Budget Reserve Stabilization Fund.

(c) Appropriated funds.--The General Assembly may at any time provide additional amounts from any funds available to

this Commonwealth as an appropriation to the Budget Stabilization Reserve Fund.

(d) Definition.--As used in this section, the term "surplus" means a fiscal operating result that occurs in a fund at the end of a fiscal year, by which expenditures, including tax refunds, are less than the fund's beginning balance, revenues and receipts and lapses during the same period. ((d) added Dec. 13, 2023, P.L.251, No.34)

(1702-A amended July 13, 2016, P.L.664, No.85)

Compiler's Note: Section 10 of Act 53 of 2008 provided that the amendment of section 1702-A shall apply retroactively to June 30, 2008.

Section 19(1)(i)(A) of Act 25 of 2016 provided that the amendment of subsection (b)(1)(viii) shall apply retroactively to July 1, 2015.

The Budget Stabilization Reserve Fund was incorrectly referred to as the Budget Reserve Stabilization Fund in subsection (b)(2).

Section 1703-A. Disposition of Budget Stabilization Reserve Fund.

(a) Purpose.--It is the intent of the General Assembly that:

(1) Money from the Budget Stabilization Reserve Fund be appropriated only when emergencies involving the health, safety or welfare of the residents of this Commonwealth or downturns in the economy resulting in significant unanticipated revenue shortfalls cannot be dealt with through the normal budget process.

(2) Money in the Budget Stabilization Reserve Fund shall not be used to begin new programs but to provide for the continuation of vital public programs in danger of being eliminated or severely reduced due to financial problems resulting from the economy.

(b) Appropriation.--Except as provided under subsection (c), whenever the Governor determines that an appropriation from the Budget Stabilization Reserve Fund is necessary to meet emergencies involving the health, safety or welfare of the residents of this Commonwealth or to counterbalance downturns of the economy which result in significant unanticipated revenue shortfalls, the Governor shall present a request for an appropriation which may include the specifics of the proposal and suggested ancillary and substantive legislation as may be necessary to the chairman of Appropriations Committee of the Senate and the chairman of the Appropriations Committee of the House of Representatives. The General Assembly may then through approval of a separate appropriation bill by a vote of two-thirds of the members elected to the Senate and the House of Representatives appropriate money from the Budget Stabilization Reserve Fund to meet the needs identified in the Governor's proposal. Any money appropriated according to this section which has then lapsed shall be returned to the Budget Stabilization Reserve Fund.

(c) Transfer.--No later than November 30, 2020, \$100,000,000 shall be transferred from the Budget Stabilization Reserve Fund to the General Fund and shall be available for appropriation by the General Assembly.

(1703-A amended Nov. 23, 2020, P.L.1140, No.114)

SUBARTICLE B

UNDERGROUND STORAGE TANK INDEMNIFICATION FUND

(Subart. added June 29, 2002, P.L.614, No.91)

Section 1711-A. Transfer.

(a) Transfer.--Notwithstanding section 704 of the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, the Secretary of the Budget shall, by October 15, 2002, transfer the sum of \$100,000,000 from the Underground Storage Tank Indemnification Fund to the General Fund.

(b) Repayment.--The sum transferred under this section shall be repaid to the Underground Storage Tank Indemnification Fund after June 30, 2004, and before July 1, 2029, plus interest.

(c) Annual payment amount.--An annual payment amount shall be included in the budget submission required pursuant to section 613 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(d) Notice and expiration.--Upon determination by the Secretary of the Budget that the money transferred from the Underground Storage Tank Indemnification Fund under subsection (a) has been repaid to the Underground Storage Tank Indemnification Fund, the Secretary of the Budget shall transmit a notice to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. This subarticle shall expire upon publication of the notice under this subsection.

(1711-A amended July 11, 2022, P.L.540, No.54)

SUBARTICLE C

TOBACCO SETTLEMENT FUND

(Subart. expired July 1, 2006. See Act 41 of 2005.)

Section 1721-A. Deposits.

(1721-A expired July 1, 2006. See Act 41 of 2005.)

Section 1722-A. Expiration.

(1722-A expired July 1, 2006. See Act 41 of 2005.)

SUBARTICLE D

INVESTMENTS

(Subart. hdg. reenacted June 28, 2019, P.L.173, No.20)

Compiler's Note: Section 23 of Act 20 of 2019 provided that the reenactment of Subarticle D heading shall apply retroactively to June 30, 2018.

Section 1731-A. State Workers' Insurance Board.

Notwithstanding any inconsistent provisions of section 1512 of the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, section 504 of the act of November 30, 1965 (P.L.847, No.356), known as the Banking Code of 1965, and any other law of this Commonwealth, the power of the State Workers' Insurance Board to invest money shall include the power to hold, purchase, sell, assign, transfer and dispose of securities, including common stock with the following restrictions:

(1) Investments in equities may not exceed the lesser of:

(i) 15% of the State Workers' Insurance Fund's assets; or

(ii) the State Workers' Insurance Fund's statutory surplus after discount, except that, notwithstanding the statutory surplus, the State Workers' Insurance Fund is authorized to invest up to 7 1/2% of the book value of its assets in equities.

(1.1) Investments in equities shall be made subject to the prudent investor rule as provided for under 20 Pa.C.S. § 7203 (relating to prudent investor rule).

(2) The State Workers' Insurance Board shall establish a policy for investments and shall meet at least annually to develop a schedule for rebalancing its investments in securities to meet the restriction of paragraph (1).

(2.1) The State Workers' Insurance Board may invest in financial institutions that are designated as a minority depository institution, as defined in section 808(b) of the Housing and Community Development Act of 1977 (Public Law 95-128, 91 Stat. 1111), or a community development financial institution, as defined in section 103 of the Riegel-Neal Interstate Banking and Branching Efficiency Act of 1994 (Public Law 103-328, 12 U.S.C. § 4702(5)), if the investment is consistent with authorized investments and prudent person standards applicable to the board.

(1731-A reenacted June 28, 2019, P.L.173, No.20)

Compiler's Note: Section 23 of Act 20 of 2019 provided that the reenactment of section 1731-A shall apply retroactively to June 30, 2018.

Section 1732-A. Expiration.

This subarticle shall expire December 31, 2025.

(1732-A amended June 30, 2021, P.L.62, No.24)

Compiler's Note: Section 23 of Act 20 of 2019 provided that the reenactment and amendment of section 1732-A shall apply retroactively to June 30, 2018.

SUBARTICLE E STATE LOTTERY FUND

(Subart. added July 7, 2005, P.L.174, No.41)

Section 1741-A. Payment of administrative expenses.

Notwithstanding any provision of law to the contrary, funds for the payment of administrative expenses and other costs incurred in the administration of Chapters 3, 5 and 9 of the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, may be paid from the State Lottery Fund.

(1741-A added July 7, 2005, P.L.174, No.41)

Section 1742-A. Payment of administrative expenses and claims.

Expenses, salaries, other costs incurred in the administration of Article XXII-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, and approved claims under the act of March 11, 1971 (P.L.104, No.3), known as the Senior Citizens Rebate and Assistance Act, may be paid from the State Lottery Fund established by the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law.

(1742-A added July 7, 2005, P.L.174, No.41)

SUBARTICLE F EMERGENCY ENERGY ASSISTANCE FUND (Subart. added Dec. 16, 2005, P.L.439, No.81)

Section 1751-A. Establishment of Emergency Energy Assistance Fund.

There is established a special fund to be known as the Emergency Energy Assistance Fund.

(1751-A added Dec. 16, 2005, P.L.439, No.81)

Section 1752-A. Appropriation to Emergency Energy Assistance Fund.

An amount equal to not more than 1.0 mill of the gross receipts tax collected during each fiscal year under Article XI of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, shall be appropriated for the fiscal year July 1, 2005, to June 30, 2006, from the General Fund to the Emergency Energy Assistance Fund, to be administered by the Department of Public Welfare for State-funded emergency energy assistance if the Governor issues a declaration that either weather conditions, natural or man-made disasters, or high energy prices or a combination thereof are a threat to public health within this Commonwealth and available Federal home energy assistance funds are not sufficient to meet this need. The Governor shall publish this emergency declaration in the Pennsylvania Bulletin along with the criteria and emergency regulations for this program and shall transmit copies of the declaration to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives.

(1752-A added Dec. 16, 2005, P.L.439, No.81)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

SUBARTICLE G
HAZARDOUS SITES CLEANUP FUND
(Subart. added July 4, 2008, P.L.629, No.53)

Compiler's Note: Section 10 of Act 53 of 2008 provided that Subarticle G shall apply retroactively to December 18, 2007.

Section 1761-A. Establishment of Hazardous Sites Cleanup Fund.
There is hereby established a special fund to be known as the Hazardous Sites Cleanup Fund.

(1761-A added July 4, 2008, P.L.629, No.53)

SUBARTICLE H
PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT
AND TOURISM FUND
(Subart. added Oct. 9, 2009, P.L.537, No.50)

Section 1771-A. Definitions.

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

"Affiliated entity." Any of the following:

(1) A subsidiary or holding company of a lobbying firm or other business entity owned in whole or in part by a lobbying firm.

(2) An organization recognized by the Internal Revenue Service as a tax-exempt organization under section 501(c) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)) established by a lobbyist or lobbying firm or an affiliated entity.

"Authority." The Commonwealth Financing Authority.

"Eligible applicant." As defined in the H2O PA Act.

"H2O PA Act." The act of July 9, 2008 (P.L.908, No.63), known as the H2O PA Act.

"High hazard unsafe dam." As defined in the H2O PA Act.

"Lobbying." The term shall have the meaning given to it in 65 Pa.C.S. § 13A03 (relating to definitions). The term shall also include an effort to influence the action of the authority or the Department of Community and Economic Development relating to the approval, award, receipt or denial of a grant under the H2O PA Act.

"Project." As defined in the H2O PA Act.

"Water and sewer project." A project which is for a water supply system, sewage disposal system, storm water system or flood control. (Def. added June 28, 2019, P.L.173, No.20)

(1771-A added Oct. 9, 2009, P.L.537, No.50)

Section 1772-A. Certification of funds.

On or before January 1 of each year, the Secretary of the Budget shall certify to the authority and the State Treasurer the amount of funds available for transfer from the Gaming Economic Development and Tourism Fund under the provisions of section 301 of the H2O PA Act for the next fiscal year.

(1772-A added Oct. 9, 2009, P.L.537, No.50)

Section 1772.1-A. H2O PA Account.

(a) Establishment.--There is established in the Gaming Economic Development and Tourism Fund a restricted account to be known as the H2O PA Account, which shall contain the following:

(1) Moneys available from transfers under section 1772-A and Chapter 5 of the act of July 9, 2008 (P.L.908, No.63), known as the H2O PA Act.

(2) Moneys available from transfers under 58 Pa.C.S. § 2315(a.1)(4) (relating to Statewide initiatives).

(2.1) Of the money appropriated for COVID Relief - ARPA - Transfer to Commonwealth Financing Authority - Water and Sewer Projects, \$214,400,000 shall be deposited in the account.

(3) Other appropriations or transfers made to the account.

((a) amended July 11, 2022, P.L.540, No.54)

(b) Purpose.--Money in the account shall be used for payments of debt and grants made under the H2O PA Program.

(c) Nonlapse.--Money in the account is continuously appropriated for debt service or grants in accordance with section 1774.1-A and Chapter 5 of the H2O PA Act.

(d) Application of Federal law.--Notwithstanding any provision of this subarticle or the H2O PA Act to the contrary, grants awarded from money deposited in the account under subsection (a)(2.1) shall be made in accordance with applicable Federal law. ((d) added July 11, 2022, P.L.540, No.54)

(1772.1-A added July 10, 2014, P.L.1053, No.126)

Section 1773-A. Request for appropriation.

If inadequate funds are available to the authority to pay all the costs related to indebtedness incurred to fund projects under the H2O PA Act after the transfer of funds from the Gaming Economic Development and Tourism Fund under section 301 of the H2O PA Act, the Secretary of the Budget on behalf of the authority shall seek an appropriation from the General Fund to fully pay the costs.

(1773-A added Oct. 9, 2009, P.L.537, No.50)

Section 1774-A. Amount of grants.

Notwithstanding the provisions of section 501(d) of the H2O PA Act, grants shall be made as follows:

(1) A minimum of \$85,000,000 shall be awarded to flood control projects.

(2) A minimum of \$50,000,000 shall be awarded to high-hazard unsafe dam projects. No more than \$20,000,000

may go to an eligible applicant that is the Commonwealth or an independent agency.

(1774-A added Oct. 9, 2009, P.L.537, No.50)

Section 1774.1-A. Other grants.

(a) Water and sewer projects.--For the specified fiscal years, from funds available to the authority under this act or under 58 Pa.C.S. § 2315(a.1)(4) (relating to Statewide initiatives), that are unrelated to indebtedness incurred for the program, the following apply:

(1) For fiscal year 2013-2014, the sum of \$3,000,000 shall be available for water and sewer projects with a cost of not less than \$50,000 and not more than \$150,000.

(2) For fiscal year 2015-2016 and 2016-2017, the sum of \$22,000,000 shall be available for distribution or reimbursement for water and sewer projects with a cost of not less than \$30,000 and not more than \$500,000.

(3) For fiscal year 2017-2018, the sum of \$15,000,000 shall be available for distribution or reimbursement for water and sewer projects with a cost of not less than \$30,000 and not more than \$500,000. In determining the grant amount for the purpose of this paragraph, the authority shall not include the matching funds requirement in the calculation of the cost of the project.

(4) For fiscal year 2018-2019, the sum of \$14,504,399 shall be available for distribution or reimbursement for water and sewer projects with a cost of not less than \$30,000 and not more than \$500,000. In determining the grant amount for the purpose of this paragraph, the authority shall not include the matching funds requirement in the calculation of the cost of the project.

(a.1) Additional water and sewer projects.--In addition to the funds available under subsection (a)(3), for fiscal year 2017-2018, the sum of \$10,000,000 from the trust account established under 64 Pa.C.S. § 1541 (relating to trust accounts) for the Building Pennsylvania Program shall be transferred to the authority for distribution or reimbursement for water and sewer projects with a cost of not less than \$30,000 and not more than \$500,000. In determining the grant amount for the purpose of this paragraph, the authority shall not include the matching funds requirement in the calculation of the cost of the project.

(a.2) Additional water and sewer projects.--In addition to the funds available under subsection (a)(4), for fiscal year 2018-2019, the sum of \$10,000,000 from the First Industries Program account established under 64 Pa.C.S. § 1542(b) (relating to revolving loan program accounts) shall be transferred to the authority for distribution or reimbursement for water and sewer projects with a cost of not less than \$30,000 and not more than \$500,000. In determining the grant amount for the purpose of this paragraph, the authority shall not include the matching funds requirement in the calculation of the cost of the project.

(a.3) Additional water and sewer projects.--For fiscal year 2019-2020, the sum of \$20,000,000 from the First Industries Program account established under 64 Pa.C.S. § 1542(b), the sum of \$15,950,000 from the trust account established under 64 Pa.C.S. § 1541 for the Building Pennsylvania Program, the sum of \$650,000 from previously unexpended funds made available for water and sewer projects under this section and the sum of \$3,400,000 from the trust account established under 64 Pa.C.S. § 1541 for the Water Supply and Wastewater Infrastructure Program shall be transferred to the authority for distribution or reimbursement for water and sewer projects with a cost of

not less than \$30,000 and not more than \$500,000. In determining the grant amount for the purpose of this subsection, the authority shall not include the matching funds requirement in the calculation of the cost of the project.

(a.4) Additional water and sewer projects.--Of the money appropriated for COVID Relief - ARPA - Transfer to Commonwealth Financing Authority - Water and Sewer Projects, \$105,600,000 shall be transferred to the authority for distribution or reimbursement for water and sewer projects with a cost of not less than \$30,000 and not more than \$500,000. In determining the grant amount for the purpose of this subsection, the authority shall not include the matching funds requirement in the calculation of the cost of the project. Notwithstanding any provisions of this subarticle to the contrary, grants awarded under this section shall be made in accordance with applicable Federal law. ((a.4) added July 11, 2022, P.L.540, No.54)

(b) Guidelines.--The authority shall adopt guidelines for the approval of applications under this section and shall ensure that grants are made available to all geographic areas of this Commonwealth.

(c) Eligibility.--An application for a water and sewer project under this section may not be deemed ineligible if the project detailed in the application is for a portion of a larger project, the total cost of which exceeds \$500,000.

(d) Additional eligibility.--For fiscal year 2018-2019, the authority may not require the submission of new applications, but shall consider water and sewer projects for grant funding submitted during the application period that ended on February 28, 2018.

(1774.1-A amended June 28, 2019, P.L.173, No.20)
Section 1774.2-A. Other grants.

Money in the H2O PA Account may be used for grants awarded under section 1774.1-A.

(1774.2-A added July 10, 2014, P.L.1053, No.126)
Section 1775-A. Eligible applicants.

Notwithstanding any other provision of the H2O PA Act to the contrary, a not-for-profit organization that owns a high hazard unsafe dam and has filed with the authority an application for a grant under section 502(a)(3) of the H2O PA Act prior to the effective date of this section shall be an eligible applicant for a grant under section 502(a)(3) of the H2O PA Act.

(1775-A added Oct. 9, 2009, P.L.537, No.50)
Section 1776-A. Prohibited activities.

(a) Limitation on giving compensation.--A person or its affiliated entity may not compensate or incur an obligation to compensate a person to engage in lobbying for compensation contingent in whole or in part upon the approval, award, receipt or denial of a grant under Chapters 1, 2, 3, 4, 5, 6 and 7 of the H2O PA Act.

(b) Limitation on receiving compensation.--A person or its affiliated entity may not engage in or agree to engage in lobbying for compensation contingent in whole or in part upon the approval, award, receipt or denial of any grant under Chapters 1, 2, 3, 4, 5, 6 and 7 of the H2O PA Act.

(c) Inapplicability.--The provisions of this section shall not apply to an eligible applicant that compensates a person to prepare or assist in the preparation of a grant application and related materials for submission to the authority under the H2O PA Act if the following requirements are met:

(1) The person is not identified in the submitted application.

(2) The person has no direct contact with the authority, unless the person is responding to requests for additional information or clarification.

(3) The person is paid a fixed fee for the preparation or assistance or a percentage of the amount of any grant approved, awarded or received of up to .5%.

(d) Violation.--A violation of this section shall be considered an intentional violation of 65 Pa.C.S. § 13A09(e) (relating to penalties).

(1776-A added Oct. 9, 2009, P.L.537, No.50)

Compiler's Note: Section 9(1) of Act 50 of 2009 provided that section 1776-A shall apply to contracts entered into on or after the effective date of paragraph (1).

SUBARTICLE I
WATER AND SEWER SYSTEMS
ASSISTANCE BOND FUND
(Subart. added Oct. 9, 2009, P.L.537, No.50)

Section 1781-A. Definitions.

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

"Assistance Act." The act of July 9, 2008 (P.L.915, No.64), known as the Water and Sewer Systems Assistance Act.

"Fund." The Water and Sewer Systems Assistance Bond Fund.

"Issuing officials." The Governor, the Auditor General and the State Treasurer.

"Municipality." As defined in the Assistance Act.

"Nutrient credit." As defined in the Assistance Act.

"Project." As defined in the Assistance Act.

(1781-A added Oct. 9, 2009, P.L.537, No.50)

Section 1782-A. Water and Sewer Systems Assistance Bond Fund.

(a) Establishment.--The Water and Sewer Systems Assistance Bond Fund, which is created in the State Treasury, shall be the source from which all payments are authorized, with the approval of the Governor, to carry out the purposes of this section and as otherwise provided for in the Assistance Act.

(b) Purpose of fund.--The money in the fund shall only be utilized in accordance with the provisions of the Assistance Act for grants and loans to municipalities, public utilities and other entities implementing eligible projects and for the purchase or trading of nutrient credits.

(c) Exemption.--Money in the fund is exempt and not to be considered under the limitations of section 5(c)(2) of the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act.

(1782-A added Oct. 9, 2009, P.L.537, No.50)

Section 1783-A. Commonwealth indebtedness.

(a) Borrowing authorized.--

(1) If the electorate approves a referendum question, in accordance with the provisions of the Assistance Act, for incurring indebtedness in the amount and for the purposes prescribed in the Assistance Act and this article, the issuing officials, pursuant to the provisions of section 7(a)(3) of Article VIII of the Constitution of Pennsylvania, are authorized and directed to borrow, on the credit of the Commonwealth, money not exceeding in the aggregate the sum of \$400,000,000, in increments of not more than \$150,000,000 every year over a three-year period after the effective date of this section, not including money borrowed to refund

outstanding bonds, notes or replacement notes, as may be found necessary to carry out the purposes of the Assistance Act.

(2) As evidence of the indebtedness, general obligation bonds of the Commonwealth shall be issued to provide money necessary to carry out the purposes of the Assistance Act for the total amounts, in the form, in the denominations and subject to the terms and conditions of issue, redemption and maturity, rate of interest and time of payment of interest, as the issuing officials direct, except that the latest stated maturity date shall not exceed 20 years from the date of the first obligation issued to evidence the debt.

(3) All bonds and notes issued under the authority of the Assistance Act must bear facsimile signatures of the issuing officials and a facsimile of the Great Seal of the Commonwealth and must be countersigned by an authorized officer of an authorized loan and transfer agent of the Commonwealth.

(4) All bonds and notes issued in accordance with the provisions of this section shall be direct obligations of the Commonwealth, and the full faith and credit of the Commonwealth is pledged for the payment of the interest on them, as it becomes due, and for the payment of the principal at maturity. The principal of and interest on the bonds and notes shall be payable in lawful money of the United States.

(5) All bonds and notes issued under the provisions of this section shall be exempt from taxation for State and local purposes.

(6) The bonds may be issued as coupon bonds or registered as to both principal and interest as the issuing officials determine. If interest coupons are attached, they shall contain the facsimile signature of the State Treasurer.

(7) The issuing officials shall provide for amortization of the bonds in substantial and regular amounts over the term of the debt so that the bonds of each issue allocated to the project to be funded from the bond issue shall mature within a period not to exceed the appropriate amortization period for each project as specified by the issuing officials, but in no case in excess of 20 years. The first retirement of principal shall be stated to mature prior to the expiration of a period of time equal to one-tenth of the time from the date of the first obligation issued to evidence the debt to the date of the expiration of the term of the debt. Retirements of principal shall be regular and substantial if made in annual or semiannual amounts, whether by stated serial maturities or by mandatory sinking fund retirements.

(8) The issuing officials are authorized to provide by resolution for the issuance of refunding bonds for the purpose of refunding any debt issued under the provisions of the Assistance Act and this article and outstanding, either by voluntary exchange with the holders of the outstanding debt or by providing funds to redeem and retire the outstanding debt with accrued interest, any premium payable on the debt and the costs of issuance and retirement of the debt, at maturity or at any call date. The issuance of the refunding bonds, the maturities and other details of the refunding bonds, the rights of the holders of the refunding bonds and the duties of the issuing official in respect to the refunding bonds shall be governed by the applicable provisions of this section. Refunding bonds, which are not subject to the aggregate limitation of \$400,000,000

of debt to be issued under the Assistance Act, may be issued by the issuing officials to refund debt originally issued or to refund bonds previously issued for refunding purposes.

(9) If action is to be taken or decision made by the issuing officials and the issuing officials are not able unanimously to agree, the action or decision of the Governor and either the Auditor General or the State Treasurer shall be binding and final.

(b) Sale of bonds.--

(1) When bonds are issued, they shall be offered for sale at not less than 98% of the principal amount and accrued interest and shall be sold by the issuing officials to the highest and best bidder or bidders after due public advertisement on the terms and conditions and upon open competitive bidding as the issuing officials direct. The manner and character of the advertisement and the time of advertising shall be prescribed by the issuing officials. No commission shall be allowed or paid for the sale of any bonds issued under the authority of the Assistance Act and this article.

(2) Any portion of any bond issue so offered and not sold or subscribed for at public sale may be disposed of by private sale by the issuing officials in the manner and at prices, not less than 98% of the principal amount and accrued interest, as the Governor directs. No commission shall be allowed or paid for the sale of any bonds issued under the authority of the Assistance Act.

(3) When bonds are issued, the bonds of each issue shall constitute a separate series to be designated by the issuing officials or may be combined for sale as one series with other general obligation bonds of the Commonwealth.

(4) Until permanent bonds can be prepared, the issuing officials may issue, in lieu of permanent bonds, temporary bonds in the form and with the privileges as to registration and exchange for permanent bonds as determined by the issuing officials.

(5) The proceeds realized from the sale of bonds and notes, except refunding bonds and replacement notes, under the provisions of the Assistance Act and this article shall be paid into the fund. The proceeds shall be paid by the State Treasurer periodically to those Commonwealth officers and Commonwealth agencies authorized to expend them at the times and in the amounts necessary to satisfy the funding needs of those Commonwealth agencies. The proceeds of the sale of refunding bonds and replacement notes shall be paid to the State Treasurer and applied to the payment of principal, any accrued interest and premium and the cost of redemption of the bonds and notes for which the obligations shall have been issued.

(6) Pending application for the purposes authorized, money held or deposited by the State Treasurer may be invested or reinvested as are other funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of the funds shall be paid into the State Treasury to the credit of the fund. The earnings in excess of bond discounts allowed, expenses paid for the issuance of bonds and notes and interest arbitrage rebates due to the Federal Government shall be transferred annually to the fund. Any interest or investment income shall be applied to assist in the payment of the debt service incurred in connection with the Assistance Act and this article.

(7) The Auditor General shall prepare the necessary registry book to be kept in the office of the authorized loan and transfer agent of the Commonwealth for the registration of any bonds, at the request of owners of the bonds, according to the terms and conditions of issue directed by the issuing officials.

(8) There is appropriated to the State Treasurer from the fund as much money as may be necessary for all costs and expenses in connection with the issue of and sale and registration of the bonds and notes in connection with the Assistance Act and this article and the payment of interest arbitrage rebates or proceeds of the bonds and notes.

(c) Temporary financing authorization.--

(1) Pending the authorized issuance of bonds of the Commonwealth, the issuing officials are authorized, in accordance with the provisions of the Assistance Act and this article and on the credit of the Commonwealth, to make temporary borrowings not to exceed three years in anticipation of the issue of bonds in order to provide funds in the amounts deemed advisable prior to the issue of bonds. In order to provide for and in connection with the temporary borrowings, the issuing officials are authorized in the name and on behalf of the Commonwealth to enter into any purchase, loan or credit agreement or other agreement with any bank, trust company or other lending institution, investment banking firm or person, in the United States having power to enter into the agreement. The agreement may contain provisions which are not inconsistent with the provisions of the Assistance Act or this article and authorized by the issuing officials.

(2) All temporary borrowings made under this section shall be evidenced by notes of the Commonwealth, which shall be issued for amounts not exceeding in the aggregate the applicable statutory and constitutional debt limitation in the form and denominations and subject to terms and conditions of sale and issue, prepayment or redemption and maturity, rate of interest and time of payment of interest as the issuing officials authorize and direct in accordance with the Assistance Act and this article. The authorization and direction may provide for the subsequent issuance of replacement notes to refund outstanding notes or replacement notes. The replacement notes shall, upon issuance, evidence the borrowing and may specify other terms and conditions with respect to the notes and replacement notes as the issuing officials determine and direct.

(3) If the authorization and direction of the issuing officials provide for the issuance of replacement notes, the following shall apply:

(i) The issuing officials may, on behalf of the Commonwealth, issue, enter into or authorize and direct the State Treasurer to enter into an agreement with any bank, trust company, investment banking firm or other institution or person, in the United States having the power to enter the agreement:

(A) To purchase or underwrite an issue or series of issues or notes.

(B) To credit, enter into a purchase, loan or credit agreement, draw money pursuant to the agreement on the terms and conditions set forth in the agreement and issue notes as evidence of borrowings made under the agreements.

(C) To appoint an issuing and payment agent or agents with respect to the notes.

(D) To do other acts necessary or appropriate to provide for the payment, when due, of the interest on and the principal of the notes.

(ii) The agreements may provide for the compensation of purchasers or underwriters of notes or replacement notes by discounting the purchase price of the notes or by payment of a fixed fee or commission at the time of issuance. All other costs and expenses, including fees for agreements related to the notes, issuing and paying agent costs and costs and expenses of issuance, may be paid from the proceeds of the notes.

(4) If the issuing officials provide for the issuance of replacement notes all subject to the authorization and direction of the issuing officials, the following apply:

(i) At or prior to the time of delivery of the notes or replacement notes, the State Treasurer shall determine the principal amount, date of issue, interest rate or procedure for establishing interest rate, rate of discount, denominations and all other terms and conditions relating to the issuance.

(ii) The State Treasurer shall perform all acts necessary to pay or cause to be paid, when due, all principal of and interest on the notes being refunded by replacement notes and to assure that the replacement notes may draw upon any money available for that purpose pursuant to any purchase, loan or credit agreement established with respect to the replacement notes.

(5) Outstanding notes evidencing the borrowings may be funded and retired by the issuance and sale of the bonds of the Commonwealth as authorized in this subarticle. The refunding bonds shall be issued and sold no later than a date three years after the date of issuance of the first notes evidencing the borrowings to the extent that payment of the notes has not otherwise been made or provided for by sources other than proceeds of replacement notes.

(6) The proceeds of all the temporary borrowing shall be paid to the State Treasurer to be held and disposed of in accordance with the provisions of the Assistance Act and this article.

(d) Debt retirement.--

(1) All bonds issued under the Assistance Act and this article shall be redeemed at maturity, together with all interest due on the bonds; and these principal and interest payments shall be paid from the Water and Sewer Systems Assistance Bond Sinking Fund, which is created. For the specific purpose of redeeming the bonds at maturity and paying all interest on the bonds in accordance with the information received from the Governor, the General Assembly shall appropriate money to the Water and Sewer Systems Assistance Bond Sinking Fund for the payment of interest on the bonds and notes and their principal at maturity. All money paid into the Water and Sewer Systems Assistance Bond Sinking Fund and all of the money not necessary to pay accruing interest shall be invested by the State Treasurer in the securities as are provided by law for the investment of the sinking funds of the Commonwealth.

(2) The State Treasurer, with the approval of the Governor, may use any of the money in the fund not necessary to conduct the referendum authorizing the indebtedness necessary to carry out the Assistance Act and this article

to purchase and retire all or part of the bonds and notes issued pursuant to the Assistance Act and this article. If all or part of the bonds and notes are purchased, they shall be canceled and returned to the loan and transfer agent as canceled and paid bonds and notes. Following the purchase, all payments of interest on the bonds and notes shall cease. The canceled bonds, notes and coupons, together with any other canceled bonds, notes and coupons, shall be destroyed as promptly as possible, but no later than two years after cancellation. A certification evidencing the destruction of the canceled bonds, notes and coupons shall be provided by the loan and transfer agent to the issuing officials. All canceled bonds, notes and coupons shall be marked to make the canceled bonds, notes and coupons nonnegotiable.

(3) The State Treasurer shall determine and report to the Secretary of the Budget by November 1 of each year the amount of money necessary for the payment of interest on outstanding obligations and the principal of the obligations, if any, for the following fiscal year and the times and amounts of the payments. The Governor shall include in every budget submitted to the General Assembly full information relating to the issuance of bonds and notes under the Assistance Act and this article and the status of the Water and Sewer Systems Assistance Bond Sinking Fund for the payment of interest on the bonds and notes and their principal at maturity.

(4) The General Assembly shall appropriate an amount equal to the sums necessary to meet repayment obligations for principal and interest for deposit into the Water and Sewer Systems Assistance Bond Sinking Fund.

(e) Expiration.--Authorization to issue bonds and notes, not including refunding bonds and replacement notes, for the purpose of the Assistance Act and this article shall expire October 9, 2024. ((e) amended June 28, 2019, P.L.173, No.20) (1783-A added Oct. 9, 2009, P.L.537, No.50)

SUBARTICLE J SPECIAL PROVISIONS RELATING TO VICTIMS OF CRIME

(Subart. added July 6, 2010, P.L.279, No.46)

Section 1791-A. Definitions.

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

"Commission." The Pennsylvania Commission on Crime and Delinquency.

"Crime." As defined in section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act.

"Crime Victims Act." The act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act.

"Juvenile." As defined in section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act.

"Victim." As defined in section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act.

(1791-A added July 6, 2010, P.L.279, No.46)

Section 1792-A. Special Juvenile Victim Compensation Fund.

(a) Establishment.--There is established in the State Treasury a special fund to be known as the Special Juvenile Victim Compensation Fund.

(b) Sources.--The sources of the fund are as follows:

(1) A transfer of \$500,000 from the Crime Victim's Compensation Fund established under section 1101(b)(1) of the Crime Victims Act. As soon as practicable following the effective date of this section, the State Treasurer shall make the transfer.

(2) Appropriations.

(3) Money from any other source.

(4) Return on the money in the fund.

(c) Nonlapse.--The money in the Special Juvenile Victim Compensation Fund is continuously appropriated into the Special Juvenile Victim Compensation Fund. This appropriation shall not lapse at the end of any fiscal year.

(d) Use.--The Special Juvenile Victim Compensation Fund shall be administered by the commission as follows:

(1) The commission may not use any money for administrative costs.

(2) The money shall be used solely to provide compensation to victims of juvenile crime in a county of the third class. A victim shall be entitled to receive compensation from the fund if all of the following conditions apply:

(i) A juvenile delinquency petition was filed in the county which alleged that the victim was a victim of a crime committed by a juvenile.

(ii) The juvenile delinquency petition was disposed of prior to May 31, 2008, by the entry of a consent decree or an adjudication of delinquency entered by a court of common pleas in the county.

(iii) After December 31, 2008, the consent decree or adjudication of delinquency previously entered was vacated by order of the Supreme Court.

(iv) Following the vacating of the consent decree or adjudication of delinquency, the Supreme Court or a special master appointed by the Supreme Court issued a written determination stating:

(A) that the victim suffered monetary loss, expense or damage as a result of the alleged crime;

(B) that the court of common pleas in the county had previously entered an order directing that the victim was entitled to restitution or compensation for the victim's loss, expense or damage which was vacated prior to the victim's receiving payment in full;

(C) that the victim is entitled to receive a compensation award for pain and suffering endured in connection with the victim's contact with the juvenile justice system in the county under the circumstances described in subparagraphs (i), (ii) and (iii); and

(D) the amount of compensation award to be paid to the victim for pain and suffering which shall equal the amount of restitution the victim would have been entitled to had the consent decree or adjudication of delinquency previously entered not been vacated, less any restitution and compensation previously paid to the victim in connection with the alleged crime.

(v) Notwithstanding any provision of this subarticle to the contrary, the following shall apply regarding the calculation of the amount of restitution and compensation previously paid to the victim under subparagraph (iv) (D):

(A) The Supreme Court or special master appointed by the Supreme Court shall request, and the commission shall disclose, information concerning applications for an award of compensation and compensation award payments previously made by the commission to the victim in connection with the crime charged in the juvenile delinquency petition referred to in subparagraph (i).

(B) The Supreme Court or special master appointed by the Supreme Court shall include any monetary loss, expense or damage that the Supreme Court or special master determines has been or will be paid to or on behalf of the victim by any of the following:

(I) insurance, or health or welfare programs, including those mandated by law;

(II) under a contract of insurance where the victim is the beneficiary;

(III) under any pension program, including those providing for disability or survivor's benefits, or from any other public funds; or

(IV) under a settlement or award made by or on behalf of a party alleged to be responsible, in whole or in part, for the injury, without regard to the party's criminal liability.

(C) The Supreme Court or special master appointed by the Supreme Court may require as a condition of receiving an award under this section that a victim disclose to the court or special master the amount of restitution and compensation previously received in connection with the crime charged in the juvenile delinquency petition referred to in subparagraph (i).

(vi) Promptly following issuance of the last written determination described in subparagraph (iv), the Supreme Court or special master appointed by the Supreme Court shall notify the commission that all written determinations have been issued.

(e) Administration.--

(1) The commission shall make a lump sum payment to each victim for which a determination has been issued under subsection (d)(2)(iv). The payment shall be in the amount specified in the determination.

(2) If money in the Special Juvenile Victim Compensation Fund is not sufficient to make all of the payments required under this subsection, the payments shall be reduced for each victim on a pro rata basis.

(3) The commission shall, no more than 45 days following notification from the Supreme Court or special master that all written determinations under subsection (d)(2)(iv) have been issued, submit requests to the State Treasurer that a lump sum payment be made to each victim in the amount set forth in the written determination pertaining to the victim.

(f) Tax consequences.--A payment made under subsection (e) shall not be considered a class of income under section 303 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(g) Right of subrogation and return of certain payments.--The following shall apply:

(1) The Commonwealth shall be subrogated to the payment of an award made under this section, to the extent of the payment, to any right of action against any person to recover

losses resulting from the crime charged in the juvenile delinquency petition referred to in subsection (d)(2)(i).

(2) A victim receiving an award under this section shall notify the commission of any payments received from any source, other than the commission, that relate to the crime charged in the juvenile delinquency petition referred to in subsection (d)(2)(i) and which are received on or after the date of the Supreme Court's or special master's written determination. The victim shall promptly return to the commission an amount equal to such payments for deposit into the Crime Victim's Compensation Fund.

(h) Expiration.--A victim's ability to receive a written determination for a compensation award under this subarticle shall expire on the earlier of the following:

(1) The expenditure of all money in the Special Juvenile Victim Compensation Fund.

(2) June 30, 2011. Money remaining in the fund on June 30, 2011, that has not been encumbered or committed to pay awards under written determinations issued prior to June 30, 2011, shall be transferred to the Crime Victim's Compensation Fund.

(1792-A added July 6, 2010, P.L.279, No.46)

Section 1793-A. Victim Witness Services Fund.

On July 1, 2011, the State Treasurer shall transfer the sum of \$1,000,000 from the Crime Victim's Compensation Fund to the Victim Witness Services Fund established in section 1101(b)(2) of the Crime Victims Act to supplement, and to be distributed together with other money of the Victim Witness Services Fund used to provide victim of juvenile offender grants to counties. The transferred sum is hereby appropriated to the Victim Witness Services Fund on a continuing basis for such purpose.

(1793-A added July 6, 2010, P.L.279, No.46)

ARTICLE XVII-A.1

ADDITIONAL SPECIAL FUNDS AND RESTRICTED ACCOUNTS

(Art. hdg. amended June 28, 2019, P.L.173, No.20 and March 27, 2020, P.L.30, No.10)

Compiler's Note: Act 20 of 2019 and Act 10 of 2020 both amended the heading of Article XVII-A.1. Act 10 of 2020 overlooked the amendment by Act 20 of 2019. The amendments do not conflict in substance and have both been given effect in setting forth the text of Article XVII-A.1 heading.

SUBARTICLE A

VETERANS' TRUST FUND

(Subart. added July 18, 2013, P.L.574, No.71)

Section 1701-A.1. Veterans' Trust Fund.

There is established a special fund in the State Treasury known as the Veterans' Trust Fund.

(1701-A.1 added July 18, 2013, P.L.574, No.71)

SUBARTICLE B

TOBACCO SETTLEMENT FUND

(Subart. added July 18, 2013, P.L.574, No.71)

Section 1711-A.1. Definitions.

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

"Accounts." The Health Endowment Account for Long-Term Hope and the Health Venture Investment Account.

"Annual payment." A payment received by the Commonwealth pursuant to section IX(c)(1) of the Master Settlement Agreement.

"Board." The Tobacco Settlement Investment Board.

"Debt service account." The Tobacco Revenue Bond Debt Service Account established under section 2805(a) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971. (Def. added June 28, 2019, P.L.173, No.20)

"Fund." The Tobacco Settlement Fund.

"Health Account." The Health Endowment Account for Long-Term Hope.

"Master Settlement Agreement." The settlement agreement and related documents entered into on November 23, 1998, by the Commonwealth and leading United States tobacco product manufacturers approved by the Court of Common Pleas, Philadelphia County, on January 13, 1999.

"Strategic contribution payment." A payment received by the Commonwealth pursuant to section IX(c)(2) of the Master Settlement Agreement.

"Tobacco Settlement Act." The act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act.

(1711-A.1 added July 18, 2013, P.L.574, No.71)

Section 1712-A.1. Establishment of special fund and account.

(a) Tobacco Settlement Fund.--

(1) There is established a special fund known as the Tobacco Settlement Fund.

(2) The following shall be deposited into the Tobacco Settlement Fund:

(i) Except for deposits in the Tobacco Revenue Bond Debt Service Account under section 2805(b) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, all payments received by the Commonwealth pursuant to the Master Settlement Agreement shall be deposited by the Treasury Department in the fund.

(ii) For fiscal years 2019-2020, 2020-2021, 2021-2022, 2022-2023 and 2023-2024, an amount equal to the annual debt service due in the fiscal year as certified by the Secretary of the Budget pursuant to section 2804 of the Tax Reform Code of 1971, as published in the Pennsylvania Bulletin on March 3, 2018, at 48 Pa.B. 1406, shall be transferred to the fund from the taxes collected under Article XII of the Tax Reform Code of 1971 by April 30 following the beginning of the fiscal year. A deposit under this paragraph shall occur prior to the deposits and transfers under section 1296 of the Tax Reform Code of 1971. ((ii) amended Dec. 13, 2023, P.L.251, No.34)

((a) amended June 28, 2019, P.L.173, No.20)

(b) Health Account.--There is established within the fund the Health Endowment Account for Long-Term Hope.

(c) Health Venture Investment Account.--There is established within the fund the Health Venture Investment Account.

(1712-A.1 added July 18, 2013, P.L.574, No.71)

Section 1713-A.1. Use of fund.

(a) Annual report.--The Governor shall report on the fund in the annual budget which shall include the amounts appropriated to each program.

(b) Appropriations.--The following shall apply:

(1) ((1) deleted by amendment June 30, 2021, P.L.62, No.24)

(1.1) For fiscal year 2013-2014, the General Assembly appropriates money in the fund in accordance with the following percentage based on the annual payment received each year:

(i) Thirteen percent for home-based and community-based services under Chapter 5 of the Tobacco Settlement Act.

(ii) Two and ninety-three hundredths percent for tobacco use prevention and cessation programs under Chapter 7 of the Tobacco Settlement Act.

(iii) Six and three-tenths percent for health and related research under section 906 of the Tobacco Settlement Act.

(iv) One-half percent for health and related research under section 909 of the Tobacco Settlement Act.

(v) Four and nine-hundredths percent for the uncompensated care payment program under Chapter 11 of the Tobacco Settlement Act.

(vi) Thirty percent for the purchase of Medicaid benefits for workers with disabilities under Chapter 15 of the Tobacco Settlement Act.

(vii) Forty-three and eighteen hundredths percent shall remain in the fund to be separately appropriated for health-related purposes.

((1.1) carried without amendment June 28, 2019, P.L.173, No.20)

(1.2) For fiscal year 2014-2015, money in the fund from a payment received due to the recalculation of a prior annual payment shall remain in the fund to be separately appropriated for health-related purposes. ((1.2) carried without amendment June 28, 2019, P.L.173, No.20)

(1.3) For fiscal year 2014-2015, the General Assembly appropriates money in the fund in accordance with the following percentages based on the annual payment received each year:

(i) Thirteen percent for home-based and community-based services under Chapter 5 of the Tobacco Settlement Act.

(ii) Four and five-tenths percent for tobacco use prevention and cessation programs under Chapter 7 of the Tobacco Settlement Act.

(iii) Twelve and six-tenths percent for health and related research under section 906 of the Tobacco Settlement Act.

(iv) One percent for health and related research under section 909 of the Tobacco Settlement Act.

(v) Eight and eighteen hundredths percent for the uncompensated care payment program under Chapter 11 of the Tobacco Settlement Act.

(vi) Fifteen and twelve hundredths percent for the purchase of Medicaid benefits for workers with disabilities under Chapter 15 of the Tobacco Settlement Act.

(vii) Forty-five and six-tenths percent shall remain in the fund to be separately appropriated for health-related purposes.

((1.3) carried without amendment June 28, 2019, P.L.173, No.20)

(1.4) For fiscal year 2015-2016 and fiscal year 2016-2017, money in the fund from a payment received due to the recalculation of a prior annual payment shall remain in the fund to be separately appropriated for health-related purposes. ((1.4) carried without amendment June 28, 2019, P.L.173, No.20)

(1.5) For fiscal year 2015-2016, fiscal year 2016-2017 and fiscal year 2017-2018, the General Assembly appropriates money in the fund in accordance with the following percentages based on the annual payment received each year:

(i) Thirteen percent for home-based and community-based services under Chapter 5 of the Tobacco Settlement Act.

(ii) Four and five-tenths percent for tobacco use prevention and cessation programs under Chapter 7 of the Tobacco Settlement Act.

(iii) Twelve and six-tenths percent for health and related research under section 906 of the Tobacco Settlement Act.

(iv) One percent for health and related research under section 909 of the Tobacco Settlement Act.

(v) Eight and eighteen hundredths percent for the uncompensated care payment program under Chapter 11 of the Tobacco Settlement Act.

(vi) Thirty percent for the purchase of Medicaid benefits for workers with disabilities under Chapter 15 of the Tobacco Settlement Act.

(vii) Thirty and seventy-two hundredths percent shall remain in the fund to be separately appropriated for health-related purposes.

((1.5) carried without amendment June 28, 2019, P.L.173, No.20)

(1.6) For fiscal year 2018-2019, the General Assembly appropriates money in the fund in accordance with the following percentages based on the annual payment received each year:

(i) Four and five-tenths percent for tobacco use prevention and cessation programs under Chapter 7 of the Tobacco Settlement Act.

(ii) Twelve and six-tenths percent for health and related research under section 906 of the Tobacco Settlement Act.

(iii) One percent for health and related research under section 909 of the Tobacco Settlement Act.

(iv) Eight and eighteen hundredths percent for the uncompensated care payment program under Chapter 11 of the Tobacco Settlement Act.

(v) Thirty percent for the purchase of Medicaid benefits for workers with disabilities under Chapter 15 of the Tobacco Settlement Act.

(vi) Forty-three and seventy-two hundredths percent shall remain in the fund to be separately appropriated for health-related purposes.

((1.6) carried without amendment June 28, 2019, P.L.173, No.20)

(1.7) For fiscal years 2019-2020 and 2020-2021, the General Assembly appropriates money in the fund in accordance with the following percentages based on the sum of the portion of the annual payment deposited and the amount deposited under section 1712-A.1(a)(2)(ii) in the fiscal year:

(i) Four and five-tenths percent for tobacco use prevention and cessation programs under Chapter 7 of the Tobacco Settlement Act.

(ii) Twelve and six-tenths percent for health and related research under section 906 of the Tobacco Settlement Act.

(iii) One percent for health and related research under section 909 of the Tobacco Settlement Act.

(iv) Eight and eighteen hundredths percent for the uncompensated care payment program under Chapter 11 of the Tobacco Settlement Act.

(v) Thirty percent for the purchase of Medicaid benefits for workers with disabilities under Chapter 15 of the Tobacco Settlement Act.

(vi) Forty-three and seventy-two hundredths percent shall remain in the fund to be separately appropriated for health-related purposes.

((1.7) amended May 29, 2020, P.L.158, No.23)

(1.8) For fiscal years 2021-2022, 2022-2023 and 2023-2024, the General Assembly shall appropriate money in the fund in accordance with the following percentages based on the sum of the portion of the annual payment deposited and the amount deposited under section 1712-A.1(a)(2)(ii) in the fiscal year:

(i) Four and five-tenths percent for tobacco use prevention and cessation programs under Chapter 7 of the Tobacco Settlement Act.

(ii) Twelve and six-tenths percent to be allocated as follows:

(A) Seventy percent to fund research under section 908 of the Tobacco Settlement Act.

(B) Thirty percent as follows:

(I) One million dollars for spinal cord injury research programs under section 909.1 of the Tobacco Settlement Act.

(II) From the amount remaining after the amount under subclause (I) has been determined and notwithstanding any provisions of Chapter 9 of the Tobacco Settlement Act to the contrary:

(a) Seventy-five percent for pediatric cancer research institutions within this Commonwealth that are equipped and actively conducting pediatric cancer research designated by the Secretary of Health to be eligible to receive contributions. No more than \$2,500,000 in a fiscal year shall be made available to any one pediatric cancer research institution.

(b) Twenty-five percent for capital and equipment grants to an entity or entities engaging in biotechnology research, including an entity or entities engaging in regenerative medicine research, regenerative medicine medical technology research, hepatitis and viral research, drug research and clinical trials related to cancer, research relating to pulmonary embolism and deep vein thrombosis, genetic and molecular research for disease identification and eradication, vaccine immune response diagnostics, nanotechnology research and the

commercialization of applied research, as designated by the Secretary of Health.

(iii) One percent for health and related research under section 909 of the Tobacco Settlement Act.

(iv) Eight and eighteen hundredths percent for the uncompensated care payment program under Chapter 11 of the Tobacco Settlement Act.

(v) Thirty percent for the purchase of Medicaid benefits for workers with disabilities under Chapter 15 of the Tobacco Settlement Act.

(vi) Forty-three and seventy-two hundredths percent shall remain in the fund to be separately appropriated for health-related purposes.

((1.8) amended Dec. 13, 2023, P.L.251, No.34)

(2) In addition, any Federal funds received for any of these programs are specifically appropriated to those programs.

(2.1) The following apply:

(i) Except as provided under subparagraph (ii)(A), amounts in the fund received by the Commonwealth as a result of the Attorney General's joinder in the NPM Adjustment Settlement Agreement augments the appropriation from the General Fund for medical assistance Community HealthChoices.

(ii) The following apply:

(A) During the 2018-2019 fiscal year, \$15,400,000 from the amount in the fund received by the Commonwealth as a result of the Attorney General's joinder in the NPM Adjustment Settlement Agreement shall be transferred to a restricted account within the General Fund to be known as the Office of Attorney General Criminal Enforcement Restricted Account.

(B) Money in the restricted account is appropriated to the Office of Attorney General for criminal enforcement and shall not lapse.

(C) As part of the annual budget submission under section 610(a) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, the Attorney General shall provide information on the status of the restricted account, including information for not less than the prior fiscal year, the current fiscal year and the fiscal year that begins the next succeeding July 1, which shall include for each such fiscal year the actual or estimated expenditures classified by category of use, in reasonable detail, and beginning and ending balances in the restricted account.

((2.1) added June 22, 2018, P.L.281, No.42)

(3) All other payments and revenue received in the fund other than the amounts as provided under this subsection shall remain in the fund and are available to be appropriated for health-related purposes. ((3) amended June 22, 2018, P.L.281, No.42)

((b) amended July 13, 2016, P.L.664, No.85)

(c) Lapses.--Lapses shall remain in the fund except that lapses from money provided for the home and community-based care services shall be reallocated to the home and community-based care program for use in succeeding years.

(d) Lobbying restrictions.--No money derived from appropriations made by the General Assembly from the fund may be used for the lobbying of any State public official.

(e) Health venture investment account.--((e) deleted by amendment July 10, 2014, P.L.1053, No.126)

(f) Allocation of local program funding.--

(1) Funding for local programs under section 708(b) of the Tobacco Settlement Act shall be allocated as follows:

(i) Thirty percent of grant funding to primary contractors for local programs shall be allocated equally among each of the 67 counties.

(ii) The remaining 70% of the grant funding to primary contractors for local programs shall be allocated on a per capita basis of each county with a population greater than 60,000. The per capita formula shall be applied only to that portion of the population that is greater than 60,000 for each county.

(2) Budgets shall be developed by each primary contractor to reflect service planning and expenditures in each county. Each primary contractor shall ensure that services are available to residents of each county and must expend the allocated funds on a per-county basis pursuant to paragraph (1) and this paragraph.

(3) The Department of Health shall compile a detailed annual report of expenditures per county and the specific programs offered in each region. This report shall be made available on the Department of Health's publicly available Internet website within 60 days following the close of each fiscal year.

(4) During the third quarter of the fiscal year, funds which have not been spent within a service area may be reallocated to support programming in the same region.

(g) Transfer.--The strategic contribution payment received in fiscal year 2012-2013, and all assets and cash in the Health Account, shall be transferred to the fund by August 1, 2013.

(1713-A.1 amended Apr. 25, 2016, P.L.168, No.25)

Section 1714-A.1. Termination.

(a) Termination.--The accounts shall terminate and close January 1, 2015.

(b) Transfer of assets.--Notwithstanding Chapter 3 of the Tobacco Settlement Act or other law to the contrary, all assets, nonliquid investments, contractually obligated money, return on investments and any other money or assets in the accounts shall be retained in the accounts until distributed under section 1715-A.1.

(c) Investments.--Beginning July 1, 2014, the board shall not enter into any partnerships or investments.

(1714-A.1 added July 10, 2014, P.L.1053, No.126)

Section 1715-A.1. Transfer to Public School Employees' Retirement System.

(a) Payments.--Notwithstanding 24 Pa.C.S. § 8326(c) (relating to contributions by the Commonwealth), no later than December 31, 2014, the board shall make each of the following one-time payments or transfers directly to the Public School Employees' Retirement System to pay amounts required to be contributed by the Commonwealth under 24 Pa.C.S. §§ 8328 (relating to actuarial cost method) and 8535 (relating to payments to school entities by Commonwealth) for fiscal year 2014-2015:

(1) any and all assets, nonliquid investments, contractually obligated money, return on investments and all other money, cash or assets in the accounts.

(2) any and all nonliquid investments over which the board has management control or authority that are in the fund; and

(3) the dollar amount of cash from the fund which is the difference calculated by taking \$225,000,000 and subtracting the following from that amount:

(i) the value of only the nonliquid investments under paragraphs (1) and (2) valued as of the latest valuation report received by the board prior to the date of the transfers under paragraphs (1) and (2);

(ii) the dollar amount of cash transferred from the Health Venture Investment Account under paragraph (1); and

(iii) the dollar amount of cash transferred from the Health Account under paragraph (1).

(b) Duty of board.--The Public School Employees' Retirement Board shall:

(1) accept the transfer made under subsection (a);

(2) credit the value of the transfer under subsection

(a) to the system's State accumulation account; and

(3) apply the value of the transfer as a credit to the system's employers on a pro rata basis, as the board deems appropriate.

(c) Immunity.--Notwithstanding any other provision of law, fiduciary requirement, actuarial standard of practice or other requirement, members of the Public School Employees' Retirement Board and its actuaries and employees may not be held liable or in breach or violation of any law or standards as individuals, in their official capacity or as a governmental or corporate entity, for any action taken or calculation made under this section.

(d) Report.--No later than 15 days after the transfer of funds under subsection (a), the Secretary of the Budget shall notify the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives of the date on which the transfers were made and a detailed statement of the assets, nonliquid investments, contractually obligated money, return on investments and any other money, cash or assets transferred.

(1715-A.1 added July 10, 2014, P.L.1053, No.126)

Section 1716-A.1. Hospital uncompensated care payments and reimbursements for extraordinary expense report.

(a) Report.--The following shall apply:

(1) On or before December 31, 2016, the Department of Human Services shall issue a report that compares the differences among the following:

(i) the payments made by the Department of Human Services to eligible hospitals under Chapter 11 of the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, for each fiscal year from fiscal year 2009-2010 through fiscal year 2014-2015;

(ii) the payments which would have been made by the Department of Human Services under Chapter 11 of the Tobacco Settlement Act for each fiscal year from fiscal year 2009-2010 through fiscal year 2014-2015 if the department had redistributed the payments based on reports issued by the Auditor General; and

(iii) the payments which would be made by the Department of Human Services to eligible hospitals under Chapter 11 of the Tobacco Settlement Act for each fiscal year from fiscal year 2009-2010 through fiscal year 2014-2015 if the payments were to be recalculated based on the most current data for each fiscal year.

(2) The report shall analyze the impact, if any, to eligible hospitals and the Commonwealth if the redistribution for fiscal year 2009-2010 through fiscal year 2014-2015 was to occur on or prior to June 30, 2017. The analysis under this paragraph shall include analysis of payment changes to or from eligible hospitals and the Commonwealth from Medicaid Disproportionate Share Hospital payments or other Federal program payments.

(3) The Department of Human Services shall cause the report to be published on the department's publicly accessible Internet website and shall submit a copy of the report to the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives and the chairperson and minority chairperson of the Health Committee of the House of Representatives.

(b) (Reserved).

(1716-A.1 added July 13, 2016, P.L.664, No.85)

SUBARTICLE C

PENNSYLVANIA RACE HORSE DEVELOPMENT FUND

(Subart. added July 18, 2013, P.L.574, No.71)

Section 1721-A.1. Definitions.

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

"Account." The Pennsylvania Race Horse Development Restricted Receipts Account created in section 1722-A.1(b).

"Administrative Code of 1929." The act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929. (Def. added July 13, 2016, P.L.664, No.85)

"Category 1 licensee." A person issued a category 1 license under 4 Pa.C.S. Ch. 13 (relating to licensees).

"Commission." The State Horse Racing Commission established under 3 Pa.C.S. § 9311 (relating to State Horse Racing Commission). (Def. amended Oct. 30, 2017, P.L.725, No.44)

"Department." The Department of Revenue of the Commonwealth.

"Fund." The Pennsylvania Race Horse Development Fund created in section 1722-A.1.

"Gross terminal revenue." The term shall have the same meaning as in 4 Pa.C.S. § 1103 (relating to definitions).

"Horsemen's organization." The term shall have the same meaning as in 4 Pa.C.S. § 1103 (relating to definitions).

"Licensed gaming entity." The term shall have the same meaning as in 4 Pa.C.S. § 1103 (relating to definitions).

"Pennsylvania Breeding Fund." The restricted account in the State Racing Fund established under 3 Pa.C.S. § 9336 (relating to Pennsylvania Breeding Fund). (Def. amended Oct. 30, 2017, P.L.725, No.44)

"Pennsylvania Sire Stakes Fund." The restricted account in the State Racing Fund established under 3 Pa.C.S. § 9337 (relating to Pennsylvania Sire Stakes Fund). (Def. amended Oct. 30, 2017, P.L.725, No.44)

"Race Horse Industry Reform Act." (Def. deleted by amendment July 13, 2016, P.L.664, No.85)

(1721-A.1 added July 18, 2013, P.L.574, No.71)

Section 1722-A.1. Pennsylvania Race Horse Development Fund.

(a) Fund established.--There is established a Pennsylvania Race Horse Development Fund within the State Treasury.

(b) Account established.--There is established within the fund a restricted receipts account to be known as the Pennsylvania Race Horse Development Restricted Receipts Account.

(c) Distributions.--Except as provided under 3 Pa.C.S. §§ 9313 (relating to budget) and 9374 (relating to costs of enforcement of medication rules or regulations), and in accordance with section 1723-A.1, the department shall make distributions from the fund to each of the active and operating Category 1 licensees conducting live racing. ((c) amended Oct. 30, 2017, P.L.725, No.44)

(1722-A.1 added July 18, 2013, P.L.574, No.71)

Section 1723-A.1. Distributions from Pennsylvania Race Horse Development Fund.

(a) Distributions.--Funds in the fund are appropriated to the department on a continuing basis for the purposes set forth in this subsection and shall be distributed to each active and operating Category 1 licensee conducting live racing as follows:

(1) An amount equal to 18% of the daily gross terminal revenue of each Category 1 licensee shall be distributed to each active and operating Category 1 licensee conducting live racing unless the daily assessments are affected by the daily assessment cap provided for in 4 Pa.C.S. § 1405(c) (relating to Pennsylvania Race Horse Development Fund). In cases in which the daily assessment cap affects daily assessments, the distribution to each active and operating Category 1 licensee conducting live racing for that day shall be a percentage of the total daily assessments paid into the fund for that day equal to the gross terminal revenue of each active and operating Category 1 licensee conducting live racing for that day divided by the total gross terminal revenue of all active and operating Category 1 licensees conducting live racing for that day. Except as provided in paragraphs (2) and (2.1), the distributions to licensed racing entities from the fund shall be allocated as follows:

(i) Eighty percent shall be deposited weekly into a separate, interest-bearing purse account to be established by and for the benefit of the horsemen. The earned interest on the account shall be credited to the purse account. Licensees shall combine these funds with revenues from existing purse agreements to fund purses for live races consistent with those agreements with the advice and consent of the horsemen.

(ii) For thoroughbred tracks, 16% shall be deposited on a monthly basis into the Pennsylvania Breeding Fund. For standardbred tracks, 8% shall be deposited on a monthly basis in the Pennsylvania Sire Stakes Fund, and 8% shall be deposited on a monthly basis into a restricted account in the State Racing Fund to be known as the Pennsylvania Standardbred Breeders Development Fund. The commission shall, in consultation with the Secretary of Agriculture, by rule or by regulation, adopt a standardbred breeders program that will include the administration of the Pennsylvania Stallion Award, the Pennsylvania Bred Award and the Pennsylvania Sired and Bred Award.

(iii) Four percent shall be used to fund health and pension benefits for the members of the horsemen's organizations representing the owners and trainers at the racetrack at which the licensed racing entity operates for the benefit of the organization's members,

their families, employees and others in accordance with the rules and eligibility requirements of the organization, as approved by the commission. This amount shall be deposited within five business days of the end of each month into a separate account to be established by each respective horsemen's organization at a banking institution of its choice. Of this amount, \$250,000 shall be paid annually by the horsemen's organization to the thoroughbred jockeys or standardbred drivers organization at the racetrack at which the licensed racing entity operates for health insurance, life insurance or other benefits to active and disabled thoroughbred jockeys or standardbred drivers in accordance with the rules and eligibility requirements of that organization.

(2) Distributions from the fund shall be allocated as follows:

(i) For fiscal years 2013-2014 and 2014-2015, each week, \$802,682 in the fund shall be transferred to the account. This transfer shall not exceed \$17,659,000 annually.

(i.1) In addition to the transfer under subparagraph (i), for a total of 14 weeks from the effective date of this subparagraph, each week, \$300,000 shall be transferred from the fund, for a total amount of \$4,200,000, to the State Racing Fund to be used exclusively for the enforcement of the act of December 17, 1981 (P.L.435, No.135), known as the Race Horse Industry Reform Act. Moneys transferred pursuant to this subparagraph shall not be transferred subsequently to any other State fund or account for any purpose.

(i.2) For fiscal year 2015-2016, beginning on the effective date of this subparagraph, the sum of \$25,759,000 in the fund shall be transferred to the account in equal weekly amounts sufficient to complete the transfer by June 30, 2016.

(i.3) For fiscal year 2016-2017, the sum of \$19,659,000 in the fund shall be transferred to the account in 22 equal weekly amounts beginning on the effective date of this subparagraph.

(i.4) For fiscal year 2017-2018, the sum of \$19,659,000 in the fund shall be transferred to the account in 22 equal weekly amounts beginning on the effective date of this subparagraph.

(i.5) For fiscal year 2018-2019, the sum of \$19,659,000 in the fund shall be transferred to the account in 22 equal weekly amounts beginning on the effective date of this subparagraph.

(i.6) For fiscal year 2019-2020, the sum of \$19,659,000 in the fund shall be transferred to the account in 22 equal weekly amounts beginning on the effective date of this subparagraph.

(i.7) For fiscal year 2020-2021, the sum of \$19,659,000 in the fund shall be transferred to the account in 22 weekly amounts beginning on September 1, 2020.

(i.8) The following apply:

(A) For fiscal year 2021-2022, the sum of \$19,659,000 in the fund shall be transferred to the account in 22 equal weekly amounts beginning on July 1, 2021.

(B) For fiscal year 2022-2023, the sum of \$14,659,000 in the fund shall be transferred to the

account in 22 equal weekly amounts beginning on the effective date of this clause.

(C) For fiscal year 2023-2024, the sum of \$9,309,000 in the fund shall be transferred to the account in equal weekly amounts sufficient to complete the total transfer by June 30, 2024. ((C) added Dec. 13, 2023, P.L.251, No.34)

((i.8) amended July 11, 2022, P.L.540, No.54)

(ii) Each week, the money remaining in the fund after any transfer under subparagraphs (i), (i.1), (i.2), (i.3), (i.4), (i.5), (i.6), (i.7) and (i.8) shall be distributed to each active and operating Category 1 licensee conducting live racing in accordance with the following formula:

(A) Divide:

(I) the total daily assessments paid, by each active and operating Category 1 licensee conducting live racing, into the fund for that week; by

(II) the total daily assessments paid, by all active and operating Category 1 licensees conducting live racing, into the fund for that week.

(B) Multiply the quotient under clause (A) by the amount to be distributed under this subparagraph.

(iii) The distribution under subparagraph (ii) shall be allocated as follows:

(A) The greater of 4% of the amount to be distributed under subparagraph (ii) or \$220,000 shall be used to fund health and pension benefits for the members of the horsemen's organizations representing the owners and trainers at the racetrack at which the licensed racing entity operates for the benefit of the organization's members, their families, employees and others in accordance with the rules and eligibility requirements of the organization, as approved by the commission. This amount shall be deposited within five business days of the end of each week into a separate account to be established by each respective horsemen's organization at a banking institution of its choice. Of this amount, a minimum of \$250,000 shall be paid annually by the horsemen's organization to the thoroughbred jockeys or standardbred drivers organization at the racetrack at which the licensed racing entity operates for health insurance, life insurance or other benefits to active and disabled thoroughbred jockeys or standardbred drivers in accordance with the rules and eligibility requirements of that organization. The total distribution under this clause in any fiscal year shall not exceed \$11,400,000.

(B) Of the money remaining to be distributed under subparagraph (ii) after application of clause (A), the following disbursements shall be made:

(I) Eighty-three and one-third percent of the money to be distributed under this clause shall be deposited on a weekly basis into a separate, interest-bearing purse account to be established by and for the benefit of the horsemen. The earned interest on the account shall be credited to the purse account. Licensees shall combine these funds with revenues from

existing purse agreements to fund purses for live races consistent with those agreements with the advice and consent of the horsemen.

(II) For thoroughbred tracks, 16 and 2/3% of the money to be distributed under this clause shall be deposited on a weekly basis into the Pennsylvania Breeding Fund. For standardbred tracks, 8 and 1/3% of the money to be distributed under this clause shall be deposited on a weekly basis into the Pennsylvania Sire Stakes Fund; and 8 and 1/3% of the money to be distributed under this clause shall be deposited on a weekly basis into a restricted account in the State Racing Fund to be known as the Pennsylvania Standardbred Breeders Development Fund. The commission shall, in consultation with the Secretary of Agriculture, promulgate regulations adopting a standardbred breeders program that will include the administration of the Pennsylvania Stallion Award, the Pennsylvania Bred Award and the Pennsylvania Sired and Bred Award.

(3) The following shall apply:

(i) For fiscal year 2016-2017, the department shall transfer \$8,555,255 from the fund to the State Racing Fund pursuant to section 2874-D of The Administrative Code of 1929.

(ii) For fiscal year 2017-2018, the department shall transfer \$10,066,000 from the fund to the State Racing Fund pursuant to 3 Pa.C.S. § 9374 (relating to costs of enforcement of medication rules or regulations).

(iii) For fiscal year 2018-2019, the department shall transfer \$10,066,000 from the fund to the State Racing Fund pursuant to 3 Pa.C.S. § 9374.

(iv) For fiscal year 2019-2020, the department shall transfer \$10,066,000 from the fund to the State Racing Fund pursuant to 3 Pa.C.S. § 9374.*

(v) For fiscal year 2020-2021, the department shall transfer \$10,066,000 from the fund to the State Racing Fund pursuant to 3 Pa.C.S. § 9374(a). ((v) amended July 11, 2022, P.L.540, No.54)

(vi) For fiscal year 2021-2022, the department shall transfer \$10,066,000 from the fund to the State Racing Fund pursuant to 3 Pa.C.S. § 9374(a).

(vii) For fiscal year 2022-2023, the department shall transfer \$10,066,000 from the fund to the State Racing Fund under subsection (b). ((vii) added July 11, 2022, P.L.540, No.54)

(viii) For fiscal year 2023-2024, the department shall transfer \$10,066,000 from the fund to the State Racing Fund under subsection (b). ((viii) added Dec. 13, 2023, P.L.251, No.34)

(b) Annual transfers to State Racing Fund.--The General Assembly shall authorize the transfer of funds from the fund to the State Racing Fund to provide for each cost associated with the collection and research of and testing for medication, which shall include the cost of necessary personnel, equipment, supplies and facilities, except holding barns or stables, to be located at horse race facilities, grounds or enclosures or at other locations designated by the commission. All such costs shall be reviewed and approved by the commission. The transfer shall be made in 52 equal weekly installments during the fiscal

year before any other distribution from the fund. This subsection shall expire on June 30, 2025. ((b) amended July 11, 2022, P.L.540, No.54)

(1723-A.1 amended June 30, 2021, P.L.62, No.24)

Compiler's Note: The act of December 17, 1981 (P.L.435, No.135), known as the Race Horse Industry Reform Act, referred to in paragraph (2) was repealed by the act of February 23, 2016 (P.L.15, No.7).

Section 2847-D of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, referred to in paragraph (2), was repealed by the act of October 28, 2016 (P.L.913, No.114).

SUBARTICLE D

MISCELLANEOUS LIMITATIONS AND TRANSFERS

(Subart. hdg. added April 25, 2016, P.L.168, No.25)

Section 1731-A.1. Workmen's Compensation Administration Fund.

Within 30 days of the effective date of this section, \$3,100,000 shall be transferred from the Workmen's Compensation Administration Fund to the Uninsured Employers Guaranty Fund.

(1731-A.1 added Apr. 25, 2016, P.L.168, No.25)

Section 1732-A.1. Dormitory sprinklers.

By June 1, 2016, \$4,500,000 shall be transferred from the account established in section 3(b) of the act of December 20, 2001 (P.L.969, No.116), known as the Dormitory Sprinkler System Act, to the General Fund.

(1732-A.1 added Apr. 25, 2016, P.L.168, No.25)

Section 1733-A.1. Drug and Alcohol Programs.

For fiscal year 2015-2016, fiscal year 2016-2017, fiscal year 2017-2018 and fiscal year 2018-2019, \$2,500,000 from the sale of liquor and alcohol shall be transferred to the Department of Drug and Alcohol Programs for the purposes set forth in section 802(c) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code.

(1733-A.1 amended June 22, 2018, P.L.281, No.42)

Section 1734-A.1. Workers' Compensation Security Fund.

Notwithstanding section 2112 of the act of July 12, 2016 (P.L.1577, No.16A), known as the General Appropriation Act of 2016, or any other provision of law to the contrary, any amount transferred from the Workers' Compensation Security Fund pursuant to section 2112 shall be repaid to the Workers' Compensation Security Fund by July 1, 2024.

(1734-A.1 amended June 28, 2019, P.L.173, No.20)

Section 1735-A.1. COVID-19 response transfers for assistance to the Commonwealth's health care system.

(a) Transfers.--Notwithstanding any other provision of law to the contrary, the Secretary of the Budget may transfer the sum of \$50,000,000 from special funds under the Governor's jurisdiction to a restricted account as provided under subsection (b). These funds shall be used to acquire medical equipment and supplies for health care entities to meet urgent patient and staff needs to address surge demand. Health care entities shall include, but not be limited to, hospitals, nursing facilities and emergency medical services.

(b) Deposit.--The funds transferred under subsection (a) shall be deposited by the Secretary of the Budget into a restricted account within the General Fund of the State Treasury as necessary to make payments under this section and, when transferred, are hereby appropriated to carry out the provisions of this section related to the Commonwealth's COVID-19 response.

(c) Deficit.--The Secretary of the Budget may not make a transfer of funds if the transfer would result in a deficit in any of the funds.

(d) Authorization.--The Secretary of the Budget shall only be authorized to make transfers under subsection (a) to the extent that funding authorized by the Federal Government and the Governor's disaster proclamation are insufficient to meet the needs of the Commonwealth's COVID-19 response.

(e) Notification.--The Secretary of the Budget shall provide notification to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives 24 hours prior to making any transfers under subsection (a). The notification shall include the name of the special fund and the dollar amount to be transferred.

(f) Report.--Beginning June 1, 2020, and the first day of each month thereafter, the Secretary of the Budget shall provide a report detailing all spending related to the COVID-19 response the Commonwealth has made during the preceding month, including any funding made available through the Federal Government, the Governor's disaster proclamation, an agency budget or the transfers under this section. The report shall include the recipient, the dollar amount and a detailed explanation of the purpose of the spending. The Secretary of the Budget shall provide the report to the Majority Leader and Minority Leader of the Senate, the Majority Leader and Minority Leader of the House of Representatives, the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives.

(g) Expiration.--The authority to transfer funds under subsection (a) shall expire on September 30, 2020.

(h) Definitions.--As used in this section, the term "COVID-19" shall mean the novel coronavirus as identified in the Governor's Proclamation of Disaster Emergency issued on March 6, 2020.

(1735-A.1 added March 27, 2020, P.L.30, No.10)
Section 1735.1-A.1. Return of COVID-19 response transfers.

(a) Return of special fund transfers.--Any money transferred from special funds under the Governor's jurisdiction to a restricted account under section 1735-A.1 shall be returned to each special fund in an amount equal to the initial transfer.

(b) Deposit.--Money returned under subsection (a) shall be transferred to the applicable special fund from which the money was transferred under section 1735-A.1 and deposited by July 31, 2020.

(c) Restriction on use of returned funds.--(Deleted by amendment).

(d) Transfer to General Fund.--No later than 10 days after the effective date of this subsection, money deposited under subsection (b) shall be transferred to the General Fund and shall be available for appropriation by the General Assembly.

(1735.1-A.1 amended Nov. 23, 2020, P.L.1140, No.114)
Section 1736-A.1. Extension of temporary regulations. (1736-A.1 repealed June 30, 2021, P.L.210, No.44)
Section 1737-A.1. Workers' Compensation Security Fund Transfer.

Any amount transferred from the Workers' Compensation Security Fund pursuant to section 1726-M(d) shall be repaid to the Workers' Compensation Security Fund by July 1, 2028.

(1737-A.1 added Nov. 23, 2020, P.L.1140, No.114)

Section 1738-A.1. Workers' Compensation Security Fund transfer to COVID-19 Response Restricted Account.

(a) Repayment.--Any amount transferred from the Workers' Compensation Security Fund under section 1726-M(e) which is not deposited under section 134-C(c) shall be repaid to the Workers' Compensation Security Fund by July 1, 2029. If the Commonwealth receives a payment of at least \$145,000,000 from the Federal Government for the mitigation of general revenue losses incurred as a result of the public health emergency with respect to the Coronavirus Disease 2019, \$145,000,000 of the payment shall be used to repay the Workers' Compensation Security Fund within 180 days of receipt from the Federal Government.

(b) Notice and expiration.--Upon determination by the Secretary of the Budget that the money transferred from the Workers' Compensation Security Fund under subsection (a) has been repaid to the Workers' Compensation Security Fund, the Secretary of the Budget shall transmit a notice to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. This section shall expire upon publication of the notice under this subsection.

(1738-A.1 amended July 11, 2022, P.L.540, No.54)

SUBARTICLE E

NATURAL GAS INFRASTRUCTURE DEVELOPMENT FUND

(Subart. hdg. added April 25, 2016, P.L.168, No.25)

Section 1741-A.1. Definitions.

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

"Authority." The Commonwealth Financing Authority established under 64 Pa.C.S. Ch. 15 (relating to Commonwealth Financing Authority).

"Fund." The Natural Gas Infrastructure Development Fund.

"Large residential conversion projects." A residential conversion project with greater than 100 parcels. (Def. added June 28, 2019, P.L.173, No.20)

"Tapping." Interconnecting distribution facilities with upstream interstate transmission facilities or gathering line facilities allowing distribution service expansion, including, but not limited to, metering, regulation, odorization and related controls. (Def. added June 28, 2019, P.L.173, No.20)

(1741-A.1 amended Oct. 30, 2017, P.L.725, No.44)

Section 1742-A.1. Natural Gas Infrastructure Development Fund.

The Natural Gas Infrastructure Development Fund is established in the Commonwealth Financing Authority.

