
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 406 Session of
1995

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

AS REPORTED FROM COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES,
AS AMENDED, MAY 8, 1996

AN ACT

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

28 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

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

5 Section 903-B. Payment of Inmate Medical Needs.--(a) The
6 Department of Corrections consistent with, and as a supplement
7 to, the act of (P.L. , No.), known as the "Prison
8 Medical Services Act," shall devise and implement a program
9 whereby inmates of State correctional institutions who have
10 medical insurance shall pay for their own medical needs through
11 that insurance.

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

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

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

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

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

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

29 (1) To exercise the powers and perform the duties imposed
30 upon the Secretary of Environmental Resources in Chapter 3 of

1 the "Seasonal Farm Labor Act."

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

5 SECTION 2125. ANATOMICAL GIFTS.--IN ADDITION TO THE POWERS <—
6 AND DUTIES OF THE DEPARTMENT OF HEALTH RELATING TO ANATOMICAL
7 GIFTS, THE DEPARTMENT OF HEALTH SHALL CONTINUE THE ROTATION OF
8 REFERRALS TO TISSUE PROCUREMENT PROVIDERS STARTED UNDER 20
9 PA.C.S. CH. 86 (RELATING TO ANATOMICAL GIFTS). ADJUSTMENTS TO
10 SUCH ROTATION MAY BE MADE TO ACCOMMODATE NEW, QUALITY TISSUE
11 PROCUREMENT PROVIDERS ACCREDITED BY THE AMERICAN ASSOCIATION OF
12 TISSUE BANKS AS ADJUDGED UNDER THE GUIDELINES PUBLISHED IN 26
13 PA.B. 2044 (APRIL 27, 1996), AND THAT ANY HOSPITAL MAY
14 DISCONTINUE SUCH ROTATION FOR CAUSE.

15 Section 2. Section 2211.1(d) and (e) of the act, added
16 February 23, 1996 (P.L.27, No.10), are amended to read:

17 Section 2211.1. Investigation of State Workmen's Insurance
18 Fund.--* * *

19 (d) The committee shall make a report of its investigation
20 to the General Assembly by [June 30, 1996] November 30, 1996.

21 (e) This section shall expire [June 30, 1996] November 30,
22 1996.

23 Section 3. The act is amended by adding a section to read:

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

1 pharmacy reimbursement.

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

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

23 * * *

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

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

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

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

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

18 * * *

19 Section 5. The General Assembly directs the Governor on
20 warrant of the State Treasurer to transfer from the
21 appropriation to the Department of Environmental Protection to
22 the Department of Agriculture an amount equal to the amount
23 necessary to fund one Program Specialist position and two Food
24 Inspector positions in the Department of Agriculture for that
25 portion of the present fiscal year beginning December 1, 1995,
26 and ending June 30, 1996.

27 Section 6. (a) Section 502(c) of the act of June 28, 1995
28 (P.L.89, No.18), known as the Conservation and Natural Resources
29 Act, is repealed to the extent that it is inconsistent with this
30 act.

1 (b) Section 506 of the Conservation and Natural Resources
2 Act is repealed.
3 Section 7. This act shall take effect immediately.