(1742-A.1 amended July 13, 2016, P.L.664, No.85)

Section 1743-A.1. Transfer of funds.

(a) Fiscal year 2015-2016.--For fiscal year 2015-2016, the sum of \$12,000,000 allocated under section 307(c) of the act of July 9, 2008 (1st Sp.Sess., P.L.1873, No.1), known as the Alternative Energy Investment Act, shall be transferred to the fund for use by the authority.

(b) Fiscal year 2016-2017.--For fiscal year 2016-2017, the sum of \$12,000,000 allocated under section 307(c) of the Alternative Energy Investment Act shall be transferred to the fund for use by the authority.

(c) Fiscal year 2017-2018.--For fiscal year 2017-2018, the sum of \$6,000,000 from the trust account established under 64 Pa.C.S. § 1541 (relating to trust accounts) for the Building Pennsylvania Program shall be transferred to the fund for use by the authority. ((c) added Oct. 30, 2017, P.L.725, No.44)

(1743-A.1 amended July 13, 2016, P.L.664, No.85)
Section 1744-A.1. Use of funds.

(a) Grants.--The authority shall use the fund to provide grants to obtain access to natural gas to any of the following:

- (1) Hospitals.
- (2) Businesses.
- (3) Economic development organizations.
- (4) Municipalities.
- (5) Counties.
- (6) School districts.
- (7) Large residential conversion projects.
- (8) Combined heat and power applications.

((a) amended June 28, 2019, P.L.173, No.20)

(b) Eligible uses.--Grants awarded under this section may be used for projects which expand access to natural gas infrastructure, including costs associated with limiting environmental impacts and protecting public lands.

(c) Guidelines.--The authority shall develop guidelines for the following:

- (1) Selecting eligible projects to receive grants.
- (2) Use of money by applicants that receive grants.

(1744-A.1 added Apr. 25, 2016, P.L.168, No.25)

Section 1745-A.1. Amount of grant.

(a) Amount generally.--The authority may provide a grant for not more than the lesser of:

- (1) 50% of the cost of a project; or
- (2) \$1,500,000.

(b) Tapping costs.--In addition to the amount under subsection (a)(2), the authority may provide not more than \$500,000 for costs related to the tapping of upstream facilities.

(1745-A.1 amended June 28, 2019, P.L.173, No.20)

Section 1746-A.1. Guidelines for applications.

The authority shall:

- (1) develop guidelines for submitting applications for a grant;
- (2) give priority to applications that will result in adjoining residential and nonresidential properties obtaining natural gas; and
- (3) develop streamlined guidelines for submitting applications for grants issued in the amount of \$75,000 or less to expedite the process.

(1746-A.1 amended June 28, 2019, P.L.173, No.20)

Section 1747-A.1. Grant agreements.

For grants awarded under this subarticle on or after January 23, 2018, the authority may not rescind an executed grant agreement without a qualified majority vote of the board of the authority as stipulated under 64 Pa.C.S. § 1512(d)(1) (relating to board).

(1747-A.1 added June 22, 2018, P.L.281, No.42)

SUBARTICLE F

FIRST CHANCE TRUST FUND

(Subart. added Oct. 30, 2017, P.L.725, No.44)

Section 1751-A.1. Intent.

The General Assembly finds and declares as follows:

- (1) At-risk youth have engaged in or are at risk of engaging in conduct that can be a precursor to dropping out of school, engaging in criminal behavior, acquiring a low-paying job and being unemployed.

(2) Providing more or better opportunities for at-risk youth and leading them away from negative social activities will result in better outcomes and help prevent negative results.

(3) This subarticle is intended to provide at-risk youth with constructive opportunities and options.

(1751-A.1 added Oct. 30, 2017, P.L.725, No.44)

Section 1752-A.1. Definitions.

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

"Annual contract amount." The amount of revenue paid to a contractor in the fiscal year.

"Child." A child under 18 years of age who resides in this Commonwealth.

"Commission." The Pennsylvania Commission on Crime and Delinquency.

"Commonwealth agency." An executive agency, an independent agency or a State-affiliated entity.

"Department." The Department of Corrections of the Commonwealth.

"Fund." The First Chance Trust Fund established under section 1753-A.1.

"Program." An evidence-based or outcome-based program for children who meet the eligibility requirements determined by the commission, aimed at reducing risk factors and producing positive outcomes, which may include mentoring, individual counseling and therapeutic services and family-strengthening activities.

"Scholarship program." A program which assists students in obtaining education or other vocational training who meet all of the following criteria:

(1) The students reside within this Commonwealth and attend an educational or vocational training institution located in this Commonwealth.

(2) The students are 24 years of age or younger.

(3) The students meet other eligibility requirements as determined by the commission in accordance with this subarticle.

(1752-A.1 added Oct. 30, 2017, P.L.725, No.44)

Section 1753-A.1. First Chance Trust Fund.

The First Chance Trust Fund is established as a restricted account in the General Fund.

(1753-A.1 added Oct. 30, 2017, P.L.725, No.44)

Section 1754-A.1. Use of fund.

(a) Source of revenue.--The fund shall include revenues from the following:

(1) Contributions from selected contractors of designated contracts as specified under section 1755-A.1.

(2) Grants, gifts, donations and other payments from a person, except for a government entity.

(3) Money appropriated into the fund.

(b) Appropriation.--Money in the fund is appropriated to the commission on a continuing basis for purposes set forth under subsection (c).

(c) Authorization.--The commission may allocate revenues from the fund for any of the following purposes:

(1) Establishing and operating a scholarship program for students in those regions of this Commonwealth which have statistically higher high school dropout rates, incarceration rates or high crime rates as determined by the commission.

(2) Providing grants to programs that benefit children in those regions of this Commonwealth which have statistically higher high school dropout rates, incarceration rates or high crime rates as determined by the commission.

(3) In determining preference for student scholarships or programs that benefit children, the commission shall consider factors including the victimization of the student or child, the risk factors as identified by the statement of policy required under subsection (e) and the impact of crime on the student or child.

((c) amended June 22, 2018, P.L.281, No.42)

(d) Contributions.--The commission may solicit and accept gifts, donations, legacies and other revenues for deposit into the fund from a person, except for a government entity.

(e) Operation.--The following apply:

(1) The commission shall adopt a statement of policy within 60 days of the effective date of this section. The policy shall be published as a notice in the Pennsylvania Bulletin, but shall not be subject to review under any of the following:

(i) Section 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(ii) Sections 204(b) and 301(10) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(iii) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(2) No payment shall be made from the fund before the statement of policy has been published as provided for under this subsection.

(3) At a minimum, the statement of policy shall:

(i) Identify risk factors that lead to criminal behavior for children and students in regions of this Commonwealth which have statistically higher high school dropout rates, high incarceration rates or are in areas of high crime, which shall be used by the commission in determining eligibility for allocation of funds.

(ii) Provide for the maintenance and use of the fund.

(4) No less than once a year, the commission shall review the statement of policy.

(f) Report.--By July 31, 2018, and every year thereafter, the commission shall submit a report to the chairperson and minority chairperson of the Appropriations Committee and the chairperson and minority chairperson of the Judiciary Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee and the chairperson and minority chairperson of the Judiciary Committee of the House of Representatives. The report shall specify all of the following:

(1) The fund's revenues and expenditures in the prior fiscal year.

(2) The number of academic scholarships awarded and the name and the county of residence of the recipients of academic scholarships.

(3) The number of grants awarded and the name and county of residence of the grantees.

(g) Audit.--The Auditor General shall conduct an audit of the fund's revenues and expenditures no later than three years after the effective date of this section. The Auditor General shall conduct subsequent audits of the fund's revenues and expenditures no more than once every three years from the date

of the preceding audit. The Auditor General shall submit a report of each audit to the Governor and the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives.

(1754-A.1 added Oct. 30, 2017, P.L.725, No.44)

Section 1755-A.1. Contributions to fund.

(a) Department procurement.--The following apply:

(1) Within six months of the effective date of this section, the department shall include a requirement in a notice for invitations for bids under 62 Pa.C.S. § 512 (relating to competitive sealed bidding), a notice of request for proposals under 62 Pa.C.S. § 513 (relating to competitive sealed proposals) and a notice for sole source procurement under 62 Pa.C.S. § 515 (relating to sole source procurement), if the contract dollar threshold is expected to exceed \$5,000,000 annually, that the selected contractor contribute the equivalent value of 1% of the annual contract amount to the fund no later than June 30 of any fiscal year when the contract is in effect. The department may withhold the equivalent of 1% of the annual contract amount and remit the money to the fund on behalf of the selected contractor in order to effectuate the contribution.

(2) Upon prior approval by the Secretary of Corrections, the department may waive the contribution requirement under paragraph (1).

(b) Commonwealth agency procurement.--Within six months of the effective date of this section, a Commonwealth agency may include a requirement in a notice for invitations for bids under 62 Pa.C.S. § 512, a notice of request for proposals under 62 Pa.C.S. § 513 and a notice for sole source procurement under 62 Pa.C.S. § 515, if the contract dollar threshold is expected to exceed \$5,000,000 annually, that the selected contractor contribute the equivalent value of 1% of the annual contract amount to the fund no later than June 30 of any fiscal year when the contract is in effect. The Commonwealth agency may withhold payment equivalent of 1% of the annual contract amount and remit the payment to the fund on behalf of the selected contractor in order to effectuate the contribution.

(c) Use.--Contributions under subsections (a) and (b) shall be deposited into the fund and shall only be used for the purposes set forth in section 1754-A.1(c).

(d) Deposits.--Within 15 days of the last day of each month, the commission and the Office of the Budget, in consultation with the State Treasurer, shall compute the total amount of revenue from all sources received by the Commonwealth during the immediately preceding month which shall be deposited into the fund by the State Treasurer in accordance with this subarticle.

(1755-A.1 added Oct. 30, 2017, P.L.725, No.44)

SUBARTICLE G

ENHANCED REVENUE COLLECTION ACCOUNT

(Subart. repealed Dec. 13, 2023, P.L.251, No.34)

Section 1761-A.1. Definitions. (1761-A.1 repealed Dec. 13, 2023, P.L.251, No.34)

Compiler's Note: Act 20 of 2019 and Act 10 of 2020 both added section 1761-A.1. Act 10 of 2020 overlooked the addition by Act 20 of 2019. The additions do not conflict

in substance and have both been given effect in setting forth the text of section 1761-A.1.
Section 1762-A.1. Enhanced Revenue Collection Account.
(1762-A.1 repealed Dec. 13, 2023, P.L.251, No.34)

Compiler's Note: Act 20 of 2019 and Act 10 of 2020 both added section 1762-A.1. Act 10 of 2020 overlooked the addition by Act 20 of 2019. The additions do not conflict in substance and have both been given effect in setting forth the text of section 1762-A.1.
Section 1763-A.1. Use of account. (1763-A.1 repealed Dec. 13, 2023, P.L.251, No.34)

Compiler's Note: Act 20 of 2019 and Act 10 of 2020 both added section 1763-A.1. Act 10 of 2020 overlooked the addition by Act 20 of 2019. The additions do not conflict in substance and have both been given effect in setting forth the text of section 1763-A.1.
Section 1764-A.1. Report. (1764-A.1 repealed Dec. 13, 2023, P.L.251, No.34)

Compiler's Note: Act 20 of 2019 and Act 10 of 2020 both added section 1764-A.1. Act 10 of 2020 overlooked the addition by Act 20 of 2019. The additions do not conflict in substance (except for the introductory paragraph, as to which Act 10 of 2020 has been given effect) and have both been given effect in setting forth the text of section 1764-A.1.

SUBARTICLE H
ENVIRONMENTAL STEWARDSHIP FUND
(Subart. added June 28, 2019, P.L.173, No.20)

Section 1771-A.1. Definitions.

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

"Fund." The Environmental Stewardship Fund established under 27 Pa.C.S. § 6104(a) (relating to fund).
(1771-A.1 added June 28, 2019, P.L.173, No.20)

Section 1772-A.1. Appropriations.

(a) Additional appropriations.--In addition to an appropriation under 27 Pa.C.S. § 6104(c) and (d) (relating to fund), the General Assembly may appropriate money from the fund to the Department of Environmental Protection and the Department of Conservation and Natural Resources.

(b) Priority.--Money appropriated from the fund by the General Assembly under a general appropriation act or other appropriation act shall be distributed prior to allocations under 27 Pa.C.S. § 6104(d).

(1772-A.1 added June 28, 2019, P.L.173, No.20)

SUBARTICLE I
RECYCLING FUND
(Subart. added June 28, 2019, P.L.173, No.20)

Section 1781-A.1. Definitions.

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

"Fund." The Recycling Fund established under section 706 of the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act.

(1781-A.1 added June 28, 2019, P.L.173, No.20)

Section 1782-A.1. Appropriations.

(a) Additional appropriations.--In addition to an appropriation under section 706(b) and (c) of the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, the General Assembly may appropriate money from the fund to the Department of Environmental Protection.

(b) Priority.--Money appropriated from the fund by the General Assembly under a general appropriation act or other appropriation act shall be distributed prior to allocations under section 706(c) of the Municipal Waste Planning, Recycling and Waste Reduction Act.

(1782-A.1 added June 28, 2019, P.L.173, No.20)

SUBARTICLE J

OPIOID SETTLEMENT RESTRICTED ACCOUNT

(Subart. added June 30, 2021, P.L.62, No.24)

Section 1791-A.1. Definitions.

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

"Account." The Opioid Settlement Restricted Account established under section 1792-A.1.

(1791-A.1 added June 30, 2021, P.L.62, No.24)

Section 1792-A.1. Opioid Settlement Restricted Account.

(a) Establishment.--The Opioid Settlement Restricted Account is established within the General Fund as a restricted account.

(b) Deposits.--Money received by a State agency as a result of a settlement, litigation, enforcement action or a court-ordered distribution pursuant to a Bankruptcy Code (11 U.S.C. § 101 et seq.) approved plan, arising from claims made by the Commonwealth related to the marketing, manufacturing, sale, promotion, distribution, prescribing or dispensing of opioids shall be deemed funds of the Commonwealth and shall, upon receipt, be deposited into the account. Interest earned on money in the account shall be deposited into the account.

(b.1) Exclusion.--Money received by county, municipal or local governments and agencies, including district attorneys, arising from claims concerning the marketing, manufacturing, sale, promotion, distribution, prescribing or dispensing of opioids shall not be deemed funds of the Commonwealth and shall not be deposited into the account.

(c) Use.--Money in the account may only be used upon appropriation by the General Assembly.

(1792-A.1 amended July 11, 2022, P.L.540, No.54)

ARTICLE XVII-A.2

ADDITIONAL SPECIAL FUNDS AND RESTRICTED ACCOUNTS

(Art. added July 11, 2022, P.L.540, No.54)

SUBARTICLE A

FEDERAL INFRASTRUCTURE PROJECT ACCOUNT

(Subart. added July 11, 2022, P.L.540, No.54)

Compiler's Note: Section 39(2) of Act 54 of 2022, which added Subart. A of Art. XVII-A.2, provided that the

addition of Subart. A of Art. XVII-A.2 shall apply retroactively to July 1, 2022.

Section 1701-A.2. Definitions.

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

"Account." The Federal Infrastructure Project Account continued under section 1702-A.2(a).

(1701-A.2 added July 11, 2022, P.L.540, No.54)

Section 1702-A.2. Federal Infrastructure Project Account.

(a) Continuation.--The account established under section 6105.1 of the act of June 30, 2021 (P.L.499, No.1A), known as the General Appropriation Act of 2021, is continued as a restricted account within the General Fund.

(b) Deposits.--Money appropriated to or transferred to the account shall be deposited into the account.

(c) Use.--Money in the account may only be used upon appropriation by the General Assembly.

(1702-A.2 added July 11, 2022, P.L.540, No.54)

SUBARTICLE B
CLEAN STREAMS FUND

(Subart. added July 11, 2022, P.L.540, No.54)

Section 1711-A.2. Definitions.

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

"Fund." The Clean Streams Fund established under section 1712-A.2(a).

(1711-A.2 added July 11, 2022, P.L.540, No.54)

Section 1712-A.2. Clean Streams Fund.

(a) Establishment.--The Clean Streams Fund is established in the State Treasury.

(b) Deposits.--The following shall be deposited into the fund:

(1) Money appropriated to the fund for COVID Relief - ARPA - Transfer to the Clean Streams Fund.

(2) Money appropriated for purposes of the fund.

(3) Federal money appropriated or authorized for purposes of the fund.

(4) Money received from a governmental agency through an interagency agreement or memorandum of understanding.

(5) A gift or other contribution from a public or private source.

(6) Return on money dedicated for the fund, including, but not limited to, interest on loans, investment interest or refunds.

(c) Distribution.--Money deposited into the fund under subsection (b) shall be distributed as follows:

(1) Seventy percent to the State Conservation Commission established under the act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law, to implement the Agriculture Conservation Assistance Program under Article XVI-R.

(2) Ten percent to the Pennsylvania Infrastructure Investment Authority to implement the Pennsylvania Clean Water Procurement Program under Article XVI-S.

(3) Ten percent to the Nutrient Management Fund established under 3 Pa.C.S. § 512 (relating to Nutrient Management Fund).

(4) Four percent to the Department of Environmental Protection for grants and reimbursements to municipalities and counties under section 17 of the act of October 4, 1978 (P.L.864, No.167), known as the Storm Water Management Act.

(5) Four percent to the Department of Conservation and Natural Resources for the Keystone Tree Restricted Account established under 27 Pa.C.S. § 6602 (relating to establishment).

(6) Two percent to the Acid Mine Drainage Abatement and Treatment Fund.
(1712-A.2 added July 11, 2022, P.L.540, No.54)

SUBARTICLE C

SPORTS, MARKETING AND TOURISM ACCOUNT

(Subart. hdg. amended Dec. 13, 2023, P.L.251, No.34)

Section 1721-A.2. Definitions.

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

"Account." The Sports, Marketing and Tourism Account established under section 1722-A.2(a). (Def. added Dec. 13, 2023, P.L.251, No.34)

"Department." The Department of Community and Economic Development of this Commonwealth.

"Eligible applicant." Any of the following:

(1) A municipality, a local authority, a nonprofit organization or a legal entity that is participating or plans to participate in a competitive selection process conducted by a site selection organization not located in this Commonwealth for the purpose of securing a single year or multiyear commitment from the site selection organization to conduct the sporting event at one or more locations in this Commonwealth.

(2) A nonprofit entity that has been designated to manage and organize an international sporting event.

(Def. amended Dec. 13, 2023, P.L.251, No.34)

"Financial assistance." A grant, loan or loan guarantee awarded by the department.

"High quality, amateur and professional sporting or esports event." The term includes, but is not limited to, any of the following and any activity related to or associated with the following:

(1) The Amateur Athletic Union Junior Olympic Games.

(2) The Breeders' Cup World Championships.

(3) A game of the National Collegiate Athletic Association College Football Playoff or its successor.

(4) A National Collegiate Athletic Association college football bowl game.

(5) A Formula One automobile race.

(6) The Major League Baseball All-Star Game.

(7) The Major League Soccer All-Star Game or the Major League Soccer Cup.

(8) A mixed martial arts championship.

(9) The Moto Grand Prix of the United States.

(10) A National Association for Stock Car Auto Racing All-Star Race or season-ending Championship Race.

(11) The National Basketball Association All-Star Game.

(12) A National Collegiate Athletic Association Final Four tournament game, including men's and women's basketball and ice hockey.

(13) A National Collegiate Athletic Association men's or women's individual or team championship game or tournament.

(14) A national collegiate championship of an amateur sport sanctioned by the national governing body of the sport that is recognized by the United States Olympic Committee.

(15) A Triple Crown Horse Race or a Triple Crown Harness Race.

(16) The National Hockey League All-Star Game.

(17) An Olympic activity, including a Junior or Senior activity, training program or feeder program sanctioned by the United States Olympic Committee's Community Olympic Development Program.

(18) A Super Bowl.

(19) A United States Golf Association professional or amateur championship.

(20) The Ryder Cup, Walker Cup or Solheim Cup.

(21) The Professional Golfers' Association Championship.

(22) A World Cup soccer game or the World Cup soccer tournament.

(23) The World Games.

(24) The X Games.

(25) The Invictus Games.

"International sporting event." A sporting event in the city of the first class as well as other cities in North America that:

(1) is no less than 25 days in length;

(2) has no less than five competition days in this Commonwealth; and

(3) will attract international teams from no fewer than 40 countries.

(Def. added Dec. 13, 2023, P.L.251, No.34)

"Site selection organization." The term includes:

(1) The Amateur Athletic Union.

(2) The College Football Playoff Administration or its successor.

(3) The Entertainment and Sports Programming Network or an affiliate.

(4) The Federation Internationale de Football Association.

(5) The International World Games Association.

(6) Major League Baseball.

(7) Major League Soccer.

(8) The National Association for Stock Car Auto Racing.

(9) The National Basketball Association.

(10) The National Collegiate Athletic Association.

(11) The National Cutting Horse Association.

(12) The National Football League.

(13) The National Hockey League.

(14) The Ultimate Fighting Championship.

(15) The United States Golf Association.

(16) The Professional Golfers' Association of America.

(17) The United States Olympic Committee.

(18) The national governing body of a sport that is recognized by:

(i) The Federation Internationale de l'Automobile.

(ii) Formula One Management Limited.

(iii) The National Thoroughbred Racing Association.

(iv) The United States Olympic Committee.

(1721-A.2 added July 11, 2022, P.L.540, No.54)

Section 1722-A.2. Sports, Marketing and Tourism Account. (Hdg. amended Dec. 13, 2023, P.L.251, No.34)

(a) Establishment.--The Sports, Marketing and Tourism Account is established in the Pennsylvania Gaming Economic Development and Tourism Fund as a restricted account. The purpose of the account shall be to attract high-quality, amateur and professional sporting and esports events to this Commonwealth for the purposes of advancing and promoting year-round tourism, economic impact and quality of life through sport and to promote business, tourism and tourism activities within this Commonwealth. ((a) amended Dec. 13, 2023, P.L.251, No.34)

(b) Administration and distribution.--The account shall be administered by the department. ((b) amended Dec. 13, 2023, P.L.251, No.34)

(c) Duties of department.--The department shall:

(1) Issue program guidelines to implement this section.

(2) Establish procedures for eligible applicants to apply for financial assistance from the account. Nothing in this article shall be construed to prohibit an eligible applicant from receiving an award for each separate high-quality amateur or professional sporting and esports event for which the applicant has submitted an application. ((2) amended Dec. 13, 2023, P.L.251, No.34)

(3) Determine the form and manner by which an applicant can apply for financial assistance with the department.

(4) Award financial assistance to eligible applicants in accordance with this section. The department shall make payments to recipients in accordance with an agreement executed between the recipient and the department.

(d) Use of funds.--

(1) The department may award financial assistance in the form of a single year or multiyear award for any of the following:

(i) The costs relating to the preparations necessary for conducting the event.

(ii) The costs of conducting the event at the venue, including costs of an improvement or renovation to an existing facility at the venue. The financial assistance under this section shall be limited to 20% of the total cost of an improvement or renovation to an existing facility, except if the facility is publicly owned.

(iii) Promotion, marketing and programming costs associated with the event.

(iv) Paid advertising and media buys within this Commonwealth related to the event.

(v) Production and technical expenses related to the event.

(vi) Site fees and costs, such as labor, rentals, insurance, security and maintenance.

(vii) Machinery and equipment purchases associated with the conduct of the event.

(viii) Public infrastructure upgrades or public safety improvements that will directly or indirectly benefit the conduct of the event.

(ix) Costs related to land acquisition directly related to the conduct of the event. The financial assistance under this section shall be limited to 20% of the total acquisition cost, except if the venue at which the event will be conducted is publicly owned.

(x) On-site hospitality during the conduct of the event.

(2) The department may use up to \$10,000,000 in the form of single or multiyear awards to an eligible applicant

for costs related to the preparation necessary for conducting an international sporting event, including costs associated with the event venue, promotion, advertising, site rentals, infrastructure upgrades, on-site hospitality, community engagement programming across this Commonwealth and public safety planning and improvements.

(3) The department may use up to \$15,000,000 for activities related to a Statewide marketing strategy.

(4) ((4) deleted by amendment).

(5) ((5) deleted by amendment).

(6) ((6) deleted by amendment).

(7) ((7) deleted by amendment).

(8) ((8) deleted by amendment).

(9) ((9) deleted by amendment).

(10) ((10) deleted by amendment).

((d) amended Dec. 13, 2023, P.L.251, No.34)

(e) Prohibitions.--

(1) Except as provided under paragraph (2), financial assistance awarded under this section may not be used for any of the following:

(i) To solicit the relocation of a professional sports franchise located in this Commonwealth.

(ii) To construct an arena, stadium, playing field, racetrack, golf course or any other venue or surface upon which the sporting event will take place.

(iii) To conduct usual and customary maintenance of the facility or venue where the sporting event will take place.

(2) Paragraph (1) shall not prohibit a disbursement from the account for the construction of temporary structures within an arena, stadium or indoor or outdoor venue where the sporting event will be conducted that are necessary for the conduct of an event or temporary maintenance of a facility that is necessary for the preparation for or conduct of an event. ((2) amended Dec. 13, 2023, P.L.251, No.34)

(1722-A.2 added July 11, 2022, P.L.540, No.54)

Section 1723-A.2. Transfer of funds.

(a) Annual funding.--Notwithstanding 4 Pa.C.S. § 13C62(b)(3) (relating to sports wagering tax), for fiscal year 2022-2023 and each fiscal year thereafter, an amount equal to 5% of the tax revenue generated by the tax imposed under 4 Pa.C.S. § 13C62 or \$2,500,000, whichever is greater, shall be transferred to the account for use by the department in accordance with this subarticle. The amount transferred under this section may not exceed \$5,000,000.

(b) Fiscal year 2023-2024.--Notwithstanding 4 Pa.C.S. § 1407 (relating to Pennsylvania Gaming Economic Development and Tourism Fund) or any other provision of law, the sum of \$25,000,000 shall be transferred from the Pennsylvania Gaming Economic Development and Tourism Fund to the account for use by the department in accordance with this subarticle.

(1723-A.2 amended Dec. 13, 2023, P.L.251, No.34)

Section 1724-A.2. Study of economic impact.

No later than nine months after the completion of an event conducted in this Commonwealth that received funds under this subarticle, the Independent Fiscal Office shall complete a report analyzing the direct and indirect economic impact the event had on the Commonwealth, the county and geographic region in which the event was conducted. The report shall be provided to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the

House of Representatives and shall be posted on the Independent Fiscal Office's publicly accessible Internet website.

(1724-A.2 added July 11, 2022, P.L.540, No.54)

SUBARTICLE D
ELECTION INTEGRITY RESTRICTED ACCOUNT
(Subart. added July 11, 2022, P.L.540, No.54)

Section 1731-A.2. (Reserved).

(1731-A.2 added July 11, 2022, P.L.540, No.54)

Section 1732-A.2. Election Integrity Restricted Account.

(a) Establishment.--The Election Integrity Restricted Account is established in the General Fund as a restricted account.

(b) Annual transfer.--No later than August 1, 2022, and each August 1 thereafter, the sum of \$45,000,000 shall be transferred from funds received under the authority of Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, to the Election Integrity Restricted Account.

(c) Limitation on use.--Money in the Election Integrity Restricted Account may only be expended upon enactment of a statute to provide for the use of the money in the account and upon appropriation by the General Assembly.

(1732-A.2 added July 11, 2022, P.L.540, No.54)

SUBARTICLE E
SERVICE AND INFRASTRUCTURE IMPROVEMENT FUND
(Subart. added Dec. 13, 2023, P.L.251, No.34)

Section 1741-A.2. Definitions.

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

"Department." The Department of Labor and Industry of the Commonwealth.

"Fund." The Service and Infrastructure Improvement Fund established under section 301.9 of the Unemployment Compensation Law.

"Secretary." The Secretary of Labor and Industry of the Commonwealth.

"Unemployment Compensation Fund." The Unemployment Compensation Fund established under section 601 of the Unemployment Compensation Law.

"Unemployment Compensation Law." The act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law.

(1741-A.2 added Dec. 13, 2023, P.L.251, No.34)

Section 1742-A.2. Deposits.

(a) Deposits.--From the contributions paid under section 301.4 of the Unemployment Compensation Law, for the fiscal year beginning July 1, 2023, the amount to be deposited into the fund under this subsection shall be \$65,000,000.

(b) Contributions.--The department may deposit contributions authorized in subsection (a) before depositing contributions into the Unemployment Compensation Fund in accordance with section 301.4(e)(3) of the Unemployment Compensation Law.

(1742-A.2 added Dec. 13, 2023, P.L.251, No.34)

Section 1743-A.2. Fund transfers.

Notwithstanding section 301.9(e) of the Unemployment Compensation Law, any money in the fund that is not expended

or obligated as of December 31, 2023, shall not be transferred to the Unemployment Compensation Fund.

(1743-A.2 added Dec. 13, 2023, P.L.251, No.34)

Section 1744-A.2. Reporting.

Notwithstanding the provisions of section 301.9(g) of the Unemployment Compensation Law, the department shall continue to provide the annual report outlined in section 301.9(g) of the Unemployment Compensation Law to the Governor and General Assembly in each year that money remains in the fund.

(1744-A.2 added Dec. 13, 2023, P.L.251, No.34)

ARTICLE XVII-B

2021-2022 BUDGET IMPLEMENTATION

(Art. repealed and added June 30, 2021, P.L.62, No.24)

SUBARTICLE A

PRELIMINARY PROVISIONS

(Subart. repealed and added June 30, 2021, P.L.62, No.24)

Section 1701-B. Applicability.

Except as specifically provided in this article, this article applies to the General Appropriation Act of 2021 and all other appropriation acts of 2021.

(1701-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1702-B. Definitions.

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

"General Appropriation Act of 2021." The act of June 30, 2021 (P.L.499, No.1A), known as the General Appropriation Act of 2021.

"Human Services Code." The act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

"Most recent Federal decennial census." The Federal decennial census for which final population figures were published as of the first day of the calendar year in which this article is enacted.

"Public School Code of 1949." The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

"Secretary." The Secretary of the Budget of the Commonwealth.

"TANFBG." Temporary Assistance for Needy Families Block Grant.

(1702-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1703-B. Department of Criminal Justice.

For the purposes of the General Appropriation Act of 2021, a reference to the Department of Criminal Justice shall be deemed to be a reference to the Department of Corrections or the Pennsylvania Parole Board, or both, as applicable.

(1703-B added June 30, 2021, P.L.62, No.24)

Section 1704-B. Construction.

For the purposes of this article, a reference to the classification of a county, city, borough or township shall be deemed to be a reference to the classification of the county, city, borough or township as of the effective date of this section.

(1704-B added June 30, 2021, P.L.62, No.24)

SUBARTICLE B

EXECUTIVE DEPARTMENTS

(Subart. repealed and added June 30, 2021, P.L.62, No.24)

Section 1711-B. Governor (Reserved).

(1711-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1712-B. Executive offices.

The following apply to appropriations for the Pennsylvania Commission on Crime and Delinquency:

(1) Money appropriated for county intermediate punishment shall be distributed to counties for county adult probation supervision and drug and alcohol and mental health treatment programs for offenders sentenced to restrictive conditions of probation imposed under 42 Pa.C.S. § 9763(c) or (d) (relating to conditions of probation) and are certified in accordance with 42 Pa.C.S. § 2154.1(b) (relating to adoption of guidelines for restrictive conditions). The portion of money for drug and alcohol and mental health treatment programs shall be based on national statistics that identify the percentage of incarcerated individuals that are in need of treatment for substance issues but in no case shall be less than 80% of the amount appropriated.

(2) The following apply:

(i) No less than the amount used in the 2014-2015 fiscal year shall be used to support the Statewide Automated Victim Information and Notification System (SAVIN) to provide offender information through county jails.

(ii) No less than the amount used in the 2014-2015 fiscal year shall be used for a residential treatment community facility for at-risk youth located in a county of the fifth class.

(iii) From the amount appropriated, \$400,000 shall be used for an innovative police data sharing pointer index system that will allow participating law enforcement agencies access to incident report data.

(iv) From the amount appropriated, \$400,000 shall be used for a diversion program for first-time nonviolent offenders facing prison sentences. The diversion program must include education and employment services, case management and mentoring.

(v) ((v) deleted by amendment July 11, 2022, P.L.540, No.54).

(3) No less than \$1,500,000 shall be available as a pilot program to offset costs incurred by a city of the first class and a county of the second class A that is also a home rule county in connection with hiring additional assistant district attorneys designated as a Special United States Attorney by a United States Attorney's office through participation in the Project Safe Neighborhoods program and who will exclusively prosecute crimes under 18 U.S.C. § 922(g) of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351, 82 Stat. 228).

(4) From money appropriated for violence and delinquency prevention programs. The following apply:

(i) no less than the amount used in the 2014-2015 fiscal year shall be used for programs in a city of the second class; and

(ii) no less than the amount used in the 2014-2015 fiscal year shall be used for blueprint mentoring programs that address reducing youth violence in cities of the first, second and third class with programs in cities of the second class and third class also receiving a proportional share of \$50,000.

(5) Funds appropriated for violence intervention and prevention shall be used solely to provide grants and technical

assistance to community-based organizations, institutions of higher education, municipalities, district attorneys and other entities in accordance with the provisions of section 1306-B(b) of the Public School Code of 1949 and notwithstanding the provisions of section 1306-B(h)(7) of the Public School Code of 1949 for programs eligible under section 1306-B(j)(22) of the Public School Code of 1949.

(1712-B repealed and added June 30, 2021, P.L.62, No.24)
Section 1713-B. Lieutenant Governor (Reserved).

(1713-B repealed and added June 30, 2021, P.L.62, No.24)
Section 1714-B. Attorney General (Reserved).

(1714-B repealed and added June 30, 2021, P.L.62, No.24)
Section 1715-B. Auditor General.

The following shall apply to appropriations to the Department of Auditor General:

From money appropriated for special financial audits, \$500,000 shall be used for the financial auditing of entities that receive funds through contracts with the Department of Human Services from money appropriated for Medical Assistance - Capitation, Medical Assistance Community HealthChoices, Medical Assistance - Long-term Living, Mental Health Services or the Intellectual Disabilities - Community Waiver Program.

(1715-B repealed and added June 30, 2021, P.L.62, No.24)
Section 1716-B. Treasury Department (Reserved).

(1716-B repealed and added June 30, 2021, P.L.62, No.24)
Section 1717-B. Department of Aging (Reserved).

(1717-B repealed and added June 30, 2021, P.L.62, No.24)
Section 1718-B. Department of Agriculture.

The following apply to appropriations for the Department of Agriculture:

(1) From money appropriated for general government operations, no less than the amount transferred in the 2014-2015 fiscal year shall be transferred to the Dog Law Restricted Account.

(2) From money appropriated for general government operations, no less than \$250,000 shall be used for the Commission of Agricultural Education Excellence to assist in development and implementation of agricultural education programming.

(3) From money appropriated for agricultural research, the following apply:

(i) No less than \$300,000 shall be used for an agricultural resource center.

(ii) No less than \$100,000 shall be used for agricultural law research programs, including those addressing energy development, in conjunction with a land-grant university.

(4) The appropriation for agriculture promotion, education and exports includes \$250,000 for costs related to supporting the expansion of industrial hemp farming, including program development, outreach, education and refining and processing.

(5) From money appropriated for hardwoods research and promotion, at least 80% of the money shall be equally distributed among the hardwood utilization groups of this Commonwealth established prior to the effective date of this section.

(6) All money appropriated for the Animal Health and Diagnostic Commission shall be equally distributed to the animal diagnostic laboratory system laboratories located at a land grant university and at a school of veterinary medicine located within this Commonwealth.

(7) From money appropriated for Livestock and Consumer Health Protection, funding shall be used for information technology projects and for equipment acquisition and maintenance in the Bureau of Animal Health and Diagnostic Services and in the Bureau of Food Safety and Laboratory Services.

(8) In addition to the uses provided in section 7.3 of the act of June 18, 1982 (P.L.549, No.159), entitled "An act providing for the administration of certain Commonwealth farmland within the Department of Agriculture," the department may use up to a total of \$165,000 in the Agricultural Conservation Easement Purchase Fund under section 7.1 of the act of June 18, 1982 (P.L.549, No.159), entitled "An act providing for the administration of certain Commonwealth farmland within the Department of Agriculture," to issue grants not to exceed \$5,000 each for succession planning to ensure that agricultural operations continue on land subject to agricultural conservation easements. The department, in consultation with the State Agricultural Land Preservation Board, shall establish eligibility criteria for awarding grants under this paragraph.

(1718-B repealed and added June 30, 2021, P.L.62, No.24)
Section 1719-B. Department of Community and Economic Development.

The following apply to appropriations for the Department of Community and Economic Development:

(1) From money appropriated for general government operations, no less than \$1,200,000 shall be used to support a manufacturing technology development effort and to assist Pennsylvania small businesses with enhanced cyber security in a county of the fourth class with a population of at least 143,679, but not more than 144,200, under the most recent Federal decennial census.

(2) From money appropriated for marketing to attract tourists:

(i) \$4,054,000 to fund the activities of the tourism office within the department; and

(ii) the remaining money includes an allocation to be used to plan, market and conduct a series of arts and cultural activities that generate Statewide and regional economic impact, and \$500,000 shall be used for an annual Statewide online competition serving approximately 2,000 athletes with intellectual disabilities from across this Commonwealth to be held in a county of the fourth class.

(3) From money appropriated for Keystone Communities:

(i) \$6,357,000 shall be used to fund the Main Street Program, Elm Street Program, Enterprise Zone Program and accessible housing. The allocation for the Main Street Program, Elm Street Program, Enterprise Zone Program and accessible housing shall be distributed in the same proportion as amounts allocated in fiscal year 2012-2013.

(ii) The remaining money shall be used for projects supporting economic growth, community development and municipal assistance throughout this Commonwealth.

(4) Funds appropriated for local municipal relief shall include an allocation to provide State assistance to individuals, persons or political subdivisions directly affected by natural or manmade disasters, public safety emergencies, other situations that pose a public safety danger or other situations at the discretion of the department. State assistance may be limited to grants for projects that do not qualify for Federal assistance to help

repair damages to primary residences, personal property and public facilities and structures. Grants shall be made available for reimbursement in a disaster emergency area only when a Presidential disaster declaration does not cover the area or when the department determines that a public safety emergency has occurred.

(5) Notwithstanding section 4(1) of the act of October 11, 1984 (P.L.906, No.179), known as the Community Development Block Grant Entitlement Program for Nonurban Counties and Certain Other Municipalities, the Commonwealth may use up to 3% of the funds received pursuant to the Housing and Community Development Act of 1974 (Public Law 93-383, 88 Stat. 633) for administrative costs.

(6) From money appropriated for Pennsylvania First, no less than \$8,000,000 shall be used to fund the Workforce and Economic Development Network of Pennsylvania (WEDnetPA) for workforce training grants provided through an alliance of educational providers, including, but not limited to, Pennsylvania State System of Higher Education universities, the Pennsylvania College of Technology and community colleges located in this Commonwealth.

(7) From money appropriated for the Office of International Business Development, the department shall reopen and maintain an Office of Trade and Investment in a city which operates in an economy which is part of the Asia-Pacific Economic Cooperation international forum and in which an Office of Trade and Investment existed on July 1, 2020. An Office of Trade and Investment which is required to be reopened under this clause shall be reopened no later than March 31, 2022.

(1719-B repealed and added June 30, 2021, P.L.62, No.24)
Section 1720-B. Department of Conservation and Natural Resources (Reserved).

(1720-B repealed and added June 30, 2021, P.L.62, No.24)
Section 1721-B. Department of Corrections.

The following apply to appropriations for the Department of Corrections:

(1) From the appropriation to the Department of Criminal Justice for general government operations under the General Appropriation Act of 2021, no less than \$1,750,000 shall be used by the Department of Corrections for nonnarcotic medication substance use disorder treatment, which may include the establishment and administration of a nonnarcotic medication assisted substance abuse treatment grant program.

(2) Notwithstanding any other provision of law to the contrary, for the purposes of any program funded under paragraph (1) and established under 61 Pa.C.S. Ch. 46 (relating to nonnarcotic medication assisted substance abuse treatment grant pilot program), the term "eligible offender" means a defendant or inmate convicted of a criminal offense who will be committed to the custody of the county and who meets the clinical criteria for an opioid or alcohol use disorder as determined by a physician.

(1721-B repealed and added June 30, 2021, P.L.62, No.24)
Section 1721.1-B. Department of Drug and Alcohol Programs (Reserved).

(1721.1-B repealed and added June 30, 2021, P.L.62, No.24)
Section 1722-B. Department of Education.

The following shall apply to appropriations to the Department of Education:

(1) From an appropriation for adult and family literacy programs, summer reading programs and the adult high school diplomas program. The following apply:

(i) no less than the amount allocated in the 2014-2015 fiscal year shall be allocated for an after-school learning program servicing low-income students located in a county of the sixth class with a population, based on the most recent Federal decennial census, of at least 60,000 but not more than 70,000; and

(ii) no less than the amount allocated in the 2016-2017 fiscal year shall be used for an after-school learning program servicing low-income students located in a county of the third class with a population, based on the most recent Federal decennial census, of at least 320,000 but not more than 321,000.

(2) From money appropriated for the Pre-K Counts Program, the per-student grant award amount for grants made pursuant to section 1514-D of the Public School Code of 1949 shall be paid at the same rate as the amount paid in fiscal year 2019-2020.

(3) Notwithstanding any provision to the contrary, the appropriation for pupil transportation may not be redirected for any purpose.

(4) From money appropriated for Pennsylvania Chartered Schools for the Deaf and Blind:

(i) Upon distribution of the final tuition payment for the fiscal year, the balance of the appropriation, excluding funds for capital-related costs and deferred maintenance, shall be used to pay the schools' increased share of required contributions for public school employees' retirement and shall be distributed pro rata based on each school's contributions for the prior fiscal year.

(ii) \$500,000 is included for capital-related costs and deferred maintenance to be divided equally between each school.

(5) Notwithstanding any other provision of law, money from the set-aside under section 2509.8 of the Public School Code of 1949 shall be allocated to each approved private school with a day tuition rate determined to be less than \$32,000 during the 2010-2011 school year. The allocation shall be no less than the amount allocated in the 2015-2016 fiscal year.

(6) The following shall apply:

(i) Notwithstanding any other provision of law, funds set aside under section 2509.8 of the Public School Code of 1949 shall include an allocation of \$1,000,000 for an approved private school which received a payment under section 1722-F(3).

(ii) The allocation under subparagraph (i) shall be in addition to an allocation from an appropriation for approved private schools.

(iii) For the purposes of the formula for approved private schools under section 1376 of the Public School Code of 1949 for the 2022-2023 fiscal year, a payment made under this paragraph shall be considered part of the base allocation in section 1376(a.2) of the Public School Code of 1949.

(7) Money appropriated for regional community college services shall be distributed to each entity that received funding in fiscal year 2019-2020 in an amount equal to the amount it received in that fiscal year.

(8) Money appropriated for community education councils shall be distributed to each entity that received funding in fiscal year 2019-2020 in an amount equal to the amount it received in that fiscal year.

(9) Notwithstanding section 1724-A of the Public School Code of 1949 or 24 Pa.C.S. § 8329 (relating to payments on account of social security deductions from appropriations), no payments shall be made to charter schools, regional charter schools or cyber charter schools authorized under Article XVII-A of the Public School Code of 1949 to provide for Social Security and Medicare contributions from money appropriated for basic education funding or school employees' Social Security.

(10) Notwithstanding section 1724-A of the Public School Code of 1949 or 24 Pa.C.S. §§ 8326 (relating to contributions by the Commonwealth) and 8535 (relating to payments to school entities by Commonwealth), no payments shall be made to charter schools, regional charter schools or cyber charter schools authorized under Article XVII-A of the Public School Code of 1949 from money appropriated for payment of required contributions for public school employees' retirement.

(1722-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1723-B. Department of Environmental Protection (Reserved).

(1723-B repealed and added June 30, 2021, P.L.62, No.24)
Section 1724-B. Department of General Services.

From money appropriated to the Department of General Services for Capitol fire protection, the City of Harrisburg shall use the money to support the provisions of fire services to the Capitol complex.

(1724-B repealed and added June 30, 2021, P.L.62, No.24)
Section 1725-B. Department of Health.

The following apply to appropriations for the Department of Health:

(1) From money appropriated for general government operations, sufficient money shall be included for the coordination of donated dental services.

(2) From money appropriated for diabetes programs, \$100,000 shall be allocated for Type I diabetes awareness, education and outreach.

(3) From money appropriated for adult cystic fibrosis and other chronic respiratory illnesses. The following apply:

(i) No less than the amount used in the 2014-2015 fiscal year shall be used for a program promoting cystic fibrosis research in a county of the second class.

(ii) No less than the amount used in the 2014-2015 fiscal year shall be used for research related to childhood cystic fibrosis in a city of the first class with a hospital that is nationally accredited as a cystic fibrosis treatment center and specializes in the treatment of children.

(iii) Any money not used under subparagraph (i) or (ii) shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(4) Money appropriated for Lyme disease includes \$750,000 for costs related to free tick testing for residents performed in conjunction with a university that is part of the State System of Higher Education, including outreach and marketing.

(5) Money appropriated for lupus programs shall be distributed proportionately to each entity that received funding in fiscal year 2018-2019.

(6) Money appropriated for biotechnology research shall include allocations for regenerative medicine research, for regenerative medicine medical technology, for hepatitis and viral research, for drug research and clinical trials related to cancer, pulmonary embolism and deep vein thrombosis, for genetic and molecular research for disease identification and eradication, for vaccine immune response diagnostics, for nanotechnology and for the commercialization of applied research.

(7) From the appropriation for leukemia and lymphoma, \$200,000 shall be allocated to a branch of an eastern Pennsylvania chapter of a nonprofit organization, where the branch is located within a city of the third class that is located in two counties of the third class, dedicated to awareness, education, patient assistance and outreach related to blood cancer.

(8) Funds appropriated for hemophilia services shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(9) Funds appropriated for sickle cell anemia services, including camps for children with sickle cell anemia, shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(10) Funds appropriated for diagnosis and treatment for Cooley's anemia shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(11) Funds appropriated for services for children with special needs shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(1725-B repealed and added June 30, 2021, P.L.62, No.24)
Section 1726-B. Insurance Department (Reserved).

(1726-B repealed and added June 30, 2021, P.L.62, No.24)
Section 1727-B. Department of Labor and Industry.

The following apply to appropriations to the Department of Labor and Industry:

(1) From money appropriated to the Department of Labor and Industry for Industry Partnerships:

(i) No less than the amount allocated in the 2014-2015 fiscal year shall be used for a work force development program that links veterans with employment in a home rule county that was formerly a county of the second class A.

(ii) (Reserved).

(2) (Reserved).

(1727-B repealed and added June 30, 2021, P.L.62, No.24)
Section 1728-B. Department of Military and Veterans Affairs (Reserved).

(1728-B repealed and added June 30, 2021, P.L.62, No.24)
Section 1729-B. Department of Human Services.

The following apply to appropriations for the Department of Human Services:

(1) From money appropriated for mental health services or from Federal money, \$580,000 shall be used for the following:

(i) The operation and maintenance of a network of web portals that provide comprehensive referral services, support and information relating to early intervention, prevention and support for individuals with mental health or substance abuse issues, county mental health offices,

providers and others that provide mental and behavioral health treatment and related services.

(ii) The expansion of the existing web portals, including services and resources for military veterans and their families, including comprehensive referral services for transitional, temporary and permanent housing, job placement and career counseling and other services for military veterans returning to civilian life.

(2) From money appropriated for mental health services, \$100,000 shall be allocated for expanded services for a pediatric mental health hospital and an adolescent residential treatment program in a county of the third class with a population of at least 349,000, but not more than 350,000, under the most recent Federal Decennial Census.

(3) The following shall apply:

(i) Payments to hospitals for Community Access Fund grants shall be distributed under the formulas utilized for these grants in fiscal year 2014-2015. If the total funding available under this subparagraph is less than that available in fiscal year 2014-2015, payments shall be made on a pro rata basis.

(ii) Amounts allocated from money appropriated for fee-for-service used for the Select Plan for Women's Preventative Health Services shall be used for women's medical services, including noninvasive contraception supplies.

(iii) Notwithstanding any other law, money appropriated for medical assistance payments for fee-for-service care, exclusive of inpatient services provided through capitation plans, shall include sufficient money for two separate All Patient Refined Diagnostic Related Group payments for inpatient acute care general hospital stays for:

(A) normal newborn care; and

(B) mothers' obstetrical delivery.

(iv) From money appropriated for medical assistance fee-for-service care the following apply:

(A) No less than the amount used in the 2017-2018 fiscal year shall be used for cleft palates and other craniofacial anomalies.

(B) No less than \$800,000 shall be distributed to a hospital for clinical ophthalmologic services located in a city of the first class.

(C) No less than \$500,000 shall be distributed for improvements to an acute care hospital located in a city of the first class.

(D) No less than \$2,500,000 shall be distributed to a hospital in a city of the third class in a home rule county that was formerly a county of the second class A.

(E) No less than \$2,000,000 shall be distributed to a university located in a city of the first class to expand research and treatment protocols for combating opioid addiction.

(F) No less than \$1,850,000 shall be distributed to an enrolled outpatient therapy service provider located in a city of the second class in a county of the second class that provides behavioral health and medical rehabilitation pediatric outpatient services.

(G) No less than \$2,500,000 shall be distributed to an acute care hospital in a city of the third class with a population between 14,000 and 15,000 according to the most recent Federal decennial census in a county of the third class with a population between 360,000 and 370,000 according to the most recent Federal decennial census.

(v) From money appropriated for medical assistance capitation:

(A) No less than the amount used in the 2014-2015 fiscal year shall be used for prevention and treatment of depression and its complications in older Pennsylvanians in a county of the second class.

(B) Funds are provided for a \$5-per-hour increase in the fee-for-service fee schedule rate for pediatric shift nursing services provided by registered nurses and licensed practical nurses in a home care setting effective January 1, 2022.

(vi) From money appropriated for medical assistance long-term living:

(A) No less than the amount distributed in the 2014-2015 fiscal year shall be distributed to a county nursing home located in a home rule county that was formerly a county of the second class A with more than 725 beds and a Medicaid acuity at 0.79 as of August 1, 2015.

(B) No less than the amount used in the 2020-2021 fiscal year shall be distributed to a nonpublic nursing home located in a county of the first class with more than 395 beds and a Medicaid acuity at 1.18 as of August 1, 2020, to ensure access to necessary nursing care in that county.

(C) \$5,000,000 shall be distributed to a nonpublic nursing home located in a county of the eighth class with more than 119 beds and a Medicaid acuity at 1.04 as of August 1, 2020, to ensure access to necessary nursing home care in that county.

(D) An additional \$750,000 shall be paid in equal payments to nursing facilities that qualified for supplemental ventilator care and tracheostomy care payments in fiscal year 2014-2015 with a percentage of medical assistance recipient residents who required medically necessary ventilator care or tracheostomy care greater than 90%.

(vii) Federal or State money appropriated under the General Appropriation Act of 2021 in accordance with 35 Pa.C.S. § 8107.3 (relating to funding) not used to make payments to hospitals qualifying as Level III trauma centers or seeking accreditation as Level III trauma centers shall be used to make payments to hospitals qualifying as Levels I and II trauma centers.

(viii) Qualifying academic medical centers that received money for fiscal year 2017-2018 shall not receive any less than the State appropriation made available to those academic medical centers during fiscal year 2017-2018.

(ix) Qualifying physician practice plans that received money for fiscal year 2017-2018 shall not receive less than the State appropriation made available to those physician practice plans during fiscal year 2017-2018.

(x) Money appropriated for medical assistance transportation shall only be utilized as a payment of last resort for transportation for eligible medical assistance recipients.

(xi) (A) Subject to Federal approval of necessary amendments of the Title XIX State Plan, from funds appropriated for medical assistance long-term living, \$16,000,000 is allocated for medical assistance day-one incentive payments to qualified nonpublic nursing facilities under methodology and criteria under section 443.1(7)(vi) of the Human Services Code.

(B) The Department of Human Services shall determine a nonpublic nursing facility's overall and medical assistance occupancy rate to qualify for a fiscal year 2021-2022 medical assistance day-one incentive payment based on a nursing facility's resident day quarter ending December 31, 2019, for the first of two payments and a nursing facility's resident day quarter ending March 31, 2020, for the second of two payments.

(4) The following apply:

(i) Money appropriated for breast cancer screening may be used for women's medical services, including noninvasive contraception supplies.

(ii) (Reserved).

(5) The following shall apply:

(i) Money appropriated for women's service programs grants to nonprofit agencies whose primary function is to promote childbirth and provide alternatives to abortion shall be expended to provide services to women until childbirth and for up to 12 months thereafter, including food, shelter, clothing, health care, counseling, adoption services, parenting classes, assistance for postdelivery stress and other supportive programs and services and for related outreach programs. Agencies may subcontract with other nonprofit entities that operate projects designed specifically to provide all or a portion of these services. Projects receiving money referred to in this subparagraph shall not promote, refer for or perform abortions or engage in any counseling which is inconsistent with the appropriation referred to in this subparagraph and shall be physically and financially separate from any component of any legal entity engaging in such activities.

(ii) Federal funds appropriated for TANFEBG Alternatives to Abortion shall be utilized solely for services to women whose gross family income is below 185% of the Federal poverty guidelines.

(6) From money appropriated for autism intervention and services:

(i) no less than the amount distributed in the 2014-2015 fiscal year shall be distributed to a behavioral health facility located in a county of the fifth class with a population between 130,000 and 135,000 under the most recent Federal decennial census and shall be distributed to a health system that operates both a general acute care hospital and a behavioral health facility that has a center for autism and developmental disabilities located in a county of the fifth class with a population between 130,000 and 135,000 under the most recent Federal decennial census;

(ii) \$260,000 shall be allocated to an institution of higher education that provides autism education and diagnostic curriculum located in a city of the first class that operates a center for autism in a county of the second class A;

(iii) \$260,000 shall be allocated to an institution of higher education that provides autism education and diagnostic curriculum and is located in a county of the second class;

(iv) no less than the amount distributed in the 2014-2015 fiscal year shall be allocated for programs to promote the health and fitness of persons with developmental disabilities located in a city of the first class;

(v) \$500,000 shall be allocated for the expansion of an adult autism program in a county of the third class; and

(vi) \$500,000 shall be allocated for an entity that provides alternative educational services to individuals with autism and developmental disabilities in a county of the third class with a population of at least 519,000, but not more than 519,500, under the most recent Federal decennial census.

(7) Money appropriated for community-based family centers may not be considered as part of the base for calculation of the county child welfare needs-based budget for a fiscal year.

(8) From the appropriation for 2-1-1 Communications, \$750,000 shall be allocated for a Statewide 2-1-1 System Grant Program, and \$4,000,000 shall be used for nonrecurring infrastructure enhancements to the Statewide 2-1-1 System. ((8) amended July 11, 2022, P.L.540, No.54)

(9) The appropriation for services for the visually impaired includes the following:

(i) an allocation of \$3,084,000 for Statewide professional services provider association for the blind to provide training and supportive services for individuals who are blind and preschool vision screenings and eye safety education; and

(ii) an allocation of \$618,000 to provide specialized services and prevention of blindness services in cities of the first class.

((9) amended July 11, 2022, P.L.540, No.54)

(10) To supplement the money appropriated to the department for medical assistance for workers with disabilities, in addition to the monthly premium established under section 1503(b)(1) of the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, the department may adjust the percentage of the premium upon approval of the Centers for Medicare and Medicaid Services as authorized under Federal requirements. Failure to make payments in accordance with this paragraph or section 1503(b)(1) of the Tobacco Settlement Act shall result in the termination of medical assistance coverage.

(11) The provisions of 8 U.S.C. §§ 1611 (relating to aliens who are not qualified aliens ineligible for Federal public benefits), 1612 (relating to limited eligibility of qualified aliens for certain Federal programs) and 1642 (relating to verification of eligibility for Federal public benefits) shall apply to payments and providers.

(12) Subject to the availability of Federal funds and eligibility under Federal TANF rules, grantees who operated

within the PA WorkWear program in fiscal year 2019-2020 shall be offered a grant for the fiscal year to continue service delivery under substantially similar terms as previous PA WorkWear grants unless both parties agree to alternate terms.

(13) (i) Beginning with the 2021-2022 fiscal year, the Secretary of Human Services shall report on a quarterly basis in person to the Secretary of the Budget, the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives information documenting each of the following State appropriations and their associated Federal appropriations:

- (A) Medical Assistance - Capitation.
- (B) Medical Assistance - Fee-for-Service.
- (C) Payment to Federal Government - Medicare Drug Program.
- (D) Medical Assistance - Workers with Disabilities.
- (E) Medical Assistance - Long-Term Living.
- (F) Medical Assistance - Community HealthChoices.
- (G) Long-Term Care Managed Care.
- (H) Intellectual Disabilities - Intermediate Care Facilities.
- (I) Intellectual Disabilities - Community Waiver Program.
- (J) Autism Intervention and Services.
- (K) Early Intervention.

(ii) The information included in a report under subparagraph (i) shall include, but not be limited to, the following:

- (A) Number of enrollees by month.
- (B) Average cost per enrollee.
- (C) Required payment amounts by appropriation during the fiscal year.
- (D) Revised estimate of the money needed by appropriation to make required payments for the remainder of the fiscal year.

(iii) If revised estimates under subparagraph (ii)(D) indicate supplemental money may be necessary, the secretary shall provide a detailed explanation, in writing, of the reasons the revised estimates differ from the General Appropriation Act of 2021, or information provided previously under this paragraph.

(14) The department shall submit a State plan amendment to the Commonwealth's State Plan under Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1396 et seq.) to authorize the department to enter into value-based purchasing supplemental rebate agreements with pharmaceutical manufacturers. Subject to Federal approval, supplemental rebate agreements, entered into after the effective date of this paragraph, shall permit outcome-based payments related to the administration of a drug to a single Medical Assistance beneficiary to be measured in a single year or over multiple years.

(15) The Department of Human Services shall not add non-medically necessary services to the Medical Assistance Program that would result in the need for a supplemental appropriation without the approval of the General Assembly. All proposed services shall be outlined in the Governor's

Executive Budget or subsequent updates provided in writing to the General Assembly.

(1729-B repealed and added June 30, 2021, P.L.62, No.24)

Compiler's Note: The short title of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, referred to in this section, was amended by the act of December 28, 2015 (P.L.500, No.92). The amended short title is now the Human Services Code.

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 1730-B. Department of Revenue (Reserved).

(1730-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1731-B. Department of State (Reserved).

(1731-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1732-B. Department of Transportation.

The following shall apply to appropriations for the Department of Transportation:

(1) From money appropriated for infrastructure projects, \$1,900,000 shall be allocated for costs related to capital equipment for a rural transit service headquartered in this Commonwealth that provides intercity line-run service with at least six different line runs.

(2) (i) No later than September 30, 2021, the Department of Transportation shall issue a report containing a summary of the following:

(A) A list of the routes between the northernmost portion of Interstate Route I-99 in the Commonwealth and the southernmost portion of Interstate Route I-99 in New York State which will comprise the length on Interstate Route I-99 when the highway is fully designated as an interstate.

(B) A summary of the remaining issues in the route under clause (1) which do not meet the standards necessary for designation of the route as Interstate Route I-99.

(C) A date that the Department of Transportation expects to make an application to the Federal Highway Administration for the designation of the remaining portions of Interstate Route I-99.

(ii) The report under this paragraph shall be submitted to the chairperson and minority chairperson of the Transportation Committee of the Senate and the chairperson and minority chairperson of the Transportation Committee of the House of Representatives and to each member of the Senate or the House of Representatives who represents an area that includes the route under subparagraph (i).

(3) (Reserved).

(1732-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1733-B. Pennsylvania State Police (Reserved).

(1733-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1734-B. State Civil Service Commission (Reserved).

(1734-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1735-B. Pennsylvania Emergency Management Agency.

The following shall apply to appropriations for the Pennsylvania Emergency Management Agency:

(1) Money appropriated for search and rescue programs shall be used to support programs related to training working service dogs focusing on rescue and public safety.

(2) Money appropriated for the State Fire Commissioner includes funding for a Statewide recruitment and retention coordinator and regional technical advisors to develop, implement and deliver recruitment and retention training programs and provide technical assistance to local fire organizations and local governments.

(1735-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1735.1-B. State-related institutions (Reserved).

(1735.1-B repealed July 13, 2016, P.L.664, No.85)

Section 1736-B. Pennsylvania Fish and Boat Commission (Reserved).

(1736-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1737-B. State System of Higher Education (Reserved).

(1737-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1737.1-B. State-related institutions.

The following shall apply to appropriations to State-related universities:

(1) Funds appropriated to State-related universities shall only be used for costs directly related to the provision of instruction for graduate and undergraduate students and costs incurred in providing student-related services and community outreach services, consistent with the existing laws of this Commonwealth.

(2) (Reserved).

(1737.1-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1738-B. Pennsylvania Higher Education Assistance Agency.

The following shall apply to appropriations for the Pennsylvania Higher Education Assistance Agency:

(1) The Pennsylvania Higher Education Assistance Agency shall allocate \$500,000 from the Higher Education Assistance Fund for the Cheyney University Keystone Academy.

(2) From funds appropriated for payment of education assistance grants, the amount of \$1,000,000 shall be allocated to a State-owned university located in Tioga County for merit scholarships.

(1738-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1739-B. Pennsylvania Historical and Museum Commission (Reserved).

(1739-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1740-B. Environmental Hearing Board (Reserved).

(1740-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1741-B. Pennsylvania Board of Probation and Parole (Reserved).

(1741-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1742-B. (Reserved).

(1742-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1743-B. (Reserved).

(1743-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1744-B. (Reserved).

(1744-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1745-B. (Reserved).

(1745-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1746-B. (Reserved).

(1746-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1747-B. Commonwealth Financing Authority (Reserved).

(1747-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1748-B. Thaddeus Stevens College of Technology (Reserved).

(1748-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1749-B. Pennsylvania Housing Finance Agency (Reserved).

(1749-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1750-B. LIHEABG (Reserved).

(1750-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1751-B. LIHEABG. (1751-B repealed June 30, 2021,
P.L.62, No.24)

Section 1752-B. Pennsylvania Liquor Control Board. (1752-B
repealed June 30, 2021, P.L.62, No.24)

SUBARTICLE C

STATE GOVERNMENT SUPPORT AGENCIES

(Subart. repealed and added June 30, 2021, P.L.62, No.24)

Section 1761-B. Health Care Cost Containment Council
(Reserved).

(1761-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1762-B. State Ethics Commission (Reserved).

(1762-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1763-B. Legislative Reference Bureau (Reserved).

(1763-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1764-B. Legislative Budget and Finance Committee
(Reserved).

(1764-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1765-B. Legislative Data Processing Committee
(Reserved).

(1765-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1766-B. Joint State Government Commission (Reserved).

(1766-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1767-B. Joint Legislative Air and Water Pollution
Control and Conservation Committee (Reserved).

(1767-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1768-B. Legislative Audit Advisory Commission
(Reserved).

(1768-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1769-B. Independent Regulatory Review Commission
(Reserved).

(1769-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1770-B. Capitol Preservation Committee (Reserved).

(1770-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1771-B. Pennsylvania Commission on Sentencing
(Reserved).

(1771-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1772-B. Center for Rural Pennsylvania (Reserved).

(1772-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1773-B. Commonwealth Mail Processing Center (Reserved).

(1773-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1774-B. Transfers (Reserved).

(1774-B repealed and added June 30, 2021, P.L.62, No.24)

SUBARTICLE D

JUDICIAL DEPARTMENT

(Subart. repealed and added June 30, 2021, P.L.62, No.24)

Section 1781-B. Supreme Court (Reserved).

(1781-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1782-B. Superior Court (Reserved).

(1782-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1783-B. Commonwealth Court (Reserved).

(1783-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1784-B. Courts of common pleas (Reserved).

(1784-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1785-B. Community courts; magisterial district judges
(Reserved).

(1785-B repealed and added June 30, 2021, P.L.62, No.24)

Section 1786-B. Philadelphia Traffic Court (Reserved).
(1786-B repealed and added June 30, 2021, P.L.62, No.24)
Section 1787-B. Philadelphia Municipal Court (Reserved).
(1787-B repealed and added June 30, 2021, P.L.62, No.24)
Section 1788-B. Judicial Conduct Board (Reserved).
(1788-B repealed and added June 30, 2021, P.L.62, No.24)
Section 1789-B. Court of Judicial Discipline (Reserved).
(1789-B repealed and added June 30, 2021, P.L.62, No.24)
Section 1790-B. Juror cost reimbursement (Reserved).
(1790-B repealed and added June 30, 2021, P.L.62, No.24)
Section 1791-B. County court reimbursement (Reserved).
(1791-B repealed and added June 30, 2021, P.L.62, No.24)
Section 1792-B. Senior judges (Reserved).
(1792-B repealed and added June 30, 2021, P.L.62, No.24)
Section 1793-B. Transfer of money by Supreme Court (Reserved).
(1793-B repealed and added June 30, 2021, P.L.62, No.24)

SUBARTICLE E
GENERAL ASSEMBLY
(Reserved)

(Subart. repealed and added June 30, 2021, P.L.62, No.24)

ARTICLE XVII-C
2021-2022 RESTRICTIONS ON APPROPRIATIONS
FOR FUNDS AND ACCOUNTS

(Art. repealed and added June 30, 2021, P.L.62, No.24)

Section 1701-C. Applicability.

Except as specifically provided in this article, this article applies to the act of June 30, 2021 (P.L.499, No.1A), known as the General Appropriation Act of 2021, and all other appropriation acts of 2021.

(1701-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1702-C. State Lottery Fund.

The following apply:

(1) Money appropriated for PENNCARE shall not be utilized for administrative costs by the Department of Aging.

(2) (Reserved).

(1702-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1703-C. Tobacco Settlement Fund (Reserved).

(1703-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1704-C. Judicial Computer System Augmentation Account (Reserved).

(1704-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1704.1-C. Access to Justice Account (Reserved).

(1704.1-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1705-C. Emergency Medical Services Operating Fund (Reserved).

(1705-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1706-C. The State Stores Fund (Reserved).

(1706-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1707-C. Motor License Fund (Reserved).

(1707-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1708-C. Aviation Restricted Account (Reserved).

(1708-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1709-C. Hazardous Material Response Fund (Reserved).

(1709-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1710-C. Milk Marketing Fund (Reserved).

(1710-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1711-C. HOME Investment Trust Fund (Reserved).

(1711-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1712-C. Tuition Account Guaranteed Savings Program Fund (Reserved).

(1712-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1713-C. Banking Fund (Reserved).

(1713-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1714-C. Firearm Records Check Fund (Reserved).

(1714-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1715-C. Ben Franklin Technology Development Authority Fund (Reserved).

(1715-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1716-C. Oil and Gas Lease Fund (Reserved).

(1716-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1717-C. Home Improvement Account (Reserved).

(1717-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1718-C. Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund (Reserved).

(1718-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1719-C. Insurance Regulation and Oversight Fund (Reserved).

(1719-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1720-C. Pennsylvania Race Horse Development Restricted Receipt Account.

The following apply to amounts appropriated from the Pennsylvania Race Horse Development Restricted Receipts Account:

(1) The following apply to amounts appropriated to the Department of Agriculture for payments to Pennsylvania fairs:

(i) Notwithstanding any provision of the act of July 8, 1986 (P.L.437, No.92), known as the Pennsylvania Agricultural Fair Act, the Department of Agriculture shall award a grant for the calendar year beginning January 1, 2021, to a county agricultural society, an independent agricultural society or other organization which cancelled its annual agricultural fair in the calendar year beginning January 1, 2020. A county agricultural society, an independent agricultural society or other organization which receives a grant under this subparagraph shall remain eligible to apply for and receive a grant available under section 5(1)(ii) of the Pennsylvania Agricultural Fair Act.

(ii) The amount of a grant awarded to a county agricultural society, an independent agricultural society or other organization under this paragraph shall be the same amount that the county agricultural society, independent agricultural society or other organization received in grants under section 5(1)(i), (iii) and (iv) of the Pennsylvania Agricultural Fair Act for the calendar year beginning January 1, 2019.

(2) (Reserved).

(1720-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1721-C. Justice Reinvestment Fund (Reserved).

(1721-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1722-C. Multimodal Transportation Fund (Reserved).

(1722-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1723-C. State Racing Fund (Reserved).

(1723-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1724-C. ABLE Savings Program Fund (Reserved).

(1724-C repealed and added June 30, 2021, P.L.62, No.24)

Section 1725-C. Pennsylvania Preferred® Trademark Licensing Fund.

Notwithstanding 3 Pa.C.S. § 4616 (relating to Pennsylvania Preferred® Trademark Licensing Fund), the Department of Agriculture may use money deposited in the Pennsylvania

Preferred® Trademark Licensing Fund to promote one or more of the funding objectives under 3 Pa.C.S. § 4616(c) through the awarding of grants.

(1725-C repealed and added June 30, 2021, P.L.62, No.24)
Section 1726-C. Restricted receipt accounts.

(a) General provisions.--The Secretary of the Budget may create restricted receipt accounts for the purpose of administering Federal grants only for the purposes designated in this section.

(b) Department of Community and Economic Development.--The following restricted receipt accounts may be established for the Department of Community and Economic Development:

(1) ARC Housing Revolving Loan Program.

(2) (Reserved).

(c) Department of Conservation and Natural Resources.--The following restricted receipt accounts may be established for the Department of Conservation and Natural Resources:

(1) Federal Aid to Volunteer Fire Companies.

(2) Land and Water Conservation Fund Act of 1965 (Public Law 88-578, 16 U.S.C. § 4601-4 et seq.).

(3) National Forest Reserve Allotment.

(d) Department of Education.--The following restricted receipt accounts may be established for the Department of Education:

(1) Education of the Disabled - Part C.

(2) LSTA - Library Grants.

(3) The Pennsylvania State University Federal Aid.

(4) Emergency Immigration Education Assistance.

(5) Education of the Disabled - Part D.

(6) Homeless Adult Assistance Program.

(7) Severely Handicapped.

(8) Medical Assistance Reimbursements to Local Education Agencies.

(e) Department of Environmental Protection.--The following restricted receipt accounts may be established for the Department of Environmental Protection:

(1) Federal Water Resources Planning Act.

(2) Flood Control Payments.

(3) Soil and Water Conservation Act - Inventory of Programs.

(f) Department of Drug and Alcohol Programs.--The following restricted receipt accounts may be established for the Department of Drug and Alcohol Programs:

(1) Share Loan Program.

(2) (Reserved).

(g) Department of Transportation.--The following restricted receipt accounts may be established for the Department of Transportation:

(1) Capital Assistance Elderly and Handicapped Programs.

(2) Railroad Rehabilitation and Improvement Assistance.

(3) Ridesharing/Van Pool Program - Acquisition.

(h) Pennsylvania Emergency Management Agency.--The following restricted receipt accounts may be established for the Pennsylvania Emergency Management Agency:

(1) Receipts from Federal Government - Disaster Relief - Disaster Relief Assistance to State and Political Subdivisions.

(2) (Reserved).

(i) Pennsylvania Historical and Museum Commission.--The following restricted receipt accounts may be established for the Pennsylvania Historical and Museum Commission:

(1) Federal Grant - National Historic Preservation Act.

(2) (Reserved).

(j) Executive offices.--The following restricted receipt accounts may be established for the executive offices:

- (1) Retired Employees Medicare Part D.
- (2) Justice Assistance.
- (3) Juvenile Accountability Incentive.
- (4) Early Retiree Reinsurance Program.

(1726-C repealed and added June 30, 2021, P.L.62, No.24)
Section 1727-C. Fund transfers.

(a) Transfer to Environmental Stewardship Fund.--From funds received under the authority of Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, the sum of \$12,289,000 shall be transferred to the Environmental Stewardship Fund.

(b) Applicability.--Section 1795.2-E shall not apply to fiscal year 2021-2022.

(1727-C added June 30, 2021, P.L.62, No.24)

ARTICLE XVII-D
FAMILY PLANNING FUNDING LIMITATIONS
(Art. added July 5, 2006, P.L.296, No.66)

Compiler's Note: Section 1708-D provides that this article shall expire immediately upon enactment of legislation which expressly imposes additional substantive programmatic or fiscal restrictions on the funding or delivery of any State-funded family planning services or on the funding or delivery of any family planning services authorized under section 1115 of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1315).

Section 1701-D. Scope.

This article relates to family planning funding limitations.

(1701-D added July 5, 2006, P.L.296, No.66)

Section 1702-D. Definitions.

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

"Abortion." As defined in 18 Pa.C.S. § 3203 (relating to definitions).

"Abortion-related activities." Activities that consist of any of the following:

- (1) Performing or directly assisting in abortions.
- (2) Referring a pregnant woman to an abortion provider for an abortion.
- (3) Counseling that advocates for or promotes abortion, including counseling that advocates abortion as an option for dealing with an unwanted pregnancy.

"Family planning appropriation." Moneys appropriated by the General Assembly from Commonwealth revenue sources and Federal revenue sources for the purpose of funding family planning services or a combination of family planning services and other programs. In the case of a general appropriation or any other appropriation containing more than one line item, the term "family planning appropriation" shall only refer to those line items that may be expended for family planning services.

"Family planning services." Diagnosis, treatment, tests, drugs, supplies, counseling and other contraceptive services which are provided to an individual of childbearing age to enable that individual to prevent pregnancy. The term does not include abortion-related activities.

"Family planning services provider." A person that receives a grant or other payment or reimbursement from the Department of Public Welfare or the Department of Health, as appropriate, from a family planning appropriation for the purpose of providing family planning services, including, but not limited to, any appropriation for women's medical services, family planning service programs authorized under Medicaid and any programs funded through a Social Services Block Grant or a Temporary Assistance for Needy Families Block Grant.

"Person." Includes a corporation, partnership, limited liability company, business trust, other association, government entity, estate, trust, foundation or natural person.

"Project." A group or set of family planning services or a combination of family planning services and other services which are funded in whole or in part from a family planning appropriation and which are furnished pursuant to a grant, contract or other agreement between a family planning services provider and the Department of Public Welfare or the Department of Health, as appropriate, or furnished by a subcontractor of such provider pursuant to such grant, contract or other agreement.

"Subcontractor." A person who furnishes family planning services directly to individuals pursuant to a grant, contract or other agreement between that person and a family planning services provider or other entity that contracts with such provider for the purpose of providing family planning services, if family planning services furnished to such individuals are funded from a family planning appropriation.

"Women's medical services." A line item appropriation for a program that expressly authorizes the expenditure of funds for women's medical services and contraceptives.

(1702-D added July 5, 2006, P.L.296, No.66)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 1703-D. Ban on use of family planning funds for abortion-related activities.

Except as provided in section 1705-D, no family planning services provider or subcontractor shall expend any funds received from a family planning services appropriation on abortion-related activities.

(1703-D added July 5, 2006, P.L.296, No.66)

Section 1704-D. Duties of family planning services providers and subcontractors.

(a) Physical and financial separation of abortion and family planning activities.--Each family planning services provider and subcontractor shall keep a project physically and financially separate from abortion-related activities conducted by that family planning services provider or subcontractor.

(b) Inclusion of restrictions in contracts.--The restrictions and conditions specified in this article shall be made a part of every grant, contract or other agreement between the Department of Public Welfare or the Department of Health, as appropriate, and each family planning services provider and every grant, contract or other agreement between a family planning services provider and a subcontractor.

(c) Inspections and audits.--A family planning services provider who also performs abortion-related activities shall obtain an annual independent audit of its facilities to assure compliance with the physical and financial separation requirements of this article. The audit shall be conducted in

accordance with standards prescribed by the Department of Public Welfare or the Department of Health, as appropriate, and shall be submitted to the department no later than January 30 of each year. Further evidence of such physical and financial separation shall be supplied through such documentation as the Department of Public Welfare or the Department of Health, as appropriate, shall request. The Department of Public Welfare or the Department of Health, as appropriate, shall make the audits required by this subsection available for public inspection and copying.

(1704-D added July 5, 2006, P.L.296, No.66)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 1705-D. Exclusions.

(a) Certain exclusions.--This article does not apply to any of the following:

(1) A licensed hospital.

(2) A family planning services provider who is a natural person, who is licensed to provide medical services in this Commonwealth and whose only public funding is through a medical assistance appropriation.

(b) Certain abortions.--No abortion, abortion counseling or abortion referral directly related thereto shall be deemed to fall within the definition of an abortion-related activity if:

(1) on the basis of the physician's good faith clinical judgment, the abortion is necessary to prevent the death of the mother or to prevent the serious risk of substantial and irreversible impairment of a major bodily function; or

(2) the abortion is performed in the case of a pregnancy caused by rape or incest.

(c) Certain Title X requirements.--The requirements of this article shall not apply to a family planning services provider or subcontractor that receives Federal funds pursuant to Title X of the Public Health Service Act (58 Stat. 682, 42 U.S.C. § 201 et seq.) to the extent that:

(1) the family planning services provider or subcontractor performs only those nondirective abortion counseling and referral services required under Title X; and

(2) failure to perform those services will result in the withholding of Federal funds.

(1705-D added July 5, 2006, P.L.296, No.66)

Section 1706-D. Reports to General Assembly.

No later than March 30 of each year, the Department of Public Welfare and the Department of Health shall submit a report to the chairman and minority chairman of the Appropriations Committee of the Senate, to the chairman and minority chairman of the Appropriations Committee of the House of Representatives, to the chairman and minority chairman of the Public Health and Welfare Committee of the Senate and to the chairman and minority chairman of the Health and Human Services Committee of the House of Representatives regarding the audits obtained pursuant to section 1704-D(c), including the number and findings of such audits, the adequacy of the documentation submitted and any recommendations to revise the verification process.

(1706-D added July 5, 2006, P.L.296, No.66)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 1707-D. Construction.

Nothing in this article shall be construed to:

(1) Repeal or otherwise restrict any provision of 18 Pa.C.S. Ch. 32 (relating to abortion).

(2) Prohibit the use of appropriations for which funding is permitted under 18 Pa.C.S. § 3215(c) (relating to publicly owned facilities; public officials and public funds) if funding for abortions is otherwise permitted under that appropriation and for any counseling or referral directly related thereto.

(3) Preclude, in addition to any remedy or penalty prescribed in this article, the exercise of any other civil or criminal remedy or penalty that is applicable to a failure to comply with this article.

(1707-D added July 5, 2006, P.L.296, No.66)

Section 1708-D. Expiration.

This article shall expire immediately upon enactment of legislation which expressly imposes additional substantive programmatic or fiscal restrictions on the funding or delivery of any State-funded family planning services or on the funding or delivery of any family planning services authorized under section 1115 of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1315).

(1708-D added July 5, 2006, P.L.296, No.66)

ARTICLE XVII-E

GENERAL BUDGET IMPLEMENTATION

(Art. added July 17, 2007, P.L.141, No.42)

SUBARTICLE A

PRELIMINARY PROVISIONS

(Subart. added July 17, 2007, P.L.141, No.42)

Section 1701-E. Applicability.

This article applies to appropriations from every General Appropriation Act.

(1701-E added July 17, 2007, P.L.141, No.42)

Section 1702-E. Definitions and abbreviations.

(a) Definitions.--The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Secretary." The Secretary of the Budget of the Commonwealth.

(b) Abbreviations.--The following abbreviations when used in this article shall have the meanings given to them in this section:

"AIDS." Acquired Immune Deficiency Syndrome.

"ARC." Appalachian Regional Commission.

"BG." Block Grant.

"CCDFBG." Child Care and Development Fund Block Grant.

"CSBG." Community Services Block Grant.

"DCSI." Drug Control and Systems Improvement Formula Grant Program.

"DFSC." Drug Free Schools and Communities Act.

"DOE." Department of Energy.

"EEOC." Equal Employment Opportunity Commission.

"EPA." Environmental Protection Agency.

"ESEA." Elementary and Secondary Education Act.

"FEMA." Federal Emergency Management Agency.

"FTA." Federal Transit Administration.

"HUD." Department of Housing and Urban Development.

"LIHEABG." Low-Income Home Energy Assistance Block Grant.

"LSTA." Library Services and Technology Act.
 "MCHSBG." Maternal and Child Health Services Block Grant.
 "MHBSBG." Mental Health Services Block Grant.
 "MR." Mental Retardation.
 "PAFE." Pennsylvania Agricultural Food Exposition.
 "PHHSBG." Preventive Health and Health Services Block Grant.
 "RSAT." Residential Substance Abuse Treatment.
 "SABG." Substance Abuse Block Grant.
 "SCDBG." Small Communities Development Block Grant.
 "SDA." Service Delivery Area.
 "SSBG." Social Services Block Grant.
 "TANF." Temporary Assistance for Needy Families.
 "TANFBG." Temporary Assistance for Needy Families Block Grant.
 "TEFAP." Temporary Emergency Food Assistance Program.
 "WIA." Workforce Investment Act.
 "WIC." Women, Infants and Children Program.
 (1702-E added July 17, 2007, P.L.141, No.42)
 Section 1703-E. Warrants (Reserved).
 (1703-E added July 17, 2007, P.L.141, No.42)
 Section 1704-E. Independent Fiscal Office revenue estimates.--(1704-E repealed June 28, 2019, P.L.101, No.15)
 Section 1705-E. Block grants.
 (a) Small Communities Development Block Grant.--The Small Communities Development Block Grant (SCDBG) is to assist small cities and communities that have a high concentration of impoverished citizens and substandard housing to expand their low-income and moderate-income housing opportunities and to meet community development needs.
 (b) Community Services Block Grant.--The Community Services Block Grant (CSBG) is to provide a range of services and activities having a measurable and potentially major impact on the causes of poverty in the community or those areas of the community where poverty is a particularly acute problem. In addition, new focus may be placed on the unemployed, both old and new. Local agencies may lower their eligibility requirements for recipients to three months to allow greater flexibility to assure proper consideration of each recipient.
 (c) Preventive Health and Health Services Block Grant.--The Preventive Health and Health Services Block Grant (PHHSBG) is for the provision of preventive health and other health services related to emergency medical systems, health initiative grants, comprehensive public health, hypertension, fluoridation, health education, risk reduction, home health, rape crisis and domestic violence services.
 (d) Maternal and Child Health Services Block Grant.--The Maternal and Child Health Services Block Grant (MCHSBG) is to enable states to maintain and strengthen their leadership in planning, promoting, coordinating and evaluating health care for pregnant women, mothers, infants and children and children with special health care needs and in providing health services for mothers and children who do not have access to adequate health care.
 (e) Low-Income Home Energy Assistance Block Grant.--The Low-Income Home Energy Assistance Block Grant (LIHEABG) is to help lessen the impact of the high cost of energy on low-income families and individuals, including energy efficiency grants for low-income dwellings. No less than 15% of the LIHEABG funds received shall be used for weatherization. LIHEABG funds received pursuant to a Presidential release of contingency funds shall be exempt from the 15% requirement.

(f) Social Services Block Grant.--The Social Services Block Grant (SSBG) is for the provision of social services to eligible persons.

(g) Mental Health Services Block Grant.--The Mental Health Services Block Grant (MHSBG) provides funds for the provision of services to adults with serious mental illness or children with serious emotional disturbance.

(h) Substance Abuse Block Grant.--The Substance Abuse Block Grant (SABG) provides funds to establish and maintain programs to combat drug and alcohol abuse.

(i) Child Care and Development Fund Block Grant.--The Child Care and Development Fund Block Grant (CCDFBG) is for the provision of direct child care for low-income families.

(j) Temporary Assistance for Needy Families Block Grant.--The Temporary Assistance for Needy Families Block Grant (TANFBG) provides funds for the provision of cash grants, child care, training and support services, child welfare and administration for eligible families and individuals.

(1705-E added June 28, 2019, P.L.173, No.20)
Section 1706-E. Reports to General Assembly.

(a) Independent Fiscal Office.--The Independent Fiscal Office shall evaluate the economic impact to the Commonwealth, its industry partners and consumers for any regulation impacting single-use plastics, reusable plastics, auxiliary containers, wrappings or polystyrene containers and submit a full report of its findings to the General Assembly no later than July 1, 2020.

(b) Legislative Budget and Finance Committee.--The Legislative Budget and Finance Committee shall evaluate the environmental impact and any impact upon residents of this Commonwealth from any regulation impacting single-use plastics, reusable plastics, auxiliary containers, wrappings or polystyrene containers and submit a full report of its findings to the General Assembly no later than July 1, 2020.

(c) Prohibition.--Until such time as the Independent Fiscal Office and the Legislative Budget and Finance Committee submit the reports required under subsections (a) and (b), respectively, the General Assembly or a local governmental body or agency may not enact a law, rule, regulation or ordinance imposing a tax on or relating to the use, disposition, sale, prohibition or restriction of single-use plastics, reusable plastics, auxiliary containers, wrappings or polystyrene containers.

(d) State of emergency.--The General Assembly or a local governmental body or agency may not enact or enforce a law, rule, regulation or ordinance imposing a tax on or relating to the use, disposition, sale, prohibition or restriction of single-use plastics, auxiliary containers, wrappings or polystyrene containers, until July 1, 2021, or six months after the order issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency, whichever is later. ((d) added May 29, 2020, P.L.158, No.23)

(1706-E added June 28, 2019, P.L.173, No.20)

SUBARTICLE B
EXECUTIVE DEPARTMENT
(Subart. added July 17, 2007, P.L.141, No.42)

Section 1711-E. Governor (Reserved).

(1711-E added July 17, 2007, P.L.141, No.42)
Section 1712-E. Executive Offices.

(a) Appropriations.--The following shall apply to appropriations for the Executive Offices:

(1) Pennsylvania Commission on Crime and Delinquency. Funds remaining after application of section 202 of a General Appropriation Act for the appropriation for grants-in-aid for intermediate punishment programs shall be distributed to counties based on the following formula:

(i) Fifty percent shall be based on the proportion of offenders diverted from the county prison system to county intermediate punishment programs.

(ii) Fifty percent shall be based on the proportion of offenders diverted from the State correctional system to the county prison system.

(2) Grants for specialized probation services, including school-based, community-based, intensive supervision and aftercare services, shall be provided in accordance with standards adopted by the Juvenile Court Judges Commission.

(3) Money appropriated for violence intervention and prevention shall be used solely to provide grants and technical assistance to community-based organizations, institutions of higher education, municipalities, district attorneys and other entities in accordance with section 1306-B(b) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, and notwithstanding section 1306-B(h)(7) of the Public School Code of 1949 for programs eligible under section 1306-B(j)(22) of the Public School Code of 1949. ((3) added Dec. 13, 2023, P.L.251, No.34)

(4) Notwithstanding any other provision of law, the deposit of costs under section 1101(b)(4) of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, into the local victim services fund established in each county under section 1101 of the Crime Victims Act shall apply to all costs regardless of the date of the offense or when the offender was placed on probation, parole, accelerated rehabilitative disposition, probation without verdict or intermediate punishment. ((4) added Dec. 13, 2023, P.L.251, No.34)

(5) Notwithstanding any other provision of law, the deposit of all the fees under section 1102(c) of the Crime Victims Act into the County Supervision Fee Restricted Receipts Account established in each county under section 1102 of the Crime Victims Act shall apply to all supervision fees regardless of the date on which the offender was placed on probation, parole, accelerated rehabilitative disposition, probation without verdict or intermediate punishment. ((5) added Dec. 13, 2023, P.L.251, No.34)

(b) Purchase cards.--The Office of the Budget shall, where practicable, maximize the use of purchase cards for financial transactions involving the Commonwealth in accordance with an interagency agreement establishing usage guidelines between the office and the Treasury Department.

(c) Treasury Offset Program.--

(1) The Office of the Budget is authorized to enter into an agreement with the United States to participate in the Treasury Offset Program under 31 U.S.C. § 3716 (relating to administrative offset) for the collection of any debts owed to Commonwealth agencies. The agreement may provide for the United States to submit debts owed to Federal agencies for offset against Commonwealth payments and provide for the Commonwealth to submit debts owed to Commonwealth agencies for offset against Federal payments.

(2) The Treasurer of the United States shall reduce any Commonwealth payment by the amount of any Federal debt submitted in accordance with the agreement authorized by this subsection and pay the amount to the appropriate Federal official in accordance with the procedures specified in the agreement.

(3) Within 90 days of the effective date of this paragraph, the Office of the Budget shall begin discussions with the United States Department of the Treasury, Bureau of the Fiscal Service to establish a reciprocal offset agreement under paragraphs (1) and (2).

((c) amended July 13, 2016, P.L.664, No.85)

(d) Non-State financial participation.--For the purpose of determining non-State financial participation for a redevelopment assistance capital project as defined under section 302 of the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, money distributed to counties under 58 Pa.C.S. § 2314(d) (relating to distribution of fee) may not be considered State funds if the redevelopment assistance capital project serves a purpose which is an eligible use under 58 Pa.C.S. § 2314(g). ((d) added July 11, 2022, P.L.540, No.54)

(1712-E amended June 30, 2011, P.L.159, No.26)

Section 1713-E. Lieutenant Governor (Reserved).

(1713-E added July 17, 2007, P.L.141, No.42)

Section 1714-E. Attorney General (Reserved).

(1714-E added July 17, 2007, P.L.141, No.42)

Section 1715-E. Auditor General.

The following shall apply to appropriations to the Auditor General:

(1) Funds appropriated to the Department of the Auditor General shall be for the purpose of performing postaudits in accordance with generally accepted government auditing standards.

(2) By March 31, the Auditor General shall deliver to the Office of the Budget a complete annual audit of Commonwealth-managed federally funded programs in accordance with the Single Audit Act of 1984 (Public Law 98-502, 31 U.S.C. § 7501 et seq.) and related guidance issued by the Office of Management and Budget, or the Auditor General and the Office of the Budget must agree in writing that extenuating circumstances prevent the Auditor General from completing the audit by the specified date. If there is noncompliance with this paragraph, the State Treasurer shall not authorize the release of any funds appropriated to the Auditor General in the quarter following the failure of the Auditor General to deliver the audit until the Auditor General completes the audit and delivers it to the Office of the Budget. The Auditor General shall not bill any Commonwealth agency to make up for any funding deficiency caused by the State Treasurer withholding payments under this paragraph.

(3) The Auditor General shall provide the Office of the Budget a Single Audit Engagement Letter, including the total cost to perform the audit and a timeline each year for annual funding approval.

(1715-E amended July 2, 2012, P.L.823, No.87)

Section 1716-E. Treasury Department.

The following shall apply to appropriations to the Treasury Department:

(1) Payments for the Commonwealth's portion of expenses of councils, commissions, conferences, boards, associations,

coalitions and institutes shall be made only on requisition of the Governor on behalf of the organization, which shall file an accounting of expenses with the Auditor General.

(2) (Reserved).

(1716-E added July 17, 2007, P.L.141, No.42)

Section 1716.1-E. Insurance Restructuring Restricted Receipt Account.

(1716.1-E repealed July 9, 2008, P.L.885, No.62)

Section 1717-E. Department of Aging (Reserved).

(1717-E added July 17, 2007, P.L.141, No.42)

Section 1718-E. Department of Agriculture.

(a) Appropriations.--The following shall apply to appropriations for the Department of Agriculture:

(1) No expenditures may be made from the appropriation for the payment to the State Farm Products Show Fund or from the State Farm Products Show Fund for any activities associated with the PAFE unless such activities take place on the premises of the Farm Show Complex, Harrisburg, Pennsylvania.

(2) The department may make allocations of appropriations for development and operation of an open livestock show, for planning and staging of an open dairy show and for promotion and holding of annual local, regional and State 4H clubs and Future Farmers of America dairy shows as it deems appropriate, to an association whose purposes are in accord with the purposes and intent of the appropriations. Allocations under this paragraph shall be used for the development and operation of Livestock, Dairy and Junior Dairy Shows in the Pennsylvania Farm Show Complex, provided that the funds allocated by the department shall only be used for the specific items approved by the department in advance.

(3) No money appropriated from the Motor License Fund for maintenance and improvement of dirt, gravel and low-volume State and municipal roads under 75 Pa.C.S. § 9106 (relating to dirt, gravel and low-volume road maintenance) may be used on land owned or otherwise under the control of the Pennsylvania Game Commission. ((3) added Dec. 13, 2023, P.L.251, No.34)

(b) Pennsylvania Malt and Brewed Beverages Industry Promotion Board.--The members of the Pennsylvania Malt and Brewed Beverages Industry Promotion Board established under section 446.1 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, shall be entitled to reimbursement from the Department of Agriculture for reasonable and necessary expenses incurred in connection with the performance of their duties as members of the board.

(1718-E amended Oct. 30, 2017, P.L.725, No.44)

Section 1719-E. Department of Community and Economic Development.

(a) Appropriations.--The following shall apply to appropriations for the Department of Community and Economic Development:

(1) No more than 20% of funds appropriated for grants under the act of May 20, 1949 (P.L.1633, No.493), known as the Housing and Redevelopment Assistance Law, shall be allocated to any one political subdivision.

(2) (Reserved).

(a.1) Authorization.--Notwithstanding the provisions of sections 301.2 and 304 of the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement

Zone Act, if the Governor, by executive order, had previously designated property as a proposed improvement subzone in a township of the second class located in a county of the second class A, no later than December 31, 2020, a political subdivision may apply to the department for approval of the designation of the previously designated subzone as a Keystone Opportunity Improvement Zone. A Keystone Opportunity Improvement Zone designated under this subsection shall conform to the requirements of the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act and shall begin on January 1, 2021, and expire on December 31, 2035. ((a.1) added Nov. 23, 2020, P.L.1140, No.114)

(a.2) (Reserved). ((a.2) added Dec. 13, 2023, P.L.251, No.34)

(a.3) Designation.--Notwithstanding the provisions of the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act, a business operating within any portion of any real property designated as a Keystone Opportunity Zone, Keystone Opportunity Expansion Zone or Keystone Opportunity Improvement Zone under the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act which would otherwise qualify as a "qualified business" as defined in the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act, and any owner of any portion of the real property shall, for a time period not to expire until the actual expiration of all of the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone designations of any portion of the entire real property, be entitled to the same State tax benefits and relief afforded to such parties as if the real property in question were entirely designated as a Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone. The real property must:

- (1) be located within a city and county of the first class;
- (2) be at least 1,200 acres in the aggregate, regardless of being comprised of different real estate tax parcels;
- (3) be entirely owned by one entity; and
- (4) have over 50% of its acreage designated as a Keystone Opportunity Zone, Keystone Opportunity Expansion Zone or Keystone Opportunity Improvement Zone.

((a.3) added Dec. 13, 2023, P.L.251, No.34)

(b) Expenditures for media advertising.--The provisions of the act of December 20, 2015 (P.L.497, No.90), known as the Taxpayer-Funded Advertising Transparency Act, shall not apply to expenditures for media advertising authorized for the Department of Community and Economic Development under section 4 or 5 of the act of May 10, 1939 (P.L.111, No.51), known as the Commerce Law.

(c) Notwithstanding any other provision of law to the contrary, in addition to the powers granted to an authority under 53 Pa.C.S. § 5607 (relating to purposes and powers), an authority may:

- (1) Perform the replacement or remediation of private water laterals and private sewer laterals for customers of the authority if the authority determines that the replacement or remediation will benefit the public health, public water supply system or public sewer system. No authority that has performed a replacement or remediation shall be deemed to be the owner of a private water lateral

or private sewer lateral or be obligated to perform any other duties unless determined necessary by the authority.

(2) Use public funds and utilize authority employees for the replacement or remediation of private water laterals and private sewer laterals if the authority determines that the replacement or remediation will benefit the public health, public water supply system or public sewer system. Before using public funds the authority shall consider the availability of public funds, equipment, personnel and facilities and the competing demands of the authority for public funds, equipment, personnel and facilities.

(3) Construct and maintain water or sanitary sewer pump stations, public water distribution systems, public sewer collection systems or similar general construction services within the service area of the authority or by contract or agreement with the authority.

(c.1) Additional keystone opportunity expansion zones.--

(1) Subject to the criteria specified in section 1921-D (b) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, within a county described in section 1921-D(a)(2) of the Tax Reform Code of 1971, the department may designate additional keystone opportunity expansion zones under Part III of Article XIX-D of the Tax Reform Code of 1971 not to exceed 200 acres, of which an area not exceeding 80 acres shall be situated in a borough of that county with a population of between 315 and 325, based on the 2010 Federal decennial census.

(2) In order to receive a designation under this subsection, the department must receive an application from a political subdivision or its designee no later than October 1, 2025. The application must contain the information required under section 302(a)(1), (2)(i) and (ix), (5) and (6) of the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act.

(3) The department, in consultation with the Department of Revenue, shall review the application and, if approved, issue a certification of all tax exemptions, deductions, abatements or credits under the Tax Reform Code of 1971 for the zone within three months of receipt of the application.

(4) The department shall act on an application for a designation under section 302(a)(1) of the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act by December 31, 2025.

(5) The department may make designations under section 1921-D of the Tax Reform Code of 1971 and this subsection on a rolling basis during the application period.

(6) If the department does not approve of a designation as an additional keystone opportunity expansion zone of a parcel under this subsection, the department shall hold a public hearing in the municipality for which the application was made within 30 days of the disapproval. The Secretary of Community and Economic Development, or a designee, shall provide the information described under section 1921-D(e) of the Tax Reform Code of 1971 at the public hearing.

((c.1) added Dec. 13, 2023, P.L.251, No.34)

(d) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Authority." An authority incorporated under 53 Pa.C.S. Ch. 56 (relating to municipal authorities).

"Department." The Department of Community and Economic Development of the Commonwealth. (Def. added Nov. 23, 2020, P.L.1140, No.114)

"Private sewer lateral." A line on a property upon which a building or structure is located that connects to a public sewer system.

"Private water lateral." A line on a property upon which a building or structure is located that connects to a public water system.

"Subzone." As defined in the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act. (Def. added Nov. 23, 2020, P.L.1140, No.114)

(1719-E amended Oct. 30, 2017, P.L.725, No.44)

Section 1719.1-E. Pennsylvania Infrastructure Investment Authority Accounts.

Fifteen million dollars in funds allocated to PENNVEST under 27 Pa.C.S. § 6104(d)(6) (relating to fund) shall be transferred from the authority to the Pennsylvania Gaming Economic Development and Tourism Fund. Funds deposited into the Pennsylvania Gaming Economic Development and Tourism Fund shall be included in fund distribution made under section 301 of the act of July 9, 2008 (P.L.908, No.63), known as the H2O PA Act, and shall be used by the Commonwealth Financing Authority to support the H2O program established in that act. The Commonwealth Financing Authority shall repay to the authority the funds transferred under this section by June 30, 2020. Section 10(f) of the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, shall not apply to this transfer.

(1719.1-E added June 30, 2011, P.L.159, No.26)

Section 1720-E. Department of Conservation and Natural Resources.

(a) Appropriations.--The following shall apply to appropriations for the Department of Conservation and Natural Resources:

(1) The department shall, in consultation with the Department of Transportation, develop, open and maintain an ATV trail connecting the Whiskey Springs ATV trail to the Blood Skillet ATV trail by utilizing existing State roads and State forest roads by April 1, 2020.

(2) The department shall, in consultation with the Department of Transportation, implement the full Northcentral Pennsylvania ATV initiative and create a network of ATV trails connecting Clinton County to the New York State border by utilizing existing State roads and State forest roads by April 1, 2024.

(b) Regional ATV pilot program for department lands.--

(1) The department shall establish a regional pilot program for ATV use on department lands.

(2) As part of the pilot program, by December 31, 2020, the department shall:

(i) evaluate department forest districts, including Elk, Moshannon, Sproul, Susquehannock and Tioga, for roads and trails to serve as potential regional connectors and to provide local access or serve as a trail complex for ATV use; and

(ii) perform an assessment regarding charging fees for access to the department ATV pilot area.

(3) Beginning January 2021, the department shall:

(i) consult with local community leaders to assess their interest in and the feasibility of a department ATV pilot area;

(ii) perform outreach to affected communities and stakeholders; and

(iii) map, mark and designate roads and trails in the department ATV pilot area for use as permitted under this subsection.

(4) Upon completion of the requirements under paragraphs (2) and (3), the department may apply a fee and sell tags for access to the department ATV pilot area using a tag system to designate access.

(5) The department shall provide access to the department ATV pilot area for the 2021 summer ATV riding season from the Friday before Memorial Day through the last full weekend in September, in addition to an extended season to be determined by the department based on local conditions.

(5.1) The department shall provide access to the department ATV pilot area for at least the 2024 and 2025 summer ATV riding season from the Friday before Memorial Day through the last full weekend in September, in addition to an extended season to be determined by the department based on local conditions. ((5.1) added Dec. 13, 2023, P.L.251, No.34)

(6) In order to access the department ATV pilot area roads or trails, a person with a registration under 75 Pa.C.S. § 7711.1 (relating to registration of snowmobile or ATV) must apply for, obtain and prominently display a department ATV pilot area tag upon the ATV machine.

(7) The fee per tag shall be determined by the department during the pilot program assessment under paragraph (2)(ii). The tags shall be dispersed on a calendar-year basis.

(8) All fees collected under this subsection shall be deposited into the restricted account as provided for under 75 Pa.C.S. § 7706(a)(1) (relating to restricted accounts) and shall be allocated to the department's ATV Fund which funds ATV activities, enforcement and maintenance on department lands, as provided for in 75 Pa.C.S. § 7706(b).

(9) The department shall monitor the use, enforcement, maintenance needs and any associated impacts to State Forest land resources, value and forest users resulting from the department ATV pilot area. On or before December 31, 2023, and every three years thereafter, the department shall submit a report to the General Assembly on the department ATV pilot area. ((9) amended Dec. 13, 2023, P.L.251, No.34)

(10) As used in this subsection, the term "department" means the Department of Conservation and Natural Resources of the Commonwealth.

(c) Pennsylvania Game Commission lands.--Money appropriated from the Motor License Fund for the maintenance and mitigation of dust and sediment pollution from parks and forestry roads under 75 Pa.C.S. § 9106 (relating to dirt, gravel and low-volume road maintenance) may not be used on lands owned or otherwise under the control of the Pennsylvania Game Commission. ((c) added Dec. 13, 2023, P.L.251, No.34)

(1720-E amended Nov. 23, 2020, P.L.1140, No.114)
Section 1721-E. Department of Corrections.

(a) Appropriations.--The following shall apply to appropriations for the Department of Corrections:

(1) When making expenditures from appropriations for the operation of State correctional institutions, the

Department of Corrections shall give consideration to minimum relief factor values calculated when determining staffing levels for corrections officers and food service instructors at each State correctional institution.

(2) The annual general government operations funding for the Pennsylvania Parole Board shall be appropriated to the Department of Corrections via a separate line item appropriation.

(3) The annual general government operations funding for the Board of Pardons shall be appropriated to the Department of Corrections via a separate line item appropriation.

(b) (Reserved).

(1721-E amended July 11, 2022, P.L.540, No.54)

Compiler's Note: Section 9(1.1)(i) of Act 50 of 2009, which amended section 1721-E, provided that the amendment shall apply retroactively to July 1, 2009.

Section 1722-E. Department of Education.

(a) General rule.--For the 2010-2011 school year and every school year thereafter, payments under section 1376.1(b.2) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, for a chartered school that establishes a satellite campus with the approval of the department for the purpose of enrolling students previously enrolled in a school for the deaf formerly operated by the Commonwealth shall, in addition to any amount otherwise calculated under section 1376.1(b.2), include the amount provided in fiscal year 2009-2010 pursuant to section 1722-J(10)(ii). The total shall be subject to the annual adjustment under section 1376.1(b.2) (1) of the Public School Code of 1949.

(b) Additional funding.--For the 2010-2011 and 2011-2012 school years, in addition to any other funds provided to it, the department shall provide to a chartered school that establishes a satellite campus with approval of the department for the purpose of enrolling students previously enrolled in a school for the deaf formerly operated by the Commonwealth, out of funds appropriated to the department, an amount equal to \$500,000 annually to the extent appropriated by the General Assembly.

(c) Educational access program funding.--The amount of educational access program funding received in the 2017-2018 fiscal year by a school district identified for financial watch status under section 694-A of the Public School Code of 1949, during the 2016-2017 school year shall be deemed to be a part of the school district's allocation amount under section 2502.53(b)(1) of the Public School Code of 1949 for the 2017-2018 school year and each school year thereafter. ((c) added Oct. 30, 2017, P.L.725, No.44)

(d) Maximum school district market value.--Beginning July 1, 2017, for the purposes of the calculations described in section 2501(14) and (14.1) of the Public School Code of 1949, a school district's market value shall not exceed \$47,000,000,000 and, in each subsequent year, the maximum market value shall be increased by the percentage increase in market value for all school districts. ((d) added Oct. 30, 2017, P.L.725, No.44)

(e) Payments to qualifying school districts.--From money appropriated for payment of basic education funding to school districts in the 2021-2022 fiscal year, the Commonwealth shall pay to qualifying school districts an allocation for the

2020-2021 school year payable in the 2021-2022 fiscal year as follows:

(1) There shall be a determination of the qualifying school districts with an amount less than or equal to the amount that represents the 20th percentile for all school districts in the following calculation:

(i) For each of the five preceding school years, calculate the following:

(A) For each school district, the sum of the amount of student weights calculated under section 2502.53(c)(1)(ii), (iii), (iv), (v) and (vi) of the Public School Code of 1949, and the amount of weighted special education headcounts calculated under section 2509.5(bbb)(2)(i) of the Public School Code of 1949.

(B) For each school district, divide the current expenditures by the sum calculated for the school district in clause (A).

(C) For each school district, calculate the average of the quotients calculated under clause (B).

(2) Qualifying school districts determined under paragraph (1) shall receive an amount calculated as follows:

(i) For each qualifying school district, multiply the product in section 2502.53(b)(2)(i) of the Public School Code of 1949 for the 2020-2021 school year by \$100,000,000.

(ii) Divide the product in subparagraph (i) by the sum of the products in section 2502.53(b)(2)(i) of the Public School Code of 1949 for the 2020-2021 school year for all qualifying school districts.

(3) Payments made under this subsection shall be deemed to be part of the school district's allocation amount under section 2502.53(b)(1) of the Public School Code of 1949 for the 2021-2022 school year and each school year thereafter.

(4) The provisions contained in sections 2502.53 and 2509.5 of the Public School Code of 1949 shall apply to the calculation of the respective factors in this subsection.

((e) added June 30, 2021, P.L.62, No.24)

(f) Payments from basic education funding or school employees' Social Security appropriations prohibited.--Notwithstanding section 1724-A of the Public School Code of 1949 or 24 Pa.C.S. § 8329 (relating to payments on account of social security deductions from appropriations), no payments shall be made to charter schools, regional charter schools or cyber charter schools authorized under Article XVII-A of the Public School Code of 1949 to provide for Social Security and Medicare contributions from money appropriated for basic education funding or school employees' Social Security. ((f) added July 11, 2022, P.L.540, No.54)

(g) Payments from required contributions for public school employees' retirement appropriations prohibited.--Notwithstanding section 1724-A of the Public School Code of 1949 or 24 Pa.C.S. §§ 8326 (relating to contributions by the Commonwealth) and 8535 (relating to payments to school entities by Commonwealth), no payments shall be made to charter schools, regional charter schools or cyber charter schools authorized under Article XVII-A of the Public School Code of 1949 from money appropriated for payment of required contributions for public school employees' retirement. ((g) added July 11, 2022, P.L.540, No.54)

(1722-E amended Oct. 9, 2009, P.L.537, No.50)

Compiler's Note: Section 9(1.1)(ii) of Act 50 of 2009, which amended section 1722-E, provided that the amendment shall apply retroactively to July 1, 2009.

Section 39(3) of Act 54 of 2022, which added section 1722-E(f) and (g), provided that the addition of section 1722-E(f) and (g) shall apply retroactively to July 1, 2022.

Section 1723-E. Department of Environmental Protection.

(a) Assessment of fee.--The Department of Environmental Protection may assess a fee to applicants who apply for funds under section 306 of the act of July 9, 2008 (1st Sp.Sess., P.L.1873, No.1), known as the Alternative Energy Investment Act. The department shall publish the fee on its publicly accessible Internet website. Proceeds from the fee shall be used to administer the provision of loans, grants, reimbursements or rebates under section 306 of the Alternative Energy Investment Act. No fee authorized under this section may exceed \$150 for commercial applicants and \$100 for residential applicants.

(b) Prohibition.--Beginning with fiscal year 2020-2021, the Department of Environmental Protection shall be prohibited from authorizing a grant or other payments or reimbursements totaling more than \$280,000 from any fees or penalties collected or money appropriated to it by the General Assembly from Commonwealth revenue sources or Federal revenue sources to complete the data analysis and report requirements of section 18.1 of the act of April 27, 1966 (1st Sp.Sess., P.L.31, No.1), known as The Bituminous Mine Subsidence and Land Conservation Act. Payments or reimbursements for the completion of subsequent data analysis and report requirements of section 18.1 of the Bituminous Mine Subsidence and Land Conservation Act shall be adjusted for inflation based on the United States Bureau of Labor Statistic's Consumer Price Index.

(1723-E amended Nov. 23, 2020, P.L.1140, No.114)

Compiler's Note: Section 9(2) of Act 50 of 2009, which amended section 1723-E, provided that the amendment shall apply retroactively to May 1, 2009.

Section 1724-E. Department of General Services.

(a) Capitol Complex management.--The following shall apply to the management of the Capitol Complex by the Department of General Services:

(1) The General Assembly shall provide annual appropriations to support the provision of fire services to the Capitol Complex in the City of Harrisburg.

(2) The Department of General Services shall ensure that no flag other than the United States flag, the Pennsylvania flag or a flag authorized under the act of March 4, 1970 (P.L.128, No.49), entitled "An act granting to the Governor of the Commonwealth the sole authority for regulating the display of the flag of the United States from any public ground or building and from any ground or building of certain other institutions," shall be flown over the Pennsylvania State Capitol Building or on Pennsylvania State Capitol grounds.

(3) The Department of General Services shall ensure that no banners, posters, temporary signage or other similar material, except for informational material to aid navigation of the facilities or signage necessary for health or safety, shall be displayed on the outside of the Pennsylvania State

Capitol Building, including its alcoves, balconies and windows.

((a) amended Nov. 23, 2020, P.L.1140, No.114)

(b) Farm Show Complex restricted revenue account.--A restricted account is hereby created within the General Fund. Each fiscal year, the State Treasurer, after consultation with the Secretary of the Budget and Secretary of General Services, shall transfer into the restricted account the amount from the general revenues of the Commonwealth collected under Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, that is necessary for the Department of General Services to make payments due each fiscal year under contract number 2018-OCC7364 beginning with the 2019-2020 fiscal year. Monies deposited in the account are hereby appropriated by the General Assembly to the Department of General Services for the payment of such costs.

(c) Assistance with duties relating to bills or amendments to transfer Commonwealth lands.--Upon request of the Department of General Services, an agency, department, board or commission of the executive branch of the Commonwealth shall assist the Department of General Services in providing either chamber of the General Assembly information on a bill or an amendment to a bill which would grant or convey Commonwealth lands, take the title of lands as Commonwealth lands or transfer or alter easements, covenants, appurtenances to property or other interests in land owned by the Commonwealth. ((c) added June 30, 2021, P.L.62, No.24)

(1724-E amended June 28, 2019, P.L.173, No.20)
Section 1724.1-E. Pennsylvania Gaming Control Board.

(a) Required deposit.--Notwithstanding 4 Pa.C.S. Pt. II (relating to gaming) or any other provision of law to the contrary, any payment of a slot machine license fee under 4 Pa.C.S. § 1209 (relating to slot machine license fee) received by the Pennsylvania Gaming Control Board after June 30, 2014, shall be deposited in and credited to the General Fund.

(b) Deadlines for fees.--The following shall apply:

(1) Notwithstanding 4 Pa.C.S. Pt. II or any other provision of law to the contrary, for any slot machine license issued in the 2016-2017 fiscal year the board shall require the slot machine license fee under subsection (a) and the fee under 4 Pa.C.S. § 13A61 (relating to table game authorization fee) to be paid in full no later than June 30, 2017.

(2) Notwithstanding 4 Pa.C.S. Pt. II or any other provision of law to the contrary, for any slot machine license issued in the 2017-2018 fiscal year, the board shall require the slot machine license fee under subsection (a) and the fee under 4 Pa.C.S. § 13A61 to be paid in full no later than June 30, 2018.

(c) Category 4 slot machine license auctions.--Notwithstanding 4 Pa.C.S. Pt. II or any other provision of law to the contrary, the following shall apply:

(1) Beginning no later than September 4, 2019, and concluding by December 31, 2019, the board shall conduct up to five auctions for the remaining available Category 4 slot machine licenses, subject to the limitations under paragraphs (2) and (2.1).

(2) In conducting the auctions, the following shall apply:

(i) The board shall conduct auctions according to the procedures under 4 Pa.C.S. § 1305.2(c) (relating to conduct of auctions).

(ii) The board shall set the date, time and location of the auctions at least two weeks prior to the first auction and make auction information available on the board's publicly accessible Internet website.

(iii) Additional auctions shall take place until either no remaining Category 4 slot machine licenses remain or until an auction fails to generate a bid.

(iv) If an auction fails to generate a bid, no further auctions shall be conducted.

(v) Eligible bidders shall only be slot machine licensees as defined under 4 Pa.C.S. § 1103 (relating to definitions) which satisfy the following:

(A) the slot machine licensee's license and table games operation certificate are in good standing with the board; and

(B) the slot machine licensee agrees to locate a Category 4 licensed facility as provided under 4 Pa.C.S. § 1305.1(b)(1), (3), (4), (5), (6) and (7) (relating to Category 4 slot machine license).

(2.1) A winning bidder's Category 4 location may not be located within 40 linear miles of a licensed facility or another Category 4 location, as those terms are defined under 4 Pa.C.S. § 1103.

(3) Upon conclusion of the auctions under this subsection, the board may not conduct an additional auction of Category 4 licenses, including an auction authorized under 4 Pa.C.S. § 1305.2(b.1).

(4) Each Category 4 slot machine license fee under 4 Pa.C.S. § 1305.1(e) and authorization fee under 4 Pa.C.S. § 1305.1(d)(3)(ii) shall be deposited in accordance with 4 Pa.C.S. § 1305.2(d).

(5) The provisions of 4 Pa.C.S. § 1305.1(a), (b)(1), (3), (4), (5), (6) and (7), (c), (d), (e), (f) and (g) shall apply to this subsection.

(c.1) Sports wagering certificate holders.--The following apply:

(1) In addition to the locations provided under 4 Pa.C.S. §§ 13C11 (relating to authorization to conduct sports wagering) and 13C21 (relating to authorized locations for operation), a Category 1, Category 2 or Category 3 slot machine licensee that holds a sports wagering certificate and is an affiliate of a Category 4 slot machine licensee may conduct sports wagering at a Category 4 licensed facility under the Category 1, Category 2 or Category 3 slot machine licensee's sports wagering certificate.

(2) For purposes of this subsection, the term "affiliate" shall have the same meaning as under 4 Pa.C.S. § 1103.

((c.1) added May 29, 2020, P.L.158, No.23)

(d) Category 1 slot machine license.--The board may not award a Category 1 slot machine license which has not been awarded as of the effective date of this subsection.

(e) Category 4 slot machine license auction.--Notwithstanding 4 Pa.C.S. Pt. II or any other provision of law to the contrary, the following shall apply:

(1) Within 90 days of the effective date of this subsection, the board shall conduct an auction pursuant to 4 Pa.C.S. § 1305.2(c)(12) of any Category 4 slot machine license for which the board has denied the application filed by the winning bidder of an initial auction, subject to the limitations under paragraphs (2), (3) and (4).

(2) In conducting the auction under this subsection, the following shall apply:

(i) The board shall conduct the auction according to the procedures under 4 Pa.C.S. § 1305.2(c).

(ii) The board shall set the date, time and location of the auction at least two weeks prior to the auction and make auction information available on the board's publicly accessible Internet website.

(iii) If the auction fails to generate a bid, further auctions may not be conducted.

(iv) Eligible bidders must be one of the following:

(A) A slot machine licensee as defined under 4 Pa.C.S. § 1103 that satisfies the following:

(I) the slot machine licensee's license and table games operation certificate are in good standing with the board; and

(II) the slot machine licensee agrees to locate a Category 4 licensed facility as provided under 4 Pa.C.S. § 1305.1(b)(1), (3), (4), (5), (6) and (7).

(B) A person with an ownership interest in a slot machine licensee as defined under 4 Pa.C.S. § 1103 that satisfies the following:

(I) the person holds a license in good standing issued by the board;

(II) the person satisfies the requirements of 4 Pa.C.S. Part II and any criteria established by the board for licensure, including, but not limited to, financial and character suitability requirements, and has been approved by the board; and

(III) the person agrees to locate a Category 4 licensed facility as provided under 4 Pa.C.S. § 1305.1(b)(1), (3), (4), (5), (6) and (7).

(3) A winning bidder's Category 4 location may not be located within 40 linear miles of a licensed facility, as defined under 4 Pa.C.S. § 1103, or a proposed Category 4 licensed facility.

(4) A winning bidder that is not an existing slot machine licensee shall follow the procedures set forth under 4 Pa.C.S. § 1305.1(d)(3)(iii) by filing a petition with the board to operate slot machines and paying the authorization fee per authorized slot machine.

((e) added May 29, 2020, P.L.158, No.23)

(e.1) County redevelopment authorities.--The following apply:

(1) In addition to municipalities that are eligible to receive grant funding under 4 Pa.C.S. § 1403(c)(2)(i)(D)(I) (relating to establishment of State Gaming Fund and net slot machine revenue distribution), a county redevelopment authority within a home rule county of the third class shall:

(i) be eligible to receive grant funding; and

(ii) upon notification to the Department of Community and Economic Development of the issuance of debt, receive the sum of \$3,000,000 annually for a period of 25 years for the purpose of funding debt service related to the construction, maintenance and upgrades of public infrastructure projects located within the county.

(2) Projects funded from the proceeds of a debt issuance by a county redevelopment authority under paragraph (1)(ii) shall be:

(i) made through an application to the county redevelopment authority; and

(ii) subject to the approval of the Commonwealth Financing Authority.

(3) After the issuance of debt by the county redevelopment authority, payments made under paragraph (1)(ii) shall be made prior to award of any other grants as authorized under 4 Pa.C.S. § 1403(c)(2)(i)(D)(I).

(4) For all aspects of construction under this provision, qualified contractors and subcontractors must demonstrate that they maintain all valid licenses, registrations or certificates required by Federal, State or local governments and are in compliance with the following:

(i) The act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act.

(ii) The act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law.

(iii) The act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act.

((e.1) added June 30, 2021, P.L.62, No.24)

(f) Temporary regulations.--Notwithstanding any other provision of law, the temporary regulations published under 4 Pa.C.S. §§ 13A03 (relating to temporary table game regulations), 13B03 (relating to regulations), 13C03 (relating to temporary sports wagering regulations), 13F07 (relating to temporary regulations) and 3303 (relating to temporary regulations) shall expire three years after the date of publication. ((f) added Nov. 23, 2020, P.L.1140, No.114)

(1724.1-E amended June 28, 2019, P.L.173, No.20)
Section 1725-E. Department of Health.

(a) Issuance of certificates of death.--For the issuance of certificates of death by a local registrar under section 609-A(a)(6)(ii) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, the following shall apply:

(1) A local registrar shall issue certificates of death from original certificates of death in its possession upon completion of a period of instruction on the preparation of certificates by representatives of the Division of Vital Records.

(2) Each fee received by the local registrar under section 609-A(a)(6)(ii) of The Administrative Code of 1929 shall be distributed, retained or transmitted to the Department of Health as follows:

(i) The following apply:

(A) Except as provided under clause (B), \$3 shall be retained by the local registrar.

(B) If the limitation under paragraph (3) has been reached, \$3 shall be transmitted to the Department of Health for deposit in the General Fund.

(ii) Sixteen dollars shall be transmitted to the Department of Health for deposit in the Vital Statistics Improvement Account.

(iii) One dollar shall be transmitted to the Department of Health for distribution to the county coroner or medical examiner as provided for under section 206 of the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953.

(3) The following shall apply:

(i) Notwithstanding section 304(c)(1) of the Vital Statistics Law of 1953, a local registrar may not be

compensated in excess of \$85,000 in any one calendar year.

(ii) Fees received from certificates of death issued after March 6, 2020, and during the duration of the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of disaster emergency, shall not apply to the limitation on compensation under subparagraph (i).

(b) Grower/operator permit.--If a person holds a permit to operate as a medical marijuana grower/processor under the act of April 17, 2016 (P.L.84, No.16), known as the Medical Marijuana Act, and the permit is surrendered, revoked or otherwise forfeited because the permittee misrepresented information on its initial or renewal permit application, the Department of Health shall issue the grower/processor permit to the next most-qualified applicant in the same region according to the department's ranking and scoring in the application phase during which the initial permit was issued. This provision does not apply to permits issued under section 2002 of the Medical Marijuana Act.

(c) Dispensary permit.--If a person holds a permit to operate as a medical marijuana dispensary under the act of April 17, 2016 (P.L.84, No.16), known as the Medical Marijuana Act, and the permit is surrendered, revoked or otherwise forfeited, the Department of Health shall issue the dispensary permit to the next most-qualified applicant in the same region according to the department's ranking and scoring in the application phase during which the initial permit was issued. This provision does not apply to permits issued under section 2002 of the Medical Marijuana Act. ((c) added Nov. 23, 2020, P.L.1140, No.114)

(d) Repayment by Rural Health Redesign Center Authority.--((d) deleted by amendment Dec. 13, 2023, P.L.251, No.34)

(1725-E amended May 29, 2020, P.L.158, No.23)
Section 1726-E. Insurance Department (Reserved).

(1726-E added July 17, 2007, P.L.141, No.42)
Section 1727-E. Department of Labor and Industry.

(a) Reed Act.--For the "Reed Act-Unemployment Insurance" and "Reed Act-Employment Services and Unemployment Insurance" appropriations, the total amount which may be obligated shall not exceed the limitations under section 903 of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1103).

(b) Bureau of Occupational and Industrial Safety.--((b) repealed June 28, 2019, P.L.101, No.15)

(b.1) Bureau of Occupational and Industrial Safety.--

(1) (i) The Department of Labor and Industry shall waive the fees listed under section 613-A of the act of April 9, 1929 (P.L.177, No.175), known as the Administrative Code of 1929, for an applicant that is a school district, intermediate unit or area career and technical school.

(ii) The department, upon approval by the Governor, shall issue a refund to an applicant that paid a fee which is waived under subparagraph (i) after June 30, 2020, and requests a refund. A refund required under this subsection shall not be paid from the appropriations to the department for general government operations or for occupational and industrial safety, but shall be deemed a refund of a charge collected, but not legally due, and shall be paid otherwise from the general fund.

(iii) No later than September 1, 2022, and September 1 of each year thereafter, the department shall submit a report to the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and minority chairperson of the Labor and Industry Committee of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives and the chairperson and minority chairperson of the Labor and Industry Committee of the House of Representatives. The report shall include all of the following information:

(A) The number of applicants that received a waiver under this subsection during the prior fiscal year.

(B) The total amount of fees which were waived under this subsection during the prior fiscal year.

(2) (Reserved).

((b.1) added June 30, 2021, P.L.62, No.24)

(c) Reemployment Fund.--Five percent of the contributions on wages paid under section 301.4 of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, from July 1, 2018, through September 30, 2024, shall be deposited into the Reemployment Fund to the extent the contributions are paid on or before December 31, 2024. The department may deposit contributions in accordance with section 301.4(e)(2) of the Unemployment Compensation Law before depositing contributions in accordance with this subsection and section 301.4(e)(3) of the Unemployment Compensation Law. ((c) amended July 11, 2022, P.L.540, No.54) (1727-E amended June 22, 2018, P.L.281, No.42)

Compiler's Note: Section 26(2) of Act 24 of 2021 provided that the addition of subsection (b.1) shall apply to fees payable on or after June 30, 2020.

Section 1728-E. Department of Military and Veterans Affairs.

(a) Distributed generation systems.--The definition of "customer-generator" in section 2 of the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, shall include net-metered distributed generation systems owned, operated or supporting the Department of Military and Veterans Affairs on property owned or leased and operated by the department with a nameplate capacity not to exceed the department's annual electric needs to support the department's facilities on its property.

(b) Contracts for burial details for veterans.--The Department of Military and Veterans Affairs may enter into contracts with a Statewide nonprofit fraternal society that represents various veterans' groups or may request the services of members of the Pennsylvania National Guard for the purpose of providing the burial details authorized by 51 Pa.C.S. § 705 (relating to burial details for veterans). If a contract under this subsection is executed, the department shall pay an amount not exceeding \$250 for each day that the burial detail is provided, and no other expenses shall be paid by the department under the contract. Other terms of the contract shall be in accordance with 51 Pa.C.S. § 705.

(c) Pay of Pennsylvania National Guard and Pennsylvania Guard.--Notwithstanding any provision of the current Armed Forces Pay and Allowance Act under 37 U.S.C. (relating to pay and allowances of the uniformed services) or a successor statute or 51 Pa.C.S. § 3101 (relating to pay of officers and enlisted personnel on special duty) or 3102 (relating to pay of officers

and enlisted personnel in active State service), the base pay of members of the Pennsylvania National Guard or Pennsylvania Guard ordered to duty under 51 Pa.C.S. § 3101 or 3102 shall not be less than \$180 per day.

(1728-E amended July 11, 2022, P.L.540, No.54)

Section 1729-E. Department of Human Services.

(a) Appropriations.--The following shall apply to appropriations for the Department of Human Services: (Intro. par. amended July 11, 2022, P.L.540, No.54)

(1) Any rule, regulation or policy for the Federal or State appropriations for the cash assistance, outpatient, inpatient, capitation, behavioral health, long-term care and Supplemental Grants to the Aged, Blind and Disabled, Child Care and Attendant Care programs adopted by the Secretary of Human Services during the fiscal year which adds to the cost of any public assistance program shall be effective only from and after the date upon which it is approved as to the availability of funds by the Governor.

(2) Federal and State medical assistance payments. The following shall apply:

(i) No funds appropriated for approved capitation plans shall be used to pay a provider who fails to supply information in a form required by the department in order to facilitate claims for Federal financial participation for services rendered to general assistance clients.

(ii) ((ii) repealed June 28, 2019, P.L.168, No.19).

(iii) (Reserved).

(iv) (Reserved).

(v) (Reserved).

(vi) (Reserved).

(vii) The following shall apply to eligibility determinations for services under medical assistance:

(A) Unless the custodial parent or legally responsible adult has provided to the department, at application or redetermination, information required by the department for inclusion in the annual report under clause (B), no funds from an appropriation for medical assistance shall be used to pay for medical assistance services for a child under 21 years of age:

(I) who has a Supplemental Security Income (SSI) level of disability; and

(II) whose parental income is not currently considered in the eligibility determination process.

(B) The department shall submit to the Public Health and Welfare Committee of the Senate and the Health Committee and Human Services Committee of the House of Representatives an annual report including the following data:

(I) Family size.

(II) Household income.

(III) County of residence.

(IV) Length of residence in this Commonwealth.

(V) Third-party insurance information.

(VI) Diagnosis and type and cost of services paid for by the medical assistance program on behalf of each eligible and enrolled child described in clause (A).

(3) The following shall apply:

(i) If, in any fiscal year, the annual appropriation for payments to counties under section 704.1(a) of the Human Services Code has not been enacted by September 1, an amount shall be appropriated as of September 1 to the Department of Human Services for the purpose of making payments to counties under section 704.1(g)(5) and (g.1) of the Human Services Code that is equal to the difference between:

(A) the amount of funds specified as the aggregate child welfare needs-based budget allocation by the General Assembly under section 709.3(c.1) of the Human Services Code in the general appropriation act for the immediately preceding fiscal year as necessary to fund child welfare services provided for that fiscal year; and

(B) the amount of funds actually provided for reimbursement to counties during that fiscal year.

((i) amended Oct 30, 2017, P.L.725, No.44)

(ii) The department may adjust any payment to a county under section 704.1(g) of the Human Services Code based on the amount of funds actually appropriated by the General Assembly.

(iii) Within five days of executing the authority granted in this paragraph and weekly thereafter, the Secretary of the Budget shall inform the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives of the amount of payments made to each county under this section.

(4) For purposes of the intergovernmental transfer program, a facility that satisfies all of the following criteria shall be deemed a public agency and shall be eligible to participate in the program:

(i) The facility is governed by a board of directors established by an act of the General Assembly.

(ii) A majority of the board of directors consists of the county commissioners of a county of the sixth class pursuant to that act.

(iii) The facility is a county nursing facility as defined under 55 Pa. Code § 1187.2 (relating to definitions).

(iv) The facility provides services associated with a nursing facility, a personal care home, adult day care, child day care and outpatient therapy.

(v) The facility has been reimbursed for Medicaid purposes by the department.

((4) added Oct. 30, 2017, P.L.725, No.44)

(5) The department, upon approval of the secretary, may transfer Federal money appropriated for Temporary Assistance for Needy Families Block Grant - Child Care Assistance to the Child Care and Development Fund Block Grant - Child Care Services appropriation to provide child-care services to additional low-income families if the transfer of money will not result in a deficit in the appropriation. The secretary shall provide notice 10 days prior to a transfer under this paragraph to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives. ((5) amended June 30, 2021, P.L.62, No.24)

(6) The department, upon approval of the secretary, may transfer Federal money appropriated for Child Care and Development Fund Block Grant - Child Care Assistance to the Child Care and Development Fund Block Grant - Child Care Services appropriation to provide child-care services to additional low-income families if the transfer of money will not result in a deficit in the appropriation. The secretary shall provide notice 10 days prior to a transfer under this paragraph to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives. ((6) amended June 30, 2021, P.L.62, NO.24)

(6.1) In accordance with Federal law, the department, upon approval of the secretary, may transfer Federal money from the Temporary Assistance for Needy Families Block Grant to the Child Care and Development Fund Block Grant and the Social Services Block Grant if the transfer of money will not result in a deficit in an appropriation. The secretary shall provide notice 10 days prior to a transfer to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives. ((6.1) added June 30, 2021, P.L.62, No.24)

(7) A provider that delivers services subject to section 12006(a) of the 21st Century Cures Act (Public Law 114-255, 130 Stat. 1033) shall electronically report to the department or its authorized contractor each visit conducted as part of the services. The electronic visit information reported shall include all information found in the definition of "electronic visit verification system" under section 12006(a) of the 21ST Century Cures Act. The provider shall submit the information in a format prescribed by the department. The department or its authorized contractor may use the information reported under this paragraph to validate or deny claims submitted under the medical assistance program. ((7) added Nov. 23, 2020, P.L.1140, No.114)

(8) From money appropriated for child-care services, no less than \$25,000,000 shall be allocated to apply an income limit for subsidized child care during redetermination of eligibility to no more than 300% of the Federal poverty income guidelines or 85% of the State median income, whichever is lower. Notwithstanding any other provision of law, the department shall determine copayment amounts for family incomes above 235% of the Federal poverty income guidelines in order to support economic self-sufficiency. The department shall transmit notice of the copayment schedule to the Legislative Reference Bureau for publication in the next available issue of the Pennsylvania Bulletin. ((8) added Dec. 13, 2023, P.L.251, No.34)

(b) Home and Community-Based Services for Individuals with Intellectual Disabilities Augmentation Account.--

(1) A restricted account is established in the General Fund to be known as the Home and Community-Based Services for Individuals with Intellectual Disabilities Augmentation Account.

(2) Money in the account shall not lapse.

(3) The following shall be deposited in the account:

(i) The net proceeds of the sale of real property which served as a state center for individuals with intellectual disabilities.

(ii) An annual transfer from the General Fund to the account in accordance with the following:

(A) If the amount of the appropriation for state centers for individuals with intellectual disabilities in a fiscal year is less than the amount of the appropriation for the prior fiscal year, the Secretary of the Budget shall certify the difference as the amount to be transferred.

(B) The transfer under this subparagraph shall be made no later than last day of the first quarter of a fiscal year.

(iii) Any amounts appropriated or transferred to the account.

(4) Money in the account is hereby appropriated to the Department of Human Services to provide home and community-based supports, including quality direct support professional capacity, to provide housing supports for individuals with intellectual disabilities and to provide home and community-based supports for people on the emergency waiting list as determined by the department after receiving input from the Office of Developmental Programs and the Information Sharing and Advisory Committee.

((b) added July 11, 2022, P.L.540, No.54)

(1729-E amended Apr. 25, 2016, P.L.168, No.25)

Compiler's Note: Section 35 of Act 34 of 2023 provided that the addition of section 1729-E(a)(8) shall be retroactive to July 1, 2023.

Section 1730-E. Department of Revenue.

(a) Income.--For the purposes of section 1303 of the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, the definition of "income" shall exclude, for a person who receives pension benefits as a beneficiary through the Federal Civil Service Retirement System that accrued during a period of employment for which the beneficiary was not required to make contributions under the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.), an amount determined by the Department of Revenue which shall equal 50% of the average retired worker Social Security payment for the previous calendar year for which the data is available from the Social Security Administration and published on the Social Security Administration's Internet website.

(b) Applicability.--The provisions of subsection (a) shall apply to property tax or rent rebate claims for tax or rent due and payable in calendar year 2018 and each calendar year thereafter.

(c) Military installation remediation program.--Notwithstanding Chapter 3-A of the act of December 8, 2004 (P.L.1801, No.238), known as the Transit Revitalization Investment District Act, and any law providing for the confidentiality of tax records, the following shall apply:

(1) The qualified authority and each local taxing authority shall have access to a report and certification filed under Chapter 3-A of the Transit Revitalization Investment District Act on or after November 27, 2019.

(2) The qualified authority shall have access to State or local tax information filed on or after November 27, 2019, by a qualified business for a designated parcel under section 301-A(a)(4) of the Transit Revitalization Investment District Act solely for the purpose of documenting the certification required under Chapter 3-A of the Transit Revitalization Investment District Act or determining the amount allocated

to any uses specified under section 303-A(a) of the Transit Revitalization Investment District Act. Any other use of the tax information described in this subsection shall be prohibited as provided under law. ((2) amended July 11, 2022, P.L.540, No.54)

(2.1) The following apply to a qualified authority:

(i) The terms of members of the governing body of a qualified authority serving as of December 31, 2022, shall terminate on December 31, 2022.

(ii) Notwithstanding 53 Pa.C.S. § 5610(a) (relating to governing body), beginning on January 1, 2023, the governing body of a qualified authority shall be composed of the following members, who shall be appointed by the qualified municipality:

(A) Five permanent residents of the qualified municipality.

(B) Two permanent residents of a municipality that has within its geographic bounds a former military installation where activities caused per- and polyfluoroalkyl public drinking water contamination and which municipality is immediately adjacent to a qualified municipality.

(iii) The terms of members of the board of the qualified authority who are appointed under subparagraph

(ii) after December 31, 2022, shall be staggered as provided under 53 Pa.C.S. § 5610.

((2.1) added July 11, 2022, P.L.540, No.54)

(3) As used in this subsection, the following words and phrases shall have the meanings given to them in this paragraph unless the context clearly indicates otherwise:

"Military installation remediation project." As defined in section 103 of the Transit Revitalization Investment District Act.

"Qualified authority." As defined in section 103 of the Transit Revitalization Investment District Act.

"Qualified municipality." As defined in section 103 of the Transit Revitalization Investment District Act.

"Qualified tax." As defined in section 103 of the Transit Revitalization Investment District Act.

"Qualified taxpayer." As defined in section 103 of the Transit Revitalization Investment District Act.

((3) amended July 11, 2022, P.L.540, No.54)

((c) added Nov. 23, 2020, P.L.1140, No.114)

(1730-E amended June 22, 2018, P.L.281, No.42)

Section 1731-E. Department of State (Reserved).

(1731-E added July 17, 2007, P.L.141, No.42)

Section 1732-E. Department of Transportation (Reserved).

(1732-E added July 17, 2007, P.L.141, No.42)

Section 1733-E. Pennsylvania State Police.

The following shall apply to appropriations for the Pennsylvania State Police:

(1) The Pennsylvania State Police may not close a barracks until the Pennsylvania State Police conducts a public hearing and provides 30 days' notice, which shall be published in the Pennsylvania Bulletin and in at least two local newspapers.

(2) Payments made to municipalities under 53 Pa.C.S. § 2170 (relating to reimbursement of expenses) shall be limited to money available. If money is not available to make full payments, the Municipal Police Officers' Education and Training Commission shall make payments on a pro rata basis.

(3) For fiscal years beginning 2023-2024, notwithstanding section 205 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, the Pennsylvania State Police shall consist of a number of officers and enlisted members and shall be organized in a manner as the Commissioner of the Pennsylvania State Police, with the approval of the Governor, shall determine. The number of officers and enlisted members beginning in fiscal year 2023-2024 shall not exceed in the aggregate at any time 4,410 individuals. Pennsylvania State Police officers and enlisted members assigned to duty with the Pennsylvania Turnpike Commission, Delaware River Joint Toll Bridge Commission, gaming enforcement and liquor control enforcement shall not be counted in determining the total number of officers and enlisted members in the Pennsylvania State Police under this paragraph. ((3) added Dec. 13, 2023, P.L.251, No.34)
(1733-E amended Apr. 25, 2016, P.L.168, No.25)

Compiler's Note: Section 9(1.1)(iii) of Act 50 of 2009, which amended section 1733-E, provided that the amendment shall apply retroactively to July 1, 2009.

Section 19(1)(i)(B) of Act 25 of 2016, which amended section 1733-E, provided that the amendment shall apply retroactively to July 1, 2015.

Section 1734-E. State Civil Service Commission.

(a) Appropriation.--Funds appropriated to the State Civil Service Commission shall include any funds collected by the commission for the administration of the merit system for employees under the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act.

(b) Contracts.--From funds appropriated for the operation and administration of the State Civil Service Commission, the commission may enter into contracts for the production of physical copies of examinations or tests, including the questions or other material used in the examinations or tests. Contracts shall require the contractor to maintain security over the examinations or tests to prevent unauthorized persons from gaining access to them while in the contractor's possession.

(c) Agreements.--From funds appropriated for the operation of the commission, the commission may enter into cooperative agreements with departments, boards, commissions and other agencies to provide services, including budget preparation, fiscal oversight, human resources and personnel services, technology services, procurement, courier and mailing and other services. Notwithstanding 62 Pa.C.S. (relating to procurement), the commission may use the Department of General Services as its purchasing agency. The commission shall retain authority over commission work under the cooperative agreement.

(1734-E amended July 10, 2014, P.L.1053, No.126)

Section 1735-E. Pennsylvania Emergency Management Agency.

The Pennsylvania Emergency Management Agency shall provide semiannual reports of all grants awarded by the Pennsylvania Emergency Management Agency from Federal disaster assistance or relief funds, homeland security and defense funds, avian flu/pandemic preparedness or other public health emergency funds to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives. The reports shall include information relating to the entity receiving grant money from the agency, including the name and

address of the entity, the amount of the grant, the date of issuance and the purpose of the grant. Reports shall be submitted by August 20 for grants awarded during the period from January 1 through June 30 and by February 20 for grants awarded during the period from July 1 through December 31.

(1735-E amended July 6, 2010, P.L.279, No.46)

Compiler's Note: Section 9(1.1)(iv) of Act 50 of 2009, which amended section 1735-E, provided that the amendment shall apply retroactively to July 1, 2009.

Section 1736-E. Pennsylvania Fish and Boat Commission
(Reserved).

(1736-E added July 17, 2007, P.L.141, No.42)

Section 1737-E. State System of Higher Education (Reserved).

(1737-E added July 17, 2007, P.L.141, No.42)

Section 1738-E. Pennsylvania Higher Education Assistance
Agency.

(a) Appropriations.--The following shall apply to appropriations for the Pennsylvania Higher Education Assistance Agency from the General Appropriation Act:

(1) The Pennsylvania Higher Education Assistance Agency shall use funds appropriated for matching payments for student aid funds to maximize the receipt of Federal funds to the fullest extent possible.

(2) No college, university or institution receiving a direct appropriation from the Commonwealth shall be eligible to participate in the institutional assistance grants program.

(3) The appropriations to the Pennsylvania Higher Education Assistance Agency, which is an integral part and arm of the Commonwealth and which is directly controlled by the Commonwealth, shall supplement other Commonwealth funds maintained by the Pennsylvania Higher Education Assistance Agency in order to fulfill its essential State governmental function of providing Commonwealth students with access to higher education opportunities and providing essential higher education programs for the benefit of Commonwealth students.

((3) added June 28, 2019, P.L.173, No.20)

(b) Blind and deaf student program.--

(1) The Pennsylvania Higher Education Assistance Agency may, in conformance with policies, standards, rules and regulations adopted by the State Board of Education, contract with institutions of higher education for the awarding of higher education equal opportunity program grants. Programs for which grants may be awarded shall include remedial learning services, counseling services or tutorial services. Funds provided under this subsection may not be used to pay tuition, room and board or other institutional costs or fees incurred by students.

(2) Each institution of higher education requesting a grant to provide a program under this subsection shall submit an application in a form and manner as the agency may require. The application shall include a description of the nature and the methods by which all funds granted will be used by the applicant institution to contribute to the provision, maintenance or improvement of programs designed to enhance opportunities for disadvantaged part-time and full-time students to achieve their educational goals.

(3) The Pennsylvania Higher Education Assistance Agency shall use funds appropriated for higher education of blind or deaf students to make grants for defraying the necessary expenses of any students who are blind or deaf and who are

regularly enrolled students pursuing a course of study or profession in a university, college, conservatory of music, normal, professional or vocational school approved by the Department of Education. In order to receive a grant, a blind or deaf student who desires to attend, or who is attending, a school or institution shall apply as required under paragraph (2). Grant awards shall be established annually by the Pennsylvania Higher Education Assistance Agency based on available resources.

(4) Up to 2.5% of funds appropriated annually to carry out the purposes of this subsection may be used to pay the costs of administration.

(5) Beginning July 1, 2011, the rights, powers and duties exercised by the Secretary of Education under the former act of August 31, 1971 (P.L.423, No.101), known as the Higher Education Equal Opportunity Act, are transferred to and shall be exercised by the Pennsylvania Higher Education Assistance Agency. Existing regulations promulgated under the former Higher Education Equal Opportunity Act shall continue in full force and effect by the Pennsylvania Higher Education Assistance Agency until the agency promulgates new or additional regulations.

(6) The agency shall have access to student-level data that is collected by the Department of Education that relates to the administration of this subsection in accordance with Federal and State law.

(7) As used in this subsection, the following words and phrases shall have the meanings given to them in this paragraph unless the context clearly indicates otherwise:

"Full-time student." A bona fide resident of this Commonwealth who has been admitted as a full-time student to an institution of higher education and who is economically and educationally disadvantaged in accordance with criteria established by the State Board of Education.

"Institutions of higher education." A postsecondary institution in this Commonwealth authorized to award degrees.

"Part-time student." A bona fide resident of this Commonwealth who:

(1) Has been admitted into a degree program as a less than full-time student in an institution of higher education.

(2) Is enrolled in at least the equivalent of six semester credits or 225 clock hours of instruction per semester in an institution of higher education.

(3) Is economically and educationally disadvantaged in accordance with the criteria established by the State Board of Education.

(1738-E amended June 30, 2011, P.L.159, No.26)

Section 1739-E. Pennsylvania Historical and Museum Commission (Reserved).

(1739-E added July 17, 2007, P.L.141, No.42)

Section 1740-E. Pennsylvania Infrastructure Investment Authority.

(a) Use of certain Federal funds.--

(1) Federal funds received by the Commonwealth pursuant to the Infrastructure Investment and Jobs Act (Public Law 117-58, 135 Stat. 429) or the Water Infrastructure Improvements for the Nation Act (Public Law 114-322, 130 Stat. 1628) and which are appropriated to the Pennsylvania Infrastructure Investment Authority for water projects under paragraph (2) shall be administered by the Pennsylvania Infrastructure Investment Authority in accordance with the

Infrastructure Investment and Jobs Act and the Water Infrastructure Improvements for the Nation Act.

(2) Paragraph (1) shall apply to Federal funds appropriated to the Pennsylvania Infrastructure Investment Authority for the following purposes:

(i) From amounts appropriated from the Clean Water State Revolving Fund for programs to address emerging contaminants.

(ii) From amounts appropriated from the Drinking Water State Revolving Fund for programs to address lead service line replacement and emerging contaminants.

(iii) From amounts appropriated for Water Infrastructure Improvements for the Nation Act for programs to address small and underserved communities and emerging contaminants.

(iv) Other Federal amounts that are made available under the Infrastructure Investment and Jobs Act or the Water Infrastructure Improvements for the Nation Act which are eligible to be awarded as a grant or principal forgiveness.

(3) Awards of Federal funds by the Pennsylvania Infrastructure Investment Authority under paragraph (1) shall not be subject to the provisions of section 10(e) and (i) and any other conflicting provision of the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act.

(4) The Pennsylvania Infrastructure Investment Authority shall issue guidance on the implementation of paragraphs (1) and (3).

(b) (Reserved).

(1740-E amended July 11, 2022, P.L.540, No.54)

Compiler's Note: Section 39(4) of Act 54 of 2022, which amended section 1740-E, provided that the amendment of section 1740-E shall apply retroactively to July 1, 2022. Section 1741-E. Environmental Hearing Board (Reserved).

(1741-E added July 17, 2007, P.L.141, No.42)
Section 1741.1-E. Environmental Quality Board.

(a) Regulations.--From funds appropriated to the Environmental Quality Board, the board shall promulgate proposed regulations and regulations under 58 Pa.C.S. (relating to oil and gas) or other laws of this Commonwealth relating to conventional oil and gas wells separately from proposed regulations and regulations relating to unconventional gas wells. All regulations under 58 Pa.C.S. shall differentiate between conventional oil and gas wells and unconventional gas wells. Regulations promulgated under this section shall apply to regulations promulgated on or after the effective date of this section.

(b) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Conventional oil and gas well." A bore hole drilled for the purpose of producing oil or gas from a conventional formation. The term includes any of the following:

(1) A well drilled to produce oil.

(2) A well drilled to produce natural gas from formations other than shale formations.

(3) A well drilled to produce natural gas from shale formations located above the base of the Elk Group or its stratigraphic equivalent.

(4) A well drilled to produce natural gas from shale formations located below the base of the Elk Group where natural gas can be produced at economic flow rates or in economic volumes without the use of vertical or nonvertical well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation to the well bore.

(5) Irrespective of formation, a well drilled for collateral purposes, such as monitoring, geologic logging, secondary and tertiary recovery or disposal injection.

"Unconventional gas well." As defined in 58 Pa.C.S. § 2301 (relating to definitions).

(1741.1-E added July 10, 2014, P.L.1053, No.126)

Section 1742-E. (Reserved).

(1742-E amended July 11, 2022, P.L.540, No.54)

Section 1743-E. (Reserved).

(1743-E amended July 11, 2022, P.L.540, No.54)

Compiler's Note: Section 1(4) of Act 92 of 2019 abolished The Pennsylvania Public Television Network Commission.

Section 1744-E. (Reserved).

(1744-E amended July 11, 2022, P.L.540, No.54)

Section 1745-E. (Reserved).

(1745-E amended July 11, 2022, P.L.540, No.54)

Section 1746-E. Health Care Cost Containment Council (Reserved).

(1746-E added July 17, 2007, P.L.141, No.42)

Section 1747-E. State Ethics Commission (Reserved).

(1747-E added July 17, 2007, P.L.141, No.42)

Section 1748-E. State Employees' Retirement System. (1748-E repealed Oct. 29, 2020, P.L.775, No.94)

Section 1748.1-E. State Employees' Retirement System (Reserved).

(1748.1-E added June 30, 2021, P.L.62, No.24)

Section 1749-E. Thaddeus Stevens College of Technology (Reserved).

(1749-E added July 17, 2007, P.L.141, No.42)

Section 1750-E. Pennsylvania Housing Finance Agency (Reserved).

(1750-E added July 17, 2007, P.L.141, No.42)

Section 1751-E. LIHEABG.

The following shall apply to expenditures:

(1) The Department of Public Welfare may, upon approval of the secretary, make transfers of Federal funds appropriated to the Department of Community and Economic Development from LIHEABG for weatherization and administration if the transfer will not result in a deficit in any appropriation from which funds are transferred.

(2) Unexpended weatherization funds which would result in LIHEABG funds being returned to the Department of Health and Human Services may be spent for assistance grants at the discretion of the secretary.

(3) The secretary shall provide ten days' prior notification of a transfer under paragraph (1) or (2) to the chairman and the minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives.

(1751-E added July 17, 2007, P.L.141, No.42)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 1752-E. Budget Stabilization Reserve Fund (Reserved).
(1752-E added July 17, 2007, P.L.141, No.42)

Section 1753-E. Commonwealth Financing Authority.
(1753-E repealed Oct. 30, 2017, P.L.419, No.42)

Section 1753.1-E. Commonwealth Financing Authority Restricted Revenue Account.

(a) Account.--There is established a restricted revenue account within the General Fund for the purpose of making principal and interest payments coming due in each fiscal year, beginning July 1, 2016, or thereafter, for outstanding indebtedness of the Commonwealth Financing Authority. The State Treasurer, upon consultation with the Secretary of the Budget, shall transfer from the general revenues of the Commonwealth collected under Article II of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, to the restricted revenue account such amounts, as may be necessary, to make payment for principal and interest obligations. The State Treasurer and the Secretary of the Budget shall consider the timing of principal and interest payments and General Fund cash flow when determining transfer amounts. Transfer of general revenues under this section shall not exceed the amount certified under 64 Pa.C.S. § 1543(e) (relating to indebtedness).

(b) Reports.--Within 10 days of the expiration of each quarter of each fiscal year, the Secretary of the Budget shall provide to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives a report relating to the restricted revenue account under subsection (a) that includes at least all of the following:

(1) A list of transfers from the general revenues of the Commonwealth collected under Article II of the Tax Reform Code of 1971 to the restricted revenue account in the preceding quarter.

(2) A list of projected transfers from the general revenues of the Commonwealth collected under Article II of the Tax Reform Code of 1971 to the restricted revenue account that will be made in the succeeding four quarters.

(3) An itemized list of the principal and interest payments and the timing of those payments made from the restricted revenue account in the preceding quarter.

(4) An itemized list of the principal and interest payments and the timing of those payments to be paid from the restricted revenue account in the succeeding four quarters.

(5) An estimate of the total amount of outstanding Commonwealth Financing Authority debt to be paid from the restricted revenue account.

(1753.1-E amended Oct. 30, 2017, P.L.725, No.44)

Section 1753.2-E. Commonwealth Financing Authority.

(a) Establishment.--The Public School Facility Improvement Grant Program is established within the authority to support school entity improvement projects. The authority shall administer and act as the fiscal agent for the program and shall be responsible for receiving and approving all grant applications and awarding grants.

(b) Eligibility.--The following improvement projects shall be eligible for grants under this section:

(1) Roof repairs and roof replacement.

(2) Heating, ventilation and air conditioning equipment.

(3) Boilers and controls.

(4) Plumbing systems.

- (5) Energy saving projects.
- (6) Health and safety upgrades, including lead and asbestos abatement or remediation and the purchase and maintenance of automated external defibrillators.
- (7) Emergencies.
- (8) Accessibility projects in accordance with standards under 42 U.S.C. Ch. 126 (relating to equal opportunity for individuals with disabilities).
- (9) Internet connectivity, not including purchasing educational technology hardware or software.
- (10) Demolition projects.
- (11) Window repairs and window replacement.
- (12) Other projects approved by the authority.

(c) Application process.--

(1) The authority shall develop a process through which school entities may submit applications for grant awards and post the application on its publicly accessible Internet website.

(2) An application for an improvement project shall either:

- (i) fall under a single eligibility type identified in subsection (b) and involve one or more school buildings; or

- (ii) encompass one or more eligibility types identified in subsection (b) and be confined to one school building.

(3) A qualifying application shall have costs related to the eligible improvement project of at least \$500,000. The authority may waive this paragraph for the purchase of automated external defibrillators under subsection (b)(6).

(4) A qualifying application shall include an indication that the school entity received three qualified bids or estimates for the improvement project.

(5) There shall be no limitation on the number of applications for different improvement projects a school entity may submit in a fiscal year.

(d) Funding rubric.--The authority, in consultation with the department, shall develop a rubric to prioritize grant awards under this section. The rubric shall consider all of the following:

- (1) School entity wealth.

- (2) Building conditions, including the age of the building.

- (3) Emergencies.

- (4) Health, safety and security.

(e) Local match required.--

(1) A school entity shall provide a 25% match for each grant awarded.

(2) No matching funds shall be required for a project that is determined by the authority to be an emergency.

(3) The authority may waive or reduce the match requirement for a school district that is in either financial watch or financial recovery status under Article VI-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

(f) Limitations.--

(1) No grant award for an improvement project may exceed \$5,000,000.

(2) No school entity may receive an annual allocation of grants that exceeds 20% of the funds available under the program.

(3) The total allocation to area career and technical schools shall not exceed 20% of the funds allocated by the authority under the program in a fiscal year.

(4) Subject to paragraph (2), there is no limitation on a school entity receiving multiple awards under the program in a single fiscal year.

(g) Review of improvement projects.--The department shall provide the authority with technical assistance in reviewing applications upon request of the authority.

(h) Funding.--

(1) No later than 60 days after the effective date of this paragraph, the Secretary of the Budget shall transfer to the authority \$100,000,000 appropriated under the act of August 3, 2023 (P.L.471, No.1A), known as the General Appropriation Act of 2023, to the Department of Education for a Level-Up Supplement.

(2) Except in the case of an emergency improvement project, the authority shall conduct a single vote to approve or disapprove the recommended slate of improvement projects.

(3) The authority shall ensure a geographic distribution of grants in the recommended slate of improvement projects.

(i) Grant awards.--

(1) Grant money may only be awarded for new projects approved by the authority.

(2) Grant money may not be used for any of the following:

(i) Paying fees for securing financing.

(ii) Paying interest on borrowed money.

(iii) Refinancing existing debt.

(iv) Paying for lobbying services.

(v) Paying fines.

(vi) Application preparation fees.

(3) The authority shall execute a grant agreement between the authority and a grant recipient before the payment of a grant award.

(4) A grant recipient may not make a substantial change to an approved improvement project without first obtaining authority consent in writing.

(5) A grant recipient shall maintain full and accurate records for the improvement project.

(6) A grant recipient shall submit to the authority copies of all canceled checks or other records verifying expenditures of grant money.

(7) Any unused portion of a grant award shall be returned to the authority.

(8) A grant recipient shall submit to the authority a final report of the eligible improvement project, including any information as required by the authority.

(9) The authority may establish additional restrictions and limitations as the authority deems necessary to administer the program.

(j) Guidelines.--Within 60 days of the effective date of this subsection, the authority, in consultation with the department, shall adopt guidelines to implement this section. The guidelines shall include provisions for submission, review and approval of applications, award of grants and administration of improvement projects funded under the program, including a provision for reasonable oversight and reporting to ensure that improvement project grant awards are used as intended.

(k) Quorum.--A vote of the authority to develop a rubric under subsection (d), adopt guidelines under subsection (j) and

to approve projects under this section shall be made in accordance with 64 Pa.C.S. § 1512(d)(1) (relating to board).

(l) (Reserved).

(m) Transmission of information to General Assembly.--The authority shall annually transmit grant award information to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives, including grant amounts.

(n) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Authority." The Commonwealth Financing Authority.

"Department." The Department of Education of the Commonwealth.

"Emergency." A deficiency in a school building that prohibits the school building or a portion of the building from being occupied.

"School entity." A school district or area career and technical school.

(1753.2-E added Dec. 13, 2023, P.L.251, No.34)

Section 1754-E. State-related universities.

(a) Appropriations.--The following shall apply to appropriations to State-related universities:

(1) Money appropriated to State-related universities shall only be used for costs directly related to the provision of instruction for graduate and undergraduate students and costs incurred in providing student-related services and community outreach services, consistent with the existing laws of this Commonwealth.

(2) (Reserved).

(b) (Reserved).

(1754-E added July 11, 2022, P.L.540, No.54)

Compiler's Note: Section 39(5) of Act 54 of 2022, which added section 1754-E, provided that the addition of section 1754-E shall apply retroactively to July 1, 2022.

SUBARTICLE C

LEGISLATIVE DEPARTMENT

(Subart. added Nov. 23, 2020, P.L.1140, No.114)

Section 1761-E. Senate (Reserved).

(1761-E added Nov. 23, 2020, P.L.1140, No.114)

Section 1762-E. House of Representatives (Reserved).

(1762-E added Nov. 23, 2020, P.L.1140, No.114)

Section 1763-E. Legislative Reference Bureau.

The following shall apply:

(1) Notwithstanding any other provision of law to the contrary, including 62 Pa.C.S. (relating to procurement), the Pennsylvania Consolidated Statutes, advance copies of statutes, volumes of the Laws of Pennsylvania and other publications shall be published under contracts entered into by the Legislative Reference Bureau and disseminated as determined by the bureau. Money from sales shall be paid to the bureau or the Department of General Services, as the bureau shall determine, and that money shall be paid into the State Treasury to the credit of the General Fund. Money from sales is hereby appropriated from the General Fund to the Legislative Reference Bureau for the publication and dissemination of the Pennsylvania Consolidated Statutes,

advance copies of statutes, volumes of the Laws of Pennsylvania and other publications and for related expenses.

(2) Contingent expenses connected with the work of the bureau shall be paid on warrants of the State Treasurer in favor of the director on the presentation of the director's requisitions.

(3) The director shall file an accounting of the contingent expenses, together with supporting documents whenever possible, in the office of the bureau.

(1763-E added Nov. 23, 2020, P.L.1140, No.114)

Section 1764-E. Legislative Budget and Finance Committee (Reserved).

(1764-E added Nov. 23, 2020, P.L.1140, No.114)

Section 1765-E. Legislative Data Processing Committee (Reserved).

(1765-E added Nov. 23, 2020, P.L.1140, No.114)

Section 1766-E. Joint State Government Commission (Reserved).

(1766-E added Nov. 23, 2020, P.L.1140, No.114)

Section 1767-E. Local Government Commission (Reserved).

(1767-E added Nov. 23, 2020, P.L.1140, No.114)

Section 1768-E. Joint Legislative Air and Water Pollution Control and Conservation Committee (Reserved).

(1768-E added Nov. 23, 2020, P.L.1140, No.114)

Section 1769-E. Legislative Audit Advisory Commission (Reserved).

(1769-E added Nov. 23, 2020, P.L.1140, No.114)

Section 1770-E. Independent Regulatory Review Commission (Reserved).

(1770-E added Nov. 23, 2020, P.L.1140, No.114)

Section 1771-E. Capitol Preservation Committee (Reserved).

(1771-E added Nov. 23, 2020, P.L.1140, No.114)

Section 1772-E. Pennsylvania Commission on Sentencing (Reserved).

(1772-E added Nov. 23, 2020, P.L.1140, No.114)

Section 1773-E. Center for Rural Pennsylvania (Reserved).

(1773-E added Nov. 23, 2020, P.L.1140, No.114)

Section 1774-E. Commonwealth Mail Processing Center (Reserved).

(1774-E added Nov. 23, 2020, P.L.1140, No.114)

Section 1775-E. Chief Clerk of the Senate and Chief Clerk of the House of Representatives (Reserved).

(1775-E added Nov. 23, 2020, P.L.1140, No.114)

SUBARTICLE D

JUDICIAL DEPARTMENT

(Subart. repealed and added July 4, 2008, P.L.629, No.53)

Section 1781-E. Supreme Court.

(a) Administrative Office.--Funds appropriated for the Administrative Office of Pennsylvania Courts may be used for the operation of the Pennsylvania Board of Law Examiners. Funds provided to the board shall be repaid in full to the office, without interest or charges, from revenues of the board.

(b) County court administrators.--No funds from any appropriation other than the appropriation for county court administrators for the Unified Judicial System may be used to supplement payments to county court administrators.

(1781-E repealed and added July 4, 2008, P.L.629, No.53)

Section 1782-E. Superior Court (Reserved).

(1782-E repealed and added July 4, 2008, P.L.629, No.53)

Section 1783-E. Commonwealth Court (Reserved).

(1783-E repealed and added July 4, 2008, P.L.629, No.53)

Section 1784-E. Courts of common pleas.

The following shall apply to appropriations for the courts of common pleas in the General Appropriation Act.

(1) No payment may be made from the appropriation for salaries and expenses of courts of common pleas judges for printing, postage, telephone or supplies.

(2) No payment may be made for expenses of any kind relating to education.

(1784-E repealed and added July 4, 2008, P.L.629, No.53)
Section 1785-E. Community courts and magisterial district judges.

All of the following shall apply to the appropriation in each General Appropriation Act for salaries and expenses of community court judges and magisterial district judges:

(1) Except for printing costs under 42 Pa.C.S. § 3532 (relating to expenses), no other costs for printing, postage, telephone or supplies may be paid from the appropriation.

(2) No expenses of any kind relating to education may be paid from the appropriation.

(1785-E repealed and added July 4, 2008, P.L.629, No.53)
Section 1786-E. Philadelphia Traffic Court (Reserved).

(1786-E repealed and added July 4, 2008, P.L.629, No.53)
Section 1787-E. Philadelphia Municipal Court (Reserved).

(1787-E repealed and added July 4, 2008, P.L.629, No.53)
Section 1788-E. Judicial Conduct Board (Reserved).

(1788-E repealed and added July 4, 2008, P.L.629, No.53)
Section 1789-E. Court of Judicial Discipline (Reserved).

(1789-E repealed and added July 4, 2008, P.L.629, No.53)
Section 1790-E. Juror cost reimbursement (Reserved).

(1790-E repealed and added July 4, 2008, P.L.629, No.53)
Section 1791-E. County court reimbursement.

County court reimbursements shall be as follows:

(1) Reimbursement to counties for costs incurred in the administration and operation of courts of common pleas shall be paid as follows:

(i) For each common pleas court judge, filled or vacant, \$70,000 per authorized position.

(ii) Judicial districts comprising more than one county shall receive \$70,000 per authorized position. The amount payable to each county shall be determined by the proportion of the county's population in relation to the population of the entire judicial district.

(iii) No county shall be reimbursed for costs above the actual direct costs, excluding capital outlays, incurred to operate the courts of common pleas.

(iv) No county shall receive less than 77.5% of the actual reimbursement for court costs appropriated in fiscal year 1980-1981.

(v) Reimbursement shall be made to the county treasurer and, in cities of the first class coterminous with counties of the first class, to the city treasurer.

(2) (Reserved).

(1791-E repealed and added July 4, 2008, P.L.629, No.53)
Section 1792-E. Senior judges.

Senior judges of the courts of common pleas shall not be assigned unless adequate funds are appropriated to provide compensation. A senior judge assigned in excess of existing appropriations shall be compensated from the appropriation for the Supreme Court.

(1792-E repealed and added July 4, 2008, P.L.629, No.53)
Section 1793-E. Transfer of funds by Supreme Court.

The Supreme Court may transfer to the Judicial Department during the fiscal year funds appropriated in Article II of each

General Appropriation Act relating to the judicial department among any of the line items contained within those sections except for line items for the Judicial Conduct Board and the Court of Judicial Discipline. In order to avoid a deficit in any line items in those sections, the Supreme Court may also transfer funds deposited into the Judicial Computer System Augmentation Account to any line items in those sections. The Supreme Court may also transfer excess funds appropriated in those sections to the Judicial Computer System Augmentation Account during the last month of each fiscal year. If the Supreme Court makes a transfer under this section, the Supreme Court shall give written notification to the Secretary of the Budget, the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives ten days prior to any transfer. This section shall not apply to the appropriation relating to county court reimbursement of each General Appropriation Act for gun courts.

(1793-E repealed and added July 4, 2008, P.L.629, No.53)
Section 1794-E. Judicial Computer System Augmentation Account.

The Supreme Court and the Court Administrator of Pennsylvania are prohibited from augmenting the amount appropriated to the Judicial Computer System Augmentation Account by billings to other appropriations to the judicial branch for the Statewide Judicial Computer System or for any other purpose.

(1794-E added July 6, 2010, P.L.279, No.46)
Section 1795-E. Access to Justice Account.

Notwithstanding 42 Pa.C.S. § 4906 (relating to distribution of funds), money in the Access to Justice Account may be distributed at any time upon requisition of the Court Administrator of Pennsylvania to the Pennsylvania Interest on Lawyers Trust Account Board.

(1795-E added July 6, 2010, P.L.279, No.46)
Section 1795.1-E. Surcharges.

(a) Legislative finding.--Due to reductions in revenue available to the Commonwealth, it is necessary to increase certain fees or surcharges to adequately fund the Unified Judicial System.

(b) Imposition.--

(1) ((1) repealed Dec. 22, 2021, P.L.452, No.93).

(2) In addition to the fees under subsection (c) and 42 Pa.C.S. § 3733(a.1)(1) and (2)(iii) (relating to deposits into account), an additional surcharge of \$2 shall be charged and collected by a division of the Unified Judicial System and deposited into the Access to Justice Account under 42 Pa.C.S. § 4904 (relating to establishment of Access to Justice Account).

(3) ((3) expired July 31, 2023. See Act 54 of 2022.)

(c) Other surcharge and fees.--

(1) In addition to the fees imposed under 42 Pa.C.S. §§ 3733(a.1) and 3733.1 (relating to surcharge), except as set forth in paragraph (2), the following apply:

(i) ((i) repealed Dec. 22, 2021, P.L.452, No.93).

(ii) A permanent fee of \$2.50 shall be charged and collected.

(iii) An additional permanent fee of \$2.50 shall be charged and collected.

(iv) ((iv) expired July 31, 2023. See Act 54 of 2022.)

(2) Paragraph (1) does not apply to a conviction or guilty plea based on the filing of a traffic citation charging an offense under 75 Pa.C.S. (relating to vehicles)

that is classified as a summary offense under a State statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

(3) The following apply:

(i) ((i) deleted by amendment July 11, 2022, P.L.540, No.54).

(ii) The fee under paragraph (1)(ii) shall be deposited into the Criminal Justice Enhancement Account.

(iii) The fee under paragraph (1)(iii) shall be deposited in a restricted account established in the General Fund. Money in the restricted account is appropriated to the Office of Attorney General on a continuing basis to supplement general government operations.

(d) Judicial Department Operations Augmentation Account.--The separate reserve account within the Judicial Computer System Augmentation Account established under the former 42 Pa.C.S. § 3733.1(c)(1) is reestablished as a restricted revenue account in the General Fund to be known as the Judicial Department Operations Augmentation Account. Notwithstanding 42 Pa.C.S. § 3732 (relating to utilization of funds in account), money deposited in the restricted revenue account is appropriated to the Supreme Court, upon compliance with Article XV, for the operation of the Judicial Department. ((d) added July 11, 2022, P.L.540, No.54)

(1795.1-E amended May 29, 2020, P.L.158, No.23)

Compiler's Note: Section 3733.1(c)(1) of Title 42 (relating to Judiciary and Judicial Procedure), referred to in subsection (c)(3)(i) of this section is repealed.

Section 1795.2-E. Deposit into School Safety and Security Fund.

(a) General rule.--Notwithstanding any provision of 42 Pa.C.S. § 3733(a) (relating to deposits into account) to the contrary, each fiscal year the first \$15,000,000 of all fines, fees and costs collected by any division of the Unified Judicial System that are in excess of the amount collected from those sources in the fiscal year 1986-1987 shall be deposited into the School Safety and Security Fund.

(b) Nonapplicability.--Subsection (a) shall not apply to the additional fee imposed under 42 Pa.C.S. § 3733(a.1) and any fines, fees or costs that are allocated by law or otherwise directed to:

(1) The Pennsylvania Fish and Boat Commission.

(2) The Pennsylvania Game Commission.

(3) Counties and municipalities.

(4) The Crime Victim's Compensation Board.

(5) The Pennsylvania Commission on Crime and Delinquency for victim-witness services grants under former section 477.15(c) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(6) Rape crisis centers.

(7) The Emergency Medical Services Operating Fund.

(8) Domestic violence shelters.

(9) The Child Passenger Restraint Fund.

(1795.2-E added June 22, 2018, P.L.281, No.42)

Section 1796-E. Motor License Fund.

Notwithstanding any other provision of law to the contrary, all fines, forfeited recognizances and other forfeitures imposed, lost or forfeited, and all penalties, payable to the Commonwealth for credit to the Motor License Fund under 42 Pa.C.S. § 3571(b) (relating to Commonwealth portion of fines, etc.) shall be credited to the General Fund.

(1796-E added July 18, 2013, P.L.574, No.71)
Section 1798-E. Catastrophic Loss Benefits Continuation Fund.
For fiscal year 2011-2012 and for each fiscal year thereafter, all surcharges collected under 75 Pa.C.S. § 6506 (relating to surcharge) by any division of the Unified Judicial System shall be deposited in the General Fund upon receipt.

(1798-E added June 30, 2011, P.L.159, No.26)
Section 1798.1-E. Federal and Commonwealth use of forest land.

(a) Scope.--This section applies to the following:

(1) Real property acquired for forest reserves by any of the following:

(i) The Federal Government.

(ii) The Commonwealth.

(2) Tax-exempt real property acquired by the Federal Government or by the Commonwealth for the purpose of preserving, perpetuating and maintaining any portion of the original forests of this Commonwealth as public places and parks.

(3) Real property:

(i) which is acquired for the purpose of conservation of water or the prevention of flood conditions; and

(ii) upon which there is an imposed tax payable by the Commonwealth.

(b) Charge.--

(1) For land owned by the Department of Conservation and Natural Resources, subject to subsection (c), real property under subsection (a) shall be subject to an annual charge of all of the following:

(i) Two dollars and forty cents per acre for the benefit of each county where the real property is located. One dollar and twenty cents shall be paid by the Department of Conservation and Natural Resources and \$1.20 shall be paid from money available under 4 Pa.C.S. § 1403 (relating to establishment of State Gaming Fund and net slot machine revenue distribution).

(ii) Two dollars and forty cents per acre for the benefit of the schools in each school district where the real property is located. One dollar and twenty cents shall be paid by the Department of Conservation and Natural Resources and \$1.20 shall be paid from money available under 4 Pa.C.S. § 1403.

(iii) Two dollars and forty cents per acre for the benefit of the township where the real property is located. One dollar and twenty cents shall be paid by the Department of Conservation and Natural Resources and \$1.20 shall be paid from money available under 4 Pa.C.S. § 1403.

(2) For land owned by the Pennsylvania Game Commission or the Pennsylvania Fish and Boat Commission, real property under subsection (a) shall be subject to an annual charge of all of the following:

(i) Two dollars and forty cents per acre for the benefit of each county where the real property is located. Forty cents shall be paid by the Commonwealth agency which owns the property and \$2 shall be paid from money available under 4 Pa.C.S. § 1403.

(ii) Two dollars and forty cents per acre for the benefit of the schools in each school district where the real property is located. Forty cents shall be paid by the Commonwealth agency which owns the property and \$2

shall be paid from money available under 4 Pa.C.S. § 1403.

(iii) Two dollars and forty cents per acre for the benefit of the township where the real property is located. Forty cents shall be paid by the Commonwealth agency which owns the property and \$2 shall be paid from money available under 4 Pa.C.S. § 1403.

(3) The charge under paragraph (1) shall be payable by the Commonwealth before September 2.

(c) Duration.--

(1) Except as set forth in paragraph (2), the annual charge payable by the Commonwealth on real property under subsection (a)(1)(i) shall continue only until the receipt of money by treasurers and township supervisors of the political subdivisions under subsection (b)(1), in accordance with the act of April 27, 1925 (P.L.324, No.185), entitled "An act for the distribution by the Commonwealth and counties to townships and school districts of moneys received from the United States from Forest Reserves within the Commonwealth," equals or exceeds the amount paid by the Commonwealth in lieu of taxes.

(2) Paragraph (1) shall not apply to the following:

(i) The annual charge per acre for the benefit of the county where real property under subsection (a)(1)(i) is located for calendar years 1953, 1954, 1955 and 1956.

(ii) The amount of \$0.025 of the annual charge per acre for the benefit of the county where the real property under subsection (a)(1)(i) is located for each year after 1956.

(3) The Commonwealth shall annually pay the charges exempted under paragraph (2).

(d) Certification.--Upon application of the treasurer or township supervisor, the Secretary of Conservation and Natural Resources shall certify to the respective counties, school districts and townships where real property under subsection (a) is located and to the State Treasurer:

(1) the number of acres owned by the Federal Government and by the Commonwealth in the political subdivision; and

(2) the charge against the real property.

(e) Payment.--The State Treasurer shall pay to political subdivisions under subsection (d) the amount due under subsection (b) upon:

(1) requisition of the Secretary of Conservation and Natural Resources; and

(2) application by the appropriate treasurer or township supervisors.

(f) Source of payment.--((f) deleted by amendment).

(1798.1-E amended Dec. 13, 2023, P.L.251, No.34)

Section 1798.2-E. Motor License Fund.

An appropriation from the Motor License Fund to the Pennsylvania State Police is restricted as follows:

(1) For fiscal year 2017-2018, the total amount of the appropriation shall not exceed the total amount appropriated for the same purpose in fiscal year 2016-2017.

(2) For fiscal year 2018-2019, the total amount of the appropriation shall not exceed 96% of the total amount appropriated for the same purpose in fiscal year 2016-2017.

(3) For fiscal year 2019-2020, the total amount of the appropriation shall not exceed 92% of the total amount appropriated for the same purpose in fiscal year 2016-2017.

(4) For fiscal year 2020-2021, the total amount of the appropriation shall not exceed 88% of the total amount appropriated for the same purpose in fiscal year 2016-2017.

(5) For fiscal year 2021-2022, the total amount of the appropriation shall not exceed 84% of the total amount appropriated for the same purpose in fiscal year 2016-2017.

(6) For fiscal year 2022-2023, the total amount of the appropriation shall not exceed 80% of the total amount appropriated for the same purpose in fiscal year 2016-2017.

(7) For fiscal year 2023-2024, the total amount of the appropriation shall not exceed 76% of the total amount appropriated for the same purpose in fiscal year 2016-2017.

(8) For fiscal year 2024-2025, the total amount of the appropriation shall not exceed 72% of the total amount appropriated for the same purpose in fiscal year 2016-2017.

(9) For fiscal year 2025-2026, the total amount of the appropriation shall not exceed 68% of the total amount appropriated for the same purpose in fiscal year 2016-2017.

(10) For fiscal year 2026-2027, the total amount of the appropriation shall not exceed 64% of the total amount appropriated for the same purpose in fiscal year 2016-2017.

(11) For fiscal year 2027-2028 and each fiscal year thereafter, the total amount of the appropriation shall not exceed the greater of:

(i) \$500,000,000; or

(ii) 60% of the total amount appropriated for the same purpose in fiscal year 2016-2017.

(1798.2-E added July 13, 2016, P.L.664, No.85)

Section 1798.3-E. Multimodal Transportation Fund.

(a) Department of Transportation.--

(1) From funds available to the Department of Transportation under 74 Pa.C.S. § 2104(a)(2) (relating to use of money in fund), the local match under 74 Pa.C.S. § 2106 (relating to local match) may be waived by the Secretary of Transportation for good cause if the applicant for assistance is a municipality.

(2) From funds available to the Department of Transportation under 74 Pa.C.S. § 2104(a)(2), the local match under 74 Pa.C.S. § 2106 may be waived by the Secretary of Transportation for good cause if the applicant for assistance is a port authority.

(b) Commonwealth Financing Authority.--Notwithstanding the provisions of 74 Pa.C.S. § 2106, a municipality or port authority receiving financial assistance under 74 Pa.C.S. § 2104(a)(4) may not be required to provide a local match.

(c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Municipality." A county, city, borough, incorporated town, township or local, regional or metropolitan transportation authority.

"Port authority." A port authority as established under the act of July 10, 1989 (P.L.291, No.50), known as the Philadelphia Regional Port Authority Act.

((c) amended May 29, 2020, P.L.158, No.23)

(d) Expiration.--This section shall expire December 31, 2024. ((d) amended Dec. 13, 2023, P.L.251, No.34)

(1798.3-E amended June 22, 2018, P.L.281, No.42)

Section 1798.4-E. Public Transportation Trust Fund.

Notwithstanding 74 Pa.C.S. § 1513(d)(3) (relating to operating program), in addition to the local match requirements under 74 Pa.C.S. § 1513(d), for fiscal years 2020-2021 and

2021-2022, funding received by a municipality through the American Rescue Plan Act of 2021 (Public Law 117-2, 135 Stat. 4) shall qualify as local matching funds.

(1798.4-E added June 30, 2021, P.L.62, No.24)

SUBARTICLE E
RESTRICTIONS ON APPROPRIATIONS
FOR FUNDS AND ACCOUNTS
(Subart. added July 17, 2007, P.L.141, No.42)

Section 1799-E. State Gaming Fund.

(a) Transfers for Volunteer Fire Company and Volunteer Ambulance Service Grant Act.--Commencing with fiscal year 2007-2008 and continuing annually thereafter, the sum of \$25,000,000 shall be transferred from the State Gaming Fund to the General Fund and is hereby appropriated on a continuing basis to the Pennsylvania Emergency Management Agency for the purpose of making grants under 35 Pa.C.S. Ch. 78 (relating to grants to volunteer fire companies and volunteer services). Annually, the sum of \$22,000,000 shall be expended for the purpose of making grants to eligible volunteer fire companies under 35 Pa.C.S. Ch. 78 Subch. B (relating to volunteer fire company grant program). Annually, the sum of \$3,000,000 shall be expended for the purpose of making grants to eligible volunteer ambulance services under 35 Pa.C.S. Ch. 78 Subch. C (relating to volunteer ambulance service grant program).

(b) Transfers to General Fund.--

(1) Any funds from fiscal years ending before July 1, 2019, not committed for local law enforcement grants under 4 Pa.C.S. § 1408(c) (relating to transfers from State Gaming Fund) on September 1, 2019, shall be transferred to the General Fund.

(2) (Reserved).

((b) amended June 28, 2019, P.L.173, No.20)

(b.1) Transfers for loan and repayment.--From funds deposited into the General Fund under subsection (b)(1), the sum of \$1,192,000 shall be transferred to the Video Gaming Fund. Funds transferred under this subsection shall be subject to section 704 of the act of June 28, 2019 (P.L.963, No.15A), known as the Gaming Control Appropriation Act of 2019, and shall be repaid to the General Fund from regulatory accounts established under 4 Pa.C.S. § 4104 (relating to regulatory assessments).
((b.1) added June 28, 2019, P.L.173, No.20)

(c) Performance audit.--Notwithstanding section 408, a performance audit of the Pennsylvania Gaming Control Board commenced in 2007 by the Auditor General shall be paid for from funds appropriated to the Auditor General.

(d) Utilization.--The board shall not encumber or commit funds obtained from any source, including a commercial loan or the sale of gaming receipts, unless appropriated by the General Assembly.

(e) Assessments for property tax relief.--Notwithstanding subsection (g) or any other provision of law to the contrary, if the Secretary of the Budget authorizes a transfer from the Property Tax Relief Reserve Fund and determines that the moneys in the fund are insufficient to support the transfer, the Secretary of the Budget shall notify the Pennsylvania Gaming Control Board and, upon notification, the board shall immediately assess each slot machine licensee for the repayment of the insufficiency in an amount that is proportional to each slot machine licensee's gross terminal revenue. The amount shall be deducted from amounts owed under sections 1720-G, 1720-I and

1720-K in an amount that is proportional to each slot machine licensee's gross terminal revenue.

(f) Appropriations solely from assessments.--Beginning in fiscal year 2010-2011 and each fiscal year thereafter, all funds for the operation of the Pennsylvania State Police, the Department of Revenue and the Attorney General shall be appropriated solely from an assessment on gross terminal revenue from accounts under 4 Pa.C.S. § 1401 (relating to slot machine licensee deposits) in an amount equal to that appropriated by the General Assembly for that fiscal year. The Pennsylvania State Police, Department of Revenue or Attorney General shall not assess any charge, fee, cost of operations or other payment from a licensed gaming entity in excess of amounts appropriated in any such fiscal year unless specifically authorized by law.

(g) Establishment of repayment schedule.--No later than June 30, 2011, the Pennsylvania Gaming Control Board, in consultation with all licensed gaming entities, shall establish a schedule governing the repayment by licensed gaming entities of loans provided to the Pennsylvania Gaming Control Board under sections 1720-G, 1720-I and 1720-K. The following shall apply:

(1) Repayment of loans provided to the Pennsylvania Gaming Control Board pursuant to sections 1720-G, 1720-I and 1720-K by licensed gaming entities shall begin January 1, 2012.

(2) The Pennsylvania Gaming Control Board shall establish a repayment schedule that, at a minimum:

(i) Sets forth the dates upon which the repayments shall be due. Payments may be required on a quarterly, semiannual or annual basis.

(ii) Assesses to each slot machine licensee costs for repayment of loans from the Property Tax Relief Reserve Fund made under sections 1720-G, 1720-I and 1720-K in an amount that is proportional to each slot machine licensee's gross terminal revenue.

(iii) Results in full repayment of amounts loaned pursuant to sections 1720-G, 1720-I and 1720-K not earlier than five years nor later than ten years following commencement of the loan repayments by the slot machine licensee.

(1799-E amended June 30, 2011, P.L.159, No.26)

SUBARTICLE F OTHER AGENCIES

(Subart. added July 10, 2014, P.L.1053, No.126)

Section 1799.1-E. Pennsylvania Liquor Control Board.

(a) License fees.--In order to encourage applications for licensure for tavern gaming, the Pennsylvania Liquor Control Board may reduce the license fee under section 905(c) of the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, to \$500 upon approval of the license.

(b) Unallocated grant money.--In any fiscal year when grant money authorized under section 446.1 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, remains unallocated, the remaining amount of money shall be made available for grants in subsequent fiscal years.

(1799.1-E amended Oct. 30, 2017, P.L.725, No.44)

Section 1799.2-E. Pennsylvania Liquor Control Board procedure.

Notwithstanding the provisions of section 305 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, the Pennsylvania Liquor Control Board may implement a procedure for

processing special orders which do not come to rest at a store by June 1, 2017.

(1799.2-E added July 13, 2016, P.L.664, No.85)
Section 1799.3-E. Restaurant liquor license auction.

In order to encourage the auctioning of licenses under section 470.3 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, the Pennsylvania Liquor Control Board shall set the dates, times and regulations for the auctioning of licenses.

(1799.3-E added July 13, 2016, P.L.664, No.85)
Section 1799.4-E. Liquor Code terms.

Notwithstanding any provision of law to the contrary the following terms when used in the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, shall have the following meanings:

(1) "Best selling items" shall mean the 150 most sold brands and product types of wine and the 150 most sold brands and product types of liquor as measured by the total number of units sold on a six-month basis calculated every January 1 and July 1.

(2) "Commercial and mixed-use overlay project" shall include an existing or proposed hotel with at least ninety rooms.

(1799.4-E amended May 29, 2020, P.L.158, No.23)
Section 1799.5-E. Sales by distilleries. (1799.5-E repealed Dec. 13, 2023, P.L.251, No.34)

Section 1799.6-E. Liquor Code suspension for deficiency.

(a) Administrative suspension.--

(1) If the board finds, through an inspection by a board employee, that a licensee does not meet a requirement under the Liquor Code or the board's regulations that renders the licensee ineligible for the license, including instances when the licensee no longer meets the seating, square footage, food, health license or room requirements for the license, the board may immediately impose an administrative suspension of the operating privileges of the licensee and shall give written notice to the licensee as to the exact deficiency observed. The operating privileges shall remain suspended until the licensee can establish to the board's satisfaction that the licensee is again eligible for the license.

(2) If an employee of the bureau, a county department of public health or a county department of licenses and inspections or a similar employee of the Commonwealth or a municipality finds that a licensee does not meet the requirements of either the Liquor Code or the board's regulations as provided under paragraph (1), the employee may inform the board of the deficiency so that the board may proceed under paragraph (1).

(b) Procedure.--Section 464 of the Liquor Code and 42 Pa.C.S. § 933(a)(1)(v) (relating to appeals from government agencies) shall not apply to an administrative suspension under subsection (a)(1). If the board refuses to reinstate a suspended licensee's operating privileges, the suspended licensee may request a hearing before Commonwealth Court under 42 Pa.C.S. § 761(a)(4) (relating to original jurisdiction) solely on the issue of whether the suspended licensee is eligible for reinstatement of operating privileges. The Commonwealth Court shall hold a hearing within 10 days of the filing of the request for a hearing under this subsection.

(c) Cumulative sanctions.--An administrative suspension under subsection (a)(1) shall be in addition to any other penalty provided by law.

(d) Savings provisions.--Other violations of the Liquor Code or questions as to the continued fitness of a licensee, which are currently addressed through the citation process under section 471 of the Liquor Code or the board's nonrenewal process under section 470(a.1) of the Liquor Code shall continue to be addressed in that manner and not through the administrative suspension process under subsections (a)(1) and (b).

(e) Functions.--In addition to the enforcement powers and duties under section 211(a) of the Liquor Code, the bureau shall establish an inspection schedule which provides for the inspection of a premises licensed as a restaurant liquor establishment or licensed as an eating place establishment for compliance and issue citations for violations of the Liquor Code discovered during the inspection.

(f) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Board." The Pennsylvania Liquor Control Board.

"Bureau." The Bureau of Liquor Control Enforcement.

"Eating place." As defined in section 102 of the Liquor Code.

"License." A license under the Liquor Code.

"Licensee." A person that holds a license.

"Liquor Code." The act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code.

"Restaurant." As defined in section 102 of the Liquor Code.

(1799.6-E added Oct. 30, 2017, P.L.725, No.44)

Section 1799.7-E. State Employees' Retirement System Restricted Account.

(a) Authority.--Notwithstanding any other law to the contrary, the State Employees' Retirement Board shall receive, as part of the amounts transferred to the board, an amount of \$5,269,000 to be placed in a restricted account for use by the board.

(b) Use of funds.--The funds shall only be expended for the purpose of paying the administrative expenses of the board to establish and implement the State Employees' Defined Contribution Plan established under 71 Pa.C.S. Ch. 58 (relating to State employees' defined contribution plan).

(c) Nature of funds.--No funds may be transferred under subsection (a) that are otherwise required to be transferred to the board for any other purpose required by law.

(1799.7-E added Oct. 30, 2017, P.L.725, No.44)

Section 1799.8-E. Public School Employees' Retirement System Restricted Account.

(a) Authority.--From the amounts appropriated but unexpended for school employees' retirement for fiscal years prior to fiscal year 2017-2018, the sum of \$6,801,000 shall be transferred to the Public School Employees' Retirement System and placed in a restricted account for use by the board.

(b) Use of funds.--The funds transferred under subsection (a) shall only be used for the purpose of paying the administrative expenses of the board to establish and implement the Public School Employees' Defined Contribution Plan established under 24 Pa.C.S. Ch. 84 (relating to school employees' defined contribution plan).

(c) Nature of funds.--No funds may be transferred under subsection (a) that are otherwise required to be transferred to the board for any other purpose required by law.

(1799.8-E added Oct. 30, 2017, P.L.725, No.44)
Section 1799.9-E. Joint Legislative Air and Water Pollution
Control and Conservation Committee.

(a) Termination.--The Joint Legislative Air and Water Pollution Control and Conservation Committee established under the act of January 19, 1967 (1968 P.L.1022, No.448), entitled, "An act creating a Joint Legislative Air and Water Pollution Control and Conservation Committee, providing for the terms and appointment of members and for organization of the committee and employment of personnel, providing for study of air and water pollution laws and their enforcement, providing for information and assistance from other agencies of government, and making an appropriation," shall terminate July 1, 2021.

(b) (Reserved).

(1799.9-E added June 28, 2019, P.L.173, No.20)
Section 1799.10-E. Pennsylvania Public Utility Commission.

(a) Alternative energy portfolio standards.--

(1) Notwithstanding section 4 of the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, in order to qualify as an alternative energy source eligible to meet the Tier II share of this Commonwealth's compliance requirements under section 3(c) of the Alternative Energy Portfolio Standards Act and to qualify for Tier II alternative energy portfolio credits, each Tier II source must do one of the following:

(i) Directly deliver the electricity it generates to a retail customer of an electric distribution company or to the distribution system operated by an electric distribution company operating within this Commonwealth and currently obligated to meet the compliance requirements contained under the Alternative Energy Portfolio Standards Act.

(ii) Be directly connected to the electric system of an electric cooperative or municipal electric system operating within this Commonwealth.

(iii) Connect directly to the electric transmission system at a location that is within the service territory of an electric distribution company operating within this Commonwealth.

(iv) Generate electricity at generation units whose construction and operation is subject to and complies with permits issued by the Department of Environmental Protection of the Commonwealth under the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, or the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act.

(2) Nothing under this section or section 4 of the Alternative Energy Portfolio Standards Act shall affect any of the following:

(i) A certification originating within the geographical boundaries of this Commonwealth granted prior to the effective date of this section of a Tier II energy generator as a qualifying alternative energy source eligible to meet the Tier II share of this Commonwealth's alternative energy portfolio compliance requirements under the Alternative Energy Portfolio Standards Act.

(ii) Certification of a Tier II source with a binding written contract for the sale and purchase of alternative energy credits derived from Tier II energy sources for the remaining term of the contract as of the

effective date of this section, but only until the current term of the contract terminates.

(b) Applicability.--This section shall apply to contracts entered into or renewed on or after the effective date of this section.

(c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Alternative energy source." As the term "alternative energy sources" is defined in section 2 of the Alternative Energy Portfolio Standards Act.

"Electric distribution company." As defined in section 2 of the Alternative Energy Portfolio Standards Act.

(1799.10-E added Nov. 23, 2020, P.L.1140, No.114)

ARTICLE XVII-E.1

RURAL REGIONAL COLLEGE FOR UNDERSERVED COUNTIES

(Art. repealed July 13, 2016, P.L.716, No.86)

Section 1701-E.1. Applicability. (1701-E.1 repealed July 13, 2016, P.L.716, No.86)

Section 1702-E.1. Scope of article. (1702-E.1 repealed July 13, 2016, P.L.716, No.86)

Section 1703-E.1. Definitions. (1703-E.1 repealed July 13, 2016, P.L.716, No.86)

Section 1704-E.1. Designations by secretary. (1704-E.1 repealed July 13, 2016, P.L.716, No.86)

Section 1705-E.1. Designation and board of trustees. (1705-E.1 repealed July 13, 2016, P.L.716, No.86)

Section 1706-E.1. Establishment. (1706-E.1 repealed July 13, 2016, P.L.716, No.86)

Section 1707-E.1. Powers and duties of board of trustees. (1707-E.1 repealed July 13, 2016, P.L.716, No.86)

Section 1708-E.1. Officers of rural regional college. (1708-E.1 repealed July 13, 2016, P.L.716, No.86)

Section 1709-E.1. Students. (1709-E.1 repealed July 13, 2016, P.L.716, No.86)

Section 1710-E.1. Tuition. (1710-E.1 repealed July 13, 2016, P.L.716, No.86)

Section 1711-E.1. Dissolution and transition of rural regional college. (1711-E.1 repealed July 13, 2016, P.L.716, No.86)

Section 1712-E.1. Degrees. (1712-E.1 repealed July 13, 2016, P.L.716, No.86)

Section 1713-E.1. Funding. (1713-E.1 repealed July 13, 2016, P.L.716, No.86)

Section 1714-E.1. Financial aid. (1714-E.1 repealed July 13, 2016, P.L.716, No.86)

Section 1715-E.1. Regulations. (1715-E.1 repealed July 13, 2016, P.L.716, No.86)

Section 1716-E.1. Reports. (1716-E.1 repealed July 13, 2016, P.L.716, No.86)

Section 1717-E.1. Transfers of credits. (1717-E.1 repealed July 13, 2016, P.L.716, No.86)

ARTICLE XVII-E.2

SCHOOL DISTRICT DEBT REFINANCING BONDS

(Art. hdg. added April 25, 2016, P.L.168, No.25)

Section 1701-E.2. Definitions.

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

"Authority." The Commonwealth Financing Authority.

"Cost of a project." The term includes all items reimbursable under law.

"Cost of PlanCon project." Approved reimbursable rentals and approved reimbursable sinking fund charges, capital grants, any necessary or appropriate reserves, costs of issuance and any other financing costs related to a PlanCon project.

"Department." The Department of Education of the Commonwealth.

"Finance." The lending or providing of funds to a school district for payment of the cost of a project and the provision of funds for a PlanCon project.

"Financing Law." The provisions of 64 Pa.C.S. Ch. 15 (relating to Commonwealth Financing Authority).

"PlanCon project." The funding of approved reimbursable rentals for approved leases and approved reimbursable sinking fund charges authorized under section 2574 of the Public School Code of 1949 and capital grants for a project authorized to be approved under section 2574.4 of the Public School Code of 1949.

"Project." As defined in 64 Pa.C.S. Ch. 15 (relating to Commonwealth Financing Authority) or any project of a school district that is eligible for reimbursement by the Commonwealth as required under Subarticle (f) of Article XXV of the Public School Code of 1949 for approved rental or sinking fund charges.

"Public School Code of 1949." The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

(1701-E.2 added Apr. 25, 2016, P.L.168, No.25)

Compiler's Note: Section 2574.4 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, referred to in the definition of "planCon project," does not exist.

Section 1702-E.2. Bond issuance.

(a) Declaration of policy.--The General Assembly finds and declares that:

(1) Funding the payment of reimbursements to school districts for construction and reconstruction projects, through the authority, is in the best interest of the Commonwealth.

(2) The Financing Law is to be liberally construed to effect the legislative and public purposes.

(3) One of those stated purposes is the protection of "the health, safety and general welfare of the people of this Commonwealth" pursuant to 64 Pa.C.S. § 1503(6) (relating to findings and declaration of policy).

(4) In order to accomplish such a goal "it is desirable to build, improve and finance facilities owned by municipalities, municipal authorities and other authorities and instrumentalities of the Commonwealth," which includes school districts, pursuant to 64 Pa.C.S. § 1503(7).

(b) Authority.--Notwithstanding any other law, the authority shall establish a program to issue bonds on behalf of school districts to provide reimbursements from the Commonwealth as required under Article XXV of the Public School Code of 1949 for approved rental or sinking fund charges.

(c) Debt or liability.--

(1) Bonds issued under this article shall not be a debt or liability of the Commonwealth and shall not create or

constitute any indebtedness, liability or obligation of the Commonwealth.

(2) Bond obligations shall be payable solely from revenues or funds pledged or available for repayment as authorized under this article.

(3) Each bond must contain on its face a statement that:

(i) The authority is obligated to pay the principal of or interest on the bonds only from the revenues or funds pledged or available for repayment as authorized under this article.

(ii) Neither the Commonwealth nor any school district is obligated to pay the principal of or interest on the bonds.

(iii) The full faith and credit of the Commonwealth or of any school district is not pledged to the payment of the principal of or the interest on the bonds.

(d) Review for form and legality.--For the purposes of issuing bonds under this article, the duties of the Attorney General under section 204 of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, relating to the issuance of bonds may be performed by the first deputy attorney general.

(1702-E.2 added Apr. 25, 2016, P.L.168, No.25)
Section 1703-E.2. Limitations on bond issuance.

The authority may issue bonds for a PlanCon project in an aggregate principal amount not to exceed \$2,500,000,000, unless the authority and the department determine this amount is insufficient to carry out the purposes of this article, then the authority shall adopt a resolution to petition the Secretary of the Budget to increase the maximum aggregate principal amount. The Secretary of the Budget may approve the petition and, if approved, shall publish notice of the approval in the Pennsylvania Bulletin. The authority shall not issue any bonds for the PlanCon project, except refunding bonds, after June 30, 2025. The authority, in consultation with the department and the Office of the Budget, shall determine the principal amounts of taxable and tax-exempt bonds to be issued during a fiscal year. Notwithstanding any other limitation, the authority, at the request of the department, may issue refunding bonds at any time while bonds issued for the PlanCon project are outstanding, provided that the final maturity of any series of bonds being refunded shall not be extended. Interest on bonds issued for the PlanCon project and refunding bonds authorized under this section shall be payable at such time or times as the authority shall determine in the resolution authorizing such bonds and shall otherwise be subject to the other provisions of the Financing Law. The aggregate principal amount of bonds set forth in this section shall not be subject to the debt limitations set forth in 64 Pa.C.S. § 1543 (relating to indebtedness).

(1703-E.2 added Apr. 25, 2016, P.L.168, No.25)
Section 1704-E.2. Service agreement authorized.

The authority and the department may enter into any agreement or service agreement to effectuate the purposes of this article, including an agreement to secure bonds issued for a PlanCon project, pursuant to which the department shall agree to pay service charges to the authority in each fiscal year that the bonds or refunding bonds are outstanding in amounts sufficient to timely pay in full the debt service and any other financing costs due on the bonds issued for the PlanCon project. The department's payment of such service charges shall be subject to and dependent upon the appropriation of funds by the General Assembly to the department for payment of the service charges.

The service agreement may be amended or supplemented by the authority and the department in connection with the issuance of any series of bonds or refunding bonds authorized in this section.

(1704-E.2 added Apr. 25, 2016, P.L.168, No.25)

Section 1705-E.2. Deposit of bond proceeds.

The net proceeds of bonds, other than refunding bonds, exclusive of costs of issuance, reserves and any other financing charges, shall be transferred by the authority to the State Treasurer for deposit into a restricted account established in the State Treasury and held solely for the purpose of paying costs of a PlanCon project which are due to school districts. Payment by the department shall follow the process required by Article VII of the Public School Code of 1949, unless the department is specifically directed to follow a different process by this article. The department shall requisition payments due to school districts from that account. To pay for expenses related to its administration of this program, the department, with the approval of the Governor and the authority, may charge a fee against the proceeds deposited in the restricted account.

(1705-E.2 added Apr. 25, 2016, P.L.168, No.25)

Section 1706-E.2. Sinking fund charges for school building projects.

The following shall apply:

(1) All school districts which submitted completed applications to the department prior to the effective date of this section, and which vote to proceed with construction and awarded bids on their construction contracts no later than July 1, 2021, shall, as permitted by law, either be awarded a one-time capital grant, if available, for the approved project in lieu of approved reimbursement payments or, if not available, shall receive payments in the form of reimbursements.

(1.1) All school districts that submitted applications between July 1, 2017, and November 6, 2017, and that vote to proceed with construction and award bids on their construction contracts no later than December 31, 2022, shall, as permitted by law, be awarded a one-time capital grant, if available, for the approved project in lieu of approved reimbursement payments or, if not available, shall receive payments in the form of reimbursements. ((1.1) amended June 30, 2021, P.L.62, No.24)

(2) The department shall administer the payments due and payable under this section, and shall determine the amount of the capital grant due each school district which shall not exceed the maximum reimbursable project amount.

(1706-E.2 amended Oct. 30, 2017, P.L.725, No.44)

Section 1707-E.2. Limitation on new applications for Department of Education approval of public school building projects.

For the 2015-2016 and 2016-2017 school years, the Department of Education shall not accept or approve new building construction or reconstruction project applications. Completed school building construction or reconstruction project applications received by the Department of Education by May 15, 2016, are not subject to this subsection.

(1707-E.2 added Apr. 25, 2016, P.L.168, No.25)

Section 1708-E.2. Public School Building Construction and Reconstruction Advisory Committee.

(a) Establishment.--There is established an advisory committee.

(b) Duties.--The committee shall review and make findings and recommendations related to the program for State reimbursement for construction and reconstruction and lease of public school buildings.

(c) Membership.--The advisory committee shall consist of the following:

(1) The Secretary of Education or a designee.

(2) One member appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives.

(3) A representative from each of the following:

(i) The Pennsylvania Association of School Business Officials.

(ii) The Pennsylvania School Boards Association.

(4) The chairperson and minority chairperson of the Appropriations Committee and Education Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee and Education Committee of the House of Representatives.

(5) One member appointed by the President pro tempore of the Senate.

(6) One member appointed by the Minority Leader of the Senate.

(7) One member appointed by the Speaker of the House of Representatives.

(8) One member appointed by the Minority Leader of the House of Representatives.

(d) First meeting.--The committee shall hold its first meeting within 30 days of the effective date of this section regardless of whether all of the committee members have been appointed to the committee. At the first meeting, the Department of Education shall present its report relating to the Statewide analysis of school facilities and capital needs as required under section 732.1 of the Public School Code of 1949.

(e) Chairperson.--The committee shall appoint a member to serve as chairperson of the committee.

(f) Call of chairperson.--The committee shall hold meetings at the call of the chairperson.

(g) Reimbursement.--The members may not receive compensation for their services, but shall be reimbursed for all necessary travel and other reasonable expenses incurred in connection with the performance of their duties as members of the committee.

(h) Support.--The General Assembly shall provide administrative support, meeting space and any other assistance required by the committee to carry out its duties under this section in cooperation with the department. The department shall provide the committee with data, research and other information upon request.

(i) Report.--The committee shall issue a report not later than January 31, 2018, of the committee's findings to the Governor, the President pro tempore of the Senate, the Majority Leader and Minority Leader of the Senate, the Appropriations Committee and Education Committee of the Senate, the Speaker of the House of Representatives, the Majority Leader and Minority Leader of the House of Representatives, the Appropriations Committee and Education Committee of the House of Representatives and the Secretary of Education. ((i) amended Oct. 30, 2017, P.L.725, No.44)

(1708-E.2 added Apr. 25, 2016, P.L.168, No.25)
Section 1709-E.2. Public school building lease and debt service reimbursements for fiscal year 2015-2016.

(a) General rule.--For the 2015-2016 fiscal year, the Department of Education shall utilize undistributed funds not expended as of April 15, 2016, from appropriations for payment on account of annual rental or sinking fund charges on school buildings, including charter schools, to make reimbursements for school building leases and debt service necessary to make payments in fiscal year 2015-2016 under this article.

(b) Exclusion.--This section shall not include reimbursement for debt service meeting the criteria for bond issuance under this article.

(1709-E.2 added Apr. 25, 2016, P.L.168, No.25)

Section 1710-E.2. Posting of information by department.

No later than July 1, 2016, and every 90 days thereafter, the Department of Education shall post and update on its publicly accessible Internet website in a searchable and sortable format the following information related to public school construction and reconstruction projects, building purchases and lease reimbursements submitted for the approval of, or approved by, the department:

(1) The type of project, elementary school, middle school, intermediate school, high school, charter school or vocational technical school by school entity.

(2) The scope of project, new construction, renovation, addition, purchase or lease.

(3) The date of receipt of each application.

(4) The date of department approval of each application.

(5) The date of approval or denial of any waiver or exception granted by the department.

(6) The reason for approval or denial of any waiver or exception granted by the department.

(7) The date of submission of the application for each step of the reimbursement process.

(8) The date of approval of the application for each step of the reimbursement process.

(9) The anticipated total project cost.

(10) Whether the project reached the maximum reimbursable project amount.

(11) The anticipated term of State reimbursement.

(12) The anticipated total reimbursement amount.

(13) The temporary reimbursable percentage.

(14) The permanent reimbursable percentage.

(15) The dates of expected State payments.

(16) The dates of expected school district payments.

(17) Whether the project was financed by cash.

(18) The date a project was voided, if applicable.

(19) A summary of the terms of the project's debt service or lease.

(20) An analysis of the callability of the project's debt service.

(1710-E.2 added Apr. 25, 2016, P.L.168, No.25)

Section 1711-E.2. Documentation requirements.

Notwithstanding any other provision of law, the following shall apply to school building construction and reconstruction projects for which reimbursement from the appropriation for payments on account of annual rental or sinking fund charges on school buildings or charter schools is being sought:

(1) For a school district that has received approval from the department for reimbursement but fails to submit all additional project documentation requested within 90 days of the request, the department shall move the project back in the reimbursement order until such time as the school

district complies with the information request and shall move other projects up in the reimbursement order.

(2) The Secretary of Education may grant waivers to school districts that fail to submit requested documentation under paragraph (1) and are in the process of reconciling financial records, or are facing litigation or bond refinancing delays.

(1711-E.2 added Apr. 25, 2016, P.L.168, No.25)

ARTICLE XVII-E.3
GENERAL BUDGET RESTRICTIONS ON APPROPRIATIONS
FOR FUNDS AND ACCOUNTS
(Art. added July 13, 2016, P.L.664, No.85)

Section 1701-E.3. Applicability.

This article applies to appropriations from every General Appropriation Act.

(1701-E.3 added July 13, 2016, P.L.664, No.85)

Section 1702-E.3. State Lottery Fund (Reserved).

(1702-E.3 added July 13, 2016, P.L.664, No.85)

Section 1703-E.3. Tobacco Settlement Fund (Reserved).

(1703-E.3 added July 13, 2016, P.L.664, No.85)

Section 1704-E.3. Judicial Computer System Augmentation Account (Reserved).

(1704-E.3 added July 13, 2016, P.L.664, No.85)

Section 1705-E.3. Emergency Medical Services Operating Fund (Reserved).

(1705-E.3 added July 13, 2016, P.L.664, No.85)

Section 1706-E.3. The State Stores Fund (Reserved).

(1706-E.3 added July 13, 2016, P.L.664, No.85)

Section 1707-E.3. Motor License Fund (Reserved).

(1707-E.3 added July 13, 2016, P.L.664, No.85)

Section 1708-E.3. Aviation Restricted Account (Reserved).

(1708-E.3 added July 13, 2016, P.L.664, No.85)

Section 1709-E.3. Hazardous Material Response Fund (Reserved).

(1709-E.3 added July 13, 2016, P.L.664, No.85)

Section 1710-E.3. Milk Marketing Fund (Reserved).

(1710-E.3 added July 13, 2016, P.L.664, No.85)

Section 1711-E.3. HOME Investment Trust Fund (Reserved).

(1711-E.3 added July 13, 2016, P.L.664, No.85)

Section 1712-E.3. Tuition Account Guaranteed Savings Program Fund (Reserved).

(1712-E.3 added July 13, 2016, P.L.664, No.85)

Section 1713-E.3. Banking Fund (Reserved).

(1713-E.3 added July 13, 2016, P.L.664, No.85)

Section 1714-E.3. Firearm Records Check Fund (Reserved).

(1714-E.3 added July 13, 2016, P.L.664, No.85)

Section 1715-E.3. Ben Franklin Technology Development Authority Fund (Reserved).

(1715-E.3 added July 13, 2016, P.L.664, No.85)

Section 1716-E.3. Oil and Gas Lease Fund (Reserved).

(1716-E.3 added July 13, 2016, P.L.664, No.85)

Section 1717-E.3. Home Improvement Account (Reserved).

(1717-E.3 added July 13, 2016, P.L.664, No.85)

Section 1718-E.3. Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund (Reserved).

(1718-E.3 added July 13, 2016, P.L.664, No.85)

Section 1719-E.3. Insurance Regulation and Oversight Fund (Reserved).

(1719-E.3 added July 13, 2016, P.L.664, No.85)

Section 1720-E.3. Pennsylvania Race Horse Development Restricted Receipts Account (Reserved).

(1720-E.3 added July 13, 2016, P.L.664, No.85)
Section 1721-E.3. Justice Reinvestment Fund (Reserved).
(1721-E.3 added July 13, 2016, P.L.664, No.85)
Section 1722-E.3. Multimodal Transportation Fund (Reserved).
(1722-E.3 added July 13, 2016, P.L.664, No.85)
Section 1723-E.3. State Racing Fund (Reserved).
(1723-E.3 added July 13, 2016, P.L.664, No.85)
Section 1724-E.3. ABLE Savings Program Fund (Reserved).
(1724-E.3 added July 13, 2016, P.L.664, No.85)

ARTICLE XVII-E.4
SCHOOL DISTRICT INTERCEPTS FOR
THE PAYMENT OF DEBT SERVICE DURING BUDGET IMPASSE
(Art. added July 13, 2016, P.L.664, No.85)

Section 1701-E.4. Scope of article.

This article applies to the intercept of subsidy payments by the department or the secretary from a school district subject to an intercept statute or an intercept agreement in the event of a budget impasse in any fiscal year.

(1701-E.4 added July 13, 2016, P.L.664, No.85)

Section 1702-E.4. Definitions.

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

"Department." The Department of Education of the Commonwealth.

"Intercept agreements." Agreements entered into under the authority of section 633, 785 or 790 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, or 53 Pa.C.S. § 8125(b) (relating to security for tax anticipation notes and sinking fund), as applicable.

"Intercept statutes." Section 633, 785 or 790 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, or 53 Pa.C.S. § 8125(b) (relating to security for tax anticipation notes and sinking fund), as applicable.

"Secretary." The Secretary of Education of the Commonwealth.

(1702-E.4 added July 13, 2016, P.L.664, No.85)

Section 1703-E.4. Budget impasse.

(a) General rule.--The amounts as may be necessary for the department or secretary to comply with the provisions of the applicable intercept statute or intercept agreement shall be appropriated to the department from the General Fund after the department or secretary submits justification for the appropriation to the chair and minority chair of the Appropriations Committee of the Senate and the chair and minority chair of the Appropriations Committee of the House of Representatives allowing 10 days for their review and comment if in any fiscal year:

(1) the annual appropriations for payment of Commonwealth money to school districts have not been enacted by July 1 and continue to be not enacted when a payment is due;

(2) the conditions under which the department or the secretary must comply with the applicable intercept statute or intercept agreement have occurred, thereby requiring the department or the secretary to withhold money from payments due to school districts; and

(3) the secretary, in consultation with the Secretary of the Budget, determines that there are no payments or allocations due to be paid to the school district from which

the department or secretary may withhold money as required by the applicable intercept statute or intercept agreement.

(b) Accounting for intercept payments.--Upon enactment of the annual appropriations for a fiscal year in which a budget impasse occurs, against which the intercept statute or intercept agreement may be applied, the amounts expended by the department under subsection (a) since July 1 shall be withheld from the share of such appropriation or allocations due the subject school district for which the secretary or the department exercise their powers under the intercept statute or intercept agreement.

(c) Loan documentation.--Each school district subject to an intercept statute or intercept agreement shall deliver to the department, in such format as the department may direct, a copy of its final official statement or loan documents relating to the obligations within 30 days of the date that it receives the proceeds of a bond or note, or the principal amount of a loan, if the proceeds or principal are within the scope of the applicable intercept statute or intercept agreement. Loan documentation provided to the department shall include a schedule of principal and interest payments. Any obligation for which the department does not receive the required documentation by the required time shall not be subject to the applicable intercept statute or intercept agreement.

(1703-E.4 added July 13, 2016, P.L.664, No.85)

Section 1704-E.4. Intercept payments.

(a) General rule.--An intercept payment shall be made to the fiscal agent for the obligations and shall be made on the day the scheduled payment for principal and interest is due.

(b) Limitation.--The total amount of all intercept payments under this article may not exceed 50% of the total non-Federal General Fund subsidy payments made to the subject school district in the prior fiscal year.

(1704-E.4 added July 13, 2016, P.L.664, No.85)

Section 1705-E.4. Limitation on appropriation.

The appropriation under section 1703-E.4 shall be limited to available cash balances in the General Fund at the time of the execution of an intercept by the department or the secretary. The Commonwealth may not issue tax anticipation notes or enter into a loan agreement with the Treasury Department to provide cash flow for intercept payments.

(1705-E.4 added July 13, 2016, P.L.664, No.85)

ARTICLE XVII-E.5

REINSTATEMENT OF ITEM VETOES

(Art. added June 22, 2018, P.L.281, No.42)

Section 1701-E.5. Legislative Department appropriations.

(a) Amounts available.--By August 1, 2018, the Secretary of the Budget shall notify the State Treasurer of amounts available in appropriations to the Senate, the House of Representatives and the State Government Support Agencies for line item appropriation vetoes that were executed on July 10, 2014, in the act of July 10, 2014 (P.L.3051, No.1A), known as the General Appropriation Act of 2014, and subsequently determined through judicial review to have been erroneously effected:

(1) To the Senate, \$31,340,000.

(2) To the House of Representatives, \$20,120,000.

(3) To the State Government Support Agencies,
\$13,640,000.

(b) Contents of notification.--The notification under subsection (a) shall include the agency, the line item appropriation name, the amount to be made available and the resulting balance in the line item appropriation.

(c) Action by State Treasurer.--No later than August 3, 2018, the State Treasurer shall apply each amount under subsection (a) to the respective line item appropriation for fiscal year 2014-2015, and the amount applied shall be available immediately for expenditure.

(d) Action by Senate.--Following application of the amount under subsection (a) to the Senate's line item appropriation, by September 1, 2018, the Chief Clerk of the Senate shall authorize and direct the State Treasurer to transfer the sum of \$15,000,000 to the School Safety and Security Fund in the State Treasury. The remainder of the amount under subsection (a) shall be lapsed to the General Fund no later than September 1, 2018.

(e) Action by House of Representatives.--Following application of the amount under subsection (a) to the House of Representatives' line item appropriation, by September 1, 2018, the Chief Clerk of the House of Representatives, upon the approval of the Majority Leader and the Minority Leader of the House of Representatives, shall authorize and direct the State Treasurer to transfer the sum of \$15,000,000 to the School Safety and Security Fund in the State Treasury. The remainder of the amount under subsection (a) shall be lapsed to the General Fund no later than September 1, 2018.

(f) Action by government support agencies.--Following application of the amount under subsection (a) to the government support agencies line item appropriations, the restored amounts shall be lapsed to the General Fund no later than September 1, 2018.

(1701-E.5 added June 22, 2018, P.L.281, No.42)

ARTICLE XVII-F

2017-2018 BUDGET IMPLEMENTATION

(Art. repealed and added Oct. 30, 2017, P.L.725, No.44)

SUBARTICLE A

PRELIMINARY PROVISIONS

(Subart. repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1701-F. Applicability.

Except as specifically provided in this article, this article applies to the General Appropriation Act of 2017 and all other appropriation acts of 2017.

(1701-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1702-F. Definitions.

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

"CCDFBG." Child Care and Development Fund Block Grant.

"General Appropriation Act of 2017." The act of July 11, 2017 (P.L.1279, No.1A), known as the General Appropriation Act of 2017.

"Human Services Code." The act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

"Public School Code of 1949." The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

"Secretary." The Secretary of the Budget of the Commonwealth.

"TANFBG." Temporary Assistance for Needy Families Block Grant.

(1702-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1703-F. Department of Criminal Justice.

For the purposes of the act of July 11, 2017 (P.L.1279, No.1A), known as the General Appropriation Act of 2017, a reference to the Department of Criminal Justice shall be deemed to be a reference to the Department of Corrections, the Pennsylvania Board of Probation and Parole, or both, as applicable.

(1703-F added Oct. 30, 2017, P.L.725, No.44)

Compiler's Note: The Department of Criminal Justice, referred to in this section, does not exist.

SUBARTICLE B EXECUTIVE DEPARTMENTS

(Subart. repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1711-F. Governor.

Notwithstanding any other provision of law, the authorization for the transfer of funds under 35 Pa.C.S. § 7604(a) (relating to budgetary considerations) shall be \$30,000,000 for the 2017-2018 fiscal year.

(1711-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1712-F. Executive offices.

The following apply:

(1) Money appropriated to the Pennsylvania Commission on Crime and Delinquency for intermediate punishment treatment programs shall be distributed competitively to counties for offenders sentenced to intermediate punishment programs. The portion of money for drug and alcohol and mental health treatment programs shall be based on national statistics that identify the percentage of incarcerated individuals that are in need of treatment for substance issues but in no case shall be less than 80% of the amount appropriated.

(2) From money appropriated to the commission, the following apply:

(i) No less than the amount used in the 2014-2015 fiscal year shall be used to support the Statewide Automated Victim Information and Notification System (SAVIN) to provide offender information through county jails.

(ii) No less than the amount used in the 2014-2015 fiscal year shall be used for a residential treatment community facility for at-risk youth located in a county of the fifth class.

(iii) From the amount appropriated, \$100,000 shall be used for an innovative police data sharing pointer index system that will allow participating law enforcement agencies access to incident report data.

(iv) From the amount appropriated, \$200,000 shall be used for a diversion program for first-time nonviolent offenders facing prison sentences. The diversion program must include education and employment services, case management and mentoring.

(3) From money appropriated for violence and delinquency prevention programs, no less than the amount used in the 2014-2015 fiscal year shall be used for programs in a city of the second class, and no less than the amount used in the 2014-2015 fiscal year shall be used for blueprint mentoring

programs that address reducing youth violence in cities of the first, second and third class.

(1712-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1713-F. Lieutenant Governor (Reserved).

(1713-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1714-F. Attorney General.

From funds available to the Office of Attorney General, \$100,000 shall be allocated to dedicated emergency response organizations or municipal police departments in a county of the third class with a population between 340,000 and 355,000 under the 2010 Federal decennial census. Funding shall be used for training and the purchase of personalized radio transmitting devices or other technology that enables caregivers to search for and locate missing persons with special needs.

(1714-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1715-F. Auditor General.

The following apply:

(1) The Auditor General shall audit the Susquehanna River Basin Commission. The audit shall include a comprehensive examination of the books, documents, records, files, accounts, papers, things and property of the Susquehanna River Basin Commission to determine all of the following:

(i) The cost of salaries, benefits and other compensation provided to the officers and employees of the Susquehanna River Basin Commission.

(ii) The cost of expense reimbursements provided to the officers and employees of the Susquehanna River Basin Commission.

(iii) Other fixed and variable costs of the commission.

(iv) The potential for improved efficiencies and overall cost reductions, including an analysis of duplication of Commonwealth efforts and the ability to share equipment, services or personnel with Commonwealth and local agencies.

(v) Contributions to the Susquehanna River Basin Commission by the Commonwealth or any person within this Commonwealth, whether via appropriations, fees, penalties or otherwise, in comparison to other signatory parties.

(vi) The impact of the fees and penalties of the Susquehanna River Basin Commission on public and private entities within the Commonwealth.

(vii) Any other information that the Auditor General deems advisable.

(2) The Auditor General shall audit the Delaware River Basin Commission. The audit shall include a comprehensive examination of the books, documents, records, files, accounts, papers, things and property of the Delaware River Basin Commission to determine all of the following:

(i) The cost of salaries, benefits and other compensation provided to the officers and employees of the Delaware River Basin Commission.

(ii) The cost of expense reimbursements provided to the officers and employees of the Delaware River Basin Commission.

(iii) Other fixed and variable costs of the Delaware River Basin Commission.

(iv) The potential for improved efficiencies and overall cost reductions, including an analysis of duplication of Commonwealth efforts and the ability to

share equipment, services or personnel with Commonwealth and local agencies.

(v) Contributions to the Delaware River Basin Commission by the Commonwealth, or any person within this Commonwealth, whether via appropriations, fees, penalties or otherwise, in comparison to other signatory parties.

(vi) The impact of the fees and penalties of the Delaware River Basin Commission on public and private entities within this Commonwealth.

(vii) Any other information that the Auditor General deems advisable.

(1715-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1716-F. Treasury Department (Reserved).

(1716-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1717-F. Department of Aging (Reserved).

(1717-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1718-F. Department of Agriculture.

The following apply:

(1) From money appropriated for general government operations, no less than the amount transferred in the 2014-2015 fiscal year shall be transferred to the Dog Law Restricted Account.

(2) From money appropriated for general government operations, at least \$250,000 shall be used for the creation of the Commission of Agricultural Education Excellence to assist in development and implementation of agricultural education programming.

(3) From money appropriated for agricultural research, no less than \$300,000 shall be used for an agricultural resource center and no less than \$100,000 shall be used for agricultural law research programs, including those addressing energy development, in conjunction with a land-grant university.

(4) From money appropriated for hardwoods research and promotion, at least 80% of the money shall be equally distributed among the hardwood utilization groups of this Commonwealth established prior to the effective date of this section.

(5) In addition to the uses provided in section 7.3 of the act of June 18, 1982 (P.L.549, No.159), entitled "An act providing for the administration of certain Commonwealth farmland within the Department of Agriculture," the department may use up to a total of \$165,000 in the Agricultural Conservation Easement Purchase Fund under section 7.1 of the act of June 18, 1982 (P.L.549, No.159) to issue grants not to exceed \$3,000 each for succession planning to ensure that agricultural operations continue on land subject to agricultural conservation easements. The department, in consultation with the State Agricultural Land Preservation Board, shall establish eligibility criteria for awarding grants under this paragraph.

(1718-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1719-F. Department of Community and Economic Development.

The following shall apply to appropriations for the Department of Community and Economic Development:

(1) From money appropriated for general government operations, at least \$150,000 shall be used to support an engineering study related to infrastructure investment and marketing for an industrial development area in a county of the sixth class with a population of at least 45,950 but not

more than 46,500 under the most recent Federal decennial census.

(2) From money appropriated for marketing to attract tourists:

(i) \$4,067,000 to fund the activities of the tourism office within the department; and

(ii) the remaining amount includes an allocation to plan and market a biennial arts and cultural activity that generates Statewide and regional economic impact, allocations to promote annual arts and cultural activities and an allocation of \$500,000 for an annual Statewide competition serving approximately 2,000 athletes with intellectual disabilities from across this Commonwealth to be held in a county of the fourth class.

(3) From money appropriated for Keystone Communities, the following apply:

(i) \$6,357,000 shall be used to fund the Main Street Program, Elm Street Program and Enterprise Zone Program. The allocation for the Main Street Program and Elm Street Program shall be distributed in the same proportion as amounts allocated in fiscal year 2012-2013.

(ii) \$500,000 shall be used for an antiviolence task force, in consultation with the Office of Attorney General, in a county of the second class A that is also a home rule county.

(iii) \$600,000 shall be used for a community development and remediation project in a city of the third class with a population greater than 6,800 and less than 7,600 during the most recent Federal decennial census.

(iv) The remaining money shall be used for projects supporting economic growth, community development and municipal assistance throughout this Commonwealth.

(4) Funds appropriated for local municipal relief shall include an allocation to provide State assistance to individuals, persons or political subdivisions directly affected by natural or man-made disasters, public safety emergencies or other situations that pose a public safety danger. State assistance may be limited to grants for projects that do not qualify for Federal assistance to help repair damages to primary residences, personal property and public facilities. Grants shall be made available for reimbursement in a disaster emergency area only when a Presidential disaster declaration does not cover the area or when the department determines that a public safety emergency has occurred.

(1719-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1720-F. Department of Conservation and Natural Resources.

The following shall apply to appropriations for the Department of Conservation and Natural Resources:

(1) From money appropriated for State parks operations, no less than \$2,250,000 shall be used for the operation and maintenance of the Washington Crossing Historic Park.

(2) (Reserved).

(1720-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1721-F. Department of Corrections.

From the appropriation for general government operations of the Department of Criminal Justice under section 212 of the General Appropriation Act of 2017, at least \$1,500,000 shall be used by the Department of Corrections for a nonnarcotic

medication assisted substance abuse treatment grant pilot program.

(1721-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Compiler's Note: The Department of Criminal Justice, referred to in this section, does not exist.
Section 1721.1-F. Department of Drug and Alcohol Programs
(Reserved).

(1721.1-F added Oct. 30, 2017, P.L.725, No.44)
Section 1722-F. Department of Education.

The following shall apply to appropriations for the Department of Education:

(1) From an appropriation for adult and family literacy programs, summer reading programs and the adult high school diplomas program, no less than the amount allocated in the 2014-2015 fiscal year shall be allocated for an after-school learning program servicing low-income students located in a county of the sixth class with a population, based on the most recent Federal decennial census, of at least 60,000 but not more than 70,000.

(2) From money appropriated for Pennsylvania Charter Schools for the Deaf and Blind, \$816,000 shall be distributed pro rata based on each school's increased share of required contributions for public school employees' retirement.

(3) The following shall apply:

(i) Notwithstanding any other provision of law, funds set aside under section 2509.8 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, shall include an allocation for an approved private school which received a payment under section 1722-L(6).

(ii) The allocation under this paragraph shall be in an amount equal to the amount allocated to an approved private school under section 1722-L(6) for the 2015-2016 fiscal year.

(iii) The allocation under this paragraph shall be in addition to an allocation from an appropriation for approved private schools.

(iv) For the purposes of the formula for approved private schools under section 1376 of the Public School Code of 1949 for the 2018-2019 fiscal year, a payment made under this paragraph shall be considered part of the base allocation in section 1376(a.2) of the Public School Code of 1949.

(4) Notwithstanding any other provision of law, money from the set aside under section 2509.8 of the Public School Code of 1949 shall be allocated to each approved private school with a day tuition rate determined to be less than \$32,000 during the 2010-2011 school year. The allocation shall be no less than the amount allocated in the 2015-2016 fiscal year.

(5) From money appropriated for regional community college services, all of the following shall apply:

(i) \$900,000 shall be distributed to a community college in a county of the fourth class with a population, based on the most recent Federal decennial census, of at least 175,000 but not more than 190,000.

(ii) \$5,000,000 shall be distributed to a college established under Article XIX-G of the Public School Code of 1949.

(iii) \$350,000 shall be distributed for a county of the sixth class with a population of 75,000 to 85,000

under the most recent Federal decennial census to establish a program that targets postsecondary students.

(6) Notwithstanding any other provision of law, money appropriated for community education councils shall be distributed as follows:

(i) For a community education council headquartered in Armstrong County, \$167,000.

(ii) For a community education council headquartered in Elk County, \$260,000.

(iii) For a community education council headquartered in Erie County, \$246,000.

(iv) For a community education council headquartered in Lawrence County, \$116,000.

(v) For a community education council headquartered in Potter County, \$344,580.

(vi) For a community education council headquartered in Schuylkill County, \$304,189.

(vii) For a community education council headquartered in Venango County, \$338,000.

(viii) For a community education council headquartered in Warren County, \$270,000.

(ix) For a community education council headquartered in Wayne County, \$300,000.

(7) Notwithstanding section 1724-A of the Public School Code of 1949 or 24 Pa.C.S. § 8329 (relating to payments on account of social security deductions from appropriations), no payments shall be made to charter schools, regional charter schools or cyber charter schools authorized under Article XVII-A of the Public School Code of 1949 from money appropriated for school employees' Social Security.

(8) Notwithstanding section 1724-A of the Public School Code of 1949 or 24 Pa.C.S. §§ 8326 (relating to contributions by the Commonwealth) and 8535 (relating to payments to school entities by Commonwealth), no payments shall be made to charter schools, regional charter schools or cyber charter schools authorized under Article XVII-A of the Public School Code of 1949 from money appropriated for payment of required contributions for public school employees' retirement.

(1722-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1723-F. Department of Environmental Protection.

The following apply:

(1) Funds appropriated for support of the Susquehanna River Basin Commission shall be expended as follows:

(i) No more than 25% of the amount appropriated may be expended each quarter of the fiscal year.

(ii) For each quarter of the fiscal year, amounts shall be used as follows:

(A) For quarterly reimbursement to the Auditor General for the costs incurred in auditing the Susquehanna River Basin Commission under section 1715-F(1).

(B) Any amount that may be expended in each quarter after reimbursement under clause (A) shall be used for purposes provided under the act of July 17, 1968 (P.L.368, No.181), referred to as the Susquehanna River Basin Compact Law.

(2) Funds appropriated for support of the Delaware River Basin Commission shall be expended as follows:

(i) No more than 25% of the amount appropriated may be expended each quarter of the fiscal year.

(ii) For each quarter of the fiscal year, amounts shall be used as follows:

(A) For quarterly reimbursement to the Auditor General for the costs incurred in auditing the Delaware River Basin Commission under section 1715-F(2).

(B) Any amount that may be expended in each quarter after reimbursement under clause (A) shall be used for purposes provided under the act of July 7, 1961 (P.L.518, No.268), known as the Delaware River Basin Compact.

(1723-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1724-F. Department of General Services.

From money appropriated for capitol fire protection, the City of Harrisburg shall use the money to support the provisions of fire services to the Capitol Complex.

(1724-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1725-F. Department of Health.

The following apply:

(1) From money appropriated for general government operations, sufficient money shall be included for the coordination of donated dental services and \$100,000 is included for outreach for Charcot-Marie-Tooth syndrome.

(2) From money appropriated for adult cystic fibrosis and other chronic respiratory illnesses, no less than the amount used in the 2014-2015 fiscal year shall be used for a program promoting cystic fibrosis research in a county of the second class, and no less than the amount used in the 2014-2015 fiscal year shall be used for research related to childhood cystic fibrosis in a city of the first class with a hospital that is nationally accredited as a cystic fibrosis treatment center and specializes in the treatment of children.

(3) Money appropriated for lupus programs shall be distributed in the same proportion as distributed in fiscal year 2014-2015.

(4) Money appropriated for biotechnology research shall include allocations for regenerative medicine research, for regenerative medicine medical technology, for hepatitis and viral research, for drug research and clinical trials related to cancer, for genetic and molecular research for disease identification and eradication, for nanotechnology and for the commercialization of applied research.

(1725-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1726-F. Insurance Department (Reserved).

(1726-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1727-F. Department of Labor and Industry.

The following shall apply to appropriations for the Department of Labor and Industry:

(1) From money appropriated to the department for transfer to the Vocational Rehabilitation Fund, the department shall allocate money to provide services under the act of May 17, 2016 (P.L.216, No.26), known as the Work Experience for High School Students with Disabilities Act.

(2) From money appropriated for Industry Partnerships, no less than the amount allocated in the 2014-2015 fiscal year shall be allocated for a work force development program that links veterans with employment in a home rule county that was formerly a county of the second class A.

(1727-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1728-F. Department of Military and Veterans Affairs.

From the appropriation for behavioral health support for veterans, \$750,000 shall be used for programs providing treatment for posttraumatic stress disorder for veterans.

(1728-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1729-F. Department of Human Services.

The following shall apply to appropriations for the
Department of Human Services:

(1) From the appropriation for general government operations of the Department of Human Services, \$750,000 shall be allocated to establish a Statewide 2-1-1 system grant program to be used for the following purposes:

(i) To provide Statewide 2-1-1 system services 24 hours a day, including to regions of this Commonwealth that do not have access to a provider of 2-1-1 system services.

(ii) To expand access to 2-1-1 system services through text-to-chat mobile application and the Internet.

(iii) To permit the disbursement of funds to regional providers of 2-1-1 system services for satisfying 2-1-1 quality assurance standards used by similar programs in other states.

(2) The following shall apply:

(i) The department, upon approval of the secretary, may transfer Federal money appropriated for TANFBG Child Care Assistance to the CCDFBG Child Care Services appropriation to provide child-care services to additional low-income families if the transfer of money will not result in a deficit in the appropriation. The secretary shall provide notice 10 days prior to a transfer under this subparagraph to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives.

(ii) The department, upon approval of the secretary, may transfer Federal money appropriated for CCDFBG Child Care Assistance to the CCDFBG Child Care Services appropriation to provide child-care services to additional low-income families, provided that the transfer of money will not result in a deficit in the appropriation. The secretary shall provide notice 10 days prior to a transfer under this subparagraph to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives.

(3) From money appropriated for mental health services or from Federal money, \$580,000 shall be used for the following:

(i) The operation and maintenance of a network of web portals that provide comprehensive referral services, support and information relating to early intervention, prevention and support for individuals with mental health or substance abuse issues, county mental health offices, providers and others that provide mental and behavioral health treatment and related services.

(ii) The expansion of the existing web portals, including services and resources for military veterans and their families, including comprehensive referral services for transitional, temporary and permanent housing, job placement and career counseling and other services for military veterans returning to civilian life.

(4) The following shall apply:

(i) Payments to hospitals for Community Access Fund grants shall be distributed under the formulas utilized for these grants in fiscal year 2014-2015. If the total funding available under this subparagraph is less than that available in fiscal year 2014-2015, payments shall be made on a pro rata basis.

(ii) Amounts allocated from money appropriated for fee for service used for the Select Plan for Women Preventative Health Services shall be used for women's medical services, including noninvasive contraception supplies.

(iii) Notwithstanding any other law, money appropriated for medical assistance payments for fee-for-service care, exclusive of inpatient services provided through capitation plans, shall include sufficient money for two separate All Patient Refined Diagnostic Related Group payments for inpatient acute care general hospital stays for:

(A) normal newborn care; and

(B) mothers' obstetrical delivery.

(iv) From money appropriated for medical assistance fee-for-service care, the following apply:

(A) No less than the amount used in the 2014-2015 fiscal year shall be used for cleft palates and other craniofacial anomalies.

(B) At least \$800,000 shall be distributed to a hospital for clinical ophthalmologic services located in a city of the first class.

(C) No less than the amount distributed in the 2014-2015 fiscal year shall be distributed for improvements to an intensive care facility in an acute care hospital located in a city of the first class.

(D) At least \$5,000,000 shall be distributed to a hospital in a city of the third class in a home rule county that was formerly a county of the second class A.

(E) At least \$2,000,000 shall be distributed to a university located in a city of the first class to expand research and treatment protocols for combating opioid addiction.

(v) From money appropriated for medical assistance capitation, no less than the amount used in the 2014-2015 fiscal year shall be used for prevention and treatment of depression and its complications in older Pennsylvanians in a county of the second class.

(vi) From money appropriated for medical assistance long-term care, no less than the amount distributed in the 2014-2015 fiscal year shall be distributed to a county nursing home located in a home rule county that was formerly a county of the second class A with more than 725 beds and a Medicaid acuity at 0.79 as of August 1, 2015, \$1,000,000 shall be distributed to a nonpublic nursing home located in a county of the first class with more than 395 beds and a Medicaid acuity at 1.14 as of August 1, 2017, to ensure access to necessary nursing care in that county and \$5,000,000 shall be distributed to a nonpublic nursing home located in a county of the eighth class with more than 119 beds and a Medicaid acuity of 1.02 as of August 1, 2017, to ensure access to necessary nursing home care in that county.

(vii) From money appropriated for medical assistance long-term care, no less than \$850,000 shall be allocated to a special rehabilitation facility in Peer Group Number 13 in a city of the third class with a population between 115,000 and 120,000 based upon 2010 census data, and an additional \$750,000 shall be paid in equal payments to nursing facilities that qualified for supplemental ventilator care and tracheostomy care payments in fiscal year 2014-2015 with a percentage of medical assistance recipient residents who required medically necessary ventilator care or tracheostomy care greater than 90%.

(viii) Subject to Federal approval of necessary amendments of the Title XIX State Plan, from funds appropriated for medical assistance long-term care, \$8,000,000 is allocated for medical assistance day-one incentive payments to qualified nonpublic nursing facilities under methodology and criteria under section 443.1(7)(vi) of the Human Services Code.

(ix) Federal or State money appropriated under the General Appropriation Act of 2017, in accordance with Article VIII-H of the Human Services Code, not used to make payments to hospitals qualifying as Level III trauma centers or seeking accreditation as Level III trauma centers shall be used to make payments to hospitals qualifying as Levels I and II trauma centers.

(x) Qualifying academic medical centers which received money for fiscal year 2016-2017 shall not receive any less than the State appropriation made available to those academic medical centers during fiscal year 2016-2017.

(xi) In addition to the money appropriated under subparagraph (x), the following shall apply:

(A) A qualifying academic medical center with a regional campus located in a county of the fourth class shall receive an additional \$1,000,000.

(B) A qualifying academic medical center located in a county of the eighth class with a population of more than 18,000 under the 2010 Federal decennial census shall receive an additional \$500,000.

(C) A qualifying academic medical center located in a county of the second class shall receive an additional \$500,000.

(D) A qualifying academic medical center located in a county of the third class with a population between 279,000 and 282,000 under the 2010 Federal decennial census shall receive an additional \$1,000,000 and an academic medical center located in a city of the first class that did not receive funding during fiscal year 2010-2011 shall receive an additional \$500,000.

(xii) Qualifying university-affiliated physician practice plans which received funds for fiscal year 2014-2015 shall not receive any less than the State appropriation made available to those university-affiliated physician practice plans during fiscal year 2014-2015. From money appropriated for physician practice plans:

(A) \$1,500,000 shall be distributed to a health system, containing a physician practice plan, located in a city of the first class and a contiguous county of the second class A which did receive funding during fiscal year 2015-2016;

(B) at least \$500,000 shall be distributed to a physician practice plan serving a health system located in a city of the first class and two contiguous counties of the second class A that has an independent academic center which did receive funding during fiscal year 2014-2015; and

(C) \$1,500,000 shall be distributed to an acute care hospital affiliated with an academic medical center located in a city of the second class in a county of the second class that provides services to Medicaid recipients and uninsured persons.

(xiii) Money appropriated for medical assistance transportation shall only be utilized as a payment of last resort for transportation for eligible medical assistance recipients.

(5) The following shall apply:

(i) Money appropriated for breast cancer screening may be used for women's medical services, including noninvasive contraception supplies.

(ii) (Reserved).

(6) The following shall apply:

(i) Money appropriated for women's service programs grants to nonprofit agencies whose primary function is to promote childbirth and provide alternatives to abortion shall be expended to provide services to women until childbirth and for up to 12 months thereafter, including food, shelter, clothing, health care, counseling, adoption services, parenting classes, assistance for postdelivery stress and other supportive programs and services and for related outreach programs. Agencies may subcontract with other nonprofit entities that operate projects designed specifically to provide all or a portion of these services. Projects receiving money referred to in this subparagraph shall not promote, refer for or perform abortions or engage in any counseling which is inconsistent with the appropriation referred to in this subparagraph and shall be physically and financially separate from any component of any legal entity engaging in such activities.

(ii) Federal funds appropriated for TANF BG Alternatives to Abortion shall be utilized solely for services to women whose gross family income is below 185% of the Federal poverty guidelines.

(7) From money appropriated for autism intervention and services, no less than the amount distributed in the 2014-2015 fiscal year shall be distributed as follows:

(i) to a behavioral health facility located in a fifth class county with a population between 130,000 and 135,000 under the 2010 Federal decennial census that operates a center for autism and developmental disabilities;

(ii) to an institution of higher education that provides autism education and diagnostic curriculum located in a city of the first class that operates a center for autism in a county of the second class A;

(iii) to an institution of higher education that provides autism education and diagnostic curriculum and is located in a county of the second class;

(iv) for programs to promote the health and fitness of persons with developmental disabilities located in a city of the first class; and

(v) \$500,000 shall be allocated for the expansion of an adult autism program in a county of the third class.

(8) Money appropriated for community-based family centers may not be considered as part of the base for calculation of the county child welfare needs-based budget for a fiscal year.

(8.1) From money appropriated for community-based family centers, no less than \$235,000 shall be allocated to a program for early literacy and school readiness which is labeled as a promising approach under the Maternal, Infant and Early Childhood Home Visiting Program and has submitted data to the United States Department of Health and Human Services to be qualified as an evidence-based home visiting model.

(9) From money appropriated to child care services, \$150,000 shall be distributed to an early education center in a county of the third class with the third most populous city as of the 2010 census having a minimum total enrollment of 90, serving at least 40 children 13 months of age to children of kindergarten age with both a STAR 4 rating from Keystone STARS and accreditation by the National Association for the Education of Young Children.

(10) The appropriation for blind and visual services includes an allocation for a Statewide professional services provider association for the blind to provide training and supportive services for individuals who are blind and preschool vision screenings and eye safety education and an allocation to provide specialized services and prevention of blindness services in cities of the first class. Allocations shall be made in the amounts used for those purposes in fiscal year 2014-2015.

(11) To supplement the money appropriated to the department for medical assistance for workers with disabilities, in addition to the monthly premium established under section 1503(b)(1) of the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, the department may adjust the percentage of the premium upon approval of the Centers for Medicare and Medicaid Services as authorized under Federal requirements. Failure to make payments in accordance with this paragraph or section 1503(b)(1) of the Tobacco Settlement Act shall result in the termination of medical assistance coverage.

(12) The provisions of 8 U.S.C. §§ 1611 (relating to aliens who are not qualified aliens ineligible for Federal public benefits), 1612 (relating to limited eligibility of qualified aliens for certain Federal programs) and 1642 (relating to verification of eligibility for Federal public benefits) shall apply to payments and providers.

(13) A provider under section 704.3 of the Human Services Code shall submit documentation of its costs of providing services to the department and the department shall use the documentation, to the extent necessary, to support the department's claim for Federal funding and for State reimbursement for allowable direct and indirect costs incurred in the provision of out-of-home placement services. (1729-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Compiler's Note: The short title of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, referred to in this section, was amended by the act of

December 28, 2015 (P.L.500, No.92). The amended short title is now the Human Services Code.

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 1730-F. Department of Revenue.

The following shall apply to appropriations for the Department of Revenue:

(1) The Enhanced Revenue Collection Account shall continue as a restricted account within the General Fund through fiscal year 2019-2020. Revenues collected and the amount of refunds avoided as a result of expanded tax return reviews and tax collection activities shall be deposited into the restricted account. The following shall apply:

(i) Of the money transferred under this paragraph in the account, for each of the fiscal years 2017-2018 through 2019-2020, up to \$30,000,000 is appropriated to the department to fund the costs associated with expanded tax return reviews and tax collection activities. The balance of the money in the account shall be returned proportionately to the General Fund revenue or refund accounts that were the source of the money no later than the 28th day of each month of the fiscal year.

(ii) The department shall issue a report to the Governor, the chairperson and the minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives by June 1, 2018, and by each June 1 thereafter, with the following information:

(A) A detailed breakdown of the department's administrative costs in implementing expanded tax return reviews and tax collection activities.

(B) The amount of revenue collected and the amount of refunds avoided as a result of the expanded tax return reviews and tax collection activities, including the type of tax generating the revenue and avoided refunds.

(2) (Reserved).

(1730-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1731-F. Department of State (Reserved).

(1731-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1732-F. Department of Transportation.

The following shall apply to appropriations for the Department of Transportation:

(1) From amounts appropriated or any other money used by the department during the 2017-2018 fiscal year, the department may not use direct mail inserts in mailings from the department. As used in this paragraph, the term "direct mail inserts" includes coupons for commercial services, advertising materials for a private commercial entity and departmental documents which are sponsored by a private commercial entity.

(2) (Reserved).

(1732-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1733-F. Pennsylvania State Police (Reserved).

(1733-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1734-F. State Civil Service Commission (Reserved).

(1734-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1735-F. Pennsylvania Emergency Management Agency.

The following shall apply to appropriations for the Pennsylvania Emergency Management Agency:

(1) Money appropriated for search and rescue programs shall be used to support programs related to training working service dogs focusing on rescue and public safety.

(2) (Reserved).

(1735-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1736-F. Pennsylvania Fish and Boat Commission
(Reserved).

(1736-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1737-F. State System of Higher Education (Reserved).

(1737-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1737.1-F. State-related institutions (Reserved).

(1737.1-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1738-F. Pennsylvania Higher Education Assistance
Agency.

The following shall apply to appropriations for the
Pennsylvania Higher Education Assistance Agency:

(1) The Pennsylvania Higher Education Assistance Agency shall enter into an agreement with the Department of Health to transfer up to \$4,550,000 from the Higher Education Assistance Fund to the Department of Health for the purposes set forth in Chapter 13 of the act of December 2, 1992

(P.L.741, No.113), known as the Children's Health Care Act.

(2) The Pennsylvania Higher Education Assistance Agency shall allocate \$500,000 from the Higher Education Assistance Fund for the Cheyney University Keystone Honors Academy.

(3) From funds appropriated for payment of education assistance grants, the amount of \$500,000 shall be allocated to a State-owned university located in Tioga County for merit scholarships.

(1738-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1739-F. Pennsylvania Historical and Museum Commission
(Reserved).

(1739-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1740-F. Pennsylvania Infrastructure Investment
Authority (Reserved).

(1740-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1741-F. Environmental Hearing Board (Reserved).

(1741-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1742-F. Pennsylvania Board of Probation and Parole
(Reserved).

(1742-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1743-F. (Reserved).

(1743-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1744-F. (Reserved).

(1744-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1745-F. (Reserved).

(1745-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1746-F. (Reserved).

(1746-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1747-F. (Reserved).

(1747-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1748-F. Commonwealth Financing Authority (Reserved).

(1748-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1749-F. Thaddeus Stevens College of Technology
(Reserved).

(1749-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1750-F. Pennsylvania Housing Finance Agency (Reserved).

(1750-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1751-F. LIHEABG (Reserved).

(1751-F repealed and added Oct. 30, 2017, P.L.725, No.44)

STATE GOVERNMENT SUPPORT AGENCIES

(Subart. repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1761-F. Health Care Cost Containment Council
(Reserved).

(1761-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1762-F. State Ethics Commission (Reserved).

(1762-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1763-F. Legislative Reference Bureau (Reserved).

(1763-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1764-F. Legislative Budget and Finance Committee
(Reserved).

(1764-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1765-F. Legislative Data Processing Committee
(Reserved).

(1765-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1766-F. Joint State Government Commission (Reserved).

(1766-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1767-F. Joint Legislative Air and Water Pollution
Control and Conservation Committee (Reserved).

(1767-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1768-F. Legislative Audit Advisory Commission
(Reserved).

(1768-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1769-F. Independent Regulatory Review Commission
(Reserved).

(1769-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1770-F. Capitol Preservation Committee (Reserved).

(1770-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1771-F. Pennsylvania Commission on Sentencing
(Reserved).

(1771-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1772-F. Center for Rural Pennsylvania (Reserved).

(1772-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1773-F. Commonwealth Mail Processing Center (Reserved).

(1773-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1774-F. Transfers (Reserved).

(1774-F repealed and added Oct. 30, 2017, P.L.725, No.44)

SUBARTICLE D

JUDICIAL DEPARTMENT

(Subart. repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1781-F. Supreme Court (Reserved).

(1781-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1782-F. Superior Court (Reserved).

(1782-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1783-F. Commonwealth Court (Reserved).

(1783-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1784-F. Courts of common pleas (Reserved).

(1784-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1785-F. Community courts; magisterial district judges
(Reserved).

(1785-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1786-F. Philadelphia Traffic Court (Reserved).

(1786-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1787-F. Philadelphia Municipal Court (Reserved).

(1787-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1788-F. Judicial Conduct Board (Reserved).

(1788-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1789-F. Court of Judicial Discipline (Reserved).

(1789-F repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1790-F. Juror cost reimbursement (Reserved).
(1790-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1791-F. County court reimbursement (Reserved).
(1791-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1792-F. Senior judges (Reserved).
(1792-F repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1793-F. Transfer of money by Supreme Court (Reserved).
(1793-F repealed and added Oct. 30, 2017, P.L.725, No.44)

SUBARTICLE E
GENERAL ASSEMBLY
(Reserved)

(Subart. repealed and added Oct. 30, 2017, P.L.725, No.44)

ARTICLE XVII-F.1
2022-2023 BUDGET IMPLEMENTATION
(Art. added July 11, 2022, P.L.540, No.54)

Compiler's Note: Section 39(6) of Act 54 of 2022, which added Art. XVII-F.1, provided that the addition of Art. XVII-F.1 shall apply retroactively to July 1, 2022.

SUBARTICLE A
PRELIMINARY PROVISIONS
(Subart. added July 11, 2022, P.L.540, No.54)

Section 1701-F.1. Applicability.

Except as specifically provided in this article, this article applies to the General Appropriation Act of 2022 and all other appropriation acts of 2022.

(1701-F.1 added July 11, 2022, P.L.540, No.54)

Section 1702-F.1. Definitions.

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

"General Appropriation Act of 2022." The act of July 8, 2022 (P.L.2191, No.1A), known as the General Appropriation Act of 2022.

"Human Services Code." The act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

"Most recent Federal decennial census." The population figures for the most recent Federal decennial census as published by the Department of General Services in the most recent Pennsylvania Manual as of the effective date of this section.

"Public School Code of 1949." The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

"Secretary." The Secretary of the Budget of the Commonwealth.

"TANFBG." Temporary Assistance for Needy Families Block Grant.

(1702-F.1 added July 11, 2022, P.L.540, No.54)

Section 1703-F.1. (Reserved).

(1703-F.1 added July 11, 2022, P.L.540, No.54)

Section 1704-F.1. (Reserved).

(1704-F.1 added July 11, 2022, P.L.540, No.54)

SUBARTICLE B
EXECUTIVE DEPARTMENTS

Section 1711-F.1. Governor (Reserved).

(1711-F.1 added July 11, 2022, P.L.540, No.54)

Section 1712-F.1. Executive offices.

The following apply to appropriations for the executive offices:

(1) The following apply to money appropriated for the Pennsylvania Commission on Crime and Delinquency:

(i) No less than the amount used in the 2014-2015 fiscal year shall be used to support the Statewide Automated Victim Information and Notification System (SAVIN) to provide offender information through county jails.

(ii) No less than the amount used in the 2014-2015 fiscal year shall be used for a residential treatment community facility for at-risk youth located in a county of the fifth class.

(iii) From the amount appropriated, \$400,000 shall be used for an innovative police data sharing pointer index system that will allow participating law enforcement agencies access to incident report data.

(iv) From the amount appropriated, \$600,000 shall be used for a diversion program for first-time nonviolent offenders facing prison sentences. The diversion program must include education and employment services, case management and mentoring.

(v) No less than \$3,000,000 shall be available as a pilot program to offset costs incurred by a city of the first class and a county of the second class A that is also a home rule county in connection with hiring additional assistant district attorneys designated as a Special United States Attorney by a United States Attorney's office through participation in the Project Safe Neighborhoods program and who will exclusively prosecute crimes under 18 U.S.C. § 922(g) (relating to unlawful acts).

(vi) \$500,000 shall be used to support a Statewide child predator unit.

(vii) \$500,000 shall be used for training and equipment needs to support improvements in the identification, investigation and prosecution of 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

(viii) \$100,000 shall be allocated for criminal indigent defense training.

(2) From money appropriated for violence and delinquency prevention programs:

(i) no less than the amount used in the 2014-2015 fiscal year shall be used for programs in a city of the second class; and

(ii) no less than the amount used in the 2014-2015 fiscal year shall be used for blueprint mentoring programs that address reducing youth violence in cities of the first, second and third class with programs in cities of the second class and third class also receiving a proportional share of \$200,000.

(3) Money appropriated for violence intervention and prevention shall be used solely to provide grants and technical assistance to community-based organizations, institutions of higher education, municipalities, district attorneys and other entities in accordance with section 1306-B(b) of the Public School Code of 1949 and

notwithstanding section 1306-B(h)(7) of the Public School Code of 1949 for programs eligible under section 1306-B(j)(22) of the Public School Code of 1949.

(4) Money appropriated for county intermediate punishment shall be distributed to counties for county adult probation supervision and drug and alcohol and mental health treatment programs for offenders sentenced to restrictive conditions of probation imposed under 42 Pa.C.S. § 9763(c) or (d) (relating to conditions of probation) and are certified in accordance with 42 Pa.C.S. § 2154.1(b) (relating to adoption of guidelines for restrictive conditions). The portion of money for drug and alcohol and mental health treatment programs shall be based on national statistics that identify the percentage of incarcerated individuals that are in need of treatment for substance issues but in no case shall be less than 80% of the amount appropriated.

(1712-F.1 added July 11, 2022, P.L.540, No.54)

Section 1713-F.1. Lieutenant Governor (Reserved).

(1713-F.1 added July 11, 2022, P.L.540, No.54)

Section 1714-F.1. Attorney General.

The following shall apply to appropriations to the Attorney General:

(1) From amounts appropriated for a joint local-State firearm task force in a city of the first class, no more than 20% may be allocated for a district attorney in a city of the first class.

(2) (Reserved).

(1714-F.1 added July 11, 2022, P.L.540, No.54)

Section 1715-F.1. Auditor General.

The following shall apply to appropriations to the Department of the Auditor General:

(1) From money appropriated for special financial audits, \$500,000 shall be used for the financial auditing of entities that receive money through contracts with the Department of Human Services from money appropriated for Medical Assistance - Capitation, Medical Assistance Community HealthChoices, Medical Assistance - Long-term Living, Mental Health Services or the Intellectual Disabilities - Community Waiver Program.

(2) Appropriations made to the Department of Auditor General shall include funding to conduct an audit of a school district in which the school board has approved a motion to request an audit by the Auditor General within the six months prior to the effective date of this paragraph. The audit shall be conducted as provided by law. To the extent possible, the audit shall include a review of the books, contracts and transactions of the school district, including those related to Federal and State funding of the school district for the previous five school years.

(1715-F.1 added July 11, 2022, P.L.540, No.54)

Section 1716-F.1. Treasury Department (Reserved).

(1716-F.1 added July 11, 2022, P.L.540, No.54)

Section 1717-F.1. Department of Aging (Reserved).

(1717-F.1 added July 11, 2022, P.L.540, No.54)

Section 1718-F.1. Department of Agriculture.

The following apply to appropriations for the Department of Agriculture:

(1) From money appropriated for general government operations, the following apply:

(i) No less than the amount transferred in the 2014-2015 fiscal year shall be transferred to the Dog Law Restricted Account.

(ii) No less than \$250,000 shall be used for the Commission of Agricultural Education Excellence to assist in development and implementation of agricultural education programming.

(2) From money appropriated for agricultural preparedness and response, the following shall apply:

(i) No less than \$25,000,000 shall be used for costs associated with preparing for and responding to an outbreak of highly pathogenic avian influenza in the form of grants to assist with income losses and costs associated with workforce payroll and benefits, mortgage interest and rent payments, utility payments, costs of delayed repopulating and reopening facilities and other losses or costs associated with response not otherwise eligible for or covered by Federal funding, insurance, contracts or other funding sources.

(ii) No less than \$6,000,000 shall be used for costs incurred by the Pennsylvania Animal Diagnostic Laboratory System in preparing for and responding to an outbreak of highly pathogenic avian influenza.

(3) From money appropriated for agricultural excellence programs, no less than \$250,000 shall be allocated to the Center for Beef Excellence for grants to be used for producer education and physical infrastructure development to increase the inventory of beef cattle in this Commonwealth.

(4) From money appropriated for agricultural research, the following apply:

(i) No less than \$300,000 shall be used for an agricultural resource center.

(ii) No less than \$100,000 shall be used for agricultural law research programs, including those addressing energy development, in conjunction with a land-grant university.

(5) From money appropriated for hardwoods research and promotion, at least 80% of the money shall be equally distributed among the hardwood utilization groups of this Commonwealth established prior to the effective date of this section.

(6) Money appropriated for the Animal Health and Diagnostic Commission shall be equally distributed to the animal diagnostic laboratory system laboratories located at a land grant university and at a school of veterinary medicine located within this Commonwealth.

(1718-F.1 added July 11, 2022, P.L.540, No.54)

Section 1719-F.1. Department of Community and Economic Development.

The following apply to appropriations for the Department of Community and Economic Development:

(1) From money appropriated for general government operations, no less than \$1,900,000 shall be used to support a manufacturing technology development effort, to assist Pennsylvania small businesses with enhanced cyber security and to test coal ash refuse extraction of rare earth metals for domestic chip manufacturing in a county of the fourth class with a population of at least 143,679 but not more than 144,200 under the most recent Federal decennial census.

(2) (Reserved).

(3) From money appropriated for marketing to attract tourists:

(i) \$4,093,000 to fund the activities of the tourism office within the department; and

(ii) the remaining money includes an allocation to be used to plan, market and conduct a series of arts and cultural activities that generate Statewide and regional economic impact, and \$500,000 shall be used for an annual Statewide competition serving approximately 2,000 athletes with intellectual disabilities from across this Commonwealth to be held in a county of the fourth class.

(4) From money appropriated for Pennsylvania First, no less than \$8,000,000 shall be used to fund the Workforce and Economic Development Network of Pennsylvania (WEDnetPA) for workforce training grants provided through an alliance of educational providers, including, but not limited to, State System of Higher Education universities, the Pennsylvania College of Technology and community colleges located in this Commonwealth.

(5) From money appropriated for Keystone Communities:

(i) \$6,377,000 shall be used to fund the Main Street Program, Elm Street Program, Enterprise Zone Program and accessible housing. The allocation for the Main Street Program, Elm Street Program, Enterprise Zone Program and accessible housing shall be distributed in the same proportion as amounts allocated in fiscal year 2012-2013.

(ii) The remaining money shall be used for projects supporting economic growth, community development and municipal assistance throughout this Commonwealth.

(6) From money appropriated for partnerships for regional economic performance, the amount of \$1,000,000 shall be distributed on a pro rata basis for grants and other activities allowed under Department of Community and Economic Development guidelines in effect for fiscal year 2021-2022.

(7) Notwithstanding section 4(1) of the act of October 11, 1984 (P.L.906, No.179), known as the Community Development Block Grant Entitlement Program for Nonurban Counties and Certain Other Municipalities, the Commonwealth may use up to 3% of the money received pursuant to the Housing and Community Development Act of 1974 (Public Law 93-383, 88 Stat. 633) for administrative costs.

(8) Money appropriated for local municipal relief shall include an allocation to provide State assistance to individuals, persons or political subdivisions directly affected by natural or manmade disasters, public safety emergencies, other situations that pose a public safety danger or other situations at the discretion of the department. State assistance may be limited to grants for projects that do not qualify for Federal assistance to help repair damages to primary residences, personal property and public facilities and structures. Grants shall be made available for reimbursement in a disaster emergency area only when a Presidential disaster declaration does not cover the area or when the department determines that a public safety emergency has occurred.

(1719-F.1 added July 11, 2022, P.L.540, No.54)

Section 1720-F.1. Department of Conservation and Natural Resources (Reserved).

(1720-F.1 added July 11, 2022, P.L.540, No.54)

Section 1721-F.1. Department of Corrections.

The following apply to appropriations for the Department of Corrections:

(1) From amounts appropriated for general government operations, no less than \$1,750,000 shall be used for nonnarcotic medication substance use disorder treatment, which may include the establishment and administration of a

nonnarcotic medication assisted substance abuse treatment grant program.

(2) Notwithstanding any other provision of law to the contrary, for the purposes of any program funded under paragraph (1) and established under 61 Pa.C.S. Ch. 46 (relating to nonnarcotic medication assisted substance abuse treatment grant pilot program), the term "eligible offender" means a defendant or inmate convicted of a criminal offense who will be committed to the custody of the county and who meets the clinical criteria for an opioid or alcohol use disorder as determined by a physician.

(1721-F.1 added July 11, 2022, P.L.540, No.54)

Section 1722-F.1. Department of Drug and Alcohol Programs (Reserved).

(1722-F.1 added July 11, 2022, P.L.540, No.54)

Section 1723-F.1. Department of Education.

The following shall apply to appropriations to the Department of Education:

(1) From money appropriated for general government operations, no less than \$1,500,000 shall be used for an educational and professional development online course initiative. The department shall establish a central online clearinghouse in accordance with the Public School Code of 1949, which shall include an online database of online courses for students in grades K-12 and online professional development courses, and to make the clearinghouse accessible to school entities, nonpublic schools, home education programs and the general public.

(2) From money appropriated for the Pre-K Counts Program, the per-student grant award amount for grants made pursuant to section 1514-D of the Public School Code of 1949 shall be increased by 14.3% over the amount paid in fiscal year 2021-2022.

(3) From an appropriation for adult and family literacy programs, summer reading programs and the adult high school diplomas program. The following apply:

(i) no less than the amount allocated in the 2014-2015 fiscal year shall be allocated for an after-school learning program servicing low-income students located in a county of the sixth class with a population, based on the most recent Federal decennial census, of at least 60,000 but not more than 70,000; and

(ii) no less than the amount allocated in the 2016-2017 fiscal year shall be used for an after-school learning program servicing low-income students located in a county of the third class with a population, based on the most recent Federal decennial census, of at least 320,000 but not more than 321,000.

(4) Notwithstanding any other provision of law, the appropriation for pupil transportation may not be redirected for any purpose.

(5) From money appropriated for Pennsylvania Chartered Schools for Deaf and Blind Children, the following apply:

(i) Upon distribution of the final tuition payment for the fiscal year, the balance of the appropriation, excluding amounts under subparagraph (ii), shall be used to pay the schools' increased share of required contributions for public school employees' retirement and shall be distributed pro rata based on each school's contributions for the prior fiscal year.

(ii) \$1,000,000 is included for capital-related costs and deferred maintenance to be divided equally between each approved private school.

(6) Notwithstanding any other provision of law, the amount of money set aside under section 2509.8 of the Public School Code of 1949 shall be allocated to each approved private school with a day tuition rate determined to be less than \$32,000 during the 2010-2011 school year. The allocation shall be no less than the amount allocated in the 2015-2016 fiscal year.

(7) Money appropriated for regional community college services shall be distributed to each entity that received funding in fiscal year 2019-2020 in an amount equal to the amount it received in that fiscal year and a pro rata share of \$85,000.

(8) Notwithstanding any other provision of law, money appropriated for community education councils shall be distributed in a manner that each community education council which received funding in fiscal year 2021-2022 shall receive an amount equal to the amount it received in that fiscal year and a pro rata share of \$96,000.

(1723-F.1 added July 11, 2022, P.L.540, No.54)

Section 1724-F.1. Department of Environmental Protection
(Reserved).

(1724-F.1 added July 11, 2022, P.L.540, No.54)

Section 1725-F.1. Department of General Services.

From money appropriated to the Department of General Services for Capitol fire protection, the City of Harrisburg shall use the money to support the provisions of fire services to the Capitol complex.

(1725-F.1 added July 11, 2022, P.L.540, No.54)

Section 1726-F.1. Department of Health.

The following apply to appropriations for the Department of Health:

(1) From money appropriated for general government operations, sufficient money is included for the coordination of donated dental services.

(2) From money appropriated for diabetes programs, \$100,000 shall be allocated for Type I diabetes awareness, education and outreach.

(3) From money appropriated for primary health care practitioner, the following apply:

(i) No less than \$3,451,000 shall be used for Primary Care Loan Repayment Program Grant Awards.

(ii) No less than \$1,500,000 shall be used for the Pennsylvania Academy of Family Physicians Residency Program.

(iii) Grantees other than as provided under subparagraphs (i) and (ii) that received amounts in the 2021-2022 fiscal year shall receive the amount each grantee received in the 2021-2022 fiscal year and a pro rata allocation of \$558,000.

(4) Money appropriated for services for children with special needs shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(5) From money appropriated for adult cystic fibrosis and other chronic respiratory illnesses, the following apply:

(i) No less than \$212,000 shall be used for a program promoting cystic fibrosis research in a county of the second class.

(ii) No less than \$106,000 shall be used for research related to childhood cystic fibrosis in a city

of the first class with a hospital that is nationally accredited as a cystic fibrosis treatment center and specializes in the treatment of children.

(iii) Any money not used under subparagraph (i) or (ii) shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(6) Money appropriated for diagnosis and treatment for Cooley's anemia shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(7) Money appropriated for hemophilia services shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(8) Money appropriated for lupus programs shall be distributed proportionately to each entity that received funding in fiscal year 2018-2019.

(9) From money appropriated for sickle cell anemia services, including camps for children with sickle cell anemia, the following shall apply:

(i) Grantees which received amounts in fiscal year 2019-2020 shall receive an amount which is in the same proportion as distributed in fiscal year 2019-2020.

(ii) \$75,000 shall be distributed to a qualifying academic medical center located in a county of the third class with a population between 260,000 and 270,000 under the most recent Federal decennial census for expanded care of adult sickle cell disease.

(10) Money appropriated for Lyme disease includes \$930,000 for costs related to free tick testing for residents performed in conjunction with a university that is part of the State System of Higher Education, including outreach and marketing.

(11) Money appropriated for biotechnology research shall include allocations for regenerative medicine research, for regenerative medicine medical technology, for hepatitis and viral research, for drug research and clinical trials related to cancer, pulmonary embolism and deep vein thrombosis, for genetic and molecular research for disease identification and eradication, for vaccine immune response diagnostics, for nanotechnology and for the commercialization of applied research.

(12) From the appropriation for leukemia/lymphoma, the entire amount shall be allocated to a branch of an eastern Pennsylvania chapter of a nonprofit organization, where the branch is located within a city of the third class that is located in two counties of the third class, dedicated to awareness, education, patient assistance and outreach related to blood cancer.

(1726-F.1 added July 11, 2022, P.L.540, No.54)

Section 1727-F.1. Insurance Department (Reserved).

(1727-F.1 added July 11, 2022, P.L.540, No.54)

Section 1728-F.1. Department of Labor and Industry.

The following apply to appropriations to the Department of Labor and Industry:

(1) From money appropriated for Industry Partnerships, no less than the amount allocated in the 2014-2015 fiscal year shall be used for a work force development program that links veterans with employment in a home rule county that was formerly a county of the second class A.

(2) (Reserved).

(1728-F.1 added July 11, 2022, P.L.540, No.54)

Section 1729-F.1. Department of Military and Veterans Affairs (Reserved).

(1729-F.1 added July 11, 2022, P.L.540, No.54)
Section 1730-F.1. Department of Human Services.

The following apply to appropriations for the Department of Human Services:

(1) From money appropriated for mental health services or from Federal money, \$580,000 shall be used for the following:

(i) The operation and maintenance of a network of web portals that provide comprehensive referral services, support and information relating to early intervention, prevention and support for individuals with mental health or substance abuse issues, county mental health offices, providers and others that provide mental and behavioral health treatment and related services.

(ii) The expansion of the existing web portals, including services and resources for military veterans and their families, including comprehensive referral services for transitional, temporary and permanent housing, job placement and career counseling and other services for military veterans returning to civilian life.

(2) (Reserved).

(3) Subject to the availability of Federal money and eligibility under Federal TANF rules, grantees who operated within the PA WorkWear program in the prior fiscal year and who remain in operation shall be offered a grant for the fiscal year to continue service delivery under substantially similar terms as previous PA WorkWear grants unless both parties agree to alternate terms. Nothing in this paragraph shall prohibit the Department of Human Services from offering a grant to a prospective PA WorkWear provider to replace a prior grantee who chooses not to continue to operate in the program.

(4) From money appropriated for medical assistance capitation:

(i) No less than the amount used in the 2014-2015 fiscal year shall be used for prevention and treatment of depression and its complications in older Pennsylvanians in a county of the second class.

(ii) Subject to Federal approval as may be necessary and contingent on Federal financial participation, sufficient funds are included to provide rates for ambulance transportation at the following amounts, beginning on January 1, 2023:

(A) For basic life support, not less than \$325 per loaded trip.

(B) For advanced life support, not less than \$400 per loaded trip.

(C) For ground mileage, not less than \$4 per mile for each loaded mile beyond 20 loaded miles.

(5) The following shall apply to amounts appropriated for medical assistance fee-for-service:

(i) Payments to hospitals for Community Access Fund grants shall be distributed under the formulas utilized for these grants in fiscal year 2014-2015. If the total funding available under this subparagraph is less than that available in fiscal year 2014-2015, payments shall be made on a pro rata basis.

(ii) Amounts allocated from money appropriated for fee-for-service used for the SelectPlan for Women's preventative health services shall be used for women's

medical services, including noninvasive contraception supplies.

(iii) Notwithstanding any other law, money appropriated for medical assistance payments for fee-for-service care, exclusive of inpatient services provided through capitation plans, shall include sufficient money for two separate All Patient Refined Diagnostic Related Group payments for inpatient acute care general hospital stays for:

(A) normal newborn care; and

(B) mothers' obstetrical delivery.

(iv) No less than \$330,000 shall be used for cleft palates and other craniofacial anomalies.

(v) No less than \$800,000 shall be distributed to a hospital for clinical ophthalmologic services located in a city of the first class.

(vi) No less than \$700,000 shall be distributed for improvements to an acute care hospital located in a city of the first class.

(vii) No less than \$5,000,000 shall be distributed to a hospital in a city of the third class in a home rule county that was formerly a county of the second class A, provided that services and specialties available on the effective date of this paragraph must remain available until July 1, 2023, and compliance with any other requirements imposed by the Department of Human Services. The Department of Human Services may recoup funds from any hospital failing to meet the conditions under this paragraph.

(viii) No less than \$2,000,000 shall be distributed to a university located in a city of the first class to research the impact of trauma-informed programs on community violence prevention and health disparities.

(ix) No less than \$3,000,000 shall be distributed to an enrolled outpatient therapy service provider located in a city of the second class in a county of the second class that provides behavioral health and medical rehabilitation pediatric outpatient services.

(x) No less than \$2,500,000 shall be distributed to an acute care hospital in a city of the third class with a population between 14,000 and 15,000 according to the most recent Federal decennial census in a county of the third class with a population between 360,000 and 370,000 according to the most recent Federal decennial census.

(xi) Subject to Federal approval as may be necessary and contingent on Federal financial participation, sufficient funds are included to provide rates for ambulance transportation at the following amounts, beginning on January 1, 2023:

(A) For basic life support, not less than \$325 per loaded trip.

(B) For advanced life support, not less than \$400 per loaded trip.

(C) For ground mileage, not less than \$4 per mile for each loaded mile beyond 20 loaded miles.

(6) To supplement the money appropriated to the department for medical assistance for workers with disabilities, in addition to the monthly premium under section 1503(b)(1) of the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, the department may adjust the percentage of the premium upon approval of

the Centers for Medicare and Medicaid Services as authorized under Federal requirements. Failure to make payments in accordance with this paragraph or section 1503(b)(1) of the Tobacco Settlement Act shall result in the termination of medical assistance coverage.

(7) Qualifying physician practice plans that received money for fiscal year 2017-2018 shall not receive less than the State appropriation made available to those physician practice plans during fiscal year 2017-2018.

(8) Federal or State money appropriated under the General Appropriation Act of 2022 in accordance with 35 Pa.C.S. § 8107.3 (relating to funding) not used to make payments to hospitals qualifying as Level III trauma centers or seeking accreditation as Level III trauma centers shall be used to make payments to hospitals qualifying as Levels I and II trauma centers.

(9) Qualifying academic medical centers that received money for fiscal year 2017-2018 shall receive the same amount from the State appropriation made available to those academic medical centers during fiscal year 2017-2018.

(10) Money appropriated for medical assistance transportation shall only be utilized as a payment of last resort for transportation for eligible medical assistance recipients.

(11) The following shall apply:

(i) Money appropriated for women's service programs grants to nonprofit agencies whose primary function is to promote childbirth and provide alternatives to abortion shall be expended to provide services to women until childbirth and for up to 12 months thereafter, including food, shelter, clothing, health care, counseling, adoption services, parenting classes, assistance for postdelivery stress and other supportive programs and services and for related outreach programs. Agencies may subcontract with other nonprofit entities that operate projects designed specifically to provide all or a portion of these services. Projects receiving money referred to in this subparagraph shall not promote, refer for or perform abortions or engage in any counseling which is inconsistent with the appropriation referred to in this subparagraph and shall be physically and financially separate from any component of any legal entity engaging in such activities.

(ii) Federal money appropriated for TANF BG Alternatives to Abortion shall be utilized solely for services to women whose gross family income is below 185% of the Federal poverty guidelines.

(12) From money appropriated for medical assistance long-term living:

(i) No less than the amount distributed in the 2014-2015 fiscal year shall be distributed to a county nursing home located in a home rule county that was formerly a county of the second class A with more than 725 beds and a Medicaid acuity at 0.79 as of August 1, 2015.

(ii) No less than the amount used in the 2020-2021 fiscal year shall be distributed to a nonpublic nursing home located in a county of the first class with more than 395 beds and a Medicaid acuity at 1.15 as of August 1, 2021, to ensure access to necessary nursing care in that county.

(iii) \$5,000,000 shall be distributed to a nonpublic nursing home located in a county of the eighth class with more than 119 beds and a Medicaid acuity at 1.07 as of August 1, 2021, to ensure access to necessary nursing home care in that county.

(iv) An additional \$500,000 shall be paid in equal payments to nursing facilities which remain open as of the effective date of this section that qualified for supplemental ventilator care and tracheostomy care payments in fiscal year 2014-2015 with a percentage of medical assistance recipient residents who required medically necessary ventilator care or tracheostomy care greater than 90%.

(v) Subject to Federal approval of necessary amendments of the Title XIX State Plan, \$16,000,000 is allocated for medical assistance day-one incentive payments to qualified nonpublic nursing facilities under methodology and criteria under section 443.1(7)(vi) of the Human Services Code. The Department of Human Services shall determine a nonpublic nursing facility's overall and medical assistance occupancy rate to qualify for a medical assistance day-one incentive payment for the fiscal year based on a nursing facility's resident day quarter ending December 31, 2019, for the first of two payments and a nursing facility's resident day quarter ending March 31, 2020, for the second of two payments.

(vi) No less than \$500,000 shall be allocated to a special rehabilitation facility in peer group number 13 in a city of the third class with a population between 115,000 and 120,000 based upon the most recent Federal decennial census.

(vii) Subject to Federal approval, sufficient funds are included to provide a 17.5% annualized rate increase effective January 1, 2023, that is calculated in accordance with section 443.1 of the Human Services Code and 55 Pa. Code Chs. 1187 (relating to nursing facility services) and 1189 (relating to county nursing facility services), including for costs associated with compliance with section 1603-T.

(13) From money appropriated for medical assistance Community HealthChoices, subject to Federal approval, sufficient funds are included to make payments with dates of service beginning January 1, 2023, in accordance with section 1602-T(1)(ii).

(14) From money appropriated for autism intervention and services:

(i) \$600,000 shall be allocated to a behavioral health facility located in a county of the fifth class with a population between 130,000 and 135,000 under the most recent Federal decennial census and shall be distributed to a health system that operates both a general acute care hospital and a behavioral health facility that has a center for autism and developmental disabilities located in a county of the fifth class with a population between 130,000 and 135,000 under the most recent Federal decennial census;

(ii) \$300,000 shall be allocated to an institution of higher education that provides autism education and diagnostic curriculum located in a city of the first class that operates a center for autism in a county of the second class A;

(iii) \$300,000 shall be allocated to an institution of higher education that provides autism education and diagnostic curriculum and is located in a county of the second class;

(iv) no less than the amount distributed in the 2014-2015 fiscal year shall be allocated for programs to promote the health and fitness of persons with developmental disabilities located in a city of the first class;

(v) \$500,000 shall be allocated for the expansion of an adult autism program in a county of the third class; and

(vi) \$600,000 shall be allocated for an entity that provides alternative educational services to individuals with autism and developmental disabilities in the county which was most recently designated as a county of the second class A.

(15) (Reserved).

(16) From money appropriated for child-care services, no less than \$25,000,000 shall be allocated to apply an income limit for subsidized child care during redetermination of eligibility to no more than 300% of the Federal poverty income guidelines or 85% of the State median income, whichever is lower. Notwithstanding any other provision of law, the department shall determine copayment amounts for family incomes above 235% of the Federal poverty income guidelines in order to support economic self-sufficiency. The department shall transmit notice of the copayment schedule to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

(17) (Reserved).

(18) Money appropriated for breast cancer screening may be used for women's medical services, including noninvasive contraception supplies.

(19) From the appropriation for 2-1-1 Communications, \$750,000 shall be allocated for a Statewide 2-1-1 System Grant Program.

(20) The appropriation for services for the visually impaired includes the following:

(i) an allocation of \$3,084,000 for a Statewide professional services provider association for the blind to provide training and supportive services for individuals who are blind and preschool vision screenings and eye safety education; and

(ii) an allocation of \$618,000 to provide specialized services and prevention of blindness services in cities of the first class.

(21) The provisions of 8 U.S.C. §§ 1611 (relating to aliens who are not qualified aliens ineligible for Federal public benefits), 1612 (relating to limited eligibility of qualified aliens for certain Federal programs) and 1642 (relating to verification of eligibility for Federal public benefits) shall apply to payments and providers.

(22) The following duty shall apply:

(i) The Secretary of Human Services shall report on a quarterly basis in person to the secretary, the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives information documenting each of the following State

appropriations and their associated Federal appropriations:

- (A) Medical Assistance - Capitation.
- (B) Medical Assistance - Fee-for-Service.
- (C) Payment to Federal Government - Medicare Drug Program.
- (D) Medical Assistance - Workers with Disabilities.
- (E) Medical Assistance - Long-Term Living.
- (F) Medical Assistance - Community HealthChoices.
- (G) Long-Term Care Managed Care.
- (H) Intellectual Disabilities - Intermediate Care Facilities.
- (I) Intellectual Disabilities - Community Waiver Program.
- (J) Autism Intervention and Services.
- (K) Early Intervention.

(ii) The information included in a report under subparagraph (i) shall include the following:

- (A) Number of enrollees by month.
- (B) Average cost per enrollee.
- (C) Required payment amounts by appropriation during the fiscal year.
- (D) Revised estimate of the money needed by appropriation to make required payments for the remainder of the fiscal year.

(iii) If revised estimates under subparagraph (ii)(D) indicate supplemental money may be necessary, the secretary shall provide a detailed explanation, in writing, of the reasons the revised estimates differ from the General Appropriation Act of 2022, or information provided previously under this paragraph.

(23) The Department of Human Services shall not add non-medically necessary services to the Medical Assistance Program that would result in the need for a supplemental appropriation without the approval of the General Assembly. Each proposed service shall be outlined in the Governor's Executive Budget or subsequent updates provided in writing to the General Assembly.

(24) Of the funding appropriated for COVID Relief - ARPA - Adult Mental Health Programs, no funding shall be expended until enabling legislation is enacted by the General Assembly.

(1730-F.1 added July 11, 2022, P.L.540, No.54)

Section 1731-F.1. Department of Revenue (Reserved).

(1731-F.1 added July 11, 2022, P.L.540, No.54)

Section 1732-F.1. Department of State (Reserved).

(1732-F.1 added July 11, 2022, P.L.540, No.54)

Section 1733-F.1. Department of Transportation.

The following shall apply to appropriations for the Department of Transportation:

(1) From money appropriated for infrastructure projects, \$1,900,000 shall be allocated for costs related to capital equipment for a rural transit service headquartered in this Commonwealth that provides intercity line-run service with at least six different line runs.

(2) (Reserved).

(1733-F.1 added July 11, 2022, P.L.540, No.54)

Section 1734-F.1. Pennsylvania State Police (Reserved).

(1734-F.1 added July 11, 2022, P.L.540, No.54)

Section 1735-F.1. Pennsylvania Emergency Management Agency.

The following shall apply to appropriations for the Pennsylvania Emergency Management Agency:

(1) Money appropriated for search and rescue programs shall be used to support programs related to training working service dogs focusing on rescue and public safety.

(2) Money appropriated for the State Fire Commissioner includes funding for a Statewide recruitment and retention coordinator and regional technical advisors to develop, implement and deliver recruitment and retention training programs and provide technical assistance to local fire organizations and local governments.

(3) Money appropriated for State disaster assistance shall be used to provide individual disaster recovery assistance to assist in the recovery from emergencies and non-federally declared disasters. Amounts under this paragraph may be used for critical needs assistance and to repair damage to residential properties not compensated by insurance or any other funding sources. The agency shall publish guidelines to implement this paragraph.

(1735-F.1 added July 11, 2022, P.L.540, No.54)

Section 1736-F.1. State-related universities.

The following shall apply to appropriations for State-related universities:

(1) Representatives from a State-related university which receives funding under the act of July 8, 2022 (P.L.2311, No.3A) known as the State-related University Nonpreferred Appropriation Act of 2022, shall appear before the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives no fewer than three times during the fiscal year.

(2) Every tuition invoice that includes a discount due to money appropriated under the State-related University Nonpreferred Appropriation Act of 2022 shall specify that the funding for the discount comes from money appropriated by the General Assembly.

(1736-F.1 added July 11, 2022, P.L.540, No.54)

Section 1737-F.1. State System of Higher Education (Reserved).

(1737-F.1 added July 11, 2022, P.L.540, No.54)

Section 1738-F.1. Pennsylvania Higher Education Assistance Agency.

The following shall apply to appropriations for the Pennsylvania Higher Education Assistance Agency:

(1) The Pennsylvania Higher Education Assistance Agency shall allocate \$500,000 from the Higher Education Assistance Fund for the Cheyney University Keystone Academy.

(2) From money appropriated for payment of education assistance grants, the amount of \$1,000,000 shall be allocated to a State-owned university located in Tioga County for merit scholarships.

(3) From money appropriated for Pennsylvania Internship Program grants, funds may be used for internship and seminar programs.

(1738-F.1 added July 11, 2022, P.L.540, No.54)

Section 1739-F.1. Thaddeus Stevens College of Technology.

The following shall apply to appropriations for the Thaddeus Stevens College of Technology:

(1) From funds appropriated for Thaddeus Stevens College of Technology, the President of the college shall cause to be prepared and submitted to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Majority Leader and the Minority Leader of Senate, the Majority Leader and the Minority Leader of the House of

Representatives, the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives and the Secretary of Education a comprehensive report outlining the use of funds appropriated, to specifically include the strategies and use of funds to expand student enrollment.

(2) (Reserved).

(1739-F.1 added July 11, 2022, P.L.540, No.54)

Section 1740-F.1. Pennsylvania Historical and Museum Commission (Reserved).

(1740-F.1 added July 11, 2022, P.L.540, No.54)

Section 1741-F.1. Environmental Hearing Board (Reserved).

(1741-F.1 added July 11, 2022, P.L.540, No.54)

Section 1742-F.1. Health Care Cost Containment Council (Reserved).

(1742-F.1 added July 11, 2022, P.L.540, No.54)

Section 1743-F.1. State Ethics Commission (Reserved).

(1743-F.1 added July 11, 2022, P.L.540, No.54)

Section 1744-F.1. Commonwealth Financing Authority.

Notwithstanding any provision of law or guidelines to the contrary, for the purposes of the Statewide Local Share Account Program, the Department of Community and Economic Development may not deem an application ineligible if it is for a project where a down payment was required and the applicant made the down payment after the application submission date. This section shall apply regardless of when a purchase agreement was executed.

(1744-F.1 added July 11, 2022, P.L.540, No.54)

SUBARTICLE C

STATE GOVERNMENT SUPPORT AGENCIES

(Subart. added July 11, 2022, P.L.540, No.54)

Section 1751-F.1. Legislative Reference Bureau (Reserved).

(1751-F.1 added July 11, 2022, P.L.540, No.54)

Section 1752-F.1. Legislative Budget and Finance Committee (Reserved).

(1752-F.1 added July 11, 2022, P.L.540, No.54)

Section 1753-F.1. Legislative Data Processing Committee (Reserved).

(1753-F.1 added July 11, 2022, P.L.540, No.54)

Section 1754-F.1. Joint State Government Commission (Reserved).

(1754-F.1 added July 11, 2022, P.L.540, No.54)

Section 1755-F.1. Local Government Commission (Reserved).

(1755-F.1 added July 11, 2022, P.L.540, No.54)

Section 1756-F.1. Legislative Audit Advisory Commission (Reserved).

(1756-F.1 added July 11, 2022, P.L.540, No.54)

Section 1757-F.1. Independent Regulatory Review Commission (Reserved).

(1757-F.1 added July 11, 2022, P.L.540, No.54)

Section 1758-F.1. Capitol Preservation Committee (Reserved).

(1758-F.1 added July 11, 2022, P.L.540, No.54)

Section 1759-F.1. Pennsylvania Commission on Sentencing (Reserved).

(1759-F.1 added July 11, 2022, P.L.540, No.54)

Section 1760-F.1. Center for Rural Pennsylvania (Reserved).

(1760-F.1 added July 11, 2022, P.L.540, No.54)

Section 1761-F.1. Commonwealth Mail Processing Center (Reserved).

(1761-F.1 added July 11, 2022, P.L.540, No.54)

Section 1762-F.1. Legislative Reapportionment Commission
(Reserved).

(1762-F.1 added July 11, 2022, P.L.540, No.54)

Section 1763-F.1. Independent Fiscal Office (Reserved).

(1763-F.1 added July 11, 2022, P.L.540, No.54)

SUBARTICLE D

JUDICIAL DEPARTMENT

(Subart. added July 11, 2022, P.L.540, No.54)

Section 1771-F.1. Supreme Court (Reserved).

(1771-F.1 added July 11, 2022, P.L.540, No.54)

Section 1772-F.1. Superior Court (Reserved).

(1772-F.1 added July 11, 2022, P.L.540, No.54)

Section 1773-F.1. Commonwealth Court (Reserved).

(1773-F.1 added July 11, 2022, P.L.540, No.54)

Section 1774-F.1. Courts of common pleas (Reserved).

(1774-F.1 added July 11, 2022, P.L.540, No.54)

Section 1775-F.1. Community courts; magisterial district judges
(Reserved).

(1775-F.1 added July 11, 2022, P.L.540, No.54)

Section 1776-F.1. Philadelphia Municipal Court (Reserved).

(1776-F.1 added July 11, 2022, P.L.540, No.54)

Section 1777-F.1. Judicial Conduct Board (Reserved).

(1777-F.1 added July 11, 2022, P.L.540, No.54)

Section 1778-F.1. Court of Judicial Discipline (Reserved).

(1778-F.1 added July 11, 2022, P.L.540, No.54)

Section 1779-F.1. Juror cost reimbursement (Reserved).

(1779-F.1 added July 11, 2022, P.L.540, No.54)

Section 1780-F.1. County court reimbursement (Reserved).

(1780-F.1 added July 11, 2022, P.L.540, No.54)

SUBARTICLE E

GENERAL ASSEMBLY

(Reserved)

(Subart. added July 11, 2022, P.L.540, No.54)

ARTICLE XVII-F.2

2022-2023 RESTRICTIONS ON APPROPRIATIONS FOR FUNDS AND ACCOUNTS

(Art. added July 11, 2022, P.L.540, No.54)

Compiler's Note: Section 39(6) of Act 54 of 2022, which added Art. XVII-F.1, provided that the addition of Art. XVII-F.2 shall apply retroactively to July 1, 2022.

Section 1701-F.2. Applicability.

Except as specifically provided in this article, this article applies to the act of July 8, 2022 (P.L.2191, No.1A), known as the General Appropriation Act of 2022, and all other appropriation acts of 2022.

(1701-F.2 added July 11, 2022, P.L.540, No.54)

Section 1702-F.2. Definitions.

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

"General Appropriation Act of 2022." The act of July 8, 2022 (P.L.2191, No.1A), known as the General Appropriation Act of 2022.

"Most recent Federal decennial census." The population figures for the most recent Federal decennial census as published by the Department of General Services in the most recent Pennsylvania Manual as of the effective date of this section.

(1702-F.2 added July 11, 2022, P.L.540, No.54)

Section 1703-F.2. State Lottery Fund.

The following apply:

(1) Money appropriated for PENNCARE shall not be utilized for administrative costs by the Department of Aging.

(2) (Reserved).

(1703-F.2 added July 11, 2022, P.L.540, No.54)

Section 1704-F.2. Tobacco Settlement Fund (Reserved).

(1704-F.2 added July 11, 2022, P.L.540, No.54)

Section 1705-F.2. Judicial Computer System Augmentation Account (Reserved).

(1705-F.2 added July 11, 2022, P.L.540, No.54)

Section 1706-F.2. Emergency Medical Services Operating Fund (Reserved).

(1706-F.2 added July 11, 2022, P.L.540, No.54)

Section 1707-F.2. The State Stores Fund (Reserved).

(1707-F.2 added July 11, 2022, P.L.540, No.54)

Section 1708-F.2. Motor License Fund.

The following shall apply to appropriations from the Motor License Fund:

(1) From money appropriated to the Department of Transportation for municipal traffic signals, \$5,000,000 shall be used by the Department of Transportation to provide grants to municipalities to install and maintain traffic signal technologies at traffic control signals which will be connected to a central location using the Commonwealth communications network. Municipalities shall not be required to provide matching funds as a condition of receiving a grant under this paragraph. The following traffic signal technologies shall be eligible for a grant under this paragraph:

(i) A system that synchronizes and times traffic signals.

(ii) Adaptive signal control technology that utilizes sensors to monitor traffic flow, vehicle delay and queues in order to optimize the timing plan of the traffic signal in real time.

(iii) Controller, detection and communication technology to support traffic signal timing and synchronization updates using automated traffic signal performance measures.

(iv) Controller and communication technology to support unified command and control.

(2) (Reserved).

(1708-F.2 added July 11, 2022, P.L.540, No.54)

Section 1709-F.2. Aviation Restricted Account (Reserved).

(1709-F.2 added July 11, 2022, P.L.540, No.54)

Section 1710-F.2. Hazardous Material Response Fund (Reserved).

(1710-F.2 added July 11, 2022, P.L.540, No.54)

Section 1711-F.2. Milk Marketing Fund (Reserved).

(1711-F.2 added July 11, 2022, P.L.540, No.54)

Section 1712-F.2. HOME Investment Trust Fund (Reserved).

(1712-F.2 added July 11, 2022, P.L.540, No.54)

Section 1713-F.2. Tuition Account Guaranteed Savings Program Fund (Reserved).

(1713-F.2 added July 11, 2022, P.L.540, No.54)

Section 1714-F.2. Banking Fund (Reserved).

(1714-F.2 added July 11, 2022, P.L.540, No.54)
Section 1715-F.2. Firearm Records Check Fund (Reserved).
(1715-F.2 added July 11, 2022, P.L.540, No.54)
Section 1716-F.2. Ben Franklin Technology Development Authority
Fund (Reserved).
(1716-F.2 added July 11, 2022, P.L.540, No.54)
Section 1717-F.2. Oil and Gas Lease Fund (Reserved).
(1717-F.2 added July 11, 2022, P.L.540, No.54)
Section 1718-F.2. Home Improvement Account (Reserved).
(1718-F.2 added July 11, 2022, P.L.540, No.54)
Section 1719-F.2. Cigarette Fire Safety and Firefighter
Protection Act Enforcement Fund (Reserved).
(1719-F.2 added July 11, 2022, P.L.540, No.54)
Section 1720-F.2. Insurance Regulation and Oversight Fund
(Reserved).
(1720-F.2 added July 11, 2022, P.L.540, No.54)
Section 1721-F.2. Pennsylvania Race Horse Development
Restricted Receipts Account (Reserved).
(1721-F.2 added July 11, 2022, P.L.540, No.54)
Section 1722-F.2. Justice Reinvestment Fund (Reserved).
(1722-F.2 added July 11, 2022, P.L.540, No.54)
Section 1723-F.2. Multimodal Transportation Fund (Reserved).
(1723-F.2 added July 11, 2022, P.L.540, No.54)
Section 1724-F.2. State Racing Fund (Reserved).
(1724-F.2 added July 11, 2022, P.L.540, No.54)
Section 1725-F.2. ABLE Savings Program Fund (Reserved).
(1725-F.2 added July 11, 2022, P.L.540, No.54)
Section 1726-F.2. Tourism Promotion Fund (Reserved).
(1726-F.2 added July 11, 2022, P.L.540, No.54)
Section 1727-F.2. Enhanced Revenue Collection Account
(Reserved).
(1727-F.2 added July 11, 2022, P.L.540, No.54)
Section 1728-F.2. (Reserved).
(1728-F.2 added July 11, 2022, P.L.540, No.54)
Section 1729-F.2. Opioid Settlement Restricted Account.
From money appropriated from the Opioid Settlement Restricted
Account, the sum of \$1,000,000 shall be distributed to Office
of the District Attorney in a county of the third class with a
population between 349,000 and 350,000 under the most recent
Federal decennial census.
(1729-F.2 added July 11, 2022, P.L.540, No.54)
Section 1730-F.2. COVID-19 Response Restricted Account
(Reserved).
(1730-F.2 added July 11, 2022, P.L.540, No.54)
Section 1731-F.2. Pennsylvania Preferred® Trademark Licensing
Fund.

Notwithstanding 3 Pa.C.S. § 4616 (relating to Pennsylvania
Preferred® Trademark Licensing Fund), the Department of
Agriculture may use money deposited into the Pennsylvania
Preferred® Trademark Licensing Fund to promote one or more of
the funding objectives under 3 Pa.C.S. § 4616(c) through the
awarding of grants.

(1731-F.2 added July 11, 2022, P.L.540, No.54)
Section 1732-F.2. Agricultural Conservation Easement Purchase
Fund.

In addition to the uses provided in section 7.3 of the act
of June 18, 1982 (P.L.549, No.159), entitled "An act providing
for the administration of certain Commonwealth farmland within
the Department of Agriculture," the Department of Agriculture
may use up to a total of \$165,000 in the Agricultural
Conservation Easement Purchase Fund under section 7.1 of the
act of June 18, 1982 (P.L.549, No.159), entitled "An act

providing for the administration of certain Commonwealth farmland within the Department of Agriculture," to issue grants not to exceed \$5,000 each for succession planning to ensure that agricultural operations continue on land subject to agricultural conservation easements. The department, in consultation with the State Agricultural Land Preservation Board, shall establish eligibility criteria for awarding grants under this section.

(1732-F.2 added July 11, 2022, P.L.540, No.54)

Section 1733-F.2. Restricted receipt accounts.

(a) Authority.--The Secretary of the Budget may create restricted receipt accounts for the purpose of administering Federal grants only for the purposes designated in this section.

(b) Department of Community and Economic Development.--The following restricted receipt accounts may be established for the Department of Community and Economic Development:

(1) ARC Housing Revolving Loan Program.

(2) (Reserved).

(c) Department of Conservation and Natural Resources.--The following restricted receipt accounts may be established for the Department of Conservation and Natural Resources:

(1) Federal aid to volunteer fire companies.

(2) Land and Water Conservation Fund Act of 1965 (Public Law 88-578, 16 U.S.C. § 4601-4 et seq.).

(3) National Forest Reserve Allotment.

(d) Department of Education.--The following restricted receipt accounts may be established for the Department of Education:

(1) Education of the Disabled - Part C.

(2) LSTA - Library Grants.

(3) The Pennsylvania State University Federal Aid.

(4) Emergency Immigration Education Assistance.

(5) Education of the Disabled - Part D.

(6) Homeless Adult Assistance Program.

(7) Severely Handicapped.

(8) Medical Assistance Reimbursements to Local Education Agencies.

(e) Department of Environmental Protection.--The following restricted receipt accounts may be established for the Department of Environmental Protection:

(1) Federal Water Resources Planning Act.

(2) Flood Control Payments.

(3) Soil and Water Conservation Act - Inventory of Programs.

(f) Department of Drug and Alcohol Programs.--The following restricted receipt accounts may be established for the Department of Drug and Alcohol Programs:

(1) Share Loan Program.

(2) (Reserved).

(g) Department of Transportation.--The following restricted receipt accounts may be established for the Department of Transportation:

(1) Capital Assistance Elderly and Handicapped Programs.

(2) Railroad Rehabilitation and Improvement Assistance.

(3) Ridesharing/Van Pool Program - Acquisition.

(h) Pennsylvania Emergency Management Agency.--The following restricted receipt accounts may be established for the Pennsylvania Emergency Management Agency:

(1) Receipts from Federal Government - Disaster Relief - Disaster Relief Assistance to State and Political Subdivisions.

(2) (Reserved).

(i) Pennsylvania Historical and Museum Commission.--The following restricted receipt accounts may be established for the Pennsylvania Historical and Museum Commission:

(1) Federal Grant - National Historic Preservation Act (Public Law 89-665, 80 Stat. 915).

(2) (Reserved).

(j) Executive offices.--The following restricted receipt accounts may be established for the executive offices:

(1) Retired Employees Medicare Part D.

(2) Justice Assistance.

(3) Juvenile Accountability Incentive.

(4) Early Retiree Reinsurance Program.

(1733-F.2 added July 11, 2022, P.L.540, No.54)

Section 1734-F.2. Fund transfers.

(a) Transfer to Environmental Stewardship Fund.--From money received under the authority of Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, the sum of \$12,317,000 shall be transferred to the Environmental Stewardship Fund.

(b) Applicability.--Section 1795.2-E shall not apply to fiscal year 2022-2023.

(1734-F.2 added July 11, 2022, P.L.540, No.54)

ARTICLE XVII-F.3

2023-2024 BUDGET IMPLEMENTATION

(Art. added Dec. 13, 2023, P.L.251, No.34)

SUBARTICLE A

PRELIMINARY PROVISIONS

(Subart. added Dec. 13, 2023, P.L.251, No.34)

Section 1701-F.3. Applicability.

Except as specifically provided in this article, this article applies to the General Appropriation Act of 2023 and all other appropriation acts of 2023.

(1701-F.3 added Dec. 13, 2023, P.L.251, No.34)

Section 1702-F.3. Definitions.

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

"General Appropriation Act of 2023." The act of August 3, 2023 (P.L.471, No.1A), known as the General Appropriation Act of 2023.

"Human Services Code." The act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

"Public School Code of 1949." The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

"Secretary." The Secretary of the Budget of the Commonwealth.

"TANFEBG." Temporary Assistance for Needy Families Block Grant.

(1702-F.3 added Dec. 13, 2023, P.L.251, No.34)

Section 1703-F.3. (Reserved).

(1703-F.3 added Dec. 13, 2023, P.L.251, No.34)

Section 1704-F.3. (Reserved).

(1704-F.3 added Dec. 13, 2023, P.L.251, No.34)

SUBARTICLE B

EXECUTIVE DEPARTMENTS

(Subart. added Dec. 13, 2023, P.L.251, No.34)

Section 1711-F.3. Governor (Reserved).

(1711-F.3 added Dec. 13, 2023, P.L.251, No.34)

Section 1712-F.3. Executive offices.

The following apply to appropriations for the executive offices:

(1) The following apply to money appropriated for the Pennsylvania Commission on Crime and Delinquency:

(i) No less than the amount used in the 2014-2015 fiscal year shall be used to support the Statewide Automated Victim Information and Notification System (SAVIN) to provide offender information through county jails.

(ii) No less than the amount used in the 2014-2015 fiscal year shall be used for a residential treatment community facility for at-risk youth located in a county of the fifth class.

(iii) From the amount appropriated, \$400,000 shall be used for an innovative police data sharing pointer index system that will allow participating law enforcement agencies access to incident report data.

(iv) From the amount appropriated, \$600,000 shall be used for a diversion program for first-time nonviolent offenders facing prison sentences. The diversion program must include education and employment services, case management and mentoring.

(v) No less than \$3,000,000 shall be available as a pilot program to offset costs incurred by a city of the first class and a county of the second class A that is also a home rule county in connection with hiring additional assistant district attorneys designated as a Special United States Attorney by a United States Attorney's office through participation in the Project Safe Neighborhoods program and who will exclusively prosecute crimes under 18 U.S.C. § 922(g) (relating to unlawful acts).

(vi) \$500,000 shall be used to support a Statewide child predator unit.

(vii) \$500,000 shall be used for training and equipment needs to support improvements in the identification, investigation and prosecution of 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

(viii) No less than \$1,750,000 shall be used for nonnarcotic medication substance use disorder treatment for eligible offenders, which shall include the establishment and administration of a nonnarcotic medication assisted substance grant program to provide annual grants to county corrections institutions. As used in this subparagraph, the term "eligible offender" means a defendant or inmate convicted of a criminal offense who will be committed to the custody of the county and who meets the clinical criteria for an opioid or alcohol use disorder as determined by a physician.

(ix) No less than \$2,000,000 shall be distributed to a nonprofit organization specified in 61 Pa.C.S. § 3512 (relating to definitions) to monitor conditions in State and county correctional institutions, including through independent data collection and analysis of conditions, and to assist incarcerated individuals with concerns related to their health, safety and dignity.

(x) (Reserved).

(2) From money appropriated for violence and delinquency prevention programs:

(i) no less than the amount used in the 2014-2015 fiscal year shall be used for programs in a city of the second class; and

(ii) no less than the amount used in the 2014-2015 fiscal year shall be used for blueprint mentoring programs that address reducing youth violence in cities of the first, second and third class with programs in cities of the second class and third class also receiving a proportional share of \$350,000.

(3) (Reserved).

(4) Money appropriated for county intermediate punishment shall be distributed to counties for county adult probation supervision and drug and alcohol and mental health treatment programs for offenders sentenced to restrictive conditions of probation imposed under 42 Pa.C.S. § 9763(c) or (d) (relating to conditions of probation) and are certified in accordance with 42 Pa.C.S. § 2154.1(b) (relating to adoption of guidelines for restrictive conditions). The portion of money for drug and alcohol and mental health treatment programs shall be based on national statistics that identify the percentage of incarcerated individuals that are in need of treatment for substance issues but in no case shall be less than 80% of the amount appropriated.

(1712-F.3 added Dec. 13, 2023, P.L.251, No.34)

Section 1712.1-F.3. Office of the Budget.

The following shall apply to the Office of the Budget:

(1) No later than 60 days after the effective date of this paragraph, the Secretary of the Budget shall transfer to the School Environmental Repairs Program Restricted Account \$75,000,000 from money appropriated to agencies under the Governor's jurisdiction for general government operations for fiscal years 2019-2020, 2020-2021, 2021-2022 and 2022-2023, which remained unexpended. The transfers under this paragraph shall be as follows:

(i) No less than \$60,000,000 from the Department of Revenue.

(ii) The remaining \$15,000,000 shall be determined by the Secretary of the Budget.

(2) Upon transfer under paragraph (1), the Secretary of the Budget shall provide a list of appropriations and amounts transferred to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives.

(1712.1-F.3 added Dec. 13, 2023, P.L.251, No.34)

Section 1713-F.3. Lieutenant Governor (Reserved).

(1713-F.3 added Dec. 13, 2023, P.L.251, No.34)

Section 1714-F.3. Attorney General.

The following apply to appropriations to the Attorney General:

(1) The sum of \$8,431,000 shall be distributed between the Attorney General and the district attorney's office in a city of the first class for costs associated with the operation of the joint local-State firearm task force in the city of the first class. No more than 20% may be allocated for the district attorney's office in a city of the first class.

(2) The sum of \$3,110,308 shall be distributed to the Attorney General for costs associated with a joint local-State firearm task force in a city of the first class.

(2.1) The sum of \$1,537,952 shall be used to cover the costs associated with establishing and operating a joint

local-State firearm task force in a county of the second class.

(2.2) The sum of \$889,692 shall be distributed to the Attorney General for operating and property costs related to the Joint Task Force as needed.

(3) The Attorney General may expend up to \$4,000,000 in total from the following restricted accounts for general government operations:

(i) The Criminal Enforcement Restricted Account established under section 1713-A.1.

(ii) The Collection Administration Account established under section 922.1 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(iii) The restricted account established under section 1795.1-E(c)(3)(iii).

(iv) The Straw Purchase Prevention Education Fund established under 18 Pa.C.S. § 6186 (relating to Straw Purchase Prevention Education Fund).

(v) The restricted account established under section 4 of the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act.

(vi) The restricted account known as the Public Protection Law Enforcement Restricted Account.

(1714-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1715-F.3. Auditor General (Reserved).

(1715-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1716-F.3. Treasury Department (Reserved).

(1716-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1717-F.3. Department of Aging (Reserved).

(1717-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1718-F.3. Department of Agriculture.

The following apply to appropriations for the Department of Agriculture:

(1) From money appropriated for general government operations, the following apply:

(i) (Reserved).

(ii) No less than \$250,000 shall be used for the Commission for Agricultural Education Excellence to assist in the development and implementation of agricultural education programming.

(2) From money appropriated for agricultural preparedness and response, the following shall apply:

(i) No less than \$25,000,000 shall be used for the following costs associated with preparing for and responding to an outbreak of highly pathogenic avian influenza:

(A) Grants to assist with income losses and costs associated with workforce payroll and benefits, mortgage interest and rent payments, utility payments, costs of delayed repopulating and reopening facilities and other losses or costs associated with response not otherwise eligible for or covered by Federal funding, insurance, contracts or other funding sources.

(B) The establishment and operations of a highly pathogenic avian influenza rapid response team. The amount utilized under this clause may not exceed \$2,000,000.

(ii) No less than \$6,000,000 shall be used for costs incurred by the Pennsylvania Animal Diagnostic Laboratory

System in preparing for and responding to an outbreak of highly pathogenic avian influenza.

(3) (Reserved).

(4) From money appropriated for agricultural research, the following apply:

(i) No less than \$300,000 shall be used for an agricultural resource center.

(ii) No less than \$100,000 shall be used for agricultural law research programs, including those addressing energy development, in conjunction with a land-grant university.

(5) From money appropriated for hardwoods research and promotion, at least 80% of the money shall be equally distributed among the hardwood utilization groups of this Commonwealth established prior to the effective date of this section.

(6) Money appropriated for the Animal Health and Diagnostic Commission shall be equally distributed to the animal diagnostic laboratory system laboratories located at a land-grant university and at a school of veterinary medicine located within this Commonwealth.

(1718-F.3 added Dec. 13, 2023, P.L.251, No.34)

Section 1719-F.3. Department of Community and Economic Development.

The following apply to appropriations for the Department of Community and Economic Development:

(1) From money appropriated for general government operations, no less than \$1,900,000 shall be used to support a manufacturing technology development effort, to assist Pennsylvania small businesses with enhanced cyber security and to test coal ash refuse extraction of rare earth metals for domestic chip manufacturing in a county of the fourth class with a population of at least 130,000, but not more than 135,000, under the most recent Federal decennial census.

(2) From money appropriated for marketing to attract tourists:

(i) \$4,145,000 to fund the activities of the tourism office within the department; and

(ii) the remaining money includes an allocation to be used to plan, market and conduct a series of arts and cultural activities that generate Statewide and regional economic impact, and \$1,000,000 shall be used for regional athletic competitions, activities and costs relating to an annual Statewide competition serving approximately 2,000 athletes with intellectual disabilities from across this Commonwealth to be held in a county of the fourth class.

(3) From money appropriated for Pennsylvania First, no less than \$8,000,000 shall be used to fund the Workforce and Economic Development Network of Pennsylvania (WEDnetPA) for workforce training grants provided through an alliance of educational providers, including, but not limited to, State System of Higher Education universities, the Pennsylvania College of Technology and community colleges located in this Commonwealth.

(4) From money appropriated for keystone communities:

(i) \$6,405,000 shall be used to fund the Main Street Program, Elm Street Program, Enterprise Zone Program and accessible housing. The allocation for the Main Street Program, Elm Street Program, Enterprise Zone Program and accessible housing shall be distributed in the same proportion as amounts allocated in fiscal year 2012-2013.

(ii) The remaining money shall be used for projects supporting economic growth, community development and municipal assistance throughout this Commonwealth.

(5) (Reserved).

(6) Notwithstanding section 4(1) of the act of October 11, 1984 (P.L.906, No.179), known as the Community Development Block Grant Entitlement Program for Nonurban Counties and Certain Other Municipalities, the Commonwealth may use up to 3% of the money received pursuant to the Housing and Community Development Act of 1974 (Public Law 93-383, 88 Stat. 633) for administrative costs.

(7) Money appropriated for local municipal relief shall include an allocation to provide State assistance to individuals, persons or political subdivisions directly affected by natural or manmade disasters, public safety emergencies, other situations that pose a public safety danger or other situations at the discretion of the department. State assistance may be limited to grants for projects that do not qualify for Federal assistance to help repair damages to primary residences, personal property and public facilities and structures. Grants shall be made available for reimbursement in a disaster emergency area only when a presidential disaster declaration does not cover the area or when the Department of Community and Economic Development determines that a public safety emergency has occurred.

(8) (Reserved).

(9) Money appropriated for hospital and health system emergency relief shall include an allocation to provide State assistance to hospital and health care systems that experience unexpected financial impact situations.

(10) Money appropriated for community and economic assistance shall include an allocation to provide State assistance in the form of grants to assist in community and economic development, including projects in the public interest.

(11) From money appropriated to the Department of Community and Economic Development, the Department of Community and Economic Development shall pay one-third of the costs for the Commission on Education and Economic Competitiveness to implement a contract for a nonprofit entity that has experience in the creation of long-term education planning efforts as required under section 123.1(g) of the Public School Code of 1949. The procurement of a nonprofit entity under section 123.1(g) of the Public School Code of 1949 shall not be subject to the requirements of 62 Pa.C.S. (relating to procurement). Notwithstanding section 123.1(g) of the Public School Code of 1949, the Commission on Education and Economic Competitiveness, by majority vote, shall choose the nonprofit entity under section 123.1(g) of the Public School Code of 1949.

(12) Money appropriated for workforce development shall be distributed in the same proportion as distributed in fiscal year 2022-2023.

(1719-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1720-F.3. Department of Conservation and Natural Resources.

The following apply to appropriations for the Department of Conservation and Natural Resources:

(1) (Reserved).

(2) Money appropriated for parks, forests and recreation projects shall be used for grants for projects to enhance parks, forests and recreation activities.

(1720-F.3 added Dec. 13, 2023, P.L.251, No.34)

Section 1721-F.3. Department of Corrections (Reserved).

(1721-F.3 added Dec. 13, 2023, P.L.251, No.34)

Section 1722-F.3. Department of Drug and Alcohol Programs (Reserved).

(1722-F.3 added Dec. 13, 2023, P.L.251, No.34)

Section 1723-F.3. Department of Education.

The following apply to appropriations to the Department of Education:

(1) (Reserved).

(2) From an appropriation for adult and family literacy programs, summer reading programs and the adult high school diplomas program. The following apply:

(i) no less than the amount allocated in the 2014-2015 fiscal year shall be allocated for an after-school learning program servicing low-income students located in a county of the sixth class with a population, based on the most recent Federal decennial census, of at least 64,730, but not more than 65,558; and

(ii) no less than the amount allocated in the 2016-2017 fiscal year shall be used for an after-school learning program servicing low-income students located in a county of the third class with a population, based on the most recent Federal decennial census, of at least 320,000, but not more than 330,000.

(iii) From money appropriated for adult and family literacy, at least \$1,050,000 shall be used to develop and administer a program to subsidize the cost of high school equivalency testing that leads to a Commonwealth secondary school diploma credential for individuals who meet requirements established by the department.

(3) Notwithstanding any other provision of law, the appropriation for pupil transportation may not be redirected for any purpose.

(4) For money appropriated for Pennsylvania Chartered Schools for Deaf and Blind Children, the following apply:

(i) Upon distribution of the final tuition payment for the fiscal year, the balance of the appropriation, excluding amounts under subparagraph (ii), shall be used to pay the schools' increased share of required contributions for public school employees' retirement and shall be distributed pro rata based on each school's contributions for the prior fiscal year.

(ii) \$1,000,000 is included for capital-related costs and deferred maintenance to be divided equally between each school.

(5) Notwithstanding any other provision of law, the amount of money set aside under section 2509.8 of the Public School Code of 1949 shall be allocated to each approved private school with a day tuition rate determined to be less than \$32,000 during the 2010-2011 school year. The allocation shall be no less than the amount allocated in the 2015-2016 fiscal year.

(6) Money appropriated for regional community college services shall be distributed to each entity that received funding in fiscal year 2022-2023 in an amount equal to the amount received in that fiscal year.

(7) Notwithstanding any other provision of law, money appropriated for community education councils shall be distributed in a manner that each community education council which received funding in fiscal year 2022-2023 shall receive an amount equal to the amount received in that fiscal year.

(7.1) From money appropriated for Parent Pathways, the Department of Education shall expand the Parent Pathways Learning Network Pilot Program to assist parenting students in pursuing postsecondary pathways to postsecondary degree or certificate completion. The Department of Education shall provide financial and technical assistance to postsecondary institutions to remove barriers to postsecondary degree or certificate completion and increase access to family-sustaining wages and in-demand occupations.

(8) From funds appropriated for career and technical education, \$2,000,000 shall be used to establish a State Level Industry in the School Program to bring trade and industry professionals into the classroom. Notwithstanding the provisions specified in section 2502.8(f) of the Public School Code of 1949, payments on account of pupils enrolled in career and technical curriculums may be proportionately reduced by up to \$2,000,000.

(9) (Reserved).

(10) (Reserved).

(11) (Reserved).

(12) (Reserved).

(13) (Reserved).

(14) (Reserved).

(15) (Reserved).

(16) (Reserved).

(17) (Reserved).

(18) (Reserved).

(19) (Reserved).

(20) (Reserved).

(21) (Reserved).

(22) From money appropriated to the Department of Education, the Department of Education shall pay one-third of the costs for the Commission on Education and Economic Competitiveness to implement a contract for a nonprofit entity that has experience in the creation of long-term education planning efforts as required under section 123.1(g) of the Public School Code of 1949. The procurement of a nonprofit entity under section 123.1(g) of the Public School Code of 1949 shall not be subject to the requirements of 62 Pa.C.S. (relating to procurement). Notwithstanding section 123.1(g) of the Public School Code of 1949, the Commission on Education and Economic Competitiveness, by majority vote, shall choose the nonprofit entity under section 123.1(g) of the Public School Code of 1949.

(23) (Reserved).

(24) Money appropriated for job training and education programs shall be used for grants for job training, dual enrollment and educational programs.

(25) Money appropriated for mobile science and mathematics education programs shall be used for grants to support mobile science and mathematics education programs.

(1723-F.3 added Dec. 13, 2023, P.L.251, No.34)

Section 1724-F.3. Department of Environmental Protection
(Reserved).

(1724-F.3 added Dec. 13, 2023, P.L.251, No.34)

Section 1725-F.3. Department of General Services.

From money appropriated to the Department of General Services for Capitol fire protection, the City of Harrisburg shall use the money to support the provisions of fire services to the Capitol complex.

(1725-F.3 added Dec. 13, 2023, P.L.251, No.34)

Section 1726-F.3. Department of Health.

The following apply to appropriations for the Department of Health:

(1) From money appropriated for general government operations, sufficient money is included for the coordination of donated dental services.

(2) (Reserved).

(3) From money appropriated for primary health care practitioner, the following apply:

(i) No less than \$3,451,000 shall be used for Primary Care Loan Repayment Grant Awards.

(ii) No less than \$1,500,000 shall be used for the Pennsylvania Academy of Family Physicians Family Medicine Residency Expansion Program.

(iii) No less than \$1,300,000 shall be used for the Pennsylvania Academy of Family Physicians Family Medicine Residency Community Health Impact Grant Program.

(iv) Grantees other than as provided under subparagraphs (i), (ii) and (iii) that received amounts in the 2022-2023 fiscal year shall receive the amount each grantee received in the 2022-2023 fiscal year.

(4) Money appropriated for services for children with special needs shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(5) From money appropriated for adult cystic fibrosis and other chronic respiratory illnesses, the following apply:

(i) No less than \$212,000 shall be used for a program promoting cystic fibrosis research in a county of the second class.

(ii) No less than \$106,000 shall be used for research related to childhood cystic fibrosis in a city of the first class with a hospital that is nationally accredited as a cystic fibrosis treatment center and specializes in the treatment of children.

(iii) Any money not used under subparagraph (i) or (ii) shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(6) Money appropriated for diagnosis and treatment for Cooley's anemia shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(7) Money appropriated for hemophilia services shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(8) Money appropriated for lupus programs shall be distributed proportionately to each entity that received funding in fiscal year 2018-2019.

(9) From money appropriated for sickle cell anemia services, including camps for children with sickle cell anemia, the following shall apply:

(i) Grantees which received amounts in fiscal year 2019-2020 shall receive an amount which is in the same proportion as distributed in fiscal year 2019-2020.

(ii) \$75,000 shall be distributed to a qualifying academic medical center located in a county of the third class with a population between 280,000 and 300,000 under the most recent Federal decennial census for expanded care of adult sickle cell disease.

(10) Money appropriated for Lyme disease includes \$1,000,000 for costs related to free tick testing for residents, including outreach and marketing and \$1,000,000 for tick mitigation, both performed in conjunction with a university that is part of the State System of Higher Education.

(11) Money appropriated for biotechnology research shall include allocations for regenerative medicine research, for regenerative medicine medical technology, for hepatitis and viral research, for drug research and clinical trials related to cancer, for genetic and molecular research for disease identification and eradication, for vaccine immune response diagnostics, for nanotechnology and for the commercialization of applied research.

(1726-F.3 added Dec. 13, 2023, P.L.251, No.34)

Section 1727-F.3. Insurance Department (Reserved).

(1727-F.3 added Dec. 13, 2023, P.L.251, No.34)

Section 1728-F.3. Department of Labor and Industry.

The following apply to appropriations to the Department of Labor and Industry:

(1) From money appropriated for Industry Partnerships, no less than the amount allocated in the 2014-2015 fiscal year shall be used for a work force development program that links veterans with employment in a home rule county that was formerly a county of the second class A.

(2) From money appropriated to the Department of Labor and Industry, the Department of Labor and Industry shall pay one-third of the costs for the Commission on Education and Economic Competitiveness to implement a contract for a nonprofit entity that has experience in the creation of long-term education planning efforts as required under section 123.1(g) of the Public School Code of 1949. The procurement of a nonprofit entity under section 123.1(g) of the Public School Code of 1949 shall not be subject to the requirements of 62 Pa.C.S. (relating to procurement). Notwithstanding section 123.1(g) of the Public School Code of 1949, the Commission on Education and Economic Competitiveness, by majority vote, shall choose the nonprofit entity under section 123.1(g) of the Public School Code of 1949.

(1728-F.3 added Dec. 13, 2023, P.L.251, No.34)

Section 1729-F.3. Department of Military and Veterans Affairs (Reserved).

(1729-F.3 added Dec. 13, 2023, P.L.251, No.34)

Section 1730-F.3. Department of Human Services.

The following apply to appropriations for the Department of Human Services:

(1) From money appropriated for mental health services or from Federal money, \$580,000 shall be used for the following:

(i) The operation and maintenance of a network of web portals that provide comprehensive referral services, support and information relating to early intervention, prevention and support for individuals with mental health or substance abuse issues, county mental health offices, providers and others that provide mental and behavioral health treatment and related services.

(ii) The expansion of the existing web portals, including services and resources for military veterans and their families, including comprehensive referral services for transitional, temporary and permanent housing, job placement and career counseling and other

services for military veterans returning to civilian life.

(2) Notwithstanding any other provision of law, from the money appropriated for mental health services, \$20,000,000 shall be used for county mental health services in addition to the county funding provided under the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental Health and Intellectual Disability Act of 1966, and the Human Services Block Grant Program under Article XIV-B of the Human Services Code. The following apply:

(i) Money shall be distributed to each county and county local collaborative arrangement on a pro rata basis based upon fiscal year 2022-2023 mental health community base funded services allocations.

(ii) County mental health services shall be provided and reported in accordance with the reporting and monitoring requirements of the Department of Human Services.

(iii) Money received under this paragraph may not be included in the calculation of the allocation of funds under the Human Services Block Grant Program.

(3) Subject to the availability of Federal money and eligibility under Federal TANFDBG rules, grantees who operated within the PA WorkWear program in the prior fiscal year and who remain in operation shall be offered a grant for the fiscal year to continue service delivery under substantially similar terms as previous PA WorkWear grants unless both parties agree to alternate terms. Nothing in this paragraph shall prohibit the Department of Human Services from offering a grant to a prospective PA WorkWear provider to replace a prior grantee who chooses not to continue to operate in the program.

(4) From money appropriated for medical assistance capitation, no less than the amount used in the 2014-2015 fiscal year shall be used for prevention and treatment of depression and its complications in older Pennsylvanians in a county of the second class.

(4.1) From money appropriated for Medical Assistance - Capitation, \$12,000,000 shall be used for the purpose of making one-time payments to dentists enrolled in the Medical Assistance Program, determined as follows:

(i) Divide:

(A) The number of claims from an enrolled dentist's managed care organization utilization from calendar year 2022 of the following dental codes:

D0120, D0150, D0272, D0274, D1110, D1120, D1206, D1351, D2391, D2392, D7140, D0220, D0230, D1208, D2393, D2751, D4341, D5110, D5120, D5213, D5214, D0330, D2140, D2150, D2331, D2930, D2933, D3220, D3230, D8080 and D9230; by

(B) The total claims from all enrolled dentists' managed care organization utilization from calendar year 2022 of the following dental codes: D0120, D0150, D0272, D0274, D1110, D1120, D1206, D1351, D2391, D2392, D7140, D0220, D0230, D1208, D2393, D2751, D4341, D5110, D5120, D5213, D5214, D0330, D2140, D2150, D2331, D2930, D2933, D3220, D3230, D8080 and D9230.

(ii) Multiply:

(A) The quotient under subparagraph (i); by

(B) \$12,000,000.

(5) The following shall apply to amounts appropriated for medical assistance fee-for-service:

(i) Payments to hospitals for Community Access Fund grants shall be distributed under the formulas utilized for these grants in fiscal year 2014-2015. If the total funding available under this subparagraph is less than that available in fiscal year 2014-2015, payments shall be made on a pro rata basis.

(ii) Amounts allocated from money appropriated for fee-for-service used for the SelectPlan for women's preventative health services shall be used for women's medical services, including noninvasive contraception supplies.

(iii) Notwithstanding any other law, money appropriated for medical assistance payments for fee-for-service care, exclusive of inpatient services provided through capitation plans, shall include sufficient money for two separate All Patient Refined Diagnostic Related Group payments for inpatient acute care general hospital stays for:

(A) normal newborn care; and

(B) mothers' obstetrical delivery.

(iv) No less than \$330,000 shall be used for cleft palates and other craniofacial anomalies.

(v) No less than \$800,000 shall be distributed to a hospital for clinical ophthalmologic services located in a city of the first class.

(vi) (Reserved).

(vii) No less than \$5,000,000 shall be distributed to a hospital in a city of the third class in a home rule county that was formerly a county of the second class A, provided that services and specialties available on the effective date of this paragraph must remain available until July 1, 2024, and compliance with any other requirements imposed by the Department of Human Services. The Department of Human Services may recoup funds from any hospital failing to meet the conditions under this paragraph.

(viii) No less than \$2,000,000 shall be distributed to a university located in a city of the first class to research the impact of trauma-informed programs on community violence prevention and health disparities.

(ix) No less than \$3,000,000 shall be distributed to an enrolled outpatient therapy service provider located in a city of the second class in a county of the second class that provides behavioral health and medical rehabilitation pediatric outpatient services.

(x) No less than \$1,250,000 shall be distributed to a cancer treatment center in a township of the second class with a population between 16,000 and 25,000 according to the most recent Federal decennial census in a county of the third class with a population between 350,000 and 370,000 according to the most recent Federal decennial census.

(6) To supplement the money appropriated to the department for medical assistance for workers with disabilities, in addition to the monthly premium under section 1503(b)(1) of the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, the department may adjust the percentage of the premium upon approval of the Centers for Medicare and Medicaid Services as authorized under Federal requirements. Failure to make payments in

accordance with this paragraph or section 1503(b)(1) of the Tobacco Settlement Act shall result in the termination of medical assistance coverage.

(7) Qualifying physician practice plans that received money for fiscal year 2017-2018 shall not receive less than the State appropriation made available to those physician practice plans during fiscal year 2017-2018.

(8) Federal or State money appropriated under the General Appropriation Act of 2023 in accordance with 35 Pa.C.S. § 8107.3 (relating to funding) not used to make payments to hospitals qualifying as Level III trauma centers or seeking accreditation as Level III trauma centers shall be used to make payments to hospitals qualifying as Levels I and II trauma centers.

(9) Qualifying academic medical centers that received money for fiscal year 2017-2018 shall receive the same amount from the State appropriation made available to those academic medical centers during fiscal year 2017-2018.

(10) Money appropriated for medical assistance transportation shall only be utilized as a payment of last resort for transportation for eligible medical assistance recipients.

(11) (Reserved).

(12) From money appropriated for medical assistance long-term living:

(i) No less than the amount distributed in the 2014-2015 fiscal year shall be distributed to a county nursing home located in a home rule county that was formerly a county of the second class A with more than 725 beds and a Medicaid acuity at 0.79 as of August 1, 2015.

(ii) No less than the amount used in the 2020-2021 fiscal year shall be distributed to a nonpublic nursing home located in a county of the first class with more than 395 beds and a Medicaid acuity at 1.06 as of August 1, 2022, to ensure access to necessary nursing care in that county.

(iii) \$5,000,000 shall be distributed to a nonpublic nursing home located in a county of the eighth class with more than 119 beds and a Medicaid acuity at 1.11 as of August 1, 2022, to ensure access to necessary nursing home care in that county.

(iv) An additional \$500,000 shall be paid in equal payments to nursing facilities which remain open as of the effective date of this section that qualified for supplemental ventilator care and tracheostomy care payments in fiscal year 2014-2015 with a percentage of medical assistance recipient residents who required medically necessary ventilator care or tracheostomy care greater than 90%.

(v) Subject to Federal approval of necessary amendments of the Title XIX State Plan, \$16,000,000 is allocated for medical assistance day-one incentive payments to qualified nonpublic nursing facilities under methodology and criteria under section 443.1(7)(vi) of the Human Services Code. The Department of Human Services shall determine a nonpublic nursing facility's overall and medical assistance occupancy rate to qualify for a medical assistance day-one incentive payment for the fiscal year based on a nursing facility's resident day quarter ending December 31, 2019, for the first of two

payments and a nursing facility's resident day quarter ending March 31, 2020, for the second of two payments.

(13) (Reserved).

(14) From money appropriated for autism intervention and services:

(i) \$600,000 shall be allocated to a behavioral health facility located in a county of the fifth class with a population between 140,000 and 145,000 under the most recent Federal decennial census and shall be distributed to a health system that operates both a general acute care hospital and a behavioral health facility that has a center for autism and developmental disabilities located in a county of the fifth class with a population between 140,000 and 145,000 under the most recent Federal decennial census;

(ii) \$300,000 shall be allocated to an institution of higher education that provides autism education and diagnostic curriculum located in a city of the first class that operates a center for autism in a county of the second class A;

(iii) \$300,000 shall be allocated to an institution of higher education that provides autism education and diagnostic curriculum and is located in a county of the second class;

(iv) no less than the amount distributed in the 2014-2015 fiscal year shall be allocated for programs to promote the health and fitness of persons with developmental disabilities located in a city of the first class; and

(v) \$600,000 shall be allocated for an entity that provides alternative educational services to individuals with autism and developmental disabilities in the county which was most recently designated as a county of the second class A.

(15) (Reserved).

(16) (Reserved).

(17) (Reserved).

(18) Money appropriated for breast cancer screening may be used for women's medical services, including noninvasive contraception supplies.

(19) From the appropriation for 2-1-1 Communications, \$750,000 shall be allocated for a Statewide 2-1-1 System Grant Program.

(20) The appropriation for services for the visually impaired shall include the following:

(i) an allocation of \$4,084,000 for a Statewide professional services provider association for the blind to provide training and supportive services for individuals who are blind and preschool vision screenings and eye safety education; and

(ii) an allocation of \$618,000 to provide specialized services and prevention of blindness services in cities of the first class.

(21) The provisions of 8 U.S.C. §§ 1611 (relating to aliens who are not qualified aliens ineligible for Federal public benefits), 1612 (relating to limited eligibility of qualified aliens for certain Federal programs) and 1642 (relating to verification of eligibility for Federal public benefits) shall apply to payments and providers.

(22) (Reserved).

(23) The Department of Human Services shall not add nonmedically necessary services to the Medical Assistance

Program that would result in the need for a supplemental appropriation without the approval of the General Assembly. Each proposed service shall be outlined in the Governor's Executive Budget or subsequent updates provided in writing to the General Assembly.

(24) No later than 12 months after the effective date of this paragraph, the Department of Human Services shall complete a report, based on the information submitted to the department, which analyzes the wages for direct care workers and direct support professionals who provide services under the Department of Human Services' Office of Developmental Programs and Office of Long Term Living. The following shall apply:

(i) The report shall include all of the following:

(A) The average wages paid to direct care workers and direct support professionals under each applicable program.

(B) Whether starting wages for direct care workers and direct support professionals increased from January 1, 2019, through January 1, 2023, including the percentage increase.

(ii) The Department of Human Services shall submit the report to the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives, the chairperson and minority chairperson of the Health and Human Services Committee of the Senate and the chairperson and minority chairperson of the Human Services Committee of the House of Representatives.

(1730-F.3 added Dec. 13, 2023, P.L.251, No.34)

Section 1731-F.3. Department of Revenue (Reserved).

(1731-F.3 added Dec. 13, 2023, P.L.251, No.34)

Section 1732-F.3. Department of State (Reserved).

(1732-F.3 added Dec. 13, 2023, P.L.251, No.34)

Section 1733-F.3. Department of Transportation (Reserved).

(1733-F.3 added Dec. 13, 2023, P.L.251, No.34)

Section 1734-F.3. Pennsylvania State Police (Reserved).

(1734-F.3 added Dec. 13, 2023, P.L.251, No.34)

Section 1735-F.3. Pennsylvania Emergency Management Agency.

The following shall apply to appropriations for the Pennsylvania Emergency Management Agency:

(1) Money appropriated for search and rescue programs shall be used to support programs related to training working service dogs focusing on rescue and public safety.

(2) Money appropriated for the State Fire Commissioner includes funding for a Statewide recruitment and retention coordinator and regional technical advisors to develop, implement and deliver recruitment and retention training programs and provide technical assistance to local fire organizations and local governments.

(3) Money appropriated for State disaster assistance shall be used to provide individual disaster recovery assistance to assist in the recovery from emergencies and non-Federally declared disasters. Amounts under this paragraph may be used for critical needs assistance and to repair damage to residential properties not compensated by insurance or any other funding sources. The Pennsylvania Emergency Management Agency shall develop guidelines to implement this paragraph and submit the guidelines to the Legislative Reference Bureau for publication in the next available issue of the Pennsylvania Bulletin.

(1735-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1736-F.3. State-related universities (Reserved).
(1736-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1737-F.3. State System of Higher Education (Reserved).
(1737-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1738-F.3. Pennsylvania Higher Education Assistance Agency.

The following shall apply to appropriations for the Pennsylvania Higher Education Assistance Agency:

(1) The Pennsylvania Higher Education Assistance Agency shall allocate \$500,000 from the Higher Education Assistance Fund for the Cheyney University Keystone Academy.

(2) From money appropriated for payment of education assistance grants, the amount of \$1,000,000 shall be allocated to a State-owned university located in Tioga County for merit scholarships.

(3) From money appropriated for Pennsylvania Internship Program grants, funds may be used for internship and seminar programs.

(1738-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1739-F.3. Thaddeus Stevens College of Technology.

The following shall apply to appropriations for the Thaddeus Stevens College of Technology:

(1) From funds appropriated for Thaddeus Stevens College of Technology, the President of the college shall cause to be prepared and submitted to the Secretary of Education, the President pro tempore of the Senate, the Speaker of the House of Representatives, the Majority Leader and the Minority Leader of the Senate, the Majority Leader and the Minority Leader of the House of Representatives, the chairperson and minority chairperson of the Education Committee of the Senate and the chairperson and minority chairperson of the Education Committee of the House of Representatives a comprehensive report outlining the use of funds appropriated, to specifically include the strategies and use of funds to expand student enrollment.

(2) (Reserved).

(1739-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1740-F.3. Pennsylvania Historical and Museum Commission (Reserved).

(1740-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1741-F.3. Environmental Hearing Board (Reserved).

(1741-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1742-F.3. Health Care Cost Containment Council (Reserved).

(1742-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1743-F.3. State Ethics Commission (Reserved).

(1743-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1744-F.3. Commonwealth Financing Authority (Reserved).
(1744-F.3 added Dec. 13, 2023, P.L.251, No.34)

SUBARTICLE C STATE GOVERNMENT SUPPORT AGENCIES (Subart. added Dec. 13, 2023, P.L.251, No.34)

Section 1751-F.3. Legislative Reference Bureau (Reserved).
(1751-F.3 added Dec. 13, 2023, P.L.251, No.34)

Section 1752-F.3. Legislative Budget and Finance Committee (Reserved).

(1752-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1753-F.3. Legislative Data Processing Committee (Reserved).

(1753-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1754-F.3. Joint State Government Commission (Reserved).
(1754-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1755-F.3. Local Government Commission (Reserved).
(1755-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1756-F.3. Legislative Audit Advisory Commission
(Reserved).
(1756-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1757-F.3. Independent Regulatory Review Commission
(Reserved).
(1757-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1758-F.3. Capitol Preservation Committee (Reserved).
(1758-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1759-F.3. Pennsylvania Commission on Sentencing
(Reserved).
(1759-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1760-F.3. Center for Rural Pennsylvania (Reserved).
(1760-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1761-F.3. Commonwealth Mail Processing Center
(Reserved).
(1761-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1762-F.3. Legislative Reapportionment Commission
(Reserved).
(1762-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1763-F.3. Independent Fiscal Office (Reserved).
(1763-F.3 added Dec. 13, 2023, P.L.251, No.34)

SUBARTICLE D
JUDICIAL DEPARTMENT
(Subart. added Dec. 13, 2023, P.L.251, No.34)

Section 1771-F.3. Supreme Court (Reserved).
(1771-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1772-F.3. Superior Court (Reserved).
(1772-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1773-F.3. Commonwealth Court (Reserved).
(1773-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1774-F.3. Courts of common pleas (Reserved).
(1774-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1775-F.3. Community courts; magisterial district judges
(Reserved).
(1775-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1776-F.3. Philadelphia Municipal Court (Reserved).
(1776-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1777-F.3. Judicial Conduct Board (Reserved).
(1777-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1778-F.3. Court of Judicial Discipline (Reserved).
(1778-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1779-F.3. Juror cost reimbursement (Reserved).
(1779-F.3 added Dec. 13, 2023, P.L.251, No.34)
Section 1780-F.3. County court reimbursement (Reserved).
(1780-F.3 added Dec. 13, 2023, P.L.251, No.34)

SUBARTICLE E
GENERAL ASSEMBLY
(Reserved)
(Subart. added Dec. 13, 2023, P.L.251, No.34)

ARTICLE XVII-F.4
2023-2024 RESTRICTIONS ON APPROPRIATIONS
FOR FUNDS AND ACCOUNTS

Section 1701-F.4. Applicability.

Except as specifically provided in this article, this article applies to the General Appropriation Act of 2023 and all other appropriation acts of 2023.

(1701-F.4 added Dec. 13, 2023, P.L.251, No.34)

Section 1702-F.4. Definitions.

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

"General Appropriation Act of 2023." The act of August 3, 2023 (P.L.471, No.1A), known as the General Appropriation Act of 2023.

(1702-F.4 added Dec. 13, 2023, P.L.251, No.34)

Section 1703-F.4. State Lottery Fund.

The following apply:

(1) Money appropriated for PENNCARE may not be utilized for administrative costs by the Department of Aging.

(2) (Reserved).

(1703-F.4 added Dec. 13, 2023, P.L.251, No.34)

Section 1704-F.4. Tobacco Settlement Fund (Reserved).

(1704-F.4 added Dec. 13, 2023, P.L.251, No.34)

Section 1705-F.4. Judicial Computer System Augmentation Account (Reserved).

(1705-F.4 added Dec. 13, 2023, P.L.251, No.34)

Section 1706-F.4. Emergency Medical Services Operating Fund (Reserved).

(1706-F.4 added Dec. 13, 2023, P.L.251, No.34)

Section 1707-F.4. The State Stores Fund (Reserved).

(1707-F.4 added Dec. 13, 2023, P.L.251, No.34)

Section 1708-F.4. Motor License Fund (Reserved).

(1708-F.4 added Dec. 13, 2023, P.L.251, No.34)

Section 1709-F.4. Aviation Restricted Account (Reserved).

(1709-F.4 added Dec. 13, 2023, P.L.251, No.34)

Section 1710-F.4. Hazardous Material Response Fund (Reserved).

(1710-F.4 added Dec. 13, 2023, P.L.251, No.34)

Section 1711-F.4. Milk Marketing Fund (Reserved).

(1711-F.4 added Dec. 13, 2023, P.L.251, No.34)

Section 1712-F.4. HOME Investment Trust Fund (Reserved).

(1712-F.4 added Dec. 13, 2023, P.L.251, No.34)

Section 1713-F.4. Tuition Account Guaranteed Savings Program Fund (Reserved).

(1713-F.4 added Dec. 13, 2023, P.L.251, No.34)

Section 1714-F.4. Banking Fund (Reserved).

(1714-F.4 added Dec. 13, 2023, P.L.251, No.34)

Section 1715-F.4. Firearm Records Check Fund (Reserved).

(1715-F.4 added Dec. 13, 2023, P.L.251, No.34)

Section 1716-F.4. Ben Franklin Technology Development Authority Fund (Reserved).

(1716-F.4 added Dec. 13, 2023, P.L.251, No.34)

Section 1717-F.4. Oil and Gas Lease Fund (Reserved).

(1717-F.4 added Dec. 13, 2023, P.L.251, No.34)

Section 1718-F.4. Home Improvement Account (Reserved).

(1718-F.4 added Dec. 13, 2023, P.L.251, No.34)

Section 1719-F.4. Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund (Reserved).

(1719-F.4 added Dec. 13, 2023, P.L.251, No.34)

Section 1720-F.4. Insurance Regulation and Oversight Fund (Reserved).

(1720-F.4 added Dec. 13, 2023, P.L.251, No.34)

Section 1721-F.4. Pennsylvania Race Horse Development
Restricted Receipts Account (Reserved).
(1721-F.4 added Dec. 13, 2023, P.L.251, No.34)
Section 1722-F.4. Justice Reinvestment Fund (Reserved).
(1722-F.4 added Dec. 13, 2023, P.L.251, No.34)
Section 1723-F.4. Multimodal Transportation Fund (Reserved).
(1723-F.4 added Dec. 13, 2023, P.L.251, No.34)
Section 1724-F.4. State Racing Fund (Reserved).
(1724-F.4 added Dec. 13, 2023, P.L.251, No.34)
Section 1725-F.4. ABLE Savings Program Fund (Reserved).
(1725-F.4 added Dec. 13, 2023, P.L.251, No.34)
Section 1726-F.4. Tourism Promotion Fund (Reserved).
(1726-F.4 added Dec. 13, 2023, P.L.251, No.34)
Section 1727-F.4. Enhanced Revenue Collection Account
(Reserved).

(1727-F.4 added Dec. 13, 2023, P.L.251, No.34)
Section 1728-F.4. (Reserved).
(1728-F.4 added Dec. 13, 2023, P.L.251, No.34)
Section 1729-F.4. Opioid Settlement Restricted Account
(Reserved).
(1729-F.4 added Dec. 13, 2023, P.L.251, No.34)
Section 1730-F.4. COVID-19 Response Restricted Account
(Reserved).
(1730-F.4 added Dec. 13, 2023, P.L.251, No.34)

Section 1731-F.4. Pennsylvania Preferred® Trademark and
Pennsylvania Preferred Organic® Trademark
Licensing Fund.

Notwithstanding 3 Pa.C.S. § 4616 (relating to Pennsylvania Preferred® Trademark and Pennsylvania Preferred Organic® Trademark Licensing Fund), the Department of Agriculture may use money deposited into the Pennsylvania Preferred® Trademark and Pennsylvania Preferred Organic® Trademark Licensing Fund to promote one or more of the funding objectives under 3 Pa.C.S. § 4616(c) through the awarding of grants.

(1731-F.4 added Dec. 13, 2023, P.L.251, No.34)
Section 1732-F.4. Agricultural Conservation Easement Purchase
Fund.

In addition to the uses provided in section 7.3 of the act of June 18, 1982 (P.L.549, No.159), entitled "An act providing for the administration of certain Commonwealth farmland within the Department of Agriculture," the department may use up to a total of \$165,000 in the Agricultural Conservation Easement Purchase Fund under section 7.1 of the act of June 18, 1982 (P.L.549, No.159), entitled "An act providing for the administration of certain Commonwealth farmland within the Department of Agriculture," to issue grants not to exceed \$5,000 each for succession planning to ensure that agricultural operations continue on land subject to agricultural conservation easements. The department, in consultation with the State Agricultural Land Preservation Board, shall establish eligibility criteria for awarding grants under this section.

(1732-F.4 added Dec. 13, 2023, P.L.251, No.34)
Section 1732.1-F.4. School Safety and Security Fund.

The Pennsylvania Commission on Crime and Delinquency shall use \$5,000,000 from the School Safety and Security Fund for grants to implement innovative school safety and security initiatives.

(1732.1-F.4 added Dec. 13, 2023, P.L.251, No.34)
Section 1733-F.4. Restricted receipt accounts.

(a) Authority.--The Secretary of the Budget may create restricted receipt accounts for the purpose of administering Federal grants only for the purposes designated in this section.

(b) Department of Community and Economic Development.--The following restricted receipt accounts may be established for the Department of Community and Economic Development:

- (1) ARC Housing Revolving Loan Program.
- (2) Brownfields Revolving Loan Fund.

(c) Department of Conservation and Natural Resources.--The following restricted receipt accounts may be established for the Department of Conservation and Natural Resources:

- (1) Federal Aid to volunteer fire companies.
- (2) Land and Water Conservation Fund Act of 1965 (Public Law 88-578, 16 U.S.C. § 4601-4 et seq.).
- (3) National Forest Reserve Allotment.

(d) Department of Education.--The following restricted receipt accounts may be established for the Department of Education:

- (1) Education of the Disabled - Part C.
- (2) LSTA - Library Grants.
- (3) The Pennsylvania State University Federal Aid.
- (4) Emergency Immigration Education Assistance.
- (5) Education of the Disabled - Part D.
- (6) Homeless Adult Assistance Program.
- (7) Severely Handicapped.
- (8) Medical Assistance Reimbursements to Local Education Agencies.

(e) Department of Environmental Protection.--The following restricted receipt accounts may be established for the Department of Environmental Protection:

- (1) Federal Water Resources Planning Act.
- (2) Flood Control Payments.
- (3) Soil and Water Conservation Act - Inventory of Programs.

(f) Department of Drug and Alcohol Programs.--The following restricted receipt accounts may be established for the Department of Drug and Alcohol Programs:

- (1) Share Loan Program.
- (2) (Reserved).

(g) Department of Transportation.--The following restricted receipt accounts may be established for the Department of Transportation:

- (1) Capital Assistance Elderly and Handicapped Programs.
- (2) Railroad Rehabilitation and Improvement Assistance.
- (3) Ridesharing/Van Pool Program - Acquisition.

(h) Pennsylvania Emergency Management Agency.--The following restricted receipt accounts may be established for the Pennsylvania Emergency Management Agency:

- (1) Receipts from Federal Government - Disaster Relief - Disaster Relief Assistance to State and Political Subdivisions.
- (2) (Reserved).

(i) Pennsylvania Historical and Museum Commission.--The following restricted receipt accounts may be established for the Pennsylvania Historical and Museum Commission:

- (1) Federal Grant - National Historic Preservation Act.
- (2) (Reserved).

(j) Executive offices.--The following restricted receipt accounts may be established for the executive offices:

- (1) Retired Employees Medicare Part D.
- (2) Justice Assistance.
- (3) Juvenile Accountability Incentive.
- (4) Early Retiree Reinsurance Program.

(1733-F.4 added Dec. 13, 2023, P.L.251, No.34)
Section 1734-F.4. Fund transfers.

(a) Transfer to Environmental Stewardship Fund.--From money received under the authority of Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, the sum of \$10,538,000 shall be transferred to the Environmental Stewardship Fund.

(b) Transfer to Surface Mining Conservation and Reclamation Fund.--From money received under the authority of Article III of the Tax Reform Code of 1971, the sum of \$4,000,000 shall be transferred to the Surface Mining Conservation and Reclamation Fund.

(c) Transfer to General Fund.--From money deposited into the Medical Marijuana Program Fund, \$31,900,000 shall be transferred to the General Fund.

(1734-F.4 added Dec. 13, 2023, P.L.251, No.34)

ARTICLE XVII-F.5

2023-2024 FUND TRANSFERS

(Art. added Dec. 13, 2023, P.L.251, No.34)

Section 1701-F.5. Applicability.

Except as specifically provided in this article, this article applies to the General Appropriation Act of 2023.

(1701-F.5 added Dec. 13, 2023, P.L.251, No.34)

Section 1702-F.5. Definitions.

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

"General Appropriation Act of 2023." The act of August 3, 2023 (P.L.471, No.1A), known as the General Appropriation Act of 2023.

(1702-F.5 added Dec. 13, 2023, P.L.251, No.34)

Section 1734-F.5. Fund transfers.

(a) Transfer within Higher Education Assistance Fund.--The sum of \$8,551,000 shall be transferred from the SciTech and GI Bill Restricted Revenue Account in the Higher Education Assistance Fund to the State Grants Restricted Revenue Account in the Higher Education Assistance Fund.

(b) (Reserved).

(1734-F.5 added Dec. 13, 2023, P.L.251, No.34)

Section 1735-F.5. (Reserved).

(1735-F.5 added Dec. 13, 2023, P.L.251, No.34)

ARTICLE XVII-F.6

PRIOR YEAR APPROPRIATIONS

(Art. added Dec. 13, 2023, P.L.251, No.34)

Section 1701-F.6. Definitions.

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

"General Appropriation Act of 2023." The act of August 3, 2023 (P.L.471, No.1A), known as the General Appropriation Act of 2023.

(1701-F.6 added Dec. 13, 2023, P.L.251, No.34)

Section 1702-F.6. (Reserved).

(1702-F.6 added Dec. 13, 2023, P.L.251, No.34)

Section 1703-F.6. Construction with prior year appropriation acts.

An appropriation in Part LI of the General Appropriation Act of 2023 which is the same or similar to an appropriation in the act of July 8, 2022 (P.L.2191, No.1A), known as the General Appropriation Act of 2022, shall replace that appropriation.

Money which has been appropriated and expended under the General Appropriation Act of 2022 shall be deducted from the corresponding appropriation in Part LI of the General Appropriation Act of 2023.

(1703-F.6 added Dec. 13, 2023, P.L.251, No.34)

ARTICLE XVII-G
2017-2018 RESTRICTIONS ON APPROPRIATIONS
FOR FUNDS AND ACCOUNTS

(Art. repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1701-G. Applicability.

Except as specifically provided in this article, this article applies to the act of July 11, 2017 (P.L.1279, No.1A), known as the General Appropriation Act of 2017, and all other appropriation acts of 2017.

(1701-G repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1702-G. State Lottery Fund.

The following apply:

(1) Money appropriated for PENNCARE shall not be utilized for administrative costs by the Department of Aging.

(2) (Reserved).

(1702-G repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1703-G. Tobacco Settlement Fund (Reserved).

(1703-G repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1704-G. Judicial Computer System Augmentation Account (Reserved).

(1704-G repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1705-G. Emergency Medical Services Operating Fund (Reserved).

(1705-G repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1706-G. The State Stores Fund (Reserved).

(1706-G repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1707-G. Motor License Fund (Reserved).

(1707-G repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1708-G. Aviation Restricted Account (Reserved).

(1708-G repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1709-G. Hazardous Material Response Fund (Reserved).

(1709-G repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1710-G. Milk Marketing Fund (Reserved).

(1710-G repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1711-G. HOME Investment Trust Fund (Reserved).

(1711-G repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1712-G. Tuition Account Guaranteed Savings Program Fund (Reserved).

(1712-G repealed and added added Oct. 30, 2017, P.L.725, No.44)

Section 1713-G. Banking Fund (Reserved).

(1713-G repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1714-G. Firearm Records Check Fund (Reserved).

(1714-G repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1715-G. Ben Franklin Technology Development Authority Fund (Reserved).

(1715-G repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1716-G. Oil and Gas Lease Fund (Reserved).

(1716-G repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1717-G. Home Improvement Account (Reserved).

(1717-G repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1718-G. Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund (Reserved).

(1718-G repealed and added Oct. 30, 2017, P.L.725, No.44)

Section 1719-G. Insurance Regulation and Oversight Fund
(Reserved).

(1719-G repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1720-G. Pennsylvania Race Horse Development Restricted
Receipts Account (Reserved).

(1720-G repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1721-G. Justice Reinvestment Fund.

The following shall apply:

(1) Section 8.1(f) of the act of November 22, 1978
(P.L.1166, No.274), referred to as the Pennsylvania
Commission on Crime and Delinquency Law, shall not apply to
fiscal year 2017-2018.

(2) (Reserved).

(1721-G repealed and added Oct. 30, 2017, P.L.725, No.44)
Section 1722-G. Multimodal Transportation Fund (Reserved).

(1722-G added Oct. 30, 2017, P.L.725, No.44)
Section 1723-G. State Racing Fund (Reserved).

(1723-G added Oct. 30, 2017, P.L.725, No.44)
Section 1724-G. ABLE Savings Program Fund (Reserved).

(1724-G added Oct. 30, 2017, P.L.725, No.44)
Section 1725-G. Restricted receipt accounts.

(a) General provisions.--The secretary may create restricted
receipt accounts for the purpose of administering Federal grants
only for the purposes designated in this section.

(b) Department of Community and Economic Development.--The
following restricted receipt accounts may be established for
the Department of Community and Economic Development:

(1) ARC Housing Revolving Loan Program.

(2) (Reserved).

(c) Department of Conservation and Natural Resources.--The
following restricted receipt accounts may be established for
the Department of Conservation and Natural Resources:

(1) Federal Aid to Volunteer Fire Companies.

(2) Land and Water Conservation Fund Act of 1965 (Public
Law 88-578, 16 U.S.C. § 4601-4 et seq.).

(3) National Forest Reserve Allotment.

(d) Department of Education.--The following restricted
receipt accounts may be established for the Department of
Education:

(1) Education of the Disabled - Part C.

(2) LSTA - Library Grants.

(3) The Pennsylvania State University Federal Aid.

(4) Emergency Immigration Education Assistance.

(5) Education of the Disabled - Part D.

(6) Homeless Adult Assistance Program.

(7) Severely Handicapped.

(8) Medical Assistance Reimbursements to Local Education
Agencies.

(e) Department of Environmental Protection.--The following
restricted receipt accounts may be established for the
Department of Environmental Protection:

(1) Federal Water Resources Planning Act.

(2) Flood Control Payments.

(3) Soil and Water Conservation Act - Inventory of
Programs.

(f) Department of Drug and Alcohol Programs.--The following
restricted receipt accounts may be established for the
Department of Drug and Alcohol Programs:

(1) Share Loan Program.

(2) (Reserved).

(g) Department of Transportation.--The following restricted receipt accounts may be established for the Department of Transportation:

- (1) Capital Assistance Elderly and Handicapped Programs.
- (2) Railroad Rehabilitation and Improvement Assistance.
- (3) Ridesharing/Van Pool Program - Acquisition.

(h) Pennsylvania Emergency Management Agency.--The following restricted receipt accounts may be established for the Pennsylvania Emergency Management Agency:

- (1) Receipts from Federal Government - Disaster Relief - Disaster Relief Assistance to State and Political Subdivisions.
- (2) (Reserved).

(i) Pennsylvania Historical and Museum Commission.--The following restricted receipt accounts may be established for the Pennsylvania Historical and Museum Commission:

- (1) Federal Grant - National Historic Preservation Act (Public Law 89-665, 80 Stat.915).
- (2) (Reserved).

(j) Executive offices.--The following restricted receipt accounts may be established for the executive offices:

- (1) Retired Employees Medicare Part D.
- (2) Justice Assistance.
- (3) Juvenile Accountability Incentive.
- (4) Early Retiree Reinsurance Program.

(1725-G added Oct. 30, 2017, P.L.725, No.44)
Section 1726-G. Fund transfers.

During the 2017-2018 fiscal year, \$300,000,000 shall be transferred from amounts available in special funds and restricted accounts to the General Fund. The transfers under this section shall be in accordance with the following:

(1) The Secretary of the Budget shall transmit to the State Treasurer a list of amounts to be transferred from special funds and restricted accounts to the General Fund.

(2) Upon receipt of the list under paragraph (1), the State Treasurer shall cause the transfers under paragraph (1) to occur.

(1726-G added Oct. 30, 2017, P.L.725, No.44)

ARTICLE XVII-H

2018-2019 BUDGET IMPLEMENTATION

(Art. repealed and added June 22, 2018, P.L.281, No.42)

SUBARTICLE A

PRELIMINARY PROVISIONS

(Subart. repealed and added June 22, 2018, P.L.281, No.42)

Section 1701-H. Applicability.

Except as specifically provided in this article, this article applies to the General Appropriation Act of 2018 and all other appropriation acts of 2018.

(1701-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1702-H. Definitions.

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

"CCDFBG." Child Care and Development Fund Block Grant.

"General Appropriation Act of 2018." The act of June 22, 2018 (P.L.1203, No.1A), known as the General Appropriation Act of 2018.

"Human Services Code." The act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

"Public School Code of 1949." The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

"Secretary." The Secretary of the Budget of the Commonwealth.

"TANFBG." Temporary Assistance for Needy Families Block Grant.

(1702-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1703-H. Department of Criminal Justice.

For the purposes of the General Appropriation Act of 2018, a reference to the Department of Criminal Justice shall be deemed to be a reference to the Department of Corrections or the Pennsylvania Board of Probation and Parole, or both, as applicable.

(1703-H repealed and added June 22, 2018, P.L.281, No.42)

SUBARTICLE B EXECUTIVE DEPARTMENTS

(Subart. repealed and added June 22, 2018, P.L.281, No.42)

Section 1711-H. Governor (Reserved).

(1711-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1712-H. Executive Offices.

(a) Appropriations to Executive Offices.--The following apply to appropriations for the Executive Offices:

(1) A portion of the appropriation for the Office of Administration may be distributed upon approval of the secretary to other State agencies to pay for human resources services provided to the agency.

(2) A portion of the appropriation for Commonwealth Technology Services may be distributed upon approval of the secretary to other State agencies to pay for information technology services provided to the agency.

(3) The secretary shall provide notice 10 days prior to a distribution under this subsection to the chairperson and the minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives.

(b) Appropriations to Pennsylvania Commission on Crime and Delinquency.--The following apply to appropriations for the Pennsylvania Commission on Crime and Delinquency:

(1) Money appropriated for intermediate punishment treatment programs shall be distributed competitively to counties for offenders sentenced to intermediate punishment programs. The portion of money for drug and alcohol and mental health treatment programs shall be based on national statistics that identify the percentage of incarcerated individuals that are in need of treatment for substance issues but in no case shall be less than 80% of the amount appropriated.

(2) The following apply:

(i) No less than the amount used in the 2014-2015 fiscal year shall be used to support the Statewide Automated Victim Information and Notification System (SAVIN) to provide offender information through county jails.

(ii) No less than the amount used in the 2014-2015 fiscal year shall be used for a residential treatment

community facility for at-risk youth located in a county of the fifth class.

(iii) From the amount appropriated, \$200,000 shall be used for an innovative police data sharing pointer index system that will allow participating law enforcement agencies access to incident report data.

(iv) From the amount appropriated, \$200,000 shall be used for a diversion program for first-time nonviolent offenders facing prison sentences. The diversion program must include education and employment services, case management and mentoring.

(3) From money appropriated for violence and delinquency prevention programs, no less than the amount used in the 2014-2015 fiscal year shall be used for programs in a city of the second class, and no less than the amount used in the 2014-2015 fiscal year shall be used for blueprint mentoring programs that address reducing youth violence in cities of the first, second and third class.

(1712-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1713-H. Lieutenant Governor (Reserved).

(1713-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1714-H. Attorney General.

From money appropriated for general government operations, the Office of Attorney General may establish the Commonwealth Investigator Training Program for individuals who are not eligible for certification under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

(1714-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1715-H. Auditor General.

From money appropriated for special financial audits, \$500,000 shall be used for the financial auditing of entities that receive funds through contracts with the Department of Human Services from money appropriated for Medical Assistance-Capitation, Medical Assistance Community HealthChoices, Medical Assistance-Long-term Care, Mental Health Services or the Intellectual Disabilities-Community Waiver Program.

(1715-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1716-H. Treasury Department (Reserved).

(1716-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1717-H. Department of Aging (Reserved).

(1717-H repealed and added June 22, 2018, P.L.281, No.42)

Compiler's Note: Section 19.3 of Act 71 of 2013, which added section 1717-H, provided that the General Assembly declares that there will be funds available in fiscal year 2013-2014 in the Oil and Gas Lease Fund to support the appropriations from the fund to the Department of Conservation and Natural Resources made in the act of June 30, 2013, P.L.1277, No.1A, known as the General Appropriation Act of 2013.

Section 1718-H. Department of Agriculture.

The following apply to appropriations for the Department of Agriculture:

(1) From money appropriated for general government operations, no less than the amount transferred in the 2014-2015 fiscal year shall be transferred to the Dog Law Restricted Account.

(2) From money appropriated for general government operations, at least \$250,000 shall be used for the Commission of Agricultural Education Excellence to assist

in development and implementation of agricultural education programming.

(3) From money appropriated for agricultural research, the following apply:

(i) No less than \$300,000 shall be used for an agricultural resource center.

(ii) No less than \$100,000 shall be used for agricultural law research programs, including those addressing energy development, in conjunction with a land-grant university.

(iii) No less than \$500,000 shall be used for research at an organic research institute located in a county of the third class.

(4) From money appropriated for hardwoods research and promotion, at least 80% of the money shall be equally distributed among the hardwood utilization groups of this Commonwealth established prior to the effective date of this section.

(5) In addition to the uses provided in section 7.3 of the act of June 18, 1982 (P.L.549, No.159), entitled "An act providing for the administration of certain Commonwealth farmland within the Department of Agriculture," the department may use up to a total of \$165,000 in the Agricultural Conservation Easement Purchase Fund under section 7.1 of the act of June 18, 1982 (P.L.549, No.159), entitled "An act providing for the administration of certain Commonwealth farmland within the Department of Agriculture," to issue grants not to exceed \$3,000 each for succession planning to ensure that agricultural operations continue on land subject to agricultural conservation easements. The department, in consultation with the State Agricultural Land Preservation Board, shall establish eligibility criteria for awarding grants under this paragraph.

(1718-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1719-H. Department of Community and Economic Development.

The following apply to appropriations for the Department of Community and Economic Development:

(1) From money appropriated for general government operations:

(i) At least \$150,000 shall be used to support an engineering study related to infrastructure investment and marketing for an industrial development area in a county of the sixth class with a population of at least 45,950, but not more than 46,500, under the most recent Federal decennial census.

(ii) At least \$600,000 shall be used to support a manufacturing technology development effort in a county of the fourth class with a population of at least 143,679, but not more than 144,200, under the most recent Federal decennial census.

(2) From money appropriated for marketing to attract tourists:

(i) \$4,067,000 to fund the activities of the tourism office within the department; and

(ii) the remaining amount includes an allocation to plan and market a biennial arts and cultural activity that generates Statewide and regional economic impact, allocations to promote annual arts and cultural activities and an allocation of \$500,000 for an annual Statewide competition serving approximately 2,000

athletes with intellectual disabilities from across this Commonwealth to be held in a county of the fourth class.

(3) From money appropriated for Keystone Communities:

(i) \$6,357,000 shall be used to fund the Main Street Program, Elm Street Program, Enterprise Zone Program and accessible housing. The allocation for the Main Street Program, Elm Street Program, Enterprise Zone Program and accessible housing shall be distributed in the same proportion as amounts allocated in fiscal year 2012-2013.

(ii) \$500,000 shall be used for an antiviolence task force, in consultation with the Office of Attorney General, in a county of the second class A that is also a home rule county.

(iii) The remaining money shall be used for projects supporting economic growth, community development and municipal assistance throughout this Commonwealth.

(4) Funds appropriated for local municipal relief shall include an allocation to provide State assistance to individuals, persons or political subdivisions directly affected by natural or man-made disasters, public safety emergencies, other situations that pose a public safety danger or other situations at the discretion of the department. State assistance may be limited to grants for projects that do not qualify for Federal assistance to help repair damages to primary residences, personal property and public facilities and structures. Grants shall be made available for reimbursement in a disaster emergency area only when a Presidential disaster declaration does not cover the area or when the department determines that a public safety emergency has occurred.

(1719-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1720-H. Department of Conservation and Natural Resources (Reserved).

(1720-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1721-H. Department of Corrections.

From the appropriation to the Department of Criminal Justice for general government operations under the General Appropriation Act of 2018, at least \$1,500,000 shall be used by the Department of Corrections for nonnarcotic medication substance use disorder treatment, which may include the establishment and administration of a nonnarcotic medication assisted substance abuse treatment grant program.

(1721-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1721.1-H. Department of Drug and Alcohol Programs (Reserved).

(1721.1-H added June 22, 2018, P.L.281, No.42)

Section 1722-H. Department of Education.

The following shall apply to appropriations to the Department of Education:

(1) From an appropriation for adult and family literacy programs, summer reading programs and the adult high school diplomas program, no less than the amount allocated in the 2014-2015 fiscal year shall be allocated for an after-school learning program servicing low-income students located in a county of the sixth class with a population of at least 60,000, but not more than 70,000, under the most recent Federal decennial census.

(2) From money appropriated for career and technical education:

(i) \$10,000,000 shall be distributed as provided under sections 2502.6 and 2502.8 of the Public School Code of 1949.

(ii) \$20,000,000 shall be distributed as grants upon recommendation of the Pennsylvania Workforce Development Board to support emerging work force needs throughout elementary and secondary education.

(3) From money appropriated for Pennsylvania Charter Schools for the Deaf and Blind, \$445,000 shall be distributed pro rata based on each school's increased share of required contributions for public school employees' retirement.

(4) The following shall apply:

(i) Notwithstanding any other provision of law, funds set aside under section 2509.8 of the Public School Code of 1949 shall include an allocation for an approved private school which received a payment under section 1722-L(6).

(ii) The allocation under this paragraph shall be in an amount equal to the amount allocated to an approved private school under section 1722-L(6) for the 2015-2016 fiscal year.

(iii) The allocation under this paragraph shall be in addition to an allocation from an appropriation for approved private schools.

(iv) For the purposes of the formula for approved private schools under section 1376 of the Public School Code of 1949 for the 2019-2020 fiscal year, a payment made under this paragraph shall be considered part of the base allocation in section 1376(a.2) of the Public School Code of 1949.

(5) Notwithstanding any other provision of law, money from the set-aside under section 2509.8 of the Public School Code of 1949 shall be allocated to each approved private school with a day tuition rate determined to be less than \$32,000 during the 2010-2011 school year. The allocation shall be no less than the amount allocated in the 2015-2016 fiscal year.

(6) From money appropriated for regional community college services, all of the following shall apply:

(i) \$900,000 shall be distributed to a community college in a county of the fourth class with a population of at least 175,000, but not more than 190,000, under the most recent Federal decennial census.

(ii) \$5,203,000 shall be distributed to a college established under Article XIX-G of the Public School Code of 1949.

(iii) \$350,000 shall be distributed for a county of the sixth class with a population of at least 75,000, but not more than 85,000, under the most recent Federal decennial census to establish a program that targets postsecondary students.

(7) From the appropriation for trauma-informed education program, \$500,000 shall be allocated to a nonprofit organization located in a city of the third class having a population of at least 117,000, but no more than 120,000, under the 2010 Federal decennial census, for an educational program designed for children, especially at-risk youth, that teaches coping skills to assist with social, economic and environmental factors in their community.

(8) Notwithstanding any other provision of law, money appropriated for community education councils shall be distributed to each entity that received a distribution in the 2017-2018 fiscal year. Each entity shall receive a distribution equal to the amount received in the 2017-2018 fiscal year.

(9) Notwithstanding section 1724-A of the Public School Code of 1949 or 24 Pa.C.S. § 8329 (relating to payments on account of social security deductions from appropriations), no payments shall be made to charter schools, regional charter schools or cyber charter schools authorized under Article XVII-A of the Public School Code of 1949 from money appropriated for school employees' Social Security.

(10) Notwithstanding section 1724-A of the Public School Code of 1949 or 24 Pa.C.S. §§ 8326 (relating to contributions by the Commonwealth) and 8535 (relating to payments to school entities by Commonwealth), no payments shall be made to charter schools, regional charter schools or cyber charter schools authorized under Article XVII-A of the Public School Code of 1949 from money appropriated for payment of required contributions for public school employees' retirement.
(1722-H repealed and added June 22, 2018, P.L.281, No.42)

Compiler's Note: Section 19.1 of Act 71 of 2013, which added section 1722-H, provided that par. (9) shall not be considered in satisfying the requirement of section 696(h) of the act of March 10, 1949, P.L.30, No.14, known as the Public School Code of 1949.

Section 1723-H. Department of Environmental Protection
(Reserved).

(1723-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1724-H. Department of General Services.

From money appropriated to the Department of General Services for Capitol fire protection, the City of Harrisburg shall use the money to support the provisions of fire services to the Capitol complex.

(1724-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1725-H. Department of Health.

The following apply to appropriations for the Department of Health:

(1) From money appropriated for general government operations, sufficient money shall be included for the coordination of donated dental services and \$100,000 is included for outreach for Charcot-Marie-Tooth syndrome.

(2) From money appropriated for adult cystic fibrosis and other chronic respiratory illnesses, no less than the amount used in the 2014-2015 fiscal year shall be used for a program promoting cystic fibrosis research in a county of the second class, and no less than the amount used in the 2014-2015 fiscal year shall be used for research related to childhood cystic fibrosis in a city of the first class with a hospital that is nationally accredited as a cystic fibrosis treatment center and specializes in the treatment of children.

(3) Money appropriated for lupus programs shall be distributed in the same proportion as distributed in fiscal year 2014-2015.

(4) Money appropriated for biotechnology research shall include allocations for regenerative medicine research, for regenerative medicine medical technology, for hepatitis and viral research, for drug research and clinical trials related to cancer, for genetic and molecular research for disease identification and eradication, for nanotechnology and for the commercialization of applied research.

(5) From the appropriation for leukemia and lymphoma, \$200,000 shall be allocated to a branch of an eastern Pennsylvania chapter of a nonprofit organization, where the branch is located within a city of the third class that is

located in two counties of the third class, dedicated to understanding, preventing, diagnosing and treating blood cancer and caring for patients diagnosed with blood cancer.

(1725-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1726-H. Insurance Department (Reserved).

(1726-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1727-H. Department of Labor and Industry.

The following apply to appropriations to the Department of Labor and Industry:

(1) From money appropriated to the Department of Labor and Industry for Industry Partnerships:

(i) No less than the amount allocated in the 2014-2015 fiscal year shall be allocated for a work force development program that links veterans with employment in a home rule county that was formerly a county of the second class A.

(ii) \$3,000,000 shall be distributed as grants upon recommendation from the Pennsylvania Workforce Development Board to support current and emerging work force needs.

(2) Money appropriated to the Department of Labor and Industry for apprenticeships shall be distributed as grants upon recommendation of the Pennsylvania Workforce Development Board to support current and emerging work force needs.

(1727-H repealed and added June 22, 2018, P.L.281, No.42)

Compiler's Note: Section 19.2 of Act 71 of 2013, which added section 1727-H, provided that the sum of \$100,000 is hereby appropriated from the Manville Property Damage Settlement Account to the Department of Labor and Industry for grants related to asbestos abatement.

Section 1728-H. Department of Military and Veterans Affairs.

From the appropriation to the Department of Military and Veterans Affairs for behavioral health support for veterans, \$750,000 shall be used for programs providing treatment for posttraumatic stress disorder for veterans.

(1728-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1729-H. Department of Human Services.

The following apply to appropriations for the Department of Human Services:

(1) The following apply:

(i) The department, upon approval of the secretary, may transfer Federal money appropriated for TANFBG Child Care Assistance to the CCDFBG Child Care Services appropriation to provide child-care services to additional low-income families if the transfer of money will not result in a deficit in the appropriation. The secretary shall provide notice 10 days prior to a transfer under this subparagraph to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives.

(ii) The department, upon approval of the secretary, may transfer Federal money appropriated for CCDFBG Child Care Assistance to the CCDFBG Child Care Services appropriation to provide child-care services to additional low-income families, provided that the transfer of money will not result in a deficit in the appropriation. The secretary shall provide notice 10 days prior to a transfer under this subparagraph to the chairperson and minority chairperson of the

Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives.

(2) From money appropriated for mental health services or from Federal money, \$580,000 shall be used for the following:

(i) The operation and maintenance of a network of web portals that provide comprehensive referral services, support and information relating to early intervention, prevention and support for individuals with mental health or substance abuse issues, county mental health offices, providers and others that provide mental and behavioral health treatment and related services.

(ii) The expansion of the existing web portals, including services and resources for military veterans and their families, including comprehensive referral services for transitional, temporary and permanent housing, job placement and career counseling and other services for military veterans returning to civilian life.

(3) The following shall apply:

(i) Payments to hospitals for Community Access Fund grants shall be distributed under the formulas utilized for these grants in fiscal year 2014-2015. If the total funding available under this subparagraph is less than that available in fiscal year 2014-2015, payments shall be made on a pro rata basis.

(ii) Amounts allocated from money appropriated for fee-for-service used for the Select Plan for Women's Preventative Health Services shall be used for women's medical services, including noninvasive contraception supplies.

(iii) Notwithstanding any other law, money appropriated for medical assistance payments for fee-for-service care, exclusive of inpatient services provided through capitation plans, shall include sufficient money for two separate All Patient Refined Diagnostic Related Group payments for inpatient acute care general hospital stays for:

(A) normal newborn care; and

(B) mothers' obstetrical delivery.

(iv) From money appropriated for medical assistance fee-for-service care the following apply:

(A) No less than the amount used in the 2017-2018 fiscal year shall be used for cleft palates and other craniofacial anomalies.

(B) At least \$800,000 shall be distributed to a hospital for clinical ophthalmologic services located in a city of the first class.

(C) No less than the amount distributed in the 2014-2015 fiscal year shall be distributed for improvements to an acute care hospital located in a city of the first class.

(D) At least \$5,000,000 shall be distributed to a hospital in a city of the third class in a home rule county that was formerly a county of the second class A.

(E) At least \$2,000,000 shall be distributed to a university located in a city of the first class to expand research and treatment protocols for combating opioid addiction.

(F) At least \$250,000 shall be allocated to an acute care hospital located in a first class township in a county of the third class for medical technology equipment upgrades.

(iv.1) From money appropriated for medical assistance fee-for-service care, sufficient funds are included to provide rates for ambulance transportation at the following amounts, beginning on January 1, 2019:

(A) For basic life support, not less than \$180 per loaded trip.

(B) For advanced life support, not less than \$300 per loaded trip.

(C) For air ambulance transport, not less than \$3,325.53 per loaded trip.

(D) For ground mileage, not less than \$2 per mile for each loaded mile beyond 20 loaded miles.

(E) For air mileage, not less than \$22.45 per mile for each loaded mile beyond 20 loaded miles.

(v) From money appropriated for medical assistance capitation, no less than the amount used in the 2014-2015 fiscal year shall be used for prevention and treatment of depression and its complications in older Pennsylvanians in a county of the second class.

(v.1) From money appropriated for medical assistance capitation, sufficient funds are included to provide rates for ambulance transportation at the following amounts, beginning on January 1, 2019:

(A) For basic life support, not less than \$180 per loaded trip.

(B) For advanced life support, not less than \$300 per loaded trip.

(C) For air ambulance transport, not less than \$3,325.53 per loaded trip.

(D) For ground mileage, not less than \$2 per mile for each loaded mile beyond 20 loaded miles.

(E) For air mileage, not less than \$22.45 per mile for each loaded mile beyond 20 loaded miles.

(vi) From money appropriated for medical assistance long-term care, no less than the amount distributed in the 2014-2015 fiscal year shall be distributed to a county nursing home located in a home rule county that was formerly a county of the second class A with more than 725 beds and a Medicaid acuity at 0.79 as of August 1, 2015, \$1,000,000 shall be distributed to a nonpublic nursing home located in a county of the first class with more than 395 beds and a Medicaid acuity at 1.14 as of August 1, 2017, to ensure access to necessary nursing care in that county and \$5,000,000 shall be distributed to a nonpublic nursing home located in a county of the eighth class with more than 119 beds and a Medicaid acuity of 1.02 as of August 1, 2017, to ensure access to necessary nursing home care in that county.

(vii) From money appropriated for medical assistance long-term care, no less than \$850,000 shall be allocated to a special rehabilitation facility in Peer Group Number 13 in a city of the third class with a population between 115,000 and 120,000 based upon 2010 census data, and an additional \$750,000 shall be paid in equal payments to nursing facilities that qualified for supplemental ventilator care and tracheostomy care payments in fiscal year 2014-2015 with a percentage of medical assistance

recipient residents who required medically necessary ventilator care or tracheostomy care greater than 90%.

(vii.1) From money appropriated for medical assistance long-term care, sufficient funds are included to provide for a 1% rate increase, beginning on January 1, 2019.

(viii) Federal or State money appropriated under the General Appropriation Act of 2018 in accordance with Article VIII-H of the Human Services Code, not used to make payments to hospitals qualifying as Level III trauma centers or seeking accreditation as Level III trauma centers shall be used to make payments to hospitals qualifying as Levels I and II trauma centers.

(ix) Qualifying academic medical centers that received money for fiscal year 2017-2018 shall not receive any less than the State appropriation made available to those academic medical centers during fiscal year 2017-2018.

(x) Qualifying physician practice plans that received funds for fiscal year 2017-2018 shall not receive any less than the State appropriation made available to those physician practice plans during fiscal year 2017-2018.

(xi) Money appropriated for medical assistance transportation shall only be utilized as a payment of last resort for transportation for eligible medical assistance recipients.

(4) The following apply:

(i) Money appropriated for breast cancer screening may be used for women's medical services, including noninvasive contraception supplies.

(ii) (Reserved).

(5) The following apply:

(i) Money appropriated for women's service programs grants to nonprofit agencies whose primary function is to promote childbirth and provide alternatives to abortion shall be expended to provide services to women until childbirth and for up to 12 months thereafter, including food, shelter, clothing, health care, counseling, adoption services, parenting classes, assistance for postdelivery stress and other supportive programs and services and for related outreach programs. Agencies may subcontract with other nonprofit entities that operate projects designed specifically to provide all or a portion of these services. Projects receiving money referred to in this subparagraph shall not promote, refer for or perform abortions or engage in any counseling which is inconsistent with the appropriation referred to in this subparagraph and shall be physically and financially separate from any component of any legal entity engaging in such activities.

(ii) Federal funds appropriated for TANF BG Alternatives to Abortion shall be utilized solely for services to women whose gross family income is below 185% of the Federal poverty guidelines.

(6) From money appropriated for autism intervention and services:

(i) no less than the amount distributed in the 2014-2015 fiscal year shall be distributed to a behavioral health facility located in a county of the fifth class with a population between 130,000 and 135,000 under the 2010 Federal decennial census and shall be

distributed to a health system that operates both a general acute care hospital and a behavioral health facility that has a center for autism and developmental disabilities located in a county of the fifth class with a population between 130,000 and 135,000 under the 2010 Federal decennial census;

(ii) \$260,000 shall be allocated to an institution of higher education that provides autism education and diagnostic curriculum located in a city of the first class that operates a center for autism in a county of the second class A;

(iii) \$260,000 shall be allocated to an institution of higher education that provides autism education and diagnostic curriculum and is located in a county of the second class;

(iv) no less than the amount distributed in the 2014-2015 fiscal year shall be allocated for programs to promote the health and fitness of persons with developmental disabilities located in a city of the first class;

(v) \$500,000 shall be allocated for the expansion of an adult autism program in a county of the third class; and

(vi) \$500,000 shall be allocated for an entity that provides alternative educational services to individuals with autism and developmental disabilities in a county of the third class with a population of at least 519,000, but not more than 519,500, under the 2010 Federal decennial census.

(7) Money appropriated for community-based family centers may not be considered as part of the base for calculation of the county child welfare needs-based budget for a fiscal year.

(8) From money appropriated for community-based family centers, no less than \$235,000 shall be allocated to a program for early literacy and school readiness which is labeled as a promising approach under the Maternal, Infant and Early Childhood Home Visiting Program and has submitted data to the United States Department of Health and Human Services to be qualified as an evidence-based home visiting model.

(9) From the appropriation for 2-1-1 Communications, \$750,000 shall be allocated for a Statewide 2-1-1 System Grant Program.

(10) The appropriation for blind and visual services includes an allocation for a Statewide professional services provider association for the blind to provide training and supportive services for individuals who are blind and preschool vision screenings and eye safety education and an allocation to provide specialized services and prevention of blindness services in cities of the first class. Allocations shall be made in the amounts used for those purposes in fiscal year 2014-2015.

(11) To supplement the money appropriated to the department for medical assistance for workers with disabilities, in addition to the monthly premium established under section 1503(b)(1) of the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, the department may adjust the percentage of the premium upon approval of the Centers for Medicare and Medicaid Services as authorized under Federal requirements. Failure to make payments in accordance with this paragraph or section

1503(b)(1) of the Tobacco Settlement Act shall result in the termination of medical assistance coverage.

(12) The provisions of 8 U.S.C. §§ 1611 (relating to aliens who are not qualified aliens ineligible for Federal public benefits), 1612 (relating to limited eligibility of qualified aliens for certain Federal programs) and 1642 (relating to verification of eligibility for Federal public benefits) shall apply to payments and providers.
(1729-H repealed and added June 22, 2018, P.L.281, No.42)

Compiler's Note: The short title of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, referred to in this section, was amended by the act of December 28, 2015 (P.L.500, No.92). The amended short title is now the Human Services Code.

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 1730-H. Department of Revenue.

The following apply to appropriations for the Department of Revenue:

(1) The Enhanced Revenue Collection Account shall continue as a restricted account within the General Fund through fiscal year 2018-2019. Revenues collected and the amount of refunds avoided as a result of expanded tax return reviews and tax collection activities shall be deposited into the restricted account. The following shall apply:

(i) Of the money transferred under this paragraph in the account, for fiscal years 2018-2019, up to \$30,000,000 is appropriated to the department to fund the costs associated with expanded tax return reviews and tax collection activities. The balance of the money in the account shall be returned proportionately to the General Fund revenue or refund accounts that were the source of the money no later than the 28th day of each month of the fiscal year.

(ii) The department shall issue a report to the Governor, the chairperson and the minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives by June 1, 2019, with the following information:

(A) A detailed breakdown of the department's administrative costs in implementing expanded tax return reviews and tax collection activities.

(B) The amount of revenue collected and the amount of refunds avoided as a result of the expanded tax return reviews and tax collection activities, including the type of tax generating the revenue and avoided refunds.

(2) (Reserved).

(1730-H reenacted March 27, 2020, P.L.30, No.10)

Section 1731-H. Department of State (Reserved).

(1731-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1732-H. Department of Transportation (Reserved).

(1732-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1733-H. Pennsylvania State Police (Reserved).

(1733-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1734-H. State Civil Service Commission (Reserved).

(1734-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1735-H. Pennsylvania Emergency Management Agency.

The following shall apply to appropriations for the Pennsylvania Emergency Management Agency:

(1) Money appropriated for search and rescue programs shall be used to support programs related to training working service dogs focusing on rescue and public safety.

(2) (Reserved).

(1735-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1736-H. Pennsylvania Fish and Boat Commission
(Reserved).

(1736-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1737-H. State System of Higher Education (Reserved).

(1737-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1737.1-H. State-related institutions (Reserved).

(1737.1-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1738-H. Pennsylvania Higher Education Assistance
Agency.

The following shall apply to appropriations for the Pennsylvania Higher Education Assistance Agency:

(1) The Pennsylvania Higher Education Assistance Agency shall enter into an agreement with the Department of Health to transfer up to \$4,550,000 from the Higher Education Assistance Fund to the Department of Health for the purposes set forth in Chapter 13 of the act of December 2, 1992 (P.L.741, No.113), known as the Children's Health Care Act.

(2) The Pennsylvania Higher Education Assistance Agency shall allocate \$500,000 from the Higher Education Assistance Fund for the Cheyney University Keystone Academy.

(3) From funds appropriated for payment of education assistance grants, the amount of \$500,000 shall be allocated to a State-owned university located in Tioga County for merit scholarships.

(1738-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1739-H. Pennsylvania Historical and Museum Commission
(Reserved).

(1739-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1740-H. Pennsylvania Infrastructure Investment
Authority (Reserved).

(1740-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1741-H. Environmental Hearing Board (Reserved).

(1741-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1742-H. Pennsylvania Board of Probation and Parole
(Reserved).

(1742-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1743-H. (Reserved).

(1743-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1744-H. (Reserved).

(1744-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1745-H. (Reserved).

(1745-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1746-H. (Reserved).

(1746-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1747-H. (Reserved).

(1747-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1748-H. Commonwealth Financing Authority (Reserved).

(1748-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1749-H. Thaddeus Stevens College of Technology
(Reserved).

(1749-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1750-H. Pennsylvania Housing Finance Agency (Reserved).

(1750-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1751-H. LIHEABG (Reserved).

(1751-H repealed and added June 22, 2018, P.L.281, No.42)

SUBARTICLE C
STATE GOVERNMENT SUPPORT AGENCIES
(Subart. repealed and added June 22, 2018, P.L.281, No.42)

Section 1761-H. Health Care Cost Containment Council
(Reserved).

(1761-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1762-H. State Ethics Commission (Reserved).

(1762-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1763-H. Legislative Reference Bureau (Reserved).

(1763-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1764-H. Legislative Budget and Finance Committee
(Reserved).

(1764-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1765-H. Legislative Data Processing Committee
(Reserved).

(1765-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1766-H. Joint State Government Commission (Reserved).

(1766-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1767-H. Joint Legislative Air and Water Pollution
Control and Conservation Committee (Reserved).

(1767-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1768-H. Legislative Audit Advisory Commission
(Reserved).

(1768-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1769-H. Independent Regulatory Review Commission
(Reserved).

(1769-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1770-H. Capitol Preservation Committee (Reserved).

(1770-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1771-H. Pennsylvania Commission on Sentencing
(Reserved).

(1771-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1772-H. Center for Rural Pennsylvania (Reserved).

(1772-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1773-H. Commonwealth Mail Processing Center (Reserved).

(1773-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1774-H. Transfers (Reserved).

(1774-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1775-H. Independent Fiscal Office.

During the 2018-2019 fiscal year, the Independent Fiscal Office shall not be required to conduct a study assessing the legal implications and fiscal impact of mandating notice requirements for remote sellers.

(1775-H added June 22, 2018, P.L.281, No.42)

SUBARTICLE D
JUDICIAL DEPARTMENT
(Subart. repealed and added June 22, 2018, P.L.281, No.42)

Section 1781-H. Supreme Court (Reserved).

(1781-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1782-H. Superior Court (Reserved).

(1782-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1783-H. Commonwealth Court (Reserved).

(1783-H repealed and added June 22, 2018, P.L.281, No.42)

Section 1784-H. Courts of common pleas (Reserved).

(1784-H added June 22, 2018, P.L.281, No.42)

Section 1785-H. Community courts; magisterial district judges
(Reserved).

(1785-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1786-H. Philadelphia Traffic Court (Reserved).

(1786-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1787-H. Philadelphia Municipal Court (Reserved).

(1787-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1788-H. Judicial Conduct Board (Reserved).

(1788-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1789-H. Court of Judicial Discipline (Reserved).

(1789-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1790-H. Juror cost reimbursement (Reserved).

(1790-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1791-H. County court reimbursement (Reserved).

(1791-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1792-H. Senior judges (Reserved).

(1792-H repealed and added June 22, 2018, P.L.281, No.42)
Section 1793-H. Transfer of money by Supreme Court (Reserved).

(1793-H repealed and added June 22, 2018, P.L.281, No.42)

SUBARTICLE E
GENERAL ASSEMBLY
(Reserved)

(Subart. repealed and added June 22, 2018, P.L.281, No.42)

ARTICLE XVII-I
2018-2019 RESTRICTIONS ON APPROPRIATIONS
FOR FUNDS AND ACCOUNTS

(Art. repealed and added June 22, 2018, P.L.281, No.42)

Section 1701-I. Applicability.

Except as specifically provided in this article, this article applies to the act of June 22, 2018 (P.L.1203, No.1A), known as the General Appropriation Act of 2018, and all other appropriation acts of 2018.

(1701-I repealed and added June 22, 2018, P.L.281, No.42)
Section 1702-I. State Lottery Fund.

The following apply:

(1) Money appropriated for PENNCARE shall not be utilized for administrative costs by the Department of Aging.

(2) (Reserved).

(1702-I repealed and added June 22, 2018, P.L.281, No.42)
Section 1703-I. Tobacco Settlement Fund (Reserved).

(1703-I repealed and added June 22, 2018, P.L.281, No.42)
Section 1704-I. Judicial Computer System Augmentation Account

(Reserved).

(1704-I repealed and added June 22, 2018, P.L.281, No.42)
Section 1704.1-I. Access to Justice Account (Repealed).

(1704.1-I repealed June 22, 2018, P.L.281, No.42)
Section 1705-I. Emergency Medical Services Operating Fund

(Reserved).

(1705-I repealed and added June 22, 2018, P.L.281, No.42)
Section 1706-I. The State Stores Fund (Reserved).

(1706-I repealed and added June 22, 2018, P.L.281, No.42)
Section 1707-I. Motor License Fund (Reserved).

(1707-I repealed and added June 22, 2018, P.L.281, No.42)
Section 1708-I. Aviation Restricted Account (Reserved).

(1708-I repealed and added June 22, 2018, P.L.281, No.42)
Section 1709-I. Hazardous Material Response Fund (Reserved).

(1709-I repealed and added June 22, 2018, P.L.281, No.42)

Section 1710-I. Milk Marketing Fund (Reserved).

(1710-I repealed and added June 22, 2018, P.L.281, No.42)

Section 1711-I. HOME Investment Trust Fund (Reserved).

(1711-I repealed and added June 22, 2018, P.L.281, No.42)

Section 1712-I. Tuition Account Guaranteed Savings Program Fund (Reserved).

(1712-I repealed and added June 22, 2018, P.L.281, No.42)

Section 1713-I. Banking Fund (Reserved).

(1713-I repealed and added June 22, 2018, P.L.281, No.42)

Section 1714-I. Firearm Records Check Fund (Reserved).

(1714-I repealed and added June 22, 2018, P.L.281, No.42)

Section 1715-I. Ben Franklin Technology Development Authority Fund (Reserved).

(1715-I repealed and added June 22, 2018, P.L.281, No.42)

Section 1716-I. Oil and Gas Lease Fund (Reserved).

(1716-I repealed and added June 22, 2018, P.L.281, No.42)

Section 1717-I. Home Improvement Account (Reserved).

(1717-I repealed and added June 22, 2018, P.L.281, No.42)

Section 1718-I. Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund (Reserved).

(1718-I repealed and added June 22, 2018, P.L.281, No.42)

Section 1719-I. Insurance Regulation and Oversight Fund (Reserved).

(1719-I repealed and added June 22, 2018, P.L.281, No.42)

Section 1720-I. Pennsylvania Race Horse Development Restricted Receipts Account (Reserved).

(1720-I repealed and added June 22, 2018, P.L.281, No.42)

Section 1721-I. Justice Reinvestment Fund (Reserved).

(1721-I repealed and added June 22, 2018, P.L.281, No.42)

Section 1722-I. Multimodal Transportation Fund (Reserved).

(1722-I added June 22, 2018, P.L.281, No.42)

Section 1723-I. State Racing Fund (Reserved).

(1723-I added June 22, 2018, P.L.281, No.42)

Section 1724-I. ABLE Savings Program Fund (Reserved).

(1724-I added June 22, 2018, P.L.281, No.42)

Section 1725-I. Restricted receipt accounts.

(a) General provisions.--The secretary may create restricted receipt accounts for the purpose of administering Federal grants only for the purposes designated in this section.

(b) Department of Community and Economic Development.--The following restricted receipt accounts may be established for the Department of Community and Economic Development:

(1) ARC Housing Revolving Loan Program.

(2) (Reserved).

(c) Department of Conservation and Natural Resources.--The following restricted receipt accounts may be established for the Department of Conservation and Natural Resources:

(1) Federal Aid to Volunteer Fire Companies.

(2) Land and Water Conservation Fund Act of 1965 (Public Law 88-578, 16 U.S.C. § 4601-4 et seq.).

(3) National Forest Reserve Allotment.

(d) Department of Education.--The following restricted receipt accounts may be established for the Department of Education:

(1) Education of the Disabled - Part C.

(2) LSTA - Library Grants.

(3) The Pennsylvania State University Federal Aid.

(4) Emergency Immigration Education Assistance.

(5) Education of the Disabled - Part D.

(6) Homeless Adult Assistance Program.

(7) Severely Handicapped.

(8) Medical Assistance Reimbursements to Local Education Agencies.

(e) Department of Environmental Protection.--The following restricted receipt accounts may be established for the Department of Environmental Protection:

- (1) Federal Water Resources Planning Act.
- (2) Flood Control Payments.
- (3) Soil and Water Conservation Act - Inventory of Programs.

(f) Department of Drug and Alcohol Programs.--The following restricted receipt accounts may be established for the Department of Drug and Alcohol Programs:

- (1) Share Loan Program.
- (2) (Reserved).

(g) Department of Transportation.--The following restricted receipt accounts may be established for the Department of Transportation:

- (1) Capital Assistance Elderly and Handicapped Programs.
- (2) Railroad Rehabilitation and Improvement Assistance.
- (3) Ridesharing/Van Pool Program - Acquisition.

(h) Pennsylvania Emergency Management Agency.--The following restricted receipt accounts may be established for the Pennsylvania Emergency Management Agency:

- (1) Receipts from Federal Government - Disaster Relief - Disaster Relief Assistance to State and Political Subdivisions.
- (2) (Reserved).

(i) Pennsylvania Historical and Museum Commission.--The following restricted receipt accounts may be established for the Pennsylvania Historical and Museum Commission:

- (1) Federal Grant - National Historic Preservation Act.
- (2) (Reserved).

(j) Executive offices.--The following restricted receipt accounts may be established for the executive offices:

- (1) Retired Employees Medicare Part D.
- (2) Justice Assistance.
- (3) Juvenile Accountability Incentive.
- (4) Early Retiree Reinsurance Program.

(1725-I added June 22, 2018, P.L.281, No.42)
Section 1726-I. Fund transfers.

(a) Transfer to retirement system accounts.--From the funds received under the authority of Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, the sum of \$4,901,000 shall be transferred to the account established under section 1799.7-E and the sum of \$5,200,000 shall be transferred to the account established under section 1799.8-E.

(b) Transfer to School Safety and Security Fund.--No later than September 1, 2018, the sum of \$15,000,000 shall be transferred to the School Safety and Security Fund in the State Treasury from funds received under the authority of Article III of the Tax Reform Code of 1971.

(c) Transfer to Commonwealth Financing Authority.--

(1) From the First Industries Program account established under 64 Pa.C.S. § 1542 (relating to revolving loan program accounts), the sum of \$5,000,000 shall be transferred to an account to be established in the Commonwealth Financing Authority for research and development, organic transition, value-added processing and marketing grants in support of Pennsylvania's dairy industry.

(2) Guidelines.--The authority shall adopt guidelines for the approval of applications under this subsection and

shall ensure that grants are made available to all geographic areas of this Commonwealth.

(1726-I added June 22, 2018, P.L.281, No.42)

ARTICLE XVII-J

2019-2020 BUDGET IMPLEMENTATION

(Art. repealed and added June 28, 2019, P.L.173, No.20)

SUBARTICLE A

PRELIMINARY PROVISIONS

(Subart. repealed and added June 28, 2019, P.L.173, No.20)

Section 1701-J. Applicability.

Except as specifically provided in this article, this article applies to the General Appropriation Act of 2019 and all other appropriation acts of 2019.

(1701-J repealed and added June 28, 2019, P.L.173, No.20)

Section 1702-J. Definitions.

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

"General Appropriation Act of 2019." The act of June 28, 2019 (P.L.839, No.1A), known as the General Appropriation Act of 2019.

"Human Services Code." The act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

"Public School Code of 1949." The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

"Secretary." The Secretary of the Budget of the Commonwealth.

"TANFBG." Temporary Assistance for Needy Families Block Grant.

(1702-J repealed and added June 28, 2019, P.L.173, No.20)

Section 1703-J. Department of Criminal Justice.

For the purposes of the General Appropriation Act of 2019, a reference to the Department of Criminal Justice shall be deemed to be a reference to the Department of Corrections or the Pennsylvania Board of Probation and Parole, or both, as applicable.

(1703-J added June 28, 2019, P.L.173, No.20)

SUBARTICLE B

EXECUTIVE DEPARTMENTS

(Subart. repealed and added June 28, 2019, P.L.173, No.20)

Section 1711-J. Governor (Reserved).

(1711-J repealed and added June 28, 2019, P.L.173, No.20)

Section 1712-J. Executive offices.

The following apply to appropriations for the Pennsylvania Commission on Crime and Delinquency:

(1) Money appropriated for intermediate punishment treatment programs shall be distributed competitively to counties for offenders sentenced to intermediate punishment programs. The portion of money for drug and alcohol and mental health treatment programs shall be based on national statistics that identify the percentage of incarcerated individuals that are in need of treatment for substance issues but in no case shall be less than 80% of the amount appropriated.

(2) The following apply:

(i) No less than the amount used in the 2014-2015 fiscal year shall be used to support the Statewide

Automated Victim Information and Notification System (SAVIN) to provide offender information through county jails.

(ii) No less than the amount used in the 2014-2015 fiscal year shall be used for a residential treatment community facility for at-risk youth located in a county of the fifth class.

(iii) From the amount appropriated, \$400,000 shall be used for an innovative police data sharing pointer index system that will allow participating law enforcement agencies access to incident report data.

(iv) From the amount appropriated, \$400,000 shall be used for a diversion program for first-time nonviolent offenders facing prison sentences. The diversion program must include education and employment services, case management and mentoring.

(3) From money appropriated for violence and delinquency prevention programs, no less than the amount used in the 2014-2015 fiscal year shall be used for programs in a city of the second class, and no less than the amount used in the 2014-2015 fiscal year shall be used for blueprint mentoring programs that address reducing youth violence in cities of the first, second and third class with programs in cities of the second class and third class also receiving a proportional share of \$50,000.

(4) From funds available to the commission for the fiscal year beginning July 1, 2013:

(i) \$1,000,000 shall be transferred to the Department of Corrections, which shall use the funds to enhance mail safety handling and processing. The Department of Corrections shall issue a request for proposal for services, equipment or physical upgrades to make the necessary enhancements.

(ii) \$500,000 shall be used by the commission for grants to counties, which shall be used to reimburse costs for indigent criminal defense in capital cases.

(1712-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1713-J. Lieutenant Governor (Reserved).

(1713-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1714-J. Attorney General (Reserved).

(1714-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1715-J. Auditor General.

From money appropriated for special financial audits, \$500,000 shall be used for the financial auditing of entities that receive funds through contracts with the Department of Human Services from money appropriated for Medical Assistance - Capitation, Medical Assistance Community HealthChoices, Medical Assistance - Long-term Care, Mental Health Services or the Intellectual Disabilities - Community Waiver Program.

(1715-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1716-J. Treasury Department (Reserved).

(1716-J repealed and added June 28, 2019, P.L.173, No.20)

Compiler's Note: This section was line item vetoed July 10, 2014. See the appendix to this act for the text of the line item veto.

Section 1717-J. Department of Aging (Reserved).

(1717-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1718-J. Department of Agriculture.

The following apply to appropriations for the Department of Agriculture:

(1) From money appropriated for general government operations, no less than the amount transferred in the 2014-2015 fiscal year shall be transferred to the Dog Law Restricted Account.

(2) From money appropriated for general government operations, at least \$250,000 shall be used for the Commission of Agricultural Education Excellence to assist in development and implementation of agricultural education programming.

(3) From money appropriated for agricultural preparedness and response, no less than \$1,000,000 shall be used to fund research on chronic wasting disease, including research on diagnostic tests to detect chronic wasting disease in cervids and preventing humans from consuming infected venison, toward developing and testing live-animal tests for the detection of chronic wasting disease and injectable and oral vaccines for chronic wasting disease prevention in cervids. Funding under this paragraph shall be awarded after the issuance of a request for proposals.

(4) From money appropriated for agricultural research, the following apply:

(i) No less than \$300,000 shall be used for an agricultural resource center.

(ii) No less than \$100,000 shall be used for agricultural law research programs, including those addressing energy development, in conjunction with a land-grant university.

(5) The appropriation for agriculture promotion, education and exports includes \$250,000 for costs related to supporting the expansion of hemp farming, including program development, outreach and education.

(6) From money appropriated for hardwoods research and promotion, at least 80% of the money shall be equally distributed among the hardwood utilization groups of this Commonwealth established prior to the effective date of this section.

(7) In addition to the uses provided in section 7.3 of the act of June 18, 1982 (P.L.549, No.159), entitled "An act providing for the administration of certain Commonwealth farmland within the Department of Agriculture," the department may use up to a total of \$165,000 in the Agricultural Conservation Easement Purchase Fund under section 7.1 of the act of June 18, 1982 (P.L.549, No.159), entitled "An act providing for the administration of certain Commonwealth farmland within the Department of Agriculture," to issue grants not to exceed \$5,000 each for succession planning to ensure that agricultural operations continue on land subject to agricultural conservation easements. The department, in consultation with the State Agricultural Land Preservation Board, shall establish eligibility criteria for awarding grants under this paragraph.

(8) The Secretary of Agriculture shall provide to the Agricultural and Rural Affairs Committee of the Senate and the Agricultural and Rural Affairs Committee of the House of Representatives a status report on the implementation of the PA Preferred Organic Initiative. The internal report shall include progress on program development, assessment of the organic market opportunities for farmers and consumers in this Commonwealth, outline the process for USDA approval and any recommendations to ensure program success.

(1718-J repealed and added June 28, 2019, P.L.173, No.20)

Section 1719-J. Department of Community and Economic Development.

The following apply to appropriations for the Department of Community and Economic Development:

(1) From money appropriated for general government operations:

(i) At least \$150,000 shall be used to build capacity and support for economic development initiatives related to the rehabilitation and marketing of commercial districts by a county economic development authority in a county of the sixth class with a population of at least 45,950, but not more than 46,500, under the most recent Federal decennial census.

(ii) At least \$800,000 shall be used to support a manufacturing technology development effort in a county of the fourth class with a population of at least 143,679, but not more than 144,200, under the most recent Federal decennial census.

(2) From money appropriated for marketing to attract tourists:

(i) \$4,067,000 to fund the activities of the tourism office within the department;

(ii) the remaining money includes an allocation to be used to plan, market and conduct a series of arts and cultural activities that generate Statewide and regional economic impact, and \$500,000 shall be used for an annual Statewide competition serving approximately 2,000 athletes with intellectual disabilities from across this Commonwealth to be held in a county of the fourth class.

(3) From money appropriated for Keystone Communities:

(i) \$6,357,000 shall be used to fund the Main Street Program, Elm Street Program, Enterprise Zone Program and accessible housing. The allocation for the Main Street Program, Elm Street Program, Enterprise Zone Program and accessible housing shall be distributed in the same proportion as amounts allocated in fiscal year 2012-2013.

(ii) \$500,000 shall be used for an antiviolence task force, in consultation with the Office of Attorney General, in a county of the second class A that is also a home rule county.

(iii) No less than \$300,000 shall be used to establish a broadband expansion pilot program that is a joint venture between two Local Development Districts operating in the North Central and North Western regions of this Commonwealth.

(iv) No less than \$300,000 shall be used to provide funding for innovative pilot programs to provide or expand cost-effective broadband services to underserved, rural areas. Pilot programs under this paragraph shall be implemented by the regional economic development entities that serve the Appalachia area of this Commonwealth.

(v) The remaining money shall be used for projects supporting economic growth, community development and municipal assistance throughout this Commonwealth.

(4) Funds appropriated for local municipal relief shall include an allocation to provide State assistance to individuals, persons or political subdivisions directly affected by natural or man-made disasters, public safety emergencies, other situations that pose a public safety danger or other situations at the discretion of the department. State assistance may be limited to grants for

projects that do not qualify for Federal assistance to help repair damages to primary residences, personal property and public facilities and structures. Grants shall be made available for reimbursement in a disaster emergency area only when a Presidential disaster declaration does not cover the area or when the department determines that a public safety emergency has occurred.

(5) Notwithstanding section 4(1) of the act of October 11, 1984 (P.L.906, No.179), known as the Community Development Block Grant Entitlement Program for Nonurban Counties and Certain Other Municipalities, the Commonwealth may use up to 3% of the funds received pursuant to the Housing and Community Development Act of 1974 (Public Law 93-383, 88 Stat. 633) for administrative costs.
(1719-J repealed and added June 28, 2019, P.L.173, No.20)

Compiler's Note: This section was line item vetoed in part July 10, 2014. See the appendix to this act for the text of the line item veto.
Section 1720-J. Department of Conservation and Natural Resources (Reserved).
(1720-J repealed and added June 28, 2019, P.L.173, No.20)

Compiler's Note: This section was line item vetoed in part July 10, 2014. See the appendix to this act for the text of the line item veto.
Section 1721-J. Department of Corrections.
From the appropriation to the Department of Criminal Justice for general government operations under the General Appropriation Act of 2019, at least \$1,750,000 shall be used by the Department of Corrections for nonnarcotic medication substance use disorder treatment, which may include the establishment and administration of a nonnarcotic medication assisted substance abuse treatment grant program.
(1721-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1721.1-J. Department of Drug and Alcohol Programs (Reserved).
(1721.1-J added June 28, 2019, P.L.173, No.20)

Section 1722-J. Department of Education.
The following shall apply to appropriations to the Department of Education:

(1) From an appropriation for adult and family literacy programs, summer reading programs and the adult high school diplomas program, no less than the amount allocated in the 2014-2015 fiscal year shall be allocated for an after-school learning program servicing low-income students located in a county of the sixth class with a population, based on the most recent Federal decennial census, of at least 60,000 but not more than 70,000, and no less than the amount allocated in the 2016-2017 fiscal year shall be allocated for an after-school learning program servicing low-income students located in a county of the third class with a population, based on the most recent Federal decennial census, of at least 320,000 but not more than 321,000.

(2) From money appropriated for the Pre-K Counts Program, the per-student grant award amount for grants made pursuant to section 1514-D of the Public School Code of 1949 shall be increased by 2.95% over the amount paid in fiscal year 2018-2019.

(3) From money appropriated for Pennsylvania Chartered Schools for the Deaf and Blind:

(i) Upon distribution of the final tuition payment for fiscal year 2019-2020, the balance of the appropriation, excluding funds for capital-related costs and deferred maintenance, shall be used to pay the schools' increased share of required contributions for public school employees' retirement and shall be distributed pro rata based on each school's contributions for the 2018-2019 fiscal year.

(ii) \$500,000 is included for capital-related costs and deferred maintenance to be divided equally between each school.

(4) Notwithstanding any other provision of law, money from the set-aside under section 2509.8 of the Public School Code of 1949 shall be allocated to each approved private school with a day tuition rate determined to be less than \$32,000 during the 2010-2011 school year. The allocation shall be no less than the amount allocated in the 2015-2016 fiscal year.

(5) From money appropriated for regional community college services, all of the following shall apply:

(i) \$918,000 shall be distributed to a community college in a county of the fourth class with a population of at least 175,000, but not more than 190,000, under the most recent Federal decennial census.

(ii) (Reserved).

(iii) \$368,000 shall be distributed for a county of the sixth class with a population of at least 75,000, but not more than 85,000, under the most recent Federal decennial census to establish a program that targets postsecondary students.

(6) Notwithstanding any other provisions of law, money appropriated for community education councils shall be distributed to each entity that received funding in fiscal year 2018-2019 in an amount equal to the amount it received in that fiscal year and a pro rata share of \$47,000.

(7) Notwithstanding section 1724-A of the Public School Code of 1949 or 24 Pa.C.S. § 8329 (relating to payments on account of social security deductions from appropriations), no payments shall be made to charter schools, regional charter schools or cyber charter schools authorized under Article XVII-A of the Public School Code of 1949 to provide for Social Security and Medicare contributions from money appropriated for basic education funding or school employees' Social Security.

(8) Notwithstanding section 1724-A of the Public School Code of 1949 or 24 Pa.C.S. §§ 8326 (relating to contributions by the Commonwealth) and 8535 (relating to payments to school entities by Commonwealth), no payments shall be made to charter schools, regional charter schools or cyber charter schools authorized under Article XVII-A of the Public School Code of 1949 from money appropriated for payment of required contributions for public school employees' retirement.

(1722-J repealed and added June 28, 2019, P.L.173, No.20)

Compiler's Note: Section 19 of Act 86 of 2016 provided that, notwithstanding the provisions of section 1966 of the act of July 10, 2104 (P.L.3052, No.1A), known as the General Appropriation Act of 2014, that portion of the appropriation to the Department of Education for the purpose of regional community college services in section 213 of the General Appropriation Act of 2014, and allocated as provided in paragraph (5), shall not lapse.

Compiler's Note: Section 9(3) of Act 50 of 2009 provided that paragraph (1.1)(v) shall not apply to section 1722-J(8) and (9). Paragraph (1.1)(v) provided that Article XVII-J shall apply retroactively to July 1, 2009.

Section 1723-J. Department of Environmental Protection
(Reserved).

(1723-J repealed and added June 28, 2019, P.L.173, No.20)

Compiler's Note: This section was line item vetoed in part July 10, 2014. See the appendix to this act for the text of the line item veto.

Section 1724-J. Department of General Services.

From money appropriated to the Department of General Services for Capitol fire protection, the City of Harrisburg shall use the money to support the provisions of fire services to the Capitol complex.

(1724-J repealed and added June 28, 2019, P.L.173, No.20)

Compiler's Note: This section was line item vetoed July 10, 2014. See the appendix to this act for the text of the line item veto.

Section 1725-J. Department of Health.

The following apply to appropriations for the Department of Health:

(1) From money appropriated for general government operations, sufficient money shall be included for the coordination of donated dental services and \$100,000 is included for outreach for Charcot-Marie-Tooth syndrome.

(2) From money appropriated for diabetes programs, \$100,000 shall be allocated for Type I diabetes awareness, education and outreach.

(3) From money appropriated for adult cystic fibrosis and other chronic respiratory illnesses, no less than the amount used in the 2014-2015 fiscal year shall be used for a program promoting cystic fibrosis research in a county of the second class, and no less than the amount used in the 2014-2015 fiscal year shall be used for research related to childhood cystic fibrosis in a city of the first class with a hospital that is nationally accredited as a cystic fibrosis treatment center and specializes in the treatment of children.

(4) Money appropriated for Lyme disease includes \$500,000 for costs related to free tick testing for residents performed in conjunction with a university that is part of the State System of Higher Education, including outreach and marketing.

(5) Money appropriated for lupus programs shall be distributed proportionately to each entity that received funding in fiscal year 2018-2019.

(6) Money appropriated for biotechnology research shall include allocations for regenerative medicine research, for regenerative medicine medical technology, for hepatitis and viral research, for drug research and clinical trials related to cancer, pulmonary embolism and deep vein thrombosis, for genetic and molecular research for disease identification and eradication, for nanotechnology and for the commercialization of applied research.

(7) From the appropriation for leukemia and lymphoma, \$200,000 shall be allocated to a branch of an eastern Pennsylvania chapter of a nonprofit organization, where the branch is located within a city of the third class that is

located in two counties of the third class, dedicated to awareness, education, patient assistance and outreach related to blood cancer.

(1725-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1726-J. Insurance Department (Reserved).

(1726-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1727-J. Department of Labor and Industry.

The following apply to appropriations to the Department of Labor and Industry:

(1) From money appropriated to the Department of Labor and Industry for Industry Partnerships:

(i) No less than the amount allocated in the 2014-2015 fiscal year shall be allocated for a work force development program that links veterans with employment in a home rule county that was formerly a county of the second class A.

(ii) \$3,000,000 shall be distributed as grants upon recommendation from the Pennsylvania Workforce Development Board to support current and emerging work force needs.

(2) (Reserved).

(1727-J repealed and added June 28, 2019, P.L.173, No.20)

Compiler's Note: This section was line item vetoed in part July 10, 2014. See the appendix to this act for the text of the line item veto.

Section 1728-J. Department of Military and Veterans Affairs (Reserved).

(1728-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1729-J. Department of Human Services.

The following apply to appropriations for the Department of Human Services:

(1) From money appropriated for mental health services or from Federal money, \$580,000 shall be used for the following:

(i) The operation and maintenance of a network of web portals that provide comprehensive referral services, support and information relating to early intervention, prevention and support for individuals with mental health or substance abuse issues, county mental health offices, providers and others that provide mental and behavioral health treatment and related services.

(ii) The expansion of the existing web portals, including services and resources for military veterans and their families, including comprehensive referral services for transitional, temporary and permanent housing, job placement and career counseling and other services for military veterans returning to civilian life.

(2) From money appropriated for mental health services, \$100,000 shall be allocated for expanded services for a pediatric mental health hospital and an adolescent residential treatment program in a county of the third class with a population of at least 349,000, but not more than 350,000, under the 2010 Federal Decennial Census.

(3) The following shall apply:

(i) Payments to hospitals for Community Access Fund grants shall be distributed under the formulas utilized for these grants in fiscal year 2014-2015. If the total funding available under this subparagraph is less than that available in fiscal year 2014-2015, payments shall be made on a pro rata basis.

(ii) Amounts allocated from money appropriated for fee-for-service used for the Select Plan for Women's Preventative Health Services shall be used for women's medical services, including noninvasive contraception supplies.

(iii) Notwithstanding any other law, money appropriated for medical assistance payments for fee-for-service care, exclusive of inpatient services provided through capitation plans, shall include sufficient money for two separate All Patient Refined Diagnostic Related Group payments for inpatient acute care general hospital stays for:

(A) normal newborn care; and

(B) mothers' obstetrical delivery.

(iv) From money appropriated for medical assistance fee-for-service care, the following apply:

(A) No less than the amount used in the 2017-2018 fiscal year shall be used for cleft palates and other craniofacial anomalies.

(B) At least \$800,000 shall be distributed to a hospital for clinical ophthalmologic services located in a city of the first class.

(C) At least \$400,000 shall be distributed for improvements to an acute care hospital located in a city of the first class.

(D) At least \$5,000,000 shall be distributed to a hospital in a city of the third class in a home rule county that was formerly a county of the second class A.

(E) At least \$2,000,000 shall be distributed to a university located in a city of the first class to expand research and treatment protocols for combating opioid addiction.

(F) At least \$250,000 shall be allocated to an acute care hospital located in a city of the third class in a county of the third class for a regional breast cancer center.

(G) At least \$1,850,000 shall be directed to an enrolled outpatient therapy service provider located in a city of the second class in a county of the second class that provides behavioral health and medical rehabilitation pediatric outpatient services.

(v) From money appropriated for medical assistance capitation, no less than the amount used in the 2014-2015 fiscal year shall be used for prevention and treatment of depression and its complications in older Pennsylvanians in a county of the second class.

(vi) From money appropriated for medical assistance long-term care:

(A) No less than the amount distributed in the 2014-2015 fiscal year shall be distributed to a county nursing home located in a home rule county that was formerly a county of the second class A with more than 725 beds and a Medicaid acuity at 0.79 as of August 1, 2015.

(B) \$1,000,000 shall be distributed to a nonpublic nursing home located in a county of the first class with more than 395 beds and a Medicaid acuity at 1.13 as of August 1, 2018, to ensure access to necessary nursing care in that county.

(C) \$5,000,000 shall be distributed to a nonpublic nursing home located in a county of the

eighth class with more than 119 beds and a Medicaid acuity at 1.08 as of August 1, 2018, to ensure access to necessary nursing home care in that county.

(vii) From money appropriated for medical assistance long-term care, no less than \$850,000 shall be allocated to a special rehabilitation facility in Peer Group Number 13 in a city of the third class with a population between 115,000 and 120,000 based upon 2010 census data, and an additional \$750,000 shall be paid in equal payments to nursing facilities that qualified for supplemental ventilator care and tracheostomy care payments in fiscal year 2014-2015 with a percentage of medical assistance recipient residents who required medically necessary ventilator care or tracheostomy care greater than 90%.

(vii.1) The appropriation for Community Health Choices includes sufficient funds for a 2% increase, effective January 1, 2020, to the existing Office of Long-Term Living (OLTL) Home and Community Based Waiver Services Fee Schedule Rate for Procedure Code W1793 - PAS (Agency) Services. The intent of the increase is to provide for a wage increase for direct care workers providing agency-directed personal assistance services.

(vii.2) The appropriation for Home and Community-Based Services includes sufficient funds for a 2% increase, effective January 1, 2020, to the existing OLTL Home and Community Based Waiver Services Fee Schedule Rate for Procedure Code W1793 - PAS (Agency) Services. The intent of the increase is to provide for a wage increase for direct care workers providing agency-directed personal assistance services.

(vii.3) The appropriation for Services to Persons with Disabilities includes sufficient funds for a 2% increase, effective January 1, 2020, to the existing OLTL Home and Community Based Waiver Services Fee Schedule Rate for Procedure Code W1793 - PAS (Agency) Services. The intent of the increase is to provide for a wage increase for direct care workers providing agency-directed personal assistance services.

(vii.4) The appropriation for Attendant Care includes sufficient funds for a 2% increase, effective January 1, 2020, to the existing OLTL Home and Community Based Waiver Services Fee Schedule Rate for Procedure Code W1793 - PAS (Agency) Services. The intent of the increase is to provide for a wage increase for direct care workers providing agency-directed personal assistance services.

(viii) Federal or State money appropriated under the General Appropriation Act of 2019 in accordance with Article VIII-H of the Human Services Code, not used to make payments to hospitals qualifying as Level III trauma centers or seeking accreditation as Level III trauma centers shall be used to make payments to hospitals qualifying as Levels I and II trauma centers.

(ix) Qualifying academic medical centers that received money for fiscal year 2017-2018 shall not receive any less than the State appropriation made available to those academic medical centers during fiscal year 2017-2018.

(x) Qualifying physician practice plans that received funds for fiscal year 2017-2018 shall not receive any less than the State appropriation made

available to those physician practice plans during fiscal year 2017-2018.

(xi) Money appropriated for medical assistance transportation shall only be utilized as a payment of last resort for transportation for eligible medical assistance recipients.

(4) The following apply:

(i) Money appropriated for breast cancer screening may be used for women's medical services, including noninvasive contraception supplies.

(ii) (Reserved).

(5) The following apply:

(i) Money appropriated for women's service programs grants to nonprofit agencies whose primary function is to promote childbirth and provide alternatives to abortion shall be expended to provide services to women until childbirth and for up to 12 months thereafter, including food, shelter, clothing, health care, counseling, adoption services, parenting classes, assistance for postdelivery stress and other supportive programs and services and for related outreach programs. Agencies may subcontract with other nonprofit entities that operate projects designed specifically to provide all or a portion of these services. Projects receiving money referred to in this subparagraph shall not promote, refer for or perform abortions or engage in any counseling which is inconsistent with the appropriation referred to in this subparagraph and shall be physically and financially separate from any component of any legal entity engaging in such activities.

(ii) Federal funds appropriated for TANFEBG Alternatives to Abortion shall be utilized solely for services to women whose gross family income is below 185% of the Federal poverty guidelines.

(6) From money appropriated for autism intervention and services:

(i) no less than the amount distributed in the 2014-2015 fiscal year shall be distributed to a behavioral health facility located in a county of the fifth class with a population between 130,000 and 135,000 under the 2010 Federal decennial census and shall be distributed to a health system that operates both a general acute care hospital and a behavioral health facility that has a center for autism and developmental disabilities located in a county of the fifth class with a population between 130,000 and 135,000 under the 2010 Federal decennial census;

(ii) \$260,000 shall be allocated to an institution of higher education that provides autism education and diagnostic curriculum located in a city of the first class that operates a center for autism in a county of the second class A;

(iii) \$260,000 shall be allocated to an institution of higher education that provides autism education and diagnostic curriculum and is located in a county of the second class;

(iv) no less than the amount distributed in the 2014-2015 fiscal year shall be allocated for programs to promote the health and fitness of persons with developmental disabilities located in a city of the first class;

(v) \$500,000 shall be allocated for the expansion of an adult autism program in a county of the third class; and

(vi) \$500,000 shall be allocated for an entity that provides alternative educational services to individuals with autism and developmental disabilities in a county of the third class with a population of at least 519,000, but not more than 519,500, under the 2010 Federal decennial census.

(7) Money appropriated for community-based family centers may not be considered as part of the base for calculation of the county child welfare needs-based budget for a fiscal year.

(8) From the appropriation for 2-1-1 Communications, \$750,000 shall be allocated for a Statewide 2-1-1 System Grant Program.

(9) The appropriation for services for the visually impaired includes an allocation of \$2,584,000 for a Statewide professional services provider association for the blind to provide training and supportive services for individuals who are blind and preschool vision screenings and eye safety education and an allocation of \$518,000 to provide specialized services and prevention of blindness services in cities of the first class.

(10) To supplement the money appropriated to the department for medical assistance for workers with disabilities, in addition to the monthly premium established under section 1503(b)(1) of the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, the department may adjust the percentage of the premium upon approval of the Centers for Medicare and Medicaid Services as authorized under Federal requirements. Failure to make payments in accordance with this paragraph or section 1503(b)(1) of the Tobacco Settlement Act shall result in the termination of medical assistance coverage.

(11) The provisions of 8 U.S.C. §§ 1611 (relating to aliens who are not qualified aliens ineligible for Federal public benefits), 1612 (relating to limited eligibility of qualified aliens for certain Federal programs) and 1642 (relating to verification of eligibility for Federal public benefits) shall apply to payments and providers.
(1729-J repealed and added June 28, 2019, P.L.173, No.20)

Compiler's Note: The short title of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, referred to in this section, was amended by the act of December 28, 2015 (P.L.500, No.92). The amended short title is now the Human Services Code.

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Section 1730-J. Department of Revenue (Reserved).

(1730-J repealed and added June 28, 2019, P.L.173, No.20)

Section 1731-J. Department of State (Reserved).

(1731-J repealed and added June 28, 2019, P.L.173, No.20)

Section 1732-J. Department of Transportation.

The following shall apply to appropriations for the Department of Transportation:

(1) From money appropriated for infrastructure projects, \$1,900,000 shall be allocated for costs related to capital equipment for a rural transit service headquartered in this

Commonwealth that provides intercity line-run service with at least six different line runs.

(2) (Reserved).

(1732-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1733-J. Pennsylvania State Police (Reserved).

(1733-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1734-J. State Civil Service Commission (Reserved).

(1734-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1735-J. Pennsylvania Emergency Management Agency.

The following shall apply to appropriations for the Pennsylvania Emergency Management Agency:

(1) Money appropriated for search and rescue programs shall be used to support programs related to training working service dogs focusing on rescue and public safety.

(2) Money appropriated for the State Fire Commissioner includes \$250,000 to fund a Statewide recruitment and retention coordinator and regional technical advisors to develop, implement and deliver recruitment and retention training programs and provide technical assistance to local fire organizations and local governments.

(1735-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1736-J. Pennsylvania Fish and Boat Commission (Reserved).

(1736-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1737-J. State System of Higher Education (Reserved).

(1737-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1737.1-J. State-related institutions (Reserved).

(1737.1-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1738-J. Pennsylvania Higher Education Assistance Agency.

The following shall apply to appropriations for the Pennsylvania Higher Education Assistance Agency:

(1) The Pennsylvania Higher Education Assistance Agency shall allocate \$500,000 from the Higher Education Assistance Fund for the Cheyney University Keystone Academy.

(2) From funds appropriated for payment of education assistance grants, the amount of \$1,000,000 shall be allocated to a State-owned university located in Tioga County for merit scholarships.

(1738-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1739-J. Pennsylvania Historical and Museum Commission (Reserved).

(1739-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1740-J. Pennsylvania Infrastructure Investment Authority (Reserved).

(1740-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1741-J. Environmental Hearing Board (Reserved).

(1741-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1742-J. Pennsylvania Board of Probation and Parole (Reserved).

(1742-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1743-J. (Reserved).

(1743-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1744-J. (Reserved).

(1744-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1745-J. (Reserved).

(1745-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1746-J. (Reserved).

(1746-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1747-J. (Reserved).

(1747-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1748-J. Commonwealth Financing Authority (Reserved).

(1748-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1749-J. Thaddeus Stevens College of Technology
(Reserved).

(1749-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1750-J. Pennsylvania Housing Finance Agency (Reserved).

(1750-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1751-J. LIHEABG (Reserved).

(1751-J repealed and added June 28, 2019, P.L.173, No.20)

SUBARTICLE C

STATE GOVERNMENT SUPPORT AGENCIES

(Subart. repealed and added June 28, 2019, P.L.173, No.20)

Section 1761-J. Health Care Cost Containment Council
(Reserved).

(1761-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1762-J. State Ethics Commission (Reserved).

(1762-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1763-J. Legislative Reference Bureau (Reserved).

(1763-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1764-J. Legislative Budget and Finance Committee
(Reserved).

(1764-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1765-J. Legislative Data Processing Committee
(Reserved).

(1765-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1766-J. Joint State Government Commission (Reserved).

(1766-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1767-J. Joint Legislative Air and Water Pollution
Control and Conservation Committee (Reserved).

(1767-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1768-J. Legislative Audit Advisory Commission
(Reserved).

(1768-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1769-J. Independent Regulatory Review Commission
(Reserved).

(1769-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1770-J. Capitol Preservation Committee (Reserved).

(1770-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1771-J. Pennsylvania Commission on Sentencing
(Reserved).

(1771-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1772-J. Center for Rural Pennsylvania (Reserved).

(1772-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1773-J. Commonwealth Mail Processing Center (Reserved).

(1773-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1774-J. Transfers (Reserved).

(1774-J repealed and added June 28, 2019, P.L.173, No.20)

SUBARTICLE D

JUDICIAL DEPARTMENT

(Subart. repealed and added June 28, 2019, P.L.173, No.20)

Section 1781-J. Supreme Court (Reserved).

(1781-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1782-J. Superior Court (Reserved).

(1782-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1783-J. Commonwealth Court (Reserved).

(1783-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1784-J. Courts of common pleas (Reserved).

(1784-J repealed and added June 28, 2019, P.L.173, No.20)

Section 1785-J. Community courts; magisterial district judges
(Reserved).

(1785-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1786-J. Philadelphia Traffic Court (Reserved).

(1786-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1787-J. Philadelphia Municipal Court (Reserved).

(1787-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1788-J. Judicial Conduct Board (Reserved).

(1788-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1789-J. Court of Judicial Discipline (Reserved).

(1789-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1790-J. Juror cost reimbursement (Reserved).

(1790-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1791-J. County court reimbursement (Reserved).

(1791-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1792-J. Senior judges (Reserved).

(1792-J repealed and added June 28, 2019, P.L.173, No.20)
Section 1793-J. Transfer of money by Supreme Court (Reserved).

(1793-J repealed and added June 28, 2019, P.L.173, No.20)

SUBARTICLE E GENERAL ASSEMBLY

(Reserved)

(Subart. repealed and added June 28, 2019, P.L.173, No.20)

ARTICLE XVII-K 2019-2020 RESTRICTIONS ON APPROPRIATIONS FOR FUNDS AND ACCOUNTS

(Art. repealed and added June 28, 2019, P.L.173, No.20)

Section 1701-K. Applicability.

Except as specifically provided in this article, this article applies to the act of June 28, 2019 (P.L.839, No.1A), known as the General Appropriation Act of 2019, and all other appropriation acts of 2019.

(1701-K repealed and added June 28, 2019, P.L.173, No.20)
Section 1702-K. State Lottery Fund.

The following apply:

(1) Money appropriated for PENNCARE shall not be utilized for administrative costs by the Department of Aging.

(2) (Reserved).

(1702-K repealed and added June 28, 2019, P.L.173, No.20)
Section 1703-K. Tobacco Settlement Fund (Reserved).

(1703-K repealed and added June 28, 2019, P.L.173, No.20)
Section 1704-K. Judicial Computer System Augmentation Account

(Reserved).

(1704-K repealed and added June 28, 2019, P.L.173, No.20)
Section 1704.1-K. Access to Justice Account (Repealed).

(1704.1-K repealed June 28, 2019, P.L.173, No.20)
Section 1705-K. Emergency Medical Services Operating Fund
(Reserved).

(1705-K repealed and added June 28, 2019, P.L.173, No.20)
Section 1706-K. The State Stores Fund (Reserved).

(1706-K repealed and added June 28, 2019, P.L.173, No.20)
Section 1707-K. Motor License Fund (Reserved).

(1707-K repealed and added June 28, 2019, P.L.173, No.20)
Section 1708-K. Aviation Restricted Account (Reserved).

(1708-K repealed and added June 28, 2019, P.L.173, No.20)
Section 1709-K. Hazardous Material Response Fund (Reserved).

(1709-K repealed and added June 28, 2019, P.L.173, No.20)
Section 1710-K. Milk Marketing Fund (Reserved).

(1710-K repealed and added June 28, 2019, P.L.173, No.20)
Section 1711-K. HOME Investment Trust Fund (Reserved).
(1711-K repealed and added June 28, 2019, P.L.173, No.20)
Section 1712-K. Tuition Account Guaranteed Savings Program Fund (Reserved).
(1712-K repealed and added June 28, 2019, P.L.173, No.20)
Section 1713-K. Banking Fund (Reserved).
(1713-K repealed and added June 28, 2019, P.L.173, No.20)
Section 1714-K. Firearm Records Check Fund (Reserved).
(1714-K repealed and added June 28, 2019, P.L.173, No.20)
Section 1715-K. Ben Franklin Technology Development Authority Fund (Reserved).
(1715-K repealed and added June 28, 2019, P.L.173, No.20)
Section 1716-K. Oil and Gas Lease Fund (Reserved).
(1716-K repealed and added June 28, 2019, P.L.173, No.20)
Section 1717-K. Home Improvement Account (Reserved).
(1717-K repealed and added June 28, 2019, P.L.173, No.20)
Section 1718-K. Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund (Reserved).
(1718-K added June 28, 2019, P.L.173, No.20)
Section 1718.1-K. Gaming Economic Development and Tourism Fund (Repealed).
(1718.1-K repealed June 28, 2019, P.L.173, No.20)
Section 1719-K. Insurance Regulation and Oversight Fund (Reserved).
(1719-K repealed and added June 28, 2019, P.L.173, No.20)
Section 1720-K. Pennsylvania Race Horse Development Restricted Receipts Account (Reserved).
(1720-K repealed and added June 28, 2019, P.L.173, No.20)
Section 1721-K. Justice Reinvestment Fund (Reserved).
(1721-K repealed and added June 28, 2019, P.L.173, No.20)
Section 1722-K. Multimodal Transportation Fund (Reserved).
(1722-K added June 28, 2019, P.L.173, No.20)
Section 1723-K. State Racing Fund (Reserved).
(1723-K added June 28, 2019, P.L.173, No.20)
Section 1724-K. ABLE Savings Program Fund (Reserved).
(1724-K added June 28, 2019, P.L.173, No.20)
Section 1725-K. Restricted receipt accounts.
(a) General provisions.--The Secretary of the Budget may create restricted receipt accounts for the purpose of administering Federal grants only for the purposes designated in this section.
(b) Department of Community and Economic Development.--The following restricted receipt accounts may be established for the Department of Community and Economic Development:
(1) ARC Housing Revolving Loan Program.
(2) (Reserved).
(c) Department of Conservation and Natural Resources.--The following restricted receipt accounts may be established for the Department of Conservation and Natural Resources:
(1) Federal Aid to Volunteer Fire Companies.
(2) Land and Water Conservation Fund Act of 1965 (Public Law 88-578, 16 U.S.C. § 4601-4 et seq.).
(3) National Forest Reserve Allotment.
(d) Department of Education.--The following restricted receipt accounts may be established for the Department of Education:
(1) Education of the Disabled - Part C.
(2) LSTA - Library Grants.
(3) The Pennsylvania State University Federal Aid.
(4) Emergency Immigration Education Assistance.
(5) Education of the Disabled - Part D.

(6) Homeless Adult Assistance Program.

(7) Severely Handicapped.

(8) Medical Assistance Reimbursements to Local Education Agencies.

(e) Department of Environmental Protection.--The following restricted receipt accounts may be established for the Department of Environmental Protection:

(1) Federal Water Resources Planning Act.

(2) Flood Control Payments.

(3) Soil and Water Conservation Act - Inventory of Programs.

(f) Department of Drug and Alcohol Programs.--The following restricted receipt accounts may be established for the Department of Drug and Alcohol Programs:

(1) Share Loan Program.

(2) (Reserved).

(g) Department of Transportation.--The following restricted receipt accounts may be established for the Department of Transportation:

(1) Capital Assistance Elderly and Handicapped Programs.

(2) Railroad Rehabilitation and Improvement Assistance.

(3) Ridesharing/Van Pool Program - Acquisition.

(h) Pennsylvania Emergency Management Agency.--The following restricted receipt accounts may be established for the Pennsylvania Emergency Management Agency:

(1) Receipts from Federal Government - Disaster Relief - Disaster Relief Assistance to State and Political Subdivisions.

(2) (Reserved).

(i) Pennsylvania Historical and Museum Commission.--The following restricted receipt accounts may be established for the Pennsylvania Historical and Museum Commission:

(1) Federal Grant - National Historic Preservation Act.

(2) (Reserved).

(j) Executive offices.--The following restricted receipt accounts may be established for the executive offices:

(1) Retired Employees Medicare Part D.

(2) Justice Assistance.

(3) Juvenile Accountability Incentive.

(4) Early Retiree Reinsurance Program.

(1725-K added June 28, 2019, P.L.173, No.20)
Section 1726-K. Fund transfers.

(a) Transfer to retirement system accounts.--From the funds received under the authority of Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, the sum of \$3,852,000 shall be transferred to the account established under section 1799.7-E.

(b) Transfer to School Safety and Security Fund.--No later than September 1, 2020, the sum of \$45,000,000 shall be transferred to the School Safety and Security Fund in the State Treasury from funds received under the authority of Article III of the Tax Reform Code of 1971.

(c) Transfer to Environmental Stewardship Fund.--From funds received under the authority of Article III of the Tax Reform Code of 1971, the sum of \$20,000,000 shall be transferred to the Environmental Stewardship Fund.

(d) Transfer to Commonwealth Financing Authority.--

(1) From the First Industries Program account established under 64 Pa.C.S. § 1542 (relating to revolving loan program accounts), the sum of \$5,000,000 shall be transferred to an account to be established in the Commonwealth Financing Authority for research and

development, organic transition, value-added processing and marketing grants in support of Pennsylvania's dairy industry.

(2) Guidelines.--The authority shall adopt guidelines for the approval of applications under this subsection and shall ensure that grants are made available to all geographic areas of this Commonwealth.

(e) Transfer to Commonwealth Financing Authority.--

(1) From the trust account established under 64 Pa.C.S. § 1541 (relating to trust accounts) for the Building Pennsylvania Program, \$12,000,000 shall be transferred to an account to be established in the Commonwealth Financing Authority for blight remediation, including hazard mitigation, within this Commonwealth.

(2) The authority shall adopt guidelines for the approval of applications under this subsection and shall ensure that grants are made available to all geographic areas of this Commonwealth.

(f) Transfer to Commonwealth Financing Authority.--From the trust account established under 64 Pa.C.S. § 1541 for the New Pennsylvania Venture Capital Program, \$24,000,000 shall be made available for distribution under the act of July 9, 2008 (P.L.908, No.63), known as the H2O PA Act.

(g) Transfer to Department of Environmental Protection or Department of Conservation and Natural Resources.--Notwithstanding any other provisions of law, the Secretary of the Budget may transfer amounts available in special funds under the Governor's jurisdiction in amounts not to exceed \$45,000,000 to augment the operations of the Department of Environmental Protection or the Department of Conservation and Natural Resources. Prior to making a transfer under this subsection, the Secretary of the Budget shall transmit notice of the amount to be transferred to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin and provide notice to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and the minority chairperson of the Appropriations Committee of the House of Representatives.

(1726-K added June 28, 2019, P.L.173, No.20)

ARTICLE XVII-L

2020-2021 BUDGET IMPLEMENTATION

(Art. repealed and added May 29, 2020, P.L.153, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Compiler's Note: Section 17(2) of Act 114 of 2020 provided that the amendment of Article XVII-L shall apply retroactively to July 1, 2020.

SUBARTICLE A

PRELIMINARY PROVISIONS

(Subart. repealed and added May 29, 2020, P.L.153, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1701-L. Applicability.

Except as specifically provided in this article, this article applies to the General Appropriation Act of 2020, the Supplement to the General Appropriation Act of 2020 and all other appropriation acts of 2020.

(1701-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1702-L. Definitions.

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

"General Appropriation Act of 2020." The act of May 29, 2020 (P.L.1325, No.1A), known as the General Appropriation Act of 2020.

"Human Services Code." The act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

"Public School Code of 1949." The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

"Secretary." The Secretary of the Budget of the Commonwealth.

"Supplement to the General Appropriation Act of 2020." The act of November 23, 2020 (P.L.1469, No.17A), known as the Supplement to the General Appropriation Act of 2020.

"TANFBG." Temporary Assistance for Needy Families Block Grant.

(1702-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1703-L. Department of Criminal Justice.

For the purposes of the General Appropriation Act of 2020 or the Supplement to the General Appropriation Act of 2020, a reference to the Department of Criminal Justice shall be deemed to be a reference to the Department of Corrections or the Pennsylvania Board of Probation and Parole, or both, as applicable.

(1703-L added May 29, 2020, P.L.158, NO.23 and repealed and added Nov. 23, 2020, P.L.1140, No.114)

SUBARTICLE B EXECUTIVE DEPARTMENTS

(Subart. repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1711-L. Governor.

(a) General rule.--Notwithstanding section 618 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, the Department of Revenue in conjunction with the Secretary of the Budget shall make revised revenue estimates for the fiscal year 2020-2021 not later than the time the Governor signs the Supplement to the General Appropriation Act of 2020.

(b) Conformity with the Administrative Code of 1929.--The revenue estimates under subsection (a) used to sign the Supplement to the General Appropriation Act of 2020 shall show separately State revenues, Federal funds and, if specifically appropriated, funds from other sources. The Governor shall line item veto any part of the Supplement to the General Appropriation Act of 2020 that causes total appropriations to exceed the revised official estimate plus any unappropriated surplus. No changes in the revenue estimates may be made thereafter unless changes in statutes affecting revenues and receipts are enacted.

(1711-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1712-L. Executive offices.

The following apply to appropriations for the Pennsylvania Commission on Crime and Delinquency:

(1) Money appropriated for intermediate punishment treatment programs shall be distributed competitively to counties for offenders sentenced to intermediate punishment programs. The portion of money for drug and alcohol and

mental health treatment programs shall be based on national statistics that identify the percentage of incarcerated individuals that are in need of treatment for substance issues but in no case shall be less than 80% of the amount appropriated.

(2) The following apply:

(i) No less than the amount used in the 2014-2015 fiscal year shall be used to support the Statewide Automated Victim Information and Notification System (SAVIN) to provide offender information through county jails.

(ii) No less than the amount used in the 2014-2015 fiscal year shall be used for a residential treatment community facility for at-risk youth located in a county of the fifth class.

(iii) From the amount appropriated, \$400,000 shall be used for an innovative police data sharing pointer index system that will allow participating law enforcement agencies access to incident report data.

(iv) From the amount appropriated, \$400,000 shall be used for a diversion program for first-time nonviolent offenders facing prison sentences. The diversion program must include education and employment services, case management and mentoring.

(3) From money appropriated for violence and delinquency prevention programs, no less than the amount used in the 2014-2015 fiscal year shall be used for programs in a city of the second class, and no less than the amount used in the 2014-2015 fiscal year shall be used for blueprint mentoring programs that address reducing youth violence in cities of the first, second and third class with programs in cities of the second class and third class also receiving a proportional share of \$50,000.

(1712-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1713-L. Lieutenant Governor (Reserved).

(1713-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1714-L. Attorney General (Reserved).

(1714-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1715-L. Auditor General.

From money appropriated for special financial audits, \$500,000 shall be used for the financial auditing of entities that receive funds through contracts with the Department of Human Services from money appropriated for Medical Assistance - Capitation, Medical Assistance Community HealthChoices, Medical Assistance - Long-term Living, Mental Health Services or the Intellectual Disabilities - Community Waiver Program.

(1715-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1716-L. Treasury Department (Reserved).

(1716-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1717-L. Department of Aging (Reserved).

(1717-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1718-L. Department of Agriculture.

The following apply to appropriations for the Department of Agriculture:

(1) From money appropriated for general government operations, no less than the amount transferred in the

2014-2015 fiscal year shall be transferred to the Dog Law Restricted Account.

(2) From money appropriated for general government operations, no less than \$250,000 shall be used for the Commission of Agricultural Education Excellence to assist in development and implementation of agricultural education programming.

(3) From money appropriated for agricultural research, the following apply:

(i) No less than \$300,000 shall be used for an agricultural resource center.

(ii) No less than \$100,000 shall be used for agricultural law research programs, including those addressing energy development, in conjunction with a land-grant university.

(4) The appropriation for agriculture promotion, education and exports includes \$250,000 for costs related to supporting the expansion of hemp farming, including program development, outreach and education.

(5) From money appropriated for hardwoods research and promotion, at least 80% of the money shall be equally distributed among the hardwood utilization groups of this Commonwealth established prior to the effective date of this section.

(6) In addition to the uses provided in section 7.3 of the act of June 18, 1982 (P.L.549, No.159), entitled "An act providing for the administration of certain Commonwealth farmland within the Department of Agriculture," the department may use up to a total of \$165,000 in the Agricultural Conservation Easement Purchase Fund under section 7.1 of the act of June 18, 1982 (P.L.549, No.159), entitled "An act providing for the administration of certain Commonwealth farmland within the Department of Agriculture," to issue grants not to exceed \$5,000 each for succession planning to ensure that agricultural operations continue on land subject to agricultural conservation easements. The department, in consultation with the State Agricultural Land Preservation Board, shall establish eligibility criteria for awarding grants under this paragraph.

(1718-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1719-L. Department of Community and Economic Development.

The following apply to appropriations for the Department of Community and Economic Development:

(1) From money appropriated for general government operations, no less than \$800,000 shall be used to support a manufacturing technology development effort and to assist Pennsylvania small businesses with enhanced cyber security in a county of the fourth class with a population of at least 143,679, but not more than 144,200, under the 2010 Federal decennial census.

(2) From money appropriated for marketing to attract tourists:

(i) \$4,067,000 to fund the activities of the tourism office within the department; and

(ii) the remaining money includes an allocation to be used to plan, market and conduct a series of arts and cultural activities that generate Statewide and regional economic impact, and \$500,000 shall be used for an annual Statewide competition serving approximately 2,000

athletes with intellectual disabilities from across this Commonwealth to be held in a county of the fourth class.

(3) From money appropriated for Keystone Communities:

(i) \$6,357,000 shall be used to fund the Main Street Program, Elm Street Program, Enterprise Zone Program and accessible housing. The allocation for the Main Street Program, Elm Street Program, Enterprise Zone Program and accessible housing shall be distributed in the same proportion as amounts allocated in fiscal year 2012-2013.

(ii) The remaining money shall be used for projects supporting economic growth, community development and municipal assistance throughout this Commonwealth.

(4) Funds appropriated for local municipal relief shall include an allocation to provide State assistance to individuals, persons or political subdivisions directly affected by natural or man-made disasters, public safety emergencies, other situations that pose a public safety danger or other situations at the discretion of the department. State assistance may be limited to grants for projects that do not qualify for Federal assistance to help repair damages to primary residences, personal property and public facilities and structures. Grants shall be made available for reimbursement in a disaster emergency area only when a Presidential disaster declaration does not cover the area or when the department determines that a public safety emergency has occurred.

(5) Notwithstanding section 4(1) of the act of October 11, 1984 (P.L.906, No.179), known as the Community Development Block Grant Entitlement Program for Nonurban Counties and Certain Other Municipalities, the Commonwealth may use up to 3% of the funds received pursuant to the Housing and Community Development Act of 1974 (Public Law 93-383, 88 Stat. 633) for administrative costs.

(6) From money appropriated for Pennsylvania First, no less than \$8,000,000 shall be used to fund the Workforce and Economic Development Network of Pennsylvania (WEDnetPA) for workforce training grants provided through an alliance of educational providers including, but not limited to, Pennsylvania State System of Higher Education universities, the Pennsylvania College of Technology and community colleges located in this Commonwealth.

(1719-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1720-L. Department of Conservation and Natural Resources (Reserved).

(1720-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1721-L. Department of Corrections.

The following apply to appropriations for the Department of Corrections:

(1) From the appropriation to the Department of Criminal Justice for general government operations under the General Appropriation Act of 2020 and the Supplement to the General Appropriation Act of 2020, no less than \$1,750,000 shall be used by the Department of Corrections for nonnarcotic medication substance use disorder treatment, which may include the establishment and administration of a nonnarcotic medication assisted substance abuse treatment grant program.

(2) Notwithstanding any other provision of law to the contrary, for the purposes of any program funded under paragraph (1) and established under 61 Pa.C.S. Ch. 46 (relating to nonnarcotic medication assisted substance abuse

treatment grant pilot program), the term "eligible offender" means a defendant or inmate convicted of a criminal offense who will be committed to the custody of the county and who meets the clinical criteria for an opioid or alcohol use disorder as determined by a physician.

(1721-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1721.1-L. Department of Drug and Alcohol Programs
(Reserved).

(1721.1-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1722-L. Department of Education.

The following shall apply to appropriations to the Department of Education:

(1) From an appropriation for adult and family literacy programs, summer reading programs and the adult high school diplomas program, no less than the amount allocated in the 2014-2015 fiscal year shall be allocated for an after-school learning program servicing low-income students located in a county of the sixth class with a population, based on the most recent Federal decennial census, of at least 60,000 but not more than 70,000, and no less than the amount allocated in the 2016-2017 fiscal year shall be used for an after-school learning program servicing low-income students located in a county of the third class with a population, based on the 2010 Federal decennial census, of at least 320,000 but not more than 321,000.

(2) From money appropriated for the Pre-K Counts Program, the per-student grant award amount for grants made pursuant to section 1514-D of the Public School Code of 1949 shall be paid at the same rate as the amount paid in fiscal year 2019-2020.

(3) From money appropriated for Pennsylvania Chartered Schools for the Deaf and Blind:

(i) Upon distribution of the final tuition payment for fiscal year 2020-2021, the balance of the appropriation, excluding funds for capital-related costs and deferred maintenance, shall be used to pay the schools' increased share of required contributions for public school employees' retirement and shall be distributed pro rata based on each school's contributions for the 2019-2020 fiscal year.

(ii) \$500,000 is included for capital-related costs and deferred maintenance to be divided equally between each school.

(4) Notwithstanding any other provision of law, money from the set-aside under section 2509.8 of the Public School Code of 1949 shall be allocated to each approved private school with a day tuition rate determined to be less than \$32,000 during the 2010-2011 school year. The allocation shall be no less than the amount allocated in the 2015-2016 fiscal year.

(5) Money appropriated for regional community college services shall be distributed to each entity that received funding in fiscal year 2019-2020 in an amount equal to the amount it received in that fiscal year.

(6) Money appropriated for community education councils shall be distributed to each entity that received funding in fiscal year 2019-2020 in an amount equal to the amount it received in that fiscal year.

(7) Notwithstanding section 1724-A of the Public School Code of 1949 or 24 Pa.C.S. § 8329 (relating to payments on

account of social security deductions from appropriations), no payments shall be made to charter schools, regional charter schools or cyber charter schools authorized under Article XVII-A of the Public School Code of 1949 to provide for Social Security and Medicare contributions from money appropriated for basic education funding or school employees' Social Security.

(8) Notwithstanding section 1724-A of the Public School Code of 1949 or 24 Pa.C.S. §§ 8326 (relating to contributions by the Commonwealth) and 8535 (relating to payments to school entities by Commonwealth), no payments shall be made to charter schools, regional charter schools or cyber charter schools authorized under Article XVII-A of the Public School Code of 1949 from money appropriated for payment of required contributions for public school employees' retirement.

(9) Notwithstanding section 2599.7(c) of the Public School Code of 1949, from the appropriation for basic education funding, up to \$37,635,000 may be used to pay required contributions for public school employees' social security owed to school districts which were unpaid as of June 30, 2020.

(1722-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1723-L. Department of Environmental Protection
(Reserved).

(1723-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1724-L. Department of General Services.

From money appropriated to the Department of General Services for Capitol fire protection, the City of Harrisburg shall use the money to support the provisions of fire services to the Capitol complex.

(1724-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1725-L. Department of Health.

The following apply to appropriations for the Department of Health:

(1) From money appropriated for general government operations, sufficient money shall be included for the coordination of donated dental services.

(2) From money appropriated for diabetes programs, \$100,000 shall be allocated for Type I diabetes awareness, education and outreach.

(3) From money appropriated for adult cystic fibrosis and other chronic respiratory illnesses, no less than the amount used in the 2014-2015 fiscal year shall be used for a program promoting cystic fibrosis research in a county of the second class, and no less than the amount used in the 2014-2015 fiscal year shall be used for research related to childhood cystic fibrosis in a city of the first class with a hospital that is nationally accredited as a cystic fibrosis treatment center and specializes in the treatment of children.

(4) Money appropriated for Lyme disease includes \$500,000 for costs related to free tick testing for residents performed in conjunction with a university that is part of the State System of Higher Education, including outreach and marketing.

(5) Money appropriated for lupus programs shall be distributed proportionately to each entity that received funding in fiscal year 2018-2019.

(6) Money appropriated for biotechnology research shall include allocations for regenerative medicine research, for regenerative medicine medical technology, for hepatitis and viral research, for drug research and clinical trials related to cancer, pulmonary embolism and deep vein thrombosis, for genetic and molecular research for disease identification and eradication, for nanotechnology and for the commercialization of applied research.

(7) From the appropriation for leukemia and lymphoma, \$200,000 shall be allocated to a branch of an eastern Pennsylvania chapter of a nonprofit organization, where the branch is located within a city of the third class that is located in two counties of the third class, dedicated to awareness, education, patient assistance and outreach related to blood cancer.

(8) Funds appropriated for hemophilia services shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(9) Funds appropriated for sickle cell anemia services, including camps for children with sickle cell anemia, shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(10) Funds appropriated for diagnosis and treatment for Cooley's anemia shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(11) Funds appropriated for services for children with special needs shall be distributed to grantees in the same proportion as distributed in fiscal year 2019-2020.

(1725-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1726-L. Insurance Department (Reserved).

(1726-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1727-L. Department of Labor and Industry.

The following apply to appropriations to the Department of Labor and Industry:

(1) From money appropriated to the Department of Labor and Industry for Industry Partnerships:

(i) No less than the amount allocated in the 2014-2015 fiscal year shall be used for a work force development program that links veterans with employment in a home rule county that was formerly a county of the second class A.

(ii) (Reserved).

(2) (Reserved).

(1727-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1728-L. Department of Military and Veterans Affairs (Reserved).

(1728-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1729-L. Department of Human Services.

The following apply to appropriations for the Department of Human Services:

(1) From money appropriated for mental health services or from Federal money, \$580,000 shall be used for the following:

(i) The operation and maintenance of a network of web portals that provide comprehensive referral services, support and information relating to early intervention, prevention and support for individuals with mental health or substance abuse issues, county mental health offices,

providers and others that provide mental and behavioral health treatment and related services.

(ii) The expansion of the existing web portals, including services and resources for military veterans and their families, including comprehensive referral services for transitional, temporary and permanent housing, job placement and career counseling and other services for military veterans returning to civilian life.

(2) From money appropriated for mental health services, \$100,000 shall be allocated for expanded services for a pediatric mental health hospital and an adolescent residential treatment program in a county of the third class with a population of at least 349,000, but not more than 350,000, under the 2010 Federal Decennial Census.

(3) The following shall apply:

(i) Payments to hospitals for Community Access Fund grants shall be distributed under the formulas utilized for these grants in fiscal year 2014-2015. If the total funding available under this subparagraph is less than that available in fiscal year 2014-2015, payments shall be made on a pro rata basis.

(ii) Amounts allocated from money appropriated for fee-for-service used for the Select Plan for Women's Preventative Health Services shall be used for women's medical services, including noninvasive contraception supplies.

(iii) Notwithstanding any other law, money appropriated for medical assistance payments for fee-for-service care, exclusive of inpatient services provided through capitation plans, shall include sufficient money for two separate All Patient Refined Diagnostic Related Group payments for inpatient acute care general hospital stays for:

(A) normal newborn care; and

(B) mothers' obstetrical delivery.

(iv) From money appropriated for medical assistance fee-for-service care, the following apply:

(A) No less than the amount used in the 2017-2018 fiscal year shall be used for cleft palates and other craniofacial anomalies.

(B) No less than \$800,000 shall be distributed to a hospital for clinical ophthalmologic services located in a city of the first class.

(C) No less than \$400,000 shall be distributed for improvements to an acute care hospital located in a city of the first class.

(D) No less than \$5,000,000 shall be distributed to a hospital in a city of the third class in a home rule county that was formerly a county of the second class A.

(E) No less than \$2,000,000 shall be distributed to a university located in a city of the first class to expand research and treatment protocols for combating opioid addiction.

(F) No less than \$250,000 shall be used for an acute hospital that is part of a health care network headquartered in a county of the third class with a population between 321,000 and 360,000 according to the most recent Federal decennial census.

(G) No less than \$1,850,000 shall be distributed to an enrolled outpatient therapy service provider

located in a city of the second class in a county of the second class that provides behavioral health and medical rehabilitation pediatric outpatient services.

(v) From money appropriated for medical assistance capitation, no less than the amount used in the 2014-2015 fiscal year shall be used for prevention and treatment of depression and its complications in older Pennsylvanians in a county of the second class.

(vi) From money appropriated for medical assistance long-term living:

(A) No less than the amount distributed in the 2014-2015 fiscal year shall be distributed to a county nursing home located in a home rule county that was formerly a county of the second class A with more than 725 beds and a Medicaid acuity at 0.79 as of August 1, 2015.

(B) No less than the amount used in the 2019-2020 fiscal year shall be distributed to a nonpublic nursing home located in a county of the first class with more than 395 beds and a Medicaid acuity at 1.17 as of August 1, 2019, to ensure access to necessary nursing care in that county.

(C) \$5,000,000 shall be distributed to a nonpublic nursing home located in a county of the eighth class with more than 119 beds and a Medicaid acuity at 1.09 as of August 1, 2019, to ensure access to necessary nursing home care in that county.

(D) \$351,000 shall be distributed to a special rehabilitation facility in peer group number 13 located in a county of the first class with more than 55 beds and a Medicaid case-mix index of 1.43 as of May 1, 2020, to ensure access to necessary nursing care in that county.

(E) An additional \$750,000 shall be paid in equal payments to nursing facilities that qualified for supplemental ventilator care and tracheostomy care payments in fiscal year 2014-2015 with a percentage of medical assistance recipient residents who required medically necessary ventilator care or tracheostomy care greater than 90%.

(vii) Federal or State money appropriated under the General Appropriation Act of 2020 and the Supplement to the General Appropriation Act of 2020 in accordance with 35 Pa.C.S. § 8107.3 (relating to funding) not used to make payments to hospitals qualifying as Level III trauma centers or seeking accreditation as Level III trauma centers shall be used to make payments to hospitals qualifying as Levels I and II trauma centers.

(viii) Qualifying academic medical centers that received money for fiscal year 2017-2018 shall not receive any less than the State appropriation made available to those academic medical centers during fiscal year 2017-2018.

(ix) Qualifying physician practice plans that received money for fiscal year 2017-2018 shall not receive less than the State appropriation made available to those physician practice plans during fiscal year 2017-2018.

(x) Money appropriated for medical assistance transportation shall only be utilized as a payment of

last resort for transportation for eligible medical assistance recipients.

(xi) Subject to Federal approval of necessary amendments of the Title XIX State Plan, from funds appropriated for medical assistance long-term living, \$16,000,000 is allocated for medical assistance day-one incentive payments to qualified nonpublic nursing facilities under methodology and criteria under section 443.1(7)(vi) of the Human Services Code. The Department of Human Services shall determine a nonpublic nursing facility's overall and medical assistance occupancy rate to qualify for a fiscal year 2020-2021 medical assistance day-one incentive payment based on a nursing facility's resident day quarter ending December 31, 2019, for the first of two payments and a nursing facility's resident day quarter ending March 31, 2020, for the second of two payments.

(4) The following apply:

(i) Money appropriated for breast cancer screening may be used for women's medical services, including noninvasive contraception supplies.

(ii) (Reserved).

(5) The following apply:

(i) Money appropriated for women's service programs grants to nonprofit agencies whose primary function is to promote childbirth and provide alternatives to abortion shall be expended to provide services to women until childbirth and for up to 12 months thereafter, including food, shelter, clothing, health care, counseling, adoption services, parenting classes, assistance for postdelivery stress and other supportive programs and services and for related outreach programs. Agencies may subcontract with other nonprofit entities that operate projects designed specifically to provide all or a portion of these services. Projects receiving money referred to in this subparagraph shall not promote, refer for or perform abortions or engage in any counseling which is inconsistent with the appropriation referred to in this subparagraph and shall be physically and financially separate from any component of any legal entity engaging in such activities.

(ii) Federal funds appropriated for TANF BG Alternatives to Abortion shall be utilized solely for services to women whose gross family income is below 185% of the Federal poverty guidelines.

(6) From money appropriated for autism intervention and services:

(i) no less than the amount distributed in the 2014-2015 fiscal year shall be distributed to a behavioral health facility located in a county of the fifth class with a population between 130,000 and 135,000 under the 2010 Federal decennial census and shall be distributed to a health system that operates both a general acute care hospital and a behavioral health facility that has a center for autism and developmental disabilities located in a county of the fifth class with a population between 130,000 and 135,000 under the 2010 Federal decennial census;

(ii) \$260,000 shall be allocated to an institution of higher education that provides autism education and diagnostic curriculum located in a city of the first

class that operates a center for autism in a county of the second class A;

(iii) \$260,000 shall be allocated to an institution of higher education that provides autism education and diagnostic curriculum and is located in a county of the second class;

(iv) no less than the amount distributed in the 2014-2015 fiscal year shall be allocated for programs to promote the health and fitness of persons with developmental disabilities located in a city of the first class;

(v) \$500,000 shall be allocated for the expansion of an adult autism program in a county of the third class; and

(vi) \$500,000 shall be allocated for an entity that provides alternative educational services to individuals with autism and developmental disabilities in a county of the third class with a population of at least 519,000, but not more than 519,500, under the 2010 Federal decennial census.

(7) Money appropriated for community-based family centers may not be considered as part of the base for calculation of the county child welfare needs-based budget for a fiscal year.

(8) From the appropriation for 2-1-1 Communications, \$750,000 shall be allocated for a Statewide 2-1-1 System Grant Program.

(9) The appropriation for services for the visually impaired includes the following:

(i) an allocation of \$2,584,000 for Statewide professional services provider association for the blind to provide training and supportive services for individuals who are blind and preschool vision screenings and eye safety education; and

(ii) an allocation of \$518,000 to provide specialized services and prevention of blindness services in cities of the first class.

(10) To supplement the money appropriated to the department for medical assistance for workers with disabilities, in addition to the monthly premium established under section 1503(b)(1) of the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, the department may adjust the percentage of the premium upon approval of the Centers for Medicare and Medicaid Services as authorized under Federal requirements. Failure to make payments in accordance with this paragraph or section 1503(b)(1) of the Tobacco Settlement Act shall result in the termination of medical assistance coverage.

(11) The provisions of 8 U.S.C. §§ 1611 (relating to aliens who are not qualified aliens ineligible for Federal public benefits), 1612 (relating to limited eligibility of qualified aliens for certain Federal programs) and 1642 (relating to verification of eligibility for Federal public benefits) shall apply to payments and providers.

(12) Subject to the availability of Federal funds and eligibility under Federal TANF rules, grantees who operated within the PA WorkWear program in fiscal year 2019-2020 shall be offered a fiscal year 2020-2021 grant to continue service delivery under substantially similar terms as previous PA WorkWear grants.

(1729-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1730-L. Department of Revenue (Reserved).

(1730-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1731-L. Department of State (Reserved).

(1731-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1732-L. Department of Transportation.

The following shall apply to appropriations for the Department of Transportation:

(1) From money appropriated for infrastructure projects, \$1,900,000 shall be allocated for costs related to capital equipment for a rural transit service headquartered in this Commonwealth that provides intercity line-run service with at least six different line-runs.

(2) (Reserved).

(1732-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1733-L. Pennsylvania State Police (Reserved).

(1733-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1734-L. State Civil Service Commission (Reserved).

(1734-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1735-L. Pennsylvania Emergency Management Agency.

The following shall apply to appropriations for the Pennsylvania Emergency Management Agency:

(1) Money appropriated for search and rescue programs shall be used to support programs related to training working service dogs focusing on rescue and public safety.

(2) Money appropriated for the State Fire Commissioner includes funding for a Statewide recruitment and retention coordinator and regional technical advisors to develop, implement and deliver recruitment and retention training programs and provide technical assistance to local fire organizations and local governments.

(1735-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1736-L. Pennsylvania Fish and Boat Commission (Reserved).

(1736-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1737-L. State System of Higher Education (Reserved).

(1737-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1737.1-L. State-related institutions (Reserved).

(1737.1-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1738-L. Pennsylvania Higher Education Assistance Agency.

The following shall apply to appropriations for the Pennsylvania Higher Education Assistance Agency:

(1) The Pennsylvania Higher Education Assistance Agency shall allocate \$500,000 from the Higher Education Assistance Fund for the Cheyney University Keystone Academy.

(2) From funds appropriated for payment of education assistance grants, the amount of \$1,000,000 shall be allocated to a State-owned university located in Tioga County for merit scholarships.

(1738-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1739-L. Pennsylvania Historical and Museum Commission (Reserved).

(1739-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1740-L. Pennsylvania Infrastructure Investment Authority.

For the 2020-2021 fiscal year, up to \$3,970,600 of funds of the Pennsylvania Infrastructure Investment Authority shall be used to fund grants for projects that install infrastructure to ensure clean drinking water to address contamination from PFAS chemicals in a township of the first class with a population between 55,000 and 56,000 based on the most recent Federal decennial census that is also located in a county of the second class A.

(1740-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1741-L. Environmental Hearing Board (Reserved).

(1741-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1742-L. Pennsylvania Board of Probation and Parole (Reserved).

(1742-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1743-L. (Reserved).

(1743-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1744-L. (Reserved).

(1744-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1745-L. (Reserved).

(1745-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1746-L. (Reserved).

(1746-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1747-L. (Reserved).

(1747-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1748-L. Commonwealth Financing Authority (Reserved).

(1748-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1749-L. Thaddeus Stevens College of Technology (Reserved).

(1749-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1750-L. Pennsylvania Housing Finance Agency (Reserved).

(1750-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1751-L. LIHEABG (Reserved).

(1751-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1752-L. Budget Stabilization Reserve Fund. (1752-L repealed Apr. 25, 2016, P.L.168, No.25)

SUBARTICLE C

STATE GOVERNMENT SUPPORT AGENCIES

(Subart. repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1761-L. Health Care Cost Containment Council (Reserved).

(1761-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1762-L. State Ethics Commission (Reserved).

(1762-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)
Section 1763-L. Legislative Reference Bureau (Reserved).
(1763-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)
Section 1764-L. Legislative Budget and Finance Committee (Reserved).
(1764-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)
Section 1765-L. Legislative Data Processing Committee (Reserved).
(1765-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)
Section 1766-L. Joint State Government Commission (Reserved).
(1766-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)
Section 1767-L. Joint Legislative Air and Water Pollution Control and Conservation Committee (Reserved).
(1767-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)
Section 1768-L. Legislative Audit Advisory Commission (Reserved).
(1768-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)
Section 1769-L. Independent Regulatory Review Commission (Reserved).
(1769-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)
Section 1770-L. Capitol Preservation Committee (Reserved).
(1770-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)
Section 1771-L. Pennsylvania Commission on Sentencing (Reserved).
(1771-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)
Section 1772-L. Center for Rural Pennsylvania (Reserved).
(1772-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)
Section 1773-L. Commonwealth Mail Processing Center (Reserved).
(1773-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L. 1140, No.114)
Section 1774-L. Transfers (Reserved).
(1774-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

SUBARTICLE D JUDICIAL DEPARTMENT

(Subart. repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)
Section 1781-L. Supreme Court (Reserved).
(1781-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)
Section 1782-L. Superior Court (Reserved).
(1782-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)
Section 1783-L. Commonwealth Court (Reserved).
(1783-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)
Section 1784-L. Courts of common pleas (Reserved).
(1784-L repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1785-L. Community courts; magisterial district judges
(Reserved).

(1785-L repealed and added May 29, 2020, P.L.158, No.23 and
Nov. 23, 2020, P.L.1140, No.114)

Section 1786-L. Philadelphia Traffic Court (Reserved).

(1786-L repealed and added May 29, 2020, P.L.158, No.23 and
Nov. 23, 2020, P.L.1140, No.114)

Section 1787-L. Philadelphia Municipal Court (Reserved).

(1787-L repealed and added May 29, 2020, P.L.158, No.23 and
Nov. 23, 2020, P.L.1140, No.114)

Section 1788-L. Judicial Conduct Board (Reserved).

(1788-L repealed and added May 29, 2020, P.L.158, No.23 and
Nov. 23, 2020, P.L.1140, No.114)

Section 1789-L. Court of Judicial Discipline (Reserved).

(1789-L repealed and added May 29, 2020, P.L.158, No.23 and
Nov. 23, 2020, P.L.1140, No.114)

Section 1790-L. Juror cost reimbursement (Reserved).

(1790-L repealed and added May 29, 2020, P.L.158, No.23 and
Nov. 23, 2020, P.L.1140, No.114)

Section 1791-L. County court reimbursement (Reserved).

(1791-L repealed and added May 29, 2020, P.L.158, No.23 and
Nov. 23, 2020, P.L.1140, No.114)

Section 1792-L. Senior judges (Reserved).

(1792-L repealed and added May 29, 2020, P.L.158, No.23 and
Nov. 23, 2020, P.L.1140, No.114)

Section 1793-L. Transfer of money by Supreme Court (Reserved).

(1793-L repealed and added May 29, 2020, P.L.158, No.23 and
Nov. 23, 2020, P.L.1140, No.114)

SUBARTICLE E GENERAL ASSEMBLY

(Reserved)

(Subart. hdg. repealed and added May 29, 2020, P.L.158, No.23
and Nov. 23, 2020, P.L.1140, No.114)

ARTICLE XVII-M 2020-2021 RESTRICTIONS ON APPROPRIATIONS FOR FUNDS AND ACCOUNTS

(Art. repealed and added May 29, 2020, P.L.158, No. 23 and Nov.
23, 2020, P.L.1140, No.114)

Compiler's Note: Section 17(2) of Act 114 of 2020 provided
that the amendment of Article XVII-L shall apply
retroactively to July 1, 2020.

Section 1701-M. Applicability.

Except as specifically provided in this article, this article
applies to the act of May 29, 2020 (P.L.1325, No.1A), known as
the General Appropriation Act of 2020, and the act of November
23, 2020 (P.L.1469, No.17A), known as the Supplement to the
General Appropriation Act of 2020, and all other appropriation
acts of 2020.

(1701-M repealed and added May 29, 2020, P.L.158, No.23 and
Nov. 23, 2020, P.L.1140, No.114)

Section 1702-M. State Lottery Fund.

The following apply:

(1) Money appropriated for PENNCARE shall not be
utilized for administrative costs by the Department of Aging.

(2) (Reserved).

(1702-M repealed and added May 29, 2020, P.L.158, No.23 and
Nov. 23, 2020, P.L.1140, No.114)

Section 1703-M. Tobacco Settlement Fund (Reserved).

(1703-M repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1704-M. Judicial Computer System Augmentation Account (Reserved).

(1704-M repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1704.1-M. Access to Justice Account (Reserved).

(1704.1-M repealed May 29, 2020, P.L.158, No.23 and added Nov. 23, 2020, P.L.1140, No.114)

Section 1705-M. Emergency Medical Services Operating Fund (Reserved).

(1705-M repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1706-M. The State Stores Fund (Reserved).

(1706-M repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1707-M. Motor License Fund (Reserved).

(1707-M repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1708-M. Aviation Restricted Account (Reserved).

(1708-M repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1709-M. Hazardous Material Response Fund (Reserved).

(1709-M repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1710-M. Milk Marketing Fund (Reserved).

(1710-M repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1711-M. HOME Investment Trust Fund (Reserved).

(1711-M repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1712-M. Tuition Account Guaranteed Savings Program Fund (Reserved).

(1712-M repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1713-M. Banking Fund (Reserved).

(1713-M repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1714-M. Firearm Records Check Fund (Reserved).

(1714-M repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1715-M. Ben Franklin Technology Development Authority Fund (Reserved).

(1715-M repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1716-M. Oil and Gas Lease Fund (Reserved).

(1716-M repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1717-M. Home Improvement Account (Reserved).

(1717-M repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1717.1-M. Medical Care Availability and Reduction of Error Fund. (1717.1-M repealed Apr. 25, 2016, P.L.168, No.25)

Section 1718-M. Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund (Reserved).

(1718-M added May 29, 2020, P.L.158, No.23 and repealed and added Nov. 23, 2020, P.L.1140, No.114)

Section 1718.1-M. Gaming Economic Development and Tourism Fund (Reserved) (1718.1-M repealed May 29, 2020, P.L.158, No.23).

Section 1719-M. Insurance Regulation and Oversight Fund
(Reserved).

(1719-M repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1720-M. Pennsylvania Race Horse Development Restricted Receipts Account.

The following apply to amounts appropriated from the Pennsylvania Race Horse Development Restricted Receipts Account:

(1) The following apply to amounts appropriated to the Department of Agriculture for payments to Pennsylvania fairs:

(i) Notwithstanding any provision of the act of July 8, 1986 (P.L.437, No.92), known as the Pennsylvania Agricultural Fair Act, the Department of Agriculture shall award a grant for the calendar year beginning January 1, 2020, to a county agricultural society, an independent agricultural society or other organization which conducted its annual agricultural fair in the calendar year beginning January 1, 2019. A county agricultural society, an independent agricultural society or other organization which receives a grant under this subparagraph shall remain eligible to apply for and receive a grant available under section 5(1)(ii) of the Pennsylvania Agricultural Fair Act.

(ii) The amount of a grant awarded to a county agricultural society, an independent agricultural society or other organization under this paragraph shall be the same amount that the county agricultural society, independent agricultural society or other organization received in grants under section 5(1)(i), (iii) and (iv) of the Pennsylvania Agricultural Fair Act for the calendar year beginning January 1, 2019.

(2) (Reserved).

(1720-M repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1721-M. Justice Reinvestment Fund (Reserved).

(1721-M repealed and added May 29, 2020, P.L.158, No.23 and Nov. 23, 2020, P.L.1140, No.114)

Section 1722-M. Multimodal Transportation Fund (Reserved).

(1722-M added May 29, 2020, P.L.158, No.23 and repealed and added Nov. 23, 2020, P.L.1140, No.114)

Section 1723-M. State Racing Fund (Reserved).

(1723-M added May 29, 2020, P.L.158, No.23 and repealed and added Nov. 23, 2020, P.L.1140, No.114)

Section 1724-M. ABLE Savings Program Fund (Reserved).

(1724-M added May 29, 2020, P.L.158, No.23 and repealed and added Nov. 23, 2020, P.L.1140, No.114)

Section 1725-M. Restricted receipt accounts.

(a) General provisions.--The Secretary of the Budget may create restricted receipt accounts for the purpose of administering Federal grants only for the purposes designated in this section.

(b) Department of Community and Economic Development.--The following restricted receipt accounts may be established for the Department of Community and Economic Development:

(1) ARC Housing Revolving Loan Program.

(2) (Reserved).

(c) Department of Conservation and Natural Resources.--The following restricted receipt accounts may be established for the Department of Conservation and Natural Resources:

(1) Federal Aid to Volunteer Fire Companies.

(2) Land and Water Conservation Fund Act of 1965 (Public Law 88-578, 16 U.S.C. § 4601-4 et seq.).

(3) National Forest Reserve Allotment.

(d) Department of Education.--The following restricted receipt accounts may be established for the Department of Education:

- (1) Education of the Disabled - Part C.
- (2) LSTA - Library Grants.
- (3) The Pennsylvania State University Federal Aid.
- (4) Emergency Immigration Education Assistance.
- (5) Education of the Disabled - Part D.
- (6) Homeless Adult Assistance Program.
- (7) Severely Handicapped.
- (8) Medical Assistance Reimbursements to Local Education Agencies.

(e) Department of Environmental Protection.--The following restricted receipt accounts may be established for the Department of Environmental Protection:

- (1) Federal Water Resources Planning Act.
- (2) Flood Control Payments.
- (3) Soil and Water Conservation Act - Inventory of Programs.

(f) Department of Drug and Alcohol Programs.--The following restricted receipt accounts may be established for the Department of Drug and Alcohol Programs:

- (1) Share Loan Program.
- (2) (Reserved).

(g) Department of Transportation.--The following restricted receipt accounts may be established for the Department of Transportation:

- (1) Capital Assistance Elderly and Handicapped Programs.
- (2) Railroad Rehabilitation and Improvement Assistance.
- (3) Ridesharing/Van Pool Program - Acquisition.

(h) Pennsylvania Emergency Management Agency.--The following restricted receipt accounts may be established for the Pennsylvania Emergency Management Agency:

- (1) Receipts from Federal Government - Disaster Relief - Disaster Relief Assistance to State and Political Subdivisions.
- (2) (Reserved).

(i) Pennsylvania Historical and Museum Commission.--The following restricted receipt accounts may be established for the Pennsylvania Historical and Museum Commission:

- (1) Federal Grant - National Historic Preservation Act.
- (2) (Reserved).

(j) Executive offices.--The following restricted receipt accounts may be established for the executive offices:

- (1) Retired Employees Medicare Part D.
- (2) Justice Assistance.
- (3) Juvenile Accountability Incentive.
- (4) Early Retiree Reinsurance Program.

(1725-M added May 29, 2020, P.L.158, No.23 and repealed and added Nov. 23, 2020, P.L.1140, No.114)
Section 1726-M. Fund transfers.

(a) Transfer to School Safety and Security Fund.--Of the amount appropriated to the Department of Education for COVID - ESSER - SEA in fiscal year 2019-2020, \$49,762,000 shall be transferred to the School Safety and Security Fund.

(b) Transfer to Environmental Stewardship Fund.--From funds received under the authority of Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, the sum of \$13,782,000 shall be transferred to the Environmental Stewardship Fund.

(c) Transfer to Property Tax Relief Fund.--

(1) If the Secretary of the Budget determines the May 19, 2020, revised certification under section 503 of the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, is insufficient to generate \$621,000,000 for Statewide property tax relief, the Secretary of the Budget is authorized to transfer up to \$200,000,000 from money received under the authority of Article III of the Tax Reform Code of 1971 to the Property Tax Relief Fund. If the Secretary of the Budget determines a transfer is necessary, the Secretary of the Budget shall issue a revised certification under section 503 of the Taxpayer Relief Act.

(2) The amount transferred under paragraph (1) by the Secretary of the Budget is appropriated to the Department of Education. The Department of Education shall combine the amount transferred under paragraph (1) with other funds available for property tax relief payments and shall make distributions to school districts under sections 324 and 505 of the Taxpayer Relief Act. The Secretary of the Budget may not transfer an amount more than is necessary to provide \$621,000,000 of Statewide property tax relief, including other funds available for property tax relief payments.

(d) Transfers to General Fund.--The following shall apply:

(1) From funds deposited in the Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund, \$150,000 shall be transferred into the General Fund.

(2) From funds deposited in the Energy Development Fund, \$1,000,000 shall be transferred into the General Fund.

(3) From funds deposited in the Environmental Education Fund, \$500,000 shall be transferred into the General Fund.

(4) From funds deposited in the Highway Beautification Fund, \$150,000 shall be transferred into the General Fund.

(5) ((5) deleted by amendment June 30, 2021, P.L.62, No.24).

(6) From funds deposited in the Industrial Sites Cleanup Fund, \$10,000,000 shall be transferred into the General Fund.

(7) From funds deposited in the Industrial Sites Environmental Assessment Fund, \$7,500,000 shall be transferred into the General Fund.

(8) From funds deposited in the Insurance Regulation and Oversight Fund, \$10,000,000 shall be transferred into the General Fund.

(9) From funds deposited in the Job Training Fund, \$375,000 shall be transferred into the General Fund.

(10) Notwithstanding the provisions of 42 Pa.C.S. § 3732(a) (relating to utilization of funds in account), from funds deposited in the Judicial Computer System Augmentation Account, \$30,000,000 shall be transferred from the restricted receipt account into the General Fund.

(11) From funds deposited in the Local Government Capital Project Loan Fund, \$2,000,000 shall be transferred into the General Fund.

(12) From funds deposited in the Machinery and Equipment Loan Fund, \$5,000,000 shall be transferred into the General Fund.

(13) From funds deposited in the Medical Marijuana Program Fund, \$20,000,000 shall be transferred into the General Fund.

(14) ((14) deleted by amendment June 30, 2021, P.L.62, No.24).

(15) ((15) deleted by amendment June 30, 2021, P.L.62, No.24).

(16) ((16) deleted by amendment June 30, 2021, P.L.62, No.24).

(17) ((17) deleted by amendment June 30, 2021, P.L.62, No.24).

(18) From funds deposited in the Recycling Fund, \$50,000,000 shall be transferred into the General Fund.

(19) From funds deposited in the Workers' Compensation Security Fund, \$185,000,000 shall be transferred into the General Fund.

(e) Transfers to COVID-19 Response Restricted Account.--From funds deposited in the Workers' Compensation Security Fund, \$145,000,000 shall be transferred into the COVID-19 Response Restricted Account. ((e) added Feb. 5, 2021, P.L.1, No.1)

(1726-M added May 29, 2020, P.L.158, No.23 and repealed and added Nov. 23, 2020, P.L.1140, No.114)

Compiler's Note: Section 26(3) of Act 24 of 2021 provided that the amendment of subsection (d)(5), (14), (15), (16) and (17) shall apply retroactively to July 1, 2020.

Compiler's Note: Section 6(1) of Act 1 of 2021 provided that the sum of \$145,000,000 of amounts transferred under section 1726-M(e) is appropriated to the Department of Community and Economic Development for fiscal year 2020-2021 from the COVID-19 Response Restricted Account for COVID Relief - County Block Grant - Hospitality Industry Recovery Program for the purpose of awarding grants under section 134-C.

Section 1727-M. Local Government Capital Project Fund. (1727-M repealed Apr. 25, 2016, P.L.168, No.25)

Section 1728-M. Low-Level Waste Fund. (1728-M repealed Apr. 25, 2016, P.L.168, No.25)

Section 1729-M. Pennsylvania Economic Revitalization Fund. (1729-M repealed Apr. 25, 2016, P.L.168, No.25)

Section 1730-M. Small Business First Fund. (1730-M repealed Apr. 25, 2016, P.L.168, No.25)

ARTICLE XVII-N

RETIREMENT

(Art. added July 6, 2010, P.L.279, No.46)

Section 1701-N. Public School Employees' Retirement System recertification to Secretary of the Budget.

Notwithstanding any other provisions of law to the contrary, the Public School Employees' Retirement Board shall, effective for the fiscal year beginning July 1, 2010, recertify to the Secretary of the Budget and the employers, as defined in 24 Pa.C.S. § 8102 (relating to definitions), within 20 days of the effective date of this section, the employer contribution rate expressed as a percentage of members' payroll necessary for the funding of prospective annuities for active members and the annuities of annuitants to be 5.00%, plus the premium assistance contribution rate of .64% in accordance with 24 Pa.C.S. § 8328(f) (relating to actuarial cost method), and also recertify the rates, factors and amounts set forth in 24 Pa.C.S. § 8502(k) (relating to administrative duties of board) to reflect the impact of the recertified rates provided in this section. This recertification shall supersede the prior certification for the fiscal year beginning July 1, 2010, for all purposes.

(1701-N added July 6, 2010, P.L.279, No.46)

Section 1702-N. State Employees' Retirement System.

Notwithstanding any provision of 71 Pa.C.S. (relating to State government) or other law to the contrary, and

notwithstanding any actuarial calculation resulting in any employer contribution rate previously made and certified by the State Employees' Retirement Board pursuant to 71 Pa.C.S. for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the composite employer contribution rate to determine contributions by the Commonwealth and other employers to the State Employees' Retirement System for the fiscal year beginning July 1, 2010, and ending June 30, 2011, shall be 1% of compensation greater than the composite employer contribution rate for the immediately prior fiscal year. In addition to the temporarily limited composite employer contribution rate established by this section, the Commonwealth and other employers whose employees are active members in the State Employees' Retirement System shall make the contributions to fund the Benefits Completion Plan established under 71 Pa.C.S. § 5941 (relating to benefits completion plan) as certified by the State Employees' Retirement Board.

(1702-N added July 6, 2010, P.L.279, No.46)

ARTICLE XVII-O

AUDITS

(Art. added June 30, 2011, P.L.159, No.26)

Section 1701-O. Audits of Race Horse Development Fund.

The following shall apply:

(1) By December 31, 2011, and each December 31 thereafter, the Office of the Budget shall conduct a financial audit of all funds distributed under 4 Pa.C.S. § 1406 (relating to distributions from Pennsylvania Race Horse Development Fund) for the prior fiscal year. The audit may include recommendations for changes relating to the maintenance, use or administration of these funds.

(2) The audits and audited financial statements required under this section shall be open to the public.

(3) The following apply:

(i) Each horsemen's organization shall, within 90 days after the end of the organization's fiscal year, prepare annual financial statements in accordance with generally accepted accounting principles for the horsemen's organization and all of its affiliates.

(ii) The financial statements required under subparagraph (i) shall be prepared beginning in the horsemen's organization fiscal year ending prior to June 30, 2011, and for each fiscal year thereafter.

(iii) The financial statements required under subparagraph (i) shall include additional information as necessary to reconcile the information in the financial statement to the amounts received by the horsemen's organization during the same fiscal year and as otherwise directed by the Office of the Budget.

(4) The office shall engage independent certified public accountants or actuaries to conduct the audit under paragraph (1) and to audit the annual financial statements and accompanying additional information filed under paragraph (3) for each fiscal year. The office shall provide copies of each audit to the persons listed in paragraph (5)(ii), (iii), (iv) and (v).

(5) Within ten days of completion of the audits under paragraphs (1) and (4), the horsemen's organization shall provide all financial statements and reports required under paragraph (3) to all of the following within 90 days of the end of the organization's fiscal year:

- (i) The Department of Agriculture.
- (ii) The chairman and minority chairman of the Community, Economic and Recreational Development Committee of the Senate and the chairman and minority chairman of the Gaming Oversight Committee of the House of Representatives.
- (iii) The chairman and minority chairman of the Agriculture and Rural Affairs Committee of the Senate and the chairman and minority chairmen of the Agriculture and Rural Affairs Committee of the House of Representatives.
- (iv) The Pennsylvania Gaming Control Board.
- (v) The State Horse Racing Commission and the State Harness Racing Commission.

(5.1) Within 90 days of a written request by the Office of the Budget for additional information, the horsemen's organization shall provide the additional information.

(6) All distributions under 4 Pa.C.S. § 1406 shall be suspended for any horsemen's organization that the office certifies is out of compliance with the requirements of this section.

(7) Each horsemen's organization shall cooperate fully with all audits under this section and shall reimburse the office for all fees and costs to administer this section.

(8) For the purposes of this section, the term "horsemen's organization" shall have the same meaning as defined under 4 Pa.C.S. § 1103 (relating to definitions).
(1701-O amended July 18, 2013, P.L.574, No.71)

ARTICLE C

INTERPRETATION, EFFECTIVE DATE, AND REPEALER

(Art. hdg. renumbered April 25, 2016, P.L.168, No.25)

Section 10001. Constitutionality.--It is the intention of the General Assembly that if this act cannot take effect in its entirety, because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof, the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein.

It is the intention of the General Assembly that, if any court of competent jurisdiction shall hold unconstitutional any provisions of this act transferring to a department, board, commission, or officer, the powers and duties heretofore exercised and performed by another department, board, commission, or officer, the provisions transferring such powers and duties shall thereby become inoperative, and that, in such event, the department, board, commission, or officer, heretofore exercising such powers and performing such duties shall continue to exercise and perform them. The remaining provisions of this act shall, in any such case, be given full force and effect.

(10001 renumbered Apr. 25, 2016, P.L.168, No.25)

Section 10002. Continuance of Existing Laws.--The provisions of this act, as far as they are the same as those of existing laws, shall be construed as a continuation of such laws, and not as new enactments.

(10002 renumbered Apr. 25, 2016, P.L.168, No.25)

Section 10003. Enumeration of Powers of Departments, Boards, and Commissions.--Whenever in this act the powers and duties of a department, board, commission, or officer are enumerated and defined, such enumeration and definition shall not be construed to be in derogation or limitation of the powers and

duties heretofore exercised and performed by such department, board, commission, or officer unless,

(a) Any power or duty, as enumerated and defined, is clearly inconsistent with the exercise of a power or the performance of a duty heretofore exercised or performed; or

(b) There is a specific statement that a power or a duty heretofore exercised or performed shall be exercised or performed by another department, board, commission or officer, or that such power or duty shall be exercised or performed in a different manner.

(10003 renumbered Apr. 25, 2016, P.L.168, No.25)

Section 10004. Effective Date.--Article V of this act shall take effect on the first day of June, one thousand nine hundred and twenty-nine, but in all other respects this act shall become effective on the first day of July of said year, except that any licenses and tags or buttons issued prior to the effective date of this act shall remain in full force and effect for the period for which they shall have been issued, and any forms of license and tags or buttons prepared for issuance or for the preparation of which contracts shall have been executed prior to such effective date, may be used by the Department of Revenue during the remainder of the year one thousand nine hundred and twenty-nine, notwithstanding they bear the name of a department, board or commission other than the Department of Revenue.

(10004 renumbered Apr. 25, 2016, P.L.168, No.25)

Section 10005. Repealer.--

(a) All acts and parts of acts supplied by this act are hereby repealed, but this act is not intended to repeal any act or part of an act relating to the settlement, assessment, collection, or lien of any State tax, bonus, or license fee, if the effect of such repeal would be to relieve any person, association, or corporation of any tax, bonus, or license fee now payable by such person, association, or corporation.

If any court of competent jurisdiction shall hold that any tax, bonus, license fee, or other money payable to the Commonwealth, or any officer or agency thereof, cannot be settled, assessed, or collected under the procedure provided by this act, such tax, bonus, license fee, or other money shall continue to be settled or assessed and collected under the laws in force prior to the passage of this act.

(b) The following acts and parts of acts are hereby specifically repealed:

Sections one, two, three, five, nine, eleven, twelve, thirteen, fourteen, sixteen, twenty-six, thirty-one, thirty-two, thirty-three, thirty-four, thirty-six, and fifty-one, of the act, approved the thirtieth day of March, one thousand eight hundred eleven (Pamphlet Laws, one hundred forty-five), entitled "An act to amend and consolidate the several acts relating to the settlement of the public accounts and the payment of the public monies and for other purposes."

Sections forty-nine and fifty-nine of the act, approved the fifteenth day of April, one thousand eight hundred thirty-four (Pamphlet Laws, five hundred thirty-seven), entitled "An act relating to counties and townships, and county and townships officers."

Section ten of the act, approved the twenty-first day of April, one thousand eight hundred forty-six (Pamphlet Laws, four hundred thirteen), entitled "A supplement to the law relating to defaulting public officers."

The act approved the fifteenth day of March, one thousand eight hundred forty-seven (Pamphlet Laws, three hundred

fifty-four), entitled "A further supplement to the law relating to defaulting public officers."

Section eight of the act, approved the tenth day of April, one thousand eight hundred forty-nine (Pamphlet Laws, six hundred thirty-one), entitled "An act to provide for the ordinary expenses of the government, the repair of the canals and railroads of the Commonwealth, and the payment of other claims due by the same."

In so far as inconsistent with the provisions of this act, requiring monthly reports and payments to the Department of Revenue by county officers, section three of the act, approved the second day of April, one thousand eight hundred thirty (Pamphlet Laws, one hundred forty-seven), entitled "An act for regulating hawkers and pedlars," and section nine of the act, approved the seventh day of April, one thousand eight hundred thirty (Pamphlet Laws, three hundred eighty-seven), entitled "An act graduating the duties upon wholesale dealers and retailers of merchandise, and prescribing the mode of issuing licenses and collecting said duties."

(10005 renumbered Apr. 25, 2016, P.L.168, No.25)

APPENDIX

----- Supplementary Provisions of Amendatory Statutes -----

2007, July 17, P.L.141, NO.42

Section 6. The addition of Article XV-A of the act is a continuation of the act of September 26, 1961 (P.L.1661, No.692), known as the State Employees Group Life Insurance Law. Except as otherwise provided under Article XV-A, all activities initiated under the State Employees Group Life Insurance Law shall continue and remain in full force and effect and may be completed under Article XV-A. Orders, regulations, rules and decisions which were made under the State Employees Group Life Insurance Law and which are in effect on the effective date of section 1.1 of this act shall remain in full force and effect until revoked, vacated or modified under Article XV-A. Contracts, obligations and collective bargaining agreements entered into under the State Employees Group Life Insurance Law are not affected nor impaired by the repeal of the State Employees Group Life Insurance Law.

Compiler's Note: Act 42 added Article XV-A of Act 176.

2010, July 6, P.L.279, NO.46

Section 4. Intent regarding legislation.

(a) It is the intent of the House majority leadership and Senate majority leadership to pass legislation that raises revenue from the extraction of Marcellus Shale natural gas by October 1, 2010, with an effective date for implementation no later than January 1, 2011. It is the further intent to have revenue raised from the extraction of Marcellus Shale natural gas to be divided by a ratio to be determined by legislation

between the Commonwealth, counties and municipalities, and environmental initiatives.

(b) It is the intent of the Senate majority leadership and House majority leadership to pass legislation establishing a new independent agency to be known as the Independent Fiscal Office no later than October 1, 2010, with an effective date for implementation no later than January 1, 2011.

(c) This section shall expire December 1, 2010.

Compiler's Note: Act 26 amended, added or deleted sections 301.1, 505, 1501, 1502, 1503 and 1605-E, Articles XVI-G, XVI-H, XVI-I and XVI-J, Subarticle J of Article XVII-A, sections 1735-E, 1794-E, 1795-E, 1799-E and 1715-K and Articles XVII-L, XVII-M and XVII-N of Act 176.

2013, July 18, P.L.574, NO.71

Section 1. The General Assembly finds and declares as follows:

(1) The intent of this act is to provide for the implementation of the 2013-2014 Commonwealth budget.

(2) The Constitution of Pennsylvania confers numerous express duties upon the General Assembly, including the passage of a balanced budget for the Commonwealth.

(3) Section 24 of Article III of the Constitution of Pennsylvania requires the General Assembly to adopt all appropriations for the operation of government in the Commonwealth, regardless of their source. The Supreme Court has repeatedly affirmed that, "It is fundamental within Pennsylvania's tripartite system that the General Assembly enacts the legislation establishing those programs which the state provides for its citizens and appropriates the funds necessary for their operation."

(4) Pursuant to section 13 of Article VIII of the Constitution of Pennsylvania, the General Assembly is explicitly required to adopt a balanced Commonwealth budget. Given the unpredictability and potential insufficiency of revenue collections, various changes in State law relating to sources of revenue, the collection of revenue and the implementation of statutes which impact revenue may be required to discharge this constitutional obligation.

(5) Section 11 of Article III of the Constitution of Pennsylvania requires the adoption of a general appropriation bill that embraces "nothing but appropriations." While actual appropriations can be contained in a General Appropriations Act, the achievement and implementation of a comprehensive budget involves more than appropriations. Ultimately, the budget has to be balanced under section 13 of Article VIII of the Constitution of Pennsylvania. This may necessitate changes to sources of funding and enactment of statutes to achieve full compliance with these constitutional provisions.

(6) For the reasons set forth in paragraphs (1), (2), (3), (4) and (5), it is the intent of the General Assembly through this act to provide for the implementation of the 2013-2014 Commonwealth budget.

(7) Every provision of this act relates to the implementation of the operating budget of the Commonwealth for this fiscal year, addressing in various ways the fiscal operations, revenues and potential liabilities of the Commonwealth. To that end, this act places conditions on appropriations, provides for accountability for spending and

makes any necessary transfers or other changes necessary to impact the availability of revenue or the fiscal conditions of the Commonwealth, in order to meet the requirements of section 13 of Article VIII of the Constitution of Pennsylvania and to implement the act of June 30, 2013 (P.L.1277, No.1A), known as the General Appropriation Act of 2013.

Compiler's Note: Act 71 amended, added or repealed sections 9, 10, 209, 708, 709, 724, 1206, 1209, 1507.2, 1603-D, 1702-A, 1711-A and 1774.1-A, Articles XVII-A.1, sections 1796-E, 1729-F and 1719-G, Articles XVII-H and XVII-I and section 1701-O of Act 176.

Section 19.1. Any grant under section 1722-H(9) of the act shall not be considered in satisfying the requirement of section 696(h) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

Section 19.2. The sum of \$100,000 is hereby appropriated from the Manville Property Damage Settlement Account to the Department of Labor and Industry for grants related to asbestos abatement.

Section 19.3. The General Assembly declares that there will be funds available in fiscal year 2013-2014 in the Oil and Gas Lease Fund to support the appropriations from the fund to the Department of Conservation and Natural Resources made in the act of June 30, 2013 (P.L.1277, No.1A), known as the General Appropriation Act of 2013.

2016, July 20, P.L.168, NO.25

Section 1. The General Assembly finds and declares as follows:

(1) The intent of this act is to provide for the implementation of the 2015-2016 Commonwealth budget.

(2) The Constitution of Pennsylvania confers numerous express duties upon the General Assembly, including the passage of a balanced budget for the Commonwealth.

(3) Section 24 of Article III of the Constitution of Pennsylvania requires the General Assembly to adopt all appropriations for the operation of government in the Commonwealth, regardless of their source. The Supreme Court has repeatedly affirmed that, "It is fundamental within Pennsylvania's tripartite system that the General Assembly enacts the legislation establishing those programs which the state provides for its citizens and appropriates the funds necessary for their operation."

(4) Pursuant to section 13 of Article VIII of the Constitution of Pennsylvania, the General Assembly is explicitly required to adopt a balanced Commonwealth budget. Given the unpredictability and potential insufficiency of revenue collections, various changes in State law relating to sources of revenue, the collection of revenue and the implementation of statutes which impact revenue may be required to discharge this constitutional obligation.

(5) Section 11 of Article III of the Constitution of Pennsylvania requires the adoption of a general appropriation act that embraces "nothing but appropriations." While actual items of appropriation can be contained in a General Appropriations Act, the achievement and implementation of a comprehensive budget involves more than subjects of

appropriations and dollar amounts. Ultimately, the budget has to be balanced under section 13 of Article VIII of the Constitution of Pennsylvania. This may necessitate changes to sources of funding and enactment of statutes to achieve full compliance with these constitutional provisions.

(6) For the reasons set forth in paragraphs (1), (2), (3), (4) and (5), it is the intent of the General Assembly through this act to provide for the implementation of the 2015-2016 Commonwealth budget.

(7) Every provision of this act relates to the implementation of the operating budget of the Commonwealth for this fiscal year, addressing in various ways the fiscal operations, revenues and potential liabilities of the Commonwealth. To that end, this act is intended to implement the 2015-2016 Commonwealth budget without specifically appropriating public money from the General Fund. This act provides accountability for spending and makes transfers or other changes necessary to impact the availability of revenue in order to meet the requirements of section 13 of Article VIII of the Constitution of Pennsylvania and to implement the act of December 29, 2015 (P.L.621, No.10A), known as the General Appropriation Act of 2015, and the act of March 28, 2016 (P.L.1531, No.1A), known as the Supplement to the General Appropriation Act of 2015.

Compiler's Note: Act 25 amended, reenacted, renumbered, added, deleted or repealed sections 1602-D.1, 1608-E, 1604-H, 1702-A, Subarticle D heading of Chapter 71-A, sections 1731-A, 1732-A, 1774.1-A, 1713-A.1, 1723-A.1, Subarticles D and E of Chapter 17-A.1, sections 1724-E, 1724.1-E, 1729-E, 1733-E, 1753-E, Article 17-E.2, Article 17-L, Article 17-M, sections 1801, 1802, 1803, 1804 and 1805.

Section 16. Repeals are as follows:

(1) The General Assembly finds and declares as follows:

(i) Each year, articles on budget implementation are added to the act.

(ii) These articles are temporary in nature but are placed permanently into the act, utilizing article numbers and section numbers.

(iii) Reusing article numbers and section numbers will keep the text of the act more concise.

(iv) The repeals under paragraph (2) are necessary to effectuate subparagraph (iii).

(2) Articles XVII-L and XVII-M of the act, added July 6, 2010 (P.L.279, No.46), are repealed.

2016, July 20, P.L.664, NO.85

Section 1. The General Assembly finds and declares as follows:

(1) The intent of this act is to provide for the implementation of the 2016-2017 Commonwealth budget.

(2) The Constitution of Pennsylvania confers numerous express duties upon the General Assembly, including the passage of a balanced budget for the Commonwealth.

(3) Section 24 of Article III of the Constitution of Pennsylvania requires the General Assembly to adopt all appropriations for the operation of government in the Commonwealth, regardless of their source. The Supreme Court

has repeatedly affirmed that, "It is fundamental within Pennsylvania's tripartite system that the General Assembly enacts the legislation establishing those programs which the state provides for its citizens and appropriates the funds necessary for their operation."

(4) Pursuant to section 13 of Article VIII of the Constitution of Pennsylvania, the General Assembly is explicitly required to adopt a balanced Commonwealth budget. Given the unpredictability and potential insufficiency of revenue collections, various changes in State law relating to sources of revenue, the collection of revenue and the implementation of statutes which impact revenue may be required to discharge this constitutional obligation.

(5) Section 11 of Article III of the Constitution of Pennsylvania requires the adoption of a general appropriation act that embraces "nothing but appropriations." While actual items of appropriation can be contained in a General Appropriations Act, the achievement and implementation of a comprehensive budget involves more than subjects of appropriations and dollar amounts. Ultimately, the budget has to be balanced under section 13 of Article VIII of the Constitution of Pennsylvania. This may necessitate changes to sources of funding and enactment of statutes to achieve full compliance with these constitutional provisions.

(6) For the reasons set forth in paragraphs (1), (2), (3), (4) and (5), it is the intent of the General Assembly through this act to provide for the implementation of the 2016-2017 Commonwealth budget.

(7) Every provision of this act relates to the implementation of the operating budget of the Commonwealth for this fiscal year, addressing in various ways the fiscal operations, revenues and potential liabilities of the Commonwealth. To that end, this act is intended to implement the 2016-2017 Commonwealth budget without specifically appropriating public money from the General Fund. This act provides accountability for spending and makes transfers or other changes necessary to impact the availability of revenue in order to meet the requirements of section 13 of Article VIII of the Constitution of Pennsylvania and to implement the act of July 12, 2016 (P.L.1577, No.16A), known as the General Appropriation Act of 2016.

Compiler's Note: Act 71 amended, added, deleted or repealed sections 202-A, 214-A, 229-A, 232-A, 233-A, Article II-B, sections 1301.1, 1301.8, 1301.10a, 1301.10b, 1301.11a, 1301.12, Article XVI-B.1, sections 1608-E, 1609-E, 1601-J, 1602-J, 1603-J, 1604-J, Article XVI-K, Article XVI-M, sections 1702-A, 1731-A, 1713-A.1, 1716-A.1, 1721-A.1, 1722-A.1, 1723-A.1, 1733-A.1, 1742-A.1, 1743-A.1, Article XVII-B, Article XVII-C, sections 1712-E, 1724.1-E, 1753.1-E, 1798.1-E, 1798.2-E, 1799.2-E, 1799.3-E, 1799.4-E, Article XVII-E.3, Article XVII-E.4 and section 1729-L of Act 176, the act of May 17, 1929, (P.L.1798, No.591), referred to as the Forest Reserves Municipal Financial Relief Law, section 4703.3 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code and 64 Pa.C.S. § 1551.

Section 17. Repeals are as follows:

(1) The General Assembly finds and declares as follows:

(i) Each year, articles on budget implementation are added to the act.

(ii) These articles are temporary in nature but are placed permanently into the act, utilizing article numbers and section numbers.

(iii) Reusing article numbers and section numbers will keep the text of the act more concise.

(iv) The repeals under paragraph (2) are necessary to effectuate subparagraph (iii).

(2) Articles XVII-B and XVII-C of the act, repealed and added June 30, 2011 (P.L.159, No.26), are repealed.

2017, October 30, P.L.725, NO.44

Section 1. The General Assembly finds and declares as follows:

(1) The intent of this act is to provide for the implementation of the 2017-2018 Commonwealth budget.

(2) The Constitution of Pennsylvania confers numerous express duties upon the General Assembly, including the passage of a balanced budget for the Commonwealth.

(3) Section 24 of Article III of the Constitution of Pennsylvania requires the General Assembly to adopt all appropriations for the operation of government in this Commonwealth, regardless of their source. The Supreme Court has repeatedly affirmed that, "It is fundamental within Pennsylvania's tripartite system that the General Assembly enacts the legislation establishing those programs which the state provides for its citizens and appropriates the funds necessary for their operation."

(4) Pursuant to section 13 of Article VIII of the Constitution of Pennsylvania, the General Assembly is explicitly required to adopt a balanced Commonwealth budget. Given the unpredictability and potential insufficiency of revenue collections, various changes in State law relating to sources of revenue, the collection of revenue and the implementation of statutes which impact revenue may be required to discharge this constitutional obligation.

(5) Section 11 of Article III of the Constitution of Pennsylvania requires the adoption of a general appropriation act that embraces "nothing but appropriations." While actual items of appropriation can be contained in a General Appropriation Act, the achievement and implementation of a comprehensive budget involves more than subjects of appropriations and dollar amounts. Ultimately, the budget has to be balanced under section 13 of Article VIII of the Constitution of Pennsylvania. This may necessitate changes to sources of funding and enactment of statutes to achieve full compliance with these constitutional provisions.

(6) For the reasons set forth in paragraphs (1), (2), (3), (4) and (5), it is the intent of the General Assembly through this act to provide for the implementation of the 2017-2018 Commonwealth budget.

(7) Every provision of this act relates to the implementation of the operating budget of the Commonwealth for this fiscal year, addressing in various ways the fiscal operations, revenues and potential liabilities of the Commonwealth. To that end, this act is intended to implement the 2017-2018 Commonwealth budget without specifically appropriating public money from the General Fund. This act provides accountability for spending and makes transfers or other changes necessary to impact the availability of revenue in order to meet the requirements of section 13 of Article VIII of the Constitution of Pennsylvania and to implement

the act of July 11, 2017 (P.L.1279, No.1A), known as the General Appropriation Act of 2017.

Compiler's Note: Act 44 amended, added, or repealed the title, section 215, Articles II-C and II-D, sections 311, 403, 410, 1507.1, 1603-D.1, 1601-E, 1601.2-E, 1607-E, 1610-E and Article XVI-M heading, sections 1601-M, 1603-M, 1604-M, 1605-M, 1774.1-A, 1713-A.1, 1721-A.1, 1722-A.1, 1723-A.1, 1733-A.1, 1734-A.1, 1741-A.1, 1743-A.1 and Subarticle F, sections 1726-C, 1718-E, 1719-E, 1722-E, 1724.1-E, 1729-E, 1753.1-E, 1795.1-E, 1798.3-E, 1799.1-E, 1799.5-E, 1799.6-E, 1799.7-E, 1799.8-E, 1706-E.2, 1708-E.2 and Articles XVII-F and XVII-G.

Section 18. Repeals are as follows:

- (1) The General Assembly finds and declares as follows:
 - (i) Each year, articles on budget implementation are added to the act.
 - (ii) These articles are temporary in nature but are placed permanently into the act, utilizing article numbers and section numbers.
 - (iii) Reusing article numbers and section numbers will keep the text of the act more concise.
 - (iv) The repeals under paragraph (2) are necessary to effectuate subparagraph (iii).
- (2) Articles XVII-F and XVII-G of the act are repealed.

Section 20. Repeals are as follows:

- (1) The General Assembly declares that the repeals under paragraph (2) are necessary to effectuate the amendment or addition of sections 1601-E and 1601.2-E of the act.
- (2) The following provisions are repealed:
 - (i) The act of December 15, 1955 (P.L.865, No.256), entitled "An act requiring rents and royalties from oil and gas leases of Commonwealth land to be placed in a special fund to be used for conservation, recreation, dams, and flood control; authorizing the Secretary of Forests and Waters to determine the need for and location of such projects and to acquire the necessary land."
 - (ii) 58 Pa.C.S. §§ 2504 and 2505.
- (3) The General Assembly declares that the repeal under paragraph (4) is necessary to effectuate the addition of section 1603-M of the act.
- (4) 53 Pa.C.S. § 57B02(c)(1)(i) and (ii) are repealed.
- (5) The General Assembly declares that the repeal under paragraph (6) is necessary to effectuate the addition of section 1795.1-E (b)(2) of the act.
- (6) 42 Pa.C.S. § 4907 is repealed.
- (7) The General Assembly declares that the repeal under paragraph (8) is necessary to effectuate the addition of Article II-D of the act.
- (8) Article XV-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is repealed.

2018, JUNE 22, P.L.281, NO.42

Section 1. The General Assembly finds and declares as follows:

- (1) The intent of this act is to provide for the implementation of the 2018-2019 Commonwealth budget.

(2) The Constitution of Pennsylvania confers numerous express duties upon the General Assembly, including the passage of a balanced budget for the Commonwealth.

(3) Section 24 of Article III of the Constitution of Pennsylvania requires the General Assembly to adopt all appropriations for the operation of government in this Commonwealth, regardless of their source. The Supreme Court has repeatedly affirmed that "It is fundamental within Pennsylvania's tripartite system that the General Assembly enacts the legislation establishing those programs which the State provides for its citizens and appropriates the funds necessary for their operation."

(4) Pursuant to section 13 of Article VIII of the Constitution of Pennsylvania, the General Assembly is explicitly required to adopt a balanced Commonwealth budget. Given the unpredictability and potential insufficiency of revenue collections, various changes in State law relating to sources of revenue, the collection of revenue and the implementation of statutes which impact revenue may be required to discharge this constitutional obligation.

(5) Section 11 of Article III of the Constitution of Pennsylvania requires the adoption of a general appropriation act that embraces "nothing but appropriations." While actual items of appropriation can be contained in a General Appropriation Act, the achievement and implementation of a comprehensive budget involves more than subjects of appropriations and dollar amounts. Ultimately, the budget has to be balanced under section 13 of Article VIII of the Constitution of Pennsylvania. This may necessitate changes to sources of funding and enactment of statutes to achieve full compliance with these constitutional provisions.

(6) For the reasons set forth in paragraphs (1), (2), (3), (4) and (5), it is the intent of the General Assembly through this act to provide for the implementation of the 2018-2019 Commonwealth budget.

(7) Every provision of this act relates to the implementation of the operating budget of the Commonwealth for this fiscal year, addressing in various ways the fiscal operations, revenues and potential liabilities of the Commonwealth. To that end, this act is intended to implement the 2018-2019 Commonwealth budget without specifically appropriating public money from the General Fund. This act provides accountability for spending and makes transfers or other changes necessary to impact the availability of revenue in order to meet the requirements of section 13 of Article VIII of the Constitution of Pennsylvania and to implement the act of June 22, 2018 (P.L.1203, No.1A), known as the General Appropriation Act of 2018.

Compiler's Note: Act 42 amended, added, or repealed the title, sections 232-A, 312, 1301.6, 1507.1, 1601-B.1, Article XVI-B.2, sections 1604-H, 1602-K, Article XVI-N, sections 1702-A, 1774.1-A, 1713-A.1, 1723-A.1, 1733-A.1, 1747-A.1, 1754-A.1, 1704-E, 1720-E, 1725-E, 1727-E, 1730-E, 1795.1-E, 1795.2-E, 1798.3-E, 1706-E.2 and Articles XVII-E.5, XVII-H and XVII-I.

Section 23. Repeals are as follows:

- (1) The General Assembly finds and declares as follows:
 - (i) Each year, articles on budget implementation are added to the act.

(ii) These articles are temporary in nature but are placed permanently into the act, utilizing article numbers and section numbers.

(iii) Reusing article numbers and section numbers will keep the text of the act more concise.

(iv) The repeals under paragraph (2) are necessary to effectuate subparagraph (iii).

(2) Articles XVII-H and XVII-I of the act, added July 18, 2013 (P.L.574, No.71), are repealed.

Section 25. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of section 1704-E of the act.

(2) Section 605-B(a), (b) and (d) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, are repealed.

(3) The General Assembly declares that the repeals under paragraph (4) are necessary to effectuate the amendment of section 1725-E of the act.

(4) The following provisions are repealed:

(i) Sections 206(b) and 304(b) of the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953.

(ii) Section 206(c)(1) of the Vital Statistics Law of 1953 is repealed insofar as it is inconsistent with the provisions of section 1725-E of the act.

(5) The General Assembly declares that the repeal under paragraph (6) is necessary to effectuate the amendment of section 1727-E of the act.

(6) Section 613-A(b) of The Administrative Code of 1929 is repealed.

(7) The General Assembly declares that the repeal under paragraph (8) is necessary to effectuate the addition of section 1775-H of the act.

(8) Section 278(c) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971 is repealed.

2019, JUNE 28, P.L.173, NO.20

Section 1. The General Assembly finds and declares as follows:

(1) The intent of this act is to provide for the implementation of the 2019-2020 Commonwealth budget.

(2) The Constitution of Pennsylvania confers numerous express duties upon the General Assembly, including the passage of a balanced budget for the Commonwealth.

(3) Section 24 of Article III of the Constitution of Pennsylvania requires the General Assembly to adopt all appropriations for the operation of government in this Commonwealth, regardless of their source. The Supreme Court has repeatedly affirmed that "It is fundamental within Pennsylvania's tripartite system that the General Assembly enacts the legislation establishing those programs which the State provides for its citizens and appropriates the funds necessary for their operation."

(4) Pursuant to section 13 of Article VIII of the Constitution of Pennsylvania, the General Assembly is explicitly required to adopt a balanced Commonwealth budget. Given the unpredictability and potential insufficiency of revenue collections, various changes in State law relating to sources of revenue, the collection of revenue and the

implementation of statutes which impact revenue may be required to discharge this constitutional obligation.

(5) Section 11 of Article III of the Constitution of Pennsylvania requires the adoption of a general appropriation act that embraces "nothing but appropriations." While actual items of appropriation can be contained in a General Appropriation Act, the achievement and implementation of a comprehensive budget involves more than subjects of appropriations and dollar amounts. Ultimately, the budget has to be balanced under section 13 of Article VIII of the Constitution of Pennsylvania. This may necessitate changes to sources of funding and enactment of statutes to achieve full compliance with these constitutional provisions.

(6) For the reasons set forth in paragraphs (1), (2), (3), (4) and (5), it is the intent of the General Assembly through this act to provide for the implementation of the 2019-2020 Commonwealth budget.

(7) Every provision of this act relates to the implementation of the operating budget of the Commonwealth for this fiscal year, addressing in various ways the fiscal operations, revenues and potential liabilities of the Commonwealth. To that end, this act is intended to implement the 2019-2020 Commonwealth budget without specifically appropriating public money from the General Fund. This act provides accountability for spending and makes transfers or other changes necessary to impact the availability of revenue in order to meet the requirements of section 13 of Article VIII of the Constitution of Pennsylvania and to implement the act of June 28, 2019 (P.L.1203, No.1A), known as the General Appropriation Act of 2019.

Compiler's Note: Act 20 amended, added, carried without amendment, reenacted or repealed sections 301.1, 1601.2-E, 1606-M, 1702-A, Subarticle D heading, sections 1731-A, 1732-A, 1771-A, 1774.1-A, 1783-A, Article XVII-A.1 heading, sections 1701-A.1, 1711-A.1, 1712-A.1, 1713-A.1, 1723-A.1, 1734-A.1, 1741-A.1, 1744-A.1, 1745-A.1, 1746-A.1, Subarticles G, H and I, sections 1724-E, 1724.1-E, 1729-E, 1738-E, 1795.1-E, 1798.3-E, 1799-E, 1799.9-E, 1730-H and Articles XVII-J and XVII-K

Section 21. Repeals are as follows:

(1) The General Assembly finds and declares as follows:

(i) Each year, articles on budget implementation are added to the act.

(ii) These articles are temporary in nature but are placed permanently into the act, utilizing article numbers and section numbers.

(iii) Reusing article numbers and section numbers will keep the text of the act more concise.

(iv) The repeals under paragraph (2) are necessary to effectuate subparagraph (iii).

(2) Articles XVII-J and XVII-K of the act are repealed.

Section 24. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of section 1799.9-E of the act.

(2) The act of January 19, 1967 (1968 P.L.1022, No.448), entitled, "an act creating a Joint Legislative Air and Water Pollution Control and Conservation Committee, providing for the terms and appointment of members and for organization

of the committee and employment of personnel, providing for study of air and water pollution laws and their enforcement, providing for information and assistance from other agencies of government, and making an appropriation," is repealed.

(3) The General Assembly declares that the repeal under paragraph (4) is necessary to effectuate the addition of section 1606-M of the act.

(4) The provisions of 53 Pa.C.S. § 57A22(1) are repealed insofar as they are inconsistent with the addition of 1606-M of the act.

2020, MAY 29, P.L.158, NO.23

Section 1. The General Assembly finds and declares as follows:

(1) The intent of this act is to provide for the implementation of the 2020-2021 Commonwealth budget.

(2) The Constitution of Pennsylvania confers numerous express duties upon the General Assembly, including the passage of a balanced budget for the Commonwealth.

(3) Section 24 of Article III of the Constitution of Pennsylvania requires the General Assembly to adopt all appropriations for the operation of government in this Commonwealth, regardless of their source. The Supreme Court has repeatedly affirmed that "It is fundamental within Pennsylvania's tripartite system that the General Assembly enacts the legislation establishing those programs which the State provides for its citizens and appropriates the funds necessary for their operation."

(4) Pursuant to section 13 of Article VIII of the Constitution of Pennsylvania, the General Assembly is explicitly required to adopt a balanced Commonwealth budget. Given the unpredictability and potential insufficiency of revenue collections, various changes in State law relating to sources of revenue, the collection of revenue and the implementation of statutes which impact revenue may be required to discharge this constitutional obligation.

(5) Section 11 of Article III of the Constitution of Pennsylvania requires the adoption of a general appropriation act that embraces "nothing but appropriations." While actual items of appropriation can be contained in a General Appropriation Act, the achievement and implementation of a comprehensive budget involves more than subjects of appropriations and dollar amounts. Ultimately, the budget has to be balanced under section 13 of Article VIII of the Constitution of Pennsylvania. This may necessitate changes to sources of funding and enactment of statutes to achieve full compliance with these constitutional provisions.

(6) For the reasons set forth in paragraphs (1), (2), (3), (4) and (5), it is the intent of the General Assembly through this act to provide for the implementation of the 2020-2021 Commonwealth budget.

(7) Every provision of this act relates to the implementation of the operating budget of the Commonwealth for this fiscal year, addressing in various ways the fiscal operations, revenues and potential liabilities of the Commonwealth. To that end, this act is intended to implement the 2020-2021 Commonwealth budget without specifically appropriating public money from the General Fund. This act provides accountability for spending and makes transfers or

other changes necessary to impact the availability of revenue in order to meet the requirements of section 13 of Article VIII of the Constitution of Pennsylvania and to implement the act of May 29, 2020 (P.L.1325, No.1A), known as the General Appropriation Act of 2020.

Compiler's Note: Act 23 amended, added or repealed sections 707, 1604-D.1, 1601.2-E, 1606-M, Article XVI-O, sections 1712-A.1, 1713-A.1, 1723-A.1, 1706-E, 1724.1-E, 1725-E, 1748-E, 1795.1-E, 1798.3-E, 1799.4-E and Articles XVII-L and XVII-M.

Section 11. Repeals are as follows:

- (1) The General Assembly finds and declares as follows:
 - (i) Each year, articles on budget implementation are added to the act.
 - (ii) These articles are temporary in nature but are placed permanently into the act, utilizing article numbers and section numbers.
 - (iii) Reusing article numbers and section numbers will keep the text of the act more concise.
 - (iv) The repeals under paragraph (2) are necessary to effectuate subparagraph (iii).
- (2) Articles XVII-L and XVII-M of the act are repealed.

Section 14. Repeals are as follows:

- (1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of Article XVI-O of the act.
- (2) Section 811-I of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, is repealed.
- (3) The General Assembly declares that the repeal under paragraph (4) is necessary to effectuate the addition of section 1723-A.1(3)(v) of the act.
- (4) 3 Pa.C.S. § 9374(b) is repealed.
- (5) The General Assembly declares that the repeal under paragraph (6) is necessary to effectuate the addition of section 1795.1-E(c) of the act.
- (6) Section 2802-E of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is repealed.
- (7) The General Assembly declares that the repeal under paragraph (8) is necessary to effectuate the addition of section 1721-L(2) of the act.
- (8) The definition of "eligible offender" under 61 Pa.C.S. § 4601 is repealed insofar as it is inconsistent with section 1721-L(2) of this act.

2020, NOVEMBER 23, P.L.1140, NO.114

Section 1. The General Assembly finds and declares as follows:

- (1) The intent of this act is to provide for the implementation of the 2020-2021 Commonwealth budget.
- (2) The Constitution of Pennsylvania confers numerous express duties upon the General Assembly, including the passage of a balanced budget for the Commonwealth.
- (3) Section 24 of Article III of the Constitution of Pennsylvania requires the General Assembly to adopt all appropriations for the operation of government in this Commonwealth, regardless of their source. The Supreme Court has repeatedly affirmed that "It is fundamental within

Pennsylvania's tripartite system that the General Assembly enacts the legislation establishing those programs which the State provides for its citizens and appropriates the funds necessary for their operation."

(4) Pursuant to section 13 of Article VIII of the Constitution of Pennsylvania, the General Assembly is explicitly required to adopt a balanced Commonwealth budget. Given the unpredictability and potential insufficiency of revenue collections, various changes in State law relating to sources of revenue, the collection of revenue and the implementation of statutes which impact revenue may be required to discharge this constitutional obligation.

(5) Section 11 of Article III of the Constitution of Pennsylvania requires the adoption of a general appropriation act that embraces "nothing but appropriations." While actual items of appropriation can be contained in a General Appropriation Act, the achievement and implementation of a comprehensive budget involves more than subjects of appropriations and dollar amounts. Ultimately, the budget has to be balanced under section 13 of Article VIII of the Constitution of Pennsylvania. This may necessitate changes to sources of funding and enactment of statutes to achieve full compliance with these constitutional provisions.

(6) For the reasons set forth in paragraphs (1), (2), (3), (4) and (5), it is the intent of the General Assembly through this act to provide for the implementation of the 2020-2021 Commonwealth budget.

(7) Every provision of this act relates to the implementation of the operating budget of the Commonwealth for this fiscal year, addressing in various ways the fiscal operations, revenues and potential liabilities of the Commonwealth. To that end, this act is intended to implement the 2020-2021 Commonwealth budget without specifically appropriating public money from the General Fund. This act provides accountability for spending and makes transfers or other changes necessary to impact the availability of revenue in order to meet the requirements of section 13 of Article VIII of the Constitution of Pennsylvania and to implement the act of May 29, 2020 (P.L.1325, No.1A), known as the General Appropriation Act of 2020, and the act of November 23, 2020 (P.L.1469, No.17A), known as the Supplement to the General Appropriation Act of 2020.

Compiler's Note: Act 114 amended, added, renumbered or repealed sections 111-C, 190.1-C and 192-C, Subarticle L of Article I-C, sections 1605-D.1, 1703-A, 1735.1-A.1, 1737-A.1, 1719-E, 1720-E, 1723-E, 1724-E, 1724.1-E, 1725-E, 1728-E, 1729-E and 1730-E, Subarticle C of Article XVII-E, section 1799.10-E and Articles XVII-L and XVII-M.

2021, JUNE 30, P.L.62, NO.24

The General Assembly finds and declares as follows:

(1) The intent of this act is to provide for the implementation of the 2021-2022 Commonwealth budget.

(2) The Constitution of Pennsylvania confers numerous express duties upon the General Assembly, including the passage of a balanced budget for the Commonwealth.

(3) Section 24 of Article III of the Constitution of Pennsylvania requires the General Assembly to adopt all appropriations for the operation of government in this

Commonwealth, regardless of their source. The Supreme Court has repeatedly affirmed that "It is fundamental within Pennsylvania's tripartite system that the General Assembly enacts the legislation establishing those programs which the State provides for its citizens and appropriates the funds necessary for their operation."

(4) Pursuant to section 13 of Article VIII of the Constitution of Pennsylvania, the General Assembly is explicitly required to adopt a balanced Commonwealth budget. Given the unpredictability and potential insufficiency of revenue collections, various changes in State law relating to sources of revenue, the collection of revenue and the implementation of statutes which impact revenue may be required to discharge this constitutional obligation.

(5) Section 11 of Article III of the Constitution of Pennsylvania requires the adoption of a general appropriation act that embraces "nothing but appropriations." While actual items of appropriation can be contained in a General Appropriation Act, the achievement and implementation of a comprehensive budget involves more than subjects of appropriations and dollar amounts. Ultimately, the budget has to be balanced under section 13 of Article VIII of the Constitution of Pennsylvania. This may necessitate changes to sources of funding and enactment of statutes to achieve full compliance with these constitutional provisions.

(6) For the reasons set forth in paragraphs (1), (2), (3), (4) and (5), it is the intent of the General Assembly through this act to provide for the implementation of the 2021-2022 Commonwealth budget.

(7) Every provision of this act relates to the implementation of the operating budget of the Commonwealth for this fiscal year, addressing in various ways the fiscal operations, revenues and potential liabilities of the Commonwealth. To that end, this act is intended to implement the 2021-2022 Commonwealth budget without specifically appropriating public money from the General Fund. This act provides accountability for spending and makes transfers or other changes necessary to impact the availability of revenue in order to meet the requirements of section 13 of Article VIII of the Constitution of Pennsylvania and to implement the act of June 30, 2021 (P.L.499, No.1A), known as the General Appropriation Act of 2021.

Compiler's Note: Act 24 amended, added, renumbered or repealed sections 111-C, 143-C, 144-C, 145-C, 146-C, 147-C, 150-C and 160-C, Subarticle M of Article I, section 102-D, 103-D and 105-D, Articles I-E, I-F, I-G and I-H, sections 731 and 1601.2-E, Articles XVI-P and XVI-Q, sections 1702-A, 1732-A, 1712-A.1, 1713-A.1 and 1723-A.1, Subarticle J of Article XVII, Articles XVII-B and XVII-C and sections 1722-E, 1724-E, 1724.1-E, 1727-E, 1729-E, 1748.1-E, 1798.3-E, 1798.4-E, 1706-E.2 and 1726-M.

Section 17. Repeals are as follows:

(1) The General Assembly finds and declares as follows:

(i) Each year, articles on budget implementation are added to the act.

(ii) These articles are temporary in nature but are placed permanently into the act, utilizing article numbers and section numbers.

(iii) Reusing article numbers and section numbers will keep the text of the act more concise.

(iv) The repeals under paragraph (2) are necessary to effectuate subparagraph (iii).

(2) Articles XVII-B and XVII-C of the act are repealed.

2022, JULY 11, P.L.540, NO.54

The General Assembly finds and declares as follows:

(1) The intent of this act is to provide for the implementation of the 2022-2023 Commonwealth budget.

(2) The Constitution of Pennsylvania confers numerous express duties upon the General Assembly, including the passage of a balanced budget for the Commonwealth.

(3) Section 24 of Article III of the Constitution of Pennsylvania requires the General Assembly to adopt all appropriations for the operation of government in this Commonwealth, regardless of their source. The Supreme Court has repeatedly affirmed that "It is fundamental within Pennsylvania's tripartite system that the General Assembly enacts the legislation establishing those programs which the State provides for its citizens and appropriates the funds necessary for their operation."

(4) Pursuant to section 13 of Article VIII of the Constitution of Pennsylvania, the General Assembly is explicitly required to adopt a balanced Commonwealth budget. Given the unpredictability and potential insufficiency of revenue collections, various changes in State law relating to sources of revenue, the collection of revenue and the implementation of statutes which impact revenue may be required to discharge this constitutional obligation.

(5) Section 11 of Article III of the Constitution of Pennsylvania requires the adoption of a general appropriation act that embraces "nothing but appropriations." While actual items of appropriation can be contained in a General Appropriation Act, the achievement and implementation of a comprehensive budget involves more than subjects of appropriations and dollar amounts. Ultimately, the budget has to be balanced under section 13 of Article VIII of the Constitution of Pennsylvania. This may necessitate changes to sources of funding and enactment of statutes to achieve full compliance with these constitutional provisions.

(6) For the reasons set forth in paragraphs (1), (2), (3), (4) and (5), it is the intent of the General Assembly through this act to provide for the implementation of the 2022-2023 Commonwealth budget.

(7) Every provision of this act relates to the implementation of the operating budget of the Commonwealth for this fiscal year, addressing in various ways the fiscal operations, revenues and potential liabilities of the Commonwealth. To that end, this act is intended to implement the 2022-2023 Commonwealth budget without specifically appropriating public money from the General Fund. This act provides accountability for spending and makes transfers or other changes necessary to impact the availability of revenue in order to meet the requirements of section 13 of Article VIII of the Constitution of Pennsylvania and to implement the act of July 8, 2022 (P.L.2191, No.1A), known as the General Appropriation Act of 2022.

Compiler's Note: Act 54 amended, added, deleted by amendment or repealed sections 101-C and 111-C, Subart. B.1 of Art. I-C, sections 141-C, 145-C, 146-C, 151-C,

161-C, 162-C and 163-C, Subart. I.1 of Art. I-C, sections 192.1-C, 195-C and 196-C, Subart. N of Art. I-C, sections 105-D, 103-E, 301.5, 1601.2E and 1606-M, Arts. XVI-R, XVI-S and XVI-T, sections 1702-A, 1711-A, 1772.1-A, 1774.1-A, 1712-A.1, 1713-A.1, 1723-A.1, 1738-A.1 and 1792-A.1, Art. XVII-A.2, sections 1712-B, 1729-B, 1712-E, 1721-E, 1722-E, 1725-E, 1727-E, 1728-E, 1729-E, 1730-E, 1740-E, 1742-E, 1743-E, 1744-E, 1745-E, 1754-E, 1795.1-E and 1798.3-E and Arts. XVII-F.1 and XVII-F.2.

Section 37.1. Regulations are abrogated as follows:

- (1) (Reserved).
- (2) The following provisions of 55 Pa. Code, relating to physician or certified registered nurse practitioner notification requirements, are abrogated to the extent they apply to individuals with symptoms of COVID-19:
 - (i) Section 3270.137 (relating to children with symptoms of disease).
 - (ii) Section 3270.153 (relating to facility persons with symptoms of disease).
 - (iii) Section 3280.137 (relating to children with symptoms of disease).
 - (iv) Section 3280.153 (relating to facility persons with symptoms of disease).
 - (v) Section 3290.137 (relating to children with symptoms of disease).
 - (vi) Section 3290.153 (relating to facility persons with symptoms of disease).

2023, DECEMBER 13, P.L.251, NO.34

The General Assembly finds and declares as follows:

- (1) The intent of this act is to provide for the implementation of the 2023-2024 Commonwealth budget.
- (2) The Constitution of Pennsylvania confers numerous express duties upon the General Assembly, including the passage of a balanced budget for the Commonwealth.
- (3) Section 24 of Article III of the Constitution of Pennsylvania requires the General Assembly to adopt all appropriations for the operation of government in this Commonwealth, regardless of their source. The Supreme Court has repeatedly affirmed that "it is fundamental within Pennsylvania's tripartite system that the General Assembly enacts the legislation establishing those programs which the State provides for its citizens and appropriates the funds necessary for their operation."
- (4) Pursuant to section 13 of Article VIII of the Constitution of Pennsylvania, the General Assembly is explicitly required to adopt a balanced Commonwealth budget. Given the unpredictability and potential insufficiency of revenue collections, various changes in State law relating to sources of revenue, the collection of revenue and the implementation of statutes which impact revenue may be required to discharge this constitutional obligation.
- (5) Section 11 of Article III of the Constitution of Pennsylvania requires the adoption of a general appropriation act that embraces "nothing but appropriations." While actual items of appropriation can be contained in a general appropriation act, the achievement and implementation of a comprehensive budget involves more than subjects of appropriations and dollar amounts. Ultimately, the budget

has to be balanced under section 13 of Article VIII of the Constitution of Pennsylvania. This may necessitate changes to sources of funding and enactment of statutes to achieve full compliance with these constitutional provisions.

(6) For the reasons under paragraphs (1), (2), (3), (4) and (5), it is the intent of the General Assembly through this act to provide for the implementation of the 2023-2024 commonwealth budget.

(7) Every provision of this act relates to the implementation of the operating budget of the Commonwealth for this fiscal year, addressing in various ways the fiscal operations, revenues and potential liabilities of the Commonwealth. To that end, this act is intended to implement the 2023-2024 Commonwealth budget without specifically appropriating public money from the General Fund. This act provides accountability for spending and makes transfers or other changes necessary to impact the availability of revenue in order to meet the requirements of section 13 of Article VIII of the Constitution of Pennsylvania and to implement the act of August 3, 2023 (P.L.471, No.1A), known as the General Appropriation Act of 2023.

Compiler's Note: Act 34 amended, added, deleted by amendment or repealed section 148-C, Articles I-K, I-L and I-F, sections 1601.2-E, 1607-M and 1602.1-T, Articles XVI-U, XVI-V, XVI-W, XVI-X, sections 1702-A, 1712-A.1, 1713-A.1 and 1723-A.1, Subarticle G of Article XVII-H, sections 1721-A.2, 1722-A.2 and 1723-A.2, Subarticle E of Article XVII-A.2, sections 1712-E, 1718-E, 1719-E, 1720-E, 1725-E, 1729-E, 1733-E, 1753.2-E, 1798.1-E, 1798.3-E and 1799.5-E and Articles XVII-F.3, XVII-F.4, XVII-F.5 and XVII-F.6

Section 34. Continuation is as follows:

(1) The addition of Article XVI-V of the act is a continuation of the act of November 24, 2015 (P.L.232, No.64), known as the Pennsylvania Long-Term Care Council Act. Except as otherwise provided in Article XVI-V of the act, all activities initiated under the Pennsylvania Long-Term Care Council Act shall continue and remain in full force and effect and may be completed under Article XVI-V of the act. Orders, regulations, rules and decisions which were made under the Pennsylvania Long-Term Care Council Act and which are in effect on the effective date of section 33(2) of this act shall remain in full force and effect until revoked, vacated or modified under Article XVI-V of the act. Contracts, obligations and collective bargaining agreements entered into under the Pennsylvania Long-Term Care Council Act are not affected nor impaired by the repeal of the Pennsylvania Long-Term Care Council Act.

(2) Except as specified in paragraph (3), any difference in language between Article XVI-V of the act and the Pennsylvania Long-Term Care Council Act is not intended to change or affect the legislative intent, judicial construction or administration and implementation of the Pennsylvania Long-Term Care Council Act.

(3) Paragraph (2) does not apply to the addition of section 1602-V(b)(10)(xii) of the act.

(4) The addition of Article XVI-W of the act is a continuation of Article XIX-I of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971. Except as otherwise provided in Article XVI-W of the act, all

activities initiated under Article XIX-I of the Tax Reform Code of 1971 shall continue and remain in full force and effect and may be completed under Article XVI-W of the act. Orders, regulations, rules and decisions which were made under Article XIX-I of the Tax Reform Code of 1971 and which are in effect on the effective date of section 33(4) of this act shall remain in full force and effect until revoked, vacated or modified under Article XVI-W of the act. Contracts, obligations and collective bargaining agreements entered into under Article XIX-I of the Tax Reform Code of 1971 are not affected nor impaired by the repeal of Article XIX-I of the Tax Reform Code of 1971.

(5) Except as specified in paragraph (6), any difference in language between Article XVI-W of the act and Article XIX-I of the Tax Reform Code of 1971 is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Article XIX-I of the Tax Reform Code of 1971.

(6) Paragraph (5) does not apply to the following:

(i) The addition of the definitions of "resident individual" and "taxable year" in section 1602-W of the act.

(ii) The addition of sections 1603-W(b) and (c) and 1605.1-W of the act.

LINE ITEM VETOES

2014 Act 126

APPROVED-The 10th day of July, A.D. 2014, except as to the following:

SUBARTICLE B EXECUTIVE DEPARTMENTS

Section 1716-J. Treasury Department.

From funds appropriated for intergovernmental organizations, \$45,000 shall be allocated for payment of dues for fiscal years 2013-2014 and 2014-2015 to a commission of the Atlantic coastal states that coordinates the conservation and management of near-shore fish species.

I withhold my approval from this entire item.

Section 1719-J. Department of Community and Economic Development.

The following shall apply to appropriations for the Department of Community and Economic Development:

(3) From funds appropriated for intergovernmental cooperation authority, \$300,000 to cities of the second class for purposes determined by the board to be necessary to achieve or sustain fiscal recovery.

I withhold my approval from this entire item.

Section 1720-J. Department of Conservation and Natural Resources.

The following shall apply to appropriations from the Department of Conservation and Natural Resources:

(1) From funds appropriated for Heritage and other parks, \$500,000 shall be used for the operation and maintenance of the Washington Crossing Historical Park.

I withhold my approval from this entire item.

Section 1723-J. Department of Environmental Protection.

The following shall apply to appropriations for the Department of Environmental Protection in the General Appropriation Act:

(2) From funds appropriated for sewage facilities planning grants, up to \$35,600 shall be distributed for reimbursement of costs incurred by a borough in a county of the third class. Up to \$54,600 shall be distributed for reimbursement of costs incurred by a township of the first class in a county of the second class A. Five hundred thousand dollars shall be distributed for upgrades at an existing wastewater pumping station operated by a joint sewer authority serving a third class city in a county of the fifth class.

I withhold my approval from this entire item.

(4) From funds appropriated for environmental program management, \$150,000 shall be used for independent research of natural gas drilling.

I withhold my approval from this entire item.

Section 1724-J. Department of General Services.

From funds appropriated for rental, relocation and municipal charges, \$2,500,000 shall be transferred to the Senate for distribution upon approval of the President pro tempore of the Senate and the Majority Leader of the Senate and \$2,500,000 shall be transferred to the House of Representatives for distribution upon approval of the Speaker of the House of Representatives and the Majority Leader of the House of Representatives.

I withhold my approval from this entire item.

Section 1727-J. Department of Labor and Industry.

The following shall apply to appropriations for the Department of Labor and Industry in the General Appropriation Act:

(1) From funds appropriated to the department for general government operations, \$250,000 shall be used for the purchase of transportation assistance for job retention, job

training and job search activities for displaced, unemployed and disabled individuals and families in counties of the second class.

I withhold my approval from this entire item.

The item vetoes contained in this message, are consistent with the item vetoes I have made in HB 2328, Printers Number 3895, an Act known as the "General Appropriation Act of 2014."

I have taken these measured steps to ensure that proposed spending is in line with the estimated available revenue.

TOM CORBETT
Governor